

Gateway Determination

Planning proposal (Department Ref: PP_2020_BEGAV_002_00): to rezone two sites located south of South Pambula and west of the Princes Highway to E4 Environmental Living Zone and E2 Environmental Conservation Zone.

I, the Director Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to rezone two sites located south of South Pambula and west of the Princes Highway to E4 Environmental Living Zone and E2 Environmental Conservation Zone should proceed subject to the following conditions:

1. The planning proposal must be revised prior to community consultation to:
 - a. Include a concept development plan for site 1.
 - b. Clarify if sites 1 and 2 will be serviced by reticulated water supply and sewerage.
 - c. Provide a response to Directions 14,15,16 and 28 of the South East Tablelands Regional Plan.
 - d. Delete any reference to State Environmental Planning Policy 62 Sustainable Aquaculture and SEPP (Rural Lands) 2008 and provide an updated response to SEPP (Primary Production and Rural Development) 2019 and Direction 1.5 Rural Lands.
 - e. Remove any reference to State Environmental Planning Proposal 55 Remediation of Land and provide a response to Section 9.1 Direction 2.6 Remediation of Land.
 - f. Provide an updated response to Question 9 under Section C on social and economic impacts, including deleting a reference to the proposed rezoning of the two sites to R2 Low Density development.
 - g. Update the timeframe for completing the plan.
2. The planning proposal is to be amended in consultation with relevant state agencies to include the following additional studies and assessments:
 - a. Flora and fauna impact assessment including an assessment of potential impacts on threatened species, populations and communities under the *Biodiversity and Conservation Act 2016* in consultation with DPIE Biodiversity and Conservation.
 - b. Bushfire Assessment that meets the requirements of section 4.4 of the *Planning for Bushfire Protection 2019* in consultation with the NSW Rural Fire Service.

- c. Stage 1 Preliminary investigation into potential land contamination in accordance with the *Managing Land Contamination: Planning Guidelines (1998)*.
 - d. Traffic analysis to identify the preferred vehicular road access/egress with the Princes Highway in consultation with Transport for NSW.
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act prior to community consultation:
 - Transport for NSW
 - DPIE Biodiversity and Conservation
 - DPI Fisheries
 - DPI Agriculture
 - Natural Resources Access Regulator
 - NSW Rural Fire Service (s9.1 Direction 4.4 Planning for Bushfire Protection)
 - DPIE Resources and Geoscience
 - NSW Environmental Protection Authority
 - The relevant Local Aboriginal Land Council

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. Council must not undertake community consultation until it has;
 - a. provided a revised planning proposal addressing matters identified in conditions 1 and 2 and copies of submissions from agencies to the Director, Southern Region, and
 - b. obtained the approval of the Director, Southern Region on Council's response to matters raised by state agencies.
5. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination, expiring on 29 November 2021.

Dated 29th day of May 2020.

A handwritten signature in black ink, appearing to read 'Sarah Lees', is positioned above the printed name and title.

Sarah Lees
Director Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces