

Gateway Determination

Planning proposal (Department Ref: PP-2023-2682): amend the Bega Valley LEP 2013 to allow retail premises, function centres, entertainment facilities and community facilities as additional permitted uses on land zoned E4 General Industrial at Part Lot 1 DP1264640, 10 Lagoon Street, Bega

I, Daniel Thompson the Director, Southern Region at the Department of Planning, Housing and Infrastructure, 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 2013 to allow retail premises, function centres, entertainment facilities and community facilities as additional permitted uses on land zoned E4 General Industrial at Part Lot 1 DP1264640, 10 Lagoon Street, Bega should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act, or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 9 months from the date of the Gateway Determination.

Gateway Conditions

1. The planning proposal has not yet demonstrated consistency with Direction 4.4 Planning for Bushfire Protection. Prior to community consultation, Council must obtain written advice from the NSW RFS commissioner stating there is no objection to the planning proposal proceeding.
2. Consistency with Direction 4.4 Flooding has not yet been resolved. Council must obtain written advice from the DCCEEWS and NSW SES on the planning proposal prior to finalising the plan.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 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 *Local*

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Transport for NSW
- NSW Rural Fire Service
- NSW State Emergency Service
- Heritage NSW
- DCCEEW – Flooding and Biodiversity

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

5. 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 EP&A 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).

Dated 19th day of February 2024.



Daniel Thompson
Director
Southern Region
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces