

Gateway Determination

Planning proposal (Department Ref: PP_2018_BEGAV_005_00): to amend the Bega Valley LEP 2013 to remove the deferred matter status of Lot 721 DP 826975 and Lots 471 & 472 DP 1043030 and apply suitable zones and minimum lot sizes (16 homes, 0 jobs).

I, the Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 amend the Bega Valley LEP 2013 to remove the deferred matter status of Lot 721 DP 826975 and Lots 471 & 472 DP 1043030 and apply suitable zones and minimum lot sizes should proceed subject to the following conditions:

1. The planning proposal be updated prior to community consultation to include an assessment of the proposals consistency with section 9.1 Ministerial Direction 2.2 Coastal Management.
2. The planning proposal be updated prior to community consultation to amend the Land Zoning and Lot Size Maps for Lot 721 DP 826975 to:
 - show that adjoining land is currently a Deferred Matter; and
 - show that no minimum lot size will apply to the proposed E2 Zone.
3. The planning proposal be updated prior to community consultation to amend the Land Zoning and Lot Size Maps for Lots 471 & 472 DP 1043030 to:
 - realign the E4 and RU2 Zone boundary to include all existing tourist cabins in the E4 Zone; and
 - realign the 1 hectare and 120 hectare Lot Size boundary to include all existing tourist cabins in the 1 hectare Lot Size boundary.
4. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

5. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Office of Environment and Heritage
- Rural Fire Service (consultation is to be undertaken prior to community consultation)

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.

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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - there are no outstanding written objections from public authorities.
8. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 2nd day of October 2018.



Sarah Lees
Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning