

Gateway Determination

Planning proposal (Department Ref: PP_2018_BEGAV_004_00): to apply Standard Instrument LEP zones and minimum lot size provisions to four (4) sites near the township of Wolumla that were deferred during the finalisation of the Bega Valley LEP 2013

I, 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 apply Standard Instrument LEP zones and minimum lot size provisions to four (4) sites near the township of Wolumla that were deferred during the finalisation of the Bega Valley LEP 2013 should proceed subject to the following conditions:

1. Amend the planning proposal documentation by;
 - updating Part 1 of the LEP to better outline why the planning proposal is required, and what the overall outcomes are to be achieved.
 - amending the table on Page 5 to accurately reflect current vs proposed land use zones
 - amending Part 2 to avoid confusion by removing references to the lot size coding associated with each minimum lot size (e.g. AD 120ha should just read 120ha)
 - removing all references to “exhibited” throughout the planning proposal. Discussion about the deferred lands having been previously exhibited prior to deferral, and general statement about consistency with/changes to what was originally proposed should be included in the background at the start of the planning proposal.
2. 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).
3. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Department of Primary Industries (Agriculture)
- NSW Office of Environment and Heritage
- NSW Roads and Maritime
- NSW Rural Fire Service

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. 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).
5. 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:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 15th day of May 2018.



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

Delegate of the Minister for Planning