

Gateway Determination

Planning proposal (Department Ref: PP_2020_WINGE_005_00): to amend the Wingecarribee Local Environmental Plan 2010 by rezoning land at Moss Vale from RU2 Rural Landscape to part R2 Low Density Residential and part RE1 Public Recreation, reducing the minimum lot size controls and including the land as part of the Chelsea Gardens/Coomungie Urban Release Area.

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 Wingecarribee Local Environmental Plan (LEP) 2010 to as described above should proceed subject to the following conditions:

1. Draft Land Zoning, Lot Size and Urban Release Area Maps shall be prepared and exhibited as part of the planning proposal.
2. A Preliminary Site Investigation must be prepared in accordance with *Managing Land Contamination: Planning Guidelines (1998)* and exhibited with the planning proposal.

The Preliminary Site Investigation must be submitted to the Department for review and approval prior to proceeding to public exhibition.

3. The following technical studies must be prepared by suitable qualified persons and exhibited with the planning proposal:
 - an assessment of the traffic impacts of the proposed rezoning;
 - an Aboriginal Cultural Heritage Due Diligence assessment;
 - a geotechnical assessment of steep lands; and
 - an assessment of how the site would integrate with the broader Chelsea Gardens/Coomungie release area, particularly in relation to:
 - infrastructure and services (water, sewer, power, roads) provision and development staging; and
 - the environmental and engineering constraints of the site.
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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

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:

- the NSW Rural Fire Service;
- Transport for NSW;
- the Department's Environment, Energy and Science Division; and
- Water NSW.

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:
- (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.
8. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination, being 6th November 2021.

Dated 6th day of November 2020.



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

Delegate of the Minister for Planning
and Public Spaces