



Mr Barry Paull
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Attention: Susan Stannard, Senior Strategic Planner

Dear Mr Paull

Planning proposal – PP_2020_WINGE_003_00 to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Wingecarribee Local Environmental Plan 2010 by adding land at 102-104 Old Wingello Road, Bundanoon as a new heritage item and increasing the applicable minimum lot size controls.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection and Direction 5.2 Sydney Drinking Water Catchment. Council should ensure this occurs prior to public exhibition.

While I have considered Council's request to do so, I have determined not to condition the Gateway for Council to be the local plan-making authority given the potential social and economic impacts of the proposal and noting the dispute between a landowner and Council in relation to subdivision/development of the site.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Finally, it is noted that in recent years the Department has received more than one Gateway determination request for heritage listing of sites that have active development applications under consideration in the NSW Land and Environment Court and are the subject of Interim Heritage Orders. To ensure heritage is protected in the Shire in a strategic manner, the Department encourages Council to consider preparing a strategically justified consolidated planning proposal to update heritage provisions in the LEP rather than relying on proposals for individual sites.

Should you have any enquiries about this matter, I have arranged for Mr Andrew Hartcher, Senior Planner to assist you. Mr Hartcher can be contacted on 4247 1823.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized flourish at the end.

17 September 2020

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination