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Our ref: PP_2012_WINGE_001_00 (12/01887)
Your ref: 5901/13

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Dear Mr Gordon,

Re: Planning Proposal to insert a new minimum lot size category of 20 hectares and amend the minimum lot size for Lot 3 DP 1013344, 76 Drapers Creek Road, Colo Vale from 40 hectares to 20 hectares to enable the construction of a dwelling house

I am writing in response to your Council's letter dated 25 January 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Wingecarribee Local Environmental Plan 2010 to insert a new minimum lot size category of 20 hectares and amend the minimum lot size for Lot 3 DP 1013344, 76 Drapers Creek Road, Colo Vale from 40 hectares to 20 hectares to enable the construction of a dwelling house.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that land parcels surrounding the subject site are below the required minimum to permit the construction of a dwelling-house. In addition, it is also noted that a significant proportion of these allotments contain an existing dwelling, despite the 40 hectare minimum lot size. Therefore, Council is strongly encouraged to review the extent of land subject to the new 20 hectare minimum lot size and consider widening the scope of the proposal to include additional allotments. The extent of the revised area would reflect the supplementary lot size and dwelling diagram provided by Council, and included as an attachment to this letter. Broadening the extent of the 20 hectare minimum lot size would more readily reflect the existing land subdivision pattern in the area.

In regards to the planning proposal's inconsistencies with S117 Direction 5.2 Sydney Drinking Water Catchment, Council is to undertake consultation with the Sydney Catchment Authority prior to the commencement of public exhibition. Council is to amend the planning proposal, if necessary to reflect the outcomes of this consultation, and provide a copy of the revised planning proposal to the Department's Regional Office prior to the commencement of community consultation.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to undertake consultation with the Commissioner of the NSW Rural Fire Service prior to the commencement of public exhibition and if necessary amend the planning proposal to reflect the outcomes of this consultation prior to public exhibition

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this

determination. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenna Tague of the Regional Office of the Department on 02 4224 9461.

Yours sincerely,


Sam Haddad
Director-General

28/2/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WINGE_001_00): to insert a new minimum lot size category of 20 hectares and amend the minimum lot size for Lot 3 DP 1013344, 76 Drapers Creek Road, Colo Vale from 40 hectares to 20 hectares to enable the construction of a dwelling house.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to insert a new minimum lot size category of 20 hectares and amend the minimum lot size for Lot 3 DP 1013344, 76 Drapers Creek Road, Colo Vale from 40 hectares to 20 hectares to enable the construction of a dwelling house should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Catchment Authority
 - Hawkesbury - Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal prior to exhibition if necessary.
4. Further to Condition 2 above, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 5.2 Sydney Drinking Water Catchment and amend the planning proposal prior to exhibition if necessary.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).



6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 28th day of February 2012.

SHaddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure