



## Planning & Environment

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Our ref: 15/13305-1  
(PP\_WINGE\_2015\_003\_00)

Ms Ann Prendergast  
General Manager  
Wingecarribee Shire Council  
PO Box 141  
MOSS VALE NSW 2577

Attention: Bennett Kennedy

Dear Ms Prendergast

### **Planning proposal to amend Wingecarribee Local Environmental Plan 2010**

I am writing in response to your Council's email dated 3 September 2015 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 reduce the minimum lot size on land at Patuna Ave, Moss Vale.

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

The planning proposal is not inconsistent with S117 Directions and no further approval is required in relation to the Directions.

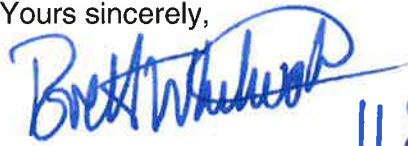
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 54(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, I have arranged for Meredith McIntyre of the Department's Southern Region office to assist you. Meredith can be contacted on (02) 6229 7912.

Yours sincerely,



11 September 2015

Brett Whitworth  
**General Manager**  
**Southern Region**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

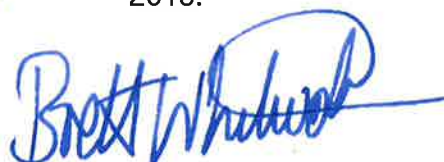
## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_WINGE\_003\_00):** to reduce the lot size to 450sqm on Lots 1 & 2, DP788609, Patuna Ave, Moss Vale.

I, the General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan (LEP) 2010 to reduce the lot size to 450sqm on Lots 1 & 2, DP788609, Patuna Ave, Moss Vale 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and must be made publicly available for a minimum of **14 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 11th day of September 2015.



**Brett Whitworth**  
General Manager  
Southern Region  
Planning Services  
Department of Planning and Environment

**Delegate of the Minister for Planning**



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wingecarribee Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                              |
|----------------------|---------------------------------------------------------------------------------------------------|
| PP_2015_WINGE_003_00 | Planning proposal to reduce the lot size to 450sqm on Lots 1 & 2, DP788609, Patuna Ave, Moss Vale |

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 11/2 September 2015

**Brett Whitworth**  
**General Manager**  
**Southern Region**  
**Planning Services**  
**Department of Planning and Environment**