NSW GOVERNMENT | Planning & Infrastructure

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Department Generated Correspondence (Y)

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Our ref: PP_2011_WINGE_004_00 (11/20618)
Your ref: 5901/10

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

Dear Mr Gordon,

Re: Planning proposal to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby

I am writing in response to your Council's letter dated 23 September 2011 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 "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby.

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.

While the intent of the planning proposal is generally supported, the Department does not support Council's approach of permitting the use through Schedule 1. Rather, Council should proceed adopting one of the following two options;

- insert 'Emergency service facilities' as permissible with consent in the E2 land use table; or
- rezone the site to E3 Environmental Management and insert 'Emergency service facilities' as permissible with consent in the E3 land use table.

While Council's concerns regarding the potential for an increase in development applications for Emergency service facilities in these zones is noted, the Department considers that any issues which may arise in terms of potential land use impacts can be satisfactorily addressed in development consent conditions.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones, 6.3 Site Specific Provisions and 5.1 Implementation of regional strategies are of minor significance. No further approval is required in relation to these Directions.

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.

Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made on the planning proposal as per the requirements of S117 Direction 5.2 Sydney Drinking Water Catchments.

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,

2/2/12

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

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Gateway Determination

***Planning Proposal (Department Ref: PP_2011_WINGE_004_00)**: to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby.*

I, the Deputy Director General, Plan Making & Urban Renewal 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 amend "Schedule 1 - Additional permitted uses" to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby should proceed subject to the following conditions:

1. Council should proceed with the Planning Proposal adopting one of the following two options:

   - insert 'Emergency service facilities' as permissible with consent in the E2 land use table; or
   - rezone the site to E3 Environmental Management and insert 'Emergency service facilities' as permissible with consent in the E3 land use table.

   The Planning Proposal should be amended prior to exhibition to reflect Council's preferred approach.

2. In relation to S117 Direction 5.2 Sydney Drinking Water Catchments, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation for the planning proposal and take into account any comments made in progressing the draft LEP.

3. In relation to S117 Direction 4.4 Planning for Bushfire Protection, 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 in progressing the draft LEP.

4. 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 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

   - NSW Rural Fire Service
   - Sydney Catchment Authority

   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.

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6. 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).

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

Dated 2nd day of February 2012.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and Infrastructure