



Planning & Infrastructure

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

Our ref: PP_2012_WINGE_004_00 (12/10082-1)
 Your ref:

Dear Mr Gordon,

Planning proposal to amend Wingecarribee Local Environmental Plan (LEP) 2010

I am writing in response to your Council's request for 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 (LEP) 2010 to facilitate an amendment to the minimum lot size for land at Old Hume Highway, Braemar.

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.

The department does not support amending the Lot Size Map to apply multiple lot sizes for the site. Council is to identify and apply an appropriate single minimum lot size to that part of the site which is to be developed for residential purposes and assign a larger lot size for that part of the site containing the heritage item 'Kamilaroi', if appropriate. A subdivision plan can be incorporated into Council's Development Control Plan (DCP) and should be placed on public exhibition with the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Meredith McIntyre of the Regional Office of the Department on 02 6229 7900.

Yours sincerely,

Sam Haddad

Sam Haddad
Director-General

15/8/2012

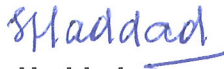
Gateway Determination

Planning proposal (Department Ref: PP_2012_WINGE_004_00): to amend the Lot Size Map for land at Old Hume Highway, Braemar under Wingecarribee Local Environmental Plan (LEP) 2010.

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 (LEP) 2010 to facilitate an amendment to the minimum lot size for land at Old Hume Highway, Braemar should proceed subject to the following conditions:

1. Council's proposal to apply multiple lot sizes for land at Old Hume Highway, Braemar is not supported. Prior to undertaking public exhibition, Council is to identify and apply an appropriate single minimum lot size to that part of the site which is to be developed for residential purposes and assign a larger lot size for that part of the site containing the heritage item 'Kamilaroi', if appropriate. The subdivision plan should be placed on public exhibition with the planning proposal.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a proposed lot size map which clearly identifies the subject site and the revised minimum lot sizes. This should be placed on public exhibition with the planning proposal.
3. 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)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 **9 months** from the week following the date of the Gateway determination.

Dated 15th day of August 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and Infrastructure