



Office of the Director General

Mr Jason Gordon
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Our ref: PP_2013_WINGE_004_00 (12/19346-1)

Dear Mr Gordon,

Planning proposal to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to 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 reclassify land at Lot 5 DP 1087928 Eridge Park, Burradoo from 'community' to 'operational' and rezone the subject land from RE1 Public Recreation to R2 Low Density Residential.

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

Council is reminded of its obligation for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's Practice Note PN09-003, *Classification and reclassification of public land through a local environmental plan*.

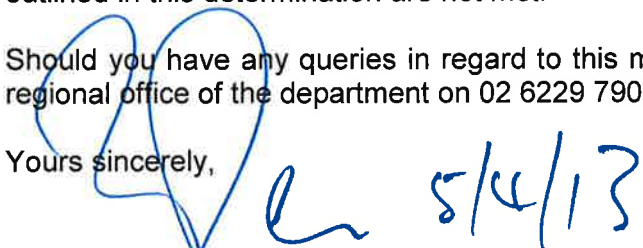
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to ensure a third party review of the planning proposal is undertaken.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The NSW 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,


Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_WINGE_004_00): to reclassify and rezone land at Eridge Park, Burradoo.

I, the Deputy Director General, Planning Operations and Regional Delivery, 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 reclassify land at Lot 5 DP 1087928 Eridge Park, Burradoo from 'community' to 'operational' and rezone the subject land from RE1 Public Recreation to R2 Low Density Residential should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to address the Director General's requirements relating to the reclassification of public land consistent with section 5.5.4 of *A Guide to Preparing LEPs* and include a project timeline consistent with section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*.
2. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency or justify any inconsistencies with S117 Directions, including advising whether Directions 4.2 Mine Subsidence and Unstable Land and 4.3 Flood Prone Land apply to the subject land. If these directions apply, Council is to consult with the appropriate public authorities and if required, seek the Director General's agreement.
3. Consultation is required with the NSW Rural Fire Services (RFS) under section 56(2)(d) of the EP&A Act and in relation to the requirements of S117 Direction 4.4 Planning for Bushfire Protection. The RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. Council is to update the planning proposal to address S117 Direction 6.2 Reserving Land for Public Purposes, once it has undertaken public exhibition and held a public hearing into the reclassification of land. The Director General of the department will consider the reduction of land used for public purposes, once Council has undertaken a public hearing and considered submissions received at public exhibition.
5. Council is to place on public exhibition, any technical studies which it has undertaken to support the planning proposal.
6. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
7. A public hearing is required to be held into the matter in accordance with the department's Practice Note PN09-003, as the planning proposal involves a reclassification of land from community to operational.



Planning & Infrastructure

8. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

5

day of

April

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**