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Your file ref: 5901/29
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Mr Jason R. Gordon,
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW

Planning proposal to amend Wingecarribee Local Environmental Plan (2010)

I am writing in response to your Council's letter dated 9th October 2013 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 rezone Lot 33 DP 1081026, 7360 Illawarra Highway Sutton Forest from E3 Environmental Management with a minimum lot size of 40 hectares to R5 Large Lot Residential with a minimum lot size of 4,000 sq metres.

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.

I have also agreed the planning proposal's inconsistencies with s117 Directions 2.1 Environment Protection Zones and 5.2 Sydney Water Catchment are of minor significance. Council is required to refer the Planning Proposal to the Sydney Catchment Authority under section 56(2)(e) of the EP&A Act for comment. No additional referral or approval is required in relation to this Direction, and Direction 2.1 Environment Protection Zone.

The Minister delegated his plan making powers to councils 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 9 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 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, please contact Ms Ann Martin of the Southern Regional office of the Department on 02 42249466.

Yours sincerely,



8 November 2013

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_WINGE_018_00: to rezone Lot 33 DP 1081026, 7360 Illawarra Highway Sutton Forest from E3 Environmental management with a minimum lot size of 40 hectares to R5 Large Lot Residential with a minimum lot size of 4,000 sq metres .

I, the Regional Director, Southern Region at the 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 rezone Lot 33 DP 1081026, 7360 Illawarra Highway Sutton Forest from E3 Environmental management with a minimum lot size of 40 hectares to R5 Large Lot Residential with a minimum lot size of 4,000 sq metres 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 & Infrastructure 2013)* and 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 & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant s117 Directions:
 - Sydney Water Catchment Authority

Each public authority 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.
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 **9 months** from the week following the date of the Gateway determination.

Dated *Eight* day of *November* 2013.



**Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional
Delivery
Department of Planning &
Infrastructure**

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



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wingecarribee Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_WINGE_018_00	Planning proposal to rezone from E3 Environmental Management to R5 Large Lot Residential and amend the Minimum Lot size map from 40 hectares to 4,000 sqm .

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

Dated 8 November 2013

Brett Whitworth
Regional Director
Southern Region
Department of Planning and Infrastructure