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Our ref: PP_2014_WINGE_003_00 (10/09314)
Your ref: 5901/5

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

Dear Ms Prenderghast,

Planning proposal to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to your Council's letter dated 17 January 2014 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 land at 141 Yarrowa Road, Moss Vale (Coomungie) and 32 Lovelle Street, Moss Vale (Chelsea Gardens) from RU2 Rural Landscape to R2 Low Density Residential and amend the minimum lot size for the land from 40ha to 450sqm.

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

As you are aware, this planning proposal was subject to a pre-Gateway review PGR_2013_WINGE_002_00, which was considered by the Southern Joint Regional Planning Panel (JRPP) in November 2013. Planning and Infrastructure agreed with the recommendation of the JRPP that the proposal to rezone the subject land for low to medium density residential, neighbourhood centre and public recreation purposes should proceed to Gateway determination stage.

It is noted that Council has altered the proposal to rezone the subject land for low density residential purposes only, with the intension of lodging a future planning proposal to identify land to be zoned for medium density residential and business purposes at a later stage. To ensure a timely and holistic approach to the rezoning of this land, Council is to amend the planning proposal to be consistent with the landholder's planning proposal as endorsed under the pre-Gateway review. It is considered that the requirement in the Gateway determination to prepare a detailed site analysis and concept masterplan that responds to servicing requirements and site constraints, will inform the final location of zones and subdivision pattern.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by the Sydney-Canberra Corridor Regional Strategy and the adopted Wingecarribee Our Future Strategic Plan 2002. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions, including 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes, should Council rezone land to RE1 Public Recreation. Council should ensure this occurs prior to the plan being made.

Consistent with the JRPP recommendation, the owners of land south of Coomungie and north east of Chelsea Gardens are also to be consulted on this planning proposal and invited to register their interest in having their land investigated for urban development.

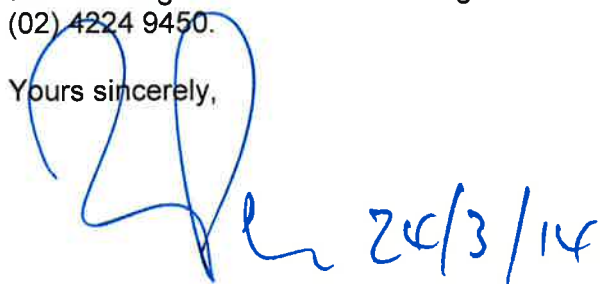
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's proposal and have decided not to issue an authorisation for Council to exercise delegation because the proposal as submitted by Council is inconsistent with the recommendations of the JRPP and because various strategic matters are still to be addressed before the proposal can proceed to public exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request for Planning and Infrastructure to draft and finalise the LEP should be made 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 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 Ms Lisa Kennedy of the Planning and Infrastructure regional office to assist you. Ms Kennedy can be contacted on (02) 4224 9450.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl: Gateway Determination

Gateway Determination

Planning proposal (Agency Ref: PP_2014_WINGE_003_00): to rezone land at Coomungie and Chelsea Gardens for residential purposes and amend the minimum lot size for the land.

I, the Deputy Director General, Growth Planning and Delivery at 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 land at 141 Yarrowa Road, Moss Vale (Coomungie) and 32 Lovelle Street, Moss Vale (Chelsea Gardens) from RU2 Rural Landscape to R2 Low Density Residential and amend the minimum lot size for the land from 40ha to 450sqm should proceed subject to variations as outlined in the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be amended to reflect the landholders planning proposal as endorsed by Planning and Infrastructure under the Pre-Gateway Review including objectives or intended outcomes; explanation of provisions; and all relevant maps including land zoning, height of buildings and lot size.
2. The following additional information is to be placed on public exhibition with the planning proposal:
 - Traffic management, including impacts on the surrounding local and arterial road network;
 - Site analysis and revised concept masterplan including details of water and sewerage requirements;
 - Wingecarribee Our Future Strategic Plan 2002;
 - Wingecarribee Demographic and Housing Study (2012);
 - Moss Vale Town Plan DCP (2012);
 - Any other relevant studies or reports.
3. Once the planning proposal has been amended and additional information gathered, Council is to update its consideration of S117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes.
4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to place the 2006 preliminary contamination report prepared by Harvest Scientific Services on public exhibition with the planning proposal.
5. 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 (Planning and Infrastructure 2013)*.

6. 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:

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Sydney Catchment Authority (S117 Direction 5.2 Sydney Drinking Water Catchments)

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.

7. 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).

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

Dated

24

day of

March

2014.



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure

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