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Our ref: PP_2014_WINGE_006_00(14/06902-1)

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

Attention: Susan Stannard

Dear Ms Prendergast

Planning proposal to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to your Council's letter dated 14 April 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 insert two local clauses to permit subdivision for lots with multiple zones and for rural areas to any size for previously approved uses.

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

Council should be aware that the insertion of a clause to enable subdivision for uses other than a dwelling or dual occupancy could result in a situation where an Eco-tourist facility in RU1 Primary Production, RU2 Rural Landscape or E3 Environmental Management Zones could be subdivided to any size, but would be restricted to 20ha in the SP3 Tourist Zone. Council may wish to consider its desired policy outcomes and other ways to achieve them.

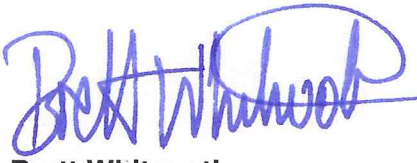
The Minister's plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise 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, I have arranged for Meredith McIntyre of the Department's Queanbeyan office to assist you. Ms McIntyre can be contacted on (02) 6229 7912.

Yours sincerely,

 16 May 2014
Brett Whitworth
General Manager, Southern Region
Growth Planning & Delivery

Enc: Gateway determination

Authorisation to use delegation

Attachment 5 Reporting Template

Gateway Determination

Planning proposal (Agency Ref: PP_2014_WINGE_006_00): to insert two local clauses to permit subdivision for lots with multiple zones and for rural areas to any size for previously approved uses.

I, the General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) that an amendment to the Wingecarribee Local Environmental Plan (LEP) 2010 to insert two local clauses to permit subdivision for lots with multiple zones and for rural areas to any size for previously approved uses should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the "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 & Infrastructure 2013)'.
2. Consultation is required with the Sydney Catchment Authority under section 56(2)(d) of the EP&A Act and to satisfy the requirements of s117 Direction 5.2 Sydney Drinking Water Catchments. The Sydney Catchment 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. No further consultation or referral is required in relation to s117 Directions, once the above consultation has been undertaken, while the planning proposal remains in its current form.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

16th

day of

May

2014.



Brett Whitworth
General Manager, Southern Region
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wingecarribee Shire Council is authorised to exercise the functions of the Minister for Planning 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_2014_WINGE_006_00	Planning proposal to insert two clauses into the Wingecarribee LEP 2010 – one to permit subdivision of lots that have multiple zones; and one to permit subdivision for rural areas to any size for an approved use (other than a dwelling or dual occupancy).

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 16 May 2014

Brett Whitworth
General Manager
Southern Region
Department of Planning and Environment