



Planning & Environment

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Our ref: 14/11195-1

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

Attention: David Matthews

Planning proposal to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to your Council's letter dated 3/7/14 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:

- a) Rezone Lot 1, DP 781256 from RE1 to R2 Low Density Residential and amend the minimum lot size to 700sqm and remove it from the Land Acquisition Map,
- b) Rezone Part Lot 10, DP 597322 from RE1 to E2 Environmental Conservation and remove it from the Land Acquisition Map,
- c) Rezone Lot 126, DP 263356 from RE1 to R2 Low Density Residential and amend the minimum lot size to 700sqm and reclassify it from Community to Operational,.

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.

I am satisfied that the planning proposal is consistent with s117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.4 Integrated Land Use and Transport, and 5.1 Implementation of Regional Strategies. I am also satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land reserved for public purposes on the basis that Council has undertaken the appropriate analysis of the need for the subject land being held in public ownership. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister 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 not to issue an authorisation for Council to exercise delegation to make this plan as it will need the Governor's approval due to the proposed reclassification of land.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 of Planning and Environment 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 Meredith McIntyre of the Department's regional office to assist you. Meredith can be contacted on (02) 6229 7912.

Yours sincerely



8/8/14

Linda Davis
Acting General Manager
Southern Region
Housing, Growth and Economics

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_WINGE_007_00): to

- a) Rezone Lot 1, DP 781256 from RE1 to R2 Low Density Residential and amend the minimum lot size to 700sqm and remove it from the Land Acquisition Map,
- b) Rezone Part Lot 10, DP 597322 from RE1 to E2 Environmental Conservation and remove it from the Land Acquisition Map,
- c) Rezone Lot 126, DP 263356 from RE1 to R2 Low Density Residential and amend the minimum lot size to 700sqm and reclassify it from Community to Operational.

I, the A/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 EP&A Act that an amendment to the Wingecarribee Local Environmental Plan (LEP) 2010 to rezone and reclassify land 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 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 Environment 2013)*.

Consultation is required with the Rural Fire Service under section 56(2)(d) of the EP&A Act. Prior to undertaking community consultation, the Rural Fire Service 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. This is to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

2. 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).
3. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

8th

day of

August

2014.



Linda Davis
Acting General Manager
Southern Region
Housing, Growth and Economics
Department of Planning and Environment
Delegate of the Minister for Planning