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Our ref: PP_2013_WINGE_014_00 (13/12456-1)
Your ref: 5901/11, 5901/12 & PN1768930

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Dear Mr Gordon,

Planning proposal to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to your Council's letter dated 24 July 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 land at Old South Road, Bowral to R2 Low Density Residential and R5 Large Lot Residential, amend the minimum lot size to 1,000sqm for land proposed to be zoned R2 and 8,000sqm for land proposed to be zoned R5, include the subject land on the Urban Release Areas Map and amend the Schedule 5 - Environmental Heritage and the Heritage Map applying to land in Bowral.

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.

It is noted that Council seeks to include the subject land at Old South Road, Bowral on the Urban Release Areas Map. While the proposal to include land proposed to be zoned R2 Low Density Residential on the Urban Release Areas Map is supported, the inclusion of land proposed to be zoned R5 Large Lot Residential on the Map is not supported because urban release area provisions are intended to apply to more intensive development and the proposal is not of a scale considered to warrant consideration for State infrastructure. Consequently, the planning proposal is to be amended to reflect the above-mentioned position, prior to undertaking public exhibition.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones and 3.1 Residential Zones are of minor significance or are justified by a study. No further approval is required in relation to these Directions.

In relation to S117 Direction 2.3 Heritage Conservation, Council is to update the planning proposal to advise that Schedule 5 - Environmental Heritage and the Heritage Map of Wingecarribee Local Environmental Plan (LEP) 2010 are to be amended to reflect the amended heritage curtilage of Retford Park to only apply to Lot 23 DP1163429. This amendment will allow consistency with this Direction.

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.

Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In this instance, Council is to contact the regional office of the Department to seek assistance in resolving the matter so that the plan may proceed under delegation.

The amending 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 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 Meredith McIntyre of the regional office of the department on 02 6229 7900.

Yours sincerely,



Neil McGaffin
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

22.8.13

Encl:

- Gateway determination
- Written Authorisation to Exercise Delegation
- Attachment 5 - Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2013_WINGE_014_00): to rezone land at Old South Road, Bowral for residential purposes and amend the applicable minimum lot size for the land.

I, the Executive Director, Rural and Regional Planning 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 land at Old South Road, Bowral to R2 Low Density Residential and R5 Large Lot Residential, amend the minimum lot size to 1,000sqm for land proposed to be zoned R2 and 8,000sqm for land proposed to be zoned R5, include the subject land on the Urban Release Areas Map and amend the Schedule 5 - Environmental Heritage and the Heritage Map applying to land in Bowral should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that Schedule 5 - Environmental Heritage and the Heritage Map of Wingecarribee LEP 2010 will be amended to reflect the change to the lot and DP numbers of the site and the amended heritage curtilage of Retford Park to only apply to Lot 23 DP1163429.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to remove the proposal to include the eastern part of Lot 22 DP 1163429, which is proposed to be zoned R5 Large Lot Residential, on the Urban Release Areas Map because the proposed R5 zoned land is not of a scale considered to warrant consideration for State infrastructure.
3. 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 & Infrastructure 2013).
4. 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)
 - Office of Environment and Heritage (S117 Direction 2.3 Heritage Conservation)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.
5. 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).

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

Dated *22nd* day of *August* 2013.



Neil McGaffin
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & 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_014_00	Planning proposal to rezone land at Old South Road, Bowral to R2 Low Density Residential and R5 Large Lot Residential, amend the minimum lot size to 1,000sqm for land proposed to be zoned R2 and 8,000sqm for land proposed to be zoned R5, include part of the subject land on the Urban Release Areas Map and amend the Schedule 5 - Environmental Heritage and the Heritage Map applying to land in Bowral.

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

Dated 22 August 2013



Neil McGaffin
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WINGE_014_00
Date Sent to Department under s56	24/07/2013
Date considered at LEP Review Panel	15/08/2013
Gateway determination date	22/08/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: