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Your file ref: 5901/15
Our File Ref: 12/19432

Mr Jason R. Gordon,
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW

Dear Mr Gordon,

Planning proposal to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to your Council's letter dated 8th October 2012 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 four sites at Berrima, Sutton Forest and Medway to SP3 Tourist, to apply a minimum lot size of 20 hectares to the SP3 Tourist zone and to remove the permissibility of residential dwellings from the SP3 Tourist zone.

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 is consistent with all other relevant s117 Directions or any inconsistencies are of minor significance. No further referral is required in relation to s 117 Directions while the planning proposal remains in its current form.

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.

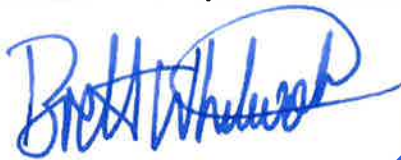
The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly 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 Ann Martin of the Southern Regional office of the Department on 02 42 249466.

Yours sincerely,



25 October 2013

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_WINGE_017_00): to rezone four sites at Berrima, Sutton Forest and Medway to SP3 Tourist, apply a minimum lot size of 20 hectares to the SP3 Tourist zone and to remove the permissibility of residential dwellings from the SP3 Tourist zone.

I, Brett Whitworth, 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 four sites at Berrima, Sutton Forest and Medway to SP3 Tourist, apply a minimum lot size of 20 hectares to the SP3 Tourist zone and to remove the permissibility of residential dwellings from the SP3 Tourist zone 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 & 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:
 - NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)
 - Sydney Catchment Authority (S117 Direction Sydney Drinking Water Catchments) both in relation to the Bendooley Estate site.

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

25th day of October

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_017_00	Planning proposal to rezone 4 sites at Berrima, Sutton Forest and Medway to SP3 Tourist; prohibit dwelling houses in SP3 Zone; and apply a minimum lot size of 20 hectares to the SP3 Tourist Zone

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 *25 October* 2013

**Brett Whitworth
Regional Director
Southern Region
Department of Planning and Infrastructure**