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

Our ref: PP_2013_WINGE_020_00 (13/18070-1)
Your ref:

Dear Mr Gordon,

Planning proposal to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to your Council's letter 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:

- reclassify four sites from 'Community' to 'Operational' at Lot 1 DP 1128360 Hume Highway Paddy's River; Lot 6 DP 249793 Old Hume Highway, Berrima; Part Lot 8 DP 241836 Beavan Place, Bowral and Lot 42 DP 911852 Una Street, Bowral;
- amend minimum lot sizes to 700sqm and rezone from RE1 Public Recreation to R2 Low Density Residential for two of the four sites at Lot 8 DP 241836 Beavan Place Bowral and Lot 42 DP 911852 Una Street, Bowral; and
- reclassify Lot A DP 158069 Queen Street, Moss Vale from 'Operational' to 'Community' land.

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's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes.

It is noted that Council has resolved to rezone land at Moss Vale from 'Operational' to 'Community'. Under section 33 of the Local Government Act (LGA) 1993, "A Council may resolve that public land classified as operational be classified as community land". Therefore, Council should consider the inclusion of this component within the planning proposal. This does not discharge Council from its obligations under section 34 of the LGA 1993.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 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 Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

29 November 2017

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2013_WINGE_020_00): to reclassify, rezone and amend the minimum lot size of various sites at Paddy's River, Berrima, Bowral and Moss Vale.

I, the Acting Executive Director, Rural and Regional Planning, Planning Operations and Regional Delivery 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:

- reclassify four sites from 'Community' to 'Operational' at Lot 1 DP 1128360 Hume Highway Paddy's River; Lot 6 DP 249793 Old Hume Highway, Berrima; Part Lot 8 DP 241836 Beavan Place, Bowral and Lot 42 DP 911852 Una Street, Bowral;
- amend minimum lot sizes to 700sqm and rezone from RE1 Public Recreation to R2 Low Density Residential for two of the four sites at Lot 8 DP 241836 Beavan Place Bowral and Lot 42 DP 911852 Una Street, Bowral;
- reclassify Lot A DP 158069 Queen Street, Moss Vale from 'Operational' to 'Community' land

should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to identify the extent of the proposed subdivision of Lot 8 DP 241836 Beavan Place, Bowral to clarify the area to be reclassified and rezoned, and the area to remain as a public reserve to ensure a further planning proposal is not required at a later stage.
2. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
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. 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 **12 months** from the week following the date of the Gateway determination.

Dated 20th day of November 2013.

**Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional
Delivery
Department of Planning and
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_020_00	Planning proposal to: • reclassify four sites from 'Community' to 'Operational' at Lot 1 DP 1128360 Hume Highway Paddy's River; Lot 6 DP 249793 Old Hume Highway, Berrima; Part Lot 8 DP 241836 Beavan Place, Bowral and Lot 42 DP 911852 Una Street, Bowral; • amend minimum lot sizes to 700sqm and rezone from RE1 Public Recreation to R2 Low Density Residential for two of the four sites at Lot 8 DP 241836 Beavan Place Bowral and Lot 42 DP 911852 Una Street, Bowral; • reclassify Lot A DP 158069 Queen Street, Moss Vale from 'Operational' to 'Community' land

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 29 November 2013

Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

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_020_00
Date Sent to Department under s56	29 October 2013
Date considered at LEP Review Panel	N/A
Gateway determination date	29/11/2013

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: