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Ms Ann Prendergast  
General Manager  
Wingecarribee Shire Council  
PO Box 141  
Moss Vale NSW 2577

Our ref: PP\_2016\_WINGE\_002\_00  
Your ref: 5901/46

Dear Ms Prendergast

**Planning proposal to amend Wingecarribee Local Environmental Plan 2010, PP\_2016\_WINGE\_002\_00 Rezone, Reclassify and apply a Minimum Lot Size to land at Innes Road, Moss Vale.**

I am writing in response to your Council's letter dated 12 August 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone, apply a minimum lot size of 700 square metres and reclassify from Community to Operational land at Part Lot 2 DP 775152, Innes Road, Moss Vale.

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 have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 4.3 Flood Prone Land, and S117 Direction 6.2 Reserving land for Public Purposes are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the reclassification of Part Lot 2 DP 775152 is minor, and that the reclassification may help facilitate access for an adjoining property. No further approval is required in relation to these Directions.

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 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 of Planning and Environment 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 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 Ms Ann Martin of the Department's regional office to assist you. Ms Martin can be contacted on (02) 4224 9466.

Yours sincerely

 21/11/16

**Linda Davis**  
**Acting Director Regions, Southern**  
**Planning Services**  
**Department of Planning and Environment**

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

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_WINGE\_002\_00):** rezone, apply a minimum lot size of 700 square metres and reclassifying from Community to Operational land Part Lot 2 DP 775152, Innes Road, Moss Vale.

I, the Acting Director Regions, Southern 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* (the Act) that an amendment to the Wingecarribee Local Environmental Plan (LEP) (2010) to rezone, apply a minimum lot size of 700 square metres and reclassifying from Community to Operational Part Lot 2 DP 775152, Innes Road, Moss Vale should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 2016).
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 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).

It is noted that this proposal is to reclassify land and Council will need to fulfil any obligations under the *Local Government Act 1993*.
3. The LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 21<sup>st</sup> day of November 2016



Linda Davis  
Acting Director Regions, Southern  
Planning Services  
Department of Planning and Environment

Delegate of the Minister for Planning

## 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_2016_WINGE_002_00 | Planning proposal to rezone to B4 Mixed Use, apply a minimum lot size of 700 square metres and reclassify from Community to Operational land at Part Lot 2 DP 775152, Innes Road, Moss Vale. |

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

Dated 21 | 11 | 2016



**Linda Davis**  
**Acting Director Regions, Southern**  
**Planning Services**  
**Department of Planning and Environment**