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

Our ref: PP_2014_WINGE_001_00 (14/01266)
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 permit a service station, associated retail facilities and a motel as additional permitted uses on part of the land at Boardman Road, 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.

I have also agreed the planning proposal's inconsistency with S117 Direction 2.1 Environment Protection Zones is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Director General to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

It is noted that Council has adopted the proponent's planning proposal. While it is generally appropriate for councils to adopt a well written and adequate planning proposal prepared by an applicant; in this instance the planning proposal was not considered adequate in a number of areas. Council is reminded that if it is considering adopting an applicant's planning proposal, it is responsible for the content and the quality of the information provided in support of the proposal. I encourage Council to contact the Department's Regional Office to discuss the particular concerns with the contents of the planning proposal adopted in this instance.

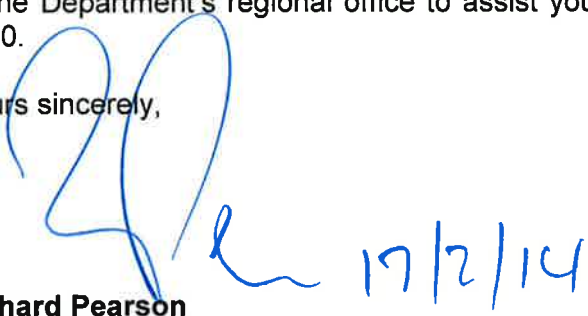
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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, I have arranged for Ms Meredith McIntyre of the Department's regional office to assist you. Ms McIntyre can be contacted on (02) 6229 7900.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_WINGE_001_00): to include a service station, associated facilities and a motel as additional permitted uses.

I, the Deputy Director General, Growth Planning and 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 permit a service station, associated retail facilities and a motel as additional permitted uses on part of the land at Boardman Road, Bowral should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to revise the planning proposal by either rewording the existing planning proposal to ensure that all matters identified in *A Guide to Preparing Planning Proposals* are adequately addressed, or by Council preparing an addendum to the planning proposal that addresses the deficiencies in the original planning proposal.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include an existing and proposed Land Zoning Map, prepared at an appropriate scale which clearly identifies the subject land.
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 Sydney Catchment Authority (SCA) under section 56(2)(d) of the EP&A Act. SCA 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.

Once the consultation with SCA has been undertaken, Council is to update its consideration of S117 Direction 5.2 Sydney Drinking Water Catchments to reflect the outcomes of the consultation undertaken.

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).



Planning & Infrastructure

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

Dated 17 day of February 2014.

A handwritten signature in blue ink, appearing to be 'R. Pearson', written over the printed name.

Richard Pearson
Deputy Director General
Growth Planning & 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_2014_WINGE_001_00	Planning proposal to permit a service station, associated retail facilities and a motel as additional permitted uses on part of the land at Boardman Road, 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 17 February 2014

Richard Pearson
Deputy Director General
Growth Planning & 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_2014_WINGE_001_00
Date Sent to Department under s56	13/01/2014
Date considered at LEP Review Panel	06/02/2014
Gateway determination date	17/02/2014

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: