

Gateway Determination

Planning proposal (Department Ref: PP-2021-3571): to amend the Wingecarribee Local Environmental Plan 2010 to rezone the Welby Garden Centre site from R2 Low Density Residential to B5 Business Development, amend development standards and remove the site from Schedule 1- additional permitted uses.

I, the Director, Southern Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wingecarribee Local Environmental Plan (LEP) 2010 as described above should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - (a) refer to the rezoning of the site from R2 Low Density Residential to B5 Business Development zone in the objectives;
 - (b) include existing and proposed Draft LEP Maps; and
 - (c) address consistency with Council's Local Strategic Planning Statement.
2. A Preliminary Site Investigation must be prepared in accordance with *Managing Land Contamination: Planning Guidelines (1998)* and exhibited with the planning proposal.

The Preliminary Site Investigation must be submitted to the Department for review prior to proceeding to public exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Water NSW;
 - DPIE – Biodiversity and Conservation; and
 - NSW Rural Fire Service.

Each public authority/organisation 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 3.34(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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination expiring on 8 June 2022.

Dated 8th day of June 2021.



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces