



## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_WINGE\_005\_00):** to amend the Wingecarribee Local Environmental Plan 2010 by adding a new heritage item and a new conservation area concerning land at Aitken Road, Bowral and Kangaloon Road, Bowral.

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. Prior to public exhibition, the planning proposal and accompanying heritage assessment (Attachment 2 – Report to Council dated 10 July 2019) are to be updated in consultation with the Department of Premier and Cabinet (Heritage) to ensure the requirements of the relevant heritage guidelines are met.
2. Prior to public exhibition, the planning proposal is to be updated to include a reference to a savings provision to apply to any development application lodged but not determined.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **28 days**;
  - (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, Industry and Environment, 2018); and
  - (a) Council is to write to all landowners within and adjoining the proposed conservation area providing notice of the proposal and public exhibition and explaining the effects of the proposed changes.
4. Prior to public exhibition, 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:
  - Department of Premier and Cabinet (Heritage);
  - NSW Rural Fire Service; and

- Water NSW.

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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 29<sup>th</sup> day of November 2019.



**Sarah Lees**  
**Director, Southern Region**  
**Local and Regional Planning**

**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**