

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

Attention: Ms Susan Stannard

Dear Ms Prendergast

Planning proposal PP_2019_WINGE_001_00 to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Wingecarribee Local Environmental Plan (LEP) 2010 by updating minimum lot size provisions for community title and strata schemes in the E3 and E4 zones and inserting new minimum lot size provisions for dual occupancy development and subdivisions.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I understand Council has prepared this planning proposal in response to the Low Rise Medium Density Housing Code, which the former Minister for Planning agreed would be deferred from commencement in the Wingecarribee Shire until 1 July 2019.

I acknowledge Council's need for the planning proposal, which is based on the desire to ensure that dual occupancy development and subdivisions are in keeping with community expectations, consistent with the existing and desired future character of the area and would not overload town infrastructure.

Before the proposal can proceed to public exhibition, additional information is required to support the planning proposal in relation to future housing supply and diversity as follows:

- the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area (LGA); and
- the number and lot sizes of dual occupancy developments and associated Torrens title subdivisions approved in the R2 Low Density Residential and R3 Medium Density Residential zones in the LGA in the past five years.

The information required to support the proposal is necessary to ensure a full understanding of the impact of changing the planning controls in the R2 and R3 zones on the provision of future housing supply and diversity in the LGA.

Council will need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones and write to all affected landowners about the exhibition of the planning proposal to explain the effect of the proposal changes.

Council may also still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments. Council should ensure this occurs prior to community consultation.


I have considered Council's request to be the local plan-making authority and, given the implications this proposal may have on state policy, have determined not to condition the Gateway for Council to be the local plan-making authority.

The amending LEP is to be finalised within six months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

The Department is available to discuss these matters in more detail and I have arranged for Mr Andrew Hartcher, Senior Planning Officer, Southern Region to assist you. Mr Hartcher can be contacted on 4247 1823.

Yours sincerely

 29 May 2019
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination