

## Gateway Determination

*Planning proposal (Department Ref: PP\_2019\_WINGE\_001\_00): to amend the Wingecarribee Local Environmental Plan 2010 by updating minimum lot size provisions for community title and strata schemes in the E3 Environmental Management and E4 Environmental Living zones and inserting new minimum lot size provisions for dual occupancy development and subdivisions.*

I, the Executive Director, Regions at the Department of Planning 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) provide quantitative analysis and assess the impacts of the proposal on future housing supply and diversity as follows, but not limited to:
    - i. the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area (LGA); and
    - ii. 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; and
  - (b) include a new savings and transition clause to ensure the proposed amendments do not affect any development applications lodged and not determined or appeal processes.
2. Prior to consultation, the planning proposed is to be updated in accordance with condition 1 and submitted to, and approved by, the Department.
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**;
  - (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 2016); and
  - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition, explaining the effects of the proposed changes.

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:
- WaterNSW; and
  - the 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 time frame for completing the LEP is six months from the date of the Gateway determination.

Dated 29 day of May 2019.

  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**  
**Department of Planning and**  
**Environment**

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