



Contact: Ann Martin
Phone: (02) 4224 9450
Fax: (02) 4224 9470
Email: Ann.Martin@planning.nsw.gov.au
Postal: PO Box 5475, Wollongong NSW 2520

Our ref: PP_2010_WINGE_004_00 (10/22277)
Your ref: 5901/4

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Dear Mr Gordon,

Re: Planning Proposal to address a number of site specific issues across the Wingecarribee LGA

I am writing in response to your Council's letter dated 5 November 2010 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 address ten (10) site specific amendments to Wingecarribee Local Environmental Plan 2010 as follows:

- **Site 1** - Lots 9-11 DP 975386 15 Parkes Road Moss Vale - rezone from RE2 Private recreation to R2 Low Density Residential with 700m² minimum lot size;
- **Site 2** - 171-207 Lackey Road, 28 Garret Street and 1 Innes Rd Moss Vale - rezone from R3 Medium Density Residential to B4 Mixed Use with a maximum building height of 10m and FSR of 0.7:1;
- **Site 3** - Lot B DP 161550, Lot 100 DP 1037724, Argyle St, Lot 34 DP 1046863, Lot 1 DP 37492, Yarrowa St, Moss Vale - rezone from R3 Medium Density to B4 Mixed use with a maximum building height of 7.5m and FSR of 0.7:1;
- **Site 4** - Part of Lot 3, DP 1114582, Station St Bowral - rezone from SP2 Infrastructure (Local Road) to B2 Local Centre with a maximum building height of 15m and FSR of 1.5:1;
- **Site 5** - 2 Lot subdivision of Lot 5 DP 233035, Exeter Road, Sutton Forest - amend Schedule 1 of Wingecarribee LEP 2010 to allow development for purpose of 2 lot subdivisions with no dwelling house allowed on the newly created lot;
- **Site 6** - Lots 71 and 72 DP 13350, 34-36 Old Jamberoo Road, Robertson - amend Schedule 1 of LEP 2010 to allow development for the purpose of a single dwelling house on a consolidated parcel;
- **Site 7** - Mt Misery Extractive Resource Area - amend the Extractive Materials Maps under Wingecarribee LEP 2010 by removing extractive materials and buffer notation from the site;
- **Site 8** - Lot 2 DP 873240, McCourt Road, Moss Vale - amend the Zoning and Lot Size Maps by adjusting the location of the boundary between the IN3 Heavy Industry and E3 Environmental Management Zones on the site;
- **Site 9** - Lot 1 DP 1000057, Beaconsfield Rd, Moss Vale - amend Schedule 1 to allow development for the purpose of a 2 lot subdivision of Lot 1, DP 10000057 74-76 Beaconsfield Road Moss Vale; and
- **Site 10** - Lot A DP 162073, Argyle St, Moss Vale - amend Schedule 1 to allow development for the purpose of a restaurant and associated access.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Director General's delegate has also determined that the planning proposal's consistency with relevant S117 Directions has not yet been adequately addressed. Further information is required on a site by site basis on the degree to which each proposed aspect of the planning proposal is consistent or otherwise with relevant S117 Directions. Further approvals will therefore be required.

The following additional information is provided for Council's consideration in relation to a number of the subject sites:

Site 5 2 lot subdivision of Lot 5 DP 233035, Exeter Road, Sutton Forest

Council is proposing a 2 lot subdivision to facilitate the proposed outcome. The Department advises that this approach is not supported as the appropriate mechanism to achieve Council's desired result. The Department is of the opinion that Council can achieve the desired result using existing controls available under the Rural Lands SEPP for example.

Site 6 Lots 71 and 72 DP 13350, 34-36 Old Jamberoo Road, Robertson

The Department does not support the use of an amendment to Schedule 1 to achieve Council's desired result. Council should identify an appropriate zone for the site and rezone the site accordingly. In addition, an appropriate minimum lot size should be nominated for the subject site and an amendment to the corresponding Minimum Lot Size map be made.

Site 9 Lot 1 DP 1000057, Beaconsfield Road, Moss Vale

The Department has no objection in principle to the outcome being sought for this site under the planning proposal. However, an amendment to Schedule 1 of the WLEP 2010 is not supported as the appropriate mechanism to achieve Council's desired outcome. The Department considers that the most appropriate approach in this instance is for Council to amend its Minimum Lot Size map to facilitate the planning outcome.

Site 10 Lot A DP 162073, Argyle Street, Moss Vale

The Department believes that the most appropriate approach for this site is for Council to rezone the site to an appropriate zone (recommend B4) rather than amending Schedule 1 to achieve the desired outcome. Council is encouraged to explore this option to advance this aspect of the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(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, please contact Ann Martin of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

12/12/10

Gateway Determination

Planning Proposal (Department Ref: PP_2010_WINGE_004_00): to facilitate ten (10) site specific amendments to the Wingecarribee LEP 2010 on various site across the Wingecarribee Local Government Area.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that various amendments to the Wingecarribee Local Environmental Plan 2010 should proceed subject to the following conditions:

1. Site Specific Conditions as follows:

Site	Condition
Site 1 - Lots 9-11 DP 975386 15 Parkes Road Moss Vale - rezone from RE2 Private recreation to R2 Low Density Residential with 700m ² minimum lot size	This aspect of the planning proposal has been justified and should proceed as per the planning proposal.
Site 2 - 171-207 Lackey Road, 28 Garret Street and 1 Innes Rd Moss Vale - rezone from R3 Medium Density Residential to B4 Mixed Use with a maximum building height of 10m and FSR of 0.7:1	This aspect of the planning proposal has been justified and should proceed as per the planning proposal.
Site 3 - Lot B DP 161550, Lot 100 DP 1037724, Argyle St, Lot 34 DP 1046863, Lot 1 DP 37492, Yarrawa St, Moss Vale - rezone from R3 Medium Density to B4 Mixed use with a maximum building height of 7.5m and FSR of 0.7:1	This aspect of the planning proposal has been justified and should proceed as per planning proposal.
Site 4 - Part of Lot 3, DP 1114582, Station St Bowral - rezone from SP2 Infrastructure (Local Road) to B2 Local Centre with a maximum building height of 15m and FSR of 1.5:1	This aspect of the planning proposal has been justified and should proceed as per planning proposal.
Site 5 - 2 lot subdivision of Lot 5 DP 233035, Exeter Road, Sutton Forest - amend Schedule 1 of Wingecarribee LEP 2010 to allow development for purpose of 2 lot subdivisions with no dwelling house allowed on the newly created lot	This component of the planning proposal has not been justified and should not proceed. The use of an amendment to Schedule 1 of the Wingecarribee LEP2010 to facilitate a 2 lot subdivision is not supported. Council is to explore alternative options to achieve the desired planning outcome.
Site 6 - Lots 71 and 72 DP 13350, 34-36 Old Jamberoo Road, Robertson - amend Schedule 1 of LEP 2010 to allow development for the purpose of a single dwelling house on a consolidated parcel	This component of the planning proposal has not been justified and should not proceed. The use of an amendment to Schedule 1 of the Wingecarribee LEP2010 to facilitate this outcome is not supported. Council should identify an appropriate zone for the site and rezone the site accordingly. In addition, an appropriate minimum lot size should be nominated for the subject site and an amendment to the corresponding Minimum Lot Size map should be made.
Site 7 - Mt Misery Extractive Resource Area - amend the Extractive Materials Maps under Wingecarribee LEP 2010 by removing extractive materials and buffer notation from the site	This aspect of the planning proposal has been justified and should proceed as per planning proposal.

Site	Condition
Site 8 - Lot 2 DP 873240, McCourt Road, Moss Vale - amend the Zoning and Lot Size Maps by adjusting the location of the boundary between the IN3 Heavy Industry and E3 Environmental Management Zones on the site	This aspect of the planning proposal has been justified and should proceed as per planning proposal.
Site 9 - Lot 1 DP 1000057, Beaconsfield Rd, Moss Vale - amend Schedule 1 to allow development for the purpose of a 2 lot subdivision of Lot 1 DP 10000057 74-76 Beaconsfield Road Moss Vale	This component of the planning proposal has not been justified and should not proceed. An amendment to Schedule 1 of the WLEP 2010 is not supported as the appropriate mechanism to achieve Council's desired outcome. Council should amend its Minimum Lot Size map to facilitate the planning outcome.
Site 10 - Lot A DP 162073, Argyle St, Moss Vale - amend Schedule 1 to allow development for the purpose of a restaurant and associated access	This component of the planning proposal has not been justified and should not proceed. An amendment to Schedule 1 of the Wingecarribee LEP 2010 is not supported as the appropriate mechanism to achieve the desired planning outcome. Council should rezone the site to an appropriate zone (recommend B4).

1. The planning proposal is to demonstrate where applicable on a site by site basis consistency or otherwise with the following S117 Directions:
 - 1.1 Business and Industrial Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 5.1 Implementation of Regional Strategies
 - 5.2 Sydney Drinking Water Catchments
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
2. 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 **28 days**;
 - (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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

Site	Required Agency Consultation
Site 7 - Mt Misery Extractive Resource Area - amend the Extractive Materials Maps under Wingecarribee LEP 2010 by removing extractive materials and buffer notation from the site	Department of Industry and Investment

Site	Required Agency Consultation
Site 8 - Lot 2 DP 873240, McCourt Road, Moss Vale - amend the Zoning and Lot Size Maps by adjusting the location of the boundary between the IN3 Heavy Industry and E3 Environmental Management Zones on the site	a) Sydney Catchment Authority; and b) Department of Environment, Climate Change and Water
Site 10 - Lot A DP 162073, Argyle St, Moss Vale - amend Schedule 1 to allow development for the purpose of a restaurant and associated access	RTA

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

- 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).
- The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 12th day of December 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning