



Department of Planning and Environment

Ms Lisa Miscamble
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 277

Our ref: IRF22/1061

Attention: Susan Stannard, Senior Planner

Dear Ms Miscamble

Planning proposal PP-2022-1055 to amend Wingecarribee Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to amend clause 7.2 of the Wingecarribee Local Environmental Plan 2010 regarding subdivision requirements for dual occupancies.

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

I have also agreed, as delegate of the Secretary, any potential inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act are justified in accordance with the terms of the Directions (except those outlined below).

Council may still need to obtain the agreement of the Secretary to comply with the requirements of Direction 4.3 Planning for Bushfire Protection and Direction 3.3 Sydney Drinking Water Catchments. Council should ensure this occurs prior to public exhibition.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 3rd February 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Andrew Hartcher, Acting Specialist Planning Officer, to assist you. Mr Hartcher can be contacted on 4247 1823.

Yours sincerely



3rd May 2022

**Daniel Thompson
Director, Southern Region
Local and Regional Planning**

Encl: Gateway determination