

Gateway Determination

Planning proposal (Department Ref: PP-2022-1055): to amend clause 7.2 of the Wingecarribee Local Environmental Plan 2010 regarding requirements for subdivision of dual occupancies.

I, the Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 2010 as described above should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal shall be updated to:
 - a) address consistency with Council's Local Strategic Planning Statement; and
 - b) remove the section addressing the Minister's planning principles on page 7 and page 8; and
 - c) include a new savings and transition provision to ensure the proposed amendments do not affect any development applications lodged and not determined or appeal processes.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and
 - (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Water NSW; and
 - NSW Rural Fire Service.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.
4. 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 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).

5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed within 9 months on or before 3rd February 2023.

Dated 4th day of May 2022.



Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning