

Our ref: PP-2022-4351/IRF22/4325

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

By Email: council@wingecarribee.nsw.gov.au

Attention: Susan Stannard, Senior Strategic Planner

Dear Ms Miscamble

Planning proposal (PP-2022-4351) 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) in respect of the planning proposal to enable low density residential development of the site (land at Yarrowa Road, Moss Vale) by applying zoning and minimum lot size controls consistent with the adjoining Chelsea Gardens/Coomungie Urban Release Area.

As delegate of the Minister for Planning, 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, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act (Direction 9.1 Rural Zones and Direction 9.2 Rural Lands) is justified in accordance with the terms of the Directions.

No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act (Direction 4.3 Planning for Bushfire Protection). 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 5th November 2023. Council is to request Parliamentary Counsel's Office commence drafting as soon as practicable. 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.

Given the issues raised by both WaterNSW and Transport for NSW with the previous version of this proposal, Council is encouraged to continue to consult with these agencies early to ensure any residual issues are addressed and the LEP finalisation timeframe is met.

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

Yours sincerely



5/2/2023

Daniel Thompson
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination