

Gateway Determination

Planning proposal (Department Ref: PP-2022-933): to amend Wingecarribee Local Environmental Plan 2010 to reduce the minimum lot size of land at Hill Road and Villiers Road, Moss Vale.

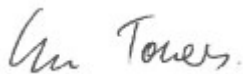
I, the Acting Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wingecarribee Local Environmental Plan 2010 as described above should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal shall be updated to:
 - a) include further information/assessment on the capacity of the Moss Vale Sewerage Treatment Plant to cater for subdivision and development of the land;
 - b) include an approximate dwelling yield anticipated from the proposal;
 - c) include draft LEP maps showing proposed mapping changes;
 - d) address consistency with Chapter 4 - Remediation of Land of *State Environmental Planning Policy (Resilience and Hazards) 2021* and Chapter 8 - Sydney Drinking Water Catchment of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*; and
 - e) remove the section addressing the Minister's planning principles in Section B, Part 5.
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.Consultation is also required with the following organisations
 - Transport for NSW; and
 - DPE – Environment and Heritage Division.

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 on or before 12 January 2023.

Dated twelfth day of April 2022.



**Graham Towers
Acting Director, Southern
Region
Local and Regional
Planning
Department of Planning
and Environment**

**Delegate of the Minister for
Planning**