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Our ref: PP_2012_WOLLG_003_00 (12/03415)
Your ref: Z12/24498

Mr David Farmer
General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG NSW 2500

Dear Mr Farmer,

Re: Planning Proposal to reduce the minimum lot size for land at 60 Smiths Lane and 40 Wongawilli Road, Wongawilli from 39.99ha to 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management and to 1,999sq.m on part of the land zoned E3 Environmental Management

I am writing in response to your Council's letter dated 17 February 2012 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 amend the Wollongong Local Environmental Plan 2010 to reduce the minimum lot size for land at 60 Smiths Lane and 40 Wongawilli Road, Wongawilli from 39.99ha to 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management and to 1,999sq.m on part of the land zoned E3 Environmental Management.

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

Prior to the commencement of consultation, Council is to amend the 'explanation of provisions' section of the planning proposal to ensure there is a clear statement as to how the intended outcomes are to be achieved through amendments to the minimum lot size map. In doing so, council should include the area of land that is subject to the reductions in lot size and the zoning of the parcels of land to ensure the community can easily understand the proposed amendments to the LEP.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

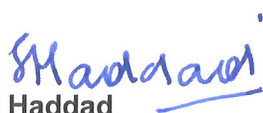
I have also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones are of minor significance. No further approval is required in relation to this Direction.

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 Graham Towers of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,


Sam Haddad
Director-General
21/3/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WOLLG_003_00): to reduce the minimum lot size for land at 60 Smiths Lane and 40 Wongawilli Road, Wongawilli from 39.99ha to 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management and to 1,999sq.m on part of the land zoned E3 Environmental Management

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan 2010 to reduce the minimum lot size for land at 60 Smiths Lane and 40 Wongawilli Road, Wongawilli from 39.99ha to 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management and to 1,999sq.m on part of the land zoned E3 Environmental Management should proceed subject to the following conditions:

1. Council is to amend the 'explanation of provisions' section of the planning proposal to ensure there is a clear statement as to how the intended outcomes are to be achieved through amendments to the minimum lot size map.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (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:
 - Office of Environment and Heritage
 - Department of Trade and Investment
 - NSW Rural Fire Service

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.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the Rural Fire Service, and if necessary amend the planning proposal to reflect the outcomes of this consultation prior to public exhibition as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
5. 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).



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

Dated 21st day of March 2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure