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Our ref: PP_2012_WOLLG_004_00 (11/12893)
Your ref: Z12/28977 & Z12/35389

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

Dear Mr Farmer,

Re: Planning Proposal to introduce revised planning controls for land at Helensburgh, Otford and Stanwell Tops that reflect land capability and land use, and protect sensitive environments in some precincts and allow minor development in other precincts

I am writing in response to your Council's letter dated 28 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 2009 to rezone land at Helensburgh, Otford and Stanwell Tops from E3 Environmental Management to E2 Environmental Conservation; E4 Environmental Living; RU2 Rural Landscape; B6 Enterprise Corridor; IN2 Light Industry; SP3 Tourist; RE1 Public Recreation; RE2 Private Recreation; and a small parcel R2 Low Density Residential.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the revised planning proposal (PP_2012_WOLLG_004_00) should proceed subject to the conditions in the attached Gateway Determination.

I have also altered my determination of 30 September 2011, under s.56(7) of the EP&A Act by determining that the planning proposal forwarded to the Department on 22 July 2011 (PP_2011_WOLLG_008_00) should not proceed.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands and 2.1 Environment Protection Zones are of minor significance. No further approval is required in relation to these Directions.

In regards to the planning proposal's inconsistencies with S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.4 Planning for Bushfire Protection, Council is to consult with the Department of Primary Industries and the Commissioner of the NSW Rural Fire Service respectively, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway 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

2/4/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WOLLG_004_00): to introduce revised planning controls for land at Helensburgh, Otford and Stanwell Tops that reflect land capability and land use, and protect sensitive environments in some precincts and allow minor development in other precincts

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 2009 to rezone land at Helensburgh, Otford and Stanwell Tops from E3 Environmental Management to E2 Environmental Conservation; E4 Environmental Living; RU2 Rural Landscape; B6 Enterprise Corridor; IN2 Light Industry; SP3 Tourist; RE1 Public Recreation; RE2 Private Recreation; and a small parcel R2 Low Density Residential should proceed subject to the following conditions:

1. 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 must be made publicly available for **40 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Southern Rivers Catchment Management Authority
 - Sydney Metropolitan Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Minerals and Petroleum
 - NSW Rural Fire Service
 - Origin Energy
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Adjoining LGAs

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.

3. Further to Condition 2 above, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.
4. Further to Condition 2 above, 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 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 **18 months** from the week following the date of the Gateway determination.

Dated 2nd day of April 2012.



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