



Planning

Office of the Director-General

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Our ref: W09/00114
Your ref: E09/8825

Dear Mr Farmer,

Re: Planning Proposal to rezone part of the Woonona-Bulli RSL site (Lot 2 DP 830398 and Lot 1 DP 524220) from SP3 Tourist to R2 Low Density Residential

I am writing in response to your Council's letter dated 14 September 2009 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 Wollongong Local Environmental Plan 2009 to rezone part of the Woonona-Bulli RSL site (Lot 2 DP 830398 and Lot 1 DP 524220) from SP3 Tourist to R2 Low Density Residential.

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

Whilst I have issued a Gateway Determination for this proposal, Council should also consider the potential to rezone the site to allow a higher density of residential development – i.e. R3 zone. However, it should be noted that a new planning proposal and Gateway Determination would be required if Council were to pursue this option.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

6/10/2009

Gateway Determination

Planning Proposal (Department Ref: W09/00114): To rezone part of the Woonona-Bulli RSL site (Lot 2 DP 830398 and Lot 1 DP 524220) from SP3 Tourist to R2 Low Density Residential.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Wollongong Local Environmental Plan 2009 to rezone part of the Woonona-Bulli RSL site (Lot 2 DP 830398 and Lot 1 DP 524220) from SP3 Tourist to 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 is not classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and therefore must be made publicly available for **28 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. The following information is to be provided in support of the planning proposal, and form part of the documentation placed on public exhibition:
 - (a) A flood assessment as of the site, with particular regard to the proposed land uses.
 - (b) Justification as to why the SP3 Tourist zone is no longer appropriate for the site and the impact on the supply of land in the LGA for tourism.
3. Consultation under section 56(2)(d) of the EP&A Act is only required with the following State public authorities that will or may be adversely affected by the proposed instrument:
 - NSW Roads and Traffic Authority.
 - Department of Environment, Climate Change and Water.
4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

6th

day of

October

2009.



Sam Haddad
Delegate for the Minister for Planning