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Department Generated Correspondence (Y)

Contact: Graham Towers
Phone: (02) 4224 9450
Fax: (02) 4224 9470
Email: Graham.Towers@planning.nsw.gov.au
Postal: PO Box 5475, Wollongong NSW 2520

Our ref: PP_2011_WOLLG_008_00 (11/12893)
Your ref: Z11/170502
ESP-100.01.040

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

Dear Mr Farmer,

Re: Planning Proposal to introduce planning controls at Helensburgh, Otford and Stanwell Tops that reflect land capability, existing land uses, protect sensitive environments and allow additional development on certain sites

I am writing in response to your Council's letter dated 22 July 2011 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 City Local Environmental Plan 2009 to introduce planning controls at Helensburgh, Otford and Stanwell Tops that reflect land capability, existing land uses, protect sensitive environments and allow additional development on certain sites

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.

While the Department supports Council's intention to allow an additional 8 dwellings on 8 vacant lots in the Wilson's Creek and Frew Avenue precincts, the use of Schedule 1 - Additional permitted uses to achieve that outcome is not supported. It is noted that Dwelling houses are a permissible land use in the E3 Environmental Management zone under Wollongong City LEP 2009. Consequently, the Department believes that an appropriate minimum lot size should be identified on the Minimum Lot Size Map in regards to the subject vacant lots. Council is therefore to amend the planning proposal to reduce the minimum lot size for the 8 vacant lots rather than through the proposed amendment to Schedule 1.

Council's intention to permit a restaurant / café on land at the corner of Lawrence Hargrave Drive and Baines Place, Helensburgh is supported by the Department. However, the use of Schedule 1 - Additional Permitted Uses as the mechanism to achieve that outcome is not supported. Council is to rezone the portion of the site from E3 Environmental Management to SP3 Tourism for the purposes of the proposed restaurant/café, while retaining the E3 zoning over the remainder of the subject land. Council is to update the planning proposal and identify on the map, the location and size of the portion of land to be zoned SP3 Tourism for the purposes of the proposed restaurant / café prior to the commencement of community consultation.

The Director General's delegate has determined that the planning proposal is consistent with S 117 Directions 1.1 Business and Industrial zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 5.1 Implementation of Regional Strategies and 5.2 Sydney Drinking Water Catchments.

The Director General's delegate is satisfied that the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands and 2.1 Environment Protection Zones have been justified or are of minor significance. No further approval is required in relation to these directions.

In order to satisfy S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, Council is to consult with the Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy) prior to exhibition. The planning proposal is to be updated to include the outcomes of the consultation.

In order to satisfy S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the NSW Rural Fire Service, and take comments into account in the planning proposal prior to exhibition.

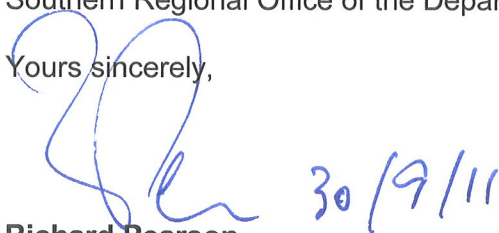
Prior to proceeding to public exhibition and community consultation, Council is to submit the updated planning proposal, including a revised Lot Size Map, a Zoning Map showing the area to be zoned SP3 Tourism, and agency submissions and outcomes, to the Regional Director, Southern Region for endorsement

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 Southern Regional Office of the Department on 02 4224 9450.

Yours sincerely,



Richard Pearson
Deputy Director General
Development Assessment and System Performance

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLG_008_00): to introduce planning controls at Helensburgh, Otford and Stanwell Tops that reflect land capability, existing land uses, protect sensitive environments and allow additional development on certain sites.

I, the Deputy Director General, Development Assessment and Systems Performance 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 City Local Environmental Plan 2009 to introduce planning controls at Helensburgh, Otford and Stanwell Tops that reflect land capability, existing land uses, protect sensitive environments and allow additional development on certain sites, should proceed subject to the following conditions:

1. An amendment to Schedule 1 Additional permitted uses of Wollongong City LEP 2009 to permit the development of Dwelling houses on vacant land is not supported in this instance.
2. Council is to proceed with the planning proposal by establishing an appropriate minimum lot size for the 8 vacant lots, and reflecting this on the Minimum Lot Size Map.
3. Council is to rezone the portion of land at 227-231 Lawrence Hargrave Drive, Helensburgh from E3 Environmental Management to SP3 Tourism for the purposes of a restaurant/café. Council is to update the maps included with the planning proposal to reflect the proposed rezoning of part of the subject land for exhibition purposes.
4. 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Southern Rivers
 - Office of Environment and Heritage
 - Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy)
 - NSW Rural Fire Service
 - Origin Energy
 - Transport for NSW (Roads and Maritime Authority)
 - 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.

6. 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

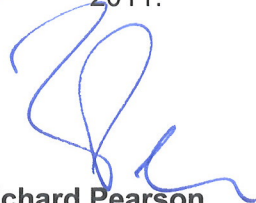
Dated

30th

day of

September

2011.



Richard Pearson
Deputy Director General
Development Assessment and Systems
Performance
Delegate of the Minister for Planning and
Infrastructure