



Planning & Environment

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

Our ref: PP_2015_WOLLG_008 (15/04807)

Dear Mr Farmer,

Planning proposal to amend Wollongong Local Environmental Plan 2009

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) in respect of the planning proposal to:

- rezone Lot 1 DP 335557 and Lot 1 DP 652830 Lady Wakehurst Drive, Lilyvale to E3 Environmental Management;
- apply a maximum lot size of 39.99ha and a maximum building height of 9m to Lot 1 DP 652830; and
- permit the use of the land for a function centre and tourist and visitor accommodation (subject to consent and specified criteria).

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

In issuing this Gateway determination, I have found that the planning proposal's inconsistency with s117 Direction 6.3 Site Specific Provisions is of minor significance.

To ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service (RFS) prior to exhibition of the planning proposal.

I have also found that the proposal is consistent with other relevant s117 Directions, specifically Direction 2.1 Environment Protection Zones, or that any inconsistencies are justified by a strategy or are of minor significance. No further approval is required in relation to these or other Directions, while the proposal remains in its current form, subject to consultation with the RFS.

I note that the proponent has provided supporting information, including a Flora and Fauna Assessment (EcoLogical 2013), Bushfire Assessment (EcoLogical 2013), and a report titled 'Lilyvale – Essential Tourism Product for the Illawarra (Pollaers 2013)'. I also note that Council has identified the need for more detailed information on flora and fauna, bushfire, and water quality impacts. While I have not conditioned the Gateway determination to require these studies, Council will need to be satisfied that it has

sufficient information on these issues, including to address any concerns/questions that may arise during Agency consultation.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 section 54(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, I have arranged for Louise Myler of the Department's Southern regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely,



Tim Hurst
Executive Director
Regions
Planning Services

9/4/15

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_WOLLG_002_00): to rezone Lot 1 DP 335557 and Lot 1 DP 652830 to E3 Environmental Management; apply a minimum lot size of 39.99ha and maximum building height of 9m to Lot 1 DP 652830; and permit the use of the existing structures on Lot 1 DP 335557 as a function centre and tourist and visitor information (subject to development consent and certain criteria)

I, Tim Hurst, Executive Director, Regions, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan (LEP) 2009 as described above 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - Department of Primary Industries – Office of Water
 - Department of Primary Industries – Fishing and Aquaculture
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 9th day of April 2015.



Tim Hurst
Executive Director
Regions
Planning Services

Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wollongong City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_WOLLG_008_00	Planning proposal to: • rezone Lot 1 DP 335557 and Lot 1 DP 652830 Lady Wakehurst Drive, Lilyvale E3 Environmental Management; • apply a maximum lot size of 39.99ha and a maximum building height of 9m to Lot 1 DP 652830; and • permit the use of the structures on Lot 1 DP 335557 for a function centre and tourist and visitor accommodation (subject to consent and specified criteria).

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 9th of April 2015

Tim Hurst
Executive Director
Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning
