



qB162178

11/02440

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_001_00 (10/24073)
Your ref: Z10/184254

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

Dear Mr Farmer,

Re: Planning Proposal to make a number of amendments to the LEP including amendments to minimum lot size; changes to more appropriate zonings; to allow subdivision of land along zone boundaries; to facilitate road widenings; the provision of recreation areas; and, to update the heritage schedule.

I am writing in response to your Council's letter dated 6 December, 2010 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 (West Dapto) 2010 to make a number of amendments including amendments to minimum lot size, changes to more appropriate zonings, to allow subdivision of land along zone boundaries, to facilitate road widening and the provision of recreation areas and to update the heritage schedule.

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.

In relation to Item 4 of the planning proposal, the Department does not support an amendment to Schedule 1. Council is therefore to progress this item as a rezoning from RU2 Rural Landscape to R2 Low Density Residential for the subject portion of land at Lots 1 and 2 DP 747729 Wongawilli Road, Wongawilli.

The Department is currently reviewing its position in relation to the inclusion of clauses relating to residual lots and split zones. Council should remove Item 5 from the planning proposal until such time as the Department has finalised this review and advised further on its preferred approach.

In relation to item 8 of the planning proposal, Council is to refer the proposed removal of heritage listings for 10 and 13 Marshall Street, Dapto to the NSW Department of Planning - Heritage Branch, if this has not already been done, prior to exhibition.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions *1.2 Rural Zones*, *2.1 Environment Protection Zones*, *2.3 Heritage Conservation* are of minor significance. No further approval is required in relation to these Directions.

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,



3/2/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLG_001_00): to make a number of amendments to the LEP including amendments to minimum lot size; changes to more appropriate zonings; to allow subdivision of land along zone boundaries; to facilitate road widening; the provision of recreation areas; and, to update the heritage schedule.

I, the Deputy Director General, Plan Making & Urban Renewal 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 (West Dapto) 2010 to make a number of amendments to the LEP to resolve a number issues identified subsequent to the draft Plan being endorsed by Council in 2008, as follows:

- Item 1. Land Acquisition Reservation maps be amended to indicate Council's proposed acquisition of a number of sites in West Dapto for road widening and the acquisition of a site in Kembla Grange (Part Lot 1 DP 1118463) to provide for public open space.
- Item 2. To rezone part of Lot 1 DP 657171 and part of Lot 1 DP 1118463 from E3 Environmental Management to RE1 Public Recreation to facilitate the creation of a recreation area.
- Item 3. Rezoning part of Lot 11 DP 229044 (Hamilton Street, Dapto) from RU2 Rural Landscape to IN2 Light Industrial to reflect an existing light industrial use.
- Item 4. The additional use of a dwelling house be permitted on land zoned RU2 Rural Landscape for Lots 1 & 2 DP 747729, Wongawilli Road, Wongawilli.
- Item 5. Clause 4.1 Minimum Subdivision Size be amended to enable residual land resulting from the subdivision of lots with a split zone to be excluded from the lot size calculations.
- Item 6. The minimum lot size for subdivision be reduced from 450sq.m to 300sq.m within 300 metres of the Darkes Road and Bong Bong town centres and within 100 metres of the village centres.
- Item 7. The minimum lot size applying to part of Lot 14 DP 255284 be increased from 450sq.m to 40 hectares.
- Item 8. Amending a number of minor anomalies within Schedule 5 Environmental Heritage and the Heritage Maps.

should proceed subject to the following conditions:

1. Council is to remove Item 5 from the housekeeping planning proposal until the Department has resolved its policy position on this matter.
2. Council is to progress Item 4 as a rezoning from RU2 Rural Landscape to R2 Low Density Residential.
3. 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 **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)*.
 4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - NSW Heritage Branch
- 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.
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 3rd day of February 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning