



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

14/16589

Dear Mr Farmer

Planning Proposal (PP_2011_WOLLG_004_00) – Mt Ousley Road, Mt Keira.

I refer to Council's letter dated 3 March 2014 advising that it does not intend to proceed with the above planning proposal and asking the Minister to discontinue the proposal.

In March 2014, the Department advised Council that it agreed with Council's decision to discontinue the planning proposal (as a delegate of the Minister for Planning). Following a review of the procedures used for this decision, the Department is now aware that an altered Gateway determination should have been made and provided to Council.

I have determined, as the delegate of the Minister, in accordance with section 56(2)(a) of the *Environmental Planning and Assessment Act 1979*, that this matter should not proceed. As a result, the Gateway determination for this proposal has been altered accordingly and a copy is attached for your information.

In making this decision, I have considered the Council's resolution following community consultation not to proceed with the planning proposal, as well as the local nature of the additional development, the environmental protections offered by the existing zonings and the state of existing access arrangements of Mount Ousley Road.

The Department recognises the potential long term environmental management benefits associated with the dedication of lands within the Illawarra Escarpment to public authorities and would be willing to consider a fresh planning proposal should Council reconsider its position.

The Department has received representations from the landowner's solicitors on this matter and I have also written to them to provide a copy of the altered Gateway determination. I have also identified the opportunities that exist for a new planning proposal to be submitted that addresses the Council's concerns on the above proposal following community consultation.

If you have any questions in relation to this matter, please contact Mr Brett Whitworth, General Manager of the Department's Southern Regional office on 4224 9450.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a horizontal line extending from the end of the signature.

Marcus Ray
Acting Deputy Secretary
Planning Services

07/11/14

Encl: Amended Gateway determination

Altered Gateway Determination

Planning proposal (PP_2011_WOLLG_004_00): to amend the zone boundaries between E2 Environmental Conservation and E3 Environmental Management zones, to amend the minimum lot size by amending the Minimum Lot Size Map, and to rezone land from E3 Environmental Management to SP2 Infrastructure – Roads, for the subject land being Lots 54 and 61, DP 751301, Mount Ousley Road, Mt Keira.

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2)(a) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Wollongong Local Environmental Plan 2009 as described above should not proceed for the following reasons:

1. Wollongong City Council has requested the Minister to determine that the matter not proceed.
2. The matter is not considered to be of State or regional planning significance and it is appropriate that Council as the relevant planning authority decides whether to support the proposal or not.
3. The Gateway determination was issued on 2 May 2011 and considerable time has elapsed without finalisation of the Planning Proposal.

Dated 7th day of November 2014



Marcus Ray
Acting Deputy Secretary
Planning Services
Delegate of the Minister for Planning