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Our ref: PP_2011_WOLLG_004_00 (11/05494)
Your ref: Z11/91493

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

Dear Mr Farmer,

Re: Planning Proposal 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 Lot 54 and 61, DP 751301, Mount Ousley Road, Mount Keira

I am writing in response to your Council's letter dated 22 March 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 Local Environmental Plan 2009 in relation to Lots 54 and 61, DP 751301, Mount Ousley Road, Mount Keira to amend the zone boundaries between the 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 incorporation into the Mt Ousley Road Reserve.

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.

It is noted that it is Council's intention to exhibit a draft Planning Agreement with the Planning Proposal. Council is reminded of their obligations when preparing and exhibiting a Planning Agreement as per Division 1A Planning agreements of the Environmental Planning & Assessment Regulation 2000.

The Illawarra Escarpment Strategic Management Plan is to be exhibited with the Planning Proposal to provide clarity to the community. Council is also to include a map that shows the existing minimum lot size and is to ensure that all maps are prepared in a consistent format in accordance with the Department's Standard Technical Requirements for LEP Maps.

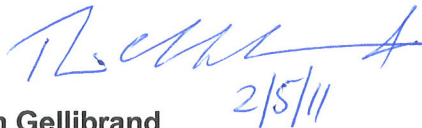
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection are of minor significance. No further approval is required in relation to 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,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: 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 Lot 54 and 61, DP 751301, Mt Ousley Road, Mt Keira

I, the Deputy Director General, Plan Making & Urban Renewal 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 Local Environmental Plan 2009 for Lot 54 and 61, DP 751301, Mt Ousley Road, Mt Keira to:

- amend the boundary between the E2 Environmental Conservation and E3 Environmental Management zone;
- reduce the minimum lot size on the E2 Environmental Conservation zoned land from 39.99 hectares to 19.99 hectares and on the E3 Environmental Management zoned land from 39.99 hectares to 1.99 hectares; and
- rezone part of Lot 54, DP 751301, Mt Ousley Road from E3 Environmental Management to SP2 Infrastructure – Roads,

should proceed subject to the following conditions:

1. A copy of the Illawarra Escarpment Strategic Management Plan is to be included in the exhibition material accompanying the Planning Proposal.
2. The Planning Proposal is to include a map that shows the existing minimum lot size of the subject land to accompany the amendment to the MLS Map. Council are also to ensure all maps are prepared in accordance with the Department's Standard Technical Requirements for LEP Maps.
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:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Roads and Traffic Authority

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.



Planning & Infrastructure

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 2nd day of may 2011.

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