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Our Ref: PP\_2011\_WOLLG\_007\_00

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

Dear Mr Farmer

**Planning Proposal to reclassify land at Windang from 'community' land to 'operation' land**

I am writing in regards to the proposed amendment to *Wollongong Local Environmental Plan 2009* to reclassify certain public land at Windang (Lot 102 DP 1005245 and Lot 1 DP 610406) from "community" to "operational".

It is noted that during the final drafting of *Wollongong Local Environmental Plan 2009 (Amendment No 1)*, the public land at Windang was inadvertently excluded from Schedule 4 of Amendment No 1.

As delegate of the Minister of Planning and Infrastructure, I have now determined under s.56(2) of the *Environmental Planning and Assessment Act 1979* that the planning proposal to reclassify certain public land at Windang (Lot 102 DP 1005245 and Lot 1 DP 610406) should proceed subject to the conditions in the attached Gateway Determination.

It is important to maximise the opportunities for public access along the foreshore of Lake Illawarra. The Lake Illawarra Authority has identified a need to formalise public access along the foreshore of the lake between the end of Nicolle Road and Cudgerie Bay. Council should consider a requirement to establish and maintain public access along the foreshore in any lease agreement for the subject land. Council should also consult with Sydney Water on any proposed lease agreement regarding access and operational requirements for their assets located on the subject land.

The amending instrument is to be finalised within 3 months of the date of the Gateway Determination. As it has been determined that this a minor amendment, the Department will commence drafting the instrument immediately. The Regional Planning Team will remain your principal contact on this matter and will be able to advise on the progress of the draft LEP.

If you have any questions in relation to this matter, please contact Mr Graham Towers, of the Department of Planning and Infrastructure's Southern Region Office on (02) 4224 9467.

Yours sincerely

Tom Gellibrand 30/11/11  
**Deputy Director General**  
**Plan Making and Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_WOLLG\_007\_00):** to reclassify certain public land at Windang (Lot 102 DP 1005245 and Lot 1 DP 610406) from "community" to "operational" land.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") that the planning proposal to amend the *Wollongong Local Environmental Plan 2009* to reclassify certain public land at Windang (Lot 102 DP 1005245 and Lot 1 DP 610406) from "community" to "operational" should proceed, subject to the following conditions:

1. Community consultation is not required under sections 56(2)(c) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to undertake community consultation pursuant to any other Act or Regulation (for example, when reclassifying land).
2. No consultation is required with State and Commonwealth public authorities under Section 56(2)(d) of the EP&A Act.
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 under s.56(2)(f) of the EP&A Act is to be **3 months** from the date of the Gateway determination.

Dated 30<sup>th</sup> day of November 2011.



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