



qB147133

10/12404

Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING*Plan Making and Urban Renewal***SUBJECT: WOLLONGONG LEP TO RECLASSIFY & REZONE SITES****PURPOSE**

- To seek the Deputy Director General's endorsement to convert two draft LEPs into a Planning Proposal and to advise Wollongong City Council of his decision.

RECOMMENDATION

- That the Deputy Director General agrees that:
 1. The former Part 3 provisions of the Act cease to apply to this proposal under clause 12 of the Environmental Planning and Assessment Regulations
 2. That Wollongong City Council is the Relevant Planning Authority under section 54 of the Environmental Planning and Assessment Act
 3. That the requirements of sections 55, 56 and 57 of the Environmental Planning and Assessment Act are unnecessary in the circumstances and are waived
- That the Deputy Director General **signs** the attached letter advising Council of his decision, if approved.

CURRENT POSITION

- Council has requested the Minister to make a plan to amend Wollongong LEP 2009 to reclassify 21 sites at various locations across the Wollongong LGA from Community to Operational land under the Local Government Act and to remove any trusts, interests and caveats from the lands to allow them to be used for commercial purposes.
- Due to the timing of the LEPs the proposal to convert them into a single planning proposal is supported as are Council's proposed reclassifications and rezonings
- Council has extensively consulted on the reclassifications and it would be unreasonable and unnecessary to require re-exhibition of the draft plan.
- The resulting LEP will need to go to the Minister to be made as the Governor's approval is required due to the removal of trusts, interests and caveats from the land.

BACKGROUND

- The two LEP's were separately endorsed for exhibition by the Director General on 14/04/2009 and 29/05/2009.
- The draft LEP's were exhibited as amendments to Wollongong LEP 1990 and five public hearings were held. A number of submissions were received objecting to the reclassification of certain sites and Council has removed 5 sites from the proposal in response to the submissions.
- Legal Services Branch raised concerns that the exhibited draft plan is not consistent with the submitted draft LEP as it will amend LEP 2009 rather than LEP 1990 as exhibited. Legal Services Branch have recommended that the two LEPs proceed as a single planning proposal rather than under the old system to address these concerns.

Contact Officer: Graham Towers
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15 June 2010

Regional Director, Southern Region

Deputy Director General, Plan Making & Urban Renewal
Executive Director, Planning Operations



Planning

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

10/12404

Dear Mr Farmer

I refer to Council's request that the Minister for Planning makes an amendment to Wollongong Local Environmental Plan 2009 for the rezoning and reclassification of various sites within the Wollongong Local Government Area. These rezonings and reclassifications were proposed under draft Local Environmental Plan 02/08 and draft Local Environmental Plan 03/08 (Council's reference Z10/49478).

I am writing to notify you that I have determined (as the delegate of the Director-General) under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 59(1) of the EP&A Act for the making of this draft LEP.

The Department, in consultation with Council and the Parliamentary Counsel will now make the necessary arrangements to finalise the LEP.

Should you have any further enquiries about this matter, I have arranged for Mr Brett Whitworth, Regional Director, Southern Region to assist you. Brett may be contacted on telephone number 4224 9455.

Yours sincerely

Tom Gellibrand 18/6/10
Deputy Director General
Plan Making and Urban Renewal