



Planning & Environment

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Mr David Farmer
General Manager
Wollongong City Council
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Wollongong DC NSW 2500

Dear Mr Farmer,

Planning proposal to amend Wollongong Local Environmental Plan 2009

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) in respect of the planning proposal to rezone part of Lot 1 DP 549692 Bong Bong Road, Huntley (referred to as Hayes Lane West) from E3 Environmental Management to R2 Low Density Residential, with associated changes to floor space ratio, flood planning, and lot size maps.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In issuing this Gateway determination, I have found that the planning proposal's inconsistencies with s117 Directions 2.1 Environmental Protection Zones and 4.3 Flood Prone Land are justified and/or are of minor significance.

To ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service (RFS) prior to exhibition of the planning proposal.

I have also found that the proposal is consistent with other relevant s117 Directions or that any inconsistencies are justified by a strategy or are of minor significance. No further approval is required in relation to these or other Directions, while the proposal remains in its current form, subject to consultation with the RFS.

I note that this proposal was originally included in the proposal for the broader Stockland Stage 3 area and, as a result, the maps identify both areas. To avoid confusion, the maps should be amended prior to exhibition to ensure that they relate only to the subject property.

I also note that the supporting documents to the planning proposal include a Concept Layout Plan that identifies the subject land and the location of proposed Road No.5.

This provides important context for the proposal and it would be helpful for this plan to be included in the exhibition material

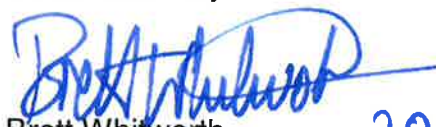
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 section 54(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, I have arranged for Louise Myler of the Department's regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely,



Brett Whitworth
**General Manager
Southern Region
Planning Services**

20 February 2015

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2015_WOLLG_006_00): to rezone part of Lot 1 DP 549692 Bong Bong Road, Huntley from E3 Environmental Management to R2 Low Density Residential, with changes to floor space ratio, flood planning, and lot size maps.

I, Brett Whitworth, General Manager, Southern Region at the Department of Planning and Environment 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 (LEP) 2009 as described above should proceed subject to the following conditions:

1. 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 a minimum of **14 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service
 - Office of Environment and Heritage

These public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Consultation with the NSW Rural Fire Service is required prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

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 is to be **9 months** from the date of the Gateway determination.

Dated

2012

day of

February

2015.

**Brett Whitworth,
General Manager
Southern Region, Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning**



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WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wollongong City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_WOLLG_006_00	Planning proposal to rezone part of Lot 1 DP 549642 from E3 Environmental Management to R2 Low Density Residential, with associated changes to floor space ratio, flood planning area and lot size maps

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 20th February 2015

Brett Whitworth
General Manager
Southern Region
Planning Services
Department of Planning and Environment