



Planning & Environment

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

Our ref: PP_2015_WOLLG_002 (15/02036)

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 the Stockland Residential Development lands being Lots 1, 2, and 3 DP 810104 (located between Bong Bong Rd & Cleveland Rd) West Dapto from RU2 Rural Landscape to a mix of R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation (with associated changes to floor space ratios and minimum lot sizes);
- update Flood Mapping for Stages 1 to 4 of the West Dapto Urban Release Area to reflect the Mullet Creek Flood Extension Study;
- update the Land Reservation Acquisition Map to reflect the future widening of Cleveland Road; and
- include Model Clause 4.1C Exceptions to minimum lot sizes for certain residential development

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.

I note that the subject land is within the West Dapto Urban Release Area identified in the Illawarra Regional Strategy. In order to ensure that satisfactory arrangements can be made relating to the provision of State infrastructure, and to ensure that an appropriate Development Control Plan is in place prior to development, Council is required to add the subject land to the Urban Release Area Map as part of this proposal.

In issuing this Gateway determination, I have found that the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones and 4.2 Mine Subsidence and Unstable 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.

Department of Planning & Environment, Southern Region

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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 have agreed with Council that additional information is required to support the progress of this proposal. Please see the attached Gateway determination for details of the studies required.

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 18 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

3 February 2015

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_WOLLG_002_00): to rezone Lots 1, 2 & 3 DP 810104 West Dapto (being Stockland owned land between Bong Bong Rd and Cleveland Rd) from RU2 Rural Landscape to a mix of R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management & E2 Environmental Conservation; update flood mapping for Stages 1 – 4 of West Dapto; update the Land Reservation Acquisition Map to reflect the future widening of Cleveland Rd; and include model Clause 4.1C Exceptions to minimum lot sizes for certain residential development.

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. Council is to update the planning proposal to identify that the subject land will be added to the Urban Release Area Map to enable satisfactory arrangements for State infrastructure provision. The relevant maps should be prepared and included as part of the public exhibition of the proposal.
2. Council is to specify the controls it wishes to apply in relation to clause 4.1C and is to include these details in the exhibition of the proposal.
3. The following information is to be prepared - to the satisfaction of Council - to support this proposal:
 - Draft Neighbourhood Plan
 - Aboriginal Heritage Assessment
 - Non-indigenous Heritage Assessment
 - Flora and Fauna Assessment
 - Water and sewerage servicing strategy
 - Stormwater Assessment Management and Infrastructure Plan
4. 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 **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2013).

5. 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:

- Department of Education and Communities
- Office of Environment and Heritage
- Endeavour Energy
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- State Emergency Service
- Sydney Water

Each public authority is 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 is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

6. 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).
7. The timeframe for completing the LEP is to be **18 months** from the date of the Gateway determination.

Dated 3rd day of February 2015.



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

Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

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_002_00	• Planning proposal to rezone the Stockland Residential Development lands being Lots 1, 2, and 3 DP 810104 (located between Bong Bong Rd & Cleveland Rd) West Dapto from RU2 Rural Landscape to a mix of R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management, and E2 Environmental Conservation (with associated changes to floor space ratios and minimum lot sizes); • update Flood Mapping for Stages 1 to 4 of the West Dapto Urban Release Area to reflect the Mullet Creek Flood Extension Study; • update the Land Reservation Acquisition Map to reflect the future widening of Cleveland Road; and • include Model Clause 4.1C Exceptions to minimum lot sizes for certain residential development

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 3 February 2015

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