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Mr David Farmer
General Manager
Wollongong City Council
Locked Bag 8821
Wollongong DC NSW 2529

Attention: Kathryn Adams

Dear Mr Farmer

Planning proposal to amend Wollongong Local Environmental Plan 2009 – Lot 1 DP 534849 Staff Road Cordeaux Heights

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend zones and controls for Lot 1 DP 534849 Staff Road Cordeaux Heights.

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 have agreed that any inconsistencies with relevant s117 Directions are minor or justified and no further approval is required in relation to these Directions.

I note that Council has undertaken preliminary consultation with a number of State Government agencies, including the NSW Rural Fire Service. However, to ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service (RFS) again prior to exhibition of the planning proposal.

In issuing this determination, I acknowledge that the Farmborough Heights to Mount Kembla Concept Plan recognised that the site has development potential subject to providing for the protection and enhancement of environmental attributes.

Council has identified a potential BioBanking Agreement between the landowner and the Office of Environment and Heritage for the proposed E2 Environmental Conservation zoned area. The Department supports this approach as an appropriate mechanism for ensuring the protection and management of environmentally significant land. However, as this process does not involve an amendment to the Wollongong

Local Environmental Plan 2009, it is therefore outside the scope of the planning proposal. I encourage Council to continue discussions with the Office of Environment and Heritage on this matter.

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 is to be finalised within 12 months of the date of the Gateway determination. Council's request to draft and finalise the Local Environmental Plan should be sent to the Department 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 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 Ms Louise Myler of the Department's regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely



24/5/16

Linda Davis
Acting Director Regions, Southern
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2016_WOLLG_003_00): to amend zones and controls for Lot 1 DP 534849 Staff Road, Cordeaux Heights to allow for residential development while conserving and enhancing environmental attributes.

I, the Acting Director Regions, Southern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wollongong Local Environmental Plan 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* 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 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.
2. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:
 - * Office of Environment and Heritage
 - * NSW Rural Fire Service
 - * Transport NSW – Roads and Maritime Services
 - * Sydney Water

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 it 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.

Consultation is required with the NSW Rural Fire Service following the receipt of a Gateway determination and prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. 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 12 months from the week following the date of the Gateway determination.

Dated 24th day of May 2016

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment
Delegate for 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* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WOLLG_003_00	Planning proposal to amend zones and controls for Lot 1 DP 534849 Staff Road, Cordeaux Heights to allow for residential development while conserving and enhancing environmental attributes.

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 24 | 5 | 2016

Linda Davis
Acting Director Regions
Southern
Planning Services
Department of Planning and Environment