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

Our ref: PP_2014_WOLLG_002_00 (14/14335)
Your ref: Z14/297464

Dear Mr Farmer,

Planning proposal to amend Wollongong Local Environmental Plan, 2009

I am writing in response to your Council's letter of 16 September 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal to amend the minimum lot size for Lot 5 DP1132746 North Marshall Mount Road, Marshall Mount to allow additional rural 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 have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

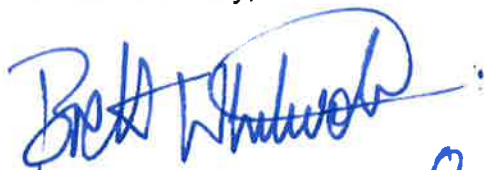
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date 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, please contact Ms Louise Myler of the Department's regional office on (02) 4224 9463.

Yours sincerely,



Brett Whitworth
General Manager
Southern Region
Planning Services

8 December 2014

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_WOLLG_002_00: to amend the minimum lot size for Lot 5 DP1132746 North Marshall Mount Road, Marshall Mount to allow additional rural residential development (subdivision of the lot into 3 lots).

I, the 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 to change the minimum lot size for Lot 5 DP1132746 North Marshall Mount Road, Marshall Mount to allow additional rural residential development should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to include reports on flora, fauna and bushfire assessing the likely impacts of the proposal.
2. Council is to prepare a draft minimum lot size map for the land consistent with an amendment to the Wollongong LEP 2009 in accordance with the Department's 'Standard technical requirements for LEP maps'. The map is to be exhibited with the proposal.
3. 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 **21 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)*.
4. Consultation is required with NSW Office of Environment and Heritage and NSW Rural Fire Services (s117 Direction 4.4 Planning for Bushfire Protection requires consultation prior to exhibition) under section 56(2)(d) of the EP&A. These agencies 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.
5. 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).
6. No further consultation or referral is required in relation to s117 Directions whilst the planning proposal remains in its current form.

7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 8th day of December 2014.



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



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_2014_WOLLG_002_00	Planning proposal to amend the minimum lot size for Lot 5 DP1132746 North Marshall Mount Road, Marshall Mount to allow additional rural 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 31 December 2014

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