

Gateway Determination

Planning proposal (Department Ref: PP_2020_WOLLG_003_00): to address inconsistencies in the permissibility of home occupations, home businesses and home industries between the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) and the Wollongong Local Environmental Plan (LEP) 2009

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wollongong Local Environmental Plan (LEP) 2009 as described above should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to address the following matters:
 - a) include the full zone names (rather than abbreviations only) to which the proposed provisions will apply;
 - b) address social and economic effects; and
 - c) address Section 9.1 Direction 3.3 Home occupations
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination, expiring on 25 November 2021.

Dated 25th day of November 2020.



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces