



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

Dear Mr Farmer

**Planning proposal PP\_2018\_WOLLG\_004\_00 to amend Wollongong Local Environmental Plan 2009**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Lot 100 DP 1123517 at 227 Cordeaux Road, Mount Kembla from E3 Environmental Management to a mix of E2 Environmental Conservation and E4 Environmental Living and to apply appropriate lot size and floor space ratio controls.

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

I have also agreed, as delegate of the Secretary, that any inconsistencies with section 9.1 Directions 1.5 Rural Lands and 2.1 Environmental Protection Zones are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Andrew Hartcher to assist you. Andrew can be contacted on 4224 9473.

Yours sincerely



**Sarah Lees** 02/05/2018  
**Director Regions, Southern**  
**Planning Services**

Encl: Gateway Determination  
Local plan-making authority reporting template



## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_WOLLG\_004\_00):** to rezone approximately 5.8 ha of land at 227 Cordeaux Road, Mount Kembla (Lot 100 DP 1123517) from E3 Environmental Management to a mix of E2 Environmental Conservation and E4 Environmental Living and apply appropriate lot size and floor space ratio controls.

I, the Director Regions, Southern, at the Department of Planning and Environment, as delegate of the Minister for Planning, 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. Community consultation 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act to comply with the requirements of relevant section 9.1 Directions:
  - NSW Roads and Maritime Services
  - NSW Rural Fire Service
  - NSW Office of Environment and Heritage
  - Department of Primary Industries – Water
  - Sydney Water

Each public authority/organisation 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 with NSW Rural Fire Service is required prior to community consultation in order to satisfy the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection.



## Planning & Environment

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.

Dated 2<sup>ND</sup> day of MAY 2018.

Sarah Lees  
Director Regions, Southern  
Planning Services  
Department of Planning and  
Environment

Delegate of the Minister for Planning