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Department Generated Correspondence (Y)

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Our ref: PP_2011_WOLLG_006_00 (11/08497)
Your ref: Z11/116388

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

Dear Mr Farmer,

Re: Planning Proposal to rezone land to allow development of the Yallah-Marshall Mount Precinct as an urban release area providing land for residential, commercial, employment, environmental protection and open space land uses

I am writing in response to your Council's letter dated 13 May 2011 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 Wollongong Local Environmental Plan 2009 to rezone land to allow development of the Yallah-Marshall Mount Precinct as an urban release area providing for residential, commercial, employment, environmental protection and open space land uses.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted however, that additional studies and assessment is required to support the proposed urban development of the Yallah-Marshall Mount Precinct (Stage 5 of West Dapto). Council is to liaise with the Department's Regional office for full details of the scope of work for the studies that are required, which include as a minimum:

- A detailed master plan which justifies the proposed zoning arrangement and development standards;
- A study which further refines the extent of the endangered species habitat and significant vegetation boundaries and provides details of potential stewardship arrangements for the management of environmentally sensitive areas post development;
- An Aboriginal Heritage assessment for the precinct;
- An infrastructure servicing assessment to demonstrate that the new urban development can be adequately serviced;
- A traffic study;
- A flood study and water cycle management plan; and
- A bushfire risk management plan.

Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps, including:

- Draft Zoning Map;
- Draft Lot Size Map;
- Draft Floor Space Ratio Map; and
- Draft Height of Buildings Map.

Council should also consider preparing the following draft maps:

- Draft Heritage Map;
- Draft Acid Sulfate Soils Map;
- Draft Natural Resources Sensitivity – Biodiversity Map; and
- Draft Urban Release Area Map.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 3.5 Development Near Licensed Aerodromes are of minor significance. No further approval is required in relation to these Directions.

Insufficient justification has been provided to assess the planning proposal's consistency against S117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land. Council is to demonstrate consistency and/or justify any inconsistency, or satisfy the Director General that any inconsistency is of minor significance, and include this in the planning proposal prior to commencement of community consultation.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of the Local Planning Direction.

Council is reminded that to satisfy S117 Direction 6.2 Reserving Land for Public Purposes the Council will be required to obtain the approval of the Director General of the Department of Planning and Infrastructure for any proposed creation, alteration or reduction in existing zoning or reservations of land for public purposes.

Council is not to commence exhibition until the studies and further assessment have been completed and the draft maps have been prepared as required by the Gateway Determination, and this information has been resubmitted to the Department for consideration.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway Determination. Community consultation will be required, the parameters of which will be confirmed following concurrence by the Minister (or his delegate) of the resubmitted planning proposal and additional studies and assessment.

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 s54(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 Graham Towers of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,



Tom Gellibrand 27/6/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLG_006_00): to rezone land to allow development of the Yallah-Marshall Mount Precinct as an urban release area providing land for residential, commercial, employment, environmental protection and open space land uses.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2009 to rezone land to allow development of the Yallah-Marshall Mount Precinct as an urban release area providing land for residential, commercial, employment, environmental protection and open space land uses should proceed subject to the following conditions:

1. Additional studies and assessment is required to support the proposed urban development of the Yallah-Marshall Mount Precinct (Stage 5 of West Dapto). Council is to liaise with the Department's Regional office for full details of the scope of work for the studies that are required, which include as a minimum:
 - A detailed master plan which justifies the proposed zoning arrangement and development standards;
 - A study which further refines the extent of the endangered species habitat and significant vegetation boundaries and provides details of potential stewardship arrangements for the management of environmentally sensitive areas post development;
 - An Aboriginal Heritage assessment for the precinct;
 - An infrastructure servicing assessment to demonstrate that the new urban development can be adequately serviced;
 - A traffic study;
 - A flood study and water cycle management plan; and
 - A bushfire risk management plan.
2. Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps, including:
 - Draft Zoning Map;
 - Draft Lot Size Map;
 - Draft Floor Space Ratio Map; and
 - Draft Height of Buildings Map
3. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
4. Council is not to commence exhibition until the studies and further assessment have been completed and the draft maps have been prepared as required by the Gateway Determination, and this information has been resubmitted to the Department for consideration.
5. In accordance with sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") community consultation will be required. Public exhibition requirements will be confirmed following completion of the studies required under condition 1 and initial agency consultation under condition 6 and once the form of the planning proposal has been revised and resubmitted to the Department.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act during the course of preparing the required additional studies and assessment:

- Catchment Management Authority – Southern Rivers
- Department of Education and Training
- Office of Environment and Heritage
- Department of Industry and Investment (Agriculture)
- Integral Energy
- NSW Rural Fire Service
- Roads and Traffic Authority
- State Emergency Service
- State Rail
- Sydney Water
- Transgrid
- Adjoining LGAs

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 they 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.

Additional consultation with public agencies may be required following consideration of the revised planning proposal.

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

Dated 27th day of June 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure