



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

Our ref: PP_2017_WOLLG_001
Your ref: Z17/132263

Dear Mr Farmer

**Planning proposal to amend Wollongong Local Environmental Plan 2009 –
117 Darkes Forest Road, Darkes Forest (PP_2017_WOLLG_001_00)**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* for a planning proposal to enable the use of 117 Darkes Forest Road, Darkes Forest for a cider processing operation and associated facilities including a cooking school, cellar door premises and visitor centre.

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.

In issuing this Gateway determination, I have agreed that any inconsistency with s117 Direction 2.1 Environmental Protection Zones is of minor significance. No further approval is required in relation to that Direction, while the proposal remains in its current form.

Council will need to obtain the agreement of the Department's Secretary that the proposal is consistent with s117 Direction 5.2 Sydney Drinking Water Catchments. This should occur following completion of studies into water quality and prior to community consultation.

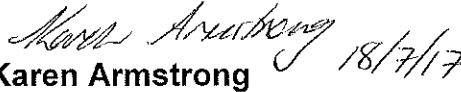
Plan making powers were delegated to councils by the Minister in October 2012. I have considered the nature of Council's planning proposal and agree that it is appropriate for Council to use its plan making delegations. Accordingly, an authorisation for Council to exercise delegation to make this plan has been issued.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office eight 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

If you would like to discuss this matter please contact Ms Louise Myler at the Department's Southern Regional office on 4224 9463.

Yours sincerely


Karen Armstrong
Director, Southern Region
Planning Services
Department of Planning and Environment

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

Gateway Determination

Planning proposal (Department Ref: PP_2017_WOLLG_001_00): to rezone certain land at 117 Darkes Forest Road, Darkes Forest from E2 Environmental Conservation to E3 Environmental Management; apply a 9m maximum height limit to the E3 zoned areas; and permit the use of the land for a cider processing operation and associated facilities such as cellar door premises, cooking school, café and visitor centre.

I, 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* that an amendment to the Wollongong Local Environmental Plan 2009 as described above should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to include the information on the following issues to address potential impacts of the proposal:

- water quality;
- bushfire risk; and
- contamination.

Council shall consult with the Department of Planning and Environment's Director Regions, Southern once water quality investigations have been completed to determine the proposal's consistency with s117 Direction 5.2 Sydney Drinking Water Catchments.

2. Consultation is required with the following public authorities under Section 56(2)(d) of the Act and to comply with the requirements of relevant Section 117 Directions:

- Office of Environment and Heritage
- Office of Environment and Heritage (NPWS)
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Water NSW
- Endeavour Energy
- Illawarra Aboriginal Land Council

Each public authority 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. Any agency advice received and Council's proposed response to this advice should be placed on public exhibition with the planning proposal.

3. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:

- a) the planning proposal must be made publicly available for a minimum of 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* (Department of Planning and Environment 2016).

4 A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example if reclassifying land).

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

Dated 18th day of July 2017



Karen Armstrong
Director Regions, Southern
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_2017_WOLLG_001_00	Planning proposal to: • rezone certain land at 117 Darkes Forest Road, Darkes Forest from E2 Environmental Conservation to E3 Environmental Management; • apply a 9m maximum height limit to the E3 zoned areas; and • permit the use of the land for a cider processing operation and associated facilities such as cellar door premises, cooking school, café and visitor centre.

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "A Guide to Preparing Local Environmental Plans 2016" and "A Guide to Preparing Planning Proposals 2016".

Dated 18th July 2017


Karen Armstrong
Director, Southern Region
Planning Services
Department of Planning and Environment