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Department Generated Correspondence (Y)

Contact: Louise Wells
Phone: (02) 4224 9450
Fax: (02) 4224 9470
Email: Louise.Wells@planning.nsw.gov.au
Postal: PO Box 5475, Wollongong NSW 2520

Our ref: PP_2012_WOLLG_001_00 (12/01954)
Your ref: Z11/279253

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

Dear Mr Farmer,

Re: Planning Proposal to rezone and reclassify land at the Glennifer Brae Manor House and Grounds, Lot 3 DP 252695, Corner of Murphys Avenue and Robsons Road

I am writing in response to your Council's letter dated 19 January 2012 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:

- Reclassify part of Lot 3 DP 252694 from 'community' to 'operational' land and remove any trusts, caveats and interests from the land;
- Rezone part of Lot 3 DP 252694 from RE1 Public Recreation to SP2 Infrastructure – Educational Establishment;
- Include 'Function Centre' and 'Educational Establishment' as additional permitted uses on part of Lot 3 DP 252694 under Schedule 1 of the LEP;
- Insert an additional clause at Part 7 – Local Provisions General of the LEP to include objectives and controls for the proposed SP2 Infrastructure – Educational Establishment zoned land; and
- Amend the Height of Buildings Map to increase the maximum permissible height from 9m to 15m on the proposed SP2 Infrastructure – Educational Establishment zoned land.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to this Direction. In terms of the planning proposal's inconsistency with S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the alteration of land available for public purposes, and no further approval is required in relation to this matter.

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 and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

Council is reminded of its obligations for exhibiting and conducting a public hearing when reclassifying land from community to operational as per the Department's LEP Practice Note 09-003.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Louise Wells of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,



Sam Haddad
Director-General

17/2/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WOLLG_001_00): to rezone and reclassify land at the Glennifer Brae Manor House and Grounds, Lot 3 DP 252695, Corner of Murphys Avenue and Robsons Road

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan 2009 to

- Reclassify part of Lot 3 DP 252694 from 'community' to 'operational' land and remove any trusts, caveats and interests from the land;
- Rezone part of Lot 3 DP 252694 from RE1 Public Recreation to SP2 Infrastructure – Educational Establishment;
- Include 'Function Centre' and 'Educational Establishment' as additional permitted uses on part of Lot 3 DP 252694 under Schedule 1 of the LEP;
- Insert an additional clause at Part 7 – Local Provisions General of the LEP to include objectives and controls for the proposed SP2 Infrastructure – Educational Establishment zoned land; and
- Amend the Height of Buildings Map to increase the maximum permissible height from 9m to 15m on the proposed SP2 Infrastructure – Educational Establishment zoned land.

should proceed subject to the following conditions:

1. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Authority
 - Sydney Water]
 - Endeavour Energy

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.

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 and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

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

Dated 17th day of February 2012.

Sam Haddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure