



IRF25/495, EF25/3121

## Gateway determination report – PP-2025-357

---

Enable temporary events as exempt development on council owned and managed land in Wollongong LGA

March 25



Published by NSW Department of Planning, Housing and Infrastructure

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Gateway determination report – PP-2025-357

Subtitle: Enable temporary events as exempt development on council owned and managed land in Wollongong LGA

---

© State of New South Wales through Department of Planning, Housing and Infrastructure 2025. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 25) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview .....	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	2
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>2</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>2</b>
3.1	Regional Plan .....	2
3.2	Local.....	3
3.3	Section 9.1 Ministerial Directions.....	3
3.4	State environmental planning policies (SEPPs) .....	6
<b>4</b>	<b>Site-specific assessment .....</b>	<b>6</b>
4.1	Environmental, social and economic impacts. ....	6
4.2	Infrastructure .....	7
<b>5</b>	<b>Consultation.....</b>	<b>7</b>
5.1	Community .....	7
5.2	Agencies .....	7
<b>6</b>	<b>Timeframe .....</b>	<b>7</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>7</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>7</b>
<b>9</b>	<b>Recommendation.....</b>	<b>8</b>

**Table 1 Reports and plans supporting the proposal**

### Relevant reports and plans

Planning Proposal – 26/02/2025 (Wollongong City Council)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Wollongong City</b>
<b>PPA</b>	<b>Wollongong City Council</b>
<b>NAME</b>	<b>Enable Temporary Events as Exempt Development</b>
<b>NUMBER</b>	<b>PP-2025-357</b>
<b>LEP TO BE AMENDED</b>	<b>Wollongong LEP 2009</b>
<b>ADDRESS</b>	<b>All Council owned and/or managed land, including Crown Land and within road reserves for which Council is the road authority under the <i>Roads Act 1993</i> within the Wollongong LGA.</b>
<b>DESCRIPTION</b>	<b>N/A</b>
<b>RECEIVED</b>	<b>26/02/2025</b>
<b>FILE NO.</b>	<b>IRF25/495</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Remove the requirement to require development consent for temporary events on Council owned and/or managed land, including Crown Land, and within road reserves managed by Council.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 2: Exempt Development in the Wollongong LEP 2009, to add the following:

### **Temporary Events (Commercial and Community)**

**Temporary event** means the temporary use of land for the purpose of a function or event open to the public or a section of the public that is a ceremony, concert, cultural celebration, exhibition, fete, fair, festival, gathering, one off market sporting event or the like.

1. Must take place on land owned by the Council or for which Council has care, control and management (including Crown land), or a public road for which the Council is the roads authority under the Roads Act 1993.
2. Must be carried out in accordance with a Leasing and Licencing agreement granted by the Council.
3. Must be consistent with any applicable plan of management under the Local Government Act 1993 or Crown Lands Management Act 2016 for the land.
4. Must be accompanied by a risk assessment and emergency management plan if located on bush fire prone and / or flood prone land.
5. Must not include site excavations and / or permanent physical change to the fabric of the location and / or structures where the use occurs.
6. Must not involve overnight camping or accommodation.

*Note: Other approval, authorities, licence or permits may be required under other legislation, including the Crown Lands Management Act 2016, the Local Government Act 1993 and the Roads Act 1993. Festivals includes Music Festivals, which has the same meaning as in the Music Festivals Act (2019) NSW.*

## 2 Need for the planning proposal

The planning proposal is a direct result of the Wollongong City Council resolution, dated 3 February 2025, and is consistent with Council's strategic planning, including Wollongong LSPS 2020 and Council's Major Event Strategy 2021-2026. The planning proposal has been initiated by Wollongong City Council.

The planning proposal is the only means to facilitate an amendment to the Wollongong LEP 2009, to include Temporary Events as Exempt Development under Schedule 2.

## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is consistent with objectives 11 and 24 of the Illawarra Shoalhaven Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Objective 11: Create a diverse visitor economy	The proposal will enable temporary events to be held without requiring development applications, making it easier and faster for events of community and commercial nature to be organised, strengthening the visitor economy of the Illawarra.

Objective 24:  
Support major  
events, public art  
and cultural  
activities

Removing the requirement for temporary events to have development consent will remove certain planning complexities when organising an event that is of a community and commercial nature held on land owned or managed by Council. This will considerably ease the process of organising events of these nature.

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The proposal aligns with the Wollongong Local Strategic Planning Statement (LSPS). One of the actions in the LSPS is '[Provide] additional community spaces and places ('hard' social infrastructure) to support those 'soft' infrastructure activities.</p> <p>The proposal seeks to reduce planning barriers to enable temporary events on Council owned/managed land. This will provide the 'hard' social infrastructure to support social activities.</p>
Community Strategic Plan	<p>The proposal delivers on Strategy 1.5: Maintain the unique character of the Wollongong LGA, while balancing development, population growth and housing needs.</p> <p>The removal of planning barriers for temporary events will result in increased positive community, cultural and economic outcomes across the LGA, as a result of more community and economic events.</p>
Council's Major Event Strategy 2021-2026	<p>The proposal will enable an increased number of temporary events to occur within the LGA, aligning with the goals of the Major Event Strategy to host more and major events, to drive the visitor economy and the enhance the reputation of Wollongong.</p>

Council is also currently in the process of developing a Temporary Events Policy, which this proposal will align with.

## 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The proposal is consistent with the Illawarra Shoalhaven Regional Plan 2041 and assessment against the plan has been included.

1.4 Site Specific Provisions	Yes	The proposal is consistent with this direction as it will not introduce restrictive site-specific provisions
3.1 Conservation Zones	Yes	The proposal is consistent with this direction as it includes provisions that require events to not result in site excavations or permanent physical change to the fabric of a site. Additionally, events must be consistent with any Plan of Management over the land and Council's Leasing and Licencing agreement. This will protect environmentally sensitive areas.
3.2 Heritage Conservation	Yes	The proposal is consistent with this direction as it includes provisions that require events to not result in site excavations or permanent physical change to the fabric of a site. Additionally, events must be consistent with any Plan of Management over the land and Council's Leasing and Licencing agreement. This will protect areas of heritage significance, including European and Aboriginal heritage.
4.1 Flooding	Yes	The proposal is consistent with this direction as it includes provisions that require events must have risk assessment and emergency management plans for sites mapped as flood prone. Consultation with DCCEEW is recommended.
4.2 Coastal management	Yes	The proposal is consistent with this direction as it includes provisions that require events to not result in site excavations or permanent physical change to the fabric of a site. Additionally, events must have risk assessment and emergency management plans for sites mapped as flood prone.

4.3 Planning for Bushfire Protection	Unresolved and consultation required	<p>The proposal is generally consistent with this direction as it includes provisions that require events to not result in site excavations or permanent physical change to the fabric of a site. Events must have risk assessment and emergency management plans on sites mapped as bush fire prone.</p> <p>Additionally, the proposal includes provisions that restrict overnight camping and accommodation.</p> <p>Nevertheless, as some of the applicable Council-owned and/or managed land within the LGA is mapped as bush fire prone, Council should consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway determination and prior to undertaking community consultation. This forms part of the Gateway Conditions.</p> <p>Until this consultation has occurred the consistency with this Direction is considered unresolved.</p>
4.4 Remediation of Contaminated Land	Yes	<p>The proposal is consistent with this direction as it is for temporary events and will not result in site excavations or permanent physical change to the fabric of a site. It will not result in any land uses on unsuitable contaminated land (unsuitable in terms of part 1(b) of Direction 4.4).</p>
4.5 Acid Sulfate Soils	Yes	<p>The proposal is consistent with this direction as it is for temporary events and will not result in site excavations or permanent physical change to the fabric of a site. The proposal does not propose an intensification of land uses on land identified as having a probability of containing acid sulfate soils.</p>
5.2 Reserving land for Public Purposes	Yes	<p>The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.</p>
5.3 Development near Regulated Airports and Defence Airfields	Yes	<p>The proposal does not create, alter or remove a zone or a provision relating land near a regulated airport which includes a defence airfield</p>
5.5 High pressure dangerous goods pipelines	Yes	<p>The proposal does not seek to permit permanent development for sensitive land uses or result in significant population increase in proximity to high pressure dangerous good pipelines.</p>



6.1 Residential zones	Yes	The proposal will not result in permanent changes to Residential zoned land.
9.1 Rural Zones	Yes	The proposal will not result in permanent changes to Rural zoned land.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Resilience and Hazards 2021	Chapter 4 Remediation of Contaminated Land	Yes	<p>The proposal includes provisions to ensure hazards are appropriately considered and managed.</p> <p>The proposal is not expected to result in development that will have a permanent impact upon sites, constraints and hazards.</p>
Transport and Infrastructure 2021	Chapter 2 Infrastructure Chapter 5 Three Ports	Yes	<p>The proposal includes Council owned and managed land, including Crown land and within road reserves where Council is the Road Authority.</p> <p>Event organisers will need to comply with any provisions within the <i>Transport and Infrastructure SEPP 2021</i> and the <i>Roads Act 1993</i>.</p>

## 4 Site-specific assessment

### 4.1 Environmental, social and economic impacts.

The proposal amends Schedule 2: Exempt Development of Wollongong LEP 2009 to include Temporary Events (Commercial and Community) upon land owned and managed by Council. The proposal will not have negative environmental impacts as it will not result in permanent impact upon sites. The proposal prohibits site excavations and/or physical change to the fabric of the location and/or structures when carrying out temporary events.

The proposal will ease access to 'hard' social spaces, as identified in the Wollongong LSPS, enabling more commercial opportunities, social and community activities and therefore having positive social impact. More events will also provide economic benefits of visitors and tourists to Wollongong, including increased commercial opportunities for local businesses.

## 4.2 Infrastructure

The proposal states there is adequate public infrastructure to support temporary events. As the proposal will not require any permanent infrastructure or cause permanent impact upon any sites, this is considered accurate.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate.

### 5.2 Agencies

It is recommended NSW RFS be consulted on the planning proposal and given 30 working days to comment to ensure consistency with Ministerial Direction 4.3 Planning for Bushfire Protection.

Consultation should also occur with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and Crown Lands.

## 6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic.

The Department recommends an LEP completion date of 31 October 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

This is considered appropriate given the local nature of the proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will contribute to the local visitor economy and the delivery of commercial and community events by reducing the approval stages required for temporary events to be held on Council owned and/or managed land, consistent with the NSW Government's Vibrant Street Package and Council's Major Event Strategy 2021-2026.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved until consultation has occurred with the NSW Rural Fire Service.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

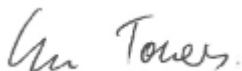
The following conditions are recommended to be included on the Gateway determination:

The planning proposal is to be updated to include:

1. Consultation with the NSW RFS is required prior to community consultation to affirm consistency with Ministerial Direction 4.3 Planning for Bushfire Protection
2. Consultation is also required with the Department of Climate Change, Energy, Environment and Water and with Crown Lands. The authorities are to be provided 20 working days to respond.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).
4. 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).

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 31 October 2025



Graham Towers

Manager, Southern, Western and Macarthur

### Assessment officer

Ewan Reid

Para planner, Local Planning and Council Support

02 8217 2095