



Office of the Director General

Mr David Farmer
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Our ref: PP_2012_WOLLG_009_00 (12/14968)
Your ref: Z12/86334

Dear Mr Farmer,

Planning proposal to amend Wollongong Local Environmental Plan 2009

I am writing in response to your letter of 17 September 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 (LEP) 2009 by amending the height controls and apply design excellence criteria for land at 'Brickyard Point', Yurunga Street, Austinmer.

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.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. 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 NSW 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

15/10/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLG_009_00): to amend Wollongong Local Environmental Plan 2009 by amending the height controls and apply design excellence criteria to 'Brickyard Point'.

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 (LEP) 2009 to

- amend the Heights of Buildings map for the area to allow a range of heights across the site;
- move the Design Excellence Clause from Part 8 – Local Provisions Wollongong City Centre to Part 7 Local Provisions General, so that it can be applied to the subject site; and
- identify the subject land as a key site on the Key Sites map in order to apply the Design Excellence clause

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:
 - Transport for NSW – Roads and Maritime Services
 - Office of Environment and Heritage
 - Department of Trade and Investment
 - Fire and Rescue NSW

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

Dated 15th day of October 2012.

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