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Our ref: PP_2012_WOLLG_002_00 (12/03487)
 Your ref: ESP-100.01.025

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

Dear Mr Farmer,

Re: Planning proposal to increase the allowable building height from 9 metres to 32 metres and to increase the allowable floor space ratio from 0.5:1 to 1.5:1 for land at 208-212 Corrimal Street, 25 Beach Street and 1 Beach Street, Wollongong.

I am writing in response to your Council's letter dated 21 February 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 increase the allowable building height from 9 metres to 32 metres and to increase the allowable floor space ratio from 0.5:1 to 1.5:1 for the site.

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.

In regards to the planning proposals inconsistencies with S117 Direction 4.1 Acid Sulphate Soils, it is noted that the subject land contains Acid Sulphate Soils (ASS) and that Council has not provided a study as required by the Local Planning Direction. Therefore, Council is to undertake an ASS study assessing the appropriateness of the changes in intensity of land use and provide a copy to the Regional Director, Southern Region, Department of Planning and Infrastructure, prior to the commencement of public consultation. Further, Council is to provide a copy of the ASS to the Office of Environment and Heritage during consultation. Any comments made are to be taken into consideration and contained in the public exhibition material.

Council is to consult with Transport for NSW – Roads and Maritime and take into account any comments made, prior to public exhibition of the planning proposal.

I have also agreed that the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

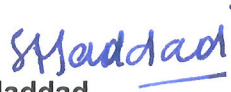
The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal as soon as possible following consultation with the Office of Environment and Heritage, preparation of the ASS and consultation with Transport for NSW – Roads and Maritime. 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 Graham Towers of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,


Sam Haddad
Director-General
21/3/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WOLLG_002_00): to increase the allowable building height from 9 metres to 32 metres and to increase the allowable floor space ratio from 0.5:1 to 1.5:1 for the site.

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 increase the allowable building height from 9 metres to 32 metres and to increase the allowable floor space ratio from 0.5:1 to 1.5:1 for the site should proceed subject to the following conditions:

1. Council is to undertake an Acid Sulphate Soils (ASS) study assessing the appropriateness of the changes in intensity of land use and provide a copy to the Regional Director, Southern Region, Department of Planning and Infrastructure, prior to the commencement of public consultation. Council is also to provide a copy of the study to the Office of Environment and Heritage during consultation. Any comments made are to be taken into consideration and contained in the public exhibition material.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Transport for NSW - Roads and Maritime Services

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.

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 21st day of March 2012.

SHaddad

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