



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

Dear Mr Farmer

Planning proposal PP_WOLLG_2018_005_00 to amend Wollongong Local Environmental Plan 2009

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land from IN3 Heavy Industrial and RE2 Private Recreation to R3 Medium Density Residential, RE1 Public Recreation and R2 Low Density Residential to enable residential development and open space uses.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council will need to obtain the agreement of the Secretary that the proposal is consistent with section 9.1 Directions 2.3 Heritage Conservation and 4.3 Flood Prone Land. This should occur following completion of relevant studies and prior to community consultation.

I note that Council has identified the need for more detailed and additional studies on a range of issues including, but not limited to, flooding, traffic, heritage (European and Aboriginal Heritage), wastewater, and ecological impacts. Council will need to be satisfied that it has sufficient information on these issues, including to address any concerns/questions that may arise during Agency consultation.

Council is encouraged to consult widely on the planning proposal which has already generated interest. I note that Council has resolved to publicly exhibit the proposal for 60 days and to hold a public meeting during the exhibition period. The Gateway determination sets a minimum 28-day consultation period, however Council may consult for a longer period if it chooses to do so.

I note the intention to set a 5% affordable housing target for the future development of the site. While this is generally supported, the appropriate mechanism for achieving this outcome is yet to be determined. This issue will need to be further considered through the plan making process. It is appropriate for the community and proponent to be provided with the opportunity to comment on this aspect of the proposal.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority due to the current community interest in the proposal.

The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's office 6 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 3.32 (2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Louise Myler to assist you. Louise can be contacted on 4224 9463.

Yours sincerely

 20 August 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_WOLLG_005_00): to rezone Lot 1 DP 795579, Lot 5 DP 749492, Lot 11 DP 749492, Lot 126 DP 598190 and former Lot 12 DP 749492 from IN3 Heavy Industrial and RE2 Private Recreation to a mix of R3 Medium Density Residential, RE1 Public Recreation and R2 Low Density Residential and to: amend the floor space ratio, building height and minimum lot size controls; amend heritage, natural resources sensitivity and riparian maps; add the land to the Key Sites Map; and amend schedule 1 additional uses.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wollongong Local Environmental Plan 2009 as outlined above should proceed subject to the following conditions:

1. To ensure consistency with 9.1 Directions 2.3 Heritage Conservation and 4.3 Flood Prone Land, the following studies are to be completed prior to public exhibition:
 - an Aboriginal cultural heritage assessment;
 - a conservation management plan that provides for the long-term conservation of significant coke work heritage components;
 - revised flood study (including flood modelling); and
 - geomorphological report.
2. The following studies are also to be completed prior to public exhibition:
 - a revised ecological assessment;
 - a revised traffic impact assessment; and
 - a revised remediation action plan
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 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 section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).



Planning & Environment

4. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Roads and Maritime Services;
- Department of Primary Industries – Water;
- Environment Protection Authority;
- Office of Environment and Heritage;
- Sydney Water;
- RailCorp;
- Department of Education;
- Heritage Council;
- National Trust of Australia (Illawarra Shoalhaven Regional Branch);
- Endeavour Energy;
- Transport for NSW;
- Department of Primary Industries – Fisheries NSW;
- Catchment Management Authority; and
- State Emergency Service.

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.

5. 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).
6. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 20th day of August 2018.


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning