



Mr Greg Doyle  
General Manager  
Wollongong City Council  
Locked Bag 8821  
Wollongong DC NSW 2500

Attention: David Green, Land Use Planning Manager

Dear Greg

**Planning proposal (PP-2021-6676) 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 enable medium density residential development of the former Port Kembla Public School site (Lot 1 DP 811699, Military Road, Port Kembla).

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Direction 1.1 – Business and Industrial Zones, Direction 2.3 – Heritage Conservation and Direction 2.6 – Remediation of Contaminated Land are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

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 some agencies/authorities such as NSW Ports and the Environment Protection Authority have previously expressed concern with medium density residential development of this site.

Retaining local plan-making authority will allow the Department to ensure potential issues are considered, prior to deciding whether to make the LEP.

The amending local environmental plan (LEP) is to be finalised within 12 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 for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight 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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

The Department acknowledges potential land use conflict issues, future intentions for more intensive use of the Three Ports SEPP area and the Port Kembla Centre and topography make this a difficult proposal to assess. On balance, the scale/density of residential development is considered to be acceptable to proceed to consultation.

The Department has recommended key Gateway conditions requiring a site-specific Development Control Plan (DCP) chapter to ensure that appropriate mitigation measures are integrated into the redevelopment of the site, and any built form outcomes are compatible with surrounding land uses.

The DCP shall be consistent with the recommendations of the acoustic feasibility study prepared by RWDI (Wilkinson Murray) dated 30 June 2021 (and any urban design analysis/concept design) and incorporate built form, design, layout and development controls seeking to manage potential land use conflicts and ensure any future development provides a reasonable level of amenity for incoming residents considering potential noise, air, dust, odour, traffic, visual, and other amenity impacts from the Port operating at its estimated future capacity 24 hours a day, seven days a week.

It is noted that this is the second time Council has supported medium density development of the site. The Department believes the ultimate success of the development will largely come down to how well Council and the proponent can work together to develop the site-specific DCP (and concept design) and ensure, through the development assessment and construction processes, that the new dwellings/site design incorporate appropriate recommended attenuation measures to manage potential land use conflicts and mitigate future residents from future port/industrial impacts and ensure a reasonable level of amenity.

Should you have any enquiries about this matter, I have arranged for Mr Graham Towers, Manager, Southern Region to assist you. Mr Towers can be contacted on 4247 1821.

Yours sincerely



**9 December 2021**

**Sarah Lees**  
**Director, Southern Region**  
**Local and Regional Planning**

Encl: Gateway determination