

Gateway Determination

Planning proposal (Department Ref: PP-2021-6676): to amend the Wollongong Local Environmental Plan 2009 as it relates to land located at Lot 1 DP 811699, Military Road, Port Kembla to:

- rezone the site from B4 Mixed Use to part R3 Medium Density Residential and part RE2 Private Recreation;
- amend the Height of Buildings Map/s to 11m on the part of the site proposed to be R3 Medium Density Residential, excluding the frontage to Marne Street and Reservoir Street, which is to remain at 9m;
- amend the Heritage Map/s and Environmental Heritage Schedule 5 to refer to the site as “Site of former Port Kembla Public School”;
- delete Clause 7.17 Former Port Kembla Public School;
- amend the ‘Key Sites’ Map/s to identify the site as a Key Site under Clause 7.18 Design Excellence in Wollongong City Centre and at key sites; and
- require at least 5% Affordable Rental Housing.

I, the Director, Southern Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 (LEP) 2009 as described above should proceed subject to the following conditions:

1. Prior to public exhibition, the following must be prepared to Council’s satisfaction and exhibited with the planning proposal:
 - a) a site-specific Development Control Plan (DCP) chapter to ensure that all 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. This DCP chapter should incorporate measures/requirements such as:

- i. orientation of living areas and balconies to the north, with bedroom areas facing south to mitigate from noise sources to the north;
- ii. apartment layouts which extend from one side of the building to the other or use internal light wells, to provide shielding from Port noise;

- iii. improved glazing requirements for apartment layouts with good window seals, such that when windows are closed, low internal noise levels can be achieved;
 - iv. provision of fresh air ventilation and thermal comfort, which would ensure that windows can be closed when improved amenity is desired by occupants;
 - v. inclusion of Section 10.7 certificates on the title so it is clear for future owners and occupiers that their property is affected by impacts of a 24-hour operating port (noise, light, air/dust etc);
 - vi. adoption of masonry style façade construction which performs better at low noise frequencies with façade design to be reviewed by an acoustical consultant;
 - vii. outdoor areas which are designed to take advantage of any acoustic shielding by the building structure or surrounding buildings; and
 - viii. other landscaping, buffer, setback, engineering, and design solutions.
2. 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**. Letters are to be sent advising adjoining owners of land within the Three Ports SEPP area of the proposal; 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. 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:
 - NSW Ports;
 - Environment Protection Authority;
 - DPIE – Environment, Energy and Science;
 - Endeavour Energy;
 - Sydney Water;
 - Transport for NSW;
 - Roads and Maritime Services;
 - Department of Premier and Cabinet (Heritage NSW); and
 - National Trust of Australia, Illawarra Shoalhaven Regional Branch.

Each public authority/organisation 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.

4. Consultation is required in writing with adjoining land owners within the Three Ports SEPP area including BlueScope and Port Kembla Copper.
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 **12 months** following the date of the Gateway determination expiring on 9 December 2022.

Dated 9th day of December 2021.



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces