

Gateway Determination

Planning proposal (Department Ref: PP-2021-7425): to rezone BlueScope holdings at Kembla Grange to facilitate residential and industrial development while protecting environmental values.

I, the Acting Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 described above should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - Amend Part 2 Explanation of Provisions to remove the reference to proposed rezoning of land on the corner of West Dapto Road and Darkes Road from C3 to R3 to reflect the proposal that was supported by Council.
 - Clarify that the proposed Biodiversity Stewardship agreement does not involve an amendment to the Wollongong LEP so will sit outside of the planning proposal process.
 - Incorporate the outcomes of the further studies into heritage; flooding and contamination proposed by Council as identified in the planning proposal, and
 - Incorporate the outcomes of consultations with the NSW Rural Fire Service.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021)
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Rural Fire Service
 - NSW Heritage
 - NSW DPE – Environment, Energy and Science

- NSW DPE – Natural Resource Access Regulator
- Department of Education
- Endeavour Energy
- Transport for NSW/Roads and Maritime Services
- Sydney Water
- Illawarra Local Aboriginal Land Council
- NSW Rural Fire Service
- State Emergency Service
- Jemina Gas

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal. 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 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 Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The LEP should be completed on or before 4 February 2023.

Dated 4 day of February 2022.



George Curtis
Acting Director, Southern Region
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning
and Homes