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Planning Proposal

Amendment to Wollongong Local Environmental Plan 2009

Proposed Rezoning of Land for Residential Purposes

Former Port Kembla Primary School Site
Lot 1 Military Road
Port Kembla

September 2016



Subject		Planning Proposal – <i>Amendment to Wollongong Local Environmental Plan 2009</i>
In respect of		Proposed Rezoning of Land for Residential Purposes
Property		Former Port Kembla Primary School Site Lot 1 Military Road Port Kembla
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Dated		September 2016

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1.0 Introduction

1.1 Preamble & Background

Martin Morris & Jones Pty Limited (MMJ Wollongong) has been engaged by Mr Ostoja Vujic to co-ordinate the preparation and lodgement of a Planning Proposal with Wollongong City Council, seeking to rezone the former Port Kembla Primary School landholding at Military Road, Port Kembla, for primarily residential purposes.

As a brief background on the site, it was formally occupied for many decades by now known as 'Old Port Kembla School'. In fact, the site was used as a primary school from approx. 1916 through to around 2002, after which the site became unused and vacant. The school and all associated buildings have since been demolished, with only hardstand areas and informal vegetation remaining on the site.

Port Kembla Copper (PKC) were the previous owners of this land following the NSW Educational Department's disposal in the early 2000's, and it is understood that initial plans were investigated to house and train workers on the site in relation to the copper smelter operations close by to the north. However, a few years ago, PKC ceased such operations of their copper smelter business and, thus, had no need for retaining the subject land parcel. As such, in 2015, the property was sold to Mr Ostoja Vujic, and hence the purpose of this Planning Proposal.

Whilst previously occupied as a school, the subject site was historically zoned for medium density residential purposes for many years. On 7th April 2000, this land was rezoned from '*2(b) Medium Density Residential*' to '*3(a) General Business*' by the former *Wollongong LEP 1990 (Amendment No. 184)*. At present, this land is currently zoned '*B4 Mixed Use*' under *Wollongong LEP 2009*, as a result of the change over from former *Wollongong LEP 1990* to this current Standard Instrument *LEP*. Under this existing B4 zone, a range of both residential and commercial orientated land uses are already permissible with Council's consent.

For various market reasons/conditions in more recent times, together with the segmented nature of the site away from Port Kembla Town Centre (in addition to immediate surrounding land use context), it is considered that the current zone does not afford practical opportunities for this land to be developed for mixed use purposes. Any commercial activities to be developed on this land under the B4 zone would most likely detract from and have a competing interest with the commercial viability and activity within the nearby Port Kembla Town Centre (Wentworth Street), whilst the residential land uses/conditions available under the current B4 zone preclude the use of ground floor level spaces generally. As such, the B4 zone is limiting the potential for this site to ever be redeveloped in the future.



In light of this, as well as the changing demographic profile and nature of the Port Kembla area, and use of surrounding lands (even existing industry to the north), an opportunity has been provided to realise a more suitable development outcome and occupation of this site for primarily residential purposes. **As such, in order to facilitate a future residential development outcome on the site, a Planning Proposal for this land is sought:-**

- to rezone it from B4 Mixed Use to primarily R3 Medium Density Residential (with a small portion of RE2 Private Recreation proposed at the northern end);
- increase the maximum floor space ratio control from 0.5:1 to 0.75:1 within the proposed R3 zone area;
- increase the maximum building height control from 9 metres to 11 metres within the proposed R3 zone area; and
- to reduce the minimum lot size for subdivision from 1,999m² down to 299m², within the proposed R3 zone area.

The concise statement setting out the objective or intended outcome of this Planning Proposal can be described as follows:-

“To amend Wollongong LEP 2009 to rezone this land primarily for medium density residential purposes.”

This Planning Proposal seeks to initiate this assessment and determination process in accordance with the provisions of the *Environmental Planning & Assessment Act, 1979*, and recommends amendment criteria to achieve the preferred long-term land use strategy for the subject site.

1.2 Conceptual Framework

This report provides a description of the subject site and surrounds, a summary of the existing and relevant legislative framework applying to the site, an identification of the future land use outcome sought by this Planning Proposal and a preliminary environmental review of those relevant matters generally considered for development. In addition to this, this report suggests the proposed amendment criteria required to *Wollongong LEP 2009* in order to allow the implementation of this future desired residential land use outcome.

The content of this Planning Proposal report has been aided by the following consulting specialists:-

- C. Robson & Associates (survey);
- Design Workshop Australia (urban design and master planning);
- Biosis (flora and fauna);
- Golder Associates (background site contamination/conditions); and

- Douglas Partners (site contamination and remediation).

This Planning Proposal report has been prepared for Council in consideration of those requirements under *Section 55* of the *Environmental Planning and Assessment Act 1979 (the Act)*, together with the NSW Department of Planning and Environment's "*A guide to preparing planning proposals*" (October 2012). In general, this Planning Proposal comprises the following considerations as required:-

- ✓ A statement of the objectives or intended outcomes of the proposed instrument.
- ✓ An explanation of the provisions that are to be included in the proposed instrument.
- ✓ The justification for those objectives, outcomes and the process for their implementation. based on technical studies.
- ✓ The existing controls that apply to the site based on the Councils LEP Maps.
- ✓ Details of the community consultation to be undertaken on the planning proposal.
- ✓ The timeframe to complete the amendment.

This report has been prepared for the purpose as described only and no part should be used for any other purpose and/or in any other context without prior approval from MMJ. Should any further information and/or discussion be required as a result of the advice contained within this report, please advise at the earliest convenience.

2.0 Site Characteristics

2.1 Description

The subject site is situated on the eastern side of Military Road, Port Kembla, between the intersections of Electrolytic Street and Marne Street (see *Figure 1*). Known as Lot 1 Military Road, this land incorporates one large allotment title described as Lot 1 in Deposited Plan 811699. The landholding is bound by public roads on all sides, with the follow direct boundary frontage distances:-

- Military Road – western boundary (301.62 metres);
- Reservoir Street – eastern boundary (142.91 metres);
- Electrolytic Street – northern boundary (185.99 metres); and
- Marne Street – southern boundary (97.535 metres).

The overall property is somewhat trapezoidal in shape and has a total site area of approximately 2.195 hectares (see *Figure 2*).

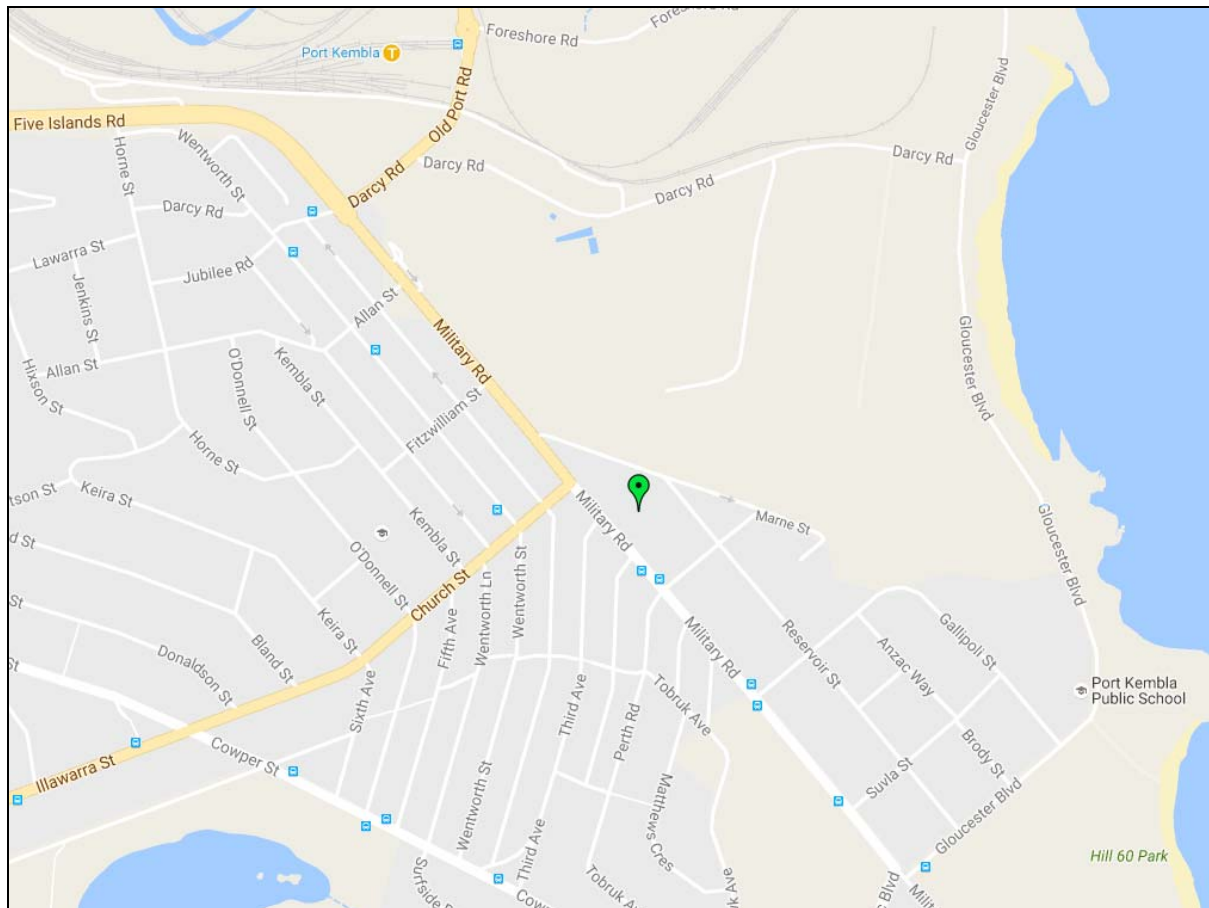


Figure 1: Location Plan (Source: NearMap)

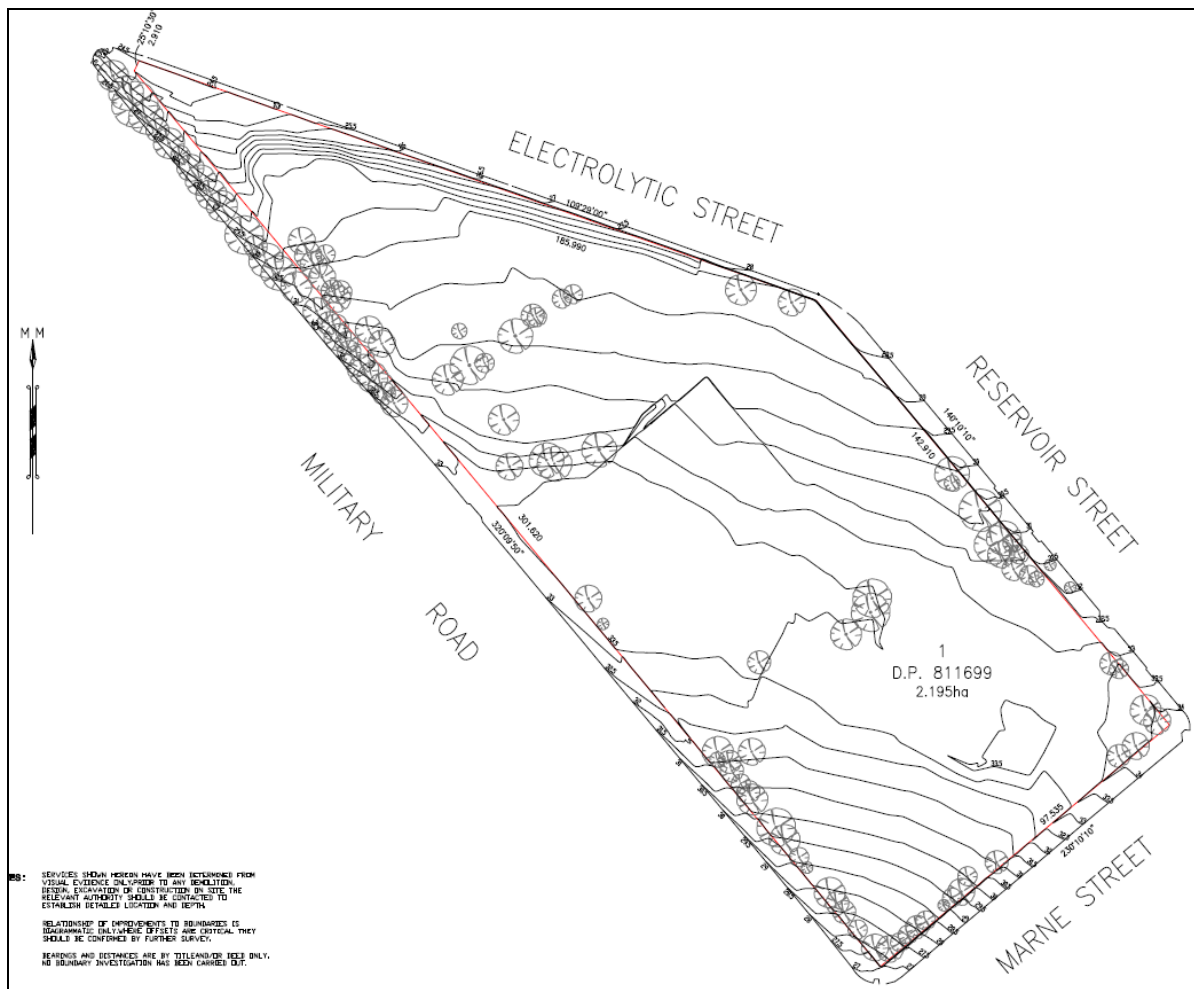


Figure 2: Site Plan (Source: C. Robson & Ass. Survey)

2.2 Existing Development

As aforementioned, the site was used as a primary school from approx. 1916 until the year 2002, after which the site has been vacant of activity, with the majority of the former primary school infrastructure removed shortly after closure of the school (apart from a heritage listed building which was present at the site up until 2013).

The site surface is a mix of grass cover, hardstand areas and former building footprints. The heritage listed building that was demolished in recent years was located in the centre of the site, on a small hill on the crest of a ridgeline trending north west to south east, with the ground surface sloping down from this area in every direction. As per the survey data provided by C. Robson & Associates, the crest of the ridge within the central portion of the land sits at approximately RL 34m AHD; the northern boundary varies between RL 24.5m and RL 28m AHD; whilst the southern-most boundary ranges between RL 27m and RL 34m AHD.

Apart from general grass cover and sections of hardstand areas, scattered domestic vegetation/trees are also located throughout the property (primarily to the peripheries).

2.3 Locational Context

In general, the property is situated within an established suburban area in the heart of Port Kembla, a location of which is characterised by a transition of mixed uses and development. This existing neighbourhood is host to a range of property types and development scales, varying from low and medium density residential, through to commercial and both light/heavy industry land uses and zones. The traditional dynamics and character of the area are changing more than ever in recent years, with the Town Centre area off Wentworth Street not quite the busy commercial shopping strip it once was say throughout the 1970s and 1980s; the former heavy industry PKC site to the north now a platform for less active industry (such as car and freight storage activities); whilst the surrounding traditional low density detached housing is slowly being replaced by infill medium density housing products (such as dual occupancies and townhouses). Also, the subject former school site has been vacant and redundant of any land use for many years, and whilst mixed use residential/commercial land uses are afforded now, this will change overtime to primarily medium density residential (should support for this Planning Proposal be forthcoming).



Figure 3: Existing Land Use Context (Source: NearMap)

In the immediate context, the subject site is surrounded by the following land uses and building forms:-

North: The former PKC heavy industry smelter site on the opposite side of Electrolyric Street. With PKC operations ending at the site a few years ago now, the historic stack within the property was demolished on 20th February 2014. Shortly after the site was cleaned up, other associated buildings/structures were removed from site and in part the ground was resurfaced, to provide a platform(s) for the existing car and freight storage activities which occupy the site today. The topographic levels for this site primarily sit much lower than the subject site. The boundary fronting Electrolyric Street is currently fenced with no access, incorporating partial vegetation screening/mounds as a buffer between the subject site and the storage operations.

Electrolyric Street is quite a narrow two-way road, with a carriageway (kerb-to-kerb) of only some 6 metres wide.

South: Existing residential areas on the opposite sides of Military Road and Marne Street. These areas have been developed over time to provide low density detached residential housing products, with both single and double storey building forms.

Marne Street is a two-way road, with a 9 metre wide carriageway (kerb-to-kerb), whilst Military Road (being a more local collector road) has a much larger carriageway of some 12.5 metres (kerb-to-kerb), allowing for two-way travel and clear parking lanes either side.

East: Existing residential areas on the opposite side of Reservoir Street. Again, traditional low density housing and lots, however, part of this area has been redeveloped in recent times for more medium density housing type products (with some still under construction at present).

Reservoir Street is also a two-way road, with an approx. 9.5 metre wide carriageway (kerb-to-kerb).

West: Opposite the southern part of the site extends the residential area off Military Road. This residential area transitions as it approaches the intersection and cross-road of Church Street. On the southern side of Church Street is an existing church and childcare centre premises,

whilst to the north of this road is a small light industrial strip fronting Military Road. Behind this light industrial strip is the main Town Centre area of Port Kembla, which follows Wentworth Street to the north. The Town Centre is generally characterised by mixed-use business development. This existing area is host to a range of residential, commercial and quasi industrial land uses and activities. The building types and forms vary significant throughout the Wentworth Street corridor, however, the scale is generally restricted to single and double storey construction (apart from the historic Port Kembla Hotel further north which is 3 to 3.5 storeys).

In the wider context, the property is in close proximity to the Warrawong Town Centre area (flanking King Street some 1.7km west of the site) which has a relatively full range of retail, commercial and other support activities and uses. Also, the site has relatively good and convenient access to a variety of community facilities including recreation areas, schools, public transport, etc, as well as the ocean foreshore area only 600 metres to the east of the site. Public bus transport is available in front of the site off Military Road, whilst Port Kembla train station is only some 650 metres to the north.

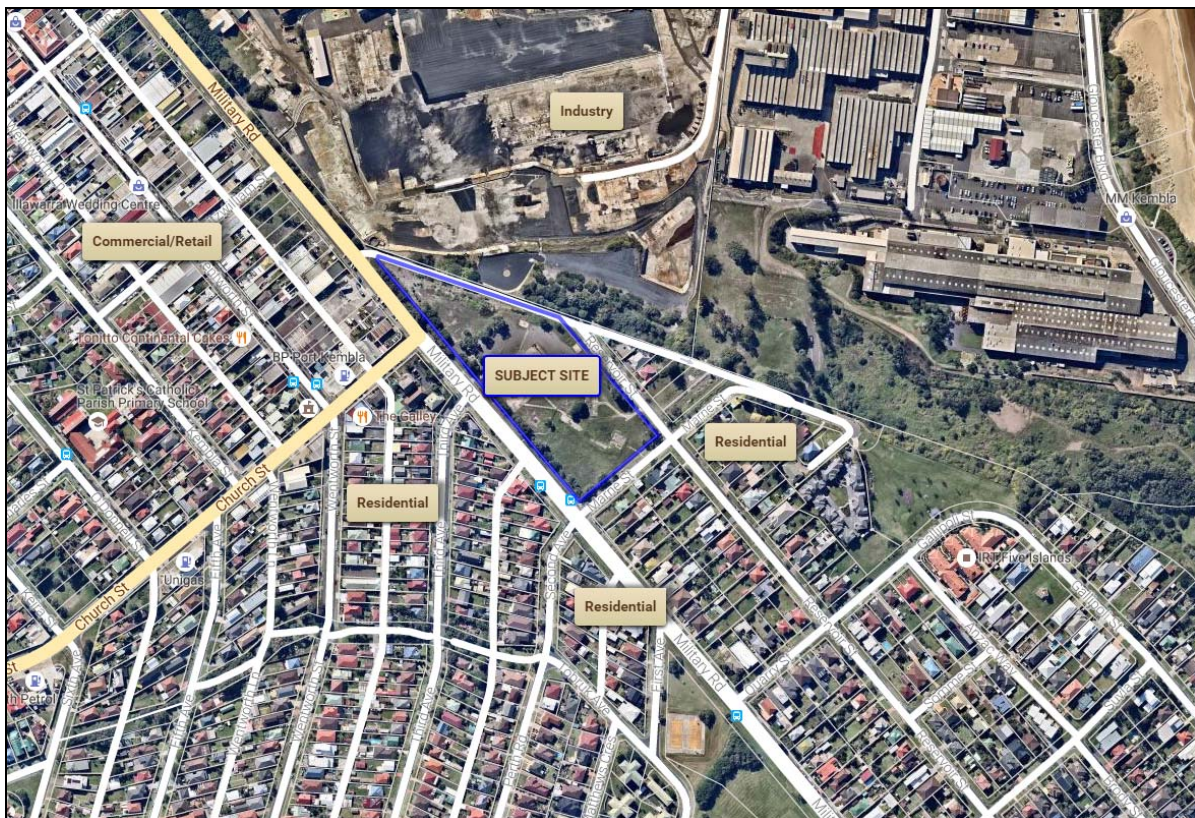


Figure 4: Aerial Photo (Source: NearMap)

3.0 Existing Legislative Framework

3.1 Environmental Planning & Assessment Act 1979

The *Environmental Planning & Assessment Act 1979 (EP&A Act)* (as amended) provides the statutory planning framework for development within NSW. *Section 5* of the *EP&A Act* identifies the objectives of the legislation which are:-

- “(a) to encourage:*
 - a. the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
 - b. the promotion and co-ordination of the orderly and economic use and development of land;*
 - c. the protection, provision and co-ordination of communications and utility services;*
 - d. the provision of land for public purposes;*
 - e. the provision and co-ordination of community services and facilities; and*
 - f. the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats; and*
 - g. ecologically sustainable development; and*
 - h. the provision and maintenance of affordable housing; and*
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and*
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.”*

3.2 State Policies & Directions

3.2.1 Ministerial Directions

General directions are issued from time to time to all Council's pursuant to *Section 117 (2)* of the *EP&A Act* relating to matters to be considered in association to Planning Proposals. These directions are considered within *Section 7.2.4* of this report.

3.2.2 State Policies

State Environmental Planning Policies (SEPPs) deal with issues significant to the state and people of NSW. In considering the subject proposal, several policies may be applicable to the existing development of this land for residential purposes, which are considered within *Section 7.2.3* of this report.

3.3 Wollongong LEP 2009

The *Wollongong LEP 2009* provides the statutory planning framework for development throughout most parts of the Wollongong Local Government Area (LGA). It establishes broad objectives for development and determines permissible and prohibited land uses within particular zones. The site in question at Military Road is subject to the provisions of this Planning Instrument.

The site is currently zoned 'B4 Mixed Use' under *Wollongong LEP 2009*. The objectives and permissible land uses for this zone are as follows:-

"Zone B4 Mixed Use"

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertising structures; Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3"

As can be seen by the varying range of land uses permitted above, this B4 zone provides for a mixture of corresponding activities in order to integrate suitable business, office, residential, retail and other development in accessible locations, so as to maximise public transport patronage and encourage walking, cycling and pedestrian street activation. These areas are typically aimed at supporting nearby or adjacent commercial centres (ie. Port Kembla Town Centre in this case), without adversely impacting on the viability of those centres.

In addition, the *LEP* contains special considerations for development and, in this regard, the following Parts of the *LEP* have been noted as they provide special provisions relevant to any future redevelopment of the subject land (either under the current zoning or future proposed zoning):-

- *Clause 2.3 – Zone objectives and Land Use Table;*
- *Clause 4.1 – Minimum subdivision lot size;*
- *Clause 4.3 – Height of buildings;*
- *Clause 4.4 – Floor space ratio;*
- *Clause 5.3 – Development near zone boundaries;*
- *Clause 5.5 – Development within the coastal zone;*
- *Clause 5.10 – Heritage conservation;*
- *Clause 7.1 – Public utility infrastructure;*
- *Clause 7.5 – Acid sulfate soils;*
- *Clause 7.6 – Earthworks;*
- *Clause 7.13 – Ground floor development on land within business zones;*
- *Clause 7.14 – Minimum site width;*
- *Clause 7.17 – Former Port Kembla Public School;*
- *Clause 8.4 – Minimum building street frontage;*
- *Clause 8.6 – Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use;*
and
- *Clause 8.7 – Shops in Zone B4 Mixed Use.*

There are no other special provisions within the *LEP* that are considered relevant in this instance.

3.4 Illawarra-Shoalhaven Regional Plan

The *Illawarra-Shoalhaven Regional Plan (ISRP)* was adopted by the NSW State Government in November 2015 and applies to the LGAs of Kiama, Shellharbour, Shoalhaven and Wollongong. The primary purpose of the *ISRP* is to provide "the strategic policy, planning and decision-making framework to guide the region

to sustainable growth over the next 20 years". It ensures that adequate land is available and appropriately located to sustainably accommodate the projected housing needs and economic growth of the Region over the next 20 years or so, as well as set out a range of actions that will protect the Region's natural features, such as the Illawarra Escarpment, Lake Illawarra and Jervis Bay.

As stated in the Plan, the following key principles underpin the planning framework adopted:-

- ✓ *"identify and protect land with high environmental value and recognise cultural heritage values;*
- ✓ *support the sustainable use of land and water resources and build resilience to natural hazards and climate change;*
- ✓ *support a strong, resilient and diversified economy that will enable the community to respond to environmental, economic and social challenges;*
- ✓ *integrate transport and land use planning, and support improvements in active transport (walking and cycling), public transport and transport infrastructure (including freight);*
- ✓ *take a balanced approach to housing that provides choice, affordability, and supports the orderly supply of land for development;*
- ✓ *increase housing density around centres that have access to jobs and transport and are already appealing to residents;*
- ✓ *encourage urban design that reduces car dependency, improves the public domain, promotes energy efficiency and supports healthier environments; and*
- ✓ *improve infrastructure coordination."*

4.0 Development Vision & Strategy

Whilst this Planning Proposal seeks to amend the *Wollongong LEP 2009* by way of a rezoning and an increase in FSR and building height controls, an indicative site development scheme was prepared by Design Workshop Australia (DWA) to illustrate the proponent's vision for the site and inform the desired height and floor space controls. In planning this future vision for this site, DWA have prepared an 'Urban Design Report' that includes massing and building forms, which is attached to the Planning Proposal application for consideration. The indicative site development scheme is shown in the following *Figure 5* below.



Figure 5: Proposed Site Development Scheme (Source: Urban Design Report by DWA)

Having regard to the adjoining land use context and development, including adjoining industry to the north and surrounding residential, the indicative site development scheme incorporates the following:-

- It is anticipated that the site would most likely be developed in 3 stages, starting from the southern end adjacent to existing residential, and finishing at the northern end.
- A variation in residential building heights will likely provide for alterations in design, built form, bulk and scale across the site.

- As the subject site sits upon a topographic crest in comparison to adjoining lands, a conscious effort has been made to respect existing public view corridors and visual connections through the property which are available from the cross-streets to the west.
- More traditional small lot housing fronting to be provided Marne Street to the south (1-2 storeys), reflective of the transition from low density housing already existent in this location. Housing products to front this road, with individual driveways and building address help establish a streetscape.
- Through the middle of the site is envisaged to contain medium density housing products such as townhouses and terraces (2-3 storeys), some with basement parking and some with individual garages at ground level. Shared access ways (or laneways) are to be provided as through-links from Military Road and Reservoir Street, providing controlled access points to funnel vehicular movements to and from the overall site. A high emphasis for design will be to establish a streetscape to these road frontages, as well as lines of sight through the development. At the middle crest of the site, almost 360 degree views are available from the coastline to the Illawarra Escarpment. Maximising solar access and privacy internally, and visual outlook externally, will be a focus for this part of the site. The resulting massing is anticipated to result in various development 'blocks' of 4-8 dwellings to achieve these design outcomes. Shared communal open spaces (or 'green zones') will be provided internally of the site to break-up the development forms offer passive spaces for residents and visitors.
- At the northern end of the site, closer to nearby commercial and industry land uses, is expected to be developed as 3 storey residential flat buildings. The primary address of these built forms will likely be to Military Road and to the north (internally of the site). A significant 'green zone' will be provided to the northern boundary (Electrolyric Street) as a buffer from nearby industry land and activities. This area is to be part densely planted towards the Electrolyric Street frontage and part turfed open space closer to the building forms. This will control adequate separation between residential and industrial activities to ensure no land use conflict arises.
- This northern end of the site also presents a good opportunity to interpret the history of the site (through the use of an interpretive plaque or similar), so that the historic and heritage use of the site as a school will not be lost by the community. The high profile corner also creates an opportunity to integrate this for public viewing, not just privately for future residents.

- As above, a strong emphasis will be on establishing new streetscapes along all street frontages surrounding the development site (particularly Military Road). At present, all sides of the property are disjointed in terms of pedestrian access, vegetation lines/groups, and retained transition grades between the site and public verge. A street tree planting scheme and appropriate pedestrian paved surfaces are likely to be implemented throughout the more detailed development design process in the future.

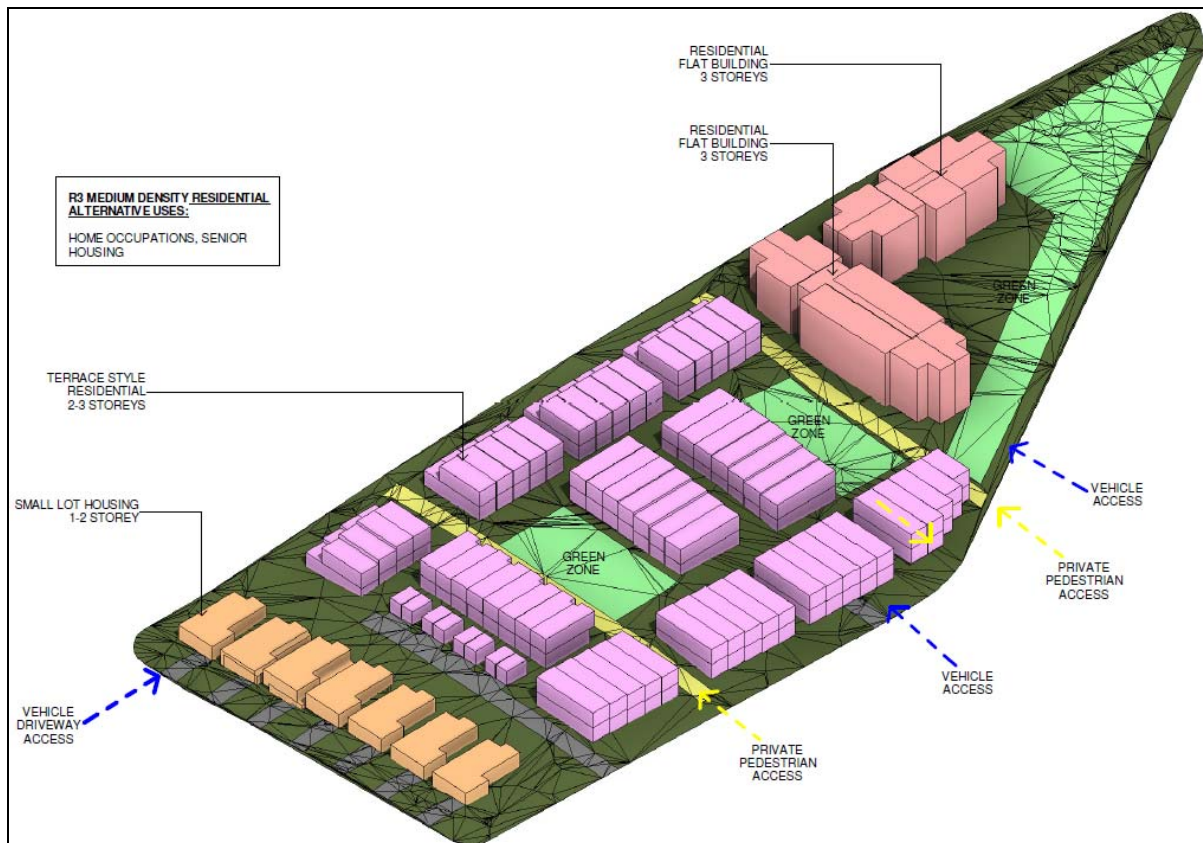


Figure 6: Proposed Site Development Scheme – Indicative 3D Massing (Source: Urban Design Report by DWA)

The indicative site development scheme does not form part of the Planning Proposal as such, rather it merely illustrates how the future development of this property may be pursued in accordance with the proposed new zoning, residential land use and development controls. Future detailed design (post-Planning Proposal) will determine the final form and design of buildings, road layouts and public spaces.

5.0 Objectives or Intended Outcomes

As aforementioned, the concise statement setting out the intended outcome of this Planning Proposal is as follows:-

"To amend Wollongong LEP 2009 to rezone this land primarily for medium density residential purposes."

The main objectives of the Planning Proposal are to:

- To provide an appropriate land zoning and associated development standards for the subject site to facilitate residential development on a vacant/redundant land;
- To provide for future medium density land use products on the site that are compatible with the surrounding character and development on adjoining industrial and residential land;
- To facilitate an increase in the number of people close to the Port Kembla Town Centre in order to contribute to the commercial viability of this centre;
- To provide for the provision of additional housing close to public transport, the Port Kembla Town Centre, and the available lifestyle opportunities afforded at this location (eg. recreation areas, coastline, etc.); and
- To facilitate the creation of jobs and employment opportunities.

Essentially, this will require the following:-

- The majority of the site to be rezoned from 'B4 Mixed Use' to 'R3 Medium Density Residential', apart from a 10m wide strip of land adjacent to the northern boundary which is proposed to be rezoned to 'RE2 Private Recreation' (to provide a buffer edge to the industry activities to the north).
- Increase the maximum permitted building height across the proposed R3 zoned area from 9m to 11m. The proposed RE2 zoned strip of land to retain existing height controls.
- Increase the maximum permitted FSR across the proposed R3 zoned area from 0.5:1 to 0.75:1. The proposed RE2 zoned strip of land to have no FSR controls.



- A reduction in the minimum permitted lot size across the proposed R3 zoned area from 1,999m² down to 299m². The proposed RE2 zoned strip of land to have no minimum lot size controls.

6.0 Explanation of Provisions

This Planning Proposal seeks to achieve the aforementioned objectives or intended outcomes by amending *Wollongong LEP 2009* as follows:-

- Change the existing *Wollongong LEP 2009 Land Zoning Map* in accordance with the proposed zoning map shown in *Appendix 1*.
- Change the existing *Wollongong LEP 2009 Height of Buildings Map* in accordance with the proposed building height map shown in *Appendix 2*.
- Change the existing *Wollongong LEP 2009 Floor Space Ratio Map* in accordance with the proposed floor space ratio map shown in *Appendix 3*.
- Change the existing *Wollongong LEP 2009 Minimum Lot Size Map* in accordance with the proposed minimum lot size map shown in *Appendix 4*.

The above amendments to *Wollongong LEP 2009* will facilitate the future redevelopment of the site in accordance with the objectives of the proposed R3 zone and permissible land uses, with the consent of Council. The objectives and permissible land uses within this proposed R3 zone are:-

“Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Nil

3 Permitted with consent

Attached dwellings; Backpackers’ accommodation; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops;



Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3"

Whilst forms of medium density housing are already permitted under the current B4 zone within the site, other provisions within the *LEP* for this zone prohibit such development residential uses at ground level across the site (which is a significant constraint on design and opportunity afforded at this location). It is anticipated that the proposed R3 zone will 'unlock' the practical redevelopment opportunities for the site and help provide for greater flexibility and promote a more orderly and economic development of this land.

In terms of the proposed 10m wide strip of land adjacent to the northern boundary (which is to be rezoned to 'RE2 Private Recreation'), this will assist in providing a buffer edge to the industry activities to the north. The objectives and permissible land uses within this proposed RE2 zone are:-

"Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Function centres; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3"



At present, no zone and/or land use restrictions apply to the northern end of the site, meaning that any form of residential and/or commercial development is capable of being proposed and constructed at that northern end (without any buffer restrictions). As can be seen from the objectives and permitted land uses within the RE2 zone above, the implementation of a 'buffer' strip to this edge would limit the use of this land for more recreational purposes only. This is consistent with the current RE2 zoned area within the MM Kembla site immediately to the east, which provides for a similar buffer transition between existing industry and residential areas. In addition, having the land zoning strip only 10m wide, also practically restricts building envelope opportunities to create or develop more intensive land uses within this part of the site, as permitted by the zone (eg. registered clubs, function centres, child care centres, respite day care centres, etc.). Therefore, the implementation of the RE2 zoned strip of land as proposed will provide a net-positive outcome from a land use context perspective, compared to that which exists at this present time.

7.0 Justification

7.1 Need for the Planning Proposal

7.1.1 *Is the planning proposal a result of any strategic study or report?*

No.

The Planning Proposal is not a result of any public strategic study or report. However, it will facilitate the landowner's strategic direction to redevelopment a vacant and redundant parcel of land within the sought after Port Kembla area.

Other supporting studies and documents submitted with this Planning Proposal request include:-

- *"Urban Design Report"* prepared by DWA (June 2016).
- *"Detailed Site Investigation"* prepared by Golder Associates (16 December 2013).
- *"Report on Conceptual Remediation Action Plan"* prepared by Douglas Partners (September 2016).
- *"Report on Data Re-Assessment for Rezoning"* prepared by Douglas Partners (September 2016).
- *"Green and Golden Bell Frog Due Diligence Assessment"* prepared by Biosis (28 May 2015).

All these specialist documents are attached to the Planning Proposal application documentation supplied to Council.

The Planning Proposal prepare is in direct response to the redevelopment opportunities presented by the site. As discussed within the accompanying Urban Design Report and throughout this Planning Proposal report, the site is afforded by a unique opportunity to provide additional housing and future residents in a well-connected and accessible location, on a site that is currently vacant/redundant and unlikely to be redeveloped for a land use directly associated with the current zoning.

7.1.2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes.

It is considered that the Planning Proposal is the best means of achieving the intended outcome. In this regard, a Planning Proposal is required in order to make the necessary amendments to *Wollongong LEP 2009* which will enable this vacant site to be redeveloped for residential purposes sometime in the future. The area identified for a proposed R3 Medium Density Residential zoning will also require an associated change to the permitted maximum building height (11m) and FSR (0.75:1) maps, as well as permitted minimum lot size map (300m²).

Essentially, the current zoning of B4 Mixed Use does not facilitate residential land uses at ground level and, as such, a rezoning to R3 is considered the most appropriate means of achieving the intended and desired outcomes. Due to the current underlying permissibility constraints at ground level on this site, a redevelopment for residential purposes under the current zone does not provide for good urban design outcomes. The ability to have traditional medium density residential housing products in such a desirable location, within close proximity to a range of services and amenities for future residents.

7.1.3 *Is there a net community benefit?*

Yes.

It is considered that support for this Planning Proposal will generate a public benefit that will outweigh any perceived negative environmental impacts that may be attributed to medium density residential development within the site. This benefit can be summarised as follows:-

- To deliver a suitable zone(s) and appropriate development standards to facilitate a well-planned and desired built form that complements and contributes to the existing character of Port Kembla;
- The ability to 'unlock' the appropriate redevelopment opportunities afforded to this relatively large vacant and redundant site and, thus, supporting the NSW Government's objective to release development of in-fill sites located close to infrastructure and services;
- The opportunity to provide an additional future housing within the locality will assist in the delivery of the housing yields contained in the *ISRP*;



- The supply of available and serviced residential land within the locality will be increased (together with increased housing choice and diversity);
- The provision of additional housing in close proximity to public transport and the Port Kembla Town Centre, that will contribute to the commercial activity/viability of this centre;
- Any future housing development of this land is likely to generate local employment opportunities within the construction industry, the materials supply industry and the support services/retail industries following development;
- Appropriate infrastructure is provided to the site to facilitate the required land use, without any further public costs;
- To deliver zoning restrictions at the northern end of the subject site, so as to provide a transitional land use buffer between existing industry and proposed residential; and
- The ability to represent and interpret the historic site use and make this available to the community from a social and recreational enjoyment perspective.

7.2 Relationship to Strategic Planning Framework

7.2.1 *Is the planning proposal within the objectives and actions contained within the applicable regional or sub-regional strategy?*

ISRP

The Planning Proposal is consistent with the recently adopted ISRP, which identifies increased demands/targets for housing within the region. In this regard, the Plan is very focussed on a collective vision "...for a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances..." To achieve this, five main goals have been set down, being:-

- 1) *a prosperous Illawarra-Shoalhaven;*
- 2) *a region with a variety of housing choices, with homes that meet needs and lifestyles;*
- 3) *a region with communities that are strong, healthy and well-connected;*
- 4) *a region that makes appropriate use of agricultural and resource lands;*
and
- 5) *a region that protects and enhances the natural environment.*

In terms of the above goals, the most relevant in this instance are “Goal 1 – a prosperous Illawarra-Shoalhaven” and “Goal 2 – a variety of housing choices, with homes that meet needs and lifestyles”, given the site’s context and residential development opportunities afforded. By 2036, the population of the Illawarra-Shoalhaven is expected to increase by another 60,400 persons, and such growth will provide a need for an estimated 35,400 new homes. For Port Kembla (especially the subject site), there is capacity for contribute to this housing availability need, which is to be balanced against the need to see Port Kembla port grow as an international trade gateway.

In this regard, the following main directions/actions are noted for consideration:-

DIRECTION	ACTION	COMMENT
1.2 Grow the capacity of the port of Port Kembla as an international trade gateway	<i>Reduce land use conflicts by managing buffers around the port and its supporting freight network</i>	<p>In considering this matter, the proposed RE2 strip of land at the northern end of the site will provide a buffer to any proposed new residential development. At present, no zone and/or land use restrictions apply to the northern end of the site, meaning that any form of residential and/or commercial development is capable of being proposed and constructed at that northern end (without any buffer restrictions). As can be seen from the objectives and permitted land uses within the RE2 zone above, the implementation of a ‘buffer’ strip to this edge would limit the use of this land for more recreational purposes only. This is consistent with the current RE2 zoned area within the MM Kembla site immediately to the east, which provides for a similar buffer transition between existing industry and residential areas. In addition, having the land zoning strip only 10m wide, also practically restricts building envelope opportunities to create or develop more intensive land uses within this part of the site, as permitted by the zone (eg. registered clubs, function centres, child care centres, respite day care centres, etc.). Therefore, the implementation of the RE2 zoned strip of land as proposed will provide a net-positive outcome from a land use context perspective, compared to that which exists at this present time.</p> <p>Further, whilst the proposal seeks to rezone the land to primarily medium density residential, it is important to recognise that certain forms of medium density residential development are already permitted under the current B4 zone (eg. residential flat buildings, multi-dwelling housing, shop top housing, etc). However, this type of development has just not come to fruition due for various market reasons and ground floor restrictions on such residential. As such, the proposal will not be changing the existing land use context permissibilities available in terms of residential close to port lands and, thus, will not be enhancing any land use conflicts.</p>
1.4 Support new	<i>Investigate</i>	This will be the responsibility of government and landowners

and expanded industrial activity by providing well-located and -served supplies of industrial land	<i>opportunities to better utilise industrial landholdings at Port Kembla</i>	of port properties, however, the Planning Proposal rezoning of the subject land (as proposed) will not restrict the better utilisation of landholdings as Port Kembla. Particularly with the proposed RE2 zoned buffer outcome providing a restricting land use transition between the subject site and port lands.
2.2 Support housing opportunities close to existing services, jobs and infrastructure in the region's centres	<i>Investigate the policies, plans and investments that would support greater housing diversity in centres</i>	As described in the Plan, the <i>"NSW Government will work with Councils to review planning controls in existing urban areas to identify opportunities to increase the range of housing types"</i> . This site alone provides an opportunity to develop a range of housing types, close to existing services, jobs and infrastructure. In planning this future vision for this site, DWA have prepared an 'Urban Design Report' that includes massing and building forms, which is attached to the Planning Proposal application for consideration. In this regard, various forms of housing are achievable, from single storey villas through to multi-level apartments.
2.5 Monitor the delivery of housing to match supply with demand	Monitor land and housing supply through the Illawarra Urban Development Program and incorporate the Shoalhaven Local Government Area	Again, the ability to 'unlock' the appropriate redevelopment opportunities afforded to this relatively large vacant and redundant site (already serviced) and, thus, supporting the NSW Government's objective to release development of in-fill sites located close to infrastructure and services. The opportunity to provide an additional future housing within the locality will assist in the delivery of the housing yields contained in the Plan.

Being mindful of this, it is clear that the proposed rezoning of land for primarily medium density residential purposes within an already defined urban area will directly accord with the objectives and actions of this Plan.

NSW Ports Master Plan

It is well recognised that Port Kembla port is critical to the future economic growth, development and prosperity of NSW. In October 2015, NSW Ports adopted a 30 year Master Plan for Port Botany, Port Kembla, Cooks River Intermodal Terminal and the Enfield Intermodal Logistics Centre. This Master Plan outlines the priorities and the actions they believe are necessary for a sustainable and efficient port supply chain, well beyond the next 30 year horizon. In doing so, the Master Plan provides a forecast of the 30 year trade volumes expected; considers requirements for efficient and sustainable port and intermodal operations; and identifies land use and infrastructure requirements to support future demand.

For Port Kembla, the port *"will continue to be NSW's largest motor vehicle import hub and bulk grain export port, while catering for a growing range of dry bulk, bulk liquid and general cargo. It will be home to NSW's second container port after Port Botany"*. In respect of the subject site



and Planning Proposal, the key driver for consideration will be their objective to protect the port from urban encroachment. This objective is based on interface issues that can exist between industry and residential land use activities, so as to not restrict the port from maximising its 24 hour operations. In this regard, the following comments are noted:-

- The current B4 zone already permits various forms of medium density housing, such as residential flat buildings, multi-dwelling housing, shop top housing, etc. As such, rezoning this land for primarily these purposes will not add to urban encroachment at this location, as it already exists and/or is available.
- The Planning Proposal directly responds to the ports' objective by introducing a land use and zone buffer restriction at the northern end of the subject site (ie. Proposed RE2 strip of land). That restriction is currently not implemented for the subject site under the current zoning, thereby contributing towards this objective to reduce interface issues.
- Land use interface issues for a specific development can only be considered at the Development Application (DA) stage, where detailed concept designs and direct environmental impacts can be measured. Both Council and NSW Ports will get an opportunity to review any forthcoming proposal at a later date to ensure land use considerations are managed and sustainable outcomes are balanced.
- The traditional dynamics and character of the area are changing more than ever in recent years, with the adjoining former heavy industry PKC site to the north now a platform for less active industry (such as car and freight storage activities). As identified in the Master Plan, immediate port activities are expected to continue towards more vehicle and bulk grain export, meaning that these less intrusive industrial activities (like storage and handling) are likely to continue within the PKC site, compared to the more traditional heavy industry of the past.

As mentioned, the Planning Proposal will not contribute to urban encroachment at this location, rather put land use/zone restrictions and a buffer in place to better manage land use interface between the subject site and port lands. Therefore, the proposed rezoning will not contradict the intent of this Master Plan.

7.2.2 *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

Wollongong 2022 Community Strategic Plan

Wollongong 2022 is a long term Community Strategic Plan for the City. The Plan plays a vital role in the future of Wollongong, and provides direction for the delivery of key projects and services, which will help meet the needs of the community. The vision for this Plan is stated as – *"From the mountains to the sea, we value and protect our natural environment and we will be leaders in building an educated, creative and connected community."*

To achieve this vision, 6 community goals were created to guide Council, business and the community over the coming years:

- ✓ *We value and protect our environment*
- ✓ *We have an innovative and sustainable economy*
- ✓ *Wollongong is a creative, vibrant city*
- ✓ *We are a connected and engaged community*
- ✓ *We are a healthy community in a liveable city*
- ✓ *We have sustainable, affordable and accessible transport*

In considering these community goals, the Planning Proposal outcome will assist in the delivery of various types and forms of housing products for local residents and the wider community. In this regard, the following objective based outcomes will be achieved as relevant to the subject site:-

- Through the provision of future housing construction, local employment opportunities are increased within a strong local economy.
- Residents have improved access to a range of different housing options.
- Walking, cycling and public transport is accessible to the site's location and surrounding land use considerations.
- The location is afforded a wide range of recreational areas so as to encourage participation in recreation and lifestyle activities.
- The opportunities to redevelop a vacant site will improve community safety and public surveillance at this location.
- Through this Planning Proposal process, residents are able to have their say through the consultation opportunities to be provided as due process requires.



- Community awareness and appreciation of the site's school heritage will be increased by the representation/interpretation opportunities to be provided in any redevelopment.

GHD Draft Report for Port Kembla

Council previously engaged GHD to develop this Future Vision and Desired Character Report to help give direction to future planning for the Port Kembla Town Centre area, including in the development of the draft *Wollongong LEP 2008* and associated Development Control Plans and studies. The recommendations provided within their Draft Report dated October 2007 were intended to assist in this overall strategic process, and to help Council develop future plans and activities to work with the Port Kembla community, and establish a sustainable, active and safe main street. In part, this Draft Report concludes:-

"... The plan aims to balance incentives and creative planning concepts with protections to ensure that the historic character of the area is not lost to excessive development. By protecting existing contributory buildings, and encouraging their re-use and incorporation to future development scenarios, it is anticipated that future development will be closely matched to community expectations, while enlivening and bring more people to the main street of Port Kembla..."

As described throughout the review and in part above, the Port Kembla Town Centre lacks activity on the back of competing commercial areas (such as Warrawong Shopping Centre), and it will be important to attract more people to the main street through a combination of further residential population and the establishment of more individualised and unique shopping experiences. Whilst the subject site is not located within the defined Town Centre area, its immediate location presents a great opportunity to provide more housing for residents within walking distance of the main street, that will contribute to local demand for activation and place. Further, it is clear that the existing main street in part still has many commercial vacancies, and to redevelop the subject site as a competing commercial opportunity for businesses would significantly de-harmonise the sense of place envisioned, and detract from the viability of the Town Centre area even further. Therefore, it is clear that rezoning the subject land for more medium density residential purposes (as proposed) will be a positive outcome in respect of the Port Kembla Main Street vision.

WDCP 2009 Chapter D1 Character Statements (Port Kembla)

A comprehensive site and context analysis has been undertaken within the detailed Urban Design process undertaken by DWA Architects in order to understand the suburban characteristics of the Port Kembla area and inform the Planning Proposal outcomes. In this

regard, the future housing products envisaged for the subject site respond to the site's context and expansive view corridors available. Future densities are increased for medium density purposes and forms (up to 3 storeys), and have been designed to complement the established and developing character and streetscapes of the immediate neighbourhood, stated as follows:-

"...In the southern and eastern parts of the township of Port Kembla, residential development predominantly consists of older style single storey brick or weatherboard detached dwelling-houses with some medium density development.

The eastern residential precincts of Port Kembla have experienced the replacement of some older dwelling stock with new contemporary two storey dwelling-houses as well as some medium density housing, particularly for properties with expansive views along the coastline and / or towards the Five Islands..."

In doing so, it is considered that the proposed future Master Plan development concept will clearly accord with the desired future character and vision for the immediate area, being stated as follows:-

"...It is expected that redevelopment of the residential areas of the Port Kembla area will also occur in the future. As the demand for beach side properties or properties with water views continues to increase, it is anticipated that the desire for affordable housing within proximity to the beach will encourage increased population growth within the Port Kembla area. Contemporary architectural style is envisaged for new dwellings, in proximity to Port Kembla beach as well as major alterations and additions occurring to the existing dwelling stock..."

As outlined above in Wollongong City Council's future character vision for the Port Kembla residential area (within which the site is located), the redevelopment of more housing stock within the area is encouraged. Further, given a consistent high demand for housing stock in the established Port Kembla area, the evolving redevelopment of sites such as that proposed for multi-dwelling developments, will likely become a more regular occurrence throughout established areas to meet the demand.

7.2.3 *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes.

A review and assessment against the proposal's consistency with the applicable SEPPs is attached as *Appendix 5* of this report. In this regard, it is noted that the subject site is already

developed residential land, and consistency with any deemed SEPPs for a future redevelopment of the site (should this ever be pursued by Council, The Housing Trust, or another party) should be determined at the development application/assessment stage.

7.2.4 *Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?*

Yes.

A review and assessment against the proposal's consistency with the applicable Section 117 Directions is attached as *Appendix 6* of this report. Being mindful of this assessment, it is considered that this Planning Proposal is clearly consistent with the relevant current strategic State-based planning initiatives applying to the site.

7.3 Environmental, Social and Economic Impact

7.3.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

The Planning Proposal relates to the rezoning of an infill parcel of redundant land within an established urban and residential housing area. The subject site is generally vacant of existing improvements (ie. apart from paved surfaces and retaining throughout), and is not identified as being affected by any sensitive biodiversity or ecological conditions. There are no known critical habitats or threatened species, populations or ecological communities (or their habitats) within the site or surrounds. However, there are populations of Green and Golden Bell Frog species within the greater Port Kembla area and, for this purpose, a '*Green and Golden Bell Frog Due Diligence Assessment*' was undertaken by Biosis on 28 May 2015. This review and assessment is attached to the Planning Proposal application documentation supplied to Council, which concludes as follows:-

"... Overall, the property itself has minimal habitat values for the Green and Golden Bell Frog and there should be no limitations for development with regards to this species. Given the location of the property adjacent to residential development we would not recommend the construction of connective habitat on the property. In our opinion, no further assessments are required for the Green and Golden Bell Frog..."



Notwithstanding this, in considering any future development within the site, a development application (DA) would be required, of which Council will have regard to the suitability of the land for development and any environmental impact which may be generated by the development.

7.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Given its urban location and previous land use history, the subject site is not prone to the environmental impacts typically found in non-urban areas. All likely environmental effects will be more relevant to the actual redevelopment of this land for residential housing in the future and subject to effective assessment and management within a future DA process with Council at that time. Notwithstanding this, the suitability of the subject site for residential purposes still needs to be considered and, as such, the following is noted in relation to those main matters deemed relevant to any residential development on this land.

Land Contamination

To review the environmental conditions of the subject development site, the following investigations and assessments have been carried out by Golder Associates and Douglas Partners, and are attached to the Planning Proposal application documentation supplied to Council.

- *"Detailed Site Investigation"* prepared by Golder Associates (16 December 2013).
- *"Report on Conceptual Remediation Action Plan"* prepared by Douglas Partners (September 2016).
- *"Report on Data Re-Assessment for Rezoning"* prepared by Douglas Partners (September 2016).

In general, the Golder (2013) was undertaken by PKC when they owned the site, to assess the nature and extent of contamination to soil and groundwater on-site, and to review the suitability the site for potential future mixed business and medium density residential land use (as well as understand sufficient information needed to develop remediation and management measures to this effect). In this regard, from a contaminated land perspective, the main issues for consideration centred around:-

- *Areas of the site filled with slag and coal washery rejects;*

- *Suspected asbestos-containing cement fragments observed on concrete hardstand south of former buildings;*
- *Surficial soil impacts from historical fallout of airborne deposits from nearby industrial activities;*
- *Lead containing paint residues in soils surrounding demolished buildings;*
- *Mounded / stockpiled soil of unknown composition;*
- *Areas of demolished buildings;*
- *Seepage water in northern portion of site near Electrolytic Street; and*
- *Septic tank.*

In regards to the above, the Golder (2013) assessment was then review by Douglas Partners for the purpose of providing more detailed advice on residential site suitability and remediation strategies. Douglas Partners' summary of the Golder (2013) assessment findings were stated as follows:-

- *"Ground conditions generally comprised a thin layer of fill material (typically less than 0.5 m thick) overlying natural soils typically comprising gravelly silty clay and clay overlying bedrock which was generally encountered at approximately 1 m bgl;*
- *Coal washery rejects were reported in approximately one-third of the sampling locations undertaken;*
- *The concentrations of chemicals of interest in soils samples were not reported greater than the limits of reporting and / or health investigation levels (HIL) or health screening levels (HSL) adopted in Golder (2013) for the proposed mixed business and medium density residential land use;*
- *Concentrations of arsenic (three soil samples), copper (22 soil samples) and zinc (seven soil samples) exceeded the adopted ecological investigation levels (EIL);*
- *The concentrations of total recoverable hydrocarbons (TRH) F3 (>C16-C34) in soil samples from two test pits located near Electrolytic Street were greater than the adopted residential ecological screening levels (ESL);*
- *Asbestos-containing material (ACM) was detected in seven test pits located in the central portions of the site and along north eastern site boundary. Analysis indicated that one soil sample containing ACM had a concentration of non-friable asbestos above the adopted asbestos HSL for both residential and commercial land use;*
- *Golder (2013) considered that the soil issues identified may require future management in residential portions of the site which could include on site retention and management through an environmental management plan (EMP);*
- *Groundwater was reported within the pre-existing deep groundwater wells (D1 and D4) at depths of 0.45 to 1.7 m bgl. The newly installed groundwater monitoring wells (which were installed at depths of between 1.6 m and 2.5 m bgl) were all dry following installation;*

- *Shallow groundwater under the site was considered to be perched, of limited extent, potentially ephemeral and, therefore, have limited potential use;*
- *Inferred groundwater flow was identified towards the north and since the site is located on a ridge it was considered to represent a recharge zone and groundwater divide. Groundwater movement in other directions was also considered possible;*
- *Concentrations of chemicals of interest in groundwater were not reported greater than the limit of reporting or adopted investigation levels apart from copper and zinc which were greater than the Australian and New Zealand Environment and Conservation Council (ANZECC, 2000) guidelines for marine ecosystems and chromium, copper, lead, nickel and zinc which were greater than the ANZECC (2000) guidelines for freshwater ecosystems; and*

Golder (2013) considered that the concentrations of chemicals of interest in groundwater above the adopted groundwater investigation criteria represented ambient background groundwater quality, given the industrial history of the region, the similarity in the concentrations of metals in soils on site and at background soil sample locations and the location of the site in a recharge zone. On this basis management of groundwater under the site was not considered to be required."

From the above outcomes of the Golder (2013) assessment, Douglas Partners then developed an outline Remediation Action Plan (RAP) on a conceptual strategy basis (refer *Report on Conceptual Remediation Action Plan* dated September 2016). It was identified that the site can be rendered compatible for a proposed future residential development, subject to detailed asbestos delineation, finalisation of the remedial strategy and appropriate remediation in accordance with the finalised remedial strategy.

As a summary of overall findings and in consideration of the Planning Proposal process at this stage, *Report on Data Re-Assessment for Rezoning* was then prepared by Douglas Partners (being the most recent advice of September 2016), provides for the following executive summary:-

"This report presents the findings of a re-assessment of the data provided in Golder Associates Pty Ltd (Golder) report Detailed Site Investigation Former Port Kembla Primary School, Military Road, Port Kembla, NSW, reference 137629028-003-R-Rev0, dated 16 December 2013 (Golder, 2013). Golder (2013) was prepared for the former site owner, Port Kembla Copper Pty Ltd (PKC) in support of a proposed mixed business and medium density residential development.

It is understood that the current site owner, Mr Olly Vujic wishes to rezone the site from its current B4 Mixed Use to a mixed residential use including low to high density

residential. Therefore this data reassessment is required to re-assess the existing chemical laboratory analysis data provided in Golder (2013), against appropriate site assessment criteria (SAC) for the most sensitive residential land use, being residential with gardens or accessible soil.

The objective of this data re-assessment is to establish the site contamination issues relevant to the proposed rezoning to a mixed residential use (including low to high density residential) and assess if the site can be made suitable for the proposed rezoning.

Based on the findings of the Golder (2013) laboratory data re-assessment it is considered that the site has been impacted by widespread heavy metal contamination as well as localised TRH and asbestos contamination.

Therefore it is recommended that the following further investigation be undertaken in order to finalise the remediation strategies:

- *Vertical delineation and leachability assessment of the heavy metal impacted soils;*
- *Further investigation of the localised TRH contamination in order to establish the source, its extent and the potential risk; and*
- *A detailed asbestos investigation.*

It is noted that the above recommended further investigation could be undertaken once the land has been rezoned to mixed residential.

It is considered that the site can be rendered compatible for the proposed low to high density residential land use subject to the above further investigation, subsequent development of appropriate remediation strategies and subsequent completion of the appropriate remediation and validation in accordance with the finalised RAP.

Potential management strategies for the heavy metal, TRH and asbestos contamination could include off-site disposal, on-site treatment, off-site treatment or on-site containment."

In conclusion, the above advice confirms that, from a contaminated land perspective, the soil conditions within the site can be made compatible with the desired proposed future residential land use. Thus, it is considered Council can be satisfied that the matter of contamination is not a prohibitive constraint for this Planning Proposal and rezoning to proceed.

Geotechnical Stability

In light of the referred environmental reports provided by Golder (2013) and Douglas Partners (2016), it is considered that the results of this investigation and advice therein confirms that subject site will be suitable for future residential redevelopment. Further investigation and assessment will be undertaken as part of the detailed design process for any such development at a later date, and subject to future considerations by Council. However, for the purpose of this Planning Proposal, it is concluded that the matter of geotechnical instability is not a prohibiting factor in this instance.

Traffic Impacts

The site is within close proximity to King Street and Five Islands Road, which are the main north/south transport corridors through the area. These roads are constructed as a divided multi-lane carriageways and re benefited by a number of signalised intersections with other localised feeder roads. In this regard, the subject site can be readily accessed via the existing local road network, with connectivity throughout the area being achieved by relatively short lengths of travel.

Being mindful of the surrounding traffic environment, the subject site is already bound by an existing road network in place (fronting public roads on all sides). The Urban Design scheme developed by DWA Architects envisages a concept that responds to and maintains an integration to this existing localised road network. In this regard, a detailed assessment of the traffic management and parking matters associated with any proposed future development will be undertaken at the DA stage later, and this assessment should focus on the following:-

- ✓ traffic analysis of local road network in regards to traffic generation resulting from the redevelopment;
- ✓ provision of parking required (on-site and off-site implications);
- ✓ if there are any adverse traffic implications created by the proposed redevelopment, and how these can be mitigated; and
- ✓ how a proposal will adequately provide for internal vehicle circulation and servicing.

In general, the high level considerations for this Planning Proposal suggest that, from a traffic management perspective, the existing road network has the capacity to cater for additional demand. In this regard, any future residential development subject to satisfactory design and appropriate measures at the DA stage. Accordingly, it is considered that the impacts relative to overall traffic impact will be acceptable in this instance.



Stormwater Management

General stormwater drainage for the site will be required to be designed for the appropriate ARI storm event and will be a piped collection system in accordance with Council's requirements. The future development of the subject site for residential purposes will need to consider this matter in more detail (both quantity and quality) at the DA stage, and any design concept will be subject to Council's assessment at a later date. For the purpose of this Planning Proposal, there will be no change to the existing stormwater characteristics throughout.

Future Built Form & Urban Design

The Planning Proposal has been prepared in direct response to the redevelopment opportunities presented by the site. As discussed within the accompanying Urban Design Report from DWA Architects and throughout this Planning Proposal report, the site is afforded by a unique opportunity to provide for additional housing and future residents in a well-connected and accessible location, on a site that is currently vacant/redundant and unlikely to be redeveloped for a land use directly associated with the current zoning.

Having regard to the adjoining land use context and development, including adjoining industry to the north and surrounding residential, the indicative site development scheme incorporates a variation in residential building forms and heights that will likely provide for alterations in design, built form, bulk and scale across the site. A conscious effort has been made to respect existing public view corridors and visual connections through the property which are available from the cross-streets to the west.

More traditional small lot housing fronting to be provided Marne Street to the south (1-2 storeys), reflective of the transition from low density housing already existent in this location. Housing products to front this road, with individual driveways and building address help establish a streetscape. Through the middle of the site is envisaged to contain medium density housing products such as townhouses and terraces (2-3 storeys), some with basement parking and some with individual garages at ground level, whilst at the northern end of the site (closer to nearby commercial and industry land uses), is expected to be developed as 3 storey residential flat buildings. The primary address of these built forms will likely be to Military Road and to the north (internally of the site).

As aforementioned, strong emphasis will be on establishing new streetscapes along all street frontages surrounding the development site (particularly Military Road). At present, all sides of the property are disjointed in terms of pedestrian access, vegetation lines/groups, and retained transition grades between the site and public verge. A street tree planting scheme and appropriate pedestrian paved surfaces are likely to be implemented throughout the more

detailed development design process in the future.

Again, the indicative site development scheme does not form part of the Planning Proposal as such, rather it merely illustrates how the future development of this property may be pursued in accordance with the proposed new zoning, residential land use and development controls. Future detailed design (post-Planning Proposal) will determine the final form and design of buildings, road layouts and public spaces, and this will be assessed by Council at the DA stage later.

Land Use Conflict

As mentioned previously, the property is situated within an established suburban area in the heart of Port Kembla, a location of which is characterised by a transition of mixed uses and development. This existing neighbourhood is host to a range of property types and development scales, varying from low and medium density residential, through to commercial and both light/heavy industry land uses and zones. The traditional dynamics and character of the area are changing more than ever in recent years, with the Town Centre area off Wentworth Street not quite the busy commercial shopping strip it once was say throughout the 1970s and 1980s; the former heavy industry PKC site to the north now a platform for less active industry (such as car and freight storage activities); whilst the surrounding traditional low density detached housing is slowly being replaced by infill medium density housing products (such as dual occupancies and townhouses). Also, the subject former school site has been vacant and redundant of any land use for many years, and whilst mixed use residential/commercial land uses are afforded now, this will change overtime to primarily medium density residential (should support for this Planning Proposal be forthcoming).

In this regard, the use of the subject site for further residential housing (under a proposed R3 zone) will be consistent with the existing nearby land uses within this immediate precinct, and that which is already permissible within the existing B4 mixed use zone. However, it is noted that the existing industry to the north may not be as commensurate with residential land uses (compared to that of other residential and commercial oriented activities), it is recognised that existing residential has occupied this locality already for many decades. In this regard, it is acknowledged that any future residential development within the site would need to consider impacts of the adjoining land use, so as to ensure appropriate amenity is maintained (without creating unreasonable land use conflict for the immediate industry operations).

For this purpose, a significant 'green zone' will be provided to the northern boundary (Electrolyric Street) as a buffer from nearby industry land and activities. This area is to be part densely planted towards the Electrolyric Street frontage and part turfed open space closer to the building forms. This will control adequate separation between residential and industrial

activities to ensure no notable land use conflict arises. The subject 'green zone' is to be RE2 zoned, and is consistent with the current RE2 zoned area within the MM Kembla site immediately to the east, which provides for a similar buffer transition between existing industry and residential areas. In addition, having the land zoning strip only 10m wide, also practically restricts building envelope opportunities to create or develop more intensive land uses within this part of the site, as permitted by the zone (eg. registered clubs, function centres, child care centres, respite day care centres, etc.). Therefore, the implementation of the RE2 zoned strip of land as proposed will provide a net-positive outcome from a land use context perspective, compared to that which exists at this present time.

Further, whilst the proposal seeks to rezone the land to primarily medium density residential, it is again important to recognise that certain forms of medium density residential development are already permitted under the current B4 zone (eg. residential flat buildings, multi-dwelling housing, shop top housing, etc). However, this type of development has just not come to fruition due for various market reasons and ground floor restrictions on such residential. As such, the proposal will not be changing the existing land use context permissibilities available in terms of residential close to port lands and, thus, will not be enhancing any land use conflicts.

In considering this, residential amenity is quite subjective, although from an industry perspective, it is predominately measured as being relative to the acoustic, odour and dust impact of land uses within a locality. The amenity of the current environment in this instance is dominated by the frequent noise sources associated with the Military Road traffic and is not deemed to be a 'quiet' environment. Nonetheless, any proposed development of the site would be expected to comply with legislative requirements and community expectations, which is subject to more detailed urban design and mitigating outcomes at the DA stage in the future.

Accordingly, it is considered that the Planning Proposal will not lead to any notable increased localised land use conflict from that which is already available at this time.

Heritage

The subject site is listed as an item of environmental heritage under the *LEP* (due to the site's traditional land use as the Port Kembla Primary School), although is not located within a recognised Heritage Conservation Area. In addition, the site is in close proximity to other items of local significance also.

In this regard, in redeveloping the subject site, due consideration should be given to the heritage significance of this location and, as such, a Heritage Impact Statement will be required to be prepared at the DA stage. The immediate locality has been developed over many years to provide for a range of disjointed commercial, industrial and residential activities. For this



purpose, the area has been the subject of transformation and change in recent times. The subject Planning Proposal aims to assist in the redevelopment a redundant/vacant and unattractive site, by providing a modern and more contemporary future built form outcome and land use.

The nature and scale of any future redevelopment will need to be responsive to the significance and character of the neighbourhood, and will ultimately need to contribute to the quality of the streetscape and setting. Within the site itself, the northern end of the site presents a good opportunity to interpret the history of the site (through the use of an interpretive plaque or similar), so that the historic and heritage use of the site as a school will not be lost by the community. The high profile corner also creates an opportunity to integrate this for public viewing, not just privately for future residents. This interpretation is a requirement of Development Consent DA-2013/543 issued by Council on 20th June 2016, acted on for the demolition of remaining school buildings previously (refer Condition No. 2).

In general, it is concluded that a proposal to development this land for residential purposes can be sympathetic to the heritage values of the heritage items within the vicinity of the site and the significance of the surrounding conservation area. Accordingly, the matter of heritage conservation is not a prohibiting factor for the proposed development.

Services

Enquiries with the relevant service authorities have confirmed that the site is serviced readily by sewer, water, power, gas and telecommunications, which are connected to the existing infrastructure presently servicing the surrounding locality.

Other

The site is not unsuitable for future residential development by virtue of physical characteristics (ie. vegetation, bushfire, flooding and the like), nor will the proposed development pose a hazard to the environment and/or the surrounding community. Additionally, the land subject to this Planning Proposal is not known to contain any items of aboriginal significance, nor any sensitive ecological features.

Further, all future developments on the site will be subjected to a DA. The likely impact of any proposed development will be considered and assessed during the development assessment stage by Council at a later date in accordance with Section 79C of the EP&A Act.

7.3.3 *How has the planning proposal adequately addressed any social and economic effects?*

The property is located within an established suburban area in the heart of Port Kembla which is generally characterised by mixed use development (residential, commercial and industry). In developing the subject site for future residential purposes, the following general social and economic benefits are anticipated:-

- ✓ Increasing housing choice and contribution towards housing diversity and availability within the local area.
- ✓ The orderly and efficient use of redundant and vacant land.
- ✓ Investment and population stimulus in the locality to help demand for further commercial activity within the Port Kembla Town Centre and the broader Port Kembla area.
- ✓ Removal of permitted commercial/retail oriented land uses that would be a competing interest to the existing Port Kembla Town Centre area.
- ✓ The facilitation of temporary job creation throughout the future redevelopment and construction processes.
- ✓ The provision of permanent job creation through ongoing residential management requirements for the site (eg. maintenance, landscaping, Strata/Body Corporate management, etc).
- ✓ The residential occupation of currently a vacant site will improve public surveillance and provide a sense of ownership and security within the locality.

In terms of wider social and economic effects, the rezoning of this land will provide additional housing stock opportunities, which will make a positive contribution towards employment growth and housing choice within the Wollongong LGA.

7.4 State and Commonwealth Interests

There are no significant Commonwealth or State interests in the Planning Proposal other than in general for a more appropriate planning and development outcome on the site consistent with the State's regional and subregional strategies strategic planning framework described herein.

7.4.1 *Is there adequate public infrastructure for the planning proposal?*

Yes.

The subject site is serviced readily by sewer, water, power, telecommunications and the like, which are already connected to the existing public infrastructure presently supporting the

surrounding neighbourhood. These services would be upgraded, where required, to support future development. Consultation with relevant authorities during the public exhibition of the Planning Proposal will confirm the capacity of current utilities to service the site.

Access to the subject site will be gained via the public roads, which services the immediate residential area already. The traffic generation characteristics of the future housing development are projected to be sustainable, as there is understood to be ample capacity within the existing/proposed public road network to accommodate such additional projected traffic levels.

7.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A s.56 gateway determination has not yet been issued at this time, however, if successful, consultation with the relevant State and Commonwealth authorities will be undertaken as part of the formal exhibition process. The Gateway Determination will stipulate to Council the required consultation with public authorities.

8.0 Community Consultation

Any s.56 gateway determination will confirm community consultation requirements. If the Planning Proposal is supported Community consultation will involve an exhibition period for a minimum of some 28 days. The community are likely to be notified of the commencement of the exhibition period via a notice in a local newspaper and through publication on Wollongong City Council's website. Additionally, notification letters will be distributed to surrounding and nearby property owners.

The written notice will likely:

- Give a brief description of the objectives or intended outcomes of the Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal can be viewed/inspected;
- Give the name and address of the relevant planning authority (Council) for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will likely be made available for inspection:

- The Planning Proposal report, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the Planning Proposal.

Prior to the lodgement of this Planning Proposal, it is noted that preliminary consultation has already occurred within both Council and NSW Department of Planning and Environment. The feedback provided during these consultations has aided the preparation of this Planning Proposal and associated data.

9.0 Conclusion

This Planning Proposal seeks to rezone the former Port Kembla Primary School landholding at Military Road, Port Kembla, for primarily residential purposes.

At present, this land is currently zoned 'B4 Mixed Use' under *Wollongong LEP 2009*. For various market reasons/conditions in more recent times, together with the segmented nature of the site away from Port Kembla Town Centre (as well as immediate surrounding land use context), the current zone does not afford practical opportunities for this land to be developed for mixed use purposes. Any commercial activities to be developed on this land under the B4 zone would most likely detract from and have a competing interest with the commercial viability and activity within the nearby Port Kembla Town Centre (Wentworth Street), whilst the residential land uses/conditions available under the current zone preclude the use of ground floor level spaces generally.

In light of this, as well as the changing demographic profile and nature of the Port Kembla area, and use of surrounding lands (even existing industry to the north), an opportunity has been provided to realise a more suitable development outcome and occupation of this site for primarily residential purposes. **As such, in order to facilitate a future residential development outcome on the site, a Planning Proposal for this land is sought:-**

- to rezone it from B4 Mixed Use to primarily R3 Medium Density Residential (with a small portion of RE2 Private Recreation proposed at the northern end);
- increase the maximum floor space ratio control from 0.5:1 to 0.75:1 within the proposed R3 zone area;
- increase the maximum building height control from 9 metres to 11 metres within the proposed R3 zone area; and
- to reduce the minimum lot size for subdivision from 1,999m² down to 299m², within the proposed R3 zone area.

An amendment to *Wollongong LEP 2009* is required to effect this.

This Planning Proposal report has been prepared for Council in consideration of those requirements under *Section 55* of the *Environmental Planning and Assessment Act 1979 (the Act)*, together with the NSW Department of Planning and Environment's "*A guide to preparing planning proposals*" (October 2012).

A review of those development and environmental matters required for consideration in this instance has been undertaken, and it is considered that the subject residential zoning will be appropriate. This land use will be in keeping with current community expectations for the appropriate use of available land, and will provide an improved land use outcome for the area through the provision of available housing stock and



employment opportunities through future construction.

It is concluded that the Planning Proposal can be justified relative to environmental, social and economic effects and will be in the public interest. Accordingly, Wollongong City Council is requested to forward the Planning Proposal to the Department of Planning for a favourable gateway determination in accordance with *Section 56 of the EP&A Act, 1979*.



APPENDIX 1:

“Existing and Proposed Land Zoning Maps”

100mm



Existing Land Zoning - *B4 Mixed Use*
Scale: NTS

200mm

- Legend
- B4 : Mixed Use* - Existing Land Zoning
 - R3 : Medium Density* - Proposed Land Zoning
 - RE2 : Private Recreation* - Proposed Land Zoning

Date	Rev	Amendment



Proposed Land Zoning - *R3 : Medium Density Residential*
RE2 : Private Recreation

Scale: NTS

design:

MMJ

Town Planning

MMJ Wollongong

6-8 Regent Street

PO Box 1167

Wollongong NSW 2500

p. 02 4229 5555

w. mmj.com.au

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project:
Project Planning Proposal

address:
Lot 1 Military Road, Port Kembla

client:
Vujic Construction

title: Land Zoning Map

job number: 15.31

date: Sept. 2016

stage: Re-zoning

drawing no: A101

scale @ A3:

rev:



APPENDIX 2:

***“Existing and Proposed Maximum Height of
Buildings Size Maps ”***

100mm



Existing Max Building Height - 9.0 meters
Scale: NTS

200mm

- Legend
- 9.0 metre Height Limit - Existing
 - 11.0 metre Height Limit - Proposed

Date	Rev	Amendment



Proposed Max Building Height - 11.0 meters
Scale: NTS

design:

MMJ

Town Planning

MMJ Wollongong

6-8 Regent Street

PO Box 1167

Wollongong NSW 2500

p. 02 4229 5555

w. mmj.com.au

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project:
Project Planning Proposal

address:
Lot 1 Military Road, Port Kembla

client:
Vujic Construction

title: Height of Buildings Map

job number: 15.31 drawing no: A102

date: Sept. 2016 drawn: BM scale @ A3:

stage: Re-zoning

rev:



APPENDIX 3:

“Existing and Proposed Floor Space Ratio Maps”

0mm

0mm

100mm

200mm

300mm

100mm



Existing Floor Space Ratio - 0.5 : 1

Scale: NTS

- Legend
- 0.5 : 1 FSR - Existing
 - 0.75 : 1 FSR - Proposed

200mm



Proposed Floor Space Ratio - 0.75 : 1

Scale: NTS

Date	Rev	Amendment

design:



MMJ Wollongong
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project:

Project Planning Proposal

address:

Lot 1 Military Road, Port Kembla

client:

Vujic Construction

title: Floor Space Ratio Map

job number: 15.31

drawing no:

A103

date: Sept. 2016

drawn: BM

scale @ A3:

stage: Re-zoning

rev:



APPENDIX 4:

“Existing and Proposed Minimum Lot Size Maps”

100mm



Existing Minimum Lot Size - 1999 m²
Scale: NTS

200mm

- Legend
- 1999 m² Minimum Lot Size - Existing
 - 299 m² Minimum Lot Size - Proposed



Proposed Minimum Lot Size - 299 m²
Scale: NTS

Date	Rev	Amendment

design:

MMJ

Town Planning

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project:
Project Planning Proposal

address:
Lot 1 Military Road, Port Kembla

client:
Vujic Construction

title: Minimum Lot Siz Map

job number: 15.31 drawing no: A104

date: Sept. 2016 drawn: BM scale @ A3: NTS

stage: Re-zoning

rev:



APPENDIX 5:

“Review of State Environmental Planning Policies”

State Environmental Planning Policies

SEPP	Consistency
SEPP No 1— Development Standards	Not Applicable.
SEPP No 14— Coastal Wetlands	Not Applicable.
SEPP No 19— Bushland in Urban Areas	Not Applicable.
SEPP No 21— Caravan Parks	Not Applicable.
SEPP No 26— Littoral Rainforests	Not Applicable.
SEPP No 30— Intensive Agriculture	Not Applicable.
SEPP No 33— Hazardous and Offensive Development	Not Applicable.
SEPP No 36— Manufactured Home Estates	Not Applicable.
SEPP No 44— Koala Habitat Protection	Not Applicable.
SEPP No 47— Moore Park Showground	Not Applicable.
SEPP No 50— Canal Estate Development	Not Applicable.
SEPP No 52— Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable.
SEPP No 55— Remediation of Land	<p>Consistent.</p> <p>In accordance with <i>SEPP 55</i>, the consent authority is required to consider whether the land is contaminated as part of the Planning Proposal process. The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land. In this regard, <i>Clause 7</i> of this policy identifies:-</p> <p><i>“7 Contamination and remediation to be considered in determining development application</i></p> <p><i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p> <p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land</i></p>

State Environmental Planning Policies

	<p><i>specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p> <p><i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p> <p><i>(4) The land concerned is:</i></p> <p><i>(a) land that is within an investigation area,</i> <i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i> <i>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:</i> <i>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i> <i>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)."</i></p> <p>In considering the environmental conditions of the subject development site and whether a change of land use to residential is suitable, the consent authority should consider a report specifying the findings of a preliminary investigation of the land (carried out in accordance with the contaminated land planning guidelines). For this purpose, the following investigations and assessments have been carried out by Golder Associates and Douglas Partners, and are attached to the Planning Proposal application documentation supplied to Council.</p>
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State Environmental Planning Policies

	<ul style="list-style-type: none"> ➤ <i>“Detailed Site Investigation”</i> prepared by Golder Associates (16 December 2013). ➤ <i>“Report on Conceptual Remediation Action Plan”</i> prepared by Douglas Partners (September 2016). ➤ <i>“Report on Data Re-Assessment for Rezoning”</i> prepared by Douglas Partners (September 2016). <p>In general, the cumulative data and advice contained within these reports confirm that, from a contaminated land perspective, the subject site is compatible with a proposed future residential land use (as proposed). Thus, it is considered the site will be suitable for the proposed rezoning and, therefore, Council can be satisfied that the matter of contamination is not a prohibitive constraint for this Planning Proposal or the future development of this land.</p>
SEPP No 62— Sustainable Aquaculture	Not Applicable.
SEPP No 64— Advertising and Signage	Not Applicable.
SEPP No 65— Design Quality of Residential Apartment Development	<p>Not Applicable.</p> <p>However, the Urban Design Report prepared by DWA Architect assumes that this form of development may be proposed in the future redevelopment of the site. Further detailed analysis will be undertaken as part of the DA process.</p>
SEPP No 70— Affordable Housing (Revised Schemes)	Not Applicable.
SEPP No 71— Coastal Protection	<p>Consistent.</p> <p>The subject land is in private ownership, and its does not impede public access to and along the coastal foreshore for pedestrians and/or persons with a disability. The rezoning of this land will not have a detrimental impact upon the amenity of the coastal foreshore (ie. overshadowing, bulk and scale or loss of existing public views) and/or</p>

State Environmental Planning Policies

	<p>compromise the scenic qualities of the NSW coast.</p> <p>Also, the proposal will not impact upon existing animals, plants, fish, wildlife corridors, coastal processes, cultural places, water quality, heritage and the like.</p> <p>Therefore, the nature of this proposal is such that it will not contravene the aims of this Policy, nor its intent and, as such, the outcome will not compromise the environmental quality of this coastal land.</p>
SEPP (Affordable Rental Housing) 2009	<p>Not applicable.</p> <p>Whilst not directly related to the proposed rezoning of land, future opportunities for affordable rental housing could be considered. At this time, no investigation or proposal to implement provisions under this SEPP have been undertaken however. Further detailed analysis will be undertaken as part of the DA process in the future.</p>
SEPP (Building Sustainability Index: BASIX) 2004	<p>Not Applicable.</p> <p>However, this will be applicable to any future residential development within the site. Further detailed analysis will be undertaken as part of the DA process in the future.</p>
SEPP (Exempt and Complying Development Codes) 2008	<p>Not Applicable.</p> <p>However, this will be applicable to any future residential development within the site. Further detailed analysis will be undertaken as part of the DA process in the future.</p>
SEPP (Housing for Seniors or People with a Disability) 2004	<p>Not Applicable.</p> <p>Whilst not directly related to the proposed rezoning of land, future opportunities for seniors housing could be considered. At this time, no investigation or proposal to implement provisions under this SEPP have been undertaken however. Further detailed analysis will be undertaken as part of the DA process in the future.</p>
SEPP (Infrastructure) 2007	<p>Consistent.</p>

State Environmental Planning Policies

	<p>The existing site is already readily serviced by sewer, water, power, telecommunications and the like.</p> <p>Additionally, any future development provides an opportunity to integrate land use and transport through its location in proximity to Port Kembla Railway Station and the local bus routes. Also, the site is in walking distance to the immediate Port Kembla Town Centre area.</p> <p>Finally, from inspection, it appears there is plenty of capacity within the existing road network to accommodate further vehicle movements nonetheless.</p>
SEPP (Integration and Repeals) 2016	Not Applicable.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable.
SEPP (Kurnell Peninsula) 1989	Not Applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable.
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable.
SEPP (Penrith Lakes Scheme) 1989	Not Applicable.
SEPP (Rural Lands) 2008	Not Applicable.
SEPP (State and Regional Development) 2011	Not Applicable.
SEPP (State Significant Precincts) 2005	Not Applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable.
SEPP (Sydney Region Growth Centres) 2006	Not Applicable.
SEPP (Three Ports) 2013	Not Applicable.
SEPP (Urban Renewal) 2010	Not Applicable.
SEPP (Western Sydney Employment Area) 2009	Not Applicable.
SEPP (Western Sydney Parklands) 2009	Not Applicable.



APPENDIX 6:

***“Review of Local Planning Directions – Section 117
Directions”***

Local Planning Directions

Section 117 Directions

Directions	Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>Inconsistent.</p> <p>The Planning Proposal seeks to rezone the subject land from B4 mixed Use to R3 Medium Density Residential, and while the R3 zone does permit employment generating land uses that facilitates economic growth in the locality, it more so promotes residential that could be considered inconsistent with the subject 117 Direction.</p> <p>Notwithstanding, the proposed rezoning does not introduce residential land uses, as they are already permitted within the B4 zone. As residential development is already permissible within Council's consent under a normal DA process, it is considered that the Planning Proposal is of minor significance and therefore justifiably inconsistent with the 117 Direction.</p>
1.2 Rural Zones	Not Applicable.
1.3 Mining, petroleum Production and Extractive Industries	Not Applicable.
1.4 Oyster Aquaculture	Not Applicable.
1.5 Rural Lands	Not Applicable.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not Applicable.
2.2 Coastal Protection	<p>Consistent.</p> <p>Whilst close to the coastline, the subject site is quite separated from the ocean foreshore areas. The proposal will not contradict the aims of the NSW Coastal Policy.</p>
2.3 Heritage Conservation	<p>Consistent.</p> <p>The subject site is listed as an item of heritage significance, but is it located within any Heritage Conservation Areas. However, the property has been identified to have a few heritage listed items within close proximity. In this regard, the proposal does not seek to change any heritage provisions under the LEP and no sites or areas of heritage or archaeological significance are to be affected or proposed to be disturbed as a result of this Planning Proposal.</p>

Local Planning Directions

Section 117 Directions

2.4 Recreation Vehicle Areas	Not Applicable.
3. Housing	
3.1 Residential Zones	<p>Consistent.</p> <p>The Planning Proposal is consistent with the objectives of this Direction, being to broaden the choice of housing types for the Region; make efficient use of existing infrastructure and services to ensure new housing has appropriate access to infrastructure and services; and minimises the impact of residential development on the environmental and resource lands.</p> <p>As above, all services are already available to this residential land. The subject site is also site located in the heart of an already existing urban area, and will not result in the consumption of rural land for housing and associated urban development on the urban fringe.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable.
3.3 Home Occupants	<p>Consistent.</p> <p>No change, as Home Occupations are not currently permitted in the B4 zone.</p>
3.4 Integrating Land Use and Transport	<p>Consistent.</p> <p>The objective of this Direction is to support the efficient and viable operation of public transport services through improving access, increasing choice and reducing car movements. The Planning Proposal is consistent with this 117 Direction as it provides an opportunity to integrate land use and transport through its location in proximity to Port Kembla Railway Station and the local bus routes. Also, the site is in walking distance to the immediate Port Kembla Town Centre area.</p> <p>Finally, from inspection, it appears there is plenty of capacity within the existing road network to accommodate further vehicle movements nonetheless.</p>
3.5 Development Near Licensed Aerodromes	Not Applicable.
3.6 Shooting Ranges	Not Applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent.

Local Planning Directions

Section 117 Directions

	The site to which the proposal applies is affected by Class 5 Acid Sulfate Soils. The Planning Proposal seeks no change to existing conditions as a result of this rezoning.
4.2 Mine Subsidence and Unstable Land	Not Applicable.
4.3 Flood Prone Land	Not Applicable.
4.4 Planning for Bushfire Protection	Not Applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The proposed rezoning of land for residential purposes within an already defined urban area will not contradict the objectives and actions of ISRP.
5.2 Sydney Drinking Water Catchments	Not Applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008, see amended Direction 5.1)	Not Applicable.
5.7 Central Coast (Revoked 10 July 2008, see amended Direction 5.1)	Not Applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable.
5.9 North West Rail Link Corridor Strategy	Not Applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not Applicable.
6.2 Reserving Land for Public Purposes	Not Applicable.
6.3 Site Specific Provisions	Not Applicable.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Not Applicable.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Applicable.