

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Former Port Kembla Public School Site

ADDRESS OF LAND: Lot 1 DP811699 Military Road Port Kembla

This Planning Proposal applies to the land identified as Lot 1 DP811699 Military Road, Port Kembla, formerly known as Port Kembla Public School.

The subject site is bounded by Military Road, Marne Street, Reservoir Street and Electrolytic Street. The subject site is approximately 2.195 hectares in area and of a trapezoidal shape. The site has a width of 97m and a length of 301m along Military Road and 143m along Reservoir Street and was formerly used as the Port Kembla Public School until 1999.



LUP Ref: Military Rd Port Kembla Location Plan.mxd

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Background

In 2000, due to health concerns, Port Kembla Public School relocated to Gloucester Boulevard and the site was subsequently purchased by Port Kembla Copper (PKC). The site was rezoned from 2(b) Medium Density Residential to 3(a) General Business by Wollongong Local Environmental Plan 1990, (Amendment No. 184), and the original school buildings were heritage listed.



In 2005 some of the former school buildings were demolished.

In 2010, the site was rezoned to B4 Mixed Use, as part of the introduction of Wollongong Local Environmental Plan 2009. This was partially in response to the over-supply of commercial land in Port Kembla (it is noted that retail development was still permitted) and to facilitate a mixed use development proposal that involved residential development and artists' studios. A site specific Clause 7.17 Former Port Kembla Public School enabled a limited amount of tourist and visitor accommodation to no more than 10 bedrooms (proposed artist accommodation in the school building).

January 2013, the school building was destroyed by fire and subsequently demolished. The site remains vacant, with only the foundations of the main school building remaining.

In 2016 the former school site was sold by Port Kembla Copper to the current owner.

Part 1 – Statement of objectives or intended outcomes

The primary objective of the Planning Proposal is to enable residential development of the site. This will be achieved by rezoning the site from B4 Mixed Use to part R3 Medium Density Residential and part RE2 Private Recreation. Ancillary to the rezoning, the Proposal seeks to amend the floor space ratio, reduce the minimum lot size and increase the building height limit across the site.

The nearby Gallipoli Park (owned by Council) is proposed to be rezoned from R2 Low Density Residential to RE1 Public Recreation, in recognition of its public reserve status.

Part 2 – Explanation of provisions

The objective of the Planning Proposal can be achieved through the inclusion of the following amendments to Wollongong LEP 2009:

- Rezone Lot 1 DP811699 Military Road, Port Kembla from B4 Mixed Use to part R3 Medium Density Residential and part RE2 Private Recreation,
- Amend the Floor Space Ratio Map (FSR(s) to be determined by Urban Design Review)
- Amend the Minimum Lot Size Map (Lot size(s) to be determined by Urban Design Review)
- Amend the Height of Building Maps (Building height(s) to be determined by Urban Design Review)
- Amend the Heritage Map and Heritage Schedule to refer to the site as “Site of former Port Kembla Public School”.
- Amend the ‘Key Sites’ Map to identify the site as a Key Site under Clause 7.18 Design Excellence.
- Require at least 5% Affordable Rental Housing (note Council is separately pursuing inclusion in SEPP 70)
- Rezone Lot 301 DP878127 Marne Street (Gallipoli Park), Port Kembla from R2 Low Density Residential to RE1 Public Recreation

Part 4 of this draft Planning Proposal illustrates the proposed map amendments to Wollongong LEP 2009.

Council has resolved to undertake an Urban Design Review Process to determine the preferred built form outcome and determine the appropriate built form controls. The process will involve the site owner representatives, NSW Ports, Port Kembla Chamber of Commerce and representatives from Council’s Urban Design Review Panel. Council wants to ensure design excellence and appropriate built form controls. Council has also required a site specific DCP chapter to be prepared.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1: Is the planning proposal a result of strategic study or report?

The proponent has advised that the submitted Planning Proposal has been facilitated as a result of the cessation of the school site with the impetus of the Port Kembla Town Centre Revitalisation Study. The report notes that Port Kembla is strategically placed to grow. As a vital urban environment close to



Wollongong City Centre, Port Kembla is accessible by road and public transport. Population growth in Port Kembla and surrounds will bring more people to the centre and increase demand for retail variety, services and housing.

Concurrently Council has exhibited and adopted the Port Kembla 2505 Revitalisation Plan. The Plan examined the Port Kembla suburb (excluding the Three Ports SEPP area), and identified the former school site as being suitable for residential development.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of achieving the intended outcome and enabling residential development on the site. The current B4 Mixed Use zone does enable shop top housing, multi dwelling housing and residential flat buildings, however clause 7.13 of the LEP requires Ground Floor retail across the site. Additional retail floor space is not required in Port Kembla.

Section B – Relationship to strategic planning framework

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The *Illawarra Shoalhaven Regional Plan* was released in 2015 by Department of Planning & Environment. The plan sets out to guide strategic planning within the region for the next 20 years.

The plan has set down goals to provide “a region with a variety of housing choices, with homes that meet needs and lifestyles” and also “a region with communities that are strong, healthy and well-connected”, which are all relevant to this Planning Proposal.

Notably, this Planning Proposal supports the following directions of the Plan:

DIRECTION 2.1 Provide sufficient housing supply to suit the changing demands of the region

Council is required to plan for a diverse mix of housing that suits the projected growth, changing demographics and market demand particular to their area. This means that in some cases, zonings and planning controls can increase capacity for housing to promote development opportunities. The proposed amendments to *Wollongong Local Environmental Plan 2009* seek to facilitate a diverse housing choice within a medium density zoning from single dwelling, semi-detached dwellings, townhouses, attached dwellings and residential flat buildings.

Port Kembla has been identified as a potential location for increasing housing opportunity. The concept Planning Proposal supports Port Kembla’s potential to increase housing opportunities.

DIRECTION 2.4 Identify and conserve biodiversity values when planning new communities

This direction provides Council with impetus to integrate biodiversity conservation with proposed development outcomes at the strategic planning stage.

DIRECTION 3.2 Enhance community access to jobs, goods and services by improving connections between centres and growth areas

DIRECTION 3.3 Build socially inclusive, safe and healthy communities

The subject site has the potential to provide a mix of housing close to existing services offered by Port Kembla Town Centre providing connectivity and direct linkage to public transport, public facilities and the coast. The sites location, within eight kilometres of Wollongong City Centre, provides connectivity and direct access to Wollongong by bus (at Military Road frontage), train (850m to station) and private vehicle. It is located within five minutes’ walk of the coastline and the public park at the eastern end of Electrolytic Street (zoned R2 Low density Residential – Gallipoli Park) and King George V oval to the south. In addition, Port Kembla Town Centre can be reached in less than five minutes’ walk from the subject site.

DIRECTION 3.4 Protect the region’s cultural heritage

Biosis Pty Ltd was commissioned to undertake a heritage assessment and statement of heritage impact of an area of land proposed for development of future residential uses. This was to identify if any heritage items or relics exist within or in the vicinity of the study area; assess the heritage significance of these heritage items; and determine the most appropriate management strategy required from a heritage perspective (if any).

The key findings of the assessment are noted as follows:

- The assessment has identified that the study area contains one locally listed heritage item (former school) and three locally listed heritage items adjacent to the study area (the former Port Kembla Fire Station, St Stephens Anglican Church and the House and Shop).
- A physical inspection confirmed that there were little remains of the Port Kembla Public School and its associated buildings.
- An assessment of the archaeological resources likely to be present within the study area has concluded that these are likely to be limited to structural and depositional remains associated with the 1916 and 1932 buildings.
- There will be no impacts to built fabric within the study area as the former Public School Buildings have been demolished to ground level.
- Whilst archaeological remains associated with the footings and occupational deposits may be present within the study area, these have been assessed as possessing limited archaeological research potential.
- The proposed development thus will not have a significant impact on the item as the items significance relates to intangible elements such as its historical, associative and social significance. These elements would be best managed through a program of interpretation that is incorporated into the proposed development and that celebrates the sites contribution to Port Kembla.
- The project will result in an indirect aesthetic impact upon the significance of the adjacent heritage items along Military Road, Port Kembla. These are considered to be minor and can be managed through ensuring that the developments design and landscaping is sympathetic to these items.
- A heritage interpretation plan is suggested that celebrates the history of the study area as the former Port Kembla Public School and its contribution to Port Kembla as a suburb.
- The project should use sympathetic colour treatments. Colours that match the existing palette will ensure that the adjacent heritage items are not visually dominated by the proposed works.

The site has been identified as a prominent location with potential to reflect its past social significance as a school. In relation to the site's heritage status, it is considered that heritage interpretation could be utilised to reflect the historical significance of the site. A Heritage Interpretation Strategy is to be undertaken should the Planning Proposal attain Gateway Determination.

Q4: Is the Planning Proposal consistent with a Council's local strategy or other local strategic document (eg: Wollongong Community Strategic Plan)?

Community Strategic Plan Wollongong 2022

The Wollongong 2022 Community Strategic Plan outlines the communities priorities and aspirations, providing directions for the provision of key projects and services. The relevant objectives and goals are noted as follows:

The proposal seeks to promote the nominated objectives and goals of Council's Community Strategic Plan.

5. We are a healthy community in a liveable space

5.1 There is an increase in the physical fitness, mental health and emotional wellbeing of all our residents.

5.2 Residents have improved access to a range of affordable housing options.

- 5.3 *The public domain is maintained to a high standard.*
- 5.4 *Community safety is improved.*
- 5.5 *Participation in recreational and lifestyle activities is increased.*
- 5.6 *Residents have a high level of life satisfaction and personal happiness.*

Comment

The Planning Proposal seeks to provide a diverse housing choice including residential flat buildings and a mix of townhouses on smaller lot holdings. The proponent is seeking to deliver housing that is affordable highlighting the push for the proposed R3 Medium Density Residential zone. The site's unique location within proximity to Port Kembla Town Centre and various public facilities also incorporates a green link corridor, providing connectivity and linkage within the Town Centre.

The proposal seeks to promote the nominated objectives and goals of Council's Community Strategic Plan.

- 6. *We have sustainable affordable and accessible transport.*
 - 6.1 *Walking, cycling and public transport is an accessible and well-resourced means of transport, and the use of private cars is reduced.*
 - 6.2 *Wollongong is supported by an integrated transport system.*
 - 6.3 *Transport disadvantaged communities have increased access to services.*

Comment

The subject site has the potential to provide connectivity and direct linkages to public transport, public facilities, the commercial/business hub of Port Kembla and the coast.

The proposal promotes the nominated objectives and goals of Council's Community Strategic Plan.

Port Kembla 2505 Revitalisation Town Centre Plan

The **Vision** states:

"Port Kembla is a product of its unique people and exceptional natural surroundings. It's rich cultural history and diverse population contribute to a lively and active place that is inclusive and attractive for residents and visitors alike."

The Plan specifically seeks to deliver on the following strategies which are designed to realise the vision and achieve the nominated aims. Primarily the focus being on increasing population, economic viability, built form quality and amenity within the Town Centre and including:

"Lively and Diverse" – *Port Kembla streets and spaces are alive with people day and night.*

"Active and Connected" – *Port Kembla enjoys an active and healthy lifestyle. Military Road is transformed into the green spine connecting through the suburb making it convenient to get around.*

"Grow with the Port and Industry" – *The regional significance and growth of the Port is recognized and planned for, providing opportunities and benefits to the Region and suburb of Port Kembla, and more importantly - The needs of the growing Port and industry are balanced with those of the neighbouring resident population and managed proactively and transparently.*

The Proposal is commensurate with the 'Revitalisation Plan' as it supports the key noted strategies through its intent of increasing residential population, increasing housing choice, providing key linkages throughout the site, to the coast and to the Town Centre and highlighting the heritage significance of the site whilst managing its interface with the Port area.

It is considered that the intent of the Planning Proposal is supportive of the Port Kembla Town Centre Revitalisation Plan.

Urban Greening Strategy 2017 - 2037

The *Urban Greening Strategy 2017-2037* aims to strategically increase the quality and quantity of all vegetation in an urban setting. The Strategy identifies opportunities for our City to harness the benefits of trees and vegetation, contributing towards creating a world class urban landscape.

The **Vision** is that:

Wollongong will grow and nurture a healthy, diverse and well-managed urban forest to deliver a renewed and resilient place for people, enterprise and the ecosystems that support us.

The following Principles will inspire and inform Council's approach to urban greening in Wollongong:

- more strategic and targeted urban greening;
- evidence-based decision making and programming;
- enhanced amenity of public spaces;
- maximisation of ecosystem services and biodiversity connections;
- stronger leadership and partnerships with the community; and
- greater diversity of urban greening.

The Planning Proposal is conducive to the Strategy as it seeks to enhance connectivity and linkage throughout the site with the locality and town centre to an existing 'green link' which will ultimately connect with the coast. Furthermore, the proposal will contribute to increasing the canopy cover of the City.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment against all applicable State Environmental Planning Policies is provided at Table A. Specific consideration is given to the following SEPP's which is relevant to this Planning Proposal:

SEPP 55 – Remediation of Land

SEPP 55 provides state wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. Subsequently, SEPP 55 requires consideration of contamination issues as part of the preparation or making of an environmental planning instrument (rezoning) land.

The following reports were submitted: Phase 1 detailed Site investigation prepared by Golder Associates, report on Conceptual Remediation Action Plan (December 2015 and revised September 2016) prepared by Douglas Partners and report on data reassessment for rezoning (September 2016) prepared by Douglas Partners. It was concluded that the site is contaminated, although can be rehabilitated to enable residential development. A Site Auditor will be required to be appointed to monitor the proposed development works.

Refer to Table A – Checklist of State Environmental Planning Policies.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Minister for Planning, under section 9.1 of the EP&A Act issues directions that relevant planning authorities, in this case Wollongong Council, must follow when preparing planning proposals for new Local Environmental plans. The directions cover the following broad categories:

- employment and resources;
- environment and heritage;
- housing, infrastructure and urban development;
- hazard and risk;
- regional planning;
- local planning making.

A complete assessment of the Planning Proposals consistency against all s.9.1 Directions is provided at Table B. The following Ministerial Directions (s.9.1 Directions) are highlighted with respect to the Planning Proposal:

- Direction 1.1 Business and Industrial Zones
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones

Direction 1.1 Business and Industrial Zones

The objective of Direction 1.1 is to:

- a) *Encourage employment growth in suitable locations,*
- b) *Protect employment land in business and industrial zones, and*
- c) *Support the viability of identified centres.*

The Planning Proposal is inconsistent with this Direction affecting land within an existing mixed use zone. The current B4 Mixed Use zoning on the site reflects a previous rezoning proposal to enable a variety of uses on the site, including cultural use and artist accommodation in the former school buildings. The rezoning will result in a numeric loss of employment lands, however the Port Kembla 2505 Revitalisation Plan and Port Kembla previous studies have identified that there is an oversupply of commercial/retail zoned land in Port Kembla. The development of the site for business use would further erode the viability of businesses in Wentworth Street, Port Kembla (Town Centre).

The planning proposal is justifiably inconsistent with the Direction and is considered to be of minor significance.

Direction 2.3 Heritage Conservation

The objective of Direction 2.3 is to '*conserve items, areas, objects and places of environmental heritage significance and indigenous significance*'.

The Direction indicates that a planning proposal must contain provisions that facilitate the conservation of items of historical significance to an area.

In terms of heritage, the Planning Proposal seeks to ensure that the cultural significance of the site is retained. It is a prominent location with potential to reflect its past social significance as a

school. The site sits adjacent to three other heritage items, St Stephen's Anglican Church, former Fire Station and a dwelling house/shop on the corner of Third Avenue/Military Road. The heritage value and its context, sitting adjacent to a number of heritage items should also inform the future interpretative strategy of the site. It is recommended that a Heritage Interpretation Management Strategy be developed prior to the finalisation of the Planning proposal.

The applicant proposes to retain the heritage listing of the site. As no physical structures remain, it is recommended that the current heritage listing identifying the school building structure be updated with a listing covering the site reflecting the historical significance of the site. The listing as detailed should be updated and the significance of the site acknowledged accordingly to focus more on the history of the site, its cultural significance and contribution and the interpretation of this to ensure the stories associated with the school and its controversial location are not lost. As such, it is recommended that the Heritage listing be amended to read "Site of former Port Kembla Public School".

Direction 3.1 Residential Zones

The objectives of Direction 3.1 are:

- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) *to minimise the impact of residential development on the environment and resource lands.*

The Planning Proposal seeks to provide a diverse housing product including residential flat buildings, a mix of townhouses, semi-detached and semi attached dwellings on smaller lot holdings.

The proposal is conducive to the nominated objectives and is capable of complying with the nominated objectives.

Section C – Environmental, social and economic impact

Q7: 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?

A due diligence assessment was carried out by Biosis to determine the presence of breeding, foraging and dispersal habitat for the Green and Golden Bell Frog *Litoria aurea* within the property.

The assessment concluded 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 regard to this species. In our opinion, no further assessments are required for the Green and Golden Bell Frog."

The Planning proposal will not have a detrimental impact on critical habitat or threatened species populations or ecological communities or their habitats.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is considered that potential environmental effects arising from future development allowed by the requested planning proposal may include:

- Contamination
- Future potential Noise Impacts

In order to carry out due diligence with respect to processing this proposal the proponent submitted a number of technical studies in support of the Planning Proposal.

- Detailed Site Investigation (December 2013) Golder Associates
- Report on Conceptual Remediation Action Plan (December 2015 and revised September 2016) Douglas Partners
- Report on Data Reassessment for rezoning (September 2016) Douglas Partners
- Traffic and Noise Intrusion Assessment (April 2018) Harwood Acoustics.

Based on the submitted Site Assessment reports, it was concluded that the site is contaminated although can be rehabilitated to enable residential development.

The submitted acoustic assessment denotes that any future residential development is capable of achieving compliance with appropriate noise measures applicable to the site.

Q9: Has the planning proposal adequately addressed any social and economic effects?

No adverse social and/or economic effects are anticipated. Additional housing opportunities will be provided in a location convenient to existing community services and facilities including public transport.

Is there a net community benefit?

The proposal is considered to provide a net community benefit for the following reasons;

- It constitutes a balanced and appropriate use of land and is in keeping with the adjoining residential zoning and future character.
- It will provide additional housing supply in a convenient location and by utilising existing facilities and services the economic and social cost of future development would be minimised.
- It would facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It would not result in any significant adverse environmental impacts.
- It would create local employment opportunities in construction and home maintenance.

It is noted that the site is currently vacant subsequently it is believed that the proposal will have a positive economic effect with increased construction and home maintenance business opportunities.

It is considered that the proposal adequately addresses the social and economic effects.

Section D – State and Commonwealth interests

Q10: Is there adequate public infrastructure for the planning proposal?

Utilities

The site has the potential to be serviced by all utilities.

Roads

Development of the subject site as proposed will require the construction and potential dedication to Council of new roads.

Development Contributions

The approval and subsequent construction of any future residential development of the site will involve a contribution towards the provision of facilities in accordance with the Wollongong Development Contributions Plan.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Preliminary Consultation was sought from NSW Ports and NSW EPA. Their comments are noted within the Council report. In summary, both NSW Ports and NSW EPA are concerned that future complaints from residents living on the site will affect the 24/7 operation of the Port of Port Kembla.

Subject to a positive Gateway determination and based on the identified issues and constraints, consultation is required with the following agencies and departments:

- NSW EPA
- NSW Office of Environment and Heritage
- National Trust of Australia, Illawarra Shoalhaven Regional Branch
- Endeavour Energy
- Transport for NSW
- Roads and Maritime Services
- NSW Ports
- Sydney Water

Council requests that Gateway nominates any additional State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

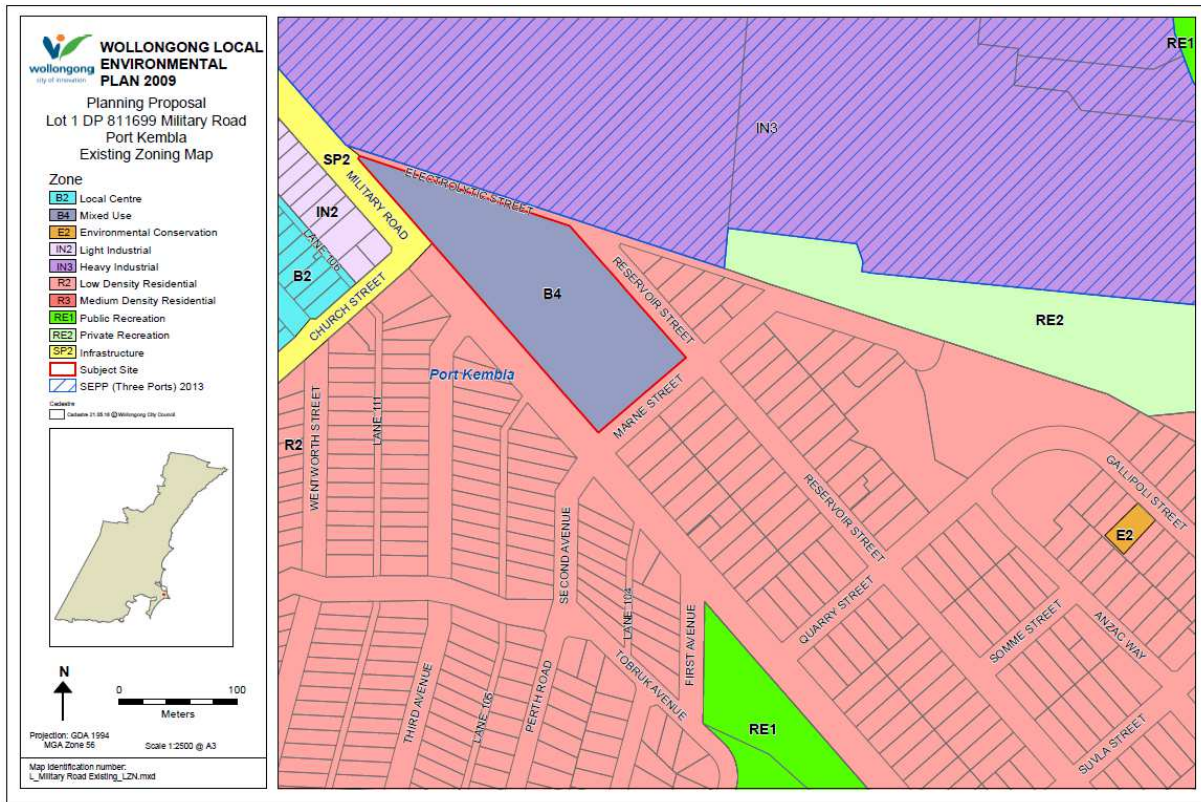
Part 4 – Mapping

MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES

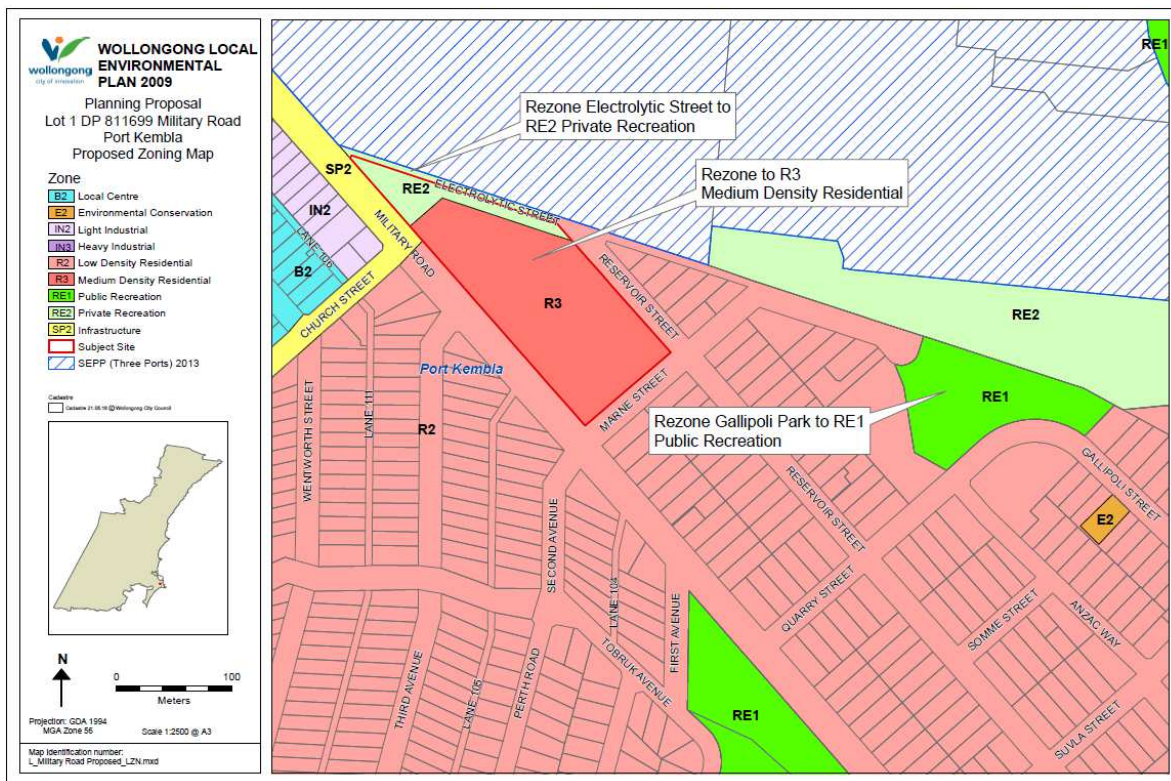
The proposed map amendments to Wollongong LEP 2009 include the following:

Existing Land Zoning Map sheet LZN

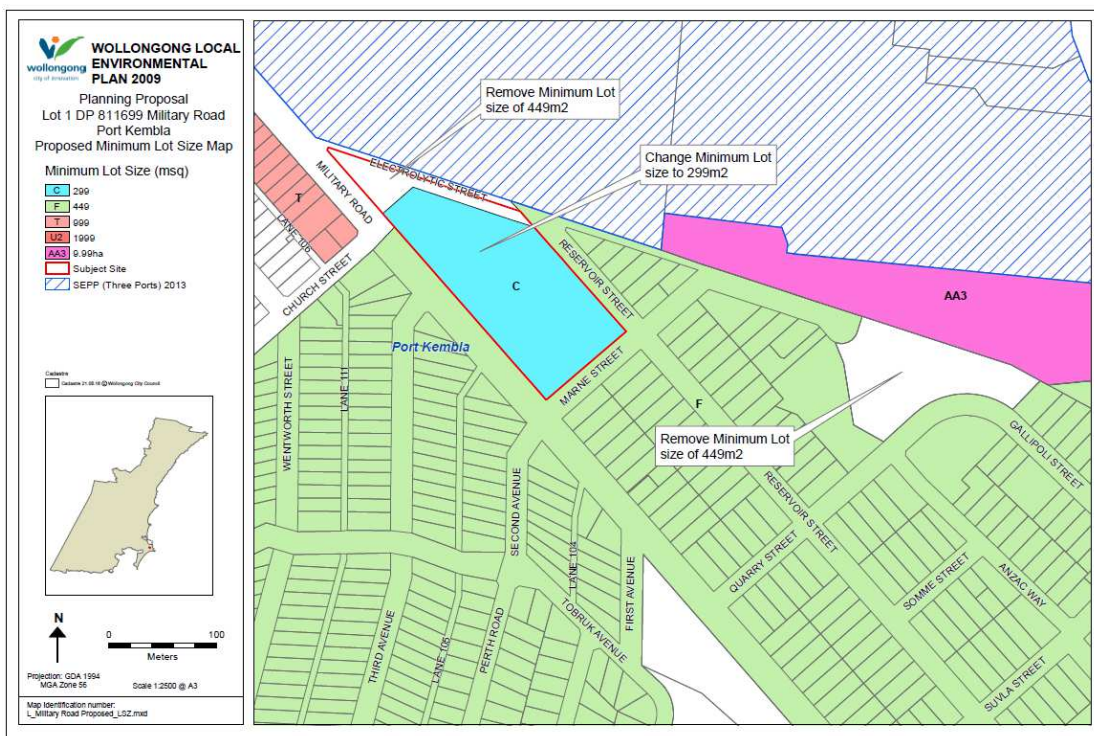
1. Amend the Land Zoning Map – Sheet 8450_COM_LZN_027_020_20091204.



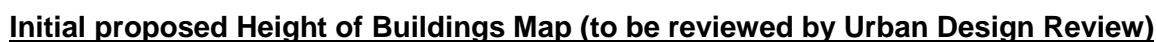
Initial proposed Land Zoning Map (to be reviewed by Urban Design Review)



2. Amend the Lot Size Map Sheet 8450 COM LSZ 027 020 20091204

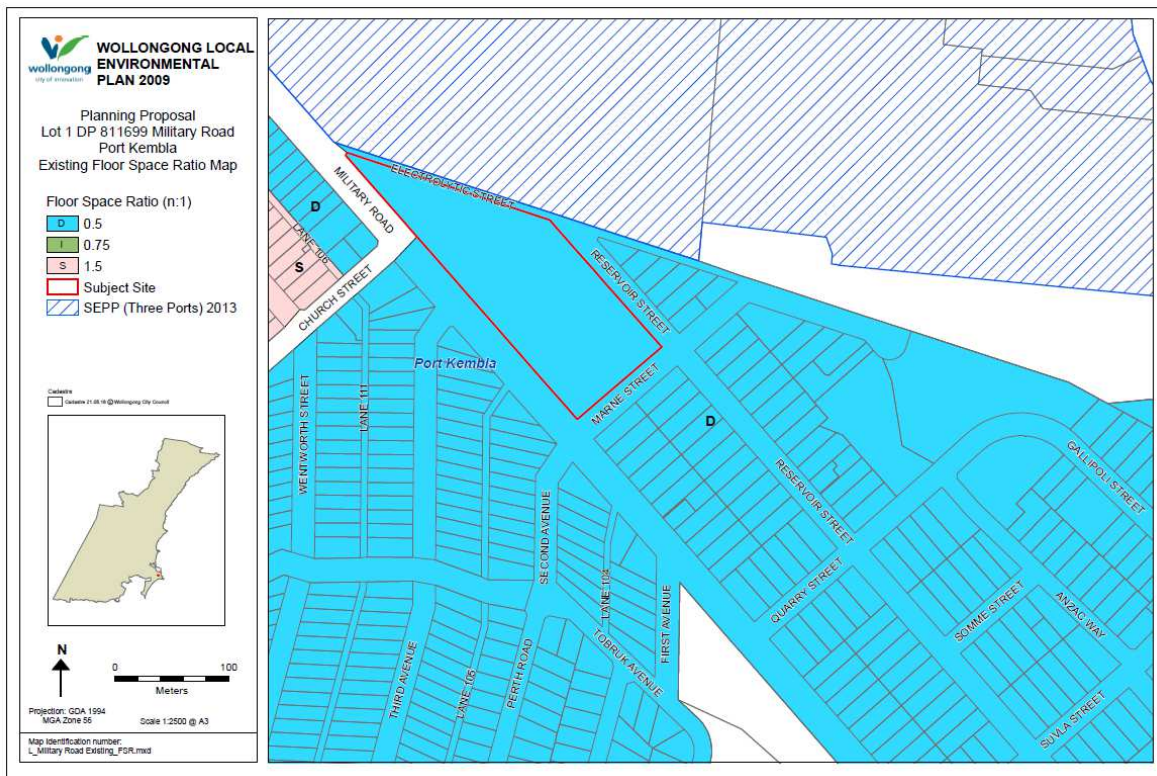


3. Amend Height of Buildings Map Sheet 8450_COM_HOB_027_020_20091118

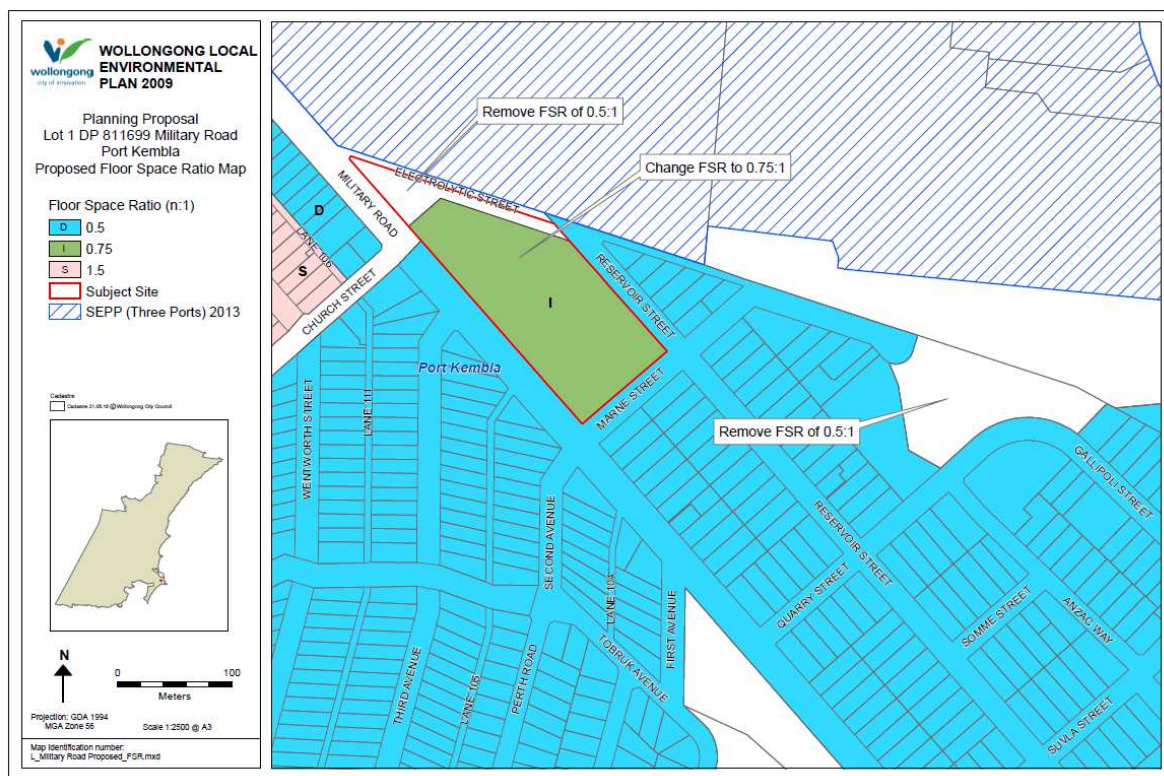


Existing Floor Space Ratio Map – Sheet FSR

1. Amend Floor Space Ratio Map Sheet 8450_COM_FSR_027_020_20091118



Initial proposed Floor Space Ratio Map (to be reviewed by Urban Design Review)



Amend Sheet 8450_COM_KYS_027_020_20091118



Amend Sheet 8450_COM_HER_027_020_20091118



Part 5 – Community Consultation

Pre-Gateway Consultation

Council's notification policy requires initial consultation to be undertaken when a proposal to rezone land is received by the Council. This requirement is in addition to statutory requirements.

Initial consultation was undertaken with the NSW Ports and NSW EPA as key issues identified are potential contamination and matters of residential amenity given the proximity to the Port. The issues raised were identified and addressed within Council's Report as attached.

Public Exhibition

Should a Gateway Determination be issued, a further period of community consultation in the form of public exhibition will be held.

The requirement for this consultation is determined by the EP&A Act and the minimum requirements for this consultation are identified in section 4.5 of *A Guide to Preparing Local Environmental Plans* (Department of Planning 2009 & Infrastructure 2013). The requirements set out in section 4.5 relate to the notification requirements and what material is to be made available for inspection.

Furthermore, should the Planning proposal be supported, Council will request that the planning proposal be exhibited for a period of 28 days and include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *Electronic copy on Council's website;*
- *Notification letters to surrounding and nearby property owners; and*
- *Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure.*

Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	June 2018	Department of Planning and Environment
2	Anticipated completion of required technical studies	2 month period after Gateway Determination	Consultants
3	Government agency consultation	3 month period	Agencies
4	Public exhibition period	1 month period	Council
5	Date of Public Hearing (<i>if applicable</i>)	Unlikely to be required	Council
6	Consideration of submissions	1 month	Council

LOT 1 DP 811699 MILITARY ROAD PORT KEMBLA

7	Assessment of proposal post-exhibition	2 months	Council
8	Report to Council	1 month	Council
9	Final maps and Planning Proposal prepared	1 month	Council
10	Submission to Department for finalisation of LEP	1 month	Council
11	<i>Anticipated date RPA will make the LEP</i>	<i>Delete if Council is not the RPA</i>	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to DP&E for notification	1 month	Council
13	Anticipated date LEP will be notified	1 month	<i>Parliamentary Counsel and DOP&I</i>

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP No. 1	Development Standard	Does not apply to land under Wollongong LEP 2009	N/A
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	N/A
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	N/A
SEPP No. 21	Caravan Parks	N/A	N/A
SEPP No. 26	Littoral Rainforests	Repealed	
SEPP No. 30	Intensive Agriculture	N/A	N/A
SEPP No. 33	Hazardous and Offensive Development	N/A	N/A
SEPP No. 36	Manufactured Home Estates	N/A	N/A
SEPP No. 44	Koala Habitat Protection	Consistent	The site does not represent 'potential koala habitat' or 'core koala habitat' as defined in SEPP 44.
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	N/A
SEPP No. 50	Canal Estate Development	N/A	N/A
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	N/A
SEPP No. 55	Remediation of Land	Consistent	A Contamination Assessment and Remediation Action Plan has been prepared for the site in accordance with the SEPP. A Site Auditor will be required to be appointed to the site.
SEPP No. 62	Sustainable Aquaculture	Consistent	Not applicable with respect to this Planning Proposal.
SEPP No. 64	Advertising and Signage	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 65	Design quality of residential flat development	SEPP 65 provides minimum design guidelines for residential flat buildings, shop top housing, and	Capable of complying

State Environmental Planning Policy		Compliance	Comment
		mixed use development with residential accommodation.	
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	N/A
SEPP	Kurnell Peninsula 1989	Does not apply to Wollongong	N/A
SEPP	Penrith Lakes Scheme 1989	Does not apply to Wollongong	N/A
SEPP	Housing for Seniors or People with a Disability 2004	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Building Sustainability Index: BASIX 2004	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	State Significant Precincts 2005	N/A	Not applicable to this Planning Proposal
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	N/A
SEPP	Infrastructure 2007	Capable of complying	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Miscellaneous Consent Provisions	N/A	Not applicable to this Planning Provision
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	N/A
SEPP	Rural Lands 2008	Does not apply to Wollongong	N/A
SEPP	Affordable Rental Housing 2009	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	N/A
SEPP	Exempt and Complying Development Codes 2008	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the

State Environmental Planning Policy		Compliance	Comment
			application of the SEPP.
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	N/A
SEPP	Urban Renewal 2010	Does not apply to Wollongong	N/A
SEPP	State and Regional Development 2011	Applies to the State	Not applicable to this Planning Proposal
SEPP	Sydney Drinking Water Catchment 2011	N/A	Not applicable to this Planning Proposal
SEPP	Three Ports 2013	N/A	Not applicable to this Planning Proposal
SEPP	Integration and Repeals 2016	N/A	Not applicable to this Planning Proposal
SEPP	Educational Establishments and Child Care Facilities 2017	Consistent	Schools and Child Care centres are permissible within residential zones.
SEPP	Vegetation in Non-Rural areas 2017	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Coastal Management 2018	N/A	Not applicable to this Planning Proposal.
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	N/A
Illawarra REP 2	Jamberoo	Does not apply	N/A
Greater Metropolitan REP No.2	Georges River catchment	Does not apply to Wollongong	N/A

Table B - Checklist of Section 9.1 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	<p>The site is currently zoned B4 Mixed Use which permits commercial/retail uses including shop top housing and rfb's and some light industrial uses. The Port Kembla 2505 Revitalisation Plan and Port Kembla previous studies have identified that there is an oversupply of retail zoned land in Port Kembla. The development of the site for retail use would further erode the viability of businesses in Wentworth Street, Port Kembla.</p> <p>The site sits landlocked surrounded by residential development. Overall the site should revert to a residential zoning (which existed prior to 2000). Whilst having the potential to reduce the incidence of incompatible land uses in the area and being in support of the Port Kembla 2505 Revitalisation Plan which identifies the site as being appropriate for residential use.</p> <p>The Proposal is justifiably inconsistent with the nominated Direction and is considered to be consistent with (5) (c) being justified by the attached Council Report, Port Kembla 2505 Revitalisation Plan and is considered to be of minor significance.</p>
1.2	Rural Zones	Direction does not apply.
1.3	Mining, Petroleum Production and Extractive Industries	Direction does not apply.
1.4	Oyster Aquaculture	Direction does not apply.
1.5	Rural Lands	Direction does not apply.
2. Environment and Heritage		
2.1	Environment Protection Zone	The Planning Proposal is not inconsistent with Direction 2.1
2.2	Coastal Protection	Direction does not apply.

2.3	Heritage Conservation	<p>The former Port Kembla Public School is listed as a local heritage item under the provisions of Wollongong LEP 2009. The school buildings burnt down in 2013 and physical remnants subsequently demolished. No physical structures remain.</p> <p>It is considered that the Planning Proposal is not inconsistent with Direction 2.3.</p>
2.4	Recreation Vehicle Areas	Direction does not apply.
2.5	Application of E2 and E3 zones and Environmental overlays in Far North Coast LEPs	Not applicable to Wollongong
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	<p>The proposal seeks to contribute to additional residential lands that may assist Wollongong Council in reaching its housing targets.</p> <p>It is located adjacent to existing residential development and is also well positioned to Port Kembla Town Centre and related community infrastructure.</p> <p>The site is serviced with a perimeter road and utility infrastructure which can be amplified to enable residential development.</p> <p>The rezoning will permit a range of dwelling types.</p> <p>As such, the Planning Proposal is not inconsistent with Direction 3.1.</p>
3.2	Caravan Parks and Manufactured Home Estates	Direction does not apply
3.3	Home Occupations	Applies, capable of consistency.
3.4	Integrating Land Use and Transport	<p>The site is convenient to Port Kembla Town Centre and existing community facilities.</p> <p>The site is accessible to public bus services and existing rail services. The site is also well serviced within the existing road infrastructure network.</p> <p>The Planning Proposal is capable of consistency.</p>

3.5	Development Near Licensed Aerodromes	Direction does not apply
3.6	Shooting Ranges	Direction does not apply
4. Hazard and Risk		
4.1	Acid Sulphate Soils	The subject site is classified as 'no known occurrence of Acid Sulphate Soils – Class 5'.
4.2	Mine Subsidence and Unstable Land	Direction does not apply as the site is not located within a mine subsidence district or contain identified unstable land.
4.3	Flood Prone Land	The subject site has not been identified as comprising flood prone land. As such the Direction does not apply.
4.4	Planning for Bushfire Protection	Not applicable, the subject site has not been identified as Bush Fire Prone Land. As such, the Direction does not apply.
5. Regional Planning		
5.1	Implementation of Regional Strategies	The Planning Proposal is generally in accordance with this Direction.
5.2	Sydney Drinking Water Catchments	The subject site does not fall within the identified Drinking Water Catchment area. As such, the Direction does not apply.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
5.9	North West Rail Link Corridor Strategy	Not applicable to Wollongong
5.10	Implementation of Regional Plans	Not inconsistent with the Illawarra Shoalhaven Regional Plan
6. Local Plan Making		
6.1	Approval and Referral Requirements	The proposal is consistent with this Direction because it does not alter the provisions relating to approval and referral requirements.

6.2 Reserving Land for Public Purposes	<p>The Planning Proposal seeks to alter the existing B4 Mixed Use zone to provide a portion of the site as RE2 zone and maintain for public purpose.</p> <p>It is considered to be generally in accordance with this Direction.</p>
6.3 Site Specific Provisions	Direction does not apply
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not applicable to Wollongong
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to Wollongong
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable to Wollongong
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.6 Implementation of Wilton Priority Growth Area Interim land Use and Infrastructure Implementation Plan	Not applicable to Wollongong