

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).

In January 2013, the school building was destroyed by fire and was 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 retain the existing 0.5:1 floor space ratio and increase the building height limit from 9m to 11m across part of the site.

Part 2 – Explanation of provisions

The Planning Proposal seeks 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 Height of Building Map to permit a building height of 11m on the part of the site proposed to be R3 Medium Density Residential, excluding the frontage to Marne Street and Reservoir Street, which is to remain at 9m.
- Amend the Heritage Map and Heritage Schedule to refer to the site as “Site of Former Port Kembla Public School”.
- Delete Clause 7.17 Former Port Kembla School.
- Amend the ‘Key Sites’ Map to identify the site as a Key Site under Clause 7.18 Design Excellence.

Council has also resolved to require at least 5% Affordable Rental Housing. Council and the proponent are preparing a draft Planning Agreement for this outcome. It does not form part of the Planning Proposal.

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

Council has also required a Heritage Interpretation Management Strategy for the site. The following studies have been submitted in support of the Planning Proposal request:

- Heritage Interpretation Management Strategy (John Oultram Heritage & Design 2021)
- Urban Design Analysis Report (Studio GL 2021)
- Acoustic Feasibility Study (RWDI Group 2021)
- Detailed Site Investigation (Golder Associates 2013)
- Report on Conceptual Remediation Action Plan (Douglas Partners December 2015 and revised September 2016)
- Report on Data Reassessment for rezoning (Douglas Partners 2016)
- Traffic and Noise Intrusion Assessment (Harwood Acoustics 2018)
- Historical Heritage Assessment (Biosis 2018)

Part 3 – Justification

Section A – Need for the Planning Proposal

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

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.

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.

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. The site is not suitable for inclusion within the adjacent industrial area. Residential use remains the best possible outcome for the site.

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 2041* was released in 2021 by the Department of Planning & Environment. The aim of the Plan is to guide strategic planning within the region for the next 20 years. The Plan includes the following goals which are relevant to this Planning Proposal:

1. “a region with a variety of housing choices, with homes that meet needs and lifestyles”
2. “a region with communities that are strong, healthy and well-connected”.

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

Objective 18 - Provide sufficient housing supply in the right locations.

Strategy 18.2 aims to -

Facilitate housing opportunities in existing urban areas, particularly within strategic centres. Strategic planning and local plans should consider opportunities to:

- review planning controls so that they are creating flexible and feasible conditions for housing supply;
- align infrastructure and service delivery to match housing supply needs;
- explore public domain improvements that would increase capacity for growth;
- identify policies and processes that could be reviewed to improve certainty and streamline development processes; and
- promote urban design outcomes to support healthy and vibrant communities.

Objective 19 - Deliver housing that is more diverse and affordable.

This objective seeks to provide a diversity of housing choices and dwelling sizes. Councils should seek to increase the number of smaller dwellings in new developments to accommodate changing attitudes such as preferences for lower maintenance, energy efficiency, adaptability and places that are within walking distance of shops, services or public transport, combined with the scarcity of well-located land.

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, which permits single dwellings, semi-detached dwellings, townhouses, attached dwellings and residential flat buildings.

Port Kembla has been identified as a potential location for increasing housing opportunity. The subject site has the potential to provide a mix of housing close to existing services offered by the Port Kembla Town Centre, providing connectivity with public transport, public facilities, public recreation opportunities and the coast. The site's 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.

Objective 23 - Celebrate, conserve and reuse 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 item's 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 site's 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 by ensuring that the development's design and landscaping are sympathetic to these items.

- 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 Plan has been submitted post Gateway, with controls included in a site-specific DCP Chapter to celebrate the history of the site as the former Port Kembla Public School and its contribution to Port Kembla as a suburb.

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

Our Wollongong Our Future 2032

The Wollongong Community Strategic Plan ("Our Wollongong Our Future 2032") outlines the priorities and aspirations of the community, providing directions for the provision of key projects and services. The relevant objectives and goals are noted as follows:

The proposal seeks to promote Goal 5 "We have a healthy community in a liveable city". It specifically delivers on the following –

- 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.
- 5.8 Housing choice in the Wollongong Local Government Area is improved, considering population growth, community needs and affordability.

The proposal also seeks to promote Goal 6 "We have affordable and accessible transport". It specifically delivers on the following –

- 6.4 Plan and provide sustainable infrastructure for safe and liveable places integrated with the environment and accessible to key transport routes.

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. The site's unique location within close proximity to Port Kembla Town Centre, transport and various public facilities also incorporates a green link corridor, providing connectivity and linkage within the Town Centre.

Wollongong Local Strategic Planning Statement (2020)

The Wollongong Local Strategic Planning Statement refers to the Retail Centres Hierarchy which identifies Port Kembla as a Town, surrounded by residential and industrial land uses. The site adjoins land covered by the State Environmental Planning Policy (SEPP) Transport and Infrastructure 2021 – Chapter 5 Three Ports, however is not subject to any of the SEPP provisions. The Port of Port Kembla is a strategic economic asset.

Port Kembla 2505 Revitalisation Plan

Council has exhibited and adopted the Port Kembla 2505 Revitalisation Plan, with the following vision: *“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 primary focus of the Plan is population increase, economic viability, built form quality and amenity within the Town Centre:

“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 recognised 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 intent of the Planning Proposal is consistent with the Port Kembla 2505 Revitalisation Plan, seeking to facilitate an increased residential population and housing choice, 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.

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP contains planning provisions which provide a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm. Land must not be developed if it is unsuitable for a proposed use because it is contaminated – this SEPP requires consideration of contamination issues as part of the preparation or making of an environmental planning instrument to rezone land. A number of Contamination reports have been prepared for the site in support of the Planning Proposal request, which concluded that while contamination was found on site, it can be rehabilitated to enable residential development. A Site Auditor will be required to be appointed in accordance with EPA guidelines 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)?

An assessment of the Planning Proposal’s consistency against all s.9.1 Directions is provided in Table B. The following Ministerial Directions (s.9.1 Directions) are highlighted with respect to the Planning Proposal:

- Direction 3.2 Heritage Conservation

- Direction 4.4 Remediation of Contaminated Land
- Direction 6.1 Residential Zones
- Direction 7.1 Business and Industrial Zones

Direction 3.2 Heritage Conservation

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

The Direction indicates that a Planning Proposal must contain provisions that facilitate the conservation of items of historical significance to an area. 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 recommendations and strategies contained in the Heritage Interpretation Management Strategy have been incorporated into the objectives and controls of the site-specific DCP Chapter. The Planning Proposal is consistent with this Direction.

The amendment 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. It is recommended that the Heritage listing be amended to read "Site of Former Port Kembla Public School".

Direction 4.4 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

A number of Contamination reports have been prepared for the site in support of the Planning Proposal request, which concluded that while contamination was found on site, it can be rehabilitated to enable residential development. A Site Auditor will be required to be appointed in accordance with EPA guidelines to monitor the proposed development works. The Planning Proposal is consistent with this Direction.

Direction 6.1 Residential Zones

The objectives of this Direction are to:

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

The Planning Proposal seeks to contribute to additional residential lands, to assist Wollongong reach its housing targets. The rezoning will permit a range of dwelling types/housing choice, in close proximity to infrastructure, transport and services. The Planning Proposal is consistent with this Direction.

Direction 7.1 Business and Industrial Zones

The objectives of this Direction are 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 reflects a previous rezoning proposal to facilitate a variety of uses on the site, including cultural use and artist accommodation in the former school buildings. This Planning Proposal will result in a loss of employment lands, however the Port Kembla 2505 Revitalisation Plan, and previous Council studies in the area, have consistently identified 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.

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:

“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?

The likely environmental effects of potential site contamination and adverse noise impacts from the proximity to the Port of Port Kembla were investigated through the following investigations and reports submitted in support of the Planning Proposal request:

- Detailed Site Investigation (Golder Associates 2013)
- Report on Conceptual Remediation Action Plan (Douglas Partners 2015 and revised 2016)
- Report on Data Reassessment for rezoning (Douglas Partners 2016)
- Traffic and Noise Intrusion Assessment (Harwood Acoustics 2018)
- Acoustic Feasibility Study (Wilkinson Murray 2021)

The Site Assessment reports concluded that the site contains contamination, however it can be rehabilitated to enable residential development, in accordance with EPA guidelines and the appointment of a Site Auditor.

The submitted acoustic assessments conclude that any future residential development is capable of achieving compliance with appropriate noise measures applicable to the site. A number of recommendations have been included as objectives and controls in the site-specific DCP Chapter to protect the amenity of future residents. These include appropriate mitigation measures in terms of noise and light spill.

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

No adverse social and/or economic effects are anticipated. While adjacent to the Industrial lands surrounding the Port of Port Kembla, the site does not integrate with the industrial area and is not suitable for industrial uses.

Additional housing opportunities will be provided in a location convenient to existing community services and facilities, including public transport. A site-specific DCP Chapter was adopted by Council on 27 February 2023, to guide future development on the site. Specifically, it includes controls designed to minimise noise and other impacts from the Port. Council also resolved to require that Section 10.7 Planning Certificates include a notation to make it clear to future owners/occupiers that they may be subject to Port/Industrial noise and other amenity impacts.

Is there a net community benefit?

The proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of currently vacant 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.
- It would facilitate a mix of dwelling types to 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.

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. Submissions from Sydney Water and Endeavour Energy did not raise any objections.

Roads

The exhibited Master Plan provides for a connection road and a laneway connector. It is proposed any internal roadways will be constructed by the developer at their cost and dedicated to Council upon completion.

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. A draft Planning Agreement for Affordable Housing is in preparation.

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

The Gateway determination (19 December 2021) stipulated consultation with the following agencies, departments and organisations:

- NSW Ports
- NSW EPA
- Department of Premier and Cabinet (Heritage NSW)
- NSW DPE – EES
- National Trust of Australia, Illawarra Shoalhaven Regional Branch
- Endeavour Energy
- Transport for NSW
- Roads and Maritime Services
- Sydney Water
- Illawarra Local Aboriginal Lands Council

The following table illustrates the issues raised by agencies and departments:

Agency/Department	Issues Raised
NSW Ports	<p>Objects to the draft Planning Proposal and Draft DCP.</p> <p>The site immediately adjoins land covered by SEPP Transport and Infrastructure 2021 – Three Ports.</p> <p>Development that is incompatible with port operations should not be located in areas that are potentially subject to both current and future port operation impacts.</p> <p>Long term strategic documentation identifies Port Kembla as the next container port for NSW.</p> <p>Port Kembla 2505 Revitalisation Plan contains a vision to “grow with the port and industry”. Development that increases the potential for land use conflict is not consistent with this vision.</p> <p>Illawarra Shoalhaven Regional Plan 2041 contains an objective to “grow the Port of Port Kembla as an international trade hub”. The objective identifies that “increased development within the Port and in surrounding areas could constrain the Port’s future operating capacity and efficiency if not managed appropriately”.</p>

	<p>Growth of Rail: existing and future operations of Port Kembla rely on 24/7 rail access, including cargo train shunting, which commonly occurs at night. The site will be susceptible to rail related noise emissions.</p> <p>A key objective of NSW Ports (navigating the Future: NSW Ports' 30 Year Master Plan) is to protect Port Kembla from urban encroachment in order to operate efficiently. Sensitive residential development close to ports and freight corridors will result in restriction of opportunity for trade growth and long term employment due to land use conflict – the use of the port and surrounding industrial lands will intensify into the future. Urban development could result in sterilisation of existing industrial land, such as the Port Kembla Copper site. NSW Ports advocates to maintain open space and business buffers between port and industrial lands and residential areas.</p> <p>Rezoning the site and increasing building height will exacerbate urban encroachment on port and industrial lands. The proposal will result in almost double the number of dwellings allowed under current planning development controls (from approx. 46 to 85 dwellings). Would increase likelihood and magnitude of conflict by exposing residents to potential impacts of industrial, port and logistics operations, including noise, air emissions and light spill. Would set a potential precedent or rezoning of other lands such as R2 Low Density Residential.</p> <p>Acoustic Feasibility Study (RWDI 2021) concludes that “Modelling has confirmed that a proportion of the development will be affected by Port and industrial noise at a level higher than desirable for many people but not all”. The statement highlights that the site is not appropriate for residential development.</p> <p>Proposed 10m setback along Electrolytic Street is considered inadequate due to the scale of the site, the type of development proposed and proximity to operational port and industrial land. The setback may assist in reducing the acoustic impact from surrounding land uses but will not eliminate the acoustic impact.</p> <p>The planning system cannot solely rely on design mitigation measures as the only solution to addressing land use conflict matters and allow industrial and sensitive uses to be developed side by side. Physical land separation and protection of industrial lands from sensitive uses is required as a fundamental principal of good land use planning.</p>
TfNSW (collective submission including Sydney Trains/Transport Asset Holding Entity and TfNSW Property -Roads)	<p>No objection to draft Planning Proposal.</p> <p>Draft DCP:</p> <ul style="list-style-type: none"> • Suggestions for local infrastructure improvements to facilitate DCP connectivity objectives • clarifying that TfNSW requirements are generally Australian Guide to Road Design including its associated supplements and relevant Australian Standards. • to be updated to acknowledge that the future design of the roundabout will need to cater for the existing and future cycle and pedestrian network provided within Military Road road reserve and should ensure compliance with the NSW Government Road User

	Space Allocation Policy and Procedure as well as the NSW Government Movement and Place Framework.
Endeavour Energy	<p>No objection.</p> <p>Attached resources to share with applicant, including Standard conditions for development applications and planning proposals.</p>
NSW Environment Protection Authority (EPA)	<p>The site is adjacent the former Port Kembla Copper smelter site zoned IN3 Heavy Industrial and less than 100m from land zoned IN2 Light Industrial. Industrial activities have the potential to produce noise, dust and odour which may impact nearby receivers. While the EPA regulates activities associated with the operation of the environment protection licences by industries surrounding the site, placing sensitive residential land uses next to areas undergoing such activities has the potential to cause land use conflict. The EPA recommends that the potential for land use conflict in this location be carefully considered prior to any rezoning. An EPA accredited site auditor should be engaged throughout the contamination assessment and management process, including the provision of a Site Audit Statement certifying that the land is suitable for the proposed use(s) prior to occupation.</p> <p>As part of any land use change process the key considerations identified in SEPP 55 Remediation of Land should be addressed. Investigations, remediation and validation work should be carried out in accordance with the guidelines made or approved by the EPA under the Contaminated Land Management Act 1997. There may also be a duty to report contamination under the Contaminated Land Management Act 1997.</p> <p>The aims of the SEPP (Three Ports) include the protection and efficient development of land at Port Kembla and to ensure that surrounding land is maintained for port-related and industrial uses.</p> <p>The Illawarra Shoalhaven Regional Plan (2015) recognises the economic importance of Port Kembla lands. The NSW Ports 30 Year Masterplan (2015) also recognises that the Ports and intermodal terminals require protection from urban encroachment in order to operate efficiently. The operation of industrial land can come with a range of potential environmental and amenity issues, that can give rise to land use conflict and community complaints. This includes noise, air and odour complaints. There can be limitations to control pollution and unforeseen environmental incidents can occur. They may be better avoided through effective land use planning considerations.</p> <p>New developments should be planned to avoid land use conflicts up front through spatial separation, best practice building design and construction, and the use of appropriate mitigation measures at appropriate locations. Concern is raised that increasing residential densities at the site as proposed may be inconsistent with the strategic planning for this location.</p>
Sydney Water	<p>No objection.</p> <p>Information provided to assist in planning the servicing needs of the proposed development.</p>

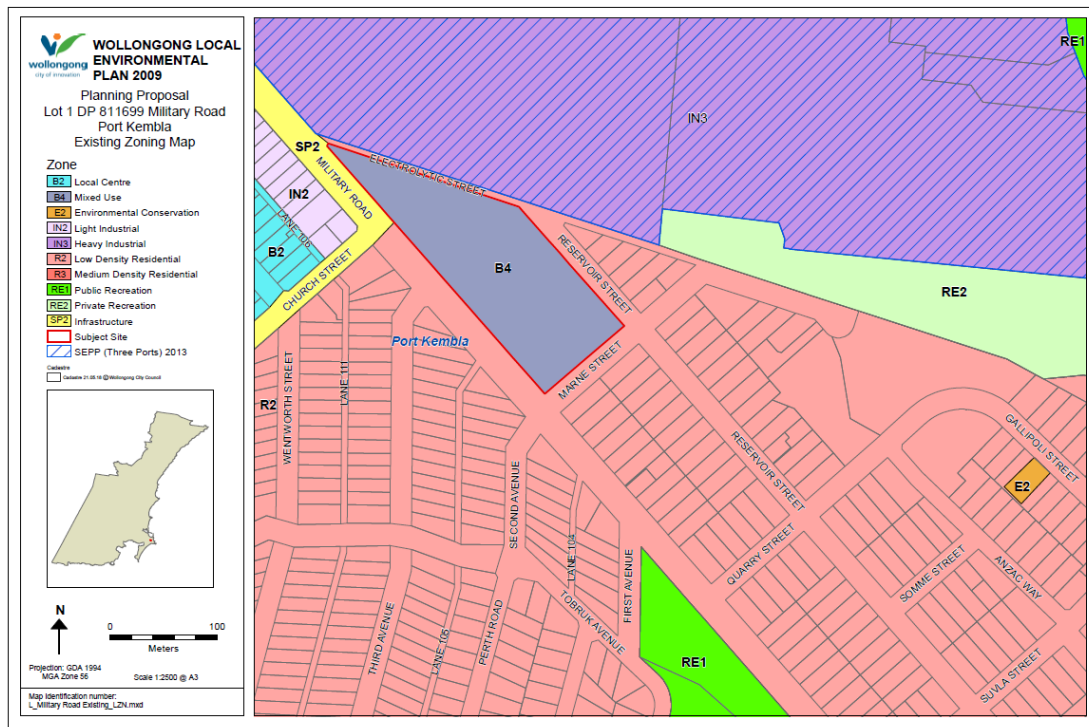
<p>National Trust Illawarra Shoalhaven Branch</p>	<p>Supports in principle the Locality based Precinct Plan.</p> <p>Value in:</p> <ul style="list-style-type: none"> • Integrated heritage interpretation across the site; • Ensuring the built form respects surrounding low scale residential areas and adjacent heritage items; • Encouraging the built forms to frame and enhance views; • Ensuring a range of permeable open spaces; • Increasing vegetation to assist in mitigating against noise, light spill and other impacts; and • Designing and siting the residential buildings in order to mitigate against noise, light spill and other impacts <p>Contamination concerns – assume strict controls and monitoring will be in place should any proposed residential development proceed.</p>
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Part 4 – Mapping

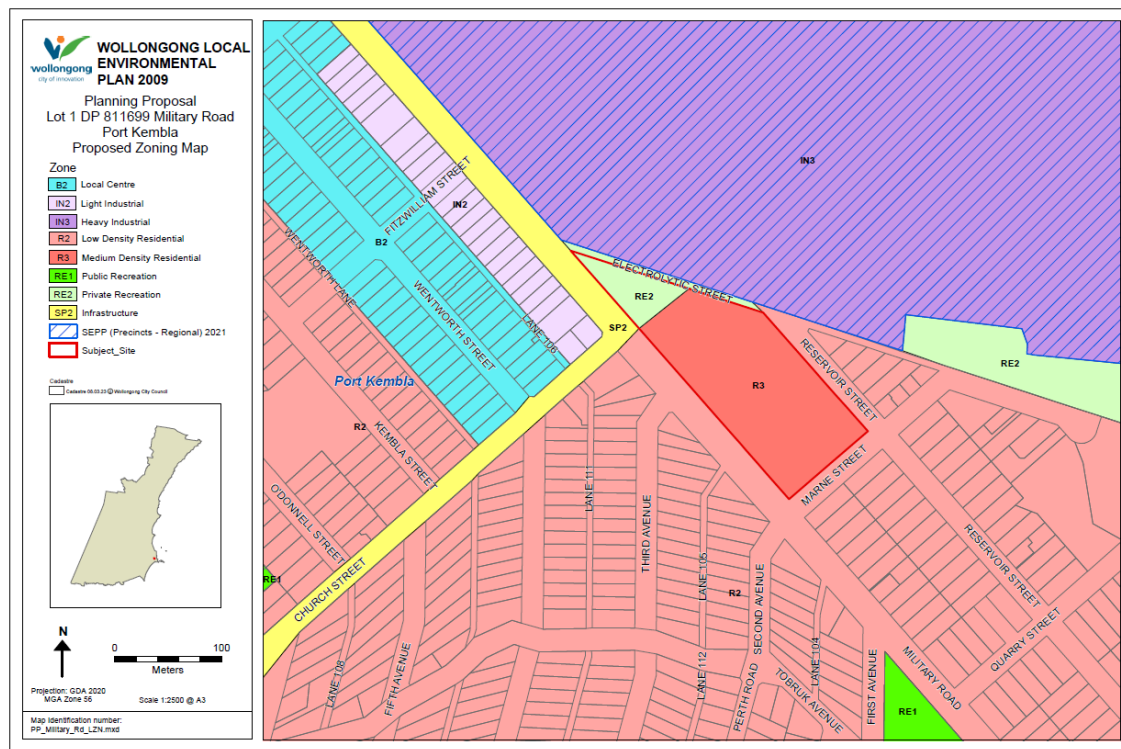
MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES

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

Existing Land Zoning Map sheet LZN

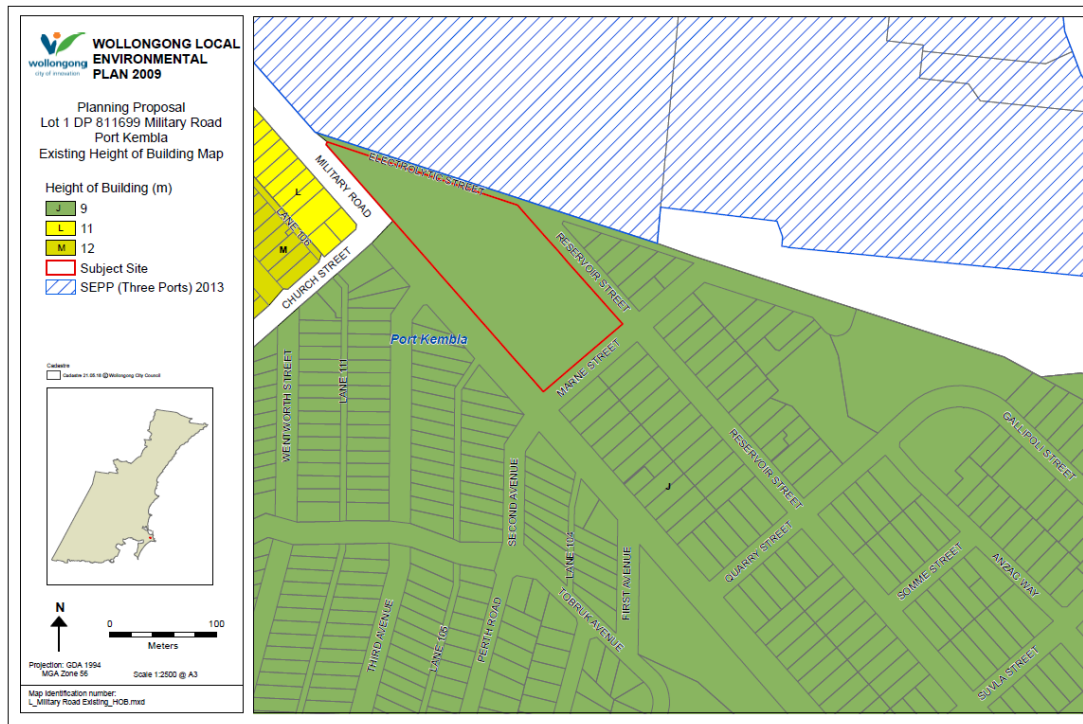


Proposed Land Zoning Map

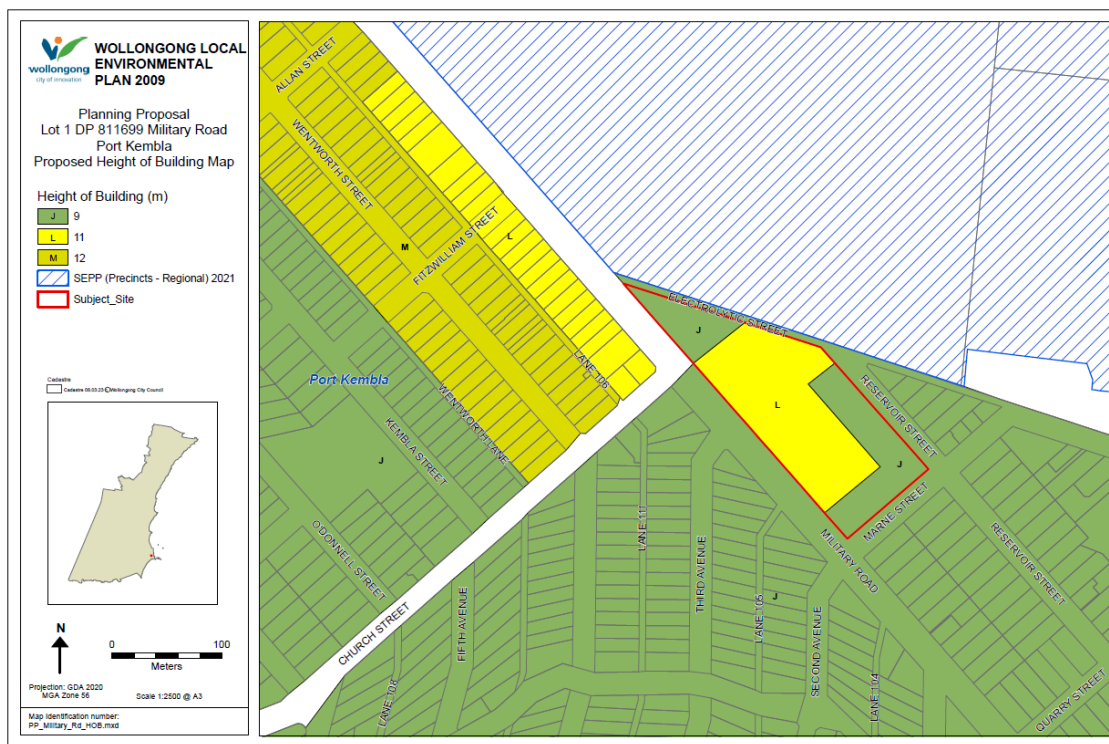


LOT 1 DP 811699 MILITARY ROAD PORT KEMBLA

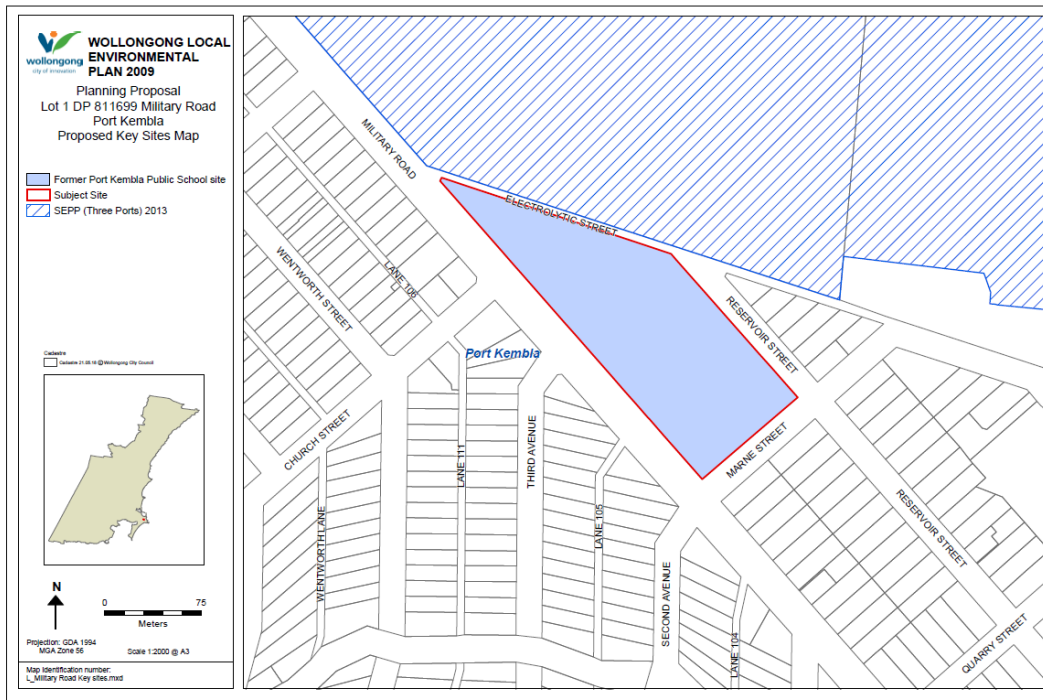
Existing Height of Buildings Map sheet HOB



Proposed Height of Buildings Map



Design Excellence Clause 7.18 WLEP 2009 Design Excellence - 'Key Site'



Part 5 – Community Consultation

The Gateway determination (19 December 2021) stipulated consultation with the following agencies/ departments and organisations for a minimum period of 28 days:

- NSW Ports
- NSW EPA
- Department of Premier and Cabinet (Heritage NSW)
- NSW DPE – EES
- National Trust of Australia, Illawarra Shoalhaven Regional Branch
- Endeavour Energy
- Transport for NSW
- Roads and Maritime Services
- Sydney Water
- Illawarra Local Aboriginal Lands Council
- Bluescope
- Port Kembla Copper

The draft Plans were also referred to Neighbourhood Forum 7, Bluescope, Port Kembla Copper, the Property Council of Australia, the Urban Development Institute of Australia and the Illawarra Local Aboriginal Lands Council.

A total of 328 letters were sent to surrounding residents/land owners/businesses and operators/tenants in the Port Kembla Three Ports SEPP area, and an ad placed in the Illawarra Mercury advising of exhibition dates and how to view the suite of documents.

Copies of the suite of documents were made available at:

- All Council libraries;
- Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong; and
- Council's website www.our.wollongong.nsw.gov.au

A paid social media post was arranged to appear on Facebook, which commenced 31 October 2022 and ran until 10 November 2022. The ad was targeted to Facebook users who live in the Port Kembla area and surrounds and have a particular interest in history, real estate, community, industry etc. This targeted approach, direct to their newsfeeds, gives a much higher impact than a general (unpaid) post. The ad reached 16,096 people, which is very high. A total of 901 clicks on the link to the engagement page were recorded.

Relevant Divisions within Council were also advised of the exhibition.

As a result of the exhibition Council's exhibition web page received 1,350 views and 351 downloaded at least one document (a total of 780 documents were downloaded). As a result of the exhibition a total of 26 submissions were received.

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	December 2021	Department of Planning and Environment
2	Anticipated completion of required technical studies	December 2021	Consultants
3	Council resolution to adopt site-specific DCP (Gateway requirement)	September 2022	
4	Government agency consultation	October/November 2022	Agencies
5	Public exhibition period	12 October to 11 November 2022	Council
6	Date of Public Hearing <i>(if applicable)</i>	N/A	Council
7	Consideration of submissions and Assessment of proposal post-exhibition	November - December 2022	Council
8	Report to Council	February 2023	Council
9	Final maps and Planning Proposal prepared	March 2023	Council
10	Submission to Department for finalisation of LEP	March 2023	Council
11	<i>Anticipated date RPA will make the LEP</i>	<i>March 2023</i>	DPE
12	Anticipated date Council will forward final Planning Proposal to DP&E for notification	March 2023	Council
13	Anticipated date LEP will be notified	April 2023	<i>Parliamentary Counsel and DPE</i>

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP	Biodiversity and Conservation 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Planning Systems 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Industry and Employment 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Central River City 2021	N/A	N/A
SEPP	Precincts Eastern Harbour City 2012	N/A	N/A
SEPP	Precincts Regional 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Western Parklands 2021	N/A	N/A
SEPP	Resilience and Hazards 2021	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	Resources and Energy 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Sustainable Buildings 2022	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Transport and Infrastructure 2021	Consistent	Not applicable to this Planning Proposal. The area is outside the Port, however it is considered that the proposal is compatible with the operations of the SEPP Area. The Planning Proposal will not contain provisions that will

State Environmental Planning Policy		Compliance	Comment
			contradict or would hinder the application of the SEPP.
SEPP No. 65	Design quality of residential flat development	Consistent	The proposal is capable of complying. An Urban Design Analysis Report has been prepared by the applicant and the site will be added to the "Key Sites" map. A site specific DCP includes objectives and controls to integrate heritage interpretation into the urban design principles of the site.
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	Primary Production 2021	N/A	N/A
SEPP	Housing 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Exempt and Complying Development Codes 2008	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

Table B - Checklist of Section 9.1 Ministerial Directions

Ministerial Direction	Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	The Planning Proposal is in accordance with this Direction.
1.2 Development of Aboriginal Land Council Land	Direction does not apply
1.3 Approval and Referral requirements	Proposal is consistent with this Direction.
1.4 Site specific provisions	Direction does not apply
1.5 Place Based Provisions	Directions do not apply
Focus Area 2: Design and Place	Directions do not apply
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Proposal is consistent with this Direction.
3.2 Heritage Conservation	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 recommendations and strategies contained in the Heritage Interpretation Management Strategy have been incorporated into the objectives and controls of the site-specific DCP Chapter. The Planning Proposal is consistent with this Direction.
3.3 Sydney Drinking Water Catchments	Direction does not apply.
3.4 Application of E2 and E3 zones and Environmental overlays in Far North Coast LEPs	Direction does not apply.
3.5 Recreation Vehicle Areas	Direction does not apply.
3.6 Strategic Conservation Planning	Proposal is consistent with this Direction.
Focus Area 4: Resilience and Hazards	
4.1 Flood Prone Land	Direction does not apply.
4.2 Coastal Management	Direction does not apply.
4.3 Planning for Bushfire Protection	Direction does not apply.
4.4 Remediation of Contaminated Land	A number of Contamination reports have been prepared for the site in support of the Planning Proposal request, which concluded that while contamination was found on site, it can be rehabilitated to enable residential development. A Site Auditor will be required to be appointed in accordance with EPA guidelines to monitor the proposed development works. The Planning Proposal is consistent with this Direction.
4.5 Acid Sulphate Soils	The subject site is classified as 'no known occurrence of Acid Sulphate Soils – Class 5'.

4.6 Mine Subsidence and Unstable Land	Direction does not apply.
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The site is located in close proximity to Port Kembla Town Centre and existing community facilities and services. 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>
5.2 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>
5.3 Development Near regulated Airports and Defence Airfields	Direction does not apply.
5.4 Shooting Ranges	Direction does not apply.
Focus Area 6: Housing	
6.1 Residential Zones	<p>The Planning Proposal seeks to contribute to additional residential lands, to assist Wollongong reach its housing targets. The rezoning will permit a range of dwelling types/housing choice, in close proximity to infrastructure, transport and services. The Planning Proposal is consistent with this Direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	Direction does not apply.
Focus Area 7: Industry and Employment	

7.1 Business and Industrial Zones	<p>The Planning Proposal is inconsistent with this Direction affecting land within an existing mixed use zone. The current B4 Mixed Use zoning reflects a previous rezoning proposal to facilitate a variety of uses on the site, including cultural use and artist accommodation in the former school buildings. This Planning Proposal will result in a loss of employment lands, however the Port Kembla 2505 Revitalisation Plan, and previous Council studies in the area, have consistently identified 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).</p> <p>The site sits landlocked surrounded by residential development, with the Planning Proposal seeking to revert to a residential zoning (which existed prior to 2000).</p> <p>The site is not suitable for industrial uses.</p> <p>The Planning Proposal is justifiably inconsistent with the Direction and is considered to be of minor significance.</p>
7.2 Reduction in non-hosted short term rental accommodation period	Direction does not apply.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Direction does not apply.
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Direction does not apply.
Focus Area 9: Primary Production	
9.1 Rural Zones	Direction does not apply.
9.2 Rural Lands	Direction does not apply.
9.3 Oyster Aquaculture	Direction does not apply.
9.4 Farmland of State and regional Significance on the NSW Far North Coast	Direction does not apply.