

ITEM 2

PUBLIC EXHIBITION - REVISED DRAFT PLANNING PROPOSAL - FORMER PORT KEMBLA PUBLIC SCHOOL SITE, MILITARY ROAD, PORT KEMBLA

On 28 May 2018 Council resolved to prepare a draft Planning Proposal to rezone the former Port Kembla Public School site to permit residential development. In November 2018 the NSW Department of Planning, Industry and Environment advised that it would not issue a Gateway determination to allow the proposal to progress to exhibition. The Department considered that the future expansion of the Port of Port Kembla (proposed to be 24 hours/day, seven days/week) would result in increased noise, dust, odour, traffic, visual, hazard/risk issues and other amenity impacts that are unlikely to be tolerated by incoming residents and would threaten future industrial development within the Port.

In July 2020 a revised draft Planning Proposal was submitted, addressing concerns raised by the Department. Meetings were also held with Department representatives. The revised draft Planning Proposal was reviewed by the Wollongong Local Planning Panel (WLPP) who raised concerns about the scale and intensity of the proposal and suggested modifications. The Panel recommended that the building height and floor space ratio be reduced and that the site retain a B4 Mixed Use zone. Council officers agree with the Panel's advice that the building height and floor space ratio should be reduced. Council officers would prefer the site to be rezoned to R3 Medium Density Residential to reflect the proposed use of the land. It is recommended that Council support the preparation of a revised draft Planning Proposal for the site and seek a Gateway Determination to enable exhibition.

RECOMMENDATION

- 1 A revised draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 for Lot 1 DP811699 Military Road, Port Kembla (the former Port Kembla Public School site) to enable medium density residential development, including -
 - a Rezone the southern part of the site (majority) from B4 Mixed Use to R3 Medium Density Residential;
 - b Rezone the northern point of the site from B4 Mixed Use to RE2 Private Recreation;
 - c The Floor Space Ratio of 0.5:1 be retained on the site;
 - d The Height of Buildings be increased to 11m on the proposed R3 Medium Density Residential land, excluding the frontage to Marne Street and Reservoir Street, which is to remain 9m;
 - e Amend the Key Site Map to identify the site as a Key Site under Clause 7.18 Design Excellence;
 - f Delete clause 7.17 Former Port Kembla School – which enabled the now demolished school building to be used for tourist and visitor accommodation
- 2 The draft Planning Proposal be referred to the NSW Department of Planning, Industry and Environment for a Gateway determination to enable a minimum exhibition period of 28 days.
- 3 Should a Gateway determination be issued, consultation be undertaken with the following agencies and stakeholders during public exhibition -
 - a EPA;
 - b NSW Department of Planning, Industry & Environment – Environment, Energy and Science;
 - c Department of Premier & Cabinet – Heritage;
 - d NSW Heritage Council;
 - e Endeavour Energy;
 - f Transport for NSW – Roads and Maritime Services;
 - g Sydney Water;
 - h Illawarra Local Aboriginal Land Council; and
 - i NSW Ports.
- 4 The applicant prepare a Heritage Interpretation Management Strategy which is to comprise of the following and will inform the design guidelines of the site, and which is to be exhibited with the draft Planning Proposal -
 - i Key views and site lines into and out of the site;
 - ii Historic built form locations and building siting, access points etc;
 - iii Social History of the site and the significance of past debates over conflicts with adjacent industrial development and the school and school activism in this space which eventually led to the relocation of the school;
 - iv The role of the school in providing education to the local Aboriginal community;
 - v Appropriate means for providing on site interpretation and recognition of historic significance of the site; and
 - vi Consideration of any special Aboriginal Cultural Significance, and/or archaeological significance attached to the site.
- 5 A further Acoustic Feasibility Assessment be prepared by the applicant and submitted reflecting the proposed lower built form.
- 6 The NSW Department of Planning, Industry and Environment be requested to issue authority to the General Manager to exercise Plan making delegations, in accordance with Council's resolution of 26 November 2012.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Location Map
- 2 Current Zoning Map
- 3 Submitted Proposal
- 4 Recommended Zoning & Height Plan

BACKGROUND

Subject site

The site is known as Lot 1 DP 811699 Military Road, Port Kembla and was previously occupied by the Port Kembla Public School from 1890 until 1999. The site is bounded by Military Road, Marne Street, Reservoir Street and Electrolytic Street. The site has an area of 2.195 hectares and is somewhat trapezoidal in shape. The site has a width of 97m and a length of 301m along Military Road and 143m along Reservoir Street (Attachment 1).

The site slopes to both the north and the south, from a crest that runs from near Third Avenue to Marne Street / Reservoir Street. The elevation at the crest is some 33m above sea level, sloping down to 28m at Marne Street / Military Road and to 26m at Electrolytic Street. At 33m above sea level, the site has views in all directions. To the west, the site looks over Port Kembla and Warrawong to the escarpment. It captures views of the ocean to the east and south, the site looks towards Hill 60. With no development on the subject site, views to the ocean are captured from Church Street.

The site is located to the south of the former Port Kembla Copper (PKC) site (zoned IN3 Heavy Industrial), and to the east of the Port Kembla Town Centre (zoned B2 Local Centre). To the south and east of the site is low density residential development (zoned R2 Low Density Residential). There is a strip of RE2 Private Recreation zoned land separating (buffering) the Residential R2 land along Marne Street, from the Heavy Industry zoned land (Attachment 2).

The site is located within ten kilometres of Wollongong City Centre and is accessible to Wollongong by bus (at Military Road frontage), train (850m to station) and private vehicle. In addition, 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) and King George V oval to the south. It is less than five minutes walk from the site to the Port Kembla Town Centre.

Background

In 2000, the Public School relocated to Gloucester Boulevard and the site was purchased by Port Kembla Copper (PKC). At that time, the site was rezoned from 2(b) Medium Density Residential, to 3(a) General Business by Wollongong Local Environmental Plan 1990 (Amendment No. 184). The school buildings were heritage listed identified as being of local heritage significance.

In 2010, the site was rezoned to B4 Mixed Use as part of the introduction of Wollongong Local Environmental Plan 2009 (Attachment 2). This was partially in response to the over-supply of commercial land in Port Kembla (although 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).

Under the B4 Mixed Use zoning, a range of residential and commercial uses is permitted with consent. One of the B4 zone objectives is "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". Development in the B4 zone also requires ground floor retail, which has limited development potential.

Under Wollongong LEP 2009 the site currently has a maximum floor space ratio of 0.5:1, a maximum building height of 9m and minimum lot size of 1,999m². The site also retains its heritage listing.

The former infants school building was removed between 2001-2006 and the former primary school building was destroyed by fire in January 2013. The site is currently vacant, although the foundations of the school buildings remain.

The site is adjacent to a cluster of heritage items along Military Road including -

- Former Port Kembla Fire Station at 59 Military Road;
- St Stephen's Anglican Church of Australia including Rectory and Hall at 99 Military Road; and
- House and shop at 111 Military Road.

PKC ceased operation of the Copper Smelter and the company had no further need to retain the land. In 2015, PKC sold the site and it was purchased by the current owner, on whose behalf the request for a draft Planning Proposal request was lodged.

Port of Port Kembla

The site adjoins the land covered by the SEPP Three Ports (2013) but is not subject to any of the SEPP provisions.

The Port of Port Kembla is identified as State Significant Infrastructure. In 2006-2007, Council completed the Port Kembla Land Use Strategy with the intention of it strategically guiding the zoning and planning controls for the Port. The controls evolved into State Environmental Planning Policy (Three Ports) 2013. The aims of this Policy 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. Under the Policy, the Port land is zoned IN3 Heavy Industry, and SP1 Special Activities - Port. In 2012 the State Government leased the Port to NSW Ports for 99 years.

The site is located adjacent to the former Port Kembla Copper (PKC) site which is currently vacant.

Draft Planning Proposal

On 19 September 2016, a draft Planning Proposal request, Concept Plan and supporting documentation was lodged on the site. The Concept Plan showed 110 dwellings in a mix of small lot housing fronting Marne Street to the south (1-2 storeys), townhouses and terraces (2-3 storeys) and residential flat buildings (3-storeys) in the northern part. The draft Planning Proposal request proposed that the site be rezoned to R3 Medium Density Residential and RE2 Private Recreation (the northern end). The proposed R3 Medium Density Residential land was proposed to have a floor space ratio of 0.75:1 and maximum building height limit of 11m and minimum lot size of 299m².

On 26 June 2017 Council considered a report on the draft Planning Proposal and resolved to defer the matter for additional information.

On 28 May 2018 Council considered a further report on the draft Planning Proposal and resolved that -

- 1 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 for Lot 1 DP811699 Military Road, Port Kembla (the former Port Kembla Public School site) to enable medium density residential development, including -
 - a Rezone Lot 1 DP811699 Military Road, Port Kembla from B4 Mixed Use to R3 Medium Density Residential and possibly part RE2 Private Recreation;
 - b The potential Floor Space Ratio, Height of Buildings and Minimum Lot Size controls to be determined by the Urban Design Review process and reported to Council prior to exhibition;
 - c Amend the Heritage Schedule to refer to the site as "Site of former Port Kembla Public School";
 - d Amend the Key Site Map to identify the site as a Key Site under Clause 7.18 Design Excellence; and

- e Agreement to provide at least 5% Affordable Rental Housing within the development including details of the proposed management arrangements of the dwellings and the proposed housing needs sector to be targeted.
- 2 The draft Planning Proposal also rezone Gallipoli Park (Lot 301 DP878127), Marne Street/Gallipoli Street, Port Kembla from R2 Low Density Residential to RE1 Public Recreation, and remove the floor space ratio provision associated with the site.
- 3 The draft Planning Proposal be referred to the NSW Department of Planning and Environment for a conditional Gateway determination and the following additional information be requested to be prepared -
 - a The proposed future built form of the site be guided by an Urban Design Review process involving the site owner and consultants, a representative of Council's Design Review Panel, NSW Ports, the NSW Department of Planning and Environment and a representative of the Port Kembla Chamber of Commerce.
 - b The Urban Design Review process is to be reported to Council to enable the built form controls to be incorporated into the draft Planning Proposal.
- 4 Should a Gateway determination be issued, consultation be undertaken with the following agencies and stakeholders during public exhibition -
 - a EPA;
 - b NSW Office of Environment and Heritage;
 - c NSW Heritage Council;
 - d Endeavour Energy;
 - e Transport for NSW – Roads and Maritime Services;
 - f Sydney Water;
 - g Illawarra Local Aboriginal Land Council; and
 - h NSW Ports.
- 5 A site specific DCP Chapter be prepared by the proponent in accordance with the "Key Site's" Map designation based on the Urban Design Review process and submitted prior to the finalisation of the draft Planning Proposal. The DCP Chapter should also include -
 - a Consideration that future potential port intensification may result in increased port noise impacting the proposed development, site specific noise amelioration controls and design measures are to be identified and incorporated within the residential design of the Plan. As a conservative measure, a minimum acoustic glazing requirement (Rw32 and Rw35) for all north facing dwellings is recommended. Furthermore, engineering and design solutions addressing dwelling design and layout are to identify and address activities that are carried out in open air and the noise sources which are not able to be eliminated or easily mitigated. The design solutions are to improve quality of life within the residential development by minimising potential noise impacts.
 - b A Heritage Interpretation Management Strategy which is to comprise of the following and will inform the design guidelines of the site-
 - i Key views and site lines into and out of the site;
 - ii Historic built form locations and building settings, access points etc;
 - iii Social History of the site and the significance of past debates over conflicts with adjacent industrial development and the school and school activism in this space which eventually led to the relocation of the school;
 - iv The role of the school in providing education to the local Aboriginal community;
 - v Appropriate means for providing on site interpretation and recognition of historic significance of the site; and
 - vi Consideration of any special Aboriginal Cultural Significance, and/or archaeological significance attached to the site.
- 6 The draft Planning Proposal be exhibited for a minimum period of 28 days.

- 7 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise Plan making delegations, in accordance with Council's resolution of 26 November 2012.

On 21 November 2018 the NSW Department of Planning, Industry and Environment advised that it did not support the issuing of a Gateway determination for the site as it would result in an intensification of residential land use immediately adjacent to heavy industrial land and an expanding port. *It is estimated that the proposal could result in up to a three-fold increase in the number of dwellings allowed on the site under the current controls (i.e. from approximately 48 to 137 dwellings assuming an average floor area of 120m² per dwelling). It is noted that the concept plan submitted with the proposal showed 110 dwellings.*

The Department noted that *future expansion of the Port Kembla port is likely to result in increased noise, air, dust, odour, traffic, visual, hazards and risks and other amenity impacts which are unlikely to be tolerated by/acceptable to incoming residents, particularly when the port is at capacity and operating 24 hours a day, seven days a week (as is the case with Port Botany).*

An intensification of residential population on the school site is also likely to limit future industrial development within the Port area and intensify potential future land use safety conflicts.

The proposed level of intensification of residential use on the former Port Kembla School site is therefore likely to result in increased/unacceptable land-use conflicts with adjacent heavy industrial uses within the port that could -

- *Restrict the existing and likely future uses of adjacent industrial/port land, adversely impact on the efficient functioning of the port and hinder the potential to grow the capacity of the port of Port Kembla as an international trade gateway, therefore being inconsistent with Directions 1.2 and 1.4 and Action 1.2.1 of the Illawarra Shoalhaven Regional Plan (and section 9.1 Ministerial Direction 5.10);*
- *Hinder the efficient development, redevelopment and protection of land at Port Kembla for port purposes, therefore being inconsistent with the aims of State Environmental Planning Policy (Three Ports) 2013; and*
- *Restrict the use of adjacent industrial lands for employment uses, therefore being inconsistent with the objectives of section 9.1 Ministerial Direction 1.1 Business and Industrial Zones.*

The Department is of the view Port Kembla should be protected from encroachment by incompatible land uses which could sterilise or limit the potential use of state significant port land.

It is considered that rezoning the former school site to intensify residential development at this time is premature as there is currently too much uncertainty about the potential restrictions it may place on the future use of heavy industrial land within the port of Port Kembla. Any future proposal must address the Department's reasons for not supporting the rezoning of the former school site, the outcomes of the Port Kembla Land Use Conflict Management Study when completed and demonstrate that land use conflict can be avoided.

The Department did issue a Gateway determination for the associated minor housekeeping amendment to rezone the nearby Gallipoli Park (Lot 301 DP878127), Marne Street/Gallipoli Street, Port Kembla from R2 Low Density Residential to RE1 Public Recreation. Due to the minor nature of this change, it was not progressed to exhibition, as the major part of the draft Planning Proposal was not supported.

PROPOSAL

In response to the Department's decision the applicant prepared an acoustic report, additional studies and on 20 July 2020 submitted a revised concept plan and draft Planning Proposal request.

The following additional studies accompanied the revised proposal –

- Urban Design Analysis Report (2020)
- Acoustic Feasibility Study (2020)

The revised draft Planning Proposal request seeks to rezone the site from B4 Mixed Use to R3 Medium Density Residential, with height limits changed from 9m to 9m and 17m and add a Floor Space ratio of 0.5:1, 0.75:1 and 0.8:1. The submitted proposal also seeks to reduce the heritage overlay affecting the site and amend Schedule 5 – heritage to update the heritage listing to “Site of former Port Kembla Public School”. The proposal seeks to remove Clause 7.13 from the Wollongong LEP 2009.

The revised concept plan provided with the draft Planning Proposal suggests a development comprising two storey buildings and 5 storey buildings, enabling approximately 125 dwellings, with an option for an aged care facility in place of some apartments. It is noted that the number of dwellings, proposed maximum building height and floor space ratio all increased from the original proposal.

ASSESSMENT OF ISSUES

Loss of Employment Lands

The site is currently zoned B4 Mixed Use which permits commercial and retail uses as well as shop-top housing and residential flat buildings (ground floor retail required) 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 may impact the viability of businesses in Wentworth Street, Port Kembla.

The majority of the site is adjoined by land zoned R2 Low Density Residential, noting that land on the western side of Military Road north of Church Street is zoned IN2 Light Industry and the Port Kembla Copper site is zoned IN3 Heavy Industry (under the Three Ports SEPP). The use of the northern part of the site for light industrial uses may provide a buffer to the heavy industrial zone in the SEPP area. Conversely, the further encroachment of industrial lands into the residential part of Port Kembla may not be supported by the community.

Overall it is considered that the site should revert to a residential zone (which existed prior to 2000 when occupied by the school). The future residential use of the site would support the Port Kembla Township by increasing nearby residential population. The Port Kembla 2505 Revitalisation Plan identifies the site as being appropriate for residential use.

Contamination

A key issue is whether the site is suitable for residential development as it is located in close proximity to the former PKC smelter and was in the fall-out zone of emissions from the stack. The site is not contaminated due to its former school use. Advice from the EPA reiterates that Council is responsible to consider contamination issues under SEPP 55 as part of the Planning Proposal request.

Based on the submitted reports, it is concluded that the site is contaminated, although can be rehabilitated to enable residential development. A Remediation Action Plan will be required to accompany any future development application (based on the final development proposal) and a site auditor will be required to monitor the development.

Proximity to the Port / Industrial Uses and Noise Impacts

Another key issue is the proximity of the site to the Port of Port Kembla. The Department in refusing the Gateway determination, and submissions from the EPA and NSW Ports, were concerned that future residential development on the site may lead to complaints that could limit 24 / 7 operations at the Port. The Port is a key economic driver for the State and region.

To address the concerns, an Acoustic Feasibility Study was submitted as part of the revised proposal in 2020.

The Acoustic Feasibility Study concludes that a proportion of the development at the northern end will be affected by Port and industrial noise at a level higher than desirable for many people. Whilst the effects are relatively small, due to the topography in the area, the proposed new development will also provide further shielding to the existing residences behind on Military Road, which are currently the “front line”. These residences would have been built before noise was taken into consideration.

The report recommends that noise impacts be minimised by -

- The developer ensures that the new dwellings incorporate appropriate noise attenuation measures to mitigate impacts from the Port acceptable levels.
- Buildings and apartments are designed to orientate noise sensitive rooms away from the Port and nearby industry, consider glazing design and ventilation requirements.
- The inclusion of notation on Section 10.7 Planning Certificates on the title so it is clear for future owners / occupiers that they may be subject to Port / Industrial noise.

The Acoustic Study was based on the submitted revised proposal which proposed up to 5 storey development. The Wollongong Local Planning Panel has suggested a lower scale development is more appropriate. The impact of noise on the lower built form has not been assessed. It is possible that the number of impacted dwellings will be less, and the noise shadow created by will also be less (as they are shorter). A further acoustic report should be prepared during the exhibition period if the draft Planning Proposal request is progressed.

Heritage

The former Port Kembla Public School is listed as a local heritage item in the Wollongong LEP 2009. The Heritage listing of the site was updated on 23 April 2021 by Wollongong LEP 2009 (Amendment 45) to read "Site of former Port Kembla Public School".

As previously noted the infants school building was demolished between 2001 and 2006 and the primary school building burnt down in 2013 and was subsequently demolished.

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.

The heritage value of the site and its context, sitting adjacent to several heritage items should also inform the future interpretative strategy of the site.

On 28 May 2018 Council resolved that a Heritage Interpretation Management Strategy be developed prior to the finalisation of the Planning Proposal. This document has not been submitted and this report repeats the previous recommended for the preparation of a Heritage Interpretation Management Strategy.

The draft Planning Proposal request proposes a reduction in the map extent of the heritage listing of the site. The reduction in the listing is not supported, as there are still potential for archaeological relics on site, even though the buildings have been removed.

Environment

The site has been cleared of native vegetation. The site does contain trees that were planted during its life as a Public school. Since the schools' closure, weeds have grown.

Council's initial assessment identified the need to assess the site's potential impact of the Green and Golden Bell Frog. An initial due diligence assessment was carried out by Biosis (2015) 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."

However, they recommended that during future development, a qualified Ecologist should be contacted in the event that a Green and Golden Bell Frog is discovered on site. All safeguards identified by Biosis, can form part of the conditions attaching to a development consent for future development of the site.

Urban Design Issues

The revised draft Planning Proposal is supported by a Urban Design Analysis Report (2020) which addresses the matters identified in the 2017 and 2018 Council reports. The Urban Design Analysis Report also incorporates the findings of the Acoustic Feasibility Study.

The revised concept plan provided with the draft Planning Proposal suggests a development comprising two storey buildings and 5 storey buildings, enabling approximately 125 dwellings, with an option for an aged care facility in place of some apartments (Attachment 3). The proposed height, FSR and number of dwellings increased from the concept considered by Council in 2018. The Wollongong Local Planning Panel has recommended that the proposed increase in FSR and proposed increase in height from 9m to 17m should not progress (see section below). However they have supported an increase in height to 11m.

Wollongong LEP 2009 (Clause 7.18) allows for the designation of certain sites as “Key Sites”. These are sites which are of their nature reasonably large and have the potential to revitalise town centres and provide both significant economic or social return and significant public domain benefit. The LEP clause provides that key sites can only be developed if they deliver the highest standard of Architectural and Urban Design. Additionally, any development application must be referred to Council’s Design Review Panel. It should be noted that, while the proponent does not specifically refer to the potential of the subject site to be considered a “Key Site”, the proposal seeks the increase of both the permissible floor space and the permissible building height over the site. It is still recommended that the site be listed as a key site, due to its prominence and heritage values.

Consideration by Wollongong Local Planning Panel

In accordance with the Ministerial Direction, on 19 March 2021 the draft Planning Proposal was reported to the Wollongong Local Planning Panel for advice on the strategic merits of the proposal.

The Panel advised that revised draft Planning Proposal PP-2016/3 has strategic merit to remove the necessity for ground floor retail that currently exists for development within the B4 Mixed Use zone. However, the Panel does not believe there is strategic merit for significant FSR and height increases. It is noted that should the requirement of ground floor commercial be removed, this would automatically allow for more residential development within the existing maximum FSR that applies to the site.

From a site specific perspective, the Panel was concerned about the elevation of the site above the Port, and the likely noise and light spill from this essential employment site, and that increasing the residential density significantly is not desirable.

The Panel recommended that the Planning Proposal be amended to retain the B4 Mixed Use zone, remove the Wollongong LEP 2009 Clause 7.13 ground floor retail requirement, allow a maximum building height of 11m, but retain the maximum 0.5:1 site FSR. The Panel also recommended that the draft Planning Proposal should also identify the site as a ‘Key site’ under Clause 7.18 of the WLEP which requires a DCP /or Concept Plan to ensure that all appropriate mitigation measures are integrated into the redevelopment of the site, and any built form outcomes are compatible with the surrounding low density residential character.

The Panel considers that the open space allocation at the northern end of the site is acceptable.

While the Panel recommended the retention of the B4 Mixed Use zone, it is proposed that the southern part of the site be rezoned to R3 Medium Density Residential. The Residential zone better reflects the future use of the site for residential uses. Additionally, Port Kembla has an oversupply of land zoned for retail uses for its catchment, and does not need any additional retail floor space. There is a risk that the Department of Planning, Industry and Environment may not support a change to R3 Medium Density Residential, as it represents a greater change than retaining the B4 Mixed Use zone.

In a letter dated 28 April 2021, the applicant advised that it agreed with the Panel’s view that the draft Planning Proposal has strategic merit and that clause 7.13 requiring ground floor retail be removed. However it does not support the proposed retention of the B4 Mixed Use zone, the proposed reduction in the FSR and height limit. The applicant suggested as an alternate option that a split zone of B4 Mixed

Use for Precincts B and C (northern and western sides) and R3 Medium Density Residential for Precincts D and E (southern and eastern sides) be considered.

In terms of the proposed future zoning, Council has the following options -

- 1 Supporting the rezoning of the northern part of site to R3 Medium Density Residential, as recommended.
- 2 Supporting the retention of the B4 Mixed Use zone, as recommended by the Wollongong Local Planning Panel. If this option is supported, the recommendation can be amended in the following manner -
 - a Amend 1(b) to read “Retain the B4 Mixed Use zone on the southern part of the site (majority)”
 - b Add 1(g) Remove the operation of clause 7.13 Certain land in Business Zones (ie the requirement for ground floor retail) from the site.

If Council wishes to pursue a higher FSR or Building Height limit than recommended, recommendations 1(c) and 1(d) should be amended, respectively.

CONSULTATION AND COMMUNICATION

The draft Planning Proposal has not been exhibited for community input, as Gateway Determination was not granted in 2018.

If the revised draft Planning Proposal request is supported by Council and a Gateway determination is issued by the NSW Department of Planning, Industry and Environment, then the draft Planning Proposal would be circulated to government agencies for comments and be placed on public exhibition. An exhibition period would be determined by a Gateway determination, but a minimum period of 28 days is suggested.

PLANNING AND POLICY IMPACT

Illawarra-Shoalhaven Regional Plan 2015

The *Illawarra Shoalhaven Regional Plan* (the Plan) was released in 2015 by the former Department of Planning and Environment (now Department of Planning, Industry & 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 relevant to this draft Planning Proposal.

In particular, the following Directions are relevant to the assessment of this draft Planning Proposal request: -

DIRECTION 1.2 Grow the capacity of the port of Port Kembla as an international trade gateway

ACTION 1.2.1 Reduce land use conflicts by managing buffers around the port and its supporting freight network

As previously noted the Department of Planning, Industry & Environment did not support the original draft Planning Proposal due to concern that it may limit future Port operations. The revised draft Planning Proposal was accompanied by an Acoustic Feasibility Assessment which demonstrates that the majority of the possible future development would be within acceptable noise criteria. However some dwellings facing the Port would be affected by Port and industrial noise at a level higher than desirable for many people.

The Wollongong Local Planning Panel and this report recommends that the height and scale of the development be reduced from that submitted and tested by the Acoustic Feasibility Assessment. It is anticipated that the number of dwellings affected by future noise would be reduced.

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

DIRECTION 2.2 Support housing opportunities close to existing services, jobs and infrastructure in the region's centres

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 Port Kembla 2505 study identified that this site may be suitable for residential development.

The draft Planning Proposal request seeks to enable additional housing in Port Kembla and a variety of housing choice on the site.

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 site has the potential to provide a diverse 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. Increasing the number of residents adjacent to Port Kembla Town Centre has the potential to support local shops and businesses.

DIRECTION 3.4 Protect the region's cultural heritage

The former Port Kembla School site is heritage listed. A Heritage Impact Statement has been submitted in support of the draft Planning Proposal request. It is proposed to retain the heritage listing of the site as part of the Planning Proposal. The site is also 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 can be undertaken should the Planning Proposal proceed past a Gateway determination.

Port Kembla 2505 Revitalisation Plan

The Port Kembla 2505 Revitalisation Plan Vision states -

"Port Kembla is a product of its unique people and exceptional natural surroundings. Its 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 draft Planning Proposal is consistent 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, highlighting the heritage significance of the site whilst managing its interface with the Port area.

Community Strategic Plan

The Wollongong 2028 Community Strategic Plan outlines the community's priorities and aspirations, providing directions for the provision of key projects and services.

This report contributes to the delivery of Wollongong 2028 goal *"We are a healthy community in a liveable city"*.

Wollongong Local Strategic Planning Statement

On 29 June 2020 Council adopted the Wollongong Local Strategic Planning Statement (LSPS). The draft Planning Proposal request was lodged prior to the exhibition and adoption of the LSPS. The draft LSPS noted that Council was assessing a draft Planning Proposal on the site. The draft Planning Proposal is consistent with the housing direction for Port Kembla outlined in the LSPS. The LSPS also notes the importance of the Port of Port Kembla and the industrial precinct to the NSW and local economies, and the need to maintain 24/7 operations and protection from inappropriate development.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Council report.

CONCLUSION

The former Port Kembla School site has been vacant for over 20 years. The revised draft Planning Proposal, as amended, proposes that the site be rezoned to enable it to be developed for medium density residential development. Noting that some residential development is permitted under the existing B4 Mixed Use zone.

It is recommended that Council support the preparation of the revised draft Planning Proposal for the site, incorporating the recommendations of the Wollongong Local Planning Panel to reduce the height and density of the proposal to be more consistent with the surrounding area. Council officers have a different view to the Panel in relation to zoning and considers a residential zone to be more consistent with the proposed use of the site. It is recommended that the draft Planning Proposal be submitted to the NSW Department of Planning, Industry and Environment seeking a Gateway determination enabling public exhibition.



LUP Ref: Military Rd Port Kembla Location Plan.mxd

Location Plan

Legend

Subject_Site_05-04-17

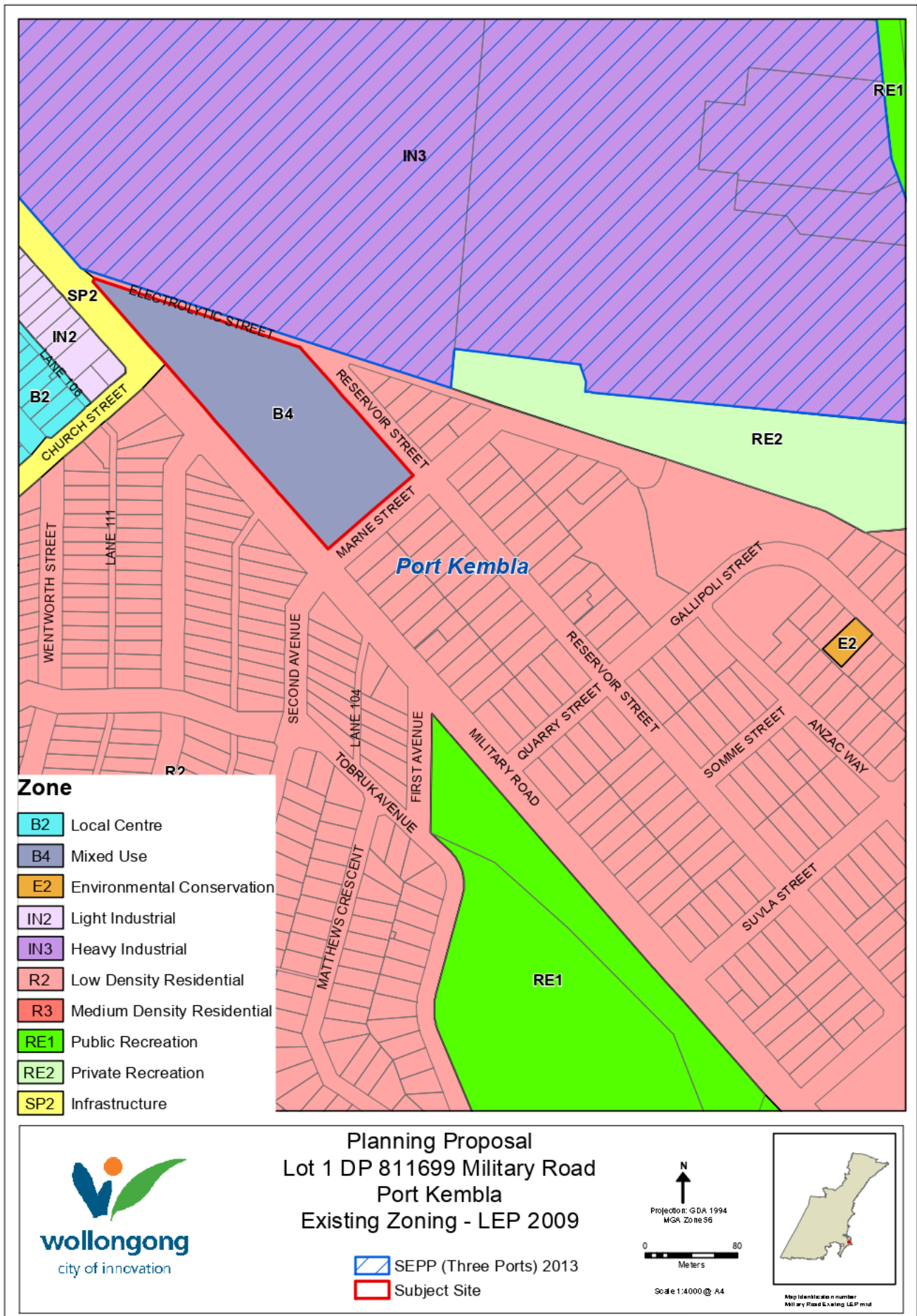
Drawn By: H.Jones

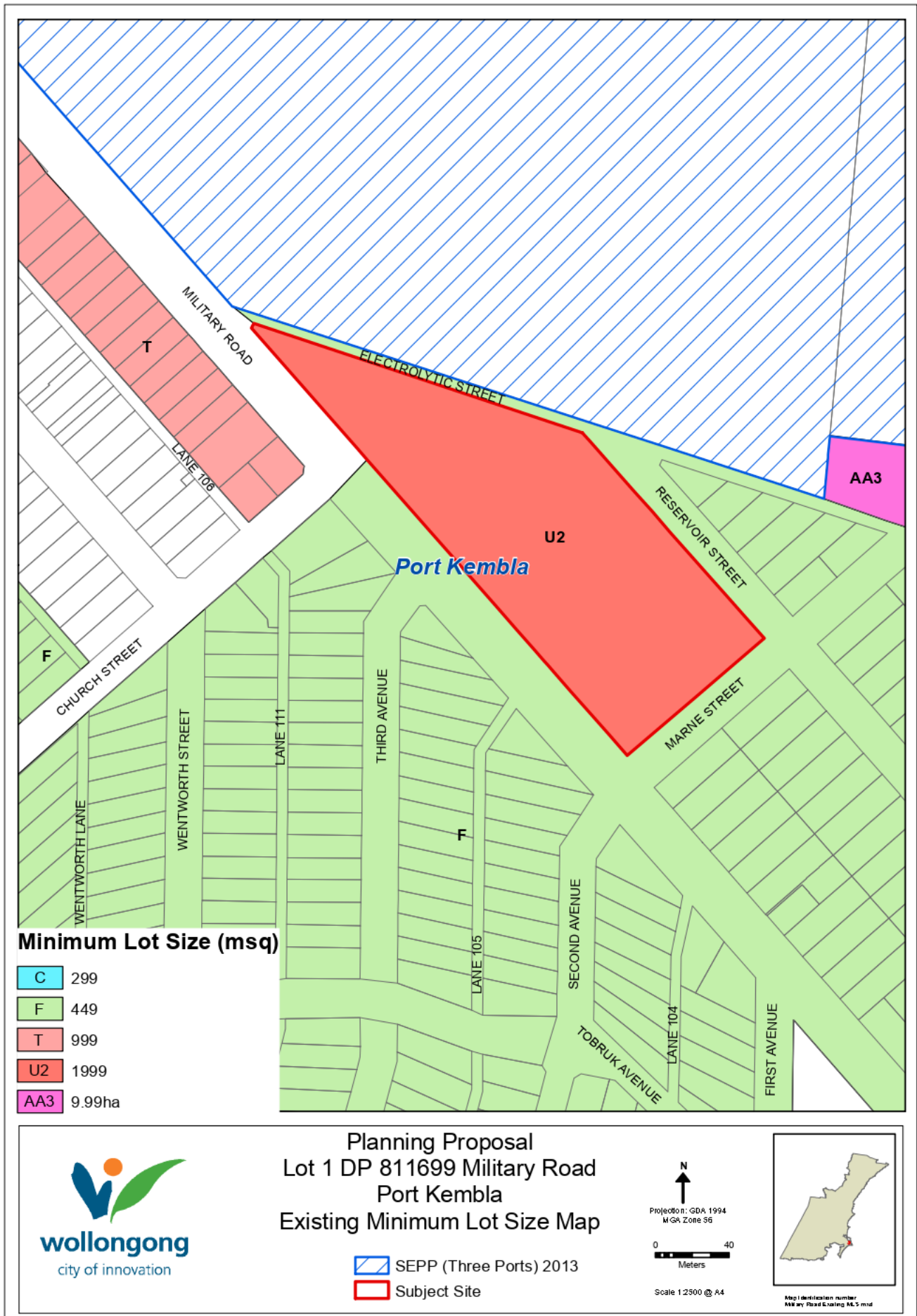
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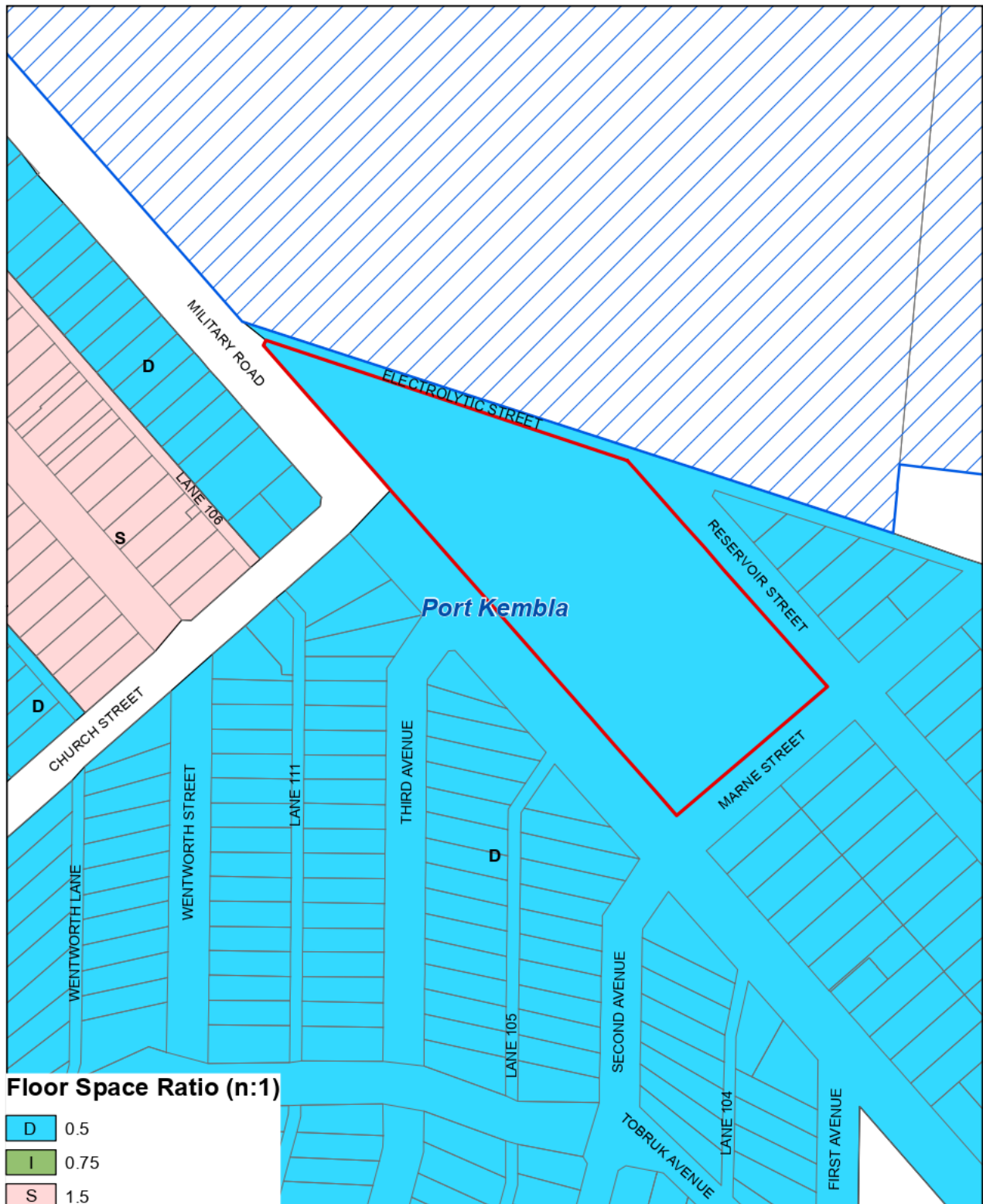
Date of Aerial Photography: 2017



0 200
Meters







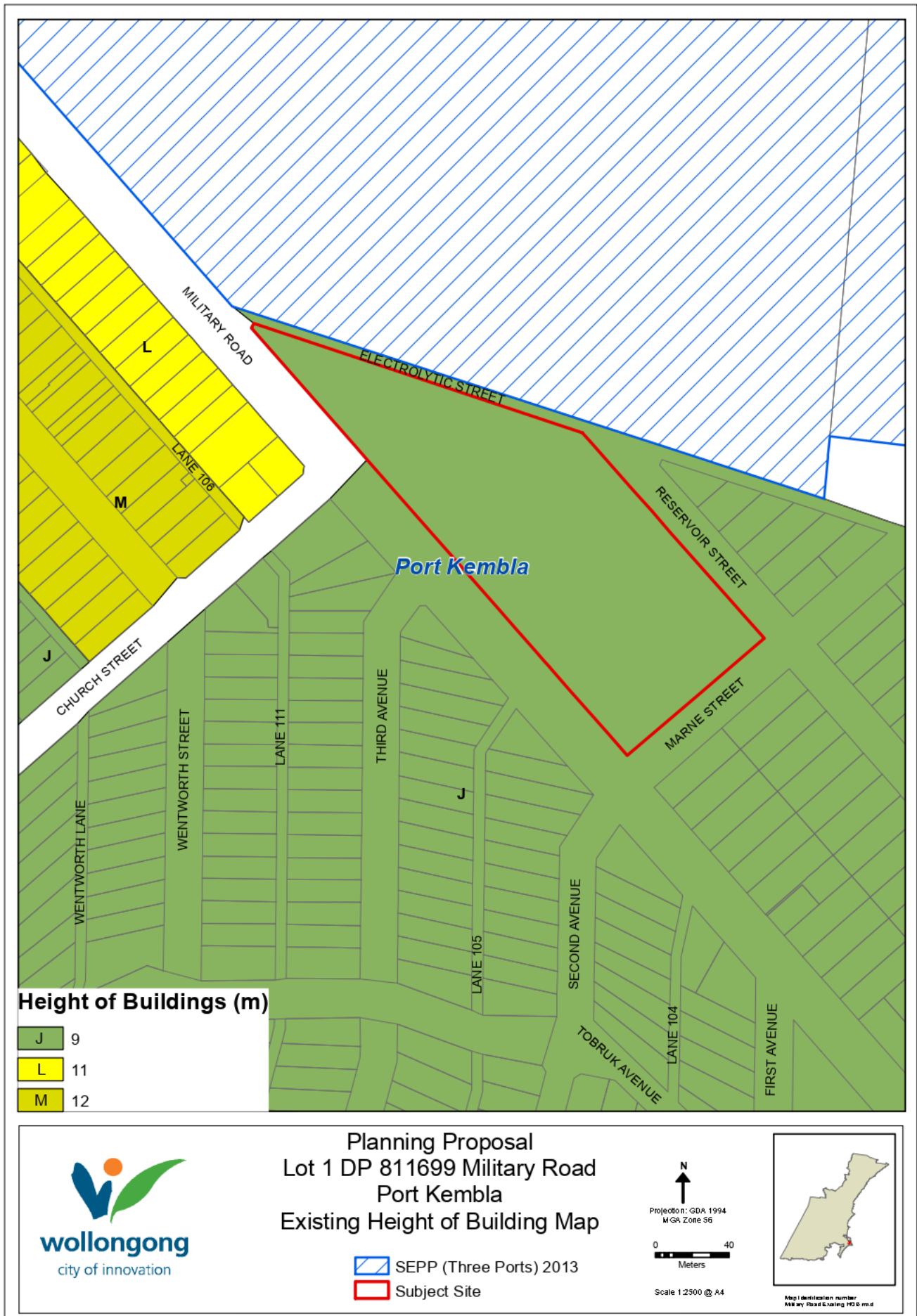
Planning Proposal
Lot 1 DP 811699 Military Road
Port Kembla
Existing Floor Space Ratio Map

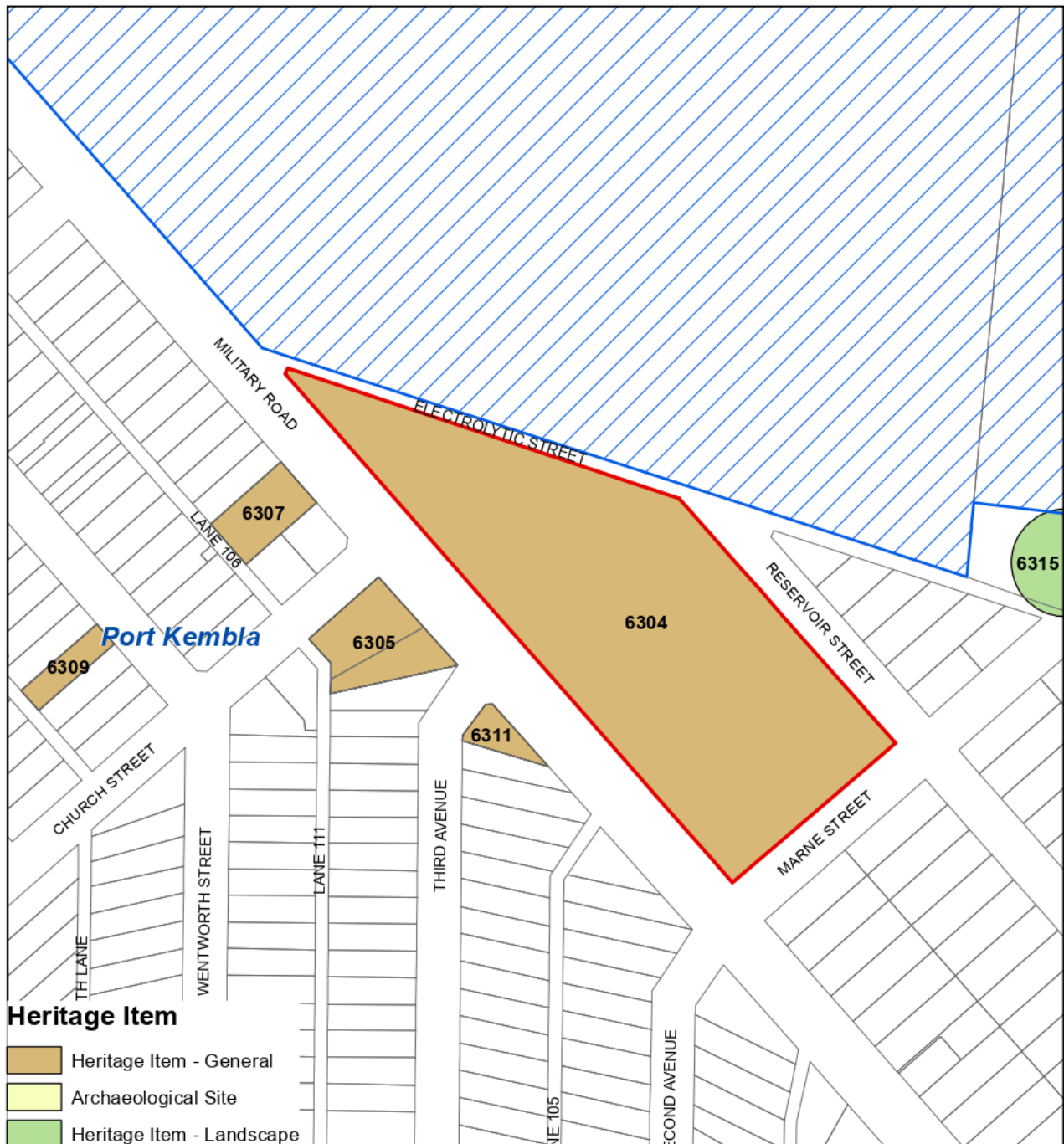
- SEPP (Three Ports) 2013
- Subject Site

N
Projection: GDA, 1994
MGA Zone 56
0 40
Meters
Scale 1:2500 @ A4



Map Identification number:
Add any Road Scaling: 1:500 m.d





Heritage Item

- Heritage Item - General
- Archaeological Site
- Heritage Item - Landscape

TAG	Item	Location	Signif
6304	PORT KEMBLA PRIMARY SCHOOL	LOT 1 DP 811699 MILITARY ROAD	LOCAL
6307	FIRE STATION	MILITARY ROAD	LOCAL
6305	ST STEPHEN'S ANGLICAN CHURCH OF AUSTRALIA, INCLUDING RECTORY AND HALL	CNR ILLAWARRA AND MILITARY ROADS	LOCAL
6311	HOUSE AND SHOP	LOT 28 SEC 4 DP 7804 MILITARY ROAD	LOCAL
6309	MURAL	BUILDING NEAR CNR OF WENTWORTH RD AND CHURCH ST	LOCAL
6315	GARDEN (AROUND FORMER HOUSE AND ADJACENT DRIVEWAY)	2 ELECTROLYTIC STREET	LOCAL

05 PREFERRED DESIGN CONCEPT

5-1 Preferred Concept 1 (Without aged care)

Building typologies

■ Terraces	(10 dw)
■ Townhouses	(18 dw)
■ Apartments	(101 dw)

Other land uses

■ Proposed open space
■ Roads
① Number of storeys

This scheme considers green open space and residential buildings in the triangular precinct to the north of the site. The residential units are located towards the south of the triangle, allowing for the provision of a densely vegetated bermed area to the north and east acting as a buffer zone between the residents and the activity of the port. Building design will also focus bedrooms to the rear.

Terraces, townhouses and more residential units are distributed throughout the rest of the site, with heights ranging between 2 storeys (9m) and 5 storeys (16m).



Figure 25 Preferred Concept 1 - Plan View

05 PREFERRED DESIGN CONCEPT

5-1 Preferred Concept 1

Building typologies

■ Terraces	(10 dw)
■ Townhouses	(18 dw)
■ Apartments	(101 dw)

Other land uses

■ Proposed open space
■ Roads



Figure 26 Preferred Concept 1 - Model View

05 PREFERRED DESIGN CONCEPT

5-2 Preferred Concept 2 (With aged care)

Building typologies

■ Terraces	(10 dw)
■ Townhouses	(18 dw)
■ Aged care facility	
■ Apartments	(69 dw)

Other land uses

■ Proposed open space	
■ Roads	
① Number of storeys	

This scheme considers green open space and an aged care facility in the triangular precinct to the north of the site. The program within the aged care facility would allow for habitable areas to be located towards the west and south of the building, with non-habitable and service areas to the north and east, towards the port. Protection from adjoining Port noise is also provided by a multistorey carpark onto Electrolitic Street.

Terraces, townhouses and residential units are distributed throughout the rest of the site, with heights ranging between 2 storeys (9m) and 5 storeys (16m).



Figure 27 Preferred Concept 2 - Plan View

05 PREFERRED DESIGN CONCEPT

5-2 Preferred Concept 2

Building typologies

- Terraces (10 dw)
- Townhouses (18 dw)
- Aged care facility
- Apartments (69 dw)

Other land uses

- Proposed open space
- Roads



Figure 28 Preferred Concept 2 - Model View

5-3 Approximate area estimates

Preferred Option 1

Total Site Area	22,100 m ²
Developable Area (Net)	17,250 m ² (78%)
Roads	3,150 m ² (14%)
Open Space	1,700 m ² (8%)
Overall GFA	10,850 m ²
Overall Gross FSR	0.41 : 1
Overall Net FSR	0.48 : 1



Preferred Option 2

Total Site Area	22,100 m ²
Developable Area (Net)	17,250 m ² (78%)
Roads	3,150 m ² (14%)
Open Space	1,700 m ² (8%)
Overall GFA	11,600 m ²
Overall Gross FSR	0.43 : 1
Overall Net FSR	0.51 : 1



Note: all areas above are approximate and based on a preliminary sketch design only. Some areas (sqm) in the schedules have been rounded up/ down.



5.0 Part 4 Mapping

The proposed mapping changes to the Land Zoning, Height of Building, Heritage, Floor Space Ratio and Minimum Lot Size layers are outlined below.

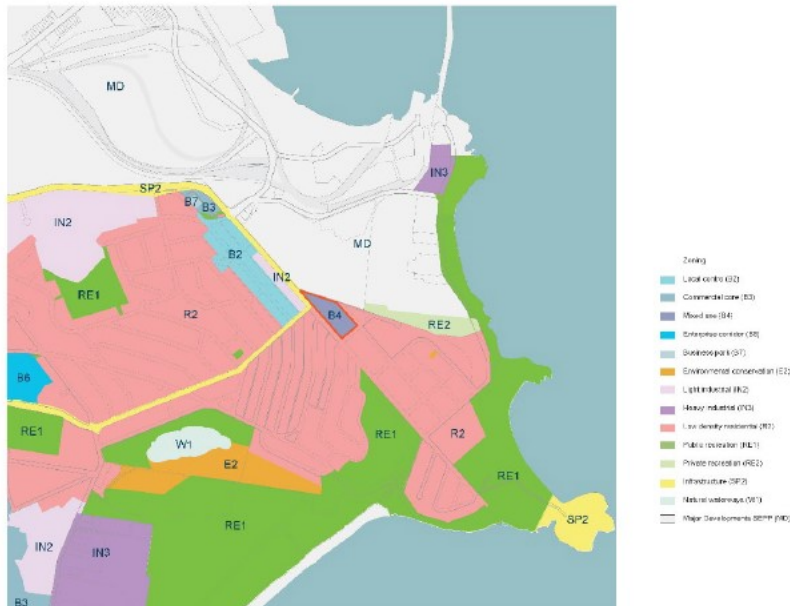


Figure 8: Existing zoning



Figure 9: Proposed zoning

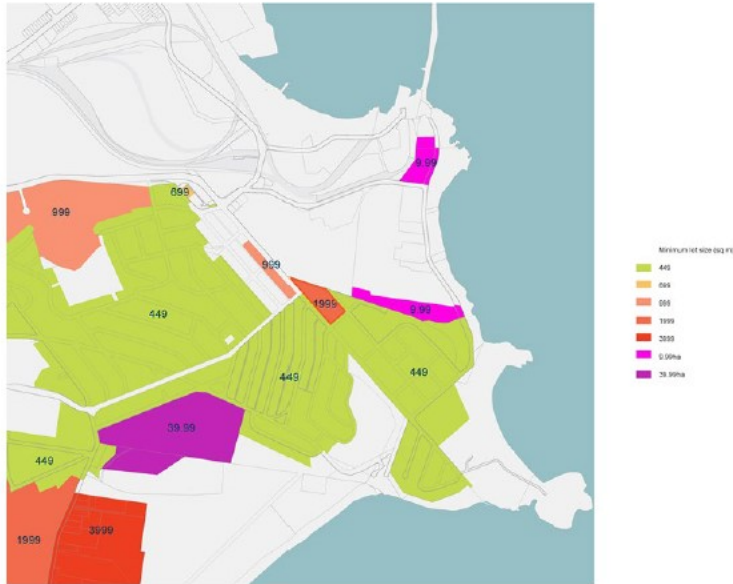


Figure 10: Existing minimum lot size



Figure 11: Proposed minimum lot size



Figure 12: Existing height of building



Figure 13: Proposed height of building

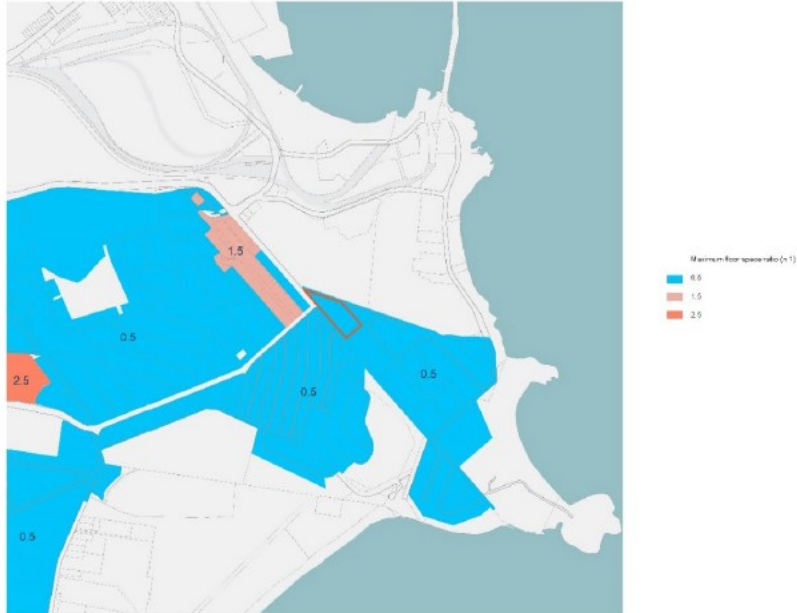


Figure 14: Existing floor space ratio



Figure 15: Proposed floor space ratio



Figure 16: Existing heritage

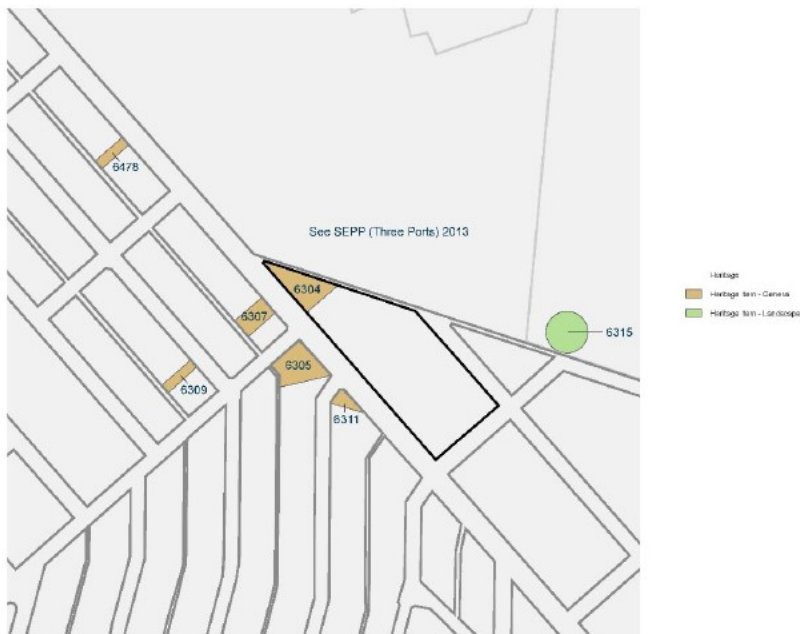


Figure 17: Proposed heritage

