

ITEM 4

POST EXHIBITION - DRAFT PLANNING PROPOSAL AND DRAFT SITE-SPECIFIC DCP CHAPTER - FORMER PORT KEMBLA PUBLIC SCHOOL SITE, MILITARY ROAD, PORT KEMBLA

On 10 May 2021, Council considered a report on a revised draft Planning Proposal for the former Port Kembla Public School site, located on Military Road Port Kembla, that addressed the concerns raised by the NSW Department of Planning and Environment on the previous draft Planning Proposal that was not supported. This report also outlined recommendations from the Wollongong Local Planning Panel (WLPP). Council resolved to support the preparation of a revised draft Planning Proposal for the site and seek a Gateway Determination to enable exhibition. A Gateway Determination was granted on 19 December 2021, with one of the conditions being the preparation of a site-specific Development Control Plan (DCP).

On 12 September 2022, Council resolved to endorse a draft site-specific DCP Chapter for exhibition in conjunction with the draft Planning Proposal, to allow community and stakeholder feedback. The draft Planning Proposal, draft DCP Chapter and supporting studies were exhibited between 12 October and 11 November 2022.

The purpose of this report is to provide feedback on the outcomes of the public exhibition and recommend that Council resolve to finalise the draft Planning Proposal to rezone the site and endorse an accompanying site-specific Development Control Plan chapter to guide future development. A draft Planning Agreement is being prepared in relation to the provision of affordable housing on site, which will be reported to Council separately.

RECOMMENDATION

- 1 The draft Planning Proposal for Lot 1 DP811699 Military Road Port Kembla, known as the former Port Kembla Public School site, be progressed to finalisation, to enable residential development as follows –
 - a Rezone the site from B4 Mixed Use to part R3 Medium Density Residential and part RE2 Private Recreation, with the amended boundaries proposed by this report.
 - b Amend the Height of Buildings Map from 9 metres for the entire site to part 11 metres and part 9 metres.
 - c Update the Schedule 5 Heritage listing to refer to the site as “Site of former Port Kembla Public School”.
 - d Delete clause 7.17 Former Port Kembla School – which enabled the now demolished school building to be used for tourist and visitor accommodation.
 - e Amend the LEP Key Site Map to identify the site as a Key Site under Clause 7.18 Design Excellence.
 - f No amendment be made to the Floor Space Ratio Map (0.5:1), Minimum Lot Size map (1999m²), Acid Sulfate Soils Map.
- 2 Wollongong Development Control Plan chapter D20 Former Port Kembla School site be adopted as a site-specific DCP Chapter to guide future development on the site.
- 3 A separate report be submitted to Council on the proposed draft Planning Agreement containing provision of at least 5% Affordable Rental Housing within the development.
- 4 A notation be included on Section 10.7 Planning Certificates for the site so it is clear for future owners/occupiers that they may be subject to Port/Industrial noise and other amenity impacts, and to advise of the location of any on site containment of contamination.

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 Summary Table of Submissions
- 4 Proposed Zoning: Pre and Post Exhibition
- 5 Recommended Final Wollongong LEP 2009 Mapping Amendments
- 6 Final site-specific DCP Chapter D20 - Former Port Kembla School Site

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, although has been vacant for many years. The site is bounded by Military Road, Marne Street, Reservoir Street and Electrolytic Street, 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 Hill 60 to the south.

The site is located within an established suburban area in the heart of Port Kembla in close proximity to the Port Kembla Town Centre, community facilities, recreation areas, schools, public transport, and the ocean foreshore area. Public bus transport is available in front of the site off Military Road, and Port Kembla Railway Station is approximately 1.2kms to the north. Surrounding traditional low density detached housing is slowly being replaced by infill medium density housing products (such as dual occupancies and townhouses). In the wider context, the property is in proximity to the Warrawong Town Centre area with retail, commercial and recreational offerings and access to services.

The current zoning of the site is B4 Mixed Use (Attachment 2). 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 with a 9m height limit). Land on the western side of Military Road north of Church Street is zoned IN2 Light Industry. 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. The site adjoins the 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 B4 Mixed Use zoning currently permits a variety of residential development with consent. This zoning however requires commercial uses on the ground floor. The B4 zoning reflects a previous rezoning proposal to enable a variety of uses on the site, including cultural use and artist accommodation in the former school buildings.

The former Port Kembla Public School site has social and cultural value as the school site and buildings served an important function in the community for more than 100 years. There is a series of demolished structures on site, relating to a former use as a primary school. These include footings of the Primary School building erected in 1916, and an Infants building erected in 1953, along with associated buildings on site. There is also evidence remaining of playground facilities such as game courts and concrete pathways.

Council considerations

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 (then) 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 would be

unlikely to be tolerated by incoming residents, and was concerned this could threaten future industrial development within the Port.

In response to the Department's November 2018 decision, the applicant submitted a revised Concept Plan and draft Planning Proposal request on 20 July 2020, supported by the following additional studies -

- Urban Design Analysis Report (Studio GL July 2020).
- Acoustic Feasibility Study (Wilkinson Murray July 2020).

On 10 May 2021 Council considered a report outlining a revised draft Planning Proposal request prepared to address the prior concerns raised by the Department. The Council report also discussed recommendations made by the Wollongong Local Planning Panel (WLPP) that the proposed building heights and floor space ratios be reduced. Council resolved at that meeting to support the preparation of a revised draft Planning Proposal for the site and seek a Gateway Determination to enable exhibition.

Council resolved that -

- 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 at 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;*
 - g *At least 5% of the proposed dwellings be made available for Affordable Rental Housing through a Planning Agreement with details of the proposed management arrangements of the dwellings and proposed housing needs sector to be targeted.*
- 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*

A Heritage Interpretation Management Strategy was submitted in 2020 (John Oultram Heritage & Design 2020), with an updated version submitted in December 2021. An updated Urban Design Analysis Report (Studio GL) was prepared for the site and submitted in December 2021, to reflect the recommendations in the latest Heritage Interpretation Management Strategy. An updated Acoustic Feasibility Study (RWDI Group June 2021) was also submitted.

The draft Planning Proposal was referred to the NSW Department of Planning and Environment and a Gateway Determination was received on 19 December 2021. One condition of the Gateway Determination was the preparation of a site-specific Development Control Plan (DCP) chapter prior to exhibition of the Planning Proposal to ensure that appropriate mitigation measures are integrated into the redevelopment of the site, in recognition of the potential amenity impacts associated with the proximity to the Port operations.

In response to the Gateway Determination, a draft DCP Chapter was prepared for the site by the applicant. The purpose of the site-specific DCP Chapter is to guide the implementation of the Master Plan, respond to site opportunities and constraints, and to provide guidance and a tool in the assessment of future Development Applications. On 12 September 2022 Council considered a report on the draft site-specific DCP Chapter and resolved to exhibit the draft DCP Chapter with the draft Planning Proposal, already endorsed for exhibition. Council resolved –

- 1 *The draft site-specific Wollongong DCP 2009 Chapter Former Port Kembla Public School Site be exhibited for a minimum period of 28 days, in conjunction with the draft Planning Proposal for Lot 1 DP 811699 Military Road, Port Kembla.*
- 2 *A post exhibition report be prepared outlining the feedback received for Council to consider.*

A draft Planning Agreement is being prepared for the provision of affordable rental housing on site and will be reported to Council separately for endorsement prior to exhibition.

PROPOSAL

The draft Planning Proposal, draft DCP Chapter and supporting studies were exhibited between 12 October and 11 November 2022. As a result of the public exhibition, 26 submissions were received, as detailed below –

Table 1: Submissions Received

	Support Residential Development on site	Oppose Residential Development on site	No objection	Support Residential Development but one or more concerns/suggestions	Oppose Residential Development on site but possible suggestions if goes ahead	One or more concerns raised
10 Agency/ Business/ Interest Group submissions	-	3	3	2	1	1
16 Community submissions (“Our Wollongong” website and email)	4	1	-	8	-	3

A summary of submissions and Council Officer responses is included as Attachment 3. The following tables illustrate the issues raised, with a discussion of the key issues provided in the following section of this report.

Table 2: Agency/Business/Interest Group Submissions (10 submissions)

Agency/Business/ Interest Group	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>

Agency/Business/ Interest Group	Issues Raised
	<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 85-110 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>
Transport for NSW (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>

Agency/Business/ Interest Group	Issues Raised
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.</p> <p>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>
National Trust Illawarra Shoalhaven Branch	<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

Agency/Business/ Interest Group	Issues Raised
	<ul style="list-style-type: none"> 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>
<p>Cement Australia</p>	<p>The former school site adjoins strategically important port-side industrial land in Port Kembla. The NSW Ports' 30 Year Master Plan <i>Navigating the Future</i> identifies Port Kembla as a home to NSW's second container port.</p> <p>The majority of the site is not suitable for residential uses due to the existing impacts from the Port operations and its close proximity to the Port area. At a minimum, any future residential uses on the site should be restricted to those areas where it can be demonstrated that impacts do not exceed maximum thresholds, and no mitigation would be required to achieve compliance with relevant noise and air standards for residential development.</p> <p>Planning Proposal is inconsistent with Illawarra Shoalhaven Regional Plan 2041 objectives and actions including -</p> <ul style="list-style-type: none"> Objective 3: Grow the Port of Port Kembla as an international trade hub – introducing new residents in close proximity to the operational area of the port has potential to limit growth and expansion of the Port area due to land use conflict with current and future heavy industry uses due to noise, air, dust, odour and traffic emissions, visual amenity and health and safety concerns; Objective 18: Provide sufficient housing supply in the right locations – amenity and usability of future dwellings jeopardised by impacts from the Port, being noise, traffic and contamination impacts; and Objective 19: Deliver housing that is more diverse and affordable – future housing unlikely to be affordable due to the amount of mitigation required to achieve acoustic compliance and remediation. <p>Planning Proposal is inconsistent with Council's Community Strategic Plan (Our Wollongong Our Future 2032) including Goal 5 – We have a healthy community in a liveable city. Due to site's proximity to the Port area any future housing on site would be adversely impacted by existing and future port activity (unable to open windows or doors or use private outdoor areas) and is likely to be unaffordable due to the costs associated with appropriate mitigation measures to minimise adverse impacts.</p> <p>Does not properly align with Council's Port Kembla 2505 Revitalisation Plan.</p> <p>Proposal lacks strategic and site specific merit – proposal has not demonstrated the site is suitable for future residential development, including with respect to noise, air, dust, odour and traffic impacts, visual amenity and health and safety concerns. The required mitigation on the site to achieve a residential outcome is considered excessive and indicates the land is not suitable for residential uses. The impacts will potentially increase with any future expansion of the port area, especially the outer harbour area. Poor strategic outcome – irreversible land use conflict. Further information should be provided in the form of updated acoustic and traffic assessments.</p> <p>The proposal has the potential to limit the growth and expansion of the Port area by introducing new residents in an area in close proximity to the operational area of the port. This could potentially jeopardise the operation of an exceptionally important piece of infrastructure in NSW that is an international trade gateway for bulk agricultural, construction and mining industries. Potential increase in traffic on roads surrounding port area has potential to impact CA site efficiency and</p>

**Agency/Business/
Interest Group**

Issues Raised

operations, including production and storage capacities on site. The increase in residences in general close to the Port area may decrease the overall safety and security of the CA site.

CA would like consideration of the following -

- Maintain B4 zoning or introduce a mixed light industrial/business zone with an adequate buffer to the Port Lands maintained; or
- Rezone site for recreation/public open space with intention of maintaining an uninhabited or low use buffer area to the Port; or
- If rezoning is pursued, removal of residential zoning from those areas unable to meet required acoustic standards and unable to achieve natural ventilation;
- Further information to be provided in the form of updated acoustic assessments that provide an assessment of vibration impacts on the site from the port and industry, along with a quantitative assessment of the cost of required mitigation measures. Updated assessments should look at worst case scenario for port expansion, including increased truck and rail movements, and expansion of uses in outer harbour (eg Manildra bulk terminal), current approvals and proposals within the port area;
- Fig 3-1 of the Acoustic Feasibility Study (RWDI 2021) should be adopted in Planning Proposal and DCP as the industrial interface and maintained as a buffer to the port area, with topographical interventions investigated to reduce noise impacts further;
- An Air Quality Impact Assessment should also be prepared to provide a comprehensive understanding of all air quality impacts on the site from the adjoining port area, as well as the impacts associated with any potential future expansion of current port activity.

Draft DCP -

- Section 2 Aims and Objectives – objectives J & K should be higher priority re design considerations
- Section 4 Master Plan – should be amended to adopt Fig 3-1 (industrial interface) from Acoustic Feasibility Study (RWDI 2021) as the suitable setback from Electrolytic and Reservoir Street. This would further reduce mitigation measures. Topographical, vegetation or barrier intervention should also be explored within the interface to further lessen impacts from the Port.
- Desired Future Character – this section should acknowledge the potential for future expansion of the Port and the potential for impacts associated with the Port to increase and change over time.
- Section 5.2 Setbacks - should be amended to adopt Fig 3-1 (industrial interface) from Acoustic Feasibility Study (RWDI 2021) as the suitable setback from Electrolytic and Reservoir Street.
- Section 5.3 Building Design – Control 11 should note that north facing living areas closer to the interface area are likely to be impacted by noise, including areas of private open space. Control suggested requiring all fencing to be acoustic fencing to further reduce noise impacts.
- Section 5.5 Private Open Space - Control suggested requiring acoustic fencing for private open space to further reduce noise impacts.

Agency/Business/ Interest Group	Issues Raised
Port Kembla Gateway	<p>Opposes the proposed redevelopment of the site, primarily because of its proximity to the port of Port Kembla and ancillary industries.</p> <ul style="list-style-type: none"> • Site overlooks Port Kembla – an example of inappropriate urban encroachment which will ultimately negatively impact the port, its users and the thousands of jobs it supports. • The port has viable plans in place to expand in the future – the expansion is expected to increase noise, traffic hazards, dust and odour which is likely to be considered a nuisance by residents in the new housing development. It is well known that residential housing cannot co-exist in close proximity to heavy industry. Complaints from the residents will certainly be forthcoming from disturbances caused by port operations. • The port operates 24/7 and must not be restricted by housing encroachment into industrial land. There is a need for a significant buffer zone between any future housing development and the future footprint of the port and the proposal offers no concession to this necessity. • The proposed housing development will adversely impact efficient functioning of the port and hinder future development of the port as strategic and vital state infrastructure – therefore the development proposal should be rejected by Council.
Operational Port Tenant	<p>As an operational port tenant, we raise the following concerns -</p> <ul style="list-style-type: none"> • Urban encroachment has potential to restrict current and future port and business operations including the introduction of curfews and limits on use of freight rail -our business relies on 24 hour access • Proposal to almost double the number of allowable dwellings from 46 to 85-110 would increase the likelihood and scale of conflict between port users and residents – noise, air emissions and light spill • The site is not appropriate for residential development – the acoustic report concludes that a proportion of the development will be affected by port and industrial noise “at a level higher than desirable by many people” • The proposal is inconsistent with strategic priorities for the region and the port.
Port Kembla Pollution Committee	<p>Support residential development however given the history of the site and the legacy of industry the proposed alterations to the zoning should be limited to R2.</p> <p>R2 development -</p> <ul style="list-style-type: none"> • May be able to be effectively environmentally managed • Assists with maintaining character of Port Kembla • Limits disturbance (by extraction) of very toxic substances and release into community. <p>Development of the land must engage the EPA - given contents of Golder document, the site should be declared significantly contaminated land and is therefore subject to management orders, site audits and financial assurances. Legislative requirements must be complied with. The whole site should be capped and sealed and then built on as is the case of the old Port Kembla Copper site.</p> <p>WLPP (19/3/21) noted no strategic merit for significant FSR and height increases – how is it possible for the proposal to contain an increase in height limits. The height limit alteration sets a precedent for future R3 zoning applications.</p>

Table 3: Community Submissions (16 submissions)

Key Issues Raised	Number of Submissions
Support residential use of the land. This will increase the suburb population which will help support services and businesses, particularly on Wentworth Street.	7
Design excellence/amenity comments – development should include wide footpaths/bike track, retention of big trees, green zones, playground for all people – not a concrete jungle, modern attractive/quality buildings.	7
Exhibited plan did not show any parking on site. Concerned about the amount of traffic that will be generated - the impact of our loss of parking at our home is not acceptable/noise. Need infrastructure upgrade to support an increase in vehicles and foot traffic is provided.	6
Will provide additional housing as we are in a housing shortage crisis.	4
Apartments need to be affordable/mix of housing. Should be minimum 20% affordable housing provision. The mix of housing in this proposal is ideal as it will provide opportunities for both tenants and buyers.	4
The Military Road/Church St intersection is very busy and visibility is average - will there be traffic lights and crossings installed? Intersection of Church St and Military Rd already problematic with poor sight lines - with 45 degree angle parking impeding views the proposal will introduce increased traffic exacerbating congestion and likelihood of accidents.	3
In general support more housing for this area but too many dwellings crammed into this development. Overly developed and in contradiction to principles of enhancing amenity and keeping in line with design of existing neighbourhood. Medium and high density out of character for neighbourhood and suburb. Potential for a new ghetto when people are packed into an area – people need space around them.	3
Concerned about shadowing/block sunlight.	2
Support apartments.	1
Minimal roads through the site – include bike parking and make the development focus on people and not car access. Improve public transport connection to Wollongong with a more frequent train service.	1
Contamination concerns – school relocated.	1
Proposal for child care facility within the development requires deeper consideration – will add to traffic congestion and pressure on allocated parking. Wentworth St retail precinct under utilised and should be considered for child care facility.	1
Potential for aged care residences (Design Concept 2) is worthy of consideration.	1
Views and vistas for existing residents are obliterated – impossible to see how key public view corridors (e.g., escarpment) will be sustained with the scale of proposed medium and high density structures.	1
Proposed open green space insufficient – required for amenity and wellbeing. Existing landscape provides habitat for range of native fauna – appropriate	1

Key Issues Raised	Number of Submissions
habitat must be sustained.	
Proximity to steelworks, port and historical contamination pose health and wellbeing issues to potential residents.	1
Site has sat derelict and/or vacant for such a long period of time.	1
Need playground linked to streetscape – there are no good playgrounds until the beach.	1
There could be a much more interesting and creative solution for the space as an extension of the Port Kembla CBD – with nod to history.	1
Should as part of the development include other items included in the Port Kembla Revitalisation Plan and support Wentworth St to have bike racks, water stations, improved gardens, lighting and all access public toilets.	1
The vegetated berm will be insufficient as a noise barrier from neighbouring industries.	1
Industrial noise from the port will be echoed back on us by any taller buildings just across the road.	1

Following is a discussion of the key issues raised in the submissions in relation to the draft Panning Proposal and the draft site-specific DCP Chapter -

1 Draft Planning Proposal

1.1 Proximity to the Port of Port Kembla – potential land use conflict

The former school site adjoins strategically important port-side industrial land in Port Kembla. Port Kembla is recognised as a state significant employment precinct due to its importance to the NSW and Australian economies, and Port Kembla Port is included as one of three key ports in the State Environmental Planning Policy (SEPP) Transport and Infrastructure 2021. The Port of Port Kembla supports more than 3,500 jobs and contributes \$543 million to the regional economy each year. The NSW Ports' 30 Year Master Plan *Navigating the Future* identifies Port Kembla as a home to NSW's second container port to cater for future trade volumes as Port Botany reaches capacity. While traditional industrial and manufacturing will remain an important part of Port Kembla, advanced and smart manufacturing will play an increasingly significant role within the precinct.

Concern has been expressed by NSW Ports, the EPA and a number of port tenants that future development of the former Port Kembla school site could limit 24/7 operations and expansion of the Port area due to potential land use conflict with current and future heavy industry uses. The potential for community complaints in relation to possible noise, odour and other amenity impacts was raised.

The Illawarra Shoalhaven Regional Plan 2041 (ISRP) also recognises that there are key environmental and land use considerations that need to be carefully considered and managed to minimise potential land use conflicts and realise potential development opportunities in the Port Kembla precinct covered by the Ports SEPP. These include, but are not necessarily limited to, potential air quality, water quality, contamination and flora and fauna. The Regional Plan recognises that collaboration between NSW Government agencies, including the Environment Protection Authority, will be key to ensuring identified growth opportunities in Port Kembla can be realised without having significant adverse impacts on the local environment, and that new port related developments should aim to maintain, restore or improve the environment and comply with relevant regulatory requirements.

The Plan additionally addresses increasing residential development demand around the port which could conflict with current and future heavy industry uses and could constrain the Port's future operating capacity and efficiency if not managed appropriately. In addition to identifying the need for port operations to comply with relevant regulatory requirements to reduce conflict arising from potential amenity impacts, Strategy 3.1 *"Protect Port Kembla as an international gateway for freight and logistics"* also states that strategic planning should consider opportunities to reduce land use conflicts from

adjoining land uses and where appropriate include buffer measures to minimise the impact of development on the efficient functioning of the Port and the freight industry.

A key purpose of the State Environmental Planning Policy (SEPP) Transport and Infrastructure 2021 – Chapter 5 Three Ports is to define the port related activity boundaries and protect/reserve the land within those boundaries for port related uses and future port related development. The SEPP area buffer facilitates land use that complements and strengthens the role of the ports, confirming the land that forms an area of interest for the future. This strategic land-use planning preserves access to areas required to directly undertake port activities and provides the transport corridors required to link the port to the wider freight network.

NSW Ports advocates to maintain open space and business buffers between port and industrial lands and residential areas – a buffer zone between housing development and the future footprint of the port. As illustrated above, the SEPP area effectively serves this function. It should be noted that the SEPP was amended in 2022 and although it is recognised that there are plans to expand the Port of Port Kembla, no proposed rezoning of land surrounding the Port of Port Kembla to expand the SEPP mapped area was included in that amendment in this regard.

In addition to the SEPP area buffer, the draft Planning Proposal response to concern about urban encroachment has been the introduction of a land use and zone buffer restriction at the northern end of the site (i.e. proposed RE2 Private Recreation zoned land), thereby contributing to the overall objective of reducing potential interface issues. This restriction is currently not implemented for the site under the current zoning – the current B4 Mixed Use zone already permits various forms of medium density housing across the entire site. The exhibited draft Concept Plan also included the provision of a 10m wide green buffer/vegetated berm between the industrial lands to the north and north-west and potential land uses across the rest of the site as an additional measure to reduce noise impacts.

The EPA additionally advises 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. The “Key Site” designation provides a pathway to ensure best practice building design and construction methods are achieved for the site. Objectives and controls have also been included in the draft site-specific DCP Chapter in relation to mitigation measures to avoid potential adverse amenity impacts from port and industrial operations.

1.1.1 Legislative Requirements/Approvals for Port Operations

NSW Ports hold approvals for several Major Projects and is responsible for ensuring compliance with the Conditions of Approval that set out requirements for the environmental management of construction and facility operation, and ongoing community engagement. The environmental impacts of Port developments are thoroughly assessed prior to commencement of work. Impact assessments consider the likely effects of proposed port activities and developments on air and water quality, noise levels, terrestrial and aquatic ecosystems, traffic and transport systems, public access and amenity and sustainability principles. Once approved, project specific Environmental Management Plans are prepared to monitor and protect the environment during construction and operation, to ensure management practices are in accordance with applicable approvals, environmental licences and legislation, and community expectations. Reviews are undertaken regularly, along with independent environmental audits to verify compliance is achieved.

Additionally, a large number of Port tenants require an Environmental Impact Statement (EIS) and/or hold licenses for scheduled activities at the port and they are responsible for managing and operating in accordance with those licenses, ensuring safeguards to the surrounding community are put in place. The EIS provides information on the economic, environmental and social impacts of the project.

Relevant policy that must be adhered to include the Noise Policy for Industry (2017) which balances the need for industrial activity with the community’s desire to minimise intrusive sounds, and the Protection of the Environment Operations Act 1997 in relation to Environmental Protection Licences issued for port operations. Projects must be designed and operated with the objective of meeting noise and air quality limits as described in these policies and include mitigation and management measures to prevent adverse impact to sensitive receptors (including neighbouring residential properties).

The Port of Port Kembla currently operates within a community setting and is mindful of community amenity, which is an integral part of port planning and development. The Port of Port Kembla currently operates alongside some 14,500 residential properties within 2kms of the SEPP boundary (7,700 within 1km). As outlined above, safeguards in the form of legislation and conditions of consent/license are already built into the approval process in recognition of this neighbouring residential population. A recent example is the Planning approval granted for a container and multi-purpose facility Outer Harbour Development, which is subject to conditions of consent that acknowledge a large existing neighbouring residential community.

The development of the former Port Kembla School site wouldn't change the current requirements in this regard, given there is residential development on three sides of the site that currently need to be considered in any proposed port activity. Each approval or EPL acknowledges the adjoining local community and places limits/obligations on the operator in terms of noise levels, air quality etc. The site's current zoning permits residential development with consent. This Planning Proposal would not place any additional onus on the Port operator or tenants.

1.1.2 Proposed Site-specific Controls

The NSW Department of Planning and Environment (DPE) and Wollongong Local Planning Panel (WLPP) recommended that a site-specific DCP be developed to ensure that all appropriate mitigation measures are integrated into the redevelopment of the site in terms of the likely noise and light spill from the Port, and any built form outcomes are compatible with the surrounding low density residential character.

This recommendation is consistent with the EPA advice on the need for new developments to incorporate best practice building design and construction, and the use of appropriate mitigation measures.

Additionally, the Port Kembla Land Use Conflict Management Study (LUC study), commissioned by the DPE recognised that noise impacts are best mitigated by appropriate design and construction of buildings and provides the following design controls for consideration -

- Good building design and orientation so that sleeping areas are orientated away from the Port and surrounding industrial areas. The location of utility areas, such as laundries and bathrooms as noise buffers is a worthwhile strategy.
- Improved glazing to habitable rooms and windows to incorporate good seals.
- Provision of fresh air ventilation, which would ensure that windows can be closed when improved amenity is desired by occupants.
- Outdoor areas designed to take advantage of any acoustic shielding by the building structure or surrounding buildings.

The submitted acoustic assessments conclude that any future residential development is capable of achieving compliance with appropriate noise attenuation measures to manage potential land use conflicts. These recommendations have been incorporated into the site-specific DCP Chapter to ensure that the site achieves a suitable design for medium density residential development, and the future residential amenity is protected (Attachment 6).

1.2 Medium Density Development

The Urban Design Analysis Report (Studio GL 2021) indicates that potentially 110 dwellings could be built on the site.

Community submissions were divided in terms of support for increased density of residential use of the land. Those in support of the proposal cited the benefit of an increased suburb population to help support services and businesses, particularly on Wentworth Street. The addition of a mix of housing types (including affordable housing) to address a housing shortage crisis was also expressed as a positive of the proposal.

However, while there was general support for more housing for this area, concern was expressed that the draft Concept Plan exhibited represented over development of the site, with associated negative impacts on traffic congestion, parking, over shadowing etc. These submissions felt the scale of the development contradicted the principles of enhancing amenity and respecting the character of the existing neighbourhood and suburb and were seeking additional open space for the site as part of the development.

Council's Design Review Panel (DRP) was involved in an assessment of an earlier version of the proposal, which sought heights up to 5 storeys and increased floor space ratios (FSRs). As a result of the DRP findings that there wasn't strategic merit for a significant height and FSR increase, and a suggestion that a lower scale development is more appropriate for the site, Council endorsed for exhibition on 10 May 2021 a maximum building height of 11m (3 storeys) and retained the current 0.5:1 FSR for the site. The DRP additionally recommended that the site should be identified as a 'Key Site' under Clause 7.18 of the WLEP which requires a DCP 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 agreed with the open space allocation at the northern end of the site.

Residential development of a large site in close proximity to the Port Kembla Town Centre is consistent with Council's Port Kembla 2505 Revitalisation Plan to contribute to the commercial activity and support the economic viability of this centre. The proposal will increase residential population, increase housing choice on a site that is currently vacant/redundant and unlikely to be redeveloped for a land use directly associated with the current zoning, provide key linkages throughout the site, to the coast and to the Town Centre and highlight the heritage significance of the site whilst managing its interface with the Port area.

1.3 Contamination

The former school closed and was relocated due to the proximity to the former Port Kembla Copper (PKC) smelter and stack. Advice from the EPA reiterated that the key considerations identified in SEPP Remediation of Land should be addressed and that 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. The proposed remediation works are considered to be classified as Category 1 remediation works, which require development consent.

With the intended medium density residential use and open space, a number of studies have been commissioned to identify the areas of the site requiring remediation activities to make the site suitable for the proposed land uses. These studies include -

- Detailed Site Investigation (Golder Associates 2013).
- Report on Conceptual Remediation Action Plan (2015 and revised 2016 Douglas Partners).
- Report on Data Re-assessment For Rezoning (2016 Douglas Partners).

The studies were designed to identify issues and potential areas of environmental concern associated with historical land uses. The assessment included collection and analysis of soil (test pits) and sediment samples, and sampling of surface water and groundwater from various locations across the site.

The scope of a Remediation Action Plan (RAP) is to provide a plan of activities, procedures and objectives to ensure the effective and controlled remediation of the site to a condition suitable for the proposed Medium Density Residential land use and open space. It describes the procedures and standards to be followed throughout the project to facilitate successful remediation/management of the site and ensure protection of human health and the environment. This includes the mitigation of any adverse impacts on surrounding land and waterways during the remediation works by the management of dust, water and noise emissions.

The reports concluded that the site is contaminated, although the contamination could be managed through implementation of an Environmental Management Plan, and that the site can be rehabilitated and rendered suitable for the proposed medium density residential development, subject to further data assessment following finalisation of the proposed development design, review of the conceptual remediation strategies and subsequent remediation of the identified contamination issues. A detailed asbestos investigation is required prior to remediation. These further investigations could be undertaken

as part of a future development application process. The reports indicated that potential management strategies for the heavy metal, total recoverable hydrocarbons and asbestos contamination could include off site disposal, on site treatment, off site treatment or on site containment.

The EPA submission confirms that an 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. The NSW EPA accredited site auditors are the ultimate authority in relation to the Contaminated Land Management (CLM) Act and State Environmental Planning Policy– Remediation of Land matters. The site auditor independently reviews reports on assessment, remediation and validation actions to ensure that the methodology used by the consultants and their interpretation of data are consistent with current EPA regulations and guidelines. Council liaises with the appointed site auditor to ensure community concerns are addressed and also is involved in site remediation meetings according to the Health Investigation Level Soil Guidelines for sensitive uses.

The health based Investigation Levels (HIL) guidelines are very stringent for sensitive use (residential housing, childcare, aged care development) and assess the environmental risk such as water pollution. It is the role of engaged certified site contamination specialist consultants and the NSW EPA accredited site auditor to ensure the proposed remediation works meet these guidelines. The ultimate aim is to enable a site audit statement (SAS) and associated site audit report (SAR) to be prepared that confirms the suitability of the site for the proposed mixed residential land use development and open space.

A long-term Environmental Management Plan (EMP) is required to be notified on the planning certificate for on site management of any encapsulated contamination, promoting awareness of the contamination management and the requirements to avoid disturbance. Any on site containment would need to be placed under buildings under private ownership with appropriate s88B wording (and not in the open space areas, or under roadways, due to potential future problems when these areas may need to be disturbed/dug up for maintenance etc.). This requirement will also be included in the site-specific DCP Chapter. The long term EMP will require review and endorsement by a Site Auditor. The developer is responsible for site clean-up and long-term monitoring.

1.4 Traffic and Parking Impact

Some concern was expressed in community submissions that the development may result in unacceptable levels of additional traffic in the area, with submissions seeking clarification about the proposed parking for the development and reassurance that an on-site solution would be provided. The Military Road/Church St intersection was identified in some community submissions as being busy with limited visibility, and a request made to investigate the possibility of traffic lights and crossings being installed at this location in association with any future development of the site.

The Transport for NSW (TfNSW) submission and some community feedback also suggested the need to consider local infrastructure improvements to facilitate the connectivity objectives expressed in the draft site-specific DCP Chapter. Specifically, the following initiatives were suggested – provide new wider footpaths along the development site four road frontages to provide connectivity and a direct linkage, and improvements to adjoining public transport infrastructure (Stop ID 250522 and 250544) as part of the future development of the site to promote and cater for public transport usage by future residents. The TfNSW submission also noted that the DCP should be updated to acknowledge that the future design of the proposed 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.

The following studies were undertaken in support of the draft Planning Proposal -

- Traffic Impact Assessment (Bitzios 2018); and
- Traffic Noise Intrusion Assessment (Harwood Acoustics 2018).

At the Planning Proposal phase the design and layout of any potential future dwellings are indicative only. Both these studies were conducted on the basis of an earlier version of the exhibited Concept Plan, comprising approximately 110 dwellings consisting of residential flat buildings, terrace style (townhouse) buildings and small lot residences.

Traffic Impact Assessment (Bitzios 2018)

This study analysed current and projected traffic volumes at key intersections and concluded that the existing Military Road/Marne Street and Military Road/Church Street intersections could sufficiently cater for the proposed development traffic for the 10-year design horizon.

Council's Wollongong DCP 2009 Chapter E3: Car Parking, Access, Servicing/ Loading Facilities and Traffic Management provides requirements for the assessment and management of traffic impacts associated with development, and general requirements for the design and provision of car parking, motorcycle parking, bicycle parking and storage facilities. Key objectives of this Chapter are to ensure that transport networks are able to support the proposed development in a manner that maintains safe levels of service; provide adequate and safe vehicular access to sites without compromising streetscape qualities; incorporate provisions that manage the demand for parking; ensure that the design of access and parking areas meets relevant Australian Standards; and ensure that parking facilities are integrated into the design of developments and minimise visual impacts.

Any future development application will require the preparation of an up to date Car Parking / Traffic Impact Assessment. This assessment will involve further intersection and / or network modelling to analyse the potential traffic impacts of the proposed development upon the surrounding road network and key intersections in the locality.

The car parking, motorcycle and bicycle requirements for specific land uses / developments are contained in Schedule 1 to this chapter of the DCP. The following parking would need to be provided on site as part of any future residential development:

Table 4: Required On-Site Parking

Land Use	Car Parking Requirements	Bicycle Parking Requirements	Motorcycle Parking Requirements	Delivery/Service Truck Requirements
Residential flat building / Multi-dwelling housing / Shop top housing / Attached Dwelling	City Wide 1 car parking space per dwelling (<70m ²) or 1.5 car parking spaces per dwelling (70-110m ²) or 2 car parking spaces per dwelling (<110m ²), plus 0.2 car parking spaces per dwelling for visitors.	1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors)	1 motorcycle space per 15 dwellings	Large Rigid Vehicle (Waste Contractor) <10 dwellings – side loading waste collection vehicle (refer to Chapter E7: Waste Management)

Traffic Noise Intrusion Assessment (Harwood Acoustics 2018)

A traffic and industrial noise intrusion assessment was undertaken for the proposed residential development to determine the potential for compliance with the noise limits set by the (former) SEPP Infrastructure 2007 (now referred to as SEPP (Transport and Infrastructure) 2021). The assessment concluded that some future dwellings in close proximity to Military Road and the northern end of the site overlooking the Port will require varying degrees of acoustical treatment to ensure that the internal noise limits set by the SEPP can be met. However, the assessment concluded that for even the closest dwellings to Military Road, the construction methods and materials required to ensure the internal noise limits set will not be onerous. The extent of acoustical treatment will depend on several factors including the size of rooms, portion of glazing, orientation of glazing, type of floor coverings, acoustical shielding from other buildings and boundary fences.

The assessment indicated that the required internal noise levels set by the SEPP can be met using the following construction methods and materials for dwellings close to Military Road (noting that updated assessments will be required as part of any future development application) –

Table 5: Recommended Construction Methods and Materials

Walls	<p>External walls may be of brick veneer or other masonry construction, or Cement composite external cladding</p> <p>Internal plasterboard wall lining may be of standard 13 mm thick plasterboard construction with standard thermal insulation in the external wall cavity</p>
Ceiling and Roof System	Concrete tile or metal deck roof with minimum 13 mm thick fire rated or sound rated plasterboard ceiling below the living area ceilings and thermal insulation in the ceiling cavity
Windows and Glazed Doors	<p>Windows and glazed doors may be fixed, sliding, awning, casement or double hung style in aluminium or timber frames;</p> <p>Windows in the living areas will require glazing with a minimum weighted sound reduction index (Rw) 32 – e.g. 6.38 mm thick laminated glass; and</p> <p>Windows in the bedroom will require glazing with a minimum weighted sound reduction index (Rw) 29 – e.g. 5 mm thick float glass.</p>

Living areas fronting Military Road may be required to be ventilated in accordance with the Building Code of Australia. A final assessment of individual dwellings will be required prior to the issue of a Construction Certificate.

The assessment additionally concluded that the level of noise emission from any future industrial premises or expansions within the Port will not increase the construction requirements for future dwellings providing the new premises comply with the EPA's Noise Policy for Industry 2017 as should be required. Therefore, from an acoustical impact perspective, there is no reason why future residential development could not be considered for the subject site.

1.5 Recommended Amendment to Draft Planning Proposal Post Exhibition

Submissions were received expressing concern that the majority of the Site may not be suitable for residential uses due to the existing impacts from the Port operations and its close proximity to the Port area. Submissions suggested that at a minimum any future residential uses on the site should be restricted to those areas where it can be demonstrated that impacts do not exceed maximum thresholds, and no mitigation would be required to achieve compliance with relevant noise and air standards for residential development.

Additionally, strategic documents such as the Illawarra Shoalhaven Regional Plan 2041 include the recommendation that Strategic planning and local plans should consider opportunities to where appropriate, include buffer measures to minimise the impact of development on the efficient functioning of the Port and the freight industry.

The current draft Planning Proposal is seeking R3 Medium Density zoning to develop the majority of the Site, with a proposed RE2 Private Recreation buffer in the north, and a 10m wide vegetated berm along Electrolytic Street as a suggested noise attenuation solution.

Feedback from Council officers experienced in the implementation of noise attenuation devices has indicated that vegetation berms, trees and hedges are typically not considered effective noise barriers by acoustic practitioners. In evaluating long term objectives and effectiveness of the vegetative berm there are issues such as -

- Maintenance of density and depth.
- Permanence (disease, damage, removal).
- Future changes in land use.
- Land clearing.
- Fire.

These considerations make vegetation a very unreliable/ inappropriate form of noise reduction/ acoustic barrier. Overall, the proposed residential site is elevated compared with the adjacent industrial land and is likely to require an engineered solid lapped acoustic barrier, with the design and height of any acoustic barrier required to respond to the proposed building heights and orientation.

There are two (2) options to consider -

- 1 Moving the proposed RE2 Private Recreation/R3 Medium Density Residential zone boundary located on the northern part further south to align with the southern side of Church Street intersection, which will provide a larger buffer to Port operations. The resultant larger buffer and minimising residential development on the Port side of the highest elevation on the Site will result in distance noise attenuation. Additionally, alignment of the R3 zoning boundary with the southern side of Church Street will ensure that the end of an apartment building does not terminate the view of Church Street, which will result in an improved urban design outcome for the wider community. The key implication of this minor zoning realignment is a loss of potential developable land – approximately 3,100m². (Attachment 4).
- 2 Retain the exhibited zoning boundary.

It is recommended that Council resolve to endorse the revised Wollongong LEP 2009 mapping amendments (Option 1) included as Attachment 5.

2 Draft site-specific DCP Chapter

A site-specific DCP Chapter was prepared and exhibited to guide the implementation of the vision for the site, respond to site opportunities and constraints, and to provide guidance and a tool in the assessment of future Development Applications. Feedback from the NSW Department of Planning and Environment (DPE), Wollongong Local Planning Panel (WLPP) and Council Officers was taken into consideration in the drafting of the DCP Chapter for public exhibition, along with the findings and recommendations contained in the technical studies submitted. The DPE and WLPP recommended that the site required a DCP to ensure that all appropriate mitigation measures are integrated into the redevelopment of the site in terms of the likely noise and light spill from the Port, and any built form outcomes are compatible with the surrounding low density residential character.

The site-specific draft DCP Chapter is intended to supplement the land use planning controls contained in Wollongong DCP 2009, to achieve the vision for the site while ensuring site specific aspects are acknowledged, protected and managed. The general chapters of Wollongong DCP still apply, such as subdivision, heritage, parking etc. The site-specific Chapter contains site specific provisions that override some of the generic development controls.

State Environmental Planning Policy (SEPP) (Housing) 2021 and the NSW Apartment Design Guide (ADG) are the key design controls for residential apartment buildings, and the SEPP (Exempt and Complying Development Codes) 2008 – Low Rise Housing Diversity Code may be applicable for any dual occupancy or multi dwelling houses (terraces, townhouses and villas) proposed for the site.

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. Council resolved that the site be listed as a “Key Site” under Clause 7.18 of the WLEP due to its prominence and heritage values.

2.1 Studies Submitted

The draft DCP Chapter was informed by the recommendations contained in the following studies submitted in support of the Planning Proposal –

Acoustic Feasibility Study (RWDI Group June 2021)

This 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. The report recommends that noise impacts be minimised by -

- The developer ensuring that the new dwellings incorporate appropriate noise attenuation measures to mitigate impacts from the Port to acceptable levels.
- Buildings and apartments being designed to orientate noise sensitive rooms away from the Port and nearby industry, and incorporate glazing and ventilation requirements in the design.
- The inclusion of a 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 and other amenity impacts.

Heritage Interpretation Management Strategy (John Oultram Heritage & Design 2021)

The former Port Kembla Public School site has social and cultural value as the school site and buildings served an important function in the community for more than 100 years. There is a series of demolished structures on site, relating to a former use as a Primary School. These include footings of the Primary School building erected in 1916, and an Infants building erected in 1953, along with associated buildings on site. There is also evidence remaining of playground facilities such as game courts and concrete pathways. The site has been identified as a prominent location with potential to reflect its past social significance as a school.

A Heritage Interpretation Management Strategy was submitted, recommending interpretation in the form of the following -

- 1 Retention of Landscape: retention of mature trees.
- 2 Demolished Structures: introduced devices (the term introduced devices refers to features, sculptures plaques and the like that may demonstrate, describe or reflect an important aspect of the site); footing markings of main school building in public areas.
- 3 Introduced Devices - the suggested interpretation will take the form of -
 - Layout to reflect both Aboriginal occupation and Educational themes.
 - Artwork/structures to allow interpretation of Aboriginal themes.
 - Interpretation panels, with the following interpretive elements suggested -
 - Aboriginal Themes - Yarning circle; Totem poles with Aboriginal images and place names in the direction of views and connections to the physical context that are of importance for the site's connection to Country; Indigenous plantings; Plaques; Dreamtime stories of Mount Kembla, Mount Keira and the Five Islands. Any interpretation would require the input and involvement of the local indigenous community, as it would be a telling of their stories and a representation of their on-going connection to this Country.
 - Development of Port Kembla – Plaques; View references to the industrial development.
 - Port Kembla Public School – Art work and Plaques on the new building close to the former school and play equipment relating to the history of the school on this site; use of salvaged brickwork from the school site; Footing lines in public areas to show the location of the main school building; Retention of mature trees.

Urban Design Analysis Report (Studio GL December 2021)

The revised draft Planning Proposal is supported by an updated Urban Design Analysis Report which addresses the matters identified in prior Council reports. The Urban Design Analysis Report also incorporates the findings of the Acoustic Feasibility Study. The report outlines Urban design principles that will influence the built form so that it contributes positively to the character of the local area. The report indicates that potentially 110 dwellings could be built on the site, which would need to include 5% Affordable Rental dwellings.

2.2 Exhibited Draft Development Control Plan

The draft site-specific DCP Chapter exhibited included the following provisions -

- Key objectives for development of the site to achieve the vision for medium density residential development and heritage interpretation.
- A draft Concept Plan.
- Controls to preserve or create key views and vistas – there are extensive views from the site to the south, north and west.
- Building setback controls.
- Architectural diversity and building design controls.
- Movement network, street design and road width controls.
- Key heritage objectives and controls specific to the site, to ensure that future development creates opportunities for acknowledgment, storytelling and interpretation.
- Controls to protect the amenity of future residents, ensuring all appropriate mitigation measures in terms of noise, light spill etc are integrated into the redevelopment of the site, and to guide built form outcomes that are compatible with the surrounding low density residential character.

2.3 Recommended Amendments to Draft DCP Chapter Post Exhibition

The public exhibition provided the opportunity for further input from the wider community, state agencies and other key stakeholders. A key recommendation post exhibition is that further urban design analysis be undertaken to develop a final Master Plan/DA Concept Plan to better reflect the desired future character of the site in terms of achieving a quality design that incorporates shared heritage elements, respects key views, better integrates with the existing residential community and mitigates against potential amenity impacts associated with the location in proximity to the Port.

Retaining structures/embankments border the site along Electrolytic, Reservoir and Marne Streets. The site is approximately 3m higher than Electrolytic Street, approximately 1.8m higher near the intersection of Electrolytic and Reservoir Streets, and approximately 2m higher than the adjacent ground level along Marne Street. The site additionally contains contamination, although the supporting studies conclude that the site can be rehabilitated and rendered suitable for the proposed medium density residential development, subject to further data assessment following finalisation of the proposed development design, review of the conceptual remediation strategies and subsequent remediation of the identified contamination issues. These further investigations could be undertaken as part of a future development application process. It is unclear at this stage whether these works will involve off site disposal, on site treatment, off site treatment or on site containment, and whether this will result in changes to the current levels. Any future agreed Remediation Action Plan (RAP) with the EPA will establish final ground levels and hence inform the final Master Plan design for the site.

The exhibited draft Concept Plan proposed layout uses the built form of some buildings to 'shield' residential areas located further from the noise source. The taller built form located towards the north and west of the site, along Military Road, provides a generous front setback to allow for a high level of amenity for residential units located on the ground level, for vegetation planting in private open spaces, and for the preservation of existing street trees and planting of new ones. The setback provides visual privacy and noise mitigation for future residents, as well as for existing residents to the west of Military Road.

The proposed built form located to the south and east is of smaller scale and height in the form of terrace houses and townhouses, and proposes a 4.5m setback along Reservoir Street and 3m along Marne Street. A post exhibition recommendation is that these setbacks be adjusted to 4.5m with a 1m

articulation zone for both Reservoir and Marne Streets, compatible with the surrounding existing built form in the area. It is recommended to maintain the proposed 6m setback to Military Road.

The orientation and location of the site provides a high level of solar access for future residents. The exhibited Concept Plan includes taller buildings located to the west of the site, with the main façades facing north and east to enable the creation of sunny courtyards for the use of residents. The buildings are separated to maximise solar access to the residential units. This built form proposes setbacks of the top levels, as well as generous setbacks fronting Military Road, to minimise potential solar access impacts to residents on the western side of the road. The terrace houses along Reservoir Street have been positioned to the east of the site, and oriented to the north-east to maximise solar access. The compact scale and reduced height of the terrace houses allow for the townhouses located to the south to also receive generous amounts of natural light.

The site sits adjacent to three other heritage items - St Stephen's Anglican Church, former Fire Station and a dwelling house/shop on the corner of Third Avenue/Military Road. The heritage value and its context should also inform the future interpretative strategy of the site.

Further urban design, 3D modelling and graphic work is required to optimise -

- Integration of shared heritage interpretation across the site and a built form that respects adjacent heritage items.
- A built form compatible with surrounding low scale residential areas.
- Permeability through the site and the delivery of a range of useable open spaces.
- A built form that can preserve key views from public spaces and also frame and enhance views for future residents.
- The design and siting of the residential buildings and associated landscaping in order to mitigate against noise, light spill and other potential impacts and provide optimum solar access.

This further urban design work will deliver a Master Plan for the site and built form outcome to the highest standard of Architectural and Urban Design, as required by the WLEP 2009 "Key Site" designation.

The following are the key recommended edits/additions to the draft DCP exhibited -

Table 6: Recommended Edits/Additions to Draft DCP Chapter

	Recommended Edits / Additions
Master Plan and related figures	<p>Draft Concept Plan (Fig 2), Fig 3 Views and Vistas and Figs 4-12 setbacks and street cross sections removed.</p> <p>A key recommendation post exhibition is that further urban design analysis be undertaken to develop a final Master Plan/DA Concept Plan to better reflect the desired future character of the site in terms of achieving a quality design that incorporates shared heritage elements, respects key views, better integrates with the existing residential community and mitigates against potential amenity impacts associated with the location in proximity to the Port.</p> <p>Further urban design, 3D modelling and graphic work is required to optimise -</p> <ul style="list-style-type: none"> • Integration of shared heritage interpretation across the site and a built form that respects adjacent heritage items; • A built form compatible with surrounding low scale residential areas; • Permeability through the site and the delivery of a range of useable open spaces; • A built form that can preserve key views from public spaces and also frame and enhance views for future residents; and • The design and siting of the residential buildings and associated landscaping in order to mitigate against noise, light spill and other potential impacts and provide optimum solar access.

Recommended Edits / Additions	
	<p>This further urban design work will deliver a Master Plan for the site and built form outcome to the highest standard of Architectural and Urban Design, as required by the Wollongong LEP 2009 “Key Site” designation. Further view analysis work will be required as part of any future Development application to identify and respond to key views in the final Master Plan and built form. Updated street cross sections will be developed.</p>
2. Aims and Objectives	<p>References to the “Port Kembla School Site Master Plan” removed and replaced with “Design Principles for Development of the Site”.</p> <p>Objectives and controls generally: expanded and strengthened to reflect the above-mentioned vision for the site development, to guide further urban design work to develop a Master Plan/DA Concept Plan for the site.</p> <p>Chapter generally: reference to Three Ports SEPP updated to SEPP (Transport and Infrastructure) 2021 (Ports SEPP).</p>
4.1 Desired Future Character	<p>Reference to the proposed vegetated berm removed and replaced with “noise attenuation barrier”. A proposed vegetated berm was not considered a suitable solution and other alternatives will need to be investigated through the further urban design analysis work to be undertaken.</p>
5.1 Views and Vistas	<p>5.1.1 Objectives: reworded as follows -</p> <p>Ensure that development of the Site identifies and respects key public view corridors, cultural views and connections in the final built form/layout, for example to the Escarpment, coast, and Hill 60.</p> <p>5.1.2 Development Controls: reworded as follows -</p> <ol style="list-style-type: none"> 1 New development will maintain key view corridors, as guided by an updated View Analysis to be completed to inform built form design and siting. 2 Buildings are to be positioned, scaled and set back to ensure key views are maintained. <p>Further view analysis will be required to identify these key views to be retained.</p>
5.2 Built Form Setbacks	<p>5.2.2 Development Controls</p> <ol style="list-style-type: none"> 1 Reference to Figs 4-8 removed (further urban design analysis required to inform a final Master Plan for the site). <p>New control added: Development within the 9m height areas along Marne and Reservoir Streets is to be a maximum of 2 storeys.</p> <ol style="list-style-type: none"> 4 Minimum setback along Marne Street increased from 3m to 4.5m with a 1m articulation zone. 5 New control added: Any terrace housing is not to be continuous for the whole length of Reservoir or Marne Street – a break in the possible form is required. Development must respond to any slope of the land by stepping down the slope. 6 Requirement for minimum 8m street frontage width for terrace house development removed – guidelines exist. 9 Reference to “protected balconies” removed to avoid confusion with habitable floor area (which is not permitted in the articulation zone). 10 Reworded as follows: Basement levels are not to protrude into ground floor setbacks, including articulation zones. <p>New control: A minimum setback of 10m along Electrolytic Street to facilitate construction of a suitable noise attenuation barrier.</p>

Recommended Edits / Additions

5.3 Architectural Diversity and Building Design

5.3.2 Development Controls

- 4 Second sentence reworded as follows: A suitably qualified and accredited acoustic consultant shall be engaged to prepare an updated Acoustic Assessment and provide advice on construction methods and materials in relation to walls, ceilings and roof systems and windows/doors.

Reference to Fig 9 removed, noting there are a number of possible design solutions, and reference to updated Acoustic Assessment included.

- 5 Reference to landscaped berm removed and replaced with noise attenuation barrier. The design and height of the acoustic barrier will respond to the proposed building heights and orientation. It is anticipated that an engineered solid lapped acoustic barrier will be required. A satisfactory noise attenuation barrier will be a condition of approval for the first subdivision certificate.

- 11 Reference to Building Code of Australia added, and the following sentences: Measures such as draught and acoustic sealing, venting and window orientation should be considered and employed on a case-by-case basis to manage amenity impacts. A final assessment of individual dwellings will be required prior to the issue of a Construction Certificate.

- 15 Section 10.7 Planning Certificates to also reference any required long-term site management plan (SMP) in the case that on site encapsulation is the preferred strategy for the management of contamination.

New control: Any on site containment of contamination is to be placed under buildings under private ownership with appropriate s88B wording (and not in open space areas or under roadways, due to potential future problems when these areas may need to be disturbed/dug up for maintenance etc.).

5.4 Movement Network

5.4.2 Development Controls

- 1 Reference to the exhibited Master Plan removed.
- 2 Reworded as follows: Any proposed access to the site from Military Road will require the developer to provide a roundabout - 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.
- 3 Reworded as follows: The final Master Plan is to create new streets that link to the existing grid to distribute traffic throughout the site, with footpaths and verge to both sides of the road to support pedestrian and cyclist safety and amenity.
- 5 Reworded as follows: For terrace housing car parking access must be from rear lanes only.

New control added: An updated Traffic Impact Assessment is to be undertaken, and on site parking provided in accordance with the requirements set out in WDCP 2009 Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management.

Recommended Edits / Additions	
5.5 Accessible Private Open Space and Natural Environment Public Domain	<p>Reference to exhibited Master Plan removed.</p> <p>5.5.1 Objectives</p> <p>a Reference to Fig 2 removed.</p> <p>b and e combined as one objective.</p> <p>c, d and f combined as one objective.</p> <p>5.5.2 Development Controls</p> <p>1 Table removed. Replaced with "Development of the Site is to incorporate a range of open spaces for the community and resident use".</p> <p>11 and 14 combined as one control</p> <p>15 Control and Fig 12 removed – references vegetated berm deemed not acceptable.</p>

It is recommended that Council resolve to adopt the revised Final site-specific DCP Chapter D20: Former Port Kembla School Site (Attachment 6).

3 Draft Planning Agreement - Affordable Rental Housing

Council officers and the applicant are negotiating the terms of a draft Planning Agreement for 5% Affordable Rental Housing to be provided on-site. A separate report on a draft Planning Agreement for 5% Affordable Rental Housing will be reported to Council.

CONSULTATION AND COMMUNICATION

The draft Planning Proposal, draft DCP Chapter and supporting documentation were exhibited between 12 October and 11 November 2022.

The Gateway Determination stipulated that consultation should occur with the following State agencies and other organisations -

- NSW Ports.
- Environment Protection Authority.
- DPE – Environment Energy and Science.
- Endeavour Energy.
- Sydney Water.
- Transport for NSW.
- Roads and Maritime Services.
- Department of Premier and Cabinet (Heritage NSW).
- National Trust of Australia, Illawarra Shoalhaven Regional Branch.

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.

328 letters were sent to surrounding residents/landowners/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.
- Council's website www.our.wollongong.nsw.gov.au

A 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.

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.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of [Our Wollongong 2032 - Community Strategic Plan](#) - 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.

FINANCIAL IMPLICATIONS

The preparation and exhibition of the draft Planning Proposal and draft Development Control Plan Chapter are managed within the Land Use Planning Service.

If the Planning Proposal, Development Control Plan and the development of the site is approved and constructed, it is proposed that any connecting roadways would be constructed by the developer at their cost and dedicated to Council upon completion.

A separate report on a draft Planning Agreement for 5% Affordable Rental Housing will be reported to Council.

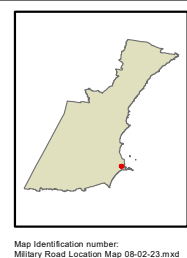
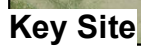
CONCLUSION

Council has received a Planning Proposal request to rezone the former Port Kembla Public School site to permit residential development. A site-specific DCP Chapter has also been prepared to guide any future development and provide a tool for the assessment of future Development Applications.

Council resolved to place a draft Planning Proposal and associated draft DCP Chapter for the former Port Kembla School site on public exhibition for community comment and feedback. As a result of the exhibition, the key changes recommended are -

- Residential boundary moved south to align with the southern side of Church Street intersection.
- Requirement for Master Plan to address outcomes in more detail.
- Noise mitigation barrier required and minimum setback of 10m along Electrolytic Street.
- Updated acoustic, traffic impact and view analysis reports required for DA.
- Any proposed access to the site from Military Road will require the developer to provide a roundabout.
- Setbacks adjusted to 4.5m with a 1m articulation zone for both Reservoir and Marne Streets, compatible with the surrounding existing built form.

It is recommended that Council resolve to finalise the draft Planning Proposal to rezone the site to part R3 Medium Density Residential Development and part RE2 Private Recreation to permit residential development, and to endorse the draft site-specific DCP Chapter to guide future development.



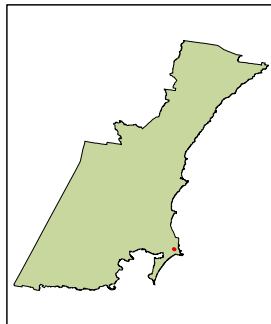
WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal
Lot 1 DP 811699 Military Road
Port Kembla
Existing Zoning Map

Zone

- B2 Subject Site
- B4 Local Centre
- E2 Mixed Use
- IN2 Environmental Conservation
- IN3 Light Industrial
- R2 Heavy Industrial
- R3 Low Density Residential
- RE1 Medium Density Residential
- RE2 Public Recreation
- SP2 Private Recreation
- Infrastructure

Cadastral
Cadastral 21.05.18 © Wollongong City Council

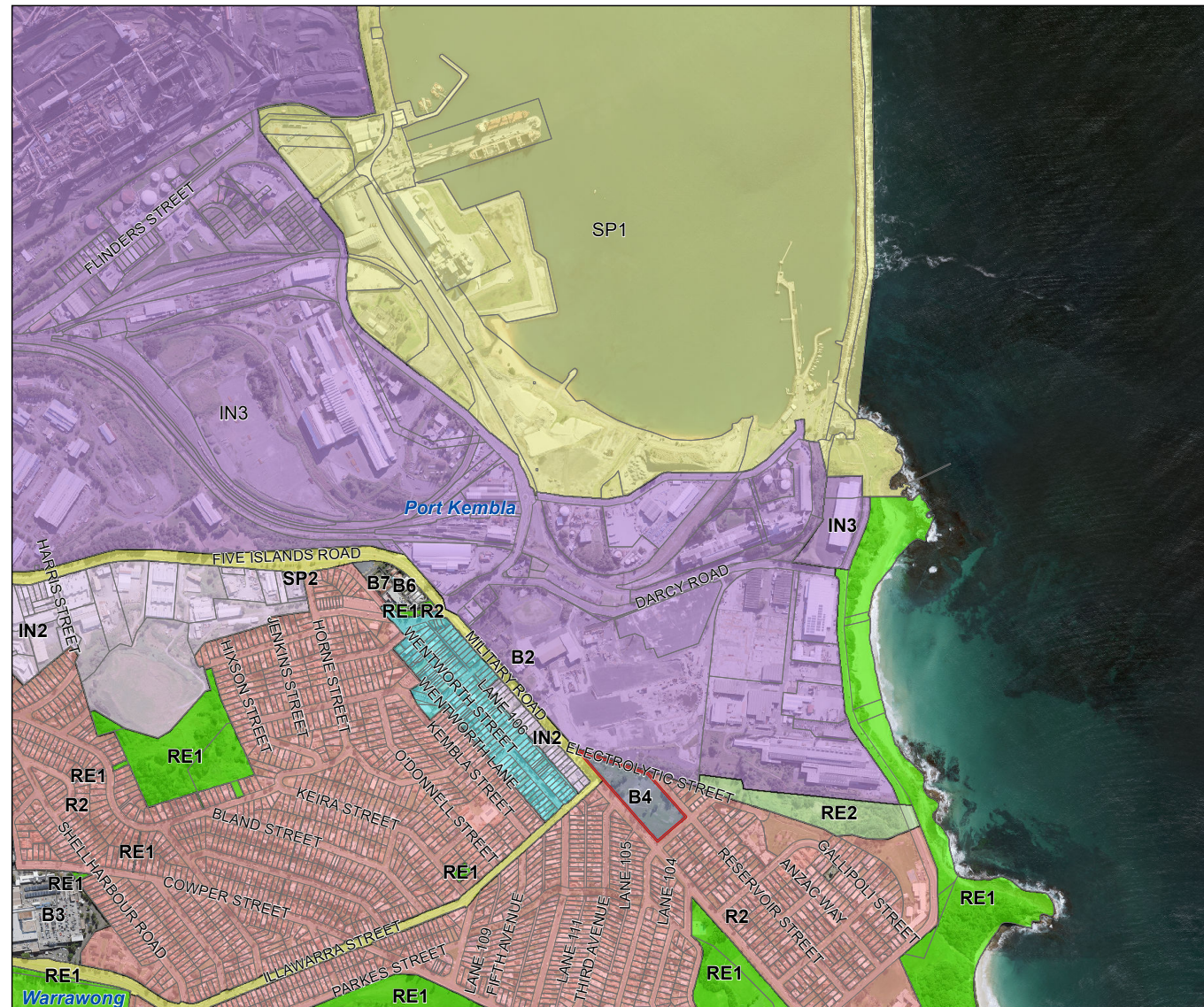


0 390
Meters

Projection: GDA 1994
MGA Zone 56

Scale 1:2500 @ A3

Map Identification number:
L_Military Road Existing_LZN.mxd



Summary of Submissions

Agency, Business and Interest Group Submissions (10)

Agency	Comment	Council Officer Response
NSW Ports	<p>NSW Ports objects to the draft Planning Proposal and Draft DCP Chapter for the following reasons:</p> <p>The site immediately adjoins land covered by SEPP Transport and Infrastructure 2021 – Three Ports. Approx. two thirds of the site overlooks the Outer Harbour of Port Kembla and surrounding industrial lands. Clause 5.1 lists the aims for Chapter 5 – Three Ports. Specifically Aims of Chapter – (d) to specify matters to be considered in determining whether to grant consent to development adjacent to development for port purposes; (g) to ensure that land around the Lease Area is maintained for port-related and industrial uses, including heavy industry on land around Port Kembla.</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. Deep water port which currently imports and exports bulk commodities, motor vehicles and general cargo. Planning approval for a container and multi-purpose facility Outer Harbour Development – required before Port Botany reaches capacity.</p> <p>Port Kembla 2505 Revitalisation Plan contains a vision to “grow with the port and industry”. The regional significance and growth of the Port needs to be considered along with the cumulative impacts of residential development located within</p>	<p>Objection noted.</p> <p>Concern to protect Port operations, both current and future, and avoid land use conflict acknowledged.</p> <p>Recognition of the Port of Port Kembla as a state significant precinct due to importance to the NSW economy acknowledged.</p> <p>The State Environmental Planning Policy (SEPP) Transport and Infrastructure 2021 – Chapter 5 Three Ports is the principal environmental planning instrument that sets the land use planning and assessment framework for appropriate development at the three strategic ports – Port Botany, Port Kembla and Newcastle Port.</p> <p>A key purpose of the SEPP is to define the port related activity boundaries and protect/reserve the land within those boundaries for port related uses and future port related development. Maintaining appropriate threshold distances and preventing encroachment of sensitive use and development is important to the long-term sustainable development of ports. The SEPP area buffer facilitates land use that complements and strengthens the role of the ports, confirming the land that forms an area of interest for the future. This strategic land-use planning preserves access to areas required to directly undertake port activities and provides the transport corridors required to link the port to the wider freight network.</p> <p>The primary purpose of the SEPP policy is to enable essential, day-to-day development on land within the lease areas of the relevant ports to be undertaken by the port operator and port</p>

	<p>close proximity to the Port and industrial lands. 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”. Strategy 3.1 states:</p> <p><i>“Strategic planning and local plans should consider opportunities to: Reduce land use conflicts from adjoining land uses including residential, commercial development and infrastructure use and, where appropriate, include buffer measures to minimise the impact of development on the efficient functioning of the Port and the freight industry”</i></p> <p>Greater Cities Commission: Six Cities Region Discussion Paper – “Port Kembla is planned to be the future second container terminal to support long-term demand and the resilience of the Six Cities Region’s freight network. Greater Sydney Region Plan – A Metropolis of Three Cities includes a number of planning policy directions in relation to industrial land and related port and freight uses, including the Region Plan Objective 17: Regional Connectivity is Enhanced. NSW Ports supports and advocates for improved north-south connections, particularly between the Illawarra and Sydney, including the new Western Parkland City, which the Illawarra is well placed to service.</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 Port Kembla Outer Harbour Development Concept Approval proposes to extend existing</p>	<p>tenants as exempt or complying development (subject to specified criteria and conditions), thereby promoting the efficient operation of the ports. Development of greater significance at the ports is expressly declared as either State Significant Development (SSD) or State Significant Infrastructure (SSI) under the Three Ports SEPP, or will be otherwise subject to the development assessment process under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and determined by the Minister as the consent authority.</p> <p>NSW Ports hold approvals for several Major Projects and is responsible for ensuring compliance with the Conditions of Approval that set out requirements for the environmental management of construction and facility operation, and ongoing community engagement. The environmental impacts of port developments are thoroughly assessed prior to commencement of work. Impact assessments consider the likely effects of proposed port activities and developments on air and water quality, noise levels, terrestrial and aquatic ecosystems, traffic and transport systems, public access and amenity and sustainability principles. Once approved, project -specific Environmental Management Plans are prepared to monitor and protect the environment during construction and operation, to ensure management practices are in accordance with applicable approvals, environmental licences and legislation, and community expectations. Reviews are undertaken regularly , along with independent environmental audits to verify compliance is achieved.</p> <p>Additionally a large number of Port tenants require a EIS and/or hold licenses for scheduled activities at the port and they are responsible for managing and operating in</p>
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	<p>rail infrastructure, and the conditions of approval require 90% of container movements to be via rail. The site will be susceptible to rail related noise emissions. NSW Ports is committed to growing rail capacity to ensure efficient freight rail connections.</p> <p>Strategic planning documentation emphasises the significance of the Port of Port Kembla, now and into the future. The Port needs to be considered when permitting changes to planning controls which have the potential to restrict current and future port operations.</p> <p>Urban Encroachment: 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. Intensification of residential development in proximity to commercial ports facilities (White Bay/Glebe Island Precinct) has led to complaints, community protest and regulatory/policy interventions to restrict port operations. 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>Draft Planning Proposal: The planning proposal will result in a potential prominent land use conflict, noting an adequate buffer between the subject site and port lands does not exist. Rezoning the site and increasing building height will exacerbate urban encroachment on port and industrial lands. The proposal will</p>	<p>accordance with those licenses, ensuring safeguards to the surrounding community are put in place.</p> <p>Relevant policy that must be adhered to include the Noise Policy for Industry (2017) which balances the need for industrial activity with the community's desire to minimise intrusive sounds, and the Protection of the Environment Operations Act 1997 in relation to Environmental Protection Licences issued for port operations.</p> <p>The Port of Port Kembla currently operates within a community setting and is mindful of community amenity, which is an integral part of port planning and development. The Port of Port Kembla currently operates alongside some 14,500 residential properties within 2kms of the SEPP boundary (7,700 within 1km).</p> <p>As outlined above, safeguards in the form of legislation and conditions of consent/license are already built into the approval process in recognition of this neighbouring residential population. A recent example is the Planning approval for a container and multi-purpose facility Outer Harbour Development, which is subject to conditions of consent that acknowledge a large existing neighbouring residential community.</p> <p>The development of the former Port Kembla School site wouldn't change the current requirements in this regard, given there is residential development on three sides of the site that currently need to be considered in any proposed port activity. Each approval or EPL acknowledges the adjoining local community and places limits/obligations on the operator in terms of noise levels, air quality etc . The site's current zoning permits residential development with consent. This Planning</p>
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	<p>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.</p> <p>NSW Ports very concerned by any residential up zoning on and adjacent SEPP (Transport and Infrastructure) 2021 – Three Ports that would set a potential precedent or rezoning of other lands such as R2 Low Density Residential.</p> <p>Elevated topography of the site – approx. 30m above port land. Multi level residential development more susceptible to port operations and industrial impacts such as noise, air emissions and light spill due to direct line of site and no buffer land uses or built form between the port land and proposed residential development. The site directly overlooks the Outer Harbour and surrounding industry.</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. Need to be able to achieve acceptable noise levels for all. Section 10.7 certificate notation – unrealistic for future occupants to grasp how impacted their dwelling will be. Putting responsibility on developer to appropriately mitigate the development from surrounding noise does not safeguard that this will be appropriately achieved and that noise complaints will not arise. Not known if modelling methodology includes future approved development within Port Kembla/future noise generation.</p>	<p>Proposal would not place any additional onus on the Port operator or tenants.</p> <p>It should also be additionally recognised that NSW Ports has expressed a commitment to operating in a responsible and sustainable manner to minimise adverse impacts, enhance the local environment and continue to be a good neighbour to the surrounding residents. Port operators around the world are working hard to reduce emissions, with the ongoing transition to more sustainable and environmentally friendly operations likely to accelerate as world economies progress towards carbon emission reduction commitments. This is expected to impact ship design and may have flow-on effects for port infrastructure and re-fuelling facilities. NSW Ports is committed to fostering whole of port operations towards sustainability.</p> <p>NSW Ports advocates to maintain open space and business buffers between the port and industrial lands and residential areas. The exhibited Planning Proposal proposes open space as a buffer in the north of the site – a post exhibition recommendation is to align the R3 zone with the southern side of Church Street, in order to ensure that the end of an apartment building does not terminate the view of Church Street and also to increase the extent of the current proposed buffer area.</p>
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	<p>Draft Development Control Plan:</p> <ul style="list-style-type: none"> • Three Ports SEPP reference to be updated to SEPP (Transport and Infrastructure) 2021. • 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. • 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. 	
TfNSW (collective submission including Sydney Trains)	<p>No objection to draft Planning Proposal as the rezoning and future development will not have a significant impact on the state road network in terms of safety and efficiency (nearest state roads are Five Islands Road and Old Port Road to the north). Surrounding roads are managed by Council and hence the subject application is a matter for Council to assess and manage the traffic implications.</p> <p>Draft DCP: Section 4.1 Desired Future Character “providing connectivity and direct linkage to public transport” and “to facilitate integration and connection between future residents and the wider community”– suggest improvements to infrastructure to facilitate this e.g. provide new wider footpaths along the development site four road frontages to provide connectivity and a direct linkage; and detailing improvements to adjoining public transport infrastructure</p>	<p>No objection noted.</p> <p>Suggestions for local infrastructure improvements noted and shared with relevant Council divisions.</p> <p>DCP 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.</p>

	<p>(Stop ID 250522 and 250544) as part of the future development of the site to promote and cater for public transport usage by future residents.</p> <p>Draft DCP: Section 5.4.2 – “All roads and laneways will be consistent with TfNSW Roads and WCC engineering requirements” – clarifying that TfNSW requirements are generally Australian Guide to Road Design including its associated supplements and relevant Australian Standards.</p> <p>“A roundabout is to be provided at the connection to Military Road in line with Third Avenue” – DCP needs 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.</p> <p>General comments: Sydney Trains/Transport Asset Holding Entity (TAHE) raise no concerns. TfNSW Property (Roads) has no proposal which currently requires any part of this property.</p>	
Endeavour Energy	Attached resources to share with applicant, including Standard conditions for development applications and planning proposals.	Noted and forwarded to planning consultant (with request to share with applicant).
NSW Environment Protection Authority (EPA)	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	<p>Council obligations in relation to SEPP Resilience and Hazards 2021 (Remediation of Land) noted.</p> <p>The exhibited Planning Proposal proposes open space as a buffer in the north of the site – a post exhibition recommendation is to align the R3 zone with the southern side</p>

	<p>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.</p> <p>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>Previous EPA advice (1 February 2017):</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 proposal is seeking to allow higher residential densities adjacent the Port Kembla Copper site, which is zoned for industrial use under the SEPP (Three Ports). The aims of the SEPP 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</p>	<p>of Church Street to increase the extent of the current proposed buffer area. The draft site-specific DCP Chapter also incorporates a number of objectives and controls to protect residents from potential noise and other amenity impacts (noting that there are legislative requirements and obligations on the Port and industry to also operate in accordance with environmental conditions of consent/approvals in this regard – ie source control).</p> <p>The requirement for the appointment of an EPA accredited site auditor throughout the contamination assessment and management process is noted.</p>
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	<p>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>Information provided to assist in planning the servicing needs of the proposed development:</p> <ul style="list-style-type: none"> • Potable water servicing should be available via watermain on Military Road. Amplifications, adjustments and/or minor extensions may be required. • Wastewater servicing should be available via a wastewater main within the property boundary. Amplifications, adjustments and/or minor extensions may be required. <p>Sydney Water requests updates on proposed development within the site via utilisation of the NSW OCRS planning Portal. Development servicing advice can change over time. Detailed requirements will be provided once the development is referred to Sydney Water for a Section 73 application.</p>	Noted.

<p>National Trust Illawarra Shoalhaven Branch</p>	<p>The Port Kembla Public School was relocated in 1999 amid concerns of contamination from the adjacent Port Kembla Copper Chimney, which has since been demolished. The draft Planning Proposal indicates a number of contamination reports have been prepared which conclude that while there is contamination on site it can be rehabilitated to enable residential development. Concerns about the amount of contamination that may be present on land where residential development is proposed, particularly when the Urban Design Analysis report indicates aged care and child care facilities could be incorporated. We assume relevant authorities have been engaged to provide comment and that strict controls and monitoring will be in place should any proposed residential development proceed.</p> <p>Since the relocation of the school the site has been subject to a number of rezoning requests. The current rezoning proposal will assist in ensuring the commercial/business enterprises of the area are focused on the Wentworth Street town centre as identified in Council's Port Kembla 2505 Revitalisation Plan. The Trust will support this rezoning in principle, as it restores the zoning/land use in part to what applied during the latter years of the Port Kembla school.</p> <p>The Trust supports in principle the Locality based Precinct Plan – seeing value in –</p> <ul style="list-style-type: none"> • Integrated heritage interpretation across the site in line with the Heritage Interpretation Management Strategy. This would extend to the design and siting of the residential buildings – sympathetically built forms that will acknowledge and respect both the materials and the arrangement of the former Port Kembla School buildings; • Ensuring the built form respects both the surrounding low scale residential areas and the adjacent heritage 	<p>Contamination assessment reports submitted have concluded that the site is contaminated, although the contamination could be managed through implementation of an Environmental Management Plan, and that the site can be rehabilitated and rendered suitable for the proposed medium density residential development, subject to further data assessment following finalisation of the proposed development design, review of the conceptual remediation strategies and subsequent remediation of the identified contamination issues. A detailed asbestos investigation is required prior to remediation. These further investigations could be undertaken as part of a future development application process. The reports indicated that potential management strategies for the heavy metal, total recoverable hydrocarbons and asbestos contamination could include off site disposal, on site treatment, off site treatment or on site containment.</p> <p>The EPA submission confirms that an 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>Support for residential use of the land to assist economic viability of the town centre noted. Support for the vision for the site and adoption of measures to mitigate potential noise and other amenity impacts noted.</p>
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	<p>items as outlined in the Historical Heritage Assessment report</p> <ul style="list-style-type: none"> • Maintaining the existing views to the coast and escarpment, Mt Keira and Hill 60, encouraging the built forms to frame and enhance views where possible • Ensuring a range of permeable open spaces across the site for both residents and general community – support concept of landscaped open space area at boundary of Military Road and Electrolytic Street and vegetated berm to assist noise mitigation from the adjacent port and industrial area • Maintaining the exiting mature plantings along the site boundaries and within the site along with incorporating new plantings – increasing vegetation cover is in line with Council's urban greening strategy and targets and will assist in mitigating against noise, light spill and other impacts associated with the industrial nature of the adjacent port and industrial area. • Designing and siting the residential buildings in order to mitigate against noise, light spill and other impacts associated with the port and industrial area. 	
Cement Australia	<p>Cement Australia (CA) is Australia's largest manufacturer and supplier of cement and cement related products and services. The Australian cement manufacturing sector is a critical component of Australia's economy. CA has several sites around Australia in operating ports. The Port Kembla Milling Facility operates 24 hours/7 days a week and is located in the Outer Harbour, surrounded by other industrial developments. To the north of the site is the Inner Harbour servicing BlueScope Steel, a Grain Terminal, a Coal Terminal and Australian Amalgamated Terminals.</p>	<p>Please see discussion above in response to the submission of NSW Ports.</p> <p>Any future Development application will require the preparation of an updated acoustic assessment and Air Quality Assessment.</p>

	<p>The former school site adjoins strategically important port-side industrial land in Port Kembla. The Port of Port Kembla supports more than 3,500 jobs and contributes \$543 million to the regional economy each year. The NSW Ports' 30 Year Master Plan <i>Navigating the Future</i> identifies Port Kembla as a home to NSW's second container port to cater for future trade volumes as Port Botany reaches capacity.</p> <p>Cement Australia (CA) maintains its position outlined to the Department of Planning and Environment in relation to the Port Kembla Land Use Conflicts Management Study and the original planning proposal for the site in 2018 – the site is unsuitable for future residential use. As a minimum CA maintains that the rezoning and controls for the site should prevent any land use conflicts with long term Port related activities.</p> <p>The proposal lacks strategic merit as there is no strategic “hook” (e.g. strategic direction or action) which identifies the site for future residential development.</p> <p>Proposal is inconsistent with key strategic documentation which seek to locate residential development in suitable locations and to protect and plan for the regional significance and growth of the Port. Planning Proposal is inconsistent with Illawarra Shoalhaven Regional Plan 2041 objectives and actions including:</p> <ul style="list-style-type: none"> • Objective 3: Grow the Port of Port Kembla as an international trade hub – introducing new residents in close proximity to the operational area of the port has potential to limit growth and expansion of the Port area due to land use conflict with current and future heavy industry uses due to noise, air, dust, odour and traffic emissions, visual amenity and health and safety concerns; 	
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	<ul style="list-style-type: none"> Objective 18: Provide sufficient housing supply in the right locations – amenity and usability of future dwellings jeopardised by impacts from the Port, being noise, traffic and contamination impacts; and Objective 19: Deliver housing that is more diverse and affordable – future housing unlikely to be affordable due to the amount of mitigation required to achieve acoustic compliance and remediation. <p>Inconsistent with Ministerial Direction 6.1 Residential Zones and Direction 7.1 Business and Industrial Zones. Site unsuitable due to heavily constrained nature being in close proximity to the nationally significant Port Kembla Harbour. The impacts will also potentially increase with any future expansion of the port area, especially the outer harbour area. The Planning proposal will result in the loss of employment lands and has the potential to constrain the current and future use of the significant port area. The site should be maintained as open space or rezoned to uses that do not include 24/7 habitation of the site.</p> <p>Planning Proposal is inconsistent with Council's Community Strategic Plan (Our Wollongong Our Future 2032) including Goal 5 – We have a healthy community in a liveable city. Due to site's proximity to the Port area any future housing on site would be adversely impacted by existing and future port activity (unable to open windows or doors or use private outdoor areas) and is likely to be unaffordable due to the costs associated with appropriate mitigation measures to minimise adverse impacts.</p> <p>Proposal does not properly align with Council's Port Kembla 2505 Revitalisation Plan which encourages that "the regional significance and growth of the Port is recognised and planned for, providing opportunities and benefits to the Region and</p>	
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	<p>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”.</p> <p>Proposal lacks site specific merit – proposal has not demonstrated the site is suitable for future residential development, including with respect to noise, air, dust, odour and traffic impacts, visual amenity and health and safety concerns. The required mitigation on the site to achieve a residential outcome is considered excessive and indicates the land is not suitable for residential uses. The impacts will potentially increase with any future expansion of the port area, especially the outer harbour area. Poor strategic outcome – irreversible land use conflict. Further information should be provided in the form of updated acoustic and traffic assessments.</p> <p>Key risks the proposal presents to CA's operations at Port Kembla and the current and potential future operations of the port more generally. The proposal has the potential to limit the growth and expansion of the Port area by introducing new residents in an area in close proximity to the operational area of the port. This could potentially jeopardise the operation of an exceptionally important piece of infrastructure in NSW that is an international trade gateway for bulk agricultural, construction and mining industries. Potential increase in traffic on roads surrounding port area has potential to impact CA site efficiency and operations, including production and storage capacities on site. The increase in residences in general close to the Port area may decrease the overall safety and security of the CA site.</p> <p>The majority of the site is not suitable for residential uses due to the existing impacts from the Port operations and its close</p>	
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	<p>proximity to the Port area. At a minimum any future residential uses on the site should be restricted to those areas where it can be demonstrated that impacts do not exceed maximum thresholds, and no mitigation would be required to achieve compliance with relevant noise and air standards for residential development.</p> <p>CA would like consideration of the following:</p> <ul style="list-style-type: none"> • Maintain B4 zoning or introduce a mixed light industrial/business zone with an adequate buffer to the Port Lands maintained; or • Rezone site for recreation/public open space with intention of maintaining an uninhabited or low use buffer area to the Port; or • If rezoning is pursued, removal of residential zoning from those areas unable to meet required acoustic standards and unable to achieve natural ventilation; • Further information to be provided in the form of updated acoustic assessments that provide an assessment of vibration impacts on the site from the port and industry, along with a quantitative assessment of the cost of required mitigation measures. Updated assessments should look at worst case scenario for port expansion, including increased truck and rail movements, and expansion of uses in outer harbour (e.g., Manildra bulk terminal), current approvals and proposals within the port area; • Fig 3-1 of the Acoustic Feasibility Study (RWDI 2021) should be adopted in Planning Proposal and DCP as the industrial interface and maintained as a buffer to the port area, with topographical interventions investigated to reduce noise impacts further; • An Air Quality Impact Assessment should also be prepared to provide a comprehensive understanding of all air quality impacts on the site from the adjoining 	
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	<p>port area, as well as the impacts associated with any potential future expansion of current port activity.</p> <p>Draft DCP:</p> <ul style="list-style-type: none"> • Section 2 Aims and Objectives – objectives J & K should be higher priority re design considerations • Section 4 Master Plan – should be amended to adopt Fig 3-1 (industrial interface) from Acoustic Feasibility Study (RWDI 2021) as the suitable setback from Electrolytic and Reservoir Street. This would further reduce mitigation measures. Topographical, vegetation or barrier intervention should also be explored within the interface to further lessen impacts from the Port. • Desired Future Character – this section should acknowledge the potential for future expansion of the Port and the potential for impacts associated with the Port to increase and change over time. • Section 5.2 Setbacks - should be amended to adopt Fig 3-1 (industrial interface) from Acoustic Feasibility Study (RWDI 2021) as the suitable setback from Electrolytic and Reservoir Street. • Section 5.3 Building Design – Control 11 should note that north facing living areas closer to the interface area are likely to be impacted by noise, including areas of private open space. Control suggested requiring all fencing to be acoustic fencing to further reduce noise impacts. • Section 5.5 Private Open Space - Control suggested requiring acoustic fencing for private open space to further reduce noise impacts. <p>We look forward to further engagement with Council and the Department of Planning on the matters raised in this submission.</p>	
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Port Kembla Gateway	<p>Our company opposes the proposed redevelopment of the site, primarily because of its proximity to the port of Port Kembla and ancillary industries.</p> <ul style="list-style-type: none"> • Site overlooks Port Kembla – an example of inappropriate urban encroachment which will ultimately negatively impact the port, its users and the thousands of jobs it supports. • The port has viable plans in place to expand in the future – the expansion is expected to increase noise, traffic hazards, dust and odour which is likely to be considered a nuisance by residents in the new housing development. It is well known that residential housing cannot co-exist in close proximity to heavy industry. Complaints from the residents will certainly be forthcoming from disturbances caused by port operations. • The port operates 24/7 and must not be restricted by housing encroachment into industrial land. There is a need for a significant buffer zone between any future housing development and the future footprint of the port and the proposal offers no concession to this necessity. • The proposed housing development will adversely impact efficient functioning of the port and hinder future development of the port as strategic and vital state infrastructure – therefore the development proposal should be rejected by Council. 	Please see discussion above in response to the submission of NSW Ports.
Operational Port Tenant	<p>As an operational port tenant we raise the following concerns:</p> <ul style="list-style-type: none"> • Urban encroachment has potential to restrict current and future port and business operations including the introduction of curfews and limits on use of freight rail -our business relies on 24 hour access • Proposal to almost double the number of allowable dwellings from 46 to 85 would increase the likelihood 	Please see discussion above in response to the submission of NSW Ports.

	<p>and scale of conflict between port users and residents – noise, air emissions and light spill</p> <ul style="list-style-type: none"> The site is not appropriate for residential development – the acoustic report concludes that a proportion of the development will be affected by port and industrial noise “at a level higher than desirable by many people” The proposal is inconsistent with strategic priorities for the region and the port 	
Port Kembla Pollution Committee	<p>Support residential development however given the history of the site and the legacy of industry the proposed alterations to the zoning should be limited to R2. Any alteration to R3 zoning be totally rejected.</p> <p>R2 development:</p> <ul style="list-style-type: none"> may be able to be effectively environmentally managed Assists with maintaining character of Port Kembla Limits disturbance (by extraction) of very toxic substances and release into community. <p>WCC duty of care to residents – unique site requiring unique solution. Any development needs to be sympathetic to the level of toxins and limit disturbance of the earth. Remediation is questionable.</p> <p>Support the development of the land but it must be in a fashion that engages the EPA and manages the problem without any exposure to the surrounding community and future home owners both now and into the future.</p> <p>Noted Contaminated Land Management Act 1997 and matters to be considered before the EPA declares land to be significantly contaminated land. Given contents of Golder document, the site should be declared significantly</p>	<p>Contamination assessment reports submitted have concluded that the site is contaminated, although the contamination could be managed through implementation of an Environmental Management Plan, and that the site can be rehabilitated and rendered suitable for the proposed medium density residential development, subject to further data assessment following finalisation of the proposed development design, review of the conceptual remediation strategies and subsequent remediation of the identified contamination issues. A detailed asbestos investigation is required prior to remediation. These further investigations could be undertaken as part of a future development application process. The reports indicated that potential management strategies for the heavy metal, total recoverable hydrocarbons and asbestos contamination could include off site disposal, on site treatment, off site treatment or on site containment.</p> <p>The EPA submission confirms that an 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>contaminated land and is therefore subject to management orders, site audits and financial assurances.</p> <p>Noted WCC Asbestos Policy (2016) and WCC regulatory responsibilities under the Contaminated Land Management Act 1977. Noted that Council may issue contaminated land clean up notice and prevention notice under Protection of the Environment Operations Act 1997. Noted that Council must comply with relevant SEPPs and for sites that are significantly contaminated and require a major remediation program independent of any rezoning or development application, the EPA and Safe Work NSW are the lead regulatory authorities. SEPP Remediation of Land – land must not be developed if it is unsuitable for a proposed use because it is contaminated. This parcel of land is heavily contaminated.</p> <p>WLPP (19/3/21) noted no strategic merit for significant FSR and height increases – how is it possible for the proposal to contain an increase in height limits. The height limit alteration sets a precedent for future R3 zoning applications. The village feel of Port Kembla is what makes it appealing.</p> <p>The Planning Proposal is:</p> <ul style="list-style-type: none"> • Unsympathetic to the Port Kembla Village Character • Creates a storm water runoff environmental issue due to heavy metal contamination in the soil which when disturbed will be released • Does not sit within the Port Kembla revitalisation plan in that most residents made it known to the revitalisation survey committee that height limits were not to be altered. <p>WLPP meeting held 19/3/21 and it is only now (October 2022) that the community has a say in this planning proposal. Peculiar that WLPP who do not live in Port Kembla are tasked</p>	<p>Council obligations in relation to SEPP Resilience and Hazards 2021 (Remediation of Land) and other relevant legislation noted.</p> <p>The Design Review Panel (DRP) was involved in an assessment of an earlier version of the proposal, which sought heights up to 5 storeys and increased floor space ratios (FSRs). As a result of the DRP findings that there wasn't strategic merit for a significant height and FSR increase, and a suggestion that a lower scale development is more appropriate for the site, Council endorsed for exhibition on 10 May 2021 a maximum building height of 11m (3 storeys) and retained the current 0.5:1 FSR for the site. The DRP additionally recommended that the site should be identified as a 'Key Site' under Clause 7.18 of the WLEP which requires a DCP 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 agreed with the open space allocation at the northern end of the site.</p>
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	<p>with the decision of determining what happens in Port Kembla before consulting the community. It appears that only one side of the argument – the developer’s side – was presented to the panel. Not “due process”.</p> <p>This site is not fit for development as a residential site given the high toxicity of the environment as detailed in the Golder report – asbestos, arsenic, copper, zinc, hydrocarbons. The soil is extremely toxic and cannot be disturbed. The proposed development seeks to excavate huge volumes of soil to allow for a fourth level underground. The excavation process will unlock huge volumes of very toxic materials and chemicals. The Golder report recommends that the material be sealed through onsite retention or through an EMP. Asbestos should not be exposed to the atmosphere by excavation or transport. The whole site should be capped and sealed and then built on as is the case of the old Port Kembla Copper site. WCC should consider the repercussions of granting permission for asbestos particles to be released in the atmosphere by way of excavation.</p>	
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Community Submissions (16)

Name/Origin	Comment	Officer Response
Social media enquiry	Wasn't the school closed because the land was contaminated? Did that just magic away when a developer with a fist full of dollars arrived?	<p>The following response was provided:</p> <p>This site has a long and complex history, and contamination is a key matter that would need be addressed before any draft Planning Proposal could be progressed. There's a range of information on our website that considers the site's contamination including a Detailed Site Investigation and a Remediation Action Plan as</p>

		part of the draft Planning Proposal process that is currently underway.
Our Wollongong submission	<p>I am a Port Kembla resident and support residential use of the land. This will increase the suburb population which will help support services and businesses, particularly on Wentworth Street.</p> <p>The following need to be part of the design:</p> <ol style="list-style-type: none"> 1. Attractive streetscape – wide footpaths/bike track, big trees, green zones, playground for all people – not a concrete jungle 2. Style – should be modern light-coloured attractive building – not dark brick box 3. Playground linked to streetscape – there are no good playgrounds until the beach 4. The Military Road/Church St intersection is very busy and visibility is average - will there be traffic lights and crossings installed? 	<p>Support for residential use of the land to assist economic viability of the town centre noted.</p> <p>The site has been identified as a “Key Site” in WLEP 2009 which will require a design excellence assessment by the Planning Panel.</p> <p>Any future DA will require further traffic impact assessment and potentially modelling to determine likely impacts on current intersections and the need for any upgrades.</p>
Our Wollongong submission	<ul style="list-style-type: none"> • Land should be used for medium density apartments – don’t allow them to be luxury apartments that cost over \$900K each • Utilise nature in the areas – lots of trees for natural shade • Minimal roads through the site – include bike parking and make the development focus on people and not car access • Improve public transport connection to Wollongong with a more frequent train service 	<p>Support for medium density residential use noted.</p> <p>Apartments will be provided in response to the developer’s assessment of market demand. However, there is a separate Voluntary Planning Agreement being negotiated (to be reported to Council separately for endorsement and public exhibition) to provide a minimum 5% of apartments as Affordable Rental Dwellings.</p> <p>WDCP 2009 includes parking requirements for residential apartment buildings, including the provision of bicycle parking.</p>

Our Wollongong submission	<ul style="list-style-type: none"> Apprehension, concern and disagreement with proposal to rezone to residential. Concerned that the development will affect his home and those of neighbours structurally and will minimise sunlight to his home. Would like the site to remain unchanged. Resided at Military Road for majority of life -the home his parents lived in since first arrived in Australia over 80 years ago. This home and area provide sense of belonging, identify and connection to deceased parents. 	<p>Opposition to development of the site noted.</p> <p>Any future DA will need to demonstrate that adjoining residential properties will not be adversely impacted by overshadowing.</p>
Our Wollongong submission	<ul style="list-style-type: none"> Must be adequate parking for 110 dwellings – 220 car parking spaces must be included in the plan (2 adults per dwelling, each with a car) – the exhibited plan did not show any parking. Concerned about the amount of traffic that will be generated - the impact of our loss of parking at our home is not acceptable. 	<p>On site parking is to be provided in accordance with the requirements set out in WDCP 2009 Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management.</p> <p>Any future DA will require further traffic impact assessment and potentially modelling to determine likely impacts on current intersections and the need for any upgrades.</p>
Our Wollongong submission	<ul style="list-style-type: none"> Encouraging growth in the area is great so long as the infrastructure to support an increase in vehicles and foot traffic is provided – too often developments are created without the inclusion of much needed roads, pathways, trees and traffic control. Should as part of the development include other items included in the Port Kembla Revitalisation Plan and support Wentworth St to have bike racks, water stations, improved gardens, lighting and all access public toilets. 	<p>Conditional support for residential use noted.</p> <p>Any future DA will require further traffic impact assessment and potentially modelling to determine likely impacts on current intersections and the need for any upgrades. Any future DA will require detailed landscaping plans, including protection of trees and requirements for new plantings.</p> <p>Comments relating to implementation of Port Kembla Revitalisation Plan passed on to relevant division within Council.</p>

Our Wollongong submission	<ul style="list-style-type: none"> • Would be a shame to see it become a basic development site without a nod to the history – it was a place of children’s play and learning – currently children still use it as a place of play and meeting – it would be good to continue this tradition in some way. • There could be a much more interesting and creative solution for the space as an extension of the Port Kembla CBD. 	<p>Comments noted.</p> <p>DCP Chapter references the need to include interpretive elements to allow the community to enjoy the shared history of the site.</p> <p>The Planning Proposal being considered is to allow residential development of the site.</p>
Our Wollongong submission	<ul style="list-style-type: none"> • In general support more housing for this area but too many dwellings crammed into this development. • Should be minimum 20% affordable housing provision in this development to help address housing crisis for low to middle incomes – young people locked out of market and key worker shortages in this busy industrial town. • Developer got land for a bargain from State government and there are very questionable circumstances in which the heritage building burnt down. Supplying a reasonable amount of affordable housing is not a big ask from a community that lost one of its treasured historical sites. • The 3 mature brush box trees in the centre of the site should be retained – Port Kembla has the third lowest canopy cover in the LGA and is a priority for urban greening. Easier to work around existing trees with nice form and good canopy cover than to cut them down and try to establish new plantings to replace the shade and amenity. 	<p>Conditional support for residential use noted.</p> <p>The site has been identified as a “Key Site” in WLEP 2009 which will require a design excellence assessment by the Planning Panel.</p> <p>Following a Council Resolution there is a separate Voluntary Planning Agreement being negotiated (to be reported to Council separately for endorsement and public exhibition) to provide a minimum 5% of apartments as Affordable Rental Dwellings.</p> <p>Proposed tree removal will be assessed in any future Development applications submitted for the site, in accordance with Council’s Development Control Plan and relevant legislation.</p>
Our Wollongong submission	Support the proposal – would provide Port Kembla more housing to support the town centre and provide additional housing as we are in a housing shortage crisis.	Support for residential use of the land to assist economic viability of the town centre and provide additional housing noted.
Our Wollongong submission	<ul style="list-style-type: none"> • Port Kembla is such a lovely area of the Illawarra however the town centre is quiet and underutilised. Also a limit on variations of properties and affordable housing. 	Support for residential use of the land to assist economic viability of the town centre noted – and for a mix of housing types.

	<ul style="list-style-type: none"> Introducing a mixture of apartments, terraces and townhouses and some affordable housing will provide greater opportunities for people to live, either by renting or owning and therefore will support the local area and town centre which hopefully will bring some more life back to this beautiful part of the world. 	Following a Council Resolution there is a separate Voluntary Planning Agreement being negotiated (to be reported to Council separately for endorsement and public exhibition) to provide a minimum 5% of apartments as Affordable Rental Dwellings.
Our Wollongong submission	<p>Fully support this proposal for a number of reasons:</p> <ul style="list-style-type: none"> More housing required in Illawarra and particularly Port Kembla Revitalisation of Port Kembla Town Centre has been attempted for a number of years without much success – more residents nearby is the key The mix of housing in this proposal is ideal as it will provide opportunities for both tenants and buyers in what is a desperately undersupplied marketplace. Would be nice to see a significant form of quality new residential development in an area that has really lacked it, particularly on a site that has sat derelict and/or vacant for such a long period of time. 	<p>Support for residential use of the land to assist economic viability of the town centre noted – and for a mix of housing types.</p> <p>The site has been identified as a “Key Site” in WLEP 2009 which will require a design excellence assessment by the Planning Panel.</p>
Our Wollongong submission	<ul style="list-style-type: none"> The Port Kembla area is in desperate need of more housing. Local businesses need the boost from 7 day a week residents nearby. Access and amenity in the area will support more people. This proposal looks strong. 	Support for residential use of the land to assist economic viability of the town centre and provide additional housing noted.
Our Wollongong submission	<ul style="list-style-type: none"> Draft DCP 5.4.2: “2 A roundabout is to be provided at the connection to Military Road in line with Third Road” – consider having the new internal connection/road to line up with Church St. Sight distance turning out of Church St onto Military Road is often blocked by cars parked – safety risk. 	Any future DA will require further traffic impact assessment and potentially modelling to determine likely impacts on current intersections and the need for any upgrades.

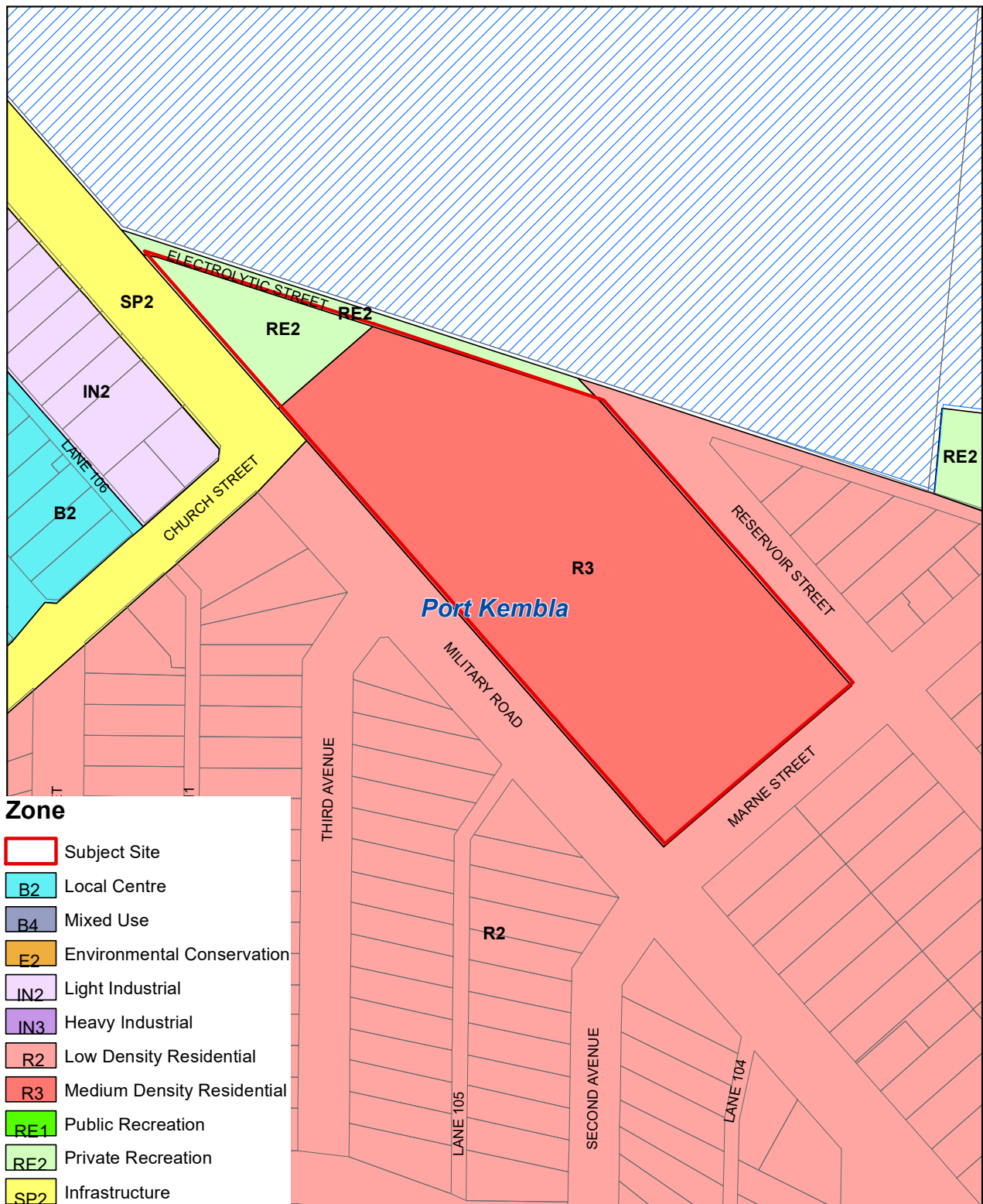
	<ul style="list-style-type: none"> • 3 Street Type 5 (modified) – consider a 2.5m shared path on one side of road to link up with potential future shared path along Military Road. • Planning Proposal: concerns with density of new dwellings as DCP does not specify on site parking provisions – enough parking needed for residents and visitors on site. • Also proximity to steelworks, port and historical contamination pose health and well being issues to potential residents. 	<p>On site parking is to be provided in accordance with the requirements set out in WDCP 2009 Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management.</p> <p>Further urban design work is recommended to develop a Master Plan/DA Concept Plan for the site – suggestions for road connections and street types noted.</p> <p>The draft site-specific DCP Chapter also incorporates a number of objectives and controls to protect residents from potential noise and other amenity impacts (noting that there are legislative requirements and obligations on the Port and industry to also operate in accordance with environmental conditions of consent/approvals in this regard – ie source control).</p>
Our Wollongong submission (2 submissions)	<p>Reject preferred concept (5-1):</p> <ul style="list-style-type: none"> • Will increase residential density significantly and is not accepted as desirable for the new residents or existing. • Overly developed and in contradiction to principles of enhancing amenity and keeping in line with design of existing neighbourhood. • No single dwellings – medium and high density out of character for neighbourhood and suburb. • Impossible to see how Chapter objective (c) “ensure that development of the site results in an open and welcoming urban environment to facilitate integration and connection between future residents and the wider community” is achieved – the proposal ring-fences the site building a barrier between the site and neighbouring dwellings and 	<p>Opposition to “preferred concept” noted.</p> <p>Conditional support for residential use noted.</p> <p>Development will be restricted to 9m (2 storeys) along Marne and Reservoir Streets in line with surrounding development, and 11m for apartment buildings in the centre of the site and along Military Road (medium density development not high density development).</p> <p>The site has been identified as a “Key Site” in WLEP 2009 which will require a design excellence assessment by the Planning Panel.</p>

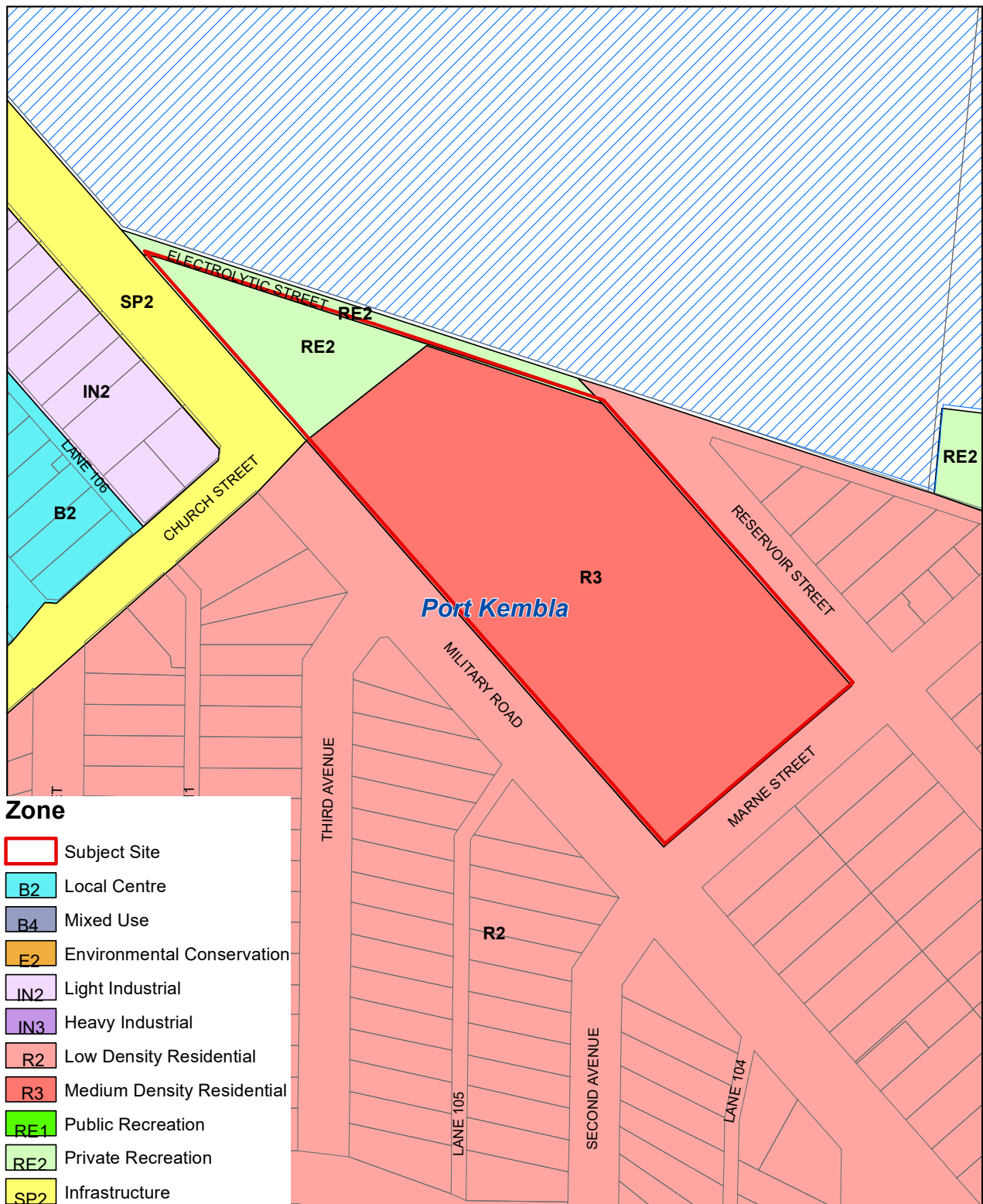
	<p>residents – hardly permeable to invite the broader community to use its public space.</p> <ul style="list-style-type: none"> Proposes 18 towns houses for Marne St – a significant increase from the 7 townhouses that were the basis for the Traffic Impact assessment (Biosis 2018). Contradicts objectives 5.2.1 e and 5.3.1 c – “ensure future development respects neighbouring properties by sensitively integrating new development with the existing residential buildings.” Views and vistas for existing residents are obliterated – impossible to see how key public view corridors (e.g., escarpment) will be sustained with the scale of proposed medium and high density structures. No provision for internal access to the second row of townhouses – contradiction to 5.3.2 (7) where multi dwelling and attached housing are to have direct frontage to a public road and consolidated access to all lots within the site. How is access enabled and how is traffic flow and parking to be managed? Marne St has not the capacity for the volume of anticipated vehicles for 18 townhouses. <p>Of the concepts available for consideration I have ranked my preferred concepts:</p> <ol style="list-style-type: none"> 4-1 Indicative Design Concept 1 – provides appropriate sensitive development. Offers needed transition from single to medium density, mixed residential options (including low cost), will encourage construction of quality housing and activate the suburb. The site for the former bowling club (Gallipoli St and Anzac Way) is an example of an appropriately scaled development supporting quality housing. 4-4 Indicative Design Concept 4 – comments as above 4-5 Indicative Design Concept 5 – comments as above <p>Road hierarchy:</p>	<p>Further urban design work is required to deliver a Master Plan for the site and built form outcome to the highest standard of Architectural and Urban Design, as required by the WLEP 2009 “Key Site” designation.</p> <p>Further urban design, 3D modelling and graphic work is required to optimise:</p> <ul style="list-style-type: none"> Integration of shared heritage interpretation across the site and a built form that respects adjacent heritage items; A built form compatible with surrounding low scale residential areas; Permeability through the site and the delivery of a range of useable open spaces; A built form that can preserve key views from public spaces and also frame and enhance views for future residents; and The design and siting of the residential buildings and associated landscaping in order to mitigate against noise, light spill and other potential impacts and provide optimum solar access. <p>Any future DA will require further traffic impact assessment and potentially modelling to determine likely impacts on current intersections and the need for any upgrades.</p> <p>On site parking is to be provided in accordance with the requirements set out in WDCP 2009 Chapter E3: Car Parking, Access,</p>
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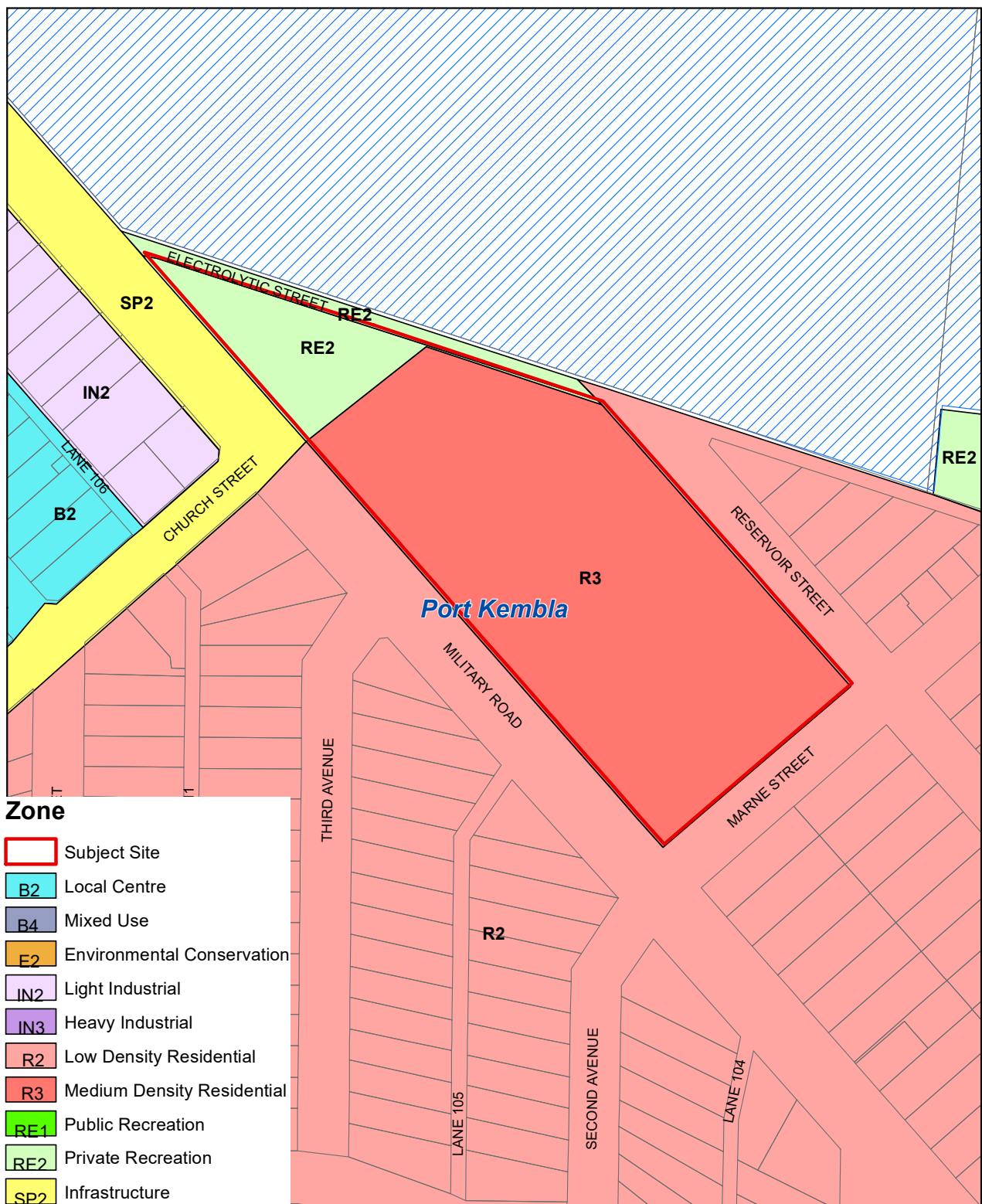
	<ul style="list-style-type: none"> proposal will create parking issues which will impact heavily on nearby residents and businesses. Intersection of Church St and Military Rd already problematic with poor sight lines with 45 degree angle parking impeding views – the proposal will introduce increased traffic exacerbating congestion and likelihood of accidents. Further traffic flow and calming interventions are required – e.g., roundabouts at both Church St and Third Ave to facilitate safe road speed and smoother traffic flow. Addition of internal roads within the development supported – indicative design concepts (4-1, 4-2, 4-4) are illustrative of preferred road infrastructure to meet objectives 5.3.2 (7) where multi dwelling and attached housing are to have direct frontage to a public road and consolidated vehicular access to all lots within the site. High quality housing and associated amenity for future residents and the wider community will require sufficient parking onsite to prevent negative impacts on the existing residential streets . <p>Green space/green corridors:</p> <ul style="list-style-type: none"> Proposed open green space insufficient – required for amenity and well being. Existing landscape provided habitat for range of native fauna – appropriate habitat must be sustained “Lean of the trees to the north may indicate strong prevailing winds from the south” – this is the case and occur frequently. The development proposal must consider impacts in exacerbating wind pressure through the creation of dense corridors of buildings – there must be no negative wind pressure impact to existing neighbouring residents. How will existing infrastructure on site (e.g., retaining walls) be managed and disposed of in an environmentally safe manner with minimal impact to the community and local fauna 	<p>Servicing/Loading Facilities and Traffic Management.</p> <p>Proposed zoning includes child care as a permitted use, subject to a satisfactory Development Application (DA). Any future DA will require further traffic impact assessment.</p>
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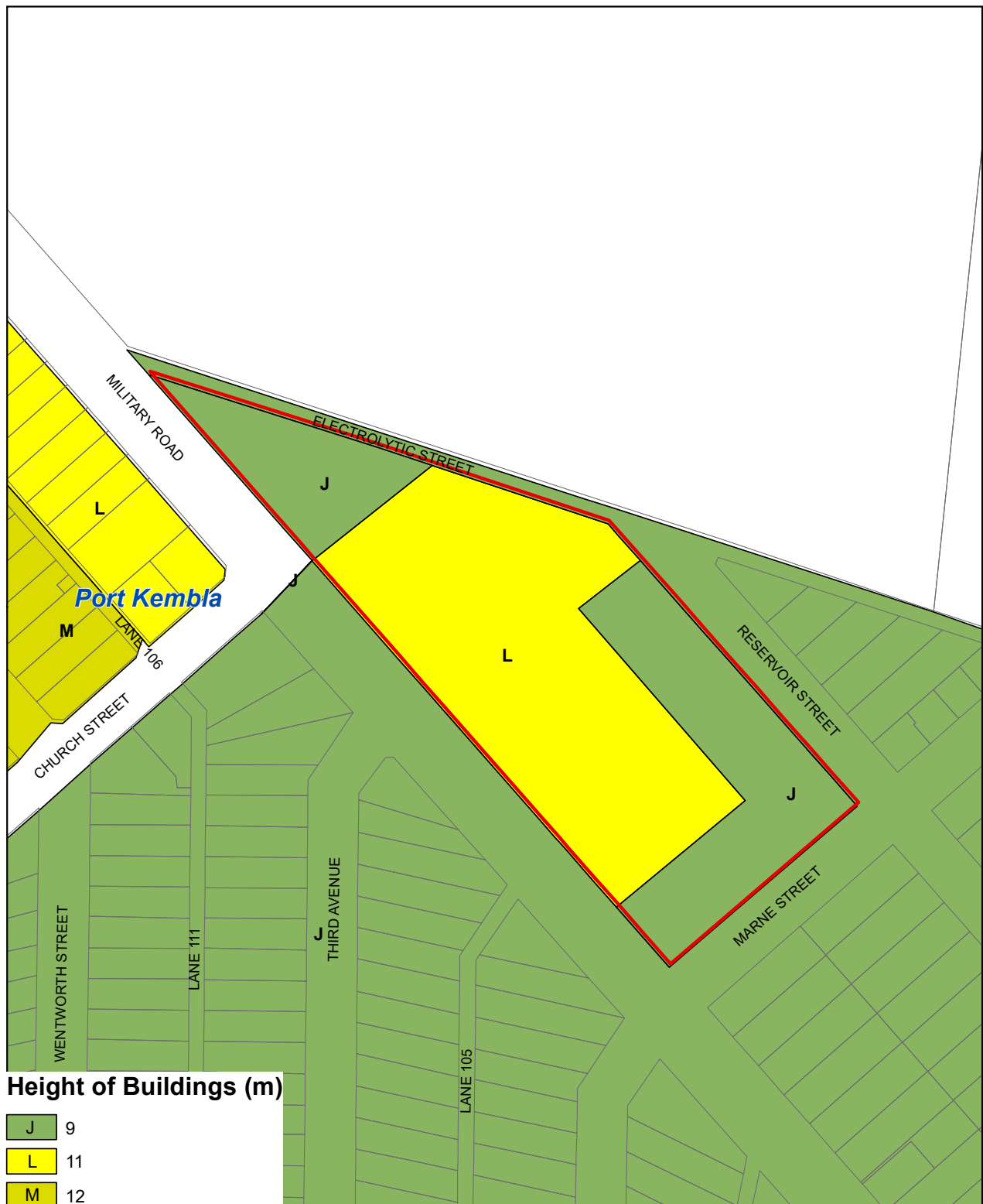
	<p>Noise mitigation:</p> <ul style="list-style-type: none"> The vegetated berm will be insufficient as a noise barrier from neighbouring industries. Volumes of anticipated vehicles will contribute to noise and other emissions and impact the amenity of neighbouring residents. <p>Parking:</p> <ul style="list-style-type: none"> Proposal is silent on parking – fails to illustrate parking allowances and plans for residents and visitors. Requires safe and accessible parking, minimising on street parking and congestion. Basement parking preferred – subterranean rock will add to difficulty and cost. <p>Aged Care/Child Care:</p> <ul style="list-style-type: none"> Potential for aged care residences (Design Concept 2) is worthy of consideration and can be integrated in Design Concepts 4-1, 4-3 and 4-4. Proposal for child care facility within the development requires deeper consideration – will add to traffic congestion and pressure on allocated parking. Wentworth St retail precinct under utilised and should be considered for child care facility. 	
Email	<p>Road hierarchy:</p> <ul style="list-style-type: none"> Negative impact on nearby residents and businesses with parking issues and increased traffic to Military Road, Reservoir, Electrolytic and Marne Streets. Propose installation of traffic lights where Church Street meets the new development on Military Road – logical point to enter and leave site safely. This Military Road “gateway” should be a loop road into and around the complex, that contains all the future parking for the new residents, Aged Care and Child Care. 	<p>Any future DA will require further traffic impact assessment and potentially modelling to determine likely impacts on current intersections and the need for any upgrades.</p> <p>On site parking is to be provided in accordance with the requirements set out in WDCP 2009 Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management.</p>

	<ul style="list-style-type: none"> High quality housing and high levels of amenity for future residents and the wider community must have enough parking onsite, not impacting negatively on existing residential streets. <p>Potential impacts:</p> <ul style="list-style-type: none"> Reject 2 storey dwellings across the road from us in Reservoir Street – doesn't respect existing neighbours/does not sensitively integrate with existing one storey dwellings. Afternoon shadowing would occur if buildings in the west were higher than us. Industrial noise from the port will be echoed back on us by any taller buildings just across the road. Design concepts 1,3 & 5 are all acceptable as single storey in Reservoir Street. <p>Reject preferred concept :</p> <ul style="list-style-type: none"> Will increase residential density significantly and is not accepted as desirable for the new residents or existing. Potential for a new ghetto when people are packed into an area – people need space around them. Many questions – will the current 150m long 2m high retaining wall on Reservoir St be retained? Or will the site slant towards us altering the flow of water towards us? Will there be fencing? Will there be an on site detention system? Will power poles be installed underground? 	<p>Suggestions noted and will be provided to the Traffic division of Council to aid in their assessment of any future DAs.</p> <p>Conditional support for residential use noted – single storey.</p> <p>Development will be restricted to 9m (2 storeys) along Marne and Reservoir Streets in line with surrounding development. Modelling suggests that overshadowing is unlikely to be an issue for either Marne or Reservoir Streets.</p>
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Part D – Locality Based/ Precinct Plans

Set ID 22470333



Contents

Part D – Locality Based/ Precinct Plans	i
Chapter D20: Former Port Kembla School Site	i
Contents	i
1 INTRODUCTION	1
2 AIMS AND OBJECTIVES	2
3 DEFINITIONS	2
4 MASTER PLAN DESIGN PRINCIPLES	2
4.1 Desired Future Character	3
5 DEVELOPMENT CONTROLS	3
5.1 Views and Vistas	3
5.2 Built Form Setbacks	3
5.3 Architectural Diversity and Building Design	4
5.4 Movement Network	6
5.5 Accessible Private Open Space and Natural Environment Public Domain	7

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1 INTRODUCTION

This Locality Chapter applies to land identified as the former Port Kembla School Site, located off Military Rd, Port Kembla (Lot 1 DP 811699), as shown in **Figure 1** below.

This Locality Chapter is intended to supplement the land use planning controls applied by Part B of the Wollongong Development Control Plan 2009 (WDCP) to guide development of the former Port Kembla school Site. This Chapter recognises the unique opportunity the former school site offers to provide a variety of housing types in a high amenity, open space setting, in close proximity to the Port Kembla Town Centre.

This Chapter should also be read in conjunction with Part A, B, C, D and E of WDCP, the Wollongong Local Environmental Plan 2009 (WLEP) and relevant State Environmental Planning Policies. In the event of any inconsistency between the provisions of this and any other chapters of WDCP, the provisions of this Chapter shall prevail to the extent of that inconsistency. In the event of any inconsistency between the provisions of this chapter of the WDCP 2009 and State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), SEPP 65 and the ADG will prevail to the extent of that inconsistency



Figure 1- Land to which this plan applies

2 AIMS AND OBJECTIVES

The overall aim of this Locality Chapter is to provide supplementary planning controls to facilitate urban renewal of the former Port Kembla School Site.

The key objectives of this Chapter are to -

- a. Enable the development of the Site in a manner consistent with Wollongong Local Environmental Plan 2009 and the ~~former Port Kembla School Site Master Plan outlined in Section 4 of this Chapter~~; design principles outlined in this Chapter of WDCP 2009.
- b. Supplement the planning controls of Wollongong DCP 2009 to create a liveable and sustainable residential precinct that provides high quality housing and high levels of amenity for future residents and the wider community.
- c. Ensure that development of the Site results in an open and welcoming urban environment to facilitate integration and connection between future residents and the wider community.
- d. Ensure that future development acknowledges, respects and celebrates the shared cultural heritage significance of the Site, and provides opportunities for interpretation of the significant values and sympathetic built form design.
- e. Ensure that the site is developed to its potential whilst respecting neighbouring properties by sensitively integrating the new development with the existing adjacent residential buildings
- f. Retain the existing mature trees on the Site boundary as a green buffer to the development, and at the proposed public space bounded by Military Road and Electrolyte~~ic~~ Street. Provide suitable space to incorporate new tree plantings to support a future urban tree canopy.
- g. Create a high quality, safe and accessible public domain.
- h. Develop a clear and safe hierarchy of roads, lanes, pedestrian paths, and cycle ways to integrate the Site with the wider Port Kembla area and to encourage walking and cycling.
- i. Ensure the resultant built form and public domain optimises solar access and frames key views to the coast, Hill 60 and Illawarra Escarpment.
- j. Ensure future residential development and open space is located and designed to mitigate against noise and other impacts associated with current and future uses within the ~~Three Ports~~ SEPP (Transport and Infrastructure) 2021 (Ports SEPP) area.
- k. Provide a suitable buffer distance between development within the Site and uses within the ~~Three Ports~~ SEPP land through building design, materiality and landscaping for noise mitigation to protect residential development and open public domain space.

3 DEFINITIONS

For all definitions refer to **Appendix 4: Definitions of the Wollongong Development Control Plan 2009 (Wollongong DCP 2009).**

4 MASTER PLAN DESIGN PRINCIPLES

~~The former Port Kembla School Site Master Plan has been prepared to demonstrate the vision and urban design and A number of~~ planning principles ~~that~~ will guide the future character and development of the Site ~~(Figure 2)~~. All future development applications must demonstrate that the objectives and development controls in this DCP Chapter have been considered and will be achieved.

~~Figure 2 Former Port Kembla School Site Masterplan~~

4.1 Desired Future Character

The former Port Kembla School Site will be developed to provide a diversity of housing choice, including affordable housing, close to existing services offered by the Port Kembla Town Centre, providing connectivity and direct linkage to public transport, public facilities, and the coast. The residential development will be set within a high-quality public domain, integrated with heritage interpretation opportunities and pedestrian connections.

Development of the Site will acknowledge and respond to the arrangement of the former Port Kembla School buildings and celebrate the shared heritage significance of the Site through innovative and interactive interpretation outcomes.

In recognition of being listed as a Key Site in WLEP 2009 due to its prominence and heritage values, the Site will be developed to deliver the highest standard of Architectural and Urban Design. Built form will be designed and distributed to provide appropriately scaled interfaces to areas of heritage significance and the existing adjacent residential development; optimise key views from the site; maximise solar access; and mitigate against potential noise and other amenity impacts to future residents and the community in general from the Port at Port Kembla and associated industry. A landscaped buffer and berm noise attenuation barrier along the northern boundary (Electrolytic Street) will assist with attenuating the noise from the existing Port and industrial operations, and potential expansion of the Port activity.

The development will encourage walking through green streets and the Site will be open and permeable to invite the broader community to use its public space and appreciate its historical significance.

5 DEVELOPMENT CONTROLS

A diverse range of building types, sizes and built form is encouraged for the purpose of creating a vibrant urban setting, which respects the heritage value of the former Port Kembla School Site and surrounding suburb. Chapter B1 of Wollongong DCP 2009 provides general development controls which apply to residential development, and Chapter B2 (Section 6) provides development controls which apply to Subdivision Design. The following controls supplement WDCP 2009 providing controls specific to the former Port Kembla School Site.

5.1 Views and Vistas

5.1.1 Objectives

- Ensure that development of the Site maintains and establishes identifies and respects key public view corridors, for example to the coast and Illawarra Escarpment, cultural views and connections to significant landscape elements in the final built form/layout, for example to the Escarpment, coast and Hill 60.
- Ensure key cultural views and connections to significant landscape elements such as Mt Keira and Hill 60 are celebrated and enhanced through built form and design.

5.1.2 Development Controls

- New development will establish or maintain key view corridors, as indicated in Figure 3, guided by an updated View Analysis to be completed to inform built form, design and siting.
- Buildings are to be positioned, scaled and set back to ensure key views (as indicated in Figure 3) are maintained or created.

Figure 3 – Views and Vistas

5.2 Built Form Setbacks

5.2.1 Objectives

- Create an appropriate street interface and maximise contiguous areas of deep soil adjacent to the public domain through setbacks and articulation.
- Ensure development at highly visible sites, such as view terminations and street intersections, are of the highest architectural quality.

- c. Encourage façade both vertical and horizontal articulation and modulation, particularly on street facing elevations generally.
- d. Ensure setbacks provide space for landscaping ~~and canopy trees~~.
- e. Ensure future development respects neighbouring properties by sensitively integrating the new development with the existing adjacent residential buildings.
- f. Ensure that the built form acknowledges and responds to the arrangement of the former Port Kembla School Buildings.

5.2.2 Development Controls

1. ~~Building setbacks are to comply with Figures 4 – 8. Development within the 9m height limit areas along Marne and Reservoir Streets is to be a maximum of 2 storeys.~~
2. A minimum 6m setback to Military Road – to be vegetated to enhance the interface between the street and the new development. Build to alignment, along Military Road, is to be a minimum of 60% of ~~the each~~ building façade.
3. A minimum setback of 4.5m along Reservoir Street – sites facing this street are also to have a 1.5m ~~noise mitigation façade~~ articulation zone.
4. A minimum setback of ~~3~~ 4.5m along Marne Street – sites facing this street are also to have a 1.5m ~~façade~~ articulation zone to encourage facade modulation variety.
5. ~~Any~~ Terrace houses are to be built to the boundary on both sides, or one side where the terrace is the end of the row. ~~Terrace housing is not to be continuous for the whole length of Reservoir or Marne Streets – a break in the possible form is required. Development must respond to any slope of the land by stepping down the slope.~~
6. ~~The minimum street frontage width for terrace house development is to be no less than 8 metres. A minimum setback of 10m along Electrolytic Street to facilitate construction of a suitable noise attenuation barrier.~~
7. Up to 70% of the articulation zone can be occupied by architectural elements. Articulation zone means a zone forward of the main facade line that may include architectural features such as pergolas, roof elements, bay windows, sun shading and verandahs. The articulation zone may not include habitable floor area or basement levels above ground.
8. Maximum of 30% of façade length can ~~protrude into~~ located in the ~~façade~~ articulation zone.
9. Maximum of 60% of façade length of any individual building can ~~protrude into~~ be located in the ~~noise mitigation~~ articulation zone. ~~This zone is to be used for the provision of protected balconies.~~
10. ~~Ground floor setbacks, including articulation zones, are not to incorporate b~~Basement levels ~~are not to protrude into ground floor setbacks, including articulation zones.~~
11. Setbacks must provide a street wall that provides sympathetic integration and transition in form to surrounding buildings.

5.3 Architectural Diversity and Building Design

5.3.1 Objectives

- a. Ensure quality and innovative architectural designs that reflect the desired future character of the Site, interpret shared heritage cultural values, and avoid a bland and monotonous architectural style.
- b. Design and locate buildings to mitigate against noise impacts including low frequency noise from adjacent heavy industries associated with the current and future uses within the ~~Three~~ Ports SEPP area surrounding the Port of Port Kembla.
- c. Ensure that the site is developed to its potential whilst respecting neighbouring properties by sensitively integrating the new development with the existing adjacent residential buildings.
- d. Ensure the resultant-built form and public domain optimises key views to the coast, Illawarra Escarpment and significant cultural landscape elements.
- e. Locate dwellings to encourage optimal amenity (visual privacy, solar access and functional amenity) and passive surveillance of communal and public spaces, including streets.

5.3.2 Development Controls

1. The Subdivision layout is to respond to and utilise the site's topography, and promote appropriate lot orientation to maximise the northern aspect.
2. The Site layout is to respond appropriately to potential noise and other amenity impacts resulting from the Port of Port Kembla and any future heavy industrial or Port related development within the ~~Three~~ Ports SEPP area, and where possible use the built form of buildings to shield residential areas located further from the noise source.
3. Future development and architecture is to be of the highest quality, respond to the heritage significance of the Site and the former school buildings, and be sympathetic to the existing surrounding local character.
4. Buildings are to be designed to reduce the level of potential disturbance from the Port activities, including orientation of buildings, materials selection and noise attenuation. A suitably qualified and accredited acoustic consultant ~~should shall~~ be ~~consulted to advise engaged to prepare an updated Acoustic Assessment and provide advice on façade construction methods and materials in relation to walls, ceiling and roof systems and windows/doors~~, noting that masonry style faced construction performs well at low noise frequencies. Noise mitigation façade treatments are to be employed as ~~per Figure 9 below indicated by the updated Acoustic Assessment~~.
5. A ~~landscaped berm (minimum 10m wide) noise attenuation barrier~~ is to be created along the north-eastern boundary ~~(Electrolytic Street)~~, designed ~~in conjunction with an by a suitably qualified and accredited~~ Acoustic Engineer, to reduce the impact of noise generated by port activities on properties within the development. ~~It is anticipated that an engineered solid lapped acoustic barrier will be required. The design and height of the acoustic barrier will respond to the proposed building heights and orientation.~~
6. The design of buildings is to achieve architectural diversity ~~reflecting the typologies outlined in Figure 2~~. A diverse range of housing types, sizes and built form is to be delivered, including affordable rental dwellings subject to a Voluntary Planning Agreement (VPA). Housing types are to cater for a diversity of household types and demographic profiles, and include townhouses/terraces, villas and apartments.
7. Multi dwelling and attached housing are to have direct frontage to a public road ~~with access from the footpath to a front door~~ (i.e., are not to be built on battle-axe lots)
8. The design of new built form located on the footprint of former school buildings should allow for interpretation of former use of the site and reflect the setback, scale, form, and proportions of the former school buildings.
9. Materiality should respond to the desired future character statement of the site and setting of the development. A suitable mix of materials that are sympathetic to the former school buildings should be utilised ~~in any new development, specifically timber cladding, corrugated iron and reclaimed brick.~~
10. Design of new buildings should minimise the overall sense of bulk and scale and maximise building separation. The modulation of the components of the buildings and the composition and detailing of their facades will also contribute to their perceived scale. Designs must demonstrate consideration of all of these elements. Landscaping, articulation, upper floor setbacks, balconies, sun shading devices and awnings should be used to help reduce the apparent bulk of buildings. Limit blank walls to 30% of any façade facing a boundary.
11. Living areas and balconies are to be oriented to the north, with bedroom areas ~~facing south oriented away from the Port and surrounding industrial areas~~, to mitigate from noise sources in the north. Apartment layouts which extend from one side of the building to the other, or use internal light wells, are to provide shielding from ~~P~~port noise. Glazing ~~to windows and doors~~ is to be provided for apartment layouts such that when windows are closed, low internal noise levels can be achieved. Fresh air ventilation and thermal comfort measures are to be provided to ensure windows can be closed to improve amenity ~~in accordance with the Building Code of Australia. Measures such as draught and acoustic sealing, venting and window orientation should be considered and employed on a case by~~

case basis to minimise amenity impacts. A final assessment of individual dwellings will be required prior to the issue of a construction certificate.

12. Locate dwellings to encourage optimal amenity (visual privacy, solar access and functional amenity) and passive surveillance of communal and public spaces, including streets. Buildings directly adjoining open space must be designed with an appropriate interface and frontage to the open space. An appropriate interface will include buildings which front the open space, clear entries to residential lobbies and/or individual dwelling entries at the ground floor, sufficient landscaped setbacks to create a transition and delineation between public and private space, landscaped verge and shared paths and/or roads clearly defining the extent of public domain. Dwellings on the ground floor facing the street are to have individual entries from the street. Outdoor areas are to be designed to take advantage of any acoustic shielding by the building structure or surrounding buildings.
13. ~~Ensure opportunities for outlook and maintenance of views through blocks.~~ Buildings are to be located to provide an outlook to and passive surveillance of the public domain where possible. Apartment setbacks to the side and rear boundaries should be a minimum 6m ~~up to 4 storeys.~~
14. Residential development should comply with the Development Near Rail Corridors and Busy Roads Interim Guideline, NSW Government and any other relevant State Environmental Planning Policy (i.e., SEPP (State Environmental Planning Policy (Transport and Infrastructure) 2021)) and NSW EPA Noise Guidelines for Local Government.
15. Section 10.7 Planning Certificates are to include a notation that the property is affected by impacts of a 24-hour operating port (noise, light, air/dust etc) and also reference any required long-term site management plan (SMP) in the case that on site encapsulation is the preferred strategy for the management of contamination.
- ~~16. Any on site containment of contamination is to be placed under buildings under private ownership with appropriate S88B wording, and not in open space areas or under roadways, due to potential future problems when these areas may need to be disturbed/dug up for maintenance etc.~~

5.4 Movement Network

5.4.1 Objectives

- a. Deliver a clear and safe hierarchy of roads, lanes, pedestrian paths and cycle ways to integrate the site with the wider Port Kembla community and established Port Kembla Town Centre.
- b. Ensure people can move through and within the site including pedestrians, cyclists and traffic by creating new streets that link into the existing grid.
- c. Ensure a safe and functional internal road network, including the provision of on street parking.
- d. Provide consolidated vehicular access to all lots within the site.
- e. Provide continuous footpaths within the site.
- f. Ensure no vehicular access to individual lots directly off Military Road and Reservoir Street.
- g. ~~Create a number of blocks that increase street frontage~~

5.4.2 Development Controls

1. All roads and laneways will be consistent with Transport for NSW Roads and Wollongong City Council engineering requirements, ~~and provided as per the Master Plan in Section 4. The Master Plan provides for a connection to Military Road, in line with Third Road, which connects through to Electrolytic Street and Reservoir Street; and a laneway connector from the new through road, to Reservoir Street, providing rear lane access to the terraces and driveway access to the apartment buildings, independent of Military Road.~~
2. Any proposed access to the Site from Military Road will require the developer to provide a

~~roundabout – 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 Procedures as well as the NSW Government Movement and Place Framework. A roundabout is to be provided at the connection to Military Road in line with Third Road.~~

3. ~~Street Type 5 (modified): 20 metre wide road reserve (1.5m footpath – 3.6m verge – 9.8m carriageway – 3.6m verge – 1.5m footpath) The final Master Plan is to create new streets that link to the existing grid to distribute traffic throughout the site, with footpaths and verge to both sides of the road to support pedestrian and cyclist safety and amenity.~~
4. ~~Laneway Type 8: 8.4 metre wide road reserve (1.45m footpath – 5.5m carriageway – 1.45m footpath) to distribute traffic to carparking located on individual lots, with footpath to both sides to support pedestrian and cyclist safety and amenity.~~
5. ~~For lot frontages six (6) metres or less terrace housing~~ car parking access must be from rear lanes only.
- 5.6. ~~An updated Traffic Impact Study and onsite parking is to be provided according to the requirements of WDCP 2009 Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management.~~

5.5 Accessible Private Open Space and Natural Environment Public Domain

The former Port Kembla School ~~Site Master Plan in Section 4 of this Chapter~~ development is to provide a range of open spaces for the community and residents, integrated with heritage interpretation opportunities, pedestrian connections and residential development.

5.5.1 Objectives

- a. Provide multiple high quality, safe and accessible open spaces of various scales ~~as identified in Figure 2~~ to cater for a wide range of user needs, including both future residents and the wider community.
- b. Create a safe and accessible open space network that provides connectivity to Port Kembla Town Centre and other recreation spaces such as Gallipoli Park and King George V Oval.
- b-c. ~~Ensure publicly accessible areas~~ private open spaces are activated with passive surveillance to provide a sense of security and safety.
- e-d. Celebrate and acknowledge the shared heritage significance of the Site through innovative and interactive interpretation outcomes guided by the recommendations of an endorsed Heritage Interpretation Plan ~~and Designing with Country Guidelines (2019).~~
- d-e. ~~Ensure the integration of interpretation of shared cultural heritage values associated with the Site, including Aboriginal Cultural Heritage values and the history of the former Port Kembla School Site, as well as key views through open space and natural environment outcomes in line with the Designing with Country Guidelines (2019).~~
- e-f. ~~Promote passive surveillance between private open space and publicly accessible areas within the development.~~
- f-g. ~~Ensure that future built development acknowledges, respects and celebrates the shared heritage significance of the Site, and provides opportunities to integrate interpretation of cultural values with open space, built form and retention of views.~~
- g-h. Retain the existing mature trees on the Site boundary as a green buffer to the development, and at the proposed public open space bounded by Military Road and Electrolyte Street.

5.5.2 Development Controls

- ~~1. New open spaces are to be provided in accordance with Table 1 – Development of the Site is to incorporate a range of open spaces for the community and resident use.~~
- ~~2. A landscaped setting is to be created within the area of open space in the north of the Site to provide passive recreation opportunities and a location for interpretation of the shared cultural heritage and history of the Site. This prominent public open space located in close proximity to the existing Port Kembla Town Centre will be accessible, attractive and welcoming to the wider community.~~
- ~~2.3. A landscaping plan is to be submitted to Council for approval with the relevant development application for any of the open space and public realm areas.~~
- ~~3.4. The identified public and private open spaces are to be landscaped in a manner in keeping with the former ecological nature of the Site, including native and endemic plant species.~~
- ~~4.5. The existing mature trees on the Site boundary, and at the proposed public open space bounded by Military Road and Electrolytic Street, are to be retained as a green buffer to the development.~~
- ~~5.6. An updated Heritage Interpretation Plan is to be submitted to Council for approval for the whole Site with the first development application or subdivision application for the site.~~
- ~~6.7. The updated Heritage Interpretation Plan should consider the archaeology on the site including school building footings and how these can be included in on-site interpretation.~~
- ~~7.8. A historic archaeological assessment report is required to be submitted with any future Development Application and a section 140 excavation permit obtained under the NSW Heritage Act 1977 where required.~~
- ~~8.9. The landscaping plan is to detail any proposed public art in accordance with Council's Public Art Strategy and Guidelines 2016-2021 and other interactive elements developed with the local Aboriginal community to celebrate the history of the Site, as endorsed by the Heritage Interpretation Plan. Public art should be considered at selected locations within the proposed public open space public domain. Any public art should be robust and low maintenance and designed with consideration of public safety.~~
- ~~9.10. Locational and appropriate lighting shall be provided as part of the open space system in line with Crime Prevention Through Urban Design (CPTED) principles.~~
- ~~11. Design of the public open space and the elements within it is to be undertaken in consultation with the local Indigenous Aboriginal community, in accordance with the principles set out in the NSW Government Architect Draft Connecting with Country guidelines. This should form part of the landscaping plan and be guided by an updated Heritage Interpretation Plan to be endorsed by Council.~~
- ~~10.12. Any servicing facilities are to be located to minimise impacts on the public domain. Any substation located within this public open space e-public domain is to be positioned to minimise its functional and visual impact, and appropriately screened.~~
- ~~11.13. The prominent public open space is located in close proximity to the existing Port Kembla Town Centre must be accessible and welcoming to the Community. This space shall provide an attractive and comfortable community space that can be activated by adjoining neighbourhood scale retail and business uses.~~
- ~~12.14. Open space to be activated by interfacing residential development, and where possible, abutted by the local road network. Direct and accessible access to the open spaces is to be maximised.~~
- ~~13.15. Interpretative elements, including introduced devices and signage and built form outcomes, should be included throughout the landscape setting of the Site, responding to the siting, location and materiality of the former School Buildings.~~
- ~~14.16. A landscaped setting is to be created within an area of open space to the north of the residential development, to provide passive recreation opportunities and a location for interpretation of the shared cultural heritage and history of the Site.~~

~~15.17. A landscaped/vegetated berm is to be created along the north-eastern boundary (minimum 10m in width), designed in conjunction with an Acoustic Engineer, to reduce the impact of noise generated by port activities on properties within the development (Figure 12).~~