

ITEM 1

PUBLIC EXHIBITION - DRAFT WOLLONGONG DCP 2009 SITE-SPECIFIC CHAPTER - FORMER PORT KEMBLA PUBLIC SCHOOL SITE, MILITARY ROAD, PORT KEMBLA

On 10 May 2021, Council resolved to support the preparation of a draft Planning Proposal for the former Port Kembla Public School Site and seek a Gateway Determination to enable exhibition. A Gateway Determination was granted on 19 December 2021 for exhibition of the draft Planning Proposal subject to preparation of a site-specific Development Control Plan (DCP) 2009 Chapter.

The purpose of this report is to seek a Council resolution to place a draft site-specific DCP Chapter for the site on exhibition, in conjunction with the draft Planning Proposal, to allow community and stakeholder feedback.

RECOMMENDATION

- 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.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Location Map
- 2 Draft DCP Chapter: Former Port Kembla Public School Site

BACKGROUND

Subject Site

Lot 1 DP 811699 Military Road, Port Kembla was previously occupied by the Port Kembla Public School from 1890 until 1999. The site is bounded by Military Road, Marne Street, Reservoir Street and Electrolytic Street, has an area of 2.195 hectares. The site is somewhat trapezoidal in shape with 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 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 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 the Residential R2 land along Marne Street from the Heavy Industry zoned land.

The site adjoins land covered by the State Environmental Planning Policy (SEPP) Transport and Infrastructure 2021 – Chapter 5 Three Ports, however is not subject to any of the SEPP provisions.

The 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. All structures have been demolished however evidence of the former use remain (i.e. footings, concrete paths etc).

Council Resolutions to Date

On 28 May 2018, Council considered a request to prepare a draft Planning Proposal to rezone the site to permit residential development. Council resolved to prepare a draft Planning Proposal to progress the rezoning request.

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.

On 20 July 2020, in response to the Department's decision, the applicant submitted a revised Concept Plan and draft Planning Proposal request, 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 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 to support the preparation of a revised draft Planning Proposal for the site and seek a Gateway Determination to enable exhibition, as outlined below

- 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 has since been submitted (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 Gateway Determination

The draft Planning Proposal was referred to the NSW Department of Planning and Environment (DPE) and a Gateway Determination was received on 19 December 2021. One condition of the Gateway Determination was that a site-specific DCP Chapter be prepared for exhibition with the draft Planning Proposal. This condition has been required in recognition of the potential amenity impacts associated with proximity to the Port operations and seeks to ensure appropriate mitigation measures are integrated into the redevelopment of the site.

The Gateway Determination stipulated the following in relation to the DCP -

The DCP must be consistent with the recommendations of the acoustic study (and any urban design analysis/concept design) and incorporate built form/development controls (e.g. improved glazing, ventilation, masonry style construction etc) seeking to manage potential land use conflicts and ensure any future development provides a suitable level of amenity for incoming residents considering potential noise, air, dust, odour, traffic, visual, and other amenity impacts from the Port operating at capacity 24 hours a day, seven days a week.

Prior to public exhibition, the following must be prepared to Council's satisfaction and exhibited with the planning proposal -

A site-specific Development Control Plan (DCP) chapter to ensure that all appropriate mitigation measures are integrated into the redevelopment of the site, and any built form outcomes are compatible with surrounding land uses. The DCP shall be consistent with the recommendations of the acoustic study (and any urban design analysis/concept design) and incorporate built form, design, layout and development controls seeking to manage potential land use conflicts and ensure any future development provides a reasonable level of amenity for incoming residents considering potential noise, air, dust, odour, traffic, visual, and other amenity impacts from the Port operating at its estimated future capacity 24 hours a day, seven days a week.

This DCP chapter should incorporate measures/requirements such as -

- i Orientation of living areas and balconies to the north, with bedroom areas facing south to mitigate from noise sources to the north;
- ii Apartment layouts which extend from one side of the building to the other or use internal light wells, to provide shielding from Port noise;
- iii Improved glazing requirements for apartment layouts with good window seals, such that when windows are closed, low internal noise levels can be achieved;
- iv Provision of fresh air ventilation and thermal comfort, which would ensure that windows can be closed when improved amenity is desired by occupants;
- v Inclusion of Section 10.7 certificates on the title so it is clear for future owners and occupiers that their property is affected by impacts of a 24-hour operating port (noise, light, air/dust etc);
- vi Adoption of masonry style façade construction which performs better at low noise frequencies with façade design to be reviewed by an acoustical consultant;
- vii Outdoor areas which are designed to take advantage of any acoustic shielding by the building structure or surrounding buildings; and
- vii Other landscaping, buffer, setback, engineering, and design solutions.

The Department believes the ultimate success of the development will largely come down to how well Council and the proponent can work together to develop the site-specific DCP (and concept design) and ensure, through the development assessment and construction processes, that the new dwellings/site design incorporate appropriate attenuation measures to manage potential land use conflicts and mitigate future residents from future port/industrial impacts on amenity.

PROPOSAL

In response to the Gateway Determination, a draft DCP Chapter has been developed for the site (Attachment 2). 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.

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

1 **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 -

- Ensuring 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 so it is clear for future owners / occupiers that they may be subject to Port / industrial noise and other amenity impacts.

2 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 between 1890 and 1999. It is listed as a local heritage item in the Wollongong Local Environmental Plan (LEP) 2009.

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 has been 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 – Artwork 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.

3 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. It contains 3D modelling and graphics to highlight building envelopes, solar access and potential views, sound mitigation strategies and site access. This includes the provision of a green buffer/vegetated berm between the industrial lands to the north and north-west and potential land uses across the rest of the site to reduce noise impacts.

The report indicates that potentially 110 dwellings could be built on the site, which would need to include 5% Affordable Rental dwellings.

Overall, the proposed layout uses the built form of some buildings to 'shield' residential areas located further from the noise source. The proposed built form creates front setbacks compatible with the surroundings, with special consideration where areas for heritage interpretation have been proposed. 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 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, in line with the existing built form in the area.

The orientation and location of the site provides a high level of solar access for future residents. Taller buildings are located to the west of the site, with the main façades facing north and east, creating 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.

Draft Development Control Plan: Proposed Controls

A site-specific DCP Chapter has been developed 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. Feedback from NSW 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 public exhibition will provide the opportunity for further input from the wider community, state agencies and other key stakeholders.

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 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 a high 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. The DPE and WLPP additionally recommended that the rezoning proposal be subject to a site-specific DCP Chapter 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 draft site-specific DCP Chapter includes the following provisions -

- Key objectives for development of the site to achieve the Master Plan vision.
- 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.

Draft Planning Agreement – Affordable Housing

Council officers and the applicant are in discussions on a draft Planning Agreement to implement Council's resolution for the provision of 5% Affordable Rental Housing. Five percent of the estimated 110 dwellings equates to 5.5 dwellings, although will be rounded up to 6 dwellings. The draft Planning Agreement will be reported to Council separately for endorsement prior to exhibition.

CONSULTATION AND COMMUNICATION

A Gateway Determination has been issued by the NSW DPE for the exhibition of the draft Planning Proposal for the site. As part of that Gateway Determination, DPE stipulated that a draft site-specific DCP Chapter is to be developed and exhibited with the Planning Proposal.

If the draft DCP Chapter is supported by Council, it will be exhibited with the draft Planning Proposal for a minimum 28 days commencing in October 2022. The Gateway Determination stipulates 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.
- Illawarra Local Aboriginal Lands Council

The draft Plans will also be referred to Neighbourhood Forum 7, Property Council of Australia, Urban Development Institute of Australia.

The draft Plans will be exhibited on Council's website and in local libraries and Council's Administration Building.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 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, 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. It is proposed that these roadways will be constructed by the developer at their cost and dedicated to Council upon completion.

CONCLUSION

A site-specific DCP Chapter has been prepared to guide future development and provide a tool for the assessment of future Development Applications for the former Port Kembla Public School site.


It is recommended that Council support the exhibition of this draft DCP Chapter in conjunction with the draft Planning Proposal already endorsed for exhibition, to allow community and stakeholder feedback.

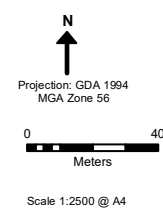


Key Site



Planning Proposal
Lot 1 DP 811699 Military Road
Port Kembla
Subject Site

 Subject Site



Map Identification number:
Military Road Subject Site AIR 25-08-22.mxd

Part D – Locality Based/ Precinct Plans

Set ID 22470333



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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.
- 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 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 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 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

The former Port Kembla School Site Master Plan has been prepared to demonstrate the vision and urban design and 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 along the northern boundary will assist with attenuating the noise from the existing 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 key public view corridors, for example to the coast and Illawarra Escarpment.
- 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**.
- Buildings are to be positioned, scaled and set back to ensure key views (as indicated in Figure 3) are maintained or created.

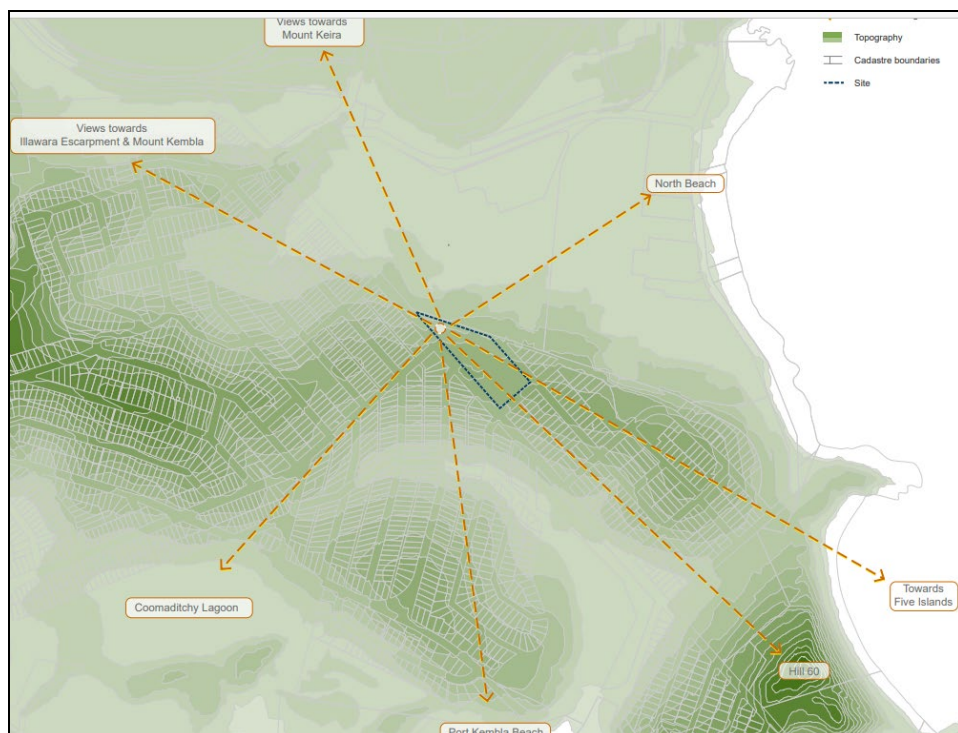


Figure 3 - Views and Vistas

5.2 Built Form Setbacks

5.2.1 Objectives

- a. Create an appropriate street interface and maximise contiguous areas of deep soil adjacent to the public domain through setbacks and articulation.
- b. 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.
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 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 3m along Marne Street – sites facing this street are also to have a 1.5m façade articulation zone to encourage facade modulation variety.
5. Terrace houses are to be built to the boundary on both sides, or one side where the terrace is the end of the row.
6. The minimum street frontage width for terrace house development is to be no less than 8 metres.
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 the façade articulation zone.
9. Maximum of 60% of façade length of any individual building can protrude into 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 basement levels.
11. Setbacks must provide a street wall that provides sympathetic integration and transition in form to surrounding buildings.



Figure 4 - Set Back and Articulation Controls

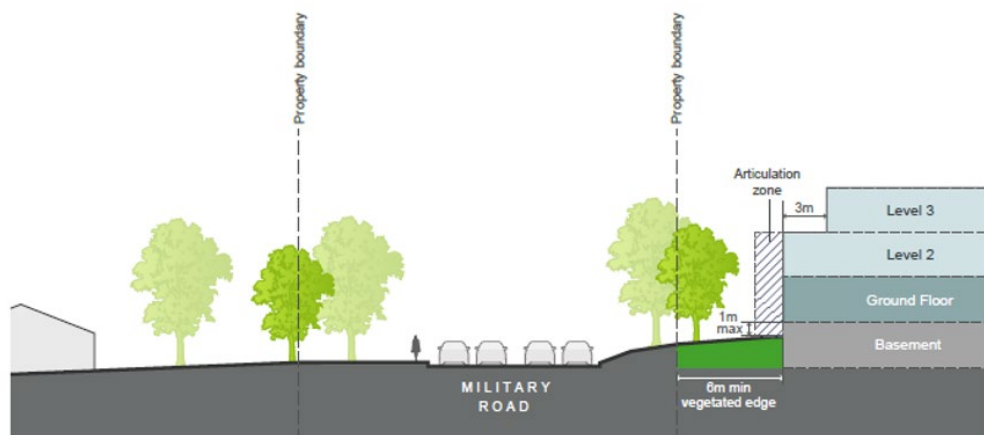


Figure 5 - Section A – Military Road interface

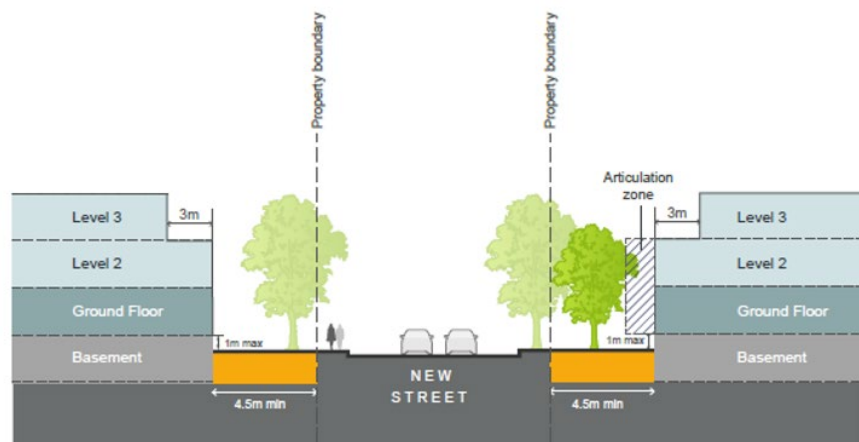


Figure 6 - Section B – New street interface

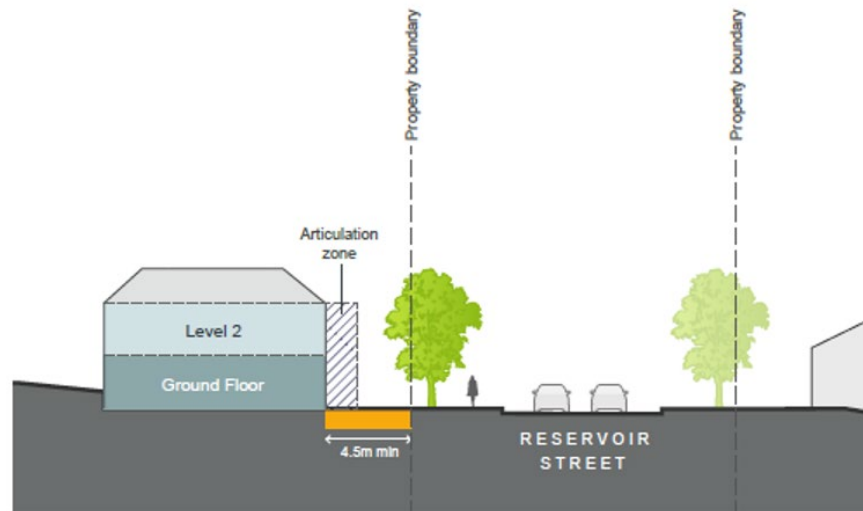


Figure 7 - Section C – Reservoir Street interface

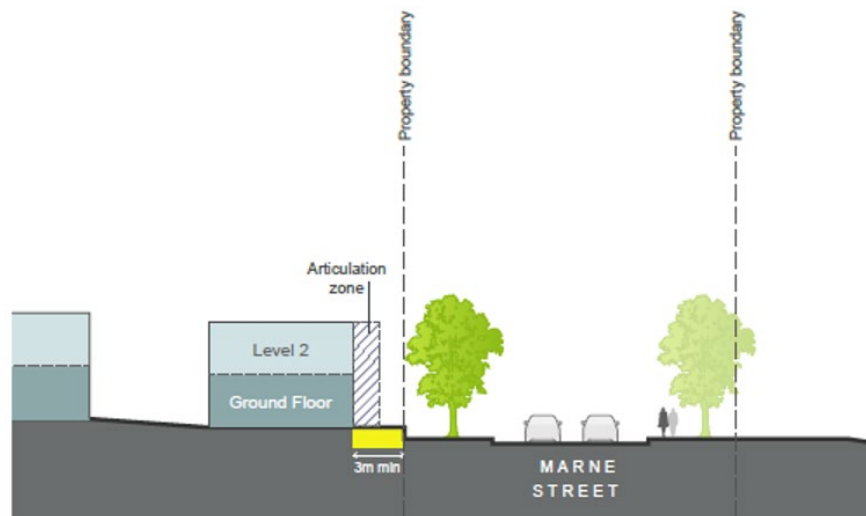


Figure 8 -Section D – Marne Street interface

5.3 Architectural Diversity and Building Design

5.3.1 Objectives

- Ensure quality and innovative architectural designs that reflect the desired future character of the Site, interpret heritage cultural values, and avoid a bland and monotonous architectural style.
- 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.
- 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 be consulted to advise on façade construction, 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.
5. A landscaped berm (minimum 10m wide) is to be created along the north-eastern boundary, designed in conjunction with an Acoustic Engineer, to reduce the impact of noise generated by port activities on properties within the development.
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 (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, 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 port noise. Glazing 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.
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).

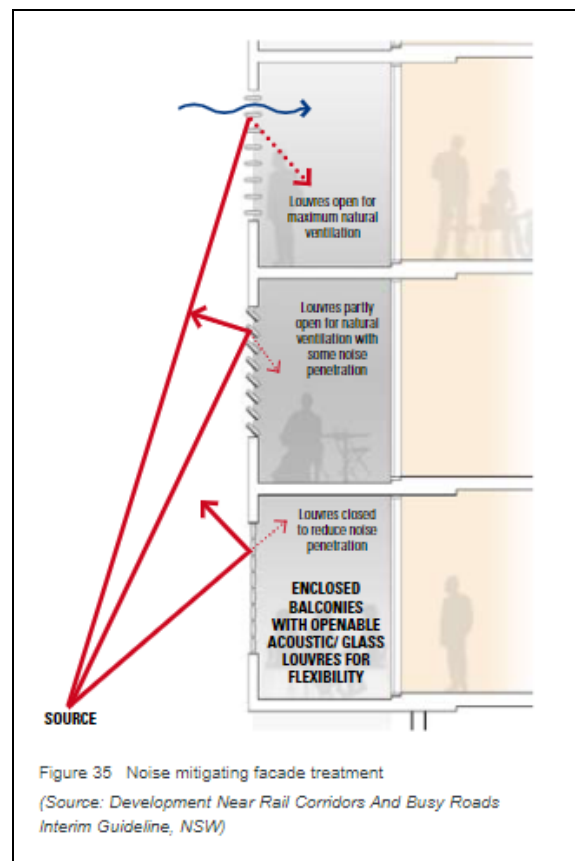


Figure 9: Noise Mitigating Façade Treatment

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. 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) to distribute traffic throughout the site, with footpaths and verge to both sides 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 car parking access must be from rear lanes only.



Figure 10 - New proposed street section

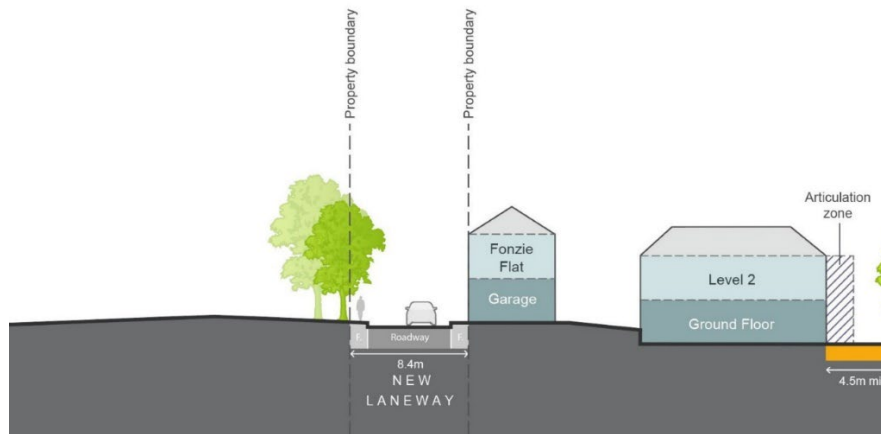


Figure 11 - New proposed laneway section

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 provides a range of open spaces for the community and residents, integrated with heritage interpretation opportunities, pedestrian connections and residential development.

5.5.1 Objectives

- 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.
- 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. Ensure private open spaces are activated with passive surveillance to provide a sense of security and safety.
- 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.
- 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).
- Promote passive surveillance between private open space and publicly accessible areas within the development.
- 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.
- 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

- New open spaces are to be provided in accordance with Table 1 -

Table 1: Open space typologies

Open Space	Total Area (ha)	Ownership
Aboriginal Interpretation Area	0.3ha	Private
Vegetated Berm	0.3ha	Private
European Interpretation Area	0.7ha	Private

2. 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. 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. The existing mature trees on the Site boundary, and at the proposed public open space bounded by Military Road and Electrolyte Street, are to be retained as a green buffer to the development.
5. 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. 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. 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. 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 public domain. Any public art should be robust and low maintenance and designed with consideration of public safety.
9. Locational and appropriate lighting shall be provided as part of the open space system in line with CPTED principles.
10. 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. Any servicing facilities are to be located to minimise impacts on the public domain. Any substation located within the public domain is to be positioned to minimise its functional and visual impact, and appropriately screened.
11. 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. 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. Interpretative elements, including introduced devices, 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. 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. 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).

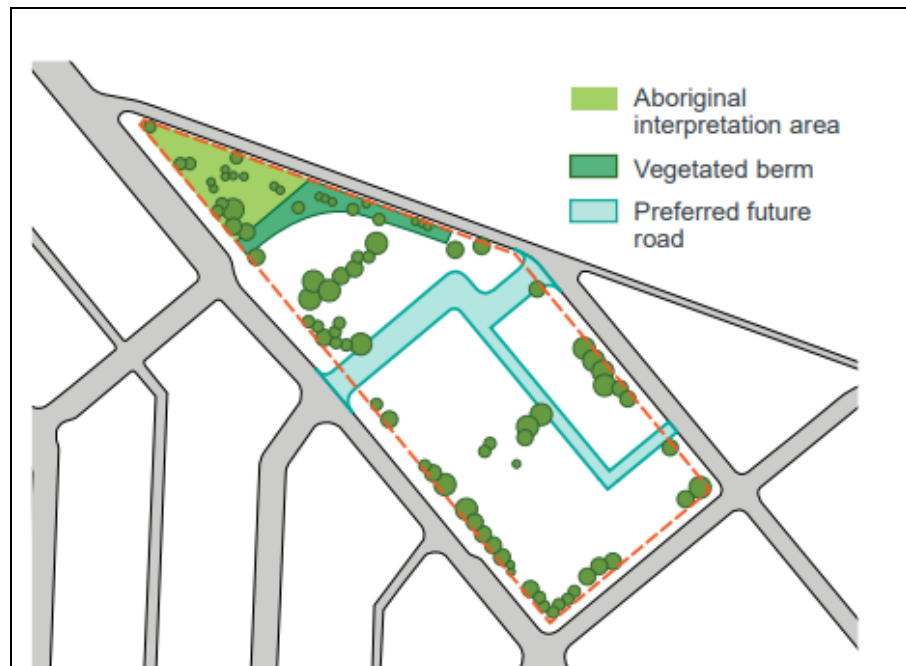


Figure 12: Location of Future Vegetated Berm