

Fera Family Property – Future Land Use

Planning Proposal

November 2010



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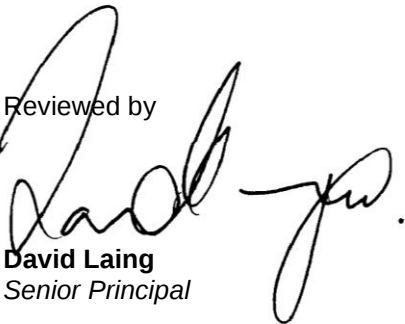
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Executive Summary

This Planning Proposal is submitted to Wollongong City Council to support a proposed amendment to the Wollongong Local Environmental Plan 2009 to allow the following:

1. Fera family to subdivide their property to create three residential lots each with the ability to support a single residential dwelling.
2. Subdivision and subsequent transfer of approximately 21.04 hectares (ha) of good quality core Escarpment land to the National Parks & Wildlife Authority (NPWS) to extend the Illawarra Escarpment State Conservation Area (IESCA).
3. Subdivision and subsequent transfer of approximately 0.25ha of land to the NSW Roads & Traffic Authority (RTA) to enlarge the Mount Ousley road reserve at the existing pinch point (identifiable in **Figure 2**).
4. Closure of the existing Fera property access to Mt Ousley Road (other than in an emergency) which is a critical part of the Illawarra strategic road network and the existing private access to this is a historical abnormality that would not be permissible under current road regulations. A new access road to Parrish Avenue will replace the existing access and also provide an emergency escape route for Mt Pleasant residents in situations such as bushfire or bridge failure.
5. Provision of access for residential properties to the north of the Fera family property to the new access track. This provides the potential to close the only other private access onto Mt Ousley Road to further resolve traffic safety concerns related to private access onto a classified road.

Items 2 – 4 are proposed to support and ensure environmental improvement from the achievement of option 1 as without this there is no benefit to the land retained by the Fera family and no balance to the proposal.

Subject Site

The subject site comprises two allotments formally described as Lot 61 DP 751301 and Part Lot 54 DP 751301, which is located on the western side of Mt Ousley Road and comprises approximately 32ha.

The eastern portion of the site is characterised by a cleared ledge situated well above Mount Ousley Road. Beyond the ledge to the west the property is steep, densely vegetated and of high scenic quality. There is currently an existing dwelling located in the south eastern corner of the property.

Proposed Development Concept

The proposal is minor in scale but has four distinct aspects, these are:

1. Subdivision – the existing single lot will be subdivided into five parts, the largest area is the core Escarpment land and if this Planning Proposal is supported this will be dedicated to NPWS, there will be three residential lots and the area along the site's eastern boundary will be dedicated to the RTA.
2. Access Road – this travels primarily within the Mt Ousley Road reserve between Parrish Avenue and the existing Fera access.
3. Land Dedication to NPWS – the northern part of the site has been visited by NPWS Rangers who have identified the land as being suitable for inclusion in the IESCA.

4. Land Dedication to RTA – this proposal is to give the RTA ownership and control of the existing vehicular access to Mt Ousley Road.

Site Capability

The site is subject to the following environmental constraints:

- Terrain & slope
- Flooding & drainage
- Bushfire
- Ecology & riparian
- Visual
- Traffic
- Servicing.

Preliminary assessments on the above constraints have been undertaken as part of the 2007 Land Capability Assessment and this Planning Proposal report is based on these findings. Additional assessments and consultation have been undertaken since the 2007 Study with Wollongong City Council, RTA and NPWS. This work continues to indicate that the subject site is suitable for the proposed development. The suitability of the proposal is further indicated by the 'in principle' support from Wollongong City Council, NPWS and RTA.

Further investigations on the above constraints will be undertaken as necessary following the Gateway process.

Planning Proposal

A draft Zoning Map and Minimum Lot Size Map has been prepared to reflect the intent of the proposed development. This will be finalised as part of the Planning Proposal process.

Conclusions

This report concludes that the proposed development will contribute positively to housing diversity in Wollongong and provide new residential options, initially for the Fera family, and generally in the future. This can be achieved with minimal environmental impact and on balance, with an overall positive environmental outcome. The provision of a bushfire escape route for the 75 or so Mt Pleasant properties provides a positive social outcome.

Recommendations

It is recommended that Council commence the Gateway process with the Department of Planning to progress this proposal.

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Annexes

A. ‘In Principle’ Support

Under Separate Cover

- Fera Property – Preliminary Site Assessment, April 2007 (Cardno Forbes Rigby)
- Background Report on Bushfire Planning Issues – Fera Property, November 2010 (Eco Logical Australia (previously Bushfire & Ecological Services))
- Background Report on Flora, Fauna and Riparian Issues – Rezoning Investigations, October 2006 (Bushfire & Ecological Services)

1 Introduction

This section introduces the Planning Proposal through background and site specific information.

1.1 Background

The Fera property is currently zoned E2 Environmental Conservation and E3 Environmental Management under Wollongong Local Environmental Plan (WLEP) 2009. These zonings have carried through from the previous environmental zoning under the Wollongong LEP 1990, which were the result of ground-truthing carried out across the escarpment to establish areas of environmental significance. Subsequently the Fair Trading Policy (FTP) was introduced and the eastern portion of the E3 zoned land was identified as having lower conservation value and zoned to accommodate residential development.

On 24 September 1992, Council wrote to Mr Fera and advised the following:

“Council has agreed in principle to the subdivision of your land into three (3) lots to enable an additional two (2) dwelling entitlements subject to the following:

- *An area of approximately 22ha of core Escarpment land will be transferred to Council upon gazettal of a Local Environmental Plan enabling those entitlements.*
- *A right of carriageway will give you access to water supply which is located in the area to be transferred to Council.*
- *Subject to the following matter, the location of the proposed dwelling sites will be agreed you and as shown in the attached plan.*
- *A detailed rezoning application will be submitted by you and will need to confirm the suitability of those sites by addressing matters such as land stability, bush fire safety, access and servicing (including waste disposal).*
- *You will be responsible for the cost of the rezoning and the legal costs associated with the transfer of the Core Escarpment land to Council.*
- *Upon receipt of your detailed application Council will proceed with the rezoning as expeditiously as possible.”*

In accordance with Council’s advice and the FTP, the Fera’s submitted an application to amend the Wollongong LEP 1990 in 1993. The application proposed the creation of two additional dwelling entitlements for the transfer of 22ha of environmentally significant land into public ownership. The amendment was titled Draft Amendment to WLEP 1990 No. 100. The application gained support from Council and at its meeting of the 25 July 1994, pursuant to s.68 of the Environmental Planning and Assessment Act (EPAA)1979, Council resolved to proceed with the plan as it was exhibited.

For reasons unknown to Cardno and Mr Fera, the processing of the application under s.69 of the EPA Act never eventuated.

In 1997, an application was lodged to exercise the draft plan and consequently subdivide the land into four allotments (D97/715). The proposal addressed all relevant planning controls as well as geotechnical, servicing, bush fire and visual analysis. On 6 August 1999, Council advised Mr Fera that the finalisation of his proposal could not proceed due to the recommendations of Commissioner Simpson in the Commission of Inquiry into the Long Term Planning and Management of the Illawarra Escarpment (COI).

The Commissioners commented specifically on the study area and provided unqualified comments for the Fera property to be zoned entirely 7(a) Special Environmental Protection without any further residential development. The recommendations related to landslip in another area that did not directly affect the subject land and did not take account of the geotechnical advice provided for the rezoning and development proposals. Subsequently, development of the site has not occurred while a holistic plan of management for the escarpment is being finalised.

In 2007, Council advised that submissions can be made to assist in the development of the escarpment-wide structure plan that will inform the Escarpment LEP and form part of the new WLEP 2009. The Fera family made a submission consisting of a Land Capability Assessment for the subdivision of the site to allow an additional two dwelling houses and provide a new access route to remove interaction with Mount Ousley Road.

The Fera family also made a submission in support of the additional two dwelling entitlements during the public exhibition period of the Draft Wollongong LEP 2009. Council duly considered this and at their Ordinary Meeting of 28 July 2009 recommended that a “Planning Proposal....be submitted to the Department of Planning to commence the rezoning process” (p12, Wollongong City Council Minutes, July 2009).

Since this recommendation, the Fera family have been consulting with Wollongong City Council (WCC), National Parks & Wildlife Authority (NPWS) and the NSW Roads & Traffic Authority (RTA) in relation to the dedication of land into the Illawarra Escarpment State Conservation Area (IESCA) and route and engineering requirements for the proposed access road. Both matters now have ‘in principle’ support from the NPWS and RTA respectively, which meets WCC’s requirements to prepare and submit the Planning Proposal.

1.2 Purpose of this Report

This report is intended to support Council’s preparation of a Planning Proposal, which ultimately will lead towards an amendment to the Wollongong Local Environmental Plan (LEP) 2009. This report presents the proposed development and addresses the key criteria for a Planning Proposal under the State Government’s Gateway Process. This report follows and is based on the April 2007 Preliminary Site Assessment of the Fera family property by Cardno Forbes Rigby (now Cardno) which contains desktop and site specific analysis of the known environmental constraints.

There is some information overlap between the 2007 Preliminary Site Assessment and this Planning Proposal to ensure both reports can be read independently. However, it is the intention that this document form the body of the Gateway submission and the Preliminary Site Assessment provide the environmental justification. Therefore, the investigation presented in the 2007 report and in this Planning Proposal provides Council with a clear understanding of constraints affecting the subject site and the justification relating to development and conservation outcomes to permit the proposal through the Gateway. Additional engineering details for the access road will be undertaken during the determination process.

1.3 Subject Site

The subject site comprises two allotments formally described as Lot 61 DP 751301 and Part Lot 54 DP 751301, which is located on the western side of Mt Ousley Road and comprises 31.75ha. **Figure 1** identifies the site location in relation to the surrounding land use context. **Figure 2** shows the WLEP 2009 zoning.

The eastern portion of the site is characterised by a cleared ledge situated well above Mount Ousley Road. Beyond the ledge to the west the property is steep, densely vegetated and of high scenic quality. There is currently an existing dwelling located in the south eastern corner of the property.

Past uses of the site include small scale grazing and agistment. Mr Fera currently uses the cleared portion of the site to keep a small number of domestic livestock. Substantial improvements have been made to the property including extensive hand-made sandstone outbuildings and retaining walls, vineyard and wine cellar

1.4 Site Context

The site is on an area of sloping land almost beneath the Mount Keira summit. The upper reaches of the land are heavily forested and contains a creek. The woodland is of good quality and supports a wide variety of native flora and fauna. The lower slope of the subject site is cleared and contains a dwelling house, ancillary buildings, agricultural land uses, an access track to Mt Ousley Road and utility service infrastructure.

The Fera family has owned the property since 1975. The family has used the property for agistment and received approval for a dwelling in September 1980 under DA-1980/1987. Since construction of the dwelling, Mr Jim Fera and his family have resided, managed and maintained the property.

Mr Fera has undertaken labour intensive domestic improvements to the property. The existing residence was constructed by Mr Fera and is complimented by extensive handcrafted sandstone landscape features, an extensive vineyard, a successful market garden and continued maintenance of the property. These site improvements are concentrated around the curtilage of the existing dwelling and would not be affected by the proposed development.

The subject site is amongst a small conglomeration of existing dwellings, which are obscured from the urban areas of Mt Pleasant, Balgownie Heights and the coastal plain. The property occupies land that extends west from Mt Ousley Road at approximately 220m AHD to the summit of this landform at approximately 420m AHD.

This site is accessed from Mount Ousley Road from a discreet, yet safe entrance adjacent to the existing truck monitoring station. The access provides for only left in-left out movements however, turning facilities at Picton Road allow travel to Wollongong CBD and other services. Most services are within a 10 minutes travel time.

The existing dwelling house occupies land obscured from any primary public viewing areas and there are similar opportunities for the proposed future two dwelling houses to occupy the fringe of existing degraded land on the eastern portion of the site close to the forested area.

The building locations are positioned to create a tranquil and private setting. They form a spine of sparsely located residences from Mt Pleasant northwards adjacent to Mt Ousley Road and create an exclusive form of residential living with expansive views over the City. The views and accessibility to the Wollongong CBD and Sydney provide an exclusive living opportunity which the Fera's wish to pass to their children and to others.

1.5 Current Land Use Restrictions

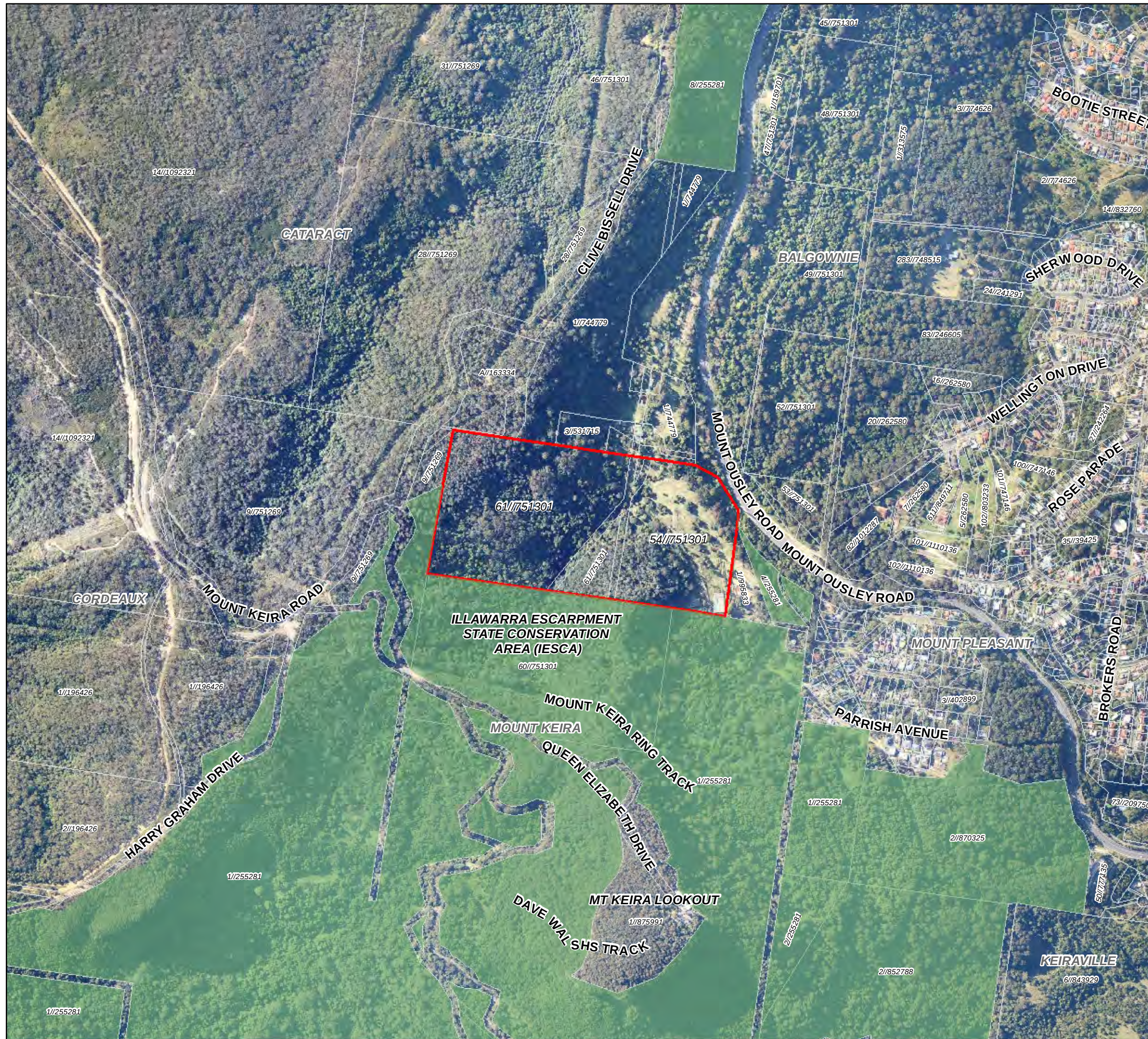
1.5.1 Wollongong Local Environmental Plan 2009

The forested, upper slopes of the site is currently zoned E2 Environmental Conservation and the cleared, lower slopes are E3 Environmental Management (refer **Figure 2**). The eastern area of the E2 zone within the subject site includes an area of lower quality vegetation and sizable cleared areas, which is unsuitable for the zoning objectives and provides suitable positions for building envelopes. As the E2 zone prohibits dwelling houses this prevents the use of these locations for the desirable two additional dwelling houses.

The E3 zone permits dwelling houses with consent and has more suitable objectives for the proposed location for the additional two houses. Thus, the E2 zone restricts the development proposal.

The WLEP 2009 also restricts the subdivision of the subject site due to the current minimum lot size, which is 40 hectares (ha) (refer **Figure 2**). As the entire site is approximately 32ha this prevents any subdivision.

This Planning Proposal seeks Council's consideration to amend the zoning and minimum lot size control to permit the proposed development.



Site Context Plan

FERA FAMILY PROPERTY
MOUNT OUSLEY
PLANNING PROPOSAL

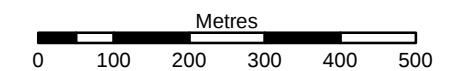
Legend

- Site Boundary (Total Area=31.76 ha)
- Illawarra Escarpment SCA (LPMA)
- Cadastre (LPMA)



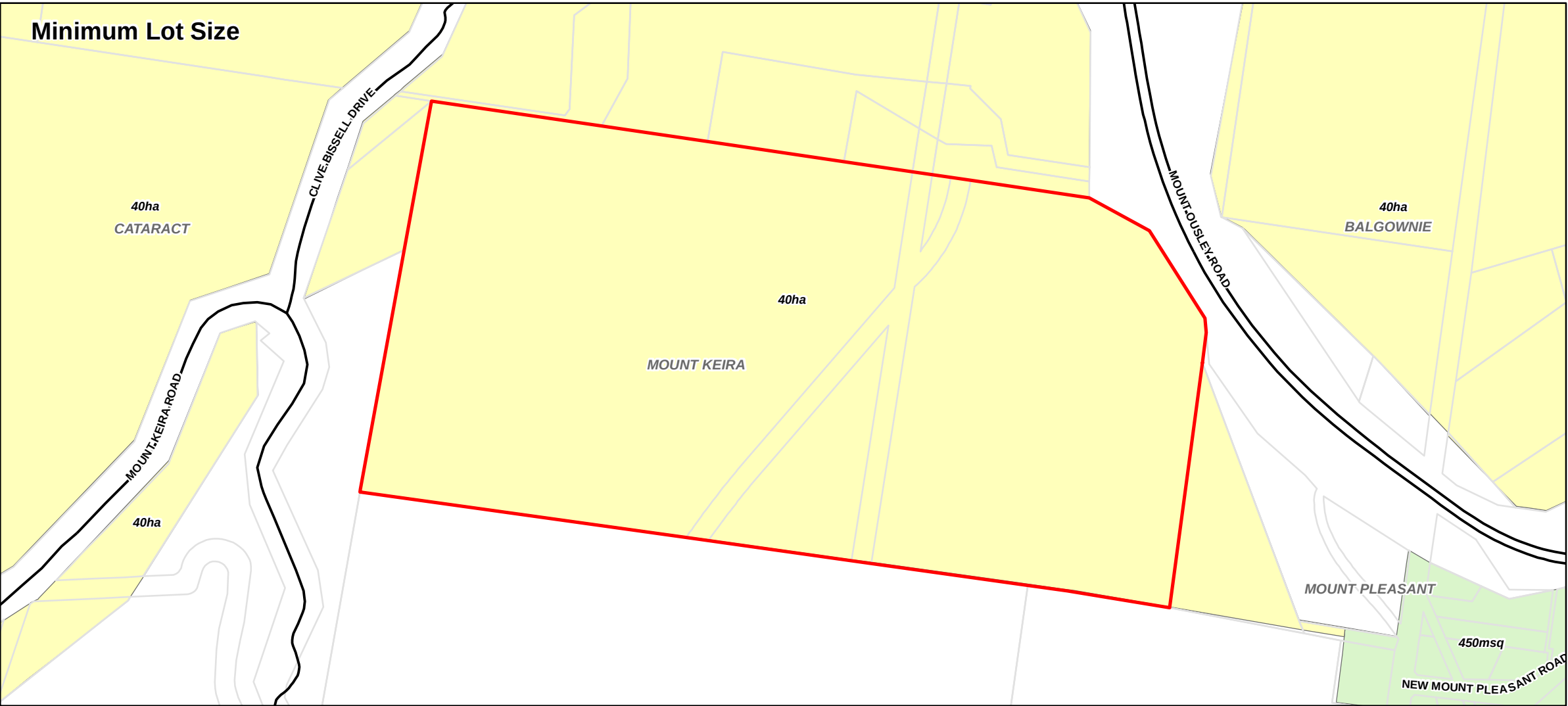
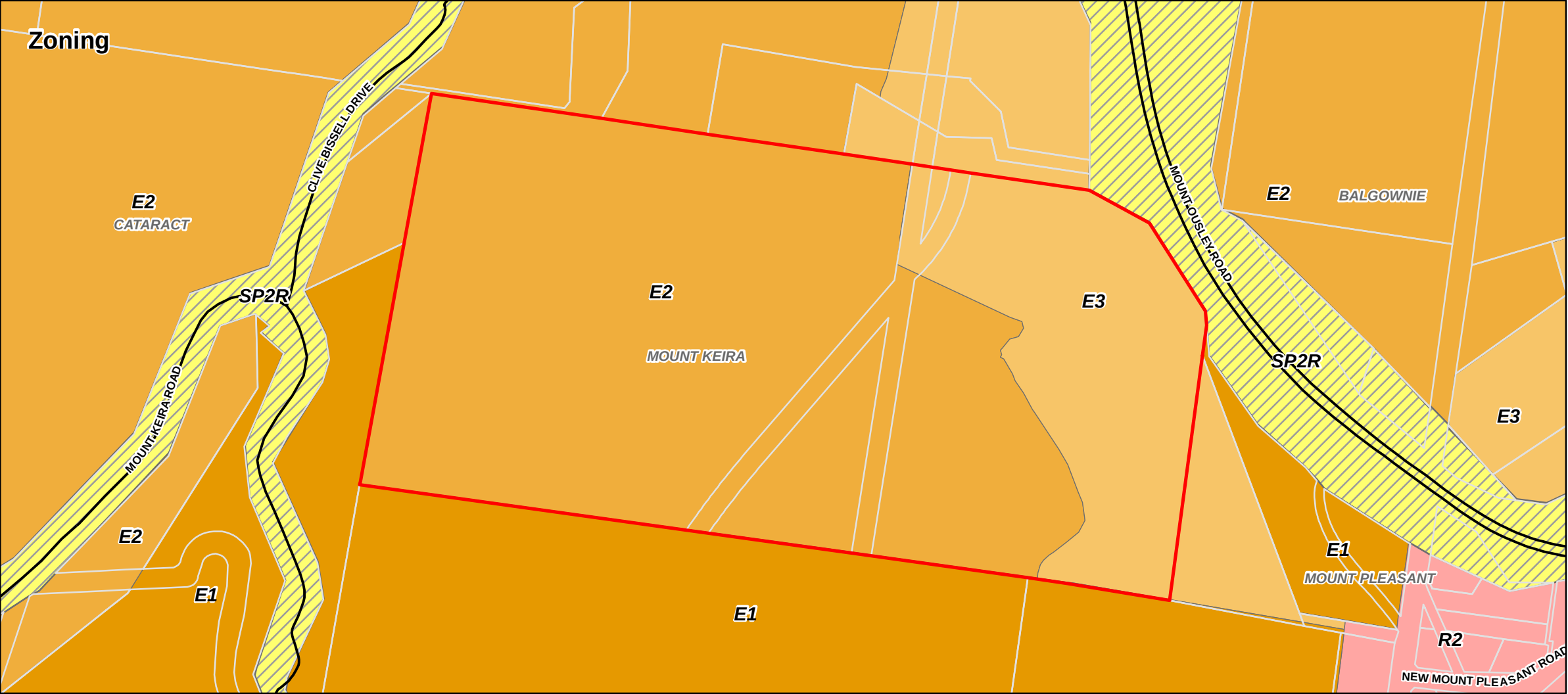
FIGURE 1

Scale 1:10,000 (at A3)



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Date: 2/12/2010
Coordinate System: GDA 1994 MGA Zone 56
Project: 106082-01
Map: 1802_MountOusleySitePlan.mxd 04

Aerial imagery supplied by Near Maps and associated third party suppliers



Wollongong LEP 2009 Zoning and Minimum Lot Size

FERA FAMILY PROPERTY
MOUNT OUSLEY
PLANNING PROPOSAL

Legend

- Site Boundary
- Major Roads (LPMA)
- Cadastre (LPMA)
- Wollongong LEP (2009)**
 - E1 - National Parks and Nature Reserves
 - E2 - Environmental Conservation
 - E3 - Environmental Management
 - R2 - Low Density Residential
 - SP2 - Infrastructure (Road)

Minimum Lot Size (Wollongong LEP 2009)

- NA
- 449msq
- 39.99ha

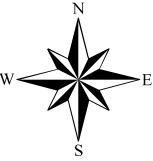
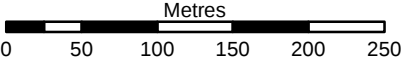


FIGURE 2

Scale 1:5,000 (at A3)



Map Produced by Cardno Wollongong
Date: 29/11/2010
Coordinate System: GDA 1994 MGA Zone 56
Project: 106-082-01
Map: 1805_MountOusleyZoning.mxd 04

2 Proposed Development Concept

This section describes the development that the Planning proposal will make permissible with consent.

2.1 Overview

Mr Jim Fera's hands-on approach to managing the property has enhanced the family association with the land and motivated this proposal to create two additional dwelling entitlements for his children and their families. The proposal will subdivide the current cleared area into three to provide two additional residential lots with the intention of putting a single dwelling house on each. As part of the same project Mr Fera is seeking consent for a new access track so he can meet the desire of the NSW Road & Traffic Authority (RTA) by closing the current access.

Figure 3 is a drawing that shows the development concept.

2.2 Subdivision

It is proposed to subdivide the subject site into five parts. This will allow the following:

- Three residential lots in the cleared area on the lower slopes (one for the existing house and two new lots each proposed to accommodate a single dwelling)
- One lot that encompasses the good quality forested land on the northern upper slopes
- One lot across the south-east boundary of the property adjacent with the Mt Ousley Road reserve.

The layout of the residential subdivision is yet to be decided, this will occur during the Development Application stage should this Planning Proposal be granted. However, the rezoning will result in an area of approximately 10.47ha of E3 land to be split between the three lots. A suitable alteration to the WLEP 2009 minimum lot size map will allow this to be permissible.

The new lot on the upper slopes will have an approximate area of 21.04ha. This is proposed to be subdivided and transferred to the NPWS as an offset to the residential development and to provide increased protection of the good quality land by extending the Illawarra Escarpment State Conservation Area (IESCA).

The new lot along the road reserve boundary will have an approximate area of 0.25ha and be subdivided and transferred to the RTA to widen the Mt Ousley Road reserve and hand the existing property access in the RTA ownership. The physical access will remain as this provides a bushfire escape route for Mt Pleasant residents along the proposed access track.

2.3 Access Road to Mt Pleasant

A new access road is proposed through an area containing disturbed Coachwood Warm Temperate Rainforest from the lower section of the current access road within the Fera property and Parrish Avenue. This will travel between the land in the IESCA and the Mt Ousley Road reserve and join the southern end of the existing Parish Avenue road reserve.

The access road easement is proposed to be 6m wide with 4m of sealed pavement. The length of the access road is approximately 360m from Parrish Avenue to Lot 54. This equals an area of approximately 2,160m² that will be cleared with only a small portion of this inside the SCA.

The access road within the Fera property will be extended to the north east to provide access to a new building envelope location. This will also provide a future opportunity to extend this road to service the residential properties to the north-east of the subject site providing an opportunity to close the second private access to Mt Ousley Road.

The land on which the access track is situated will remain in the ownership of the RTA and a very small part owned by the NPWS but the owners and residents of the properties on the Fera land will have a right of access. Additionally, the access road will provide an emergency escape route for the 75 or so residential properties in Mount Pleasant.

2.4 Dedication of Land to NPWS

If this Planning Proposal is approved Mr Fera will transfer the majority of Lot 61 DP 751301 and part of Lot 54 DP 751301 to the NPWS to extend the IESCA by approximately 21.04ha. This will be provided free of charge and offset a tiny portion of IESCA land used for the proposed access road.

This land is perfectly suited for acquisition by NPWS for the following reasons:

- It has minimal disturbance due to being private property and having no walking tracks
- The vegetation is predominately native and contains the headwaters of Cabbage Tree Creek,
- Lot 61 is mapped by the NPWS as containing predominately Coachwood Warm Temperate Rainforest but also containing Moist Coastal White-box Forest, Moist Gully Gum Forest and Escarpment Edge Silvertop Ash Forest (refer to the attached Vegetation Map)
- Advice from an Ecologist in the employ of Bushfire & Ecological Services (now Eco Logical) is that Lot 61 contains potential habitat for "several threatened flora species and a number of regionally or local significant species" (p5, BES, 2006)
- The Bushfire & Ecological Services (BES) report identifies that Lot 61 has the potential to provide habitat for threatened flora and fauna species resulting in the ongoing protection of this land being beneficial
- The land is contiguous with the northern boundary of the Mount Keira section of the Illawarra Escarpment SCA
- This land appears as a gap in the existing SCA which would be filled by the acquisition of Lot 61 bringing the SCA closer to a finished state
- Lot 61 forms part of the core Escarpment area
- The land can provide new public amenity by implementing new walking tracks as it is accessible through land in the SCA from Bissell Drive and the Mt. Keira Ring Track
- It brings an area of high quality land with native vegetation along the Illawarra Escarpment into public ownership which ensures long term protection
- Lot 61 has a high visual amenity value for people travelling down Mt. Ousley Road, the protection of this will ensure continued beautiful scenery at the entrance to the Illawarra.

The land area to be dedicated to NPWS has been slightly amended during November 2010 because the letter of 'in principle' support from the NPWS advises that the bushfire asset protection zones (APZ) for the proposed properties should not be on land dedicated to the NPWS. The APZ areas have been advised by BES in their November 2010 Bushfire Assessment report. The proposed lot, zone and minimum lots size boundaries all retain these APZ on land to remain in the Fera family ownership.

2.5 Dedication to RTA

Mr Fera proposes to dedicate an approximate area of 0.25ha (2,500m²) along the north-eastern boundary of the property to the RTA to widen the existing pinch point in the Mt Ousley Road reserve. This allows the infrastructure to more effectively respond to strategic management. Additionally, the existing access to Mt Ousley Road will be in the RTA ownership and closed to private traffic apart from in an emergency. This meets the RTA desire to close existing private accesses onto Mt Ousley Road.



Overview of Proposed Development Scheme

FERA FAMILY PROPERTY MOUNT OUSLEY PLANNING PROPOSAL

Legend

- Land Retained by Fera Family (10.47ha approx)
- Building Envelope Access Location
- Proposed Right of Way to Benefit Neighbouring Properties
- Watercourse
- Existing Buildings
- Existing Access
- Road Alignment (July 2010)
- Cadastre (LPMA)
- Proposed Building Envelopes
- Proposed Land Dedication to NPWS (21.04ha approx)
- Illawarra Escarpment SCA Land (NPWS Ownership)
- Proposed RTA Land Dedication (0.25ha approx)
- APZ for Building Envelopes (Eco Logical Nov 2010)
 - 10m
 - 20m
 - 25m
 - 35m
 - 50m

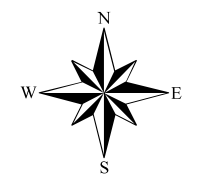
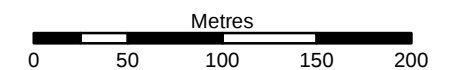


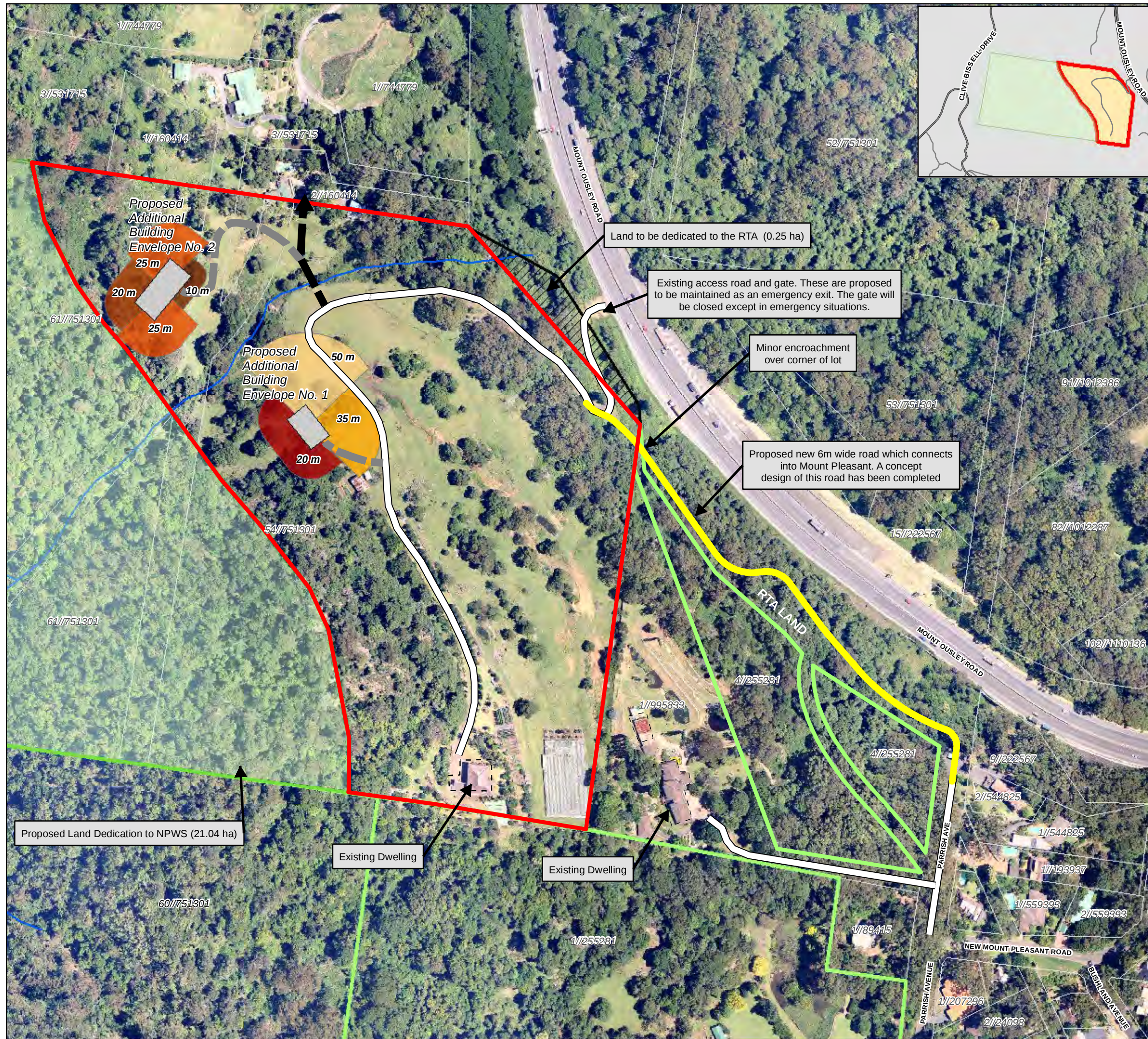
FIGURE 3

Scale 1:4,000 (at A3)



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Date: 2/12/2010
Coordinate System: GDA 1994 MGA Zone 56
Project: 106082-01
Map: 1820_APZPlan_SCA.mxd 05

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Detail of Proposed Development Scheme

FERA FAMILY PROPERTY MOUNT OUSLEY PLANNING PROPOSAL

Legend

- Land Retained by Fera Family (10.47ha approx)
 - Building Envelope Access Location
 - Proposed Right of Way to Benefit Neighbouring Properties
 - Road Alignment (July 2010)
 - Watercourse
 - Existing Access
 - Existing Buildings
 - Proposed Building Envelopes
 - Proposed RTA Land Dedication (0.25ha approx)
 - Proposed Land Dedication to NPWS (21.04ha approx)
 - Illawarra Escarpment SCA Land (NPWS Ownership)
 - Cadastre (LPMA)
- APZ for Building Envelopes (Eco Logical Nov 2010)**
- 10m
 - 20m
 - 25m
 - 35m
 - 50m

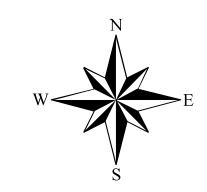
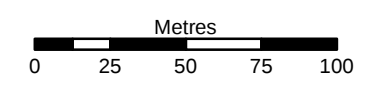


FIGURE 4

Scale 1:2,500 (at A3)



Map Produced by Cardno Wollongong
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Coordinate System: GDA 1994 MGA Zone 56
Project: 106082-01
Map: 1818_RTA_LandDedication.mxd 06

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3 Land Capability Analysis

This section identifies the considerations that influence the sites capability to accommodate of the proposal and updates the findings of the 2007 Preliminary Site Assessment where necessary.

3.1 Overview

The 2007 Preliminary Site Assessment provides the findings of investigations and assessment into 17 different land capability considerations for the Fera family property. These are:

- | | |
|----------------------------|----------------------------------|
| 1. Location | 10.Flooding/Drainage/Water Cycle |
| 2. Context | 11.Ecology |
| 3. Landuse / Landownership | 12.Bushfire |
| 4. Servicing | 13.Riparian |
| 5. Transport/Access | 14.Archaeology |
| 6. Improvements | 15.State Conservation Area |
| 7. Landform & Topography | 16.Socio-demographic |
| 8. Geotechnical | 17.Adjoining Landuses |
| 9. Visual | |

The majority of these remain valid as the site and surroundings are generally unaltered since 2007. It is not intended to repeat these assessment in this Planning Proposal as the 2007 Preliminary Site Assessment should be submitted to the Gateway with this report. However, changes in legislation and alterations to the proposal due to ongoing consultation with the National Parks & Wildlife Authority (NPWS) and NSW Roads & Traffic Authority (RTA) since the 2007 report have resulted in a few minor alterations to the land capability considerations.

The following sub-sections update aspects of the 2007 land capability analysis.

3.2 Bushfire

Bushfire and Environmental Services (BES) (now part of Eco Logical Australia) conducted a desktop bushfire study for the 2007 Preliminary Site Assessment. The bushfire assessment was primarily based on the Planning for Bushfire Protection (2001) guidelines as the 2006 guidelines were in the final stages of completion prior to formal release at the time of undertaking the assessment.

BES has reviewed and updated their previous bushfire report to ensure it provides advice and assessment in accordance with the Planning for Bushfire Protection 2006 guidelines. The current report is dated 24 November 2010 and is submitted to Council with this Planning Proposal.

The current bushfire assessment makes few alterations to the findings of the previous report as the key consideration was the extent of asset protection zones (APZ) and suitable escape routes. The updated bushfire assessment has calculated APZs in accordance with current guidance, these are shown in **Figures 3 & 4** and described below.

Eastern Envelope (or Southern Envelope)

- A variable APZ ranging from 20m upslope to 50m downslope
- Recommended fuel management around the existing access road
- Recommended perimeter bushfire trail linking both dwelling sites
- Water supply volume to be made available for fire fighting purposes is recommended to be a minimum of 20,000 L.

Western Envelope (or Northern Envelope)

- A variable APZ of 20m to 25m relying on careful management around the riparian corridor if proposed for the creek to the immediate east.
- Recommended fuel management around the existing access road
- Recommended perimeter bushfire trail linking both dwelling sites
- Water supply volume to be made available for fire fighting purposes is recommended to be a minimum of 20,000 L.

The BES bushfire assessment retains advice for bushfire escape based on use of the existing Fera property access to Mt Ousley Road. As **Section 2.3** explains, this will be closed (except for emergencies such as a bushfire) and a new access to Parrish Avenue constructed. The new access will meet Planning for Bushfire Protection requirements and results in an improvement to Bushfire safety for the existing and future dwellings.

The November 2010 BES Bushfire report concludes that:

“Under the current bushfire planning legislation, the study area can support rezoning for two new dwelling sites within individual allotments as proposed. The previous bushfire assessment within Graham Mitchell Planning (1993) also reached this conclusion. The change in legislation does not compromise the ability of the site to be rezoned a previously applied. This analysis identifies some gaps and changes which will require further, detailed assessment at later stages in the planning hierarchy. Such assessment should include a revised Asset Protection Zone (APZ) assessment and access design”.

The further assessment suggested above relate to a bushfire assessment based on final dwelling position, construction and access at the development application stage. The bushfire assessment will be reviewed and alterations made to meet the specific proposal following rezoning of the land.

3.3 Transport/Access

The existing site access is from Mt Ousley Road, the 2007 Preliminary Site Assessment anticipated this would be retained to service the existing and future two dwellings. Consultation with the RTA since 2007 identifies they wish to close all private access onto Mt Ousley Road. This subject site will achieve this through implementation of a new access road from the Fera property to Parrish Avenue as discussed in **Section2.3** and shown in **Figure 4**.

The proposed access road and three lots would generate an estimated 30 extra vehicle movements per day and approximately three additional movements during the peak along Parrish Avenue. This extra generation will have minimal impact on the Mount Pleasant Road network.

3.4 Servicing

3.4.1 Sewer & Water

The 2007 analysis of water provision to the existing and future dwellings identifies the use of the existing small dam in the upper western reaches of the creek that flows through the Fera family property via an access right over land transferred to NPWS. Consultation with the NPWS indicates they prefer this access right is not retained. Whilst the Fera family would like to retain access to this dam they are willing to agree to the NPWS conditions rather than the proposal not progress. At the time of preparing this Planning Proposal this matter remains under discussion but the area of land to remain in Fera family ownership contains suitable access to the creek based on the expectation that the NPWS will require the access to be removed.

If the Fera family relinquish their access right to this dam water will be captured from a section of the creek that remains on their property in addition to rainwater. This will meet the NPWS desire to avoid easements in the IESCA.

4 Planning Proposal

This section assesses the proposed development against the Heads of Consideration for a Planning Proposal.

4.1 Overview

This Planning Proposal needs to pass through the ‘Gateway.’ DoP initiated this process to streamline LEP making by allowing an initial review of the proposal at an early stage to make a decision on whether to proceed further, without the need to undertake extensive amount of technical studies and reports.

The first step of the process is for Council (or the relevant planning authority) to prepare a Planning Proposal, which addresses the key components of the LEP and its justifications. **Table 4.1** summarises these components.

Table 4.1 – Key Components of a Planning Proposal

Key Components	Response
A Statement of objectives and intended outcomes of the proposal (s.55(2)(a))	Section 4.2
An Explanation of the provisions of the proposal (s.55(2)(b))	Section 4.3
A Justification of the objectives and outcomes, including how this is to be implemented (s.55(2)(c))	Section 4.4
Details of the community consultation that will be undertaken (s.55(2)(e))	Section 4.5

4.2 Statement of Objectives

This planning proposal seeks to amend the existing zoning and minimum lot size of the site to permit the proposed sub-division for two additional residential lots. The rationale behind the proposal is to make the highest and best use of the subject site in terms of residential opportunities and conservation of core Escarpment land.

In summary, the Planning Proposal objectives are:

- To control appropriate urban expansion where the land use and development density reflects the land capability and existing urban form.
- To screen new development from primary visual catchments
- To conform to the most recent constraints information.
- To maintain continuity with IESMP attributes mapping and proposed escarpment zoning
- To introduce the latest technology for onsite water and sewer provisions.
- To integrate best practice environmental design and construction guidelines for future development of the study area.
- To protect core escarpment land to the west through appropriate environmental zones and/or transfer of the land to a public authority free of cost.

4.3 Explanation of the Provisions

4.3.1 LEP Provisions

The Planning Proposal is to be implemented through a site specific amendment to the Wollongong LEP 2009. The Proposal seeks to:

- Revise the existing zoning boundary between the E3 Environmental Management area and E2 Environmental Conservation area within the Fera property to more appropriately divide the cleared/residential land from the core Escarpment Land as shown in **Figure 5**
- Revise the existing zoning boundary between the E3 and SP2 Infrastructure (Road) along the Fera property boundary with the Mt Ousley Road reserve to take into account the proposal to dedicate an area of land to the RTA
- Alter the Wollongong LEP 2009 Minimum Lot Size Map for the Fera property so that the entire site has a permissible minimum lot size of 1.99ha as shown in **Figure 5**. It is not possible to give the E2 area a larger lot size at this stage because this would prevent the subdivision to dedicate this land to NPWS.

These revised LEP controls will permit the entire site to be subdivided to allow the proposed 21.04ha (approx) land dedication to NPWS and allow an area of 10.47ha (approx) to be retained in the Fera family ownership to be subdivided into the proposed three lots with a residential dwelling to be granted development consent on each.

It is noted that the 0.25ha (approx) area of land to be dedicated to the RTA is well below the proposed minimum lot size of 1.99ha. As the amendment of the Wollongong LEP 2009 lot size map will occur prior to the Development Application (DA) to subdivide the land this means the subdivision to the RTA will not comply with the minimum lot size development standard. Strategic planning objectives are better served by the DA seeking an exception to this development standard under Clause 4.6 of the Wollongong LEP 2009 rather than proposing a minimum lot size of 0.25ha (2,500m²) across the Fera family property. As the variation is to meet RTA preferences and part of a strategic proposal it is highly likely the variation would obtain support.

This enables consent for the project to be granted but retains appropriate control of future works by Council under Part IV of the Environmental Planning & Assessment Act (EPAA) 1979.

4.4 Justifications

4.4.1 Need for the Planning Proposal

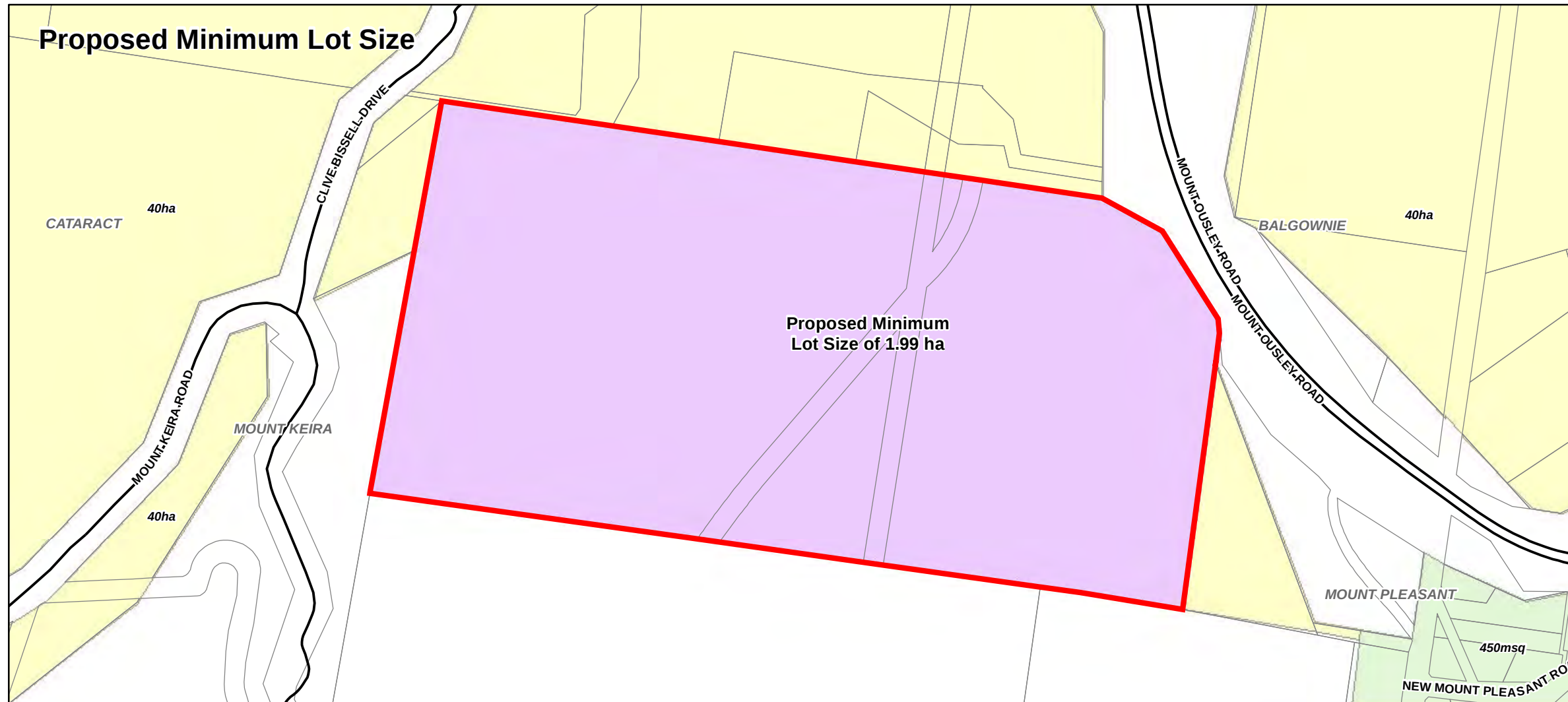
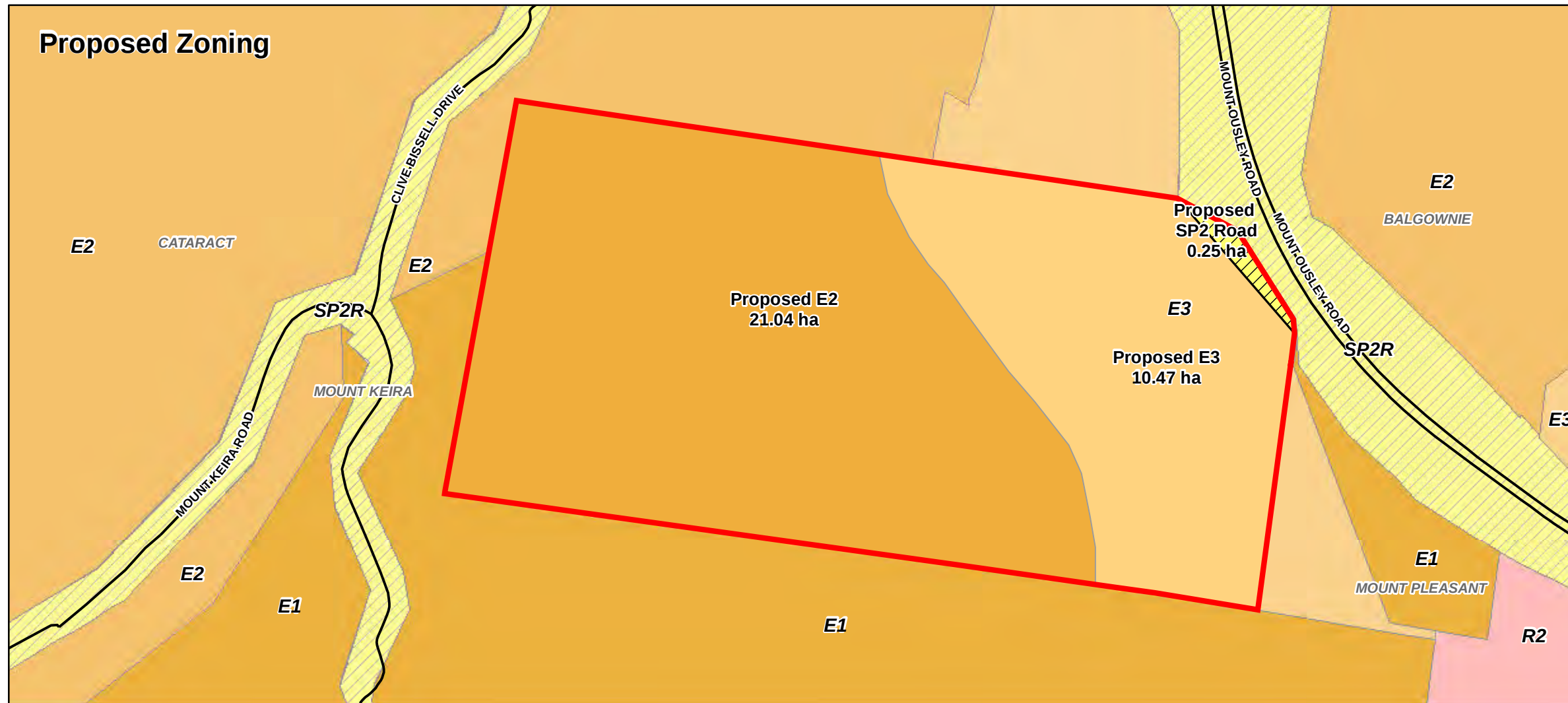
Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal report contains the findings of a land capability study (titled Preliminary Site Assessment) for the subject site published by Cardno Forbes Rigby in April 2007 (submitted with this Planning Proposal under separate cover). This Assessment identifies the Fera property as suitable for the proposed three lot subdivision and two additional residential properties and that this can be accomplished without significant land constraint and with public benefit through the extension of the IESCA and provision of an emergency escape route for Mt Pleasant residents. This conclusion is also consistent with the previous Escarpment Fair Trading ideals.

Since publication of the Assessment and initial rezoning discussions with Wollongong City Council the Fera family has been in detailed consultation with Wollongong City Council, NPWS and RTA to discuss the residential and land dedication aspects of the proposal. This required further study into the quality of the land to be dedicated to NPWS and the location/suitability of the proposed vehicular access/emergency escape road.

The additional investigations undertaken since the Preliminary Site Assessment include:

- Desktop mapping analysis of vegetation communities within the subject site
- Suitability of the land proposed to be dedicated to NPWS based on links to existing IESCA property
- Site inspection of the upper part of the site that is to be dedicated to NPWS with DECCW Rangers
- Preliminary road design and route selection for the access/emergency escape road
- Site inspection of the access road route with RTA Officers
- Consultation meetings with Council, NPWS and RTA personnel.



Proposed Zoning and Minimum Lot Size

FERA FAMILY PROPERTY MOUNT OUSLEY PLANNING PROPOSAL

Legend

- Site Boundary (Existing)
- Major Roads (LPMA)
- Proposed RTA Land Dedication (0.25ha approx)

Wollongong LEP (2009)

- E1 - National Parks and Nature Reserves
- E2 - Environmental Conservation
- E3 - Environmental Management
- R2 - Low Density Residential
- SP2 - Infrastructure (Road)

Minimum Lot Size (Wollongong LEP 2009)

- NA
- 449msq
- 1.99ha
- 39.99ha

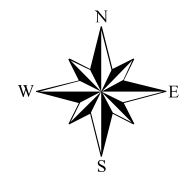
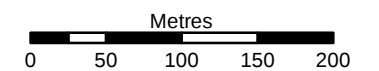


FIGURE 5

Scale 1:5,000 (at A3)



Map Produced by Cardno Wollongong
Date: 2/12/2010
Coordinate System: GDA 1994 MGA Zone 56
Project: 106-082-01
Map: 1809_ProposedZoningPlan.mxd 06

The raft of investigations and consultation continues to demonstrate the subject site is suitable for the proposed subdivision and two additional residential dwellings. Due to this the proposal has in principle support from Wollongong City Council, NPWS and the RTA. **Annex A** contains documents demonstrating this support.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of allowing the proposed minor increase in residential land use and the environmental and emergency escape benefits because:

- Wollongong City Council retain control of the subdivision and future residential dwellings under Part IV of the EPAA and the development can gain consent without a requirement for a variation request to the minimum permissible lot size
- The E2 land that is adjacent to the IESCA but currently in Mr Fera's ownership will be dedicated to the NPWS which results in the objectives of this zone being more suitably met via management as part of the IESCA
- The slight realignment of the E2 & E3 zone boundary on the Fera property results in the Wollongong LEP 2009 having greater applicability to the land and actual ground conditions.

Is there a net community benefit?

The community will benefit in the following ways:

- Suitable land will be utilised to provide additional residential opportunities for the Fera family members, however in the future this land could be sold on the open market
- The good quality environmental land that is currently owned by Mr Fera will be subdivided and transferred, at no cost, to the NPWS to extend the IESCA and ensure the environmental conservation of this area in accordance with the zone objectives
- The existing property access to Mt Ousley Road will be closed (except for emergency access) which improves safety on Mt Ousley Road
- Land will be subdivided and transferred to the RTA to widen the pinch point of the Mt Ousley road reserve to provide improved opportunities for road widening or emergency stopping lanes
- The proposed access road to the Fera land will provide an emergency escape point for Mt Pleasant residents, which is necessary as currently the bridge over Mt Ousley Road is the only access/egress point
- The potential to provide a right of way for houses to the north of the Fera family property to access the Mt Pleasant local road network and close the existing access to Mt Ousley Road provides a further opportunity to improve road safety and an alternative emergency escape route.

4.4.2 Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The **Illawarra Regional Strategy** was released in 2006 by the Department of Planning. The Strategy seeks to provide the overarching planning directions for future development in the Illawarra until 2031.

The Illawarra Regional Strategy is not directly applicable to this proposed development as this Planning Proposal seeks a minor amendment to the Wollongong LEP 2009 in order to facilitate a small scale development. However, the proposal is compliant with the outcomes in the Strategy for the following reasons:

- It provides additional residential opportunities within the region without placing undue demand on the environment or urban services
- The proposed new dwellings will add to the mix of housing types in the Wollongong area

- It enhances the Region's biodiversity through the dedication of core Escarpment land to the NPWS through the expansion of the IESCA.

Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Wollongong City Council does not have a Community Strategic Plan but has adopted the Strategic Direction 2010 – 13 and the Social Plan 2007 – 11. Both documents describe Council's ongoing policies and goals that directly affect the Wollongong residential community. This planning proposal is consistent, where applicable, with both documents because:

- The proposal meets the attractive and liveable city objectives in the Strategic Direction document by bringing the part of the Fera property into public ownership and providing opportunities for the NPWS to make this land available to the public to enhance Wollongong's lifestyle
- Results in greater environmental protection and management of the Escarpment core
- Increasing the range of housing choice
- Improved management of bushfires through the additional escape route for Mt Pleasant residents.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Clause 101 of the SEPP (Infrastructure) 2007 applies to this Planning Proposal as seeks to "ensure that new development does not compromise the effective and ongoing operation and function of classified roads" (SEPP (Infrastructure) 2007). The proposal to close the private access to Mt Ousley Road complies with this objective as it proposes to provide access to the existing residential land via a local road rather than the classified road.

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)?

Relevant S117 Directions are:

- Environment & Heritage – Part 2.1 Environmental Protection Zones
- Hazard & Risk – Part 4.4 Planning for Bushfire Protection
- Local Plan Making – 6.1 Approval & Referral Requirements.

The Planning Proposal is consistent with these because:

- It will secure the ongoing protection of the correct land area zoned E2 Environmental Conservation and allow limited residential use of the land zoned E3 Environmental Management
- The suitability of the proposed residential development has been considered against the requirements for Planning for Bushfire 2006 and it is demonstrated there is no significant bushfire risk and suitable asset protection zones are proposed
- There is no requirement for concurrence other than under the current Wollongong LEP 2009 provisions.

4.4.3 Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

The Flora, Fauna and Riparian report for the subject site identifies there is low potential for the development to affect any critical habitat, threatened species, ecological community or habitat due to the quality of land in the northern site area providing suitable habitat.

The proposed residential subdivision is proposed in the cleared/agricultural area that has limited environmental conservation benefit. The dedication of the high quality vegetation area in the northern part of the subject site to NPWS ensures this Planning Proposal has a positive environmental outcome.

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

Chapter 3 of this report assesses the development constraints affecting the site and considers the development capability of the land. There are no significant environmental effects from this proposal due to the land suitability and the location of suitable positions to locate the two new houses to minimise impacts associated with visual, bushfire threat and water quality.

How has the Planning Proposal adequately addressed any social and economic effects?

The small scale of the proposal results in there being little opportunity for social or economic effects. The proposal does provide the following social and economic benefits:

- Additional land for residential dwellings in desirable locations that have no significant environmental impact
- Emergency escape route for residents of Mt Pleasant to provide greater bushfire safety
- Increasing the size of the IESCA area, which brings more land into public ownership and management.

4.4.4 State and Commonwealth Interests

Is there adequate public infrastructure for the Planning Proposal?

The two additional dwelling houses will have low impact on public infrastructure as the land is not connected to water, sewer or gas. The site has existing connection to electricity and telecommunications, which will be suitable for the proposed development.

The new access route will remove vehicles associated with the residential use of the subject site from Mt Ousley Road and direct them to Parrish Avenue. Vehicles from an additional three houses should not affect the Mt Pleasant road network.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination and have they resulted in any variations to the planning proposal?

This proposal has support in principle from Wollongong City Council, RTA and NPWS.

4.5 Community Consultation

The proposal has a very low and only localised impact. A 14 day notification period is recommended.

5 Conclusion

This section concludes this Planning Proposal report through an overview of relevant considerations and benefits.

5.1 Constraints Analysis

The key environmental and visual constraints affecting the site have been assessed against environmental and planning criteria to ensure that the proposal retains merit. Some additional testing and investigations will be required as the process continues, however all current investigations suggest that the land has the capability to support two additional dwellings.

5.2 Conservation Initiatives

Development of the site in accordance with the proposed zoning regime provides a number of conservation benefits. These benefits are discussed below:

- Limiting all residential development to areas, which are predominantly cleared, free from significant vegetation (as mapped by NPWS) and outside possible locations for EEC's.
- Appropriate riparian rehabilitation of the watercourse that reflects the function and limited connectivity to the coastal plain as part of the future development of the site.
- Increased land management - larger and manageable lot sizes towards the escarpment will distribute land into more manageable holdings without significantly impacting on the environmental or visual capacity of the study area.
- Adaptation of provisions within final planning documents (DCP or LEP) should provide land management requirements to encourage and enforce appropriate land management practices. This has been detailed by BES and should include weed and feral animal eradication strategies; provisions for the maintenance of APZ's, appropriate planting strategies to revegetate certain areas and so on.
- Dedication of core escarpment land to NPWS to extend the Illawarra Escarpment State Conservation Area (IESCA).
- Building design guidelines. Adopting sustainable housing design initiatives to maximise sustainability in new buildings within the escarpment.

5.3 Public Access / Recreation Initiatives

The western portion of the land, which has been proposed for dedication to public ownership, is largely inaccessible. The ecological assessment by BES suggests that this portion of the land is generally in good condition and self-maintaining. This would permit the free transfer of land with little financial risk to the receiving authority. Essentially the land would be transferred with little ongoing management costs, but would ensure the protection of the land from any alternative land uses.

5.4 Bushfire Safety Outcomes

BES has investigated and commented on possible outcomes to assist in the protection of the local area from bushfire threat. This is in addition to the conclusion that the zoning regime and building envelopes, as proposed, can achieve the provisions of the Planning for Bushfire Protection (2006) Guidelines. The outcomes in terms of bushfire are:

- Creating APZ for new development that is consistent with current (2006) guidelines.
- Providing bushfire trails between the proposed building envelopes.
- Ensuring adequate static water supply is located on the site for the new dwellings and to assist in the protection of existing dwellings in the area.

5.5 Infrastructure Initiatives

The limited additional development proposed for the Fera property will not place any adverse impacts on the reticulated services to the site.

- WSUD can reduce the demand on water supplies by implementing re-use strategies for retained stormwater flows. It can also provide opportunities for OSD to ensure that stormwater flows to not have an increased adverse impact on downstream property.
- Compliance with the BASIX requirements will ensure that the subdivision (subdivision controls anticipated) and dwelling design meet the reduction targets for energy and water consumption.

5.6 Housing Supply and Design

The Illawarra Regional Strategy further develops the details relating to supply and demand for residential housing across the region. This proposal contributes to provision of varied housing stock outside of the nominated release areas by providing high cost housing in highly desirable locations.

This form of housing is a key element in any housing stock profile and will assist the transfer of business to the area by providing this form of housing to the elite business sector. This is already reflected by the occupants of the existing dwellings in this location which are CEO's and high executives of successful locally positioned business.

5.7 Public Benefits

5.7.1 Bushfire Protection

The proposed internal bushfire trails will create a frontline bushfire defence feature within the proposal. The proposal will enable access to these frontline areas increasing the ability to defend nearby residential areas in Mt Pleasant and Balgownie.

5.7.2 Downstream flooding Protection

The provision of Water Sensitive Urban Design (WSUD) principles including the integration of appropriate OSD will contribute to reducing downstream flooding impacts. The discussion in the Preliminary Site Assessment report details the ability of new development within the study area to relieve downstream flooding impacts.

5.7.3 Housing Opportunities

Most anticipated housing opportunities within the Illawarra will be provided in conventional residential subdivisions under the West Dapto Masterplanning Strategy. The proposal creates unique opportunities, which adopt appropriate environmental and visual impact mitigation strategies.

As Wollongong grows and the City attempts to secure establishment of major business, so will increase the demand for unique executive living. Although, this is not the immediate intention of the Fera family, it shows that the proposal will provide that niche housing supply that reflects success for our city in the future.

5.8 Employment and Economic Development

Demand for this style of housing will be a direct reflection of prosperity in the region. The unique city views and tranquil setting creates a desirable high-end executive location. Prosperity in the city will be reflected by economic activity and job growth.

5.9 Exit Strategies

Heavy criticism was placed on the IESMP's inability to provide realistic and viable avenues for property owners to initiate exit strategies from large landholdings within the escarpment. Apart from the key development holdings within the escarpment, a true demand was identified for the transfer of land within family estates to reduce the maintenance burden of large properties on older generations. Changing demographics, family make-up and aspirations of younger generations have reduced the number of people being committed to managing large parcels of land. Management and maintenance is rigorous and expensive forcing families to consider alternatives to realise the best possible financial value of their properties.

Appropriate and environmentally sensitive residential development in low-impact locations can provide a critical exit option for landowners and create more manageable allotment sizes. This form of residential development can also be the catalyst for achieving higher order environmental rehabilitation and long-term management strategies for core escarpment lands with potential dedication of appropriately rehabilitated or self-sufficient lands into public ownership. It must be acknowledged that the costs associated with land rehabilitation and management can be excessive, if not prohibitive, for large landholdings with marginal incomes from existing landuses. Appropriate residential development can provide a nexus to enhance the protection and rehabilitation of the escarpment.

5.10 Conclusion

This Planning Proposal finds the subject site is suitable for the realignment of the E2 Environmental Conservation, E3 Environmental Management and SP2 Infrastructure (Roads) zoning boundaries and alteration of the minimum lot size. This proposal is supported by the dedication of quality core Escarpment land to NPWS to extend the IESCA and dedication of land to the RTA to permit closing of the residential access to Mt Ousley Road to meet the RTA desires whilst providing an emergency escape route for Mt Pleasant residents in the event of a bushfire.

The proposal adds additional residential opportunities whilst allowing ongoing environmental protection and more controlled use of the Mt Ousley Road reserve, in accordance with zoning objectives. The minor scale of the development results in low opportunities for adverse impacts. The development application for the subdivision and residential dwellings will demonstrate any mitigation measures that may be necessary once this Planning Proposal amends the Wollongong LEP 2009. The rezoning proposal suitable accounts and allows for more suitable future land use through expansion of the IESCA, two additional dwellings and enlargement of the road reserve. These end results will be in accordance with the amended Wollongong LEP 2009 other than the 0.25ha (approx) to be dedicated to the RTA which will require approval of a development standard variation request (refer to **Section 4.3.1**).

This proposal suitably meets Regional planning guidance and Department of Planning directions relating to Local Plan making. The benefits from extending the IESCA and providing a bushfire escape route for Mt Pleasant residents far outweighs any minor impacts from the two additional dwellings.

6 Recommendations

It is recommended that Wollongong City Council submit this documentation with the formal Planning Proposal to the Gateway process.

Annex A

A. 'In Principle' Support

Our Ref: 497DA321 STH07/01905
Contact: Chris Millet 4221 2570
Your Ref:



The General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG NSW 2500

Attention: David Green

**WOLLONGONG CITY COUNCIL – PROPOSED REZONING OF FERA PROPERTY,
MOUNT OUSLEY ROAD (MR95), MT KEIRA**

Dear Sir

Reference is made to the subject rezoning application.

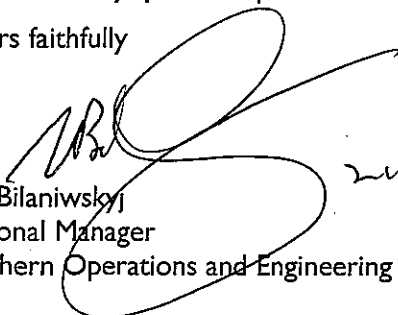
The RTA has reconsidered the proposed rezoning following a site visit undertaken on the 11 January 2010 between the RTA, the proponent and Jamie Erskine from the National Parks and Wildlife Service. Whilst the RTA does not object in principle to the revised proposal as described on site, the RTA requires the following issues to be addressed by the proponent prior to determination of the rezoning:

- Typical cross sections of the proposed road shall be provided to the RTA for consideration showing Mount Ousley Road and the boundary of the road reserve. This must include cross sections at any squeeze points. The design of the access road should seek to minimise fill and cut heights whilst also minimising the distance of the access road from the road reserve boundary as well as ensuring that existing drainage conditions are not adversely affected.
- The proposed right of way plans allowing for a future connection to the lots to the north shall be shown on the. The proponent must demonstrate that a road could be constructed on this alignment in the future.
- The proposed land dedications that would widen the Mount Ousley Road reserve in the vicinity of the existing access shall be shown on the plan.

Once this information has been provided the RTA will recommence its assessment of the proposal. Further, in the event that the RTA is satisfied the rezoning can proceed on receipt of this additional information, it should be noted that the RTA would require detailed assessment of issues such as, but not limited to, geometric design, geotechnical, drainage and environmental prior to any construction.

If you have any questions please contact Chris Millet on 4221 2570.

Yours faithfully


Mal Bilaniwskyj
Regional Manager
Southern Operations and Engineering Services

CC – David Laing, Cardno Forbes Rigby (by email)

Roads and Traffic Authority

Level 4, 90 Crown St, Wollongong NSW 2500

PO Box 477 Wollongong NSW 2520 DX 5178 Wollongong

www.rta.nsw.gov.au | 13 17 82

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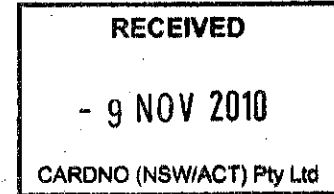
**NSW National Parks
and Wildlife Service**

Your reference:

Our reference: **FIL 10/290.... Doc 10/49991.....**

Contact: **Jamie Erskine 4223 3002**

Cardno Forbes Rigby Pty Ltd
278 Keira Street
Wollongong NSW 2500 Australia
Facsimile: 02 4228 6811
Attn: David Laing



4 November 2010

Dear Mr Laing,

RE: PROPOSAL TO TRANSFER LAND AT MT OUSLEY TO THE NPWS

I refer to your recent enquiry concerning the offer to transfer land at Mount Ousley to the National Parks and Wildlife Service (NPWS) for inclusion in Illawarra Escarpment State Conservation Area.

In the time available I have only been able to undertake a preliminary review of the values of the property. Based on the information available, the property appears to contain important conservation attributes and is of interest to the Service.

Without prejudice, I am willing to consider recommending the NPWS accepts transfer of the property, subject to the following issues being resolved:

1. defining the precise area to be transferred;
2. identifying residual interests, if any, such as access to the dam;
3. the owners maintaining asset protection zones within their land; and
4. the owners paying for subdivision, if any, and associated costs.

The final decision on whether the property will be accepted for transfer and reservation under the *National Parks and Wildlife Act 1974* rests with the Minister for Climate Change and the Environment.

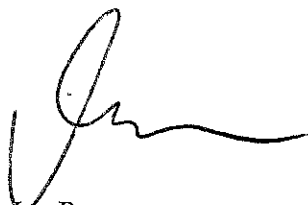
Negotiations for transfer of land should **not** be interpreted or construed as providing support or approval for any development or land use planning proposal. Nor is it endorsement that the transfer provides an offset to mitigate the environmental impacts of any proposal.

This advice is focussed only on whether the land would make a suitable addition to the state conservation area. You should contact the relevant planning authority to determine whether the transfer would be considered an appropriate development or planning offset.

Please advise whether your clients wish to continue discussions to resolve the identified issues.

If you wish to discuss this further please contact Ranger Jamie Erskine on 4223 3002.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ian Brown', with a large loop at the start and a long horizontal stroke at the end.

Ian Brown
Acting Manager
Illawarra Area



ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 28 JULY 2009

AT 5.17 PM

IN ATTENDANCE General Manager - D Farmer, Acting Director Corporate and Community Services - J Thompson and Director Infrastructure and Works - P Kofod

At 5.17 pm, the General Manager advised the gallery that Administrators had been held up at a Public Briefing on Items on this evening's Business Paper.

In the interests of ensuring that those members of the public who have registered to speak can address the Public Forum, the General Manager formally adjourned the Ordinary Meeting of Council of 28 July 2009 to commence at 6.00 pm, in accordance with Clause 3.1.1 of the Code of Meeting Practice.

At this stage, the time being 5.18 pm, the meeting was adjourned to 6.00 pm on Tuesday, 28 July 2009 in the Council Chambers.

MEETING RECONVENED AT 6.00 PM

PRESENT Administrators Dr C Gellatly AO and R McGregor AM

IN ATTENDANCE General Manager - D Farmer, Acting Director Corporate and Community Services - J Thompson, Director Environment and Planning - A Carfield and Director Infrastructure and Works - P Kofod

At 6.00 pm, Administrator Gellatly reconvened the meeting and advised that the meeting would be adjourned for a few minutes in order to allow Administrators an opportunity to gain further information on some matters raised at the Public Briefing held prior to this Council meeting which related to the Draft Wollongong Local Environmental Plan 2009.

At this stage, the time being 6.01 pm, the meeting was adjourned.

MEETING RECONVENED AT 6.10 PM

PRESENT Administrators Dr C Gellatly AO (in the Chair), G Kibble AO and R McGregor AM

IN ATTENDANCE General Manager - D Farmer, Acting Director Corporate and Community Services - J Thompson, Director Environment and Planning - A Carfield and Director Infrastructure and Works - P Kofod

MINUTES

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Minute No.

Imperial Hotel - Lot 100 DP1118518 Lawrence Hargrave Drive, Clifton	Include addition use provision for pub, hotel and motel accommodation and restaurants
39 Princes Highway, Corrimal (Lot 6 DP 29329)	Rezone to R2 Low Density Residential
WIN Television - Television Ave, Mt St Thomas (Lots 1, 3 & 6 DP208194)	Rezone to SP2 Infrastructure - Telecommunications and E3 Environmental Management.
George Fuller Drive, Figtree and Cordeaux Road Unanderra (Lots 105-108 & 113-115 DP1122065, Lot 118 DP112065 and Lot 103 DP1077361)	Minor zone boundary updates to reflect approved subdivision
Headlands Hotel Austinmer - Lots 87-95 DP 9233 Yuruga Street, Austinmer	Reinstate the existing Floor Space Ratio of 1.5:1

- 17 In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, "planning proposals" (formerly known as a draft Local Environmental Plans) be submitted to the Department of Planning to commence the rezoning process for the following sites:

Site	Proposal
Helensburgh Workers Club - Boomerang Street Helensburgh (Lot 997 DP 872011 and Lot 90 DP 1113933)	Zone part of the site to R3 Medium Density Residential
Former Austinmer Bowling Club site - Allen Street Austinmer (Lot 3 DP881418, Lots 1 and 2 DP881418)	Rezone to R2 Low Density Residential
Woonona Bulli RSL - 455 Princes Highway Woonona (Lot 2 DP830398) and No. 7 Nicholson Road (Lot 1 DP524220)	Rezone the eastern part of the RSL site and the adjoining 7 Nicholson Road to R2 Low Density Residential
Corrimal Cokeworks site (Lot 1 DP 795791)	Rezone to IN3 Heavy Industry
Coalcliff Cokeworks site (Lot 58 DP 1097339, Lot 1 DP1070468)	Rezone Cokeworks site from RUI to IN3 Heavy Industry
Bundaleer Estate Warrawong (Pt Lot 2 DP610091)	Rezone to R2 Low Density Residential and RE1 Public Recreation to reflect lot boundaries. Reclassify the affected Council land from Community to Operational
2 & 2A Wentworth Street (Lot 1 DP654976 and Lot 2 DP154073)	Rezone to B7 Business Park with a 1.5:1 FSR and 20m height limit
Illawarra Retirement Trust - 49- 53 Park Rd Woonona and 3-5 & 9-13 Mitchell Road Woonona Lot 3 DP552827; Lot 82 DP562294	Rezone the Council land from RE1 Public Recreation to R2 Low Density Residential and reclassify from Community to Operation Land
Lot 1 DP 214702 Cater St, Coledale	Subdivide into 3 lots
95 Morrison Ave Wombarra (Lot 1 DP14039)	Rezone to E4 Environmental Living

Minute No.

No. 18 Cornock Avenue and Amargh Parade, Thirroul (Lot 15 DP731415 and Lot 8 DP708556)	E4 / E2 zone boundary adjustment to reflect subdivision. Possible E2 National Parks zone.
Lot 61 & part 54 DP751301 Mt Ousley Road Mt Keira	2 additional dwelling houses. Possible E2 National Parks zone.
571 Avondale Road Avondale (Lot 21 DP1079478)	Variation to the lot size to be considered with the rezoning proposal for Huntley Mine

- 18 Further information be submitted on the following rezoning proposals prior to Council determining whether to support the preparation of a “planning proposal” to rezone the site, or amend the planning controls:

Site	Proposal
Lots 2 to 6 DP 1019453 and lot 1A DP 752054, Princes Highway, Maddens Plains.	Cluster dwelling arrangement and transfer of land to NPWS
Headlands Hotel Austinmer - lots 87-95 DP 9233 Yuruga Street, Austinmer	Develop master plan for the site in consultation with the community
Corrimal Leagues Club 27 Railway Street Corrimal (Lot 5 DP749492)	Prepare detailed investigation of the site opportunities and constraints to guide future options for the site.
Possible sites for tourism opportunities	More detailed investigations required
Lot 35-38 DP19969 (No. 208-212) Corrimal Street I Beach Street Wollongong and Lots A,B,C DP401196 (No. 25) & Lot 38 (No.1) Beach Street	More detailed investigations required
Illawarra Retirement Trust - Diment Towers 39-45 Staff Rd Wollongong	More detailed investigations required, including adjoining land
Illawarra Retirement Trust - Lot 1 DP1093756 Golf Place Primbee	More detailed investigations required

- 19 The following requested rezoning proposals not be supported:

Site	Proposal
Helensburgh Workers Club - Walker Lane Helensburgh (Lots 28-31 Section B DP 2644)	Rezone to IN2 Light Industrial or B2 Local Centre
Lots 4-7 DP 17336, Bendeena Gardens, Stanwell Tops	Rezone part of the site to E4 Environmental Living
71 Lower Coast Road Stanwell Park being Lot 51 DP7664	Rezone to E4 Environmental Living or R2 Low Density Residential
73 Lower Coast Road Stanwell Park (Lot 50 DP 7664)	Rezone to E4 Environmental Living
Part Lot 100 DP 715376, Lawrence Hargrave Dr, Coalcliff	Rezone the site to SP3 Tourist
193 - 197 Lawrence Hargrave Drive, Coalcliff (Lots 13, 14 & 15 DP8450)	Rezone to E4 Environmental Living