

COUNCIL RESOLUTION EXTRACT FROM MINUTES 27 JUNE 2016

DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary interest in Items 4 and 5 insofar as they refer to Planning Proposals that may proceed to her employer, the Department of Planning and Environment. Councillor Martin advised that whilst she is employed by the Department, her work does not include anything related to the Wollongong Local Government area.

ITEM 5 - DRAFT PLANNING PROPOSAL: LOT 101 DP 825516 FARMBOROUGH ROAD, FARMBOROUGH HEIGHTS

76 COUNCIL'S RESOLUTION - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Takacs that –

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for Lot 101 DP 825516 Farmborough Road Farmborough Heights seeking a Gateway determination to:
 - a rezone 5.3 hectares of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 2,000m² and Floor Space Ratio of 0.3:1;
 - b rezone 5.4 hectares of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 5,000m² and Floor Space Ratio of 0.3:1;
 - c rezone the remainder of the site, including the northern riparian corridor (7.8 hectares) from RU2 Rural Landscape to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha; and
 - d update the Natural Resource Sensitivity Biodiversity Map.
- 2 The draft Planning Proposal also rezone Lot 1 DP 720058 and Lot 1 DP 821495 (the paper road) located to the north of Lot 101 DP 825516 from RU2 Rural Landscape to E3 Environmental Management, consistent with the adjoining Lot 106 DP 825517.
- 3 Council support the proposed dedication (with funding) of the area

Minute No.

proposed to be rezoned E2 Environmental Conservation (7.8 hectares) to re-vegetate and protect in perpetuity the identified environmental values of the site.

- 4 Following the Gateway determination, the draft Planning Proposal be exhibited for 28 days.
- 5 The Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
- 6 A report be prepared which explores possible planning policies that reduce the creation of isolated lots of environmentally significant land separated from larger areas of similar land.

ITEM 5

DRAFT PLANNING PROPOSAL: LOT 101 DP 825516
FARMBOROUGH ROAD, FARMBOROUGH HEIGHTS

A draft Planning Proposal request has been submitted for Lot 101 DP 825516 Farmborough Road, Farmborough Heights which seeks to facilitate additional large lot residential development, together with the dedication of the remainder of the land to Council with funding to re-vegetate and protect in perpetuity the identified environmental values of the site. This site was considered in the Farmborough Heights to Mt Kembla Concept Plan that was endorsed by Council (9 December 2013) and the Department of Planning (20 March 2014) to guide future development potential for this area.

This report presents the preliminary assessment of the draft Planning Proposal request and recommends that Council resolve to submit a draft Planning Proposal to the NSW Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.

RECOMMENDATION

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for Lot 101 DP 825516 Farmborough Road Farmborough Heights seeking a Gateway determination to:
 - a rezone 5.3 hectares of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 2,000m² and Floor Space Ratio of 0.3:1;
 - b rezone 5.4 hectares of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 5,000m² and Floor Space Ratio of 0.3:1;
 - c rezone the remainder of the site, including the northern riparian corridor (7.8 hectares) from RU2 Rural Landscape to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha; and
 - d update the Natural Resource Sensitivity Biodiversity Map.
- 2 The draft Planning Proposal also rezone Lot 1 DP 720058 and Lot 1 DP 821495 (the paper road) located to the north of Lot 101 DP 825516 from RU2 Rural Landscape to E3 Environmental Management, consistent with the adjoining Lot 106 DP 825517.
- 3 Council support the proposed dedication (with funding) of the area proposed to be rezoned E2 Environmental Conservation (7.8 hectares) to re-vegetate and protect in perpetuity the identified environmental values of the site.
- 4 Following the Gateway determination, the draft Planning Proposal be exhibited for 28 days.
- 5 The Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

ATTACHMENTS

- 1 Site Locality Map and Current Zoning
- 2 Extract from endorsed Concept Plan and accompanying Planning Principles
- 3 Indicative subdivision layout
- 4 Proposed Zoning, Minimum Lot Size, Floor Space Ratio and Natural Resource Sensitivity Biodiversity Maps

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environmental Strategy and Planning
Authorised by: Andrew Carfield, Director Planning & Environment – Future City and Neighbourhoods

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendations in this report satisfy the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

In September 2015 a Planning Proposal request was submitted by Plannex Environmental Planning on behalf of the landowner for Lot 101 DP 825516 Farmborough Road, Farmborough Heights, with additional information submitted between January and April 2016. The site comprises 18.5 hectares and is currently zoned RU2 Rural Landscape. The site is bounded by land zoned R2 Low Density Residential in the east, E3 Environmental Management in the north, and RU2 Rural Landscape in the south and west (Attachment 1).

There is one dwelling house on the property, and the paddocks are occasionally grazed by cattle, horses and deer. The upper tributaries of Dapto Creek traverse the north western parts of the site, and the headwaters of Gibsons Creek traverse the north eastern extremities of the site.

This site was considered in the Farmborough Heights to Mt Kembla Concept Plan that was endorsed by Council (9 December 2013) and the Department of Planning (20 March 2014) to provide a strategic framework to guide future development potential for this area in the context of active conservation. The key objectives of the Concept Plan were to provide certainty for the community by identifying land suitable for conservation and potential development within the study area, as well as provide the opportunity to implement a number of mechanisms that will conserve and manage the environmental attributes of the foothills of the Illawarra Escarpment.

The focus of the development of the Concept Plan has been the long term management of the Illawarra Escarpment and the contribution that appropriately scaled and located residential development could make to conserving land of high ecological value, restoring degraded lands and providing an overall community benefit in terms of

creating conservation opportunities. The Plan recognises that ongoing management of areas of high ecological value will be required in order to maintain or improve biodiversity values of the Illawarra Escarpment, and stipulates that any development is linked to the protection and enhancement of key identified environmental attributes.

The endorsed Concept Plan is importantly consistent with and complements the Illawarra Escarpment Strategic Management Plan (IESMP 2015) and the Illawarra Escarpment Land Use Review Strategy (IELURS 2007), which consider limited development may be possible having regard to the environmental sensitivity of the receiving environment and provided there are mechanisms in place to drive rehabilitation and restoration of the land and its surrounds. The Concept Plan is also consistent with the objectives and targets of regional strategies including the Illawarra Biodiversity Strategy (2011), the Illawarra Shoalhaven Regional Plan (2015), with a focus on priority vegetation and important habitat corridors.

In developing the Concept Plan it was necessary for the consultant (GHD) to provide a high level estimate of potential dwellings as input into traffic and utilities modelling to assess the likely impact that potential development might have on existing infrastructure and amenity. These estimates were used to develop a Concept Plan, with the GHD report clearly stating that these estimates did not constitute a guarantee of the estimated development potential nor a detailed subdivision plan. Additionally, it was acknowledged in the report to Council (13 December 2013) that the Strategic Planning Study conducted to inform the development of the Concept Plan included a number of high level investigations, and hence identified that more detailed site specific studies may produce some variations to the findings and associated recommendations contained in the Concept Plan. It was recommended that as new information and/or studies are completed in the future there may be the opportunity to revisit the Concept Plan recommendations, should amendments be justified. The role of the Concept Plan is to guide development in the area with individual Planning Proposals invited for specific land holdings, and updated and more detailed studies encouraged in this regard.

The endorsed Concept Plan identified potential to rezone this site to permit additional large lot residential development, subject to satisfying the accompanying Planning Principles and demonstration that an improved environmental outcome could be achieved for the land. The Concept Plan recommends an E4 Environmental Living zoning for the developable area (roughly half the area to have a minimum lot size of 5000m² and half a minimum lot size of 2,000m²), which would enable approximately 25 lots/dwellings. An E2 Environmental Conservation zoning was recommended for the riparian corridor in the north of the site (containing approximately 6.2 hectares of Moist Box-Red Gum Foothills Forest) and the south east corner (in recognition of stands of Illawarra Lowlands Grassy Woodland endangered ecological community – approximately 1.5 hectares). The Concept Plan identified the opportunity for the long term management, protection and enhancement of the riparian corridor in order to re-establish an east west biodiversity corridor (Attachment 2).

The Concept Plan additionally identified the need to demonstrate adequate access to individual lots and through site connectivity. Development would be subject to the preparation of a geotechnical impact assessment at the development application stage that confirms resolution of any geotechnical issues on the site. The Concept Plan recommended that any future subdivision plan should include a buffer zone to the Eastern gas pipeline running on the eastern boundary of the site.

A Ward Councillor briefing occurred on 2 May 2016.

PROPOSAL

The draft Planning Proposal request includes an indicative subdivision layout which depicts 30 lots (21 at 2,000m² and 9 at 5,000m²) and the conservation of 7.8 hectares of the site (Attachment 3). To facilitate the proposed development, the draft Planning Proposal request seeks to amend the Wollongong Local Environmental Plan 2009 as follows:

- 1 Rezone 5.3 hectares of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 2,000m² and Floor Space Ratio of 0.3:1;
- 2 Rezone 5.4 hectares of the site from RU2 Rural landscape to E4 Environmental Living with a minimum lot size to 5,000m² and Floor Space Ratio of 0.3:1;
- 3 Rezone the remainder of the site, including the northern riparian corridor (7.8 hectares), from RU2 Rural Landscape to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha in recognition of the environmental attributes and potential to contribute to an improved biodiversity outcome; and
- 4 Update the Natural Resource Sensitivity-Biodiversity Map to reflect the updated environmental studies submitted in support of the Planning Proposal request (Attachment 4).

The indicative subdivision layout identifies that access to the proposed new allotments will be gained from two separate points off Farmborough Road, providing a loop road through the southern half of the proposed subdivision. An extension of Panorama Drive was considered during the development of the Concept Plan for the wider area, however was not supported, a key reason being the location of the Eastern Gas Pipeline. However this access route is not excluded and will be subject to further investigation. Full urban reticulation services (power, sewer, water and telecommunications) can be provided to the site. A transport/access review was undertaken as part of the development of the Concept Plan, which found that the site is well serviced by the surrounding road network and that there is capacity within the existing network to accommodate the anticipated development on this site.

Other supporting documents submitted with the draft Planning Proposal request included:

- Environmental Constraints Assessment (EcoPlanning 2015);
- Bushfire Protection Assessment (EcoLogical 2015);
- Preliminary Geotechnical Assessment (Southern Geotechnics 2015);
- Aboriginal Cultural Heritage Assessment (Biosis 2015); and

- Vegetation Management Plan (EcoPlanning 2016).

The proponent has undertaken consultation with Council officers and the Office of Environment and Heritage (OEH), to inform the preparation of this draft Planning Proposal request.

KEY ISSUES FOR CONSIDERATION

The following key issues are relevant to the evaluation of the Planning Proposal request:

Consistency with Endorsed Farmborough Heights to Mt Kembla Concept Plan

The endorsed Concept Plan identifies potential for additional residential development on this site in conjunction with scope to rehabilitate the riparian corridor in the north of the site. The recommended zoning for the potential developable areas is E4 Environmental Living, given the proximity to the escarpment and the desire for any development to be rural residential in character. This zoning controls for a more limited range of permitted land uses appropriate to the surrounding environmental setting and importantly this E4 zoning won't allow further subdivision for dual occupancies and multi dwelling houses. The Concept Plan recommended an E2 Environmental Conservation zoning to protect and restore the riparian land in the north-west of the site (the upper tributaries of Dapto Creek), in recognition of the potential value of rehabilitating the east west riparian corridor, and to protect the significant vegetation in the south eastern corner of the site (Coastal Grassy Red Gum Forest, a component of the Illawarra Lowlands Grassy Woodland EEC).

The Concept Plan proposed 2,000m² lots immediately adjacent existing residential development and an overall gradation of lot sizes from east to west (up to 5,000m² lots), in line with the accompanying Planning Principles.

Consistent with the Concept Plan, the submitted Planning Proposal request is seeking a rezoning to the recommended E4 Environmental Living zoning for land proposed to be developed, and to the E2 Environmental Conservation zoning for the riparian zone and stands of EEC.

Consistent with the Concept Plan recommendations, a minimum lot size of 2,000m² is proposed adjacent existing residential development (with an E4 Environmental Living zoning) and 5,000m² lots are proposed for land in the west of the site, to provide a gradation of lot sizes toward the escarpment and to reflect geotechnical and bushfire site constraints. In line with the Concept Plan recommendations, half the developable area (5.3 hectares) is proposed for 2,000m² lots and half (5.4 hectares) is proposed for 5,000m² lots (noting that the original Planning Proposal request submitted has been revised in this regard to reflect the Concept Plan recommendations). The riparian corridor in the north of the site would be zoned E2 Environmental Conservation with a minimum lot size of 39.99ha, in line with the Concept Plan recommendations. The submitted draft Planning Proposal request would result in approximately 30 residential

lots, depending on further investigations and finalisation of a subdivision plan at the development application phase, and four public reserve lots.

The Planning Proposal is consistent with the Planning Principles contained in the IESMP and IELURS, and further developed through community consultation on the Concept Plan.

Proposed Conservation Plan

The Farmborough Heights to Mt Kembla Concept Plan identifies that there is potential and capacity for appropriately scaled and located development on the interface of the escarpment provided that this development is considered within the context of active conservation.

The endorsed Concept Plan for the wider Farmborough Heights to Mt Kembla study area identified approximately 213 hectares as potential future conservation areas, and concluded that ongoing management of proposed conservation areas will be required in order to improve and maintain biodiversity values. The Concept Plan acknowledges that management is likely to be linked to specific development via a conservation offset strategy that would specify titling, management and funding arrangements. The Concept Plan stated that individual Planning Proposals would be required to be prepared by each land owner detailing how any rezoning on that property will lead to an overall conservation improvement for the escarpment or foothills.

The Planning Proposal request seeks large lot low density residential development opportunity on land identified in the Concept Plan with little ecological value (areas dominated by cleared land and exotic vegetation), and proposes to undertake ecological conservation and rehabilitation works associated with the riparian corridor in the north west of the site and the stand of EEC in the south east. The Planning Proposal would result in the retention and rehabilitation of approximately 7.8 hectares of remnant native vegetation in public (Council) ownership, with funding provided.

The Planning Proposal request initially proposed a Community Title subdivision, with two Community Lots to be owned and managed for their environmental attributes by an association of the owners of the allotments within the subdivision. The proposed Community Lots included a large parcel in the north east corner of the site and a smaller allotment located in the centre of the site. Both allotments contain significant stands of remnant native vegetation including Moist Box-Red Gum Foothills Forest and Dry Subtropical Rainforest, with vegetation in the larger lot providing a corridor linking to the Illawarra Escarpment State Conservation Area. The larger lot also contains riparian land (the upper tributaries of Dapto Creek), which have been identified through the Concept Plan for potential rehabilitation and long term protection.

However, following preliminary notification, the Office of Environment and Heritage (OEH) conducted a site visit and suggested that public ownership with allocated funding would be a more suitable and preferred mechanism for the long term protection of conservation values as it would secure the ongoing vegetation and habitat management and funding in-perpetuity. The Department of Primary Industries Office of Water (DPI)

submission also stated that public ownership of riparian corridors is considered to be the most effective mechanism for ensuring the appropriate long term management of these areas. The stand of EEC in the south east corner of the site (1 hectare) was additionally jointly identified by OEH and Council Officers as requiring protection through public ownership, with the Planning Proposal request subsequently revised to reflect the proposed dedication of these areas to Council.

Rehabilitation of riparian corridors can incur significant costs and as such a suitable mechanism for management and funding is required. A Vegetation Management Plan (VMP) was subsequently prepared and submitted (February 2016) detailing the management and restoration methods for the areas designated as conservation zones, with the intention of dedicating these areas (with funding) to Council for on-going management and restoration. The VMP includes calculations of indicative costings for the proposed dedication of vegetation areas using the Biobanking standard management actions and a modified version of the OEH BioBanking Trust Fund Deposit spreadsheet methodology, applying the in perpetuity funding model (as advised by OEH). An amount of \$370,000 has been identified to provide in-perpetuity funding for on ground works (i.e. lump sum sitting in an interest bearing account). This figure comprises \$105,000 for establishment (first 5 years) and \$265,000 for ongoing maintenance.

It is important to note that the recommended E2 zoning and dedication to Council of the ecologically contained riparian corridor and EEC would avoid any unintended impacts from the 10/50 Bushfire Code of Practice, as the Code cannot be applied on Council land without landowners consent.

The Planning Proposal request would rezone approximately 7.8 hectares of native vegetation to E2 Environmental Conservation including 1.2 hectares of Coastal Grassy Red Gum Forest, a component of the endangered ecological community Illawarra Lowlands Grassy Woodland and potential habitat for a range of threatened species. A dedication to Council with funding will ensure in perpetuity conservation.

The Office of Environment and Heritage (OEH) has identified that the subject site represents a strategically important linkage opportunity in the context of the foothills and escarpment, and strongly support a long term conservation outcome being achieved for the site through establishing the proposed conservation areas. The dedication to Council of ecologically constrained land with funding in association with low density limited residential development provides both the legal and financial mechanisms to ensure the long term conservation and enhancement of the identified biodiversity values and rehabilitation of an important east-west corridor. This would be in line with the Concept Plan and associated Planning Principles (2013), where any rezoning on a property must lead to an overall conservation improvement.

A focus on riparian conservation to improve the ecological value of the watercourse is consistent with Council's Illawarra Biodiversity Strategy (2011), which highlights the degradation of native riparian vegetation and invasion of exotic weeds as major threats to biodiversity in the Illawarra, and identifies the importance of Council encouraging conservation and restoration efforts in this regard. A network of regional biodiversity

corridors has been mapped as part of the Biodiversity Strategy, with the value of landscape connectivity well recognised by various state, regional and local policies, including Australia's Biodiversity Conservation Strategy (2009), the Southern Rivers Catchment Action Plan (2013-23), and the Illawarra Shoalhaven Regional Plan (2015). Maintaining connectivity and enhancing existing connectivity within corridors by regenerating or revegetating missing links, is also one of the three recommended approaches to managing biodiversity in the face of climate change.

The development strategy for this site has the potential to support, rehabilitate and improve the following important environmental functions of the riparian corridor:

- providing a diversity of fauna and flora habitat resources;
- providing connectivity between wildlife habitats;
- providing bed and bank stability and reducing potential bank and channel erosion;
- protecting water quality by trapping sediment, nutrients and other contaminants; and
- conveying flood flows and controlling the direction of flood flows.

A site specific restoration strategy will be developed by Council's natural resources staff to provide guidance on a range of standard and other management actions to improve biodiversity values on site. Council's natural resources staff have conducted a number of site visits to confirm the vegetation communities and provide feedback on an appropriate plan for on-going conservation management. Standard management actions will include:

- Weed control of noxious and environmental weed species;
- Revegetation to restore native vegetation cover over areas of cleared and disturbed pasture;
- Supplementary planting in areas of sparse native vegetation cover, to supplement natural regeneration and provide weed suppression;
- Implementation of fire management regime that is designed to provide improved ecological function;
- Sediment and erosion controls;
- Vertebrate pest management; and
- Maintenance of natural flow regimes in the riparian zone.

Depending on the site conditions, further assessment may identify additional management actions to those highlighted above to contribute to the improvement of biodiversity values. In addition to regeneration works the natural resources staff also envisage the construction of defined walking tracks, to limit damage to bushland once the community begin using the Reserves for bushwalking. Dedication of the E2 parcels to Council and the timing of the funding amount will be subject to further negotiations between Council and the current land owner and conditioned through the development application process.

Bushfire

The site is identified as bushfire prone with slopes ranging from 0-15 degrees. A Bushfire Planning Constraints review was undertaken by EcoLogical (2015) to inform the preparation of an indicative subdivision plan, providing bush fire protection recommendations to ensure suitability of part of the subject lands for residential land use. The report recommended a number of bushfire protection measures in line with the NSW Rural Fire Services (RFS) document "*Planning for Bush Fire Protection 2006*", however noted that more detailed and site specific investigation of setbacks will be required as part of future subdivision applications.

The specific recommendations included appropriate Asset Protection Zones to be provided to all future dwelling houses; provision of alternative access routes in and out of the subdivision; access for firefighting operations to be constructed in accordance with the specifications of Section 4.1.3 (1) of *Planning for Bushfire Protection 2006*; provision of street water hydrants compliant with Australian Standard AS 2419.2; and appropriate construction standards to be applied to all future dwelling houses.

The RFS has undertaken a preliminary review of the Planning Proposal and commented that the indicative subdivision layout originally submitted would require modification in part to provide an APZ and appropriate building footprint, or there would need to be removal of vegetation to allow for the required APZs and building footprint. These concerns were addressed through a modification of the indicative subdivision plan (Attachment 3). The revised plan removes lots from areas of high or moderate ecological constraint, such that vegetation management practices will be permitted to ensure adequate APZs to future building envelopes.

The RFS will be provided with further opportunities at the development application and detailed subdivision stage to work with the proponent to ensure that safe access and egress in a bushfire event can be achieved.

Whytes Gully Waste and Resource Centre

The Farmborough Heights to Mt Kembla Concept Plan acknowledged the location of the Whytes Gully Waste and Resource Centre on the south west boundary of the Study Area, and the EIS Guidelines for Landfilling (1996) recommendation that a distance of 250 metres should be observed between a residential zone and any proposed landfill. The Concept Plan acknowledged potential for impact on properties in close proximity to the site, and recommended that properties within 250 metres of Whytes Gully not be eligible for any further development for the next ten years, to be reviewed depending on operations at Whytes Gully.

Whytes Gully Waste and Resource Centre is located in an industrial zone and has been operating according to Environment Protection Licence (5862) issued by the EPA under the Protection of the Environment Operations Act 1997. All landfills must meet the requirements of the Act and the regulations made under that Act. The landfill occupier must not pollute waters in breach of section 120, cause air pollution in breach of sections 124, 125 or 126, or emit offensive odour in breach of section 129 of the Act.

New guidelines were introduced in 2016 by NSW EPA for solid waste landfills to provide guidance for the environmental management of landfills in NSW by specifying a series of 'Minimum Standards'. They involve a mix of design and construction techniques, effective site operations, monitoring and reporting protocols, and post-closure management. The NSW Environment Protection Authority (EPA) will use these guidelines to assess applications for new or varied landfill licences under the Protection of the Environment Operations Act 1997 and to assess issues that arise during the operational and post-closure periods of landfills.

The guidelines do not contain express buffer distances or locational requirements, however do identify a number of recognised environmentally sensitive and inappropriate areas for landfilling, including (but not limited to) sites within 250 metres of an area of significant environmental or conservation value, residential zone or dwelling, school or hospital (referred to as "sensitive uses"). The guidelines state that, where practicable, buffers of at least 1000 metres should be provided to residential zones, schools and hospitals to protect the amenity of these land uses from odour, noise and other impacts in the case of large putrescible waste landfills (more than 50,000 tonnes of putrescible waste per year). Observance of such a buffer would be more likely to be achieved in the case of new operations being considered – in the case of Whytes Gully such a buffer is clearly not practicable, with approximately 400 existing properties in Farmborough Heights located within 1,000 metres of Whytes Gully.

It should be noted in this context that in other EPA publications buffers are not viewed as an alternative to providing best practicable emission controls and appropriate management practices - the primary purpose of buffer areas is identified as being to provide for contingencies that may arise with typical management practices. A Western Australian EPA publication states in order to manage industrial emissions, including odour, the (WA) EPA's preferred hierarchy is:

- Avoidance of discharges;
- Minimise the creation and discharge of waste by implementing best practice; or
- Ensure environmental impacts from industrial emissions are acceptable and meet the relevant regulations and health criteria beyond the boundary of the site, industrial estate or buffer area.

The Whytes Gully Centre has operated at this site for 16 years, in accordance with the Environment Protection Licence (5862). The Whytes Gully facility is in relatively close proximity to residential development, and Council does receive complaints about odour from the facility. Council has instigated specific odour mitigation and management strategies to address these issues.

The Annual Environmental Management Report 2014-15 submitted to the EPA demonstrates that the site is performing well in regard to environmental performance, with a low number of complaints and nil non compliances. The instigation of the specific odour mitigation and management strategies, combined with the maintenance of a buffer to sensitive development of 250 metres, appears to be an effective strategy for the site. The Annual Report suggests that the combination of the above-mentioned

initiatives, modernised testing regimes and the completion of the new cell development will provide further environmental improvements.

Geotechnical

Southern Geotechnics (2015) undertook a geotechnical assessment of the stability of the site and its suitability for subdivision and residential development. The geotechnical investigations of the site concluded that the cleared areas proposed for limited development have an overall very low to moderate risk of slope instability and the proposed rezoning to permit low density residential development is considered appropriate. An updated detailed geotechnical report will be required at the development application stage to support the engineering designs for any proposed subdivision.

Heritage

An Aboriginal cultural heritage assessment was commissioned by Biosis (2015) which consisted of a background review and archaeological survey in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010*. The assessment also included consultation with the Illawarra Local Aboriginal Land Council (ILALC) and representation of ILALC at the archaeological survey on site.

No Aboriginal cultural heritage sites registered with the Aboriginal Heritage Information Management System are located within the Project Area. No previously unrecorded Aboriginal cultural heritage sites or areas of archaeological sensitivity were identified during the field survey. The subject site does not contain any heritage listed items. However, due to the site context, further Aboriginal Heritage investigation may be required to inform the subdivision development application.

Visual Impact

The Planning Principles adopted with the Concept Plan identify the need for development to be located with full consideration of its visual context within a precinct. While the indicative subdivision plan incorporates larger lot sizes to achieve a rural residential development, a visual impact analysis may be required at the development application stage when finalising a subdivision layout. The potential visual impact of a subdivision on the upper ridges of the site should be carefully considered at the development application stage with respect to the principles and strategies outlined in the IESMP, given the heritage significance of the Illawarra Escarpment and the cultural significance of Mt Kembla.

CONSULTATION AND COMMUNICATION

Preliminary consultation was carried out as part of the assessment of the draft Planning Proposal request, which involved referral to the Office of Environment and Heritage, Roads and Maritime Services, NSW Rural Fire Service, Department of Primary Industries, Sydney Water, Jemena and relevant internal divisions of Council. The Office of Environment and Heritage attended a site visit and a subsequent meeting was

arranged to discuss options for the long term conservation of the riparian corridor in the north west of the site. Preliminary community consultation has not been conducted as extensive consultation occurred with the development of the Farmborough Heights to Mt Kembla Concept Plan.

Comments were provided on the draft Planning Proposal, as follows:

Issue Raised	Council Officer Response
Office of Environment & Heritage (OEH): Support a long term conservation outcome being achieved for the site through establishing the proposed conservation areas. Preferred mechanism for securing and managing the conservation lots is a BioBanking Agreement under the NSW Threatened Species Conservation Act 1995, to ensure ongoing management of the conservation values of the site and funding security (funding in perpetuity). This could be achieved in conjunction with a Community Title, whereby the Community Title scheme ensures that all lots contribute to the management fund established for the BioBank agreement site. Need to ensure that subdivision plans at the DA stage reflect the requirements for riparian buffers in line with the Riparian Corridor Management Study (DIPNR 2004). Noted that the site contains Illawarra Lowlands Grassy Woodland (ILGW) which is listed as an endangered ecological community (EEC) under the NSW Threatened Species Conservation Act 1995. Need for long term protection of these patches of vegetation and hence recommend the use of appropriate measures to identify the dwelling envelope at the development application stage, such as a Section 88b restriction, to maximise retention of this vegetation. Further Aboriginal cultural heritage assessment of the proposed development area in accordance with OEH guidelines is encouraged at an early stage of the planning	Noted – a subsequent site visit and meeting with OEH established that the site would be too small to establish a BioBanking Agreement site. It was established that the desirable conservation outcomes could be achieved through the preparation of a VMP and associated costings for management works, with the proposed conservation lots dedicated to Council with appropriate funding. Noted E2 Environmental Conservation zoning is recommended by Council officers (in line with Concept Plan) and agreed to by proponent. The intention is to dedicate this E2 land to Council for long term protection. The final subdivision plan will take account of required APZs. It is important to note that the recommended E2 zoning and dedication to Council of the ecologically constrained riparian corridor and EEC would avoid any unintended impacts from the 10/50 Bushfire Code of Practice, as the Code cannot be applied on Council land without landowners consent. The submitted VMP will be refined by Council for rehabilitation works. The site is not identified as containing any Aboriginal heritage items. However, due to the site context, further Aboriginal Heritage investigation will be carried out to inform the

process. In addition to archaeological values, there may be broader cultural values applicable to the subject area associated with the cultural landscape and travel routes between Mt Kembla and the coastline. Archaeological excavation recommended to more accurately determine the level of archaeological potential.

subdivision development application. OEH agrees that the Aboriginal cultural heritage investigation may be undertaken at the DA stage, although encourages the conduct of these assessments at an early stage of the planning process.

Roads & Maritime Services (RMS):

No objections to the planning proposal in principle.

Noted

NSW Rural Fire Service (RFS):

The indicative subdivision layout originally submitted will require modification to provide an APZ and appropriate building footprint, or there will need to be removal of vegetation to allow for the required APZs and building footprint.

The proponent has submitted an updated indicative subdivision plan to address RFS concerns (Attachment 3). The revised indicative subdivision plan lots are not identified as a high or moderate ecological constraint, and therefore vegetation management practices could be employed to ensure adequate APZs to future building envelopes.

Sydney Water:

The existing wastewater network located adjacent the proposed development has adequate capacity to service the proposed subdivision. Any lots not serviced by a Sydney Water wastewater main will need to make arrangements with Council regarding on-site wastewater management system requirements.

Preliminary investigation indicates that the existing water supply system can only service development up to a ground level of 144m AHD. Sydney Water will not permit a gravity water main extension from the existing 200mm main in Farmborough Road above a ground level of 144 metres. It is recommended that the subdivision road and lot configuration ensure that the water connections are not above 144m AHD. A feasibility application can be lodged with Sydney Water to obtain further advice to assist in panning the subdivision layout.

Noted, to be addressed at DA stage

Department of Primary Industries - Water:

Riparian corridor widths proposed are consistent with the requirements of DPI Water's Controlled Activity guidelines. Rehabilitated riparian corridors should provide fully structured vegetation representative of the mapped native vegetation communities within the site and any proposed riparian corridor encroachment will require offsetting in accordance with the Guidelines.

Public ownership of riparian corridors is considered to be the most effective mechanism for ensuring the appropriate long term management of the function and health of these areas (noting that the draft planning proposal seeks to manage riparian land through the establishment of Community Title lots and private ownership).

Noted

Planning proposal updated to replace private ownership with proposed dedication to Council with funding attached to protect in perpetuity the riparian corridor in the north west and the EEC in the south east.

Jemena:

The Eastern Gas Pipeline easement is located on the eastern neighbouring lots. Australian Standard AS 2885 requires a risk review of the pipeline operation in the event of the land around a pipeline being rezoned resulting in a change in land use and change in risk exposure to the pipeline. Jemena shall undertake a review of the proposed development in accordance with requirements of AS 2885 and provide the developer with a review of findings. These findings shall be included in any subsequent development application to ensure that the Pipeline risks are appropriately considered and managed in the planning and design of the development. Jemena will work with the developer to ensure that a Pipeline Safety Management Study is included as part of the submission of any development application.

Noted

Council's natural resources staff inspected the site to determine support for the proposed dedication to Council with on-going funding of the riparian E2 land in the north west and the EEC in the south east. Support was indicated for dedication with funding.

Internal consultation identified the need to defer support for the proposed lot layout (including potential building envelopes) until such time as sufficient information is

presented that addresses any flooding constraints, in line with Council's Floodplain policies.

A previous traffic report prepared by GHD to inform the preparation of the Concept Plan found that affected intersections would continue to operate within an acceptable level of service. Prior to submitting a development subdivision application, the applicant will also be required to undertake further detailed design of the road network to demonstrate it is trafficable by a large rigid vehicle (LRV) and that waste collection and emergency vehicles are able to turn safely within the proposed cul-de-sacs. Should the Planning Proposal proceed to subdivision, the proponent would be responsible for an upgrade of the pavement and stormwater within Farmborough Road adjacent the site.

Should Council resolve to prepare a draft Planning Proposal for the subject lands the proposal will be forwarded to the NSW Department of Planning and Environment for a Gateway determination. The Gateway determination, if granted, permits Council to publicly exhibit the draft Planning Proposal and provides a directive as to the relevant public authorities to be consulted.

It is recommended that consultation should occur with the Escarpment Planning Reference Group, Heritage Reference Group and Aboriginal Reference Group during the public exhibition period, should the draft Planning Proposal receive a favourable Gateway determination. The Escarpment Planning Reference Group was advised that Council had received the rezoning request but were not briefed on the specifics of the submitted proposal.

To the north of Lot 101 DP 825516 is a paper road which is owned by the properties to the north. Lot 1 DP 720058 and Lot 1 DP 821495 which form the paper road are zoned RU2 Rural Landscape whereas the adjoining Lot 106 DP 825517 is zoned E3 Environmental Management. The three properties are in the same ownership. To avoid a narrow strip of RU2 Rural Landscape it is proposed that Lot 1 DP 720058 and Lot 1 DP 821495 be zoned E3 Environmental Management consistent with Lot 106 DP 825517. No change is proposed for the eastern end of the lane (Lot 107 DP 825517) which is owned by Sydney Water, as are the adjoining Lots 102 and 105 DP 825516.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 objective "*The Natural environment is protected and enhanced*", under the Community Goal "*We value and protect our environment*".

Community Strategic Plan		Delivery Program 2012-2017	Annual Plan 2015-16
Strategy		5 Year Action	Annual Deliverables
1.6.1	Our urban environment minimises impacts on habitat and biodiversity and areas of high conservation value are protected.	1.6.1.1 Review planning controls for environmentally sensitive locations.	Continue to assess Planning Proposals against environmental strategies, including the Illawarra Biodiversity Strategy and the Illawarra Escarpment Strategic Management Plan.

The draft Planning Proposal request is consistent with the recommendations contained in the Farmborough Heights to Mt Kembla Concept Plan (2013) which was informed by the Illawarra Escarpment Commission of Inquiry (1999), Illawarra Escarpment Strategic Management Plan (2006), Illawarra Escarpment Land Use Review Strategy (2015) and the Illawarra Biodiversity Strategy (2011). The draft Planning Proposal request is also consistent with the more recently adopted Illawarra Escarpment Strategic Management Plan (2015).

CONCLUSION

The dedication to Council of ecologically constrained land with funding in association with low density limited residential development will provide a suitable development outcome for this site whilst significantly enhancing the biodiversity values of an important riparian and habitat corridor in the north west and protecting the stands of EEC in the south east of the site. The Office of Environment and Heritage has acknowledged the potential for net conservation gains at this site and supports Council ownership via dedication with funding to ensure the long term conservation and protection of the biodiversity values on the site.

It is recommended that Council resolve to prepare a draft Planning Proposal for Lot 101 DP 825516 Farmborough Road, Farmborough Heights and submit it to the NSW Department of Planning and Environment seeking a Gateway determination, prior to public exhibition.



WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal
Lot 101 Dp 825516
Lot 1 Dp 720058
Lot 1 Dp 821495
Farmborough Heights

Legend

- Gas Pipeline
- Subject_Site
- E1 National Parks & Nature Reserves
- E2 Environmental Conservation
- E4 Environmental Management
- R2 Low Density Residential
- RE1 Public Recreation
- RU2 Rural Landscape
- SP2 Infrastructure

Cadastral

Cadastral 19.02.16 © Wollongong City Council

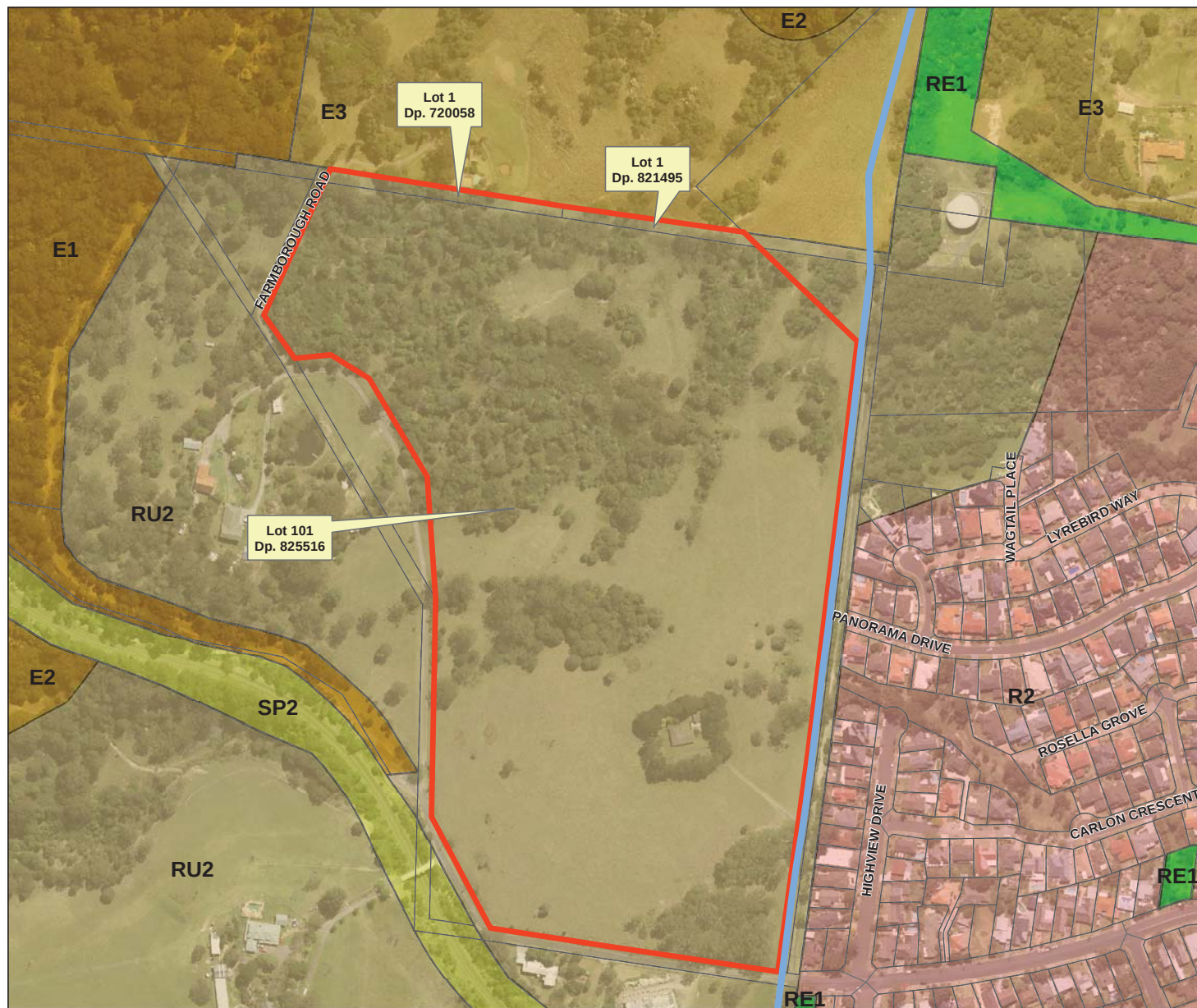


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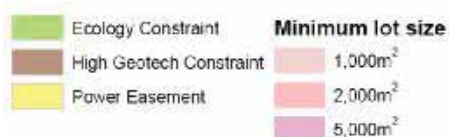
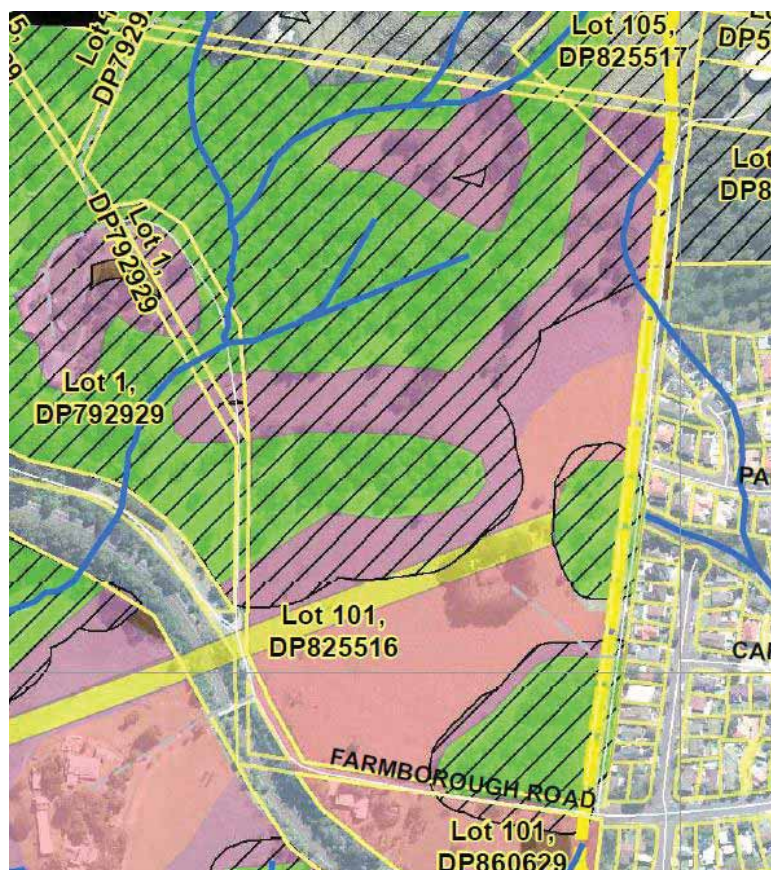
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MGA Zone 56

Scale 1:3000 @ A3

Map Identification number:
Lot 101 Dp 825516_LEP2009.mxd



Extract from Farmborough Heights to Mt Kembla Concept Plan



Lot and DP	Existing site	Maximum no. of Potential Sites	Concept Plan
Lot 101 DP 825516	Zoning : RU2 Existing dwellings: 1	Up to 25	Zoning: Ecologically constrained areas E2, Managed Open Space RE1 and potential developable areas E4. Development Controls: Consideration of potential visual and acoustic impact of the Maldon to Dombarton Rail Line. Demonstrate adequate access to individual lots and through site connectivity. Development to take into consideration the power easement that transects the site. Development to be subject to the preparation of a geotechnical impact assessment that confirms resolution of any geotechnical issues on the site. Site composition: 50% of developable area to have a minimum lot size of 5,000 m² and 50% with a minimum lot size of 2,000 m². Constraints: Significant geotechnical constraints on the eastern side of the site. No development within the buffer zone of the Eastern gas pipeline.

Planning Principles to Accompany Concept Plan

In order to address a number of key concerns raised through the public exhibition of the Strategic Planning Study and draft Concept Plan, it is recommended that the following Planning Principles accompany the Concept Plan to guide development in the vicinity of the escarpment in the Farmborough Heights to Mt Kembla area. Some of these principles were outlined in the IESMP and IELURS and were designed to minimise the impact of any development on the environment and ensure the most important environmental assets are given full protection. Additional principles have been suggested as part of the public exhibition.

1. Principles contained in the IESMP and IELURS:

- A gradation and increasing lot size and reduced density from high density urban development to no development from east to west;
- Riparian corridors are applied consistent with the recommendations contained within the Riparian Corridor Management Study (WCC 2004);
- No clearing of native vegetation for the location of a dwelling site, provision of services/infrastructure or for the implementation of bushfire controls/location of Asset Protection Zones (APZs);
- No overt increase in the density of development so as to retain rural atmosphere (dwellings to be hidden or clustered);
- Development needs to contribute to the improved management of adjoining high conservation value lands;
- Environmental controls, such as effluent management, can be incorporated and contained within the site;
- There are sufficient water resources for domestic and firefighting purposes;
- Provision of vegetated buffers to adjoining high conservation value land;
- Identification of appropriate sites to be managed under an agreed environmental management plan or voluntary conservation agreement;
- Where a heritage site is to be affected, development may be acceptable if it allows its preservation in situ, or where this is impractical, its investigation and recording. Development will only be acceptable in areas of archaeological potential if proper evaluation of the archaeological implications of the proposed development has been undertaken and taken into account;
- Protect, maintain and enhance flora and fauna species and habitats of importance;
- Limiting exposure where possible to bushfire hazard and limiting development in areas of instability or geotechnical risk;
- Location of development with full consideration of its visual context within a precinct; and
- Promotion of a pattern of land use sympathetic to the valuable escarpment landscape.

2. Additional Principles arising from the public exhibition of the draft Concept Plan:

- The provision of limited residential development must be considered within the context of active conservation and as a secondary outcome (COI);
- Planning proposals must provide justification in terms of specific conservation initiatives proposed to enhance the escarpment for the long term;
- A corridor of rural and bushland around the eastern approaches to Mt Kembla must be maintained to provide a separation from Cordeaux Heights and to preserve the historic identity of Mt Kembla Village;

- No residential or infrastructure development on visually significant or prominent ridgelines – ridgelines should be managed for conservation, visual and biodiversity outcomes. Vegetated ridges should separate suburbs;
- Development opportunities should be considered where there is only a localised visual impact which is not visible from the broader city urban areas;
- Limited development in appropriate locations and which provides for practical considerations such as access and service provision; and
- Subdivision on bushfire prone land must be designed to minimise the siting of future dwellings away from ridge tops and other steeply sloping land (>15%), especially upslope lands, within saddles or narrow ridge crests, and to provide an efficient and safe road network which minimises potential bottlenecks and provides for satisfactory access and manoeuvring of fire fighting vehicles.



WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Indicative Subdivision Plan
Lot 101 DP 825516
Farmborough Heights

Legend

- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

Cadastral

Cadastral 07.06.16 © Wollongong City Council

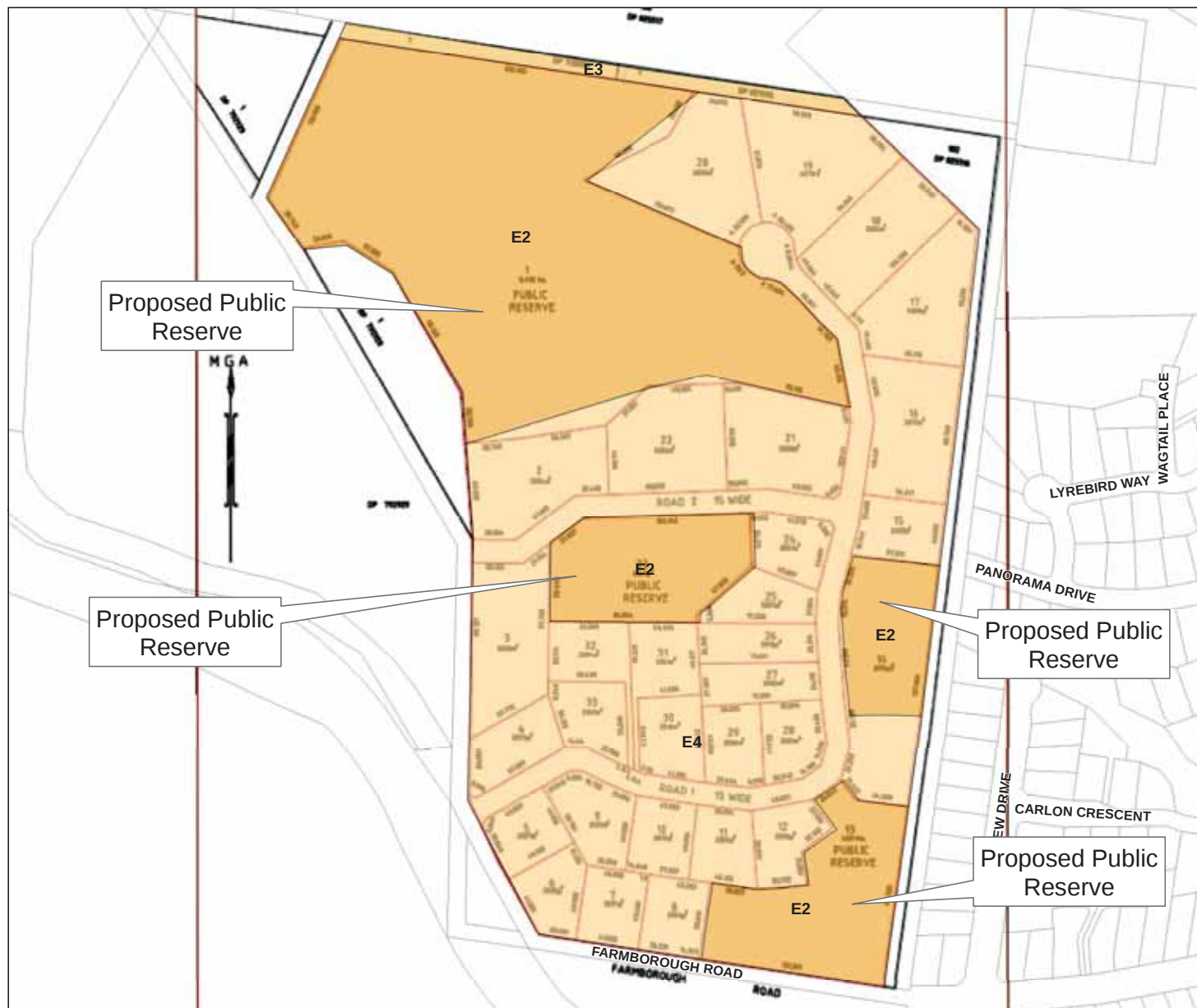


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Map Identification number:
Lot 101 Dp 825516_PP_Environ.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal = Zoning

Lot 101 Dp 825516

Lot 1 Dp 720058

Lot 1 Dp 821495

Farmborough Heights

Legend

-  Subject_Site
-  E2 Environmental Conservation
-  E3 Environmental Management
-  E4 Environmental Living

Cadastral

 Cadastral 38.04.16  Wollongong City Council

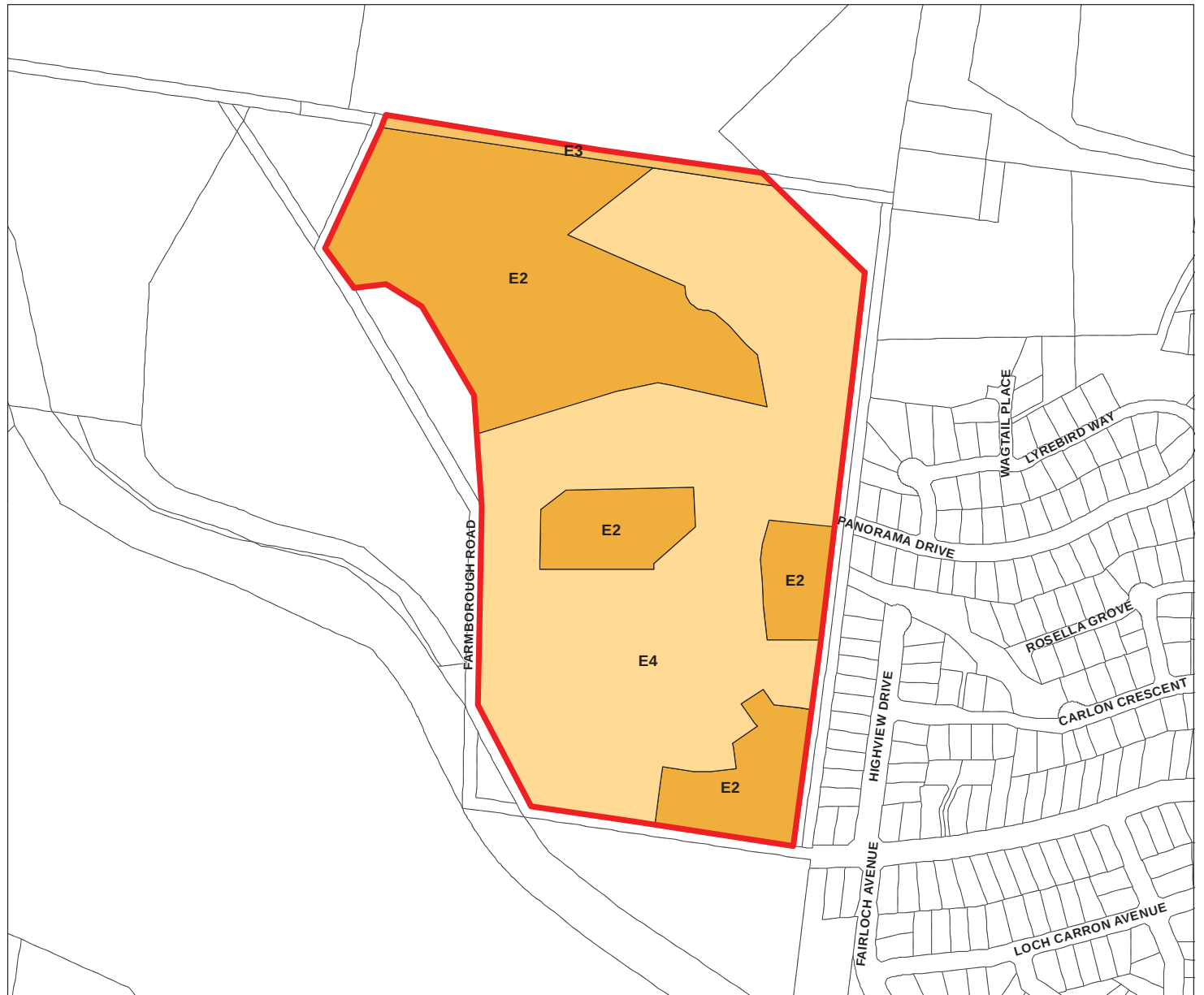


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Map Identification number:
Lot 101 Dp 825516_PP_Zoning.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal - Minimum Lot Size

Lot 101 Dp 825516

Lot 1 Dp 720058

Lot 1 Dp 821495

Farmborough Heights

Minimum Lot Size (Sqm)

- U** 1999
- W1** 4999
- AB** 39.99ha
- Subject_Site**

Cadastral

Cadastral 38.04.16 Wollongong City Council

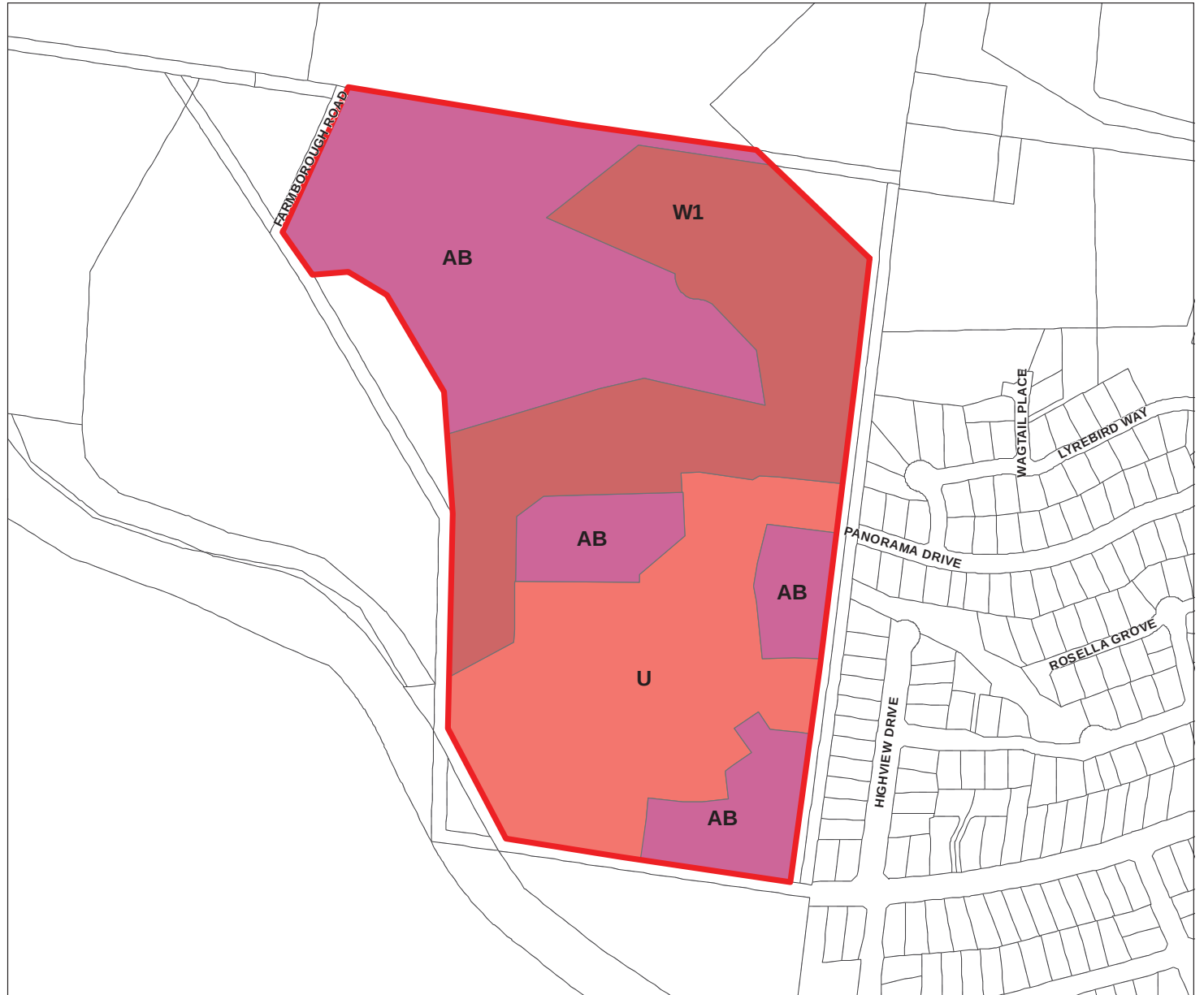


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Map Identification number:
Lot 101 Dp 825516_PP_MLZ.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal = Floor Space Ratio

Lot 101 Dp 825516

Lot 1 Dp 720058

Lot 1 Dp 821495

Farmborough Heights

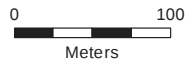
Maximum Floor Space Ratio (n:1)

A 0.3

Subject_Site

Cadastral

Cadastral 18.04.16 Wollongong City Council



Projection: GDA 1994
MGA Zone 56

Scale 1:3000 @ A3

Map Identification number:
Lot 101 Dp 825516_PP_FSR.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal
Proposed Changes to
Natural Resource Sensitivity Map
Lot 101 Dp 825516
Lot 1 Dp 720058
Lot 1 Dp 821495
Farmborough Heights

Legend

-  Subject_Site
-  Add
-  Existing
-  Remove
-  E2 Environmental Conservation
-  E3 Environmental Management
-  E4 Environmental Living

Cadastral

 Cadastral 30.04.16  Wollongong City Council



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Meters

Projection: GDA 1994
MGA Zone 56

Scale 1:3000 @ A3

Map Identification number:
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