

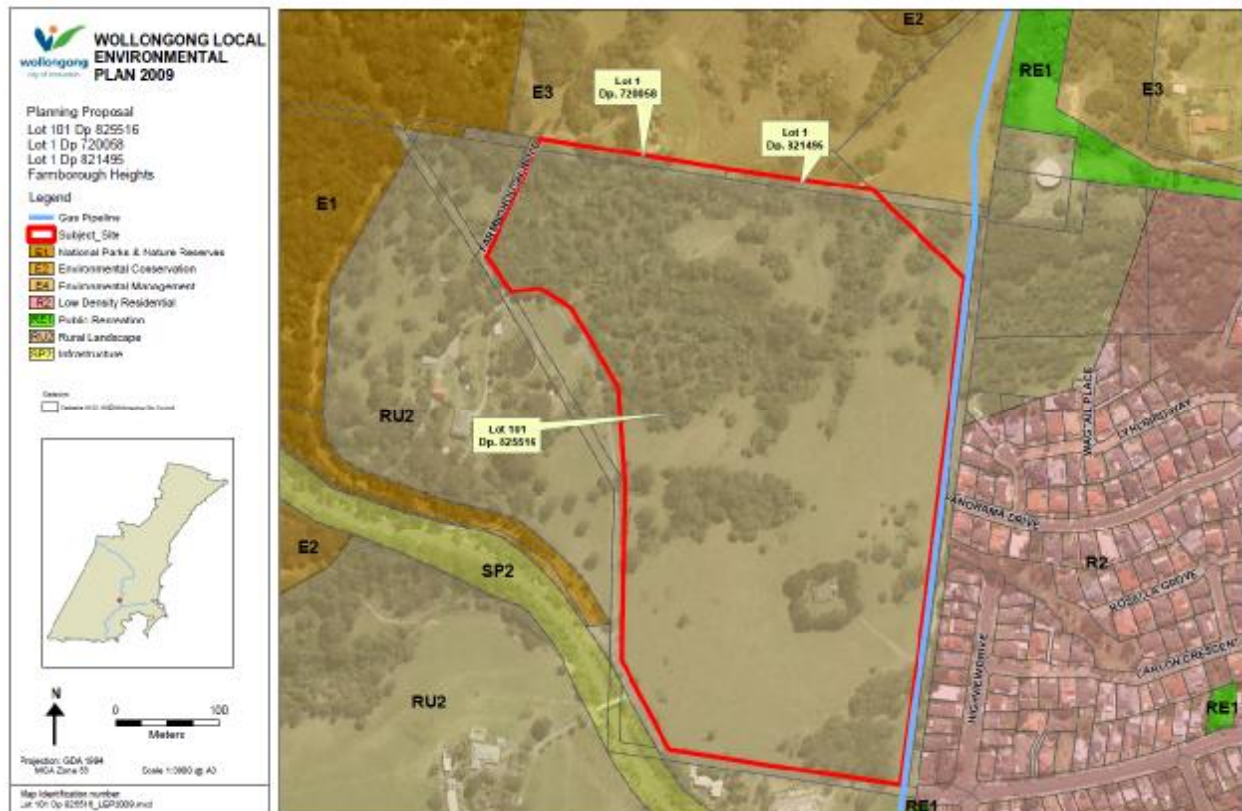
Draft Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Lot 101 DP 825516 Farmborough Road, Farmborough Heights

ADDRESS OF LAND: Lot 101 DP 825516, Lot 1 DP 720058 and Lot 1 DP 821495 Farmborough Road, Farmborough Heights

MAPS: Location Map and Current Zoning



Proposed Planning Controls: see Part 4

BACKGROUND:

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL:

Concise statement setting out objectives or intended outcomes of the planning proposal.

The Planning Proposal seeks to facilitate additional large lot residential development on this site, together with the dedication of land with funding to Council to re-vegetate and protect in perpetuity the riparian corridor in the north of the site and other features of environmental significance on site.

The site was considered in the Farmborough Heights to Mt Kembla Concept Plan that was endorsed by Council (9 December 2013) and the NSW Department of Planning (20 March 2014) to guide future development potential for this area.

Part 2: EXPLANATION OF THE PROVISIONS OF THE PLANNING PROPOSAL:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

- Amendment of the Wollongong LEP 2009 Zoning Map in accordance with the proposed zoning map shown as attachment 1, which indicates E4 Environmental Living zoning for part of the site adjacent existing residential development currently zoned RU2 Rural Landscape, E3 Environmental Management zoning for the paper road, and E2 Environmental Conservation zoning for the riparian corridor in the north and certain areas identified for conservation;
- Amendment of the Wollongong LEP 2009 Minimum Lot Size Map in accordance with the proposed minimum lot size map shown as attachment 2, which indicates 2,000m² and 5,000m² for areas proposed to be zoned E4 Environmental Living and 39.99ha for areas proposed to be zoned E3 Environmental Management and E2 Environmental Conservation;
- Amendment of the Wollongong LEP 2009 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown as attachment 3, which indicates a maximum permissible floor space ratio of 0.3:1 for the area proposed to be zoned E4 Environmental Living; and
- Update the Natural Resource Sensitivity-Biodiversity Map to reflect updated environmental studies.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	The planning proposal is the result of the Farmborough Heights to Mt Kembla Concept Plan that was endorsed by Council (9 December 2013) and the NSW Department of Planning (20 March 2014) 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 endorsed Concept Plan is importantly consistent with and complements the Illawarra Escarpment Strategic Management Plan (2015) and the Illawarra Escarpment Land Use Review Strategy (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 Regional Strategy 2006-31 (2007), and the Illawarra Shoalhaven Regional Plan (2015), with a focus on priority vegetation and important habitat corridors. The endorsed Concept Plan identified potential to rezone this site to permit additional large lot residential
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	development, subject to satisfying the accompanying Planning Principles and demonstration that an improved environmental outcome could be achieved for the land. The Concept Plan identified the opportunity to rehabilitate the riparian corridor in the north of the site in order to re-establish an east west biodiversity corridor. The Planning Proposal is the result of a Council resolution dated 27 June 2016. 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).
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The purpose of the Planning proposal is to facilitate a development strategy for the subject lands, to allow large lot residential development on part of the site, while establishing a revegetation management plan for the riparian corridor in the north of the site and other areas identified as having ecological values requiring restoration and protection for the long term. A change of zoning, minimum lot size and floor space ratio is required in order to facilitate large lot residential development on part of the site. An E2 Environmental Conservation zoning is considered more appropriate than the existing RU2 Rural Landscape zone to protect the identified environmental qualities.
3. Is there a net community benefit?	The Farmborough Heights to Mt Kembla Concept Plan identifies that there is potential and capacity for appropriately scaled and located development at the interface of the escarpment provided that this development is considered within the context of active 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 preferred mechanism for securing and managing the conservation lots is a dedication to Council with funding. 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 shelter and 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. Standard management actions will include: · weed control, including noxious and environmental weed species; · revegetation to restore native vegetation cover over and area of cleared and disturbed pasture, expanding and improving the existing corridor values; · supplementary planting in areas of sparse native vegetation cover and regeneration areas; · 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.
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Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	The Planning proposal is consistent with the objectives and goals of the Illawarra Shoalhaven Regional Plan (2015), specifically: Goal 2 – provide sufficient housing supply to suit the changing demands of the region and identify and conserve biodiversity values when planning new communities; Goal 5 – protect the region's environmental values by focusing development in locations with the capacity to absorb development.
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	The Planning Proposal is consistent with the objectives and targets of Illawarra Regional Strategy 2006-31 (2007), with a focus on priority vegetation and important habitat corridors. 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 on private land 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 Regional Strategy (2006). 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.
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	The Planning Proposal is consistent with the delivery of Wollongong 2022 Community Strategic Plan objective <i>"The Natural environment is protected and enhanced"</i> under the Community Goal <i>"We value and protect our environment"</i>. It specifically addresses the Annual Plan 2015-16 Key Deliverables <i>"Continue to assess Planning Proposals against environmental strategies, including the Illawarra Biodiversity Strategy and the Illawarra Escarpment Strategic Management Plan"</i> which forms part of the Five Year Action <i>"Review planning controls for environmentally sensitive locations"</i> contained within the Revised Delivery Program 2012-17. The Planning Proposal is consistent with the Planning Principles contained in the Illawarra Escarpment Strategic Management Plan (2015) and Illawarra Escarpment Land Use Review Strategy (2007).
6. Is the planning proposal consistent with applicable state environmental planning policies?	Refer to Table A – Checklist of State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

8. 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 Planning Proposal 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 of the site. 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.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? This might include natural hazards such as flooding, land slip, bushfire hazard etc. If it is necessary to undertake technical studies or investigations to address an identified matter, these should be undertaken following the initial gateway determination.	The site is identified as bushfire prone with slopes ranging from 0-15 degrees. A Bushfire Protection Assessment 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 specific recommendations included appropriate Asset Protection Zones to be provided to all future dwelling houses; provision of alternative access routes in an out of the subdivision; access for firefighting operations to be constructed in accordance with the specifications of Section 4.1.3 (1) of <i>Planning for Bushfire Protection 2006</i>; 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. 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 safe access and egress in a bushfire event can be achieved.
10. How has the planning proposal adequately addressed any social and	An Aboriginal cultural heritage assessment was commissioned by Biosis (2015) which consisted of a

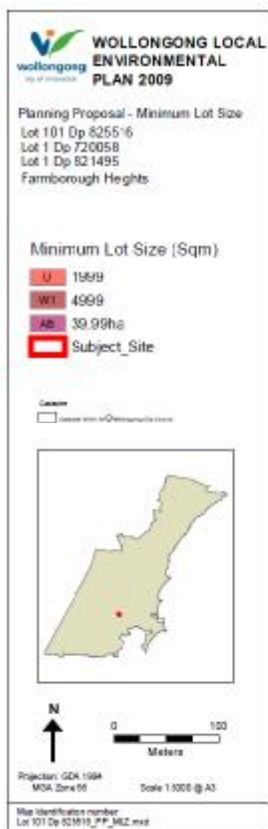
economic effects?	background review and archaeological survey in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010. The assessment also included consultation with the Illawarra Local Aboriginal Land Council (ILALC) and representation of 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.
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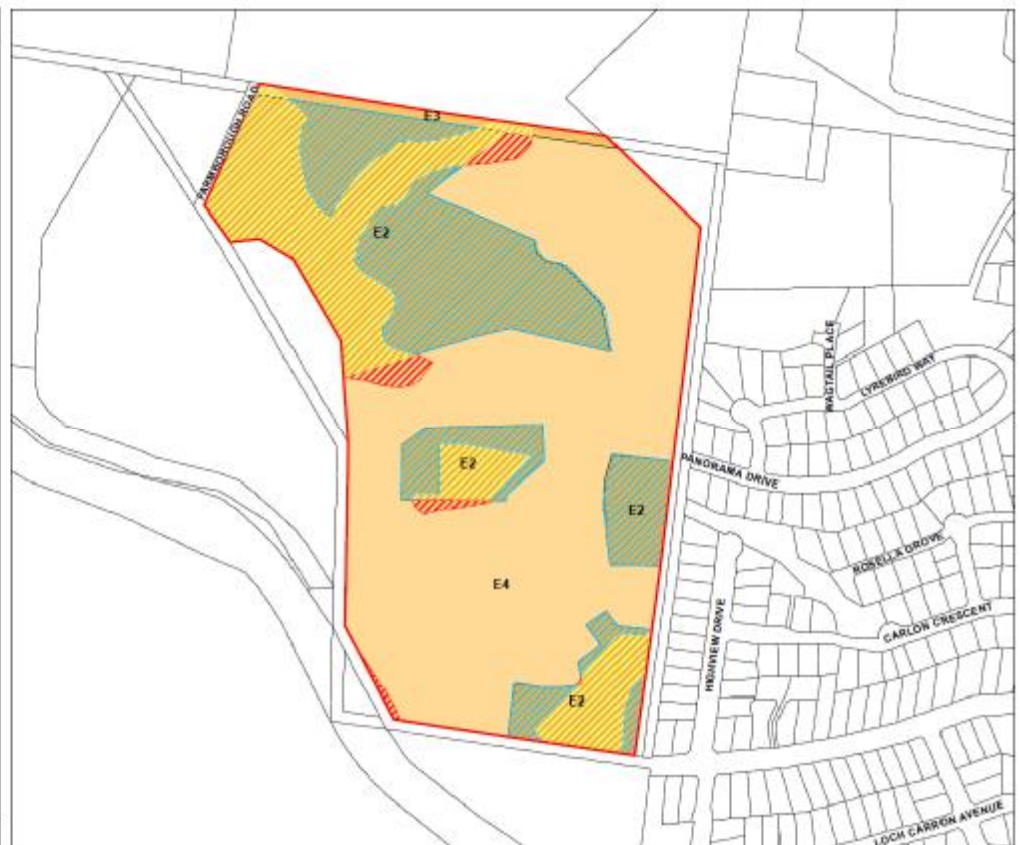
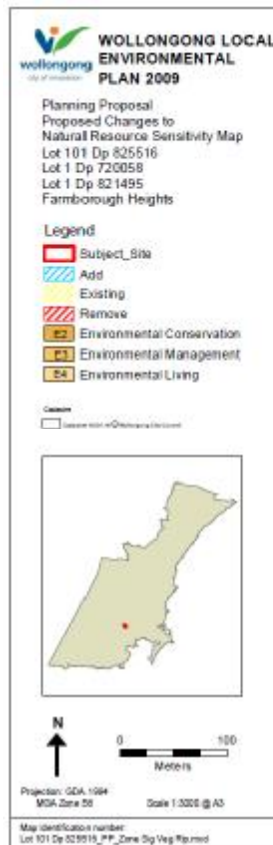
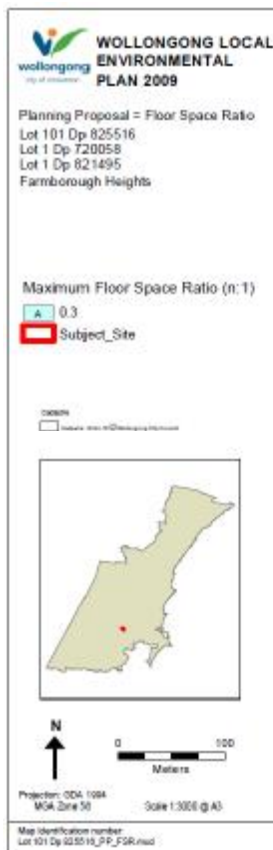
Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Full urban reticulation services (power, sewer, water and telecommunications) can be provided to the site.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The Gateway determination will stipulate the required consultation with Public Authorities. Consultation has occurred to date with the Office of Environment & Heritage, RMS, NSW RFS, Sydney Water, DPI and Jemena. Given the proximity of the site to Whytes Gully Waste and Resource Centre it would be appropriate to include consultation with the EPA.

Part 4: MAPS TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES

Proposed Planning Controls: changes are proposed to the Zoning Map, Minimum Lot Size Map, Floor Space Ratio Map and Natural Resource Sensitivity Map.





Part 5: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, the Proposal will be exhibited for a minimum period of twenty-eight (28) days, and include:

- Hard copies at Council's Administration building and relevant Libraries;
- Electronic copy on Council's website;
- Notification letters to surrounding and nearby property owners; and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Environment including (but not limited to):
 - o Office of Environment & Heritage
 - o Office of Water
 - o RMS
 - o RFS
 - o Sydney Water
 - o Jemena
 - o EPA

Part 6: PROJECT TIMELINE

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	August 2016	Department of Planning and Environment
2	Anticipated completion of required technical studies	N/A	Consultants
3	Government agency consultation	September 2016	Agencies
4	Public exhibition period	September 2016	Council
5	Date of Public Hearing (<i>if applicable</i>)	N/A	Council
6	Consideration of submissions	September 2016	Council
7	Assessment of proposal post-exhibition	October 2016	Council
8	Report to Council	November 2016	Council
9	Final maps and Planning Proposal prepared	December 2016	Council
10	Submission to Department for finalisation of LEP	December 2016	Council
11	<i>Anticipated date RPA will make the LEP</i>	December 2016	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to DOP&E for notification	January 2017	Council
13	Anticipated date LEP will be notified	January 2017	Parliamentary Counsel and DOP&E

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard		N/A
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development		Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building	Consistent	Planning Proposal does not propose controls for number of storeys
SEPP No. 10	Retention of Low-Cost Rental Accommodation	N/A	
SEPP No. 14	Coastal Wetlands	N/A	
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks	N/A	
SEPP No. 22	Shops and Commercial Premises	N/A	
SEPP No. 26	Littoral Rainforests		No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture	N/A	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP No. 33	Hazardous and Offensive Development	N/A	
SEPP No. 36	Manufactured Home Estates	N/A	
SEPP No. 38	Olympic Games and Related Projects	N/A	
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection	N/A	
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	N/A	
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	
SEPP No. 53	Metropolitan Residential Development	N/A	
SEPP No. 55	Remediation of Land	N/A	
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 60	Exempt and Complying Development	Consistent	N/A
SEPP No. 62	Sustainable Aquaculture	N/A	
SEPP No. 64	Advertising and Signage	Consistent	N/A
SEPP No. 65	Design quality of residential flat development	Consistent	N/A
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP No. 71	Coastal Protection	N/A	
SEPP	Housing for Seniors or People with a Disability 2004	Consistent	
SEPP	Building Sustainability Index: BASIX 2004	Consistent	
SEPP	Major Projects 2005	N/A	

State Environmental Planning Policy		Compliance	Comment
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	Consistent	N/A
SEPP	Infrastructure 2007	Consistent	N/A
SEPP	Temporary Structures 2007	Consistent	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	Consistent	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	Consistent	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
REP	Sustaining the catchments		
Greater Metropolitan REP No.2	Georges River catchment	Does not apply to Wollongong	

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	
2.1 Environment Protection Zone	Consistent. An E2 Environmental Conservation zoning is considered more appropriate than the existing RU2 Rural Landscape zone to protect the identified environmental qualities.
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	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 site is not identified as containing any Aboriginal heritage items. However, due to the site context, an Aboriginal Heritage investigation may be required to inform the subdivision development application. OEH agrees that the Aboriginal cultural heritage investigation may be undertaken at the DA stage.
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent The proposal is considered consistent with this direction and objectives as the land will be adequately serviced, provide flexibility in the type of housing that can be delivered and enable a design that minimises impacts on the environment.
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	Consistent
3.4 Integrating Land Use and Transport	Consistent The proposal is considered consistent with this direction and objectives, given the existing road and public transport network.

3.5 Development Near Licensed Aerodromes	N/A
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulfate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bush Fire Protection	The site is identified as bushfire prone with slopes ranging from 0-15 degrees. A bushfire constraints assessment was undertaken to inform the development strategy, providing bush fire protection recommendations to ensure suitability of part of the subject lands for residential land use. 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 <i>Planning for Bushfire Protection 2006</i>; 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 requested modification of the indicative subdivision layout to ensure adequate APZs to future building envelopes (modifications completed as requested).
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent – the proposal provides additional housing supply, housing choice and protection of environmental attributes.
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.6 Sydney to Canberra Corridor	Not applicable to Wollongong – revoked 10/7/08
5.7 Central Coast	Not applicable to Wollongong – revoked 10/7/08
5.8 Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not applicable

6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	Not applicable
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not applicable