

COUNCIL RESOLUTION EXTRACT FROM MINUTES 9 MAY 2016

PUBLIC ACCESS FORUM – DRAFT PLANNING PROPOSAL FOR LOT 1 DP 534849 STAFF ROAD, CORDEAUX HEIGHTS

Mr D Thompson from Cardno supported the recommendations in the report and reiterated the following key benefits of the proposal -

- 17.3 ha of rehabilitated and/or revegetated lands would be protected in perpetuity through a Biobanking scheme at the landowner's cost;
- Enhanced onsite biodiversity and reduction of the current eroding processes;
- Improved bushfire hazard protection measures; and,
- Potentially enhanced access to the Illawarra Escarpment for recreational activities.

39 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that Mr Thompson be thanked for his presentation and invited to table his notes.

COUNCIL RESOLUTION EXTRACT FROM MINUTES 9 MAY 2016

DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary interest in Item 2 as she works for the Department of Planning and Environment. However, Councillor Martin advised that she did not work on any programs or projects within the Wollongong Local Government Area and would therefore remain at the meeting during debate and voting on this matter.

ITEM 2 - DRAFT PLANNING PROPOSAL: LOT 1 DP 534849 STAFF ROAD, CORDEAUX HEIGHTS

44 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that –

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for Lot 1 DP 534849 Staff Road, Cordeaux Heights, seeking a Gateway determination to:
 - a rezone 7.3 hectares of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 1,000m² and Floor Space Ratio of 0.3:1;
 - b retain 30.4 hectares of the site as E3 Environmental Management zoning, changing the minimum lot size to 5,000m²;
 - c rezone the southern riparian corridor and part of the site in the north west and north east (17.3 hectares) from E3 Environmental Management to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha; and
 - d update the Riparian Land and Natural Resource Sensitivity–Biodiversity Maps.
- 2 A BioBanking Agreement be established between the landowner and the Office of Environment and Heritage for the riparian corridor area in the south of the site to be rezoned E2 Environmental Conservation to re-vegetate and protect in perpetuity the riparian corridor (to be

dedicated to Council once the BioBank site is under full active management);

- 3 The draft Planning Proposal be exhibited for a minimum period of 28 days; and
- 4 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.

ITEM 2

DRAFT PLANNING PROPOSAL: LOT 1 DP 534849 STAFF ROAD,
CORDEAUX HEIGHTS

A draft Planning Proposal request has been submitted for Lot 1 DP 534849 Staff Road, Cordeaux Heights, which seeks to facilitate the subdivision of the land into approximately 90 large residential lots and the establishment of a BioBanking Agreement for the remainder of the land to re-vegetate and protect in perpetuity the riparian corridor in the south 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 1 DP 534849 Staff Road Cordeaux Heights seeking a Gateway determination to:
 - a rezone 7.3 hectares of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 1,000m² and Floor Space Ratio of 0.3:1;
 - b retain 30.4 hectares of the site as E3 Environmental Management zoning, changing the minimum lot size to 5,000m²;
 - c rezone the southern riparian corridor and part of the site in the north west and north east (17.3 hectares) from E3 Environmental Management to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha; and
 - d update the Riparian Land and Natural Resource Sensitivity–Biodiversity Maps.
- 2 A BioBanking Agreement be established between the landowner and the Office of Environment and Heritage for the riparian corridor area in the south of the site to be rezoned E2 Environmental Conservation to re-vegetate and protect in perpetuity the riparian corridor (to be dedicated to Council once the BioBank site is under full active management);
- 3 The draft Planning Proposal be exhibited for a minimum period of 28 days; and
- 4 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, Riparian Land and Natural Resource Sensitivity-Biodiversity Maps

REPORT AUTHORISATIONS

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

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

The recommendations of 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 Cardno on behalf of the landowner for Lot 1 DP 534849 Staff Road, Cordeaux Heights, with additional information submitted in December 2015 and January 2016. The site comprises 54.98 hectares and is currently zoned E3 Environmental Management. The site is bounded by land zoned R2 Low Density Residential in the south, E4 Environmental Living in the north and east, and E3 Environmental Management zoned land to the west (Attachment 1).

The site is located at the end of Staff and Callistemon Roads, and also has an accessway to Blueberry Place (Farmborough Heights), and Taminga Crescent and Kallara Link (Cordeaux Heights). There is no dwelling house on the property. The owner has a dwelling house on the adjacent lot to the west, and the property is currently used for the grazing of cattle. A paper road goes through the site to the lot in the west and a high voltage electricity easement transverses the site. The site is located at elevations between 80 metres and 130 metres, and there are known areas of landslip on part of the property.

The property has a long planning history, with proposals to rezone land to permit residential and rural subdivision in the wider area having been under consideration since 1994. Over that period various studies have been undertaken with many adopted by Council. Following is a summary of the key studies and resolutions by Council that have been undertaken for the wider Farmborough Heights to Mt Kembla area:

- 1994 Council invited landowners to collectively investigate rezoning opportunities of Farmborough Heights to Mount Kembla (Fair Trading Policy);

- 1996 Council commissioned Forbes Rigby to prepare *Farmborough Heights to Mount Kembla Planning Study 1996* and *Farmborough Heights Local Environmental Study*;
- 1997 Council endorsed the Farmborough Heights to Mount Kembla Strategic Planning study and landowners requested to prepare individual re-zonings for each property;
- 1999 Illawarra Escarpment Commission of Inquiry and moratorium placed on re-zonings within the Escarpment;
- 2004 Exhibition of draft Illawarra Escarpment Strategic Management Plan (IESMP) arising from the Commission of Inquiry;
- 2005 Council resolved that land owners be included in the master planning for the Farmborough Heights to Mount Kembla area. Final IESMP endorsed by Council and forwarded to NSW Department of Planning for review and endorsement prior to adoption;
- 2006 IESMP endorsed by Minister. This endorsement effectively lifted the moratorium on re-zonings;
- 2007 Revised *Farmborough Heights to Mount Kembla Strategic Study: Land Capability Assessment* completed by Cardno Forbes Rigby. This study proposed 160 dwelling lots for the wider study area;
- 2007 *Illawarra Escarpment Land Use Review Strategy* adopted by Council to inform the draft Wollongong LEP;
- 2008 Decision made that Council will review all relevant information in order to develop a Master Plan for all undeveloped allotments between Cordeaux Road and Farmborough Road;
- 2010 Wollongong LEP 2009 approved by the Minister for Planning. Public exhibition of draft Concept Plan to allow residential development and conservation of sensitive escarpment lands. On 23 November 2010 Council resolved that a Planning Proposal should be submitted to the Department of Planning for a Gateway Determination on the concept and further studies required to rezone a number of sites in the Farmborough Heights to Mount Kembla area - if approved by the Gateway Panel then the requested studies are to be completed prior to the draft Planning Proposal being exhibited;
- 2011 Department of Planning determine that a Planning Strategy prepared by Council would provide a framework to properly consider the re-zoning proposals;
- 2012 Council resolved to prepare a draft Planning Strategy for the Farmborough Heights to Mount Kembla area;
- 2013 Farmborough Heights to Mt Kembla Concept Plan completed (GHD P/L) and endorsed by Council (9 December 2013) and the Department of Planning (20 March 2014) to guide future development potential for this area;
- 2015 Revised Illawarra Escarpment Strategic Management Plan exhibited and adopted by Council.

This site at Staff Road Cordeaux Heights was considered in the Farmborough Heights to Mt Kembla Concept Plan that was endorsed by Council and the Department of Planning 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 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), 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 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 site with 50% of the developable area to have a minimum lot size of 5000m², 25% with a minimum lot size of 2,000m² and 25% with a minimum lot size of 1,000m², which would enable approximately 91 lots/dwellings. An E2 Environmental Conservation zoning was recommended for the riparian corridor in the south of the site. The Concept Plan identified the opportunity to rehabilitate 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.

PROPOSAL

The draft Planning Proposal request includes an indicative subdivision layout which depicts 90 lots (53 at 1,000m² and 37 at 5,000m²) and the conservation of 17.3 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 7.3 hectares of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 1,000m² and Floor Space Ratio of 0.3:1;
- 2 Retain 30.4 hectares of the site as E3 Environmental Management zoning, changing the minimum lot size to 5,000m²;

- 3 Rezone the remainder of the site (17.3ha) from E3 Environmental Management 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, establishing a BioBanking Agreement for in perpetuity protection of the riparian corridor; and
- 4 Update the Riparian Land and Natural Resource Sensitivity – Biodiversity Maps to reflect the updated environmental studies submitted in support of the Planning Proposal request (Attachment 3).

It is noted that numerically, more than 91 lots could be achieved using the minimum lot sizes. The indicative subdivision plan contains a range of lot sizes. The development strategy contained in the draft Planning Proposal states that the southern section of the site will be subject to a BioBanking Agreement for the long term management, protection and enhancement of the identified environmental qualities, and accordingly zoned E2 Environmental Conservation.

Access to the majority of the proposed new allotments will be gained via an extension of Staff and Callistemon Roads, Cordeaux Heights. Three proposed lots would be accessed through an extension of Blueberry Place in the south of the site, and the indicative subdivision plan proposes a new road from an adjacent subdivision in the north to access four lots.

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:

- Ecological Constraints Assessment (EcoPlanning 2015)
- Bushfire Assessment (EcoLogical 2015)
- Landscaping Plan (Cardno 2015)
- Slope Stability Assessment (Douglas Partners 2012)
- Assessment of Visual Impacts (Cardno 2015), and
- Supplementary Slope Stability Assessment (Douglas Partners 2014)

The proponent has undertaken consultation with Council officers and the Office of Environment & Heritage (OEH), to provide input into the development of the Council endorsed Concept Plan and inform the preparation of this resultant 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 south 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 south of the site, and in recognition of the potential value of rehabilitating the east west riparian corridor.

Larger minimum lots sizes were envisaged in the Concept Plan, identifying the potential for 1000m² lots immediately adjacent to the 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 (Attachment 2).

The submitted Planning Proposal is seeking a rezoning to the recommended E4 Environmental Living zoning for land proposed to be developed adjacent to the existing residential development (at the western end of Staff and Callistemon Roads), and seeks to retain the current E3 Environmental Management zoning for land identified for development potential in the west of the site. The Planning Proposal identifies that the riparian zone would be best rehabilitated, conserved and managed for the long term in accordance with the objectives of the E2 Environmental Conservation zoning, and protected under a BioBanking Agreement. In line with the Concept Plan, an E2 Environmental Conservation zoning is also proposed for part of the site in the north west and north east in recognition of the need to protect significant vegetation (including EECs).

In line with the Concept Plan recommendations, a minimum lot size of 1000m² is proposed for that part of the site proposed to be developed adjacent to the existing residential development at the end of Staff and Callistemon Roads (with an E4 Environmental Living zoning) and 5,000m² lots are proposed for land to be retained as E3 Environmental Management zoning in the west of the site. The proposed minimum lot sizes for the developable area of the site therefore represent a departure from the Concept Plan in that the Planning Proposal is requesting 81% of the developable area to have 5,000m² lots and 19% to contain lots of 1,000m² (see Table 1 below). This increase in the proportion of larger lots is consistent with the need to provide a gradation of lot sizes toward the escarpment, and to reflect geotechnical and bushfire site constraints. The indicative subdivision plan additionally aims to limit development on ridgelines through the use of larger lots (5,000m² as opposed to 2,000m² identified in the Concept Plan) and the location of indicative building envelopes away from ridge tops to minimise visual impacts of development.

Table 1: Lot Size Distribution across Developable Area

Concept Plan	Planning Proposal Request
5,000m ² : 50%	5,000m ² : 81%
2,000m ² : 25%	2,000m ² : N/A
1,000m ² : 25%	1,000m ² : 19%

The riparian corridor in the south of the site would be zoned E2 Environmental Conservation with a minimum lot size of 39.99ha, consistent with the Concept Plan recommendations. A minor amendment to the Riparian Land Map, and an amendment to the Natural Resource Sensitivity – Biodiversity Map, is recommended to reflect the findings from the updated environmental study submitted (EcoPlanning 2015), and to reflect the increased areas to be rezoned E2 Environmental Conservation. The submitted draft Planning Proposal request would result in approximately 90 residential lots, depending on further investigations and finalisation of a subdivision plan at the development application phase.

The Planning Proposal request is consistent with the Planning Principles contained in the IESMP and IELURS, and further developed through community consultation on the Farmborough Heights to Mt Kembla 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, grazing disturbance and exotic vegetation), and proposes to undertake ecological conservation and rehabilitation works associated with the riparian corridor in the south of the site. The Planning Proposal would result in the retention of the largest patch of native vegetation on the Allans Creek tributary in a single lot for the purpose of conservation (14 hectares). 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 area.

The Planning Proposal request initially proposed an Environmental Land Trust structure to own and manage conservation land in private ownership (two large environmental trust lots – 135,959m² and 7229m²). The Planning Proposal request indicated that a sum in the order of \$1,127,500 would be dedicated to conservation capital works to be undertaken by the developer (to be funded through a levy on land sales). However, following preliminary notification, the OEH conducted a site visit and suggested that a BioBanking Agreement under the *NSW Threatened Species Conservation Act 1995* 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 OEH stressed that suitable arrangements should be made for securing fully funded management of the proposed conservation lots in perpetuity at the time the land is rezoned rather than at the development application stage.

Rehabilitation of riparian corridors can incur significant costs and as such a suitable mechanism for management and funding is required. The OEH concluded that a one off levy on any future lot sale could be used to generate the estimated \$1.2m Total Fund Deposit required to activate a BioBanking Agreement for the site (EcoPlanning 2015), however the long term ownership of the conservation lots should be resolved as part of the Planning Proposal. OEH suggested that the land could be dedicated to Council ownership once a BioBanking Agreement was established for the site and the fund deposit collected, as a BioBanking Agreement for the site would provide in-perpetuity management payments to the landowner for conservation works. The BioBank site could be dedicated to Council once the BioBank site was under full active management. Full active management is triggered when 80% or greater of the Total Fund Deposit (approximately \$1.2 million) has been satisfied through credit retirement.

The BioBank site would conserve approximately 10 hectares of native vegetation, including 1.3 hectares of the endangered ecological community Illawarra Subtropical Rainforest (ISR) and potential habitat for a range of threatened species and one threatened flora species. Additionally, the BioBank site would conserve approximately 4 hectares of currently cleared and disturbed land, involving revegetation works to increase native vegetation cover.

A revegetation and vegetation management plan is required for the rehabilitation of the riparian zone. An assessment of the biodiversity values of the proposed conservation lots using the BioBanking Assessment Methodology (BBAM 2014) would be required for the establishment of BioBank site under a BioBanking Agreement. Any required asset protection zones (APZs) must be located outside the proposed conservation lots, and excluded from any BioBank site footprint. It is anticipated that this assessment of biodiversity values using the BBAM would occur following the Gateway determination, with a BioBanking Agreement in place prior to notification of any LEP amendment.

Implementation of a BioBanking Agreement 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 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-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.

The proposed Biobanking Agreement includes binding provisions to carry out management actions to improve biodiversity values on the site (including EEC and threatened species habitat) and not undertake activities that would reduce the biodiversity values of the BioBank site. The proposed Biobanking Agreement will be supported by a site specific site restoration strategy that will provide guidance on a range of standard and other management actions. Standard management actions will include:

- Weed control of noxious and environmental weed species;
- Revegetation to restore native vegetation cover over an area of cleared and disturbed pasture on the northern part of the proposed BioBank site, 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 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, a Biobanking Assessment may identify additional management actions to those highlighted above to contribute to the improvement of biodiversity values.

Bushfire

The site is identified as bushfire prone with slopes ranging from 0-18 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; a perimeter road between the hazard to the south and dwellings proposed along the extension of Callistemon Road; 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 EcoLogical report also recommended a secondary access point for a proposed cul-de-sac that exceeds 200m in length in the north-west corner of the site. A revised indicative subdivision plan has replaced this cul-de-sac with a proposed new road to the north of the site. Details of any proposed access from the north will be assessed at the subdivision stage.

The Rural Fire Service (RFS) publication *Planning for Bushfire Protection 2006* recommends that residential developments be separated from bushland via a perimeter road, and that residential developments situated more than 200 metres from a public through road require an additional access road and dead ends should not be more than 200 metres in length and are not recommended. These requirements will need to be addressed in the preparation of the final subdivision layout (particularly in relation to designing appropriate access to the larger 5,000m² lots proposed), in consultation with the RFS.

The RFS has undertaken a preliminary review of the Planning Proposal and raised the following concerns:

- The indicative subdivision layout will require modification to provide a perimeter road between the residential lots proposed at the end of Callistemon Road and the bushfire hazard; and
- The proposed cul-de-sac in the north-west corner of the site exceeds 200m in length, requiring a secondary access point for safe evacuation in the event of a bush fire.

These concerns were addressed through a modification of the indicative subdivision plan, to include a perimeter road off Callistemon Road and replace the proposed cul-de-sac with a new road from the adjacent subdivision in the north. 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. In line with the Planning Principles accompanying the Concept Plan, no clearing of native vegetation is proposed for dwelling sites or Asset Protection Zones (APZs).

Geotechnical

Various geotechnical assessments have been undertaken on the site by Jeffery & Katauskas (1988, 1989, 1992 and 1993), Southern Geotechnics (2006) and Douglas Partners (2012 and 2015) to identify the site constraints and guide the indicative subdivision. The topography of the site encourages a higher density of residential development towards the central eastern portion of the site. Larger lot sizes were recommended in the Concept Plan (up to 5000m²) in the vicinity of areas mapped with a geotechnical instability constraint, to provide for an appropriate building footprint. The development concept (indicative subdivision plan) accompanying the Planning Proposal request illustrates geotechnically suitable building areas and indicative building envelopes within these areas. An updated detailed geotechnical report will be required at the development application stage to support the engineering designs for any proposed subdivision.

Internal consultation additionally has indicated that Council would be unlikely to take on a road asset in a geotechnically constrained area and, should the subdivision proceed, a Community Title subdivision may be required for the areas proposed for larger lot development, incorporating a private road access.

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. A visual impact analysis (Cardno 2015) was submitted with the Planning Proposal request, and while the indicative subdivision plan aims to limit development on ridgelines through the use of larger lots (5,000m²) and the location of indicative building envelopes away from ridge tops to minimise visual impacts of development, further 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 agency 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 and relevant internal divisions of Council. The Office of Environment and Heritage attended a site visit and a subsequent meeting was arranged to discuss BioBanking as a mechanism for the long term conservation of the riparian corridor in the south 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): Strongly support a long term conservation outcome being achieved for the site through establishing the proposed conservation area. 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 and funding security. Suitable arrangements should be made for securing fully funded management of the proposed conservation lots in perpetuity at the time the land is rezoned rather than at the development application stage. Long term ownership of the conservation lots should also be resolved as part of the Planning Proposal. Council may consider ownership as a BioBanking Agreement would provide in-perpetuity management payments to the landowner. Recommend E2 Environmental Conservation zoning for the conservation lots as this zone more appropriately reflects the long term conservation outcome to be secured. E2 zone provides enhanced environmental protection and prohibits land uses that are not conducive to a long term conservation outcome. Concerned about proposed development lots within areas of high ecological constraint in the site's south eastern corner. Allowing the EEC to be contained within multiple ownership is problematic given the resulting fragmentation, which can cause further degradation of the ISR EEC's integrity. Also concerned that associated APZ clearing would lead to further degradation, rather than rehabilitation, of	Noted E2 Environmental Conservation zoning also recommended by Council officers (in line with Concept Plan) and agreed to by proponent. Indicative subdivision plan has removed these proposed lots – area proposed for E2 Environmental Conservation zone to be included in a BioBanking Agreement. Final subdivision plan will take account of required APZs in the context of the BioBanking Agreement.

Issue Raised	Council Officer Response
this already disturbed area of high ecological constraint – need to consider the proposed E4 lot layout in this area to preserve the current intact nature of the ISR EEC corridor. Acknowledges that the site is largely cleared, with the remaining vegetation cover concentrated on steep slopes and within riparian gullies. Illawarra Subtropical Rainforest (ISR), listed as an endangered ecological community (EEC) under the NSW Threatened Species Conservation Act 1995, is mapped on the site – these areas of ISR EEC are included within the high environmental value lands identified by the Illawarra Regional Strategy and Illawarra Shoalhaven Regional Plan (the site is identified within a biodiversity corridor). Further detailed biodiversity assessment will be required should the proposed conservation lots be secured by virtue of a BioBanking Agreement. To minimise ongoing removal and /or modification of vegetation on site (in particular ISR EEC), it is recommended that all building envelopes and asset protection zones (APZs) should be set outside the applicable 10/50 Code area (minimum 50m from outside edge of the riparian zone). Support the recommendation of the ecological constraints analysis (Ecoplanning 2015) that further riparian top of bank mapping should be undertaken to inform the final subdivision layout. Concern for proposed lots 45-54 which feature building envelopes sited directly adjacent a drainage line north of the Staff Road extension. In addition to potential environmental impacts, these lots may also be subject to localised flooding. Aboriginal cultural heritage assessment of the proposed development area in accordance with OEH guidelines is encouraged at an early stage of the planning 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.	In the context of the foothills and escarpment, the subject site represents a strategically important linkage opportunity and therefore the development of the site presents a significant opportunity to revegetate the riparian zone to recreate linkage between the vegetated areas to the east and the escarpment to the west. A BioBanking Agreement will be established for rehabilitation works to the riparian corridor, planting native vegetation identified as EECs and other measures as identified in the Agreement in association with OEH. The final subdivision plan will take account of required APZs in the context of the BioBanking Agreement. The site is not identified as containing any Aboriginal heritage items. However, due to the site context and location of the watercourse, an Aboriginal Heritage investigation will be carried out to inform the 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.

Issue Raised	Council Officer Response
Roads & Maritime Services (RMS): No objections to the planning proposal in principle.	Noted
NSW Rural Fire Service (RFS): The indicative subdivision layout will require modification to provide a perimeter road between the residential lots proposed at the end of Callistemon Road and the bushfire hazard. The proposed cul-de-sac in the north-west corner of the site exceeds 200m in length, requiring a secondary access point for safe evacuation in the event of a bush fire.	The proponent has submitted an updated Concept Development Layout (indicative subdivision plan) to address RFS concerns: • includes a perimeter road off Callistemon Road; and • the cul-de-sac is replaced by a proposed new road from the adjacent subdivision in the north (to be assessed at DA stage).
Sydney Water: Water and wastewater connections are available from the western boundary of Staff Road and Callistemon Road – these existing systems have sufficient capacity to facilitate the proposed development. The developer will be required to construct localised water mains to facilitate the development. The proposed development site is traversed by a 300 mm drinking main – where proposed works are in close proximity to a Sydney Water asset, the developer may be required to undertake additional works to protect the water main.	Noted
Department of Primary Industries - Water: Further ground truthing of the watercourses on site is required to confirm which mapped drainage lines are considered Waterfront Land as defined by the Water Management Act 2000 and to inform the rehabilitation of riparian corridors. DPI supports the proposal for the preparation of a riparian corridor Vegetation Management Plan. Flood modelling and bushfire management for the site is to account for fully structured vegetation within riparian corridors 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 appropriate long term management of the function	Noted Planning proposal updated to replace the Environmental Trust mechanism with a BioBanking Agreement for the

Issue Raised	Council Officer Response
and health of these areas (noting that the draft planning proposal seeks to manage riparian land through the establishment of an Environmental Trust and via private ownership).	site to protect in perpetuity the riparian corridor in the south (as per OEH recommendations).

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 as part of a BioBanking Agreement. Support was indicated for this BioBanking initiative and 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 the existing flooding constraints in line with Council's floodplain policies.

While there were no traffic related objections to the planning proposal, internal consultation has indicated that Council would be unlikely to take on a road asset in a geotechnically constrained area. Should the subdivision proceed, a Community Title subdivision incorporating a private road access may be required for that part of the site proposed for larger lot development (proposed E3 zoned land containing 5,000m² lots). 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.

Internal consultation has identified the need for an Aboriginal Archaeological and Cultural Heritage Assessment of the site to inform the subdivision layout and design, including consultation with the local Aboriginal Community. Additionally, a European archaeological assessment should be prepared to consider the likely significance of potential archaeological sites related to the past uses of the site (dairy and mining). The existing fig trees (one Morton Bay and two other figs) grouped on the ridge near the bend of the existing access drive offer a significant landmark planting and should be retained within any future subdivision of the area. 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.

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.

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 (2007) 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

Implementation of a BioBanking Agreement in association with low density residential development will provide a suitable development outcome for this site whilst significantly enhancing the biodiversity values of an important riparian and habitat corridor. The Office of Environment and Heritage has acknowledged the potential for net conservation gains at this site and provided in principle support for the establishment of a BioBanking approach to provide the legal and financial mechanisms 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 1 DP 534849 Staff Road, Cordeaux 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 = Staff Road
LEP2009 Zoning

Legend

- Site Boundary
- National Parks & Nature Reserves
- Environmental Conservation
- Environmental Management
- Environmental Living
- Low Density Residential
- Medium Density Residential
- Large Lot Residential
- Public Recreation
- Private Recreation
- Primary Production
- Rural Landscape
- Primary Production Small Lots

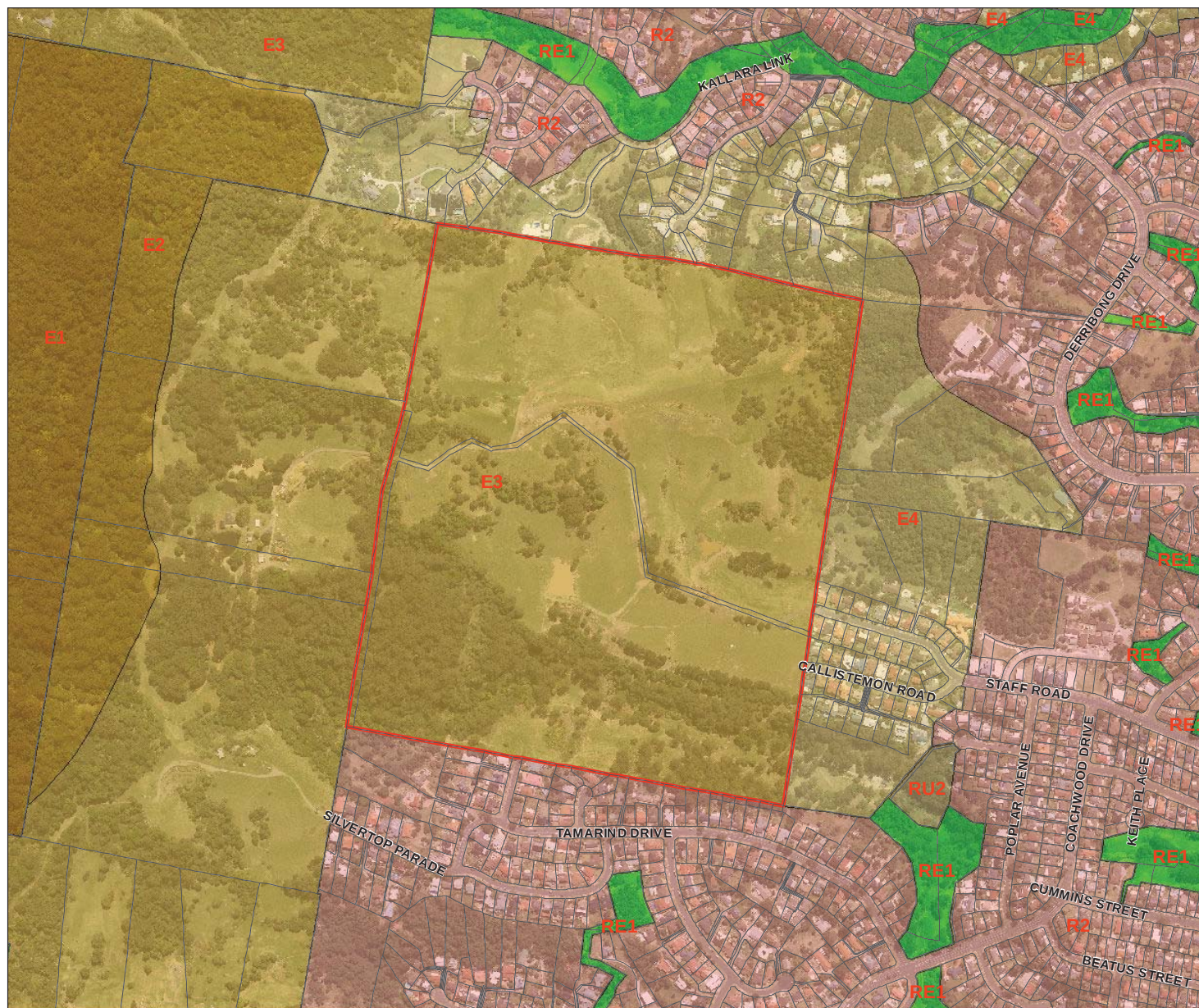


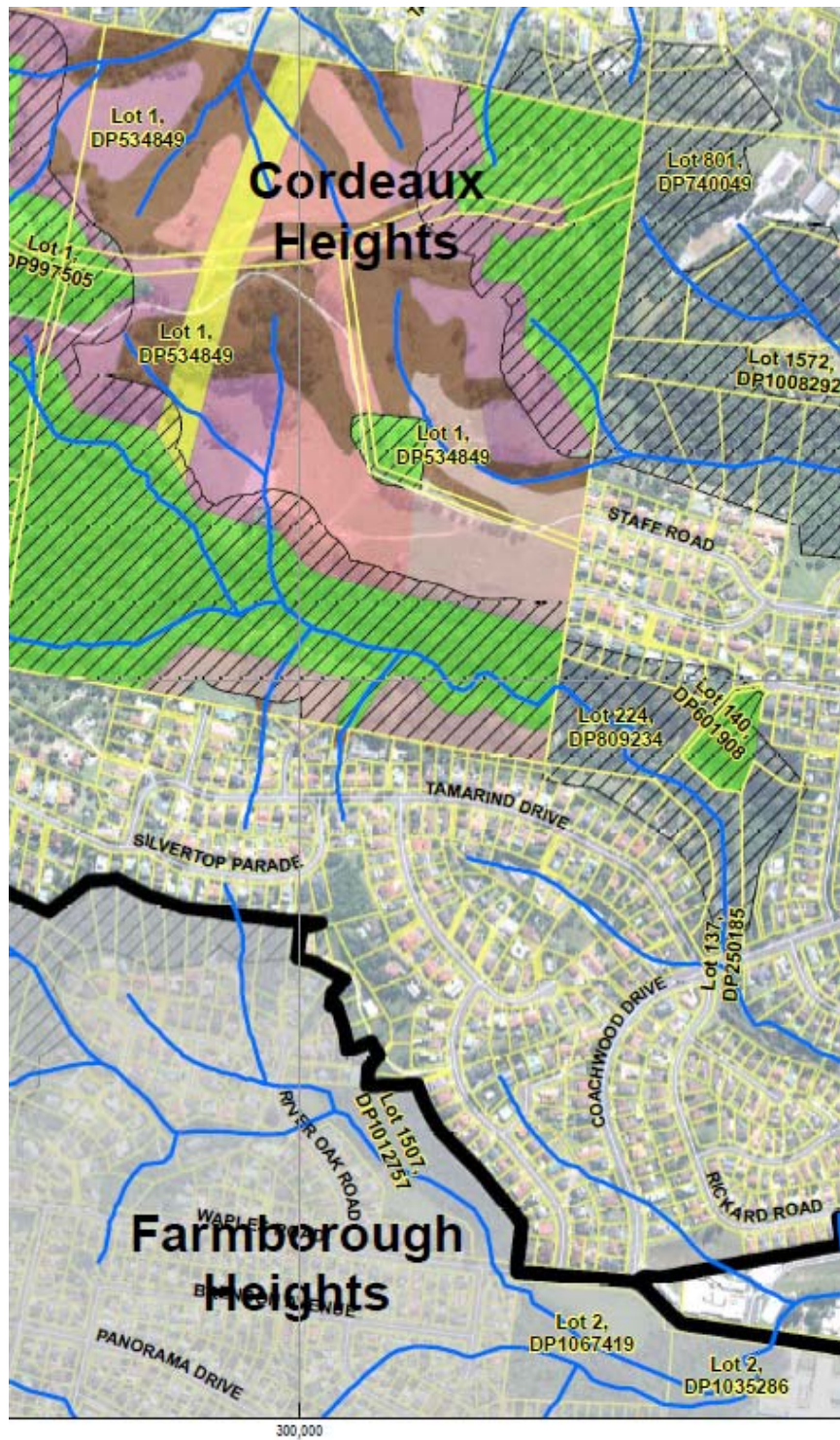
0 310
Meters

Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
Hickey Land LEP2009 Zones.mxd





	Ecology Constraint	Minimum lot size	
	High Geotech Constraint		1,000m ²
	Power Easement		2,000m ²
			5,000m ²



Lot and DP	Existing site	Maximum no. of Potential Sites	Concept Plan
Lot 1 DP 534849	Zoning : E3 Existing dwellings: 0	Up to 91	• Zoning: Ecologically constrained areas E2, Managed Open Space RE1 and potential developable areas E4. • Development Controls: Demonstrate adequate access to individual lots and through site connectivity, this could be achieved by utilising the Managed Open Space as an access road. The land designated as Managed Open Space could be dedicated to Council as public recreation land or walkways extending into the Escarpment. 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. The south east corner of the site could be developed to include a large scale stormwater detention basin. • Site composition: 50% of developable area to have a minimum lot size of 5,000 m², 25% with a minimum lot size of 2,000 m² and 25% with a minimum lot size of 1,000 m². • Constraints: There are ecological constraints in the south east and north west corners of the site as well as significant geotechnical constraints distributed throughout the site. The site also contains a power easement. There is the possibility that some of the site could be used for a large community scale stormwater detention basin.

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.



Development Concept

HICKEY PROPERTY,
CORDEAUX HEIGHTS

Legend

- Site Boundary (54.98ha)
- Street Trees
- Proposed Lot Layout (90 Residential Lots)
- Building Envelopes (Indicative)
- Vegetation Preservation and Planting
- Geotechnically Suitable Building Area

FIGURE 2-1

1:4,000 Scale at A3





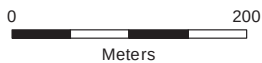
WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal = Staff Road
Proposed Zoning

Legend

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

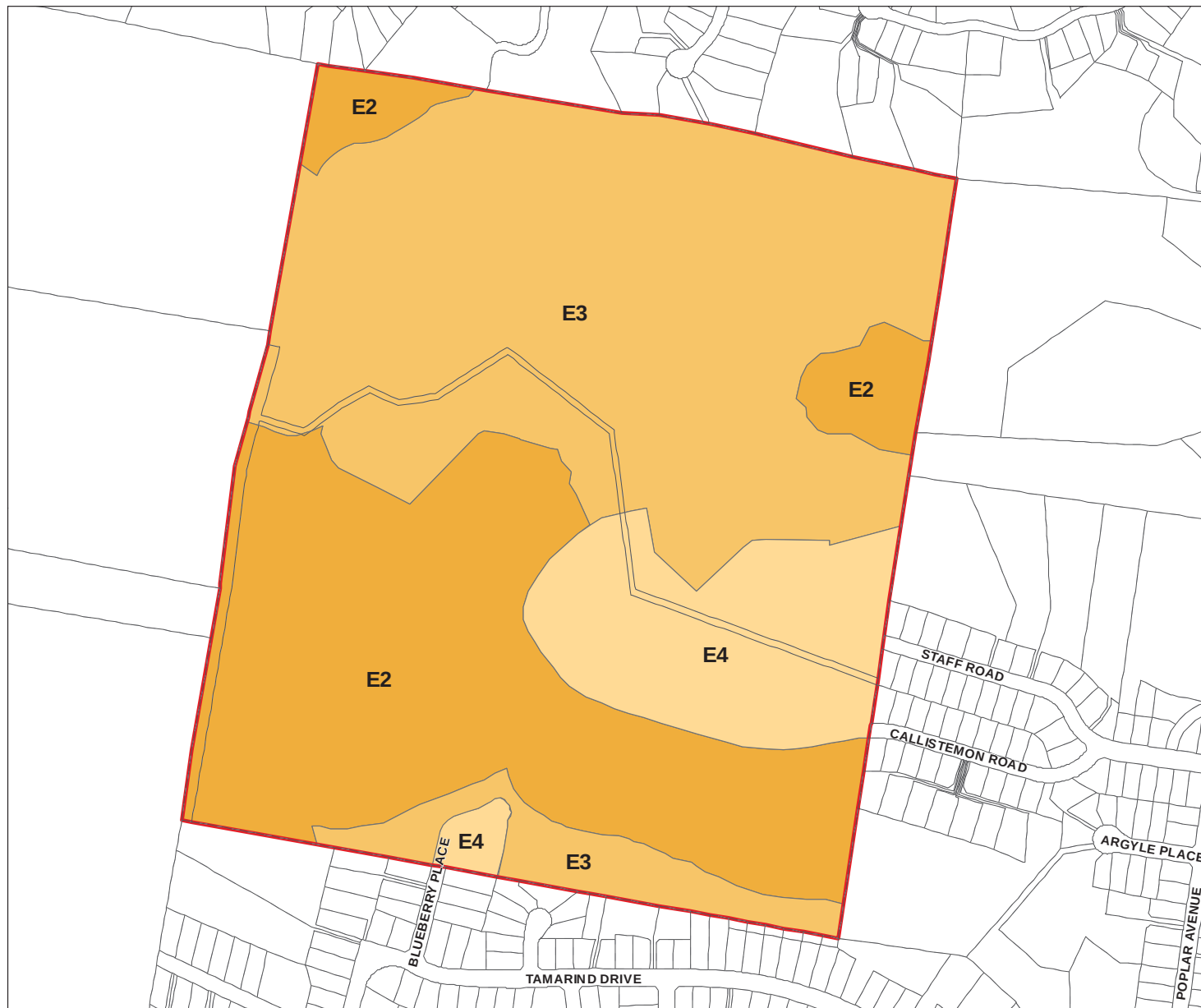
Cadastral



Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
Hickey Land PP Zones.mxd





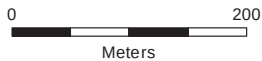
WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal = Staff Road
Proposed Minimum Lot Size

Legend

-  Site Boundary
-  AB 39.99ha
-  T 999sqm
-  X 5000sqm

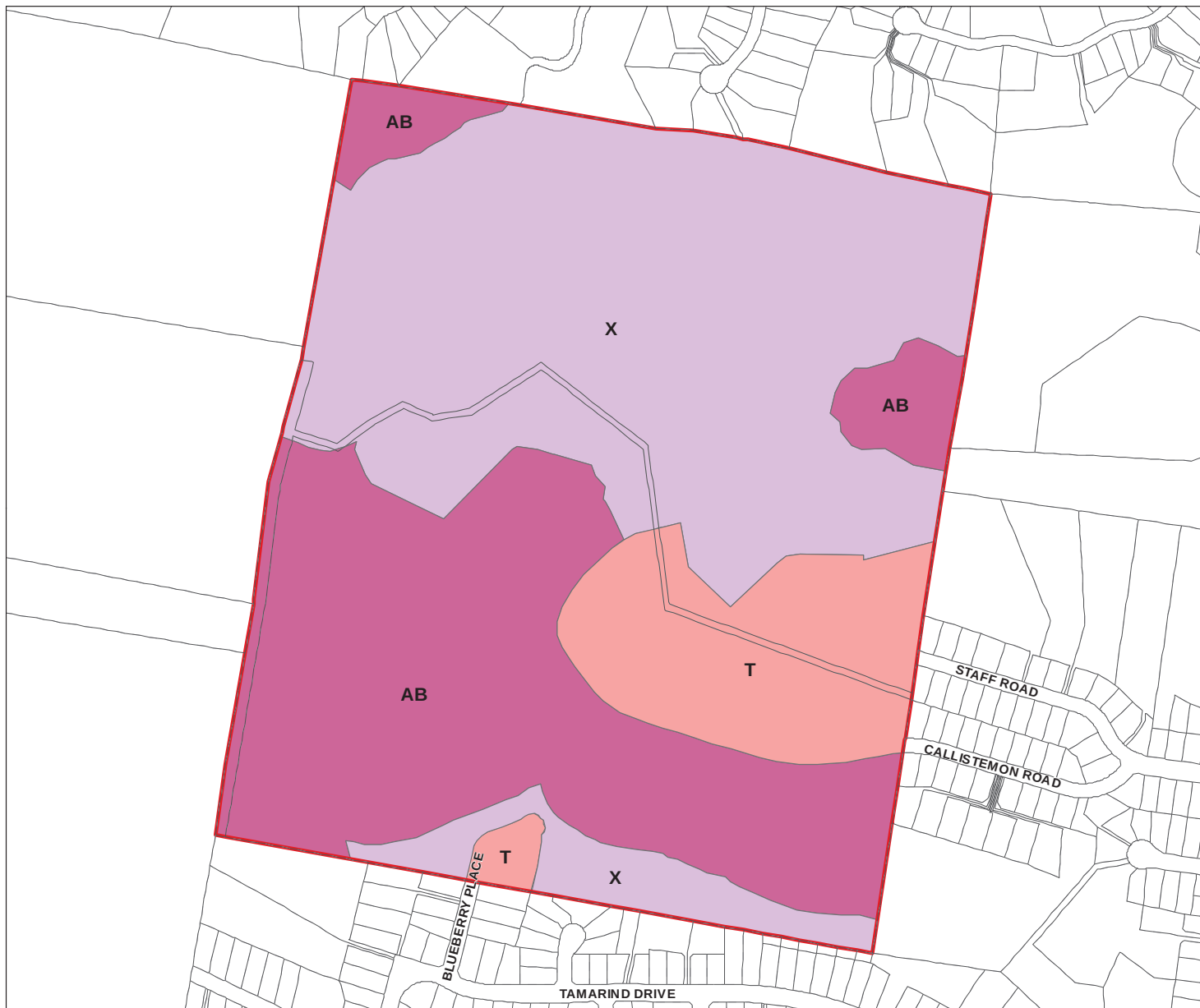
Cadastral



Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
Hickey Land PP MLZ.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal = Staff Road
Proposed Floor Space Ratio

Legend

-  Site Boundary
-  0.3 :1

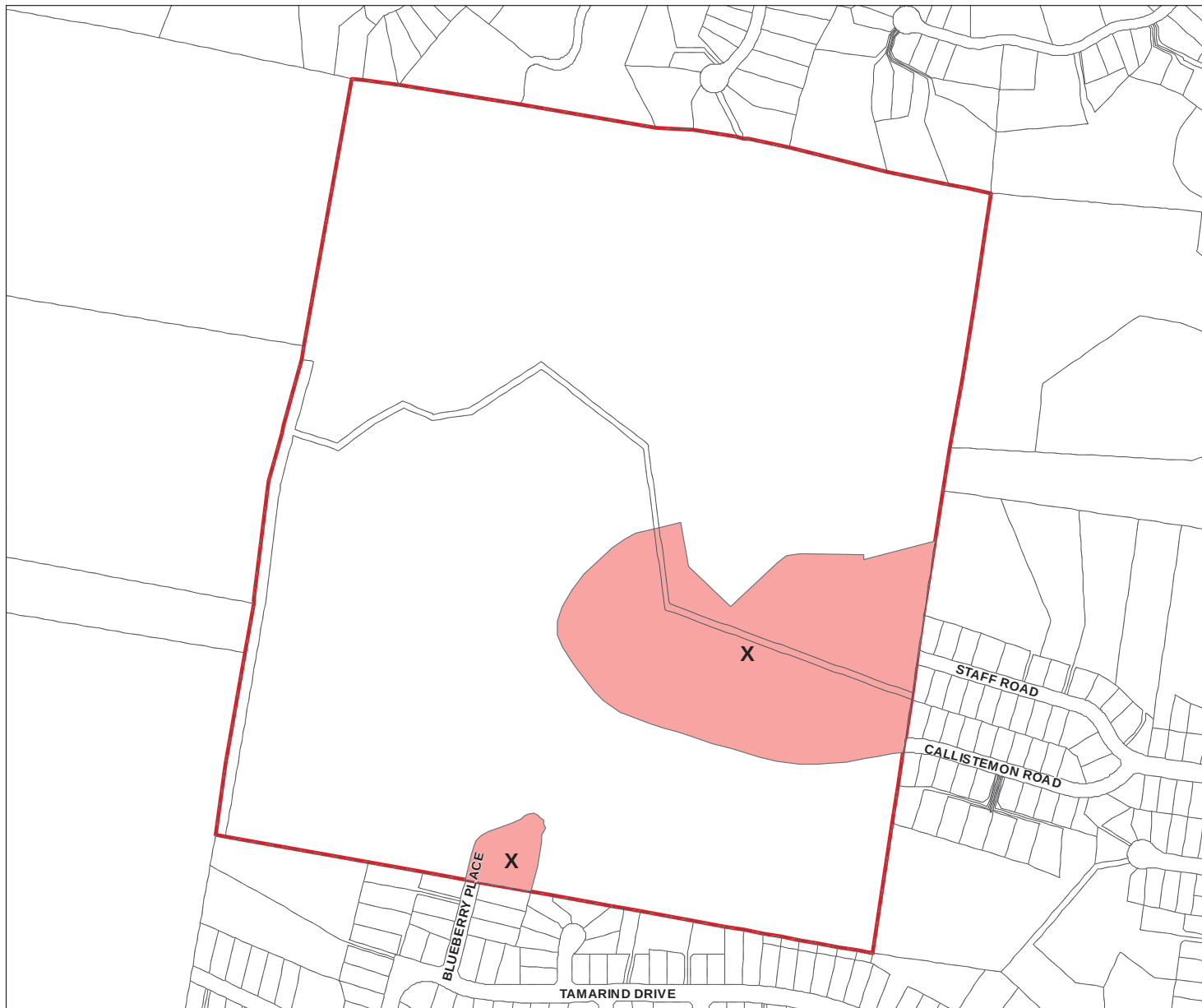


0 200
Meters

Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
Hickey Land PP FSR.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Staff Road Planning Proposal
Proposed Changes to
Riparian Map

Legend

-  Site Boundary
-  LEP2009 Riparian
-  Proposed Change to Riparian Alignment

Cadastral

 Cadastral 12.04.16  Wollongong City Council

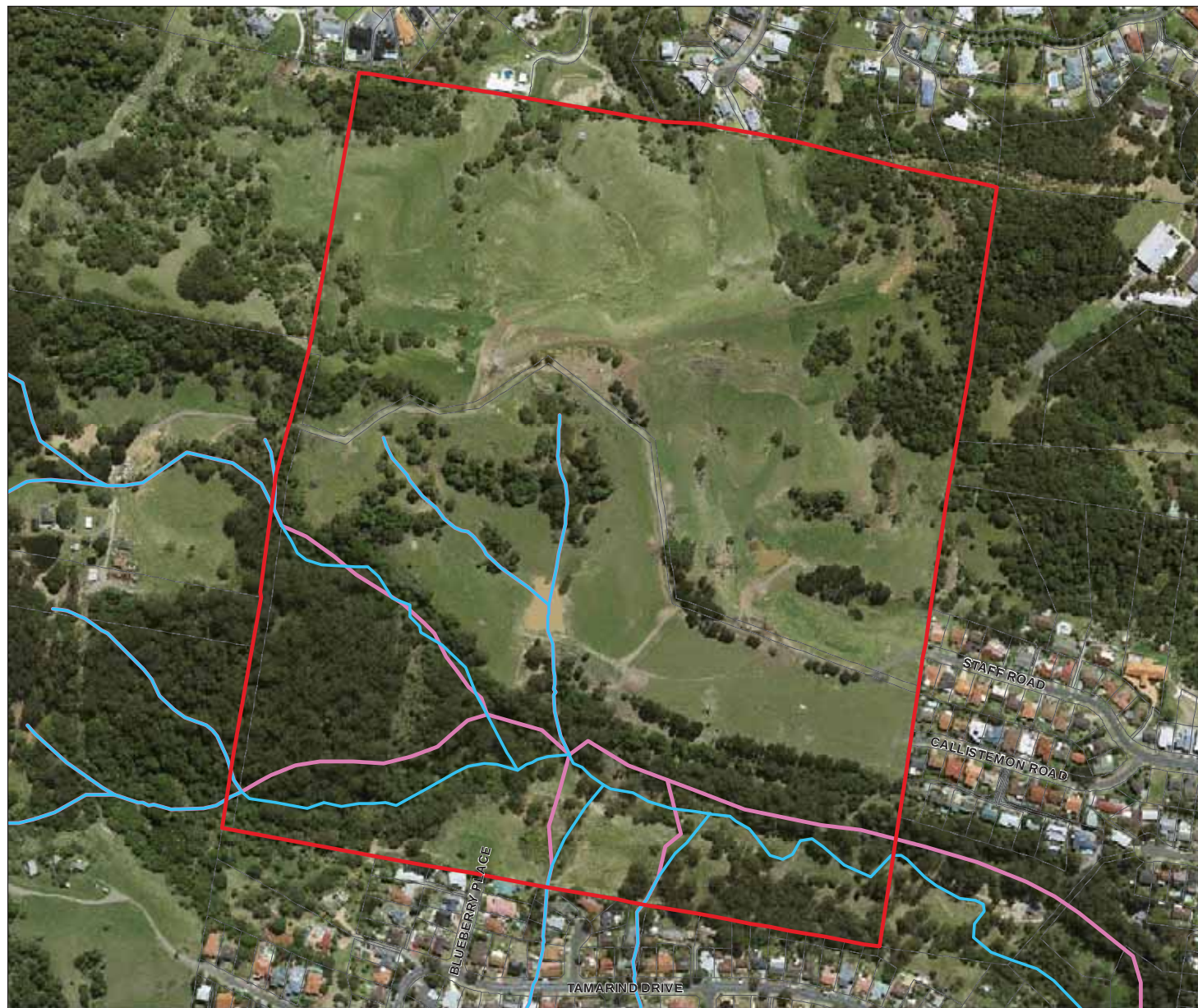


0 200
Meters

Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
Hickey Land PP Zone Sig Veg TIF.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Staff Road Planning Proposal
Proposed Changes to
Natural Resource Sensitivity
Map

Legend

- Add
- Existing
- Remove
- Site Boundary
- E2 E2 Environmental Conservation
- E3 E3 Environmental Management
- E4 E4 Environmental Living

Cadastral

Cadastral 12.04.16 Wollongong City Council



0 200
Meters

Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
Hickey Land PP Zone Sig Veg Rip.mxd

