

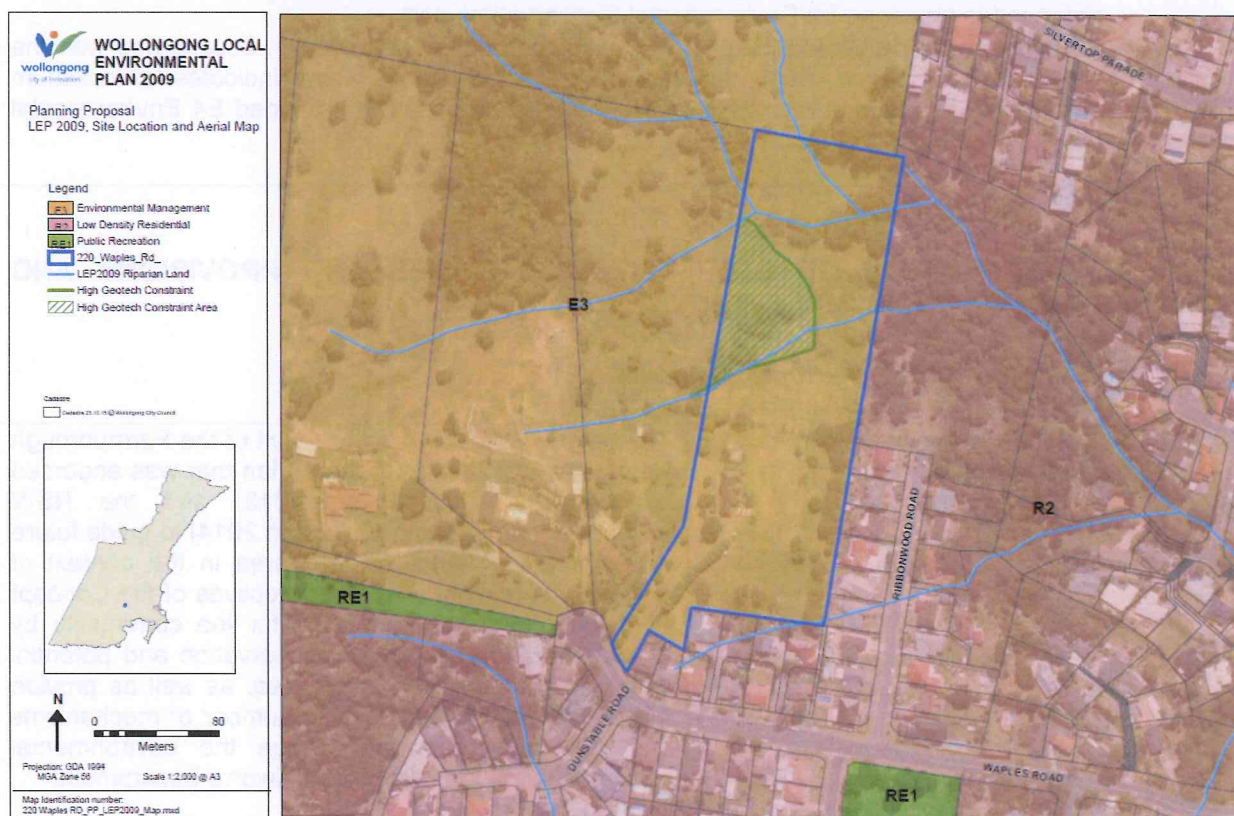
Draft Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: 220 Waples Road, Farmborough Heights

ADDRESS OF LAND: 220 Waples Road, Farmborough heights (Lot 14 DP 261286)

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 low density residential development on this site, together with the establishment of Property Vegetation Plan (PVP) managed under a Community Title scheme for the remainder of the land to re-vegetate and protect in perpetuity the riparian corridor in the north of the 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 the southern two thirds of the site currently zoned E3 Environmental Management, and E2 Environmental Conservation zoning for the northern third of the site;
- 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 1,000m² and 3,000m² for areas proposed to be zoned E4 Environmental Living, and 39.99ha for areas proposed to be zoned E2 Environmental Conservation; and
- 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.

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) and Illawarra Regional Strategy 2006-31 (2007), 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 identified the opportunity to

	rehabilitate the riparian corridor in order to re-establish an east west biodiversity corridor. The Planning proposal is the result of a Council resolution dated 30 November. Other supporting documents submitted with the draft Planning Proposal request included: • EcoLogical constraints and preliminary bushfire assessment (Ecological 2015); and • Geotechnical assessment (Cottier & Associates 1998).
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 limited large lot residential development on part of the site, while establishing a Conservation Property Vegetation Plan (PVP) for the remainder of the site 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 limited large lot residential development on part of the site. An E2 Environmental Conservation zoning is considered more appropriate than the existing E3 Environmental Management 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 therefore the development of the site presents an important opportunity to revegetate the riparian zone to recreate the linkage between the vegetated areas to the east and the escarpment to the west. 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; • providing connectivity between wildlife habitats; • providing bed and bank stability and reducing 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. Implementation of a Conservation PVP in association with low density limited residential development will provide a suitable development outcome for this site whilst significantly enhancing the biodiversity values of the riparian corridor and rehabilitating an important habitat corridor to be conserved and protected in perpetuity. The specific objectives of the submitted VMP are as follows: • to remove weeds and invasive plants in preparation for the implementation of a bushland conservation program to promote the regeneration of native grasses and groundcovers; • to rehabilitate the riparian corridor through mass planting with species representative of the Lowland Dry-Subtropical Rainforest ecological community and the Coastal Grassy Red Gum Forest ecological community, in recognition that both these communities have been listed as endangered ecological communities in the Illawarra Escarpment (listed as Priority 1 vegetation in Illawarra Biodiversity Strategy 2011 and a poorly reserved native vegetation community NPWS 2002); • to maintain and enhance habitat for native flora and fauna (including threatened species populations), by undertaking habitat improvement works and provision of shelter sites in the rehabilitation zones, with any boulders etc. from subdivision earthworks relocated to the areas of mass plantings; • to undertake pest control measures to protect the mass plantings from the threat of pest species, such as feral deer. Fencing of canopy trees and natural repellants are envisaged management activities to ensure successful vegetation cover, with specific measures finalised in the PVP developed for the site in consultation with LLS; and • to minimise disturbance to the recommended
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	corridor and vegetated riparian zone and impact of the proposed residential development on native vegetation to be maintained.
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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. 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</i>".

	<i>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. It is proposed to develop the site under a Community Title subdivision scheme. Implementation of a Community Title Subdivision 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. Landowners buying into the subdivision do so with the expectation that an annual levy will be charged to provide for long term and coordinated environmental management works on site in order to improve the biodiversity values, and thereby increase the viability of threatened species populations.
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 0-18 degrees. A bushfire constraints assessment was undertaken by Australian Bushfire Protection Planners Pty Limited (2014) 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; access for firefighting operations to be

	gained from existing public and proposed private roads 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; appropriate construction standards to be applied to all future dwelling houses; and residual vegetation to be managed in accordance with a suitable Fuel Management Plan. The RFS publication <i>Planning for Bushfire Protection 2006</i> (PBP) 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. A perimeter road is not proposed in the indicative development design, and an additional access road (joining Ribbonwood Road) has to date not been successfully negotiated (although the Concept development layout provides for a future link road). Two performance criteria are indicated in lieu of meeting these guidelines: 1. the proposed road will travel through existing cleared areas and is unlikely to be cut off in the event of a fire; and 2. controls will be put in place to prevent on street parking, except where provided in dedicated bays beyond the road carriageway to ensure that unconstrained access in and out of the subdivision is possible. The RFS has undertaken a preliminary review of the Planning Proposal and has not raised any objections to these proposed measures. The Concept Plan and submitted geotechnical report (Cottier 1998) identifies significant geotechnical constraints in proximity to the western boundary and on the north east corner of the site (in association with an on-site dam). An updated detailed geotechnical report will be required at DA stage to support the engineering designs for the subdivision, taking into account the removal of the dam. It should be noted in this regard that, while the dam has been removed, the geotechnical assessment indicated that additional geotechnical work is required to make the dam site suitable for residential development. Larger lot sizes were recommended in the Concept Plan in the vicinity of this mapped geotechnical high instability area in recognition of this potential constraint, to provide for an appropriate building footprint (subject to a further geotechnical report at the DA stage taking into account the removal
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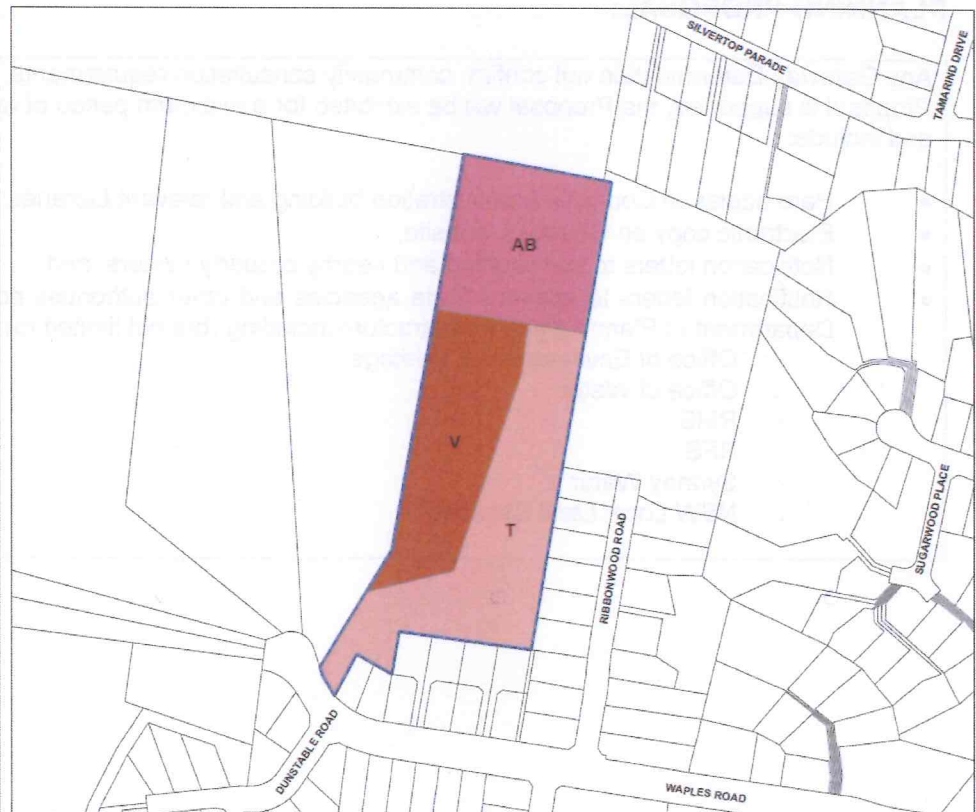
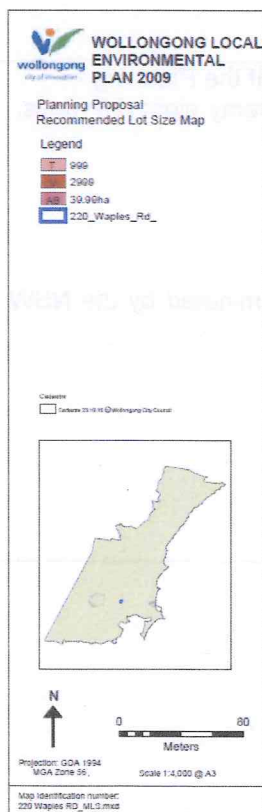
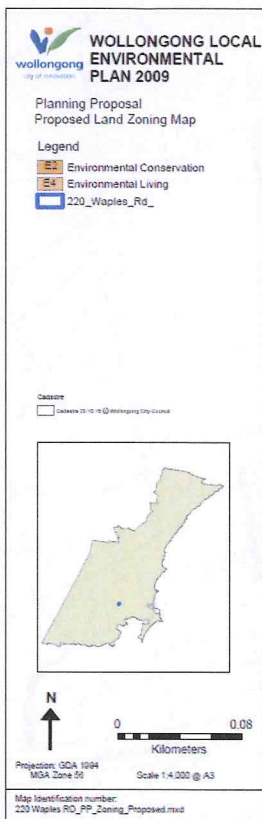
	of the dam).
10, How has the planning proposal adequately addressed any social and economic effects?	The site is not identified as containing any Aboriginal heritage items. However, due to the site context and location of the watercourse, an Aboriginal Heritage investigation will be carried out to inform the subdivision development application. OEH agrees that the Aboriginal cultural heritage investigation may be undertaken at the DA stage.

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 and NSW Local Land Services.

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 and Floor Space Ratio 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 Infrastructure including (but not limited to):
 - Office of Environment & Heritage
 - Office of Water
 - RMS
 - RFS
 - Sydney Water
 - NSW Local Land Services

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	February 2016 (20 months)	Department of Planning and Environment
2	Anticipated completion of required technical studies	N/A	Consultants
3	Government agency consultation	March 2016	Agencies
4	Public exhibition period	March 2016	Council
5	Date of Public Hearing (<i>if applicable</i>)	N/A	Council
6	Consideration of submissions	March 2016	Council
7	Assessment of proposal post-exhibition	April 2016	Council
8	Report to Council	May 2016	Council
9	Final maps and Planning Proposal prepared	June 2016	Council
10	Submission to Department for finalisation of LEP	June 2016	Council
11	<i>Anticipated date RPA will make the LEP</i>	June 2016	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to DOP&E for notification	July 2016	Council
13	Anticipated date LEP will be notified	July 2016	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 E3 Environmental Management zone to protect the identified environmental qualities.
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	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.
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 0-18 degrees. A bushfire constraints assessment was undertaken by Australian Bushfire Protection Planners Pty Limited (2014) 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; access for firefighting operations to be gained from existing public and proposed private roads 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; appropriate construction standards to be applied to all future dwelling houses; and residual vegetation to be managed in accordance with a suitable Fuel Management Plan. Two performance criteria are indicated: - the proposed road will travel through existing cleared areas and is unlikely to be cut off in the event of a fire; and . - controls will be put in place to prevent on street parking, except where provided in dedicated bays beyond the road carriageway to ensure that unconstrained access in and out of the subdivision is possible. The RFS has undertaken a preliminary review of the Planning Proposal and has not raised any objections to these proposed measures.
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