

PWG002510

Mr Brett Whitworth
General Manager Southern Region
NSW Department of Planning and Environment
PO Box 5475
WOLLONGONG NSW 2520

Our Ref:
File:
Date:

Z15/265374
PP-2015/1
8 December 2015

Dear Mr Whitworth

DRAFT PLANNING PROPOSAL: 220 WAPLES ROAD, FARMBOROUGH HEIGHTS

Council at its meeting of 30 November 2015 resolved to prepare a draft Planning Proposal for 220 Waples Road, Farmborough Heights.

Council resolved that:

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for 220 Waples Road, Farmborough Heights seeking a Gateway determination to:
- a) rezone the southern two-thirds of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of part 1,000m² and 3,000m² and Floor Space Ratio of 0.3:1; and
 - b) rezone the northern third of the site to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha.

2 A Property Vegetation Plan be established between the landowner and the NSW Government Local Land Services for the area to be rezoned E2 Environmental Conservation to re-vegetate and protect in perpetuity the riparian corridor in the north of the site (to be managed through the creation of a Community Title subdivision).

3 The draft Planning Proposal and Property Vegetation Plan be exhibited for 28 days (excluding the Christmas - New Year period).

Please find attached the following:

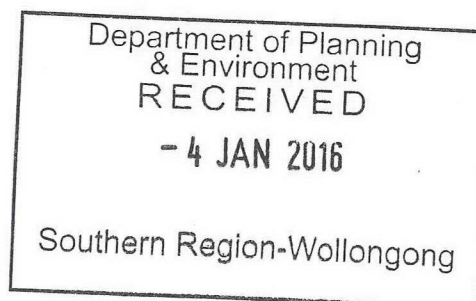
- A copy of the report to Council and minutes (30 November 2015);
- A copy of the draft Planning Proposal; and
- Copies of the relevant maps.

Council also resolved to request authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

We now await advice from the Gateway Determination. Please contact me should you require further information.

This letter is authorised by

Kathryn Adams
Strategic Project Officer
Wollongong City Council
Telephone (02) 4227 7107



COUNCIL RESOLUTION EXTRACT FROM MINUTES 30 NOVEMBER 2015

PUBLIC ACCESS FORUM – DRAFT PLANNING PROPOSAL – 220 WAPLES ROAD, FARMBOROUGH HEIGHTS

Mr D Thompson for Cardno advised that Council Officers had provided three options in the report, two of which resolve to rezone the land and amend the minimum lot size. Cardno supports Option 1 comprising a minimum lot size of 1,000m² in the southern portion of the site, which differs from the officer-recommended Option 2, comprising a mix of 1,000 and 3,000m² lots in the southern portion of the site. The reasons for this are:

- 1 The proposed lot size is based on the Concept Plan methodology:
1,000m² blocks adjacent to existing residential land;
2,000m² for constrained land;
5,000m² for land adjacent to the Escarpment.

The proposed development scheme provides a transition of densities across the site that reflects the surrounding context of the R2 zoned 449m² minimum lot size land to the east and rural residential land to the west.

- 2 The site provides an extensive area for proposed planting and protection in perpetuity.

A yield of 12 additional residential lots equates to a per lot contribution to capital and maintenance works of \$17,156 which, while high, is considered marketable. The contribution is essential to provide a significantly improved environmental outcome both for the ecology on site and as part of a wider vegetated riparian network.

The costs to rehabilitate what is a primarily cleared site are high, with the costs requiring a significant financial burden that must be recouped in the sales price. Consequently, a reduction in lot yield to eight additional residential lots with a per lot contribution of \$25,734 would render the extensive revegetation and rehabilitation works unviable, resulting in a reduced environmental outcome.

170 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that all speakers be thanked for their presentation and invited to table their notes.

COUNCIL RESOLUTION EXTRACT FROM MINUTES 30 NOVEMBER 2015

DISCLOSURES OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Items 1 and 2 insofar as these Items directly involve the NSW Department of Planning and Environment. Councillor Martin is employed by the Department, however, she is not involved in Wollongong City Council based projects.

ITEM 2 - DRAFT PLANNING PROPOSAL - 220 WAPLES ROAD, FARMBOROUGH HEIGHTS (LOT 14 DP 261286)

174 COUNCIL'S RESOLUTION – RESOLVED on the motion of Councillor Brown seconded Councillor Blicavs that –

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for 220 Waples Road, Farmborough Heights seeking a Gateway determination to:
 - a rezone the southern two-thirds of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of part 1,000m² and 3,000m² and Floor Space Ratio of 0.3:1 (Option 2 in the report);
 - b rezone the northern third of the site to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha.
- 2 A Property Vegetation Plan be established between the landowner and the NSW Government Local Land Services for the area to be rezoned E2 Environmental Conservation to re-vegetate and protect in perpetuity the riparian corridor in the north of the site (to be managed through the creation of a Community Title subdivision).
- 3 The draft Planning Proposal and Property Vegetation Plan be exhibited for 28 days (excluding the Christmas - New Year period).
- 4 The NSW 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

Minute No.

26 November 2012.

A PROCEDURAL MOTION was MOVED by Councillor Curran that the matter lay on the table.

The PROCEDURAL MOTION on being PUT to the VOTE was LOST.

Councillor Brown's MOTION was then PUT to the VOTE and was CARRIED.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy and Bradbery

Against Councillors Crasnich, Curran and Petty

ITEM 2

DRAFT PLANNING PROPOSAL - 220 WAPLES ROAD,
FARMBOROUGH HEIGHTS (LOT 14 DP 261286)

A draft Planning Proposal request has been submitted for 220 Waples Road, Farmborough Heights, which seeks to facilitate additional large lot low density residential development on this site, together with the establishment of a 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. This 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.

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.

RECOMMENDATION

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Environment for 220 Waples Road, Farmborough Heights seeking a Gateway determination to:
 - a rezone the southern two-thirds of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of part 1,000m² and 3,000m² and Floor Space Ratio of 0.3:1 (Option 2);
 - b rezone the northern third of the site to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha.
- 2 A Property Vegetation Plan be established between the landowner and the NSW Government Local Land Services for the area to be rezoned E2 Environmental Conservation to re-vegetate and protect in perpetuity the riparian corridor in the north of the site (to be managed through the creation of a Community Title subdivision).
- 3 The draft Planning Proposal and Property Vegetation Plan be exhibited for 28 days (excluding the Christmas - New Year period).
- 4 The NSW 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 Proposed Zoning, Minimum Lot Size and Floor Space Ratio Maps
- 4 Indicative Vegetation Management Plan (VMP)
- 5 Development Concept Plan
- 6 Recommended Minimum Lot Size (Option 2) Map

REPORT AUTHORISATIONS

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

BACKGROUND

In March 2015 a Planning Proposal request was submitted by Cardno on behalf of the landowner for 220 Waples Road, Farmborough Heights (Lot 14 DP 261286), with additional information submitted in August and September 2015. The site comprises 3.23 hectares and is currently zoned E3 Environmental Management. The site is bounded by land zoned R2 Low Density Residential in the east and south, and E3 Environmental Management zoned land to the west and north (Attachment 1).

This 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 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 (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 recommended an E4 Environmental Living zoning for the majority of the site with a minimum lot size of 2,000m² to 5,000m² which would enable approximately six lots/dwellings, and an E2 Environmental Conservation zoning for the riparian corridor in the north 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 investigate and resolve issues of access to and through the site (i.e. through site connectivity and a second access point to Ribbonwood Road), and potential geotechnical issues associated with an on-site

COUNCIL RESOLUTION EXTRACT FROM MINUTES 30 NOVEMBER 2015

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Mr D Thompson for Cardno advised that Council Officers had provided three options in the report, two of which resolve to rezone the land and amend the minimum lot size. Cardno supports Option 1 comprising a minimum lot size of 1,000m² in the southern portion of the site, which differs from the officer-recommended Option 2, comprising a mix of 1,000 and 3,000m² lots in the southern portion of the site. The reasons for this are:

- 1 The proposed lot size is based on the Concept Plan methodology:
 - 1,000m² blocks adjacent to existing residential land;
 - 2,000m² for constrained land;
 - 5,000m² for land adjacent to the Escarpment.

The proposed development scheme provides a transition of densities across the site that reflects the surrounding context of the R2 zoned 449m² minimum lot size land to the east and rural residential land to the west.

- 2 The site provides an extensive area for proposed planting and protection in perpetuity.

A yield of 12 additional residential lots equates to a per lot contribution to capital and maintenance works of \$17,156 which, while high, is considered marketable. The contribution is essential to provide a significantly improved environmental outcome both for the ecology on site and as part of a wider vegetated riparian network.

The costs to rehabilitate what is a primarily cleared site are high, with the costs requiring a significant financial burden that must be recouped in the sales price. Consequently, a reduction in lot yield to eight additional residential lots with a per lot contribution of \$25,734 would render the extensive revegetation and rehabilitation works unviable, resulting in a reduced environmental outcome.

170 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that all speakers be thanked for their presentation and invited to table their notes.

dam, as part of any submitted Planning Proposal or subsequent development application.

PROPOSAL

The draft Planning Proposal request seeks to amend the Wollongong Local Environmental Plan 2009 as follows:

- 1 Rezone 2.25 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; and
- 2 Rezone the remainder of the site (9,859m²) 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, over which a Property Vegetation Plan (PVP) would be established (Attachment 3).

The purpose of the draft Planning Proposal request is to facilitate a development strategy for the subject lands to allow limited large lot residential development on part of the site (approximately 13 lots), while establishing a Conservation Property Vegetation Plan (PVP) for the remainder of the site identified as having ecological values needing protection (Attachment 4). The development strategy contained in the draft Planning Proposal states that the northern section of the site will be subject to a Conservation PVP under a Community Title scheme for the long term management, protection and enhancement of the identified environmental qualities, and accordingly zoned E2 Environmental Conservation.

Access to the proposed new allotments will be gained via a private road which will run off Waples Road. Full urban reticulation services (power, sewer, water and telecommunications) can be provided to the site.

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).

The proponent has undertaken consultation with Council officers and the Office of Environment and 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 in conjunction with scope to rehabilitate the riparian corridor in the north of the site. The recommended zoning for the potential developable areas is E4 Environmental Living, given the proximity to the escarpment and the desire for any development to be rural residential in character. This zoning controls for a more limited range of permitted land uses appropriate to the surrounding environmental setting and importantly this E4 Environmental Living zoning won't allow further subdivision for dual occupancies and multi dwelling houses. Larger minimum lots sizes were envisaged in the Concept Plan in this regard (2,000m² to 5,000m²), although the Plan did acknowledge the potential for 1,000m² lots immediately adjacent existing R2 Low Density Residential zoned land providing an overall gradation of lot sizes was achieved from east to west, in line with the accompanying Planning Principles. This would enable an estimated six lots. The Concept Plan recommended an E2 Environmental Conservation zoning to protect and restore the riparian land in the north of the site, and in recognition of the potential value of rehabilitating the east west riparian corridor.

The submitted Planning Proposal is seeking a rezoning to the recommended E4 Environmental Living zoning for land proposed to be developed, and identifies that the riparian zoning 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 PVP. A minimum lot size of 1,000m² is sought for that part of the site proposed to be developed and zoned E4 Environmental Living, although the Development Concept Layout submitted also includes two lots in excess of 3,000m². A minimum lot size of 39.99ha would apply for the area proposed to be zoned E2 Environmental Conservation. The submitted draft Planning Proposal request would result in a total of 13 residential lots (including the current residence).

Rehabilitation of riparian corridors can incur significant costs and as such a suitable mechanism for management and funding is required. The Planning Proposal request states that the proposed development strategy and lot size configuration reflect the anticipated economics of funding the riparian conservation and rehabilitation works to a standard that will provide a significantly improved environmental outcome for the ecology on site and as part of the wider vegetated corridor. The Planning Proposal request outlines a schedule of estimated rehabilitation costs and concludes that a reduction in lot yield would render the planned extensive vegetation and rehabilitation works unviable, resulting in a reduced environmental outcome for the site and surrounds.

In line with the Farmborough Heights to Mt Kembla Concept Plan, it would be appropriate to allocate 1,000m² lots immediately adjacent existing R2 Low Density residential zoned land in the east and south (Ribbonwood and Waples Roads). However, the Concept Plan recommended larger lot sizes (up to 5,000m²) in the west of the site, to provide a gradation of lot sizes toward the escarpment, and to reflect the unresolved geotechnical issues associated with the dam site, and the bushfire site constraints. The allocation of a minimum lot size of 3,000m² in the west of the site would better reflect the recommendations contained in the Concept Plan, while

recognising the need to generate a viable lot yield to fund the anticipated riparian rehabilitation works.

The Planning Proposal is consistent with the Planning Principles contained in the Illawarra Escarpment Strategic Management Plan (2015) (IESMP) and Illawarra Escarpment Land Use Review Strategy (2007) (IELURS), and further developed through community consultation on the Concept Plan (Attachment 2).

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 on-going 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 development of the Concept Plan incorporated a riparian corridors assessment, classifying waterways in the study area according to stream order and mapping recommended riparian buffers in line with the Department of Primary Industries (Office of Water 2012) guidelines for riparian corridors on waterfront land. The majority of riparian corridors have been included in areas mapped "*proposed conservation areas*". A small number of riparian corridors were identified as degraded reaches with minimal habitat value. The Concept Plan has identified a second order watercourse in the north of the Waples Road site, with a requirement for a 20 metre wide buffer (either side of the watercourse) in relation to any proposed development.

The Planning Proposal request seeks large lot low density residential development opportunity on land identified in the Concept Plan with little ecological value (areas dominated by cleared land and exotic vegetation), and proposes to undertake ecological conservation and rehabilitation works associated with the riparian corridor in the north 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.

An indicative Vegetation Management Plan (VMP) to be managed under a Community Title Subdivision Scheme has been submitted in support of the Planning Proposal request (Attachment 5). Based on discussions with the NSW Government Local Land Services (LLS), it has subsequently been determined that a Conservation Property Vegetation Plan (PVP) is the most appropriate mechanism for a conservation agreement to be attached to the land title that could be administered (and funded) by a body corporate as part of a Community Title subdivision. The Conservation PVP would be developed by the NSW Government LLS in consultation with Council, whereby LLS facilitates and prepares a conservation agreement to the satisfaction of Council and the land owner, and then ensures that the PVP is registered on title. Once agreed by the landowner, approved by the LLS and signed by both parties, a PVP is a legal agreement under both the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995*. A PVP is binding on the land, even if the property is sold.

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.

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.

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 repellents 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 corridor and vegetated riparian zone and impact of the proposed residential development on native vegetation to be maintained.

Bushfire

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 *Planning for Bushfire Protection 2006*; 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 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. 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 RFS will be provided with further opportunities at the DA and detailed subdivision stage to work with the proponent to ensure 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). The E2 Environmental Conservation zoning is proposed to be applied consistent with the recommended riparian buffer zones contained in the Riparian Corridor Management Study (WCC 2004) strategy.

Geotechnical

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 a former 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. 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 (up to 5,000m²) 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 of the dam).

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 is recommended incorporating a private road access.

Options

The following options are available for Council to consider:

- 1 Resolve to prepare a draft Planning Proposal as requested by the proponent to:
 - a rezone the southern two-thirds of the site to E4 Environmental Living with a Minimum Lot Size of 1,000m² and Floor Space Ratio of 0.3:1; and
 - b rezone the northern third of the site 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, over which a

Property Vegetation Plan would be established (Attachment 3). This option would enable 13 lots.

- 2 Resolve to prepare a draft Planning Proposal to:
 - a rezone the southern two-thirds of the site to E4 Environmental Living with a Minimum Lot Size of part 1,000m² and 3,000m² and Floor Space Ratio of 0.3:1; and
 - b rezone the northern third of the site to E2 Environmental Conservation with a Minimum Lot Size of 39.99ha, over which a Property Vegetation Plan would be established RECOMMENDED (Attachment 6). This option would enable approximately eight to nine lots and better address the site constraints and intentions of the Concept Plan.
- 3 Resolve not to amend the existing planning controls.

CONSULTATION AND COMMUNICATION

Preliminary consultation was carried out as part of the assessment of the draft Planning Proposal request, which involved referral to the Office of Environment and Heritage, Roads and Maritime Services, NSW Rural Fire Service, and relevant internal divisions of Council. Discussions were also held with the NSW Government Local Land Services in order to establish the most appropriate mechanism for a conservation agreement to be attached to the land title, and that could be administered (and funded) by a body corporate as part of a Community Title subdivision. 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 and Heritage (OEH): Acknowledges that the site is predominantly cleared of indigenous vegetation and largely unconstrained from a biodiversity perspective. 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 an important opportunity to revegetate the riparian zone to recreate linkage between the vegetated areas to the east and the escarpment to the west. A revegetation and vegetation management plan is required for the rehabilitation of the riparian zone. The revegetation of this portion, and ongoing management under a Vegetation Management Plan (VMP), has the potential to result in an improved ecological outcome whilst also facilitating the development of other portions of the site. This would	Noted. An indicative VMP has been submitted, with the proposal to manage rehabilitation works and direct funding under a Community Title subdivision scheme. The VMP proposes rehabilitation works to the

Issue Raised	Council Officer Response
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. In order to achieve a conservation gain it is imperative that a VMP requirement is clearly defined and funding for ongoing management is outlined. To minimise ongoing removal and /or modification of vegetation on site, building envelopes should be set outside the applicable 10/50 Code area (minimum 50m from outside edge of the riparian zone). Aboriginal cultural heritage investigations must be undertaken to the appropriate level, in accordance with OEH guidelines.	riparian corridor, planting native vegetation identified as EECs. The lot layout and VMP planting has been designed to locate revegetation of trees and understory at a distance of greater than 50 metres from a private residential lot on which a dwelling would be constructed, except where the planting is located within 10m of a Prescribed Stream and is therefore excluded from permissible clearing under the 10/50 Code. This will ensure that the land proposed to be revegetated and maintained by the VMP is protected in perpetuity. 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.
Roads and Maritime Services (RMS): Does not object to the application in principle. Identified the following local issues: • WDCP 2009 carriageway width control for an Access Street is 6.5m – the proposal measures between 5.7m-6m. • the turning circle of a single unit truck does not fit	The proponent has submitted an updated Concept Development Layout to address RMS concerns: • private road proposed. • turning head redesigned for

Issue Raised	Council Officer Response
within the proposed cul-de-sac (9.8m), such that the proposed cul-de-sac would require a single unit truck to perform a 3 point turn using driveways to turn around within the road formation. concern that a left turn into the new road would not be achieved by a single unit truck - garbage trucks would need to access the new road by turning right off Waples Road only.	a 12.5m design vehicle. the left turn from the cul-de-sac redesigned with a 15m taper and 2m radius kerb return.
NSW Rural Fire Service (RFS): A high level assessment raises no objection subject to a requirement that the future subdivision complies with <i>Planning for Bush Fire Protection 2006</i>, specifically (but not limited to) in terms of Asset Protection Zones (Table A2.4), access (section 4.1.3) and services to be provided (section 4.1.3). Anticipates undertaking a more detailed assessment of the proposed riparian corridor and the resultant APZ requirements at DA stage.	Noted.

Internal consultation identified the need to provide further detail on the mechanism(s) proposed to ensure in perpetuity protection of the riparian corridor in the north of the site. The revised Planning Proposal request addressed these concerns by submitting an indicative VMP to be administered under a Community Title subdivision. Advice was also sought from the NSW Government LLS in this regard, with the recommendation that a Conservation Property Vegetation Plan could be developed by LLS in consultation with Council and the landowner.

Internal consultation also identified that the proposed length of the cul-de-sac at 240 metres would require a variation for development consent, given the 80 metre guideline. Issues of safe access and practical servicing of future lots will be further addressed at the subdivision and development application stage.

Internal consultation has identified the need for a visual assessment at the DA stage, given the location of the subject site in the vicinity of the escarpment. Satisfactory internal referrals were received in relation to environment, geotechnical, traffic and access, flooding, heritage, and services and infrastructure issues for consideration.

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 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 minimizes 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 (2015), Illawarra Escarpment Land Use Review Strategy (2007) and the Illawarra Biodiversity Strategy (2010). The draft Planning Proposal request is also consistent with the more recently adopted Illawarra Escarpment Strategic Management Plan (2015).

CONCLUSION

Implementation of a Conservation Property Vegetation Plan 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 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 Community Title subdivision to provide the legal and financial mechanisms to ensure the long term conservation of the biodiversity values on the site.

It is recommended that Council resolve to prepare a draft Planning Proposal for 220 Waples Road, Farmborough Heights and submit it to the NSW Department of Planning and Environment seeking a Gateway determination, prior to public exhibition.



WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

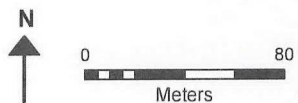
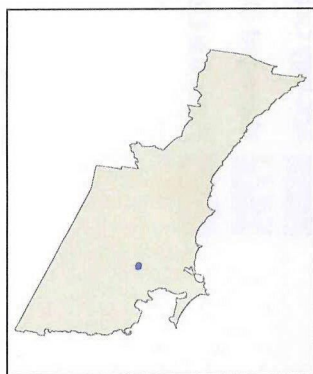
Planning Proposal
LEP 2009, Site Location and Aerial Map

Legend

- E3 Environmental Management
- R2 Low Density Residential
- RE1 Public Recreation
- 220_Waples_Rd_ (blue outline)
- LEP2009 Riparian Land (blue line)
- High Geotech Constraint (green line)
- High Geotech Constraint Area (hatched green)

Cadastral

Cadastral 23.10.15 © Wollongong City Council



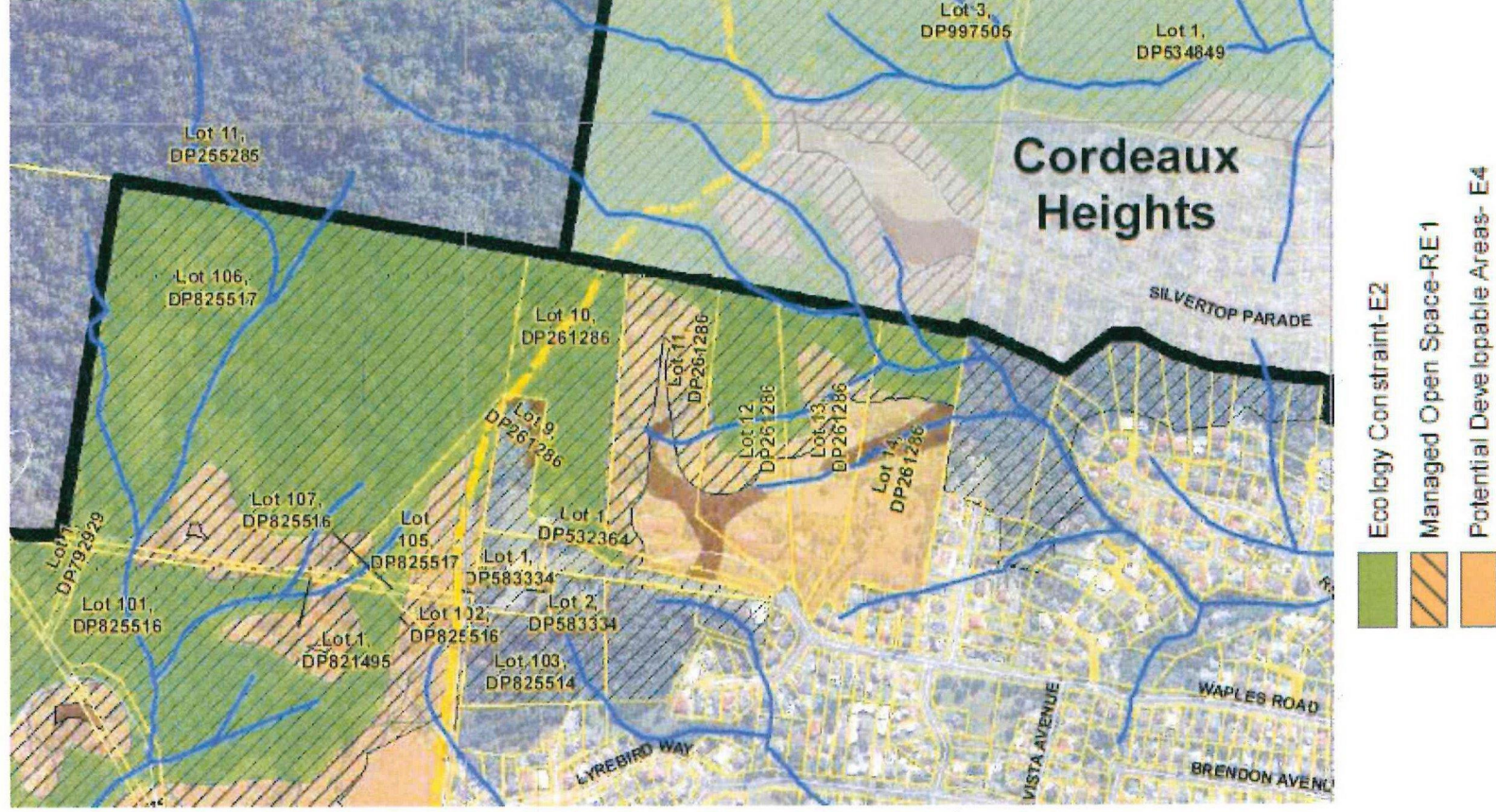
Projection: GDA 1994
MGA Zone 56

Scale 1:2,000 @ A3

Map Identification number:
220 Waples RD_PP_LEP2009_Map.mxd



Extract from Farmborough Heights to Mt Kembla Concept Plan



Planning Principles to Accompany Concept Plan

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

1. Principles contained in the IESMP and IELURS:

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

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

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

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



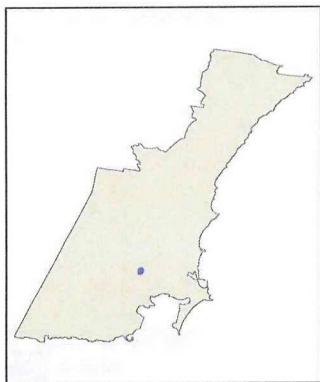
WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Proposed Land Zoning Map

Legend

- E2 Environmental Conservation
- E4 Environmental Living
- 220_Waples_Rd_ (blue outline)

Cadastral
Cadastral 23.10.15 © Wollongong City Council

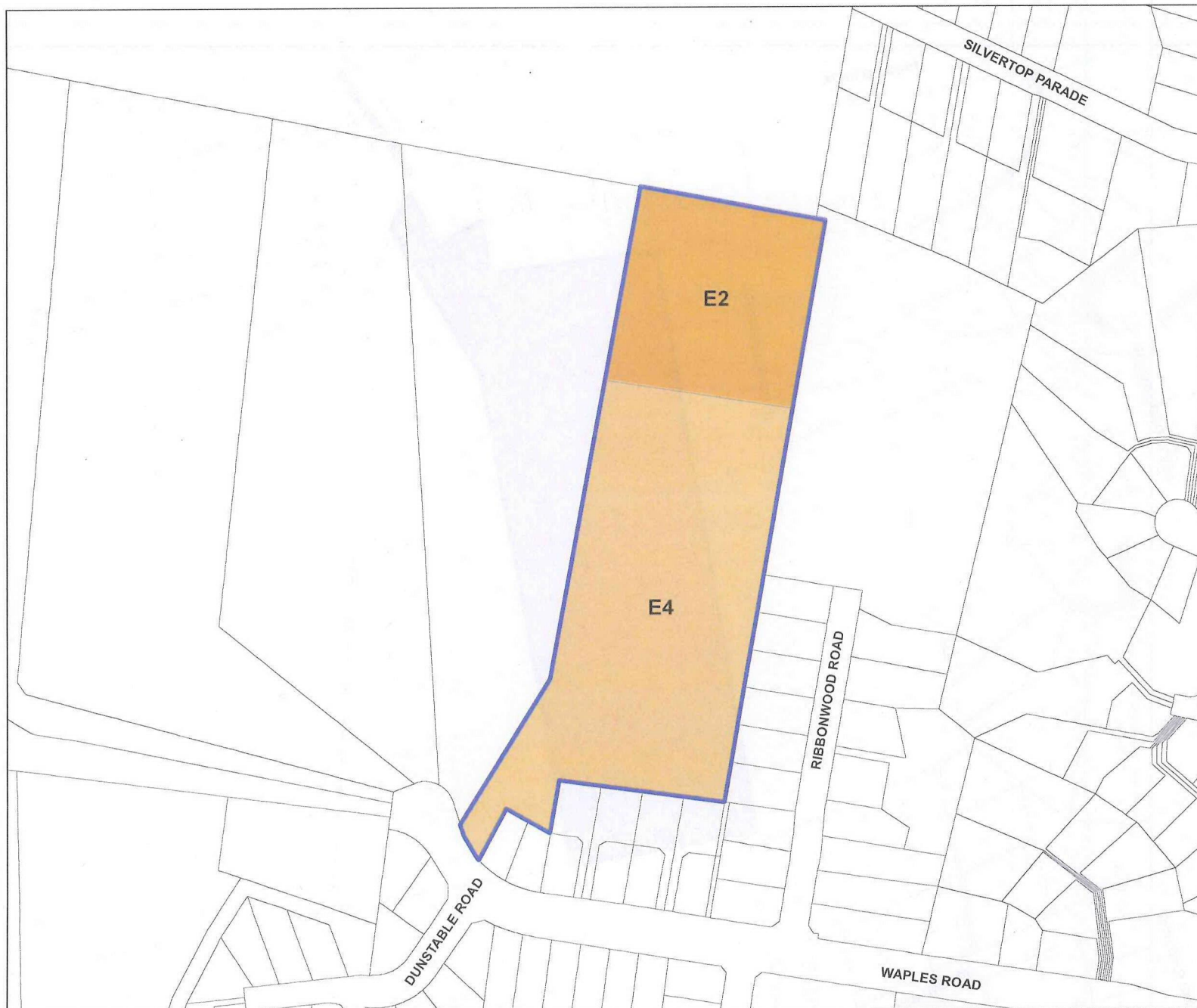


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Kilometers

Projection: GDA 1994
MGA Zone 56

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Map Identification number:
220 Waples RD_PP_Zoning_Proposed.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

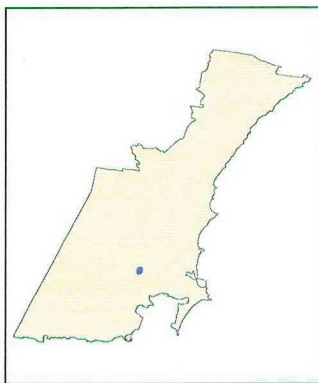
Planning Proposal Proposed Lot Size Map

Legend

- T 999
- AB 39.99ha
- 220_Waples_Rd_

Cadastral

Cadastral 23.10.15 (c) Wollongong City Council

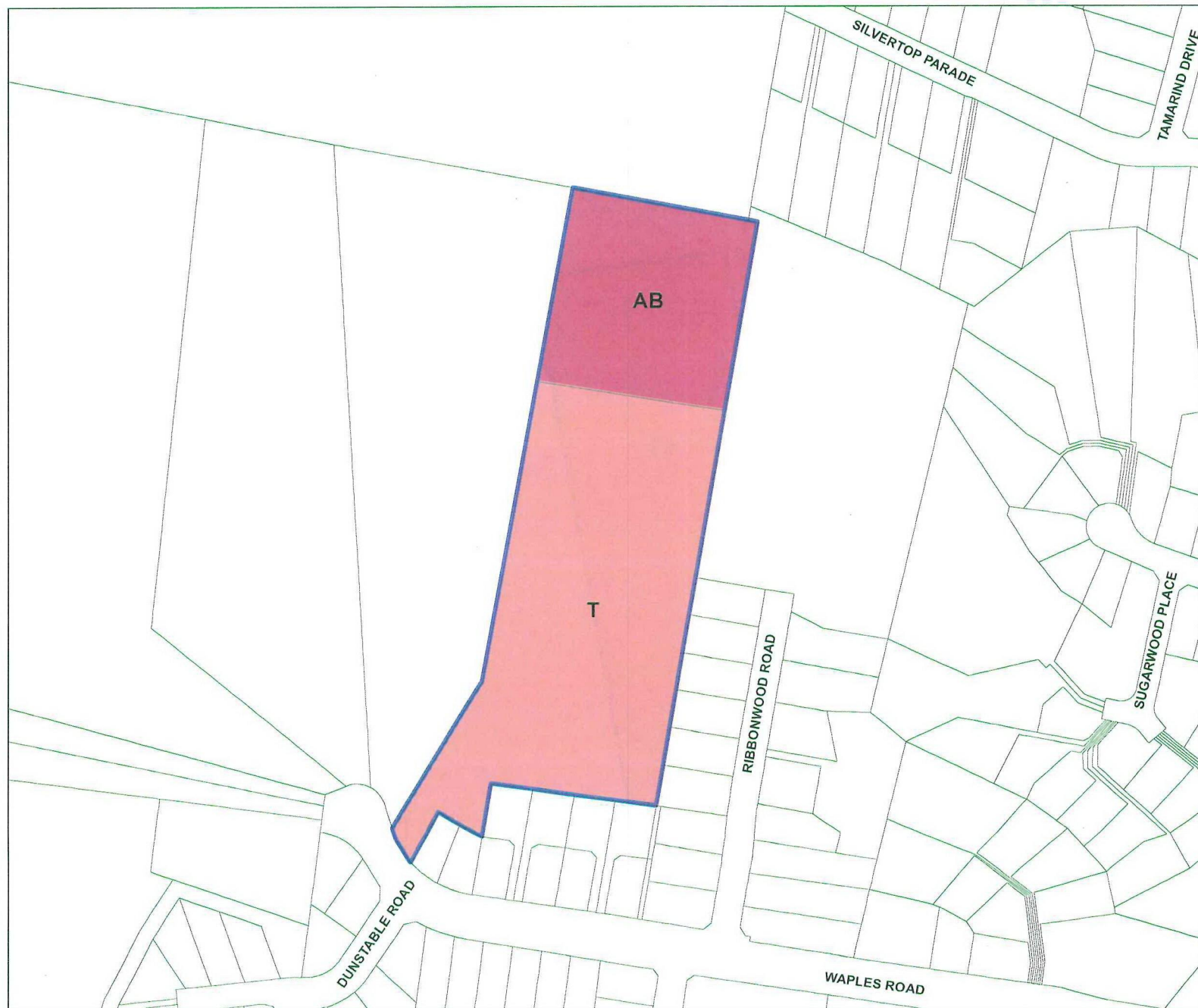


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Map Identification number:
220 Waples RD_PP_MLZ_Proposed.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

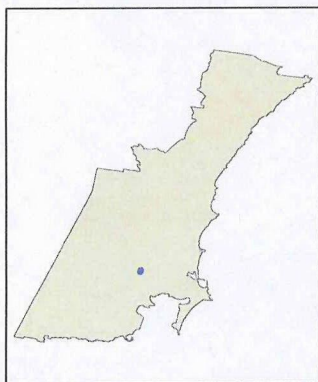
Planning Proposal Proposed Floor Space Ratio Map

Legend

- A 0.3
- 220_Waples_Rd_

Cadastral

Cadastral 23.10.15 (c) Wollongong City Council

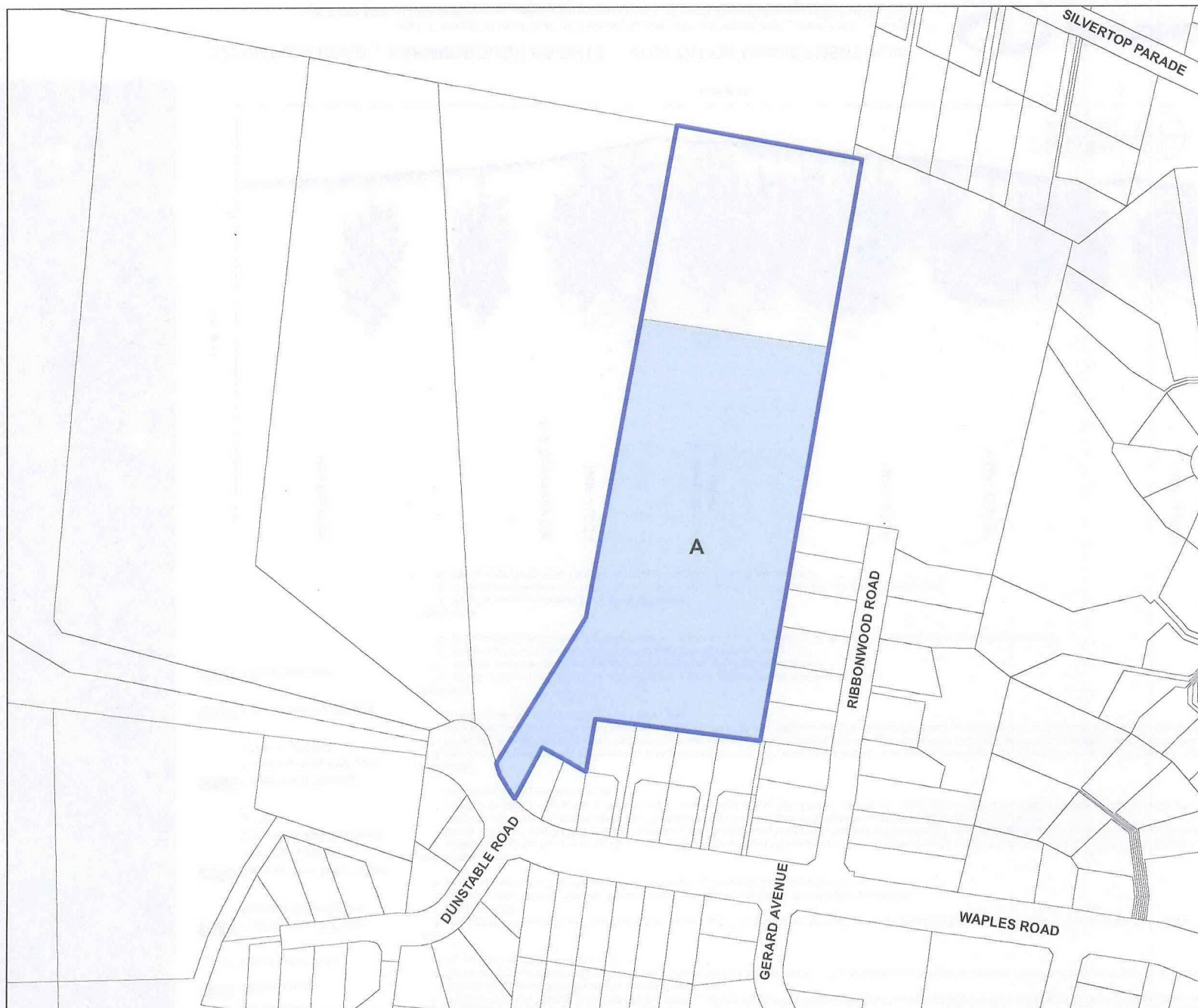


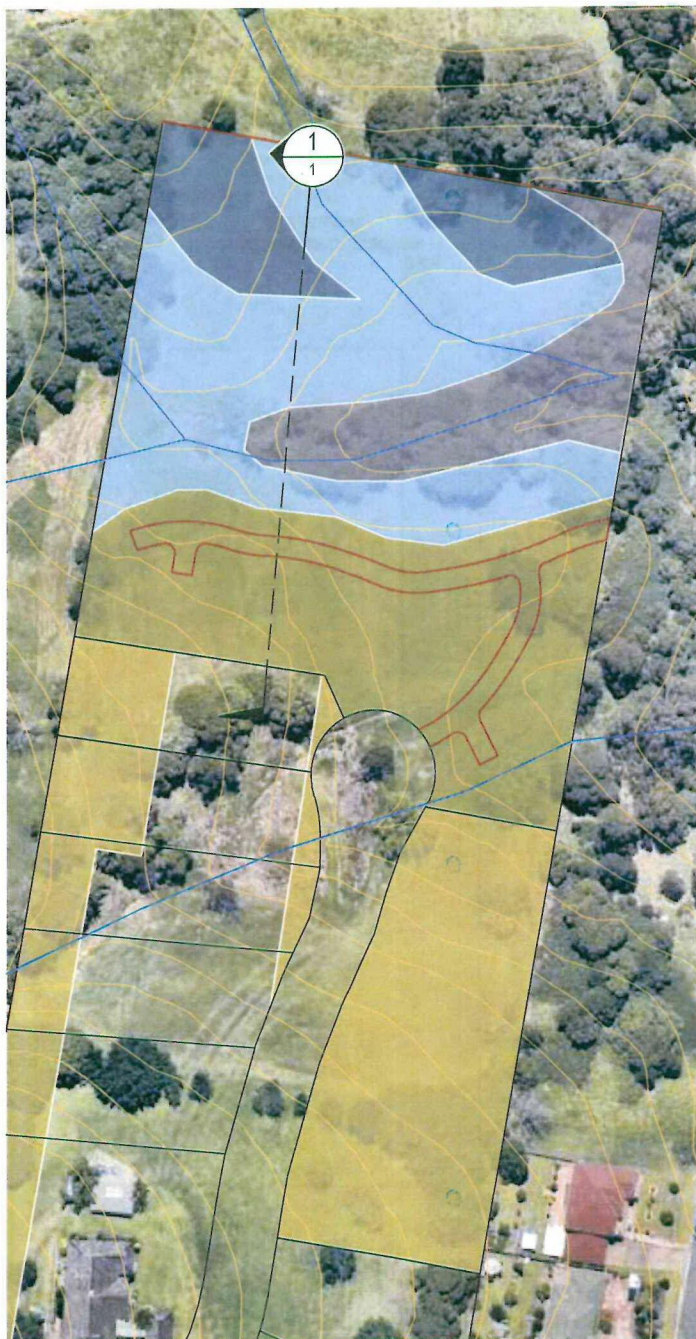
0 0.08
Kilometers

Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
220 Waples RD_PP_FSR_Proposed.mxd





Legend

- Site Boundary
- 2m Contours
- Watercourses
- Maintenance track
- Existing Canopy Cover - Assisted Rehabilitation
- Riparian Zone Native Mass Planting - Lowland Dry-Subtropical Rainforest (LDSR)
- Native Mass Planting, Coastal Grassy Red Gum Forest (CGRGF)
- APZ community title land
- APZ private land

Notes

Natural area rehabilitation

- The areas shown as 'Existing Canopy Cover - Assisted Rehabilitation' are to have primary, secondary and maintenance bush regeneration works undertaken throughout the initial construction stage and five year maintenance period.
- The areas shown as 'Riparian Zone - Native Mass Planting, Lowland Dry-Subtropical Rainforest (LDSR)' are to be planted to a density of 4 plants/m². Species will be representative of the Lowland Dry-Subtropical Rainforest ecological community.
- The areas shown as 'Native Mass Planting, Coastal Grassy Red Gum Forest (CGRGF)' are to be planted to a density of 4 plants/m². Species will be representative of the Coastal Grassy Red Gum Forest ecological community.

APZ

- The vegetation shown in the APZ areas are to meet the standard of an 'Inner Protection Area' as outlined in sections 4.1.3 and A2.2 of the RFS document Planning for Bushfire Protection, 2006.
- The areas shown as 'APZ community title land' is to be managed in perpetuity by the community association.
- The areas shown as 'APZ private land' will be maintained in perpetuity by the individual land owners.

Habitat improvements

- All logs and branches from native trees to be removed for the construction of the proposed subdivision works are to be relocated to the areas shown as 'Native mass planting, Coastal Grassy Red Gum Forest (CGRGF)'. Smaller branches are to be used as brush-mulching. Larger logs and branches are to be evenly scattered over the area to create micro climate variations and to provide potential shelter sites. If achievable, large timber lengths are to be set in an upright position to provide bird perches.
- Any large boulders (>1m diameter on B axis) removed from the road carriage way during construction works are to be incorporated into the natural area rehabilitation zones to improve the habitat potential of the site.

Pest control

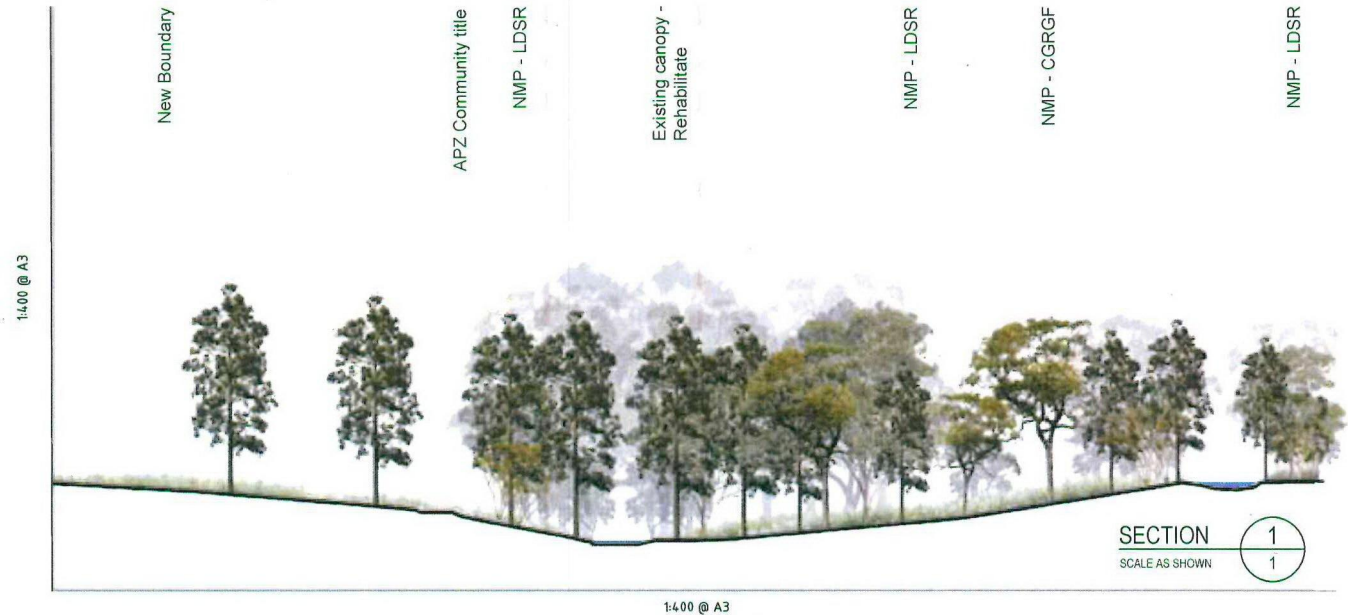
- All native mass planting works will be required to be protected from feral deer. Timing of planting works will need to be managed to minimise the potential of deer predation. Electric fencing options may need to be incorporated into the design. Extensive fencing of canopy trees throughout the site are to be installed and natural repellents will be used to ensure there is a successful vegetation cover established by the end of the five year maintenance period. Substantial replacement planting is to be factored into the maintenance period works to ensure a native vegetation cover is established.

Plant stock

- All tree, shrub and vine species are to have a provenance no greater than 5km from the subject site.
- All grass species are to have a provenance no greater than 10km from the subject site.
- Sedge species are to have a provenance no greater than 50km from the subject site.
- Any variations to the distance of provenance for any plant species is to be approved by the certifying authority before substitutions are made.

Maintenance

- All works are to be maintained for a period of 5 years.
- An annual maintenance report will be provided to the certifying authority for the duration of the maintenance period.
- Maintenance period works will be funded through a levy on the sale of individual lots.



220 WAPLES ROAD | FARMBOROUGH HEIGHTS | VEGETATION MANAGEMENT PLAN

scale: 1: 1000 @ A3 | date: 31-07-15 | drawing no: 056_WAPLES_ROAD_VMP | sheet: 1 of 1 | issue: 2
p 61 2 4228 4133 e CFR@cardno.com.au www.cardno.com.au | Level 1, 47 Burelli Street, Wollongong, NSW Australia 2500







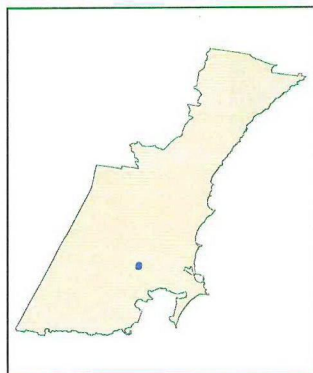
WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal
Recommended Lot Size Map

Legend

- T 999
- V 2999
- AB 39.99ha
- 220_Waples_Rd_ (blue outline)

Cadastral
Cadastral 23, 10, 15 © Wollongong City Council



0 80
Meters

Projection: GDA 1994
MGA Zone 56

Scale 1:4,000 @ A3

Map Identification number:
220 Waples RD_MLS.mxd

