

**ITEM A - NOTICE OF MOTION - COUNCILLOR COLACINO - CONSTRUCTION OF NEW INTERSECTION - TOP OF BALD HILL WHERE LAWRENCE HARGRAVE DRIVE AND LADY WAKEHURST DRIVE MEET**

Item A was considered under Suspension of Standing Orders, refer to Minute Numbers 6 and 13.

**ITEM B - NOTICE OF MOTION - COUNCILLOR RIMMER - DEDICATED SENIORS EXERCISE PARK**

Item B was considered under Suspension of Standing Orders, refer to Minute Numbers 6 and 14.

**CALL OF THE AGENDA**

- 7 **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor David Brown seconded Councillor Jenelle Rimmer that Item 2 be excluded from the Call of the Agenda.

**ITEM 1 - DRAFT PLANNING PROPOSAL LOT 100 DP 1207784 CORDEAUX ROAD MOUNT KEMBLA PP-2017/2**

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 5).

**COUNCIL'S RESOLUTION –**

- 1 A draft Planning Proposal be prepared and submitted to the NSW Department of Planning and Environment for Lot 100 DP 1207784 Cordeaux Road Mount Kembla seeking a Gateway determination to -
  - a Rezone 2.36ha of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 5,000m<sup>2</sup> and Floor Space Ratio of 0.3:1;
  - b Rezone 5.14ha of the site from E3 Environmental Management to E2 Environmental Conservation; and
  - c Retain 1.47ha of the site as E3 Environmental Management zoning.
- 2 The draft Planning Proposal be exhibited for a minimum period of 28 days.
- 3 The Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegation in accordance with Council's resolution of 26 November 2012.

**DEPARTURE AND ATTENDANCE OF COUNCILLORS**

Due to a prior disclosure of interest, Councillor Dom Figliomeni departed the meeting and was not present during debate and voting on Item 2.

Councillor John Dorahy returned to the meeting at 6.23 pm, prior to consideration of Item 2.



ITEM 1

DRAFT PLANNING PROPOSAL LOT 100 DP 1207784 CORDEAUX ROAD  
MOUNT KEMBLA PP-2017/2

A draft Planning Proposal request has been submitted for Lot 100 DP 1207784 Cordeaux Road, Mount Kembla which seeks to facilitate additional large lot residential development, together with the establishment of a Vegetation Management Plan (VMP) and funding mechanism to protect in perpetuity the identified environmental values of the site. This site was considered in the Farmborough Heights to Mount 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 prepared and submitted to the NSW Department of Planning and Environment for Lot 100 DP 1207784 Cordeaux Road Mount Kembla seeking a Gateway determination to:
  - a Rezone 2.36ha of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 5,000m<sup>2</sup> and Floor Space Ratio of 0.3:1;
  - b Rezone 5.14ha of the site from E3 Environmental Management to E2 Environmental Conservation; and
  - c Retain 1.47ha of the site as E3 Environmental Management zoning.
- 2 The draft Planning Proposal be exhibited for a minimum period of 28 days.
- 3 The Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegation in accordance with Council's resolution of 26 November 2012.

### REPORT AUTHORISATIONS

Report of: Vanni De Luca, Manager Environmental Strategy and Planning (Acting)  
 Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

### 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 and Floor Space Ratio Maps
- 5 Indicative Vegetation Management Plan

### BACKGROUND

In January 2017, a Planning Proposal request was submitted by Cardno on behalf of the landowner for Lot 100 DP 1207784 Cordeaux Road, Mount Kembla, with additional information submitted between June and November 2017. The site is approximately 9 hectares in size and is currently zoned E3 Environmental Management. The site is bounded by land zoned E4 Environmental Living to the south and east, and E3 Environmental Management to the west (Attachment 1).

Lot 100 DP 1207784 is predominantly cleared pasture grassland with no existing dwellings or structures, and is currently used as grazing land for livestock. Native vegetation is present along the southern boundary in a low to moderate condition. A floodplain is located on the low lying eastern portion of the site, which is associated with the American Creek catchment. The site contains first, second and third order vegetated watercourses. The ridgeline separating the floodplain and upper plateau of the site is

densely vegetated. The site assessment identified patches of Moist Box – Red-Gum Foothills Forest (MU13), Acacia scrub and weeds and exotics. No threatened flora species were recorded on the site.

A site inspection undertaken in March 2017 identified several hollow-bearing trees within the stands of vegetation marked as high and moderate ecological value. Both the vegetation and hollows present have the potential to provide habitat for a number of threatened species, and are proposed to be retained within the riparian area/E2 Environmental Conservation zoning.

### **Farmborough Heights to Mt Kembla Concept Plan**

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

The focus of the development of the Concept Plan has been the long term management of the Illawarra Escarpment and the contribution that appropriately scaled and located residential development could make to conserving land of high ecological value, restoring degraded lands and providing an overall community benefit in terms of creating conservation opportunities. The Plan recognises that ongoing management of areas of high ecological value will be required in order to maintain or improve biodiversity values of the Illawarra Escarpment, and stipulates that any development is linked to the protection and enhancement of key identified environmental attributes.

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

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

The endorsed Concept Plan identified potential to rezone this site to permit 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 proposed an E4 Environmental Living zoning for the developable area with a minimum lot size of 5,000m<sup>2</sup>, which would enable approximately three residential allotments in the north western part of the site. An E2 Environmental Conservation zoning was proposed for the remainder of the site, in recognition of the ecological attributes of the site and the flood plain located in the east. The Concept Plan identified the opportunity for the long term management, protection and enhancement of the riparian corridors on site (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 and development of the site would be subject to visual amenity controls due to its prominent location. A power easement constraint extends along the western boundary restricting development and a sewer pumping station is located along the northern boundary fronting Cordeaux Road.

## PROPOSAL

The draft Planning Proposal request includes an indicative subdivision layout depicting three rural/residential large lots, 5,801m<sup>2</sup>, 18,474m<sup>2</sup> and 74,715m<sup>2</sup> in size, including the conservation of 6.62 hectares of the site (Attachment 3). The draft Planning Proposal request seeks to rezone 2.36ha of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 5,000m<sup>2</sup> and Floor Space Ratio of 0.3:1 and rezone the remainder of the site from E3 Environmental Management to E2 Environmental Conservation. It is noted that the proposed 5,000m<sup>2</sup> minimum lot size could theoretically permit four lots, rather than the proposed three lots.

The Planning Proposal request also indicates the desire to continue limited grazing on the proposed Lot 3 (74,715m<sup>2</sup>), with the Vegetation Management Plan (VMP) proposing the installation of stock proof fencing as one measure to protect the riparian corridors identified for in-perpetuity restoration and conservation works. The submitted proposal proposed an E2 Environmental Conservation zoning over the riparian and cleared grazing land. However, as the cleared grazing land does not have ecological values and is proposed to be continued for grazing, an E2 Environmental Conservation zone is not appropriate. Accordingly, it is proposed to retain the current E3 Environmental Management zoning in the cleared part of the site earmarked for grazing, and achieve the conservation outcome through the protection of the riparian corridors and vegetation in the south with an E2 Environmental Conservation zoning and the establishment of a Conservation Agreement for rehabilitation works.

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

- Ecological Constraints Assessment (EcoPlanning 2017);
- Geotechnical Assessment (Southern Geotechnics 2016);
- Bushfire Assessment (Peterson Bushfire Consulting Services 2017);
- Aboriginal Heritage Information Management System Search (Cardno 2016);
- Vegetation Management Plan (EcoPlanning 2017);
- Aboriginal Cultural Heritage Due Diligence Assessment (Biosis 2017); and
- Preliminary Site Contamination Investigation (Cardno 2017).

To facilitate the proposed development, it is recommended that the draft Planning Proposal amend the Wollongong Local Environmental Plan 2009 as follows:

- a Rezone 2.36ha of the site from E3 Environmental Management to E4 Environmental Living with a Minimum Lot Size of 5,000m<sup>2</sup> and Floor Space Ratio of 0.3:1;
- b Rezone 5.14ha of the site from E3 Environmental Management to E2 Environmental Conservation; and
- c Retain 1.47ha of the site as E3 Environmental Management zoning.

Access to the subdivision is proposed via a private driveway from Cordeaux Road and a battle axe access road. Full urban reticulation services (power, sewer, water and telecommunications) can be provided to the site. The Concept Plan notes that there is capacity within the existing road network to accommodate additional development throughout the study area. Should a rezoning be approved, any subsequent development application would need to be supported by a detailed assessment of traffic impacts, car parking, site servicing/manoeuvring and waste collection. Any proposed access to the site



would need to comply with Australian Standards AS2890.1 and Wollongong Development Control Plan 2009 to provide adequate grades, widths and safe sight distances.

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

### **KEY ISSUES FOR CONSIDERATION**

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

#### **Consistency with Endorsed Farmborough Heights to Mt Kembla Concept Plan**

The endorsed Concept Plan identifies potential for additional residential development on this site in conjunction with scope to rehabilitate the riparian corridors. 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 proposed 5,000m<sup>2</sup> lots for the developable area. An E2 Environmental Conservation zoning was recommended in the Concept Plan to protect and restore the riparian corridors on site.

Consistent with the Concept Plan, the submitted Planning Proposal request is seeking a rezoning to the recommended E4 Environmental Living zoning for land proposed to be developed, with a minimum lot size of 5,000m<sup>2</sup> proposed. The riparian corridor and floodplain were proposed to be zoned E2 Environmental Conservation with a minimum lot size of 39.99ha, in line with the Concept Plan recommendations. The submitted draft Planning Proposal request would result in approximately 3 - 4 residential lots, depending on further investigations and finalisation of a subdivision plan at the development application phase. The Planning Proposal is consistent with the Planning Principles contained in the IESMP and IELURS, and further developed through community consultation on the Concept Plan.

#### **Proposed Conservation Plan**

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

The Planning Proposal request seeks large lot low density residential development opportunity on land identified in the Concept Plan with little ecological value (areas dominated by cleared land and exotic vegetation), and proposes to undertake ecological conservation and rehabilitation works associated with the riparian corridors on site. Rehabilitation of riparian corridors can incur significant costs and as such a suitable mechanism for management and funding is required. A Vegetation Management Plan (VMP) has been prepared and submitted (1 August 2017) detailing the management and restoration methods for the areas designated as conservation zones. The VMP includes calculations of indicative costings - an amount of \$100,878 has been identified to provide on ground rehabilitation works over a five year period.

The VMP identifies the following standard and other management actions for the restoration and stabilisation of the riparian areas, to improve biodiversity values on site:

- Weed control of noxious and exotic weed species;
- Revegetation to restore native vegetation cover over areas of cleared and disturbed pasture;

- Supplementary planting in areas of sparse native vegetation cover, to supplement natural regeneration and provide weed suppression;
- Sediment and erosion controls;
- Impede cattle access to revegetated areas of the site (stock proof fencing);
- Vertebrate pest management; and
- Create a vegetation buffer to riparian zones and maintenance of natural flow regimes in the riparian zone.

The draft Planning Proposal request refers to a Property Vegetation Plan (PVP) as the likely legislative mechanism to be used to ensure the VMP is registered on title and implemented in perpetuity. Since the lodgement of the draft Planning Proposal request the *Biodiversity Conservation Act 2016* and associated reforms have now commenced and therefore an in perpetuity **Conservation Agreement** will need to be registered on land title, funding obtained and active management underway prior to the issuing of a subdivision development approval. Whilst the VMP submitted refers to a five year period, this VMP will provide the basis for a Conservation Agreement (which have replaced PVPs) registered on title and administered by the Biodiversity Conservation Trust (Office of Environment and Heritage) to ensure in perpetuity funding of conservation works. This Agreement will need to be registered with the Office of Environment and Heritage (OEH) prior to finalisation of the Planning Proposal to rezone the land, as evidence of the improved environmental outcome to be achieved through the Planning Proposal (as required by the Concept Plan).

Additionally, the Planning Proposal request initially proposed a Torrens Title subdivision, however a Community Title subdivision is likely to be required in order to facilitate private road construction and maintenance, and provide funding for the conservation works identified in the VMP. One option to fund the in perpetuity conservation works is a Community Title arrangement with a Body Corporate collecting a yearly environmental fee and managing the restoration works detailed in the VMP. Should the land proposed for E2 Environmental Conservation zoning be retained in private ownership, Council's Environment team recommend that the riparian E2 Environmental Conservation land identified for rehabilitation and conservation be contained within one separate lot, to be owned and managed as Community Title, as the best way to achieve the conservation and improvement outcome for biodiversity. The funding details will be finalised in consultation with the Biodiversity Conservation Trust (OEH) with the establishment of the Conservation Agreement, which can then inform the final subdivision plan. Under the new Biodiversity Conservation legislation, some Conservation Agreements will be eligible for stewardship payments and a range of assistance, with landowners able to access the Landholder Support Program.

In terms of the Conservation Agreement the following process would apply:

- 1 Draft Vegetation Management Plan (VMP) prepared and submitted with Planning Proposal request – completed.
- 2 Council resolves to prepare a draft Planning Proposal.
- 3 During / post exhibition: Final VMP prepared based on exhibition feedback, including updated costings.
- 4 Council resolves to finalise Planning Proposal.
- 5 Conservation Agreement registered with the Biodiversity Conservation Trust.
- 6 Council submits the Planning Proposal to the Department of Planning and Environment for notification.

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, support a long term conservation outcome being achieved for the site through establishing the proposed conservation areas, and stress that the mechanism for securing and managing the environmental corridor should be resolved as part of the Planning Proposal.

It should be noted that the option of dedication of the land proposed for E2 Environmental Conservation zoning to Council with funding was discussed with the proponent, as a mechanism to ensure in perpetuity conservation works required by the Concept Plan. The Office of Environment and Heritage (OEH) submission also recommended the consideration of dedication of the riparian corridor to Council along with in-perpetuity management funding to ensure a long term conservation outcome. The proponent has indicated a preference to retain the land proposed for E2 zoning in private ownership and register a Conservation Agreement with the Biodiversity Conservation Trust (OEH) as the mechanism to achieve active conservation in this regard.

While the site is part of a creek corridor, it is not a missing piece of a public reserve or drainage corridor. While Council owns a small piece of land zoned RE1 Public Recreation to the east, Council does not own land to the west. Accordingly, the transfer of land to Council is not supported.

Conservation of ecologically constrained land with funding in association with low density limited residential development provides both the legal and financial mechanisms to ensure the long term conservation and enhancement of the identified biodiversity values and rehabilitation of an important riparian corridor. This aligns with the Concept Plan and associated Planning Principles (2013), where any rezoning on a property must lead to an overall conservation improvement. A focus on riparian conservation to improve the ecological value of the watercourse is consistent with Council's Illawarra Biodiversity Strategy (2011), which highlights the degradation of native riparian vegetation and invasion of exotic weeds as major threats to biodiversity in the Illawarra, and identifies the importance of Council encouraging conservation and restoration efforts in this regard. A network of regional biodiversity corridors has been mapped as part of the Biodiversity Strategy, with the value of landscape connectivity well recognised by various state, regional and local policies, including Australia's Biodiversity Conservation Strategy (2009), the Southern Rivers Catchment Action Plan (2013-23), and the Illawarra Shoalhaven Regional Plan (2015). Maintaining connectivity and enhancing existing connectivity within corridors by regenerating or revegetating missing links, is also one of the three recommended approaches to managing biodiversity in the face of climate change.

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

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

The Planning Proposal would result in the retention and rehabilitation of approximately 6.62 hectares of vegetation, through the establishment of a Conservation Agreement administered by the Biodiversity Conservation Trust (Office of Environment and Heritage).

### **Bushfire**

A bushfire assessment was undertaken by Peterson Bushfire (2017) in accordance with *Planning for Bushfire Protection 2006* (PBP) and consisted of desktop analysis and a site inspection. The assessment of the site identified two areas of vegetation which pose a bushfire hazard and which will influence future development and subdivision of the site. The first area is vegetation associated with the riparian corridor which traverses the southern boundary of the site (ranging from 60m to 80m in width) and is associated with a tributary of American Creek. The second area of vegetation is associated with the riparian corridor which travels north along the steep embankment from the southern riparian corridor through to Cordeaux Road.



The bushfire assessment provided the following recommended mitigation measures to ensure suitability of part of the subject lands for residential development:

- Asset Protection Zones (60m and 25m) to be provided to all future dwelling houses;
- Access for firefighting operations to be constructed in accordance with the specifications of Section 4.1.3 (1) of *Planning for Bushfire Protection 2006*; and
- Reticulated water supply and installation of utilities.

The NSW Rural Fire Service (RFS) raised no objection to the proposal during the preliminary notification period, however noted that future lots will be required to provide Asset Protection Zones (APZs) as per the plan in the Bushfire Assessment report prepared by Peterson Bushfire (2017). The RFS will be provided with further opportunities to comment at the development application and detailed subdivision stage. Similarly the Department of Primary Industries (DPI) raised no objection, however noted that hazard reduction activities to create APZs should not encroach into the riparian corridor.

### Geotechnical

Southern Geotechnics (2008 and 2016) undertook a geotechnical assessment of the stability of the site and its suitability for subdivision and residential development. The geotechnical investigations of the site involved seven test pit investigations and logging by a geotechnical engineer, and machine drilling of nine boreholes, and concluded that the cleared areas proposed for limited residential development have an overall very low to low risk of slope instability for damage to property and risk to life.

The geotechnical assessment provided the following recommendations:

- Building envelopes should be located within areas that have a slope of less than 15 degrees;
- Excavations greater than 0.6m deep in soil should be supported with retaining walls;
- Fill should not be imported unless required for driveway or slab construction;
- Roof water and surface runoff should be redirected from the building area to a watercourse via a pipe or channel system;
- Driveway alignment should follow the ridgeline and pass on the eastern side of trees at the lowest level of the slope near the site gate; and
- Further assessment is recommended at the design stage for each proposed dwelling.

The internal referral feedback was that the geotechnical report dated 5 December 2016 by Southern Geotechnics provided a good description of the land proposed for rural/residential development and demonstrates feasibility of the proposal from a geotechnical perspective.

### Heritage

An Aboriginal Heritage Information Management System (AHIMS) search was undertaken, with no recorded Aboriginal Heritage sites or Aboriginal places declared in or near the site. Following the preliminary notification, OEH requested that an Aboriginal cultural heritage due diligence assessment be undertaken. This due diligence assessment was subsequently undertaken (Biosis 2017), involving a desktop analysis and archaeological survey. No new sites were discovered during the archaeological survey with the conclusion drawn that the entire study area is assessed as having low archaeological potential.

The report recommended that in the event of the discovery of unanticipated Aboriginal objects or ancestral remains, then any works associated with the proposal must cease and OEH and Aboriginal stakeholders notified.

### Contamination

Given the agricultural history of the site, a preliminary study addressing State Environmental Planning Policy (SEPP) 55 (Remediation of Land) was required to ensure the likelihood of contamination is considered as early as possible in the process and that the land is suitable, or can be made suitable, for

residential development. A report submitted (Cardno 2017) confirmed that the site is currently used for livestock grazing and a review of available information indicates that the historical site use was limited to livestock grazing, with no evidence of historical industrial, commercial, residential or agricultural (cultivation) land uses. No potential areas of concern were identified on the site, the conclusion drawn that there is a low to negligible potential for subsurface contamination at the site from historical uses.

### Visual Impact

The Planning Principles adopted with the Concept Plan identify the need for development to be located with full consideration of its visual context within a precinct. While the indicative subdivision plan incorporates larger lot sizes to achieve a rural residential development, 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 consultation was carried out as part of the assessment of the draft Planning Proposal request, which involved referral to Roads and Maritime Services, NSW Rural Fire Service, the Office of Environment and Heritage, Department of Primary Industries – Water, Sydney Water, and relevant internal divisions of Council. The Office of Environment and Heritage attended a site visit in March 2017. Preliminary community consultation has not been conducted as extensive consultation occurred with the development of the Farmborough Heights to Mt Kembla Concept Plan.

State Authority comments provided on the Planning Proposal request were as follows:

Issues Raised	Council Officer Response
<b>Roads and Maritime Services (RMS):</b> Do not object to the planning proposal in principle as it is unlikely to have a significant impact on the state road network. It is noted that Cordeaux Road, to which the proposal gains access to and from, is a local road under the care and control of Council. Council needs to be satisfied that sufficient sight lines are available/not restricted at the site's access points with Cordeaux Road.	Noted.  Noted.
<b>NSW Rural Fire Service (RFS):</b> No objection to the proposed rezoning. Future lots will be required to provide Asset Protection Zones as per the plan in the Bushfire Assessment report prepared by Peterson Bushfire.	Noted.
<b>Office of Environment &amp; Heritage (OEH):</b> Support a long term conservation outcome being achieved for the site. This would be achieved through establishing the proposed environmental corridor under an E2 Environmental Conservation zoning, as envisaged by the Farmborough Heights to Mount Kembla Concept Plan (2013). The mechanism for securing and managing the environmental corridor is critical and should be resolved as part of the Planning Proposal. Dedication of the corridor to Council along	A long term conservation outcome will be achieved through the rezoning of 5.14ha to E2 Environmental Conservation and the establishment of a Conservation Agreement with the Biodiversity Conservation Trust (OEH), registered on title. Registration on title will be required prior to the finalisation of a Planning Proposal. The option of dedication of the land proposed for E2

Issues Raised	Council Officer Response
<p>with in-perpetuity management funding should be considered to ensure a long term conservation outcome.</p> <p>Question the proposed minimum lot size of 5,000 m<sup>2</sup> applying to both the E4 developable lots and E2 zoned lands. Whilst appropriate for the E4 lots, a minimum lot size of 5000m<sup>2</sup> could lead to fragmentation and degradation of the environmental corridor and grazing land in the future.</p> <p>The proponent should conduct a due diligence assessment at planning proposal stage in accordance with OEH guidelines, before any ground disturbance works that may result from the proposed subdivision of this land. The due diligence process should determine whether a more detailed Aboriginal cultural heritage assessment is required.</p>	<p>Environmental Conservation zoning to Council with funding was discussed with the proponent, as a mechanism to ensure in perpetuity conservation works required by the Concept Plan. The proponent has indicated a preference to retain the land proposed for E2 zoning in private ownership and register a Conservation Agreement with the Biodiversity Conservation Trust (OEH) as the mechanism to achieve active conservation in this regard.</p> <p>Additionally, the site is not adjacent to significant Council reserves.</p> <p>Land proposed for E2 Environmental Conservation zoning is recommended for a Minimum Lot Size of 39.9 ha. The E3 Environmental Management zoned land will retain a 39.9ha minimum lot size.</p> <p>Due Diligence assessment completed.</p>
<p><b>Department of Primary Industries – Water (DPI Water):</b></p> <p>No objection to the rezoning. Once rezoned appropriate protections should be included to ensure that the E2 zone is protected from future activities. It is suggested that physical structures be incorporated along the E2 zone to ensure that no hazard reduction activities to create the Asset Protection Zone (APZ) encroach into the riparian corridor.</p>	<p>Noted.</p>
<p><b>Sydney Water:</b></p> <p>Generally supportive. More detailed comments relating to servicing future residential developments will be provided when development applications are submitted to Council and referred to Sydney Water.</p>	<p>Noted.</p>

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal objective “*The Natural environment is protected and enhanced*” under the Community Goal “*We value and protect our environment*”. It specifically delivers on the following:

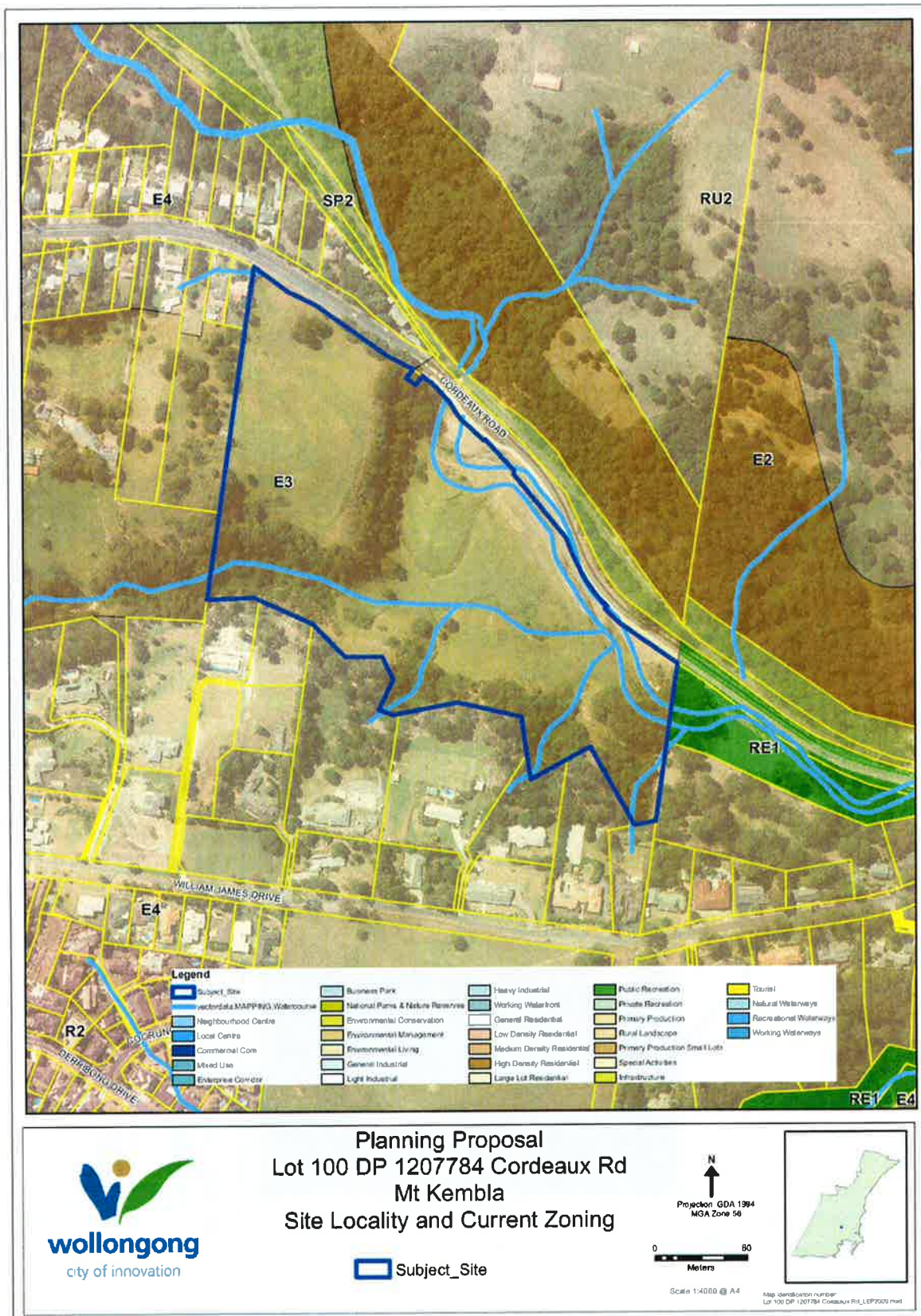
Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2017-18
Strategy	5 Year Action	Annual Deliverables
1.6.1 Our urban environment minimizes impacts on habitat and biodiversity and areas of high conservation value are protected.	1.6.1.1 Review planning control for environmentally sensitive locations.	Continue to assess Planning Proposals against environmental strategies, including the Illawarra Biodiversity Strategy and the Illawarra Escarpment Strategic Management Plan.

## CONCLUSION

The protection of ecologically constrained land with funding in association with low density limited residential development will provide a suitable development outcome for this site whilst significantly enhancing the biodiversity values of an important riparian and habitat corridor. The Office of Environment and Heritage has acknowledged the potential for net conservation gains at this site and support a long term conservation outcome being achieved. The establishment of a Conservation Agreement, registered on title and administered by the Biodiversity Conservation Trust (OEH), will provide the legal and financial mechanism to achieve active conservation on this site, as required by the Concept Plan.

It is recommended that Council resolve to prepare a draft Planning Proposal for Lot 100 DP 1207784 Cordeaux Road, Mt Kembla and submit it to the NSW Department of Planning and Environment seeking a Gateway determination to allow public exhibition.







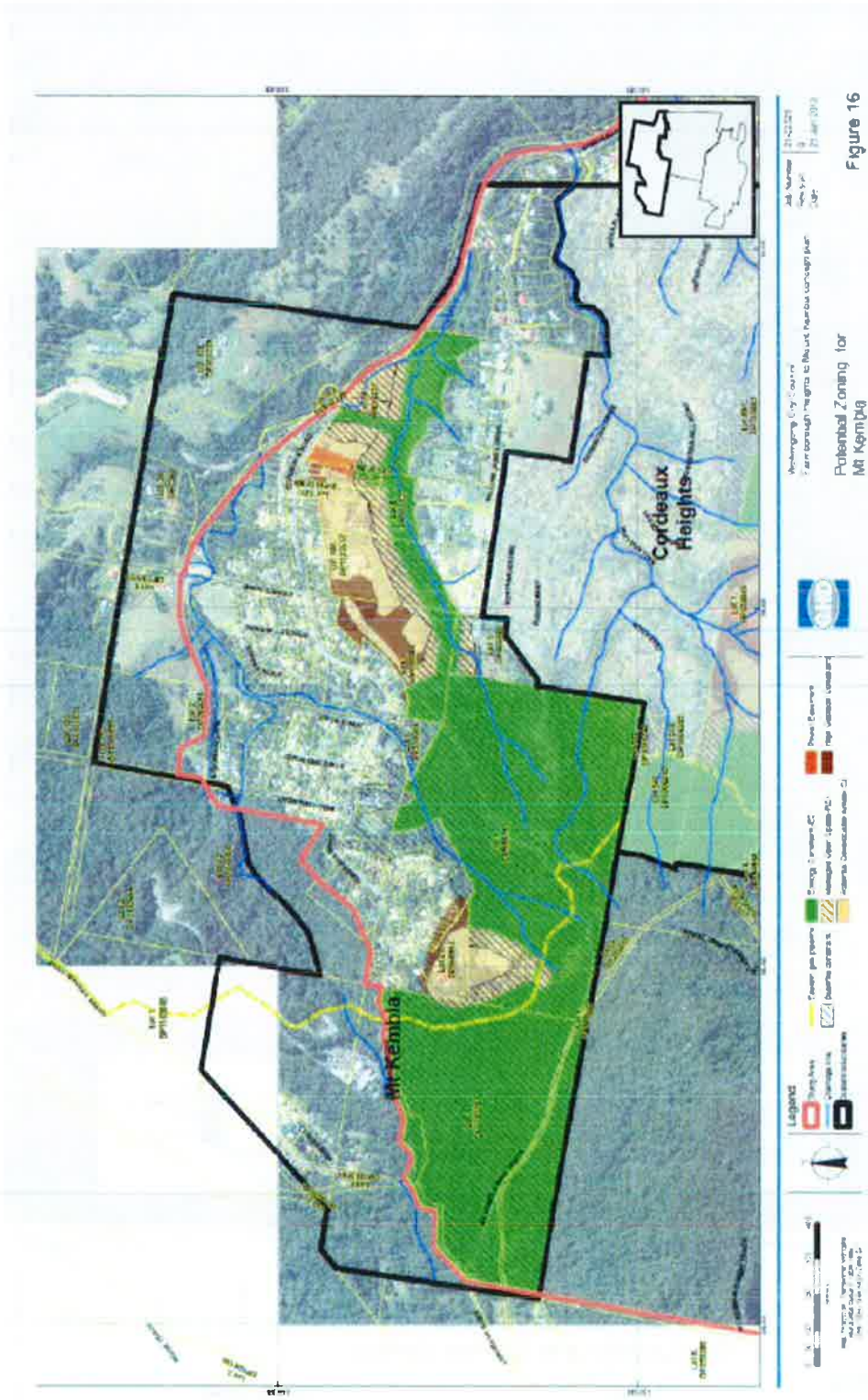


Figure 16

- | Lot 10 DP 814237     | Zoning E3 | Up to 3 |
|----------------------|-----------|---------|
| Existing dwellings 0 |           |         |
- Zoning:** Managed Open Space RES and potential developable areas E4.
  - Development Controls:** Demonstrate adequate access to individual lots and through site connectivity. Development to be subject to the preparation of a geotechnical impact assessment that confirms resolution of any geotechnical issues on the site. Site would be subject to visual amenity controls due to its prominent location on the ridge.
  - Site composition:** 100% of developable area to have a minimum lot size of 5,000 m<sup>2</sup>.
  - Constraints:** Site is significantly limited in development potential due to ecological constraints extending from the riparian corridor to Cordeaux, the power easement on the western boundary of the site and a flood plain located in the north east corner of the site.

## 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.













