



PWG002190

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

Our Ref:
File:
Date:

Z15/2497
PP-2014/8
27 January 2015

Dear Mr Whitworth

DRAFT PLANNING PROPOSAL: WESTERN PRECINCT REDGUM RIDGE ESTATE, REDGUM FOREST WAY, FIGTREE

Council at its meeting of 15 December 2014 considered a report on a draft Planning Proposal seeking to:

- amend the Wollongong Local Environmental Plan 2009 by rezoning part of the site from RU2 Rural Landscape to E4 Environmental Living with a Minimum Lot Size of 1,000m² and Floor Space Ratio of 0.3:1, and rezone the remainder of the site E2 Environmental Conservation with a Minimum Lot Size of 39.99ha; and
- amend the Land Zoning Map, Floor Space Ratio Map, Minimum Lot Size Map, Height of Buildings Map and Natural Resource Sensitivity Map to remove inconsistencies with the approved and developed Redgum Ridge Estate subdivision; and
- establish a BioBanking agreement for the lands zoned E2 in accordance with the conditions set in a BioBanking statement issued by the Office of Environment and Heritage (OEH).

Council at that meeting resolved that a draft Planning Proposal be submitted to the NSW Department of Planning and Environment seeking a Gateway determination. Please find attached the following information:

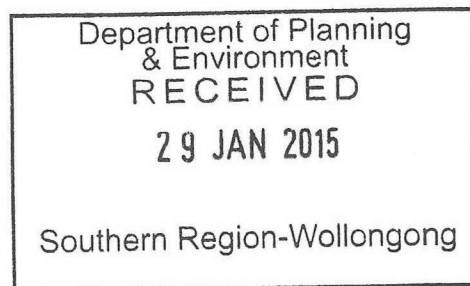
- a copy of the report to Council and minutes (15 December 2014);
- a copy of the draft Planning Proposal; and
- copies of the relevant maps.

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
Direct Line (02) 4227 7107



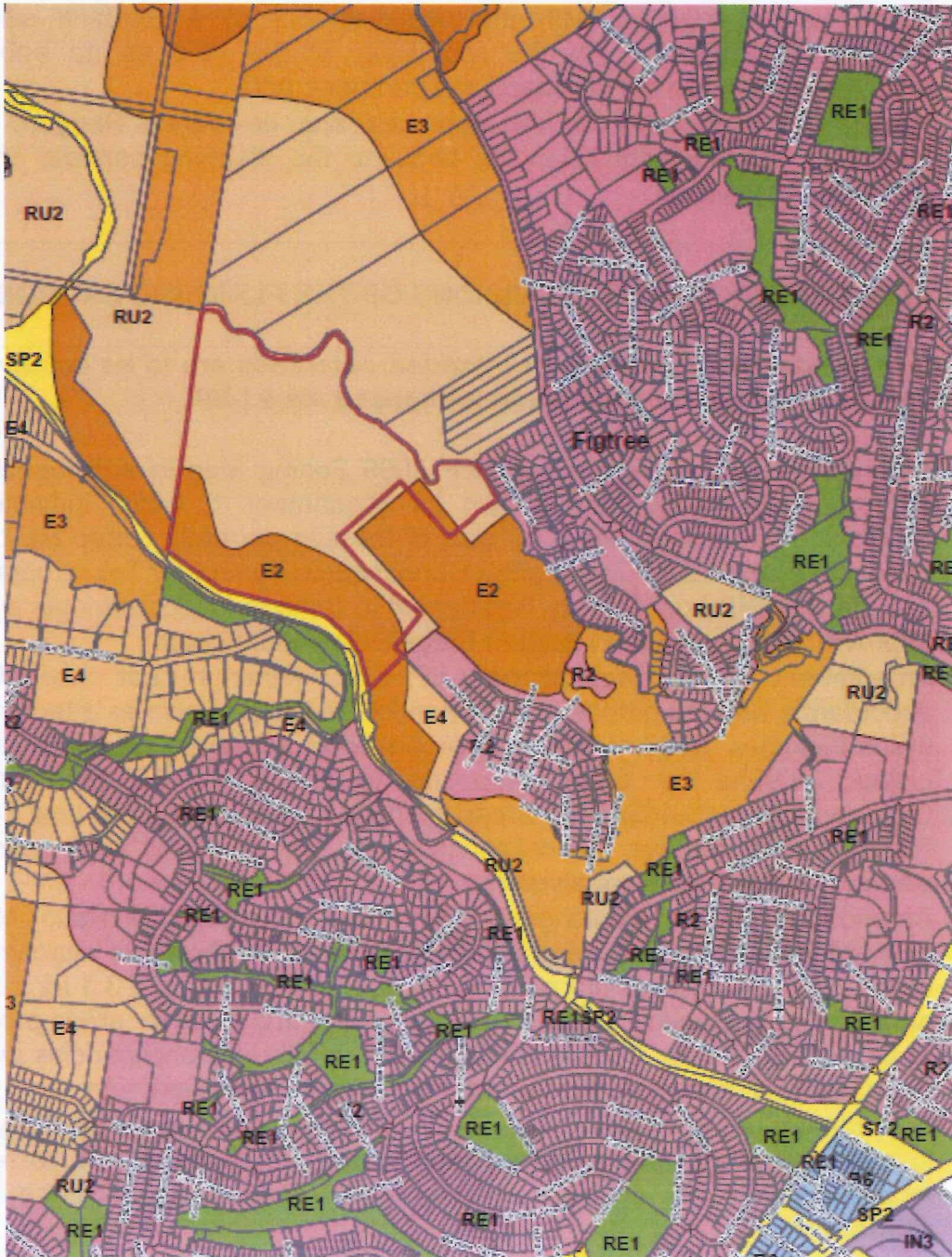
Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Western Precinct Redgum Ridge Estate

ADDRESS OF LAND: Redgum Forest Way, Figtree (Lot 815 DP 1193843)

MAPS: Location Map and Current Zoning



Current and Proposed Planning Controls: *see attachments 1-5.*

BACKGROUND:

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

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

The Planning Proposal seeks to meet a number of objectives, viz:

- To facilitate 29 new residential allotments in the western precinct of Redgum Ridge Estate, together with the establishment of a BioBank site and BioBanking agreement for the remainder of the land as an enhanced biodiversity offset to the proposed development; and
- Update the LEP maps for the approved and developed Redgum Ridge Estate to remove inconsistencies between the planning controls and the approved subdivision.

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

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

- Amendment of the Wollongong LEP 2009 Zoning Map in accordance with the proposed zoning map shown as attachment 1, which indicates E4 Environmental Living zoning for part of the site currently zoned RU2 Rural Landscape and E2 Environmental Conservation zoning for the remainder of the site, and R2 Low Density Residential to remove inconsistencies with the approved and developed Redgum Ridge Estate subdivision;
- Amendment of the Wollongong LEP 2009 Minimum Lot Size Map in accordance with the proposed minimum lot size map shown as attachment 2, which indicates 1,000m² for areas proposed to be zoned E4 Environmental Living, 39.99ha for areas proposed to be zoned E2 Environmental Conservation, and 449m² for areas proposed to be zoned R2 Low Density Residential to remove inconsistencies with the approved and developed Redgum Ridge Estate subdivision;
- Amendment of the Wollongong LEP 2009 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown as attachment 3, which indicates a maximum permissible floor space ratio of 0.3:1 for the area proposed to be zoned E4 Environmental Living; and 0.5:1 for areas proposed to be zoned R2 Low Density Residential to remove inconsistencies with the approved and developed Redgum Ridge Estate subdivision; and
- Amendment of the Wollongong LEP 2009 Natural Resource Sensitivity Map, in accordance with the proposed map shown as attachment 4, to remove inconsistencies with the approved and developed Redgum Ridge Estate subdivision.

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

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	The planning proposal is the result of a Council resolution dated 15 December 2014. The report to Council included the recommendations from a preliminary BioBanking Assessment report prepared by Biosis Research (2014), which concluded that by applying the BioBanking methodology to the draft Planning Proposal, the proposed development is likely to result in a positive net benefit to both biodiversity (including threatened species and communities in the region) and the ongoing management of native vegetation across the proposed BioBank site offset area. The report further concluded that limited residential development offset by the establishment of a BioBank site under a BioBanking agreement over the areas of environmental quality provides a long term management plan and in perpetuity funding for the area, that will address key threatening processes (such as feral animals and weed invasion). Other supporting documents submitted with the Planning proposal request included: 1. Draft Concept Plan; 2. Letter from Office of Environment and Heritage (OEH) indicating in principle support for a BioBanking Scheme (2014); 3. Report of preliminary Geotechnical Investigation (Douglas Partners 2014); 4. Terrestrial Flora and Fauna Constraints Analysis (Biosis Research 2011); 5. Bushfire Constraints Assessment (Australian Bushfire Protection Planners 2014); 6. Aboriginal Due Diligence Assessment (Biosis 2014); and 7. Flood Study (KFW Infrastructure Professionals 2014).
2. Is the planning proposal the best means of achieving the	The purpose of the Planning Proposal is to facilitate a development strategy for the

objectives or intended outcomes, or is there a better way?	subject lands, to allow limited large lot residential development on part of the site, while establishing a BioBanking offset for the remainder of the site identified as having ecological values needing protection. A change of zoning, minimum lot size and floor space ratio is required in order to facilitate limited large lot residential development on part of the site. The existing densely vegetated areas will be retained and enhanced for their environmental qualities (offset sites) in accordance with Part 7A Biodiversity Banking provisions of the Threatened Species Conservation Act (1995). An E2 Environmental Conservation zoning is considered more appropriate than the existing RU2 Rural Landscape zone to protect the identified areas of significant vegetation. Additionally, the NSW Department of Planning LEP Practice Note PN 09-002 "Environment Protection Zones" indicates that land with a registered BioBanking agreement should be zoned E2 Environmental Conservation. A change of zoning to R2 Low Density Residential is also required to remove inconsistencies with the approved and developed Redgum Ridge Estate subdivision. The areas identified for a proposed R2 Low Density Residential zoning will also require an associated change to the permitted minimum lot size (449m²), floor space ratio (0.5:1), height of buildings (9 metres) and Natural Resources Sensitivity maps.
3. Is there a net community benefit?	Limited residential development offset by the establishment of a BioBank site under a BioBanking agreement over the areas of environmental quality provides a long term management plan and in perpetuity funding for the area, that will address key threatening processes (such as feral animals and weed invasion). Areas of environmental quality containing endangered ecological communities will be best conserved and managed for the long term in accordance with the objectives of the E2 Environmental Conservation zoning, and protected under a Biodiversity Management Plan.

	Implementation of a BioBanking Agreement in association with limited low density residential development provides both the legal and financial mechanisms to ensure the long term conservation and enhancement of the identified biodiversity values. The current Redgum Ridge Estate residential development to the east contains a large section of Redgum Forest being managed under a Vegetation Management Plan (VMP) over which Council will take control once the subdivision is complete and following completion of all works within the VMP. There is an opportunity through this draft planning proposal to support an environmental corridor, linking the lands currently under a VMP as part of the current subdivision approval with the adjacent section proposed as a BioBank offset under a BioBanking Agreement, thereby contributing to targets and desired outcomes in the Illawarra Biodiversity Strategy.
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Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	The planning proposal is consistent with the draft Illawarra Regional Growth and Infrastructure Plan, which recognises the importance of protecting biodiversity at the regional and local level and includes biodiversity certification as an action for the region. The written advice from OEH acknowledges the potential for net conservation gains of the two threatened ecological communities Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion and Illawarra Subtropical Rainforest in the Sydney Basin Bioregion, consistent with the objectives and targets of regional strategies including the Illawarra Biodiversity Strategy (2011), Illawarra Regional Strategy 2006-31 (2007) and Southern Rivers Catchment Management Authority Catchment Action Plan (2005-2016), with a focus on priority vegetation and important habitat corridors.
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5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	The planning proposal is consistent with Council's Wollongong 2022 Community Strategic Plan to guide future development in the City in terms of: • The natural environment is protected and enhanced; and • Promoting housing choice.
6. Is the planning proposal consistent with applicable state environmental planning policies?	The planning proposal is consistent with state environmental planning policies. Refer to the attached Table A – Checklist of State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	The planning proposal is consistent with applicable Ministerial Directions. Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	A preliminary BioBanking Assessment report prepared by Biosis Research (2014) concluded that by applying the BioBanking methodology to the draft Planning Proposal, the proposed development is likely to result in a positive net benefit to both biodiversity (including threatened species and communities in the region) and the ongoing management of native vegetation across the proposed BioBank site offset area. The report further concluded that limited residential development offset by the establishment of a BioBank site under a BioBanking agreement over the areas of environmental quality provides a long term management plan and in perpetuity funding for the area, that will address key threatening processes (such as feral animals and weed invasion). Areas of environmental quality containing endangered ecological communities will be best conserved and managed for the long term in accordance with the objectives of the E2 Environmental Conservation zoning, and protected under a Biodiversity Management Plan. Implementation of a BioBanking
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	Agreement in association with limited low density residential development provides both the legal and financial mechanisms to ensure the long term conservation and enhancement of the identified biodiversity values. The planning proposal was accompanied by a letter from the Office of Environment and Heritage (OEH) indicating in principle support for a BioBanking Scheme (2014). The written advice from OEH acknowledges the potential for net conservation gains of the two threatened ecological communities Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion and Illawarra Subtropical Rainforest in the Sydney Basin Bioregion, 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.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? This might include natural hazards such as flooding, land slip, bushfire hazard etc. If it is necessary to undertake technical studies or investigations to address an identified matter, these should be undertaken following the initial gateway determination.	The following documents were submitted in support of the Planning proposal request: • BioBanking Assessment (Biosis 2014); • Letter from Office of Environment and Heritage (OEH) indicating in principle support for a BioBanking Scheme (2014); • Report of preliminary Geotechnical Investigation (Douglas Partners 2014); • Terrestrial Flora and Fauna Constraints Analysis (Biosis Research 2011); • Bushfire Constraints Assessment (Australian Bushfire Protection Planners 2014); • Aboriginal Due Diligence Assessment (Biosis 2014); and • Flood Study (KFW Infrastructure Professionals 2014). Advice will be sought through the Gateway process as to any further studies required.
10, How has the planning proposal adequately addressed any social and economic effects?	An Aboriginal Due Diligence Assessment (Biosis 2014) was submitted in support of the planning proposal request.

	The Concept Plan proposes 29 low density residential lots ranging in size from 1,229m² to 1.1 hectares, to achieve a rural residential character subdivision, consistent with its setting. This proposed development will complement the low density residential Redgum Ridge Estate to the east, providing housing choice through the provision of a variety of lot sizes.
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Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Full urban reticulation services (power, sewer, water and telecommunications) can be provided to the proposed new 29 housing lots from the existing service network within the adjoining Redgum Ridge residential estate. Access to the proposed new allotments will be gained via a public road which will be an extension of Redgum Forest Way servicing Redgum Ride residential estate to the east. The traffic generation characteristics of the future housing development are projected to be moderate, comprising some 290 vehicle trips per day or 20 vehicle trips per peak hour. There is ample capacity within the existing/proposed public road network to accommodate these projected traffic levels. Council in its resolution dated 15 December 2015 has requested the proponent to investigate the provision of additional future access to Cordeaux Road, via Stones Road, from this development.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The Gateway Determination will stipulate the required consultation with public authorities. The planning proposal was accompanied by a letter from the Office of Environment and Heritage (OEH) indicating in principle support for a BioBanking Scheme (2014). The written advice from OEH acknowledges the potential for net conservation gains of the two threatened ecological communities Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion and Illawarra Subtropical

	Rainforest in the Sydney Basin Bioregion, 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.
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Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

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

- Hard copies at Council's Administration building and relevant Libraries;
- Electronic copy on Council's website;
- Notification letters to surrounding and nearby property owners;
- Advertisements in local newspapers, and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Environment. It is envisaged that the following would be notified as a minimum: Office of Environment and Heritage; Sydney Water; Rural Fire Service.

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard	N/A	
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development	N/A	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building	N/A	
SEPP No. 10	Retention of Low-Cost Rental Accommodation	N/A	
SEPP No. 14	Coastal Wetlands	N/A	
SEPP No. 15	Rural Land Sharing Communities	N/A	
SEPP No. 19	Bushland in Urban Areas	N/A	
SEPP No. 21	Caravan Parks	N/A	
SEPP No. 22	Shops and Commercial Premises	N/A	
SEPP No. 26	Littoral Rainforests	N/A	No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture	N/A	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP No. 33	Hazardous and Offensive Development	N/A	
SEPP No. 36	Manufactured Home Estates	N/A	
SEPP No. 38	Olympic Games and Related Projects	N/A	
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection	N/A	
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	N/A	
SEPP No. 52	Farm Dams, Drought Relief and Other Works	N/A	
SEPP No. 53	Metropolitan Residential Development	N/A	
SEPP No. 55	Remediation of Land	N/A	
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 60	Exempt and Complying Development	N/A	
SEPP No. 62	Sustainable Aquaculture	N/A	
SEPP No. 64	Advertising and Signage	N/A	
SEPP No. 65	Design quality of residential flat development	N/a	
SEPP No. 70	Affordable Housing (revised schemes)	N/A	
SEPP No. 71	Coastal Protection	N/A	
SEPP	Housing for Seniors or People with a Disability 2004	N/A	
SEPP	Building Sustainability Index: BASIX 2004	N/A	
SEPP	Major Projects 2005	N/A	
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and	N/A	

State Environmental Planning Policy		Compliance	Comment
SEPP	Extractive Industries 2007 Infrastructure 2007		Proposed development is in the vicinity of the Eastern Gas Pipeline. In line with the SEPP, before determining an application (or any application for modification of a consent) for development adjacent to a gas pipeline corridor, the consent authority must:(a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development or modification to which the application relates have been identified, and take those risks into consideration.
SEPP	Temporary Structures 2007	N/A	
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	N/A	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	N/A	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
REP	Sustaining the catchments	N/A	
Greater Metropolitan REP No.2	Georges River catchment	N/A	

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	The draft Planning Proposal request states that the RU2 Rural Landscape zoning is no longer appropriate for the subject lands. Agricultural uses are not economically viable given the land holding size and given the presence of Endangered Ecological Communities; any further traditional agricultural uses (such as cattle grazing) may threaten the long term conservation and management of the identified vegetation. The development strategy contained in the draft Planning Proposal request states that the existing densely vegetated southern and northern ridge side slopes will be retained and enhanced for their environmental qualities (offset sites) in accordance with Part 7A Biodiversity Banking provisions of the Threatened Species Conservation Act (1995). EECs would be best conserved and managed for the long term in accordance with the objectives of the E2 Environmental Conservation zoning (proposed in the draft Planning Proposal). The OEH has given in principle support to the use of BioBanking as a mechanism for offsetting the proposed development strategy within the site.
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	The draft Planning Proposal request states that the RU2 Rural Landscape zoning is no longer appropriate for the subject lands.
2. Environment and Heritage		
2.1	Environment Protection Zone	Consistent
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	Consistent
2.4	Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development		

3.1	Residential Zones	Consistent
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	N/A
3.4	Integrating Land Use and Transport	Consistent
3.5	Development Near Licensed Aerodromes	N/A
3.6	Shooting Ranges	N/A
4. Hazard and Risk		
4.1	Acid Sulfate Soils	N/A
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	N/A
4.4	Planning for Bushfire Protection	Consistent
5. Regional Planning		
5.1	Implementation of Regional Strategies	Consistent – proposal provides additional housing supply, housing choice and environmental benefits.
5.2	Sydney Drinking Water Catchments	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.6	Sydney to Canberra Corridor	Not applicable to Wollongong – revoked 10/7/08
5.7	Central Coast	Not applicable to Wollongong – revoked 10/7/08
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1 2036	Implementation of the Metropolitan Plan for Sydney	Not applicable