

ITEM 3

POST EXHIBITION - PLANNING PROPOSAL - REVIEW OF LARGE R2 ZONED LOTS IN THE ILLAWARRA ESCARPMENT FOOTHILLS

The Illawarra Escarpment forms a natural boundary and scenic backdrop to the Wollongong coastal plain. Sharing a close relationship with the Illawarra Escarpment are the foothills, which flatten into the coastal plain. The foothills have been subject to residential development, largely resulting from a more favourable topography, historic vegetation removal, historic subdivision and zoning patterns.

Arising from the Wollongong Housing Strategy 2023, a review of large residential lots in the Illawarra Escarpment foothills has been undertaken. On 3 April 2023, Council resolved to prepare a Planning Proposal for 68 lots in proximity to the mapped Illawarra Escarpment boundary. The Planning Proposal sought to make a number of amendments to the Wollongong Local Environmental Plan 2009 Land Use Zoning, Minimum Lot Size, Floor Space Ratio and Height of Building Maps.

A Gateway Determination was received 17 August 2023 and the Planning Proposal and supporting documents were exhibited between 6 September and 11 October 2023. As a result of the exhibition 53 submissions were received.

The purpose of this report is to provide feedback on the exhibition and recommends that Council resolve to finalise an amended Planning Proposal to amend the Wollongong Local Environmental Plan 2009.

RECOMMENDATION

- 1 The Planning Proposal to amend Wollongong Local Environmental Plan 2009 Land Use Zoning, Minimum Lot Size, Floor Space Ratio and Height of Building for multiple lots in the Illawarra Escarpment foothills, be progressed to finalisation, with the following amendments -
 - a 2 and 14 Cosgrove Avenue, Keiraville include a C3 Environmental Management zone along the edge of the adjoining R2 Low Density Residential zone to enable Asset Protection Zones.
 - b Lot 1019 DP 811085 Ribbonwood Road, Farmborough Heights, minor increase in the C4 Environmental Living zone to accommodate an Asset Protection Zone.
 - c Hill Crest Home 1A Railway Crescent, Stanwell Park – retain the R2 Low Density Residential zone to retain the permissibility of the aged care facility, but progress the other amendments.
 - d 107 Derribong Drive, Cordeaux Heights – amend the Minimum Lot Size Map to coincide with the approved subdivision.
- 2 The General Manager exercise plan making delegations, in accordance with Council's resolution of 3 April 2023, and the Department of Planning, Housing and Infrastructure be requested to legally draft the relevant map amendment in Wollongong Local Environmental Plan 2009.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Summary of Submissions
- 2 Detailed discussion on site-specific submissions relating to 8 properties
- 3 LEP Amendment Maps

BACKGROUND

The Illawarra Escarpment is an iconic feature of the Illawarra Region, featuring Aboriginal and European heritage and unique natural areas and vistas. However, increasing development pressures from residential development on large lots within the foothills has the potential to impact upon the cultural, environmental and scenic values of the escarpment. Furthermore, many of the remaining large lots share attributes and hazards, associated with the escarpment lands. This includes bush fire prone land, steep slopes, geotechnical constraints and ecological values. Being in the higher elevations of the LGA, sites are often limited in access and distant from education establishments, community facilities, public transport and employment centres.

Following examples of inappropriate development on the Escarpment, the then NSW Minister for Urban Affairs and Planning in 1998 directed that a 'Commission of Inquiry into the Long-Term Planning and Management of the Illawarra Escarpment and Coastal Plain' be held. Resulting from the Commission of Inquiry is the Illawarra Escarpment Strategic Management Plan (IESMP) 2006 and later 2015.

The scope of the Commission of Inquiry and the subsequent IESMP 2006 and 2015 were limited to the environmental conservation zones, which were under rezoning pressure and did not include the adjoining, already zoned residential land. This limitation is discussed in the IESMP 2015 where it is noted that the escarpment values often extend beyond the mapped escarpment boundary and into residential zoned land.

Defining the boundary between the coastal plain, foothills and upper steep sections of the Illawarra Escarpment is difficult due to the variety of landscape features and historic subdivisions.

No single elevation represents where the coastal plain ends and the escarpment begins. This has resulted in the boundary of the Illawarra Escarpment being defined differently through various plans and strategies between 1986 and 2009 and allowing more residential development into the higher elevations of the foothills.

In contrast to the mapped areas of the Illawarra Escarpment, many of the development standards and controls, which set a more modest built form, do not apply to the foothills. This is problematic, as many of the remaining large lots within the foothills share similar constraints and attributes as neighbouring escarpment areas. Yet, more intensive residential development is permissible within the R2 Low Density Residential zone, and to a lesser extent the C4 Environmental Living zone.

Several development proposals highlighted the need to review the development standards for residential zoned lots on the higher elevations of the foothills in proximity to the escarpment. In 2022 a review of large lots zoned R2 Low Density Residential within the escarpment foothills commenced. A review of three historic Development Applications was undertaken as case studies to gain an appreciation of the key site constraints. The key constraints were slope, geotechnical instability, vegetation, bushfire hazard (and required clearing) and drainage.

Key strategies in the Wollongong Housing Strategy 2023 are to encourage housing in locations that are well-serviced and have limited constraints, and to protect and retain the Illawarra Escarpment as a conservation area.

On 3 April 2023, Council considered a report on the Review of large residential lots within the Illawarra Escarpment foothills. The report reviewed the planning controls of 22 large lots zoned R2 Low Density Residential, and considered the various site constraints, including slope, land instability, bush fire risk, flooding, riparian corridors, flora, fauna, endangered ecological communities and available infrastructure.

The report recommended that the development potential of the 22 large lots, and 46 adjoining lots, be amended through the preparation of a Planning Proposal to amend a combination of the Zoning, Floor Space Ratio, Minimum Lot Size and Height of Building LEP Maps.

Council resolved to prepare and exhibit a Planning Proposal for 68 lots in proximity to the mapped Illawarra Escarpment boundary.

On 17 August 2023 Council received a Gateway determination from the Department of Planning, Housing and Infrastructure (Department) to enable the Planning Proposal and suite of documents to be exhibited. The Department required the proposed floor space ratio for part of the Wombarra Vista Estate to be amended from 0.3:1 to 0.5:1. Council officers updated the maps prior to exhibition to avoid community confusion.

The Planning Proposal and accompanying documentations were exhibited between 6 September and 11 October 2023. The exhibition arrangements are detailed under the Consultation and Communication section of this report. As a result of the exhibition, fifty-three (53) submissions were received, as summarised in Attachment 1.

Updated development information post 3 April 2023 Council Resolution

Since the 3 April 2023 Council report, the subdivision proposals on the following two sites have been completed and new lots created -

Location	Original Number of Lots	Number of New Lots Created
632 Lawrence Hargrave Drive, Wombarra	5	Now 1,2,6,8-13,15,17 McCann Circuit 12 lots and a subsequent boundary adjustment. Additional 2 lots to be registered (14 lots in total)
107 Derribong Drive, Cordeaux Heights	1	3 lots total

The owner of 14 Cosgrove Avenue, Keiraville has lodged two Appeals to the Land and Environment Court -

- A Class 1 appeal against the refusal of DA-2022/469 for 42 multi-dwelling housing dwellings.
- A Class 4 appeal against the Department and Council on the processing of the Planning Proposal, in relation to the site.

PROPOSAL

This report details the results of the exhibition and discusses the issues raised in submissions.

As a result of the Public Exhibition, the exhibition page on Council's website received 758 views, 573 documents were downloaded. A total of 53 submissions were received. There were 17 submissions made through Council's engagement webpage and 36 written submissions.

In summary, submissions were received from –

- 13 from landowners or their consultants -
 - 1 in support.
 - 11 opposed, including 5 relating to 1 property.
 - 1 comment.
- Seven (7) from State Agencies / Statutory Authorities –
 - Department of Planning and Environment – Biodiversity Conservation Division – no major concerns.
 - NSW State Emergency Services – advised that a number of properties are identified as being flood affected and recommended careful consideration of proposals which could enable increased development on land identified as impacted by flooding. The Planning Proposal should be reviewed for consistency with Ministerial Directions on flooding, and to seek comment from Department of Planning and Environment – Biodiversity Conservation Division.

Comment: Council officers do not agree with the SES general comment, as the Planning Proposal seeks to reduce development potential on flood prone land. The Planning Proposal does not seek to increase development. Any development application will need to be accompanied by a flood impact assessment. As noted above, the Department of Planning and Environment – Biodiversity Conservation Division had no major concerns on flood risk.

- Transport for NSW – No objection - the proposal is not expected to have a significant impact on the State Road Network or train network.
- NSW Rural Fire Service – advised that there is insufficient information provided to consider whether Planning Proposal is consistent with Ministerial Direction on bush fire. Specific comments were provided in relation to some properties.

Comment: Council officers do not agree with the RFS general comment, as the Planning Proposal seeks to reduce development potential in bush fire prone areas. The Planning Proposal does not seek to increase development. Any development application will need to be accompanied by a bush fire assessment. The RFS's comments on specific properties have been reviewed and amendments to the Planning Proposal maps have been proposed.

- Sydney Water – no objection.
- Jemena – no objection.
- Heritage NSW – a comprehensive Aboriginal cultural heritage assessment report is needed and should inform this Planning Proposal. The Planning Proposal also consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors. No identified impacts on any items listed on the State Heritage Register.

Comment: It is agreed that the Illawarra Escarpment provides an important cultural backdrop to Wollongong. Council completed the Illawarra Escarpment Aboriginal Heritage Assessment in 2012. The Planning Proposal does not seek to increase development. Any development application will need to be accompanied by an Aboriginal Heritage Assessment and Landscape Assessment.

- Two (2) Neighbourhood Forums -
 - Neighbourhood Form 4 – support.
 - Neighbourhood Form 5 – support.
- Five (5) from community groups / peak organisations -
 - National Trust of Australia (NSW) Illawarra Shoalhaven Branch – Support.
 - Keiraville Residents Action Group Inc – support.
 - National Parks Association of NSW – support.
 - Urban Development Institute of Australia (UDIA) – oppose, due to impact on housing supply.
 - Property Council of Australia – oppose, due to impact on housing supply.
- 26 from members of the community, as summarised in the following table -

Suburb	Support	Oppose	Comment
Mt Pleasant	2		
Keiraville	8	1	
Figtree	1		
Cordeaux Heights	1		
Farmborough Heights	1		
Wombarra	1		
Woonona	1		
Balgownie			1
West Wollongong			1
Suburb unknown	6	1	1
Total	21	2	3

A summary of the submissions and issues raised are provided in Attachment 1.

Site Specific issues

The owner of 6-10 Moab Place, Figtree supported the proposed changes on that property and it is recommended that the proposed amendment be progressed.

Landowner objections or comments were received on seven (7) properties and RFS advice on a further one (1) property. As a consequence of the issues identified in the submissions, these properties have been subject to further review (Attachment 2).

As a consequence of the issues raised in submissions it is recommended that minor amendments be made to the exhibited Planning Proposal for the following properties -

- Hill Crest Home 1A Railway Crescent, Stanwell Park – retain the R2 Low Density Residential zone to retain the permissibility of the aged care facility, but progress the other amendments.
- 107 Derribong Drive, Cordeaux Heights – amend the Minimum Lot Size Map to coincide with the approved subdivision.
- Two (2) Cosgrove Avenue, Keiraville - at the request of the RFS, inclusion of a C3 Environmental Management zone along the edge of adjoining existing development to accommodate an Asset Protection Zone.
- 14 Cosgrove Avenue, Keiraville - at the request of the RFS, inclusion of a C3 Environmental Management zone along the edge of adjoining existing development to accommodate an Asset Protection Zone.
- Lot 1019 DP 811085 Ribbonwood Road, Farmborough Heights – at the request of the RFS, minor increase in the C4 Environmental Living zone to accommodate an Asset Protection Zone.

As a consequence of the issues raised in submissions, it is recommended that no amendment be made to the exhibited Planning Proposal for the following properties -

- 628 Lawrence Hargrave Drive, Wombarra (Wombarra Vista Estate - now McCann Circuit). Additionally, no amendment is proposed in response to a submission from the owner of an adjoining R2 zoned lot who purchased 80m² in the estate (proposed to be zoned C4) and raised concern about the creation of a split zoned R2/C4 lot.
- Lot 1433 DP 748240 Odenpa Road, Cordeaux Heights.
- 43 Mungurra Hill Road, Cordeaux Heights.
- 24 Highbank Place, Mount Ousley.

No site-specific submissions were received on the following properties and it is recommended that the proposed amendments be progressed -

- Lot 2 Brokers Rd, Balgownie.
- 40 Brokers Rd, Balgownie.
- 53A, 55A, 55B Wellington Drive, Balgownie.
- 6, 10, 12 Paradise Avenue, Mount Pleasant.
- Lot 1 DP 1218223 and Lot 1 DP 433638, Railway Crescent, Stanwell Park.
- 94C Staff Road, Cordeaux Heights.
- 54 Nebo Drive, Figtree.
- 210, 220-224, 226, 228, 230, 232-234, 236-238, 240-242, O'Briens Road, Figtree.
- 70 Jacaranda Avenue, Figtree.
- 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 29A Manna Avenue, Figtree.
- Lot Pt 116 DP 1265401 Redgum Forest Way, Figtree (formerly Lot 13 DP 1252847).
- 23, 25, 27, 29, 31, 33, 35 Gahnia Avenue, Figtree.

- Lot 14 DP 1252847 Rainforest Place, Figtree.
- 147, 151, 153, 155, 157, 159, 161, 163, 165 Koloona Avenue, Mount Keira.

General issues raised in Submissions

Submissions received in support of the Planning Proposal identified environmental conservation of Escarpment values as the primary reason for supporting the proposal. Submissions in support of the proposal also agreed the proposed amendments would control future development outcomes consistent with the character of the foothills and conserve downstream riparian corridors that may be impacted upon, as a result of increased overland flows, created by increased hard surfaces.

The following issues were raised in submissions.

- Bush fire, including Asset Protection Zones, dwelling construction standards and access for emergency vehicles.
- Concerns regarding decreased land values and compensation / incentive for land management.
- The Planning Proposal is contrary to the National Cabinet Housing Targets, Objectives within Strategic Plans and Policies and justification/Strategic Merit.
- Existing use rights and the enjoyment of land.
- Concerns regarding the Planning Proposal process.
- Concerns regarding the Planning Proposal meeting the 9.1 Ministerial Directions.

Generally, submissions made in support of the Planning Proposal did not raise items of concern that have not been identified above.

Bush Fire

Sixteen (16) community submissions raised bush fire as a concern. Submissions in support of the proposal generally considered the proposal would result in improved bush fire control. Conversely, submissions opposing the proposal, generally raised concerns about increased bush fire risk. Bush fire concerns also included existing and any future proposed dwelling construction methods, asset protection zones (APZs), access and infrastructure for firefighting purposes and insurance.

The NSW Rural Fire Service (RFS) comments noted insufficient information was provided to fully consider the Planning Proposal as being consistent with the Ministerial Direction, 4.3 Planning for Bush Fire Protection. And that, prior to progressing the Planning Proposal, a bush fire assessment is required to demonstrate that existing or future permissible dwelling sites are provided with adequate asset protection zones. It was also noted that all APZs are to comply with Planning for Bush Fire Protection 2019 and are to be established and maintained within zone boundaries where the activity is permissible.

The RFS also provided specific advice regarding Lot 96 DP 30903; Lot 90 DP 1086429 located in Keiraville and Lot 1019 DP 811085 located in Farmborough Heights. NSW RFS advised that all retained R2 and proposed C3 and C4 portions of the lots should be of a sufficient size to contain an APZ for existing and future dwellings.

Response: It is agreed that bush fire risk is a major concern in the Illawarra Escarpment. All but three of the sites that were included in the Planning Proposal, are mapped as containing Bush Fire Prone Land. Sites mapped as bush fire prone have steep slopes and vegetation that pose a greater risk to residents in the event of bush fire. The high bush fire risk was one of the factors used to identify properties to be reviewed.

To manage the risk associate with bush fire hazards and increased residential pressures within the Escarpment Foothills, Council resolved to progress the Planning Proposal to amend land use zones and associated planning controls. Council's proposal seeks to allow development, which includes residential development, on the majority of the subject lots but at a reduced intensity to that which is permissible in the existing R2 Low Density Residential land use zone. Council's proposal is consistent with the objective of State and Local Planning Policies and Strategies and considers the prevailing site constraints and natural hazards.

Based on landowner concerns and the advice of NSW RFS, the Planning Proposal maps for land at Keiraville and Farmborough Heights have been reviewed, as detailed in Attachment 2.

Firefighting Access and Infrastructure

Resident submissions raised concerns that the Planning Proposal would limit access and the potential development of bush firefighting infrastructure. It was also argued that residential development should extend higher into the foothills so APZs can be established.

Response: The Planning Proposal will not alter the current access available to bush fire prone lands. The proposed rezonings would not remove or prohibit fire fighter access.

It is expected any new applications for development will need to be consistent with Planning for Bush Fire Protection and any required infrastructure.

The Planning Proposal is not expected to restrict the ability to install firefighting associated infrastructure. Mechanisms for the installation of firefighting related infrastructure is provided for when meeting criteria defined in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Concerns regarding decreased land values and compensation / incentive for land management

Thirteen (13) submissions raised concerns regarding compensation and/or incentives for land management.

Response: The Planning Proposal does not seek to or require the acquisition of land. The Planning Proposal generally seeks to rezone R2 Low Density Residential zoned land to conservation land use zoning consistent with the site characteristics. Wollongong Local Environmental Plan (LEP) 2009 lists the permissible uses that apply to each zone. It should be noted the Planning Proposal does not seek to rezone land to C1 National Park and Nature Reserve, which only permits uses authorised under the *National Park and Wildlife Act 1974*.

The *Environmental Planning and Assessment Act 1979* does not provide for betterment, where land values increase as a result of a planning decision, and conversely does not provide for compensation if values decrease. The Proposal will permit a range of permissible uses on lands and as such, landowners will still be able to use land and lodge a Development Application for uses permitted under the proposed land use zoning.

Concerns raised consistency of the Planning Proposal against National Cabinet Housing Targets, Objectives within Strategic Plans and Policies and justification/Strategic Merit.

Community submissions raised concerns that the Planning Proposal is inconsistent with National Housing Targets set by the National Cabinet and are inconsistent with the objectives of the Illawarra Shoalhaven Regional Plan 2041 and the Wollongong Housing Strategy 2023. Additionally, that there is insufficient justification/ Strategic Merit for the Planning Proposal

Response: The National Cabinet set a target to build 1.2 million new well-located homes over the next five years, from July 2024. The National Cabinet also agreed on a National Planning Reform Blueprint. The Blueprint includes updating State, regional and local strategic plans to reflect housing supply targets; promoting medium and high-density housing in well-located areas that are close to existing public transport connections, amenities and employment; and streamlining approval pathways.

The housing target for the Illawarra may be for up to 58,000 additional homes by 2041 to meet demand. The modest reduction in yield resulting from the Planning Proposal will not significantly impact the requirements for housing in the Illawarra. Many of the lots have remained vacant since originally being subdivided or contain single residential dwellings that are located on limited less constrained areas. In general, the constraints of the sites prevent theoretical development outcomes suggested by the zoning and planning controls being realised.

The Planning Proposal will manage housing development and population growth on sites that have been identified as unsuitable for intensive forms of residential development due to prevailing site constraints, and distance to mass public transport and existing town centres. It was established in the supporting review study that identified sites contained a number of constraints, including natural hazards and biodiversity values consistent with the Illawarra Escarpment. This was also discussed in the Illawarra Escarpment Strategic Management Plan 2015 that resulted from the Commission of Inquiry into the Long-Term Planning and Management of the Illawarra Escarpment and Coastal Plain, where it was

identified that many residential zoned lots share similar constraints as the mapped Illawarra Escarpment yet were not previously considered for rezoning as a result of historic land use zoning and subdivisions.

The Planning Proposal is generally consistent with the objectives of the Illawarra Shoalhaven Regional Plan (ISRP) 2041. The Proposal is consistent with Objective 12 – Build resilient places and communities and Strategy 12.2 Reduce exposure to bushfire and natural hazards. Under Strategy 12.2, the ‘proximity of new development including urban release areas, in relation to areas of high bush fire risk, flooding hazards or coastal erosion/inundations to protect the community from natural hazards’ is a relevant consideration in local strategic and land use plan making.

The Proposal is consistent with Objective 18: Provide housing supply in the right locations. The ISRP specifically identifies West Lake Illawarra as our regionally significant growth area to meet this housing demand. It also seeks to prioritise opportunities for new housing in strategic centres. Strategic centres are deemed to be well serviced by utilities, public transport, walking and cycling, education, health and community infrastructure and identifies Corrimal and the former Coke Works site, and Dapto Town Centre, as such sites. The ISRP also seeks to increase housing diversity around commercial priority areas of Metro Wollongong in Strategy 1.1.

The Planning Proposal is consistent with Objective 11: Protect important environmental assets, which includes: areas of high environmental value, biodiversity corridors, threatened and dominant flora and fauna and riparian corridors. Generally, the subject sites are mapped as containing one or multiple of the above-mentioned environmental assets.

The Proposal is consistent with the NSW Government’s Housing 2041 - NSW Housing Strategy which provides a 20-year vision and sets the Government’s goals and ambition to deliver better housing outcomes. Providing planning regulation and guidelines to support the NSW Government housing objective is referenced in the Strategy. It also includes an Action item to ‘build resilience in the community with better responses to environmental and natural hazards and ensure communities are not placed at risk’. Submission received included concerns regarding resilience and the location and design of new housing must consider natural hazards.

Owner enjoyment and use of land existing use rights

Community submissions, which included a business, raised concerns that the Planning Proposal would have an impact upon the enjoyment of land and existing use rights.

The Planning Proposal is to amend Wollongong LEP 2009 Land Use Zoning and associated Planning Control Maps. It is not the intent of the Planning Proposal to enable development that would restrict owners from accessing and enjoying their land.

Generally, the Planning Proposal will allow for some level of residential development that is consistent with the proposed zone objectives and aligned with the characteristics of the land.

The Planning Proposal does not extinguish existing use rights where an existing residential dwelling or other current permitted use is lawfully present on the site.

Concerns regarding the Planning Proposal Process

Submissions raised concerns regarding the Planning Proposal and consultation process.

Response: Making and amending a LEP starts with a Planning Proposal, which describes the outcomes and justification for the amendments. Division 3.4 of the *NSW Environmental Planning and Assessment Act 1979* sets out the process.

Affected landowners were notified in letters sent via the post prior to the Planning Proposal being considered by Council at its 3 April 2023 meeting, recommending it be sent to the Department seeking a Gateway Determination and Public Exhibition.

Notification Letters were sent to residents and landowners in proximity to the subject sites prior to the commencement of the public exhibition. Stakeholders who requested notification via email, were also sent a copy of the notification letter to their selected email address.

In addition to consultation with community members, Council notified Wollongong City Neighbourhood Forums and State Agencies identified in the Gateway Determination.

The Planning Proposal process, including notification requirements, has complied with the requirements set out in legislation and State policies / guidelines.

CONSULTATION AND COMMUNICATION

The Planning Proposal was exhibited between 6 September and 11 October 2023. The exhibition was notified via -

- Advertisement in the Community Update section of the Illawarra Mercury on 6 September 2023.
- Letter were sent to 1317 landowners and nearby properties.
- Advertised on Council's Our Wollongong community engagement webpage.
- Hard copies in all Wollongong City Council Libraries branches and in Council Customer Service Area in the Administration Building.
- Letters sent to operating Neighbourhood Forums and Northern Illawarra Resident Action Group.
- Letters sent to Statutory Authorities, including those nominated in the Gateway determination.

The Our Wollongong exhibition on Council's Engagement website had a total of 758 visits. There were 17 Submissions made through Council's online engagement webpage.

The Planning Proposal was notified on the Department Planning Portal website.

Fifty-three (53) submissions were received including 13 on or on behalf of landowners, 26 from community members, two from the Neighbourhood Forums, five from Peak Organisations and seven from State Agencies.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development population growth and housing needs	Land Use Planning

Illawarra Shoalhaven Regional Plan 2041.

In June 2021 the Illawarra Shoalhaven Regional Plan 2041 was released by the State.

The Illawarra Shoalhaven Regional Plan 2041 guides strategic planning and land use decisions in the region for the next 20 years. The ISRP contains 30 objectives, supported by a mix of actions, strategies and collaboration activities. The Planning Proposal is not inconsistent with any objectives of the ISRP including the following –

Objective 11: Protect important environmental assets.

Objective 12: Build resilient places and communities.

Objective 13: Increase urban tree cover.

Objective 18: Provide housing supply in the right locations.

Objective 22: Embrace and respect the region's local character.

The Planning Proposal seeks to rezone existing R2 Low Density Residential zoned land to Conservation land use zones and to amend the associated Planning Controls. The Proposal will reduce the impacts of residential development upon the natural attributes of the region and Illawarra Escarpment, while building resilient communities, that are less likely to be impacted by natural hazards, including bush fire and geotechnical constraints associate with the Escarpment Foothills.

The ISRP also identifies the need to prioritise opportunities for new housing in strategic centres, that are well serviced by utilities, public transport, walking and cycling, education, health and community infrastructure, and provide shopping, community and commercial services. Separate draft Planning Proposals will be progressed to increase housing opportunities in appropriate locations.

Local Strategic Planning Statement

In 2020, Council adopted the Wollongong Local Strategic Planning Statement (LSPS) 2020 to provide a 20-year land use planning vision for the City. It has drawn on the many existing strategies and plans developed, exhibited and adopted by Council.

The LSPS acknowledges that -

- Wollongong is home to many unique natural ecosystems, threatened species and ecological communities and population grows we will need to balance the social, economic and environmental needs.
- Development and inappropriate land use are identified as key threats to local biodiversity and its ecosystem services, with the potential to impact on public health and amenity.
- There are many lots zoned R2 Low Density Residential from Stanwell Park to Farmborough Heights that are located on the Escarpment foothills but are located outside the Escarpment Strategic Management Plan study area.
- The steep slopes and lush vegetation of the Illawarra Escarpment and its foothills create an attractive environment to live. However, the steep slopes, vegetation cover, bush fire risk, geotechnical risk and flood risk constrains urban development.
- In terms of steep slopes, land with a slope of more than 11 degrees (20 percent) is considered to be unsuitable for urban development, while slopes of 8 – 11 degrees (15-20 percent) is marginal for urban development (Department of Planning 1988).

The Planning Proposal is consistent with the LSPS, as it seeks to rezone land to limit the impacts on the environment within the steeper slopes of the Illawarra Escarpment.

Wollongong City Council Planning Proposal Policy (2022)

Council has adopted the Planning Proposal Policy (2022) with the aim to inform the community about the Planning Proposal process, guide applicants and improve the efficiency of assessment.

The main objectives of the Policy are to -

- Outline what is a Planning Proposal and what is its purpose.
- The steps in the Planning Proposal process.
- Consideration of Planning Proposal requests.
- Information to be submitted in a Planning Proposal request.
- The fees applicable to a Planning Proposal.

The Planning Proposal is generally consistent with the objectives and the listed considerations of Planning Proposal requests. The Planning Proposal is the result of Wollongong Housing Strategy 2023, Action Item L1. The strategic justification for the proposal is also consistent with the objects of the Illawarra Shoalhaven Regional Plan 2041, as identified within this report.

Ministerial Directions

The Planning Proposal is considered consistent with the State and Local Planning Policy and Strategies. NSW RFS, NSW SES and Heritage NSW raised concerns regarding the Planning Proposal satisfying the 9.1 Ministerial Directions 4.1 Flooding, 4.3 Planning for Bush Fire Protection and 2.3 Heritage Conservation, respectively. It appears that the agencies did not appreciate that the Planning Proposal was seeking to limit development potential and have applied the same methodology and requirements as Planning Proposals seeking to increase development potential.

The Planning Proposal satisfies Direction 4.1 as it will reduce the potential residential development within flood affected areas. The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value. The Planning Proposal is also considered consistent Direction 6.1 Residential Housing Objective (c) minimise the impact of residential development on the environment and resource lands.

The Planning Proposal can satisfy Direction 4.3 following minor zone boundary adjustments on 3 lots to allow for the creation of future Asset Protection Zones for alterations and additions to existing dwellings and for new residential development, based on recommendations provided by NSW RFS. The Planning Proposal is to reduce the development potential upon the subject lots and respond to prevailing site constraints and natural hazards by rezoning land from R2 Low Density Residential to Conservation Land Use Zones.

The Planning Proposal satisfies Direction 2.3 as it seeks to conserve parts of the Illawarra Escarpment foothills from further development.

SUSTAINABILITY IMPLICATIONS

The Planning Proposal, if adopted with the recommended amendments, will have positive environmental outcomes for lands adjacent to the mapped boundary of the Illawarra Escarpment. The proposed rezonings and associated amendments to Development Standards will result in development at an appropriate scale that will limit impacts upon the scenic, cultural, and environmental attributes of the locations in proximity to the escarpment.

The Planning Proposal is consistent with the environmental outcomes set within the Wollongong Housing Strategy 2023.

RISK MANAGEMENT

The Wollongong Housing Strategy 2023 includes a recommendation to review the planning controls for large lots in proximity to the mapped Illawarra Escarpment. The review has been undertaken and recommended the preparation of a Planning Proposal to reduce the development potential of some properties.

If the Planning Proposal does not progress, Council may continue to receive applications for residential development considered undesirable and out-of-character within the upper reaches of the foothills.

CONCLUSION

The Planning Proposal has been prepared following a strategic review of large lots in the Escarpment foothills and exhibited for various adjustment to existing R2 Low Density Residential Zoned land within the Escarpment Foothills within the Wollongong Local Government Area.

The public exhibition of the Planning Proposal occurred from 6 September to 11 October 2023. Council received 53 submissions in total which were all reviewed and evaluated.

The Planning Proposal maps have been amended to reflect residential subdivisions that have been finalised to ensure the minimum lot size will enable appropriate development on new lots.

It is considered the Planning Proposal has sufficient strategic and site specific merit and should progress to finalisation subject to the proposed amendments being made.

Summary of Submissions – Planning Proposal: Review of Large R2 Zoned Lots in the Illawarra Escarpment Foothills

Land Owner Submissions

Location	Issue/Question Raised	Council Officer Response
<p>Landowners of 2 Cosgrove, Keiraville (two separate submissions)</p>	<p>Opposed Concerned the proposal will negatively affect properties.</p> <p>Concerns raised regarding the transparency of the consultation process and resident and adjoining landowner engagement impacting upon the decision-making process.</p> <p>Concerns raised critical information from external government agencies and stakeholders should be made publicly available.</p> <p>Bush Fire The proposal has the potential to impact upon community safety. Planning should consider the impacts resulting from historical bushfire events.</p> <p>Concerns raised rezoning land to conservation land use zones in proximity to older dwelling fails to consider prior construction methods which do not meet modern Bush Fire</p>	<p>The Environmental Planning and Assessment Act NSW 1979 do not provide provisions for the acquisition of land, unless that land is to be acquired for public purposes. The Planning Proposal is intended to allow for some form of residential development to occur on the subject site.</p> <p>Council’s community engagement for Planning Proposals is a standard process that is carried out in accordance with Council’s Community Participation Plan and the Environmental Planning and Assessment Act NSW 1979.</p> <p>Consultation with Government Agencies is a requirement of the Planning Proposal Process, as per the Gateway Determination. A summary of State Agency submissions is provided in this report.</p> <p>The proposal was referred to NSW RFS as part of the Public Exhibition process. As a result of comments provided by NSW RFS, the proposed planning maps were reviewed and revised. The maps were amended to consider existing dwellings and any future APZs that would be required for development.</p> <p>Noted - The proposal was referred to NSW RFS as part of the Public Exhibition process. As a result of comments provided by NSW RFS, the proposed planning maps were reviewed and</p>

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	<p>Attack Levels (BAL) and would increase the risk of bush fire. Buffers to bush fire should be increased.</p> <p>Concerns raised rezoning land to conservation zoned land within 10 metres of dwellings jeopardises the safety of residents.</p> <p>Concerns raised the proposal could result in obstructing paths used by 4WD fire fighting vehicles, should bush fire occur within the escarpment and compromised the ability to protect dwellings.</p> <p>Concerns the proposal will result in a devaluation of property due to increased bush fire risk and increase the cost of insurance.</p> <p>Concerns raised the current proposal will result in increased risk to life, property, fauna and flora.</p>	<p>revised. The maps were amended to consider existing dwellings and any future APZs that would be required for development.</p> <p>The proposal was referred to NSW RFS as part of the Public Exhibition process. As a result of comments provided by NSW RFS, the proposed planning maps were reviewed and revised. The maps were amended to consider existing dwellings and any future APZs that could be required for development..</p> <p>The Proposal does not seek to restrict access for fire fighting purposes.</p> <p>The Planning Proposal do not include provisions that require an amendment to the Bush Fire Prone Land mapping.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events.</p> <p>The Planning Proposal is expected to result in improved environmental outcomes under conservation land use zones.</p>
<p>Landowner of 2 Cosgrove, Keiraville (3rd submission)</p>	<p>Opposed Concerns raised regarding inadequate justification and inconsistencies with the Planning Proposal.</p>	<p>The Planning Proposal was the result of a review study that carried out under the Wollongong Housing Strategy 2023.</p>

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	<p>Concerns raised the proposal to rezone land to C2 Environmental Conservation is inconsistent with an approved Development Application for a 3-lot residential subdivision, reported to have commenced.</p> <p>Concerns raised that Council owned land at Kooloobong Park should not be zoned C2 Environmental Conservation. Under 2nd Schedule in the title a caveat is included by the Register General forbidding unauthorised dealings with public reserves and show the zoning as “public garden recreation space”.</p> <p>Typographical error on Map 9 incorrectly referring to C2 as National Parks and Nature Reserves</p> <p>Concerns raised the proposal includes insufficient justification for rezoning managed lands within R2 Low Density Residential lots to Conservation land use zones. Conservation zones are areas of high ecological, scientific, cultural, aesthetic value.</p>	<p>The Planning Proposal is consistent with Council’s Planning Proposal Policy and demonstrates a sound strategic argument for the amendment.</p> <p>This was confirmed by the NSW Department of Planning, Housing and Infrastructure (formerly NSW Department of Planning and Environment) issuing a Gateway Determination to progress the Proposal to Public Exhibition.</p> <p>The Planning Proposal is not dependent upon any approved Development Application.</p> <p>Noted – The management of Council owned land at Kooloobong Park, as Natural Areas Bushland is consistent with the adopted Community Land Plan of Management 2022. The Planning Proposal does not seek to amend the mapped Planning Controls for Council owned land at Kooloobong Park.</p> <p>Noted – Typographical errors in the mapping will be rectified. The errors noted are minor and do not alter the intent of the Planning Proposal.</p> <p>Many of the sites are mapped as containing Biodiversity Strategy Conservation Classes of Very High to High Conservation Values and/or Natural Resource Sensitive Biodiversity. A number of sites within the Planning Proposal also contain areas mapped as containing Endanger Ecological Communities habitat for threatened flora and fauna species.</p>

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	<p>Concerns raised the Planning Proposal lacks supporting Expert Reports and Government agencies advice. According to LEP any normal development must contain these consultant reports as a minimum.</p> <p>Previously the land was largely farmland, and the current vegetation is regrowth.</p> <p>Bush Fire Council should support residents improving firefighting infrastructure and better fire truck access.</p>	<p>It is acknowledged various levels of land and vegetation management has occurred on sites. However, the Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>The Planning Proposal was supported by a study that provided a review of key constraints.</p> <p>Following the 3 April 2023 resolution of Council, the Planning Proposal was sent to the NSW Department of Planning, Housing and Infrastructure (formerly NSW Department of Planning and Environment) seeking a Gateway Determination and to progress the Proposal to Public Exhibition.</p> <p>The Department issued a Gateway Determination to progress the Planning Proposal to Public Exhibition and no additional studies were required to be completed beforehand.</p> <p>Noted – The Planning Proposal is based upon current land uses and strategic direction.</p> <p>Noted – The Planning Proposal does not seek to impact upon access for fire fighting purposes. The proposal seeks to manage development in the foothills of the Illawarra Escarpment</p>

Location	Issue/Question Raised	Council Officer Response
	<p>Council should commission a bushfire report providing recommendations on best practices to protect the Illawarra Escarpment and resident from bush fire.</p> <p>Concerns raised conservation zoned land will not permit the construction of firefighting infrastructure.</p> <p>It is recommended Council consult with the Bushfire Centre at the University of Wollongong and commissioned studies prepared for NSW RFS regarding bushfire mitigation measures in the Illawarra Escarpment.</p> <p>Concerns the proposal will remove the rights to carry out vegetation management under the RFS 10/50 and rural boundary clearing rules that were the result of Recommendation 28 of the NSW Bushfire Inquiry.</p>	<p>The Illawarra Escarpment Strategic Management Plan 2015, which considered the Bush fire Risk Management Plan (BRMP) that was developed by the Committee in August /September 2008, in accordance with the NSW Rural Fires Act 1997, in its drafting.</p> <p>The intent of the Planning Proposal is to manage increased residential development in the escarpment foothills and to limit population growth in areas mapped as Bush Fire Prone and impact upon other natural hazards.</p> <p>Noted – Mechanisms for the installation of fire fighting infrastructure are provided for when meeting criteria defines in the SEPP (Exempt and Complying Development Code) 2008.</p> <p>Noted – Council undertook consultation with NSW RFS as part of the Planning Proposal process. As a result of this consultation, amendments were made to the proposed mapping to address areas of concern identified by NSW RFS.</p> <p>If the right to remove vegetation exists under the 10/50 Code, it is not expected the Planning Proposal will have any impact. However, it is the landowner’s responsibility to ensure they are compliant with 10/50 Code and any updates/amendments.</p> <p>The Planning Proposal does not include rural zoned properties or propose to rezone land for Rural Land Uses.</p> <p>Noted</p>

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	<p>Concerns raised the proposal will result in class compensation claims for personal injury or property damage resulting from Bush fire.</p> <p>Any potential new residential development within bush fire prone land is to be referred to the NSW RFS and demonstrate a net benefit in terms of creating additional bush fire resilience for the development and the environment. Additionally, this may result in the need for improvements to firefighting access, equipment and infrastructure and construction standards.</p> <p>Development in the escarpment should be encouraged as it provides better access for fire trucks to the escarpment.</p> <p>Concerns the proposal creates inadequate Asset Protections Zones and reduces existing APZs.</p> <p>Previous land use zones and lots sizes were the result of adequate consideration of bushfire threat and land constraints.</p>	<p>Noted – Development Applications for new residential development and/or alterations and additions to existing dwellings upon land mapped as Bush Fire Prone require referral to NSW RFS.</p> <p>Noted – outside scope of Planning Proposal.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>Allowing more intensive residential development in closer proximity to constrained lands only increases the risk associated with natural hazards and requires greater engineering and vegetation removal to reduce the risk.</p> <p>The Planning Proposal is not expected to alter existing access for fire fighting purposes.</p>

Location	Issue/Question Raised	Council Officer Response
	<p>Tree removal Concerns raised the ability to apply for a tree removal permit will be removed within conservation zoned land.</p> <p>Scope of Planning Proposal Concerns the proposal did not include all residential land in proximity to the escarpment and did not include land owned by the University of Wollongong.</p>	<p>The proposal was referred to NSW RFS as part of the Public Exhibition process. As a result of comments provided by NSW RFS, the proposed planning maps were reviewed and revised. The maps were amended to consider existing dwellings and any future APZs that would be required for development.</p> <p>Noted – many of site are the result of historic subdivisions that were registered before the enforcement of Planning for Bush Fire Protection.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>Regardless of Land Use Zoning, the Planning Proposal will not remove the right of landowners to submit a tree removal application with Council.</p> <p>The supporting document to the Planning Proposal – Review of Residential Large Lots in Proximity to the Illawarra Escarpment provided a methodology, which identified how lots would be considered for review and rezoning.</p>

Location	Issue/Question Raised	Council Officer Response
	<p>Additional funding is required for the control of noxious weeds within the escarpment.</p> <p>Concerns the proposal will limit property owners the ability to enjoy owned land and seeks to remove existing use rights.</p> <p>Concerns the proposal will have a detrimental impact upon the value of property and negative consequences of the proposal will be borne by landowners.</p> <p>Concerns raised the proposal is inconsistent with State Government guidelines and seeks to bypass normal processes.</p> <p>Concerns raised Council has not offer compensation or will purchase impacted lands.</p>	<p>Noted - Weed management on private property is an owner's responsibility. Council owned land is managed as per an adopted Plan of Management. Similarly, land owned by NSW National Parks is managed by the agency. It is recommended residents contact council regarding concerns of weeds upon Council owned/managed land.</p> <p>The Planning Proposal will not restrict landowners from entering and enjoying proposed Conservation zoned lands upon their property.</p> <p>The Planning Proposal does not seek to remove existing use rights.</p> <p>The Environmental Planning and Assessment Act NSW 1979 do not provide monetary provisions for the acquisition of land, unless that land is to be acquired for public purposes.</p> <p>The Planning Proposal is intended to allow for some form of residential development to occur on the subject site.</p> <p>Residents and affected land owners may be able to apply for funding for conservation measures.</p> <p>The Planning Proposal was prepared in accordance with the Division 3.4 of the Environmental Planning and Assessment Act (NSW) 1979.</p> <p>The Planning Proposal does not require the acquisition of private land for public purposes.</p>

Location	Issue/Question Raised	Council Officer Response
<p>Submission made on behalf of landowner of 2 Cosgrove Avenue, by Foundation Law Group</p>	<p>Opposed The Planning Proposal has not sufficiently considered the site constraints and dwelling arrangements.</p> <p>Typographical error in lot sizes in reports.</p> <p>The proposal will result in lots containing spilt land use zones and other dual planning controls, creating planning uncertainty and permissible uses across sites.</p> <p>WLEP 2009 does not contain provisions that allows for development in a zone if it is near another zone that would allow that development.</p> <p>The subject sites were created under approved residential subdivisions with the intent of providing additional housing.</p> <p>The Wollongong Housing Strategy includes objectives to protect the escarpment and to decrease residential development resulting from environmental constraints.</p>	<p>The supporting document to the Planning Proposal – Review of Residential Large Lots in Proximity to the Illawarra Escarpment provided a methodology, which identified how lots would be considered for review and rezoning.</p> <p>Noted – Typographical errors in the mapping will be rectified. The errors noted are minor and do not alter the intent of the Planning Proposal.</p> <p>Noted. It is recommended that Landowners proposing development upon their land seek independent planning advice.</p> <p>WLEP 2009, Clause 5.3 provides provisions for cross zone boundary development. The Clause does not apply for land zoned C2 Environmental Conservation and C3 Environmental Management.</p> <p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>Noted – The Planning Proposal is consistent with the Wollongong Housing Strategy 2023.</p>

Location	Issue/Question Raised	Council Officer Response
	<p>The Planning Proposal contradicts other objectives within the Housing Strategy, such as creating new job opportunities and providing adequate housing.</p> <p>The Planning Proposal will result in approved subdivisions, zoned R2 Low Density Residential, being zoned for unproductive purposes.</p> <p>The Planning Proposal is inconsistent with housing objectives set by National, State and Local governments.</p>	<p>The Planning Proposal is consistent with the Wollongong Housing Strategy 2023 as it seeks to limit the development potential of land unsuitable for increased residential density within the Escarpment Foothills. Council's housing strategy plans to increase densities in and around existing and planned town centres (employment centres), which are serviced by public transport. Largely the subject sites are not within walkable distances to public transport and employment centres.</p> <p>Noted The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>The Wollongong Local Environmental Plan 2009 lists permissible residential uses for land zoned for Environmental Conservation Land Uses.</p> <p>The Planning Proposal is not inconsistent with the housing target set by the National Cabinet which seeks to deliver well located homes.</p> <p>The proposal is consistent with the objectives of the Illawarra Shoalhaven Regional Plan 2041 and is consistent with the objectives and strategy action items within the Wollongong Housing Strategy 2023</p>

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	<p>Concerns raised the Wollongong Housing Strategy 2023 informed the Planning Proposal. However, it has been used as the justification for a largescale rezoning. It is argued the lots could retain the existing land use zone and still meet the objectives and actions within the Housing Strategy.</p> <p>The Housing Strategy seeks to review land zoned SP2 infrastructure to R2 and R3 indicating additional residential land is required to meet demand.</p> <p>Land is required to meet the governments housing needs.</p> <p>The protection of the Escarpment would have been considered previously by Council when the LEP was prepared in 2009.</p>	<p>Noted. The Wollongong Housing Strategy is consistent with the objectives and strategies within the Illawarra Shoalhaven Regional Plan 2041.</p> <p>Noted. The review of SP2 lands is considered a Housekeeping amendment and is associated with the completion of strategic transport corridors where adjacent lots or portions of adjacent lots are no longer required to be zoned SP2. It is not expected any rezoning associated with SP2 review will result in a significant potential for development.</p> <p>Noted – the Illawarra Shoalhaven Regional Plan 2041 identifies West Lake Illawarra as the region’s primary growth area. The Plan also identifies existing town centres with sufficient services and infrastructure, as other location of medium and high-density population growth.</p> <p>Noted – The Illawarra Escarpment Strategic Management Plan 2015 notes limitations on environmental protections resulted from historic subdivision and land use zones. However, it is noted in the Plan that often the site constraints and environmental attributes associated with the Illawarra Escarpment are often found on lands with the foothills that could not be considered under the IESMP 2015.</p>

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	<p>Concerns raised the Planning Proposal is not necessary as the Environmental Planning and Assessment Act 1979 includes considerations for Development Applications under 4.15(1)(b) and (c) ensure environmental constraints and impacts are assessed.</p> <p>Concerns raised a Planning Proposal only need to investigate and identify constraints at a high level and be consistent with the strategic planning of an area and that detailed assessments will occur at the Development Application Stage.</p> <p>Concerns raised bush fire studies have been commissioned by residents that indicate development is feasible upon sites and would require formalised Asset Protection Zones and construction standards deemed to satisfy specific BAL ratings.</p>	<p>Noted – and that 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act requires a consent authority is to take into consideration any environmental Planning Instrument.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>Noted. The Planning Proposal is consistent with the Division 3.4 of the Environmental Planning and Assessment Act (1979) (NSW) and the objectives of State and Local Planning Strategies and Plans.</p> <p>In support of the Planning Proposal a Review of Residential Large Lots in Proximity to the Illawarra Escarpment was undertaken to identify lots for inclusion.</p> <p>Noted. The Planning Proposal was referred to NSW RFS for comment as part of the Planning Proposal Public Exhibition process.</p> <p>Council has amended the Planning Proposal Land Use Maps to allow for Asset Protection Zones associated with alterations and additions to existing dwellings and potential new dwellings.</p>

Location	Issue/Question Raised	Council Officer Response
	<p>Concerns raised regarding Council's process regarding Community consultation and procedural fairness.</p> <p>Concerns raised regarding the planning proposal will result in economic loss and market uncertainty.</p> <p>Concerns raised regarding the planning proposal does not address economic impacts result from reduced residential development potential. Under the current zoning current R2 landowners could submit a development application for a secondary dwelling and/or a shed. The Planning Proposal will prevent the site from reaching the same residential densities as surrounding lands.</p> <p>Concerns raised a savings provision has not been included that protects development applications lodged and not yet determined from the changes to the LEP.</p>	<p>Council's community engagement for Planning Proposals is a standard process that is carried out in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Act NSW 1979.</p> <p>It is not a requirement under the Environmental Planning and Assessment Act (1979) (NSW) to address any economic impacts that may result from the Planning Proposal.</p> <p>Under the Wollongong Local Environmental Plan, Secondary Dwellings are permissible in certain land use zones including some Environmental Conservation land use zones. The Planning Proposal does not seek to amend the permissible land uses for R2 Zoned land that is to be retained.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>It is recommended that Landowners proposing development upon their land seek independent planning advice.</p> <p>Noted. The Planning Proposal has been prepared in accordance with Direction 3.4 of the EP&A Act (1979) (NSW).</p>

Location	Issue/Question Raised	Council Officer Response
		<p>A Savings provisions relating to development applications has not been proposed, as the Planning Proposal process provides sufficient time for the lodgement of a Development Application. Once lodged the application will be assessed on the controls at lodgement, although the determining authority is required to have regard for any Planning Proposal. A savings provision to enable further development would be contrary to the intent of the Planning Proposal.</p>
<p>Submission made on behalf of landowner, by M.E. McMahon and Associates Solicitors</p>	<p>Opposed Concerns the proposal will result in problems associated with split land use zones.</p> <p>Concerns raised an existing approved residential dwelling upon the site results in existing use rights for residential purposes for the entirety of the lot regardless of any C2 Environmental Conservation zoning and/or considered a bush block. References NSWLEC case law.</p> <p>Concerns raised Council owned land zoned C2 Environmental Conservation includes “public Garden and Recreational Space” on the Title Deed and as per the Second Schedule: K200000P Caveat by the Register General forbids unauthorised dealings with public reserves. Meaning regardless of the mapped LEP zoning, that zoning would not authorise any other use that is inconsistent with the use of a public reserve. As such it is argued the subject Council owned land should not be rezoned C2 and therefore adjacent sites should not be proposed to be rezoned to C2.</p>	<p>Noted. It is recommended that Landowners proposing development upon their land seek independent planning advice.</p> <p>Claims of existing use rights is the responsibility of the landowner. The Planning Proposal does not extinguish existing use right of approved uses.</p> <p>Noted – The management of Council owned land at Kooloobong Park, as Natural Areas Bushland is consistent with the adopted Community Land Plan of Management 2022. The Planning Proposal does not seek to amend the mapped Planning Controls for Council owned land at Kooloobong Park.</p>

Location	Issue/Question Raised	Council Officer Response
<p>Submission made on behalf of landowner (Surewin) of 14 Cosgrove Avenue Keiraville, by Tim Shelley Planning</p>	<p>Opposed Concerns raised there has been insufficient consultation with affected landowners and the community.</p> <p>Development can be designed within the site constraints to avoid environmental impacts and areas of high-quality vegetation and conservation zoned land.</p> <p>The proposal contradicts Ministerial Direction 9.1 – Direction 6.1 Residential Housing (2)(b) regarding Planning Proposals not containing provisions which will reduce the permissible residential density of land.</p>	<p>Council’s community engagement for Planning Proposals is a standard process that is carried out in accordance with Council’s Community Participation Plan and the Environmental Planning and Assessment Act NSW 1979.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>It is considered the Planning Proposal is consistent with Focus Area 6.1 of the Ministerial Direction 9.1. The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>The Planning Proposal is also considered consistent with Focus Direction 9.1, Focus Area 6.1 Residential Housing Objective (c) minimise the impact of residential development on the environment and resource lands.</p>

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	<p>The proposal is at odds with the Illawarra Shoalhaven Regional Plan 2041, which identifies additional housing is required to house the Illawarra’s increasing population. The proposal is dependent upon Objective 18 to supply housing in the right locations. However, the existing land is zoned for low density residential and has existing services.</p> <p>Concerns raised insufficient justification has been provided in the Wollongong Housing Strategy 2023 to support a Planning Proposal to ‘down zone’ subject sites.</p> <p>Insufficient justification provided in Council’s documentation when seeking a Gateway determination.</p>	<p>Noted – It is considered the Planning Proposal is generally consistent Objective 11: Protect important environmental assets; Objective 12: Build resilient places and communities; Objective 13: Increase urban tree cover; Objective 18: Provide housing supply in the right locations; Objective 22: Embrace and respect the region’s local character.</p> <p>The Planning Controls and site constraints were reviewed as part of the Review of Residential Large Lots in Proximity to the Illawarra Escarpment. It was found, while the subject sites are zoned R2 Low Density Residential, they are subject to natural hazards, generally not within walkable distances to town centres and services and unsuitable for intensive forms of low-density residential development being in proximity to the mapped escarpment lands.</p> <p>The Wollongong Housing Strategy 2023 is consistent with objectives of the Illawarra Shoalhaven Regional Plan 2041 and provides strategic justification for the Planning Proposal.</p> <p>Council at its meeting 3 April 2023 resolved to progress the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure (formerly NSW Department of Planning and Environment) seeking a Gateway Determination and for Public Exhibition. The Department issued a Gateway Determination on 17 August 2023 to exhibit the Planning Proposal. The Department did not include a requirement for additional studies to be completed as part of the Gateway Determination. The Gateway Determination was also exhibited as part of the exhibition materials.</p>

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	<p>Concerns the process that has been undertaken for the Planning Proposal has been expedited and is inconsistent with the Departments guidelines for the plan making. Additionally, no scoping proposal was undertaken.</p> <p>Concerns raised sufficient studies have not been undertaken to establish strategic merit and site-specific planning merit.</p> <p>Concerns the Proposal seeks a reduction in housing without sufficient justification; strategic merit; or site by site analysis and is not consistent with current NSW Government policy to provide additional housing.</p> <p>Concerns raised regrading DPE's Gateway determination and consultation with local and government agencies. Comments should have been sought beforehand rather than concurrently. The proposal should be re-exhibited following any amendments resulting from agency comments.</p>	<p>The Planning Proposal was prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act (1979) (NSW).</p> <p>The Planning Proposal was prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act (1979) (NSW). Strategic merit is established as part of the Review of Residential Large Lots in Proximity to the Illawarra Escarpment (2023) and is consistent with action items and objectives of the Wollongong Housing Strategy 2023, the Illawarra Shoalhaven Regional Plan 2041 and Council's Planning Proposal Policy.</p> <p>The Planning Proposal was prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act (1979) (NSW). Strategic merit is established as part of the Review of Residential Large Lots in Proximity to the Illawarra Escarpment (2023) and is consistent with action items and objectives of the Wollongong Housing Strategy 2023, the Illawarra Shoalhaven Regional Plan 2041 and Council's Planning Proposal Policy. Further discussion is provided in the Council Report.</p> <p>The Proposal was referred to State Agencies and their comments considered. As a result of the comments received minor amendments to the Planning Proposal maps were undertaken and are discussed within the Council Report. The proposed amendments are considered minor and do not warrant a revised Gateway Determination or re-exhibition of the Planning Proposal.</p>

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	<p>Concerns raised regarding typographical errors in the mapping and documentation.</p> <p>Concerns raised regarding savings provisions for lodged development applications prior to the making any plan.</p> <p>Concerns raised subject sites are within R2 zoned land an in proximity to services and infrastructure, which is consistent with Council’s Housing Strategy.</p> <p>Concerns raised, expert reports submitted in support of Development Applications has not been considered.</p>	<p>Noted – Typographical errors in the mapping will be rectified. The errors noted are minor and do not alter the intent of the Planning Proposal.</p> <p>A Savings provisions relating to development applications has not been proposed, as the Planning Proposal process provides sufficient time for the lodgement of a Development Application. Once lodged the application will be assessed on the controls at lodgement, although the determining authority is required to have regard for any Planning Proposal. A savings provision to enable further development would be contrary to the intent of the Planning Proposal.</p> <p>Subject sites are generally located on steep terrain and are greater than 400 m to bus stops and 800 m to rail stations in walking distance, which is a requirement to be deemed accessible housing under the State Environmental Planning Policy (Housing) 2021.</p> <p>The Planning Proposal is not dependent upon submitted Development Applications.</p>
<p>Landowner of Lot 80 DP 1294608, Lot 81 DP 1294608, Lot 71 DP 1294607 CORDEAUX HEIGHTS</p>	<p>Opposed Concerns raised regarding the proposed changes to land use zoning from R2 Low Density Residential to Conservation land use zones.</p>	<p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p>

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	<p>Concerned land in proximity to the site has not been included and includes a nearby school.</p> <p>Concerns raised other sites in the proposal have different minimum lot sizes.</p> <p>Concerns raised the proposed floor space ratio will limit the development potential and puts a lot of expense on any future building.</p> <p>Concerns the lot is not in proximity to the escarpment.</p> <p>Second submission. Concerns raised the original identified site has been subdivided and prior to the exhibition of the Planning Proposal. The registered lots are smaller than the proposed minimum lot size and as such, it is requested the proposal no longer reflects the registered lots.</p>	<p>The supporting Review Study to the Planning Proposal provides the methodology for inclusion of lots into the Planning Proposal.</p> <p>Noted – The proposed minimum lot sizes were individualised based upon the site and the site constraints.</p> <p>It is considered the proposed Floor Space Ratio is consistent with the intent of the Planning Proposal and the recommendations contained with the Department’s letter dated 12 July 2023, that was exhibited as part of the Planning Proposal Report.</p> <p>The supporting Review study to the Planning Proposal provides the methodology for inclusion of lot into the Planning Proposal.</p> <p>The Planning has been amended to consider the registered subdivision to allow for residential development to occur on the newly created lots through recommending amendments to the Minimum Lot Size.</p> <p>It is recommended the proposed amendments to Land Use Zoning and Floor Space Ratio continue to progress as the is mapped as Natural Resource Sensitivity – Biodiversity and mapped as affected by Endangered Ecological Community – MU13 Illawarra and South Coast Lowland Forest and Woodland (ISCLFW) and MU24 Lowland Woollybutt-Melaleuca Forest.</p>
<p>Submission made on behalf of the</p>	<p>Opposed The submissions provided on behalf of the landowner raised the following concerns objecting to the proposal:</p>	<p>It is noted two previous Development Applications have been approved on the site. It is also noted the previous Development</p>

Location	Issue/Question Raised	Council Officer Response
<p>landowner, of Lot 1433 Odenpa Road by MMJ</p>	<p>Previously had two Development Applications have been conditionally approved, being DA-83/673 1983 and DA-88/479.</p> <ul style="list-style-type: none"> o DA-83/673 was for a Thirty (30) lot subdivision included the adjacent lot. o DA-88/479 was for development of twelve (12) townhouses and eleven (11) villas. <p>Currently under assessment is a Development Application for a thirteen (13) lot subdivision.</p> <ul style="list-style-type: none"> o There have been no objections made by external state agencies regarding the proposed subdivision. <p>The proposed 999 m2 Minimum Lot Size would significantly reduce the potential yield of the site.</p>	<p>Applications were assessed against historic Planning Instruments.</p> <p>It is noted there is a Development Application currently under assessment for a 13 lot Torrents Title Subdivision to occur on the site. A copy of the most recent submitted site plan has been included in the attached discussion document.</p> <p>It is noted that no external agencies have made an objection to the Development Application.</p> <p>State Agencies did not make an objection to the Planning Proposal that identified the Odenpa Road lot as an area of concern.</p> <p>Comments noted. The amended Minimum Lot Size from 449 m2 to 999 m2 could have an impact on the total yield of the site.</p> <p>It is noted however, the site is proposed to retain the existing R2 Low Density Residential land use zoning. Therefore, more intensive forms of low-density residential development would be permissible on site. This includes multi dwelling housing and dual occupancies.</p>

Location	Issue/Question Raised	Council Officer Response
	<p>The Proposed 0.3:1 would impact on the potential yield of the site.</p> <p>Development costs would remain and would not be reduced due to decreasing the yield of the site and devalue the land and make development unviable.</p> <p>The Proposal has the potential to impact upon housing stocks if the subdivision was not to occur.</p> <p>The site is the final stage of a larger subdivision.</p> <p>Subdivision, Civil Works Plan, Geotechnical investigations indicate the site is capable of the proposed subdivision.</p> <p>The site is connected to existing services and infrastructure.</p> <p>It is expected the proposed subdivision will have minimal impact upon the riparian corridor mapped upon the site.</p> <p>Storm water and flooding can be managed on site to limit adverse impact upon downstream properties.</p> <p>The site and adjacent sites do not contain mapped Aboriginal and/or European cultural items.</p>	<p>Comments noted. It is expected the amended the mapped Floor Space Ratio from 0.5:1 o 0.3:1 would have an impact on the development of the site. It is the intent of the Planning Proposal to reduce the impact of potential development upon the subject sites.</p> <p>Should the Development Application be approved under the current Wollongong Environmental Plan 2009, the proposed amendments would not be applied.</p> <p>Comments noted. It is noted the site is currently vacant and as such has not delivered additional housing. Furthermore, an approved Development Application does not guarantee development will occur on site.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comment noted.</p> <p>Comments noted.</p>

Location	Issue/Question Raised	Council Officer Response
	<p>A BDAR carried out concluded that no threatened flora and fauna were recorded within the subject site.</p> <p>Small areas of vegetation are located on the northern and southern portions of the lot and are mapped as terrestrial biodiversity.</p> <p>The site is impacted by native vegetation; however, development can be planned to largely avoid vegetated areas.</p> <p>A Preliminary Site Investigation indicates the site has a low risk of contamination and unlikely to preclude development.</p> <p>The site is isolated, surrounded by existing residential development.</p> <p>The site has access to a Council pedestrian pathway.</p> <p>The site does not interface the Illawarra Escarpment directly.</p> <p>The site is not readily visible from other public vantage points of Odenpa Road.</p> <p>The site is vacant and not mapped as bush fire prone.</p>	<p>Comments noted.</p>
<p>Submission made on behalf of landowner – Hill Crest Home 1A</p>	<p>Opposed The proposed Land Use of C4 Environmental Living does not permit the current approved land uses on site. Being: Hospital; Respite day care centre; Seniors living.</p>	<p>The Planning Proposal has been amended to retain the existing R2 Low Density Residential land use zone to be consistent with the approved use upon the site.</p>

Location	Issue/Question Raised	Council Officer Response
<p>Railway Crescent, Stanwell Park by MMJ.</p>	<p>Concerns the rezoning of land will impact upon the ability to carry out required repairs and maintenance under SEPP (Exempt and Complying Development Codes) 2008.</p> <p>Concerns the proposal will result in the requirement to rely on proving Existing Use Rights for any future Development Applications, as it is stated this process is problematic from a legal perspective.</p> <p>Concerned the proposal will result in the requirement for a later Planning Proposal seeking Schedule 1 Additional Permitted Uses be amended to allow for the existing uses on site.</p> <p>Proposes where structures and infrastructure are located on site be retained as R2 Low Density Residential or continue to rezone the site as C4 Environmental Living and amend to Schedule 1 occur to permit the existing uses on site.</p> <p>Concerns regarding changes to FSR will impact land value and the resulting ability to mortgage the land to provide further development on site.</p>	<p>The Planning Proposal has been amended to retain the existing R2 Low Density Residential land use zone to be consistent with the approved use upon the site.</p> <p>The Planning Proposal has been amended to retain the existing R2 Low Density Residential land use zone to be consistent with the approved use upon the site.</p> <p>The Planning Proposal has been amended to retain the existing R2 Low Density Residential land use zone to be consistent with the approved use upon the site.</p> <p>The Planning Proposal has been amended to retain the existing R2 Low Density Residential land use zone to be consistent with the approved use upon the site.</p> <p>Comments noted. The site is significantly large that it is not expected an amendment to the Floor Space Ratio from 0.5:1 to 0.3:1 would have a detrimental impact on the ability to carry out future development on site. The lot contains a large amount of vegetation, which includes areas mapped as Natural Resource Sensitivity – Biodiversity which is of high conservation value and located in the mapped Biodiversity Strategy Corridor.</p>

Location	Issue/Question Raised	Council Officer Response
		As such, it is proposed no amendment to the Floor Space Ratio mapping occur as requested by the landowner's representative. It is considered further vegetation removal would be required to locate additional structures and establish and maintain associated asset protection zones, which will likely impact upon the visual character and values of the site.
<p>Landowner of Lot 100 DP 1300563 628 Lawrence Hargrave Drive, Wombarra</p>	<p>Neutral Concerns raised regarding the proposed rezoning and amendments to planning controls for land purchased that is subject to the Planning Proposal.</p> <p>The land was purchased to allow for a boundary adjustment to enable the ongoing maintenance of land including overland flows and vegetation management.</p> <p>The owner wants to retain the existing R2 Land Use Zone that is consistent with the larger area of the lot.</p>	<p>Comments noted. The land has been subdivided to allow for the boundary adjustment following the Gateway Determination.</p> <p>Comments noted.</p> <p>Comments noted – see discussion document for further considerations.</p>
<p>Landowner of 24 Highbank Place, Mount Ousley</p>	<p>Opposed The Landowner, submissions raised the following concerns: The subject site does not interface the Escarpment directly as it separated by the M1 Expressway and is not similar to other sites included in proposal.</p> <p>The topography of the site is in a ditch. The existing dwelling is not visible and any future development would also not be visible within the Illawarra unless viewed from above.</p> <p>There are no cultural values on site.</p> <ul style="list-style-type: none"> There are a number of site constraints and easements on site that would limit any large development. 	<p>Comments of location noted.</p> <p>Comments regarding site topography noted.</p> <p>Noted.</p> <p>Noted.</p>

Location	Issue/Question Raised	Council Officer Response
25020699	<p>Support Landowner of 6-10 Moab Place Generally happy with the proposal. The proposal should include additional lots.</p>	<p>Noted – the methodology in the support Review of Large R2 Lots in the Illawarra Escarpment Foothills detailed the criteria for inclusion of lots as part of the Planning Proposal.</p>

State Government Agencies

Submitter	Issue/Question Raised	Council Officer Response
NSW DPE Biodiversity Conservation Division	<p>No major concerns raised.</p> <p>Minor map error identified - 70 Jacaranda Avenue, Figtree where a central portion of the site is listed as being rezoned to C4 in the planning proposal documents but is shown as R2 on the associated maps.</p>	<p>Recommended to amend.</p>
NSW State Emergency Service (SES)	<p>The consent authority needs to ensure the Planning Proposal is consistent with the Ministerial Directions, including 4.1 flooding and the NSW Flood Prone Land Policy as set out in the Floor Risk Management Manual 2023 and supporting guidelines, including the Support for Emergency Management Planning.</p> <p>It is recommended key emergency management be carefully considered as the proposal could enable increased development on land impacted by flooding.</p>	<p>It is considered the Planning Proposal is largely consistent with the Ministerial Direction 4.1 Flooding. The proposal is generally for the rezoning of land from R2 Low density Residential, where large scaled residential development is permissible i.e., multi dwelling housing, residential flat buildings and dual occupancies are permissible, to less intensive land use zones.</p> <p>The proposal is generally not expected to result in the increased development potential on the subject sites.</p> <p>The Proposal does seek to rezone a small portion of land to R2 Low Density Residential of land located at Redgum Ridge Figtree. However, these sites have already been developed with approved residential development on site.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>It is recommended consultation with Biodiversity conservation Division occur.</p> <p>Request further flooding information be included in the Planning Proposal.</p>	<p>Consultation with the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) Environment, Energy and Science Group (formerly Biodiversity Conservation Division). The Department made no objection to the proposal and raised no major concerns.</p> <p>It is considered the proposal will not result in additional flood impacts or will increase the development potential of sites.</p>
Transport for NSW	<p>The proposal is not expected to have a significant impact on the State Road Network and raises no object to the proposal.</p> <p>Sydney Trains confirmed that they do not have any comments on the proposal.</p>	<p>Noted</p> <p>Noted</p>
NSW Rural Fire Service (RFS)	<p>Insufficient information provided to fully consider the Planning Proposal as being consistent with the Ministerial Direction 4.3. Prior to progressing a bush fire assessment is required to demonstrate that any existing or future permissible dwelling, dwelling sites are provided with adequate asset protection zones.</p> <p>The bush fire assessment shall ensure that APZ are able to be established and maintained wholly within zones where the activity is permissible.</p>	<p>It is considered the Planning Proposal is largely consistent with the Ministerial Direction 4.3 Planning for Bush Fire Protection. The proposal is generally for the rezoning of land from R2 Low density Residential, where large scaled residential development is permissible i.e., multi dwelling housing, residential flat buildings and dual occupancies are permissible, to less intensive land use zones.</p> <p>Council's identified sites for potential rezoning through a review of bush fire prone land mapping.</p> <p>A further internal review of sites was conducted, which provided recommendations that minor amendments to the proposed land use zoning for certain subject sites to allow for the establishment of future APZs.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>APZs shall comply with Planning for Bush Fire Protection 2019.</p> <p>It has been confirmed asset protection zones can be established and maintained and will not be prohibited in the C4 Environmental Living or C3 – Environmental Management zones.</p> <p>Site Specific advice: Lot 96 DP 30903 Council shall ensure that the R2 portion of the lot is sufficient in size to contain an asset protection zone forth existing dwelling and potential building envelope, where future subdivision may occur, to comply with Planning for Bush Fire Protection 2019. Zone boundaries shall be amended where this is not possible.</p> <p>Lot 90 DP 1086429 Council shall ensure that the R2 and C3 portions of the lot are sufficient in size to contain an APZ for a future dwelling to comply with Planning for Bush Fire Protection 2019.</p> <p>Consideration should be given, where environmental constraints allow for the establishment of a fuel reduced area along the southern part and eastern boundaries of the site to provide improved bush fire protection to the rear of existing dwellings along Cedar Grove and Cosgrove Avenue.</p> <p>Lot 1019 DP 811085 Ribbonwood Road. The consent authority shall ensure that the C4 portion of Lot 1019 DP 811185 is sufficient in size to contain an APZ for potential building envelopes where future subdivisions</p>	<p>It is noted the Proposal does not remove existing approved APZs.</p> <p>The proposal will not remove existing approved APZs, any new Application for Development will need to demonstrate consistency with Planning for Bush fire Protection 2019.</p> <p>Noted.</p> <p>Noted – minor amendments to the Planning Proposal have occurred to provide a C3 buffer for the subject site. The buffer was the result of an internal review and comments following NSW RFS comments.</p> <p>Noted – minor amendments to the Planning Proposal have occurred to provide a C3 buffer for the subject site. The buffer</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>may occur, to comply with Planning for Bush Fire Protection 2019. Zone boundaries shall be adjusted where this is not possible.</p> <p>Development Approval on the adjoining subdivision includes an off-site APZ over Lot 1019 DP 8115085. The approved off-site APZ is to be wholly located within the C4 portion of Lot 1019.</p>	<p>was the result of an internal review and comments following NSW RFS comments.</p> <p>See comments above</p>
Sydney Water	No objection or comments	Noted
Jemena	No objection	Noted
Heritage NSW	<p>Aboriginal cultural heritage considerations under the National Parks and Wildlife Act 1974</p> <p>Ministerial Direction 2.3, Heritage Conservation, requires planning proposals to address the conservation of Aboriginal objects. Heritage NSW recommends that a comprehensive Aboriginal cultural heritage assessment report is needed and should inform this planning proposal. The results of this assessment should inform the proposal. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements.</p> <p>The requirement for a full assessment to be prepared at the planning proposal stage is consistent with Clause 5.10.8 of the Wollongong LEP 2009. It is important that any management, mitigation and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.</p>	<p>Merrigong (Illawarra Escarpment) provides an important cultural backdrop to Wollongong.</p> <p>The Planning Proposal seeks to reduce development potential rather than increasing development potential.</p> <p>In 2008 consultants for Council completed the Illawarra Escarpment Aboriginal Heritage Study, which provides a comprehensive assessment.</p>

Neighbourhood Forum Submissions

Submission Identifier	Issue/Question Raised	Council Officer Response
<p>Neighbourhood Forum 4</p>	<p>Concerns raised DPE Requested in the Gateway Determination some lots in the Wombarra Zone have an increased 1.5:1 [sic] FSR from Council's original proposal of 1.3:1 [sic] FSR.</p> <p>Pressures for increased housing supply can erode environmental protections associated with the Escarpment.</p> <p>Elsewhere in the city, developers use the precedent principle to push for variations to development standards.</p> <p>The NSW National Parks and Wildlife Service (NPWS) actioning positive use of the State Recreation Area and formalising protections.</p> <p>The area between Balgownie and Bulli remains unprotected. Steps are needed to engage NPWS and our State MPs to plan for the extension of the walk from Sublime Point to Mt Keira, protect the Indigenous and settler heritage currently overlooked, begin to restore the native wildlife and vegetation once prolific in the Towradgi Creek catchment.</p>	<p>Noted – the Planning Proposal was amended as requested by the Department and prior to Public Exhibition. The Floor Space Ratio was amended to address concerns regarding potential dwelling sizes. Council exhibited the letter from the Department directing the change to proposed MLS mapping.</p> <p>Noted – the Planning Proposal is expected to result in improved environmental protections for the Illawarra Escarpment Foothills that will assist in the protections of the mapped escarpment lands.</p> <p>Comment noted.</p> <p>Comment noted.</p> <p>The Planning Proposal applies to identified large lots within the Illawarra Escarpment Foothills. It is expected the proposal will result in improved environmental, cultural, and visual outcomes.</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
<p>Neighbourhood Forum 5 24607082</p>	<p>Provide general support for the Planning Proposal.</p> <p>Advised support for the proposed Wollongong LEP Amendments to sites within the area applicable to Neighbourhood Forum 5</p> <p>Support for the proposed LEP amendments in the Figtree Area, in proximity to Obrien's Road, provided the floor space ratio is reduces to 0.3:1 except for single dwellings.</p>	<p>Comments noted.</p> <p>Comments noted. Many of the sites have existing dwellings where land is to be retained as R2 Low Density Residential. It is expected the proposed map amendments to development standards will provide development outcomes consistent with the objectives of the Planning Proposal.</p> <p>The EP&A Act 1979 and the Wollongong Local Environmental Plan 2009 do not permit the same area of land to have multiple mapped FSR, which are applied to differing permitted uses.</p>

Organisations/Associations/Groups

Submission Identifier	Issue/Question Raised	Council Officer Response
<p>National Trust of Australia (NSW) Illawarra Shoalhaven Branch</p>	<p>Support</p> <p>The National Trust has, for many years, valued the Illawarra Escarpment, having listed the Illawarra Escarpment Landscape Conservation Area as a Scenic landscape of Statewide Significant in 1974. The significance of the escarpment has not diminished today and is under ever increasing risk from development.</p> <p>In Principle support for the Planning Proposal as it will assist in –</p> <ul style="list-style-type: none"> – Protecting the native vegetation and habitats across the low foothills. 	<p>Comments noted.</p> <p>Comments noted. The Planning Proposal is expected to result in improved environmental protections and outcomes for the subject lots and the Illawarra Escarpment Foothills.</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
	<ul style="list-style-type: none"> – Retain and potentially increase tree cover across the lower foothills. – Retain the dramatic character of the escarpment affords to the Wollongong LGA. – Minimises natural hazards such as bushfire and geotechnical. 	
<p>Keiraville Residents Action Group INC</p>	<p>Support Primary focus of KRAG is large lots within the Keiraville area foothills, recognise the Planning Proposal applies to other areas through the LGA. Supports the Planning Proposal based on the following –</p> <p>Environmental Constraints: Significant development on steep slopes poses a risk to future and existing residents through landslip of unstable land and overland flow through increased non-pervious surfaces.</p> <p>External Impacts: Residential development located higher above older suburban areas and would have negative visual impact upon the natural areas of the escarpment. Streets in older residential areas are ill-equipped to handle increased traffic volumes.</p> <p>Environmental Impact: Terrestrial, aquatic and riparian habitats along with native flora and fauna within the foothills contributes to the community, air quality and identity of Wollongong and requires conservation and enhancement.</p>	<p>Comments noted.</p> <p>Comments noted. The Planning Proposal is expected to manage the scale of future development in areas mapped as natural hazards and impacts of overland flows resulting from increased impervious surfaces.</p> <p>The proposal is expected limit negative visual impacts upon the Illawarra escarpment that can result from large scaled residential dwellings permitted within land zoned as R2 Low Density Residential.</p> <p>The Planning Proposal is expected to result in improved environmental protections and outcomes.</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
	<p>The escarpment is a natural corridor linking the Royal National Park and Macquarie Pass National Park. Development has the potential to impact endangered and threatened species. The Office of Environmental Heritage also notes introduced species also have a negative impact on native flora and fauna.</p> <p>Heritage Values The escarpment is significant to Aboriginal and European history and values. As such the escarpment requires preservation and protection from development for the enjoyment of future generations.</p> <p>Bush Fire The risk of bush fire in the escarpment foothills is substantial and persistent and poses a threat to residents. Where bush fire is a hazard, new development requires mandated Asset Protection Zones, which results in the clearing of natural vegetation. Maintaining APZs is ongoing and requires vigilance which can become a safety concern is not properly maintained.</p>	<p>Comments noted. The Planning Proposal was referred to the Biodiversity, Conservation and Science (formerly Biodiversity Conservation Division) of the Department, who made no objection to the proposal and recommended only minor amendments.</p> <p>Comments Noted. The Planning Proposal expected to result in increased environmental protections and improved environmental outcomes.</p> <p>The proposal is expected to limit larger scaled R2 Low Density Residential development in proximity to the mapped Illawarra Escarpment and associated natural hazards, including bush fire. The Proposal does not remove the ability to carry out maintenance for approved APZs.</p>
<p>Urban Development Institute of Australia</p>	<p>Opposed A Planning Proposal to downzone land is unprecedented and creates uncertainty for landowners and developers. Owners purchased land based on existing land use zones. Down zoning will have a negative impact on the future economic potential of a site.</p>	<p>Comments of the UDI noted. The Planning Proposal is consistent with the strategies and actions with the Wollongong Housing Strategy 2023. The Strategy is consistent with objectives of the Illawarra Shoalhaven Regional Plan 2041 for the location of increased housing and densities in planned</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
	<p>Downzoning will have a negative impact on the ability to deliver housing rendering the land unproductive and jeopardises the entire strategic land use planning framework.</p> <p>NSW is a housing supply and affordability crisis. To meet National Cabinet’s commitment to build 1.2 million dwellings across the country between n2024-2029 under the National Housing accord. NSW would need to deliver 378,00 dwellings over the period.</p> <p>Recommends The Department of Planning and Environment puts and embargo on downzoning from residential zoned land and PP-2023-1259 (PP-2023/3) be withdrawn.</p> <p>Should the Planning Proposal proceed, that lots with Development Applications lodged prior to the gateway</p>	<p>greenfield sites and in proximity to town centres capable increased growth.</p> <p>The Planning Proposal was supported by the Review of Large R2 Lots in the Illawarra Escarpment the included a investigation of each proposed lot to be included.</p> <p>The Planning Proposal intends to manage residential uses and does not seek to restrict all development. The Planning Proposal intends to allow for limited development for residential uses to occur on the subject sites.</p> <p>Furthermore, the Planning Proposal is consistent with the Wollongong Housing Strategy 2023 and Illawarra Shoalhaven Regional Plan 2041.</p> <p>The Proposal is generally consistent with the National Cabinet’s housing target which seeks to increase housing numbers in well located areas. The National Cabinet identify well located areas as locations promoting medium and high densities housing in well located areas close to existing public transport connections, amenities and employment.</p> <p>A Gateway Determination was provided by the Department to progress the Planning Proposal to Public Exhibition.</p> <p>A Savings provisions relating to development applications has not been proposed, as the Planning Proposal process provides sufficient time for the lodgement of a Development Application. Once lodged the application will be assessed on</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
	<p>determination are excluded from the rezoning to conservation lands.</p> <p>Concerns with the Planning Proposal Lack of prior consultation with relevant landowner. Landowners were no consulted with prior to the gateway determination. Greater consultation is required moving forward with landowners and the local development industry.</p> <p>Development applications and previous development consent have demonstrated how they will avoid areas already zoned for conservation.</p> <p>Justification for the Planning Proposal is the protection of the environment and infrastructure constraints, which are unfounded. No evidence or justification provided that the values of the Illawarra Escarpment environment will be impacted by disturbance resulting from development.</p> <p>The use of the Regional Plan to provide new housing near schools, public transport, community facilities and jobs as justification for downzoning. The Planning Proposal implies the subject lots do not meet the previously mentioned criteria and is not supported by evidence. Many of the sites are in proximity to amenities and public facilities.</p>	<p>the controls at lodgement, although the determining authority is required to have regard for any Planning Proposal. A savings provision to enable further development would be contrary to the intent of the Planning Proposal.</p> <p>Consultation of the Planning Proposal in accordance with issued Gateway Determination, the Environmental Planning and Assessment Act 1979 and Council’s adopted Community Participation Plan. Council will continue to consult with landowners and key stakeholders.</p> <p>Comments noted.</p> <p>Comments noted. A number of recent Development Applications for large scale R2 Low Density Residential development in the foothills have raised significant concerns regarding the impacts upon the values of the adjacent environments of the Illawarra Escarpment.</p> <p>The Planning Proposal is consistent with the Strategies and Actions within the Wollongong Housing Strategy 2023 and the objectives of the Illawarra Shoalhaven Regional Plan 2041. The Review of Large R2 Lots in proximity to the Illawarra Escarpment identified the subject lots after an investigation of site constraints.</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
	<p>The Planning Proposal is misaligned with Government(s) objectives and policies to provide additional housing. The Wollongong Housing Strategy 2023 does not provide sufficient justification for downzoning of residential land during a housing crisis. The strategy contains CW1 and protecting the Illawarra Escarpment through limiting housing opportunities.</p>	<p>Comments noted. Refer to above for discussion point regarding alignment with government(s) housing objectives. The Planning Proposal is generally consistent with the Illawarra Shoalhaven Regional Plan 2041</p> <p>The Planning Proposal is consistent with the Wollongong Housing Strategy 2023, which was adopted by Council on 27 February 2023. It is noted the UDIA made a submission during the public exhibition of the Housing Strategy. At the time the UDIA submission made no objection or raise concerns regarding the strategy and action item to review the suitability of large lots within the escarpment foothills.</p>
<p>National Parks Association of NSW</p>	<p>Support The Association supports better protections for the environmental values of the Illawarra Escarpment and nearby conservation zoned lands and have made previous submissions on proposed development in the foothills.</p> <p>The Planning Proposal will limit the assessment of individual proposals and the need for legal cases and extensive community concern.</p> <p>The Planning Proposal should influence an update to Council's Illawarra Escarpment Strategic Management Plan</p> <p>Seek escarpment lands in West Dapto be included.</p>	<p>Comments noted. The Planning Proposal expected to result in increased environmental protections and improved environmental outcomes specifically in the foothills. However, it is expected this will benefit the adjacent areas of the Illawarra Escarpment.</p> <p>Comments noted. The Planning Proposal is expected to limit the permitted residential uses on the subject sites and resulting bulk and scale of development.</p> <p>Comments noted.</p> <p>The escarpment lands in the West Dapto area have not been included as part of the proposal as the West Dapto location is subject to a number of existing Planning Proposals and Neighbourhood Plans.</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
		<p>It is noted the Council’s adopted West Dapto Vision includes provisions for appropriate development near the Illawarra Escarpment.</p>
<p>Property Council of Australia</p>	<p>Opposed Concerns raised the Planning Proposal will impact upon housing affordability and rental availability by reducing the potential of land.</p> <p>Concerns the Planning Proposal does not counter the loss of housing development yield elsewhere in the Wollongong Local Government Area.</p> <p>The assessment of the Planning Proposal focuses on potential environmental benefits over lost opportunity for housing.</p> <p>The proposal will set a precedent for further similar proposals to reduce residential zoned land that are not</p>	<p>Comments noted. It is expected increased housing will be primarily delivered in greenfield land release such as West Lake Illawarra (West Dapto). Council Housing Strategy seeks to increase residential densities in proximity to existing town centres capable of higher densities.</p> <p>See discussion point above.</p> <p>Comments noted. It is expected the greenfield locations of West Lake Illawarra and existing town centres will provide sufficient dwelling yields to negate any potential loss of additional housing resulting from the Planning Proposal.</p> <p>This matter was discussed in Council report on the 3 April 2023.</p> <p>The Planning Proposal was the result of the Wollongong Housing Strategy 2023, adopted by Council on 27 February 2023. The Planning Proposal is also generally consistent with the objectives of the Illawarra Shoalhaven Regional Plan 2041.</p>

Submission Identifier	Issue/Question Raised	Council Officer Response
	supported by strategies to replace losses for housing potential.	Consistent with the Illawarra Shoalhaven Regional Plan 2041, Council identifies West Lake Illawarra and existing town centres as locations for increased houses and dwelling yields.

Community Submissions

Submitter	Issue/Question Raised	Council Officer Response
Resident of West Wollongong	<p>Neutral – One submission over 3 entries The escarpment, foothills and ocean are natural features of the region the required improved protections.</p> <p>Natural areas of flora and fauna must take precedence over development.</p>	<p>Noted – It is considered the Planning Proposal is generally consistent with the objectives within Strategic Planning policy and documents applicable to the region and Wollongong Local Government Area. The Planning Proposal applies to lands not mapped within the Illawarra Escarpment; however, are intrinsically linked to the escarpment lands. An objective of the proposal is to protect the environmental, aesthetic and cultural values of the Escarpment and areas of the foothills, which have similar constraints and appearances.</p> <p>Through amendments to Planning Controls within lands mapped as R2 Low Density Residential foothills, the amended controls will manage permissible development types to limit inappropriate and out of character development. Additionally, it is expected the proposal will limit exposing the region’s growing population to natural hazards associated with the Illawarra Escarpment.</p> <p>Noted – The Planning Proposal seeks to protect natural flora and fauna through amendments to Land Use Zoning and Planning Controls</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>Further subdivision should not be allowed.</p> <p>Existing buildings should be improved to withstand bushfires.</p> <p>There should be no new buildings within Bush Fire Prone Land.</p> <p>New development is to blend into the natural areas so not to stand out.</p>	<p>Noted – The Planning Proposal seeks to manage permissible development types within the foothills to provide, improved environmental outcomes and to limit the increasing number of people living in proximity mapped as natural hazards.</p> <p>It is not the intent of the Planning Proposal to prohibit existing and all new residential development and subdivision within the foothills. It is expected many of the sites will retain the ability to be subdivided; yet, at a reduced lot yield. The supporting review study examined sites on an individual basis and made recommendations to amend the planning controls based on adopted Strategic Planning Policies and prevailing site constraints.</p> <p>There is not currently a requirement for existing dwellings (not the subject of a Development Application), to be improved to meet the requirements of Planning for Bush Fire Protection.</p> <p>Where permissible, certain types of residential development can occur within lands mapped as bush fire prone. However, new residential development must consider Planning for Bush Fire Protection 2019, as per the Rural Fires Act 1997 (NSW).</p> <p>Applications for Development assessed under the Wollongong Local Environmental Plan 2009 are to include a Statement of Environmental Effects (SEE). The SEE includes an assessment against Wollongong Development Control Plan</p>

Submitter	Issue/Question Raised	Council Officer Response
		2009, which includes chapters that guide the appearance of development.
Location of residence not provided.	Support – More intensive development of this area would not be in the interest of the Wollongong community	Comments noted. It is considered the Planning Proposal is generally consistent with the objectives within Strategic Planning policy and documents applicable to the region and Wollongong Local Government Area.
Resident of the Keiraville	Support – Supports decreased residential potential due to environmental constraints. Supports retaining conservation of the Illawarra Escarpment	Noted – The Proposal is generally consistent with adopted strategic planning policies and Environmental Planning Instruments that control residential development and protect the environment. The Illawarra Escarpment is identified in being regionally significant. The Planning Proposal does not seek to amend planning controls for lands mapped as Illawarra Escarpment and applies to land within the foothills. It is expected the amended Planning Controls will manage inappropriate development, within the foothills, which in turn will assist in the conservation of the regionally significant, Illawarra Escarpment.
Resident of Keiraville	Support – Supports decreased residential potential due to environmental constraints. Supports retaining conservation of the Illawarra Escarpment	Noted – The Proposal is generally consistent with adopted strategic planning policies and Environmental Planning Instruments that control residential development and protect the environment. The Illawarra Escarpment is identified in being regionally significant. The Planning Proposal does not seek to amend planning controls for lands mapped as Illawarra Escarpment and applies to land within the foothills. It is expected the

Submitter	Issue/Question Raised	Council Officer Response
		amended Planning Controls will manage inappropriate development, within the foothills, which in turn will assist in the conservation of the regionally significant, Illawarra Escarpment.
<p>Resident of Keiraville</p>	<p>Support Grateful the Planning Proposal offers greater scenic, cultural and historical protections.</p> <p>Supports the proposal based on climate change factors – fire hazards, stormwater limitations.</p> <p>NSW Gov need to respect local knowledge and needs.</p>	<p>The Illawarra Escarpment is identified in as being regionally significant. The Planning Proposal does not seek to amend planning controls for lands mapped as Illawarra Escarpment and applies to land within the foothills. It is expected the amended Planning Controls will manage inappropriate development, within the foothills, which in turn will assist in the conservation of the regionally significant, Illawarra Escarpment.</p> <p>The Proposal is generally consistent with state and local government strategic planning policies and Environmental Planning Instruments, which seek to manage and provide an appropriate level of residential development. New proposed residential development will be assessed as part of the Development Application stage and will need to consider site the constraints.</p> <p>Comments noted.</p>
<p>Resident of Figtree</p>	<p>Support The planning proposal seeks to protect the Illawarra Escarpment from overdevelopment and inappropriate development and future subdivisions.</p>	<p>Noted - The proposal aligns with the objectives of the Wollongong Housing Strategy 2023. The proposal will generally result in increased environmental protections. A level of subdivision will occur on most of the subject lots, where recognised as appropriate.</p>

Submitter	Issue/Question Raised	Council Officer Response
<p>Location of residence not provided</p>	<p>Support Supports the proposed changes to the Large R2 zoned lots in the foothills of the Illawarra Escarpment.</p>	<p>Comments noted.</p>
<p>Location of residence not provided</p>	<p>Support Climate change factors influence on development.</p> <p>It is important to preserve and protect the escarpment from further development.</p> <p>Further development will have a negative impact on natural habitat and residents.</p> <p>The proposal will increase biodiversity and tree cover in already built-up areas.</p>	<p>Comments noted – The Proposal is expected to manage development outcomes, which have the potential to impact upon mapped Escarpment lands. The proposal is consistent with the objectives of Illawarra Shoalhaven Regional Plan 2041 and the Wollongong Housing Strategy 2023.</p> <p>Noted – The Proposal is expected to manage development outcomes, which have the potential to impact upon mapped Escarpment lands. The proposal is consistent with the objectives of Illawarra Shoalhaven Regional Plan 2041 and the Wollongong Housing Strategy 2023.</p> <p>Noted – The Proposal will generally result in increased environmental conservation. Additionally, the proposal is consistent with the endorsed Urban Greening Strategy 2017 – 2037.</p> <p>The Planning Proposal is consistent with the objective of the Illawarra Shoalhaven Regional Plan 2041 and the objectives of the Wollongong Urban Greening Strategy 2017-2037.</p>
<p>Resident of Keiraville</p>	<p>Support Concerns raised regarding the potential development of 14 Cosgrove Avenue, Keiraville and impacts upon the cultural, environmental and scenic values of the Illawarra Escarpment Foothills.</p>	<p>The Planning Proposal is separate from the Development Application process. However, if the Planning Proposal is to progress, any future Development Application upon the site would be assessed against the planning controls current at the time.</p>

Submitter	Issue/Question Raised	Council Officer Response
		Noted – The Proposal is expected to manage development outcomes, which have the potential to impact upon mapped Escarpment lands. The proposal is consistent with the objectives of Illawarra Shoalhaven Regional Plan 2041 and the Wollongong Housing Strategy 2023.
<p>Resident of Cordeaux Heights</p>	<p>Support Generally support protecting the environmental character of the escarpment foothills and reducing the density of housing.</p> <p>Reducing the risk of bush fire</p> <p>Agree with higher densities in proximity to town centres and public transport.</p> <p>Raised concerns regarding a current development application under assessment by Council for a 13 lot subdivision at Lot 1433 Odenpa Road, Cordeaux Heights. Concerned the proposed DA will impact upon current greenspaces and is not within the character of the surrounding development.</p> <p>Concerns also raised the Odenpa site is constrained and will require significant earthworks and engineering. The Planning Proposal would permit development that is considerate of</p>	<p>Comments noted – The Proposal is expected to manage development outcomes, which have the potential to impact upon mapped Escarpment lands. The proposal is consistent with the objectives of Illawarra Shoalhaven Regional Plan 2041 and the Wollongong Housing Strategy 2023.</p> <p>Noted – it is an intent of the Planning Proposal to reduce bush fire risk to Wollongong’s growing population. Some minor amendments to the proposed mapping has resulted as result of community and NSW RFS submissions.</p> <p>Noted – The proposal aligns with the objectives of the Wollongong Housing Strategy 2023</p> <p>Noted – Development Applications upon the site will be assessed against planning controls current at the time.</p> <p>Noted – Development Applications upon the site will be assessed against planning controls current at the time.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>the adjoining RE1 Public Recreation zoned land and surrounds.</p> <p>Supports the proposed changes to the minimum lot size from 449 m2 to 999 m2 and the amended Floor Space Ratio from 0.5:1 to 0.3:1</p>	<p>Comments noted.</p>
<p>Resident of Keiraville</p>	<p>Oppose The potential rezoning (to Environmental zones) could exacerbate the existing bush fire risk.</p> <p>Bush fires are a natural disaster that poses a serious risk to lives and properties and with increased frequency and intensity. Homes and community should be prioritised.</p> <p>Rezoning without comprehensive planning for fire prevention and emergency response strategies could result in irreversible damage.</p> <p>The proposal will impact upon on property values, emotional well-being and the overall sense of security within the community.</p>	<p>The proposal was referred to NSW RFS as part of the Public Exhibition process. As a result of comments provided by NSW RFS, the proposed planning maps were reviewed and revised. The maps were amended to consider existing dwellings and any future APZs that would be required for development.</p> <p>The proposal seeks to manage future residential development within the foothills and limit and the number of people exposed to natural hazards, as our population increases.</p> <p>Noted - The proposal seeks to manage future residential development within the foothills and limit and the number of people exposed to natural hazards, as our population increases.</p> <p>The Planning Proposal was referred to NSW RFS seeking comments. As a result of the consultation, Council made amendments to the planning maps based of NSW RFS comments.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>The concerns of residents should be considered seriously and engage in transparent communication.</p> <p>Previously conducted risk assessments and mitigation plans developed in consultation with experts should stand.</p> <p>Safety and stability of neighbourhoods should be prioritised over this ill-informed Planning Proposal.</p>	<p>It is the intent of the Planning Proposal to manage residential development in the foothills to limit exposing our growing population to natural hazards.</p> <p>The Environmental Planning and Assessment Act NSW 1979 does not provide provisions for the acquisition of land, unless that land is to be acquired for public purposes. The Planning Proposal is intended to allow for some form of residential development to occur on the subject site.</p> <p>Residents and affected land owners may be able to apply for funding for conservation measures.</p> <p>Council's community engagement for Planning Proposals is a standard process that is carried out in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Act NSW 1979. The concerns of residents that are raised in submissions are summarised and considered as part of the Post Exhibition Report to Council process.</p> <p>Information pertaining to the current Bush Fire Risk Management (BFRMP), published on 30 March 2017, is available on the NSW RFS website. In addition to the current BFRMP, NSW RFS indicate a new Bush Fire Risk Management Plan for the Illawarra is in development and will be placed on public exhibition.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with</p>

Submitter	Issue/Question Raised	Council Officer Response
		limited supporting infrastructure that is capable of improvement and expansion.
<p>Resident of Farmborough Heights</p>	<p>Support Raised concerns that the Illawarra Escarpment and adjoining rainforest flora and fauna are a natural resource and should be protected for benefit of future generations.</p> <p>Over development will destroy natural habitats and impact negatively upon ecosystems.</p> <p>Supported rezoning land at Lot 1019 DP 811085 – Ribbonwood Road as C4 Environmental Conservation, as a Flora and Fauna Assessment prepared by Ecoplanning for a previous Development Application noted the site is impacted by Natural Resource Sensitivity – Biodiversity, containing Threatened Ecological Communities and mapped as containing PCT1300 Whalebone Tree – Native Quince Dry subtropical rainforest. PCT 1300 forms part of Illawarra subtropical rainforest in the Sydney Basin Bioregion and is also identified as an Endangered Ecological Community under the Biodiversity Conservation Act and critically endangered ecological community under the EPBC Act.</p>	<p>Comments noted. The Proposal is expected to manage development outcomes, which have the potential to impact upon mapped Escarpment lands.</p> <p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills that are mapped as environmentally sensitive areas, including riparian corridors and habitats.</p> <p>The mapped site constraints were reviewed as part of the investigation of sites. The proposed mapping has been amended, as a result of community and NSW RFS submissions. It is anticipated that a small-scale residential development that is permissible in the C4 Environmental Living zone could occur within the southern portion of the site.</p> <p>Areas of the site that are mapped as constrained by threatened, endangered and critically endangered vegetation and vegetation communities are proposed to be rezoned C2 Environmental Conservation for increased environmental protections.</p>
<p>Location of residence not provided</p>	<p>Support The proposed C4 zoned land at Seacliff Estate should not be further subdivided.</p>	<p>Noted – The Planning Proposal considers the approved registered subdivision upon land known as Seacliff Estate Wombarra. Residential dwellings will be permissible upon the lots; however, further subdivision of the existing lots will not</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>The Subdivision at Seacliff Estate previously damaged the rock platform from runoff clay.</p> <p>Lots accessed from Buttenshaw Drive and Morrison Avenue, above the rail line should not be able to be subdivided and supports Council's existing planning controls.</p> <p>The Austinmer to Wombarra area above the railway line has no sewerage, no kerbs for rainwater runoff with crisscrossing creeks and is subject to landslip.</p>	<p>be permissible under the Wollongong Local Environmental Plan 2009 should the Planning Proposal progress.</p> <p>Comments noted. The damage to the rock platform has been report to Council.</p> <p>Comments noted – The lots mentioned are outside the scope of the Planning Proposal. The Proposal does not seek to rezone or amend the planning controls for lands mentioned in the submission.</p> <p>Comments noted.</p>
<p>Location of residence not provided</p>	<p>Support Location of residence not provided. The escarpment is what makes the Illawarra unique.</p> <p>The escarpment provides a safe haven for many native flora and fauna species, including vertebrates and invertebrates, and it should be protected to ensure the conservation of these species.</p>	<p>Comments noted.</p> <p>Comments noted. It is expected the Planning Proposal will contribute to the ongoing environmental protections of the Illawarra Escarpment by controlling development types within the foothills.</p>
<p>Location of residence not provided</p>	<p>Mixed. Location of residence not provided. Concerns raised about the proposed R2 Rezoning</p> <p>Concerns raised the proposal will result in future develop applications necessitating an environmental impact assessment report, which will cost landowners.</p>	<p>Noted.</p> <p>Applications for development are to include supporting studies and reports where necessary and is based upon the type of development being sought and the prevailing site constraints.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>Increased deer populations have impact upon the escarpment lands. Concerns raised the proposal will result increased costs for landowners managing deer populations (fencing).</p> <p>It has been observed land clearing for development has resulted in the transformation of natural areas to barren landscapes. How was such development allowed.</p> <p>Concerns raised Council should develop a more comprehensive plan that protects the environment, specifying the areas and resources that require safeguarding. The Escarpment should remain for future generations.</p>	<p>Where a Development Application is lodged for development on private property, the costs associated with any report is the responsibility of the developer/applicant.</p> <p>Comments noted. Council website includes information regarding Council's response to deer populations within the Local Government Area. The website notes, Council does respond to damage caused by deer on land that Council manages. However, it does not handle deer issues on private property.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>Comments noted regarding previously approved Development Applications; however, the Planning Proposal is to amend the Wollongong Local Environmental Plan 2009.</p> <p>Noted - The Proposal is consistent with State and Council strategic plans and strategies, including the Illawarra Shoalhaven Regional Plan 2041, Wollongong Housing Strategy 2023. Also while the sites are not within the mapped lands of the Illawarra Escarpment, the proposal supports the objectives of the Illawarra Escarpment Strategic Management Plan 2015. The Planning Proposal is expected to manage</p>

Submitter	Issue/Question Raised	Council Officer Response
		<p>future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events.</p> <p>Additionally, the proposal will result in the strengthening of environmental protection through rezoning R2 Low density Residential land to Environmental Conservation zones. It is expected the proposal will result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p>
<p>Location of residence not provided</p>	<p>Support Steep slopes are neither environmentally, nor geotechnically sound for residential development.</p> <p>Acknowledges current housing shortages, and notes building upon inappropriate land is the solution. References the Lismore Floods as an example and the proposal is consistent with the Wollongong Housing Strategy (2023).</p> <p>Acknowledges the ecological and biological importance of the escarpment and the links to improving climate resilience. Supports Council’s Urban Green Strategy.</p>	<p>Planning Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events.</p> <p>Comments Noted. The Planning Proposal is consistent with National, State and local strategic directions which seek to locate increased dwellings in well located areas, that are capable of medium and high densities. It is considered that all levels of government areas identify sites that are constrained by natural hazards and environments are not suitable for increased dwelling yields.</p> <p>The proposal will result in the strengthening of environmental protection through rezoning R2 Low density Residential land to Environmental Conservation zones. It is expected the proposal will result in improved environmental outcomes for</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>Acknowledges the role of the escarpment, which provides a visual and cultural identity. The proposal rezoning will result in economic benefits through increased tourism.</p>	<p>areas of high ecological, scientific, cultural and aesthetic value. Furthermore, the proposal is considered consistent with Council's Urban Greening Strategy 2017-2037.</p> <p>Comments noted.</p>
<p>Resident for Keiraville</p>	<p>Support Concerns raised regarding the potential for residential development of 2 Cosgrove Avenue -</p> <ul style="list-style-type: none"> • The creek onsite that has caused damage to properties on the eastern side of Cosgrove Avenue during heavy rainfall events – Residential development on the site should be limited to the Southern side of the creek. • Supports the proposed C2 land use zone as it creates a continuous environmental corridor between Kooloobong reserve and areas north of the site. <p>Concerns raised with regarding the potential development of 14 Cosgrove Avenue -</p> <ul style="list-style-type: none"> • Supports the proposed location of the R2 Low Density Residential land use zone upon the site. • Support the proposed C3 boundary ending at the boundary of 10 Cosgrove Avenue. • Supports the proposed C2 zoned land upon the site in its entirety as it will protect native vegetation and fauna habitats upon the site. 	<p>Noted – the Planning Proposal is not dependent upon submitted Development Applications. However, if the Wollongong LEP 2009 is amended as a result of the planning Proposal, any future development upon the site will need to consider the LEP current at that time.</p> <p>The Planning Proposal is expected to provide and improved environmental outcome, including for riparian corridors on the subject lots. The proposal includes retaining some R2 Low Density Residential land use zoning on the low portions of the lot to allow for future development to occur on site.</p> <p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>It is also expected the Proposal will result in limiting the impacts of increased residential development upon riparian</p>

Submitter	Issue/Question Raised	Council Officer Response
	<ul style="list-style-type: none"> The C2 zoned land will ensure the steep slopes will remain stable, reducing the risk of land slip and increased overland flows resulting from major development. 	<p>corridors and any impact to downstream residents resulting from overland flows, created by increased hard surfaces.</p> <p>Noted – Wollongong LEP 2009 includes mapped riparian corridors which are considered as part during the Development Application process.</p>
<p>Location of residence not provided.</p>	<p>Support Concerns raised for the environmental values, the flora and fauna of the escarpment and the western ends of Fairy and Cabbage Tree Creek catchments.</p>	<p>Noted – It is expected the Planning Proposal will result in improved environmental outcomes.</p>
<p>Resident of Woonona</p>	<p>Support General support shown for the Planning Proposal, noting the proposal considers site constraints, climate change and bush fire.</p> <p>The proposal supports more transparent management of Council’s exposure to current and future servicing costs.</p>	<p>Noted.</p> <p>Noted.</p>
<p>Resident of Keiraville</p>	<p>Support The proposal will result in greater protection of native flora and fauna within the Escarpment that is a regionally significant asset.</p> <p>It is acknowledged the impacts of hard surface runoff resulting from increased development.</p>	<p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>It is expected the Proposal will result in limiting the impacts of increased residential development upon riparian corridors and any impact to downstream residents resulting from overland flows, created by increased hard surfaces.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>The proposal seeks to protect the scenic values of the Illawarra Escarpment when viewed from key locations throughout the Local Government Area.</p> <p>The Planning Proposal to rezone land that is inappropriate for multi-dwelling housing is consistent with recent determinations made by the Southern Regional Planning Panel.</p>	<p>Noted</p> <p>Noted.</p>
<p>Resident of Balgownie</p>	<p>Mixed Concerns raised the Department’s Gateway Determination included increasing the floor space ratio for sites within Wombarra.</p> <p>Current housing shortages should not be at the expense of the Illawarra Escarpment. Variations to development standards should not be considered as it sets future precedent.</p> <p>The escarpment flora and fauna, which likely includes Koala protected from development. Additionally, the land is subject to landslip, which has resulted the loss of life.</p> <p>Many of the sites are subject to flooding and additional development could result in increased runoff impacting upon downstream properties. Downstream residents should not be responsible for the impacts of upstream development.</p> <p>Riparian corridors should be protected. Many of the creeks were subject to flooding during the 1998 floods.</p>	<p>Noted – The Department requested Council amend the proposed mapped Floor Space Ratio mapping. The correspondence requesting the mapping was exhibited as part of the public exhibition.</p> <p>Noted – The Planning Proposal is considered consistent with the objectives and action items with the Illawarra Shoalhaven Regional Plan 2041 and the Wollongong Housing Strategy 2023</p> <p>Noted</p> <p>It is expected the Proposal will result in limiting the impacts of increased residential development upon riparian corridors and any impact to downstream residents resulting from overland flows, created by increased hard surfaces.</p> <p>Noted</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>Concerns raised regarding access to increased development upon lots during bush fire.</p> <p>The importance of the escarpment has been recognised by state agencies for its biodiversity, recreation and cultural values and need increased protections.</p> <p>Concerns raised regarding additional residential development on lands adjoining the escarpment.</p>	<p>The Planning Proposal is not expected to result in changes to existing access provisions.</p> <p>Noted – land within the mapped Illawarra Escarpment are managed under the Illawarra Escarpment Strategic Management Plan 2015.</p> <p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p>
<p>Resident of Keiraville</p>	<p>Support</p> <p>Previous historical planning has resulting in inappropriate urban and industrial development in the foothills.</p> <p>Over development on the ridges and values is detrimental, culturally, environmentally, and scenically.</p>	<p>Noted</p> <p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>Noted.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>Urban development has negatively impacted creek by removing native vegetation within the Farmborough Heights, Mount Keira and Keiraville.</p> <p>Creek modification results in altered runoff, flooding and water quality.</p> <p>Further urban development will result in additional native vegetation clearing including culturally significant trees.</p> <p>Cleared land within the foothills is commonly subject to landslip, likely a result of vegetation removal to allow for increased development. Future subdivision of the land would result in a increased development and increased impervious surfaces.</p>	<p>It expected the proposal will result in limiting the impacts of increased residential development upon riparian corridors and any impact to downstream residents resulting from overland flows, created by increased hard surfaces.</p> <p>Noted.</p> <p>Noted - The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events</p>
<p>Location of residence not provided</p>	<p>Opposed Concerns raised regarding the Planning Proposal process.</p> <p>Concerns raised regarding bush fire planning and management.</p> <p>Concerns raised regarding weed management.</p>	<p>Council follows a standard process for Planning Proposals set out under the Environmental Planning and Assessment Act.</p> <p>Noted – The Planning Proposal is to amend the mapped Land Use Zoning and associated Planning Control mapping for the subject sites. The Planning Proposal does not seek to result in amendments to the Bush Fire Prone Land mapping. Minor amendments to the mapping has occurred as a result of comments made by NSW RFS.</p> <p>Weed management on private property is an owner’s responsibility. Council owned land is managed as per an</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>Concerns raised the Planning Proposal will result in decreased property values.</p> <p>Concerns raised the planning proposal will impact upon the enjoyment and use of owned land.</p> <p>Concerns compensation has not been offered for rezoning land.</p>	<p>adopted Plan of Management. Similarly, land owned by NSW National Parks is managed by the agency. It is recommended residents contact council regarding concerns of weeds upon Council owned/managed land.</p> <p>Residents and affected land owners may be able to apply for funding for conservation measures.</p> <p>The Planning Proposal does not restrict land owners from entering proposed Environmental Conservation zoned land on their property. The Planning Proposal does not extinguish existing use rights for approved uses.</p> <p>Provisions for compensation are not provided for under the Environmental Planning and Assessment Act (1979) (NSW) for rezoning land uses to Environmental Conservation land use zones.</p>
<p>Resident of Mount Pleasant</p>	<p>Support The Planning Proposal is consistent with Council's Wollongong Strategic Plan: From the Mountains to the Sea; We value and protect our natural environment and will be leaders in building and education, creative, sustainable and connected community. Additionally, the Planning Proposal also aligns with the Ministerial Direction and other policies, strategies and plans.</p> <p>The proposal is important step forward in the implementing the recommendations of the Illawarra Escarpment Strategic Plan of Management.</p>	<p>Noted</p> <p>Noted.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>The Planning Proposal seeks to control development within lots mapped as Escarpment but does not preclude development altogether.</p> <p>Many of the higher lots zoned R2 Low Density Residential have been subject to Development Applications for inappropriate residential development, which have been rejected.</p> <p>There are examples of inappropriate residential development high up in the escarpment, which have damaged to escarpment values through vegetation clearing for asset protection zones to mitigate bush fire risk.</p> <p>The Planning proposal could have included additional lots.</p> <p>Concerns raised the proposal does not include incentives for the owners of the affected lots. Financial or technical advice incentives have been offered by other councils to provide improved conservation outcomes.</p>	<p>Noted. The Planning Proposal where land is to be rezoned is not within the Illawarra Escarpment yet is expected to be consistent with the objectives of the Illawarra Escarpment Strategic Management Plan 2015.</p> <p>The Proposal is expected to manage future residential development and population growth within areas of the Foothills mapped as being impacted by Natural Hazards, with limited supporting infrastructure that is capable of improvement and expansion for emergency events. Additionally, the proposal is expected to result in improved environmental outcomes for areas of high ecological, scientific, cultural and aesthetic value.</p> <p>Noted.</p> <p>Noted. The Wollongong Housing Strategy 2023 includes provisions to review planning controls for smaller residential lots in the foothills.</p> <p>Residents and affected land owners may be able to apply for funding for conservation measures.</p>
<p>Resident of Keiraville</p>	<p>Support Planning Policies are required to consider the environment and housing and achieve a balance that provides amenity and enhanced through time.</p>	<p>Noted.</p>

Submitter	Issue/Question Raised	Council Officer Response
	<p>Achieving a balance between environmental outcomes and housing has become increasingly difficult as a result of the current economy and population growth.</p>	<p>Noted.</p>
	<p>It is understandable landowner and developers want to maximise development yields upon the large lots.</p>	<p>Noted.</p>
	<p>Recent Development Applications for multi-dwelling housing at 14 Cosgrove Avenue have been submitted upon land constrained by bush fire, landslip, stormwater, vegetation, access, visual and other challenges. As such, the development applications have been refused at the sub regional level.</p>	<p>Noted.</p>
	<p>The scale of the proposed development upon 14 Cosgrove would appear as 5 vertically aligned – prominently glass buildings.</p>	<p>Noted.</p>
	<p>Upon fringe sites, it is considered, a less intense/large lot residential subdivision is appropriate and supported.</p>	<p>Noted.</p>
	<p>2 Cosgrove Avenue is a troublesome lot due to its size.</p>	<p>Noted.</p>
	<p>Support shown for the Planning Proposal as it displays concern for the environment and seeks to limit adverse amenity outcomes that are in the interest of the community.</p>	<p>Noted.</p>
	<p>The planning Proposal seeks to protect important environmental resources and stop excessive development proposals upon land currently zoned R2</p>	<p>Noted.</p>

Submitter	Issue/Question Raised	Council Officer Response
<p>Resident of Mount Pleasant</p>	<p>Support The Planning Proposal will limit subdivision and maintain the integrity of the escarpment.</p> <p>Support shown for the preservation of the escarpment environment.</p> <p>Inquired if landowner compensation was appropriate, even if it was access to native vegetation to revegetate affected sites.</p>	<p>Noted</p> <p>Noted</p> <p>Residents and affected land owners may be able to apply for funding for conservation measures.</p>

Review of large R2 lots in the Illawarra Escarpment Foothills

Post exhibition review of Site-specific submissions

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Introduction

On 3 April 2023, Council considered a report on the Review of large residential lots within the Illawarra Escarpment foothills. The report reviewed the planning controls of 22 large lots zoned R2 Low Density Residential, and considered the various site constraints, including slope, land instability, bush fire risk, flooding, riparian corridors, flora, fauna, endangered ecological communities and available infrastructure.

The report recommended that the development potential of the 22 large lots, and 46 adjoining lots, be amended through the preparation of a Planning Proposal to amend a combination of the Zoning, Floor Space Ratio, Minimum Lot Size and Height of Building LEP Maps.

Council resolved to prepare and exhibit a Planning Proposal for 68 lots in proximity to the mapped Illawarra Escarpment boundary.

On 17 August 2023 Council received a Gateway determination to enable the Planning Proposal and suite of documents to be exhibited. The Department required the proposed floor space ratio for part of the Wombarra site to be amended from 0.3:1 to 0.5:1. Council officers updated the maps prior to exhibition to avoid confusion.

The Planning Proposal and accompanying documentations were exhibited between 6 September and 11 October 2023. The exhibition arrangements are detailed under the Consultation and Communication section of this report.

As a result of the exhibition, 53 submissions were received. There were 17 submissions made through Council's engagement webpage and 36 written submissions.

The purpose of this document is to provide further review of eight (8) sites that were specifically referenced in submissions.

- 2 Cosgrove Avenue Keiraville
- 14 Cosgrove Avenue Keiraville
- 107 Derribong Drive Cordeaux Heights, 41A Mungurra Hill Road, Cordeaux Heights; 41 Mungurra Hill Road, Cordeaux Heights
- Lot 1433 DP 748240 Odenpa Road, Cordeaux Heights
- Lot 5800 DP 1132696 – 1A Railway Crescent, Stanwell Park
- 24 Highbank Place, Mount Ousley
- Lot 1019 Ribbonwood Road, Farmborough Heights
- 628 Lawrence Hargrave Drive, Wombarra Pt Lot 100 DP 1300563

Landowner and Landowner Representative Submissions

Submissions from the landowner and their representatives in relation to 2 Cosgrove Avenue, Keiraville objected to the proposal. The following is a summary of themes items raised in the submissions -

- The ecological, scientific, cultural and aesthetic values of the site do not meet the criteria of the proposed C2 Environmental Conservation land use zone.
- The Planning Proposal lacks supporting expert reports and justification.
- Bush Fire related matters -
 - No bush fire reports were submitted in support of the proposal.
 - The proposal will impact upon community resilience. The Illawarra Escarpment is a bushfire hazard.
 - Zoning should be upgraded to allow for firefighting infrastructure and financial support for infrastructure made available.
 - The proposal is inconsistent with 10/50 Vegetation Clearing Code of Practice and the Rural Boundary Clearing Code and removes the rights of landowners to clear vegetation under the codes.
 - Additional development in the Escarpment will not result in increased risk to residents as development is to be approved by NSW RFS and built with appropriate BAL construction, infrastructure and access.
 - The proposal impacts upon the ability to establish and maintain Asset Protection Zones.
 - Council should work with landowners to strengthen bushfire mitigation measures.
 - The proposal will impact upon the ability of residents to apply for tree removal permits.
 - The proposal targets large lots and doesn't include all residential lands and the Wollongong of University of NSW grounds near the escarpment that allow for building construction.
 - The proposal will result in decreased land values. No offers of compensation for landowners.
 - Previous land uses, vegetation clearing, and subdivisions resulted in the current land use zoning.
 - Weed and invasive species management not being carried out by Council.
 - Loss of existing use right.
 - Insufficient consultation and concerns regarding the Planning Proposal process and Wollongong Local Planning Panel recommendations.
 - The existing land use zoning should be retained.
- Council owned adjoining land identified as Kooloobong Park should not be currently zoned C2 Environmental Conservation as the Title Deed contains K200000P caveat by the Registrar General

forbidding unauthorised dealings with public reserves and therefore 2 Cosgrove should not be rezoned C2 Environmental Conservation.

- There are existing use rights for residential purposes established on the site, which are consistent with the current R2 Low Density Residential Land Use zone.
- Inaccuracies in reporting the lot size of 2 Cosgrove diminishes the amount of land, which Council is minimising the development potential of.
- Council has not properly considered site constraints when including and excluding sites.
- The proposal will create multiple split zoned lots with dual planning controls. WLEP 2009 does not include a cross boundary development clause.
- Adding to comments already made regarding lots created under an approved subdivision by the landowner, concerns raised the planning proposal will result in land approved for productive purposes becoming unproductive.
- The proposal is inconsistent with the Housing Strategy objectives, such as creating jobs opportunities and providing adequate housing.
- The Planning Proposal decreases the amount of residential land and is inconsistent with the objectives of government state and local government and the housing targets set by the National Cabinet.
- The Housing Strategy recommends a number of studies to identify land available for housing opportunities and to identify SP2 land that can be rezoned to R2 Low Density Residential and R3.
- Impacts on the escarpment can be managed through planning controls.
- All existing residential land is important to meet additional housing needs.
- The protection of the escarpment would have been considered as part of the making of Wollongong LEP 2009 and previous subdivisions.
- The impact of development will be considered as part of the Development Application process and would need to address the Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979: environmental impacts of the development and suitability of the site for the development.
- Extract of a Bush Fire report note with vegetation clearing that creates an 11 m APZ, that BAL 29kW/m² is achievable and that additional bush fire infrastructure is required. It is also noted site access and egress in an emergency can be achieved.
- Extracts of a Biodiversity Assessment Report (BAR) indicate development can occur on site and the impacts on flora and fauna can be managed.
- The Planning Proposal only needs to investigate and identify constraints of land at a high level, consistent with the strategic planning of an area and that any protections of the site can be managed through conditions of consent.
- The site has development potential similar to land located to the east and south.

- The Planning Proposal was inadequately notified prior to being reported to Council on 3 April 2023.
- Economic impacts to landowners and reduced development potential of the site to surrounding lands.
- Requests savings provisions be provided as part of the Proposal.
- Request 2 Cosgrove Avenue be removed from Planning Proposal.

State Agency Submissions

NSW RFS comments –

General advice provided by NSW RFS as part of the Public Exhibition, considered the proposal against Section 4.3 of the Section 9.1 (Ministerial Directions) of the *Environmental Planning and Assessment Act 1979*.

Specific advice was provided where C2 Environmental Conservation zone is proposed.

Lot 96 DP 30903 – 2 Cosgrove Avenue, Keiraville

- Prior to progressing the Planning Proposal shall ensure that the R2 Low Density Residential Portion of the site is sufficient in size to contain an APZ for the existing dwelling and potential building envelope where future subdivision may occur, to comply with Planning for Bush Fire Protection 2019. Zone boundaries shall be adjusted where this is not possible.

NSW State Emergency Service comments -

- The NSW State Emergency Service (NSW SES) made a submission as part of the Public Exhibition. THE NSW SES did not raise specific comments regarding 2 Cosgrove Avenue, Keiraville.

NSW Biodiversity Conservation Division

- The NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity Conservation Division (BCD) made a submission as part of the Public Exhibition. The BCD raised no major concerns regarding the Planning Proposal and no specific comments concerning 2 Cosgrove Avenue, Keiraville were made.

Transport for NSW comment -

- Transport for NSW (TfNSW) made a submission as part of the Public Exhibition. TfNSW raised no major concerns regarding the Planning Proposal and no specific comments concerning 2 Cosgrove Avenue, Keiraville were made.

Heritage NSW comments -

- Heritage NSW made a submission as part of the Public Exhibition. No specific comments regarding 2 Cosgrove Avenue, Keiraville were made.

Sydney Water comments -

- Sydney Water made a submission as part of the Public Exhibition. No objections were raised in the Sydney Water submission.

Jemena comments -

- Jemena made a submission as part of the Public Exhibition. No objections were raised in the Jemena submission.

Neighbourhood Forum 5 Submission

Neighbourhood Forum 5 Provided a submission generally supporting of the Planning Proposal and the proposed amendments applicable to land located at Cosgrove Avenue.

Submissions made Community Members

Council received three (3) submissions from community member who identified as residing in proximity to 2 Cosgrove Avenue and raised concerns regarding the Planning Proposal. Of the submissions received, one (1) submission was made objecting to the proposal and two (2) submissions supported the proposed amendments.

The community submission objecting to the proposal raised the following concerns -

- The proposed rezoning will result in increased bush fire threats impacting upon the safety and security of homeowners.
- Rezoning land without adequate consideration of bush fire and emergency response strategies may lead to devastating consequences for affected neighbourhoods.
- Impacts on property values and the wellbeing of residents.
- Community engagement
- Previously developed risk assessments and mitigations plans stand as existing.

The two (2) community submissions made in support of the Planning Proposal raised concerns regarding 2 Cosgrove Avenue. Concerns raised in the submissions consisted of -

- Future development and the potential to impact upon the riparian corridor located on the site and downstream flows.
- Any future residential development should be limited to the southern side of the creek.
- The proposed C2 Environmental Conservation Land on the western portion of the allotment is appropriate and creates a continuous corridor between Kooloobong reserve and land to the north of the site.
- The site poses similar risk of undesirable development proposal at 14 Cosgrove that upset the community and wasted the resources of authorities. Concerns of undesirable development include noise, increased traffic bush fire egress dangers, stormwater, landslip.

Council Officer Discussion

The comments raised in the submission received in response to the Public Exhibition have been considered. The primary planning matters raised in the submissions concern -

Issue Raised	Council Officers Comments
<p>Site unsuitable and does not meeting criteria for rezoning to C2 Environmental Conservation and inclusion into the Planning Proposal.</p>	<p>The site is located adjacent to the mapped boundary of the Illawarra Escarpment and contains site constraints and attributes of the escarpment lands. The site is mapped as containing Bush Fire Prone Land (Category 1 vegetation and buffer); Flooding, Category 1 Riparian Corridor; Natural Resource Sensitivity - Biodiversity and vegetation with high conservation value; Unstable land (Land slip suspected area); Slopes ranging from greater than 25 degrees to 4-8 degrees. Furthermore, the site has an area greater than 1 hectare. Therefore, it is considered the site is suitable for rezoning as per Council's 3 April 2023 Resolution. Minor amendments have been suggested to include land zone C3 Environmental Management to allow for any required APZ.</p>
<p>The Planning Proposal lacks expert reports and justification</p>	<p>The proposal is supported by the Review of Large R2 Low Density Residential Lots in the Illawarra Escarpment Foothills.</p> <p>The review is consistent with the strategies and action to review the housing densities in the Illawarra Escarpment foothills within the Wollongong Housing Strategy 2023.</p> <p>The Planning Proposal was referred to relevant State Agencies identified in the Gateway Determination for feedback on the proposal.</p> <p>The State Agencies that responded did not object to the Planning Proposal to rezone land at 2 Cosgrove Avenue, Keiraville.</p> <p>NSW RFS comments have resulted in recommending minor amendment to the proposed land use zoning for the property to enable APZs to be established should future development occur.</p> <p>NSW SES made comments recommending careful consideration of this proposal, which could enable increased development in land identified as flooding. The Planning Proposal will not enable increased development on lands identified as flooding. The Planning Proposal seeks to reduce the intensification of residential development on the subject sites by largely rezoning land from R2 Low Density Residential to "C" environmental land uses.</p> <p>The Planning Proposal will not remove the need for future applications for development to address site constraints, including flooding.</p> <p>Addressing flooding concerns:</p> <p>The Proposal is not to increase the development potential upon the subject sites that are currently zoned R2 Low Density Residential, and it is not expected to result in increased exposure of the community to flooding.</p> <p>It is considered the Planning Proposal is consistent with the Ministerial Direction 4.1 Flooding.</p> <p>The Planning Proposal was referred to the then Department of Planning and Environment – Biodiversity Conservation Division as</p>

Issue Raised	Council Officers Comments
	<p>per the Gateway Determination. The response from the Department raised no significant concerns regarding the proposal.</p>
<p>Bush fire (management/clearing, access, construction and infrastructure) also concerns were raised no bush fire reports were submitted and previously developed risk assessments and mitigation plans.</p>	<p>The Review of Large R2 Low Density Residential Lots in the Illawarra Escarpment Foothills included a review of mapped Bush Fire Prone Lands. The mapping certified by the NSW RFS Commissioner identifies the site as Bush Fire Prone and impacted upon by Vegetation Category 1 and Vegetation Buffer. A similar review was undertaken for all subject lots.</p> <p>Council referred the Planning Proposal to NSW RFS who raised no objection to the proposal however, recommended amendments to certain proposed land use zones be undertaken to allow for future development to occur.</p> <p>Council Officers sought internal advice when amending the proposed Land Use Zoning to address NSW RFS recommendations. The advice received included additional details on site vegetation and slope and the adequacy of zoning to provide required asset protection zones to when carrying out new development.</p> <p>As a result of comments received by NSW RFS and the internal Council review, the proposed C3 Environmental Management zoned land has been extended along a large extent of the southern and eastern boundaries of 14 Cosgrove Avenue and into 2 Cosgrove Avenue. The zoning has been widened to 24 metres where residential development may occur. This allows the potential for an APZ of defensible space to be established on the subject site for these properties, which they currently lack. Concurrently it would allow any future alterations and additions to the existing dwelling or new dwelling on 2 Cedar Grove to achieve the acceptable solutions of PBP and the deemed to satisfy requirements of AS 3959.</p> <p>The Planning Proposal is not expected to impact upon the Bush Fire Prone Land mapping and the requirement to comply with Planning for Bush Fire Protection 2019 and Chapter E16 Bush Fire Management of Wollongong Development Control Plan 2009. This includes the need to provide firefighting infrastructure and access.</p> <p>It is not expected the Planning Proposal will restrict the ability to install firefighting associated infrastructure. Mechanisms for the installation of firefighting related infrastructure is provided for when meeting criteria defined in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p> <p>It is not expected the proposal will remove the ability to access defensible spaces.</p> <p>The Illawarra Escarpment is largely mapped as bushfire prone land. It is expected the proposal will manage the resilience of the community through reducing the development potential of the subject lots. The proposal does not intend to halt all development from occurring on sites. However, it will limit any potential large</p>

Issue Raised	Council Officers Comments
	<p>scale population growth and exposure to natural hazards that could occur through the current R2 Low Density Residential low Density Residential land use zoning upon the sites.</p> <p>The Planning Proposal does not seek to provide financial support for development to occur in privately owned land.</p>
<p>Tree removal and the application of NSW RFS 10/50 code.</p>	<p>The Planning Proposal does not limit the ability of a landowner/resident to lodge a tree application with Council. Tree management applications are assessed on merit.</p> <p>It is not expected the Planning Proposal will remove the ability to carry out vegetation clearing under the 10/50 Code where currently permitted.</p> <p>Before any clearing under the NSW RFS 10/50 Code is undertaken, it is the landowners/resident’s responsibility to ensure any clearing is compliant with the code.</p>
<p>Additional lots, including the University of Wollongong should have been included in the Planning Proposal</p>	<p>Lots for inclusion in the Planning Proposal were established under the methodology within the Review of Large R2 Low Density Residential Lots in the Illawarra Escarpment Foothills.</p>
<p>The Proposal will result in decreased land values. No offers of compensation were offered to landowners.</p>	<p>The <i>Environmental Planning and Assessment Act 1979</i> does not provide for betterment, where land values increase as a result of a planning decision, and conversely does not provide for compensation if values decrease. The Proposal will permit a range of permissible uses on lands and as such, landowners will still be able to use land and lodge a Development Application for uses permitted under the proposed land use zoning.</p> <p>Council is not seeking to purchase land at 2 Cosgrove Avenue. It is proposed the site retain land zoned R2 Low Density Residential to enable future development. The remainder of the site is proposed to be rezoned C2 Environmental Conservation and C3 Environmental Management. Each of the Environmental land use zones contain permissible uses for private development. Furthermore, the Planning Proposal will not restrict landowners from accessing Environmental zoned areas upon their land.</p>
<p>Further development should be supported to provide additional APZs</p>	<p>This is contrary to the objective of the Wollongong Housing Strategy 2023 and largely the intent of Planning for Bush Fire Protection 2019.</p> <p>Further development in proximity to the Illawarra Escarpment would potentially increase the exposure of residents to high bush fire risk. Additionally, further development in such locations would likely result in the need for greater vegetation removal for APZs and defensible spaces. This would likely result in increased visual, environmental, and cultural impacts.</p>
<p>The reported size of the land is under reported diminishing the understood</p>	<p>The Planning Proposal incorrectly identified the site as having an area of 1.05 ha. Instead, the registered Deposited Plan has an area of 1.074 ha.</p>

Issue Raised	Council Officers Comments
potential for development upon the site	<p>The Planning Proposal seeks to manage the development potential upon sites mapped as impacted by natural hazards typically associated with the adjacent Illawarra Escarpment Lands.</p> <p>There are significant differences between constrained sites and those that are not in terms of development potential. 2 Cosgrove Avenue appears large in size however, as is evident when observing the mapped site constraints, it appear capable of providing only limited increased residential development.</p>
Council has not considered the site constraint sufficiently	<p>The Review of Large R2 Low Density Residential Lots in the Illawarra Escarpment used a set criteria to identify lots for inclusion into the Planning Proposal.</p> <p>2 Cosgrove Avenue is mapped as containing Natural Resource Sensitivity – Biodiversity of High Conservation Value Primary and support for primary vegetation Riparian Land – (Category 1 (Wollongong DCP 2009)) Land Instability – landslip suspected area Primary and support for primary vegetation Slopes which include greater than 25 degrees, 18-25 degrees, 8-18 degrees and a small portion of the site ranging from 4-8 degrees.</p> <p>Furthermore, the site is accessed via a one way in / one way out street and is located approximately 108 m from the nearest intersection.</p>
Land the result of previously approved residential subdivision.	<p>Noted – the site is the result of a 1958 subdivision and may have been subject to vegetation removal in the past. However, the mapped site constraints demonstrate the site is affected by vegetation with high conservation values which also influence the mapped vegetation category for Bush Fire Prone Land.</p> <p>As a result, the Planning Proposal is based upon the current constraints and characteristics of the land.</p>
Existing use rights and the use of land.	<p>The Planning Proposal seeks to retain the R2 Low Density Residential land use zone where the dwelling house is located on 2 Cosgrove Avenue. The proposed retained R2 Low Density Residential zoned land and amended planning controls may allow for future development to occur on the site, albeit at a limited scale, in keeping with the objectives of the Planning Proposal and the Wollongong Housing Strategy 2023.</p>
Creation of split zoned lots. WLEP 2009 does not include a cross boundary development clause.	<p>Noted. Planning instruments and environmental Plans contain permissible development within land use zones.</p> <p>The Planning Proposal does not seek to amend Wollongong Local Environmental Plan 2009, Clause 5.3 Development near zone boundaries.</p>
Land approved for productive purposes will be rezoned for unproductive purposes.	<p>Wollongong Local Environmental Plan 2009 provides permitted land uses for each land use.</p> <p>It is noted the Planning Proposal seeks to retain some R2 Low Density Residential zoned land for 2 Cosgrove Avenue, Keiraville.</p>

Issue Raised	Council Officers Comments
	<p>The proposal seeks to rezone land for conservation land use zones where the site is constrained by attributes similar to the adjacent Illawarra Escarpment, where Council considers increased residential development strategically unsuitable.</p>
<p>Impacts of development will be considered as part of Development Application/ Planning Proposals only consider higher strategic outcomes.</p>	<p>The Planning Proposal is consistent with the intent and the objectives of the Wollongong Housing Strategy 2023. The strategy is consistent with the Illawarra Shoalhaven Regional Plan 2041.</p> <p>The Planning Proposal seeks to rezone land and amend the planning controls for certain lands, mapped within the Wollongong Local Environmental Plan 2009 and is based on strategic direction.</p> <p>Any Development Application submitted to be assessed against the Wollongong Local Environmental Plan 2009 will be required to be consistent with the mapped Development Standards.</p>
<p>Consistency of the Planning Proposal against Wollongong Housing Strategy</p>	<p>The Planning Proposal is the result of the Wollongong Housing Strategy 2023 and supporting Review study. The Strategy identifies the need to limit further residential development in the Illawarra Escarpment and increase development potential in other locations.</p>
<p>The Proposal is inconsistent with the National Cabinets housing target</p>	<p>The Planning Proposal is considered consistent with the National Cabinets housing target, as it seeks to limit increased residential development in locations identified as strategically not well located.</p> <p>The Planning Proposal is considered consistent with the objectives of the Illawarra Shoalhaven Regional Plan 2041, Council identifies West Lake Illawarra as the LGAs prominent location for providing significant volumes of low density residential housing. Furthermore, the proposal is consistent with the National Cabinets Housing Targets as it does not seek to limit or redirect medium and high density housing away from well located areas that are close to existing public transport connections, amenities and employment that are typically found in Wollongong’s higher order town centres.</p>
<p>The Planning Proposal does not consider the economic impacts resulting from the proposed rezonings</p>	<p>The Planning Proposal will reduce the theoretical development potential upon the subject lot. However, it is recognised that, although, the site is zoned for R2 Low Density Residential, the existing site constraints would likely preclude more intensive forms of low density residential occurring on the site.</p> <p>An objective of the proposal is to limit exposing our increasing population to natural hazards.</p> <p>The proposal will also ensure the Illawarra Escarpment will be retained as the key natural feature it is.</p> <p>The Planning Proposal does not involve or propose the acquisition of private land for public purposes and therefore, is not required to purchase the land from landowners at 2 Cosgrove Avenue.</p>
<p>Savings Provisions</p>	<p>A Savings provisions relating to development applications has not been proposed. A savings provision to enable further development would be contrary to the intent of the Planning Proposal.</p>

Issue Raised	Council Officers Comments
Suitable locations for development upon the site.	The proposed WLEP 2009 amendments were based upon the review of site constraints. Any future Development Applications will also need to consider site constraints.
The Land should not be rezoned C2 Environmental Conservation as Council owned land should not be zoned C2 Environmental Conservation and nor should 14 Cosgrove be proposed to be zoned C2 Environmental Conservation as a result of an approved 3 Lot subdivision	Council’s land at Kooloobong Park is zoned C2 Environmental Conservation which is consistent with the adopted Community Plan of Management where the site is managed as Natural Areas Bushland. The three (3) lot Torrens title subdivision for 14 Cosgrove Avenue, Keiraville was approved 29 November 2012 and has not been registered.
Insufficient consultation with landowners	Consultation with land owners was undertaken in accordance with the statutory requirements provided in the EP&A Act 1979 and Council’s Community Participation Plan 2023.

Community Member Submissions Discussion

Submissions received from community members residing in proximity to 2 Cosgrove, included those objecting and supporting the Planning Proposal. The submission received objecting to the proposal raised similar concerns regarding bush fire, including increased safety risk to residents and the community, planning and emergency response. Also raised were concerns regarding property values, community engagement and previous risk assessments.

It is expected the Planning Proposal will not result in an increased risk to the safety of existing residents. The Planning Proposal will not remove the ability to maintain the existing on-site vegetation as it is currently maintained. Cleared areas will continue to be maintained as is. Additionally, it is expected the proposal will manage and limit greater population growth in areas mapped as containing natural hazards associated with the Escarpment, which includes bush fire.

Based on the comments provided by NSW RFS, landowners, and internal consultation, it is proposed the Planning Proposal be amended to extend the C3 Environmental Management Environmental Conservation zoned land into 2 Cosgrove Avenue. The proposed C3 Environmental Management land has been proposed to allow for the flexibility to provide an APZ should future development of the R2 Low Density Residential Land occur. In the community submission it was raised the community member was satisfied with the limited C3 Environmental Management zoned land, as the increased proposed C2 Environmental Conservation zoning would provide greater vegetation protection. However, upon review, it is considered the C3 Environmental Management zoned land will offer sufficient environmental protections yet, will provide the flexibility to establish a future APZs and manage land near property boundaries.

The Proposal is not expected to impact upon current emergency response procedures. The Proposal is to limit increased population growth in areas mapped as natural hazards through managing permissible residential development.

As previously discussed, when addressing concerns raised in the landowner's submission, the Planning Proposal does not include the acquisition for the purposes of rezoning land to RE1 Public Recreation at 2 Cosgrove Avenue. The Proposal includes retaining a portion of the site at R2 Low Density Residential. It is proposed other areas within the lot be rezoned C2 Environmental Conservation and C3 Environmental Management.

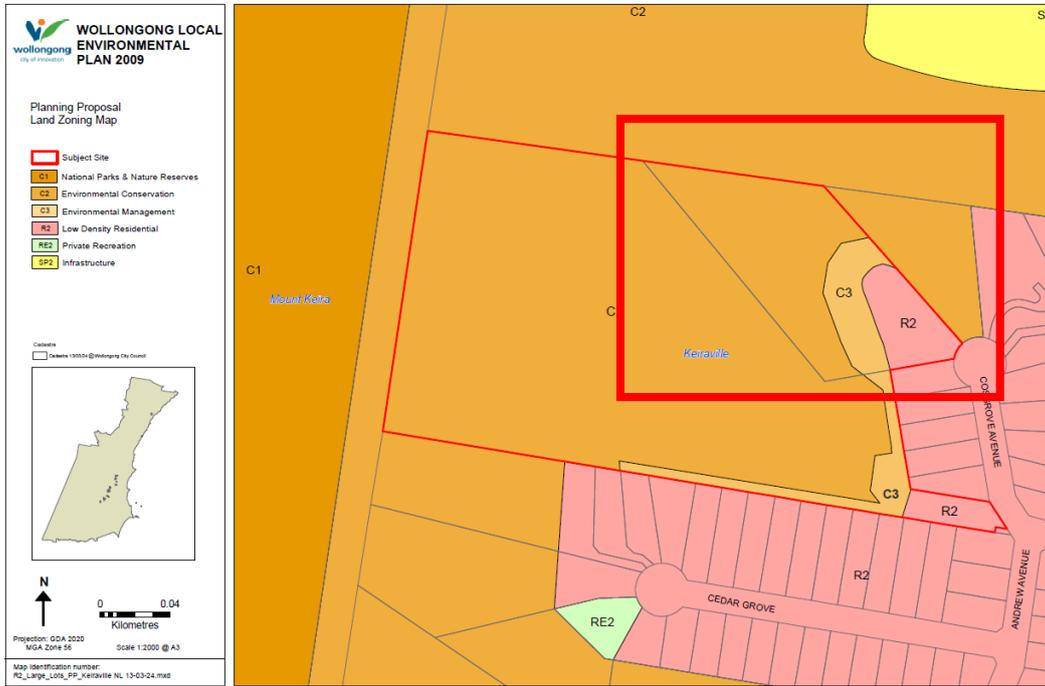
Information pertaining to the current Bush Fire Risk Management (BFRMP), published on 30 March 2017, is available on the NSW RFS website. In addition to the current BFRMP, NSW RFS indicate a new Bush Fire Risk Management Plan for the Illawarra is in development and will be placed on public exhibition.

The site currently has a land use zoning of R2 Low Density Residential. However, the site was proposed for inclusion into the Planning Proposal following a review of site constraints, this included a review of riparian corridors, slope, land stability, natural resources sensitivity – biodiversity, vegetation conservation values and bush fire prone land mapping. The riparian corridor, located on the northern portion of the lot, was factored in when preparing the proposed amendments. It is noted that any future development would need to consider and address the Wollongong Local Environmental Plan 2009, and include an assessment against Wollongong DCP 2009, Chapter E23 Riparian Land Management. Furthermore, certain types of permissible development may require referral to the NSW Natural Resource Access Regulator. Therefore, it is recommended that no change occur to the R2 Low Density Residential land proposed to be retained.

Comments supporting the C2 Environmental Conservation land use zoning have been noted. It is expected the C2 Environmental Conservation zoned land will provide increased environmental protection and link the site to the adjacent land of the Illawarra Escarpment and the Biodiversity Strategy Corridor.

Recommendation

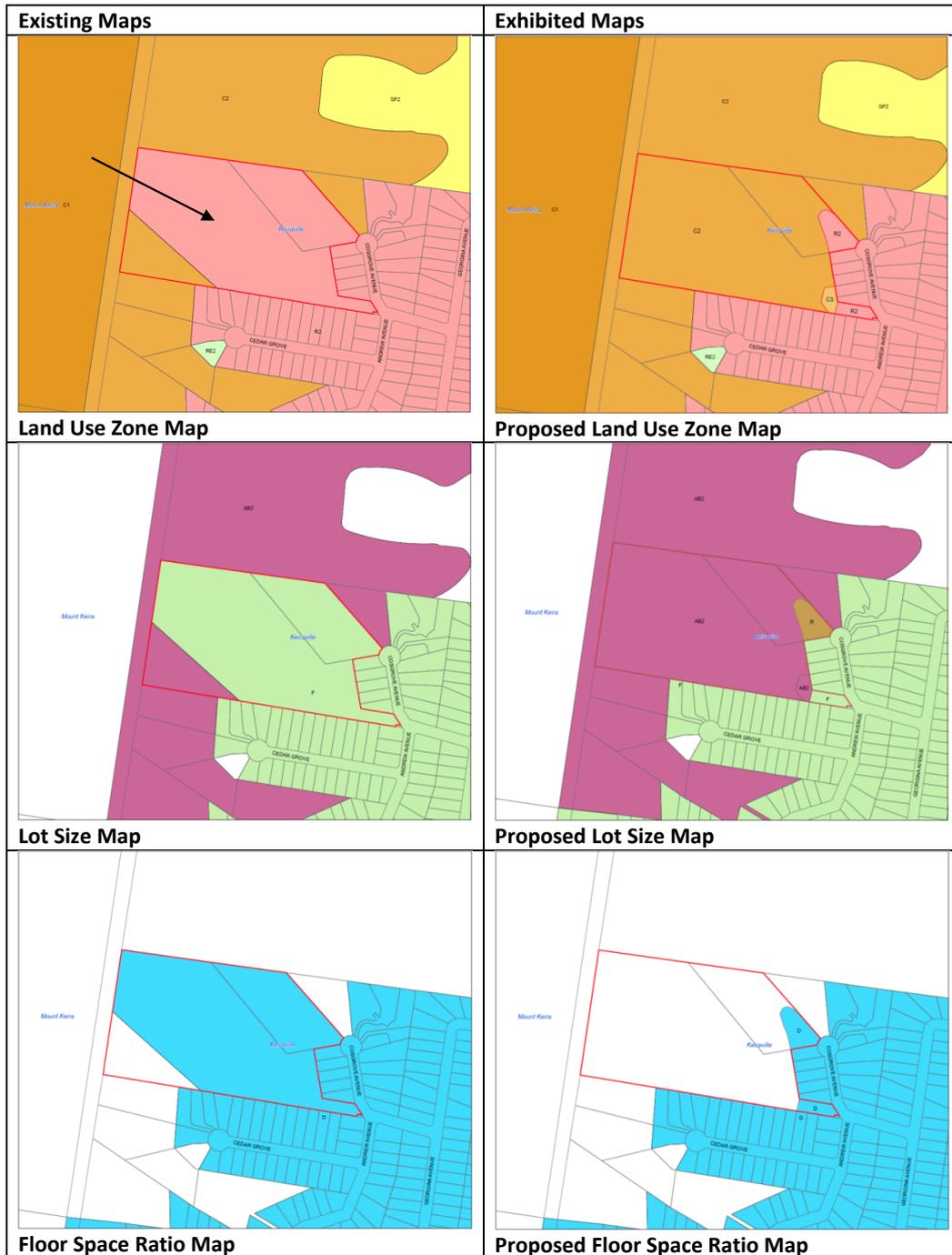
It is recommended that the proposed zoning map be amended to rezone certain land within 2 Cosgrove Avenue to C3 Environmental Management. It is proposed the C3 Environmental Management zoned land be established adjacent to the R2 Low Density Residential land to allow for future APZs to be established where required. It is recommended the C3 Environmental Management zoned land have a Minimum Lot Size of 39.99 ha that is consistent with the proposed C2 Environmental Conservation zoned land upon the site. Additionally, it is recommended the C3 Environmental Management zoned land have a Nil mapped Floor Space Ratio, which is consistent with proposed C2 Environmental Conservation land.



Proposed Land Use Zoning map amendments.

14 Cosgrove Avenue, Keiraville

The Planning Proposal includes rezoning land and amending the Wollongong LEP 2009 maps for Lot 90 DP 1086429 - 14 Cosgrove Avenue, Keiraville (which adjoins 2 Cosgrove Avenue).



Review of large R2 lots in Illawarra Escarpment foothills –
post exhibition review of site-specific submissions

Landowner Representative Comments

A submission was received on behalf of the Landowner of 14 Cosgrove Avenue Keiraville.

The following is a summary of themes raised in the submission -

- Insufficient consultation undertaken with affected landowners and the community.
- Council refused DA-2020/4 for the construction of five (5) buildings with a total of 47 multi-unit dwellings. A new Development Application was lodged DA-2022/469 for 42 multi-unit dwellings and was refused by Council, an appeal was lodged on 26 June 2022 with the Land and Environment Court and at the time of the submission currently awaiting confirmation of a hearing. The proposed 42 multi-unit dwellings have been designed to avoid higher quality vegetation and areas within land zoned C2 Environmental Conservation.
- The key strategic basis for the Planning Proposal is the Wollongong Housing Strategy 2023. The planning proposal and supporting documents do not address the environmental constraints identified in the Wollongong Housing Strategy 2023.
- Concerns with the Planning Proposal and Gateway Determination process.
- A site-by-site analysis was not conducted.
- Topographical errors in the Planning Proposal mapping
- The Proposal is solely reliant upon the Wollongong Housing Strategy 2023 and is at odds with the Illawarra Shoalhaven Regional Plan 2041.
- The Planning Proposal contradicts Section 9.1 Ministerial Directions, particularly Directions 6.1 Residential Housing (2) (b).
- Concerns raised the Planning Proposal will impact upon savings provisions for Development Applications lodged prior to the making of the plan.
- The site is in proximity to retail, educational and recreational facilities, the closest being the University of Wollongong being 700m away and is consistent with Council Wollongong Housing Strategy objectives for R2 Low Density Residential and sites for increased residential development.
- Refute Council's suggestion the site is significantly constrained as demonstrated in the reports submitted as part of DA-2022/469.
- The planning proposal will essentially sterilise the subject site and others.

State Agency Comments

General advice was provided by NSW RFS as part of the Public Exhibition, considered the proposal against Section 4.3 of the Section 9.1 (Ministerial Directions) of the *Environmental Planning and Assessment Act 1979*.

Specific advice was provided where C2 Environmental Conservation zone is proposed.

Lot 90 DP 1086429 – 14 Cosgrove Avenue, Keiraville

- Prior to progressing the Planning Proposal, Council shall ensure that the R2 Low Density Residential and C3 Environmental Management portions of the site are sufficient in size to contain an APZ for a future dwelling to comply with Planning for Bush Fire Protection 2019.
- Zone Boundaries shall be adjusted where this is not possible.
- Council should give consideration, where environmental constraints allow, for the establishment of a fuel reduced area along the southern and eastern boundaries of the site to provide improved bush fire protection to the rear of existing dwellings along Cedar Grove and Cosgrove Avenue. Should environmental constraints allow, the proposed land zone boundary should be adjusted.

NSW State Emergency Service comments -

- The NSW State Emergency Service (NSW SES) made a submission as part of the Public Exhibition. THE NSW SES did not raise specific comments regarding 14 Cosgrove Avenue, Keiraville.

NSW Biodiversity Conservation Division

- The NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity Conservation Division (BCD) made a submission as part of the Public Exhibition. The BCD raised no major concerns regarding the Planning Proposal and no specific comments concerning 14 Cosgrove Avenue, Keiraville were made.

Transport for NSW comment -

- Transport for NSW (TfNSW) made a submission as part of the Public Exhibition. TfNSW raised no major concerns regarding the Planning Proposal and no specific comments concerning 14 Cosgrove Avenue, Keiraville were made.

Heritage NSW comments -

- Heritage NSW made a submission as part of the Public Exhibition. While Heritage NSW did raise concerns regarding the proposal, specific comments regarding 14 Cosgrove Avenue, Keiraville were not provided.

Sydney Water comments -

- Sydney Water made a submission as part of the Public Exhibition. No objections were raised in the Sydney Water submission.

Jemena comments -

- Jemena made a submission as part of the Public Exhibition. No objections were raised in the Jemena submission.

Neighbourhood Forums and Peak Organisations

Neighbourhood Forum 5 submission

Neighbourhood Forum 5 Provided a submission generally supporting of the Planning Proposal and proposed amendments to land located at Cosgrove Avenue.

National Parks Association of NSW

The National Parks Association of NSW Illawarra Branch (NPA Illawarra Branch) raised the following in support of the Planning Proposal.

General comments supporting the Planning Proposal were received from NPA Illawarra Branch. The group noted the proposal will avoid the need for labour intensive assessment of individual proposals, extensive community energy opposing development and resources for legal cases. The group also acknowledged landowners may be disappointed by the proposal and question and questioned if inducements can be provided to incentivise good stewardship and maintenance of newly zoned properties.

The following comments specifically related to 14 Cosgrove Avenue:

- The group is familiar with 14 Cosgrove Avenue, Keiraville yet offer no specific comments.

Keiraville Resident Action Group

The Keiraville Resident Action Group (KRAGI) raised the following in support of the Planning Proposal and raised concerns regarding land located at 14 Cosgrove Avenue.

- Wholeheartedly endorse the rezoning proposal and the group has a focus on 14 Cosgrove Avenue.
- The topography of the land is characterised by steep slopes and evidence of past geological instability, poses inherent risk for any significant construction.
- Steep slopes exacerbates the risk of high energy water flows downstream from developed hard surfaces.
- Physical and visual impacts from development upon the escarpment and the city's environment.
- Increased traffic volumes
- The foothills contain vital terrestrial, aquatic and riparian corridors, along with native vegetation and fauna species. The conservation and enhancement of these ecological elements are crucial.
- Significant Aboriginal and European heritage values require preserving for future generations.
- The escarpment foothills is threatened by bush fire. As a result, mandated APZs are designed to safeguard development. APZs result in the destruction of natural environments and ongoing maintenance.

Submissions made Community Members

Five (5) submissions made by community members living in proximity to 14 Cosgrove Avenue and directly referenced 14 Cosgrove. Concerns raised in the submissions consisted of -

- Concerned inappropriate residential development will impact upon the on cultural, environmental and scenic values of the Illawarra Escarpment Foothills.
- Belief in the vision in Council's Community Strategic Plan: From the mountains to the sea, we value and protect our environment and will be leaders in building an education, creative, sustainable and connected community.

- Fully supports the review recommendations and notes the alignment with strategic documents and policies and the Illawarra Strategic Management Plan 2015.
- Targets larger block with environmental sensitivity and/or hazards yet does not preclude development altogether.
- Many of the lots are high in the escarpment in locations in Mount Pleasant and similarly 14 Cosgrove Avenue, Keiraville which has had a number of development applications rejected by Council as they are not suitable locations for R2 Low Density Residential development.
- Believed to have the support of the community.
- Court cases are trying for the community and waste State and Council resources
- The damaging impact upon the escarpment values is evident in Corrimal and Coledale when viewing existing approved development that is located high up in the escarpment.
- APZs that require clearing of vegetation impact the escarpment values and listed ecological communities.
- Proposed incentives (cash/ rates rebates/ access to technical advice) be offered to affected landowners to assist manage site environmental values.
- There is need to rezone parcels to make it clear that recent proposal to put a large number of town houses on a R2 Low Density Residential zoned lot off Cosgrave Avenue, Keiraville are, as recognised by the Southern Regional Planning Panel, are totally inappropriate.
- The site is impacted by bush fire, landslip, stormwater, vegetation, access, visual and other challenges.
- The need to protect flora and fauna of the Escarpment.
- Downstream flooding as a result of hard surfaces.
- The escarpment is important as a place for recreation and holds cultural significance for First Nations People.
- The escarpment connects the LGA's conservation areas to the north and south.
- Increasingly challenging to maintain a balance in economically stressful times, the need to provide housing and environmental conservation.
- Support smaller lot yields such as the approved three (3) lot subdivision on 14 Cosgrave Avenue.
- Large scale development would create additional noise, traffic and access problems and place additional people at risk of natural hazards.
- Development in strategically planned areas can meet State targets.
- Insufficient site access in an emergency i.e., bushfire.
- Site is prominent on Mount Keira and highly visible from key locations throughout Wollongong.
- Existing vegetation helps stabilise the geotechnical constraints upon the site.

- Support the location of the proposed C2 Environmental Conservation zoning and the extent of the C3 Environmental Management zoned land.
- The site meets the objectives of the C2 Environmental Conservation zone.

3 Community Submissions made an objection to the Planning Proposal and directly raised concerns regarding 14 Cosgrove Avenue. Concerns raised consisted of -

- 14 Cosgrove Avenues currently provides access to land that separates the escarpment vegetation and existing housing. The proposal could remove the ability to use this access.
- The proposed rezoning will result in increased bush fire threats, by creating a conservation zone near existing residential buildings constructed prior to Planning for Bush Fire Protection, thus impacting upon the safety and security of homeowners.
- 14 Cosgrove Avenue has an approved 3 lot residential subdivision and therefore should not be zoned C2 Environmental Conservation as development has commenced on site. Therefore, as 14 Cosgrove Avenue should not be zoned C2 Environmental Conservation neither should 2 Cosgrove Avenue.

Council Officer Discussion

The comments raised in the submission received in response to the Public Exhibition have been considered. The primary planning matters raised in the submissions concern -

Issue Raised	Council Officers Comments
Insufficient consultation with landowners	Consultation with landowners was undertaken in accordance with the statutory requirements provided in the EP&A Act 1979 and Council’s Community Participation Plan 2023.
The development proposed under DA-2022/469 – 49 multi-unit dwellings have been designed to avoid higher quality vegetation and areas within land zoned C2 Environmental Conservation.	Noted - the Planning Proposal is not an assessment of the Development Application.
The Key strategic basis for the Planning Proposal was the Wollongong Housing Strategy 2023. The Planning Proposal and supporting documents do not address environmental constraints.	Noted. The Review of Large R2 Low Density Residential Lots in the Illawarra Escarpment Foothills provided a site-by-site analysis of lots based upon the methodology within the document and is consistent with the actions item within the Wollongong Housing Strategy 2023. The Planning Proposal Report was submitted to the Department, as part of the Gateway process. The Department provided a Gateway Determination to progress the planning proposal to public exhibition and did not seek additional supporting studies or information to be submitted beforehand.

Concerns with the Planning Proposal and Gateway Determination	Noted. The Planning Proposal was prepared in accordance with Division 3.4 of the <i>EP&A Act 1979</i> .
Errors in the mappings	Errors referred to are typographical errors and do not alter the intent of the Planning Proposal or proposed outcomes. The mapping will be corrected.
The proposal is reliant upon the Wollongong Housing strategy 2023 and is at odds with the Illawarra Shoalhaven Regional Plan 2041.	The Planning Proposal is consistent with the strategy and action item within the Wollongong Housing Strategy 2023. The Wollongong Housing Strategy 2023 is consistent with the goals and objectives of the Illawarra Shoalhaven Regional Plan 2041. Specifically, the Planning Proposal is consistent with the following – Objective 11: Protect important environmental assets. Objective 12: Build resilient places and communities. Objective 13: Increase urban tree cover. Objective 18: Provide housing supply in the right locations. Objective 22: Embrace and respect the region’s local character.
The Planning Proposal contradicts Section 9.1 Direction 6.1 Housing (2)(b)	The Planning Proposal is consistent with the direction as it does not seek to reduce permissible density within lands to be retained as R2 Low Density Residential. Moreover, the Planning Proposal is generally consistent with the Objectives (b) and (c) of Direction 6.1 Housing. (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.
Savings Provisions	A Savings provisions relating to development applications has not been proposed. A Savings provision to enable further development would be contrary to the intent of the Planning Proposal.
The site is in proximity to retail, educational and recreational facilities, the closet being the University of Wollongong being 700m and is consistent with Council Wollongong Housing Strategy objectives for R2 Low Density Residential and sites for increased	The subject site is located on steep terrain and is greater than 400m to bus stops and 800m to rail stations in walking distance, which is a requirement to be deemed accessible housing under the State Environmental Planning Policy (Housing) 2021. Additionally, the following distances to the site were identified in the submission made on behalf of the landowner. Pharmacy – 1.4 km Preschool – 1.3 km Sports oval – 750 m University of Wollongong 700 m Wollongong Botanic Garden 1.1 km Primary School (Mount Keira Demonstration School -4.2 km

residential development	<p>Playground – 3.9 km</p> <p>As identified in the submission made on behalf of the landowner, only the University of Wollongong and sports oval could be considered as being within accessible distances of the site.</p> <p>Due to the distances to services and facilities, the site is not considered to be well-located and is not consistent with the locations identified in Wollongong Housing Strategy 2023 for increased dwelling yields and densities.</p>
The site is not significantly constrained.	Objection noted. Details of site constraints and characteristics addressed elsewhere in this document.
The proposal will essentially sterilise the site and others	<p>The Planning Proposal includes land to be retained as R2 Low Density Residential.</p> <p>Permissible uses also apply to land zoned C2 Environmental Conservation and C3 Environmental Management.</p>

Submission Discussion

It is noted in community submissions received, concerns regarding bush fire were raised. In response and based upon NSW RFS and internal referral comments, it is recommended minor amendments to the Planning Proposal mapping occur to provide land zoned C3 Environmental Management for the creation for APZs where necessary.

It is noted the proposed C3 Environmental Management land does not extend the entirety of the southern boundary, as a portion of the site has an existing land use zoning of C2 Environmental Conservation that is also mapped as being in the Illawarra Escarpment and Biodiversity Strategy Corridor.

The comments from Neighbourhood Forum 5 and the National Park Association of NSW (Illawarra Branch) providing general support for the proposal have been noted. In response to the NPANSW concerns regarding funds for ongoing stewardship of rezoned sites, it is noted residents and affected landowners may apply for funding for conservation measures.

The comments of the Keiraville Resident Action Group (Krag) are noted as supporting the Planning Proposal. The proposal is expected to address concerns regarding potential impacts from more intensive R2 Low Density Residential permissible uses. This includes concerns regarding impacts upon riparian corridors, runoff from hard surfaces and flora and fauna. The comments of Krag have been noted.

It is considered the concerns raised by Krag regarding inappropriate development and the impacts upon the escarpment lands, including the foothills, have been addressed through the Planning Proposal.

Issues raised in community submissions generally focused on the preserving the cultural, environmental, and scenic values of the Illawarra Escarpment and the potential impacts resulting from development occurring on the site at 14 Cosgrove Avenue. Comments made in support of the Planning Proposal noted the Planning Proposal is consistent with adopted strategic planning policies, including the Illawarra Shoalhaven Regional Plan, Council’s Community Strategic Plan.

The submission noted recent applications for development on the site were large in scale and the multi dwelling housing considered inappropriate for the location. The appearance and visual impacts were dominant themes raised. Similarly, concerns of downstream impacts from altered overland flows from increased hard surfaces were raised as key issues. Community submissions also noted the proposal would provide a land use zoning on the site that would limit future application for Development that were of an appropriate size and scale. The Community submissions also identified other strategic locations within the Wollongong LGA are planned for increased housing growth and greater dwelling densities.

It is considered the proposal is consistent with the submissions made in support of the Planning Proposal.

The submissions also raised concerns regarding potential landowner compensation and incentives for the ongoing maintenance of land. Concerns regarding compensation and incentives for ongoing maintenance have been addressed in this report.

It is noted the submission raising concerns regarding the approved 3 lot subdivision on the site. In response it is noted that the approved subdivision has not been registered. However, a Private Certifier issued a Construction Certificate for Access driveway, subdivision – Torrens tile – three lot lots and tree removal on 09/11/2017.

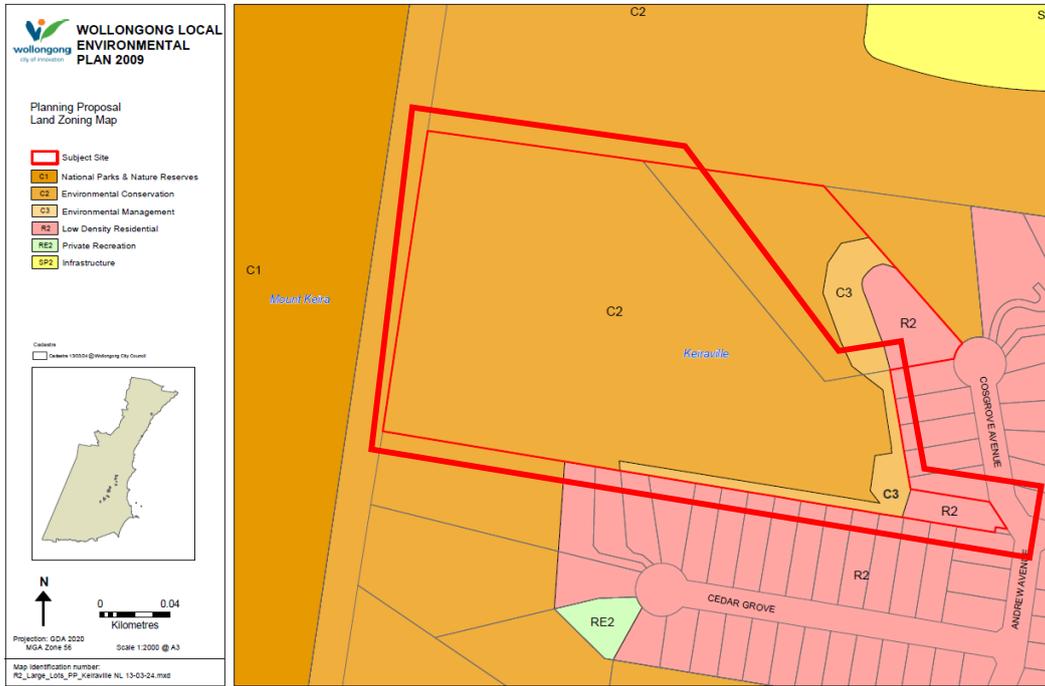
Recommendation

It is recommended that the proposed zoning map be amended by including land zoned C3 Environmental Management adjacent to the retained R2 Low Density Residential land within Lot 90 DP 1086429 to allow for any necessary APZ.

It is proposed there are no further amendment to the R2 low Density Residential land proposed to be retained.

It is recommended no further amendments to the proposed Floor Space Ratio mapping that Council resolved progress and exhibited.

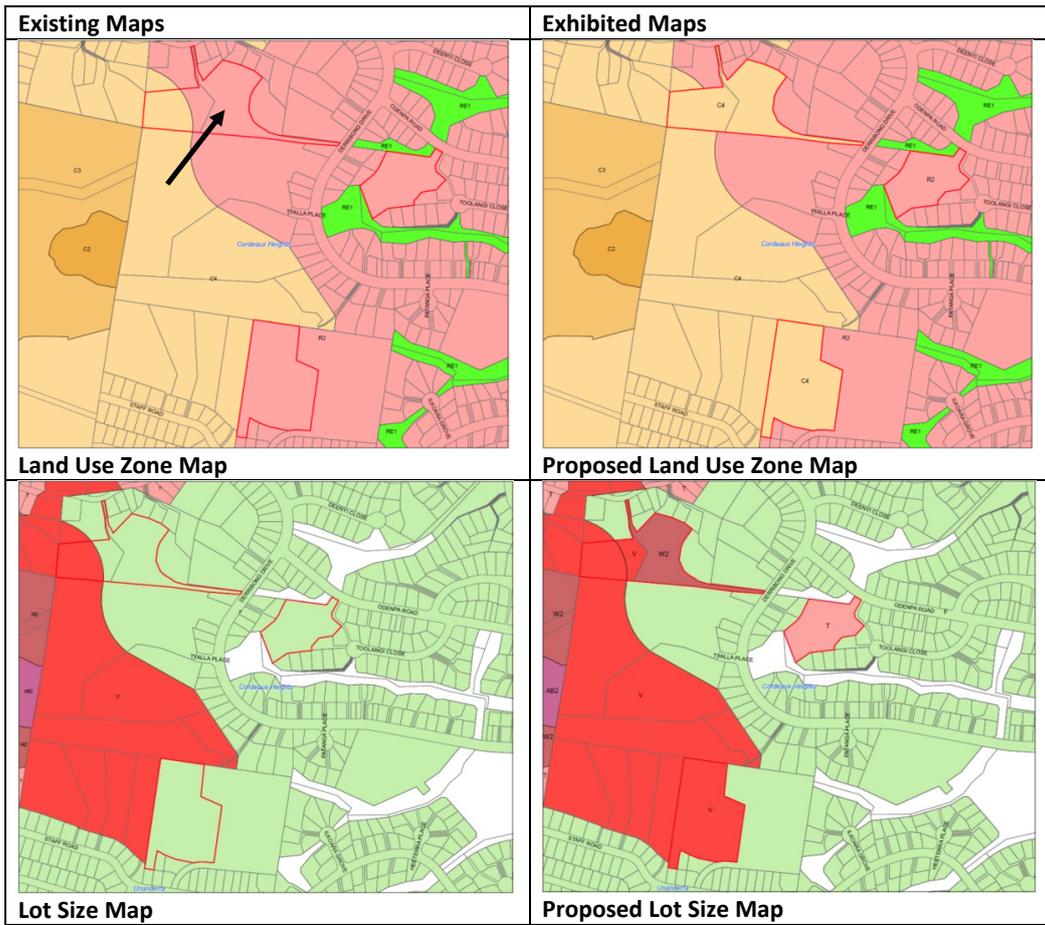
A minor amendment to the Minimum Lot Size Map is recommended only to reflect the proposed C3 Environmental Management land. This area of the site will retain the proposed 39.99 ha.

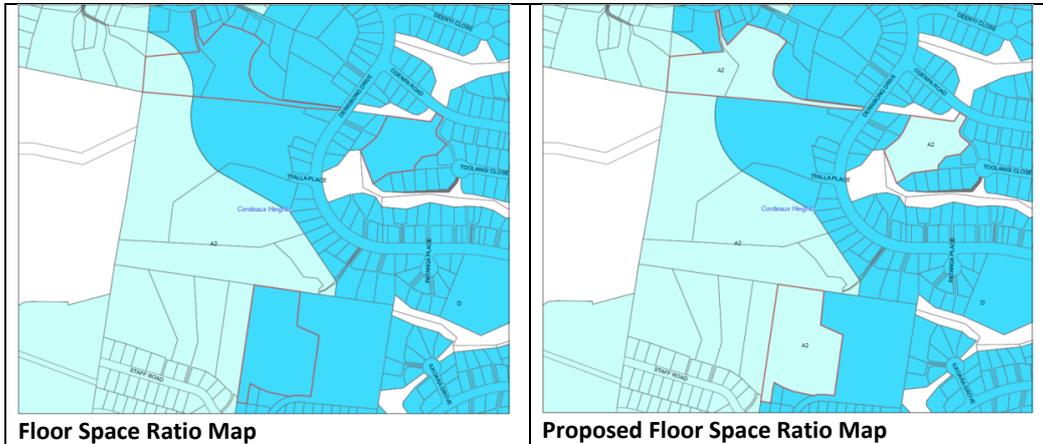


Proposed Land Use Zoning map amendments.

107 Derribong Drive, Cordeaux Heights; 41A Mungurra Hill Road, Cordeaux Heights; 41 Mungurra Hill Road, Cordeaux Heights

The Planning Proposal includes rezoning land and amending the Wollongong LEP 2009 maps for Lot 80 DP 1294608 (107 Derribong Drive, Cordeaux Heights), Lot 81 DP 1294608 (41 A Mungurra Hill Road, Cordeaux Heights), Lot 71 DP 1294607 (41 Mungurra Hill Road, Cordeaux Heights). Formerly the site was identified as Lot 60 DP 1233680





It is recommended an amendment to the proposed mapping occur as a result submissions received by the Landowner stating prior to the commencement of Public Exhibition of the Planning Proposal an approved subdivision of land had been registered, creating three (3) lot subdivision.

The Landowner submission was the only submission that raised concerns regarding the site specifically. Council did not receive submissions from State Agencies, Neighbourhood Forums, peak organisations or community members that directly made reference to the site.

Landowner Submission

The landowner submission raised the following concerns objecting to the proposal -

- 80% of the land around the subject sites will not be rezoned and remain as existing.
- The proposal does not include amendments to the zoning or planning controls for the much larger site identified as the Illawarra Christian School.
- Large land off Tyalla Place, which is south of the ICS is not included in the proposal.
- There is a range of minimum lot sizes proposed upon the subject sites.
- Land that is subject to the planning proposal, located at Odenpa Place, is retained as R2 Low Density Residential.
- The proposed 0:3:1 Floor Space Ratio and C4 Environmental Living land use zoning puts a lot of expense on any future building.
- It is considered the subject site is further away from the escarpment and most of it is not within view.
- The proposed amendments are considered harsher than others listed in the proposal.

A second submissions was made that added to the original. The submission raised the following matters.

- The site has been subdivided and the land registered. The lots created do not comply with the proposed C4 Environmental Living land use zone and the proposed 5000 sqm minimum lot size.

- It is request the land retain the existing R2 Low Density Residential land use zone.
- Council has control over the battle-axe driveway, which has 6 access points.
- The intent of the subdivision is to create larger residential low density lots.

Council Officer Discussion.

It is noted the land has been subdivision, as per an approved Development Application and the land registered. As per the submission made by the landowner, the proposed minimum lot size would not allow for residential development to occur on the newly created lots. The Deposited Plans detail the newly created lots with the following areas -

- Lot 71 DP 1294607 - 1817 m²
- Lot 81 DP 1294608 - 2185 m²
- Lot 80 DP 1294608 - 8109 m²

Despite the land being subdivided and the newly created lots having an area smaller than the proposed minimum lot size, the site constraints and general character of the location have generally remained unchanged. It is considered the proposed C4 Environmental Living is consistent with the site constraints, which include steep sloping land, land instability (suspected slip), flooding, Bush fire Prone Land and mapped EEC – MU23 Illawarra Lowlands Grassy Woodland and possibly EPBC Act MU13 Illawarra and South coast Lowland Forest and Woodland. Additionally, the proposed land use zoning is consistent with the current and desired use of land. Therefore, it is recommended all sites be rezoned C4 Environmental Living.

It is recommended that amendments to the minimum lot size occur to permit residential development to occur on the newly created lots. The proposed minimum lot size has been amended to control future subdivision of the site and would result in an outcome similar to that which Council resolved to progress at its 3 April 2023 meeting. The following minimum lot sizes have been proposed -

- Lot 71 DP 1294607 – 1499 m².
- Lot 81 DP 1294608 – 1999 m².
- Lot 80 DP 1294608 – 5999 m².

It is recommended that the floor space ratio not be amended to control the scale of any future development upon the sites. Furthermore, the proposed 0.3:1 is consistent with directions given by the Department in their letter dated 12 July 2023, to only amend the FSR for lots less than 710 m² to 0.5:1. It is noted the proposed FRS of 0.3:1 does not have to be built up to. Future proposed dwellings theoretically would not be allowed to exceed 545.1 m² on Lot 71, 655.5 m² on Lot 81 and 2432.7 m² on Lot 80.

Other Matters Considered

The Planning Proposal was informed by the Review of Residential large lots in proximity to the Illawarra Escarpment and strategic merit through actions in the Wollongong Housing Strategy 2023. The original review criteria included lots with a minimum area of 1 ha, and land owned by public authorities, or used for public reserves, education establishment, hospitals, aged care facilities and transport corridors were excluded. Following the review, it was identified a number of lots shared

similar constraints to the primary 22 lots identified and lots less than 1 ha were considered for inclusion into a planning proposal when adjacent to lots 1 ha or greater.

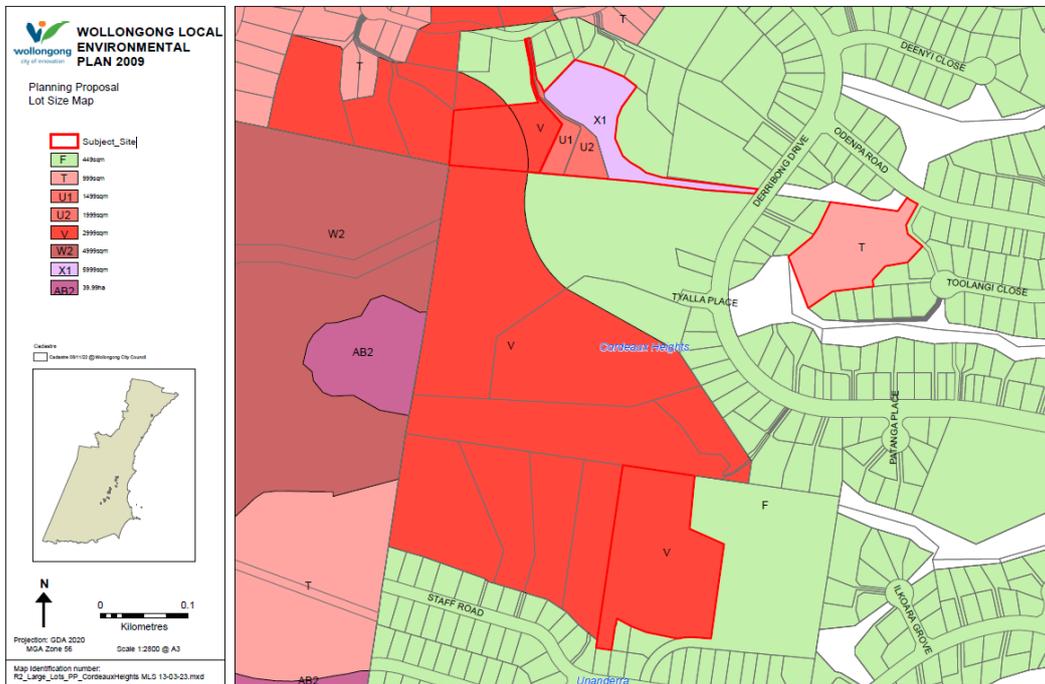
Lots were individually reviewed and as such the proposed planning controls were tailored for each lot. When proposing amendments to planning controls a number of factors were considered, which include, site constraints, access to services and public infrastructure, views and proximity to the mapped Illawarra Escarpment and lot size. As a result, a range of land use zones and planning controls have been recommended to control desired development outcomes and limit population increase in areas identified as containing natural hazards.

Recommendation

It is recommended that amendments be made to the minimum lot size to permit residential development to occur on the newly created lots. The proposed minimum lot size has been amended to control future subdivision of the site and would result in a outcome similar to that which Council resolved to progress at its 3 April 2023 meeting. The following minimum lot sizes have been proposed –

- Lot 71 DP 1294607 – 1499 m2.
- Lot 81 DP 1294608 – 1999 m2.
- Lot 80 DP 1294608 – 5999 m2.

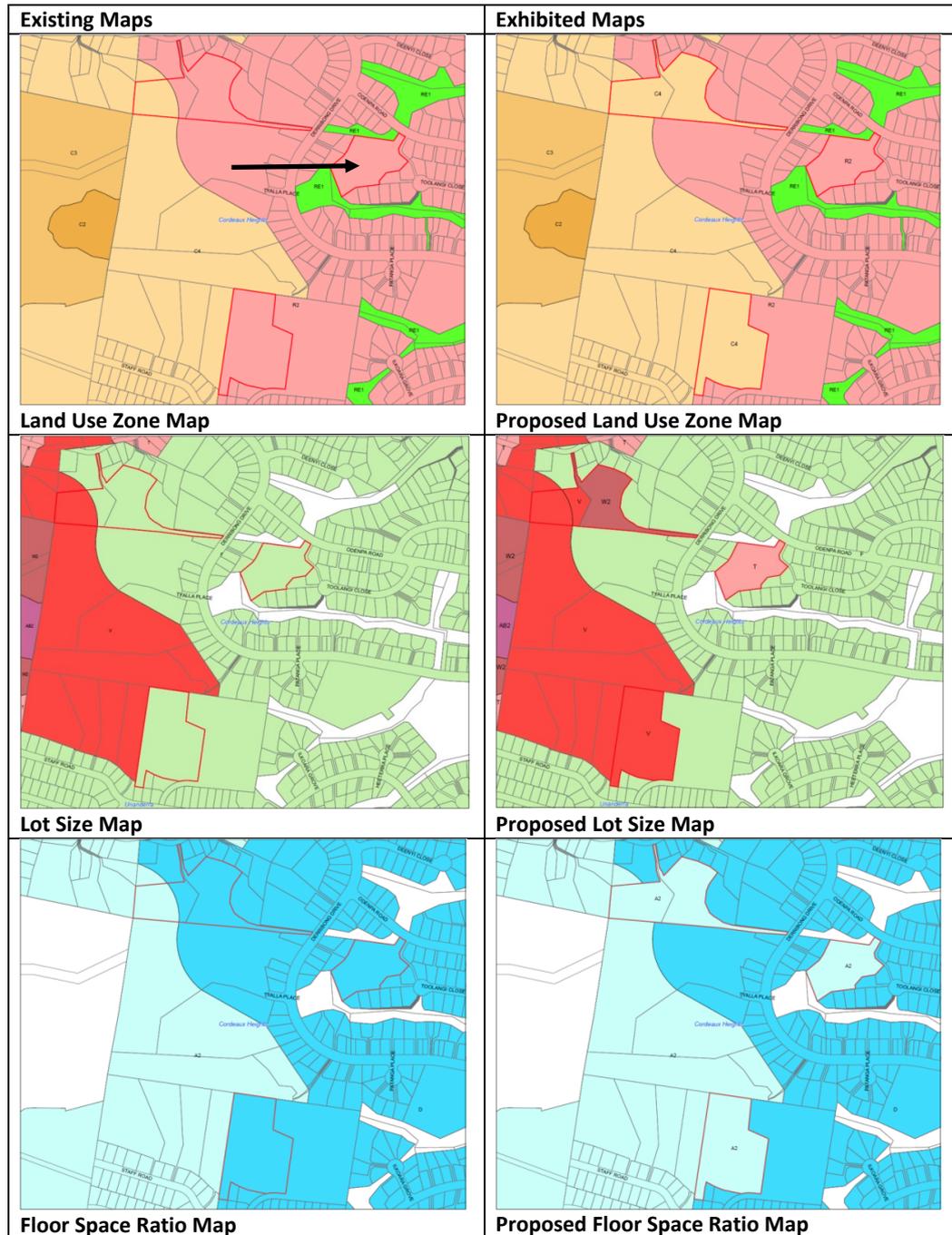
It is recommended that the floor space ratio not be amended to control the scale of any future development upon the sites.



Proposed amended Minimum Lot Size Map

Lot 1433 DP 748240 Odenpa Road, Cordeaux Heights

The Planning Proposal includes land located at Lot 1433 DP 748240 known as Lot 1433 Odenpa Road, Cordeaux Heights. It was proposed the R2 Low Density Residential zone be retained and amendments to the Wollongong LEP 2009 mapping occur to and increase the minimum lot size to 999m² and decrease the floor space ratio to 0.3:1 for the site.



Review of large R2 lots in Illawarra Escarpment foothills –
post exhibition review of site-specific submissions

As a result of the Public Exhibition Council received one (1) submission from the landowners representative, MMJ. The submission made on behalf of the landowner objected to the proposed map amendments affecting Minimum Lot Size and Floor Space Ratio.

Council did not receive submissions from State Agencies, Neighbourhood Forums or peak organisations that directly made reference to the site. Council received one (1) submission from a community member that supported the proposed map amendment applicable to the site.

MMJ Submission made on behalf of the landowner

The submission made on behalf of the landowner raised the following concerns objecting to the proposal -

- Two (2) Development Applications have previously been conditionally approved, being DA-83/673 1983 and DA-88/479.
 - DA-83/673 was for a Thirty (30) lot subdivision and included the adjacent lot.
 - DA-88/479 was for development of twelve (12) townhouses and eleven (11) villas.
- Currently under assessment is a Development Application for a 13 lot subdivision -
 - There have been no objections made by external state agencies regarding the proposed subdivision.
- The proposed 999m2 Minimum Lot Size would significantly reduce the potential yield of the site.
- The Proposed 0.3:1 would impact on the potential yield of the site.
- Development costs would remain and would not be reduced due to decreasing the yield of the site and devalue the land and make development unviable.
- The Proposal has the potential to impact upon housing stocks if the subdivision was not to occur.
- The site is the final stage of a larger subdivision.
- Subdivision, Civil Works Plan, Geotechnical investigations indicate the site is capable of the proposed subdivision.
- The site is connected to existing services and infrastructure.
- It is expected the proposed subdivision will have minimal impact upon the riparian corridor mapped upon the site.
- Storm water and flooding can be managed on site to limit adverse impact upon downstream properties.
- The site and adjacent sites do not contain mapped Aboriginal and/or European cultural items.
- A BDAR carried out concluded that no threatened flora and fauna were recorded within the subject site.

- Small areas of vegetation are located on the northern and southern portions of the lot and are mapped as terrestrial biodiversity.
- The site is impacted by native vegetation however, development can be planned to largely avoid vegetated areas.
- A Preliminary Site Investigation indicates the site has a low risk of contamination and unlikely to preclude development.
- The site is isolated, surrounded by existing residential development.
- The site has access to a Council pedestrian pathway.
- The site does not interface the Illawarra Escarpment directly.
- The site is not readily visible from other public vantage points of Odenpa Road.
- The site is vacant and not mapped as bush fire prone.

Community Member Submission

A submission was received by a community member in support of the Planning Proposal. The submission supported the proposed increase in mapped minimum lot size and floor space ratio. The submission included comments noting the proposed increases are consistent with the objectives of the Planning Proposal and are in keeping with the character of the local area. The community member's submission noted the green space the site provides and consistent with the adjacent land zoned RE1 Public Recreation. The community member's submission did not support the current Development Application for a 13 lot subdivision stating significant earthworks were required to achieve landscaping and stormwater management. Finally, the submission identified two previous Applications for subdivision, each proposing 23 dwellings did either not go ahead or were declined. The Planning Proposal will promote a style of development more in keeping with the existing surrounds.

Council Officer Discussion.

The submission made by the community member in support of the Planning Proposal commented the proposed 0.3:1 Floor Space Ratio and Minimum Lot Size would provide a development outcome in keeping with the surrounding area.

The submission made on behalf of the landowner objecting to the proposal amending the Planning Controls for Lot 1433 Odenpa Road provided a detailed summary of the site, history of approved Development Applications for subdivision and a photo analysis. The submission notes the site is vacant despite a number of approved Development Applications. Furthermore, a Development Application for a thirteen (13) lot subdivision is currently under assessment. The submission did not suggest alternate amendments to Council's recommendations only they not be progressed to adoption.

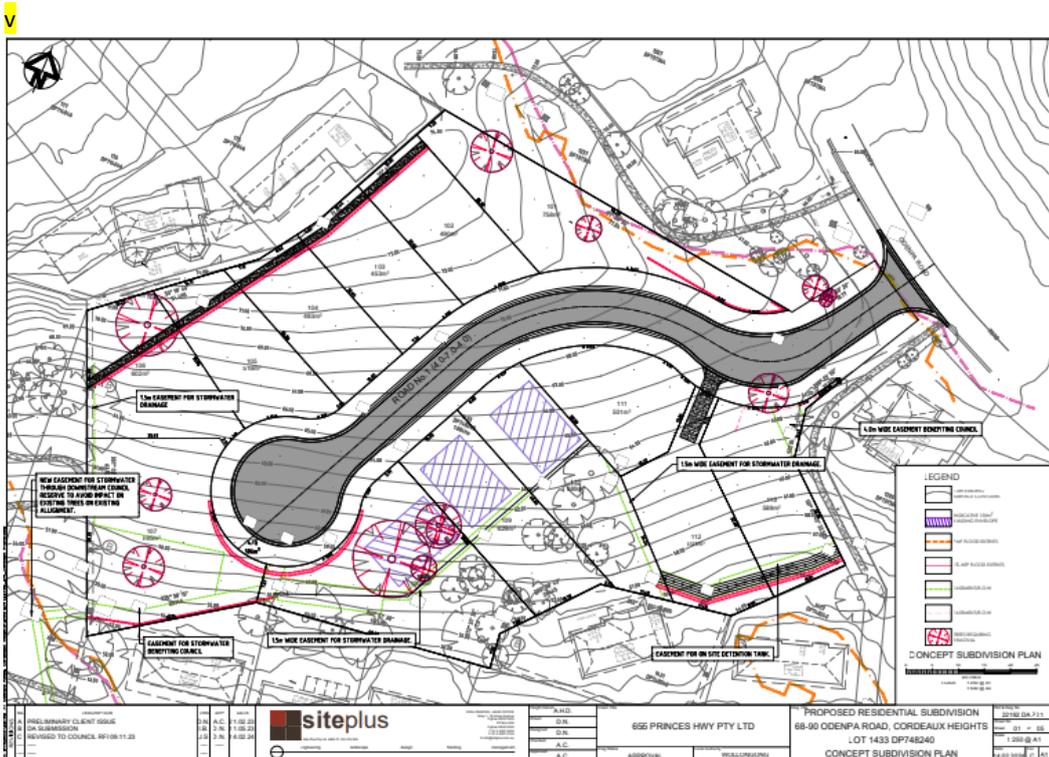
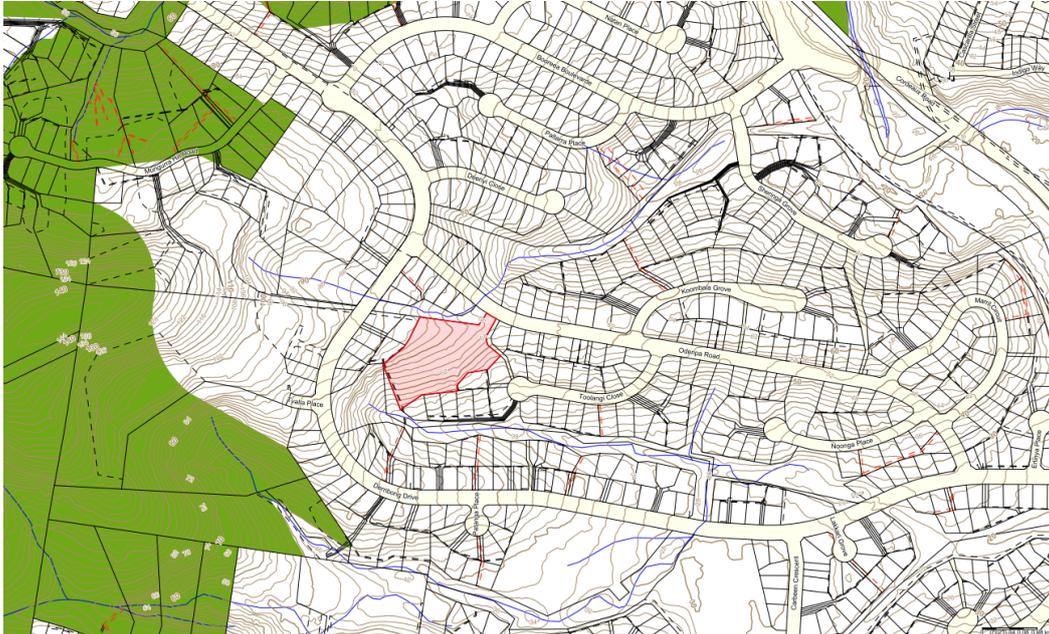
It is noted the site has a two previously approved Development Applications that were assessed against previous Planning Instruments and not the current Wollongong Local Environmental Plan 2009. Furthermore, it appears the Development Applications have not been acted upon as the site remains vacant and no subdivision of land has been registered.

The site is removed from the mapped Illawarra Escarpment and is not adjoining other land included within the Planning Proposal. The site is within an established area of residential development, with a single dwelling house character, and the green space can be viewed the surrounding neighbourhood from certain sightlines. However, continuous views to natural areas are not consistent and are disrupted by residential housing located further towards the Escarpment. The vacant land is partially vegetated and appears to extend Council's reserve land. However, the site shares limited constraint attributes that are mapped within Illawarra Escarpment and is in private ownership.

It was proposed in Council's Planning Proposal, the site retain the current R2 Low Density Residential land use zoning and that the Floor Space Ratio be amended from 0.5:1 to 0.3:1. Additionally, Council's proposal included amending the mapped Minimum Lots Size for the site from 449m² to 999m².



Location of site relative to the mapped Illawarra Escarpment



Concept Subdivision Plan submitted as part of DA-2023/436 – Not yet determined

Review of large R2 lots in Illawarra Escarpment foothills –
post exhibition review of site-specific submissions

Proposed lot summary as part of DA-2023/436 – Not yet determined

Proposed Lot	Area (m2)	Comment
101	758	
102	490	
103	453	
104	483	
105	519	
106	602	
107	985	
108	1003	Building area restriction proposed
109	629	Building area restriction proposed
110	689	Building area restriction proposed
111	501	
112	601	
113	589	
Total	8302	
Average	638.6	

The assessment of the Development Application will continue under the current LEP standards. If progressed, the Planning Proposal would prevent further subdivision and would limit the size of dwelling houses through the reduced floor space ratio. The Planning Proposal would not preclude dual occupancy or multi-dwelling housing developments.

Recommendation

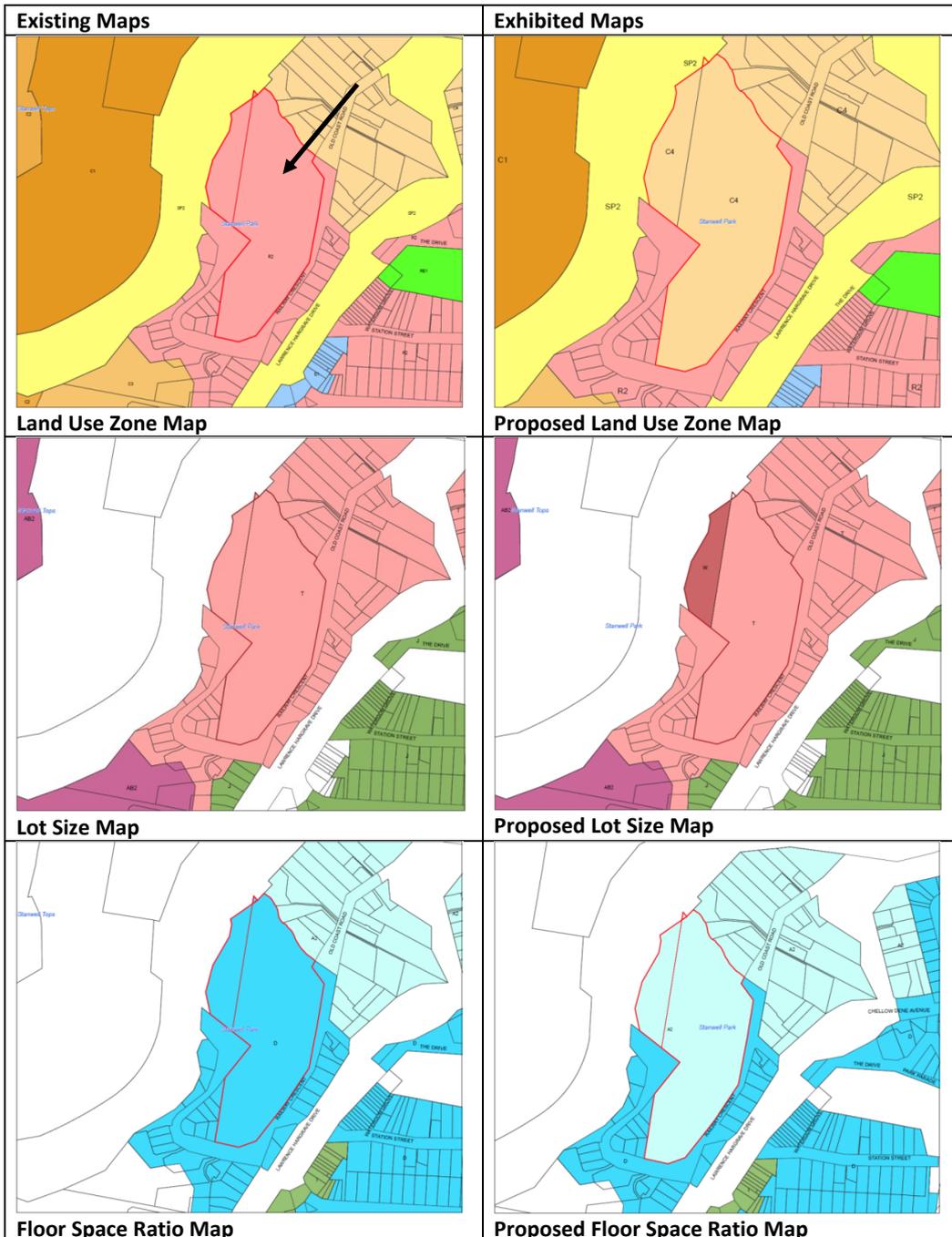
It is recommended no amendment to Council’s Proposal and the currently mapped R2 Low Density Residential land use zone be retained for the site.

It is recommended based upon the site constraints the Minimum Lot Size map be amended for the site, from 449 m2 to 999 m2.

It is recommended based upon the site constraints and the surrounding character of residential dwellings the mapped Floor Space Ratio for the site be amended from 0.5:1 to 0.3:1.

Lot 5800 DP 1132696 – 1 A Railway Crescent, Stanwell Park

The Planning Proposal includes rezoning land and amending the Wollongong LEP 2009 maps for Lot 5800 DP 1132696 known as 1A Railway Crescent, Stanwell Park.



Review of large R2 lots in Illawarra Escarpment foothills –
post exhibition review of site-specific submissions



A submission made on behalf of the landowner objecting to amendments to the mapped planning controls was the only submission that raised concerns regarding the site specifically. Council did not receive submissions from State Agencies, Neighbourhood Forums, peak organisations, or community members that directly made reference to the site.

MMJ Submission made on behalf of the landowner

The submission made on behalf of the Landowner raised the following concerns objecting to the proposal -

- The proposed Land Use of C4 Environmental Living does not permit the current approved land uses on site. Being: Hospital; Respite day care centre; Seniors living.
- Concerns the rezoning of land will impact upon the ability to carry out required repairs and maintenance under SEPP (Exempt and Complying Development Codes) 2008.
- Concerns the proposal will result in the requirement to rely on proving Existing Use Rights for any future Development Applications, as it is stated this process is problematic from a legal perspective.
- Concerned the proposal will result in the requirement for a later Planning Proposal seeking Schedule 1 Additional Permitted Uses be amended to allow for the existing uses on site.
- Proposes where structures and infrastructure are located on site be retained as R2 Low Density Residential or continue to rezone the site as C4 Environmental Living and amend to Schedule 1 occur to permit the existing uses on site.
- Concerns regarding changes to FSR will impact land value and the resulting ability to mortgage the land to provide further development on site.

Council Officer Discussion

The submission made on behalf of the landowner provided a detailed summary of the site and photo analysis. The submission detailed the current approved uses operating on site (Hospital, Respite day care centre and Seniors living) and the impacts of rezoning the land from R2 Low Density Residential

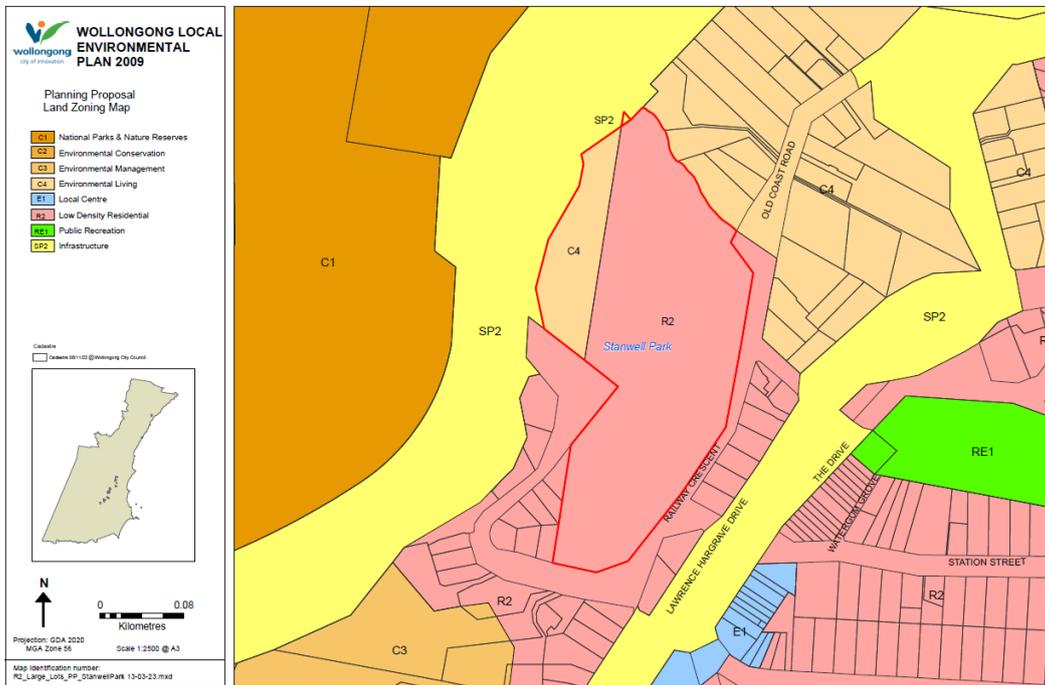
to C4 Environmental Living. The submission also raised concerns regarding the proposed amendments to the mapped Floor Space Ratio.

Upon review of the submission and Council records it is evident the site has been approved for the use of Hospital (home for aged persons) from 2002. A number of further Development Applications have been approved upon the site for Seniors Housing and associated infrastructure.

It appears the site is largely managed for the approved uses and in proximity to the listed Heritage Item. However, the site contains vegetated areas on its western boundary and in proximity to land proposed to be rezoned as part of the Planning Proposal.

Recommendation

It is recommended that the Planning Proposal be amended to retain the site as R2 Low Density Residential to enable the on-going permitted uses upon the site. The site is significantly large that it is not expected an amendment to the Floor Space Ratio from 0.5:1 to 0.3:1 would have a detrimental impact on the ability to carry out future development on site. The land contains a large amount of vegetation, which includes areas mapped as Natural Resource Sensitivity – Biodiversity which is of high conservation value and located in the mapped Biodiversity Strategy Corridor. As such, it is proposed no amendment to the Floor Space Ratio mapping occur as requested by the landowner’s representative. It is considered further vegetation removal would be required to locate additional structures and establish and maintain associated asset protection zones, which will likely impact upon the visual character and values of the site.



24 Highbank Place, Mount Ousley

The Planning Proposal includes rezoning land and amending the Wollongong LEP 2009 maps for Lot 1 DP 591354 and Lot 73 DP 209750, known as 24 Highbank Place, Mount Ousley.



The landowner raised concerns objecting to the Planning Proposal. TfNSW made comments on the Planning Proposal and made reference to the subject site located at 24 Highbank Place, Mount Ousley. Other submissions received as part of the Planning Proposal made only general comments about land located in Mount Ousley.

Landowner Submission

The Landowner, submissions raised the following concerns -

- The subject site does not interface the Escarpment directly as it separated by the M1 Expressway and is not similar to other sites included in proposal.
- The topography of the site is in a ditch. The existing dwelling is not visible and any future development would also not be visible within the Illawarra unless viewed from above.
- There are no cultural values on site.
- There are a number of site constraints and easements on site that would limit any large development.

State Agency Submission

Transport for NSW provided a submission that made no objection to the proposal. The following comments were provided concerning land identified a 24 Highbank Place, Mount Ousley.

Lot 73 DP 209750 and Lot 1 DP 591352 share a common boundary with Mount Ousley Road, which is a controlled access road. Accordingly direct access across this boundary is denied.

The Planning Proposal seek to minimise potential adverse development and will limit overall yield potential and resultant traffic generation.

The Planning Proposal does not intensify development potential and therefore TfNSW does not object to the proposal.

Council Officer Discussion.

As part of the Public Exhibition process Council received submissions from the landowner and Transport for NSW. It was noted that Transport for NSW raised no objection to the proposal and the rezoning of land at 24 Highbank Place, Mount Ousley.

Council Officers considered the concerns raised in the landowner's submission. Council Officers note the site is separated from the mapped areas of the Illawarra Escarpment resulting from the M1 Princes Motorway. However, the site exceeds 1 ha and is mapped as containing, riparian land mapped as Category 2 riparian land, Natural Resource Sensitivity – Biodiversity that is partially mapped as very high conservation value. The site is also mapped as known and suspected landslip, with slopes ranging from 18 – 25 degrees through to 4 – 8 degrees. Furthermore, the site is mapped a Bush Fire Prone with Vegetation Category 1 and Vegetation Buffer in addition to mapped easements.

It is noted the site contains a dwelling house located on the western portion of the lot and the landowner considers the site to be sheltered from views due to site topography and containing no items of cultural significance.

Upon review, it is considered the site be rezoned as per Council's 3 April 2023 resolution. The site is heavily constrained by the mapped natural hazards. It is considered the current R2 Low Density Residential land use zone provides a false impression of the type and scale of development that could be undertaken on the site. The site exceeds 1 ha however, only a small portion of the site, where the existing dwelling is located, is actually capable of development and is not significantly impacted upon by the mapped site constraints or easements.

Recommendation

It is recommended Council progress the Planning Proposal to rezone land at Lot 1 DP 591354 and Lot 73 DP 209750, known as 24 Highbank Place, Mount Ousley.

Lot 1019 Ribbonwood Road, Farmborough Heights

The Planning Proposal includes rezoning land and amending the Wollongong LEP 2009 maps for Lot 1019 DP 811085 known as lot 1019 Ribbonwood road, Farmborough Heights.



It is recommended an amendment occur to the Planning Proposal maps, as a result of NSW RFS comments regarding the subject site. Other submission received as part of the public exhibition did not identify and raise issues regarding the site. One submission received by a community member supporting the Planning Proposal referred to Charcoal Creek and the Farmborough heights only in general terms.

NSW RFS

Comments made by NSW RFS raised the following -

- The consent authority shall ensure the C4 Environmental Living portion of Lot 1019 DP 811085 is sufficient in size to contain an APZ for potential building envelopes, where future subdivision may occur.
- APZs are to comply with requirements of Planning for Bush Fire Protection.
- Council shall ensure the approved off-site APZ that benefits development approved under DA-2019/1198 be wholly located within the C4 Environmental Living portion of Lot 1019 DP 811085.

Comments made by Community Members

Comments made in the community member's submission provided support for the proposal. The comments noted development had encroached into natural areas impacting upon riparian corridors, native flora and fauna, cultural trees and significant points of interest. The community member raised concern further subdivision would likely result in additional removal of vegetation that should be preserved.

Council Officer Discussion.

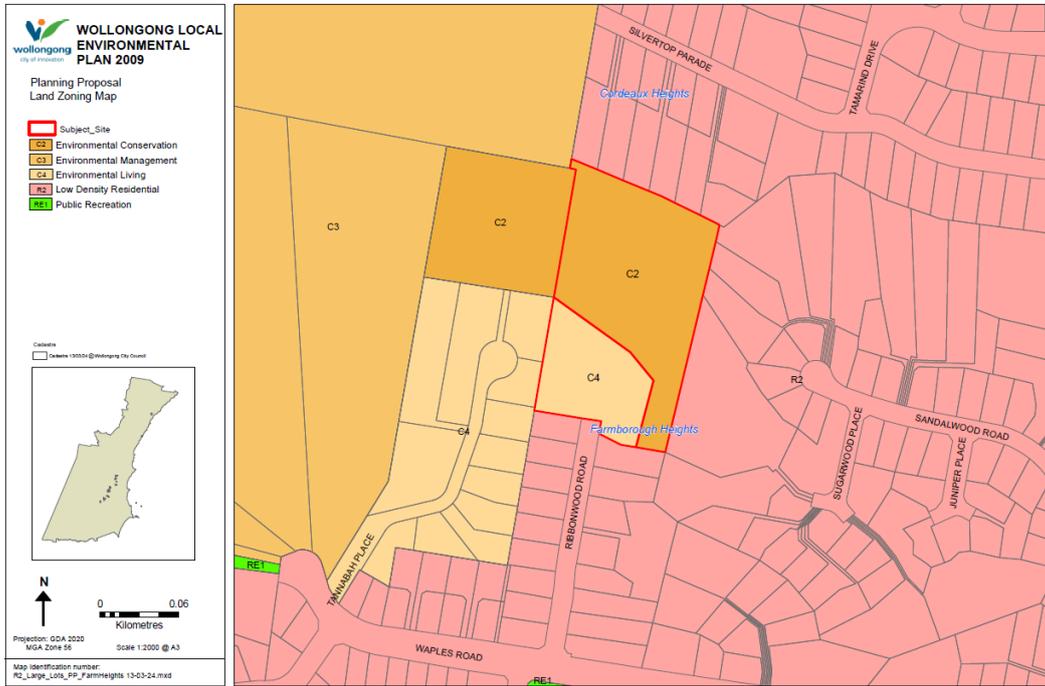
The NSW RFS submission has been taken into consideration and it is recommended the proposed C4 Environmental Living Environmental Zone be amended to reflect the off-site Development Application (DA-2019/1198). It is recommended the remainder be rezoned to C2 Environmental Conservation resulting from the biodiversity, bush fire, and geotechnical constraints that are mapped upon the site. Additionally, the site is located in a prominent location, within the vista of Mount Kembla.

The comments made by the community member have been noted. It is considered the Planning Proposal will provide improved environmental outcomes and manage development at an appropriate scale, in an area identified as being affected by natural hazards.

Recommendation

It is recommended the proposed Land Use Zoning mapping be amended to reflect the comments made by NSW RFS and those received from within Council. The proposed amendment includes adjusting the proposed C2 Environmental Conservation and C4 Environmental Living land use zones to allow for the registered easement for APZ and any future dwelling on the site.

It is recommended the proposed Minimum Lot Size map and Floor Space Ratio map be amended to reflect the zone amendment but that the sizes and ratios remain the same.

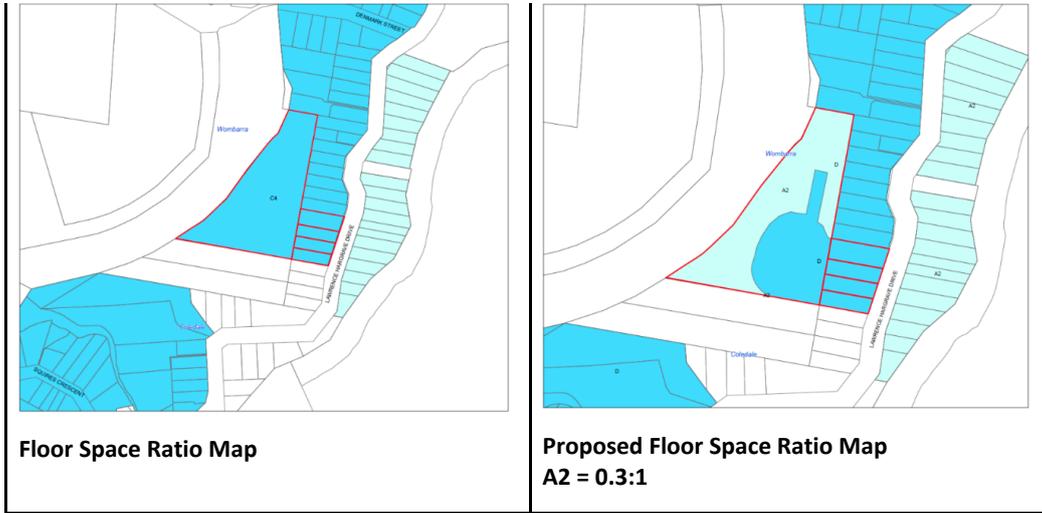


628 Lawrence Hargrave Drive, Wombarra - PT Lot 100 DP 1300563

The Planning Proposal includes rezoning land and amending the Wollongong LEP 2009 maps for Lot 1 DP 1286300, formerly 628 Lawrence Hargrave Drive Wombarra, now known as McCann Circuit.

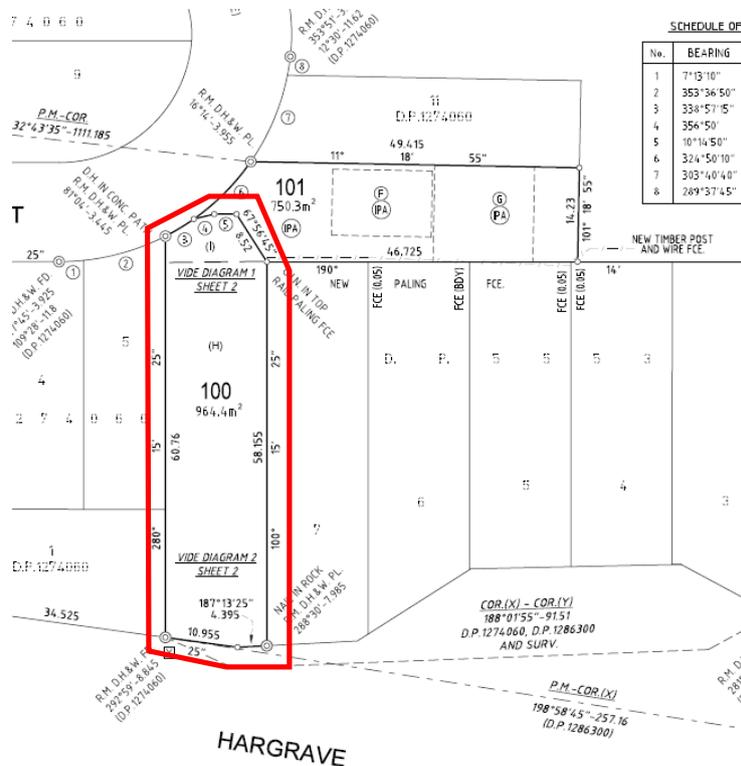
A submission was received from the owner of the adjoining property 632 Lawrence Hargrave Drive, indicating that a small part of the of the adjoining land within the Estate had been purchased for the purpose of a boundary adjustment and were concerned about having a R2/C4 split zone.





Background/context

Following the exhibition of the Planning Proposal the subdivision of the site was completed and the Deposited Plan registered on 20 November 2023 for a 12-lot subdivision, now known as McCann Circuit. Following this, a second subdivision for a boundary adjustment occurred. The subdivision of Lot 10 DP 1274060 and Lot 8 DP 5553 was registered on 15 January 2024 creating Pt Lot 100 DP 1300563 and Lot 101 DP 1300563.



Review of large R2 lots in Illawarra Escarpment foothills – post exhibition review of site-specific submissions

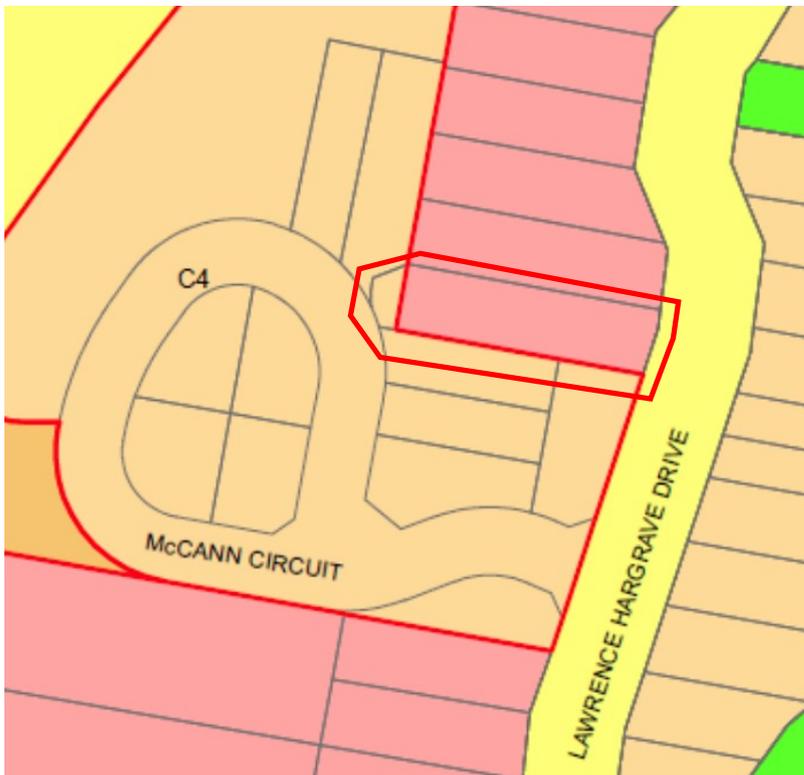
Landowner Submission

The Landowners submission raised the following matters -

Prior to the exhibition of the planning proposal the landowner and the Wombarra Vista Pty entered into a contract for the sale of land. The sale of land comprised of approximately 80 m2 to the west of then Lot 8 DP 5553. The land was purchased so the landowner could access the rear of the site and carry out maintenance for site drainage. It was raised that prior to the subdivision occurring the rear of the land had been damaged as part of the development of the Wombarra Vista residential estate.

The landowner raised concerns that future development of land, previously known as Lot 10 DP 1274060, could have adverse impacts upon the amenity of their land.

The landowner objected to the split R2/C4 land use zoning that would result from the Planning Proposal.



Map identifying Lot 100 DP 1300563 with split R2/C4 land use zoning

Community Member Submission

Council received one community submission that supported the Planning Proposal and identified land known as Wombarra Vista. The submission made only general comments that support was shown for the proposed WLEP 2009 amendments for land in Wombarra. The submission also showed support for the existing Planning Controls for environmentally sensitive lands above the rail line in Wombarra and Austinmer locations and that they are not amended allowing for the further subdivision of land.

Council Officer Discussion

It is noted the site has been subdivided following the public exhibition of the Planning Proposal to allow for a boundary adjustment. It appears the subdivision was undertaken to allow for the control of site drainage however, it is identified that Lot 100 DP 1300563 has an area of 964.4 m². As the created lot has an area greater than 900 m², there is the potential for further subdivision of the site. Additionally, the rear of the site includes newly created road frontage assessed via McCann Circuit.

The community member comments are noted. The planning proposal does not extend into the environmentally sensitive lands above the rail line or seeks to increase the development potential of land in the identified locations.

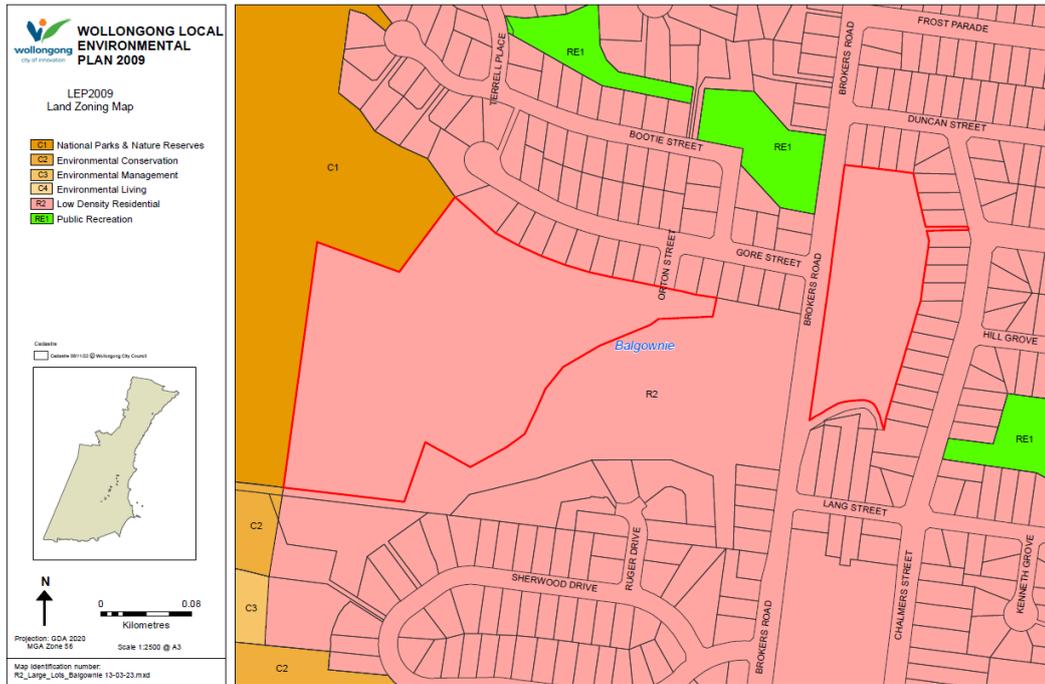
Recommendation

It is considered there is insufficient strategic merit to amend the Planning Proposal following the registered subdivision of land creating Lot 100 DP 1300563 and Lot 101 DP 1300563. It is therefore recommended no changes be made to the exhibited Planning Proposal maps.

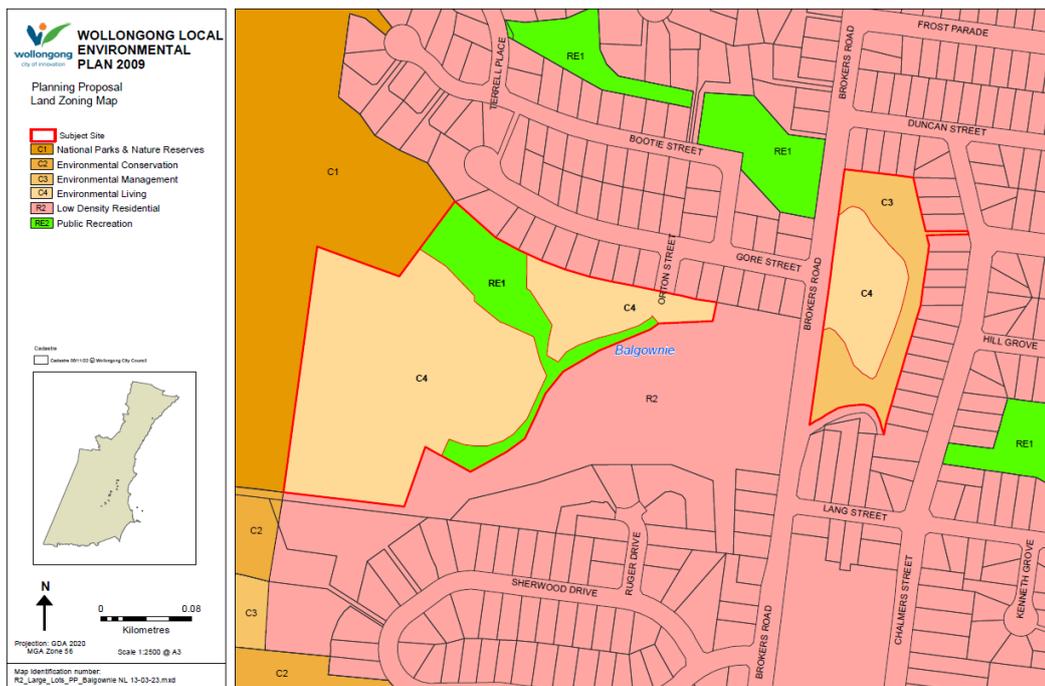
Location: Balgownie – Foothills Road, Orton Street

Land Zoning Map

Existing Land Zoning Map

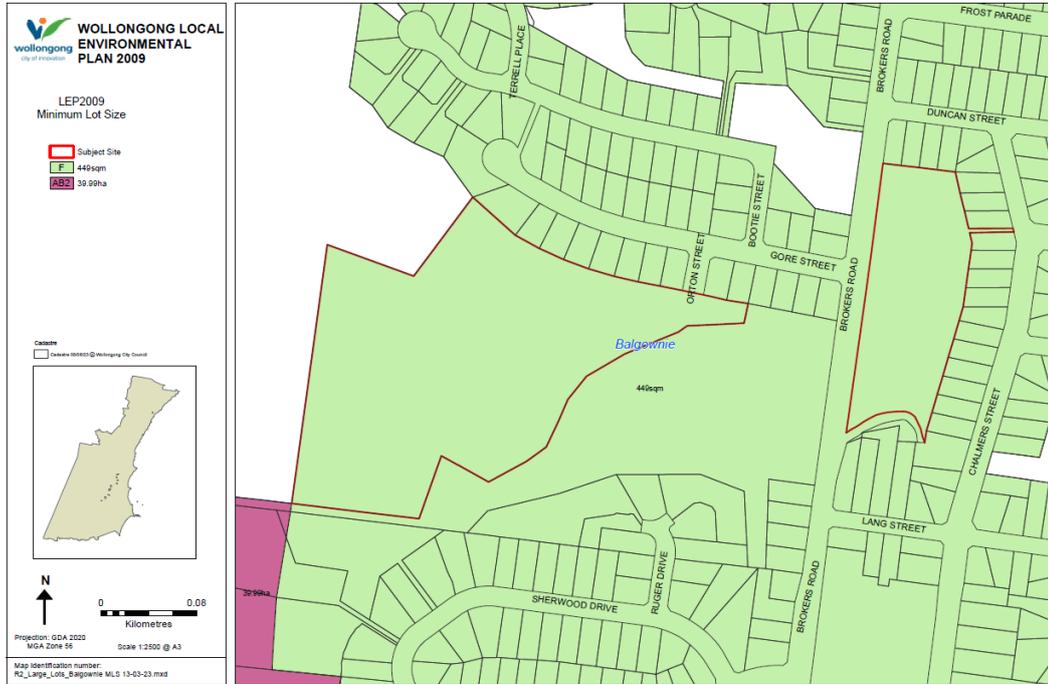


Proposed Land Zoning Map

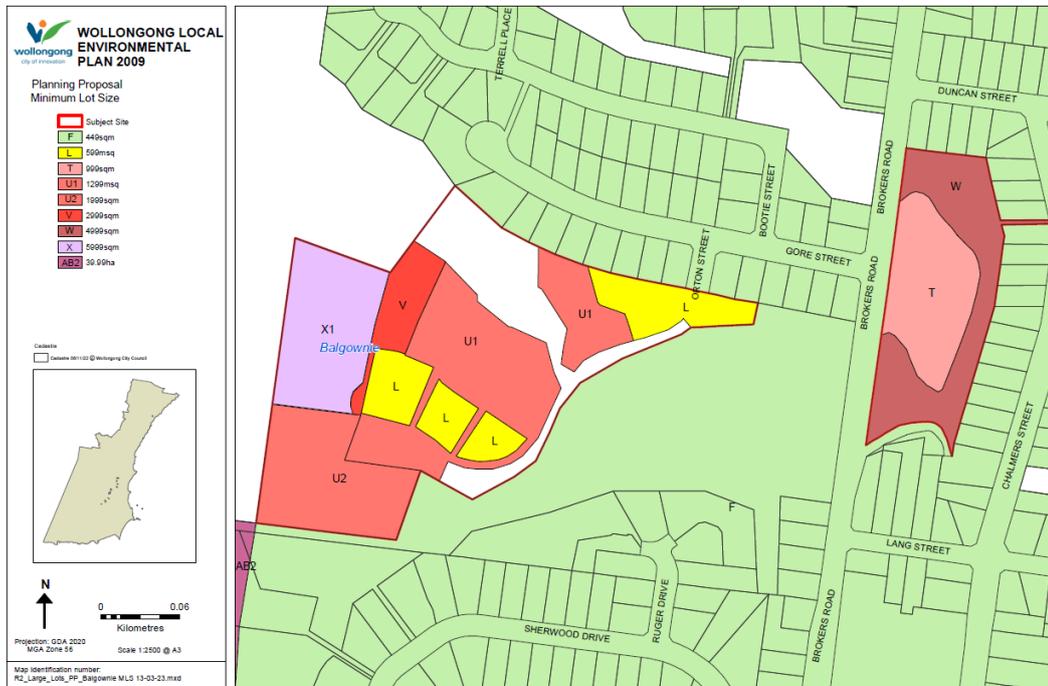


Lot Size Map

Existing Lot Size Map



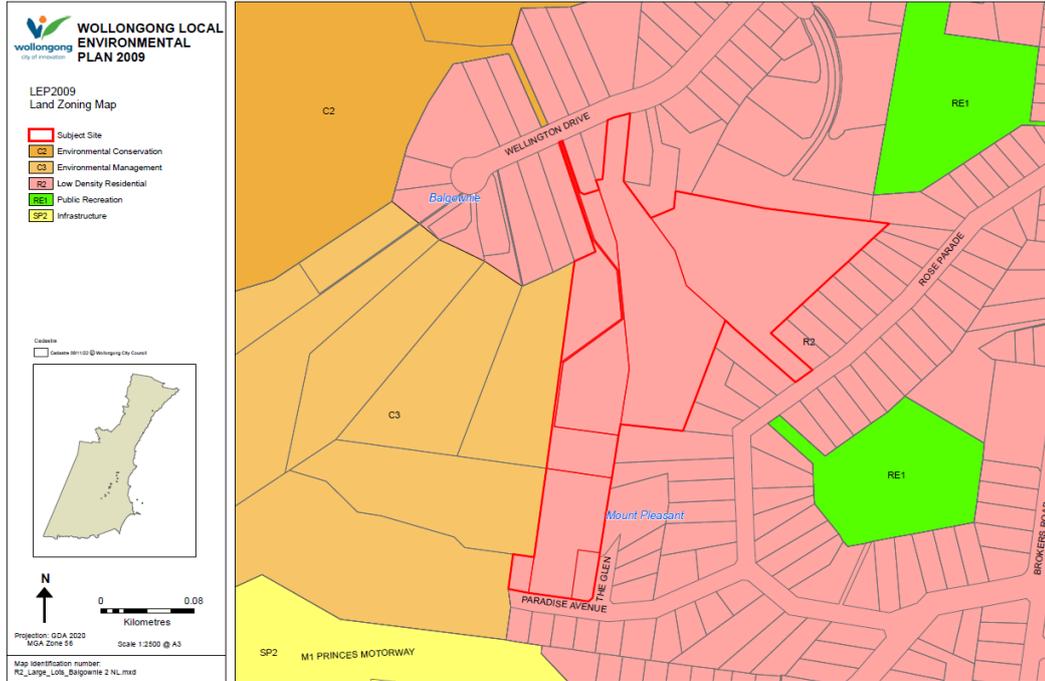
Proposed Lot Size Map



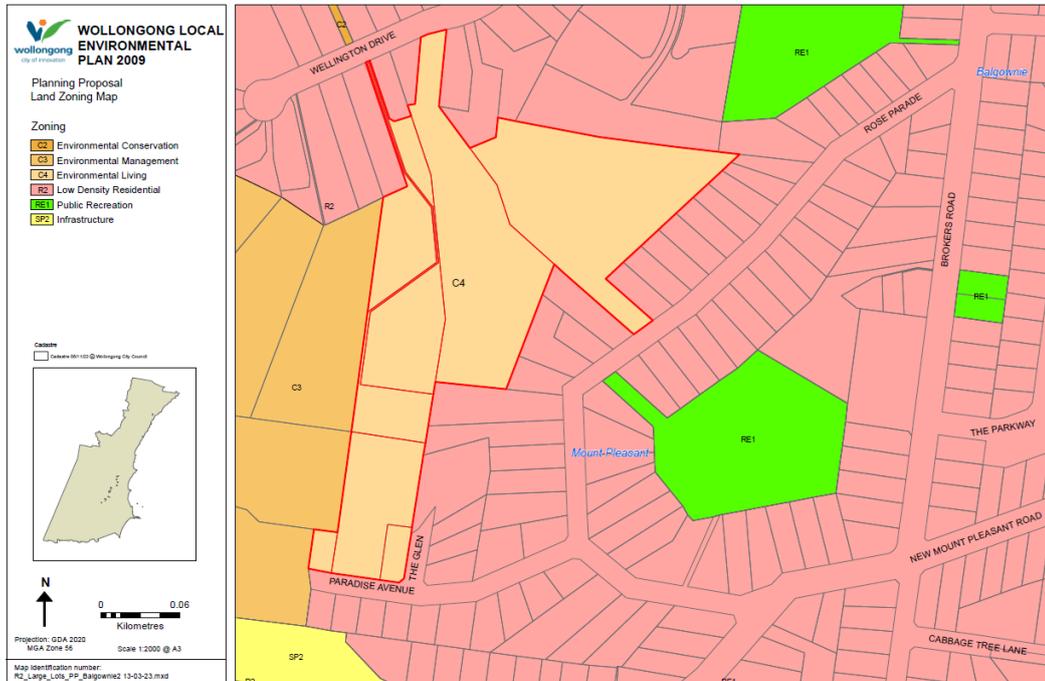
Location: Balgownie – Paradise Avenue, Rose Parade, Wellington Drive

Land Zoning Map

Existing Land Zoning Map

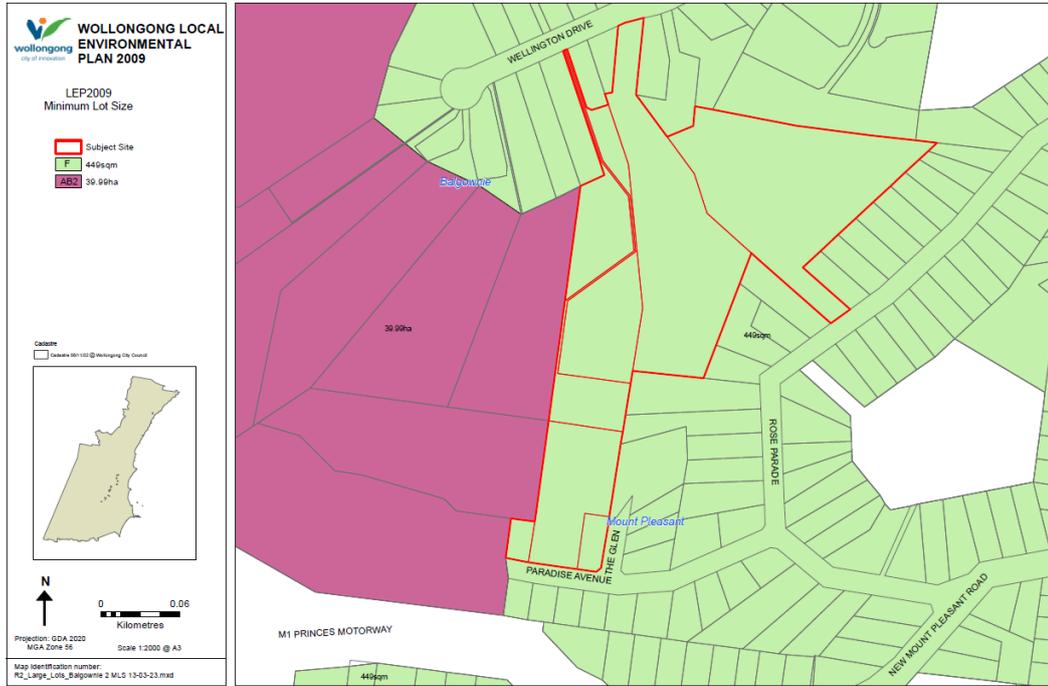


Proposed Land Zoning Map

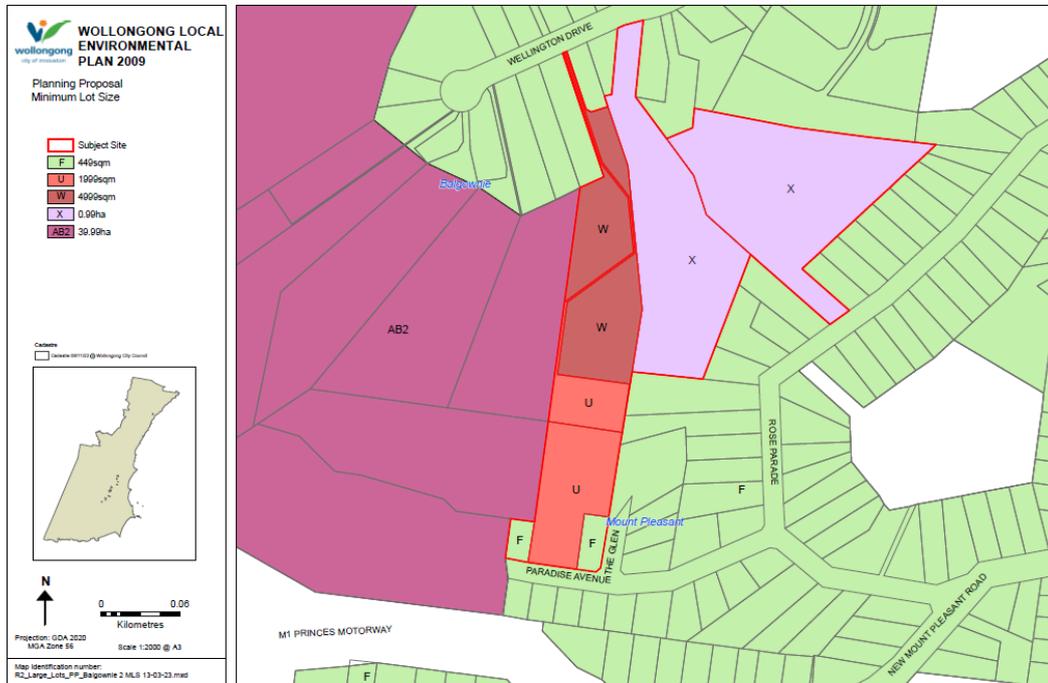


Lot Size Map

Existing Lot Size Map



Proposed Lot Size Map

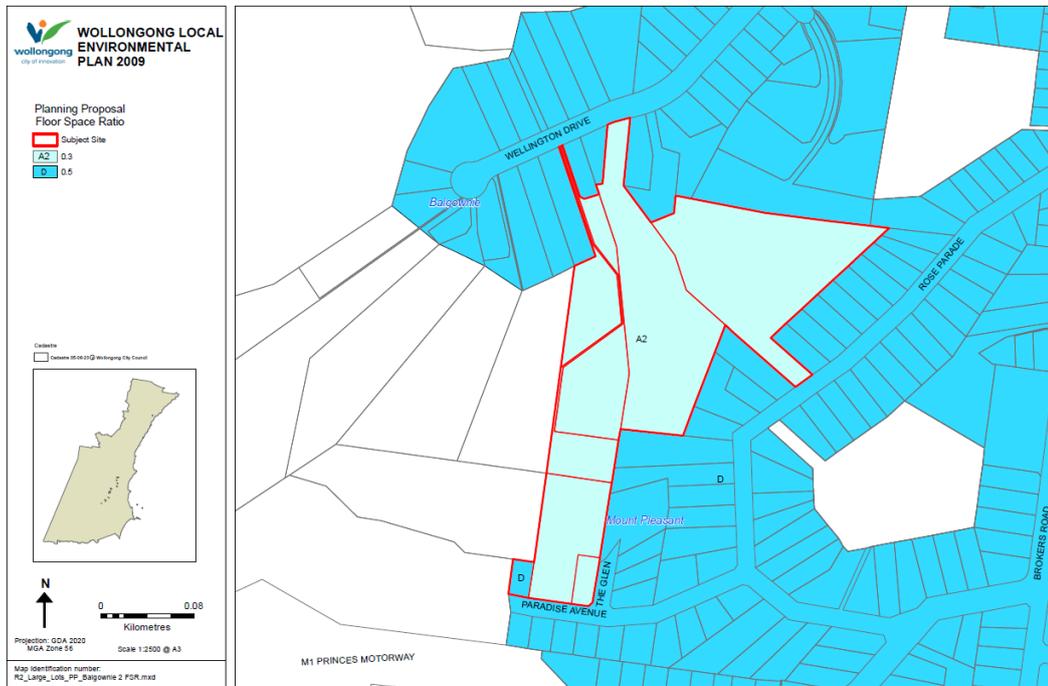


Floor Space Ratio Map

Existing Floor Space Ratio Map



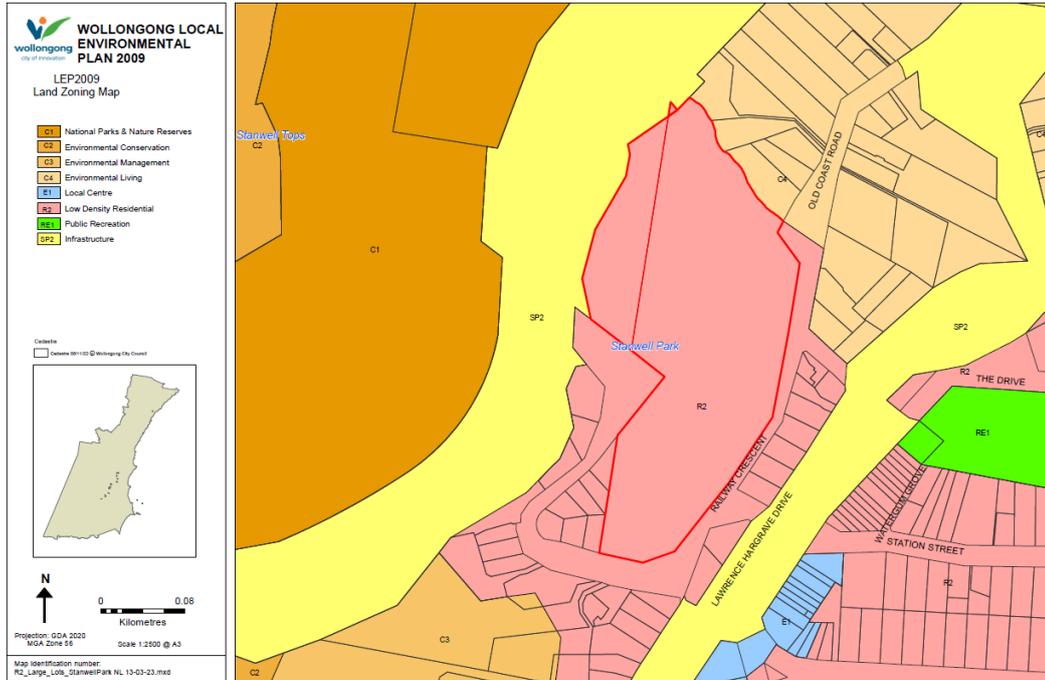
Proposed Floor Space Ratio



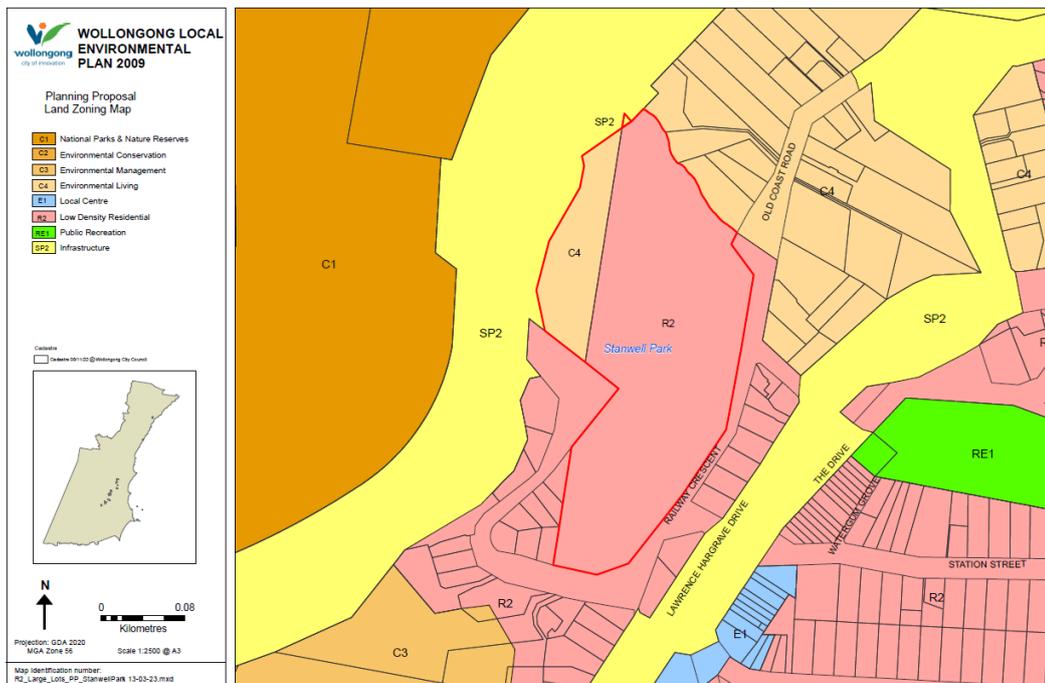
Location: Stanwell Park – Railway Crescent

Land Zoning Map

Existing Land Zoning Map

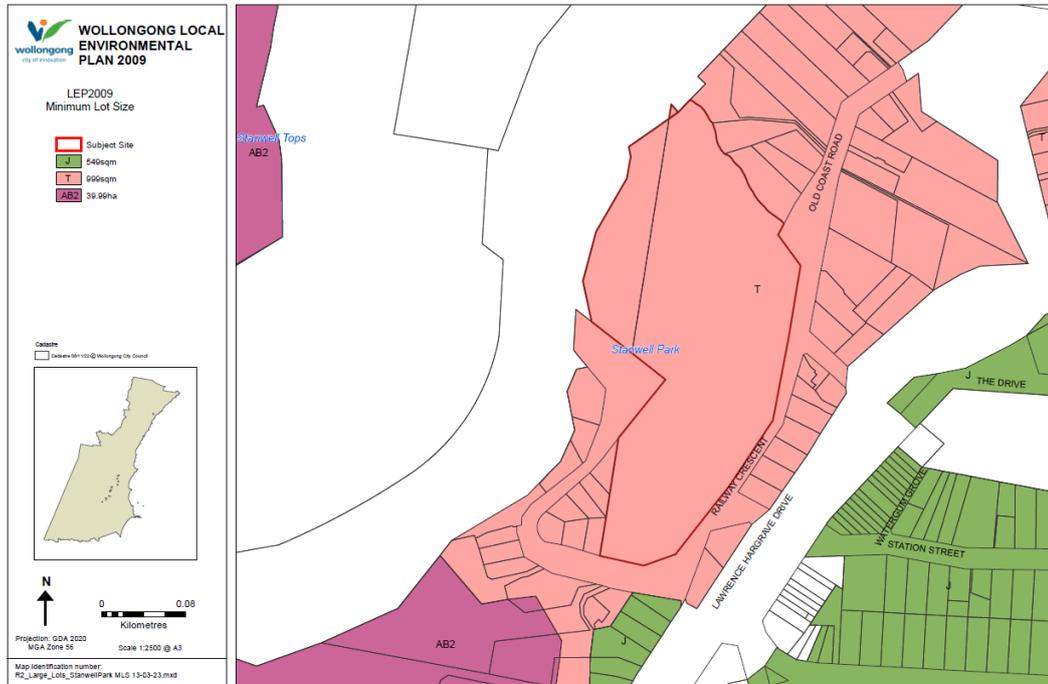


Proposed Land Zoning Map

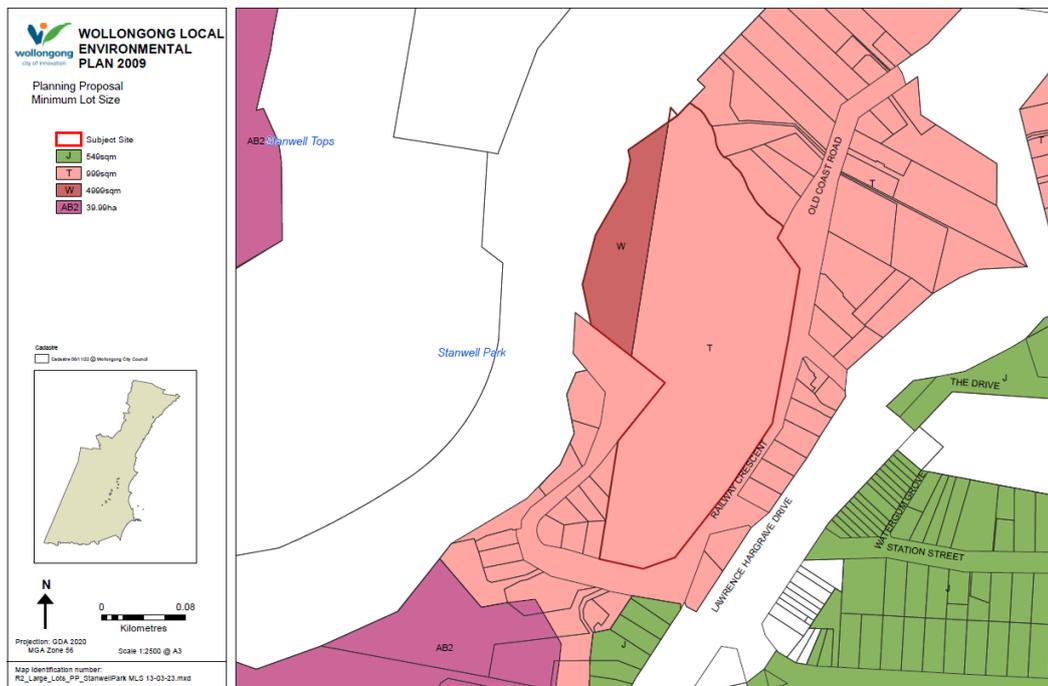


Lot Size Map

Existing Lot Size Map

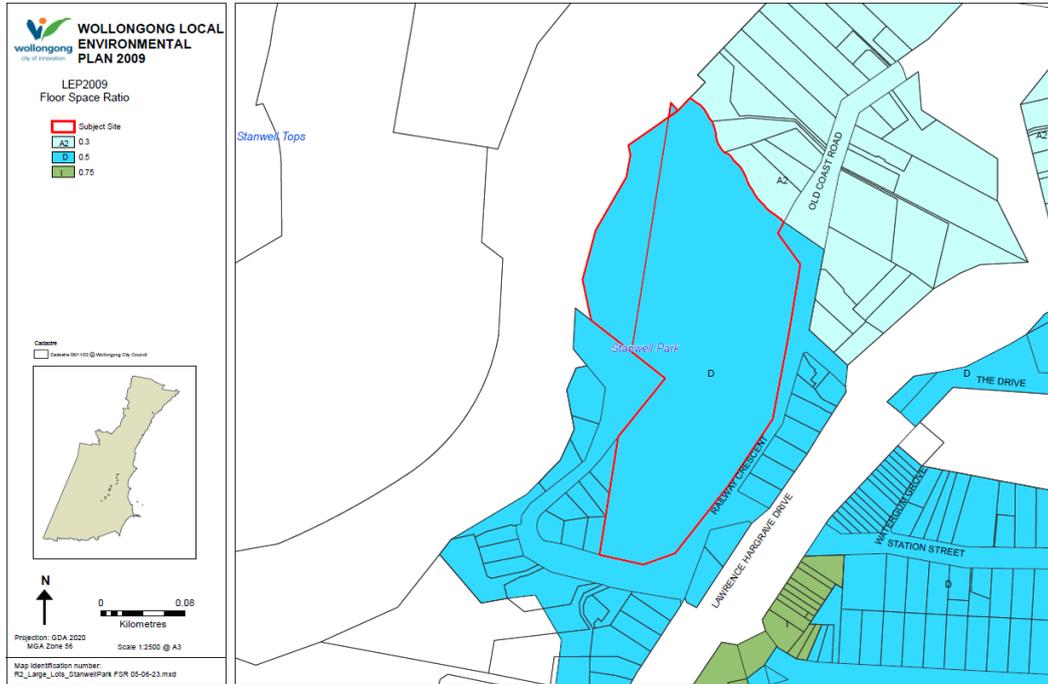


Proposed Lot Size Map

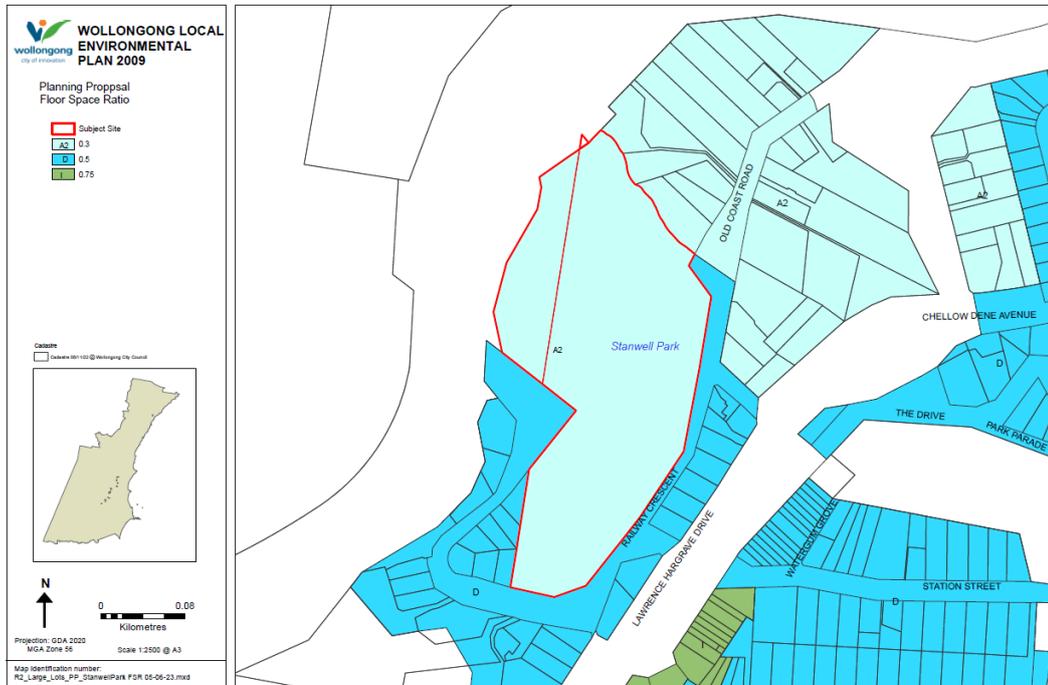


Floor Space Ratio Map

Existing Floor Space Ratio Map



Proposed Floor Space Ratio



Maximum Height of Buildings Map

Existing Maximum Height of Building Map



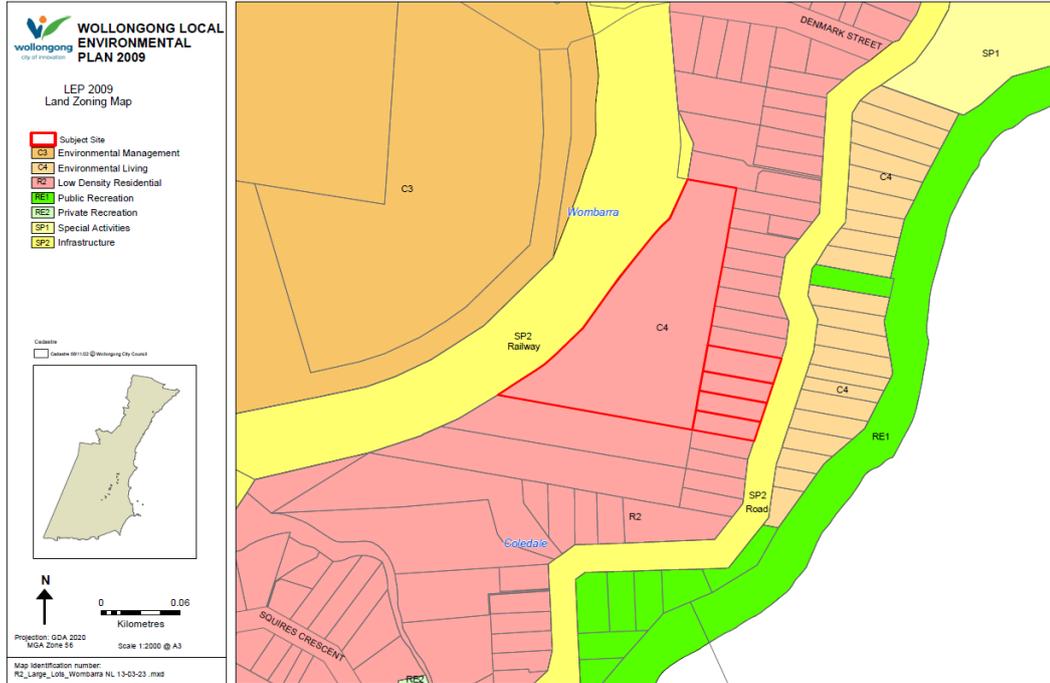
Proposed Maximum Height of Building Map



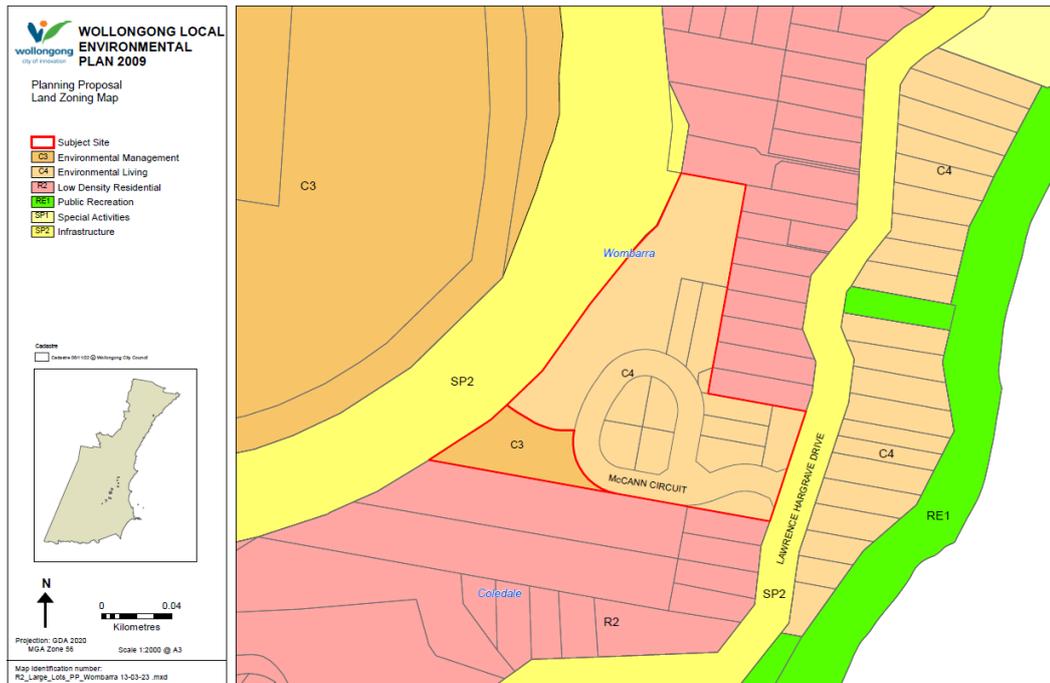
Location: Wombarra – Lawrence Hargrave Drive

Land Zoning Map

Existing Land Zoning Map

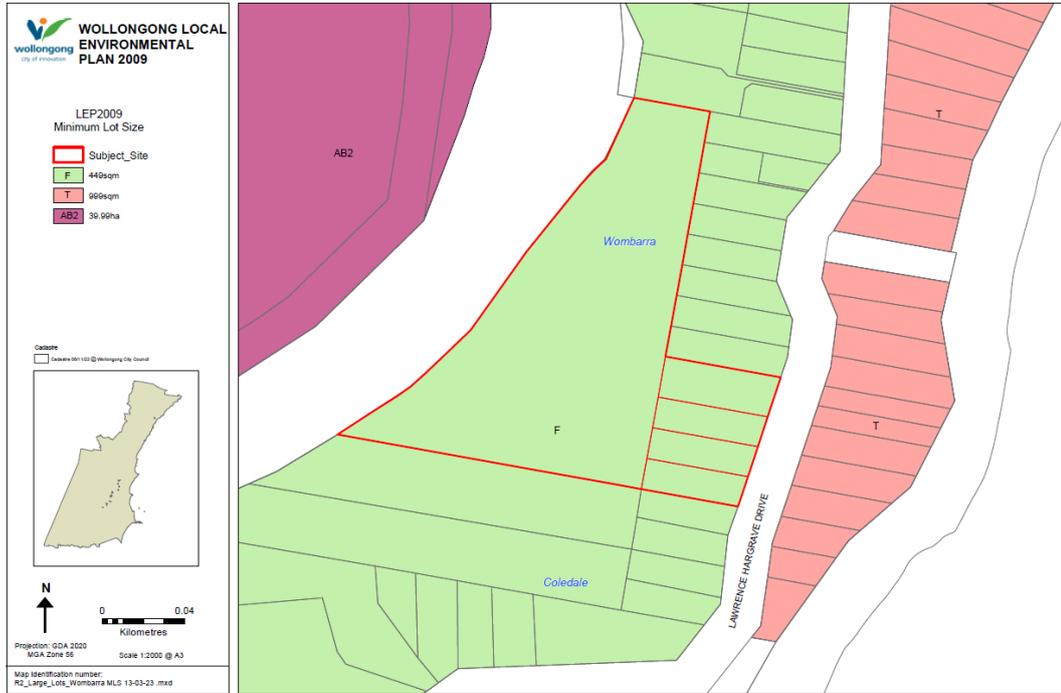


Proposed Land Zoning Map

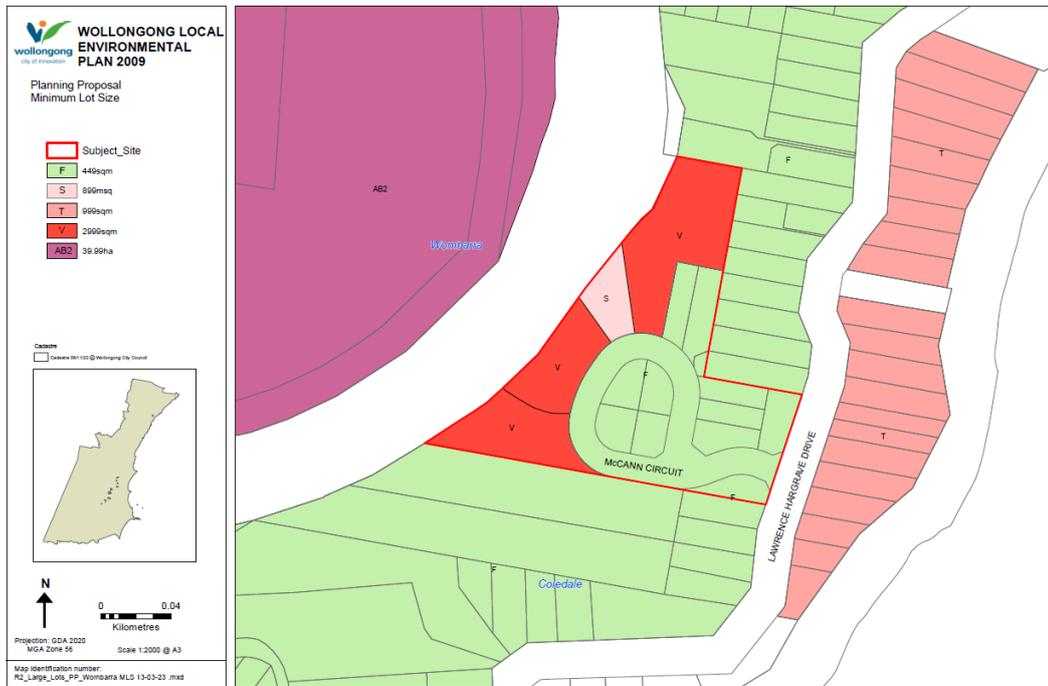


Lot Size Map

Existing Lot Size Map

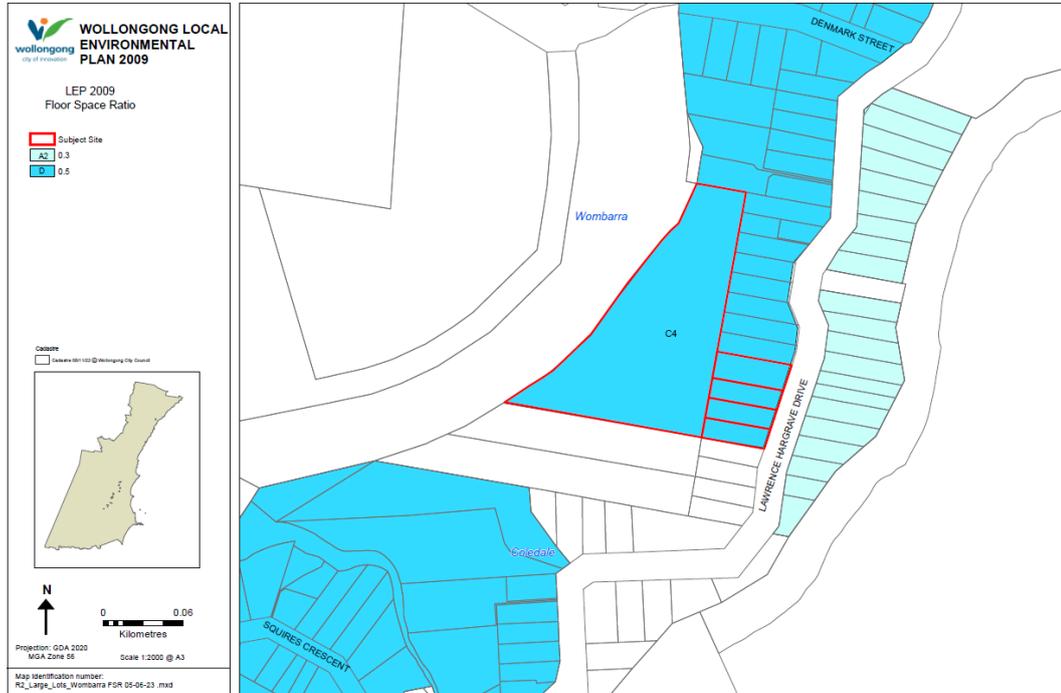


Proposed Lot Size Map



Floor Space Ratio Map

Existing Floor Space Ratio Map



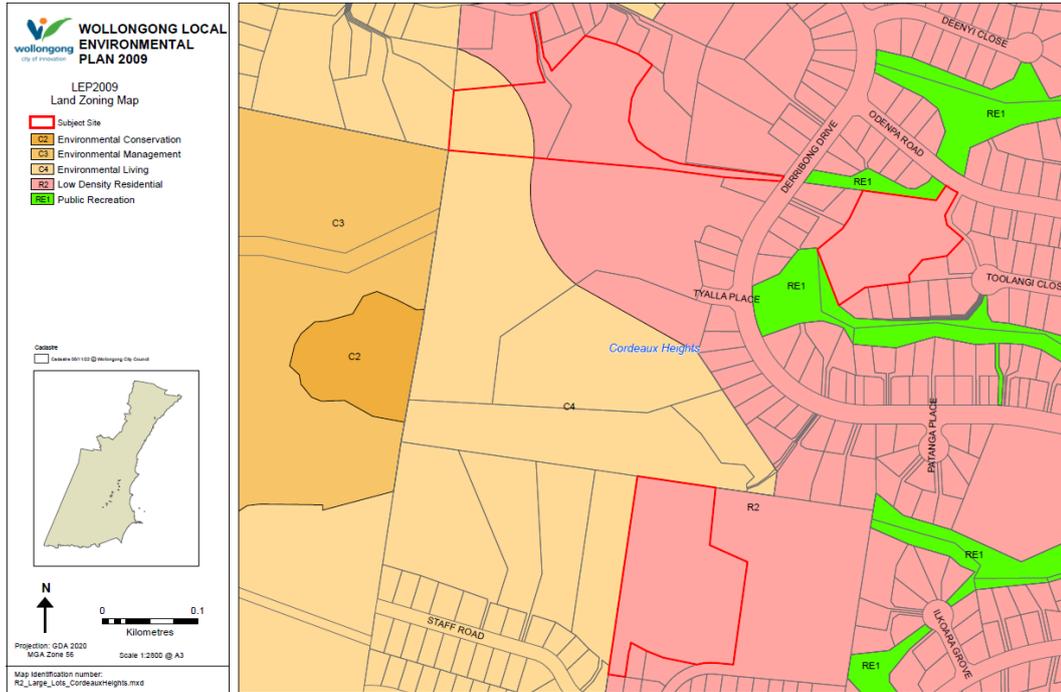
Proposed Floor Space Ratio



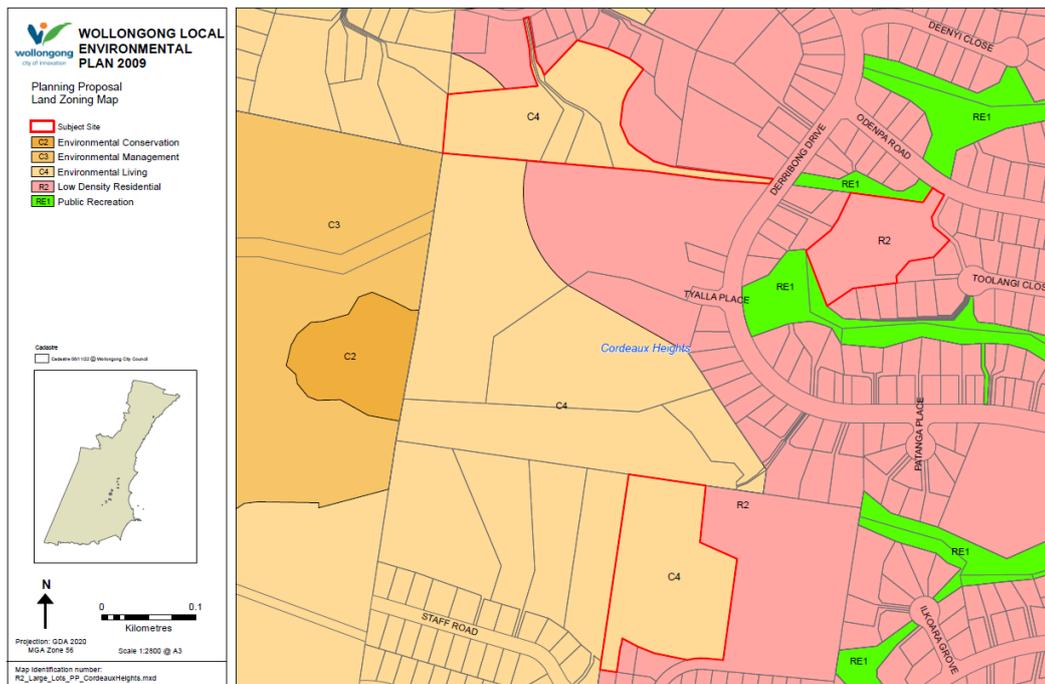
Location: Cordeaux Heights: Derribong Drive, Odenpa Road, Staff Road

Land Zoning Map

Existing Land Zoning Map

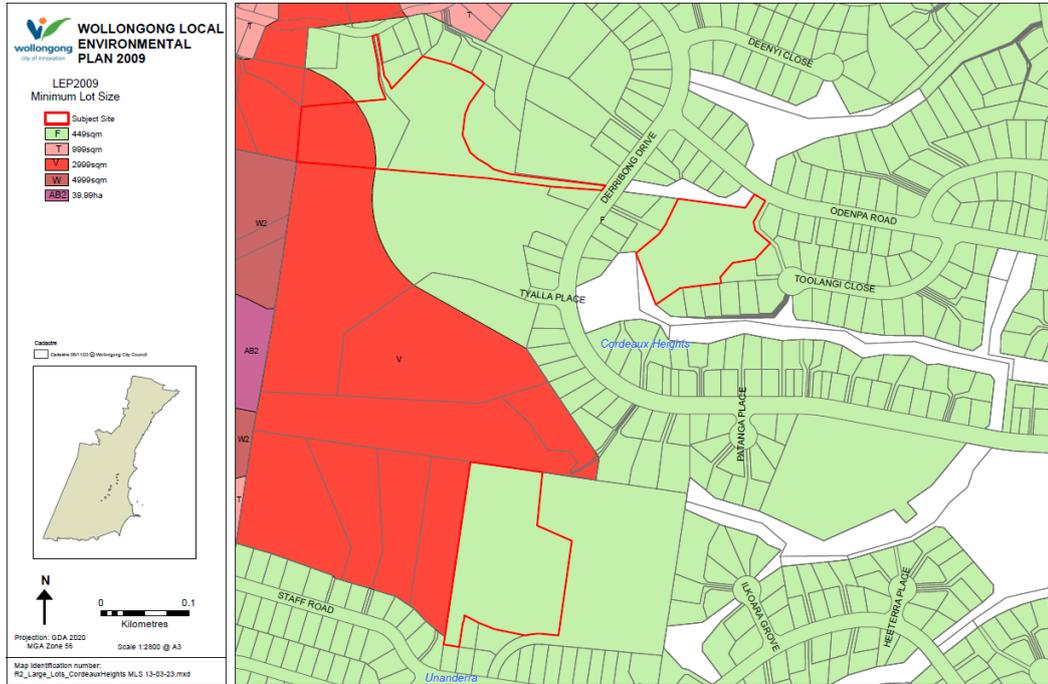


Proposed Land Zoning Map

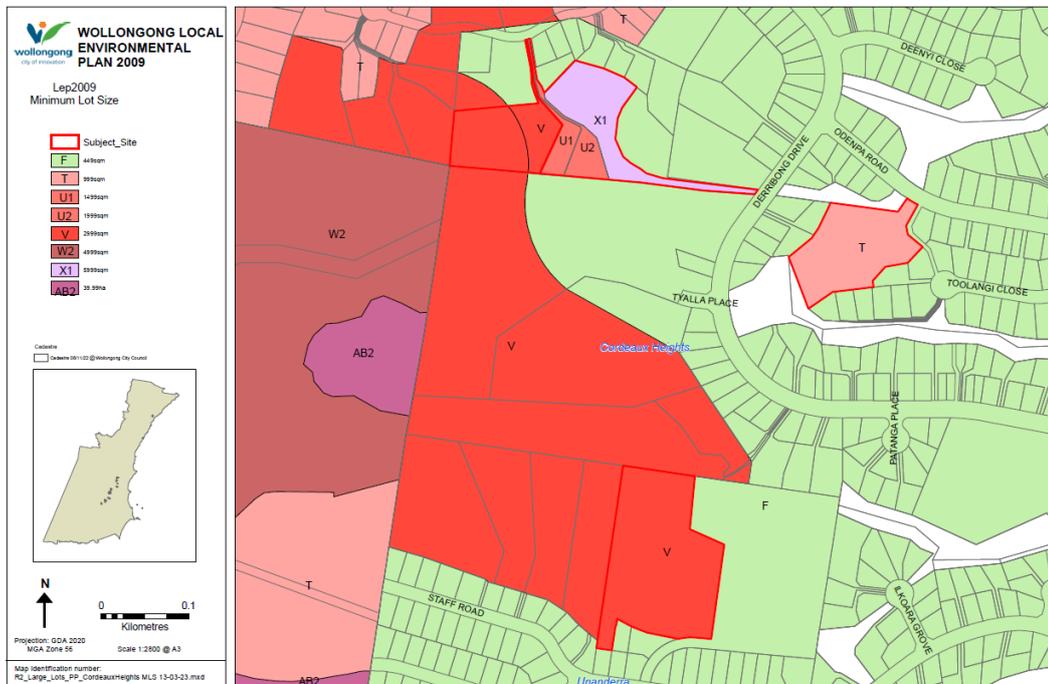


Lot Size Map

Existing Lot Size Map

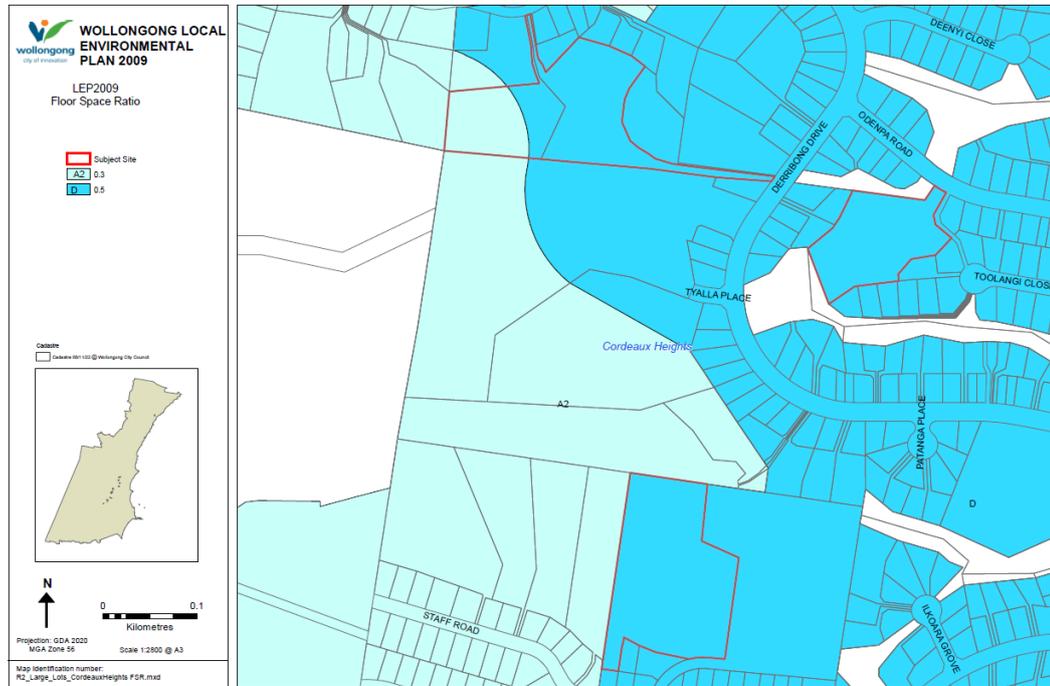


Proposed Lot Size Map

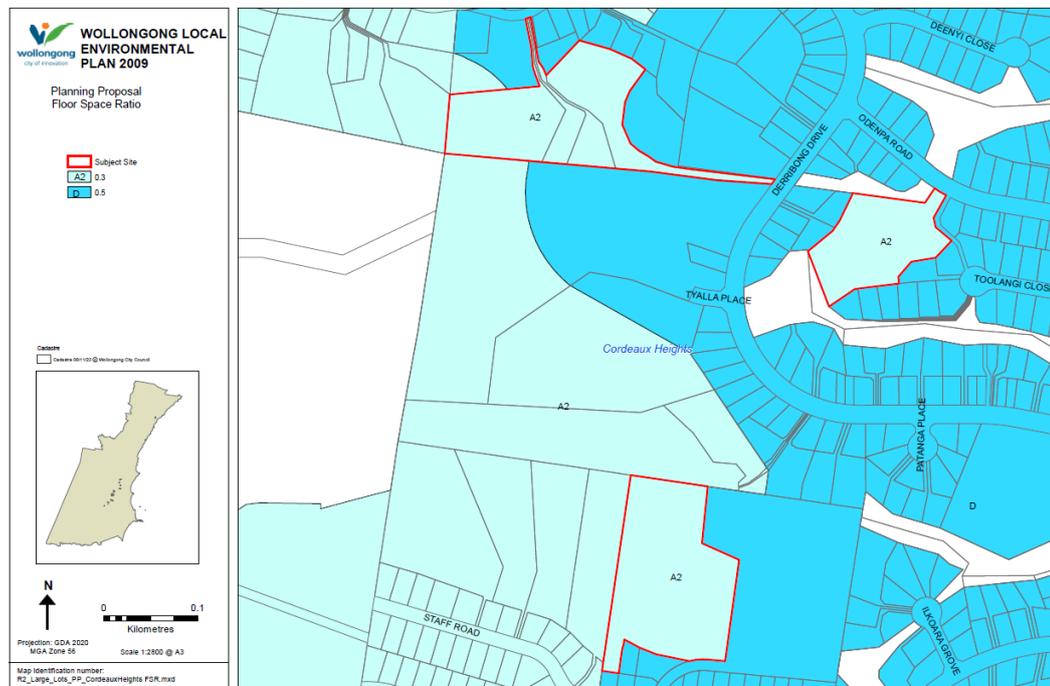


Floor Space Ratio Map

Existing Floor Space Ratio Map



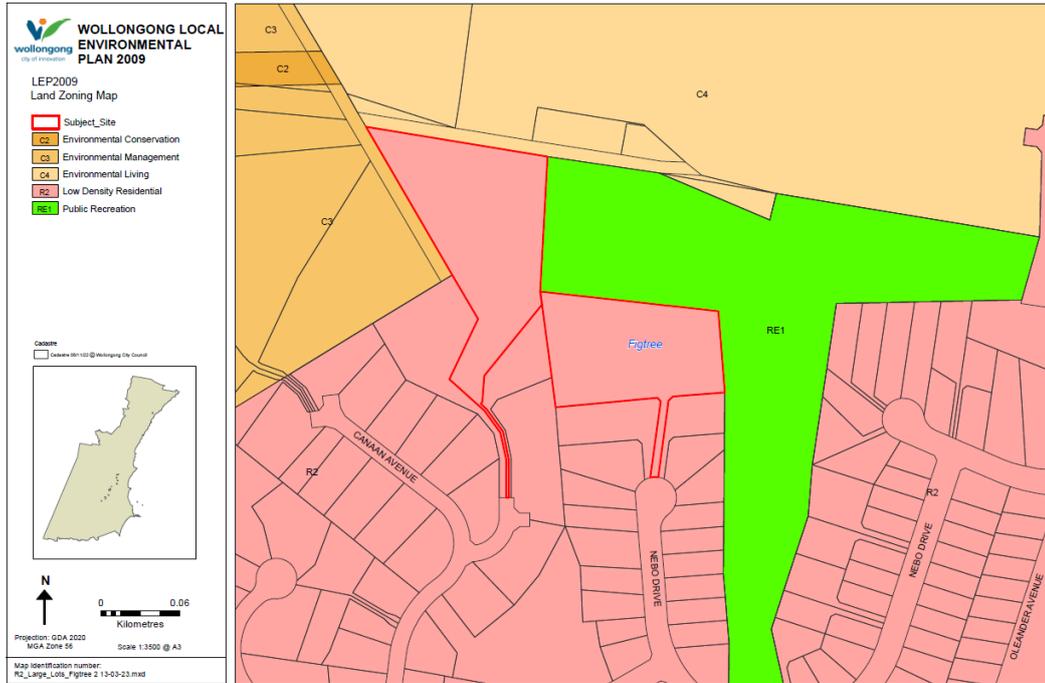
Proposed Floor Space Ratio



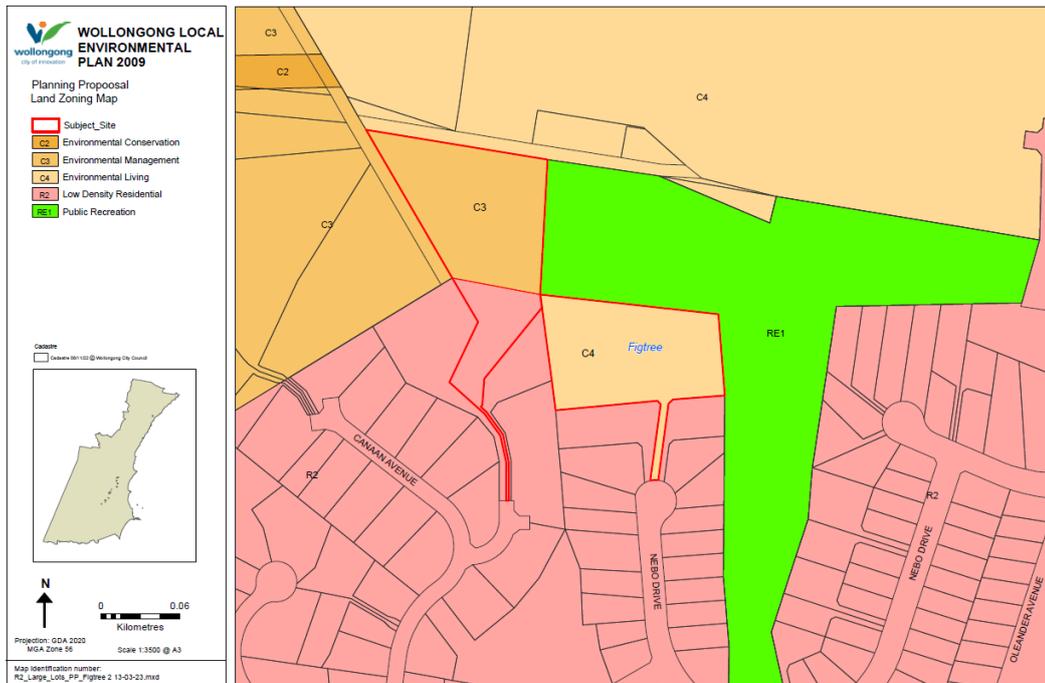
Location: Figtree – Moab Place, Nebo Drive

Land Zoning Map

Existing Land Zoning Map

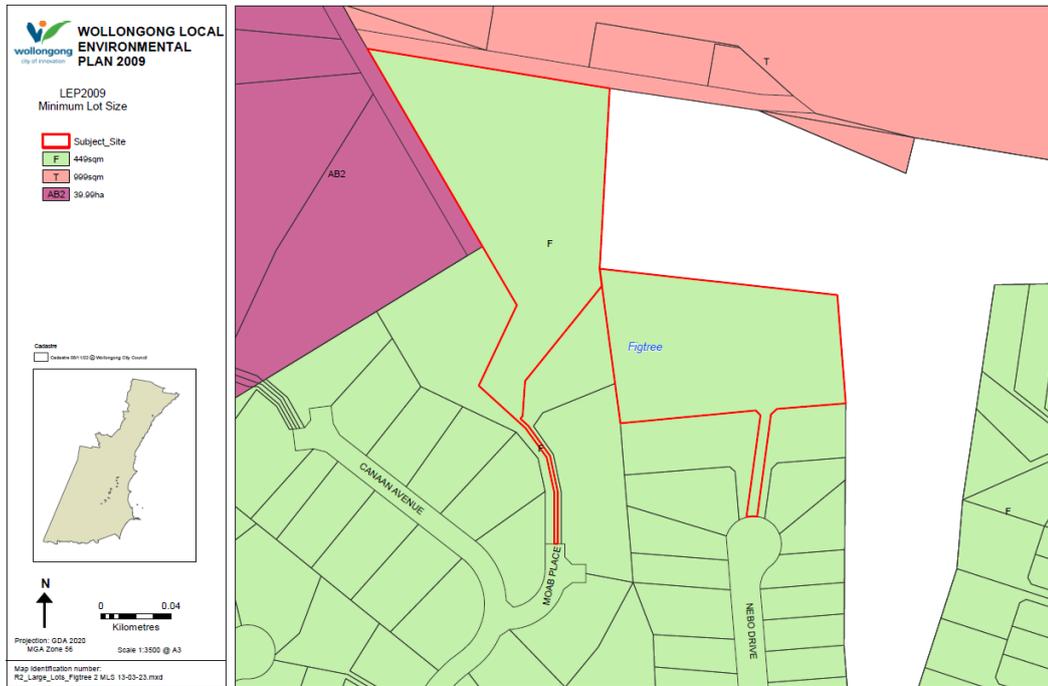


Proposed Land Zoning Map

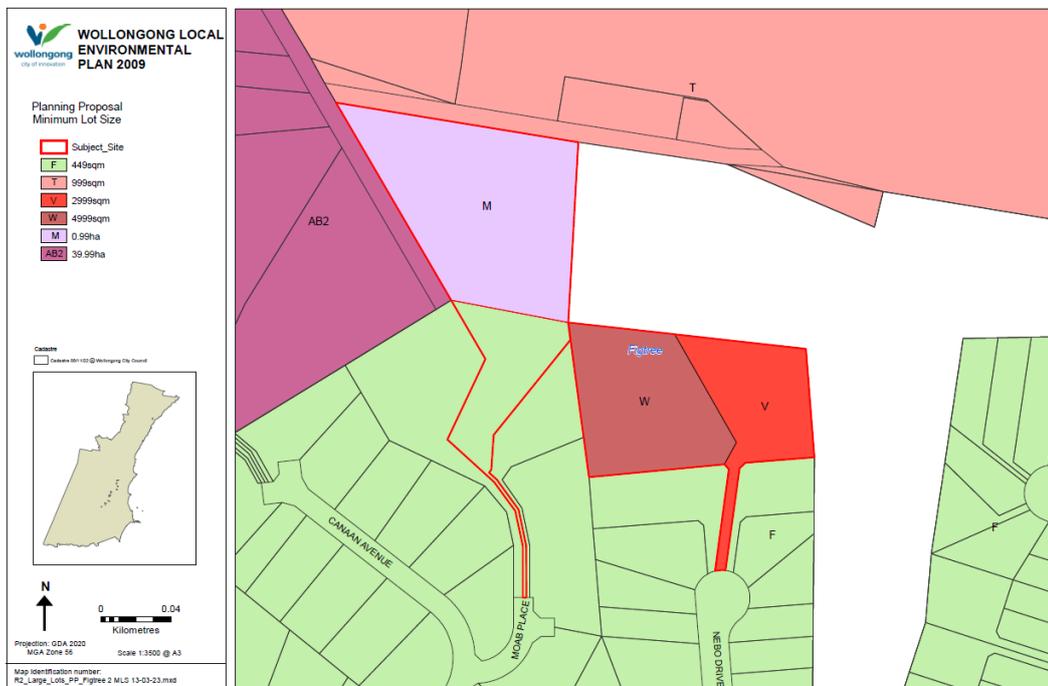


Lot Size Map

Existing Lot Size Map

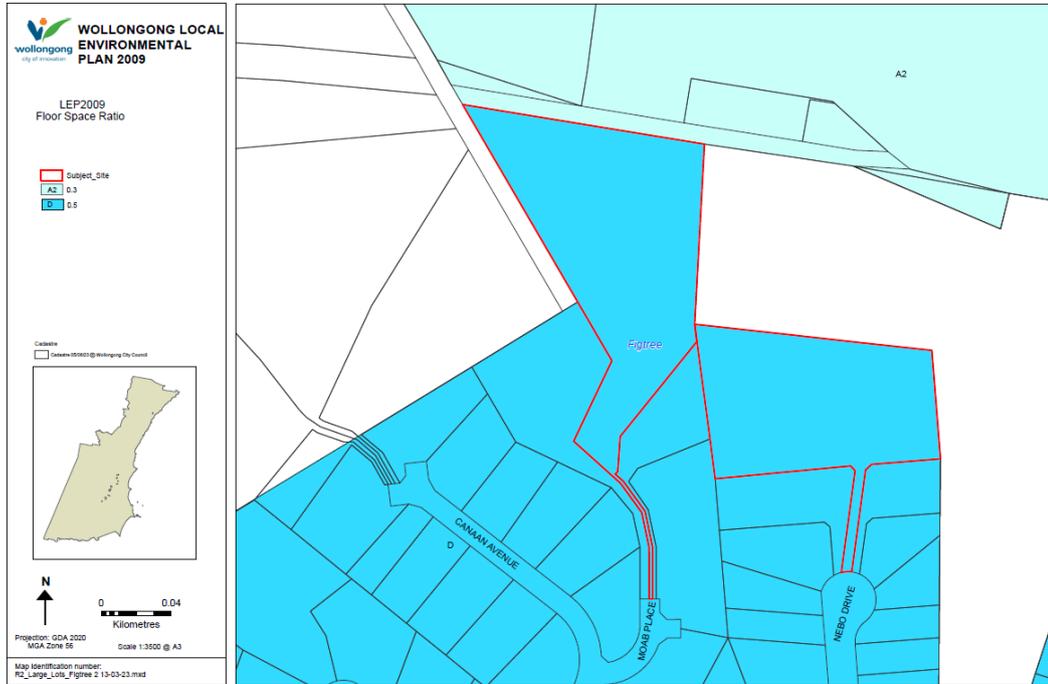


Proposed Lot Size Map

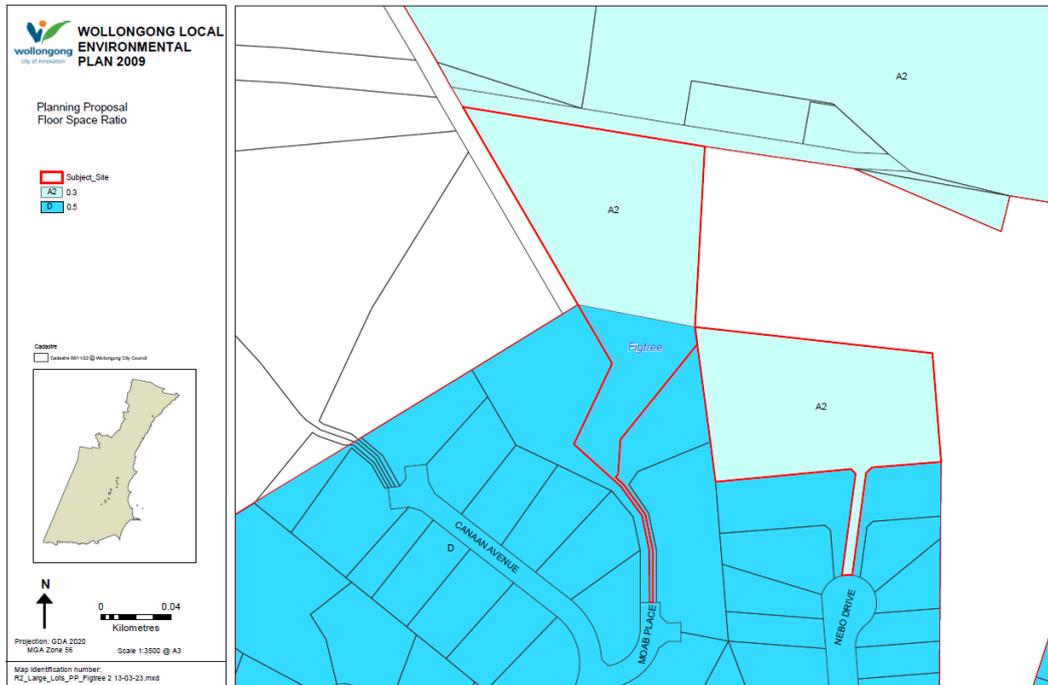


Floor Space Ratio Map

Existing Floor Space Ratio Map



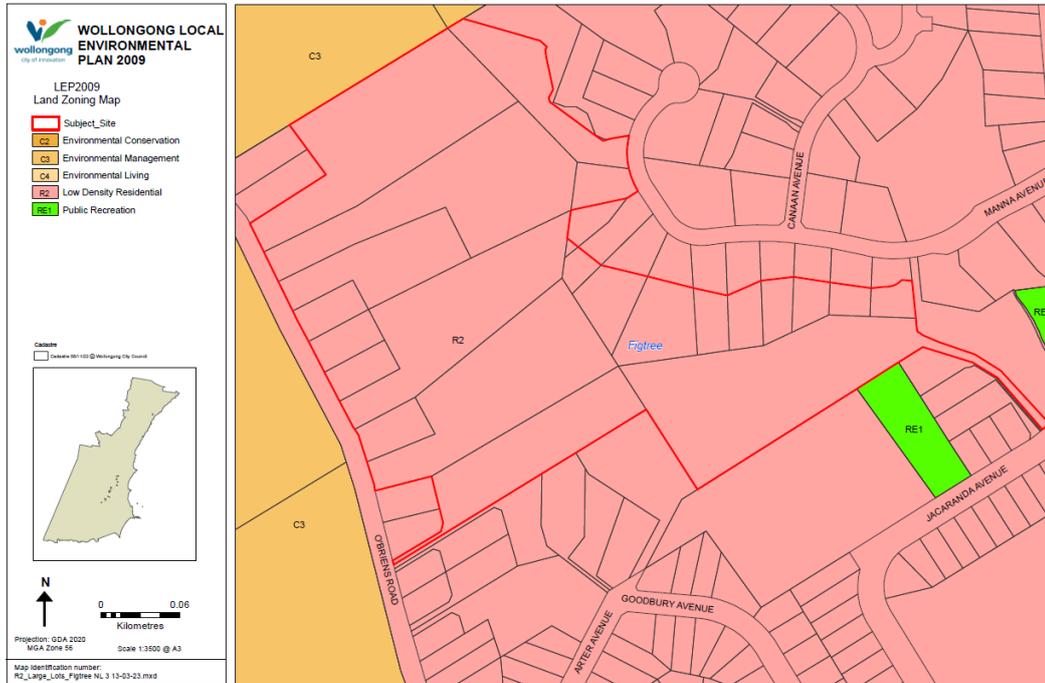
Proposed Floor Space Ratio



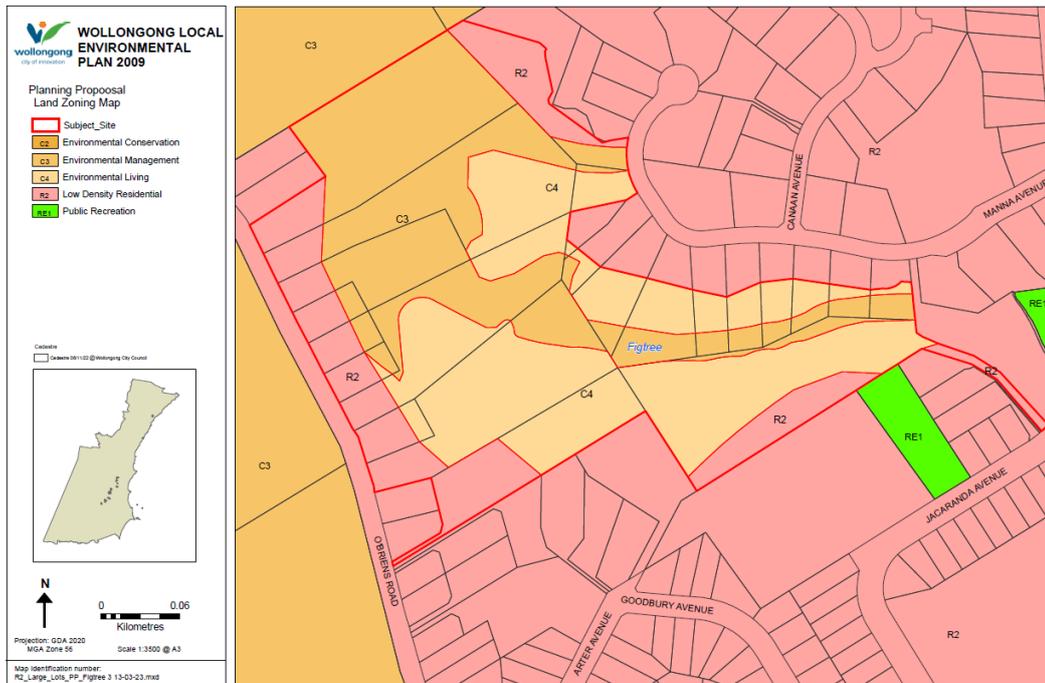
Location: Figtree – Jacaranda Avenue, Manna Avenue, O’Briens Road

Land Zoning Map

Existing Land Zoning Map

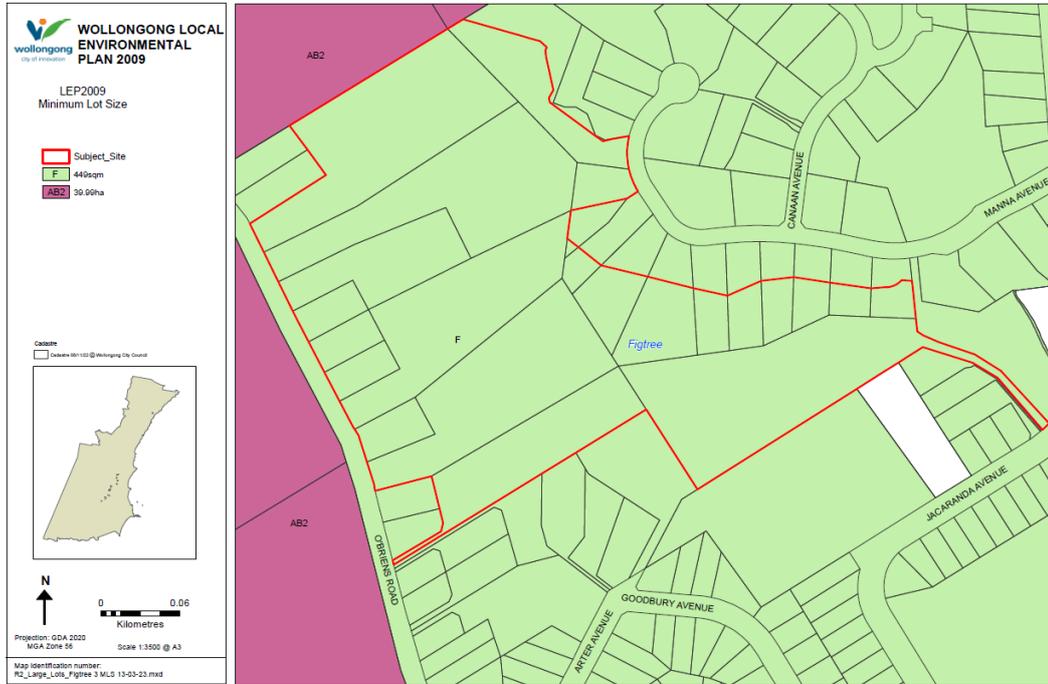


Proposed Land Zoning Map

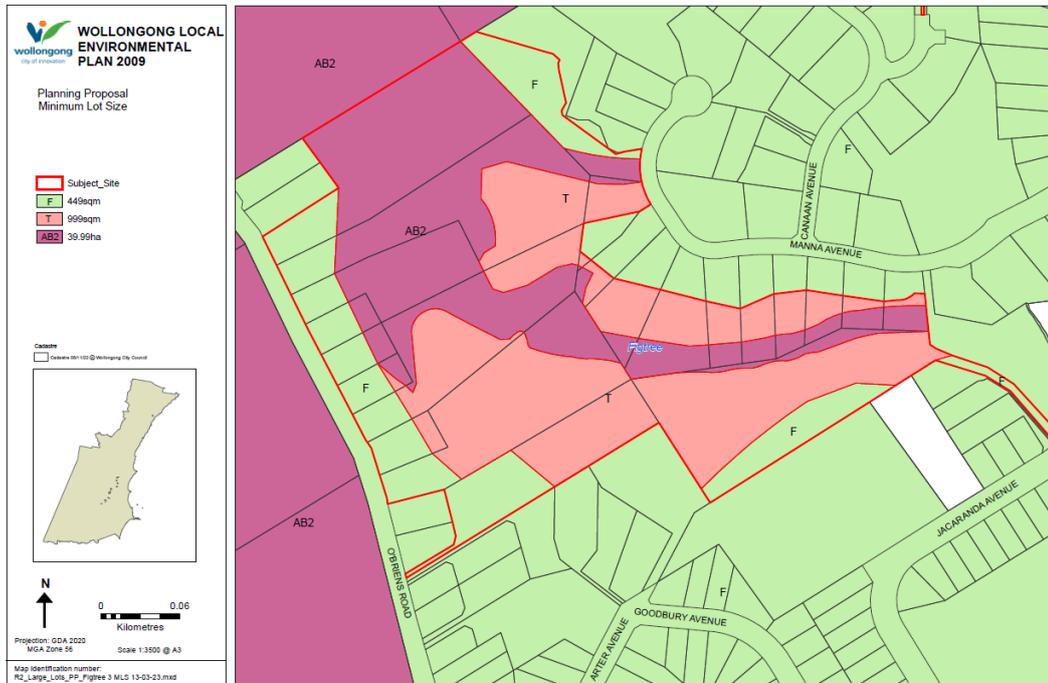


Lot Size Map

Existing Lot Size Map

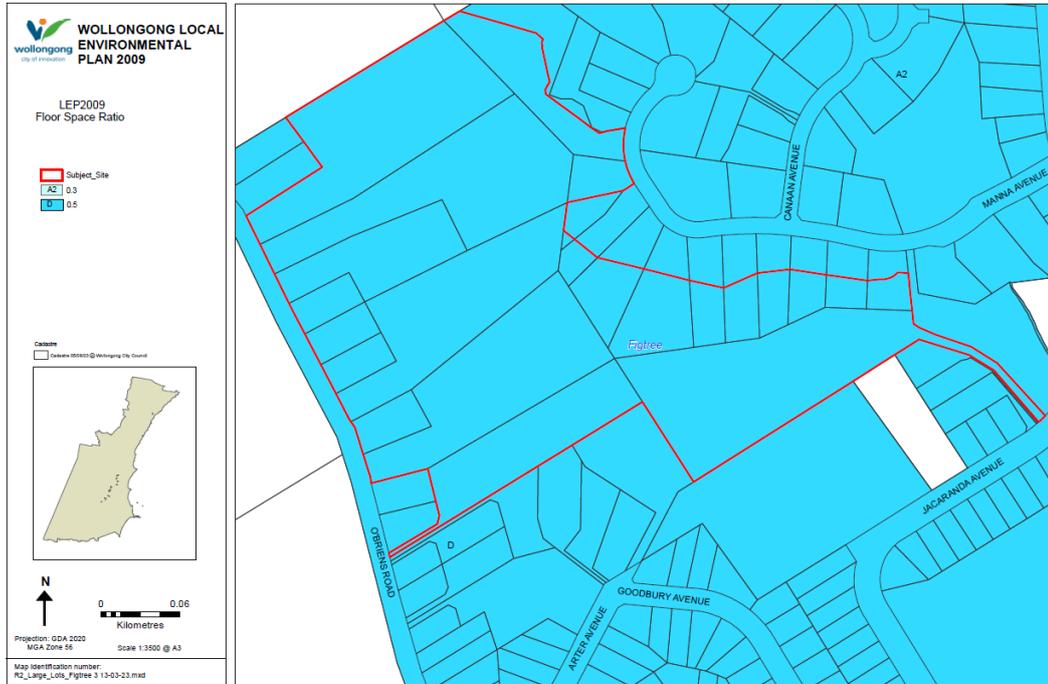


Proposed Lot Size Map

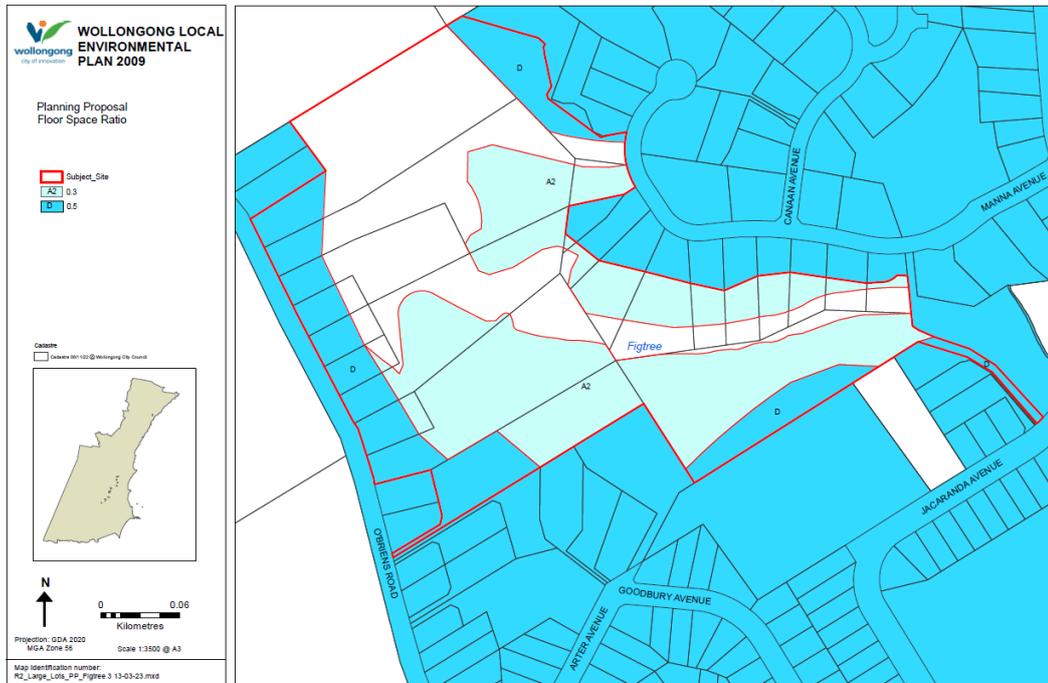


Floor Space Ratio Map

Existing Floor Space Ratio Map



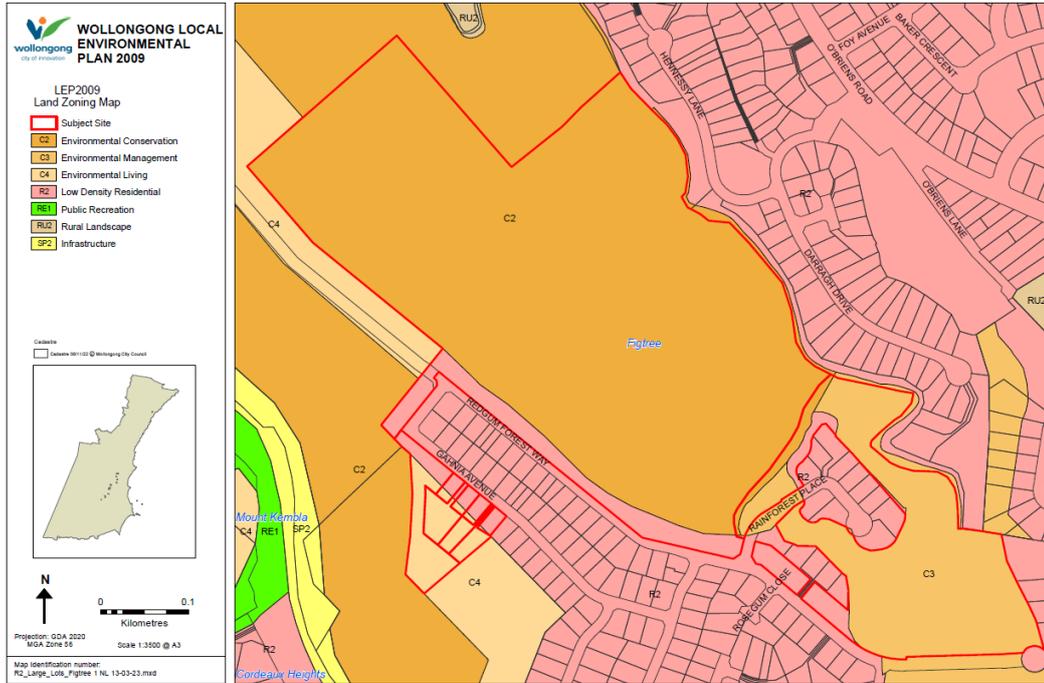
Proposed Floor Space Ratio



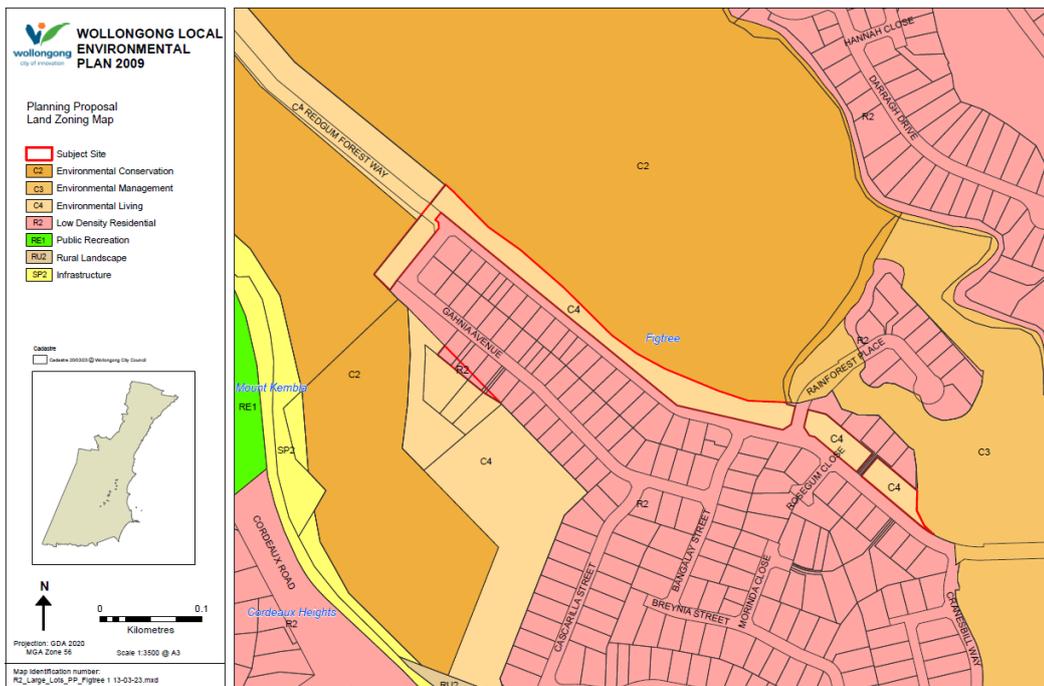
Location: Figtree – Gahnia Avenue, Redgum Forest Way

Land Zoning Map

Existing Land Zoning Map

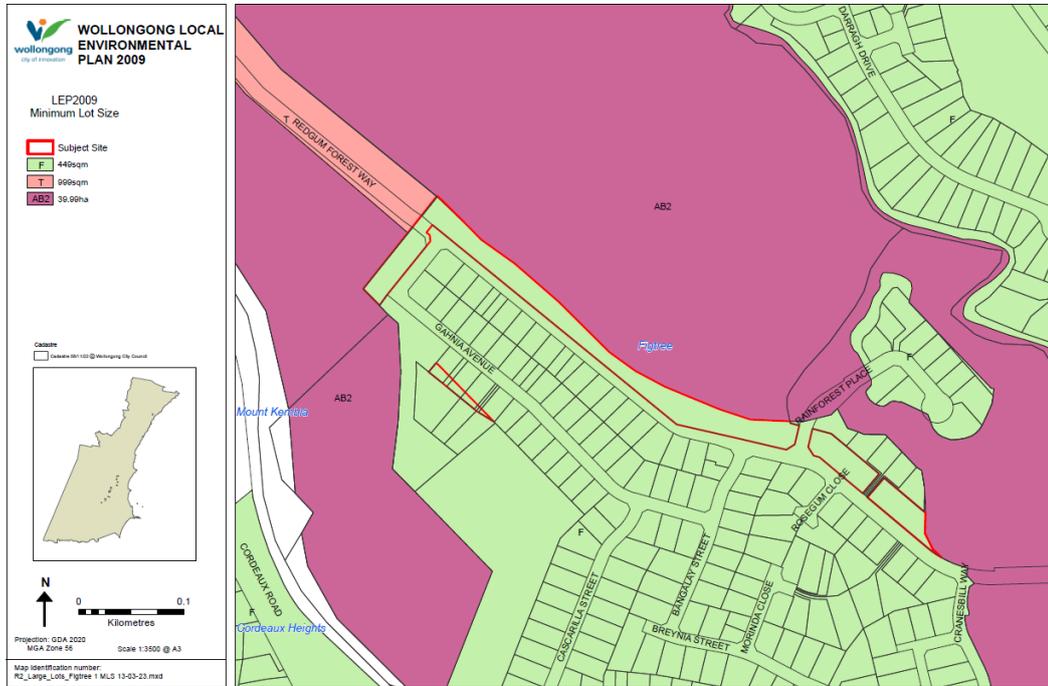


Proposed Land Zoning Map

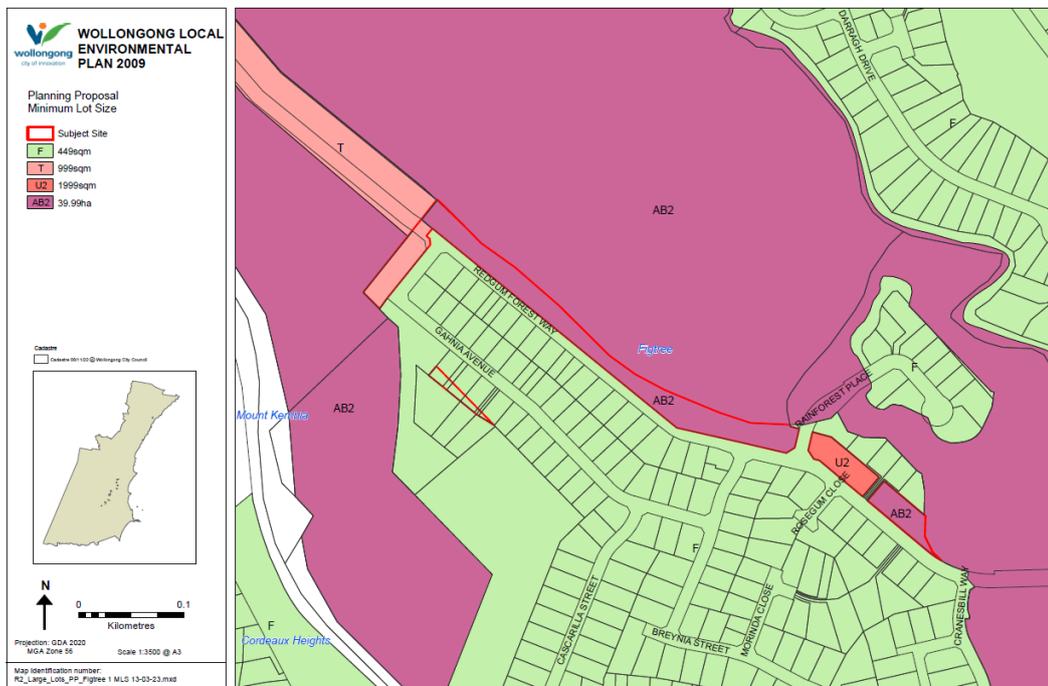


Lot Size Map

Existing Lot Size Map



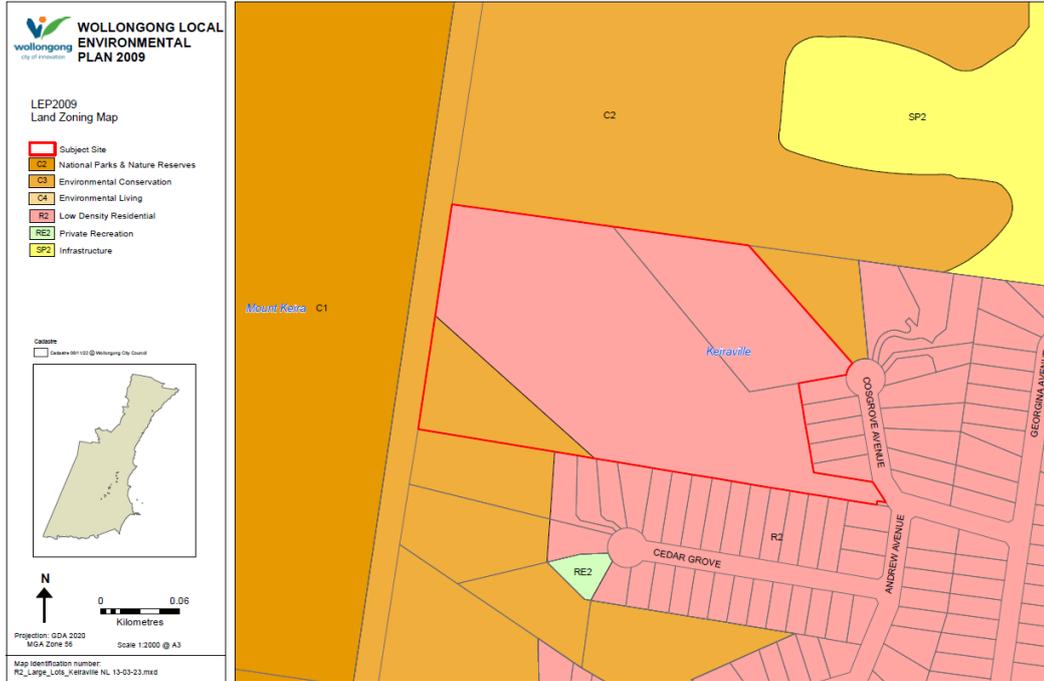
Proposed Lot Size Map



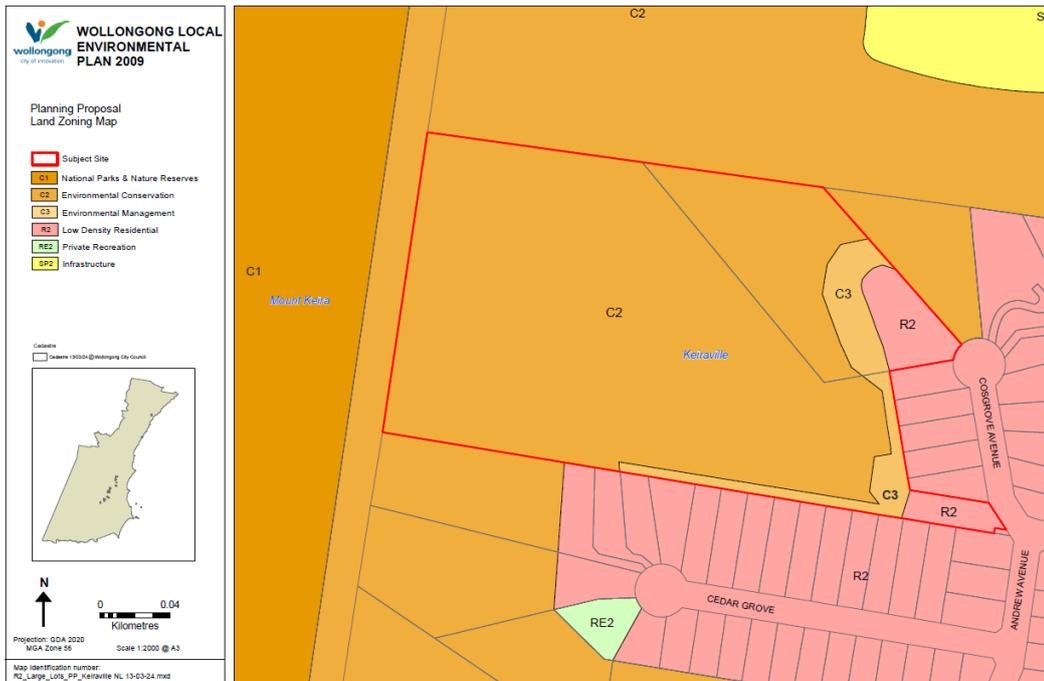
Location: Keiraville – Cosgrove Avenue

Land Zoning Map

Existing Land Zoning Map



Proposed Land Zoning Map

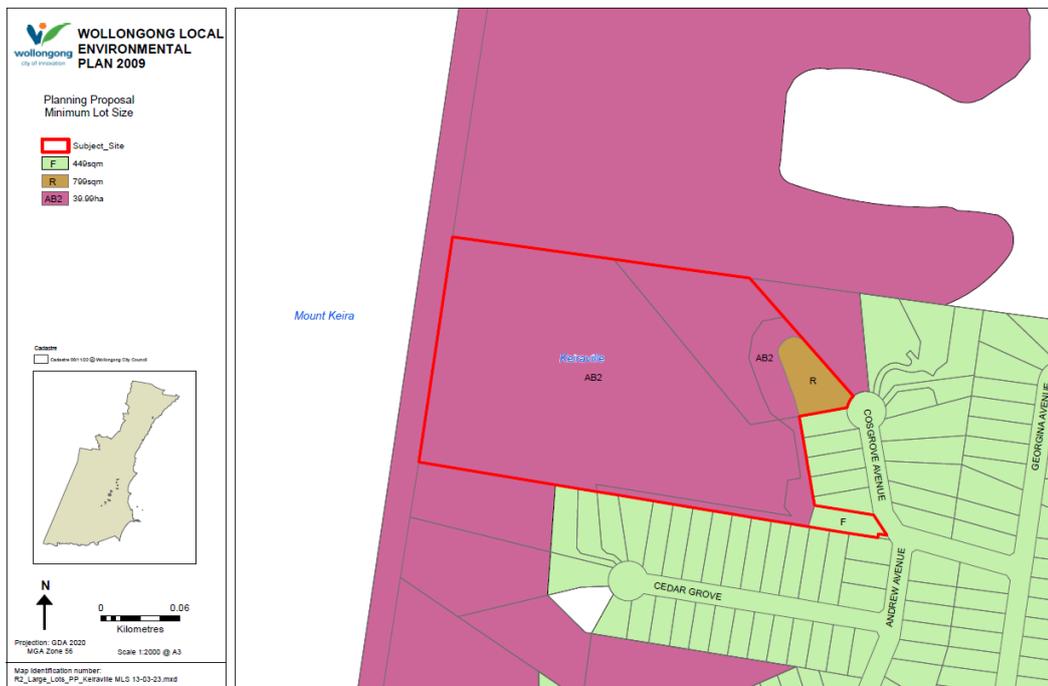


Lot Size Map

Existing Lot Size Map

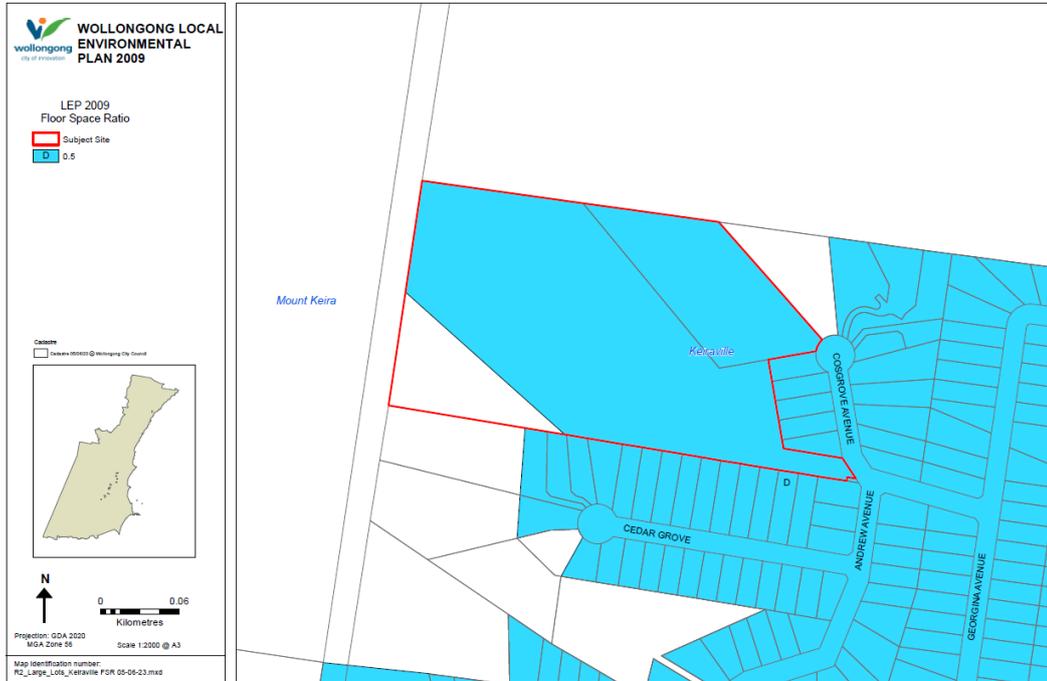


Proposed Lot Size Map



Floor Space Ratio Map

Existing Floor Space Ratio Map



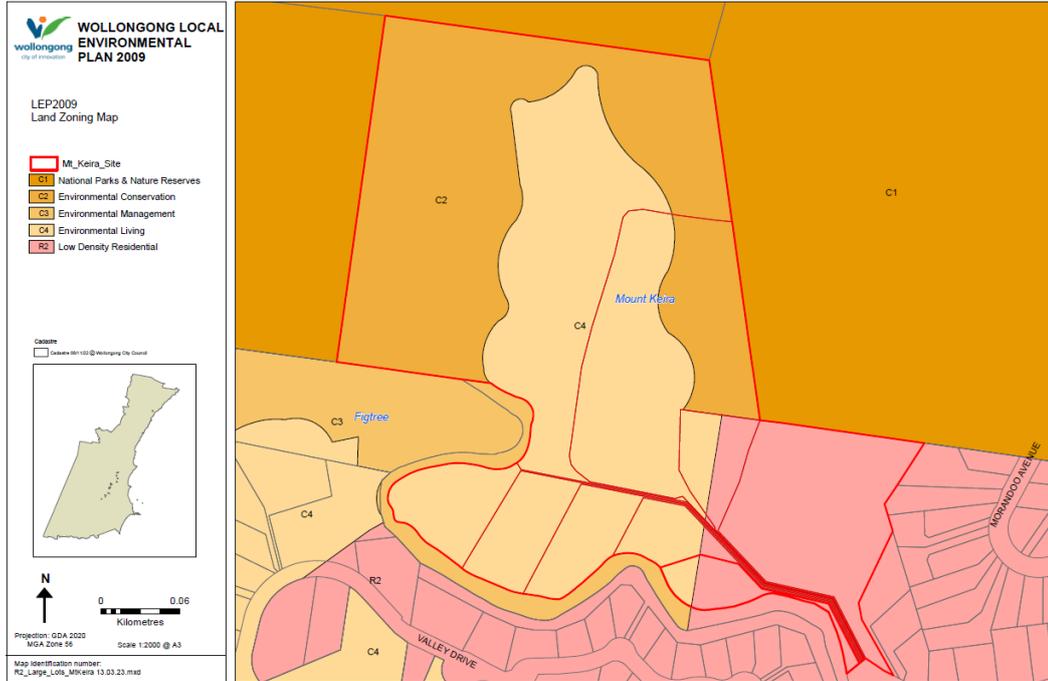
Proposed Floor Space Ratio



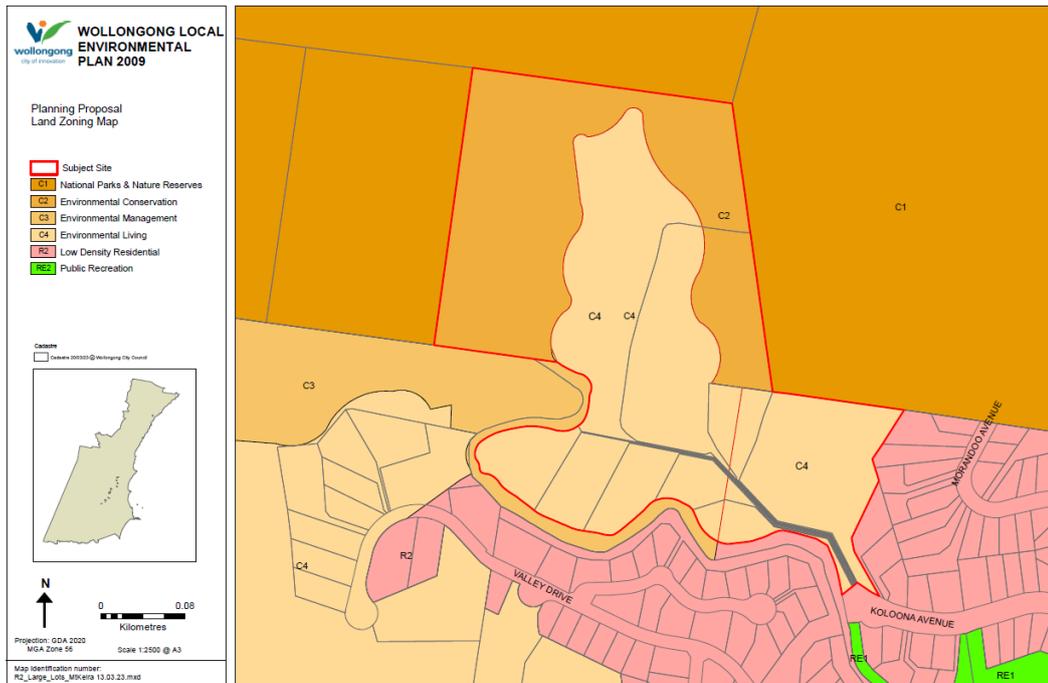
Location: Mount Keira – Koloona Avenue

Land Zoning Map

Existing Land Zoning Map

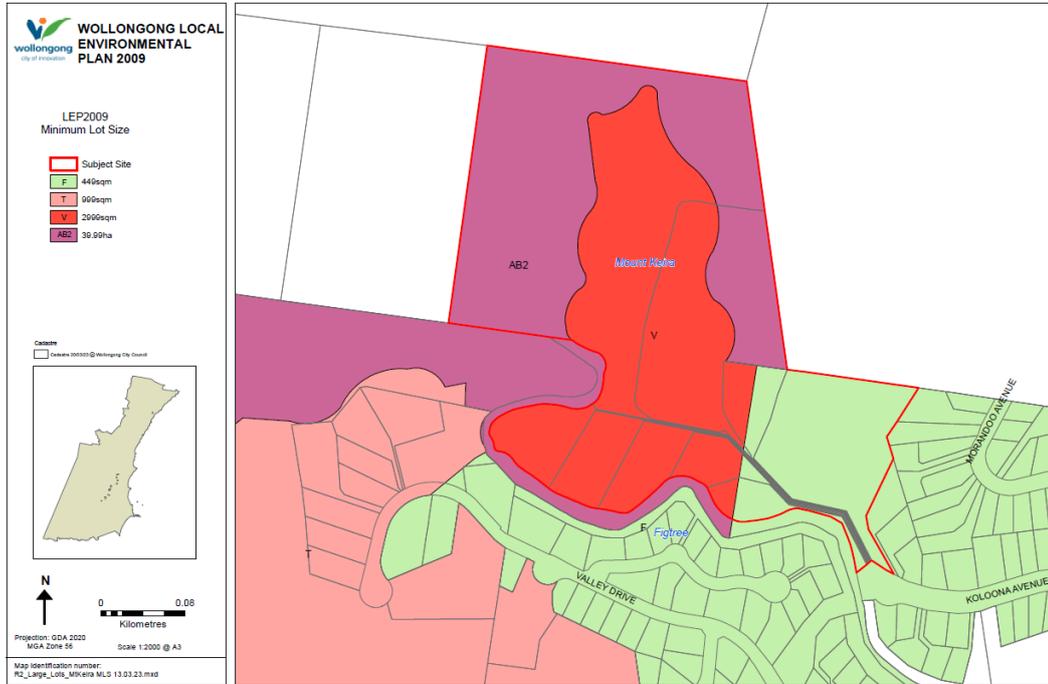


Proposed Land Zoning Map

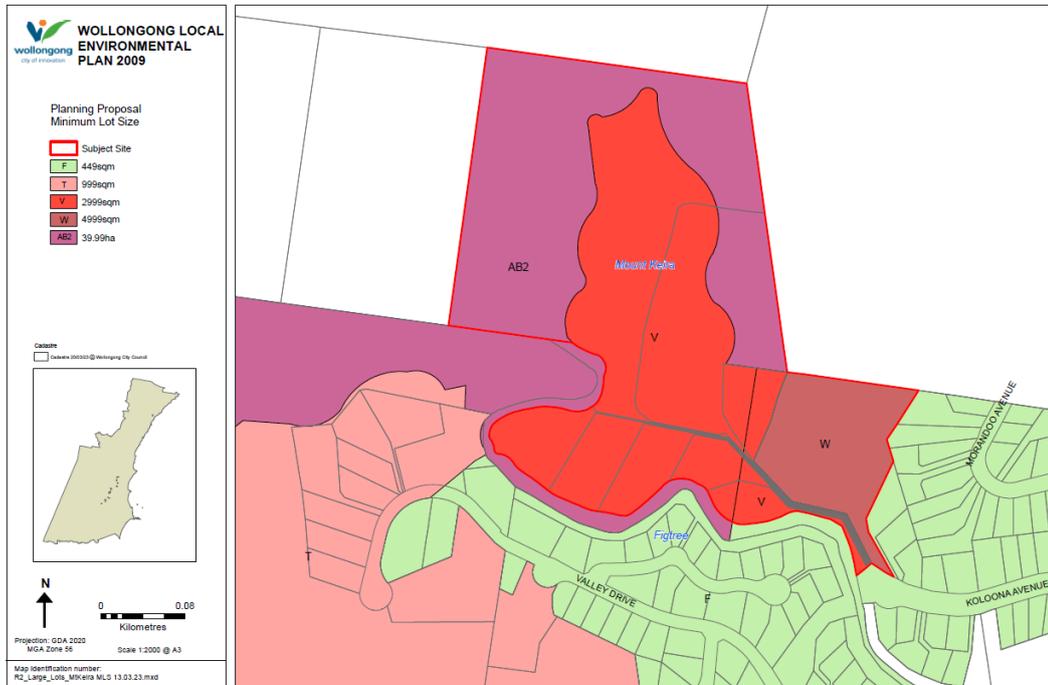


Lot Size Map

Existing Lot Size Map

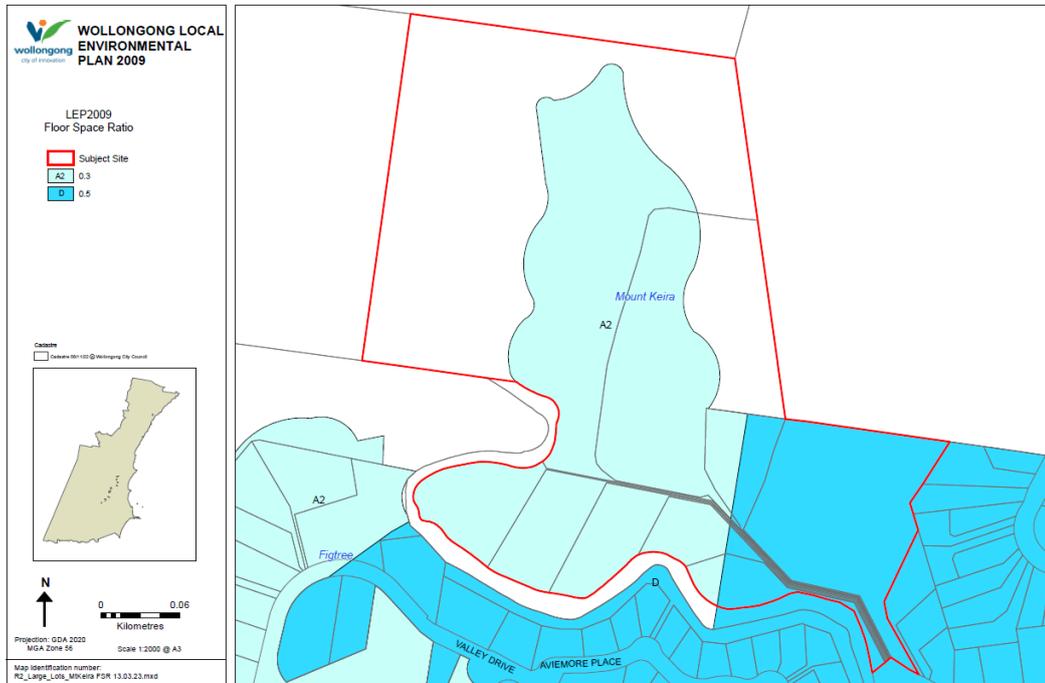


Proposed Lot Size Map

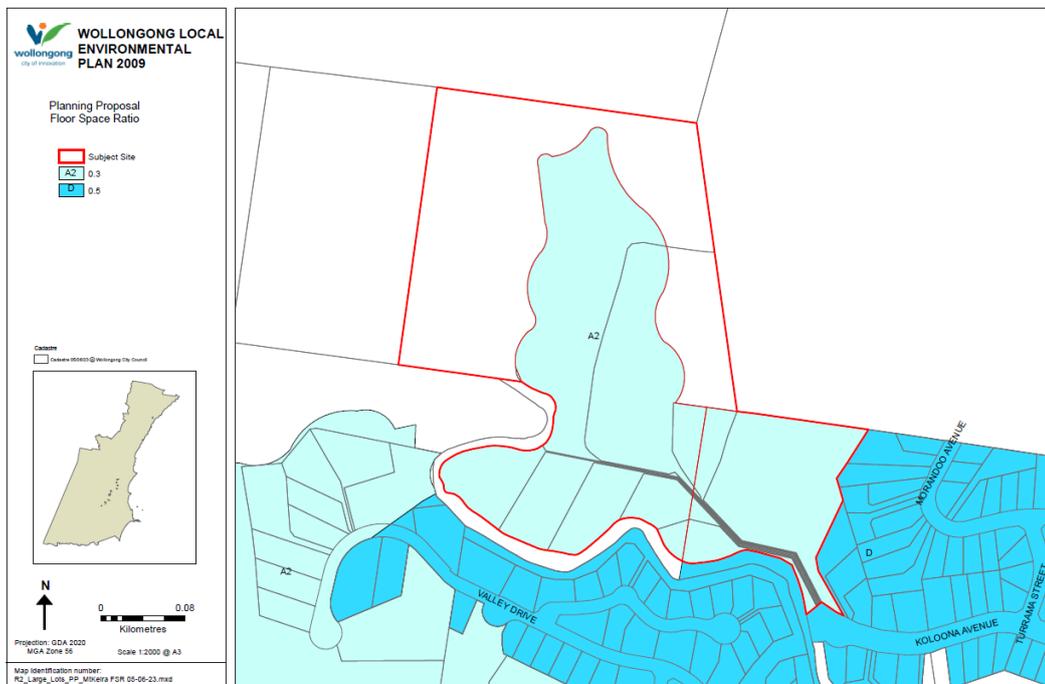


Floor Space Ratio Map

Existing Floor Space Ratio Map



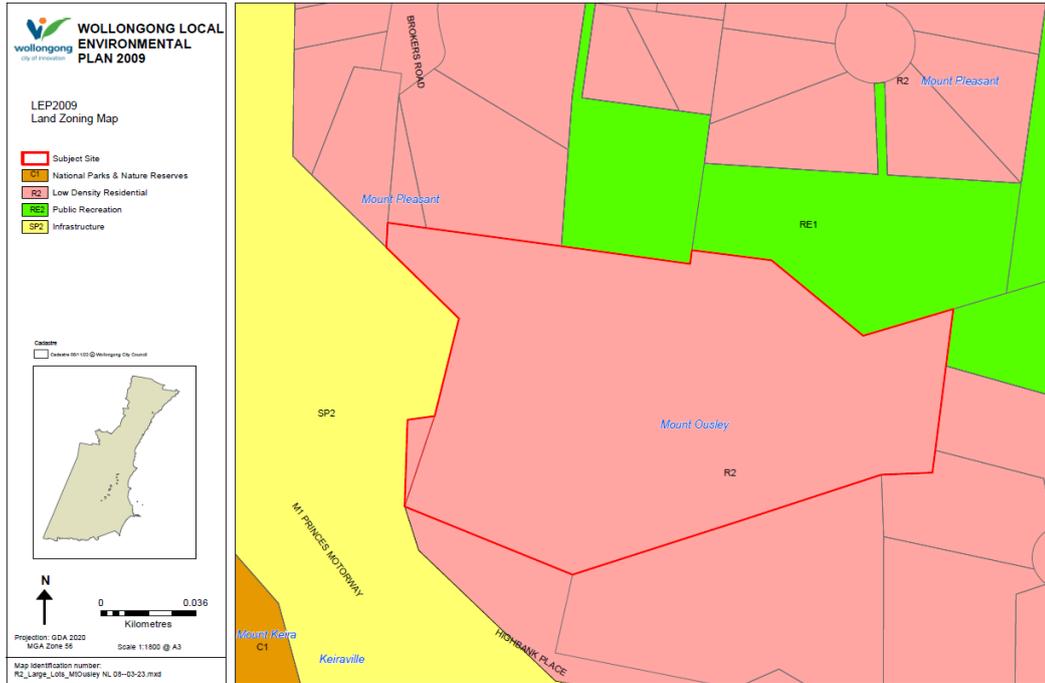
Proposed Floor Space Ratio



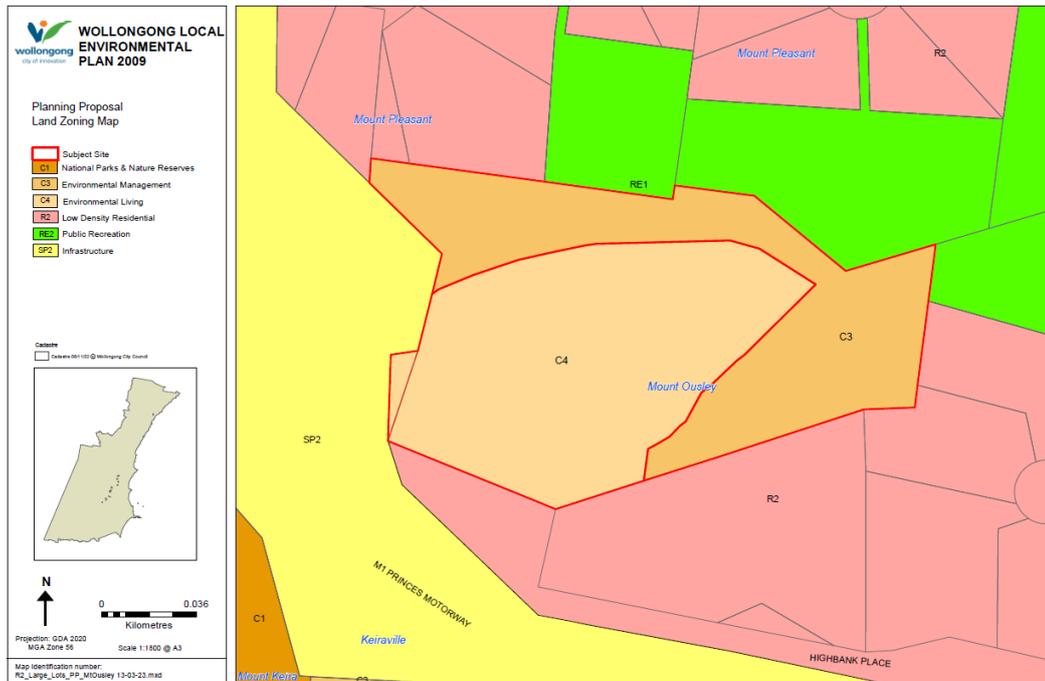
Location: Mount Ousley – Highbank Place

Land Zoning Map

Existing Land Zoning Map

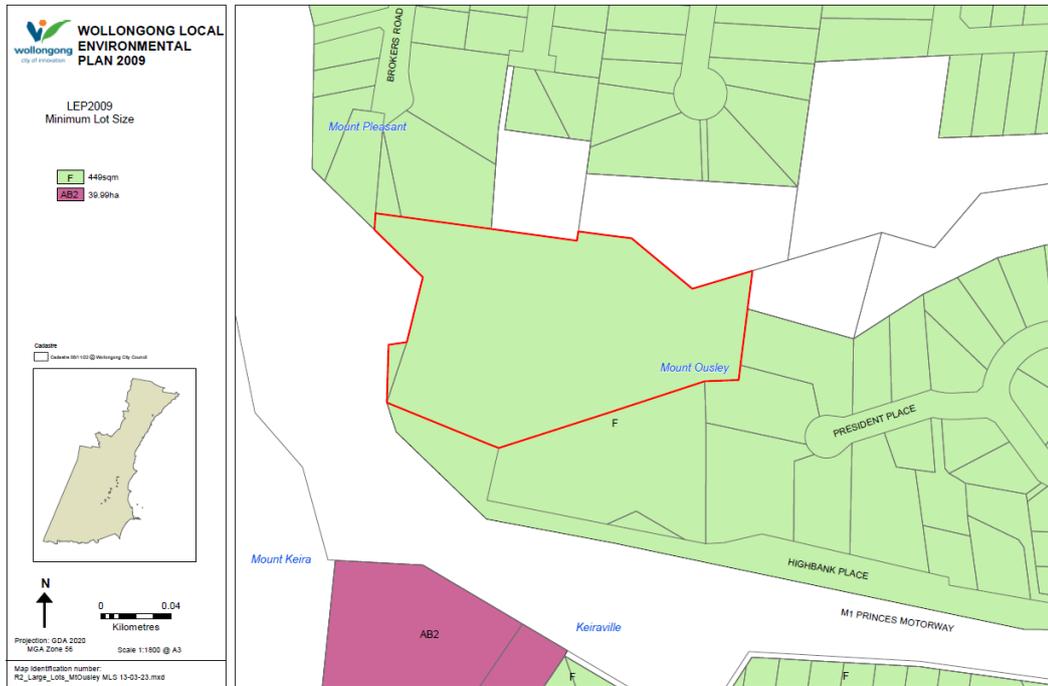


Proposed Land Zoning Map

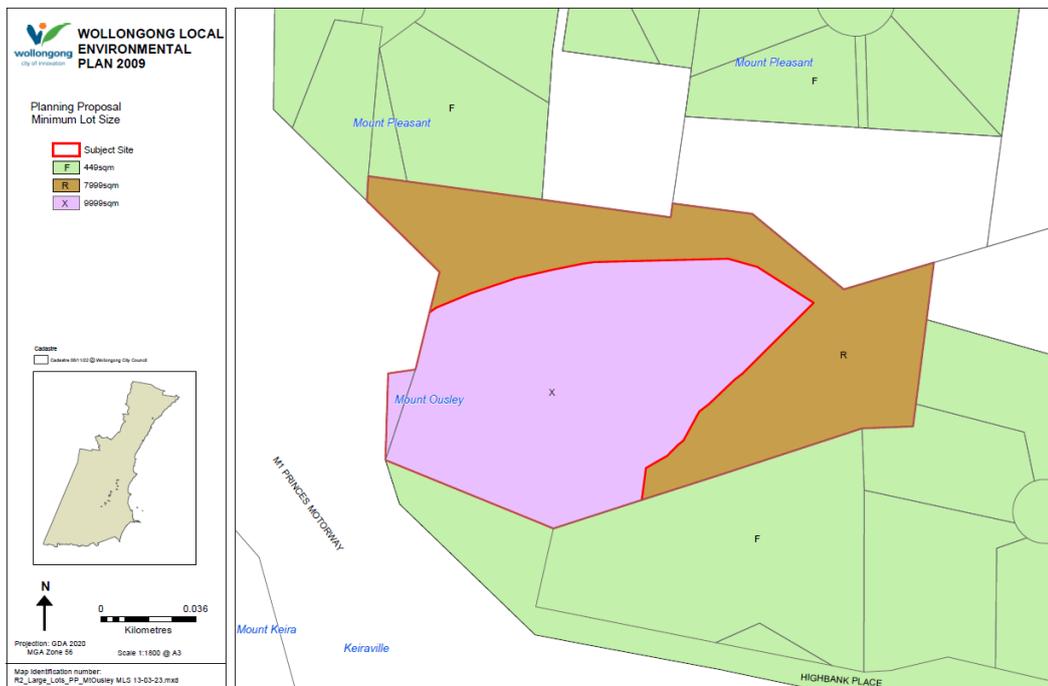


Lot Size Map

Existing Lot Size Map



Proposed Lot Size Map



Floor Space Ratio Map

Existing Floor Space Ratio Map



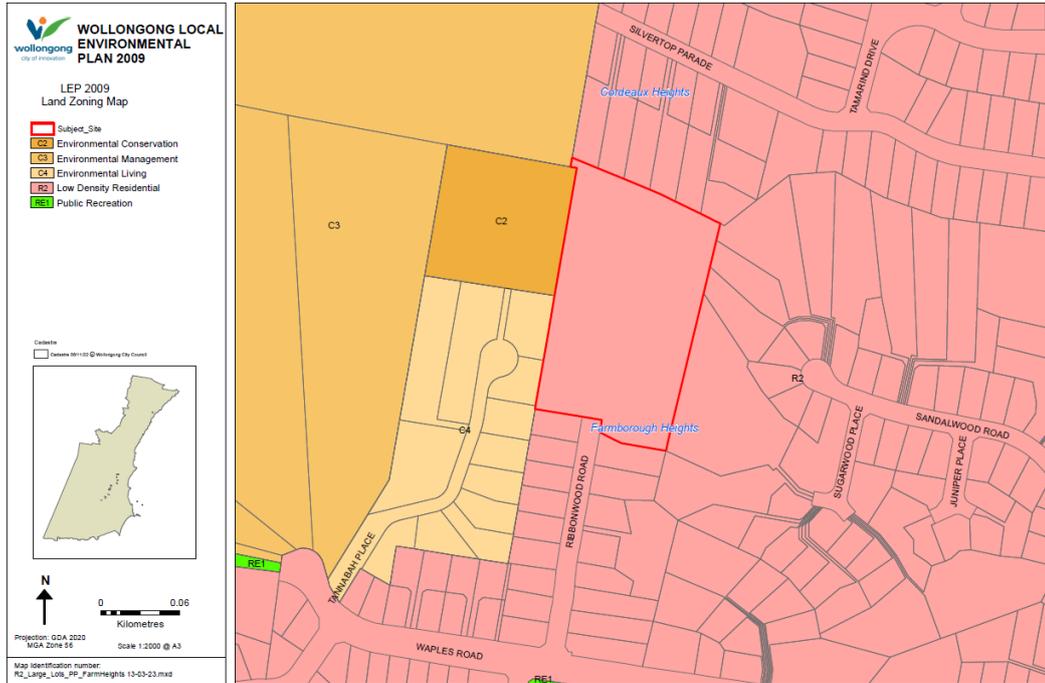
Proposed Floor Space Ratio



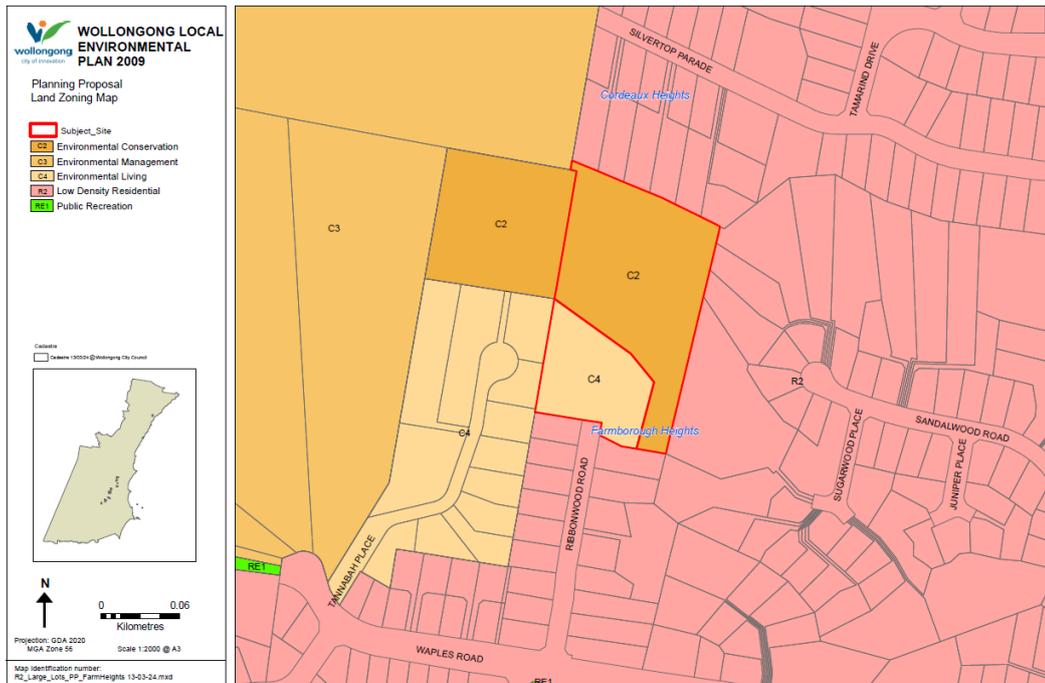
Location: Farmborough Heights, Ribbonwood Road

Land Zoning Map

Existing Land Zoning Map

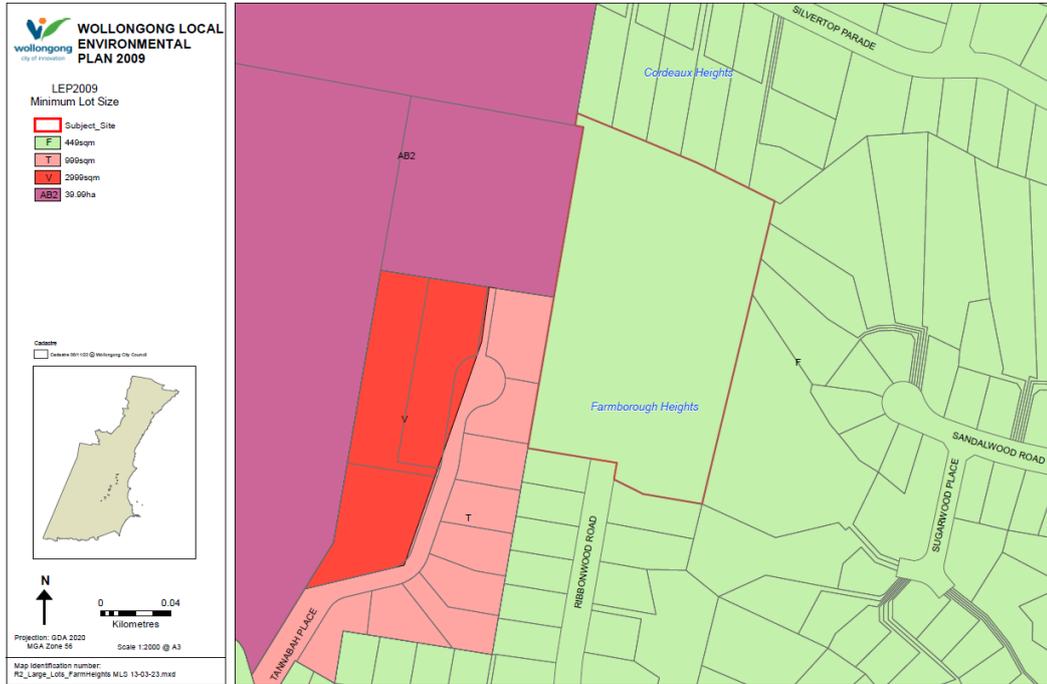


Proposed Land Zoning Map

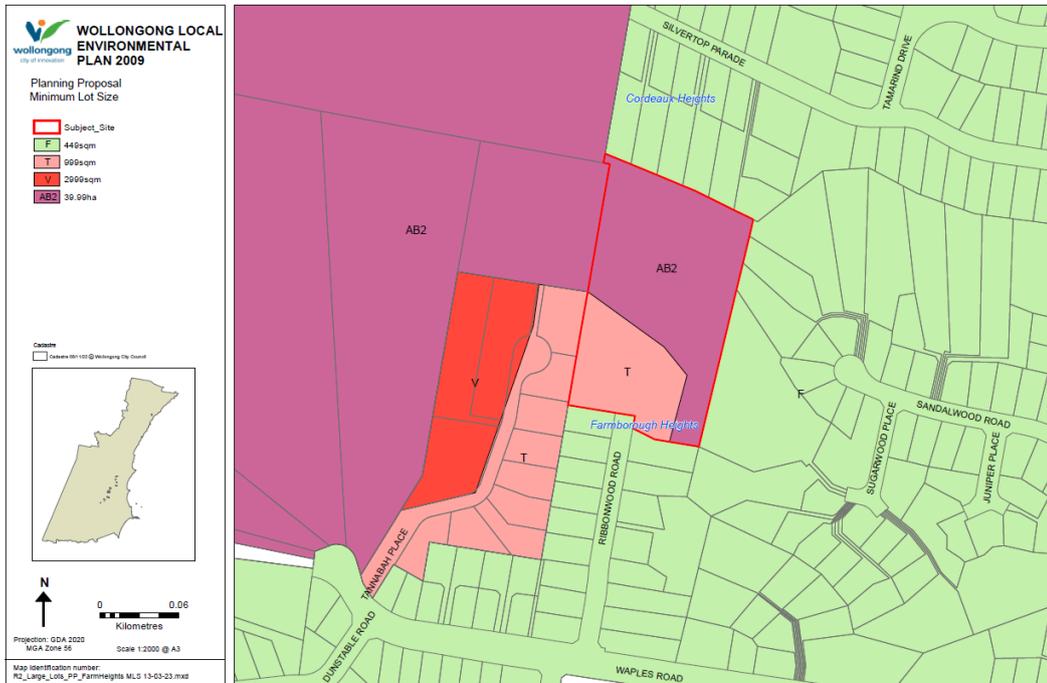


Lot Size Map

Existing Lot Size Map



Proposed Lot Size Map



Floor Space Ratio Map

Existing Floor Space Ratio Map



Proposed Floor Space Ratio

