

ITEM 3

POST EXHIBITION – REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 - CHAPTER A2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

On 16 December 2024, Council resolved to place an updated draft Wollongong Development Control Plan 2009 Chapter A2 Ecologically Sustainable Development on public exhibition for community feedback. The exhibition period ran from 3 February to 3 March 2025. A total of 54 submissions were received.

The purpose of this report is to outline the feedback from the public exhibition and recommend that Council adopt an amended Wollongong Development Control Plan 2009 Chapter A2 Ecologically Sustainable Development.

RECOMMENDATION

The amended Wollongong Development Control Plan 2009 Chapter A2 Ecologically Sustainable Development (Attachment 1) be adopted and a notice be placed on Council's Website.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Amended Wollongong DCP 2009 Chapter A2 Ecologically Sustainable Development
- 2 Exhibited Wollongong DCP 2009 draft Chapter A2 Ecologically Sustainable Development
- 3 Engagement Report - Wollongong DCP 2009 Chapter A2 Ecologically Sustainable Development

BACKGROUND

On 21 November 2016, Council adopted Chapter A2: Ecological Sustainable Development which commenced on 14 December 2016. The Chapter was introduced following a sustainability review of the Wollongong Development Control Plan (DCP). Several other DCP chapters were also updated as part of the 2016 review.

The Sustainable Wollongong 2030 – A Climate Healthy City Strategy, Climate Change Mitigation Plan 2023 -2030, Climate Change Adaptation Plan 2022 and Urban Heat Strategy 2023 contain actions related to a further review of Council's DCP detailed in Table 1 below –

Table 1: Key supporting documents and relevant endorsed actions related to the review of Council's DCP

Document	Action
Sustainable Wollongong 2030 – A Climate Healthy City Strategy	<p>L3 Incorporate sustainability principles, requirements and standards into all decision making, including strategic planning projects and documents, asset management planning, procurement processes, licence and lease agreements for Council-owned facilities.</p> <p>L4 Review and update development controls and associated policy to encourage environmentally sustainable development, including water efficiency, energy efficiency, use of renewable energy, and integrated transport management.</p> <p>L5 Advocate for stronger sustainability requirements in Federal and State Government planning controls.</p> <p>C3 Update the Water Sensitive Design chapter in the DCP.</p>
Climate Change Mitigation Plan 2023 – 2030	<p>EC5 Review Council's planning documents and guidelines to increase sustainability principles where feasible.</p> <p>EC6 Provide sustainable buildings guidelines.</p> <p>EC11 Increase public and active transport availability and options via delivery of infrastructure, strategies and planning provisions.</p>

Document	Action
Climate Change Adaptation Plan 2022	Strategic land use planning must ensure adequate new green space is provided as part of land releases and protect riparian corridors from urban development. Strategic and statutory planning to consider open space, land use and design requirements to address heat.
Urban Heat Strategy 2023	Consider urban heat more clearly and comprehensively in updates to DCP and other urban planning documents.

In late 2021, the Sustainable Planning Framework Review Project was initiated. This included a review of comparable local, state and federal government planning provisions and associated research. Some of the themes that emerged related to the health and cost benefits of all-electric appliances for cooking and heating. These saving are attributed to increased renewable energy penetration (i.e., solar photovoltaic systems), and greater efficiency from electric appliances. From a social perspective, a well-managed transition to electrification will ensure equitable access to potential cost saving.

The Sustainable Planning Framework Review Project led to the Climate Friendly Planning Framework Discussion Paper being developed, which was exhibited in June 2022. The Discussion Paper presented five key focus areas: Landscaping and Urban Greening, Solar and Energy Efficiency, Material, Building Form and Waste, Transport and Car Parking, Policies, and Incentives.

Periodic review, update and amendment of the DCP occurs as required, to ensure plans continue to be useful and relevant. A review of this Chapter reflects contemporary legislative and policy amendments.

On 16 December 2024, Council considered a report on the revised draft Chapter A2 which forms part of the introduction to the whole DCP. The chapter underpins controls in other DCP chapters by outlining Ecologically Sustainable Development (ESD) focus areas and objectives that need to be considered in applications for new development. It also provides examples of how these objectives can be addressed. Council resolved -

- 1 The formal legal definition of, and the principles and programs of, ecologically sustainable development (ESD) that exists in the current Wollongong Development Control Plan Chapter A2 Ecologically Sustainable Development Introduction, be incorporated again in the Introduction in the Draft Wollongong Development Control Plan 2009 – Chapter A2: Ecologically Sustainable Development (prior to exhibition).*
- 2 The Draft Wollongong Development Control Plan 2009 – Chapter A2: Ecologically Sustainable Development be exhibited for a minimum of 28 days commencing in early 2025.*
- 3 Following the exhibition period, a report outlining the submissions received from the public exhibition process be prepared for Council's consideration.*
- 4 The General Manager write to relevant State Government Ministers seeking - an expansion of its consideration of ESD to include indoor and outdoor air quality, urban heat, health and social equity objectives and specific provisions in relevant State planning instruments, and b to clarify its position in relation to banning the use of gas where other alternatives such as electricity are available.*

Draft Chapter A2 was revised to incorporate the amendments referred to in the resolution and exhibited between 3 February and 3 March 2025 (Attachment 2).

PROPOSAL

The feedback received from the exhibition process is outlined in the Consultation and Communication section below. The feedback has been considered by staff and the following amendments are proposed to the draft Chapter A2 placed on public exhibition -

- The purpose of the introductory Chapter and inclusion of sustainability 'development controls' in other chapters of the DCP has been made clearer.

- The focus of ESD principles in Chapter A2 has been broadened to include water sensitive urban design, sustainable transport, waste reduction, biodiversity protection and community health, quality of life, amenity and social well-being.
- The objectives and examples of how to satisfy under each of the ESD focus areas has been reorganised.

The final draft Chapter A2 is included as Attachment 1 of this report.

Future consideration of DCP chapter reviews

Council received 54 submissions during the exhibition period. Of those, 52 submissions asked Council to mandate all-electric residential and non-residential development.

The submissions highlighted the health and socio-economic benefits of all-electric developments as being cheaper and healthier to run. Those benefits are widely recognised by health, industry and governments. The NSW Government in September 2024, released its NSW Consumer Energy Strategy which notes that *'Households and small businesses that currently use gas for heating, hot water and cooking could be saving on average \$4,000 a year and 2,120 kilograms of greenhouse gas emissions if they switch to all electric appliances and install solar and a battery in their house or building. Apartment residents can also access the benefits of electrification, saving on average \$2,400 and 820 kilograms of emissions a year. These bill savings include the benefit of only paying one daily supply charge for electricity, instead of paying daily supply charges for both gas and electricity. Switching from gas to electricity can also reduce indoor air pollution from burning unflued gas which can make asthma and other respiratory diseases worse.'*

Wollongong LEP has an existing aim that supports those benefits: Clause 1.2(d) *to improve quality of life and the social well-being and amenity of residents, business operators, workers and visitors.*

In addition, the SEPP (Housing) 2021 contains *'Principles of Policy'*

Principle (b) *"Seeks to encourage the development of housing that will meet the needs of more vulnerable members of community, including very low to moderate incomes households, seniors and people with disability."*

The final draft Chapter A2 includes an objective related to: Community Health, Quality of Life, Amenity and Social Well-Being which aligns with the SEPP Principles and LEP clause. The subsequent review of relevant DCP Chapters will further consider controls relating to sustainability including all-electric development.

It is proposed that individual chapters of the DCP be reviewed over time to incorporate contemporary sustainability controls. This approach is expected to lead to timely integration of key controls related to electrification, local renewable energy production, reduction of urban heat and EV charging requirements.

The updated schedule of planned DCP Chapter reviews is outlined in Table 2 below –

Table 2: List of Wollongong DCP Chapters relevant to ESD currently scheduled for review

DCP Chapter	Status	Scheduled Review
A1: Introduction	Completed.	Revised chapter adopted 24 February 2025 in force 5 March 2025.
A2: ESD	Post exhibition report prepared for finalisation.	A draft chapter was endorsed for exhibition on 16 December 2024. Public exhibition concluded on 3 March 2025.
E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management	Progressing.	A draft chapter was endorsed for exhibition on 24 February 2025. Public exhibition concluded on 9 April 2025. Post exhibition report scheduled for mid-2025.
E15: Water Sensitive Urban Design	Currently under review.	A draft chapter for exhibition is expected to be reported to Council in mid-2025.

DCP Chapter	Status	Scheduled Review
E7: Waste Management	Currently under review.	A draft Chapter for exhibition is expected to be reported to Council in mid- 2025.
D13: Wollongong City Centre	Currently under review.	A draft chapter for exhibition is expected to be reported to Council mid-2025.
B4: Development in Centres and Peripheral Sales Precincts	Currently under review.	A draft chapter for exhibition is expected to be reported to Council in late 2025.
B5: Industrial Development	Currently under review.	A draft chapter for exhibition is expected to be reported to Council in late 2025.
B1: Residential Development	Currently under review.	A draft chapter for exhibition is expected to be reported to Council in late 2025 / early 2026.
D16: West Dapto	Ongoing	Regularly updated as new stages of West Dapto Urban Release Area are initiated.

It should be noted that the draft Chapter A2 provisions will relate to the assessment of new development. The provisions cannot be retrospectively applied to existing development and do not apply to exempt and complying development.

In relation to part 4 of the Council resolution on 16 December 2024, staff are in the process of preparing a letter to relevant State Government Ministers seeking clarification on the banning of gas in NSW. The draft letter which has been informed by the exhibition feedback relating to draft Chapter A2, seeks expansion of ESD considerations and specific provisions in relevant State planning instruments.

CONSULTATION AND COMMUNICATION

The draft Chapter A2 was exhibited between 3 February and 3 March, 2025. The public exhibition was advertised through Council's website. A copy of the suite of documents was available for viewing on Council's website, in all Council libraries and at Council's Customer Service Centre in the Administration Building.

The following key stakeholders were also notified of the public exhibition by email -

- Property Council of Australia.
- Urban Development Institute of Australia (UDIA).
- Community groups.

The following suite of documents were made available during the public exhibition period –

- Council Report and Minutes (16 December 2024).
- Current Wollongong DCP 2009 Chapter A2 Ecologically Sustainable Development.
- Amended draft Wollongong DCP 2009 Chapter A2 Ecologically Sustainable Development.
- Frequently Asked Questions.

As a result of the public exhibition the website page received 368 views, with 184 documents downloaded. A total of 54 submissions were received as follows -

- Development Industry – 2
- Group – 5
- Individual – 47

A copy of the Exhibition Engagement Report is provided as Attachment 3 to this report. A summary of the high-level comments and issues raised through the public exhibition process and the Council staff response is provided in Table 3 below –

Table 3: Summary of key comments and issues raised, responses and proposed changes

Comment/Issue Raised in Submission	Response	Proposed Change
All submissions were in favor of ESD	Noted	No change.
The structure of the chapter was confusing and purpose unclear	Noted. The draft chapter has been revised to emphasis the purpose of the introductory chapter and that ESD/sustainability controls will be consider as part of the review of other chapters.	Draft Chapter updated.
The need for a socially responsible and just transition to renewable energy	Noted. An ESD focus area of Community Health, Quality of Life, Amenity and Social Well-Being has been added to the draft Chapter.	Draft Chapter updated.
The need to provide development controls in certain and clear language	Noted. The draft chapter has been revised to make it clearer the chapter is introductory in nature and the controls for ESD / sustainability will be considered as part of the review of other chapters.	Draft Chapter updated.
The need to include all ESD principles.	Noted. The focus areas in the final draft Chapter A2 have been expanded to include water sensitive urban design, sustainable transport, waste reduction, biodiversity protection and community health, quality of life, amenity and social well-being.	Draft Chapter updated.
Vague wording makes it difficult to apply objective assessment criteria and how compliance will be assessed.	This Chapter outlines key focus areas and objectives which proponents of new development must address and demonstrates Council has considered ESD principles when exercising its decision-making functions.	No change.
Almost all submissions (52 of 54) called for controls to mandate all-electric buildings in both residential and non-residential.	Noted. The subsequent review of relevant DCP Chapters will further consider controls relating to sustainability including all-electric development.	No change.

A more detailed Engagement Report is provided in Attachment 3.

Advice was sought from Council's Legal Services Team to check for clarity, legibility and legal correctness of the proposed Chapter A2 amendments.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Community Strategic Plan and the following goals and strategies –

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
5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community	

SUSTAINABILITY IMPLICATIONS

The draft Chapter A2 provides principles, objectives and examples of how to satisfy the objectives to guide proponents when considering ESD as part of their development proposal. The DCP provisions seek to facilitate a transition to a low waste and emission lifestyle with building occupants able to enjoy the health and cost benefits associated with living in a sustainable building.

RISK MANAGEMENT

The draft Chapter A2 aligns with Council's current supporting documents such as the Sustainable Wollongong 2030, Climate Change Mitigation Plan and Climate Change Adaptation Plan.

The DCP provisions will assist Council to meet its legislative obligations under the *Local Government Act 1993* and *Environmental Planning & Assessment Act 1979* to consider ESD principles in decision-making about environmental planning and assessment.

It is important to note that sustainability measures are being considered for various relevant chapters of the DCP and that these chapters will be exhibited separately.

Any amendments to the DCP should be undertaken in the knowledge that DCPs are guideline documents and DCP provisions cannot operate as prohibitions. The *Environmental Planning & Assessment Act 1979* requires flexibility to be applied to the application of DCP controls and the Land and Environment Court regularly varies DCP provisions and requirements.

FINANCIAL IMPLICATIONS

There is no financial implication for Council to progress this work. All resourcing cost have been covered by the operational budget for the City Strategy Division.

CONCLUSION

A further review of draft Wollongong Development Control Plan 2009 Chapter A2 Ecologically Sustainable Development has been conducted in response to community feedback to provide more clarity on its purpose and broaden the ESD objectives and focus areas.

This report recommends that Council resolve to adopt the final draft Wollongong DCP 2009 Chapter A2 Ecologically Sustainable Development (Attachment 1).

Chapter A2 will underpin controls in other DCP chapters by outlining Ecologically Sustainable Development focus areas and objectives that developments need to consider. The subsequent review of relevant DCP Chapters will further consider controls relating to sustainability including all-electric development.



Part A – Introduction

Chapter A2 Ecologically Sustainable Development

Contents

1. INTRODUCTION	2
2. BACKGROUND	3
3. OBJECTIVES AND EXAMPLES OF HOW TO SATISFY	3
3.1 Climate Change Adaptation and Mitigation	3
3.2 Waste Reduction	4
3.3 Biodiversity Protection	4
3.4 Water Sensitive Urban Design	5
3.5 Sustainable Transport	5
3.6 Energy Efficiency and Renewables	5
3.7 Community Health, Quality of Life, Amenity and Social Well-Being	6
3.8 First Nations Knowledge and Care of Country	6
4. HOW TO USE THIS CHAPTER	7
5. RELATIONSHIP WITH OTHER PLANS AND POLICIES	7

Document Control

Rev No.	Adoption Date	In Force Date	Revision Details
	21/11/2016	14/12/2016	New Chapter resulting from sustainability review of DCP.
	Insert date	[Comments]	

Chapter A2 Ecologically Sustainable Development

1. INTRODUCTION

Under the *Local Government Act 1993*, the consideration of Ecologically Sustainable Development (ESD) principles is a guiding principle for councils when exercising their decision-making functions.

The *Environmental Planning and Assessment Act 1979* (EP&A Act) similarly requires ESD considerations in decision-making about environmental planning and assessment.

ESD requires the effective integration of social, economic and environmental considerations in decision-making processes. For the purposes of meeting our legislative obligations, ESD can be achieved through the implementation of the following principles and programs:

- a) the precautionary principle – namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by –

- i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - ii) an assessment of the risk-weighted consequences of various options,
- b) inter-generational equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- c) conservation of biological diversity and ecological integrity – namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- d) improved valuation, pricing and incentive mechanisms – namely, that environmental factors should be included in the valuation of assets and services, such as –
 - i) polluter pays – that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - iii) environmental goals, having been established, should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The EP&A Act seeks to promote good design and amenity of the built environment with an aim to protect the health and safety of occupants.

The DCP provisions relating to ESD are consistent with the vision and goals in our Community Strategic Plan relating to a healthy community in a liveable city.

Wollongong City Council has developed several supporting documents related to achieving ESD including:

- Sustainable Wollongong 2030: A Climate Healthy City Strategy
- Wollongong Climate Change Mitigation Plan 2023-2030
- Wollongong Climate Change Adaptation Plan 2022
- Wollongong Urban Heat Strategy 2023

Chapter A2 Ecologically Sustainable Development

- Wollongong Urban Greening Strategy 2017-2037
- Wollongong Waste and Resource Recovery Strategy 2024-2034
- West Dapto Open Space Design Manual
- West Dapto Open Space Technical Manual.

Council has an ongoing program of developing and updating supporting documents to ensure they remain relevant. Council's website should be consulted for the latest list and versions of supporting documents that may be relevant to your proposal.

2. BACKGROUND

In 2016, Council adopted the first version of Wollongong DCP Chapter A2 Ecologically Sustainable Development. This chapter forms part of the introduction to the whole DCP – it underpins controls in other DCP chapters by outlining ESD objectives that proposed developments need to consider. It also provides examples on how these objectives could be satisfied. Key focus areas to meet the principles of ESD include:

1. Climate Change Adaptation and Mitigation – seeking to ensure development is resilient to extreme weather events, rising temperatures and rising sea levels while reducing greenhouse gas emissions.
2. Waste Reduction – prioritising the use of sustainable materials, minimising construction waste, and encouraging recycling and reuse of materials.
3. Biodiversity Protection – preserving and enhancing ecosystems, green corridors and natural habitats within urban and rural development.
4. Water Sensitive Urban Design – incorporating sustainable water management techniques such as rainwater harvesting, permeable surfaces, biofiltration systems and stormwater reuse to reduce run off and improve water quality.
5. Sustainable Transport – encouraging the use of active transport options such as walking and cycling, and public transport.
6. Energy Efficiency and Renewables – optimising building design, orientation and systems to reduce energy consumption and emissions while integrating renewable energy sources such as solar photovoltaic systems and battery storage.
7. Community Health, Quality of Life, Amenity and Social Well-Being – designing accessible and inclusive and healthy environments.
8. First Nations Knowledge and Care of Country – integrating Aboriginal perspectives on sustainability, land care and ecological balance.

3. OBJECTIVES AND EXAMPLES OF HOW TO SATISFY

3.1 Climate Change Adaptation and Mitigation

Objectives

- a) Ensure development incorporates climate friendly design, energy efficiency and emission reductions to increase resilience and reduce environmental impact.
- b) Encourage and enable a transition to a low waste and emissions lifestyle.
- c) Promote urban cooling and minimise the heat island effect.
- d) Support the health of occupants by designing buildings to perform well in hot and extreme weather events.

Chapter A2 Ecologically Sustainable Development

Examples of how to satisfy

- i) Prioritise passive solar design, natural ventilation and shading to reduce energy consumption.
- ii) Achieve beyond baseline NABERS and BASIX ratings for energy and water in all new non-residential and residential development.
- iii) Locate landscaping and tree canopy to maximise cooling of private open space and adjoining public realm.
- iv) Optimise urban cooling through green infrastructure placement and street orientation to catch prevailing breezes.
- v) Design subdivision design layouts in urban release areas to include appropriate allocated space for an interlocking tree canopy to be established over time.
- vi) Use cool roofs, green roofs and reflective building materials to reduce the urban heat island effect.
- vii) Incorporate additional site boundary setbacks to support airflow and improved building ventilation in urban areas.

3.2 Waste Reduction

Objectives

- a) Promote the use of sustainable building materials and reduce construction and operational waste.
- b) Encourage recycling and collection of organics to reduce emissions.

Examples of how to satisfy

- i) Develop a Waste Management Plan for demolition and construction works to minimise landfill waste.
- ii) Use construction materials that are durable, reducing the need for replacement.
- iii) Provide on-site facilities for recycling and Food Organics and Garden Organics (FOGO) collection in the design of multi-unit residential and commercial development.

3.3 Biodiversity Protection

Objectives

- a) Protect the unique biodiversity of the Wollongong Local Government Area.
- b) Enhance urban forest by appropriate selection and siting of native flora.

Examples of how to satisfy

- i) Retain and provide suitable buffers to vegetation that has existing biodiversity value and increase tree canopy coverage and native vegetation.
- ii) Implement offset planting if a tree is removed by the development.
- iii) Protect wildlife corridors and reconnect isolated pockets of biodiverse landscape to allow for wildlife movement in environmentally sensitive areas.
- iv) Undertake works to reduce weeds and other threats to the health and viability of vegetation.
- v) Provide or conserve appropriate vegetation adjacent to existing areas of biodiversity such as riparian corridors and natural areas.

Chapter A2 Ecologically Sustainable Development

3.4 Water Sensitive Urban Design

Objectives

- a) Deliver sustainable and environmentally sensitive water management practices, including rainwater harvesting, permeable surfaces and efficient stormwater treatment, to reduce potable water consumption and improve water quality and urban cooling.

Examples of how to satisfy

- i) Reduce impervious surfaces and choose permeable materials to allow water to soak into the ground and reduce runoff.
- ii) Install rainwater tanks and harvesting systems to collect, treat, and reuse stormwater on-site or close to the source as possible.
- iii) Choose green infrastructure solutions that have lower environmental impacts and maintenance needs (for example, grassed swales and tree pit systems).
- iv) Incorporate co-benefits such as waterway health, cultural values and urban amenity beyond just stormwater management.

3.5 Sustainable Transport

Objectives

- a) Support the reduction of car trips and car dependence and encourage the use of sustainable transport such as active travel and public transport.
- b) Encourage sustainable mixed-use transport orientated development.
- c) Prioritise active transport (walking and cycling) and access to public transport to facilitate a shift away from private vehicle use.
- d) Support the transition to electric vehicles, e-mobility and other low carbon transport options.

Examples of how to satisfy

- i) Provide convenient and accessible on-site end-of-trip facilities (bike storage, showers, lockers) for commercial development to encourage active transport as a preferred mode of transport.
- ii) Provide supporting infrastructure that enables active and low emission transport options including electric vehicle and e-bike charging facilities.
- iii) Design residential subdivisions to promote active transport as the primary choice for short journeys and facilitate key connections to public transport.
- iv) Design carparks to allow for suitable adaptation to alternative uses for occupants that do not rely upon vehicle ownership for their transportation needs.

3.6 Energy Efficiency and Renewables

Objectives

- a) Support development that demonstrates a high level of energy efficiency through energy sourcing, storage and equitable access by occupants.
- b) Maximise energy efficiency in development and use renewable energy sources to transition away from fossil fuels.
- c) Minimise the demand placed upon the existing electricity network through the use of locally

Chapter A2 Ecologically Sustainable Development

generated renewable energy and storage in new development.

Examples of how to satisfy

- i) Design building orientation, envelope and openings to increase energy efficiency.
- ii) Include energy efficient fixtures, fittings and equipment in building specifications.
- iii) Support the generation of renewable energy on-site through solar photovoltaic systems.
- iv) Incorporate appropriate roof structures to accommodate renewable energy equipment and provide access for cleaning and maintenance on relevant buildings.
- v) Consider spatial and equitable access requirements for renewable energy storage or other energy management systems.
- vi) Enable lots within a residential subdivision to be 'all-electric'.
- vii) Generate and store renewable energy on-site and minimise peak electricity demand supplied from the electricity network/grid.

3.7 Community Health, Quality of Life, Amenity and Social Well-Being

Objectives

- a) Encourage and promote developments that are socially optimal and support resilience, health, and the wellbeing of communities through:
 - i) improvement to indoor air quality.
 - ii) equitable access to low emission energy systems and appliances.
 - iii) measures to reduce the negative impacts of heat.
 - iv) accessible and inclusive for people with all levels of ability.

Examples of how to satisfy

- i) Rationalise energy sources to promote all-electric buildings and avoid gas supply and disconnection charges.
- ii) Provide all-electric appliances for indoor cooking and heating.
- iii) Ensure habitable rooms are provided with natural ventilation and cross ventilation where possible.
- iv) Include ceiling fans to facilitate greater ventilation and air flow.
- v) Incorporate universal building design principles for access and inclusion.
- vi) Incorporate universal subdivision design principles to achieve connectivity, walkability and cycling.
- vii) Development incorporates generous landscaping including a deep soil zone which supports canopy tree(s) to provide shade, natural outlook and high amenity surroundings for residents.

3.8 First Nations Knowledge and Care of Country

Objective

- a) Consider Aboriginal knowledge, cultural values and sustainable land management practices during the project design phase.

Chapter A2 Ecologically Sustainable Development

Examples of how to satisfy

- i) Undertake appropriate due diligence for projects located near or on an Aboriginal significant site.
- ii) Demonstrated engagement with Aboriginal people in a culturally appropriate way.

4. HOW TO USE THIS CHAPTER

When determining a development application, a consent authority is required under section 4.15 of the EP&A Act to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, the social and economic impacts in the locality and the public interest.

Council expects all new development in the Wollongong Local Government Area is consistent with the principles of ESD and resilient to climate change.

This chapter outlines key focus areas and objectives, and provides examples of how to satisfy the ESD objectives which proponents for new developments must consider and address as part of their development application. The examples listed in this chapter are not exhaustive and proponents are encouraged to explore other design features relevant to their particular site and development which would result in more sustainable outcomes for both the occupants of the development and the wider community.

This chapter provides context for specific controls contained in other DCP chapters. By reviewing their application against the how to satisfy examples presented in this chapter, applicants can identify elements of their proposal that are consistent with the principles of ESD.

Development controls for ESD have been integrated into relevant sections of this DCP. This chapter must be read in conjunction with other relevant chapters.

5. RELATIONSHIP WITH OTHER PLANS AND POLICIES

This chapter reflects recent developments in federal and state government policies, as well as the strategic direction of Wollongong City Council. This chapter must be read in conjunction with other relevant DCP chapters. ESD principles and objectives are considered in each update of the Wollongong DCP.



Part A – Introduction

Chapter A2 Ecologically Sustainable Development

Contents

1. INTRODUCTION	2
2. BACKGROUND	3
3. OBJECTIVES	3
4. HOW TO USE THIS CHAPTER	3
5. RELATIONSHIP WITH OTHER PLANS AND POLICIES	4
6. PRINCIPLES	4
6.1 Residential Development	4
6.2 Non-residential Development	6

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1. INTRODUCTION

Under the *Local Government Act 1993*, the consideration of Ecologically Sustainable Development (ESD) principles is a guiding principle for councils when exercising their decision-making functions.

The *Environmental Planning and Assessment Act 1979* (EP&A Act) similarly requires ESD considerations in decision-making about environmental planning and assessment.

For the purposes of meeting our legislative obligations, ecological sustainable development requires the effective integration of social, economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs –

- a) the precautionary principle – namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by –

- i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - ii) an assessment of the risk-weighted consequences of various options,
- b) inter-generational equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- c) conservation of biological diversity and ecological integrity – namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- d) improved valuation, pricing and incentive mechanisms – namely, that environmental factors should be included in the valuation of assets and services, such as –
 - i) polluter pays – that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The EP&A Act also seeks to promote good design and amenity of the built environment with an aim to protect the health and safety of occupants.

The DCP provisions relating to ESD are consistent with the vision and goals in our Community Strategic Plan relating to a healthy community and liveable city.

Wollongong City Council has developed several supporting documents related to achieving ESD including:

- Sustainable Wollongong 2030 A Climate Healthy City Strategy
- Wollongong Climate Change Mitigation Plan 2023-2030
- Wollongong Climate Change Adaptation Plan 2022
- Wollongong Urban Heat Strategy 2023

Chapter A2 Ecologically Sustainable Development

- Wollongong Urban Greening Strategy 2017-2037
- Wollongong Waste and Resource Recovery Strategy 2024-2034
- West Dapto Open Space Design Manual
- West Dapto Open Space Technical Manual.

Council has an ongoing program of developing and updating supporting documents to ensure they remain relevant. Council's website should be consulted for the latest list and version of supporting documents that may be relevant to your proposal.

2. BACKGROUND

In NSW the sustainable performance of buildings is largely governed by the National Construction Code and State policy.

The Building Sustainability Index (BASIX) was introduced in 2004 to measure the sustainability performance of households. Over time the development thresholds (i.e. type of building and value of construction) to which the BASIX requirements apply, have evolved to capture more development. The sustainability targets applied to development have also increased over time. The BASIX requirements now form part of the Sustainable Buildings State Environmental Planning Policy (SEPP) which commenced on 1 October 2023.

The SEPP includes a provision that gives no effect to an environmental planning instrument or DCP that seeks to further reduce consumption of mains-supplied potable water or greenhouse gas emissions related to the use of a residential building. The BASIX requirements do not stipulate a specific product or solution to meet the sustainability targets but maintains the freedom to choose amongst various options. This includes options relating to the household energy source(s).

The provisions of this DCP Chapter seek to inform design choice by highlighting the health and economic benefits of living in a sustainable and all-electric household. Council also encourages applicants to go beyond the minimum requirements for their development to increase the sustainability and environmental performance of our built environment.

3. OBJECTIVES

The objectives of this Chapter are to:

- a) Support development that contributes to the sustainable future of our City and the Wollongong community target of net zero greenhouse gas emissions by 2050.
- b) Require proponents to demonstrate that ESD principles have been considered in the built form design of proposed development.
- c) Encourage and promote development that sets new benchmarks for the resilience, health, and wellbeing of building occupants through:
 - i) improvement to indoor air quality
 - ii) equitable access to low emission equipment and appliances
 - iii) reduced building operational costs and encouraging a transition to a low waste and emissions lifestyle
 - iv) measures to reduce the negative impacts of heat.

4. HOW TO USE THIS CHAPTER

Chapter A2 Ecologically Sustainable Development

When determining a development application, a consent authority is required under section 4.15 of the EP&A Act, to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, the social and economic impacts in the locality and the public interest.

Council expects the principles of ESD to be a consideration for all relevant development in the Wollongong Local Government Area.

This chapter outlines the ESD principles and objectives that proponents for new development must consider and address as part of their development application. Examples of how to satisfy the ESD objectives are also provided in this chapter. The listed examples are not meant to be exhaustive and a proponent may nominate alternative sustainable design elements for consideration.

5. RELATIONSHIP WITH OTHER PLANS AND POLICIES

Development controls that align with the principles of ESD have been integrated into relevant sections of this DCP. This chapter must be read in conjunction with other relevant chapters. This chapter reflects recent developments in federal and state government policies as well as the strategic direction of Wollongong City Council. ESD principles are considered in each update of the Wollongong DCP.

6. PRINCIPLES

6.1 Residential Development (including subdivisions)

In deciding whether to grant consent to residential development, Council requires an application to demonstrate how ESD principles have been considered as part of the building design and fit out to enhance the health and safety of its future occupants.

Applicants must demonstrate that consideration has been given to incorporation of the following options into any new development:

6.1.1 Indoor Amenity

Objectives

- a) Ensure building occupants health and wellbeing is protected with suitable choices being made at the building design and construction phase.
- b) Improve indoor air quality and avoid the generation of harmful airborne byproducts associated with the consumption of natural gas or other fossil fuels.

Examples of how to satisfy the objectives

- 1) Provide all-electric appliances for indoor cooking and heating
- 2) Ensure habitable rooms are provided with natural ventilation and cross ventilation where possible
- 3) Include ceiling fans to facilitate greater ventilation and air flow

6.1.2 Equitable access to low emission equipment and appliances

Objectives

- a) Support development that demonstrates a high level of energy efficiency through energy sourcing, storage and equitable access by occupants.

Examples of how to satisfy the objectives

Chapter A2 Ecologically Sustainable Development

- 1) Design building orientation, envelope, and openings to increase energy efficiency
- 2) Select energy efficient systems, equipment and appliances
- 3) Support the generation of renewable energy onsite through solar photovoltaic systems and / or purchase offsite renewable energy
- 4) Incorporate appropriate roof structures to accommodate and access equipment for cleaning and maintenance on relevant buildings
- 5) Consider spatial and equitable access requirements for renewable energy storage or other energy management systems
- 6) Consider the provision of infrastructure that promotes active and low emission transport options including electric vehicle and e-bike charging facilities
- 7) Residential subdivision in urban release areas are designed to promote active transport as the primary choice for short journeys and demonstrate key connections to public transport
- 8) Residential subdivision design in urban release areas include appropriate allocated space and land easement requirements to house associated renewable energy infrastructure such as community batteries and solar photovoltaic systems

6.1.3 Reduced building operational costs and encouraging a transition to a low waste and emissions lifestyle

Objectives

- a) Promote the health and economic benefits of living sustainably.
- b) Encourage and enable a transition to a low waste and emissions lifestyle.

Examples of how to satisfy the objectives

- 1) Rationalise household energy sources to promote all-electric buildings and avoid gas supply and disconnection charges.
- 2) Prioritise passive solar design to maximise thermal comfort and minimise energy consumption for heating and cooling.
- 3) Use materials that are durable, reducing the need for replacement.
- 4) Consider a flexible approach to the allocation and suitable adaptable use of car parking spaces for occupants that do not rely upon vehicle ownership for their transportation needs.
- 5) Specify water efficient fixtures, fittings and equipment.
- 6) Support access to Food Organics (FOGO) waste collection through building design.
- 7) Integrate opportunities for food production into medium to high density residential development including planter boxes, roof-top gardens and irrigation.
- 8) Consider landscaping that incorporates edible plants such as fruit trees, nuts and herbs.
- 9) Residential subdivisions in urban release areas include the installation of energy storage technologies such as community batteries to maximise the use of locally generated renewable electricity.

6.1.4 Measures to reduce the negative impacts of heat

Chapter A2 Ecologically Sustainable Development

Objectives

- a) Promote urban cooling and minimise the heat island effect.
- b) Support the health of occupants by designing buildings to perform well in hot and extreme weather events.

Examples of how to satisfy the objectives

- 1) Generate and store renewable energy onsite and minimise peak electricity demand supplied from the electricity network / grid.
- 2) Select appropriate roof colours for the locality to maximise the solar reflective index.
- 3) Encourage the retention of existing mature trees and use of native landscaping in residential subdivision design.
- 4) Locate landscaping and green cover to maximise cooling of the private open space and adjoining public realm.
- 5) Optimise urban cooling through green infrastructure placement and street orientation to catch prevailing breezes.
- 6) Subdivision design in urban release areas includes appropriate allocated space for an interlocking tree canopy to be established over time.
- 7) Incorporate additional building setbacks to support airflow in urban areas.

6.2 Non-residential Development

In deciding whether to grant consent for certain non-residential development, Council requires an application to address the relevant assessment provisions outlined in the Sustainable Buildings SEPP. An extract of the SEPP provisions that must be addressed is provided below:

- (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) *the generation and storage of renewable energy,*
- (e) *the metering and monitoring of energy consumption,*
- (f) *the minimisation of the consumption of potable water.*

In addition to this requirement, applicants are encouraged to consider if any of the examples provided under the residential development section of this chapter can be incorporated into their non-residential development plans.

OUR WOLLONGONG

JOIN THE CONVERSATION

Wollongong Development Control Plan Chapter A2: Ecologically Sustainable Development

Submissions in Reply

Engagement Report

March 2025

Chapter A2 Engagement Report

Table of Contents

Executive Summary	4
Background	4
Stakeholders	5
Method	5
Results	5
Next Steps	7

Chapter A2 Engagement Report

The information in this report is based on data collected from community members who chose to be involved in engagement activities and therefore should not be considered representative.

This report is intended to provide a high-level analysis of the most prominent themes and issues. While it's not possible to include all the details of feedback we received, feedback that was relevant to the project has been provided to technical experts for review and consideration.

Chapter A2 Engagement Report

Executive Summary

About the Project

Council exhibited a draft revised Chapter A2: Ecologically Sustainable Development for the Wollongong Development Control Plan 2009 and sought feedback from the community between 3 February to 3 March 2025. Council emailed stakeholders and the exhibition was notified publicly.

Engagement Overview

Council received 54 submissions (15 online responses and 39 via email) during the exhibition period. The project webpage had 368 visits with 184 downloads of the draft Chapter. Many of the submissions were well considered and highly detailed. They reflected a knowledge of the NSW planning system and the role of Ecologically Sustainable Development (ESD).

Key Feedback

- The structure of the exhibited chapter was confusing and the purpose unclear.
- The need for a socially responsible and just transition to renewable energy.
- The need to provide development controls in certain and clear language.
- The need to include all ESD principles - noting some were missing.
- Almost all submissions called for controls to mandate all-electric buildings in both residential and non-residential.
- All submissions were in favour of ESD.

Next Steps

The feedback will be considered by the project team and all responses reviewed in detail and recommendations to improve the chapter made.

Background

On 15 December 2009, Council adopted the Wollongong Development Control Plan (DCP) 2009. The DCP came in on 3 March 2010, following the commencement of the Wollongong Local Environmental Plan (LEP) 2009. On 21 November 2016, Council adopted Chapter A2: Ecological Sustainable Development which commenced on 14 December 2016. The chapter was introduced following a sustainability review of the DCP. Seven other DCP chapters were updated as part of the 2016 review which involved the introduction of additional controls related to sustainability.

This review of the chapter has been undertaken in response to actions in Sustainable Wollongong 2030 – A Climate Healthy City Strategy, and Climate Change Mitigation Plan 2023 -2030. The chapter review aligns with actions in Urban Greening Strategy 2017-2037, Climate Change Adaptation Plan 2022 and Urban Heat Strategy 2023.

Chapter A2 is an introductory chapter in the Wollongong DCP it includes the principles of ESD, key focus areas and provides examples on how to demonstrate ESD. The development controls for ESD are/will be included in relevant chapters throughout the DCP.

Chapter A2 Engagement Report

Stakeholders

Stakeholders identified prior to the start of the engagement period included -

- Internal staff.
- Property Council and Urban Development Institute of Australia.
- Community Groups such as Renew Illawarra, 350 Australia, Electrify 2515.
- Register of Interest – Environment.
- Residents of Wollongong LGA.
- Visitors to Wollongong LGA.

Method

We used the following methods to notify stakeholders of the exhibition and invite their participation.

Methods	Details
Communication Methods	
Email to key stakeholders	An email was sent to key stakeholders and community groups.
Engagement Methods	
Our Wollongong website	<p>The project webpage hosted background information and supporting documents -</p> <ul style="list-style-type: none"> • Draft Chapter A2. • Current Chapter A2. • Council report. • FAQ. • Online feedback Form.

Results

Summary of the results from the exhibition.

Engagement Participation Results

A total of 54 submissions (15 online responses and 39 via email) were received during the exhibition period. 4 were from groups and 51 were from individuals. One of the group submissions was co-signed by another seven supporting groups.

Chapter A2 Engagement Report

Summary of online participation

Measure and Explanation	Usage
Aware – Total number of users who viewed the project page	368
Informed – Total number of users who opened a hyperlink or read a document	220
Engaged – Total number of users who have actively contributed to the project via the project page	15

Key themes from the Submissions

A snapshot of the key themes and points made in the submissions

Clarity and comprehensiveness in the context of ESD

- The background section should provide a fuller explanation of ESD considerations extending beyond BASIX and Nabers.
- Overall lacks a strong enforceable commitment to ESD principles.
- Should include the four ESD pillars with a clearer structure and alignment.
- ESD principles to protect biodiversity is missing - Wollongong's unique biodiversity is critical to protect.
- More comprehensive ESD framework and strengthen controls -
 - Energy (efficiency, emissions, renewables, storage).
 - Water (efficiency, storage, waste, stormwater).
 - Waste (avoidance, recycling, emissions impact).
 - Transport (public transport, e-vehicle infrastructure).
 - Health and amenity (air/water quality, daylight, noise).
 - Equity and Justice – many homes are locked into outdated gas infrastructure and renters lack choice.
 - Biodiversity and Landscape.
 - Urban Heat.
 - Resilience and Adaptability (climate risks).

Terminology and Structural Issues

- Section 'How to Use This Chapter' is unclear and should clarify how both Council and external parties will apply it.
- Merge Objectives (Section 3) with Principles (Section 6) for a more logical structure. The connection between the two sections is not clear.
- Language is vague relying on weak verbs 'support, encourage and consider' which fail to impose obligation.
- Needs stronger language and controls. For example, All-electric buildings for new residential and commercial developments.
- Vague wording 'consider' makes it difficult to apply objective assessment criteria and how compliance will be assessed, leading to inconsistency and uncertainty for developers.

Chapter A2 Engagement Report

- Remove Chapter A2 as standalone and integrate sustainability controls within relevant 'B' Chapters. If A2 is retained provide clearer guidance on how ESD provisions will be measured, who will assess compliance.

Socially responsible and just transition to renewable energy

- Recognise intergenerational equity and public health as a key ESD principles.
- Ensure development remains feasible.

All-electric development

- A large number of submissions (50 of the 52) mentioned banning gas connections for all new residential and commercial buildings.
- Chapter A2 and any other relevant chapter, mandate all-electric buildings for new residential and commercial developments on the grounds that 1) health of occupants and workers would be better protected, and 2) installation and running costs would be reduced.
- Gas is bad for our environment because of emissions, bad for our health because of well researched links to childhood asthma.

Next Steps

Feedback from the community will now be considered by the project team. All submissions will be reviewed in detail and recommendations made to refine DCP Chapter A2 Ecologically Sustainable Development prior to it being adopted.

All feedback is important and is one factor in the decision-making process for Council. The graphic below shows some of the factors we consider in our decision making:



All identified stakeholders, participants and the broader community will be updated on this DCP Chapter as it progresses. Updates will be made available via Our Wollongong on our website.