



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 28 November 2011

Order of Business

- 1 Acknowledgement of Traditional Owners
- 2 Civic Prayer
- 3 Apologies
- 4 Disclosures of Pecuniary Interest
- 5 Petitions and Presentations
- 6 Confirmation of Minutes – Ordinary Council Meeting 14 November 2011
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Agenda Items

Members

Lord Mayor –
Councillor Gordon Bradbery OAM (Chair)
Deputy Lord Mayor –
Councillor David Brown
Councillor Michelle Blicavs
Councillor Leigh Colacino
Councillor Chris Connor
Councillor Bede Crasnich
Councillor Vicki Curran
Councillor John Dorahy
Councillor Janice Kershaw
Councillor Ann Martin
Councillor Jill Merrin
Councillor Greg Petty
Councillor George Takacs

QUORUM – 7 MEMBERS TO BE PRESENT

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MINUTES

ORDINARY MEETING OF COUNCIL

at 6.01 pm

Monday 14 November 2011

Present

Deputy Lord Mayor – Councillor Brown (in the Chair), Councillors Kershaw, Connor, Takacs, Martin, Merrin, Blicavs, Dorahy, Colacino, Crasnich, Curran and Petty

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – G Doyle, Director Infrastructure and Works – P Kofod, Director Planning and Environment – A Carfield, Manager Governance and Information – L Kofod, Manager Finance – B Jenkins, Manager City Works – K Mondal, Manager Organisational Strategy and Improvement (Acting) – B Logue, Manager Property and Recreation (Acting) – W Douglass, Manager Environmental Strategy and Planning – R Campbell and Manager Community Cultural and Library Services – J Thompson

Apology

Minute No.

232

RESOLVED on the motion of Councillor Martin seconded Councillor Dorahy that the apology tendered on behalf of Lord Mayor, Councillor Bradbery OAM, be received.

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This Quarterly Review Statement also provides a summary of Council's financial situation for the quarter including income and expenses, major variations and the capital projects report.

Consultation and Communication

All members of the Executive and Senior Management have had input into the production of the September 2011 Quarterly Review Statement.

Planning and Policy Impact

This document reports on progress towards the achievement of the Strategic Directions 2011-14 and the principal activities outlined in the Management Plan 2011-14. It complies with the requirements of the Local Government Act.

Financial Implications

Full financial performance details and implications on Council's financial position are contained within the attached Quarterly Review Statement.

Conclusion

This Quarterly Review Statement has been prepared following input and assistance from all Divisions within the organisation. It is submitted for consideration by Council.

ITEM 2 REVIEW OF 7(D) LANDS - BACKGROUND SUMMARY REPORT

Council at its meeting on 5 July 2011, considered a report on the review of land formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. Council resolved to prepare a Planning Proposal to rezone land within sixteen (16) precincts, not rezone land in three (3) precincts and seek further community input on a draft Planning Agreement which affected seven (7) precincts.

The NSW Department of Planning and Infrastructure have issued a Gateway determination to allow the Planning Proposal to be exhibited. Prior to exhibition, Council has undertaken a review of the former Council decisions. The review has included a briefing, site tour and public information session on 21 November 2011

This report provides a summary of the background and history of the review to assist Council's consideration of whether to progress the recommendations of the previous Council for individual precincts, which are subject to separate reports.

Recommendation

The report be noted.

Attachments

- 1 Land Use Table Comparison.
- 2 Summary of Precinct and Proposed Zone Areas Tables.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The lands formerly zoned 7(d) Hacking River – Environmental Protection under the Wollongong Local Environmental Plan 1990 covered 1,556 hectares, surrounding Helensburgh, Otford and Stanwell Tops, within the Hacking River Catchment (see map below). There were seven hundred and seventy seven (777) lots zoned 7(d) Hacking River Environmental Protection, which are owned by three hundred and three (303) persons, companies and Statutory Authorities. Council owns eighteen (18) lots or 34.5 hectares. The properties are now zoned E3 Environmental Management. One hundred and seven (107) of the properties contain a dwelling house.

The 7(d) lands contain significant bushland which is connected to the Woronora Catchment area, Royal National Park and Illawarra Escarpment. The area is also the head waters of the Hacking River. The extensive bushland results in a high bushfire risk. Conversely, some of the 7(d) lands have been historically cleared for farming, tourism, coal mining, industrial uses and housing.



The future of the 7(d) lands surrounding Helensburgh, Otford and Stanwell Park has been subject to debate for over 30 years.

In 1988, the 7(h) Hacking River – Environmental Protection zone was introduced to protect land in the Hacking River catchment. The zone was renamed to 7(d) Hacking

River – Environmental Protection in 1990. The protection of the catchment and National Park remain important values.

In 1994, the Helensburgh Commission of Inquiry examined a number of urban expansion proposals, including land in the Land Pooling precinct, Gills Creek catchment and the Lady Carrington Estates. Instead of being released for housing, the Inquiry recommended the rezoning of some precincts to Environmental Protection zones and the zone was extended in 1995 and 1997.

The conflicting issues of the 1980s and 1990s remain relevant, including:

- The need to protect/improve the water quality of the Hacking River;
- The need to provide a buffer to the Royal National Park and Garrawarra State Conservation Area, to protect their values;
- The need to conserve endangered ecological communities, significant bushland, habitats and linkages;
- The need to manage bushfire impacts;
- Resolving the final development footprint of the Helensburgh suburb area, and its population level;
- Whether there is future population growth within and/or surrounding Helensburgh;
- Whether there should be additional local employment opportunities within Helensburgh;
- Whether significant bushland areas should remain in private ownership or be brought into public ownership; and
- Whether landowners can build a dwelling house on vacant lots.

Historic minimum lots size standards for a dwelling house

The minimum lot size requirement for a dwelling house dates back to 1951, and has increased over time to the current 40 hectares for a dwelling house to be permissible:

- the County of Cumberland Planning Scheme Ordinance (1951), introduced a requirement for “country dwellings” to be permissible on a lot larger than 0.8 hectares (2 acres);
- the Illawarra Planning Scheme Ordinance (1968) increased the standard to 2 hectares (5 areas);
- on 30 April 1971, the standard was increased to 20 hectares (50 acres); and
- the Wollongong Local Environmental Plan No. 38 (1984) increased the standard to 40 hectares (100 acres), which has remained until present and is part of the Wollongong Local Environmental Plan 2009.

The recent Local Environmental Plans, including the current Wollongong Local Environmental Plan 2009, included a savings provision which allows dwelling houses to be built on lots:

- larger than 10 hectares, if the lot was created prior to 30 April 1971;
- between 10-20 hectares, if the lot was created between 1971 and 1984; and
- larger than 20 hectares, if the lot was created after 2 March 1984.

It is estimated that there are some fourteen (14) privately owned vacant lots that satisfy these standards and could have a dwelling house erected, subject to the granting of development consent. If the planning rules are changed, the development potential will also change.

Draft Wollongong Local Environmental Plan 2009

The draft Wollongong Local Environmental Plan 2009 was exhibited from 10 December 2008 to 30 March 2009. The draft Wollongong Local Environmental Plan 2009 proposed that the land zoned 7(d) Hacking River Environmental Protection be zoned E2 Environmental Conservation as an interim measure pending the completion of the review and subsequent amendment of the draft Local Environmental Plan.

As a consequence of the exhibition two hundred and twenty one (221) submissions were received commenting on the 7(d) Hacking River Environmental Protection / E2 Environmental Conservation proposal at Helensburgh, Otford and Stanwell Tops:

- Eighty nine (89) submissions (the majority of which were a form letter) supported the E2 Environmental Conservation zone and the conservation of the bushland as exhibited; and
- One hundred and thirty two (132) submissions opposed the E2 Environmental Conservation zone, the majority of which wanted to build or maintain a dwelling house on their land. Some submissions also proposed subdivision, tourism and commercial development.

Council at its meeting on 28 July 2009, considered a report on the draft 7(d) Review and submissions received during the exhibition of the draft Wollongong Local Environmental Plan 2009. Rather than rezoning the 7(d) land to a higher conservation zone, Council resolved to translate the 7(d) zone to the equivalent zone, namely E3 Environmental Management. (Attachment 1 provides a comparison of the land use tables for the zones). By making this decision Council effectively chose not to rezone the land at that time. Council also had regard to the submissions received, the existing character of the land, and granting of existing use rights for the existing dwelling houses and development.

Council also resolved to exhibit the "draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Tops" (Willana Report) for two (2) months to enable public review and input, and to commence the preparation of a draft Planning Proposal to review the zoning.

The Wollongong Local Environmental Plan 2009 was approved by the Minister for Planning on 26 February 2010, at which time the 7(d) Hacking River Environmental Protection zone was replaced with the E3 Environmental Management zone.

Review process

To examine the issue, Council has undertaken a review of the lands formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The review has included the following stages:

- Draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops (Willana, 2009) [also known as the Willana Report], considered by Council on 28 July 2009;
- Exhibition of the Draft Review Report (first community consultation period) from 10 August to 9 October 2010, which resulted in 3,447 submissions;
- A Preliminary report on submissions, considered by Council on 25 May 2010;
- Exhibition of the Preliminary Report on submissions (second community consultation period) from 2 June to 16 August 2010, which resulted in 19,395 submissions; and
- A final report on submissions considered by Council on 5 July 2011 (copy of report previously provided to Councillors). Council resolved to progress the review of the 7(d) lands, by dividing the precincts into three (3) parts:

- (1) Prepare a draft Planning Proposal to rezone land or amend the planning controls within sixteen (16) precincts. The report proposed that some precincts be rezoned to either a higher environmental conservation zone, or a zone that better reflects existing development or will allow some minor additional development (see Tables 1 and 3 in Attachment 2).

The report proposed that 830 hectares of the former 7(d) lands, now zoned E3 Environmental Management be rezoned as part of the Planning Proposal. If the draft Planning Proposal is progressed, the recommendations would enable an additional twenty six (26) dwelling houses.

- (2) Undertake further community consultation on a draft Planning Agreement which proposed the dedication of 435 hectares of private land to the public, in exchange for urban development in the Lady Carrington Estate South and Land Pooling Precincts. The draft Planning Agreement may also provide an exit strategy for owners in other precincts (see Tables 2 and 3 in Attachment 2).

If the draft Planning Agreement progresses, a further draft Planning Proposal would be required to amend the planning controls and rezone the land. Additional studies would be required for the land proposed to be

rezoned to allow residential development to review various constraints and determine development potential.

- (3) No change to the current planning controls within the Kelly Falls precinct; Old Farm Road precinct and Govinda precinct.

Proposal

Following Council's resolution on 5 July 2011, the draft Planning Proposal was referred to the NSW Department of Planning and Infrastructure for Gateway determination prior to exhibition. The Department issued a Gateway determination on 30 September 2011, endorsing the exhibition of the draft Planning Proposal, provided that the proposed use of Schedule 1 Additional Uses to permit dwelling houses or the restaurant not be used and Council amend the Zoning or Minimum Lot Size Maps instead.

The exhibition of the draft Planning Agreement was deferred pending the exhibition of the draft Planning Proposal and the review of the issues by the new Council.

A review of the recommendations made by the previous Council on the issues associated with the former 7(d) lands has been undertaken. On 7 November 2011, Councillors undertook a site tour and received a briefing from Council Officers. On 21 November 2011, Councillors revisited some sites and precincts. On 21 November 2011, Council held a Public Information Session at Helensburgh Public School and received representations from land owners, community members and other stakeholders. The meeting was attended by 248 registered persons. This report was prepared prior to the Public Information Session. Copies of the presentations and the Feedback forms completed at the meeting have been circulated separately to Councillors.

The issues and recommendations associated with the former 7(d) precincts will be addressed in a series of Council reports, to allow separate consideration at the Council meeting:

1. Background report (this report);
2. Lady Carrington Estate North, Garrawarra and Isolated Lots in the Royal National Park precincts;
3. North Otford, Central Otford, South Otford and Govinda precincts;
4. Gills Creek and F6 West precincts;
5. Wilsons Creek precinct;
6. Gateway precinct;
7. Walker Street, Frew Avenue and Kellys Falls precincts;
8. Old Farm Road, Metropolitan Colliery and Lukin Street precincts;
9. Camp Gully Creek precinct - including Walker Lane and Undola Road sub-precincts;

10. Lady Carrington Estate, Lilyvale, Central Bushland, and Otford Valley Farm precincts,
11. Lloyd Place precinct;
12. Land Pooling and Lady Carrington Estate South precincts and Draft Planning Agreement.

Conclusion

This report provides a background summary to the review of the lands formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. Separate reports have been prepared addressing issues associated with individual precincts.

ITEM 3

REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE NORTH, GARRAWARRA, ISOLATED LOTS IN THE ROYAL NATIONAL PARK PRECINCTS

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Lady Carrington Estate North, Garrawarra and Royal National Park precincts.

It is recommended that the draft Planning Proposal for these precincts be progressed to exhibition for further community input.

Recommendation

- 1 Council endorse the existing draft Planning Proposal for Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks.
- 2 Council endorse the existing draft Planning Proposal for the Garrawarra precinct, which seeks to:
 - a Rename to SP2 – Infrastructure Health Service facility and Seniors Housing;
 - b Make a minor adjustment to the SP2 Infrastructure zone boundary, to reflect ownership;
 - c Remove the minimum lot size from the SP2 Infrastructure land; and
 - d Rezone the Crown Land and Sydney Catchment Authority land from E3 Environmental Management to E2 Environmental Conservation.
- 3 Council endorse the existing draft Planning Proposal for the isolated lots in the Royal National Park, which seeks to rezone the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:
 - a Lot A DP 356469;
 - b Lot 1 DP 335557;
 - c Lot 1 DP 324239; and
 - d Lot 1 DP 434564 and part Lot 30 DP 752018.
- 4 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

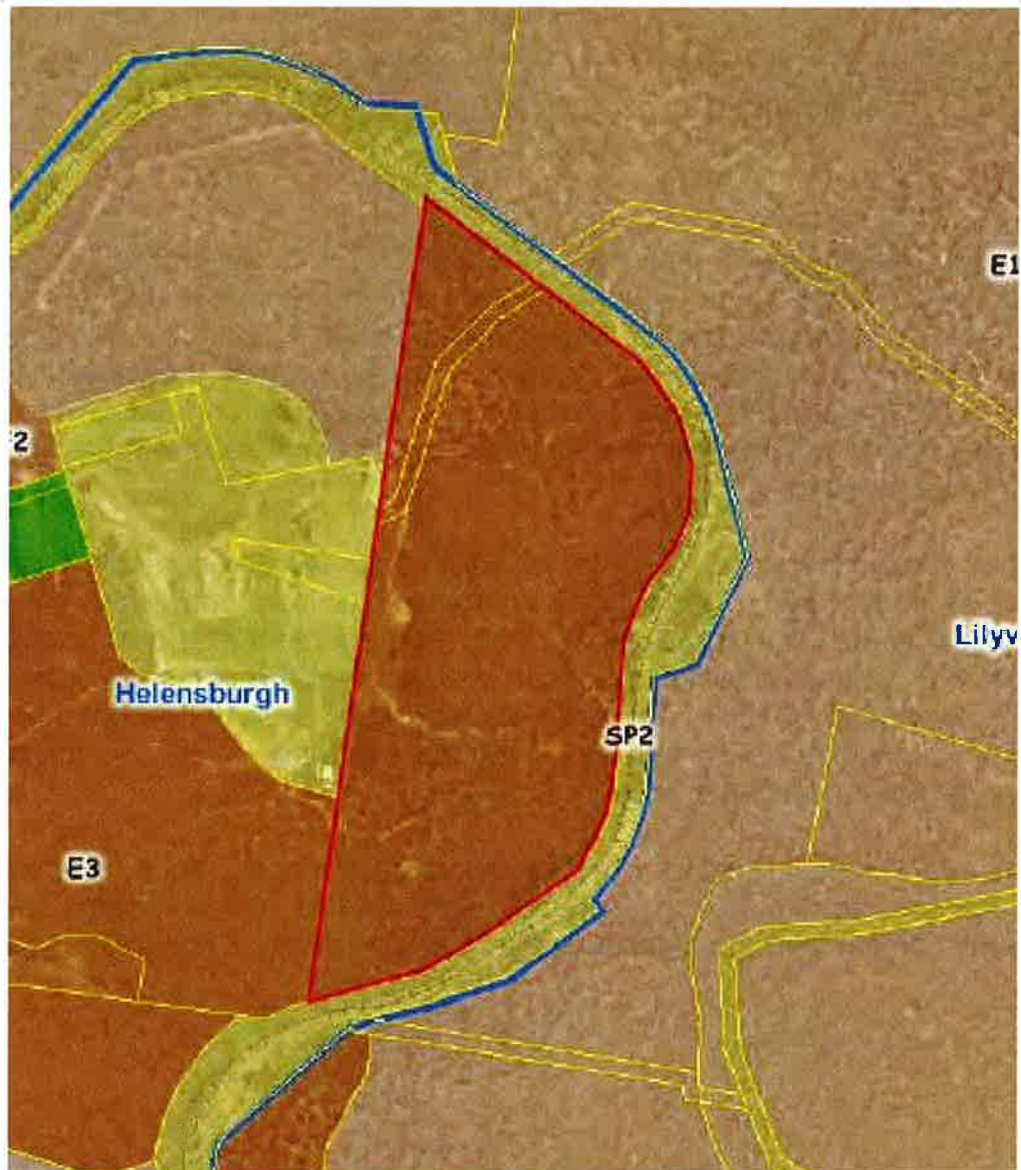
The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Lady Carrington Estate North, Garrawarra Hospital and Royal National Park precincts.

Proposal

Lady Carrington Estate North Precinct

The Lady Carrington Estate North Precinct consists of one (1) lot, Lot 1 DP 616230 which is located to the east of the Helensburgh Waste Depot and has an area of 32.46 hectares. The lot was referred to in the Helensburgh Commission of Inquiry report as Lady Carrington Estate North. The property has legal access via a road reserve from Lady Wakehurst Drive, through the Royal National Park. An access easement also exists from Nixon Place past the waste depot. The lot contains a number of access tracks to the railway line.



In 2010, this property was purchased by the (then) NSW Department of Environment, Climate Change and Water, and now forms part of the Garrawarra State Conservation Area. The Department, now known as the Office of Environment and Heritage, has advised that the property can be zoned E1 National Parks, to reflect its incorporation into the Garrawarra State Conservation Area.

Prior to the Department's acquisition of the land, the review of 7(d) lands and submissions from the community supported the rezoning of the precinct to E2 Environmental Conservation. The acquisition of the land by the State provides a greater conservation opportunity for the land.

The NSW Department of Planning and Infrastructure did not comment on this precinct when issuing the Gateway determination, allowing the exhibition of the draft Planning Proposal as submitted.

It is recommended that the draft Planning Proposal for rezoning of Lady Carrington Estate North to E1 National Parks be progressed to exhibition.

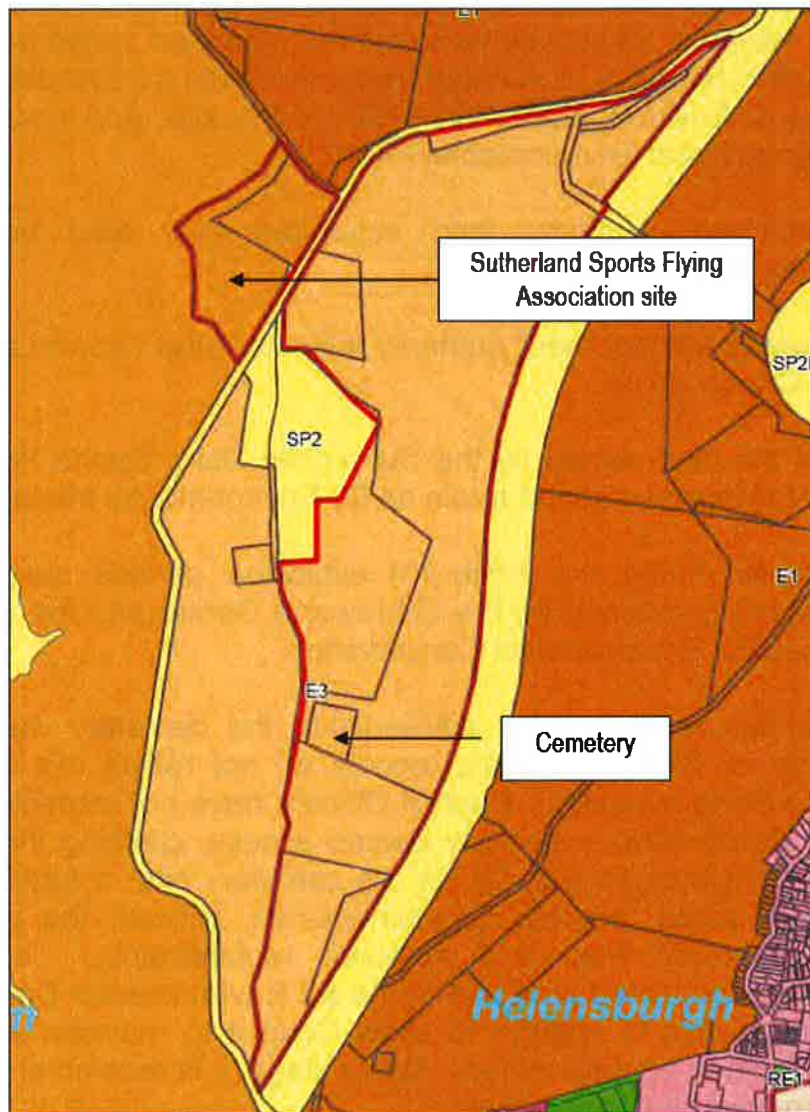
Garrawarra

The Garrawarra precinct is located north of Helensburgh between the F6 Freeway and the Princes Highway. Land on the western side of the precinct drains to the Woronora Catchment and is managed by the Sydney Catchment Authority. This land was not zoned 7(d) and is not part of the study area. However it was inadvertently zoned E3 Environmental Management by the Wollongong Local Environmental Plan 2009 and should be rezoned to E2 Environmental Conservation consistent with the other Sydney Catchment Authority land.

The precinct contains eleven (11) lots, of which four (4) are controlled by the NSW Department of Health and contain the Garrawarra Hospital Centre, four (4) are Crown Land controlled by the NSW Land and Property Management Authority, and two (2) are privately owned. Council has recently been advised that the cemetery was transferred to Council's ownership in 1967. Council's current records do not reflect this ownership transfer and Council has not been maintaining the cemetery. Council's historic records are being reviewed to clarify the history of the site.

The Garrawarra Hospital Centre provides dementia services, aged, respite and long term care services and outreach services. The Centre and cemetery are listed as heritage items of local heritage significance and as a Heritage Conservation Area.

Existing Zonings map



The Garrawarra Centre is currently zoned SP2 Infrastructure – Hospital and Seniors Housing. The Centre provides more than Hospital and Aged Care Services and the current zoning map description does not accurately reflect the services provided on-site. The 7(d) Review proposed that the term “hospital” be replaced with the group definition of “health service facility”, which incorporates the land uses of hospitals, medical centres and community health service facilities.

It is understood that NSW Health are looking at disposing part or all of the Garrawarra facility. Consultants on their behalf have made enquiries about minimum lot size requirements, and the ability to subdivide off small support service sites from the main facility.

The Wollongong Local Environmental Plan 2009 includes a minimum lot size of 40 hectares for the precinct. This standard is appropriate for the sensitive bushland areas, but limits the options for the ongoing operations of the health care precinct. It is proposed that the minimum lot size be removed from the land zoned SP2 Infrastructure - Seniors Housing and Hospital. It is noted that a minimum lot size did not apply under the Wollongong Local Environmental Plan 1990 for this site, and it was introduced as part of the Wollongong Local Environmental Plan 2009.

The Sydney Catchment Authority land supported their land being zoned E2 Environmental Conservation.

The Land and Property Management Authority supported the Crown Land being zoned E2 Environmental Conservation.

It is proposed that the land owned by the Sutherland Shire Sports Flying Association and used for model aircraft recreation retain an E3 Environmental Management zone.

Submissions received during the three (3) exhibition periods supported the SP2 Infrastructure zone being retained for the Garrawarra Centre and the remainder of the precinct being zoned E2 Environmental Conservation.

As noted, Council has recently been advised that the cemetery was transferred to Council's ownership in 1967. Council's records do not reflect this transfer and the historic records are being reviewed. Council Officers have not inspected the cemetery site, as the NSW Health have previously denied access, claiming the site is unsafe. Following a review of Council's records for the cemetery site, a further report on the cemetery may be required, addressing maintenance, access, the preparation of a Conservation Management Plan and resource requirements. It is noted that "cemeteries" are not a permitted land use in the E2 Environmental Conservation zone. Whether the zoning needs to change to allow Council to maintain and manage the cemetery will also need to be determined. At this stage, it is recommended that the site be zoned E2 Environmental Conservation.

It is recommended that the draft Planning Proposal for the Garrawarra precinct be progressed to exhibition, which seeks to:

- a Rename the SP2 zone from SP2 Infrastructure – Hospital and Seniors Housing to SP2 Infrastructure - Health Service Facility and Seniors Housing;
- b Make a minor adjustment to the SP2 Infrastructure zone boundary to reflect ownership;
- c Remove the minimum lot size from the SP2 Infrastructure zone land;
- d Retain a E3 Environmental Management zone on Lot 1803 DP 822247, Sutherland Shire Sports Flying Association site; and

- e Rezone the Crown Land and Sydney Catchment Authority land to E2 Environmental Conservation.

Isolated lots in Royal National Park

There are five (5) privately owned lots, in four (4) ownerships in the Royal National Park, which contain a dwelling house and have partially been cleared. The lots are now zoned E3 Environmental Management.

- Lot A DP 356469;
- Lot 1 DP 335557;
- Lot 1 DP 324239; and
- Lot 1 DP 434564 and part Lot 30 DP 752018.





These properties are surrounded by the Royal National Park and in the long term should be incorporated into the Park. Development opportunities should be limited to prevent intensification of development. Council cannot identify these properties for inclusion in the National Park, without the agreement of the NSW Office of Environment and Heritage.

The 7(d) Review, Preliminary Review of Submissions report and Final Report of Submissions proposed that the lots be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,224 submissions commented on the precinct. All submissions supported the rezoning to E2 Environment Conservation, including 1,217 form letters. No submissions opposed the rezoning to E2 Environmental Conservation.

The NSW Department of Environment, Climate Change and Water supported the zoning of Lot 1 DP 324239 (located opposite the Metropolitan Colliery) as E2 Environmental Conservation.

It is recommended that the draft Planning Proposal for the isolated lots in the Royal National Park be progressed to exhibition, which seeks to rezone Lot A DP 356469, Lot

1 DP 335557, Lot 1 DP 324239, Lot 1 DP 434564 and part Lot 30 DP 752018 to E2 Environmental Conservation.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of Lady Carrington Estate North, Garrawarra and Royal National Park precincts be progressed to exhibition.

ITEM 4

REVIEW OF 7(D) LANDS - OTFORD NORTH, OTFORD CENTRAL, OTFORD SOUTH AND GOVINDA PRECINCTS

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Otford North, Otford Central, Otford South and Govinda precincts.

It is recommended that the draft Planning Proposal for the Otford North, Otford Central and Otford South precincts be progressed to exhibition for further community input. It is recommended that the Govinda precinct retain the E3 Environmental Management zone.

Recommendation

- 1 Council endorse the existing draft Planning Proposal for the Otford North precinct, which seeks to rezone the land to E2 Environmental Conservation and not permit any dwelling houses.
- 2 Council amend the existing draft Planning Proposal for the Otford Central precinct, which seeks to:
 - a Rezone the majority of the precinct to E4 Environmental Living and permit and allow a dwelling house on six (6) vacant lots, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 10,000m² (1 hectare); and
 - b Rezone Lots 14, 15 and 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road and Lots 1 and 2 SP 1037008 (2A Domville Road and 24 Lady Wakehurst Drive) to E2 Environmental Conservation and not permit any dwelling houses.
- 3 Council endorse the existing draft Planning Proposal for the Otford South precinct, which seeks to:
 - a Rezone the bushland areas in part of the precinct to E2 Environmental Conservation, retaining an E3 Environmental Management zone in other areas; and
 - b Retain an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the Minimum Lot Size Map to permit a dwelling house.
- 4 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 5 No amendment be made to the planning controls for the Govinda precinct and

the property retain an E3 Environmental Management zone.

Attachments

There are no attachments for this report.

Report Authorisations

Report of:	Renee Campbell, Manager Environmental Strategy & Planning
Authorised by:	Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

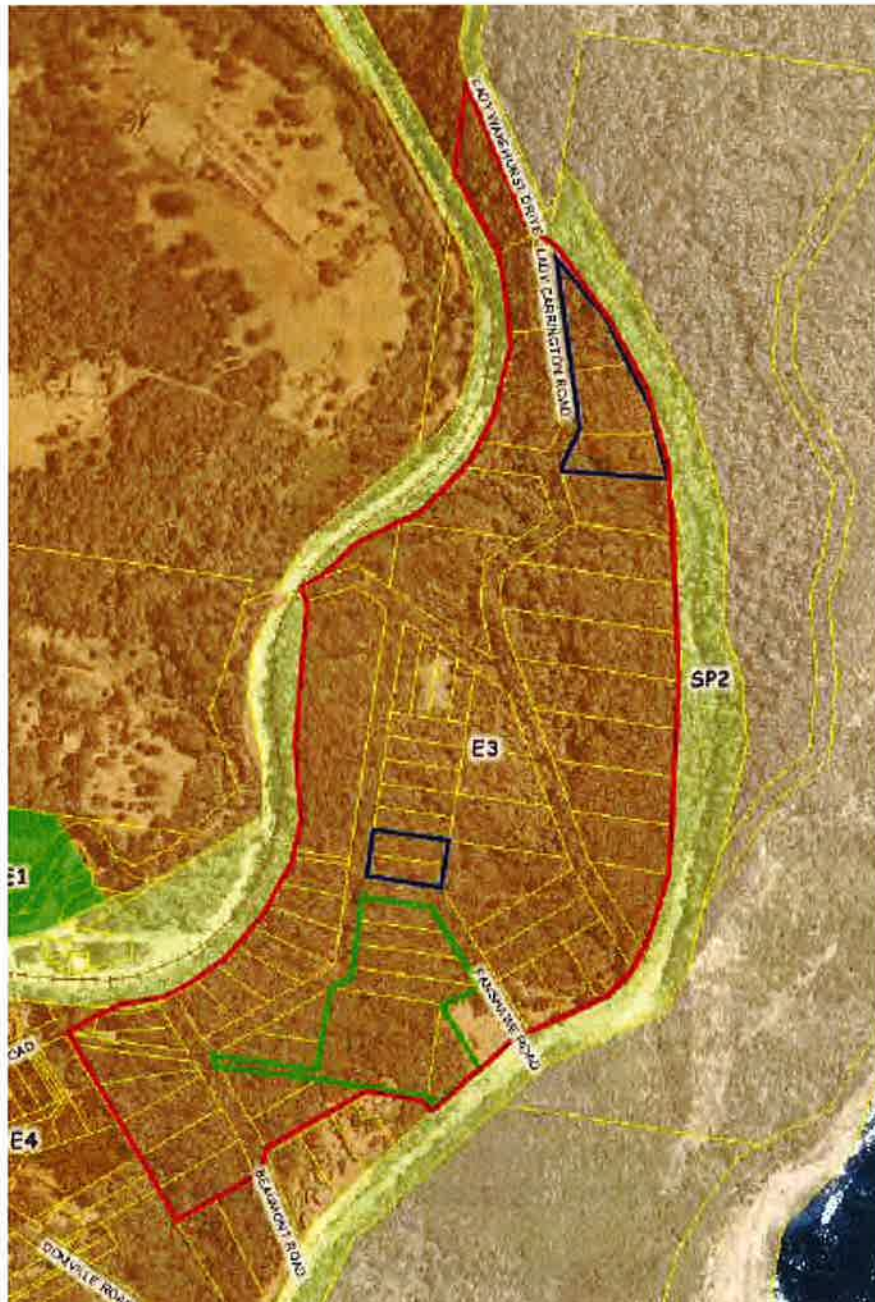
As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Otford North, Otford Central, Otford South and Govinda precincts.

Proposal

Otford North

The Otford North precinct contains fifty four (54) lots which are covered in steep bushland and four (4) existing dwellings. The precinct is located between the Royal National Park, the railway and Otford Village. Council owns five (5) lots at the northern end of the precinct (outlined in blue). The six (6) sites are Crown Land (outlined in green). The draft Review recommended that this area retain an E2 Environmental Conservation zone and that no additional residential development be permitted.

Otford North Precinct location



The precinct, along with the rest of Otford was subdivided in 1905, into lots from 1,037m² to 1.3ha in area. In the late 1960's and 1970's, the lots were sold to individual owners. Between 1951 and 1968 lots had to be larger than 0.8 hectares (2 acres) under the County of Cumberland Planning Scheme Ordinance for a "country dwelling" to be permissible. In 1968, with the introduction of the Illawarra Planning Scheme Ordinance, the country dwelling standard increased to lots larger than 2 hectares (5 acres). In 1971, the minimum lot size for a dwelling house increased to 20 hectares

(50 acres). In 1984 the land was zoned 7(h) Environmental Protection Scenic and was rezoned to 7(d) Hacking River Environmental Protection in 1988.

Based on Council's ownership transfer data, three (3) lots were last transferred between 1960 and 1969, whereas ten (10) were last transferred between 1970 and 1979. None of these lots transferred in the 1960s were larger than 0.8 hectares. Only four (4) lots in the Otford North precinct have an area greater than 0.8 hectares (2 acres). None of which contain a dwelling house. Council's ownership records indicate that these lots were last transferred after 1971, at which time the 2 hectare standard applied. Accordingly, it does not appear that any vacant lot had a dwelling entitlement upon purchase. However, some land owners indicate that when they purchased their land, Council officers advised that they could build and other dwellings were being built in the area, under the same planning controls.

Because of the lack of development, the land has remained covered in bushland which forms an important habitat link between the bushland in the Royal National Park, Illawarra Escarpment and Sydney Drinking Water Catchment area. The steep bushland of the precinct makes it unsuitable for residential development. The bushland within the precinct, along with the rest of Otford, is part of the Illawarra Escarpment Moist Forest Fauna Corridor, which has been identified as being of regional significance. The precinct is identified as being of high conservation value and is identified for potential inclusion in the State reserve system.

All lots (and the rest of Otford) are within the Watagan Soil Landscape which is listed as generally not suitable for urban development.

As a consequence of the first exhibition (2009):

- Twenty nine (29) submissions on behalf of twenty four (24) land owners, and the East Otford Land Owners Group objected to the proposed E2 Environmental Conservation zone and sought an E4 Environmental Living zone that would allow a dwelling house to be built on the land; and
- Submissions from other members of the community supported the conservation of the precinct and opposed any residential development.

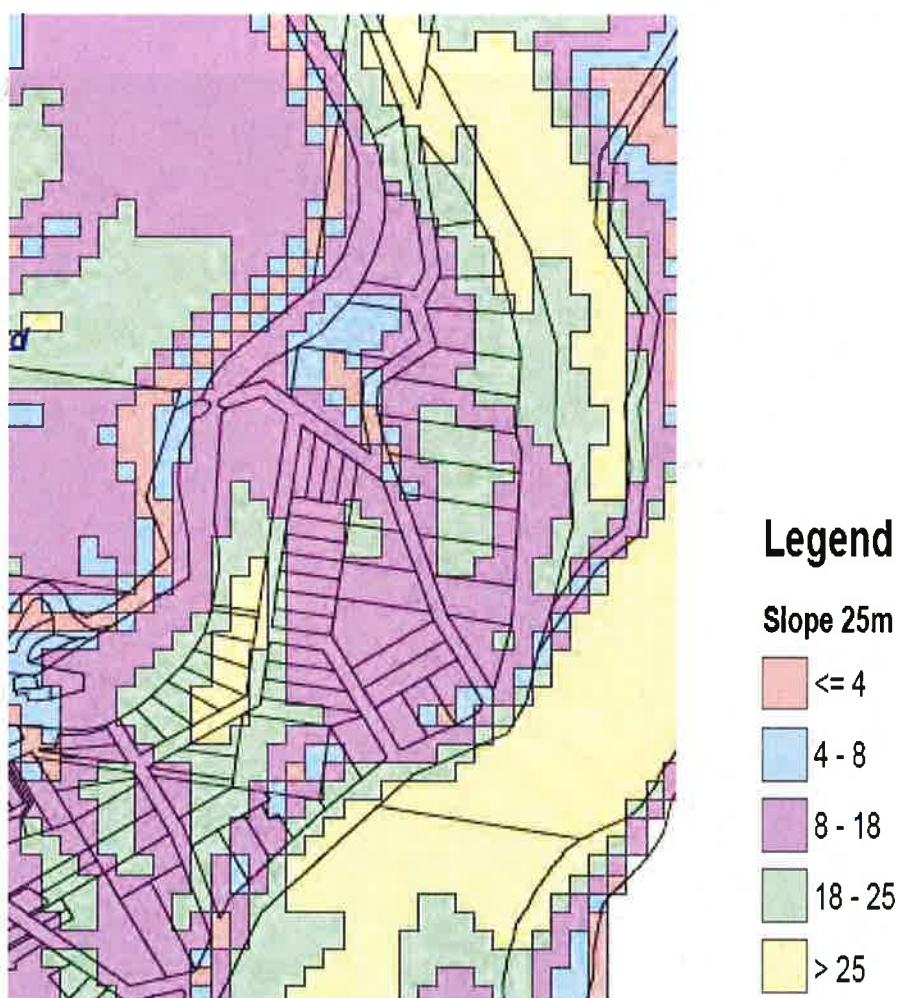
As a consequence of the second exhibition (2010), 2,431 submissions commented on the precinct:

- 2,417 submissions supported the rezoning to E2 Environmental Conservation; and
- Fourteen (14) submissions from the land owners opposed the rezoning to E2 Environmental Conservation.

The submissions from the land owners, noted other dwellings were built in the area, argue their lot is not steep, and that a dwelling house was permissible on their land when they purchased the property.

It is acknowledged that not all blocks are steep. However, the precinct is steep as the land drops 80-100m in elevation from Lady Carrington Drive to the railway line over a distance of 305m, or 26%. The majority of the precinct has slopes of 8-18%, with some areas of 18-25% and other areas having slopes greater than 25%. Land with slopes greater than 18% is constrained and generally not recommended for urban development.

Otford North Precinct Slope Analysis (% slope)



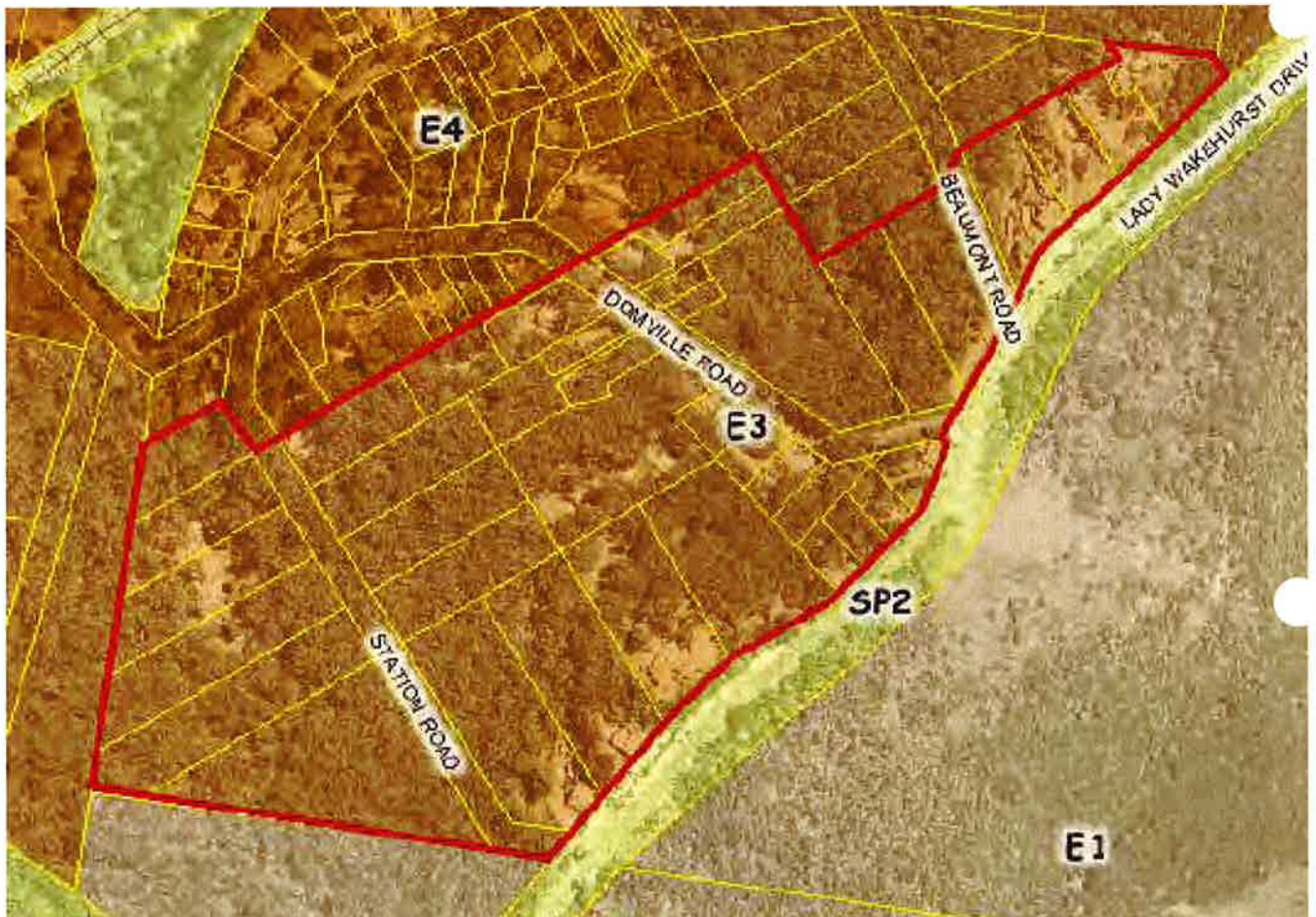
It is recommended that the draft Planning Proposal which proposes to rezone the Otford North lots to E2 Environmental Conservation be exhibited.

Otford Central Precinct

The Otford Central area which includes Domville Road and the houses along Lady Wakehurst Drive contains thirty six (36) lots of which twenty five (25) lots contain dwelling houses and eleven (11) lots are vacant.

There are currently ninety four (94) properties in Otford Village zoned or partially zoned E4 Environmental Living. There is little difference in the character of these properties with the adjoining properties zoned E3 Environmental Management (formerly zoned 7(d)), in Domville and Station Roads, although the E3 Environmental Management properties are larger.

Otford Central Precinct location



The precinct, along with the rest of Otford was subdivided in 1905, into lots 1,037m² – 1.3 hectares in area. In the late 1960's – 1970's, the lots were sold to individual owners. Between 1951 and 1968 lots had to be larger than 0.8 hectares (2 acres) under the County of Cumberland Planning Scheme Ordinance for a "country dwelling" to be permissible. In 1968, with the introduction of the Illawarra Planning Scheme Ordinance, the country dwelling standard increased to lots larger than 2 hectares (5 acres). In

1971, the minimum lot size for a dwelling house increased to 20 hectares (50 acres). In 1984 the land was zoned 7(h) Environmental Protection Scenic and was rezoned to 7(d) Hacking River Environmental Protection in 1988.

Six (6) lots in the Otford Central precinct have an area greater than 0.8 hectares (2 acres), all fronting Lady Wakehurst Drive. Five (5) of the lots contain a dwelling house. Only Lot 7 Section 9 DP 4591, located on the south west corner of Station Road, and which has an area of 1.3 hectares does not contain a dwelling house. Council's ownership records indicate that this lot was last transferred in 1986, at which time the 20 hectare dwelling standard applied.

As a consequence of the first exhibition:

- Ten (10) submissions on behalf of the land owners supported the proposed E4 Environmental Living zone and sought a zone that would allow a dwelling house to be built on the land;
- Five (5) submissions on behalf of the land owners opposed the E4 Environmental Living zone and proposed that the land should retain either an E3 Environmental Management zone or be zoned E2 Environmental Conservation and that no additional dwellings be permitted; and
- Submissions from other members of the community supported the conservation of the precinct and opposed any residential development.

A number of residents in Otford were concerned that the proposal would "double" the size of Otford and change its character. While the proposal would double the extent of land zoned E4 Environmental Living at Otford, allowing a dwelling house on each of the vacant lots would only increase the number of dwelling by 11 or 8%. The uses permissible in the E4 Environmental Living zone are limited to residential accommodation, whereas the E3 Environmental Management zone also permits agricultural, forestry and animal boarding and training uses, which are not appropriate in the area.

No further subdivision in the precinct is proposed and the number of additional dwellings can be controlled through the lot size map.

The Preliminary Review of Submissions report proposed that the precinct could be zoned E4 Environmental Living and that one dwelling be permitted on each lot.

As a consequence of the second exhibition, 2,435 submissions commented on the precinct:

- Eleven (11) submissions supported the rezoning. Two (2) submissions indicated that they want to build a house on their land; and

- 2,424 opposed the rezoning to E4 Environmental Living. The majority of the submissions opposed suggested that the land should be rezoned E2 Environmental Conservation.

The land capability of the vacant lots has been reviewed. All lots (and the rest of Otford) are within the Watagan Soil Landscape which is generally not suitable for urban development.

The bushland within the precinct, along with the rest of Otford, is part of the Illawarra Escarpment Moist Forest Fauna Corridor, which has been identified as being of regional significance. The precinct is not identified as being of high conservation value and is not identified for potential inclusion in the State reserve system.

The majority of the precinct has slopes of 8-18% (including the existing Otford village), with some areas having slopes of 18-25%. Land with slopes greater than 18% is constrained and generally not recommended for urban development. Lots 14, 15, 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road have slopes of 18-25% and are tree covered. The lots are not suitable for development, and should be zoned E2 Environmental Conservation.

Otford Central Precinct Slope Analysis (% slope)



Options:

The following options are available for the Otford Central precinct:

- Retain the E3 Environmental Management zone and dwelling house standards and not permit any further residential development;

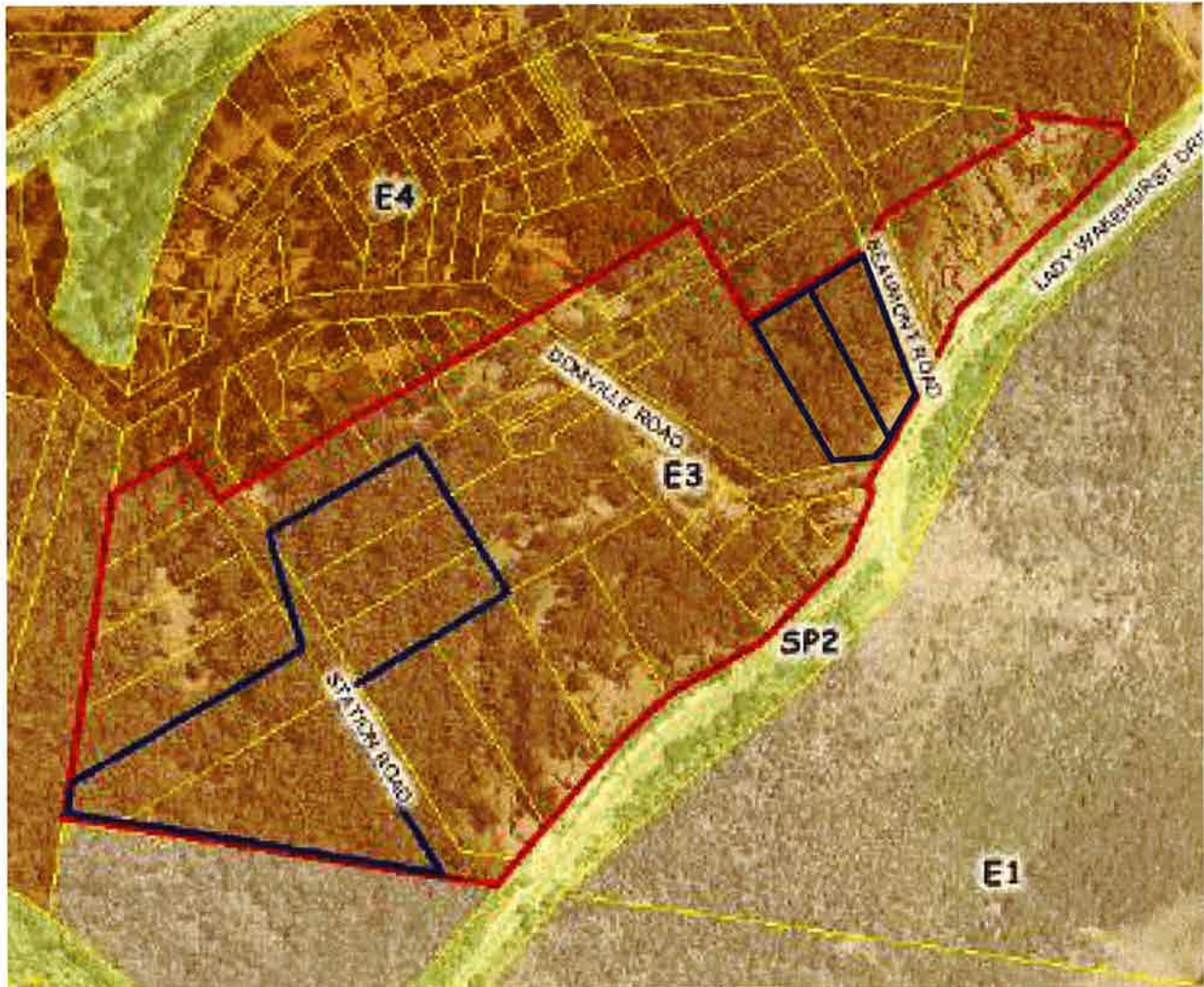
- b. Rezone the precinct to E2 Environmental Conservation. This will not reflect the character of the land and would make existing dwelling houses, non-conforming land uses; and
- c. Allow a dwelling house on some of the vacant lots by zoning the precinct either E4 Environmental Living or retaining the E3 Environmental Management zone and reducing the minimum lot size.

The report considered by Council on 5 July 2011, proposed that Lots 14, 15, 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road to the E2 Environmental Conservation zone, and not permit any residential development. On the 7(d) bus tour on 7 and 21 November 2011, Lots 1 and 2 DP 1037008 (2A Domville Road and 24 Lady Wakehurst Drive) were inspected and the difficulties in constructing dwellings on these lots, due to their steep nature and existing vegetation cover were noted.

It is recommended that the draft Planning Proposal for the Otford Central Precinct be amended and exhibited, which seeks to:

- Zone lots with existing dwelling houses to the E4 Environmental Living zone with a minimum lot size of 2 hectares to preclude further subdivision, and allow a dwelling house on 6 vacant lots; and
- Zone Lots 14, 15, 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road and Lots 1 and 2 DP 1037008 (2A Domville Road and 24 Lake Wakehurst Drive) to the E2 Environmental Conservation zone, and not permit any residential development (outlined in blue).

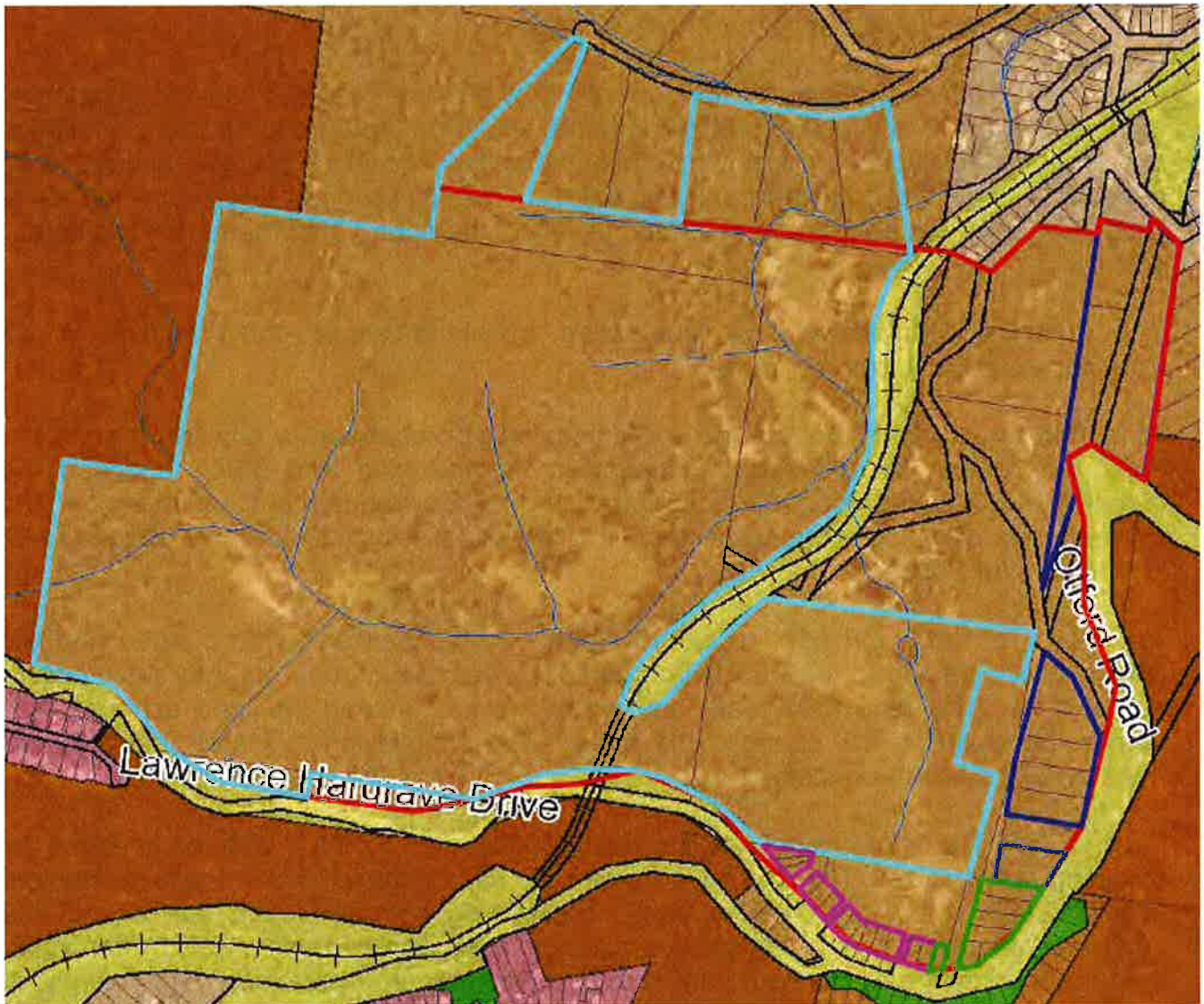
Otford Central Precinct – land proposed to be zoned E2



Otford South Precinct

The southern Otford precinct contains a mix of steep bushland and cleared valley lands. The majority of the precinct is Otford Farm (outlined in light blue), including four (4) lots in the Lloyd Place precinct. Council owns seven (7) lots at Bald Hill (outlined in green). The Crown owns seven (7) lots along Otford Road (outlined in blue). The RTA owns fourteen (14) lots at Bald Hill for road widening (outlined in pink). The RailCorp owns the land above the old and current Otford Rail tunnels. Other properties are in private ownership, the majority of which contain a dwelling house.

Otford South Precinct location



As a consequence of the first exhibition, the submission on behalf of Otford Farm (Lots 1 and 2 DP 1106860, Lot 1 DP 945016 and Lot 2 DP 719756), requested that the boundaries of the E3 Environmental Management zone be extended to reflect the extent of the cleared lands and recognise the existing approved uses, including:

- Animal boarding and training establishment – including equestrian centre and horse trail rides. In 1982, Council approved DA-1981/1380 for horse riding, associated access and car parking;
- Recreation facility (outdoor) – in 1992 Council approved DA-1991/520 for paintball skirmish on part of the property; and
- Tourist and visitor accommodation – in 1982, Council approved DA-1981/407 for a fifteen (15) room motel, manager's residence, restaurant and car parking on the southern part of the site adjacent to Lawrence Hargrave Drive. The submission

notes that construction commenced in 1985 with earthworks undertaken and footings constructed. The submission indicates that due to "substantial commencement" the consent has not lapsed.

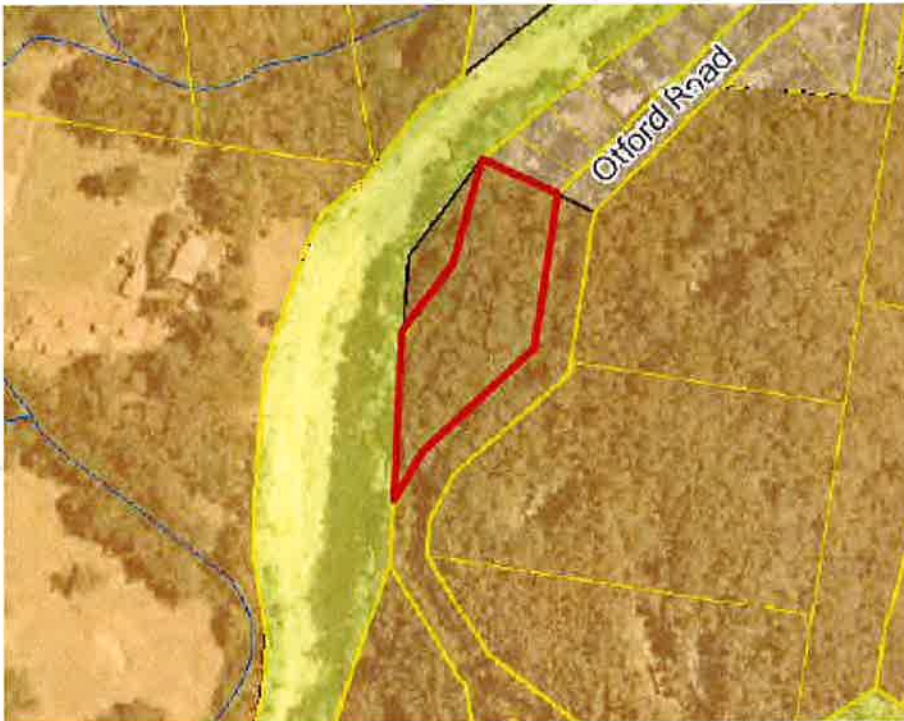
While the 1982 approval of the motel may remain valid, due to substantial commencement, it is likely that an amendment would be required to enable compliance with current legislation, in terms of effluent disposal, access, disabled access, food regulations, bushfire protection and fire safety. The Wollongong Local Environmental Plan 2009 does not need to be amended to reflect the approval of the motel or paintball activity.

The submission indicates that the steep bushland areas could retain an E2 Environmental Conservation zone.

As a consequence of the second exhibition, 3,039 submissions commented on the precinct. Three (3) submissions supported the rezoning and 3,036 opposed the rezoning to E3 Environmental Management and E2 Environmental Conservation. The submissions opposed suggested that the entire precinct should be rezoned E2 Environmental Conservation.

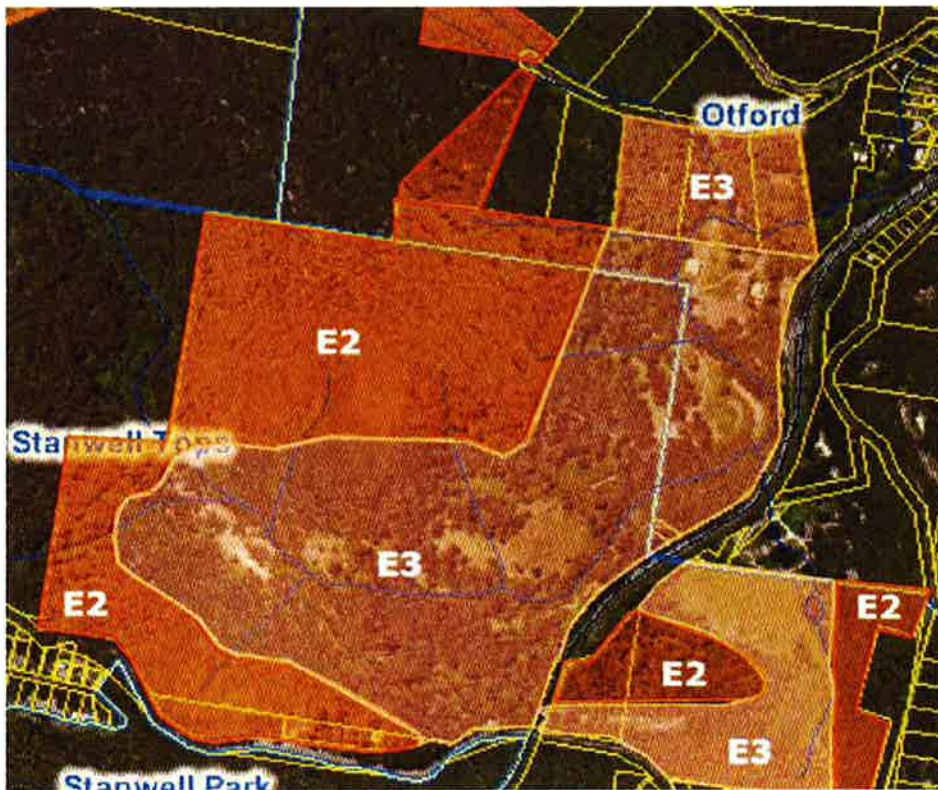
The owner of Lot 2 DP 512270 Otford Road (located between Otford Road and the railway line) objected to the E3 Environmental Management zone, as they have owned the land for thirty nine (39) years and when they purchased the land a house was permissible until Council changed the rules. The submission indicates that they still want to build a house on their land.

Lot 2 DP 512270 Otford Road was created in 1964, when 1,094m² was resumed for the adjoining railway line. The lot has an area of 0.731 hectares and if it was purchased prior to 1968, a country dwelling would have been permissible on the land (if the additional area that was resumed was taken into account). If purchased after 1968, then the lot would have to be a minimum of 2 hectares in area for a country dwelling. Council does not have ownership transfer information for this lot. The lot is covered in bushland, as a consequence of not being developed, however it is similar in nature to the adjoining E4 Environmental Living lots to the north, and does not have any other major constraints. As all other lots in the vicinity have a dwelling house, it is proposed that a dwelling house be permitted on this lot.

Location of Lot 2 DP 512270 Otford Road

A further submission on behalf of Otford Farm objected to the proposed E2 Environmental Conservation /E3 Environmental Management zone boundaries and requested that they be reviewed. The submission also included a study of the biophysical constraints and opportunities on the property. The study and submission acknowledge that parts of the property should be zoned E2 Environmental Conservation, and were not suitable or capable of development due to tree cover, slope and bushfire risk. However, the report found that the cleared valley floors were suitable for the present equestrian and other activities. The submission requested that an alternate E2 Environmental Conservation /E3 Environmental Management zoning be applied to the properties and reiterated that the following additional uses should be permitted on the property "animal boarding or training establishment", tourist and visitor accommodation" and "recreation facility (outdoor)" to allow the existing uses to improve and expand.

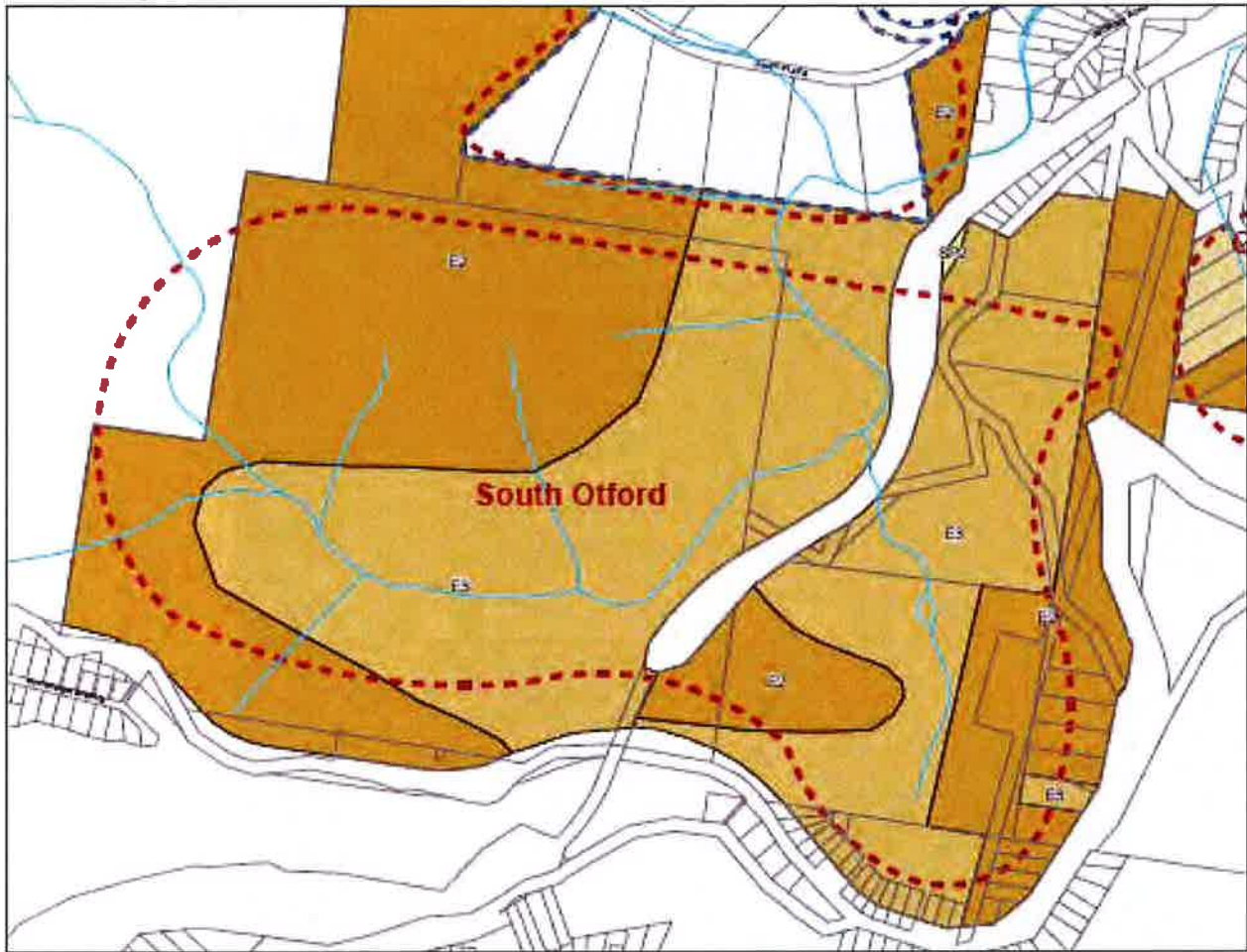
Otford South Precinct Otford farm alternate zoning proposal



Otford Farm is used for horse riding, paint ball recreation, grazing and other activities. The property contains a mixture of steep bushland and flat cleared valleys used as farm land. The proposed zoning submitted on behalf of the property is supported (excluding the Lloyd Place lots – discussed separately). The E3 Environmental Management zone does permit “animal boarding or training establishments”. As the paintball use has already been approved through a Development Application, it does not need to be listed as an additional permissible use.

The bushland is part of the Illawarra Escarpment Moist Forest Corridor. The precinct is identified as being of high conservation value and is identified for potential inclusion in the State reserve system.

It is recommended that the draft Planning Proposal for the Otford South precinct be exhibited, which seeks to rezone part of the precinct to E2 Environmental Conservation, retain an E3 Environmental Management zone on part of the precinct and amend the Minimum Lot Size Map for Lot 2 DP 512270 Otford Road to permit a dwelling house.



Otford West - Govinda Retreat

The Otford West precinct consists of one (1) property, Lot 1 DP 190250 Lady Carrington Drive that does not fit into any other precinct. The property is located north of Otford Station and is accessed via a causeway over the Hacking River. The site was previously used as a church camp and is now used as the Govinda Retreat, Cooking and Education centre, with accommodation for up to sixty four (64) guests.

Govinda Retreat location



A submission was received on behalf of the owners requesting that the retreat use be recognised and that the additional uses of “educational establishment / training facilities”, “function centre”, “community facilities”, “tourist and visitor accommodation” and “information and education facilities” be permitted on the site. The submission also suggested that the zoning boundary in the draft 7(d) Review be reviewed to zone the whole site E3 Environmental Management.

The retreat currently operates under existing use rights. It is understood that a church camp was first approved on the site in 1939. The facility would currently be defined under the Wollongong Local Environmental Plan 2009 as “hotel or motel accommodation”, with the training activities undertaken by guests being ancillary to the accommodation. As the facility is operating with a current approval under the existing use rights, there is no need to include an additional land use which could expand the current operation. A more intense tourist development would be inappropriate in this location.

As a consequence of the second exhibition, 1,219 submissions commented on the precinct. Three (3) other submissions supported the site being zoned E3 Environmental Management, while 1,216 submissions objected and requested that the site be zoned E2 Environmental Conservation. The submission on behalf of the owner reiterated that the site has been used for education / training, a function centre and accommodation for many years and requested that the current uses be listed as permissible additional uses, to avoid the need to rely on existing use rights. Alternatively, the site be rezoned to a zone that permits the current uses as permissible.

It is recommended that no change be made to the planning controls for the Govinda Retreat precinct and the E3 Environmental Management zone be retained.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Otford North, Otford Central and Otford South precincts be progressed to exhibition. It is recommended that the Govinda Retreat precinct retain the E3 Environmental Management zone.

ITEM 5 REVIEW OF 7(D) LANDS - GILLS CREEK AND F6 WEST PRECINCTS

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Gills Creek and F6 West precincts.

It is recommended that the draft Planning Proposal for the Gills Creek and F6 West precincts be progressed to exhibition for further community input.

Recommendation

- 1 Council endorse the draft Planning Proposal for the Gills Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning Nos. 237-261 Princes Highway RU2 Rural Landscapes;
 - b Zoning the Crown Land to E2 Environmental Conservation;
 - c Zoning the Kellys Creek corridor E2 Environmental Conservation;
 - d The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation; and
 - e Permit the use of a “restaurant or café” on part of Lot 4 DP 25940 (corner of Baines Place and Lawrence Hargrave Drive), be rezoning the land to RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation.
- 2 Council endorse the draft Planning Proposal for the F6 West precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning the Sydney Catchment Authority land and the Crown Land to E2 Environmental Conservation; and
 - b Zoning the remaining private land part RU2 Rural Landscapes and part E3 Environmental Management, as indicated in the Preliminary Review of Submissions.
- 3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Gills Creek and F6 West precincts.

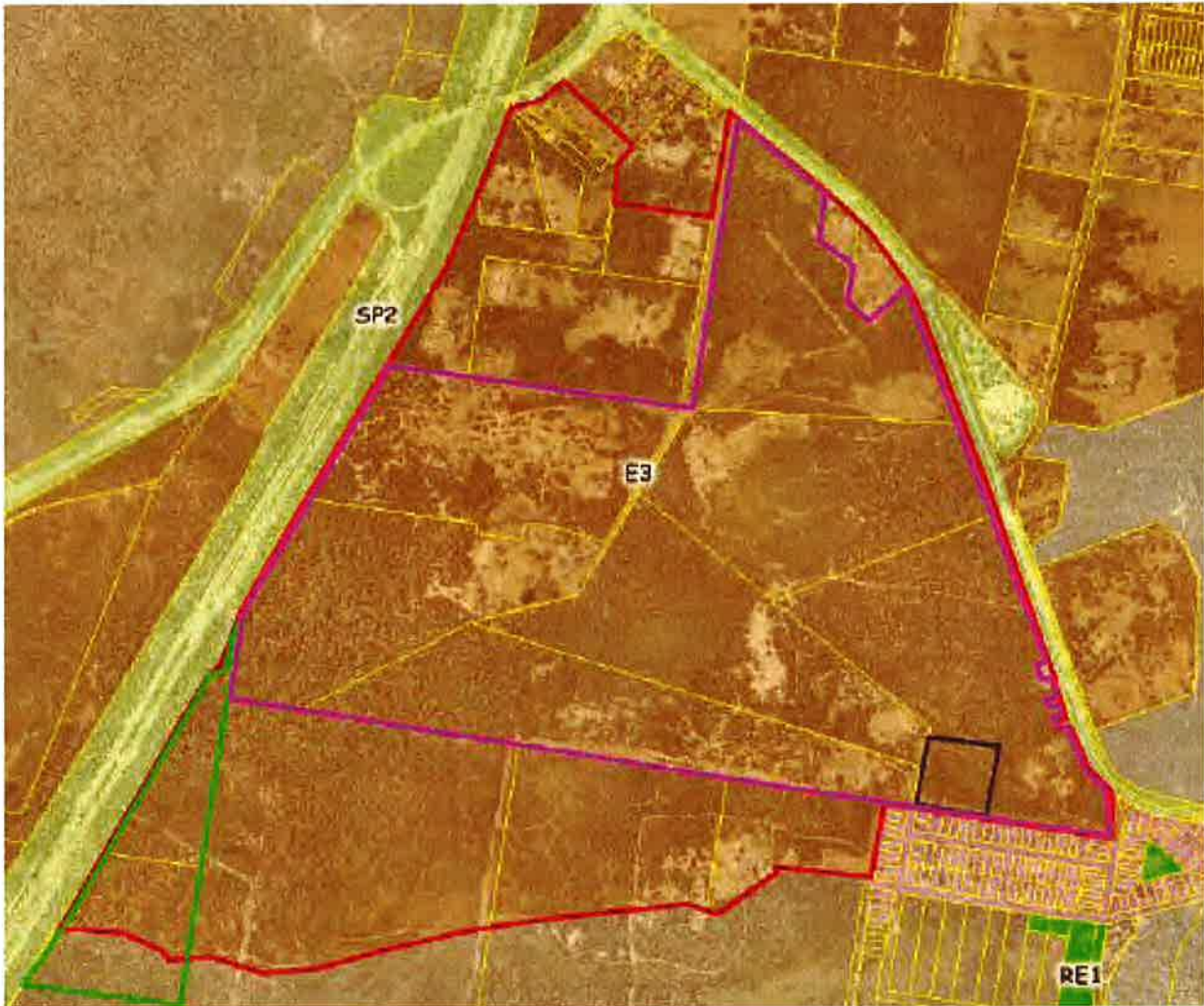
■ Proposal

Gills Creek precinct

The Gills Creek precinct is located south of Lawrence Hargrave Drive between Stanwell Tops and the F6 Freeway and includes Baines Place. The precinct contains forty four (44) lots, the majority of which are larger lots (2-20 hectares). Seven (7) of the lots were created in 1979 based on the 20 hectare subdivision standard of the day (outlined in pink), that applied to land zoned Rural. Each lot contains a dwelling house. Two (2) lots in the south-west corner are Crown Land (outlined in green). One (1) small lot on Lawrence Hargrave Drive (Lot 17 DP 658702) is part of the Garrawarra State Conservation Area and is zoned E1 National Park. Council owns one (1) lot on the northern side of Stanwell Tops (outlined in blue).

The majority of privately owned lots contain a dwelling house. The precinct also contains extensive bushland areas which surround Kellys Creek. The precinct includes an approved concrete batching plant on Baines Place. The Stanwell Tops Conference Centre is partially within the precinct. The southern portion of the Conference Centre site drains to the Illawarra Escarpment.

Gills Creek Precinct location



The Helensburgh Commission of Inquiry found that part of this precinct was the most capable of urban development.

The draft 7(d) Review (2009) proposed that the bushland parts be zoned E2 Environmental Conservation and that the cleared areas containing dwellings be zoned E3 Environmental Management. No additional subdivision or dwelling entitlements were proposed.

The first exhibition resulted in sixteen (16) submissions commenting on the Gills Creek precinct, all of which objected to the proposed E2 Environmental Conservation / E3 Environmental Management zoning pattern and submitted an alternate zoning pattern (discussed later).

The Preliminary Review of Submissions report proposed that the following amendments could be made to the Wollongong Local Environmental Plan 2009:

- Rezoning land on both sides of Baines Place to IN2 Light Industry, to provide further local employment opportunities.
- Rezone the bushland area E2 Environmental Conservation (with an E3 Environmental Management zone retained around the existing dwellings).

Gills Creek Precinct – Preliminary review zoning option



The Preliminary Review proposed that the land surrounding the existing rural – residential dwellings in Baines Place be zoned E3 Environmental Management and the balance of the lots which contain bushland around Kellys Creek be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 2,466 submissions were received commenting on the precinct. 2,451 submissions objected to the proposed zone options

and considered that the precinct should be zoned E2 Environmental Conservation in its entirety. The other submissions made comment on specific issues and sites.

The Gills Creek precinct is the largest and most diverse precinct. There are a number of separate proposals and issues within the precinct, which will be discussed separately.

1. Princes Highway, rural properties

The Preliminary Review and draft Planning Proposal proposed that the seven (7) lots fronting the Princes Highway be zoned RU2 Rural Landscape. Each lot has an area of 0.18 to 2.4 hectares, has been cleared and contains an existing dwelling house.

Apart from the submissions objecting to any change in the precinct, no submissions commented on this sub-precinct.

It is proposed that the draft Planning Proposal be progressed to rezone the lots to RU2 Rural Landscape zone.

2. Crown Land

The Land and Property Management Authority supported the two (2) lots of Crown Land in the south of the precinct being zoned E2 Environmental Conservation.

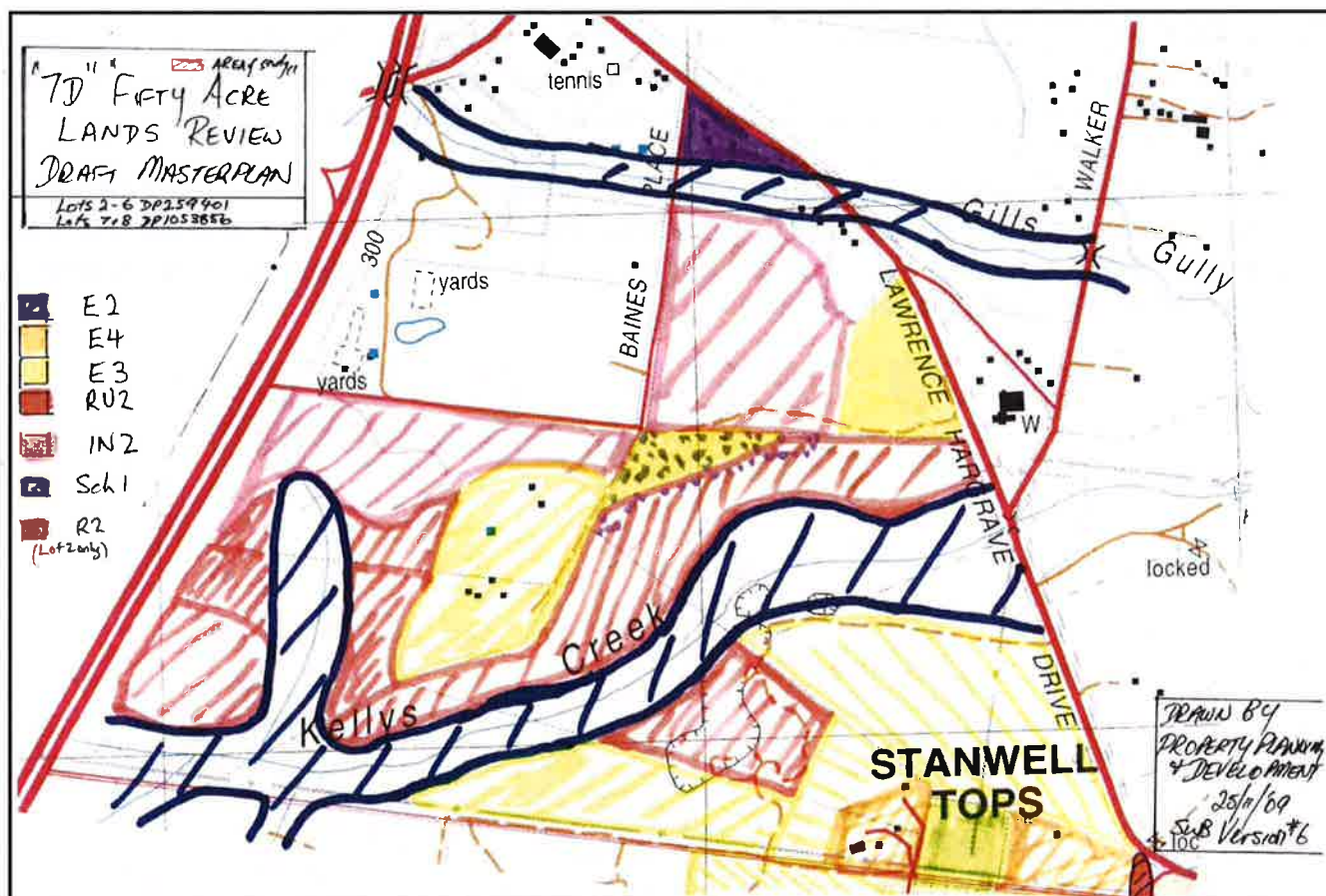
It is proposed that the draft Planning Proposal be progressed to rezone the Crown Land to E2 Environmental Conservation.

3. Baines Place – rural residential properties

During the first exhibition, eight (8) submissions on behalf of the eight (8) owners of the "50 acre lots" (the 20 hectare lots created in 1979) submitted an alternate masterplan (depicted below) which proposed:

- IN2 Light Industry along Baines Place, and between Baines Place and the Princes Highway;
- RU2 Rural Landscapes;
- E3 Environmental Management;
- E2 Environmental Conservation along Kellys and Gills Creeks;
- E4 Environmental Living on two (2) lots adjoining Stanwell Tops;
- R2 Low Density Residential on Lot 2 D 259401 adjoining Stonehaven Road, Stanwell Tops; and
- A restaurant be permitted on the corner of Baines Place and Lawrence Hargrave Drive (discussed later in this report).

Gills Creek Precinct – Submitted alternate zoning option



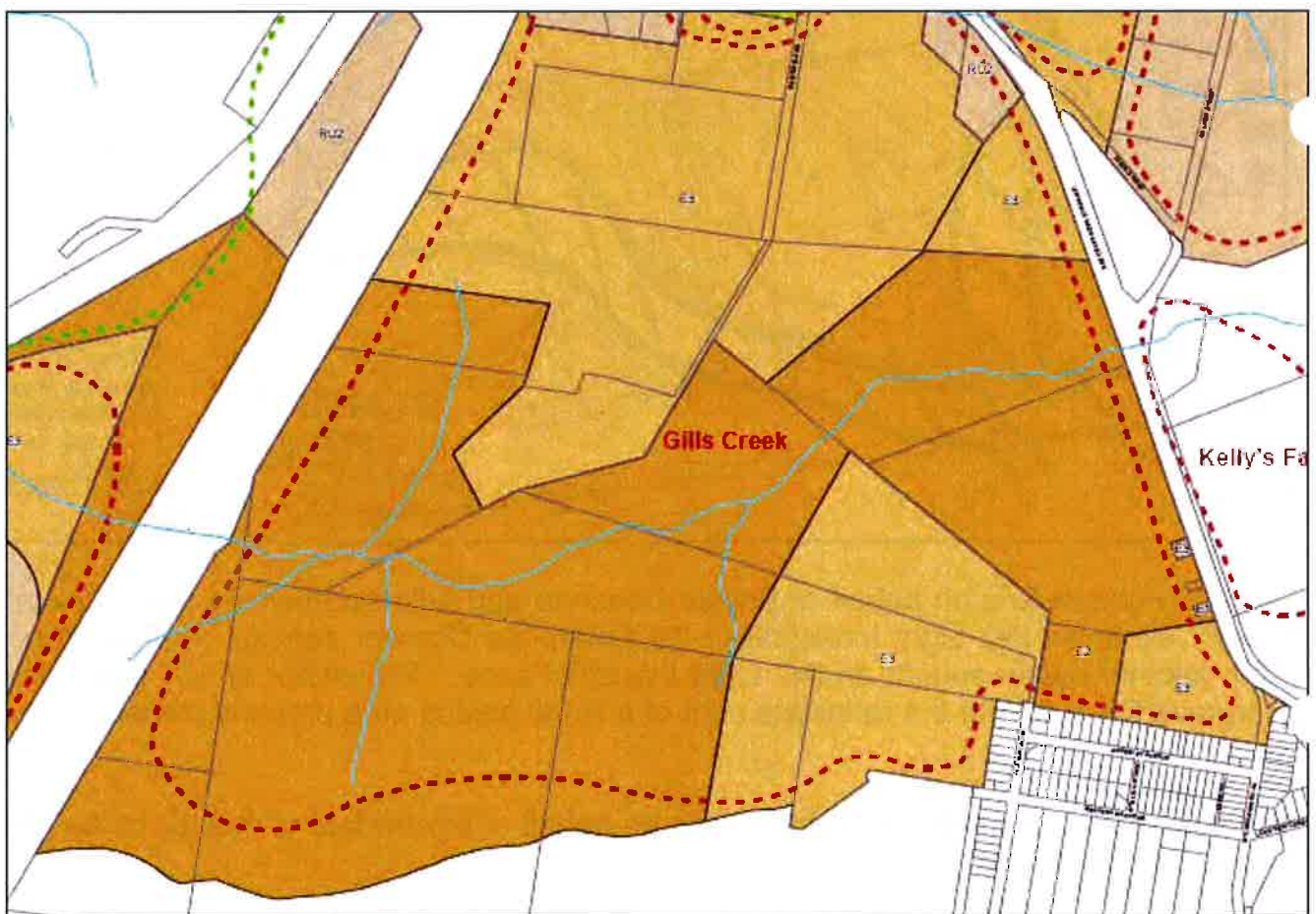
Two (2) submissions on behalf of Baines Concrete and adjoining owners (two (2) lots) sought either an IN2 Light Industrial or B6 Enterprise Corridor zoning. A submission from another owner sought an IN2 Light Industrial zone. The owner of 171 Lawrence Hargrave Drive sought the re-instatement of a Rural zoning on a property owned by the family since 1930.

During the second exhibition, submissions on behalf of the owners of five (5) of the “20 hectare” lots proposed that:

- Lot 3 DP 259401 Lawrence Hargrave Drive – be zoned part RU2 Rural Landscape, and part E2 Environmental Conservation or E3 Environmental Management;
- Lot 8 DP 1053856 (No. 100) Baines Place – be zoned part RU2 Rural Landscape, and part E2 Environmental Conservation or E3 Environmental Management;
- Lot 7 DP 1053856 (No. 86) Baines Place – be zoned part RU2 Rural Landscape, part IN2 Light Industrial and part E2 Environmental Conservation or E3 Environmental Management;

- Lot 2 DP 569325 and Lot 329 DP 752033 (No. 5) Baines Place –be zoned IN2 Light Industrial (discussed in the next sub-precinct); and
- Lot 4 DP 259401 Lawrence Hargrave Drive –requested that the land be zoned IN2 Light Industrial, E2 Environmental Conservation and E3 Environmental Management and a restaurant be permitted (discussed later).

Similar to the recommendations of the Preliminary Review, it is proposed that the Kellys Creek riparian corridor be zoned E2 Environmental Conservation. The area used for rural residential purposes retain an E3 Environmental Management zone, as indicated in the draft Planning Proposal (below).



4. Baines Place Industrial area

The Preliminary Review proposed that land on both sides of Baines Place be zoned IN2 Light Industrial. An industrial precinct was first proposed by the Helensburgh Town Plan (1990). The proximity of the precinct to the Princes Highway and F6 Freeway, and large lots make this area suitable for employment land. The existing concrete batching plant was permitted through an additional use provision. The creation of an industrial precinct along Baines Place would complement the B6 Enterprise Corridor in the Gateway Precinct. The larger properties would provide for uses that require larger floor plates,

and the precinct has good access to the Princes Highway and F6 Freeway. A vegetative buffer to screen any industrial development from Symbio would be required, to separate the uses.

The precinct is not connected to reticulated water or sewerage systems.

During the second exhibition, forty one (41) submissions supported the proposed IN2 Light Industrial zone and 1,972 submissions objected. The objections were concerned about the impact industrial uses would have on Symbio Wildlife Park, bushland and water quality.

In the Final Report on Submissions, the recommendations of the Preliminary Review were reviewed. Despite the support of the landowners, it is proposed that the IN2 Light Industrial zone not be introduced at this time. Further research is required on the demand for industrial land in the northern part of the City, environmental impacts, provision of infrastructure services, impacts on adjacent uses and traffic and transport.

It is recommended that an industrial precinct not be established as part of the draft Planning Proposal and the land retain an E3 Environmental Management zone.

5. Baines Place - Proposed restaurant

The 7(d) zone did permit restaurants, but the use is not permitted in the E3 Environmental Management zone. In April 2010, Council refused Development Application No. 2009/1519 for a restaurant on this site, due to insufficient information, inconsistent with the 7(d) Environmental Protection Hacking River zone objectives, inconsistent with the (then) draft E3 Environmental Management zone, and potential clearing of the riparian corridor for bushfire protection measures.

The owner of Lot 4 DP 259401 (227-231 Lawrence Hargrave Drive) and two (2) other submitters supported permitting the additional use of a "restaurant" on the northern part of the property at the intersection of Baines Place and Lawrence Hargrave Drive.

Lawrence Hargrave Drive is a tourist route, and the establishment of a restaurant on the site opposite Symbio could have some local economic benefits. A restaurant could provide another attraction on the Grand Pacific Drive route and, local employment, but could have a negative effect on existing restaurants in the town centre. It was proposed that the additional use of a "restaurant or café" be permitted on the Lawrence Hargrave Drive / Baines Place corner of Lot 4 DP 259401.

In the Final Report on Submissions, Council resolved on 5 July 2011 to support the inclusion of an Additional Use provision to allow a restaurant on the corner of Baines Place.

In issuing the Gateway determination, the NSW Department of Planning and Infrastructure did not support the use of Schedule 1 to permit a restaurant and instead required that the land be zoned SP3 Tourist.

Rather than the SP3 Tourist zone, it is suggested that the RE2 Private Recreation zone should be utilised. Both the SP3 Tourist zone and the RE2 Private Recreation zone would permit restaurants, however the SP3 Tourist zone would also permit a range of tourist accommodation uses that may not be appropriate in the area.

The restaurant would need to be connected to the sewerage system, rather than relying on on-site disposal. Additionally, the Gills Creek riparian corridor should be protected and not cleared as part of an Asset Protection Zone. The corridor should be zoned E2 Environmental Conservation.

If Council supports the alternate RE2 Private Recreation zoning it will need to be referred to the NSW Department of Planning and Infrastructure for review prior to exhibition.

6. Stanwell Tops

The Preliminary Review proposed that the land surrounding the existing rural – residential dwellings on Plateau Road be zoned E3 Environmental Management and the balance of the lots which contain bushland around Gills Creek be zoned E2 Environmental Conservation.

Two (2) submissions from the owners of two (2) of the “20 hectare lots” indicated general support for the proposed E3 Environmental Management and E2 Environmental Conservation zones, but suggested minor zone boundary amendments to better reflect their use of the land. The minor adjustments were accepted.

Six hundred (600) submissions suggested that the Stanwell Tops Conference Centre should be zoned E2 Environmental Conservation. The southern part of the southern portion of the Conference Centre site drains to the Illawarra Escarpment is zoned E3 Environmental Management and E2 Environmental Conservation.

The alternate master plan submitted during the first exhibition, suggested that land adjacent to Stonehaven Road be zoned to permit residential development. The residential expansion of Stanwell Tops along Stonehaven Road was not supported and is still not supported.

F6 West

Background

The 7(d) zone applied to six (6) properties on the Princes Highway on the western side of the F6 Freeway. The precinct is separated from Helensburgh by the F6 Freeway, but the land is still within the Gills Creek / Kellys Creek / Hacking River catchment area, and was zoned 7(d) Hacking River – Environmental Protection in 1990 as part of the Wollongong Local Environmental Plan 1990.

Two (2) lots are Crown Land (outlined in green). The southern Crown Land parcel (part Lot 129 DP 752054) is divided by the Freeway and continues on the eastern side of the Freeway (within the Gills Creek precinct). Two (2) lots are managed by the Sydney Catchment Authority (outlined in blue). The boundary of the former 7(d) land goes through the middle of the southern Sydney Catchment Authority parcel (Lot 99 DP 752054) which contains a dwelling house.

The other two (2) lots are privately owned. The northern one (Lot 1 DP 1000140) has been cleared and contains a dwelling house. The southern one (Lot 750 DP 752033) is partially cleared, contains some old poultry structures and dam, and was proposed to be the site of a private education facility.

The draft 7(d) review proposed that the cleared northern and southern portions be zoned RU2 Rural Landscape while the middle bushland portion retain an E2 Environmental Conservation zone.

Princes Highway West Precinct location



The Preliminary Review of Submissions report proposed that the following amendments could be made to the Wollongong Local Environmental Plan 2009:

- The Sydney Catchment Authority land and the Crown Land be zoned E2 Environmental Conservation; and
- Zoning the private properties part RU2 Rural Landscapes and part E3 Environmental Management.

As a consequence of the first exhibition, two (2) submissions were received commenting specifically on this precinct. As a consequence of the second exhibition, 1,226 submissions commented on the precinct.

In submissions to both exhibitions, the Sydney Catchment Authority supported their land being zoned E2 Environmental Conservation.

The Land and Property Management Authority supported the Crown Land being zoned E2 Environmental Conservation.

In submissions to both exhibitions, the owner of Lot 750 DP 752033 supported the proposed RU2 Rural Landscapes zone, but opposed the proposed E3 Environmental Management zone on their property. The owner requested that two (2) additional uses be permitted on the site, namely "Information and Education facility" and "Environmental Tourism". The submission indicates that the uses would promote environmental, green industries and green skilling for the local and regional community.

1,222 other submissions to the second exhibition supported the recommendations of the Preliminary Review and one (1) submission opposed the recommendations. The submission suggested that a rural zone was inappropriate as the soils were infertile and the land not capable of agricultural pursuits.

Education establishments were permissible under the 7(d) zone, provided the requirements of clause 11 of the Wollongong Local Environmental Plan 1990 were satisfied. The use is not permitted under the current E3 Environmental Management zone. The use of the site for an education establishment is not considered appropriate due to its isolation from Helensburgh, lack of service infrastructure (water and sewerage) and high bushfire risk.

Princes Highway West – Preliminary Review zoning option



It is recommended that the draft Planning Proposal for the F6 West precinct be progressed to exhibition, which proposes:

- The Sydney Catchment Authority land and the Crown Land be zoned E2 Environmental Conservation; and
- Zoning the private properties part RU2 Rural Landscapes and part E3 Environmental Management.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Gills Creek and F6 West precincts be progressed to exhibition.

ITEM 6 REVIEW OF 7(D) LANDS - WILSONS CREEK PRECINCT

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Wilsons Creek precinct.

It is recommended that the draft Planning Proposal for the Wilsons Creek precinct be progressed to exhibition for further community input.

■ Recommendation

- 1 Council endorse the draft Planning Proposal for the Wilsons Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning the Wilsons Creek riparian corridor to the E2 Environmental Conservation zone;
 - b Zoning the Crown Land to the E2 Environmental Conservation zone;
 - c Zoning the seven (7) small residue lots on the western side of the Princes Highway (Nos. 86, 90, 96, 120, 128, 134 and 138) to the E2 Environmental Conservation zone;
 - d Retaining an E3 Environmental Management zone over the remainder of the Precinct, and allowing a dwelling house on the larger lots by amending the Lot Size Map, provided that the following can be addressed:
 - Retention of bushland – especially the Endangered Ecological Community the “Southern Sydney Sheltered Forest”;
 - Bushfire mitigation;
 - Access arrangements; and
 - Provision of waste water services.
 - e Requiring Lots 16 to 23 DP8203 (eight (8) lots) Rajani Road to be consolidated into one (1) lot, and a dwelling house be permitted on that lot, by amending the Minimum Lot Size Map to 4,000m².
- 2 The Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

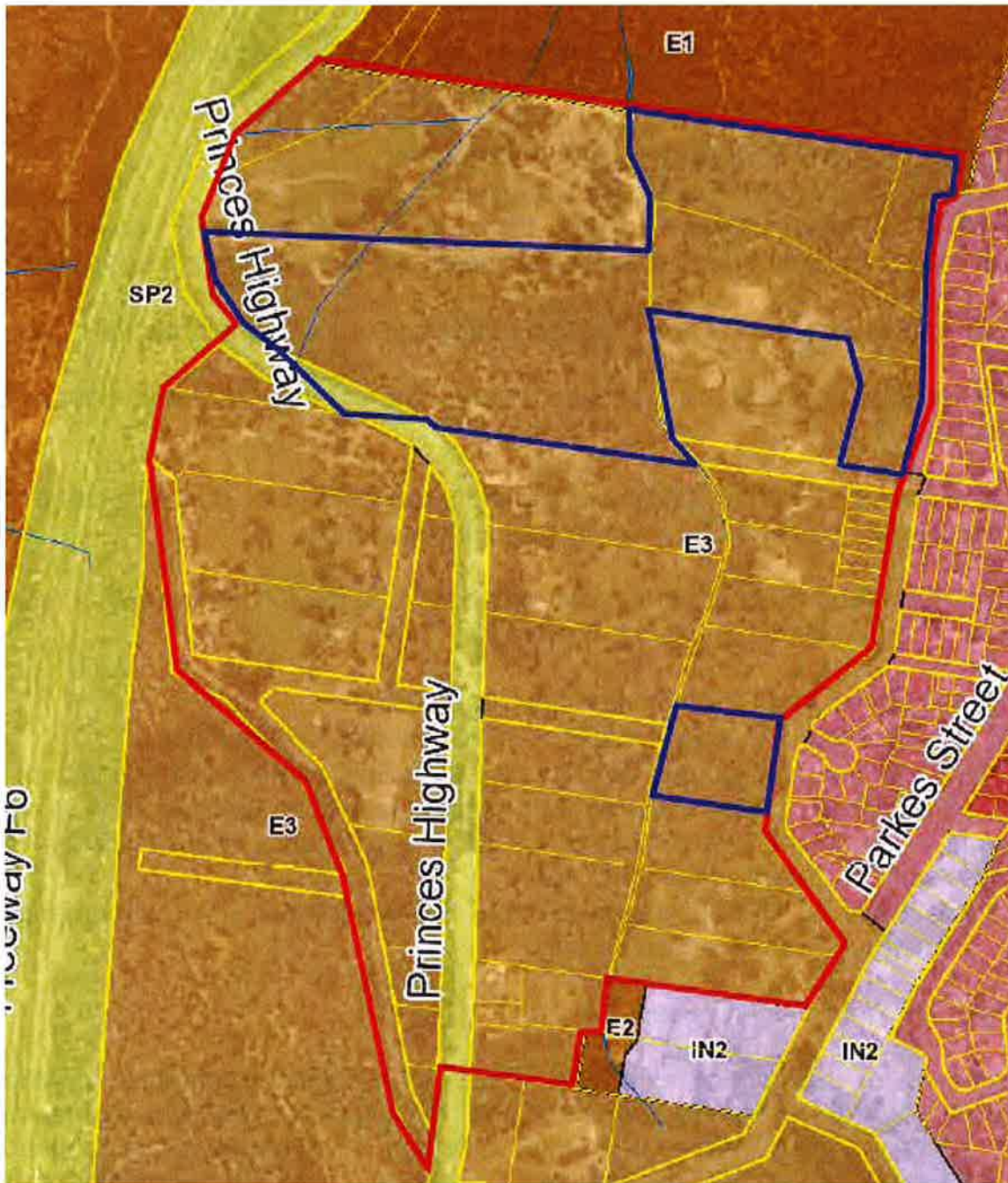
As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Wilsons Creek precinct.

Proposal

The Wilsons Creek precinct includes the lots on both sides of the Princes Highway north of Parkes Street and contains forty six (46) lots. The precinct is the headwaters of Wilsons Creek which flows into Garrawarra State Conservation Area. Six (6) lots are Crown Land (outlined in blue), which adjoin the Garrawarra State Conservation Area. Excluding the Crown land, the forty (40) privately owned lots range in size from 550m² to 5 hectares and contain thirteen (13) dwellings, including one (1) approved dual occupancy.

The precinct contains a mixture of bush covered lots and lots used for agriculture, landscape supplies or residential uses.

Wilsons Creek Precinct location



The draft 7(d) review recommended that the precinct retain the E3 Environmental Management zone and a dwelling house be permissible on each lot, a potential additional twenty six (26) dwellings.

As a consequence of the first exhibition, twenty (20) submissions commented on the proposal to permit dwelling houses on land zoned E3 Environmental Management in the Wilsons Creek precinct. Twelve (12) submissions on behalf of the land owners of

eighteen (18) lots supported the proposed change. A further submission by a relative of a land owner also supported the proposal to allow a dwelling to be constructed.

Four (4) submissions on behalf of the owners of the following properties sought an alternate zone:

- 134 Princes Highway – B6 Enterprise Corridor zone;
- 128 Princes Highway – B6 Enterprise Corridor zone;
- Lot 170-171 Sawan Street – RU1 Primary Production zone noting that Development Application No. 1983/640 for horse stables was approved in 1983; and
- 194-198 Parkes Street – R2 Low Density Residential or IN2 Light Industrial zone.

Three (3) submissions opposed the proposed change and potential environmental and traffic impacts.

The submission from the Sydney Catchment Authority requested that its land located to the west of the precinct be zoned E2 Environmental Conservation.

The Preliminary Review of Submissions report proposed that the following amendments could be made to the Wollongong Local Environmental Plan 2009:

- Zoning the Crown Land E2 Environmental Conservation;
- Zoning a buffer around Wilsons Creek E2 Environmental Conservation;
- The Sydney Catchment Authority land be zoned E2 Environmental Conservation;
- Amending Schedule 1 to permit a dwelling house on existing holdings (one (1) or more lots in the same ownership) zoned E3 Environmental Management – if Sydney Water could service the land; and
- Zoning lots 16 to 23 DP8203 (eight (8) lots) Rajani Road to E4 Environmental Living and allow a dwelling house on each.

No subdivision of the lots was proposed.

As a consequence of the second exhibition, 4,666 submissions commented on the precinct. Sixty four (64) submissions supported the proposed E3 Environmental Management zone, and the allowance of a dwelling house. 4,602 submissions opposed the change, and supported an E2 Environmental Conservation zone to the precinct and that no further development occur.

Sydney Water advised that the precinct is not proposed to be serviced and any servicing will be at the landowners / developers expense. Additional dwelling houses should not be developed without the necessary infrastructure.

The RTA objected to direct access to the Princes Highway, from individual properties.

The Crown objected to the Crown Land being zoned E2 Environmental Conservation and suggested that it be zoned E3 Environmental Management, the same as other lots in the precinct.

The owner of the eight (8) small lots fronting Rajani Road supported the E4 Environmental Living zone and a dwelling on each lot.

One (1) owner proposed that the precinct be zoned Residential, the same as the other side of Rajani Road.

Two (2) submissions suggested that the Gateway precinct B6 Enterprise Corridor zone should be extended into the precinct. This request was considered as part of the Gateway precinct, and not supported.

The Final Report on submissions proposed that a dwelling house be permitted on thirteen (13) of the lots, and that seven (7) lots be zoned E2 Environmental Conservation, and a dwelling house not be permitted, and the eight (8) Rajani Road lots be consolidated into one (1) lot and one (1) dwelling be permitted.

Review of issues

The main issue to consider with this precinct, is whether a dwelling house should be permitted on the twenty six (26) lots in private ownership that do not contain a dwelling house.

If the controls are amended to permit a dwelling house, the lots will be substantially cleared for the dwelling and bushfire mitigation purposes.

The precinct has a high bushfire risk from fires travelling east from the Drinking Water Catchment Area. For dwelling houses to be constructed extensive clearing will have to occur. The erection of the dwelling house and associated Asset Protection Zone would require the clearing of the Endangered Ecological Community the "Southern Sydney Sheltered Forest". The precinct has not been identified as a potential addition to the State reserve system.

The clearing and residential development could have an adverse impact on downstream water quality. Any additional residential development should be connected to the sewerage system to prevent effluent pollution. On-site disposal of effluent should not be permitted.

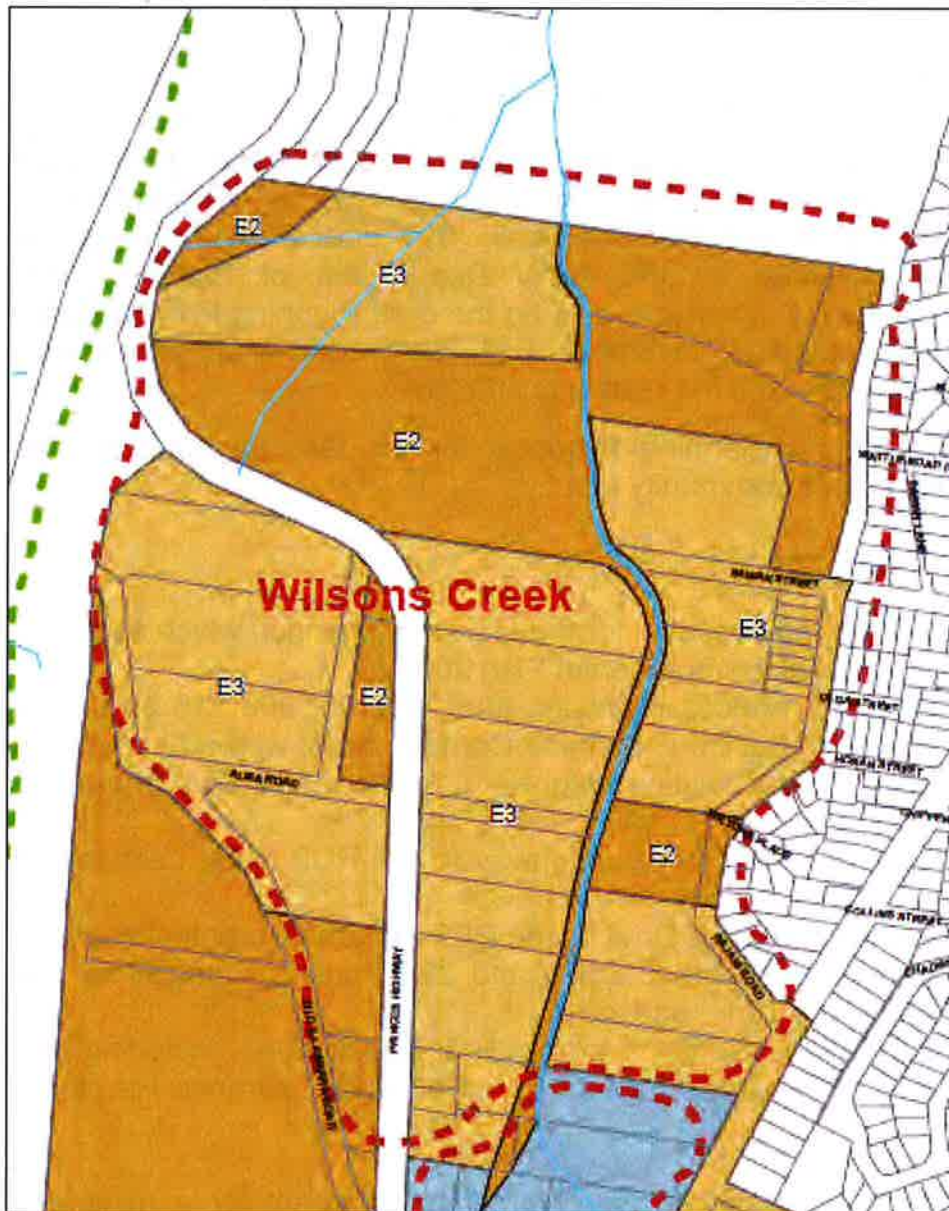
The four (4) small lots at the southern end of Old Illawarra Road are covered in 'Sandstone Gully Apple-Peppermint Forest' bushland which should be retained. Similarly the three (3) small lots located on the western side of the Princes Highway north of Alma Road, also contain significant bushland. The lots were originally part of larger lots which straddled the Princes Highway. In 1969 and 1970 the lots were

subdivided to create separate lots on either side of the Princes Highway. The lots were then sold. In 1970 the minimum lot size required for a country dwelling was 2 hectares (5 acres). Only one (1) of the lots on the eastern side of the Highway was larger than 2 hectares, and this lot contains a dwelling house. None of the small residue lots on the western side of the Princes Highway were large enough for a dwelling. One (1) owner purchased two (2) lots to create a sufficient area for a dwelling house, which was subsequently constructed in the 1970s.

The allowance of a dwelling on these lots would require the lots to be cleared for the dwelling house and Asset Protection Zone. The lots would not be large enough for on-site effluent disposal. These lots should be retained as bushland and dwelling houses not permitted.

The eight (8) small Rajani Road lots (566-574m² each) were part of the original Helensburgh subdivision. They have not had a dwelling entitlement since the introduction of planning controls in 1951. It is assumed that Rajani Road was considered to be the boundary separating suburban Helensburgh on to the east, and the rural / bushland Wilsons Creek precinct. While the sewer main follows Rajani Road, effluent from the lots would be required to be pumped to the main. Rather than allowing eight (8) dwellings through an E4 Environmental Living zone, it is proposed that the lots be consolidated into one (1) larger (4,600m² approximately) lot and a dwelling house be permitted on the consolidated lot. This could be achieved through the Minimum Lot Size Map.

In summary, it is proposed that a dwelling house be permitted on 13 of the larger lots, one dwelling house be permitted on the consolidated eight (8) Rajani Road lots, and no dwellings be permitted on the seven (7) small Princes highway lots.



It is recommended that no amendment be made to the Wilsons Creek precinct to that proposed in the Final Report on Submissions, and the draft Planning Proposal be progressed to exhibition.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Wilsons Creek precinct be progressed to exhibition.

ITEM 7 REVIEW OF 7(D) LANDS - GATEWAY PRECINCT

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Gateway precinct.

It is recommended that the draft Planning Proposal for the Gateway precinct be progressed to exhibition for further community input.

Recommendation

- 1 Council endorse the Planning Proposal for the Gateway precinct, which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning 151 and 177 Princes Highway, and 200-206, 208-216 and 218-222 Parkes Street, to the B6 Enterprise Corridor zone, with a floor space ratio of 0.5:1, maximum building height of 11m and minimum lot size of 2,000m²;
 - b Zoning the Nos. 187-193 Princes Highway to the RU2 Rural Landscape zone;
 - c Zoning 2 Lawrence Hargrave Drive to the RE2 Private Recreation zone;
 - d Zoning 1-5 Lawrence Hargrave Drive and 227 Princes Highway to the RU2 Rural Landscape zone; and
 - e Zoning Symbio Wildlife Gardens to the SP3 Tourist zone, including the dwelling houses in the same ownership – Nos.7-15 Lawrence Hargrave Drive.
- 2 The Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Gateway precinct.

Proposal

The Gateway precinct is located on the Princes Highway between the Lawrence Hargrave Drive and Parkes Street. The F6 / Princes Highway / Lawrence Hargrave Drive intersection provides the main western entrance to Helensburgh and is a key starting point for the Grand Pacific Drive, with Symbio Wildlife Gardens being an important tourist attraction. The Princes Highway / Parkes Street intersection is the western entrance to the existing urban area of Helensburgh and links to the town centre.

Gateway Precinct location



The precinct currently has a number of commercial uses including poultry supplies, Symbio Wildlife Gardens, Helensburgh golf driving range, child care centre, nursery and office premises. The precinct also contains rural residential and residential development.

Council at its meeting on 23 June 2009 resolved to rezone 177 Princes Highway (the former RTA depot) and 200-206 Parkes Street to IN2 Light Industry. This rezoning was progressed as part of the Wollongong Local Environmental Plan 2009, and the sites are now zoned IN2 Light Industrial.

The precinct has been cleared of bushland and used for highway commercial uses for many years. The precinct is located at the head of the Gills Creek and Wilsons Creek catchments. The precinct was zoned Rural B prior to the 7(d) Hacking River Environmental Protection zone being introduced in 1997. Although the precinct is within the Hacking River catchment, the 7(d) zone did not reflect the economic values of the precinct and its Highway location, or the land uses of the day.

The precinct contains the Gynea soil landscape unit which has a low to moderate urban capability. The Helensburgh Commission of Inquiry (1994) notes that this precinct has one of the highest capabilities for urban development.

The precinct is serviced by town water, but is not serviced by a reticulated sewerage system. As part of any redevelopment within the precinct, the sewer network should be extended to service the new development. Clause 7.1 of the Wollongong Local Environmental Plan 2009 requires adequate infrastructure to be available to service proposed development.

The draft 7(d) Review proposed that the precinct be zoned B6 Enterprise Corridor to allow commercial development at the gateway to Helensburgh. The draft Review proposed that Symbio Wildlife Gardens be zoned SP3 Tourist in recognition of its existing tourism use and to encourage further tourism development.

Gateway Precinct – draft 7(d) Review zoning option



As a consequence of the first exhibition, fifty six (56) submissions were received commenting on the proposed B6 Enterprise Corridor zoning for the Gateway Precinct along the Princes Highway. The majority of the submissions supported the introduction of the B6 Enterprise Corridor zone. Of the submissions:

- Five (5) submissions were from landowners supporting the rezoning to B6 Enterprise Corridor;
- Forty seven (47) submissions were form letters signed by residents of Helensburgh, Stanwell Tops, Darkes Forest and elsewhere, supporting the rezoning to B6 Enterprise Corridor; and
- One (1) submission was from a resident of Helensburgh, supporting the rezoning to B6 Enterprise Corridor.

Two (2) submissions on behalf of the owners of the following properties sought an alternate zone:

- Symbio Wildlife Gardens suggested that the B6 Enterprise Corridor zone may be more appropriate than a SP3 Tourism zone; and
- The Golf Driving Range supported the B6 Enterprise Corridor applying to the whole property, rather than part of the property being zoned E3 Environmental Management.

The Preliminary Review of Submissions report proposed that the following amendments could be made to the Wollongong Local Environmental Plan 2009:

- Zoning the Princes Highway gateway precinct, including Symbio Wildlife Gardens, to B6 Enterprise Corridor, plus allowing the additional use of “animal boarding or training establishment”; and
- The additional use of “animal boarding or training establishment” also be permitted on the Symbio properties.

Gateway Precinct –Preliminary Review zoning option



As a consequence of the second exhibition, 6,095 submissions commented on the precinct. 5,890 submissions opposed the B6 Enterprise Corridor zone, while 205 submissions supported the rezoning of the precinct to B6 Enterprise Corridor.

Seven (7) submissions were received from land owners which indicated support for the B6 zone, including:

- A submission on behalf of Symbio indicated a preference for a B6 Enterprise Corridor zone over the SP3 Tourist zone. The submission noted that the SP3 Tourist zone was preferable to an E3 Environmental Management zone. The submission also objected to the surrounding area being zoned IN2 Light Industrial, as it could impact on the welfare of the animals;
- Two (2) submissions on behalf of the Helensburgh Golf Driving Range, one of which requested that "food and drink premises" be permitted on the site. The other indicated support for the B6 Enterprise Corridor zone, and noting that a restaurant use was proposed on the site; and
- A submission on behalf of the owner of Lot 1 DP 584467 in Parkes Street (adjacent to the former RTA depot site) requesting that the site also be zoned B6

Enterprise Corridor to provide more employment land in the area, for businesses, warehousing/distribution of goods and supply of services to Sydney, Wollongong and the western suburbs.

419 submissions supported the rezoning of Symbio Wildlife Gardens to SP3 Tourist.

Three (3) submissions from the Wilsons Creek precinct sought the northwards extension of the B6 Enterprise Corridor zone into that precinct.

Forty three (43) submissions sought the rezoning of the adjoining Lot 1 DP 584467 in Parkes Street (adjacent to the former RTA depot site) to B6 Enterprise Corridor, rather than retain an E3 Environmental Management zone.

Rather than zoning the whole precinct B6 Enterprise Corridor, the Final Report on Submissions proposed the following alternate approach, which was endorsed by Council on 5 July 2011:

- Zoning the properties around Parkes Street to the B6 Enterprise Corridor zone;
- Zoning the properties along the Princes Highway (Nos. 187-193 Princes Highway, including the child care centre, nursery and rural residential property) to the RU2 Rural Landscape zone. This zone reflects the previous Rural zone and permits child care centres, animal boarding or training establishments and low scale tourism accommodation. Although plant nurseries are not listed as a permissible use, but the use can continue under existing use rights;
- Zoning 2 Lawrence Hargrave Drive, the golf driving range to the RE2 Private Recreation zone. This zone reflects the existing recreation facility (outdoor) use;
- Zoning 1-5 Lawrence Hargrave Drive (dwelling houses) and 227 Princes Highway (poultry supplies) to the RU2 Rural Landscape zone; and
- Zoning Symbio Wildlife Gardens to the SP3 Tourist zone, including the dwelling houses in the same ownership – Nos. 7-15 Lawrence Hargrave Drive. This zone will reflect the existing use and allow the attraction to expand.



A northwards extension of the B6 Enterprise Corridor along the Princes Highway into the Wilsons Creek precinct was not supported. The landscape changes into the Hawkesbury Soil Landscape which is less capable of urban development, and is steeper and less suitable for larger buildings.

Lot 1 DP 584467 Parkes Street is owned by the same owner as 177 Princes Highway (the former RTA depot), who sought an expansion of employment uses onto the adjacent lot. Lot 1 DP 584467 is covered with bushland, some of which was under-scrubbed a couple of years ago. The lot also contains a rocky shelf as it rises to the

adjacent water reservoir. An expansion of the B6 zone onto Lot 1 DP 584467 is not considered to be warranted.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Gateway precinct be progressed to exhibition.

ITEM 8

REVIEW OF 7(D) LANDS - WALKER STREET, FREW AVENUE AND KELLY FALLS PRECINCTS

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Walker Street, Frew Avenue and Kelly Falls precincts.

It is recommended that the draft Planning Proposal for the Walker Street and Frew Avenue precincts be progressed to exhibition for further community input. It is recommended that the two (2) properties in the Kelly Falls precinct retain the E3 Environmental Management zone.

Recommendation

- 1 Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.
- 2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.
- 3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 4 No amendment be made to the planning controls for the Kelly Falls precinct and the two (2) properties retain an E3 Environmental Management zone.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

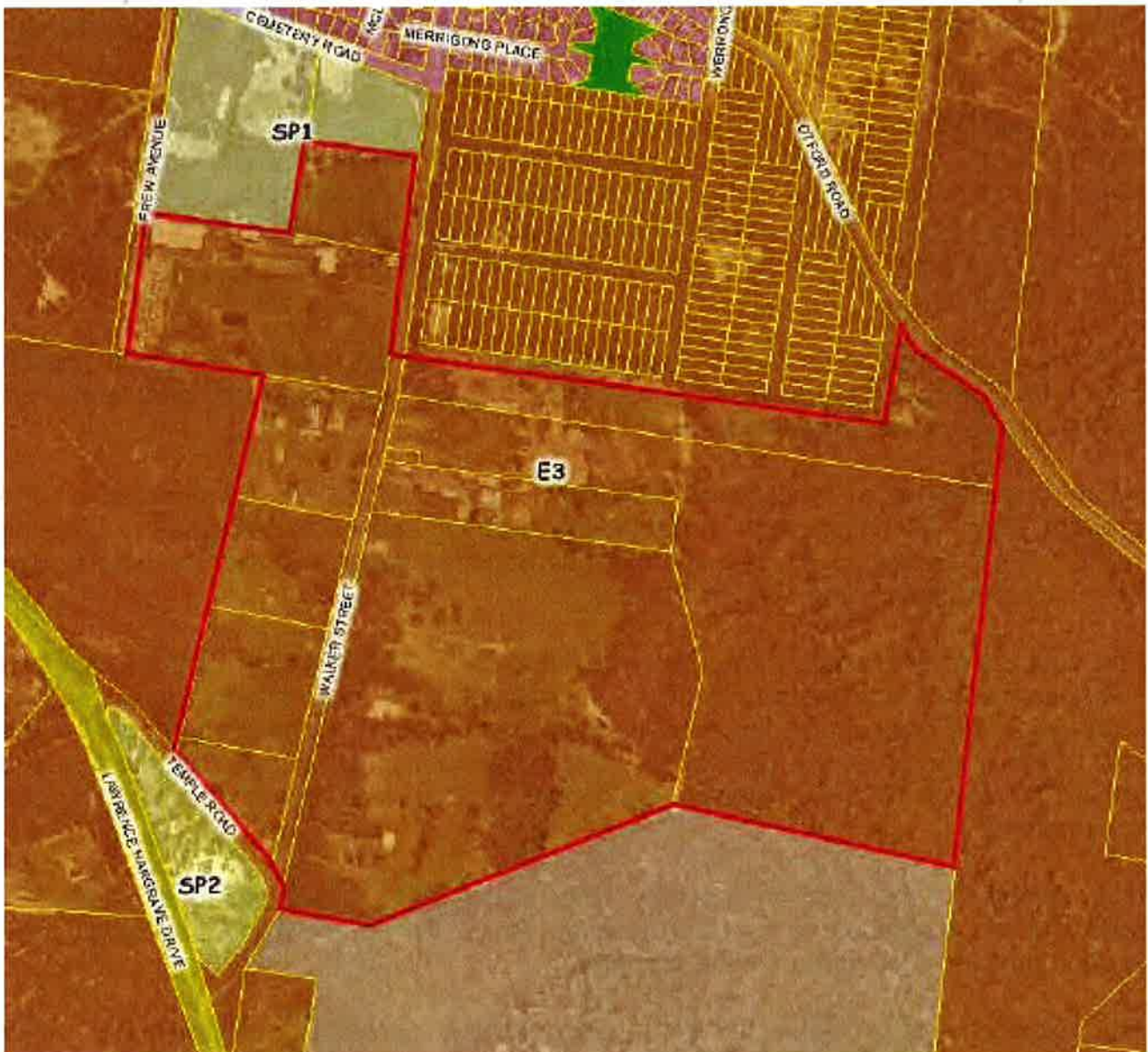
The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Walker Street, Frew Avenue and Kelly Falls precincts.

Proposal

Walker Street

The Walker Street precinct consists of eleven (11) lots, south of the Land Pooling precinct, which have been cleared and are used for agriculture, animal establishment, landscaping supplies and rural residential development. All lots contain a dwelling house.



The Helensburgh Commission of Inquiry (1994) noted that this precinct had one of the highest capabilities for urban development. However, the residential development of this precinct is not proposed.

The draft 7(d) Review and Preliminary Report on Submissions proposed that the cleared rural properties on the eastern and western side of Walker Street be zoned RU2 Rural Landscape. The steeper bushland areas on the eastern side of the precinct were proposed to be zoned E2 Environmental Conservation.

As a consequence of the first exhibition, four (4) submissions commented on the proposed RU2 Rural Landscape zoning along the southern end of Walker Street.

One (1) submission on behalf of a land owner supported the RU2 Rural Landscape zone and hoped it would allow subdivision of the property.

A submission on behalf of the owners of Lot 1 DP 112876, Lot 1 DP 375642, Lot 16 DP 255197 and Lot 1 DP 342365 located to the south of the Land Pooling precinct requested that the land be zoned R2 Low Density Residential rather than RU2 Rural Landscapes. The submission expressed concern that if the Land Pooling precinct was rezoned to residential, the landscaping business would be forced to close, affecting thirty (30) jobs.

Similarly, a submission on behalf of the owners of Lot 2 DP 1127883 indicated support for the RU2 Rural Landscapes zone over the 7(d) zone, but requested consideration of an R2 Low Density Residential zone.

As a consequence of the second exhibition, 1,228 submissions commented on the precinct. Eight (8) submissions supported the rezoning and 1,220 opposed the rezoning to RU2 Rural Landscapes. The submissions opposed suggested that the land should be rezoned E2 Environmental Conservation.

The submission on behalf of the owner of Lot 2 DP 1127083 Walker Street (Knowslay Park) supported the proposed RU2 Rural Landscape zone as an interim measure. The submission did not support the proposed E2 Environmental Conservation zone at the rear of the property, as the land is not steep. The submission suggested that the land should be zoned R2 Low Density Residential to allow it to be subdivided for urban development.

It is agreed that the rear of Knowslay Park is not steep. However it is covered in bushland and is adjacent to the Kelly Falls lot. An E2 Environmental Conservation zone is appropriate for this portion of the property.

The expansion of a residential zone along Walker Street is not proposed. It is acknowledged, that if the Land Pooling area is rezoned, there will be pressure for other properties to also be rezoned sometime in the future.

A submission on behalf of Blackwell Bros. Pty Ltd requested that their land be rezoned to IN2 Light Industry. The submission indicates that the land has been used for commercial purposes since the 1940s and the land is currently being used as a landscape and builders supplies, earth moving and some waste resource recovery business. The submission suggests that the IN2 Light Industry zone was more appropriate to allow the continuation and growth of the business. The submission indicates that the business currently employs thirty (30) persons.

Council's records indicate that part of the Blackwell site was used as a poultry shed in 1965 and an earth moving business was approved on part of the Blackwell's holdings in 1984. It appears that over the years the business has expanded to its current operation.

The expansion and motor bike trails has also resulted in the removal of bushland. Despite the existing operation, further expansion into a light industrial precinct is not appropriate in this location. If the Land Pooling is ever rezoned, an adjoining IN2 Light Industrial precinct would result in land use conflict. A site closer to the Highway, that didn't back onto the relatively undisturbed catchments, would be a better location for these activities.

The Crown Land (Lot 672 DP 752033) on the south west corner of Walker Street and Cemetery Road is zoned SP1 Special Activities – Cemetery. This zone was introduced in 2009, when the lot and the adjoining Helensburgh Cemetery were rezoned from 6(a) Open Space. It appears that it was incorrectly assumed that the Crown Land was part of the cemetery, whereas it is a separate lot and has not been set aside for cemetery purposes. It is proposed to re-introduce a RE1 Public Recreation zone on the lot.

It is recommended that the draft Planning Proposal for the Walker Street precinct be exhibited, which seeks to:

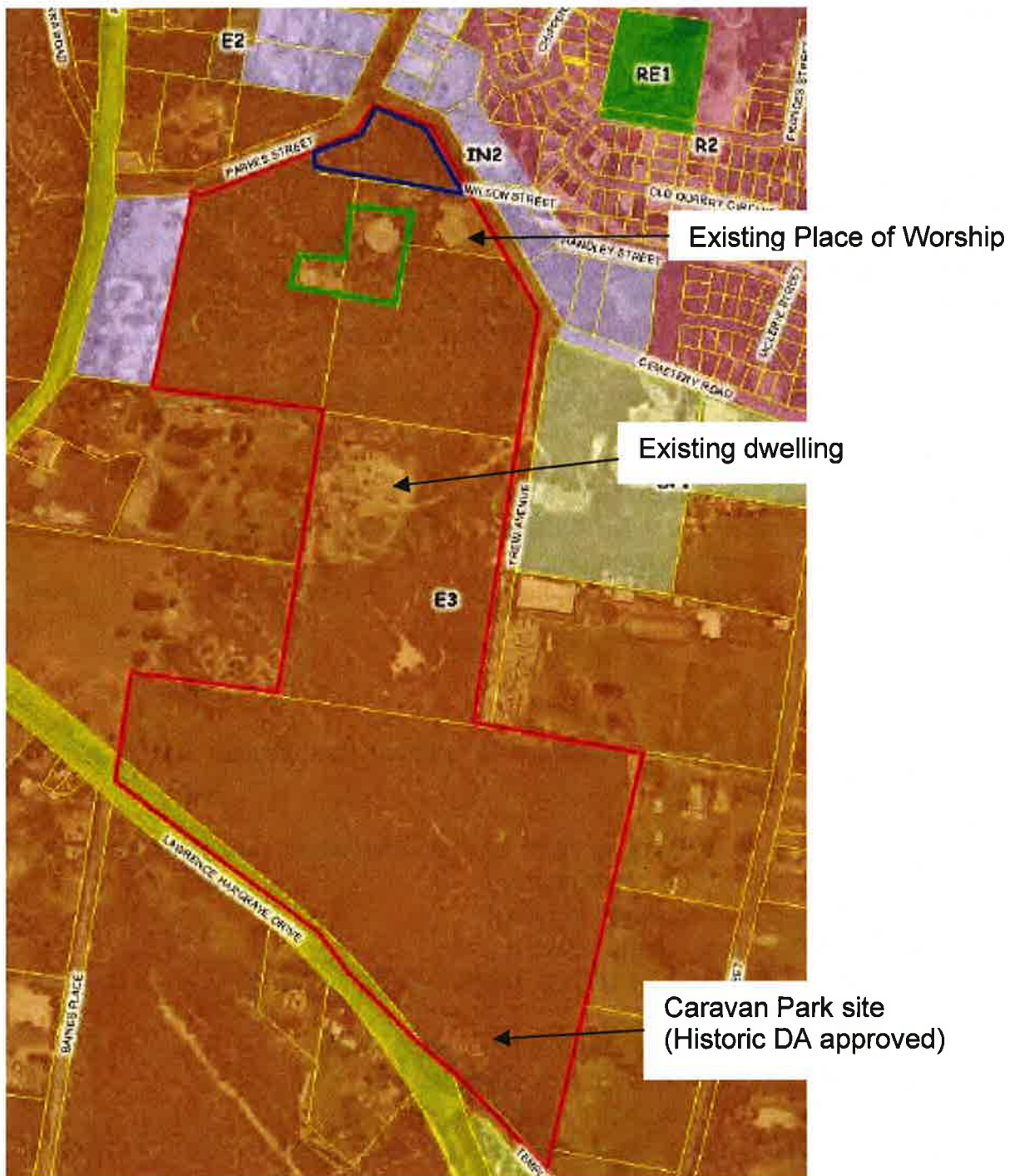
- Zone Walker Street precinct to RU2 Rural Landscapes;
- Zone the rear portion of Lot 2 DP 1127083 Walker Street (Knowslay Park) to E2 Environmental Conservation zone; and
- Zone Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.

Frew Avenue

The Frew Avenue precinct is located between the Gateway and Walker Street precincts and consists of eight (8) lots:

- Two (2) lots are owned by Sydney Water and contain water reservoirs (outlined in green), and are zoned SP2 Infrastructure;
- One (1) lot is Crown land (outlined in blue);
- The other five (5) lots are privately owned:
 - Lot 1 DP 606870 (338 Cemetery Road) is a former squash centre converted to a place of worship;
 - Lot 1 DP 584467 Parkes Street is covered in bushland;
 - Lot 339 DP 752033 contains a dwelling house;
 - Lot 3 DP 606870 is covered in bushland; and
 - Lot 1 DP 319310 is covered in bushland and is the location of a historic approval for a caravan park.

Frew Avenue Precinct location



As a consequence of the first exhibition (2009) submissions were received on behalf of the owners of three (3) of the lots:

- Lot 1 DP 319310 sought recognition that the caravan park consent remains valid;

- Lot 1 DP 584467 Parkes Street sought the B6 Enterprise Corridor to apply to the site, rather than the proposed E2 Environmental Conservation zone; and
- Lot 3 DP 606870 Cemetery Road lodged three (3) submissions which indicated support for the RU2 Rural Landscape zone, providing that it is less restrictive than the 7(d) zone and would allow a dwelling to be built on 4.5 hectares. The submission suggests that the site would be suitable for aged accommodation. The submission notes that a dwelling house existed on the property until Sydney Water acquired that part of the property in the late 1970's. The submission notes that an application for a replacement dwelling house was not lodged, as Council officers advised that the property would be zoned for residential development in the near future.

Lot 1 DP 319310 was created in 1927 and has an area of 18 hectares, which is larger than the 10 hectare minimum lot size requirement for a dwelling house on lots created prior to 1971. Accordingly, subject to merit assessment, a development application for a dwelling house on this lot could be assessed under the current planning controls (and under the previous 7(d) controls).

Council records indicate that between 1967 and 1980, Council issued a number of development and building consents for the establishment of a caravan park on this site. Correspondence on Development Application No. 1980/731 file suggests that consent was granted for two hundred and eighty (280) caravan sites, although the plans on the file only show seventy two (72) sites within Stage 1.

Work commenced on the construction of the caravan park but appears to have ceased in the 1980s. On-site there are two (2) partially constructed amenities buildings which have been vandalised, a creek causeway (washed away) and other ruined infrastructure.

In 1988, Council received a report that suggested that the works on-site represented "substantial commencement" and the consent was still valid. The report noted that environmental standards had changed including that: on-site disposal of effluent was no longer acceptable; Sydney Water had inadequate water supply available; improved stormwater disposal measures were required; and the removal of vegetation required re-evaluation.

Environmental and Planning Legislation has continued to evolve since the 1988 report. While the 1980 consent is likely to remain valid, it is unlikely that the necessary statutory approvals to support the caravan park could be obtained against the current legislative requirements, without the lodgement and assessment of a new development application.

Strategically, the site may be suitable for a caravan park given its location on Lawrence Hargrave Drive, the main tourist route to access the Grand Pacific Drive, and adjacent to the Gateway to Helensburgh. Any development would result in extensive clearing of

bushland on the property. Although, the property is almost surrounded by other properties which are cleared and used for farming or residential activities.

The expansion of the B6 Enterprise Corridor zone onto Lot 1 DP 584467 was not supported, as it would likely result in the property being cleared of bushland. The use of the land for a dwelling house is more appropriate.

The Preliminary Review of Submissions report proposed that the following amendments could be made to the Wollongong Local Environmental Plan 2009; the precinct retain an E3 Environmental Management zone, and that a dwelling house be permitted on the three (3) vacant lots (Lot 1 DP 584467, Lot 3 DP 606870 and Lot 1 DP 319310).

The other two (2) lots which do not contain a dwelling house are covered in bushland, but are surrounded by cleared and developed lands. It is proposed that a dwelling house be permitted on each lot. It is understood that a dwelling house did exist on Lot 3 DP 606870 but was removed when the water reservoir was built.

As a consequence of the second exhibition, 2,789 submissions commented on the precinct. Two (2) submissions supported the rezoning and 2,787 opposed the proposed changes. The submissions opposed suggested that the land should be rezoned E2 Environmental Conservation. Six hundred and eighteen (618) submissions opposed the development of the approved caravan park. The owner of Lot 1 DP 584467 and forty three (43) other submissions supported the rezoning of the lot to the B6 Enterprise Corridor zone.

It is recommended that the draft Planning Proposal for the Frew Avenue precinct which proposes to retain the existing E3 Environmental Management zone and reduce the minimum lot size on Lot 1 DP 319310, Lot 1 DP 584467 and Lot 3 DP 606870 to permit a dwelling house on each lot, be exhibited. The Sydney Water land retain the SP2 Infrastructure zone.

Kelly Falls

The Kelly Falls precinct consists of two (2) lots adjacent to Kelly Falls Reserve (managed by the National Parks and Wildlife Service) on Lawrence Hargrave Drive. Both lots contain an existing dwelling house and have been partially cleared.

In December 2010, Council approved Development Application No-2010/246 for Bed and Breakfast Accommodation on the "Wagon Wheels" property (Lot 20 DP 260258). The property was historically used as a guest house, although in recent years its approvals had lapsed. A more intensive form of tourist development would not be appropriate on the property.

Kelly Falls Precinct location



The Preliminary Review of Submissions report proposed that no amendment be made to the Wollongong Local Environmental Plan 2009, the properties retain an E3 Environmental Management zone, and the buffer be managed through a Development Control Plan provision.

As a consequence of the second exhibition, 2,787 submissions commented on the precinct. Six (6) submissions supported the retention of the E3 Environmental Management zone and 2,780 submissions suggested that the land should be rezoned E2 Environmental Conservation.

The submission on behalf of Wagon Wheels noted that the property had been a guest house and restaurant since the Second World War. The submission requested that the additional uses of "tourist and visitor accommodation" and "function centre" be permitted

on the property. The submission noted that the function centre would operate within the ballroom and would not require changes to the building footprint. These additional uses and intensification were not supported.

It is recommended that no change be made to the planning controls for the precinct and the E3 Environmental Management zone be retained.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Walker Street precinct and Frew Avenue precinct be progressed to exhibition. It is recommended that the two (2) properties in the Kelly Falls precinct retain the E3 Environmental Management zone.

ITEM 9

REVIEW OF 7(D) LANDS - LUKIN STREET, OLD FARM ROAD AND METROPOLITAN COLLIERY PRECINCTS

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports and addresses the Lukin Street, Old Farm Road and Metropolitan Colliery precincts.

It is recommended that the draft Planning Proposal for these precincts be progressed to exhibition for further community input.

Recommendation

- 1 Council endorse the existing draft Planning Proposal for the Lukin Street precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a rezoning 48-54 Parkes Street, the three (3) privately owned lots, to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²; and
 - b rezoning the Crown land (three (3) lots) to E2 Environmental Conservation.
- 2 The existing draft Planning Proposal for Lukin Street precinct be exhibited for community comment for a minimum period of twenty eight (28) days.
- 3 Council resolve to prepare a new draft Planning Proposal for the Old Farm Road precinct, to rezone:
 - a Lot 999 DP 854372 (No.17), Lot C DP 409182 (No. 19-21) and Lot 8 DP 241707 (No. 23) Old Farm Road, entirely to E3 Environmental Management zone, by rezoning the small section of R2 Low Density Residential at the road frontage to E3 Environmental Management; and
 - b Lot 1000 DP 854372 (No. 15) Old Farm Road to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m².
- 4 Council resolve to prepare a new draft Planning Proposal for the Metropolitan Colliery precinct, to rezone the following properties (or part) to E2 Environmental Conservation:
 - a Lot 703 DP 752033;
 - b Reserve 79561 (excluding the access road) (to the south);
 - c Lot 1 DP 815356, including the land zoned RE1 Public Recreation);
 - d Lot 2 DP 815356;
 - e Part of Lot 2 DP 229817;
 - f Part of Lot 617 DP 752033;
 - g Lot 7064 Crown ID 96787 (including the land zoned RE1 Public Recreation);
 - h Lot 7313 Crown ID 1157068;
 - i The eastern part of Lot 7314 Crown ID 1160101; and
 - j Lot 7312 Crown ID 115706.

In addition, the small part of Lot 7714 Crown ID 1160101 currently zoned RE1 Public Recreation, adjacent to Proud Park, be zoned E2 Environmental Management.

- 5 The draft Planning Proposal for the Old Farm Road precinct and Metropolitan Colliery be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

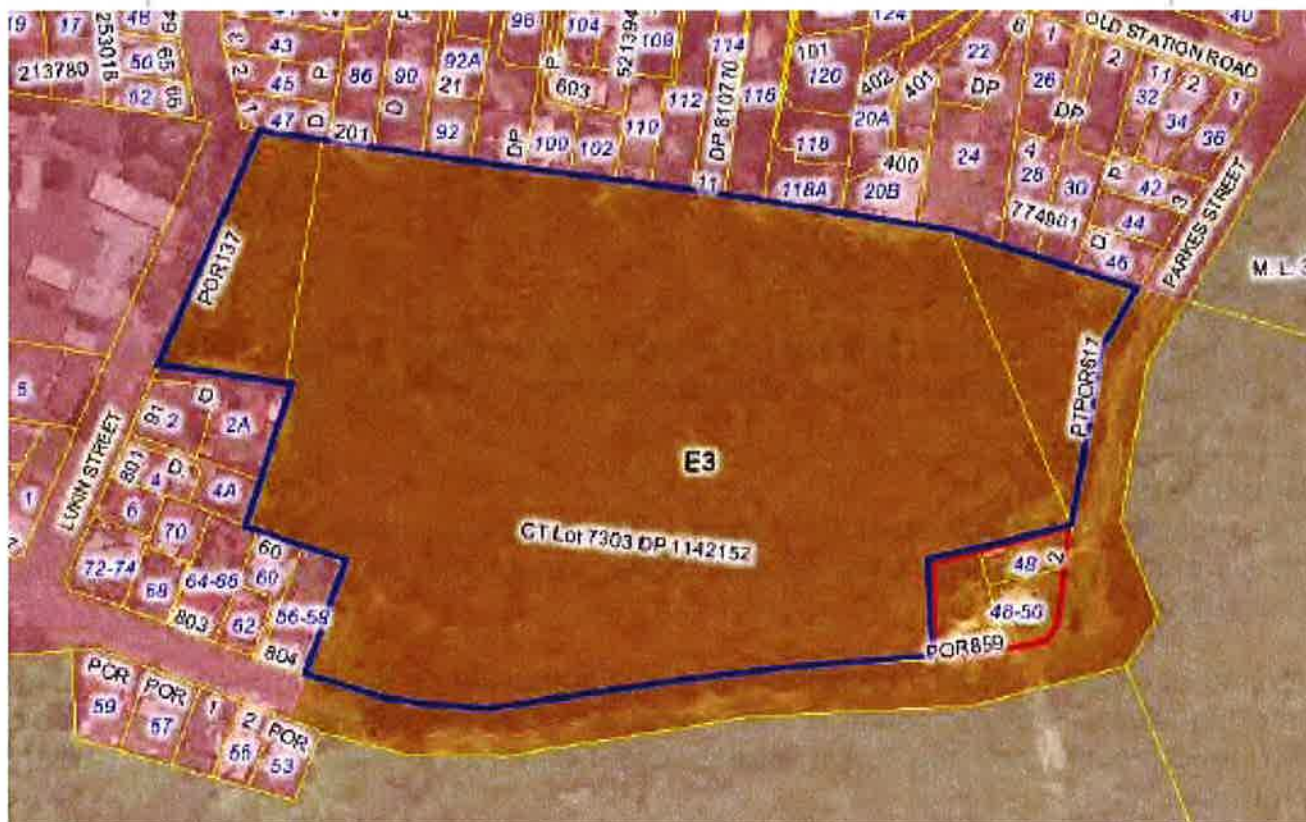
The separate report Review of 7(d) Lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Lukin Street, Old Farm Road and Metropolitan Colliery precincts.

Proposal

Lukin Street

The precinct consists of six (6) lots. Three (3) lots are Crown Land managed by the Land and Property Management Authority (outlined in blue), have a total area of 6.74 hectares and are covered in bushland. The other three (3) lots fronting Parkes Street (outlined in red) are privately owned, are between 540m² and 1,030m² in area, and each lot contains a dwelling house.



The Preliminary and Final reports on submissions proposed that the three (3) privately owned small lots that contain a dwelling house be zoned E4 Environmental Living. This zone will reflect the environmental setting, and limit residential development to one (1) house per lot.

The previous reports proposed that the remaining three (3) lots (6.74 hectares) owned by the Crown be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,223 submissions commented on the precinct, with 1,222 submissions supporting the E2 Environmental Conservation zone.

The Land and Property Management Authority objected to the Crown Land being zoned E2 Environmental Conservation. The Authority noted that:

- the E2 Environmental Conservation zone was incongruous with surrounding residential zoning;
- there were no heritage items;
- stormwater would flow into street drainage system;
- the R1 General Residential zoning would be more appropriate, and would allow for future residential expansion within town boundary;
- existing services available to support development; and
- development would decrease the area of Bushfire Prone land.

The precinct is adjacent to Parkes Street and surrounded by existing residential development on three (3) sides. The site can be connected to the sewerage system along Parkes Street. A review of the zoning history for the site indicates that the precinct has been zoned Rural/Non Urban, and was zoned Open Space under the Illawarra Planning Scheme Ordinance. The Helensburgh Commission of Inquiry found that the precinct was not capable of urban development.

Residential development would provide additional housing opportunities (possibly up to sixty (60) lots), but would also result in the loss of bushland and habitat, increased traffic, and water quality impacts. The bushland on the site does provide a bushfire risk to adjacent properties. It is the Authority's responsibility as land owner to manage the bush fire risk. Development of the land would remove the bushfire risk, through the clearing of the vegetation, however the loss of vegetation could have a greater impact on the local environment.

It is recommended that Council proceed with the rezoning of the Crown Land to E2 Environmental Conservation. If the Crown wishes to pursue a rezoning of the site, it should prepare and submit the necessary environmental and infrastructure reports to justify an amendment.

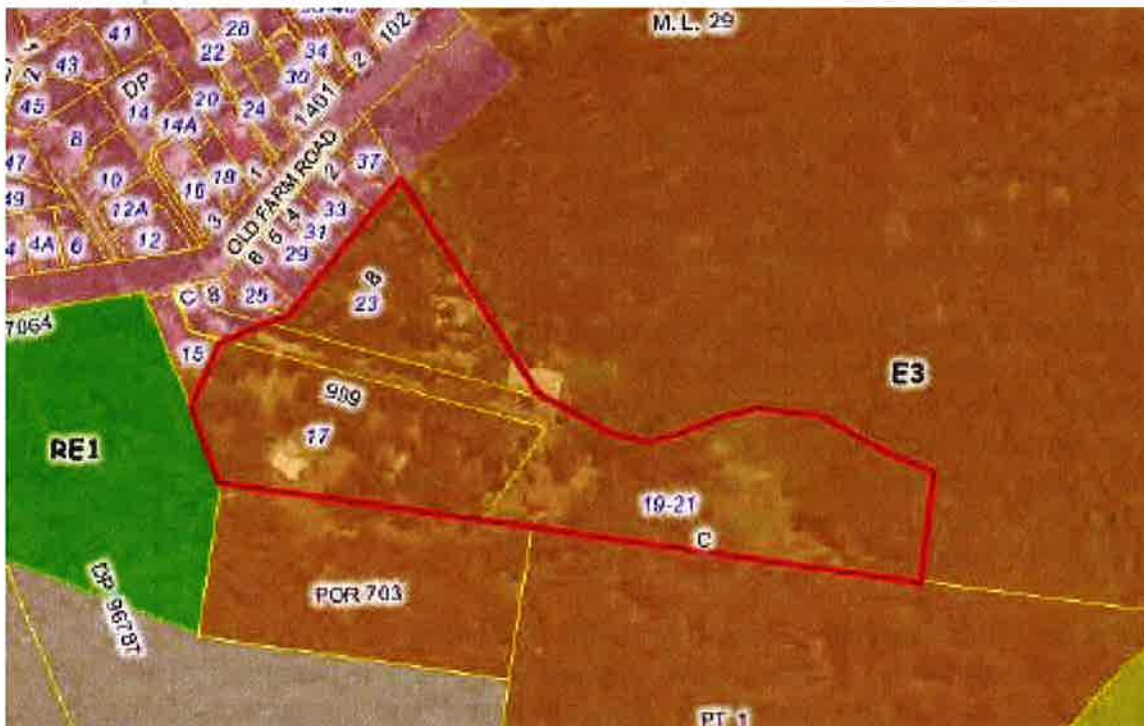
Old Farm Road

This precinct originally consisted of three (3) lots, but has been expanded to include a fourth lot.

The precinct originally consisted of Lot 999 DP 854372 (No. 17), Lot C DP 409182 (Nos. 19-21) and Lot 8 DP 241707 (No. 23) Old Farm Road which were zoned 7(d) (now E3) and each lot contains a dwelling house. Part of the driveway of each lot, adjacent to the road reserve, is zoned R2 Low Density Residential.

Lot 1000 DP 854372 (No. 15) Old Farm Road was not originally included in this precinct, but also is zoned part R2 Low Density Residential (551m² approximately) and part E3 Environmental Management (426m² approximately). The dwelling house on this lot is partially located in both zones.

Lot 703 DP 752033 (to the south) is Crown Land covered in bushland and is discussed in the Metropolitan Mine precinct.



would limit the development potential to one (1) dwelling house. The E4 Environmental Living zone is preferred as it would recognise the existing residential use, the bushland setting and limit further development.

It is recommended that Lot 999 DP 854372 (No. 17), Lot C DP 409182 (Nos. 19-21) and Lot 8 DP 241707 (No. 23) Old Farm Road be zoned entirely E3 Environmental Management zone by rezoning the front part of the lots from R2 Low Density Residential to E3 Environmental Management.

It is recommended that Lot 1000 DP 854372 (No. 15) Old Farm Road be rezoned to E4 Environmental Living.

These two (2) amendments were not part of the original draft Planning Proposal and would require a new resolution to prepare a draft Planning Proposal to commence the rezoning process. The new draft Planning Proposal would need to be referred to the NSW Department of Planning and Infrastructure for review and Gateway determination prior to exhibition.

Metropolitan Colliery

The Metropolitan Colliery has been operating for over one hundred (100) years and is a key economic driver for Helensburgh. The site contains a number of heritage items which are listed in the Wollongong Local Environmental Plan 2009.

Part of the land occupied by the Colliery is Crown Land (outlined in blue), which the Colliery occupies through mining leases.

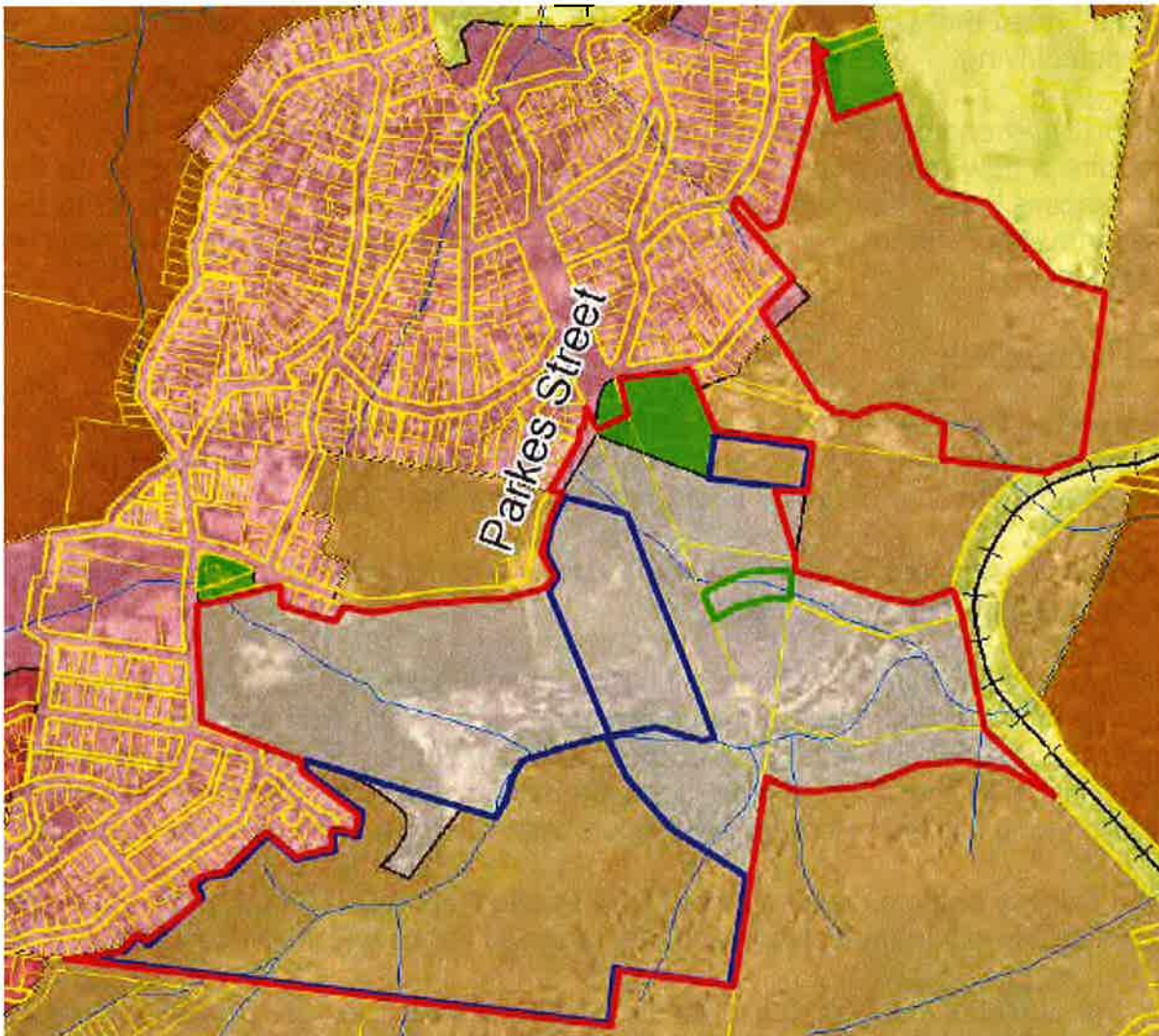
The Colliery was zoned 7(d) Environmental Protection Hacking River under Wollongong Local Environmental Plan 1990, but was rezoned to RU1 Primary Production by Wollongong Local Environmental Plan 2009. The RU1 Primary Production is consistent with other mines in the City, as this zone permits mining and extractive industries. Within Wollongong the RU1 Primary Production zone has only been used for mine sites.

Part of the Colliery holdings is also zoned RE1 Public Recreation (in the north) and part of Parkes Street is within the colliery land and is zoned R2 Low Density Residential.

In 2010, the Minister for Planning granted consent under Part 3A of the Act for an expansion of underground mining activities under the Woronora Catchment area.

Crown Land to the north and south of the colliery area (outlined in blue) contains significant bushland, which is proposed to be zoned E2 Environmental Conservation, including Lot 703 DP 752033. One (1) lot within the precinct is owned by the State Rail Authority (outlined in green).

The precinct has been expanded to also include land between Old Farm Road and the Helensburgh Waste Depot, known as Lot 7314 Crown ID 1160101 and Mining Lease 29. This lot is also Crown Land over which the Colliery has a lease. The majority of this lot is zoned E3 Environmental Management (formerly 7(d)), part of the lot adjacent to Old Farm Road is zoned R2 Low Density Residential and part of the lot, adjacent to Proud Park, is zoned RE1 Public Recreation. There is a bushfire Asset Protection Zone behind properties fronting Hall Road, which is utilised by the properties for secondary access.



The RU1 Primary Production zone remains appropriate for the colliery operations. Any development at the Colliery is likely to be assessed under the provisions of SEPP Mining, Extractive Industries and Petroleum Production 2007 and SEPP State and Regional Development 2011, as State Significant Development.

The surrounding bushland is part of the larger bushland corridor and should be zoned E2 Environmental Conservation. As a consequence of the second exhibition, 1,222

submissions commented on the precinct. All submissions supported the proposed E2 Environmental Conservation zone to apply to the bushland surrounding the colliery.

The Land and Property Management Authority supported the Crown Land outside the Colliery being zoned E2 Environmental Conservation.

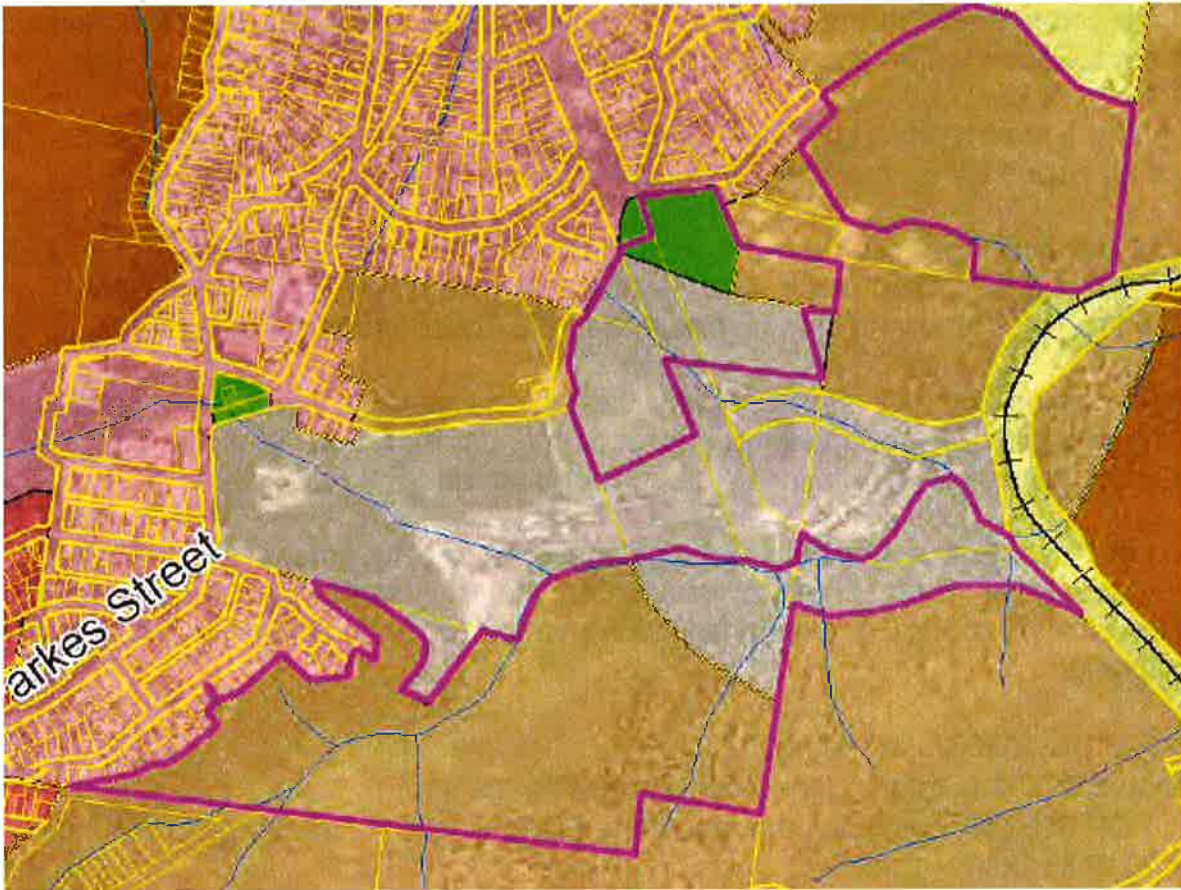
A review of the boundary between the RU1 Primary Production and the proposed E2 Environmental Conservation zone has been undertaken. It is proposed that the bushland within the Colliery holding be rezoned to E2 Environmental Conservation.

Part of the adjoining Lot 1 DP 616229 (Lady Carrington Estate) is incorrectly zoned RU1 Primary Production. A separate report recommends that this land be zoned E2 Environmental Conservation, similar to the surrounding land.

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by rezoning the bushland that surrounds the Metropolitan Colliery to E2 Environmental Conservation (outlined in pink) in the diagram below, including:

- Lot 703 DP 752033 (to the north);
- Reserve 79561 (excluding the access road) (to the south);
- Lot 1 DP 815356, (including the land zoned RE1 Public Recreation);
- Lot 2 DP 815356;
- Part of Lot 2 DP 229817;
- Part of Lot 617 DP 752033;
- Lot 7064 Crown ID 96787 (including the part zoned RE1 Public Recreation);
- Lot 7313 Crown ID 1157068;
- Part of Lot 7314 Crown ID 1160101, and
- Lot 7312 Crown ID 115706.

It is recommended that the small part of Lot 7314 Crown ID 1160101 zoned RE1 Public Recreation, adjacent to Proud Park be zoned E3 Environmental Management to reflect its private ownership.



Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of Lukin Street precinct to E2 Environmental Conservation and E4 Environmental Living be progressed to exhibition. It is recommended that a new draft Planning Proposal be prepared to rezone land within the Old Farm Road and Metropolitan Colliery precincts. This second draft Planning Proposal will require referral to the NSW Department of Planning and Infrastructure for Gateway approval, prior to exhibition.

ITEM 10

**REVIEW OF 7(D) LANDS - CAMP GULLY CREEK PRECINCT,
INCLUDING UNDOLA ROAD AND WALKER LANE SUB-PRECINCTS**

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Camp Gully Creek precinct, including the Undola Road and Walker Lane sub-precincts.

The recommendations of the previous Council have been reviewed and it is recommended that the existing draft Planning Proposal for the Undola Road and Walker Lane sub-precincts be progressed to exhibition for further community input. It is recommended that a new draft Planning Proposal be prepared to rezone the remainder of the Camp Gully Precinct to E2 Environmental Conservation.

Recommendation

1. Council endorse the existing draft Planning Proposal for the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a. Rezone 5, 7, 9 and 11 Undola Road to the E4 Environmental Living zone, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²;
 - b. Rezone 3 Undola Road to E2 Environmental Conservation;
 - c. Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and
 - d. Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.
2. Council endorse the existing draft Planning Proposal for the Walker Lane sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a. Rezone the western part of Lots 28-31 Section B DP 2644 Walker Lane, to R2 Low Density Residential, and the remainder to E2 Environmental Conservation.
3. The owner of Lots 28-31 Section B DP 2644, Walker Lane be requested to submit a Geotechnical report and Contamination Land Assessment report to demonstrate that the lots are capable of residential development, during the exhibition period prior to Council making a final decision on the zoning of the sub-precinct.
4. The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
5. Council resolve to prepare a new draft Planning Proposal for the Camp Gully Creek precinct, to rezone the Ensile Pty Ltd holdings to E2 Environmental Conservation.
6. The draft Planning Proposal for the Camp Gully Creek precinct be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Camp Gully Creek precinct, including the Undola Road and Walker Lane sub-precincts.

Proposal

Camp Gully Creek Precinct

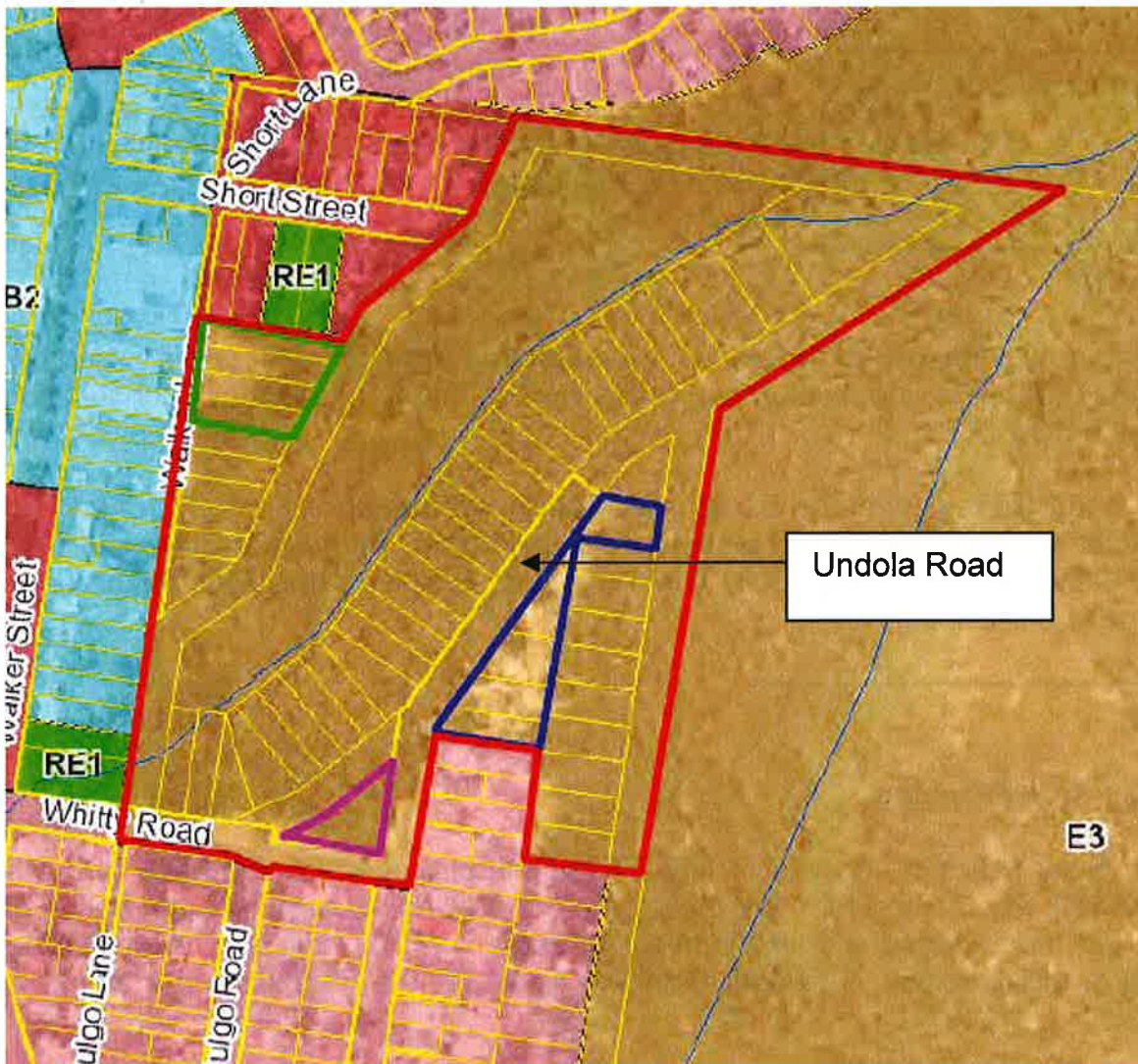
The Camp Gully Precinct consists of fifty (50) small lots, of which forty five (45) are owned by Ensile Pty Ltd and form the majority of the precinct. Consultants on behalf of Ensile Pty Ltd have lodged a draft Planning Agreement which includes the Ensile Pty Ltd holding in this precinct. The draft Planning Agreement is discussed in a separate report.

Numbers 3, 5, 7, 9 and 11 Undola Road (outlined in blue) are owned by other parties and form the Undola Road sub-precinct.

Lots 28-31 Section B DP 2644 Walker Lane (outlined in green) are owned by the Helensburgh Workers, Sport and Social Club Limited and form the Walker Lane sub-precinct.

One (1) lot on the corner of Undola Road and Whitty Road is owned by Council (outlined in pink).

The precinct is bisected by Camp Gully Creek which drains stormwater from Helensburgh retail and suburb areas.



The precinct is steep and covered in bushland. The lots on the northern side of Undola Road, which adjoin Camp Gully Creek, are not suitable for development and should be zoned E2 Environmental Conservation. It is noted that the sewer line does follow Camp Creek and these lots could be connected to the existing sewerage system.

A submission on behalf of Ensile Pty Ltd notes that runoff and pollution from Helensburgh is impacting on the property and Camp Gully Creek. The submission indicates that they have tried for many years for Council to fix the drainage problems. The submission proposes that either:

- a Council fix the drainage and stormwater pollution, by acquiring an easement and undertaking the works; or
- b the land be rezoned for residential development and the stormwater and pollution issues are addressed as part of the subdivision.

Camp Gully Creek drains a large portion of the existing Helensburgh Urban Area. Apart from the Landcom pond, there are no water quality treatment devices in the catchment. Council should investigate options to improve the water quality leaving the urban area and going into the bushland. Water quality treatment devices could be installed in the existing urban area, Council land on the corner of Walker Street / Whitty Road or in Ensile Pty Ltd holdings (subject to easement, or purchase).

The draft 7(d) Review and Preliminary Report on Submissions proposed that the precinct be zoned E2 Environmental Conservation. As a consequence of the second exhibition, 2,785 submissions commented on the precinct. All submissions supported the rezoning to E2 Environmental Conservation.

The submission on behalf of Ensile Pty Ltd proposed that these lots be transferred to the public estate.

The submission from Department of Environment, Climate Change and Water (DECCW) indicated that only part of this precinct had values that would make it potentially suitable for incorporation into the Garrawarra State Conservation Area, noting that the Authority has not agreed to the transfer or acquisition of the precinct.

This precinct did not form part of the draft Planning Proposal submitted to the NSW Department of Planning and Infrastructure because it was part of the draft Planning Agreement.

Regardless of whether or not the draft Planning Agreement is progressed, it is appropriate to proceed with the rezoning of this precinct.

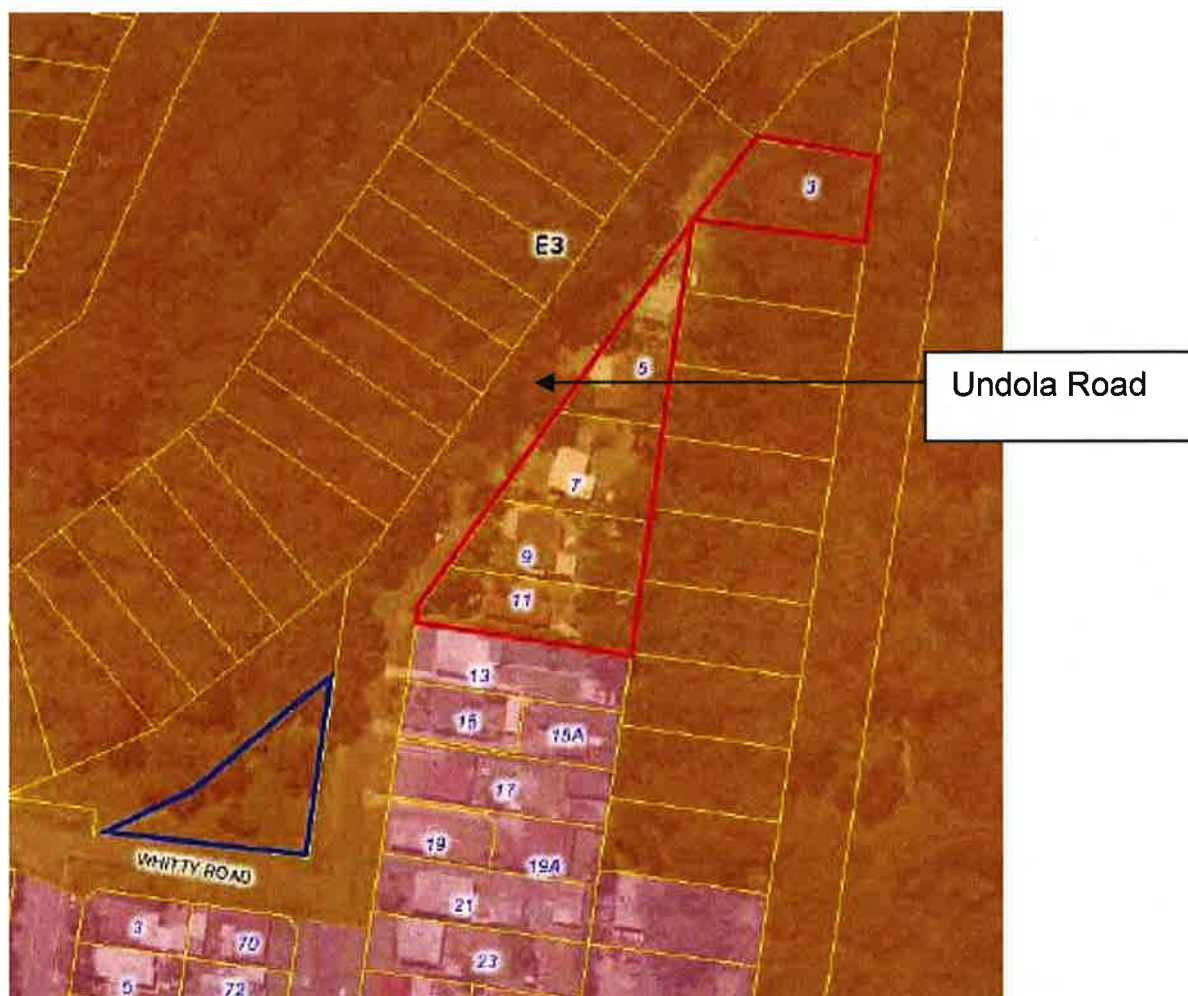
It is recommended that a new draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by rezoning the Camp Gully Creek precinct (excluding the two (2) sub-precincts) to E2 Environmental Conservation.

Undola Road sub-precinct

This sub-precinct was part of the larger Camp Gully precinct, but was separated based on the ownership pattern. There are five (5) lots in this precinct. Numbers 5, 7, 9 and 11 Undola Road are privately owned and each lot contains a dwelling house. Number 3 Undola Road is also privately owned and does not contain a dwelling house.

Lot 1 Section E DP 2205 (outlined in blue) on the northern side of Whitty Road is owned by Council.

Undola Road sub-precinct location



Numbers 5, 7, 9 and 11 Undola Road each contain an existing dwelling house and are used for residential purposes. The lots have the same character and constraints as the adjoining Nos. 13, 15 and 17 Undola Road which are zoned R2 Low Density Residential. The Preliminary Review proposed that these four (4) lots be zoned R2 Low Density Residential to reflect their ongoing use.

The Preliminary Review did not support the expansion of the residential zone to No. 3 Undola Road, and along with the other small lots, proposed that this lot be zoned E2 Environmental Conservation to conserve the bushland.

The owner of No. 3 Undola Road (Lot 38 Section G DP 2644) objected to the proposed E2 Environmental Conservation zoning. The author noted that the land was purchased in 1965 at auction from Council (one (1) of a number of sites sold as surplus Council land). The sale notice indicates that the lot was zoned Non Urban A, and "building only permitted with planning approval".

The Preliminary Review of Submissions report proposed that the following amendments could be made to the Wollongong Local Environmental Plan 2009:

- Zoning 5, 7, 9 and 11 Undola Road which contain a dwelling house R2 Low Density Residential to reflect their ongoing residential use; and
- Zoning 3 Undola Road E2 Environmental Conservation.

As a consequence of the second exhibition, 2,785 submissions opposed the rezoning of the land to R2 Low Density Residential, suggesting that E2 Environmental Conservation was more appropriate. Two (2) submissions supported the rezoning. It is noted that a residential zone would permit dual occupancy development.

No additional dwellings are proposed in this precinct. The Final Report on Submissions proposed that rather than the R2 Low Density Residential zone, the E4 Environmental Living zone may be more appropriate to maintain status quo and also highlight the natural values of the area. This zone will reflect the environmental setting, and limit residential development to one (1) house per lot. Council at its meeting on 5 July 2011 endorsed the E4 Environmental Living zone.

No. 3 Undola Road was sold by Council to the owner in 1965. The owner acknowledges that the lot did not have a dwelling entitlement at the time; although Council indicated that a dwelling may be possible once the road was extended. It is considered that the E2 Environmental Conservation zone is appropriate for the site and Council should consider the purchase of the site.

Walker lane sub-precinct

Walker Lane extends from Short Street south behind the commercial properties fronting Walker Street. The first four (4) lots (Lots 28-31 Section B DP 2644 – outlined in red) are owned by the Helensburgh Workers, Sport and Social Club Limited and have an area of 4,214m². The remaining six (6) lots and the paper road along the eastern boundary are owned by Ensile Pty Ltd and were discussed previously.

Walker Lane Precinct location



Walker Lane is 6 metres wide and is unsuitable for high traffic volumes.

Part of the lots, have been filled and are used for informal parking. The type of fill material and its stability is unknown. The eastern part of the lots are steep, have been made steeper by filling, and are covered in bushland and weeds.

The lots can be serviced by reticulated water and sewerage systems. The sewer line goes along Walker Lane, and water can be accessed from Walker Street or Short Street.

The draft 7(d) Review (2009) did not specifically consider that lots and proposed that the entire Camp Gully Creek precinct be zoned E2 Environmental Conservation.

The Helensburgh Workers, Sport and Social Club Administrators objected to the E2 Environmental Conservation zone and requested that the four (4) lots be zoned either:

- Partially or completely B2 Local Centre, similar to the adjoining Helensburgh Town Centre; or
- Partially or completely IN2 Light Industry; or
- Retain the E3 Environmental Management zone.

The Preliminary Review of Submissions report proposed that the lots could be zoned IN2 Light Industrial.

As a consequence of the second exhibition, 2,769 submissions objected to the proposed IN2 Light Industrial zone and suggested that the precinct should be zoned E2 Environmental Conservation. One (1) submission supported the proposed IN2 Light Industrial zone.

The Final Report on Submissions reviewed the appropriateness of the light industrial zone, behind the town centre and access along the narrow Walker Lane has been reviewed. As an alternate to the IN2 Light Industrial zone, the following zones were considered:

- B4 Mixed Use – which would permit either retail or residential development, or a mixed use development;
- R2 Low Density Residential;
- R3 Medium Density Residential;
- E3 Environmental Management; or
- E2 Environmental Conservation.

Residential development adjacent to the town centre would assist in supporting the centre. Only the front portion of the lots would be suitable for development, subject to geotechnical assessment of the past filling. The rear portion is steep and not suitable for development. A residential development similar to what has occurred on 6 and 8 Short Street is a potential outcome for the land. It is recommended that the front portion of the four (4) lots be zoned R2 Low Density Residential (outlined in blue) and the rear portion be zoned E2 Environmental Conservation.

Walker Lane Precinct proposed zoning



Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the existing draft Planning Proposal for the rezoning of the Undola Road and Walker Lane sub-precincts be progressed to exhibition.

It is recommended that a new draft Planning Proposal be prepared to rezone the remainder of the Camp Gully precinct to E2 Environmental Conservation.

ITEM 11 REVIEW OF 7(D) LANDS - LLOYD PLACE PRECINCT

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops and to consider a draft Planning Agreement. Council included the Lloyd Place precinct in the draft Planning Agreement and resolved to seek further community input prior to determining the future zoning of the precinct. Council is reviewing both the draft Planning Proposal and draft Planning Agreement and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Lloyd Place precinct.

It is recommended that a new draft Planning Proposal be prepared for this precinct, and if endorsed by the NSW Department of Planning and Infrastructure, be exhibited for community input. The draft Planning Agreement is subject to a separate report, which includes the Land Pooling and Lady Carrington Estate South precincts.

Recommendation

- 1 A new draft Planning Proposal be prepared to rezone the enlarged Lloyd Place precinct from E3 Environmental Management to E2 Environmental Conservation.
- 2 The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for review, and if approved be exhibited for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops,

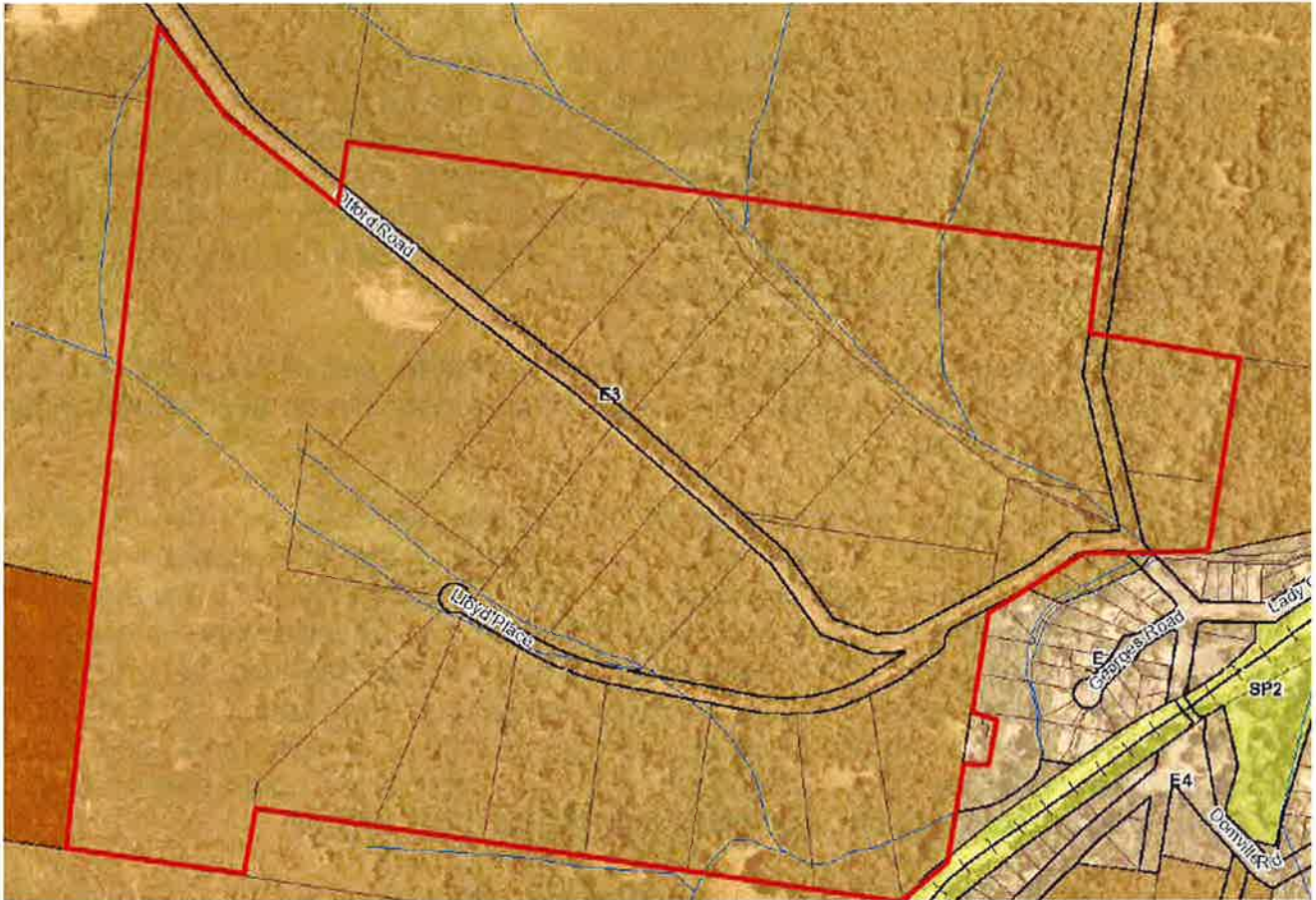
this report addresses the Lloyd Place precinct. Council at its meeting on 5 July 2011, did not resolve to prepare a draft Planning Proposal (rezoning) for this precinct, but included the Lloyd Place precinct in the draft Planning Agreement with the Ensile Pty Ltd holding, and resolved to seek further community input. The exhibition of the draft Planning Agreement was delayed pending the approval of the draft Planning Proposal for exhibition.

Proposal

The twenty (20) lots in Lloyd Place / Otford Road 2 hectare subdivision were created in two (2) 1970 subdivisions which complied with the 2 hectare "county dwelling" standard. The lots were sold with a dwelling entitlement and some owners have a certificate from Council indicating that they can build a dwelling. In 1971, the "county dwelling" standard was increased by the State Government to 20 hectares which meant that dwellings were no longer permissible. Landowners and Council made representations over the years seeking a change to the standard, all of which were unsuccessful.

The precinct has been expanded to include Lot 500 DP 788539 to the west, which is a 19.86 hectare property and contains a dwelling house. Part of this property was included in the original subdivision, as a 2 hectare lot. In 1987 Council approved the consolidation of three (3) parcels to create a lot large enough to satisfy the minimum dwelling standard, and approved a dwelling house. A new dwelling house was approved in 1997. The final report on submissions proposed that the majority of the property be zoned E2 Environmental Conservation with land occupied by the dwelling house and a surrounding buffer being zoned E3 Environmental Management.

Lloyd Place Precinct location



The lots contain steep bushland and the construction of dwellings would require extensive clearing or the dwelling to be built at the bottom of the valleys. The area also forms part of the important north-south habitat linkage. The draft Review recommended that the lands retain the E2 Environmental Conservation zone.

As a consequence of the first exhibition (2009), twenty (20) submissions were received from the landowners of thirteen (13) properties in the Otford Road / Lloyd Place Precinct. All of the submissions opposed the proposed E2 Environmental Conservation zone, and sought the opportunity to build a dwelling house on their land.

Submissions from other members of the community supported the conservation of the precinct. Some submissions acknowledged the differences between the Lloyd Place precinct, where dwelling entitlements have been removed, and other precincts where land was purchased without a dwelling entitlement.

As a consequence of the second exhibition (2010), 1,239 submissions commented on the precinct. 1,225 submissions supported the E2 Environmental Conservation zone. Four (4) submissions supporting the E2 Environmental Conservation zone, proposed

that Council should acquire the land, as the owners had a dwelling entitlement that was removed.

Fourteen (14) submissions on behalf of the land owners objected to the proposed E2 Environmental Conservation zone, and wanted a zoning that would allow them to build a house. Four (4) submissions proposed an E4 Environmental Living zone. The submissions noted that they purchased the land in 1970/71 and at that time they were able to build a house on their land. Two (2) submissions suggested that they would be prepared to give Council 4 acres (1.6 ha) of their 5 acre (2ha) lot, if they were able to build a house on the front 1 acre (0.4 ha) portion.

The submission on behalf of Ensile Pty Ltd proposed that as part of the proposed land transfer / planning agreement, the owners could be provided with an alternate lot within the Lady Carrington Estate.

The submission on behalf of the owners of Otford Farm, who also own five (5) of the Lloyd Place lots, included a biophysical assessment of the land capability. The assessment and submission acknowledged that Lots 6 and 8 DP 242135 are extremely constrained by ecological factors and have limited (if no) development potential for dwellings and other uses. The submission proposed that the lots be zoned E2 Environmental Conservation. The submission considered that Lots 1, 2 and 3 DP 242135 adjacent to Otford Farm were capable of limited development and could accommodate a dwelling house or eco-tourism. The submission noted that access to the horse riding school was off Lloyd Place through Lot 2 DP 242135.

The owners of Lot 500 DP 788539 supported the retention of an E3 Environmental Management zone of their land.

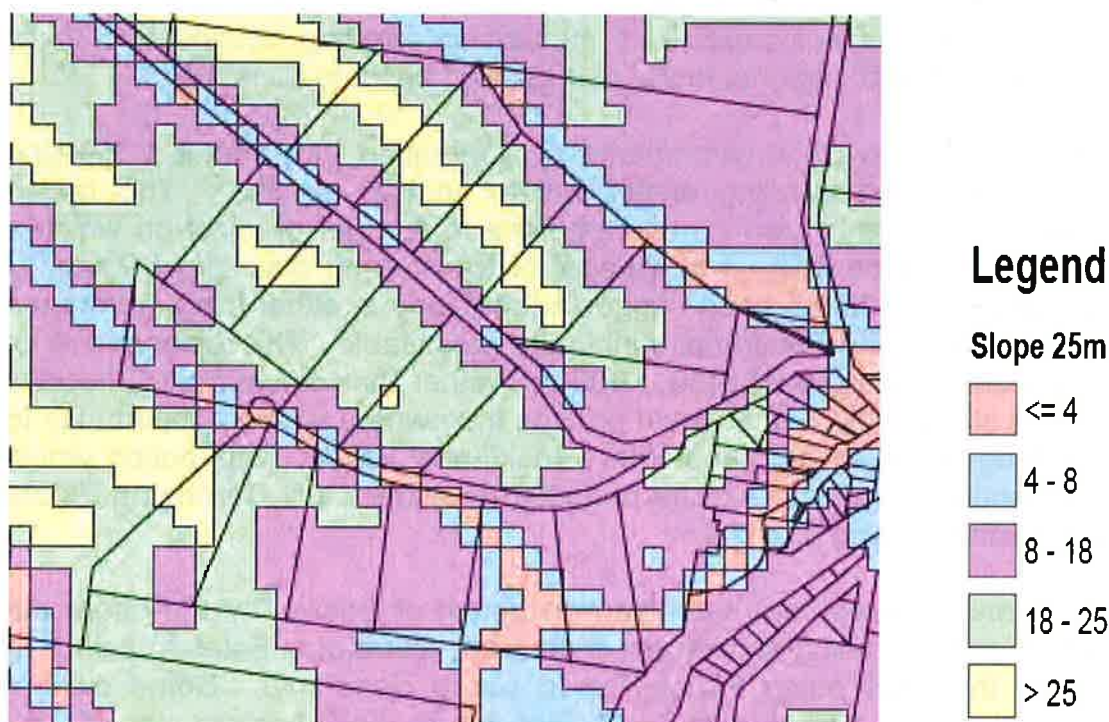
Review of submissions

As noted, the land was subdivided in 1970 based on the country dwelling (subdivision) standard of the day and the lots sold on that basis. The standard changed in April 1971 which has prevented the erection of dwelling houses. While some properties have changed owners since 1970, it appears that at least five (5) lots are still in the same ownership.

As development has not been allowed to occur on the Otford Road / Lloyd Place lots, the bushland has been conserved and it has remained an important part of the Moist Forest Corridor and linkage between the Royal National Park – Illawarra Escarpment – Drinking Water Catchment Area. While the change has been good for conservation outcomes, it has been a concern for the landowners.

The majority of the precinct has slopes of 18-25%, with some areas having slopes of >25% and other areas with slopes of 8-18%. Land with slopes greater than 18% is constrained and generally not recommended for urban development.

Lloyd Place Precinct Slope Analysis



The majority of lots are not suitable for development and should be retained as bushland.

The submission on behalf of one (1) of the owners, confirmed that the western end of Lloyd Place is not capable of development, whereas limited development may be possible at the eastern end.

Options

There are six (6) options for this precinct:

- a. Retain the current E3 Environmental Management zone and current planning controls (no change). The retention of a minimum lot size of 40 hectares per dwelling would not permit the erection of any new dwelling houses.
- b. Retain the current E3 Environmental Management zone and permit a dwelling house on each lot. While this option is supported by the landowners it is not supported in submissions from other members of the community. The precinct forms an important part of the vegetated corridor that links the Illawarra Escarpment and Royal National Park. The steep bushland nature of the precinct would require extensive clearing to accommodate a dwelling house and Bushfire Asset Protection Zone. The precinct is unlikely to be able to be serviced by reticulated water and sewerage systems. This option is not supported.

- c. Rezone the precinct to E2 Environmental Conservation, and not permit a dwelling house on the land and leave it in private ownership. As noted in the draft 7(d) Review this precinct is not capable of supporting dwelling houses due to its topographical, bushland, regional fauna corridor and bushfire constraints.
- d. Rezone the precinct to E2 Environmental Conservation, not permit a dwelling house and transfer the dwelling entitlement to another precinct. This option would allow the owners to own an alternate site in another precinct on which a dwelling house could be built, in exchange for transferring their Lloyd Place lot into public ownership. It has been suggested that land in either Lady Carrington Estate South or the Land Pooling precinct may be suitable. The replacement lot would be a residential sized lot (450 – 600 m²) rather than the current 2 hectare lot. While the size is different, it would provide the owners with an opportunity to build a dwelling house or sell land with a residential value. This option would require residential development to be permitted in either Lady Carrington Estate South or the Land Pooling precinct.

The draft Planning Agreement submitted on behalf of Ensile Pty Ltd offers the owners an alternate dwelling entitlement in the Lady Carrington Estate precinct, in exchange for their lots being transferred to public ownership. Some owners suggested that a 1 for 1 trade was insufficient due to the 2 hectare size of their lot.

- e. Rezone the majority of the precinct to E2 Environmental Conservation and permit a cluster of dwelling houses on the eastern side adjacent to Otford. This option proposes that the owners be permitted to “pool” their land and re-subdivide to create twenty (20) small lots on the western edge of Otford near the intersection with Lloyd Place. The larger balance of the land would be transferred to public ownership. This option would preserve the balance of the bushland in the precinct, but allow the owners to build a dwelling house in close proximity to their current holding. It would require the co-operation of all landowners and the identification of a suitable area. Given the topography of the area, the identification of a suitable area is difficult.
- f. Rezone the precinct to E2 Environmental Conservation, and not permit a dwelling house on the land and transfer the lots into public ownership. To estimate possible acquisition costs, in 2010 Council engaged a Valuer to review the land values within the Lloyd Place precinct. The Valuer estimated the land to be worth \$30,000 per lot based on its unimproved standard and dwelling houses not being allowed. If dwellings were allowed the value would increase substantially. The Valuer also researched the purchase price (where available) and calculated the likely return if that money was invested in a bank. The calculated returns were less than the estimated land values. A number of the owners indicated that they would be prepared for the land to be acquired, but also wanted their rates repaid.

The rezoning of the enlarged precinct (including Lot 500 DP 788539) to E2 Environmental Conservation remains the preferred outcome. It is recommended that a draft Planning Proposal be prepared to rezone the Lloyd Place precinct from E3 Environmental Management to E2 Environmental Conservation.

If the draft Planning Agreement is not supported or progressed, then it is recommended that the lots in the Lloyd Place precinct, still owned by the original owners (or their descendents) be considered for public acquisition.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that a new draft Planning Proposal be prepared to rezone land within the Lloyd Place precinct. This new draft Planning Proposal will require referral to the NSW Department of Planning and Infrastructure for Gateway approval, prior to exhibition.

ITEM 12

REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE, LILYVALE, CENTRAL BUSHLAND AND OTFORD VALLEY FARM PRECINCTS

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops and to consider a draft Planning Agreement. Council resolved to seek further community input prior to determining the future zoning of the precinct. Council is reviewing both the draft Planning Proposal and draft Planning Agreement and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts.

It is recommended that a new draft Planning Proposal be prepared for this precinct, and if endorsed by the NSW Department of Planning and Infrastructure, be exhibited for community input. The draft Planning Agreement is subject to a separate report, which includes the Land Pooling and Lady Carrington Estate South precincts.

Recommendation

- 1 A new draft Planning Proposal be prepared to rezone the Lady Carrington Estate, Lilyvale, Central Bushland and part of the Otford Valley Farm precinct from E3 Environmental Management to E2 Environmental Conservation. The part of Otford Valley Farm containing the dwellings and equestrian centre is to remain E3 Environmental Management.
- 2 The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be exhibited for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses four (4) precincts owned by Ensile Pty Ltd, namely the Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts. Council at its meeting on 5 July 2011, did not resolve to prepare a draft Planning Proposal (rezoning) for these precincts, but included the precincts in the draft Planning Agreement, and resolved to seek further community input. The exhibition of the draft Planning Agreement was delayed pending the approval of the draft Planning Proposal for exhibition.

The other Ensile holdings in the Camp Gully Creek, Land Pooling and Lady Carrington Estate South precincts are addressed in separate reports. The draft Planning Agreement is also addressed separately.

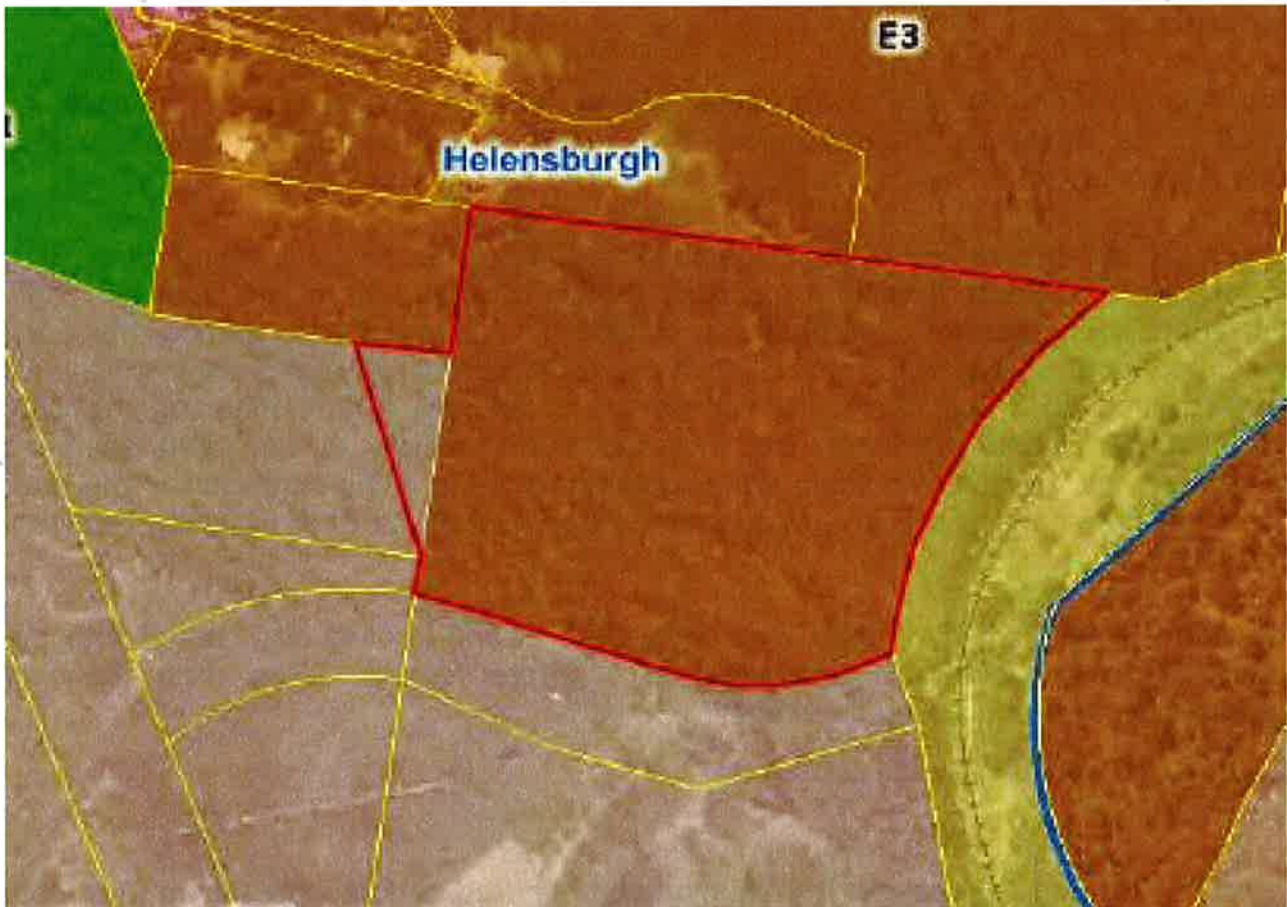
Proposal

Ensile Pty Ltd and Cambalong Pty Ltd own two hundred and seventy seven (277) lots which range in size from 367m² to 98 hectares, with a total area of 357 hectares. It is understood that the companies purchased the land in the 1970s and 1980s. The holding extends between Helensburgh and Otford and forms most of the eastern side of Helensburgh, and includes most of Lilyvale. At Otford the land is used for an equestrian centre. The majority of the land is bushland, although it does contain riding and fire trails.

The issues associated with the holdings will be considered in terms of four (4) precincts, namely Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm. The companies holdings in the Camp Gully Creek Precinct, Lady Carrington Estate precinct and Land Pooling precinct are discussed in separate reports.

Lady Carrington Estate

The Lady Carrington Estate precinct consists of one (1) lot - Lot 1 DP 616229 (6.5 hectares) which is located to the south of the Old Farm Road precinct and was referred in the Helensburgh Commission of Inquiry report as "Lady Carrington Estate". This site contains significant bushland, does not contain a dwelling house and no residential development is supported.



The majority of Lot 1 DP 616229 (Lady Carrington Estate) is zoned E3 Environmental Management, and part of the lot is incorrectly zoned RU1 Primary Production, similar to the adjacent Colliery.

The Preliminary Review of Submissions report proposed that Lot 1 DP 616229 (Lady Carrington Estate) be zoned E2 Environmental Conservation (including the part currently zoned RU1 Primary Production).

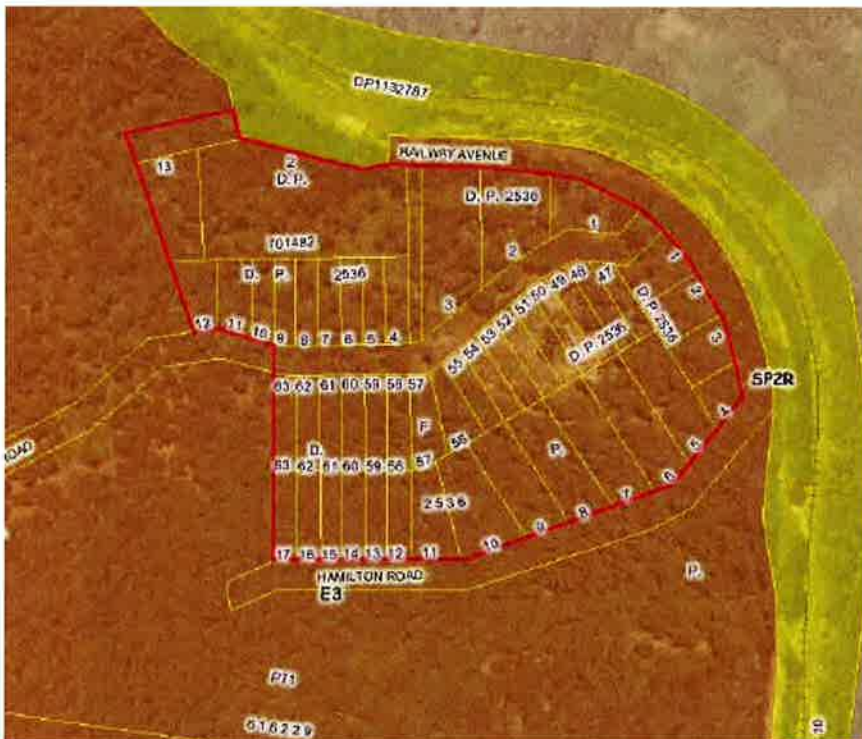
As a consequence of the second exhibition, 1,230 submissions commented on the Lady Carrington Estate North precinct which, at that time, also included this property. All submissions supported the zoning of the land to E2 Environmental Conservation.

The submission on behalf of Ensile Pty Ltd included this lot in the land to be transferred to the public estate. The draft Planning Agreement is addressed in a separate report.

In terms of planning controls, it is recommended that the entire lot, be zoned E2 Environmental Conservation, including the part that is incorrectly zoned RU1 Primary Production.

Lilyvale Precinct

Lilyvale is an isolated paper subdivision, the majority of which is in one (1) ownership. Ensile Pty Ltd owns forty eight (48) of the forty nine (49) lots of Lilyvale. Access is via a track following Lilyvale Road from Helensburgh, although part of the road reserve has been closed. There is one (1) dwelling at Lilyvale, on the lot not owned by Ensile Pty Ltd. The majority of the lots are bushland and there are no services. Originally there was a rail platform at Lilyvale.



No development at Lilyvale has been proposed or supported, and it is proposed that the area remain bushland.

The draft 7(d) Review and the Preliminary Review of Submissions report proposed that the Lilyvale precinct be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,225 submissions commented on Lilyvale. All submissions supported the zoning of the land E2 Environmental Conservation.

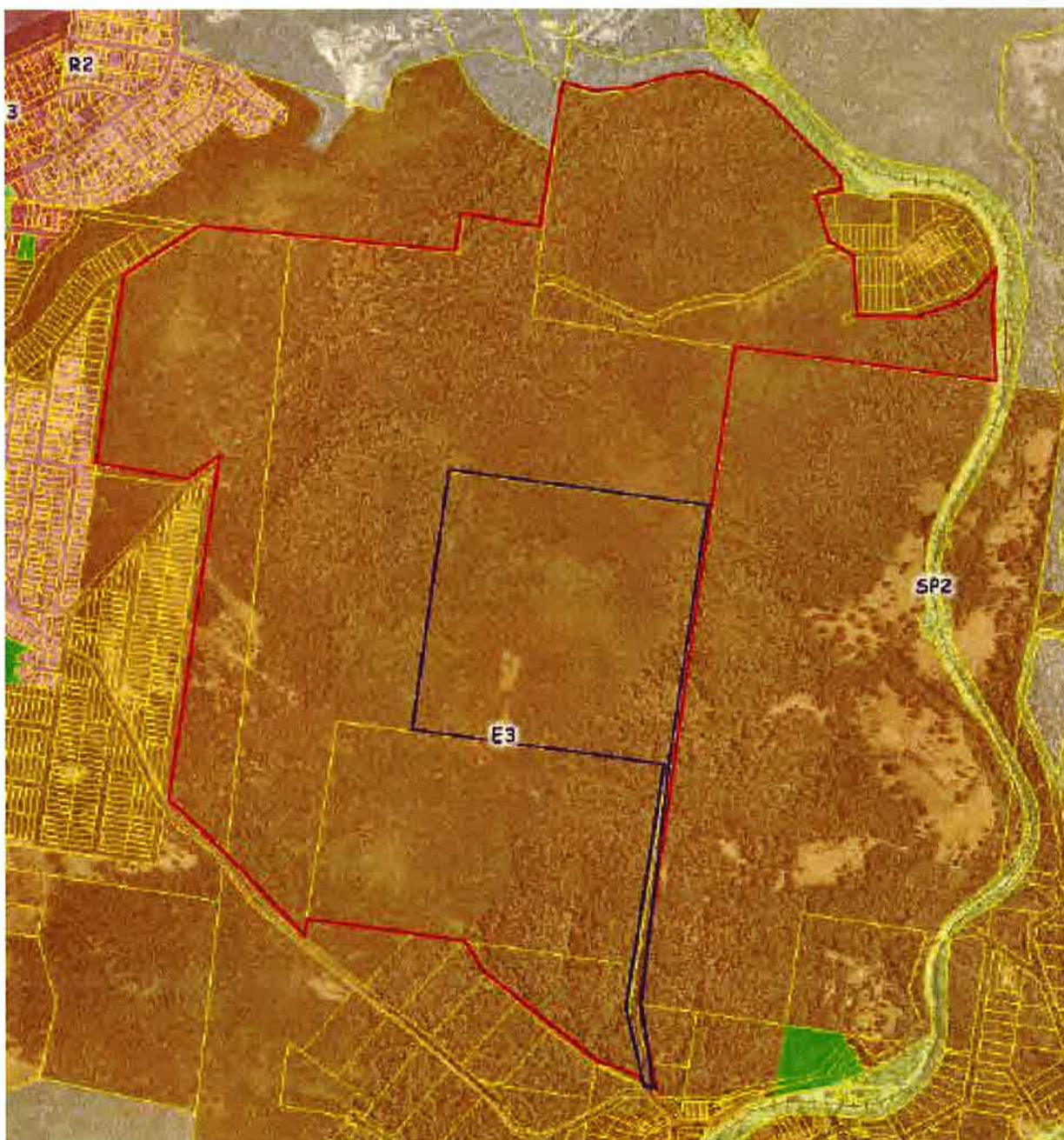
The submission on behalf of Ensile Pty Ltd supported the transfer of this precinct to public ownership. The draft Planning Agreement is addressed in a separate report. The submission also noted that one (1) lot was not owned by the company.

In terms of planning controls, it is recommended that Lilyvale be zoned E2 Environmental Conservation.

Central Bushland Area

The area between Lady Carrington Estate South, Lloyd Place, Otford and Metropolitan Colliery is contained within six (6) large lots. Lot 23 DP 752033 (40 hectares) in the centre is not owned by Ensile Pty Ltd (outlined in blue). The area contains a series of riding and fire trails and a telecommunications tower. There are no dwellings in the sub-precinct.

Central Bushland Area location



This precinct has the land with the highest biodiversity value in the study area and forms an important part of the fauna movement corridor. No development in the precinct has been proposed or supported, and it is proposed that the area remain bushland.

Lot 23 DP 752033 and three (3) of the lots owned by Ensile Pty Ltd do meet the minimum lot size for a dwelling house. However, the erection of dwellings on these lands is not supported, as it would impact on the bushland, through clearing for the dwelling and Asset Protection Zone, have poor access and no access to services.

The draft 7(d) Review and Preliminary Review of Submissions report proposed that the land be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,229 submissions commented on the precinct. All submissions supported the zoning of the land E2 Environmental Conservation.

The submission on behalf of Ensile Pty Ltd supported the transfer of this precinct to public ownership. The draft Planning Agreement is addressed in a separate report. The submission on behalf of Ensile Pty Ltd which sought an eastward expansion of the Lady Carrington Estate South precinct is discussed separately.

Three (3) submissions on behalf of the owner of Lot 23 DP 752033 objected to the proposed E2 Environmental Conservation zone, as the lot has an area greater than 40 hectares, and has always had a dwelling entitlement. The submission claimed that the lot has a cleared area of 1.2 hectares which is suitable for a house or cottage. The submission indicated that if the land is zoned E2 Environmental Conservation and the dwelling entitlement removed, then Council should acquire the land or pay compensation.

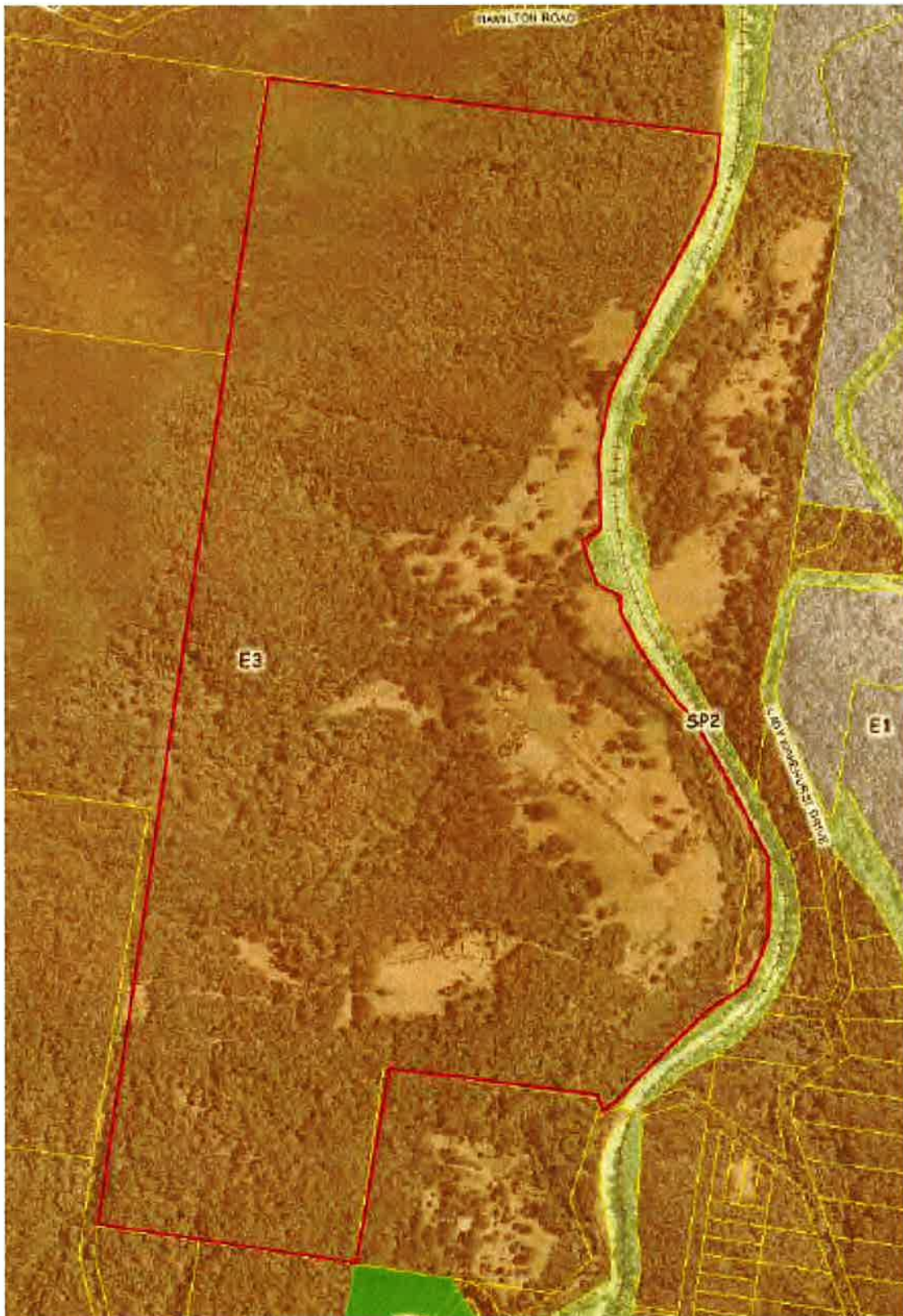
As indicated previously, the Central Bushland area contains some of the most sensitive and significant bushland in the study area. It forms an important part of the fauna movement corridor. No development in the precinct has been proposed or supported, and it is proposed that the area remain bushland.

In terms of planning controls, it is recommended that the precinct be zoned E2 Environmental Conservation. The eastern boundary of the E2 Environmental Conservation zone, adjacent to Lady Carrington Estate South will be determined by the review of the Lady Carrington Estate South precinct.

Otford Valley Farm

The eastern part of the Ensile Pty Ltd holding is Lot 3 DP 223554 which has an area of 96.95 hectares. The lot contains Otford Valley Farm which consists of an equestrian centre and two (2) dwelling houses. The northern, western and southern parts of the lot contain significant bushland.

Otford Valley Farm location



Otford Valley Farm – Draft Review zoning option

The E3 Environmental Management zone is appropriate and would allow the on-going use of the site for an “animal boarding or training establishment”. The proposed E2 Environmental Conservation / E3 Environmental Management boundary exhibited in the draft 7(d) Review has been reviewed to better reflect the location and use of the equestrian centre. The northern, western and southern parts of the lot contain steep bushland areas where an E2 Environmental Conservation zone is appropriate.

The Preliminary Review of Submissions report proposed that no amendment be made to the Wollongong Local Environmental Plan 2009 and the Otford Valley Farm retain a E3 Environmental Management zone. The Preliminary Review proposed that the

bushland in the precinct, and the adjacent Central Bushland precinct, be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,224 submissions commented on the precinct. Two (2) submissions supported the E3 Environmental Management zone and 1,221 submissions opposed, seeking that the land be zoned E2 Environmental Conservation instead.

The submissions on behalf of Ensile Pty Ltd supported the transfer of this precinct to public ownership, with a lease back period of twenty five (25) years to allow for the continued operation of the equestrian centre. The draft Planning Agreement is addressed in a separate report.

In terms of planning controls, it is recommended that the precinct be zoned part E2 Environmental Conservation and part E3 Environmental Management, as indicated.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that a new draft Planning Proposal be prepared to rezone the Lady Carrington Estate, Lilyvale and Central Bushland and part of Otford Valley Farm precincts to E2 Environmental Conservation. The draft Planning Proposal would be referred to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for community comment.

ITEM 13

REVIEW OF 7(D) LANDS - LAND POOLING, LADY CARRINGTON ESTATE SOUTH AND DRAFT PLANNING AGREEMENT

Council at its meeting on 5 July 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River – Environmental Protection at Helensburgh, Otford and Stanwell Tops and to consider a draft Planning Agreement. The draft Planning Proposal has been approved for exhibition by the NSW Department of Planning and Infrastructure. Prior to exhibition, Council is reviewing the draft Planning Proposal and draft Planning Agreement and held a public information session on 21 November 2011. This report is one of a series of reports on the review and addresses the Land Pooling and Lady Carrington Estate South precincts and the draft Planning Agreement. These precincts are the most controversial in the review of the 7(d) lands.

It is recommended that the Land Pooling and Lady Carrington Estate South precincts retain the E3 Environmental Management zone and that further studies be undertaken into the precincts to determine capability of the precincts to support development. Following the completion of the studies, a further report be presented to Council on possible future land zoning options. It is also recommended that the draft Planning Agreement be exhibited for community comment as an option to bring significant bushland areas into public ownership.

Recommendation

- 1 The Land Pooling and Lady Carrington Estate South precincts retain their current E3 Environmental Management zone, pending further review.
- 2 Council officers prepare a draft project brief to scope the completion of studies to investigate the capability of the Lady Carrington Estate South and Land Pooling precincts for development, that consider:
 - a Biodiversity;
 - b Land capability;
 - c Bushfire risk;
 - d Infrastructure requirements / servicing;
 - e Archaeology;
 - f Water quality;
 - g Traffic and transport;
 - h Visual impact; and
 - i Economic and social issues.
- 3 The draft Planning Agreement be exhibited to seek community feedback on a possible land transfer option.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops. This report addresses the Lady Carrington Estate South precinct, owned by Ensile Pty Ltd and the Land Pooling Precinct. Properties within the Land Pooling precinct are owned by Ensile Pty Ltd as well as other owners. Council at its meeting on 5 July 2011, did not resolve to prepare a draft Planning Proposal (rezoning) for these precincts, but included the precincts in a draft Planning Agreement, and resolved to seek further community input on this Agreement. The exhibition of the draft Planning Agreement was delayed pending the approval of the draft Planning Proposal for exhibition.

The other Ensile holdings in the Camp Gully Creek, Lady Carrington Estate, Lilyvale, Central Bushland and Otford Farm precincts are addressed in separate reports.

Proposal

Land Pooling precinct

The Land Pooling area consists of an area of 23.2 hectares which contains two hundred and seven (207) lots subdivided in the 1890's paper subdivision into ¼ acre (1,000m²) lots as part of the Helensburgh suburb, on the southern side of Otford Road. The lots are owned by ninety four (94) persons / companies, many of whom own more than one (1) lot. There is one (1) dwelling house and two (2) businesses (landscape supplies and bus depot) in the precinct.

Land Pooling Precinct location



The combined holdings of Ensile Pty Ltd and Cambalong Pty Ltd own seventy (70) of the lots in the precinct (see figure below). Ensile Pty Ltd owns twenty five (25) lots and the paper roads in the Land Pooling Precinct (south of Otford Road). A separate company, Cambalong Pty Ltd owns an additional forty five (45) lots in the precinct.

Land pooling Precinct – Ensile Pty Ltd and Cambalong Pty Ltd Holdings



The lots in the precinct were purchased by individual owners in the late 1970's and 1980's. At that time the land was zoned Rural and a dwelling house was not permitted to be constructed on the land. A dwelling house has not been permissible on the land since 1951 when the County of Cumberland Planning Scheme introduced the minimum "country dwelling" dwelling standard of 0.8 hectares (2 acres). The existing dwelling in the precinct dates back to the 1930s, and is visible on Council's 1949 air photo.

The owners brought the land without a dwelling entitlement, in the hope that the land would be rezoned to a residential zone to enable dwelling houses to be constructed. It is likely that at the time they would have received advice from Council that the precinct would be the next area considered for rezoning. It is noted that the adjoining Merrigong Place and Floyd Place were rezoned and re-subdivided in 1984 to permit residential development. This may have increased expectations that Helensburgh would continue to expand southwards.

Like any investment, the landowners expect a return on their investment. However, the landowners took a risk purchasing land that was not zoned for urban development, in

the hope that the planning controls would change. Council and the community are not responsible for investment outcomes.

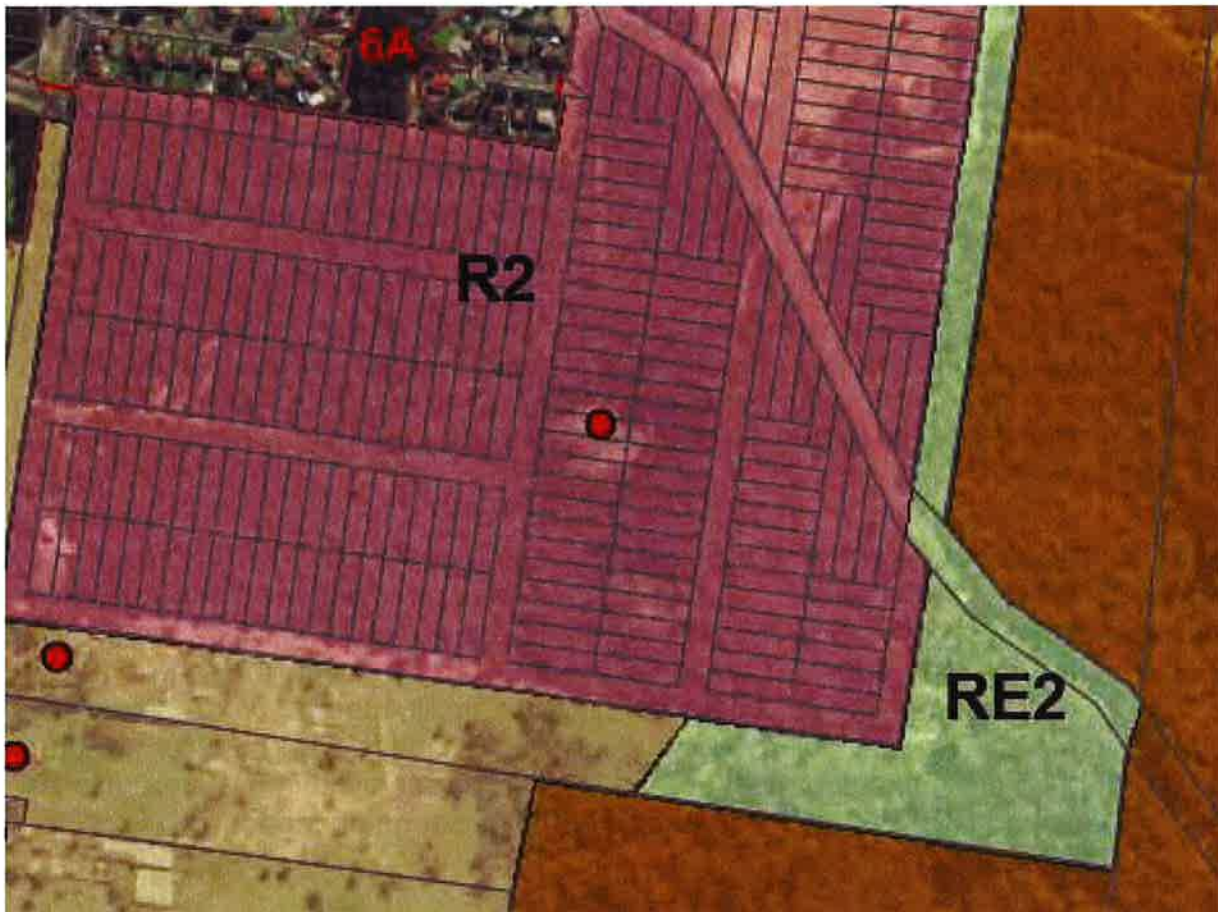
Pressures for development within the precinct are a direct result of the historical paper subdivision and the divided land ownership pattern.

The majority of the precinct is covered by bushland which separates urban and rural properties along Walker Street. The bushland creates a bushfire risk for the existing residential properties to the north.

The majority of the landowners are members of the Helensburgh Land Pooling Group which was established in 1986 with Council encouragement. It was envisaged that the land owners would pool their land, develop an alternate subdivision layout that better reflected the environmental attributes of the precinct and then build a house on one of the new lots.

The draft 7(d) Review proposed that the precinct be zoned R2 Low Density Residential and part RE2 Private Recreation. The existing subdivision pattern does not reflect topographical land constraints and the Review noted the paper subdivision would need to be redesigned. The draft 7(d) Review envisaged that the members of the Helensburgh Land Pooling Group would continue to work together to redesign and develop the precinct. The new subdivision design would require water quality treatment measures and bush fire mitigation measures to be incorporated within the area (the land proposed to be zoned RE2 Private Recreation), not in surrounding lands.

Land Pooling Precinct Draft Review Zoning Option



As a consequence of the first exhibition:

- Eighty (80) submissions from land owners covering forty seven (47) holdings or one hundred and twenty four (124) lots, supporting the rezoning of the precinct to R2 Low Density Residential. Many of the submissions in support from landowners indicate how they have owned the land since the 1970 – 1980's and have been waiting for the opportunity to build a dwelling house;
- The submissions of support included a submission on behalf of Ensile Pty Ltd and Cambalong Pty Ltd which included a suggested alternative subdivision layout that maintains a buffer around Herbert Creek and provides for two hundred and forty three (243) lots (depicted below);
- Eighteen (18) form letters were received in support of the rezoning of this precinct to R2 Low Density Residential;
- 3,038 form letters opposed any rezoning of the precinct; and
- A submission from Sutherland Shire Council and other letters opposed any rezoning of the precinct.

Land Pooling Precinct submitted alternate subdivision pattern



The Preliminary Review of Submissions report proposed that residential development of the precinct not be supported and that no amendment be made to the Wollongong Local Environmental Plan 2009, so the precinct would retain an E3 Environmental Management zone.

As a consequence of the second exhibition, 3,220 submissions commented on the precinct:

- One (1) submission supported the E3 Environmental Management zone;
- 2,779 submissions objected to the proposed E3 Environmental Management zone, and considered that the precinct should be zoned E2 Environmental Conservation due to its bushland location, in the head waters of Herbert Creek; and
- 433 submissions (mainly from landowners) objected to the proposed E3 Environmental Management zone, and considered that the precinct should be zoned R2 Low Density Residential to allow urban development. 413 of these

submissions were five (5) form letters which claimed the precinct is not steep, can manage bushfire and water quality issues and can be developed.

The submission on behalf of Ensile Pty Ltd proposed that this area be included in the draft Planning Agreement.

This precinct is perhaps the most debated area in the 7(d) Review. The two (2) basic options for the future of this precinct have not changed in the last thirty (30) years; either permit residential development or continue to not permit residential development. On the one hand there are the owners of the properties who want the area rezoned to permit residential development. The stated benefits include:

- The resolution of a long standing issue, by allowing dwellings to be constructed;
- The provision of additional housing opportunities in Helensburgh;
- It provides a logical extension to the existing urban area to the immediate north;
- The residential development would support retail activities in Helensburgh;
- The residential development would remove a bushfire risk to adjoining residential development, and bushfire risks can be managed in the precinct;
- Water quality can be managed and the installation of treatment devices would improve runoff from existing urban development in Merrigong Place and Floyd Place; and
- The residential development would remove a maintenance liability for the owners.

This view is opposed in many submissions from the community, who argue that the development of the precinct will:

- Result in a loss of bushland and biodiversity;
- Adversely impact on the headwaters of Herbert Creek;
- Be visible from Bald Hill, one of the City's main tourist attractions;
- The lots have never had a dwelling entitlement, and owners have speculated that the planning rules will change; and
- Development would exacerbate Helensburgh traffic and infrastructure problems.

Development of the precinct presents significant challenges to overcome existing environmental constraints, including bushfire hazards; contiguous high quality bushland habitat; and a sensitive water catchment upstream of the Royal National Park.

In summary:

- The lots were created in the 1890s;
- The Helensburgh Commission of Inquiry found that the precinct had limited urban capability;
- The draft 7(d) Review (2009) proposed that the land be rezoned to R2 Low Density Residential;

- The Preliminary Review of Submissions (2010) proposed that the land retain an E3 Environmental Management zone;
- The precinct has gentle slopes, with the majority <8% (see Slope Analysis below);
- Part of the precinct contains the endangered ecological community "Southern Sydney sheltered forest";
- The precinct is within the area mapped as Illawarra Moist Forest Corridor;
- The precinct is not identified as being a suitable addition to the State Reserve system; and
- The precinct is mapped as containing the Bundeena Soil Landscape (similar to the majority of Helensburgh) which is identified as not being suitable for urban development.

Land Pooling Precinct Slope Analysis (% slope)



Options

The following options are available:

- 1 Retain the E3 Environmental Management zone with no amendment. This will not permit any residential development in the precinct.
- 2 Rezone to E2 Environmental Conservation. This will limit the opportunity for any development in the precinct.
- 3 Rezone to R2 Low Density Residential. This would result in the clearing of bushland and the development of the land for housing. Any rezoning to permit residential development, would require the following studies and criteria to be completed or addressed:

- Flora and fauna;
- Bushfire risk;
- Archaeology;
- Water quality;
- Traffic and transport;
- Visual impact;
- Illawarra Regional Plan – Sustainability Criteria;
- Infrastructure servicing; and
- A Site Specific Development Control Plan chapter.

- 4 Rezone to E4 Environmental Living and allow some limited development on larger blocks (through the amalgamation of existing lots). This would require the same studies as the R2 Low Density Residential zone option.

Council needs to be careful that the E2 Environmental Conservation zone is not so restrictive that no land use is permissible, which would be similar to Council making the land a public reserve. If this was the case, Council may be forced to acquire the land.

It is recommended that the E3 Environmental Management zone be retained, and Council undertake additional investigations into the capability of the land to support development. Following the completion of the studies the future zoning of the precinct be determined.

Lady Carrington Estate South

This precinct extends south of the Camp Creek precinct to Otford Road, and includes one hundred and seven (107) paper subdivision lots which have an area of 10.3 hectares. The triangular Lot 1 DP 616228 south of Koornong Road has an area of 3.3 hectares. The precinct is entirely owned by Ensile Pty Ltd. A large portion of the precinct has been historically cleared, and it has been used for agriculture.

The Helensburgh Commission of Inquiry (1994) found that this precinct was the second most capable of urban development (after land in the Gills Creek precinct). The precinct has gentle to moderate slopes, can be connected to the reticulated sewerage system and large parts have been cleared.

Lady Carrington Estate South Precinct location



The draft 7(d) Review recommended that the paper subdivision area north of Otford Road be zoned R2 Low Density Residential, including the triangular lot to Koorng

Road. The current subdivision pattern is not endorsed and would have to be redesigned to comply with current standards. The development of this area would reduce the existing bushfire hazard on the eastern side of Helensburgh where mitigation measures have not been established. The Asset Protection Zones would be required to be included within the development area and not in the adjoining steep bushland. The Asset Protection Zone (APZ) area is proposed to be zoned RE2 Private Recreation.

As a consequence of the first exhibition, the submission on behalf of Ensile Pty Ltd proposes that the residential boundary be extended eastwards of the current paper subdivision to beyond the edge of the ridge and a community recreation area be provided around the subdivision. The concept proposes a subdivision of the precinct into two hundred and sixty two (262) lots.

Submissions from the community opposed any residential development in this precinct. The submissions note that this development would be the first development in the Gardiners Creek catchment, including:

- 3,038 form letters opposed to any rezoning of the precinct; and
- A submission from Sutherland Shire Council and other letters opposed to any rezoning of the precinct.

Lady Carrington Estate South Precinct – Submitted alternate subdivision option



The Preliminary Review of Submissions report proposed that no residential development occur in the precinct and the precinct retain an E3 Environmental Management zone.

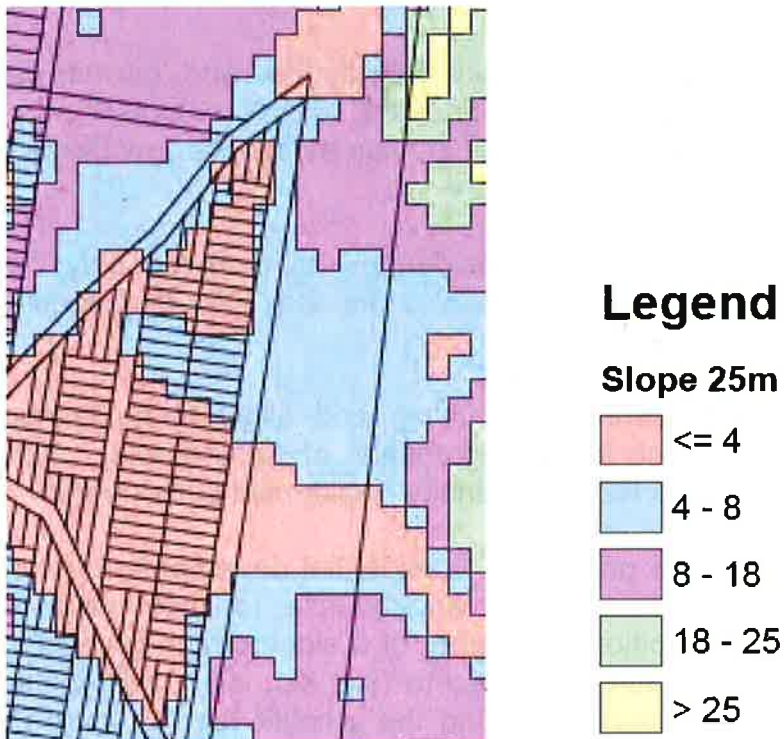
- As a consequence of the second exhibition, 2,785 submissions commented on this precinct. Three (3) submissions supported the retention of the E3 Environmental Management zone;

- Three (3) submissions opposed the E3 Environmental Management zone and supported the rezoning of the precinct to a residential zone to permit urban development. This includes the submission on behalf of Ensile Pty Ltd which proposed the development of the land in exchange for the transfer of conservation areas to public ownership; and
- 2,779 submissions opposed the E3 Environmental Management zone and supported the rezoning of the precinct to E2 Environmental Conservation.

The Lady Carrington Estate South precinct is one of the most controversial precincts in the former 7(d) area. Whether this precinct should be rezoned for urban development has been debated for many years. In summary:

- The lots were created in the 1890s;
- The Helensburgh Commission of Inquiry found that the cleared parts of the precinct had limited urban capability;
- The draft 7(d) Review proposed that the land be rezoned to R2 Low Density Residential;
- The Preliminary Review of Submissions proposed that the land retain an E3 Environmental Management zone;
- The precinct has gentle slopes (<8%) (see Slope Analysis below);
- The precinct does not contain any endangered ecological communities;
- The precinct is within the area mapped as Illawarra Moist Forest Corridor;
- The precinct is not identified as being a suitable addition to the State Reserve system;
- The precinct is mapped as containing the Bundeena Soil Landscape (similar to the majority of Helensburgh) which is identified as not being suitable for urban development.

Lady Carrington Estate South Precinct Slope Analysis (% slope)



Preliminary review of submissions

Seven (7) options for this precinct have been considered:

- 1 Retain the E3 Environmental Management zone with no amendment. This will not permit any residential development in the precinct.
- 2 Rezone to E2 Environmental Conservation. This will not permit any development in the precinct.
- 3 Rezone the precinct (small lots) to R2 Low Density Residential and permit the residential development of the precinct. Similar to the Land Pooling Precinct, any rezoning to permit residential development would require the following studies and criteria to be completed or addressed:
 - Flora and fauna;
 - Bushfire risk;
 - Archaeology;
 - Water quality;
 - Traffic and transport;
 - Visual impact;
 - Illawarra Regional Plan – Sustainability Criteria;

- Infrastructure servicing; and
 - A Site Specific Development Control Plan chapter.
- 4 Rezone an expanded area to R2 Low Density Residential and permit the residential development of the precinct (as suggested by the submission on behalf of the owner). This would require the same studies as the R2 Low Density Residential zone option.
 - 5 Rezone a smaller area to R2 Low Density Residential, for example only the cleared land. This would require the same studies as the R2 Low Density Residential zone option.
 - 6 Rezone part of the site to E4 Environmental Living and allow some limited development on larger blocks (through the amalgamation of existing lots). This would require the same studies as the R2 Low Density Residential zone option.
 - 7 Rezone to permit another use for the precinct. If residential development is not supported, then the precinct may have value for another use, for example as a private high school. During the exhibition, a number of residents highlighted the fact that children leave the district each day to go to high school. Additionally, different groups have approached Council seeking the identification of land for possible private schools; however this site has not been identified in any discussions. Given the large flat nature of the site, it could be suitable for use as a private high school. An Asset Protection Zone would be required for bushfire protection, which could include the school ovals.

Although part of this precinct has been cleared, development of the area presents significant challenges to overcome existing environmental constraints, including impacts on the water catchment and disturbance of significant vegetation.

Development of this land is likely to lead to negative impacts on the Hacking catchment due to the close proximity to the headwaters of two (2) of its tributaries, Gardiners Creek and another unnamed creek. This would be the first development in these two (2) sub-catchments.

The site is surrounded by significant vegetation and any development would lead to future disturbance of the surrounding high quality bushland habitat.

It is recommended that the site retain an E3 Environmental Management zone for the time being and that further studies be undertaken to determine the land capability, prior to Council determining the future zoning of the precinct.

Exit strategy / Draft Planning Agreement

The review of land formerly zoned 7(d) Hacking River – Environmental Protection recommends that further development not be permitted in many precincts, and some limited development be permitted in other precincts.

Whilst ever the bushland areas remain in private ownership there will be pressure from the landowners to allow development, and from the community not to permit development and place the lands in public ownership.

There are two (2) basic options for the future ownership of the land:

- 1 Remain in private ownership – no change, or
- 2 Consider mechanisms to transfer land to public ownership, including:
 - Purchase (with possible funding from special rate levy or Section 94);
 - Planning Agreement / transferrable development rights;
 - Cluster housing - allow development in part of the precincts; or
 - Through unpaid rates - if land owners don't pay rates, there are mechanisms to bring the land into Council ownership.

a Purchase / acquisition

Ideally, the significant bushland areas should form part of the Royal National Park or Garrawarra State Conservation Area. Discussions with the (then) Department of Environment, Climate Change and Water and the National Parks and Wildlife Service indicate that many of the areas would make suitable additions to the National Park estate. However, the Agencies have not agreed to the transfer or purchase. The purchase of lands is dependent upon the land being offered for sale, the availability of funds and State wide acquisition priorities.

In 2010, the (then) Department of Environment, Climate Change and Water purchased Lot 1 DP 616230 (Lady Carrington Estate North – 32.46 hectares) at auction for a reported \$1.2 million. The Office of Environment and Heritage has confirmed that this land can now be zoned E1 National Parks.

To estimate possible acquisition costs, in 2010 Council engaged a Valuer to review the land values within the Lloyd Place and North Otford precincts. The Valuer estimated the land to be worth \$30,000 per lot based on its unimproved standard and dwelling houses not being allowed. If dwellings were allowed the value would increase substantially. The Valuer also researched the purchase price (where available) and calculated the likely return if that money was invested in a bank. The calculated returns were less than the estimated land values.

The following table provides the beginnings of an estimate of the possible cost of bringing the lots proposed to be zoned E2 Environmental Conservation, (that don't have existing dwellings), into public ownership, based on the 2010 valuation of some precincts. Additional valuations would need to be obtained to complete the table. If properties are to be acquired by Council they could be identified on the Land Reservation Acquisition Map which forms part of the Wollongong Local Environmental Plan 2009. A draft Planning Proposal would have to be adopted, exhibited and finalised to make the amendment.

Summary of possible E2 land acquisition costs

Precinct	No. lots	Estimated value	Priority
A. Precincts not subject to the draft Planning Agreement			
Undola Road precinct	1	\$30,000*	High
Wilsons Creek	7	Unknown	Medium
Central Otford	5	Unknown	Low
North Otford	45	\$1,350,000*	High
B. Land subject to the draft Planning Agreement			
Lloyd Place	20	\$600,000*	High
Camp Creek precinct	42	\$1,260,000*	Low
Land Pooling	204	\$6,120,000*	Medium
Lady Carrington Estate South	107	\$3,120,000*	Low
Ensile and Thompson central bushland area	4	Unknown	High
Lilyvale	49	Unknown	High
Total	482	\$12,480,000+	

* Estimates based on unimproved land value and dwelling houses not being permitted on the land

Some owners will be unwilling to sell. A number of landowners indicated that if their land was identified for acquisition, they would also seek for their rates paid over the past

30-40 years to be reimbursed. This indicates that acquisition based on limited development potential may face resistance from numerous owners, for either emotional reasons or they still believe that the land would be rezoned to allow a dwelling house.

Council cannot afford to purchase all the land. Funding for the acquisition, should initially be sought from the Government. As noted previously, State funding, through the Office of Environment and Heritage, is dependent on land being offered for sale, availability of funds and State-wide priorities for acquisition.

If Government funding is unsuccessful, a Special Rates Levy could be considered over a period of five (5) years to assist with funding the acquisition. The introduction of a levy would require Council to justify the benefit to the community, review by IPART, approval by the Minister for Local Government and community support. The community view could be considered as part of the development of the Community Strategic Plan, currently being prepared.

A Special Rate could be applied to all 80,000 residentially rated properties in the City. Given the substantial objection to any development of these lands from residents in Helensburgh, Otford and Stanwell Tops, and the benefit they will derive from the conservation, a higher Special Rate could be applied to the 2,000 residential properties in these areas. A Special Rate could also be applied to the 7(d) lands, including properties identified for acquisition. The following table provides an example of a possible Special Rate for discussion purposes:

Possible Special Rate example

Location	No. of properties	Example Special Rate	Estimated funds generated
7(d) lands (privately owned)	697	\$100 per year for 5 years	\$0.35 million
Residential properties in Helensburgh and Otford	2000	\$100 per year for 5 years	\$1 million
Residential properties in the rest of Wollongong LGA	78,000	\$30 per year for 3 years	\$7.02 million
Total			\$8.37 million

The levy would be reduced if State Government funding or funding from other sources is made available.

A Section 94 levy has not been proposed as this report does not propose significant residential development at Helensburgh which could fund the acquisition. It is noted that Lady Carrington Estate South and the Land Pooling precinct are already subdivided into over three hundred (300) lots. These lots would be given a credit and any levy for subdivision would only apply to any additional lots created. No further subdivision and only limited development in the area is proposed, and would not generate sufficient funds for the acquisition.

Section 94A Development Contributions will provide some additional income based on 0.5% of development costs over \$100,000 and 1% of development costs over \$200,000 per application. The contributions collected would be used towards the upgrading of local infrastructure and services.

Alternatively, persons could seek to enter into a Planning Agreement with Council, where instead of paying the Section 94A contribution; they could undertake works or provide a land contribution in lieu or in addition to a financial contribution. The following section of this report provides an example of a draft Planning Agreement.

Once in Council ownership the lots could be offered to the NSW Office of Environment and Heritage to form part of the Royal National Park or Garrawarra State Conservation Area. It is anticipated that current owners would require Council to enter into an agreement not to on-sell the lots (except to State agencies) or try to rezone / develop the acquired lots.

b Transfer / draft Planning Agreement

Since at least 1989, there have been proposals for the majority of the Ensile Pty Ltd holdings to be transferred into public ownership, in exchange for the rezoning of the Lady Carrington Estate South precinct to allow residential development.

During the second exhibition, consultants for Ensile Pty Ltd lodged a draft Planning Agreement with Council, which proposes:

- The dedication of 321 hectares to the State Government for incorporation into the Royal National Park, comprising land in the Lady Carrington Estate North (6.5 hectares), Camp Creek, Lilyvale and Central Bushland precincts (314.5 hectares);
- The leaseback of Otford Valley Farm (32.1 hectares) for twenty five (25) years, to enable its continued operation for that period;
- The development of the Land Pooling (23.3 hectares) and Lady Carrington Estate South (22.4 hectares, plus 10 hectares for Asset Protection Zone) precincts for urban development;
- A possible exit strategy for the Lloyd Place and other third party landholders, by allowing them to trade their holdings for sites in Lady Carrington Estate South.

Draft Planning Agreement

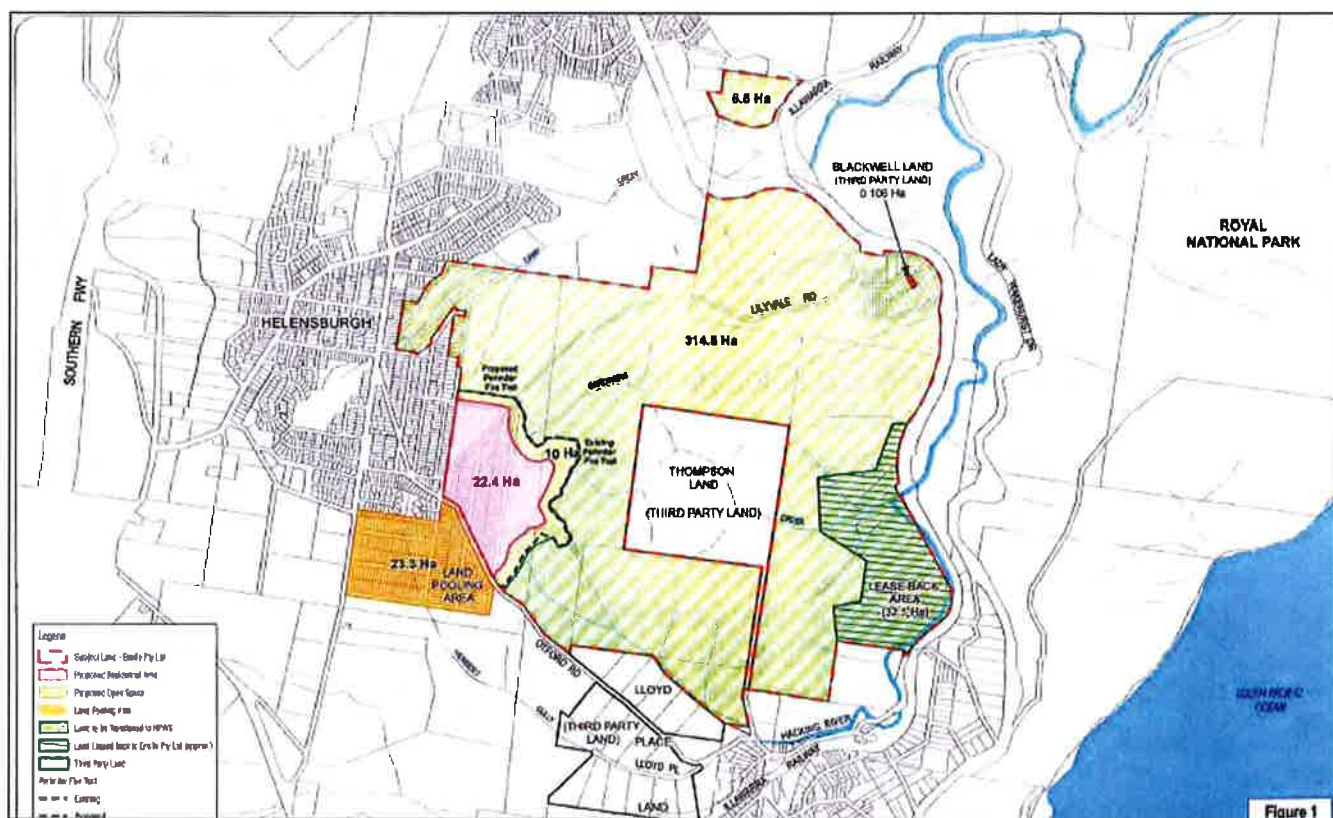


Figure 1

The proposed dedication / transfer of land is reliant on the urban development of the Land Pooling and Land Carrington Estate South precincts. The Preliminary Review of Submissions (2010) report did not support urban development in these precincts.

The draft Planning Agreement offers a solution for all precincts except the North Otford precinct, and the few lots in the Wilsons Creek, Undola Road and Central Otford precinct where development is not supported.

Council has held discussions with the (then) Department of Environment, Climate Change and Water, and the National Parks and Wildlife Service on the proposal. The Agencies' confirmed that the majority of the land proposed to be transferred is of high conservation value and would make worthy additions to the Reserve system. The Agencies' indicated that some of the land in the Camp Creek and Otford Valley Farm precincts is not suitable for reservation. The agencies did not indicate support or oppose the draft Planning Agreement, noting that any rezoning was initially a decision for Council.

Whilst ever the bushland areas remain in private ownership there will be pressure from the landowners to allow development, and from the community not to permit development and place the lands in public ownership. Additionally, the lots within the

Lady Carrington Estate South and Land Pooling precincts have separate title and could be sold as individual lots.

The proposed Planning Agreement also suggests a solution for the owners in the Land Pooling precinct, Lloyd Place and two (2) other third party landholders.

To allow the community to consider the merits of the proposal, Council on 5 July 2011 resolved to exhibit the draft Planning Agreement for community input. The exhibition was postponed pending the exhibition of the draft Planning Proposal for the other precincts and Council's current review.

The options for the Ensile Pty Ltd holdings are:

- Allow the holdings to remain in private ownership, with no additional development potential;
- Purchase the majority of the holdings at say \$10-20 million (subject to valuation and negotiation);
- Allow urban development in the Land Pooling and Lady Carrington Estate South precincts, in exchange for the high conservation areas to be transferred to the public reserve system, as proposed by the draft Planning Agreement; or
- A combination of the above options.

The following table provides a comparison of the first three (3) options. The draft Planning Agreement has not been reviewed or negotiated. Council could commence negotiations to develop a revised draft Planning Agreement

Options for the Ensile Pty Ltd Holdings

	Option 1 No change	Option 2 Acquisition	Option 3 Draft Planning Agreement
Lady Carrington Estate south	E3 - Remain in private ownership – no development.	E3 - No development. Acquired by public (est. \$3.21m*).	Rezone to R2 (some E3) to permit residential development – some 262 dwellings.
Land Pooling	E3 - Remain in private ownership – no development.	E3 - No development. Acquired by public (Ensile est. \$2.1m*). (Others est. \$4.11m*).	Rezone to R2 (some E3) to permit residential development – some 243 dwellings.

	Option 1 No change	Option 2 Acquisition	Option 3 Draft Planning Agreement
Lloyd Place	E2 - Remain in private ownership – no development.	E2 - No development. Acquired by public (est. \$0.66m*).	E2 – No development. Transferred to public ownership (44 ha).
Lady Carrington Estate Lilyvale Camp Creek	E2 - Remain in private ownership – no development.	E2 - No development. Acquired by public (est. \$unknown).	E2 – No development. Transferred to public ownership (321 ha).
Otford Farm (existing equestrian centre) (32.1 ha)	E3 - Remain in private ownership – no development.	E3 - Remain in private ownership – no development. (est. \$unknown)	Leaseback of Otford Valley Farm (32.1 hectares) for 25 years.
Total acquisition cost	\$nil	Min \$7.98m*	\$nil
Benefits	Status quo.	Brings the conservation areas into public ownership. No development means no clearing or water quality impacts. Resolves ownership debate.	Brings the conservation areas into public ownership. Allows residential development to support the town. Resolves ownership debate.
Disadvantages	Status quo. No change to the E3 zone. Allows ownership debate to continue.	Acquisition cost to community / government.	Clearing of bushland. Water quality impacts.

* Estimates based on unimproved land value and dwelling houses not being permitted on the land

It is recommended that Council exhibit the draft Planning Agreement to allow the community to consider the option as a mechanism to bring the areas of bushland with high conservation value into public ownership.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the Land Pooling and Lady Carrington Estate South precincts retain the E3 Environmental Management zone and that a project brief be prepared to review the capability of the precinct to support development.

It is recommended that the draft Planning Agreement be exhibited to enable the community to consider the option as a mechanism to bring the bushland areas into public ownership.