

REF: CM101/11

**REVIEW OF 7(D) LANDS AT HELENSBURGH, OTFORD AND STANWELL TOPS -
FINAL REPORT ON SUBMISSIONS**

Report of Manager Environmental Strategy and Planning [Acting] (DG) 23/06/11

SU26444

PRECIS

In 2009, Council exhibited the draft Review of the land zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Review proposed a new vision for the area that sought to conserve significant bushland as well as resolving historic dwelling entitlement issues. As a result of the exhibition, 3,447 submissions were received.

In May 2010, Council considered the issues raised in the submissions, made changes to the options in the draft Review and exhibited the Preliminary Report on Submissions. A further 19,405 submissions were received.

This report presents a Final Report on submissions to assist Council in determining whether a draft planning proposal should be prepared to rezone parts of the area. It is recommended that a Planning Proposal be prepared to rezone certain precincts, to retain the current provisions for some precincts, and further consultation occur on other precincts.

RECOMMENDATION

- 1 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 for the following precincts:**

a Garrawarra precinct:

- Amending the description of the Garrawarra Centre on the Zoning Map from SP2 Infrastructure Hospital to SP2 Infrastructure Health Service facility and Seniors Housing;
- Rezoning the balance of the Crown Land to E2 Environmental Conservation;
- Rezoning the Sydney Catchment Authority land to E2 Environmental Conservation; and
- Amending the Minimum Lot Size Map by removing the subdivision standard for the part of Garrawarra Centre zoned SP2 Infrastructure Health Service facility and Seniors Housing.

b Lady Carrington Estate north:

- Rezone to E1 National Parks, as the land is now part of Garrawarra State Conservation Area.

c Gateway precinct, Princes Highway:

- Zoning 151 and 177 Princes Highway, and 200-206, 208-216, 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;
- Zoning Nos. 187-193 Princes Highway to the RU2 Rural Landscape zone;
- Zoning 2 Lawrence Hargrave Drive to the RE2 Private Recreation zone;
- Zoning 1-5 Lawrence Hargrave Drive and 227 Princes Highway 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.

d Princes Highway – west of F6 precinct:

- Rezone the Crown Land and Sydney Catchment Authority land to E2 Environmental Conservation; and
- Rezone the private land to RU2 Rural Landscapes and E2 Environmental Conservation.

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- e Gills Creek precinct:**
- Nos. 237-261 Princes Highway be zoned RU2 Rural Landscapes;
 - The Crown Land, and the Gills Creek corridor be zoned E2 Environmental Conservation;
 - The additional use of a “restaurant or café” be permitted on the corner of Baines Place and Lawrence Hargrave Drive, on part of Lot 4 DP 259401; and
 - The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation, with a minor modification to the exhibited zoning option.
- f Wilsons Creek precinct:**
- Zoning the Wilsons Creek riparian corridor to the E2 Environmental Conservation zone;
 - Zoning the Crown Land to the E2 Environmental Conservation zone;
 - Zoning the seven (7) small residue lots on the western side of the Princes Highway (Nos 86, 90, 96, 120, 128, 134, 138) to the E2 Environmental Conservation zone;
 - Retaining an E3 Environmental Management zone over the remainder of the Precinct, and allowing a dwelling house on the larger lots, provided that the following can be addressed:
 - Retention of bushland – especially the Endangered Ecological Community the “Southern Sydney Sheltered Forest”;
 - Bushfire mitigation;
 - Access arrangements;
 - Provision of waste water services.
 - Requiring lots 16 to 23 DP8203 (8 lots) Rajani Road to be consolidated into one lot, and a dwelling house be permitted on that lot, by amending the Minimum Lot Size Map to 4,000m² and a floor space ratio of 0.3:1.
- g Walker Lane precinct:**
- Rezone part of the precinct to R2 Low Density Residential, and the remainder to E2 Environmental Conservation.
- h Undola Road precinct:**
- 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;
 - Rezone 3 Undola Road to E2 Environmental;
 - Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and
 - Rezone Whitty Road Reserve and Undola Road Reserve to be consistent with the adjoining zone.
- i Walker Street precinct:**
- Rezone to the RU2 Rural Landscape zone.
- j Lukin Street precinct:**
- Rezone the Crown Land to E2 Environmental Conservation; and
 - Rezone the 48-54 Parkes Street 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.
- k Otford north precinct:**
- Rezone to E2 Environmental Conservation and not permit dwelling houses.
- l Otford central precinct:**
- Rezone to E4 Environmental Living and allow a dwelling house on any vacant lots, with a floor space ratio of 0.5:1, maximum building height of 9m and
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- minimum lot size of 10,000m²; and
 - Rezone Lots 14, 15 and 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road to E2 Environmental Conservation.
- m **Otford south precinct:**
- Retaining an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the Minimum Lot Size Map to permit a dwelling house; and
 - Zoning Otford Farm as indicated in Figure 5.13.2.
- n **Isolated lots in the Royal National Park:**
- Rezone to E2 Environmental Conservation and not permit any additional dwelling houses.
- o **Metropolitan Colliery:**
- Rezone the Crown Land bushland to E2 Environmental Conservation.
- p **Frew Avenue precinct:**
- Retain E3 Environmental Management zone, and allow a dwelling house on the vacant lots.
- 2 **The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for review and approval prior to public exhibition.**
- 3 **Following the Department's approval, the draft Planning Proposal be exhibited in accordance with the Department's guidelines "LEPs and Council Land" and be exhibited for a minimum period of two (2) months.**
- 4 **No change to the planning controls for the following precincts be made, which will retain the E3 Environmental Management zone:**
- a **Kelly Falls precinct;**
 - b **Govinda precinct; and**
 - c **Old Farm Road precinct.**
- 5 **The draft Planning Agreement submitted on behalf of Ensile Pty Ltd which proposes the dedication of 321 hectares to Council / National Parks and Wildlife Service, in exchange for urban development within the Land Pooling and Lady Carrington Estate Precincts, and which also proposes an exit strategy for third party land owners in the Lloyd Place, Central Bushland and Lilyvale precincts, be exhibited for community comment. The exhibition include information and seek community feedback on the options for the future management of the precincts, including no change, purchase, or transfer.**
- 6 **Following the community consultation, a further report be submitted to Council on whether the Planning Agreement should be progressed, the preparation of a draft Planning Proposal, and what studies would be necessary to support the rezoning of the precincts.**
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BACKGROUND

The 7(d) Hacking River Environmental Protection zone was introduced in the 1980s and 1990s as a means of limiting development to protect the water quality of the Royal National Park and Hacking River. The zone has resulted in inequities between adjoining landowners, those with and without dwelling houses, and has prevented many land owners from building a dwelling house on their land.

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. There

were 777 lots zoned 7(d) Hacking River Environmental Protection under the Wollongong Local Environmental Plan 1990. The lots are owned by 303 persons and / or companies. The lots range in size from 42m² to 133 hectares. The majority of the lots (58% or 457 lots) are between 500m² and 2,000m² in size. Only 108 of these lots contain dwelling houses.

There has been a long history associated with the conservation and possible development of the 7(d) lands, including the Helensburgh Commission of Inquiry (1994). One of the main issues is the permissibility of dwelling houses. Some owners have owned land since 1965, in the hope that planning controls may change to enable a house to be built. In other instances, planning controls have changed which has prevented a dwelling house being built where it was previously permissible.

The 7(d) lots are now zoned E3 Environmental Management under the Wollongong Local Environmental Plan 2009. The E3 Environmental Management zone retains the previous restriction on the construction of new dwelling houses, where the area of the land needs to be greater than 10, 20 or 40 hectares depending on the date of subdivision. Currently 108 lots contain a dwelling house. To avoid confusion this report will continue to refer to the area as 7(d) lands.

In September 2007, Council resolved to commence a review of 7(d) lands at Helensburgh, Otford and Stanwell Park. The draft report was completed with the assistance of Willana Associates Pty Ltd in mid 2009. The report is a desktop review of the issues associated with the 7(d) lands and presents a set of recommendations for the amendment of the planning controls. More detailed investigations would have to occur into some proposals if they are to proceed through a rezoning process.

The 7(d) Review considered regional issues and divided the study area into a number of precincts. The recommendations were based on a number of principles including:

- retention of significant bushland;
- retention of water quality of the Hacking River;
- improving bushfire mitigation for existing residential areas;
- considering future development options; and
- reviewing the dwelling entitlement issue.

Council at its meeting on 28 July 2009, considered a report on the draft Review and submissions received during the exhibition of the draft Wollongong Local Environmental Plan 2009. Council resolved that:

- 1 *The draft Wollongong Local Environmental Plan 2009 be amended by rezoning the 7(d) Hacking River lands from E2 Environmental Conservation to E3 Environmental Management, to better reflect the existing planning controls.*
- 2 *The “draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Park” be exhibited for 2 months to enable public review and input.*
- 3 *In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a “planning proposal” (formerly known as a draft Local Environmental Plan) be prepared for the Helensburgh, Otford, Stanwell Tops area for the land zoned 7(d) Hacking River Environmental Protection and submitted to the Department of Planning.*
- 4 *Following the exhibition period, a report on submissions, the requirements of the Department of Planning and the land valuations be prepared for Council’s consideration.*
- 5 *Council hold a public forum, or forums, as part of the community engagement process on this matter.*

The draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops was exhibited from 10 August to 30 November 2009 (three (3) months). A community information session and public

forum was held at Helensburgh Workers, Sport and Social Club on 16 September 2009 and was attended by over 200 persons.

As a result of the exhibition, 3,447 submissions were received; the majority were form letters opposed to any rezoning and development.

Council considered the submissions at its meeting on 25 May 2010. Council resolved that:

- 1 *The Preliminary Report on submissions to the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops (Attachment 1) be made available for land owner and community feedback for a period of six (6) weeks, via Council's website.*
- 2 *A final report be prepared for Council's consideration, including recommendations for the preparation of a draft planning proposal to amend aspects of the Wollongong Local Environmental Plan 2009.*
- 3 *Further discussions occur with:*
 - a *Sydney Water to define the capacity and ability of the water and sewerage networks to accommodate any additional development.*
 - b *The Department of Environment, Climate Change and Water, to determine whether the authority is interested in any of the study area being incorporated into the Royal National Park or Garrawarra State Conservation Area or other reserve.*
 - c *The Department of Planning, to scope the requirements for a draft planning proposal should Council resolve to commence the preparation of a draft planning proposal to amend the Wollongong Local Environmental Plan 2009, and the requirements of the Illawarra Regional Strategy.*
- 4 *Letters and emails be sent to persons who made submissions advising of Council's resolution and the further consultation period.*

The Preliminary Review of Submissions report was exhibited from 2 June 2010 to 16 August 2010 (2.5 months). A community information session was held at the Helensburgh Community Centre on 17 June 2010.

As a result of the exhibition, 19,395 submissions were received; the majority were computer generated form letters opposed to any rezoning and development.

PROPOSAL

The submissions received during both exhibitions are summarised in the attached "Final Report on Submissions to the review of 7(d) lands at Helensburgh, Otford and Stanwell Tops" (Attachment 1).

The report outlines the submissions received, the issues raised in submissions, discusses regional issues, provides an analysis of land ownership and makes recommendations for individual precincts within the 7(d) area.

The key issues raised in submissions include:

- Strong opposition to any further development in the area, due to the impacts on water quality and loss of bushland;
- The potential impact of development on bushland, habitat and fauna movement;
- The potential impact of development on the water quality of the Hacking River, its tributaries and the Royal National Park;
- The desire by landowners to build a dwelling on land that has been owned for many years (up to 45 years);
- Inconsistencies with the recommendations of the Helensburgh Commission of Inquiry (1994); and
- Adequacy of infrastructure to serve any additional development.

After consideration of these submissions and reviewing all information to hand, the final report on submissions makes the following recommendations:

1. A draft Planning Proposal be prepared to amend the planning controls for the following precincts:

Precinct	Recommendation
Garrawarra precinct	• Amending the description of the Garrawarra Centre on the Zoning Map from SP2 Infrastructure Hospital to SP2 Infrastructure Health Service facility and Seniors Housing; • Rezoning the balance of the Crown Land to E2 Environmental Conservation; • Rezoning the Sydney Catchment Authority land to E2 Environmental Conservation; and • Amending the Minimum Lot Size Map by removing the subdivision standard for the part of Garrawarra Centre zoned SP2 Infrastructure Health Service facility and Seniors Housing.
Lady Carrington Estate North	• Rezone to E1 National Parks, as the land is now part of Garrawarra State Conservation Area.
Gateway precinct, Princes Highway	• Zoning 151 and 177 Princes Highway, and 200-206, 208-216, 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; • Zoning the Nos 187-193 Princes Highway to the RU2 Rural Landscape zone; • Zoning 2 Lawrence Hargrave Drive to the RE2 Private Recreation zone; • Zoning 1-5 Lawrence Hargrave Drive and 227 Princes Highway, 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.
Princes Highway – west of F6 precinct	• Rezone the Crown Land and Sydney Catchment Authority land to E2 Environmental Conservation; and • Rezone the private land to RU2 Rural Landscapes and E2 Environmental Conservation.
Gills Creek precinct	• Nos. 237-261 Princes Highway be zoned RU2 Rural Landscapes; • The Crown Land, and the Gills Creek corridor be zoned E2 Environmental Conservation; • The additional use of a “restaurant or café” be permitted on the corner of Baines Place and Lawrence Hargrave Drive, on part of Lot 4 DP 259401; and

Precinct	Recommendation
	The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation, with a minor modification to the exhibited zoning option.
Wilsons Creek precinct	- Zoning the Wilsons Creek riparian corridor to the E2 Environmental Conservation zone; - Zoning the Crown land to the E2 Environmental Conservation zone; - Zoning the seven small residue lots on the western side of the Princes Highway (Nos 86, 90, 96, 120, 128, 134, 138) to the E2 Environmental Conservation zone; - Retaining an E3 Environmental Management zone over the remainder of the Precinct, and allowing a dwelling house on the larger lots, 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; - Requiring lots 16 to 23 DP8203 (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 and a floor space ratio of 0.3:1.
Walker Lane precinct	Rezone part of the precinct to R2 Low Density Residential, and the remainder to E2 Environmental Conservation.
Undola Road precinct	- 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 1000m²; - Rezone 3 Undola Road to E2 Environmental Conservation; - Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and - Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.
Walker Street precinct	Rezone to the RU2 Rural Landscape zone.
Lukin Street precinct	- Rezone the Crown land to E2 Environmental Conservation; and - Rezone the 48-54 Parkes Street 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.

Precinct	Recommendation
Otford North precinct	Rezone to E2 Environmental Conservation and not permit dwelling houses.
Otford Central precinct	- Rezone to E4 Environmental Living and allow a dwelling house on any vacant lots, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 10,000m²; and - Rezone Lots 14, 15, 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road to E2 Environmental Conservation.
Otford South precinct	- Retaining an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the Minimum Lot Size Map to permit a dwelling house; and - Zoning Otford Farm as indicated in Figure 5.13.2.
Isolated lots in the Royal National Park	Rezone to E2 Environmental Conservation and not permit any additional dwelling houses.
Metropolitan Colliery	Rezone the Crown land bushland to E2 Environmental Conservation.
Frew Avenue precinct	Retain E3 Environmental Management zone, and allow a dwelling house on the vacant lots.

- The following precincts retain the current E3 Environmental Management zone with no amendment (no planning proposal required):
 - Kellys Falls precinct;
 - Old Farm Road precinct; and
 - Govinda precinct.
- The draft Planning Agreement submitted on behalf of Ensile Pty Ltd which proposes the dedication of 321 hectares to Council / National Parks and Wildlife Service, in exchange for urban development within the Land Pooling and Lady Carrington Estate Precincts, and which also proposes an exit strategy for third party land owners in the Lloyd Place, Central Bushland and Lilyvale precincts, be exhibited for community comment. This exhibition can occur separately to the draft Planning Proposal for the precincts proposing to be rezoned.

Following the community consultation, a further report be submitted to Council on whether the Planning Agreement should be progressed, the preparation of a draft Planning Proposal, and what studies would be necessary to support the rezoning of the precincts.

CONCLUSION

The area formerly zoned 7(d) Hacking River Environmental Protection has a long, complex and controversial history. The extent of public participation during two (2) community consultation processes highlights that the future of this area remains complex. This report provides a final review of the issues raised in submissions following the exhibition of the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops and the Preliminary Review of Submissions, and provides

recommendations for future zoning controls. It is recommended that Council resolve to prepare a draft Planning Proposal to amend the Wollongong Local Environmental Plan 2009 for some of the precincts, make no change to other precincts and seek further community input on a draft Planning Agreement. The draft Planning Proposal is required to be endorsed by the NSW Department of Planning and Infrastructure prior to the commencement of a two (2) month public exhibition period. The exhibition of the draft Planning Agreement can occur separately.

Name	Position Title
Author:	
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Authorised by:	
Andrew Carfield	Director Planning and Environment
David Farmer	General Manager

ATTACHMENTS

1. Review of land zoned 7(d) lands at Helensburgh, Otford and Stanwell Tops - final report on submissions (Separate Attachment).



Review of the land zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops

Final Report on issues raised in submissions

July 2011

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1. Introduction

1.1 BACKGROUND

The lands 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 (Figure 1.1). There were 777 lots zoned 7(d) Hacking River Environmental Protection, which were owned by 303 persons, companies and Statutory Authorities. These properties are now zoned E3 Environmental Management under the Wollongong LEP 2009, however this report will continue to refer to them as the 7(d) land.

Figure 1.1 Study Area – lands previously zoned 7(d)



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.

The development pattern of Helensburgh largely reflects the 1890's subdivision plans, when the railway was constructed. Over the years, the subdivided land was gradually released for housing. In the early 1950s, town planning controls were introduced which zoned land and established minimum lot sizes for dwellings. Land surrounding the Helensburgh urban area was zoned Rural. Land continued to be rezoned and released for housing, as Helensburgh expanded south along Walker Street. In the 1970-80's, the existing lots within the Land Pooling estate were sold to companies and individual owners with the expectation that it would be the next precinct to be rezoned and released for housing.

In 1984, Environmental Conservation zones were introduced to protect land with conservation or scenic values within the City. Helensburgh and Otford are in the upper catchment of the Hacking River which drains into the Royal National Park. 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 recommending that land be rezoned for housing, the Inquiry recommended the rezoning of some precincts to Environmental Protection zones.

The Environmental Conservation zones have largely remained in place since this time.

The conflicting issues of the 1980s and 1990 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 what is the final development footprint of 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
- Should significant bushland areas remain in private ownership or be brought into public ownership; and
- Whether landowners can build a dwelling house on vacant parcels of land.

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 (1st 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 (2nd community consultation period) from 2 June to 16 August 2010, which resulted in over 19,000 submissions; and
- This final Report on Submissions.

1.2 LOT SIZE ANALYSIS AND OWNERSHIP PATTERN

As noted, there is 1556ha of land that was zoned 7(d) Hacking River – Environmental Protection (now zoned E3), 1523 hectares of which is divided into 777 lots. The remaining 43ha consists of roads. The lots range in size from 42m² to 98 hectares. The majority of the lots (58% or 457 lots) are between 500m² and 2,000m² in size (Figure 1.2). Of the 777 lots, 107 lots contain a dwelling house.

As noted, the 777 lots are in 303 separate ownerships, including individual, families, companies, Statutory Authorities and Wollongong City Council (figure 1.4). Eighty (80) of the lots are publicly owned by NSW Statutory Authorities (62 lots, 305ha) or Council (18 lots, 34.5ha), leaving 697 lots in private ownership. Four lots on the southern boundary, were zoned part 7(d) and part 7(a) or 7(b). Only the 7(d) portion of these properties has been included in the calculation. Figure 1.3 provides a lot size analysis of private land holdings (excluding public land) and whether the lot has a dwelling house. Chapter 1.7 of this report provides an estimate of development potential on vacant land based on the current planning controls.

Figure 1.2 Lot Size Analysis

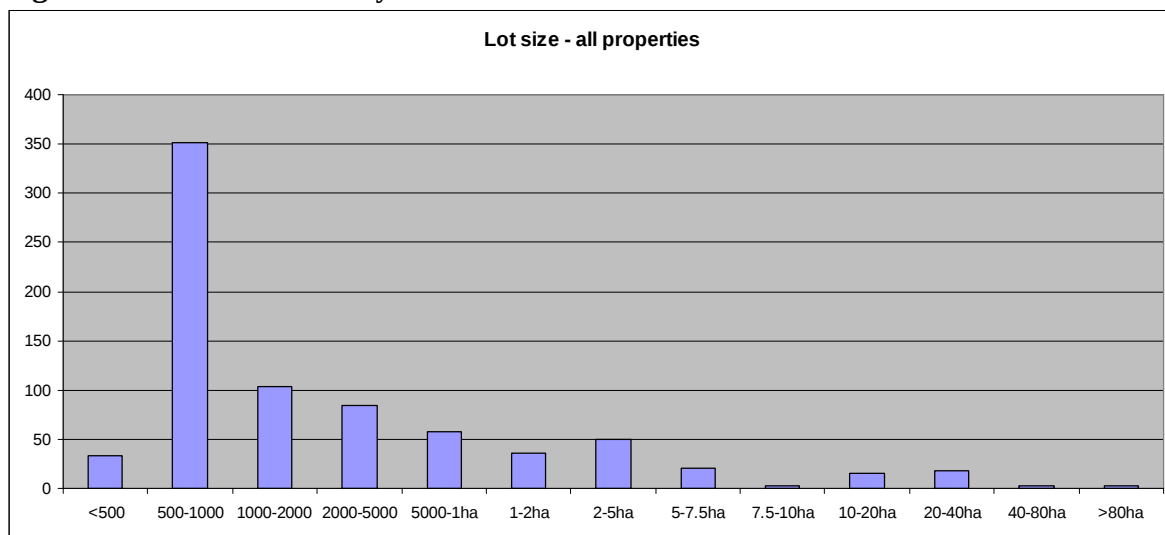


Figure 1.3 Lot Size Analysis – private land holding and dwelling house

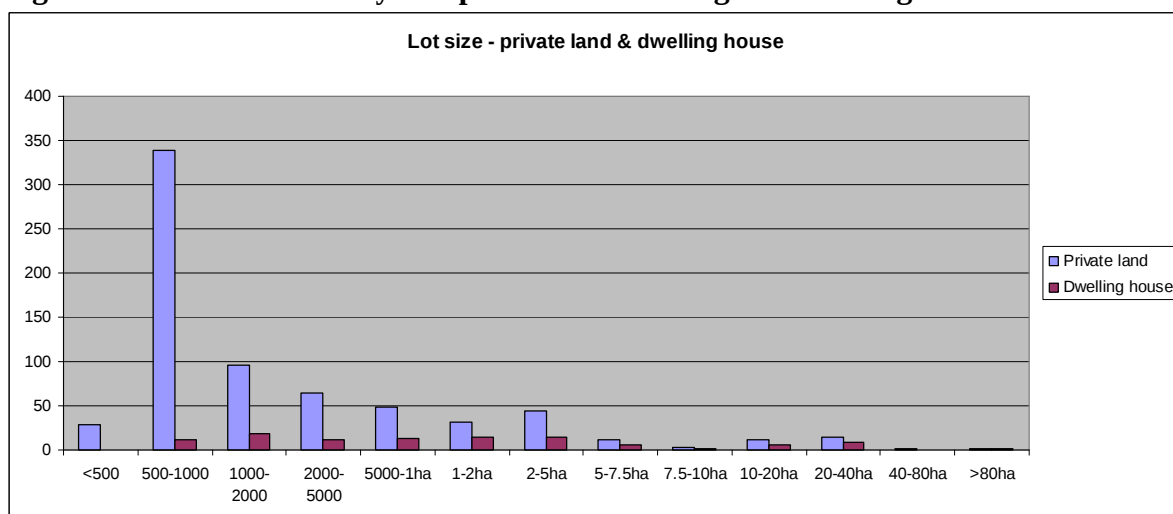
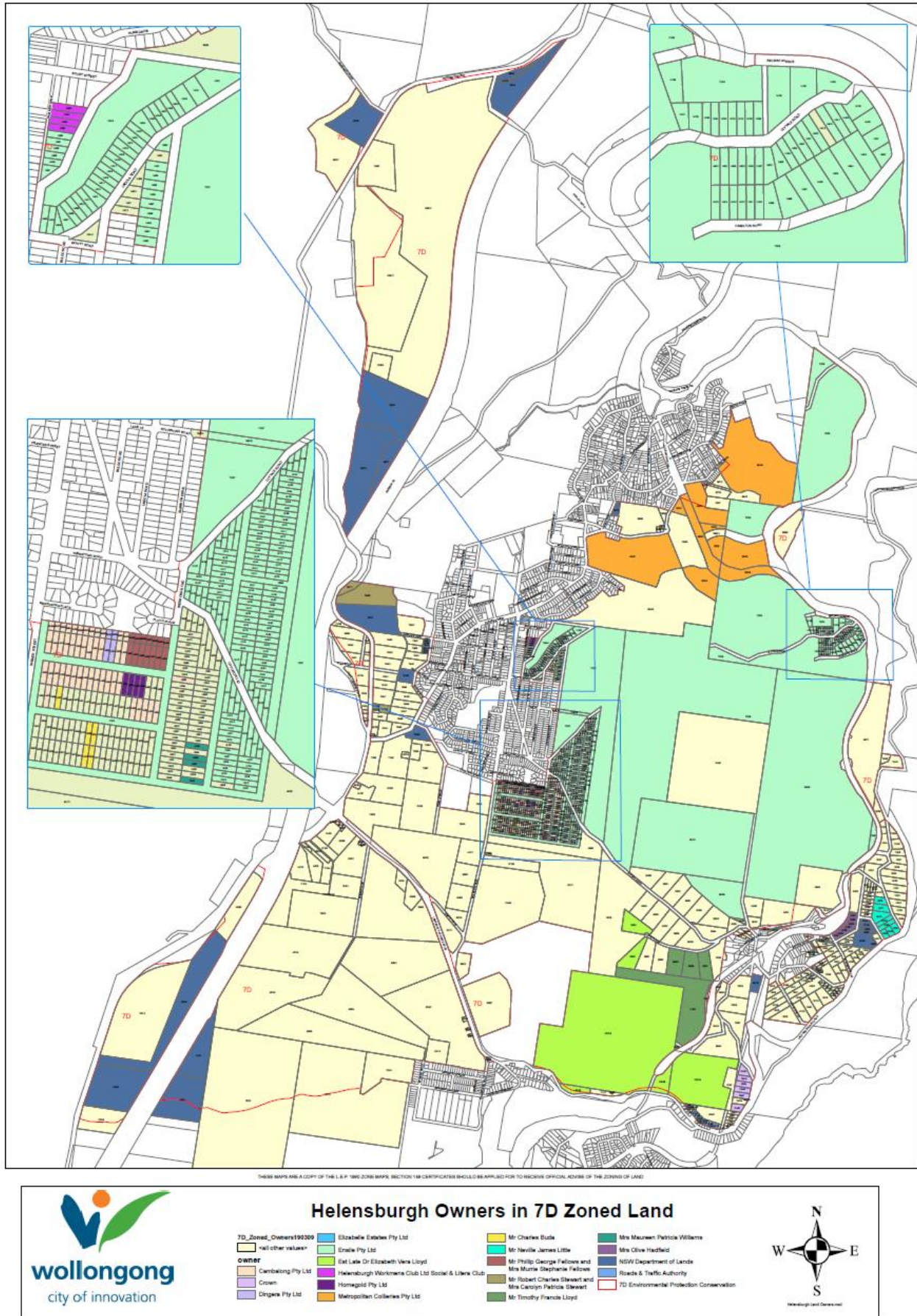


Figure 1.4 Ownership Pattern



1.3 SUBDIVISION AND PLANNING HISTORY

Helensburgh began its life in the 1880s as a coal mining village. The Metropolitan Colliery commenced operations in 1886, and remains important for the local economy.

Helensburgh and Lilyvale were initially subdivided in the 1880-90s in association with the construction of the southern railway. The land around the Helensburgh Town Centre was known as “Helensburgh West”, with Helensburgh being centred on the railway station. Lilyvale was subdivided in 1890, while the Land Pooling precinct is part of the subdivision of the land owned by Thomas Walker into the “Lilyvale Township extension” in 1890.

Otford village, including the Otford North and South precincts, was subdivided in 1905 and was known as “Otford Park Estate”. The Lloyd Place precinct was subdivided in 1971.

Over time the land was slowly released, sold, re-subdivided and developed. Figure 1.5 shows the subdivision history of the area.

Planning legislation was introduced into NSW in 1945, with the introduction of Ordinance No. 105. With the exception of certain development (mainly those carried out by public authorities), consent from Council was required to carry out any development on land.

In 1947, the Illawarra Planning Authority was established to prepare a planning scheme for Wollongong, Shellharbour and Kiama LGAs. Until the 1950s, development occurred in a largely unplanned manner based on the submission of applications for dwellings and subdivision and the availability of potable water.

On 27 June 1951, the County of Cumberland Planning Scheme Ordinance was approved. The Ordinance only applied to the northern part of Wollongong. It identified the urban part of Helensburgh as a “residential area”, and Otford as a “Village”. The remaining rural and bushland areas were mapped as “Rural”. The Scheme introduced a minimum lot size of 0.8 hectares (2 acres) for a “country dwelling” on the Rural land.

In 1951 and 1961 the Illawarra Planning Authority exhibited the draft Illawarra Planning Scheme Ordinance for the region. In 1968 the Illawarra Planning Scheme Ordinance was approved. The Scheme increased the area required for a country dwelling to 2 hectares (5 acres).

On 30 April 1971, the minimum lot size required for a country dwelling standard was amended from 2 hectares (5 acres) to 20 hectares (50 acres). This had the effect of prohibiting new dwelling houses on all lots less than 20 hectares in area, although a savings provision allowed dwelling houses on existing holdings larger than 10 hectares. This particularly had an effect on the Lloyd Place precinct, where the land had just been subdivided into lots with a minimum area of 2 hectares. The change meant that dwelling houses were no longer permissible on the recently subdivided lots.

In 1984, the Illawarra Planning Scheme Ordinance was replaced by Wollongong Local Environmental Plan No. 38. The Plan renamed the Non Urban zone to Rural. The minimum lot size for a dwelling house was increased to 40 hectares with a savings provision allowing dwelling houses on existing holdings larger than 10 hectares (created prior to 1971), and on lots larger than 20 hectares created between 1971 and 1984.

In 1988, the Wollongong LEP No. 38 was amended by the introduction of the 7(h) Hacking River Environmental Protection zone to large parts of Helensburgh and Otford (Figure 1.6).

In 1990, the Wollongong LEP No.38 was replaced by Wollongong LEP 1990 which renamed the Rural zone, back to Non Urban and renamed the 7(h) Hacking River Environmental Protection zone to the 7(d) Hacking River Environmental Protection zone. The zone was introduced as a means of limiting development to protect the water quality of the Royal National Park and Hacking River.

In 1990 Council prepared the draft Helensburgh Town Plan (discussed in chapter 1.4). Council received over 5000 submissions, with the majority (including 3500 form letters) objecting to the draft Plan. On 29 April 1991, Council resolved not to proceed with development as proposed in the draft Helensburgh Plan.

On 29 April 1991, Council also resolved to exhibit a draft LEP to rezone the subject lands to 7(d) Hacking River Environmental Protection zone. Over 7000 submissions were received, with over 5000 supporting the draft LEP and 1787 objecting. On 13 April 1993, Council resolved to proceed with the 7(d) zone, except for the Gills Creek catchment which was deferred.

On 9 February, 1994, the Minister for Planning advised Council that a Commission of Inquiry was warranted to assist him in making his decision on the draft LEP. In 1994 Helensburgh Commission of Inquiry was held (discussed in chapter 1.5). The Inquiry found that much of the land was not capable of urban development, and development in other precincts should only occur after environmental studies were undertaken.

Following the Helensburgh Commission of Inquiry (1994), the 7(d) zone was extended in 1995 to apply to the Land Pooling area through Wollongong LEP 1990 (Amendment No. 63) (Figure 1.9). In 1997, the 7(d) zone was extended to apply to the balance of the Gills Creeks catchment around the intersection of Lawrence Hargrave Drive and the Princes Highway, through Wollongong LEP 1990 (Amendment No. 148) (Figure 1.9).

The 7(d) lots are now zoned E3 Environmental Management under the Wollongong Local Environmental Plan 2009. To avoid confusion, this report continues to refer to the area as the 7(d) lands. The E3 Environmental Management zone retains the previous restriction on the construction of new dwelling houses, where the area of the land needs to be greater than:

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

Table 1.1 provides a summary of the zoning changes from 1951 to present for each of the precincts. The table shows that the precincts had a variety of zoning over the years and changes did not occur uniformly.

Figure 1.5 Date of Subdivision

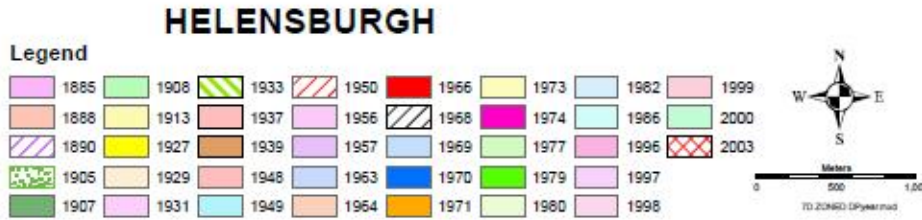
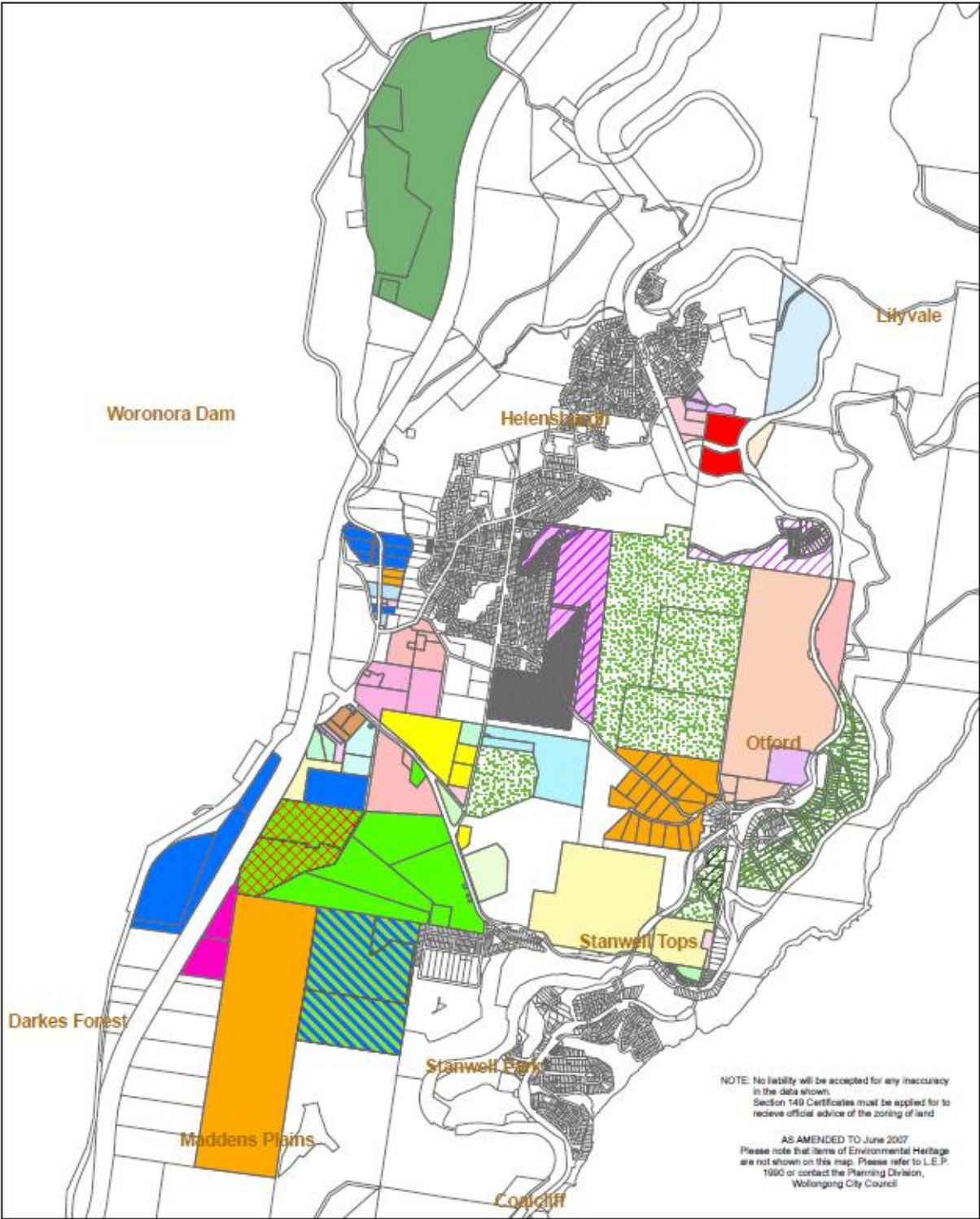


Figure 1.6 **Timing of the introduction of 7(d) zoning**

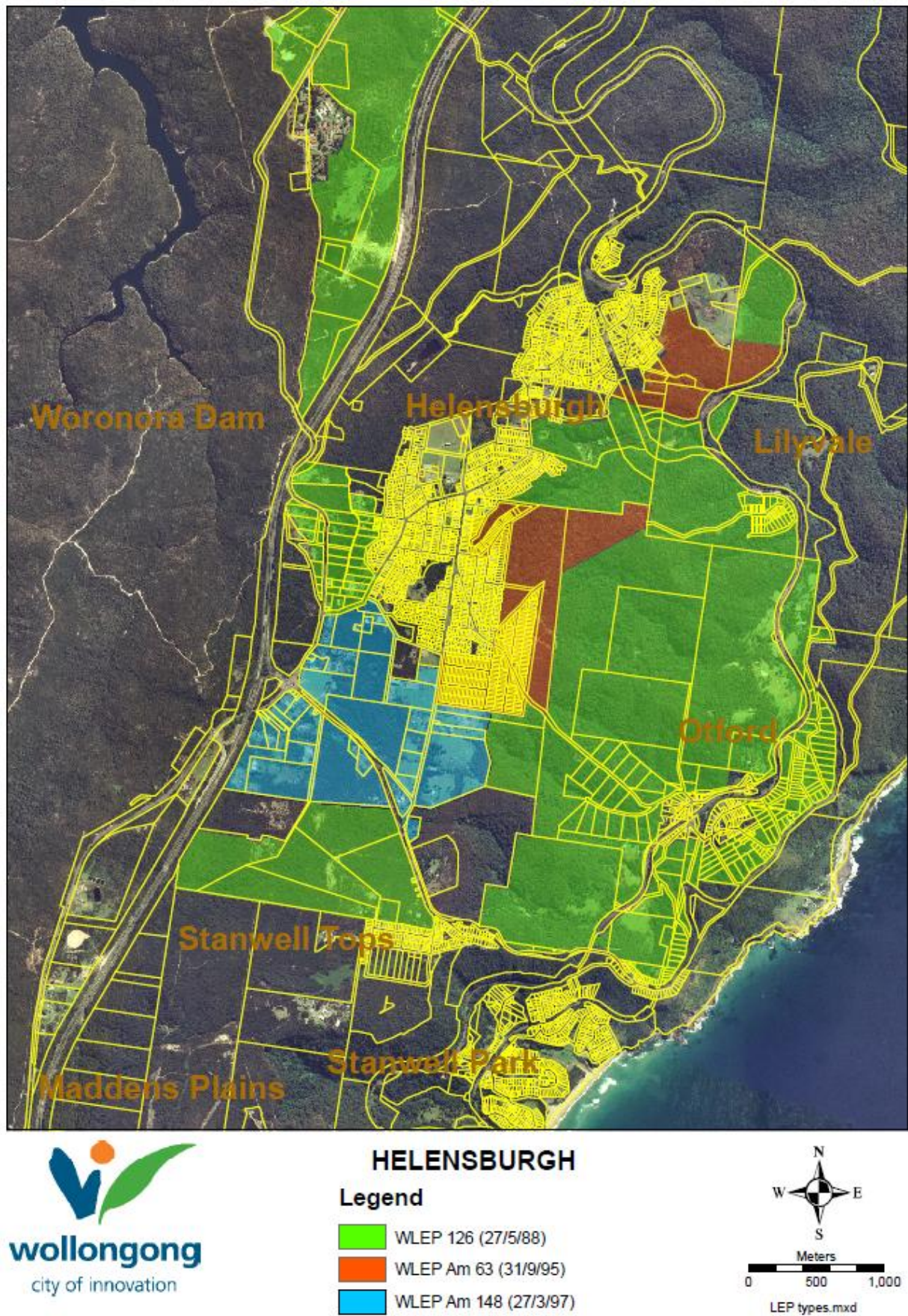


Table 1.1 Zoning history by precinct

	County of Cumberland Planning Scheme Ordinance (1951)	Illawarra Planning Scheme Ordinance (1968)	Wollongong LEP No.38 (1984)	Wollongong LEP No. 126 (1988) – introduced 7(h)	Wollongong LEP 1990 (as at 1990) – 7(h) renamed to 7(d)	Wollongong LEP 1990 (as at 2009)	Wollongong LEP 2009
1. Garrawarra Precinct	Special Uses, Rural area	Special Uses Hospital	5(a) Special Uses Hospital, Rural B	5(a) Special Uses Hospital, 7(h) Hacking River	5(a) Special Uses Hospital, 7(d) Hacking River	5(a), 7(d)	SP2, E3
2. Wilsons Creek	Rural area	Non urban A	Rural A, Rural B	7(h)	7(d)	7(d)	E3, IN2, E2
3. Princes Hwy / Parkes Street Gateway precinct	Rural area	Non urban A	Rural A, Rural B	7(h)	7(d)	7(d)	E3
4. Princes Hwy – between Parkes Street and Lawrence Hargrave Drive	Rural area	Non urban A	Rural B	N / A	Non urban	7(d)	E3
5. Princes Hwy – west of F6 Freeway precinct	Rural area	Non urban A	Rural B	N / A	7(d)	7(d)	E3
6. Princes Hwy – between Lawrence Hargrave Drive and F6 Freeway	Rural area	Non urban A	Rural B	N / A	Non urban	7(d)	E3
7. Frew Avenue and Lawrence Hargrave Drive precinct	Rural area	Non urban A	Rural B	N / A	Non urban	7(d)	E3
8. Gills Creek (includes Baines Place)	Rural area	Non urban A	Rural B, 7(e) escarpment	Part 7(h)	7(d)	7(d)	E3
9. Land Pooling precinct	Rural area	Non urban A	Rural A	N / A	Non urban	7(d)	E3
10. Walker Street (east side)	Rural area	Non urban A	Rural A	N / A	Non urban	7(d)	E3
11. Walker Street (west side)	Rural area	Non urban A	Rural A, Rural B	N / A	Non urban	7(d)	E3

Review of 7(d) lands at Helensburgh, Otford & Stanwell Tops
Final review of submissions

	County of Cumberland Planning Scheme Ordinance (1951)	Illawarra Planning Scheme Ordinance (1968)	Wollongong LEP No.38 (1984)	Wollongong LEP No. 126 (1988) – introduced 7(h)	Wollongong LEP 1990 (as at 1990) – 7(h) renamed to 7(d)	Wollongong LEP 1990 (as at 2009)	Wollongong LEP 2009
12. Kelly's Falls precinct	Rural area				7(d)	7(d)	E3
13. Lady Carrington estate north	Rural area	Non urban A	Rural A	Part 7(h)	Non urban, 7(d)	7(d)	E3
14. Camp Gully Creek – Undola Road	Rural area	Non urban A	Rural A	N / A	Non urban	7(d)	E3
15. Lady Carrington estate south	Rural area	Non urban A	Rural A	N / A	Non urban	7(d)	E3
16. Lilyvale estate	Rural area	Non urban A	Rural A	7(h)	7(d)	7(d)	E3
17. Enslie Pty Ltd	Rural area	Non urban A	Rural A	7(h)	7(d)	7(d)	E3
18. Otford Valley Farm (Ensile P/L)	Rural area	Non urban A	Rural A	7(h)	Non urban	7(d)	E3
19. Metropolitan Colliery	Rural area	Non urban A	Rural A	7(h)	7(d)	7(d)	RU1
20. Walker Lane precinct	Rural area	Non urban A	Rural A	N / A	Non urban	7(d)	E3
21. Lukin St precinct	Rural area	Open Space	Rural A	NA	Non urban	7(d)	E3
22. 48-54 Parkes Street	Rural area	Residential 2(a)	Rural A	NA	Non urban	7(d)	E3
23. 17-23 Old Farm Road	Rural area	Non urban A	Rural A	NA	Non urban	7(d)	E3
24. Lloyd Place & Otford Rd (1971)	Rural area	Non urban A	7(d) Scenic	7(h)	7(d)	7(d)	E3
25. Otford (north) – Beaumont Rd & north	Rural area	Non urban A	7(d) Scenic	7(h)	7(d)	7(d)	E3
26. Central Otford – Domville Rd / Station Road & along Lady Wakehurst Drive	Rural area	Non urban A	7(d) Scenic	7(h)	7(d)	7(d)	E3
27. Otford (south) -	Rural area	Non urban A	7(d) Scenic	7(h)	7(d)	7(d)	E3

	County of Cumberland Planning Scheme Ordinance (1951)	Illawarra Planning Scheme Ordinance (1968)	Wollongong LEP No.38 (1984)	Wollongong LEP No. 126 (1988) – introduced 7(h)	Wollongong LEP 1990 (as at 1990) – 7(h) renamed to 7(d)	Wollongong LEP 1990 (as at 2009)	Wollongong LEP 2009
28. Otford West – Govinda retreat	Rural area	Non urban A	Rural A	7(h)	7(d)	7(d)	E3
29. Isolated lots in Royal National Park	Rural area	Non urban A	7(d) Scenic	N/A	7(d)	7(d)	E3
Other areas:							
30. Hindu Temple	Rural area	Open Space	Rural B	N/A	Non urban	7(d)	SP2
31. Symbio Wildlife Park	Rural area	Non urban A	Rural B	N/A	7(d)	7(d)	E3
32. Helensburgh residential area	Living area	Residential 2(a)	2(a), 2(b)	N/A	2(a), 2(b)	2(a)	R2
33. Otford village	Rural area	Rural 1(c) village	2(v) village	N/A	7(c)	7(c)	E4

1.4 DRAFT HELENSBURGH TOWN PLAN

In 1990, Council prepared the Draft Helensburgh Town Plan to present a long-term plan for the future development, management and conservation of land in the vicinity of Helensburgh, Stanwell Tops, Stanwell Park and land further south to Maddens Plains. The Helensburgh Town Plan provides a summary conclusion of all current findings (as at 1990) into a Local Environmental Study and Strategic Plan and was prepared to form the basis of a draft Local Environmental Plan and a draft Development Control Plan.

The Draft Helensburgh Town Plan concluded that some urban expansion in the Helensburgh area was feasible and justified, subject to stringent environmental controls, particularly relating to water quality management. The study recommended:

- The release of around 110 hectares of land for residential use and 40 hectares for light industrial / hi-tech commercial development within Gills Creek Catchment.
- The rezoning of the small rural lots east of Walker Street to be deferred until such time as it is demonstrated that coordinated financing and development of the area is possible.
- Major areas of proposed development in the Camp Creek Catchment is only to be agreed to after major geotechnical investigations for suitable stormwater pollution control measures. Such measures are to be endorsed by the National Parks and Wildlife Service and the State Pollution Control Commission. Quality tree cover and visual impact must be addressed in planning development in Camp Creek.

An extract of the proposed zonings following the recommendations of the draft Helensburgh Plan, from the public consultation flyer for the Plan is provided at Figure 1.7.

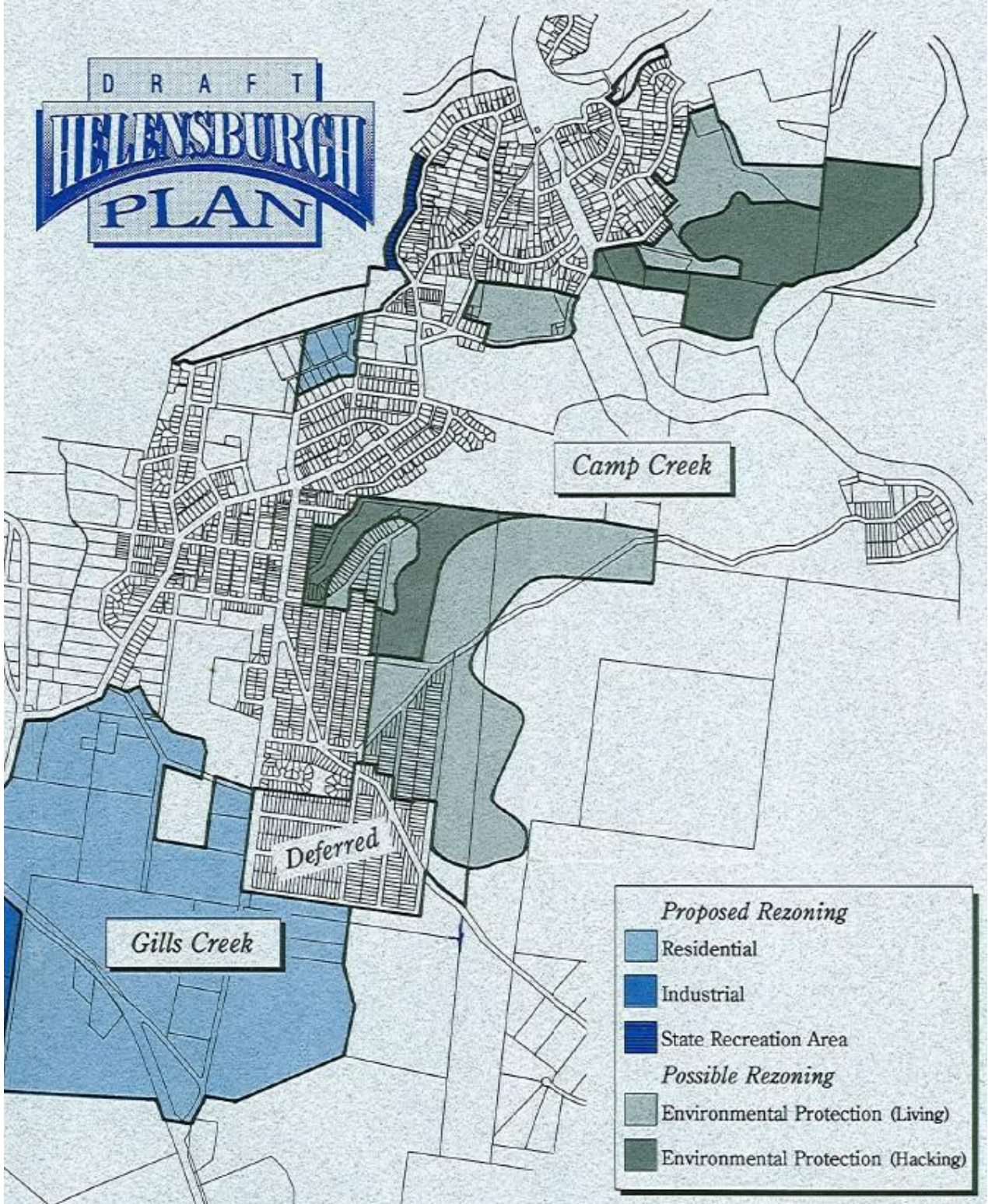
It was concluded that land limitations in southern Sydney and in Wollongong strongly support residential land release around Helensburgh subject to acceptable environmental controls.

The Helensburgh Strategic Plan is presented in the final section of the Helensburgh Town Plan. The Strategic Plan incorporates objectives relating to: reducing impacts of development to safeguard the environmental quality of the surrounding area; maximising landowner choice and opportunities; safety and equitable access to facilities; maximisation of amenity; affordability; efficient use of resources and flexibility and practicality with respect of housing market variations and changes in land ownership.

The draft Plan was exhibited in 1990. Council received over 5000 submissions, with the majority (including 3500 form letters) objecting to the draft Plan.

On 29 April 1991, Council resolved not to proceed with development as proposed in the draft Helensburgh Plan. At the same time, Council resolved to exhibit a draft LEP to rezone the subject lands to 7(d) Hacking River Environmental Protection zone. The draft Helensburgh Town Plan was considered by the Commission of Inquiry (1994). Following the Inquiry, Council did not revise or adopt the plan, and it has no current status.

Figure 1.7 Draft Helensburgh Plan



1.5 HELENSBURGH COMMISSION OF INQUIRY

To assist the Minister for Planning to determine whether to the land around Helensburgh should be zoned 7(d) Hacking River Environmental Protection, the Minister established the Helensburgh Commission of Inquiry in 1994. The Commission's study area was based on precincts proposed for urban development. Figure 1.8 shows the area considered by the Commission, which did not include Garrawarra, Wilsons Creek, Lloyd Place or Otford.

In summary, the Commissioner made the following six (6) recommendations, the majority of which have not been acted upon:

Table 1.2 Commission of Inquiry Recommendations

Recommendation	Comment
1. No change in the current LEP or current zonings until: (i) further studies have been undertaken, (ii) appropriate environmental objectives have been set, (iii) cost-effective strategic catchment management plan to control existing pollution sources.	Council did change the zoning with the expansion of the land zoned 7(d) through Wollongong LEP 1990 (Amendment 63) (1995) and Wollongong LEP 1990 (Amendment 148) (1997).
2. The studies be undertaken in an independent fashion by the Hacking River Catchment Management Committee and final consideration by a Catchment Assessment Commission.	The Hacking River Catchment Management Committee, was not given the role or funding to co-ordinate the studies. The Catchment Assessment Commission was not established.
3. The studies should be funded by Council, Government and land owners / developers.	No funding to undertake the studies was provided by the land owners, Council or the Government. In 1996, the Minister for Planning advised Council that he had decided not to proceed with the preparation of the studies, as the Government did not support the large scale urban expansion of Helensburgh.
4. The studies include: • immediate or short term studies as well as long term studies, • existing water quality, water quality impacts and environmental impacts, • cumulative impacts, • flora and fauna habitat loss impacts, • testing and proving water quality pond/wetland proposals, • rare and endangered fauna impacts (or a Fauna Impact Statement) particularly assessing potential impacts on the Sooty Owl, • wildlife corridor impacts from various land uses and buffer areas (especially urban development and bushfire hazard reduction areas).	As a consequence of funding not being available, the studies have not been prepared.

Recommendation	Comment
5. Water quality trial occur in Gills Creek then in Camp Creek.	Water quality has been monitored as part of Landcom's Camp Creek development. No monitoring has occurred in Gills Creek.
6. The urban capability priority order for the precinct is: (i) Gills Creek (Gateway precinct and Walker Street south) – reasonable capability, (ii) Lady Carrington Estate South – cleared and filled areas – limited capability, (iii) Land Pooling and Walker Street – limited capability, (iv) Landcom Site 1 – south of the waste depot – low capability, (v) Lady Carrington Estate South – vegetated ridge – low capability, (vi) Lady Carrington Estate North – lowest capability, (vii) Landcom smaller sites 2 and 3 – no capability, (viii) Lady Carrington Estate (south west of Lady Carrington Estate North) – no capability. (The precincts are identified in Figure 5.1 from the Commission of Inquiry report. The black shaded areas indicate where the Commissioner considered that there was some urban capability)	The capability order is noted.

The Commission's concerns about the impact of urban development on water quality and biodiversity remain relevant.

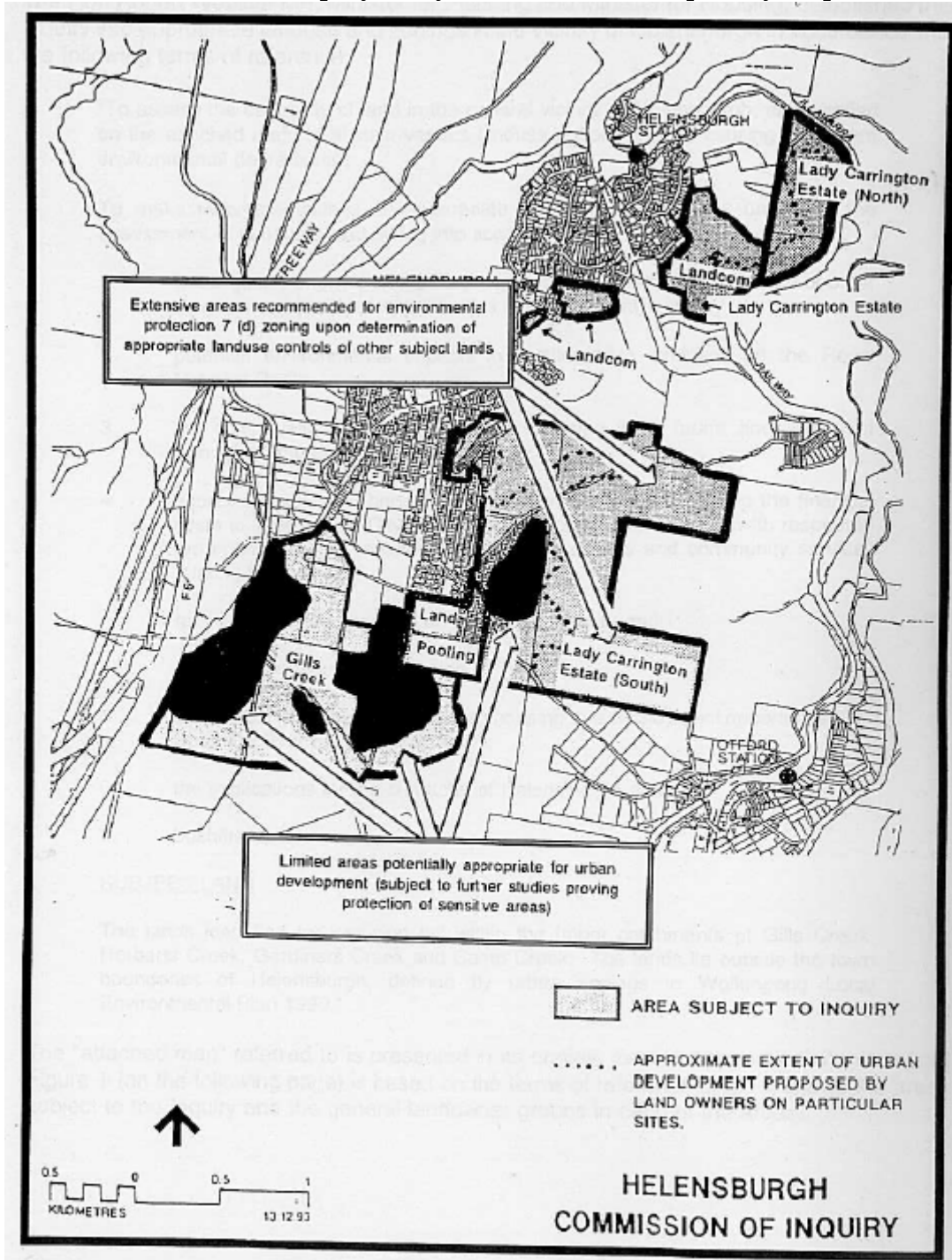
Many submissions commented that the recommendations in the draft 7(d) Review were inconsistent with the findings of the Commission of Inquiry. Table 1.3 compares the precinct recommendations of the Commission of Inquiry with the recommendations of the draft 7(d) Review (2009) and the Preliminary Report on submissions (2010).

Table 1.3 Comparison of recommendations for Precincts

Precinct	Commission of Inquiry (1994)	Draft 7(d) Review (2009)	Preliminary Report on submissions (2010)
Gills Creek – 3 areas: 1. the Gateway precinct along the Princes Highway, 2. Walker Street (south), 3. 171-173 Lawrence Hargrave Drive. (refer to Figure 5.1)	Reasonable urban capacity on western part, otherwise Environmental Protection zone.	1. B6 Enterprise Corridor, RU2 Rural Landscapes & E2 Environmental Conservation 2. RU2 Rural Landscapes, 3. E3 Environmental Management.	1. B6 Enterprise Corridor, RU2 Rural Landscapes & E2 Environmental Conservation 2. RU2 Rural Landscapes, 3. E3 Environmental Management.
Lady Carrington Estate South (cleared and filled area)	Limited urban capability.	R2 Low Density Residential.	E2 Environmental Conservation.
Land Pooling	Limited urban capability.	R2 Low Density Residential.	E2 Environmental Conservation.

Landcom site 1 – south of Helensburgh Waste depot	Limited urban capability.	E2 Environmental Conservation.	E2 Environmental Conservation.
Lady Carrington Estate South (bushland ridge)	Low urban capability.	E2 Environmental Conservation.	E2 Environmental Conservation.
Lady Carrington Estate North	Lowest urban capability.	E2 Environmental Conservation.	E2 Environmental Conservation.
Landcom smaller sites 2 and 3 – Lukin Place precinct and part of the Metropolitan Colliery site	No urban capability. Environmental Protection zone.	E2 Environmental Conservation.	E2 Environmental Conservation.
Lady Carrington Estate (south of waste depot)	No urban capability. Environmental Protection zone.	E2 Environmental Conservation.	E2 Environmental Conservation.

Figure 1.8 Commission of Inquiry Study Area and Urban Capability Map



1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

The draft Wollongong Local Environmental Plan 2009 was exhibited from 10 December 2008 to 30 March 2009. All 7(d) land owners were notified of the exhibition of the draft Wollongong Local Environmental Plan 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)/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. 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 Review and submissions received during the exhibition of the draft Wollongong Local Environmental Plan 2009. Council resolved that:

- 1 *The draft Wollongong Local Environmental Plan 2009 be amended by rezoning the 7(d) Hacking River lands from E2 Environmental Conservation to E3 Environmental Management, to better reflect the existing planning controls.*
- 2 *The “draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Tops” be exhibited for 2 months to enable public review and input.*
- 3 *In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a “planning proposal” (formerly known as a draft Local Environmental Plan) be prepared for the Helensburgh, Otford, Stanwell Tops area for the land zoned 7(d) Hacking River Environmental Protection and submitted to the Department of Planning.*
- 4 *Following the exhibition period, a report on submissions, the requirements of the Department of Planning and the land valuations be prepared for Council’s consideration.*
- 5 *Council hold a public forum, or forums, as part of the community engagement process on this matter.*

Figure 1.9 illustrates the process and key dates for both the Wollongong LEP 2009 and the review of the 7(d) lands. By processes have occurred separately, although are linked by the Council meeting of 28 July 2009 when Council considered the issues raised in submissions to the draft Wollongong LEP 2009 and the “draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Tops”.

The Wollongong Local Environmental Plan 2009 was approved by the Minister for Planning on 26 February 2010, at which time the 7(d) zone was replaced with the E3 Environmental Management zone (Figure 1.10).

Table 1.4 provides a comparison of land uses and other development standards permitted under the 7(d) zone of the Wollongong Local Environmental Plan 1990 and those now permissible under the E2 Environmental Conservation and E3 Environmental Management zones of the Wollongong Local Environmental Plan 2009.

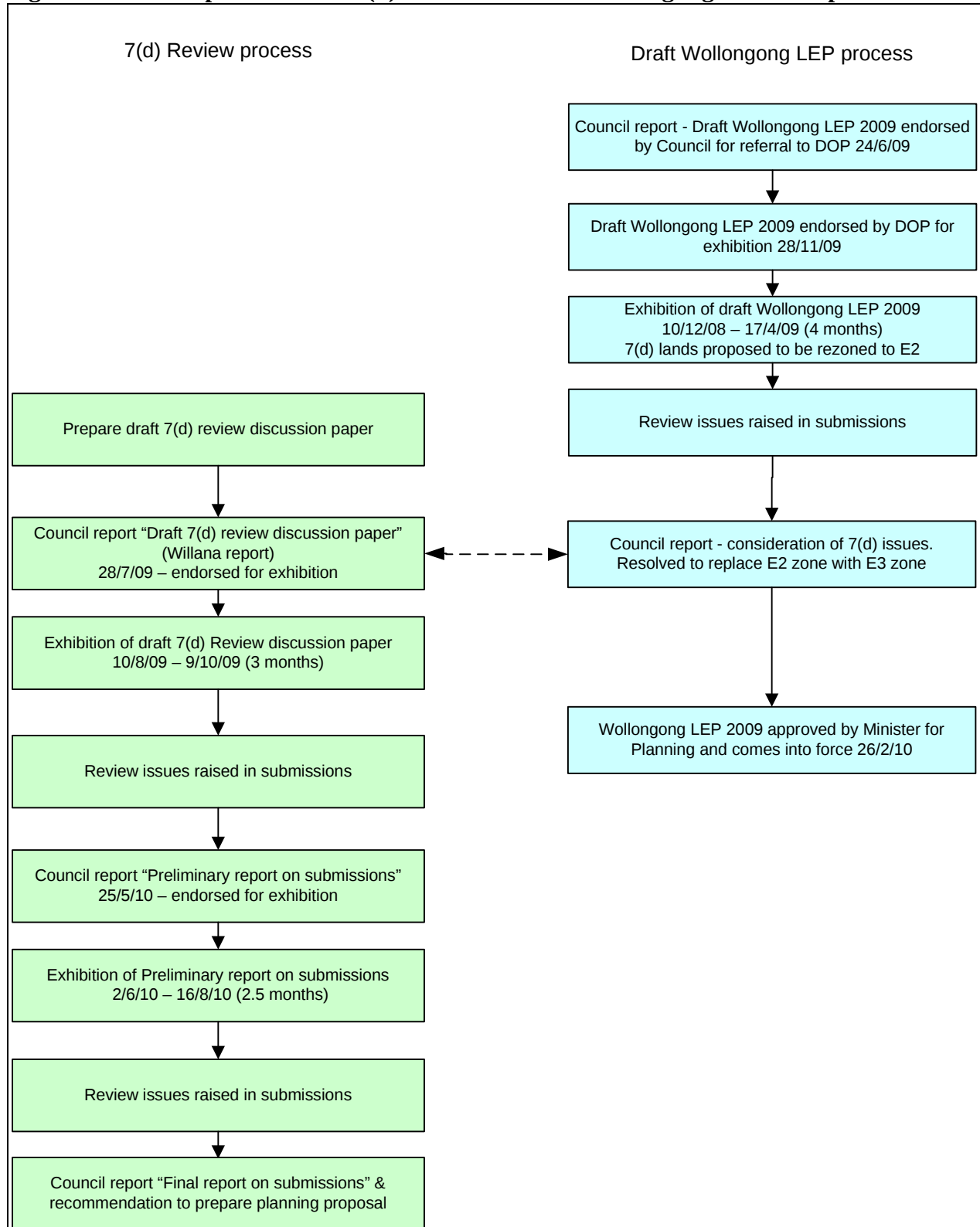
Figure 1.9 Comparison of the 7(d) Review and draft Wollongong LEP 2009 processes

Figure 1.10 Current Zoning – Wollongong Local Environmental Plan 2009

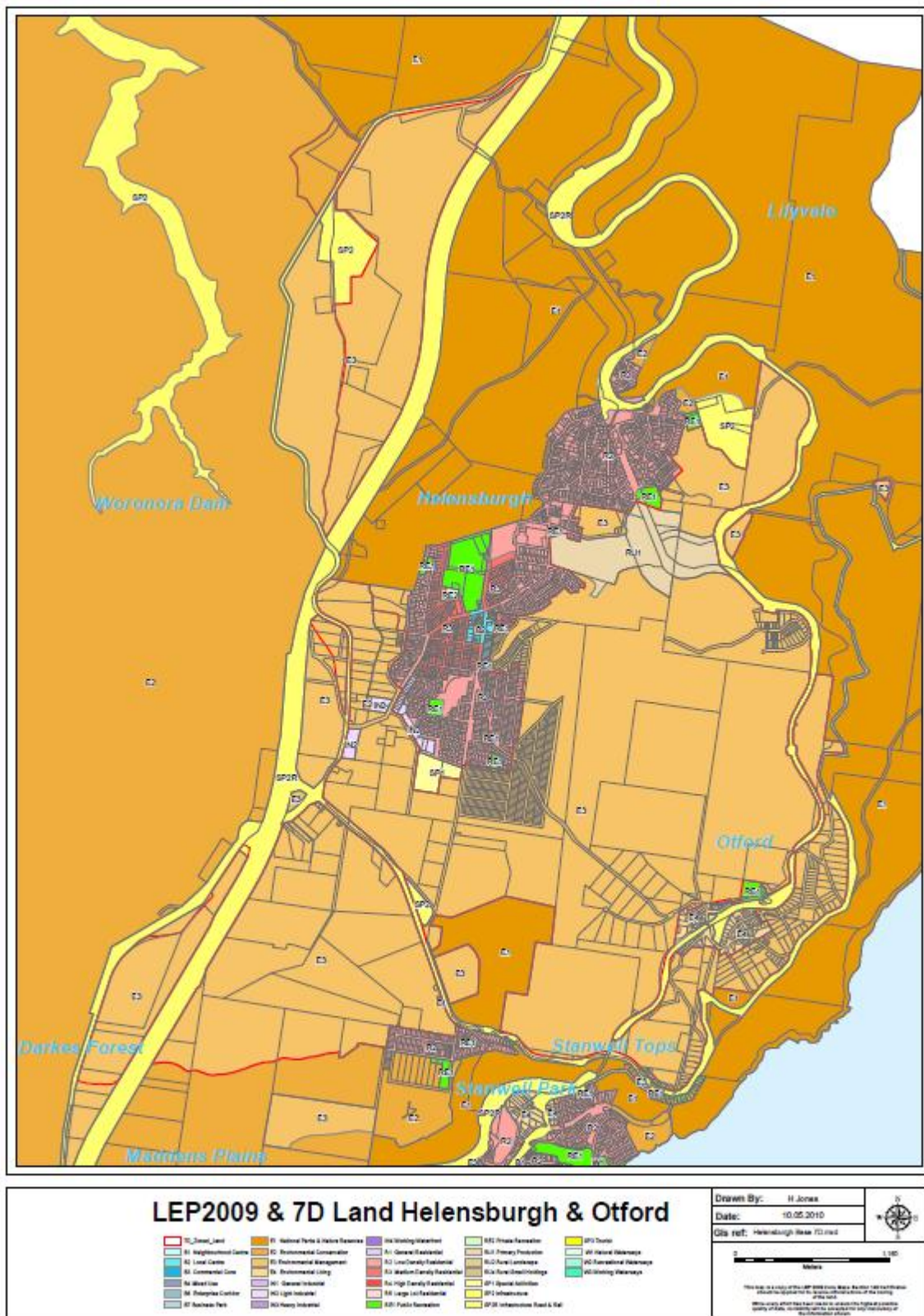


Table 1.4 Land Use Table Comparison

	7(d) zone WLEP 1990	E2 zone WLEP 2009	E3 zone WLEP 2009
Uses permissible without consent	Exempt development (Listed in the Exempt DCP).	Exempt development permitted by clause 3.1.	Home occupations Exempt development permitted by clause 3.1.
Uses permissible with consent	Advertisements; Dwelling houses (subject to lot size requirements – see below); Home employment; Leisure areas; Utility installations.	Environmental facilities; Environment protection works; Extensive agriculture; Recreation areas.	Animal boarding and training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses (subject to lot size requirements – see below); Environment facilities; Environment protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Recreation areas; Roads; Secondary dwellings.
Uses permissible with consent subject to advertising and clause 11 assessment	Agriculture; Buildings used in conjunction with agriculture; Child care centres; Education establishments; Mines; Recreation areas; Restaurants.	Nil.	Nil.
Prohibited uses	All other uses.	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat	Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors Housing; Service Stations; Warehouse or distribution centres; All other uses.

	7(d) zone WLEP 1990	E2 zone WLEP 2009	E3 zone WLEP 2009
		buildings; Restricted premises; Retail premises; Seniors Housing; Service Stations; Warehouse or distribution centres; All other uses.	
Subdivision standard	Subdivision generally not permitted, except if there are existing dwelling houses.	Refer to Minimum Lot Size map (generally 40 hectares).	Refer to Minimum Lot Size map (generally 40 hectares).
Minimum lot size required for a dwelling house	• 10ha if lot created prior to 1971; • 20ha if lot created between 1971 and 1984; • 40ha if lot created after 1984.	Dwelling houses not permitted.	• 10ha if lot created prior to 1971; • 20ha if lot created between 1971 and 1984; • 40ha if lot created after 1984.
Replacement dwellings on undersized lots	Yes – clause 14(2A).	No – except under existing use rights.	Yes – clause 4.2A.

In addition to uses listed in the Wollongong LEP 2009, other development may be permissible under State Environmental Planning Policies, for example:

- SEPP Mining, Petroleum Production and Extractive Industries (2007) permits mining throughout the State, including on E2 and E3 land.
- SEPP Infrastructure (2007) details additional permissible infrastructure uses by State Government agencies and Council – eg education establishments, hospitals, roads, parks.
- SEPP Exempt & Complying Development (2008) – details minor activities that do not require consent and complying development that may be assessed by Council or a private certifier.
- SEPP Affordable Rental Housing (2009) – permits secondary dwellings, group homes and social housing in residential zones.

1.7 CURRENT DEVELOPMENT POTENTIAL

The existing development potential (under the current planning regime) of the former 7(d) lands can be estimated by considering:

- Ownership;
- Lot size – whether the land can be subdivided or is large enough for a dwelling;
- The date the lot was created, which determines whether the 10, 20 or 40 hectare minimum standard for a dwelling house applies; and
- Whether there is an existing dwelling house.

There are 3 lots greater than 80ha in area, which could be subdivided under the 40ha lot size standard. Of these lots, 2 lots are privately owned and one contains an existing dwelling house. The lots could be subdivided into 2 additional lots and a dwelling house erected on each lot (3 additional dwellings).

Lots with an area greater than 10ha may be capable of a dwelling house, if one does not already exist and depending on the date the lot was created.

To estimate maximum possible development potential, further lot size analysis has occurred by removing land owned by the State Government or Statutory Authorities. This reduces the number of lots greater than 10ha to 30 lots, of which 16 contain an existing dwelling house. Of the 14 vacant lots, 13 lots were created prior to 1971 (including the 2 lots that can be subdivided) and therefore meet the minimum lot size for a dwelling house.

Accordingly, based on the existing planning controls there is the theoretical potential for 14 additional dwellings. Any proposal for subdivision or the erection of a dwelling house, will require the lodgement and assessment of a Development Application, including consideration of environmental impacts, access and servicing.

If the planning rules change as a result of this review, the development potential will also change.

In 2006, consultants for Council prepared the Helensburgh Urban Capacity Analysis, which considered the development potential within the existing urban areas of Helensburgh. At that time, it was estimated that there was the capacity to supply 88 low density and 88 medium density dwellings within Helensburgh. The consultants noted that even with zero population growth, some 244 dwellings would need to satisfy the current population number as a consequence of the declining occupancy rate (persons / dwelling) by 2031. The majority of the low density supply was in the Landcom subdivision, which was only partially completed and approved. The approval of the Wollongong LEP 2009 in February 2010, also removed the restriction on dual occupancy in the low residential zones. An updated analysis has not occurred.

1.8 PREPARATION OF DRAFT 7(D) REVIEW

In 2006-7, Council received rezoning requests on behalf of the owners of two (2) sites zoned 7(d) seeking to change the zoning to 4(a)/IN2 Light Industrial. Council supported the requests and incorporated the rezonings into the draft Wollongong Local Environmental Plan 2009 for exhibition. Rather than continually assessing rezoning proposals in an ad hoc manner, Council in September 2007 resolved to commence a review of the planning controls for other commercial and industrial sites in the area. The report noted that a second issue, the minimum lot size to permit a dwelling house, had also been a long-term issue for the 7(d) lands and suggested that this issue also be reviewed.

The draft Review of 7(d) lands was commenced by Council officers in late 2007 and was completed with the assistance of Willana Associates Pty Ltd in mid 2009. The draft 7(d) Review is a desktop review of the issues associated with the 7(d) lands and presents a set of recommendations for the amendment of the planning controls. More detailed investigations would have to occur into some proposals if they are to proceed through a rezoning process.

The draft 7(d) Review considered regional issues and divided the study area into a number of precincts. The recommendations were based on a number of principles including:

- retention of significant bushland;
- retention of water quality of the Hacking River;
- improving bushfire mitigation for existing residential areas;
- considering future development options; and
- reviewing the dwelling entitlement issue.

The draft 7(d) Review was completed after the preparation of the draft Wollongong Local Environmental Plan 2009, and therefore the recommendations could not be incorporated into the draft Local Environmental Plan prior to exhibition.

As noted, Council at its meeting on 28 July 2009, considered a report on the draft Review and submissions received during the exhibition of the draft Wollongong Local Environmental Plan 2009. Council resolved (in part) that:

- 2 *The “draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Park” be exhibited for 2 months to enable public review and input.*
- 5 *Council hold a public forum, or forums, as part of the community engagement process on this matter.*

Figure 1.11 depicts the proposed zoning option presented in the July 2009 draft Review of 7(d) lands. More detailed figures are contained in the discussion on individual precincts.

The draft 7(d) Review (Willana 2009) proposed the following planning principles to guide outcomes for the study:

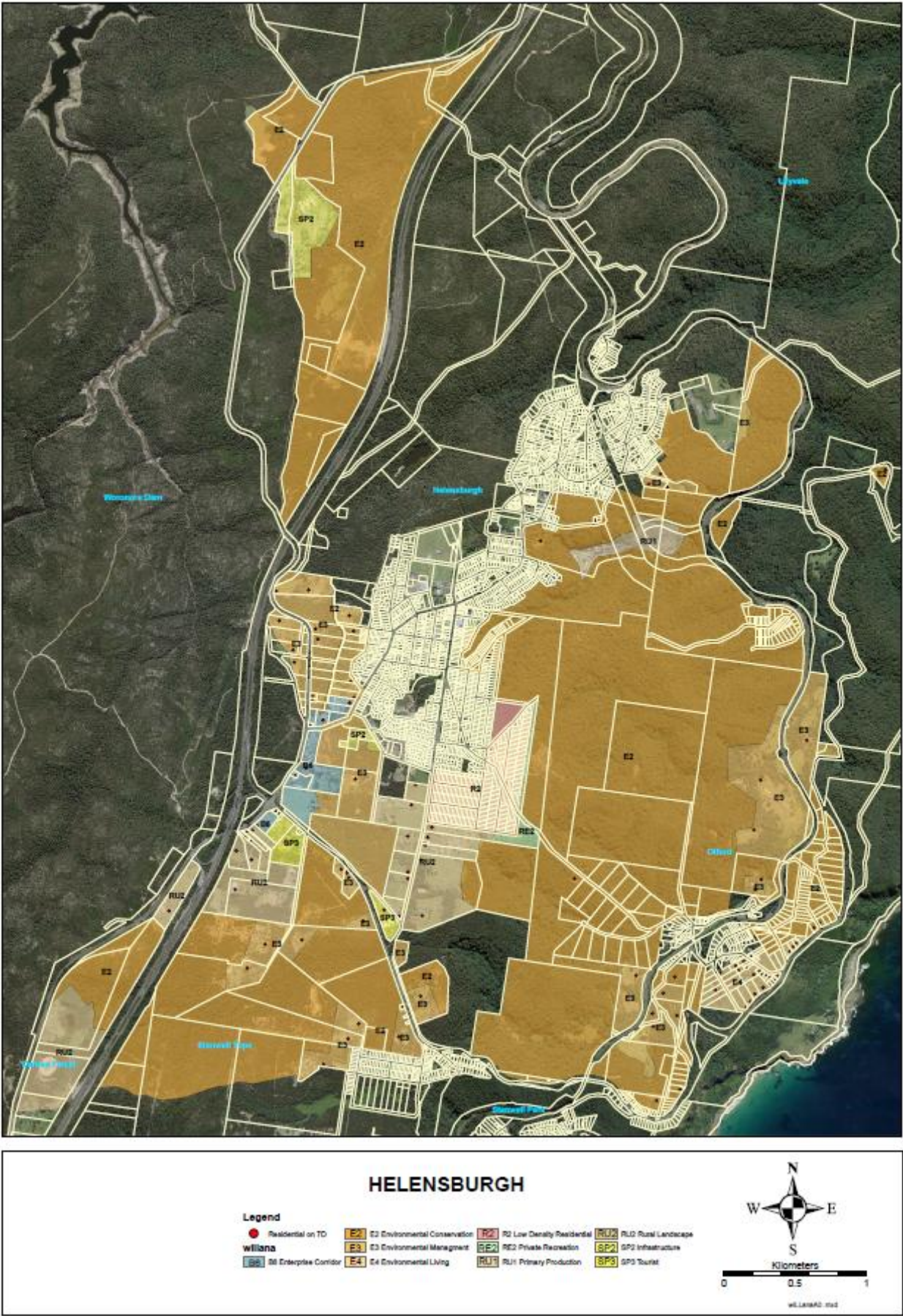
- a) To preserve and enhance the conservation value of all significant vegetated areas;
- b) To protect and facilitate the enhancement of the water quality of the tributaries of the Hacking River;
- c) To protect threatened flora and fauna species;
- d) To support existing urban and rural uses where these do not have an adverse impact on the high ecological, scientific, cultural or aesthetic values of the area;
- e) To facilitate residential land uses where there are sufficient ecological trade-offs to allow development to move forward;
- f) To minimise environmental impact of existing and future development; and
- g) To assign each lot of land within the study area to its highest and best value use taking into account the significant environmental features of the study area and any constraints attached to each parcel of land.

The planning criteria used to determine the highest and best use of land, included:

- Ø Current land use;
- Ø State of existing degradation of vegetated land;
- Ø Slope of land;
- Ø Location of water catchment;
- Ø Bushfire risk;
- Ø Access to existing infrastructure;
- Ø Opportunity for growth of Helensburgh and Otford urban areas; and
- Ø Land ownership and fragmentation of land.

The draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops was exhibited from 10 August to 30 November 2009 (three (3) months). As a result of the exhibition, 3,447 submissions were received. The submissions received are summarised in chapter 3.1.

Figure 1.11 Draft 7(d) Review Zoning Option (July 2009)



1.9 PRELIMINARY REVIEW OF SUBMISSIONS

Council at its meeting on 25 May 2010 considered the Preliminary Report on the issues raised in submissions submitted during the first exhibition period.

As a result of the exhibition, 3,447 submissions were received; the majority were form letters opposed to any rezoning and development. The key issues raised in submissions included:

- The desire by landowners to build a dwelling on land that has been owned for many years (up to 45 years).
- The potential impact of development on water quality. There is very little information about water quality, with neither Council or the State Government actively monitoring the water quality of the Hacking River.
- The potential impact of development on bushland, habitat and fauna movement. The loss of bushland can be measured through analysis of historical air photos and flora and fauna surveys.
- Strong opposition to any further development in the area, due to the impacts on water quality and loss of bushland.
- Inconsistencies with the recommendations of the Helensburgh Commission of Inquiry (1994).
- Inadequate infrastructure to serve any additional development.

In terms of the different precincts, the preliminary review of submissions report recommended that:

1. *The following precincts retain the current E3 Environmental Management zone with no amendment (no planning proposal required):*
 - *Land Pooling precinct;*
 - *Lady Carrington Estate South;*
 - *Kellys Falls precinct;*
 - *Old Farm Road precinct;*
 - *Otford Valley Farm & Govinda Retreat.*
2. *A draft planning proposal be prepared to amend the planning controls for the following precincts:*

Precinct	Recommendation
<i>Garrawarra precinct</i>	<i>At the Garrawarra Centre:</i> • <i>Make a minor adjustment to the SP2 Infrastructure zone boundary,</i> • <i>Remove the minimum lot size for the SP2 land, and</i> • <i>rename the to SP2 – Infrastructure Health Service facility and Seniors Housing</i> <i>Rezone the remainder of the precinct to E2 Environmental Conservation</i>
<i>Wilsons Creek precinct</i>	<i>Retain E3 Environmental Management zone, and allow a dwelling house on the vacant lots, except for a buffer around Wilsons Creek which is to be zoned E2 Environmental Conservation.</i> <i>Rezone the Sydney Catchment Authority land to E2 Environmental Conservation</i>
<i>Gateway precinct, Princes Highway</i>	<i>Rezone to B6 Enterprise Corridor</i>
<i>Gills Creek precinct</i>	<i>Rezone to RU2 Rural Landscape, IN2 Light Industrial and E2</i>

	<i>Environmental Conservation</i>
<i>Princes Highway – west of F6 precinct</i>	<i>Rezone to RU2 Rural Landscapes and E2 Environmental Conservation</i>
<i>Frew Avenue precinct</i>	<i>Retain E3 Environmental Management zone, and allow a dwelling house on the vacant lots</i>
<i>Walker Street precinct</i>	<i>Rezone to RU2 Rural Landscape, and allow a dwelling house on any vacant lots</i>
<i>Lloyd Place precinct</i>	<i>Rezone to E2 Environmental Conservation and not permit dwelling houses</i>
<i>Camp Creek precinct</i>	<i>Rezone to E2 Environmental Conservation. Rezone 5,7,9 and 11 Undola Road to R2 low Density Residential</i>
<i>Walker Lane precinct</i>	<i>Rezone part of the precinct to IN2 Light Industrial, and the remainder to E2 Environmental Conservation</i>
<i>Lady Carrington Estate north</i>	<i>Rezone to E2 Environmental Conservation and not permit any additional dwelling houses</i>
<i>Lilyvale and the central bushland area (between Otford Road and the Metropolitan Colliery)</i>	<i>Rezone to E2 Environmental Conservation and not permit any additional dwelling houses</i>
<i>Otford central precinct</i>	<i>Rezone to E4 Environmental Living and allow a dwelling house on any vacant lots</i>
<i>Otford north precinct</i>	<i>Rezone to E2 Environmental Conservation and not permit dwelling houses</i>
<i>Otford south precinct</i>	<i>Retain an E3 Environmental Management zone over part and rezone part to E2 Environmental Conservation</i>
<i>Isolated lots in the Royal National Park</i>	<i>Rezone to E2 Environmental Conservation and not permit any additional dwelling houses</i>

The report also recommended that prior to the preparation of a draft planning proposal, Council undertake further consultation with the landowners and community on the proposed recommendations. In addition, further consultation should occur with Sydney Water in terms of water and sewerage services, the Department of Environment Climate Change and Water in terms of potential additions to the Royal National Park and Garrawarra State Conservation Area, and the Department of Planning in terms of the preparation of a draft planning proposal and the Illawarra Regional Strategy.

Council at its meeting on 25 May 2010 resolved that:

- 1 *The Preliminary Report on submissions to the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops (Attachment 1 of the report) be made available for land owner and community feedback for a period of six (6) weeks, via Council's website.*
- 2 *A final report be prepared for Council's consideration, including recommendations for the preparation of a draft planning proposal to amend aspects of the Wollongong Local Environmental Plan 2009.*
- 3 *Further discussions occur with -*
 - a *Sydney Water to define the capacity and ability of the water and sewerage networks to accommodate any additional development.*
 - b *The Department of Environment, Climate Change and Water, to determine whether the authority is interested in any of the study area being incorporated into the Royal National Park or Garrawarra State Conservation Area or other reserve.*
 - c *The Department of Planning, to scope the requirements for a draft planning proposal should Council resolve to commence the preparation of a draft planning proposal to amend the Wollongong Local Environmental Plan 2009, and the requirements of the Illawarra Regional Strategy.*

- 4 *Letters and emails be sent to persons who made submissions advising of Council's resolution and the further consultation period.*

The report included a revised option for the future zoning of the area (Figure 1.12).

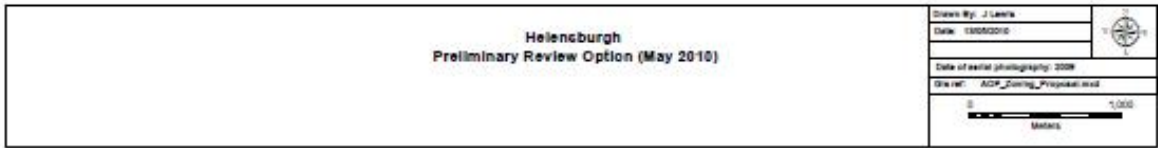
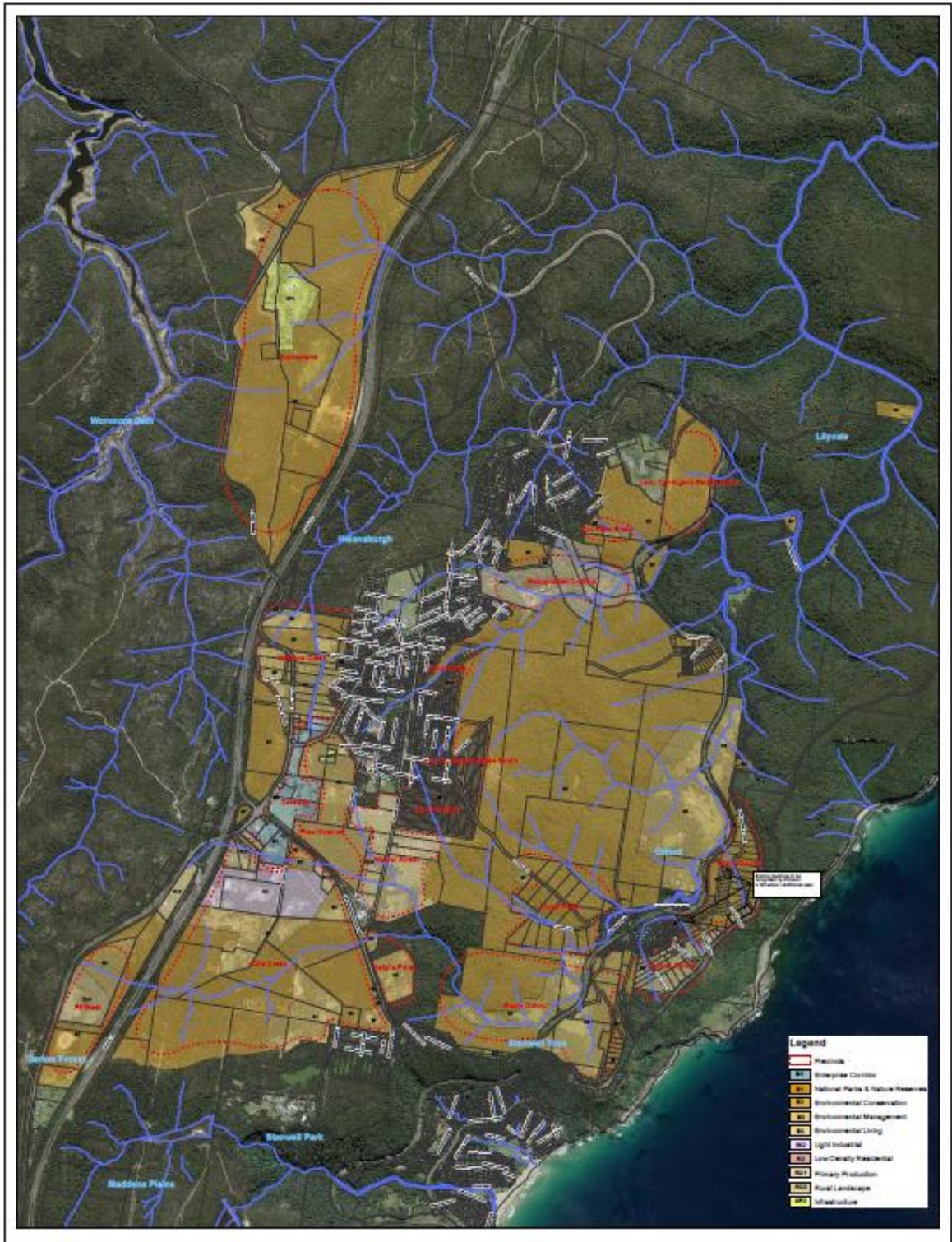
The preliminary report was exhibited for 2.5 months from 2 June 2010 to 16 August 2010. As a result of the exhibition, 19,395 submissions were received. The submissions received are summarised in chapter 3.2.

In terms of the required consultation with State agencies:

- Sydney Water indicated that the water and sewerage systems do have the capacity to service any areas rezoned, however, some amplification of the networks may be required. The Authority noted that they have not planned for any expansion, and the cost of the expansion and amplification would be at the expense of the new development.
- The (former) DECCW (now Office of Environment and Heritage) advised that much of the 7(d) land is suitable for addition to the National Parks estate, however the Authority is not in a position to actively acquire land or reserve land for acquisition.
- The former Department of Planning (now Department of Planning and Infrastructure) confirmed that any rezoning to permit urban development would need to address the sustainability criteria in the Illawarra Regional Strategy.

The responses of the three Statutory Authorities and other agencies is summarised in chapter 3.2.

Figure 1.12 Revised Zoning Option (May 2010)



2. Regional Issues

2.1 ILLAWARRA REGIONAL STRATEGY

The Illawarra Regional Strategy was issued by the Department of Planning in 2007. The strategy promotes additional housing at West Dapto, the Wollongong City Centre and other centres along the rail corridor. The strategy does not promote residential development at Helensburgh. The strategy reflected Council's own housing strategy at that time.

The Strategy recognises the 7(d) bushland as having high conservation value (outside regional reserves) and suggests the bushland should be protected from urban development. The strategy also notes the bushland as forming part of the north-south Regional Habitat Corridor.

The Strategy notes that consideration of any new release areas, outside those identified in the Regional Strategy map will only be given to those proposals that can demonstrate compliance with the sustainability criteria. The Strategy does not identify any new release areas at Helensburgh. The draft 7(d) Review proposed the rezoning of the Land Pooling and Lady Carrington Estate South precincts which represent urban release areas outside the Regional Strategy and would have to satisfy the sustainability criteria. This proposal was removed through the Preliminary Review of Submissions. The Department of Planning and Infrastructure has confirmed the need to address the sustainability criteria if rezoning for urban development is proposed, outside the areas identified in the Regional Strategy.

The sustainability criteria (Appendix 1 of the Illawarra Regional Strategy) can be summarised as:

1. **Infrastructure Provision** - Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.
2. **Access** - Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.
3. **Housing Diversity** - Provide a range of housing choices to ensure a broad population can be housed.
4. **Employment Lands** - Provide regional / local employment opportunities to support the Illawarra's expanding role in the wider regional and NSW economies.
5. **Avoidance of Risk** - Land use conflicts, and risk to human health and life, avoided.
6. **Natural Resources** - Natural resource limits not exceeded / environmental footprint minimised.
7. **Environmental Protection** - Protect and enhance biodiversity, air quality, heritage and waterway health.
8. **Quality and Equity in Services** - Quality health, education, legal, recreational, cultural and community development and other Government services are accessible.

2.2 BIODIVERSITY

The bushland areas within the 7(d) lands form part of an extensive bushland area that includes the Royal National Park, Heathcote National Park, Garrawarra State Conservation Area, the Sydney Catchment Area and the Illawarra Escarpment. Aerial and satellite images depict Helensburgh as an island of urban development surrounded by bushland. The authors of a number of the submissions noted that they moved to Helensburgh and Otford because of the bushland setting.

Many submissions contained lists of threatened species seen in the area. A submission from the National Parks Association noted that fourteen (14) fauna species in the Royal National Park were now listed as locally extinct, or rare.

The (former) Department of Environment, Climate Change and Water listed the “Southern Sydney sheltered forest” as an endangered ecological community that occur within the study area (Figure 2.1).

“Southern Sydney Sheltered Forest is a tall open eucalypt forest found on transitional clay and sandy soils in a very restricted area that is centred on Helensburgh in southern Sydney. The canopy is generally dominated by smooth-barked apple (Angophora costata) which is present at almost every site in combination with Sydney peppermint (Eucalyptus piperita) and blackbutt (Eucalyptus pilularis). Red bloodwood (Corymbia gummifera) is frequently recorded though rarely dominates. A sparse subcanopy of casuarinas (Allocasuarina spp.) is invariably present. Smaller shrubs including banksias, tea-trees, geebung and wattles are patchily distributed under the canopy. The ground cover includes a very prominent cover of Gynea lily (Doryanthes excelsa) amongst an abundance of ferns, grasses and grasslike plants.”

“It is restricted to narrow zones of enriched sandstone soils between 1200-1500mm of mean annual rainfall and between elevations of 200-350 metres ASL. These zones are often downslope or adjoining residual shale caps.”

This vegetation community occurs just below the ridge line and can be found within the Wilson Creek, Gills Creek Land Pooling and Lady Carrington Estate South precincts.

Additionally, the Department has mapped the Illawarra Escarpment Moist Forest Fauna Corridor (Figure 2.2) which occurs along the Illawarra Escarpment as a continuous vegetation band and is an important regional corridor for fauna movement. The corridor includes the villages of Otford and Stanwell Park.

Council on 21 June 2011, adopted the Illawarra Biodiversity Strategy, which was prepared with Shellharbour City and Kiama Councils. The Strategy notes that there are 19 Endangered Ecological Communities (EECs), 3 endangered populations, 31 threatened flora species and 69 threatened fauna species in the Illawarra. Within the 7(d) lands, the Strategy notes that the endangered ecological community “Southern Sydney sheltered forest” occurs. The Strategy also maps the 7(d) lands as part of the Regional Biodiversity Corridor that link bushland in the Royal National Park, Garrawarra State Conservation Area, Sydney Drinking Water Catchment and Illawarra Escarpment. The Strategy includes an action plan of activities to be undertaken over the next 5 years.

Figure 2.1 Endangered Ecological Communities

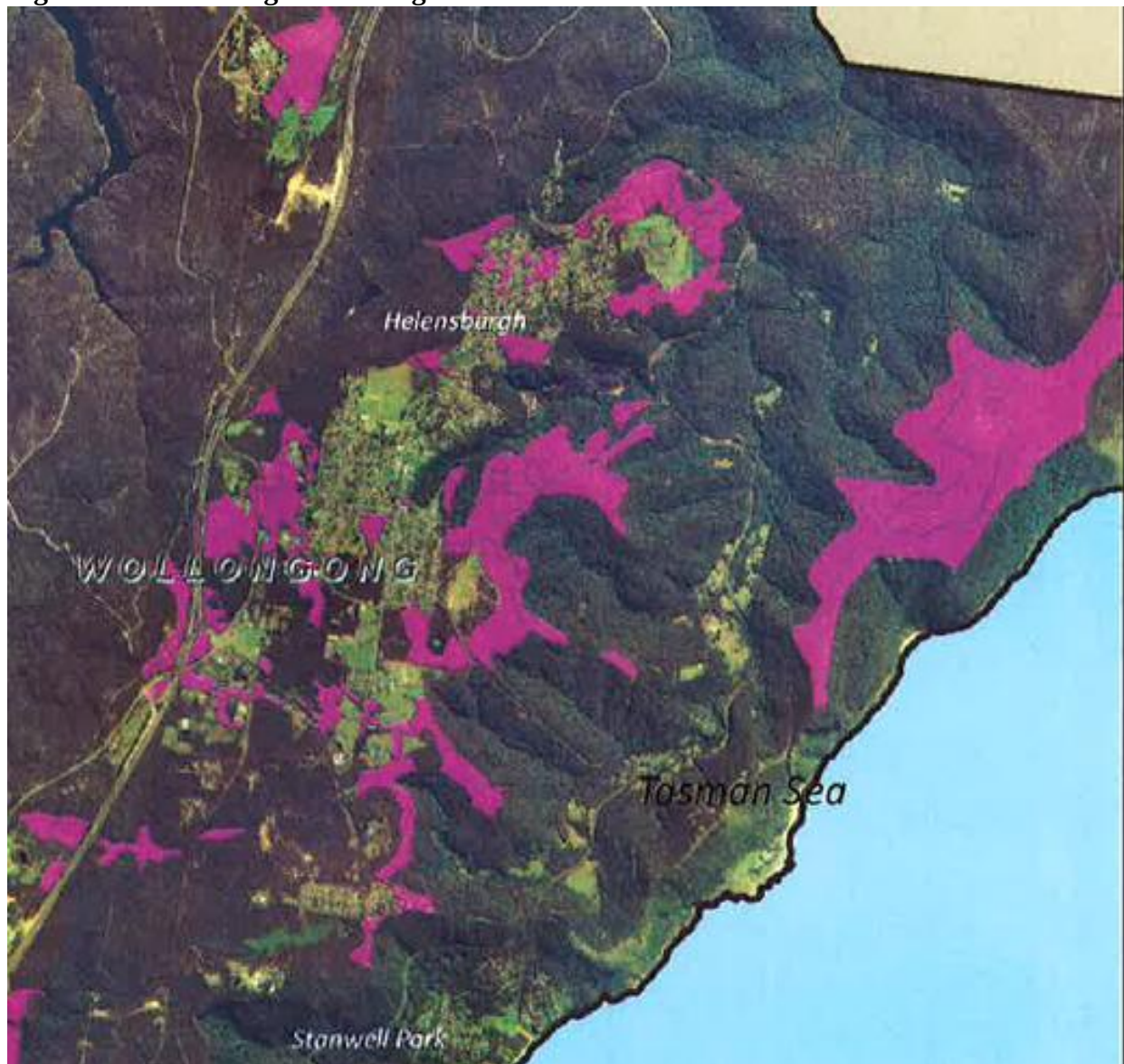
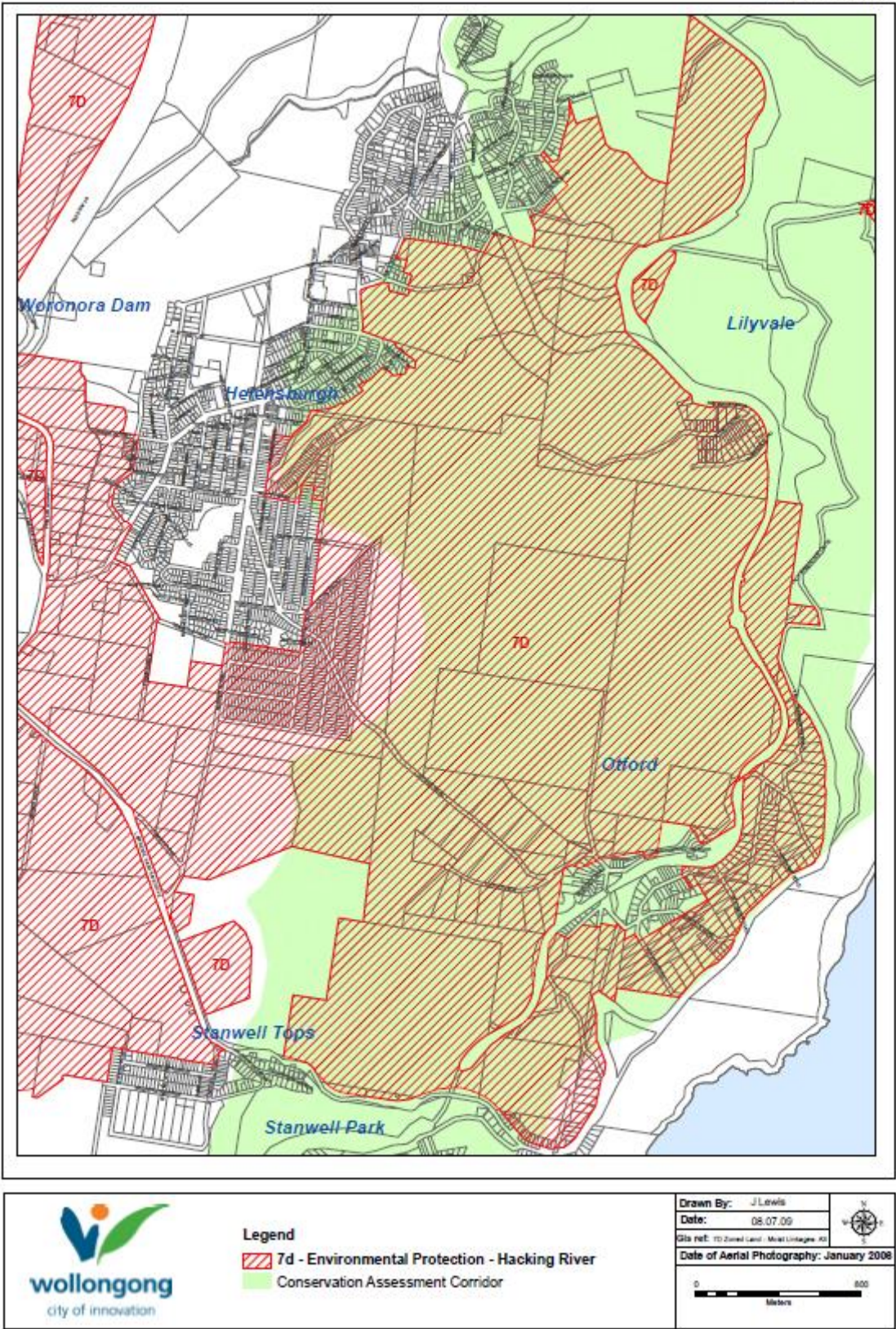


Figure 2.2 Illawarra Escarpment Moist Forest Corridor



The (former) Department of Environment, Climate Change and Water released three (3) reports on flora and fauna issues that are relevant to the review of 7(d) issues.

1. The “Terrestrial Vertebrate Fauna of the Greater Southern Sydney Region – Volume 1 Background Report” (DECCW 2007) examines the conservation priorities for fauna species in the Sydney Region. The study also identifies priority fauna habitats and corridors. The extensive bushland in the 7(d) lands is not identified as being one (1) of the four (4) priority fauna habitats for conservation in the Sydney Region. The Illawarra Escarpment Moist Forest is identified as an important biodiversity corridor.
2. The “Rapid Fauna Habitat Assessment for the Sydney Metropolitan Catchment Management Authority Area” (DECCW 2008) examines the significance of fauna habitats in the Sydney Metropolitan Catchment area, which includes the Hacking River. The study identifies that:
 - the Royal National Park has an extremely high fauna diversity (ranked 1st of 50 sites);
 - the Upper Hacking area (which includes the 7(d) lands) has a very high fauna diversity (ranked 18th); and
 - the Garrawarra State Conservation Area has a very high fauna diversity (ranked 20th).

The study highlights the value of the bushland in the 7(d) area for fauna habitat and movement.

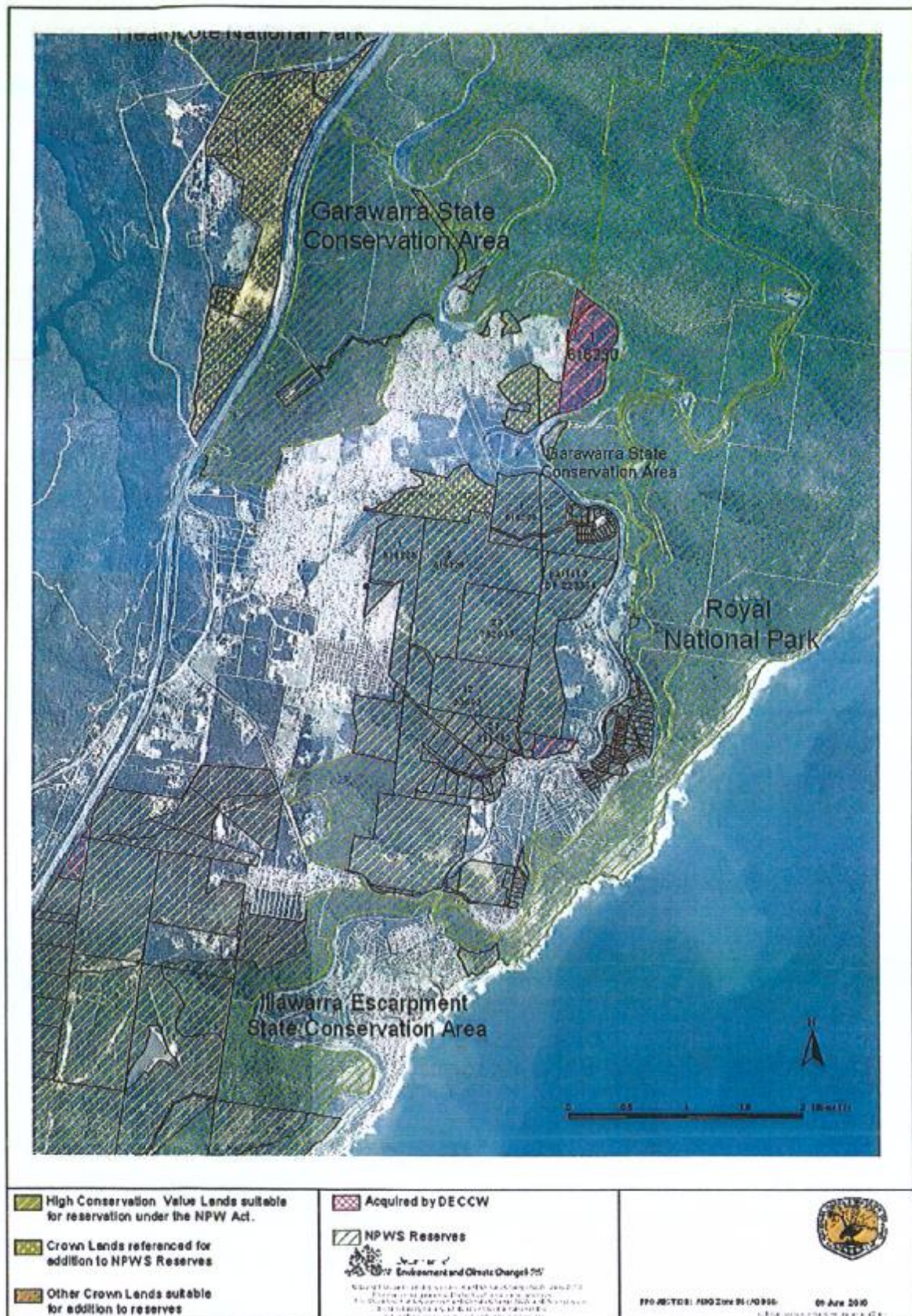
3. The “Draft Native Vegetation of the Sydney Metropolitan Catchment Management Authority Area” (DECCW 2009) – maps the vegetation communities in the Sydney Metropolitan Catchment Area. The report is similar to the Illawarra Bioregional Assessment prepared by DECCW in 2002 for Council, which was used in the preparation of the draft 7(d) Review, but only covers the Hacking River and Georges Creek catchments in the northern part of the City.

The report identifies the Southern Sydney sheltered forest on transitional sandstone soils, as an endangered ecological community that occurs within the study area.

The Department also provided a map depicting lands of high conservation value that would make potential valuable additions to the reserve system (Figure 2.3). The letter notes that “the acquisition of land for inclusion is dependent on the lands being offered for sale, DECCW having sufficient funding for purchase and management of the lands, and the purchase of the lands being considered a high priority in a State wide context”. The letter notes that DECCW should not be identified as a potential acquisition authority for any land.

Figure 2.3 Potential additions to the Reserve system

High Conservation Value Lands of the Upper Hacking Valley and northern Illawarra Escarpment - lands suitable for reservation



2.3 BUSHFIRE

The extensive bushland and ridge top development also results in a high bushfire risk. Figure 2.4 depicts the current bushfire risk. If development and clearing is permitted, it is likely that the bushfire risk for some areas will change. For example, if the Land Pooling Precinct was developed, the current bushfire risk for properties to the north in Merrigong Place and Floyd Place may be reduced.

The draft 7(d) Review examined the bushfire risk at Land Pooling, Lady Carrington Estate South, Central Otford and Lloyd Place precincts. The review found that bushfire mitigation measures could be incorporated into development of the first three precincts. However, in the Lloyd Place precinct, dwellings on 13 lots could only be protected with substantial clearing of each property, while dwellings on 3 lots could not be protected and the remaining 5 lots were doubtful. The substantial clearing required to protect dwellings would adversely impact on the vegetation and habitat linkage values of the precinct.

2.4 LAND CAPABILITY

A land capability assessment has not been undertaken as part of the current review of 7(d) lands. If land is proposed to be rezoned to support urban development, a land capability assessment, as well as other studies, would need to be completed.

The draft Helensburgh Town Plan (1990) included an assessment of land capability, which found that land in the Lady Carrington Estate North, Lady Carrington Estate South, part of the Land Pooling, Wilsons Creek and Gills Creek precincts and south to Maddens Plains was capable of urban development. The study also noted that from a water quality view, the State Pollution Control Commission (SPCC) recommended a much smaller area could be developed (Figure 2.5). The draft Helensburgh Town Plan also considered scenic values, flora and fauna, bushfire, water quality, coal resources, heritage and infrastructure requirements.

In 1990, the Soil Conservation Service published the 'Soil Landscapes of the Wollongong – Port Hacking 1:100000 sheet'. Soil landscapes are areas of land that have "recognisable and specifiable topographies and soils, that are capable of presentation on maps, and can be described by concise statements". Soil landscapes allow the integration of soil and landform constraints into a mapping units. The report assesses the land capability of each mapping unit. The soil landscapes units do not reflect other constraints, such as vegetation cover, fauna habitat, flooding or bushfire risk.

Figure 2.6 is an enlargement of the Helensburgh-Otford section area of the 1:25000 map. The figure shows five (5) mapping units within the area, as summarised in table 2.1. Of the soil landscape units, the most capable of urban development is Luca Heights which occurs around the Halls Ridge area of Helensburgh (including the waste depot). The Gynea Soil Landscape which occurs in small patches in the Gateway and Gills Creek precincts is noted as having low to moderate urban capability. While the Watagan, Hawkesbury and Bundeena Soil Landscapes are listed as generally not capable or suitable for urban development.

The majority of the urban area of Helensburgh is on the Bundeena Soil Landscape, which is noted as being not suitable for urban development. Similarly, Otford is located on the Watagan Soil Landscape which is noted as generally not capable of urban development.

Table 2.1 Soil Landscapes

Soil landscape unit	Precincts	Limitations	Urban capability
Watagan (wn)	Otford village, Otford South Lloyd Place, Central Bushland	Moderately inclined rolling low hills to very steep hills on Narrabeen Group, Slopes 25-70% Mass movement hazard, Severe soil erosion hazard, Occasional rock outcrop	Generally not capable of urban development
Hawkesbury (ha)	Wilsons Creek (part), Otford North	Rugged, rolling to very steep hills on Hawkesbury Sandstone, Slopes 20-70% Extreme soil erosion hazard, Mass movement (rock fall) hazard, Rock outcrops, Shallow, stony, highly permeable soil, Very low soil fertility	Generally not capable of urban development
Bundeena (bu)	Helensburgh urban area Land pooling Lady Carrington Estate South Walker Street Gills Creek F6 west	Low rolling rises on Hawkesbury Sandstone Slopes 5-20% High erosion hazard, Highly permeable soil, Very low soil fertility, Rock outcrops, Seasonally high watertables	Not suitable for urban development
Gymea (gy)	Gateway Wilsons Creek (part) Gills Creek (along the watercourse)	Undulating to rolling rises and low hills on Hawkesbury Sandstone, Slopes 10-25% Localised steep slopes, High soil erosion hazard, Rock outcrops, Shallow highly permeable soil, Low soil fertility	Low to moderate capability for urban development
Lucas Heights (lh)	Lady Carrington Estate North	Gently undulating crests, ridges and plateaus of the Mittagong Formation Slopes <10% Stoniness, Hard setting surfaces, Low soil fertility Moderate erosion hazard	High capability

During the second exhibition period, the Otford Protection Society submitted a copy of a 1971 Geological Survey of Helensburgh and Otford, which highlights land stability issues (Figure 2.6). The figure identifies that at the boundary between the overlying Hawkesbury Sandstone (coloured yellow) and underlying softer Narrabeen Group (coloured green) of shales and siltstones, there is an increase in slope that may result in instability. The report noted that any cliffs are likely to be unstable and the land below should not be developed and retained as a buffer / open space area.

Figure 2.4 Bushfire Risk Map - current

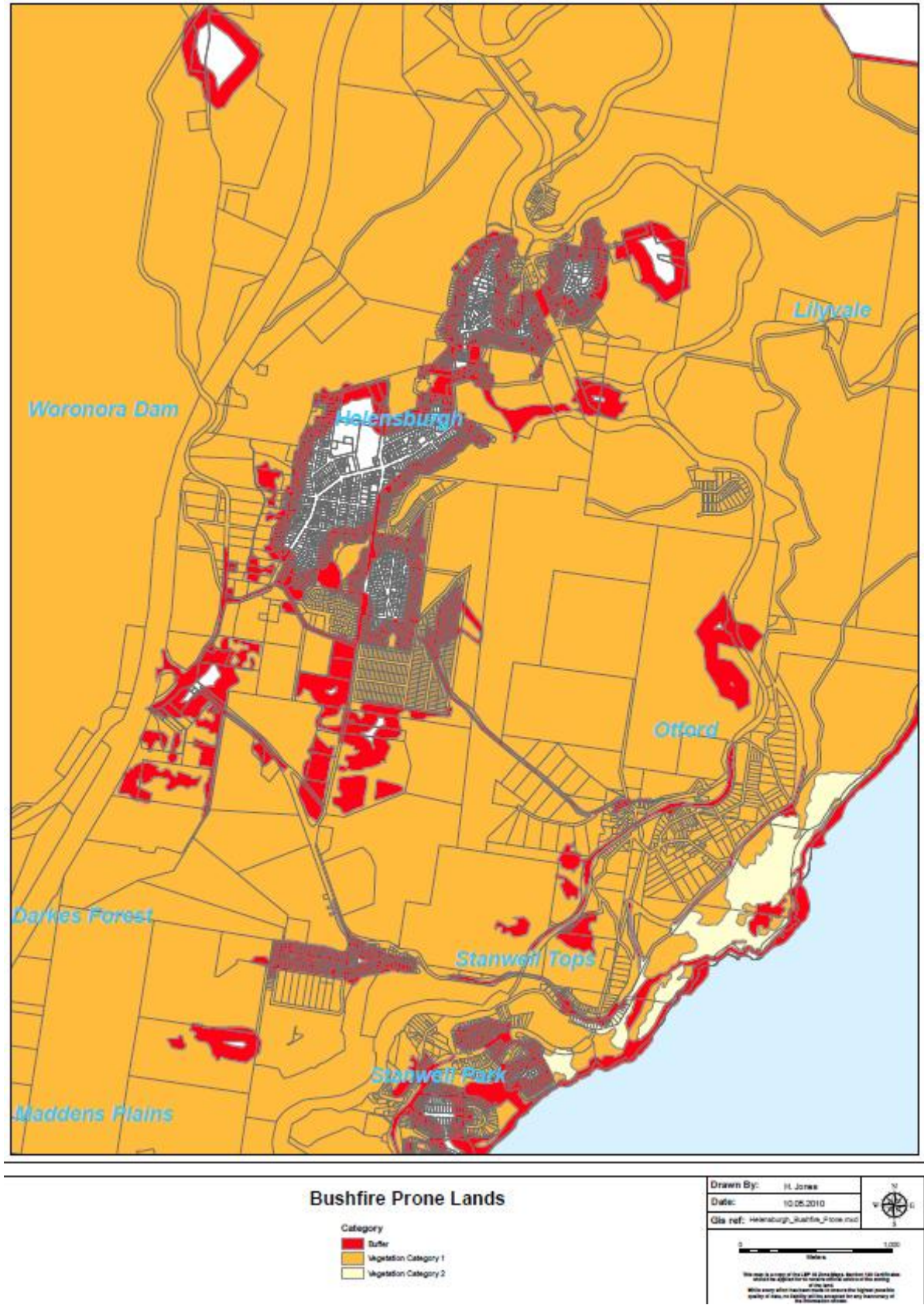


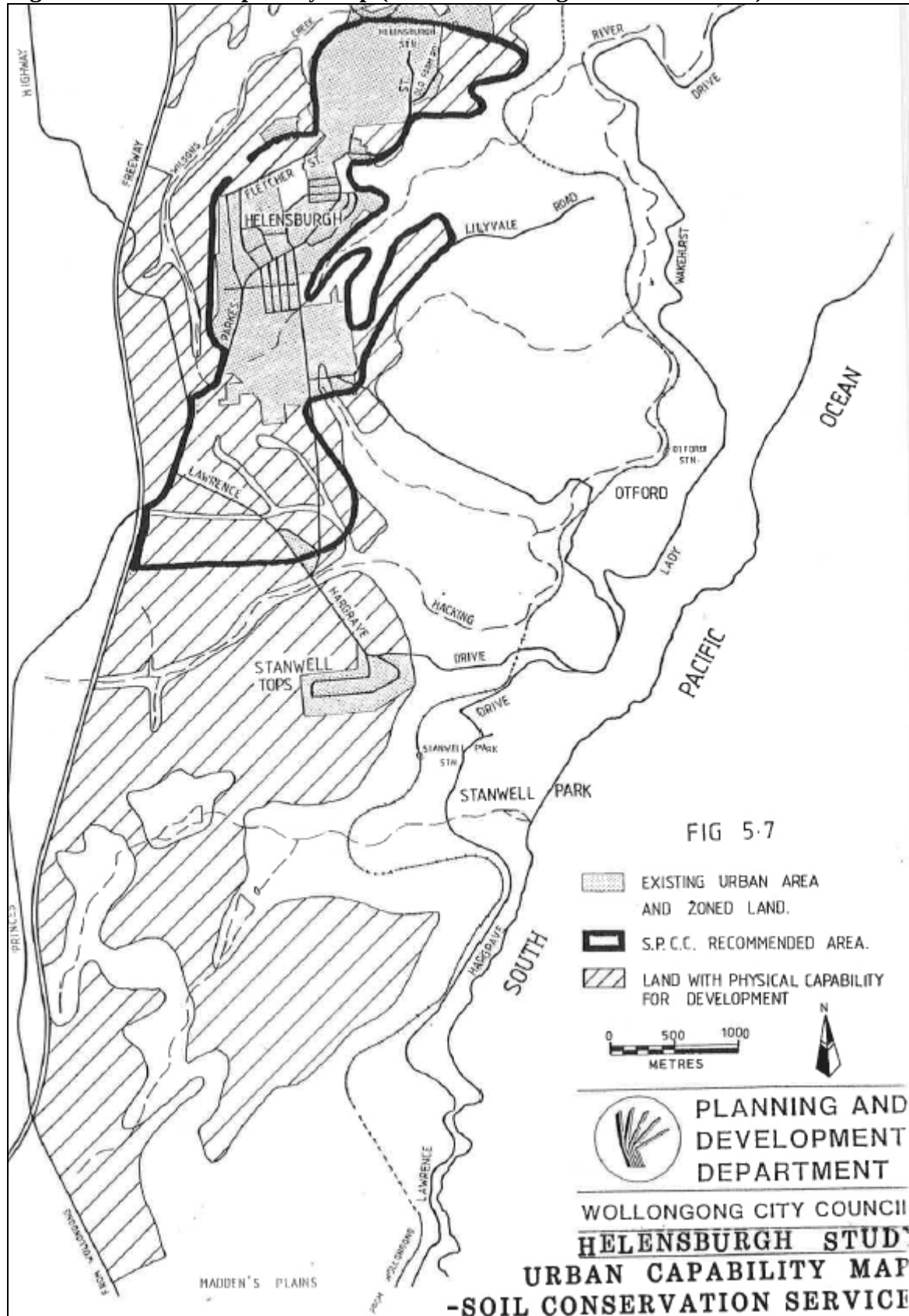
Figure 2.5 Land capability map (draft Helensburgh Town Plan 1990)

Figure 2.6 Soil landscapes

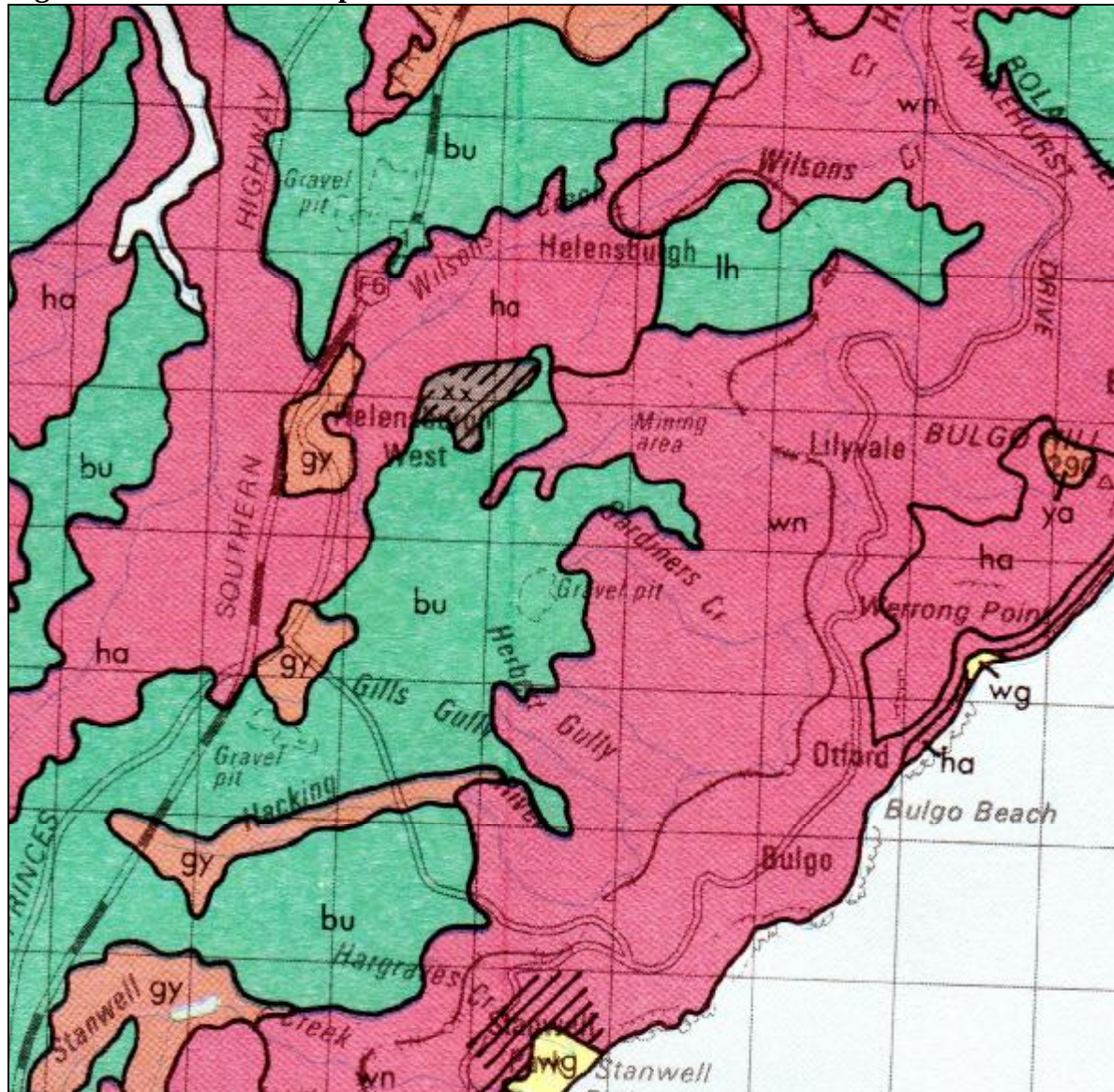
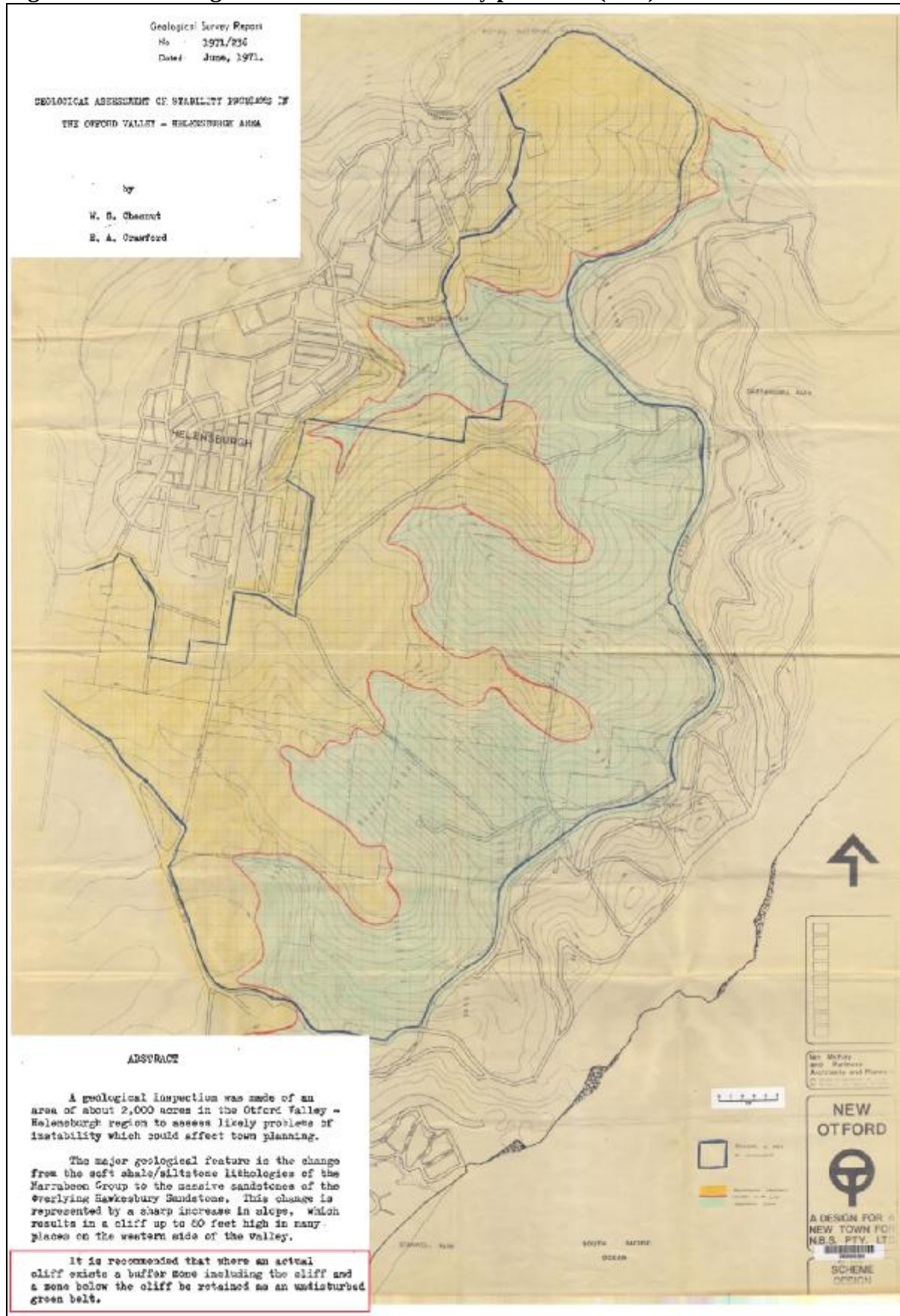


Figure 2.7 Geological assessment of stability problems (1971)



[Figure submitted by the Otford Protection Society]

3. Summary of submissions

As noted, Council has exhibited two sets of options for the future of the former 7(d) lands. Between August and October 2009, Council exhibited the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops.

As discussed in section 1.9 of this report, following the consideration of submissions received, Council amended the options and exhibited the Preliminary Review of Submissions between June and August 2010.

The following section summarises submissions received during both exhibition periods.

3.1 1ST CONSULTATION PERIOD (AUGUST – OCTOBER 2009)

The draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops was initially exhibited from 10 August to 9 October 2009. The exhibition period was extended to 30 November 2009 (three (3) months).

The exhibition was advertised through:

- Advertisements in the local newspapers (Illawarra Mercury and Wollongong Advertiser);
- Letters sent to all property owners in the 2508 postcode which covers Helensburgh, Stanwell Tops and Otford (2,776 letters);
- Council's website; and
- Copies of the draft study were available on the website, and for viewing at Helensburgh and Wollongong Libraries.

A community information session (4-6pm) and public forum (7-9pm) was held at Helensburgh Workers, Sport and Social Club on 16 September 2009 and was attended by over two hundred (200) persons. The information session allowed owners to ask questions about their holdings, and other members of the community to ask specific questions. The public meeting was facilitated by Elton Consultants, and included a presentation by Council officers and a question/answer session. A copy of the facilitators report is attached (**Appendix 1**).

As a result of the exhibition, 3,447 submissions were received; the majority were form letters opposed to any rezoning and development. Table 3.1 summarises the origin of the submissions.

Table 3.1 Origin of Submissions – first exhibition

Submissions from:	Number of submissions
Persons with addresses in the vicinity of the study area: • Helensburgh (1029 submissions), • Otford (120 submissions), • Stanwell Tops (76 submissions), and • Stanwell Park (282 submissions)	1,507
Persons with addresses in other parts of Wollongong	416
Persons with addresses in Sutherland LGA	416
Persons with addresses in Camden LGA	26
Persons with addresses in Campbelltown LGA	63
Persons with addresses in Wingecarribee LGA	10
Persons with addresses in Wollondilly LGA	17

Submissions from:	Number of submissions
Persons with addresses in Shellharbour LGA	47
Persons with addresses in Kiama LGA	7
Persons with addresses in Shoalhaven LGA	25
Persons with addresses in other parts of the Sydney Metropolitan Area	534
Persons with Country NSW addresses	74
Persons with Interstate addresses	73
Persons with International addresses	21
Persons with email address only	140
Persons who did not include address details	71
Total	3,447

The submissions from landowners generally commented on their landholdings, rather than the broader 7(d) issues. These will be discussed in the analysis of issues by precinct.

3.1.1 Views of Government Agencies and adjoining Councils

Eight (8) submissions were received from Government agencies and adjoining Councils. Their comments are summarised in table 3.2.

Table 3.2 Comments of State Agencies and Adjoining Councils – first exhibition

State agency	Issues / comments
NSW Rural Fire Service	- The requirements for <i>Planning for Bushfire Protection</i> 2006 should be considered for any proposed lots with dwelling entitlements including: - APZs in accordance with Table A2.4 – boundary adjustments may be required, - Public access in accordance with section 4.1.3 – including internal and perimeter roads where applicable, - Water supply for fire fighting purposes in accordance with section 4.1.3, - Construction of future dwellings in accordance with Appendix 3, - Landscaping in accordance with Appendix 5, and - Emergency evacuation measures in accordance with section 4.2.7. - Objects to the creation of lots with dwelling entitlements where the APZ requirements of <i>Planning for Bushfire Protection</i> 2006 cannot be met within the property boundaries. - To support development in Area 2 the RFS requires a commitment from Council that Area 2 be maintained to APZ standards in perpetuity. - RFS also requires detailed plans demonstrating that a building envelope and APZ are in accordance with <i>Planning for Bushfire Protection</i> 2006 can be provided within property boundaries for any proposed lots with a dwelling entitlement.
Federal Department of the Environment, Water, Heritage and the Arts - EPBC	Notes that the <i>Environment Protection and Biodiversity Conservation Act</i> 1999 (EPBC Act) protects matters of national environmental significance (including the Royal National Park, Garrawarra Park State Conservation Area National Heritage place and numerous

State agency	Issues / comments
Compliance Section (WA)	listed threatened flora and fauna species which could be present in the subject area). • Comments that a person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal to the Department for a decision on whether approval under EPBC Act is needed. • Suggest that if the rezoning proceeds, Council review the EPBC Act and the potential need for referral.
Sydney Catchment Authority (2 letters)	• Proposal is outside of the Woronora Dam drinking water catchment and therefore unlikely to impact on drinking water quality. • Support Council's intention to zone land from 7(d) to E3 with similar land uses and restrictions. • Notes that three (3) of its lots (part Lot 1 DP 830604, Lot 1 DP 219640 and Lot 4 DP 1000975) are zoned E3 Environmental Management and request that for consistency they be also zoned E2 Environmental Conservation. <i>It is recommended that part Lot 1 DP 830604, Lot 1 DP 219640 and Lot 4 DP 1000975 managed by the Sydney Catchment Authority be zoned E2 Environmental Conservation.</i>
Sydney Metropolitan Catchment Management Authority	• Opposes the rezoning of 7(d) lands from E2 to E3 due to: - o The proposal being inconsistent with the natural resource management principles in CMA Catchment Action Plan, - o The proposal being inconsistent with the biodiversity outcomes of the Illawarra Regional Strategy and does not outline how it will meet the Threshold Sustainability Criteria for Environmental Protection, - o Believe that the recommendations of the 1994 Commission of Inquiry still remain valid and required studies have not been undertaken, - o SMCMA promote the protection and enhancement of native vegetation corridors and is concerned the proposal will result in the loss of fauna habitat and corridors, - o Recent study by DECC for the CMA 'Rapid Fauna Habitat Assessment for the Sydney Metropolitan Catchment Management Authority Area (June 2008) identifies the area has having a very high fauna values, - o Council should reference the Native Vegetation Act 2003 as part of the legislative framework which regulates development in the area, - o Draft Native Vegetation of the Sydney Metropolitan Catchment Management Authority Area (by DECCW Sept 2009) indicates that areas around Lady Carrington Estate South and North precincts, Gills Creek, and Wilsons Creek contain forest which is listed as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995. SMCMA does not support any proposal that would adversely impact on this community.
TransGrid	• Note that the suburb of Helensburgh is affected by an easement

State agency	Issues / comments
	owned and maintained by TransGrid for a 330kV Transmission Line (plan with submission). • Comment that any proposed development within an easement area will be subject to the prior written approval of TransGrid. • More detailed information on the restrictions applicable to any proposed development within an easement area can be provided.
RTA	• Comments on specific precincts include: - o Wilson Creek Precinct: RTA does not support direct access to the Old Princes Hwy. All access would need to be via Parkes Street. Intersection modelling on the junction of Parkes Street and Old Princes Hwy should be undertaken for a current and 10 year scenario and considering AM and PM peaks, - o Lady Carrington Estate North and Colliery Precinct: No objections to proposed rezoning, - o Lady Carrington Estate South Precinct: No objections to proposed rezoning, - o Otford Precinct: Requests that access options be investigated prior to any rezoning. RTA would not support access to Lawrence Hargrave Dr for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTROADS Standards, - o Kelly Falls, Land Pooling and Lloyd Place Precinct: Requests access options be investigated prior to any rezoning. RTA would not support access to Lawrence Hargrave Dr for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTROADS Standards, - o Gills Creek Precinct: Requests access options be investigated prior to any rezoning. RTA will not permit direct access to F6 Southern Freeway. RTA would not support access to Lawrence Hargrave Dr for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTROADS Standards.
Department of Environment Climate Change and Water - Planning and Aboriginal Heritage	• Strongly support the application of E2 zone over lands supporting high conservation value habitats and identified wildlife corridors. • DECCW will make further comment if Council determines to progress a planning proposal for the Land Pooling Precinct and Lady Carrington Estate South. • Generally supports Council's vision and planning principles. • Specific comments on precincts include: - o Lady Carrington Estate North and Colliery Precinct: DECCW recommends Lot 1 DP 324239 east of the railway line in Camp Creek zone this land from E3 to E2 due to its location adjacent to Garrawarra State Conservation Area and nature being largely forested, - o Lady Carrington Estate South: Supports E2 zoning, - o Kellys Falls, Land Pooling and Lloyds Place: strongly supports E2 zoning of Lloyds Place. DECCW would like to

State agency	Issues / comments
	be part of the future discussions and evaluation of E2 zone and the 'exit strategy'. Should Council proceed with a planning proposal for Land Pooling precinct DECCW will provide further comments on relevant issues. • Comment that any potential addition to DECCW estate would need to be assessed on a case by case basis. Should any land owners wish to pursue dedication or acquisition, it is recommended that Council and land owners contact DECCW to further discuss. • Suggests that any future planning proposals be consistent with the Riparian Corridor Management Study. • Recommends that the draft report incorporate the findings and outcomes of the following work previously done by NPWS: - o "The Upper Hacking Catchment a Natural Resource Survey", - o "The "Bioregional Assessment Study" Part 2, - o "Coastal Plain and Plateau", - o "Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Authority Area".
Sutherland Shire Council	• Believe the desktop review of 7(d) lands to be premature in regards to the Commission of Inquiry (COI) Report recommendations. • Comment that studies recommended by the Helensburgh COI in 1994 have not yet been undertaken and therefore, there is insufficient information to make any preliminary recommendations in relation to the future land use of the land. • Necessary studies recommended by the COI include: - o Water quality impacts and control mechanisms, - o Flora and fauna habitat loss, - o Impacts of development, - o Fauna impact statements of rare and endangered animals, - o Analysis of impacts upon wildlife corridors. • Comments that the Willana report provides insufficient information to make a proper and informed decision and does not address the concerns raised by the COI. • A major concern is the impact of development on the water quality and wildlife corridor. • Generally support the E2 and E3 zonings proposed for Helensburgh as a means of minimising adverse impacts from development on the Hacking River and wildlife corridor. • Suggest that an environmentally sensitive land (water quality and biodiversity) overlay be applied to the area subject to the rezoning. This would allow better management of sediment and land degradation in B6 zoning. • Object to Land Pooling and Lady Carrington Estate South rezoning to R2 due to environmental factors including: - o Close to valley catchment of Gills/Kellys and Herbert Creeks, - o Development would increase erosion and sediment risk, - o Introduction of roads and hard surfaces will increase run-off

State agency	Issues / comments
	intensity, - o Increase in weeds entering bushland, - o Wet sclerophyll corridor and transition zones may be jeopardised by development, - o Increased likelihood of sediment, feral animals and weeds, - o Insufficient detail and analysis to demonstrate adequate water quality devices. • Recommends increased housing is best incorporated within the township, closer to services.

3.1.2 Views of Community Groups

Fifteen (15) submissions were received from eleven (11) community groups, which are summarised in table 3.3:

Table 3.3 Comments from Community Groups – first exhibition

Community group	Issues / comments
Neighbourhood Forum 1	• Comment that the exhibition does not provide adequate information to the public to make informed decisions. • Object to the proposals in the Willana study. • Concerns over the following: - o Bushfire analysis is limited to a restricted area, not the whole of the site. • Questions to Council: - o Clarification is sought on exactly which land is subject to rezoning from 7(d) to E3, - o Why are some lots in Lilyvale on the Lands Department maps showing no Lot or DP information? - o East of the lot marked Lot 7001 DP 1053532 there appears to be an ‘old road’. Could you please advise as to whether any roads in Helensburgh have been gazetted for closure? (<i>Note: this corridor is the alignment of the old railway tunnel</i>).
7d Landowners Group	• Fully support the proposed changes to the zonings in the Helensburgh area. • Commend the action of Council to try to resolve this “environmental land” issue. • Comment that the landowners who have paid rates and been denied the right to build should be given a “fair go”. • Support Otford Road/Lloyd Place proposal. • Generally support the Willana report however some concerns are below: - o North/South Otford Precincts: does not support E2 zoning in all areas, or E4 zone in very steep sections of South Otford. Some from the group are unhappy with the exit strategy and proposed zoning, - o Caravan Park site: Comments that the E2 zoning will cause problems. Recommend 3 to 4 hectares be zoned for a caravan park and the rest left in the E2 zone; and - o Walker Street and Laurence Hargrave Drive: Proposed RU1 – comment that some of this land should be zoned to allow a dwelling

Community group	Issues / comments
	on perhaps a ½ ha block or larger.
National Parks Association NSW Southern Sydney Branch (4 submissions)	• Comments that an estimated 350 building rights are proposed where no building rights have existed at any time in the past. • Comments that APZs are now much larger areas so additional building approvals imply more extensive clearing. • Made a submission on the LEP process and strongly urged that all 7(d) lands be conserved. • Objects to the process of this 7(d) review, occurring without our knowledge. • Requests all 7(d) lands be converted to E2 in the interests of regional conservation aims. • Rejects the reason for an interim zoning of all 7(d) lands as E3. It should be E2 – the closest equivalent to 7(d). • Regard rezoning prior to any environmental assessment as inappropriate and illegal. • Includes list of fauna species locally extinct or rare.
Otford Protection Society (2 submissions)	• Objects to the proposals which will remove the environmental protection afforded by the previous 7(d) zoning for the following reasons: - o Proposal will have negative impact on Hacking River watershed, - o Proposal reduces the environmental protection with seriously detrimental impact on community and surrounds, - o Proposal will result in extensive clearing for APZs therefore with potential visual impacts and reducing wildlife corridors, - o Planning and environmental protection decisions should not be dictated by past dwelling entitlements, - o Growth of urban areas thereby diminishing the green belt between Sydney and Wollongong, - o Rezoning of vacant allotments should not be permitted but should be zoned E2, - o Do not support rural landscape (RU2), enterprise corridor (B6) or tourist zones (SP3) in this area. Should be zoned E3, - o Riparian areas and issues have been inadequately addressed and fail to meet Council's existing policies including the Riparian Corridor Management Study, - o Object to building rights. Instead consideration should be given to adding some of these areas into the National Park estate, - o Willana Review contradicts COI recommendation of long term not short term studies. Necessary studies recommended by the COI include: - Water quality impacts and control mechanisms, - Flora and fauna habitat loss, - Impacts of development, - Fauna impact statements of rare and endangered animals, - Analysis of impacts upon wildlife corridors, - o Serious detrimental impact on wildlife corridors, - o Scenic qualities of area diminished, - o Proposals for Otford Village are inconsistent and unsound. • Support proposed E2 rezoning for large areas of 7(d) lands.

Community group	Issues / comments
	- Concerns with Councils approach where rezonings deviate significantly from the current zones in the absence of detailed studies and where Council notes the need to do further studies after releasing the Willana report which may not be supported by these later studies. - Concerns with the Willana Review as it does not depict the area fairly, the conclusions are based only on a desktop study, starting point was rezoning, not protection of currently protected areas. This report also does not consider this area as part of a broader catchment.
Colong Foundation for Wilderness	- Object to the proposed LEP seeking to increase in development opportunities around Helensburgh and Otford. - Comment that this planning review ignores the public inquiry and several council votes in favour of further protection that the Minister for Planning accepted in 1995. - Object to proposal as it includes environmentally protected areas be rezoned Residential, Rural or Enterprise Corridor. - Comment the southern edge of the Park offers the best opportunity for habitat interactions necessary to ensure long term ecosystem health. Helensburgh, Otford and Stanwell Tops sit within this corridor.
Friends of Stanwell Park	- Objects to the rezoning of 7(d) land that would be a reduction of protection therefore E3 is not acceptable. - Only support E2 zoning. - Object to Rural zone where waterways will have only 20 metres of Protection in places like Wilsons Creek. - Object to Otford Village with need for APZ clearing and fencing as it will ruin the corridor. - Object to development as it will minimise the greenbelt between Wollongong and Sydney. - Object to the proposed rezoning as a means to solve historical issues. From our research this only applies to about 10 lots. - Object to vacant land being given building rights. E2 should remain on these blocks. - Object to proposed R2 development on ridgeline due to the visual impact from Bald Hill. - Object to Otford proposed rezoning as it completely overlooks the steep and undisturbed nature of the area. - Raise concerns over the methodology of the Willana report being a desktop study only. - Object to the downgrading the existing environmental zonings.
Illawarra Escarpment Coalition	- Objects to any expansion of residential/other development into the 7(d) land of the Hacking River Catchment. - Object to 'watering down' of the 7(d) protection. - Additional 1200/1300 sites would: - Impact heavily on endangered species, - Cause more clearing and habitat loss, - Cut wildlife corridors, - Cause more weed infestation,

Community group	Issues / comments
	- o Reduce Hacking River quality, - o Disregard climate change and need for greater protection of our endangered species, wildlife corridors and clean water.
Northern Illawarra Residents Action Group Inc.	• Objects to the proposals which remove the environmental protection currently provided by the environmental protection zoning. • Support E2 zoning. • Strongly object to the process regarding the review process of the proposal while the LEP 2009 was still being finalised. • Object to the proposed intensification zonings without necessary environmental studies to support them. • Comment that justifications for proposals made in the Willana report are based on a 'desktop' study only in comparison to the current zonings based on detailed scientific studies as part of the Commission of Inquiry. • Note some negative impacts of the proposals as: - o Comment that the development of the Hacking River Catchment has already been found to be damaging to the health of this river, - o Increased development and associated land clearing will have major impacts on scenic qualities and habitat corridors, - o Building on SE edge of Helensburgh will require large areas of land clearing for APZs, - o Proposed development on ridgelines and plateaus will compromise the visual amenity and values of the area. • Comment on zoning proposals include: - o RU2 zones should be rezoned E3 with existing use rights, - o B6 are not suitable in an area currently zoned environmental protection, - o SP3 should remain environmentally protected and be rezoned E3 with existing use rights, - o Otford village proposed development density is inconsistent with earlier findings and recommendations. • Riparian land protection comments: - o Proposals for riparian lands downgrade current levels of protection, - o Protection of riparian land is important given the high conservation value of the rivers, catchment and relationship to NP. • Long-term protection of environmental lands – Council should resolve to rezone all non-urban land in the study area to the highest environmental protection zoning and prepare a plan for the transfer of privately owned land into public ownership under NSW NP&WS.
Canopy Native Forest Committee	• Concerned by the proposal to replace existing zoning on this sensitive area to a series of new zones designed to facilitate development on parts of the site. • Comments that there appears to be no compelling reason for changing the existing situation. • Comments that the environmental integrity of the Hacking River, biological corridor and Royal National Park are paramount. • Requests the current environmental zoning be retained. • Request Council to investigate ways of strengthening the existing

Community group	Issues / comments
	environmental protection provisions. • Objects to any further clearing of bushland in the 7(d) area with the exception of necessary bushfire protection of the existing properties. • Comments that Council should consider with State Government fair compensation arrangements for landowners who are unable to build.
Sutherland Shire Environment Centre Inc.	• Object to 7(d) land rezoned for residential development. Any new LEP should not allow a building right where none existed under the LEP 1990. • Comments that the desktop study by Willana was not adequate for making preliminary moves towards rezoning of such sensitive land. Studies recommended by the Commission of Inquiry have not yet been undertaken. • Comment that the response for rezoning is not from the wider Illawarra, Sutherland Shire or Sydney but landowners. It is not Council's responsibility to provide investment security to property owners, but to the interests of the wider community for long term sustainability. • Concerned that the increased development will lead to additional water flows and increased erosion. • Recommend the submissions by Sutherland Shire Council and NPA (Southern Sydney).
Stanwell Tops Residents Awareness Assoc.	• Object to proposal to downgrade the long-standing 7(d) environmental protection zones to E3 and additional zonings. • Comments that the Willana report fails to meet the criteria recommended by the Commission of Inquiry (COI). The report ignores the COI's recommendation of no changes to the 7(d) zoning. • Concern over bushfire control and evacuation procedures.

3.1.3 Form letters and petitions

3,108 submissions were received in the form of twenty one (21) different form letters, eighteen (18) of which opposed the development of the 7(d) lands and three (3) form letters supported proposals. A petition objecting to development signed by eighty eight (88) persons was also received.

Following the issue of acknowledgement letters, complaints were received that some letters had been signed by children, and they should not be accepted. All submissions are valid, and Council staff are unable to determine the age of an author.

The issues raised in the form letters are summarised below. Where letters commented on specific precincts, their comments will also be noted in the discussion on precincts later in the report. Table 3.4 provides a summary of the eighteen (18) form letters opposing development (3,038 submissions) and table 3.5 provides a summary of the three (3) form letters supporting development (70 submissions):

Table 3.4 Summary of Form Letters – Opposing Development – first exhibition

Form letter No.	No. of letters	Issues / comments
1.	265	- Do not support Willana development report. - Object to the rezoning of 7(d) land to R2 or E3/E4 as the results will include: - Clearing of thousands of acres of bushland creating a huge risk to the Hacking River water catchment, - The natural microclimate of the Otford region being threatened, - Biodiversity of the Royal National Park threatened, - Nationally threatened species of owl and possum being further threatened. - Object to the Willana report not recognising the previous stance of the WCC management and the State Government as one of environmental importance of the area. Instead the report appears aimed to only benefit land developers. - The proposed rezoning and subsequent vast land clearing seems in conflict with the Environmental Protection and Biodiversity Conservation Act. - Suggest all 7(d) land be zoned E2 and allowing the replacement of existing buildings in the event of disaster.
2.	160	- Object to the proposed rezoning of land located on the south east corner of Helensburgh currently zoned 7(d) being rezoned to residential. - Request a suitable environmental zoning under the new LEP. - Do not believe adequate infrastructure or environmental studies have been conducted. - Suggest the new LEP should not allow a building right where none existed under LEP 1990. - Comment that building permits on small acreages will result in significant levels of tree clearance resulting in ongoing degradation of bushland around Helensburgh. - Commend the conservation aims of the review.
3.	486	- Object to low density residential development that will be visible from Bald Hill as this will degrade Bald Hill's unique environmental qualities. - Comment that expansion of urban development in the Upper Hacking River Catchment will degrade the water quality of the Hacking River and reduce viability of Royal National Park for wildlife and recreational purposes. - Comment that land clearing will diminish the effectiveness of the wildlife corridor. - Suggest Council should ensure the zonings of all land in the Upper Hacking River Catchment have chief objectives in the preservation and enhancement of the wildlife corridor, improvement of Hacking River water quality and the preservation of existing forests. - Suggest Council rezone all non-urban land in the study area to the highest possible environmental zoning. - Suggest Council work with NSW Government to prepare a plan to transfer all privately owned land into public ownership to be maintained by NP&WS.
4.	150	- Reject to the zoning proposal for the following reasons: - Reject the decision by Administrators to rezone lands to E3 after public submissions requested rezoning to E2 not E3, - Willana report is superficial and does not address significant issues,

Form letter No.	No. of letters	Issues / comments
		- o Support the findings of the 1994 Commission of Inquiry. • The core issues that remain relevant include: - o Very high erodability of soils, - o Removal of vegetation will contribute to high sediment input into waterways, - o Impact of increased sedimentation and pollution on vegetation, invertebrates and ecology, - o Increased impact of predation of native fauna, - o Increased weed dispersion into vulnerable and threatened communities. • Comment that COI in 1994 noted the wildlife corridors was already extremely long and narrow. Further development will constrain wildlife, especially along Helensburgh ridge.
5.	182	• Object to the proposed rezoning. • Concerns for 7(d) lands rezoned to E3 as outlined in Willana report instead of preferred rezoning of E2. Concerns include: - o Increased land clearing, - o Increased land fragmentation, - o Increased weed infestations, - o Increased introduction of non-indigenous and feral animals, - o Increased soil erosions, - o Increased soil fertility, - o Significant visual impact of Lady Carrington Estate from Bald Hill and Otford from the Grand Pacific Drive, - o Reduced wildlife corridors, - o Increased threat or impact to bird populations, - o Risk and threat to rare and endangered fauna, - o Increased water shed. • Refer Council to the Environmental Protection Biodiversity Act.
6.	143	• Reject the zoning proposal for two reasons: - o Reject the decision by Administrators to rezone lands to E3 after public submissions requested rezoning to E2 not E3, - o Willana report is superficial and does not address significant issues concerning 7(d) lands. • Commend the Illawarra Escarpment Strategic Management Plan that concluded development could not proceed due to significant environmental negative outcomes including: - o Increased land clearing, - o Increased land fragmentation, - o Increased weed infestations, - o Increased introduction of non-indigenous and feral animals. • Comment that COI in 1994 noted the wildlife corridors were already extremely long and narrow. Further development will constrain wildlife, especially along Helensburgh ridge.
7.	364	• Object to proposed planning review as existing infrastructure will not support any additional development in the area. • The area is ecologically sensitive and demands there be no further development.

Form letter No.	No. of letters	Issues / comments
		• Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility. • From experiences, the area could not cope with an emergency evacuation. Expansion of the town would far increase the risk of injury and fatality.
8.	93	• Object to the development plan. • Willana report only hypothesizes a pro development case. It fails to consider in any detail social, economic, financial, ecological, bush fire risk, infrastructure and car parking issues. • Request a second review be undertaken. • Concerned that redevelopment costs will be shouldered by ratepayers. • Land is too steep and costly to build on.
9.	74	• Object to the proposed development and the removal of the current environmental zoning. • Concerned that the proposed increase in numbers of 3,250 additional residents is not feasible. This will cause roads to be chaotic around railway stations, shopping centres and thoroughfares. • Asks if there are plans to provide more public transport. • Comment that the proposed development will create 1,300+ blocks in direct path of the natural drainage channels of the Port Hacking River and thereby have a direct impact upon the National Park, flora and fauna. • Suggest consideration should be given to increasing bushfire regulations after VIC and ACT tragedies.
10.	148	• Strongly object to the proposed planning review. • Suggest any increase in numbers is not matched by existing infrastructure. • Demand no further development in the Otford Road and Lady Carrington Estate areas which are ecologically sensitive and in the direct path of the Hacking River. • Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility.
11.	30	• Object to the proposed planning review as it will substantially increase risk to horse riders in the area. • Concern that proposed development adjacent to Walker Street – the fast entrance into Helensburgh, will result in more traffic and therefore concern over the safety of public and horse riders. • Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility.
12.	36	• Visitors who object to the rezoning proposal on social and environmental grounds. • Comment that this area has much to offer that 'other parts of Sydney can never provide'. • Concerned that the proposal will result in inappropriate development and social dislocation.
13.	450	• Strongly object to any redevelopment and object to development in any form. • Concern that the risk the proposed development will cause to the Hacking Catchment and wildlife corridors does not support the proposed

Form letter No.	No. of letters	Issues / comments
		development. • Comment that the proposed 350 or 700+ home sites will be in the direct path of the natural water courses and the Hacking River. • Comment that Council should protect the Upper Hacking Catchment, maintain wildlife corridors and protect important ecosystems thereby sustaining the National Park for future generations.
14.	244	• Object to the draft review of 7(d) lands for the following reasons: - o 7d Extensive vegetated areas provide environmental protection to the water courses, - o Proposed development is not near Helensburgh Railway Station and there are no plans for infrastructure, - o Inadequate road systems and car parking, - o Proposal will have massive impact on the environment, scenery, wildlife corridors, endangered native animals and the micro-climate, - o Rezoning of smaller areas will set precedent for in ad-hoc development, - o Evacuation plans for emergencies are inadequate. • Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility. • The proposed development will alter the character and visitor appeal of the town and surrounding villages.
15.	18	• Reject the proposal. • Suggest the existing infrastructure does not support any additional development in the area. • Comments that a population increase of 350 house sites should not be considered without a new Plan for the entire 2508 area.
16.	24	• Concern that the proposed new zonings do not protect the environmentally sensitive lands from inappropriate developments. • Request Council keep a strong environmental protection zone for all 7(d) lands. • Comments that Council is required by law to provide reports on the new zonings impact on the wildlife corridors, urban run off and water quality of the Hacking River. • Suggest any increased development will only increase the risk to life and property in the risk of bushfire. • Suggest existing infrastructure is inadequate for any more large scale development.
17.	164	• Support the 7(d) lands being rezoned to E2 for the following reasons: - o It is the only way to protect remnant coastal rainforest areas that exist in the area, - o APZs required for proposed development would degrade existing forest, - o If the lot size map is changed, further development in a smaller area would become possible causing further pressure on the biodiversity of the area, - o Further development could see the wildlife corridor being compromised or even non functional, - o Loss of tourism as beauty of physical environment is reduced,

Form letter No.	No. of letters	Issues / comments
		- o Multiple zones will cause landowners to lobby for changes for rezoning and same rights resulting in further land clearing and environmental degradation, - o Landowners that had an existing building right at the time of purchase should be compensated by Council, - o Royal National Park needs and deserves protection of E2 in the areas of this study, - o E2 zoning of this land will result in it being even more valuable in the state in the future, - o Suggest B6 zone should be E2 with protection of existing land use and existing dwelling rights, - o Protection of Hacking River Catchment is best provided by a blanket E2 zoning, - o Urban consolidation is best suited to cleared land in other areas of the state.
18.	7	• Object the proposed development. • Concerned that such development will have drastic impacts on the existing wildlife and the ecologically sensitive nature of the area. • Concerned for the impact of the proposed development would have on the Hacking River and National Park.

Table 3.5 Summary of Form Letters – Supporting Development – first exhibition

Form letter No.	No. of letters	Issues / comments
1.	48	• Support the rezoning proposal for B6 Enterprise Precinct as appropriate use for the 7(d) property as it is land which is cleared and close to township and main road services. • Comment that B6 zone is compatible with existing uses in the area and good access to the Freeway. • Comment that this zoning will provide good job opportunities and upgraded services in the area for the community. • Comment that with the connection to the sewer and all infrastructure available, a limited number of dwellings in Helensburgh should be possible.
2.	18	• Support the proposed residential zoning in the Land Pooling Precinct and Ensile's Lady Carrington Estate South. • Comment that these residential blocks will ensure continued growth of the area, boost business in town, provide employment opportunities and result in further infrastructure and services (including a much needed High School).
3.	4	• Lot 4 Lawrence Hargrave Drive Helensburgh (DP 259401) has a 40-50 year pastoral history of cattle roaming and an attached piggery. • Comments that the current scrubby bushland across the block is regrowth from the pastoral periods.

One (1) petition signed by eighty eight (88) persons was received opposing the rezoning of 7(d) land and identified the following issues of concern:

- Object to proposed rezoning of 7(d) land; and
- Object to development of land located within the wildlife corridor as this will result in a loss of movement for many species, reduce genetic diversity and minimise sanctuaries for animals during environmental stresses (e.g. bushfires).

3.2 2ND CONSULTATION PERIOD (JUNE – AUGUST 2010)

The preliminary report was exhibited for 2.5 months from 2 June to 16 August 2010. The exhibition was advertised through:

- Advertisements in the local newspapers (Illawarra Mercury and Wollongong Advertiser);
- Letters sent to all property owners in the 2508 postcode which covers Helensburgh, Stanwell Tops and Otford (2,776 letters);
- Letters and emails sent to persons who had made previous submissions;
- Council's website; and
- Copies of the draft study were available on the website, and for viewing at Helensburgh and Wollongong Libraries.

A community information session (5-7pm) was held at Helensburgh Community Centre on 17 June 2010. The information session allowed owners to ask questions about their holdings, and other members of the community to ask specific questions.

As a consequence of the second consultation period, a further 19,390 submissions were received. The vast majority of submissions were form letters organised by the Otford Protection Society, Helensburgh Land Pooling Group and supporters of the B6 Gateway precinct.

Council's Record Management system registered the receipt of 10,252 individual submissions submitted by 1,469 persons, companies or organisations.

The Otford Protection Society (OPS) questioned this number as their records indicated 18,521 submissions originating from their website. Council's Information Technology section confirmed that Council received 9,390 emails from the OPS website. The OPS subsequently provided Council with an electronic copy of 18,521 submissions originating from their website in the form of 31 different form letters. The cause of the difference is unknown but could relate to Council's email server being overloaded or rejecting some email addresses. The submission data presented by the OPS on submissions has been accepted (ie 18,521 submissions).

Table 3.6 summarises the origin of the submissions, registered by Council's Record Management system. The table does not include submissions originating from the OPS website that were not registered by Council. Although, as noted, these submissions have been counted as submissions and are discussed in later sections of this report.

Table 3.6 Origin of Submissions – second exhibition

Submissions from:	Number of Authors	Number of submissions
Persons with addresses in the vicinity of the study area: • Helensburgh (367 authors / 3096 submissions), • Otford (84 authors / 936 submissions), • Stanwell Tops (70 authors / 606 submissions), and • Stanwell Park (68 authors / 747 submissions)	589	5385
Persons with addresses in other parts of Wollongong	195	977
Persons with addresses in Sutherland LGA	147	899
Persons with addresses in Camden LGA	7	115
Persons with addresses in Campbelltown LGA	5	84
Persons with addresses in Wingecarribee LGA	7	30
Persons with addresses in Wollondilly LGA	7	26
Persons with addresses in Shellharbour LGA	6	9
Persons with addresses in Kiama LGA	5	19
Persons with addresses in Shoalhaven LGA	17	52
Persons with addresses in other parts of the Sydney Metropolitan Area	187	1104
Persons with Country NSW addresses	82	340
Persons with Interstate addresses	89	465
Persons with International addresses	6	66
Persons with email address only	120	681
Total	1469	10252

The submissions from landowners generally commented on their landholdings, rather than the broader 7(d) issues. These will be discussed in the analysis of issues by precinct in chapter 5.

3.2.1 Views of Government Agencies and adjoining Councils

Six (6) submissions were received from Government agencies. No submissions were received from adjoining Councils. Their comments are summarised in table 3.7. [Note – some of the agencies have changed names following the State election held in March 2010. The table refers to the name of the organisation at the time of the correspondence.]

Table 3.7 Comments of Government Agencies – second exhibition

Agency	Comments
Department of Planning [now Department of Planning and Infrastructure]	• Should Council decide to prepare a Planning Proposal the Dept's guidelines "A guide to preparing planning proposals" should be followed. • In addition, Council will need to address: ○ The Section 117 directions ○ Illawarra Regional Strategy – including the sustainability criteria if urban development is proposed ○ Helensburgh Commission of Inquiry (1994) • Advise that the Department has received the Otford Protection Society request for the initiation of a Planning Proposal, and attached the Dept's response which indicates that the request was not supported.
Sydney Water	• Attach maps of water and sewer networks.

	• Water – amplification of the following may be required: ○ Replacement of a section of the twin 200/300mm supply main with a single 375mm main ○ Truck water pumping station at Woronora Dam ○ Local up-sized mains and new mains to serve development • Wasterwater - amplification of the following may be required: ○ Extension of the existing sewerage system ○ New pumping stations ○ Upsizing of existing pumping stations • Funding: ○ No funding available in Sydney Water's Growth Servicing Plan. ○ Developer will need to fund through a commercial agreement with Sydney Water. Sydney Water will refund costs as other development proceeds. • Servicing: ○ Further assessment will be made of specific proposals, if they proceed.
Department of Environment, Climate Change and Water [now Office of Environment and Heritage]	• Much of the land of the upper Hacking catchment is of very high value providing valuable habitats for threatened and regionally significant fauna & flora, very valuable contiguous wildlife corridors between the Royal NP, Garrawarra SCA, Illawarra Escarpment SCA, Woronora catchment and Heathcote NP. • Hacking River is a protected stream. • Possible additions to the DECCW reserve system. Attach map which show potential additions. • Lot 1 DP 616230 (Lady Carrington Estate north) has recently been acquired. • Acquisition dependent on land being offered for sale, and DECCW having sufficient funds for acquisition and management, and the State-wide priorities. Acquisition will take decades to achieve. Landowners who wish to dedicate or sell land to DECCW should contact DECCW. • Comments on Preliminary Review: ○ Note recommendations for some precincts have changed. Support the retention of E3 for Land Pooling and Lady Carrington Estate south precincts. ○ Gills Creek area – DECCW will provide further comment if rezoning proceeds ○ Section 6.10.6 Ensil Central Bushland Area – request clarification on proposed acquisition authority. DECCW cannot commit to being nominated acquisition authority. ○ Lot 1 DP 324239 – E2 zone supported. But report silent on this recommendation.
Sydney Catchment Authority	• Small areas of the 7(d) land Review are located in the drinking water catchments and the Drinking Water Catchments REP and S117 Direction 5.2 apply. • Some SCA land which was outside the 7(d) Review boundary was incorrectly zoned E3 under the Wollongong LEP 2009

	• Garrawarra precinct: ○ Support the SCA land (lot 1 DP 219640 & Lot 1 DP 830604) being zoned E2 ○ Support the balance of the Dept Health land (not zoned SP1), being zoned E2 ○ Unclear what minimum lot size is proposed for the SP2 zone. Part of the SP2 land is in the drinking water catchment area and any development must have a neutral or beneficial effect (NorBE) on water quality. • Wilsons Creek precinct: ○ Includes some privately owned lands in the drinking water catchment area. ○ Support SCA owned Lot 1 DP 830604 being zoned E2. ○ Support the retention of E3 on privately owned land in the catchment. ○ The removal on the restriction on dwelling houses and resultant clearing and development could have an adverse impact on water quality. ○ Development in the catchment area needs to demonstrate NorBE. Support reticulated sewerage system, as opposed to on-site disposal. ○ Oppose further subdivision. • Princes Highway Gateway: ○ Support SCA owned Lot 4 DP 1000975 being zoned E2. ○ The privately owned lands in the drinking water catchment are substantially cleared and developed for commercial purposes. No objection to the B6 zoning. Any development is to comply with the requirements of the REP and NorBE on water quality. • Princes Highway – west for F6 Freeway ○ Support SCA owned Lot 1 DP 830604 being zoned E2. ○ Support some privately owned land in the catchment area as E2.
Roads and Traffic Authority	• Baines Place - object to rezoning to IN2, unless access options being considered prior to rezoning: ○ No direct access to F6 ○ Direct access to Princes Highway and Lawrence Hargraves Drive to be minimised. ○ Consider traffic generation and safe sight distances. • Gateway Precinct – ○ Direct access to Princes Highway to be minimised. ○ Clause 101(2) from SEPP Infrastructure should be included in the LEP. • Any development fronting a classified road should be referred to the RTA for comment.
Land and Property Management Authority	• Crown land occupies 365ha of the study area. • Land should be referenced as Crown land with LPMA as the title holder. • LPMA currently assessing DECCW interest in several parcels in the review area, though the Reserve Referral Process. No Crown

	land should be zoned E1. • Garrawarra Precinct – the 151.7ha surrounding the Helensburgh Hospital (former Dept Health land) – no objection to proposed E2 zone. • Wilsons Creek precinct – object to E2, should be E3 zoning on Crown land • Metropolitan Colliery precinct - 72.5ha of land under Mineral Lease to Metropolitan Colliery, although Metropolitan Coal has title to Lot 1 DP 815356. – no objection to RU1 or E2 zone. • Princes Highway – west for F6 Freeway – no objection to RU2 and E2 zoning of Crown land • Lukin Place – object to proposed E2 zone on 7ha Crown land. Incongruous with surrounding residential zoning. No heritage items. Water quality would flow into street stormwater system. R1 zoning more appropriate. Allow for future residential expansion within town boundary. Existing services available to support development. Development would decrease the area of Bushfire Prone land.
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3.2.2 Views of Community Groups

Fifteen (15) submissions were received from ten (10) community groups, which are summarised in table 3.8.

In May 2010, the Otford Protection Society (OPS) lodged a draft Planning Proposal with the Department of Planning. The draft Planning Proposal sought to rezone the former 7(d) lands from E3 Environmental Management to E2 Environmental Conservation. The submission was critical of Council's actions and the draft 7(d) Review. The submission also proposed that the NSW Government through the Department of Planning acquire the land without development rights and add these areas to the National Estate, thus providing the owners with an exit strategy. The draft Planning Proposal was not supported by the Department and was not registered as a Planning Proposal. In July 2010, the OPS lodged an Addendum to their request, responding to the issues raised by the Department. The Department still did not support the request.

Table 3.8 Comments from Community Groups – second exhibition

Community Group	Comments
Otford Protection Society	Copy of Planning Proposal submitted to the Department of Planning proposing that all 7(d) land be zoned E2 Environmental Conservation.
Otford Protection Society (submission 2)	Copy of Addendum to the Planning Proposal submitted to the Department of Planning, requesting that the proposal be forwarded to the LEP Review Panel and then exhibited. Challenging the reasons for the Department's rejection of the initial proposal.
Otford Protection Society (submission 3)	• Do not support the downgrading of environmental protection of the 7(d) land. • 7(d) zone aims to protect the water quality of the Hacking River, the Sydney Catchment Area, wildlife corridor, scenic forested views. • Gateway precinct – object to B6 zone. Support mix of SP3 Tourist and E2. Shops and cafes could impact on the viability of Helensburgh shops.

	• Gills Creek precinct – object to B6 zone. Support mix of SP3 Tourist and E2. • F6 west precinct – support RU2 and E2, provided no more dwellings • Wilsons Creek precinct – oppose new houses. Support E2. Oppose Rajani Road lots having houses. No sewerage available. Impact on water quality. • Garrawarra precinct – all land should be E1 or E2. • Frew Avenue precinct – object to any new dwellings. Land should be E2 • Kelly Falls precinct – object to E3 zone. All land should be E1 or E2. • Walker Street precinct – object to RU2, should be E2. Runoff leads to Hacking River. • Land pooling – must be zoned E2. Important wildlife corridor. Straddles relatively pristine Herbert Creek. • Lady Carrington Estate south - must be zoned E2. Important wildlife corridor. Straddles relatively pristine Herbert Creek. Degraded land should be restored. • Camp Gully Creek precinct – must be zoned E2. • Central Bushland precinct – should be zoned E2. Important wildlife corridor. Straddles relatively pristine creeks. • Lilyvale – must be zoned E2. • Walker Lane – must be zoned E2. • Metropolitan Colliery bushland – bushland should be preserved. Filters colliery dust. Should be zoned E2. • Lukin Street precinct – must be zoned E2. • Old Farm Road precinct - must be zoned E2. • Lady Carrington Estate North precinct - must be zoned E2 or E1. • Govinda precinct - must be zoned E2 with replacement of existing dwellings allowed. • Lloyd Place - must be zoned E2 or E1. • North Otford – agree with proposed E2 zone. • Otford Central – oppose E4. Too steep 25-60 degrees. Should be E2. • Otford South – oppose E3. Old motel not a serious venture. • Isolated lots in Royal National Park – should be zoned E2 or E1 and replacement of existing dwellings allowed. • Otford Farm – should be zoned E2 and replacement of existing dwellings allowed.
National Parks Association – Southern Sydney Branch (submission 1 – 27/5/10)	Claims that there are unresolved issues from previous exhibition that NPA wants answers too.
National Parks Association – Southern Sydney Branch	• Provides a history of the NPA and its past relationship with Council. • Provides a history of Council resolutions since the 1994

(submission 2 – 17/6/10)	Helensburgh Commission of Inquiry. • Demands all 7(d) lands be zoned E2 to help guarantee sustainability of ecosystems. • NPWS decision not to purchase lands, should not be taken as an indication that the area is not worthy of conservation, and allow a relaxation of controls. • Willana report flawed. • Support Otford Protection Society's Gateway submission to the Department of Planning. • Rejects that development will result in "minimal environmental impact". • Critical habitat should be purchased by the State and Commonwealth. • Outcome-based approaches to conserving the regions ecosystems should be used. • Land owners have degraded their land. • NPA has carried out a broad assessment of fauna data in the Wildlife Atlas of NPWS. • Provides a summary of regional fauna values and threats: - o loss of 27 bird species; - o additional 3 reptile species; - o mammals increased by 4 species; - o concerned about barriers to fauna movement; • Council should undertake a regional flora, fauna and habitat analysis. • Garrawarra precinct – support E2 for Crown land and SCA land. • Wilsons Creek – oppose E3, support E2 • Gateway Precinct – oppose B6, should be E2. • F6 West precinct – should be zoned E2. • Frew Avenue precinct - should be zoned E2. 3 additional dwelling is inconsistent with E2. • Gills Creek precinct – should be zoned E2. • Walker Street precinct - should be zoned E2 – adjacent to Kelly Falls. • Kelly Falls precinct – should be zoned at least E2. • Ensile holdings - should be zoned E2 and be priority acquisition by NPWS. - o Land pooling should be zoned E2. - o Lilyvale – should be zoned E2. - o Central bushland – agree with proposed E2. • Metropolitan Colliery bushland precinct – must be zoned E2. • Lukin Street precinct – must be zoned e2. • Lloyd Place – agree with Council recommendation that land be zoned E2. • Otford north - should be zoned E2. • Otford central – should be zoned E2. • Otford south – should be zoned E2. • Govinda – should be zoned E2.
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	• Isolated lots in Royal National Park – should be zoned E2. • NPA supports all vegetated lands in the upper hacking being added to the National Parks estate. • All former 7(d) land should be zoned E2. • Only existing buildings should have a right to remain. No further development should be allowed. • NPA supports the positions of Sydney Catchment Authority, and DECCW, Sutherland Shire Council detailed in their submissions.
National Parks Association – Southern Sydney Branch (submission 3 – 6/9/10)	• No more consideration of DAs in the former 7(d) area until the review is complete. • There is a spate of DAs, which cumulatively, if approved, will severely compromise forest habitat corridors that are part of the Hacking River catchment. • The interim E3 zoning is unnecessary, as the DOP has confirmed owners can rebuild after bushfires. • The Industrial and Commercial rezonings on former 7(d) lands are compromising fauna of the Illawarra. • The proposals are contradictory with Council's draft Biodiversity Strategy. Flora and fauna populations will continue to be compromised.
National Parks Association – Southern Sydney Branch (submission 4 – 20/8/10)	• Support submission by A Bond – objecting to development of the Land Pooling precinct, and that it should be zoned E2.
National Parks Association – Illawarra Branch	• Support Southern Sydney Branch submission. • All previous 7(d) lands should be zoned E2 in order to conserve the Hacking Catchment and other surrounding lands which protect the environmental values of the Royal National Park. • Branch is aware of the importance of the areas ecological values and linkage between RNP and Illawarra Escarpment. If there is no buffer, the high ecological values will continue to erode. • Council does not appreciate the many years of combined effort and considerable sharing of views on these lands between previous Council administration and the NPA. • Appreciate that Council has amended its earlier proposal following the 1st exhibition. • The environmental studies recommended by the Helensburgh COI have not been completed, and the Branch cannot support zoning changes that would require such evidence. • Unfortunate that people have acquired land on the expectation of future zoning and financial return, and continue to pressure Council, and act as if development approval is forthcoming (eg illegal land clearing). • Council is under obligation to protect the distinctive and much valued natural environment in the long term. • The 7(d) lands should not be rezoned to allow any amount or form of development.

	• The priority should be maintaining and enhancing water quality and wildlife habitat connectivity, in keeping with the 1994 CoI, which found existing development was already impacting on the Hacking River to an acceptable degree. • It is crucial to maintain maximum connectivity so that animals and plant matter can move in case of fire or other extreme weather events.
Friends for Stanwell Park	• Cannot support any downgrading of environmental protection of any 79d) lands. The former 7(d) land was to protect: - o The P1 Hacking River catchment - o The SCA drinking water Woronora Dam catchment - o The wildlife habitat corridor connecting the Royal national Park, Garrawarra State Conservation Area & Illawarra Escarpment - o The stunning scenic forested views of the Illawarra Escarpment leading to the RNP. • Support the proposed E2 zonings. • The area between Lady Wakehurst Drive and Otford Road should be zoned E2 as the forested lands are essential thoroughfare between the RNP and Stanwell Tops. The proposed E4 zoning and deer proof fence along the railway line would completely block the movement of native wildlife to the river and escarpment. • Reject the proposed B6 zoning for Symbio, it should be zoned SP3 Tourist with the additional use of animal boarding and training. • Object to the proposed B6 zoning at Baines Place, Lawrence Hargrave Drive and Princes Highway and the area should be zoned E2. • The Baines place concrete plant should be moved from the area. • Support the Otford Protection Society's Planning Proposal dated 30/4/10. • Walker Lane precinct – oppose IN2. This is adjacent to Camp Creek. Should be E2. • Land pooling precinct – oppose E3, should be zoned E2. Land was bought in hope that the zoning would change. • Kellys Falls precinct – oppose E3, should be zoned E2. The precinct is adjacent to National Park. • Lady Carrington Estate South – was prime bushland that has been degraded and should be zoned E2. Houses would be seen from Sydney. Part of Herbert Creek catchment. • Frew Ave precinct is not kerb & guttered, is part of the Gills Creek catchment and should be zoned E2. • Wilsons Creek precinct – object to E3, as there is no water or sewerage infrastructure. Any works would alter the landscape and place significant stress on Wilsons Creek. Similarly any clearing or houses would have the same impact. Inconsistent with SCA principles. • Camp Creek precinct – oppose R2 zoning of 5,7,9 & 11 Undola Rd. Should be zoned E2. • In conclusion all land should be zoned E2. This would guarantee

	the class P Hacking River catchment forever.
Stanwell Tops Residents Awareness Association	• Royal National Park was the world's first National Park. It attracts many visitors annually. • Previous Councils have not yielded to development pressure. Concerned about switch from E2 to E3. • Oppose the IN2 zone alongside Gills Creek. Would lead to the degradation of the RNP. • Dwellings destroyed by bushfire can be rebuild under existing use rights. • Acknowledge the purchase of the Lady Carrington Estate North by the State Government. An ambition which should be at the top of State and Federal agendas. • Former 7(d) lands should be zoned E2.
Helensburgh and District Landcare Group	• Support infill development within the town. • Oppose rezoning of 7(d) lands. • Land pooling precinct, Lady Carrington Estate South, Kellys Falls – support E2. • Old Farm Rd – retain as E3. • Garrawarra precinct – support Council recommendation. • Wilson Creek precinct - support Council recommendation. • Gills Creek precinct - support Council recommendation, except with RU2 and IN2 where this reflects current usage, otherwise E2. • Princes Highway west for Freeway - support Council recommendation, except with RU2 where this reflects current usage, otherwise E2. • Frew Avenue precinct - support Council recommendation. • Walker Street precinct – support western side being zoned RU2 to reflect current usage. Undeveloped land should be zoned E2. Eastern side should be zoned to reflect current usage. • Lloyd Place precinct - support Council recommendation. • Camp Creek precinct - support Council recommendation. • Walker Lane precinct support Council recommendation. • Lady Carrington Estate North support Council recommendation. • Lilyvale and central bushland support Council recommendation. • Otford lands – no comment. • Isolated lots in Royal National Park - support Council recommendation.
The Helensburgh & District Historical Society Inc.	• Oppose any rezoning of land outside the existing town boundaries which would allow residential development. • Garrawarra precinct - support Council recommendation • Gateway precinct – rezone to B6 to reflect current usage • Walker Street precinct - support western side being zoned RU2 to reflect current usage. Undeveloped land should be zoned E2. Eastern side should be zoned to reflect current usage. • Lloyd Place – rezone to E2 and not permit dwelling houses • Lady Carrington Estate South - rezone to E2 and not permit any additional dwelling houses

	• Lady Carrington Estate North - rezone to E2 and not permit any additional dwelling houses • Lilyvale and central bushland area - Lady Carrington Estate South - rezone to E2 and not permit any additional dwelling houses
First National Park	• Impressed by National Parks Association detailed submission • The proposed development will have pollution effects in the headwaters of the Hacking River, effects that will have dire consequences on the Royal National Park and Port Hacking. • Available for presentation if required.
Sandon Point Aboriginal Tent Embassy	This is Aboriginal land first and consultation should be made with the traditional owners in order for the campaigns integrity to be upheld. Submitted a copy of Otford Protection Society Letter No.2
Planning Backlash	A Coalition representing 150+ groups in Victoria. Urges Council to protect this area. Developers must not ruin these precious areas. Once these areas are gone they are gone for good to our permanent loss. Submitted copies of Otford Protection Society letters No.s 1,2,3,5,6.

3.2.3 Form letters and petitions

19,206 submissions were received in the form of forty nine (49) different form letters. No petitions were received during the second exhibition.

Similar to the first exhibition, complaints were received that some letters had been signed by children, and they should not be accepted. All submissions are valid, and Council staff are unable to determine the age of an author.

The Otford Protection Society (OPS) organised a extensive email and form letter submission campaign which resulted in 18,521 submissions in the form of 31 different e-sign objection form letters. Persons were able to send 1 to 31 e-letters by ticking boxes on the OPS website. Submitters were also able to include specific comments in their submission(s). As noted previously, there is a discrepancy between the number of submissions sent from the OPS website and the number received by Council. As OPS provide an electronic copy of all submissions, their data been accepted. The e-sign submissions are summarised in Table 3.9a. In addition, the OPS organised hard copy form letters for persons to sign and post, resulted in a further 113 submissions in the form of 6 form letters being received (summarised in Table 3.9b).

Table 3.9a Summary of Otford Protection Society e-sign form letters – second exhibition

Letter No.	No of Submissions Received	Issues
1	1195	• Object to the zone 'downgrading' of environmental protection of any 7(d) lands in the 2508 region. • Recommendations from the preliminary report for E2 zoned areas do not extend far enough to cover all the Hacking tributary creek areas (particularly lots between Lady Wakehurst and Otford Road, Otford). These forested lands are an essential thoroughfare between the National Heritage Listed Royal National Park and Stanwell Tops.

		• Consequent development from an E4 zoning combined with the deer-proof fence along the railway line would completely block the movement of native wildlife to the river and escarpment (this would be fatal to wildlife in the event of a bushfire in the Royal National Park). • E2 zone needs to cover as great an area as possible from Bald Hill / Stanwell Tops Hanging Swamps to the SCA land on the F6 freeway, north to Garrawarra and east to Otford lookout on the cliff of the Pacific Ocean, as per the Gateway submission by Otford Protection Society Incorporated. • 2508 region has greatly increased in environmental significance since it was first founded and initially subdivided. Old subdivisions no longer carry development rights. • The Royal National Park is a highly sensitive environment that is home to endangered wildlife. It filters the air and provides a strong barrier against coal dust and particles from surrounding coal mines. Reducing or thinning the forest buffer will adversely affect the respiratory health of thousands of residents. • Aerial photographs demonstrate the vulnerability of the environment to activities and industries on the Helensburgh plateau. • Emissions relating to stormwater, chemical waste, eroded soil, weeds, litter, feral pets will eventually move into the valleys. Impact of cleared land for just one lot will have long term and far reaching consequences. • Land holders that have deliberately degraded their land to encourage rezoning should not be rewarded with new development rights. • The lands straddle tributary creek catchments and can still be regenerated. • Building certain uses such as service stations, McDonald's take away or a brothel will not benefit Helensburgh • E2 zone can allow the litterol forests to be restored and provide an attractive Princes Highway gateway to the area. • Object to B6 and further development around the Wilsons Creek tributary, Camp Creek, Herberts Creek or Gills Creek tributaries. • Surrounding Sydney metro and Wollongong suburbs have consumed and fragmented so much natural bushland with development and the necessary freeway networks that the only remaining wildlife corridor between the Royal National Park, Garrawarra, State Conservations area and to the Illawarra is through Helensburgh, Otford and Stanwell Park. • All 7(d) lands should be zoned E2 (with replacement of existing dwellings allowed in the event of a disaster)
2	600	• Entire 7(d) lands rezoning should consider the four areas as one and not fragment into isolated areas for micro-assessment (areas include the Royal National Park, Garrawarra State Conservation Area and the Illawarra Escarpment State Conservation Area)

		• The failed logic would be not to consider wildlife corridors, riparian zones, flora and fauna losses, local resident input with significant local knowledge. • Overriding provision's to all areas that: - o Existing homes no classified as E2 that a right to rebuild after destruction of an existing dwelling e.g. bushfire - o Amend WLEP 2009 zone E2 provision 'permitted with consent' to read: "environmental facilities, environment protection works; recreation works'; and - o Owners of undevelopable land may exist the area by way of exit strategy shown as Otford Protection Society Incorporated Planning Proposal • All 7(d) lands should be zoned E2. Zone guarantees that building cannot be permitted on lots critical to maintaining wildlife corridors, • Otford Protection Society's submission during the gateway process noted that the land of the Upper Hacking River is not a designation or desired growth area (according to local and Department of Planning regional instruments) • Garrawarra precinct should be zoned E2. • Wilsons Creek Precinct should be zoned E2 (no subdivision or amalgamations of lots be permitted). Area is a major tributary of Helensburgh Dam and the Hacking River and a vital wildlife habitat corridor. • Object to B6 zone in Princes Highway Gateway Precinct. Business corridor in close proximity to Symbio Wildlife Park would have the potential to close it down. No environmental studies have been undertaken and rezoning may be the result of developer pressure. It will destroy the dry forest corridor. Zone B6 adjoining zone E2 is poor planning. Whole area must be zoned E2 because any area west of the Princes Highway is the Sydney Water Special Catchment Area and the major tributary of Helensburgh Dam and Hacking River. • Princes Highway west of F6 precinct should be zoned E2. • Frew Avenue and Lawrence Hargrave Drive precinct should be zoned E2. • Gills Creek precinct should be zoned E2. Gills Creek is a major tributary to the Hacking River. Baines Concrete is built mainly on a hanging swamp that feeds Gills Creek and should be relocated to their major plant at Russell Vale. Combining Industrial zoning with this area should be avoided at all costs given the environmental impacts on surrounding tributaries. • Land Pooling precinct should be zoned E2 (Herbert Creek is a major tributary of the Hacking River) • Walker Street precinct should be zoned E2 (Kellys Falls is adjacent to this area which is zoned E1). Shouldn't be zoned RU1 as the properties are cleared and rural nature ensuring a large wildlife corridor and as the most desired area for urban development, prevent future developer pressure.
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3	412	• Object to lands surrounding the Symbio Wildlife Park proposed zoning. Should be zoned SP3 with additional animal training and boarding. • Object to B6 zone including Baines Place, Lawrence Hargrave

		Drive and Princes Highway. ○ High noise and environmental impacts from adjacent new industries will affect the breeding programs of endangered animals. ○ Majority of traffic flow to Symbio is via the round-a-bout gateway on the Princes Highway. Uses permitted in B6 are a threat to the historical village ambience and tourism gateway to the South Coast (heavy machinery / car yards with detrimental signage). Development of this kind will deter tourists and create an undesirable built form. ○ Any zoning other than SP3 will cause Symbio and its animal breeding programs to be closed down because of the stringent Government regulations governing the keeping of such animals. • Support Otford Protection Society submission.
4	315	• Support 7(d) lands to become zone E2 • Object to lands indicated to become zone E3. These lands are within the water catchment of the Hacking River and will be subject to the river and headwater tributaries to a further threat of pollution. Should be zoned E2. • Object to zone B6 that would affect the operation of the Symbio Wildlife Zoo and adjacent Sydney Water Special Catchment Area along the Princes Highway. Risks of having a B6 zone opposite the Sydney Water Special Area are far too high. Should be zoned E2. • Object to B6 or Light Industrial zones in Baines Place as this area is adjacent to Symbio Wildlife Zoo. Baines Concrete Plant should be moved from the area as it is adjacent to the Gills Creek tributary of the Hacking River and should be rehabilitated. Should be zoned E2. • Object to Walker Lane precinct being zoned Light Industrial. This is adjacent to the Camp Creek riparian corridor and it is a major tributary of the Hacking River. The compatibility of a Light Industrial area behind a shopping centre and residential area is not desirable. Should be zoned E2. • Object to the Land Pooling precinct recommended as E3 zone as the area was purchased in the hope that the zoning would change and is therefore speculative land. This land slopes towards Herberts Creek and must be protected as a tributary of the Hacking River. Should be zoned E2. • Object to the Kellys Falls precinct being zoned E3. Kellys Falls is the major tributary to the Hacking River and is part of the National Heritage Listed Garrawarra State Conservation Area. Should be zoned E2 as adjacent properties are surrounded by E1 and E2. • Object to Lady Carrington Estate South being zoned E3 as this is prime bushland where degraded areas can be naturally rehabilitated. It is also prime speculated land that was sold in the 1980's with an indication that the zoning would be changed one day. Should be zoned E2.

		• Object to the Frew Avenue precinct being zoned E3 as Frew Avenue is not a surfaced road and is without kerb or gutter. It also slopes towards Gills Creek and is part of the Hacking River Catchment. Must be zoned E2. • Object to the Wilson's Creek precinct being zoned E3 as there is no existing water or sewerage infrastructure. Works carried out to provide these services will alter the context of the land and place significant stress on the creek. Any extra housing or clearing of surrounding protected bushland is inconsistent with the SCA land principles. • Object to the Camp Creek precinct to partially rezone 5, 7, 9 and 11 Undola Road to zone R2. Camp Creek is a major tributary to the Hacking River. Should be zoned E2 to protect any further influence from development affecting the creek. • Council had originally stated that all 7(d) lands would be zoned E2. Council changed its mind a few days prior to submitting to the NSW Planning Department. This change was not publicly displayed to allow comment. The cost of these subsequent changes for exhibition resulting in over 3,400 submissions should be paid by those who lobbied Council for the change away from E2 as originally exhibited and supported by the public.
5	574	• Support Otford North precinct being zoned E2. • Zoning other than E2 with existing use rights would allow new dwellings and have the following consequences: - o Extensive land clearing for APZ's and landscaping; - o New boundary fences and concrete driveways; - o An increase in domestic 'predator' pets on the border of the Royal National Park; and - o Increase weed spread, weed killer and nitrate run off (all further fragmenting wildlife habitat corridors) • Wildlife habitat corridor will be further fragmented and natural pockets of rainforest destroyed: - o This compounded by the existing deer-proof fence along the railway line as movement of wildlife will be completely blocked. - o Next major bushfire of the Royal National Park will result in wildlife no longer being able to retreat to the Otford Valley or Hacking River tributary areas. - o Further clearing of rainforest will change the microclimate, precipitation patterns and water distribution in the valley • Object to Otford Central Precinct being zoned E4: - o Site slopes towards the Hacking River (fine example of rainforest in a suburban area); - o Dwellings in E3 can not be on a slope angle of more than 18 degrees. In the proposed E4 area, slope angles are anywhere between 25 and 60 degrees; - o Clearing of these areas could create land instability and render it unsafe; and - o Site is within the immediate area of the Hacking River and

		should be zoned E2. • Object to Otford South Precinct retaining E3 zone over part. Recommendation that it should be zoned E2; - o Noted an approval for a motel in 1982 - o Site would be out of character within an environmental area causing further degradation - o The location on a ridge would be visible from Stanwell Park and Bald Hill lookout. - o Traffic hazards created compounded by adjoining entry and existing poor traffic conditions
6	360	• No building entitlement exists for previously zoned 7(d) lands for sound environmental reasons • No compensation should be made to these land owners irrespective of the date of purchase • Areas subject as Wilsons Creek, Baines Place, Otford, Walker Street behind Bi-Lo should not be granted a building entitlement or allow development, especially as they are not within the land allotment size. • The term 'historical building rights' has not been embodied in any legislation. The term 'historical land use' has been defined but only applied to rural zoned land for primary farm production. As the existing land uses did not apply to the land if it was no longer used for primary production, it doesn't carry forward to new residential zoning on the same land which is the case here. • Support Otford Protection Society submission.
7	258	• Object to the adjacent surrounding zoning of land of South-West Helensburgh as B6 or Industrial including but not limited to Baines Place, Lawrence Hargrave Drive and Princes Highway - o Object to B6: Corridor is adjacent to the Sydney Water Catchment, F6 ramp round-a-bout and the tributary to Gills Creek. - o Object to IN2: Existing concrete batching plant in Baines Place is by definition an 'extractive industry' and therefore not permitted in an IN2 zone. - o Object to B6: Majority of traffic flow to the wildlife park, Kellys Falls and Bald Hill is via the round-a-bout Gateway on the Princes Highway (also a thoroughfare to the Grand Pacific Drive) - o Tourism threat: Uses permitted in B6 are a threat to the historical village ambience and tourism gateway to the South Coast (heavy machinery / car yards with detrimental signage). Development of this kind will deter tourists and create an undesirable built form which will threaten the water catchment and diminishing wildlife corridor. Should be a mixed zone of Tourism and E2. - o Existing café/takeaway threat: As the entrance and outer fringe of the Helensburgh township, a B6 zone would allow a multinational fast food operator and could severely jeopardise the future viability of takeaway and café

		operators within the town. Local residents could completely miss the Walker Street / Park Street shops and tourists could miss the cafes of Stanwell Park and Otford. - o Environment threat: B6 and Industrial zoning will require extensive land clearing for APZ's and comprise many volatile industrial materials and chemicals. There will be an increased risk of high soil erosion to Wilsons Creek, Gills Creek and the Sydney Water Catchment (due to land clearing). Former RTA site on the corner of Parkes Street was known to contain buried drums of toxic waste and could be released by contact with an excavator. Wildlife habitat corridor between the Royal National Park, Garrawarra and the Illawarra Escarpment has already been diminished. Fenced in by the F6 freeway, Pacific Ocean and rail corridor, these last fragments of bushland are essential to the movement of wildlife and biodiversity. - o Increased refuse and litter will be inevitable with existing evidence of discards along Otford Road originating from 15km away. • Approval registered for the Otford Protection Society Incorporated's Planning Proposal submission dated 30 April 2010 for all previously 7(d) zoned lands to E2 (which includes exit strategies for landowners)
8	617	• All lands in the Garrawarra precinct should be zoned E1 or E2. Should remain as pristine as possible and any development by the current occupant (Garrawarra Hospital) be restrained. • Remaining 7(d) lands of the Helensburgh districts should be zoned E2 with a limited amount of Conservation and Tourism zoning within the Gateway / Gills Creek precinct.
9	617	• Object to Wilsons Creek Precinct, Helensburgh rezoning • Support the rezoning of the Sydney Catchment Authority land to zone E2 and a buffer zone around Wilson's Creek. • Object to E3 zone allowing dwelling houses on vacant lots • Entire precinct needs to be zoned E2 because of Wilson's Creek which is a major tributary of Helensburgh Dam and Hacking River. The intent of zone 7(d) was to protect the environment around this area and nothing has changed in that environment to remove that protection. This precinct is also a wildlife corridor adjacent to the Garrawarra State Conservation. • There is no existing water or sewerage infrastructure supplied to this precinct. Works carried out to provide these services will alter the context of the land and place significant stress on the creek. • Any extra housing or clearing of surrounding protected bushland is inconsistent with the SCA land principles. • There is ample opportunity within the Helensburgh residential footprint to purchase vacant land or a residence.
10	617	• Support E2 zoning of the Princes Highway west and RU2 zone but with no dwellings allowed. The land directly straddles the Sydney Drinking water catchment to the west and tributary

		creeks flowing east to Hacking River. • Object to the adjacent surrounding zoning of land of South-West Helensburgh as B6 or Industrial including but not limited to Baines Place, Lawrence Hargrave Drive and Princes Highway - o Object to B6: Corridor is adjacent to the Sydney Water Catchment, F6 ramp round-a-bout and the tributary to Gills Creek. - o Object to IN2: Existing concrete batching plant in Baines Place is by definition an 'extractive industry' and therefore not permitted in an IN2 zone. - o Object to B6: Majority of traffic flow to the wildlife park, Kellys Falls and Bald Hill is via the round-a-bout Gateway on the Princes Highway (also a thoroughfare to the Grand Pacific Drive) - o Tourism threat: Uses permitted in B6 are a threat to the historical village ambience and tourism gateway to the South Coast (heavy machinery / car yards with detrimental signage). Development of this kind will deter tourists and create an undesirable built form which will threaten the water catchment and diminishing wildlife corridor. Should be a mixed zone of Tourism and E2. - o Tourism threat: Employment opportunities would be increased with a conservation-tourist geared rezoning. Industrial zonings benefiting cement manufacture will only offer limited employment and be greatly outweighed by the risk to employment of surrounding tourist driven enterprise and the wildlife corridor. - o Existing café/takeaway threat: As the entrance and outer fringe of the Helensburgh township, a B6 zone would allow a multinational fast food operator and could severely jeopardise the future viability of takeaway and café operators within the town. Local residents could completely miss the Walker Street / Park Street shops and tourists could miss the cafes of Stanwell Park and Otford. - o Environment threat: B6 and Industrial zoning will require extensive land clearing for APZ's and comprise many volatile industrial materials and chemicals. There will be an increased risk of high soil erosion to Wilsons Creek, Gills Creek and the Sydney Water Catchment (due to land clearing). Former RTA site on the corner of Parkes Street was known to contain buried drums of toxic waste and could be released by contact with an excavator. Wildlife habitat corridor between the Royal National Park, Garrawarra and the Illawarra Escarpment has already been diminished. Fenced in by the F6 freeway, Pacific Ocean and rail corridor, these last fragments of bushland are essential to the movement of wildlife and biodiversity. - o Increased refuse and litter will be inevitable with existing evidence of discards along Otford Road originating from 15km away. • The Gateway and Gills Creek precinct should be a split E2 and
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		Tourist/Recreational zonings to conserve the essential wildlife corridor and tributary creek and encourage tourists and visitors to the 2508 region. Approval registered for the Otford Protection Society Incorporated's Planning Proposal submission dated 30 April 2010 for all previously 7(d) zoned lands to E2 (which includes exit strategies for landowners)
11	617	Object to any new development or dwellings across the Frew Avenue precinct. Should be zoned E2 to maintain crucial wildlife corridors and the relative purity of the tributary creeks to the Hacking catchment. The area is one of the highest points of the Helensburgh plateau, any development or reduction of trees will have a visual impact on residents, visitors and motorists.
12	617	- Object to the adjacent surrounding zoning of land of South-West Helensburgh as B6 or Industrial including but not limited to Baines Place, Lawrence Hargrave Drive and Princes Highway - Object to B6: Corridor is adjacent to the Sydney Water Catchment, F6 ramp round-a-bout and the tributary to Gills Creek. - Object to IN2: Existing concrete batching plant in Baines Place is by definition an 'extractive industry' and therefore not permitted in an IN2 zone. - Object to B6: Majority of traffic flow to the wildlife park, Kellys Falls and Bald Hill is via the round-a-bout Gateway on the Princes Highway (also a thoroughfare to the Grand Pacific Drive) - Tourism threat: Uses permitted in B6 are a threat to the historical village ambience and tourism gateway to the South Coast (heavy machinery / car yards with detrimental signage). Development of this kind will deter tourists and create an undesirable built form which will threaten the water catchment and diminishing wildlife corridor. Should be a mixed zone of Tourism and E2. - Tourism threat: Employment opportunities would be increased with a conservation-tourist geared rezoning. Industrial zonings benefiting cement manufacture will only offer limited employment and be greatly outweighed by the risk to employment of surrounding tourist driven enterprise and the wildlife corridor. - Existing café/takeaway threat: As the entrance and outer fringe of the Helensburgh township, a B6 zone would allow a multinational fast food operator and could severely jeopardise the future viability of takeaway and café operators within the town. Local residents could completely miss the Walker Street / Park Street shops and tourists could miss the cafes of Stanwell Park and Otford. - Environment threat: B6 and Industrial zoning will require extensive land clearing for APZ's and comprise many volatile industrial materials and chemicals. There will be an increased risk of high soil erosion to Wilsons Creek, Gills

		Creek and the Sydney Water Catchment (due to land clearing). Former RTA site on the corner of Parkes Street was known to contain buried drums of toxic waste and could be released by contact with an excavator. Wildlife habitat corridor between the Royal National Park, Garrawarra and the Illawarra Escarpment has already been diminished. Fenced in by the F6 freeway, Pacific Ocean and rail corridor, these last fragments of bushland are essential to the movement of wildlife and biodiversity. ○ Increased refuse and litter will be inevitable with existing evidence of discards along Otford Road originating from 15km away. ● The Gateway and Gills Creek precinct should be a split E2 and Tourist/Recreational zonings to conserve the essential wildlife corridor and tributary creek and encourage tourists and visitors to the 2508 region. ● Approval registered for the Otford Protection Society Incorporated's Planning Proposal submission dated 30 April 2010 for all previously 7(d) zoned lands to E2 (which includes exit strategies for landowners)
13	617	● Helensburgh Land Pooling Precinct must be zoned E2: ○ Should be recognised for its importance being a wildlife habitat corridor between the Illawarra Escarpment and Royal National Park ○ Area straddles the tributary (Herberts Creek feeding directly into the Hacking River). ○ Area needs to be zoned E2 given that Kelly Falls is adjacent to this area which is E1 of the National Heritage Listed Area Garrawarra State Conservation Area and in turn, a tributary of the (Class P) Hacking River. ○ All stormwater and run off leads directly into the Hacking River. ○ Excavation and land clearing in this section of the Helensburgh plateau has resulted in the downstream becoming extremely turbid with clay deposits at every rainfall. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ No assurance that any methods employed by developers to retain and filter stormwater will be continued by new residents (without strata titles a sinking fund will not exist). Responsibility and costs will fall on Wollongong City Council who will then increase rates across the entire Helensburgh district. ○ Majority of area was purchased when a high conservation status was already in place with owner's hoping that the conservation zoning would be overturned and rewarded with a big return on their initial investment regardless on the loss it would cause to the environment, Hacking River, wildlife habitat corridors, endangered species and adverse

		visual impacts of the ridge line from the Grand Pacific Drive. ○ E3 zoning is not adequate protection against land clearing nor future dwellings ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
14	617	● Walker Street precinct should be zoned E2 ○ Area needs to be zoned E2 given that Kelly Falls is adjacent to this area which is E1 of the National Heritage Listed Area Garrawarra State Conservation Area and in turn, a tributary of the (Class P) Hacking River. ○ All stormwater and run off leads directly into the Hacking River. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Excavation and land clearing in this section of the Helensburgh plateau has resulted in the downstream becoming extremely turbid with clay deposits at every rainfall. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Object to RU1 zone as the properties are cleared and rural nature. This will ensure a large wildlife corridor and as the most desired area for urban development, prevent future developer pressure. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region. ● Recommendations from the preliminary report for E2 zoned areas do not extend far enough to cover all the Hacking tributary creek areas (particularly lots between Lady Wakehurst and Otford Road, Otford). These forested lands are an essential thoroughfare between the National Heritage Listed Royal National Park and Stanwell Tops. ● Consequent development from an E4 zoning combined with the deer-proof fence along the railway line would completely block the movement of native wildlife to the river and escarpment (this would be fatal to wildlife in the event of a bushfire in the Royal National Park). ● E2 zone needs to cover as great an area as possible from Bald Hill / Stanwell Tops Hanging Swamps to the SCA land on the F6 freeway, north to Garrawarra and east to Otford lookout on the cliff of the Pacific Ocean, as per the Gateway submission by Otford Protection Society Incorporated. ● 2508 region has greatly increased in environmental significance since it was first founded and initially subdivided. Old subdivisions no longer carry development rights. ● The Royal National Park is a highly sensitive environment that is home to endangered wildlife. It filters the air and provides a

		strong barrier against coal dust and particles from surrounding coal mines. Reducing or thinning the forest buffer will adversely affect the respiratory health of thousands of residents. • Aerial photographs demonstrate the vulnerability of the environment to activities and industries on the Helensburgh plateau. • Emissions relating to stormwater, chemical waste, eroded soil, weeds, litter, feral pets will eventually move into the valleys. Impact of cleared land for just one lot will have long term and far reaching consequences. • Land holders that have deliberately degraded their land to encourage rezoning should not be rewarded with new development rights. • The lands straddle tributary creek catchments and can still be regenerated. • Building certain uses such as service stations, McDonald's take away or a brothel will not benefit Helensburgh • E2 zone can allow the littoral forests to be restored and provide an attractive Princes Highway gateway to the area. • Object to B6 and further development around the Wilsons Creek tributary, Camp Creek, Herberts Creek or Gills Creek tributaries. • Surrounding Sydney metro and Wollongong suburbs have consumed and fragmented so much natural bushland with development and the necessary freeway networks that the only remaining wildlife corridor between the Royal National Park, Garrawarra, State Conservations area and to the Illawarra is through Helensburgh, Otford and Stanwell Park. • All 7(d) lands should be zoned E2 (with replacement of existing dwellings allowed in the event of a disaster)
15	617	• Object to any new development or dwellings across the Kellys Falls Precinct. This 7(d) land should only be zoned E2 and E1 to maintain crucial wildlife corridors and the relative purity of the tributary creeks to the Hacking Catchment. Development and a reduction of trees will have a visual impact on the scenic beauty and adversely affect tourists and visitors to the conservation area.
16	617	• Lady Carrington Estate North Precinct must be zoned E2 and/or E1: ○ Site sits above tributary creeks with all stormwater and run off leading to the Hacking River. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery

		west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. - o Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. • Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
17	617	• Camp Gully Precinct must be zoned E2: - o Should be recognised for its importance being a wildlife habitat corridor between the Illawarra Escarpment and Royal National Park - o All stormwater and runoff leads directly into tributary creeks (including Camp Creek and Gardiners Creek) and eventually to the Hacking River. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. - o Forest and bushland to the north of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. - o Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. - o E3 zoning is not adequate protection against land clearing nor future dwellings • Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
18	617	• Lady Carrington Estate South Precinct should be zoned E2: - o Should be recognised for its importance being a wildlife habitat corridor between the Illawarra Escarpment and Royal National Park - o All stormwater and runoff leads directly into tributary creeks (including Camp Creek and Gardiners Creek) and eventually to the Hacking River. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. - o Degraded fund should be restored to the former bushland and litterol forests to strengthen / fill the fragmented wildlife corridor restoring the ridge scenic views from the Grand Pacific Drive - o Forest and bushland to the north of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. - o Excavation and land clearing in this section of the Helensburgh plateau has resulted in the downstream

		becoming extremely turbid with clay deposits at every rainfall. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ No assurance that any methods employed by developers to retain and filter stormwater will be continued by new residents (without strata titles a sinking fund will not exist). Responsibility and costs will fall on Wollongong City Council who will then increase rates across the entire Helensburgh district. ○ E3 zoning is not adequate protection against land clearing nor future dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
19	617	● Lilyvale (originally Lilydale) Precinct must be zone E2: ○ Should be recognised for its importance being a wildlife habitat corridor between the Illawarra Escarpment and Royal National Park ○ All stormwater and runoff leads directly into tributary creeks (including Camp Creek and Gardiners Creek) and eventually to the Hacking River. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Forest and bushland to the north of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ E3 zoning is not adequate protection against land clearing nor future dwellings § Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
20	617	● Central Bushland precinct should be zoned E2 as it sits above the Hacking River. ○ The area is an important wildlife corridor linking the Royal National Park to the Illawarra Escarpment with a deep valley of rainforest and old growth forests on the steep slopes. Powerful owls, bentwing bats, pygmy possums all inhabit this region and there is high evidence of resident platypus on the banks of the river. ○ Development of area would adversely affect pristine water of the Hacking River (the same water sections that support refugee wildlife during National Park bushfires). ○ All stormwater and run off leads directly to the Hacking River in the Royal National Park area. Containment ponds in Helensburgh have failed and are a poor solution. No

		guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ The lot to the west marked zone RE2 should also be E2. It sits above Herberts Creek and has already suffered much too degradation. The noise of trail bikes is prevalent on weekends through the Otford Valley and their damage should be restrained, not increased. Further reductions in the bushland will increase noise impacts from the trail bikes and the industrial earthmoving company on the lots further west. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ● Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
21	617	● Otford Valley Farm Precinct should be zoned E2 (with the replacement of legal existing dwellings in the event of a disaster): ○ Bushland and cleared land of this precinct is a crucial wildlife corridor connecting the Royal National Park to the Garrawarra State Conservation Area and the Illawarra Escarpment ○ Stormwater and tributary creeks flow directly into the Hacking River. ○ All bushland in 7(d) precincts between Helensburgh and Otford should be zoned E2 as they all lead to the Hacking River. ○ It is an important wildlife habitat corridor linking the Illawarra Escarpment and Royal National Park with high bio-diversity ○ Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
22	617	● Bushland surrounding the Colliery needs to be preserved as much as possible in order to protect the Hacking River catchment, the wildlife corridor linking the Royal National Park to the Illawarra Escarpment, the habitat of threatened native species and the health and comfort of 2508 residents as an important buffer to airborne coal dust. ● Dense bushland and rainforest retains excessive stormwater,

		prevents stormwater and maintains a natural filter / sound barrier from the disturbance and coal dust discharge from a large coal mine. • Trees and bushland also hide the heavy industry from the surrounding village community and tourist drives. • The submission notes DECCW's planning regulations that the colliery has strict limits of environmental impacts. Neighbouring private properties affected/damaged by excessive impacts from the Colliery can demand compulsory acquisition by the Colliery. • It would be in the best interests of Helensburgh/Otford residents and the Metropolitan Mines that all existing vegetation surrounding the mine surface be increased and thickened. An E2 zoning must be implemented to achieve this. • All bushland precincts between Helensburgh and Otford should be zoned E2. ○ It is an important wildlife corridor linking the Royal National Park to the Illawarra Escarpment with a deep valley of rainforest and old growth forests on the steep slopes. Powerful owls, bentwing bats, pygmy possums all inhabit this region and there is high evidence of resident platypus on the banks of the river. ○ Development of area would adversely affect pristine water of the Hacking River (the same water sections that support refugee wildlife during National Park bushfires). ○ All stormwater and run off leads directly to the Hacking River in the Royal National Park area. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ○ Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. • Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
23	617	• Walker Lane Precinct should be zoned E2: ○ Site sits above tributary creeks with all stormwater and run off leading to the Hacking River. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the

		relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ○ Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
24	617	● Lukin Street precinct must be zoned E2 as sits below tributary creeks leading to the Hacking River. ○ All stormwater and run off leads directly to the Hacking River in the Royal National Park area. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ● Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
25	617	● Old Farm Road precinct must be zoned E2 as it sits above tributary creeks leading to the Hacking River. ○ All stormwater and run off leads directly to the Hacking River in the Royal National Park area. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ○ Any zoning other than E2 does not provide adequate

		protection against land clearing nor future high density dwellings. • Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
26	617	• Lloyd Place precinct must be zoned as it sits on the tributary Herbert Creek and the Hacking River. ○ All stormwater and run off leads directly to the Hacking River in the Royal National Park area. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ○ Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. • Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
27	617	• Object to Otford precincts being zoned E4 or E3: ○ New dwellings could contaminate the Hacking River ○ Wildlife habitat corridors would be severed • Zoning other than E2 with existing use rights would allow new dwellings and have the following consequences: ○ Extensive land clearing for APZ's and landscaping; ○ New boundary fences and concrete driveways; ○ An increase in domestic 'predator' pets on the border of the Royal National Park; and ○ Increase weed spread, weed killer and nitrate run off (all further fragmenting wildlife habitat corridors) • Wildlife habitat corridor will be further fragmented and natural pockets of rainforest destroyed: ○ This compounded by the existing deer-proof fence along the railway line as movement of wildlife will be completely blocked. ○ Next major bushfire of the Royal National Park will result in wildlife no longer being able to retreat to the Otford Valley or Hacking River tributary areas. ○ Further clearing of rainforest will change the microclimate, precipitation patterns and water distribution in the valley • Object to Otford Central Precinct being zoned E4: ○ Site slopes towards the Hacking River (fine example of rainforest in a suburban area); ○ Dwellings in E3 can not be on a slope angle of more than

		18 degrees. In the proposed E4 area, slope angles are anywhere between 25 and 60 degrees; - o Clearing of these areas could create land instability and render it unsafe; and - o Site is within the immediate area of the Hacking River and should be zoned E2. • Object to Otford South Precinct retaining E3 zone over part. Recommendation that it should be zoned E2; - o Noted an approval for a motel in 1982 - o Site would be out of character within an environmental area causing further degradation - o The location on a ridge would be visible from Stanwell Park and Bald Hill lookout. - o Traffic hazards created compounded by adjoining entry and existing poor traffic conditions • Support existing 7(d) lands to be zoned E2. • Object to land proposed to be zoned E3 and E4: - o Site is within the water catchment of the Hacking River and will subject the river and headwater tributaries to a further threat of pollution; - o Helensburgh Land Pooling area straddles the tributary (Herberts Creek – high biodiversity creek with steep slopes meeting the Hacking River). Powerful owls, bentwing bats, pygmy possums all inhabit this region and there is high evidence of resident platypus on the banks of the river. Should be zoned E2. • Object to Lady Carrington Estate being zoned E3. Area is prime bushland where degraded areas can be naturally rehabilitated. Should be zoned E2. • Object to B6 zone along Princes Highway and Lawrence Hargrave Drive Gateway. Corridor is adjacent to the Sydney Water Catchment / F6 ramp round-a-bout (gateway to Bald Hill lookout) / wildlife park / is the thoroughfare to the start of the Grand Pacific Drive. Uses permitted in B6 are a threat to the water catchment, diminishing wildlife corridors and tourism industry. Should be a mixed zone of Tourism and E2. • Object to Walker Lane Precinct being zoned Light Industrial • Object to Kellys Falls Precinct being E3. Kellys Falls is the major tributary of the Hacking River and is part of the National Heritage Listed Garrawarra State Conservation. • Object to Camp Creek Precinct. Partially rezone 5, 7, 9 and 11 Undola Road to R2. • Object to Wilson's Creek Precinct becoming E3 as there is no existing water or sewerage infrastructure. Works carried out to provide these services will alter the context of the land and place significant stress on the creek. • Object to Frew Avenue Precinct being zoned E3. The road is not surfaced and is without kerb and gutter, and slopes towards Gills Creek which is part of the Hacking River Catchment. Should be zoned E2.
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28	617	• Support Otford Village North precinct being zoned to E2 • Object to Otford precincts being zoned E4 or E3: ○ New dwellings could contaminate the Hacking River ○ Wildlife habitat corridors would be severed • Zoning other than E2 with existing use rights would allow new dwellings and have the following consequences: ○ Extensive land clearing for APZ's and landscaping; ○ New boundary fences and concrete driveways; ○ An increase in domestic 'predator' pets on the border of the Royal National Park; and ○ Increase weed spread, weed killer and nitrate run off (all further fragmenting wildlife habitat corridors) • Wildlife habitat corridor will be further fragmented and natural pockets of rainforest destroyed: ○ This compounded by the existing deer-proof fence along the railway line as movement of wildlife will be completely blocked. ○ Next major bushfire of the Royal National Park will result in wildlife no longer being able to retreat to the Otford Valley or Hacking River tributary areas. ○ Further clearing of rainforest will change the microclimate, precipitation patterns and water distribution in the valley • Object to Otford Central Precinct being zoned E4: ○ Site slopes towards the Hacking River (fine example of rainforest in a suburban area); ○ Dwellings in E3 can not be on a slope angle of more than 18 degrees. In the proposed E4 area, slope angles are anywhere between 25 and 60 degrees; ○ Clearing of these areas could create land instability and render it unsafe; and ○ Site is within the immediate area of the Hacking River and should be zoned E2. • Object to Otford South Precinct retaining E3 zone over part. Recommendation that it should be zoned E2; ○ Noted an approval for a motel in 1982 ○ Site would be out of character within an environmental area causing further degradation ○ The location on a ridge would be visible from Stanwell Park and Bald Hill lookout. ○ Traffic hazards created compounded by adjoining entry and existing poor traffic conditions • Support existing 7(d) lands to be zoned E2. • Object to land proposed to be zoned E3 and E4: ○ Site is within the water catchment of the Hacking River and will subject the river and headwater tributaries to a further threat of pollution; ○ Helensburgh Land Pooling area straddles the tributary (Herberts Creek – high biodiversity creek with steep slopes meeting the Hacking River). Powerful owls, bentwing bats, pygmy possums all inhabit this region and there is high
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		evidence of resident platypus on the banks of the river. Should be zoned E2. • Object to Lady Carrington Estate being zoned E3. Area is prime bushland where degraded areas can be naturally rehabilitated. Should be zoned E2. • Object to B6 zone along Princes Highway and Lawrence Hargrave Drive Gateway. Corridor is adjacent to the Sydney Water Catchment / F6 ramp round-a-bout (gateway to Bald Hill lookout) / wildlife park / is the thoroughfare to the start of the Grand Pacific Drive. Uses permitted in B6 are a threat to the water catchment, diminishing wildlife corridors and tourism industry. Should be a mixed zone of Tourism and E2. • Object to Walker Lane Precinct being zoned Light Industrial • Object to Kellys Falls Precinct being E3. Kellys Falls is the major tributary of the Hacking River and is part of the National Heritage Listed Garrawarra State Conservation. • Object to Camp Creek Precinct. Partially rezone 5, 7, 9 and 11 Undola Road to R2. • Object to Wilson's Creek Precinct becoming E3 as there is no existing water or sewerage infrastructure. Works carried out to provide these services will alter the context of the land and place significant stress on the creek. • Object to Frew Avenue Precinct being zoned E3. The road is not surfaced and is without kerb and gutter, and slopes towards Gills Creek which is part of the Hacking River Catchment. Should be zoned E2.
29	617	• Otford South precinct must be zoned E2 and/or E1 as it sits above the Hacking River. ○ It is an important wildlife corridor linking the Royal National Park to the Illawarra Escarpment with a deep valley of rainforest and old growth forests on the steep slopes. Powerful owls, bentwing bats, pygmy possums all inhabit this region and there is high evidence of resident platypus on the banks of the river. ○ Development of area would adversely affect pristine water of the Hacking River (the same water sections that support refugee wildlife during National Park bushfires). ○ All stormwater and run off leads directly to the Hacking River in the Royal National Park area. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking

		Catchment moist and temperate. ○ Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
30	616	● Govinda Precinct should be zoned E2 (with replacement of existing dwellings allowed): ○ Precinct is surrounded by rainforest of high biodiversity and is an important wildlife habitat corridor linking the Illawarra Escarpment and Royal National Park. ○ Development of area would adversely affect pristine water of the Hacking River (the same water sections that support refugee wildlife during National Park bushfires). ○ All stormwater and run off leads directly to the Hacking River in the Royal National Park area. Containment ponds in Helensburgh have failed and are a poor solution. No guarantee stormwater and pollution control systems will work effectively in a high rainfall region. ○ Cease and prevent any new development to retain the relative purity of the Hacking Catchment and River and restore degraded land to native bush. ○ Forest and bushland to the north, east and south of the precinct should be restored. An important buffer and air filter is provided to airborne coal dust from the Colliery west of this precinct and a natural block to hot westerly winds maintaining the Otford Valley and Hacking Catchment moist and temperate. ○ Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.
31	617	● Lots with existing dwellings in the Royal National Park should be zoned E1 or E2 with legal dwellings allowed to be replaced in the event of a disaster. ● All bushland in the 7(d) precincts between Helensburgh and Otford should be zoned E2 as they all lead to the Hacking River. It is an important wildlife corridor linking the Royal National Park to the Illawarra Escarpment with a deep valley of rainforest and old growth forests on the steep slopes. Powerful owls, bentwing bats, pygmy possums all inhabit this region and there is high evidence of resident platypus on the banks of the river. ● Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. ● Remaining 7(d) lands should not involve a zone 'downgrading' of environmental protection in the 2508 region.

Table 3.9b Summary of Otford Protection Society hard copy form letters – second exhibition

Letter No.	No of letter	Issues
1	4	• Don't support preliminary review; • Wilson's Creek, Baines Place and Lawrence Hargrave Drive precincts are ecologically sensitive and no further development; • Protect the Upper Hacking Catchment; • No development until scientific studies recommended by Helensburgh Commission of Inquiry independently completed; and • Support Otford Protection Society rezoning submission.
2	35	• Reject rezoning proposals; • Reject rezoning of 7(d) lands to E3; • Willana report flawed desktop study and reject its contents; • Reject any decisions that endorse the findings of the Willana report that diminishes the environmental values of the 7(d) lands.
3	15	• Do not support the proposed redevelopment of Helensburgh and surrounds; • Environmental studies show that 700+ homes will be in the direct path of the natural water courses at the start of the Hacking River that flows through the Royal National Park; • Previous councils did not approve this development – nothing has changed; • Royal National Park is second oldest national park; • Everyone's responsibility to protect the upper Hacking Catchment; ensure and maintain the wild life corridors and protect important ecosystems.
4	13	• Reject 7(d) review; • Zoning should have been E2; • Hacking River is a protected waterway and its integrity should be maintained; • Any person purchasing land knew the applicable zoning on that land to be built, ie: - o 19/1/1968 – 30/4/1971 – 5 acres; - o 30/4/1971 – 2/3/1989 – 50 acres; - o 2/3/1984 – 27/5/1988 – 40 acres; - o 27/5/1988 – 28/12/1990 – 40 acres; and - o 28/12/1990 – present – 40 acres; • Persons purchasing land knew the acreage needed and to a gamble. There should be nil compensation; • Century old paper subdivisions have far less relevance today; and does not entitle an owner to develop it.
5	20	Reject the report for 4 reasons: 1. reject the decision to zone the 7(d) land E3; 2. reject the Willana report as superficial and inadequate; 3. agree with findings of the 1994 Helensburgh Commission of Inquiry: - o very high erodibility of soils; - o removal of vegetation will contribute to erosion and high sediment input; - o impact of increased sedimentation and pollution on vegetation,

		- o invertebrates and ecology of catchment; - o increase impact of predation on native animals by increased intrusion of dogs and cats; - o increase opportunity and dispersion of weeds; and - o existing wildlife corridor is extremely long and narrow and further containment will constrain wildlife. The Helensburgh ridge forms parts of these corridors and is pivotal to their integrity; 4. the preliminary report should not proceed. Habitat loss may be the straw that breaks the camel's back.
6	5	Reject rezoning for 2 reasons: 1. 7(d) lands should be zoned E2 not E3; 2. Willana report is superficial and inadequate: • refer to the Illawarra Escarpment Strategic Management Plan which concluded that development could not proceed because of factors that could never be overcome or resolved; • IESMP identified 4 factors which will impact on the environment: - o increased land clearing; - o increased partitioning / land fragmentation; - o increased weed infestations; and - o increased introduced non-indigenous and feral animals. • existing wildlife corridor is extremely long and narrow and further containment will constrain wildlife. The Helensburgh ridge forms parts of these corridors and is pivotal to their integrity; • the preliminary report should not proceed. Habitat loss may be the straw that breaks the camel's back.
7	3	• Request that Symbio continue to be zoned SP3 Tourist; • Object to the adjacent and surrounding lands being zoned B6; as: - o high noise and environmental impact would affect the breeding programs of Cotton-Top Tamarin Monkey and Sumatran Tigers; - o traffic flow to Symbio is destinational or impromptu. Industrial development will deter visitors; - o any zoning other than SP 3 Tourist will cause Symbio to be closed down; • Support OPS submission for all 7(d) lands to be zoned E2.
8	9	• Support the decision to zone 7(d) lands E2; • Object to lands being zoned E3. This should be E2; • Object to any B6 Enterprise Corridor that would affect the operation of Symbio and the Sydney Water Catchment; • Object to Council decision to change E2 to E3 which was not publicly displayed to allow comment.

Representatives of the Land Pooling precinct organised five (5) form letters supporting the rezoning of the Land Pooling precinct to R2 Low Density Residential. These submissions are summarised in table 3.10.

Table 3.10 Summary of Land Pooling form letters – second exhibition

Letter No.	No of letters	Issues / comments raised
1	75	- Request that Land Pooling precinct be zoned R2 - Council failed to substantiate its claim that the precinct is “<i>contiguous high quality bushland</i>”. Precinct boarded by Walker Street & Otford Rd, residential development and landscape supply business. - Land was cleared in 1931 and in 1954. - In 1991 Council noted the vegetation as “common”. The report noted that the land was not a wildlife corridor. 1994 CoI stated there were no endangered listed species. - Environmentally sustainable development would protect nearby bushland by eliminating a refuge for feral animals and noxious weeds and prevent illegal dumping.
2	83	- Request that Land Pooling precinct be zoned R2 - Council failed to substantiate its claim that development of the precinct “<i>presents significant challenges to overcome existing environmental constraints, including a sensitive water catchment upstream of the Royal National Park</i>”. - Neither Council or State Government is actively monitoring water quality of the Hacking River. - Council’s Helensburgh Urban Capacity Study (2006) found that modern land use practices (eg WSUD) could be used to reduce stormwater runoff. WSUD elements are an integral part of environmentally sustainable land developments throughout Australia. - The precinct has the same challenges as the nearby approved Landcom estate, which incorporates WSUD. - Houses would meet BASIX requirements, have rainwater tanks and on-site sediment retention tank. - Sydney Water has confirmed that the precinct can be connected to the sewerage network. - The developed precinct would have less impact than the existing Helensburgh, where there is no WSUD measures, & Council’s own practices of directing untreated stormwater run-off onto 7(d) land.
3	85	- Request that Land Pooling precinct be zoned R2 - Council failed to substantiate its claim that development of the precinct “<i>presents significant challenges to overcome existing environmental constraints, including steep slopes</i>”. - The majority of slopes are between 0-10% which are not steep. - This issue has not been raised in previous studies. - Land with a slope greater than 15% would not be built upon but would be incorporated into the WSUD elements and APZs. Development would follow contours to reduce cut & fill. - Council is proposing development on land at Otford with steeper slopes.
4	78	- Request that Land Pooling precinct be zoned R2, to meet the objective of encouraging economic growth, employment, new housing and transport improvements. - There is a strong demand for land in Helensburgh. Unless more land is

		available, Council will not meet the target of 40 new lots/year. Nor will Council be able to satisfy the demand for a local high school. Additional housing does not conflict with the Illawarra Regional Plan. • The precinct is a contiguous expansion of the town. • The Landcom Estate has demonstrated that environmental impacts can be managed by WSUD and BASIXs. • Available existing infrastructure means that development will cost considerably less than West Dapto. Existing water and sewerage networks can accommodate the development. The traffic increase would not warrant additional traffic management or road network upgrading. • Since the land was zoned 7(d) in 1994, Council has failed to ensure that this land was properly managed.
5	92	• Request that Land Pooling precinct be zoned R2 • Council failed to substantiate its claim that development of the precinct “<i>would increase the bushfire hazard to Helensburgh</i>”. • Council’s zoning of the land 7(d) in 1994 was designed to ensure that the land was properly managed. For 16 years, Council has failed to allow landowners the opportunity to clear fire trails or reduce the amount of fuel on their blocks to reduce the bushfire hazard. • The development of the precinct would reduce the impact of bushfires on southern Helensburgh. In 1991, Council noted that once the land was developed for urban purposes the bushfire hazard would be reduced or removed. • The open space buffer proposed in the Willana report would reduce the fire hazard and establish an Asset Protection Zone for southern Helensburgh. • The precinct is surrounded by cleared land and existing residential development.

Representatives of the Gateway precinct organised five (5) form letters supporting the rezoning of the Gateway precinct to B6 Enterprise Corridor. These submissions are summarised in table 3.10.

Table 3.11 Summary of Gateway form letters – second exhibition

Form letter No.	No. of letters	Issues / comments raised
1	57	• Support the Gateway precinct being zoned B6 Enterprise Corridor. • Support owners in the Wilsons Creek precinct being able to build a house on their land.
2	30	• Support the Gateway precinct being zoned B6 Enterprise Corridor. • More land needed for business warehousing / distribution of goods and supply of services on land near main transport links of the Freeway and Highway. • Provide more employment opportunities in the northern suburbs of Wollongong, close to south and western Sydney. Work closer to home promotes less traffic and saves green house gas emission. • Area always been used for rural commercial purposes and bushland cleared some time ago. • Will provide large level area for building and car parking close to main roads. • All services available.

		• Support established retail and commercial centre in the township.
3	43	• Support the Gateway precinct being zoned B6 Enterprise Corridor. • Support Lot 1 DP 584467 also being zoned B6. • More land needed for business warehousing / distribution of goods and supply of services on land near main transport links of the Freeway and Highway. • Provide local employment opportunities.
4	29	• Support the Gateway precinct being zoned B6 Enterprise Corridor. • Already cleared and developed with sewer available. • Main road frontage with good access to the Freeway. • Revitalise the entrance to the northern suburbs. • Helensburgh needs more employment areas.

Form letters were also received in support of:

- Supporting the Baines Place IN2 Light Industrial Area, and supporting the B6 Gateway Precinct (31 submissions);
- Permitting a restaurant as an additional use on the corner of Baines Place and Lawrence Hargrave Drive, Helensburgh (3 submissions);
- The continued operation of the landscaping business on Walker Street/tarawa Road within the Land Pooling precinct (5 submissions).

4. General Issues raised in submissions

4.1 GENERAL COMMENTS

Many submissions commented on the review process and the proposed changes to the planning controls. The submissions to the second consultation period included the following comments:

Issue	Response
2 submissions supported the recommendations of the Preliminary Review of Submissions	Noted
10,449 submissions objected to any downgrading of the 7(d) land.	The 7(d) zone requires review. It is agreed that the bushland and water quality values need to be maintained.
3,978 submissions requested that all 7(d) land to be rezoned to E2 Environmental Conservation.	The E2 Environmental Conservation zone is appropriate in some precincts, but is not appropriate as a blanket zone throughout the 7(d) area.
360 submissions noted that there had been no dwelling entitlements since the 1960s.	Generally agreed – refer to chapter 1.3 for a summary of the planning history of the area. Noting that there are differences between precincts and permissibility is also determined by lot size and date of subdivision.
600 submissions wanted all 7(d) land incorporated into the Garrawarra State Conservation Area.	The DECCW (now Office of Environment and Heritage) advised that some parts of the area are suitable for inclusion in the reserve system. The Department will consider acquisition when land is available for sale, and based on State-wide priorities. The Department would object to Council identifying land for State acquisition.
600 submissions objected to Council randomly allocating building rights, through the review process.	The review process has not been a random process. The issues and capability of each precinct has been considered. The community has been consulted through two exhibition processes.

4.2 HELENSBURGH COMMISSION OF INQUIRY

Many submissions suggested that no rezoning should occur until the broad scale studies recommended by the Helensburgh Commission of Enquiry have been completed and the implication understood. As noted in chapter 1.5, the Helensburgh Commission of Inquiry recommended that the following studies be undertaken:

- immediate or short term studies as well as long term studies,
- existing water quality, water quality impacts and environmental impacts,
- cumulative impacts,
- flora and fauna habitat loss impacts,
- testing and proving water quality pond/wetland proposals,
- rare and endangered fauna impacts (or a Fauna Impact Statement) particularly assessing potential impacts on the Sooty Owl,

- wildlife corridor impacts from various land uses and buffer areas (especially urban development and bushfire hazard reduction areas).

As noted in chapter 1.5, the nominated studies have not been undertaken as no party was willing to fund the investigations. The Commission recommended that the studies be undertaken in an independent fashion by the Hacking River Catchment Management Committee and final consideration by a Catchment Assessment Commission. However, the Hacking River Catchment Management Committee, was not given the co-ordinating role or funding to undertake the studies. The Catchment Assessment Commission was not established. In 1996, the Minister for Planning advised Council that the State Government was not prepared to fund the studies.

The review of 7(d) lands was acknowledged to be a desktop study and did not seek to circumvent the recommendations of the Commission of Inquiry. Rather after 17 years a review of the issues associated with the former 7(d) lands was warranted. If area is to be rezoned for residential development, further detailed investigations would need to occur.

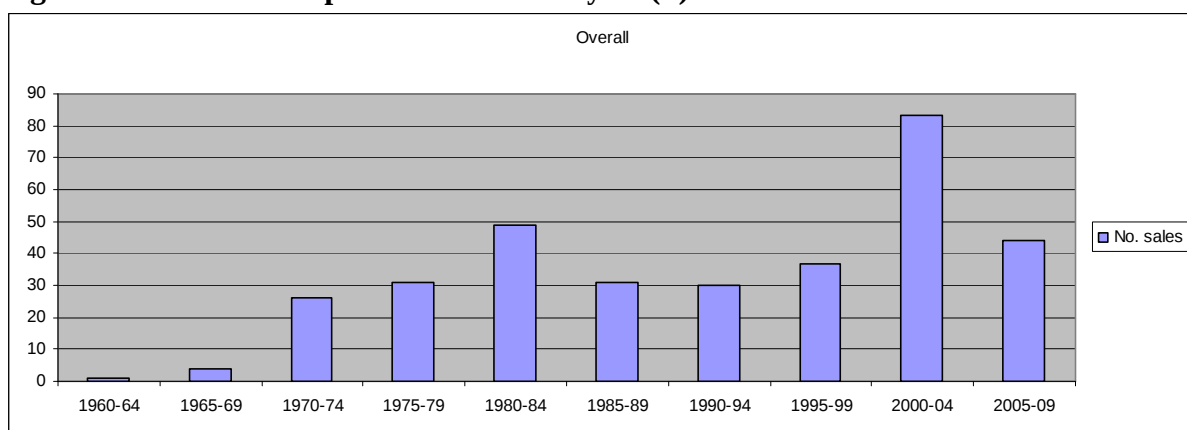
4.3 OWNERSHIP TRANSFER ANALYSIS

A number of submissions questioned the period of ownership of the 7(d) land and whether persons had bought their land before or after the planning controls changed. The inference being whether persons have been disadvantaged by a change in the planning rules, or whether they have speculated by buying land in the hope the rules will change and then they will be able to build a dwelling or develop their land.

An analysis of the transfer of ownership records was undertaken. Records for the transfer of three hundred and thirty six (336) properties were found. It is noted a transfer could cover multiple properties or be between family members.

Figure 4.1 summaries the overall transfer history in five (5) year intervals. The graph indicates that while some land has been owned since the 1960's, the majority of transfers have occurred in the periods 1980-84, 2000-04, and 2005-09.

Figure 4.1 Ownership Transfer Summary – 7(d) Lands



In terms of the ownership transfer data for key larger precincts:

- The Land Pooling area - the majority of transfers occurred in the early 1980's (Figure 4.2);
- Wilsons Creek precinct - the majority of transfers occurred after 2000 (Figure 4.3);
- North Otford precinct - the majority of transfers occurred after 2000 (Figure 4.4);

- Lloyd Place precinct - the majority of transfers occurred in the early 1970's(Figure 4.5); and
- The Princes Highway gateway precinct - the majority of transfers occurred after 2000 (Figure 4.6).

Figure 4.2 Ownership Transfer Summary – Land Pooling Precinct

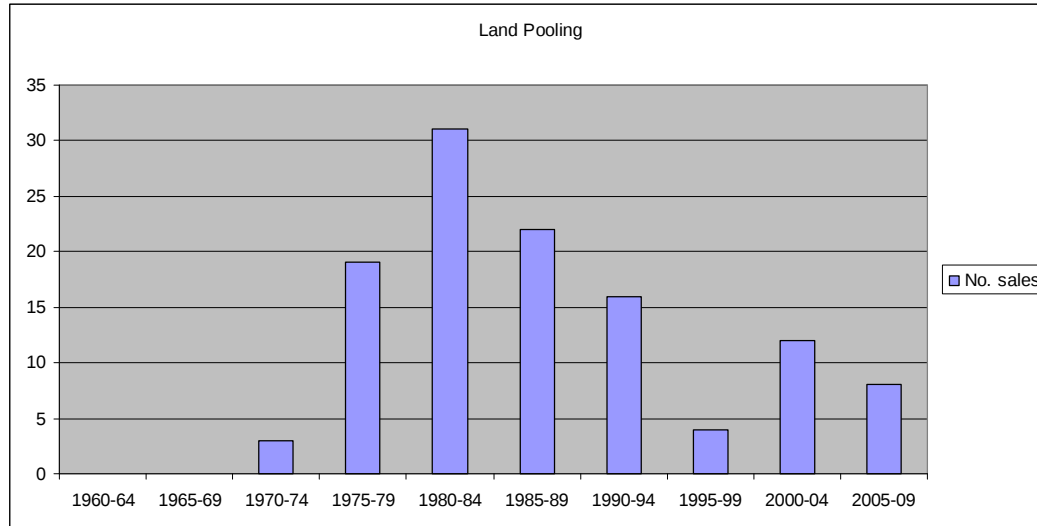


Figure 4.3 Ownership Transfer Summary – Wilsons Creek Precinct

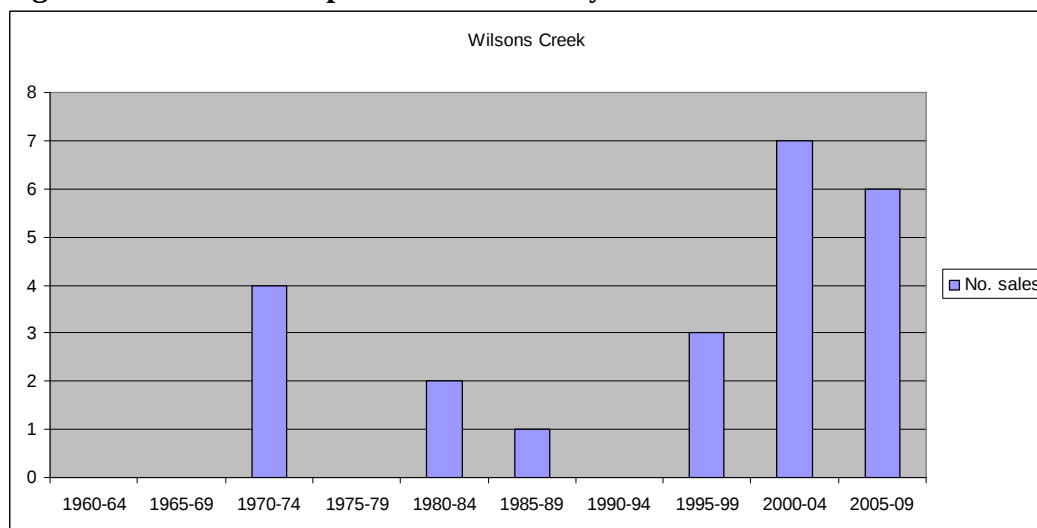
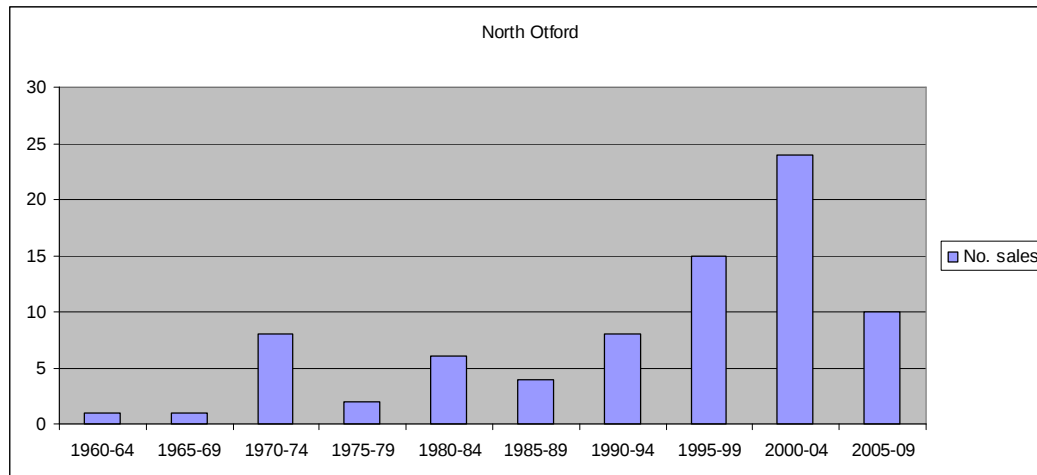
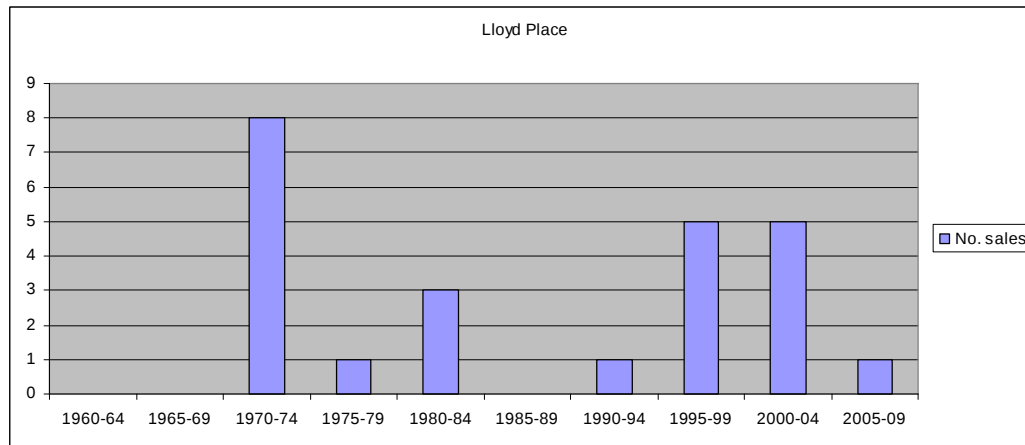
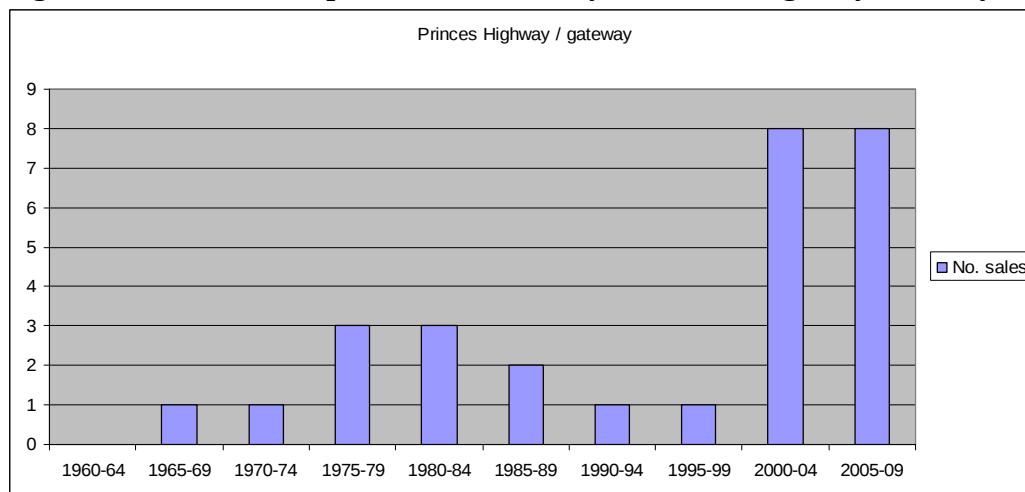


Figure 4.4 Ownership Transfer Summary – North Otford Precinct**Figure 4.5 Ownership Transfer Summary –Lloyd Place Precinct****Figure 4.6 Ownership Transfer Summary – Princes Highway Gateway Precinct**

4.4 WATER QUALITY

The impact of existing and proposed development in Helensburgh and Otford on the water quality of the Hacking River and Royal National Park has been of concern for many years. The impact of development on water quality was one of the triggers for the introduction of the 7(h) Hacking River Environmental Protection zone in 1988 (renamed 7(d) in 1990) and the 1994 Helensburgh Commission of Inquiry. It remains an important issue.

In the 1980s Helensburgh was connected to the Cronulla Sewerage Treatment Plant and a reticulated sewerage system installed, which reduced overflows from septic systems. In 2004-5, Otford, Stanwell Tops, Stanwell Park and Coalcliff were connected to the sewerage system. Sydney Water has indicated that there is capacity in the sewerage system to accommodate additional urban development. Further consultation will be required on the capacity of the water and sewerage systems to serve any specific additional development.

Water quality remains a key issue; however there is little data available. Water quality is not monitored by Council or any Government authority.

A number of submissions include observations that the water quality in the Hacking River is poor downstream of Helensburgh and Otford, whereas the more natural tributary of Kangaroo Creek (downstream at Audley) has good water quality.

During the preparation of the draft Helensburgh Town Plan, Council engaged the State Pollution Control Commission (SPCC) to examine water quality issues. The SPCC monitored water quality at 13 sites, mainly along the Hacking River downstream as far as Kangaroo Creek on 8 occasions between September and November 1985, and prepared the report "Investigation into the impact of urban development at Helensburgh on water quality of the Hacking River (1986)". The report found that the Hacking River was under stress from various sources of pollution. The major problems were associated with elevated loads of particulate material and plant nutrients (phosphorus and nitrogen). The study noted that disturbed (developed) subcatchments discharge significantly higher loads of pollutants than undistributed (natural) catchments. The study noted that pollution from urban areas can be reduced, but not eliminated, by installing appropriate structures and devices. The report recommended that any future development be restricted to the most severely disturbed subcatchments of the Hacking River, Camp Creek and Gills Creek.

Landcom has been monitoring the water quality from its Camp Creek development and the effectiveness of the water quality treatment measures. Landcom has not yet submitted its report to Council.

In early 2011, Council undertook water quality sampling at 13 sites on 3 occasions (2 dry weather, 1 wet weather samples). The three sets of samples are an inadequate data set to draw any conclusions, but provide an indication of water quality. Further water quality monitoring is required to gain a better appreciation of water quality in the area. The sampling showed that pollution was higher in the developed sub-catchment than the rural or less disturbed sub-catchments. The samples indicated that faecal coliforms were higher than primary contact levels at all sampling sites.

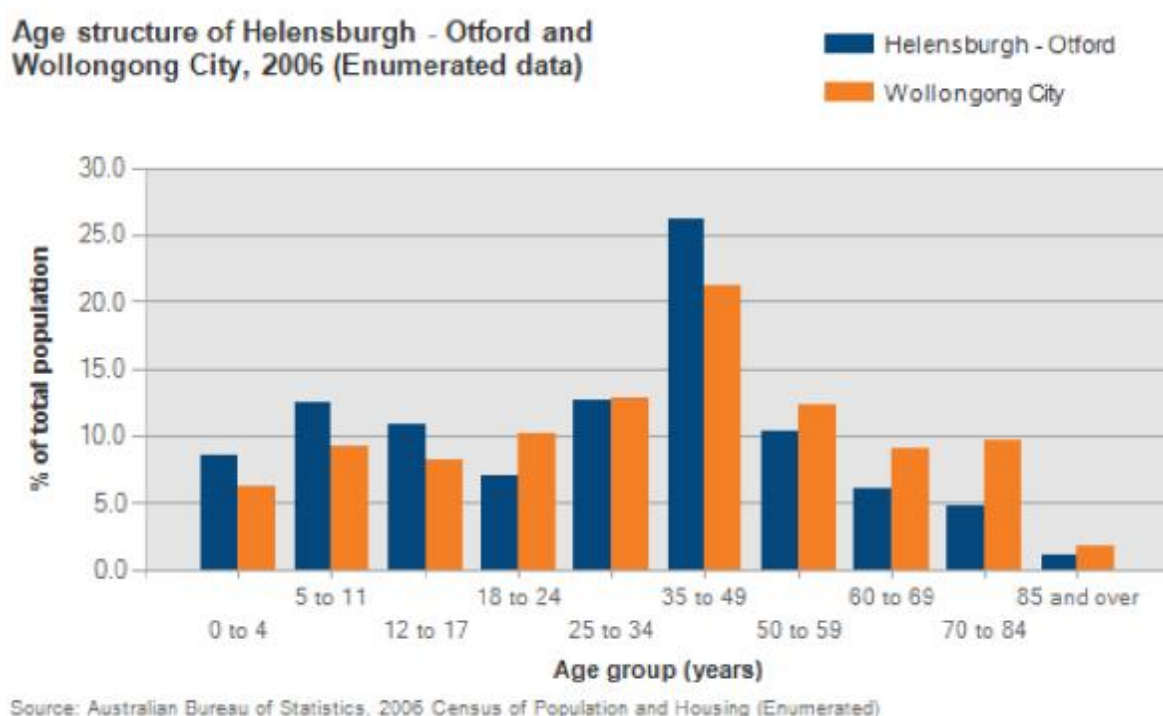
The limited Council sampling of the Landcom water treatment pond, found that the pond is not a major source of nitrogen in the catchment. However, the pond does appear to be a significant source of phosphorous, as the concentrations in the outlet were generally higher than at the inlet and many of the other sampling sites. Further monitoring is required to investigate the effectiveness of the pond, to manage water quality. A copy of the report is attached as Appendix 2.

4.5 HELENSBURGH TOWNSHIP

The existing Helensburgh and Otford urban areas are islands of settlement surrounded by bushland. The bushland setting and proximity to the Tasman Sea make Helensburgh and Otford attractive areas to live.

In 2006, Helensburgh and Otford had a combined population of 6261 persons, who lived in 2029 dwellings which equates to an occupancy rate of 3.08 persons per household. The age distribution is depicted in Figure 4.7 compared to the Wollongong LGA.

Figure 4.7 Age structure 2006



The figure indicates that Helensburgh and Otford which indicates that there was a larger proportion of people in the younger age groups (0 to 17) but a smaller proportion of people in the older age groups (60+). Overall, 31.9% of the population was aged between 0 and 17, and 11.8% were aged 60 years and over, compared with 23.5% and 20.2% respectively for Wollongong City.

The major differences between the age structure of Helensburgh - Otford and Wollongong City were:

- A larger percentage of 35 to 49 year olds (26.2% compared to 21.1%);
- A larger percentage of 5 to 11 year olds (12.5% compared to 9.1%);
- A smaller percentage of 70 to 84 year olds (4.7% compared to 9.6%), and;
- A smaller percentage of 18 to 24 year olds (7.1% compared to 10.2%).

Council's population forecast for Helensburgh and Otford estimates that in 2031 the combined population will grow to 6969 persons, an increase of 708 persons over 25 years. The forecast estimates that 2470 dwellings will be needed to house the future population, an increase of 441 dwellings. The forecast estimates that the occupancy rate will decline to 2.82 persons per dwelling, which means that 216 of the additional dwellings would be needed to serve the existing population.

The other 225 dwellings would house new residents to the area. The forecast model does not incorporate any expansion of the residential areas of Helensburgh or Otford so growth would occur within the existing zone boundaries, though dual occupancy, infill subdivision, multi-dwelling housing or medium density housing. Figures 4.8 and 4.9 depict the estimated change in age structure. The figures indicate a decrease in children and adults and an increasing aged population.

Figure 4.8 Forecast age structure 2006-2031

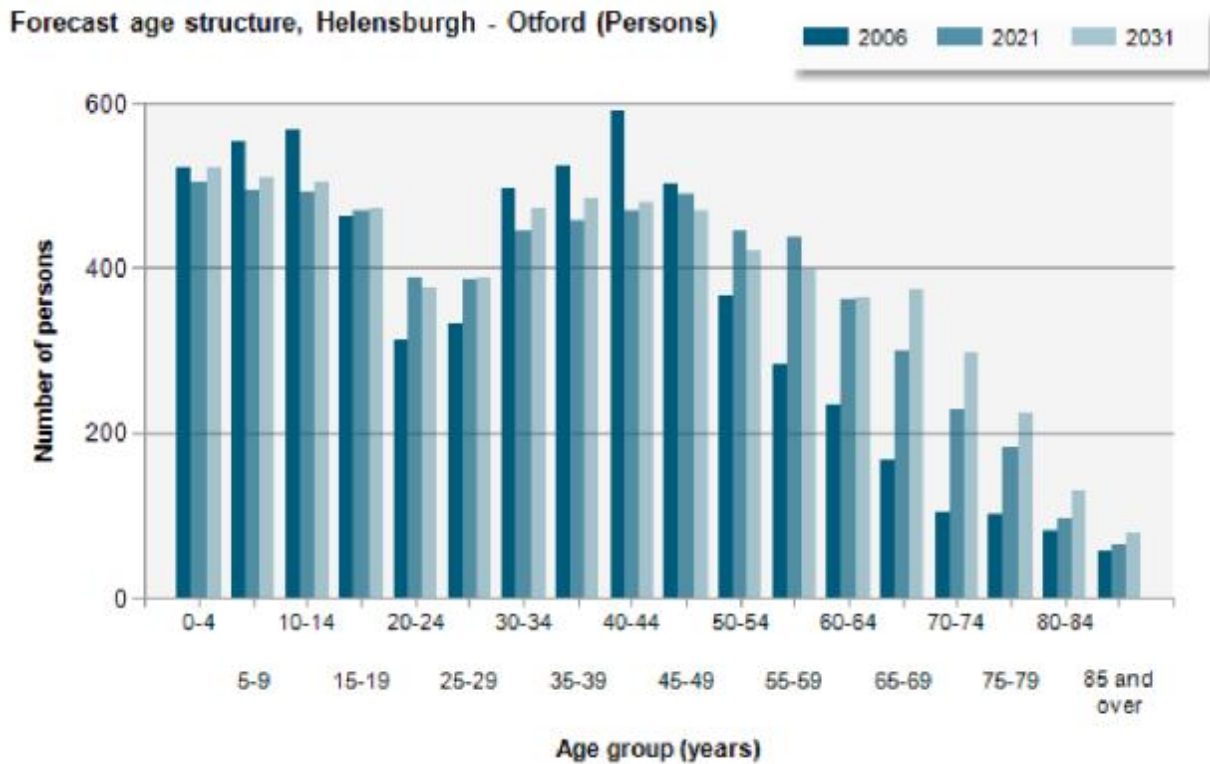
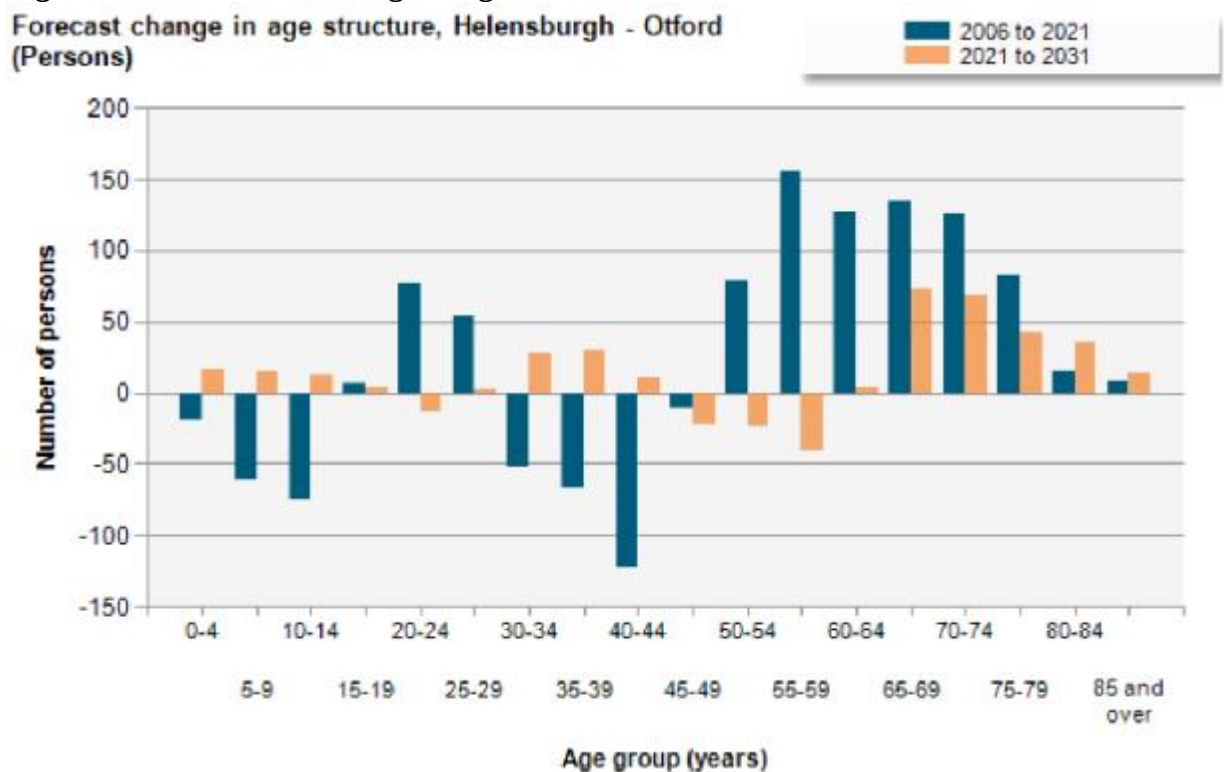


Figure 4.9 Forecast change in age structure 2006-2031



A number of the submissions noted that existing problems within Helensburgh, include:

- poor road access, especially if required to evacuate due to a bushfire;
- poor shopping facilities and parking;
- no high school;
- part time library;
- small overcrowded public pool;
- no public toilets (except when pool is open);
- poor police presence;
- poor parking at the community centre, difficult for the elderly and parents with prams; and
- distance to railway station, and poor parking and lighting at station.

A number of submissions indicate that if an additional 300-350 homes were built, they would add to Helensburgh's existing infrastructure and traffic problems, as well as environmental impacts.

Conversely, some of Helensburgh's economic and social shortcomings are as a result of the small population base. Retail premises in Helensburgh struggle due to low patronage. In addition, the Helensburgh Town Centre is not on a main though road that would allow additional patronage from passing trade.

Two key businesses to the local economy are the Helensburgh Sports Club and Metropolitan Colliery. Both businesses provide local employment, as well as local business for trades and services. The club also supports local community and sporting groups. If either closed there would be direct and indirect impacts on the local community.

The following table provides some dwelling benchmark levels for the provision of services:

Table 4.1 Facility thresholds

Facility	Benchmarks	Current provision
Public Primary school	1/2000-3000 dwellings ¹	Otford Public School (54 students) Helensburgh Public School (462 students)
Public High School	1/6000 dwellings ¹	Nil in study area. The closest public high schools are located at Heathcote, Engadine & Bulli.
Local shops	800-1000 dwellings	Helensburgh Town centre
Small supermarket	1/3000 dwellings	BiLo within Helensburgh Town Centre
Community Centre	1/2500 dwellings	Helensburgh Community Centre
Library		Helensburgh Library
Sports field	1 senior field / 1800 persons ²	Rex Jackson Park – 1 Cricket, 2 senior winter fields (1 soccer & 1 league)
Netball courts	1 court / 2500 persons ²	Rex Jackson Park (7 courts)
Tennis courts	1 court / 2500 persons ²	Norm O'Brien Park (1 court) Park Avenue (3 courts) Otford (1 court)
Playgrounds	1 playground / 200 children aged 5-9 years ²	Norm O'Brien Park Charles Harper Park Otford Road Reserve Henry Halloran Park

Swimming pools		Helensburgh Pool (25m & toddlers)
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sources: 1 – Department of Education & Training
2 - Wollongong Planning People Places (2006)

Based on the benchmarks, Helensburgh will never be large enough for a high school. Even if all the Land Pooling and Lady Carrington Estate land were developed (est. additional 500 dwellings), the population would not be large enough to support a high school. The other issue would be where to build the school. The Department of Education relinquished their High School site on the corner of Walker Street and Cemetery Road when they determined that the future population would not be large enough to support a high school, and the site has been developed into the Landcom housing estate.

Neighbourhood Forum 1 and other submissions identified the need for a Helensburgh Town Plan. As noted in Chapter 1.4, a draft Helensburgh Town Plan was prepared in 1990 to provide a long term vision for Helensburgh. The Plan was considered by the Commission of Inquiry (1994). Following the Inquiry, Council did not revise or adopt the plan, and it has no current status.

Council on 2 February 2010 considered a draft Town and Village Planning Priority list for the preparation of town planning studies into a number town centres and other precincts. The draft list was released for community comment. Neighbourhood Forum 1 supported the completion of the study. Council on 22 June 2010 finalised the Town and Village Plan priority list, Helensburgh was ranked as 7th priority, to be undertaken in July 2011 to March 2012. Due to other priorities, the progress on the higher priority town and village plans has been delayed and it is unlikely that the Helensburgh Town Plan would commence prior to July 2012.

There is a need for a Helensburgh Town Plan to provide the vision for any future growth or change in land use. The current review considers the former 7(d) lands in isolation from the existing urban areas of Helensburgh. Any development within the 7(d) lands could have both positive and negative impacts for Helensburgh. Development would provide additional housing, support population growth, provide local employment opportunities and increase the number of customers for local businesses. Conversely, development would also result in increased traffic and increase demand on schools, community facilities and infrastructure. Development could also result in clearing of bushland and increased water pollution.

However, the need for a Helensburgh Town Plan diminishes if no further urban development in Helensburgh is proposed. The preparation of a town plan would generate community expectations that improvements to the public domain, local services and facilities will occur, however, funding those improvement would be difficult without development contributions or other income sources. Without development there would be limited local development contributions generated that could be directed to improve local community infrastructure and services.

5. Precinct issues

This section of the report will consider the issues raised in submissions in relation to the individual precincts. The boundaries of some precincts have been amended since the Preliminary Review. The chapter is divided into 3 parts:

- A. Precincts (or parts of precincts) where a change to the planning controls is proposed. The change will be implemented through the preparation of a draft planning proposal to rezone the land from E3 Environmental Management to another zone, or amend a planning standard. If endorsed by Council, the draft planning proposal will be referred to the NSW Department of Planning and Infrastructure for review and approval to exhibit.
- B. Precincts where no change to the planning controls is proposed. The land will retain its current zoning (E3 Environmental Management).
- C. Precincts subject to a draft Planning Agreement proposal that has been submitted to Council that warrants further community consultation. The draft proposal would enable a large portion of significant bushland to be transferred into public ownership, in exchange for residential development in the Land Pooling and Lady Carrington Estate precincts. The current planning controls will be retained until the further consultation has occurred.

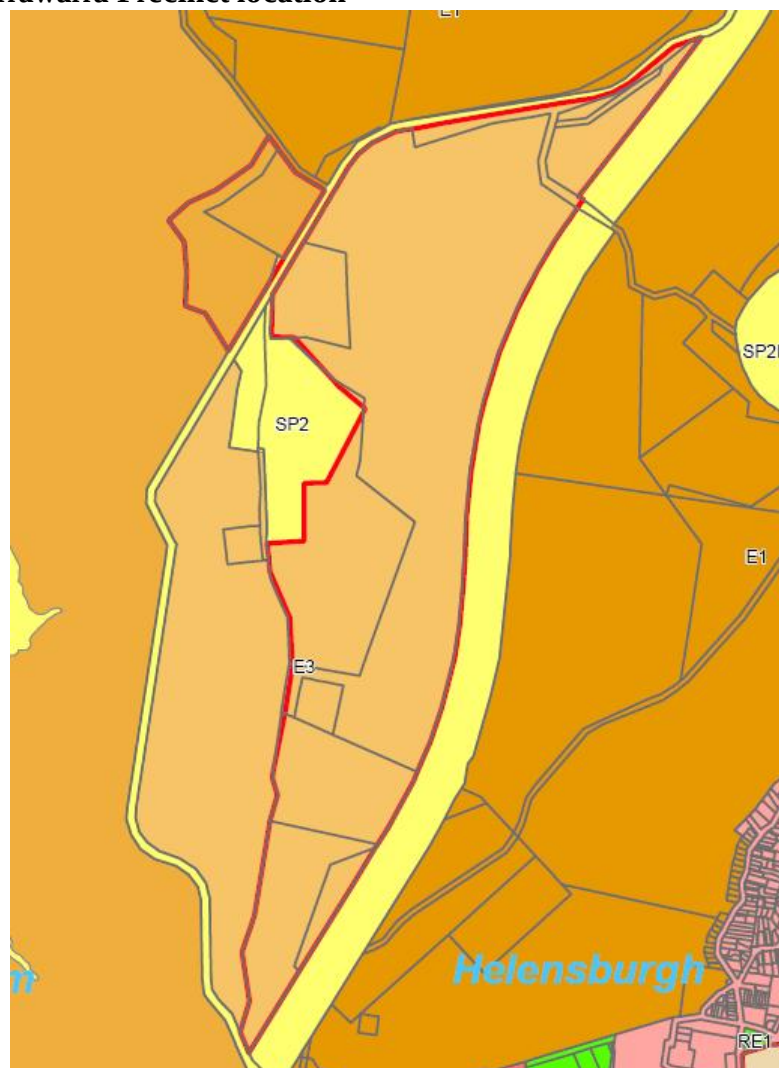
A. Precincts where a change to the planning controls is proposed

5.1 GARRAWARRA PRECINCT

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 LEP 2009 and should be rezoned to E2 Environmental Conservation consistent with the other 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, five (5) are Crown land controlled by the NSW Land and Property Management Authority, and two (2) are privately owned. 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.

The draft 7(d) Review recommended that Garrawarra Hospital retain a SP2 Infrastructure - Hospital and Seniors Housing zone and the surrounding bushland be zoned E2 Environmental Conservation zone due to its environmental significance.

Figure 5.1.1 Garrawarra Precinct location



1st Exhibition outcomes

The submission from the Sydney Catchment Authority requested that its lands be zoned E2 Environmental Conservation.

A number of submissions supported the zoning of the precinct E2 Environmental Conservation.

Preliminary review of submissions

Garrawarra provides more than Hospital and Aged Care Services and the current zoning map description may not accurately reflect the services provided. It is 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 part of the precinct 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.

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.

Preliminary review of submissions - recommendations

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

- Changing the description of the Garrawarra Centre on the Zoning Map to SP2 – Infrastructure Health Service facility and Seniors Housing.
- Rezoning the balance of the Crown land to E2 Environmental Conservation.
- The Sydney Catchment Authority land be zoned E2 Environmental Conservation.
- The Minimum Lot Size Map be amended to remove the subdivision standard for the part of Garrawarra Centre zoned SP2 - Infrastructure Health Service facility and Seniors Housing.

2nd exhibition outcomes

As a consequence of the 2nd exhibition, 1219 submissions commented on the precinct.

The Sydney Catchment Authority land supported their land being zoned E2 Environmental Conservation. The Authority noted that it was unclear what minimum lot size is proposed for the SP2 Hospital zone. Additionally, part of the SP2 Hospital land is in the drinking water catchment area and any development must have a neutral or beneficial effect (NorBE) on water quality.

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

There were 1217 other submissions which supported the precinct being zoned E2 Environmental Conservation or E1 National Parks.

Review of Issues

The support of the Sydney Catchment Authority and Land and Property Management for the zoning of their land to E2 Environmental Conservation is noted. The precinct cannot be zoned E1 National Park as it is not part of the Garrawarra State Conservation Area or managed by the NPWS.

Final recommendations

It is recommended that a draft planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Amending the description of the Garrawarra Centre on the Zoning Map from SP2-Infrastructure Hospital to SP2 – Infrastructure Health Service facility and Seniors Housing.
- Rezoning the balance of the Crown land to E2 Environmental Conservation.
- Rezoning the Sydney Catchment Authority land to E2 Environmental Conservation.
- Amending the Minimum Lot Size Map by removing the subdivision standard for the part of Garrawarra Centre zoned SP2 - Infrastructure Health Service facility and Seniors Housing.

5.2 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 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.

Development Application No 2008/583 for a dwelling house on this lot was approved in 2010.

In 2010, this property was purchased by the (then) Department of Environment, Climate Change and Water, and now forms part of the Garrawarra State Conservation Area.

The draft 7(d) Review recommended that the lot be zoned E2 Environmental Conservation.

Figure 5.2.1 Lady Carrington Estate North Precinct location



1st Exhibition Outcomes

A number of community submissions objected to any development on the lots.

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report noted that the development application for a dwelling house had been approved. The report proposed that the precinct be zoned E2 Environmental Conservation.

2nd Exhibition Outcomes

As a consequence of the 2nd exhibition, 1231 submissions commented on the precinct.

The DECCW advised that they purchased the property in 2010 and it has been gazetted as part of the Garrawarra State Conservation Area. The Department advised that the property can be zoned E1 National Park.

1230 submissions supported the land being zoned E2 Environmental Conservation or E1 National Parks.

Review of Issues

In accordance with the Department's advice, the property has been gazetted as part of the Garrawarra State Conservation Area, and can be zoned E1 National Park.

Recommendations

It is recommended that a draft planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by rezoning Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area to E1 National Park.

5.3 PRINCES HIGHWAY GATEWAY PRECINCT

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.

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.

Figure 5.3.1 Gateway Precinct location



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 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 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.

Figure 5.3.2 Gateway Precinct – draft Review zoning option



1st Exhibition Outcomes

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;
- 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.

Preliminary review of submissions

The support for the Gateway precinct being zoned B6 Enterprise Corridor is noted. The majority of this precinct has been cleared and used for commercial activities adjacent to the Princes Highway for many years. The 7(d) / E3 zone is not considered appropriate and warrants review. A B6 Enterprise Corridor zone would permit a mix of retail and light industrial uses along the Highway, recognising existing uses and providing local employment opportunities.

With regard to the three (3) specific requests:

- Symbio Wildlife Gardens – it is agreed that the B6 Enterprise Corridor zone could apply to the property. It is proposed that the additional use of “animal boarding or training establishment” also be permitted on the property, in recognition of the existing animal park and tourist attraction.
- Golf Driving Range – it is agreed that the B6 Enterprise Corridor zone should apply to the whole property.

Preliminary review of submissions - recommendations

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”.
- The additional use of “animal boarding or training establishment” also be permitted on the Symbio properties.

Figure 5.3.3 Gateway Precinct –Preliminary Review zoning option



2nd exhibition outcomes

As a consequence of the second exhibition, 6095 submissions commented on the precinct. 5890 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 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.
- 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 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.

Review of submissions

As noted previously, the precinct provides the western entrance to Helensburgh and the existing commercial uses along the Princes Highway are inconsistent with the 7(d)/E3 zone and the planning controls warrant review. The precinct has good access to the Highway and Freeway and could provide for service industries.

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 LEP 2009 requires adequate infrastructure to be available to service proposed development.

There is not the demonstrated demand for employment land, although this could also be a function of it not being available in Helensburgh. The existing IN2 Light Industrial land on Parkes Street / Cemetery Road has only recently been developed, and some properties still have residential uses. Sites that could cater for larger footprint buildings have not been available.

Rather than zoning the whole precinct B6 Enterprise Corridor, the following alternate approach is proposed.

- 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.

- Zoning 2 Lawrence Hargrave Drive, the golf driving range to the RE2 Private Recreation zone. This zone will reflect 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.
- 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 is 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 is seeking 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.

Final recommendations

It is recommended that a draft planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning 151 & 177 Princes Highway, and 200-206, 208-216, 218-222 Parkes Street, to the B6 Enterprise Corridor zone.
- Zoning the Nos 187-193 Princes Highway to the RU2 Rural Landscape zone.
- Zoning 2 Lawrence Hargrave Drive to the RE2 Private Recreation zone.
- Zoning 1-5 Lawrence Hargrave Drive and 227 Princes Highway, to the RU2 Rural Landscape zone.
- Zoning Symbio Wildlife Gardens to the SP3 Tourist zone, including the dwelling houses in the same ownership – Nos.7-15 Lawrence Hargrave Drive.

5.4 PRINCES HIGHWAY WEST OF F6 PRECINCT

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 / Hacking River catchment area, and was zoned 7(d) Hacking River – Environmental Protection in 1990 as part of the Wollongong LEP 1990.

Two 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. Two 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).

The other 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 are proposed to be zoned RU2 Rural Landscape while the middle bushland portion is proposed to retain an E2 Environmental Conservation zone.

Figure 5.4.1 Princes Highway West Precinct location



1st Exhibition Outcomes

Two (2) submissions were received commenting specifically on this precinct. The owner of Lot 750 DP 752033 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.

The submission from the Sydney Catchment Authority requested that its lots be zoned E2 Environmental Conservation.

Preliminary review of submissions

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 appropriate due to its isolation from Helensburgh, lack of service infrastructure (water and sewerage) and high bushfire risk.

The draft 7(d) Review proposed that the site be zoned part RU2 Rural Landscapes (the cleared area) and part E2 Environmental Conservation (the bushland part). These zones remain appropriate.

The zoning of the Sydney Catchment Authority lands E2 Environmental Conservation was supported.

Preliminary review of submissions - recommendations

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.
- Zoning the private properties part RU2 Rural Landscapes and part E3 Environmental Management.

Figure 5.4.2 Princes Highway West – Preliminary Review zoning option



2nd exhibition outcomes

As a consequence of the 2nd exhibition, 1226 submissions commented on the precinct.

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.

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.

1222 other submissions 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.

Review of submissions

The support of the Sydney Catchment Authority and Land and Property Management for the zoning of their land to E2 Environmental Conservation is noted.

Lot 750 DP 752033 is partially cleared and was the site of a proposed private education facility. The site is not serviced by reticulated water and sewerage infrastructure. No change to the recommendations of the Preliminary Review are proposed.

Final recommendations

It is recommended that a draft planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

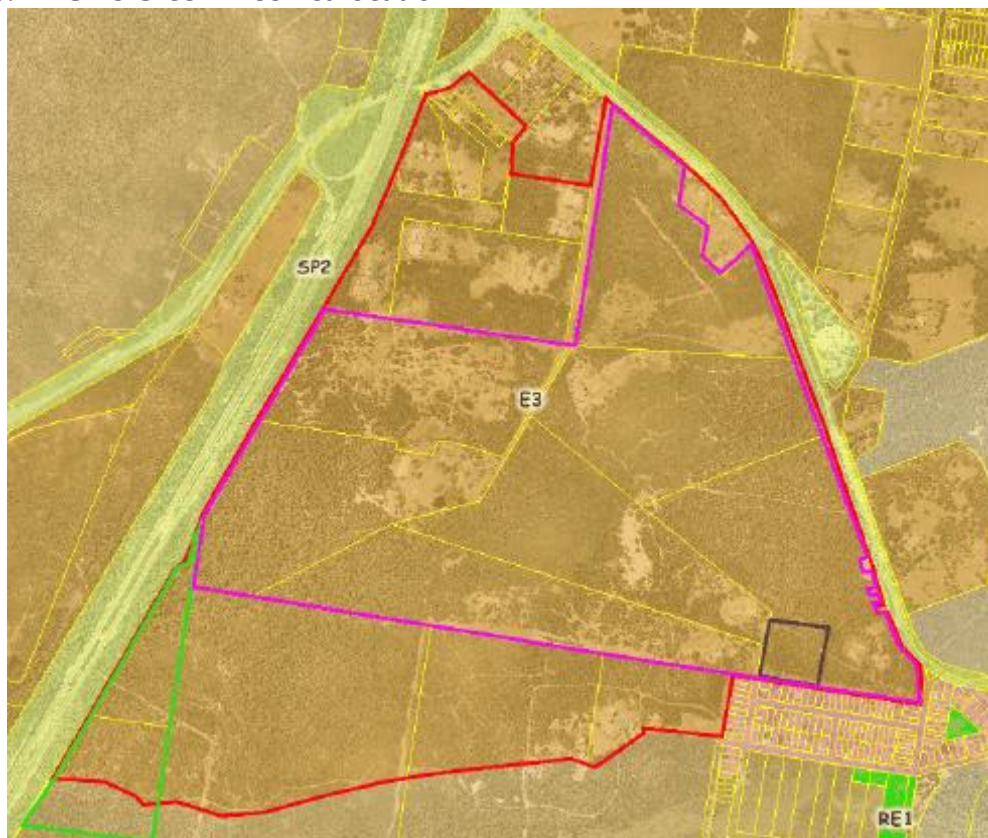
- Zoning the Sydney Catchment Authority land and the Crown land to E2 Environmental Conservation.
- Zoning the remaining private land part RU2 Rural Landscapes and part E3 Environmental Management, as indicated in the Preliminary Review of Submissions (Figure 5.4.2).

5.5 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 ha). Seven (7) of the lots were created in 1979 based on the 20 hectare subdivision standard of the day, that applied to land zoned Rural, each lot contains a dwelling house (outlined in pink). Two lots in the south-west corner are Crown land (outlined in green). One 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 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. 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.

Figure 5.5.1 Gills Creek Precinct location



The Helensburgh Commission of Inquiry found that this precinct was the most capable of urban development (see chapter 1.5 of this report).

The draft Review 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.

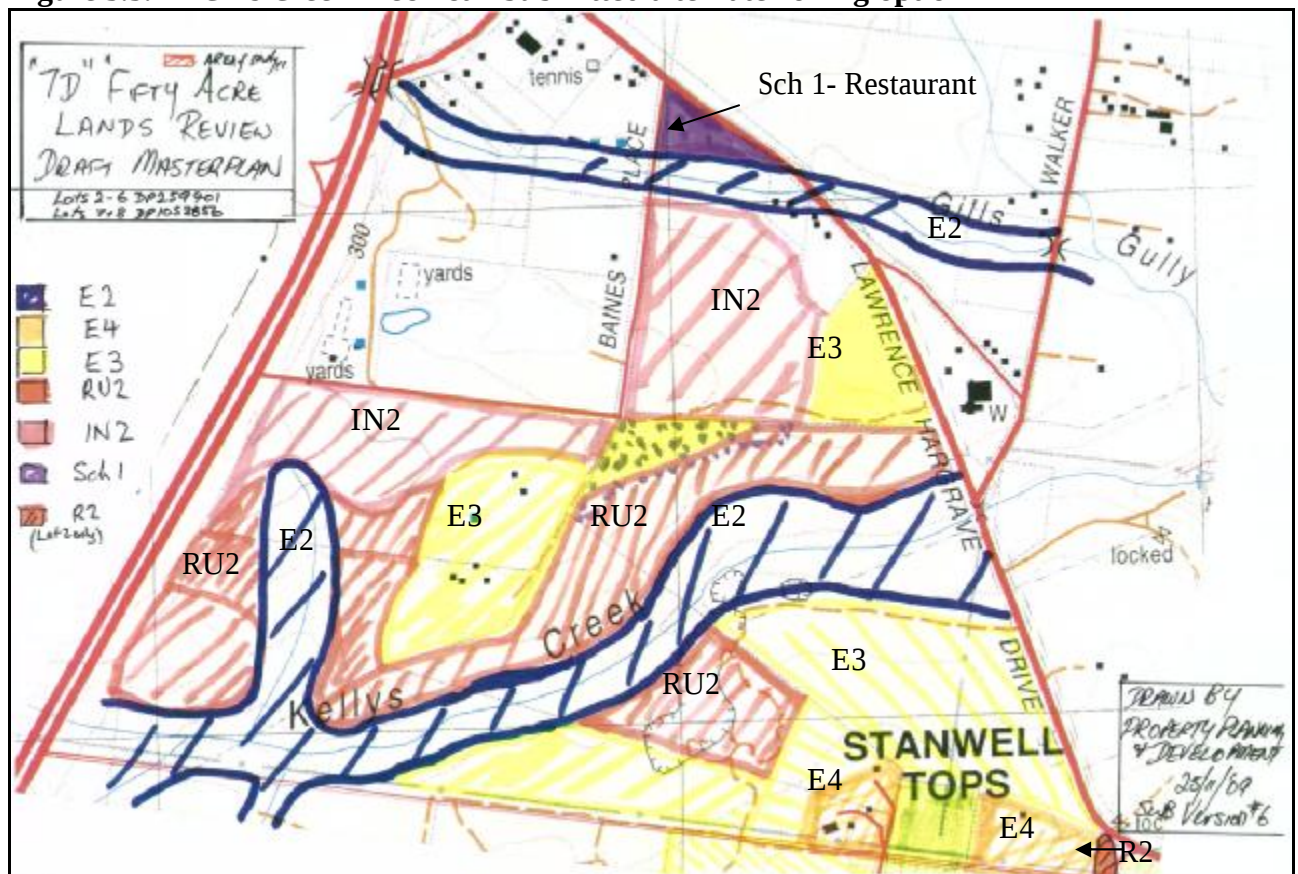
1st Exhibition Outcomes

Sixteen (16) submissions were received commenting on the Gills Creek precinct, all of which objected to the proposed E2 Environmental Conservation / E3 Environmental Management zoning.

Eight (8) of the submissions on behalf of the eight (8) owners of the “50 acre lots” (the 20 hectare lots created in 1979) proposed an alternate masterplan (below) which proposes:

- 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.
- A restaurant be permitted on the corner of Baines Place and Lawrence Hargrave Drive. Development Application No 2009/1519 seeking this use was recently refused by Council.

Figure 5.5.2 Gills Creek Precinct – Submitted alternate zoning option



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

Preliminary review of submissions

The submitted alternate zoning plan has some similarities and differences to the draft 7(d) Review.

Industrial development along Baines Place was proposed by the draft Helensburgh Town Plan (1994). 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.

A restaurant on the corner of Lawrence Hargrave Drive and Baines Place could service locals and visitors using the Grand Pacific Drive, and visitors to Symbio. However, it would be preferable to attract visitors into Helensburgh to utilise existing retail facilities and restaurants.

The residential expansion of Stanwell Tops along Stonehaven Road is not supported.

Preliminary review of submissions - recommendations

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).

Figure 5.5.3 Gills Creek Precinct – Preliminary review zoning option



2nd exhibition outcomes and review of submissions

As a consequence of the second exhibition, 2466 submissions were received commenting on the precinct. 2451 submissions objected to the proposed zones options and considered that the precinct should be zoned E2 Environmental Conservation in its entirety.

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

5.5.1 Princes Highway, rural properties

The Preliminary Review proposed that the 7 lots fronting the Princes Highway be zoned RU2. 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, no submissions commented on this sub-precinct. It is proposed that the lots be zoned RU2 Rural Landscape zone.

5.5.2 Crown Land

The Land and Property Management Authority supported the Crown Land in the south of the precinct being zoned E2 Environmental Conservation.

It is proposed that the Crown Land be zoned E2 Environmental Conservation.

5.5.3 Baines Place – rural residential properties

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 contains bushland around Gills Creek be zoned E2 Environmental Conservation.

Submissions on behalf of the owners of 5 of the “20 hectare” lots proposed that:

- Lot 3 DP 259401 Lawrence Hargrave Drive – be zoned part RU2, and part E2 or E3
- Lot 8 DP 1053856 (Mo. 100) Baines Place – be zoned part RU2, and part E2 or E3
- Lot 7 DP 1053856 (No.86) Baines Place – be zoned part RU2, part IN2 and part E2 or E3
- Lot 2 DP 569325 & lot 329 DP 752033 (No.5) Baines Place –be zoned IN2 Light Industrial
- Lot 4 DP 259401 Lawrence Hargrave Drive –requested that the land be zoned IN2, E2 and E3 and a restaurant be permitted (discussed in the next sub-precinct).

Similar to the recommendations of the Preliminary Review, it is proposed that the Gills Creek riparian corridor be zoned E2 Environmental Conservation. The area used for rural residential purposes be zoned E3 Environmental Management.

5.5.4 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.

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.

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

The recommendation of the Preliminary Review has been reviewed. Despite the support of the landowners, it is proposed that the IN2 zone not be introduced at this time. The Review of 7(d) lands commenced as a review of existing commercial and industrial uses (and dwelling entitlements), the appropriateness of the zoning. The Review did not seek to expand industrial uses. 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.

5.5.5 Baines Place - Proposed restaurant

The owner of Lot 4 DP 259401 (227-231 Lawrence Hargrave Drive) and two 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.

In April 2010, Council refused Development Application No. 2009/1519 for a restaurant on this site.

The 7(d) zone did permit restaurants, but the use is not permitted in the E3 Environmental Management zone.

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 and, local employment, but could have a negative effect on existing restaurants in the town centre. It is 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.

5.5.6 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 contains bushland around Gills Creek be zoned E2 Environmental Conservation.

Two submissions from the owners of 2 of the “20 hectare lots” indicated general support for the proposed E3 and E2 zones, but suggested minor zone boundary amendments.

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.

Final recommendations

It is recommended that a draft planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Nos. 237-261 Princes Highway be zoned RU2 Rural Landscapes;
- The Crown land, and the Gills Creek corridor be zoned E2 Environmental Conservation.
- The additional use of a “restaurant or café” be permitted on the corner of Baines Place and Lawrence Hargrave Drive, on part of Lot 4 DP 259401.
- The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation, with a minor modification to the exhibited zoning option.

5.6 WILSONS CREEK PRECINCT

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 40 privately owned lots range in size from 550m² to 5 hectares and contain thirteen (13) dwellings, including one (1) approved dual occupancy.

Figure 5.6.1 Wilsons Creek Precinct location



The draft 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.

1st Exhibition Outcomes

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 Industry zone.

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

The submission from the Sydney Catchment Authority requested that its lands be zoned E2 Environmental Conservation.

Preliminary review of submissions

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

Two (2) main options for this precinct have been considered, either retain the existing prohibition on dwelling houses or permit additional dwelling houses. If further residential development is permitted, a number of the lots will be substantially cleared for the dwelling and bushfire mitigation purposes. 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 advice of Sydney Water should be obtained as to whether this precinct can be connected to the sewerage system.

Preliminary review of submissions - recommendations

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; and
- The Sydney Catchment Authority land be zoned E2 Environmental Conservation

Further consultation is to occur with Sydney Water to determine whether water and sewerage services can be provided to this precinct, at the land owners expense. If services can be made available then a draft planning proposal to amend the Wollongong Local Environmental Plan 2009 to permit additional dwelling houses could be prepared, including:

- Amending Schedule 1 to permit a dwelling house on existing holdings (one or more lots in the same ownership) zoned E3 Environmental Management.
- Zoning lots 16 to 23 DP8203 (8 lots) Rajani Road E4 Environmental Living and allow a dwelling house on each.

No subdivision of the lots be permitted.

2nd Exhibition Outcomes

As a consequence of the second exhibition, 4666 submissions commented on the precinct. Sixty four (64) submissions supported the proposed E3 Environmental Management zone, and the allowance of a dwelling house. 4602 submissions opposed the change, and supported a 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 LPMA objected to the Crown land being zoned E2 and suggested that it be zoned E3 Environmental Management, the same as other lots in the precinct.

The owner of the 8 small lots fronting Rajani Road supported the E4 Environmental Living zone.

One 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.

Review of submissions

There is little opportunity for the acquisition of land in this precinct. Six lots are Crown land managed by the LPMA. Part of the precinct is mapped as containing the endangered ecological community the “Southern Sydney Sheltered Forest” (Figure 2.1). The precinct has not been identified as a potential addition to the State reserve system (Figure 2.3).

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” (Figure 2.1).

The four 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 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 (2 acres). Only one 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 owner purchased two 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 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 dwellings through an E4 Environmental Living zone, it is proposed that the lots be consolidated into 1 larger (4600 m² approx.) lot and a dwelling house be permitted on the consolidated lot. This could be achieved through the Minimum Lot Size Map.

Final recommendations

It is recommended that a draft Planning Proposal be prepared to amend the Wollongong LEP 2009 by:

- Zoning the Wilsons Creek riparian corridor to the E2 Environmental Conservation zone.

- Zoning the Crown land to the E2 Environmental Conservation zone.
- Zoning the seven small residue lots on the western side of the Princes Highway (Nos 86, 90, 96, 120, 128, 134, 138) to the E2 Environmental Conservation zone.
- Retaining an E3 Environmental Management zone over the remainder of the Precinct, and allowing a dwelling house on the larger lots, provided that the following can be addressed:
 - o Retention of bushland – especially the Endangered Ecological Community the “Southern Sydney Sheltered Forest”;
 - o Bushfire mitigation;
 - o Access arrangements;
 - o Provision of waste water services.
- Requiring lots 16 to 23 DP8203 (8 lots) Rajani Road to be consolidated into one lot, and a dwelling house be permitted on that lot, by amending the Minimum Lot Size Map to 4000m².

5.7 WALKER LANE – HELENSBURGH WORKERS, SPORT AND SOCIAL CLUB

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 are discussed under Ensile Holdings - Camp Creek.

Figure 5.7.1 Walker Lane Precinct location



Part of the lots, have been filled and are used for informal parking. The eastern part of the lots are steep, have been made steeper by filling, and are covered in bushland and weeds.

The draft Review did not consider this area in detail and proposed the E2 Environmental Conservation zone.

1st Exhibition Outcomes

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
- E3 Environmental Management.

Preliminary review of submissions

The four (4) lots and adjoining Ensile Pty Ltd land have been historically filled, possibly when the retail buildings in the town centre were being developed. The type of fill material and its stability is unknown.

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

Nevertheless, there is opportunity to review the zoning to allow an extension to commercial activities in the town centre. The B2 Local Centre zone would extend the adjoining commercial zone but retail

uses should be focused on Walker Street. Additionally, the narrow width of Walker Lane makes it unsuitable for high traffic volumes associated with retail use.

The land could be suitable for a landscape supply type business, or light industrial development. Any development would require a buffer to the adjoining residential development in Short Street, be subject to a geotechnical report and stabilisation of the fill batter. The steeper eastern part of the lots should retain an E3 Environmental Management zone.

Preliminary review of submissions - recommendations

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

2nd exhibition outcomes

One (1) submission supported the proposed IN2 Light Industrial zone and 2769 submissions objected to the proposed IN2 Light Industrial zone and suggested that the precinct should be zoned E2 Environmental Conservation.

Review of submissions

The four lots have recently been put on the market for sale by the owner. The appropriateness of the light industrial zone precinct, behind the town centre and accessed along the narrow Walker Lane has been reviewed. As an alternate to the IN2 Light Industrial zone, the following zones have been 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.

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.

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 & 8 Short Street is a potential outcome for the land.

Final recommendations

It is recommended that a draft planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning the western part of Lots 28-31 Section B DP 2644, to R2 Low Density Residential as shown on the map below.
- Zoning the eastern portion of the lots E2 Environmental Conservation

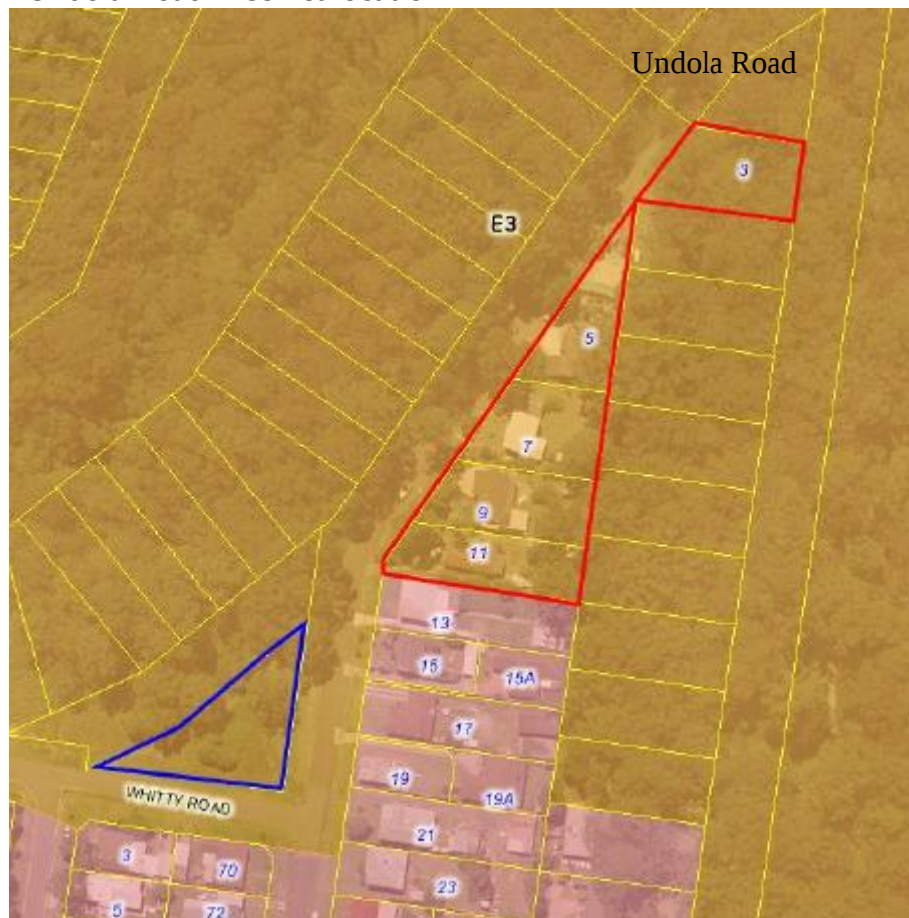
Figure 5.7.2 Walker Lane Precinct proposed zoning

5.8 UNDOLA ROAD PRECINCT (LAND NOT OWNED BY ENSILE PTY LTD)

This precinct was part of the larger Camp Gully precinct, but has been separated. There are five 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. The other lots in Camp Creek precinct owned by Ensile Pty Ltd are discussed separately in this report.

Figure 5.8.1 Undola Road Precinct location



1st Exhibition outcomes

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 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”.

Preliminary review of issues

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, 17 Undola Road which are zoned R2 Residential. The Preliminary Review proposed that these four 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.

Preliminary review of submissions - recommendations

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.
- Zoning 3 Undola Road E2 Environmental Conservation.

2nd exhibition outcomes

2785 submissions opposed the rezoning of the land to R2 Low Density Residential, suggesting that E2 Environmental Conservation was more appropriate. Two submissions supported the rezoning.

Review of submissions

The four residential lots (zoned E3 Environmental Management / 7(d)) do not contain bushland and have been developed for residential use. While they lots could continue to be used for residential purposes under the existing E3 Environmental Management zone, the use is conservation outcomes of the zone objectives. Alternatively, the lots could either:

- a. be zoned R2 Low Density Residential; or
- b. be zoned E4 Environmental Living.

Rather than R2 Low Density Residential, 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.

No additional dwellings are proposed in this precinct. No. 3 Undola was sold by Council to the owner in 1965. Although, the lot did not have a dwelling entitlement at the time, Council sold the land with the indication that the controls would change. It is considered that the E2 Environmental Conservation zone is appropriate for the site.

Final recommendations

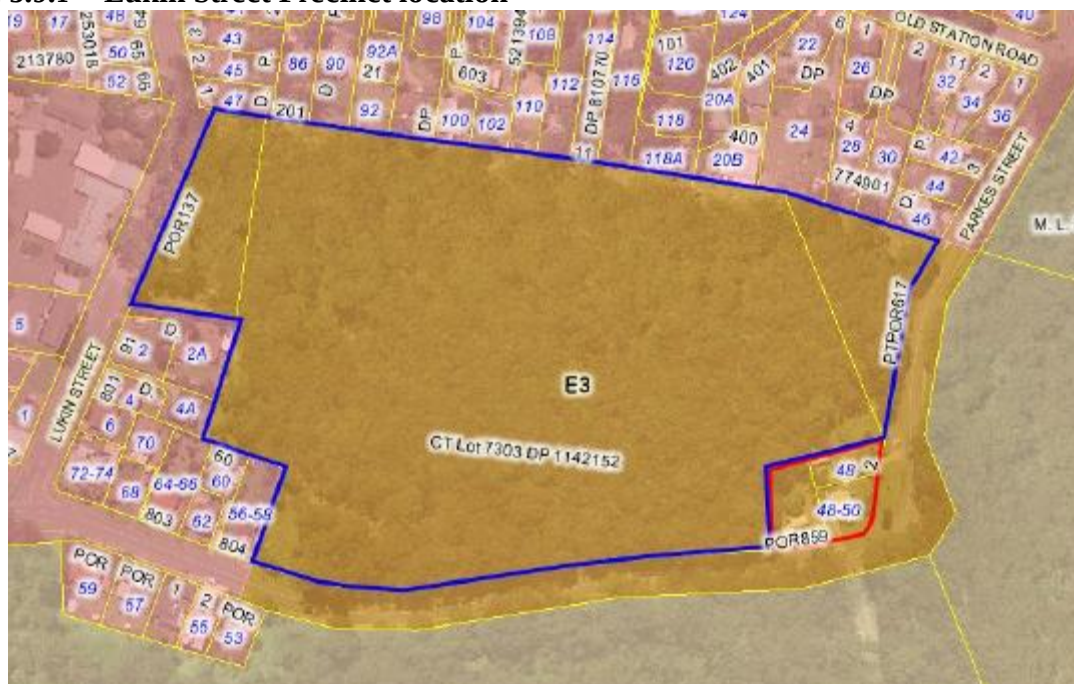
It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning 5, 7, 9 and 11 Undola Road which contain a dwelling house to the E4 Environmental Living zone, to reflect their ongoing residential use.
- Zoning 3 Undola Road to the E2 Environmental Conservation zone.
- Zoning Lot 1 Section E DP 2205 (owned by Council) to the E2 Environmental Conservation.
- Zoning Whitty Road and Undola Road to the R2 Low Density Residential and E4 Environmental Living zones to align with the adjoining zonings.

5.9 LUKIN STREET PRECINCT

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 1030m² in area, and each lot contains a dwelling house.

Figure 5.9.1 Lukin Street Precinct location



The draft Review proposed that the precinct be zoned E2 Environmental Conservation.

1st Exhibition Outcomes

No submissions were received commenting on the precinct.

Preliminary review of submissions

It is proposed that the residential nature of the three (3) privately owned lots be recognised through zoning, and they be zoned E4 Environmental Living. This zone will reflect the environmental setting, and limit residential development to one (1) house per lot.

The remainder of the precinct is proposed to be zoned E2 Environmental Conservation.

Preliminary review of submissions - recommendations

The Preliminary Review suggested that the three (3) privately owned lots be zoned E4 Environmental Living and the remainder of the precinct E2 Environmental Conservation.

2nd exhibition outcomes

As a consequence of the second exhibition, 1223 submissions commented on the precinct.

The Land and Property Management Authority objected to the Crown land being zoned E2 Environmental Conservation. The Authority noted that the E2 zone was incongruous with surrounding residential zoning. There were no heritage items. Stormwater would flow into street drainage system. The Authority argued that 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. Development would decrease the area of Bushfire Prone land.

The other 1222 submissions supported the E2 Environmental Conservation zone.

Review of submissions

The precinct is adjacent to Parkes Street and surrounded by existing residential development on three sides. The site can be connected to the sewerage system along Parkes Street. A review of the zoning history for the site (table 1.1) 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 (table 1.3 – Landcom site 3).

The bushland on the site does provide a bushfire risk to adjacent properties. It is the Authority's responsibility to manage the risk. Development of the land would remove the bushfire risk, through the clearing of the vegetation.

The draft Review and Preliminary Review of submissions both proposed that the precinct be zoned E2 Environmental Conservation. It is proposed that the land still be E2 Environmental Conservation.

Final recommendations

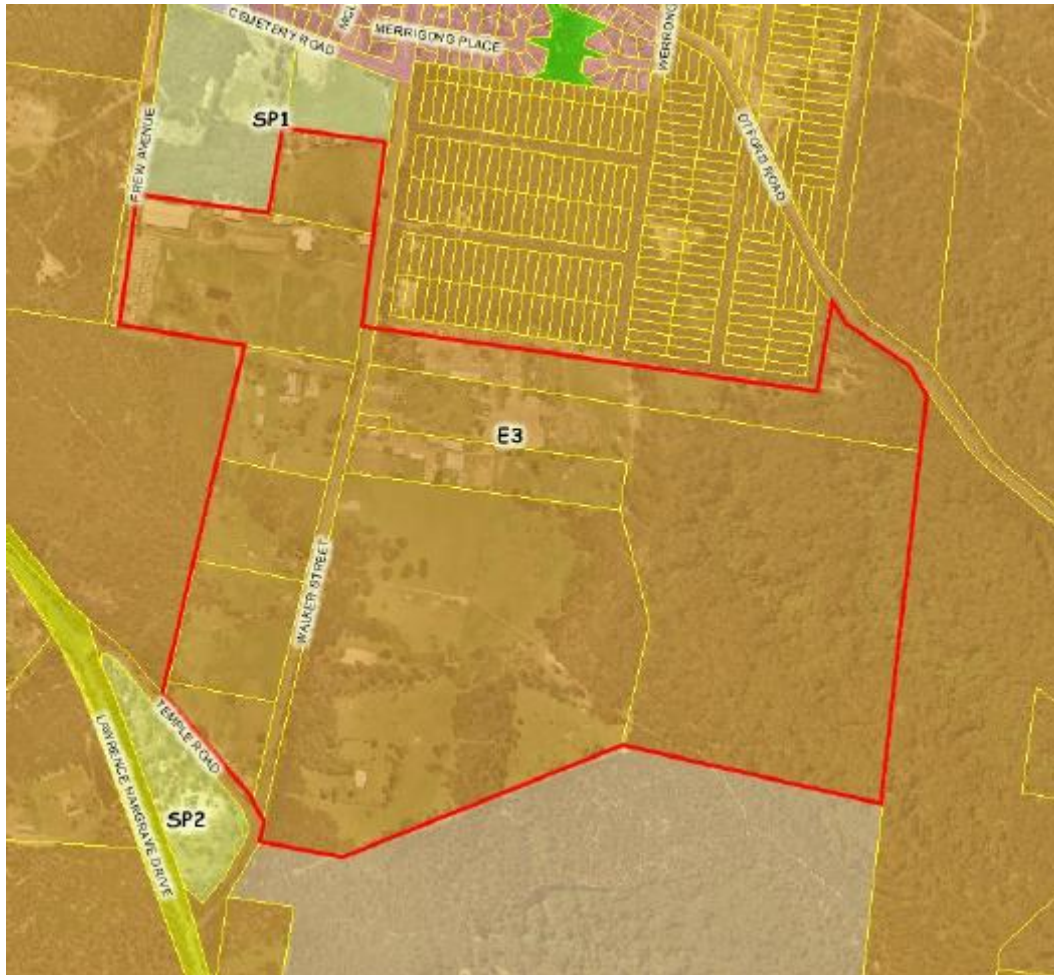
It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- the three (3) privately owned lots be zoned E4 Environmental Living. This zone will reflect the environmental setting, and limit residential development to one (1) house per lot.
- The Crown land be zoned E2 Environmental Conservation.

5.10 WALKER STREET PRECINCT

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.

Figure 5.10.1 Walker Street Precinct location



The Helensburgh Commission of Inquiry (1994) noted that this precinct had one of the highest capabilities for urban development.

The draft Review 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.

1st Exhibition Outcomes

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 a R2 Low Density Residential zone.

Preliminary review of submissions

The residential development of this precinct is not supported. It is noted that this precinct had a higher urban capability than the Land Pooling precinct. However, following the review of submissions the urban development of either precinct is not supported.

It is proposed that the precinct be zoned RU2 Rural Landscapes to reflect its cleared character and use for agricultural activities. One (1) dwelling house per lot is proposed to be permissible. This would not increase the number of existing dwelling houses. The steep eastern part of the precinct should be zoned E2 Environmental Conservation. No subdivision is proposed.

Preliminary review of submissions - recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Rezoning the majority of the precinct to RU2 Rural Landscape, and the eastern part be zoned E2 Environmental Conservation.

2nd exhibition outcomes

As a consequence of the second exhibition, 1228 submissions commented on the precinct. Eight submissions supported the rezoning and 1220 opposed the rezoning to RU2. 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, 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.

A submission on behalf of Blackwell Bros. Pty Ltd requested that the land be rezoned to IN2 Light Industry. The submission indicates that the land has been used for commercial purposes since 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 30 persons.

One land owner suggested that if the adjoining Land Pooling precinct was developed for residential, then their property may be suitable for a school, gym or recreational facilities.

Review of submissions

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

It is agreed that the rear of Knowsley 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.

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 IN2 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 the business.

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.

Final recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

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

1st Exhibition Outcomes

- 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.
- Submissions from other members of the community supported the conservation of the precinct and opposed any residential development.

Preliminary review of submissions

This precinct is located between the Royal National Park, the railway and Otford Village. The steep bushland of the precinct make it unsuitable for residential development. It is proposed that the precinct be zoned E2 Environmental Conservation, and additional dwelling houses not be permitted.

Preliminary review of submissions - recommendations

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

- Zoning the precinct E2 Environmental Conservation and that additional dwelling houses not be permitted.
- Numbers 36 and 40 Lady Wakehurst Drive, which contain an existing dwelling house, have this entitlement recognised in Schedule 1 “Additional Permitted Uses” in the Wollongong Local Environmental Plan 2009.

2nd exhibition outcomes

As a consequence of the second exhibition, 2431 submissions commented on the precinct. 2417 submissions supported the rezoning to E2 Environmental Conservation and 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.

Review of submissions

The permissibility of country dwellings on purchase has been reviewed. As noted previously, the minimum area required for a country dwelling was 0.8 hectares in 1951, 2 hectares in 1968 and 20 hectares after 1971. Only 4 lots have an area greater than 0.8 hectares (none have an area greater than 2 hectares). Based on Council’s ownership transfer data, Figure 4.4 indicates that 3 lots were last transferred between 1960 and 1969, whereas 10 were last transferred between 1970 and 1979. None of these lots transferred in the 1960s were larger than 0.8 hectares. Accordingly, it does not appear that any lot had a dwelling entitlement upon purchase.

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.

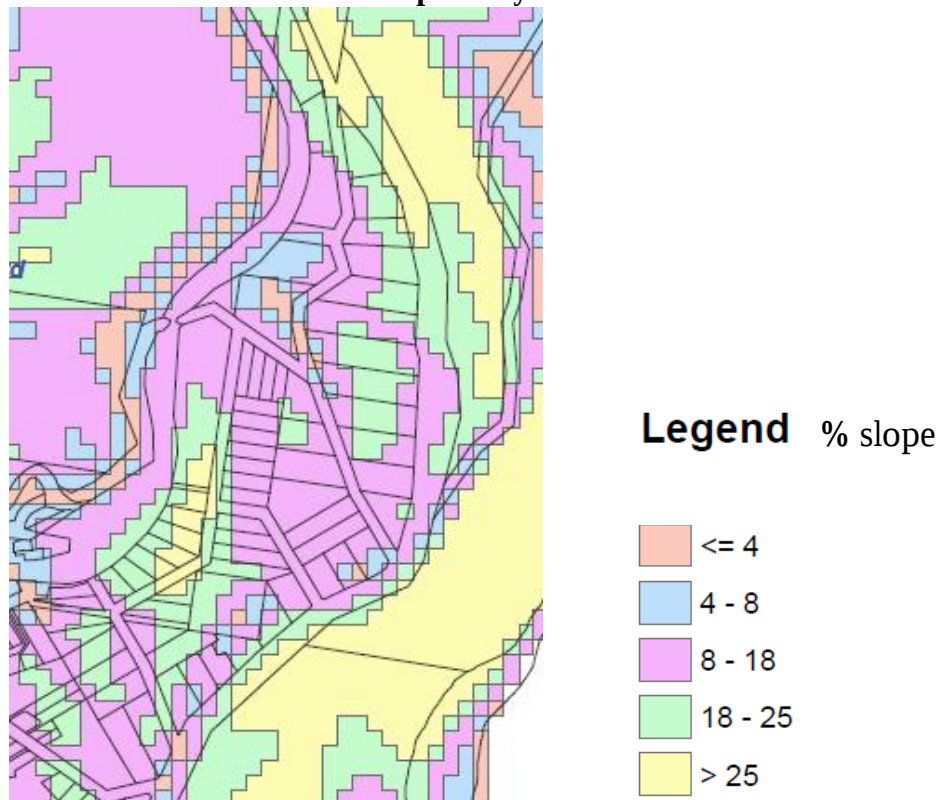
All lots (and the rest of Otford) are within the Watagan Soil Landscape which is listed as generally not suitable for urban development.

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%. Figure 5.11.2 indicates that 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.

The bushland within the precinct, along with the rest of Otford, is part of the Illawarra Escarpment Moist Forest Fauna Corridor (Figure 2.2), 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 (Figure 2.3).

Figure 5.11.2 Otford North Precinct slope analysis



Final recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning the North Otford lots E2 Environmental Conservation.

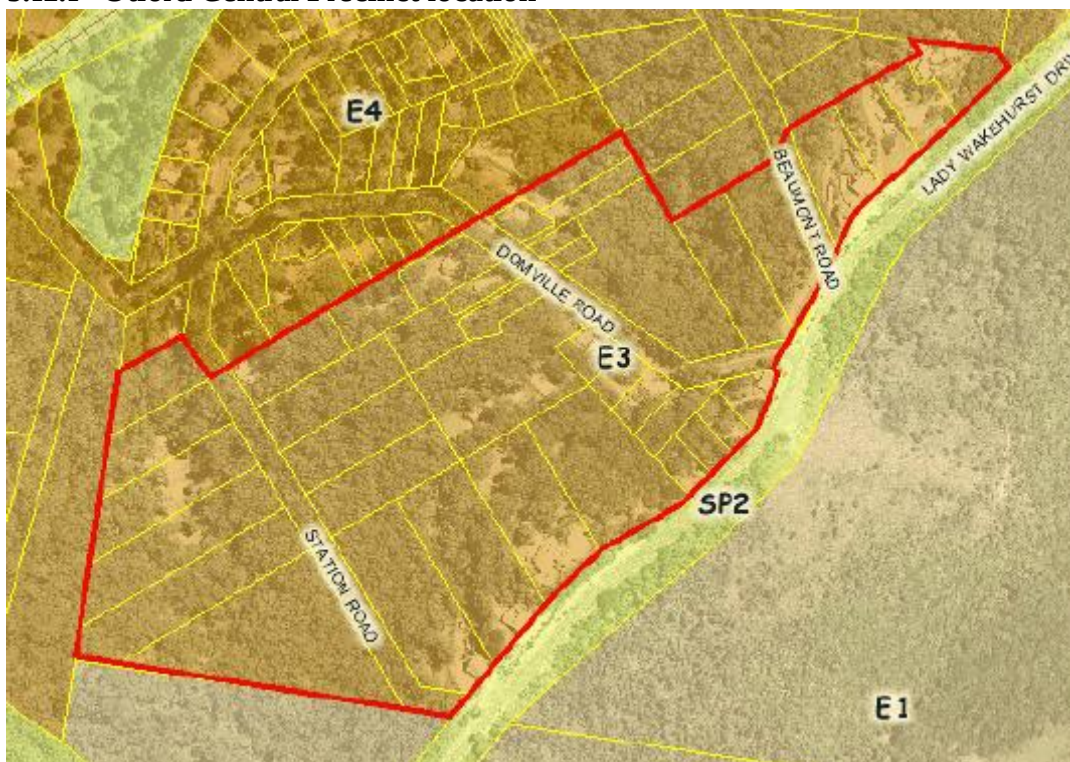
5.12 OTFORD CENTRAL PRECINCT

The central area which includes Domville Road and the houses along Lady Wakehurst Drive was proposed to be zoned E4 Environmental Living. This precinct already contains twenty five (25) dwellings and the proposed change in zone would allow a potential additional eleven (11) dwellings.

The precinct, along with the rest of Otford was subdivided in 1905, into lots 1037m² – 1.3 hectares in area. In the late 1960s - 1970s, 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 of the lots contain a dwelling house. Only Lot 7 Sec 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.

Figure 5.12.1 Otford Central Precinct location



1st Exhibition Outcomes

- 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.
- Submissions from other members of the community supported the conservation of the precinct and opposed any residential development.

Preliminary review of submissions

There are 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 some of the E3 properties are larger.

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, it 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.

Preliminary review of submissions - recommendations

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.

2nd exhibition outcomes

As a consequence of the second exhibition, 2435 submissions commented on the precinct. Eleven (11) submissions supported the rezoning and 2424 opposed the rezoning to E4 Environmental Living. The majority of the submissions opposed suggested that the land should be rezoned E2 Environmental Conservation.

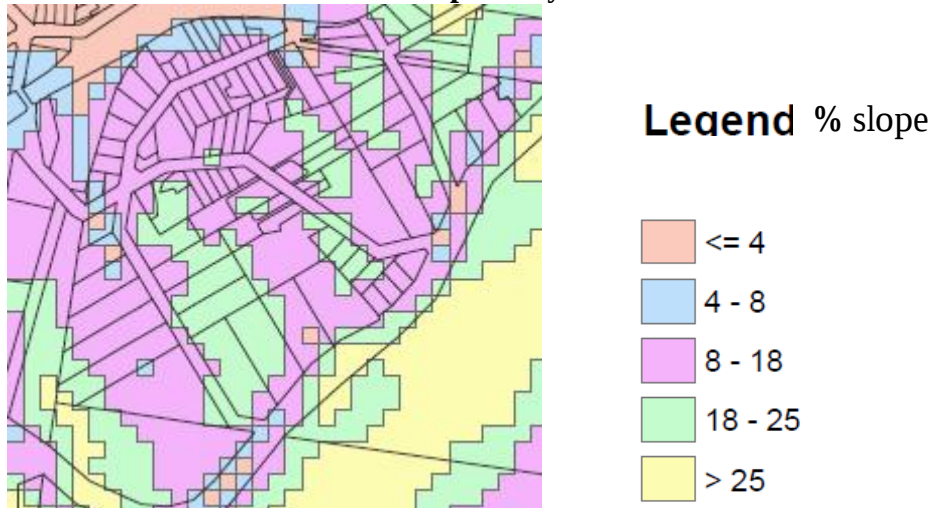
Two submissions indicated that they want to build a house on their land.

Review of submissions

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 of urban development.

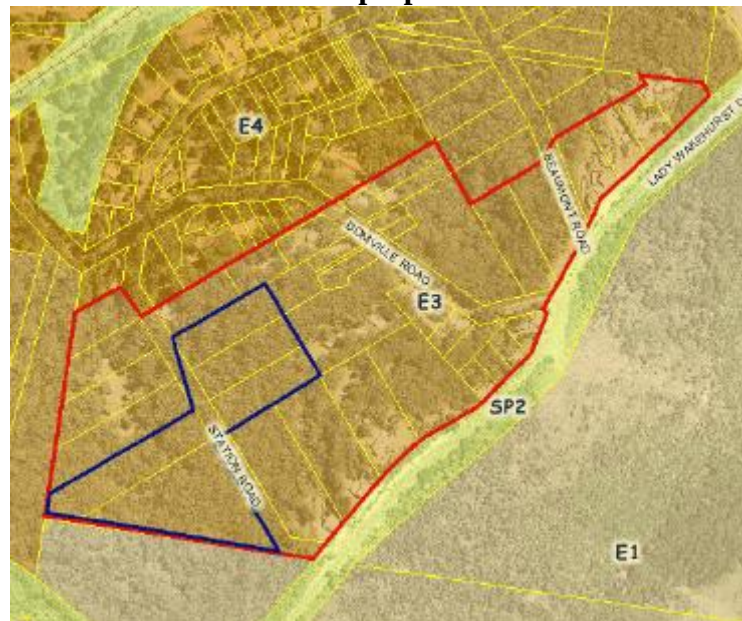
The bushland within the precinct, along with the rest of Otford, is part of the Illawarra Escarpment Moist Forest Fauna Corridor (Figure 2.2), which has been identified as being of regional significance. The precinct is not identified as being of high conservation value and is not identified for potential inclusion in the State reserve system (Figure 2.3).

Figure 5.12.2 indicates that 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.

Figure 5.12.2 Otford Central Precinct slope analysis**Final recommendations**

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

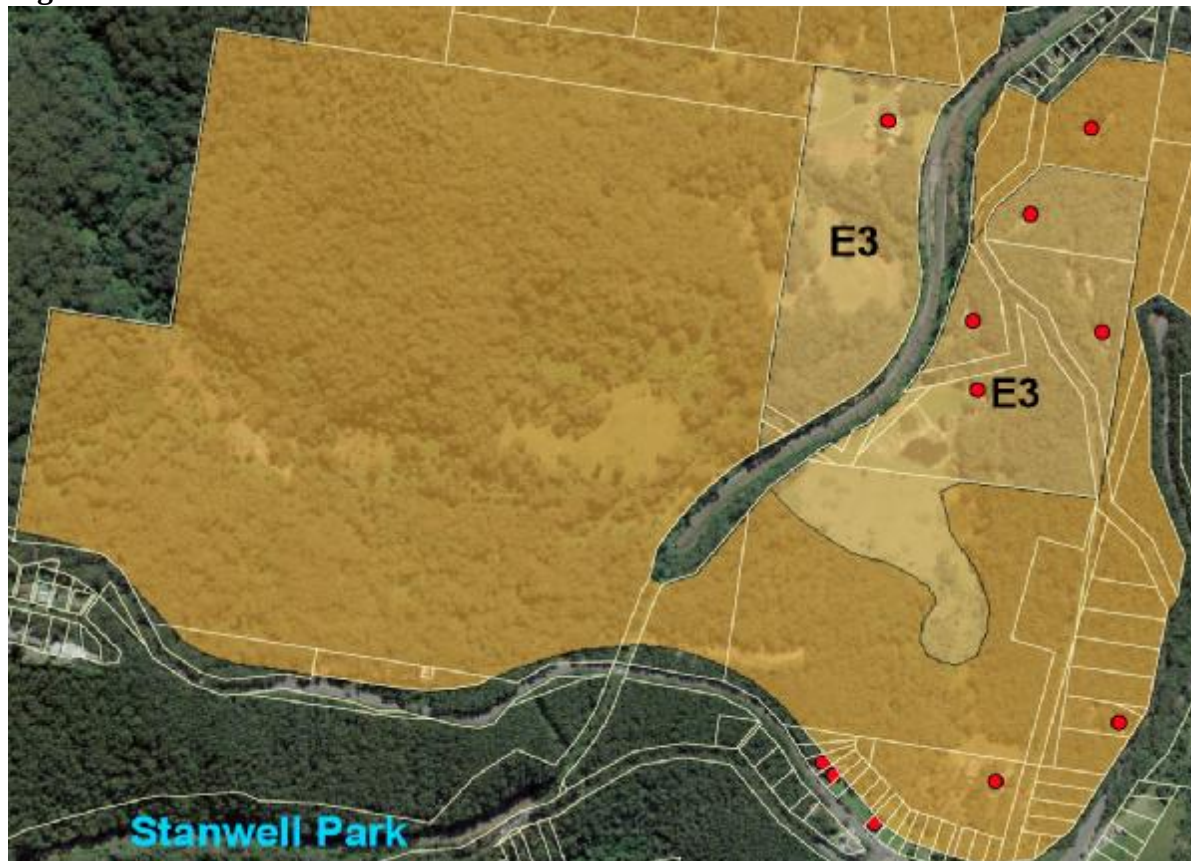
- Zoning lots with existing dwelling houses to the E4 Environmental Living zone with a minimum lot size of 2 hectares to preclude further subdivision.
- Zoning Lots 14, 15, 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road to the E2 Environmental Conservation zone, and not permitting any residential development (Figure 5.12.3 - outlined in blue).

Figure 5.12.3 Otford Central Precinct – land proposed to be zoned E2

5.13 OTFORD SOUTH PRECINCT

The southern Otford precinct contains a mix of steep bushland which was proposed to be zoned E2 Environmental Conservation and cleared valley which is proposed to be zoned E3 Environmental Management. No additional residential development is recommended. This precinct includes lands at Bald Hill owned by the RTA for road widening and by Council. The majority of the precinct is Otford Farm.

Figure 5.13.1 Otford South Precinct location



1st Exhibition Outcomes

The submission on behalf of Otford Farm (Lots 1 & 2 DP 1106860, Lot 1 DP 945016 and Lot 2 DP 719756), requests 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.
- Tourist and visitor accommodation – In 1982, Council approved DA-1981/407 for a fifteen (15) room motel, managers 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.

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

Preliminary review of submissions

A review of the zoning would not affect the permissibility of uses previously approved at Otford Farm. It is agreed that the boundary of the E3 Environmental Management zone should be better defined, to reflect the extent of the cleared lands and recreational uses. It is noted that E3 Environmental Management zone permits animal boarding or training establishments.

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.

Preliminary review of submissions – recommendations

The Preliminary Review of Submissions report proposed that the steeper bushland parts of the precinct be zoned E2 Environmental Conservation, and the cleared areas retain an E3 Environmental Management zone.

2nd exhibition outcomes

As a consequence of the second exhibition, 3039 submissions commented on the precinct. Three (3) submissions supported the rezoning and 3036 opposed the rezoning to E3 and E2. The submissions opposed suggested that the entire precinct should be rezoned E2 Environmental Conservation.

The owner of Lot 2 DP 521270 Otford Road (located between Otford Road and the railway line) objected to the E3 Environmental Management zone, as they have owned the land for 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.

A submission on behalf of Otford Farm objected to the proposed E2/E3 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/E3 zoning be applied to the properties (Figure 5.13.2) 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.

Figure 5.13.2 Otford South Precinct Otford farm alternate zoning proposal**Review of submissions**

Lot 2 DP 512270 Otford Road was created in 1964, when 1094m² 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 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.

Figure 5.13.3 Otford South Precinct location of Lot 2 DP 512270

The information submitted on behalf of Otford Farm is accepted. The property 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”. The NSW Department of Planning and Infrastructure is not supportive of the use of Schedule Additional Uses, despite the

Standard LEP Instrument allowing for it use. 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 (Figure 2.2). The precinct is identified as being of high conservation value and is identified for potential inclusion in the State reserve system (Figure 2.3).

Final recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Retaining an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the minimum lot size map to permit a dwelling house.
- Zoning Otford Farm as indicated in Figure 5.13.2.

5.14 ISOLATED LOTS IN THE ROYAL NATIONAL PARK

There are four (4) privately owned lots 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
- Lot 1 DP 434564 & part Lot 30 DP 752018

Figure 5.14.1 Isolated Lots in Royal National Park



The draft 7(d) Review proposed that these lots be zoned E2 Environmental Conservation.

1st Exhibition Outcomes

No submissions were received commenting on the properties during the first exhibition.

Preliminary review of submissions

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 park, without the agreement of the Department of Environment Climate Change and Water (DECCW).

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that Lot A DP 356469, Lot 1 DP 335557, Lot 1 DP 324239, Lot 1 DP 434564 & part Lot 30 DP 752018, be zoned E2 Environmental Conservation.

2nd exhibition outcomes

As a consequence of the second exhibition, 1224 submissions commented on the precinct. All submissions supported the rezoning to E2 Environment Conservation, including 1217 form letters. No submissions opposed the rezoning to E2 Environmental Conservation.

The DECCW supported the zoning of Lot 1 DP 324239 (located opposite the Metropolitan Colliery) as E2 Environmental Conservation.

Review of submissions

No change to the recommendations of the Preliminary Review is proposed. These properties are surrounded by the Royal National Park, and ultimately should be incorporated into the Park. Until such time, they should be zoned E2 Environmental Conservation, and no intensification of development occur.

Final recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning Lot A DP 356469, Lot 1 DP 335557, Lot 1 DP 324239, Lot 1 DP 434564 & part Lot 30 DP 752018 to E2 Environmental Conservation.

5.15 METROPOLITAN COLLIERY AND SURROUNDING BUSHLAND PRECINCT

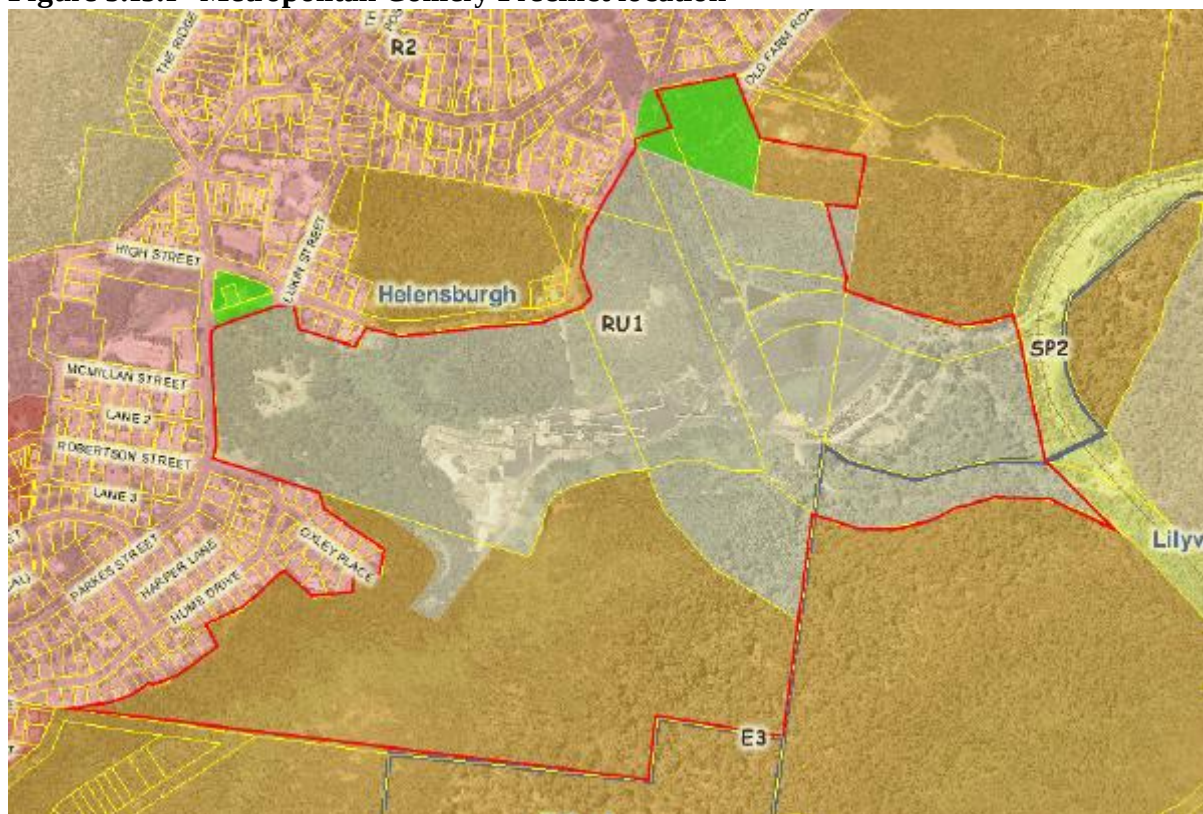
The Metropolitan Colliery has been operating for over one hundred (100) years and is a key economic driver for Helensburgh. The site contains a number of heritage items which are listed in the Wollongong Local Environmental Plan 2009.

The majority of the land occupied by the Colliery is Crown Land, which the Colliery occupies through a mining lease.

The Metropolitan Colliery precinct is zoned RU1 Primary Production, consistent with other mines in the City, as this zone permits mining and extractive industries. The northern part of the lease area is zoned RE1 Public Recreation. Within Wollongong the RU1 zone has only been used for mine sites. The draft 7(d) Review endorsed this approach. 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 contains significant bushland, which was proposed to be zoned E2 Environmental Conservation.

Figure 5.15.1 Metropolitan Colliery Precinct location



1st Exhibition Outcomes

Metropolitan Collieries supported the introduction of the RU1 Primary Production zone during the exhibition of the draft Wollongong Local Environmental Plan 2009. No submission was received during the recent exhibition.

A number of submissions opposed the zoning of the Colliery, and noted the Collieries impact on water quality.

Preliminary review of submissions

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 and SEPP Major Developments.

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that no amendment be made to the RU1 Primary Production zone, and the surrounding bushland be zoned E2 Environmental Conservation.

2nd exhibition outcomes

As a consequence of the second exhibition, 1222 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.

Review of submissions

The E2 Environmental Conservation zone remains appropriate for the bushland.

Part of the adjoining Lot 1 DP 616229 (Lady Carrington Estate) is incorrectly zoned RU1 Primary Production. Section 6.19.1 of this report recommends that this land be zoned E2 Environmental Conservation.

Final recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

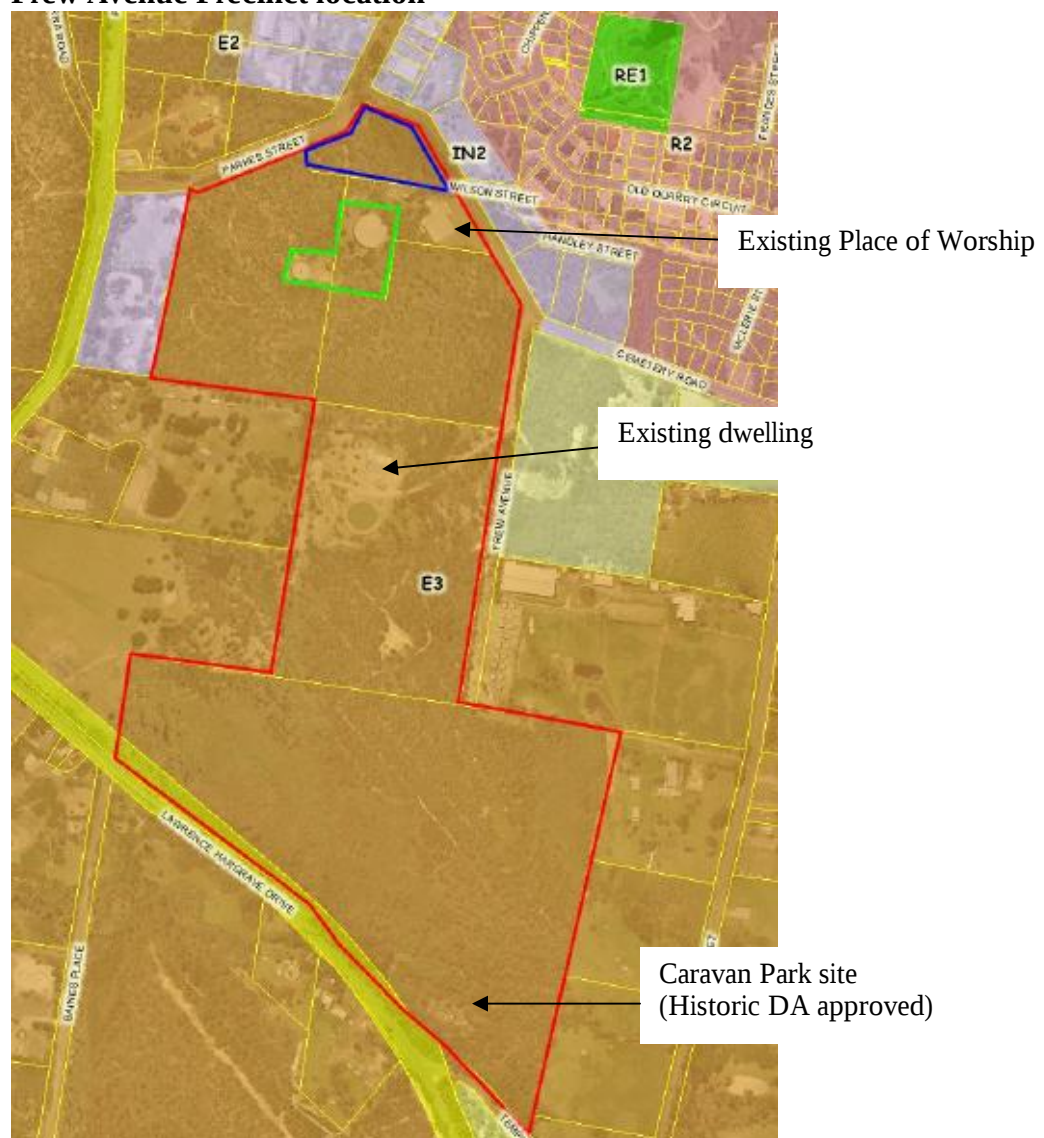
- No amendment be made to RU1 Primary Production zone that applies the Metropolitan Colliery holdings.
- The part of Lot 1 DP 616229 (Lady Carrington Estate) that is zoned RU1 Primary Production be rezoned to E2 Environmental Conservation.
- The bushland surrounding the Metropolitan Colliery be zoned E2 Environmental Conservation, including Lot 703 DP 752033 (to the north) and Reserve 79561 (excluding the access road) (to the south).

5.16 FREW AVENUE AND LAWRENCE HARGRAVE DRIVE PRECINCT

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

Figure 5.16.1 Frew Avenue Precinct location



1st Exhibition Outcomes

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.
- 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.

Preliminary review of submissions

In terms of Lot 1 DP 319310 Lawrence Hargrave Drive, Council records indicate that between 1967 and 1980, Council issued a number of development and building consents for the establishment of a caravan park. 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 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. As the property is almost surrounded by properties which are cleared and used for farming or residential activities, and if the property was developed, the loss of bushland, while significant, would not expand the boundary of cleared land in the area.

As indicated in chapter 5.3, 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.

It is proposed that the precinct retain an E3 Environmental Management zone and that a dwelling house be permitted on the three (3) lots that don't contain a dwelling.

Preliminary review of submissions - recommendations

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).

2nd exhibition outcomes

As a consequence of the second exhibition, 2789 submissions commented on the precinct. Two submissions supported the rezoning and 2787 opposed the proposed changes. The submissions opposed suggested that the land should be rezoned E2 Environmental Conservation. 618 submissions opposed the development of the approved caravan park. As noted in chapter 5.3, the owner of Lot 1 DP 584467 and 43 other submissions supported the rezoning of the lot to the B6 Enterprise Corridor zone.

The owner of Lot 1 DP 319310 supported the acknowledgement of the caravan park application and the proposed permissibility of a dwelling house on the lot.

Review of submissions

Lot 1 DP 319310 (the site of the caravan park approval) 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 a 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).

The other two 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.

Final recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Reducing 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.

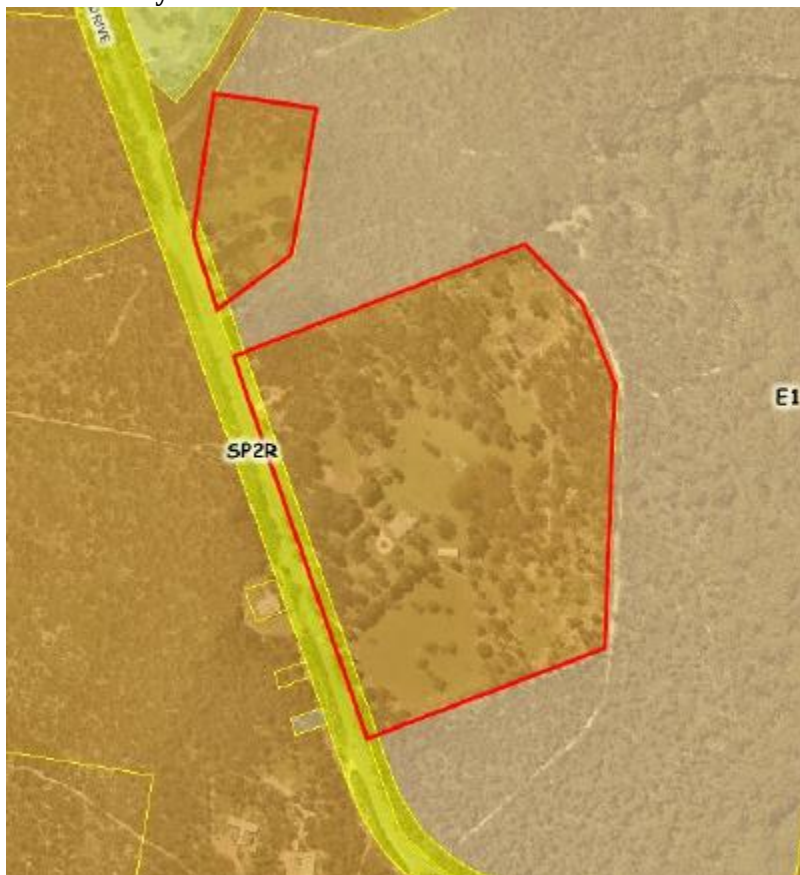
B. Precincts where no change to the planning controls is proposed

5.17 KELLYS FALLS PRECINCT

The Kellys Falls precinct consists of two (2) lots adjacent to Kellys Falls (managed by the NPWS) on Lawrence Hargrave Drive.

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. The draft 7(d) Review proposed that the property be part zoned E3 Environmental Management and part E2 Environmental Conservation, as a buffer to Kelly Falls.

Figure 5.17.1 Kellys Falls Precinct location



1st Exhibition Outcomes

A submission on behalf of Wagon Wheels (Lot 20 DP 260258 Lawrence Hargrave Drive) requested that “tourist and visitor accommodation” be permitted on the property.

Preliminary review of submissions

Wagon Wheels was historically used as a guest house and that the use of the property for Bed and Breakfast Accommodation is considered appropriate. A more intensive form of tourist development would not be appropriate on the property.

Preliminary review of submissions - recommendations

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

2nd exhibition outcomes

As a consequence of the second exhibition, 2787 submissions commented on the precinct. Six (6) submissions supported the retention of the E3 zone and 2780 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.

Review of submissions

Wagon Wheels has recently been approved for Bed and Breakfast Accommodation. The current Standard Instrument LEP definitions do not provide a separate definition for guest house, rather the definition of “hotel or motel accommodation” is the next more intensified form of tourism accommodation. As noted, a low-scale tourist accommodation development is appropriate while a larger, more intense form of accommodation, such as a “motel” is not appropriate.

The Hornsby LEP 1994 includes the following definition of guesthouse accommodation:

guesthouse accommodation means owner-occupied residential premises used for the temporary or short term accommodation of paying guests and which includes the provision of meals in its tariff, but does not include a restaurant.

A similar definition should be included in the Standard Instrument to cover the accommodation premises that fit in-between “Bed and Breakfast Accommodation” and “Hotel or Motel Accommodation”.

A function centre is defined as “*a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility*”.

Until the Department allows Council to better control the intensity of tourism uses, adjacent to a National Park, no amendment to the planning controls is proposed.

Final recommendations

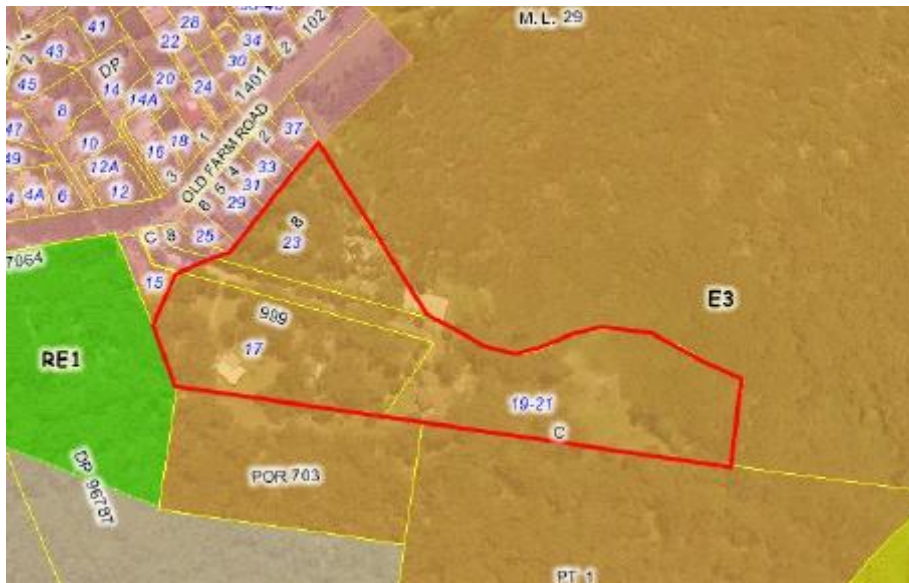
It is recommended that no change be made to the planning controls for the precinct and the E3 Environmental Management zone be retained. Wagon Wheels be further considered as part of the Review of Tourism Accommodation study, currently being prepared.

5.18 OLD FARM ROAD PRECINCT

Number 17, 19-21 and 23 Old Farm Road were zoned 7(d) and each lot contains a dwelling house. The draft Review proposed that the three (3) lots be zoned E3 Environmental Management.

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

Figure 5.18.1 Old Farm Road Precinct location



1st Exhibition Outcomes

A submission was received on behalf of one (1) of the owners objecting to the proposed zone.

Preliminary review of submissions

It is considered that the E3 Environmental Management zone remains appropriate for the precinct, with one (1) dwelling house permitted on each lot. The further subdivision of the precinct is not supported.

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that no amendment be made to the zoning of the three (3) lots in Old Farm Road and they retain an E3 Environmental Management zone, and no subdivision be permitted.

2nd exhibition outcomes

As a consequence of the second exhibition, 1224 submissions commented on the precinct. Three (3) submissions supported the retention of the E3 Environmental Management zone and 1221 opposed the retention of the E3 zone. The submissions opposed suggested that the land should be rezoned E2 Environmental Conservation.

Review of submissions

The E3 Environmental Management zone remains appropriate for these lots with a residential use. No amendment to the planning controls is proposed.

Final recommendations

The three lots in the Old Farm Road precinct retain an E3 Environmental Management zone.

5.19 OTFORD WEST – GOVINDA RETREAT

The Otford west precinct consists of one 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.

Figure 5.19.1 Govinda Retreat location



1st Exhibition Outcomes

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.

Preliminary review of submissions

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 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.

It is agreed that the zoning boundary exhibited with the draft 7(d) Review should be amended and that the whole property should retain an E3 Environmental Management Zone.

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that no amendment be made to the Wollongong Local Environmental Plan 2009, and the property retain an E3 Environmental Management zone.

2nd Exhibition Outcomes

As a consequence of the second exhibition, 1219 submissions commented on the precinct. Three other submissions supported the site being zoned E3 Environmental Management, while 1216 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 as for education / training, function centre, 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.

Review of submissions

As noted in the Preliminary Review, the property has been operating under existing use rights for many years and that can continue. Rezoning the property to a zone that allow tourism, educational or commercial uses could result in more intense development that would be inappropriate in this location.

Similar to Wagon Wheels, until the NSW Department of Planning and Infrastructure amend the Standard LEP Instrument to better recognise the different scale of tourism accommodation and allow additional uses, no amendment to the planning controls for the site is proposed.

Final recommendations

It is recommended that no change be made to the planning controls for the precinct and the E3 Environmental Management zone be retained. Govinda Retreat be further considered as part of the Review of Tourism Accommodation study, currently being prepared.

C. Precincts subject to a further exhibition, prior to a final decision being made as to whether the planning controls should be amended

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 and Land Pooling precincts to allow residential development.

During the 2nd exhibition, consultants for Ensile Pty Ltd lodged a draft Planning Agreement (figure 6.C) 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 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 land holders, by allowing them to trade their holdings for sites in Lady Carrington Estate South.

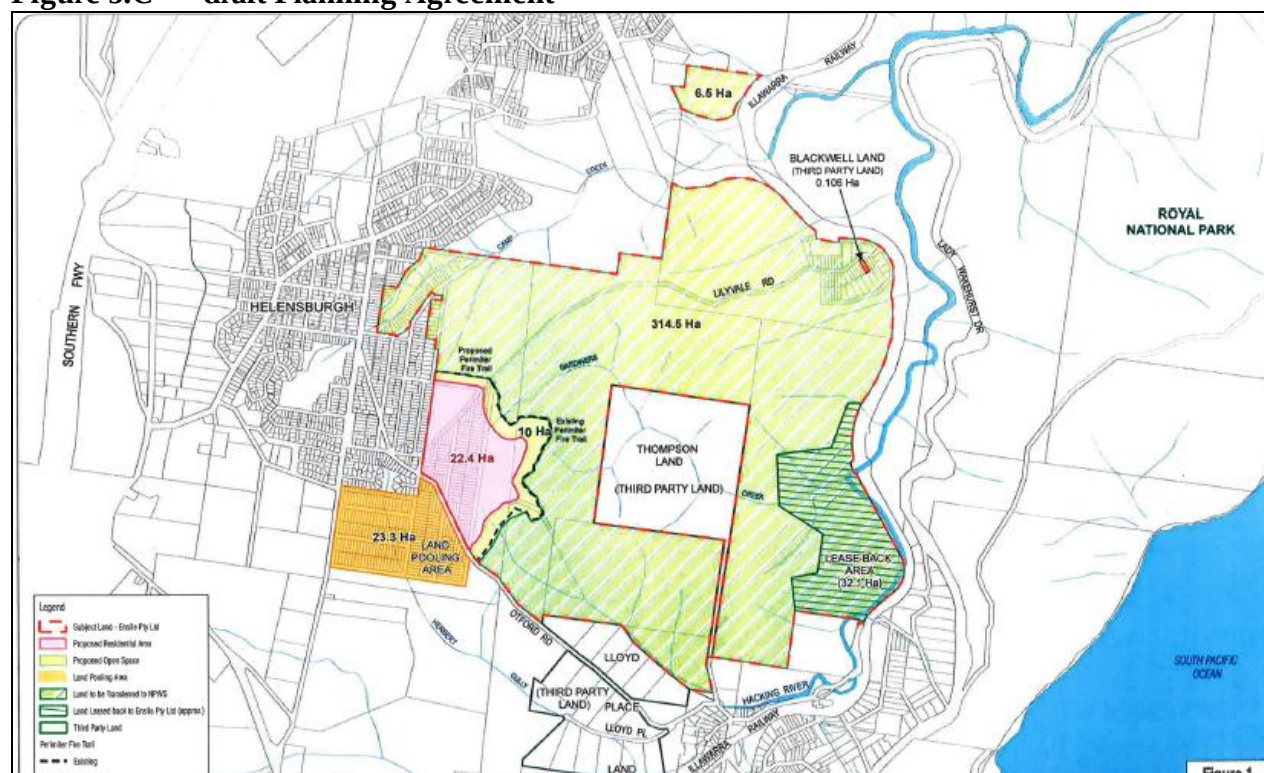
The proposed dedication/transfer of land is reliant on the urban development of the Land Pooling and Lady Carrington Estate South precincts. The Preliminary Review of Submissions report did not support urban development in these precincts.

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 (as depicted in Figure 2.3). 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 opposition to 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. Indeed variations of the current proposal date back over 20 years, which demonstrate that the issue has not been resolved.

The proposed Planning Agreement also suggests a solution for the owners in the land pooling precinct, Lloyd Place and two other 3rd party land holders.

To allow the community to consider the merits of the proposal it is proposed that the draft Planning Agreement be exhibited for community input. The three options are summarised in table 5.1:

Figure 5.C draft Planning Agreement**Table 5.C 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
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	Brings the conservation areas into public

		ownership. No development, means no clearing or water quality impacts. Resolves ownership debate.	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

The submissions received on each of the affected precincts is discussed below.

5.20 ENSILE PTY LTD HOLDINGS

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. Two of the lots are the paper roads within the Land Pooling and Lady Carrington Estate South precincts. The roads were closed in 1991 and ownership transferred to the company. 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 does contain riding and fire trails.

The issues associated with the holdings will be considered in terms of six (6) sub precincts.

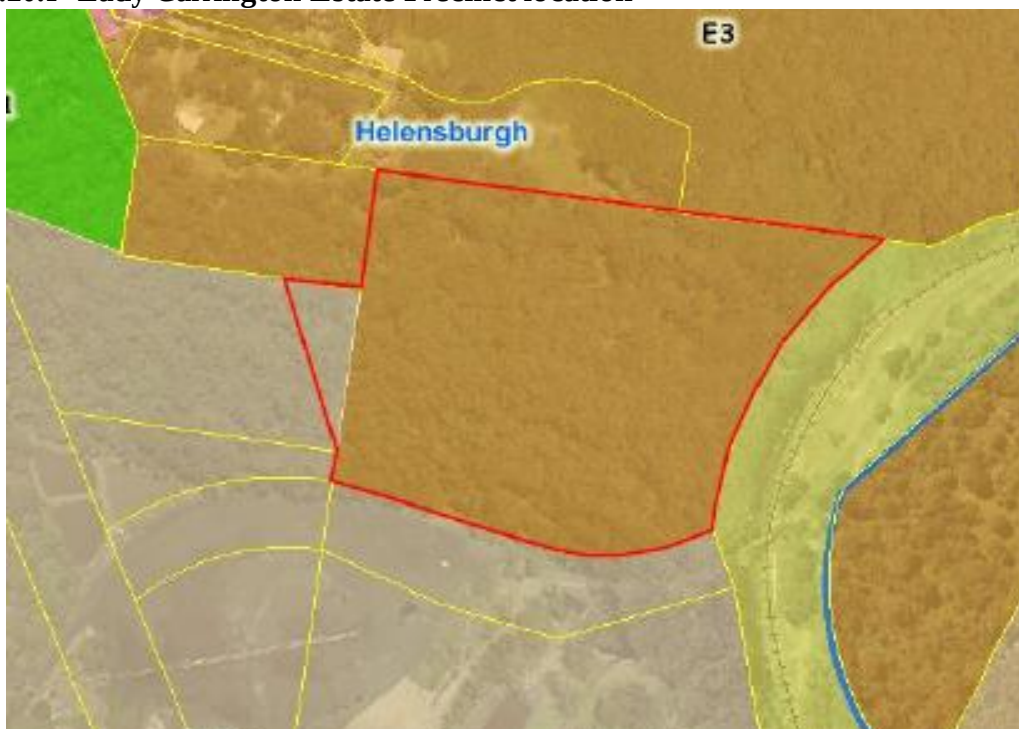
5.20.1 Lady Carrington Estate

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”.

The Preliminary Review also included the Lady Carrington Estate North (Lot 1 DP 616230) in this precinct, which has been purchased by the State Government and incorporated into the Garrawarra State Conservation Area. This lot has been separately discussed in chapter 5.2.

The draft 7(d) Review recommended that the lot be zoned E2 Environmental Conservation.

Figure 5.20.1 Lady Carrington Estate Precinct location



1st Exhibition Outcomes

The submission submitted on behalf of Ensile Pty Ltd did not address this lot.

A number of community submissions objected to any development on the lots.

Preliminary review of submissions - recommendations

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

- Lot 1 DP 616229 (Lady Carrington Estate) be zoned E2 Environmental Conservation (including the part currently zoned RU1 Primary Production)

2nd Exhibition Outcomes

As a consequence of the second exhibition, 1230 submissions commented on the Lady Carrington Estate North precinct which also included this property. All submissions supported the zoning of the land E2 Environmental Conservation.

The submission on behalf of Ensile Pty Ltd included this lot in the land to be transferred to the public estate.

Review of submissions

Lot 1 DP 616229 (Lady Carrington Estate) remains in private ownership. This site contains significant bushland and no residential development is supported.

Part of Lot 1 DP 616229 (Lady Carrington Estate) is incorrectly zoned RU1 Primary Production, this section should also be zoned E2 Environmental Conservation.

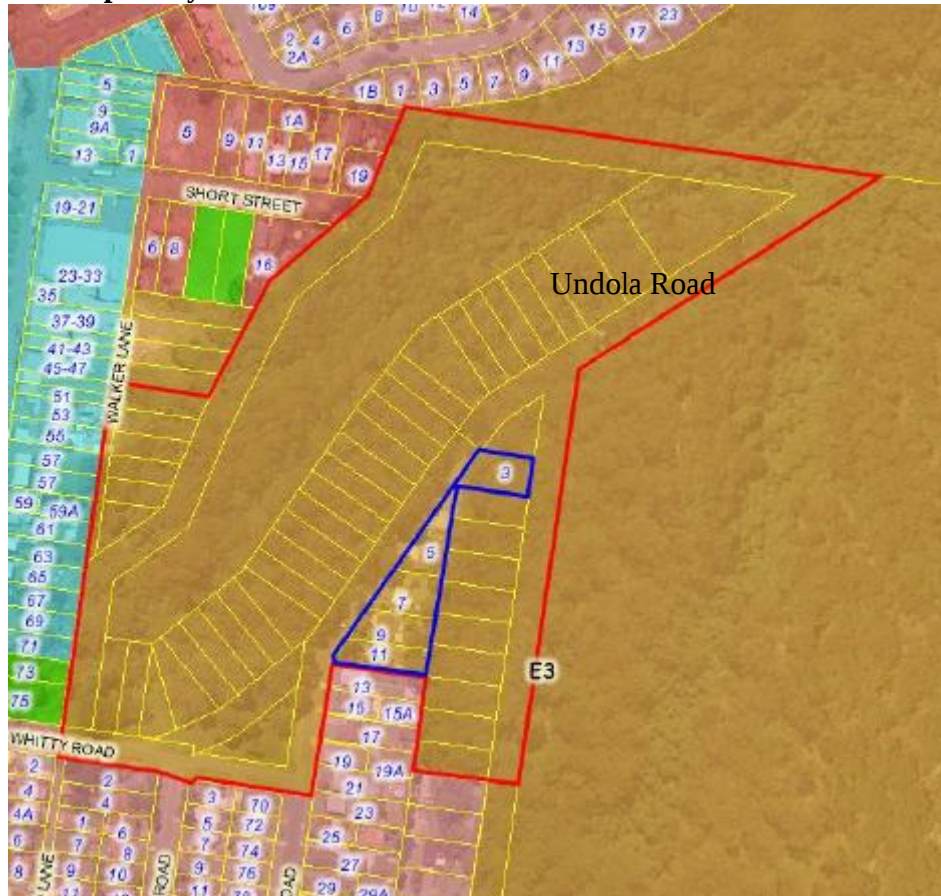
Final recommendations

The exhibition of the draft Planning Agreement include advice that the preferred zoning option for Lot 1 DP 616229 (Lady Carrington Estate) is that it be zoned E2 Environmental Conservation (including the part currently zoned RU1 Primary Production). If the land is transferred to the State and becomes part of the Garrawarra State Conservation Area, then subject to the agreement of the Office of Environment and Heritage the preferred zoning would be E1 National Park.

5.20.2 Camp Gully Creek Precinct

There are fifty (50) small lots in this section, of which forty five (45) are owned by Ensile Pty Ltd. Numbers 3, 5, 7, 9 and 11 Undola Road (outlined in blue) are owned by other parties and were discussed earlier in this report.

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

Figure 5.20.2 Camp Gully Creek Precinct location**1st Exhibition Outcomes**

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.

The submission also proposes residential development further along Undola Road on the spur between Camp Gully Creek and a tributary.

Preliminary review of submissions

The sub-precinct is steep and covered in bushland. The lots on the northern side of Undola Road, which adjoin Camp Gully Creek, is 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.

The rezoning of the small lots to a residential zone was not supported and it was proposed that the lots should be zoned E2 Environmental Conservation to conserve the bushland.

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that the lots should be zoned E2 Environmental Conservation to conserve the bushland.

2nd exhibition outcomes

As a consequence of the second exhibition, 2785 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 DECCW indicated that only part of this precinct was suitable for incorporation into the Garrawarra State Conservation Area

Review of submissions

Camp Gully Creek drains a large portion of the existing Helensburgh Urban Area. Apart from the Landcom pond, there is 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 view that these lots are unsuitable for urban development and should be zoned E2 Environmental Conservation is maintained.

Final recommendations

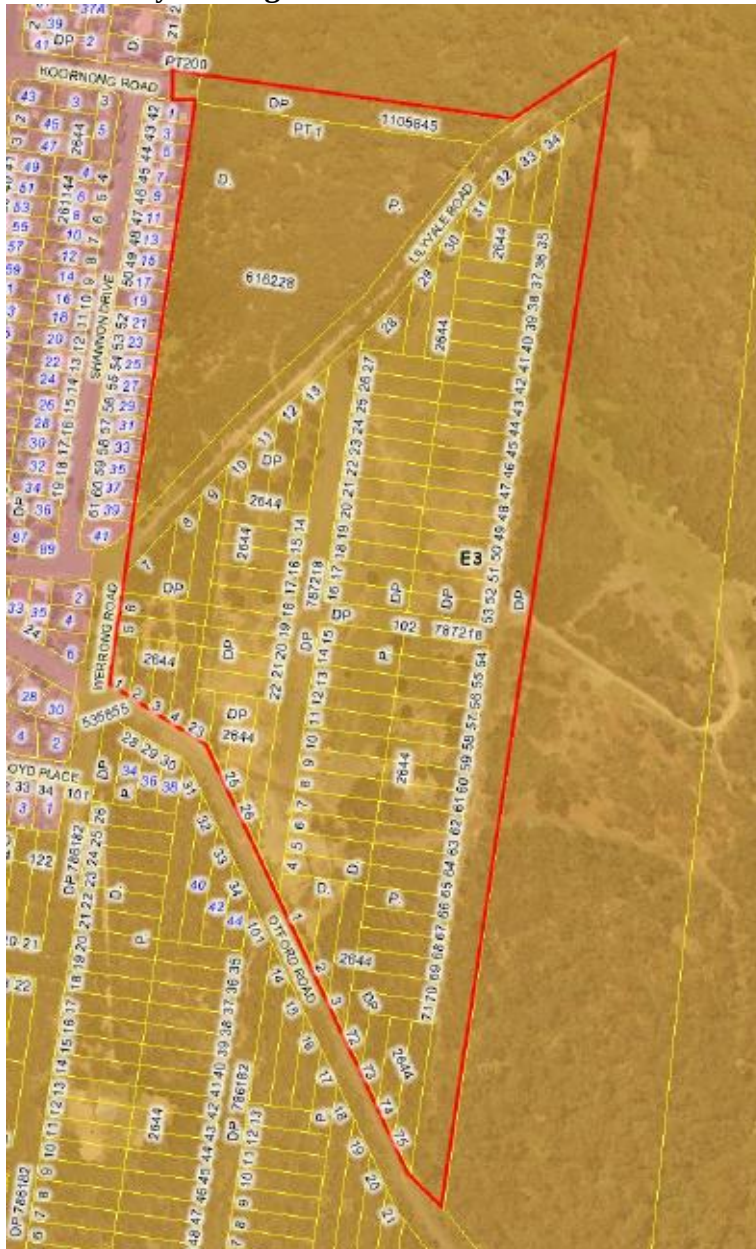
The exhibition of the draft Planning Agreement include advice that the preferred zoning option for this precinct is that it be zoned E2 Environmental Conservation. If part of the precinct is transferred to the State and becomes part of the Garrawarra State Conservation Area, then subject to the agreement of the Office of Environment and Heritage the preferred zoning would be E1 National Park. Any land not transferred to the State, could be transferred to Council or remain in private ownership, this land would be zoned E2 Environmental Conservation.

Council should investigate options to improve the water quality in Camp Gully Creek.

5.20.3 Lady Carrington Estate South Precinct

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, has been cleared and can be connected to the reticulated sewerage system.

Figure 5.20.3 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 Koornong 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.

1st Exhibition Outcomes

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
- Submission from Sutherland Shire Council and other letters opposed to any rezoning of the precinct.

Figure 5.20.4 Lady Carrington Estate South Precinct – Submitted alternate subdivision option



Preliminary review of submissions

Four (4) options for this precinct have been considered:

- Rezone to R2 Low Density Residential and permit the residential development of the precinct (as exhibited).
- 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). While the cleared flat lands do extend beyond the paper subdivision, the extent of the extended residential area proposed is not supported. The proposal extends beyond the top of the ridge

and proposes that the upper slopes be used for housing, recreation and environmental mitigation measures. If urban development is permitted it should be restricted to the ridge.

- c. 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.
- d. Retain the E3 Environmental Management zone, and not permit any residential development.

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.

For these reasons, it is recommended that residential development not be permitted in this precinct, and that it retain an E3 Environmental Management zone.

Preliminary review of submissions - recommendations

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

2nd exhibition outcomes

As a consequence of the second exhibition, 2785 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 the conservation areas to public ownership.

2779 submissions opposed the E3 Environmental Management zone and supported the rezoning of the precinct to E2 Environmental Conservation.

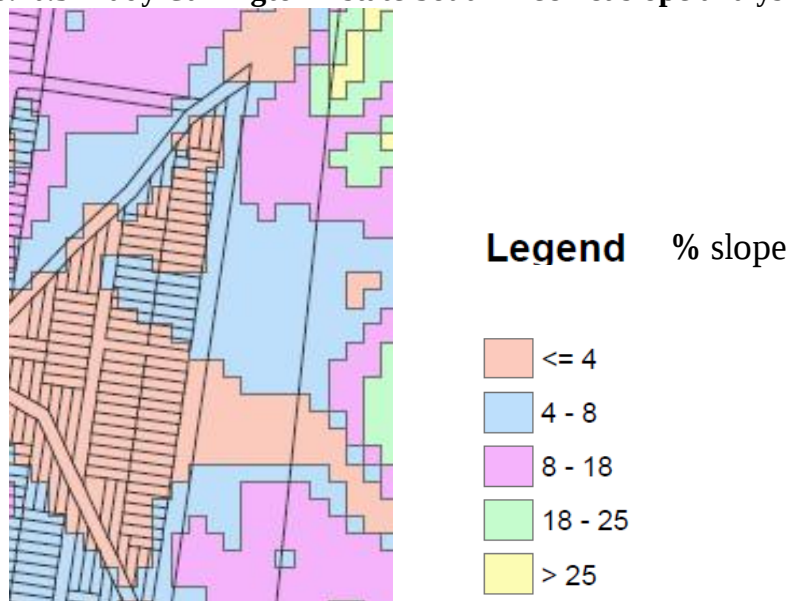
Review of submissions

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%) as indicated in figure 5.20.5.
- The precinct does not contain any endangered ecological communities (Figure 2.1).
- The precinct is within the area mapped as Illawarra Moist Forest Corridor (Figure 2.2).
- The precinct is not identified as being suitable addition to the State Reserve system (Figure 2.3).
- The precinct is mapped as containing the Bundeena Soil Landscape (similar to the majority of Helensburgh) (Figure 2.5) which is identified as not being suitable for urban development.

Figure 5.20.5 Lady Carrington Estate South Precinct slope analysis



Final recommendations

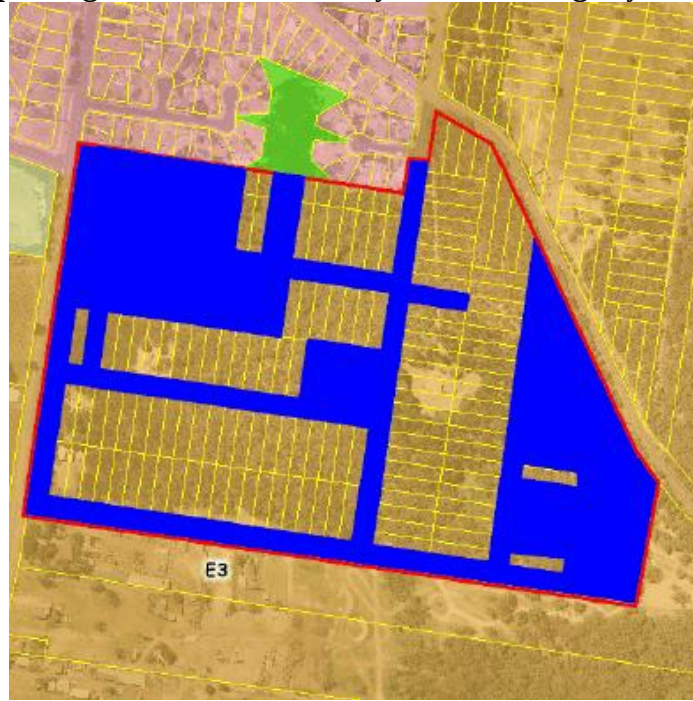
The exhibition of the draft Planning Agreement include advice that Council's preferred zoning option is for the land to retain an E3 Environmental Management zone. However, Council is prepared to consider a residential zoning, in exchange for the majority of the Ensile Pty Ltd holding being transferred to public ownership as indicated in the draft Planning Agreement. 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; and
- Infrastructure servicing;

5.20.4 Land Pooling Precinct

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. The precinct is discussed separately in this report (Section 6.21).

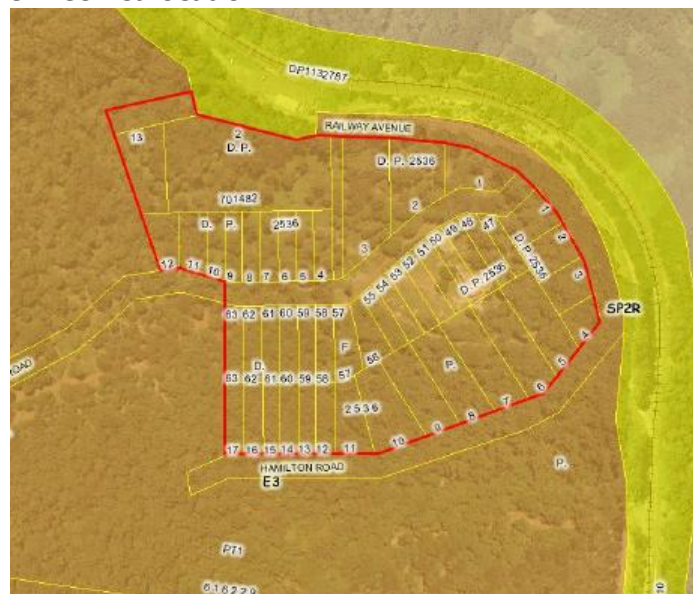
Figure 5.20.6 Land pooling Precinct – Ensile Pty & Cambalong Pty Ltd holdings



5.20.5 Lilyvale Precinct

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 draft Review proposed that the area be zoned E2 Environmental Conservation.

Figure 5.20.7 Lilyvale Precinct location



1st Exhibition Outcomes

Apart from the form letter objections, no submissions specifically commented on Lilyvale.

Preliminary review of submissions

Lilyvale is an isolated paper subdivision, the majority of which is in one ownership. The majority of the lots are bushland and there are no services. Originally there was a rail platform. Access is provided by a track along Lilyvale Road, however there is no formal road reserve for part of the route.

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

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that the the Wollongong Local Environmental Plan 2009 be amended to zone the Lilyvale precinct E2 Environmental Conservation.

2nd exhibition outcomes

As a consequence of the second exhibition, 1225 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 submission noted that one (1) lot was not owned by the company.

Review of submissions

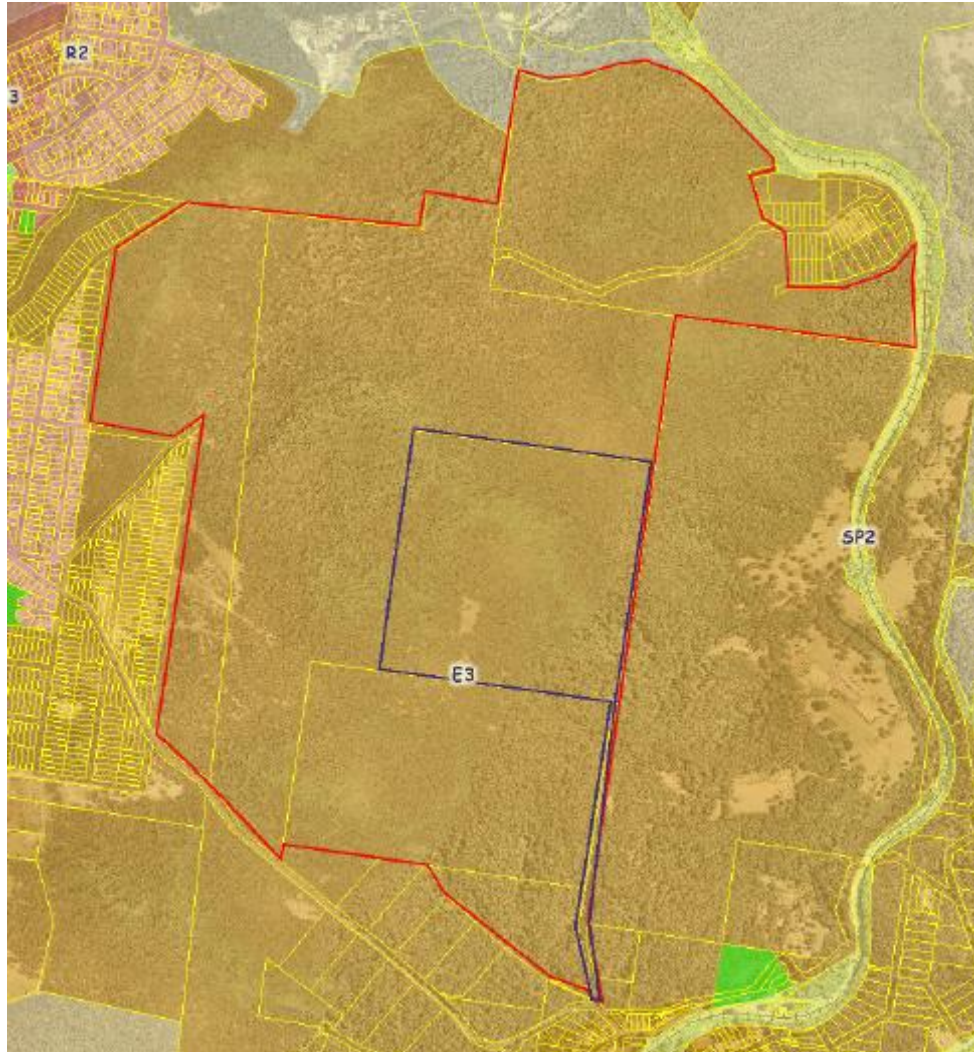
The preferred outcome for this precinct remains, that no development occur and it is rezoned to E2 Environmental Conservation, and it either remains in private ownership or is transferred to public ownership.

Final recommendations

The exhibition of the draft Planning Agreement include advice that the preferred zoning option for this precinct is that it be zoned E2 Environmental Conservation. If part of the precinct is transferred to the State and becomes part of the Garrawarra State Conservation Area, then subject to the agreement of the Office of Environment and Heritage the preferred zoning would be E1 National Park.

5.20.6 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.

Figure 5.20.8 Central Bushland Area location

The draft Review proposed that the area be zoned E2 Environmental Conservation.

1st Exhibition Outcomes

Apart from the form letter objections, no submissions specifically commented on this precinct. The submission on behalf of Ensile Pty Ltd which sought an eastward expansion of the Lady Carrington Estate south precinct has been discussed previously.

Preliminary review of submissions

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.

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that the land be zoned E2 Environmental Conservation.

2nd exhibition outcomes

As a consequence of the second exhibition, 1229 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 submission noted that one (1) lot was not owned by the company.

Three 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 site has a cleared area of 1.2 hectares which is suitable for a house or cottage. If the land is zoned E2 Environmental Conservation and the dwelling entitlement removed, then Council should acquire the land or pay compensation.

Review of submissions

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.

Lot 23 DP 752033 and 3 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.

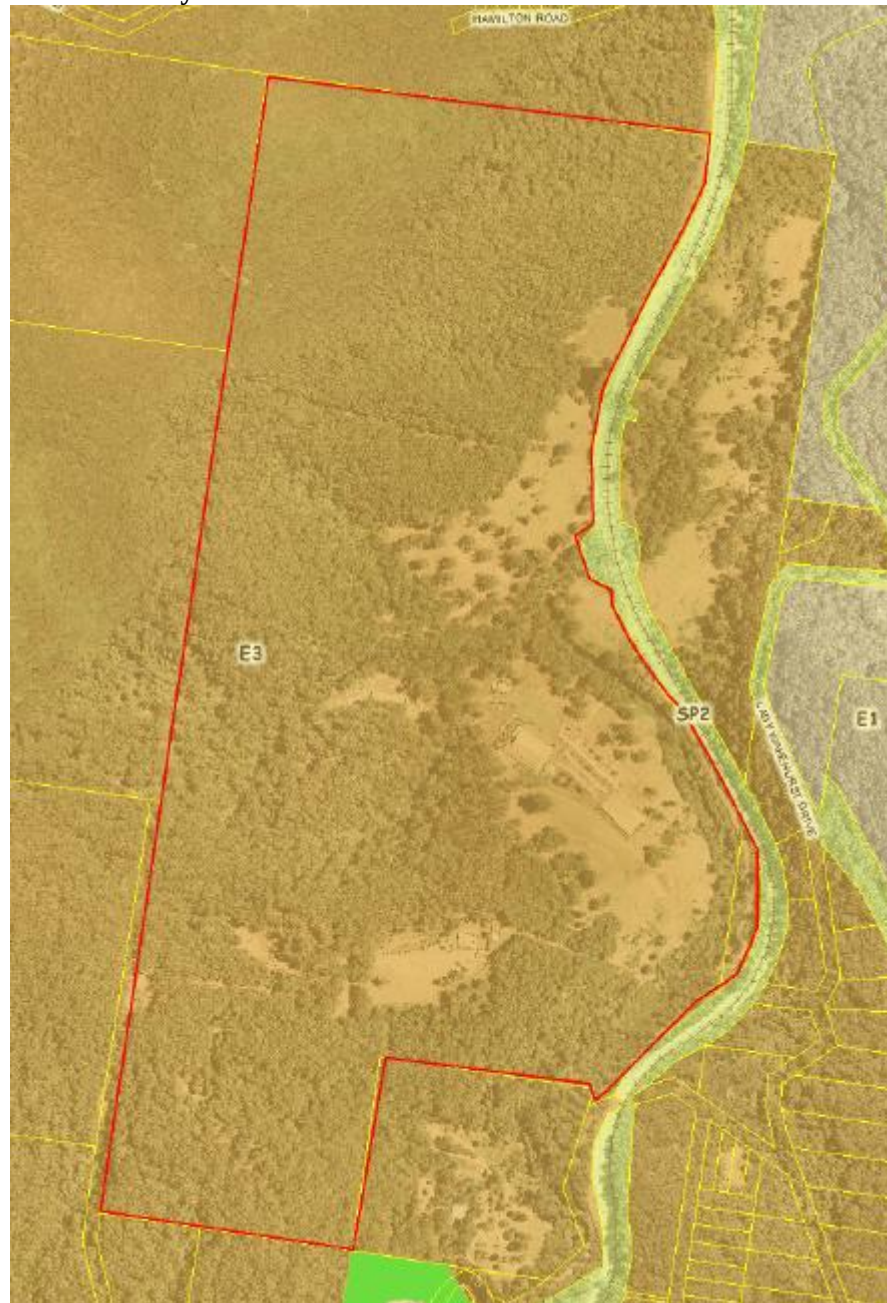
Final recommendations

The exhibition of the draft Planning Agreement include advice that the preferred zoning option for this precinct is that it be zoned E2 Environmental Conservation. If part of the precinct is transferred to the State and becomes part of the Garrawarra State Conservation Area, then subject to the agreement of the Office of Environment and Heritage the preferred zoning would be E1 National Park.

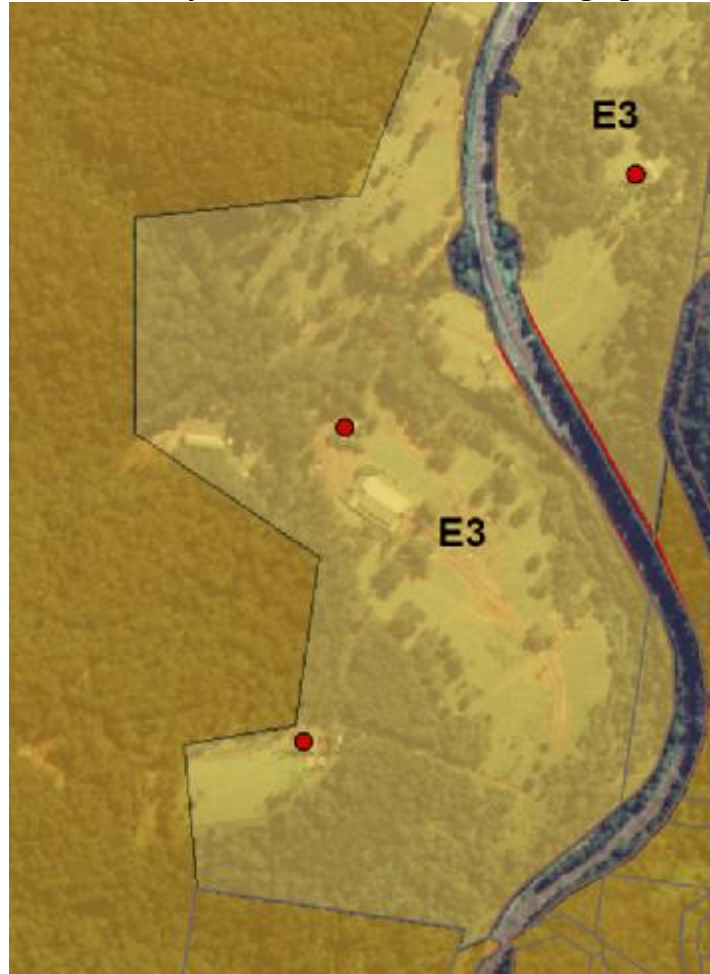
5.20.7 Otford Valley farm

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.

Figure 5.20.9 Otford Valley Farm location



The draft Review proposed that the area used for the equestrian centre be zoned E3 Environmental Management, and the bushland be zoned E2 Environmental Conservation.

Figure 5.20.10**Otford Valley Farm – Draft Review zoning option****1st Exhibition Outcomes**

No submissions commented on the sub-precinct.

Preliminary review of submissions

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/E3 boundary exhibited in the draft 7(d) Review has been reviewed to better reflect the location and use of the equestrian centre.

Preliminary review of submissions - recommendations

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,

2nd exhibition outcomes

As a consequence of the second exhibition, 1224 submissions commented on the precinct. Two (2) submissions supported the E3 zone and 1221 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 25 years to allow for the continued operation of the equestrian centre.

Review of submissions

It is not appropriate to zone the entire Otford Valley Farm lot to E2 Environmental Conservation. The northern, western and southern parts of the lot contain steep bushland areas where an E2 zone is appropriate. An E3 Environmental Management zone, which permits “animal boarding or training establishments” and “extensive agriculture” remains appropriate for the cleared eastern portion of the property used for horse riding / equestrian centre.

Final recommendations

The exhibition of the draft Planning Agreement include advice that the preferred zoning option for this precinct is that the bushland areas be zoned E2 Environmental Conservation and the area cleared and developed for the equestrian centre be zoned E3 Environmental Management. If part of the precinct is transferred to the State and becomes part of the Garrawarra State Conservation Area, then subject to the agreement of the Office of Environment and Heritage the preferred zoning would be E1 National Park.

5.21 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 1880's paper subdivision 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. The combined holdings of Ensile Pty Ltd and Cambalong Pty Ltd own seventy (70) of the lots in the precinct (Figure 5.20.6). There is one (1) dwelling house and two (2) businesses (landscape supplies and bus depot) in the precinct.

The Land Pooling precinct was subdivided in the 1890's into ¼ acre (1000m²) lots as part of the Helensburgh suburb. The lots were sold to 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 would not have been permissible 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 residential properties which needs to be investigated.

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. Council subsequently changed its view on the precinct and at the Helensburgh Commission of Inquiry indicated that the land should not be developed.

Figure 5.21.1 Land Pooling Precinct location



The draft Review proposed that the precinct be zoned R2 Low Density Residential. The existing subdivision pattern does not reflect topographical land constraints and would need to be redesigned. The draft 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.

Figure 5.21.2 Land Pooling Precinct Draft Review Zoning Option



1st Exhibition Outcomes

- 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. The submissions of support included a submission on behalf of Ensile Pty Ltd and Cambalong Pty Ltd which collectively own seventy (70) lots;
- Eighteen (18) form letters in support of the rezoning of this precinct to R2 Low Density Residential;
- 3,038 form letters opposed to any rezoning of the precinct; and
- Submission from Sutherland Shire Council and other letters opposed to any rezoning of the precinct.

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 submission from Ensile Pty Ltd included a suggested alternate subdivision layout that maintains a buffer around Herbert Creek and provides for two hundred and forty three (243) lots (Figure 5.21.3).

Figure 5.21.3 Land Pooling Precinct submitted alternate subdivision pattern



Preliminary review of submissions

This precinct is perhaps the most debated area in the 7(d) Review. On the one hand there are the owners of two hundred and four (204) 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;
- 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.

The two (2) basic options for the future of this precinct have not changed in the last 30 years, either permit residential development or continue to not permit residential development.

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.

Preliminary review of submissions - recommendations

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 LEP 2009, so the precinct would retain an E3 Environmental Management zone.

2nd exhibition outcomes

As a consequence of the second exhibition, 3220 submissions commented on the precinct. One (1) submission supported the E3 Environmental Management zone.

2779 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.

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.

Review of submissions

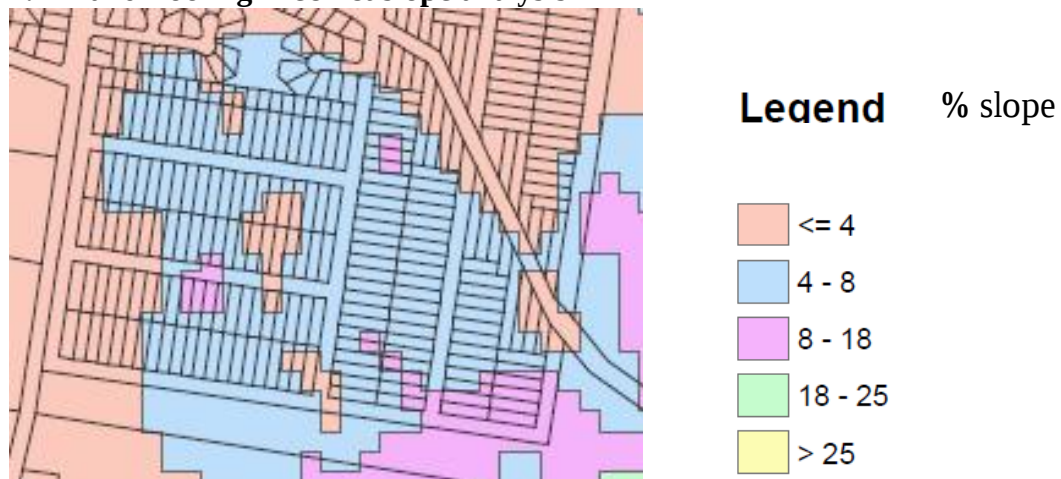
The comments made by the Preliminary Review remain relevant, the Land Pooling precinct is the most debated precinct in the study area. The precinct is situated between land cleared and developed for housing to the north, land cleared and developed for rural activities to the south and west, and bushland to the east. Pressure for development within the precinct is a direct result of the historical paper subdivision and the divided land ownership pattern.

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 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, with the majority <8% as indicated in figure 5.21.4.
- Part of the precinct does contain endangered ecological community “Southern Sydney sheltered forest endangered ecological community” (Figure 2.1).
- The precinct is within the area mapped as Illawarra Moist Forest Corridor (Figure 2.2).
- The precinct is not identified as being suitable addition to the State Reserve system (Figure 2.3).
- The precinct is mapped as containing the Bundeena Soil Landscape (similar to the majority of Helensburgh) (Figure 2.5) which is identified as not being suitable for urban development.

Figure 5.21.4 Land Pooling Precinct slope analysis



Final recommendations

The exhibition of the draft Planning Agreement include advice that Council’s preferred zoning option is for the land to retain an E3 Environmental Management zone. However, Council is prepared to consider a residential zoning, in exchange for the majority of the Ensile Pty Ltd holding being transferred to public ownership as indicated in the draft Planning Agreement. 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; and
- Infrastructure servicing.

5.22 LLOYD PLACE PRECINCT

The twenty (20) lots in Lloyd Place / Otford Road 2 hectare subdivision were created in two 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.

Figure 5.22.1 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.

1st Exhibition Outcomes

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.

Preliminary review of submissions

The Preliminary Review considered four (4) options for this precinct:

- a. 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.
- b. 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 report recommends that neither Lady Carrington Estate South nor the Land Pooling precinct be zoned for residential use, so this option is unlikely to be viable or be able to be supported.
- c. 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.
- d. Rezone the precinct to E2 Environmental Conservation, and not permit a dwelling house on the land. 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.

Preliminary review of submissions - recommendations

The Preliminary Review of Submissions report proposed that the precinct be zoned E2 Environmental Conservation and that no residential development in the precinct be permitted (option d).

2nd exhibition outcomes

As a consequence of the second exhibition, 1239 submissions commented on the precinct. 1225 submissions supported the E2 Environmental Conservation zone. Four (4) submissions supporting the E2 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 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. The submission considered that's Lots 1,2&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 via one of the lots.

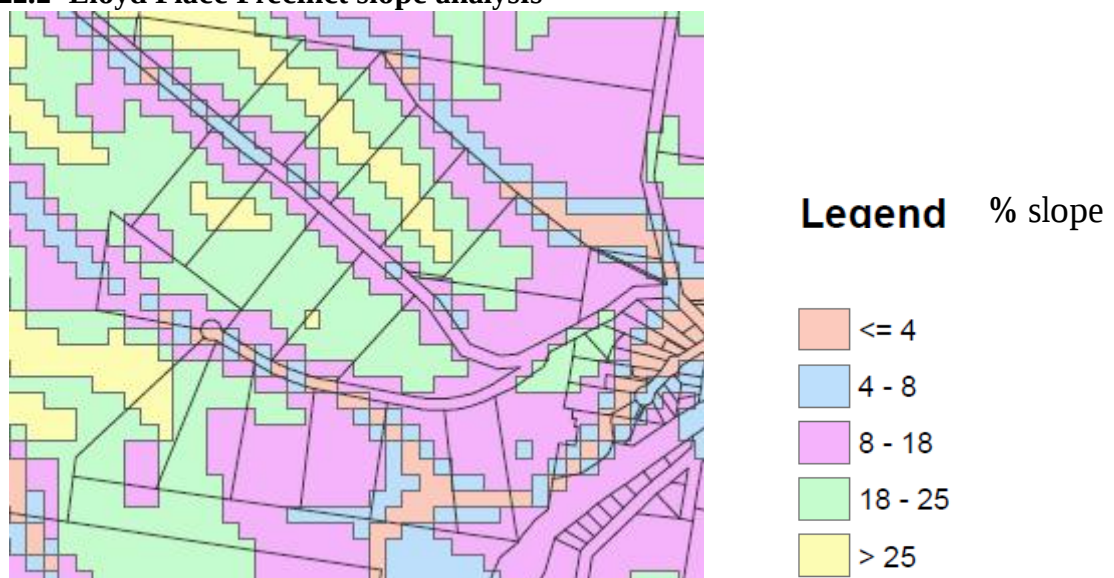
Review of submissions

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.

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 not been fair for the landowners.

Figure 5.22.2 indicates that 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.

Figure 5.22.2 Lloyd Place Precinct slope analysis



The majority of lots are not suitable for development and should be retained as bushland. The E2 Environmental Conservation zone remains the preferred option for the land.

The submission on behalf of one 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.

The rezoning of the precinct to E2 Environmental Conservation remains the preferred outcome. To correct the past decisions, the land should be acquired by Council / State Government.

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 (were 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. Based on 20 lots in the precinct, the acquisition cost could be between \$0.6 - \$0.8 million.

As an alternate approach to the community funding the acquisition, 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 in commenting on option (b) in the Preliminary Review suggested that a 1 for 1 trade was insufficient due to the 2 hectare size of their lot. This option relies on the Lady Carrington Estate South being rezoned to permit residential development.

Final recommendations

The exhibition of the draft Planning Agreement include advice that the preferred zoning option for the Lloyd Place precinct is that it be zoned E2 Environmental Conservation. If part of the precinct is transferred to the State and becomes part of the Garrawarra State Conservation Area, then subject to the agreement of the Office of Environment and Heritage the preferred zoning would be E1 National Park.

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 identified for public acquisition.

6. The Next Steps

This report makes a series of recommendations for the future of the former 7(d) lands based on a review of the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops, and consideration of issues raised in submissions following the exhibitions of the draft 7(d) Review and Preliminary Report on Submissions.

6.1 SUMMARY OF RECOMMENDATIONS

The report recommends that:

1. A draft Planning Proposal be prepared to amend the planning controls in the Wollongong Local Environmental Plan 2009, for the following precincts:

Precinct	Recommendation
Garrawarra precinct	• Amending the description of the Garrawarra Centre on the Zoning Map from SP2- Infrastructure Hospital to SP2 – Infrastructure Health Service facility and Seniors Housing. • Rezoning the balance of the Crown land to E2 Environmental Conservation. • Rezoning the Sydney Catchment Authority land to E2 Environmental Conservation. • Amending the Minimum Lot Size Map by removing the subdivision standard for the part of Garrawarra Centre zoned SP2 - Infrastructure Health Service facility and Seniors Housing.
Lady Carrington Estate north	• Rezone to E1 National Parks, as the land is now part of Garrawarra State Conservation Area.
Gateway precinct, Princes Highway	• Zoning 151 & 177 Princes Highway, and 200-206, 208-216, 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 2000m² • Zoning the Nos 187-193 Princes Highway to the RU2 Rural Landscape zone. • Zoning 2 Lawrence Hargrave Drive to the RE2 Private Recreation zone. • Zoning 1-5 Lawrence Hargrave Drive and 227 Princes Highway, to the RU2 Rural Landscape zone. • Zoning Symbio Wildlife Gardens to the SP3 Tourist zone, including the dwelling houses in the same ownership – Nos.7-15 Lawrence Hargrave Drive.
Princes Highway – west of F6 precinct	• Rezone the Crown Land and Sydney Catchment Authority land to E2 Environmental Conservation. • Rezone the private land to RU2 Rural Landscapes and E2 Environmental Conservation, as exhibited.
Gills Creek precinct	• Nos. 237-261 Princes Highway be zoned RU2 Rural Landscapes. • The Crown land, and the Gills Creek corridor be zoned

Precinct	Recommendation
	E2 Environmental Conservation. • The additional use of a “restaurant or café” be permitted on the corner of Baines Place and Lawrence Hargrave Drive, on part of Lot 4 DP 259401. • The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation, with a minor modification to the exhibited zoning option.
Wilsons Creek precinct	• Zoning the Wilsons Creek riparian corridor to the E2 Environmental Conservation zone. • Zoning the Crown land to the E2 Environmental Conservation zone. • Zoning the seven small residue lots on the western side of the Princes Highway (Nos 86, 90, 96, 120, 128, 134, 138) to the E2 Environmental Conservation zone. • Retaining an E3 Environmental Management zone over the remainder of the Precinct, and allowing a dwelling house on the larger lots, provided that the following can be addressed: - o Retention of bushland – especially the Endangered Ecological Community the “Southern Sydney Sheltered Forest”; - o Bushfire mitigation; - o Access arrangements; - o Provision of waste water services. • Requiring lots 16 to 23 DP8203 (8 lots) Rajani Road to be consolidated into one lot, and a dwelling house be permitted on that lot, by amending the Minimum Lot Size Map to 4000m² and a floor space ratio of 0.3:1.
Walker Lane precinct	• Rezone part of the precinct to R2 Low Density Residential, and the remainder to E2 Environmental Conservation.
Undola Road precinct	• 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 1000m² • Rezone 3 Undola Road to E2 Environmental Conservation. • Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation • Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.
Walker Street precinct	• Rezone to RU2 Rural Landscape.
Lukin Street precinct	• Rezone the Crown land to E2 Environmental Conservation. • Rezone the 48-54 Parkes Street to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1000m².

Precinct	Recommendation
Otford north precinct	Rezone to E2 Environmental Conservation and not permit dwelling houses.
Otford central precinct	- Rezone to E4 Environmental Living and allow a dwelling house on any vacant lots, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 10,000m² - Rezone Lots 14, 15, 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road to E2 Environmental Conservation.
Otford south precinct	- Retaining an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the minimum lot size map to permit a dwelling house. - Zoning Otford Farm as indicated in Figure 5.13.2.
Isolated lots in the Royal National Park	Rezone to E2 Environmental Conservation and not permit any additional dwelling houses.
Metropolitan Colliery	Rezone the Crown land bushland to E2 Environmental Conservation.
Frew Avenue precinct	Retain E3 Environmental Management zone, and allow a dwelling house on the three vacant lots.

2. The draft Planning Proposal be forwarded to the NSW Department of Planning and Infrastructure for review and permission to exhibit the planning proposal.
3. If endorsed, the planning proposal be exhibited for community and landowner feedback, prior to Council reviewing submissions and determining whether to progress or amend the planning proposal. The planning proposal process is outlined in Figure 6.1.
4. No amendment be made to the Wollongong LEP 2009 for the following precincts which will retain an E3 Environmental Management zone:
 - Kelly Falls precinct;
 - Old Farm Road precinct;
 - Govinda precinct.
5. The draft Planning Proposal submitted on behalf of Ensile Pty Ltd be exhibited for community comment. The proposal affects the following precincts:
 - Lady Carrington Estate,
 - Lady Carrington Estate South,
 - Lilyvale,
 - Camp Gully Creek,
 - Central Bushland,
 - Lloyd Place,
 - Land Pooling and
 - Otford Valley farm precincts.

The exhibition include advice about the possible zoning, development and ownership alternative options. Following which Council will determine whether to prepare a draft

Planning Proposal to commence the process to rezone the land. The draft Planning Agreement and draft Planning Proposal process is indicated in Figure 6.2.

- 6 Council review stormwater discharge points in Helensburgh, and identify possible treatment options to improve water quality.

In summary, the report proposes that to progress the review of the 7(d) lands, the precincts be divided into 3 parts:

- (1) Precincts which can be subject to a draft Planning Proposal now to rezone the land or amend the planning controls (Figure 6.1). The report proposes that 830 hectares of the former 7(d) lands, now zoned E3 Environmental Management be rezoned as part of the Planning Proposal (Table 6.1). If the draft Planning Proposal is progressed, the recommendations would enable an additional 26 dwelling houses.
- (2) Precincts which should be subject to a further preliminary community consultation to gauge support for a draft Planning Agreement which proposes the dedication of a large area of private land to the public in exchange for urban development in the Lady Carrington Estate South and Land Pooling Precincts (Figure 6.2). The draft Planning Agreement may also provide a exit strategy for owners in other precincts.

The report proposes that 435 hectares be subject to the draft Planning Agreement and then a draft Planning Proposal (Table 6.1). 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 Residential, to review various constraints.

- (3) No change to the current planning controls.

Table 6.1 Proposed zone areas

Zone	Land subject to draft Planning Proposal	Land subject to Draft Planning Agreement
E1 National Parks	33.37	--
E2 Environmental Conservation	671.96	388.73
E4 Environmental Living	16.05	--
RU2 Rural Landscapes	85.53	--
R2 Low Density Residential	0.99	41.19
B6 Enterprise Corridor	6.64	--
RE1 Public Recreation	1.62	--
RE2 Private Recreation	7.22	5.37
SP3 Tourist	6.63	--
Totals	830.01	435.29

Figure 6.1 7(d) Review Process – for precincts proposed to be subject to a draft Planning Proposal

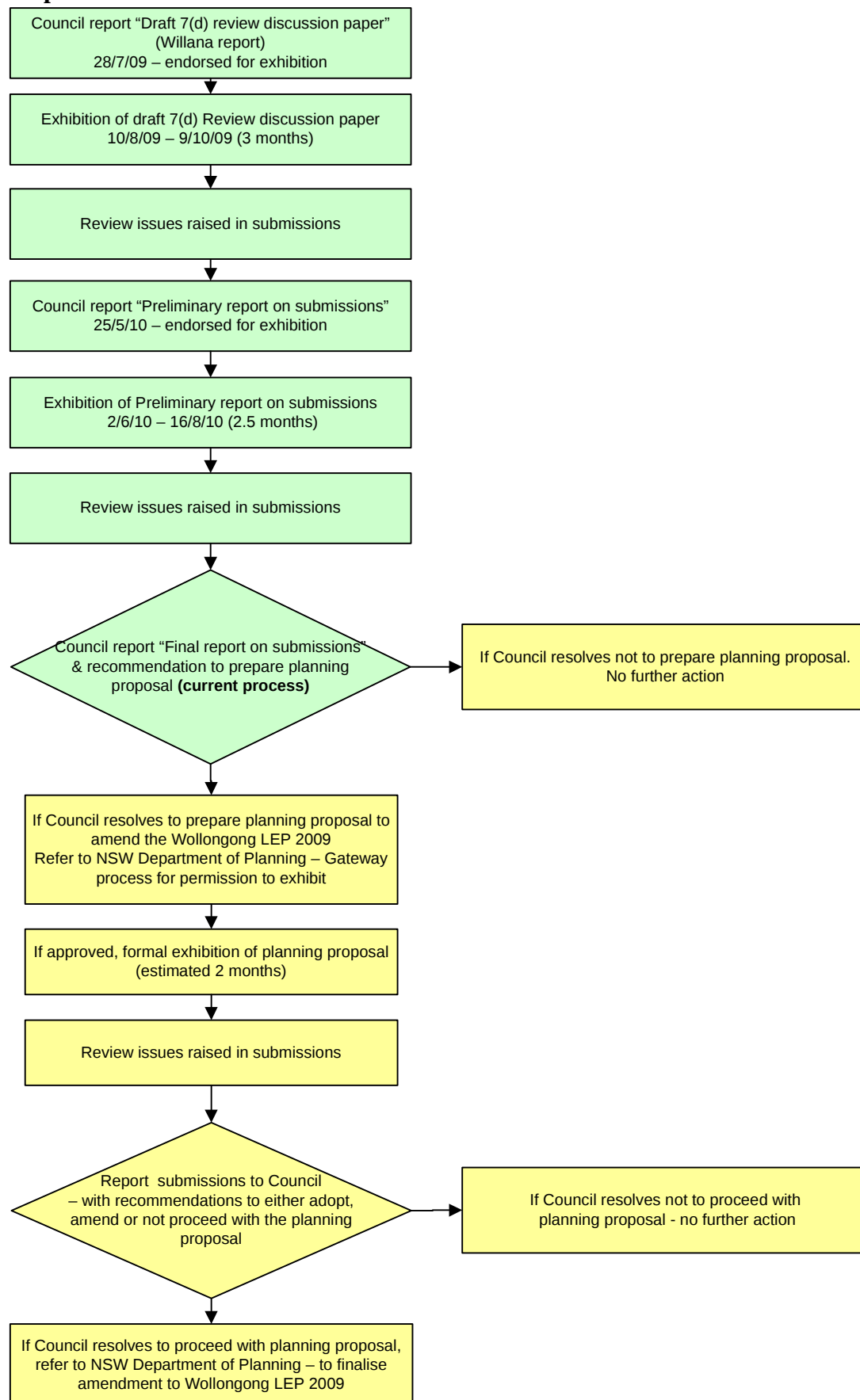
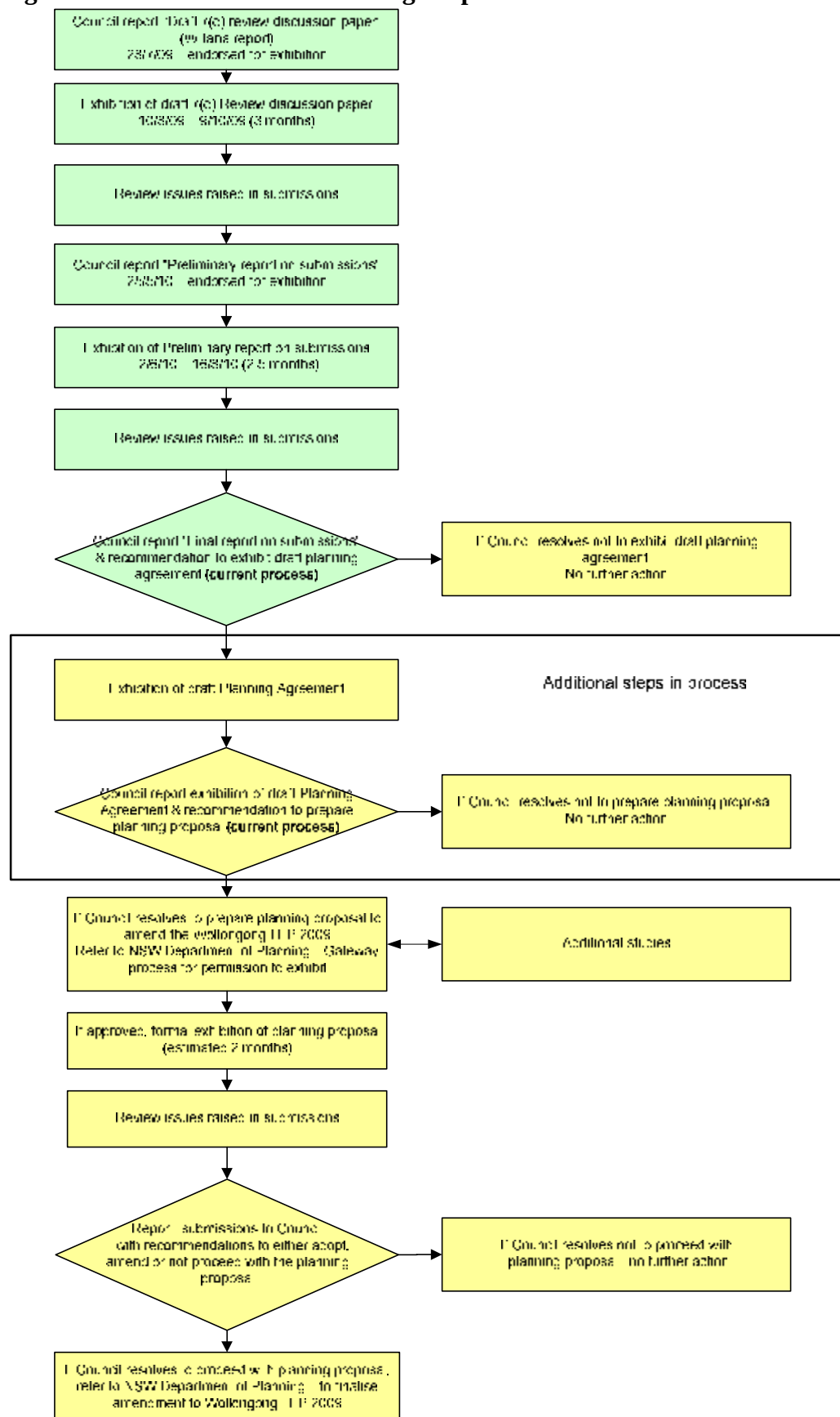


Figure 6.2 7(d) Review Process – for precincts proposed to be subject to a draft Planning Agreement and then a draft Planning Proposal



6.2 EXIT STRATEGIES

The recommendations of the report seek to resolve a number of long standing issues associated with the former 7(d) lands. Not all issues can be resolved simply and there will be persons dissatisfied with the recommendations.

As part of the review of 7(d) lands some precincts and sites have been identified as not being suitable for development, even a dwelling house and are proposed to be zoned E2 Environmental Conservation. Many of these properties have been privately owned for over 30 or 40 years. Landowners purchased land in the expectation that one day it may be rezoned to allow a dwelling house.

Like any investment, the landowners expect a return on their investment. In the Land pooling and North Otford precincts, 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.

Whereas, properties in the Lloyd Place precinct were purchased in 1970/71 with a building entitlement, only for the planning controls to be changed in April 1971, to prevent a house being built. The majority of lots are still owned by the original purchasers or their descendents. Some lots have been on-sold by the original purchasers, with the new owners aware of the restriction on dwelling houses.

While these lands remain in private ownership there will be pressure to rezone or allow residential or other development.

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

1. Remain in private ownership
2. Consider mechanisms to transfer land to public ownership
 - Ø Purchase;
 - Ø Tradable development rights;
 - Ø Cluster housing;
 - Ø Section 94; or
 - Ø Through unpaid rates - if land owners don't pay rates, the land will eventually come into Council ownership in lieu of the unpaid rates.

6.2.1 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 acquisition priorities for the Service are in Western NSW, not Helensburgh.

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.

Table 6.2 provides the beginnings of an estimate of the possible cost of bring 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 LEP 2009. A draft Planning Proposal would have to be adopted, exhibited and finalised to make the amendment.

Table 6.2 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	High
Central Otford	5	Unknown	High
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 & 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

The draft Planning Agreement is discussed in the following section of this report. If it proceeds as submitted, the acquisition of the precincts identified in Part B of Table 6.1 would not occur, reducing possible acquisition costs by at least \$11.1 million.

Some owners will be unwilling to sell. However, given the history of the precincts and to resolve a long standing issue, an exit strategy should be offered to the land owners.

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 think 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 levy would not be paid once the land is transferred into public ownership. Table 6.2 provides an example of a possible Special Rate for discussion purposes:

Table 6.2 Possible Special Rate example

Location	No. of properties	Example Special Rate	Estimated funds generated
7(d) lands (privately owned)	697	\$500 per year for 5 years	\$1.74 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			\$9.76 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 extensive 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 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 %1 of development costs over \$100,000 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 pay an alternative financial or provide a land 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 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.

6.2.2 Transfer / draft Planning Agreement

As an alternative to acquisition, the consultant for Ensile Pty Ltd, requested consideration of a draft Planning Agreement which proposed:

- Ø The dedication of 321 hectares of land to the National Parks and Wildlife Service; comprising the Lady Carrington Estate, Camp Creek, Central holdings and Lilyvale precincts;
- Ø The leaseback of Otford Farm (32.1 hectares) for a 25 year period;
- Ø A possible exit strategy for the Lloyd Place landowners, by providing alternate land in the Lady Carrington Estate South and the Land Pooling precincts.

In exchange for:

- Ø The residential development of Lady Carrington Estate South (22.4 hectares plus a buffer area of 10 hectares), and the Land Pooling (23.3 hectares) precincts.

Figure 5.C is a map of the proposal.

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.

A valuation obtained by Council, indicates that the Land Pooling lots have a value of \$30,000 per lot without a dwelling entitlement. Based on this estimate, the 70 lots in the Land Pooling and 107 lots in Lady Carrington Estate South owned by Ensile Pty Ltd and Camberlong Pty Ltd could have an estimated total value of \$5.31 million. The value of Ensile Pty Ltd land in the Lady Carrington Estate, Camp Creek, Lilyvale and Central Bushland precincts has not been determined. The holding includes a number of lots larger than 10 hectares in area, that would have dwelling entitlements.

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 \$10-15 million;
- Allow urban development in the Land Pooling and Lady Carrington Estate South precincts, in exchange for the high conservation areas to be transfer to the public reserve system, as proposed by the draft Planning Agreement; or
- A combination of the above options.

Table 5.C provides a comparison of the first three options. To allow the community to considered the options, it is proposed that the draft Planning Agreement and options be exhibited for community input, prior to Council considering the matter further.

Appendix 1 Public Meeting 15/9/09 – Facilitators Report

Public meeting to review 7(d) lands at Helensburgh, Otford and Stanwell Tops Tuesday 15 September 2009

Helensburgh Workers Club

Overview of the Public Meeting

A public meeting was held at Helensburgh Workers Club as part of Wollongong City Council's review 7(d) lands at Helensburgh, Otford and Stanwell Tops. This meeting was part of the exhibition process for the 7(d) study to assist residents, landowners and lessees to understand changes to the Local Environment Plan that will affect their properties and community. It was organised in two (2) parts: Council provided information about proposed planning changes at a two (2) hour community information session (4pm – 6pm). A community forum was then held (7:30pm – 9pm) to allow community members to share their views and opinions on a wide range of issues.

The community forum had the following agenda:

1. Jane Jose from Elton Consulting opened the meeting by welcoming the community and describing the meeting process.
2. David Green, Land Use Planning Manager from Wollongong Council presented a background on the 7(d) study to give the planning matters context, describing:
 - Regional values in Helensburgh, Otford and Stanwell Tops,
 - Local issues in Helensburgh, Otford and Stanwell Tops,
 - A brief overview of planning history and previous Local Environmental Plans for the area,
 - Definitions of the main planning zones,
 - The issues affecting each precinct:
 - o Princes Highway,
 - o Wilsons Creek Catchment,
 - o Gills Creek, Walker Street,
 - o Lady Carrington Estate South and Helensburgh Land Pooling Area,
 - o Lloyd Place/Otford Road,
 - o Lilyvale/Otford Valley Farm,
 - o Lady Carrington Estate North,
 - o Otford- central area,
 - o Otford – northern area.
3. Questions were taken from the audience on the review process, then with regards to each individual precinct.

Observations of the Public Meeting

- The public meeting was attended by more than three (300) people. People from the local area and as far as Gosford, Coogee and Mosman travelled to Helensburgh to attend the community information session.

- Despite the intense interest and concern over the proposed changes to the Local Environment Plan, the meeting was constructive and democratic in allowing people to seek information and understand the proposed changes.
- The community forum was effective in setting Council's long term agenda to create certainty in relation to land use, given the context of forty (40) years of uncertainty for some landowners. It effectively enabled people to hear a range of views and highlighted considerable concern over fire safety issues, particularly for the Helensburgh Community. The potential role for Council to work with Land owners on exit and land pooling strategies was clearly identified.
- The structure of the meeting was effective in enabling people to be given one on one advice during the 4pm – 6pm community information session. This meant some people did not stay on for the community forum and while others, who did stay, attended the forum with a better understanding of issues relating to their own land or neighbourhood.
- The involvement of independent facilitators was welcomed, with many from the community commenting on this. At the close of the meeting many attendees personally expressed their thanks for the smooth conduct of the meeting.
- It proved a useful strategy to have the facilitator, as independent chair of the forum, meet the community members as they arrived. This ensured community members that the meeting would be managed to allow those who wished to express a view or ask a question do so.
- The opportunity to work with David Green to review the presentation for potential issues prior to the meeting and the decision to begin the session as a formal presentation worked well.
- Separating the questions about process and then keeping the structure of questions relating to the ten (10) precincts also provided a framework for people to work within and enabled effective time keeping.
- Although one (1) member of the community tried to move a motion which the chair declined to put to the meeting (on the basis that it was an information forum not a decision making session), the chair was later congratulated by that community member on the way the meeting was conducted for Council.
- The meeting's venue, Helensburgh Workers Club, was easily recognised and centrally located. However, in view the size of the venue, the size of the audience and the length of the combined information session and community forum, it would have been beneficial to have some food available on site. Presentations were strong but larger screens for the PowerPoint display would have increased their effectiveness.

Questions from the audience

THE REVIEW PROCESS

Issue	Questions
Submissions	<i>Are 1000 names on 1 submission more powerful than 1000 submissions?</i> 1 submission with 1000 names will be treated as a petition, not 1000 individual submissions.
Cost of the review	<i>What has been spent on this process since 1997?</i> - Approximately \$47, 000 since 2008. - The Helensburgh Urban Capability Study cost approximately \$20, 000.
Purpose of the review	<i>In the mid 1990s there was quite fierce opposition to similar proposal and lot of money spent on research (environmental research). Why is this happening again?</i> - The issues have not been resolved. Lots are still privately owned. Council and landowners require certainty. <i>Why weren't more detailed environmental studies undertaken before these proposed changes to 7(d)?</i> - Council wanted to make the review process as time and cost efficient as possible. - Detailed studies will follow as part of the Local Environment Plan considerations by the Department of Planning.
Further information	<i>Will this information be repeated again for the people who aren't here?</i> - No but the presentation and further advice is available by contacting Council. <i>Is any information available on visual impact that can help people when writing submissions?</i> - Assistance and advice regarding submissions is available by contacting Council. - Visual impacts will be considered as part of future studies.

PRINCES HIGHWAY

Issue	Questions
Employment	<i>What are the likely employment opportunities that might be created around the Princes Highway?</i> - Currently the area zoning allows light industrial and some restaurant uses. - This detail hasn't been decided though there aren't plans to completely commercialise or urbanise the area.
Changes to Park Street	<i>How far will rezoning extend down Park Street? And traffic use changes?</i> Traffic use changes are not considered as part of the Local Environment Plan process.

WILSON'S CREEK CATCHMENT

Issue	Questions
The impact of the current Heritage Act	<i>Will the Heritage Act on Wilson's Creek remain? This is a danger as it prevents us from burning off/bush fire control.</i> Council is unaware of a Heritage Act listing but will follow this up. [Note – further investigations have not identified a heritage listing for this area. The area is not identified under either the Wollongong LEP 1990 or the State Heritage Register as being of heritage significance. The Illawarra RFS was contacted and they indicated that they were not aware of any heritage restriction. The only restriction they would have is based on frequency of burning due to past fires. The area is privately owned. The RFS advised that they are not aware of any applications to conduct Hazard Reductions, and it is not in their current program.]
Bushfires	<i>What has Council got planned if there is a bushfire in Helensburgh? Extra development will mean more people to evacuate.</i> Traffic management and emergency access will need to be considered if the review moves forward.
Water supply	<i>More water will be needed in Helensburgh if development goes ahead. Apparently we don't have enough water now. What is Council doing about this?</i> Sydney Water's preliminary advice has been that Helensburgh's water supply can accommodate more people.
Rezoning	<i>How certain will changes be, especially if residential/house building is allowed?</i> - This process is to try and give certainty but planning rules do change over time. <i>Will the area further north of Wilson's Creek be affected?</i> - The part of Wilsons Creek near the Helensburgh Railway Station is part of the Garrawarra SCA and not applicable to the 7(d) review.
Pollution	<i>How can Council guarantee more development won't pollute Wilson's Creek? There will also be more erosion from chopping down trees to build additional houses</i> Council will conduct detailed studies into the impact of using the land in this way and the necessary buffer zones needed to protect the creek and bushland.

GILLS CREEK

Issue	Questions
Clarification	<i>Which report is more accurate? There is some conflicting information in the two reports' maps.</i> Willana's report should be used as the main reference. [Note – from subsequent discussion with the gentleman, the confusion related to differences between the zoning map for the draft Wollongong LEP 2009 and the 7(d) Willana proposal. The maps in the Willana report and those displayed were consistent].

LADY CARRINGTON ESTATE SOUTH AND HELENSBURGH LAND POOLING AREA

Issue	Questions
Lot sizes	<i>If the land pool area is approximately 284 lots at 1000 square meters, realistically how many additional lots would fit on that space?</i> It is unknown at this time, as the area would need to be redesigned to accommodate storm water solutions, local parks, the asset protection zone and infrastructure requirements. As a guide 300 lots could be used.
	<i>Is this area approximately 4 times as big as Landcom estate and what will it look like?</i> - The area will be residential, like the rest of Helensburgh. - Yes, it is approximately 4 times as big as the Landcom estate. - The minimum lot size hasn't been determined yet. - Any development plan would have to provide for amenities, open space, parks and community facilities.
	<i>Will the minimum lot size be 450 sq m like Helensburgh?</i> No, it can be tailored by Council to a size appropriate for the area.
Overdevelopment	<i>How will the ongoing conversion of rural to residential development be stopped if 7(d) is passed?</i> The draft Plan is not proposing further residential development along the Walker Street rural properties (south the of the Land Pooling Area).
	<i>Is the Council going to put in recreation areas for children if rezoning happens? Which landowners will lose their land?</i> Yes, there will be land set aside for kids' recreation as well as other measures like Asset Protection Zones. The area would be planned in the context of the Helensburgh communities' needs.
Bushfires	<i>Will the RE2 Zone include a bushfire protection zone?</i> Yes, an Asset Protection Zone will be included in this zoning.
	<i>Current standards demand a 100m Asset Protection Zone and this Asset Protection Zone appears only to be 25m. Why?</i> - This is subject to detailed design. - The 100m includes many things, such as the Asset Protection Zone, Private Recreation Area and the set back from the road in the first row of houses. - Different Asset Protection Zones apply to different sites and land uses, and depends on such things as building materials.
	<i>Helensburgh's population will significantly increase - do we have an additional evacuation plan for fire?</i> - Council is aware this needs to be addressed. It would certainly be addressed as part of the LEP review. <i>Cleared lands on Walker Street are going to be used as a fire protection zone – will owners be given any compensation for this?</i> - Not at this point but the review is still to determine where the Asset Protection Zone should be located.

Exit strategies	<i>Why aren't exit strategies included for this area?</i> • There are too many land owners to deal with, and little opportunity to provide solutions in the area.
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LLOYD PLACE / OTFORD ROAD

Issue	Questions
Compensation	<i>I am a landowner who has had a piece of land for 40 years and hasn't been able to build. Why?</i> • The history of the area and its planning history, especially rezoning in 1971 is central to your situation. • The same issues – especially this one - haven't been resolved since 1971, making it necessary to look at exit strategies today. <i>Will these landowners be paid for their land at the value it is worth today?</i> • The properties aren't worth much today without a dwelling entitlement and high conservation significance – Council will be looking at alternative exit strategies and potentially at land pooling, or clustering.

LILYVALE / OTFORD VALLEY FARM

Issue	Questions
Overdevelopment	<i>Are we infilling Helensburgh rather than outfilling?</i> • The draft plan is proposing urban expansion but it would be considered and moderate expansion.
Bushfires	<i>With E3 zoning, what area needs to be cleared of bushland if housing is allowed?</i> • Variable depending on the individual property; it might be 50m on one side, 100m on other side. • Slope, bushland or forest, aspect, moist or dry forest area, type of building construction material etc must be taken into account.
Thompson's land	<i>The Willana Report shows Thompson Centre as zoned as E3 but other in the report it is not there</i> • Thompson's land should be E2. • It is privately owned and is larger than 40ha so could have house on it under the 7d zone – subject to DA assessment. <i>Why is Thompson's land zoned as E2 and not the adjoining area given the history of it?</i> • The land around Thompson's land is proposed to be zoned E2 to preserve the bushland.

LADY CARRINGTON ESTATE NORTH

Issue

Questions

Rezoning

Why is there an E3 area to the east of the pony club?

- Because the bushland was already cleared. No dwellings are proposed.

OTFORD – CENTRAL AND OTFORD – NORTH

Issue

Questions

Bushfires

Why is it acceptable to build in Otford when there is a higher bush fire risk than Lloyd Place?

- If Lloyd Place was developed it would result in few dwellings that are very widely spread so needs wide spread protection. Clearing the whole area would be a huge job. Dwellings in Otford are more clustered making it easier to design a bushfire protection strategy.

Rezoning

Is Beaumont Road included in the rezoning of this area?

- The top of Beaumont Road is proposed to be E4, the rest of Beaumont Road is proposed to be E2.

What size does E3 block have to be before a dwelling is permitted?

- This is at Council's discretion – we can come up with a plan that allows a range of allotment sizes and dwellings to be permitted.

Station Road

I have owned a block in Station Road for 40 years. It is close to the station and on other side is township with the school. Why is this zoned as E2, why can't I build?

- This block is proposed to be zoned as E2 as it has been retained as bushland.

OTHER ISSUES

Hacking River

A 2006 report recommended there shouldn't be further development in area because the Hacking River Catchment has already been compromised. How will the 7(d) proposal affect the river quality and what will be done to prevent pollution?

- Willana has looked at maintaining river water quality as part of their study.
- The land pooling area would have to accommodate water protection.

Water supply

The main restriction when the Landcom development when through was going to be limited water supply. What about now? Who will pay for it?

- Sydney Water's preliminary advice has been that Helensburgh's water supply can accommodate more people.

Lot size

What is the minimum lot size on steep blocks and is this measured down the vertical or across?

- Lot size is measured horizontally but Council says that if you have a steeper block, you need a larger lot.

Overdevelopment

Under E3, how are you going to handle the barrage of DAs and assess them, and if changes are rolled back, how will deal with this?

- The E3 zoning generally reflects land uses allowed under 7(d) e.g. restaurants.
- This is one of the challenges which will have to be addressed.

Appendix 2 Monitoring of Water Quality in the Hacking Catchment at Helensburgh and Otford

Introduction

Water sampling was undertaken across the Hacking River catchment in the Helensburgh and Otford area as there is a lack of recent data available for this region. This information is intended to provide an indication of existing water quality. However, monitoring was undertaken on only three occasions over three months and longer term monitoring is usually required for firm conclusions to be drawn. The contents of this report should therefore be treated in view of this limitation.

Sampling design and procedures

Water samples were collected from various sites in the Hacking River catchment around Helensburgh and Otford (Table 1) on three occasions. Thirteen sites were sampled, along Wilson Creek, the Landcom pond inlet and outlet, Camp Gully, Gills Creek, Kellys Falls, Herbert Creek, an unnamed tributary of the Hacking River and the Hacking River (Figure 1). The sites were generally located where roads crossed watercourses, for easy access. Sites located in less disturbed areas were sites 9, 10 and 11. Sites 1, 6, 7 and 8 had more disturbed catchments and were located in rural areas. Sites 2, 3, 4 and 5 are located in the urban area of Helensburgh and Sites 12 and 13 were along the main arm of the Hacking River in Otford. The Landcom Pond in Helensburgh was sampled on two occasions instead of the inlet as there was not enough flow. Completion of sampling of all the sites usually took about six hours. Sampling was undertaken on 24 January, 17 February and 22 March 2011. The first two occasions were dry weather events and the last sampling event was after there had been heavy rainfall (Table 2). Rainfall data were obtained from the Albion Park or Bellambi BOM weather stations. Even though a small amount of rainfall was recorded at Albion Park on 24 January and 17 February there did not appear to have been any at Helensburgh on these dates.

Grab samples were collected in the field, with the first sample collected for faecal contamination determination. An unfiltered sample was taken for analysis of total nitrogen and total phosphorus. For determination of filtered total phosphorus, filterable reactive phosphorus, filtered total nitrogen, nitrate and nitrite, and ammonia, a sample was filtered in situ through a 0.45µm filter. Nutrient samples were collected in pre-treated containers supplied by the laboratory containing sulphuric acid. After samples were collected, physical measurements were taken using an YSI-556 multi-meter. Physical parameters measured were temperature, specific conductivity, total dissolved solids, salinity, dissolved oxygen, pH and oxidation reduction potential. Turbidity measurements were only taken on the first sampling occasion as the instrument had to be sent away for repairs. Visual observations of weather, water murkiness, flow, sample colour and odour, and presence of algae or water plants were recorded. Each sampling site had a unique identification number, which was entered onto the chain of custody form. The chain of custody form was completed for each set of samples and accompanied the samples when they were sent to the analytical laboratory. The samples were placed on ice in the field and transported by courier to the Sydney Water Laboratory in West Ryde. Quality control procedures for the laboratory analyses included collection of a duplicate set of water samples at two sites on each occasion as well as submission of a blank and reference sample. The analytical laboratory also has an internal quality control program including analysis of blanks, duplicates and reference samples for each batch of samples submitted.

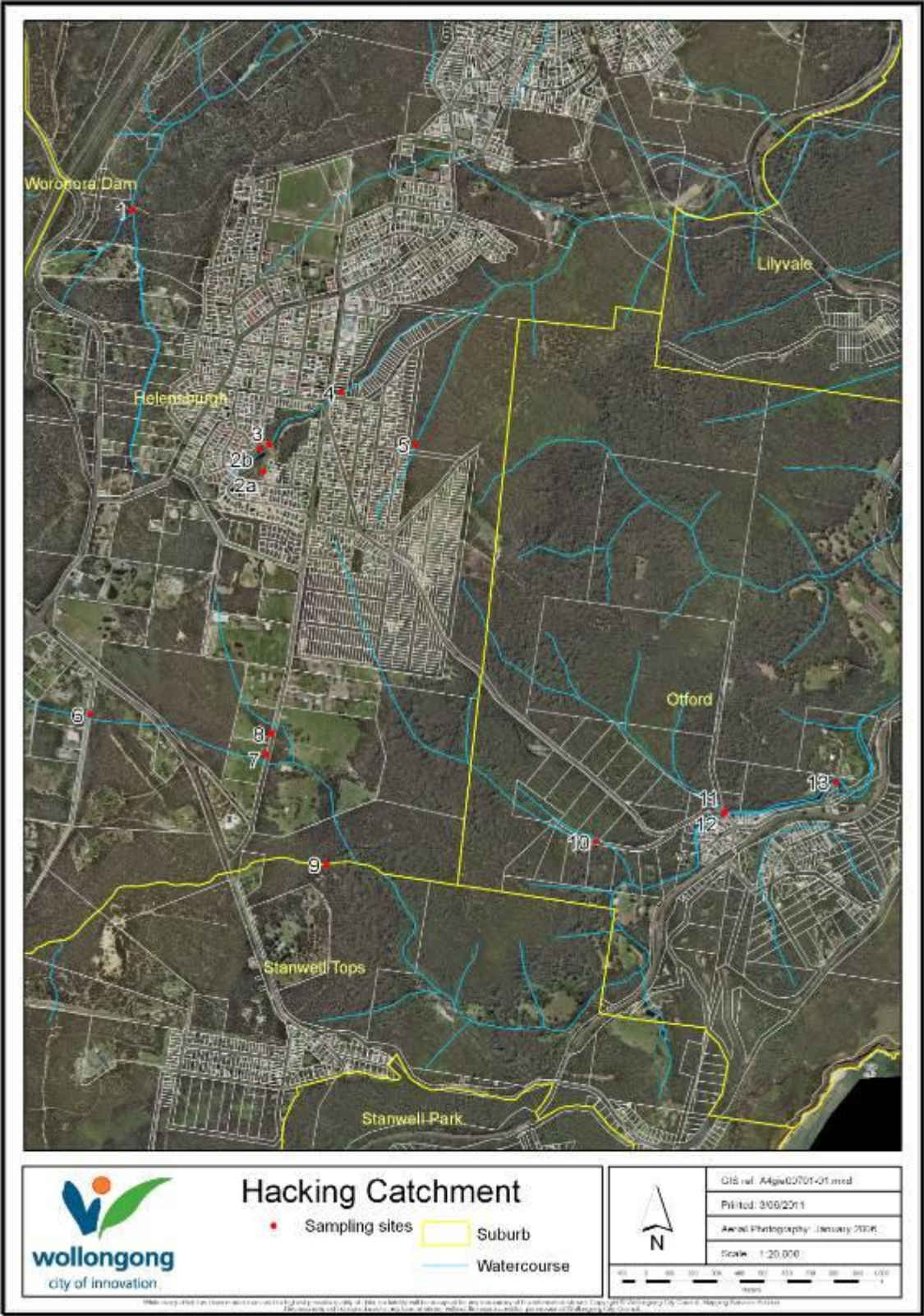


Figure 1. Location of water sampling sites around Helensburgh and Otford.

Table 1 Site descriptions in the Helensburgh and Otford area and dates sampled.

Site code	Site no.	Altitude	Site name	Description	Date sampled		
					24 Jan	17-Feb	22-Mar
WSN1	1	212m	Wilson Creek	300m down a track off the Princes Highway east of the freeway bridge	X	X	X
WSN2	1 replicate		Wilson Creek			X	
LMP1	2A	261m	Landcom pond inlet	Inlet under the grate on Old Quarry Circuit near the playground	no flow in inlet	no flow in inlet	X
LMP1	2B	257m	Landcom pond	Pond	X	X	
LMP2	3	256m	Landcom pond outlet	Downstream of the pond wall	X	X	X
CPG1	4	230m	Camp Gully	Downstream of the corner of Whitty Road and Walker Street	X	X	X
CPG3	4 replicate		Camp Gully				X
CPG2	5	232m	Camp Gully	End of Koornong Road	X	X	X
GLS1	6	260m	Gills Creek	On Baines Place, east side of road	X	X	X
GLS4	6 replicate		Gills Creek				X
GLS2	7	248m	Gills Creek	On Walker Street, southern creek, west side of road	X	X	X
GLS3	8	250m	Gills Creek	On Walker Street, northern creek, west side of road	X	X	X
KLY1	9	226m	Kellys Falls	Upstream of the waterfall	X	X	X
KLY2	9 replicate		Kellys Falls		X		
HBT1	10	114m	Herbert Creek	Lloyd Place, northern side of road	X	X	X
HKG1	11	98m	Hacking River unnamed tributary	Otford Road, east side, just up from the causeway	X	not enough flow	X
HKG2	12	98m	Hacking River	Otford Road, west side of causeway	X	X	X
HKG7	12 replicate		Hacking River			X	
HKG3	13	96m	Hacking River	Lady Carrington Road, upstream of the causeway	X	X	X
HKG4	13 replicate		Hacking River		X		

Table 2 Sampling dates and rainfall in the previous 24 and 72 hours.

Sampling date	Rainfall (mm) 24 hours	Rainfall (mm) 72 hours	Monitoring Station
24 Jan 2011	2	2	Albion Park (no data for Bellambi)
17 Feb 2011	4	4.6	Albion Park (no data for Bellambi)
22 Mar 2011	65.2	207.2	Bellambi (Albion Park 249mm; 397mm)

Results

Visual observations

Water flow was much greater at all the sites on 22 March (wet weather event) and sample colour was yellow at all sites, except at Site 11 (clear) and Site 2a (amber). On 24 January and 17 February samples were clear or amber. Most samples did not have any odour. There was however a hydrogen sulphide smell from the pond outlet on each occasion and a fresh algae smell at the downstream Hacking River site (Site 13) on 22 March.

Physical parameters

Temperature was generally between 19 and 22 °C across all the sites, with higher readings of greater than 24 °C recorded in the pond (Site 2b) and pond outlet (Site 3). Conductivity readings were within the ranges considered acceptable (ANZECC 2000). The reading taken from the pond inlet stood out as being higher than the other sites and was more than two times the value recorded at any of the other sites on 22 March. Total dissolved solids were lowest at Site 5 (Camp Gully), Site 8 (Gills Creek) and Site 9 (Kellys Falls) and the highest readings were recorded at Site 2a (pond inlet), Site 2b (pond), Site 3 (pond outlet) and Site 6 (Gills Creek). pH readings were within the acceptable range of 6.5-8 for lowland rivers (ANZECC 2000) on all occasions except one at Site 4 when pH 8.22 was recorded. Oxidation reduction potential was variable across the sites but generally lower at Site 3 (pond outlet), Site 6 (Gills Creek) and Site 8 (Gills Creek). Dissolved oxygen varied greatly between sites with the lowest readings recorded at Site 2b (pond) and Site 3 (pond outlet) on 24 January. Generally higher DO readings were recorded at sites on 22 March. On the occasion when turbidity readings were taken they were within the ANZECC (2000) guidelines.

Microbiological and chemical parameters

Results graphed below are the values on each occasion except for the sites where replicates were taken (see table 1) in which case the mean value is used. Faecal coliform counts were compared to the ANZECC (2000) recreational guidelines and the results for nutrients were compared to the ANZECC (2000) guidelines for protection of aquatic ecosystems. These guidelines are widely used in Australia for the assessment and management of water quality. The ANZECC (2000) guideline value corresponding to each parameter is indicated in the respective bar graph and indicates whether there may be a water quality issue associated with a particular site. The trigger values for both lowland and upland rivers have been graphed. Upland rivers are defined as those >150m altitude (ANZECC 2000). Altitudes of the different sites are shown in Table 1. When discussing the results the trigger values for lowland rivers have been used as the sites sampled are on tributaries that eventually flow into the Hacking River, which would be classified as a lowland river.

Faecal Coliforms

Faecal coliform counts were generally higher on 22 March which was the wet weather event (Figure 2). The only sites which did not have higher concentrations of faecal coliforms or only marginally

higher concentrations after the rainfall were Wilson Creek (Site 1) and Kellys Falls (Site 9). Faecal coliforms levels were compared with the ANZECC guidelines for primary and secondary recreation contact. All sites exceeded the guideline for primary contact (150CFU/100ml) on at least one occasion. The guideline for secondary contact (1000CFU/100ml) was only exceeded once, at Site 3 (pond outlet) after the rainfall event when 1400CFU/100ml was recorded.

During dry weather faecal coliforms were at similar concentrations in the pond outlet as the downstream site but higher than the site on the other side of Helensburgh (Site 5). After the heavy rainfall event the pond inlet had high counts of faecal coliforms and the pond outlet had even greater concentrations. However, further downstream at Site 4 faecal coliforms had returned to similar concentrations as other sites around Helensburgh. Faecal coliforms are present in the intestine of warm blooded animals and indicate contamination of the water by faecal matter. Around the pond ducks and other waterfowl were abundant and horses are common in the Helensburgh and Otford area.

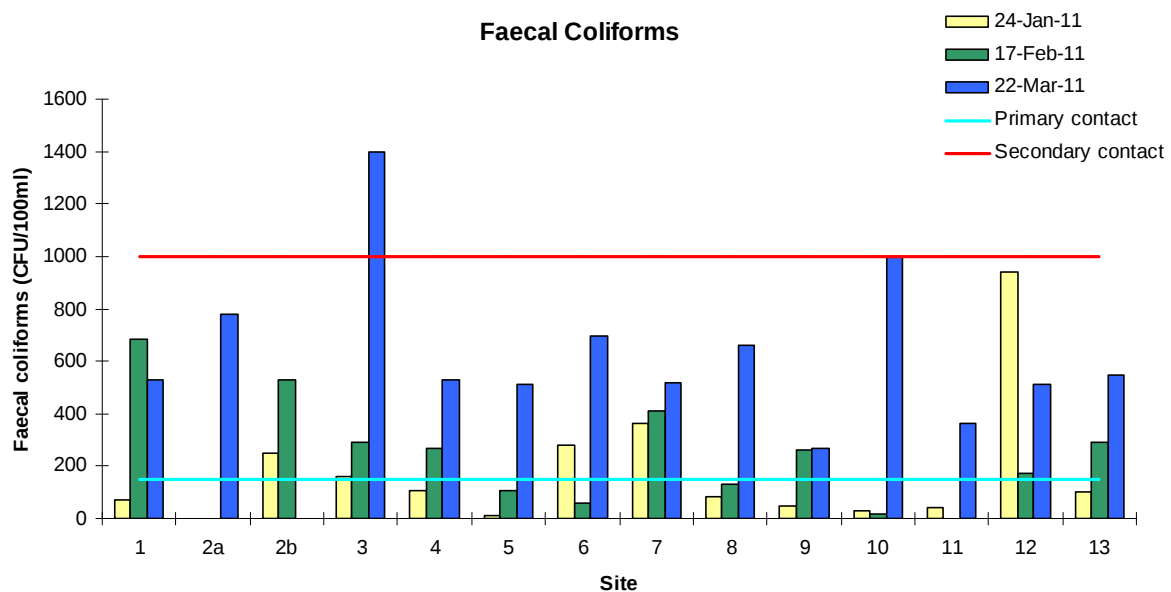


Figure 2. Faecal coliform concentration at sites around Helensburgh and Otford. The blue line indicates the primary (150 CFU/100ml) contact guideline and the red line the secondary (1000 CFU/100ml) contact guideline (ANZECC 2000).

Total Nitrogen

On the dry weather occasions highest levels of TN were recorded at Site 1 (Wilson Creek), Site 2b (pond), Site 3 (pond outlet), sites 4 and 5 (Camp Gully), and sites 12 and 13 (Hacking River) (Figure 3). Most sites had greatly elevated TN concentrations on the 22 March when there had been heavy rainfall with the exception of Site 1 (Wilson Creek). Highest concentrations of TN on 22 March were recorded at Site 2a (pond inlet), Site 3 (pond outlet) and sites 4 and 5 (Camp Gully). Lowest levels of TN were recorded at Kellys Falls, Herbert Creek and a small unnamed tributary of the Hacking River in Otford. Sites in Hacking River and Gills Creek had similar concentrations. All sites except Kellys Falls (Site 9) and the small tributary in Otford (Site 11) exceeded the ANZECC (2000) guideline of 0.35mg/L on 22 March (wet weather event). Sites 7, 8 and 10 only exceeded the guideline on the 22 March, where as the remaining sites exceed the guideline on at least one of the dry weather events.

On the wet weather event the pond inlet had a higher concentration of TN than the pond outlet suggesting that the pond may be capturing some of the nitrogen. The other sites around Helensburgh (sites 4 and 5) had higher concentrations of TN than the pond outlet on all sampling occasions.

Total Filtered Nitrogen

Concentrations of total filtered nitrogen were only slightly lower than TN at the sites, indicating that most of the nitrogen in the water is possibly in soluble form. Highest concentrations for each site were recorded on 22 March (Figure 4). Greatest concentrations were recorded at Site 2a (pond inlet), Site 3 (pond outlet) and sites 4 and 5 (Camp Gully).

Nitrate and Nitrite

Nitrate and nitrite concentrations were highest at Site 2a (pond inlet) and sites 4 and 5 (Camp Gully) (Figure 5). The Hacking River sites (sites 12 and 13) and pond outlet (Site 3) also had high concentrations of NO_x on 22 March. After the wet weather event the ANZECC (2000) guideline of 0.04mg/L for lowland rivers was exceeded at all sites except Site 9 (Kelly Falls) (site 2b was not sampled). The guideline was also exceeded at least once during the dry weather events at all other sites except Site 2b (pond).

Ammonia

Ammonia concentrations across the sites showed a different pattern to other forms of nitrogen. The highest ammonia concentrations were recorded at Site 3 (pond outlet), Site 6 and 8 (Gills Creek), Site 1 (Wilson's Creek) and Site 2a (pond inlet) (Figure 6). The ANZECC (2000) guideline of 0.02mg/L for lowland rivers was exceeded at Site 1 (Wilson Creek), Site 2a (pond inlet), Site 3 (pond outlet), Sites 6 - 8 (Gills Creek), Site 11 (small tributary of Hacking River) and Site 13 (Hacking River). Sites 4 and 5 (Camp Gully), Site 9 (Kellys Falls) and Site 12 (Hacking River) also had ammonia concentrations of 0.02mg/L on at least one occasion.

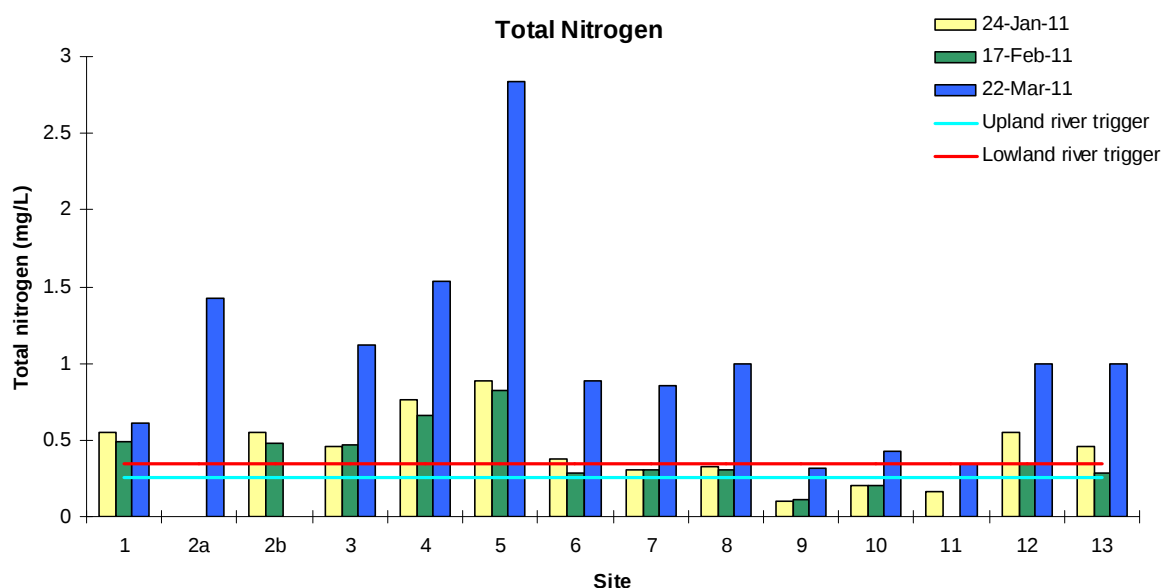


Figure 3. Total nitrogen concentrations at sites around Helensburgh and Otford. The blue line indicates the ANZECC (2000) guideline of 0.25mg/L for upland rivers and the red line shows the guideline of 0.35mg/L for east flowing lowland rivers.

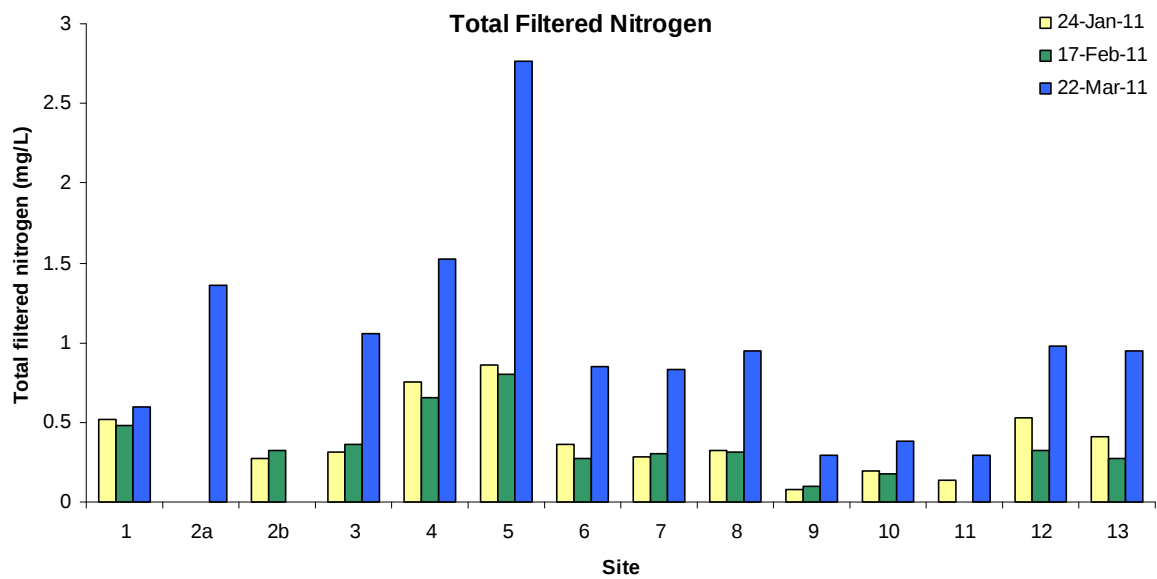


Figure 4. Total field filtered nitrogen concentrations at sites around Helensburgh and Otford.

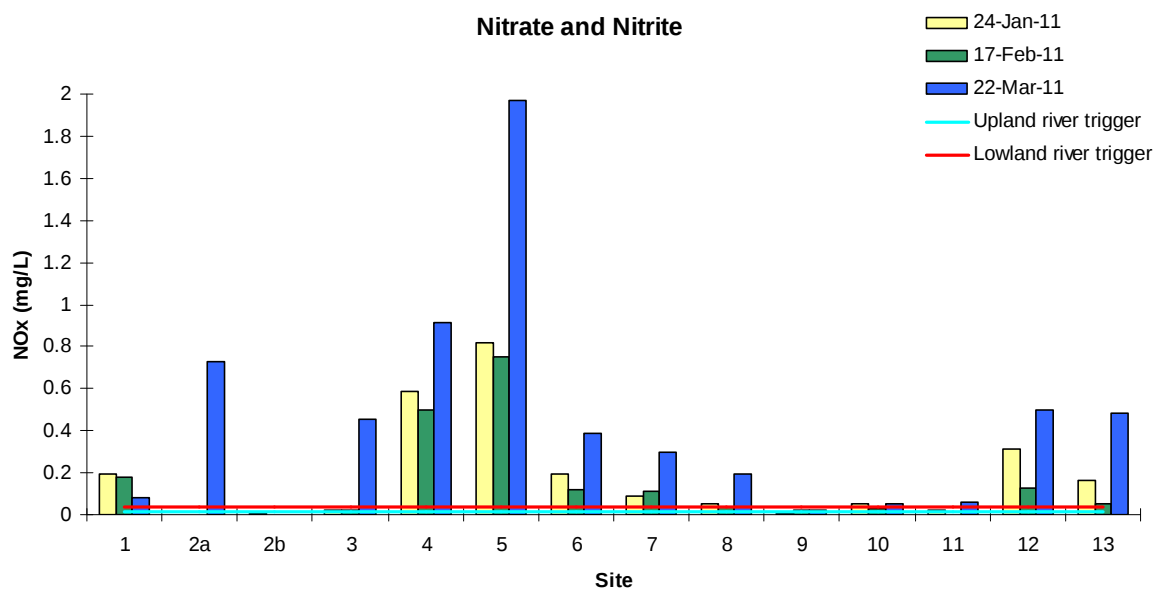


Figure 5. Nitrate and nitrite concentrations at sites around Helensburgh and Otford. The blue line indicates the ANZECC (2000) guideline of 0.015mg/L for upland rivers and the red line shows the guideline of 0.04mg/L for lowland rivers.

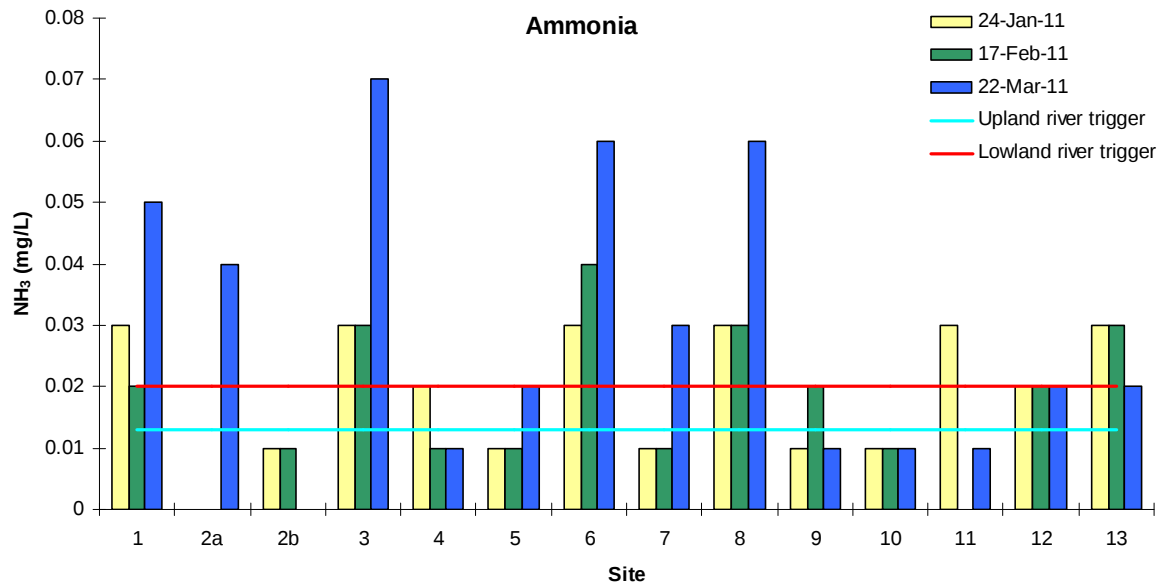


Figure 6. Ammonia concentrations at sites around Helensburgh and Otford. The blue line indicates the ANZECC (2000) guideline of 0.013mg/L for upland rivers and the red line shows the guideline of 0.02mg/L for lowland rivers.

Total Phosphorus

On the dry weather sampling events TP concentrations were higher at Site 2b (pond), Site 3 (pond outlet), Site 5 (Camp Gully) and Site 8 (Gills Creek) (Figure 7). Concentrations of TP at each site were highest on 22 March (wet weather event) with the greatest concentrations of TP recorded at Site 3 (pond outlet) and Site 8 (Gills Creek). The ANZECC (2000) guideline of 0.025mg/L for east flowing lowland rivers was exceeded on at least one of the dry weather occasions at Site 2b(pond), Site 2 (pond outlet), Site 5 (Camp Gully), Site 8 (Gills Creek) and Site 13 (Hacking River). The remaining sites exceeded the guideline just on 22 March, with the exception of Site 9 (Kellys Falls) and Site 11 (small tributary of Hacking River) where the guideline was not exceeded at all.

During dry weather TP concentration at the pond outlet was higher than the downstream Site 4 and higher than sites in less developed areas of the catchment (Site 1 – Wilson Creek, sites 6 and 7 – Gills Creek, Site 9 – Kellys Falls, Site 10 – Herbert Creek). After the wet weather the pond inlet had a lower concentration of TP than the pond outlet, however at the downstream site (Site 4) TP concentration had decreased to a similar concentration as the other site in Helensburgh (Site 5).

Filtered Total Phosphorus

Concentrations of filtered total phosphorus were approximately 0.5-0.75 of TP concentrations for each site (Figure 8). Highest concentrations were recorded at Site 3 (pond), sites 4 and 5 (Camp Gully) and Site 8 (Gills Creek).

Filtered Reactive Phosphorus

The ANZECC (2000) guideline of 0.02mg/L for lowland rivers was only exceeded at Site 2a (pond inlet), Site 3 (pond outlet), sites 4 and 5 (Camp Gully) and Site 8 (Gills Creek) on 22 March, with low concentrations recorded on the other dates (Figure 9). Site 6 (Gills Creek) had a concentration of 0.02mg/L on 22 March. All the other sites had reasonably low concentrations of FRP on all dates sampled.

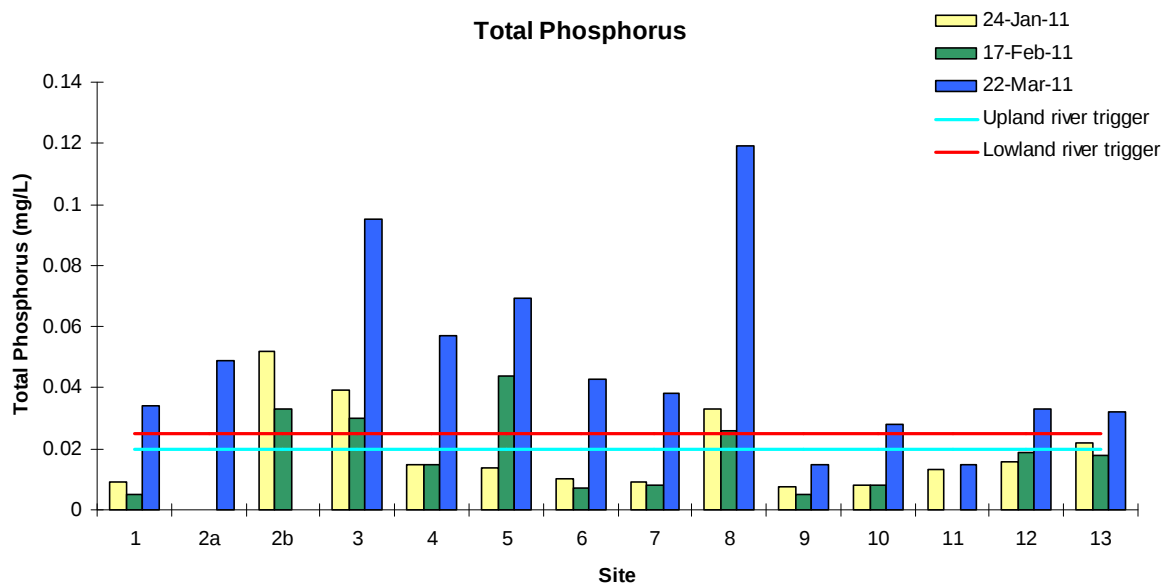


Figure 7. Total phosphorus concentrations at sites around Helensburgh and Otford. The blue line indicates the ANZECC (2000) guideline of 0.02mg/L for upland rivers and the red line shows the guideline of 0.025mg/L for east flowing lowland rivers.

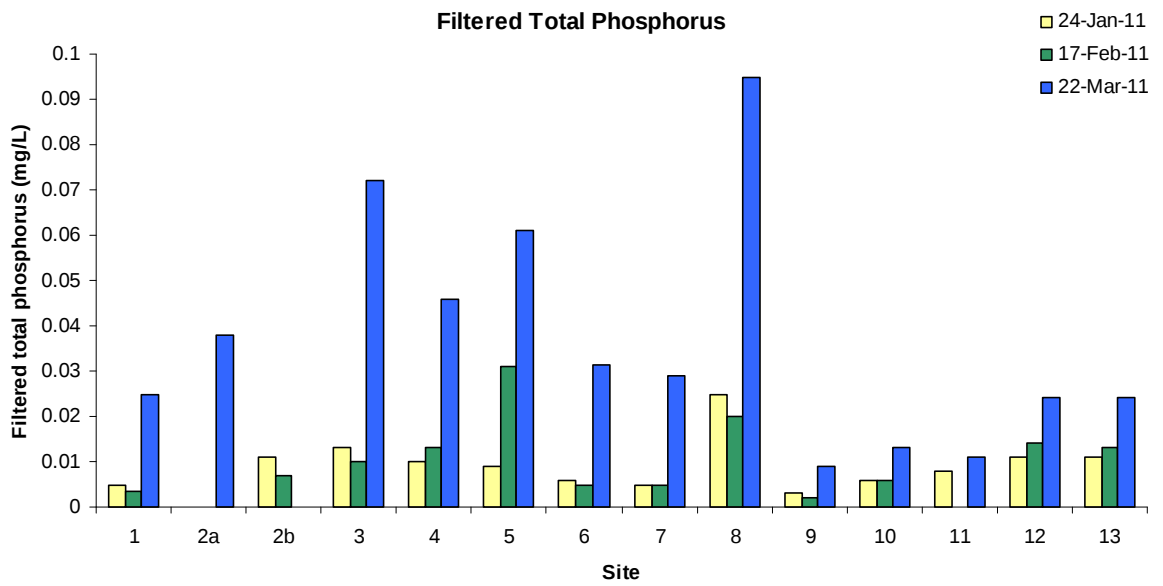


Figure 8. Total field filtered phosphorous concentrations at sites around Helensburgh and Otford.

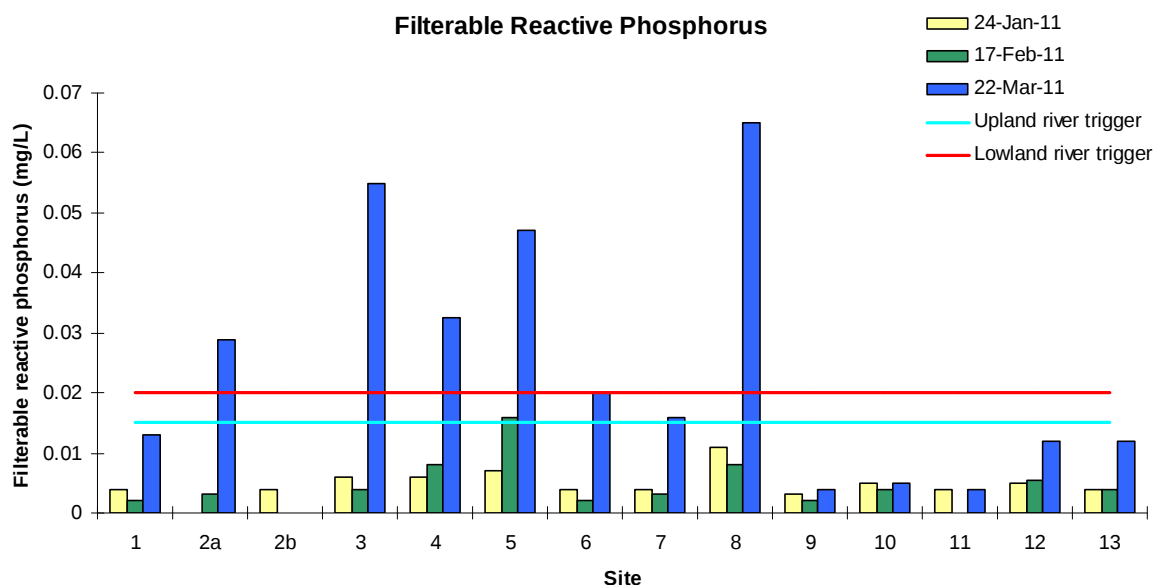


Figure 9. Filterable reactive phosphorus concentrations at sites around Helensburgh and Otford. The blue line indicates the ANZECC (2000) guideline of 0.015mg/L for upland rivers and the red line shows the guideline of 0.02mg/L for lowland rivers.

Nutrients

The highest concentrations recorded at each site were generally found on the 22 March. The general trends between sites with all forms of phosphorus and nitrogen were higher concentrations at the pond outlet and other sites around Helensburgh in Camp Gully, as well as Site 8 (Gills Creek) for phosphorus and the pond inlet for nitrogen. Sites 6 and 7 had similar levels of nutrients and are located approximately 770m apart along Gills Creek. The two sites along the Hacking River (sites 12 and 13) also had similar levels of nutrients. Kellys Falls (Site 9) had lower concentrations of all forms of nutrients and was the only site that did not exceed the ANZECC (2000) guidelines for any of the nutrients analysed. Herbert Creek (Site 10) and a small tributary of the Hacking River in Otford (Site 11) also had lower concentrations of nutrients but slightly exceeded the guidelines on some occasions. Concentrations of TN, TFN and NO_x increased between Site 3 (pond outlet) and the downstream site along Camp Gully (Site 4) however ammonia was higher at the pond outlet. Concentrations of TP were higher at Site 3 than Site 4, whereas FTP and FRP concentrations were only higher at the pond outlet site on the wet weather occasion and similar on the dry weather occasions. On the one occasion when there was enough flow in the pond inlet to sample this site, there were lower concentrations of all forms of phosphorus but higher concentrations of all forms of nitrogen except ammonia present at the pond inlet when compared with the pond outlet.

Conclusion

Limitations of the results are that samples were only taken on three occasions, two dry weather and one wet weather event. In general, there is less variability between the two dry weather events than between the dry weather and the wet weather event, which could indicate a significant influence of catchment sources on water quality during wet weather at some sites. Where there is less difference between dry and wet weather events, it could indicate a lack of pollution sources in the catchment. This is somewhat apparent at Site 1 (Wilson Creek), Site 9 (Kellys Falls), Site 10 (Herbert Creek) and Site 11. These sites are downstream of less developed areas of the catchment. At other sites (Sites 4, 5, 6, 7 and 8), there is a big difference between dry and wet weather events. These sites are located in Helensburgh town or to the south in rural areas.

TFN makes up a significant portion of the TN, indicating that most of the nitrogen is possibly in the soluble form rather than associated with particles floating in the water. Nitrate and nitrite (oxides on N) and ammonia together make up a significant portion of TFN (50 to 60%) only at Sites 4, 5 and 6, indicating that most of the “soluble” N at other sites is not immediately available for uptake by aquatic plants.

In terms of the effectiveness of the pond in maintaining catchment water quality, it is perhaps wise to look at dry weather events only, as the rainfall over the wet weather event was large and the pond is unlikely to be designed to handle such an event. For nitrogen, the discharge from the pond in dry weather conditions does not appear to be significantly different from other surrounding sites such as Wilson Creek. Site 4 located downstream is higher but would be impacted by other discharges from the catchment. It is difficult to assess the performance of the pond without additional monitoring (including some smaller wet weather events) but it would appear that in dry weather at least, the pond is not a major source of nitrogen in the catchment. For phosphorus, the pond does appear to be a significant source in the catchment as the concentrations in the outlet are generally higher than at Site 1 and many of the other sites as well. Even during the wet weather, the concentration of phosphorous going out of the pond is more than the concentration entering it. This observation should be further investigated and if found to be consistent, should be addressed.

It is easier to compare concentrations which are relatively large as the percentage uncertainty in their determination is lower than for concentrations which are smaller. Therefore nitrogen concentrations which are about an order of magnitude higher than phosphorus concentrations can be compared with a greater degree of confidence.

Faecal coliforms appear to be high across the whole catchment and nutrient levels also seem to be an issue, particularly at sites in the more developed areas. Further monitoring including wet and dry weather events would be required to determine trends in faecal coliform and nutrient concentrations across the catchment.

Reference

ANZECC (2000) *National Water Quality Management Strategy. Australian and New Zealand Guidelines for Fresh and Marine Water Quality*. Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand.