EXTRAORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 29 July 2013

Council Chambers, Level 10,
Council Administration Building, 41 Burelli Street, Wollongong

Order of Business

1. Acknowledgement of Traditional Owners
2. Civic Prayer
3. Apologies
4. Disclosures of Pecuniary Interest
5. Call of the Agenda
6. Agenda Items

Members

Lord Mayor –
Councillor Gordon Bradbery OAM (Chair)

Deputy Lord Mayor –
Councillor John Dorahy

Councillor Michelle Blicavs
Councillor David Brown
Councillor Leigh Colacino
Councillor Chris Connor
Councillor Bede Crasnich
Councillor Vicki Curran
Councillor Janice Kershaw
Councillor Ann Martin
Councillor Jill Merrin
Councillor Greg Petty
Councillor George Takacs

QUORUM – 7 MEMBERS TO BE PRESENT
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Due to file size, to view all attachments, refer to separate reports on website.
Council at its meeting on 28 November 2011 considered 12 reports on the land formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. Council resolved to exhibit a draft Planning Proposal to rezone the area to a combination of zones. The draft Planning Proposal was exhibited from 6 August to 26 October 2012 and over 58,000 submissions were received and registered.

This report provides background information on the former 7(d) zone, the exhibition arrangements and submissions received. Separate reports have been prepared addressing the submissions and issues for the different precincts.

**Recommendation**

1. The background information on the former 7(d) Hacking River Environmental Protection zoned lands, the exhibition arrangements and submissions received be noted.

2. A public hearing into the draft Planning Proposal for the land formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops not be held.

**Attachments**

1. Background information extract from Final Review of Submissions report (5 July 2011)
3. Council resolutions 28 November 2011
4. Draft Planning Proposal zoning map – exhibited
5. Summary of submissions

**Report Authorisations**

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods
Background

Study Area

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

The properties are now zoned E3 Environmental Management under the Wollongong Local Environment Plan (LEP) 2009.
The former 7(d) lands contain significant bushland which is connected to the Woronora Dam 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. 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.

Under the County of Cumberland Planning Scheme (1951), the Illawarra Planning Scheme Ordinance (1968) and the Wollongong LEP 1990 (when notified in 1990), the lands were zoned Rural or Non-urban. In 1951 the minimum lot size to build a country dwelling was 0.8 hectares (2 acres) under the County of Cumberland Planning Scheme Ordinance. 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), and in 1984 the minimum lot size for a dwelling house increased to 40 hectares (100 acres).

In 1988, the 7(h) Hacking River Environmental Protection zone was introduced to protect land in the Hacking River catchment. The zone was renamed to 7(d) Hacking River Environmental Protection in 1990. The protection of the catchment and National Park remain important values.

In 1994, the Helensburgh Commission of Inquiry examined a number of urban expansion proposals, including land in the Land Pooling precinct, Gills Creek catchment and the Lady Carrington Estates. Instead of being released for housing, the Inquiry recommended the rezoning of some precincts to Environmental Protection zones and the 7(d) zone was extended in 1995 and 1997.

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

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

• Determining whether landowners can build a dwelling house on vacant lots.

Attachment 1 is an extract from chapters 1, 2 and 4 of the Final Review of Submissions report (5 July 2011) and contains additional background material, including a lot size analysis, ownership pattern, subdivision and planning history by precinct, information on the draft Helensburgh Town Plan (1990) and the Helensburgh Commission of Inquiry (1994), theoretical development potential, the Illawarra Regional Strategy biodiversity, bushfire, land capability, water quality, ownership transfer analysis, and the characteristics of the Helensburgh township.

Review process

The review of the lands formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops commenced in 2007, with a review of commercial uses in the 7(d) zone. The review was subsequently expanded to include the permissibility of dwelling houses.

The review has included the following stages:

• Draft Wollongong Local Environment Plan 2009 proposed to rezone the 7(d) lands to E2 Environmental Conservation. Following the exhibition period, Council on 28 July 2009 resolved to proceed with the E3 Environmental Management zone as it better reflected the 7(d) zone. Upon approval of the Wollongong Local Environment Plan 2009 on 26 February 2010 the 7(d) lands were rezoned/renamed to the E3 Environmental Management zone (Attachment 2);

• 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 and Council resolved to exhibit the draft Report. Attachment 1 includes a summary of the Council resolution and the concept zoning map;

• Exhibition of the Draft Review Report (first community consultation period) from 10 August to 9 October 2010, which resulted in 3,447 submissions;

• The “Preliminary report on submissions”, was considered by Council on 25 May 2010 and Council resolved to seek further community input on the report. Attachment 1 includes a summary of the Council resolution and the concept zoning map;

• Exhibition of the Preliminary Report on submissions (second community consultation period) from 2 June to 16 August 2010, which resulted in 19,395 submissions; and

• “Final report on submissions” considered by Council on 5 July 2011. Council resolved to progress the review of the 7(d) lands, by dividing the precincts into three parts:
1. Prepare a draft Planning Proposal to rezone land or amend the planning controls within 16 precincts. The report proposed that some precincts be rezoned to either a higher environmental conservation zone, or a zone that better reflects existing development or will allow some minor additional development;

2. Undertake further community consultation on a draft Planning Agreement which proposed the dedication of 435 hectares of private land to the public, in exchange for urban development in the Lady Carrington Estate South and Land Pooling Precincts; and

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

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

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

Council review

In November 2011, the Council undertook a review of the issues associated with the 7(d) lands and the resolutions of the previous Council.

- On 7 November 2011, Councillors undertook a site tour and received a briefing from Council Officers;
- On 21 November 2011, Councillors revisited some sites and precincts;
- On 21 November 2011, Council held a Public Information Session at Helensburgh Public School and received representations from 40 land owners, community members and other stakeholders. The meeting was attended by 248 registered persons; and
- On 28 November 2011, Council considered 12 reports and the issues raised at the public meeting. A copy of the Council resolutions is contained in Attachment 3.

Council resolved not to change the planning controls with the Kelly Falls precinct. The two lots in this precinct retained an E3 Environmental Management zone and were not included in the exhibited draft Planning Proposal and will not be discussed.

Exhibition details

The NSW Department of Planning and Infrastructure issued a new Gateway determination on 2 April 2012 which required pre-exhibition consultation with the Rural Fire Service and the NSW Department of Primary Industries – Minerals and Petroleum.
The authorities did not require any amendments to the draft Planning Proposal and their letters formed part of the exhibition material. Following the required pre-exhibition consultation, the formal exhibition commenced.

The draft Planning Proposal was exhibited from 6 August to 5 October 2012. Following a number of requests, the closing date for submissions was extended to 26 October 2012. Attachment 4 is a copy of the exhibited draft zoning map. The exhibition of the draft Planning Proposal included:

- Letters to all 7(d) land owners advising of the exhibition arrangements and specific zoning change to their property;
- Letters to all other landowners within the 2508 postcode advising of the exhibition arrangements;
- Letters to relevant Statutory Authorities advising of the exhibition arrangements;
- Emails to Neighbourhood Forum 1, local community groups and landowner groups advising of the exhibition arrangements;
- Emails to persons who made email submissions to the previous exhibition;
- Exhibition notices in the Sydney Morning Herald and local newspapers advising of the exhibition arrangements;
- Exhibition notices and exhibition copies of the documents on Council’s website;
- Exhibiting copies of the documents at the Helensburgh, Thirroul and Wollongong libraries and Council Administration building;
- Distributed on request, CDs containing the exhibition documents and background studies. 48 persons requested a CD;
- Holding a drop-in public information session on 28 August 2012 at Helensburgh Community Centre from 4pm to 8pm; and
- Attending the Neighbourhood Forum 1 meeting on 12 September 2012.

Proposals

This report presents a summary of the issues raised in the submissions by precinct and details the recommendations. Attachment 5 is a more detailed summary of the submissions.

Submissions

As a consequence of the exhibition over 58,029 submissions were received and registered by Council. The majority of submissions were form letters, form emails and web-generated submissions. An exact submissions number is difficult to determine as:

- Some persons sent in multiple copies of submissions (both hard and electronic) so there may be some double counting. Duplicates have been removed where identified;
Some emails had multiple letters/submissions attached (between 2-50);

A large number of emails have their author register as the originating website, not an individual;

Not all emails sent where received (discussed later); and

Some hard copy submissions have been scanned and registered in bulk batches of 200 rather than individually.

Submissions were received from the following Statutory Authorities and adjoining Council’s (summarised in Attachment 5):

- Rural Fire Service (Gateway requirement);
- Department of Primary Industries – Minerals and Petroleum (Gateway requirement);
- NSW Department of Primary Industry – Catchment and Lands;
- NSW Ministry of Health, and NSW Health South Eastern Sydney Local Health District (same submission);
- NSW Office of Environment and Heritage;
- NSW Roads and Maritime Service;
- Southern Rivers Catchment Management Authority;
- Sydney Catchment Authority;
- Sydney Water Corporation;
- Transgrid;
- Sutherland Shire Council; and
- Wingecarribee Shire Council.

Submissions were received from the following community and landowner groups (summarised in Attachment 5):

- Otford Protection Society;
- Helensburgh Business Owners Group;
- Helensburgh Land Pooling Group;
- South Otford Residents Group,
- Stanwell Tops Residents Awareness Association
- National Parks Association - Illawarra Branch;
- National Parks Association - Southern Sydney Branch
- Illawarra Escarpment Coalition; and
- Stop CSG Illawarra.
Of the total number of submissions registered, over 57,700 (99%) were web generated emails or form letters originated by community groups, landholder groups or individual landowners, as summarised in the following table.

<table>
<thead>
<tr>
<th>Group</th>
<th>No. of letters</th>
<th>No. of precincts</th>
<th>Received, registered</th>
<th>They sent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>30</td>
<td>24</td>
<td>6,586</td>
<td>31,213</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>29</td>
<td>22</td>
<td>1,241</td>
<td>6,058</td>
</tr>
<tr>
<td>Helensburgh Land Pooling Group</td>
<td>23</td>
<td>11</td>
<td>19,157</td>
<td>18,370</td>
</tr>
<tr>
<td>Helensburgh Business Owners Group</td>
<td>56</td>
<td>9</td>
<td>10,643</td>
<td>15,528</td>
</tr>
<tr>
<td>South Otford Residents Group (hard copy)</td>
<td>43</td>
<td>1</td>
<td>16,371</td>
<td>NA</td>
</tr>
<tr>
<td>221 Parkes Street, Helensburgh</td>
<td>15</td>
<td>1</td>
<td>1,878</td>
<td>1,735</td>
</tr>
<tr>
<td>194 – 196 Parkes Street, Helensburgh</td>
<td>1</td>
<td>1</td>
<td>757</td>
<td>NA</td>
</tr>
<tr>
<td>100 Princes Highway/Alma Rd, Helensburgh</td>
<td>1</td>
<td>1</td>
<td>213</td>
<td>NA</td>
</tr>
<tr>
<td>151 Princes Hwy &amp; 218-222 Parkes Street</td>
<td>1</td>
<td>1</td>
<td>58</td>
<td>NA</td>
</tr>
<tr>
<td>2A Domville Road, Otford</td>
<td>1</td>
<td>1</td>
<td>380</td>
<td>NA</td>
</tr>
<tr>
<td>24 Lady Wakehurst Drive, Otford</td>
<td>1</td>
<td>1</td>
<td>114</td>
<td>NA</td>
</tr>
<tr>
<td>159-169 Walker Street</td>
<td>1</td>
<td>1</td>
<td>327</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>200</strong></td>
<td><strong>57,725</strong></td>
<td><strong>90,731 (est.)</strong></td>
<td></td>
</tr>
</tbody>
</table>

The table also indicates that a number of the submissions advised by some of the groups (“They sent” column) originated from their websites.

After the exhibition some of the groups submitted copies of their records, tallying the submissions sent from their website. There are some significant differences between the submissions registered and the group’s numbers, resulting in a difference of over 30,000 submissions. This may be as a result of the email servers not being able to cope with the large volume of submissions. The implication is that Council may not have received a third of the submissions sent via email from the groups. However, the extra submissions represent additional copies of the form letters/emails already registered, therefore the issues raised are being considered. However, there may also have been other submissions from individuals which were not received.

Attachment 5 includes a summary of the form letters/emails and the individual submissions.

Unfortunately the generation of submissions became a numbers game to some groups, in the hope that their numbers would be larger than those generated by groups with the opposite view. As a result a number of groups prepared multiple submissions on
different issues, or the same issue, within each precinct. The large and varied number of submissions has resulted in the delay in reviewing and reporting the exhibition outcomes to Council.

**Public hearing**

A number of submissions requested that a Public Hearing be held into the draft Planning Proposal, including:

- South Otford Precinct Group signed by 15 landowners;
- Two form letters from the South Otford Precinct Group submitted by 290 persons;
- A submission from a Helensburgh Land Pooling owner;
- A submission from a North Otford precinct family member; and
- Two submissions from South Otford land owners.

A Public Hearing provides the opportunity for stakeholders to present their verbal submissions to an independent facilitator who then prepares a report for Council’s consideration. The facilitator does not examine or analyse the issues of concern, just reports the issues for Council’s consideration.

The exhibition of the draft Planning Proposal is the third community engagement exercise undertaken by Council as part of the review of the former 7(d) lands, which has included three submission periods, and a Public Information Session (21 November 2011). The Public Information Session was attended by 248 registered persons and Councillors received representations from 40 land owners, community members and other stakeholders.

As there have been a number of opportunities for persons to make representations to Council, it is recommended that a Public Hearing into the draft Planning Proposal for land formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops not be held.

**Options**

With each of the precincts and sub-precincts, there are three options available to Council:

1. Proceed with the proposed zone incorporated in the exhibited Planning Proposal; or.
2. Not progress the exhibited zone, and retain the current E3 Environmental Management zone.
3. Not progress the exhibited zone, retain the current E3 Environmental Management zone, and resolve to prepare a new Planning Proposal to achieve an alternate zone.

There has been significant discussion on whether the E2 Environmental Conservation or the E3 Environmental Management zone is more appropriate for the former 7(d)
lands. The E2 Environmental Conservation is the highest conservation zone, outside the E1 National Park zone, and is used on land that has significant bushland or conservation value. The E2 Environmental Conservation zone permits limited land uses. It is generally not appropriate for cleared lots containing dwelling houses, unless there is another over-riding strategy, such as the land being incorporated into a reserve system. Broadening the character of land uses within the zone undermines the significance of the zone. Two of the E2 Environmental Conservation zone objectives are:

1. To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and
2. To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Whereas, the E3 Environmental Management zone, and the former 7(d) Hacking River Environmental Protection zone, recognise the environmental values, but also enable a limited range of development opportunities, including dwelling houses. The zone objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and
- To provide for a limited range of development that does not have an adverse effect on those values.

In some precincts a split zoning has been proposed for the precinct or lots within a precinct, wherein the cleared land containing the dwelling house is zoned E3 Environmental Management zone, while the significant bushland area is zoned E2 Environmental Conservation.

The following table provides a comparison of land uses and other development standards permitted under the former 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.
## Land Use Table Comparison

<table>
<thead>
<tr>
<th>Zone objectives</th>
<th>7(d) zone Wollongong LEP 1990</th>
<th>E2 zone Wollongong LEP 2009</th>
<th>E3 zone Wollongong LEP 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>To identify and protect the conservation value of the relatively pristine tributaries of the Hacking River Catchment and thereby safeguard the natural qualities of the area to complement the Royal National Park, and To allow some diversity of activities on degraded land that will not prejudice achievement of the objective referred to in paragraph (a) or detrimentally affect the environmental quality or character of the locality or the amenity of any existing or proposed development in the locality.</td>
<td>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse effect on those values. To retain and enhance the visual and scenic qualities of the Illawarra Escarpment. To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming part of the Sydney drinking water catchment (within the meaning of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011) to enable the management and appropriate use of the land by the Sydney Catchment Authority.</td>
<td>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses permissible with consent</td>
<td>7(d) zone Wollongong LEP 1990</td>
<td>E2 zone Wollongong LEP 2009</td>
<td>E3 zone Wollongong LEP 2009</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Advertisements; Dwelling houses (subject to lot size requirements – see below); Home employment; Leisure areas; Utility installations.</td>
<td>Environmental facilities; Environment protection works; Extensive agriculture; Recreation areas.</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Uses permissible with consent subject to advertising and clause 11 assessment</td>
<td>Agriculture; Buildings used in conjunction with agriculture; Child care centres; Education establishments; Mines; Recreation areas; Restaurants.</td>
<td>Nil.</td>
<td>Nil.</td>
</tr>
<tr>
<td>Prohibited uses</td>
<td>All other uses.</td>
<td>Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors Housing; Service Stations; Warehouse or distribution centres; All other uses.</td>
<td>Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors Housing; Service Stations; Warehouse or distribution centres; All other uses.</td>
</tr>
</tbody>
</table>

Due to file size for attachments, refer to separate reports on website.
<table>
<thead>
<tr>
<th>Subdivision standard</th>
<th>7(d) zone Wollongong LEP 1990</th>
<th>E2 zone Wollongong LEP 2009</th>
<th>E3 zone Wollongong LEP 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Subdivision generally not permitted, except if there are existing dwelling houses.</td>
<td>Refer to Minimum Lot Size map (generally 40 hectares).</td>
<td>Refer to Minimum Lot Size map (generally 40 hectares).</td>
</tr>
<tr>
<td>Minimum lot size required for a dwelling house</td>
<td>10ha if lot created prior to 1971; 20ha if lot created between 1971 and 1984; and 40ha if lot created after 1984.</td>
<td>Dwelling houses not permitted.</td>
<td>10ha if lot created prior to 1971 [this provision has now lapsed]; 20ha if lot created between 1971 and 1984; and 40ha if lot created after 1984.</td>
</tr>
<tr>
<td>Replacement dwellings on undersized lots</td>
<td>Yes – clause 14(2A).</td>
<td>Yes - under existing use rights.</td>
<td>Yes – clause 4.2A.</td>
</tr>
</tbody>
</table>

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

- SEPP Mining, Petroleum Production and Extractive Industries (2007) permits mining throughout the State, including on E2 Environmental Conservation and E3 Environmental Management land;
- SEPP Infrastructure (2007) details additional permissible infrastructure uses by State Government agencies and Council – e.g. 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; and
- SEPP Affordable Rental Housing (2009) – permits secondary dwellings, group homes and social housing in residential zones.

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

1. Background report (this report);
2. Lady Carrington Estate North, Garrawarra and Isolated Lots in the Royal National Park precincts;
3 North Otford, Central Otford, South Otford and Govinda precincts;
4 Gills Creek and F6 West precincts;
5 Wilsons Creek precinct;
6 Gateway precinct;
7 Walker Street and Frew Avenue precincts;
8 Rezoning proposal for 159-169 Walker Street (Blackwells);
9 Old Farm Road, Metropolitan Colliery and Lukin Street precincts;
10 Camp Gully Creek precinct - including Walker Lane and Undola Road sub-precincts;
11 Lady Carrington Estate, Lilyvale, Central Bushland, and Otford Valley Farm precincts;
12 Lloyd Place precinct; and
13 Land Pooling and Lady Carrington Estate South precincts.

As indicated, Council resolved to make no change to the Kelly Falls precinct, accordingly this precinct retained the E3 Environmental Management zone and did not form part of the exhibited Planning Proposal.

**Conclusion**

This report provides a background summary of the issues associated with the lands formerly zoned 7(d) Hacking River Environmental Protection, the exhibition arrangements and submissions received to the exhibition of the draft Planning for the lands formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. Separate reports have been prepared addressing issues associated with individual precincts.
ITEM 2
REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE NORTH, GARRAWARRA AND ISOLATED LOTS IN THE ROYAL NATIONAL PARK PRECINCTS

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Lady Carrington Estate North, Garrawarra and Royal National Park precincts.

It is recommended that the Planning Proposal for these precincts be progressed to finalisation with minor amendments.

Recommendation

1 The part of the Planning Proposal for Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks and Nature Reserves, be progressed to finalisation.

2 The part of the Planning Proposal for the Garrawarra precinct (excluding the Waterfall General (or Garrawarra) Cemetery) which seeks to amend the Wollongong Local Environment Plan 2009 by:
   a Renaming the SP2 Infrastructure zone to SP2 Infrastructure “Health Service facility and Seniors Housing”;
   b Making a minor adjustment to the SP2 Infrastructure zone boundary, on the north-east boundary, to reflect ownership;
   c Removing the minimum lot size from the SP2 Infrastructure zoned land;
   d Zoning the Sydney Catchment Authority land to E2 Environmental Conservation;
   e Zoning the Crown Land to E2 Environmental Conservation, excluding Lot 1803 DP 822247 leased to the Sutherland Shire Sports Flying Association which will retain an E3 Environmental Management zone (as exhibited); and
   f Zoning Lot 991 DP 723636 to E2 Environmental Conservation

be progressed to finalisation.

3 The part of the Planning Proposal for the isolated lots in the Royal National Park, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:
a Lot A DP 356469;
b Lot 1 DP 335557;
c Lot 1 DP 324239; and
d Lot 1 DP 434564 and part Lot 30 DP 752018
be progressed to finalisation.

4 The proposed rezoning of Lot 4 DP 840501 Waterfall General (or Garrawarra) Cemetery (owned by Council) to E2 Environmental Conservation zone not proceed, and the Cemetery retain an E3 Environmental Management zone. A further report be submitted on this site following the completion and review of the draft Conservation Management Plan.

Attachments
There are no attachments for this report.

Report Authorisations
Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

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

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

Council at its meeting on 28 November 2011 resolved that:

1. Council endorse the existing draft Planning Proposal for Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks and Nature Reserves.

2. Council endorse the existing draft Planning Proposal for the Garrawarra precinct, which seeks to:
a Rename to SP2 Infrastructure Health Service facility and Seniors Housing;
b. Make a minor adjustment to the SP2 Infrastructure zone boundary, to reflect ownership;
c. Remove the minimum lot size from the SP2 Infrastructure land; and
d. Rezone the Crown Land and Sydney Catchment Authority land from E3 Environmental Management to E2 Environmental Conservation.

3. Council endorse the existing draft Planning Proposal for the isolated lots in the Royal National Park, which seeks to rezone the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:
   a. Lot A DP 356469;
   b. Lot 1 DP 335557;
   c. Lot 1 DP 324239; and
   d. Lot 1 DP 434564 and part Lot 30 DP 752018.

4. The draft Planning Proposal be exhibited for community comment for a minimum period of twenty 28 days.

5. A further report be prepared for Council in light of the implications of the Cemetery’s significance.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.

Proposal

Lady Carrington Estate North Precinct

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

In 2010, this property was purchased by the (then) NSW Department of Environment, Climate Change and Water (DECCW), and now forms part of the Garrawarra State Conservation Area. The Department, now known as the Office of Environment and Heritage (OEH), has advised that the property can be zoned E1 National Parks and Nature Reserves, to reflect its incorporation into the Garrawarra State Conservation Area.
Council at its meeting on 28 November 2011 resolved (in part) that:

1. Council endorse the existing draft Planning Proposal for Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks and Nature Reserves.
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Environment and Heritage (OEH)</td>
<td>• Did not specifically comment on the proposed E1 National Parks and Nature Reserves zoning for the precinct. However, previous submissions from OEH have supported the change.</td>
<td>Propose to proceed with E1 based on previous advice.</td>
</tr>
<tr>
<td></td>
<td>• Supported Council’s initiatives to zone 7(d) land E2 Environment Conservation, as the land will provide a significant contribution to recognition of landscapes that provide valuable habitats for threatened and regionally significant fauna and flora and towards establishment of biodiversity corridors between the Royal National Park, Garrawarra State Conservation Area, Illawarra Escarpment State Conservation Area, Woronora catchment and Heathcote National Park.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

**Other submissions:**

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Lady Carrington Estate North – agree, close to National Park.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Lady Carrington Estate North – support.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Lady Carrington Estate North – agree, close to National Park.</td>
</tr>
<tr>
<td>Email – suburb unknown</td>
<td>Lady Carrington Estate North – support E2 Environmental Conservation zone, the consent for a dwelling house should be rescinded.</td>
</tr>
</tbody>
</table>
Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 239 persons supporting the proposed rezoning of the precinct to E1 National Parks and Nature Reserves. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 41 persons supporting the proposed rezoning of the precinct to E1 National Parks and Nature Reserves (or E2 Environmental Conservation).&lt;br&gt;• One form letter submitted by 136 persons making a conservation based submission on all precincts.&lt;br&gt;• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively.&lt;br&gt;• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

There are no issues with this precinct. The rezoning of the site to E1 National Parks and Nature Reserves to reflect the land being part of the Garrawarra State Conservation Area is widely supported.

**Recommendation:** *It is recommended that the rezoning of Lot 1 DP 616230 Lady Carrington Estate North to the E1 National Parks and Nature Reserves zone be progressed as part of the final Planning Proposal.*

**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 Local Environmental Plan (LEP) 2009 and the Sydney Catchment Authority have requested that it be rezoned to E2 Environmental Conservation consistent with the other Sydney Catchment Authority land.
Garrawarra precinct location and current zoning map 2

The precinct contains 11 lots within five sub-precincts. These five sub-precincts include:

Sub-precinct 1: Garrawarra Hospital Centre

Four lots within the precinct form the Garrawarra Hospital Centre. The Garrawarra Hospital Centre provides dementia services, aged, respite and long term care services and outreach services. The Centre is zoned SP2 Infrastructure – Hospital and Seniors Housing and is listed as a heritage item of local heritage significance and as a Heritage Conservation Area.

The Garrawarra Centre is currently zoned SP2 Infrastructure – Hospital and Seniors Housing. However, the Centre provides more than Hospital and Aged Care Services and the current zoning map description does not accurately reflect the services provided on-site at the Centre. The 7(d) Review proposed that the term “hospital” be replaced with the group definition of “health service facility”, which incorporates the land uses of hospitals, medical centres and community health service facilities.
It is understood that NSW Health are looking at disposing of part or all of the Garrawarra facility. Consultants on their behalf have made enquiries about minimum lot size requirements, and the ability to subdivide off small support service sites from the main facility.

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

Garrawarra Centre SP2 Infrastructure zoning map 3

Council at its meeting on 28 November 2011 resolved (in part) that:

2 Council endorse the existing draft Planning Proposal for the Garrawarra precinct, which seeks to:
   a Rename to SP2 – Infrastructure - Health Service facility and Seniors Housing;
b. Make a minor adjustment to the SP2 Infrastructure zone boundary, to reflect ownership; and

c. Remove the minimum lot size from the SP2 Infrastructure land.

As a consequence of the exhibition, the following registered submissions were received commenting the draft Planning Proposal for the Garrawarra Hospital sub-precinct.

**Landowner submissions**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Health, and NSW Health – South Eastern Sydney Local Health District (same submission)</td>
<td>- Support the rezoning of the Lot 4 DP 840501 and part of Lot 2 DP 840501, containing the health facility, to SP2 Infrastructure - Health Service facility and Seniors Housing. &lt;br&gt; - Request that the balance of Lot 2 DP 840501, the bushland area, also be zoned SP2 Infrastructure - Health Service facility and Seniors Housing, rather than E2 Environmental Conservation zone, to allow the NSW Health or the Government to consider other uses for the land. &lt;br&gt; - Request the following uses should be permitted with development consent: Health Services, Aged care, Community facilities and Recreation facility (outdoor).</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>The draft Planning Proposal amended the north-east zone boundary to reflect the cadastral boundary. The rezoning of the southern end of Lot 2 DP 840501 was not included in the draft Planning Proposal. While this area is part of the Hospital land, it is largely bushland and the E2 Environmental Conservation zone remains appropriate. No amendment required as, Health Service facility and Seniors Housing will be listed as permissible on the zoning map. Community facilities and Recreation facility (outdoor) are permissible via the zone land use table.</td>
<td></td>
</tr>
</tbody>
</table>
Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 250 persons opposing the proposed rezoning of the precinct and suggesting it all be zoned E2 Environmental Conservation or E1 National Parks and Nature Reserves.</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>One form letter submitted by 40 persons opposing the proposed rezoning of the precinct and suggesting it all be zoned E2 Environmental Conservation or E1 National Parks and Nature Reserves.</td>
</tr>
<tr>
<td></td>
<td>One form letter submitted by 136 persons making a conservation based submission on all precincts.</td>
</tr>
<tr>
<td></td>
<td>Two form letters submitted by 79 and 123 persons supporting E2 National Parks and Nature Reserves for all 23/24 precincts, respectively.</td>
</tr>
<tr>
<td></td>
<td>One form letter submitted by 10 persons supporting E2 National Parks and Nature Reserves for all bushland precincts. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

It is noted that NSW Health supports the rezoning of the precinct, although they requested additional land to be zoned SP2 Infrastructure, which is not possible after the exhibition. The rezoning of the bushland areas to the south of the Hospital complex is not supported.

Options

1. Proceed with the rezoning of the renaming of the SP2 Infrastructure zone to SP2 Infrastructure “Health Service facility and Seniors Housing”, adjust the zone boundary and remove the minimum lot size, as exhibited in the draft Planning Proposal.

2. Not proceed with the amendments and retain the current controls.

Recommendation: It is recommended that the rezoning of Garrawarra Hospital sub-precinct be progressed as part of the final Planning Proposal, by:

a. Renaming the SP2 Infrastructure zone to SP2 Infrastructure “Health Service facility and Seniors Housing”;  
b. Making a minor adjustment to the SP2 Infrastructure zone boundary, on the north-east boundary to reflect ownership; and  
c. Removing the minimum lot size from the SP2 Infrastructure land.
Sub-precinct 2: Waterfall General (or Garrawarra) Cemetery

Lot 4 DP 840501 is Waterfall General (or Garrawarra) Cemetery which was historically used for the burial of former patients of the Garrawarra Hospital. The cemetery was transferred from the State to Council in 1967, however Council’s records did not reflect the transfer and the cemetery has not been maintained. Council was reminded of its ownership/management responsibilities in 2011. The Cemetery is zoned E3 Environmental Management and is listed as a heritage item of local heritage significance.

Since becoming aware of Council’s ownership/management responsibilities, the site has been inspected by Council officers. The site is overgrown and the graves and headstones are in poor condition. Cemetery records have been obtained which indicate that some 2,000 persons were buried.

The draft Planning Proposal proposed that the lot be zoned E2 Environmental Conservation and the zoning be reviewed upon the completion of further investigations.

The submissions from NSW Health and the NSW Health – South Eastern Sydney Local Health District noted that the cemetery was transferred to Council on 1 October 1967.

No other submissions commented on the cemetery. As noted in the previous section some submissions and form letters supported the rezoning of the entire Garrawarra precinct to E2 Environmental Conservation.

In 2012, a consultant was engaged to prepare a draft Conservation Management Plan to guide future activities. The Conservation Management Plan will guide whether the site should be cleared and the cemetery restored to allow visitation by descendants and relatives. Some relatives have contacted Council requesting access, which has been denied at this stage due to the unsafe nature of the site. Additionally, Council does not have access to the site as it is landlocked, following the closure of the Old Illawarra Road. The northern end of the fire trail is part of the Garrawarra Hospital Centre site controlled by NSW Health and the southern end by the Sydney Catchment Authority. A right-of-way or other access arrangements would need to be established in Council’s favour.

The draft Conservation Management Plan will be reported to Council separately, however it is likely the Plan will recommend some vegetation removal, limited access, a memorial and the installation of some fencing and gates.

The E2 Environmental Management zone will limit the on-going management of the cemetery and it is proposed that the E3 Environmental Management zone be retained. It is noted that Cemeteries are typically zoned either SP1 Special Activity – Cemetery or SP2 Infrastructure - Cemetery. A change to either zone would depend on the recommendations of the Conservation Management Plan and would be subject to a separate Planning Proposal.
Options

1. Proceed with the rezoning of the Cemetery to and E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, for example SP2 Infrastructure Cemetery, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of Lot 4 DP 840501, Waterfall General (or Garrawarra) Cemetery managed by Council, not proceed and the cemetery retain a E3 Environmental Management zone.

Sub-precinct 3: Sydney Catchment Authority land

Lot 1 DP 219640 and Lot 1 DP 830604 drain to the west to the Hacking River catchment and are managed by the Sydney Catchment Authority. The Authority had requested that these lots be zoned E2 Environmental Conservation. The draft Planning Proposal proposed that the lot be zoned E2 Environmental Conservation.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Catchment Authority</td>
<td>Support its land being zoned E2 Environmental Conservation.</td>
<td>Noted</td>
</tr>
</tbody>
</table>

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stanwell Tops Residents Association</td>
<td>Support E2 Environmental Conservation zone.</td>
</tr>
<tr>
<td>Stop CSG Illawarra</td>
<td>Support E2 Environmental Conservation zone.</td>
</tr>
<tr>
<td>Email – suburb unknown</td>
<td>Garrawarra – support E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 239 persons supporting the proposed rezoning of the precinct to E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

(refer Attachment 5 of Background report)
Group / property | Submission
--- | ---
OtfordEco | • One form letter submitted by 40 persons supporting the proposed rezoning of the precinct to E2 Environmental Conservation.
• One form letter submitted by 136 persons making a conservation based submission on all precincts.
• Two form letters submitted by 79 and 123 persons supporting E2 for all 23/24 precincts, respectively.
• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.
(refer Attachment 5 of Background report)

There are no issues with this sub-precinct, it is recommended that the rezoning be progressed.

**Recommendation:** It is recommended that the rezoning of Lot 1 DP 219640 and Lot 1 DP 830604 managed by the Sydney Catchment Authority to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.

Sub-precinct 4: Crown land

Lot 622 DP 752033, Lot 3 DP 840501, Lots 7324 and 7325 Crown ID 1161647 and Lot 1002 DP 822247 are Crown land controlled by the NSW Department of Primary Industries – Catchment and Lands. The draft Planning Proposal proposed that these lots be rezoned to E2 Environmental Conservation zone.

Lot 1803 DP 822247 is leased by the Crown to the Sutherland Shire Sports Flying Association. The site is a mixture of bushland and cleared land used for model aircraft flying. The draft Planning Proposal proposed that this lot retain an E3 Environmental Management zone.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Department of Primary Industries – Catchment and Lands</td>
<td>The Authority’s submission did not specifically comment on this precinct. Previously they indicated support for the recommendations</td>
<td>Noted.</td>
</tr>
</tbody>
</table>
### Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stanwell Tops Residents Association</td>
<td>Support E2 Environmental Conservation zone.</td>
</tr>
<tr>
<td>Stop CSG Illawarra</td>
<td>Support E2 Environmental Conservation zone.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Garrawarra precinct – agree, except for the E3 Environmental Management area on the west of the old highway which should also be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

### Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 239 persons supporting the proposed rezoning of the precinct to E2 Environmental Conservation. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons supporting the proposed rezoning of the precinct E2 Environmental Conservation.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts.</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation zone for all 23/24 precincts, respectively.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation zone for all bushland precincts.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>
Options

1. Proceed with the rezoning of the Crown Land to E2 Environmental Conservation (excluding Lot 1803 DP 822247) as exhibited in the draft Planning Proposal; and
2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

Recommendation: It is recommended that the rezoning of the Crown Land to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, excluding Lot 1803 DP822247, which is to retain an E3 Environmental Management zone.

Sub-precinct 5: Lot 991 DP 723636

Lot 991 DP 723636 located immediately to the north of the Garrawarra Centre is owned by the Macedonian Orthodox Monastery Trustees. The site has an area of 7.3ha and is covered in bushland. There does not appear to have been any development consents issued.

The draft Planning Proposal proposed that the site be zoned E2 Environmental Conservation.

No submission was received by the land owner.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 239 persons supporting the proposed rezoning of the precinct. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons supporting the proposed rezoning of the precinct.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136 persons making a conservation based submission on all precincts.</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>
Options

1. Proceed with the rezoning of the lot to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

Recommendation: It is recommended that the rezoning of Lot 991 DP 723636 to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.

Isolated lots in Royal National Park

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

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

These properties are surrounded by the Royal National Park and in the long term should be incorporated into the Park. It is noted that the lots are not on program for acquisition. The lots are not fully serviced. The planning studies have proposed that development opportunities should be limited to prevent intensification of development. Council cannot identify these properties for inclusion in the National Park, without the agreement of the Office of Environment and Heritage.

Recently a function centre was found to be operating on Lot 1 DP 335557 (125 Lady Wakehurst Drive) without consent. Additionally, it is noted that the adjoining Lot 1 DP 652830, which is owned by the same person is currently zone SP2 Infrastructure Road and was not proposed to change as part of the draft Planning Proposal. It had not been identified that the former section of road reserve was privately owned. It is understood that the current owners had taken over an existing business. The matter is subject to on-going investigations, and the owners planning consultant has indicated that a rezoning submission will be lodged in the future.
Council at its meeting on 28 November 2011 resolved (in part) that:

3 Council endorse the existing draft Planning Proposal for the isolated lots in the Royal National Park, which seeks to rezone the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:

- Lot A DP 356469;
- Lot 1 DP 335557;
- Lot 1 DP 324239; and
- Lot 1 DP 434564 and part Lot 30 DP 752018.
The draft Planning Proposal proposed that the lots be zoned E2 Environmental Conservation, which may result in the existing dwelling houses obtaining existing use rights, if they were lawfully approved.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

No submissions from the landowners were received.

**Other submissions:**

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Department of Environment, Climate Change and Water (now the Office of Environment and Heritage)</td>
<td>In a previous submission the Department supported the zoning of Lot 1 DP 324239 (located opposite the Metropolitan Colliery) as E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Isolated lots in the Royal National Park – support rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Email – suburb unknown</td>
<td>Isolated lots in the Royal National Park – should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

**Form letter/email submissions:**

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 238 persons supporting the proposed rezoning of the precinct to E2 Environmental Conservation zone or E1 National Parks and Nature Reserves. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts.</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation zone for all 23/24 precincts, respectively.</td>
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<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation zone for all bushland precincts.</td>
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<tr>
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<td>(refer Attachment 5 of Background report)</td>
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</table>

The rezoning of the sites from E3 Environmental Management to E2 Environmental Conservation will change the land uses permitted on the properties, notably dwelling...
houses will no longer be permitted and alterations/rebuilding would rely on existing use rights. Even though the lots contain dwelling houses, they are surrounded by the Royal National Park, and should only permit limited development opportunities to minimise impacts on the Park. In this instance, the rezoning to E2 Environmental Conservation is considered to be consistent with the zone objectives and strategy for the area.

Options

1. Proceed with the rezoning of the lots to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

**Recommendation:** It is recommended that the rezoning of Lot A DP 356469, Lot 1 DP 335557, Lot 1 DP 324239, Lot 1 DP 434564 and part Lot 30 DP 752018 to 2 Environmental Conservation be progressed as part of the final Planning Proposal.

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of Lady Carrington Estate North (now part of Garrawarra State Conservation Area), Garrawarra and Royal National Park precincts be progressed to finalisation with minor amendments.
ITEM 3 REVIEW OF 7(D) LANDS - OTFORD NORTH, OTFORD CENTRAL, OTFORD SOUTH AND GOVINDA PRECINCTS

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Otford North, Otford Central, Otford South and Govinda precincts.

It is recommended that the draft Planning Proposal for the Otford North and Govinda precincts be progressed to finalisation. It is recommended that the draft Planning Proposal for the Otford Central precinct not proceed and that an amended draft Planning Proposal for the Otford South precincts be progressed.

Recommendation

1. The part of the Planning Proposal for the Otford North precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to the E2 Environmental Conservation zone be progressed to finalisation, except for the following properties (or part lots) which are to retain an E3 Environmental Management zone:
   - The driveway handles of Lots 23 to 25 DP 789745 (Nos 63, 65 and 67) Station Road, Otford (the balance of the lots is to retain the E4 Environmental Living zone);
   - The front part of Lot 26 DP 789745 (No. 69) Station Road, Otford (the balance of the lot is to retain the E4 Environmental Living zone);
   - The front part of Lot 52 DP 749935 (No. 76-78) Station Road, Otford (the balance of the lot is to retain the E4 Environmental Living zone);
   - Lots 100 and 101 DP 1038431 and Lot 11 Section 6 DP 4591 (No. 77) Station Road, Otford;
   - Lot 14 Section 5 DP 4591 (No. 36) Lady Wakehurst Drive, Otford;
   - Lots 18 to 20 Section 3 DP 4591 Rawson Street, Otford; and
   - Lots 8 to 11 Section 3 DP 4591 Lady Carrington Road, Otford.

2. The part of the Planning Proposal for the Otford Central precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   - Rezoning the majority of the precinct to E4 Environmental Living and permit and allow a dwelling house on six vacant lots, with a floor space ratio of 0.5:1; and
b Rezoning Lots 14, 15 and 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road and Lots 1 and 2 DP 1037008 (2A Domville Road and 24 Lady Wakehurst Drive) to E2 Environmental Conservation and not permit any dwelling houses.

not be progressed to finalisation, instead the precinct retain an E3 Environmental Management zone.

3 The part of the Planning Proposal for the Crown land, Council land, RailCorp land and Roads and Maritime Services (RMS) land within the Otford South precinct, which seeks to rezone the sites to E2 Environmental Conservation, be progressed to finalisation.

4 The part of the Planning Proposal for the privately owned Otford Road lots and Bald Hill lots, within the Otford South precinct, which seeks to rezone the precinct to E2 Environmental Conservation not be progressed, instead the sites following retain an E3 Environmental Management zone:

a Lot 218 DP 5858 and Lot A DP 389582 (No. 204) Lawrence Hargrave Drive, Stanwell Tops;

b To Lot 104 DP 552216, (No. 129) Otford Road, Otford;

c Lot 102 DP 533462, (No. 149) Otford Road, Otford;

d Lot 2 DP 512180, (No. 152) Otford Road, Otford;

e Lot 3 DP 512180, (No. 158) Otford Road, Otford;

f Lot 101 DP 533462, (No. 169) Otford Road, Otford;

g Lots 28 and 32 DP 752018, (No. 200) Otford Road, Stanwell Tops; and

h Lot B DP 389582, (No. 222) Otford Road, Stanwell Tops.

5 The part of the Planning Proposal for Lot 2 DP 512270 Otford Road within the Otford South precinct, which seeks to retain an E3 Environmental Management zone and amend the Minimum Lot Size Map to permit a dwelling house, be progressed to finalisation.

6 The part of the Planning Proposal for Otford Farm, within the Otford South precinct, which seeks to rezone the steep bushland to E2 Environmental Conservation be progressed, and the land containing the dwelling house, equestrian centre, recreation facility and cleared land retain an E3 Environmental Management zone.

7 The part of the Planning Proposal for part of Lot 1 DP 190250 (Govinda precinct) which seeks to rezone the north and western parts of the property to E2 Environmental Conservation and retain an E3 Environmental Management zone on the eastern part, be progressed to finalisation.
Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

Background

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

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

Council at its meeting on 28 November 2011 resolved that:

1 Council endorse the existing draft Planning Proposal for the Otford North precinct, which seeks to rezone the land to E2 Environmental Conservation and not permit any dwelling houses.

2 Council amend the existing draft Planning Proposal for the Otford Central precinct, which seeks to:
   a Rezone the majority of the precinct to E4 Environmental Living and permit and allow a dwelling house on six (6) vacant lots, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 10,000m² (1 hectare); and
   b Rezone Lots 14, 15 and 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road and Lots 1 and 2 SP 1037008 (2A Domville Road and 24 Lady Wakehurst Drive) to E2 Environmental Conservation and not permit any dwelling houses.

3 Council endorse the existing draft Planning Proposal for the Otford South precinct, which seeks to:
   a Rezone the bushland areas in part of the precinct to E2 Environmental Conservation; and
   b Retain an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the Minimum Lot Size Map to permit a dwelling house (as identified on page 32 of the report).
4 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

5 No amendment be made to the planning controls for the Govinda precinct and the property retain an E3 Environmental Management zone.

Resolution 5 for the Govinda precinct was subsequently amended when Council resolved that:

The rezoning of Govinda be exhibited as part E2 Environmental Conservation and part E3 Environmental Management and the determination of the boundary be delegated to the General Manager.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for this precinct.

Proposal

Otford North

The Otford North precinct contains 54 lots which are covered in steep bushland. There are four existing dwellings over 11 lots. The precinct is located between the Royal National Park, the railway and Otford Village. Council owns three lots at the northern end of the precinct and two lots in the middle (map 1 outlined in blue). Six lots are Crown Land (map 1 outlined in green). The precinct also includes part of a number of lots on Station Road which we part zoned E3 Environmental Management and part E4 Environmental Living. The dwelling houses on these lots are on the E4 Environmental Living zoned section.

The precinct, along with the rest of Otford, was subdivided in 1905, into lots from 1,037m² to 1.3ha in area. In the late 1960’s and 1970’s, the lots were sold to individual owners. Between 1951 and 1968 lots had to be larger than 0.8 hectares (2 acres) under the County of Cumberland Planning Scheme Ordinance for a “country dwelling” to be permissible. In 1968, with the introduction of the Illawarra Planning Scheme Ordinance, the country dwelling standard increased to lots larger than 2 hectares (5 acres). In 1971, the minimum lot size for a dwelling house increased to 20 hectares (50 acres). In 1984 the land was zoned 7(h) Environmental Protection Scenic and was rezoned to 7(d) Hacking River Environmental Protection in 1988.

Based on Council’s ownership transfer data, three lots were last transferred between 1960 and 1969, whereas ten were last transferred between 1970 and 1979. None of these lots transferred in the 1960s were larger than 0.8 hectares. Only four lots in the Otford North precinct have an area greater than 0.8 hectares (2 acres). None of which contain a dwelling house. Council’s ownership records indicate that these lots were last transferred after 1971, at which time the 2 hectare standard applied. Accordingly, it does not appear that any vacant lot had a dwelling entitlement upon purchase. However, some land owners indicate that when they purchased their land, Council officers advised that they could build and noted that other dwellings were being built in
the area, under the same planning controls. Under the Illawarra Planning Scheme Ordinance (1968-1984) owners could apply for a variation to the standard (similar to seeking a rezoning or planning proposal), and Council approved a number of variations in the area which enabled dwellings to be built.

Otford North precinct location and current zoning map 1
Because of the lack of development, the land has remained covered in bushland which forms an important habitat link between the bushland in the Royal National Park, Illawarra Escarpment and Sydney Drinking Water Catchment area. The steep bushland of the precinct makes it unsuitable for residential development. The bushland within the precinct, along with the rest of Otford, is part of the Illawarra Escarpment Moist Forest Fauna Corridor, which has been identified as being of regional significance. The precinct is identified as being of high conservation value and is identified for potential inclusion in the State reserve system.

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

Council at its meeting on 28 November 2011 considered a report which recommended that the precinct be zoned E2 Environmental Conservation. Council resolved (in part) that:

1 Council endorse the existing draft Planning Proposal for the Otford North precinct, which seeks to rezone the land to E2 Environmental Conservation and not permit any dwelling houses.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 13 Sec 6 DP 4591, Beaumont Road</td>
<td>Oppose E2 Environmental Conservation, property should be zoned E4 Environmental Living. If zoned E2 Environmental Conservation seek compensation for the sterilisation of the land. Site was purchased when residential development was permitted.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 14 Sec 6 DP 4591, Beaumont Road</td>
<td>Oppose E2 Environmental Conservation, property should be zoned E4 Environmental Living. If zoned E2 Environmental Conservation seek compensation for the sterilisation of the land. Site was purchased when residential development was permitted.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 6 Sec 5 DP 4591</td>
<td>Lot purchased in 1965 when other dwellings were being built in area. Want to build house. Can access lot via Beaumont Road or Station Road.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Lot 5 Sec 3 DP 4591 Station Road</strong></td>
<td>Lot purchased in 1969 when land was zoned Rural. Advised by Council that it would be rezoned to residential within 18 months. Dwellings were being built nearby. The land was rezoned without notification. The land has a gradual slope and is not steep. Oppose E2 Environmental Conservation, support rezoning to E4 Environmental Living. Willing to donate part of land for wildlife corridor.</td>
<td>Objection noted</td>
</tr>
<tr>
<td><strong>Lot 5 Sec 3 DP 4591 (family member)</strong></td>
<td>Object to E2 Environmental Conservation. Demand public hearing. Council has acted unfairly for 43 years. Support E4 Environmental living zone.</td>
<td>Objection noted</td>
</tr>
<tr>
<td><strong>Lot 7 Sec 3 DP 4591</strong></td>
<td>Oppose E2 Environmental Conservation, request E4 Environmental living. Want to build house. Development will support local businesses.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property not identified</td>
<td>Oppose E2 Environmental Conservation. If Council wishes to protect the land, then resume it and turn it into a Park.</td>
<td>Objection noted</td>
</tr>
<tr>
<td><strong>Lot 5 Sec 5 DP 4591 (2 submissions)</strong></td>
<td>Request previous submissions be considered. Purchased lot in 1968. Advised by Council that could build and other houses were being built. Request rezoning to permit residential, or purchase land, or swap land for site in West Dapto or include in the Ensile Planning Agreement.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property not identified</td>
<td>Object to E2 Environmental Conservation, 7(d) was restrictive enough. Does &quot;existing rights&quot; carry over from 1970, when the house was legally built on 5 acres. Support E4 Environmental Living zoning, the same as Domville Rd. The land was cleared for timber getting and has regrowth. Evidence of sawmills remain. Includes historic photos showing land clearing and development of Otford.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>
Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Otford</td>
<td>North Otford - Support E2 Environmental Conservation and not permit any dwellings.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Otford North – strongly agree, close to National Park.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>North Otford – support no more dwellings.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Otford North – support E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 227 persons supporting the proposed rezoning of the precinct from E3 Environmental Management to E2 Environmental Conservation. (refer Attachment 5 of Background report).</td>
</tr>
</tbody>
</table>
| OtfordEco                         | • One form letter submitted by 43 persons supporting the proposed rezoning of the precinct.  
                                         • One form letter submitted by 136 persons making a conservation based submission on all precincts.  
                                         • Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively.  
                                         • One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report) |
| Helensburgh Land Pooling Group    | One letter submitted by 837 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation. (refer Attachment 5 of Background report) |

Review of issues

The submissions from the land owners noted that 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.

As noted, a review of historic planning instruments does not indicate dwelling houses where permitted upon purchase, although Council officers of the day may have indicated that the land may be rezoned in the future. Under the Illawarra Planning Scheme Ordinance (1968-1984) owners could apply for a variation to the standard (similar to seeking a rezoning or planning proposal), and Council approved a number of variations in the area which enabled dwellings to be built on those specific lots. Owners...
may have seen dwellings being built on these lots and assumed it was also permitted on their lot.

Further research has been undertaken, including a review of the “Summary of Objections to the draft Illawarra Planning Scheme”, exhibited in 1960-61. The document indicates that some of the (then) owners objected to the proposed Non-urban zoning as it would not enable a dwelling to be constructed. The response noted that the “Cumberland County Council and Wollongong Council consider that Otford should not be included in a village area” and the Councils’ are “opposed to a village area at Otford”, even lots close to the station. The document notes that variations had been approved on some lots in the area to enable dwellings to be constructed and that no applications had been received on other lots.

It appears that some owners sought the variation to permit a dwelling house, while others did not. It is not known whether landowners were advised of the availability or need to undertake this process.

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

**Otford North precinct slope analysis map 2**
As noted, there are four existing dwellings in the precinct on 11 lots. The rezoning of the lots from E3 Environmental Management to E2 Environmental Conservation will change the land uses permitted on the properties, notably dwelling houses will no longer be permitted and alterations/rebuilding would rely on existing use rights. Even though the lots contain dwelling houses, they are within a precinct that has not been identified as being suitable for development.

The existing dwellings were approved under a previous planning regime when they complied with the zonings and standards of the day. Some of the lots are substantially cleared of native vegetation and contain a dwelling house and outbuildings.

It is unrealistic to expect that the dwellings and improvements on these lots will be removed and the land returned to bushland, unless they are purchased by Council and the dwellings are demolished. They are unlikely to be acquired by the State, although the precinct would make a suitable addition to the State reserve system.

The E2 Environmental Conservation zone is the highest conservation zone, outside the E1 National Park zone, and is used on land that has significant bushland or conservation value. It is generally not appropriate for cleared lots containing dwelling houses, unless there is another over-riding strategy, such as the land being incorporated into a reserve system. Broadening the character of land uses within the zone, undermines the significance of the zone. Two of the E2 Environmental Conservation zone objectives are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Whereas, the E3 Environmental Management zone, and the former 7(d) Hacking River Environmental Protection zone, recognise the environmental values, but also enable a limited range of development opportunities, including dwelling houses. The zone objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and
- To provide for a limited range of development that does not have an adverse effect on those values.

It is proposed that the 11 lots containing the four existing dwellings retain an E3 Environmental Management zone. In addition, it is proposed that the driveway handles and front parts of five lots in Station Road also retain an E3 Environmental Management zone. These five lots are currently part E3 Environmental Management and part E4 Environmental Living, with a dwelling house located on the E4 Environmental Living part. The rezoning of the access ways to E2 Environmental Conservation could create problems. Ideally, the land should be zoned E4 Environmental Living but this change was not included in the draft Planning Proposal.
Options

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Retain an E3 Environmental Management zone on the 11 lots that contain four dwelling houses and the five Station Road part lots, and proceed with the rezoning of the remainder of the precinct to E2 Environmental Conservation.

4. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of the North Otford precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, except for the following lots (or part lots) which are to retain an E3 Environmental Management zone (as outlined in pink on map 3):

- The driveway handles of Lots 23 to 25 DP 789745 (Nos 63, 65 and 67) Station Road, Otford (the balance of the lots is to retain the E4 Environmental Living zone);
- The front part of Lot 26 DP 789745 (No. 69) Station Road, Otford (the balance of the lot is to retain the E4 Environmental Living zone);
- The front part of Lot 52 DP 749935 (No. 76-78) Station Road, Otford (the balance of the lot is to retain the E4 Environmental Living zone);
- Lots 100 and 101 DP 1038431 and Lot 11 Section 6 DP 4591 (No. 77) Station Road, Otford
- Lot 14 Section 5 DP 4591 (No. 36) Lady Wakehurst Drive, Otford;
- Lots 18 to 20 Section 3 DP 4591 Rawson Street, Otford; and
- Lots 8 to 11 Section 3 DP 4591 Lady Carrington Road, Otford.
Otford North proposed zoning map 3
Otford Central Precinct

The Otford Central area which includes Domville Road and the houses along Lady Wakehurst Drive contains 40 lots of which 28 lots contain dwelling houses and 12 lots are vacant. Three of the vacant lots are part of a holding of four lots in the one ownership, a dwelling house being located on the forth lot.

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

The precinct, along with the rest of Otford was subdivided in 1905, into lots 1,037m² – 1.3 hectares in area. Some lots were subdivided into smaller lots, for example the 8 lots on the south-west corner of Lady Wakehurst Drive and Domville Road were created in 1950. 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 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 Section 9 DP 4591, located on the south west corner of Station Road, and which has an area of 1.3 hectares does not contain a dwelling house. Council’s ownership records indicate that this lot was last transferred in 1986, at which time the 20 hectare dwelling standard applied.
All lots (and the rest of Otford) are within the Watagan Soil Landscape which is generally not suitable for urban development.

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

The majority of the precinct has slopes of 8-18% (including the existing Otford village), with some areas having slopes of 18-25%. Land with slopes greater than 18% is constrained and generally not recommended for urban development. Lots 14, 15, 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road have slopes of 18-25% and are tree covered.
Council at its meeting on 28 November 2011 which recommended that the precinct be zoned E4 Environmental Living, except for six lots which should be zoned E2 Environmental Conservation. Council resolved (in part) that:

2 Council amend the existing draft Planning Proposal for the Otford Central precinct, which seeks to:
   a Rezone the majority of the precinct to E4 Environmental Living and permit and allow a dwelling house on six (6) vacant lots, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 10,000m² (1 hectare); and
   b Rezone Lots 14, 15 and 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road and Lots 1 and 2 SP 1037008 (2A Domville Road and 24 Lady Wakehurst Drive) to E2 Environmental Conservation and not permit any dwelling houses.

Due to file size, to view all attachments, refer to separate reports on website.
Extraordinary Meeting of Council 29 July 2013

Otford Central precinct – draft Planning Proposal showing land to be zoned E2 Environmental Conservation and E4 Environmental Living map 6

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 16 Sec 8 DP 4591 Station Road</td>
<td>Object to property being zoned E2 Environmental Conservation. Long term resident of Otford (40 years). There have been no studies to substantiate environmental sensitivity. Water quality and flora/fauna has improved over the years, despite the anti-development claims. How can five properties surrounded by E4 Environmental Living</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Lot 1 DP 1037008 2A Domville Road</td>
<td>Oppose E2 Environmental Conservation, support E4 Environmental Living. Site degraded by coalwash, has an approved car park. Services are available, including sewerage. Doesn’t contain any endangered species.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 2 DP 1037008 24 Lady Wakehurst Drive</td>
<td>Oppose E2 Environmental Conservation, support E4 Environmental Living. Site degraded by coalwash, has an approved car park. Services are available, including sewerage. Doesn’t contain any endangered species.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 6 Section 9 DP 4591 Station Road</td>
<td>Object to rezoning from E3 Environmental Management to E2 Environmental Conservation – gigantic / quantum leap backward in time. The draft proposal is totally devoid of logic, equity and is incorrect and not based on facts. Council’s maps shows Lot 6 has a slope of 8-18% the same as the majority of Otford, not 18-25% as stated in the report. The lot is suitable for a dwelling. There are many existing sources of water pollution in Helensburgh and Otford, runoff from 1 additional dwelling won’t make a difference. Want to be able to build a house.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Otford</td>
<td>Central Otford – support E4 Environmental Living zone and E2 Environmental Conservation zone as exhibited.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Otford Central – agree, only where there are existing dwellings or cleared land.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Otford – support and proposal.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Otford Central – should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

A number of submission from the South Otford precinct (detailed in the next section of this report), suggested that there was inconsistency in rezoning this precinct to
E4 Environmental Living permitting some additional dwellings, and downzoning the adjoining South Otford precinct and not permit dwelling houses.

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group/property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>2A Domville Road</td>
<td>One form letter submitted by 379 persons objecting to the rezoning of the property to E2 Environmental Conservation. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>24 Lady Wakehurst Drive</td>
<td>One form letter submitted by 114 persons objecting to the rezoning of the property to E2 Environmental Conservation. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 230 persons opposing the proposed rezoning of the precinct and requesting E2 Environmental Conservation. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>
| OtfordEco                       | • One form letter submitted by 42 persons opposing the proposed rezoning of the precinct and requesting E2 Environmental Conservation;  
                                   | • One form letter submitted by 136 persons making a conservation based submission on all precincts;  
                                   | • Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and  
                                   | • One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report) |
| Helensburgh Land Pooling Group  | One letter submitted by 839 persons supporting the rezoning to E4 Environmental Living to enable additional houses. (refer Attachment 5 of Background report) |

Review of issues

The Central Otford precinct is different to the North Otford precinct, in that the majority of lots have dwelling houses. It appears that the lots in this precinct, outside the village area, were available for purchase and development earlier than those in the North Otford precinct. Additionally, some owners sought variations to the minimum lot size for a country dwelling to enable dwelling houses to be constructed.

Consideration needs to be given to whether the planning controls should acknowledge that the character of Otford village extends to Lady Wakehurst Drive by extending the E4 Environmental Living zone, or retaining the current controls. On the lots that contain a dwelling house, the proposed zoning change will not result in substantial change,
although some additional uses will be permitted. On the lots that do not contain a dwelling house (three in the same ownership), a rezoning to E4 Environmental Living will enable a dwelling house to be constructed.

Objections were received from four of the seven owners of the seven lots that do not contain a dwelling house, and which were proposed to be rezoned to E2 Environmental Conservation which will prohibit a dwelling house.

It is noted that the “New Planning System for New South Wales - White Paper” proposes the amalgamation of the current standard zones. This includes the merging of the E4 Environmental Living zone with the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential and RU5 Village zone. The E4 Environmental Living zone enables dwellings with some other uses in an environmental setting, which is different to the suburban outcomes achieved under the residential zones. The E4 Environmental Living zone does not permit dual occupancy.

If the changes proposed by the White Paper progress, it will mean Otford and potentially the Central Otford precinct would be required to be zoned Residential. This would most likely expand the permitted land uses to dual occupancy and medium density development which would not be appropriate for the area.

It is considered that maintaining the status quo is the best option for this precinct. Lots with existing dwellings can continue, and no additional dwellings will be constructed. This will not satisfy the owners of vacant lots.

Options

1. Proceed with the rezoning of the Central Otford precinct to E4 Environmental Living and E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E4 Environmental Living and E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Proceed with the rezoning of the lots that contain a dwelling house to E4 Environmental Living, and retain an E3 Environmental Management zone on the other lots.

4. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of the Central Otford precinct not proceed and the precinct retain an E3 Environmental Management zone.
Otford South Precinct

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

Otford South precinct location map 7

The Council report of 28 November 2011 recommended that the draft Planning Proposal for the Otford South precinct be partially rezoned to E2 Environmental Conservation, partially retain an E3 Environmental Management zone and amend the Minimum Lot Size Map for Lot 2 DP 512270 Otford Road to permit a dwelling house. Council resolved (in part) that:
3 Council endorse the existing draft Planning Proposal for the Otford South precinct, which seeks to:

a Rezone the bushland areas in part of the precinct to E2 Environmental Conservation; and

b Retain an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the Minimum Lot Size Map to permit a dwelling house (as identified on page 32 of the report).

The draft Planning Proposal showed the entire precinct being rezoned to E2 Environmental Conservation, except Lot 2 DP 512270 Otford Road, which retained an E3 Environmental Management zone. This was not what was recommended or resolved. It appears that the recommendation/resolution was misinterpreted, as the majority of lots contain bushland. As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford South Precinct Group – signed by 15 owners</td>
<td>Object to E2 Environmental Conservation and impact on existing houses. Other sites are being rezoned to E4 and E3 to allow dwellings. E2 Environmental Conservation should be for high conservation lands, not South Otford. Bushfire risk will increase. Existing use rights places the burden of proof on the owner. Existing dwellings and home businesses will no longer be permitted uses. Adversely impact on land values – 90% reduction. Will then seek compensation from Council. All former 7d properties in Otford should be zoned the same. Do not accept E2 Environmental Conservation, zoning should be at least E4 Environmental Conservation. Request public hearing.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lots 28 &amp; 32 DP 752018 200 Otford Road (4 submissions)</td>
<td>Object to rezoning to E2 Environmental Conservation. There has been a house on the</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>

Due to file size, to view all attachments refer to separate report on website.
<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 Otford Road (family member)</td>
<td>Object to land being zoned E2. Have significant detrimental effect on the property value. Retrospectively change the rules.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 218 DP 2588 &amp; Lot A DP 389582, Lawrence Hargrave Drive</td>
<td>Request that E3 Environmental Management zone be retained. Oppose E2 Environmental Conservation. When land purchased in 1993, RTA advised that it had abandoned road widening plans in 1988. Land has been in the family since 1945. The lot has been cleared, contain a dwelling and dam.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot B DP 389582 222 Otford Road</td>
<td>Request Council reconsider the land use table and remove restrictions associated with rebuilding and maintenance of dwellings. Concerned will not be able to maintain property and may not be able to rebuild house.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 102 DP 533462 149 Otford Road</td>
<td>Consultant report. 2ha lot, dwelling constructed in 1979 and extended in 1987. Object to E2 Environmental Conservation. Dwellings will be prohibited and will have to rely on existing use rights. Zoning E2 Environmental Conservation is inconsistent with approach for Central Otford. There has been no “Net Community Benefit Test”. Support retention of E3 Environmental Management zone.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 2 DP 512180 152 Otford Road</td>
<td>Object to E2 Environmental Conservation. Submit copies of</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>(2 owners, 65 submissions each)</td>
<td>Otford south precinct group objections. Concerned about falling branches and not being able to undertake tree maintenance without a DA under the E2 Environmental Conservation zone. Submits photos of recent fallen branch.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concerned about increased bushfire risk with E2 Environmental Conservation zone, as land owners won’t be able to maintain their property and reduce fuel loads.</td>
<td>Objection noted</td>
</tr>
<tr>
<td></td>
<td>E2 Environmental Conservation will cause more hardship and Council may be liable to compensate owners. The most suitable definition based on the Department of Planning Circular is E4.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 2 DP 512180 152 Otford Road (4 family members)</td>
<td>Fortunate to live in area over the last 35 years. Oppose E2 Environmental Conservation. Zoning should allow dwelling on each existing lot.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 101 DP 533462 169 Otford Road</td>
<td>Oppose E2 Environmental Conservation and request E3 Environmental Management be retained. E2 Environmental Conservation decision has caused stress and community division. Removal of permitted use and creation of existing use rights, will cause hardship and financial losses. Council reports note the E2 Environmental Conservation zone is not appropriate in areas cleared and used for housing or other uses. Property contains a dwelling house, sheds, animal enclosures, and pool. There has been no “Net Community Benefit Test”. South Otford has a low residential density of 1 dwelling/18 ha (compared to Otford 1/0.2ha which is zoned E4). Otford village is</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Lot 101 DP 533462 169 Otford Road</td>
<td>Consultant report opposes E2 Environmental Conservation, support retention of E3 Environmental Management. 2 ha, contains dwelling house (originally approved in 1974), sheds and pool. In 1984 a DA for keeping and storing orchid &amp; beekeeping was approved. There has been no “Net Community Benefit Test&quot;. Concerned about the introduction of a regime of establishing existing use rights. There will be no economic incentive to invest in the dwelling. The site is not consistent with the E2 Environmental Conservation zone objectives.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Otford Farm</td>
<td>Object to the E2 Environmental Conservation zone. Resubmit the 2010 consultant report and ecological study, which accepted a split E2 Environmental Conservation / E3 Environmental Management zone.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>
### Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Farm employee</td>
<td>Oppose rezoning and the impact on the Otford Farm riding school. The E3 Environmental Management and Rural zoning is more appropriate.</td>
</tr>
<tr>
<td>Resident Otford</td>
<td>South Otford – Support E2 Environmental Conservation and E3 Environmental Management as exhibited.</td>
</tr>
</tbody>
</table>
| Resident Engadine          | • South Otford – object to rezoning from E3 Environmental Management to E2 Environmental Conservation.  
• Why is Council zoning South Otford E2 Environmental Conservation and allowing 5 more houses in Central Otford.                                                                                                                                                                                    |
| Resident Helensburgh       | Otford South – agree.                                                                                                                                                                                                                                                                                                                        |
| Email Suburb unknown       | Otford South – support E2 Environmental Conservation.                                                                                                                                                                                                                                                                                      |

### Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
</table>
| Otford South Precinct Group   | 49 form letters submitted by 16,371 persons opposing the rezoning to E2 Environmental Conservation for various reasons.  
(refer Attachment 5 of Background report)                                                                                                                                                                                                                                                   |
| Otford Protection Society     | One form letter submitted by 258 persons supporting the proposed rezoning of the precinct.  
(refer Attachment 5 of Background report)                                                                                                                                                                                                                                                                                                   |
| OtfordEco                     | • One form letter submitted by 40 persons supporting the proposed rezoning of the precinct;  
• One form letter submitted by 136, persons making a conservation based submission on all precincts;  
• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and  
• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.  
(refer Attachment 5 of Background report)                                                                                                                                                                                                                                                  |
| Helensburgh Land Pooling Group| One form letter submitted by 837 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.  
(refer Attachment 5 of Background report)                                                                                                                                                                                                                                                                                                   |
Review of issues

This precinct received the most submissions, as a consequence of the 16,371 form letters generated by the Otford South Precinct Group, plus their own personal submissions, objecting to the proposed E2 Environmental Conservation zone.

As it is a large precinct, the precinct has been divided into four sub-precincts to assist the review of issues.

Sub-precinct 1: Otford Road lots

There are six privately owned lots fronting Otford Road, five of which contain a dwelling house. The sixth lot is Lot 2 DP 512270 Otford Road which was proposed to permit a dwelling house by retaining an E3 Environmental Management zone and amending the Minimum Lot Size Map to permit a dwelling house.

The submissions from the Otford South Precinct Group residents commented on their properties within this sub-precinct and the Bald Hill sub-precinct.

As a result of the exhibition, the main issue to consider is whether to proceed with the rezoning of the five lots that contain a dwelling house to E2 Environmental Conservation. The existing dwellings were approved under a previous planning regime when they complied with the zonings and standards of the day. Some of the lots are substantially cleared of native vegetation and contain a dwelling house, outbuildings and pools.

Otford Road lots and current zoning map 8
A rezoning to E2 Environmental Conservation would remove the permissibility of a dwelling house, and require the owners to rely on existing use rights for any alternations, additions, rebuilding of the dwelling or outbuildings. Whilst this is possible, it is a more complex process. The landowner submissions opposed to the change, noting that the rezoning could remove their entitlements and devalue their land.

It is unrealistic to expect that the dwellings and improvements on these lots will be removed and the land returned to bushland, unless they are purchased by Council and the dwellings are demolished. They are unlikely to be acquired by the State, as the Office of Environment and Heritage (OEH) (formerly Department of Environment Climate Change and Water) have not identified this area as being suitable for inclusion in the State reserve system.

The E2 Environmental Conservation zone is the highest conservation zone, outside the E1 National Park zone, and is used on land that has significant bushland or conservation value. It is generally not appropriate for cleared lots containing dwelling houses, unless there is another over-riding strategy, such as the land being incorporated into a reserve system. Broadening the character of land uses within the zone undermines the significance of the zone. Two of the zone objectives are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Whereas, the E3 Environmental Management zone, and the former 7(d) Hacking River Environmental Protection zone, recognise the environmental values, but also enable a limited range of development opportunities, including dwelling houses. The objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and
- To provide for a limited range of development that does not have an adverse effect on those values.

Options

1. Proceed with the rezoning of the five lots to E2 Environmental Conservation as exhibited in the draft Planning Proposal.
2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.
3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the six Otford Road lots retain an E3 Environmental Management zone and a dwelling house be permitted on Lot 2 DP
512270 Otford Road through the amendment to the Minimum Lot Size, be progressed as part of the final Planning Proposal.

Sub-precinct 2: Bald Hill

There are 26 lots in the Bald Hill sub-precinct of which five are privately owned, (two owners each own two lots) (outlined in red on location map 9) and contain three dwelling houses. The submissions from the Otford South Precinct Group residents commented on their properties within this sub-precinct and the previous Otford Road sub-precinct.

For the reasons outlined under the Otford Road sub-precinct, it is recommended that these lots retain the current E3 Environmental Management zone.

Of the remainder, Council owns seven lots (outlined in green on location map 9) and the Roads and Maritime Services (RMS) owns 14 lots. The RMS purchased the lots for road widening which is now unlikely to proceed (outlined in pink on location map 9). Two of the RMS lots contain dwelling houses which are leased.

Bald Hill location map 9
Options

1. Proceed with the rezoning of the privately owned lots to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning privately owned lots to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the five privately owned lots in the Bald Hill sub-precinct retain an E3 Environmental Management zone. It is recommended that the rezoning of the Council land and the RMS land to E2 Environmental Conservation be progressed to finalisation.

Sub-precinct 3: Otford Farm

The major land owner in the precinct is Otford Farm (Lots 1 and 2 DP 1106860, Lot 1 DP 945016 and Lot 2 DP 719756) (outlined in light blue on location map 6). The owners also own four lots within the Lloyd Place precinct which are discussed in a separate report.

Otford Farm is used for horse riding, outdoor recreation facility, grazing and other activities. The property contains a mixture of steep bushland and flat cleared valleys used as farm land. The existing approved uses include:

- Dwelling house;
- 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 15 room motel, manager’s residence, restaurant and car parking on the southern part of the site adjacent to Lawrence Hargrave Drive. The submission notes that construction commenced in 1985 with earthworks undertaken and footings constructed; and

As noted, the property contains a mixture of steep bushland and flat cleared valleys used as farm land. It was proposed that the steeper bushland be zoned E2 Environmental Conservation and the cleared lands be zoned E3 Environmental Management. The draft Planning Proposal showed the entire property being zoned E2 Environmental Conservation, which was opposed by the owner and South Otford Precinct Group, and supported by the conservation based submissions.

Similar to the reasons outlined for the Otford Road sub-precinct, it is proposed that the land that has been cleared (and is used for the dwelling and equestrian centre) retain an
E3 Environmental Management zone. This will enable the existing business operations to continue without additional restrictions. It is also proposed that the cleared agricultural land and land used for the paintball facility also retain an E3 Environmental Management zone. While, on the steep bushland areas the proposed E2 Environmental Conservation zone should be progressed. This will give the Otford Farm holding a split zone which recognises the different characteristics and uses of the land. The South Otford location map 10 below shows the proposed zoning arrangement.

**South Otford location map 10 (updated map to be inserted)**

**Options**

1. Proceed with the rezoning of the Otford Farm within the South Otford precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning of Otford Farm to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Proceed with the rezoning the steep bushland parts of Otford Farm within the South Otford precinct to E2 Environmental Conservation as exhibited, and retaining the current E3 Environmental Management zone on the land containing the dwelling house, equestrian centre, cleared paddocks and recreation facility.

4. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning the steep bushland parts of Otford Farm within the South Otford precinct to E2 Environmental Conservation as exhibited, be progressed as part of the final Planning Proposal, while the current E3
Environmental Management zone be retained on the land containing the dwelling house, equestrian centre, cleared paddocks and recreation facility.

Sub-precinct 4: Crown land & RailCorp land

The Crown owns seven lots along Otford Road/Lady Wakehurst Drive (outlined in blue on location map 11), and RailCorp owns the land above the old and current Otford Rail tunnels.

Crown land and RailCorp land location map 11
The draft Planning Proposal proposed that these lands be zoned E2 Environmental Conservation. There are no issues with these sites and it is recommended that the rezoning proceed.

Options

1. Proceed with the rezoning of the Crown land/Rail Corp land within the South Otford precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning of the Crown land and Rail Corp land to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of the Crown land and Rail Corp land within the South Otford precinct to E2 Environmental Conservation be progressed as part of the final Planning Proposal.

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 64 guests.

Govinda Retreat location map 12
A submission was received, to an earlier exhibition, 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 retreat currently operates under existing use rights. It is understood that a church camp was first approved on the site in 1939. The facility would currently be defined under the Wollongong Local Environmental Plan 2009 as “hotel or motel accommodation”, with the training activities undertaken by guests being ancillary to the accommodation. As the facility is operating with a current approval under the existing use rights, there is no need to include an additional land use which could expand the current operation. A more intense tourist development would be inappropriate in this location.

Council at its meeting on 28 November 2011 initially resolved (in part) that:

5 No amendment be made to the planning controls for the Govinda precinct and the property retain an E3 Environmental Management zone.

This resolution was subsequently amended when Council resolved that:

The rezoning of Govinda be exhibited as part E2 Environmental Conservation and part E3 Environmental Management and the determination of the boundary be delegated to the General Manager.

The draft Planning Proposal was amended to show the property part E2 Environmental Conservation and part E3 Environmental Management, in accordance with the following map:

Draft zoning map 13
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

A submission from the landowner was not received. As noted, previous submissions have 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.

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Govinda precinct – agree.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Govinda – support.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Govinda – should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 244 persons objecting to the proposed rezoning, and supporting E2 Environmental Conservation for the entire property. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 39 persons objecting to the proposed rezoning, and supporting E2 Environmental Conservation for the entire property;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts;</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Land Pooling Group</td>
<td>One letter submitted by 837 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

There are no significant issues with this precinct. The current operation has functioned under existing use rights for many years, and can continue to do so. The draft Planning Proposal proposed to retain an E3 Environmental Management zone on the cleared land used for the retreat and rezone the steeper bush areas to E2 Environmental Conservation.
Options

1. Proceed with the rezoning of part of the property to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning of part of the property to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the property to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of part of Lot 1 DP 190250, the Govinda precinct, to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, and the remainder be retained as E3 Environmental Management.

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the Otford North and Govinda precincts be progressed to finalisation. It is recommended that the draft Planning Proposal for the Otford Central precinct not proceed and that an amended draft Planning Proposal for the Otford South precincts be progressed.
Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports on the review and addresses the Gills Creek and F6 West precincts.

It is recommended that the Planning Proposal for these precincts be progressed to finalisation, with minor amendments.

Recommendation

1. The part of the Planning Proposal for the Gills Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Zoning Nos. 237-261 Princes Highway to RU2 Rural Landscapes;
   b. Zoning the Crown Land to E2 Environmental Conservation;
   c. Zoning the Kellys Creek corridor E2 Environmental Conservation;
   d. Zoning the Baines Place to Stanwell Tops properties part E3 Environmental Management and part E2 Environmental Conservation;
   e. Zoning part of Lot 4 DP 259401 (corner of Baines Place and Lawrence Hargrave Drive) to RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation

be progressed to finalisation.

2. The part of the Planning Proposal for the F6 West precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Zoning the Sydney Catchment Authority land to E2 Environmental Conservation;
   b. Zoning the Crown Land to E2 Environmental Conservation, except for Lot 99 DP 752054 and Lot 7320 DP 1168914 which are to retain the E3 Environmental Management zone; and
   c. Zoning the remaining private land part RU2 Rural Landscapes and part E2 Environmental Conservation

be progressed to finalisation.
Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

Background

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

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

Council at its meeting on 28 November 2011 resolved that:

1 Council endorse the draft Planning Proposal for the Gills Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a Zoning Nos 237-261 Princes Highway RU2 Rural Landscapes;
   b Zoning the Crown Land to E2 Environmental Conservation;
   c Zoning the Kellys Creek corridor E2 Environmental Conservation;
   d The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation; and
   e Permit the use of a “restaurant or café” on part of Lot 4 DP 259401 (corner of Baines Place and Lawrence Hargrave Drive), by rezoning the land to RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation.

2 Council endorse the draft Planning Proposal for the F6 West precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a Zoning the Sydney Catchment Authority land and the Crown Land to E2 Environmental Conservation; and
   b Zoning the remaining private land part RU2 Rural Landscapes and part E2 Environmental Conservation in the area previously indicated for E3 in the Preliminary Review of Submissions.
3. **The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.**

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.

**Proposal**

**Gills Creek precinct**

The Gills Creek precinct is located south of Lawrence Hargrave Drive between Stanwell Tops and the F6 Freeway and includes Baines Place. The precinct contains 44 lots, the majority of which are larger lots (2-20 hectares), including:

- Eight lots between the Princes Highway and Baines Place, the majority of which are cleared and contain a dwelling house. One lot on Baines Place contains an approved concrete batching plant;
- Seven of the lots were created in 1979 based on the 20 hectare subdivision standard of the day (map 1 outlined in pink), that applied to land zoned Rural. Each lot contains a dwelling house;
- Two lots in the south-west corner are Crown Land (map 1 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 (map 1 outlined in blue); and
- The Stanwell Tops Conference Centre is partially within the precinct. The southern portion of the Conference Centre site drains to the Illawarra Escarpment.

The precinct also contains extensive bushland areas which surround Kellys and Gills Creeks.

The Helensburgh Commission of Inquiry found that part of this precinct was the most capable of urban development.
Council at its meeting on 28 November 2011 resolved (in part) that:

1. Council endorse the draft Planning Proposal for the Gills Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Zoning Nos 237-261 Princes Highway RU2 Rural Landscapes;
   b. Zoning the Crown Land to E2 Environmental Conservation;
   c. Zoning the Kellys Creek corridor E2 Environmental Conservation;
   d. The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation; and
   e. Permit the use of a “restaurant or café” on part of Lot 4 DP 259401 (corner of Baines Place and Lawrence Hargrave Drive), by rezoning the land to RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation.
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>261 Princes Highway</td>
<td>Support RU2 Rural Landscape zone.</td>
<td>Noted.</td>
</tr>
<tr>
<td>(2 submissions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 4 DP 259401 Lawrence</td>
<td>Support RE2 Private Recreation zoning, but feel that both sides of Baines</td>
<td>Noted. The draft Planning Proposal cannot introduce an IN2 Light Industrial zone or SP3 Tourist zone after the exhibition period. Council would need to assess a new rezoning proposal.</td>
</tr>
<tr>
<td>Hargrave Drive (2</td>
<td>Place should be zoned light industrial or for tourism.</td>
<td></td>
</tr>
<tr>
<td>submissions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 2 DP 569325 &amp; Lot 329</td>
<td>Consultant report - objecting</td>
<td>The rezoning to IN2 Light</td>
</tr>
</tbody>
</table>
### Property Submission Comment

**Property** | **Submission** | **Comment**
---|---|---
DP 752033 Baines Place | to E3 Environmental Management, request IN2 Light Industrial zoning. IN2 Light Industrial would complement the nearby B6 Enterprise Corridor zone by making land available for large floor plates. Sites have good access to Princes Highway and Freeway. The sites have been disturbed and environmental conservation zones are not appropriate. Also support the rezoning of Lot 101 DP 737118 Baines Place (concrete batching plant site) to IN2 Light Industrial. | Industrial did not form part of the draft Planning Proposal and cannot be introduced after the exhibition. Council would need to assess a new rezoning proposal. An industrial zoning in this area was suggested by the draft Helensburgh Town Plan (1990) and the concept plan exhibited following the preliminary review of submissions, but it was not supported. |
Lot 2 DP 569325 & Lot 329 DP 752033 Baines Place | Council fails to consider the benefits of additional development and expansion. Council should adopt the Willana report recommendations, Helensburgh needs more IN2 Light Industrial land. | An industrial zoning in this area was suggested by the draft Helensburgh Town Plan (1990) and the concept plan exhibited following the preliminary review of submissions, but it was not supported. |
237 Princes Highway (Symbio) | Symbio is an established tourist attraction, been in operation 37 years. Have purchased 237 Princes Highway for security and future expansion. Request that 237 also be zoned SP3 Tourism to enable continued expansion and employment and economic benefits to the region. | 237 Princes Highway was exhibited as RU2 Rural Landscape. A rezoning to SP3 Tourist cannot be undertaken as part of this Planning Proposal and would need a new planning proposal. Some of the uses permitted in the RU2 Rural Landscape zone include animal boarding or training establishments, bed and breakfast accommodation, and veterinary hospitals. |
NSW Department of Primary Industries – Catchment and Lands (Crown Lands) | Advised that it accepted the E2 Environmental Conservation zoning for its land in the precinct. | Noted.
**Other submissions:**

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
</table>
| Resident Stanwell Tops     | Support E2 Environmental Conservation for the Gills Creek precinct. Object to E3 Environmental Management zone and RE2 Private Recreation zonings.  
- Stanwell Tops sub-precinct – the Council reserve at the end of Anseley Ave is a precedent for E2 Environmental Conservation. The large area of E3 Environmental Management zone is not in the public interest. Part of a wildlife corridor; and  
- Gills Creek – oppose E3 Environmental Management zone. Oppose RE2 Private Recreation zone and proposed restaurant. |
| Resident Stanwell Tops     | Protest the rezoning of land in Stanwell Tops                                                                                                                                                               |
| Resident Stanwell Tops     |  
- Object to the rezoning of Gills Creek and Stanwell Tops precincts;  
- Contains biodiversity values;  
- Would narrow Kellys Creek corridor;  
- Object to RE2 as it would allow a restaurant- should be E2 Environmental Conservation zone; and  
- All areas should be zoned E2 Environmental Conservation. |
| Resident Helensburgh       | Gills Creek precinct – Support E2 Environmental Conservation and E3 Environmental Management zonings, however further investigation required to determine if it is sustainable. No clearing.                                   |
| Resident Helensburgh       | Gills Creek and F6 West – support recommendation.                                                                                                                                                           |
| Email – suburb unknown     | Gills Creek – should all be zoned E2 Environmental Conservation. The proposal does not address the Hanging Swamp and Christian Conference Centre previously zoned as 7(d) lands. |

**Form letter/email submissions:**

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
</table>
| Otford Protection Society | One form letter submitted by 241 persons objecting the proposed rezoning of the precinct, requesting that the land be zoned E2 Environmental Conservation.  
(refer Attachment 5 of Background report) |
Group / property | Submission
--- | ---
OtfordEco | - One form letter submitted by 40 persons objecting the proposed rezoning of the precinct, requesting that the land be zoned E2 Environmental Conservation;
- One form letter submitted by 136 persons making a conservation based submission on all precincts;
- Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation zone for all 23/24 precincts, respectively; and
- One form letter submitted by 10 persons supporting E2 Environmental Conservation zone for all bushland precincts.
(refer Attachment 5 of Background report)

Helensburgh Business Owner Group | Seven form letters submitted by 186-189 persons (total 1310) supporting the use of the precinct for employment uses, including industrial and a transfer station.
(refer Attachment 5 of Background report)

Helensburgh Land Pooling Group | One form letter submitted by 835 persons objecting to the land being zoned E2 Environmental Conservation.
(refer Attachment 5 of Background report)

### Review of issues

The Gills Creek precinct is the largest and most diverse precinct. The precinct has been divided into five sub-precincts to assist the review of issues.

**Sub-precinct 1: Princes Highway, rural properties**

The draft Planning Proposal proposed to rezoned the seven lots fronting the Princess Highway to the RU2 Rural Landscape zone. Each lot has an area of 0.18 to 2.4 hectares, has been cleared and contains an existing dwelling house.

The submissions did not raise any significant issues with this sub-precinct. One landowner supported the change. The request from Symbio to rezone 237 Princes Highway cannot be included in the current Planning Proposal and would require the submission and consideration of a detailed rezoning proposal.
Princess Highway Rural properties location map 3

Options

1. Proceed with the rezoning of the sub-precinct to RU2 Rural Landscapes as exhibited in the draft Planning Proposal.
2. Not proceed with the rezoning of the sub-precinct to RU2 Rural Landscapes and retain the current E3 Environmental Management zone.
3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, for example 237 Princes Highway to SP3 Tourist, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of Princes Highway sub-precinct within the Gills Creek precinct to RU2 Rural Landscapes be progressed as part of the final Planning Proposal.

Sub-precinct 2: Crown Land

The draft Planning Proposal proposed to rezoned the two lots of Crown Land in the south of the precinct (outlined in green location map 1) to the E2 Environmental Conservation. The Crown Lands Authority did not object to the proposed amendment.

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

Options

1. Proceed with the rezoning of the Crown land sub-precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.
2. Not proceed with the rezoning of the Crown land sub-precinct to E2 Environmental Conservation and retain the current E3 Environmental Management zone.
3 Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of the Crown Land to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.

**Sub-precinct 3: Baines Place – Stanwell Tops rural residential properties**

The draft Planning Proposal proposed to rezone the eight “50 acre lots” (the 20 hectare lots created in 1979) to part E2 Environmental Conservation (along the watercourses and bushland areas) and part E3 Environmental Management (the cleared land being used for dwelling houses and agriculture). The lots extend from Baines Place to Stanwell Tops (outlined in pink on location map 1).

**Baines Place Stanwell Tops draft zoning map 4**

The submissions did not raise any significant issues with the exhibited proposal for this sub-precinct.

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

However, the precinct is not connected to reticulated water or sewerage systems. In addition, the industrial uses could impact on the Symbio Wildlife Park, bushland and water quality.

The draft Planning Proposal did not include an Industrial precinct and it cannot be included in the current Planning Proposal and would require the submission and consideration of a detailed rezoning proposal that considered the supply/demand for employment land, economic benefits, traffic generation, land capability and environmental impacts.

Options

1. Proceed with the rezoning of the sub-precinct to E2 Environmental Conservation and E3 Environmental Management as exhibited in the draft Planning Proposal.
2. Not proceed with the rezoning of parts of the sub-precinct to E2 Environmental Conservation and retain the current E3 Environmental Management zone.
3. Resolve to prepare a new Planning Proposal to rezone parts of the precinct to another zone, for example IN2 Light Industrial as requested, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of Baines Place to Stanwell Tops sub-precinct to the E2 Environmental Conservation and E3 Environmental Management zones be progressed as part of the final Planning Proposal.

Sub-precinct 4: Baines Place - Proposed RE2 Environmental Conservation zone

The draft Planning Proposal proposed to rezone part of Lot 4 DP 259401 (227-231 Lawrence Hargrave Drive) to RE2 Private Recreation, which would enable amongst other uses, a development application for a restaurant to be assessed. The adjacent Gills Creek riparian corridor was proposed to be zoned E2 Environmental Conservation.

The 7(d) zone did permit restaurants, but the use is not permitted in the E3 Environmental Management zone. In April 2010, Council refused Development Application No. 2009/1519 for a restaurant on this site.

Lawrence Hargrave Drive is a tourist route, and the establishment of a restaurant on the site opposite Symbio could have some local economic benefits. A restaurant could provide another attraction on the Grand Pacific Drive route and, provide local employment, but could have a negative effect on existing restaurants in the town centre. The restaurant would need to be connected to the sewerage system, rather than relying on on-site disposal.
Options

1. Proceed with the rezoning of part of Lot 4 DP 259401 to RE2 Private Recreation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning of part of Lot 4 DP 259401 to RE2 Private Recreation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of part of Lot 4 DP 259401 to the RE2 Private Recreation zone be progressed as part of the final Planning Proposal.

Sub-precinct 5: Stanwell Tops

Some submissions commented that the draft Planning Proposal did not address the Stanwell Tops Conference Centre site. The conference centre owns 3 lots, of which 1.5 lots are within the Hacking River catchment and were previously zoned 7(d) (outlined in green below map 5). The southern part of the site drains to the Illawarra Escarpment and coast. The site currently contains both the E2 Environmental Conservation and E3 Environmental Management zones.

Stanwell Tops location map 5
The draft Planning Proposal proposed to retain an E3 Environmental Management zone on Lot 1 DP 541421 and part of Lot 2 DP 541421, and rezone the western half of Lot 2 DP 541421 to the E2 Environmental Conservation zone, consistent with the strategy for the rest of the precinct.

**Stanwell Tops draft zoning map 6**

**Options**

1. Proceed with the rezoning of the sub-precinct to E2 Environmental Conservation and E3 Environmental Management as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning of parts of the sub-precinct to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of the Stanwell Tops sub-precinct to the E2 Environmental Conservation and E3 Environmental Management zones be progressed as part of the final Planning Proposal.

**F6 West**

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

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

The other two 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.

Princes Highway West Precinct location map 7
Council at its meeting on 28 November 2011 resolved (in part) that:

2. Council endorse the draft Planning Proposal for the F6 West precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:

a. Zoning the Sydney Catchment Authority land and the Crown Land to E2 Environmental Conservation; and

b. Zoning the remaining private land part RU2 Rural Landscapes and part E2 Environmental Conservation in the area previously indicated for E3 in the Preliminary Review of Submissions.

**F6 West – Draft Planning Proposal map 8**

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:
Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Department of Primary Industries – Catchment and Lands (Crown Lands)</td>
<td>Objected to Lot 99 DP 752054 and Lot 7320 DP 1168914 being zoned E2 Environmental Conservation, as the land is leased, partially cleared, contains a dwelling house and trotting track.</td>
<td>Council records indicate that the southern lot 99 DP 752054 was managed by the SCA, who requested that their land being zoned E2 Environmental Conservation. Lot 7320 DP 1168914 is partially cleared and contains a trotting track. It is proposed that the E3 Environmental Management zone be maintained on these lots.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Catchment Authority</td>
<td>Supported their land being zoned E2 Environmental Conservation.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 750 DP 752033 Princes Highway</td>
<td>Noted the proposal to rezone the site to part RU2 Rural Landscape and E2 Environmental Conservation and noted that the comments contained the previous submissions still applied. [i.e. education establishment]</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

In previous submissions, the owner supported the proposed RU2 Rural Landscapes zone, but opposed the proposed E3 Environmental Management zone on their property. The owner requested that two 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. Education establishments were permissible under the 7(d) zone, provided the requirements of clause 11 of the Wollongong Local Environmental Plan 1990 were satisfied. The use is not permitted under the current E3 Environmental Management zone. The use of the site for an education establishment is not considered appropriate due to its isolation from Helensburgh, lack of service infrastructure (water and sewerage) and high bushfire risk.
Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>F6 west precinct – support E2 Environmental Conservation outside the RU2 Rural Landscape zone.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>F6 West – support recommendation.</td>
</tr>
<tr>
<td>Email – suburb unknown</td>
<td>F6 west – support E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 244 persons objecting to the proposed rezoning of the precinct. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons objecting to the proposed rezoning of the precinct;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts;</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

The submissions did not raise any significant issues with the exhibited proposal for this precinct. As noted it is proposed that the E3 Environmental management zone be retained on Lot 99 DP 752054 and Lot 7320 DP 1168914, owned by the Crown and used for residential purposes.

A rezoning to E2 Environmental Conservation would remove the permissibility of a dwelling house, and require the Crown to rely on existing use rights for any alternations, additions, rebuilding of the dwelling or outbuildings. Whilst this is possible, it is a more complex process. Even though the land is owned by the Crown, it is unrealistic to expect that the dwellings and improvements on these lots will be removed and the land returned to bushland, unless they are purchased by Council and the dwellings are demolished.

The E2 Environmental Conservation zone is the highest conservation zone, outside the E1 National Park zone, and is used on land that has significant bushland or conservation value. It is generally not appropriate for cleared lots containing dwelling houses, unless there is another over-riding strategy, such as the land being incorporated into a reserve system. Broadening the character of land uses within the
zone undermines the significance of the zone. Two of the E2 Environmental Conservation zone objectives are:

1. To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and

2. To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Whereas, the E3 Environmental Management zone, and the former 7(d) Hacking River Environmental Protection zone, recognise the environmental values, but also enable a limited range of development opportunities, including dwelling houses. The zone objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and
- To provide for a limited range of development that does not have an adverse effect on those values.

Options

1. Proceed with the rezoning of the precinct to RU2 Rural Landscapes and E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to RU2 Rural Landscapes and E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of F6 West precinct to the RU2 Rural Landscapes and E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, except for Lot 99 DP 752054 and Lot 7320 DP 1168914 which are to retain the E3 Environmental Management zone.

Conclusion

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Gills Creek and F6 West precincts be progressed to finalisation with minor amendments.
ITEM 5  
REVIEW OF 7(D) LANDS - WILSONS CREEK PRECINCT

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Wilsons Creek precinct.

It is recommended that the Planning Proposal for this precinct be amended to retain an E3 Environmental Management zone on properties with existing development, and then progressed to finalisation.

Recommendation

1. The part of the Planning Proposal for the Wilsons Creek precinct be amended to retain an E3 Environmental Management zone (excluding the Wilsons Creek riparian corridor which is proposed to be zoned E2 Environmental Conservation) over the following properties which contain existing development, namely 43-49 (2 lots), 70 (2 lots), 87, 95, 100 (2 lots), 104, 133 (approved dwelling) and 137 Princes Highway, 194-198 Parkes Street (2 lots), 74 Rajani Road, 16 and 17 (2 lots) Sawan Street, Helensburgh.

2. The part of the Planning Proposal for the Wilsons Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   
   a. Zoning the Wilsons Creek riparian corridor to the E2 Environmental Conservation zone;
   
   b. Zoning the Crown Land to the E2 Environmental Conservation zone; and
   
   c. Zoning the lots which do not contain an existing development to the E2 Environmental Conservation zone.

be progressed to finalisation.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods
Background

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

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

The Wilsons Creek precinct includes the lots on both sides of the Princes Highway north of Parkes Street and contains 46 lots. The precinct is the headwaters of Wilsons Creek which flows into Garrawarra State Conservation Area. Six lots are Crown Land (map 1 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 12 dwellings, including one approved dual occupancy dwelling. In 2007, Council approved a DA for a shop and replacement dwelling on 133 Princes Highway, Helensburgh which has not been constructed, and the consent may have lapsed.

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

Wilson Creek Precinct location

The four small lots at the southern end of Old Illawarra Road and the three small lots located on the western side of the Princes Highway (north of Alma Road) are parts of larger lots which straddle the Princes Highway. In 1969 and 1970 the lots were subdivided to create separate lots on either side of the Princes Highway. The lots were then sold. In 1970 the minimum lot size required for a country dwelling was 2 hectares (5 acres). Only one 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 eight small lots on Rajani Road (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 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. The Council report proposed that the eight (Rajani Road lots) be consolidated into one larger (4,600m² approximately) lot and a dwelling house be permitted on the consolidated lot.
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 a dwelling house and associated Asset Protection Zone would require the clearing of the Endangered Ecological Community the “Southern Sydney Sheltered Forest”. The precinct has not been identified as a potential addition to the State reserve system.
The clearing and residential development could have an adverse impact on downstream water quality. Any additional residential development should be connected to the sewerage system to prevent effluent pollution. On-site disposal of effluent should not be permitted.

Council at its meeting on 28 November 2011 considered a report which recommended that a dwelling house be permitted on 13 of the larger lots (retain E3 Environmental Management zone but reduce minimum lot size), one dwelling house be permitted on the consolidated eight Rajani Road lots, and no dwellings be permitted on the seven small Princes Highway lots (to be zoned E2 Environmental Conservation) or the Crown land (to be zoned E2 Environmental Conservation).

Council resolved that:

1. Council amend the draft planning proposal for the Wilsons Creek Precinct by zoning the Wilsons Creek Precinct to E2 Environmental Conservation zone.
2. A draft Planning Proposal be prepared by Council and forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty-eight (28) days.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for this precinct.

Proposal

As a consequence of the exhibition, the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>194-198 Parkes Street, Helensburgh (submissions from family members and a consultant)</td>
<td>Opposed the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>Existing dwelling house, two lots.</td>
</tr>
<tr>
<td>70 Princes Highway, Helensburgh</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>Existing dwelling house, two lots.</td>
</tr>
<tr>
<td>86 Princes Highway, Helensburgh</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house.</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>100 Princes Highway, Helensburgh (a submission from family members)</td>
<td>Opposed the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>Existing dwelling house, two lots.</td>
</tr>
<tr>
<td>101 Princes Highway, Helensburgh</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house.</td>
</tr>
<tr>
<td>104 Princes Highway, Helensburgh</td>
<td>Support the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>Existing dwelling house</td>
</tr>
<tr>
<td>111 Princes Highway, Helensburgh</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house.</td>
</tr>
<tr>
<td>125 Princes Highway, Helensburgh</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house.</td>
</tr>
<tr>
<td>128 Princes Highway, Helensburgh (2 submissions)</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house.</td>
</tr>
<tr>
<td>137 Princes Highway, Helensburgh (4 submissions)</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>Existing dwelling house.</td>
</tr>
<tr>
<td>138 Princes Highway, Helensburgh</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house.</td>
</tr>
<tr>
<td>141 Princes Highway, Helensburgh (2 submissions)</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house.</td>
</tr>
</tbody>
</table>
## Property Submission Comment

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-23 Rajani Road, Helensburgh, and 120 Princes Highway, Helensburgh</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>No dwelling house, eight lots. No dwelling house.</td>
</tr>
<tr>
<td>74 Rajani Road, Helensburgh (6 submissions)</td>
<td>Object to the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
<td>Existing dwelling house.</td>
</tr>
<tr>
<td>16 Sawan Street, Helensburgh (2 submissions)</td>
<td>Object to the proposed E2 Environmental Conservation zone and requesting a rezoning to B6 Enterprise Corridor.</td>
<td>Existing dwelling house and landscape supply business. A rezoning to B6 cannot be included in this Planning Proposal and a separate rezoning proposal would be required.</td>
</tr>
<tr>
<td>Sydney Catchment Authority</td>
<td>Supported their land being zoned E2 Environmental Conservation.</td>
<td>Noted.</td>
</tr>
<tr>
<td>NSW Department of Primary Industries – Catchment and Lands (Crown Lands)</td>
<td>Advised that it accepted the E2 Environmental Conservation zoning for its land in the precinct.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

### Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two submissions submitted by three persons (total 6)</td>
<td>Support the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation. Supporting the rezoning of Sydney Catchment Authority (SCA) land to E2 Environmental Conservation. Noting the bushfire concerns, wildlife corridor, no water or sewerage system.</td>
</tr>
<tr>
<td>Roads and Maritime Services (RMS)</td>
<td>Maintains it position in previous correspondence, namely it objected to direct access to the Princes Highway, from individual properties.</td>
</tr>
<tr>
<td>Sydney Water</td>
<td>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.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Wilsons Creek precinct – agree in principle, but further</td>
</tr>
</tbody>
</table>
investigations should occur to determine the level of
development that could be supported without detrimental
impacts. Should be a minimum 40m buffer either side of
Wilsons Creek which should be zoned E2 Environmental
Management.

Resident Helensburgh
Wilsons Creek – support recommendation.

Email suburb unknown
Wilsons Creek – support E2 Environmental Management.

### Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group/property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>194-198 Parkes Street, Helensburgh</td>
<td>757 submissions opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
</tr>
<tr>
<td>100 Princes Highway, Helensburgh</td>
<td>213 submissions opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>
| Otford Protection Society                 | One form letter submitted by 242 persons supporting the proposed rezoning of the precinct.  
(refer Attachment 5 of Background report) |
| OtfordEco                                  | • One form letter submitted by 39 persons supporting the proposed rezoning of the precinct.  
• One form letter submitted by 136 persons making a conservation-based submission on all precincts.  
• Two form letters submitted by 79 and 123 persons supporting E2 for all 23/24 precincts respectively.  
• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.  
(refer Attachment 5 of Background report) |
| Helensburgh Business Owner Group           | • Six form letters submitted by 183-191 persons (total 1,117) opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.  
• One form letter submitted by 185 persons supporting the comments in all 56 letters. |
| Helensburgh Land Pooling Group             | • One letter submitted by 839 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation. |
On 21 June 2013, Council was advised of clearing occurring on 125 Princes Highway, Helensburgh. On 6 July 2013, Council was advised that further work had occurred. A development consent had not been issued for a land use to occur and this matter is being separately investigated.

Review of issues

As a result of the exhibition, a key issue to consider within this precinct is whether to proceed with the rezoning of the lots that contain a dwelling house to E2 Environmental Conservation. Secondly, whether a new Planning Proposal should be prepared to enable a dwelling house to be permitted on the 26 lots in private ownership that do not contain a dwelling house, and the associated environmental impacts.

The existing dwellings were approved under a previous planning regime when they complied with the zonings and standards of the day. Some of the lots are substantially cleared of native vegetation and contain a dwelling house, outbuildings, pools and farm animals. One lot contains an approved dual occupancy, and one lot a landscape supply business. A rezoning to E2 Environmental Conservation would remove the permissibility of a dwelling house, and require the owners to rely on existing use rights for any alternations, additions, rebuilding of the dwelling or outbuildings. Whilst this is possible, it is a more complex process. The landowner submissions opposed to the change, note that the rezoning could remove their entitlements create uncertainty and devalue their land.

It is unrealistic to expect that the dwellings and improvements on these lots will be removed and the land returned to bushland, unless they are purchased by Council and the dwellings are demolished. They are unlikely to be acquired by the State, as the Office of Environment and Heritage (OEH) (formerly DECCW) have not identified this area as being suitable for inclusion in the State reserve system.

The E2 Environmental Conservation zone is the highest conservation zone, outside the E1 National Park zone, and is used on land that has significant bushland or conservation value. It is generally not appropriate for cleared lots containing dwelling houses, unless there is another over-riding strategy, such as the land being incorporated into a reserve system. Broadening the character of land uses within the zone undermines the significance of the zone. Two of the zone objectives are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Whereas, the E3 Environmental Management zone, and the former 7(d) Hacking River Environmental Protection zone, recognise the environmental values, but also enable a limited range of development opportunities, including dwelling houses. The zone objectives of the E3 Environmental Management zone are:
• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and

• To provide for a limited range of development that does not have an adverse effect on those values.

In some precincts a split zoning has been proposed for the precinct or lots within a precinct, wherein the cleared land containing the dwelling house is zoned E3 Environmental Management zone, while the significant bushland areas is zoned E2 Environmental Conservation. This strategy is proposed for this precinct, and it is recommended that the lots containing an existing dwelling not be rezoned to E2 Environmental Conservation and the land retain the E3 Environmental Management zone. It is proposed that the rezoning of the Wilsons Creek riparian corridor to E2 Environmental Conservation proceed.

In terms of the lots that do not contain a dwelling house, the current Planning Proposal cannot be amended to enable a dwelling house to be permitted. These lots tend to be covered in bushland. If the controls are amended to permit a dwelling house, the lots will be substantially cleared for the dwelling and bushfire mitigation purposes. Additionally, the lots would need to be connected to a reticulated sewerage system. It is noted that the existing dwellings rely on on-site effluent disposal as a consequence of their approval when Helensburgh was not sewered, and the sewer lines were not extended to those lots. Some of the lots are not large enough for on-site effluent disposal.

The rezoning of these lots (which do not contain existing dwellings) to E2 Environmental Conservation would recognise their bushland character, and not impact on existing development. It would not permit a dwelling house and reduce the permitted land uses even further. The Council may be required to acquire the land, if it is found that the land use table is too restrictive. Council has the option of proceeding with the rezoning or retaining the current E3 Environmental Management zone (which only permits dwellings on sites greater than 40ha). A new draft Planning Proposal would be required to be prepared to enable a dwelling house to be permitted on the lots that do not contain a dwelling.

**Options**

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone over the entire precinct.

3. Not proceed with the rezoning to E2 Environmental Conservation on the lots that contain an existing development and retain the current E3 Environmental Management zone, and proceed with the E2 Environmental Conservation zoning on the other lots.
4. Resolve to prepare a new Planning Proposal to rezone the precinct or specific lots to another zone and undertake further community consultation.

Option 3 is recommended, wherein the lots that contain existing development retain the E3 Environmental Management zone, and the E2 Environmental Conservation zoning be progressed on the other lots.

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Wilsons Creek precinct be amended to retain an E3 Environmental Management zone on the lots that contain a dwelling house, and the remainder of the precinct be progressed as an E2 Environmental Conservation zoning.
ITEM 6 REVIEW OF 7(D) LANDS - GATEWAY PRECINCT

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Gateway precinct.

It is recommended that the Planning Proposal for the Gateway precinct be progressed to finalisation.

Recommendation

The part of the Planning Proposal for the Gateway precinct, which seeks to amend the Wollongong Local Environmental Plan 2009 (LEP) by:

1. Zoning 151 and 177 Princes Highway, and 200-206, 208-216 and 218-222 Parkes Street, to the B6 Enterprise Corridor zone, with a floor space ratio of 0.5:1, maximum building height of 11m and minimum lot size of 2,000m²;

2. Zoning the Nos. 187-193 Princes Highway to the RU2 Rural Landscape zone;

3. Zoning 2 Lawrence Hargrave Drive to the RE2 Private Recreation zone;

4. Zoning 1-5 Lawrence Hargrave Drive and 227 Princes Highway to the RU2 Rural Landscape zone; and

5. Zoning Symbio Wildlife Gardens to the SP3 Tourist zone, including the dwelling houses in the same ownership – Nos. 7-15 Lawrence Hargrave Drive.

be progressed to finalisation.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods
Background

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

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

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

Gateway precinct location and existing zoning map 1

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, Helensburgh (the former RTA depot) and 200-206 Parkes Street, Helensburgh to IN2 Light Industrial. This rezoning was progressed as part of the Wollongong Local Environmental Plan 2009, and the sites are now zoned IN2 Light Industrial.

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

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

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

Council at its meeting on 28 November 2011 resolved that:

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

2. **The Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.**

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.
Proposal

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 – 1, 13, 15 Lawrence Hargrave Drive &amp; 237 Princes Highway (Symbio)</td>
<td>Symbio is an established tourist attraction, been in operation 37 years. Support planning proposal in part.</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>Have purchased 237 Princes Highway, Helensburgh for security and future expansion. Request that 237 Princess Highway, Helensburgh also be zoned SP3 Tourist to enable continued expansion and</td>
<td>237 Princes Highway was exhibited as RU2 Rural Landscape. A rezoning to SP3 Tourist cannot be undertaken as part of this Planning Proposal and would need a new planning</td>
</tr>
</tbody>
</table>
### Property | Submission | Comment
--- | --- | ---
| Sunrise Nursery has been operating as a wholesale nursery since 1961, with Council approval – oldest business in the B6 Enterprise Corridor area. Want clear unambiguous land use table that indicates that a wholesale and retail nursery can continue, rather than vague existing use twilight. | Council records indicate that a BA was approved in 1960 for a nursery, when the land would have been zoned Rural. The facility would have been operating under existing use rights since 1997 when the 7(d) zone was introduced and “intensive agriculture” which included wholesale plant nurseries became prohibited. Nurseries are now defined as “plant nursery” or “garden centre” and are not permitted in the RU2 Rural Landscape zone. Plant nurseries are permitted in the RU4 Primary Production Small Lot zone and both plant nursery and garden centre are permitted in the B6 Enterprise Corridor zone. Nurseries are an appropriate use in the RU2 Rural landscape zone, and could be considered as part of a future amendment to the LEP. |
Lawrence Hargrave Drive (Helensburgh Golf Driving Range) – 2 submissions | Oppose RE2 Private Recreation and E2 Environmental Conservation zone. Request B6 Enterprise | The RE2 Private Recreation zone was introduced to recognise the existing land use rather than to enable a different land use. A golf drinking range is defined as...
Extraordinary Meeting of Council 29 July 2013

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Corridor zone and attach supporting documents</td>
<td>a “recreation facility (outdoor)” and would be permitted in the RE2 Private Recreation zone. A rezoning to B6 Enterprise Corridor cannot be undertaken as part of this Planning Proposal and would need a new planning proposal.</td>
</tr>
</tbody>
</table>

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
</table>
| Residents (3) Helensburgh | Strongly support the proposed B6 Enterprise Corridor:  
  - Existing business activity for 50 years;  
  - Employment of trades, apprenticeships, new business ventures, wide variety of industries;  
  - Located close to Wollongong, Sutherland and Freeway;  
  - Needed to support residential growth of Helensburgh; and  
  - Owners willing to protect the environment. |
| Resident Warialda & Resident Otford | Concerned that the B6 Enterprise Corridor zoning will enable 2000m2 subdivision, like Kirrawee. |
| Resident Helensburgh | Gateway precinct – agree in principle with B6 zoning, however further investigation required to determine if it is sustainable. Strict development controls to protect Wilsons Creek and bushland. |
| Resident Helensburgh | Gateway – support E2 Environmental Conservation and rezoning of Symbio to SP3 Tourist. |
| Resident Stanwell Tops | Gateway – should not permit service stations or fast food outlet at the roundabout. |
| Email – suburb unknown | Gateway precinct – recognise existing businesses but precinct should be zoned E2 Environmental Conservation. |

Form letter/email submissions:

<table>
<thead>
<tr>
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</tr>
</thead>
</table>
| 151 Old Princes Highway & 218-222 Parkes St | Form letter submitted by 29 person supporting the rezoning of these properties to B6 Enterprise Corridor, as:  
- Council has previously approved yardage for wrecked vehicles, tropical fish hatchery, commercial glass house;  
- Site located at the entrance to Helensburgh; and |
Although, the Gateway precinct is located in the headwaters of the Hacking River catchment, it has been a commercial precinct for many years. Prior to the construction of the F6 and the bypassing of Helensburgh, the precinct located on the Princes Highway, would have provided additional services to passing travellers, including a service station.

There appears to be recognition that the precinct contains commercial activities, provides local employment opportunities and the former 7(d) zone and the current E3 Environmental Management zone are not appropriate. It is acknowledged that some submitters/groups oppose the rezoning of the precinct.

The rezoning of Symbio will recognise and support the business as a significant tourism attraction for the Region. The SP3 Tourist zone should assist the on-going development of the facility. A separate rezoning proposal would need to be lodged for any proposed expansion on to 237 Princes Highway, Helensburgh.
Options

1. Proceed with the rezoning of the precinct as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** 
*It is recommended that the rezoning of the Gateway precinct to the RE2, SP3, RU2 and B6 zoned, be progressed as exhibited, as part of the final Planning Proposal.*

Conclusion

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Gateway precinct be progressed to finalisation.
ITEM 7
REVIEW OF 7(D) LANDS - WALKER STREET AND FREW AVENUE PRECINCTS

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports on the review and addresses the Walker Street and Frew Avenue precincts. A separate report has been prepared on the proposed rezoning of 159-169 Walker Street, Helensburgh – Blackwell Holdings site.

It is recommended that the Planning Proposal for this precinct be amended and progressed to finalisation.

Recommendation

1 The part of the Planning Proposal for the Walker Street precinct (excluding 159-169 Walker Street) which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, be progressed to finalisation.

2 The part of the Planning Proposal for the Frew Avenue precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by retaining an E3 Environmental Management zone, and allowing a dwelling house on the three vacant lots, through an amendment to the Minimum Lot Size Maps; be progressed to finalisation.

3 The part of the Planning Proposal for the Lot 672 DP 752033 (Crown Land located on the corner of Walker Street and Cemetery Road) not proceed and the lot retain an SP1 Cemetery zoning, by deleting the site from the Planning Proposal.

4 The new rezoning proposals for:
   a Lot 1 DP 606870 (No. 338) Cemetery Road, requesting a rezoning to IN2 Light Industrial;
   b Lot 1 DP 319310 Lawrence Hargrave Drive, seeking place of worship, education facility; and
   c Lot 1 DP 584467 221 Parkes Street, requesting a rezoning to B6 Enterprise Corridor.

not be supported as amendments to the current Planning Proposal.
Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

Background

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

As part of Council’s review of the issues associated with the lands formerly zoned 7(d) Hacking River Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Walker Street and Frew Avenue precincts. A separate report has been prepared on the proposed rezoning of 159-169 Walker Street – Blackwell Holdings site.

Council at its meeting on 28 November 2011 resolved (in part) that:

1 Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.

2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.

3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

4 No amendment be made to the planning controls for the Kelly Falls precinct and the two (2) properties retain an E3 Environmental Management zone.

As Council resolved to make no change to the two properties in the Kelly Falls precinct, the land was not included in the draft Planning Proposal, or the exhibition, and the properties retain the E3 Environmental Management zone. Submissions were received commenting on this precinct, as detailed in the Background Report - Attachment 5.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.
Proposal

Walker Street

The Walker Street precinct originally consisted of 11 lots, located south of the Land Pooling precinct, which have been cleared and are used for agriculture, animal establishment, landscaping supplies and rural residential development. All lots contain a dwelling house. The precinct has been reduced to seven lots with the assessment of the proposed rezoning of 159-169 Walker Street – Blackwell Holdings site (map 1 outlined in blue), under a separate report.

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

The draft Planning Proposal also included the Crown Land (Lot 672 DP 752033) on the south west corner of Walker Street and Cemetery Road, which 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. The draft Planning Proposal proposed to re-introduce a RE1 Public Recreation zone on the lot.

Council at its meeting on 28 November 2011 resolved (in part) that:

1 Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>120 Walker Street</td>
<td>When land was purchased it was zoned Rural B. Support rezoning back to RU2 Rural Landscape.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>----------</td>
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</tr>
<tr>
<td>140-158 Walker Street</td>
<td>Grandfather purchased land over 100 years ago &amp; he lived off the land. Support RU2 Rural Landscape. Want to be able to subdivide into smaller acreage lots for grandchildren (not residential size lots).</td>
<td>Support for RU2 Rural Landscape noted. The subdivision of lots into smaller lots has not been proposed by the Planning Proposal and a separate amendment would need to be considered. It does not form part of the current strategy, and would unlikely be supported.</td>
</tr>
<tr>
<td>Lot 2 DP 1127083 (No 185) Walker Street (Knowslay Park)</td>
<td>Consultant report. Support the proposed RU2 Rural Landscape zone as an interim measure. Oppose the proposed E2 Environmental Conservation zone at the rear of the property, as the land is not steep. The land should be zoned R2 Low Density Residential to allow it to be subdivided for urban development.</td>
<td>It is agreed that the rear of Knowslay Park is not steep. However it is covered in bushland and is adjacent to the Kelly Falls lot. An E2 Environmental Conservation zone is appropriate for this portion of the property. The rezoning of the Walker Street precinct to a residential zone has not been proposed.</td>
</tr>
<tr>
<td>NSW Department of Primary Industries – Catchment and Lands (Crown Lands)</td>
<td>Objected to Lot 672 DP 752033 (adjacent to Helensburgh Cemetery) being zoned RE1 Public Recreation and requested that it retain the SP1 Cemetery zoning, as the land may be required for an extension of the cemetery which has greater than 5 years burial capacity. If Council chooses to progress the RE1 Public Recreation zone, it will be transferred to Council as a reservation for the purpose of public recreation, with care control and management devolving upon Council.</td>
<td>It is recommended that Lot 672 DP 752033 not be zoned RE1 Public Recreation and that it retain the SP1 Cemetery zoning.</td>
</tr>
</tbody>
</table>
Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Stanwell Tops</td>
<td>Object to RU2 Rural Landscape zoning on Walker St as activities threaten Kellys Falls and Creek. Please zone E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Resident Stanwell Tops</td>
<td>Object to Walker Street being zoned RU2 Rural Landscape, it should be E2 Environmental Conservation, as it flows into Kellys Falls and then the Hacking River.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Walker St precinct - agree in principle.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Walker St – support, especially E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Resident Stanwell Tops</td>
<td>Walker St – should all be zoned at least E3 Environmental Conservation.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Walker St – support E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 10 persons objecting to the proposed rezoning of the precinct, supporting an E2 Environmental Conservation zone.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report).</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 38 persons objecting to the proposed rezoning of the precinct, supporting an E2 Environmental Conservation zone;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136 persons making a conservation based submission on all precincts;</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Land Pooling Group</td>
<td>One form letter submitted by 838 persons objecting to the zoning of the land to E2 Environmental Conservation.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

There are no significant issues with this precinct (excluding 159-169 Walker Street, which is subject to a separate report). The lots were cleared and developed for rural uses when they were zoned Rural/Non-urban. The lots contain an existing dwelling house. The reinstatement of the RU2 Rural Landscape zone is appropriate.
It is proposed that the rezoning of the Crown lot to RE1 Public Recreation not proceed and the lot retain the SP1 Cemetery zoning, to enable future expansion of the adjoining cemetery.

Options

1. Proceed with the rezoning of the precinct to RU2 Rural Landscape, and the rear of Knowsley Park to E2 Environmental Conservation, as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to zone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of Walker Street precinct to the RU2 Rural Landscape zone, and the rear of Knowsley Park to E2 Environmental Conservation, be progressed as part of the final Planning Proposal. It is recommended that the rezoning of Lot 672 DP 752033 to RE1 Public Recreation not proceed and the site retain the SP1 Cemetery zone.

Frew Avenue

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

- Two lots are owned by Sydney Water and contain water reservoirs (map 2-outlined in green), and are zoned SP2 Infrastructure;
- One lot is Crown land (map 2-outlined in blue); and
- The other five lots are privately owned, as follows:
  - Lot 1 DP 606870 (338 Cemetery Road) is a former squash centre converted to a place of worship;
  - Lot 1 DP 584467 Parkes Street is covered in bushlands and does not contain a dwelling house;
  - Lot 339 DP 752033 contains a dwelling house;
  - Lot 3 DP 606870 is covered in bushland and does not contain a dwelling house; and
  - Lot 1 DP 319310 is covered in bushland and is the location of a historic approval for a caravan park, and does not contain a dwelling house.
Council at its meeting on 28 November 2011 resolved (in part) that:

2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.

Frew Avenue precinct location map 2
The draft Minimum Lot size map amendment showed for the three lots, a proposed lot size smaller than the current lot size, to enable a Development Application for a dwelling house to be assessed, but not to enable subdivision of the land.

**Draft Minimum Lot size map 3**

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1 DP 606870 (No. 338) Cemetery Road – Place of worship</td>
<td>Consultant submission requesting that the land be zoned IN2 Light Industrial, as the site has had a number of business approvals and is located opposite the Cemetery Road IN2 Light Industrial area, and will provide additional employment opportunities.</td>
<td>The lot has an area of 9271m². The lot did contain squash courts and is now a place of worship. The rear of the lot contains a mobile phone tower. The E3 Environmental Management zone does not permit places of worship. A rezoning to IN2 Light Industrial was not proposed by the draft Planning Proposal and would need a new rezoning proposal. Although the site is opposite</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Lot 1 DP 584467 221 Parkes Street</td>
<td>Consultant report requesting the rezoning to B6 Enterprise Corridor, the same as the adjoining Gateway precinct. Lot was once part of the former adjoining RTA depot site. Include ecological assessment report. E3 Environmental Management zone does not recognize land capability.</td>
<td>A request to rezone the site to B6 Enterprise Corridor was previously considered by Council and not supported. The rezoning to B6 Enterprise Corridor was not part of the draft Planning Proposal and would need a new rezoning proposal. The expansion 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.</td>
</tr>
<tr>
<td>Lot 1 DP 319310 Lawrence Hargrave Drive</td>
<td>Consultant submission requesting the rezoning to SP2 Infrastructure, similar to adjoining site. Site acquired by Sri Venkateswara Temple Association for expansion of religious, cultural and education pursuits. Largest temple in Australia and is regarded as the Mother Temple. Between 50,000 to 60,000 devotees visit the temple each year, plus 10,000 tourists and visitors. Note: Further Development Approvals would need to address biodiversity, bushfire risk, and riparian issues. Site previously had a caravan park approval, which commenced construction.</td>
<td>The existing temple is an important religious, cultural facility and a visitor attraction in the City. The current usage does appear to exceed the site’s capacity on occasions. To provide for additional capacity and growth, the property was purchased by the Association during the exhibition period. The current draft Planning Proposal cannot include any rezoning to another zone, which would need to form part of a new planning proposal. The site has an area of 19.38ha, is covered in bushland/weeds and contains two watercourses, plus the remains of a partially constructed caravan park complex. The E3 Environmental Management zone does not recognize land capability.</td>
</tr>
</tbody>
</table>
### Extraordinary Meeting of Council

29 July 2013

**Property Submission Comment**

Management zone permits community facilities, but not places of worship, education facilities or residential development. A more comprehensive rezoning proposal would need to be lodged to enable assessment of the environmental impacts, proposed visitation levels and traffic impacts.

### Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Former owner of Lot 1 DP 319310</td>
<td>Lot 1 DP 319310 Lawrence Hargrave Drive – advises that the property has been sold to the Sri Venkateswara Temple Association, and supports the expansion of the temple activities on to the site. The temple has been a positive addition to Helensburgh.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Frew Avenue precinct – agree in principle with E3 Environmental Management. Further investigations required to determine impact of dwellings.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Frew Avenue precinct – should be zoned E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Frew Avenue – support E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

### Form letter/email submissions:

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<tr>
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<th>Submission</th>
</tr>
</thead>
</table>
| 221 Parkes Street | 14 form letters submitted by 119-174 persons (total 1,878) supporting the rezoning from E3 Environmental Management to B6 Enterprise Corridor.  
(refer Attachment 5 of Background report) |
| Otford Protection Society | One form letter submitted by 235 persons opposing the E3 Environmental Management zone and dwelling allowance, supporting a rezoning to E2 Environmental Conservation.  
(refer Attachment 5 of Background report) |
| OtfordEco | • One form letter submitted by 40 persons opposing the E3 Environmental Management zone and dwelling allowance, supporting a rezoning to E2 Environmental Conservation;  
• One form letter submitted by 136, persons making a conservation based submission on all precincts; and |

Due to file size, to view all attachments, refer to separate reports on website.
<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
</table>
| Helensburgh Land Pooling Group| • Six form letters submitted by 183-191 persons (total 1,117) opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation; and  
  • One form letter submitted by 185 persons supporting the comments in all 56 letters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

The exhibited draft Planning Proposal proposed to amend the planning controls to enable a dwelling house to be erected on the three of the eight lots that do not contain a dwelling, through an amendment to the minimum lot size map. As a consequence of the exhibition, Council received rezoning requests for two of those three sites, plus another site which is used as a place of worship. Two of the requests were for employment zonings of B6 Enterprise Corridor and IN2 Light Industrial, suggesting that there may be further demand for employment opportunities at Helensburgh. This issue maybe better examined through an employment lands review or the proposed Helensburgh Town Plan.

**Options**

1. Proceed with the amendment to the Minimum Lot size map to enable a dwelling house to be erected on the three vacant lots (retaining the existing E3 Environmental Management zone), as exhibited in the draft Planning Proposal.

2. Not proceed with the proposed amendment and retain the current E3 Environmental Management zone and existing minimum lot sizes.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** *It is recommended that the amendment to the Minimum Lot size map to enable a dwelling house to be erected on the three vacant lots (retaining the existing E3 Environmental Management zone) be progressed as part of the final Planning Proposal.*

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Walker Street precinct and the amendment to the Minimum Lot Size map for the Frew Avenue precinct be finalised.
ITEM 8

REVIEW OF 7(D) LANDS - 159 TO 169 WALKER STREET "BLACKWELL'S"

Council at its meeting on 28 November 2011, resolved to include in the draft Planning Proposal for the lands formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops, the rezoning of Lot 1 DP 112876, Lot 1 DP 342364, Lot 1 DP 375642 and Lot 16 DP 255197 (159 to 169 Walker Street, Helensburgh) from E3 Environmental Management to part IN2 Light Industrial and part E2 Environmental Conservation. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the 159 to 169 Walker Street – Blackwell’s site.

It is recommended that the Planning Proposal to rezone the front part of the site to IN2 Light Industrial not be progressed to finalisation, and the site retain an E3 Environmental Management zone. It is recommended that the draft Planning Proposal for the rezoning of the rear part of the Walker Street – Blackwell’s site to E2 Environmental Conservation be progressed to finalisation.

Recommendation

1. The part of the Planning Proposal for 159 to 169 Walker Street – Blackwell’s site which proposed to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to IN2 Light Industrial, not be progressed, instead the land retain an E3 Environmental Management zone.

2. The part of the Planning Proposal for 159 to 169 Walker Street – Blackwell’s site which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the rear of Lot 16 DP 255197 and Lot 1 DP 112876 land to E2 Environmental Conservation be progressed to finalisation.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager

Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods
Background

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

As part of Council’s review of the issues associated with the lands formerly zoned 7(d) Hacking River Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the 159-169 Walker Street – Blackwell’s site. This site was part of the Walker Street precinct, but has been separated due to the proposed rezoning to IN2 Light Industrial.

The 159-169 Walker Street – Blackwell site consists of four lots:

<table>
<thead>
<tr>
<th>Location</th>
<th>Area</th>
<th>Current zone</th>
<th>Exhibited zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1 DP 112876 (No.159)</td>
<td>6.073ha</td>
<td>E3 Environmental Management</td>
<td>Part IN2 Light Industrial (front portion – approx. 2.1ha) and part E2 Environmental Conservation (rear portion)</td>
</tr>
<tr>
<td>Lot 1 DP 342364 (No. 169)</td>
<td>2.795ha</td>
<td>E3 Environmental Management</td>
<td>IN2 Light Industrial</td>
</tr>
<tr>
<td>Lot 1 DP 375642 (No. 165)</td>
<td>0.0847ha</td>
<td>E3 Environmental Management</td>
<td>IN2 Light Industrial</td>
</tr>
<tr>
<td>Lot 16 DP 255197 (No. 161)</td>
<td>23.05ha</td>
<td>E3 Environmental Management</td>
<td>Part IN2 Light Industrial (front portion – approx. 3.3ha) and part E2 Environmental Conservation (rear portion)</td>
</tr>
</tbody>
</table>

Between 1951 and 1988 the land was zoned Rural or Non-urban under different planning instruments. In 1988, Wollongong Local Environment Plan (LEP) No. 126 rezoned the rear part of Lot 16 DP 255197 to 7(h) Hacking River Environmental Protection (later renamed 7(d)). In 1997, the remainder of the land (fronting Walker Street) was rezoned 7(d) through Wollongong LEP 1990 (Amendment No. 148). In 2009, the 7(d) zone was replaced by the E3 Environmental Management zone with the introduction of the Wollongong LEP 2009.

A submission on behalf of the owners indicates that the land has been used for commercial purposes since the 1940s and the land is currently being used as a landscape and builders supplies, earth moving and some waste resource recovery business. The submission indicates that the business currently employees 30 persons.
Council’s records indicate that part of the Blackwell site was used as a poultry shed in 1965 and an earth moving business was approved on part of the Blackwell’s holdings in 1984. It appears that over the years the business has expanded to its current operation. The expansion and motor bike trails has also resulted in the removal of bushland.

Council at its meeting on 28 November 2011 considered a report which recommended that the site be zoned RU2 Rural Landscape. Council resolved as part of the Walker Street precinct report (in part) that:

5  Lot 1 DP 112876, Lot 1 DP 342364, Lot 1 DP 375642 and the western part of Lot 16 DP 255197 (aligning with the rear of Lot 1 DP 342364) [Blackwell Holdings site] be rezoned to IN2 Light Industrial and the eastern portion of the property be zoned E2 Environmental Conservation.

Subsequent to the Council meeting, the proponents lodged a rezoning submission and documentation supporting Council’s resolution. The documentation included:

- Rezoning submission (JBA, December 2011);
- Flora and Fauna Assessment Report (Conacher, September 2011);
- Bushfire Assessment Report (Conacher, October 2011); and
- Environmental Management Plan (Aargus, May 2010).

This documentation was formally not evaluated by Council as it was received after Council’s determination. The documentation was forwarded to the NSW Department of Planning and Infrastructure for consideration as part of the Gateway Review and was subsequently included in the draft Planning Proposal exhibition material.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for this sub-precinct.
The property is also subject to on-going assessment of development applications and enforcement proceedings. The following information is provided for additional background, although it does not form part of the planning proposal assessment.

**Development applications**

In 1984 Council approved DA-1983/668 on Lots 1&2 DP 112876 for “Clearing land for fence lines and fire breaks. Use for earth-moving business, erection of storage bins and identification sign”. At that time the land was zoned Non-urban A under the Illawarra Planning Scheme Ordinance (1968). In 2009, Council approved DA-2009/266 for the “Construction of a Machinery shed” on Lot 16 DP 255197. Council has also approved development applications for dwellings, garages and sheds on the various lots. As noted, over the years the business expanded to cover four lots. In 2012, to regularise the operation, consultants for the owner lodged:

- DA-2012/847 for Environmental protection works;
- DA-2012/893 for Erection of two buildings (office and staff facilities) ancillary to the existing use of land; and
- BC-2012/146 for Industrial land use - dwelling and shed located approximately 234 metres east of Walker Street (front) property boundary as indicated on survey plan by Dennis Smith Surveys.

These applications are still under assessment and may be referred to Independent Hearing and Assessment Panel (IHAP) for determination. The assessment of applications is separate to the draft Planning Proposal and the information is provided for background purposes.

A related company owns land at Wyllie Road Kembla Grange, and Council has approved DA-2009/1153 for Building material storage and recycling facility and DA-2013/435 for Industrial- expansion of footprint of storage areas to material storage and recycling facilities on the site. This site is zoned IN2 Light Industrial and RE2 Private Recreation. It is understood that the proponents have relocated some of their operations to this site.

**Enforcement action**

In 2012, Council considered a number of reports and Notices of Motion concerning enforcement action on the property, in summary Council resolved that:

<table>
<thead>
<tr>
<th>Date</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 May 2012</td>
<td>1. If operations and activities that are outside the approved development conditions do not cease within eight weeks, Council recommence enforcement action.</td>
</tr>
<tr>
<td></td>
<td>2. Council staff report to Council on site inspections, regulation and enforcement actions and on comparable orders to cease operations for similar activities at other sites, and the outcomes of those orders.</td>
</tr>
<tr>
<td></td>
<td>3. Council continue to liaise with the EPA in relation to any current and future actions.</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>23 July 2012</td>
<td>Enforcement action be deferred until 13 August 2012 when adequate background information across all the detail relating to the matter can be considered by Council.</td>
</tr>
</tbody>
</table>
| 13 August 2012 | 1 Council recommence enforcement proceedings on any continuing unlawful activities including building structures.  
                     2 A Councillor Briefing Report be provided at the determination of any Modification Application, Development Application and/or Building Certificate Application seeking to regularise any unlawful activity, advising of the outcome and of any proposed enforcement action. |
| 27 August 2012 | 1 Council write to the Environment Protection Authority requesting they immediately undertake independent scientific testing for health and environmental impacts of all development activities conducted in Helensburgh at the properties numbed 159, 161, 165 and 169 Walker Street, also known as Lot 1 DP112876 and Lot 16 DP255197.  
                     2 The EPA provide Council with a copy of their report. |

It is understood that the Environmental Protection Authority’s (EPA) investigations are on-going. In response to Council’s resolution of 27 August 2012, the EPA advised on 24 September 2012, that:

“It is not in a position to complete a health and environmental assessment as requested by Council. The EPA has undertaken sampling for analysis as part of its ongoing investigation into the alleged unlawful use of part of the Premises as a waste facility. The EPA is not able to provide this information to Council at this time.

As the EPA is not the appropriate regulatory authority under section 6 of the Protection of the Environment Operations Act 1997 (“POEO Act”) for the Premises, combined with limited resources available, the EPA considers that the responsibility for an independent environmental assessment of the development activities conducted at the Premises rests with Council.

Council should seek advice from the New South Wales Department of Health in relation to requests for independent health impact assessments.”

An informal mediation conference was held on 20 June 2013, and a Land and Environmental Court set down for 2-5 September 2013. The Enforcement Action is separate to the draft Planning Proposal and the information is provided for background purposes.
Proposal

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>159-169 Walker Street</td>
<td>Consultant for owner. Supports IN2 Light Industrial, to enable existing activities to be formalised, allow the existing resource recovery facility to continue operating, providing benefit to the community.</td>
<td>Noted</td>
</tr>
<tr>
<td>159-169 Walker Street</td>
<td>Part of the land was degraded when purchased, with industrial rubbish, scrap steel, fuel tanks. If the zoning didn’t change to 7d we would have been able to continue. We followed Council’s directions. Bought the land to run a business. Helensburgh needs land for services, jobs to create sustainability. EPA have sign-off the clean-up. The Council professional staff should have the final say. Port Hacking isn’t polluted although it does have weed problems. The whole of Sutherland drains into it, they didn’t stop development at Menai tip, hazardous waste, nuclear reactors, multiple units and development. Helensburgh needs a waste alternative, turning waste into useable supplies. Saving the environment and money through the EPAs resource recovery. Support rezoning to IN2 Light Industrial.</td>
<td>Noted</td>
</tr>
<tr>
<td>159-169 Walker Street</td>
<td>Support the rezoning to IN2 Light Industrial. Building and Landscape Supply business been operating for over 20 years with Council knowledge. Providing local employment and servicing the needs of Helensburgh and surrounds.</td>
<td>Noted</td>
</tr>
</tbody>
</table>
### Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Support IN2 Light Industrial to let the company keep servicing Helensburgh. Three generation company which supports the local community. We need jobs, community support and good people for the town to survive.</td>
</tr>
<tr>
<td>Consultant for Helensburgh resident</td>
<td>No valid planning reason for the rezoning to IN2 Light Industrial. The use has expanded beyond that approved for an earth moving business in 1984. Seven times larger. It is now a resource recovery facility, which is prohibited. Unlawfully constructed motocross tracks. A house, weighbridge and site buildings built without approval. Council officers reports did not recommend IN2 Rural Landscape. The JBA supporting documentation was submitted after the Council resolution. The JBA report reiterates the plea for continuation and growth of the existing use. JBA seeks for Council to regularize the existing unlawful use. Is the site capable of accommodating such a facility. In there a need for 8.3ha of additional industrial land. If the Landpooling develops, there is no point in having 8.3ha industrial land next door. There are major environmental risks with the facility. The proposal is inconsistent with Section 117 Directions, SEPPs and guidelines. The unlawful use does not justify the rezoning to IN2 Light Industrial. Recommend the land be rezoned to RU2 Rural Landscape.</td>
</tr>
<tr>
<td>Resident Stanwell Tops (2 submissions)</td>
<td>Oppose IN2 Light Industrial at 159-169 Walker Street. The business has degraded the site and expanded outside the site. Access is not on their land. No development approval or EPS approval. An IN2 Light Industrial zone would further degrade the land, endanger downstream and neighbours health through vehicle and heavy machinery dust and fume emissions. The land outside the original 1983 DA approval for landscaping business should be zoned E2 Environmental Conservation and restored to bushland.</td>
</tr>
<tr>
<td>Resident Stanwell Tops</td>
<td>Object to site being listed as “Blackwell’s” as it is unfair for other zoning applicants. Should be advertised as a separate DA. Council must abide by the Local Government Act and recommendations of ICAC for full transparency.</td>
</tr>
<tr>
<td>Resident Stanwell Tops</td>
<td>Object to Blackwell’s being zoned IN2 Light Industrial as it is bad for people living in this residential and conservation area. The business has not protected the environment and caused substantial destruction of the quality of the water catchment land without development or EPA approval. The heavy machinery causes dust and fumes, lowers the quality of life and devalues nearby businesses.</td>
</tr>
</tbody>
</table>
Submitter | Submission
---|---
Resident Warialda | Oppose the rezoning of Blackwell’s to IN2 Light Industrial, but it should be zoned to accommodate the existing use.
Resident Otford | Opposed to the rezoning to Light Industrial. The land is in the catchment area for the Hacking River and the rezoning is inconsistent with other properties in the vicinity.
Email Suburb unknown | Blackwell’s was a simple landscaping business, since expanded to a large scale demolition and recycling operation which is inappropriate for this site.
Resident Helensburgh | Blackwell’s – should be zoned part RU2 Rural Landscape and E2 Environmental Conservation.
Resident Stanwell Tops | Blackwell’s – no industrial zoning.
Resident Otford | Blackwell’s – strongly oppose IN2 Light Industrial.

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackwells</td>
<td>Form letter submitted by 327 persons in support of the proposed rezoning of the precinct from E3 Environmental Management to IN2 Light Industrial, and the continuance of Blackwell Bros Building and Landscape Supplies business. From the Handyman to Builders and Developers, the Blackwell Bros Building and Landscape Supplies business provides a much needed service to our community while also contributing to local employment. We have been customers of this business for many years and do not want it to close.</td>
</tr>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 245 persons opposing the proposed rezoning of the site. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>
| OtfordEco | • One form letter submitted by 38 persons opposing the proposed rezoning of the site, as part of its Walker Street precinct submission;  
• One form letter submitted by 136, persons making a conservation based submission on all precincts;  
• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and  
• One form letter submitted by 10 persons supporting E2 Environmental Conservation zone for all bushland precincts. (refer Attachment 5 of Background report) |
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<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helensburgh Business Owner Group</td>
<td>• 11 form letters submitted by 183-191 persons (total 2059) supporting the proposed rezoning; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 185 persons supporting the comments in all 56 letters.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

Separate to the assessment of Development Applications and the Enforcement Action, Council needs to determine whether to proceed with the Planning Proposal to rezone the land to IN2 Light Industrial and E2 Environmental Conservation (the rear portion).

There is mixed community views on the proposal.

Arguments in support:

- Encouraged by Council to relocate to the site, when the land was zoned Non-urban A;
- Existing operation, providing local employment for some 30 persons;
- The existing operation supports the local community and sporting groups;
- Operation provides a needed recycling facility;
- No other land suitably zoned for a facility at Helensburgh; and
- Council was a customer of the facility.

Arguments opposed:

- The business has expanded from an earth moving business on one lot to a large waste recycling business occupying four lots, without approval;
- Waste disposal and land filling has occurred without approval;
- Motor bike tracks have been created without approval;
- Land clearing and environmental damage has occurred; and
- Rezoning to IN2 Light Industrial will enable other industrial uses to establish, creating additional development, traffic, noise and environmental impacts.

The rezoning to IN2 Light Industrial is largely to enable the regularisation of the existing business. The use has expanded from an approved earth moving business on part of the site to a larger waste recycling operation. The recycling and reuse of building materials is important, to reduce waste going to landfill, or being illegally dumped.

However, an IN2 Light Industrial zone would permit a wider range of industrial uses and buildings. The land use table for the IN2 Light Industrial has the following zone objectives and permitted uses:
Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses;
- To encourage employment opportunities and to support the viability of centres;
- To minimise any adverse effect of industry on other land uses;
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area;
- To support and protect industrial land for industrial uses; and
- To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.

Permitted without consent

Building identification signs; Business identification signs.

Permitted with consent

Advertising structures; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Boat building and repair facilities; Community facilities; Crematoria; Depots; Freight transport facilities; Hardware and building supplies; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Roads; Self-storage units; Service stations; Sex services premises; Take away food and drink premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities.

The definitions of the highlighted uses are as follows:

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**waste or resource management facility** means any of the following:

(a) a resource recovery facility,
(b) a waste disposal facility,
(c) a waste or resource transfer station,
(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting,
processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Consideration needs to be given as to whether this is the most suitable location for a light Industry zoning and whether there are any alternatives. There are currently 24 lots zoned, or partially zoned, IN2 Light Industry in Helensburgh with an average size of 3319m2 and total area of 7.9ha. With the recent development of the Cemetery Road Light Industrial area, the majority of the lots are now occupied. The proposed rezoning of some lots in the Gateway precinct to the B6 Enterprise Corridor zone will also permit light industrial uses. The rezoning of 159-169 Walker Street would add an additional 8.45ha of industrial land, and more than double the existing area.

An expansion of industrial uses on the site, could result in traffic and amenity issues. These impacts would need to be assessed as part of any future Development Application.

A landowner in the Gill Creek - Baines Place precinct has suggested that land in that precinct could be zoned IN2 Light Industrial, as it is flat, already contains a concrete batching plant and is close to the Highway/F6. Conversely, it is also close to Symbio and industrial uses could impact on the animals and tourist facility.

As an alternate to an IN2 Light Industrial zone, the following have been considered:

- Retain the E3 Environmental Management and permit the additional use(s) of landscaping material supplies and/or resource recovery facility and/or waste or resource management facility (this would exclude a ‘waste disposal facility).

- It is noted that these uses are not consistent with the E3 Environmental Management zone objectives. This option may be able to be achieved as an amendment to the current Planning Proposal, as the inclusion of additional use(s) is less change than the proposed IN2 Light Industrial zone.

Resolve to prepare new planning proposal to rezone the site to RU2 Rural Landscape and permit an additional use of landscaping material supplies or resource recovery facility or waste or resource management facility.
Options

1. Proceed with the rezoning of the precinct to IN2 Light Industrial and E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning IN2 Light Industrial and retain the current E3 Environmental Management zone.

3. Proceed with a new planning proposal to rezone the site to RU2 Rural Landscape and permit an additional use of landscaping material supplies or resource recovery facility or waste or resource management facility.

4. Proceed with the E3 Environmental Management and permit the additional use(s) of landscaping material supplies and/or resource recovery facility and/or waste or resource management facility (this would exclude a waste disposal facility).

Recommendation: It is recommended that the rezoning of the front part of 159 to 169 Walker Street to the IN2 Light Industrial zone not be progressed as part of the final Planning Proposal. It is recommended that the rezoning of the rear part of 159 to 169 Walker Street to E2 Environmental Conservation be proposed as part of the final Planning Proposal.

Conclusion

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the front part of the Walker Street – Blackwell’s site not be finalised and the site retain an E3 Environmental Management zone. It is recommended that the draft Planning Proposal for the rezoning of the rear part of the Walker Street – Blackwell’s site to E2 Environmental Conservation be progressed to finalisation.
ITEM 9
REVIEW OF 7(D) LANDS - LUKIN STREET, OLD FARM ROAD AND METROPOLITAN COLLIERY PRECINCTS

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports on the review and addresses the Lukin Street, Old Farm Road and Metropolitan Colliery precincts.

It is recommended that the draft Planning Proposal for the Lukin Street and Metropolitan Colliery precincts be progressed to finalisation and the draft Planning Proposal for the Old farm Road precinct be amended.

**Recommendation**

1. The part of the Planning Proposal for the Lukin Street precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. rezoning 48-54 Parkes Street, the three privately owned lots, to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²; and
   b. rezoning the Crown land (three lots) to E2 Environmental Conservation.

2. The part of the Planning Proposal for the Old Farm Road precinct, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to E2 Environmental Conservation not proceed, and the lots retain their existing E3 Environmental Management and R2 Low Density Residential (access way) zones, by removing the precinct from the Planning Proposal.

3. The part of the Planning Proposal for the Metropolitan Colliery precinct, to rezone the bushland areas surrounding the Colliery (zoned RU1 Primary Production) to E2 Environmental Conservation be progressed to finalisation.

**Attachments**

There are no attachments for this report.

**Report Authorisations**

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods
Background

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

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

Council at its meeting on 28 November 2011 resolved that:

1 Council endorse the existing draft Planning Proposal for the Lukin Street precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a Rezoning 48-54 Parkes Street, the three (3) privately owned lots, to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²; and
   b Rezoning the Crown land (three (3) lots) to E2 Environmental Conservation.

2 The existing draft Planning Proposal for Lukin Street precinct be exhibited for community comment for a minimum period of twenty eight (28) days.

3 Council resolve to prepare a new draft Planning Proposal for the Old Farm Road precinct, to rezone:
   a Lot 999 DP 854372 (No17), Lot C DP 409182 (No 19-21) and Lot 8 DP 241707 (No 23) Old Farm Road, entirely to E2 Environmental Conservation; and
   b Lot 1000 DP 854372 (No 15) Old Farm Road to E2 Environmental Conservation.

4 Council resolve to prepare a new draft Planning Proposal for the Metropolitan Colliery precinct, to rezone the following properties (or part) to E2 Environmental Conservation:
   a Lot 703 DP 752033;
   b Reserve 79561 (excluding the access road) (to the south);
   c Lot 1 DP 815356, including the land zoned RE1 Public Recreation);
   d Lot 2 DP 815356;
   e Part of Lot 2 DP 229817;
   f Part of Lot 617 DP 752033;
   g Lot 7064 Crown ID 96787 (including the land zoned RE1 Public Recreation);
h Lot 7313 Crown ID 1157068;

i The eastern part of Lot 7314 Crown ID 1160101; and

j Lot 7312 Crown ID 115706.

In addition, the balance of Lot 7314 Crown ID 1160101 currently zoned RE1 Public Recreation, adjacent to Proud Park, be zoned E3 Environmental Management.

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

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.

Proposal

Lukin Street

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

The Council report proposed that the three privately owned small lots that contain a dwelling house be zoned E4 Environmental Living. This zone will reflect the environmental setting, and limit residential development to one house per lot.

The report proposed that the three lots (6.74 hectares) owned by the Crown be zoned E2 Environmental Conservation. The report noted that the Authority objected to the Environmental Conservation zone, as it was:

- Incongruous with surrounding residential zoning;
- There were no heritage items;
- Stormwater would flow into street drainage system;
- The R1 General Residential zoning would be more appropriate, and would allow for future residential expansion within town boundary;
- Existing services available to support development; and
- Development would decrease the area of Bushfire Prone land.

Due to file size, to view all attachments refer to separate reports on website.
The report noted that the Lukin Street 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. The zoning history for the site indicates that the precinct has been zoned Rural/Non-Urban, and was zoned Open Space under the Illawarra Planning Scheme Ordinance. The Helensburgh Commission of Inquiry found that the precinct was not capable of urban development.

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

The report recommended that Council proceed with the rezoning of the Crown Land to E2 Environmental Conservation and noted that if the Crown wishes to pursue a rezoning of the site, it could prepare and submit the necessary environmental and infrastructure reports to justify an amendment.
Council at its meeting on 28 November 2011 resolved that:

1. **Council endorse the existing draft Planning Proposal for the Lukin Street precinct** which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Rezoning 48-54 Parkes Street, the three privately owned lots, to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²; and
   b. Rezoning the Crown land (three lots) to E2 Environmental Conservation.

**Lukin Street draft zoning map 2**

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

### Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Department of Primary Industries – Catchment and Lands (Crown Lands)</td>
<td>Advised that it accepted the E2 Environmental Conservation zoning for its land in the precinct.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Submissions from the owners of the privately owned land were not received</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Lukin St precinct – agree.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Lukin St – should be zoned E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Email suburb unknown</td>
<td>Lukin St – should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Due to file size, to view all attachments, refer to separate reports on website.
Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group/property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 243 persons supporting the proposed rezoning of the precinct. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons supporting the proposed rezoning of the precinct;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136 persons making a conservation based submission on all precincts;</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Business Owner Group</td>
<td>• One form letter submitted by 188 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 185 persons supporting the comments in all 56 letters. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Land Pooling Group</td>
<td>One letter submitted by 837 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

There are no substantive issues with this precinct and it is recommended that the rezoning be progressed.

Options
1. Proceed with the rezoning of the lots to E4 Environmental Living and E2 Environmental Conservation as exhibited in the draft Planning Proposal; and
2. Not proceed with the rezoning and retain the current E3 Environmental Management zone.

Recommendation: It is recommended that the rezoning of the Lukin Street precinct to E4 Environmental Living (three privately owned lots) and E2 Environmental Conservation (3 Crown lots) be progressed as part of the final Planning Proposal.
Old Farm Road

This precinct consists of four lots, each of which contains a dwelling house. Each lot is partially zoned E3 Environmental Management and part R2 Low Density Residential. Lot 999 DP 854372 (No. 17), Lot C DP 409182 (Nos. 19-21) and Lot 8 DP 241707 (No. 23) Old Farm Road which were zoned 7(d) (now E3) and each lot contains a dwelling house. Part of the driveway of each lot, adjacent to the road reserve, is zoned R2 Low Density Residential. Lot 1000 DP 854372 (No. 15) Old Farm Road which is zoned part R2 Low Density Residential (551m² approximately) and part E3 Environmental Management (426m² approximately). The dwelling house on this lot is partially located in both zones.

Old Farm Road precinct location and current zoning map 3

Options that were considered were zoning the properties entirely either E3 Environmental Management, R2 Low Density Residential (by extending either of the two existing zones), or zoning the property E4 Environmental Living. The rezoning of the property to entirely R2 Low Density Residential would increase the development potential and could lead to a future development application to subdivide the lot for two dwellings. The E3 Environmental Management and E4 Environmental Living zones would limit the development potential to one dwelling house.
Council at its meeting on 28 November 2011 considered a report that recommended:

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

- Lot 1000 DP 854372 (No. 15) Old Farm Road be rezoned to E4 Environmental Living.

Council resolved (in part) that:

3 Council resolve to prepare a new draft Planning Proposal for the Old Farm Road precinct, to rezone:

a Lot 999 DP 854372 (No.17), Lot C DP 409182 (No 19-21) and Lot 8 DP 241707 (No 23) Old Farm Road, entirely to E2 Environmental Conservation; and

b Lot 1000 DP 854372 (No 15) Old Farm Road to E2 Environmental Conservation.

Old Farm Road draft zoning map 4

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

No submissions from the landowners were received.

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Old Farm Road precinct – agree.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Old Farm Rd – should be zoned E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Email suburb unknown</td>
<td>Old Farm Road - should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>
Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 237 persons supporting the proposed rezoning of the precinct.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons supporting the proposed rezoning of the precinct;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts; and</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Business Owner Group</td>
<td>• One form letter submitted by 188 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 185 persons supporting the comments in all 56 letters.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Land Pooling Group</td>
<td>One letter submitted by 837 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

Review of issues

As a result of the exhibition, the main issue to consider with this precinct is whether to proceed with the rezoning of the lots that contain a dwelling house to E2 Environmental Conservation.

The existing dwellings were approved under a previous planning regime, when they complied with the zonings and standards of the day. The lots are substantially cleared of native vegetation and contain a dwelling house, outbuildings and pools. A rezoning to E2 Environmental Conservation would remove the permissibility of a dwelling house, and require the owners to rely on existing use rights for any alternations, additions, rebuilding of the dwelling or outbuildings. Whilst this is possible, it is a more complex process.

It is unrealistic to expect that the dwellings and improvements on these lots will be removed and the land returned to bushland, unless they are purchased by Council and the dwellings are demolished. They are unlikely to be acquired by the State, as the Office of Environment and Heritage (OEH) (formerly Department of Environment
Climate Change and Water) have not identified this area as being suitable for inclusion in the State reserve system.

The E2 Environmental Conservation zone is the highest conservation zone (outside the E1 National Park zone) and is used on land that has significant bushland or conservation value. It is generally not appropriate for cleared lots containing dwelling houses, unless there is another over-riding strategy, such as the land being incorporated into a reserve system. Broadening the character of land uses within the zone undermines the significance of the zone. Two of the zone objectives are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Whereas, the E3 Environmental Management zone (and the former 7(d) Hacking River Environmental Protection zone) recognise the environmental values, but also enable a limited range of development opportunities, including dwelling houses. The zone objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and
- To provide for a limited range of development that does not have an adverse effect on those values.

It is recommended that the rezoning to E2 Environmental Conservation not proceed, and the land retain the existing E3 Environmental Management and R2 Low Density Residential zones. This can be achieved by deleting the precinct from the Planning Proposal.

**Options**

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management and R2 Low Density Residential zones.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of Old Farm Road precinct not be progressed as part of the final Planning Proposal and the lots retain their existing zones.
**Metropolitan Colliery**

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

Part of the land occupied by the Colliery is Crown Land (map 1-outlined in blue), which the Colliery occupies through mining leases.

The Colliery was zoned 7(d) Environmental Protection Hacking River under Wollongong Local Environmental Plan 1990, but was rezoned to RU1 Primary Production by Wollongong Local Environmental Plan 2009. The RU1 Primary Production zone is consistent with other mines in the City, as this zone permits mining and extractive industries. Within Wollongong City the RU1 Primary Production zone has only been used for mine sites. Part of the Colliery holdings is also zoned RE1 Public Recreation (in the north) and E3 Environmental Management.

**Metropolitan Colliery location and current zoning map 5**
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 (map 5 outlined in blue) contains significant bushland, which is proposed to be zoned E2 Environmental Conservation, including Lot 703 DP 752033. One lot within the precinct is owned by the State Rail Authority (map 1 outlined in green).

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

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

The report recommended that the bushland that surrounds the Metropolitan Colliery (map 6 outlined in pink) in the diagram below be rezoned to E2 Environmental Conservation.

**Metropolitan Colliery Crown land map 6**
Council at its meeting on 28 November 2011 resolved (in part) that:

4 Council resolve to prepare a new draft Planning Proposal for the Metropolitan Colliery precinct, to rezone the following properties (or part) to E2 Environmental Conservation:

   a Lot 703 DP 752033;
   b Reserve 79561 (excluding the access road) (to the south);
   c Lot 1 DP 815356, including the land zoned RE1 Public Recreation);
   d Lot 2 DP 815356;
   e Part of Lot 2 DP 229817;
   f Part of Lot 617 DP 752033;
   g Lot 7064 Crown ID 96787 (including the land zoned RE1 Public Recreation);
   h Lot 7313 Crown ID 1157068;
   i The eastern part of Lot 7314 Crown ID 1160101; and
   j Lot 7312 Crown ID 115706.

In addition, the balance of Lot 7314 Crown ID 1160101 currently zoned RE1 Public Recreation, adjacent to Proud Park, be zoned E3 Environmental Management.

Metropolitan Colliery draft zoning map 3
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Department of Primary Industries – Catchment and Lands (Crown Lands)</td>
<td>Advised that it accepted the E2 Environmental Conservation zoning for its land in the precinct.</td>
<td>Noted.</td>
</tr>
<tr>
<td>A submission from the Colliery owners was not received</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other submissions:**

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Thirroul</td>
<td>Mining proposals from the Colliery will impact Cataract Creek, so we need the Hacking River even more.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Metropolitan Colliery precinct – agree.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Metropolitan Colliery – support RU1 Primary Production.</td>
</tr>
<tr>
<td>Email suburb unknown</td>
<td>Metropolitan Colliery – can be zoned RU1 Primary Production, remainder E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

**Form letter/email submissions:**

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 250 persons objecting to the proposed rezoning of the precinct, wanting it all E2 Environmental Conservation.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons objecting to the proposed rezoning of the precinct, wanting it all E2 Environmental Conservation;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts;</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Group / property</td>
<td>Submission</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Helensburgh Business Owner Group | • One form letter submitted by 188 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation; and  
                                 • One form letter submitted by 185 persons supporting the comments in all 56 letters.  
                                 (refer Attachment 5 of Background report)                                                                 |

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

The surrounding bushland is part of the larger bushland corridor and should be zoned E2 Environmental Conservation.

The Crown did not object to the Crown Land outside the Colliery being zoned E2 Environmental Conservation.

**Options**

1. Proceed with the rezoning of the bushland surrounding the Metropolitan Colliery to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of the bushland surrounding the Metropolitan Colliery to E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of Lukin Street, and Metropolitan Colliery precincts be progressed to finalisation. It is recommended that the draft Planning Proposal for the rezoning of Old Farm Road not proceed and the precinct retain its current E3 Environmental Management and R2 Low Density Residential zones, by removing the precinct from the Planning Proposal.
ITEM 10 REVIEW OF 7(D) LANDS - CAMP GULLY PRECINCT, INCLUDING UNDOLA ROAD AND WALKER LANE SUB-PRECINCTS

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports on the review and addresses the Camp Gully Creek precinct, including the Undola Road and Walker Lane sub-precincts.

It is recommended that the Planning Proposal for the Camp Gully Creek precinct, including the Walker Lane sub-precincts be progressed to finalisation. It is recommended that the Planning Proposal for Undola Road sub-precinct be amended and 5, 7, 9 and 11 Undola Road retain the current E3 Environmental Management zone. It is also recommended that 3 Undola Road be identified on the land Reservation Acquisition Map for acquisition by Council for local open space purposes, through the preparation of a new Planning Proposal.

Recommendation

1. The part of the Planning Proposal the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Rezoning 3 Undola Road to E2 Environmental Conservation;
   b. Rezoning Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and
   c. Rezoning Whitty Road reserve and Undola Road reserve to R2 Low Density Residential to be consistent with the adjoining zone.

2. The part of the Planning Proposal the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning 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; not proceed and the land retain current E3 Environmental Management zone.

3. The part of the Planning Proposal the Walker Lane sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning Lots 28-31 Section B DP 2644 Walker Lane, to E2 Environmental Conservation, be progressed to finalisation.

4. The part of the Planning Proposal for the balance of the Camp Gully precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E2 Environmental Conservation, be progressed to finalisation.
5 A new draft Planning Proposal be prepared to identify 3 Undola Road, Helensburgh for acquisition, by identifying the lots on the Land Reservation/Acquisition Map as being required Local Open Space purposes. The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authorisation for the General Manager to exercise plan making delegations in accordance with Council’s resolution of 26 November 2012. If approved, the draft Planning Proposal be placed on public exhibition for a minimum period of 28 days.

6 As part of the draft Annual Plan / Budget process for 2014-15, consideration be given to a land purchase scheme for 3 Undola Road, Helensburgh.

Attachments
There are no attachments for this report.

Report Authorisations
Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Environment and Planning – Future, City and Neighbourhoods

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

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

Council at its meeting on 28 November 2011 resolved that:

1 Council amend the existing draft Planning Proposal for the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a Rezone 5, 7, 9 and 11 Undola Road to the E3 Environmental Management zone;
   b Rezone 3 Undola Road to E2 Environmental Conservation;
   c Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and
   d Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.
2 Council amend the existing draft Planning Proposal for the Walker Lane sub-precinct by rezoning Lots 28-31 Sec B DP 2644 Walker Lane to E2 Environmental Conservation.

3 Council amend the existing draft planning proposal for the Camp Gully Creek precinct to rezone the Ensile Pty Ltd holdings to E2 Environmental Conservation.

4 The draft Planning Proposal for the Camp Gully Creek precinct including the Undola Road sub precinct and Walker Lane sub precinct be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty-eight (28) days.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.

Proposal

Camp Gully Creek Precinct

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

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

Lots 28-31 Section B DP 2644 Walker Lane (outlined in green) were sold by the Helensburgh Workers, Sport and Social Club Limited and is now owned by ECTO Services Pty Ltd and forms the Walker Lane sub-precinct, discussed later. In November 2012 Development Application No. DA-2012/1332 for a dwelling house was lodged on the property. In March 2013 the application was refused.

One lot on the corner of Undola Road and Whitty Road is owned by Council (outlined in pink). The precinct is bisected by Camp Gully Creek which drains stormwater from Helensburgh retail and suburb areas.

The majority of the precinct is steep and covered in bushland. The lots on the northern side of Undola Road, which adjoin Camp Gully Creek, are not suitable for development and were proposed to be zoned E2 Environmental Conservation. It is noted that the sewer line does follow Camp Gully Creek and these lots could be connected to the existing sewerage system.
A previous submission on behalf of Ensile Pty Ltd notes that runoff and pollution from Helensburgh is impacting on the property and Camp Gully Creek. The submission indicates that they have tried for many years for Council to fix the drainage problems. The submission proposes that either:

a. Council fix the drainage and stormwater pollution, by acquiring an easement and undertaking the works; or

b. the land be rezoned for residential development and the stormwater and pollution issues are addressed as part of the subdivision.

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

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

Council at its meeting on 28 November 2011 considered a report which recommended that the Camp Gully Creek precinct (excluding the two sub-precincts) be zoned E2 Environmental Conservation. Council resolved (in part) that:

3 Council amend the existing draft planning proposal for the Camp Gully Creek precinct to rezone the Ensile Pty Ltd holdings to E2 Environmental Conservation.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

No submissions were received from the landowner within the precinct. The submission from Ensile Pty Ltd did not comment on this precinct.

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Camp Creek precinct – strongly agree.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Camp Gully Creek - should be zoned E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Camp Gully Creek – support E2 Environmental Conservation, excluding 5, 7, 9, 11 Undola Road.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Support the rezoning of Camp Gully Creek to E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 256 persons supporting the proposed rezoning of the Camp Gully Creek precinct to E2 Environmental Conservation. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons supporting the proposed rezoning of the precinct to E2 Environmental Conservation.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation-based submission on all precincts.</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24</td>
</tr>
</tbody>
</table>
Group / property | Submission
--- | ---
 | precincts, respectively.

- One form letter submitted by 10 persons supporting E2 for all bushland precincts.
  (refer Attachment 5 of Background report)

Helensburgh Business Owner Group

- One form letter submitted by 190 persons supporting Councils knowledge and ability to correctly deal with the rezoning without being swayed by lobbyist groups, but should rely on the experience and the recommendations of qualified experts such as the Willana Report and Council staff.
- One form letter submitted by 185 persons supporting the comments in all 56 letters
  (refer Attachment 5 of Background report)

**Review of issues**

There are no significant issues with this precinct. The land is constrained and is not suitable for development. The majority of the precinct (especially the lots north of Undola Road, adjacent to the creek) has been identified for conservation by the owner as part of past draft Planning Agreement and development proposals.

A new rezoning proposal submitted on behalf of Ensile Pty Ltd includes part of its holdings in this precinct, namely the lots to the north of Undola Road. While the lots to the east of the existing Undola Road dwellings were not included. The rezoning proposal is discussed in the separate reports on the Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts and Land Pooling and Lady Carrington Estate South precincts. The rezoning proposal is not recommended to be supported.

**Options**

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.
2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.
3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of Camp Gully Creek to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.
Undola Road sub-precinct

This sub-precinct is part of the larger Camp Gully precinct, but was separated based on the ownership pattern. There are six 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 (map 2 outlined in blue) on the northern side of Whitty Road is owned by Council.

Undola Road sub-precinct location and current zoning map 2

Numbers 5, 7, 9 and 11 Undola Road each contain an existing dwelling house and are used for residential purposes. The lots have the same character and constraints as the adjoining Nos. 13, 15 and 17 Undola Road which are zoned R2 Low Density Residential. No additional dwellings are proposed in this precinct.

The owner of No. 3 Undola Road (Lot 38 Section G DP 2644) previously advised 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,
“building only permitted with planning approval”. The owner acknowledges that the lot did not have a dwelling entitlement at the time, although Council indicated that a dwelling may be possible once the road was extended.

Council at its meeting on 28 November 2011 considered a report which recommended that 5, 7, 9 and 11 Undola Road be rezoned to the E4 Environmental Living zone; 3 Undola Road be rezoned to E2 Environmental Conservation; the Council owned Lot 1 Section E DP 2205 be rezoned to E2 Environmental Conservation; and the Whitty Road reserve and Undola Road reserve be rezoned to R2 Low Density Residential to be consistent with the adjoining zone.

Council resolved (in part) that:

1. Council amend the existing draft Planning Proposal for the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Rezone 5, 7, 9 and 11 Undola Road to the E3 Environmental Management zone;
   b. Rezone 3 Undola Road to E2 Environmental Conservation;
   c. Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation;
   d. Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.

As 5, 7, 9 and 11 Undola Road are already zoned E3 Environmental Management zone, part 1 of the resolution did not change the existing zoning. However, the draft Zoning Map contained in the Planning Proposal incorrectly exhibited 5, 7, 9 and 11 Undola Road as the E4 Environmental Living zone. The written documentation indicated Council’s resolution as E3 Environmental Management.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

No submissions were received from the landowners. No general comments were received on the precinct, apart from those that commenting on Camp Gully precinct, as noted in the previous section.

**Form letter/email submissions:**

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 256 persons requesting that the Camp Gully precinct, including the sub-precinct, be zoned E2 Environmental Conservation.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons requesting that the Camp Gully precinct, including the sub-precinct, be zoned E2 Environmental Conservation;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts;</td>
</tr>
</tbody>
</table>

Due to file size, to view all attachments, refer to separate reports on website.
Review of issues

Numbers 5, 7, 9 and 11 Undola Road each contain a dwelling house and are used for residential purposes, the same as the adjoining residential lots. The proposed E4 Environmental Living zone was to recognise the residential use in an environmental setting but not enable intensification or subdivision. The retention of the existing E3 Environmental Management zone (as resolved by Council) will achieve similar outcomes.

As noted, the No. 3 Undola Road was sold by Council in 1965 at auction. The sale notice indicates that the lot was zoned Non-Urban A, and “building only permitted with planning approval”. The owner acknowledges that the lot did not have a dwelling entitlement at the time, although Council indicated that a dwelling may be possible once the road was extended.

The NSW Environmental Planning and Assessment Act 1979, does not provide for compensation if planning controls are made more restrictive, nor require the payment of a betterment tax if planning controls up-zone land. Consequently, there is no statutory obligation for Council to compensate the owner for not being able to build on the land after 48 years. However, it could be argued that Council has a moral obligation to compensate the owner as the lot was sold by Council. As this isolated lot was sold by Council, and is proposed to be zoned E2 Environmental Conservation, it is recommended that this lot be identified for acquisition through an amendment to the Land Reservation Acquisition Map.

Options

5, 7, 9 and 11 Undola Road

1. Proceed with the rezoning of 5, 7, 9 and 11 Undola Road to E4 Environmental Living as exhibited in the draft Zoning Map of the Planning Proposal.

2. Not proceed with the rezoning to E4 Environmental Living and retain the current E3 Environmental Management zone (as resolved on 28 November 2011).

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Option 2, the retention of the current E3 Environmental Management zone and controls, is recommended due to the error in the exhibition material.
3 Undola Road, Lot 1 Section E DP 2205 (Council owned)

1a Proceed with the rezoning of 3 Undola Road and Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

1b Identify 3 Undola Road for acquisition through an amendment to the Land Reservation Acquisition Map for Local Open Space purposes.

2 Not proceed with the rezoning of 3 Undola Road and Lot 1 Section E DP 2205 (Council owned) and retain the current E3 Environmental Management zone.

3 Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of the Undola Road sub precinct to the E4 Environmental Living zone not be progressed as part of the final Planning Proposal and the land retain an E3 Environmental Management zone.

It is recommended that the rezoning of 3 Undola Road and Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation, be progressed.

It is recommended that 3 Undola Road be identified for acquisition through an amendment to the Land Reservation Acquisition Map for Local Open Space purposes.

Land Reservation Acquisition Map for 3 Undola Road map 3

Walker Lane sub-precinct

Walker Lane extends from Short Street south behind the commercial properties fronting Walker Street. The first four lots (Lots 28-31 Section B DP 2644 – outlined in red on map 3) are owned by the ECTO Services Pty Ltd and have an area of 4,214m². The remaining six lots and the paper road along the eastern boundary are owned by Ensile Pty Ltd and were discussed previously.

In November 2012 Development Application No. DA-2012/1332 for a dwelling house was lodged. In March 2013 the application was refused.
Walker Lane is 6 metres wide and is unsuitable for high traffic volumes.

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

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

A variety of zones were been considered for this sub-precinct given its location adjacent to the Helensburgh Town centre, including B2 Local Centre, B4 Mixed Use, IN2 Light Industry, R2 Low Density Residential, R3 Medium Density Residential and E2 Environmental Conservation.

**Walker Lane precinct location map 4**

The Council report of 28 November 2011, proposed that the front portion of the lots be zoned R2 Low Density Residential and the rear portion be zoned E2 Environmental Conservation. Council resolved (in part) that:

2) **Council amend the existing draft Planning Proposal for the Walker Lane sub-precinct by rezoning Lots 28-31 Sec B DP 2644 Walker Lane to E2 Environmental Conservation.**

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:
No submission was received from the landowner. It can be assumed that the owners object to the proposed zoning, as they lodged a DA for a dwelling house which is not permitted under the current or proposed zone.

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Walker Lane – should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 245 persons supporting the proposed rezoning of the Walker Lane sub-precinct to E2 Environmental Conservation. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 40 persons supporting the proposed rezoning of the overall Camp Gully Creek precinct to E2 Environmental Conservation;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136 persons making a conservation based submission on all precincts;</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

There are no significant issues with this sub-precinct. The site has been filled in the past, and is used for an informal car park/turning area. Being located adjacent to the Town Centre, the western part of the site was considered to have some value to support the centre for either residential or business use, whereas the steeper eastern part was considered to have conservation values.

Options

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.
2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.
3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.
**Recommendation:** It is recommended that the rezoning of Walker Street sub-precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the Planning Proposal for the Camp Gully Creek precinct, including the Walker Lane sub-precincts be progressed to finalisation. It is recommended that the Planning Proposal for Undola Road sub-precinct be amended and 5, 7, 9 and 11 Undola Road retain the current E3 Environmental Management zone. It is also recommended that 3 Undola Road be identified on the land Reservation Acquisition Map for acquisition by Council for local open space purposes, through the preparation of a new Planning Proposal.
ITEM 11 REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE, LILYVALE, CENTRAL BUSHLAND AND OTFORD VALLEY FARM PRECINCTS

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts.

It is recommended that the Planning Proposal for these precincts be finalised.

On 21 June 2013, a new rezoning submission for these precincts and other land was lodged by Smyth Planning. It is recommended that the proposal not be supported.

**Recommendation**

1. The part of the Planning Proposal for Lot 1 DP 616229 (Lady Carrington Estate precinct) which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to the E2 Environmental Conservation zone be progressed to finalisation;

2. The part of the Planning Proposal for the Lilyvale precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to the E2 Environmental Conservation zone be progressed to finalisation;

3. The part of the Planning Proposal for the Central Bushland precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to the E2 Environmental Conservation zone be progressed to finalisation;

4. The part of the Planning Proposal for the Otford Valley Farm precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the part of the precinct to the E2 Environmental Conservation and retaining part of the site as E3 Environmental Management zones, as exhibited, be progressed to finalisation; and

5. The preparation of a new draft Planning Proposal to rezone the Land Pooling and Lady Carrington Estate South precincts to permit residential development, in exchange for the transfer of the Ensile Pty Ltd holdings within Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts to Council or the State, via a draft Planning agreement, as requested by Smyth Planning on 21 June 2013, not be supported.
Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

Background

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

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

As part of Council’s review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses four precincts largely owned by Ensile Pty Ltd, namely the Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts. One lot within both the Lilyvale and Central Bushland precincts are owned by other persons.

The company’s holdings in the Camp Gully Creek, Lady Carrington Estate South and Land Pooling precincts are discussed in separate reports.

Council at its meeting on 28 November 2011 considered a report which recommended that the Lady Carrington Estate, Lilyvale, Central Bushland, and Otford Valley Farm precincts be largely zoned E2 Environmental Conservation, with part of Otford Valley Farm being zoned E3 Environmental Management. Council resolved that:

1. A new draft Planning Proposal be prepared to rezone the Lady Carrington Estate, Lilyvale, Central Bushland and part of the Otford Valley Farm precinct from E3 Environmental Management to E2 Environmental Conservation. The part of Otford Valley Farm containing the dwellings and equestrian centre is to remain E3 Environmental Management.

2. The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be exhibited for a minimum period of twenty eight (28) days.
The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.

**Proposal**

**Lady Carrington Estate**

The Lady Carrington Estate precinct consists of one lot - Lot 1 DP 616229 (6.5 hectares) which is located to the south of the Old Farm Road precinct and was referred in the Helensburgh Commission of Inquiry report as “Lady Carrington Estate”. This site contains significant bushland, does not contain a dwelling house.

**Lady Carrington Estate location and current zoning map 1**

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

Ensile Pty Ltd had previously offered to transfer this lot to Council or the State, as part of the draft Planning Agreement, in exchange for development in the Land Pooling and Lady Carrington Estate South precincts. Council at its meeting on 28 November 2011 did not support the development in those precincts or the draft Planning Agreement. A new draft Planning Agreement and rezoning proposal has recently been lodged by consultants for the company, as noted later in this report.

The Council report on 28 November 2011 recommended that the entire lot, be zoned E2 Environmental Conservation, including the part that is zoned RU1 Primary Production. Council endorsed the recommendation.
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensile Pty Ltd holdings</td>
<td>Consultant submission objecting to all land being zoned E2 Environmental Conservation and requesting residential development within the Land Pooling and Lady Carrington Estate South precincts. Request deferral of the precincts until Council has done a proper study to identify appropriate zonings. Attach copy of Helensburgh Land Capacity Council report 2006 and Ecological review.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>

**Other submissions:**

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Support the rezoning of Lady Carrington Estate to E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Lady Carrington Estate – support rezoning.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Ensile holdings – should all be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

**Form letter/email submissions:**

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 238 persons supporting the proposed rezoning of the precinct (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 41 persons supporting the proposed rezoning of the precinct;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136, persons making a conservation based submission on all precincts;</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

There are no significant issues with this precinct. The land is constrained and is not suitable for development.
Options

1. Proceed with the rezoning of the Lady Carrington Estate precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of Lady Carrington Estate precinct (Lot 1 DP 616229) to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.

Lilyvale Precinct

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

Ensile Pty Ltd had previously offered to transfer its holdings at Lilyvale to Council or the State, as part of the draft Planning Agreement, in exchange for development in the Land Pooling and Lady Carrington Estate South precincts. Council at its meeting on 28 November 2011 did not support the development in those precincts or the draft Planning Agreement. The draft Planning Agreement and rezoning proposal has recently been re-lodged by consultants for the company.

The Council report on 28 November 2011 recommended that the precinct be zoned E2 Environmental Conservation. Council endorsed the recommendation.
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensile Pty Ltd holdings</td>
<td>Consultant submission objecting to all land being zoned E2 and requesting residential development within the Land Pooling and Lady Carrington Estate South precincts. Request deferral of the precincts until Council has done a proper study to identify appropriate zonings. Attach copy of Helensburgh Land Capacity Council report 2006 and Ecological review.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>

Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Lilyvale precinct - strongly agree, close to National Park.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Lilyvale – support proposal.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>- Ensile holdings – should all be zoned E2 Environmental Conservation.</td>
</tr>
<tr>
<td></td>
<td>- Lilyvale – support E2 Environmental Conservation proposal.</td>
</tr>
</tbody>
</table>
Form letter/email submissions:

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
</table>
| Otford Protection Society | One form letter submitted by 233 persons supporting the proposed rezoning of the precinct.
|                           | (refer Attachment 5 of Background report)                                                                                                  |
| OtfordEco                 | • One form letter submitted by 41 persons supporting the proposed rezoning of the precinct.                                                |
|                           | • One form letter submitted by 136 persons making a conservation based submission on all precincts.                                         |
|                           | • Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively.         |
|                           | • One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.                             |
|                           | (refer Attachment 5 of Background report)                                                                                                  |

There are no significant issues with this precinct. No development at Lilyvale has been proposed or supported, and it is proposed that the area remain bushland. The land is constrained and is not suitable for development.

Options

1. Proceed with the rezoning of the Lilyvale precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: It is recommended that the rezoning of Lilyvale precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.

Central Bushland Area

The area between Lady Carrington Estate South, Lloyd Place, Otford and Metropolitan Colliery is contained within six large lots. Ensile Pty Ltd owns five of the lots. Lot 23 DP 752033 (40 hectares) in the centre is owned by another owner (map 3 outlined in blue). The area contains a number of riding and fire trails and a telecommunications tower. There are no dwellings in the precinct.
This precinct has the land with the highest biodiversity value in the study area and forms an important part of the fauna movement corridor. No development in the precinct has been proposed or supported, and it is proposed that the area remain bushland.

Lot 23 DP 752033 and three of the lots owned by Ensile Pty Ltd do currently 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.
Ensile Pty Ltd had previously offered to transfer its holdings to Council or the State, as part of the draft Planning Agreement, in exchange for development in the Land Pooling and Lady Carrington Estate South precincts. Council at its meeting on 28 November 2011 did not support the development in those precincts or the draft Planning Agreement. The draft Planning Agreement and rezoning proposal has recently been re-lodged by consultants for the company.

The Council report on 28 November 2011 recommended that the precinct be zoned E2 Environmental Conservation. Council endorsed the recommendation.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 23 DP 752033 – within Central bushland precinct</td>
<td>Strongly oppose rezoning from E3 Environmental Management to E2 Environmental Conservation. 40.47 ha property in family for over 50 years. Originally zoned Rural A and had a dwelling entitlement. Have paid rates. If you want my property, purchase it! Property is not part of the Ensile proposal.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Ensile Pty Ltd holdings</td>
<td>Consultant submission objecting to all land being zoned E2 Environmental Conservation and requesting residential development with the Land Pooling and Lady Carrington Estate South precincts. Request deferral of the precincts until Council has done a proper study to identify appropriate zonings. Attach copy of Helensburgh Land Capacity Council report 2006 and Ecological review.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>

**Other submissions:**

<table>
<thead>
<tr>
<th>Submitter</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Central Bushland precinct - strongly agree, close to National Park.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Central Bushland – support proposal.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>• Ensile holdings – should all be zoned E2 Environmental Conservation; and • Central bushland – support E2 Environmental Conservation. The track and road system be reinstated.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Support the rezoning of Central Bushland to E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>
Form letter/email submissions:

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<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 247 persons supporting the proposed rezoning of the precinct. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 42 persons supporting the proposed rezoning of the precinct;</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136 persons making a conservation based submission on all precincts.</td>
</tr>
<tr>
<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.</td>
</tr>
<tr>
<td>(refer Attachment 5 of Background report)</td>
<td></td>
</tr>
</tbody>
</table>

Review of issues

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

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

As noted, Lot 23 DP 752033 has an area greater than 40 hectares, and is one of the few lots on which a dwelling house is permissible with development consent under the previous 7(d) zone and current E3 Environmental Management zone. The draft Planning Proposal proposes to rezone the lot to E2 Environmental Conservation, which will remove the permissibility of a dwelling house. The NSW Environmental Planning and Assessment Act 1979, does not provide for compensation if planning controls are made more restrictive, nor require the payment of a betterment tax if planning controls up-zone land. Consequently, there is no statutory obligation for Council to compensate the owner of Lot 23 DP 752033 for the rezoning to E2 Environmental Conservation.

Options

1. Proceed with the rezoning of the Central Bushland precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.
3 Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

**Recommendation:** *It is recommended that the rezoning of the Central Bushland precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal.*

**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 dwelling houses. The northern, western and southern parts of the lot contain significant bushland.

Ensile Pty Ltd had previously offered to transfer its holdings to Council or the State, with a lease back period of 25 years to allow for the continued operation of the equestrian centre, as part of the draft Planning Agreement, in exchange for development in the Land Pooling and Lady Carrington Estate South precincts. Council at its meeting on 28 November 2011 did not support the development in those precincts or the draft Planning Agreement. The draft Planning Agreement and rezoning proposal has recently been re-lodged by consultants for the company.

The Council report on 28 November 2011 recommended that the precinct be zoned part E3 Environmental Management (the land containing the dwelling houses and the equestrian centre) and part E2 Environmental Conservation. Council endorsed the recommendation.
As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Ensile Pty Ltd Holdings</td>
<td>Consultant submission objecting to all land being zoned E2 and requesting residential development within the Land Pooling and Lady Carrington Estate South precincts. Request deferral of the precincts until Council has done a proper study to identify appropriate zonings. Attach copy of Helensburgh Land Capacity Council report 2006 and Ecological review.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>
Other submissions:

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<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Otford Valley Farm – support proposal.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>• Ensile holdings – should all be zoned E2 Environmental Conservation; and</td>
</tr>
<tr>
<td></td>
<td>• Otford Valley Farm – should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Form letter/email submissions:

<table>
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<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 237 persons supporting the proposed rezoning of the precinct. (refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>
| OtfordEco                 | • One form letter submitted by 40 persons supporting the proposed rezoning of the precinct;  
• One form letter submitted by 136, persons making a conservation based submission on all precincts;  
• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and  
• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)                                                                                                                                  |

Review of issues

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 northern, western and southern parts of the lot contain steep bushland areas where an E2 Environmental Conservation zone is appropriate.

Options

1. Proceed with the rezoning of the Otford Valley Farm precinct to part E2 Environmental Conservation and part E3 Environmental Management as exhibited in the draft Planning Proposal.
2. Not proceed with the rezoning to part E2 Environmental Conservation and retain the current E3 Environmental Management zone.
3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.
**Recommendation:** It is recommended that the rezoning of the Otford Valley Farm precinct to part E2 Environmental Conservation and part E3 Environmental Management zones be progressed as part of the final Planning Proposal.

**New rezoning proposal**

On 21 June 2013, a new rezoning submission was lodged by Smyth Planning on behalf of Ensile Pty Ltd and a number of owners within the Helensburgh Land Pooling precinct. The submission re-presented previous submissions and requests that a draft Planning Proposal be prepared to:

- Rezone the Lady Carrington Estate South precinct to permit low-medium density residential development;
- Rezone the Helensburgh Land Pooling precinct to permit low-medium density residential development;
- Retain an E3 Environmental Management zone on Otford Valley Farm;
- Rezone the balance of the Ensile Pty Ltd holdings in the Lady Carrington Estate, Lilyvale, Camp Gully Creek, Central Bushland precincts to E2 Environmental Conservation;
- Endorse a Voluntary Planning Agreement, prepared by Minter Ellison Solicitors, to facilitate the transfer of the E2 Environmental Conservation holdings within the Lady Carrington Estate, Lilyvale, Camp Gully Creek, Central Bushland precincts to the National Parks and Wildlife Service; and
- Resolve the Lloyd Place precinct by enabling owners transfer their lot for a new entitlement to within one of the new residential estates.

The rezoning proposal contained a copy of the 2009 rezoning request and concept plans previously considered by Council. It does not contain any new environmental, social or economic studies or information.

It should be acknowledged that the “gateway appeal” provisions can be applied if Council does not support or determine the request within 90 days. The Gateway appeal enables the proponent to bypass Council and seek the Department of Planning and Infrastructure’s support for the rezoning.

It is recommended that Council not resolve to prepare a new draft Planning Proposal to progress the submission.

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the Planning Proposal for the Lady Carrington Estate, Lilyvale and Central Bushland and part of Otford Valley Farm precincts be progressed to finalisation.
ITEM 12  REVIEW OF 7(D) LANDS - LLOYD PLACE PRECINCT

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Lloyd Place precinct.

A review of the land capability of the precinct has found that there is not land suitable for the erection of a dwelling house, let alone a cluster of houses, without substantial clearing and environmental impact.

It is recommended that the majority this precinct be zoned E2 Environmental Conservation and progressed to finalisation. It is recommended that an E3 Environmental Management zone be retained around the existing dwelling house and buffer area on Lot 500 DP 788539 Otford Road. It is further recommended that Council consider the provision of an exit strategy for the land owners as part of the draft Annual Plan/Budget process for 2014-15.

Recommendation

1 The part of the Planning Proposal for the Lloyd Place precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct (excluding part of Lot 500 DP788539) to the E2 Environmental Conservation zone, be progressed to finalisation;
2 The part of the Planning Proposal for part of Lot 500 DP 788539 Otford Road, not proceed and the E3 Environmental Management zone be retained around the existing dwelling house and buffer area. The rezoning of the remainder of the property be E2 Environmental Conservation zone, be progressed to finalisation;
3 A new draft Planning Proposal be prepared to identify the 21 lots within the Lloyd Place precinct which do not contain a dwelling house for acquisition, by identifying the lots on the Land Reservation Acquisition Map as being required for Local Open Space purposes (Attachment 2). The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authorisation for the General Manager to exercise plan making delegations in accordance with Council’s resolution of 26 November 2012. If approved, the draft Planning Proposal be placed on public exhibition for a minimum period of 28 days; and
4 As part of the draft Annual Plan/Budget process for 2014-15, consideration be given to a land purchase scheme for the 21 lots in Lloyd Place precinct, including the consideration of a rates refund.
Attachments

1. SJB Lloyd Place Cluster Housing Review Report.
2. Proposed Land Acquisition Reservation Map.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Environment and Planning – Future, City and Neighbourhoods

Background

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

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

The Lots in Lloyd Place/Otford Road 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 at least one owner has a certificate from Council indicating that they can build a dwelling. In 1971, the “county dwelling” standard was increased by the State Government to 20 hectares which meant that dwellings were no longer permissible. Landowners and Council made representations over the years seeking a change to the standard, all of which were unsuccessful.

The owner of Lot 22 DP 241582 (created as part of the Otford Rd subdivision) purchased part of the adjoining property within Otford village (now zoned E4 Environmental Living), to create Lot 251 DP 80600 (in 1990), and constructed a dwelling on the E4 Environmental Living part of the lot.

The precinct also includes the rear parts of Lot 32 DP 791215 (No.12) George St, Lot 2 DP 22284 (No. 6) George St, Lot 12 DP 816709 (No. 108) Otford Road and Lot 1 DP 33693 (No.111) Otford Road which are part zoned E3 Environmental Management and part E4 Environmental Living, a dwelling house is located in the E4 part of each property.

Lot 23 DP 241582 which was part of the Otford Road subdivision has been excluded as it is owned by Ensile Pty Ltd and is addressed in the Central Bushland precinct.

The precinct was expanded to include Lot 500 DP 788539 Otford Road (western edge of the precinct), which is a 19.86 hectare property and contains a dwelling house. Part of this property was included in the original subdivision, as a 2 hectare lot. In 1987 Council approved the consolidation of three parcels to create a lot large enough to
satisfy the minimum dwelling standard, and approved a dwelling house. A dwelling house was approved in 1997.

**Lloyd Place precinct location map 1**

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 and a new access road constructed. The area also forms part of the important north-south habitat linkage.

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 and the Drinking Water Catchment Area.

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.
Council at its meeting on 28 November 2011 considered a report which recommended that the Lloyd Place Precinct be zoned E2 Environmental Conservation. Council resolved that:

1. A new draft Planning Proposal be prepared to rezone the enlarged Lloyd Place precinct from E3 Environmental Management to E2 Environmental Conservation.

2. The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for review, and if approved be exhibited for a minimum period of twenty eight (28) days.

3. Council Officers prepare a further report exploring Options (a), (e) and (f) of this report following consultation with the landowners.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for this precinct.
Proposal

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 18 DP 241582 Otford Road (part owner)</td>
<td>Oppose E2 Environmental Conservation. Parents purchased 2 ha lot when dwelling was permissible, then saved to build a house, only to be told they couldn’t. Request land be zoned E3 Environmental Management or E4 Environmental Living. Options: 1. Building at top of block. 2. Building at bottom of block. 3. Exit strategy 1 – Council purchase land based on residential value and cover costs of taxes, rates, capital gains, GST. Exit strategy 2 – land exchange – would want 2-3, 450m2 blocks (not 1). 4. Rezone to E2 Environmental Conservation and do nothing. Lead to on-going battle. Submits arguments against environmental group claims. Submits RNP bushfire history maps, water quality and bushfire reports.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 18 DP 241582 Otford Road (part owner)</td>
<td>Oppose the proposed E2 Environmental Conservation for this precinct. Request E4 Environmental Living or E3 Environmental Management and ability to build a dwelling.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>If E2 Environmental Conservation, then support the rezoning of the Land Pooling/Lady Carrington Estate South precincts to enable a land exchange exit strategy. Submits arguments about various claims on biodiversity, Illawarra Regional Strategy, lack of due diligence, false claims, form letter factories.</td>
<td>Objection noted</td>
<td></td>
</tr>
<tr>
<td>Lots 1,2,3,6,&amp;8 DP 242135 Lloyd Place (part owner)</td>
<td>Lloyds have owned land for over 40 years. Oppose E2 Environmental Conservation, support E3 Environmental Management in cleared areas. A dwelling should be permitted on each lot. Family has enjoyed and cared for the land. If E2 Environmental Conservation than Council should compensate owners for reduced use of land.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lots 1,2,3,6,&amp;8 DP 242135 Lloyd Place (part owner)</td>
<td>Oppose rezoning family land from E3 Environmental Management to E2 Environmental Conservation. Owned for 40 years. Through family farming and tourist operations have been able to manage care and maintain land &amp; rivers. E2 Environmental Conservation is inconsistent with the New Planning system Green paper. A dwelling should be permitted on each lot. If E2 Environmental Conservation than Council should compensate owners for reduced use of land. Support E3 Environmental Management.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lots 1,2,3,6,&amp;8 DP 242135 Lloyd Place</td>
<td>Consultant report – copy of 2010 submission proposing Lots 1-3 be zoned E3 Environmental Management or E4 Environmental Living and a dwelling permitted. While lots 6 &amp; 8 can be zoned E2 Environmental Conservation with an exit strategy. Lots 1-3 could</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Lot 13 Otford Road (part owner)</td>
<td>Family bought land in 1970 when a country dwelling was permitted. Paid rates for 40 years. Land should either be rezoned to permit a dwelling, or swapped for another site, or purchased by Council/State. The purchase price should be assessed at the current market value for residential land.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 13 Otford Road (part owner)</td>
<td>Been waiting to build a home for years. There is a housing shortage in NSW. Support a change to allow a dwelling house.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 13 Otford Road (part owner)</td>
<td>Land purchased by parents when residential. Then changed to rural and 7d. At some point Helensburgh will expand. Rezone the land so we can build.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 500 DP 788539 (70 Otford Road)</td>
<td>Oppose the blanket zoning of the property to E2 Environmental Conservation. Would reluctantly support a split E2 Environmental Conservation/E3 Environmental Management zone. Property contains a dwelling and cleared APZ (2ha).</td>
<td>Objection noted. Lot 500 Otford Road contains a dwelling house. It is recommended that the part of the lot containing the dwelling house be zoned E3 Environmental Management.</td>
</tr>
</tbody>
</table>

Other submissions:

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<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Lloyd Place precinct – agree.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Lloyd Place – support.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Lloyd Place - should be zoned E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>
Form letter/email submissions:

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<tr>
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<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 253 persons supporting the proposed rezoning of the precinct.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>OtfordEco</td>
<td>• One form letter submitted by 43 persons supporting the proposed rezoning of the precinct.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 136 persons making a conservation based submission on all precincts</td>
</tr>
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<td></td>
<td>• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Business Owner Group</td>
<td>One form letter submitted by 190 persons supporting Councils knowledge and ability to correctly deal with the rezoning without being swayed by lobbyist groups, but should rely on the experience and the recommendations of qualified experts such as the Willana Report and Council staff.</td>
</tr>
<tr>
<td></td>
<td>• One form letter submitted by 185 persons supporting the comments in all 56 letters.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Helensburgh Land Pooling Group</td>
<td>One form letter submitted by 837 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation, and supporting a rezoning to E4 Environmental Living.</td>
</tr>
<tr>
<td></td>
<td>(refer Attachment 5 of Background report)</td>
</tr>
</tbody>
</table>

Review of issues

As previously noted, twenty of the lots in this precinct were created in 1970-71 based on the 2 hectare (5 acre) Country dwelling standard of the day. In April 1971, the standard increased to 20 hectares (50 acres), by which time the lots had been sold to persons planning to build dwelling houses. The Council at the time did not seek an exemption for the precinct, to the increase in the standard. It appears that at least 6 lots are still owned by the original owners or their descendants, while the others have been on-sold.

As noted, owners of 2 of the lots acquired adjoining land to increase their holding to make a dwelling house permissible.
However, the change of standard has conserved the bushland of the precinct and it is an important part of the Moist Forest Corridor and linkage between the Royal National Park – Illawarra Escarpment – Drinking Water Catchment Area.

The land capability of the precinct has been reviewed by consultants SJB, as part of the consideration of an exit strategy (discussed later in this report). SJB noted that the precinct had limited opportunity for development, based on steep slopes, riparian and bushfire constraints.

An E2 Environmental Conservation zone remains appropriate.

As noted the precinct was expanded to include Lot 500 DP 788539 Otford Road (western edge of the precinct), which is a 19.86 hectare property and contains a dwelling house. An earlier version of the draft Planning Proposal proposed that the E3 Environmental Management zone be retained on the land containing the dwelling house, and a buffer area, and the balance of the property be zoned E2 Environmental Conservation. The rezoning of the lot from E3 Environmental Management to E2 Environmental Conservation will change the land uses permitted on the property, notably dwelling houses will no longer be permitted and alterations/rebuilding would rely on existing use rights. In this instance, the rezoning of the part of the property containing the dwelling house to E2 Environmental Conservation is considered to be inconsistent with the zone objectives and it is proposed that an E3 Environmental Management zone be retained for that part of the property.

Exit strategy

If Council resolves to proceed with the E2 Environmental Conservation zone, dwelling houses will not be permitted. The NSW Environmental Planning and Assessment Act 1979, does not provide for compensation if planning controls are made more restrictive, nor require the payment of a betterment tax if planning controls up-zone land. Consequently, there is no statutory obligation for Council to compensate owners as a result of the 1971 decision or a more recent decision. However, it could be argued that Council has a moral obligation to compensate owners, as on the one hand it approved the subdivision of the land, and on another changed the development standard, and removed the dwelling entitlement. While some lots have been sold, some landowners have been waiting since 1971 to build a house or for compensation.

There is a level of community sympathy for the owners in this precinct, as the lots were purchased when dwelling houses were permissible and the entitlement was removed. This is unlike other precincts, where land was purchased in the hope that the planning controls would be amended to permit dwelling houses.

Council at its meeting on 28 November 2011 resolved (in part) that:

3 Council Officers prepare a further report exploring Options (a), (e) and (f) of this report following consultation with the landowners.

The three nominated options were:
a Retain the current E3 Environmental Management zone and current planning controls (no change). The retention of a minimum lot size of 40 hectares per dwelling would not permit the erection of any new dwelling houses.

e Rezone the majority of the precinct to E2 Environmental Conservation and permit a cluster of dwelling houses on the eastern side adjacent to Otford. This option proposes that the owners be permitted to “pool” their land and re-subdivide to create 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.

f Rezone the precinct to E2 Environmental Conservation, and not permit a dwelling house on the land and transfer the lots into public ownership. To estimate possible acquisition costs, in 2010 Council engaged a Valuer to review the land values within the Lloyd Place precinct. The Valuer estimated the land to be worth $30,000 per lot based on its unimproved standard and dwelling houses not being allowed. If dwellings were allowed the value would increase substantially and be in the order of $225,000 - $320,000 depending on location, size, ability to service, and constraints.

In terms of option (e), consultants SJB were engaged to undertake an independent review of the land capability of the precinct to determine if there is land suitable for a cluster housing/land pooling option.

SJB undertook a land capability review, concentrating on slope and riparian corridor constraints and found that that the majority of the precinct was not capable of residential development. However, there were two small areas that were capable, one on lot 3 DP 242135 (0.4ha) and the other on Lot 251 DP 80600 (0.67ha – noting the lot already contains a dwelling in the E4 Environmental Living part of the property). However, once bushfire constraints and the need to clear land for Asset Protection Zones (APZs), these sites were also not suitable. SJB concluded that finding a site in the precinct capable of supporting 20 dwellings was not achievable (Attachment 1). Accordingly, it is considered that option (e) is not possible. Option (e) would also require the support of the majority of owners, which may be difficult to achieve.

In terms of option (f), as noted, a number of the owners indicated that they would be prepared for the land to be acquired, based on a value that recognised the permissibility of a dwelling house, and they also wanted their rates repaid. A more recent valuation has not been obtained. A smaller vacant lot (approximately 800m2) within the Land Pooling precinct is currently on the market for $46,700. If the lots permitted a dwelling house, the value could be in the order of $250,000 – $300,000.

As the lots are not capable of a dwelling house, the full value should not be paid. Council could offer a non-residential value plus an additional amount to provide an exit strategy and encourage owners to sell. For example the Foundation for National Parks
and Wildlife is currently offering to buy land in Heritage Estates for $5,000 per lot. The Heritage Estate is a 180 hectare paper subdivision of approximately 1,200 lots located in the Shoalhaven Council area. The Foundation’s website indicates that recent sales and valuations put the price of a standard lot at around $1,000 and they have received offers to purchase over 500 of the lots.

A review of rates paid for one lot in the precinct indicates that between 1973 and 1993 some $6754 was paid, which equates to $22,563 in today’s dollars. In 1993, the Local Government Act 1993 was introduced and the rate category change. Between 1993 and 2012 a further $2,500 in rates was paid on that property. Consequently a rates refund may be in the order of $25,000-$28,000 per property, but would require a detailed analysis of each property.

As a guide, the acquisition of the twenty one vacant lots could cost:

<table>
<thead>
<tr>
<th>Acquisition value per lot</th>
<th>Rate refund per lot</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$30,000 (2010 estimate)</td>
<td>$25,000 (lower est.)</td>
<td>$1.155 million</td>
</tr>
<tr>
<td>$30,000 (2010 estimate)</td>
<td>$28,000 (higher est.)</td>
<td>$1.218 million</td>
</tr>
<tr>
<td>$50,000 (includes low token value)</td>
<td>$28,000</td>
<td>$1.638 million</td>
</tr>
<tr>
<td>$100,000 (includes higher token value)</td>
<td>$28,000</td>
<td>$2.688 million</td>
</tr>
<tr>
<td>$250,000 (low dwelling entitlement value)</td>
<td>$28,000</td>
<td>$5.838 million</td>
</tr>
<tr>
<td>$300,000 (high dwelling entitlement value)</td>
<td>$28,000</td>
<td>$6.888 million</td>
</tr>
</tbody>
</table>

Council would need to budget for the acquisitions as part of the preparation of future Annual Plans/Budgets. Council would need to determine whether acquisitions should be funded from general rates revenue, or through the introduction of a special rate, or try to secure a grant from State/Federal Government or through Section 94A Contributions or a combination of approaches. If a special rate was introduced, consideration would need to be given as to what area it should be applied and for how many years. The cost per rateable property would be lower over a larger number of properties and over a longer timeframe. It is unlikely that many ratepayers would want a rate increase to fund the acquisition, and those living further away less likely. Additionally, if ratepayers were asked whether they would support a rate increase and for what purpose, it is unlikely that land acquisition in Helensburgh/Otford would be their highest priority, when compared to competing issues such as the need for infrastructure renewal and improvements.

It is noted that the rezoning proposal, submitted on behalf of Ensile Pty Ltd proposed to offer the landholders lots within the Lady Carrington Estate South precinct if Council resolved to support the rezoning of that precinct to permit residential development (option (d) in the Council report of 28 November 2011). As Council did not support the rezoning of the Lady Carrington Estate South precinct this option could not proceed. Consultants for Ensile Pty Ltd have recently re-submitted the rezoning proposal and it contains the same offer for the Lloyd Place/Otford Road landowners.
Options

Zoning:

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Proceed with the rezoning of the precinct to E2 Environmental Conservation, except for part of Lot 500 DP 788539 Otford Road where the land around the dwelling house is to retain an E3 Environmental Management zone.

3. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

4. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Exit strategy:

1. Not provide an exit strategy.

2. Identify the 21 lots without a dwelling house for acquisition, by resolving to prepare a new Planning Proposal that identifies the lots on the Land Reservation Acquisition Map for acquisition for Local Open Space purposes (Attachment 2). This will require further community consultation, and if progressed would enable the owners to request Council to acquire their land when their circumstances warrant.

Recommendation: It is recommended that the rezoning of Lloyd Place precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, except for part of Lot 500 DP788539 Otford Road which will retain an E3 Environmental Management zone around the existing dwelling house.

It is recommended that the 21 lots without a dwelling house be identified by resolving to prepare a new Planning Proposal that identifies the lots on the Land Reservation Acquisition Map for acquisition for Local Open Space purposes (Attachment 2), and seek Gateway approval prior to exhibition.

Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the rezoning of Lloyd Place precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, except for part of Lot 500 DP 788539 Otford Road. It is recommended that a new draft Planning Proposal be prepared to rezone land within the Lloyd Place precinct. This new draft Planning Proposal will require referral to the NSW Department of Planning and Infrastructure for Gateway approval, prior to exhibition.
ITEM 13 REVIEW OF 7(D) LANDS - LAND POOLING, LADY CARRINGTON ESTATE SOUTH PRECINCTS

Council at its meeting on 28 November 2011, resolved to prepare a draft Planning Proposal for a number of precincts formerly zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops. The draft Planning Proposal has been exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Land Pooling and Lady Carrington Estate South precincts. These precincts are the most controversial in the review of the 7(d) lands.

It is recommended that the proposed rezoning for the majority of the land pooling precinct proceed and that part of the rezoning for the Lady Carrington Estate South precinct proceed.

On 21 June 2013, a new rezoning submission for these precincts and other land was lodged by Smyth Planning. It is recommended that the proposal not be supported.

Recommendation

1 The majority of the Planning Proposal for the Land Pooling precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to the E2 Environmental Conservation zone, be progressed to finalisation, except for Lots 12-13 Section 5 DP 2644 which contain the dwelling house, Lots 1-2 Section 4 DP 2644 which contain the bus depot and Lot 42 Section 4 DP 2644 which contains the landscaping business, which are to retain a E3 Environmental Management zone.

2 The part of the Planning Proposal for the Lady Carrington Estate South precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to the E2 Environmental Conservation zone, be partially progressed to finalisation, by rezoning of the bushland parts to the E2 Environmental Conservation zone, and retaining the E3 Environmental Management zone on the cleared lands.

3 The preparation of a new draft Planning Proposal to rezone the Land Pooling and Lady Carrington Estate South precincts to permit residential development, in exchange for the transfer of the Ensile Pty Ltd holdings within Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts to Council or the State, via a draft Planning agreement, as requested by Smyth Planning on 21 June 2013, not be supported.
**Attachments**

There are no attachments for this report.

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**Report Authorisations**

Report of: David Green, Land Use Planning Manager  
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

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**Background**

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

As part of Council’s review of the issues associated with the lands formerly zoned 7(d) Hacking River Environmental Protection, at Helensburgh, Otford and Stanwell Tops. This report addresses the Land Pooling and Lady Carrington Estate South precincts.

Council at its meeting on 28 November 2011 considered a report which recommended that the Land pooling and Lady Carrington Estate South precincts retain an E3 Environmental Management zone. Council resolved that:

1. A new draft planning proposal be prepared to rezone the Land Pooling area and Lady Carrington Estate South to E2 Environmental Conservation.

2. The draft Planning Proposal be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be exhibited for a minimum period of twenty-eight (28) days.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for these precincts.

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**Proposal**

**Land Pooling**

The Land Pooling area consists of an area of 23.2 hectares which contains 207 lots subdivided in the 1890’s paper subdivision into ¼ acre (800-1,000m²) lots as part of the Helensburgh suburb, on the southern side of Otford Road. The lots are owned by 94 persons/companies, many of whom own more than one lot. There is one dwelling house, and two businesses (landscape supplies and bus depot) in the precinct.

On 11 and 12 July, 2013, Council was advised that roadworks were occurring on Werrong Road, south of Floyd Place. This section of Werrong Road, within the Land Pooling precinct, is part of Lot 101 DP 786182 and is owned by Ensile Pty Ltd. The land
owner advised that they were unaware of the works and did not authorise the works. Investigations are on-going, and are separate to the draft Planning Proposal.

**Land Pooling precinct location map 1**

The combined holdings of Ensile Pty Ltd and Cambalong Pty Ltd own 70 of the lots in the precinct (see map 2). Ensile Pty Ltd owns 25 lots and the paper roads in the Land Pooling Precinct (south of Otford Road). A separate company, Cambalong Pty Ltd owns an additional 45 lots in the precinct.

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

The lots in the precinct were purchased 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 owner 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.

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 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 initially actively supported the land pooling/rezoning proposal.

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

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

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

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

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

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

In summary:

- The lots were created in the 1890s;
- The precinct has gentle slopes, with the majority <8% (see Slope Analysis below);
- Part of the precinct contains the endangered ecological community “Southern Sydney sheltered forest”;
- The precinct is within the area mapped as Illawarra Moist Forest Corridor;
- The precinct is not identified as being a suitable addition to the State Reserve (National Park) system;
• The precinct is mapped as containing the Bundeena Soil Landscape (similar to the majority of Helensburgh) which is identified as not being suitable for urban development;

• The lots were purchased in the 1970s and 1980s when they were zoned Rural and did not have a dwelling entitlement;

• The Helensburgh Commission of Inquiry found that the precinct had limited urban capability;

• The draft 7(d) Review (Willana, 2009) proposed that the land be rezoned to R2 Low Density Residential;

• The Preliminary Review of Submissions (2010) proposed that the land retain an E3 Environmental Management zone; and

• The Final Review of Submissions (2011) proposed that the precinct retain an E3 Environmental Management zone and further community consultation occur on the rezoning and land exchange Planning Agreement proposal.

Land Pooling Precinct Slope Analysis (% slope) (map 3)

Council at its meeting on 28 November 2011 considered a report which recommended that the Land Pooling Precinct retain their E3 Environmental Management zone and a Voluntary Planning Agreement be exhibited. Council resolved that:

1. A new draft planning proposal be prepared to rezone the Land Pooling area .... to E2 Environmental Conservation.

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:
## Landowner submissions:

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 34 Sec 4 DP 2644</td>
<td>Object to E2 Environmental Conservation. Land should be zoned E4 Environmental Living to enable a dwelling house to be built.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 27 Sec 4 DP 2644 Tarawa Road</td>
<td>Supports rezoning of the precinct to permit residential to improve water quality, bushfire hazard, economic growth, environmental protection, resolve the issue. Infrastructure is available to service the lots. Council may have to purchase the land if sterilised by an E2 Environmental Conservation zoning.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 16 Sec 5 DP 2644. (2 submissions)</td>
<td>Purchased land in 1981. Council has allowed the lots to be landlocked through the roads being privately owned. Request Public Hearing.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 44 Sec 5 DP 2644. (5 submissions)</td>
<td>Will not reduce weeds, illegal rubbish dumping, bushfire hazard. Not a wildlife corridor. Should be zoned R2 Low Density Residential.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 6 Sec 5 DP 2644 (2 submissions)</td>
<td>Oppose rezoning to E2 Environmental Conservation. Land should be zoned R2 like the Landcom Estate. Unless land developed, the bushfire and water pollution will continue. E2 Environmental Conservation will prevent landowners caring for their land.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lots 25-28 Sec 3 DP 2644 (2 submissions)</td>
<td>Should be zoned R2 Rural Landscape. On purchase Council advised that it would be rezoned. Rezoning would remove maintenance liability and provide a logical extension to Helensburgh.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 42 Sec 4 DP 2644 Tarawa Road (David Sidebottom Landscaping Pty Ltd)</td>
<td>Business has been trading on-site for 25 years with Council consent. Request a zoning that will recognise the business use, for example IN2 Light Industrial like the adjacent Blackwell’s site, or RU2 Rural Landscape. Don’t want a house just continue to operate the business. Object to</td>
<td>Objection noted. The 2 businesses (landscaping supplies and bus depot), have been operating with existing use rights</td>
</tr>
<tr>
<td>Property</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
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</tr>
<tr>
<td>E2 Environmental Conservation.</td>
<td>since 1995. The options available are to proceed with the E2 Environmental Conservation, retain the E3 Environmental Management or resolve to prepare a new planning proposal to rezone the site to another zone.</td>
<td></td>
</tr>
<tr>
<td>Lots 12 &amp; 16 Sec 3 DP 2644 and Lots 11 and 32 Sec 4 DP 2644. (4 lots) (2 submissions)</td>
<td>Support the rezoning of the land to R2 Low Density Residential.</td>
<td>Noted</td>
</tr>
<tr>
<td>Lots 48, 50-51, 54 Sec 5 DP 2644. (4 lots) (2 submissions)</td>
<td>The decision to rezone the land to E2 Environmental Conservation has shattered my plans to return to the Illawarra. It is unfair that I have to pay rates on land which is virtually a National Park. What compensation will I get?</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 53 Sec 3 DP 2644</td>
<td>Council encourage the establishment of the Land Pooling Group. Object to the rezoning to E2 Environmental Conservation and continue to charge rates. If you want it, buy it and refund the rates. At present it is a dumping ground and fire hazard.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 33 Sec 5 DP 2644 (44 Otford Road)</td>
<td>Object to E2 Environmental Conservation. Purchased land in 1979 on Otford Road. Electricity, water and sewerage is available. Has been forced to live and raise family in another location, rather than being a citizen of Helensburgh. The “anti” rezoning leaflets contain many false assertions and statistics.</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lots 15-21 Sec 2 DP 2644, lots 22-24 Sec 3 DP 2644 and lots 122-128 DP 244979 (17 lots)</td>
<td>Object to land being rezoned anything but Residential. The sewer line runs through the property. Land backs on to the adjoining housing development. Attaches extracts from the Willana report (2009) and draft Helensburgh Town Plan (1991).</td>
<td>Objection noted</td>
</tr>
<tr>
<td>Lot 11 Sec 5 DP 2644,</td>
<td>Object to E2 Environmental Conservation.</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>
**Property** | **Submission** | **Comment**
---|---|---
11 Werrong Road | Council has failed the Helensburgh Land Pooling request to rezone for 30 years. Council should delegate the planning process to the State Government. The proposed E2 Environmental Conservation zone has no study to confirm its value. Previous reports suggest the land is capable of development. | 
Ensile Pty Ltd / Cambalong Pty Ltd holdings | Consultant submission objecting to all land being zoned E2 Environmental Conservation and requesting residential development with the Land Pooling and Lady Carrington Estate South precincts. Request deferral of the precincts until Council has done a proper study to identify appropriate zonings. Attach copy of Helensburgh Land Capacity Council report 2006 and Ecological review. | Objection noted |

**Other submissions:**

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Support the rezoning of Land Pooling to E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Land Pooling - support E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Oppose residential development in the Land Pooling, Lady Carrington Estate South precincts – maintain E2 Environmental Conservation or E3 Environmental Management zonings and if possible bring into public ownership.</td>
</tr>
<tr>
<td>Email Suburb unknown</td>
<td>Land pooling – support E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

**Form letter/email submissions:**

<table>
<thead>
<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helensburgh Land Pooling Group</td>
<td>13 form letters submitted by 743-843 persons (total 10,783) opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation, and requesting a residential zone to enable development. (refer Attachment 5 of Background report)</td>
</tr>
<tr>
<td>Otford Protection Society</td>
<td>One form letter submitted by 9 persons supporting the proposed rezoning of the precinct to E2 Environmental Conservation. (refer Attachment 5 of Background report).</td>
</tr>
</tbody>
</table>
**Group / property** | **Submission**
--- | ---
OtfordEco | • One form letter submitted by 42 persons supporting the proposed rezoning of the precinct to E2 Environmental Conservation;
• One form letter submitted by 136 persons making a conservation based submission on all precincts;
• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and
• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.
(Refer Attachment 5 of Background report)

Helensburgh Business Owner Group | • Six form letters submitted by 179-184 persons (total 1,094) supporting the local businesses in the precinct; and
• One form letter submitted by 185 persons supporting the comments in all 56 letters.
(Refer Attachment 5 of Background report)

**Review of issues**

As noted, the Land Pooling area consists of 207 lots within an area of 23.2 hectares. The lots are owned by 94 persons/companies, many of whom own more than one lot. Ensile Pty Ltd/Cambalong Pty Ltd owns 70 of the lots including the paper roads. Within the precinct there is one dwelling house, and two businesses (landscape supplies and bus depot).

As noted by the Helensburgh Commission of Inquiry, the precinct has limited urban capability. Urban development, or large lot development, would result in the clearing of the vegetation and potential downstream water quality impacts. If the historic subdivision and ownership pattern is ignored, the land constraints would mean that it would not be recommended to be rezoned for residential use or development. The paper subdivision and ownership pattern add layers of complexity. However, the landowners took a risk purchasing land that was not zoned for urban development, in the hope that the planning controls would change. Like any investment, the landowners expect a return on their investment, or the opportunity to build a dwelling house. It is not Council role to rezone land to resolve an investment decision.

It is considered that the land is consistent with the objectives of the E2 Environmental Conservation zone. The E2 Environmental Conservation zone is the highest conservation zone, outside the E1 National Park and Nature Reserves zone, and is used on land that has significant bushland or conservation value. It is generally not appropriate for cleared lots containing dwelling houses, unless there is another overriding strategy, such as the land being incorporated into a reserve system. Two of the E2 Environmental Conservation zone objectives are:
To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and

To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Council does need to be mindful that the E2 Environmental Conservation zone is not so restrictive that no land use is permissible, which would be similar to Council making the land a public reserve. If this was the case, Council may be forced to acquire the land. In addition to the uses permitted in the zone Land Use table, various SEPPs allow other uses. The E2 Environmental Conservation zone has been in place throughout the City since 2010 without challenge.

It is considered that the E2 Environmental Conservation zone is not appropriate for the three existing uses within precinct (dwelling house, bus depot and landscaping business), and these five lots should retain the current E3 Environmental Management zone.

In 2012, the Environmental Planning and Assessment Act 1979 and Regulations 2000, were amended to introduce new provisions for Paper Subdivisions, and the Department of Planning and Infrastructure have published guidelines. The provisions apply to paper subdivision which are zoned for residential use, but have been unable to be developed due to high infrastructure costs or the land owners being unable to resolve differences. The provisions allow the State, to assist the development of the precinct by taking a share and funding the infrastructure provision. The provisions do not apply to precincts, such as the Helensburgh Land Pooling area, which are not zoned for residential use. However, if the land was rezoned, the provisions could be used to assist the development of the precinct.

**Options**

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, for example Residential as requested in the new rezoning proposal (discussed below), and undertake further community consultation.

**Recommendation:** It is recommended that the rezoning of the Land Pooling precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, except for:

- Lots 12-13 Section 5 DP 2644 which contain the dwelling house;
- Lots 1-2 Section 4 DP 2644 which contain the bus depot; and
- Lot 42 Section 4 DP 2644 which contains the landscaping business.
which are to retain the E3 Environmental Management zone.

**Lady Carrington Estate South**

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

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

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.

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 of its tributaries, Gardiners Creek and another unnamed creek. This would be the first development in these two sub-catchments.

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

A Development Application seeking to subdivide part of this precinct has been lodged and is under assessment. The application is discussed later in this report.

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 precinct has gentle slopes (<8%) (see Slope Analysis below);
- The precinct does not contain any endangered ecological communities;
- The precinct is within the area mapped as Illawarra Moist Forest Corridor;
- The precinct is not identified as being a suitable addition to the State Reserve system;
- The precinct is mapped as containing the Bundeena Soil Landscape (similar to the majority of Helensburgh) which is identified as not being suitable for urban development;
The draft 7(d) Review (Willana, 2009) proposed that the land be rezoned to R2 Low Density Residential; 

The Preliminary Review of Submissions (2010) proposed that the land retain an E3 Environmental Management zone; and 

The Final Review of Submissions (2011) proposed that the precinct retain an E3 Environmental Management zone and further community consultation occur on the rezoning and land exchange Planning Agreement proposal.

Lady Carrington Estate South precinct location map 4
Council at its meeting on 28 November 2011 considered a report which recommended that Lady Carrington Estate South precinct retain an E3 Environmental Management zone. Council resolved that

1 A new draft planning proposal be prepared to rezone the … Lady Carrington Estate South to E2 Environmental Conservation.

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

**Landowner submissions:**

<table>
<thead>
<tr>
<th>Property</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensile Pty Ltd holdings</td>
<td>Consultant submission objecting to all land being zoned E2 Environmental Conservation and requesting residential development with the Land Pooling and Lady Carrington Estate South precincts. Request deferral of the precincts until Council has done a proper study to identify appropriate zonings. Attach copy of Helensburgh Land Capacity Council report 2006 and Ecological review</td>
<td>Objection noted</td>
</tr>
</tbody>
</table>
Other submissions:

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Helensburgh</td>
<td>Lady Carrington Estate South - support E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Resident Helensburgh</td>
<td>Lady Carrington Estate South - support E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>
| Email Suburb unknown             | • Oppose residential development in the Land Pooling, Lady Carrington Estate South precincts – maintain E2 Environmental Conservation or E3 Environmental Management zonings and if possible bring into public ownership; and  
• Not opposed to a high school – smaller environmental impact. |
| Email Suburb unknown             | Lady Carrington Estate South - should be zoned E2 Environmental Conservation.                  |

Form letter/email submissions:

<table>
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<tr>
<th>Group / property</th>
<th>Submission</th>
</tr>
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</table>
| Otford Protection Society | One form letter submitted by 8 persons supporting the proposed rezoning of the precinct.  
(refer Attachment 5 of Background report)                                                   |
| OtfordEco                 | • One form letter submitted by 42 persons supporting the proposed rezoning of the precinct;  
• One form letter submitted by 136 persons making a conservation based submission on all precincts;  
• Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively; and  
• One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts.  
(refer Attachment 5 of Background report)                                                  |

Review of issues

As noted, the Lady Carrington Estate South precinct area consists of 107 paper subdivision lots within an area of 10.3 hectares. The triangular Lot 1 DP 616228 south of Koornong Road has an area of 3.3 hectares. These lots have a single ownership. A large portion of the precinct has been historically cleared, and has been used for agriculture.

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

Urban development, or large lot development, within the cleared areas would result in minimal clearing of additional vegetation. If urban development was permitted beyond the cleared area, vegetation would be required to be removed for the development and Asset Protection Zones. Any development has the potential to adversely impact on downstream water quality.

As the land is cleared and has been used for agriculture there are less constraints than the Land Pooling Precinct, but more constraints than development in the Gateway and parts of the Gills Creek and Walker Street precincts. If the historic subdivision pattern is ignored, the land constraints would mean that it would not be recommended to be rezoned for residential use or development.

It is considered that the cleared parts of the precinct are consistent with the objectives of the E3 Environmental Management zone, and the former 7(d) Hacking River Environmental Protection zone, recognise the environmental values, but also enable a limited range of development opportunities, including dwelling houses. The zone objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and
- To provide for a limited range of development that does not have an adverse effect on those values.

Whereas the bushland in Lot 1 DP 616228, and the southern part of the precinct land, is consistent with the objectives of the E2 Environmental Conservation zone. The E2 Environmental Conservation zone is the highest conservation zone, outside the E1 National Park and Nature Reserves zone, and is used on land that has significant bushland or conservation value. Two of the E2 Environmental Conservation zone objectives are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values; and
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

A split zoning is proposed for this precinct, wherein the cleared land is zoned E3 Environmental Management zone (map 5 outlined in red), while the significant bushland areas is zoned E2 Environmental Conservation (map 5 outlined in blue).
Extraordinary Meeting of Council 29 July 2013

Split zoning of precinct map 5

Options

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.

2. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.

3. Proceed with the rezoning of the bushland part of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal, and retain the E3 Environmental Management zone on the cleared lands.

4. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, for example Residential as requested in the new rezoning proposal (discussed below), and undertake further community consultation.

Recommendation: It is recommended that the rezoning of the bushland parts of Lady Carrington Estate South precinct to the E2 Environmental Conservation zone be
progressed as part of the final Planning Proposal, and the cleared lands retain the E3 Environmental Management zone.

**Development Application No. 2012/1480**

On 23 December 2012, consultants for the Ensile Pty Ltd lodged development application No. DA-2012/1480 which proposes the consolidation of 91 lots and the re-subdivision into 8 lots of 40 ha, two of which contain existing dwellings.

The 91 lots to be consolidated include those with Lady Carrington Estate precinct, Lilyvale precinct (excluding the lot owned by another party), part of Camp Gully Creek precinct, Central bushland precinct (excluding the lot owned by another party), Otford Valley Farm precinct (containing 2 existing dwellings), and part of Lady Carrington Estate South precinct (see map 6 below). Note, not all lots within the Lady Carrington Estate South precinct are included, which retains the opportunity for residential development. The application proposes a cluster of six new house locations on the eastern side of Lady Carrington Estate South (see map 7).

**Land subject to development application map 6**
Proposed cluster of “home lots” map 7

Proposed lots 3–8 include a nominated dwelling site (as indicated in the plan above) and are made up a number of part lots to create lots of 40 hectares in area (for example the above plan shows four of the eight part lots that make up proposed lot 8).

The application is being assessed separately to the draft Planning Proposal and may be referred to the Independent Hearing and Assessment Panel (IHAP) for determination.

New rezoning proposal

On 21 June 2013, a new rezoning submission was lodged by Smyth Planning on behalf of Ensile Pty Ltd and a number of owners within the Helensburgh Land Pooling precinct. The submission re-presented previous submissions and requests that a draft Planning Proposal be prepared to:

- Rezone the Lady Carrington Estate South precinct to permit low-medium density residential development;
- Rezone the Helensburgh Land Pooling precinct to permit low-medium density residential development;
- Retain an E3 Environmental Management zone on Otford Valley Farm;
- Rezone the balance of the Ensile Pty Ltd holdings in the Lady Carrington Estate, Lilyvale, Camp Gully Creek, Central Bushland precincts to E2 Environmental Conservation;
- Endorse a Voluntary Planning Agreement, prepared by Minter Ellison Solicitors, to facilitate the transfer of the E2 Environmental Conservation holdings within the Lady Carrington Estate, Lilyvale, Camp Gully Creek, Central Bushland precincts to the National Parks and Wildlife Service; and
- Resolve the Lloyd Place precinct by enabling owners transfer their lot for a new entitlement to within one of the new residential estates.
The rezoning proposal contained a copy of the 2009 rezoning request and concept plans previously considered by Council. It does not contain any new environmental, social or economic studies or information. It is anticipated that the proponents have lodged the rezoning request to trigger the “gateway appeal” provisions if Council does not support or determine the request within 90 days. The Gateway appeal enables the proponent to bypass Council and seek the Department of Planning and Infrastructure’s support for the rezoning.

**Recommendation:** It is recommended that Council not resolve to prepare a new draft Planning Proposal to progress the submission.

**Conclusion**

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the majority of the Land Pooling precinct be zoned E2 Environmental Conservation, and the lots containing the dwelling house, bus depot and landscaping business retain the E3 Environmental Management zone. It is recommended that the bushland parts of the Lady Carrington Estate South precincts be zoned E2 Environmental Conservation, while the cleared land retain the E3 Environmental Management zone.
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 provides an estimate of development potential on vacant land based on the current planning controls.

Figure 1.2 Lot Size Analysis

![Lot Size Analysis](image1)

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

![Lot Size Analysis](image2)
Figure 1.4 Ownership Pattern

Due to file size, to view all attachments, refer to separate reports on website.
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 though 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 [note: this standard lapsed on 31 December 2012];
- 20 hectares, if the lot was created between to 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

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</thead>
<tbody>
<tr>
<td>1. Garrawarra Precinct</td>
<td>Rural area, Special Uses, Rural area</td>
<td>Special Uses Hospital, Rural B</td>
<td>5(a) Special Uses Hospital, Rural B</td>
<td>5(a) Special Uses Hospital, 7(h) Hacking River</td>
<td>5(a) Special Uses Hospital, 7(d) Hacking River</td>
<td>5(a), 7(d)</td>
<td>SP2, E3</td>
</tr>
<tr>
<td>2. Wilsons Creek</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A, Rural B</td>
<td>7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3, IN2, E2</td>
</tr>
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<td>3. Princes Hwy / Parkes Street Gateway precinct</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A, Rural B</td>
<td>7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>4. Princes Hwy – between Parkes Street and Lawrence Hargrave Drive</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural B</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>5. Princes Hwy – west of M6 Freeway precinct</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural B</td>
<td>N/A</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>6. Princes Hwy – between Lawrence Hargrave Drive and M6 Freeway</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural B</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>7. Frew Avenue and Lawrence Hargrave Drive precinct</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural B</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>8. Gills Creek (includes Baines Place)</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural B, 7(e) escarpment</td>
<td>Part 7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>9. Land Pooling precinct</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>10. Walker Street (east side)</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>11. Walker Street (west side)</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A, Rural B</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>12. Kelly’s Falls precinct</td>
<td>Rural area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>13. Lady Carrington estate north</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>Part 7(h)</td>
<td>Non urban, 7(d)</td>
<td>7(d)</td>
<td>E3</td>
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<tr>
<td>14. Camp Gully Creek – Undola Road</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
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<td>15. Lady Carrington estate south</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
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<td>16. Lilyvale estate</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>17. Ensilie Pty Ltd</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>18. Otford Valley Farm (Ensilie PIL)</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>19. Metropolitan Colliery</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
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<td>20. Walker Lane precinct</td>
<td>Rural area</td>
<td>Non urban A</td>
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<td>7(d)</td>
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<td>Rural area</td>
<td>Open Space</td>
<td>Rural A</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
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<td>22. 48-54 Parkes Street</td>
<td>Rural area</td>
<td>Residential 2(a)</td>
<td>Rural A</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>23. 17-23 Old Farm Road</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>24. Lloyd Place &amp; Otford Rd (1971)</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(d) Scenic</td>
<td>7(h)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>25. Otford (north) – Beaumont Rd &amp; north</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(d) Scenic</td>
<td>7(h)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>26. Central Otford – Domville Rd / Station Road &amp; along Lady Wakehurst Drive</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(d) Scenic</td>
<td>7(h)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>27. Otford (south) –</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(d) Scenic</td>
<td>7(h)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>28. Otford West – Govinda retreat</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(h)</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>29. Isolated lots in Royal National Park</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural A</td>
<td>7(d) Scenic</td>
<td>N/A</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>Other areas:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30. Hindu Temple</td>
<td>Rural area</td>
<td>Open Space</td>
<td>Rural B</td>
<td>N/A</td>
<td>Non urban</td>
<td>7(d)</td>
<td>SP2</td>
</tr>
<tr>
<td>31. Symbio Wildlife Park</td>
<td>Rural area</td>
<td>Non urban A</td>
<td>Rural B</td>
<td>N/A</td>
<td>7(d)</td>
<td>7(d)</td>
<td>E3</td>
</tr>
<tr>
<td>32. Helensburgh residential area</td>
<td>Living area</td>
<td>Residential 2(a)</td>
<td>Rural A</td>
<td>2(a), 2(b)</td>
<td>N/A</td>
<td>7(a), 2(b)</td>
<td>7(a)</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td>33. Otford village</td>
<td>Rural area</td>
<td>Rural village</td>
<td>1(c)</td>
<td>2(v) village</td>
<td>N/A</td>
<td>7(c)</td>
<td>7(c)</td>
</tr>
</tbody>
</table>

Due to file size, to view all attachments, refer to separate reports on website.
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.
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>
<thead>
<tr>
<th>Table 1.2 Commission of Inquiry Recommendations</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recommendation</strong></td>
<td><strong>Comment</strong></td>
</tr>
<tr>
<td>1. No change in the current LEP or current zonings until:</td>
<td></td>
</tr>
<tr>
<td>(i) further studies have been undertaken,</td>
<td>Council did change the zoning with the</td>
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<tr>
<td>(ii) appropriate environmental objectives have</td>
<td>expansion of the land zoned 7(d)</td>
</tr>
<tr>
<td>been set,</td>
<td>through Wollongong LEP 1990 (Amendment 63)</td>
</tr>
<tr>
<td>(iii) cost-effective strategic catchment</td>
<td>(1995) and Wollongong LEP 1990 (Amendment</td>
</tr>
<tr>
<td>management plan to control existing pollution</td>
<td>148) (1997).</td>
</tr>
<tr>
<td>sources.</td>
<td></td>
</tr>
<tr>
<td>2. The studies be undertaken in an independent</td>
<td>The Hacking River Catchment Management Committee, was not given</td>
</tr>
<tr>
<td>fashion by the Hacking River Catchment</td>
<td>the role or funding to co-ordinate the</td>
</tr>
<tr>
<td>Management Committee and final consideration</td>
<td>studies. The Catchment Assessment</td>
</tr>
<tr>
<td>by a Catchment Assessment Commission.</td>
<td>Commission was not established.</td>
</tr>
<tr>
<td>3. The studies should be funded by Council,</td>
<td>No funding to undertake the studies was</td>
</tr>
<tr>
<td>Government and land owners / developers.</td>
<td>provided by the land owners, Council or the</td>
</tr>
<tr>
<td></td>
<td>Government.</td>
</tr>
<tr>
<td></td>
<td>In 1996, the Minister for Planning</td>
</tr>
<tr>
<td></td>
<td>advised Council that he had decided not</td>
</tr>
<tr>
<td></td>
<td>to proceed with the preparation of the</td>
</tr>
<tr>
<td></td>
<td>studies, as the Government did not</td>
</tr>
<tr>
<td></td>
<td>support the large scale urban expansion of</td>
</tr>
<tr>
<td></td>
<td>Helensburgh.</td>
</tr>
<tr>
<td>4. The studies include:</td>
<td>As a consequence of funding not being</td>
</tr>
<tr>
<td>• immediate or short term studies as well as</td>
<td>available, the studies have not been</td>
</tr>
<tr>
<td>long term studies,</td>
<td>prepared.</td>
</tr>
<tr>
<td>• existing water quality, water quality</td>
<td></td>
</tr>
<tr>
<td>impacts and environmental impacts,</td>
<td></td>
</tr>
<tr>
<td>• cumulative impacts,</td>
<td></td>
</tr>
<tr>
<td>• flora and fauna habitat loss impacts,</td>
<td></td>
</tr>
<tr>
<td>• testing and proving water quality pond/wetland</td>
<td></td>
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<tr>
<td>proposals,</td>
<td></td>
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<tr>
<td>• rare and endangered fauna impacts (or a Fauna</td>
<td></td>
</tr>
<tr>
<td>Impact Statement) particularly assessing</td>
<td></td>
</tr>
<tr>
<td>potential impacts on the Sooty Owl,</td>
<td></td>
</tr>
<tr>
<td>• wildlife corridor impacts from various land</td>
<td></td>
</tr>
<tr>
<td>uses and buffer areas (especially urban</td>
<td></td>
</tr>
<tr>
<td>development and bushfire hazard reduction</td>
<td></td>
</tr>
<tr>
<td>areas).</td>
<td></td>
</tr>
<tr>
<td>5. Water quality trial occur in Gills Creek then</td>
<td>Water quality has been monitored as part of</td>
</tr>
<tr>
<td>in Camp Creek.</td>
<td>Landcom’s Camp Creek development. No monitoring</td>
</tr>
<tr>
<td></td>
<td>has occurred in Gills Creek.</td>
</tr>
</tbody>
</table>
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**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gills Creek – 3 areas:</td>
<td>Reasonable urban capacity on western part, otherwise Environmental Protection zone.</td>
<td>1. B6 Enterprise Corridor, RU2 Rural Landscapes &amp; E2 Environmental Conservation</td>
<td>1. B6 Enterprise Corridor, RU2 Rural Landscapes &amp; E2 Environmental Conservation</td>
</tr>
<tr>
<td>1. the Gateway precinct along the Princes Highway</td>
<td></td>
<td>2. RU2 Rural Landscapes,</td>
<td>2. RU2 Rural Landscapes,</td>
</tr>
<tr>
<td>3. 171-173 Lawrence Hargrave Drive. (refer to Figure 5.1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lady Carrington Estate South (cleared and filled area)</td>
<td>Limited urban capability.</td>
<td>R2 Low Density Residential.</td>
<td>E2 Environmental Conservation.</td>
</tr>
<tr>
<td>Location</td>
<td>Urban Capability</td>
<td>Land Use Category</td>
<td>Conservation Zone</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
<td>------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Landcom smaller sites 2 and 3 – Lukin Place precinct and part of the Metropolitan Colliery site</td>
<td>No urban capability. Environmental Protection zone.</td>
<td>E2 Environmental Conservation.</td>
<td>E2 Environmental Conservation.</td>
</tr>
</tbody>
</table>

Figure 1.8  Commission of Inquiry Study Area and Urban Capability Map

Due to file size, to view all attachments refer to separate reports on website.
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 200 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

7(d) Review process

- Prepare draft 7(d) review discussion paper
  - Council report “Draft 7(d) review discussion paper” (Willana report) 28/7/09 – endorsed for exhibition
  - Exhibition of draft 7(d) Review discussion paper 10/8/09 – 9/10/09 (3 months)
  - Review issues raised in submissions
    - Council report “Preliminary report on submissions” 25/5/10 – endorsed for exhibition
    - Exhibition of Preliminary report on submissions 2/6/10 – 16/8/10 (2.5 months)
    - Review issues raised in submissions
      - Council report “Final report on submissions” & recommendation to prepare planning proposal

Draft Wollongong LEP process

- Council report - Draft Wollongong LEP 2009 endorsed by Council for referral to DOP 24/6/09
- Draft Wollongong LEP 2009 endorsed by DOP for exhibition 28/11/09
- Exhibition of draft Wollongong LEP 2009 10/12/08 – 17/4/09 (4 months) 7(d) lands proposed to be rezoned to E2
- Review issues raised in submissions
  - Council report - consideration of 7(d) issues. Resolved to replace E2 zone with E3 zone
  - Wollongong LEP 2009 approved by Minister for Planning and comes into force 26/2/10

Due to file size, to view all attachments, refer to separate reports on website.
Figure 1.10  Current Zoning – Wollongong Local Environmental Plan 2009

Due to file size, to view all attachments, refer to separate reports on website.
<table>
<thead>
<tr>
<th>Uses permissible without consent</th>
<th>7(d) zone WLEP 1990</th>
<th>E2 zone WLEP 2009</th>
<th>E3 zone WLEP 2009</th>
</tr>
</thead>
</table>

| 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. |

<p>| Prohibited uses | All other uses. | Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors Housing; | Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors Housing; Service Stations; Warehouse or distribution centres; All other uses. |</p>
<table>
<thead>
<tr>
<th></th>
<th>7(d) zone WLEP 1990</th>
<th>E2 zone WLEP 2009</th>
<th>E3 zone WLEP 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subdivision standard</strong></td>
<td>Subdivision generally not permitted, except if there are existing dwelling houses.</td>
<td>Service Stations; Warehouse or distribution centres; All other uses.</td>
<td>Refer to Minimum Lot Size map (generally 40 hectares).</td>
</tr>
</tbody>
</table>
| **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 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.

Due to file size restrictions, all attachments are referred to at www.wlplanning.com.au
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:

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

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garrawarra precinct</td>
<td>At the Garrawarra Centre:</td>
</tr>
<tr>
<td></td>
<td>• Make a minor adjustment to the SP2 Infrastructure zone boundary,</td>
</tr>
<tr>
<td></td>
<td>• Remove the minimum lot size for the SP2 land, and</td>
</tr>
<tr>
<td></td>
<td>• rename the to SP2 – Infrastructure Health Service facility and Seniors Housing</td>
</tr>
<tr>
<td></td>
<td>Rezone the remainder of the precinct to E2 Environmental Conservation</td>
</tr>
<tr>
<td>Wilsons Creek precinct</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Rezone the Sydney Catchment Authority land to E2 Environmental Conservation</td>
</tr>
<tr>
<td>Gateway precinct, Princes Highway</td>
<td>Rezone to B6 Enterprise Corridor</td>
</tr>
<tr>
<td>Gills Creek precinct</td>
<td>Rezone to RU2 Rural Landscape, IN2 Light Industrial and E2 Environmental Conservation</td>
</tr>
<tr>
<td>Princes Highway – west of F6</td>
<td>Rezone to RU2 Rural Landscapes and E2 Environmental</td>
</tr>
<tr>
<td>precinct</td>
<td>Conservation</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Frew Avenue precinct</td>
<td>Retain E3 Environmental Management zone, and allow a dwelling house on the vacant lots</td>
</tr>
<tr>
<td>Walker Street precinct</td>
<td>Rezone to RU2 Rural Landscape, and allow a dwelling house on any vacant lots</td>
</tr>
<tr>
<td>Lloyd Place precinct</td>
<td>Rezone to E2 Environmental Conservation and not permit dwelling houses</td>
</tr>
<tr>
<td>Camp Creek precinct</td>
<td>Rezone to E2 Environmental Conservation. Rezone 5, 7, 9 and 11 Undola Road to R2 low Density Residential</td>
</tr>
<tr>
<td>Walker Lane precinct</td>
<td>Rezone part of the precinct to IN2 Light Industrial, and the remainder to E2 Environmental Conservation</td>
</tr>
<tr>
<td>Lady Carrington Estate north</td>
<td>Rezone to E2 Environmental Conservation and not permit any additional dwelling houses</td>
</tr>
<tr>
<td>Lilyvale and the central</td>
<td>Rezone to E2 Environmental Conservation and not permit any additional dwelling houses</td>
</tr>
<tr>
<td>bushland area (between Otford</td>
<td>Road and the Metropolitan Colliery)</td>
</tr>
<tr>
<td>Otford central precinct</td>
<td>Rezone to E4 Environmental Living and allow a dwelling house on any vacant lots</td>
</tr>
<tr>
<td>Otford north precinct</td>
<td>Rezone to E2 Environmental Conservation and not permit dwelling houses</td>
</tr>
<tr>
<td>Otford south precinct</td>
<td>Retain an E3 Environmental Management zone over part and rezone part to E2 Environmental Conservation</td>
</tr>
<tr>
<td>Isolated lots in the Royal</td>
<td>Rezone to E2 Environmental Conservation and not permit any additional dwelling houses</td>
</tr>
<tr>
<td>National Park</td>
<td></td>
</tr>
</tbody>
</table>

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.
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.
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, geebungs and wattles are patchily distributed under the canopy. The ground cover includes a very prominent cover of Gymea 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
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
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.

Below is an extract from Map 2 Ignition and Wildfire Behaviour History from the "City of Wollongong Bushfire Management Plan 2003" which shows the location of bushfires in the study area between 1968 – 2003. A similar map contained in the more recent Illawarra Bushfire Risk Management Plan 2008, is not as detailed for the study area.
Figure 2.4  Bushfire Risk Map - current

Due to file size, to view all attachments, refer to separate reports on website.
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 Gymea 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>
<thead>
<tr>
<th>Table 2.1 Soil Landscapes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil landscape unit</td>
</tr>
<tr>
<td>Watagan (wn)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Hawkesbury (ha)</td>
</tr>
<tr>
<td>Area</td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>Bundeena (bu)</td>
</tr>
</tbody>
</table>
Figure 2.5  Land capability map (draft Helensburgh Town Plan 1990)
Figure 2.7 Geological assessment of stability problems (1971)

A geological inspection was made of an area of about 3,000 acres in the Otford Valley - Brenchley region to assess likely problems of instability which could affect town planning.

The major geological feature is the change from the soft shale/siltstone lithologies of the Eocene Oolite to the resistant limestones of the Overlying Bexley Sands Formation. This change is represented by a sharp increase in slope, which results in a cliff up to 60 feet high in easy places on the eastern side of the valley.

It is recommended that where an actual cliff exists a mitre zone shall accompany the cliff and a zone below the cliff be retained as an undisturbed green belt.

[Figure submitted by the Otford Protection Society]
2.5 Water courses and riparian corridors

(Note – this information is additional to the Final Review of submissions report)

Figure 2.8 shows watercourses and the classification of riparian corridors in the study area. The following classification is used:

<table>
<thead>
<tr>
<th>Category</th>
<th>Line colour</th>
<th>Riparian objective</th>
<th>Recommended width (each side)</th>
<th>Vegetated buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Environmental Corridor</td>
<td>Red</td>
<td>This category aims to provide extensive habitats for terrestrial and aquatic fauna and to maintain and restore the viability of riparian vegetation as well as protect water quality and provide bank stability.</td>
<td>40m</td>
<td>10m</td>
</tr>
<tr>
<td>2 Terrestrial and aquatic habitat</td>
<td>Green</td>
<td>This category aims to maintain or restore the natural functions of a stream in order to maintain the viability of riparian vegetation and provide suitable habitat for terrestrial and aquatic fauna as well as improve water quality and provide bank stability.</td>
<td>20m</td>
<td>10m</td>
</tr>
<tr>
<td>3 Bank stability and water quality</td>
<td>Blue</td>
<td>This category aims to minimize sedimentation and nutrient transfer to provide bank stability, improve water quality and protect native vegetation.</td>
<td>10m</td>
<td>0m</td>
</tr>
<tr>
<td>4 Piped</td>
<td>Black</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Figure 2.8 Water courses and riparian corridors
4.3 Ownership Transfer Analysis

A number of submissions [to the 2010 exhibition period] included 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

Due to file size, to view all attachments, refer to separate reports on website.
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 [to the 2010 exhibition period] included 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. [Note in 2011 the ABS adjusted the 2006 population to 5862 persons. The 2011 population was 6259 persons who lived in 2301 dwellings]. The age distribution is depicted in Figure 4.7 compared to the Wollongong LGA.

Figure 4.7 Age structure 2006

[Graph showing age structure of Helensburgh, Otford and Wollongong City, 2006 (Enumerated data)]

Source: Australian Bureau of Statistics, 2006 Census of Population and Housing (Enumerated)
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>
<thead>
<tr>
<th>Facility</th>
<th>Benchmarks</th>
<th>Current provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Primary school</td>
<td>1/2000-3000 dwellings¹</td>
<td>Otford Public School (54 students)</td>
</tr>
</tbody>
</table>
Helensburgh Public School (462 students)

<table>
<thead>
<tr>
<th>Public High School</th>
<th>1/6000 dwellings</th>
<th>Nil in study area. The closest public high schools are located at Heathcote, Engadine &amp; Bulli.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local shops</td>
<td>800-1000 dwellings</td>
<td>Helensburgh Town Centre</td>
</tr>
<tr>
<td>Small supermarket</td>
<td>1/3000 dwellings</td>
<td>BiLo within Helensburgh Town Centre</td>
</tr>
<tr>
<td>Community Centre</td>
<td>1/2500 dwellings</td>
<td>Helensburgh Community Centre</td>
</tr>
<tr>
<td>Library</td>
<td></td>
<td>Helensburgh Library</td>
</tr>
<tr>
<td>Sports field</td>
<td>1 senior field / 1800 persons</td>
<td>Rex Jackson Park – 1 Cricket, 2 senior winter fields (1 soccer &amp; 1 league)</td>
</tr>
<tr>
<td>Netball courts</td>
<td>1 court / 2500 persons</td>
<td>Rex Jackson Park (7 courts)</td>
</tr>
<tr>
<td>Tennis courts</td>
<td>1 court / 2500 persons</td>
<td>Norm O'Brien Park (1 court) Park Avenue (3 courts) Offord (1 court)</td>
</tr>
<tr>
<td>Playgrounds</td>
<td>1 playground / 200 children aged 5-9 years</td>
<td>Norm O'Brien Park, Charles Harper Park, Otford Road Reserve, Henry Halloran Park</td>
</tr>
<tr>
<td>Swimming pools</td>
<td></td>
<td>Helensburgh Pool (25m &amp; toddlers)</td>
</tr>
</tbody>
</table>

sources: 1 – Department of Education & Training  

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.

**Note:** Council reviewed the Town and Village on 23 April 2012 and 22 October 2012 and Helensburgh was ranked 5th in the future study priority list.

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 increased 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.
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.

<table>
<thead>
<tr>
<th>Site code</th>
<th>Site no.</th>
<th>Altitude</th>
<th>Site name</th>
<th>Description</th>
<th>Date sampled</th>
</tr>
</thead>
<tbody>
<tr>
<td>WSN1</td>
<td>1</td>
<td>212m</td>
<td>Wilson Creek</td>
<td>300m down a track off the Princes Highway east of the freeway bridge</td>
<td>X X X</td>
</tr>
<tr>
<td>WSN2</td>
<td>1 replicate</td>
<td>Wilson Creek</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LMP1 2A</td>
<td>261m</td>
<td>Landcom pond inlet</td>
<td>Inlet under the grate on Old Quarry Circuit near the playground no flow in inlet no flow in inlet</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>LMP1 2B</td>
<td>257m</td>
<td>Landcom pond</td>
<td>Pond</td>
<td></td>
<td>X X</td>
</tr>
<tr>
<td>LMP2 3</td>
<td>256m</td>
<td>Landcom pond outlet</td>
<td>Downstream of the pond wall</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>CPG1 4</td>
<td>230m</td>
<td>Camp Gully</td>
<td>Downstream of the corner of Whitty Road and Walker Street</td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td>CPG3 4 replicate</td>
<td>Camp Gully</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>CPG2 5</td>
<td>232m</td>
<td>Camp Gully</td>
<td>End of Koornong Road</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>GLS1 6</td>
<td>260m</td>
<td>Gills Creek</td>
<td>On Baines Place, east side of road</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>GLS4 6 replicate</td>
<td>Gills Creek</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>GLS2 7</td>
<td>248m</td>
<td>Gills Creek</td>
<td>On Walker Street, southern creek, west side of road</td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td>GLS3 8</td>
<td>250m</td>
<td>Gills Creek</td>
<td>On Walker Street, northern creek, west side of road</td>
<td>X X X</td>
<td></td>
</tr>
<tr>
<td>KLY1 9</td>
<td>226m</td>
<td>Kellys Falls</td>
<td>Upstream of the waterfall</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>KLY2 9 replicate</td>
<td>Kellys Falls</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>HBT1 10</td>
<td>114m</td>
<td>Herbert Creek</td>
<td>Lloyd Place, northern side of road</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>HKG1 11</td>
<td>98m</td>
<td>Hacking River unnamed tributary</td>
<td>Otford Road, east side, just up from the causeway not enough flow</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>HKG2 12</td>
<td>98m</td>
<td>Hacking River</td>
<td>Otford Road, west side of causeway</td>
<td></td>
<td>X X X</td>
</tr>
<tr>
<td>HKG7 12 replicate</td>
<td>Hacking River</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>HKG3 13</td>
<td>96m</td>
<td>Hacking River</td>
<td>Lady Carrington Road, upstream of the</td>
<td></td>
<td>X X X</td>
</tr>
</tbody>
</table>
Table 2 Sampling dates and rainfall in the previous 24 and 72 hours.

<table>
<thead>
<tr>
<th>Sampling date</th>
<th>Rainfall (mm) 24 hours</th>
<th>Rainfall (mm) 72 hours</th>
<th>Monitoring Station</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 Jan 2011</td>
<td>2</td>
<td>2</td>
<td>Albion Park (no data for Bellambi)</td>
</tr>
<tr>
<td>17 Feb 2011</td>
<td>4</td>
<td>4.6</td>
<td>Albion Park (no data for Bellambi)</td>
</tr>
<tr>
<td>22 Mar 2011</td>
<td>65.2</td>
<td>207.2</td>
<td>Bellambi (Albion Park 249mm; 397mm)</td>
</tr>
</tbody>
</table>

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 ºC across all the sites, with higher readings of greater than 24 ºC 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 that 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 (150 CFU/100ml) on at least one occasion. The guideline for secondary contact (1000 CFU/100ml) was only exceeded once, at Site 3 (pond outlet) after the rainfall event when 1400 CFU/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 NOx 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 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.

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**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 NOx 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, where as 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

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

RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Kershaw that the report be noted.

ITEM 3 - REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE NORTH, GARRAWARRA, ISOLATED LOTS IN THE ROYAL NATIONAL PARK PRECINCTS

MOVED on the motion of Councillor Brown seconded Councillor Kershaw that -

1. Council endorse the existing draft Planning Proposal for Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks.

2. Council endorse the existing draft Planning Proposal for the Garrawarra precinct, which seeks to:
   a. Rename to SP2 – Infrastructure Health Service facility and Seniors Housing;
   b. Make a minor adjustment to the SP2 Infrastructure zone boundary, to reflect ownership;
   c. Remove the minimum lot size from the SP2 Infrastructure land; and
   d. Rezone the Crown Land and Sydney Catchment Authority land from E3 Environmental Management to E2 Environmental Conservation.

3. Council endorse the existing draft Planning Proposal for the isolated lots in the Royal National Park, which seeks to rezone the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:
   a. Lot A DP 356469;
   b. Lot 1 DP 335557;
   c. Lot 1 DP 324239; and
   d. Lot 1 DP 434564 and part Lot 30 DP 752018.

4. The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

5. A further report be prepared for Council in light of the implications.
ITEM 4 - REVIEW OF 7(D) LANDS - OTFORD NORTH, OTFORD CENTRAL, OTFORD SOUTH AND GOVINDA PRECINCTS

MOVED on the motion of Councillor Brown seconded Councillor Martin that -

1. Council endorse the existing draft Planning Proposal for the Otford North precinct, which seeks to rezone the land to E2 Environmental Conservation and not permit any dwelling houses.

2. Council amend the existing draft Planning Proposal for the Otford Central precinct, which seeks to:
   a. Rezone the majority of the precinct to E4 Environmental Living and permit and allow a dwelling house on six (6) vacant lots, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 10,000m² (1 hectare); and
   b. Rezone Lots 14, 15 and 16 Section 8 DP 4591 and Lots 6 and 7 Section 9 DP 4591 Station Road and Lots 1 and 2 SP 1037008 (2A Domville Road and 24 Lady Wakehurst Drive) to E2 Environmental Conservation and not permit any dwelling houses.

3. Council endorse the existing draft Planning Proposal for the Otford South precinct, which seeks to:
   a. Rezone the bushland areas in part of the precinct to E2 Environmental Conservation; and
   b. Retain an E3 Environmental Management zone on Lot 2 DP 512270 Otford Road and amending the Minimum Lot Size Map to permit a dwelling house (as identified on page 32 of the report).

4. The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

5. No amendment be made to the planning controls for the Govinda precinct and the property retain an E3 Environmental Management zone.

ADDITIONAL ITEM - REVIEW OF 7(D) LANDS - GOVINDA PRECINCT

Due to file size, to view all attachments, refer to separate reports on website.
MOVED on the motion of Councillor Takacs seconded Councillor Merrin that the rezoning of Govinda be exhibited as part E2 Environmental Conservation and part E3 Environmental Management and the determination of the boundary be delegated to the General Manager.

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

MOVED on the motion of Councillor Brown seconded Councillor Takacs that -

1. Council endorse the draft Planning Proposal for the Gills Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Zoning Nos 237-261 Princes Highway RU2 Rural Landscapes;
   b. Zoning the Crown Land to E2 Environmental Conservation;
   c. Zoning the Kellys Creek corridor E2 Environmental Conservation;
   d. The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation; and
   e. Permit the use of a “restaurant or café” on part of Lot 4 DP 25940 (corner of Baines Place and Lawrence Hargrave Drive), be rezoning the land to RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation.

2. Council endorse the draft Planning Proposal for the F6 West precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Zoning the Sydney Catchment Authority land and the Crown Land to E2 Environmental Conservation; and
   b. Zoning the remaining private land part RU2 Rural Landscapes and part E2 Environmental Conservation in the area previously indicated for E3 in the Preliminary Review of Submissions.

3. The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

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

Due to file size, to view all attachments, refer to separate reports on website.
RESOLVED UNANIMOUSLY on the motion of Councillor Petty seconded Councillor Merrin that -

1 Council amend the draft planning proposal for the Wilsons Creek Precinct by zoning the Wilsons Creek Precinct to E2 Environmental Conservation zone.

2 A draft Planning Proposal be prepared by Council and forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty-eight (28) days.

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

An AMENDMENT was MOVED by Councillor Brown seconded Councillor Martin that -

1 Council endorse the Planning Proposal for the Gateway precinct, which seeks to amend the Wollongong Local Environmental Plan 2009 by:

a Zoning 151 and 177 Princes Highway, and 200-206, 208-216 and 218-222 Parkes Street, to the B6 Enterprise Corridor zone, with a floor space ratio of 0.5:1, maximum building height of 11m and minimum lot size of 2,000m²;

b Zoning numbers 187-193 Princes Highway to the RU2 Rural Landscape zone;

c Zoning 2 Lawrence Hargrave Drive to the RE2 Private Recreation zone;

d Zoning 1-5 Lawrence Hargrave Drive and 227 Princes Highway to the RU2 Rural Landscape zone; and

e Zoning Symbio Wildlife Gardens to the SP3 Tourist zone, including the dwelling houses in the same ownership – Nos.7-15 Lawrence Hargrave Drive.

2 The Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

ITEM 8 - REVIEW OF 7(D) LANDS - WALKER STREET, FREW AVENUE AND KELLY FALLS PRECINCTS
An **AMENDMENT** was **MOVED** by Councillor Connor seconded Councillor Kershaw that:

1. Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.

2. Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.

3. The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

4. No amendment be made to the planning controls for the Kelly Falls precinct and the two (2) properties retain an E3 Environmental Management zone.

5. Lot 1 DP 112876, Lot 1 DP 342364, Lot 1 DP 375642 and the western part of Lot 16 DP 255197 (aligning with the rear of Lot 1 DP 342364) [Blackwell Holdings site] be rezoned to IN2 Light Industrial and the eastern portion of the property be zoned E2 Environmental Conservation.

**ITEM 9 - REVIEW OF 7(D) LANDS - LUKIN STREET, OLD FARM ROAD AND METROPOLITAN COLLIERY PRECINCTS**

**RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Merrin that:

1. Council endorse the existing draft Planning Proposal for the Lukin Street precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a. Rezoning 48-54 Parkes Street, the three (3) privately owned lots, to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²; and
   b. Rezoning the Crown land (three (3) lots) to E2 Environmental Conservation.

2. The existing draft Planning Proposal for Lukin Street precinct be exhibited for community comment for a minimum period of twenty eight (28) days.

3. Council resolve to prepare a new draft Planning Proposal for the
Old Farm Road precinct, to rezone:

a Lot 999 DP 854372 (No17), Lot C DP 409182 (No 19-21) and Lot 8 DP 241707 (No 23) Old Farm Road, entirely to E2 Environmental Conservation; and

b Lot 1000 DP 854372 (No 15) Old Farm Road to E2 Environmental Conservation.

Council resolve to prepare a new draft Planning Proposal for the Metropolitan Colliery precinct, to rezone the following properties (or part) to E2 Environmental Conservation:

a Lot 703 DP 752033;

b Reserve 79561 (excluding the access road) (to the south);

c Lot 1 DP 815356, including the land zoned RE1 Public Recreation);

d Lot 2 DP 815356;

e Part of Lot 2 DP 229817;

f Part of Lot 617 DP 752033;

g Lot 7064 Crown ID 96787 (including the land zoned RE1 Public Recreation);

h Lot 7313 Crown ID 1157068;

i The eastern part of Lot 7314 Crown ID 1160101; and

j Lot 7312 Crown ID 115706.

In addition, the balance of Lot 7314 Crown ID 1160101 currently zoned RE1 Public Recreation, adjacent to Proud Park, be zoned E3 Environmental Management.

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

Note resolution 259 related to an adjournment to the meeting for 5 minutes.

ITEM 10 - REVIEW OF 7(D) LANDS - CAMP GULLY CREEK PRECINCT, INCLUDING UNDOLA ROAD AND WALKER LANE
SUB-PRECINCTS

An **AMENDMENT** was **MOVED** by Councillor Petty seconded Councillor Curran that –

1 Council amend the existing draft Planning Proposal for the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
   a Rezone 5, 7, 9 and 11 Undola Road to the E3 Environmental Management zone;
   b Rezone 3 Undola Road to E2 Environmental Conservation;
   c Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and
   d Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.

2 Council amend the existing draft Planning Proposal for the Walker Lane sub-precinct by rezoning Lots 28-31 Sec B DP 2644 Walker Lane to E2 Environmental Conservation.

3 Council amend the existing draft planning proposal for the Camp Gully Creek precinct to rezone the Ensile Pty Ltd holdings to E2 Environmental Conservation.

4 The draft Planning Proposal for the Camp Gully Creek precinct including the Undola Road sub precinct and Walker Lane sub precinct be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty-eight (28) days.

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

**RESOLVED UNANIMOUSLY** on the motion of Councillor Brown seconded Councillor Kershaw that -

1 A new draft Planning Proposal be prepared to rezone the enlarged Lloyd Place precinct from E3 Environmental Management to E2 Environmental Conservation.

2 The draft Planning Proposal be referred to the NSW Department
of Planning and Infrastructure for review, and if approved be exhibited for a minimum period of twenty eight (28) days.

3 Council Officers prepare a further report exploring Options (a), (e) and (f) of this report following consultation with the landowners.

ITEM 12 - REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE, LILYVALE, CENTRAL BUSHLAND AND OTFORD VALLEY FARM PRECINCTS

MOVED on the motion of Councillor Takacs seconded Councillor Brown that -

1 A new draft Planning Proposal be prepared to rezone the Lady Carrington Estate, Lilyvale, Central Bushland and part of the Otford Valley Farm precinct from E3 Environmental Management to E2 Environmental Conservation. The part of Otford Valley Farm containing the dwellings and equestrian centre is to remain E3 Environmental Management.

2 The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be exhibited for a minimum period of twenty eight (28) days.

ITEM 13 - REVIEW OF 7(D) LANDS - LAND POOLING, LADY CARRINGTON ESTATE SOUTH AND DRAFT PLANNING AGREEMENT

An AMENDMENT was MOVED by Councillor Kershaw seconded Councillor Takacs that –

1 A new draft planning proposal be prepared to rezone the Land Pooling area and Lady Carrington Estate South to E2 Environmental Conservation.

2 The draft Planning Proposal be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be exhibited for a minimum period of twenty-eight (28) days.
Legends:

- Drinking Water Catchment REP1
- Precincts
- Enterprise Corridor
- National Parks & Nature Reserves
- Environmental Conservation
- Environmental Management
- Environmental Living
- Light Industrial
- Low Density Residential
- Rural Landscape
- Infrastructure
- Public Recreation
- Private Recreation
- Tourist

Helensburgh
Final Review Option (August 2012)
Summary of submissions:
Exhibition of the draft Planning Proposal for former 7(d) lands at Helensburgh, Otford and Stanwell Tops.

Exhibition period: 6 August to 26 October 2012

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MPs, Statutory Authorities and adjoining Councils Submissions

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<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Summary</th>
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<tbody>
<tr>
<td>1</td>
<td>Cate Faehrmann MLC The Greens NSW</td>
<td>Object to allowing further development in area apart from recreational and tourism zonings proposed in the Gateway precinct. Support increased protection for bushland precincts-should be zoned E2 Environmental Conservation (existing use rights for approved existing dwellings and businesses). 7(d) lands are significant; contribute to biodiversity, water quality, scenic values, tourism. Lands not subject to studies as recommended by Commission of Inquiry. Majority of transfers of land zoned 7(d) occurred in 1980-84, 2000-04 &amp; 2005-09, suggest majority bought by persons aware of prohibitions of new dwellings. Appears relatively small number of property owners challenging valid concerns of larger number of community members. The Greens support concerns of community members and support retaining environmental protection zone.</td>
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<td>2</td>
<td>Crown Lands NSW Department of Primary Industries Catchment and Lands</td>
<td>Supports proposed zoning over most affected estate but has objections relating to two (2) specific areas.</td>
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<td></td>
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<td>- Princes Hwy West of F6 Precinct: Lot DP 752054 rural &amp; mostly cleared. Clearing at Lot 7320 DP 1168914 west of F6 used as trotting track. Draft Review 2009</td>
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<td>proposed to zone RU2 Rural Landscape, supported by Crown Lands submission dated 21 July 2010. Final Report proposes E2 zoning which is not supported by Crown Lands. E2 zoning does not reflect physical attributes of land. Distribution of RU2 and E2 zoning as proposed in Draft Review 2009 is supported. Compromise position of E3 zoning of this land acceptable.</td>
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<td></td>
<td></td>
<td>- Addition to Walker St Precinct Crown Lands objects to rezoning Lot 672 DP 752033 (Crown land) from SP1 Cemetery to RE1 Public Recreation. Helensburgh Cemetery within Sydney Greater Metropolitan Area which has a shortage of burial space. Lot 672 DP 752033 adjoins cemetery &amp; may be required for a future cemetery area, should retain the zoning of SP1.</td>
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<tr>
<td>3</td>
<td>NSW Office of Environment &amp; Heritage</td>
<td>Supports Planning Proposal’s initiative to zone lands E2 Environment Conservation. Lands identified by Council to be zoned E2 provide protection for biodiversity corridors.</td>
</tr>
<tr>
<td>4</td>
<td>NSW Health</td>
<td>Support for proposed zone SP2 Infrastructure over Part Lot 2 DP 840501- Garrawarra Centre. Concern that land over remainder of Lot 2 &amp; 3 DP 840501(bushland owned by Crown Lands and Health Administration Corp.) to be zoned E2 &amp; E3. Will not allow Govt. to consider other uses of land. Request rezone all Lot 2 to SP2 Infrastructure and to expand permissible uses in E2 zone on ‘Garrawarra site’ to include health services, aged care, recreation facilities (outdoor) and community facilities - would allow Garrawarra to continue to provide health and related services from site and future expansion.</td>
</tr>
<tr>
<td>5</td>
<td>South Eastern Sydney Local Health District NSW Health</td>
<td>As above. Identical submission to NSW Government Health.</td>
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<td>6</td>
<td>Roads and Maritime Services NSW Transport</td>
<td>Maintains position as per previous comments dated 18 Nov 2009.</td>
</tr>
<tr>
<td>7</td>
<td>NSW Southern Rivers Catchment Management Authority</td>
<td>Generally supports proposal. Detail in Section C of Planning Proposal is inadequate, location or extent of Endangered Ecological Community (EEC) – Southern Sydney Sheltered Forest not specified, proposed zonings for EEC areas not provided. Generally E2 most appropriate zone for EECs.</td>
</tr>
<tr>
<td>8</td>
<td>Sutherland Shire Council</td>
<td>Want to maintain integrity of vulnerable Hacking River and bushland corridors. Potential cumulative impact of rezoning on water quality and biodiversity potentially significant. Only limited studies recommended by Commission of Inquiry (COI) have been done to inform rezoning, insufficient evidence to support. COI stated no further development until various studies completed. Precautionary approach should be applied. Particular concern Herbert Creek, Gardiners Creek, Kelly/Gills Creek &amp; Camp Creek catchments development will cause sedimentation (high erodability), pollution, runoff, predation by pets, weeds and disturbance of natural environment. Proposed E2 &amp; E3 partially assist in addressing issues but environmentally sensitive land layer should be developed across all zones – include buffer of 20-30m in riparian corridors.</td>
</tr>
</tbody>
</table>
|   | Sydney Catchment Authority | Supports outcomes relevant to Sydney Drinking Water Catchment and Special Areas.  
Drinking Water Catchment Boundary in Final Review Zoning map (2012) incorrect in some places, needs to be fixed, correct data can be obtained from SCA.  
Garrawarra Precinct – support proposed zoning of SCA and Crown Land within drinking water catchment to E2 as per SCA’s previous request.  
Wilson Creek Precinct – support E2 zoning in catchment as per previous request.  
F6 West Princes Hwy – Support E2 zoning. |
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<tr>
<td>Sydney Water</td>
<td>Proposed IN2 Light Industrial zone change 159-173 Walker St requires a wastewater main extension. More detailed comments to be provided at DA stage.</td>
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<tr>
<td>TransGrid</td>
<td>Ensure all TransGrid electrical easements are zoned in accordance with appropriate adjacent land use zone, ensure development of electricity infrastructure is not prohibited in any zone. Ensure land development prudently avoids TransGrid infrastructure and easements in accordance with TransGrid’s guidelines.</td>
</tr>
<tr>
<td>Wingecarribee Council</td>
<td>No comment</td>
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</table>
Community Group submissions (not form letters)

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<tr>
<th>No.</th>
<th>Name</th>
<th>Summary</th>
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<tbody>
<tr>
<td>1</td>
<td>Otford Protection Society</td>
<td>Support maintaining and elevating the conservation status awarded in 1994 to the Hacking River Catchment lands ‘7d’ of Helensburgh, Stanwell Tops, Otford, Garrawarra and Lilyvale. Helensburgh does not need more industrial land and housing to survive. The majority of residents settled here because of its non-industrial/commercial ambience, and large populations suppressed by geographical/environment restrictions, residents that are prepared to commute to employment in order to keep their home area idyllic. As evident by new commercial shops in Helensburgh that have been vacant for years, and the slow take up of commercial leases on IN2 property Cemetery Road, residents will continue to seek outside ‘2508’ for many goods and services and employment. We request that Council do not condone illegal land clearing and unlawful usage by rezoning previous conservation land to legalise the ongoing activity. It is morally wrong and unjustifiable to other law abiding companies and rate payers. Land important as a wildlife corridor. Water quality ponds don’t work. Between 2003 and 2006 many homes of Otford were connected to the Low Pressure Sewerage system, however, many other homes along Lawrence Hargrave Drive, Lady Wakehurst and in the Wilsons Creek precinct are still on septic systems. Urbanisation and housing development introduces feral animals. An increase in residents will also increase the amount of illegal dumping. Development proposals such as the Helensburgh Landpooling won’t decrease bushfire hazard but actually increase the number of people to be evacuated in the next inevitable major fires. Simply, more lives would be placed in jeopardy and more houses lost in flames. Pro-developers have a financial interest to degrade the land and build. The pro-developer appreciate the accumulative impact of each development, and even a single dwelling granted to 10 acres of land, can still cause complete land clearing of the full 10 acres. Attached newspaper clippings on the sale of land. Attached form letter comments (detailed later in this document).</td>
</tr>
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<td>2</td>
<td>Stanwell Tops Residents Awareness Association</td>
<td>Strongly object to the exhibited E3 zonings around Stanwell Tops because they are illogical and inconsistent with Council’s previous stance on these lands. Council previously exhibited these lands as E2 Environmental Conservation, consistent with 2 decades of sensible 7(d) Environmental Protection Hacking River zoning, and received widespread public support on that basis. Now is the time to rectify those aberrant and arbitrary decisions, and return the subject lands to the previously (and correctly) exhibited E2 zonings, which more-closely reflect the good intentions of the former 7(d) zonings. Support the rezoning of SCA land to E2. Oppose CSG mining in the water catchment area and Department of Primary Industry requirement that mining be permissible in the LEP, and that the SCA lands be zoned E3. There is no justification for downgrading the lands adjacent to Stanwell Tops to E3 – they should be zoned E2 (with “existing use rights”), including the Kelly Falls section, to better safeguard the obvious habitat corridors linking to the Illawarra Escarpment lands. Include maps of Stanwell Tops – Gills Creek.</td>
</tr>
<tr>
<td>3</td>
<td>Illawarra Escarpment Coalition</td>
<td>1998/99 Commission of Inquiry (COI) should have protected these areas from development. Unless protection happens now, future generations will not be able to experience unique landscape and biodiversity.</td>
</tr>
</tbody>
</table>
Area close to Royal National Park, Garrawarra State Conservation Area, Illawarra State Conservation Area and Dharawal National Park, rezoning impacts need to be considered. Need to consider wildlife corridors, riparian zones, flora and fauna losses, respect local knowledge.

Support Otford Protection Society Inc. Planning Proposal – existing homes now classified E2 automatic right to rebuild after destruction (e.g. after bushfire), E2 permissible sues include ‘environmental facilities, environment protection works and recreation works. Owners of undevelopable land exit area by way of exit strategy (buy back scheme).

All lands previously zoned 7(d) should be zoned E2 Environmental Conservation. Ensure no more buildings. Hacking River Catchment not a desired future growth area as stated in Illawarra Regional Plan, Illawarra Escarpment Management Plan and NPWS Bioregional Assessment. Development infill in town only. Protect vital link between escarpment and national park. Do not introduce more people to bushfire risk.

Support recreational and tourism zonings in Gateway precinct.

Areas not covered in report – Hanging Swamp at Stanwell Tops – should be zoned E2, Christian conference Centre and all land between F6 and Old Hwy up to Darkes Forest zoned RU2, E3 and E2 should not change.

Object to random allocation of building rights in some E3 areas contrary to clause 4.2A of Wollongong LEP 2009, sets dangerous precedent.

All previously 7(d) zoned land needs to join the Illawarra State Conservation Area to protect catchment forever.

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<tr>
<th>4</th>
<th>National Parks Association of NSW Southern Sydney Branch</th>
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<td></td>
<td>Desirable to add all natural vegetated lands in Upper Hacking and Northern Illawarra to National Parks Estate.</td>
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<td>Support landowners transferring land at market price but where funds not available strongest possible zonation should be given to protect 7(d) lands. Need to zone to E2 – only zone to adequately protect these ecologically important lands. Local extinctions will occur if poor policy decisions continue.</td>
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<td>Wollongong Council Sustainability Policy 2002 commits Council to ‘protect and expand habitat for all forms of life’.</td>
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<td>Need to protect wildlife corridors, wet and dry forest, which help re-colonisation after bushfires. With climate change impacts wildlife will need corridors more then ever. Past local extinctions including brush tailed rock wallaby, red necked pademelon, dingo, wallaroo, eastern quoll and many more caused in part by lack of sustainable planning measures.</td>
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<td>Worries about past retrospective approvals, cessation of aerial monitoring and land clearing activities. Need a team in Council to carefully monitor land use in former 7(d) lands to enhance regional sustainability.</td>
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<td>Kellys Falls should be zoned E2 due to proximity to Garrawarra SCA. Gills Creek north south wildlife corridor WHOLE precinct should be zoned E2. Frew Avenue – should be zoned E2 to protect water quality and provide corridor Walker St – Should be zoned E2 to protect from further development while keeping legal existing uses.</td>
</tr>
</tbody>
</table>
Recognises challenge for Council – former 7(d) lands have very high environmental value but are privately owned (some existing use rights) and many owners have for a long time expected a rezoning.

Lands form part of Hacking River Catchment and contain valuable habitat for rare native wildlife such as powerful owls, bentwing bats and pygmy possums. Important north-south wildlife corridor. Creeks need to be protected from runoff, weed invasion and industrial activities. Land forms part of continuous Illawarra Escarpment – advocate not suitable for development. Would ideally like to see 7(d) lands resumed into reserve system.

Congratulate Council for substantially recognising environmental values and zoning major part of area E2. But support Otfordeco in campaign to have more land zoned E2.

Support Kellys Falls E2 zoning but concern about proposed Walker St zoning to north. Should be at least partly E2. Would like to see this area made amenable for bushwalkers and join other walking routes in region. Should negotiate with private landholders and establish direct walking route from Otford Station to Kellys Falls.

Acknowledge area is currently being degraded by horse riding – landowners obligations in relation to E2 land requires codification and enforcement - E2 zoning may prevent certain development but does not ensure best practice conservation or management.

159-169 Walker St industrial zoning totally inconsistent with rest of proposal. History of unapproved degrading activity on land. Object to this rezoning which is very close to pristine Herbert Gully and Kellys Falls.

Helensburgh Enterprise Corridor – object to B6 zoning, will allow activities incompatible with conservation area, including chemical use and land clearing. Old RTA site is contaminated and existing fragments of bushland extremely important as corridor very narrow in this area and need to be retained.

Reassured by the amount of E2 zoning in proposal to help protect land from Coal Seam Gas exploration and mining. Would like more land zoned E2 so it can also be protected.

Oppose the downgrading of 7d lands to E3 and call on Council to rezone lands E2.

The 7d zoning was introduced following a Commission of Inquiry into protecting the Hacking Catchment. Council proposed to rezone the lands to E2, however the Department of Primary Industry required that mining be permissible in the LEP and the land was zoned E3.

CSG threatens the environment and is a risk to health.

CSG miners will take advantage of the E3 zone.

CSG is unsuited to the Illawarra.

Details public opposition to CSG.
## General / individual submissions

Note: Landowner submissions on specific precincts are included in the reports

<table>
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<tr>
<th>Author</th>
<th>Submission</th>
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</table>
| 7d Landowner (3 submissions) | - Trying to build house for 30 years  
- Proposal to lock up the lands as E2 is disgraceful  
- WCC is manipulated by local ratbag groups  
- Time to get the Department of Planning to take control and make informed decisions  
- Strongly object to the exhibition  
- Council has held to ransom some owners for 47 years  
- Council cannot lock up the lands forever  
- Council should stop listening to the Green groups and start listening to common sense and the wishes of the majority  
- 4th submission in 7 years  
- All of Helensburgh is being disadvantaged, no secondary school, no regular bus service, businesses are struggling, little employment, the club is in debt. |
| 7d Landowners Group         | - 4th submission in 7 years  
- Helensburgh needs progress  
- Most people want the land rezoned for residential use, not locked up  
- Planning Proposal should not be progressed  
- Why can’t Council realise they have got it wrong and they are hurting a lot of people  
- Forget the local vocal minority in Otford and their form submissions  
- Release the 7d lands for development |
| Family member of 7d landowner| - The objections against development are from a very vocal group  
- The area should be rezoned E4 to allow sensible development  
- Object to proposed E2 |
| Resident Stanwell Tops (3 submissions) | - Support E2 zoning, area is environmentally sensitive and catchment of the Hacking River  
- E2 retains existing use rights  
- High bushfire hazard  
- E2 lands are wildlife corridors |
| Resident Stanwell Tops      | Support E2 for the Gills Creek precinct. Object to E3 and RE2zonings.  
- Stanwell Tops sub-precinct – the Council reserve at the end of Annseley Ave is a precedent for E2. The large area of E3 is not in the public interest. Part of a wildlife corridor  
- Gills Creek – oppose E3. Oppose RE2 and proposed restaurant  
- Object to Walker Street being zoned RU2, it should be E2, as it flows into Kellys Falls and then the Hacking River  
- Oppose IN2 at 159-169 Walker Street. The business has degraded the site and expanded outside the site. Access is not on their land. No development approval or EPS approval. An IN2 zone would further degrade the land, endanger downstream and neighbours health through vehicle and heavy machinery dust and fume emissions. The land outside the original 1983 DA approval for landscaping business should be zoned E2 and restored to bushland. |
| Resident Bulli              | - The area is very sensitive and should be protected  
- Do not allow overdevelopment  
- No Coal Seam Gas mining |
| Resident Helensburgh        | - Strong objection to the rezoning of land  
- Any further development will jeopardise the quite country-life lifestyle and charm  
- Oppose anything that impacts on general property values and living |
<table>
<thead>
<tr>
<th>Resident</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Warialda</td>
<td>• This issue was dealt with in the 1990s and nothing has changed regarding the conservation value. If anything it has increased</td>
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<td>• The findings of the Commission of Inquiry still stand</td>
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<td>• The landowners knew when they purchased that they couldn’t build</td>
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<td>• The area contains steep slopes that will be cleared once development is permitted</td>
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<td>• High bushfire risk</td>
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<td>• Population pressure should be directed to West Dapto</td>
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<td>• Concerned that the B6 zoning will enable 2000m2 subdivision, like Kirrawee</td>
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<td>• Oppose the rezoning of Blackwells to IN2, but it should be zoned to accommodate the existing use</td>
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<td>Thirroul</td>
<td>• The lands should be given the highest level of protection</td>
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<td>• The Hacking River is too precious a resource</td>
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<td>• Mining proposals will impact Cataract Creek, so we need the Hacking River even more</td>
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<td>• Don’t break the land up into different zonings</td>
</tr>
<tr>
<td>Helensburgh</td>
<td>• Resident of Helensburgh for 22 years</td>
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<tr>
<td></td>
<td>• The infrastructure of Helensburgh will not cope with the additional development and families</td>
</tr>
<tr>
<td></td>
<td>• The overwhelming silent majority is against this rezoning. The only people in favour are the 7d land owners and business owners</td>
</tr>
<tr>
<td>Sutherland</td>
<td>• Oppose the proposed rezonings, especially rezoning all privately owned land E2</td>
</tr>
<tr>
<td></td>
<td>• The NPWS has played a duplicitous role by encouraging land to be zoned E2 but not acquiring any of the lands, or even declining the purchase when offered.</td>
</tr>
<tr>
<td></td>
<td>• The proposed zoning of vast areas E2 is inappropriate</td>
</tr>
<tr>
<td></td>
<td>• There are sites outside the 7d area, within Helensburgh and Otford that have higher conservation value. Existing lots in Otford are on the Hacking River</td>
</tr>
<tr>
<td></td>
<td>• The proposed zones should be based consistently on the ideal best use in the long term or existing use, not swap from one justification to another</td>
</tr>
<tr>
<td></td>
<td>• Not all 7d owners are speculators. Council needs to identify lots by their date of separation of title (not the subdivision date) and the planning restrictions of that time.</td>
</tr>
<tr>
<td></td>
<td>• The LEP could maintain development restrictions on lots separated after 1951 (E3 or RU2), while the earlier separated lots should be R2, E4 or RU2.</td>
</tr>
<tr>
<td></td>
<td>• Long ago Council could have encouraged eco-tourism at Lilyvale, Otford Valley Farm, Otford Farm and Stanwell Tops to rid them of existing poor development.</td>
</tr>
<tr>
<td></td>
<td>• There is little hope of a public buy out and it is unjustifiable to sterilise private land</td>
</tr>
<tr>
<td>Helensburgh</td>
<td>• Stop exploiting this area</td>
</tr>
<tr>
<td></td>
<td>• The Royal National Park needs to be protected</td>
</tr>
<tr>
<td>Stanwell Park</td>
<td>• Owns land in Otford and wants to be able to build</td>
</tr>
<tr>
<td></td>
<td>• the small vocal Otford Protection Society is creating confusion and misinformation</td>
</tr>
<tr>
<td></td>
<td>• there are many exotic species in Otford village, suggesting that these groups are no more environmental than the average person</td>
</tr>
<tr>
<td></td>
<td>• anything that grows in Otford must flow down the Hacking River</td>
</tr>
<tr>
<td></td>
<td>• people have been collecting signatures from tourists at Bald Hill and other areas claiming there is to be development in the Royal National Park</td>
</tr>
<tr>
<td>Otford</td>
<td>• This issue was dealt with in the 1990s and nothing has changed regarding the conservation value. If anything it has increased</td>
</tr>
<tr>
<td></td>
<td>• The findings of the Commission of Inquiry still stand</td>
</tr>
<tr>
<td></td>
<td>• The landowners knew when they purchased that they couldn’t build</td>
</tr>
<tr>
<td></td>
<td>• The area contains steep slopes that will be cleared once development is permitted</td>
</tr>
<tr>
<td><strong>Resident</strong></td>
<td><strong>Concerns</strong></td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| **Woonona** | - High bushfire risk  
- Population pressure should be directed to West Dapto  
- Concerned that the B6 zoning will enable 2000m² subdivision, like Kirrawee  
- Oppose the rezoning of Blackwells to IN2, but it should be zoned to accommodate the existing use |
| **Email Suburb unknown** | - Why do the Hacking River catchment headwaters deserve less protection now than 20 years ago?  
- Are not the lands buffering the Royal National Park already protected by their current zonings?  
- Rezoning will have a further knock-on effect and open the door for further subdivisions and greater development  
- Speculation is a gamble  
- Strongly oppose the rezoning of these lands, or others that have been protected |
| **Email Suburb unknown** | - Watching the lack of progress in Helensburgh  
- Land should be zoned at least E4 or zonings that allow sensible use of the lands around Helensburgh  
- Object to the proposed E2 zoning - the area should not be locked up.  
- It could be another Berry, Berrima or Leura bring employment |
| **7d landowner South Otford** | - Submission identifying "errors" and queries in the Willana report (2009), especially in relation to the South Otford precinct |
| **Resident Helensburgh** | - Resident of Helensburgh for 32 years, love the rural lifestyle and country town feel  
- Don’t change Helensburgh in any way  
- Retain the E3 zone, protect our environment, water catchment area, rivers and creeks.  
- Oppose CSG mining  
- Those wanting to expand businesses should move back to Sydney and not destroy Helensburgh |
| **Resident Helensburgh** | - Land Pooling precinct – support E2  
- Lady Carrington Estate South - support E2  
- Old Farm Road precinct – agree  
- Otford Valley Farm and Govinda precincts– agree  
- Garrawarra precinct – agree, except for the E3 area on the west of the old highway which should also be zoned E2  
- Wilsons Creek precinct – agree in principle, but further investigations should occur to determine the level of development that could be supported without detrimental impacts. Should be a minimum 40m buffer either side of Wilsons Creek which should be zoned E2  
- Gateway precinct – agree in principle with B6 zoning, however further investigation required to determine if it is sustainable. Strict development controls to protect Wilsons Creek and bushland  
- Gills Creek precinct – Support E2 and E3 zonings, however further investigation required to determine if it is sustainable. No clearing.  
- F6 west precinct – support E2 outside the RU2 zone  
- Frew Avenue precinct – agree in principle with E3. Further investigations |

Due to file size, to view all attachments, refer to separate reports on website
<table>
<thead>
<tr>
<th>Suburb</th>
<th>Email</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walker St precinct</td>
<td>required to determine impact of dwellings.</td>
<td></td>
</tr>
<tr>
<td>Lloyd Place precinct</td>
<td>agree in principle</td>
<td></td>
</tr>
<tr>
<td>Camp Creek precinct</td>
<td>strongly agree</td>
<td></td>
</tr>
<tr>
<td>Lady Carrington Estate North</td>
<td>agree, close to National Park</td>
<td></td>
</tr>
<tr>
<td>Lilyvale and Central Bushland precincts</td>
<td>strongly agree, close to National Park</td>
<td></td>
</tr>
<tr>
<td>Otford Central</td>
<td>agree, only where there are existing dwellings or cleared land</td>
<td></td>
</tr>
<tr>
<td>Otford North</td>
<td>strongly agree, close to National Park</td>
<td></td>
</tr>
<tr>
<td>Otford South</td>
<td>agree</td>
<td></td>
</tr>
<tr>
<td>Lukin Place precinct</td>
<td>agree</td>
<td></td>
</tr>
<tr>
<td>Metropolitan Colliery precinct</td>
<td>agree</td>
<td></td>
</tr>
<tr>
<td>Isolated lots in the Royal National Park</td>
<td>strongly agree</td>
<td></td>
</tr>
<tr>
<td>The areas around Helensburgh have significant environmental values at both local and regional level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royal National Park</td>
<td>second oldest National Park</td>
<td></td>
</tr>
<tr>
<td>Any development needs to be carefully considered</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support the recommendations from the Commission of Inquiry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed zoning should protect the environment that same as the 7d following the Commission of Inquiry</td>
<td></td>
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<tr>
<td>Blackwell's was a simple landscaping business, since expanded to a large scale demolition and recycling operation which is inappropriate for this site</td>
<td></td>
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<tr>
<td>Businesses should be supported based on the activities which existed at the time of the Commission of Inquiry</td>
<td></td>
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<tr>
<td>Oppose downgrading of former 7d lands to E3 and support E2 zone</td>
<td></td>
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<tr>
<td>7d was introduced following the 1994 Commission of Inquiry, and gave the area the highest rating next to National Park</td>
<td></td>
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<tr>
<td>Following objection from the Department of Primary Industries, Council downgraded the zoning from E2 to E3</td>
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<tr>
<td>Compares E2 and E3</td>
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<td>16 CSG mining exploration approvals have been granted</td>
<td></td>
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<tr>
<td>CSG approvals granted against SCA wishes, where you can be fined $11,000 for trespass</td>
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<tr>
<td>Details CSG concerns</td>
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</tr>
<tr>
<td>Resident of Helensburgh for 36 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Object to any changes to the existing zoning</td>
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<tr>
<td>Support any subdivisions within the existing boundaries</td>
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<tr>
<td>Parkes St and access to the rail station is narrow and not maintained</td>
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<tr>
<td>More parking needed at Helensburgh Rail station</td>
<td></td>
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<tr>
<td>The 7d landowners were are of the zoning when they purchased the land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helensburgh, Otford and Stanwell Tops should remain semi-rural, environmentally protected as is with protection of the Royal National Park and the Hacking River</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helensburgh does not have a town plan</td>
<td></td>
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</tr>
<tr>
<td>Council fails to consider the benefits of additional development and expansion</td>
<td></td>
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<tr>
<td>Council should adopt the Willana report recommendations</td>
<td></td>
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</tr>
<tr>
<td>Helensburgh needs more IN2 land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helensburgh does not have a waste disposal facility</td>
<td></td>
<td></td>
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<tr>
<td>The current submission process is flawed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support the rezoning of Lady Carrington Estate, Central Bushland, Land Pooling and Camp Gully Creek to E2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>These areas are important for continuous and intact native vegetation and maintaining water quality for the Hacking River</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lady Carrington Estate North, Garrawarra – support rezoning from E3 to E2 especially Crown land and SCA land</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Resident | Stanwell Tops | Support proposals for all areas except:  
| o Walker St – should all be zoned at least E3  
| o Blackwells – no industrial zoning  
| o Gateway – should not permit service stations or fast food outlet at the roundabout |
| Email Suburb unknown | Oppose residential development in the Land Pooling, Lady Carrington Estate South precincts – maintain E2 or E3 zonings and if possible bring into public ownership  
| Not opposed to a high school – smaller environmental impact |
| Luke Morley | Resident Otford | Oppose any changes to the existing zoning that would allow additional development  
| Blackwells – strongly oppose IN2  
| The 7d lands contain significant bushland attached to National Parks and catchment of Woronora and Hacking River catchments  
| Protect the Royal National Park  
| Expansion of Helensburgh will impact on the environment and National Park  
| Bowral has lost its soul due to housing development over the last 20 years |
| Email Suburb unknown | Any rezoning should consider the impact on the Royal National Park and Garrawarra State Conservation Area  
| E2 zone land use table should include the option for landowners of undeveloped land to exit in accordance with the Otford Protection Society Planning Proposal  
| All 7d land should be zoned E2  
| Garrawarra – support E2  
| Wilsons Creek – support E2  
| Gateway precinct – recognise existing businesses but precinct should be zoned E2  
| F6 west – support E2  
| Frew Avenue – support E2  
| Gills Creek – should all be zoned E2  
| Land pooling – support E2  
| Walker St – support E2  
| Ensile holdings – should all be zoned E2  
| Lady Carrington Estate North – support E2, the consent for a dwelling house should be rescinded  
| Camp Gully Creek – support E2, excluding 5,7,9,11 Undola Road  
| Lady Carrington Estate South - should be zoned E2  
| Land pooling - should be zoned E2  
| Lilyvale – support E2 proposal  
| Central bushland – support E2. The track and road system be reinstated |
- Otford Valley Farm – should be zoned E2
- Metropolitan Colliery – can be zoned RU1, remainder E2
- Walker Lane – should be zoned E2
- Lukin St – should be zoned E2
- Old Farm Road - should be zoned E2
- Lloyd Place - should be zoned E2
- Otford North – support E2
- Otford Central – should be zoned E2
- Otford South – support E2
- Govinda – should be zoned E2
- Isolated lots in the Royal National Park – should be zoned E2
- two areas have not been covered.
  - the Hanging Swamp, Christian Conference Centre previously zoned as 7(d) lands,
  - and all the land between the F6 and Old Princess Highway up to Darkes Forest zoned - RU2 (2 areas), E3 (1 area) and E2; shall not change or have any lessening of zonation as a result of this review.
- object to the random allocation of building rights in some E3 Environmental Management areas contrary to Clause 4.2A or Wollongong LEP 2009 based on date of building right, rather than size of the built. This decision presents a dangerous precedent for this area.
- The only satisfactory long term solution is to merge previously zoned 7(d) lands surrounding Helensburgh, Otford and Stanwell Park and surrounds into the Garrawarra State Recreation Area by joining onto the Illawarra Escarpment State Conservation Area. This would guarantee the (Class P) Hacking River Catchment forever.

<table>
<thead>
<tr>
<th>Resident Stanwell Tops</th>
<th>Protest the rezoning of land in Stanwell Tops</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Stanwell Tops</td>
<td>Object to the rezoning of Gills Creek and Stanwell Tops precincts</td>
</tr>
<tr>
<td></td>
<td>• Contains biodiversity values</td>
</tr>
<tr>
<td></td>
<td>• Would narrow Kellys Creek corridor</td>
</tr>
<tr>
<td></td>
<td>• Object to RE2 as it would allow a restaurant- should be E2</td>
</tr>
<tr>
<td></td>
<td>• Object to CSG</td>
</tr>
<tr>
<td></td>
<td>• All areas should be zoned E2</td>
</tr>
<tr>
<td></td>
<td>• Object to RU2 zoning on Walker St as activities threaten Kellys Falls and Creek. Please zone E2</td>
</tr>
<tr>
<td></td>
<td>• Object to Blackwells being zoned IN2 as it is bad for people living in this residential and conservation area. The business has not protected the environment and caused substantial destruction of the quality of the water catchment land without development or EPA approval. The heavy machinery causes dust and fumes, lowers the quality of life and devalues nearby businesses.</td>
</tr>
</tbody>
</table>

| Resident Otford North | North Otford – support E2 and not permit any dwellings |
|                      | Central Otford – support E4 and E2 as exhibited |
|                      | South Otford – support E2 and E3 as exhibited |

| Resident Engadine | South Otford – object to rezoning from E3 to E2 |
|                  | Why is Council zoning South Otford E2 and allowing 5 more houses in Central Otford. |

<table>
<thead>
<tr>
<th>Residents Helensburgh \ (3)</th>
<th>Strongly support the proposed B6:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Existing business activity for 50 years</td>
</tr>
<tr>
<td></td>
<td>• Employment of trades, apprenticeships, new business ventures, wide variety of industries</td>
</tr>
<tr>
<td></td>
<td>• Located close to Wollongong, Sutherland and Freeway</td>
</tr>
<tr>
<td></td>
<td>• Needed to support residential growth of Helensburgh</td>
</tr>
<tr>
<td></td>
<td>• Owners willing to protect the environment</td>
</tr>
</tbody>
</table>
Form letter submissions

HELENSBURGH BUSINESS OWNERS GROUP SUBMISSIONS

<table>
<thead>
<tr>
<th>Precinct / Letter</th>
<th>Submission</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>All 56 letters</td>
<td></td>
<td>185</td>
</tr>
<tr>
<td>Land Pooling/Lady Carrington South:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Existing businesses operating</td>
<td>There are currently 2 long term businesses operating in this precinct which have been established for well over 20 years.</td>
<td>179</td>
</tr>
<tr>
<td>2. Development consent</td>
<td>The 2 long term businesses operating in this precinct have development consent and would be severely disadvantaged with a change of zoning to E2.</td>
<td>182</td>
</tr>
<tr>
<td>3. Existing employment</td>
<td>The 2 long term businesses employ a large amount of local people, with a change of zoning to E2 this would greatly restrict any further employment opportunities for the community.</td>
<td>183</td>
</tr>
<tr>
<td>4. Unsuitable sites available</td>
<td>The community would be disadvantaged if the 2 existing businesses cease as it would jeopardise our bus service and relinquish employment opportunities.</td>
<td>184</td>
</tr>
<tr>
<td>5. Environmentally friendly</td>
<td>One of the existing businesses recycles sandstone destined for landfill which is an excellent form of sustainability and environmental preservation.</td>
<td>184</td>
</tr>
<tr>
<td>6. Council support</td>
<td>We support Councils knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff.</td>
<td>182</td>
</tr>
<tr>
<td>Lady Carrington Estate, Lilyvale Central &amp; Otford Valley Farm Precinct:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Council support</td>
<td>We support Councils knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff.</td>
<td>187</td>
</tr>
<tr>
<td>Lloyd Place Precinct:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Council Support</td>
<td>We support Councils knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff.</td>
<td>190</td>
</tr>
<tr>
<td>Camp Gully Creek, Walker Lane including Undola Road:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Council Support</td>
<td>We support Councils knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts</td>
<td>190</td>
</tr>
</tbody>
</table>
such as the Willana Report and council staff.

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lukin St, Old Farm Road, Metropolitan Colliery:</td>
<td>1. Council Support We support Councils knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff.</td>
</tr>
<tr>
<td>Walker St, Frew Avenue, Kellys Falls Precinct:</td>
<td>1. Cemetery Expansion This portion of land should remain as it is for future cemetery expansion. It is a known fact that people will certainly die in the future.</td>
</tr>
<tr>
<td></td>
<td>2. Frew Avenue Precinct We support Councils recommendation on all lots apart from Lot 1, DP 584467 which we believe should be part of the gateway precinct being that the site has 150 metres of Parkes Street frontage and is bound by light industrial and future B6 zonings</td>
</tr>
<tr>
<td></td>
<td>3. Willana report recommends B6 Lot 1 DP 584467 Willana &amp; Assoc Report noted the general disturbed nature of the land &amp; recommended it be B6 as a Gateway to the Helensburgh Township. The objectives of the zone support the existing light industrial &amp; commercial uses and provide a further acceptable “Gateway” opportunity. We agree and support the revitalisation and upgrade of the entry precincts to the town.</td>
</tr>
<tr>
<td></td>
<td>4. Employment lands strategy Lot 1 DP 584467 The Employment lands Strategy prepared by Hill PDA noted there is only a limited amount of vacant lands like this site available for employment with Helensburgh containing only 2.63 Ha of light industrial lands. It also noted the shortage of good sized lots for light industrial services and the need to preserve &amp; expand light industrial uses next to major existing arterial roads. We agree &amp; support the site for B6.</td>
</tr>
<tr>
<td></td>
<td>5. Business expansion Lot 1 DP 584467 The provision of further B6 for light Industrial uses will allow for the continuation of viable industrial lands within Helensburgh for the existing business to have some expansion &amp; to cater for new business to be commenced. The B6 will not hinder or impact upon existing industrial land uses and will be compatible with them as noted in the Economic Development Strategy.</td>
</tr>
<tr>
<td></td>
<td>6. Diversification Lot 1 DP 584467 B6 additional zoning for the site will allow the local economy to grow with acceptable change of the place, changing local attitudes and developing new skills &amp; initiatives for the locals. This will allow a diversification of the existing economic base, help marshal local resources in order to translate new business ideas for the area into reality.</td>
</tr>
<tr>
<td></td>
<td>7. Sustainable employment Lot 1 DP 584467 A large site area like this will create new and sustainable employment opportunities through developing the economic base of the Northern Illawarra Region and extend the recognition for North Wollongong &amp; Wollongong as a favourable location or business investment and local employment. It will bring much needed cash flow</td>
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<tr>
<td>8. Modern and spacious enterprise Lot 1 DP 584467</td>
<td>The existing residents &amp; ratepayers of Helensburgh &amp; the Wollongong Council are entitled to look to Wollongong City Council to provide upgraded land zonings in Helensburgh Gateway Precinct for use for modern &amp; spacious enterprise business, commercial and light industrial premises in areas able to sustainably support such facilities. As a resident &amp; ratepayer of Helensburgh, we support B6 for the Gateway sites as a good example of best practice in strategic planning for the area.</td>
</tr>
<tr>
<td>9. Opportunity for modern and well balanced business Lot 1 DP 584467</td>
<td>Wollongong City Council has undertaken over several decades to investigate &amp; report on areas suitable for increased zoning to accommodate business &amp; commercial rezonings in areas well suited for increased zonings under Wollongong LEP 2009. This site provides an opportunity for modern &amp; well planned business areas on level well serviced lands that will not adversely impact on existing residential &amp; business areas or damage the environment. We support the B6 zoning in this area.</td>
</tr>
<tr>
<td>10. Walker St Precinct Lot 1 DP 112876, Lot 1 DP 342364, Lot 1 DP 375642 and the western part of Lot 16 DP 255197 (aligning with the rear of Lot 1 DP 342364) (Blackwell Holdings site) be rezoned to In 2 Light Industrial and the eastern portion of the property be zoned E2 Environmental Conservation.</td>
<td></td>
</tr>
<tr>
<td>11. Existing Uses</td>
<td>Blackwell Brothers have been using this site since approval in 1983 which were permissible uses under pre-existing zonings.</td>
</tr>
<tr>
<td>12. Community Service</td>
<td>This property can provide a community service enabling the community to partake in recycling which will provide a safeguard for the environment.</td>
</tr>
<tr>
<td>13. Environmental Sustainability</td>
<td>The majority of Blackwell Bros business has grown into recycling and reusing natural and man-made materials.</td>
</tr>
<tr>
<td>14. Employment</td>
<td>Blackwell Bros employ over 50 local people and have done so for many years.</td>
</tr>
<tr>
<td>15. Unsuitable Site Available</td>
<td>At present, there is no suitable site to move this business. It seems common sense to ensure the continual operation and community service of this local business.</td>
</tr>
<tr>
<td>16. Uses compatible with previous zoning</td>
<td>Under previous zoning, the business operations were permissible.</td>
</tr>
<tr>
<td>17. Recycling Centre</td>
<td>Since 1995 Blackwells have been receiving up to 25 thousand tonnes per annum of council generated waste which was recycled on site and reused. This is a win for the local communities and environment.</td>
</tr>
<tr>
<td>18. Past Approvals</td>
<td>Council and EPA have been well aware of this operation and have encouraged it for the past 15 years.</td>
</tr>
<tr>
<td>19. Community Cost Saving</td>
<td>In 2010 council saved 500 thousand dollars by using this local establishment. Resuming works at Blackwells can only be seen as common sense.</td>
</tr>
<tr>
<td>20. Council Support</td>
<td>We support Councils knowledge and ability to due to file size, to view all attachments, refer to separate reports on website</td>
</tr>
</tbody>
</table>
correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff.

**Wilson Creek Precinct:**

1. Council Subdivision
   Properties were purchased in the 1970’s when houses were permissible on these allotments. 191

2. Riparian Corridor
   Dwellings to be permitted with strict environmental controls around the riparian corridor. 183

3. Fire Protection
   The establishment of rural dwellings in the Wilsons Creek Precinct, with ground maintenance, would help protect the township from devastating fires, as were encountered in 2001. 187

4. Level Playing Field
   Hundreds of homes have been built in the Helensburgh area since the 1970’s – All draining in the hacking catchment. 185

5. Wealth Disadvantage
   Only 2 dwellings were built immediately after this subdivision. People with low equity should not have been disadvantaged because of lack of funds to build at that time. 184

6. Council Support
   We support Council’s knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff. 187

**Gills Creek Precinct:**

1. Location
   These properties are close to all arterial roads and have little impact on residential properties. 186

2. Existing Use
   Existing uses of these properties include concrete plant, mushroom farm with storage sheds. 187

3. Expansion
   The vast areas of the above properties would allow for future expansion of employment. 187

4. Employment
   These lands could create employment for the local community which will boost the local economy. 187

5. Provisions
   The provisions of future light industrial lands will allow the continued expansion for our growing community. 186

6. Transfer Station
   This site could be suitable for a much needed transfer station, if appropriately zoned. 189

7. Council Support
   We support Council’s knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff. 188

**Gateway Precinct:**

1. Existing Use
   The majority of the gateway precinct has had approved commercial operations for many years. 187

2. Common-sense
   The previous council reports all recommend B6 for the gateway precincts. Surely this makes common sense. 187

3. Fragmented Rezoning
   Fragmented rezoning’s are inconsistent with the employment lands strategy and will only create more confusion in the future. 189
| 4. Employment | The Employment lands Strategy prepared by Hill PDA noted there is only a limited amount of vacant lands like this large site, which with its neighbours, make good level serviced lands available for employment with Helensburgh currently containing only 2.63 Ha of Light industrial lands. It is also noted the shortage of good sized lots for light industrial services and the need to preserve & expand light industrial uses next to major existing arterial roads. We agree & support the site for B6. | 188 |
| 5. Viable Lands | The provision of further B6 for light industrial uses will allow for the continuation of viable industrial lands within Helensburgh for the existing business to have some expansion & to cater for new business to be commenced. The B6 will not hinder or impact upon existing industrial land uses and will be compatible with them as noted in the Economic Development Strategy. All existing services will be available to the property. | 189 |
| 6. Growth | B6 additional zoning for the site will allow the local & wider Illawarra economy to grow with acceptable change of the place, changing local attitudes and developing new skills & initiatives for the locals. This will allow a diversification of the existing economic base, help marshal local resources in order to translate new business ideas for the area into reality for the mutual benefit of the locals & any new business investment opportunity. | 188 |
| 7. Economic Objectives | The B6 zone for the site for business, commercial retail or light industrial uses will contribute to the achievement of the key economic objectives of the Illawarra Regional Strategy, Councils Economic Development & Employment Lands Strategy for the benefit of Helensburgh & the Illawarra as the strategy is for further provision of employment lands. Higher and more varied land uses available under B 6 suit the area & should be supported. | 185 |
| 8. Bulky Goods | We support B6 for the site to help make property accommodate larger retailers of bulky goods like Aldi & Bunnings. The roads in the area will well accommodate any increases in traffic. B6 is good for these lands close enough to the town & neighbouring coastal towns through to Bulli to be useful as accessible yet away from the residential areas. | 184 |
| 9. Employment Lands | Helensburgh needs more employment lands in areas capable of environmentally sustainability. This site on its own or joined with the neighbouring property fulfils the need for employment lands near major transport links yet away from residential areas and sensitive water catchment areas. | 186 |
| 10. Modern Business | The existing residents & ratepayers of Helensburgh & the Wollongong Council are entitled to look to Wollongong City Council to provide upgraded land zonings in Helensburgh Gateway Precinct for use for modern & spacious | 189 |
enterprise business, commercial and light industrial premises in areas able to sustainably support such facilities. As a resident & ratepayer of Helensburgh, we support B6 for the Gateway sites as a good example of best practice in strategic planning for the area.

11. No adverse Impact

Wollongong City Council has undertaken over several decades to investigate & report on areas suitable for increased zoning to accommodate business & commercial rezoning's in areas well suited for increased zonings under Wollongong LEP 2009. This site provides an opportunity for modern & well planned business areas on level well serviced lands that will not adversely impact on existing residential & business areas or damage the environment. We support the B6 zoning of this area.

12. Floor Space Ratio/Height Restriction

We support an increase in floor space ratio of 1.5:1 but also agree with council’s 11 metre height restriction.

13. Council Support

We support Councils knowledge and ability to correctly deal with the 7d rezoning once and for all. Council should at no time be swayed by lobbyist groups but should rely on the experience and the recommendations of qualified experts such as the Willana Report and council staff.

Helensburgh Business Owners Group - Additional Comment

Can't compete with the numbers. Don't agree with this system but feel that we need to be proactive against the onslaught. I employ 6 people and utilise numerous local businesses to conduct my business such as welding, engineering, electricians and so on. I request Industrial zoning for Lot 42 Tarawa Road, Helensburgh (Walker Street). There is no where else to go. We have been there for more than 25 years.

Controlled Development is a must for Helensburgh and its surrounding areas, there is too much concern over conserving the GREEN Belt environment at all cost. In addition it is of a great concern the allowance of Coal Seam Gas Exploration this must be stopped in this area as the exploration/production companies for the Gas cannot guarantee the current quality of water, and we know the effects that coal mining has had on the area eg the creek and river bed subsidence in the water tributaries feeding to Woronora Dam. Controlled development in the Helensburgh and surrounding areas is a must but not COAL SEAM GAS development.

Council listen to experts in planning and engineering that council Employee.

Give the town back there appropriate zoning so everyone can move forward

If Sutherland shire can grow and run into the hacking and out to see, so can Helensburgh

There are such things as ponds and filtration that stop sediment

Common sense please, no computerized votes from out of town.

Listen to the rate payers

Council planers need to start listening to people

Disturbing lands and businesses that have been functioning for decades is ridiculous.

Get rid of the Greens. Helensburgh is a beautiful place. Needs to grow. The Greens are not looking after us. No back burns!!!! Burn so we don't.
Give us all a break, hacking river protection what a load of garbage, every house from Stanwell Tops, Otford and Helensburgh, including those that are occupied by opposing greenies produces runoff into the hacking river. This runoff picks up plenty on its way through councils mostly uncurbed streets. So why should anyone area have restrictions applied to it.

Growth is inevitable to this town

Helisburge need to grow

I have lived here all my life we are surrounded by national park landcom came in and done as they liked but the people that have lived here all there life cannot do what they want with their own land the greens are mostly blow ins go back to where you came from.

I support these issues.

I support these issues. I support the people my parents employ and the continuing of this business and the others.

I want to keep my job!

Industrial land needed for growth and jobs

please keep Helensburgh growing with small business encouraged not penalised

Thank the Lord for HBOG, at last some common sense from the local community, i believe HBOG stands for the silent majority so look out all you fringe dwellers, have a bath and get a job.

The Helensburgh Business Owner's Group supports sensible and fair development for Helensburgh that will increase employment opportunities for local people, utilise land that is most suitable for development of this type, and with careful and well planned development, will not be detrimental to the environment. I agree that existing businesses should be allowed to continue to operate and that areas that are suitable for residences and future business sites as described by the HBOG, should be allowed to be developed. The proposals presented by the HBOG are fair for all existing landowners.

This has gone on forever... Council should make a stand and get it done. With all the delays and consultations over and over aging must be costing rate payers 10's of thousands of dollars. Will Council be game enough to publish the actual COST that it has incurred over the many, many years that it has taken to get this far and still NO without a result. The Lord Mayor and other Councillors talk about the proper use of rates payers money, to me this is a total waste of money. Get it done and move on to something else, please.

We need our jobs its an employment issue
**OTFORD PROTECTION SOCIETY SUBMISSIONS**

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<th>Letter</th>
<th>Count</th>
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<tr>
<td>Item 2 - Review of 7(d) lands - Background Summary Report</td>
<td>514</td>
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The geographic area because of its close proximity to National Heritage Listed "Royal National Park", Garrawarra State Conservation Area (both now declared National Heritage listing) and the Illawarra Escarpment State Conservation Area plus the newly gazetted Dharawal National Park, demands that any rezoning consider the impact on the four areas as one, not fragment into isolated areas for micro assessment.

The failed logic would therefore NOT consider:

- Wildlife Corridors,
- Riparian zones,
- Flora and Fauna losses, and
- Local resident input which has significant local knowledge.

Overriding provision's to all areas that:

1. Existing homes now classified as E2 that a right to rebuild after destruction of an existing dwelling e.g. bushfire, is automatic;
2. Amend the Wollongong LEP 2009 E2 provision "Permitted with Consent" to read Environmental Facilities; Environment Protection Works; Recreation Works; and
3. Owners of undevelopable land may exit the area by way of exit strategy shown as Otford Protection Society Incorporated (OPS) Planning Proposal.

"All the lands previously zoned 7d (Environmental Protection: (Class P) Hacking River) should be zoned E2 Environmental Conservation. The E2 zonation guarantees that building cannot be permitted on lots, hence more effectively conserving habitat corridors between National Heritage Listed "Royal National Park" and the Illawarra Escarpment...critical to maintain animal and plant propagate movement from North to south in a future climate change affected regime, and to permit dispersal of species northwards to allow recolonisation of National Heritage Listed "Royal National Park" and Garrawarra State Conservation Area should there be continuing incidents of human lit devastating fires and other impacts that can cumulatively degrade the formal reserve systems of southern Sydney and the Illawarra.

The efforts of Otford Protection Society's gateway Application through NSW Planning which reminds Council of it’s past commitments through Local and Department of Planning Regional instruments that the lands of the Upper Hacking are not a designated or desired growth area. The principles in the Illawarra Regional Plan and the Illawarra Escarpment Management Plan and the 2002 NPWS Illawarra Bioregional Assessment Study as further evidence why NSW Planning should accept the objectives and aims within its recent Gateway (Alternative LEP for former 7d lands in Postcode 2508).

While re-emphasizing need for strongest possible environmental zonings for former 7d lands at postcode 2508, I support renewed efforts of government through the NPWS and other state federal government agencies, to acquire the more critical core wet AND dry forest corridors for addition to the national parks estate.

Existing land owners may exit the area via the buy back scheme proposed by OPS.

Since the 1960s much of the surrounding land was already zoned non-urban and conservation.
For the future of our beautiful coastline, National Parks, tourism, threatened native animals, and fresh air for Wollongong and Sydney, and less strain on infrastructure this green corridor needs the highest protection, and development limited to suitable infilling within the township. We cannot move the National Parks nor the ocean so we must protect the vital link in between. Nor can we risk further lives to bushfire by trying to evacuate yet more people through the few narrow valleys, as evident is the massive wild bushfires of Christmas 2001. To that end, apart from the recreational & tourism zonings in the Gateway precinct, the remaining bushland precincts must be zoned E2 environmental with existing use rights for approved existing dwellings/businesses.

A review of the report indicates two areas have not been covered.

In the absence of any substantive comment, we consider that the Hanging Swamp (see note), Christian Conference Centre previously zoned as 7(d) lands, and all the land between the F6 and Old Princess Highway up to Darkes Forest zoned - RU2 (2 areas), E3 (1 area) and E2; shall not change or have any lessening of zonation as a result of this review.

Note: The famous Hanging Swamp at Stanwell Tops (not the so-called one at Baines Place) was zoned 7(a) - with the old 6-lot Trade-Off portion on Bendena Gardens as 7(b). Commissioner Simpson's Commission of Inquiry (COI) said the 7(b) portion SHOULD also become 7(a), but maybe never happened. Anyway, the whole Hanging Swamp must become at least E2 Environmental Conservation, and preferably incorporated into the Illawarra Escarpment State Conservation Area as E1 National Parks and Nature Reserves.

I object to the random allocation of building rights in some E3 Environmental Management areas contrary to Clause 4.2A or Wollongong LEP 2009 based on date of building right, rather than size of the built. This decision presents a dangerous precedent for this area.

We believe the only satisfactory long term solution is to merge previously zoned 7(d) lands surrounding Helensburgh, Otford and Stanwell Park and surrounds into the Garrawarra State Recreation Area by joining onto the Illawarra Escarpment State Conservation Area. This would guarantee the (Class P) Hacking River Catchment forever.

A permanent E2 Environmental Conservation fix is required, not developer-driven pressure again and again.

**Item 3 - Sub 1 - Review of 7(d) lands - Lady Carrington Estate North Precinct**

The Lady Carrington Estate North precinct must be zoned E2 and/or E1 Environmental Conservation, as it sits above tributary creeks leading to the Hacking River. All stormwater and run off leads directly to the Hacking River, and borders the Garawarra State Conservation & Royal National Park area. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings.

For the remainder of the ‘7d’ lands I do not support the zone downgrading of environmental protection of any ‘7D’ land in the 2508 region.

**Item 3 - Sub 2 - Review of 7(d) lands - Garrawarra Precinct**

All the land in the Garrawarra precinct should be E2 or E1 status. Surrounded by the Garawarra State Conservation area, Heathcote National Park and the Sydney Catchment Authority’s drinking water catchment to Woronora Dam, it should remain
pristine as possible, and any development by the current occupant - Garrawarra Hospital, restrained.

The remaining former 7d land of the Helensburgh districts should be zoned E2 to the greatest extent, with a limited amount of conservation & tourism focused zoning within the Gateway/Gills Creek precinct.

**Item 3 - Sub 3 - Review of 7(d) lands - Isolated Lots in the Royal National Park**

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.

In general all bushland in the 7D precincts between Helensburgh and Otford should be zoned E2, as they all lead to the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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.

**Item 4 - Sub 1 - Review of 7(d) lands - Otford North Precinct**

I AGREE To Otford Village North precinct being zoned to E2.

I DO NOT AGREE to Otford Precincts being zoned E4 or E3. Both allow new dwellings on steep land feeding the Hacking River, and would sever the wildlife habitat corridor between the Royal National Park and the Illawarra escarpment. Zoning other than E2 with existing lawful user rights, would allow new dwellings with the consequences of:

- extensive land clearing for fire hazard reduction and landscaping
- new boundary fences & concrete driveways
- more domestic 'killer' pets on the border of the Royal National Park
- increase of weed spread, weed killer and nitrate run off.

All of which will not only further fragment the wildlife habitat corridor and destroy the natural pockets of rainforest, but coupled with the deer-proof fence along the railway line, completely block the movement of wildlife between the Royal National Park and the Illawarra escarpment. In the next major bushfire of the Royal National Park, wildlife will no longer be able to retreat to the cool of the Otford valley or the Hacking River tributary areas. Further clearing of the valley's temperate rainforest and the ridge's tree line will also change the microclimate, precipitation patterns and water distribution in the valley.

I especially OBJECT to Otford Central Precinct as being E4. The subject area all slopes towards the Hacking River. It is also a fine example of rainforest in a suburban area.

However it must be pointed out that in E3, a dwelling cannot be on a slope that is more than 18 degrees angle. Here in the proposed E4 the angles are anywhere between 25 degrees and 60 degrees. Quite impossible angles for living and in safe conditions. By clearing any of these areas could result in land slip at such great angles. It would appear Council has NOT ascertained the proposed E4 sufficiently with this terrain.

This area is also in the immediate area of the Hacking River and therefore should retain an E2 zoning.

I OBJECT to Otford south precinct retaining an E3 Environmental Management zone over part. This should be E2 along with the associated recommended E2.

This site that contains some dilapidated foundations for a previously approved motel from a Council approval in 1982 shows no further work has been carried out in nearly 30 years thus showing it cannot be considered a serious venture.
The site would also be out of character now within an environmental area causing further degradation of surrounding areas by being located on a ridge. It would also be clearly seen from Stanwell Park and Bald Hill Lookout. It would also create a traffic hazard, combined with the Paintball Skirmish entry with entry to Lawrence Hargrave Drive on a deceptive bend with double white lines that traffic would have to cross to go to the F6.

I AGREE with Councils decision on the proposed 7d lands to become E-2 Environmental Conservation as indicated by Council in this review of submissions.

However I OBJECT to lands indicated to become E3-Environmental Management & E4 Environment Living. These lands are still within the water catchment of the Hacking River and will subject the river and headwater tributaries to a further threat of pollution. The Helensburgh Land Pooling area straddles the tributary Herberts Creek - a beautiful & high biodiversity creek and steep slopes, meeting the Hacking River. This should be E2.

I OBJECT to Lady Carrington Estate South being E3 as this is prime bushland where degraded areas can be naturally rehabilitated. This area should be E2.

I also OBJECT to any B6-Enterprise Corridor along the Princes Hwy and Lawrence Hargrave Drive Gateway - This corridor is adjacent to the Sydney Water Catchment, and the F6 ramp Roundabout which is Gateway to Bald Hill lookout, a Wildlife Park, and the thoroughfare to the start of the Grand Pacific Drive. A B6 zoning allows business from light industrial & heavy machinery to brothels - all a threat to the water catchment, diminishing wildlife corridor and our tourism industry. A mixed zone of Tourism and E2 would be far more beneficial to the town and environment.

I OBJECT to the Walker Lane Precinct as being Light Industrial.

I OBJECT to the Kellys Falls Precinct being E3 as Kellys Falls (Hacking River Falls originally) is the MAJOR tributary of the Hacking River and is part of the National Heritage Listed Garrawarra State Conservation

I OBJECT to the Camp Creek Precinct partially Rezone 5, 7, 9 and 11 Undola Road to R2 low Density Residential.

I OBJECT to the Wilson’s Creek Precinct becoming E3 as there is no water or sewerage infrastructure. Any works carried out in regards to this will alter the context of the land involved thus placing significant stress on the creek as also indicated in the review

I OBJECT to the Frew Ave Precinct as E3 as Frew Ave is not even a surfaced road with kerb and gutter. It also slopes towards Gills Creek which is why it is part of the Hacking River catchment. Therefore it must become E2.

### Item 4 - Sub 2 - Review of 7(d) lands - Otford Precinct

As requested please find enclosed my comments which express my concerns on this review.

I AGREE to Otford north precinct being zoned E2.

Zoning other than E2 would allow new dwellings - with the consequences of:

- extensive land clearing for fire hazard reduction and landscaping
- new boundary fences & concrete driveways
- more domestic 'killer' pets on the border of the National Heritage Listed "Royal National Park"
• increase of weed spread, weed killer and nitrate run off.

All of which will not only further fragment the wildlife habitat corridor, but coupled with the deer-proof fence along the railway line, completely block the movement of wildlife between the National Heritage Listed "Royal National Park" and the Illawarra escarpment. In the next major bushfire of the National Heritage Listed "Royal National Park", wildlife will no longer be able to retreat to the cool of the Otford valley or the Hacking River tributary areas.

Further clearing of the valley's temperate rainforest and the ridge's tree line will change the microclimate, precipitation patterns and water distribution in the valley.

I especially OBJECT to Otford Central Precinct as being E4. The subject area all slopes towards the Hacking River. It is also a fine example of rainforest in a suburban area.

However it must be pointed out that in E3, a dwelling cannot be on a slope that is more than 18 degrees angle. Here in the proposed E4 the angles are anywhere between 25 degrees and 60 degrees. Quite impossible angles for living and in safe conditions. By clearing any of these areas could result in land slip at such great angles. It would appear Council has NOT ascertained the proposed E4 sufficiently with this terrain.

This area is also in the immediate area of the Hacking River and therefore should retain an E2 zoning.

I OBJECT to Otford south precinct retaining an E3 Environmental Management zone over part. This should be E2 along with the associated recommended E2.

This site that contains some dilapidated foundations for a previously approved motel from a Council approval in 1982 shows no further work has been carried out in nearly 30 years thus showing it cannot be considered a serious venture.

The site would also be out of character now within an environmental area causing further degradation of surrounding areas by being located on a ridge. It would also be clearly seen from Stanwell Park and Bald Hill Lookout. It would also create a traffic hazard, combined with the Paintball Skirmish entry with entry to Lawrence Hargrave Drive on a deceptive bend with double white lines that traffic would have to cross to go to the F6.

Item 4 - Sub 3 - Review of 7(d) lands - Otford South Precinct

The Otford South precinct must be zoned E2 and/or E1 Environmental Conservation, as it sits above the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And contains beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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.

It cannot be developed without great detriment to the relative pristine tributary water of the Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002.

All stormwater and run off leads directly to the Hacking River, and borders the Garawarra State Conservation & Royal National Park area. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The forest and bushland north, east and south of this precinct should not only be preserved but restored. It helps maintain the microclimate of the Otford valley and
Hacking catchment moist and temperate. It is also of great scenic and tourist value, as borders Bald Hill and the Grand Pacific Drive.

Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

<table>
<thead>
<tr>
<th>Item 4 - Sub 4 - Govinda Precinct</th>
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<tbody>
<tr>
<td>The Govinda precinct should be zoned E2 with replacement of existing dwellings allowed, as it sits above the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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.</td>
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<tr>
<td>It cannot be developed without great detriment to the relative pristine water Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002.</td>
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<tr>
<td>Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. This precinct must be zoned E2.</td>
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<tr>
<td>For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.</td>
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<tr>
<th>Item 5 - Sub 1 - Review of 7(d) lands - Gills Creek Precinct</th>
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<tr>
<td>I agree to only E2 zoning for the Gills Precinct with existing use rights for established dwellings/buildings. E3 and less zonings will only encourage further spot rezonings, and degradation of this essential wildlife corridor and catchment for the Hacking River.</td>
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<tr>
<td>The Gills Creek precinct connects Helensburgh and Stanwell Tops to the northern end of Maddens Plains and Bulli Tops. A watering down of conservation zoning from E2 to E3 will allow new dwellings and land clearing, a hazard to not only wildlife, the river, septic leaching, but also visual impact along the main road connect the F6 freeway to the start of the Grand Pacific Drive. Residents and tourists are presented with a unique and beautiful scenic drive from Helensburgh to Wollongong via the coast road, and its entrance should be preserved as such.</td>
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<tr>
<th>Item 5 - Sub 2 - Review of 7(d) lands - F6 West Precinct</th>
</tr>
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<tbody>
<tr>
<td>I agree to the E2 zoning of the Princes Hwy West &amp; RU2 rural landscape, but with no new dwellings allowed. This land directly saddles the Sydney Drinking water catchment to the west, and tributary creeks flowing east to Hacking River.</td>
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<tr>
<td>I object to the adjacent and surrounding zoning of land of South-West Helensburgh as B6 Enterprise Corridor or industrial zoning, including but not limited to Baines Places, Lawrence Hargraves Drive and Princes Highway.</td>
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<tr>
<th>Item 6 - Review of 7(d) lands - Wilsons Creek Precinct</th>
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<tr>
<td>I object to the proposed rezoning that allows new development in the Wilsons Creek Precinct of Helensburgh.</td>
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<tr>
<td>I agree to the rezoning of the Sydney Catchment Authority land to E2 Environmental Conservation and a buffer zone around Wilsons Creek.</td>
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<tr>
<td>However I disagree to any E3 Environmental Management Zone that allows a dwelling house on the vacant lots.</td>
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All this area must be E2 because of Wilsons Creek, a major tributary of Helensburgh Dam and Hacking River. This was the reason for the 7d classification to protect the environment. Nothing has changed in that environment to remove protection.

This precinct would also be a wildlife corridor adjacent to the Garrawarra State Conservation Area and therefore should not be allowed to be endangered.

There is no sewerage or water supplied to this precinct as indicated in the review. Any works carried out in regards to this will alter the context of the land involved thus placing significant stress on the creek as also indicated in the WCC Preliminary Review (page 48, para 3&4). This would also be true of any extra housing and clearing of surrounding currently protected bush land. This is also inconsistent with the SCA land principles as shown in the review.

There is ample opportunity within the Helensburgh residential footprint to purchase vacant land or a residence.

Therefore I object to any change in zoning for this precinct that is not E2.

**Item 7 - Review of 7(d) lands - Gateway Precinct**

I object to the adjacent and surrounding zoning of land of South-West Helensburgh as B6 Enterprise Corridor or industrial zoning, including but not limited to Baines Places, Lawrence Hargraves Drive and Princes Highway. This corridor is adjacent to the Sydney Water Catchment, F6 ramp Roundabout, & the tributary to Gills Creek.

Tourism - The majority of traffic flow to the Wildlife Park, Kellys Falls & Bald Hill hang-gliding either as a destination or impromptu is via the Roundabout Gateway on the Princes Hwy. It is also a thoroughfare to the start of the Grand Pacific Drive.

The proposed enterprise corridor that allows new development ranging from brothels to heavy machinery depots and used car yards with flashing neon signs is not in keeping with the historical village ambience nor the tourism gateway to the south coast. Such development will deter tourists - all a threat to the water catchment, diminishing wildlife corridor and our tourism industry. A mixed zone of Tourism and E2 in this corridor would be far more beneficial to the 2508 area and environment.

Employment opportunities would be increased with a conservation-tourist geared rezoning, whereas an industrial zoning to benefit cement manufacture would only offer very limited employment, and be greatly outweighed by the risk to the employment of surrounding tourist driven enterprise and the wildlife corridor.

Threat to existing cafes/takeaway - As the entrance and outer fringe of the Helensburgh township, a B6 zoning allowing a multinational fast food operator, could severely jeopardise the future viability of takeaway and cafe food operators within the town. Local residents could completely miss the Walker St/Park St shops & tourists miss the cafes of Stanwell Park & Otford.

Environment - Given the volatility of many industrial materials and chemicals, such B6 & industrial enterprise will also require extensive land clearing in the guise of fire hazard reduction. Further risking high soil erosion to the Wilsons Creek, Gills Creek and Sydney Water catchment. The wildlife habit corridor between the Royal National Park, Garrawarra and the Illawarra escarpment has already greatly 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.

To reiterate, the Gateway and Gills Creek precinct should be a split of E2 and tourist/recreational zoning, to conserve the essential wildlife corridor and tributary creeks, and encourage tourists and visitors to the 2508 region.
<table>
<thead>
<tr>
<th>Item 8 - Sub 2 - Review of 7(d) lands - Frew Avenue Precinct</th>
<th>10</th>
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</thead>
<tbody>
<tr>
<td>I object to the retrospective or reapproval of lapsed or incomplete development applications.</td>
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<tr>
<td>I object to the approval or reapproval of a caravan park and/or similar use of property on Lawrence Hargrave Drive Helensburgh.</td>
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<tr>
<td>I object to any new development or dwellings across the Frew Avenue Precinct.</td>
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<tr>
<td>This 7D land should be zoned E2 to maintain the crucial wildlife corridor and the relative purity of the tributary creeks to the Hacking catchment.</td>
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<tr>
<td>Also as one of the highest points of the Helensburgh plateau, any development and reduction of trees has visual impact on the residents, visitors and motorists.</td>
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<tr>
<th>Item 8 - Sub 3 - Review of 7(d) lands - Kelly Falls Precinct</th>
<th>235</th>
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</thead>
<tbody>
<tr>
<td>The Kellys Falls precinct should be zoned E2 with replacement of existing dwellings allowed, as it the tributary Kelly Creek and the majestic waterfalls leading to the Hacking River.</td>
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<tr>
<td>As Kellys Falls is part of the Garrawarra State Conservation the adjoining private land needs to retain its remaining bushland and be protected from further development. It is also a very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment.</td>
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<tr>
<td>It cannot be developed without great detriment to the relative pristine water Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002.</td>
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<tr>
<td>All stormwater and run off leads directly to the Hacking River, in to the Royal National Park area.</td>
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<tr>
<td>The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.</td>
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<tr>
<td>Any zoning other than E2 does not provide adequate protection against land clearing nor future extra dwellings.</td>
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<tr>
<th>Item 9 - Sub 1 - Review of 7(d) lands - Lukin Street Precinct</th>
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<tbody>
<tr>
<td>The Lukin Street precinct must be zoned E2 Environmental Conservation, as it sits below tributary creeks leading to the Hacking River. All stormwater and run off leads directly to the Hacking River.</td>
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</tr>
<tr>
<td>The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery.</td>
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<tr>
<td>Any zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings or industrial pollution.</td>
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<tr>
<td>For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.</td>
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<tr>
<th>Item 9 - Sub 2 - Review of 7(d) lands - Old Farm Road Precinct</th>
<th>243</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Old Farm Road precinct must be zoned E2 Environmental Conservation, as it sits above tributary creeks leading to the Hacking River. All stormwater and run off leads directly to the Hacking River, and borders the Garrawarra State Conservation &amp; Royal National Park area. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of</td>
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the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.

For the remainder of the ‘7d’ lands I do not support the zone downgrading of environmental protection of any ‘7D’ land in the 2508 region.

**Item 9 - Sub 3 - Review of 7(d) lands - Metropolitan Colliery Precinct**

The bushland surrounding the Colliery needs to be preserved as much as possible, in order to protect the Hacking River catchment, the wildlife corridor connecting the Royal 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 from the Metropolitan Colliery.

Dense bushland and rainforest not only retains excessive stormwater and prevents soil erosion, it more importantly maintains a natural airfilter and sound barrier to the disturbance and coal dust discharge expected from a large mine. In accordance with the Department of Environment, Climate Change and Water & the Department of Planning regulations; the colliery has strict limits of coal dust, noise, lights, water run-off and waste emitted. Neighbouring private properties affected/damaged by excessive levels can even demand compulsory acquisition by the Colliery, so all complaints received by Metropolitan Colliery are recorded, investigated, reported and a solution sought.

It would therefore be in the Helensburgh/Otford residents and Metropolitan Mines’ best interests that all existing vegetation around the mine surface and the region above and around the long wall mining, and ventilation shafts is not only conserved but increased and thickened. To maintain the conservation status that 7D afforded this precinct and surrounding bushland, E2 zoning must be implemented.

Additional to the Colliery precinct, all bushland precincts between Helensburgh and Otford should be zoned E2, as they form the Hacking River catchment and form the crucial wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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.

All stormwater and run off from this precinct leads directly to the Hacking River, into to the Royal National Park area. Containment ponds in Helensburgh have failed, and more in Helensburgh or Otford will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The forest and bushland north, east and south of this precinct should not only be preserved but restored as a buffer to the mine but also a natural block to hot westerly winds, keeping the Otford Valley and Hacking catchment moist and temperate.

For the remainder of the ‘7d’ lands I do not support the zone downgrading of environmental protection of any ‘7D’ land in the 2508 region.

**Item 10 - Sub 1 - Review of 7(d) lands - Camp Gully Creek Precinct involving Undola Road**

The Camp Gully Creek precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it sits above tributary creeks leading to the Hacking River.
This whole area must be E2 Environmental Conservation because of the bordering Royal National Park, and Camp Creek and nearby Gardiners Creek flowing directly to the Hacking River. The forest and bushland north of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.

All stormwater and run off leads directly to the Hacking River. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

An E3 zoning is not adequate protection against land clearing nor future dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

Item 10 - Sub 2 - Review of 7(d) lands - Walker Lane Sub-Precinct
The Walker Lane precinct must be zoned E2 Environmental Conservation, as it sits above tributary creeks leading to the Hacking River. All stormwater and run off leads directly to the Hacking River. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.

For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

Item 11 - Review of 7(d) lands - Lloyd Place Precinct
The Lloyd Place precinct must be zoned E2 and/or E1 Environmental Conservation, as it sits on the tributary Herbert Creek and the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And contains beautiful areas of rainforest in the deep valley and old growth forest on the steep upper slopes. Animals such as Powerful owls, bentwing bats, pygmy possums all inhabit this region, and there is high evidence of resident platypus on the banks of the river.

It cannot be developed without great detriment to the relative pristine water of Herbersts Creek and Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002.

All stormwater and run off leads directly to the Hacking River, and borders the Garawarra State Conservation & Royal National Park area. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. Any land holder with a legitimate right to compensation for a change in zonation could be refunded. Purchase price plus rates, not expected to exceed ten properties.
The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.

For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

Item 12 - Sub 1 - Review of 7(d) lands - Lady Carrington Estate North Precinct
The Lilyvale (originally Lilydale) precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it sits above tributary creeks leading to the Hacking River.

In short, this whole area must be E2 Environmental Conservation because of the bordering Royal National Park, and Camp Creek and nearby Gardiners Creek flowing directly to the Hacking River. The forest and bushland north of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.

For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

Item 12 - Sub 2 - Review of 7(d) lands - Lilyvale Precinct
The Lilyvale (originally Lilydale) precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it sits above tributary creeks leading to the Hacking River.

In short, this whole area must be E2 Environmental Conservation because of the bordering Royal National Park, and Camp Creek and nearby Gardiners Creek flowing directly to the Hacking River. The forest and bushland north of this precinct should not only be preserved but restored.

All stormwater and run off leads directly to the Hacking River. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

An E3 zoning is not adequate protection against land clearing nor future dwellings. This precinct must be zoned E2.

Item 12 - Sub 3 - Review of 7(d) lands - Central Bushland Precinct
The Central Bushland precinct between Helensburgh and Otford should be zoned E2, as it sits above the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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.

It cannot be developed without great detriment to the relative pristine water Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002.

All stormwater and run off leads directly to the Hacking River, in to the Royal National Park area. Containment ponds in Helensburgh have failed, and more in Helensburgh or Otford will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.
development, and restore degraded land to native bush.

The Lot to the west marked for RE2 should also be zoned E2. Its sits above the tributary Herberts creek, and has already suffered too much degradation. The noise of trailbikes thunder through the Otford valley on weekends, and their damage should be restrained not increased. Any further reduction in the bushland will greatly increase the impact of noise from the trailbikes and also the industrial earthmoving company on the lots further west.

The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coal dust from the Metropolitan Colliery west of this precinct, and a natural block to hot westerly winds, keeping 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. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

**Item 12 - Sub 4 - Review of 7(d) lands - Otford Valley Farm Precinct**

The 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.

The stormwater and tributary creeks flow directly to Hacking River. It should be zoned E2 with replacement of legal existing dwellings allowed in the event of disaster.

In general all bushland in the 7D precincts between Helensburgh and Otford should be zoned E2, as they all lead to the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

**Item 13 - Sub 1 - Review of 7(d) lands - Precinct**

The Helensburgh Land Pooling precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment and newly created Dharawal National Park, but also that it straddles the relatively pristine tributary creek - Herberts Creek, feeding direct in the Hacking River.

In short, this whole area must be E2 Environmental Conservation because Kelly Falls is adjacent to this area which is a E1 National Parks and Nature Reserves 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 to the Hacking River. The effect of any excavation and land clearing on this section of Helensburgh plateau is evident at every rainfall, as downstream become extremely turbid with clay deposits and Helensburgh refuse. Containment ponds in Helensburgh have failed, and more will not help. The only method to retain the relative purity of the Hacking catchment and river, is...
to cease and prevent any new development, and restore degraded land to native bush. There is no assurance either any methods employed by the developers to retain and filter stormwater, will be continued by the new residents - without strata titles, a sinking fund will not exist. Instead, the responsibility and costs of the less than dependable containment ponds etc will fall on Wollongong City Council. The majority of this area was purchased when a high conservation status was already in place, by private and large corporation investors, hoping that with enough pressure on local and state government, the conservation zoning would be overturned, and they've be rewarded with a 1000% return of their initial investment, regardless of the major loss it would cause to the environment, the Hacking river, the wildlife Habitat corridor, endangered species and the views of this ridge line from the Grand Pacific Drive. An E3 zoning is not adequate protection against land clearing nor future dwellings. For the remainder of the ‘7d’ lands I do not support the zone downgrading of environmental protection of any ‘7D’ land in the 2508 region.

Item 13 - Sub 2 - Review of 7(d) lands - Lady Carrington Estate South Precinct
The Lady Carrington Estate South precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it sits above tributary creeks leading to the Hacking River. Ideally the degraded fund should also be restored to the former bushland and littoral forests, to not only strengthen and fill in the fragmented wildlife corridor but also restore the ridge scenic views from the Grand Pacific Drive.

All stormwater and run off leads directly to the Hacking River. The effect of any excavation and land clearing on this section of Helensburgh plateau is evident at every rainfall, as downstream become extremely turbid with clay deposits and Helensburgh refuse. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. There is no assurance either any methods employed by the developers of proposed rezonings, to retain and filter stormwater, will be continued by the new residents - without strata titles, a sinking fund will not exist. Instead, the responsibility and costs of the less than dependable containment ponds etc will fall on Wollongong City Council. Wollongong City Council will then seek to increase rates across all of the Helensburgh district.

An E3 zoning is not adequate protection against land clearing nor future dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

Planning Proposal - Otford Protection Society Incorporated
I support the Otford Protection Society Incorporated (OPS) Planning Proposal for the former 7D Lands for Helensburgh, Otford and Stanwell Park.

This document lodged April 2010 with Wollongong City Council and the Department of Planning has not been made available for community comment. I would expect Council to allow the community to make comment on a proposal submitted by the community to solve a community issue.

Despite this, Council has submitted an “Ensile” Voluntary Planning Agreement and a “Blackwell” spot rezoning to IN2 Industrial to the Department of Planning, both without prior community consultation.

The OPS Planning Proposal also provides an exit strategy for disenfranchised land pool owners with a buy back option. Simply zoning the land pool as E2 Environmental Conservation which is warranted will not stop the matter from being raised again and again.
The history of the land pool is well known with Council even taking media articles in local newspapers advising against purchase due to the lack of a building entitlement.

Blackwells - Rezoning Submission
Walker Street is a major approach road into Helensburgh township, and constitutes the town’s major commercial centre further north. The former 7(d) lands south of Cemetery Road and including the subject land are, with the exception of the Blackwells activities, an attractive gateway to the town.

To allow the 8.3 hectares of subject land fronting Walker Street to be intensively used as a resource recovery facility, or as a light industrial (IN2) area once that facility vacates, is NOT accepted good planning principles.

The major environmental risks associated with the types of major resource activities proposed for the land, given the drainage characteristics of the land and the close proximity of protected receiving headwaters, are another strong argument against rezoning this land to IN2 when so many other more suitable alternative locations exist in the area, even assuming that the need exists for more IN2 land which has not been established. Indeed it seems illogical to propose rezoning existing IN2 land to B6 Gateway.

Under all these circumstances, the fact that the subject land has been unlawfully used for some time as a resource recovery facility, could not be seen to justify the proposed rezoning to IN2.

It is recommended that the Council Officers’ recommendation that the subject land be rezoned to Rural Landscape (RU2) and E2 Environmental Conservation, be reinstated. This will not prejudice the Blackwells, whose existing lawful rights of land-use only on the previously approved area will remain.

Otford Protection Society – additional individual comments
I support the environmental protection of all the areas listed in this report. 13 years ago we purchased land zoned 7D, believing it was & always would be protected & environmentally spared degradation & destruction by land clearing. We have since discovered this is now under threat by those wishing to make the area we live in an industrial zone, or at the very least zoned for multiple houses. The 5 acres we live on, where we have a large variety of native birds, from tiny little wrens & finches to the wonderful black cockatoos who feed on our banksia trees (& so many species in-between) rely on not just our land, but the surrounding, protected areas as well for their habitat. If this area is destroyed, their areas to sustainably reproduce & maintain a healthy gene pool is diminished. By creating protected `islands in the middle of deforestation does nothing to ensure the survival of micro colonies that rely on freedom & safety for survival. Therefore I ask that the Wilsons Creek precinct be protected by maintaining it as 7D or its equivalent.

2508 cannot become the exact place I fled from the city. The sprawl must stop! A complete rot. Stop the rot

A lot of the proposed development is on environmentally sensitive areas that should be protected.

A Wildlife corridor between the RNP and the Woronora catchment area and Bulli Tops will be compromised by the proposal rezoning - Please stop this change

Additionally, I strongly object to the zone downgrading of environmental protection of any ’7D’ land in the 2508 region, as the proposed changes to this region will affect the downstream water quality at the Stanwell Park Recreation Area. In particular the creeks with relation to children swimming in the lagoon area near the beach. There have been a number of children admitted to hospital in the past 15 years I have lived here, poisoned after swimming in the lagoon. We shouldn’t risk adding more pollution upstream. Perhaps the media should run a campaign to warn the local and visiting children. In summer thousands of visitors flock to Stanwell Park each week. Why throw away these tourist dollars. Why urbanise this region. This is an ugly proposal. FORGET ABOUT IT!

After living here for over 30 years I am at a loss as to why these rezoning reviews keep coming up. Ever
since we've lived here many local people and others who really care have been campaigning to keep the Environment protected in this sensitive area. Once destroyed it is gone forever, there'll be nothing left for the generations to come. Look what has happened to the once virgin bushland in Walker Street with the Landcom development. Completely cleared - if that had been privately owned land they would have not been able to raze the land. Everytime a review comes up a massive majority of people want to protect the National Park, Port Hacking River and all the areas surrounding. This unique Environment will never be safe from Developers or Council and the State Government wanting to destroy it.

All 7(d) land should become E2. The catchment areas of the Hacking river must be protected for the benefit of the majority rather than the benefit of a few gamblers.

Already our past disregard of the importance of the conservation of biodiversity to our existence has resulted in the unprecedented biodiversity crisis we find ourselves in now. The proposed downgrade of the environmental protection of the Royal National Park will only add to the exacerbation of this crisis and as our ultimate existence as a species depends on the achievement of the conservation of biodiversity, the proposed degradation has to be disallowed. This year is The International Year of Biodiversity and it would be a great shame if we would allow this degradation of the National Park to take place.

Another example of profit before people!

As a city of over 4 million people (Sydney) we cannot afford to pollute the environment of the National Park- Allowing development is the 21st century equivalent of logging in the park which was a factor in the early days. This is a great opportunity to keep a set of unpolluted Green Lungs and an unpolluted buffer zone between the states 1st and 3rd biggest cities. What on earth would the development achieve and who would benefit- certainly not the vast majority- Keep the park as pristine as we can.

As a keen bushwalker and naturalist I am acutely aware of the high conservation values of the Helensburgh region and how crucial it is that we preserve its environment so that it can continue to function as an effective bio-filter for the Hacking River catchment and as a buffer and wildlife corridor for the Royal National Park. Future generations will no thank us if we allow this to become just another urban sprawl.

As a long time resident of NSW I Implore the council to withdraw their plan to rezone these areas of Heritage Bushland. Do you not understand that once they are gone they are gone forever never to be here for future generations beyond the lives of the current council. The council's proposed plan is destructive and short sighted. Please DO NOT rezone these beautiful bushland areas. They must be legally zoned as Heritage areas never to be used for commercial and or industrial areas.

As a long time user of these beautiful places I urge you to consider the long term impact on tourism and other local industry as part of your review.

As Helensburgh already has a new large industrial park, I consider no further industrial zoning is necessary. Please allow this land to remain as is!

As I am a teacher at Grays Point PS the Hacking is an integral part of the school community. Whatever affects this waterway also affects all along the river both environmental and human. I have witnessed too much destruction already and it is heartbreaking for the children when they believe they live in such a wonderful environment and they are trying to make a difference with recycling and tree planting projects. Please think of the future and not just your pockets!

As read and stated below I submit an objection to the downgrading of 7D land.

as the proposed degradation of the Royal National Park will exacerbate the current unprecedented biodiversity crisis it should not be allowed.

Balanced mix without endangering wildlife corridor

Before you judge, you should try. You don't know what you are missing.

Broken Promises by Farrell. GREED !!!

Catchment outside National Park is detrimental to the environment, being a high conservation area

Coal seam gas mining is rejected as unsafe in other countries e.g. Britain. Stop this foolishness now!!

Com'on.. the park is only a few years old (100) and if protected now will last for many more centuries for all to enjoy and appreciate. I draw your attention to the NSW Govt Metropolitan strategy Dec 2005 - Park and Public places strategy p229 onwards which outlines and describes the benefit of the RNP and its surrounds to the people of NSW and as part of the govt planning strategy. Why would you do something different to that already in place?

Council must listen!!!
what part of 'no subdivision' don't you understand?
Rezone it all E2 and stop wasting our time.

Despite community protests against development these sentiments are largely ignored

Do not reward speculators

Do not ruin our safety and our children’s future. How dare you - Greedy!

Do not want any changes that will change zonings - protect the environment

Do the right thing PLEASE"

E2 zoning should be maintained to protect all creeks

enough development already

Environment & people before profits. Keep our nature safe.

Environmental protection for the village

I am a resident of Stanwell Tops (for over 40 years), and have read the included, INTELLIGENT submissions formulated by O.P.S.

As a result (and being familiar with the HISTORY of these subject lands), I strongly SUPPORT and ENDORSE these submissions on all the precincts.

In addition, I wish to add some further comments:-

1. Wollongong City Council (WCC) previously exhibited the subject lands (correctly) as E2, and called for submissions from the public on THAT basis, because WCC’s proposal for total E2 translation were LOGICAL, and CONSISTENT with the many years of 7(d) zonings.

2. It appears that under the influence of Administrators installed after the World-wide exposure of corrupt behaviour in WCC, the proposed E2 zonings were scattered into a complex patchwork of downgraded zonings. The full reasons for such downgrading were never ADEQUATELY explained to the public.


4. That COI recommended NO changes to the Environmental Protection zones, without comprehensive Studies, at developers’ expense (NOT Ratepayers’ expense), and Studies which could extend for some 5 years to gather meaningful data.

5. The current exhibition of downgraded zonings (with no Studies) makes a MOCKERY of that expensive and comprehensive COI. What is the point of such COI’s if they are set aside so disdainfully?

6. WCC’s commissioned ‘Willana Report’ fell far short of the criteria recommended by that COI (which had been recommended to (then) Minister Webster by a WCC Administrator).

7. Bushfire is another contentious issue in this major wildfire-risk area. More houses would place more peoples’ lives at risk. On Christmas Day 2001, wildfires destroyed many properties in the area, Helensburgh was evacuated, and its sewerage plant disabled. We still don’t have adequate evacuation procedures in place.

8. There is now widespread public perception that even the ICAC-proven corrupt (and sacked) version of WCC consistently refused to yield to the continual pressure from speculators and others, to downgrade the (circa) 20 year-old 7(d) Hacking River Environmental Protection zones, which have acted well to protect the National Heritage listed Royal National Park and Garawarra State Conservation Area (which require adequate BUFFER zones of adjacent E2 zonings).

CONCLUSIONS

For many such reasons, WCC should morally, and ethically, restore the former 7(d) lands to E2 which WCC originally exhibited before interferences, and as the O.P.S. submissions herewith explain.

I have read the submissions drawn up by Otford Protection Society regarding the rezoning of 7(d) lands to E2 Environmental Conservation. Originally these lands were specially zoned to 7(d) Environmental Protection Hacking River to protect the Hacking River, the lifeblood of the Royal National Park. To maintain protection of the RNP and also the Garawarra State Conservation Area, both National Heritage Listed, and all adjoining lands, creeks, forests and wildlife corridors, the lands on exhibition must revert to E2, as previously exhibited by Council.

Therefore I agree with the O.P.S. submissions, and am appalled that the previous Council Administration saw fit to change that which had already undergone a Commission Of Inquiry, and various other studies. Water Catchment Areas may also be adversely impacted by some of the proposed zonings. Much damage has already been done by illegal developments in the Helensburgh/Stanwell Tops, for example, extra buildings on land without proper DAs etc.

This Council seems more willing to condone and excuse illegal development around Helensburgh and...
Stanwell Tops, than to enforce proper use of DAs. This is an unfortunate perception of how this Council appears to be operating. Council should not tolerate illegal developments, and should insist on correct, and current, legal procedures involving DAs. I therefore hope and trust that this Council will see the importance of the preservation of these lands, and say 'NO!' to changing 7(d) to any E3 zonings, or worse.

Former 7(d) should be extended

Full community consultation needed and deserved

Give us the infrastructure for what we have now before bowing to the almighty dollar!!

Given the issue of climate change, the connectivity of these natural landscapes is most important

Go away

Go somewhere else

Please ensure wildlife corridors remain open rather than closed for people infrastructure. Last weekend I spent time at the Information Centre and was so impressed by the beauty of the vista, the trees, the escarpment and the sea!

Hands off land zoned non-urban preserve the 7d zoning’

Hands off Otford! This region cannot sustain any further urban development. Shame on Wollongong City Council and the NSW Dept Planning for your proposal to destroy this precious natural wonder.

Hands off our National Parks.

Having grown up in Engadine and buying my first home in Helensburgh I would be heartbroken if council decided to trade the inherent natural beauty of the entire area covered by your proposals in the chase for a few more rate dollars. Any further development in this area would be criminal.

How come the govt only care about money?

How many times do we have to knock back these proposals.

I am appalled that they are bunging this on again. The speculators bought it yonks ago and got done. They don't deserve to be rewarded just because they gambled badly and have got burnt with the rates all these years. There's also this little ting called water quality in the National Park. Even in the 1880s they were smart enough to know about the merits of conservation but this lot still haven't cottoned on. Just look at Council's past approved of that ridiculous equestrian centre at Otford eroding huge amounts of silt into the Hacking River tributaries and stuffing up the people's park. Give us break. Knock this proposal on the head yet again. And knock it really hard so that it NEVER gets up another time.

I am in favour of protecting the environment and oppose rezoning. Helensburgh is a small peaceful country town and does not have sufficient infrastructure to cope

I am opposed to the proposal to rezone the land pooling areas around Helensburgh. These areas have been previously been deemed by independent bodies as unsuitable for building residential.

I am sick and tired of councils thinking only of the mighty dollar - we are losing our environment everyday, the only safe havens that humans and animals have ARE OUR BELOVED NATIONAL PARKS- LEAVE THEM ALONE. It will only take ONE council to get this through and you will open the flood gates to more and more selfish councils to use this to DESTROY more NATIONAL PARKS.

I am submitting the pro-forma objection because it encapsulates my views, and because my creating a personalised submission would not contribute anything to your deliberations. I fail to see why we have rehearsed the same arguments year after year because either the council changes, or the potential developers become more insistent. Thank you for taking my views into account,

I believe that Sydney and the Illawarra region benefit from the environmental protection that 7D zoning that currently exists. The plant and wildlife in this region are already suffering from car hits, traffic noise and population. Natural corridors need to be maintained and protected for the sake of animals, diversity and our future. We have limited infrastructure in this area, including schools, toilets, parking, access to public transport which will all be deeply affected by a change in zone. I hope that scientific reports have been employed and will be adhered to. That the 7D zone will be maintained.

I believe this environment should be protected

I cannot believe the greed and ignorance still practiced today in council. Once our old growth and native forests are logged. They are gone forever. Most of NSW forests has been destroyed by logging this
century let alone the feral foxes and cats that is wiping out our wildlife. I scream out to stop the destruction of our unique habitats for our wildlife and let our future generations continue to enjoy this magnificent beauty.

I disagree with Council
I do not support a downgrading of this area of land, particularly due to its high and rare biodiversity. Such as numerous species of endangered orchids, such as: Genoplesium bauerii.

I don't know how many times the residents of Helensburgh and areas have to try to keep the area E2
I don't support your non democratic positions nor your decisions. Only decide to protect our National park, not promote development.

I endorse the submission of the NPA regarding the re-zoning of land south of the Royal NP.
I feel the protection of wildlife by the conservation of their habitat corridors is vitally important and should not be sacrificed to development in this area. Once these corridors are removed they cannot be replaced nor the wildlife that is lost.

I feel this new round of submissions is consultation by exhaustion. I do not want to see any move away from Environment-only zoning in any of the precincts. Please preserve this precious area in a natural state.

I fish and I vote. No.

I fully support the above submission

I grew up in Helensburgh and do not support in any way shape or form the destruction of environment in this unique area. The natural environment surrounding Helensburgh, Otford and Stanwell Park is what makes this place beautiful and a tourist icon. Also, with one of the oldest National Parks in the world on our doorstep we have a duty to protect this area as part of our cultural and environmental heritage and to ensure the integrity of this ecosystem.

I have a business in Helensburgh and would benefit financially from a larger population, but that isn't what this is about. The land shouldn't be developed just because there is such a push from speculators both local and outside the area who wish to profit from land purchases made many years ago. The environmental impact wasn't known or so much worried about back then, but we do know now. Such a land release would never happen today and just because they own it isn't reason enough to change the zoning. We have a responsibility to the National Park surrounding us.

I have a child and want her to grow up in the same environment that I have

I have conducted water studies on the Illawarra Escarpment and have concluded that the geologic environment is unique and must be preserved.

I have grown up in this beautiful natural area and I object to any rezoning that will change what makes Helensburgh and surrounds what it is. This area needs to be retained for future generations to enjoy and for our impact on the National Park and Garrawarra State Park to be minimised.

I hereby protest at the underhanded way of changing Environmental Protection Areas to allow illegal pipelines & mining.

I hope the above planning proposal will be implemented as E2

I like my town as it is

I live here because of the beautiful environment, the birds the native animals, it gives our children first hand knowledge of living with Australian flora and fauna. This is not possible in many residential areas, PLEASE DONT CHANGE THIS!

I live in a bush area - it must not be destroyed.

I moved to this area because of the wildlife and small country town g=feeling. I would not like that jeopardised

I object to the areas listed being anything but the originally public supported E2 - Environmental Conservation with existing use rights. These areas are within the Hacking River Protected Environment which will not change. If Council can afford to spend over $3million on Bald Hill, Council should also be able to buy the majority of land that is not able to have existing use rights for the Public Interest and have it become a part of the National Parks and Wildlife Service.

I further object to any of the area known as the Land Pooling Area and Lady Carrington Estates Precincts being any zoning other than E2 - Environmental Conservation.

I object to the land being rezoned this area cannot cope with such a huge influx of people from an environmental perspective and locally - transport, roads, parking, shops, schools - all these services are
not well provided for now.

I object to the proposal. The area cannot sustain such development due to environmental sustainability.

I oppose any more development

I personally object to any re-zoning around Symbio in particular

I really hope you have not opened up this significant wildlife corridor to developers. We are in the midst of the 6th Mass Extinction of beings caused exactly by this kind of expansion. Time to get our priorities - without a healthy ecosystem humans will perish. We need biodiversity and right now we are in a crisis as Australia has the world's worst record for wildlife extinctions. Please let me know what is happening. I care.

I request that Council protect the water catchment and Port Hacking catchment lands that are environmentally sensitive and rich in biodiversity in the Otford, Helensburgh and Stanwell Park areas by restricting development on the 7d lands and retaining the environmental protection and conservation zoning of these lands.

I see the Royal National Park every day and see the devastating effect pollution from the Hacking River. Don't do anything to increase the problem.

I think it is crucial to protect the environmentally sensitive lands around Helensburgh, Otford and Stanwell Tops.

I too own 7d Land and could try to subdivide, HOWEVER, I love the tranquillity that Otford provides, I moved away from suburbia 20years ago, and couldn't stand going back. Helensburgh cannot cope now with the number of people living here.

I totally object to your proposal and strongly advise the objection of this proposal

I urge the Council to consider our most valuable natural assets in ensuring the zoning or purchase of property will protect and enhance habitat corridors south of the Royal National Park.

I use and enjoy this area as a visitor and value its heritage significance. There should be no major environmental planning changes until a full, democratically-elected council is returned. These administrators are simply installing state government pro-developer policies.

I value the wildlife corridor and oppose any rezoning of environmental land in the Helensburgh area

I want all the trees saved for the native animals and clean air

I want to see environmental protection maintained

I was fortunate enough to spend a great deal of my childhood in the Royal National Park area and my family and friends continue to do so. It is vital that pristine environments are preserved for our enjoyment and that of future generations. I fully support the protection of this area.

I watched the bush over the road get bulldozed with wires being notified at lunchtime the day before to remove all wildlife. This was disgusting to see all the wildlife scampering across Walker Street and getting run over by idiots, and the ones that survived got eaten by the family dogs in backyards. This place is called Old Quarry Circuit and I never want to go there anymore as I used to go walking in the bush with my wife and admire the wildlife. I can't believe the Wollongong City Council approved this slaughter of wildlife.

I work in the animal industry and it would be shame to develop these areas that would affect the wildlife.

I work in the animal industry and seen the effect poor management has on wildlife.

I would have thought Wollongong Council would be vary wary of overdevelopment after the scandals revealed at ICAC.

I would like to dissatisfaction with the consultation process where there was an overwhelmingly support for the E2 zoning. If consultation is intended to be meaningful why undertake it unless it is really meant as a facade. The community has spoken in support of 7d. Please respect the community position. If it is not supported the community is entitled to an explanation particularly given recent experience between Council and developers.

I would like to express my disgust at the potential 7D re-zoning. As a young person I urge you to preserve the Upper Hacking area and abandon these plans

I’d like to see the environment preserved and do not support changes

If we had the infrastructure to cope we haven’t so get back 2 the shire

I grew up @ Yowie Bay. How dare govt and other authorities pollute the beautiful Pt Hacking River!

I'm extremely worried about the current lack of environmental protection around Helensburgh area and Port Hacking catchment. No more clearing and development important to keep the integrity of the wildlife corridor
Important to maintain environmental and cultural standards. For this area reason we moved here and want to stay

In the present time, it is an ecological crime to further develop native and virgin bushland. As population increases, resources diminish. The major parts of Australia have been already cultivated or developed for urbanism. Sydney's jewel is the green belt of bushland, state and national parks around the city, which makes it unique for quality of life and attraction of internationally high level migrants to technically, scientifically and economically further develop our country for competitiveness in the world. Speculation and money-making are counter-productive and destroy all our assets. Rather than developing native bushland, council and government must concentrate on how to make use out of the already developed or cultivated land. Around Helensburgh, there are a number of cultivated grasslands, used for the elevation of horses, which may be used instead of bushland. Government and council should also oppose the common practice that real estate is spread laterally and solicitate multi-story housing. There are countries like in Europe, who nowadays construct appealing multi-story communities, with green space in-between. Nothing worse than flat house against flat house, with 3m in-between, no trees, no green - as practiced in Helensburgh or Shell Harbour. This is not sustainable regarding land-use, energy consumption and natural resources. The area will overheat in summer due to missing cooling by the forest and due to necessary air conditioning of the real-estate, heat which is dumped into the local environment changing the micro-climate for the suburb as well as for the national park. The excess heat will raise the risk of bushfire in the surroundings, which will then have to be managed again, which is in contradiction with the national park and conservation areas. Results of forest removal and land devastation can be studied in the ancient countries, such as around the Mediterranean sea. The present rezoning has been proposed in order to satisfy land speculators who have invested minor sums into the land, one generation ago. This is the rule of the game, others loose their money at the trade market. I am more than happy to buy one or two block of lands for the money they have paid, and protect it for conservation. We must stop drawing on our all resources for the benefit of a few speculators and real-estate agents. There are a number of other reasons discussed for not rezoning, including wildlife, water quality and so on. Last not least, we must not point to South-American countries blaming them for rain-forest removal while we cut this unique, species-rich, virgin bushland at our doorstep, with direct effects to the Royal National Park and the Illawarra escarpment. Therefore I oppose strongly to the rezoning and development plan and propose to incorporate any bushland into the Royal National Park.

Inadequate planning practice without prerequisite official environmental studies.

How about listening to Dick Smith?

It is a water catchment area leave it alone.

It is essential that buffer zones be retained.

It is essential that the environmental protection remain in place for this region to protect the fragile fauna and flora.

It is extremely important to maintain 7(d) lands this is an area of extreme beauty gateway to south coast tourism.

It is imperative to save this high conservation area. It is also a vital wildlife corridor. Importantly we must protect the upper Hacking catchment.

It is important to protect Hacking catchment and the character of a beautiful part of Australia's coastal fringe.

It is important to maintain environmental zoning to protect our environment, biodiversity and our water sources.

It is important to safe the wildlife corridors. No extended E4 at Otford.

It is most important to retain natural areas in the best ecological shape possible close to large cities.

Where are migrating birds going to find refuge if these areas are developed?

It is vitally important to the viability of the Royal National Park that the upper Hacking catchment be protected from development.

It is wrong to even be considering this rezoning.

It to busy know. Traffic. Parking big problem

It's time to start listening to the constituents rather than pandering to the interest of the money crowd.

Just remember the saying, look after it, they aren't making it anymore!

Keep existing zoning in place.

Keep Helensburgh green.
Keep it conservation - no residential or business
Keep it rural
KEEP OUR COUNTRY GREEN...I HAVE TRAVELLED ALL OVER THE WORLD AND THERE IS NO WHERE THAT COMPARES TO HOW BEAUTIFUL, RICH IN NATURAL WONDERS AND SO WELL PRESERVED. LET'S KEEP IT THIS WAY
Keep our free areas free
Keep our quiet coastal towns cherishable!
Keep our water to drink
Keep out of the bush
Keep the burgh rural - it's a great place as it is.
Keep the land protected
Keep the national park for Australia
Keep up the good work. This cannot happen to our town!
Land is for people to live not strip!
leave it alone Helensburgh has changed enough to spoil such a beautiful place is criminal
Leave an open continuous corridor for our wildlife
Leave Helensburgh as it is
Leave Helensburgh Stanwell Tops and Stanwell Park and Otford as they are now allow the native wildlife free
Leave the bush alone
Leave the environment alone & chase the corrupt ALP mafia in Govt who did this
Leave the forest as is
Leave us alone.
Listen and negotiate with those ratepayers who pay seventy percent of your salary. Adjust the 'City Law' of the LEP to meet the needs and lifestyle to those whose lifestyle and aspirations are committed and not to those who want to profiteer from rezoning.
Look after our precious areas
No more development in or around these areas
Lot at rear of Halls Rd to be E3
Love the environment. No to development. Need quiet country areas
Madness keep and protect this from development of the catchment
Maintain E2 zoning in creek areas
Maintain E2 zoning particularly on creeks
Maintain E2 zonings
Maintain environmental zonings - existing zones are preferred if consistent across all
Maintain the areas natural beauty this restricting any new industrial works
Maintain the environmental Zonings
Make it all E2
Much more research about effects on water is needed before coal seam gas is allowed
Must keep the environment and biodiversity free to exist. Important for local and city people to maintain.
Must stop it!! Maintain E2 zoning
My partner and I recently moved to Helensburgh (a return move for my partner who grew up here) because of its village like atmosphere and the fact it is not over developed. It is an attractive place to live because it is surrounded by national park and protected areas. We strongly hope to see this special place stay the way it is not only for us but for our children and future generations to come.
Myself and my extended family live in this area for it's beautiful surroundings and the great lifestyle that comes with that. Please don't change our way of lives by developing the area any further.
National parks must be protected to ensure protection of habitat for biodiversity and to minimise climate change and ensure sustainability
NO

NO - DO NOT go ahead with this. This land is too precious! Leave it for the Shire Residents to enjoy.

NO NO NO

No Coal Seam gas. Listen to the majority

No CSG FULL STOP. Preserve habitat & biodiversity. Protect water sources

No CSG mining on escarpment lands ever!

No development

No development should occur on water catchment areas

No development stop the rot.

No expansion

No extended E4 around Otford
No extended E4 around Otford No industrial Walker Street

No extended E4 around Otford Preserve wildlife corridors E2 for former 7d lands

No extended E4 around Otford Protect Hacking catchment

No extended E4 around Otford Protect wildlife corridor. Save the Hacking catchment

No extended E4 around Otford Save Wildlife corridor

No extended E4 zoning at Otford, safe wildlife corridors and riparian zones minimum 100 meter width, save habitat

No extended E4. Save the wildlife, I want E2 zoning only

No extension of the E4 around Otford, protect the Hacking catchment

No more development

No more development in and around our National Parks. I fully support the comment below.

No more development on the Hacking River, it's already suffering.

No more habitat loss

No more industrial - leave the natural beauty

No more industrial needed LET IT BE

No more Industrial needed. Let it be"

No more loss of habitat.

No destroying the Royal.

No more weed infestation

No not here

NO once its gone its gone FOREVER !!!!

No PLEASE!!

No rezoning please.

No to development

No to the developers and yes to conservation PLEASE. Save what we already have. Our national parks are a vital resource in a rapidly threatened world.

No wildlife destruction

No!

Not again

Not Again!!!!

Not best for area

Not for development

Not needed

NOT ON

Not only am I worried about the loss of natural habitat in this area and the effect on the local flora and
fauna, I am also concerned about the extra traffic on the roads around the proposed development not only during the land-clearing stage and construction stage but afterwards when the houses and businesses are built. I have seen no statements regarding this in the submissions so far and wonder if this has been taken into account.

Not to become an industrial block. Maintain the history through preservation

O’Farrell (keep you promise)

Once it is gone it is gone forever

Opposed to any spot re-zoning and ribbon development outside existing environmental protections.

Our lifestyle of protection for all Aussie species MUST be supported. A wildlife corridor is a MUST to do this.

Our town can’t handle an influx of people without first looking into roads, water, unsocial behaviour, excessive drinking on our streets, crime. The road to the railway station is barely wide enough for 2 cars to pass and we send buses there, lets wait until a council is appointed by the majority of residents before making decisions on land rezoning in Helensburgh and all other areas as well.

Please as is - perfect as is

Please consider our pristine & precious environment before progress

Please do not consent to the developers as Helensburgh has not enough infrastructure to support a big increase in population.

Please do not destroy the Royal National Park by building 700 new houses adjacent to it endangering the lives of 13 endangered species by habitat loss. This is development is over developed in a very sensitive and highly pristine area. Widespread land clearing should be stopped as it has a terrible detrimental effect on the Hacking River by runoff. Please stop this development going ahead so we can keep the Royal National Park and it’s creatures safe for the next generation to enjoy.

Please DO NOT go ahead with something that will threaten both the family communities and wildlife of the Helensburgh/Stanwell Park/Otford locations. After all, we have already taken too much of their habitats. Surely there are other place to build houses in this massive country! If you would like to know you have played a part in saving our planet when you die, don’t do this!

Peace

Please don’t destroy our piece of paradise! It is such a rarity these days. It provides us with sanity in an ever increasingly insane world!

Please examine your Conscience and act in a decent way.

Please help save these environmentally sensitive lands

Please keep the protection of the Hacking Catchment Area and the area adjacent to the coastline to the east of Helensburgh and Otford. Additionally keep the existing wildlife corridors whether they are natural or in existence due to current zoning requirements. Changes to existing zoning that currently offer or provide ecological protection, would severely impact the existing appeal of living in such a great place.

Please do not go ahead with something that will threaten both the family communities and wildlife of the Helensburgh/Stanwell Park/Otford locations. After all, we have already taken too much of their habitats. Surely there are other place to build houses in this massive country!

Peace

Please leave Helensburgh as it is. Too much development has occurred already.

Please leave our areas protected for the flora and fauna as well as for our children in the future.

Please leave the local bush alone so the local wild life survive otherwise they will disappear from the area forever

Please leave this lovely spot as it is

Please listen to the community

Please maintain the environment for our kids and their kids

Please maintain the previous Otford Protection Society Gateway Planning Proposal

Please no.

Please please listen to my submissions. Greed must not overrule the environment.

Please preserve our parklands and open spaces for us and our children - grandchildren

Please preserve the significant environmental values of this area for future generations.

Please preserve wildlife corridor & protect the Hacking river catchment
Please protect Helensburgh and Otford and wildlife corridors & Hacking catchments areas. Would be good to keep as E2

Please protect our wonderful Royal National Park and its fauna, flora and landscape - constant changes and inroads will damage its chances of a healthy, biodiverse future for the future inhabitants of greater Sydney and beyond to enjoy and learn from.

Please protect the environment and take of note of past submissions!

Please protect the environment that is attached to our heritage listed National Park. Greenspace is essential!!

Please protect the environment, not destroy it, as CSG developers are destroyers. Please keep pristine areas clean, pure and protected

Please put a stop to it!

Please reconsider, once its gone, its gone forever.

Please reject the proposals and protect our natural environment and catchment

Please save our drinking water, protect the catchment please

Please save our environment

Please save our native forests

Please save the bushland

Please save the forest - it’s a natural national treasure.....

Please save this land it is so important to the environment

Please save this unique and bio-diverse area by granting permanent protection and a holt to any further development.

Plenty of room for infill protect animals, flora and catchment

Please explain if the environment has changed. Am I missing something, Please leave some the environment alone. 7D to stay.

Preserve the Catchment

Preserve the corridor & no extension to E4 @ Otford!

Preserve the environment around Royal National Park

Preserve the wildlife corridor

Preserve this land for posterity

Preserve the wildlife, preserve the Hacking River catchment

Preserve wildlife corridor

Protect catchment of Hacking River NO extended E4 around Otford

Protect environment and exit strategy for land owners

Protect Hacking Catchment. No extra E4 at Otford

Protect Hacking River catchment, and our vital biodiversity corridors

Protect Helensburgh

Protect Helensburgh !

Protect Helensburgh & the surrounding areas from over development, from speculators who hope to cash in by buying land cheaply many years ago, from the so called business owners who only wish to line their own pockets by increasing the industrial areas in the district, at the expense of the environment, from people who believe Helensburgh can be bought & sold without a thought given to the reason so many of us moved here in the first place! Most families moved to the area for the life style, the natural setting, the country life in an area close to employment in the city & the benefits it can bring, NOT to have the peace & quiet, the bush walks, the wild life spotting ,the low crime rate ,desimated by the industrialisation & urbanisation of the area we chose to move to. Keep the 2508 as protected as possible by retaining 7D or its equivalent in ALL precincts!

Protect our area

Protect our creeks. Maintain E2 zoning

Protect our environment!

Protect our Environment. The water collection area is very important
<table>
<thead>
<tr>
<th>Protect our natural environment and do not allow development of former 7d land.</th>
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<tbody>
<tr>
<td>Protect our wildlife corridors</td>
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<tr>
<td>Protect the catchment of Hacking River</td>
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<tr>
<td>Protect the catchment of Hacking River. No extended E4 around Otford</td>
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<td>Protect the habitat &amp; reduce residential footprint in our area</td>
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<tr>
<td>Protect the Hacking Catchment. No extended E4 Zoning at Otford. Save the wildlife corridors</td>
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<tr>
<td>Protect the Hacking catchment. Preserve wildlife diversity. High conservation status (Protect)!</td>
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<tr>
<td>Protect the Hacking River Catchment</td>
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<tr>
<td>Protect the local environment - it needs to be kept free for clean water and natural life.</td>
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<tr>
<td>Protect the wildlife corridor</td>
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<tr>
<td>Protect the wildlife corridor, save the Hacking Catchment, zone FOR the environment (E2 everything)!</td>
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<tr>
<td>Protect this land, it is precious and its environmental protection should not be downgraded.</td>
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<tr>
<td>Protect water supply</td>
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<tr>
<td>Protect wildlife corridors</td>
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<td>Protecting this sacred area should be our top priority for ever. It can never be replaced.</td>
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<tr>
<td>Protection of the upper hacking is critical for the health and biodiversity of the area. As a young person I ask you to maintain E2 zoning full environment protection.</td>
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<td>Residents understand issues, not Council.</td>
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<td>Respect our environment please!</td>
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<tr>
<td>Rezone all the old 7(d) land to E2</td>
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<td>Rezoning opens the way for CSG development which is an assault upon the water supply of the area. Think!</td>
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<td>Rezoning that paves the way for CSG infrastructure should be prohibited</td>
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<tr>
<td>Save and protect this catchment</td>
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<tr>
<td>Save our coastline</td>
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<td>Save our national icon the koala</td>
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<tr>
<td>Save Port Hacking</td>
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<tr>
<td>Save Port Hacking Catchment</td>
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<tr>
<td>Save some Environmental land AND PROTECT WILDLIFE. Zone E2</td>
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<tr>
<td>Save the green tree frog</td>
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<td>Save the Hacking Catchment</td>
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<tr>
<td>Save the Hacking Catchment. No extended E4 around Otford</td>
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<tr>
<td>Save the parks there's plenty of land elsewhere</td>
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<tr>
<td>Save the trees</td>
</tr>
<tr>
<td>Save the wildlife corridor</td>
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<tr>
<td>Security of this environment is vital to the RNP, water flows &amp; endangered species</td>
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<tr>
<td>Significant wildlife corridor will be affected</td>
</tr>
<tr>
<td>Stay out of the bush</td>
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<tr>
<td>STOP</td>
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<tr>
<td>STOP CUTTING DOWN TREES. Leave it alone</td>
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<tr>
<td>Stop destroying animals homes for your own selfish benefits</td>
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<tr>
<td>Stop listening to these greedy development blow ins who want to destroy our living areas. Listen to the voters who live here and who will always remember your decisions to either keep or destroy these areas.</td>
</tr>
<tr>
<td>Stop partitioning the area into multiple zones</td>
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<tr>
<td>Stop taking the green space away this is not the solution. We need tress we need green areas.</td>
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</table>
Stop the development.

Stop the industrial development of Helensburgh

Strongly urge council to represent the long term sustainability of our water and natural environment - protect what remains - it’s a asset for all the Illawarra

Support

Surely 2010 is not a time to downgrade protection of our environment but rather the opposite. 2010 is a crucial time to increase the protection of all our remaining environmental assets.

Take a look at the Amazon and their daily loss of land= daily loss of habitat for flora and fauna. Let’s keep our distance from Sydney- in the long run the Illawarra will be better off and so will the planet.

Take notice of the residents - Community Leaders

Terrifying!

The bushland must be protected

The bushland surrounding the Helensburgh Colliery needs to be preserved as much as possible, in order to protect the Hacking River catchment, the wildlife corridor connecting the Royal 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 from the Metropolitan Colliery. Dense bushland and rainforest not only retains excessive storm water and prevents soil erosion, it more importantly maintains a natural air filter and sound barrier to the disturbance and coal dust discharge expected from a large mine. Trees and bushland on the ridge skyline also hide the heavy industry from the surrounding village community and tourist drives. In accordance with the Department of Environment, Climate Change and Water & the Department of Planning regulations; the colliery has strict limits of coal dust, noise, lights, water run-off and waste emitted. Neighbouring private properties affected/damaged by excessive levels can even demand compulsory acquisition by the Colliery, so all complaints received by Metropolitan Colliery are recorded, investigated, reported and a solution sought.

It would therefore be in the Helensburgh/Otford residents and Metropolitan Mines' best interests that all existing vegetation around the mine surface and the region above and around the long wall mining, and ventilation shafts is not only conserved but increased and thickened. To maintain the conservation status that 7D afforded this precinct and surrounding bushland, E2 zoning must be implemented. Additional to the Colliery precinct, all bushland precincts between Helensburgh and Otford should be zoned E2, as they form the Hacking River catchment and form the crucial wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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. All storm water and run off from this precinct leads directly to the Hacking River, into to the Royal National Park area. Containment ponds in Helensburgh have failed, and more in Helensburgh or Otford will not help. There is no guarantee storm water and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. The forest and bushland north, east and south of this precinct should not only be preserved but restored as a buffer to the mine but also a natural block to hot westerly winds, keeping 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. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

For the remainder of the 7D lands I do not support the zone downgrading of environmental protection of any 7D land in the 2508 region.

The case for not going ahead with these developments has been made time and time again. It is time that was put to bed completely and blocked.

The community, the council and state governments have spent years and hundreds of thousands of dollars previously considering like minded proposals, and for good reasons have objected to them. This unabated pressure from landholders who knowingly bought this land for next to nothing and now wish to make windfall profits at the expense of the environmental qualities and standards of the sub-region, must be resisted yet again.

The fact that it is now acknowledged as the oldest National Park would also make it a great tourist attraction. It needs to be protected sensibly.

The Helensburgh area needs to retain a balance due to the geographical feature of being built on a very high plateau, from which the run off of rain and storm water plus the seepage through the sandy soil, all runs into the Hacking River and its tributaries. This affects the water quality and landscape in the national...
park, surrounding bush and also affects run off into the ocean. We need to ensure that our wildlife is protected from excessive development and the introduced domestic pets that development brings.

The Helensburgh plateau is a small and sensitive area. We cannot afford to overdevelop it. I believe this rezoning would tip the balance over the edge and threaten the national park and the animals and native plants that inhabit it.

The Illawarra Escarpment Coalition has been opposing inappropriate development of the Illawarra Escarpment and links to the Royal National Park for 20 years. We worked towards a COI in 1998/99 and the recommendations, studies, plans and strategies which resulted should have protected these areas in the new LEP for the Wollongong area. Sadly, this has not been the case. Now, documents that have been ‘watered down’ are used to justify destruction of the magnificent natural heritage in these areas and the links which join the Royal with the Illawarra Escarpment Unless protection occurs now, future generations will not be able to experience this unique landscape and biodiversity.

The importance of wildlife corridors between areas of wild habitat cannot be emphasized too strongly. The opportunity for wildlife to move from place to place in search of food and to avoid fire is important for survival.

The land in this area should remain protected because of fire risk, water catchment, flora and fauna, wild life corridors.

The population can’t grow - if there is FIRE - CAN’T GET OUT - protect environment + water catchment - not enough infrastructure

The protection of our land, waterways, wildlife and chosen lifestyle is under attack once again. We fought and won this battle 20 years ago. Someone wants to make a profit from this, but this activity is what destroys communities and environments. We must zone all this land E2.

The Royal National Park is a Recreational Park land for the greater Sydney Community to appreciate nature it does not have within its local community. It is a natural buffer between both the Cities of Sydney and Wollongong

the wildlife corridor & spectacular scenery of the bushland, is far too important and precious to risk for a few developers to make a fistful of dollars. save the 2508 environment for the future generation of residents, tourists and millions of threatened native fauna

The wildlife corridor and natural habitat around Helensburgh and Otford are of the few left in greater Sydney

There isn’t enough facilities to support the subdivision

There are endless areas where fuel can be obtained by CSG without environmental hazard. The CSG companies must go there

There are VERY significant and well-documented Aboriginal drawings in the Royal National Park which must not be ignored.

There is heaps of national park and hardly anywhere to keep a horse! Leave it how it is! If anything give us more room!

There should be continual precaution in helping to protect the environment wildlife & water catchment from pollution and coal seam gas.

These are important lands that need to be protected for the natural and health benefits of the long term need of the community.

Think about the externalities - who will pay the medical bills of those in hospital after the methane leaks and poison the people. Not the gas company, the tax payer

Think of the wildlife first for a change!

This area is so environmentally sensitive on so many grounds. As a catchment for the Hacking River. As a refuge for native fauna in bushfires. As a corridor for native fauna moving between the Royal National Park and the Illawarra Escarpment. Allowing housing and commercial development in this area will definitely have a detrimental impact. I think it would be a big mistake. The damage will be irreversible.

This area is too fragile to destroy by outrageous development.

This area must be made E2 - Environmental Conservation to protect the Hacking River catchment. Existing use rights should also be allowed but there should be no extensive industrial as that’s out of place for such an area. Other areas in Helensburgh have the proper zonings within the residential footprint. Stanwell Tops should be E2 and not E3 as that is a wildlife corridor even for native birds such as the black cockatoos which have sighted regularly. There are also concerns for limited infrastructure particularly since it is a proven high bushfire area.

This is a disgrace - save the wildlife
This is a unique piece of Australia. Why in 2010 do you think you can destroy it forever.

This is Aboriginal land first and consultation with this campaign should be made with Uncle Dootch and other traditional owners in order for the campaigns integrity to be upheld.

This is absolutely disgraceful if this goes ahead. An example of human greed for profit.

This is my 3rd submission during this process of securing the 7(d) lands from development over the past 2 years

This just should not happen. We are losing to much already to development. The Hacking is shocking with run off.

This land belongs to the people. Leave it alone National Park??
This planet needs more trees less people. Global warming is real. Land is needed for us people to enjoy not to make developers richer.

This will impact the local fauna and flora dramatically

Time to give not take
To protect our natural wildlife and to keep enjoying this beautiful place without the built up of pollution an destruction.

To protect the land from Mining e.g. Coal Seam Gas and future development of land which is the head of the areas water catchment

Totally against scale of planned developments and use of this land rezoning
Totally against this inappropriate development. Listen to residents.

Very Beautiful

Very concerned about the implications for environment

Wake up and smell the roses. Who is in for the payout on this? Smells like a Grab for Cash!

Water catchment area - hands off any development of housing etc

We all enjoy the National Parks. Please do not build/clear or put Motorways - lets have and enjoy our Parks

We are losing so much natural bushland close to the city precinct that we must preserve it at all costs not only for the natural fauna and flora but also for the human race to maintain mental and physical health. Please do not rezone this important area of land.

We came to live here in the seventies because this beautiful natural wildlife and bush area was supposed to be protected forever. This is such a beautiful area with such rich native flora and fauna, so close to Sydney, which everyone can enjoy and which the whole population of Sydney and the Illawarra (and indeed the whole of Australia and visiting tourists) needs for their wellbeing and which belongs to all Australians - and you should not take it away from us in the interests of profit. Our gardens are alive with native birds - king parrots, rosellas, sulphur crested cockatoos, galahs, even black cockatoos around Garrawarra and I have even seen a wedged tailed eagle as well as a peregrine falcon. There are possums, lyre birds and also bandicoots and echidnas in and around the Helensburgh town, including in our garden. All of this would be lost and it would have a marked impact on the tourist industry in the Illawarra. You would turn our lovely paradise into a waste land.

Complete list of fauna I have personally seen: I’ve seen king parrots, rosellas, rainbow lorikeets, galahs, lyre birds, honey eaters, butcher birds, bandicoots, possums, tawny frogmouths, lyre birds, black cockatoos, a wedge tailed eagle, carpet snakes, blue tongue lizards, lizards, frogs, wallabies, kangaroos, foxes, deer, and even A KOALA.

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We have consistently asked for environmental protection. Please listen.

We like where we live the way it is
We live to go bushwalking with our grandchildren who live here in the area. We don't need more development.

We love Helensburgh the way it is, don't want another Engadine or Taren Point.

We love the natural bush that surrounds Helensburgh. The local area cannot sustain a larger population. Keep the existing areas green and no further developments.

We moved from interstate to Otford 6 months ago. We were attracted to this area because of the bushland setting and lack of commercial development and McMasion'ism of The Shire. We oppose further development in Otford/Helensburgh and Stanwell Tops that threatens the current way of life here.

We moved into the area because of the beautiful large national park. We feel very sad that the government is thinking of changing the area.

We need to conserve a natural corridor here.

We need to leave this land alone to protect all the beautiful wildlife in this area. Rezoning will benefit a few financially short term - retaining the natural surroundings benefits the entire country, long term.

We need to preserve our natural resources, once ruined there's no going back.

We need to protect our native corridors & silting of the Hacking river.

We need to protect the land that protects our water catchment. No clean water equals death.

We require the Royal National Park to be maintained as and where it is, the park should not be left to run down or degraded in any manner, it's OUR PARK, WE OWN IT. HANDS OFF.

We support the submission of the Otford Protection Society.

We urge that you to listen to the people when we say we want our land and water protected from harmful chemicals. We want an immediate and independent inquiry.

When damage is done, how do we fix it? More study needed on env. Impact.

When is the precious environment involved in this review going to be treasured by Council and the State Government?

When you think that there were such forward and intelligent people who had this important protection put on this land so many years ago it is incredible to think it could be destroyed and also destructive to our National Park and the Hacking River.

Who wants this to be rezoned (not the people) whoa actually live and raise their children there.

Whole area should be E2. Save the wildlife. No extended E4 at Otford.

WHOLE AREA E2

Whole area go to E2

Whole area should E2

Whole area should be E2 no extended

Whole area should be E2 No E4 extension around Otford

Whole area should be E2 No E4 extensions around Otford

Why are we going through this again.

WHY does this have to be done where we currently have clean air & clean water. We want solar/wind power!

Wildlife corridor around Otford is very important especially with regard to climate change. We need to preserve these corridors by zoning all to E2.

Wildlife corridor imperative.

Wildlife corridor, catchment area, high conservation area. High bio diversity.

Wildlife is important to everyone except developers!

Wollongong Council has failed its duty of care in not respecting the 3500 pervious submissions to maintain the E2 zone over the previous 7d zoned land. Wollongong Council's review of the previous submissions places the value of a single 'relative of a land owner' over the value of 3500 submissions. Wollongong Council has failed the residents in its failure to protect the waterways, escarpment, wildlife and residents from pollution. For allowing asbestos contaminated railway ballast to be dumped on properties and crown land that it, Wollongong Council should be protecting.

Wollongong Council Planning has so far failed comprehensively to withdraw these development and fragmentary plans of the previously 7(d)areas commensurate with the level of submissions rejecting the proposals of the Willana report. A duty of care needs to be exercised by Council. Please now follow public opinion.

Due to file size, to view all attachments, refer to separate reports on website.
you can barely manage what is here now, how do you expect to cope with extra demands the capacity the developers want. Get to know our area and you might understand why we are trying to protect it.

You need to do the RIGHT thing in regards to the future of this area. There is more important things than money.

Your continued push for development is not supported by rational actions. Where is the water quality testing? Where is the maps that show water courses? No studies have been conducted to show the existence let alone location of naturally springs. What genius thought of a desktop study that was the Willana Report? How you investigated if the Land Pool Owners sought and obtained legal redress against the Vendor of their land? How you checked how many properties requesting change of zoning purchased in the new regulations KNOWING full well of the lack of a building entitlement. The failure of the Minister of Planning not to approve the Otford Protection Society is a blight on the situation.

That document is far more appropriate and I support it for these lands.
**OtfordEco submissions**

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<thead>
<tr>
<th>Planning proposal 7D lands - 23 precincts of Helensburgh-Otford-Stanwell Tops</th>
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<tbody>
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<td>&quot;7D&quot; was the zoning name appointed back in the 1990s to further protect the catchment of the Hacking River, as it directly feeds the Royal National Park and into Port Hacking of the Sutherland Shire. Since the 1960s much of the surrounding land was already zoned non-urban and conservation. For the future of our beautiful coastline, National Parks, tourism, threatened native animals, and fresh air for Wollongong and Sydney, and less strain on infrastructure this green corridor needs the highest protection, and development limited to suitable infilling within the township. We cannot move the National Parks nor the ocean so must protect the vital link in between. Nor can we risk further lives to bushfire by trying to evacuate yet more people through the few tight valleys, as evident in the massive bushfires of 2002. To that end, apart from the recreational &amp; tourism zonings in the Gateway precinct, the remaining bushland 23 precincts must be zoned E2 environmental with existing use rights for approved existing dwellings/businesses.</td>
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<tr>
<th>Planning Proposal '7D' land rezoning - all bushland precincts</th>
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<tr>
<td>To ensure that coal seam gas exploration and extraction is inhibited on our Illawarra escarpment, bushland buffering the Royal National Park and drinking water catchment lands, the E2 zoning must replace the former '7D' zoned lands and not be downgraded to E3, lower or industrial.</td>
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<tr>
<th>Planning Proposal 7D lands - Frew Ave Precinct</th>
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<td>I object to any new development or dwellings across the Frew Avenue Precinct. Reducing the minimum lot size to allow more buildings will create a damaging precedent for all environmentally sensitive lands, and result in wide spread land clearing for complementary structures such as garages, driveways and swimming pools. The development of this precinct was rejected by the Land &amp; Environment Court in 2006, and its environmental significance has grown higher since then. This 7D land should be zoned E2 to maintain the crucial wildlife corridor and the relative purity of the tributary creeks to the Hacking catchment. Also as one of the highest points of the Helensburgh plateau, any development and reduction of trees has visual impact on the residents, visitors and motorists. Despite the erosion and deliberate degradation by some of the various landowners, such degradation should not be rewarded with a down grade of zoning or new dwelling allowances, but instead the bushland should be encouraged to re-establish.</td>
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<tr>
<th>Planning Proposal 7lands - Gateway Precinct</th>
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<td>I object to the adjacent and surrounding zoning of land of North West Helensburgh as B6 Enterprise Corridor, including but not limited to Baines Places, Lawrence Hargraves Drive and Princes Highway. This corridor is adjacent to the Sydney Water Catchment, F6 ramp Roundabout &amp; the tributary to Gills Creek. Tourism - The majority of traffic flow to the Wildlife Park, Kellys Falls &amp; Bald Hill hang-gliding either as a destination or impromptu is via the Roundabout Gateway on the</td>
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Princes Hwy. It is also a thoroughfare to the start of the Grand Pacific Drive. The proposed enterprise corridor that allows new development ranging from brothels to heavy machinery depots and used car yards with flashing neon signs is not in keeping with the historical village ambience nor the tourism gateway to the south coast. Such development will deter tourists and swamp the area in a sea of concrete bunkers - all a threat to the water catchment, diminishing wildlife corridor and our tourism industry.

A mixed zone of Tourism, recreation and E2 in this corridor would be far more beneficial to the 2508 area and environment.

Threat to existing cafes/takeaway - As the entrance and outer fringe of the Helensburgh township, a B6 zoning allowing a multinational fast food operator, could severely jeopardise the future viability of takeaway and cafe food operators within the town. Local residents could completely miss the Walker St/Park St shops & tourists miss the cafes of Stanwell Park & Otford.

Environment - Aside from the fact that this area of Helensburgh is a proven home to the threatened species of Eastern Pygmy possums, Given the volatility of many industrial materials and chemicals, such B6 enterprise will also require extensive land clearing in the guise of fire hazard reduction. Further risking high soil erosion to the Wilsons Creek, Gills Creek and Sydney Water catchment. The former RTA site on the corner of Parkes St was known to contain buried drums of toxic waste. We risk accidental releases of similar with a prong of the first excavator. The wildlife habit corridor between the Royal National Park, Garrawarra and the Illawarra escarpment has already greatly 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 also be inevitable. Even Otford Rd bears testimony to regular vehicle discards of thickshake cups and hamburger cartons originating from 15km away.

Planning Proposal 7D lands - Gills Creek Precinct
I agree to only E2 zoning for the Gills Precinct with existing use rights for established dwellings/buildings. E3 and less zonings will only encourage further spot rezonings, and degradation of this essential wildlife corridor and catchment for the Hacking River.

The Gills Creek precinct connects Helensburgh to the northern end of Maddens Plains and Bulli Tops. A watering down of conservation zoning from E2 to E3 will allow new dwellings and land clearing, a hazard to not only wildlife, the river, septic leaching, but also visual impact along the main road connect the F6 freeway to the start of the Grand Pacific Drive. Residents and tourists are presented with a unique and beautiful scenic drive from Helensburgh to Wollongong via the coast road, and its entrance should be preserved as such.

Planning proposal 7D lands - Lady Carrington Estate Precinct
I agree that the Lady Carrington Estate precinct must be zoned E2 Environmental Conservation, as it sits above tributary creeks leading to the Hacking River. All stormwater and run off leads directly to the Hacking River, and borders the Garawarra State Conservation & Royal National Park area. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coal dust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.

An zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.
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<th>Planning proposal 7D lands - Lilyvale Precinct</th>
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<td>I agree that the Lilyvale precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it sits above tributary creeks leading to the Hacking River. In short, this whole area must be E2 Environmental Conservation because of the bordering Royal National Park, and Camp Creek and nearby Gardiners Creek flowing directly to the Hacking River. The forest and bushland north of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate. All stormwater and run off leads directly to the Hacking River. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. An E3 zoning or lower is not adequate protection against land clearing nor future dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.</td>
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<td>I agree that the Lloyd Place precinct must be zoned E2 and/or E1 Environmental Conservation, as it sits on the tributary Herbert Creek and the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And contains beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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. It cannot be developed without great detriment to the relative pristine water of Herberts Creek and Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002. Obviously Otford Farm in Lloyd Place would have existing use rights of the long established horse riding/farm and the ability to replace burnt or damaged buildings. All stormwater and run off leads directly to the Hacking River, and borders the Garawarra State Conservation &amp; Royal National Park area. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping 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. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.</td>
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<td>I agree that the Lukin Street precinct must be zoned E2 Environmental Conservation, as it sits below tributary creeks leading to the Hacking River. All stormwater and run off leads directly to the Hacking River. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain...</td>
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the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coal dust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.

An zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings or industrial pollution. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

Planning Proposal 7D lands - Metropolitan Colliery Precinct
I agree that the bushland surrounding the Colliery needs to be preserved as much as possible & therefore an E2 zoning, in order to protect the Hacking River catchment, the wildlife corridor connecting the Royal 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 from the Metropolitan Colliery. Dense bushland and rainforest not only retains excessive stormwater and prevents soil erosion, it more importantly maintains a natural airfilter and sound barrier to the disturbance and coal dust discharge expected from a large mine. Trees and bushland on the ridge skyline also hide the heavy industry from the surrounding village community and tourist drives. In accordance with the Department of Environment, Climate Change and Water & the Department of Planning regulations; the colliery has strict limits of coal dust, noise, lights, water run-off and waste emitted. Neighbouring private properties affected /damaged by excessive levels can even demand compulsory acquisition by the Colliery, so all complaints received by Metropolitan Colliery are recorded, investigated, reported and a solution sought.

It would therefore be in the Helensburgh /Otford residents and Metropolitan Mines' best interests that all existing vegetation around the mine surface and the region above and around the long wall mining, and ventilation shafts is not only conserved but increased and thickened. To maintain the conservation status that 7D afforded this precinct and surrounding bushland, E2 zoning must be implemented.

Additional to the Colliery precinct, all bushland precincts between Helensburgh and Otford should be zoned E2, as they form the Hacking River catchment and form the crucial wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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.

All stormwater and run off from this precinct leads directly to the Hacking River, into to the Royal National Park area. Containment ponds in Helensburgh have failed, and more in Helensburgh or Otford will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

Planning Proposal 7D lands - North Otford Precinct
I AGREE To Otford North precinct being zoned to E2, with the right to replace existing dwellings in the case of bushfire.

I DO NOT AGREE to Otford bushland being zoned E4 or E3. Both allow new dwellings on steep land feeding the Hacking River, and would sever the wildlife habitat corridor between the Royal National Park and the Illawarra escarpment. Zoning other than E2 with existing lawful user rights, would allow new dwellings -with the...
consequences of
- extensive land clearing for fire hazard reduction and landscaping
- new boundary fences & concrete driveways
- more domestic ‘killer’ pets on the border of the Royal National Park
- increase of weed spread, weed killer and nitrate run off.
All of which will not only further fragment the wildlife habitat corridor and destroy the natural pockets of rainforest, but coupled with the deer-proof fence along the railway line, completely block the movement of wildlife between the Royal National Park and the Illawarra escarpment. In the next major bushfire of the Royal National Park, wildlife will no longer be able to retreat to the cool of the Otford valley or the Hacking River tributary areas. Further clearing of the valley's temperate rainforest and the ridge’s tree line will also change the microclimate, precipitation patterns and water distribution in the valley.

Planning Proposal '7D' land Lady Carrington South Precinct
I agree that the Lady Carrington Estate South precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it sits above tributary creeks leading to the Hacking River. Ideally the degraded land should also be restored to the former bushland and littoral forests, to not only strengthen and fill in the fragmented wildlife corridor but also restore the ridge scenic views from the Grand Pacific Drive.
In short, this whole area must be E2 Environmental Conservation because of the bordering Royal National Park, and nearby Camp Creek and Gardiners Creek flowing directly to the Hacking River. The forest and bushland north of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coal dust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate.
All stormwater and run off leads directly to the Hacking River. The effect of any excavation and land clearing on this section of Helensburgh plateau is evident at every rainfall, as downstream become extremely turbid with clay deposits and Helensburgh refuse. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. There is no assurance either any methods employed by the developers of proposed rezonings, to retain and filter stormwater, will be continued by the new residents - without strata titles, a sinking fund will not exist. Instead, the responsibility and costs of the less than dependable containment ponds etc will fall on Wollongong City Council. Wollongong City Council will then seek to increase rates across all of the Helensburgh district.

Planning Proposal '7D' lands Land Pooling Precinct
I agree that the Helensburgh Landpooling precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it straddles the relatively pristine tributary creek - Herberts Creek, feeding direct in the Hacking River.
In short, this whole area must be E2 Environmental Conservation because Kellys Falls is adjacent to this area which is a E1 National Parks and Nature Reserves 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 to the Hacking River. The effect of any excavation and land clearing on this section of Helensburgh plateau is evident at every rainfall, as downstream become extremely turbid with clay deposits and Helensburgh refuse. Containment ponds in Helensburgh have failed, and more will not help. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. There is no assurance either any methods employed by the developers to retain and filter stormwater, will be continued by the new residents - without strata titles, a sinking fund will not exist. Instead, the
responsibility and costs of the less than dependable containment ponds etc will fall on Wollongong City Council. Wollongong City Council will then seek to increase rates across all of the Helensburgh district. The majority of this area was purchased when a high conservation status was already in place, by private and large corporation investors, hoping that with enough pressure on local and state government, the conservation zoning would be overturned, and they've be rewarded with a 1000% return of their initial investment, regardless of the major loss it would cause to the environment, the Hacking river, the wildlife Habitat corridor, endangered species and the views of this ridge line from the Grand Pacific Drive. At a capped peppercorn amount for council rates, these investors cannot claim for major out-of-pocket expenses either. An E2 zoning is required to protect against land clearing and future dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

**Planning proposal 7D lands - Old Farm Road Precinct**
I agree that the Old Farm Road precinct must be zoned E2 Environmental Conservation, as it sits above tributary creeks leading to the Hacking River. All stormwater and run off leads directly to the Hacking River, and borders the Garawarra State Conservation & Royal National Park area. Containment ponds in Helensburgh have failed , and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate. An zoning other than E2 does not provide adequate protection against land clearing nor future high density dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

**Planning Proposal 7D lands - Otford Valley Farm Precinct**
I agree with the E2 zoning for the Otford Valley Farm precinct, but not the E3 zoning. The E2 zoning should extend across the whole precinct linking the surrounding E2 and the National Park E1 with existing use rights and right to replace damaged/burnt existing dwellings. The bushland and cleared land of this precinct is a crucial wildlife corridor connecting the Royal National Park to the Garawarra State Conservation Area and the Illawarra escarpment. and stormwater and tributary creeks flow directly to Hacking River. It should be zoned E2 with replacement of legal existing dwellings allowed in the event of disaster. In general all bushland in the 7D precincts between Helensburgh and Otford should be zoned E2 , as they all lead to the Hacking River . It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

**Planning proposal 7D lands - Walker St Precinct**
The Walker Street precinct be zoned E3 & E2 Environmental Conservation with existing DA approved use rights. In summary, this whole area should be E2 Environmental Conservation because Kellys Falls is adjacent to this area which is a E1 National Parks and Nature Reserves 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 to the Hacking River. The effect of any

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**Due to file size, to view all attachments, refer to separate reports on website**
excavation and land clearing on this section of Helensburgh plateau is evident at every rainfall, as downstream become extremely turbid with clay deposits and Helensburgh refuse. Containment ponds in Helensburgh have failed, and more will not help. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The IN2 zoning at 159-169 Walker St is entirely inappropriate for the residential and conservation area. To award a business for years of degrading land and expanding a destructive business with neither development approval nor EPA approval is appalling. An IN2 zoning would not only further degrade the land, endanger downstream and neighbours' health, it is also devaluing competitors' business and other companies that have obeyed council regulations and zoning. The land outside the portion of the Lot 1 DP 112876 that was approved for a landscaping business in 1983 should be zoned E3 or E2 to restore the bushland to its rightful order.

Planning proposal 7D lands - Wilsons Creek Precinct
I agree that all this area must be E2 because of Wilson's Creek, a major tributary of Helensburgh Dam and Hacking River. This was the reason for the 7d classification to protect the environment. Nothing has changed in that environment to remove protection.

This precinct would also be a wildlife corridor adjacent to the Garrawarra State Conservation Area and therefore should not be allowed to be endangered.

There is no sewerage or water supplied to this precinct as indicated in the review. Any works carried out in regards to this will alter the context of the land involved thus placing significant stress on the creek as also indicated in the WCC Preliminary Review (page 48, para 3&4). This would also be true of any extra housing and clearing of surrounding currently protected bush land. This is also inconsistent with the SCA land principles as shown in the review.

There is ample opportunity within the Helensburgh residential footprint to purchase vacant land or a residence. Therefore I object to any change in zoning for this precinct that is not E2.

Planning Proposal 7D lands Garrawarra precinct
All the land in the Garawarra precinct should be E2 or E1 status. Surrounded by the Garawarra State Conservation area, Heathcote National Park and the Sydney Catchment Authority’s drinking water catchment to Woronora Dam, it should remain pristine as possible, and any development by the current occupant - Garrawarra Hospital, restrained. This is an essential part of the wildlife corridor connecting the Heathcote National Park to the Woronora catchment and Dharawal National Park.

Planning Proposal 7D lands Govinda Precinct
The Govinda precinct should be zoned E2 with replacement of existing dwellings allowed, as it sits above the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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.

It cannot be developed without great detriment to the relative pristine water Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002. All stormwater and run off leads directly to the Hacking River, in to the Royal National Park area. Containment ponds in Helensburgh have failed, and more in Helensburgh or Otford will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush.

The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery west of this precinct, and a natural block to hot westerly winds, keeping 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. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

Planning proposal 7D lands - Kellys Falls precinct
The Kellys Falls precinct should be zoned E2 with replacement of existing dwellings allowed, as it the tributary Kelly Creek and the majestic waterfalls leading to the Hacking River.
As Kellys Falls is part of the Garrawarra State Conservation the adjoining private land needs to retain its remaining bushland and be protected from further development. It is also a very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment.
It cannot be developed without great detriment to the relative pristine water Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002. All stormwater and run off leads directly to the Hacking River, in to the Royal National Park area.
The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. Any zoning other than E2 does not provide adequate protection against land clearing nor future extra dwellings. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2.

Planning Proposal for 7D Central Otford Precinct
I AGREE with the proposed E2 zoning in the central Otford precinct but I OBJECT to bushland in Otford being zoned E4. E4 would allow new dwellings on steep land feeding the Hacking River, and would block the wildlife habitat corridor between the Royal National Park and the Illawarra escarpment. Zoning other than E2 with existing lawful user rights, would allow new dwellings with the consequences of
- extensive land clearing for fire hazard reduction and landscaping
- new boundary fences & concrete driveways
- more domestic 'killer' pets on the border of the Royal National Park
- increase of weed spread, weed killer and nitrate run off.
All of which will not only further fragment the wildlife corridor and destroy the natural pockets of rainforest, but coupled with the deer-proof fence along the railway line, completely block the movement of wildlife between the Royal National Park and the Illawarra escarpment. In the next major bushfire of the Royal National Park, wildlife will no longer be able to retreat to the cool of the Otford valley or the Hacking River tributary areas. Further clearing of the valley's temperate rainforest and the ridge's tree line will also change the microclimate, precipitation patterns and water distribution in the valley.
The bushland in the central Otford precinct also provides a noise buffer between the constant roaring motorcycles along Lady Wakehurst Drive and the rest of Otford valley. Further depletion of the bush and degradation will have social and health impacts on the neighbourhood.
Plus on the proposed E4 bushland the angles are anywhere between 25 degrees and 60 degrees. Quite impossible slopes for living and in safe conditions. By clearing any of these areas could result in land slip at such great angles E2 zoning should be applied with existing use rights to dwellings, OR on the large lots such as the Sacre blocks fronting Lady Wakehurst Drive, E4 applied to the 1000m sq around each existing dwelling and the zoning split so that the remainder of each lot is E2. It is far too risky especially given fluctuating minimum lot sizes, for such precious bushland to be zoned E4.

Planning Proposal for 7D lands- F6 West Precinct
I agree to the E2 zoning of the Princes Hwy West & RU2 rural landscape, but with no new dwellings allowed. This land directly saddles the Sydney Drinking water
Planning proposal for Helensburgh Camp Creek Precinct

I agree that the Camp Gully Creek precinct must be zoned E2 Environmental Conservation, and recognised as not only an important part of the wildlife habitat corridor between the Royal National Park, and the Illawarra escarpment, but also that it sits above tributary creeks leading to the Hacking River. In short, this whole area must be E2 Environmental Conservation because of the bordering Royal National Park, and Camp Creek and nearby Gardiners Creek flowing directly to the Hacking River. The forest and bushland north of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery, and a natural block to hot westerly winds, keeping the Otford valley and Hacking catchment moist and temperate. All stormwater and run off leads directly to the Hacking River. Containment ponds in Helensburgh have failed, and more will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

Planning proposal for Helensburgh Central Bushland Precinct

I agree that the Central Bushland precinct between Helensburgh and Otford should be zoned E2, as it sits above the Hacking River. It is very important part of the wildlife habitat corridor linking the Royal National Park to the Illawarra escarpment. And is surrounded by beautiful areas of rainforest in the deep valley and old growth forest on the steep upper 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. It cannot be developed without great detriment to the relative pristine water Hacking River, the same water sections that sustained refugee wildlife escaping from the mighty fires that razed the bordering Royal National Park during the fires of 2002. All stormwater and run off leads directly to the Hacking River, in to the Royal National Park area. Containment ponds in Helensburgh have failed, and more in Helensburgh or Otford will not help. There is no guarantee stormwater and pollution control systems will work effectively in such a high rainfall region. The only method to retain the relative purity of the Hacking catchment and river, is to cease and prevent any new development, and restore degraded land to native bush. The forest and bushland north, east and south of this precinct should not only be preserved but restored. It provides an important buffer and air filter to the airborne coaldust from the Metropolitan Colliery west of this precinct, and a natural block to hot westerly winds, keeping 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. We have already seen how quick the Department of Planning can remove clauses that would otherwise inhibit development. This precinct must be zoned E2. For the remainder of the '7d' lands I do not support the zone downgrading of environmental protection of any '7D' land in the 2508 region.

7D Lands Rezoning - A Conservation based Submission on each precinct

Contains a copy of the submission above on:
- Camp Gully Creek precinct
- Central Bushland precinct
- Central Otford precinct
- F6 West precinct
- Frew Avenue precinct
- Garrawarra precinct
- Gateway precinct
- Gills Creek precinct

Due to file size, to view all attachments, refer to separate reports on website.
- Govinda precinct
- Kelly Falls precinct
- Lady Carrington Estate precinct
- Lady Carrington Estate South precinct
- Lady Carrington Estate North precinct
- Land pooling precinct
- Lilyvale precinct
- Lloyd Place precinct
- Lukin Street precinct
- Metropolitan Colliery precinct
- North Otford precinct
- Old Farm Road precinct
- Otford Valley Farm precinct
- South Otford precinct
- Walker Street precinct
- Wilsons Creek precinct
- CSG and all bushland precincts

### OtfordEco – additional individual comments

23 precincts must be zoned E2 environmental

‘7D’ was the zoning name appointed back in the 1990s to further protect the catchment of the Hacking River, as it directly feeds the Royal National Park and into Port Hacking of the Sutherland Shire. Since the 1960s much of the surrounding land was already zoned non-urban and conservation. For the future of our beautiful coastline, National Parks, tourism, threatened native animals, and fresh air for Wollongong and Sydney, and less strain on infrastructure this green corridor needs the highest protection, and development limited to suitable infilling within the township. We cannot move the National Parks nor the ocean so must protect the vital link in between. Nor can we risk further lives to bushfire by trying to evacuate yet more people through the few narrow valleys, as evident in the massive wild bushfires of Christmas 2001. To that end, apart from the recreational & tourism zonings in the Gateway precinct, the remaining bushland 24 precincts must be zoned E2 environmental with existing use rights for approved existing dwellings/businesses.

Allowing development will only destroy the beautiful bush that surrounds Helensburgh! We do not need to see the area turned into a concrete jungle, just for the profits of a few greedy developers who do not have the town’s best interests at heart! Please, do not develop this area, and zone it instead as E2.

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Due to file size, to view all attachments, refer to separate reports on website.
Any further development in the Herberts Creek catchment is unacceptable. Controls need to be put in place to ensure existing businesses and residences do not cause any pollution which is currently clearly evident especially after heavy rain events.

Area is vital to protect homes and schools from the coal dust!

Areas such as this need to be preserved for the future of our communities and planet. Think now before we have none of these spaces left!

As a former and, I hope, future Wollongong resident I urge you to protect this extraordinarily beautiful land. Its environmental values and amenity for residents and visitors outweigh its development values.

As a frequent visitor to the Royal National Park and surrounds I strongly support Wollongong Council plans to zone the 24 precincts that buffer the National Park as E2 (Environmental protection).

The area is a draw card for large numbers of visitors and all moves to maintain the quality of the National Park and the green corridor that links the Wollongong escarpment to the Park is to be applauded.

As a local resident since the 1980's I feel that this is an incredibly important matter for both residents, tourists, visitors and also council. I can assure you that should council not be seen to be doing everything in their power and influence to protect these areas I will use everything in my power and influence to ensure that the next opportunity to remove any individual or group from office will be seized and acted upon.

As a previous resident of Stanwell Park, I know how important it is to have the remaining 24 bushland precincts zoned E2. We need to protect these precious green corridors for the future years to come, Once they are gone you can never get them back.

As a resident and a member of the Rural Fire brigade, this development options are not in the interest of safety or the residents of the area. With limited escape options in an emergency it's a problem waiting to happen like Victoria. Plus without more infrastructure like high school, extra parking for rail commuters, wider roads, traffic calming devices, this area will become a overcrowded lawless place. It's a family town not a developers dream.

As a teacher and frequent visitor to the Illawarra, where I have many friends living, I feel saddened that such areas might lose protection. I think how lucky the people of your region are to be surrounded by such a precious resource, with the sea to the east and the escarpment and bushland to the west. To children and future generations we need to bequeath something of real value, rather than this current generation taking it all. The Illawarra is a unique jewel in Australia for good reason! Please protect it.

As a wildlife corridor this land is vital. Helensburgh and surrounds do not have the infrastructure to support an expanded population, doctor waiting times are going up, parking at the train station is at or beyond capacity.

As an environmental professional working in the construction industry I find this proposal unacceptable from a sustainable perspective and the impact on the remaining biodiversity irreversible.

As Secretary of Friends of RNP Inc. I am concerned with the pressure placed on the Park by the residential areas abutting the Park. The water ways are threatened by pollution, garbage and rubbish being dumped and local residents walking dogs in the Park, some unleashed. The Park was created in 1879 for the health of the metropolis and the recreation of the people and it has proved to be a necessary requirement for healthy cities. Any change in rezoning would put more pressure on the area.
As Wollongong Council has unanimously agreed, it is of paramount importance to protect our water catchment from the ravages of CSG mining. Thankyou for this commitment...may it long remain! All waterways need particular protection, and these green areas become more and more significant with increasing population building upwards.

Congestion in the Illawarra's northern suburbs will only get worse with further development of these small and eco-sensitive areas. Their further development is irresponsible.

Please ensure that the green corridor is maintained to the RNP from the Illawarra’s Escarpment. This is not only a beautiful area but an extremely important ecological link between these 2 places. Surely we have cleared enough of our beautiful lal for dwellings to have developers make huge amounts of money at the potentially catastrophic detriment of the animals and plants that endemic to this region. I love driving through this region as it's the beginning of me returning home to the south coast and I cherish the fact that it's still there. Please rethink your rezoning and ensure that his area is maintained as the pristine area it's been for millions of years.

Please protect the 23 districts of bushland. They are an asset for future generations.

Development? - No Way!

Do not continue to destroy our diminishing beautiful landscape.

Do not destroy our wildlife green corridors. A lot of our wildlife is becoming endangered due to habitat destruction and this will be another nail in their coffin.

Do not let the area of 2508 be over run with development thus having a negative effect on the region, local environment, coastline, native animals and current residents. Many who live and have moved to the area, come so, for the closeness to nature, the bush and the coast. Do not let it become a micro city thus being a turn off for many local residents and thus damaging the local environment, water catchments and native animals. We need to protect the existing 24 bushland precincts and must be zoned E2 environmental. Keep 2508 as it is and not let it be over-run. Protect and preserve the natural bushland surrounding the area.

Do not reward these landowners for illegal degradation of the land over all these years! This proposal is a disgrace.

Don't cave into developers!

Don't want Helensburgh to turn into another Engadine, that why we moved to Helensburgh for its
small rural town qualities

E2 only please. No further development.

E2 zoning should be applied with existing use rights to dwellings, OR on the large lots such as the 5acre blocks fronting Lady Wakehurst Drive, E4 applied to the 1000m sq around each existing dwelling and the zoning split so that the remainder of each lot is E2. It is far too risky especially given fluctuating minimum lot sizes, for such precious bushland to be zoned E4.

Even though I do not live in this area I strongly believe in the protection of this land. The ocean, the National Park, the green corridor and the residents...human and otherwise. I one day soon hope to live in this most desirable area and the main thing that makes it such a special place to live is the surrounding natural beauty. Is nothing sacred anymore? Does every green pocket of land HAVE to be bulldozed and developed? Surely you should be helping to protect these areas and concentrate on upgrading existing residential areas or already cleared land? You will certainly have a fight on your hands if you continue with this proposal and not just from the directly affected residents.

For the future of this planet. Hands off our last green areas!!

Further development in this area is not acceptable as the only drainage is via Wilsons Creek and the Hacking River.

Green Corridors linking natural areas are key to preserving and restoring biodiversity. I sincerely hope that Council can see beyond the short term economic "benefit" and plan toward the longer term issues of Ecological Sustainability.

Has Wollongong council not made enough money out of development.

Have they gone mad!!!!Has Wollongong council not made enough money out of development.

Having grown up in the northern suburbs of Wollongong and taken my children who are now grown up to the above areas to show them the beautiful part of Australia where I grew up it would be ashamed for the developers to come in and destroy the surrounding areas of the Royal National Park

Having lived in the area for 40 years and followed all the argument and debate, I am convinced the majority of land purchases in environmental protected areas were speculative and we owe the future generations the protection of a greenbelt for the Sydney/Wollongong urban sprawl. The legislators of the original zonings agreed then and their careful analysis should not be ignored.

Helensburgh and Otford are great just as they are - leave the bush land alone

Helensburgh has infill enough to naturally grow without expanding its urban footprint and the potential for further damage to the Royal National Park. Do not weaken protection zonings!

How lucky are we that we can live and play in a place that is so close to nature, that is as aesthetically pleasing as it is biologically intriguing? I feel so lucky that I can escape the concrete jungle that is Sydney and within 1 hour be surrounded by pristine wilderness. Few major cities world-wide can boast this. Why would we want to change this? To appease a small but powerful minority who do not have the interests of the public nor the environment at heart? Why would a council want to make it easier for this small, self-interested minority to do this? Surely the answer cannot be money? Surely we value more than that? Please Wollongong Council keep this piece of beauty safe!
Hydrogeology: "Ground water does not always flow in the subsurface down-hill following the surface topography; ground water flows pressure gradients (flow from high pressure to low) often following fractures and conduits in circuitous paths (ie roundabout, not direct). Taking into account the interplay of the different facets of a multi-component system often requires knowledge in several diverse fields at both experimental and theoretical levels." CSG is inherently dangerous because it will affect aquifers by poisoning the water running into them and also prevent the movement of water to and from them because of loss of "pressure". More study on the subject is needed and a moratorium should be placed on it until the study is done by independent accredited experts not associated with the CSG Industry.

I agree with the Council's proposal to zone Environment Protection E2, and believe in the conservation of the remaining zoned bushland.

I agree with the points as outlined in this submission. I wish to add that the entire area is a proven high bushfire zone as shown by the 2001 Bushfire storm that swept through the majority of the area endangering life and destroying property. There should also be no significant impacts allowed to affect the Australian National Heritage Listed Area of the Royal National Park and Garawarra State Conservation Area. I reiterate that there should be NO industrial or business site allowed within the catchment area of the former 7d zone. I support Council in zoning the area known as Landpooling and Lady Carrington Estates South as E2 - Environmental Conservation. I wish to make clear there should be NO E3 in Stanwell Tops as this narrows the E2 - corridor for the wildlife that will travel through the proposed E3.

I also request Wollongong City Council to object to the NSW Government and Department of Planning the latest gas well submission that will place 150-200 wells within a proven high bushfire zone that will endanger lives in the event of an outbreak. In this request, is also notification, that the NSW Government and Wollongong Council has been warned of very possible liability and therefore would be subject to be sued by individuals affected by bushfires where wells have been placed and threatened or destroyed by any bushfire including drifting embers.

I am a former resident of Helensburgh. These areas are special and should be protected.

I am completely against council plans.

I am completely opposed to Coal Seam Gas drilling in our area. It is proposed in some of Sydney's most pristine bushland and water catchment area, and I have seen enough evidence that proves it is not safe in Queensland, The Hunter Valley, The Tara Estate (to mention a few).

How can they guarantee it won't affect our water and our health, given Darkes Forest has some of the highest rainfall in NSW. The fracking method has the ability to poison our water, reroute water table paths and have catastrophic effects to fauna and flora. And as for the holding ponds that are used, these will definitely not stop any spill over, and will at the very least ruin protected vegetation if not leach down into our pristine waterways.

Further to this with the recent fires coming through some of our properties, it was bought to my attention that the fire went through a proposed Coal Seam Gas well site... we do not need any further fuel dangers to this area!

We need to stop short-term greed and really think about the future for everyone, including the many generations to come, as you can't drink gas, and you can't eat coal! The gas is not going anywhere so why not (at the very least) wait until the method is proven safe. It will be too late once the damage is done.

There really needs to be a royal commission as there are so many people opposed to Coal Seam Gas drilling, but our voices seem to be falling on deaf ears.

These are very scary times indeed!
I am sick of these jerks destroying my environment, I am going to go and destroy their yard myself if I don't get my way....

I believe all this land must not be developed. Quite aside from the fact that we don't have the infrastructure in this community this is also an essential bush corridor for wildlife.

I call upon the WCC to act decisively on the matter of confirming E2 environmental status to Helensburgh/Stanwell area for the following reasons.

In 1994 following a Commission of Enquiry, the Hacking River catchment of the Helensburgh, Otford and Stanwell Tops area was awarded a special new zoning of '7D' to give the buffer bushland and tributary waters to the Royal National Park the next highest conservation zoning to National Park 1A.

The 7D zoning remained in place, until 2006 NSW planning legislation changed the zoning codes and Wollongong Council launched a new Draft LEP (Local Environment Plan). The agreed 7D zoning equivalent was E2 (national park is E1). However, when Wollongong Council went into Administration in early 2008, the draft LEP and its high conservation zoning for the bushland of the Helensburgh region was withdrawn. When the next draft LEP 2009 for Helensburgh region was presented, 7D now equalled E3 - suddenly allowing land clearing and more development on conservation land.

Plans followed for a csg fired power station, gas bore holes and pipeline had been planned for the '2508' postcode region. All with the blessing and assistance of the NSW Dep Primary Industries and Dep of Planning. Worse still the Department of Primary Industries had pressured Wollongong City Council (whilst under the control of the state administrator) to downgrade the E2 land zonings, in particular water catchment land (SCA) to E3 to facilitate the infrastructure for coal seam gas exploration & extraction.

With almost no public consultation and investigation into the environmental impact, plans and against the wishes of WCC approvals were given using the powers granted under Part 3A of the planning Act to explore and eventually commercially extract coal seam gas from Helensburgh down the Illawarra escarpment. Additional approvals in other jurisdictions extend the reach of CSG mining west across the Warragamba catchment: These areas combined supply over 90 % Sydney's drinking water and have been considered so vital they have be protected areas for over a century and are currently under the stewardship of the Sydney Water Catchment Authority - who also oppose CSG production mining in these areas.

The community now faces the massive above ground environmental impact, water contamination and health risks associated with production coals seam gas mining that will see 150+ production well pads in and around the Helensburgh and Darkes Forest area alone: And lets not pretend it won’t happen as:

1. The gassy-ness of the seams is well known, so all the exploration does is to identify the best locations for extraction and validate the commercial value of the deposits

2. I cannot find any examples of exploration licenses being rejected when applications for production use are submitted

We are therefore dealing with the preparation for production in CSG mining, which will be layered upon large scale increases in long wall coal extraction already under way at Bulli and Helensburgh (the substation feeding the Metropolitan mine has just had its capacity more than doubled in preparation for this).

Therefore, to ensure that coal seam gas exploration and extraction is inhibited on our Illawarra escarpment, bushland buffering the Royal National Park and drinking water catchment lands, the E2 zoning must replace the former '7D' zoned lands and not be downgraded to E3, lower or due to file size, to view all attachments, refer to separate reports on website
The WCC has an absolute responsibility to ensure this happens in accordance with its former plans. However, it should go further, and lobby the State government to have all Petroleum Explorations Licenses in and around these areas and the adjoining water catchment areas rescinded without compensation. This can be on the basis of them being required for public use, as provided for in Section 22 of the NSW Petroleum Act.

I encourage Wollongong City Council to reject any rezoning of lands in the Helensburgh and Otford areas as has been proposed for development. These lands are an important linkage between the Royal National Park, the Illawarra cost and the escarpment conservation areas. The iconic nature and continuity of this green corridor must be maintained for future generations. Only Eco-wise development should be allowed in these areas.

I feel the bush land around the 2508 area needs to remain zoned as 7d or e2 to ensure that not only the wildlife but also the water supply to the National Park is maintained for future generation to enjoy what we currently have.

I grew up in the Sutherland Shire, and still have family and friends there and further south, and I visit the area frequently. It is essential to protect the remaining green corridors with the utmost priority. This is a beautiful and significant area of Sydney, important for wildlife, tourism, water catchment, and biodiversity.

I have lived in Helensburgh for 79 years and feel it is my duty as a grandparent to protect this great town we all live in!

I have lived in Otford for about 25 year and have seen the degradation of The Hacking River from land clearing and development even though it has been limited. It is a very sensitive area and needs to be protected for our children and their children. I want to see the remaining 24 precincts zoned E2

I have lived in Stanwell park and the surrounding area all of my life because it is a beautiful part of the world. Over the years I have watched development take over the bush land and slowly take away the rural feel it had when I was a child. Enough is enough. Not everything is about money!

I have visited those beautiful areas around Helensburgh, and believe they should be zoned E2 as originally proposed and exhibited by Wollongong City Council, to better protect the Royal National Park and for the enjoyment of future generations.

I live in Otford and have done for 9 years it's a beautiful place and I love the bush and don't want to see it change by greedy developers I want to see the 24 precincts zoned E2. We need to protect the catchment of the Hacking River for our future generations and conservation reasons
I live on '7D' land and do not want to see this beautiful region developed further. The wildlife, bushland and waterways are too important to risk

I lived in Otford for many years and value most of all it's position as a wildlife corridor. Developers only care about money, not the biosphere.

I moved away from suburbia. I don't want it here!

I often travel through Otford and Helensburgh by train and car, and hate to think this magnificent bushland will be lost by developmental expansion. The railway line, with its deer-proof fence, which isn't deer-proof when you see wallabies and kangaroos feeding by the side of the rail track, Otford Road and Lawrence Hargrave Drive all cut across this area, causing problems between vehicles, residents and wildlife. This bushland should be an extension of the RNP when there are bushfires, and the fauna needs to head south, or vice versa with fires from the south.

I own 7d land & moved to Helensburgh 13 years ago BECAUSE it had always been protected, through zoning, from being destroyed & over developed. Many of the people I have met have moved to the area for the same reason. BECAUSE we have CHOSEN to live here I don't believe people who speculated & paid very little in comparison, to what we have paid for our land, should be allowed to benefit monetarily through their actions. While not only does the environment suffer by the disregarding of the protective zoning, we suffer, as the reason we moved here has been taken away, & the value of our land devalued.

I own 7D land and do not want this region developed any further. The surrounding bushland must be protected from further clearing and development in order to preserve the green habitat corridor, fresh air and the Hacking River catchment

I previously submitted a written submission on this matter. I fully support the comments above.

I share the community's concern to properly manage our city environment and our Royal NP

I spend a lot of my time living in Otford and understand and appreciate how important the bushland and river are to the longevity of the Royal National Park and tourism. It would be a tragedy to lose it to further development

I STRONGLY OBJECT TO THE DEVELOPMENT OF THE BUSHLAND SURROUNDING THE ROYAL NATIONAL PARK - FOR THE SAKE OF OUR WILDLIFE THIS SIMPLY CANNOT CHANGE - OUR WILDLIFE HAVE A RIGHT TO THEIR ENVIRONMENT AND BECAUSE THEY ARE UNABLE TO SPEAK UP OR HAVE MONEY THEIR RIGHT IS ALWAYS EXPLOITED!

I strongly oppose any rezoning in the '2508' area that would permit further development. These areas need to be conserved for our future.

I submitted a previous written submission about this matter. I fully support the comments above.

I totally agree with all the comments above, particularly in the regards to massive bushfires. The green corridor needs to be protected for animals escaping massive bushfires as well as humans

I totally support the conservation of this land as an important environmental and wildlife corridor. How much land do we need to develop before it's too late???

I urge Council to protect the natural environment in the catchment area of the Hacking River and in areas adjacent to the Royal National Park. This river and national park are special and important natural assets not just for the local area but for the Sutherland Shire, the greater Sydney area and indeed for Australia - the Royal being our oldest and one of our most significant national parks.

I urge you to consider the importance of protecting all of these areas.
I wish to support the WCC in the steps towards conserving the bush areas around my home and the surrounding areas. I moved from Western Australia to live in this pristine environment - where the sea meets the most beautiful mix of rainforest and bushland I have seen - complete with animals I normally only see on the back of coins or notes or in the zoo i.e. echidnas, lyre birds, bower birds, water dragons, black cockatoos and not forgetting the deer.

I would like it noted that I would like to keep the area around the Royal National Park to be Zoned Environment Protection E2

I would like to declare my strong objection to any degradation of the current level of protection afforded to the natural amenities of our communities in 2508. The world is increasingly recognising the importance of protecting biodiversity and water catchments and creeks within our bush lands. We have a direct responsibility for protecting the wildlife of one of the world's oldest national parks and it is now strongly recognised that this means protecting their capacity to move between very large areas of protected bushlands. We can NOT rely on national parks alone - adjacent areas are of crucial significance. I urge Council to protect our area with E2, not E3 rezoning. Thank you very much.

I would like to see the bushland around the National Park stay the way it is. If this bushland is not protected it will be lost forever. We moved to this area so our children could experience the natural beauty of the area and enjoy the diverse wildlife. Please ensure this area is zone E2 to ensure this and future generations can enjoy what the area has to offer. Allowing the area to become another urban sprawl will undermine the tourism and overburden already stretched infrastructure.

In the present time, it is an ecological crime to further develop native and virgin bushland, as population increases, resources diminish. the major parts of Australia have been already cultivated or developed for urbanism. Sydney's jewel is the green belt of bushland, state and national parks around the city, which makes it unique for quality of life and attraction of internationally high level migrants to technically, scientifically and economically further develop our country for competitiveness in the world. speculation and money-making are counter-productive and destroy all our assets. rather than developing native bushland, council and government must concentrate on how to make use out of the already developed or cultivated land. around Helensburgh, there are a number of cultivated grasslands, used for the elevation of horses, which may be used instead of bushland. Government and council should also oppose the common practice that real estate is spread laterally and solicitate multi-story housing. there are countries like in Europe, who nowadays construct appealing multi-story communities, with green space in-between. nothing worse than flat house against flat house, with 3m in-between, no trees, no green - as practiced in Helensburgh or Shell Harbour. This is not sustainable regarding land-use, energy consumption and natural resources. The area will overheat in summer due to missing cooling by the forest and due to necessary air conditioning of the real-estate, heat which is dumped into the local environment changing the micro-climate for the suburb as well as for the national park. the excess heat will raise the risk of bushfire in the surroundings, which will then have to be managed again, which is in contradiction with the national park and conservation areas. Results of forest removal and land devastation can be studied in the ancient countries, such as around the Mediterranean sea. The present rezoning has been oposed in order to satisfy land speculators who have invested minor sums into the land, one generation ago. this is the rule of the game, others loose their money at the trade market. I am more than happy to buy one or two block of lands for the money they have paid, and protect it for conservation. we must stop drawing on our all resources for the benefit of a few speculators and real-estate agents. There are a number of other reasons discussed for not rezoning, including wildlife, water quality and so on. last not least, we must not point to south-American countries blaming them for rain-forest removal while we cut this unique, species-rich, virgin bushland at our doorstep, with direct effects to the Royal National Park and the Illawarra escarpment. Therefore I oppose strongly to the rezoning and development plan and propose to incorporate any bushland into the Royal National Park.
Increased development in the Lady Carrington South area will have a detrimental effect on the Hacking river and the wildlife that reside in the surrounding bush. The sandy soil and rocky terrain will allow all of the pollutant that development brings such as garden fertilizers, animal faces, detergent, pesticides will flow directly into the creek that feeds the Hacking River. Cats and Dogs will decimate the wildlife that is left. The recent influx of cats by new residents in Floyd place has led to the killing of birds and a possum. The impact will be magnified 50 times if all of these new houses are built. And where will I park when I get to the railway station at 7.30 each morning. there is barely a park left down there now. Also how many people can be evacuated on only one exit out of town. the last evacuation was bad enough and Helensburgh has already doubled in size since 2001. This area should be E2 to protect the national park and it's surrounds for everyone. The Helensburgh Land Pooling group have turned into a group of relentless vigilantes and they should be stopped. 

Tess Finch

It is absolutely imperative that no further development should be allowed in these 24 precincts which form such an important buffer zone for both Sydney and Wollongong. I am 80 years old and I want to ensure that my great grandchildren can have the same healthy environment I have enjoyed all my life. Please work hard to protect this important buffer zone.

It is critical that the bushland of Helensburgh, Otford and Stanwell Tops are protected from development. The wildlife corridor is essential to the future of the Royal National Park. I've also witnessed how difficult it is for the existing population to evacuate during bushfire, why risk more lives by increasing the population in such an area?

It is essential that the headwaters of the Hacking River be protected.

It is essential to retain and conserve the remaining '7D'-zoned bushland, for the protection of the Hacking River. Once water has been contaminated, it is virtually impossible - not to mention absurdly costly - to decontaminate it. Therefore holding onto the protection already in place is the best answer.

It is imperative that this corridor of land be preserved for future generations and habitat for our wonderful native species

It is important to preserve our unique nature and wildlife for future generations and plan any future developments with intelligence and good management.

It is most important that development in this area be contained and not expanded. All Blocks should be zoned E2.

It is vital that we protect this green corridor for future generations.

It’s time for conservation objectives in this area to take precedence over development objectives in this area - what needs to be protected is too precious. Thanks for your time in reading my submission.

I've lived in this area for many years and do not want to see developers destroying the bushland any further

Just think of how many Native animals and birds would have their lives taken from them and some to even become extinct with your plans THINK AGAIN

Keep it as a country town

Keep it green - say NO to the developers!
Keep Otford North precinct zoned E2 to ensure the Royal NP and the Hacking River remain strategic and critical habitats corridors for many vulnerable and endangered species.

Keep our corridor GRENN - NO to development.

Keep our native animals and bushland safe!

keep the Helensburgh bush area just the way it is

leave the bush alone please it is a natural wonder that should be protected and not exploited

Let's not ruin this beautiful environment. We the people of Helensburgh & Otford have already seen enough land here slowly turn semi-industrial on the fringes of Helensburgh without appropriate approval. I have lived here in Helensburgh 3 years and other fringe land has somehow slowly transformed from thick bushland to cleared land...For example, the entrance to our great town is disgraceful, with semi industrial storage facilities located on both sides of Parkes St at the very entrance - these were not there 10 years ago! The township cannot be ruined for the personal benefit of 7d landowners most of which do not even reside locally. Let community common sense prevail over the selfish profiteering of a very few. Thank You.

Look after this beautiful place for now and for the future, for the plants and animals - some of which are rare. And for the people too - not only the local residents but tourists from Australia and other parts of the world.

Measures must also be taken to protect this amazing environment from pollution sources in the upper Herberts Creek catchment ie businesses operation in the Walker St area

Mine is not a high falutin letter quoting administrative research and directives. I'm not going to duplicate ad-nauseum passages from EIS's and Council meetings. I want to tell an anecdotal tale from my perspective of what I've noted over the years regarding land-clearing and development in Otford. We moved in to an established house and garden in Otford seventeen years ago. Many blocks around us were still bush havens for wildlife. Through our land swamp-wallabies hopped, lyrebirds chacked, green tree-frogs jumped, rufous fan-tails nested, bandicoots dug, pardelotes swooped, red-bellied blacks curled and silver-eyes flitted. All native and endemic. All numerous in number. None of the above-listed animal life - marsupial, frog, reptile - exist or pass through our land any more - none!! We are responsibly aware of our footprint and do not own a dog or a cat. Though too many times to count we have picked up & buried the ripped-apart carcasses of possums, birds and dog-ravaged wallabies. All dead endemic natives. All dead on our one block of land. All not here now! I'm not an official ornithologist, just a keen observer. As blocks of land around us in Otford are clear-felled with houses built, I have noted a drop-off in bird-life (especially small birds) of epic proportions. This is an abridged list of endemic nesting birds I have witnessed disappear due to habitat-loss from land development in our small area in Otford...... Rufous Fantail Eastern Whipbird Splendid Fairy-wren Variegated fairy-wren Gerygone Yellow Thornbill Little Wattlebird Noisy Friarbird Lewins Honeyeater Eastern Spinebill Spotted pardelote Silvereye Satin Bowerbird Green Catbird Magpie-Lark Masked woodswallow Black-faced Cuckoo-shrike Superb Lyrebird Tawny Frogmouth Channel-billed Cuckoo Crimson Rosella King Parrot Rainbow Lorikeet Yellow-tailed Black Cockatoo Gang-Gang Cockatoo Wonga Pigeon Common Bronzewing Brown Cuckoo-Dove White-headed pigeon Top-knot Pigeon Banded Lap-wing Maned Wood Duck Chestnut Teal Pacific black duck Little Cormorant Sea-eagle I have noted the decline and loss of these all in just the last seventeen years!!! What will future generations have if this species-decline is allowed to continue? I believe consenting to allow further development in Otford and its environs will hasten faunal demise. It's more than just habitat-loss when a block of land is cleared - it's also the disturbance of the whole micro ecosystem. We bushwalk through the areas earmarked for development and note happily that they are providing shelter and refuge for the native birds and animals. The wildlife corridors that exist, leading to and, through the Otford Valley are essential. They need to be kept open and untainted. Allowing more development approval in Otford and its environs will mean endemic extinction for these birds and animals. I trust you come to the right decision regarding these planning changes - one your conscience thinks will best benefit the wildlife.
of the Northern Illawarra

<table>
<thead>
<tr>
<th>No more development outside the Helensburgh CBD</th>
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<tr>
<td>No more development till council fixes what we have now, how many times do we have to investigate and for the community to reject these proposals before council gets the message?</td>
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<td>Not only do I work at Otford Farm, Lloyd Place, Otford, but I also keep my horse on this property and at the crazy t on walker street Helensburgh. Rezoning would inconvenience and disappoint me and my entire family as well as countless friends (not to mention all the horses and also wildlife that co-exist in these areas!!!!!!)</td>
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<tr>
<th>On Bushfire Risk alone this should not be considered.</th>
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<tr>
<td>Once you start to fragment an area you start to destroy its environmental qualities. It turns out to be another death by a thousand cuts.</td>
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<tr>
<th>Otford and Helensburgh are too important and beautiful to allow further development</th>
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<tbody>
<tr>
<td>Our environment and natural area is too important to destroy</td>
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<tr>
<td>Our environment is precious, irreplaceable and should be preserved for the long term, not just for people, but for all the plants and animals needing it for their survival. Please stop the development of our wonderful land and give it the highest possible protection of E2.</td>
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<tr>
<th>Our native bushland needs to be protected not eroded. We have already lost too much in the past. I urge you to increase bushland protection within your council area.</th>
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<tr>
<td>Over very few decades we have already significantly damaged and traduced the rich environmental heritage for which we are now the custodians. As a community we must plan for the long term sustainability of this important area of biodiversity. It is important that we should not further allow our collective commons to be further diminished by short term advantage. We hold these lands in trust not just for immediate residents but for our wider community, now and into the future. Please act wisely and for the common good and protect the future legacy of all. Thank you.</td>
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<th>Please conserve the remaining 7D zoned bushland with existing use rights. This green corridor must not be developed.</th>
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<td>Please consider protecting what we have in the Illawarra and spend money on new and innovative ways to produce energy. We have too much to lose. Wollongong Council should be making a name for itself as an environmentally protective council and lead the way rather than follow the coal companies lead.</td>
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<td>Please consider the environment! It is invaluable and we will never get it back once it is gone.</td>
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</table>
Please continue to protect our local environment

Please do not destroy anymore of our beautiful national parks.

Please do not succumb to the pressure of developers and a short term monetary benefit. We must ensure we zone land to maintain and if possible improve our ability to protect biodiversity and water quality.

Please don’t allow more development. It’s against the interests of residents, tourists, hang gliders, and wildlife.

Please don’t allow speculative commercial interests to ruin the pristine wildlife corridors and bushland.

Please don’t let anybody develop in these areas. They’re precious. Don’t reward speculators.

Please don’t wreck our national park, its not yours it belongs to all of us, and any attempt to just mess around it or the headwaters could be catastrophic. HANDS OFF

Please have a little humility instead of greed.

Please how many times do we have to ask the Council, to consider this environment it needs to be protected - Living on the Hacking is beautiful - but I have noticed a lot of damaged to the river in the last 20 years. This corridor is so necessary for the wildlife and just for peoples enjoyment. Why do you think so many people visit Wollongong everyday year after year!

Please how many times do we have to ask the Council, to consider this environment it needs to be protected - Living on the Hacking is beautiful - but I have noticed a lot of damaged to the river in the last 20 years. This corridor is so necessary for the wildlife and just for peoples enjoyment. Why do you think so many people visit Wollongong everyday year after year!

Please keep existing zoning conditions

Please keep our green corridor intact for future generations

please keep the E2 zoning

please keep the E2 zoning in Otford and Helensburgh

please keep the E2 zoning throughout 2508

please keep the Helensburgh and Otford area zoned E2

Please keep these areas with the protection afforded by the 7D zoning to protect the catchment of the Hacking River, and the Royal National Park and Port Hacking. These areas zoned non-urban and for conservation should not be developed. They are to be preserved for future generations.

Please leave our green corridor alone.
Please leave the land in question under conservation zoning to protect it from any damage that may be allowed under any proposed changes of classification.

Please leave this area alone so our children and their children can experience its beauty and uniqueness. Thank you. Think for the future not your pockets!

Please make the right decision to preserve these dwindling yet important areas.

please preserve the bushland of this area - No more development outside the Helensburgh cbd.

Please protect our beautiful environment from further development

Please protect our last remaining wild places.

please protect our Royal National Park from the impact of more housing and industry

Please protect the 23 districts of bushland. They are an asset for future generations. Best Jacqui Baker

Please protect this beautiful environment. I own 7D land here and would financially benefit from allowing development but I prefer to think of the environment rather than my own gain. Please choose community and environment over self-interest.

please protect this beautiful region

Please protect this precious green corridor and do not allow development in an inappropriate place destroy an environment and so damage a valuable water catchment with all the ramifications that will lead to for all life in this area. I also worry about increased bushfire and risks to people’s lives if such development were to go ahead in these narrow valleys.

please protect this region from further development

Please protect this very vital corridor to our wonderful National Park.

Please put an end to this rezoning debacle and have these zoned E2 for the next 100 yrs at least

PLEASE SAVE THE ROYAL NATIONAL PARK AND THE GREEN CORRIDORS OF SOUTHERN SYDNEY! Zones of connectivity are vital for sustainable biodiversity. They are worth far more than the short-term profits for developers up for grabs here. Responsible planning requires thinking about the impacts of today's actions on the future generations from now. This is a very significant location for many generations of stakeholders, please don’t concrete over our precious green corridors!

Please save this beautiful wildlife habitat corridor

please stop further destruction of wildlife corridor

Please stop the madness and greed. Protect our precious environment and water for future generations.

Please think of our future generations instead of making money for today!
Please think of our future generations instead of making money for today!

Protect our future

Protect our green corridor for our children's future

Protect our National Parks, threatened native animals, fresh air, & current & future population and conserve the remaining bushland precincts and zone them E2.

Protect our National Parks, threatened native animals, fresh air, & current & future population and conserve the remaining bushland precincts and zone them E2.

Protect the Hacking River and the wildlife corridor. All 24 precincts should be zoned E2.

Protect the Royal National Park!

Protect this vital corridor

Protecting this area from development is not only a moral obligation but in the self-interest of us all.

Protecting this area from development is not only a moral obligation but in the self-interest of us all.

Re-zoning for development of these areas in the northern Illawarra is irresponsible and undesirable. Ecologically the area is sensitive, and the congestion that would be caused by urban development would be dangerous in the very likely scenario of any bushfire.

REZONING FOR DEVELOPMENT WILL EFFECT LOCAL BUSINESSES, LOCAL WILDLIFE, TOURISM, AGISTMENT AREAS FOR HORSES, THE ECO SYSTEM, IT WILL CONTRIBUTE TO HIGHER POLLUTION AND NOICE POLLUTION LEVELS. IT WILL DESTROY LIVES!!!!

Save our beautiful conservation land

Save our beautiful forest and animals

Save the bush land around Helensburgh from developers

Save the bush land for future generations

stop further development outside the CBD

Stop listening to developers and save the buffer to the Royal National Park

Stop stealing the bushland, leave it alone and tell your corrupt mates to go away.

Sydney needs as much fresh air, nature as possible! It's more important we protect what it left than to keep diminishing it!!

Thank you for providing the opportunity to support the proposal for E2 zoning on these 24 precincts. It is a relief to see that Wollongong council may be able to leave a lasting positive legacy.

THANK YOU FOR SAVING THIS AREA

Thank you for providing the opportunity to support the proposal for E2 zoning on these 24 precincts.
It is a relief to see that Wollongong council may be able to leave a lasting positive legacy.

<table>
<thead>
<tr>
<th>The 23 precincts currently zoned '7D' (bushland) should be zoned E2 environmental to protect their environmental value for future generations and for the sake of local plants and animals.</th>
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<th>the 2508 region must be protected from greedy developers and saved for the enjoyment of future generations and our native wildlife</th>
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<th>The 7d land is an important wildlife corridor joining the first national park in Australia to the Woronora Plateau. Campaigns to protect it date back to the 1930's. The 23 precincts must be zoned E2 for environmental protection, not carved up for urban sprawl.</th>
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<th>The areas effected are of significant environmental and natural state recreation areas. It would be an unrecoverable loss if these areas were polluted or developed for other purposes</th>
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<th>The biodiversity of the fauna in the Royal National Park depends on the maintenance of a corridor to the South</th>
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<th>The coast and its hinterland between Port Hacking and Lake Illawarra are the greatest natural asset Wollongong possesses. This precious environment must be given the highest possible level of legal and zoning protection.</th>
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<th>The coastal eco system on the south coast is already under a lot of pressure. The question is not should we develop these areas but ,&quot;Can we afford not to protect these area.&quot; Developments in these areas may make a lot of money for developers but we often fail to look after the interests of the residents. We put them at grave risks from bush fires.</th>
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<tr>
<th>The E2 zoning of the 24 precincts of the conservation lands of Helensburgh, Otford and Stanwell Park is vital for the maintenance of a healthy environment not only in Wollongong Council's area but also in the Royal National Park and in Port Hacking. As the Sydney area has increased in population it has become even more important to retain these 24 precincts as a buffer against pollution. These 24 precincts provide and support an environment which improves the quality of life for thousands of people living in the Illawarra and Sydney regions. If greedy developers are allowed to turn this area into an extension of suburbia, the value of this area as a tourist attraction will be severely diminished. The few will profit at the expense of the many. It has become clear that the support of biodiversity not only benefits wildlife but also humans and so the E2 zoning of these 24 precincts so that flora and fauna are preserved, has numerous advantages that should not be overlooked.</th>
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<tr>
<th>The former 7D lands should have the highest protection to stop further development and land degradation</th>
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<tr>
<th>The head waters of the Hacking River should be preserved so as to maintain and improve the quality of water in the Hacking River as it flows through the world's first National Park. To develop further the land in the headwaters would be to damage this great jewel in Australia's environmental crown. Secondly, the link between the National Park and the escarpment must be maintained as a wildlife corridor, and no further development should be allowed that damages this vital wildlife habitat. Council should demand that the State Government buy up existing private land from those willing to sell at no more than the land value for the zoning it was purchased at.</th>
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| The history of increased environmental protection for this small catchment (Hacking) since 1950 is |
being wound back with the proposals to rezone some areas away from Environment protection. To continue the protection decisions of the past 60 years, E2 should be adopted with existing use rights allowed.

The integrity of the Royal National Park cannot be maintained without E2 protection here.

The land must be zoned E2! This is a vital wildlife corridor. Think about your grandkids. Do you want a concrete Wollongong to hand down to them? Sandon point is quite enough.

The maintenance of the wildlife corridor between the Royal NP and the Escarpment is crucial. Animals will not be able to readily move through developments with their lack of cover, cars, dogs and cats. Developers raze good bush to fit as many houses as they can in as they have done in recent years in Walker St Helensburgh. The patches of bush between become degraded and less useful for habitat. The council spends money to try and "maintain" them. Another lot of animals become locally extinct and genetic diversity suffers. E2 is barely enough as the council has not been able to protect the escarpment here from residential development by con men and their "training facilities". LEAVE THE GOOD BIT GOOD and it will look after itself. Think of the future. Think of the carbon dioxide. CONSOLIDATE!

The National Park is an important piece of bushland in Sydney. Its existence is imperative and should not be threatened by council plans.

the national park is too valuable too beautiful to be taken away for just houses and it belongs to all, animals included, think WHAT it would look like, we don't have enough parks and wilderness areas close enough visit as it is.

The need to protect the Port Hacking River catchment is paramount, as is the need to maintain a green corridor through this tract of land.

The preservation of the remaining bushland at the headwaters of the Hacking River, free from urban development is very important to the Royal National Park and local wildlife. The precincts must therefore and finally be zoned E2.

The protection of the integrity of the last natural habitats of the Illawarra shores is vital for native fauna and well-being of people as the NSW coast from Sydney to Eden has been seriously encroached by development in the last decade. NSW has so much to offer than the Gold Coast and this is why people are keen in visiting it! Don't lose the last wilderness that makes the soul of this coast.

The recent fire on Maddens Plains shows how vulnerable that area is. Imagine if there had been working Coal Seam Gas production bores, with a howling southerly wind driving a fire across bores and pipelines. This is wetland protecting the Catchment. The other areas are similarly sensitive patches of vegetation and habitat, and homes for endangered species. Please act to protect these areas from development. Maintain them as habitats and wildlife corridors.

the remaining 24 precincts must be zoned E3 to protect the Hacking River and Royal Nation Park for our future generations.

The residents and users of this part of the coast and surrounds reject this proposal and will contest any attempt to rezone this area. Wollongong council will have another secession debate on its hands if it considers this avenue.
The Royal National Park is Australia’s oldest and the world's second National Park it is of national significance. Protection of the intrinsic values like biodiversity, landscape cultural values are essential. To ensure these values are maintain protection of all adjoining bushland is paramount as they provide significant refuge and wildlife corridors. The USA experience demonstrates the impact upon community, landscape integrity, water quality when Coal Seam Gas extraction is allowed to operate transforming a locality into an industrial landscape.

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<tr>
<th>Please</th>
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<th>The</th>
<th>Royal</th>
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<th>Spoil</th>
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<tr>
<td>The USA experience has equated Coal Seam Gas = Rape Ruin &amp; Run</td>
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<tr>
<td>Ensure the E1 or E2 zoning is gazetted for all bushland areas! Do not facilitate Coal Seam Gas by downgrading any areas to E3.</td>
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<tr>
<td>Don’t let our essential green corridors be subject to Coal Seam Gas extraction or urban expansion.</td>
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The Royal National Park Was I believe the first National Park in England. Our forebears had the foresight to realise that cities need lungs and places for recreation, as well as habitat conservation for birds and animals. We have plenty of land that can be used to put bricks and mortar and concrete pathways and roads and buses and people on it. Don't nibble at the National Park!

| the total area should remain TD or go to E1 as is the only buffer between Sydney and Wollongong and the people who want change are motivated by greed and not common sense. |
| The whole attraction to living and visiting Helensburgh, Otford and the surrounding areas is being nestled in the national park and being surrounded by beautiful flora and fauna. You 'being the council' are only in it for the $$. Wisen up and realise you will only be destroying the very reason in which people come to visit and live. Don’t destroy what we have in the most beautiful part of Australia. Once change such a big thing like rezoning it will never be the same and will end up costing. |
| The zoning was put in place for many good reasons - preserving a vital wildlife corridor for conservation of native fauna; protection of the Port Hacking; bushfire risk. Much development has taken place in this area in last 10 years - it is enough. We all moved to this area because we consider the environment and its protection to be critical to our future. |
| There are few areas in the vicinity of Sydney that are as precious as the Royal National Park and the TD zones around it. They must be preserved at all cost. |
| There is already some much work that needs to be done by council to stop sediment and pollution from entering the existing waterways around Helensburgh and Otford without placing more stress with extra development. Fix the problems that exist now! |
| There is enough development already in the cities of Sydney and Wollongong. Keep the development in the cities and leave the green buffer between them intact. |
| There is no question that this land needs to be protected. We don’t need more concrete!!! |

These 23 bushland precincts are part of an essential green corridor and the Hacking River catchment, and should not be compromised by changing zonings away from E2 to enable any additional development. As well as being part of a green corridor, the vegetation in the 23 bushland precincts being proposed for rezoning is also a useful carbon sink that would inevitably be degraded by permitting additional development not currently allowed. Please zone these 23 precincts as E2.

| These green areas are vital for the populations of endemic species. To live in an area with no green corridors, or green spaces would fill most of the locals with sadness. |
These lands are vital for habitat purposes and not suitable for development. They need to be protected for future generations to come.

These lands should be afforded the highest level of environment protect.

Think the area is developed enough already

This amazing piece of conservation land was given to the people. It should remain the people's.

This area is vitally important to act as a buffer between the coal mine & the township. Coaldust is an issue on windy days and the coal stock pile is vast. The nearby residences and schools must be protected from the coal dust by this bush-belt precinct.

This area should be protected by E2 zoning. Cleared areas should be restored at the owners expense.

This area should be zoned E2 and certainly not 7D. The Land and environment court got it right in 2006.

This area should never have been opened to speculators. There was plenty of land available with building rights at the time. I am one who purchased in Helensburgh in 1986. Land pooling land was clearly identified as not having building rights however it was cheap. The council should not have to compensate speculators for poor investments.

This battle to preserve our landscape, waterways, wildlife corridor and our chosen lifestyle was fought and won 20 years ago. Why are we re-living this drama again? Is it for the mighty dollar once again - when the dollar becomes God, communities crumble, and when communities crumble, society crumbles. This area needs to be protected and Zoned E2

This green corridor is vital to the health of the Hacking River catchment and the Royal National Park, and protecting often scarce water supplies in Australia should be sacrosanct. I support sustainable development; and that requires protecting sensitive and essential bushland and water catchments for communities and developing medium density hubs rather than urban sprawl.

This has to stay a green corridor. The people who came before showed true wisdom by conserving this area. Please show the same forethought for our future generations.

This is a great area - we love it just as it is

This is a repeat of a too frequent process. The decision has been made before not to advance development of this kind. I am against further expansion.

This is a special place of great beauty that should be shared with the wildlife.

This is a unique area that borders the RNP, the Port Hacking River and the ocean. Please protect it.

This is a very important area of bushland to be maintained as it is close to the coalline and needs to act as a buffer to prevent coal dust reaching residential areas. The ridge really needs to be replanted and returned to its former dens bushland origins.

This is a wildlife corridor and bush buffer between Sydney and Wollongong and is a major tourist drawcard as well as ensuring the ongoing care of native species.
This is coming from a conservationist. Do the right thing!

This is our natural heritage and must be protected at any cost. The interests of speculators does not enter the equation.

This land is VERY important to be zoned E2. This area must act as an important buffer between the coalmine and the residential areas. Coal dust is a hazard in Helensburgh and it needs to be controlled.

This open space is of vital importance to our wellbeing and to the wellbeing of native fauna and flora. It would be a crime to make inroads into it.

This would be a tragedy for the local area - the reason why people visit this area is for the natural beauty, it must be preserved.

To develop these areas that protect native plants and wildlife (with the level of understanding we have these days of eco systems and their importance) is nothing short of obscene vandalism to line a few developers pockets. Also how many times do the residents need to scream out that in an event of bushfire, larger populations would not be able to be evacuated. Particularly when developers no longer have to contribute to improving infrastructure. Stop this madness and stop bringing these issues to the table constantly! It has that stink of corruption around it. Especially when people with the guts to stand up and say NO are so blatantly and publically bullied.

Under no circumstances must this land 7D Helensburgh, Otford, Stanwell Park be rezoned for development. This vital land acts as a buffer zone to protect the catchment and other reasons outlined above.

We are especially concerned about the impact of coal seam gas exploration and extraction on the water supply in this unique environment, which directly affects the health of all residents and local flora and fauna.

We are losing so much habitat due to the urban sprawl and each time that happens we lose our native life. The impact on our native is huge and people fail to realise that the native live have territories, to move into another territory means dead. We can always replace a tree but can't replace an animal.

We cannot move the National Parks nor the ocean so must protect the vital link in between. Nor can we risk further lives to bushfire by trying to evacuate yet more people through the few narrow valleys, as evident in the massive wildfires of 2002.

We have a unique and beautiful environment that belongs to all of Sydney and the Illawarra, not the developers who wish to degrade, concrete & run. This precious remaining bushland precincts must be zoned E2.

We must continue to protect these significant eco-systems and put a stop to the short term speculative sprawl of urban development PARTICULARLY when urban consolidation is far more important to perceived short term affordable accommodation outcomes. Don't trash this significant area, you can't get it back.

We must practise responsible stewardship and protect the biodiversity and natural resources of the beautiful land we have been given. The developer money that buys this land will eventually disappear, but the destruction of this bushland will last forever. Help citizens conserve this very important area by denying re-zoning of 7D land. Thank you.

We need to protect our beautiful bushland and native animals, not crowd it with bricks, cars and people.
We sincerely hope this unique area will be protected from overdevelopment so our native flora and fauna will be safe.

We wish to object to the planning proposal 7D land rezoning as it will affect all the people and their homes in the area, have a detrimental affect on our health, the peace and quiet of the people who live in the area which is one of the reasons people choose to live in Helensburgh. It will also affect our water supply, our landscape and wildlife it will also lower the property values in the area.

With the freeway cutting the Royal off from Heathcote National Park there is only one way our wildlife can move into and out of the bush. If the bush around Helensburgh is developed there will be no way of allowing diversity in the Royal. Furthermore the people who move in would further destroy the local bush and introduce more pest species into the area, namely cats and dogs.

You've had the sense not to do this for 25 years at least. Why stuff things up now? Forget the rezoning. Speculators should not be rewarded. Add the land to the National park Now.

Zone it right and protect our future.
### Helensburgh Land Pooling Group Submissions

<table>
<thead>
<tr>
<th>Submissions</th>
<th>Count</th>
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<tbody>
<tr>
<td><strong>ITEM 13 - Land Pooling – Environment Conservation Zoning is not substantiated</strong></td>
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<tr>
<td>Helensburgh Land Pooling land does not meet the criteria for an E2 zoning and should be zoned R2.</td>
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<tr>
<td>Council has failed to provide any evidence to support an E2 zoning of the Helensburgh Land Pooling Land and, according to the Draft Planning Proposal, Council &quot;is not proposing to undertake a flora and fauna study&quot; even though “The draft Planning Proposal seeks to rezone large areas of bushland (non-EECs, but part of an important habitat linkage) to the E2 Environmental Conservation zone.” Neither has Council received advice from the Department of Environment, or the National Parks and Wildlife Service on the conservation value of Land Pooling land.</td>
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<td>The Land Pooling precinct was subdivided in the 1890s. The land was cleared for pit props about 1954 and used for orchards and a dairy farm. The majority of the blocks were purchased in the 1970s and 1980s by mum and dad investors who wanted to move to Helensburgh. In 1984 Council rezoned Merrigong Place and Floyd Place, which adjoin Land Pooling land, to permit residential development. With Council encouragement the Helensburgh Land Pooling Group which was established in 1986. Many of the ninety four persons/companies who own blocks have held the land for over 20 years and for many years these owners paid full rates to Wollongong Council. There is no evidence that threatened or endangered species inhabit the land, or live in the vicinity of Land Pooling land. Extensive studies undertaken by GHD covering landscape, archaeological and environmental issues confirmed that this 23.2 hectares contained no endangered flora or fauna or sites of aboriginal significance. This report was delivered to Council as part of a Development Application for Rezoning of HLP land on 18th December 1992 – council file T360/28/3, containing chapters 7 ‘Vegetation Assessment’, Chapter 8 ‘Fauna Assessment’, Chapter 10 ‘Landscape’. Reports leading to the 1994 Commission of Inquiry also refute the existence of endangered or sensitive flora/fauna on HLP lands. The Commission of Inquiry found that the Helensburgh Land Pooling land contained no significant flora or fauna worth protecting. Further documentation supporting the non-existence of endangered or threatened flora/fauna can be found in the report ‘Assessment of the Environmental Impact of Urban Development at Lady Carrington Estate’, carried out by E.S Turnbull Pty Ltd in conjunction with Kevin Mills and Associated Pty Ltd. This report contains comprehensive vegetation mapping from 1990. Since then the land has become more overgrown with weeds and dumped rubbish. It is more likely to harbour feral animals that prey on native species and definitely is not of high conservation value equivalent to a National Park.</td>
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<td>On 26 February 2010 the Wollongong Local Environmental Plan 2009 was approved by the Minister for Planning, at which time the 7(d) zone was replaced with the E3 Environmental Management zone. Despite claims by environmental activists, detailed studies have shown no evidence that any species has become endangered or vulnerable because of existing development in Helensburgh. Not one location has been identified, either in the Royal National Park or Upper Hacking Catchment Area where evidence of specie loss can be attributed to existing development in Helensburgh. Neither the former Department of Environment, Climate Change and Water nor WCC’s own GIS Group place the Land Pooling precinct within any Habitat Corridor (Attachment 1). In fact Land Pooling land is surrounded on three sides by developed land and is not a wildlife habitat corridor between the Royal National Park and the Illawarra escarpment. Given the lack of significant flora or fauna in the area, in 2001 Council approved development of the Landcom Estate, adjacent to Land Pooling land. The ponding system on the Landcom Estate has since created a sanctuary for a wide range of</td>
<td>843</td>
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Although the 2007 Illawarra Regional Strategy recommended the use of E2 Environmental Conservation zoning to protect Littoral Rainforests, Land Pooling land contains no Littoral Rainforest, is not of high conservation value and fails to meet the criteria for E2 Environmental Conservation.

WCC should acknowledge that the development of Land Pooling land, in isolation to other factors, does not present any risk to any endangered or threatened species. And that zoning this degraded precinct E2 Environmental Conservation would undermine the entire planning process and the appropriate use of E2 zoning to protect land of high conservation value suitable for inclusion in the State Reserve. Includes a copy of Council’s “Conservation Assessment Corridor” map

ITEM 13 - Land Pooling – E2 Zoning is not supported by Council’s Planning Department

Land Pooling land should not be zoned E2 because this zoning is not supported by Wollongong City Council’s professional planning staff. They report that ‘While the E2 zone is appropriate for large parts of the area, it is not appropriate in other areas which have been cleared and are being used for farmland, housing, tourism or employment uses.’

The 23.2 hectare Land Pooling precinct was subdivided for housing in 1880. The land was cleared in 1954 for pit props and used for orchards and a dairy farm. The land is regrowth bush of no conservation value. Land Pooling land is surrounded on three sides by developed land and it is not a wildlife habitat corridor between the Royal National Park and the Illawarra escarpment.

Wollongong City Councillors have failed to make the case for zoning Land Pooling land E2. Where is the Net Community Benefit Test Study? The Environment Report? The Flora and Fauna Study? or the Social and Economic Effects Report?

The 2007 Illawarra Regional Strategy, approved by Wollongong City Council, recommended the use of E2 Environmental Conservation zoning to protect Littoral Rainforests, not degraded bushland. Wollongong City Council’s GIS group also places Land Pooling outside any Habitat Corridor. It is therefore not appropriate to be zoned E2.

None of the three reports submitted with the Draft Planning Proposal supports rezoning the land Environment Conservation E2. i.e. ‘Draft Review of lands at Helensburgh, Otford and Stanwell tops - Willana 2009; ‘REVIEW OF 7(D) LANDS AT HELENSBURGH, OTFORD AND STANWELL TOPS - PRELIMINARY REPORT ON SUBMISSIONS’; and ‘REVIEW OF 7(D) LANDS AT HELENSBURGH, OTFORD AND STANWELL TOPS - FINAL REPORT ON SUBMISSIONS’.

In fact the Helensburgh Urban Capacity Study prepared for Wollongong Council by SGS in 2006 recommended undertaking a comprehensive planning study to consider additional development on the fringe of the existing areas of Helensburgh to cater for the strong demand for housing and limited supply. The 2009 Willana report stated that the “Land Pooling area presents as a logical extension to the Helensburgh urban area” and the Preliminary Report on Submissions prepared by Council’s Planning Department on 25 May 2010 recommended zoning Land Pooling land R2 (Attachment 2).

Council should adopt the recommendations of these reports and zone Land Pooling land R2.

The ‘REVIEW OF 7(D) LANDS AT HELENSBURGH, OTFORD AND STANWELL TOPS - FINAL REPORT ON SUBMISSIONS’ prepared by Council’s Planning Department also recommended that the zoning of Land Pooling and Lady Carrington East be deferred and considered as part of a Voluntary Planning Agreement proposed by Ensile Pty Ltd. In the only internal report provided to support a rezoning application, WCC recommended “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 Due to file size, to view all attachments, refer to separate reports on website
transferred to public ownership as indicated in the draft Planning Agreement."

Given that in 2011 Council’s Planning Department was prepared to consider the development of Land Pooling land as part of a Voluntary Planning Agreement, Councillors should respect the views of their professional planning staff and proceed with the exhibition of the Voluntary Planning Agreement, not zone Land Pooling land E2.

ITEM 13 - Land Pooling – Bushfire Hazard

I object to the zoning of Land Pooling land E2 because Council’s proposal will increase the fire hazard to Helensburgh East. Land Pooling land creates a bushfire risk for the residential properties, but the Draft Planning Proposal fails to include any bushfire management plan for the land. Previous efforts by owners to establish Asset Protection Zones on their land to reduce the fire hazard have been frustrated by Council.

Given the fragmented ownership of the land, zoning the land E2 will exacerbate this problem. Council will have to seek permission from every land owner before any controlled burning can take place. This will impose a significant imposition on Council’s time and the risk that Council will be held responsible if a large fuel build-up results in a fire passing through the land and destroying property in Helensburgh.

Zoning Land Pooling land R2 would reduce the bushfire threat to Helensburgh. The Willana Report states that “the Land Pooling Area is protected from fire risk to the north by the Helensburgh urban area and to the west and south by cleared rural industrial uses. Uncleared land directly adjacent and south and east of the Land Pooling would to provide an asset protection zone should the Land Pooling area be developed."

Bushfire risks within the precinct can be managed by the creation of a 70m Asset Protection Zone on the estate. The pondage system that would be part of any development would provide a ready supply of water for fighting fires.

The risk of a bushfire has not prevented infill development of Helensburgh or the rezoning and subdivision of land at Merrigong Place and Floyd Place in 1984 to permit residential development or the Landcom Estate in 2001. In the event of a major bushfire, Helensburgh could be evacuated by closing the F6 and directing four lanes of traffic north.

ITEM 13 - Land Pooling – Net Community Benefit

Rezoning Land Pooling land R2 is the best way to meet the development aspirations of the local community.

Council’s Draft Planning Proposal to rezone Land Pooling land E2 should not proceed because it has failed to undertake A Net Community Benefit Test, as required under the Gateway Process.

Zoning Land Pooling land E2 is contrary to the objectives set out in the 2007 Illawarra
Regional Strategy. This document noted that LEPs and DCPs will incorporate appropriate urban design and land use objectives including:

- sustainability principles;
- revitalising centres to create quality urban environments and economic and employment growth; and
- promoting community health and well-being through appropriate housing and facilities that offer opportunities for social interaction.

The Draft Planning Proposal fails to promote the development of appropriate housing and facilities that offer opportunities for social interaction. The opportunity for social interaction created by developing a wetland with extensive parkland for recreation in the Land Pooling estate has not been considered.

The needs of business and parents with school age children have been completely ignored. How many more shops will have to close and businesses move their operations out of town before Council realises that its policies are destroying the local community? How does the Draft Planning Proposal revitalise Helensburgh and create economic and employment growth?

Where is the net community benefit when high school students have to travel hours to attend school because of a lack of building sites?

Council’s Draft Planning Proposal fails to consider the benefits of additional development on the fringe of the existing areas of Helensburgh to cater for families wanting to live in Helensburgh. Both the Willana Report and the Helensburgh Urban Capacity Study highlight the strong demand for and limited supply of housing in Helensburgh. Council should adopt the recommendations of the 2012 COAG Housing Supply and Affordability Reform (HSAR) report to enhance housing supply and affordability. This report found that Government’s at all levels should ensure planning policy does not interfere with the market’s capacity to provide the type of dwellings that people want to live in at the locations where they want to live. This can be achieved by zoning Land Pooling land R2.

ITEM 13 - Land Pooling – Resolution of Paper Subdivisions

The Land Pooling precinct is the most debated precinct in the study area. Over the past 30 years the issue has cost WCC hundreds of thousands of dollars in staff time. The precinct is situated between land cleared and developed for housing to the north, land cleared and developed for rural activities and light industry to the south and west, and bushland to the east. Pressure to resolve the issue relates to the need to provide a long term solution to the owners of the paper subdivision lots that supports sustainable development, better utilizes existing infrastructure and protects the environment.

Whilst ever the Land Pooling lots remain in private ownership there will be pressure from the landowners and the community to allow development, and from nimbies to prevent it. This pressure on Council will increase if the larger holdings are sold off as individual lots. Rather than continue this debate for another 30 years, the Draft Planning Proposal should support the NSW Department of Planning and Infrastructure’s efforts to overcome the difficulties associated with highly fragmented land ownership.

The expansion of Helensburgh is supported by the Helensburgh Urban Capacity Report 2006 and the Willana Report 2009 and is consistent with the Illawarra Regional Strategy adopted by Council in 2007. The Regional Strategy ‘encourages greater
utilization of available infrastructure through higher densities and appropriate housing mix around major regional centres, major towns and towns such as Warrawong, Shellharbour City centre, Dapto, Corrimal, Fairy Meadow, Figtree, Unanderra, Albion Park, Warilla, Kiama, Helensburgh, Thirroul........ The scale and density and development will be appropriate for the individual areas taking into account factors such as capacities, character and level service’.

Previous submissions by Commonwealth and State Government Departments have not objected to Land Pooling land being developed for residential use. In fact the (then) Department of Environment, Climate Change encouraged the use retention pond systems to improve the quality of runoff water. Merrigong Place and Floyd Place which adjoin HLP were rezoned and resubdivided in 1984 to permit residential development without any measures to treat stormwater. And the Helensburgh Landcom estate was approved in 2001.

Councillors should be seeking to apply the changes made in 2008 to the Environmental Planning and Assessment Act 1979 relating to paper subdivisions to Land Pooling land. For this reason the Draft Planning Proposal should support, not frustrate, current efforts by the NSW Department of Planning and Infrastructure to resolve Paper Subdivisions in New South Wales. Councillors should support the draft Environmental Planning and Assessment Amendment (Paper Subdivisions) Regulation 2012 and work with the NSW Government to establish a process that facilitates the development of the Land Pooling paper subdivision.

ITEM 13 - Land Pooling – Just Terms Compensation for Owners

I object to the Draft Planning Proposal to zone Land Pooling land E2 Environment Conservation because it could make Council liable to pay millions of dollars in Just Terms Compensation to landowners.

Because an E2 zoning would effectively sterilise the land, Land Pooling landowners have a strong case for compensation for the loss in its value. Council would have to devote considerable resources to fighting their claim and risk a huge payout if they lost their case.

The land would still be privately held and demands on Council for its development would continue.

Council has previously assessed the value of Land Pooling land to be over $6 million. The Draft Planning Proposal fails to inform ratepayers that they could face significant rate levies if Council had to pay Just Terms Compensation and legal costs to the landowners.

ITEM 13 - Land Pooling – Water Quality

Development of the HLP Precinct using retention pond systems will improve the quality of runoff water into the Hacking River.

Council’s proposal to zone the land E2 will not improve the quality of runoff water entering the Hacking River. An E2 zoning is inconsistent with Council’s own land management practices in Helensburgh. In 1984 Council rezoned and resubdivided land at Merrigong Place and Floyd Place to permit residential development. This results in untreated stormwater from the roads and houses being directed into an outlet at the top of Werrong Road and onto the Land Pooling land. This untreated stormwater floods the Land Pooling land with silty water, contaminants and other rubbish. It also creates gullies up to a metre deep and hundreds of metres long. Habitats are destroyed due to erosion and weeds travel downstream into tributaries of the Hacking River.

Previous submissions by Commonwealth and State Government Departments have not objected to Land Pooling land being developed for residential use. In fact the former Department of Environment and Climate Change encouraged the use retention pond systems to improve the quality of runoff water. Measures such as on-site retention tanks, collection of rainwater, greywater recycling and ponding systems...
would ensure that the quality of stormwater leaving the site was significantly better than is currently the case.

The 2007 Illawarra Regional Strategy noted that future development in river catchments would need to demonstrate no net impact on the hydrology, water quality or ecology of wetlands. Modern ponding systems, such as Landcom’s 116 hectare Renwick Estate have been designed to meet the SCA’s Neutral or Beneficial Effect (NorBE) Test. Runoff from the Renwick Estate drains via the Nattai River into Warragamba Dam and Sydney’s potable water supply.

The solution to improving the quality of water flowing into the upper reaches of the Hacking River is to zone Land Pooling land R2 and require a properly designed ponding treatment system to be constructed as part of the development. Such a system that includes water conservation, pollution control and flow management would not only manage run-off from Land Pooling land, but also retain and filter stormwater from adjacent residential land that currently enters the Hacking Catchment untreated.

Zoning Land Pooling land R2 would also increase the habitat for waterbirds and recreation opportunities for residents. The parkland at Landcom’s Glade Estate is a popular recreational area for Helensburgh residents.

ITEM 13 - Land Pooling – Capacity for Urban Development

Land Pooling land is well served by local infrastructure and should be zoned R2 so it can be developed for much needed housing. Merrigong Place and Floyd Place, which adjoin Land Pooling Land were rezoned and re-subdivided to permit residential development in 1984.

Extensive studies undertaken by GHD in 1992 covering landscape, archaeological and environmental issues confirmed that this 23.2 hectares contained no endangered flora or fauna or sites of aboriginal significance.

Since that time independent planning studies have confirmed that the land has the capacity for urban development and recommended an R2 zoning. The precinct has gentle slopes, with the majority <8%. Water retention ponds would be created in the steeply sloping areas.

Land Pooling land can be serviced by the existing electricity, reticulated water and sewerage systems. Sydney Water has indicated that there is capacity in the sewerage system to accommodate additional urban development. The rail and road transport links to Sydney and Wollongong are excellent. Community facilities such as a health centre, primary school, shops and sporting clubs are well established.

Council should recognise the capacity of Land Pooling land to be developed in an environmentally sensitive manner in accordance with the principles contained in the 2007 Illawarra Regional Strategy, including revitalisation of town centres to create quality urban environments, economic and employment growth.

A modern ponding treatment system, designed to meet the SCA’s Neutral or Beneficial Effect (NorBE) Test, would be constructed as part of the development. This system would include water conservation, pollution control and flow management to retain and filter stormwater that currently enters the Hacking Catchment untreated.

Council should adopt the recommendations of the 2012 COAG Housing Supply and Affordability Reform (HSAR) report to enhance housing supply and affordability. This report found that Government’s at all levels should ensure planning policy does not interfere with the market’s capacity to provide the type of dwellings that people want to live in at the locations where they want to live. In particular, ensuring more efficient use of existing land and housing stock and reducing unnecessary costs and charges for developers and home buyers.

Includes a copy of Council’s slope map
ITEM 13 - Land Pooling – Studies confirm no archaeological sites on this land

With regards to Land Pooling land there is no evidence of any sites of aboriginal significance. Extensive studies undertaken in 1992 by GHD covering landscape, archaeological and environmental issues on the land confirmed that this land contained no sites of aboriginal significance. This report was delivered to Council as part of a Development Application for Rezoning of HLP land on 18th December 1992 – council file T360/28/3.

The 1994 Commission of Inquiry also found no evidence of sites of aboriginal significance on Land Pooling land. Furthermore Council has decided not to undertake an Aboriginal Heritage Study on this land.

Because there are no Aboriginal heritage sites on this 23.2 hectare parcel of land Councillors should support its development and zone Land Pooling land R2.

ITEM 13 - Land Pooling – No adverse visual Impact from Bald Hill

No adverse visual impact on the view from Bald Hill and the views of this ridge line from the Grand Pacific Drive.

ITEM 13 - Land Pooling – Economic Benefits to Wollongong City Council

I support zoning Land Pooling land R2 so that substantial economic benefits can be realised by Wollongong City Council.

By not submitting a Net Community Benefit Test, a Community Strategic Plan or a Social or Economic Effects Report with the Planning Proposal, Council has failed to consider the substantial economic benefits of allowing Land Pooling land to be developed.

Rezoning the land R2 would create 500 jobs and generate $100 million in construction activity for the local community. And, unlike housing developments in Dapto, infrastructure is already well established.

Once completed, Land Pooling would contribute about $250,000 per year to Council’s finances. This money could fund much needed improvements to stormwater treatment for Helensburgh.

Zoning the land R2 would avoid Council having to spend over $6 million to buy back the land. Because whilst ever the Land Pooling land remains in private ownership there will be pressure from the landowners and the community to allow development, and from nimbies not to permit development.

Rezoning the degraded Land Pooling land E2 will impose a significant burden on ratepayers who would have to fight an expensive legal case for Just Terms Compensation by the owners whose land would be effectively sterilised if it was zoned E2.

Ratepayers would also have to meet the cost of managing a large area of privately owned E2 land around Helensburgh. Council’s resources will be tied up inspecting
land and seeking permission from hundreds of landowners to control noxious weeds, dumped rubbish and feral animals from establishing themselves in the area. Council will also have to organise for landowners undertake hazard reduction burning to protect the eastern side of Helensburgh.

Council has also acknowledged that because the lots within the Lady Carrington Estate South and Land Pooling precincts have separate titles, the large holdings could be sold off as individual lots. This would cost Council many thousands of dollars and hours of staff time each year responding to representations and petitions from landowners seeking a permanent solution.

Councillors must acknowledge the overwhelming benefits to Wollongong City Council of developing Land Pooling land and rezone it R2.

ITEM 13 - Land Pooling – Maximize existing infrastructure

Land Pooling land must be zoned R2 to allow its development for much needed housing for NSW. The development of Land Pooling is a logical extension to Helensburgh. Using best practice building standards this degraded land can be sustainably developed and managed to protect the environment. The 2007 Illawarra Regional Strategy adopted by WCC encourages greater utilisation of available infrastructure through higher densities and an appropriate housing mix around towns such as Helensburgh.

Unlike housing developments in Dapto and north-west Sydney, Land Pooling land is already well served by established infrastructure. This includes express rail services and the F6 which connect Sydney and Wollongong. Access ramps to the F6 were recently upgraded and the proposed the extension of the F6 to Tempe will further reduce commute times.

Sewerage, reticulated water and power are more than adequate for the development of Land Pooling land. Sydney Water has indicated that there is capacity in the sewerage system to accommodate additional urban development and the electricity grid can accommodate the development. Unlike greenfield sites on the west of Sydney, Helensburgh offers new residents retail shops, community facilities, clubs, schools and sports grounds.

Sydney is predicted to house more than 7.5 million people by 2050. From a local Helensburgh market perspective demand for new housing product is strong and will remain so, and supply is constrained. Land Pooling land has been recognised in several studies as being suitable for housing. Its close proximity to the coast and Royal National Park makes it an ideal location for families. But families need housing and Council must act to ensure there is sufficient land available to meet this demand.

Development of the Land Pooling land supports the objectives of the 2007 Illawarra Regional Plan through job creation, increased local jobs and strengthening the Region’s links to Sydney.

Land Pooling must be zoned R2 to maximise use of existing infrastructure, address the strong demand for housing in Helensburgh and support local business.

ITEM 13 - Land Pooling - Abuse of the Submission Process

Council would be aware that the previous submission process for 7(d) lands at Helensburgh, resulted in Council’s servers being overloaded when about 18,000 computer generated emails were sent from the OtfordEco website. One of the persons who organised that campaign is now a councillor at WCC.

Senior council staff are aware that during the last submission process the OtfordEco website was programmed to generate multiple submissions without the users knowledge. At that time the Administrators asked Andrew Carfield what could be done to prevent this and his response at the time was that they would need look into it. Subsequently nothing was done, and spam submissions were received and counted. This action by Council resulted in totally distorted figures being included in the report submitted to the NSW Department of Planning when proposing the new LEP. The references to ‘18,000’ submissions by people whose interest is in locking Helensburgh up creates the false view that the community at large wants no development in the
town. Furthermore the figures were not broken down for each of the 13 precincts under consideration or those submitted by ratepayers or non ratepayers.

I object to Council rezoning Land Pooling land E2 when the submission process for the Exhibition Process is based on computer generated ‘submissions’. The whole process devalues the efforts of ratepayers and Council’s professional planning staff who submit their own thoughts and suggestions. In the case of the OtfordEco website, one submitter can generate multiple submissions without the user’s knowledge. Furthermore, the administrator of the OtfordEco website has purchased the helensburghlandpooling.com.au website and is directing all traffic to the OtfordEco website.

Council’s Exhibition Process has also failed to give ratepayers the opportunity to comment on the Planning Agreement proposed by Ensile Pty Ltd. The proposed changes to the LEP should be rejected by the NSW Department of Planning because Council failed to put this detailed and thoroughly researched plan to zone Land Pooling land R2 on exhibition.

Based on the flawed submission process, I object to rezoning the Land Pooling land E2.

<table>
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<tr>
<th>Central Otford</th>
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| The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.  
Wollongong council are responsible for these environmental zonings, stating that their main concern is the Royal National Park and the Hacking River. And if development were to be permitted in this area, this would endanger the welfare of both the Park and the River.  
This is not the case, and with modern technology and building of enviro sensitive development, as seen all over Australia, Helensburgh could be a thriving Centre and it could also help with the NSW Government’s chronic shortage of land for housing.  
There is in this area a small minority of dedicated “anti- development and anti-progress activists” who appear to influence both Wollongong Council and The NSW Dept. of Planning, Due to these activists’ efforts over the years, very little development activity has taken place, and Helensburgh has been left to stagnate.  
The area is highly sought after by young people to live in and to raise families, but this has mainly been curtailed by the restrictive zonings applied by Wollongong council.  
At the present time there is a Public Exhibition of the council’s latest attempt to lock up this prime building land in private ownership with a new zoning known as E2 [environmental protection]  
This would, if applied certainly sterilise the lands for the foreseeable future, and leave the landowners in “limbo” once again.  
The zoning that should apply are in many places should be E4 [Environmental Living,] and various other zonings that allowed these lands to be used in a sensible way And would go a long way to solving the whole land problem in this area.  
This area is situated on steep land and is almost fully developed with most parcels of land containing dwellings.  
The few parcels of land that are not developed should be permitted to build a dwelling. |
Wollongong council Planning Dept. recommended that this area should be zoned E4 [environmental Living]
And this indeed should be the correct zoning to apply on this area.

The impact on the environment would be legible, and also, as the area is mostly occupied with dwellings on large blocks of land the addition of a few more would make no difference.

This area should be zoned E4 [environmental living]

**Frew Ave**

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.

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The zoning that should apply are in many places should be E4 [Environmental Living,] and various other zonings that allowed these lands to be used in a sensible way And would go a long way to solving the whole land problem in this area.

This precinct is to the east of the Princes Highway and behind the B6 Gateway area. It borders on Lawrence Hargraves Drive to the south.

This land would be perfect for a long overdue High School in Helensburgh.

This is a large parcel of land with various activities but much of it is vacant and as it is in the centre of the town various zonings should be applied to it including more B6, [Business Enterprise] and including an accommodation zoning, possibly a motel. There is also plenty of area for general residential zoning.

The land is mostly flat and all services are readily available Water, Power, and Sewerage.
To lock up this prime land with a E2 zoning shows very poor foresight.

**Gills Creek**

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.

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The area is highly sought after by young people to live in and to raise families, but this has mainly been curtailed by the restrictive zonings applied by Wollongong council.

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The zoning that should apply are in many places should be E4 [Environmental Living,] and various other zonings that allowed these lands to be used in a sensible way and would go a long way to solving the whole land problem in this area.

The Gills Creek area has very large parcels of land and very few dwellings. It is bordered by the Princes Highway to the west and the F6 to the East.

This area is mainly flat and it has a lot of clear land, ideal for E4 zonings [environmental living] and with imagination this area could be used for other more useful purposes.

Environmental impact of development on this land would be negligible and impact on wildlife the same.

**Govinda**

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.

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The zoning that should apply are in many places should be E4 [Environmental Living,] and various other zonings that allowed these lands to be used in a sensible way
And would go a long way to solving the whole land problem in this area.

This area should be E4 to allow for future expansion of the retreats facilities.

The environmental impact of this would be minimal and the benefit of this retreat increased.

Lloyd Place

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity.
Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades.
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At the present time there is a Public Exhibition of the council’s latest attempt to lock up this prime building land in private ownership with a new zoning known as E2, [environmental protection].

This would, if applied certainly sterilise the lands for the foreseeable future, and leave the landowners in “limbo” once again.

The zoning that should apply are in many places should be E4 [Environmental Living,] and various other zonings that allowed these lands to be used in a sensible way. And would go a long way to solving the whole land problem in this area.

Lloyd Place is situated at the bottom of Otford Road and contains 5 acre blocks.

The precinct also runs up Otford Road toward Helensburgh and in all there are 23 parcels of land.

The land is steep in places, but this land was developed by Wollongong Council in the 1970’s for use as country dwellings.

Wollongong council allowed all these lots to be sold then changed the zoning on the area, [without notifying the owners] and as a consequence,

These people have been unable to use this land for 40 years and they still pay rates to council!!

This land should be zoned E4 [environmental living] as this is the zoning that it was originally to be used for.

Lukin Place

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity.

Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades.

Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.

Wollongong council are responsible for these environmental zonings, stating that their main concern is the Royal National Park and the Hacking River.

And if development were to be permitted in this area, this would endanger the welfare of both the Park and the River.

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Lukin Place sits above the Metropolitan colliery and is adjacent to normal residential development found all over Helensburgh Otford and Stanwell Topps.

The addition of new dwellings of the few parcels of land in this area is common sense; the environmental impact of this development is negligible.

The zoning on this land should be general residential

<table>
<thead>
<tr>
<th>Otford North</th>
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<tbody>
<tr>
<td>The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases. Wollongong council are responsible for these environmental zonings, stating that their main concern is the Royal National Park and the Hacking River And if development were to be permitted in this area, this would endanger the welfare of both the Park and the River. This is not the case, and with modern technology and building of enviro sensitive development, as seen all over Australia, Helensburgh could be a thriving Centre and it could also help with the NSW Government’s chronic shortage of land for housing. There is in this area a small minority of dedicated “anti- development and anti-progress activists” who appear to influence both Wollongong Council and The NSW Dept. of Planning, Due to these activists’ efforts over the years, very little development activity has taken place, and Helensburgh has been left to stagnate. The area is highly sought after by young people to live in and to raise families, but this has mainly been curtailed by the restrictive zonings applied by Wollongong council. At the present time there is a Public Exhibition of the council’s latest attempt to lock up this prime building land in private ownership with a new zoning known as E2.[environmental protection] This would, if applied certainly sterilise the lands for the foreseeable future, and leave the landowners in &quot;limbo&quot; once again. The zoning that should apply are in many places should be E4 [Environmental Living,] and various other zonings that allowed these lands to be used in a sensible way And would go a long way to solving the whole land problem in this area. This area is to the East of the Railway in Otford and land is mostly large parcels. Many of these parcels of land have dwellings and some of this land is in the Otford suburban area. This area should be zoned E4 [environmental Living]</td>
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</tbody>
</table>
The addition of country style dwellings in this would have zero impact on the wildlife corridors and would complement the development that is already in situation.

**South Otford Precinct**

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.

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The area is highly sought after by young people to live in and to raise families, but this has mainly been curtailed by the restrictive zonings applied by Wollongong council.

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The zoning that should apply are in many places should be E4 [Environmental Living] and various other zonings that allowed these lands to be used in a sensible way. And would go a long way to solving the whole land problem in this area.

This area is close to the top of Bald Hill and has large parcels of land with very few dwellings.

This area could easily contain single country style dwellings with no impact on the wildlife corridors or the water quality in the Hacking River.

A zoning of E4 is the correct for this area.

**Walker Street**

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.

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The zoning that should apply are in many places should be E4 [Environmental Living,] and various other zonings that allowed these lands to be used in a sensible way and would go a long way to solving the whole land problem in this area.

Walker St Precinct Zoning [IN2] is correct to apply to the landscaping business in this area.

Further south the zoning should be E4 to allow for country style dwellings as they would have no environmental impact on the

This land has gentle slopes and is ideal for rural properties. All services are available Water, Power, and Sewerage, and this area would have great potential for overnight accommodation as it is close to Bald Hill and Symbio.

**WILSONS CREEK**

The Helensburgh area is in easy reach of Sydney and Wollongong with excellent transport facilities and ample supply of water and electricity. Much of the land in and around this northern suburb of Wollongong is vacant because it has been environmentally zoned for decades. Much of this land is privately owned and council rates have been paid by the owners for up 45 years, in some cases.

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Wilson Creek precinct is located on the western end of Helensburgh and has mainly large parcels of land which were sub-divided in the 1890's period for suburban sub-division.

The Princes Highway runs through the middle of the lands and Parkes St is the Southern boundary. It has Mains Water supply and Electricity, and the sewer line is located a short distance away on Parkes St which is the main Road into Helensburgh.

The area has many dwellings scattered around on these large parcels of land, and is an ideal location for low density housing [country style dwellings]

Wollongong council have marked this area to be zoned E2 [environmental protection] this should be zoned E4 [environmental living]

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## Otford South Precinct Group Submissions

<table>
<thead>
<tr>
<th>Letter</th>
<th>Summary</th>
<th>Count</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Objection – planning proposal inconsistent with Council’s strategic plan. E2 zone not appropriate for cleared areas, used for farmland, housing, tourism or employment uses.</td>
<td>55</td>
</tr>
<tr>
<td>2</td>
<td>Object to the rezoning of Otford Farm and Otford Valley Farm to E2. Otford Farm has existed for 50 years, and provides a social and economic benefit to the area. Family run business that provides recreational facilities and gets teenagers off the streets.</td>
<td>53</td>
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<tr>
<td>3</td>
<td>Otford South has 7 houses on 124ha which represents 1 dwelling per 17.7ha. Compared to Otford township of 94 dwellings on 20ha (1 dwelling per 0.2ha). Residents of South Otford have maintained the high ecological value, they have retained and enhanced the visual and scenic qualities due to the low density. Object to rezoning from E3 to E2. E3 restrictive enough.</td>
<td>55</td>
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<tr>
<td>4</td>
<td>Object to rezoning to E2 and Net Community benefit test has not been prepared. There is no certainty for landowners if their house is destroyed by fire.</td>
<td>55</td>
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<tr>
<td>5</td>
<td>Object to rezoning to E2 as there is no Aboriginal heritage in the area, that warrants protection. The rezoning will have an social and economic effect on landowners, including a huge impact on valuation due to the uncertainty of land tenure and the inability to replace the dwelling. Affect the social well-being as it will place a strain financially and mentally on many households.</td>
<td>55</td>
</tr>
<tr>
<td>6</td>
<td>In 1994 Council described South Otford and “non-sensitive area”. 18 years later nothing has changed, as the developed occurred prior to 1994. The objectives of the E2 zoning have been met under the prior two zoning types which have protected the area, managed and maintained the scenic quality and allowed 7 houses on 7 lots. The rezoning to E2 is an indictment on the residents ability to maintain the environment. Their right to maintain their dwelling if destroyed by fire. Should not have to demonstrate existing use rights, and be subject to size and location limitations. Object to rezoning to E2.</td>
<td>55</td>
</tr>
<tr>
<td>7</td>
<td>The land use table comparison should be amended to show that landowners can be able to replace dwellings on undersized lots, as the lots would have been approved to be constructed on.</td>
<td>54</td>
</tr>
<tr>
<td>8</td>
<td>The Willana Report (p:41) talks about the regional wildlife corridor being at least 1km wide. This is difficult to achieve due to the 2m high chain wire fence along the railway, Lady Carrington Drive and Otford Village. The low density nature of Otford South has the ability to maintain the natural environment. Therefore rezoning to E2 is not applicable or appropriate.</td>
<td>55</td>
</tr>
<tr>
<td>9</td>
<td>The Helensburgh Commission of Inquiry report (1994 p:17) states “existing developments have reduced the Royal National Parks conservation and recreation values and placed a financial burden on National Parks, who do not support additional development due to the loss of fauna, reduced wildlife corridor, increased domestic animals, increased weed invasion and increased nutrient and algae problems”. The proposed rezoning from E3 to E2 will dramatically reduce property values and place financial burden on the landowners. Development in South Otford occurred prior to 1994. Development in South Otford has reached its maximum development potential under the current zoning scheme.</td>
<td>87</td>
</tr>
<tr>
<td>10</td>
<td>The letter from the RFS (15/5/12) where they raised no concern or issues in relation to bush fire, is a gross understated, ill-informed statement on their behalf. They don’t realise the full implication of the zoning change to E2. E2 will preserve all vegetation to the extent that landowners will not be allowed to pick up any fallen braches, twigs, leaves or other matter that has fallen from trees. This will allow all dry matter to build up and provide a greater fuel load. Residents will be denied the ability to rebuild their dwellings if destroyed by fire due to the increased fuel load. Council and</td>
<td>55</td>
</tr>
<tr>
<td>Line</td>
<td>Text</td>
<td></td>
</tr>
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<td>------</td>
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</tr>
<tr>
<td>11</td>
<td>The State Government will be held accountable for the decisions that they place on property and human life. Do not support rezoning from E3 to E2.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Otford South is unique and zoning to E2 will not improve environmental quality, already area is developed in environmentally sensitive manner. Object to Councillors decision to override Council Officers’ recommendation to remain E3, an E2 zoning will have significant social and economic implications for landowners.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Councillors did not visit Otford South on their bus tour/site inspection of area, yet make decisions on its future without considering impact on landowners here. People can drive down to Otford South and not even realise there are houses here. Object to E2 zoning as current zoning is effective in maintaining natural beauty and environmental value of area.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Object to Councillors decision to override Council Officers’ recommendation to remain E3, an E2 zoning will have significant social and economic implications for landowners.</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Willana Report 2009 states one objective of E2 zone is to maintain the quality of the Sydney and Illawarra water supply. This may be applicable to Helensburgh and Stanwell Tops but not to Otford because of topography. Land falls primarily towards ocean and not to catchment area – E2 zoning not supported on this basis.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Oppose changing already harsh E3 Environmental Management zoning to E2 Environmental Conservation.</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Willana Report 2009 recommends cleared land south of Lloyd Place in Otford be zoned E3 to support rural and leisure uses such as horse riding and skirmish. Object to proposed rezoning of Otford Farm to E2, which has been used for timber milling, farming and horse related activities since early 1900s. Rezoning would lead to these uses becoming prohibited.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Willana Report 2009 recommends cleared land south of Lloyd Place in Otford be zoned E3 to maintain existing dwellings houses as a permitted use. Proposed E2 zone will remove permissibility of dwellings and will result in significant reduction in property values, this is unfair and not supported.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>E3 Environmental Management zone is the equivalent zone to previous 7(d) Environment Protection – Hacking River as decided on the Council meeting 28 July 2009. Hardships will be created if land rezoned because existing</td>
<td></td>
</tr>
</tbody>
</table>
ago causing financial loss) and permitting an additional dwelling on Lot 2 DP 512270 which has not benefitted from such rights since 1968.

<p>| | |</p>
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>25</td>
<td>Disappointed recommendations of planning staff and Willana Report have been ignored. All 8 dwellings in Otford were approved prior to Wollongong LEP 1990 and no further dwellings are permitted due to constraints of the E3 zone and minimum lot size. Only minor ancillary development is permitted with approval which will have negligible impact on the environment.</td>
</tr>
<tr>
<td>26</td>
<td>Current uses such as horse riding school, paintball, grazing have been in existence for 20-50 years and are appropriate and permitted under current E3 zone. Council Report 28 Nov 2011 recommends Otford Farm be part zoned E2 and part E3. Support for this recommendation, object to rezoning entire site E2.</td>
</tr>
<tr>
<td>27</td>
<td>Since 7(d) zone adopted no new dwellings in Otford South and bushland has grown, now area very scenic and environmental quality improved. Any change to zoning of Otford South is superfluous and existing zone should be retained.</td>
</tr>
<tr>
<td>28</td>
<td>Number of submissions have commented that Hacking River quality is poor downstream of Helensburgh and Otford. No new dwellings developed in Otford for approx. 30 years. All dwellings connected to functional sewage systems. Primary factors impacting on water quality are Helensburgh and Otford villages and contamination from F6, railway and coal mining, rezoning Otford South will have no impact on water quality.</td>
</tr>
<tr>
<td>29</td>
<td>Otford Valley farm and Otford Farm contain significant horse riding operations in existence for many decade. If rezoned to E2 existing dwellings, farm buildings and other facilities will become prohibited forms of development, removing these rights is unfair and unwarranted. Object to proposal.</td>
</tr>
<tr>
<td>30</td>
<td>Agree 7(d) zone placed high environmental protection over the area. Council staff have indicated E3 is the equivalent zone and protects environment and also maintains rights of property owners with respect to existing permitted uses. Change to E2 is excessive.</td>
</tr>
<tr>
<td>31</td>
<td>No new dwellings may be constructed in Otford South due to existing planning restrictions therefore rezoning to E2 will have no meaningful impact on bushfire safety in the area. Any additions to existing dwellings need to meet controls with Wollongong DCP 2009. Strongly object to proposal.</td>
</tr>
<tr>
<td>32</td>
<td>Council Planning Proposal states that where land has been cleared and is used for farming, tourism, recreation or other uses an alternate zone to E2 is proposed. This is not correct for Otford South as area is proposed to be zoned E2 despite other uses. Believe E3 zone should be retained to reflect existing uses.</td>
</tr>
<tr>
<td>33</td>
<td>Strongly object to proposal due to lack of fairness.</td>
</tr>
<tr>
<td>34</td>
<td>Do not understand Council’s decision to rezone Otford South to E2. Will have neutral impact on drinking water supply catchment. Do not support rezoning.</td>
</tr>
<tr>
<td>35</td>
<td>No flora and fauna study to justify proposed rezoning of Otford South to E2. Planning Proposal should not proceed without this study and Net Community Benefit test.</td>
</tr>
<tr>
<td>36</td>
<td>Planning Proposal fails to properly assess social and economic effects as required by Section C, Item 10. Should include assessment of potential compensation to land owners under the Just Terms Compensation Act.</td>
</tr>
<tr>
<td>37</td>
<td>Rezoning eliminates right of property owners to seek approval for bed and breakfast accommodation form within their existing dwellings. B&amp;Bs in Otford South potential to provide much needed accommodation near tourist attractions such as Bald Hill. Therefore object to proposal.</td>
</tr>
<tr>
<td>38</td>
<td>Object - Proposal does not offer adequate justification for rezoning Otford South from E3 to E2. E3 provides recognition of existing uses such as dwellings and farm buildings and allows them to be altered, extended or rebuilt without the need to rely on existing use rights. Existing use rights are</td>
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<tr>
<td>limited in scope and do not guarantee approval to replace a home after fire. E2 also prohibits B&amp;Bs and home occupations.</td>
<td>291</td>
</tr>
<tr>
<td>Existing planning controls for Otford South mean no new dwellings can be approved, so no population increase will occur in area. Proposed rezoning will not reduce amount of lives exposed to bushfire threat, therefore object.</td>
<td>318</td>
</tr>
<tr>
<td>Existing E3 zoning is appropriate given dwelling houses are already existing in area.</td>
<td>2321</td>
</tr>
<tr>
<td>Council should fully consider financial implications of proposal. E2 and E3 have similar objectives but E3 provides recognition of existing uses. This is vital for sale of properties and existing use rights are very restrictive and properties with existing use rights undesirable. Information proving existing use rights very expensive and onerous, it is a better outcome to recognise existing dwellings via E3 zoning.</td>
<td>1206</td>
</tr>
<tr>
<td>Request Council hold public hearing for 7(d) land proposal. Necessary given extensive objections to rezoning.</td>
<td>2329</td>
</tr>
<tr>
<td>Net Community Benefit Test is required and has not been done.</td>
<td>16371</td>
</tr>
<tr>
<td>Submission</td>
<td>Count</td>
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<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tbody>
</table>
| I STRONGLY OBJECT TO THE PROPOSED ZONE OF E2 Currently zoned E3, this Property in question should be without a doubt Rural or at the very least E3. The properties land total of 8.5 acres on 2 lots which is relatively cleared lands, immaculately groomed areas which require several machinery/green keeping sheds. The Property is owned and occupied by a family who purchased this home as an investment as well as a lifestyle and whilst caring for the environment, there is a concern for their financial burden this zone change will place on them and other surrounding properties. The E2 ZONE WILL LEAVE LAND OWNERS COMPLETELY RESTRICTED WITH NO CONTROL OVER FUTURE PLANS OVER THEIR OWN PROPERTY IN HELENSBURGH AND THEIR SURROUNDS. I think this zone change, if it was to go ahead is a very unfair, un Australian proposition that the Wollongong Council is even considering.  

I strongly oppose the planning proposal to re zone the land E3 to E2 Environmental Conservation Zone. The way this property is occupied it would make no sense or difference to environment at all. This has been cleared acreage for many many years and should not come under the same umbrella as other parcels of land. At the very least I feel it should be farmland/rural zoned.  

I strongly strongly oppose that the council can take from hard working people their financial security. You do not buy a home/property with the idea that the council or other bodies can just come in and stamp a piece of paper and devalue your property by over 50%. It is so totally unaustralian. I ask when do you actually own your own property if this is able to be done.  

Each individual case should be taken separately and not just a blanket decision made.  

Is there any consideration taken for the financial loss to this property. Do council members and those pushing to change these zonings go comfortably home at night sleeping tightly in their own homes with their own financial security and sleep well knowing that others are not sleeping for fear of financial ruin over an unnecessary change of zoning.  

I cannot put into words clearly enough how strongly I oppose this rezoning.  

I am NOT supporting the current zone change, in fact, strongly oppose it. How could a council support a Draft Planning Proposal to rezone land in Helensburgh from E3 to E2. People buy land and properties with a specific zoning as an investment and expect to make a profit over a period of time. If this proposed zone change does go ahead, the council is nothing more than a silent thief, land and property value will decrease/decline. What is the councils proposed ACTION on COMPENSATION??, What are you offering and how would you cost it??  

In the past many councils in NSW and Australia have been proven to be corrupt, Wollongong was NO exception and Councillors as at July 2012 Cannot deny this was fact.  

For a minority of people to try and persuade a Council into changing current zones                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 213   |
of E3 to E2 is corrupt and must have a hidden agenda and must be stopped before it gets out of hand, actually it has already got way out of hand. This council can do the correct and right thing and give those having a go, abiding by council regulations and paying rates a fair go and reject these idiotic computer generated Submissions from eco groups supporting the Draft Planning Proposals - go for it, do the right thing!
In response to your request for submissions relating to the proposed rezoning of the above property to E2 Environmental Conservation, I wish to register my opposition to such a zoning change.

I have known the owners for a number of years and know that they reside in the dwelling house on this property with their eight children. I am also aware of the fact that the property has been utilised for agricultural purposes, as well as a residence, since the 1950s. The property is located in the urban area of Helensburgh, surrounded by Light Industrial and Residential zonings.

I understand that an adequate riparian zone of a minimum of 10 metres has been developed at the rear of the property in order to preserve the integrity of Wilsons Creek. This is in accordance with the NSW Department of Primary Industries recommendations as of July 2012 concerning the width of Vegetated Riparian Zones required for 1st order water courses in New South Wales. The majority of the property was cleared of bushland vegetation in the 1950s, and only small pockets of eucalyptus trees remain on the property.

I object to the rezoning of this property to E2 Environmental Conservation for several reasons- the property has been used for agricultural pursuits for over 50 years; the property is located in the urban area of Helensburgh; and the property is owned and occupied by a family who purchased the allotments, with the existing dwelling house, as their family home. It is not right or fair that a council in Australia can choose to rezone a property to a zoning that significantly and permanently reduces the value of that investment. If the E2 zoning proposed for the property proceeds, as planned by Wollongong City Council, the family will be forced to declare bankruptcy. This is not a fair or just outcome and I call on Wollongong City Council to propose a fair zoning for this property that is fitting with its history, pre-existing uses and its location within Helensburgh.
to rezone a property to a zoning that significantly and permanently reduces the value of that investment, without providing any form of compensation whatsoever. This is not what should occur in a constitutional monarchy, which is supposed to be Australia’s form of government. If the E2 zoning proposed for the property proceeds, as planned by Wollongong City Council, the family will be forced to declare bankruptcy. This will leave them and their eight children with nowhere to live. This is not a fair or just outcome, and I call on Wollongong City Council to propose a fair zoning for this property that is fitting with its history, pre-existing uses and its location within Helensburgh. This fair zoning is not E2 Environmental Conservation.
<table>
<thead>
<tr>
<th>Letter</th>
<th>Submission</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Close proximity to several other proposed B6 sites</td>
<td>121</td>
</tr>
<tr>
<td></td>
<td>The site is in close proximity to several other sites which are proposed to be B6 and is located with a long frontage to the main Parkes St thoroughfare to the town. The site is historically disturbed, partially cleared, has limited slope and has similar characteristics to lands to be incorporated in the B6 zone - it should be B6 Enterprise corridor.</td>
<td></td>
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<tr>
<td>2.</td>
<td>Located along major link road</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>The site is suitable for an enterprise corridor due to its location along a major link road into town, as well as ready access to The Princes Hwy &amp; F6 Freeway. It is within the corridor of similar lands to be zones B6 and provides linkages with further commercial, retail and light industrial uses nearby.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Available services</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>All services road, electricity, water, sewer, telecommunications are available to be connected to be used with the B6 use.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Compatible with future adjoining land uses</td>
<td>123</td>
</tr>
<tr>
<td></td>
<td>Rezoning of the site will allow for compatibility with future adjoin land uses, with land bounded on three boundaries, west, north and east to town, likely to contain business and light industrial uses.</td>
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<tr>
<td>5.</td>
<td>Contribute to key economic objectives</td>
<td>122</td>
</tr>
<tr>
<td></td>
<td>The B6 zone for the site of the business, commercial retail or light industrial uses will contribute to the achievement of the key economic objectives of the Illawarra Regional Strategy, Council Economic Development and Employment Lands Strategy for the benefit of Helensburgh and the Illawarra as the strategy is for further provision of employment lands.</td>
<td></td>
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<tr>
<td>6.</td>
<td>Previously RTA depot</td>
<td>122</td>
</tr>
<tr>
<td></td>
<td>The site and adjoining lands were previously utilised for many years as a roads depot for the Roads &amp; Traffic Authority, has been cleared and decontaminated, well services with good access to the main roads with a 200m frontage to Parkes St and an area of 15 acres.</td>
<td></td>
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<tr>
<td>7.</td>
<td>No disadvantage</td>
<td>122</td>
</tr>
<tr>
<td></td>
<td>Helensburgh town centre about 3km east of the site provided a range of compatible and complementary services including small shops, takeaway food outlets, cafes, newsagent, clothing, gifts, mechanics, hairdressers, pharmacies, florists, legal and real estate office and Bi Lo. There will be good opportunity for cross pollination of services and retail in both direction with the additional employment area which will not disadvantage existing business houses and retail premises in Helensburgh.</td>
<td></td>
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<tr>
<td>8.</td>
<td>Willana report recommends B6</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>Willana &amp; Assoc Report noted the general disturbed nature of the land and recommended it be B6 as a gateway to the Helensburgh Township. The objectives of the zone support the existing light industrial and commercial uses and provide a further acceptable “Gateway” opportunity. We agree and support the revitalisation and upgrade of the entry precincts to town.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Employment lands strategy</td>
<td>121</td>
</tr>
<tr>
<td></td>
<td>The Employment Lands Strategy prepared by Hill PDA noted there is only a limited amount of vacant lands like this site available for employment with Helensburgh containing only 2.63 Ha of light.</td>
<td></td>
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</tbody>
</table>
industrial lands. It is also noted the shortage of good sized lots for light industrial services and the need to preserve and expand light industrial uses next to major existing arterial roads. We agree and support the site for B6.

10. Business expansion

The provision of further B6 for light industrial uses will allow for the continuation of viable industrial lands within Helensburgh for the existing business to have some expansion and to cater for new business to be commenced. The B6 will not hinder or impact upon existing industrial land uses and will b compatible with them as noted in the Economic Development Strategy.

11. Diversification

B6 additional zoning for the site will allow the local economy to grow with acceptable change of the place, changing local attitudes and developing new skills and initiatives for the locals. This will allow a diversification of the existing economic base, help marshal local resources in order to translate new business ideas for the area to reality.

12. Sustainable employment

A large site area like this will create new and sustainable employment opportunities through developing the economic base of the Northern Illawarra region and extend the recognition for North Wollongong and Wollongong as favourable locations or business investment and local employment. It will bring much needed cash flow in the Illawarra and I support the B6 zone.

13. Modern and spacious enterprise

The existing residents and ratepayers of Helensburgh and the Wollongong Council are entitled to look to Wollongong City Council to provide upgraded land zonings in Helensburgh Gateway Precinct for use for modern and spacious enterprise business, commercial and light industrial premises in areas able to sustainably support such facilities. As a resident and ratepayer of Helensburgh, we support B6 for the gateway sites as a good example of best practice in strategic planning for the area.

14. Opportunity for modern and well balanced business

Wollongong City Council has undertaken over several decades to investigate and report on areas suitable for increased zoning to accommodate business and commercial rezoning in areas well suited for increased zonings under Wollongong LEP 2009. This site provides an opportunity for modern and well planned business areas on well serviced lands that will not adversely impact on existing residential and business areas or damage the environment. We support the B6 zoning in this area.

221 Parkes Street, Helensburgh - additional individual comments

as a former resident and someone who has lived in many suburbs from Engadine to Albion Park and in between i think this would be one of the smarter decisions as far as cleaning up the most common entry to a suburb in the Illawarra

Helensburgh needs progress and some development

I agree and support the B6 rezoning;

I support and agree to this site being rezoned to B6.
<table>
<thead>
<tr>
<th>I support the B6 rezoning, Helensburgh needs to move forward for the benefit of businesses and employment in this area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sensible development is needed with businesses the life blood of our community, may be our kids will be able to work locally one day</td>
</tr>
<tr>
<td>Should contribute to gateway to Helensburgh</td>
</tr>
<tr>
<td>We all need to support business growth for the community to prosper and allow infrastructure to catch up with the rest of Wollongong area.</td>
</tr>
</tbody>
</table>
## Submissions for 151 Princes Highway & 218-222 Parkes St, Helensburgh

<table>
<thead>
<tr>
<th>Support the rezoning of these properties to B6, as:</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Council has previously approved yardage for wrecked vehicles, tropical fish hatchery, commercial glass house</td>
<td>58</td>
</tr>
<tr>
<td>• Site located at the entrance to Helensburgh</td>
<td></td>
</tr>
<tr>
<td>• Will provide local employment opportunities</td>
<td></td>
</tr>
<tr>
<td>Propose that the FSR be increased to 1.5:1 and maximum building height of 11m</td>
<td></td>
</tr>
</tbody>
</table>

Due to file size, to view all attachments, refer to separate reports on website.
### Submissions for 159-169 Walker Street, Helensburgh

<table>
<thead>
<tr>
<th>Support of the proposed rezoning of the precinct from E3 to IN2, and the continuance of Blackwell Bros Building and Landscape Supplies business. From the Handyman to Builders and Developers, the Blackwell Bros Building and Landscape Supplies business provides a much needed service to our community while also contributing to local employment. We have been customers of this business for many years and do not want it to close.</th>
<th>Count</th>
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<tbody>
<tr>
<td></td>
<td>327</td>
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</tbody>
</table>
## Submissions for 24 Lady Wakehurst Drive, Otford

<table>
<thead>
<tr>
<th></th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>1. The land currently enjoys an “existing use” (ie Council approved carpark) which is prohibited in the E2 zone. Failing to manage this anomaly through the Planning Review would undermine the integrity of the Planning system (shown as being unable to manage anomalies) and the zone.</td>
<td>114</td>
</tr>
<tr>
<td>2. The environmental quality of the land is inconsistent with the objectives of the E2 zone and the E2 zone would prevent ongoing public nuisances from being managed</td>
<td></td>
</tr>
<tr>
<td>3. The land is well serviced with existing services and the E2 zone would prevent the economic benefits of these services being realised</td>
<td></td>
</tr>
<tr>
<td>4. The character of the land is not dissimilar to the character of the surrounding land proposed to be zoned E4.</td>
<td></td>
</tr>
<tr>
<td>5. The significant amount of coalwash on the land is combustible and will remain a public nuisance and bushfire threat until the planning system provides a zoning that incentivises the remediation of the land.</td>
<td></td>
</tr>
<tr>
<td>6. The Planning proposal has recommended that other land which has combustible coalwash on it be zoned for development which is inconsistent with the proposed E2 zone being applied to 24 Lady Wakehurst Drive.</td>
<td></td>
</tr>
<tr>
<td>7. A dwelling on the land (through the application of the E4 zone) would provide greater surveillance of the vicinity and would reduce the threat of crime that is relatively common on and in proximity to the land. The application of the E2 zone to the land (the only lot in 12 otherwise consecutive lots along Lady Wakehurst Drive) is inappropriate as it would maintain existing land use conflicts with surrounding residential development.</td>
<td></td>
</tr>
<tr>
<td>8. It is inconsistent with State and local transport and land use principles which promote residential development in proximity to transport infrastructure.</td>
<td></td>
</tr>
<tr>
<td>9. Sydney Water has recently written to landowners to the north of Domville Rd to request funding contributions to extend the sewer (ie from close to the southern boundary of 24 Lady Wakehurst Drive) to service the dwellings to the north. The E2 zone would result in disjointed development, inefficient use of publicly funded infrastructure and inconsistency in the application of land use controls.</td>
<td></td>
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</tbody>
</table>

Due to file size, to view all attachments, refer to separate reports on website.
<table>
<thead>
<tr>
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<tr>
<td>1.</td>
<td>the environmental quality of the land is inconsistent with the objectives of the E2 zone and the E2 zone would prevent ongoing public nuisances from being managed</td>
</tr>
<tr>
<td>2.</td>
<td>the land is well serviced with existing services and the E2 zone would prevent the economic benefits of these services being realised</td>
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<td>3.</td>
<td>the character of the land is not dissimilar to the character of the surrounding land proposed to be zoned E4</td>
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<td>4.</td>
<td>the significant amount of coalwash on the land is combustible and will remain a public nuisance and bushfire threat until the planning system provides a zoning that incentivises the remediation of the land</td>
</tr>
<tr>
<td>5.</td>
<td>the Planning proposal has recommended that other land which has combustible coalwash on it be zoned for development which is inconsistent with the proposed E2 zone being applied to 2a Domville Road</td>
</tr>
<tr>
<td>6.</td>
<td>a dwelling on the land (through the application of the E4 zone) would provide greater surveillance of the vicinity and would reduce the threat of crime that is relatively common on and in proximity to the land. The application of the E2 zone to the land (the only lot in 12 otherwise consecutive lots along Lady Wakehurst Drive) is inappropriate as it would maintain existing land use conflicts with surrounding residential development</td>
</tr>
<tr>
<td>7.</td>
<td>it is inconsistent with State and local transport and land use principles which promote residential development in proximity to transport infrastructure</td>
</tr>
<tr>
<td>8.</td>
<td>Sydney Water has recently written to landowners to the north of Domville Rd to request funding contributions to extend the sewer (ie from close to the southern boundary of 2a Domville Road) to service the dwellings to the north. The E2 zone would result in disjointed development, inefficient use of publicly funded infrastructure and inconsistency in the application of land use controls</td>
</tr>
<tr>
<td>9.</td>
<td>the land currently enjoys an “existing use”(ie Council approved carpark) which is prohibited in the E2 zone. Failing to manage this anomaly through the Planning Review would undermine the integrity of the Planning system (shown as being unable to manage anomalies) and the zone</td>
</tr>
</tbody>
</table>

Due to file size, to view all attachments, refer to separate reports on website.