

COUNCIL RESOLUTION EXTRACT FROM MINUTES 28 NOVEMBER 2011

DISCLOSURE OF INTEREST

Councillor Petty earlier in the meeting declared a non-significant non-pecuniary interest in respect to Item 6 and participated in discussion and voting.

ITEM 6 - Review of 7(d) Lands - Wilsons Creek Precinct

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

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

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

Recommendation

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

Attachments

There are no attachments for this report.

Report Authorisations

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

Background

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

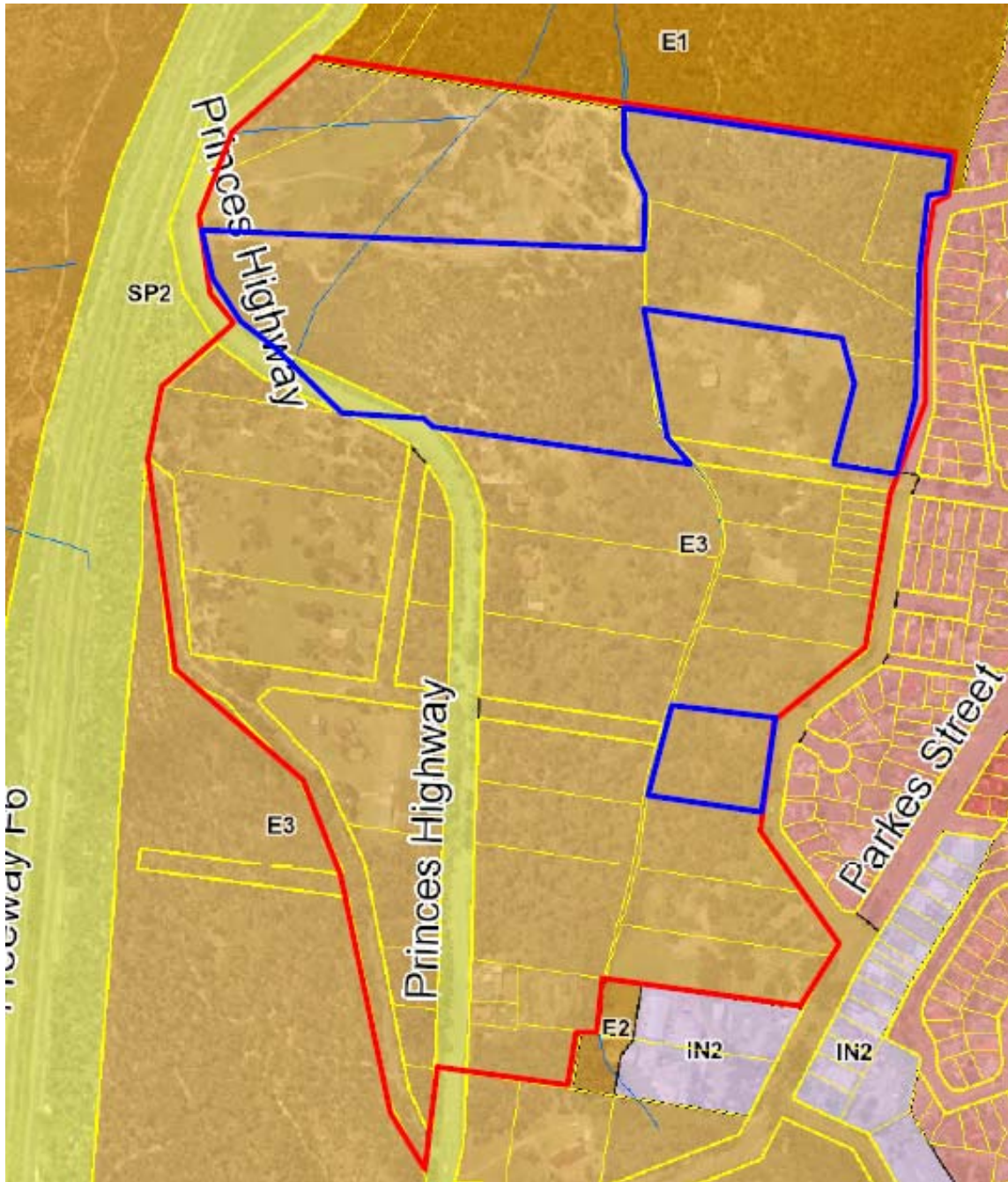
As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Wilsons Creek precinct.

Proposal

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

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

Wilsons Creek Precinct location



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

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

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

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

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

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

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

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

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

No subdivision of the lots was proposed.

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

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

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

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

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

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

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

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

Review of issues

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

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

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

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

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

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

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

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

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



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

Conclusion

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