

REF: CM179/13 File: ESP-100.01.040

ITEM 4 REVIEW OF 7(D) LANDS - GILLS CREEK AND F6 WEST 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 Gills Creek and F6 West precincts.

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

Recommendation

- 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; and
 - 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.

- 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.



Gills Creek precinct location map 1



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.



Gills Creek precinct proposed 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:

Property	Submission	Comment
261 Princes Highway	Support RU2 Rural Landscape	Noted.
(2 submissions)	zone.	
Lot 4 DP 259401 Lawrence Hargrave Drive (2 submissions)	Support RE2 Private Recreation zoning, but feel that both sides of Baines Place should be zoned light industrial or for tourism.	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.
Lot 2 DP 569325 & Lot 329	Consultant report - objecting	The rezoning to IN2 Light



Property	Submission	Comment
DP 752033 Baines Place	to E3 Environmental Management, request IN2 Light Industrial zoning.	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.
	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.	
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:

Submitter	Submission
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 Annseley 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:

Group / property	Submission
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

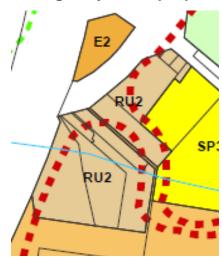
The Gills Creek precinct is the largest and most diverse precinct. The precinct has been divided into five sub-precincts to assist the review of issues.

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 subprecinct 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.

<u>Sub-precinct 3: Baines Place – Stanwell Tops rural residential properties</u>

The draft Planning Proposal proposed to rezoned 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

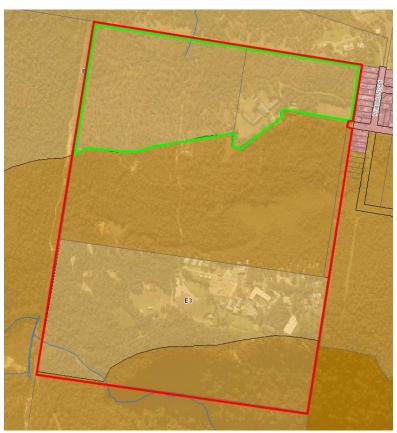
- 1 Proceed with the rezoning of part of Lot 4 DP 259401 to RE2 Private Recreation as exhibited in the draft Planning Proposal.
- 2 Not proceed with the rezoning of part of Lot 4 DP 259401 to RE2 Private Recreation and retain the current E3 Environmental Management zone.
- 3 Resolve to prepare a new 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 subprecinct 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.

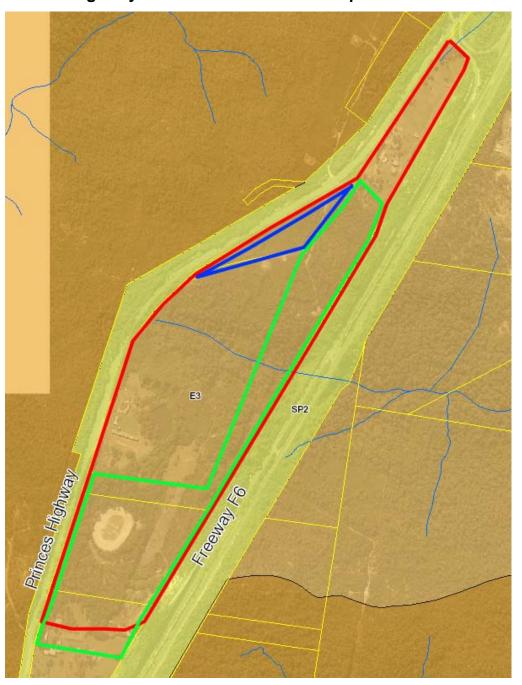
Three lots are Crown Land (outlined in green map 7). The southern Crown Land parcel (part Lot 129 DP 752054) is divided by the Freeway and continues on the eastern side of the Freeway (within the Gills Creek precinct). One lot is managed by the southern



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

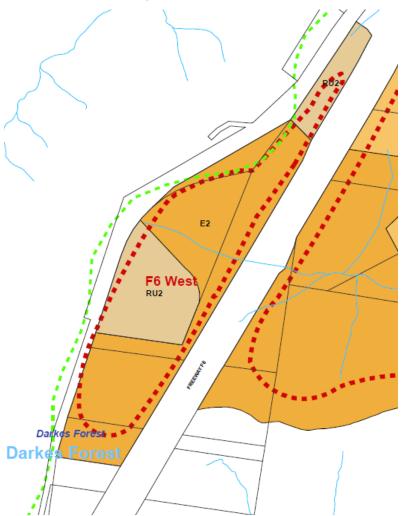




Council at its meeting on 28 November 2011 resolved (in part) that:

- 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:

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NSW Department of Primary Industries – Catchment and Lands (Crown Lands)

Submission

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.

Comment

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.

Sydney Catchment Authority

Lot 750 DP 752033 Princes Highway

Supported their land being zoned E2 Environmental Conservation.

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]

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.

Noted.

Noted.

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:

Submitter	Submission
Resident Helensburgh	F6 west precinct – support E2 Environmental Conservation outside the RU2 Rural Landscape zone.
Resident Helensburgh	F6 West – support recommendation.
Email – suburb unknown	F6 west – support E2 Environmental Conservation.

Form letter/email submissions:

Group / property	Submission
Otford Protection Society	One form letter submitted by 244 persons objecting to the proposed rezoning of the precinct.
	(refer Attachment 5 of Background report)
OtfordEco	One form letter submitted by 40 persons objecting to 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)

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.