

ITEM 5

SOUTHERN JOINT REGIONAL PLANNING PANEL - REVIEW OF
FORMER 7(D) LANDS AT HELENSBURGH, OTFORD AND
STANWELL TOPS

On 29 July 2013, Council considered 13 reports on the former 7(d) Hacking River – Environmental Protection zoned land at Helensburgh, Otford and Stanwell Tops and resolved to forward a finalised Planning Proposal to the (then) Department of Planning and Infrastructure for finalisation. The Department referred the Planning Proposal and a separate pre-Gateway appeal to the Southern Joint Regional Planning Panel (JRPP) for review and recommendation.

The JRPP has completed their review and published their report (Attachment 1). The JRPP has generally accepted Council's Planning Proposal. The JRPP has recommended that Council review the planning controls for the North Otford and Central Otford precincts, and prepare a Helensburgh Town Plan. The JRPP also partially supported the Pre-Gateway appeal for the Lady Carrington Estate South precinct, and has proposed that the proponent undertake additional studies to support a possible residential zoning of the cleared land.

Council has not received any formal advice from the Department on the JRPP's recommendations. It is recommended Council make a submission to the Department of Planning and Environment in response to the JRPP's report.

RECOMMENDATION

- 1 The Southern Joint Regional Planning Panel report on land in the vicinity of Helensburgh and Otford (Attachment 1) be noted.
- 2 The General Manager be authorised to finalise a submission to the Department of Planning and Environment in response to the JRPP's report advising:
 - a Council accepts the JRPP's recommendation on the Central Otford precinct;
 - b Council objects to the JRPP's recommendation on the North Otford precinct and affirming Council's view that it is appropriate for the E2 Environmental Conservation zoning to be progressed;
 - c Council objects to the JRPP's recommendation on the Lady Carrington Estate South precinct and emphasising Council's desire to review any additional information that may lead to a Gateway determination and exhibition. If the Department is supportive of the proposal, the additional ecological and water quality investigations and concept subdivision plan recommended by the JRPP should occur prior to any Gateway determination, and Council be given the opportunity to review the documentation;
 - e The preparation of the additional studies for the Central Otford and North Otford precincts should be undertaken at no cost to Council and the Helensburgh Town Plan will be considered as part of Council's future annual planning cycles; and

- f That clarification is required in relation to:
 - i The Lloyd Place Land Acquisition Planning Proposal has been exhibited; and
 - ii Council did not rezone any land from E3 Environmental Management to E2 Environmental Conservation post exhibition. Proposals either proceeded as exhibited or the existing planning controls were retained.

ATTACHMENTS

- 1 Report of the Southern Joint Regional Planning Panel
- 2 Central Otford
- 3 North Otford
- 4 Lady Carrington Estate South

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environmental Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

BACKGROUND

The planning and zoning issues of the non-urban lands surrounding the residential areas of Helensburgh, Otford and Stanwell Tops has a long history dating back to the introduction of the County of Cumberland Planning Scheme Ordinance in 1951. The minimum land area required for a dwelling has increased a number of times and the zoning changed from non-urban to 7(h) Hacking River – Environmental Protection, 7(d) Hacking River Environmental Protection and in 2010 to E3 Environmental Management. A more detailed history of the area and planning controls is contained in the Item 1 report considered by Council on 29 July 2013.

On 28 November 2011, Council considered 12 reports on the former 7(d) lands and endorsed a draft Planning Proposal for exhibition. The draft Planning Proposal was exhibited from 6 August to 26 October 2012. Council received over 58,000 submissions, the majority of which were form emails generated by various websites of community groups.

On 29 July 2013, Council considered 13 reports addressing the issues raised in the submissions. Council resolved to make a number of amendments to the exhibited Planning Proposal and submit the revised Planning Proposal to the (then) Department of Planning and Infrastructure for finalisation.

On 5 February 2014, the Department referred the Planning Proposal to the Southern Joint Regional Planning Panel (JRPP) for review and recommendations (the JRPP not being a decision making authority in this instance).

The Department also referred to the JRPP a Pre-Gateway appeal lodged by Smyth Planning Pty Ltd against Council's refusal to support the rezoning of the Lady Carrington Estate South and the Land Pooling precincts to permit urban development. Council had resolved that the majority of these precincts be zoned E2 Environmental Conservation.

As part of their review, the JRPP held briefing meetings with Council officers, State agencies and the proponents for the Pre-Gateway appeal, and undertook a bus tour. The JRPP also held a public meeting at Helensburgh on 6 and 7 May 2014.

The JRPP has now published its report (Attachment 1) a copy of which was circulated to Councillors on 31 July 2014.

PROPOSAL

The JRPP has supported Council's Planning Proposal for the following precincts, and sub-precincts:

Precinct	Proposed Zoning
Lady Carrington Estate North (now part of Garrawarra State Conservation Area)	E1 National Parks and Nature Reserves.
Garrawarra Hospital Precinct	Part SP2 Health Service Facility and Seniors Housing, part E2 Environmental Conservation and part E3 Environmental Management.
Isolated lots in Royal National Park	The five lots be zoned E2 Environmental Conservation.
South Otford Precinct	<p>The Crown land, Council land, RailCorp land and Roads and Maritime Services (RMS) land within the Otford South precinct to E2 Environmental Conservation.</p> <p>The privately owned Otford Road lots and Bald Hill lots, within the Otford South precinct - the sites following retain an E3 Environmental Management zone:</p> <p>Lot 2 DP 512270 Otford Road retain an E3 Environmental Management zone and the minimum lot size be reduced to enable a dwelling house.</p> <p>Otford Farm – the land containing the dwelling house, equestrian centre, recreation facility and cleared land retain an E3 Environmental Management zone, the steep bushland be zoned E2 Environmental Conservation.</p>
Govinda Precinct	Lot 1 DP 190250 be zoned part E3 Environmental Management and part E2 Environmental Conservation.

Precinct	Proposed Zoning
Gills Creek Precinct	<ul style="list-style-type: none"> a Nos 237-261 Princes Highway be zoned RU2 Rural Landscapes; b Crown Land be zoned E2 Environmental Conservation; c Kellys Creek corridor be zoned E2 Environmental Conservation; d Baines Place to Stanwell Tops properties be zoned part E3 Environmental Management and part E2 Environmental Conservation; and e Part of Lot 4 DP 259401 (corner of Baines Place and Lawrence Hargrave Drive) be zoned RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation.
F6 West Precinct	<ul style="list-style-type: none"> a Sydney Catchment Authority land be zoned E2 Environmental Conservation; b Crown Land be zoned E2 Environmental Conservation, except for Lot 99 DP 752054 and Lot 7320 DP 1168914 to retain the E3 Environmental Management zone; and c Remaining private land be zoned part RU2 Rural Landscapes and part E2 Environmental Conservation zone.
Wilsons Creek Precinct	<p>The Wilsons Creek riparian corridor be zoned E2 Environmental Conservation.</p> <p>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, retain an E3 Environmental Management zone.</p> <p>Crown Land be zoned E2 Environmental Conservation zone.</p> <p>Lots which do not contain an existing development be zoned E2 Environmental Conservation zone.</p>
Gateway Precinct	<p>151 and 177 Princes Highway, and 200-206, 208-216 and 218-222 Parkes Street be zoned B6 Enterprise Corridor zone;</p> <p>Nos 187-193 Princes Highway be zoned RU2 Rural Landscape zone;</p> <p>2 Lawrence Hargrave Drive be zoned RE2 Private Recreation zone;</p> <p>1-5 Lawrence Hargrave Drive and 227 Princes Highway be zoned RU2 Rural Landscape zone; and</p> <p>Symbio Wildlife Gardens be zoned SP3 Tourist zone, including Nos 7-15 Lawrence Hargrave Drive.</p>

Precinct	Proposed Zoning
Walker Street Precinct	Walker Street precinct (excluding 159-169 Walker Street) 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.
Frew Avenue Precinct	Frew Avenue precinct retain an E3 Environmental Management zone. Lot 672 DP 752033 (Crown Land located on the corner of Walker Street and Cemetery Road) retain an SP1 Cemetery zoning.
159-169 Walker Street (Blackwells)	159 to 169 Walker Street – Blackwell’s site be zoned IN2 Light Industrial. The rear of Lot 16 DP 255197 and Lot 1 DP 112876 land be zoned E2 Environmental Conservation.
Lukin Street Precinct	48-54 Parkes Street be zoned E4 Environmental Living. Crown land be zoned E2 Environmental Conservation.
Old Farm Road Precinct	Retain the existing E3 Environmental Management and R2 Low Density Residential (access way) zones.
Metropolitan Colliery Precinct	The bushland areas surrounding the Colliery (zoned RU1 Primary Production) be zoned E2 Environmental Conservation.
Camp Gully Creek Precinct	Undola Road sub-precinct: a Rezone 3 Undola Road to E2 Environmental Conservation; b Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and c Rezone Whitty Road reserve and Undola Road reserve to R2 Low Density Residential. Undola Road sub-precinct - 5, 7, 9 and 11 Undola Road retain E3 Environmental Management zone.
Walker Lane sub-precinct	Rezone Lots 28-31 Section B DP 2644 Walker Lane, to E2 Environmental Conservation. Balance of the Camp Gully precinct which be rezoned to E2 Environmental Conservation.
Lady Carrington Estate Precinct	Lot 1 DP 616229 be zoned E2 Environmental Conservation zone.
Lilyvale Precinct	Lilyvale be zoned E2 Environmental Conservation zone.
Central Bushland Precinct	Be zoned E2 Environmental Conservation zone.
Otford Valley Farm Precinct	Part of the precinct be zoned E2 Environmental Conservation and retaining part of the site retain the E3 Environmental Management zone.

Precinct	Proposed Zoning
Lloyd Place Precinct	Lloyd Place precinct (excluding part of Lot 500 DP788539) to E2 Environmental Conservation zone. Part of Lot 500 DP 788539 Otford Road, - E3 Environmental Management zone be retained around the existing dwelling house and buffer area. The remainder of the property be E2 Environmental Conservation zone.
Land Pooling Precinct	E2 Environmental Conservation zone, except for Lots 12-13 Section 5 DP 2644, Lots 1-2 Section 4 DP 2644 and Lot 42 Section 4 DP 2644 to retain an E3 Environmental Management zone.

It is assumed that the Department will now finalise the Planning Proposal for these precincts. Of note, the JRPP supported Council's recommendation to not permit further development in the Land Pooling precinct.

The JRPP did not support Council's Planning Proposal for the following precincts:

Precinct	Council's Proposed Zoning	JRPP recommendation (summary)
Central Otford (Attachment 2)	E3 Environmental Management (no change to current zoning)	Further investigation be carried out by Council to determine land capability and potential for any additional dwellings.
North Otford (Attachment 3)	E2 Environmental Conservation, except for the 11 lots containing five dwelling houses which would retain the E3 Environmental Management zone.	Further investigation be carried out by Council to determine land capability and potential for any additional dwellings.
Lady Carrington Estate South (Attachment 4)	E2 Environmental Conservation Also subject to the Pre-Gateway appeal which proposed a residential zoning.	The proponent undertake further flora/fauna, water quality investigations, prepare a concept plan for subdivision of the cleared land and progress through a Planning Proposal.

The JRPP has recommended that these precincts be deferred from Council's Planning Proposal for further review. These precincts are discussed in more detail below:

Central Otford

The Central Otford precinct is located to the east of Otford Village (zoned E4 Environmental Living – Attachment 2) and includes lots fronting Lady Wakehurst Drive that contains dwellings. The precinct was initially subdivided in 1905, along with the remainder of Otford. The precinct contains 40 lots, of which 28 contain dwelling houses and 12 are vacant. The lots are generally larger than those in the village ranging in size from 1,037m² to 1.3 hectares (as opposed to 1,000 – 2,000m² in the village).

The exhibited draft Planning Proposal proposed that seven of the vacant lots be zoned E2 Environmental Conservation, because of their steep bushland characteristics and that the other five lots be zoned E4 Environmental Living with a minimum lot size of 1 hectare to permit a dwelling house (but not further subdivision).

Following the public exhibition period, Council officers recommended not proceeding with the proposal to rezone five of the vacant lots to E4 Environmental Living, due primarily to the then recently announced Planning Reforms which proposed an amalgamation of the current standard zones. This included 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.

The report to Council of 29 July 2013 stated "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."

Council endorsed the recommendation that the rezoning of the Central Otford precinct not proceed and the precinct retain an E3 Environmental Management zone.

The JRPP has recommended that the precinct be deferred from the Planning Proposal and that Council undertake further investigations to determine land capability and the potential for any additional dwellings in the precinct.

If the Department accepts this recommendation, the precinct will retain its current planning controls (E3 Environmental Management with a 40 hectare minimum allotment size). No additional dwellings will be able to be approved under the current controls. If Council reviews the land capability and determines that there is additional potential, a new Planning Proposal will need to be prepared, exhibited and finalised. Development Applications could then be lodged for a dwelling house on the vacant lots.

There is no budget allocated or resources available to undertake the Central Otford review in 2014-15. As Council has concluded its investigations into the precinct, it is recommended that any required studies be undertaken at no cost to Council. The studies be funded by either the Department of Planning and Environment or the affected landowners. It is estimated that a review undertaken by a consultant could cost \$20,000 - \$30,000.

Given the uncertainty surrounding the Planning Reforms and Council's exhibition of an E4 Environmental Living zone for some of the vacant lots, it is recommended that Council advise the Department that Council accepts the JRPP's recommendation for the Central Otford precinct and will consider the timing of a review as part of its annual planning cycle, and if funding is made available.

North Otford

The North Otford precinct is located to the north of Otford village and the Central Otford precinct (Attachment 3). The precinct was initially subdivided in 1905 and contains 54 lots. There are four dwelling houses in the precinct covering 11 lots. The other lots are vacant. Council owns five lots. The lots range in size from 1,037m² to 1.3 hectares.

The preliminary zoning concept plans and the exhibited draft Planning Proposal proposed that the majority of the precinct be zoned E2 Environmental Conservation, except for the lots containing dwelling houses which were proposed to retain the E3 Environmental Management zone.

The JRPP has recommended that the precinct be deferred from the Planning Proposal and that Council undertake further investigations to determine land capability and the potential for any additional dwellings in the precinct.

The JRPP's recommendation is a surprise given that Council's investigations since 2007 had determined that the precinct was not capable of urban development. It is acknowledged that the precinct is adjacent to the Otford railway station and that some lots in the precinct may not be as steep as other lots.

The JRPP's recommendation is inconsistent with their recommendation for other precincts. For example, they did not support further development in the bush covered Land Pooling and Wilsons Creek precincts, or even in the bushland parts of Lady Carrington Estate South precinct.

Permitting residential development in the precinct will vastly change the character of the precinct and would effectively result in the clearing of 30 hectares to enable 50 additional dwellings, roads and asset protection zones. There could be pressure to allow subdivision and additional dwellings which would increase the density. Water, sewerage, electricity and telecommunication services would all need to be extended to serve any future dwelling houses.

It is recommended that Council advise the Department that it objects to the JRPP's recommendation for the North Otford precinct, and believe it is appropriate for the E2 Environmental Conservation zoning to be progressed.

If the Department supports the JRPP's advice the precinct will be deferred from the Planning Proposal and the current E3 Environmental Management zone will remain until the review is undertaken, and a draft Planning Proposal prepared, exhibited and finalised.

There is no budget allocated or resources available to undertake the North Otford review in 2014-15. As Council has concluded its investigations into the precinct, it is recommended that any required studies be undertaken at no cost to Council. The studies be funded by either the Department of Planning and Environment or the affected landowners. It is estimated that a review undertaken by a consultant could cost \$30,000 - \$40,000. This precinct is larger and has more constraints than the Central Otford Precinct. If the Department supports the JRPP's recommendation, the timing of the North Otford review will need to be considered as part of Council's annual planning cycle, and if funding is made available.

Lady Carrington Estate South

The Lady Carrington Estate South precinct is located on the eastern side of Helensburgh and is bounded by Otford Road and Lilyvale Road (Attachment 4). The precinct covers an area of 10.3 hectares and contains 108 lots, of which 107 are paper subdivision residential sized lots (1,000m²) and the other lot is 3.3 hectares in size. The Smyth Planning Proposal covers a larger area, including land to the east, which Council included in the Central Bushland precinct. A large part of the precinct has been cleared, although parts of the precinct are covered in bushland. Council resolved that the precinct be zoned E2 Environmental Conservation.

Smyth Planning Pty Ltd on behalf of the land owner (Ensile Pty Ltd) lodged a Pre-Gateway appeal with the (then) Department of Planning and Infrastructure against Council's refusal to support urban development in the precinct. The Department referred the Pre-Gateway appeal and Council's Planning Proposal to the JRPP for review and recommendation.

The JRPP has recommended that:

- 1 *Further investigations be carried out by or on behalf of the owners of the Lady Carrington Estate South precinct to validate the presence, location and characteristics of threatened species, endangered ecological communities and fauna habitat linkages, and to determine the current water quality of natural watercourses within and in the vicinity of the precinct. These investigations are to evaluate potential impacts of urban development on ecological attributes in this precinct and the water quality of the Hacking River catchment. Reports of these investigations are to take into account submissions from state agencies and, once finalised, are to be peer reviewed by relevant state agencies.*
- 2 *A concept plan of subdivision be prepared by Smyth Planning and submitted to Wollongong City Council for the cleared land at the Lady Carrington Estate South precinct, including the vegetated land located between the existing urban settlement of Helensburgh and the cleared land. The plan of subdivision should be based on the application of the sustainability criteria contained in Appendix 1 to the*

Illawarra Regional Strategy to ascertain areas suitable for development, appropriate environmental safeguards having regard to the findings of investigations carried out in response to Recommendation 3, and proposed housing types and densities. The vegetation offsets tool developed by the Office of Environment and Heritage is to be applied to ensure that an adequate area of vegetated land can be set aside to offset clearing of the area of land located at the north west of the precinct between the existing urban area and cleared land.

Similar to the other two precincts, a new draft Planning Proposal would need to be prepared, exhibited and finalised to amend the planning controls to permit urban development.

The JRPP did not support the expansion of the cleared area to permit additional residential development as suggested by the proponents' submission and concept plan, apart from the clearing of bushland in the western part near Werrong and Lilyvale Roads. The cleared land covers an area of approximately 9.2 hectares (or 89% of the precinct). The JRPP's report does not include a map showing the extent of land that they consider could be developed. Attachment 4 includes a designation of the cleared land.

Depending on the findings of the additional studies, the precinct could be developed to contain some additional 138 dwellings (at 15 dwellings per hectare). The JRPP has nominated the precinct to have Urban Release Area status. The development of the precinct could increase Helensburgh's population by 425 persons (at 3.08 persons per household). This will have an additional impact on the road network and facilities. The increase would not likely be sufficient to justify the establishment of a public high school by the State.

As the Pre-Gateway appeal for this precinct has been partially supported, the proposal could go to the Department's Gateway and if supported a Planning Proposal prepared and exhibited.

Given the JRPP's recommendation for the preparation of additional investigations and the preparation of a concept subdivision, it is considered that these tasks should be undertaken prior to any Gateway determination.

A suggested process would be:

Action			Responsibility
1	a	Threatened species and fauna habitat investigations.	Proponent
	b	Water quality investigation.	
2		Evaluation of potential impacts of urban development on ecological attributes and water quality. Including input from State agencies.	Proponent
3		Preparation of concept subdivision plan.	Proponent

Action		Responsibility
4	Submission of reports and plans from Actions 1-3 to Council.	Proponent
5	Review of reports, plans and Planning Proposal.	Council, including referrals to State agencies. Report to Council.
6	Advise the Department of Planning and Environment whether Council supports the Planning Proposal.	Council
7	The Department reviews the documentation and Council's advice and determines whether the proposal proceeds to Gateway.	Department of Planning and Environment
8	Gateway determination.	Department of Planning and Environment
9	<p>a If supported, the Planning Proposal will be exhibited.</p> <p>b If not supported, no further action.</p>	Council
10	If exhibited, Council reviews submissions, report to Council and advise the Department of its recommendation.	Council

It is recommended that Council advise the Department that it objects to the JRPP's recommendation on Lady Carrington Estate South precinct, and also emphasise Council's desire to review any additional investigations that may lead to a revised draft planning proposal for Gateway determination and exhibition.

Helensburgh Town Plan

The JRPP also recommended that:

- 7 *Wollongong City Council prepare a strategy for existing urban areas in Helensburgh (including land uses within the Gateway Precinct and the northern part of the Frew Avenue Precinct) as a matter of priority that makes recommendations concerning the location and zoning of future residential, commercial and industrial land.*

In other words, prepare the Helensburgh Town Plan. The Helensburgh Town Plan is currently fourth on Council's Town and Village Planning Priority list of studies that have not commenced, noting that three are in preparation, behind:

- Wollongong City Centre – Public Spaces Public Life (in preparation);
- Corrimal Town Centre (in preparation);
- Berkeley Town Centre;
- Windang Town Centre;

- Gwynneville-Keiraville Village Plan (Implementation Plan - in preparation);
- Woonona and East Woonona; and
- Helensburgh Town Plan (other lower priority projects not listed).

The priority list is reviewed annually as part of the preparation of Council's Annual Plan and budget. There is no budget allocated or resources available to undertake the Helensburgh Town Plan in 2014-15. It is recommended that its priority be considered by Council as part of the preparation of next year's annual plan. If Council wishes to commence the Helensburgh Town Plan this year, other Land Use Planning projects will need to be deferred.

It is recommended that Council advise the Department that it will consider the priority of the Helensburgh Town Plan as part of its annual planning budget cycle.

Report Clarification

The JRPP's report contains two obvious incorrect statements which Council should clarify with the Department.

JRPP Report		Clarification
P:8	Lloyd Place Planning Proposal "Council has not yet exhibited the Planning Proposal".	The Lloyd Place land acquisition Planning Proposal was exhibited from 24 March to 2 May 2014.
P:17	Other matters – a legal opinion is needed as to whether Council's Planning Proposal should be re-exhibited "for example, changing the proposed zoning of land from E3 Environmental Management as exhibited to E2 Environmental Conservation".	<p>Council did not change the zoning of any land from E3 Environmental Management to E2 Environmental Conservation post exhibition.</p> <p>Council did resolve to not proceed with some proposed E2 Environmental Conservation zonings and retain the existing E3 Environmental Management zone. The report gave Council three options:</p> <ol style="list-style-type: none"> 1 Proceed with the exhibited zoning. 2 Retain the current zoning. 3 Prepare a new Planning Proposal for another zoning.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective *1.6 the sustainability of our urban environment is improved* and Community Goal *23 value and protect our environment*).

It specifically addresses the Annual Plan 2012-13 Key Deliverables *exhibit and finalise a Planning Proposal for the former 7(d) lands at Helensburgh, Otford and Stanwell Tops* which forms part of the Five Year Action Review *planning controls for environmentally sensitive locations* contained within the Revised Delivery Program 2012-17.

FINANCIAL IMPLICATIONS

The JRPP's recommendations concerning the Central Otford and North Otford precincts does have financial implications for Council, as additional studies and investigations are required. There is no current budget or resources available to undertake these projects and it is recommended that their priority be considered as part of future annual planning cycles.

CONCLUSION

The Southern Joint Regional Planning Panel (JRPP) has completed its review of Council's Planning Proposal for the former 7(d) lands at Helensburgh, Otford and Stanwell Tops and the Pre-Gateway appeal for the Lady Carrington Estate South and Land Pooling precincts.

The JRPP generally supported Council's position with the exception of three precincts. The JRPP has recommended that these precincts be deferred from the current Planning Proposal, further studies be undertaken, and then a new Planning Proposal prepared.

It is recommended that Council prepare a submission to the Department noting the JRPP's report and outlining its position with regard to the three precincts and other recommendations.

**Joint Regional Planning Regional Panel
Pre-Gateway Review & Planning Proposal Review**

The Southern Joint Regional Planning Panel (Regional Panel) has considered the request for a review of the proposed instruments as detailed below.

The Pre-Gateway & Planning Proposal Review:

Date of Review:	March - July 2014
Dept. Ref. No:	2014STH006 2014STH007
LGA:	Wollongong City Council
LEP to be Amended:	Wollongong Local Environmental Plan 2009
Address / Location:	Land in the vicinity of Helensburgh and Otford
Proposed Instrument:	PP_2012_WOLLG_004_00 PGR_2013_WOLLG_002_00
Regional Panel Chair:	The Hon. Pamela Allan
Regional Panel Members:	Mark Grayson, Allen Grimwood, Michael Mantei, George Takacs

Executive Summary

The Regional Panel has been requested by the then Minister for Planning and Infrastructure on 5 February 2014 to carry out a pre-gateway review of a pre-gateway application (PGR_2013_WOLLG_002_00) submitted by Smyth Planning on behalf of Ensile Pty Ltd and the Land Pooling Group, and a planning proposal (PP_2011_WOLLG_008_00) prepared by Wollongong City Council.

The pre-gateway application submitted to Wollongong City Council seeks to rezone Lady Carrington Estate South to R2 Low Density Residential to facilitate the development of 400 residential lots and to rezone 20.3 hectares of the Land Pooling area to R2 Low Density Residential. The application also proposes to dedicate (by way of a Voluntary Planning Agreement) up to 310 hectares of Lady Carrington Estate South to the National Parks and Wildlife Service for inclusion within the Royal National Park.

Wollongong City Council's planning proposal was exhibited between 6 August 2012 and 26 October 2012. It seeks to amend Wollongong Local Environmental Plan 2009 by rezoning much of the E3 Environmental Management zone that applies to non-urban lands around Helensburgh and Otford to E2 Environmental Conservation, and by applying land zones to specific sites in recognition of current uses and amending development standards that apply to these sites. Wollongong City Council adopted the planning proposal subject to changes at its ordinary meeting held on 29 July 2013.

The Regional Panel has consulted with the community, landowners, state agencies and local government through stakeholder meetings held in April 2014 and public meetings held in Helensburgh in May 2014. The Regional Panel has inspected the locality and specific sites, and has reviewed all relevant information and submissions provided by stakeholders, including the report of the Commission of Inquiry 1994. The location of land precincts in the Helensburgh and Otford areas that have been considered in this review are depicted in Attachment A.

The Regional Panel wishes to acknowledge the assistance provided by officers of Wollongong City Council and the Department of Planning and Environment during the review.

Recommendations

The Southern Joint Regional Planning Panel recommends the following:

1. Wollongong City Council's planning proposal PP_2012_WOLLG_004_00 be amended to defer the rezoning of the Central Otford, Otford North and Lady Carrington Estate South precincts, and that the amended planning proposal be submitted to the Department of Planning and Environment for the Director-General to make arrangements for the drafting of a local environmental plan in accordance with section 59(1) of the Environmental Planning and Assessment Act 1979.
2. Further investigations be carried out by Wollongong City Council to determine land capability and the potential for any additional dwellings in the Central Otford and Otford North precincts.
3. Further investigations be carried out by or on behalf of the owners of the Lady Carrington Estate South precinct to validate the presence, location and characteristics of threatened species, endangered ecological communities and fauna habitat linkages, and to determine the current water quality of natural watercourses within and in the vicinity of the precinct. These investigations are to evaluate potential impacts of urban development on ecological attributes in this precinct and the water quality of the Hacking River catchment. Reports of these investigations are to take into account submissions from state agencies and, once finalised, are to be peer reviewed by relevant state agencies.
4. A concept plan of subdivision be prepared by Smyth Planning and submitted to Wollongong City Council for the cleared land at the Lady Carrington Estate South precinct, including the vegetated land located between the existing urban settlement of Helensburgh and the cleared land. The plan of subdivision should be based on the application of the sustainability criteria contained in Appendix 1 to the Illawarra Regional Strategy to ascertain areas suitable for development, appropriate environmental safeguards having regard to the findings of investigations carried out in response to Recommendation 3, and proposed housing types and densities. The vegetation offsets tool developed by the Office of Environment and Heritage is to be applied to ensure that an adequate area of vegetated land can be set aside to offset clearing of the area of land located at the north west of the precinct between the existing urban area and cleared land.
5. Subject to recommendations 2, 3 and 4, a planning proposal be submitted to the Department of Planning and Environment for determination under section 56 of the Environmental Planning and Assessment Act 1979. The proposal is to amend Wollongong Local Environmental Plan 2009 by prescribing appropriate land zones and lot sizes for the Central Otford, Otford North and Lady Carrington Estate South precincts, and include the developable land at the Lady Carrington Estate South precinct as an Urban Release Area.
6. Independent legal advice be sought by the Department of Planning and Environment to determine whether planning proposal PP_2012_WOLLG_004_00 should be re-exhibited due to changes made to the exhibited version by Wollongong City Council on 29 July 2013.
7. Wollongong City Council prepare a strategy for existing urban areas in Helensburgh (including land uses within the Gateway Precinct and the northern part of the Frew Avenue Precinct) as a matter of priority that makes recommendations concerning the location and zoning of future residential, commercial and industrial land.

Composition of Recommendation: For – P. Allan, M. Grayson, A. Grimwood, M. Mantei Against – G. Takacs	<input type="checkbox"/> Unanimous <input checked="" type="checkbox"/> Not unanimous	Comments: Recommendations generally unanimous except concerning the development potential of land in the Lady Carrington Estate South precinct. A single dissenting view opposes any development in this precinct
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Review Request

The Deputy Director-General, as delegate of the then Minister for Planning and Infrastructure, requested on 5 February 2014 that the Regional Panel undertake a review of the following two related proposals for land in the vicinity of Helensburgh and Otford in the Wollongong Local Government Area:

- (a) a pre-gateway review of a pre-gateway application (PGR_2013_WOLLG_002_00) submitted by Smyth Planning on behalf of Ensile Pty Ltd and the Land Pooling Group, and
- (b) a planning proposal (PP_2011_WOLLG_008_00) prepared by Wollongong City Council.

The Deputy Director-General's terms of reference to the Regional Panel is to jointly consider the two proposals and to specifically:

- Review the pre-gateway application and consider this alternate proposal in the context of Wollongong City Council's planning proposal for the area,
- Prepare its advice concerning the merits of the pre-gateway application. The advice should include a clear and concise recommendation to the Minister confirming whether, in the opinion of the Regional Panel, the proposed instrument should be submitted for determination under section 56 of the *Environment Planning and Assessment Act 1979* for the issuing of a gateway determination, and
- In relation to Wollongong City Council's planning proposal for Helensburgh and Otford, provide advice to the Minister for Planning and Infrastructure on whether the proposal should proceed, or requires amendment.

The Regional Panel constituted for this review comprised the Hon. Pamela Allan (Chair), Mark Grayson and Allen Grimwood as state appointed members, and Michael Mantei and Councillor George Takacs appointed by Council to represent the community. The Regional Panel commenced deliberations in March 2014 and concluded the review in July 2014.

Declarations of interest

Pamela Allan – nil

Mark Grayson. Mark is the Director of Town Planning at Knight Frank Australia. He has been involved in projects in which an ecological consultant engaged by the land owner of Lady Carrington Estate South has also been involved. However, as there is no commonality between these projects and the subject review, this involvement does not present any conflict of interest.

Allen Grimwood – nil

Michael Mantei. Between 2004 and 2008 Michael acted for Wollongong City Council in three separate legal proceedings in the Land and Environment Court involving land within the review area. One of those proceedings involved a criminal prosecution for the alleged unlawful clearing of vegetation on Lady Carrington Estate South. The other two proceedings involved appeals against the refusal of development applications for dwellings on land within the Council's planning proposal area at Parkes Street, Helensburgh and Lady Wakehurst Drive, Otford. Michael no longer acts for Wollongong City Council in a legal capacity, nor does he hold any confidential information about those sites that is required to be disclosed as a member of the Regional Panel.

Alison McCabe. Alison is a state appointed member of the Regional Panel and a director of the consulting firm SJB Planning. SJB Planning was engaged by Wollongong City Council in 2013 to assess the potential for the clustering of dwellings in the Lloyd Place precinct as a means to facilitate residential development. The findings of the report have been considered during deliberations of the Regional Panel in relation to Council's planning proposal. Alison declared a non-pecuniary interest prior to commencement of the review and has not participated in deliberations or other procedures undertaken by the Regional Panel.

George Takacs. In November 2011 and July 2013 George participated in Wollongong City Council meetings dealing with the planning proposals for Helensburgh and Otford that are currently subject to review by the Regional Panel. He also attended public hearings as a councillor and had private discussions with various groups and individuals. George acknowledges that the information conveyed to him during these processes assists the performance of duties as a local community representative on the Regional Panel and does not compromise the ability to participate in the review.

Complaint about OEH conflict of interest

The Regional Panel has received a complaint from a landowner in the review area alleging that the Office of Environment and Heritage has a conflict of interest in this matter. The complaint arises from the Office's formal letter of offer dated 29 May 2014 to acquire 240 hectares of the Ensile land holding, presumably for addition to the National Parks Estate. The land the subject of the proposed acquisition includes some of the land within Lady Carrington Estate South which is proposed by the landowner to be zoned residential, and most, if not all, of the land proposed to be dedicated to the public under a Voluntary Planning Agreement offered by Ensile.

The complaint alleges that the Office's offer conflicts with its duty as a state agency to advise the Regional Panel objectively on environmental impacts of the proposed zoning of Lady Carrington Estate South. In that regard, the Regional Panel notes that the Office of Environment and Heritage has provided a submission to the Regional Panel dated 21 May 2014 containing detailed comments on the Flora and Fauna Assessment Report (dated April 2014) prepared for Ensile Pty Ltd.

Specifically, the complaint alleges that:

1. OEH's letter dated 21 May 2014 is an *"attempt to enhance its commercial position"* in negotiations on the proposed acquisition,
2. the offer places commercial pressure on the landowner to sell at an *"under value"*, and
3. the offer on the one hand and advice on impacts on the other, *"places at risk the integrity of the process"*.

The Regional Panel put these allegations to the Office of Environment and Heritage and was provided with a detailed written response dated 27 June 2014.

The Regional Panel has considered the complaint. The Office's response shows that it was aware of the sale by auction of the Ensile land in February 2014. The Office of Environment and Heritage later

became interested in negotiating purchase of the land in March and April 2014, and the land owner approached the Office about a potential sale in May 2014.

At the very least the Regional Panel considers the offer to acquire is poorly timed. The offer came to the attention of the Regional Panel on 10 June 2014, at a time when the Regional Panel had commenced its deliberation on the pre-gateway application and planning proposal. However the Regional Panel recognises that the offer was part of ongoing negotiation between the Office of Environment and Heritage and the land owner, the timing of which was brought about entirely by the proposed sale at auction in February 2014. The need to deal with the complaint at this late stage in the process is an unwanted distraction to the Regional Panel's assessment of the merits of the proposal for Lady Carrington Estate South. The Office's submission to the Regional Panel commenting on Ensile's Flora and Fauna Report contains relevant and important advice on which the Regional Panel has relied.

The Office's submission dated 21 May 2014 is certainly critical of Ensile's Flora and Fauna Assessment Report. However there is no evidence, of which the Regional Panel is aware, that suggests the contents of the Office's submission contain anything but the professional opinion of the author of the submission. The Regional Panel notes that Ensile's ecologist has reviewed the Office of Environment and Heritage submission and provided the Regional Panel with a formal response. The Regional Panel is confident that it has sufficient credible expert opinion, in the form of Ensile's Flora and Fauna Report, the Office's submission and Ensile's ecologist's response to the Office's submission, on which to base its findings.

Consultation

The Regional Panel inspected the locality and specific sites on 7 March 2014. A first round of consultation was held on 4 and 5 April 2014 with the proponent, representatives of land owners and community groups, Wollongong City Council and representatives of NSW Planning and Infrastructure (Southern Region). Departmental representatives attended all meetings as observers and to provide advice. This consultation comprised a tour of the locality and specific sites with relevant stakeholders followed by meetings with the proponent and representatives of landowners and community groups.

A second round of consultation was held on 6 and 7 May 2014 comprising meetings with representatives of the Office of Environment and Heritage and the Rural Fire Service followed by public meetings at which over 60 landowners, community groups, the proponent and interested persons gave deputations to the Regional Panel.

Background

The localities of Helensburgh and Otford are located at the northern end of the Wollongong Local Government Area, adjacent to the Sutherland Local Government Area. The Royal National Park lies to the north-east of the localities. In 2011 the towns of Helensburgh and Otford had a combined usual resident population of 6,260 persons with a population density of 2.47 persons per hectare. It is relevant to note for the purposes of the Regional Panel's findings that the Helensburgh/Otford locality is within the catchment of the Hacking River.

A large area of land to the south of Helensburgh, now known as Lady Carrington Estate South and the Land Pooling area, was originally subdivided in the 1890s. The land is now zoned environmental protection and is termed a paper subdivision. The pre-gateway application applies to Lady Carrington Estate South and the Land Pooling area. The Wollongong City Council planning proposal applies to a much larger area surrounding Helensburgh and Otford containing non-urban and urban land. The land to which the Council planning proposal applies includes the Lady Carrington Estate South and Land Pooling area, but proposes a different zone to that proposed in the pre-gateway application.

Non-urban land in the vicinity of Helensburgh and Otford, including Lady Carrington Estate South and the Land Pooling area, has been zoned rural or a non-urban zone since the County of Cumberland Planning Scheme (1951). This scheme applied a minimum lot size of 0.8 hectares to build a 'country' dwelling.

The minimum lot size increased to 2 hectares under the Illawarra Planning Scheme Ordinance in 1968. The 7(h) Hacking River Environmental Protection Zone was introduced in 1988 in recognition of the environmental significance of the area.

In 1971 the minimum lot size increased to 20 hectares and in 1984 to 40 hectares. The zoning was changed to 7(d) Hacking River Environmental Protection Zone under Wollongong LEP 1990, which commenced on 28 December 1990.

In 1994 a Commission of Inquiry investigated the capability of non-urban lands in the vicinity of Helensburgh and Otford to sustain urban development. The commission supported environmental protection zones over a large area to protect vegetation, soil stability and the water quality of the Hacking River catchment. Cleared and undeveloped areas at Gills Creek and part of Lady Carrington Estate South were found to be potentially suitable for urban development, whilst other areas including the Land Pooling area were considered to have lower capability. The Commission recommended to Wollongong City Council that future development should be subject to catchment-wide studies to determine water quality and environmental impacts. Council resolved to apply environmental zonings in 1995 and again in 1997 extended the application of the 7(d) zone.

Land zoned 7(d) was rezoned E3 Environmental Management under Wollongong LEP 2009, which commenced on 26 February 2010. The minimum allotment size for dwellings was preserved.

In 2009 Wollongong City Council commissioned Willana Consulting to review 7(d) lands at Helensburgh, Otford and Stanwell Tops. On the basis of the recommendations of that report, Council resolved to prepare a planning proposal and a gateway determination was issued in September 2011. This planning proposal generally sought to increase the development opportunities in the Helensburgh/Otford locality. At the same meeting, Council also resolved to consult on a draft planning agreement to dedicate 435 hectares in exchange for urban development on Lady Carrington Estate South and the Land Pooling area.

Later in 2011 Wollongong City Council resolved not to proceed with the draft planning proposal and planning agreement, but to prepare a new planning proposal which generally sought to reduce development opportunities in the Helensburgh/Otford locality by applying zone E2 Environmental Conservation extensively over non-urban lands, including over Lady Carrington Estate South and the Land Pooling area. A gateway determination was issued for Wollongong City Council's new planning proposal, reference PP_2012_WOLLG_004_00, on 2 April 2012 and the previous planning proposal withdrawn. This latter planning proposal is the subject of the Deputy Director-General's terms of reference to the Regional Panel.

Planning proposal PP_2012_WOLLG_004_00

Wollongong City Council's planning proposal seeks to amend Wollongong Local Environmental Plan 2009 by rezoning much of the E3 Environmental Management zone that applies to non-urban lands around Helensburgh and Otford to E2 Environmental Conservation.

The E3 zone currently applies to land occupied by high quality vegetation, cleared lands used for agriculture, land containing dwellings, land used for industrial purposes and land occupied by tourism development. The planning proposal, according to Wollongong City Council, seeks to review zonings to reflect land capability, existing land uses and to protect environmentally sensitive areas. A large portion of the land that is proposed to be zoned E2 is identified on the Natural Resources Sensitivity – Biodiversity Map in Wollongong LEP 2009.

Wollongong City Council's planning proposal also proposes to rezone:

- part of the Garrawarra State Conservation Area to E1 National Park,
- 0.73 hectares to E4 Environmental Living recognising existing dwellings and small residential lots and to allow one additional dwelling at South Otford by altering the minimum lot size requirement for a dwelling,
- 8.4 hectares to IN2 Light Industry recognising the existing use of the land as a waste recycling facility and 6.3 hectares to B6 Enterprise Corridor recognising existing uses, and
- the Symbio Wildlife Park to SP3 Tourist.

Development standards such as floor space ratio and maximum building height were proposed to be amended to reflect these zoning changes.

Wollongong City Council's planning proposal was exhibited between 6 August 2012 and 26 October 2012. Council considered 58,000 submissions to the plan, the majority of which were form letters, form emails and web-generated submissions, as well as submissions from state agencies, Sutherland Shire Council, interest groups and landowners. As a result of consideration of submissions, Council officers recommended changes be made to the exhibited planning proposal. At its meeting on 29 July 2013 Council resolved to make further changes to the exhibited planning proposal and to forward the plan to the Minister requesting that it be published.

Pre-gateway review PGR_2013_WOLLG_002_00

The request for a pre-gateway review was lodged with the Department of Planning and Infrastructure on 30 August 2013. The request relates to a pre-gateway application submitted to Wollongong City Council that seeks to rezone Lady Carrington Estate South and the Land Pooling area to facilitate residential development. The application proposes to:

- rezone 22.4 hectares of Lady Carrington Estate South to R2 Low Density Residential to enable the development of 400 residential lots,
- rezone 20.3 hectares of the Land Pooling area to R2 Low Density Residential, and
- dedicate (by way of a Voluntary Planning Agreement) up to 310 hectares of Lady Carrington Estate South to the National Parks and Wildlife Service for inclusion within the Royal National Park.

Council considered the planning proposal at its meeting on 29 July 2013 and did not support the proposal for the following reasons:

- Council has undertaken a five year review process of land in the vicinity of Helensburgh and Otford which has included three exhibition periods and consideration of submissions,
- Council does not support residential development on Lady Carrington Estate South and the Land Pooling area due to potential impacts on the Hacking River Catchment and the Royal National Park,
- There are alternatives to achieving the transfer of significant areas of bushland between Helensburgh and Otford to the Royal National Park other than as an exchange for residential development,
- Lots in the Land Pooling area were purchased in the 1980s without a dwelling entitlement and rely on a change in planning controls to enable dwellings to be built, and

- Helensburgh is not identified in the Illawarra Regional Strategy or the Illawarra Urban Development Program as an urban release area. The Wollongong Local Government Area is able to meet housing targets through land releases at West Dapto and Calderwood, and redevelopment in Wollongong centre and other centres.

Planning proposal for the acquisition of land

Wollongong City Council has prepared a planning proposal to acquire 21 lots in the Lloyd Place precinct and 1 lot located at Undola Road in the Camp Gully precinct as local open space. This planning proposal, although relevant to the Regional Panel's consideration, is not included in the terms of reference to the Regional Panel. These lots were created for the purpose of construction of a dwelling on each lot. However, between the date of issue of two subdivision consents in 1970 and the date of registration of the plans of subdivision in 1971 the Illawarra Planning Scheme Ordinance was amended to increase the minimum lot size for a dwelling, which had the effect of prohibiting dwellings on these lawfully-created lots.

Council has deemed these lots unsuitable for residential development due to steep slopes and/or sensitive vegetation. An alternative cluster type subdivision design was considered by consultants SJB Planning engaged by Council, who concluded that no part of the Lloyd Place precinct was suitable for development.

A gateway determination was issued on 13 November 2013 and Council has not yet exhibited the planning proposal. The land in the Lloyd Place precinct is proposed to be zoned E2 under Council's planning proposal which is the subject of this report.

Submissions

Community and landowner

Written and verbal submissions presented by landowners, community interest groups and individuals are either in support of urban development and/or the ability to erect dwellings on vacant lots, or object to further development on the grounds of the environmental significance of the area, potential impacts on the Hacking River catchment and maintenance of habitat corridors.

Submissions in support of urban expansion note the potential economic benefits and employment associated with development, the additional housing that would be provided, and the availability of existing services including transport in Helensburgh.

Key conflicting issues raised in written and verbal submissions to the Regional Panel are:

- Uncertainty over the potential impact of further development on the quality of receiving waters in the Hacking River catchment given the need to maintain and improve water quality,
- Uncertainty over the potential impact of further development on flora and fauna given the need to conserve endangered ecological communities, significant bushland and habitat linkages,
- Whether significant bushland areas should remain in private ownership and zoned to protect existing ecological values and in some cases facilitate restoration of the natural environment, or be brought into public ownership through incorporation in the Royal National Park,
- Provision of a buffer to the Royal National Park and Garrawarra State Conservation Area to protect the ecological values of these public lands,
- The need to manage bushfire impacts in terms of the ecological impacts of clearing for bushfire protection for new development and on the protection of life and property,
- The development footprint of the settlement of Helensburgh and its optimum population level,
- The need for additional housing opportunities and whether population growth should be accommodated through infill development or outward expansion of the urban area,

- The adequacy of existing infrastructure to service any additional development and whether further development would contribute to the provision of additional services such as schools and medical facilities, and
- The creation of local employment opportunities in Helensburgh as opposed to utilising existing road and rail connections to commute to work in Sydney and Wollongong.

Some landowners raised issues relating to specific sites, in particular to facilitate dwelling entitlements on vacant lots that have been in the same ownership for many years and for which the rules regarding dwelling entitlements have changed, and elsewhere to enable further commercial and industrial expansion.

State agencies & local government

Below are the salient points raised in written and verbal submissions to the Regional Panel by state agencies and local government during stakeholder consultation forums.

Office of Environment & Heritage

- The Office is familiar with Council's review and aware that Council has not supported development due to likely environmental impacts especially on the Hacking River catchment. Position of Council is reflective of findings of Commission of Inquiry. The Office supports decision to rezone lands to E2, noting that this follows three exhibition periods and a strategic review.
- Helensburgh is not identified in the Illawarra Regional Strategy as an urban release area. The Illawarra Urban Development Program and draft discussion paper note that there is 30 years supply and housing targets may be met through infill development and elsewhere, e.g. West Dapto. An additional 400 lots in Helensburgh appears unwarranted.
- The outcome should be based on planning merits and not based on the offer to dedicate land in exchange for urban development. The Office states that *"an interesting case will need to be made as to planning merits"* and *"the notion that development can occur on the promise of a 'sweetener' ... needs to return to a more informed decision making process"*. Identified strategic conservation values and environmental attributes exist contrasting with limited strategic requirement for urban expansion.
- The potential dedication of land to the National Parks and Wildlife Service is a rare opportunity to secure a significant area of coastal bushland that includes critical habitat linkages, habitat for threatened species and endangered ecological communities, fire refuge for wildlife, protection of catchment headwaters and is within the Greater Eastern Ranges corridor. Dedication not supported without a thorough merit assessment of environmental impacts and other benefits of the planning proposal, and clarification of other management and funding issues associated with inholdings in private ownership, access, tenure and conservation management. Prefer to acquire the land and bring private lands into national park estate. Ongoing management of horses on private land needs to be resolved. Dedication may occur in absence of any planning outcome and conservation lands can remain in private ownership using mechanisms such as biobanking.
- Assessment of tenure, management impacts and environmental impacts is lacking. The Office queries the integrity of the ecological assessment and the conclusion that there are no threatened communities on the land given updated vegetation mapping and expects that a species impact statement is required. Significant further work is required to assess and evaluate biodiversity impacts, including on Aboriginal cultural heritage.
- Cites sustainability criteria of the Illawarra Regional strategy to maintain or improve areas of regionally significant terrestrial and aquatic biodiversity, environmental conditions for water quality and protect areas of Aboriginal cultural heritage value. The principle that impacts must be avoided using prevention and mitigation measures are not demonstrated by the proposal to exceed beyond cleared area of Lady Carrington Estate. The aims and objectives of the Threatened Species Conservation Act 1995 and clause 7.2 Natural

Resources Sensitivity – Biodiversity of Wollongong LEP 2009 should be integrated into a merit assessment of the proposal.

- It is unlikely that the vegetation types on Lady Carrington Estate and the Land Pooling area can be aligned with offsets in the biobanking process due to differing ecosystems on land identified for development to those on land to be preserved by the land exchange. Offsets may be available for the development of Lady Carrington Estate South on the land to be dedicated but offset lands will need to be found elsewhere for the Land Pooling area. Recommend that an accredited assessor be engaged to apply the biobanking methodology.

Environment Protection Authority

- All runoff from the proposed residential development area contributes to minor tributaries that drain to the Hacking River which flows through the Royal National Park into Port Hacking.
- Development should be guided by a requirement to maintain or contribute to meeting local water quality objectives or the use of offsets.
- Stormwater reuse, retention and detention strategies should be used to minimise changes to the flow regime of receiving waterways and contribute to meeting local river flow objectives.
- Due to the sensitivity of the catchment it is recommended that a water quality impact assessment be carried out.
- The Environment Protection Authority supports the water sensitive urban design strategy and recommends that an ecosystem response tool also be used to model any potential impacts on Port Hacking associated with altered hydrological and nutrient and sediment loads.
- Any future residential development will need to connect to the existing sewage reticulation system. It needs to be determined whether this existing scheme can cater to any new additional load and subsequent impacts on the environmental performance of the system in relation to sewage overflows and discharges.
- There is a history of illegal filling of land with asbestos contaminated waste near an existing residence on Lilyvale Road and it is unclear how formal recognition of this dwelling and bushfire protection will be achieved given the proposed VPA to exchange land.
- There is potential for other areas, including land proposed to be dedicated as national park, to be impacted by illegal filling and dumping, and land contamination due to past activities. The Environment Protection Authority recommends that a contaminated land assessment be carried out.
- Activities on light industrial land adjoining the Land Pooling area has the potential to impact on future residential development through generation of noise, vibration, dust and odours. Land use conflict should be avoided.
- Details of relevant state guidelines, policies and reporting requirements that apply to water quality, sewage, and contaminated land and waste management are provided.
- The Environment Protection Authority also provided comment on a water quality management report prepared for the proponent by Evans & Peck dated 10 June 2014. The Authority advises that planning, design and development outcomes should be guided by a requirement that maintains or contributes to meeting local water quality objectives. The Authority does not consider the adoption of NorBE as an appropriate water quality treatment target as it does not take into consideration the relevant community uses and values for receiving waters. The NSW Water Quality Objectives and ANZECC (2000) guidelines provide the appropriate framework.

Office of Water

- The Office is supportive of Wollongong City Council's planning proposal as the E2 zone over significant portions of land will protect environmentally sensitive areas and conserve extensive environmental corridors along all streams.
- The Smyth proposal will require the removal of significant areas of vegetation. The Office recommends that clearing of steeply sloping lands adjoining riparian areas be limited to ensure the stability of streams and riparian corridors is maintained.

- Residential expansion should comply with guidelines including protection and/or establishment of suitably structured vegetated riparian corridors and ensuring that bushfire protection measures do not constrain or limit riparian widths within development areas of adjoining conservation areas.
- The Office recommends that management of all riparian corridors be via public ownership through E2 or E3 zoning.

Sydney Water

- Details are provided of water and wastewater infrastructure that would be needed to service Lady Carrington Estate South and the Land Pooling area.

South East Local Lands Services

- The Service recommends that provisions of the Native Vegetation Act 2003 are considered where the Act applies, and that property vegetation plans and offsets apply.
- Recent amendments to the Native Vegetation Regulation mean that approval is not required for clearing native vegetation for a dwelling house, dual occupancy, secondary dwelling, semi-detached dwelling, rural workers dwelling and ancillary development.
- The Service is not aware of any flora and fauna studies and note that Southern Sydney sheltered forest, an endangered ecological community, is expected to occur in the subject area and is predicted for land proposed to be zoned R2. Supports decisions based on appropriate evidence and recommends that environmental studies, including flora and fauna reports, be carried out.

Rural Fire Service

- Community bushfire protection plans are currently being prepared.
- The lands comprise bushfire prone land and managed land. Any urban development will need to comply with the guideline Planning for Bushfire Protection 2006, e.g. for downslopes greater than 25 degrees would require asset protection zones of approximately 60 metres.
- Access within development areas would also need to comply with Austroads standards to ensure roads are accessible for fire-fighting vehicles.
- Need to ensure that new urban development has a bushfire attack level of no more than 29kW/m²

Urban Growth

- Urban Growth are not seeking new greenfield development opportunities but are focussing on urban renewal projects.

Sutherland Shire Council

- Rezoning to allow more intense urban activity places at risk the long term water quality of the Hacking River and the integrity of the natural corridors that link the Sutherland Shire, Illawarra escarpment and water catchment areas.
- Little detail and analysis to demonstrate and support increased development citing unfulfilled recommendations of the Commission of Inquiry.
- Short and long term studies needed to assess:
 - Existing water quality and environmental impacts
 - Cumulative impacts
 - Loss of flora and fauna
 - Effectiveness and capability of water quality control measures
 - Impacts on rare and endangered fauna, especially the sooty owl
 - Impacts on wildlife corridors from land uses, road buffers and bushfire asset protection zones

- The following water quality issues remain unresolved:
 - Very high erodability of soils
 - Heightened source of sediment into the headwater creeks
 - Removal of vegetation contributing to erosion and high sediment input into the catchment
 - Impact of sedimentation and pollution on vegetation, invertebrates and catchment ecology
 - Increased impact of predation of native animals due to increased dogs and cats
 - Increased opportunity and dispersion of weeds
 - Increased pressure and disturbance of the natural environment due to improved access
 - Whether water quality devices will be adequate, capacity to address intense rainfall events, ongoing management and maintenance, and cost effectiveness
- Sutherland Shire Council is concerned about long term environmental impacts of intensification and inappropriate development. Increased nutrient and sediment inputs into the Hacking River conflict with the need to protect and conserve diverse and unique areas of the Royal National Park, Port Hacking and bushland links.
- Potential upstream impacts may potentially place greater pressure on resources of Sutherland Shire Council to maintain, manage and respond to impacts on areas of high regional tourism and recreational values and provide biodiversity linkages.
- Proper and informed decision requires more rigorous assessment of potential impacts.

Assessment

Wollongong City Council Planning proposal PP_2012_WOLLG_004_00

In its assessment the Regional Panel has considered a series of reports that were put to Wollongong City Council on 29 July 2013. These reports contained recommendations related to specific precincts and groups of precincts, and included details of the historical background to the planning proposal, a review of relevant issues and details of submissions made to the planning proposal.

The Regional Panel makes the following findings in relation to each of the precincts and groups of precincts in the order of reporting to Council, and as identified on the map reproduced at Annexure A of this report.

Lady Carrington Estate North, Garrawarra and isolated lots in the Royal National Park precincts

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013 in relation to Lady Carrington Estate North, Garrawarra and isolated lots in the Royal National Park.

Lady Carrington Estate North is now part of the Garrawarra State Conservation Area and should be zoned E1 National Parks and Nature Reserves. The zoning of the Garrawarra Hospital site as SP2 Infrastructure labelled as *Health Services Facility and Seniors Housing* with no minimum lot size will provide flexibility for future use of that site. Isolated lots within the Royal National Park are appropriately zoned as E2 Environmental Conservation, noting that a planning proposal has been submitted for Lot 1 DP 335557 to create an additional permitted use that is outside the terms of reference for the Regional Panel's consideration.

Otford North, Otford Central, Otford South and Govinda precincts

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013 in relation to South Otford and the Govinda precincts. For reasons such as steep slopes and the presence of native vegetation, the Regional Panel considers that zones E2 and E3 should apply and that additional dwellings only be permitted in these precincts where recommended by Council.

However, due to significant disturbance to the natural environment and the clearing of native vegetation on some lots in the Central Otford and North Otford precincts, the Regional Panel recognises that some lots may not meet the objectives of the E2 Environmental Conservation zone.

The Regional Panel considers that the Central Otford and North Otford precincts should be deferred from planning proposal PP_2012_WOLLG_004_00 and that further investigation of land capability in these precincts be carried out to identify lots or parts of lots that do not meet the E2 zone objectives, and which may be better suited to the objectives of an E3 or other zone.

Gills Creek and F6 West precincts

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. The mix of zones to be applied across these precincts accurately reflects existing uses and environmental conditions.

Wilsons Creek precinct

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. Existing dwellings in this precinct were approved before the introduction of a minimum lot size of 2 hectares for a country dwelling.

This area contains an endangered ecological community (Southern Sydney Sheltered Forest). The precinct has a high bushfire risk and clearing associated with asset protection zones for any additional dwellings would compromise the integrity of the endangered ecological community.

Gateway precinct

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. The mix of zones to be applied across these precincts accurately reflects existing commercial, tourism and rural uses and environmental conditions.

The existence of commercial uses at some distance from the town centre suggests that a long term strategy is needed to co-ordinate future expansion of residential, commercial and industrial development in the settlement of Helensburgh. The Regional Panel is aware that Council intends to prepare such a strategy but recommends that this be prepared as a matter of priority.

Walker Street and Frew Avenue precinct

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. The mix of zones to be applied across these precincts accurately reflects existing uses and environmental conditions.

However, the Regional Panel recommends that the future zoning and potential for the development of dwellings in the Frew Avenue precinct, due to its location adjoining industrial and rural residential development, be considered as part of the preparation of a strategy for Helensburgh,.

159 to 169 Walker Street "Blackwell's"

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. The proposed IN2 Light Industrial and E2 Environmental Conservation zones to be applied across this precinct accurately reflect existing industrial uses and environmental conditions.

The application of zone IN2 Light Industrial to land occupied by existing industrial development will assist Council to manage future uses on that land.

Lukin Street, Old Farm Road and Metropolitan Colliery precincts

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. The mix of zones to be applied across these precincts accurately reflects any existing and former primary production uses and environmental conditions.

It is considered that it is appropriate to remove the Old Farm Road precinct from the planning proposal and to retain current E3 Environmental Management and R2 Low Density Residential zones. The Regional Panel agrees that the RU1 zone for the Metropolitan Colliery is appropriate as this is consistent with the zoning of other mine sites in the Wollongong Local Government Area.

Camp Gully precinct, including Undola Road and Walker Lane sub-precincts

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. The mix of zones to be applied across these precincts accurately reflects existing uses and environmental conditions.

Council's intention to prepare a separate planning proposal to identify land described as 3 Undola Road on the Land Reservation Acquisition Map for local open space purposes is supported.

Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. The Regional Panel supports proposed environmental protection zonings over the majority of this land due to high biodiversity conservation values.

It is appropriate to zone the land on which the existing equestrian centre known as Otford Valley Farm is located as E3, as recommended by Council officers, to reflect the ongoing use of the site. The Regional Panel notes that the central bushland area is the subject of a proposed Voluntary Planning Agreement, which is discussed later in this report.

Lloyd Place precinct

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013. There appears to be no opportunity for residential development on the remaining 21 vacant lots in this precinct due to the presence of significant environmental constraints.

Mapping supplied by the Office of Environment and Heritage indicates that the Lloyd Place precinct contains four vegetation communities. These are wet sclerophyll forests known as Illawarra Escarpment Blackbutt Forest and Illawarra Escarpment Blue Gum Wet Forest, the rainforest known as Coastal Warm Temperate Rainforest and the dry sclerophyll forest Southern Sydney Sheltered Forest. These communities cover the majority of the precinct other than the land surrounding an existing dwelling.

Clearing that would be required to implement asset protection zones to provide bushfire protection to any additional dwellings would severely compromise the integrity of these vegetation communities, including Southern Sydney Sheltered Forest which is listed as an endangered ecological community in schedules to the Threatened Species Conservation Act 1995.

SJB Planning carried out a land capability review on behalf of Council to determine whether the land is suitable for cluster housing or a land pooling option. The review found that the majority of the precinct is not suitable for residential development due to slope and riparian corridor constraints. The two small areas that are potentially suitable comprise land on two lots, one of which is already occupied by a dwelling. However, taking into account the clearing required for asset protection zones rendered these areas unsuitable for development including by way of land pooling.

As mentioned earlier in this report, the Regional Panel notes that Council has prepared a planning proposal to acquire 21 lots at Lloyd Place and Otford Road, Otford and 1 lot at Undola Road in the Camp Gully precinct as local open space. The Regional Panel acknowledges that longer term land owners in this precinct have been penalised due to successive changes to the minimum lot size required to erect a residential dwelling. Although the land acquisition planning proposal is not the subject of the Regional Panel review, the Regional Panel supports the proposal in principle.

Land Pooling, Lady Carrington Estate South precincts

Land Pooling area

The Regional Panel supports Council's planning proposal as resolved by Council at its meeting on 29 July 2013 in relation to the Land Pooling area.

Having considered the pattern of land ownership, the status of the paper subdivision of the land, the lack of dwelling entitlements and development capability, the Regional Panel is of the opinion that the Land Pooling area is not suitable for urban development and supports the application of zone E2 Environmental Conservation to this precinct.

Mapping supplied by the Office of Environment and Heritage indicates that the Land Pooling area contains two vegetation communities. These are dry sclerophyll forests known as Southern Sydney Sheltered Forest and Sydney South Exposed Sandstone Woodland. These communities cover the majority of the area other than disturbed land surrounding an existing dwelling in the centre of the site. The Southern Sydney Sheltered Forest is listed as an endangered ecological community in schedules to the Threatened Species Conservation Act 1995 and covers approximately half of the area. Urban development would cause the clearing of native vegetation including the endangered ecological community with potential downstream water quality impacts.

The land is some distance from commercial and institutional services yet adjoins existing industrial development on land to the south, which may give rise to land use conflict.

The land is subject to a paper subdivision, the layout of which is not compatible with contemporary standards for urban development. Rezoning of the precinct to permit residential development would be required to facilitate land pooling and re-subdivision under the "paper subdivision" provisions contained in Schedule 5 of the Environmental Planning and Assessment Act 1979. The Regional Panel has been advised by Urban Growth that it is unlikely to manage re-subdivision and development of this precinct. Although not determinative of the Regional Panel's findings in respect of the Land Pooling area, the potential difficulties of implementing the paper subdivision provisions is another factor that weighs against an urban zoning of this land.

Lady Carrington Estate South

The Regional Panel agrees with the findings of the Commission of Inquiry that certain land in Lady Carrington Estate South has development potential and that there is merit in investigating the suitability of that land for urban development.

The Regional Panel does not support Wollongong City Council's planning proposal to zone cleared and disturbed land in this precinct as either E2 Environmental Conservation or E3 Environmental Management. Cleared land in this precinct does not meet the objectives of an environmental zone.

It is considered that the cleared land and the intervening land located between the existing settlement and the cleared land (hereafter referred to as 'intervening land') in this precinct may be suitable for development due to its historical agricultural use and current active management, its terrain and topographic attributes, and the fact that it remains in single ownership. Due to its positioning between the existing settlement and cleared land, the environmental values of intervening land would be compromised by edge effects following urban development and due to clearing for asset protection zones and the like. In this regard consideration of the cleared land and intervening land of Lady

Carrington Estate South for urban development has strategic and site-specific merit over and above vegetated land and the Land Pooling area.

This land forms a logical and contiguous extension to the settlement of Helensburgh that may not compromise settlement character due to its proximity to the town centre and its location adjacent to existing urban development. An undated report prepared for Council by SGS Economics and Planning in the mid-2000s identified that there is continuing demand for land in Helensburgh, particularly from residents of neighbouring Sutherland Local Government Area primarily due to proximity to Sydney, lifestyle attributes, the type of housing available and relative affordability. SGS notes that there is limited capacity to meet residential demand within existing zoned land and that there is a case to review housing supply options in Helensburgh. The Regional Panel is of the opinion that the cleared land and intervening land at Lady Carrington Estate South could augment supply in the short term and that a strategy should be prepared for the settlement as a matter of priority to guide future urban development.

During stakeholder forums, the Regional Panel was provided with a report entitled Flora and Fauna Assessment Report prepared by Conacher Consulting (April 2014). The Regional Panel requested that the Office of Environment and Heritage undertake a review of the report. The Office found that the ecological surveys carried out were limited to a small area of Lady Carrington Estate South, the full range of potential habitats present were not surveyed, survey methods were inadequate or inappropriate for certain threatened species, and recent vegetation mapping published by the Office was not considered. The Office found that the conclusion in the assessment report that there would be no significant impacts on threatened species, populations or ecological communities is not valid. Office of Environment and Heritage mapping suggests that a substantial area within the proposed residential area, including both Land Carrington Estate South and the Land Pooling area, is occupied by the endangered ecological community Southern Sydney Sheltered Forest and advises that significant impacts are likely. The Regional Panel therefore believes that further investigation of ecological matters should be undertaken to estimate potential impacts of development and to identify appropriate environmental safeguards.

Ensile has provided evidence to Wollongong City Council and the Regional Panel that the land can be developed according to water sensitive urban design principles. That evidence suggests that the land may be developed in a way that ensures post-development water quality levels are better than existing water quality levels.

Regarding land stability, historical mining activity at the Metropolitan Colliery at Helensburgh was carried out using the 'Bord and Pillar' technique which was a relatively stable method and caused less systematic subsidence than longwall mining. Mining activity has moved west in recent years and the extraction of coal in and around the Helensburgh area is now complete or uneconomic. As a result there is little concern about urban development potentially sterilising the resource, or coal mining and resultant subsidence being limiting factors in the assessment of development potential at Helensburgh.

The Regional Panel does not support the subdivision plan submitted with the pre-gateway application PGR_2013_WOLLG_002_00. The Regional Panel is of the opinion that the concept subdivision plan accompanying the pre-gateway application submitted for Ensile and the Land Pooling group should be amended to address environmental constraints. Other than the intervening land located at the north west of the precinct between the existing urban area and the cleared land, buffer areas to urban development should be confined to cleared land, that is, bushfire management and water management measures should not encroach into vegetated land.

The Regional Panel recommends that the cleared land and intervening land be zoned R2 Low Density Residential. The remainder of the precinct should be zoned E2 Environmental Conservation.

The Regional Panel recommends that the design and layout of the modified plan of subdivision be predicated on the principles of sustainable development and reflect best practice environmental management to ensure preservation of native vegetation and downstream water quality. In this

regard the Regional Panel recommends that a masterplan be prepared based on the application of the sustainability criteria contained in Appendix 1 to the Illawarra Regional Strategy to ascertain areas suitable for development, appropriate environmental safeguards, and proposed housing types and densities.

The vegetation offsets tool developed by the Office of Environment and Heritage should be applied to ensure that an adequate area of vegetated land can be set aside to offset clearing of the intervening land. Should it be determined through this process that the land is capable of urban development then the land should be included as a mapped Urban Release Area in Wollongong LEP 2009 to ensure that a development control plan is prepared and adopted to guide development and to manage the provision of infrastructure and services.

The Regional Panel was not unanimous in its consideration of the Lady Carrington Estate South precinct and subsequent recommendations. A dissenting view is put by Councillor Takacs that supports Council's proposal to apply the E2 zone to bushland and the E3 zone to cleared land. This view is predicated on the Regional Panel member's belief that on sustainability grounds it is desirable to limit the potential for population increase in the Helensburgh area and that this should be reflected in land zonings. Helensburgh is placed midway between the urban agglomerations of Sydney and Wollongong. Additional residents in Helensburgh will by necessity have a large commuting footprint for work, education, and medical care. Rezoning which allow for residential development on the urban fringe of Helensburgh will lead to increased penetration of exotic plants and animals into bushland areas with adverse impacts for biodiversity. Population increase in the Helensburgh area should be limited to that which can occur through redevelopment of brownfield sites.

Other matters

The Regional Panel considers that Wollongong City Council made potentially substantial changes to the exhibited version of planning proposal PP_2012_WOLLG_004_00 at its meeting on 29 July 2013. For example, changing the proposed zoning of land from E3 Environmental Management as exhibited to E2 Environmental Conservation, along with subsequent changes in the range of permissible land uses, may constitute a substantial amendment that warrants re-exhibition of the planning proposal as amended. The Regional Panel therefore recommends that the Department of Planning and Environment obtain an independent legal opinion as to whether Council's planning proposal should be re-exhibited.

Pre-gateway review PGR_2013_WOLLG_002_00

The rezoning submission lodged by Smyth Planning on behalf of Ensile Pty Ltd and a number of owners within the Land Pooling area requests that a planning proposal be prepared to:

- Rezone the Lady Carrington Estate South precinct to permit low to medium density residential development,
- Rezone the Land Pooling area to permit low to medium density residential development,
- Retain zone E2 Environmental Management on Otford Valley Farm,
- Rezone the balance of Ensile Pty Ltd holdings in the Lady Carrington Estate, Lilyvale, Camp Gully Creek and Central Bushland precincts to zone E2 Environmental Conservation,
- Endorse a Voluntary Planning Agreement to facilitate the transfer of holdings in the Lady Carrington Estate, Lilyvale, Camp Gully Creek and Central Bushland precincts to be zoned E2 Environmental Conservation to the National Parks and Wildlife Service, and
- Enable each land owner within the Lloyd Place precinct to transfer their lot to a lot within either Lady Carrington Estate South or the Land Pooling area to realise a dwelling entitlement.

Having regard to Wollongong City Council's planning proposal and submissions and information submitted by the proponent during the course of the review, the Regional Panel supports limited urban development of the Lady Carrington Estate South precinct. The Regional Panel is of the view that limited urban development is appropriate as it generally coincides with the already cleared lands adjacent to the existing urban area of Helensburgh and has sufficient strategic merit to warrant further consideration. This is subject, however, to the matters relating to site-specific merit being satisfactorily addressed.

The Regional Panel also supports the application of zone E2 Environmental Conservation to environmentally sensitive lands and the transfer of that land to the National Parks and Wildlife Service. The Regional Panel acknowledges the draft Voluntary Planning Agreement that has been submitted by the proponent, however, the Regional Panel is concerned solely with the capability of land for urban development and does not consider development potential or land conservation to be reliant upon the dedication of environmentally sensitive land.

For reasons stated above, the Regional Panel is of the view that there is insufficient site-specific merit to support the proposed zoning of the Land Pooling area. The Regional Panel also does not support the transfer of lots to land owners within the Lloyd Place precinct in lieu of the awarding of dwelling entitlements in Lloyd Place but recommends that zone E2 Environmental Conservation be applied to these precincts. The Regional Panel supports Council's planning proposal as resolved at its meeting on 29 July 2013 to apply a split zone E2 and E3 to Otford Valley Farm.

It is recommended that a planning proposal be prepared to facilitate limited development of the Lady Carrington Estate South precinct subject to conditions as described above.

Conclusion

The Regional Panel has carried out the review of Wollongong City Council's planning proposal (PP_2012_WOLLG_004_00) and the pre-gateway application by Smyth Planning (PGR_2013_WOLLG_002_00) in accordance with the Terms of Reference.

The Regional Panel recommends that Council's planning proposal be amended to defer the rezoning of the Central Otford, Otford North and Lady Carrington Estate South precincts. The amended planning proposal should, subject to legal advice on re-exhibition, be considered by the Minister for making of a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979. Given changes that Council made to the exhibited version of its planning proposal in July 2013 the Regional Panel recommends that the Department of Planning and Environment obtain a legal opinion to ascertain whether the planning proposal should be re-exhibited.

The Regional Panel is of the opinion that a separate planning proposal should be prepared and exhibited for the Central Otford and Otford North precincts subject to further land capability investigations, and for the Lady Carrington Estate South precinct subject to the provision of additional flora and fauna information, further assessment of potential impacts on flora, fauna and catchment water quality, and a revised concept subdivision plan for the Lady Carrington Estate South precinct.

This proposal should consider any additional development potential of Central Otford and Otford North and apply an appropriate land zone and minimum lot size for residential dwellings in that precinct having regard to the findings of investigations into land capability. This proposal should also seek to rezone cleared land and intervening land at Lady Carrington Estate South for residential development, subject to the findings of further studies. The Voluntary Planning Agreement to transfer certain lands to the National Parks and Wildlife Service is a separate process to the planning proposal.

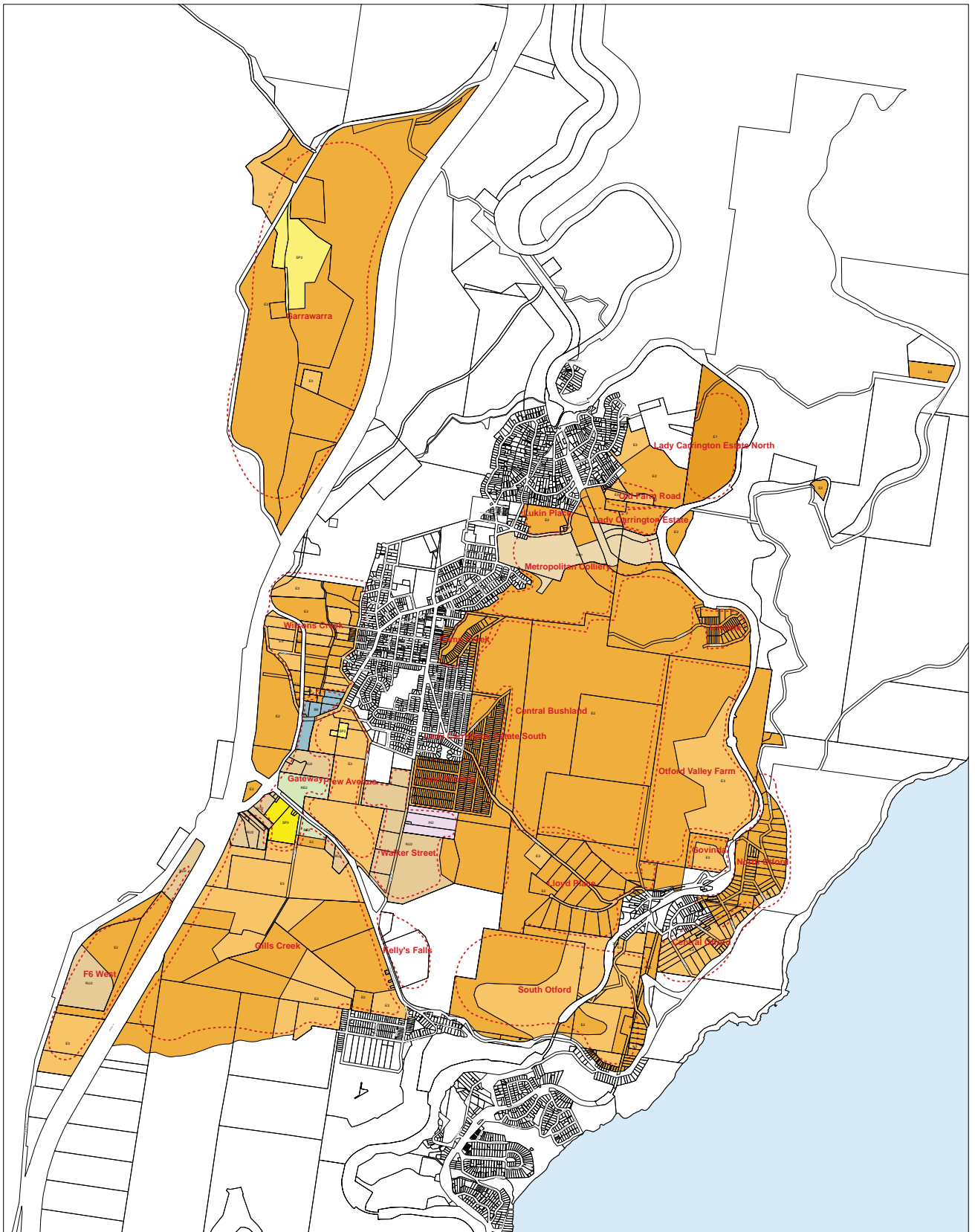
The Regional Panel also supports the preparation of a strategy for existing urban areas in the settlement of Helensburgh to guide future residential, commercial and industrial development. This structure plan should address land uses within the Gateway Precinct and the northern part of the Frew Avenue Precinct.

Endorsed by:

A handwritten signature in blue ink that reads "Pam Allan". The signature is written in a cursive, flowing style.

The Hon. Pamela Allan
Chair
Southern Joint Regional Planning Regional Panel
30 July 2014

ANNEXURE A



Helensburgh Final Review Planning Proposal (29 July 2013)

Legend

 Precincts	 E3 Environmental Management	 RE2 Private Recreation	 SP2 Infrastructure
 BC Enterprise Corridor	 E4 Environmental Living	 RE2 Private Recreation	 SP3 Tourist
 E1 National Parks & Nature Reserves	 IN2 Light Industrial	 RU1 Primary Production	
 E2 Environmental Conservation	 R2 Low Density Residential	 RU2 Rural Landscape	

Drawn By: J Lewis

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