

ITEM 11 PROPOSED ACQUISITION OF LOT 19 DP 241582 OTFORD ROAD, OTFORD

This land is one of 18 properties that have been included in the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009 and identified for acquisition for passive open space. To date Council has reached agreement with six property owners to acquire their land, including the subject property.

This report recommends Council obtains approval to acquire Lot 19 DP 241582, Otford Road, Otford, for passive open space land.

RECOMMENDATION

- 1 Council acquire Lot 19 DP 241582, Otford Road, Otford for the agreed purchase price of \$100,000 (GST inclusive). The land is required for passive open space land as per the Land Reservation Acquisition Map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the landowner's reasonable costs associated with the sale under the Land Acquisition (Just Terms Compensation) Act, 1991.
- 3 Upon acquisition the land becomes classified as Community Land.
- 4 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Business Paper Plan Acquisition of Lot 19 DP 241582
- 2 WLEP 2009 Amendment No. 31 Land Reservation Acquisition Map

BACKGROUND

On 12 April 1967 Council approved a subdivision application which created the Lloyd Place lots and the Otford Road lots. At this time the minimum lot size for "country dwelling" was 8,000m² or 0.8 hectares. The lots created measured two hectares and were zones Non-Urban "A".

In 1968 the minimum lot size for a country dwelling was increased to two hectares by the Illawarra Planning Scheme.

In September 1969 Council considered a proposal from the then State Planning Authority to increase the minimum area for "country dwellings" in all non-urban areas from two hectares to 40 hectares. Council agreed in principle with the proposal but considered that a 20 hectare minimum would be more satisfactory for non-urban areas.

On 12 December 1970 Council advertised in a local newspaper the proposed increase to minimum lot size requirements for a "country dwelling" from two hectares to 20 hectares and allowed a period of 28 days for comments. Only five objections were received, and none related to the lots at Otford Road and Lloyd Place.

On 30 April 1971 the Minister for Local Government increased the minimum lot standard for a "country dwelling" on Non-Urban "A" land from two hectares to 20 hectares. By this time most of the lots in the Otford Road and Lloyd Place subdivision had been sold to persons planning to build dwelling houses.

The Town Clerk's Certificate was issued for the Lloyd Place and Otford Road subdivision on 9 April 1971 after all site works were completed. The subdivision was released in two stages, the Otford Road lots were released first, DP 241582 on 8 October 1971 and then the Lloyd Place lots DP 242135 on 6 March 1972.

The owner entered into a Contract of Sale to purchase the land on 17 March 1972 which was after the gazettal date of 30 April 1971. The land measures two hectares and at the time of entering into the Contract of Sale a “country dwelling” was not permissible under the zoning which was Non-Urban “A” as the land did not meet the minimum lot size of 20 hectares.

In 1984 the minimum lot size for a “country dwelling” increased to 40 hectares.

On 29 July 2013 Council resolved (in part) to provide landowners with an exit strategy by identifying this land for acquisition as follows:

A new draft Planning Proposal be prepared to identify the 21 lots within the Lloyd Place precinct which do not contain a dwelling house for acquisition, by identifying the lots on the Land Reservation Acquisition Map as being required for Local Open Space purposes. The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authorisation for the General Manager to exercise plan making delegations in accordance with Council’s resolution of 26 November 2012. If approved, the draft Planning Proposal be placed on public exhibition for a minimum period of 28 days.

On 5 June 2015 the lots were rezoned to E2 Environmental Conservation as part of the review of former 7 (d) zoned lands, and dwelling houses were no longer permitted.

On 10 October 2016 Council resolved that:

- 1 *The draft Planning Proposal to identify 21 lots within Lloyd Place, Otford precinct, and one lot within the Camp Gully Precinct Undola Road sub-precinct (No. 3 Undola Road) on the Wollongong LEP 2009 – Land Reservation Acquisition Map as Local Open Space, be progressed by –*
 - a. *Referring the final Planning Proposal to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal.*
 - b. *Noting that the General manager and thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the final proposal.*
- 2 *Requests for acquisition of properties within the precinct be reported to Council determination.*
- 3 *Lots 1,2 and 3 DP242135 Lloyd Place be excluded from the Planning Proposal.*

Part 3 of the resolution reduced the number of lots to be acquired from 21 to 18.

The draft planning proposal was submitted to the NSW Department of Planning and Environment and an amendment to the Wollongong Local Environment Plan 2009 (LEP) (Amendment No. 31) (refer Attachment 2) under the Environment Planning and Assessment Act (EPAA 1979) was notified on the NSW Legislation website on 17 March 2017 which reserves the following lots for acquisition:

- Lot 38, Section G, DP 2644, 3 Undola Road, Helensburgh
- Lots 4 – 6 and 8 DP 242135, Lloyd Place, Otford
- Lot 2 DP 33693, Lot 104 DP 226579, Lot 100 DP 226580 and Lots 11 – 21 DP 241582 Otford Road, Otford.

Council wrote to the affected landowners on 30 March 2017 advising them of the LEP amendment and that Council could now acquire their land for passive “open space” if they so wished, thereby providing them with an exit strategy.

It was also envisaged that the acquisition would be under the terms of the Land Acquisition (Just Terms Compensation) Act, 1991, in accordance with Clause 5.1 of the LEP. The letter also states, “Council will have regard to the ownership history of the property and the planning controls that applied at the time of purchase”. The owners were instructed to write to Council and advise if they wished to have their land purchased.

To date, 10 landowners have written to Council requesting their land be purchased. Council has reached agreement with six property owners, including the owner of the subject land.

Negotiations are proceeding with all the landowners. The owner of Lot 19 DP 241582, Otford Road, Otford has agreed to a purchase price of \$100,000 (GST inclusive). The purchase price agreed is in line with the determination in the market valuation report obtained by Council from Registered Valuer, Walsh & Monaghan. In addition, Council is required to reimburse all reasonable legal, valuation and other costs associated with the acquisition pursuant to the Land Acquisition (Just terms Compensation) Act, 1991.

PROPOSAL

It is proposed to acquire Lot 19 DP 241582 for passive open space land and pay a purchase price of \$100,000 (GST inclusive). Refer Attachment 1 for location of Lot 19 DP 241582.

CONSULTATION AND COMMUNICATION

- Owners of Lot 19 DP 241582
- Walsh and Monaghan Property Valuers
- Council stakeholders - Land Use Planning, City Strategy
- Executive Management Committee.

PLANNING AND POLICY IMPACT

The acquisition is in accordance with Council's policy "Land and Easement Acquisition and Disposal" and Wollongong 2028 Community Goal and Objective.

This report contributes to the delivery of Our Wollongong 2028 Goal "Our natural environment, waterways and terrestrial areas are protected, managed and improved" under the Community Goal "We value and protect our environment".

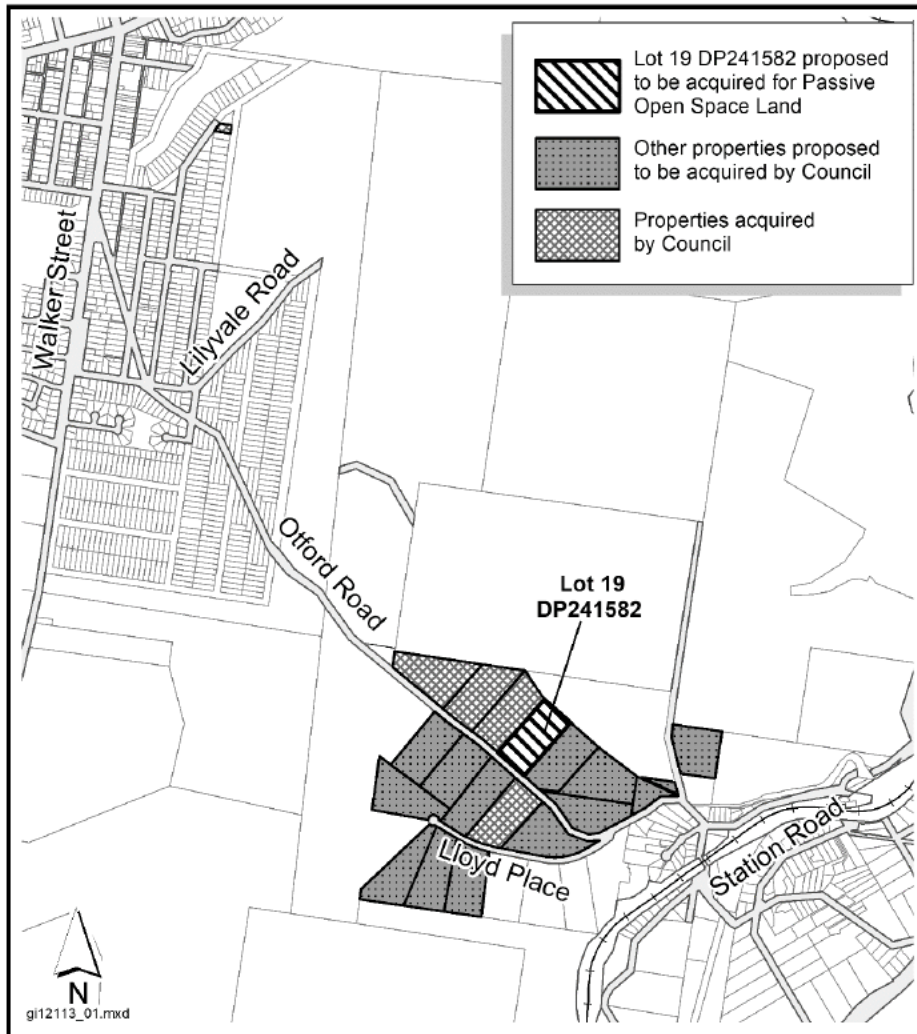
It specifically delivers on core business activities as detailed in the Property Services Plan 2019-20 "manage Council's property portfolio including purchase, sale, leasing, easements and other encumbrances on Council lands".

FINANCIAL IMPLICATIONS

The funding for this acquisition (\$100,000 GST inclusive) will be allocated from the City-Wide Development Contribution Plan Fund.

CONCLUSION

The land is included in the Wollongong Local Environmental Plan 2009 Land Reservation Acquisition Map for passive open space and therefore is required to be purchased.



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New South Wales

Wollongong Local Environmental Plan 2009 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

DAVID FARMER, GENERAL MANAGER, WOLLONGONG CITY COUNCIL.
As delegate for the Minister for Planning

Wollongong Local Environmental Plan 2009 (Amendment No 31) [NSW]

Wollongong Local Environmental Plan 2009 (Amendment No 31)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wollongong Local Environmental Plan 2009 (Amendment No 31)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land:

- (a) Lot 38, Section G, DP 2644, 3 Undola Road, Helensburgh,
- (b) Lots 4-6 and 8, DP 242135, Lloyd Place, Otford,
- (c) Lot 2, DP 33693, Lot 104, DP 226579, Lot 100, DP 226580 and Lots 11-21, DP 241582, Otford Road, Otford.

4 Maps

The maps adopted by *Wollongong Local Environmental Plan 2009* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

5 Amendment of Wollongong Local Environmental Plan 2009

Clause 5.1 Relevant acquisition authority

Insert in appropriate order in the table to clause 5.1 (2):

Zone E2 Environmental Conservation and marked "Local open Council space"

