

REF: CM47/10

**REVIEW OF 7(D) LANDS AT HELENSBURGH, OTFORD AND STANWELL TOPS -
PRELIMINARY REPORT ON SUBMISSIONS**

Report of Manager Environmental Strategy and Planning (DG) 12/05/10

SU26444

PRECIS

The draft Review of the land zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops has been exhibited. The draft Review recommended a new vision for the area that seeks to conserve significant bushland as well as resolving historic dwelling entitlement issues. As a result of the exhibition, 3,447 submissions were received.

A preliminary report on the feedback received as a result of the exhibition has now been prepared. It is recommended that Council make the preliminary report on submissions available for community feedback. A final report on submissions will then be reported to Council to assist in determining whether a draft planning proposal should be prepared to rezone parts of the area.

RECOMMENDATION

- 1 The Preliminary Report on submissions to the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops (Attachment 1) be made available for land owner and community feedback for a period of six (6) weeks, via Council's website.**
- 2 A final report be prepared for Council's consideration, including recommendations for the preparation of a draft planning proposal to amend aspects of the Wollongong Local Environmental Plan 2009.**
- 3 Further discussions occur with -**
 - a Sydney Water to define the capacity and ability of the water and sewerage networks to accommodate any additional development.**
 - b The Department of Environment, Climate Change and Water, to determine whether the authority is interested in any of the study area being incorporated into the Royal National Park or Garrawarra State Conservation Area or other reserve.**
 - c The Department of Planning, to scope the requirements for a draft planning proposal should Council resolve to commence the preparation of a draft planning proposal to amend the Wollongong Local Environmental Plan 2009, and the requirements of the Illawarra Regional Strategy.**
- 4 Letters and emails be sent to persons who made submissions advising of Council's resolution and the further consultation period.**

BACKGROUND

The 7(d) Hacking River Environmental Protection zone was introduced in the 1980s and 1990s as a means of limiting development to protect the water quality of the Royal National Park and Hacking River. The zone has resulted in inequities between adjoining landowners, those with and without dwelling houses, and has prevented many land owners from building a dwelling house on their land.

The 7(d) lands contain significant bushland which is connected to the Woronora Catchment area, Royal National Park and Illawarra Escarpment. The area is also the head waters of the Hacking River. The extensive bushland results in a high bushfire risk. Conversely, some of the 7(d) lands have been historically cleared for farming, tourism, coal mining, industrial uses and housing. There were seven hundred and eighty four (784) lots zoned 7(d) Hacking River Environmental Protection under the Wollongong Local Environmental Plan 1990. The lots are owned by three hundred and

three (303) persons and/or companies. The lots range in size from 42m² to 133 hectares. The majority of the lots (58% or 457 lots) are between 500m² and 2,000m² in size. One hundred and eight (108) lots contain dwelling houses.

There has been a long history associated with the conservation and possible development of the 7(d) lands, including the Helensburgh Commission of Inquiry (1994). One of the main issues is the permissibility of dwelling houses. Some owners have owned land since 1965, in the hope that planning controls may change to enable a house to be built. In other instances, planning controls have changed which has prevented a dwelling house being built where it was previously permissible.

The 7(d) lots are now zoned E3 Environmental Management under the Wollongong Local Environmental Plan 2009. The E3 Environmental Management zone retains the previous restriction on the construction of new dwelling houses, where the area of the land needs to be greater than 10, 20 or 40 hectares depending on the date of subdivision. Currently 108 lots contain a dwelling house. To avoid confusion this report will continue to refer to the area as 7(d) lands.

In September 2007, Council resolved to commence a review of 7(d) lands at Helensburgh, Otford and Stanwell Park. The draft report was completed with the assistance of Willana Associates Pty Ltd in mid 2009. The report is a desktop review of the issues associated with the 7(d) lands and presents a set of recommendations for the amendment of the planning controls. More detailed investigations would have to occur into some proposals if they are to proceed through a rezoning process.

The 7(d) Review considered regional issues and divided the study area into a number of precincts. The recommendations were based on a number of principles including:

- retention of significant bushland;
- retention of water quality of the Hacking River;
- improving bushfire mitigation for existing residential areas;
- considering future development options; and
- reviewing the dwelling entitlement issue.

The draft 7(d) Review was completed after the preparation of the draft Wollongong Local Environmental Plan 2009, and the recommendations could not be incorporated into the draft Local Environmental Plan prior to exhibition. The draft Wollongong Local Environmental Plan 2009 proposed that the land zoned 7(d) Hacking River Environmental Protection be zoned E2 Environmental Conservation as an interim measure pending the completion of the review and subsequent amendment of the draft Local Environmental Plan.

The draft Wollongong Local Environmental Plan 2009 was exhibited from 10 December 2008 to 30 March 2009. All 7(d) land owners were notified of the exhibition of the draft Wollongong Local Environmental Plan 2009.

As a consequence of the exhibition two hundred and twenty one (221) submissions were received commenting on the 7(d)/E2 Environmental Conservation proposal at Helensburgh, Otford and Stanwell Tops. Eighty nine (89) submissions (the majority of which were a form letter) supported the E2 Environmental Conservation zone and the conservation of the bushland as exhibited. One hundred and thirty two (132) submissions opposed the E2 Environmental Conservation zone, the majority of which wanted to build or maintain a dwelling house on their land. Some submissions also proposed subdivision, tourism and commercial development.

Council at its meeting on 28 July 2009, considered a report on the draft Review and submissions received during the exhibition of the draft Wollongong Local Environmental Plan 2009. Council resolved that:

- 1 *The draft Wollongong Local Environmental Plan 2009 be amended by rezoning the 7(d) Hacking River lands from E2 Environmental Conservation to E3 Environmental Management, to better reflect the existing planning controls.*
- 2 *The “draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Park” be exhibited for 2 months to enable public review and input.*
- 3 *In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a “planning proposal” (formerly known as a draft Local Environmental Plan) be prepared for the Helensburgh, Otford, Stanwell Tops area for the land zoned 7(d) Hacking River Environmental Protection and submitted to the Department of Planning.*
- 4 *Following the exhibition period, a report on submissions, the requirements of the Department of Planning and the land valuations be prepared for Council’s consideration.*
- 5 *Council hold a public forum, or forums, as part of the community engagement process on this matter.*

The Wollongong Local Environmental Plan 2009 was approved by the Minister for Planning on 26 February 2010, at which time the 7(d) zone was replaced with the E3 Environmental Management zone.

The draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops was initially exhibited from 10 August to 9 October 2009 (Attachment 1). The exhibition period was extended to 30 November 2009 (three (3) months). A community information session and public forum was held at Helensburgh Workers, Sport and Social Club on 16 September 2009 and was attended by over two hundred (200) persons.

As a result of the exhibition, 3,447 submissions were received; the majority were form letters opposed to any rezoning and development.

PROPOSAL

Attachment 2 outlines the submissions received, the issues raised in submissions, a discussion on regional issues, an analysis of the length of ownership and recommendations for individual precincts within the 7(d) area.

The key issues raised in submissions include:

- The desire by landowners to build a dwelling on land that has been owned for many years (up to 45 years).
- The potential impact of development on water quality. There is very little information about water quality, with neither Council nor the State Government actively monitoring the water quality of the Hacking River.
- The potential impact of development on bushland, habitat and fauna movement. The loss of bushland can be measured through analysis of historical air photos and flora and fauna surveys.
- Strong opposition to any further development in the area, due to the impacts on water quality and loss of bushland.
- Inconsistencies with the recommendations of the Helensburgh Commission of Inquiry (1994).
- Inadequate infrastructure to serve any additional development.

After consideration of these submissions and reviewing all information to hand, this preliminary report makes the following recommendations:

1. The following precincts retain the current E3 Environmental Management zone with no amendment (no planning proposal required):
 - Land pooling precinct;
 - Lady Carrington Estate South;
 - Kellys Falls precinct;
 - Old Farm Road precinct; and
 - Otford Valley Farm and Govinda Retreat.
2. A draft planning proposal be prepared to amend the planning controls for the following precincts:

Precinct	Recommendation
Garawarra precinct	At the Garrawarra Centre: <ul style="list-style-type: none"> • Make a minor adjustment to the SP2 Infrastructure zone boundary, • Remove the minimum lot size for the SP2 land, and • Rename the zone to SP2 – Infrastructure Health Service facility and Seniors Housing. Rezone the remainder of the precinct to E2 Environmental Conservation.
Wilsons Creek precinct	Retain E3 Environmental Management zone, and allow a dwelling house on the vacant lots, except for a buffer around Wilsons Creek which is to be zoned E2 Environmental Conservation. Rezone the Sydney Catchment Authority land to E2 Environmental Conservation.
Gateway precinct, Princes Highway	Rezone to B6 Enterprise Corridor.
Gills Creek precinct	Rezone to RU2 Rural Landscape, IN2 Light Industrial and E2 Environmental Conservation.
Princes Highway – west of F6 precinct	Rezone to RU2 Rural Landscapes and E2 Environmental Conservation.
Frew Avenue precinct	Retain E3 Environmental Management zone, and allow a dwelling house on the vacant lots.
Walker Street precinct	Rezone to RU2 Rural Landscape, and allow a dwelling house on any vacant lots.
Lloyd Place precinct	Rezone to E2 Environmental Conservation and not permit dwelling houses.
Camp Creek precinct	Rezone to E2 Environmental Conservation. Rezone 5, 7, 9 and 11 Undola Road to R2 low Density Residential.
Walker Lane precinct	Rezone part of the precinct to IN2 Light Industrial and the remainder to E2 Environmental Conservation.
Lady Carrington Estate north	Rezone to E2 Environmental Conservation and not permit any additional dwelling houses.
Lilyvale and the central bushland area (between Otford Road and the Metropolitan Colliery)	Rezone to E2 Environmental Conservation and not permit any additional dwelling houses.

Precinct	Recommendation
Otford central precinct	Rezone to E4 Environmental Living and allow a dwelling house on any vacant lots.
Otford north precinct	Rezone to E2 Environmental Conservation and not permit any additional dwelling houses.
Otford south precinct	Retain an E3 Environmental Management zone over part and rezone part to E2 Environmental Conservation.
Isolated lots in the Royal National Park	Rezone to E2 Environmental Conservation and not permit any additional dwelling houses.

The attached report contains more information on the issues associated with each precinct, issues raised in submissions and a discussion and recommendation.

Prior to the preparation of a draft planning proposal it is recommended that Council consider community and landowner feedback on the proposed recommendations. In addition, further consultation occur with Sydney Water in terms of water and sewerage services, the Department of Environment Climate Change and Water in terms of potential additions to the Royal National Park and Garrawarra State Conservation Area, and the Department of Planning in terms of the preparation of a draft planning proposal and the consistency with the Illawarra Regional Strategy.

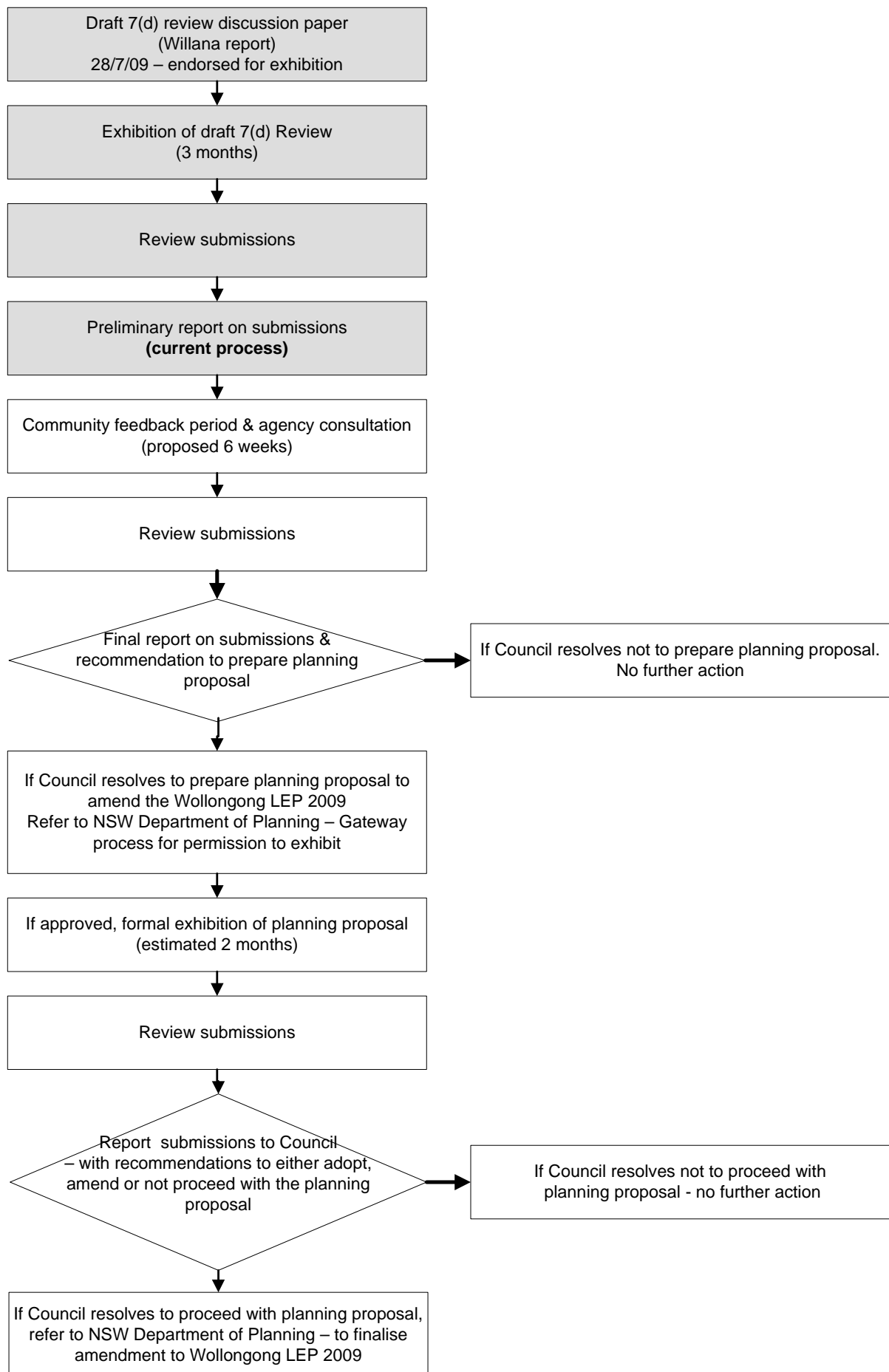
CONCLUSION

The area formerly zoned 7(d) Hacking River Environmental Protection has a long, complex and controversial history. The extent of public participation in the community consultation process highlights that the future of this area remains complex. This report provides a review of the issues raised in submissions following the exhibition of the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops, and provides preliminary recommendations for future zoning controls. It is proposed that the preliminary report be made available for land owner and community comment, prior to Council making a final decision on preparing a draft planning proposal to amend the Wollongong Local Environmental Plan 2009. The draft planning proposal would be required to be endorsed by the Department of Planning prior to public exhibition (Attachment 1).

Name	Position Title
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Authorised by:	
Renee Campbell	Manager Environmental Strategy and Planning
Andrew Carfield	Director Planning and Environment
David Farmer	General Manager

ATTACHMENTS

1. 7(d) Review Process
2. Draft Report on 7(d) lands at Helensburgh, Otford and Stanwell Tops - Preliminary review of submissions



Draft Review of the land zoned 7(d) Hacking River Environmental Protection at Helensburgh, Otford and Stanwell Tops

Preliminary Report on issues raised in submissions

May 2010

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1. Introduction

1.1 BACKGROUND

The lands formerly zoned 7(d) Hacking River – Environmental Protection under the Wollongong Local Environmental Plan 1990 covered 1,555 hectares, surrounding Helensburgh, Otford and Stanwell Tops, within the Hacking River Catchment (Figure 1.1).

The 7(d) lands contain significant bushland which is connected to the Woronora Catchment area, Royal National Park and Illawarra Escarpment. The area is also the head waters of the Hacking River. The extensive bushland results in a high bushfire risk. Conversely, some of the 7(d) lands have been historically cleared for farming, tourism, coal mining, industrial uses and housing.

Figure 1.1 Study Area – lands previously zoned 7(d)



There were 784 lots zoned 7(d) Hacking River Environmental Protection, which were owned by 303 persons and/or companies (Figure 1.2). The lots range in size from 42m² to 133 hectares. The majority of the lots (58% or 457 lots) are between 500m² and 2,000m² in size (Figure 1.3). 108 lots contain a dwelling house.

Figure 1.2 Ownership Pattern

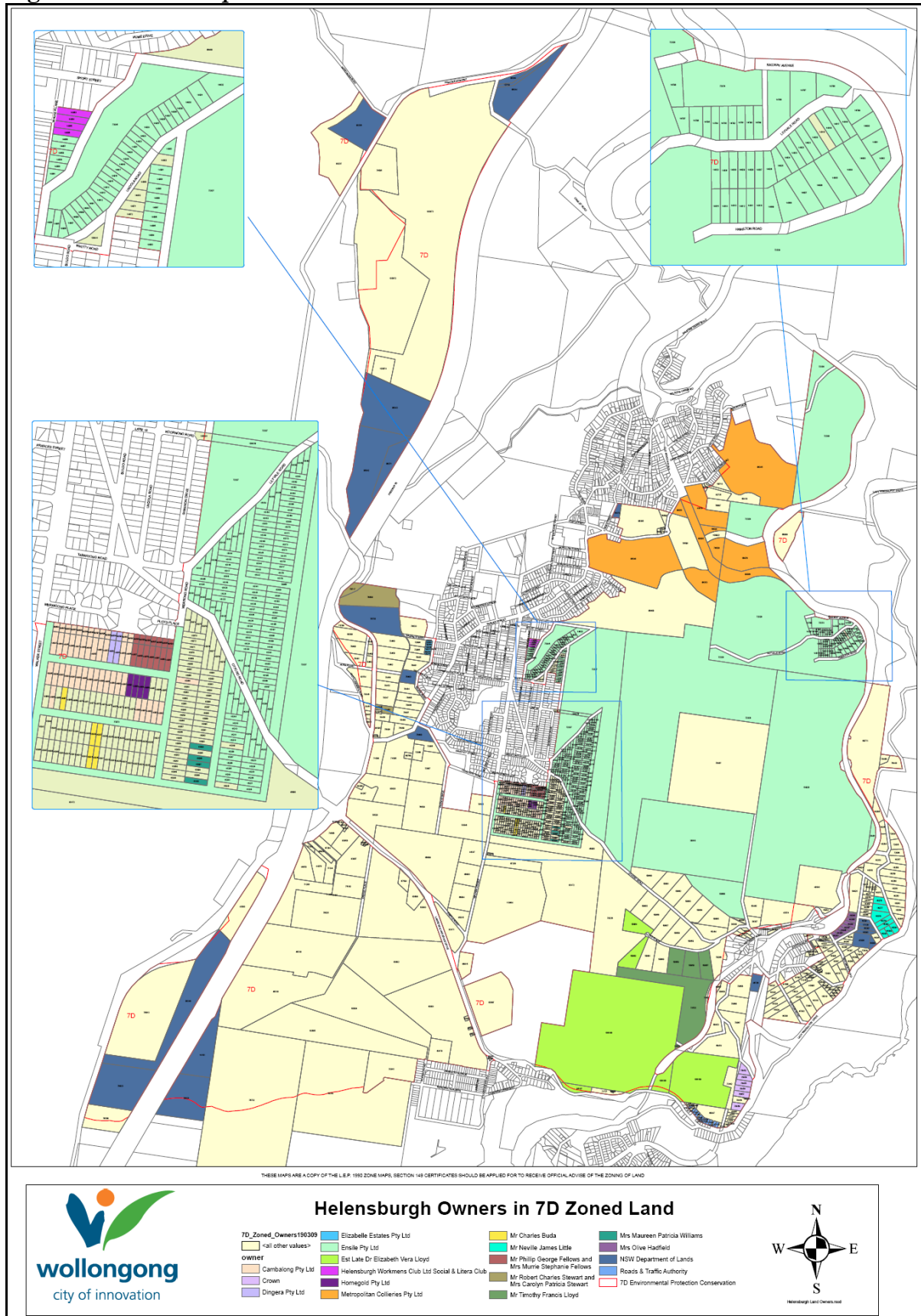
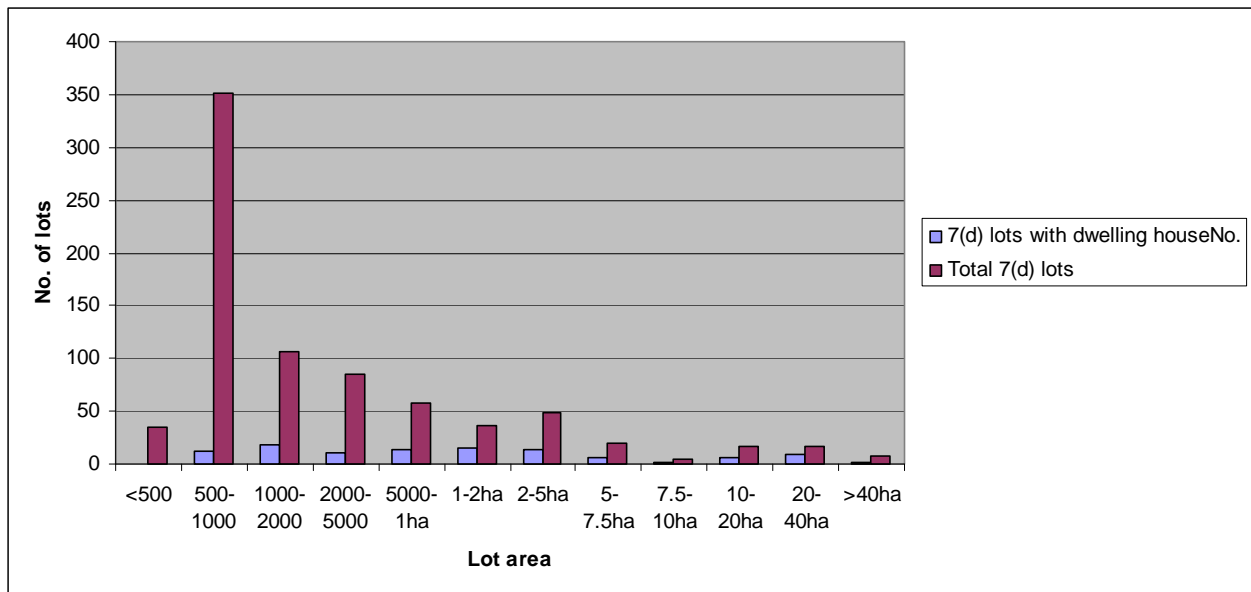


Figure 1.3 Lot Size Analysis



The 7(d) Hacking River Environmental Protection zone was introduced through three Local Environmental Plan amendments (Figure 1.4) in the 1980s and 1990s as a means of limiting development to protect the water quality of the Royal National Park and Hacking River. The zone introduced inequities between adjoining landowners and has prevented many land owners from building a dwelling house.

There has been a long history associated with the conservation and possible development of the 7(d) lands, including the Helensburgh Commission of Inquiry (1994). One of the main issues is the permissibility of dwelling houses. Some owners have owned land since 1965, in the hope that planning controls may change to enable a house to be built. In some instances, planning controls were changed which have prevented a dwelling house being built.

The 7(d) lots are now zoned E3 Environmental Management under the Wollongong Local Environmental Plan 2009. To avoid confusion this report will continue to refer to the area as 7(d) lands. The E3 Environmental Management zone retains the previous restriction on the construction of new dwelling houses, where the area of the land needs to be greater than:

- 10 hectares, if the lot was created prior to 30 April 1971;
- 20 hectares, if the lot was created between to 30 April 1971 and 2 March 1984;
- 40 hectares, if the lot was created after 2 March 1984.

Figure 1.5 summarises when land was last subdivided.

Figure 1.4 7(d) Lands and LEPs

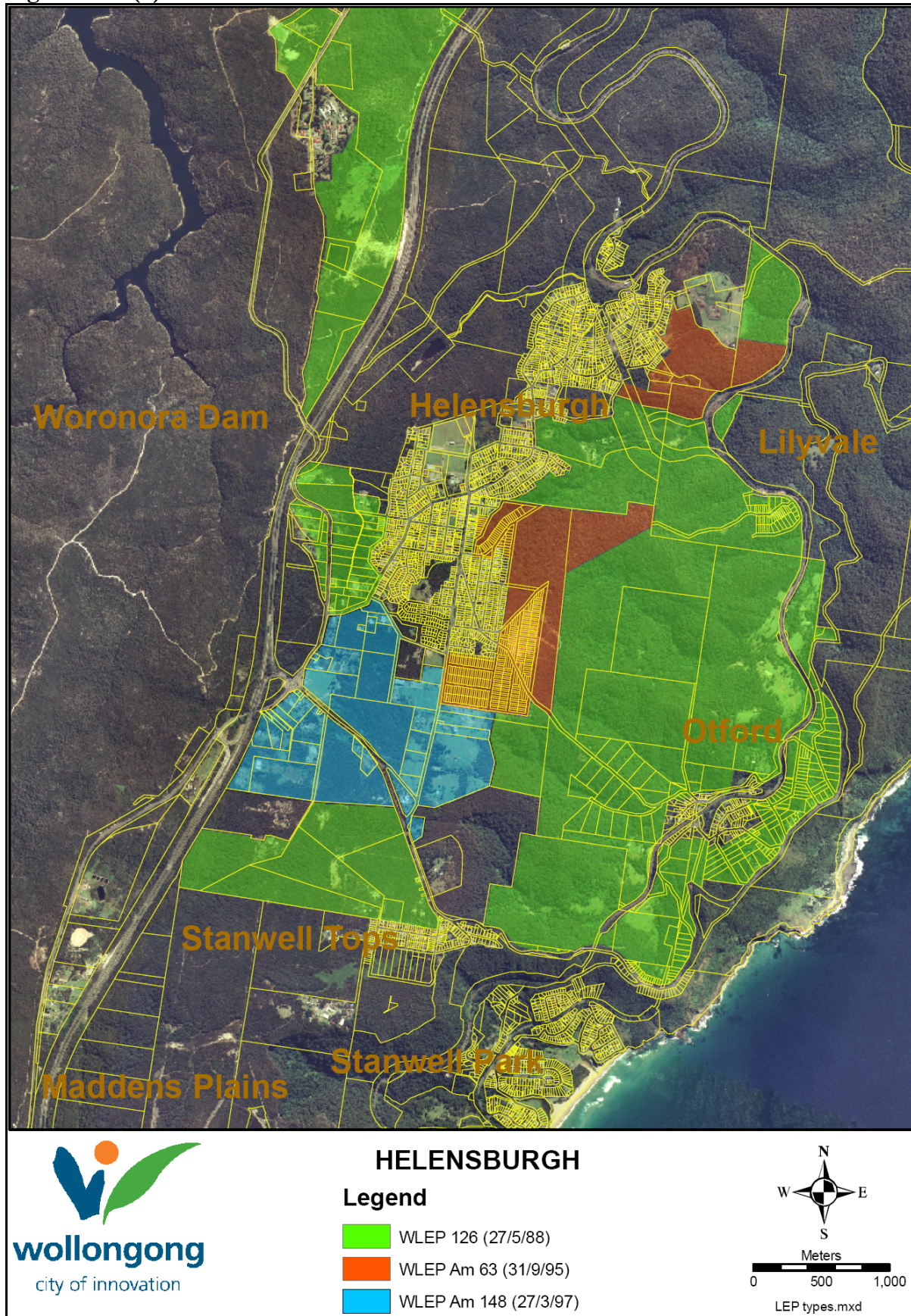
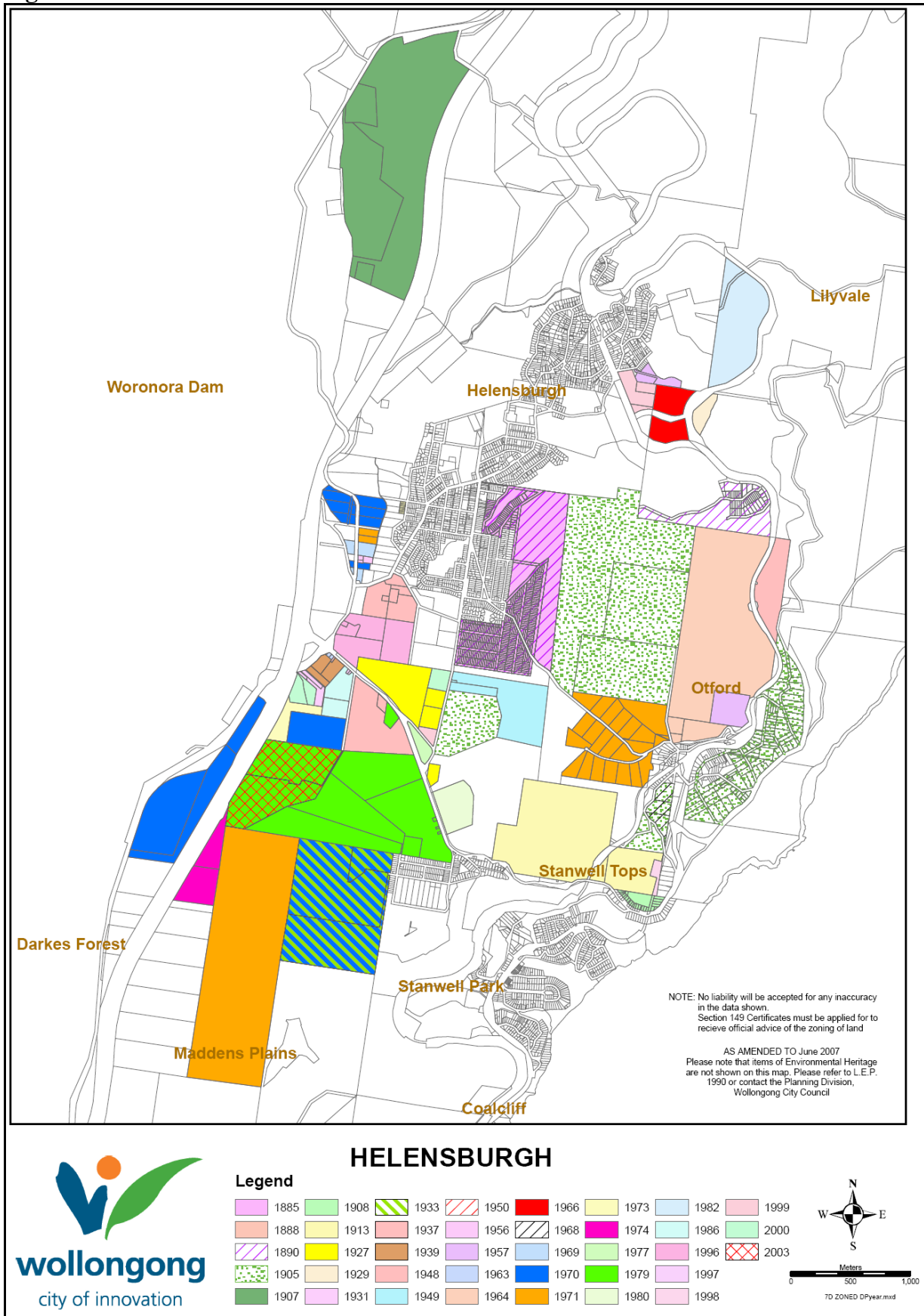


Figure 1.5 Date of Subdivision



1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

The draft Wollongong Local Environmental Plan 2009 was exhibited from 10 December 2008 to 30 March 2009. All 7(d) land owners were notified of the exhibition of the draft Wollongong Local Environmental Plan 2009.

The draft Wollongong Local Environmental Plan 2009 proposed that the land zoned 7(d) Hacking River Environmental Protection be zoned E2 Environmental Conservation as an interim measure pending the completion of the review and subsequent amendment of the draft Local Environmental Plan.

As a consequence of the exhibition two hundred and twenty one (221) submissions were received commenting on the 7(d)/E2 Environmental Conservation proposal at Helensburgh, Otford and Stanwell Tops. Eighty nine (89) submissions (the majority of which were a form letter) supported the E2 Environmental Conservation zone and the conservation of the bushland as exhibited. One hundred and thirty two (132) submissions opposed the E2 Environmental Conservation zone, the majority of which wanted to build or maintain a dwelling house on their land. Some submissions also proposed subdivision, tourism and commercial development.

Council at its meeting on 28 July 2009, considered a report on the draft Review and submissions received during the exhibition of the draft Wollongong Local Environmental Plan 2009. Council resolved that:

- 1 *The draft Wollongong Local Environmental Plan 2009 be amended by rezoning the 7(d) Hacking River lands from E2 Environmental Conservation to E3 Environmental Management, to better reflect the existing planning controls.*
- 2 *The “draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Park” be exhibited for 2 months to enable public review and input.*
- 3 *In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a “planning proposal” (formerly known as a draft Local Environmental Plan) be prepared for the Helensburgh, Otford, Stanwell Tops area for the land zoned 7(d) Hacking River Environmental Protection and submitted to the Department of Planning.*
- 4 *Following the exhibition period, a report on submissions, the requirements of the Department of Planning and the land valuations be prepared for Council’s consideration.*
- 5 *Council hold a public forum, or forums, as part of the community engagement process on this matter.*

The Wollongong Local Environmental Plan 2009 was approved by the Minister for Planning on 26 February 2010, at which time the 7(d) zone was replaced with the E3 Environmental Management zone (Figure 1.6).

Table 1.1 provides a comparison of land uses and other development standards permitted under the 7(d) zone of the Wollongong Local Environmental Plan 1990 and those now permissible under the E2 Environmental Conservation and E3 Environmental Management zones of the Wollongong Local Environmental Plan 2009.

Figure 1.6 Current Zoning – Wollongong Local Environmental Plan 2009

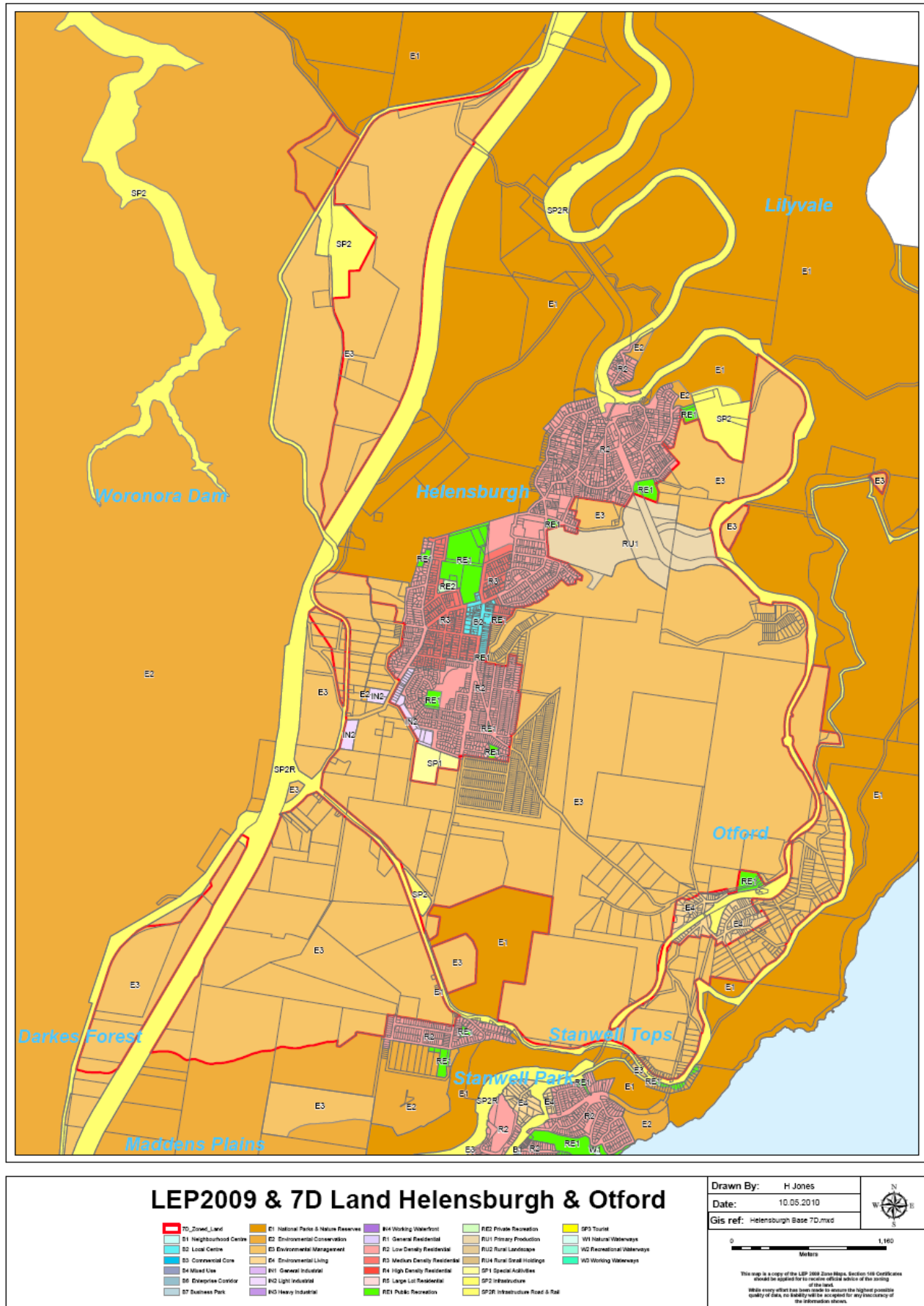


Table 1.1 Land Use Table Comparison

	7(d) zone WLEP 1990	E2 zone WLEP 2009	E3 zone WLEP 2009
Uses permissible without consent	Exempt development (Listed in the Exempt DCP).	Exempt development permitted by clause 3.1.	Home occupations Exempt development permitted by clause 3.1.
Uses permissible with consent	Advertisements; Dwelling houses (subject to lot size requirements – see below); Home employment; Leisure areas; Utility installations.	Environmental facilities; Environment protection works; Extensive agriculture; Mining; Recreation areas.	Animal boarding and training establishments; Bed and breakfast accommodation; Building identification signs; Community facilities; Dwelling houses (subject to lot size requirements – see below); Earthworks; Environment facilities; Environment protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Home businesses; Recreation areas; Roads; Roadside stalls; Secondary dwellings.
Uses permissible with consent subject to advertising and clause 11 assessment	Agriculture; Buildings used in conjunction with agriculture; Child care centres; Education establishments; Mines; Recreation areas; Restaurants.	Nil.	Nil.
Prohibited uses	All other uses.	All other uses.	All other uses.
Subdivision standard	Subdivision generally not permitted, except if there are existing dwelling houses.	Refer to Minimum Lot Size map (generally 40 hectares).	Refer to Minimum Lot Size map (generally 40 hectares).

	7(d) zone WLEP 1990	E2 zone WLEP 2009	E3 zone WLEP 2009
Minimum lot size required for a dwelling house	<ul style="list-style-type: none"> • 10ha if lot created prior to 1971; • 20ha if lot created between 1971 and 1984; • 40ha if lot created after 1984. 	Dwelling houses not permitted.	<ul style="list-style-type: none"> • 10ha if lot created prior to 1971; • 20ha if lot created between 1971 and 1984; • 40ha if lot created after 1984.
Replacement dwellings	Yes – clause 14(2A).	No – except under existing use rights.	Yes – clause 4.2A.

In addition other uses may be permissible under State Environmental Planning Policies, for example:

- SEPP Mining, Petroleum Production and Extractive Industries (2007) permits mining throughout the State.
- SEPP Infrastructure (2007) details additional permissible infrastructure uses by State Government agencies and Council – eg education establishments, hospitals, roads, parks.
- SEPP Exempt & Complying Development (2008) – details minor activities that do not require consent and complying development that may be assessed by Council or a private certifier.
- SEPP Affordable Rental Housing (2009) – permits secondary dwellings, group homes and social housing in certain zones.

1.3 PREPARATION OF DRAFT 7(D) REVIEW

In 2006-7, Council received rezoning requests on behalf of the owners of two (2) sites zoned 7(d) seeking to change the zoning to 4(a)/IN2 Light Industrial. Council supported the requests and incorporated the rezonings into the draft Wollongong Local Environmental Plan 2009 for exhibition. Rather than continually assessing rezoning proposals in an ad hoc manner, Council in September 2007 resolved to commence a review of the planning controls for other commercial and industrial sites in the area. The report noted that a second issue, the minimum lot size to permit a dwelling house, had also been a long-term issue for the 7(d) lands and suggested that this issue also be reviewed.

The draft Review of 7(d) lands was completed with the assistance of Willana Associates Pty Ltd in mid 2009. The draft 7(d) Review is a desktop review of the issues associated with the 7(d) lands and presents a set of recommendations for the amendment of the planning controls. More detailed investigations would have to occur into some proposals if they are to proceed through a rezoning process.

The draft 7(d) Review considered regional issues and divided the study area into a number of precincts. The recommendations were based on a number of principles including:

- retention of significant bushland;
- retention of water quality of the Hacking River;
- improving bushfire mitigation for existing residential areas;
- considering future development options; and
- reviewing the dwelling entitlement issue.

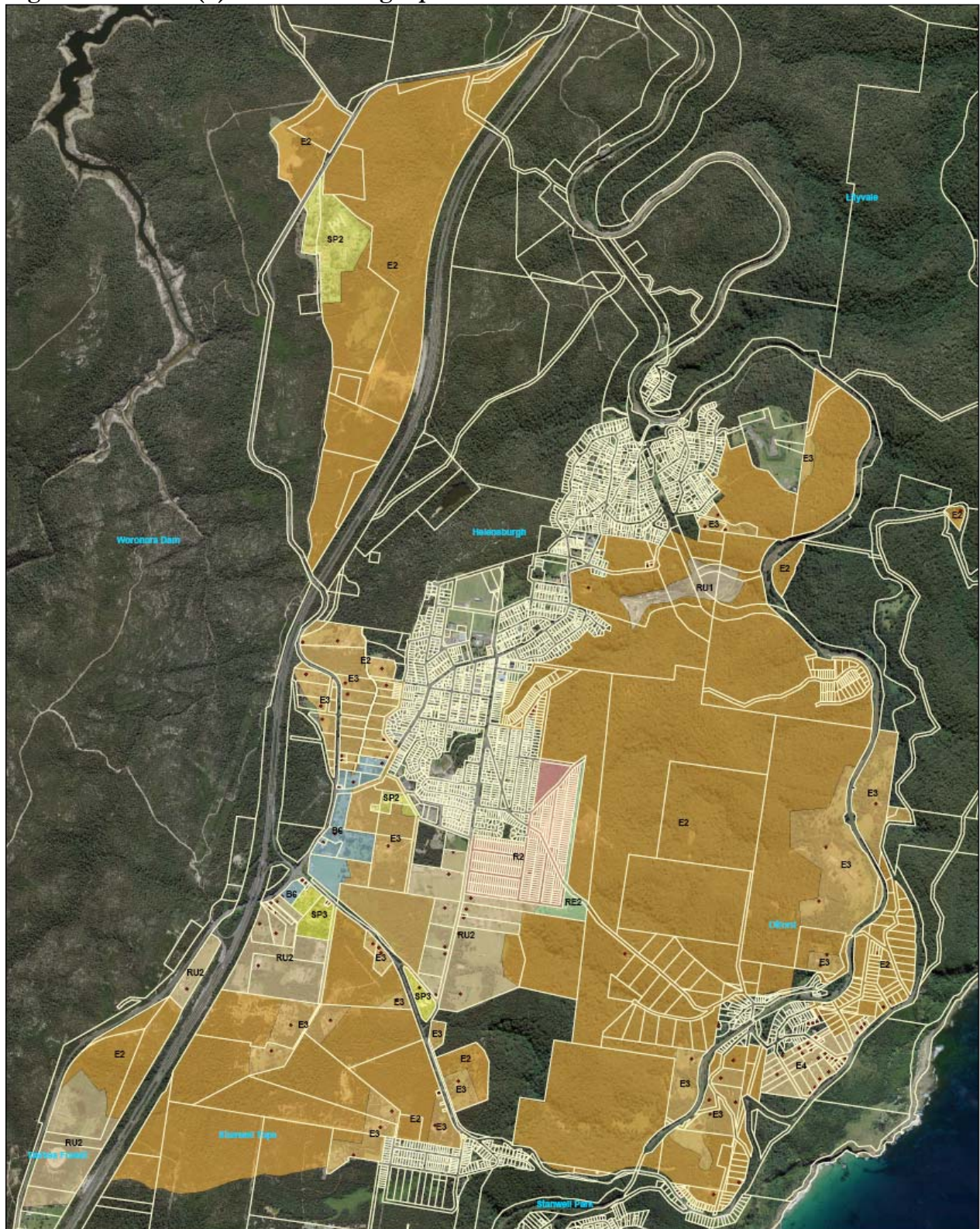
The draft 7(d) Review was completed after the preparation of the draft Wollongong Local Environmental Plan 2009, and therefore the recommendations could not be incorporated into the draft Local Environmental Plan prior to exhibition.

As noted, Council at its meeting on 28 July 2009, considered a report on the draft Review and submissions received during the exhibition of the draft Wollongong Local Environmental Plan 2009. Council resolved (in part) that:

- 2 *The “draft Review of land zoned 7(d) at Helensburgh, Otford and Stanwell Park” be exhibited for 2 months to enable public review and input.*
- 5 *Council hold a public forum, or forums, as part of the community engagement process on this matter.*

Figure 1.7 depicts the draft 7(d) Reviews recommended zoning option. More detailed figures are contained in the discussion on individual precincts.

Figure 1.7 Draft 7(d) Review Zoning Option



HELENSBURGH

Legend

● Residential on 7D	E2 E2 Environmental Conservation	R2 R2 Low Density Residential	RU2 RU2 Rural Landscape
willara willara	E3 E3 Environmental Management	RE2 RE2 Private Recreation	SP2 SP2 Infrastructure
B6 B6 Enterprise Corridor	E4 E4 Environmental Living	RU1 RU1 Primary Production	SP3 SP3 Tourist



Kilometers
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2. Exhibition Arrangements

The draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops was initially exhibited from 10 August to 9 October 2009. The exhibition period was extended to 30 November 2009 (three (3) months).

The exhibition was advertised through:

- Advertisements in the local newspapers (Illawarra Mercury and Wollongong Advertiser);
- Letters sent to all property owners in the 2508 postcode which covers Helensburgh, Stanwell Tops and Otford (2,776 letters);
- Council's website; and
- Copies of the draft study were available on the website, and for viewing at Helensburgh and Wollongong Libraries.

A community information session (4-6pm) and public forum (7-9pm) was held at Helensburgh Workers, Sport and Social Club on 16 September 2009 and was attended by over two hundred (200) persons. The information session allowed owners to ask questions about their holdings, and other members of the community to ask specific questions. The public meeting was facilitated by Elton Consultants, and included a presentation by Council officers and a question/answer session. A copy of the facilitators report is attached (**Appendix 1**).

As a result of the exhibition, 3,447 submissions were received; the majority were form letters opposed to any rezoning and development.

3. Overview of Submissions

As a consequence of the exhibition, 3,447 were received. Table 3.1 summarises the origin of the submissions.

Table 3.1 Origin of Submissions

Submissions from:	Number of submissions
Persons with addresses in the vicinity of the study area: <ul style="list-style-type: none"> • Helensburgh (1029 submissions), • Otford (120 submissions), • Stanwell Tops (76 submissions), and • Stanwell Park (282 submissions) 	1,507
Persons with addresses in other parts of Wollongong	416
Persons with addresses in Sutherland LGA	416
Persons with addresses in Camden LGA	26
Persons with addresses in Campbelltown LGA	63
Persons with addresses in Wingecarribee LGA	10
Persons with addresses in Wollondilly LGA	17
Persons with addresses in Shellharbour LGA	47
Persons with addresses in Kiama LGA	7
Persons with addresses in Shoalhaven LGA	25
Persons with addresses in other parts of the Sydney Metropolitan Area	534
Persons with Country NSW addresses	74
Persons with Interstate addresses	73
Persons with International addresses	21
Persons with email address only	140
Persons who did not include address details	71
Total	3,447

The submissions from landowners generally commented on their landholdings, rather than the broader 7(d) issues. These will be discussed in the analysis of issues by precinct.

3.1 VIEWS OF GOVERNMENT AGENCIES AND ADJOINING COUNCILS

Eight (8) submissions were received from Government agencies and adjoining Councils. Their comments are summarised in table 3.2.

Table 3.2 Comments of Government Agencies and Adjoining Councils

NSW Rural Fire Service	<ul style="list-style-type: none"> • The requirements for <i>Planning for Bushfire Protection</i> 2006 should be considered for any proposed lots with dwelling entitlements including: <ul style="list-style-type: none"> ○ APZs in accordance with Table A2.4 – boundary adjustments may be required, ○ Public access in accordance with section 4.1.3 – including internal and perimeter roads where applicable, ○ Water supply for fire fighting purposes in accordance with section 4.1.3, ○ Construction of future dwellings in accordance with Appendix 3,
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	<ul style="list-style-type: none"> ○ Landscaping in accordance with Appendix 5, and ○ Emergency evacuation measures in accordance with section 4.2.7. • Objects to the creation of lots with dwelling entitlements where the APZ requirements of <i>Planning for Bushfire Protection</i> 2006 cannot be met within the property boundaries. • To support development in Area 2 the RFS requires a commitment from Council that Area 2 be maintained to APZ standards in perpetuity. • RFS also requires detailed plans demonstrating that a building envelope and APZ are in accordance with <i>Planning for Bushfire Protection</i> 2006 can be provided within property boundaries for any proposed lots with a dwelling entitlement.
Federal Department of the Environment, Water, Heritage and the Arts - EPBC Compliance Section (WA)	<ul style="list-style-type: none"> • Notes that <i>the Environment Protection and Biodiversity Conservation Act</i> 1999 (EPBC Act) protects matters of national environmental significance (including the Royal National Park, Garrawarra Park State Conservation Area National Heritage place and numerous listed threatened flora and fauna species which could be present in the subject area). • Comments that a person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal to the Department for a decision on whether approval under EPBC Act is needed. • Suggest that if the rezoning proceeds, Council inform of the EPBC Act and the potential need for referral.
Sydney Catchment Authority (2 letters)	<ul style="list-style-type: none"> • Proposal is outside of the Woronora Dam drinking water catchment and therefore unlikely to impact on drinking water quality. • Support Council's intention to zone land from 7(d) to E3 with similar land uses and restrictions. • Notes that three (3) of its lots (part Lot 1 DP 830604, Lot 1 DP 219640 and Lot 4 DP 1000975) are zoned E3 Environmental Management and request that for consistency they be also zoned E2 Environmental Conservation. <i>It is recommended that part Lot 1 DP 830604, Lot 1 DP 219640 and Lot 4 DP 1000975 managed by the Sydney Catchment Authority be zoned E2 Environmental Conservation.</i>
Sydney Metropolitan Catchment Management Authority	<ul style="list-style-type: none"> • Opposes the rezoning of 7(d) lands from E2 to E3 due to: <ul style="list-style-type: none"> ○ The proposal being inconsistent with the natural resource management principles in CMA Catchment Action Plan, ○ The proposal being inconsistent with the biodiversity outcomes of the Illawarra Regional Strategy and does not outline how it will meet the Threshold Sustainability Criteria for Environmental Protection, ○ Believe that the recommendations of the 1994 Commission of Inquiry still remain valid and required studies have not been undertaken, ○ SMCMA promote the protection and enhancement of native vegetation corridors and is concerned the proposal will result in the loss of fauna habitat and corridors,

	<ul style="list-style-type: none"> ○ Recent study by DECC for the CMA ‘Rapid Fauna Habitat Assessment for the Sydney Metropolitan Catchment Management Authority Area (June 2008) identifies the area has having a very high fauna values, ○ Council should reference the Native Vegetation Act 2003 as part of the legislative framework which regulates development in the area, ○ Draft Native Vegetation of the Sydney Metropolitan Catchment Management Authority Area (by DECCW Sept 2009) indicates that areas around Lady Carrington Estate South and North precincts, Gills Creek, and Wilsons Creek contain forest which is listed as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995. SMCMA does not support any proposal that would adversely impact on this community.
TransGrid	<ul style="list-style-type: none"> ● Note that the suburb of Helensburgh is affected by an easement owned and maintained by TransGrid for a 330kV Transmission Line (plan with submission). ● Comment that any proposed development within an easement area will be subject to the prior written approval of TransGrid. ● More detailed information on the restrictions applicable to any proposed development within an easement area can be provided.
RTA	<ul style="list-style-type: none"> ● Comments on specific precincts include: <ul style="list-style-type: none"> ○ Wilson Creek Precinct: RTA does not support direct access to the Old Princes Hwy. All access would need to be via Parkes Street. Intersection modelling on the junction of Parkes Street and Old Princes Hwy should be undertaken for a current and 10 year scenario and considering AM and PM peaks, ○ Lady Carrington Estate North and Colliery Precinct: No objections to proposed rezoning, ○ Lady Carrington Estate South Precinct: No objections to proposed rezoning, ○ Otford Precinct: Requests that access options be investigated prior to any rezoning. RTA would not support access to Lawrence Hargrave Dr for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTROADS Standards, ○ Kelly Falls, Land pooling and Lloyd Place Precinct: Requests access options be investigated prior to any rezoning. RTA would not support access to Lawrence Hargrave Dr for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTROADS Standards, ○ Gills Creek Precinct: Requests access options be investigated prior to any rezoning. RTA will not permit direct access to F6 Southern Freeway. RTA would not support access to Lawrence Hargrave Dr for lots that cannot meet minimum safe intersection sight distance requirements as per AUSTROADS Standards.

<p>Department of Environment Climate Change and Water - Planning and Aboriginal Heritage</p>	<ul style="list-style-type: none"> • Strongly support the application of E2 zone over lands supporting high conservation value habitats and identified wildlife corridors. • DECCW will make further comment if Council determines to progress a planning proposal for the Land Pooling Precinct and Lady Carrington Estate South. • Generally supports Council's vision and planning principles. • Specific comments on precincts include: <ul style="list-style-type: none"> ○ Lady Carrington Estate North and Colliery Precinct: DECCW recommends Lot 1 DP 324239 east of the railway line in Camp Creek zone this land from E3 to E2 due to its location adjacent to Garrawarra State Conservation Area and nature being largely forested, ○ Lady Carrington Estate South: Supports E2 zoning, ○ Kellys Falls, Land Pooling and Lloyds Place: strongly supports E2 zoning of Lloyds Place. DECCW would like to be part of the future discussions and evaluation of E2 zone and the 'exit strategy'. Should Council proceed with a planning proposal for Land Pooling precinct DECCW will provide further comments on relevant issues. • Comment that any potential addition to DECCW estate would need to be assessed on a case by case basis. Should any land owners wish to pursue dedication or acquisition, it is recommended that Council and land owners contact DECCW to further discuss. • Suggests that any future planning proposals be consistent with the Riparian Corridor Management Study. • Recommends that the draft report incorporate the findings and outcomes of the following work previously done by NPWS: <ul style="list-style-type: none"> ○ "The Upper Hacking Catchment a Natural Resource Survey", ○ "The "Bioregional Assessment Study" Part 2, ○ "Coastal Plain and Plateau", ○ "Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Authority Area".
<p>Sutherland Shire Council</p>	<ul style="list-style-type: none"> • Believe the desktop review of 7(d) lands to be premature in regards to the Commission of Inquiry (COI) Report recommendations. • Comment that studies recommended by the Helensburgh COI in 1994 have not yet been undertaken and therefore, there is insufficient information to make any preliminary recommendations in relation to the future land use of the land. • Necessary studies recommended by the COI include: <ul style="list-style-type: none"> ○ Water quality impacts and control mechanisms, ○ Flora and fauna habitat loss, ○ Impacts of development, ○ Fauna impact statements of rare and endangered animals, ○ Analysis of impacts upon wildlife corridors. • Comments that the Willana report provides insufficient information to make a proper and informed decision and does

	<p>not address the concerns raised by the COI.</p> <ul style="list-style-type: none"> • A major concern is the impact of development on the water quality and wildlife corridor. • Generally support the E2 and E3 zonings proposed for Helensburgh as a means of minimising adverse impacts from development on the Hacking River and wildlife corridor. • Suggest that an environmentally sensitive land (water quality and biodiversity) overlay be applied to the area subject to the rezoning. This would allow better management of sediment and land degradation in B6 zoning. • Object to Land Pooling and Lady Carrington Estate South rezoning to R2 due to environmental factors including: <ul style="list-style-type: none"> ○ Close to valley catchment of Gills/Kellys and Herbert Creeks, ○ Development would increase erosion and sediment risk, ○ Introduction of roads and hard surfaces will increase run-off intensity, ○ Increase in weeds entering bushland, ○ Wet sclerophyll corridor and transition zones may be jeopardised by development, ○ Increased likelihood of sediment, feral animals and weeds, ○ Insufficient detail and analysis to demonstrate adequate water quality devices. • Recommends increased housing is best incorporated within the township, closer to services.
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3.2 FORM LETTERS AND PETITIONS

3,108 submissions were received in the form of twenty one (21) different form letters, eighteen (18) of which opposed the development of the 7(d) lands and three (3) form letters supported proposals. A petition objecting to development signed by eighty eight (88) persons was also received.

Following the issue of acknowledgement letters, complaints were received that some letters had been signed by children, and they should not be accepted. However, Council staff are unable to determine the age of an author.

The issues raised in the form letters are summarised below. Where letters commented on specific precincts, their comments will also be noted in the discussion on precincts later in the report. Table 3.3 provides a summary of the eighteen (18) form letters opposing development (3,038 submissions) and table 3.4 provides a summary of the three (3) form letters supporting development (70 submissions):

Table 3.3 Summary of Form Letters – Opposing Development

Form letter No.	No. of letters	Issues / comments raised
1.	265	<ul style="list-style-type: none"> • Do not support Willana development report. • Object to the rezoning of 7(d) land to R2 or E3/E4 as the results will include: <ul style="list-style-type: none"> ○ Clearing of thousands of acres of bushland creating a huge risk to the Hacking River water catchment,

Form letter No.	No. of letters	Issues / comments raised
		<ul style="list-style-type: none"> ○ The natural microclimate of the Otford region being threatened, ○ Biodiversity of the Royal National Park threatened, ○ Nationally threatened species of owl and possum being further threatened. ● Object to the Willana report not recognising the previous stance of the WCC management and the State Government as one of environmental importance of the area. Instead the report appears aimed to only benefit land developers. ● The proposed rezoning and subsequent vast land clearing seems in conflict with the Environmental Protection and Biodiversity Conservation Act. ● Suggest all 7(d) land be zoned E2 and allowing the replacement of existing buildings in the event of disaster.
2.	160	<ul style="list-style-type: none"> ● Object to the proposed rezoning of land located on the south east corner of Helensburgh currently zoned 7(d) being rezoned to residential. ● Request a suitable environmental zoning under the new LEP. ● Do not believe adequate infrastructure or environmental studies have been conducted. ● Suggest the new LEP should not allow a building right where none existed under LEP 1990. ● Comment that building permits on small acreages will result in significant levels of tree clearance resulting in ongoing degradation of bushland around Helensburgh. ● Commend the conservation aims of the review.
3.	486	<ul style="list-style-type: none"> ● Object to low density residential development that will be visible from Bald Hill as this will degrade Bald Hill's unique environmental qualities. ● Comment that expansion of urban development in the Upper Hacking River Catchment will degrade the water quality of the Hacking River and reduce viability of Royal National Park for wildlife and recreational purposes. ● Comment that land clearing will diminish the effectiveness of the wildlife corridor. ● Suggest Council should ensure the zonings of all land in the Upper Hacking River Catchment have chief objectives in the preservation and enhancement of the wildlife corridor, improvement of Hacking River water quality and the preservation of existing forests. ● Suggest Council rezone all non-urban land in the study area to the highest possible environmental zoning. ● Suggest Council work with NSW Government to prepare a plan to transfer all privately owned land into public ownership to be maintained by NP&WS.
4.	150	<ul style="list-style-type: none"> ● Reject to the zoning proposal for the following reasons: <ul style="list-style-type: none"> ○ Reject the decision by Administrators to rezone lands to E3 after public submissions requested rezoning to E2 not E3, ○ Willana report is superficial and does not address significant issues, ○ Support the findings of the 1994 Commission of Inquiry. ● The core issues that remain relevant include: <ul style="list-style-type: none"> ○ Very high erodability of soils, ○ Removal of vegetation will contribute to high sediment input into waterways,

Form letter No.	No. of letters	Issues / comments raised
		<ul style="list-style-type: none"> ○ Impact of increased sedimentation and pollution on vegetation, invertebrates and ecology, ○ Increased impact of predation of native fauna, ○ Increased weed dispersion into vulnerable and threatened communities. ● Comment that COI in 1994 noted the wildlife corridors was already extremely long and narrow. Further development will constrain wildlife, especially along Helensburgh ridge.
5.	182	<ul style="list-style-type: none"> ● Object to the proposed rezoning. ● Concerns for 7(d) lands rezoned to E3 as outlined in Willana report instead of preferred rezoning of E2. Concerns include: <ul style="list-style-type: none"> ○ Increased land clearing, ○ Increased land fragmentation, ○ Increased weed infestations, ○ Increased introduction of non-indigenous and feral animals, ○ Increased soil erosions, ○ Increased soil fertility, ○ Significant visual impact of Lady Carrington Estate from Bald Hill and Otford from the Grand Pacific Drive, ○ Reduced wildlife corridors, ○ Increased threat or impact to bird populations, ○ Risk and threat to rare and endangered fauna, ○ Increased water shed. ● Refer Council to the Environmental Protection Biodiversity Act.
6.	143	<ul style="list-style-type: none"> ● Reject the zoning proposal for two reasons: <ul style="list-style-type: none"> ○ Reject the decision by Administrators to rezone lands to E3 after public submissions requested rezoning to E2 not E3, ○ Willana report is superficial and does not address significant issues concerning 7(d) lands. ● Commend the Illawarra Escarpment Strategic Management Plan that concluded development could not proceed due to significant environmental negative outcomes including: <ul style="list-style-type: none"> ○ Increased land clearing, ○ Increased land fragmentation, ○ Increased weed infestations, ○ Increased introduction of non-indigenous and feral animals. ● Comment that COI in 1994 noted the wildlife corridors were already extremely long and narrow. Further development will constrain wildlife, especially along Helensburgh ridge.
7.	364	<ul style="list-style-type: none"> ● Object to proposed planning review as existing infrastructure will not support any additional development in the area. ● The area is ecologically sensitive and demands there be no further development. ● Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility. ● From experiences, the area could not cope with an emergency evacuation. Expansion of the town would far increase the risk of injury and fatality.

Form letter No.	No. of letters	Issues / comments raised
8.	93	<ul style="list-style-type: none"> Object to the development plan. Willana report only hypothesizes a pro development case. It fails to consider in any detail social, economic, financial, ecological, bush fire risk, infrastructure and car parking issues. Request a second review be undertaken. Concerned that redevelopment costs will be shouldered by ratepayers. Land is too steep and costly to build on.
9.	74	<ul style="list-style-type: none"> Object to the proposed development and the removal of the current environmental zoning. Concerned that the proposed increase in numbers of 3,250 additional residents is not feasible. This will cause roads to be chaotic around railway stations, shopping centres and thoroughfares. Asks if there are plans to provide more public transport. Comment that the proposed development will create 1,300+ blocks in direct path of the natural drainage channels of the Port Hacking River and thereby have a direct impact upon the National Park, flora and fauna. Suggest consideration should be given to increasing bushfire regulations after VIC and ACT tragedies.
10.	148	<ul style="list-style-type: none"> Strongly object to the proposed planning review. Suggest any increase in numbers is not matched by existing infrastructure. Demand no further development in the Otford Road and Lady Carrington Estate areas which are ecologically sensitive and in the direct path of the Hacking River. Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility.
11.	30	<ul style="list-style-type: none"> Object to the proposed planning review as it will substantially increase risk to horse riders in the area. Concern that proposed development adjacent to Walker Street – the fast entrance into Helensburgh, will result in more traffic and therefore concern over the safety of public and horse riders. Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility.
12.	36	<ul style="list-style-type: none"> Visitors who object to the rezoning proposal on social and environmental grounds. Comment that this area has much to offer that 'other parts of Sydney can never provide'. Concerned that the proposal will result in inappropriate development and social dislocation.
13.	450	<ul style="list-style-type: none"> Strongly object to any redevelopment and object to development in any form. Concern that the risk the proposed development will cause to the Hacking Catchment and wildlife corridors does not support the proposed development. Comment that the proposed 350 or 700+ home sites will be in the direct path of the natural water courses and the Hacking River. Comment that Council should protect the Upper Hacking Catchment,

Form letter No.	No. of letters	Issues / comments raised
		maintain wildlife corridors and protect important ecosystems thereby sustaining the National Park for future generations.
14.	244	<ul style="list-style-type: none"> Object to the draft review of 7(d) lands for the following reasons: <ul style="list-style-type: none"> 7d Extensive vegetated areas provide environmental protection to the water courses, Proposed development is not near Helensburgh Railway Station and there are no plans for infrastructure, Inadequate road systems and car parking, Proposal will have massive impact on the environment, scenery, wildlife corridors, endangered native animals and the micro-climate, Rezoning of smaller areas will set precedent for in ad-hoc development, Evacuation plans for emergencies are inadequate. Comment that protection of the Upper Hacking catchment and wildlife corridors is important and everyone's responsibility. The proposed development will alter the character and visitor appeal of the town and surrounding villages.
15.	18	<ul style="list-style-type: none"> Reject the proposal. Suggest the existing infrastructure does not support any additional development in the area. Comments that a population increase of 350 house sites should not be considered without a new Plan for the entire 2508 area.
16.	24	<ul style="list-style-type: none"> Concern that the proposed new zonings do not protect the environmentally sensitive lands from inappropriate developments. Request Council keep a strong environmental protection zone for all 7(d) lands. Comments that Council is required by law to provide reports on the new zonings impact on the wildlife corridors, urban run off and water quality of the Hacking River. Suggest any increased development will only increase the risk to life and property in the risk of bushfire. Suggest existing infrastructure is inadequate for any more large scale development.
17.	164	<ul style="list-style-type: none"> Support the 7(d) lands being rezoned to E2 for the following reasons: <ul style="list-style-type: none"> It is the only way to protect remnant coastal rainforest areas that exist in the area, APZs required for proposed development would degrade existing forest, If the lot size map is changed, further development in a smaller area would become possible causing further pressure on the biodiversity of the area, Further development could see the wildlife corridor being compromised or even non functional, Loss of tourism as beauty of physical environment is reduced, Multiple zones will cause landowners to lobby for changes for rezoning and same rights resulting in further land clearing and environmental degradation, Landowners that had an existing building right at the time of purchase

Form letter No.	No. of letters	Issues / comments raised
		<p>should be compensated by Council,</p> <ul style="list-style-type: none"> ○ Royal National Park needs and deserves protection of E2 in the areas of this study, ○ E2 zoning of this land will result in it being even more valuable in the state in the future, ○ Suggest B6 zone should be E2 with protection of existing land use and existing dwelling rights, ○ Protection of Hacking River Catchment is best provided by a blanket E2 zoning, ○ Urban consolidation is best suited to cleared land in other areas of the state.
18.	7	<ul style="list-style-type: none"> ● As a resident I object the proposed development. ● Concerned that such development will have drastic impacts on the existing wildlife and the ecologically sensitive nature of the area. ● Concerned for the impact of the proposed development would have on the Hacking River and National Park.

Table 3.4 Summary of Form Letters – Supporting Development

Form letter No.	No. of letters	Issues / comments raised
1.	48	<ul style="list-style-type: none"> ● Support the rezoning proposal for B6 Enterprise Precinct as appropriate use for the 7(d) property as it is land which is cleared and close to township and main road services. ● Comment that B6 zone is compatible with existing uses in the area and good access to the Freeway. ● Comment that this zoning will provide good job opportunities and upgraded services in the area for the community. ● Comment that with the connection to the sewer and all infrastructure available, a limited number of dwellings in Helensburgh should be possible.
2.	18	<ul style="list-style-type: none"> ● Support the proposed residential zoning in the Land Pooling Precinct and Ensile's Lady Carrington Estate South. ● Comment that these residential blocks will ensure continued growth of the area, boost business in town, provide employment opportunities and result in further infrastructure and services (including a much needed High School).
3.	4	<ul style="list-style-type: none"> ● Lot 4 Lawrence Hargrave Drive Helensburgh (DP 259401) has a 40-50 year pastoral history of cattle roaming and an attached piggery. ● Comments that the current scrubby bushland across the block is regrowth from the pastoral periods.

One (1) petition signed by eighty eight (88) persons was received opposing the rezoning of 7(d) land and identified the following issues of concern:

- Object to proposed rezoning of 7(d) land; and
- Object to development of land located within the wildlife corridor as this will result in a loss of movement for many species, reduce genetic diversity and minimise sanctuaries for animals during environmental stresses (e.g. bushfires).

3.3 VIEWS OF COMMUNITY GROUPS

Fifteen (15) submissions were received from eleven (11) community groups, which are summarised in table 3.5:

Table 3.5 Comments from Community Groups

Neighbourhood Forum 1	<ul style="list-style-type: none"> • Comment that the exhibition does not provide adequate information to the public to make informed decisions. • Object to the proposals in the Willana study. • Concerns over the following: <ul style="list-style-type: none"> ○ Bushfire analysis is limited to a restricted area, not the whole of the site. • Questions to Council: <ul style="list-style-type: none"> ○ Clarification is sought on exactly which land is subject to rezoning from 7(d) to E3, ○ Why are some lots in Lilyvale on the Lands Department maps showing no Lot or DP information? ○ East of the lot marked Lot 7001 DP 1053532 there appears to be an ‘old road’. Could you please advise as to whether any roads in Helensburgh have been gazetted for closure? (<i>Note: this corridor is the alignment of the old railway tunnel</i>).
7d Landowners Group	<ul style="list-style-type: none"> • Fully support the proposed changes to the zonings in the Helensburgh area. • Commend the action of Council to try to resolve this “environmental land” issue. • Comment that the landowners who have paid rates and been denied the right to build should be given a “fair go”. • Support Otford Road/Lloyd Place proposal • Generally support the Willana report however some concerns are below: <ul style="list-style-type: none"> ○ North/South Otford Precincts: does not support E2 zoning in all areas, or E4 zone in very steep sections of South Otford. Some from the group are unhappy with the exit strategy and proposed zoning, ○ Caravan Park site: Comments that the E2 zoning will cause problems. Recommend 3 to 4 hectares be zoned for a caravan park and the rest left in the E2 zone, ○ Walker Street and Laurence Hargrave Drive: Proposed RU1 – comment that some of this land should be zoned to allow a dwelling on perhaps a ½ ha block or larger.
National Parks Association NSW Southern Sydney Branch (4 submissions)	<ul style="list-style-type: none"> • Comments that an estimated 350 building rights are proposed where no building rights have existed at any time in the past. • Comments that APZs are now much larger areas so additional building approvals imply more extensive clearing. • Made a submission on the LEP process and strongly urged that all 7(d) lands is actually taking place as a part of the new LEP process. • Objects to the process of this 7d review, occurring without our knowledge. • Requests all 7d lands be converted to E2 in the interests of regional conservation aims. • Rejects the reason for an interim zoning of all 7(d) lands as E3. It should

	<p>be E2 – the closest equivalent to 7d.</p> <ul style="list-style-type: none"> • Regard rezoning prior to any environmental assessment as inappropriate and illegal. • Includes list of fauna species locally extinct or rare.
<p>Otford Protection Society (2 submissions)</p>	<ul style="list-style-type: none"> • Objects to the proposals which will remove the environmental protection afforded by the previous 7(d) zoning for the following reasons: <ul style="list-style-type: none"> ○ Proposal will have negative impact on Hacking River watershed, ○ Proposal reduces the environmental protection with seriously detrimental impact on community and surrounds, ○ Proposal will result in extensive clearing for APZs therefore with potential visual impacts and reducing wildlife corridors, ○ Planning and environmental protection decisions should not be dictated by past dwelling entitlements, ○ Growth of urban areas thereby diminishing the green belt between Sydney and Wollongong, ○ Rezoning of vacant allotments should not be permitted but should be zoned E2, ○ Do not support rural landscape (RU2), enterprise corridor (B6) or tourist zones (SP3) in this area. Should be zoned E3, ○ Riparian areas and issues have been inadequately addressed and fail to meet Council's existing policies including the Riparian Corridor Management Study, ○ Object to building rights. Instead consideration should be given to adding some of these areas into the National Park estate, ○ Willana Review contradicts COI recommendation of long term not short term studies. Necessary studies recommended by the COI include: <ul style="list-style-type: none"> - Water quality impacts and control mechanisms, - Flora and fauna habitat loss, - Impacts of development, - Fauna impact statements of rare and endangered animals, - Analysis of impacts upon wildlife corridors, ○ Serious detrimental impact on wildlife corridors, ○ Scenic qualities of area diminished, ○ Proposals for Otford Village are inconsistent and unsound. • Support proposed E2 rezoning for large areas of 7(d) lands. • Concerns with Councils approach where rezonings deviate significantly from the current zones in the absence of detailed studies and where Council notes the need to do further studies after releasing the Willana report which may not be supported by these later studies. • Concerns with the Willana Review as it does not depict the area fairly, the conclusions are based only on a desktop study, starting point was rezoning, not protection of currently protected areas. This report also does not consider this area as part of a broader catchment.
<p>Colong Foundation for Wilderness</p>	<ul style="list-style-type: none"> • Object to the proposed LEP seeking to increase in development opportunities around Helensburgh and Otford. • Comment that this planning review ignores the public inquiry and several council votes in favour of further protection that the Minister for Planning accepted in 1995.

	<ul style="list-style-type: none"> • Object to proposal as it includes environmentally protected areas be rezoned Residential, Rural or Enterprise Corridor. • Comment the southern edge of the Park offers the best opportunity for habitat interactions necessary to ensure long term ecosystem health. Helensburgh, Otford and Stanwell Tops sit within this corridor.
Friends for Stanwell Park	<ul style="list-style-type: none"> • Objects to the rezoning of 7(d) land that would be a reduction of protection therefore E3 is not acceptable. • Only support E2 zoning. • Object to Rural zone where waterways will have only 20 metres of Protection in places like Wilsons Creek. • Object to Otford Village with need for APZ clearing and fencing as it will ruin the corridor. • Object to development as it will minimise the greenbelt between Wollongong and Sydney. • Object to the proposed rezoning as a means to solve historical issues. From our research this only applies to about 10 lots. • Object to vacant land being given building rights. E2 should remain on these blocks. • Object to proposed R2 development on ridgeline due to the visual impact from Bald Hill. • Object to Otford proposed rezoning as it completely overlooks the steep and undisturbed nature of the area. • Raise concerns over the methodology of the Willana report being a desktop study and no look at background reports. • Object to the downgrading the existing environmental zonings.
Illawarra Escarpment Coalition	<ul style="list-style-type: none"> • Objects to any expansion of residential/other development into the 7(d) land of the Hacking River Catchment. • Object to 'watering down' of the 7(d) protection. • Additional 1200/1300 sites would: <ul style="list-style-type: none"> ○ Impact heavily on endangered species, ○ Cause more clearing and habitat loss, ○ Cut wildlife corridors, ○ Cause more weed infestation, ○ Reduce Hacking River quality, ○ Disregard climate change and need for greater protection of our endangered species, wildlife corridors and clean water.
Northern Illawarra Residents Action Group Inc.	<ul style="list-style-type: none"> • Objects to the proposals which remove the environmental protections currently provided by the environmental protection zoning. • Support E2 zoning. • Strongly object to the process regarding the review process of the proposal while the LEP 2009 was still being finalised. • Object to the proposed intensification zonings without necessary environmental studies to support them. • Comment that justifications for proposals made in the Willana report are based on a 'desktop' study only in comparison to the current zonings based on detailed scientific studies as part of the Commission of Inquiry. • Note some negative impacts of the proposals as: <ul style="list-style-type: none"> ○ Comment that the development of the Hacking River Catchment has

	<p>already been found to be damaging to the health of this river,</p> <ul style="list-style-type: none"> ○ Increased development and associated land clearing will have major impacts on scenic qualities and habitat corridors, ○ Building on SE edge of Helensburgh will require large areas of land clearing for APZs, ○ Proposed development on ridgelines and plateaus will compromise the visual amenity and values of the area. <ul style="list-style-type: none"> ● Comment on zoning proposals include: <ul style="list-style-type: none"> ○ RU2 zones should be rezoned E3 with existing use rights, ○ B6 are not suitable in an area currently zoned environmental protection, ○ SP3 should remain environmentally protected and be rezoned E3 with existing use rights, ○ Otford village proposed development density is inconsistent with earlier findings and recommendations. ● Riparian land protection comments: <ul style="list-style-type: none"> ○ Proposals for riparian lands downgrade current levels of protection, ○ Protection of riparian land is important given the high conservation value of the rivers, catchment and relationship to NP. ● Long-term protection of environmental lands – Council should resolve to rezone all non-urban land in the study area to the highest environmental protection zoning and prepare a plan for the transfer of privately owned land into public ownership under NSW NP&WS.
Canopy Native Forest Committee	<ul style="list-style-type: none"> ● Concerned by the proposal to replace existing zoning on this sensitive area to a series of new zones designed to facilitate development on parts of the site. ● Comments that there appears to be no compelling reason for changing the existing situation. ● Comments that the environmental integrity of the Hacking River, biological corridor and Royal National Park are paramount. ● Requests the current environmental zoning be retained. ● Request Council to investigate ways of strengthening the existing environmental protection provisions. ● Objects to any further clearing of bushland in the 7(d) area with the exception of necessary bushfire protection of the existing properties. ● Comments that Council should consider with State Government fair compensation arrangements for landowners who are unable to build.
Sutherland Shire Environment Centre Inc.	<ul style="list-style-type: none"> ● Object to 7(d) land rezoned for residential development. Any new LEP should not allow a building right where none existed under the LEP 1990. ● Comments that the desktop study by Willana was not adequate for making preliminary moves towards rezoning of such sensitive land. Studies recommended by the Commission of Inquiry have not yet been undertaken. ● Comment that the response for rezoning is not from the wider Illawarra, Sutherland Shire or Sydney but landowners. It is not Council's responsibility to provide investment security to property owners, but to the interests of the wider community for long term sustainability. ● Concerned that the increased development will lead to additional water

	<p>flows and increased erosion.</p> <ul style="list-style-type: none"> • Recommend the submissions by Sutherland Shire Council and NPA (Southern Sydney).
Stanwell Tops Residents Awareness Assoc.	<ul style="list-style-type: none"> • Object to proposal to downgrade the long-standing 7(d) environmental protection zones to E3 and additional zonings. • Comments that the Willana report fails to meet the criteria recommended by the Commission of Inquiry (COI). The report ignores the COI's recommendation of no changes to the 7(d) zoning. • Concern over bushfire control and evacuation procedures.

4. Regional Issues

There are a number of regional issues which have been raised in submissions and are relevant to the entire study area, which should be considered prior to considering individual precincts.

4.1 ILLAWARRA REGIONAL STRATEGY

The Illawarra Regional Strategy was issued by the Department of Planning in 2007. The strategy promotes additional housing at West Dapto, the Wollongong City Centre and other centres along the rail corridor. The strategy does not promote residential development at Helensburgh. The strategy reflected Council's housing position at that time.

The strategy recognises the 7(d) bushland as having high conservation value (outside regional reserves) and suggests the bushland should be protected from urban development. The strategy also notes the bushland as forming part of the north-south Regional Habitat Corridor.

The strategy notes that consideration of any new release areas, outside those identified in the Regional Strategy map will only be given to those proposals that can demonstrate compliance with the sustainability criteria. The strategy does not identify any new release areas at Helensburgh. The draft 7(d) Review proposed the rezoning of the Land Pooling and Lady Carrington Estate South precincts which represent urban release areas outside the Regional Strategy and would have to satisfy the sustainability criteria.

The sustainability criteria can be summarised as:

1. **Infrastructure Provision** - Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.
2. **Access** - Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.
3. **Housing Diversity** - Provide a range of housing choices to ensure a broad population can be housed.
4. **Employment Lands** - Provide regional / local employment opportunities to support the Illawarra's expanding role in the wider regional and NSW economies.
5. **Avoidance of Risk** - Land use conflicts, and risk to human health and life, avoided.
6. **Natural Resources** - Natural resource limits not exceeded / environmental footprint minimised.
7. **Environmental Protection** - Protect and enhance biodiversity, air quality, heritage and waterway health.
8. **Quality and Equity in Services** - Quality health, education, legal, recreational, cultural and community development and other Government services are accessible.

4.2 HELENSBURGH COMMISSION OF INQUIRY

Many submissions refer to the recommendations of the Helensburgh Commission of Inquiry (1994) and suggest that the draft 7(d) Review is inconsistent. The Commission's study area was based on precincts proposed for urban development. Figure 4.1 shows the area considered by the Commission, which did not include Garrawarra, Wilsons Creek, Lloyd Place or Otford.

In summary, the Commissioner made the following six (6) recommendations, the majority of which have not been acted upon:

Table 4.1 Commission of Inquiry Recommendations

Recommendation	Comment
1. No change in the current LEP or current zonings until: <ul style="list-style-type: none"> (i) further studies have been undertaken, (ii) appropriate environmental objectives have been set, (iii) cost-effective strategic catchment management plan to control existing pollution sources. 	The Wollongong LEP 1990 did change with the rezoning of land to 7(d).
2. The studies be undertaken in an independent fashion by the Hacking River Catchment Management Committee and final consideration by a Catchment Assessment Commission.	While there is a Hacking River Catchment Management Committee, it was never given the role or funding to co-ordinate the studies. The Catchment Assessment Commission was not established.
3. The studies should be funded by Council, Government and land owners / developers.	No funding was provided by the land owners, Council or the Government.
4. The studies include: <ul style="list-style-type: none"> • immediate or short term studies as well as long term studies, • existing water quality, water quality impacts and environmental impacts, • cumulative impacts, • flora and fauna habitat loss impacts, • testing and proving water quality pond/wetland proposals, • rare and endangered fauna impacts (or a Fauna Impact Statement) particularly assessing potential impacts on the Sooty Owl, • wildlife corridor impacts from various land uses and buffer areas (especially urban development and bushfire hazard reduction areas). 	As a consequence of the non-funding, the nominated studies have not been undertaken.
5. Water quality trial occur in Gills Creek then in Camp Creek.	Water quality has been monitored as part of Landcom's Camp Creek development. No monitoring has occurred in Gills Creek.

Recommendation	Comment
<p>6. The urban capability priority order for the precinct is:</p> <ul style="list-style-type: none"> (i) Gills Creek (Gateway precinct and Walker Street south) – reasonable capability, (ii) Lady Carrington Estate South – cleared and filled areas – limited capability, (iii) Land Pooling and Walker Street – limited capability, (iv) Landcom Site 1 – south of the waste depot – low capability, (v) Lady Carrington Estate South – vegetated ridge – low capability, (vi) Lady Carrington Estate North – lowest capability, (vii) Landcom smaller sites 2 and 3 – no capability, (viii) Lady Carrington Estate (south west of Lady Carrington Estate North) – no capability. <p>(The precincts are identified in Figure 5.1 from the Commission of Inquiry report. The black shaded areas indicate where the Commissioner considered that there was some urban capability)</p>	The capability order is noted.

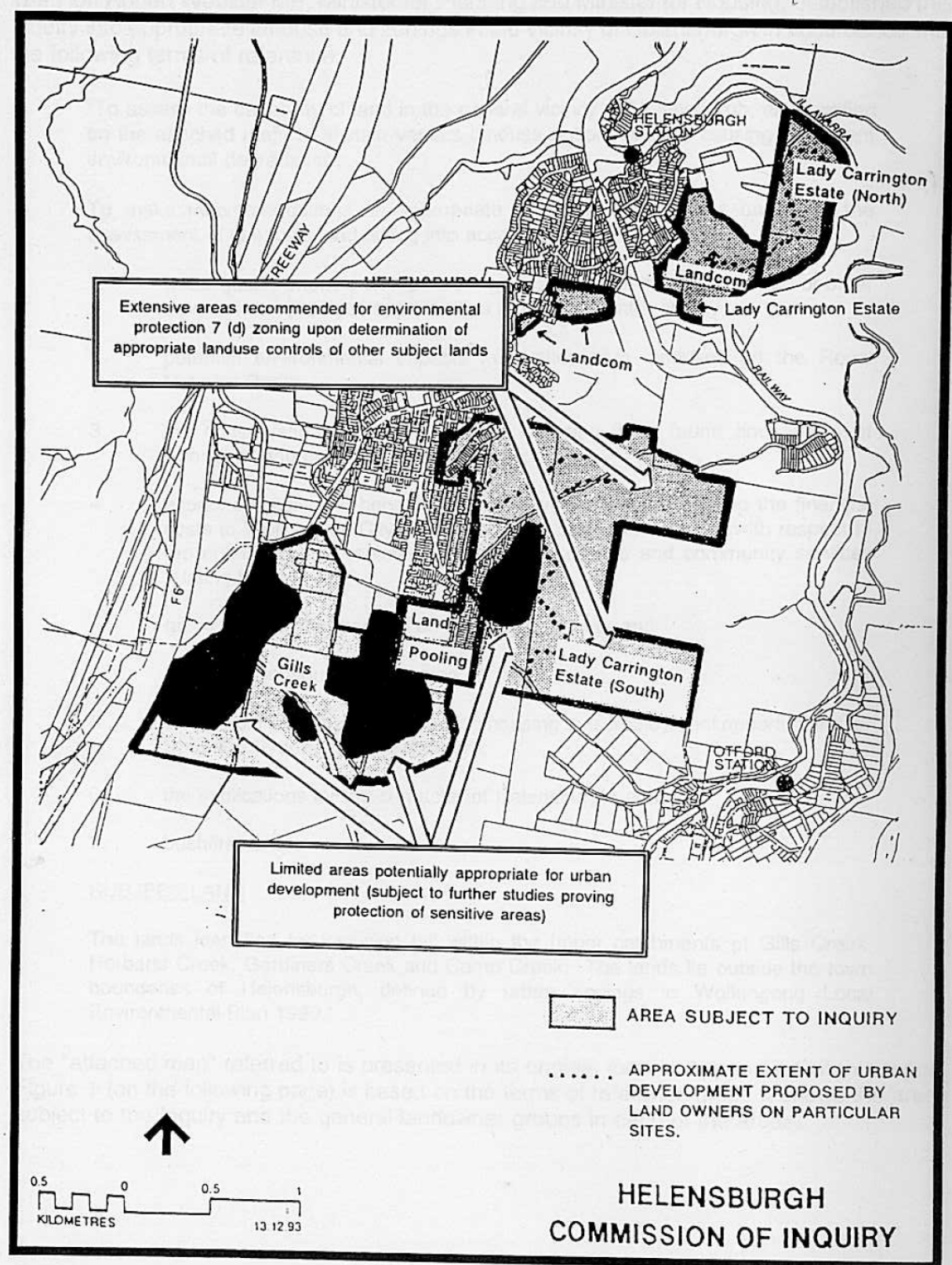
The Commission's concerns about the impact of urban development on water quality and biodiversity remain relevant.

Table 4.2 compares the precinct recommendations of the Commission of Inquiry with the recommendation of the draft 7(d) Review.

Table 4.2 Comparison of Recommendations for Precincts

Precinct	Commission of Inquiry	Draft 7(d) Review (exhibited)
<p>Gills Creek – 3 areas:</p> <ul style="list-style-type: none"> 1. the Gateway precinct along the Princes Highway, 2. Walker Street (south), 3. 171-173 Lawrence Hargrave Drive. <p>(refer to Figure 5.1)</p>	Reasonable urban capacity on western part, otherwise Environmental Protection zone.	<ul style="list-style-type: none"> 1. B6 Enterprise Corridor, RU2 Rural Landscapes & E2 Environmental Conservation 2. RU2 Rural Landscapes, 3. E3 Environmental Management.
Lady Carrington Estate South (cleared and filled area)	Limited urban capability.	R2 Low Density Residential.
Land Pooling	Limited urban capability.	R2 Low Density Residential.
Landcom site 1	Limited urban capability.	E2 Environmental Conservation.
Lady Carrington Estate South (bushland ridge)	Low urban capability.	E2 Environmental Conservation.
Lady Carrington Estate North	Lowest urban capability.	E2 Environmental Conservation.
Landcom smaller sites 2 and 3	No urban capability. Environmental Protection zone.	E2 Environmental Conservation.
Lady Carrington Estate (south of waste depot)	No urban capability. Environmental Protection zone.	E2 Environmental Conservation.

Figure 4.1 Commission of Inquiry Study Area and Urban Capability Map



4.3 WATER QUALITY

The impact of existing and proposed development in Helensburgh and Otford on the water quality of the Hacking River and Royal National Park has been of concern for many years. The impact of urban expansion on water quality was one of the triggers for the 1994 Helensburgh Commission of Inquiry. It remains an important issue.

In the 1980s Helensburgh was connected to the Cronulla Sewerage Treatment Plant and a reticulated sewerage system installed, which reduced overflows from septic systems. In 2004-5, Otford, Stanwell Tops, Stanwell Park and Coalcliff were connected to the sewerage system. Sydney Water has previously indicated that there is capacity in the sewerage system to accommodate additional urban development. A submission was not received during the recent exhibition. Further consultation will be required on the capacity of the water and sewerage systems to serve any additional development.

Water quality remains a key issue; however there is little data available. Water quality is not monitored by Council or any Government authority. Landcom has submitted water quality monitoring data from its Camp Creek development.

A number of submissions include observations that the water quality in the Hacking River is poor downstream of Helensburgh and Otford, whereas the more natural tributary of Kangaroo Creek (downstream at Audley) has good water quality.

4.4 BIODIVERSITY

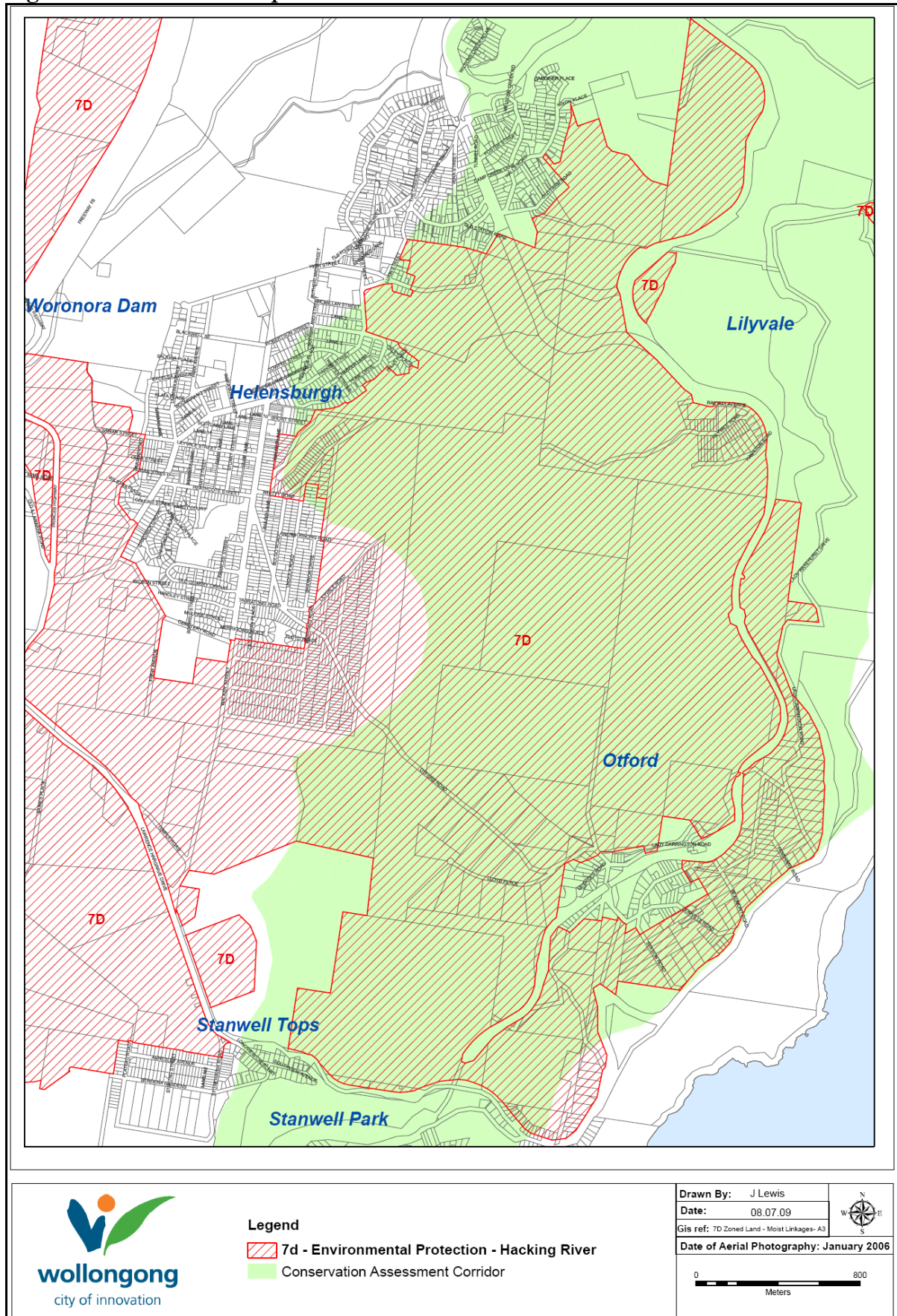
The bushland areas within the 7(d) lands form part of an extensive bushland area that includes the Royal National Park, Heathcote National Park, Garrawarra State Conservation Area, the Sydney Catchment Area and the Illawarra Escarpment. Aerial and satellite images depict Helensburgh as an island of urban development surrounded by bushland. The authors of a number of the submissions noted that they moved to Helensburgh and Otford because of the bushland setting.

Many submissions contained lists of threatened species seen in the area. A submission from the National Parks Association noted that fourteen (14) fauna species in the Royal National Park were now listed as locally extinct, or rare.

The Department of Environment, Climate Change and Water has listed the “Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion” as an endangered ecological community that occur within the study area.

Additionally, the Department has mapped the Illawarra Escarpment Moist Forest Fauna Corridor (figure 4.2) as an important regional corridor for fauna movement, as it occurs along the Illawarra Escarpment as a continuous vegetation band. The corridor includes the village of Otford and Stanwell Park.

Figure 4.2 Illawarra Escarpment Moist Forest Corridor



The Department of Environment, Climate Change and Water have released three (3) reports on flora and fauna issues that are relevant to the review of 7(d) issues.

1. The “Terrestrial Vertebrate Fauna of the Greater Southern Sydney Region – Volume 1 Background Report” (DECCW 2007) examines the conservation priorities for fauna species in the Sydney Region. The study also identifies priority fauna habitats and corridors. The extensive bushland in the 7(d) lands is not identified as being one (1) of the four (4) priority fauna habitats for conservation in the Sydney Region. The Illawarra Escarpment Moist Forest is identified as an important biodiversity corridor.
2. The “Rapid Fauna Habitat Assessment for the Sydney Metropolitan Catchment Management Authority Area” (DECCW 2008) examines the significance of fauna habitats in the Sydney Metropolitan Catchment area, which includes the Hacking River. The study identifies that:
 - the Royal National Park has an extremely high fauna diversity (ranked 1st of 50 sites);
 - the Upper Hacking area (which includes the 7(d) lands) has a very high fauna diversity (ranked 18th); and
 - the Garrawarra State Conservation Area has a very high fauna diversity (ranked 20th).

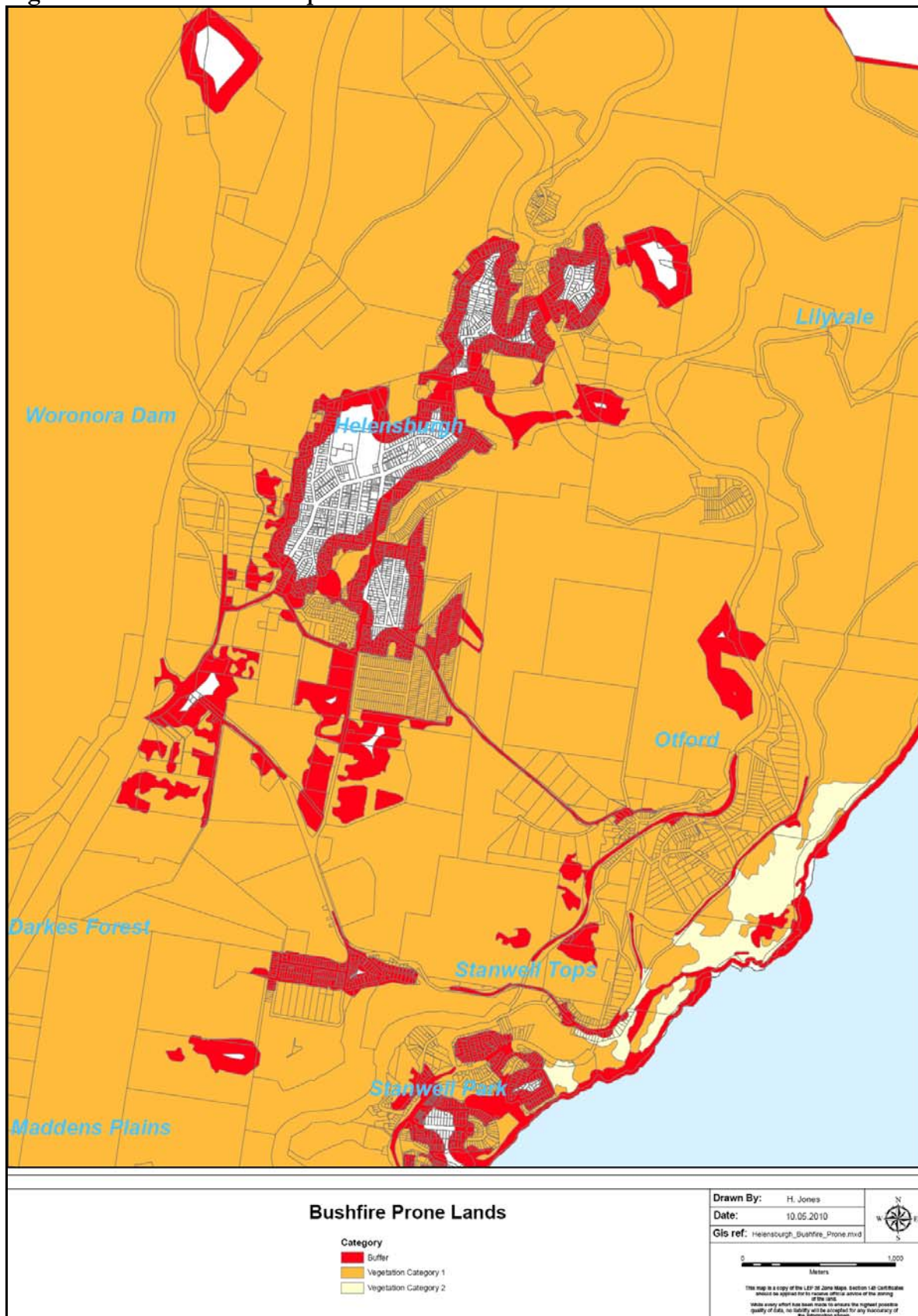
The study highlights the value of the bushland in the 7(d) area for fauna habitat and movement.

3. The “Draft Native Vegetation of the Sydney Metropolitan Catchment Management Authority Area” (DECCW 2009) – maps the vegetation communities in the Sydney Metropolitan Catchment Area. The report is similar to the Illawarra Bioregional Assessment prepared by DECCW in 2002 for Council, which was used in the preparation of the draft 7(d) Review, but only covers the Hacking River and Georges Creek catchments in the northern part of the City.

The report identifies the Southern Sydney sheltered forest on transitional sandstone soils, as an endangered ecological community that occur within the study area.

The extensive bushland also results in a high bushfire risk. Figure 4.4 depicts the current bushfire risk. If development and clearing is permitted, it is likely that the bushfire risk for some areas will change.

Figure 4.4 Bushfire Risk Map



4.5 HELENSBURGH TOWN PLAN

A number of the submissions opposed to any rezoning of the 7(d) lands and to additional houses being developed, stated existing problems within Helensburgh, including:

- poor road access, especially if required to evacuate due to a bushfire;
- poor shopping facilities and parking;
- no high school;
- part time library;
- small overcrowded public pool;
- no public toilets (except when pool is open);
- poor police presence;
- poor parking at the community centre, difficult for the elderly and parents with prams; and
- distance to railway station, and poor parking and lighting at station.

A number of submissions indicate that if an additional 300-350 homes were built, they would add to Helensburgh's existing infrastructure and traffic problems.

In 1994 Council prepared the Draft Helensburgh Town Plan and it was considered by the Commission of Inquiry. Following the Inquiry, Council did not revise or adopt the plan, and it has no current status.

Neighbourhood Forum 1 and other submissions identified the need for a Helensburgh Town Plan. Following the Council meeting on 2 February 2010, the draft Town and Village Planning Priority list was released for community comment. The draft list proposed the commencement of the Helensburgh Town Plan later this year. Neighbourhood Forum 1 supported the completion of the study.

It is agreed that there is a need for a Helensburgh Town Plan to provide the vision for any future growth or change in land use. The current review considers the 7(d) lands in isolation. The development of the 7(d) lands could have both positive and negative impacts for Helensburgh. Development would provide local employment opportunities and increase the number of customers for local businesses. Conversely, development would also result in increased traffic and increase demand on schools, community facilities and infrastructure. Development could also result in clearing of bushland and increased water pollution.

However, the need for a town plan diminishes if no further urban development in Helensburgh is proposed. A town plan would generate community expectations that improvements to local services and facilities will occur, however, funding those improvement would be difficult without Section 94 contributions or other income sources. Without development there would be limited local development contributions generated that could be directed to improve local community infrastructure and services.

A report on the community feedback to the Town and Village Plan priority is in preparation and will be separately reported to Council.

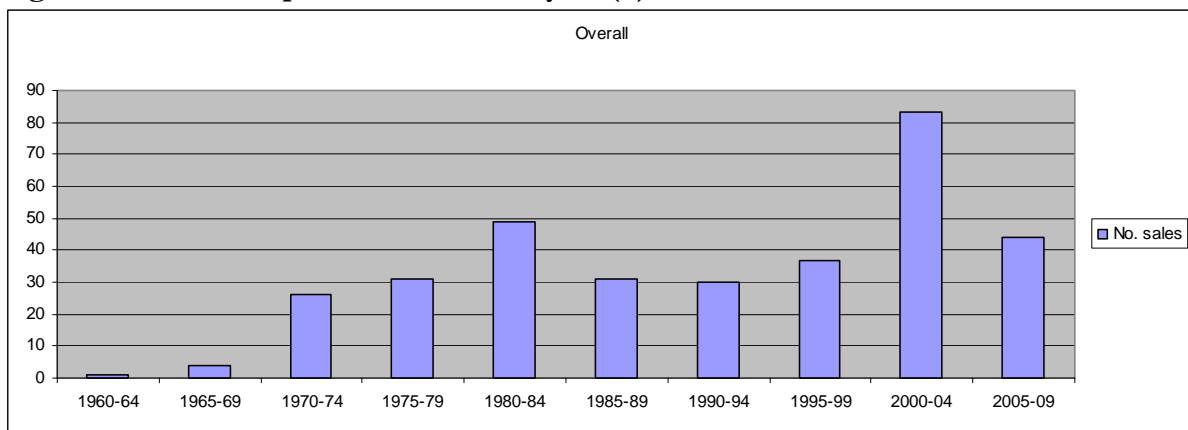
5. Ownership Analysis

A number of submissions questioned the period of ownership of the 7(d) land and whether persons had bought their land before or after the planning controls changed. The inference being whether persons have been disadvantaged by a change in the planning rules, or whether they have speculated by buying land in the hope the rules will change and then they will be able to build a dwelling or develop their land.

An analysis of the transfer of ownership records was undertaken. Records for the transfer of three hundred and thirty six (336) properties were found. It is noted a transfer could cover multiple properties or be between family members.

Figure 5.1 summaries the overall transfer history in five (5) year intervals. The graph indicates that while some land has been owned since the 1960's, the majority of transfers have occurred in the periods 1980-84, 2000-04, and 2005-09.

Figure 5.1 Ownership Transfer Summary – 7(d) Lands



In terms of the ownership transfer data for key larger precincts:

- The Land Pooling area - the majority of transfers occurred in the early 1980's (Figure 5.2);
- Wilsons Creek precinct - the majority of transfers occurred after 2000 (Figure 5.3);
- North Otford precinct - the majority of transfers occurred after 2000 (Figure 5.4);
- Lloyd Place precinct - the majority of transfers occurred in the early 1970's (Figure 5.5); and
- The Princes Highway gateway precinct - the majority of transfers occurred after 2000 (Figure 5.6).

Figure 5.2 Ownership Transfer Summary – Land Pooling Precinct

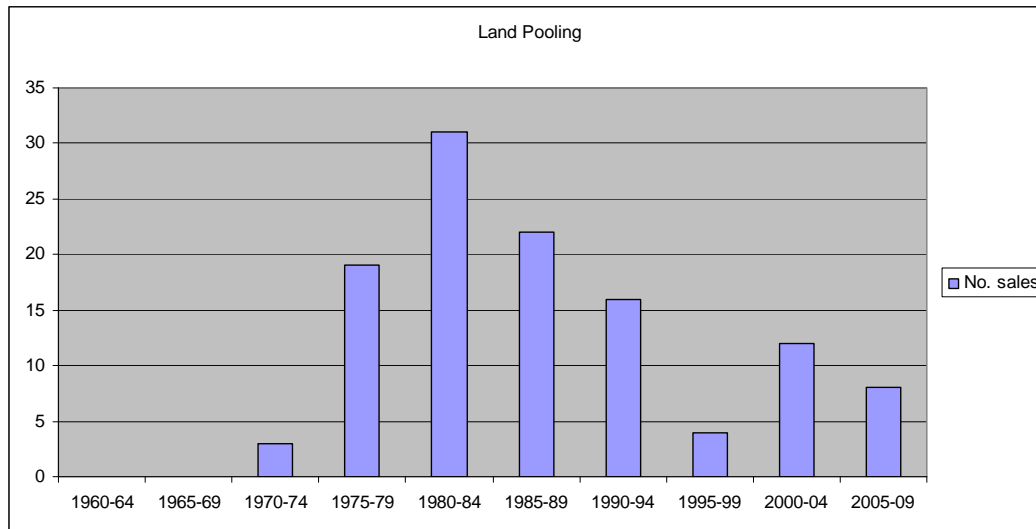


Figure 5.3 Ownership Transfer Summary – Wilsons Creek Precinct

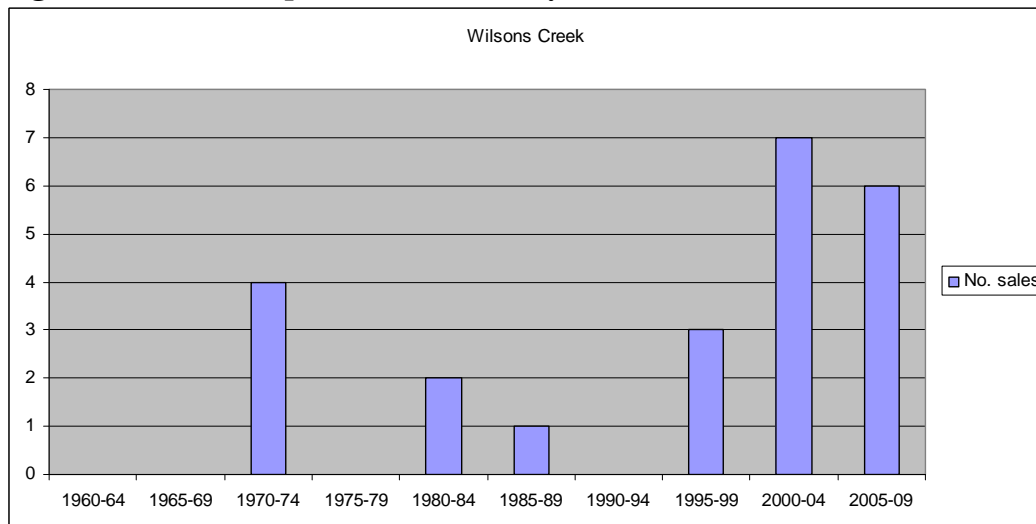


Figure 5.4 Ownership Transfer Summary – North Otford Precinct

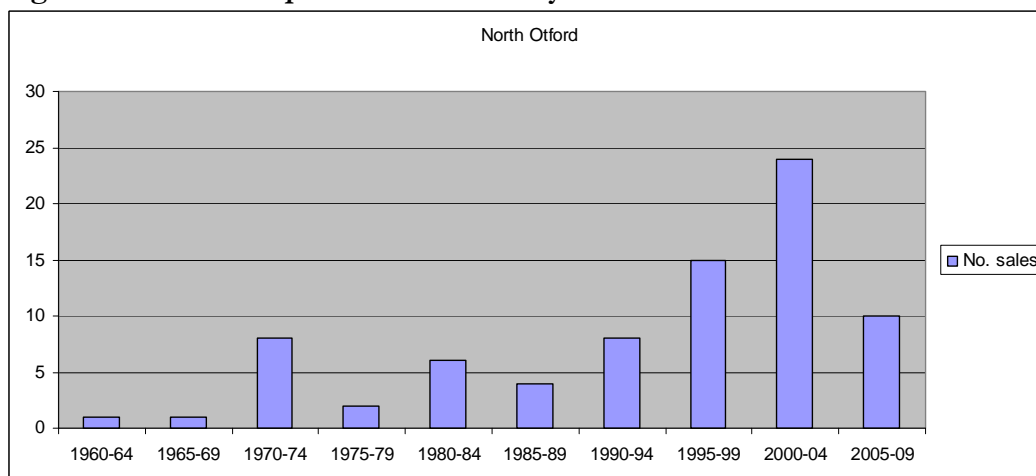


Figure 5.5 Ownership Transfer Summary –Lloyd Place Precinct

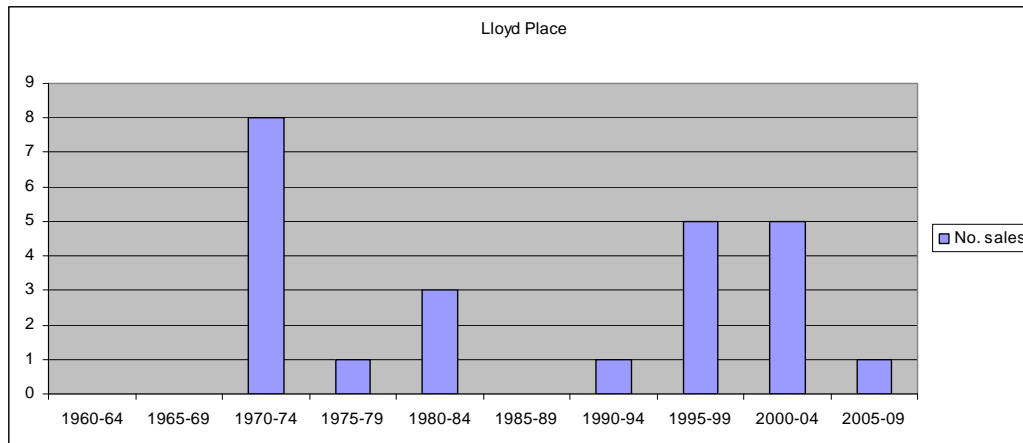
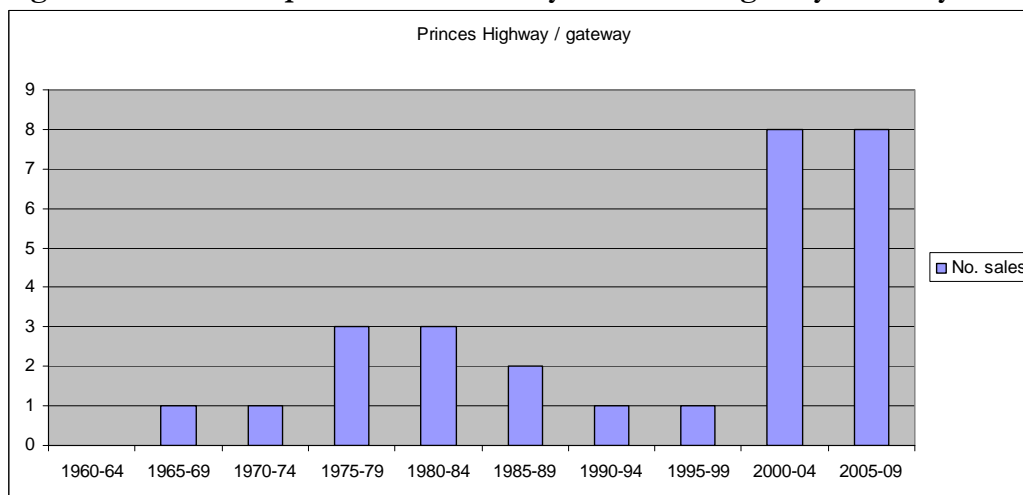


Figure 5.6 Ownership Transfer Summary – Princes Highway Gateway Precinct



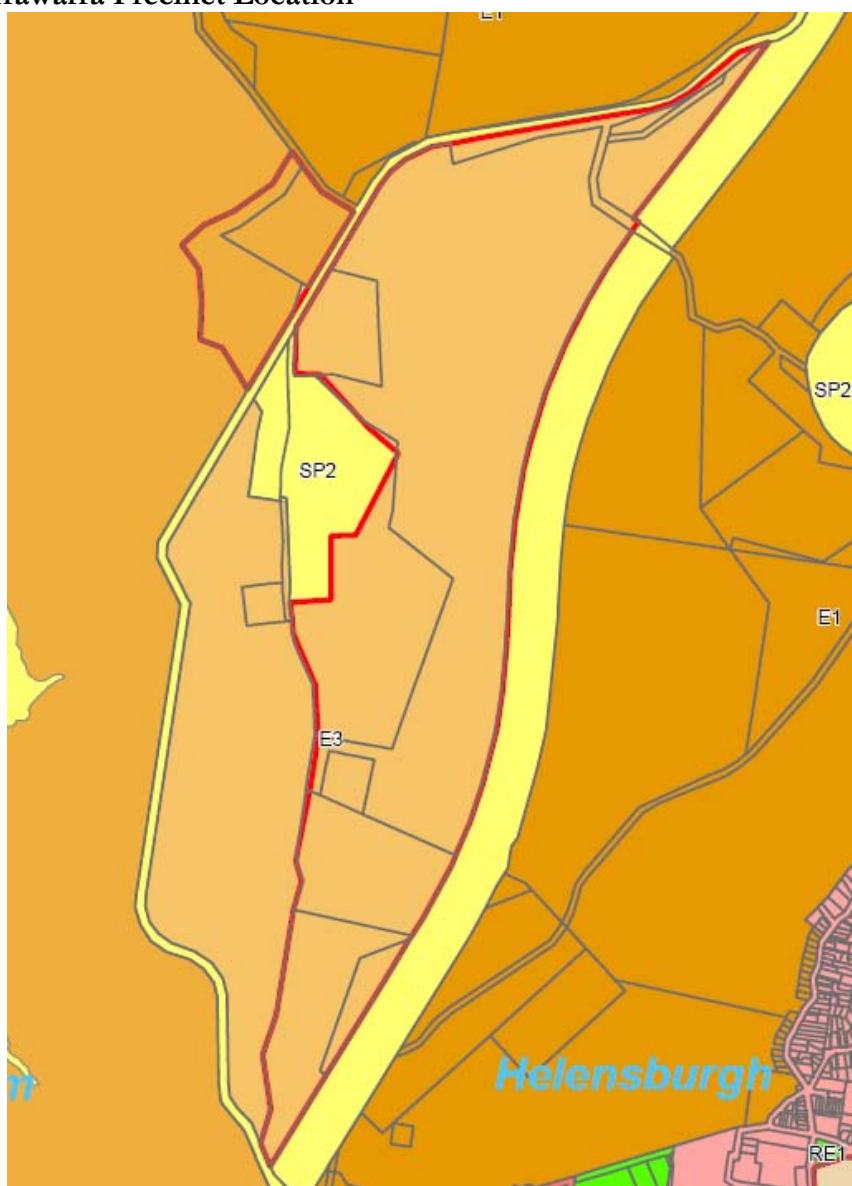
6. Precinct Issues

This section of the report will consider the issues raised in submissions by the individual precincts.

6.1 GARRAWARRA PRECINCT

The Garrawarra precinct is located north of Helensburgh between the F6 Freeway and the Princes Highway. Land to the west of the Hospital drains to the Woronora Catchment and is managed by the Sydney Catchment Authority. This land was not zoned 7(d) and is not part of the study area. The precinct contains eleven (11) lots, of which five (5) are Crown land, four (4) are controlled by the NSW Department of Health which contains the Garrawarra Centre and two (2) are privately owned. The Garrawarra Centre provides dementia services, aged, respite and long term care services and outreach services. The Centre and cemetery are listed as heritage items of local heritage significance.

Figure 6.1 Garrawarra Precinct Location



The draft Review recommended that Garrawarra Hospital retain a SP2 Infrastructure - Hospital and Seniors Housing zone and the surrounding bushland be zoned E2 Environmental Conservation zone due to its environmental significance.

Exhibition Outcomes

The submission from the Sydney Catchment Authority requested that its lands be zoned E2 Environmental Conservation.

A number of submissions supported the zoning of the precinct E2 Environmental Conservation.

Review of Issues

Garrawarra provides more than Hospital and Aged Care Services and the current zoning map description may not accurately reflect the services provided. It is proposed that the term “hospital” be replaced with the group definition of “health service facility”, which incorporates the land uses of hospitals, medical centres and community health service facilities.

It is understood that NSW Health are looking at disposing part or all of the Garrawarra facility. Consultants on their behalf have made enquiries about minimum lot size requirements, and the ability to subdivide off small support service sites from the main facility.

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

It is proposed that the land owned by the Sutherland Shire Sports Flying Association and used for model aircraft recreation retain an E3 Environmental Management zone.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Changing the description of the Garrawarra Centre on the Zoning Map to SP2 – Infrastructure Health Service facility and Seniors Housing.
- Rezoning the balance of the Department of Health and Crown land to E2 Environmental Conservation.
- The Sydney Catchment Authority land be zoned E2 Environmental Conservation.
- The Minimum Lot Size Map be amended to remove the subdivision standard for the part of Garrawarra Centre zoned SP2 - Infrastructure Health Service facility and Seniors Housing.

6.2 WILSONS CREEK PRECINCT

The Wilsons Creek precinct includes the lots on both sides of the Princes Highway north of Parkes Street and contains forty five (45) lots. The precinct is the headwaters of Wilsons Creek which flows into Garrawarra State Conservation Area. Five (5) lots are Crown land (outlined in blue), which adjoin the Garrawarra State Conservation Area. Excluding the Crown land, the lots range in size

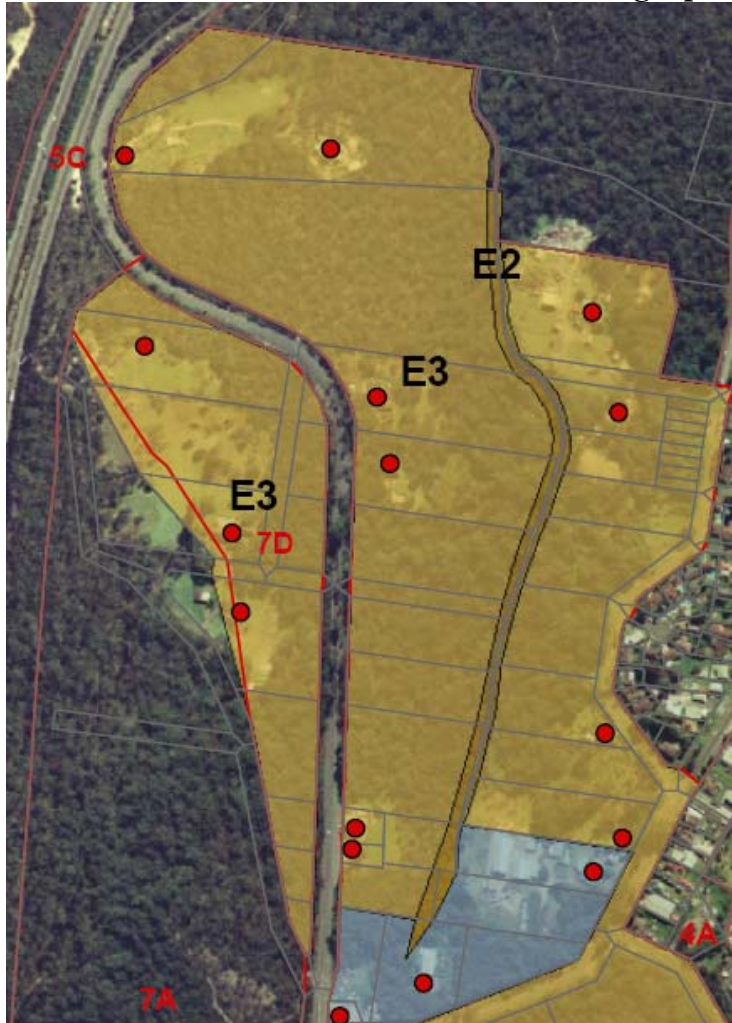
from 550m² to 5 hectares and contain thirteen (13) dwellings, including one (1) approved dual occupancy.

Figure 6.2 Wilsons Creek Precinct Location



The draft review recommended that the precinct retain the E3 Environmental Management zone and a dwelling house be permissible on each lot, a potential additional twenty eight (28) dwellings.

Figure 6.3 Wilsons Creek Precinct – Exhibited Zoning Option



Exhibition Outcomes

Twenty (20) submissions commented on the proposal to permit dwelling houses on land zoned E3 Environmental Management in the Wilsons Creek precinct.

Twelve (12) submissions on behalf of the land owners of eighteen (18) lots supported the proposed change. A further submission by a relative of a land owner also supported the proposal to allow a dwelling to be constructed.

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

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

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

The submission from the Sydney Catchment Authority requested that its lands be zoned E2 Environmental Conservation.

Review of Issues

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

Two (2) main options for this precinct have been considered, either retain the existing prohibition on dwelling houses or permit additional dwelling houses. If further residential development is permitted, a number of the lots will be substantially cleared for the dwelling and bushfire mitigation purposes. The clearing and residential development could have an adverse impact on downstream water quality.

Any additional residential development should be connected to the sewerage system to prevent effluent pollution. On-site disposal of effluent should not be permitted. The advice of Sydney Water should be obtained as to whether this precinct can be connected to the sewerage system.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning the Crown land E2 Environmental Conservation;
- Zoning a buffer around Wilsons Creek E2 Environmental Conservation; and
- The Sydney Catchment Authority land be zoned E2 Environmental Conservation

Further consultation occur with Sydney Water to determine whether water and sewerage services can be provided to this precinct, at the land owners expense. If services can be made available then a draft planning proposal to amend the Wollongong Local Environmental Plan 2009 to permit additional dwelling houses could be prepared, including:

- Amending Schedule 1 to permit a dwelling house on existing holdings (one or more lots in the same ownership) zoned E3 Environmental Management.
- Zoning lots 16 to 23 DP8203 (8 lots) Rajani Road E4 Environmental Living and allow a dwelling house on each.

No subdivision of the lots be permitted.

6.3 PRINCES HIGHWAY GATEWAY PRECINCT

The Gateway precinct is located on the Princes Highway between the Lawrence Hargrave Drive and Parkes Street. The precinct currently has a number of commercial uses including shops, golf driving range, child care centre, nursery and office premises.

Council at its meeting on 23 June 2009 resolved to rezone 177 Princes Highway and 200-206 Parkes Street to IN2 Light Industry. This rezoning has progressed as part of the Wollongong Local Environmental Plan 2009, although the draft 7(d) Report recommends an alternate zoning be considered by the land owners and community.

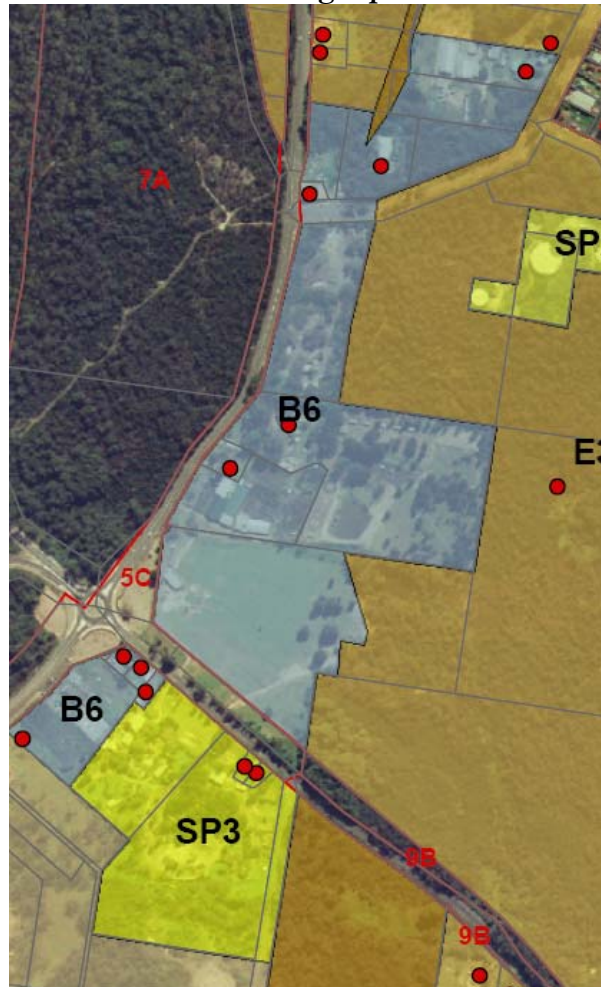
Figure 6.4 Gateway Precinct Location



The Helensburgh Commission of Inquiry (1994) noted that this precinct had one of the highest capabilities for urban development.

The draft 7(d) review proposed that the precinct be zoned B6 Enterprise Corridor to allow commercial development at the gateway to Helensburgh. The draft Review proposed that Symbio Wildlife Gardens be zoned SP3 Tourist in recognition of its existing tourism use and to encourage further tourism development.

Figure 6.5 Gateway Precinct - Exhibited Zoning Option



Exhibition Outcomes

Fifty six (56) submissions were received commenting on the proposed B6 Enterprise Corridor zoning for the Gateway Precinct along the Princes Highway. All of the submissions supported the introduction of the B6 Enterprise Corridor zone.

Of the submissions:

- Five (5) submissions were from landowners supporting the rezoning to B6 Enterprise Corridor;
- Forty seven (47) submissions were form letters signed by residents of Helensburgh, Stanwell Tops, Darkes Forest and elsewhere, supporting the rezoning to B6 Enterprise Corridor;
- One (1) submission was from a resident of Helensburgh, supporting the rezoning to B6 Enterprise Corridor;

Two (2) submissions on behalf of the owners of the following properties sought an alternate zone:

- Symbio Wildlife Park suggested that the B6 Enterprise Corridor zone may be more appropriate than a SP3 Tourism zone; and
- The Golf Driving Range supported the B6 Enterprise Corridor applying to the whole property, rather than part of the property being zoned E3 Environmental Management.

Review of Issues

The support for the Gateway precinct being zoned B6 Enterprise Corridor is noted. The majority of this precinct has been cleared and used for commercial activities adjacent to the Princes Highway for many years. The 7(d) / E3 zone is not considered appropriate and warrants review. A B6 Enterprise Corridor zone would permit a mix of retail and light industrial uses along the Highway, recognising existing uses and providing local employment opportunities.

With regard to the three (3) specific requests:

- Symbio Wildlife Gardens – it is agreed that the B6 Enterprise Corridor zone should apply to the property. It is proposed that the additional use of “animal boarding or training establishment” also be permitted on the property, in recognition of the existing animal park and tourist attraction.
- Golf Driving Range – it is agreed that the B6 Enterprise Corridor zone should apply to the whole property.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning the Princes Highway gateway precinct, including Symbio, to B6 Enterprise Corridor
- The additional use of “animal boarding or training establishment” also be permitted on the Symbio properties.

6.4 PRINCES HIGHWAY WEST OF F6 PRECINCT

The 7(d) zone applies to five (5) properties on the Princes Highway on the western side of the F6 Freeway. One lot is Crown land (outlined in green).

The draft 7(d) review proposed that the cleared northern and southern portions are proposed to be zoned RU2 Rural Landscape while the middle bushland portion is proposed to retain an E2 Environmental Conservation zone.

Figure 6.6 Princes Highway West Precinct - Location

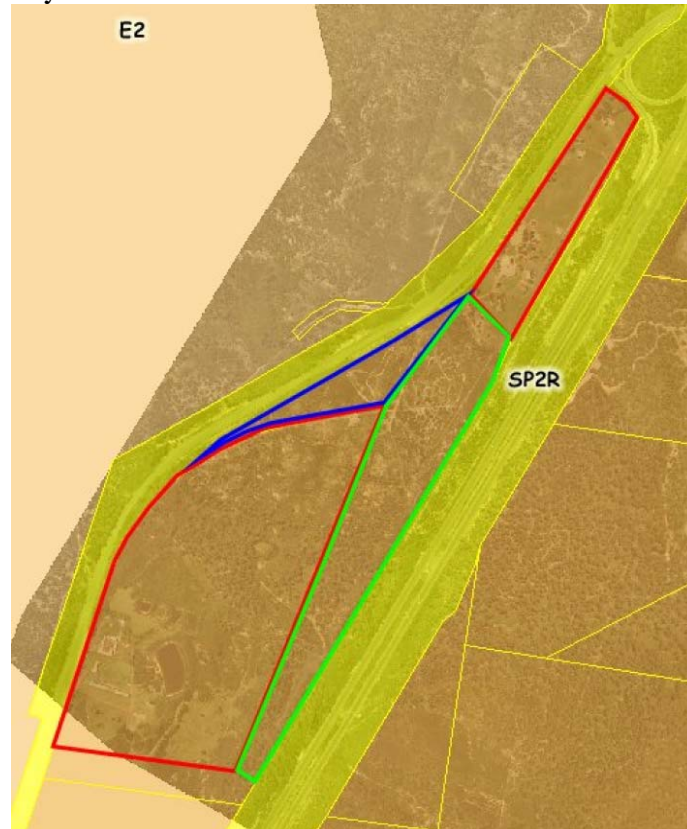
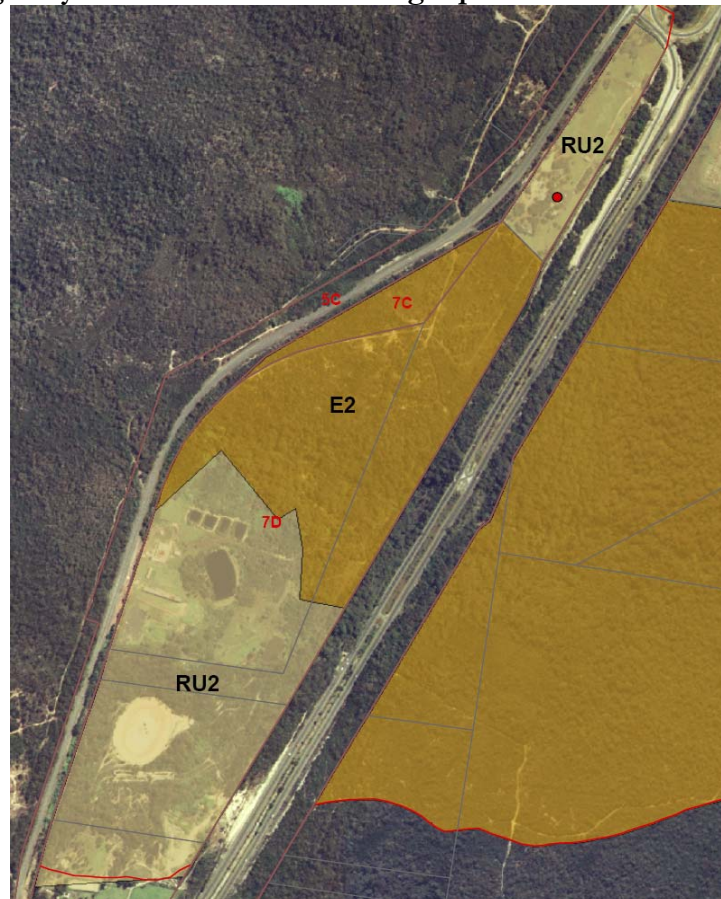


Figure 6.7 Princes Highway West – Exhibited Zoning Option



Exhibition Outcomes

Two (2) submissions were received commenting specifically on this precinct. The owner of Lot 750 DP 752033 requested that two (2) additional uses be permitted on the site, namely “Information and Education facility” and “Environmental Tourism”. The submission indicates that the uses would promote environmental, green industries and green skilling for the local and regional community.

The submission from the Sydney Catchment Authority requested that its lands be zoned E2 Environmental Conservation.

Review of Issues

Education establishments were permissible under the 7(d) zone, provided the requirements of clause 11 of the Wollongong Local Environmental Plan 1990 were satisfied. The use is not permitted under the current E3 Environmental Management zone. The use of the site for an education establishment is not appropriate due to its isolation from Helensburgh, lack of service infrastructure (water and sewerage) and high bushfire risk. The draft 7(d) Review proposed that the site be zoned part RU2 Rural Landscapes (the cleared area) and part E2 Environmental Conservation (the bushland part). These zones remain appropriate.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

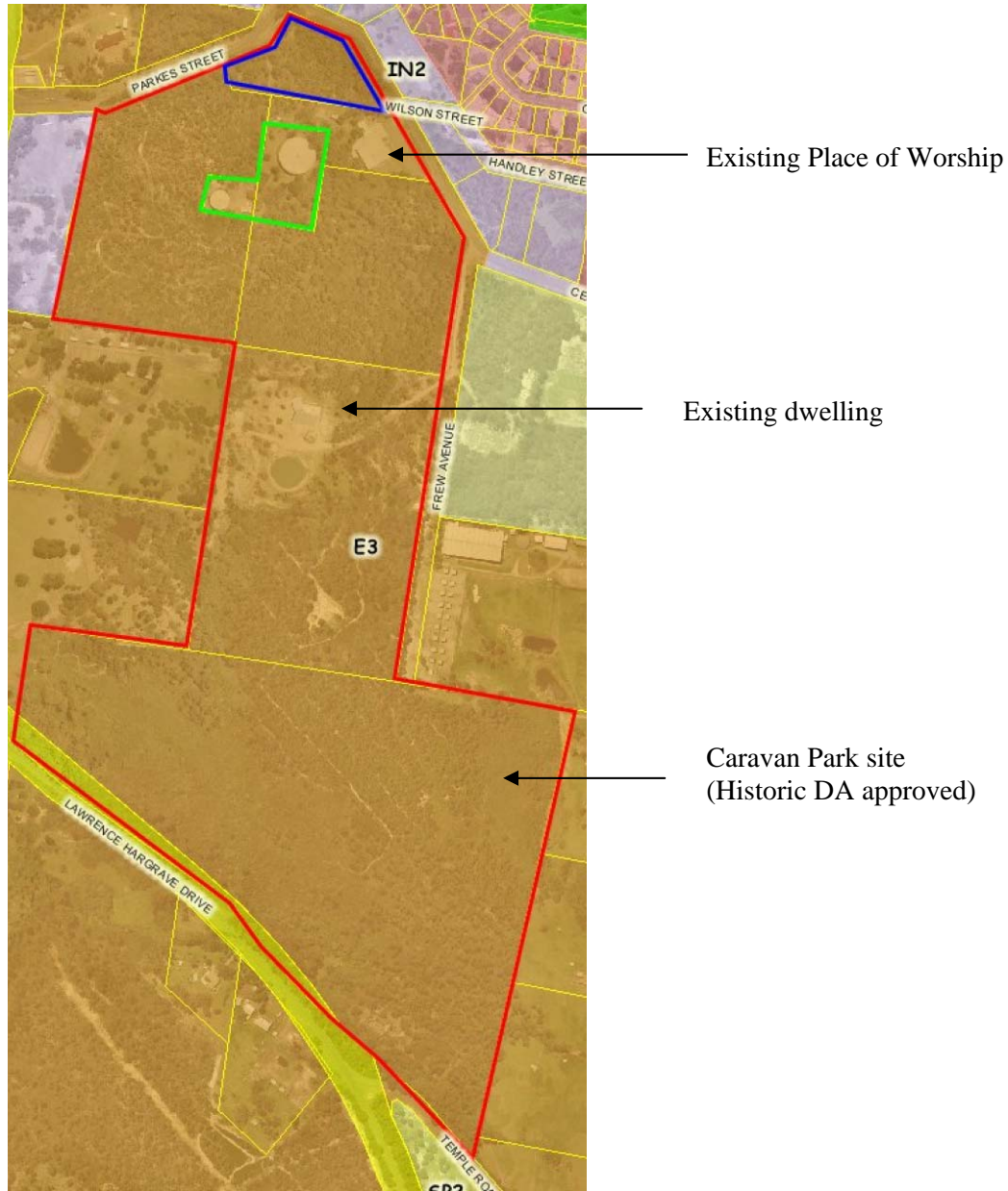
- Zoning the precinct part RU2 Rural Landscapes and part E2 Environmental Conservation (as generally exhibited by the draft 7(d) Review).
- The Sydney Catchment Authority land be zoned E2 Environmental Conservation.

6.5 FREW AVENUE AND LAWRENCE HARGRAVE DRIVE

This precinct is located between the Gateway and Walker Street precincts and consists of eight (8) lots:

- Two (2) lots are owned by Sydney Water and contain water reservoirs (outlined in green),
- One (1) lot is Crown land (outlined in blue),
- The other five (5) lots are privately owned:
 - Lot 1 DP 606870 (338 Cemetery Road) is a former squash centre converted to a place of worship;
 - Lot 1 DP 584467 Parkes Street is covered in bushland;
 - Lot 339 DP 752033 contains a dwelling house;
 - Lot 3 DP 606870 is covered in bushland; and
 - Lot 1 DP 319310 is covered in bushland and is the location of a historic approval for a caravan park.

Figure 6.8 Frew Avenue Precinct Location



Exhibition Outcomes

Submissions were received on behalf of the owners of three (3) of the lots:

- Lot 1 DP 319310 sought recognition that the caravan park consent remains valid.
- Lot 1 DP 584467 Parkes Street sought the B6 Enterprise Corridor to apply to the site, rather than the proposed E2 Environmental Conservation zone.
- Lot 3 DP 606870 Cemetery Road lodged three (3) submissions which indicated support for the RU2 Rural Landscape zone, providing that it is less restrictive than the 7(d) zone and would allow a dwelling to be built on 4.5 hectares. The submission suggests that the site would be suitable for aged accommodation. The submission notes that a dwelling house existed on the property until Sydney Water acquired that part of the property in the late 1970's. An application for a replacement dwelling house was not lodged, as Council officers advised that the property would be zoned for residential development in the near future.

Review of Issues

In terms of Lot 1 DP 319310 Lawrence Hargrave Drive, Council records indicate that between 1967 and 1980, Council issued a number of development and building consents for the establishment of a caravan park. Correspondence on Development Application No. 1980/731 file suggests that consent was granted for two hundred and eighty (280) caravan sites, although the plans on the file only show seventy two (72) sites within Stage 1.

Work commenced on the construction of the caravan park but appears to have ceased in the 1980s. On-site there are two partially constructed amenities buildings which have been vandalised, a creek causeway (washed away) and other ruined infrastructure.

In 1988, Council received a report that suggested that the works on-site represented “substantial commencement” and the consent was still valid. The report noted that environmental standards had changed including that: on-site disposal of effluent was no longer acceptable, Sydney Water had inadequate water supply available, improved stormwater disposal measures were required and the removal of vegetation required re-evaluation.

Environmental and planning legislation has continued to evolve since the 1988 report. While the 1980 consent is likely to remain valid, it is unlikely that the necessary statutory approvals to support the caravan park could be obtained against the current legislative requirements, without the lodgement and assessment of a new development application.

This site is not considered by the Helensburgh Commission of Inquiry.

Strategically, the site may be suitable for a caravan park given it’s location on Lawrence Hargrave Drive, the main tourist route to access the Grand Pacific Drive, and adjacent to the Gateway to Helensburgh. Any development would result in extensive clearing of bushland on the property. As the property is almost surrounded by properties which are cleared and used for farming or residential activities, and if the property was developed, the loss of bushland, while significant, would not expand the boundary of cleared land in the area.

The expansion of the B6 Enterprise Corridor zone onto Lot 1 DP 584467 is not supported at this time, as it would likely result in the property being cleared of bushland. The use of the land for a dwelling house is more appropriate.

It is proposed that the precinct retain an E3 Environmental Management zone and that a dwelling house be permitted on the three (3) lots that don’t contain a dwelling.

Recommendations

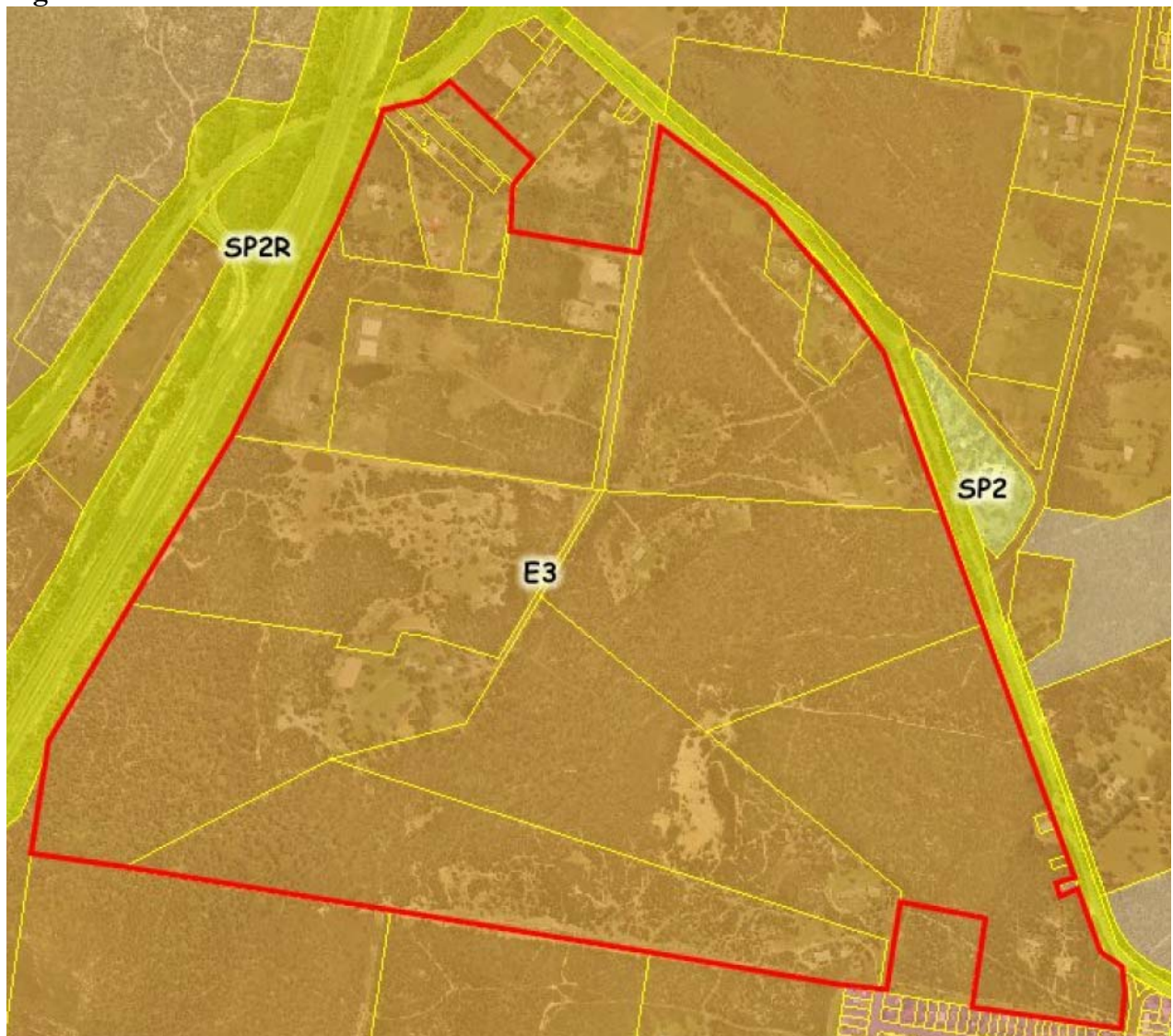
It is recommended that the precinct retain an E3 Environmental Management zone, and that a dwelling house be permitted on the three (3) vacant lots (Lot 1 DP 584467, Lot 3 DP 606870 and Lot 1 DP 319310).

6.6 GILLS CREEK PRECINCT

The Gills Creek precinct is located south of Lawrence Hargrave Drive between Stanwell Tops and the F6 Freeway and includes Baines Place. The precinct contains forty four (44) lots, the majority of which are larger lots (2-20 ha). Two (2) smaller privately owned lots (450m² and 950m²) front Lawrence Hargrave Drive, the larger one contains a dwelling house. The lots contain a mix of

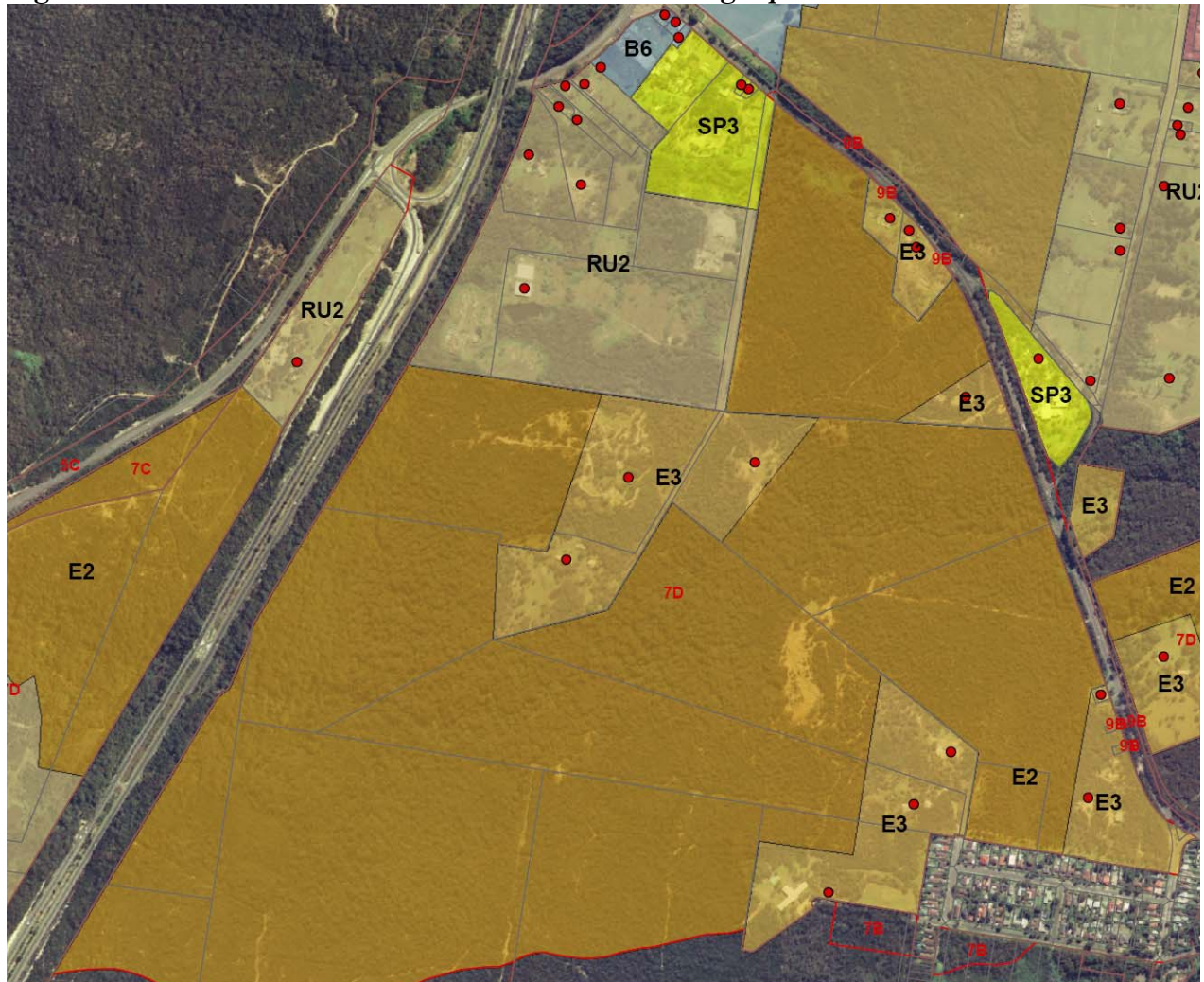
bushland and contain a dwelling house in a cleared area. The precinct includes the concrete batching plant (approved) on Baines Place.

Figure 6.9 Gills Creek Precinct Location



The draft Review proposed that the bushland parts be zoned E2 Environmental Conservation and that the cleared areas containing dwellings be zoned E3 Environmental Management. No additional subdivision or dwelling entitlements were proposed.

Figure 6.10 Gills Creek Precinct – Exhibited Zoning Option

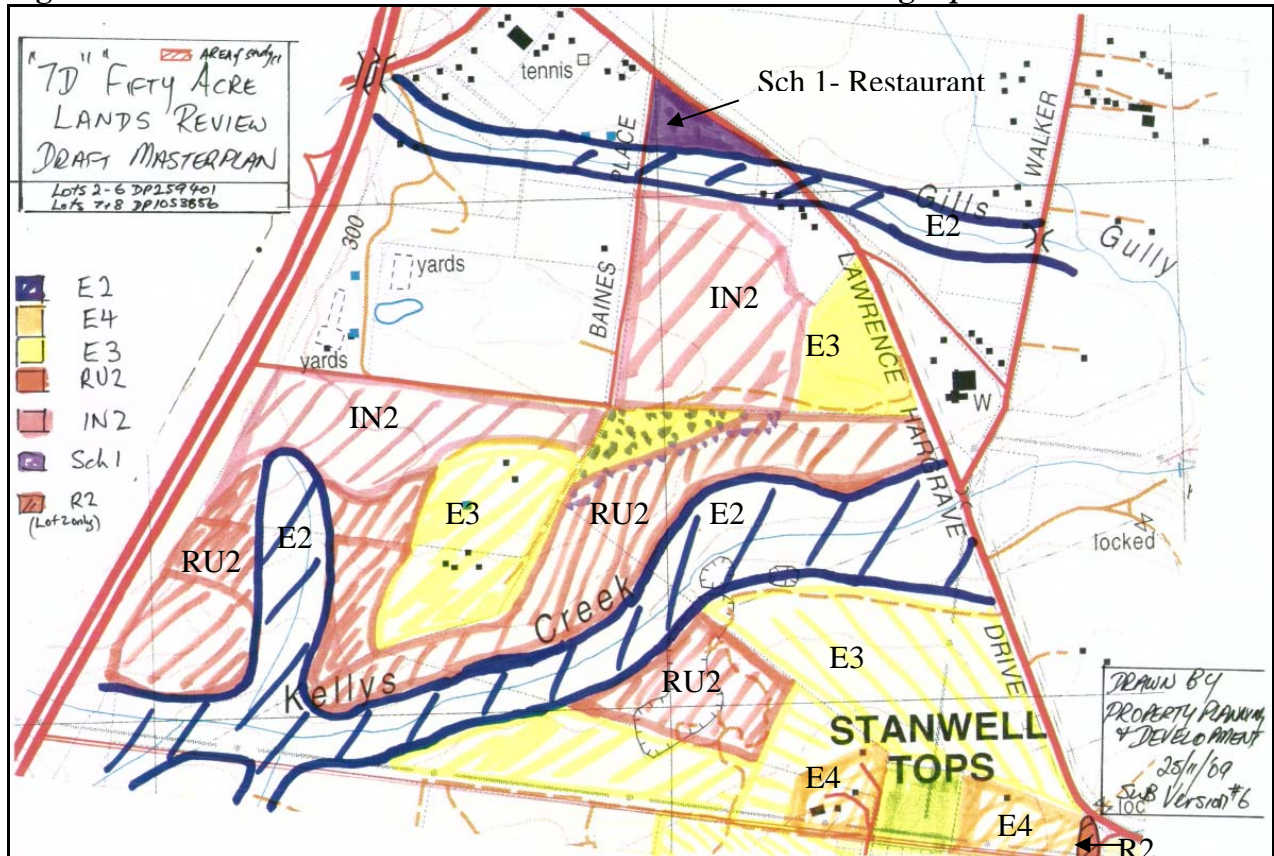


Exhibition Outcomes

Sixteen (16) submissions were received commenting on the Gills Creek precinct, all of which objected to the proposed E2 Environmental Conservation / E3 Environmental Management zoning.

Eight (8) of the submissions on behalf of the eight (8) owners of the “50 acre lots” proposed an alternate masterplan (below) which proposes:

- IN2 Light Industry along Baines Place, and between Baines Place and the Princes Highway.
- RU2 Rural Landscapes.
- E3 Environmental Management.
- E2 Environmental Conservation along Kellys and Gills Creeks.
- E4 Environmental Living on two (2) lots adjoining Stanwell Tops.
- R2 Low Density Residential on Lot 2 D 259401 adjoining Stonehaven Road, Stanwell Tops.
- A restaurant be permitted on the corner of Baines Place and Lawrence Hargrave Drive. Development Application No 2009/1519 seeking this use was recently refused by Council.

Figure 6.11 Gills Creek Precinct – Submitted Alternate Zoning Option

Two (2) submissions on behalf of Baines Concrete and adjoining owners (2 lots) sought either an IN2 Light Industry or B6 Enterprise Corridor zoning. A submission from another owner sought an IN2 Light Industry zone. The owner of 171 Lawrence Hargrave Drive, sought the reinstatement of a Rural zoning on a property owned by the family since 1930.

Review of Issues

The submitted alternate zoning plan has some similarities and differences to the draft 7(d) Review.

Industrial development along Baines Place was proposed by the draft Helensburgh Town Plan (1994). The existing concrete batching plant was permitted through an additional use provision. The creation of an industrial precinct along Baines Place would complement the B6 Enterprise Corridor in the gateway Precinct. The larger properties would provide for uses that require larger floor plates, and the precinct has good access to the Princes Highway and F6 Freeway. A vegetative buffer to screen any industrial development from Symbio would be required, to separate the uses.

A restaurant on the corner of Lawrence Hargrave Drive and Baines Place could service locals and visitors using the Grand Pacific Drive, and visitors to Symbio. However, it would be preferable to attract visitors into Helensburgh to utilise existing retail facilities and restaurants. A restaurant in this location is not supported.

The residential expansion of Stanwell Tops along Stonehaven Road is not supported.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Rezoning land on both sides of Baines Place to IN2 Light Industry, to provide further local employment opportunities.
- Rezone the bushland area E2 Environmental Conservation (with an E3 Environmental Management zone retained around the existing dwellings).

6.7 LAND POOLING PRECINCT

The land pooling area consists of an area of 23.2 hectares which contains two hundred and seven (207) lots subdivided in the 1880's paper subdivision on the southern side of Otford Road. The lots are owned by ninety four (94) persons / companies, many of whom own more than one (1) lot. The combined holdings of Ensile Pty Ltd and Cambalong Pty Ltd own seventy (70) of the lots in the precinct. There is one (1) dwelling house and two (2) businesses (landscape supplies and bus depot) in the precinct.

The Land Pooling precinct was subdivided in the 1890's as part of the Helensburgh suburb. The lots were sold to individual owners in the late 1970's and 1980's. At that time the land was zoned Rural and a dwelling house was not permitted to be constructed on the land. In fact a dwelling house would not have been permissible since 1951 when the County of Cumberland Planning Scheme introduced the minimum "country dwelling" dwelling standard of 2 hectares (5 acres).

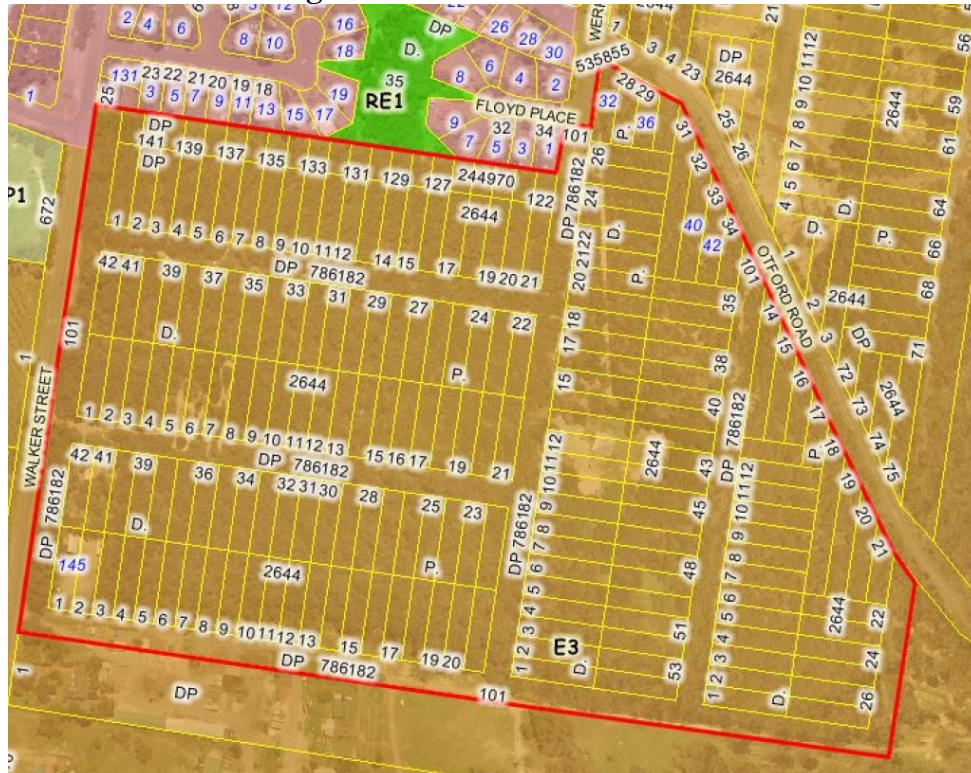
The owners brought the land without a dwelling entitlement, in the hope that the land would be rezoned to a residential zone to enable dwelling houses to be constructed. It is likely at the time they would have received advice from Council that the precinct would be the next area considered for rezoning. It is noted that the adjoining Merrigong Place and Floyd Place were rezoned and re-subdivided in 1984 to permit residential development. (This may have increased expectations that Helensburgh would continue to expand southwards).

The majority of the precinct is covered by bushland which separates urban and rural properties along Walker Street. The bushland creates a bushfire risk for the residential properties which needs to be investigated.

The majority of the landowners are members of the Helensburgh Land Pooling Group which was established in 1986 with Council encouragement. It was envisaged that the land owners would pool their land, develop an alternate subdivision layout that better reflected the environmental attributes of the precinct and then build a house on one of the new lots.

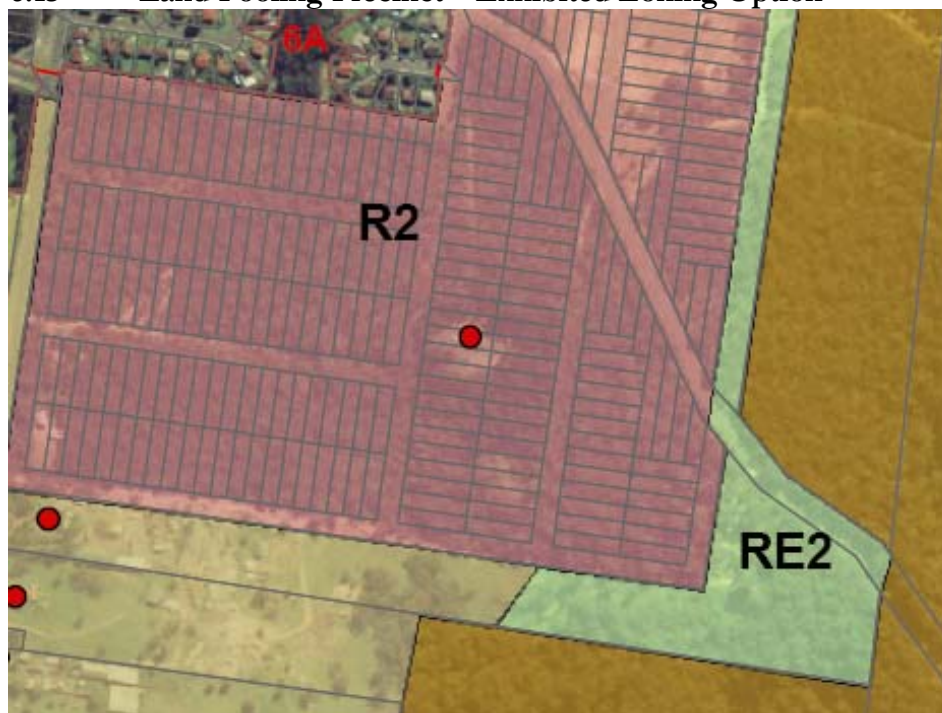
The Helensburgh Commission of Inquiry (1994) identified this precinct as having limited urban capacity.

Figure 6.12 Land Pooling Precinct Location



The draft Review recommends that the precinct be zoned R2 Low Density Residential. The existing subdivision pattern does not reflect topographical land constraints and would need to be redesigned. The draft Review envisaged that the members of the Helensburgh Land Pooling Group would continue to work together to redesign and develop the precinct. The new subdivision design would require water quality treatment measures and bush fire mitigation measures to be incorporated within the area (the land proposed to be zoned RE2 Private Recreation), not in surrounding lands.

Figure 6.13 Land Pooling Precinct – Exhibited Zoning Option



Exhibition Outcomes

- Eighty (80) submissions from land owners covering forty seven (47) holdings or one hundred and twenty four (124) lots, supporting the rezoning of the precinct to R2 Low Density Residential. The submissions of support included a submission on behalf of Ensile Pty Ltd and Cambalong Pty Ltd which collectively own seventy (70) lots;
- Eighteen (18) form letters in support of the rezoning of this precinct to R2 Low Density Residential;
- 3,038 form letters opposed to any rezoning of the precinct; and
- Submission from Sutherland Shire Council and other letters opposed to any rezoning of the precinct.

Many of the submissions in support from landowners indicate how they have owned the land since the 1970 – 1980's and have been waiting for the opportunity to build a dwelling house.

The submission from Ensile Pty Ltd included a suggested alternate subdivision layout that maintains a buffer around Herbert Creek and provides for two hundred and forty three (243) lots.

Figure 6.14 Land Pooling Precinct – Submitted Alternate Subdivision Pattern



Review of Issues

This precinct is the most debated area in the 7(d) Review. On the one hand there are the owners of two hundred and four (204) properties who want the area rezoned to permit residential development, the stated benefits include:

- The resolution of a long standing issue, by allowing dwellings to be constructed;
- The provision of additional housing opportunities in Helensburgh;
- It provides a logical extension to the existing urban area;

- The residential development would support retail activities in Helensburgh;
- The residential development would remove a bushfire risk; and
- The residential development would remove a maintenance liability for the owners.

This view is opposed in many submissions from the community, who argue that the development of the precinct will:

- Result in a loss of bushland and biodiversity;
- Adversely impact on the headwaters of Herbert Creek;
- Be visible from Bald Hill, one of the City's main tourist attractions; and
- Exacerbate Helensburgh traffic and infrastructure problems.

There are two (2) options for the future of this precinct, either permit residential development or continue to not permit residential development.

Development of the precinct presents significant challenges to overcome existing environmental constraints, including; steep slopes; bushfire hazards; contiguous high quality bushland habitat; and a sensitive water catchment upstream of the Royal National Park.

Pressures for development within the precinct are a direct result of the historical paper subdivision and the divided land ownership pattern. However, an objective review of available studies and information leads to the conclusion that there is a very limited capacity for residential development without significant environmental impacts.

On this basis it is recommended that residential development not be permitted.

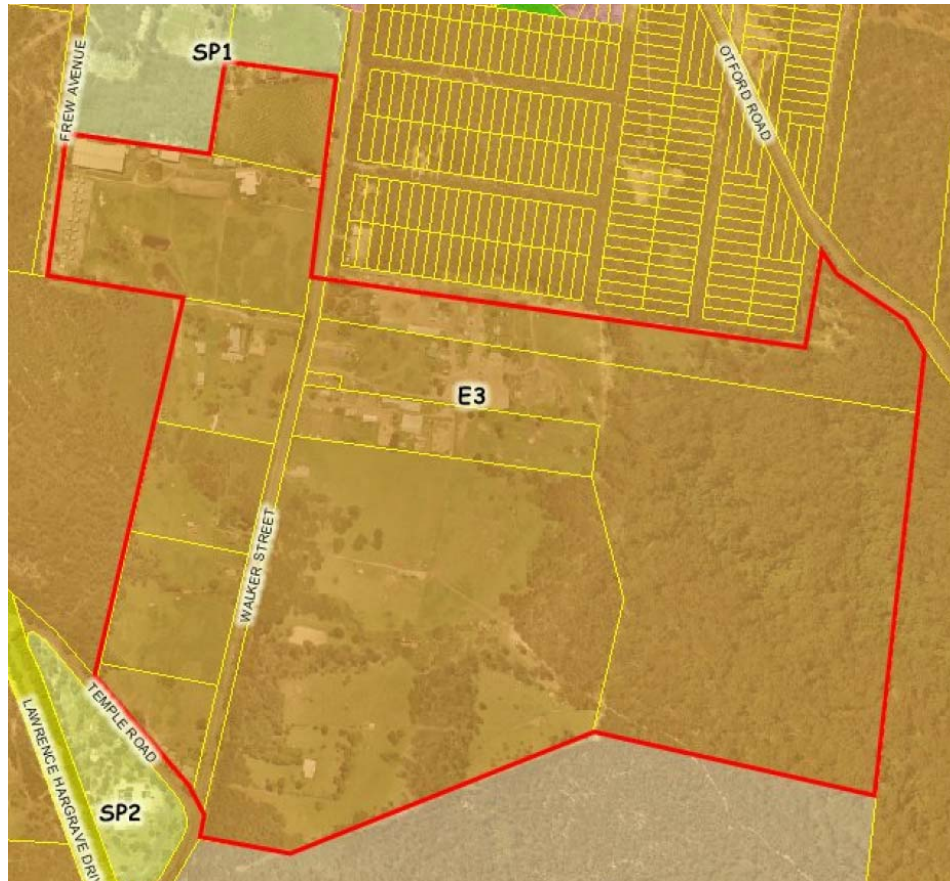
Recommendations

It is recommended that the Wollongong Local Environmental Plan 2009 not be amended and the precinct retain an E3 Environmental Management zone.

6.8 WALKER STREET PRECINCT

The Walker Street precinct consists of eleven (11) lots, south of the Land pooling precinct, which have been cleared and are used for agriculture, animal establishment, landscaping supplies and rural residential development.

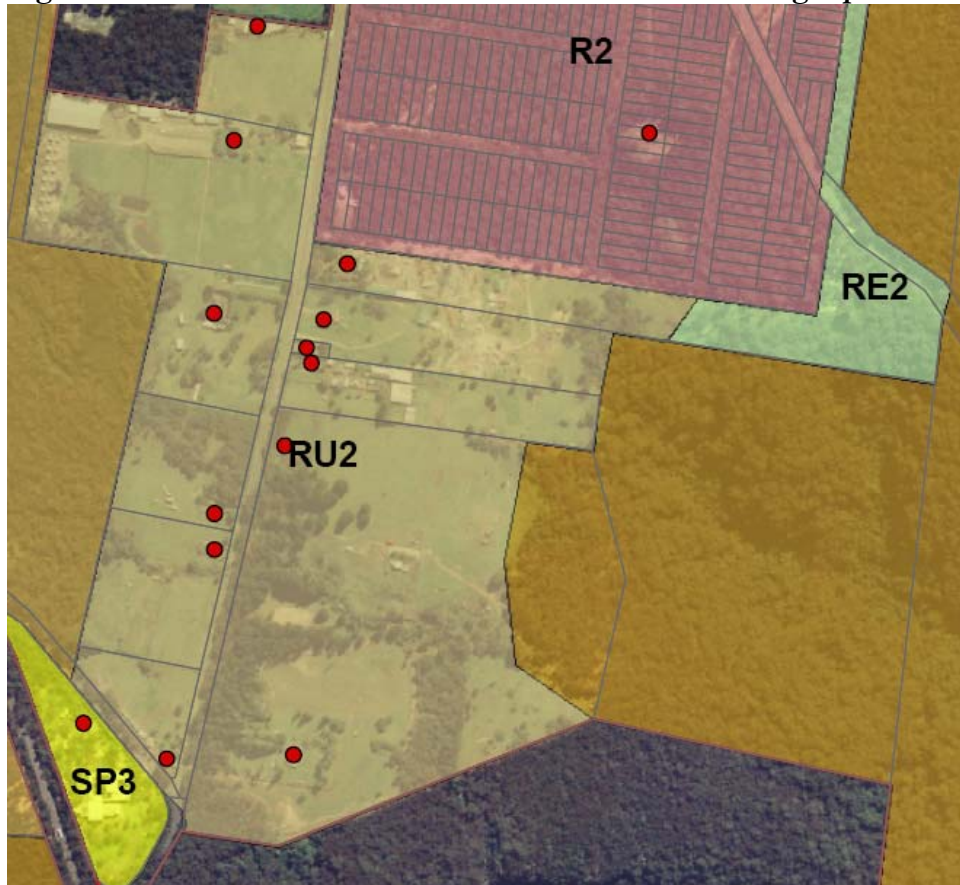
Figure 6.15 Walker Street Precinct - Location



The Helensburgh Commission of Inquiry (1994) noted that this precinct had one of the highest capabilities for urban development.

The draft Review proposed that the cleared rural properties on the eastern and western side of Walker Street be zoned RU2 Rural Landscape. The steeper bushland areas on the eastern side of the precinct were proposed to be zoned E2 Environmental Conservation.

The draft Wollongong Local Environmental Plan 2009 zoned the Sri Venkateswara Temple SP2 Infrastructure – Place of Worship. The draft 7(d) Review endorsed this change.

Figure 6.16 Walker Street Precinct – Exhibited Zoning Option

Exhibition Outcomes

Four (4) submissions commented on the proposed RU2 Rural Landscape zoning along the southern end of Walker Street.

One (1) submission on behalf of a land owner supported the RU2 Rural Landscape zone and hoped it would allow subdivision of the property.

A submission on behalf of the owners of Lot 1 DP 112876, Lot 1 DP 375642, Lot 16 DP 255197 and Lot 1 DP 342365 located to the south of the Land Pooling precinct requested that the land be zoned R2 Low Density Residential rather than RU2 Rural Landscapes. The submission expressed concern that if the Land Pooling precinct was rezoned to residential, the landscaping business would be forced to close, affecting thirty (30) jobs.

Similarly, a submission on behalf of the owners of Lot 2 DP 1127883 indicated support for the RU2 Rural Landscapes zone over the 7(d) zone, but requested consideration of a R2 Low Density Residential zone.

Review of Issues

The residential development of this precinct is not supported. It is noted that this precinct had a higher urban capability than the Land pooling precinct. However, following the review of submissions the urban development of either precinct is not supported.

It is proposed that the precinct be zoned RU2 Rural Landscapes to reflect it's cleared character and use for agricultural activities. One (1) dwelling house per lot is proposed to be permissible. This would not increase the number of existing dwelling houses. The steep eastern part of the precinct should be zoned E2 Environmental Conservation. No subdivision is proposed.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Rezoning the majority of the precinct to RU2 Rural Landscape, and the eastern part be zoned E2 Environmental Conservation.

6.9 KELLYS FALLS PRECINCT

The Kellys Falls precinct consists of two (2) lots adjacent to Kellys Falls (managed by the NPWS) on Lawrence Hargrave Drive.

Figure 6.17 Kellys Falls Precinct - Location



The “Wagon Wheels” property on Lawrence Hargrave Drive was proposed to be zoned part E3 Environmental Management and E2 Environmental Conservation. Development Application No-2010/246 for Bed and Breakfast Accommodation is currently under assessment for this property.

Exhibition Outcomes

A submission on behalf of Wagon Wheels (Lot 20 DP 260258 Lawrence Hargrave Drive) requested that “tourist and visitor accommodation” be permitted on the property.

Review of Issues

Wagon Wheels was historically used as a guest house and, without pre-empting the determination of the development assessment, the use of the property for Bed and Breakfast Accommodation is considered appropriate. A more intensive form of tourist development would not be appropriate on the property.

The draft 7(d) Review proposed that the property be part zoned E3 Environmental Management and part E2 Environmental Conservation, as a buffer to Kelly Falls. It is proposed that the entire property be zoned E3 Environmental Management and the buffer be managed through a Development Control Plan provision.

Recommendations

It is recommended that no amendment be made to the Wollongong Local Environmental Plan 2009, and the properties retain an E3 Environmental Management zone.

6.10 ENSILE PTY LTD HOLDINGS

Ensile Pty Ltd and Cambalong Pty Ltd owns three hundred and five (305) lots which range in size from 367m² to 98 hectares, and paper roads, with a total area of 390 hectares. It is understood that the companies purchased the land in the 1970s and 1980s. The holding extends between Helensburgh and Otford and forms most of the eastern side of Helensburgh, and includes most of Lilyvale. At Otford the land is used for an equestrian centre. The majority of the land is bushland, although does contain riding and fire trails.

The issues associated with the holding will be considered in terms of six (6) sub precincts.

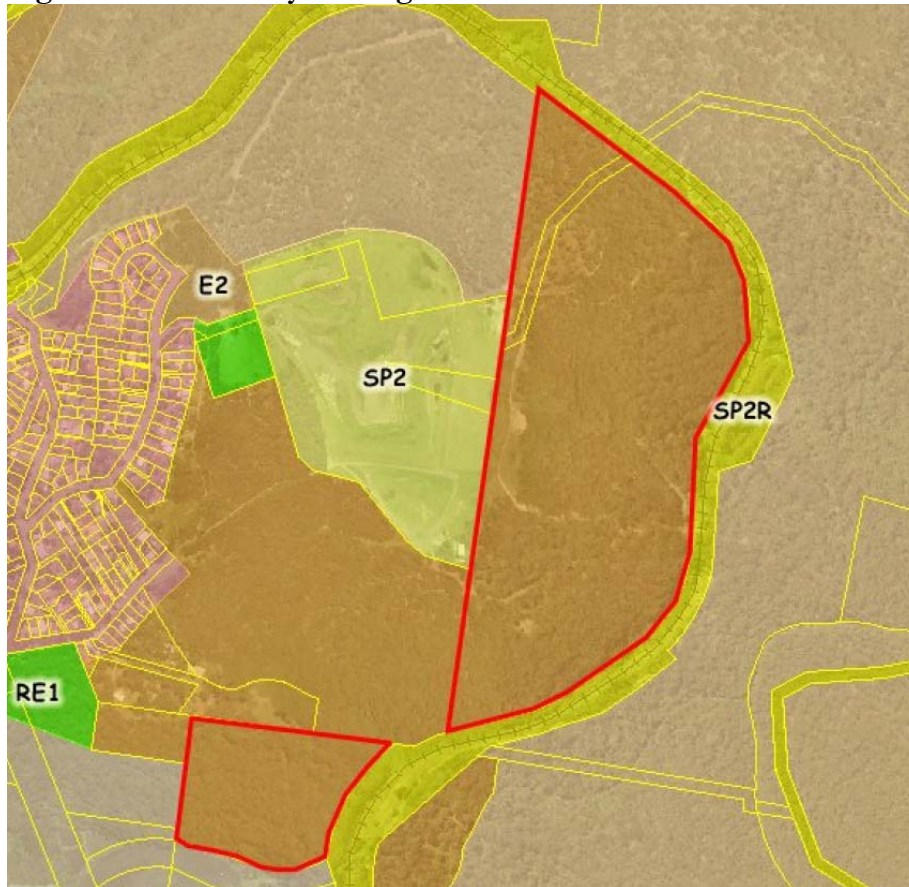
6.10.1 Lady Carrington Estate North Precinct

The Lady Carrington Estate North Precinct consists of two (2) lots:

- Lot 1 DP 616230 is located to the east of the Helensburgh Waste Depot and was referred in the Helensburgh Commission of Inquiry report as Lady Carrington Estate North. Development Application No 2008/583 for a dwelling house has recently been approved on this lot. The property has legal access via a road reserve from Lady Wakehurst Drive, through the Royal National Park. An access easement also exists from Nixon Place past the waste depot. The lot contains a number of access tracks to the railway line
- Lot 1 DP 616229 is located to the south of the Old Farm Road precinct and was referred in the Helensburgh Commission of Inquiry report as “Lady Carrington Estate”.

The draft Review recommended that the lots be zoned E2 Environmental Conservation.

Figure 6.18 Lady Carrington Estate North Precinct Location



Exhibition Outcomes

The submission submitted on behalf of Ensile Pty Ltd did not address these two (2) lots.

A number of community submissions objected to any development on the lots.

Review of Issues

As noted, Council has recently approved a dwelling house on Lot 1 DP 616230. No further development on these lots is supported.

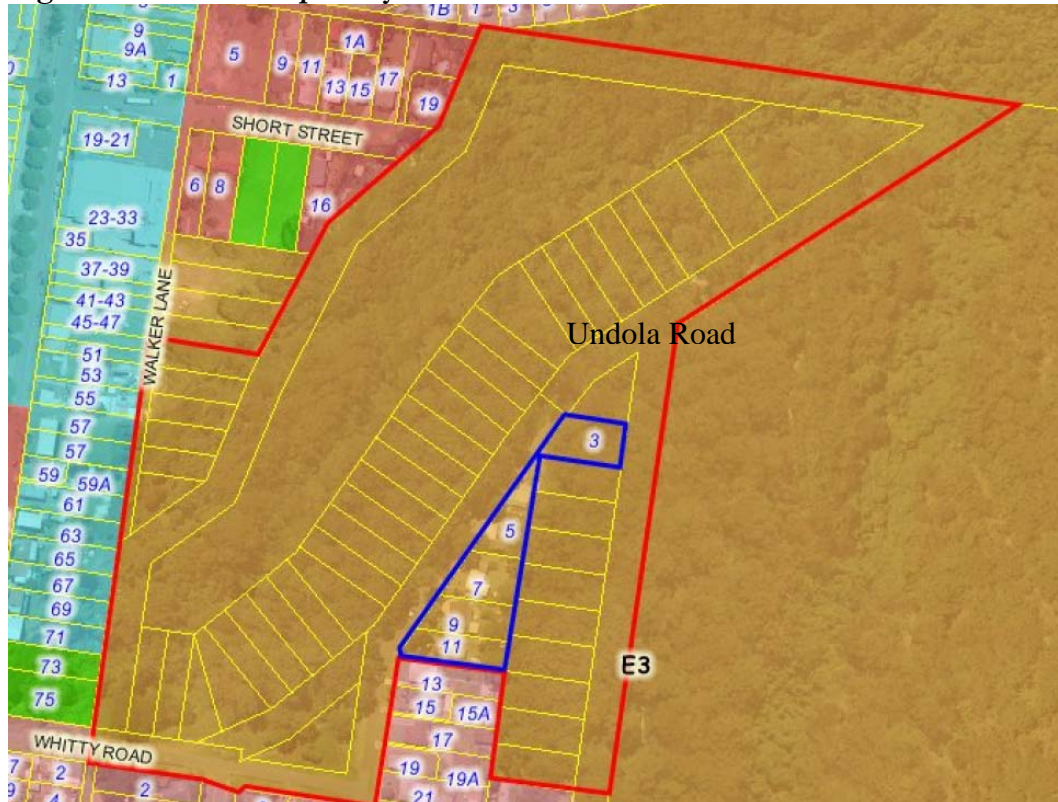
Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 to zone both lots E2 Environmental Conservation.

6.10.2 Camp Gully Creek – Undola Road Precinct

There are fifty (50) small lots in this section, of which forty five (45) are owned by Ensile Pty Ltd. Numbers 5, 7, 9 and 11 Undola Road are privately owned (outlined in blue) and contain a dwelling house. Number 3 Undola Road is privately owned and does not contain a dwelling house. The western part of the precinct overlaps with the Walker Lane precinct discussed later in this report.

The precinct is bisected by Camp Gully Creek which drains stormwater from Helensburgh retail and suburb areas.

Figure 6.19 Camp Gully Creek Precinct Location

Exhibition Outcomes

The owner of No 3 Undola Road (Lot 38 Section G DP 2644) objected to the proposed E2 Environmental Conservation zoning. The author noted that the land was purchased in 1965 at auction from Council (one of a number of sites sold as surplus Council land). The sale notice indicates that the lot was zoned Non Urban A, and “building only permitted with planning approval”.

A submission on behalf of Ensile Pty Ltd notes that runoff and pollution from Helensburgh is impacting on the property and Camp Gully Creek. The submission indicates that they have tried for many years for Council to fix the drainage problems. The submission proposes that either:

- a Council fix the drainage and stormwater pollution, by acquiring an easement and undertaking the works; or
- b the land be rezoned for residential development and the stormwater and pollution issues are addressed as part of the subdivision.

The submission also proposes residential development further along Undola Road on the spur between Camp Gully Creek and a tributary.

Review of Issues

The sub-precinct is steep and covered in bushland. The lots on the northern side of Undola Road, which adjoin Camp Gully Creek, is not suitable for development and should be zoned E2 Environmental Conservation. It is noted that the sewer line does follow Camp Creek and these lots could be connected to the existing sewerage system.

Numbers 5-11 Undola Road which contain a dwelling house each could be zoned R2 Low Density Residential to reflect their ongoing use.

Part of the lots fronting Walker Lane are proposed to be zoned IN2 Light Industry (as discussed later in this report).

The expansion of the residential zone to No.3 Undola Road and the other small lots is not supported and they should be zoned E2 Environmental Conservation to conserve the bushland.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning 5, 7, 9 and 11 Undola Road which contain a dwelling house R2 Low Density Residential to reflect their ongoing residential use.
- Zoning part of the lots fronting Walker Lane IN2 Light Industrial (as discussed previously);
- Zoning the remainder of the precinct E2 Environmental Conservation;

6.10.3 Lady Carrington Estate South Precinct

This precinct extends south of the Camp Creek precinct to Otford Road, and includes one hundred and seven (107) paper subdivision lots which have an area of 10.3 hectares. The triangular Lot 1 DP 616228 south of Koornong Road has an additional area of 3.3 hectares. The precinct is entirely owned by Ensile Pty Ltd. A large portion of the precinct has been historically cleared, and it has been used for agriculture.

The Helensburgh Commission of Inquiry (1994) found that this precinct was the second most capable of urban development (after land in the Gills Creek precinct). The precinct has gentle to moderate slopes, has been cleared and can be connected to the reticulated sewerage system.

Figure 6.20 Lady Carrington Estate South Precinct Location



The draft 7(d) Review recommended that the paper subdivision area north of Otford Road be zoned R2 Low Density Residential, including the triangular lot to Koornong Road. The current subdivision pattern is not endorsed and would have to be redesigned to comply with current standards. The development of this area would reduce the existing bushfire hazard on the eastern side of Helensburgh where mitigation measures have not been established. The asset protection zones would be required to be included within the development area and not in the adjoining steep bushland, the Asset Protection Zone (APZ) area is proposed to be zoned RE2 Private Recreation.

Figure 6.21 Lady Carrington Estate South Precinct – Exhibited Zoning Option



Exhibition Outcomes

The submission on behalf of Ensile Pty Ltd proposes that the residential boundary be extended eastwards of the current paper subdivision to beyond the edge of the ridge and a community recreation area be provided around the subdivision. The concept proposes a subdivision of the precinct into two hundred and sixty two (262) lots.

Submissions from the community opposed any residential development in this precinct. The submissions note that this development would be the first development in the Gardiners Creek catchment, including:

- 3,038 form letters opposed to any rezoning of the precinct; and
- Submission from Sutherland Shire Council and other letters opposed to any rezoning of the precinct.

This aerial map illustrates the proposed layout for the 15000 block of Oakwood Drive. The map shows a grid of lots, with streets labeled '15000' and '15000'. The map also includes labels for 'RAVINE', 'WATER QUALITY', 'OUTFALL', and '15000'. The map is overlaid with a grid of red lines, indicating the proposed lot boundaries. The map is also overlaid with a grid of yellow lines, indicating the proposed street layout. The map is also overlaid with a grid of green lines, indicating the proposed water quality areas. The map is also overlaid with a grid of blue lines, indicating the proposed outfall areas. The map is also overlaid with a grid of orange lines, indicating the proposed 15000 areas.

Four (4) options for this precinct have been considered:

- Wollongong City Council**

suitable for use as a private high school. An asset protection zone would be required for bushfire protection, which could include the school ovals.

- d. Retain the E3 Environmental Management zone, and not permit any residential development.

Although part of this precinct has been cleared, development of the area presents significant challenges to overcome existing environmental constraints, including impacts on the water catchment and disturbance of significant vegetation.

Development of this land is likely to lead to negative impacts on the Hacking catchment due to the close proximity to the headwaters of two (2) of its tributaries, Gardiners creek and another unnamed creek. This would be the first development in these two (2) sub catchments.

The site is surrounded by significant vegetation and any development would lead to future disturbance of the surrounding high quality bushland habitat.

For these reasons, it is recommended that residential development not be permitted in this precinct, and that it retain an E3 Environmental Management zone.

Recommendations

It is recommended that the Wollongong Local Environmental Plan 2009 not be amended and the precinct retain an E3 Environmental Management zone.

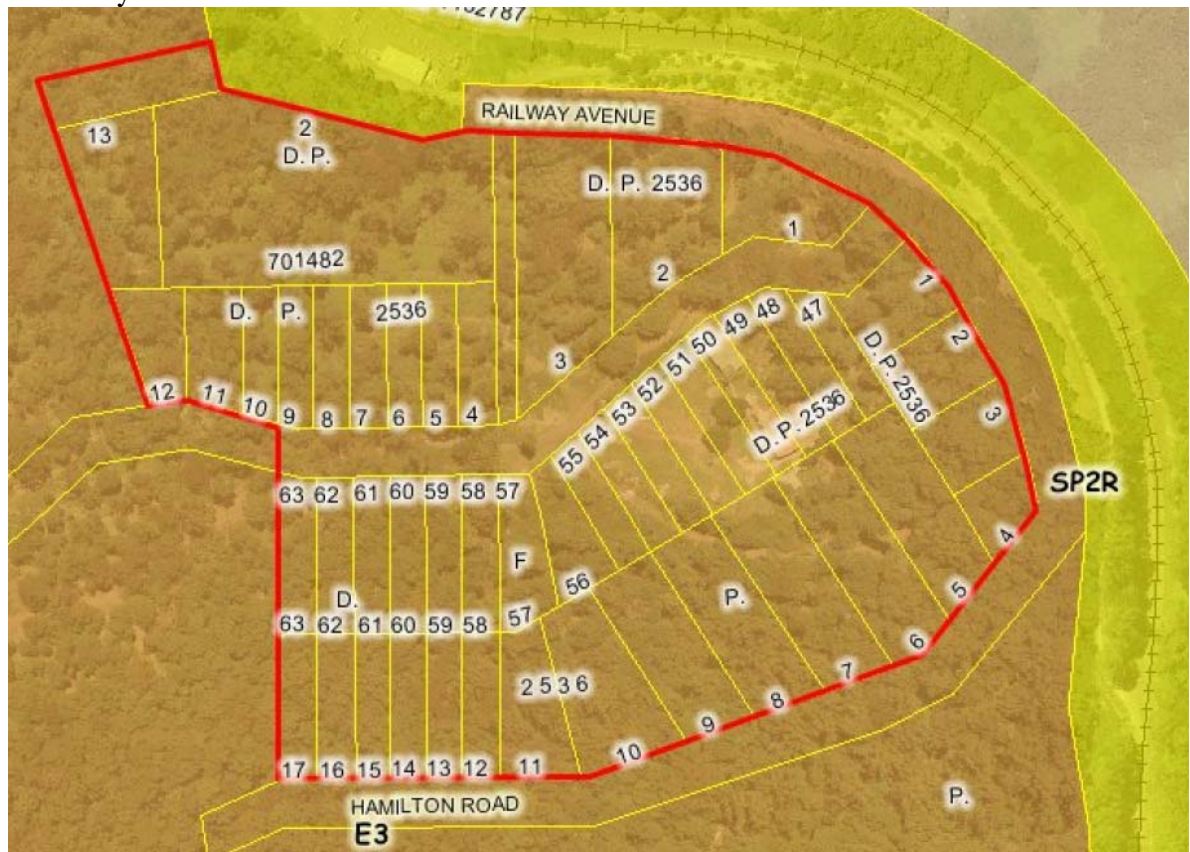
6.10.4 Land Pooling Precinct

Ensile Pty Ltd owns twenty five (25) lots and the paper roads in the Land Pooling Precinct (south of Otford Road), a separate company, Cambalong Pty Ltd owns an additional forty five (45) lots in the precinct. The precinct is discussed separately in this report (Section 6.7).

6.10.5 Lilyvale Precinct

Ensile Pty Ltd owns forty eight (48) of the forty nine (49) lots of Lilyvale. Access is via a track following Lilyvale Road from Helensburgh, although part of the road reserve has been closed. There is one (1) dwelling at Lilyvale, on the lot not owned by Ensile Pty Ltd. The draft Review proposed that the area be zoned E2 Environmental Conservation.

Figure 6.23 Lilyvale Precinct Location



Exhibition Outcomes

Apart from the form letter objections, no submissions specifically commented on Lilyvale.

Review of Issues

Lilyvale is an isolated paper subdivision, the majority of which is in one ownership. The majority of the lots are bushland and there are no services. Originally there was a rail platform. Access is provided by a track along Lilyvale Road, however there is no formal road reserve for part of the route.

No development at Lilyvale has been proposed or supported, and it is proposed that the area remain bushland.

Recommendations

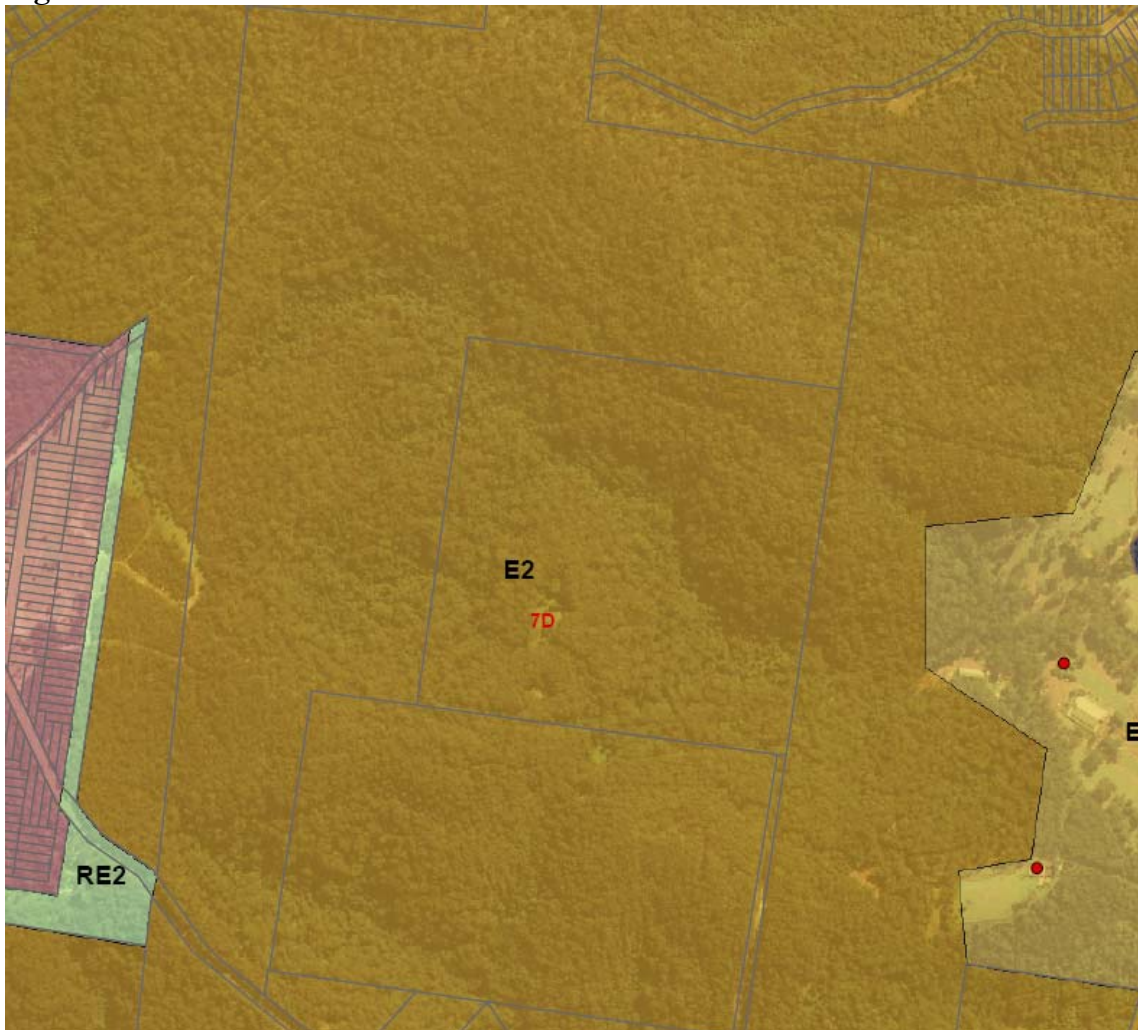
It is recommended that the Wollongong Local Environmental Plan 2009 be amended to zone the Lilyvale precinct E2 Environmental Conservation.

6.10.6 Central Bushland Area

The area between Lady Carrington Estate South, Lloyd Place, Otford and Metropolitan Colliery is contained within six (6) large lots. Lot 23 DP 752033 (40 hectares) in the centre is not owned by Ensile Pty Ltd. The area contains a series of riding and fire trails and a telecommunications tower. There are no dwellings in the sub-precinct.

The draft Review proposed that the area be zoned E2 Environmental Conservation.

Figure 6.24 Central Bushland Area Location



Exhibition Outcomes

Apart from the form letter objections, no submissions specifically commented on Lilyvale. The submission on behalf of Ensile Pty Ltd which sought an eastward expansion of the Lady Carrington Estate south precinct has been discussed previously.

Review of Issues

This precinct has the land with the highest biodiversity value in the study area and forms an important part of the fauna movement corridor. No development in the precinct has been proposed or supported, and it is proposed that the area remain bushland.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 to zone the precinct E2 Environmental Conservation and identify the land on the Land Reservation Acquisition Map.

6.10.7 Otford Valley farm

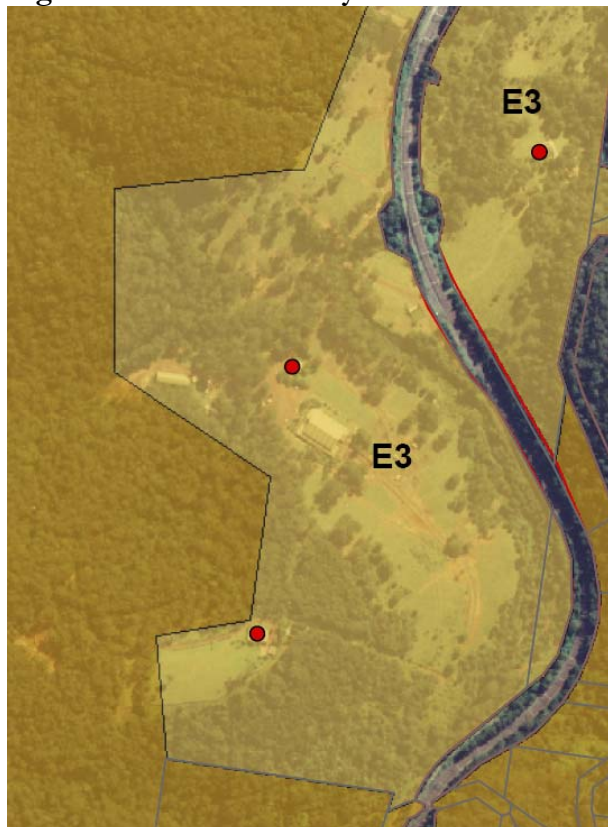
The eastern part of the Ensile Pty Ltd holding is Otford Valley Farm which consists of an equestrian centre and two (2) dwelling houses.

Figure 6.25 Otford Valley Farm Location



The draft Review proposed that the area be zoned E3 Environmental Management.

Figure 6.26 Otford Valley Farm – Exhibited Zoning Option



Exhibition Outcomes

No submissions commented on the sub-precinct.

Review of Issues

The E3 Environmental Management zone is appropriate and would allow the on-going use of the site for an “animal boarding or training establishment”. The proposed E2/E3 boundary exhibited in the draft 7(d) Review has been reviewed to better reflect the location and use of the equestrian centre.

Recommendations

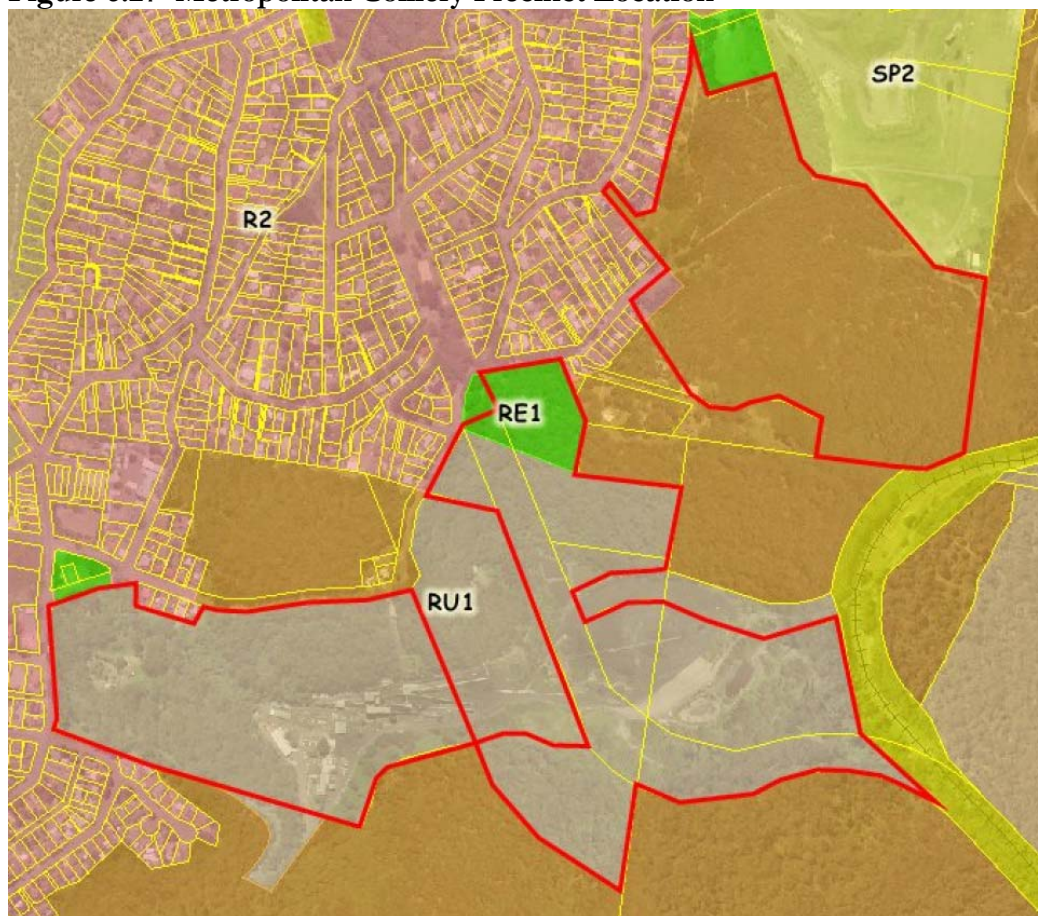
It is recommended that no amendment be made to the Wollongong Local Environmental Plan 2009 and the land retain a E3 Environmental Management zone.

6.11 METROPOLITAN COLLIERY PRECINCT

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

The Metropolitan Colliery precinct is now zoned RU1 Primary Production, consistent with other mines in the City, as this zone permits mining and extractive industries. Within Wollongong this zone has only been used for mine sites. The draft 7(d) Review endorsed this approach. It is noted that the Minister for Planning recently granted consent under Part 3A of the Act for an expansion of underground mining activities under the Woronora Catchment area.

The Colliery also occupies land owned by the State Government, though its mining lease.

Figure 6.27 Metropolitan Colliery Precinct Location

Exhibition Outcomes

Metropolitan Collieries supported the introduction of the RU1 Primary Production zone during the exhibition of the draft Wollongong Local Environmental Plan 2009. No submission was received during the recent exhibition.

A number of submissions opposed the zoning of the Colliery, and noted the Collieries impact on water quality.

Review of Issues

The RU1 Primary Production zone remains appropriate for the colliery operations. Any development at the Colliery is likely to be assessed under the provisions of SEPP Mining, Extractive Industries and Petroleum Production and SEPP Major Developments.

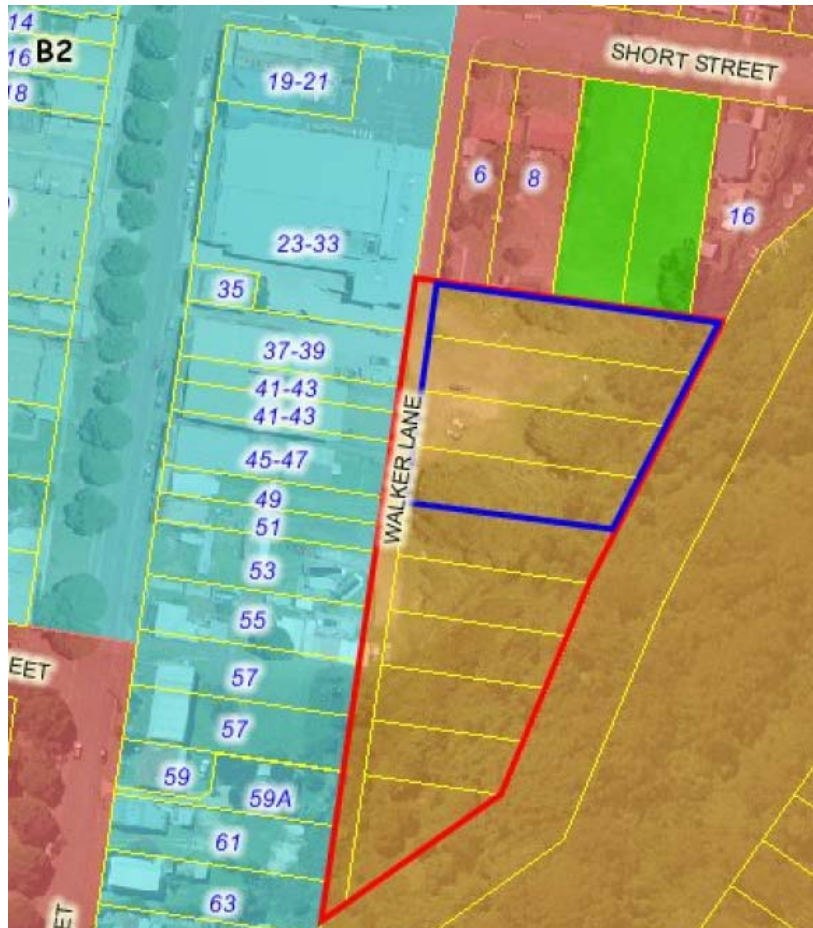
Recommendations

It is recommended that no amendment be made to the current zoning or planning controls for the Metropolitan Colliery holdings.

6.12 WALKER LANE – HELENSBURGH WORKERS, SPORT AND SOCIAL CLUB

Walker Lane extends from Short Street south behind the commercial properties fronting Walker Street. The first four (4) lots (Lots 28-31 Section B DP 2644 – outlined in blue) are owned by the Helensburgh Workers, Sport and Social Club Limited and have an area of 4,214m². The remaining six (6) lots and the paper road along the eastern boundary are owned by Ensile Pty Ltd and are discussed under Ensile Holdings - Camp Creek.

Figure 6.28 Walker Lane Precinct Location



Part of the lots, adjacent to Walker Lane, have been filled and are used for informal parking. The eastern part of the lots are steep, have been made steeper by filling, and are covered in bushland and weeds.

The draft Review did not consider this area in detail and proposed the E2 Environmental Conservation zone.

Exhibition Outcomes

The Club's Administrators have objected to the E2 Environmental Conservation zone and requested that the four (4) lots be zoned either:

- Partially or completely B2 Local Centre, similar to the adjoining Helensburgh Town Centre; or
- Partially or completely IN2 Light Industry; or
- E3 Environmental Management.

Review of Issues

The four (4) lots and adjoining Ensile Pty Ltd land have been historically filled, possibly when the retail buildings in the town centre were being developed. The type of fill material and its stability is unknown.

Walker Lane is 6 metres wide and is unsuitable for high traffic volumes.

Nevertheless, there is opportunity to review the zoning to allow an extension to commercial activities in the town centre. The B2 Local Centre zone would extend the adjoining commercial zone but retail uses should be focused on Walker Street. Additionally, the narrow width of Walker Lane makes it unsuitable for high traffic volumes.

The land could be suitable for a landscape supply type business, or light industrial development. Any development would require a buffer to the adjoining residential development in Short Street, be subject to a geotechnical report and stabilisation of the fill batter. The steeper eastern part of the lots should retain an E3 Environmental Management zone.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 to zone that part of Lots 28-31 Section B DP 2644, and the adjoining Ensile Pty Ltd IN2 Light Industry as shown on the map below.

Figure 6.29 Walker Lane Precinct – Recommended Zoning



6.13 LUKIN STREET

The precinct consists of six (6) lots. Three (3) of the lots are owned by State Government (NSW land and Housing Corporation) (outlined in blue), has a total area of 6.74 hectares and are covered in bushland. The other three (3) lots fronting Parkes Street (outlined in red) are privately owned, are between 540m² and 1030m² in area, and each lot contains a dwelling house.

Figure 6.30 Lukin Street Precinct Location



The draft Review proposed that the precinct be zoned E2 Environmental Conservation.

Exhibition Outcomes

No submissions were received commenting on the precinct.

Review of Issues

It is proposed that the residential nature of the three (3) privately owned lots be recognised through zoning, and they be zoned E4 Environmental Living. This zone will reflect the environmental setting, and limit residential development to one (1) house per lot.

The remainder of the precinct is proposed to be zoned E2 Environmental Conservation.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 to zone the three (3) privately owned lots E4 Environmental Living and the remainder of the precinct E2 Environmental Conservation.

6.14 OLD FARM ROAD PRECINCT

Number 17, 19-21 and 23 Old Farm Road were zoned 7(d) and each lot contains a dwelling house. The draft Review proposed that the three (3) lots be zoned E3 Environmental Management.

Figure 6.31 Old Farm Road Precinct Location



Exhibition Outcomes

A submission was received on behalf of one (1) of the owners objecting to the proposed zone.

Review of Issues

It is considered that the E3 Environmental Management zone remains appropriate for the precinct, with one (1) dwelling house permitted on each lot. The further subdivision of the precinct is not supported.

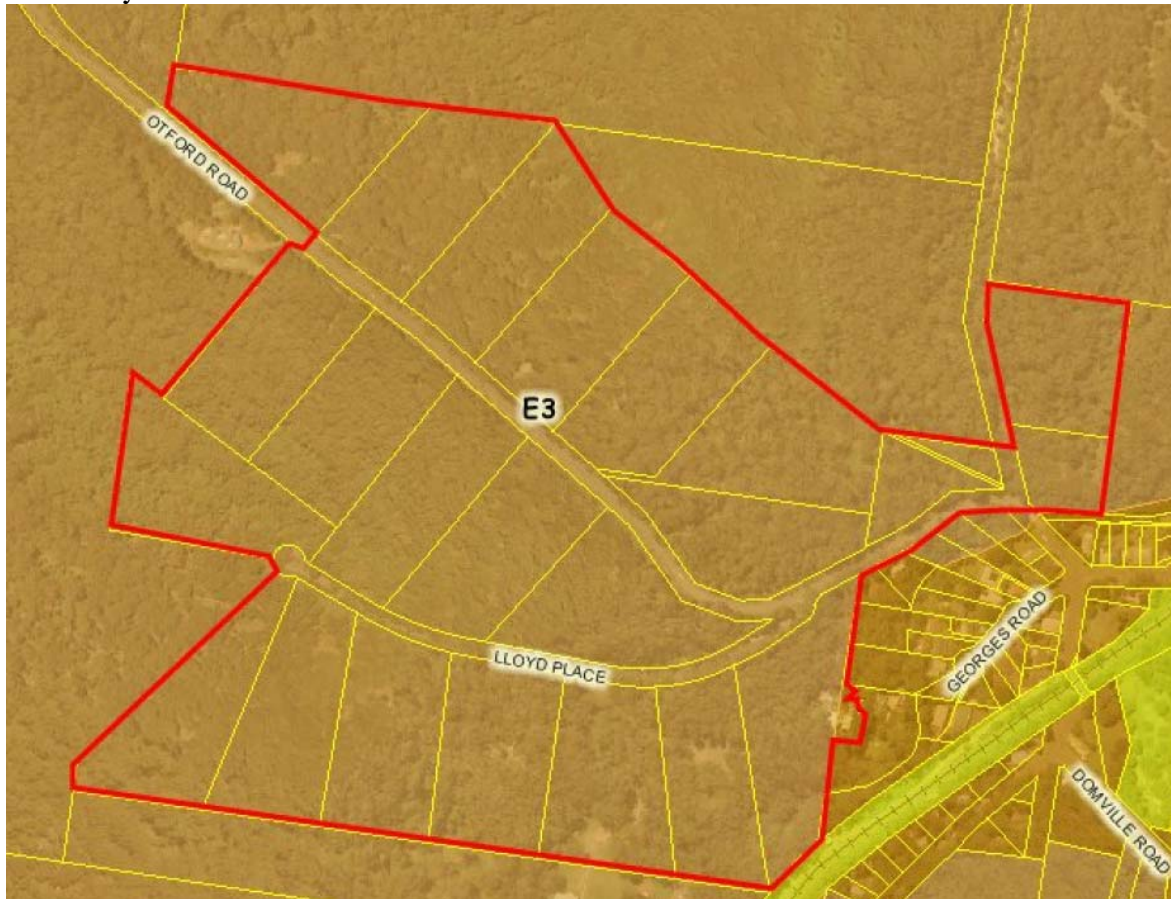
Recommendations

It is recommended that no amendment be made to the zoning of the three (3) lots in Old Farm Road and they retain an E3 Environmental Management zone, and no subdivision be permitted.

6.15 LLOYD PLACE PRECINCT

The twenty (20) lots in Lloyd Place / Otford Road 2 hectare subdivision were created in a 1970 subdivision which complied with the 2 hectare “county dwelling” standard. The lots were sold with a dwelling entitlement and some owners have a certificate from Council indicating that they can build a dwelling. In 1971, the “county dwelling” standard was increased by the State Government to 20 hectares which meant that dwellings were no longer permissible. Landowners and Council made representations over the years seeking a change to the standard, all of which were unsuccessful.

Figure 6.32 Lloyd Place Precinct Location



The lots are steep bushland and the construction of dwellings would require extensive clearing or the dwelling to be built at the bottom of the valleys. The area also forms part of the important north-south habitat linkage. The draft Review recommended that the lands retain the E2 Environmental Conservation zone.

Exhibition Outcomes

Twenty (20) submissions were received from the landowners of thirteen (13) properties in the Otford Road / Lloyd Place Precinct. All of the submissions opposed the proposed E2 Environmental Conservation zone, and sought the opportunity to build a dwelling house on the land.

Submissions from other members of the community supported the conservation of the precinct. Some submissions acknowledged the differences between the Lloyd Place precinct, where dwelling entitlements have been removed, and other precincts where land was purchased without a dwelling entitlement.

Review of Issues

Four (4) options for this precinct have been considered:

- a. Retain the current E3 Environmental Management zone and permit a dwelling house on each lot. While this option is supported by the landowners it is not supported in submissions from other members of the community. The precinct forms an important part of the vegetated corridor that links the Illawarra Escarpment and Royal National Park. The steep bushland

nature of the precinct would require extensive clearing to accommodate a dwelling house and bushfire asset protection zone. The precinct is unlikely to be able to be serviced by reticulated water and sewerage systems. This option is not supported.

- b. Rezone the precinct to E2 Environmental Conservation, not permit a dwelling house and transfer the dwelling entitlement to another precinct. This option would allow the owners to own an alternate site in another precinct on which a dwelling house could be built, in exchange for transferring their Lloyd Place lot into public ownership. It has been suggested that land in either Lady Carrington Estate South or the Land Pooling precinct may be suitable. The replacement lot would be a residential sized lot (450 – 600 m²) rather than the current 2 hectare lot. While the size is different, it would provide the owners with an opportunity to build a dwelling house or sell land with a residential value. This report recommends that neither Lady Carrington Estate South nor the Land Pooling precinct be zoned for residential use, so this option is unlikely to be viable or be able to be supported.
- c. Rezone the majority of the precinct to E2 Environmental Conservation and permit a cluster of dwelling houses on the eastern side adjacent to Otford. This option proposes that the owners be permitted to “pool” their land and re-subdivide to create twenty (20) small lots on the western edge of Otford near the intersection with Lloyd Place. The larger balance of the land would be transferred to public ownership. This option would preserve the balance of the bushland in the precinct, but allow the owners to build a dwelling house in close proximity to their current holding. It would require the co-operation of all landowners and the identification of a suitable area. Given the topography of the area, the identification of a suitable area is difficult.
- d. Rezone the precinct to E2 Environmental Conservation, and not permit a dwelling house on the land. As noted in the draft 7(d) Review this precinct is not capable of supporting dwelling houses due to its topographical, bushland, regional fauna corridor and bushfire constraints.

Recommendations

It is recommended that the Wollongong Local Environmental Plan 2009 be amended by rezoning the precinct to E2 Environmental Conservation and that no residential development in the precinct be permitted.

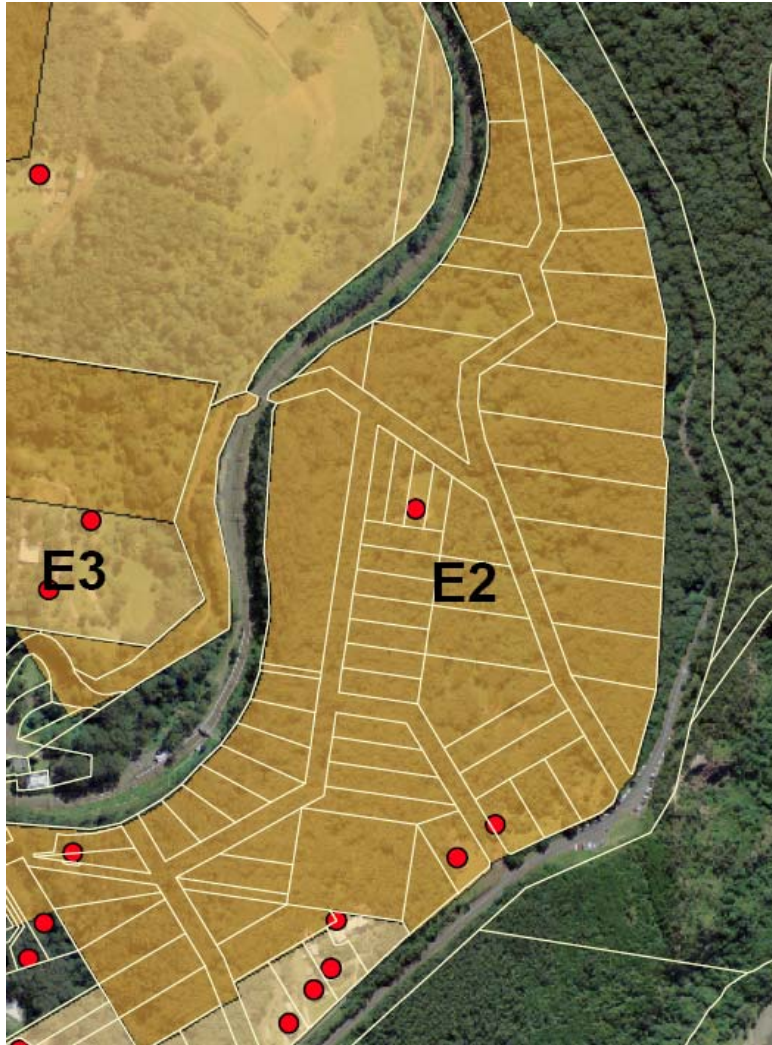
6.16 OTFORD PRECINCT

The 7(d) lands surround Otford Village which is currently zoned 7(c) Environmental Protection - Residential and are proposed to be zoned E4 Environmental Living. The draft review divides the Otford precinct into four sub precincts - North, Central, South and West.

6.16.1 Otford North

The Otford north precinct contains fifty four (54) lots which are covered in steep bushland and two (2) existing dwellings. Council owns five (5) lots within the precinct. The draft Review recommended that this area retain an E2 Environmental Conservation zone and that no additional residential development be permitted.

Figure 6.33 Otford North Precinct Location



Exhibition Outcomes

- Twenty nine (29) submissions on behalf of twenty four (24) land owners, and the East Otford Land Owners Group objected to the proposed E2 Environmental Conservation zone and sought an E4 Environmental Living zone that would allow a dwelling house to be built on the land.
- Submissions from other members of the community supported the conservation of the precinct and opposed any residential development.

Review of Issues

This precinct is located between the Royal National Park, the railway and Otford Village. The steep bushland of the precinct make it unsuitable for residential development. It is proposed that the precinct be zoned E2 Environmental Conservation, and additional dwelling houses not be permitted.

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by:

- Zoning the precinct E2 Environmental Conservation and that additional dwelling houses not be permitted.
- Numbers 36 and 40 Lady Wakehurst Drive, which contain an existing dwelling house, have this entitlement recognised in Schedule 1 “Additional Permitted Uses” in the Wollongong Local Environmental Plan 2009.

6.16.2 Otford central

The central area which includes Domville Road and the houses along Lady Wakehurst Drive was proposed to be zoned E4 Environmental Living. This precinct already contains twenty five (25) dwellings and the proposed change in zone would allow a potential additional eleven (11) dwellings.

Figure 6.34 Otford Central Precinct Location



Exhibition Outcomes

- Ten (10) submissions on behalf of the land owners supported the proposed E4 Environmental Living zone and sought a zone that would allow a dwelling house to be built on the land.
- Five (5) submissions on behalf of the land owners opposed the E4 Environmental Living zone and proposed that the land should retain either an E3 Environmental Management zone or be zoned E2 Environmental Conservation and that no additional dwellings be permitted.
- Submissions from other members of the community supported the conservation of the precinct and opposed any residential development.

Review of Issues

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

A number of residents in Otford were concerned that the proposal would “double” the size of Otford and change its character. While the proposal would double the extent of land zoned E4 Environmental Living at Otford, it would only increase the number of dwelling by 11 or 8%. The uses permissible in the E4 Environmental Living zone are limited to residential accommodation, whereas the E3 Environmental Management zone also permits agricultural, forestry and animal boarding and training uses, which are not appropriate in the area.

No further subdivision in the precinct is proposed and the number of additional dwellings can be controlled through the lot size map.

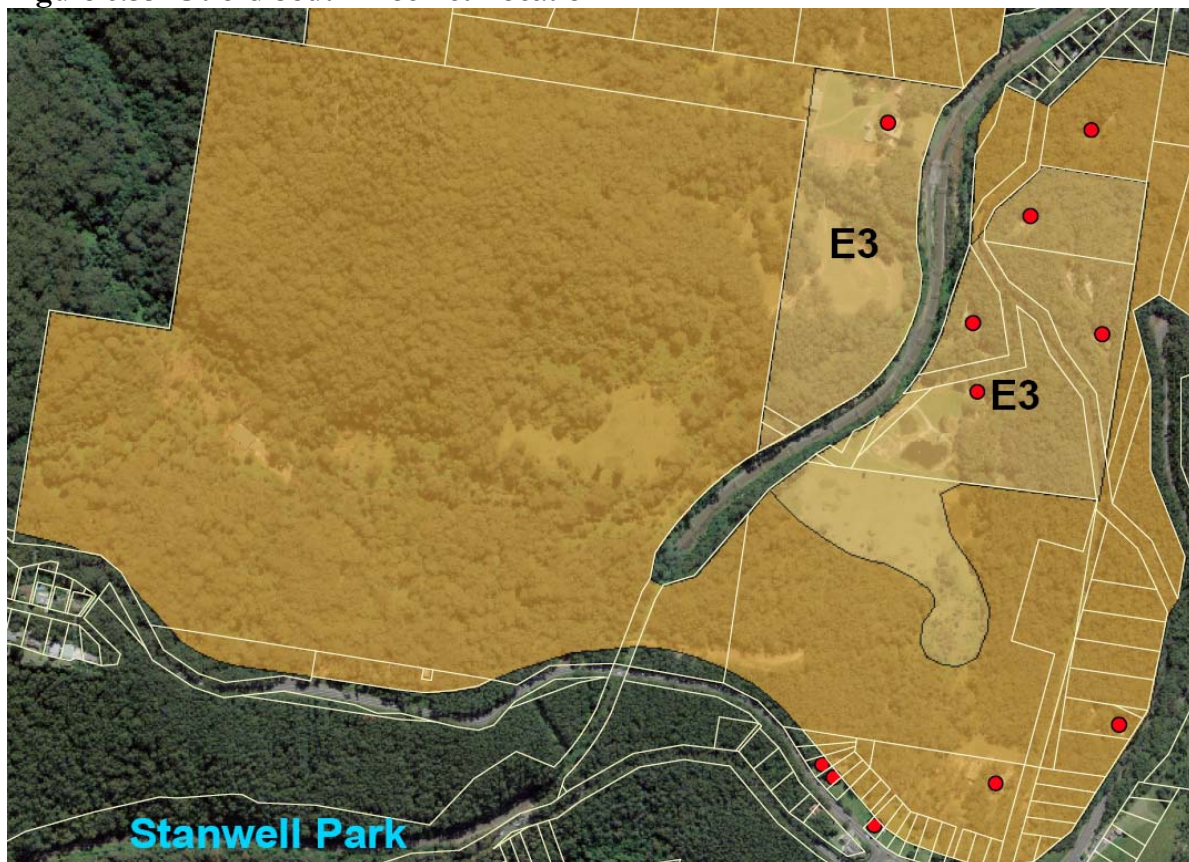
Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct to E4 Environmental Living and that one dwelling be permitted on each lot.

6.16.3 Otford south

The southern Otford precinct contains a mix of steep bushland which was proposed to be zoned E2 Environmental Conservation and cleared valley which is proposed to be zoned E3 Environmental Management. No additional residential development is recommended. This precinct includes lands at Bald Hill owned by the RTA for road widening and by Council. The majority of the precinct is Otford Farm.

Figure 6.35 Otford South Precinct Location



Exhibition Outcomes

The submission on behalf of Otford Farm (Lots 1 7 2 DP 1106860, Lot 1 DP 945016 and Lot 2 DP 719756), requests that the boundaries of the E3 Environmental Management zone be extended to reflect the extent of the cleared lands and recognise the existing approved uses, including:

- Animal boarding and training establishment – including equestrian centre and horse trail rides. In 1982, Council approved DA-1981/1380 for horse riding, associated access and car parking;
- Recreation facility (outdoor) – in 1992 Council approved DA-1991/520 for paintball skirmish on part of the property.
- Tourist and visitor accommodation – In 1982, Council approved DA-1981/407 for a fifteen (15) room motel, managers residence, restaurant and car parking on the southern part of the site adjacent to Lawrence Hargrave Drive.. The submission notes that construction commenced in 1985 with earthworks undertaken and footings constructed. The submission indicates that due to “substantial commencement” the consent has not lapsed.

The submission indicates that the steep bushland areas could retain an E2 Environmental Conservation zone.

Review of Issues

A review of the zoning would not affect the permissibility of uses previously approved at Otford Farm. It is agreed that the boundary of the E3 Environmental Management zone should be better defined, to reflect the extent of the cleared lands and recreational uses. It is noted that E3 Environmental Management zone permits animal boarding or training establishments.

While the 1982 approval of the motel may remain valid, due to substantial commencement, it is likely that an amendment would be required to enable compliance with current legislation, in terms of effluent disposal, access, disabled access, food regulations, bushfire protection and fire safety. The Wollongong Local Environmental Plan 2009 does not need to be amended to reflect the approval of the motel or paintball activity.

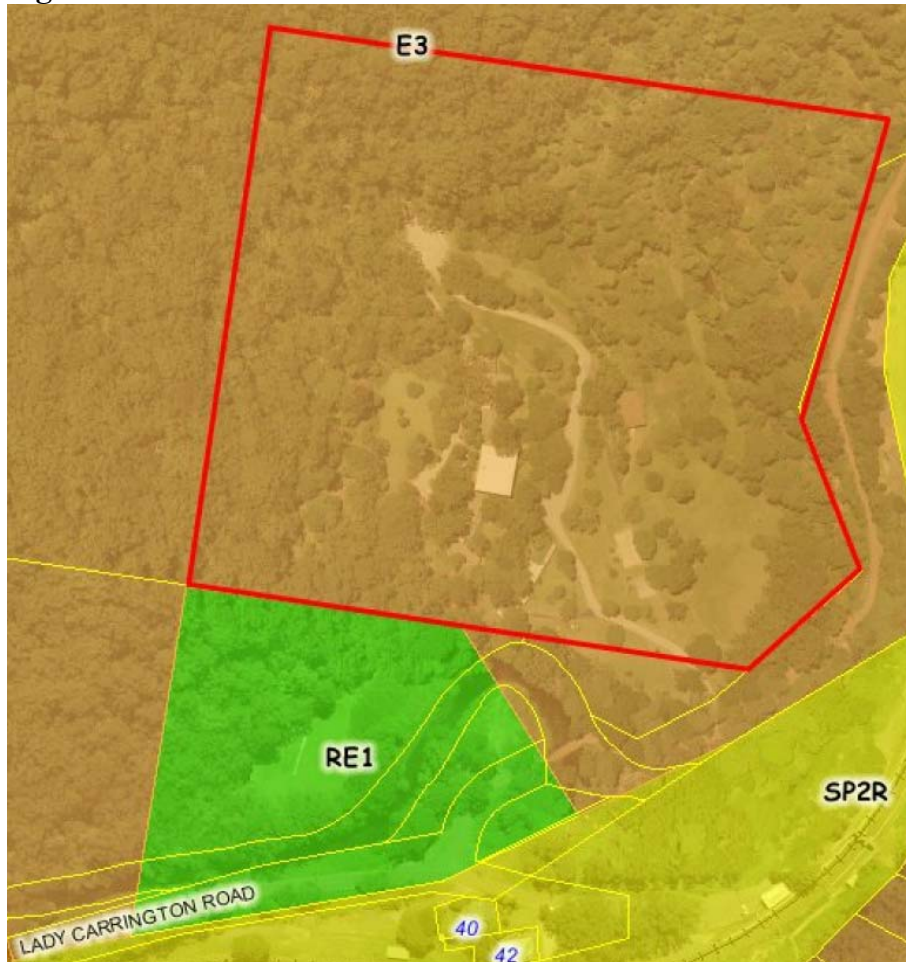
Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 to zone the steeper bushland parts of the property E2 Environmental Conservation (and the cleared areas retain an E3 Environmental Management zone).

6.16.4 Otford West – Govinda Retreat

The Otford west precinct consists of one property, Lot 1 DP 190250 Lady Carrington Drive, that does not fit into any other precinct. The property is located north of Otford Station and is accessed via a causeway over the Hacking River. The site was used as a church camp and is now used as the Govinda Retreat, Cooking and Education centre, with accommodation for up to sixty four (64) guests.

Figure 6.36 Govinda Retreat



Exhibition Outcomes

A submission was received on behalf of the owners requesting that the retreat use be recognised and that the additional uses of “educational establishment / training facilities”, “function centre”, “community facilities”, “tourist and visitor accommodation” and “information and education facilities” be permitted on the site. The submission also suggested that the zoning boundary in the draft 7(d) Review be reviewed to zone the whole site E3 Environmental Management.

Review of Issues

The retreat current operates under existing use rights. It is understood that a church camp was first approved on the site in 1939. The facility would be defined under the Wollongong Local Environmental Plan 2009 as “hotel or motel accommodation”, with the training activities undertaken by guests being ancillary to the accommodation. As the facility is operating with a current approval under the existing use rights, there is no need to include an additional land use which could expand the current operation.

It is agreed that the zoning boundary exhibited with the draft 7(d) Review should be amended and that the whole property should retain an E3 Environmental Management Zone.

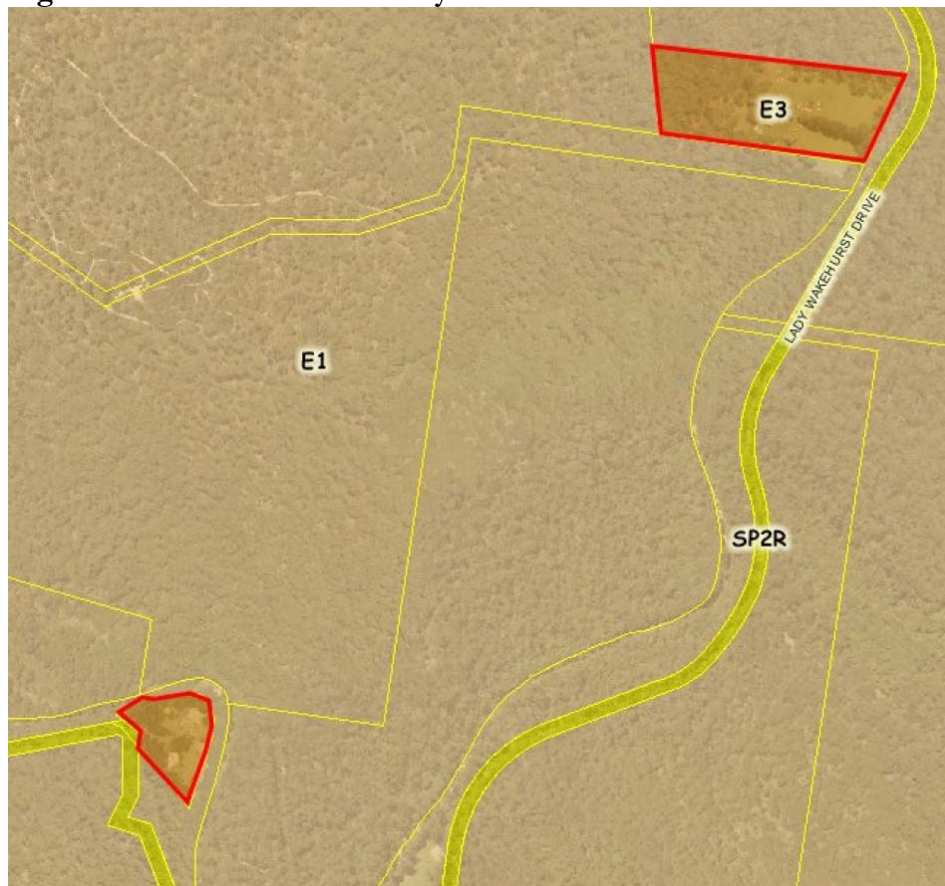
Recommendations

That no amendment be made to the Wollongong Local Environmental Plan 2009, and the property retain the E3 Environmental Management zone.

6.17 ISOLATED LOTS IN THE ROYAL NATIONAL PARK

There are two (2) privately owned lots in the Royal National Park, both of which contain a dwelling house. Both lots are now zoned E3 Environmental Management.

Figure 6.37 Isolated Lots in Royal National Park



The draft 7(d) Review proposed that these lots be zoned E2 Environmental Conservation.

Exhibition Outcomes

No submissions were received commenting on the properties.

Review of Issues

These properties are surrounded by the Royal National Park and long term should be incorporated into the Park. Development opportunities should be limited to prevent intensification of development. Council cannot identify these properties for inclusion in the park, without the agreement of the Department of Environment Climate Change and Water (DECCW).

Recommendations

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 to zone both properties E2 Environmental Conservation.

7. The Next Steps

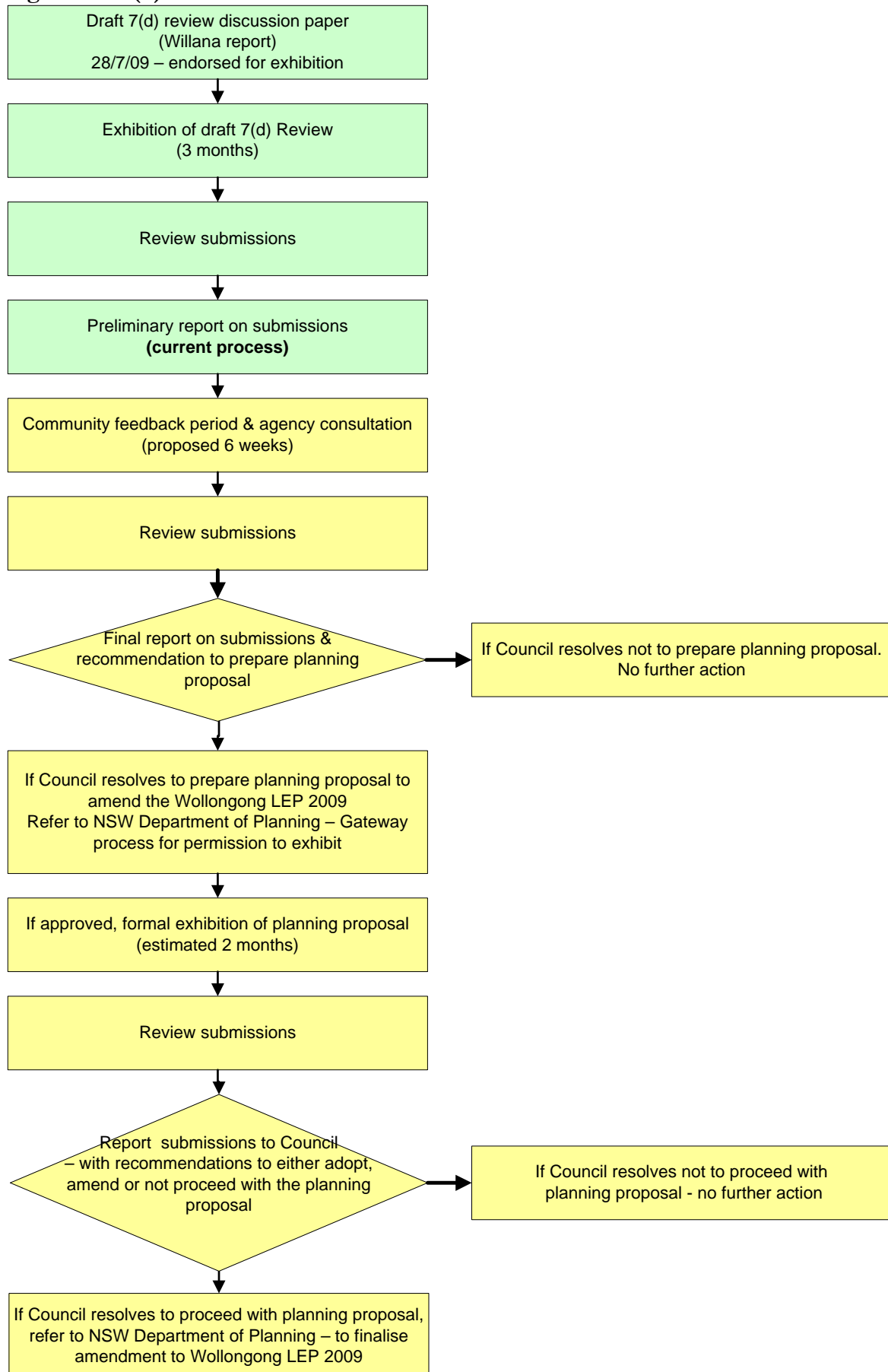
This report makes a series of recommendations for the future of the former 7(d) lands based on a review of the draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops, and consideration of issues raised in submissions following the exhibition of the draft Review.

It is recommended that:

1. This preliminary review of submissions be made publicly available for comment by landowners and stakeholders for a period of six (6) weeks.
2. During the consultation period, further consultation occur with:
 - a. Sydney Water to define the capacity and ability of the water and sewerage networks to accommodate any additional development.
 - b. The Department of Environment Climate Change and Water, to determine whether the authority is interested in any of the study area being incorporated into the Royal National Park or Garrawarra State Conservation Area or other reserve.
 - c. The Department of Planning, to scope the requirements for a draft planning proposal should Council resolve to commence the preparation of a draft planning proposal to amend the Wollongong Local Environmental Plan 2009, and the requirements of the Illawarra Regional Strategy.
3. The issues raised in any submissions received be considered and the report updated and finalised.
4. The final report on submissions be reported to Council for determination on whether a draft planning proposal should be prepared to amend the planning controls in the Wollongong Local Environmental Plan 2009.
5. If Council resolves to prepare a planning proposal, it would be forwarded to the NSW Department of Planning for review and permission to exhibit the planning proposal.
6. The planning proposal would be exhibited for community and landowner feedback, prior to Council reviewing submissions and determining whether to progress or amend the planning proposal.

The proposed process is outlined in Figure 7.1.

Figure 7.1 7(d) Review Process



Appendix 1 Public Meeting – Facilitators Report

Public meeting to review 7(d) lands at Helensburgh, Otford and Stanwell Tops Tuesday 15 September 2009

Helensburgh Workers Club

Overview of the Public Meeting

A public meeting was held at Helensburgh Workers Club as part of Wollongong City Council's review 7(d) lands at Helensburgh, Otford and Stanwell Tops. This meeting was part of the exhibition process for the 7(d) study to assist residents, landowners and lessees to understand changes to the Local Environment Plan that will affect their properties and community. It was organised in two (2) parts: Council provided information about proposed planning changes at a two (2) hour community information session (4pm – 6pm). A community forum was then held (7:30pm – 9pm) to allow community members to share their views and opinions on a wide range of issues.

The community forum had the following agenda:

1. Jane Jose from Elton Consulting opened the meeting by welcoming the community and describing the meeting process.
2. David Green, Land Use Planning Manager from Wollongong Council presented a background on the 7(d) study to give the planning matters context, describing:
 - Regional values in Helensburgh, Otford and Stanwell Tops,
 - Local issues in Helensburgh, Otford and Stanwell Tops,
 - A brief overview of planning history and previous Local Environmental Plans for the area,
 - Definitions of the main planning zones,
 - The issues affecting each precinct:
 - Princes Highway,
 - Wilsons Creek Catchment,
 - Gills Creek, Walker Street,
 - Lady Carrington Estate South and Helensburgh Land Pooling Area,
 - Lloyd Place/Otford Road,
 - Lilyvale/Otford Valley Farm,
 - Lady Carrington Estate North,
 - Otford- central area,
 - Otford – northern area.
3. Questions were taken from the audience on the review process, then with regards to each individual precinct.

Observations of the Public Meeting

- The public meeting was attended by more than three (300) people. People from the local area and as far as Gosford, Coogee and Mosman travelled to Helensburgh to attend the community information session.

- Despite the intense interest and concern over the proposed changes to the Local Environment Plan, the meeting was constructive and democratic in allowing people to seek information and understand the proposed changes.
- The community forum was effective in setting Council's long term agenda to create certainty in relation to land use, given the context of forty (40) years of uncertainty for some landowners. It effectively enabled people to hear a range of views and highlighted considerable concern over fire safety issues, particularly for the Helensburgh Community. The potential role for Council to work with Land owners on exit and land pooling strategies was clearly identified.
- The structure of the meeting was effective in enabling people to be given one on one advice during the 4pm – 6pm community information session. This meant some people did not stay on for the community forum and while others, who did stay, attended the forum with a better understanding of issues relating to their own land or neighbourhood.
- The involvement of independent facilitators was welcomed, with many from the community commenting on this. At the close of the meeting many attendees personally expressed their thanks for the smooth conduct of the meeting.
- It proved a useful strategy to have the facilitator, as independent chair of the forum, meet the community members as they arrived. This ensured community members that the meeting would be managed to allow those who wished to express a view or ask a question do so.
- The opportunity to work with David Green to review the presentation for potential issues prior to the meeting and the decision to begin the session as a formal presentation worked well.
- Separating the questions about process and then keeping the structure of questions relating to the ten (10) precincts also provided a framework for people to work within and enabled effective time keeping.
- Although one (1) member of the community tried to move a motion which the chair declined to put to the meeting (on the basis that it was an information forum not a decision making session), the chair was later congratulated by that community member on the way the meeting was conducted for Council.
- The meeting's venue, Helensburgh Workers Club, was easily recognised and centrally located. However, in view the size of the venue, the size of the audience and the length of the combined information session and community forum, it would have been beneficial to have some food available on site. Presentations were strong but larger screens for the PowerPoint display would have increased their effectiveness.

Questions from the audience

THE REVIEW PROCESS

Issue	Questions
Submissions	<p><i>Are 1000 names on 1 submission more powerful than 1000 submissions?</i></p> <ul style="list-style-type: none"> 1 submission with 1000 names will be treated as a petition, not 1000 individual submissions.
Cost of the review	<p><i>What has been spent on this process since 1997?</i></p> <ul style="list-style-type: none"> Approximately \$47, 000 since 2008. The Helensburgh Urban Capability Study cost approximately \$20, 000.
Purpose of the review	<p><i>In the mid 1990s there was quite fierce opposition to similar proposal and lot of money spent on research (environmental research). Why is this happening again?</i></p> <ul style="list-style-type: none"> The issues have not been resolved. Lots are still privately owned. Council and landowners require certainty. <p><i>Why weren't more detailed environmental studies undertaken before these proposed changes to 7(d)?</i></p> <ul style="list-style-type: none"> Council wanted to make the review process as time and cost efficient as possible. Detailed studies will follow as part of the Local Environment Plan considerations by the Department of Planning.
Further information	<p><i>Will this information be repeated again for the people who aren't here?</i></p> <ul style="list-style-type: none"> No but the presentation and further advice is available by contacting Council. <p><i>Is any information available on visual impact that can help people when writing submissions?</i></p> <ul style="list-style-type: none"> Assistance and advice regarding submissions is available by contacting Council. Visual impacts will be considered as part of future studies.

PRINCES HIGHWAY

Issue	Questions
Employment	<p><i>What are the likely employment opportunities that might be created around the Princes Highway?</i></p> <ul style="list-style-type: none"> Currently the area zoning allows light industrial and some restaurant uses. This detail hasn't been decided though there aren't plans to completely commercialise or urbanise the area.
Changes to Park Street	<p><i>How far will rezoning extend down Park Street? And traffic use changes?</i></p> <ul style="list-style-type: none"> Traffic use changes are not considered as part of the Local Environment Plan process.

WILSON'S CREEK CATCHMENT

Issue	Questions
The impact of the current Heritage Act	<p><i>Will the Heritage Act on Wilson's Creek remain? This is a danger as it prevents us from burning off/ bush fire control.</i></p> <ul style="list-style-type: none"> Council is unaware of a Heritage Act listing but will follow this up. [Note – further investigations have not identified a heritage listing for this area. The area is not identified under either the Wollongong LEP 1990 or the State Heritage Register as being of heritage significance. The Illawarra RFS was contacted and they indicated that they were not aware of any heritage restriction. The only restriction they would have is based on frequency of burning due to past fires. The area is privately owned. The RFS advised that they are not aware of any applications to conduct Hazard Reductions, and it is not in their current program.]
Bushfires	<p><i>What has Council got planned if there is a bushfire in Helensburgh? Extra development will mean more people to evacuate.</i></p> <ul style="list-style-type: none"> Traffic management and emergency access will need to be considered if the review moves forward.
Water supply	<p><i>More water will be needed in Helensburgh if development goes ahead. Apparently we don't have enough water now. What is Council doing about this?</i></p> <ul style="list-style-type: none"> Sydney Water's preliminary advice has been that Helensburgh's water supply can accommodate more people.
Rezoning	<p><i>How certain will changes be, especially if residential/ house building is allowed?</i></p> <ul style="list-style-type: none"> This process is to try and give certainty but planning rules do change over time. <p><i>Will the area further north of Wilson's Creek be affected?</i></p> <ul style="list-style-type: none"> The part of Wilsons Creek near the Helensburgh Railway Station is part of the Garrawarra SCA and not applicable to the 7(d) review.
Pollution	<p><i>How can Council guarantee more development won't pollute Wilson's Creek? There will also be more erosion from chopping down trees to build additional houses</i></p> <ul style="list-style-type: none"> Council will conduct detailed studies into the impact of using the land in this way and the necessary buffer zones needed to protect the creek and bushland.

GILLS CREEK

Issue	Questions
Clarification	<p><i>Which report is more accurate? There is some conflicting information in the two reports' maps.</i></p> <ul style="list-style-type: none"> Willana's report should be used as the main reference. [Note – from subsequent discussion with the gentleman, the confusion related to differences between the zoning map for the draft Wollongong LEP 2009 and the 7(d) Willana proposal. The maps in the Willana report and those displayed were consistent].

LADY CARRINGTON ESTATE SOUTH AND HELENSBURGH LAND POOLING AREA

Issue	Questions
Lot sizes	<p><i>If the land pool area is approximately 284 lots at 1000 square meters, realistically how many additional lots would fit on that space?</i></p> <ul style="list-style-type: none"> It is unknown at this time, as the area would need to be redesigned to accommodate storm water solutions, local parks, the asset protection zone and infrastructure requirements. As a guide 300 lots could be used.
	<p><i>Is this area approximately 4 times as big as Landcom estate and what will it look like?</i></p> <ul style="list-style-type: none"> The area will be residential, like the rest of Helensburgh. Yes, it is approximately 4 times as big as the Landcom estate. The minimum lot size hasn't been determined yet. Any development plan would have to provide for amenities, open space, parks and community facilities.
	<p><i>Will the minimum lot size be 450 sq m like Helensburgh?</i></p> <ul style="list-style-type: none"> No, it can be tailored by Council to a size appropriate for the area.
Overdevelopment	<p><i>How will the ongoing conversion of rural to residential development be stopped if 7(d) is passed?</i></p> <ul style="list-style-type: none"> The draft Plan is not proposing further residential development along the Walker Street rural properties (south the of the Land Pooling Area).
	<p><i>Is the Council going to put in recreation areas for children if rezoning happens? Which landowners will lose their land?</i></p> <ul style="list-style-type: none"> Yes, there will be land set aside for kids' recreation as well as other measures like Asset Protection Zones. The area would be planned in the context of the Helensburgh communities' needs.
Bushfires	<p><i>Will the RE2 Zone include a bushfire protection zone?</i></p> <ul style="list-style-type: none"> Yes, an Asset Protection Zone will be included in this zoning.
	<p><i>Current standards demand a 100m Asset Protection Zone and this Asset Protection Zone appears only to be 25m. Why?</i></p> <ul style="list-style-type: none"> This is subject to detailed design. The 100m includes many things, such as the Asset Protection Zone, Private Recreation Area and the set back from the road in the first row of houses. Different Asset Protection Zones apply to different sites and land uses, and depends on such things as building materials.
	<p><i>Helensburgh's population will significantly increase - do we have an additional evacuation plan for fire?</i></p> <ul style="list-style-type: none"> Council is aware this needs to be addressed. It would certainly be addressed as part of the LEP review.
	<p><i>Cleared lands on Walker Street are going to be used as a fire protection zone – will owners be given any compensation for this?</i></p> <ul style="list-style-type: none"> Not at this point but the review is still to determine where the Asset Protection Zone should be located.

Exit strategies	<p><i>Why aren't exit strategies included for this area?</i></p> <ul style="list-style-type: none"> There are too many land owners to deal with, and little opportunity to provide solutions in the area.
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LLOYD PLACE/OTFORD ROAD

Issue	Questions
Compensation	<p><i>I am a landowner who has had a piece of land for 40 years and hasn't been able to build. Why?</i></p> <ul style="list-style-type: none"> The history of the area and its planning history, especially rezoning in 1971 is central to your situation. The same issues – especially this one - haven't been resolved since 1971, making it necessary to look at exit strategies today. <p><i>Will these landowners be paid for their land at the value it is worth today?</i></p> <ul style="list-style-type: none"> The properties aren't worth much today without a dwelling entitlement and high conservation significance – Council will be looking at alternative exit strategies and potentially at land pooling, or clustering.

LILYVALE/OTFORD VALLEY FARM

Issue	Questions
Overdevelopment	<p><i>Are we infilling Helensburgh rather than outfilling?</i></p> <ul style="list-style-type: none"> The draft plan is proposing urban expansion but it would be considered and moderate expansion.
Bushfires	<p><i>With E3 zoning, what area needs to be cleared of bushland if housing is allowed?</i></p> <ul style="list-style-type: none"> Variable depending on the individual property; it might be 50m on one side, 100m on other side. Slope, bushland or forest, aspect, moist or dry forest area, type of building construction material etc must be taken into account.
Thompson's land	<p><i>The Willana Report shows Thompson Centre as zoned as E3 but other in the report it is not there</i></p> <ul style="list-style-type: none"> Thompson's land should be E2. It is privately owned and is larger than 40ha so could have house on it under the 7d zone – subject to DA assessment. <p><i>Why is Thompson's land zoned as E2 and not the adjoining area given the history of it?</i></p> <ul style="list-style-type: none"> The land around Thompson's land is proposed to be zoned E2 to preserve the bushland.

LADY CARRINGTON ESTATE NORTH

Issue

Questions

Rezoning

Why is there an E3 area to the east of the pony club?

- Because the bushland was already cleared. No dwellings are proposed.

OTFORD – CENTRAL AND OTFORD – NORTH

Issue

Questions

Bushfires

Why is it acceptable to build in Otford when there is a higher bush fire risk than Lloyd Place?

- If Lloyd Place was developed it would result in few dwellings that are very widely spread so needs wide spread protection. Clearing the whole area would be a huge job. Dwellings in Otford are more clustered making it easier to design a bushfire protection strategy.

Rezoning

Is Beaumont Road included in the rezoning of this area?

- The top of Beaumont Road is proposed to be E4, the rest of Beaumont Road is proposed to be E2.

What size does E3 block have to be before a dwelling is permitted?

- This is at Council's discretion – we can come up with a plan that allows a range of allotment sizes and dwellings to be permitted.

Station Road

I have owned a block in Station Road for 40 years. It is close to the station and on other side is township with the school. Why is this zoned as E2, why can't I build?

- This block is proposed to be zoned as E2 as it has been retained as bushland.

OTHER ISSUES

Hacking River

A 2006 report recommended there shouldn't be further development in area because the Hacking River Catchment has already been compromised. How will the 7(d) proposal affect the river quality and what will be done to prevent pollution?

- Willana has looked at maintaining river water quality as part of their study.
- The land pooling area would have to accommodate water protection.

Water supply

The main restriction when the Landcom development when through was going to be limited water supply. What about now? Who will pay for it?

- Sydney Water's preliminary advice has been that Helensburgh's water supply can accommodate more people.

Lot size

What is the minimum lot size on steep blocks and is this measured down the vertical or across?

- Lot size is measured horizontally but Council says that if you have a steeper block, you need a larger lot.

Overdevelopment

Under E3, how are you going to handle the barrage of DAs and assess them, and if changes are rolled back, how will deal with this?

- The E3 zoning generally reflects land uses allowed under 7(d) e.g. restaurants.
- This is one of the challenges which will have to be addressed.