

## COUNCIL RESOLUTION EXTRACT FROM MINUTES 28 NOVEMBER 2011

### DISCLOSURE OF INTEREST

Councillor Petty left the Council Chambers prior to discussion and voting on Item 8, the time being 8.16 pm, as he had declared a pecuniary interest in this matter. Councillor Petty returned to the meeting at the conclusion of discussion and voting on Item 8, the time being 8.38 pm.

### ITEM 8 - Review of 7(d) Lands - Walker Street, Frew Avenue and Kelly Falls Precincts

MOVED on the motion of Councillor Brown seconded Councillor Martin that -

- 1 Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.
- 2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.
- 3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 4 Council endorse a planning proposal zoning the Kellys Falls precinct to E2 Environmental Conservation.

**257**

An **AMENDMENT** was **MOVED** by Councillor Connor seconded Councillor Kershaw that -

- 1 Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP

1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.

- 2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.
- 3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 4 No amendment be made to the planning controls for the Kelly Falls precinct and the two (2) properties retain an E3 Environmental Management zone.
- 5 Lot 1 DP 112876, Lot 1 DP 342364, Lot 1 DP 375642 and the western part of Lot 16 DP 255197 (aligning with the rear of Lot 1 DP 342364) [Blackwell Holdings site] be rezoned to IN2 Light Industrial and the eastern portion of the property be zoned E2 Environmental Conservation.

The AMENDMENT on being PUT to the VOTE was CARRIED.

**In favour** Councillors Kershaw, Connor, Martin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

**Against** Councillors Brown, Takacs, Merrin and Curran

The AMENDMENT then BECAME the MOTION.

The MOTION was PUT and CARRIED.

**In favour** Councillors Kershaw, Connor, Martin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

**Against** Councillors Brown, Takacs, Merrin and Curran

**ITEM 8**

**REVIEW OF 7(D) LANDS - WALKER STREET, FREW AVENUE AND KELLY FALLS PRECINCTS**

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

It is recommended that the draft Planning Proposal for the Walker Street and Frew Avenue precincts be progressed to exhibition for further community input. It is recommended that the two (2) properties in the Kelly Falls precinct retain the E3 Environmental Management zone.

### **Recommendation**

- 1 Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.
- 2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.
- 3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 4 No amendment be made to the planning controls for the Kelly Falls precinct and the two (2) properties retain an E3 Environmental Management zone.

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## Attachments

There are no attachments for this report.

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## Report Authorisations

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

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## Background

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

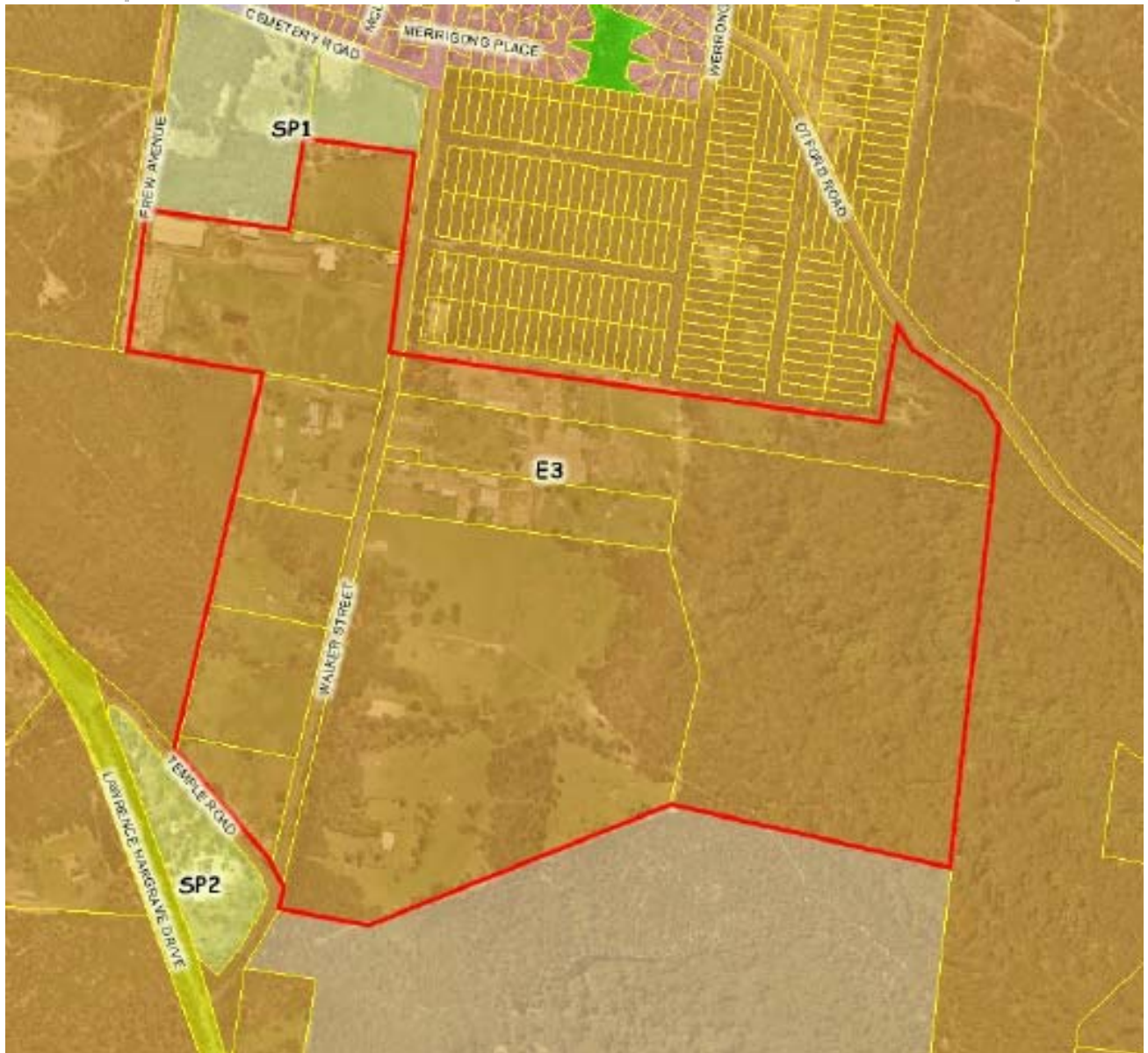
As part of Council's review of the issues associated with the lands formerly zoned 7(d) Hacking River – Environmental Protection, at Helensburgh, Otford and Stanwell Tops, this report addresses the Walker Street, Frew Avenue and Kelly Falls precincts.

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## Proposal

### Walker Street

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. All lots contain a dwelling house.



The Helensburgh Commission of Inquiry (1994) noted that this precinct had one of the highest capabilities for urban development. However, the residential development of this precinct is not proposed.

The draft 7(d) Review and Preliminary Report on Submissions 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.

As a consequence of the first exhibition, 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 an R2 Low Density Residential zone.

As a consequence of the second exhibition, 1,228 submissions commented on the precinct. Eight (8) submissions supported the rezoning and 1,220 opposed the rezoning to RU2 Rural Landscapes. The submissions opposed suggested that the land should be rezoned E2 Environmental Conservation.

The submission on behalf of the owner of Lot 2 DP 1127083 Walker Street (Knowslay Park) supported the proposed RU2 Rural Landscape zone as an interim measure. The submission did not support the proposed E2 Environmental Conservation zone at the rear of the property, as the land is not steep. The submission suggested that the land should be zoned R2 Low Density Residential to allow it to be subdivided for urban development.

It is agreed that the rear of Knowslay Park is not steep. However it is covered in bushland and is adjacent to the Kelly Falls lot. An E2 Environmental Conservation zone is appropriate for this portion of the property.

The expansion of a residential zone along Walker Street is not proposed. It is acknowledged, that if the Land Pooling area is rezoned, there will be pressure for other properties to also be rezoned sometime in the future.

A submission on behalf of Blackwell Bros. Pty Ltd requested that their land be rezoned to IN2 Light Industry. The submission indicates that the land has been used for commercial purposes since the 1940s and the land is currently being used as a landscape and builders supplies, earth moving and some waste resource recovery business. The submission suggests that the IN2 Light Industry zone was more appropriate to allow the continuation and growth of the business. The submission indicates that the business currently employs thirty (30) persons.

Council's records indicate that part of the Blackwell site was used as a poultry shed in 1965 and an earth moving business was approved on part of the Blackwell's holdings in 1984. It appears that over the years the business has expanded to its current operation.



The expansion and motor bike trails has also resulted in the removal of bushland. Despite the existing operation, further expansion into a light industrial precinct is not appropriate in this location. If the Land Pooling is ever rezoned, an adjoining IN2 Light Industrial precinct would result in land use conflict. A site closer to the Highway, that didn't back onto the relatively undisturbed catchments, would be a better location for these activities.

The Crown Land (Lot 672 DP 752033) on the south west corner of Walker Street and Cemetery Road is zoned SP1 Special Activities – Cemetery. This zone was introduced in 2009, when the lot and the adjoining Helensburgh Cemetery were rezoned from 6(a) Open Space. It appears that it was incorrectly assumed that the Crown Land was part of the cemetery, whereas it is a separate lot and has not been set aside for cemetery purposes. It is proposed to re-introduce a RE1 Public Recreation zone on the lot.

It is recommended that the draft Planning Proposal for the Walker Street precinct be exhibited, which seeks to:

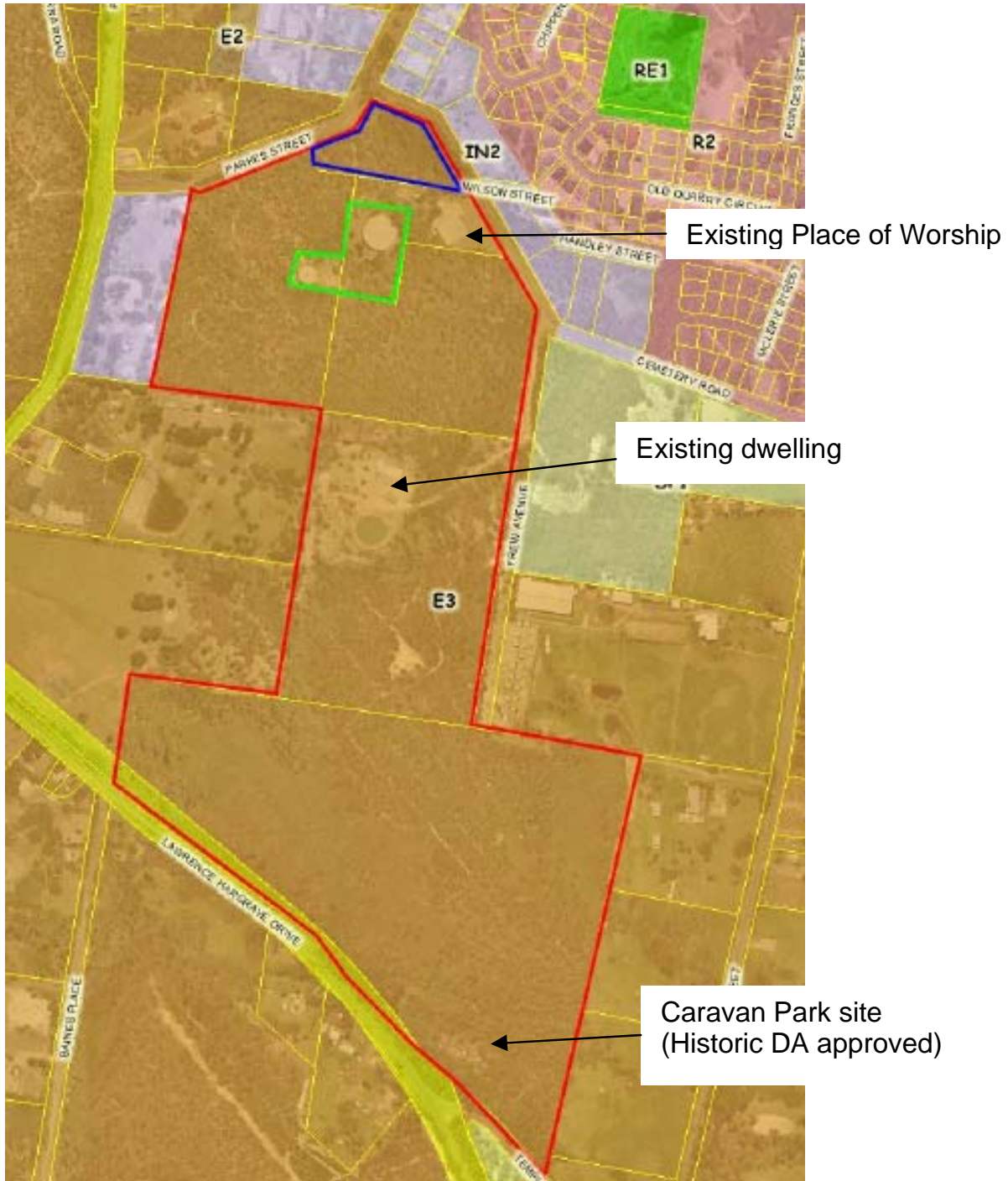
- Zone Walker Street precinct to RU2 Rural Landscapes;
- Zone the rear portion of Lot 2 DP 1127083 Walker Street (Knowslay Park) to E2 Environmental Conservation zone; and
- Zone Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.

### **Frew Avenue**

The Frew Avenue 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), and are zoned SP2 Infrastructure;
- 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.

## Frew Avenue Precinct location



As a consequence of the first exhibition (2009) 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; and
- 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. The submission notes that 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.

Lot 1 DP 319310 was created in 1927 and has an area of 18 hectares, which is larger than the 10 hectare minimum lot size requirement for a dwelling house on lots created prior to 1971. Accordingly, subject to merit assessment, a development application for a dwelling house on this lot could be assessed under the current planning controls (and under the previous 7(d) controls).

Council records indicate that between 1967 and 1980, Council issued a number of development and building consents for the establishment of a caravan park on this site. 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 (2) 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.

Strategically, the site may be suitable for a caravan park given its 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. Although, the property is almost surrounded by other properties which are cleared and used for farming or residential activities.

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

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

The other two (2) lots which do not contain a dwelling house are covered in bushland, but are surrounded by cleared and developed lands. It is proposed that a dwelling house be permitted on each lot. It is understood that a dwelling house did exist on Lot 3 DP 606870 but was removed when the water reservoir was built.

As a consequence of the second exhibition, 2,789 submissions commented on the precinct. Two (2) submissions supported the rezoning and 2,787 opposed the proposed changes. The submissions opposed suggested that the land should be rezoned E2 Environmental Conservation. Six hundred and eighteen (618) submissions opposed the development of the approved caravan park. The owner of Lot 1 DP 584467 and forty three (43) other submissions supported the rezoning of the lot to the B6 Enterprise Corridor zone.

It is recommended that the draft Planning Proposal for the Frew Avenue precinct which proposes to retain the existing E3 Environmental Management zone and reduce the minimum lot size on Lot 1 DP 319310, Lot 1 DP 584467 and Lot 3 DP 606870 to permit a dwelling house on each lot, be exhibited. The Sydney Water land retain the SP2 Infrastructure zone.

### **Kelly Falls**

The Kelly Falls precinct consists of two (2) lots adjacent to Kelly Falls Reserve (managed by the National Parks and Wildlife Service) on Lawrence Hargrave Drive. Both lots contain an existing dwelling house and have been partially cleared.

In December 2010, Council approved Development Application No-2010/246 for Bed and Breakfast Accommodation on the "Wagon Wheels" property (Lot 20 DP 260258). The property was historically used as a guest house, although in recent years its approvals had lapsed. A more intensive form of tourist development would not be appropriate on the property.

## Kelly Falls Precinct location



The Preliminary Review of Submissions report proposed that no amendment be made to the Wollongong Local Environmental Plan 2009, the properties retain an E3 Environmental Management zone, and the buffer be managed through a Development Control Plan provision.

As a consequence of the second exhibition, 2,787 submissions commented on the precinct. Six (6) submissions supported the retention of the E3 Environmental Management zone and 2,780 submissions suggested that the land should be rezoned E2 Environmental Conservation.

The submission on behalf of Wagon Wheels noted that the property had been a guest house and restaurant since the Second World War. The submission requested that the additional uses of “tourist and visitor accommodation” and “function centre” be permitted

on the property. The submission noted that the function centre would operate within the ballroom and would not require changes to the building footprint. These additional uses and intensification were not supported.

It is recommended that no change be made to the planning controls for the precinct and the E3 Environmental Management zone be retained.

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## Conclusion

This report is one of a series of reports to assist Council in reviewing the previous decisions on the lands formerly zoned 7(d) Hacking River – Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Walker Street precinct and Frew Avenue precinct be progressed to exhibition. It is recommended that the two (2) properties in the Kelly Falls precinct retain the E3 Environmental Management zone.