

COUNCIL RESOLUTION EXTRACT FROM MINUTES 28 NOVEMBER 2011

DISCLOSURES OF INTEREST

Councillor Connor declared a non-significant non-pecuniary interest in respect to Item 9 on the basis that his school community had expressed an interest in acquiring a parcel of land in the area and as such did not want to participate in the vote. Councillor Connor departed the meeting, the time being 8.39 pm during discussion and voting on Item 9.

Councillor Connor returned to the meeting at the conclusion of Item 9, the time being 8.52 pm.

Councillor Petty earlier in the meeting declared a non-significant non-pecuniary interest in respect to Item 9 and participated in discussion and voting.

ITEM 9 - Review of 7(d) Lands - Lukin Street, Old Farm Road and Metropolitan Colliery Precincts

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RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Merrin that -

- 1 Council endorse the existing draft Planning Proposal for the Lukin Street precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Rezoning 48-54 Parkes Street, the three (3) privately owned lots, to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²;
 - b Rezoning the Crown land (three (3) lots) to E2 Environmental Conservation.
- 2 The existing draft Planning Proposal for Lukin Street precinct be exhibited for community comment for a minimum period of twenty eight (28) days
- 3 Council resolve to prepare a new draft Planning Proposal for the Old Farm Road precinct, to rezone:

- a Lot 999 DP 854372 (No17), Lot C DP 409182 (No 19-21) and Lot 8 DP 241707 (No 23) Old Farm Road, entirely to E2 Environmental Conservation;
 - b Lot 1000 DP 854372 (No 15) Old Farm Road to E2 Environmental Conservation.
- 4 Council resolve to prepare a new draft Planning Proposal for the Metropolitan Colliery precinct, to rezone the following properties (or part) to E2 Environmental Conservation:
- a Lot 703 DP 752033;
 - b Reserve 79561 (excluding the access road) (to the south);
 - c Lot 1 DP 815356, including the land zoned RE1 Public Recreation);
 - d Lot 2 DP 815356;
 - e Part of Lot 2 DP 229817;
 - f Part of Lot 617 DP 752033;
 - g Lot 7064 Crown ID 96787 (including the land zoned RE1 Public Recreation);
 - h Lot 7313 Crown ID 1157068;
 - i The eastern part of Lot 7314 Crown ID 1160101;
 - j Lot 7312 Crown ID 115706.

In addition, the balance of Lot 7314 Crown ID 1160101 currently zoned RE1 Public Recreation, adjacent to Proud Park, be zoned E3 Environmental Management.

- 5 The draft Planning Proposal for the Old Farm Road precinct and Metropolitan Colliery be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty eight (28) days.

ITEM 9

REVIEW OF 7(D) LANDS - LUKIN STREET, OLD FARM ROAD AND METROPOLITAN COLLIERY 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 and addresses the Lukin Street, Old Farm Road and Metropolitan Colliery precincts.

It is recommended that the draft Planning Proposal for these precincts be progressed to exhibition for further community input.

Recommendation

- 1 Council endorse the existing draft Planning Proposal for the Lukin Street precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a rezoning 48-54 Parkes Street, the three (3) privately owned lots, to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m²; and
 - b rezoning the Crown land (three (3) lots) to E2 Environmental Conservation.
- 2 The existing draft Planning Proposal for Lukin Street precinct be exhibited for community comment for a minimum period of twenty eight (28) days.
- 3 Council resolve to prepare a new draft Planning Proposal for the Old Farm Road precinct, to rezone:
 - a Lot 999 DP 854372 (No.17), Lot C DP 409182 (No. 19-21) and Lot 8 DP 241707 (No. 23) Old Farm Road, entirely to E3 Environmental Management zone, by rezoning the small section of R2 Low Density Residential at the road frontage to E3 Environmental Management; and
 - b Lot 1000 DP 854372 (No. 15) Old Farm Road to E4 Environmental Living, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m².
- 4 Council resolve to prepare a new draft Planning Proposal for the Metropolitan Colliery precinct, to rezone the following properties (or part) to E2 Environmental Conservation:
 - a Lot 703 DP 752033;
 - b Reserve 79561 (excluding the access road) (to the south);
 - c Lot 1 DP 815356, including the land zoned RE1 Public Recreation);
 - d Lot 2 DP 815356;
 - e Part of Lot 2 DP 229817;
 - f Part of Lot 617 DP 752033;
 - g Lot 7064 Crown ID 96787 (including the land zoned RE1 Public Recreation);
 - h Lot 7313 Crown ID 1157068;
 - i The eastern part of Lot 7314 Crown ID 1160101; and
 - j Lot 7312 Crown ID 115706.

In addition, the small part of Lot 7714 Crown ID 1160101 currently zoned RE1 Public Recreation, adjacent to Proud Park, be zoned E2 Environmental Management.

- 5 The draft Planning Proposal for the Old Farm Road precinct and Metropolitan Colliery be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum period of twenty eight (28) days.

Attachments

There are no attachments for this report.

Report Authorisations

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

Background

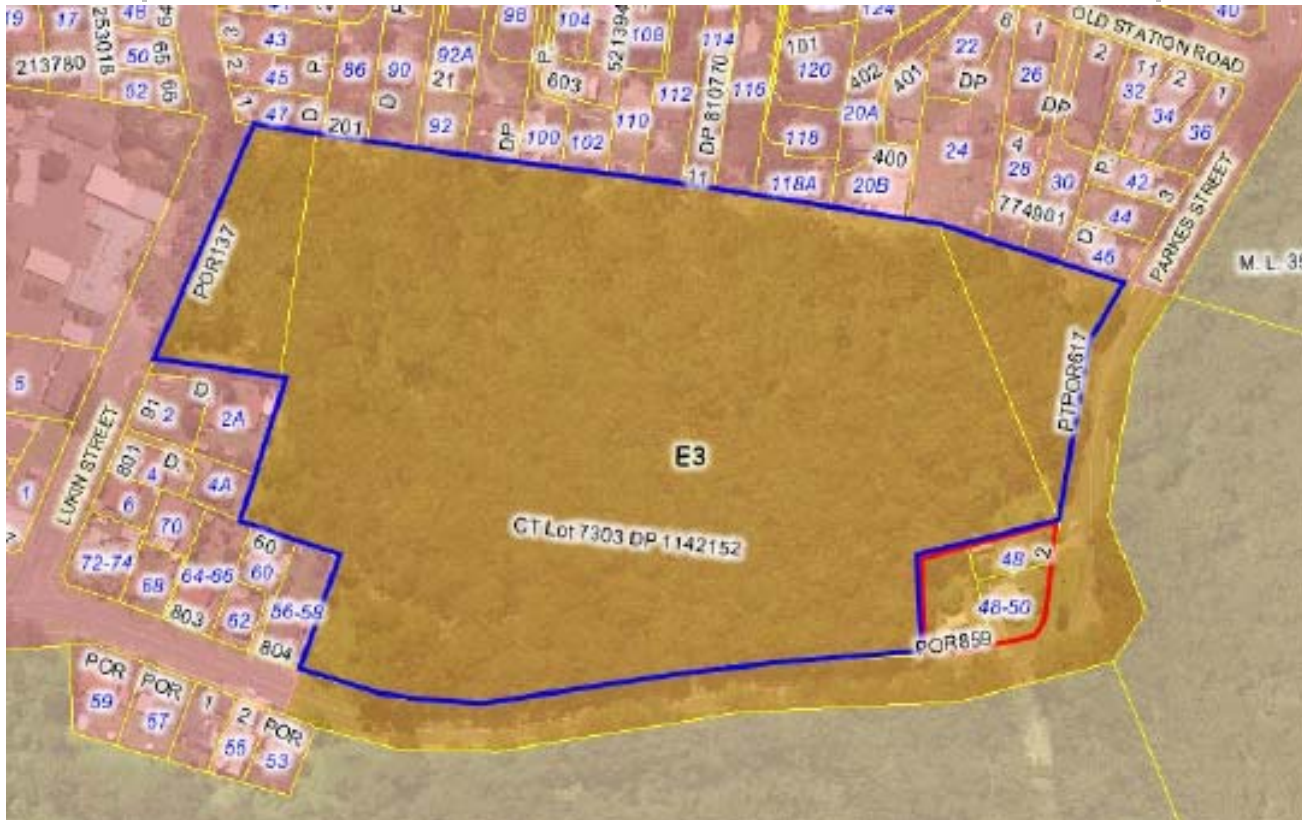
The separate report Review of 7(d) Lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

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 Lukin Street, Old Farm Road and Metropolitan Colliery precincts.

Proposal

Lukin Street

The precinct consists of six (6) lots. Three (3) lots are Crown Land managed by the Land and Property Management Authority (outlined in blue), have 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 1,030m² in area, and each lot contains a dwelling house.



The Preliminary and Final reports on submissions proposed that the three (3) privately owned small lots that contain a dwelling house be zoned E4 Environmental Living. This zone will reflect the environmental setting, and limit residential development to one (1) house per lot.

The previous reports proposed that the remaining three (3) lots (6.74 hectares) owned by the Crown be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,223 submissions commented on the precinct, with 1,222 submissions supporting the E2 Environmental Conservation zone.

The Land and Property Management Authority objected to the Crown Land being zoned E2 Environmental Conservation. The Authority noted that:

- the E2 Environmental Conservation zone was incongruous with surrounding residential zoning;
- there were no heritage items;
- stormwater would flow into street drainage system;
- the R1 General Residential zoning would be more appropriate, and would allow for future residential expansion within town boundary;
- existing services available to support development; and
- development would decrease the area of Bushfire Prone land.

The precinct is adjacent to Parkes Street and surrounded by existing residential development on three (3) sides. The site can be connected to the sewerage system along Parkes Street. A review of the zoning history for the site indicates that the precinct has been zoned Rural/Non Urban, and was zoned Open Space under the Illawarra Planning Scheme Ordinance. The Helensburgh Commission of Inquiry found that the precinct was not capable of urban development.

Residential development would provide additional housing opportunities (possibly up to sixty (60) lots), but would also result in the loss of bushland and habitat, increased traffic, and water quality impacts. The bushland on the site does provide a bushfire risk to adjacent properties. It is the Authority's responsibility as land owner to manage the bush fire risk. Development of the land would remove the bushfire risk, through the clearing of the vegetation, however the loss of vegetation could have a greater impact on the local environment.

It is recommended that Council proceed with the rezoning of the Crown Land to E2 Environmental Conservation. If the Crown wishes to pursue a rezoning of the site, it should prepare and submit the necessary environmental and infrastructure reports to justify an amendment.

Old Farm Road

This precinct originally consisted of three (3) lots, but has been expanded to include a fourth lot.

The precinct originally consisted of Lot 999 DP 854372 (No. 17), Lot C DP 409182 (Nos. 19-21) and Lot 8 DP 241707 (No. 23) Old Farm Road which were zoned 7(d) (now E3) and each lot contains a dwelling house. Part of the driveway of each lot, adjacent to the road reserve, is zoned R2 Low Density Residential.

Lot 1000 DP 854372 (No. 15) Old Farm Road was not originally included in this precinct, but also is zoned part R2 Low Density Residential (551m² approximately) and part E3 Environmental Management (426m² approximately). The dwelling house on this lot is partially located in both zones.

Lot 703 DP 752033 (to the south) is Crown Land covered in bushland and is discussed in the Metropolitan Mine precinct.



The Preliminary and Final Review of Submissions reports proposed 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.

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

As a consequence of the second exhibition, 1,224 submissions commented on the precinct. Three (3) submissions supported the retention of the E3 Environmental Management zone and 1,221 opposed the retention of the E3 Environmental Management zone, suggesting that the land should be rezoned E2 Environmental Conservation.

The E3 Environmental Management zone remains appropriate for these lots with a residential use, with one (1) dwelling house permitted on each lot. It is proposed that the split zone be removed by rezoning the front of the lots from R2 Low Density Residential to E3 Environmental Management.

The split zone should also be removed from Lot 1000 DP 854372 (No. 15) Old Farm Road. Options that have been considered are zoning the property entirely either E3 Environmental Management, R2 Low Density Residential (by extending either of the two (2) existing zones), or zoning the property E4 Environmental Living. The rezoning of the property to entirely R2 Low Density Residential would increase the development potential and could lead to a future development application to subdivide the lot for two (2) dwellings. The E3 Environmental Management and E4 Environmental Living zones

would limit the development potential to one (1) dwelling house. The E4 Environmental Living zone is preferred as it would recognise the existing residential use, the bushland setting and limit further development.

It is recommended that Lot 999 DP 854372 (No. 17), Lot C DP 409182 (Nos. 19-21) and Lot 8 DP 241707 (No. 23) Old Farm Road be zoned entirely E3 Environmental Management zone by rezoning the front part of the lots from R2 Low Density Residential to E3 Environmental Management.

It is recommended that Lot 1000 DP 854372 (No. 15) Old Farm Road be rezoned to E4 Environmental Living.

These two (2) amendments were not part of the original draft Planning Proposal and would require a new resolution to prepare a draft Planning Proposal to commence the rezoning process. The new draft Planning Proposal would need to be referred to the NSW Department of Planning and Infrastructure for review and Gateway determination prior to exhibition.

Metropolitan Colliery

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.

Part of the land occupied by the Colliery is Crown Land (outlined in blue), which the Colliery occupies through mining leases.

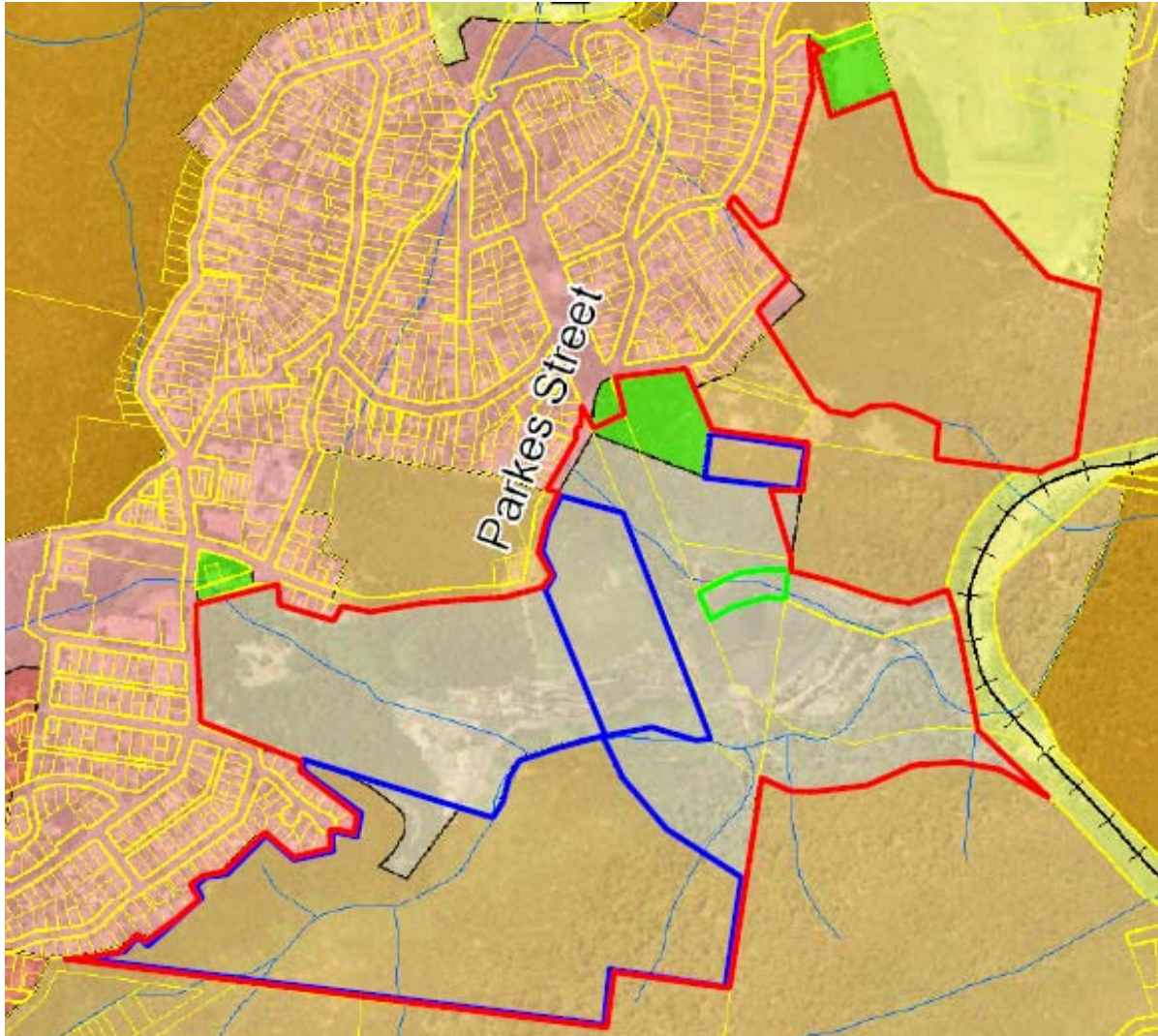
The Colliery was zoned 7(d) Environmental Protection Hacking River under Wollongong Local Environmental Plan 1990, but was rezoned to RU1 Primary Production by Wollongong Local Environmental Plan 2009. The RU1 Primary Production is consistent with other mines in the City, as this zone permits mining and extractive industries. Within Wollongong the RU1 Primary Production zone has only been used for mine sites.

Part of the Colliery holdings is also zoned RE1 Public Recreation (in the north) and part of Parkes Street is within the colliery land and is zoned R2 Low Density Residential.

In 2010, the Minister for Planning granted consent under Part 3A of the Act for an expansion of underground mining activities under the Woronora Catchment area.

Crown Land to the north and south of the colliery area (outlined in blue) contains significant bushland, which is proposed to be zoned E2 Environmental Conservation, including Lot 703 DP 752033. One (1) lot within the precinct is owned by the State Rail Authority (outlined in green).

The precinct has been expanded to also include land between Old Farm Road and the Helensburgh Waste Depot, known as Lot 7314 Crown ID 1160101 and Mining Lease 29. This lot is also Crown Land over which the Colliery has a lease. The majority of this lot is zoned E3 Environmental Management (formerly 7(d)), part of the lot adjacent to Old Farm Road is zoned R2 Low Density Residential and part of the lot, adjacent to Proud Park, is zoned RE1 Public Recreation. There is a bushfire Asset Protection Zone behind properties fronting Hall Road, which is utilised by the properties for secondary access.



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 2007 and SEPP State and Regional Development 2011, as State Significant Development.

The surrounding bushland is part of the larger bushland corridor and should be zoned E2 Environmental Conservation. As a consequence of the second exhibition, 1,222

submissions commented on the precinct. All submissions supported the proposed E2 Environmental Conservation zone to apply to the bushland surrounding the colliery.

The Land and Property Management Authority supported the Crown Land outside the Colliery being zoned E2 Environmental Conservation.

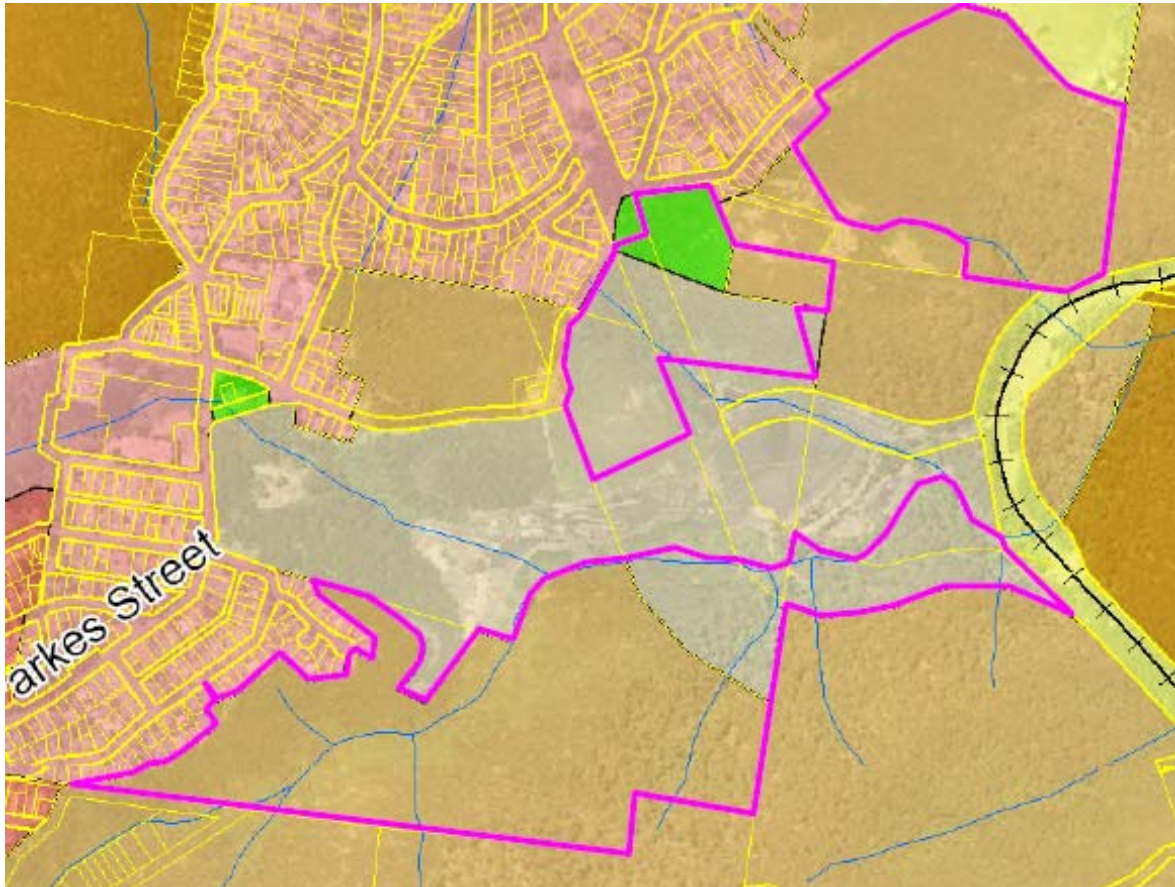
A review of the boundary between the RU1 Primary Production and the proposed E2 Environmental Conservation zone has been undertaken. It is proposed that the bushland within the Colliery holding be rezoned to E2 Environmental Conservation.

Part of the adjoining Lot 1 DP 616229 (Lady Carrington Estate) is incorrectly zoned RU1 Primary Production. A separate report recommends that this land be zoned E2 Environmental Conservation, similar to the surrounding land.

It is recommended that a planning proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by rezoning the bushland that surrounds the Metropolitan Colliery to E2 Environmental Conservation (outlined in pink) in the diagram below, including:

- Lot 703 DP 752033 (to the north);
- Reserve 79561 (excluding the access road) (to the south);
- Lot 1 DP 815356, (including the land zoned RE1 Public Recreation);
- Lot 2 DP 815356;
- Part of Lot 2 DP 229817;
- Part of Lot 617 DP 752033;
- Lot 7064 Crown ID 96787 (including the part zoned RE1 Public Recreation);
- Lot 7313 Crown ID 1157068;
- Part of Lot 7314 Crown ID 1160101, and
- Lot 7312 Crown ID 115706.

It is recommended that the small part of Lot 7314 Crown ID 1160101 zoned RE1 Public Recreation, adjacent to Proud Park be zoned E3 Environmental Management to reflect its private ownership.



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 Lukin Street precinct to E2 Environmental Conservation and E4 Environmental Living be progressed to exhibition. It is recommended that a new draft Planning Proposal be prepared to rezone land within the Old Farm Road and Metropolitan Colliery precincts. This second draft Planning Proposal will require referral to the NSW Department of Planning and Infrastructure for Gateway approval, prior to exhibition.