

## **COUNCIL RESOLUTION EXTRACT FROM MINUTES 28 NOVEMBER 2011**

### **DEPARTURE OF COUNCILLORS**

During consideration and voting on Item 10, Councillor Merrin departed and returned to the meeting, the times being from 9.01 pm to 9.07 pm.

### **DISCLOSURE OF INTEREST**

Councillor Petty earlier in the meeting declared a non-significant non-pecuniary interest in respect to Item 10 and participated in discussion and voting.

### **ITEM 10 - Review of 7(d) Lands - Camp Gully Creek Precinct, Including Undola Road and Walker Lane Sub-Precincts**

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

- 1 Council endorse the existing draft Planning Proposal for the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
  - a Rezoning 5, 7, 9 and 11 Undola Road to the E4 Environmental Living zone, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m<sup>2</sup>;
  - b Rezoning 3 Undola Road to E2 Environmental Conservation;
  - c Rezoning Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and
  - d Rezoning Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.
- 2 Council endorse the existing draft Planning Proposal for the

Walker Lane sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:

- a Rezoning the western part of Lots 28-31 Section B DP 2644 Walker Lane, to R2 Low Density Residential, and the remainder to E2 Environmental Conservation.
- 3 The owner of Lots 28-31 Section B DP 2644, Walker Lane be requested to submit a Geotechnical report and Contamination Land Assessment report to demonstrate that the lots are capable of residential development, during the exhibition period prior to Council making a final decision on the zoning of the sub-precinct.
- 4 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 5 Council resolve to prepare a new draft Planning Proposal for the Camp Gully Creek precinct, to rezone the Ensile Pty Ltd holdings to E2 Environmental Conservation.
- 6 The draft Planning Proposal for the Camp Gully Creek precinct 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.

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An **AMENDMENT** was **MOVED** by Councillor Petty seconded Councillor Curran that –

- 1 Council amend the existing draft Planning Proposal for the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
  - a Rezone 5, 7, 9 and 11 Undola Road to the E3 Environmental Management zone;
  - b Rezone 3 Undola Road to E2 Environmental Conservation;
  - c Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation;
  - d Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.
- 2 Council amend the existing draft Planning Proposal for the Walker Lane sub-precinct by rezoning Lots 28-31 Sec B DP 2644 Walker Lane to E2 Environmental Conservation.
- 3 Council amend the existing draft planning proposal for the Camp

Gully Creek precinct to rezone the Ensile Pty Ltd holdings to E2 Environmental Conservation.

- 4 The draft Planning Proposal for the Camp Gully Creek precinct including the Undola Road sub precinct and Walker Lane sub precinct 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.

The AMENDMENT on being PUT to the VOTE was CARRIED.

**In favour** Councillors Kershaw, Connor, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Curran and Petty

**Against** Councillors Brown, Martin and Bradbery

The AMENDMENT then BECAME the MOTION.

The MOTION was PUT and CARRIED.

**In favour** Councillors Kershaw, Connor, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Curran, Petty and Bradbery

**Against** Councillors Brown and Martin

**ITEM 10****REVIEW OF 7(D) LANDS - CAMP GULLY CREEK PRECINCT,  
INCLUDING UNDOLA ROAD AND WALKER LANE SUB-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 Camp Gully Creek precinct, including the Undola Road and Walker Lane sub-precincts.

The recommendations of the previous Council have been reviewed and it is recommended that the existing draft Planning Proposal for the Undola Road and Walker Lane sub-precincts be progressed to exhibition for further community input. It is recommended that a new draft Planning Proposal be prepared to rezone the remainder of the Camp Gully Precinct to E2 Environmental Conservation.

## Recommendation

1. Council endorse the existing draft Planning Proposal for the Undola Road sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
  - a. Rezone 5, 7, 9 and 11 Undola Road to the E4 Environmental Living zone, with a floor space ratio of 0.5:1, maximum building height of 9m and minimum lot size of 1,000m<sup>2</sup>;
  - b. Rezone 3 Undola Road to E2 Environmental Conservation;
  - c. Rezone Lot 1 Section E DP 2205 (Council owned) to E2 Environmental Conservation; and
  - d. Rezone Whitty Road reserve and Undola Road reserve to be consistent with the adjoining zone.
2. Council endorse the existing draft Planning Proposal for the Walker Lane sub-precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
  - a. Rezone the western part of Lots 28-31 Section B DP 2644 Walker Lane, to R2 Low Density Residential, and the remainder to E2 Environmental Conservation.
3. The owner of Lots 28-31 Section B DP 2644, Walker Lane be requested to submit a Geotechnical report and Contamination Land Assessment report to demonstrate that the lots are capable of residential development, during the exhibition period prior to Council making a final decision on the zoning of the sub-precinct.
4. The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
5. Council resolve to prepare a new draft Planning Proposal for the Camp Gully Creek precinct, to rezone the Ensile Pty Ltd holdings to E2 Environmental Conservation.
6. The draft Planning Proposal for the Camp Gully Creek precinct 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 Camp Gully Creek precinct, including the Undola Road and Walker Lane sub-precincts.

## Proposal

### **Camp Gully Creek Precinct**

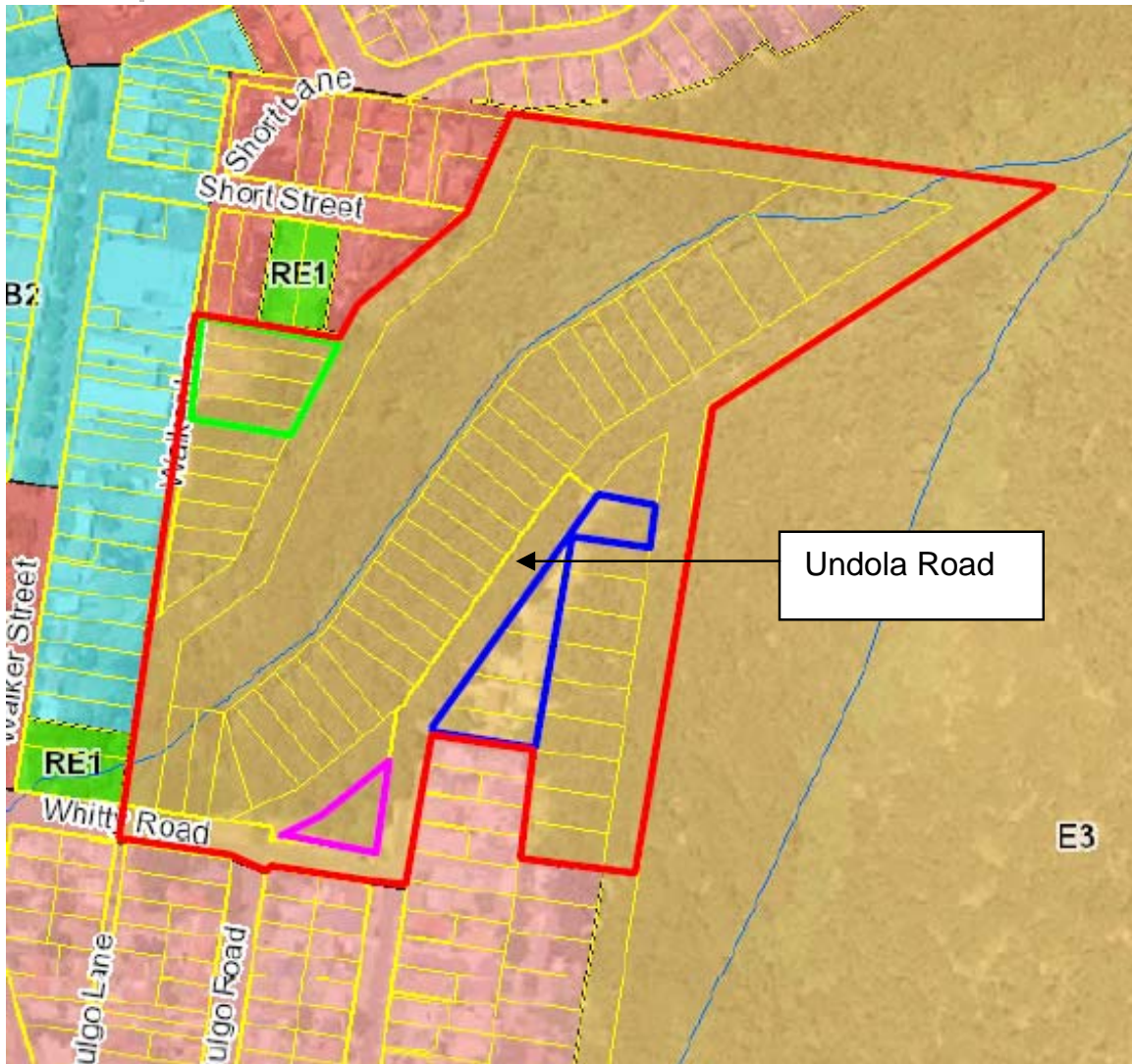
The Camp Gully Precinct consists of fifty (50) small lots, of which forty five (45) are owned by Ensile Pty Ltd and form the majority of the precinct. Consultants on behalf of Ensile Pty Ltd have lodged a draft Planning Agreement which includes the Ensile Pty Ltd holding in this precinct. The draft Planning Agreement is discussed in a separate report.

Numbers 3, 5, 7, 9 and 11 Undola Road (outlined in blue) are owned by other parties and form the Undola Road sub-precinct.

Lots 28-31 Section B DP 2644 Walker Lane (outlined in green) are owned by the Helensburgh Workers, Sport and Social Club Limited and form the Walker Lane sub-precinct.

One (1) lot on the corner of Undola Road and Whitty Road is owned by Council (outlined in pink).

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



The precinct is steep and covered in bushland. The lots on the northern side of Undola Road, which adjoin Camp Gully Creek, are 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.

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.



Camp Gully Creek drains a large portion of the existing Helensburgh Urban Area. Apart from the Landcom pond, there are no water quality treatment devices in the catchment. Council should investigate options to improve the water quality leaving the urban area and going into the bushland. Water quality treatment devices could be installed in the existing urban area, Council land on the corner of Walker Street / Whitty Road or in Ensile Pty Ltd holdings (subject to easement, or purchase).

The draft 7(d) Review and Preliminary Report on Submissions proposed that the precinct be zoned E2 Environmental Conservation. As a consequence of the second exhibition, 2,785 submissions commented on the precinct. All submissions supported the rezoning to E2 Environmental Conservation.

The submission on behalf of Ensile Pty Ltd proposed that these lots be transferred to the public estate.

The submission from Department of Environment, Climate Change and Water (DECCW) indicated that only part of this precinct had values that would make it potentially suitable for incorporation into the Garrawarra State Conservation Area, noting that the Authority has not agreed to the transfer or acquisition of the precinct.

This precinct did not form part of the draft Planning Proposal submitted to the NSW Department of Planning and Infrastructure because it was part of the draft Planning Agreement.

Regardless of whether or not the draft Planning Agreement is progressed, it is appropriate to proceed with the rezoning of this precinct.

It is recommended that a new draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 by rezoning the Camp Gully Creek precinct (excluding the two (2) sub-precincts) to E2 Environmental Conservation.

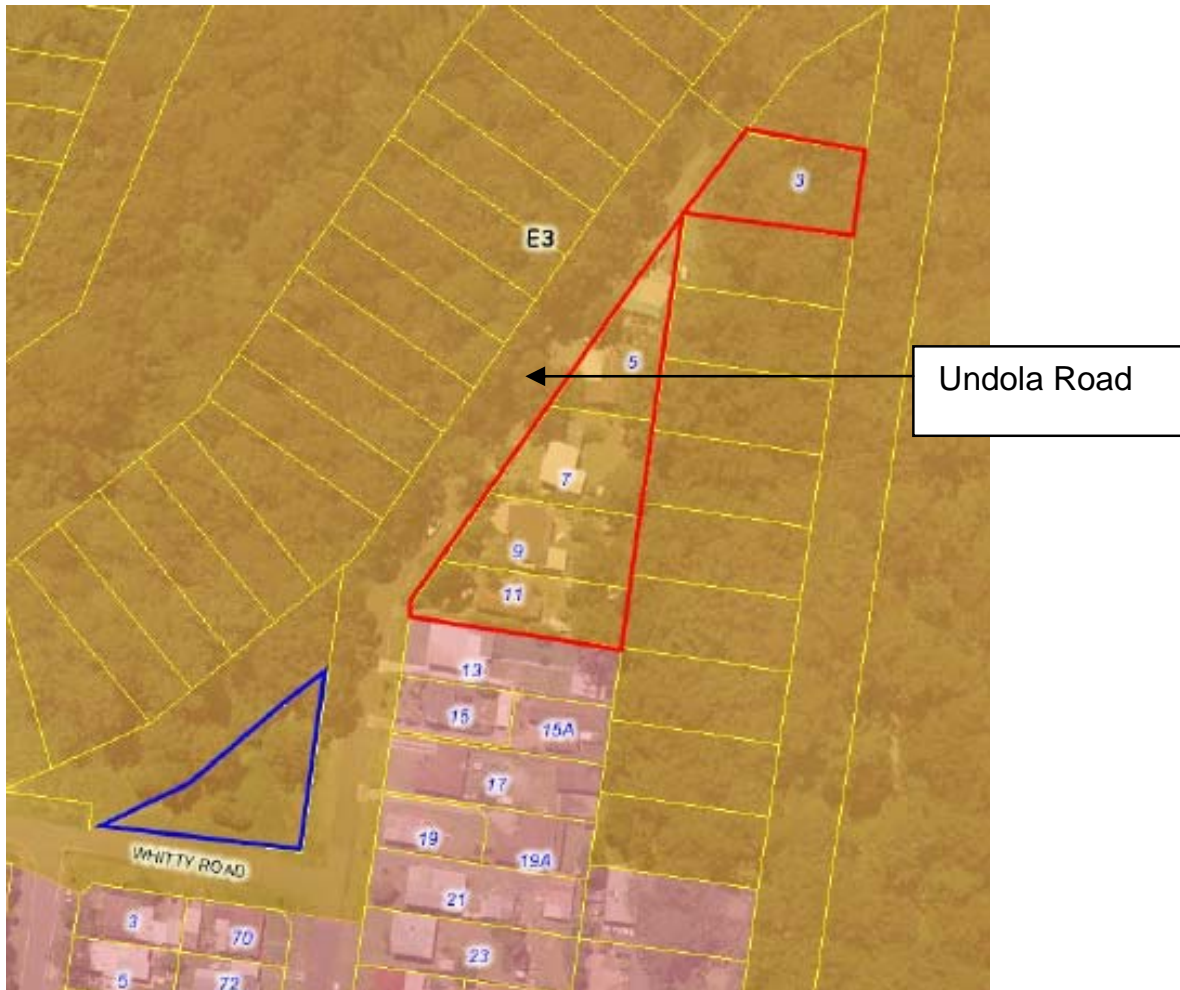
### **Undola Road sub-precinct**

This sub-precinct was part of the larger Camp Gully precinct, but was separated based on the ownership pattern. There are five (5) lots in this precinct. Numbers 5, 7, 9 and 11 Undola Road are privately owned and each lot contains a dwelling house. Number 3 Undola Road is also privately owned and does not contain a dwelling house.

Lot 1 Section E DP 2205 (outlined in blue) on the northern side of Whitty Road is owned by Council.



## Undola Road sub-precinct location



Numbers 5, 7, 9 and 11 Undola Road each contain an existing dwelling house and are used for residential purposes. The lots have the same character and constraints as the adjoining Nos. 13, 15 and 17 Undola Road which are zoned R2 Low Density Residential. The Preliminary Review proposed that these four (4) lots be zoned R2 Low Density Residential to reflect their ongoing use.

The Preliminary Review did not support the expansion of the residential zone to No. 3 Undola Road, and along with the other small lots, proposed that this lot be zoned E2 Environmental Conservation to conserve the bushland.

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 (1) 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”.

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

- Zoning 5, 7, 9 and 11 Undola Road which contain a dwelling house R2 Low Density Residential to reflect their ongoing residential use; and
- Zoning 3 Undola Road E2 Environmental Conservation.

As a consequence of the second exhibition, 2,785 submissions opposed the rezoning of the land to R2 Low Density Residential, suggesting that E2 Environmental Conservation was more appropriate. Two (2) submissions supported the rezoning. It is noted that a residential zone would permit dual occupancy development.

No additional dwellings are proposed in this precinct. The Final Report on Submissions proposed that rather than the R2 Low Density Residential zone, the E4 Environmental Living zone may be more appropriate to maintain status quo and also highlight the natural values of the area. This zone will reflect the environmental setting, and limit residential development to one (1) house per lot. Council at its meeting on 5 July 2011 endorsed the E4 Environmental Living zone.

No. 3 Undola Road was sold by Council to the owner in 1965. The owner acknowledges that the lot did not have a dwelling entitlement at the time, although Council indicated that a dwelling may be possible once the road was extended. It is considered that the E2 Environmental Conservation zone is appropriate for the site and Council should consider the purchase of the site.

### **Walker lane sub-precinct**

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 red) are owned by the Helensburgh Workers, Sport and Social Club Limited and have an area of 4,214m<sup>2</sup>. The remaining six (6) lots and the paper road along the eastern boundary are owned by Ensile Pty Ltd and were discussed previously.

## Walker Lane Precinct location



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

Part of the lots, have been filled and are used for informal parking. The type of fill material and its stability is unknown. The eastern part of the lots are steep, have been made steeper by filling, and are covered in bushland and weeds.

The lots can be serviced by reticulated water and sewerage systems. The sewer line goes along Walker Lane, and water can be accessed from Walker Street or Short Street.

The draft 7(d) Review (2009) did not specifically consider that lots and proposed that the entire Camp Gully Creek precinct be zoned E2 Environmental Conservation.

The Helensburgh Workers, Sport and Social Club Administrators 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
- Retain the E3 Environmental Management zone.

The Preliminary Review of Submissions report proposed that the lots could be zoned IN2 Light Industrial.

As a consequence of the second exhibition, 2,769 submissions objected to the proposed IN2 Light Industrial zone and suggested that the precinct should be zoned E2 Environmental Conservation. One (1) submission supported the proposed IN2 Light Industrial zone.

The Final Report on Submissions reviewed the appropriateness of the light industrial zone, behind the town centre and access along the narrow Walker Lane has been reviewed. As an alternate to the IN2 Light Industrial zone, the following zones were considered:

- B4 Mixed Use – which would permit either retail or residential development, or a mixed use development;
- R2 Low Density Residential;
- R3 Medium Density Residential;
- E3 Environmental Management; or
- E2 Environmental Conservation.

Residential development adjacent to the town centre would assist in supporting the centre. Only the front portion of the lots would be suitable for development, subject to geotechnical assessment of the past filling. The rear portion is steep and not suitable for development. A residential development similar to what has occurred on 6 and 8 Short Street is a potential outcome for the land. It is recommended that the front portion of the four (4) lots be zoned R2 Low Density Residential (outlined in blue) and the rear portion be zoned E2 Environmental Conservation.

It is recommended that a new draft Planning Proposal be prepared to rezone the remainder of the Camp Gully precinct to E2 Environmental Conservation.