

ITEM 12 REVIEW OF 7(D) LANDS - LLOYD PLACE PRECINCT

Council at its meeting on 28 November 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 exhibited. This report is one of a series of reports addressing the submissions received during the exhibition and addresses the Lloyd Place precinct.

A review of the land capability of the precinct has found that there is not land suitable for the erection of a dwelling house, let alone a cluster of houses, without substantial clearing and environmental impact.

It is recommended that the majority this precinct be zoned E2 Environmental Conservation and progressed to finalisation. It is recommended that an E3 Environmental Management zone be retained around the existing dwelling house and buffer area on Lot 500 DP 788539 Otford Road. It is further recommended that Council consider the provision of an exit strategy for the land owners as part of the draft Annual Plan/Budget process for 2014-15.

Recommendation

- 1 The part of the Planning Proposal for the Lloyd Place precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the precinct (excluding part of Lot 500 DP788539) to the E2 Environmental Conservation zone, be progressed to finalisation;
- 2 The part of the Planning Proposal for part of Lot 500 DP 788539 Otford Road, not proceed and the E3 Environmental Management zone be retained around the existing dwelling house and buffer area. The rezoning of the remainder of the property be E2 Environmental Conservation zone, be progressed to finalisation;
- 3 A new draft Planning Proposal be prepared to identify the 21 lots within the Lloyd Place precinct which do not contain a dwelling house for acquisition, by identifying the lots on the Land Reservation Acquisition Map as being required for Local Open Space purposes (Attachment 2). The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authorisation for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012. If approved, the draft Planning Proposal be placed on public exhibition for a minimum period of 28 days; and
- 4 As part of the draft Annual Plan/Budget process for 2014-15, consideration be given to a land purchase scheme for the 21 lots in Lloyd Place precinct, including the consideration of a rates refund.

Attachments

- 1 SJB Lloyd Place Cluster Housing Review Report.
- 2 Proposed Land Acquisition Reservation Map.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Environment and Planning – Future, City and Neighbourhoods

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 Lloyd Place precinct.

The Lots in Lloyd Place/Otford Road subdivision were created in two 1970 subdivisions which complied with the 2 hectare "county dwelling" standard. The lots were sold with a dwelling entitlement and at least one owner has 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.

The owner of Lot 22 DP 241582 (created as part of the Otford Rd subdivision) purchased part of the adjoining property within Otford village (now zoned E4 Environmental Living), to create Lot 251 DP 80600 (in 1990), and constructed a dwelling on the E4 Environmental Living part of the lot.

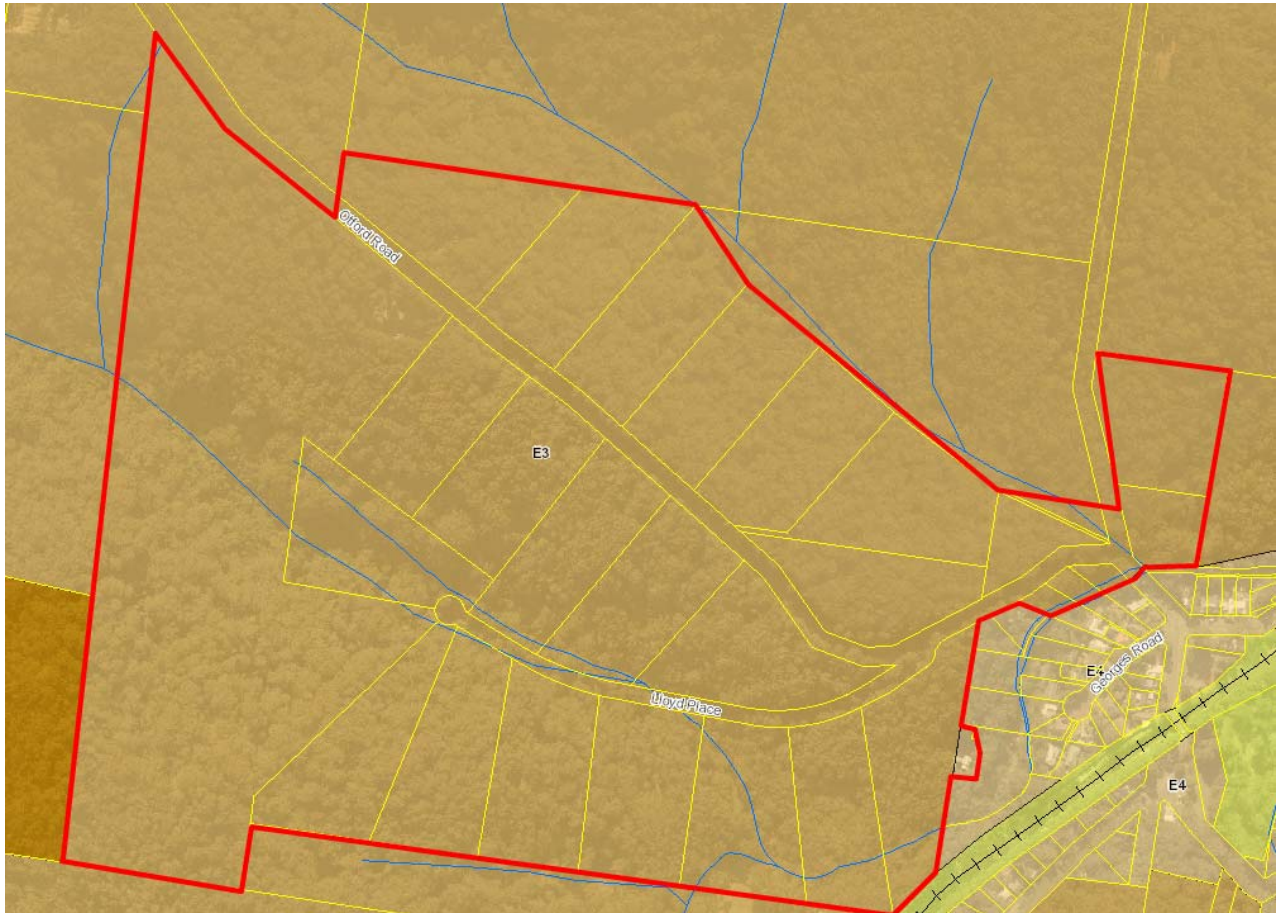
The precinct also includes the rear parts of Lot 32 DP 791215 (No.12) George St, Lot 2 DP 22284 (No. 6) George St, Lot 12 DP 816709 (No. 108) Otford Road and Lot 1 DP 33693 (No.111) Otford Road which are part zoned E3 Environmental Management and part E4 Environmental Living, a dwelling house is located in the E4 part of each property.

Lot 23 DP 241582 which was part of the Otford Road subdivision has been excluded as it is owned by Ensile Pty Ltd and is addressed in the Central Bushland precinct.

The precinct was expanded to include Lot 500 DP 788539 Otford Road (western edge of the precinct), which is a 19.86 hectare property and contains a dwelling house. Part of this property was included in the original subdivision, as a 2 hectare lot. In 1987 Council approved the consolidation of three parcels to create a lot large enough to

satisfy the minimum dwelling standard, and approved a dwelling house. A dwelling house was approved in 1997.

Lloyd Place precinct location map 1

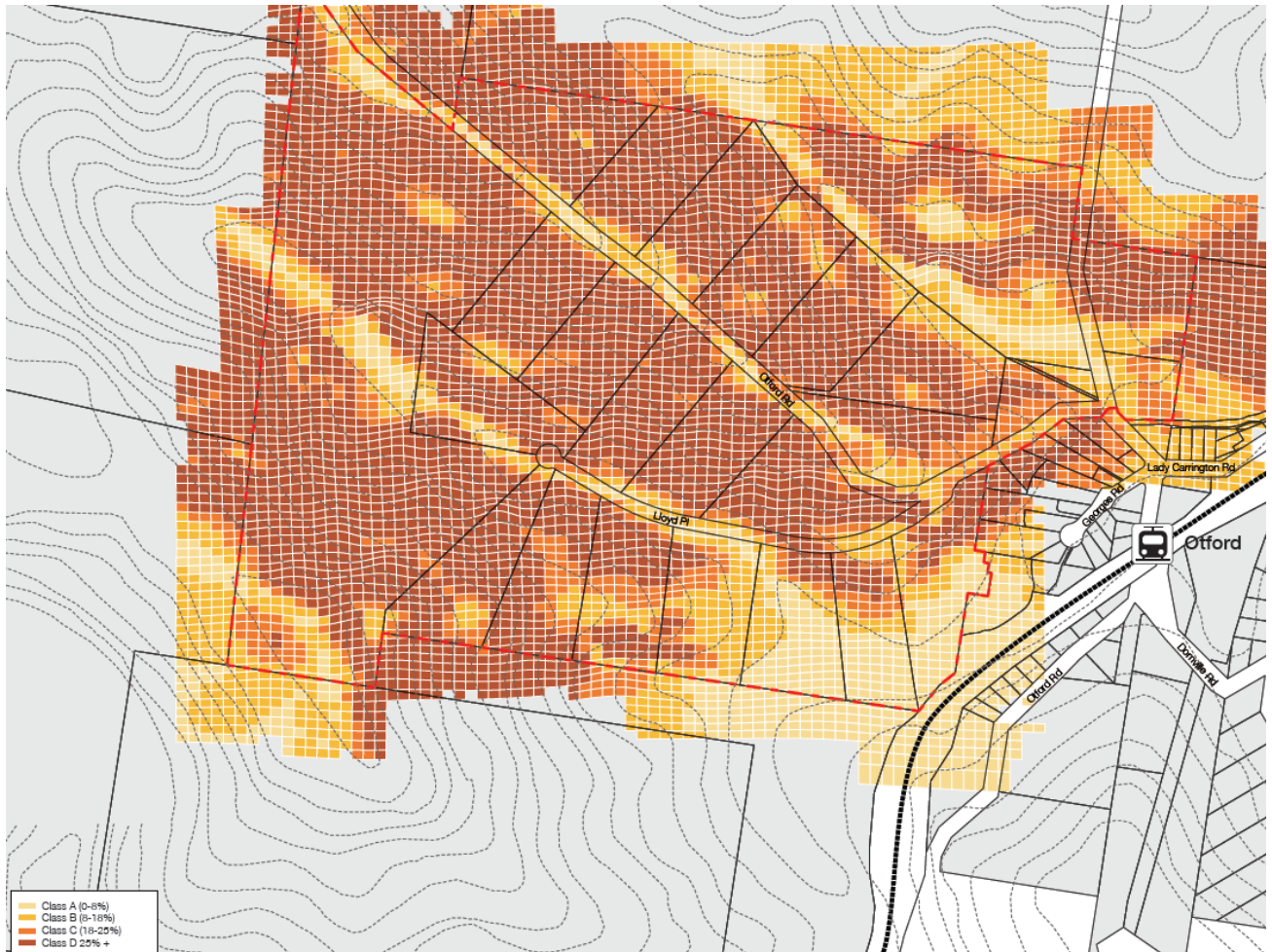


The lots contain steep bushland and the construction of dwellings would require extensive clearing or the dwelling to be built at the bottom of the valleys and a new access road constructed. The area also forms part of the important north-south habitat linkage.

As development has not been allowed to occur on the Otford Road / Lloyd Place lots, the bushland has been conserved and it has remained an important part of the Moist Forest Corridor and linkage between the Royal National Park, Illawarra Escarpment and the Drinking Water Catchment Area.

The majority of the precinct has slopes of 18-25%, with some areas having slopes of >25% and other areas with slopes of 8-18%. Land with slopes greater than 18% is constrained and generally not recommended for urban development.

Lloyd Place precinct slope analysis (source SJB report) map 2



Council at its meeting on 28 November 2011 considered a report which recommended that the Lloyd Place Precinct be zoned E2 Environmental Conservation. Council resolved that:

- 1 *A new draft Planning Proposal be prepared to rezone the enlarged Lloyd Place precinct from E3 Environmental Management to E2 Environmental Conservation.*
- 2 *The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for review, and if approved be exhibited for a minimum period of twenty eight (28) days.*
- 3 *Council Officers prepare a further report exploring Options (a), (e) and (f) of this report following consultation with the landowners.*

The draft Planning Proposal was exhibited from 6 August to 26 October 2012. This report addresses the issues raised in the submissions for this precinct.

Proposal

As a consequence of the exhibition the following registered submissions were received commenting on the draft Planning Proposal for the precinct:

Landowner submissions:

Property	Submission	Comment
Lot 18 DP 241582 Otford Road (part owner)	<p>Oppose E2 Environmental Conservation.</p> <p>Parents purchased 2 ha lot when dwelling was permissible, then saved to build a house, only to be told they couldn't. Request land be zoned E3 Environmental Management or E4 Environmental Living.</p> <p>Options:</p> <ol style="list-style-type: none"> 1. Building at top of block. 2. Building at bottom of block. 3. Exit strategy 1 – Council purchase land based on residential value and cover costs of taxes, rates, capital gains, GST. <p>Exit strategy 2 – land exchange – would want 2-3, 450m² blocks (not 1).</p> <ol style="list-style-type: none"> 4. Rezone to E2 Environmental Conservation and do nothing. Lead to on-going battle. <p>Submits arguments against environmental group claims. Submits RNP bushfire history maps, water quality and bushfire reports.</p>	Objection noted
Lot 18 DP 241582 Otford Road (part owner)	<p>Oppose the proposed E2 Environmental Conservation for this precinct. Request E4 Environmental Living or E3 Environmental Management and ability to build a dwelling.</p>	Objection noted

Property	Submission	Comment
	<p>If E2 Environmental Conservation, then support the rezoning of the Land Pooling/Lady Carrington Estate South precincts to enable a land exchange exit strategy. Submits arguments about various claims on biodiversity, Illawarra Regional Strategy, lack of due diligence, false claims, form letter factories.</p>	
<p>Lots 1,2,3,6,&8 DP 242135 Lloyd Place (part owner)</p>	<p>Lloyds have owned land for over 40 years. Oppose E2 Environmental Conservation, support E3 Environmental Management in cleared areas. A dwelling should be permitted on each lot. Family has enjoyed and cared for the land. If E2 Environmental Conservation than Council should compensate owners for reduced use of land.</p>	<p>Objection noted</p>
<p>Lots 1,2,3,6,&8 DP 242135 Lloyd Place (part owner)</p>	<p>Oppose rezoning family land from E3 Environmental Management to E2 Environmental Conservation. Owned for 40 years. Through family farming and tourist operations have been able to manage care and maintain land & rivers. E2 Environmental Conservation is inconsistent with the New Planning system Green paper. A dwelling should be permitted on each lot. If E2 Environmental Conservation than Council should compensate owners for reduced use of land.</p> <p>Support E3 Environmental Management.</p>	<p>Objection noted</p>
<p>Lots 1,2,3,6,&8 DP 242135 Lloyd Place</p>	<p>Consultant report – copy of 2010 submission proposing Lots 1-3 be zoned E3 Environmental Management or E4 Environmental Living and a dwelling permitted. While lots 6 & 8 can be zoned E2 Environmental Conservation with an exit strategy. Lots 1-3 could</p>	<p>Objection noted</p>

Property	Submission	Comment
	be used for eco-tourism. At minimum lot 2 provides access to the riding school and Otford Farm. Copy of 2010 Biophysical constraints and opportunities study attached.	
Lot 13 Otford Road (part owner)	Family bought land in 1970 when a country dwelling was permitted. Paid rates for 40 years. Land should either be rezoned to permit a dwelling, or swapped for another site, or purchased by Council/State. The purchase price should be assessed at the current market value for residential land.	Objection noted
Lot 13 Otford Road (part owner)	Been waiting to build a home for years. There is a housing shortage in NSW. Support a change to allow a dwelling house.	Objection noted
Lot 13 Otford Road (part owner)	Land purchased by parents when residential. Then changed to rural and 7d. At some point Helensburgh will expand. Rezone the land so we can build.	Objection noted
Lot 500 DP 788539 (70 Otford Road)	Oppose the blanket zoning of the property to E2 Environmental Conservation. Would reluctantly support a split E2 Environmental Conservation/E3 Environmental Management zone. Property contains a dwelling and cleared APZ (2ha).	Objection noted. Lot 500 Otford Road contains a dwelling house. It is recommended that the part of the lot containing the dwelling house be zoned E3 Environmental Management.

Other submissions:

Submitter	Submission
Resident Helensburgh	Lloyd Place precinct – agree.
Resident Helensburgh	Lloyd Place – support.
Email Suburb unknown	Lloyd Place - should be zoned E2 Environmental Conservation.

Form letter/email submissions:

Group / property	Submission
Otford Protection Society	One form letter submitted by 253 persons supporting the proposed rezoning of the precinct. (refer Attachment 5 of Background report)
OtfordEco	<ul style="list-style-type: none"> One form letter submitted by 43 persons supporting the proposed rezoning of the precinct. One form letter submitted by 136, persons making a conservation based submission on all precincts Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively. One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)
Helensburgh Business Owner Group	<ul style="list-style-type: none"> One form letter submitted by 190 persons supporting Councils knowledge and ability to correctly deal with the rezoning without being swayed by lobbyist groups, but should rely on the experience and the recommendations of qualified experts such as the Willana Report and Council staff. One form letter submitted by 185 persons supporting the comments in all 56 letters. (refer Attachment 5 of Background report)
Helensburgh Land Pooling Group	One form letter submitted by 837 persons opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation, and supporting a rezoning to E4 Environmental Living. (refer Attachment 5 of Background report)

Review of issues

As previously noted, twenty of the lots in this precinct were created in 1970-71 based on the 2 hectare (5 acre) Country dwelling standard of the day. In April 1971, the standard increased to 20 hectares (50 acres), by which time the lots had been sold to persons planning to build dwelling houses. The Council at the time did not seek an exemption for the precinct, to the increase in the standard. It appears that at least 6 lots are still owned by the original owners or their descendants, while the others have been on-sold.

As noted, owners of 2 of the lots acquired adjoining land to increase their holding to make a dwelling house permissible.

However, the change of standard has conserved the bushland of the precinct and it is an important part of the Moist Forest Corridor and linkage between the Royal National Park – Illawarra Escarpment – Drinking Water Catchment Area.

The land capability of the precinct has been review by consultants SJB, as part of the consideration of an exit strategy (discussed later in this report). SJB noted that the precinct had limited opportunity for development, based on steep slopes, riparian and bushfire constraints.

An E2 Environmental Conservation zone remains appropriate.

As noted the precinct was expanded to include Lot 500 DP 788539 Otford Road (western edge of the precinct), which is a 19.86 hectare property and contains a dwelling house. An earlier version of the draft Planning Proposal proposed that the E3 Environmental Management zone be retained on the land containing the dwelling house, and a buffer area, and the balance of the property be zoned E2 Environmental Conservation. The rezoning of the lot from E3 Environmental Management to E2 Environmental Conservation will change the land uses permitted on the property, notably dwelling houses will no longer be permitted and alterations/rebuilding would rely on existing use rights. In this instance, the rezoning of the part of the property containing the dwelling house to E2 Environmental Conservation is considered to be inconsistent with the zone objectives and it is proposed that an E3 Environmental Management zone be retained for that part of the property.

Exit strategy

If Council resolves to proceed with the E2 Environmental Conservation zone, dwelling houses will not be permitted. The NSW Environmental Planning and Assessment Act 1979, does not provide for compensation if planning controls are made more restrictive, nor require the payment of a betterment tax if planning controls up-zone land. Consequently, there is no statutory obligation for Council to compensate owners as a result of the 1971 decision or a more recent decision. However, it could be argued that Council has a moral obligation to compensate owners, as on the one hand it approved the subdivision of the land, and on another changed the development standard, and removed the dwelling entitlement. While some lots have been sold, some landowners have been waiting since 1971 to build a house or for compensation.

There is a level of community sympathy for the owners in this precinct, as the lots were purchased when dwelling houses were permissible and the entitlement was removed. This is unlike other precincts, where land was purchased in the hope that the planning controls would be amended to permit dwelling houses.

Council at its meeting on 28 November 2011 resolved (in part) that:

- 3 *Council Officers prepare a further report exploring Options (a), (e) and (f) of this report following consultation with the landowners.*

The three nominated options were:

- a Retain the current E3 Environmental Management zone and current planning controls (no change). The retention of a minimum lot size of 40 hectares per dwelling would not permit the erection of any new dwelling houses.
- e 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 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.
- f Rezone the precinct to E2 Environmental Conservation, and not permit a dwelling house on the land and transfer the lots into public ownership. To estimate possible acquisition costs, in 2010 Council engaged a Valuer to review the land values within the Lloyd Place precinct. The Valuer estimated the land to be worth \$30,000 per lot based on its unimproved standard and dwelling houses not being allowed. If dwellings were allowed the value would increase substantially and be in the order of \$225,000 - \$320,000 depending on location, size, ability to service, and constraints.

In terms of option (e), consultants SJB were engaged to undertake an independent review of the land capability of the precinct to determine if there is land suitable for a cluster housing/land pooling option.

SJB undertook a land capability review, concentrating on slope and riparian corridor constraints and found that the majority of the precinct was not capable of residential development. However, there were two small areas that were capable, one on lot 3 DP 242135 (0.4ha) and the other on Lot 251 DP 80600 (0.67ha – noting the lot already contains a dwelling in the E4 Environmental Living part of the property). However, once bushfire constraints and the need to clear land for Asset Protection Zones (APZs), these sites were also not suitable. SJB concluded that finding a site in the precinct capable of supporting 20 dwellings was not achievable (Attachment 1). Accordingly, it is considered that option (e) is not possible. Option (e) would also require the support of the majority of owners, which may be difficult to achieve.

In terms of option (f), as noted, a number of the owners indicated that they would be prepared for the land to be acquired, based on a value that recognised the permissibility of a dwelling house, and they also wanted their rates repaid. A more recent valuation has not been obtained. A smaller vacant lot (approximately 800m²) within the Land Pooling precinct is currently on the market for \$46,700. If the lots permitted a dwelling house, the value could be in the order of \$250,000 – \$300,000.

As the lots are not capable of a dwelling house, the full value should not be paid. Council could offer a non-residential value plus an additional amount to provide an exit strategy and encourage owners to sell. For example the Foundation for National Parks

and Wildlife is currently offering to buy land in Heritage Estates for \$5,000 per lot. The Heritage Estate is a 180 hectare paper subdivision of approximately 1,200 lots located in the Shoalhaven Council area. The Foundation's website indicates that recent sales and valuations put the price of a standard lot at around \$1,000 and they have received offers to purchase over 500 of the lots.

A review of rates paid for one lot in the precinct indicates that between 1973 and 1993 some \$6754 was paid, which equates to \$22,563 in today's dollars. In 1993, the Local Government Act 1993 was introduced and the rate category change. Between 1993 and 2012 a further \$2,500 in rates was paid on that property. Consequently a rates refund may be in the order of \$25,000-\$28,000 per property, but would require a detailed analysis of each property.

As a guide, the acquisition of the twenty one vacant lots could cost:

Acquisition value per lot	Rate refund per lot	Total cost
\$30,000 (2010 estimate)	\$25,000 (lower est.)	\$1.155 million
\$30,000 (2010 estimate)	\$28,000 (higher est.)	\$1.218 million
\$50,000 (includes low token value)	\$28,000	\$1.638 million
\$100,000 (includes higher token value)	\$28,000	\$2.688 million
\$250,000 (low dwelling entitlement value)	\$28,000	\$5.838 million
\$300,000 (high dwelling entitlement value)	\$28,000	\$6.888 million

Council would need to budget for the acquisitions as part of the preparation of future Annual Plans/Budgets. Council would need to determine whether acquisitions should be funded from general rates revenue, or through the introduction of a special rate, or try to secure a grant from State/Federal Government or through Section 94A Contributions or a combination of approaches. If a special rate was introduced, consideration would need to be given as to what area it should be applied and for how many years. The cost per rateable property would be lower over a larger number of properties and over a longer timeframe. It is unlikely that many ratepayers would want a rate increase to fund the acquisition, and those living further away less likely. Additionally, if ratepayers were asked whether they would support a rate increase and for what purpose, it is unlikely that land acquisition in Helensburgh/Otford would be their highest priority, when compared to competing issues such as the need for infrastructure renewal and improvements.

It is noted that the rezoning proposal, submitted on behalf of Ensile Pty Ltd proposed to offer the landholders lots within the Lady Carrington Estate South precinct if Council resolved to support the rezoning of that precinct to permit residential development (option (d) in the Council report of 28 November 2011). As Council did not support the rezoning of the Lady Carrington Estate South precinct this option could not proceed. Consultants for Ensile Pty Ltd have recently re-submitted the rezoning proposal and it contains the same offer for the Lloyd Place/Otford Road landowners.

Options

Zoning:

1. Proceed with the rezoning of the precinct to E2 Environmental Conservation as exhibited in the draft Planning Proposal.
2. Proceed with the rezoning of the precinct to E2 Environmental Conservation, except for part of Lot 500 DP 788539 Otford Road where the land around the dwelling house is to retain an E3 Environmental Management zone.
3. Not proceed with the rezoning to E2 Environmental Conservation and retain the current E3 Environmental Management zone.
4. Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Exit strategy:

- 1 Not provide an exit strategy.
- 2 Identify the 21 lots without a dwelling house for acquisition, by resolving to prepare a new Planning Proposal that identifies the lots on the Land Reservation Acquisition Map for acquisition for Local Open Space purposes (Attachment 2). This will require further community consultation, and if progressed would enable the owners to request Council to acquire their land when their circumstances warrant.

Recommendation: *It is recommended that the rezoning of Lloyd Place precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, except for part of Lot 500 DP788539 Otford Road which will retain an E3 Environmental Management zone around the existing dwelling house.*

It is recommended that the 21 lots without a dwelling house be identified by resolving to prepare a new Planning Proposal that identifies the lots on the Land Reservation Acquisition Map for acquisition for Local Open Space purposes (Attachment 2), and seek Gateway approval prior to exhibition.

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 rezoning of Lloyd Place precinct to the E2 Environmental Conservation zone be progressed as part of the final Planning Proposal, except for part of Lot 500 DP 788539 Otford Road. It is recommended that a new draft Planning Proposal be prepared to rezone land within the Lloyd Place precinct. This new draft Planning Proposal will require referral to the NSW Department of Planning and Infrastructure for Gateway approval, prior to exhibition.

SJB Planning



Lloyd Place, Otford

Cluster Housing
Review

25 June 2013

Table of Contents



1.0	Introduction	4
2.0	The Study Area	6
3.0	Methodology	10
4.0	Environmental Considerations	12
4.1	Soil landscapes	12
4.2	Flora and Fauna Considerations	12
4.3	Water Quality Impacts	12
4.4	Bushfire hazard	13
5.0	Servicing	14
6.0	Traffic Generation	15
7.0	Potential Development Locations	16
7.1	Consideration of Potential Development Areas	16
8.0	Conclusions	18

List of Figures

- Figure 1: Aerial of subject site (Source: <http://maps.six.nsw.gov.au/>)
Figure 2: Cadastral view of the subject site (Source: <http://maps.six.nsw.gov.au/>)
Figure 3: Lloyd Place looking west
Figure 4: Lloyd Place looking west
Figure 5: Lloyd Place looking east from road termination
Figure 6: View from Lloyd Place looking south

List of Attachments

- Attachment 1: Site Slope Analysis Mapping
Attachment 2: Riparian Corridor Mapping
Attachment 3: Developable Land Analysis Mapping

1.0 Introduction

SJB Planning has been engaged by Wollongong City Council (WCC) to review the land capability of land known as the Lloyd Place precinct at Otford (the study area).

The purpose of this review is to assess the land capability of the Lloyd Place Precinct considering issues including:

- Slope;
- Flora and fauna habitats, Endangered Ecological Communities (EEC) and corridors;
- Bushfire risk;
- Drainage; and
- Soil capability – erosion hazard.

Upon reviewing the land capability, the brief requires the identification of a possible location/s for a cluster of 20 dwellings within the precinct, with possible transfer of the balance of the land not suitable for residential development to public ownership for conservation purposes.

Should potential development locations be identified, the consequences of development are to be considered, including:

- Extent of clearing required for new dwellings and bushfire mitigation measure;
- Desktop assessment of possible water quality impacts;
- Visual impact assessment;
- Impacts upon flora and fauna habitats and corridors; and
- Traffic generation.

The review is also to consider the ability to connect any development to water, sewerage, power and telecommunication services and utilities.

The review has been undertaken with the benefit of a site inspection carried out on the 26 May 2013 and information provided by Council. This has included:

- A review of reports to Council on the 7(d) Lands at Helensburgh, Otford and Stanwell Tops; and
- Review of the Willana Associates Draft review of the 7(d) Lands at Helensburgh, Otford and Stanwell Tops.

In addition to the reports provided, Council also provided as digital data files the following mapping layers:

- Study area cadastre;
- Study area contour maps;
- Study area riparian lands map;
- Study area bushfire prone lands map;
- Study area soil landscape map; and

- Study area Endangered Ecological Community (EEC) map.

This base information has been relied upon to establish the site slope map and riparian corridors maps utilised as a basis to explore and identify areas for potential development.

2.0 The Study Area

The study area abuts Otford village to the east and is bisected by Otford Road from north-west to south-east. Lloyd Place is a spur road running off Otford Road in a westerly direction.

Lloyd Place runs essentially parallel to an easterly flowing watercourse, located between Otford Road and Lloyd Place. Lloyd Place is located on the floor of a small valley known as Herbert Gulley. Herbert Gulley intersects with the Hacking River in the south-eastern corner of the study area.

Lloyd Place is a partly formed bitumen road in the vicinity of the intersection with Otford Road. Lloyd Place becomes a narrow graded road base roadway until its westerly termination at a cleared turn around area. The area subject of the review is shown in Figures 1 and 2 below.



Figure 1: Aerial of subject site (Source: <http://maps.six.nsw.gov.au/>)



Figure 2: Cadastral view of the subject site (Source: <http://maps.six.nsw.gov.au/>)

A further network of watercourses traverses the north-eastern section of the study area, north of Otford Road.

The land is generally vegetated with small pockets of cleared land to the south of the study area. An indication of the character of the study area can be gained from the site photos included at Figures 3 to 6.



Figure 3: Lloyd Place looking west

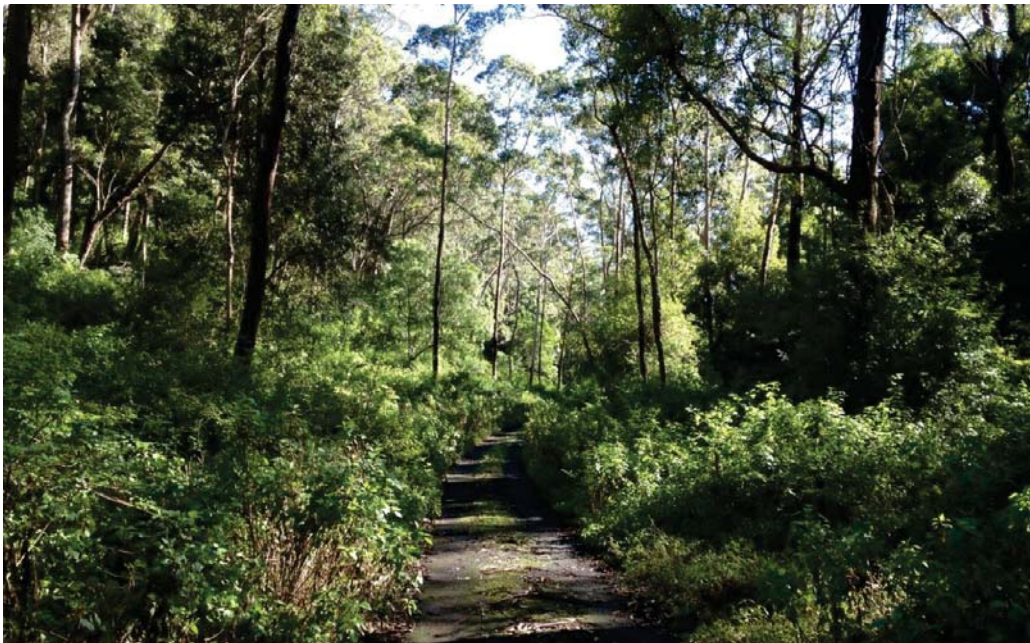


Figure 4: Lloyd Place looking west



Figure 5: Lloyd Place looking east from road termination



Figure 6: View from Lloyd Place looking south

The study area has a long history of investigation and consideration which will not be reviewed in detail. The study area is made up of some 23 lots, many of which were created in 1970 through subdivision to create 2 hectare lots, to facilitate the future construction of “County dwellings”.

Subsequent to the creation of the lots, the county dwelling minimum lot size standard was increased from 2.0 hectares to 20 hectares. This outcome had the effect of prohibiting the construction of dwellings on any lots less than 20 hectares in area.

There is an existing dwelling located on Lot 500 in DP 788539, which is a larger lot located to the west of the 2.0ha lots. Lot 500 in DP788539 has a site area of 19.83 ha and was not part of the subdivision which created the Lloyd Place/Otford Road 2.0ha lots in 1970.

3.0 Methodology

Using the base cadastre and contour maps provide for the study area, four (4) slope Classes have been developed. The Classes are:

- Class A 0-8% slope
- Class B 8-18% slope
- Class C 18-25% slope
- Class D 25+% slope

These slope classes have been identified on the following basis:

Class A

0-8% slope – site slopes with little or no limitations to urban development.

Class B

8-18% slope – site slopes with minor to moderate physical limitations to urban development. These limitations may influence building and subdivision design to ensure that a stable land surface is maintained.

Class C

18-25% slope – site slopes with moderate physical limitations to urban development. These limitations may be overcome by appropriate building and subdivision design and site management techniques.

Class D

25+% slope – site slopes with severe physical limitations to urban development and should be avoided for residential development.

For the purpose of this review to identify land suitable for a cluster of 20 dwellings, land in slope Classes A and B is preferred.

The avoidance of utilising land in Classes C and D is primarily due to a desire to minimise the need for cut, particularly for the provision of vehicle access and parking. The steeper the site, generally the greater the level of site disturbance and required cut and therefore potential impact upon existing vegetation.

While land in slope Class C may in some circumstances be considered for limited urban development, in this circumstance Class C has not been considered as acceptable for further consideration due to the characteristics of the Watagan soil landscape unit identified for this area. The information provided for this review identifies that this soil landscape type is prone to mass movement and severe soil erosion hazard.

Due to these underlying characteristics steeper site slopes were not considered as appropriate for consideration due to the greater need for site disturbance. Class D land is to be avoided for urban development.

The site slope analysis was utilised to identify base developable areas before overlaying further constraints.

The Slope Class Map is provided at Attachment 1 of this report.

With the identification of sections of the study area potentially suitable for consideration for urban development, further environmental overlays have been considered.

Bushfire hazard has not been added as a specific layer in this exercise as the entire study area is identified as bushfire prone land. Bushfire hazard management is instead applied to any developable area that may be identified and the impact of the provision of Asset Protection Zones (APZs) considered.

The primary overlay imposed has been riparian corridors and riparian buffers.

Within the study area, there are several watercourses mapped by Council as Category 1 creeks (refer Part E23 - Riparian Land Management, Wollongong DCP 2009).

A Category 1 watercourse under the DCP requires a core riparian zone of 80m plus a buffer to either CRZ of 10m, resulting in a total corridor width of 100m (50m from either bank of the watercourse).

This approach has been taken to replicate the approach and consideration that would be taken if the study area were being considered for the development of the land for the purpose of initial subdivision.

That is, if the land were a “greenfield” subdivision, riparian corridors would in the majority of instances be quarantined from development. This is particularly so for an area such as the study area where the creeklines are substantially intact.

It is acknowledged that some existing lots and dwellings within Otford village are located within riparian corridors, however these are understood to be a result of historic approvals.

The Riparian Corridor Map is included at Attachment 2 of this report.

4.0 Environmental Considerations

Site slope and riparian corridors are the primary constraints utilised in this review in order to identify potential areas in the study area suitable for urban development. Any proposed development within the study area would be required to have regard to a number of further environmental constraints, which are considered below.

4.1 Soil landscapes

Within Attachment 1 of the report to Council dated 5 July 2011, it is identified that the study area is within the Watagan (wn) soil landscape unit.

The soil landscape discussion identifies that the limitations of this soil landscape unit include mass movement hazard, sever soil erosion hazard and occasional rock outcrops. The Watagan soil landscape type is noted as not generally capable of urban development relative to the risk of mass movement and erodability. The sensitivity of the soil landscape type reinforces the conservative approach adopted to the identification of areas to be considered for potential development and excluding site with slopes greater than 18%.

4.2 Flora and Fauna Considerations

The subject land is not mapped as containing Endangered Ecological Communities (EEC). The area is identified as having ecological value as part of a larger fauna corridor to augment the surrounding areas of National Park.

The sifting exercise has identified relatively small areas of the study area that fit the criteria for consideration set for urban development in this review.

If development were to occur in the identified location and clearing to the level anticipated undertaken, the overall impact upon the current canopy and vegetated areas would be minimal.

This conclusion is made in the absence of any detailed survey of the vegetation that would be cleared. No consideration or investigation has been made to determine if the area contains significant or important habitat such as tree hollows and the like. For the requested desktop assessment, the percentage of bushland to be cleared compared to the current situation is at the low order of potential clearing.

4.3 Water Quality Impacts

The assessment has assumed the provision of maximum buffers to the watercourses in the study area.

It is presumed that were urban development to occur in an area with the site characteristics of the study area, best practice water sensitive urban design and measures to minimise the transportation of pollutants into the watercourses would be required.

Urban development would however be expected to result in some contribution of gross pollutants and particulate matter into the watercourses arising from surface run-off from residential development and alteration of the natural state of the area.

4.4 Bushfire hazard

The entire study area is identified as being Bushfire Prone land. The land identified by the initial sift for further consideration for urban development is on land up to 18% in site slope.

The Bushfire Safety Compliance Report dated May 2009 forming Appendix B to the 7(d) lands review identified the following required APZ widths:

- Flat 20m
- 0-5° (0 – 8.74%) 25m
- 5-10° (8.74-17.6%) 35m
- 10-15° (17.6%-26.8%) 50m
- 15-18° (26.8%-32.5%) 60m

Any APZ would be required to be provided beyond any riparian corridor to maintain the integrity of that corridor. The riparian corridors due to their width remain as a source of bushfire hazard.

The implication of applying these APZ widths will be considered in the discussion on the merits of areas that satisfy the requirements established for further consideration.

Similarly it is assumed that the lands of greater than 18% site slope would be retained in the current vegetated states to maintain them as bushland and to facilitate soil stability. These retained bushland areas would also then be potential bushfire hazard sources to which APZs would have to be applied.

5.0 Servicing

The study brief includes a requirement for consideration of the ability to service the area. A review of previous correspondence between Council and utility authorities indicates that, subject to all costs being borne by the proponent, the land could be serviced.

Correspondence from Sydney Water dated 28 June 2010 in response to the Draft Review of 7(d) lands at Helensburgh, Otford and Stanwell Tops provides a comprehensive summary of the requirements for augmentation of the local sewerage system, pumping stations, water main amplification and trunk water pumping stations.

The environmental impacts or costs of these works have not been considered in this review, and are beyond the scope of the brief. It is however worthy of note that an understanding of the costs of such utility provision may be valuable information for Council, and the landowners in determining the cost benefit of pursuing a residential development of the land.

The range of works required by Sydney Water alone appear to be substantial for the consideration of a development comprising 20 lots.

It is also understood that a similar approach would be taken with power utilities with the proponent being required to fully fund any required augmentation of utility services. This would include matters such as kiosk substations and the like.

6.0 Traffic Generation

If development were feasible to accommodate 20 dwellings, it is expected that traffic safety, rather than network capacity, would be the primary area of concern. The introduction of 20 dwellings is considered unlikely to result in the network capacity being exceeded. It is also noted that the existing pattern of subdivision was approved in anticipation of permitting 20 dwellings with vehicular access from Otford Road and Lloyd Place.

The element that is of concern relates to the ability to have vehicles enter and exit dwellings in a safe manner.

The geometry of the intersection of Otford Road and Lloyd Place in particular is awkward and is exacerbated by the slope across this intersection.

It is in the vicinity of this intersection that the majority of the potentially developable land is located.

It is unclear from this review if this is a matter that is readily able to be resolved. Regardless, along with matters such as servicing, if development were able to be pursued, satisfactory solutions to the provision of safe access onto and off the current road network would be important matters to be satisfied.

7.0 Potential Development Locations

The site slope analysis and riparian corridor overlay has identified two (2) pockets of potentially developable land that satisfy the two (2) criteria set by this review which are to:

- Be located in slope Class A or B; and
- Be located outside riparian corridors.

The resulting mapping is provided at Attachment 3 of this report.

The potential development locations comprise areas of 0.4ha (Location A) and 0.67ha (Location B).

A pocket of Class A and B land was identified in the south western corner of the study area. This land was discounted for further consideration due to its remote location and the difficulty of providing vehicular access to this area through and over land of 25% or greater in slope, and difficulty in servicing such an isolated area of land.

For the purpose of this discussion and review, it is assumed that the baseline for development would be for the establishment of single dwelling houses on lots of 1,000m², similar to the minimum lot sizes applying to the existing Otford village area. This assumption has been adopted to be consistent with the current suite of controls applying to the Otford locality. This assumption therefore anticipates a building form consistent and comparable with that contemplated by the current LEP and DCP controls applying in the area.

It is assumed that for any dwelling provided clearing would be required to accommodate:

- APZ Inner Protection Area;
- APZ Outer Protection Area;
- Driveways and car parking;
- Building platform; and
- Private open space areas.

Given the small areas identified for consideration and the likely outcome that there would not be substantial tree canopy overhanging building roofs in bushfire prone lands, it is expected that any development would result in substantially cleared dwelling lots.

Reference to the existing pattern of vegetation clearance on nearby Georges Road, Otford is instructive in this regard.

It is also assumed that land with site slopes greater than 18% would be maintained in their natural state for environmental and soil stability reasons

7.1 Consideration of Potential Development Areas

Location A is located south of Lloyd Place and west of Herbert Creek. The area sits in the upslope from the junction of Herbert Creek and the Hacking River. The area has a north to south width of approximately 50m.

While Location A has satisfied the initial sift for further consideration for urban development, it is determined that the area is unsuitable for urban development for the following reasons:

- The imposition of APZs of 35-50m would exclude all of the area from being built upon. That is, an APZ from the watercourse to the north and the watercourse to the south would overlap, leaving no area within which a dwelling could be accommodated;
- The provision of vehicular access to Location A would most likely to be required to run parallel to the creek line and therefore within the riparian zone which it is desired to retain;
- Servicing costs to a relatively isolated location away from existing infrastructure in Otford is likely to be increased; and
- Servicing to this location is likely to result in increased site disturbance.

Location B is located close to the intersection of Otford Road and Lloyd Place, and is behind existing dwellings in Otford. Location B has an area of 0.67ha. The location has a depth of approximately 20–40m. Similar to Location A however, Location B is rendered essentially undevelopable once an APZ of 35-50m is imposed.

8.0 Conclusion

The brief required a review of the land capability of the study area with a view to identifying possible locations for a cluster arrangement of 20 dwellings.

Utilising the parameters set for the review there were two (2) pockets of land identified that were worthy of further consideration comprising a total area of 1.07ha. For the reasons detailed above, the imposition of bushfire protection measures results in a very limited likelihood of the two (2) locations being able to accommodate any residential development. That is, the required APZs overlap in both locations leaving no area available to accommodate dwellings.

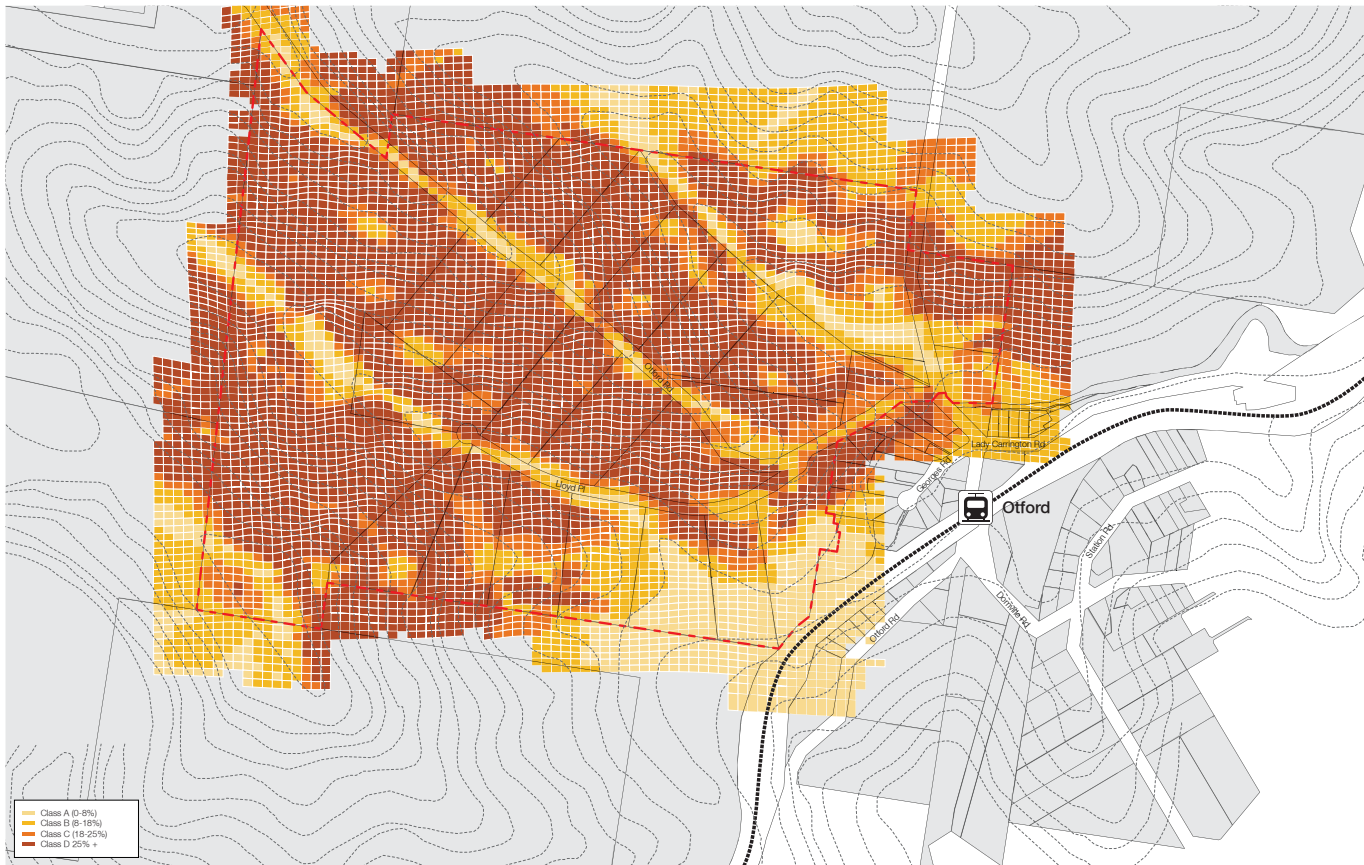
With the application of basic environmental constraint parameters regarding site development capacity the review has identified that it is unlikely that a location or locations can be identified to accommodate a cluster of 20 dwellings.

As the analysis indicates that it is unlikely that 20 dwellings could be accommodated in a cluster arrangement, further consideration of potential impacts such as a visual impact assessment are not necessary to be pursued.

In relation to visual impact, it is noted that if development in Location B were permitted to proceed and clearing for APZs was permitted into land with site slopes greater than 18% (but not within the riparian corridors), a substantial impact upon the character of the entry to Otford would result. Instead of the significant bushland character and the perception of an enclosing canopy overhead, the entry to Otford would be signalled a cleared and built upon area rather than a bushland screen to the existing dwellings that form Otford.

As the review has not identified an area suitable for a cluster of 20 dwellings, an area suitable for transfer to public ownership for conservation purposes has also not been identified. It is, however, reasonable to assume that areas that may be suitable for conservation purposes consistent with the proposed zoning for the land are all the areas that did not meet the criteria set for the consideration of urban development.

Attachment 1: Site Slope Analysis Mapping



Project
Lloyd Place Review
Otford, NSW

Drawing
Topography Analysis Plan
19.06.2013 Rev 1

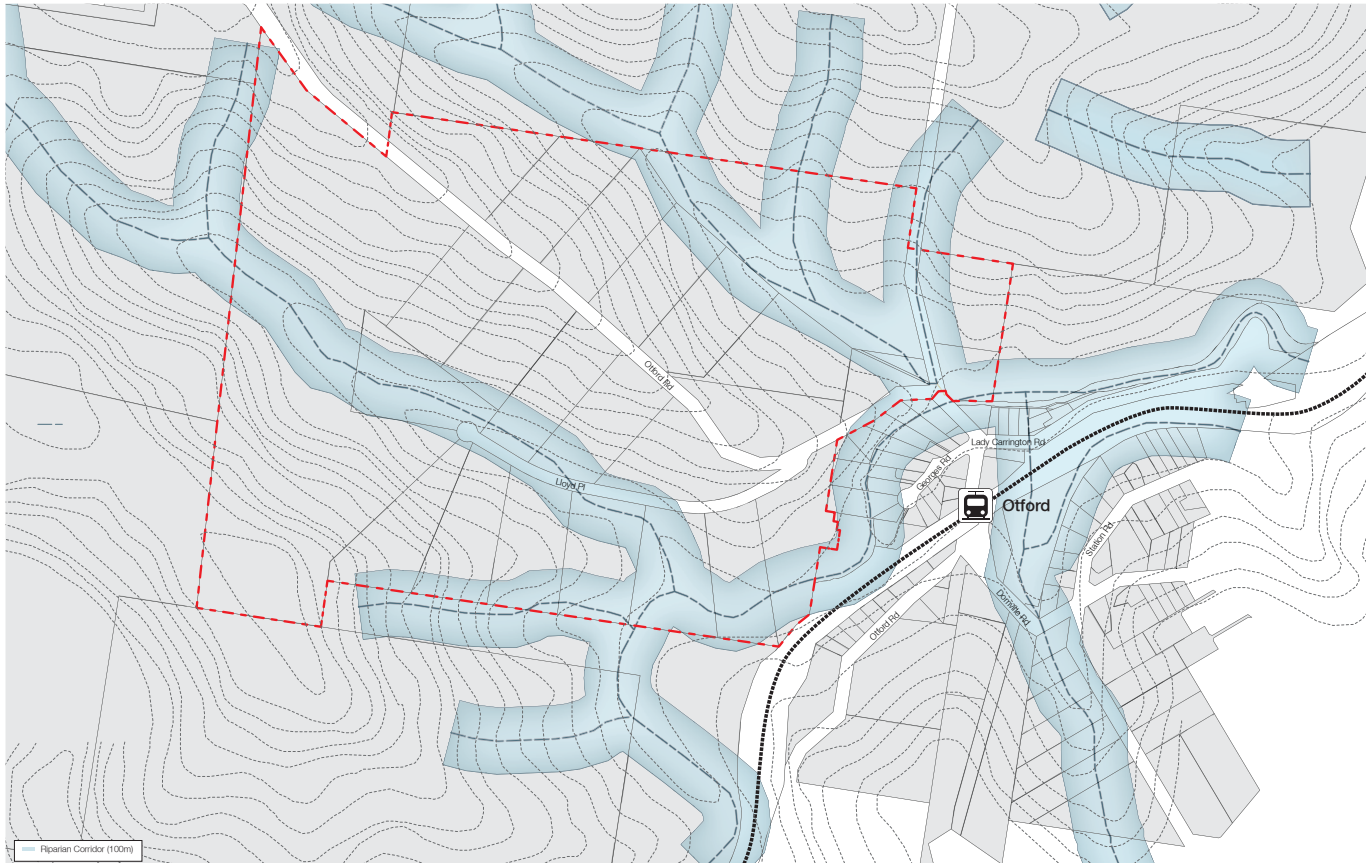
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1:2,500 @ A1



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Attachment 2: Riparian Corridor Mapping



Project
Lloyd Place Review
Otford, NSW

Drawing
Riparian Corridors Analysis Plan
19.06.2013 Rev 1

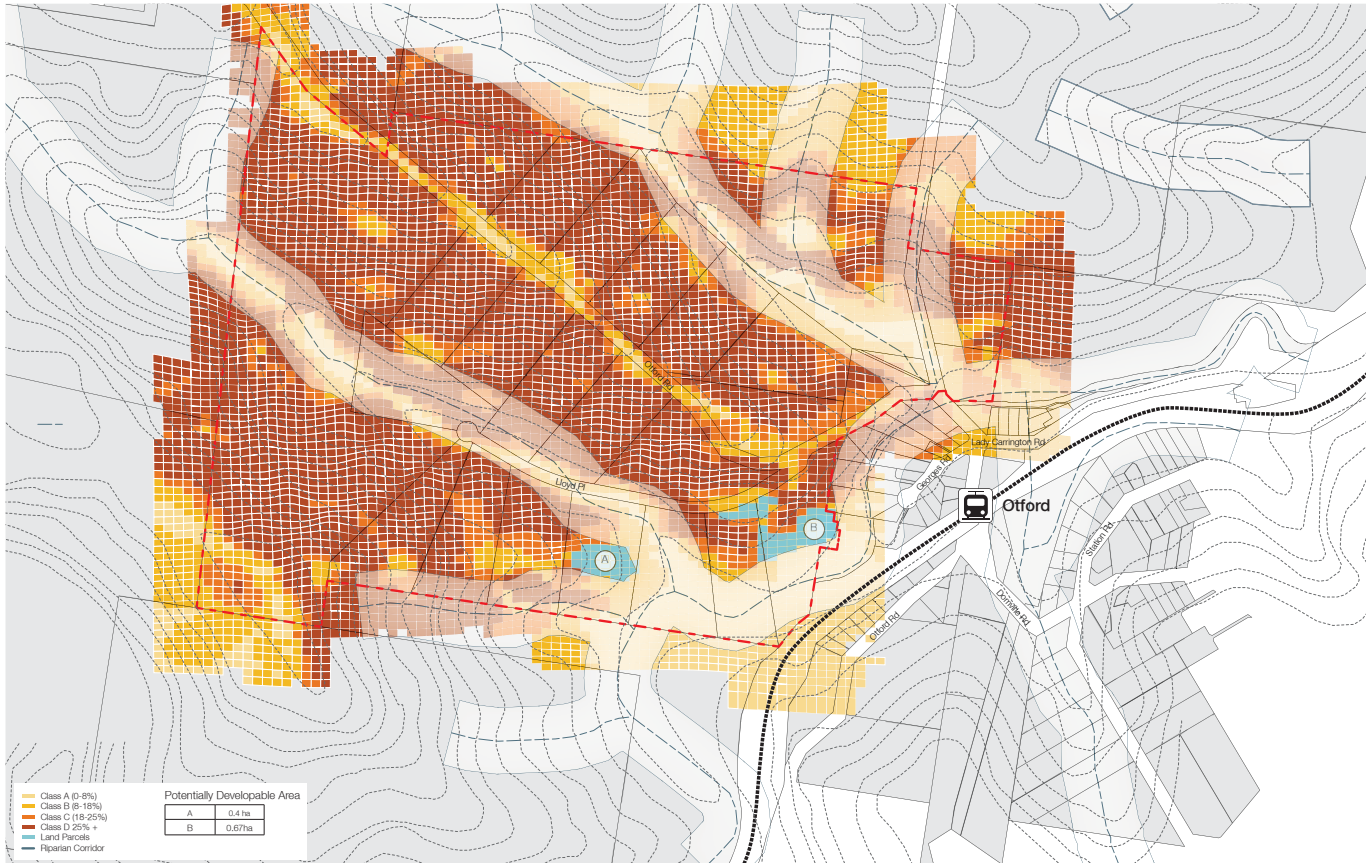
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1:2,500 @ A1



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Attachment 3: Developable Land Analysis Mapping



Project
 Lloyd Place Review
 Otford, NSW

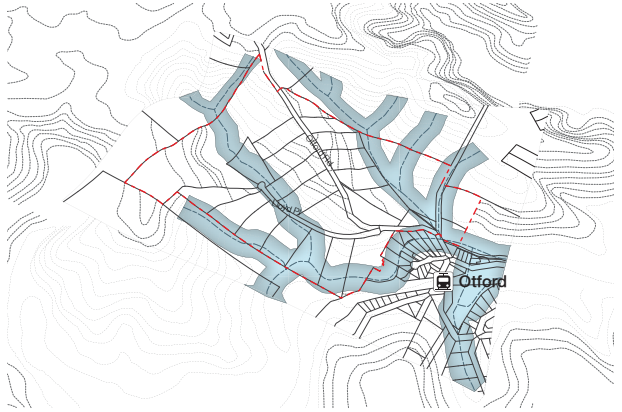
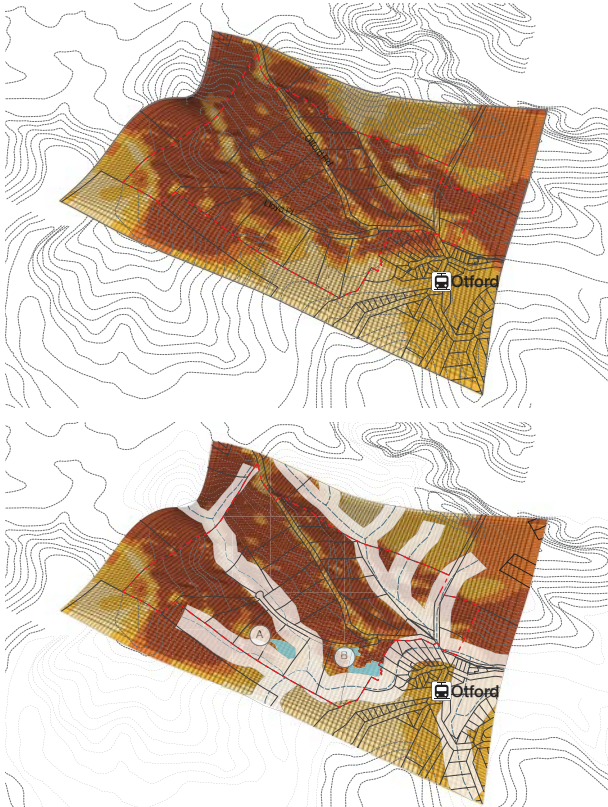
Drawing
 Developable Land Analysis
 19.06.2013 Rev 1

Scale
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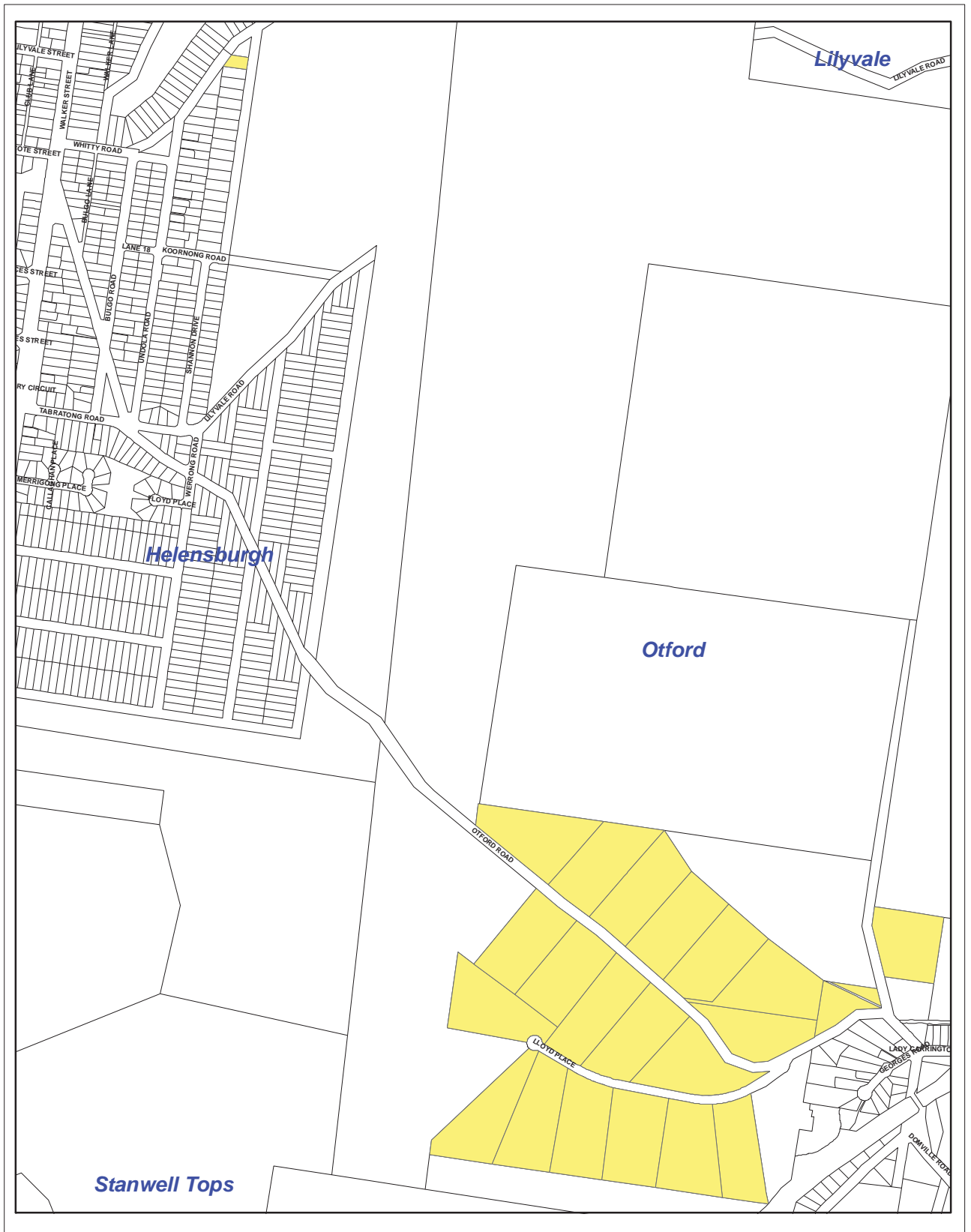


02 Riparian Corridor (100m)

- Class A (0-9%)
- Class B (9-18%)
- Class C (18-25%)
- Class D (25%+)
- Land Parcels
- Riparian Corridor

Potentially Developable Area

A	0.4 ha
B	0.67ha



Helensburgh Proposed Land Acquisition Reservation Map

Legend

 Proposed_Land_Acquisition_Reservation_Map

Drawn By: H Jones
 Date: Printed 19-07-2013



Gis ref: A4P_Helensburgh_Acquisition_19_07_13.mxd

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