

## COUNCIL RESOLUTION EXTRACT FROM MINUTES 28 NOVEMBER 2011

### DISCLOSURE OF INTEREST

Councillor Petty earlier in the meeting declared a non-significant non-pecuniary interest in respect to Item 3 and participated in discussion and voting.

### ITEM 3 - Review of 7(d) Lands - Lady Carrington Estate North, Garrawarra, Isolated Lots in the Royal National Park Precincts

**251**

**MOVED** on the motion of Councillor Brown seconded Councillor Kershaw that -

- 1 Council endorse the existing draft Planning Proposal for Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks.
- 2 Council endorse the existing draft Planning Proposal for the Garrawarra precinct, which seeks to:
  - a Rename to SP2 – Infrastructure Health Service facility and Seniors Housing;
  - b Make a minor adjustment to the SP2 Infrastructure zone boundary, to reflect ownership;
  - c Remove the minimum lot size from the SP2 Infrastructure land; and
  - d Rezone the Crown Land and Sydney Catchment Authority land from E3 Environmental Management to E2 Environmental Conservation.
- 3 Council endorse the existing draft Planning Proposal for the isolated lots in the Royal National Park, which seeks to rezone the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:
  - a Lot A DP 356469;
  - b Lot 1 DP 335557;

- c Lot 1 DP 324239; and
  - d Lot 1 DP 434564 and part Lot 30 DP 752018.
- 4 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 5 A further report be prepared for Council in light of the implications of the Cemetery's significance.

An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Curran that -

- 1 Council endorse the existing draft Planning Proposal for Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks.
- 2 Council amend the existing draft planning proposal for the Garrawarra Precinct to:
  - a Maintain SP2 – Infrastructure Health Service facility and Seniors Housing;
  - b Make a minor adjustment to the SP2 Infrastructure zone boundary, to reflect ownership;
  - c Rezone the Crown Land and Sydney Catchment Authority land from E3 Environmental Management to E2 Environmental Conservation.
- 3 Council endorse the existing draft Planning Proposal for the isolated lots in the Royal National Park, which seeks to rezone the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:
  - a Lot A DP 356469;
  - b Lot 1 DP 335557;
  - c Lot 1 DP 324239; and
  - d Lot 1 DP 434564 and part Lot 30 DP 752018.
- 4 A draft planning proposal be prepared by Council and forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for a minimum of twenty-eight (28) days.
- 5 A further report be prepared for Council in light of the implications of the Cemetery's significance.

The AMENDMENT on being PUT to the VOTE was LOST.

**In favour** Councillors Petty, Curran and Merrin

**Against** Councillors Kershaw, Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Colacino, Crasnich, Bradbery

The MOTION was PUT and CARRIED.

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

**Against** Councillors Petty, Curran and Merrin

**ITEM 3****REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE NORTH, GARRAWARRA, ISOLATED LOTS IN THE ROYAL NATIONAL PARK 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 Lady Carrington Estate North, Garrawarra and Royal National Park 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 Lot 1 DP 616230 (Lady Carrington Estate North) which is now part of Garrawarra State Conservation Area, which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the land to E1 National Parks.
- 2 Council endorse the existing draft Planning Proposal for the Garrawarra precinct, which seeks to:
  - a Rename to SP2 – Infrastructure Health Service facility and Seniors Housing;
  - b Make a minor adjustment to the SP2 Infrastructure zone boundary, to reflect ownership;
  - c Remove the minimum lot size from the SP2 Infrastructure land; and
  - d Rezone the Crown Land and Sydney Catchment Authority land from E3 Environmental Management to E2 Environmental Conservation.
- 3 Council endorse the existing draft Planning Proposal for the isolated lots in the Royal National Park, which seeks to rezone the following lots from E3 Environmental Management to E2 Environmental Conservation and not permit any additional dwelling houses:
  - a Lot A DP 356469;
  - b Lot 1 DP 335557;
  - c Lot 1 DP 324239; and
  - d Lot 1 DP 434564 and part Lot 30 DP 752018.
- 4 The draft Planning Proposal be exhibited for community comment 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

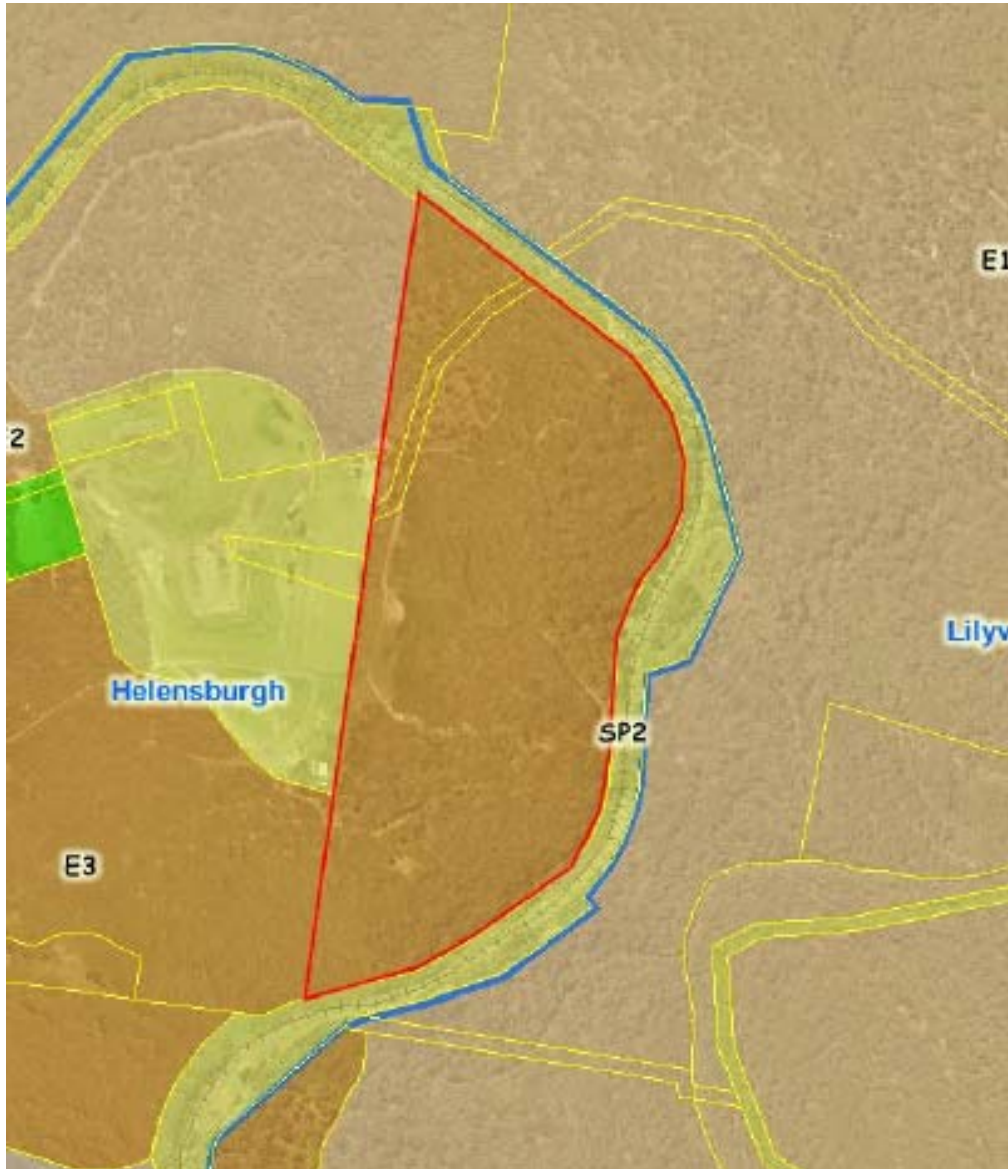
The separate report Review of 7(d) lands – Background Summary Report, provides the history of the 7(d) lands, the background of the review, and the community consultation undertaken to date.

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 Lady Carrington Estate North, Garrawarra Hospital and Royal National Park precincts.

## Proposal

### **Lady Carrington Estate North Precinct**

The Lady Carrington Estate North Precinct consists of one (1) lot, Lot 1 DP 616230 which is located to the east of the Helensburgh Waste Depot and has an area of 32.46 hectares. The lot was referred to in the Helensburgh Commission of Inquiry report as Lady Carrington Estate North. The property has legal access via a road reserve from Lady Wakehurst Drive, through the Royal National Park. An access easement also exists from Nixon Place past the waste depot. The lot contains a number of access tracks to the railway line.



In 2010, this property was purchased by the (then) NSW Department of Environment, Climate Change and Water, and now forms part of the Garrawarra State Conservation Area. The Department, now known as the Office of Environment and Heritage, has advised that the property can be zoned E1 National Parks, to reflect its incorporation into the Garrawarra State Conservation Area.

Prior to the Department's acquisition of the land, the review of 7(d) lands and submissions from the community supported the rezoning of the precinct to E2 Environmental Conservation. The acquisition of the land by the State provides a greater conservation opportunity for the land.

The NSW Department of Planning and Infrastructure did not comment on this precinct when issuing the Gateway determination, allowing the exhibition of the draft Planning Proposal as submitted.

It is recommended that the draft Planning Proposal for rezoning of Lady Carrington Estate North to E1 National Parks be progressed to exhibition.

### **Garrawarra**

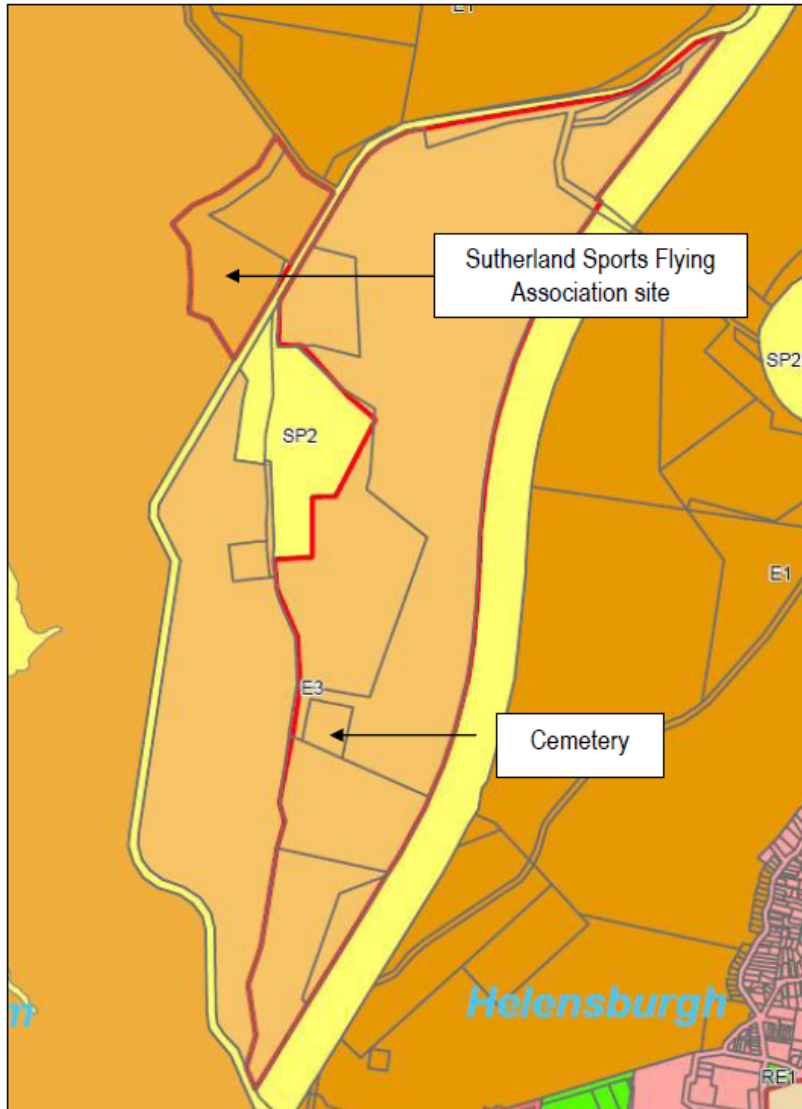
The Garrawarra precinct is located north of Helensburgh between the F6 Freeway and the Princes Highway. Land on the western side of the precinct drains to the Woronora Catchment and is managed by the Sydney Catchment Authority. This land was not zoned 7(d) and is not part of the study area. However it was inadvertently zoned E3 Environmental Management by the Wollongong Local Environmental Plan 2009 and should be rezoned to E2 Environmental Conservation consistent with the other Sydney Catchment Authority land.

The precinct contains eleven (11) lots, of which four (4) are controlled by the NSW Department of Health and contain the Garrawarra Hospital Centre, four (4) are Crown Land controlled by the NSW Land and Property Management Authority, and two (2) are privately owned. Council has recently been advised that the cemetery was transferred to Council's ownership in 1967. Council's current records do not reflect this ownership transfer and Council has not been maintaining the cemetery. Council's historic records are being reviewed to clarify the history of the site.

The Garrawarra Hospital Centre provides dementia services, aged, respite and long term care services and outreach services. The Centre and cemetery are listed as heritage items of local heritage significance and as a Heritage Conservation Area.



## Existing Zonings map



The Garrawarra Centre is currently zoned SP2 Infrastructure – Hospital and Seniors Housing. The Centre provides more than Hospital and Aged Care Services and the current zoning map description does not accurately reflect the services provided on-site. The 7(d) Review proposed that the term “hospital” be replaced with the group definition of “health service facility”, which incorporates the land uses of hospitals, medical centres and community health service facilities.

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



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

The Sydney Catchment Authority land supported their land being zoned E2 Environmental Conservation.

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

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

Submissions received during the three (3) exhibition periods supported the SP2 Infrastructure zone being retained for the Garrawarra Centre and the remainder of the precinct being zoned E2 Environmental Conservation.

As noted, Council has recently been advised that the cemetery was transferred to Council's ownership in 1967. Council's records do not reflect this transfer and the historic records are being reviewed. Council Officers have not inspected the cemetery site, as the NSW Health have previously denied access, claiming the site is unsafe. Following a review of Council's records for the cemetery site, a further report on the cemetery may be required, addressing maintenance, access, the preparation of a Conservation Management Plan and resource requirements. It is noted that "cemeteries" are not a permitted land use in the E2 Environmental Conservation zone. Whether the zoning needs to change to allow Council to maintain and manage the cemetery will also need to be determined. At this stage, it is recommended that the site be zoned E2 Environmental Conservation.

It is recommended that the draft Planning Proposal for the Garrawarra precinct be progressed to exhibition, which seeks to:

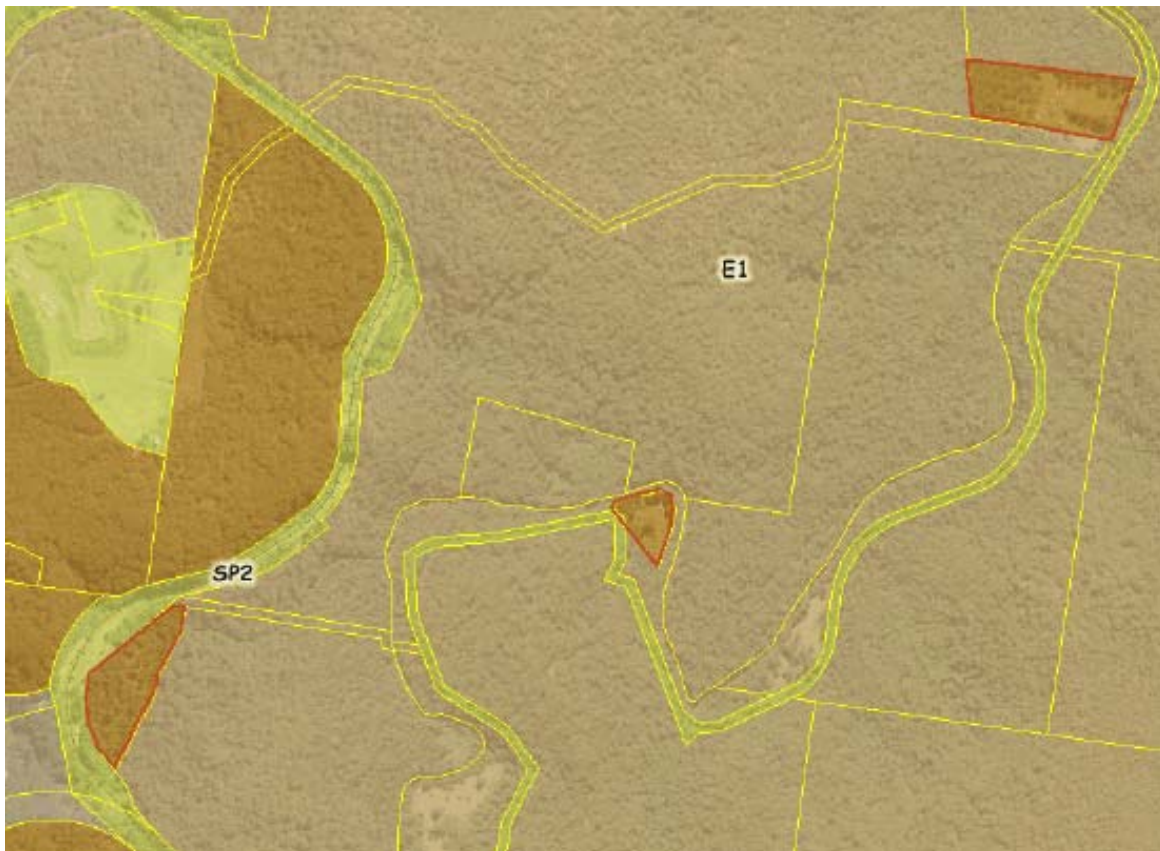
- a Rename the SP2 zone from SP2 Infrastructure – Hospital and Seniors Housing to SP2 Infrastructure - Health Service Facility and Seniors Housing;
- b Make a minor adjustment to the SP2 Infrastructure zone boundary to reflect ownership;
- c Remove the minimum lot size from the SP2 Infrastructure zone land;
- d Retain a E3 Environmental Management zone on Lot 1803 DP 822247, Sutherland Shire Sports Flying Association site; and

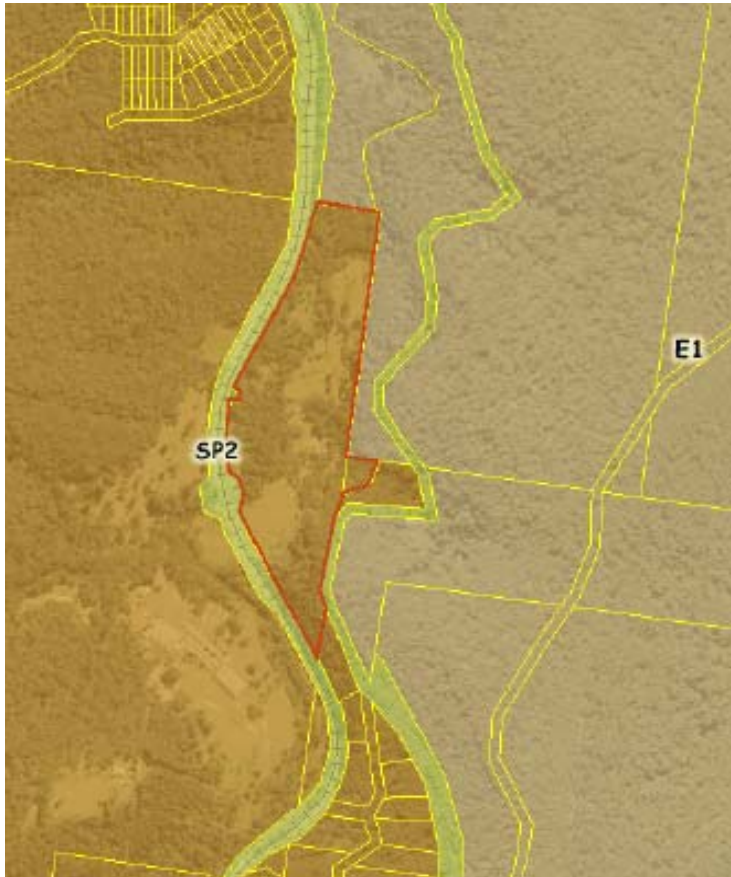
- e Rezone the Crown Land and Sydney Catchment Authority land to E2 Environmental Conservation.

### **Isolated lots in Royal National Park**

There are five (5) privately owned lots, in four (4) ownerships in the Royal National Park, which contain a dwelling house and have partially been cleared. The lots are now zoned E3 Environmental Management.

- Lot A DP 356469;
- Lot 1 DP 335557;
- Lot 1 DP 324239; and
- Lot 1 DP 434564 and part Lot 30 DP 752018.





These properties are surrounded by the Royal National Park and in the long term should be incorporated into the Park. Development opportunities should be limited to prevent intensification of development. Council cannot identify these properties for inclusion in the National Park, without the agreement of the NSW Office of Environment and Heritage.

The 7(d) Review, Preliminary Review of Submissions report and Final Report of Submissions proposed that the lots be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,224 submissions commented on the precinct. All submissions supported the rezoning to E2 Environment Conservation, including 1,217 form letters. No submissions opposed the rezoning to E2 Environmental Conservation.

The NSW Department of Environment, Climate Change and Water supported the zoning of Lot 1 DP 324239 (located opposite the Metropolitan Colliery) as E2 Environmental Conservation.

It is recommended that the draft Planning Proposal for the isolated lots in the Royal National Park be progressed to exhibition, which seeks to rezone Lot A DP 356469, Lot

1 DP 335557, Lot 1 DP 324239, Lot 1 DP 434564 and part Lot 30 DP 752018 to E2 Environmental Conservation.

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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 Lady Carrington Estate North, Garrawarra and Royal National Park precincts be progressed to exhibition.