

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 12 and participated in discussion and voting.

ITEM 12 - Review of 7(d) Lands - Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm Precincts

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

- 1 A new draft Planning Proposal be prepared to rezone the Lady Carrington Estate, Lilyvale, Central Bushland and part of the Otford Valley Farm precinct from E3 Environmental Management to E2 Environmental Conservation. The part of Otford Valley Farm containing the dwellings and equestrian centre is to remain E3 Environmental Management.
- 2 The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be exhibited for a minimum period of twenty eight (28) days.

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

- 1 Council amend the existing draft Planning Proposal to rezone the Lady Carrington Estate, Lilyvale, Central Bushland and the Otford Valley Farm precinct to E2 Environmental Conservation.
- 2 A draft Planning Proposal be prepared by Council and be forwarded to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be exhibited for a minimum period of twenty-eight (28) days.

The AMENDMENT on being PUT to the VOTE was LOST.

In favour

Councillors Kershaw, Connor, Takacs, Merrin, Curran and Petty

Against Councillors Brown, Martin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

The MOTION was PUT and CARRIED.

In favour Councillors Kershaw, Brown, Martin, Takacs, Merrin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

Against Councillors Connor, Curran and Petty

ITEM 12

REVIEW OF 7(D) LANDS - LADY CARRINGTON ESTATE, LILYVALE, CENTRAL BUSHLAND AND OTFORD VALLEY FARM 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 and to consider a draft Planning Agreement. Council resolved to seek further community input prior to determining the future zoning of the precinct. Council is reviewing both the draft Planning Proposal and draft Planning Agreement 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, Lilyvale, Central Bushland and Otford Valley Farm precincts.

It is recommended that a new draft Planning Proposal be prepared for this precinct, and if endorsed by the NSW Department of Planning and Infrastructure, be exhibited for community input. The draft Planning Agreement is subject to a separate report, which includes the Land Pooling and Lady Carrington Estate South precincts.

Recommendation

- 1 A new draft Planning Proposal be prepared to rezone the Lady Carrington Estate, Lilyvale, Central Bushland and part of the Otford Valley Farm precinct from E3 Environmental Management to E2 Environmental Conservation. The part of Otford Valley Farm containing the dwellings and equestrian centre is to remain E3 Environmental Management.
- 2 The draft Planning Proposal be referred to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved be 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 four (4) precincts owned by Ensile Pty Ltd, namely the Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm precincts. Council at its meeting on 5 July 2011, did not resolve to prepare a draft Planning Proposal (rezoning) for these precincts, but included the precincts in the draft Planning Agreement, and resolved to seek further community input. The exhibition of the draft Planning Agreement was delayed pending the approval of the draft Planning Proposal for exhibition.

The other Ensile holdings in the Camp Gully Creek, Land Pooling and Lady Carrington Estate South precincts are addressed in separate reports. The draft Planning Agreement is also addressed separately.

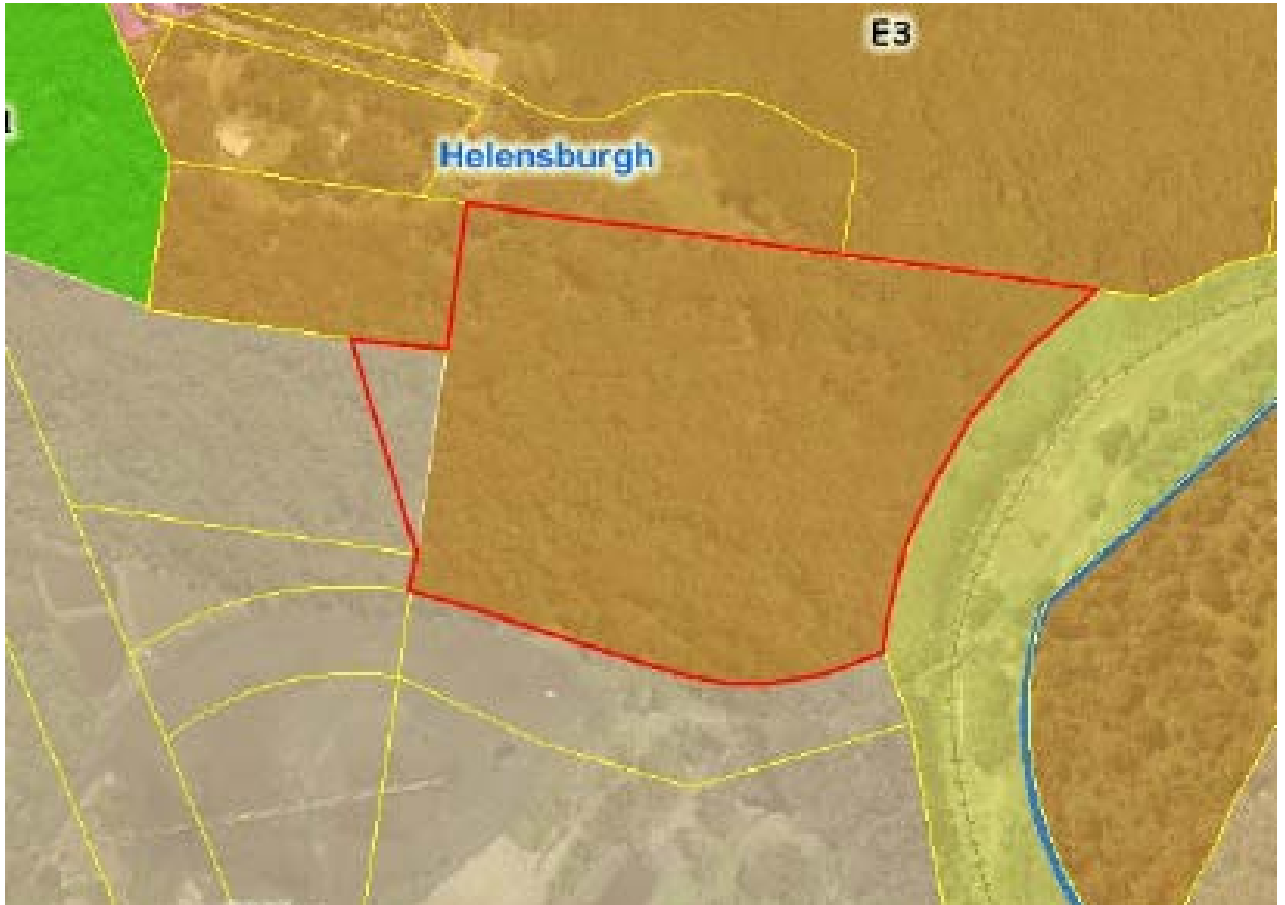
Proposal

Ensile Pty Ltd and Cambalong Pty Ltd own two hundred and seventy seven (277) lots which range in size from 367m² to 98 hectares, with a total area of 357 hectares. It is understood that the companies purchased the land in the 1970s and 1980s. The holding extends between Helensburgh and Otford and forms most of the eastern side of Helensburgh, and includes most of Lilyvale. At Otford the land is used for an equestrian centre. The majority of the land is bushland, although it does contain riding and fire trails.

The issues associated with the holdings will be considered in terms of four (4) precincts, namely Lady Carrington Estate, Lilyvale, Central Bushland and Otford Valley Farm. The companies holdings in the Camp Gully Creek Precinct, Lady Carrington Estate precinct and Land Pooling precinct are discussed in separate reports.

Lady Carrington Estate

The Lady Carrington Estate precinct consists of one (1) lot - Lot 1 DP 616229 (6.5 hectares) which is located to the south of the Old Farm Road precinct and was referred in the Helensburgh Commission of Inquiry report as "Lady Carrington Estate". This site contains significant bushland, does not contain a dwelling house and no residential development is supported.



The majority of Lot 1 DP 616229 (Lady Carrington Estate) is zoned E3 Environmental Management, and part of the lot is incorrectly zoned RU1 Primary Production, similar to the adjacent Colliery.

The Preliminary Review of Submissions report proposed that Lot 1 DP 616229 (Lady Carrington Estate) be zoned E2 Environmental Conservation (including the part currently zoned RU1 Primary Production).

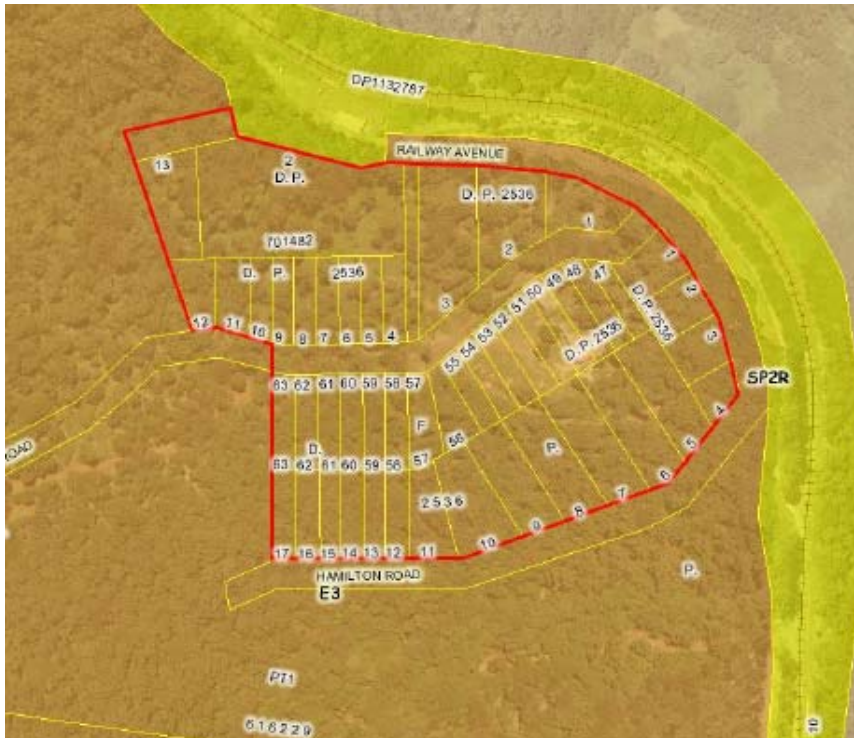
As a consequence of the second exhibition, 1,230 submissions commented on the Lady Carrington Estate North precinct which, at that time, also included this property. All submissions supported the zoning of the land to E2 Environmental Conservation.

The submission on behalf of Ensile Pty Ltd included this lot in the land to be transferred to the public estate. The draft Planning Agreement is addressed in a separate report.

In terms of planning controls, it is recommended that the entire lot, be zoned E2 Environmental Conservation, including the part that is incorrectly zoned RU1 Primary Production.

Lilyvale Precinct

Lilyvale is an isolated paper subdivision, the majority of which is in one (1) ownership. Ensile Pty Ltd owns forty eight (48) of the forty nine (49) lots of Lilyvale. Access is via a track following Lilyvale Road from Helensburgh, although part of the road reserve has been closed. There is one (1) dwelling at Lilyvale, on the lot not owned by Ensile Pty Ltd. The majority of the lots are bushland and there are no services. Originally there was a rail platform at Lilyvale.



No development at Lilyvale has been proposed or supported, and it is proposed that the area remain bushland.

The draft 7(d) Review and the Preliminary Review of Submissions report proposed that the Lilyvale precinct be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,225 submissions commented on Lilyvale. All submissions supported the zoning of the land E2 Environmental Conservation.

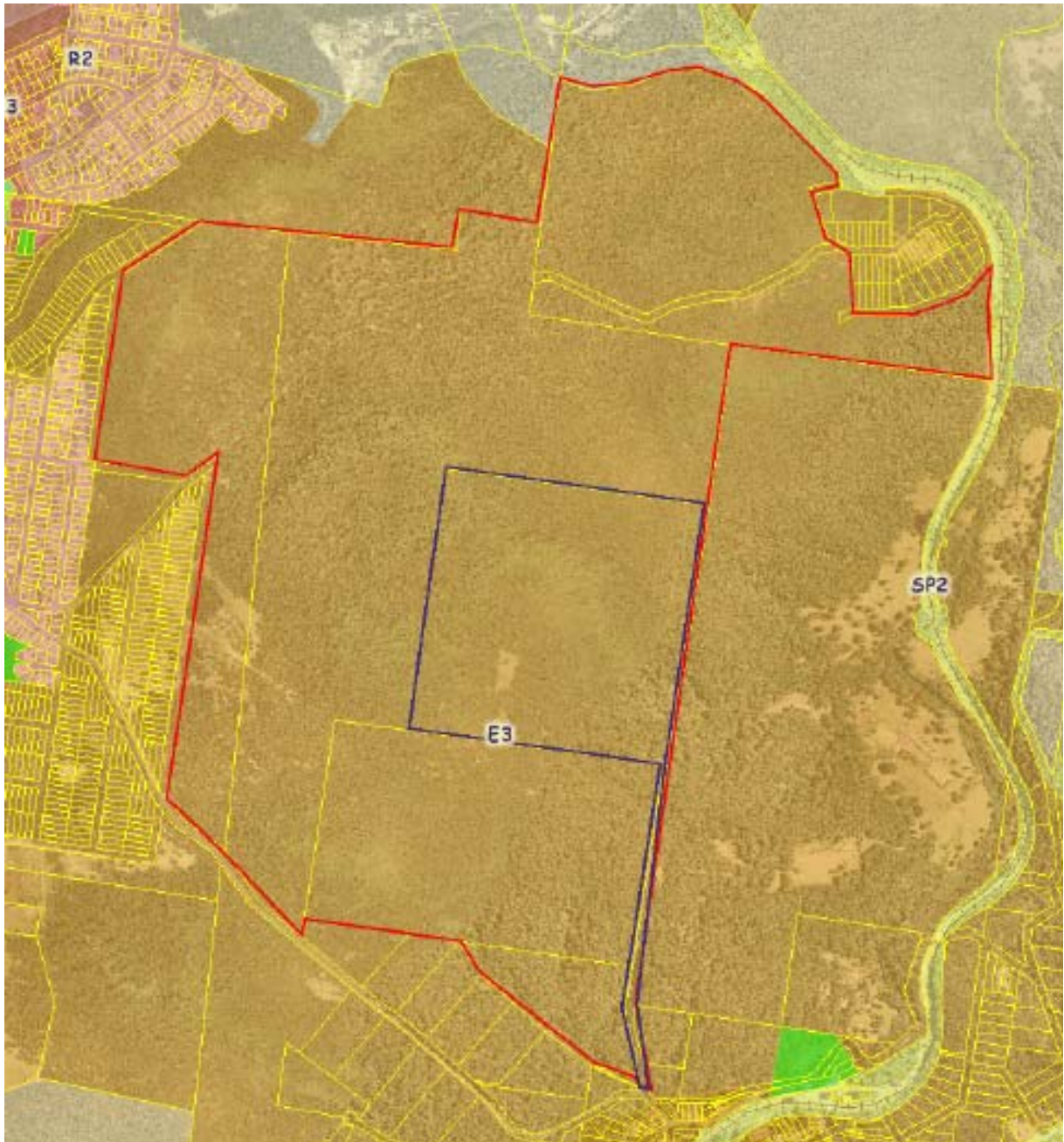
The submission on behalf of Ensile Pty Ltd supported the transfer of this precinct to public ownership. The draft Planning Agreement is addressed in a separate report. The submission also noted that one (1) lot was not owned by the company.

In terms of planning controls, it is recommended that Lilyvale be zoned E2 Environmental Conservation.

Central Bushland Area

The area between Lady Carrington Estate South, Lloyd Place, Otford and Metropolitan Colliery is contained within six (6) large lots. Lot 23 DP 752033 (40 hectares) in the centre is not owned by Ensile Pty Ltd (outlined in blue). The area contains a series of riding and fire trails and a telecommunications tower. There are no dwellings in the sub-precinct.

Central Bushland Area location



This precinct has the land with the highest biodiversity value in the study area and forms an important part of the fauna movement corridor. No development in the precinct has been proposed or supported, and it is proposed that the area remain bushland.

Lot 23 DP 752033 and three (3) of the lots owned by Ensile Pty Ltd do meet the minimum lot size for a dwelling house. However, the erection of dwellings on these lands is not supported, as it would impact on the bushland, through clearing for the dwelling and Asset Protection Zone, have poor access and no access to services.

The draft 7(d) Review and Preliminary Review of Submissions report proposed that the land be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,229 submissions commented on the precinct. All submissions supported the zoning of the land E2 Environmental Conservation.

The submission on behalf of Ensile Pty Ltd supported the transfer of this precinct to public ownership. The draft Planning Agreement is addressed in a separate report. The submission on behalf of Ensile Pty Ltd which sought an eastward expansion of the Lady Carrington Estate South precinct is discussed separately.

Three (3) submissions on behalf of the owner of Lot 23 DP 752033 objected to the proposed E2 Environmental Conservation zone, as the lot has an area greater than 40 hectares, and has always had a dwelling entitlement. The submission claimed that the lot has a cleared area of 1.2 hectares which is suitable for a house or cottage. The submission indicated that if the land is zoned E2 Environmental Conservation and the dwelling entitlement removed, then Council should acquire the land or pay compensation.

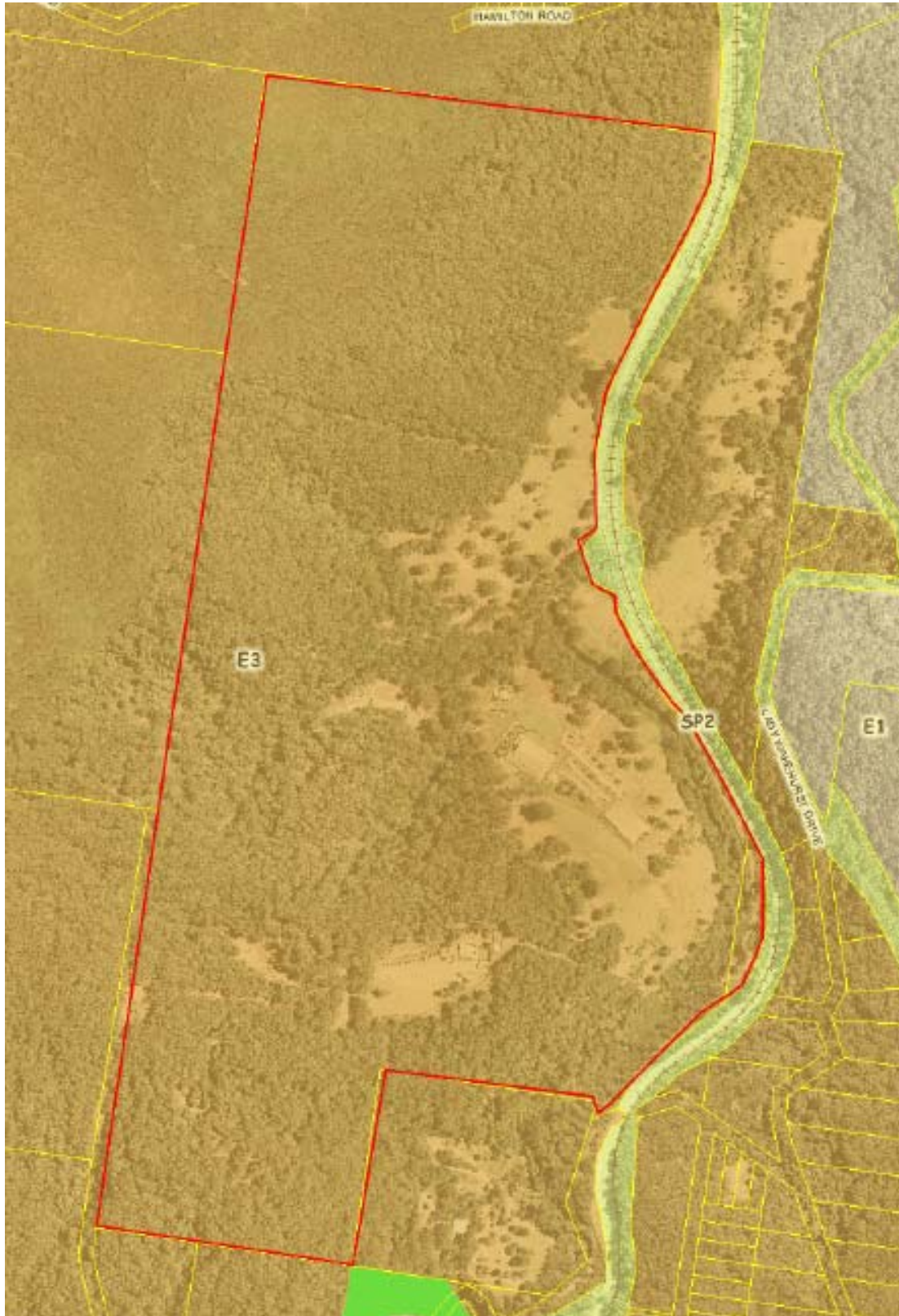
As indicated previously, the Central Bushland area contains some of the most sensitive and significant bushland in the study area. It forms an important part of the fauna movement corridor. No development in the precinct has been proposed or supported, and it is proposed that the area remain bushland.

In terms of planning controls, it is recommended that the precinct be zoned E2 Environmental Conservation. The eastern boundary of the E2 Environmental Conservation zone, adjacent to Lady Carrington Estate South will be determined by the review of the Lady Carrington Estate South precinct.

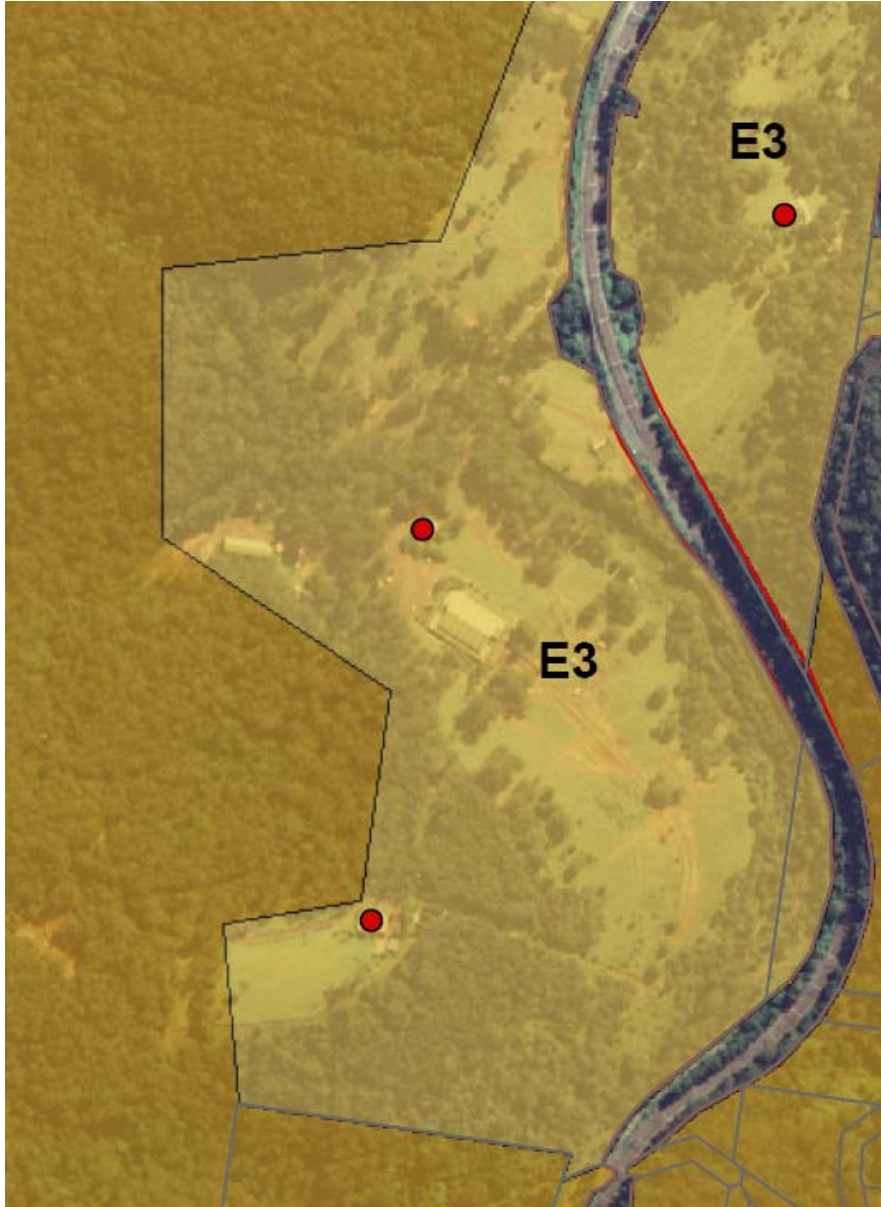
Otford Valley Farm

The eastern part of the Ensile Pty Ltd holding is Lot 3 DP 223554 which has an area of 96.95 hectares. The lot contains Otford Valley Farm which consists of an equestrian centre and two (2) dwelling houses. The northern, western and southern parts of the lot contain significant bushland.

Otford Valley Farm location



Otford Valley Farm – Draft Review zoning option



The E3 Environmental Management zone is appropriate and would allow the on-going use of the site for an “animal boarding or training establishment”. The proposed E2 Environmental Conservation / E3 Environmental Management boundary exhibited in the draft 7(d) Review has been reviewed to better reflect the location and use of the equestrian centre. The northern, western and southern parts of the lot contain steep bushland areas where an E2 Environmental Conservation zone is appropriate.

The Preliminary Review of Submissions report proposed that no amendment be made to the Wollongong Local Environmental Plan 2009 and the Otford Valley Farm retain a E3 Environmental Management zone. The Preliminary Review proposed that the

bushland in the precinct, and the adjacent Central Bushland precinct, be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 1,224 submissions commented on the precinct. Two (2) submissions supported the E3 Environmental Management zone and 1,221 submissions opposed, seeking that the land be zoned E2 Environmental Conservation instead.

The submissions on behalf of Ensile Pty Ltd supported the transfer of this precinct to public ownership, with a lease back period of twenty five (25) years to allow for the continued operation of the equestrian centre. The draft Planning Agreement is addressed in a separate report.

In terms of planning controls, it is recommended that the precinct be zoned part E2 Environmental Conservation and part E3 Environmental Management, as indicated.

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 a new draft Planning Proposal be prepared to rezone the Lady Carrington Estate, Lilyvale and Central Bushland and part of Otford Valley Farm precincts to E2 Environmental Conservation. The draft Planning Proposal would be referred to the NSW Department of Planning and Infrastructure for Gateway determination, and if approved exhibited for community comment.