

ITEM 7**REVIEW OF 7(D) LANDS - WALKER STREET AND FREW AVENUE PRECINCTS**

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 on the review and addresses the Walker Street and Frew Avenue precincts. A separate report has been prepared on the proposed rezoning of 159-169 Walker Street, Helensburgh – Blackwell Holdings site.

It is recommended that the Planning Proposal for this precinct be amended and progressed to finalisation.

Recommendation

- 1 The part of the Planning Proposal for the Walker Street precinct (excluding 159-169 Walker Street) which seeks to amend the Wollongong Local Environmental Plan 2009 by rezoning the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, be progressed to finalisation.
- 2 The part of the Planning Proposal for the Frew Avenue precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by retaining an E3 Environmental Management zone, and allowing a dwelling house on the three vacant lots, through an amendment to the Minimum Lot Size Maps; be progressed to finalisation.
- 3 The part of the Planning Proposal for the Lot 672 DP 752033 (Crown Land located on the corner of Walker Street and Cemetery Road) not proceed and the lot retain an SP1 Cemetery zoning, by deleting the site from the Planning Proposal.
- 4 The new rezoning proposals for:
 - a Lot 1 DP 606870 (No. 338) Cemetery Road, requesting a rezoning to IN2 Light Industrial;
 - b Lot 1 DP 319310 Lawrence Hargrave Drive, seeking place of worship, education facility; and
 - c Lot 1 DP 584467 221 Parkes Street, requesting a rezoning to B6 Enterprise Corridor.

not be supported as amendments to the current Planning Proposal.

Attachments

There are no attachments for this report.

Report Authorisations

Report of: David Green, Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – 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 Walker Street and Frew Avenue precincts. A separate report has been prepared on the proposed rezoning of 159-169 Walker Street – Blackwell Holdings site.

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

- 1 Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.
- 2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.
- 3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.
- 4 No amendment be made to the planning controls for the Kelly Falls precinct and the two (2) properties retain an E3 Environmental Management zone.

As Council resolved to make no change to the two properties in the Kelly Falls precinct, the land was not included in the draft Planning Proposal, or the exhibition, and the properties retain the E3 Environmental Management zone. Submissions were received commenting on this precinct, as detailed in the Background Report - Attachment 5.

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

Proposal

Walker Street

The Walker Street precinct originally consisted of 11 lots, located south of the Land Pooling precinct, which have been cleared and are used for agriculture, animal establishment, landscaping supplies and rural residential development. All lots contain a dwelling house. The precinct has been reduced to seven lots with the assessment of the proposed rezoning of 159-169 Walker Street – Blackwell Holdings site (map 1 outlined in blue), under a separate report.

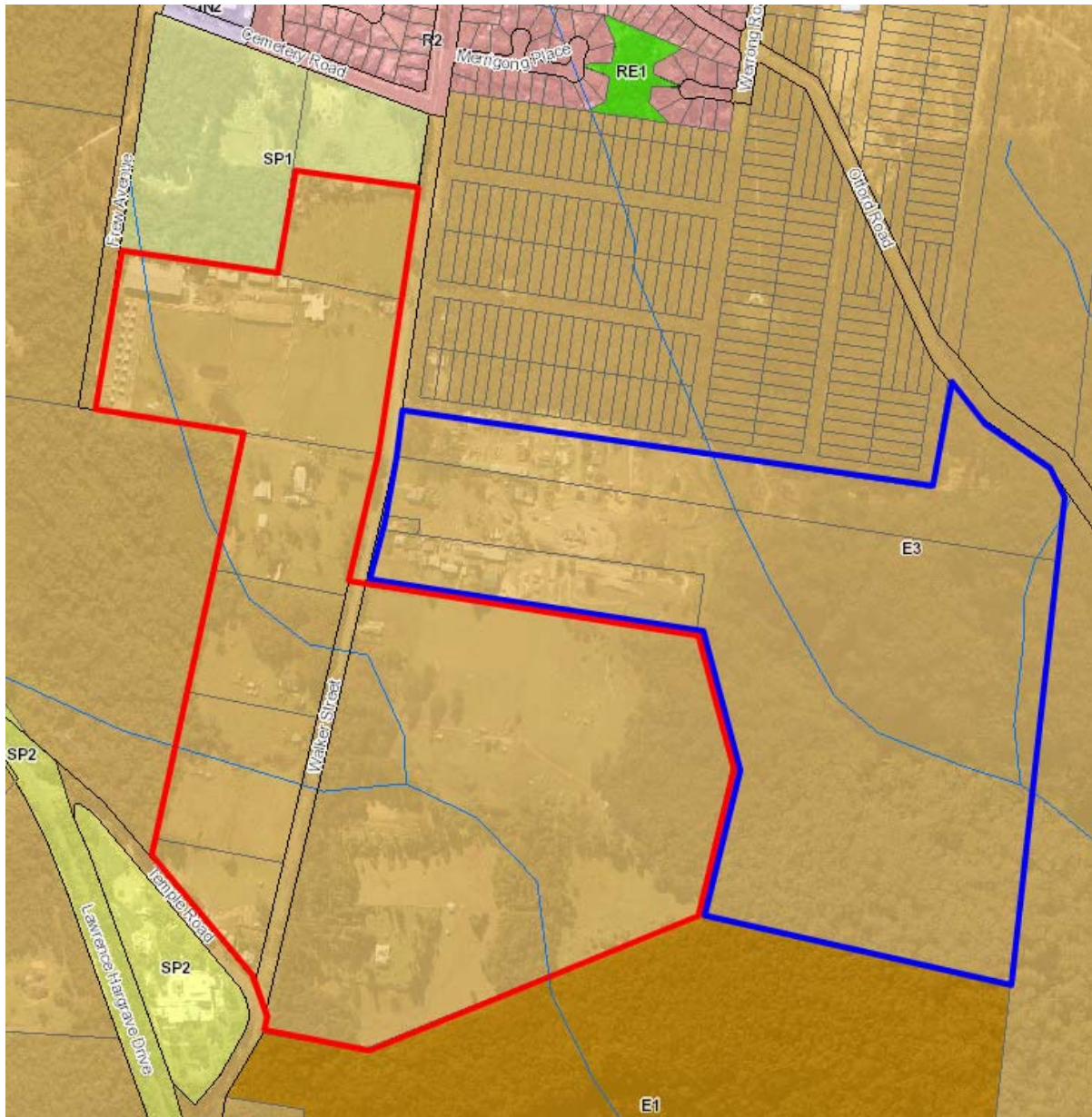
The Helensburgh Commission of Inquiry (1994) noted that this precinct had one of the highest capabilities for urban development. However, the residential development of this precinct has not been proposed.

The draft Planning Proposal also included the Crown Land (Lot 672 DP 752033) on the south west corner of Walker Street and Cemetery Road, which is zoned SP1 Special Activities – Cemetery. This zone was introduced in 2009, when the lot and the adjoining Helensburgh Cemetery were rezoned from 6(a) Open Space. It appears that it was incorrectly assumed that the Crown Land was part of the cemetery, whereas it is a separate lot and has not been set aside for cemetery purposes. The draft Planning Proposal proposed to re-introduce a RE1 Public Recreation zone on the lot.

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

- 1 *Council endorse the existing draft Planning Proposal for the Walker Street precinct, which rezones the majority of the precinct to the RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, and rezones Lot 672 DP 752033 (Crown Land) from SP1 Cemetery to RE1 Public Recreation.*

Walker Street precinct location map 1



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
120 Walker Street	When land was purchased it was zoned Rural B. Support rezoning back to RU2 Rural Landscape.	Noted.

Property	Submission	Comment
140-158 Walker Street	Grandfather purchased land over 100 years ago & he lived off the land. Support RU2 Rural Landscape. Want to be able to subdivide into smaller acreage lots for grandchildren (not residential size lots).	Support for RU2 Rural Landscape noted. The subdivision of lots into smaller lots has not been proposed by the Planning Proposal and a separate amendment would need to be considered. It does not form part of the current strategy, and would unlikely be supported.
Lot 2 DP 1127083 (No 185) Walker Street (Knowslay Park)	Consultant report. Support the proposed RU2 Rural Landscape zone as an interim measure. Oppose the proposed E2 Environmental Conservation zone at the rear of the property, as the land is not steep. The land should be zoned R2 Low Density Residential to allow it to be subdivided for urban development.	It is agreed that the rear of Knowslay Park is not steep. However it is covered in bushland and is adjacent to the Kelly Falls lot. An E2 Environmental Conservation zone is appropriate for this portion of the property. The rezoning of the Walker Street precinct to a residential zone has not been proposed.
NSW Department of Primary Industries – Catchment and Lands (Crown Lands)	Objected to Lot 672 DP 752033 (adjacent to Helensburgh Cemetery) being zoned RE1 Public Recreation and requested that it retain the SP1 Cemetery zoning, as the land may be required for an extension of the cemetery which has greater than 5 years burial capacity. If Council chooses to progress the RE1 Public Recreation zone, it will be transferred to Council as a reservation for the purpose of public recreation, with care control and management devolving upon Council.	It is recommended that Lot 672 DP 752033 not be zoned RE1 Public Recreation and that it retain the SP1 Cemetery zoning.

Other submissions:

Submitter	Submission
Resident Stanwell Tops	Object to RU2 Rural Landscape zoning on Walker St as activities threaten Kellys Falls and Creek. Please zone E2 Environmental Conservation.
Resident Stanwell Tops	Object to Walker Street being zoned RU2 Rural Landscape, it should be E2 Environmental Conservation, as it flows into Kellys Falls and then the Hacking River.
Resident Helensburgh	Walker St precinct - agree in principle.
Resident Helensburgh	Walker St – support, especially E2 Environmental Conservation.
Resident Stanwell Tops	Walker St – should all be zoned at least E3 Environmental Conservation.
Email Suburb unknown	Walker St – support E2 Environmental Conservation.

Form letter/email submissions:

Group / property	Submission
Oxford Protection Society	One form letter submitted by 10 persons objecting to the proposed rezoning of the precinct, supporting an E2 Environmental Conservation zone. (refer Attachment 5 of Background report).
OxfordEco	<ul style="list-style-type: none"> One form letter submitted by 38 persons objecting to the proposed rezoning of the precinct, supporting an E2 Environmental Conservation zone; 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; and One form letter submitted by 10 persons supporting E2 Environmental Conservation for all bushland precincts. (refer Attachment 5 of Background report)
Helensburgh Land Pooling Group	One form letter submitted by 838 persons objecting to the zoning of the land to E2 Environmental Conservation. (refer Attachment 5 of Background report)

There are no significant issues with this precinct (excluding 159-169 Walker Street, which is subject to a separate report). The lots were cleared and developed for rural uses when they were zoned Rural/Non-urban. The lots contain an existing dwelling house. The reinstatement of the RU2 Rural Landscape zone is appropriate.

It is proposed that the rezoning of the Crown lot to RE1 Public Recreation not proceed and the lot retain the SP1 Cemetery zoning, to enable future expansion of the adjoining cemetery.

Options

- 1 Proceed with the rezoning of the precinct to RU2 Rural Landscape, and the rear of Knowslay Park to E2 Environmental Conservation, as exhibited in the draft Planning Proposal.
- 2 Not proceed with the rezoning to and retain the current E3 Environmental Management zone.
- 3 Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: *It is recommended that the rezoning of Walker Street precinct to the RU2 Rural Landscape zone, and the rear of Knowslay Park to E2 Environmental Conservation, be progressed as part of the final Planning Proposal. It is recommended that the rezoning of Lot 672 DP 752033 to RE1 Public Recreation not proceed and the site retain the SP1 Cemetery zone.*

Frew Avenue

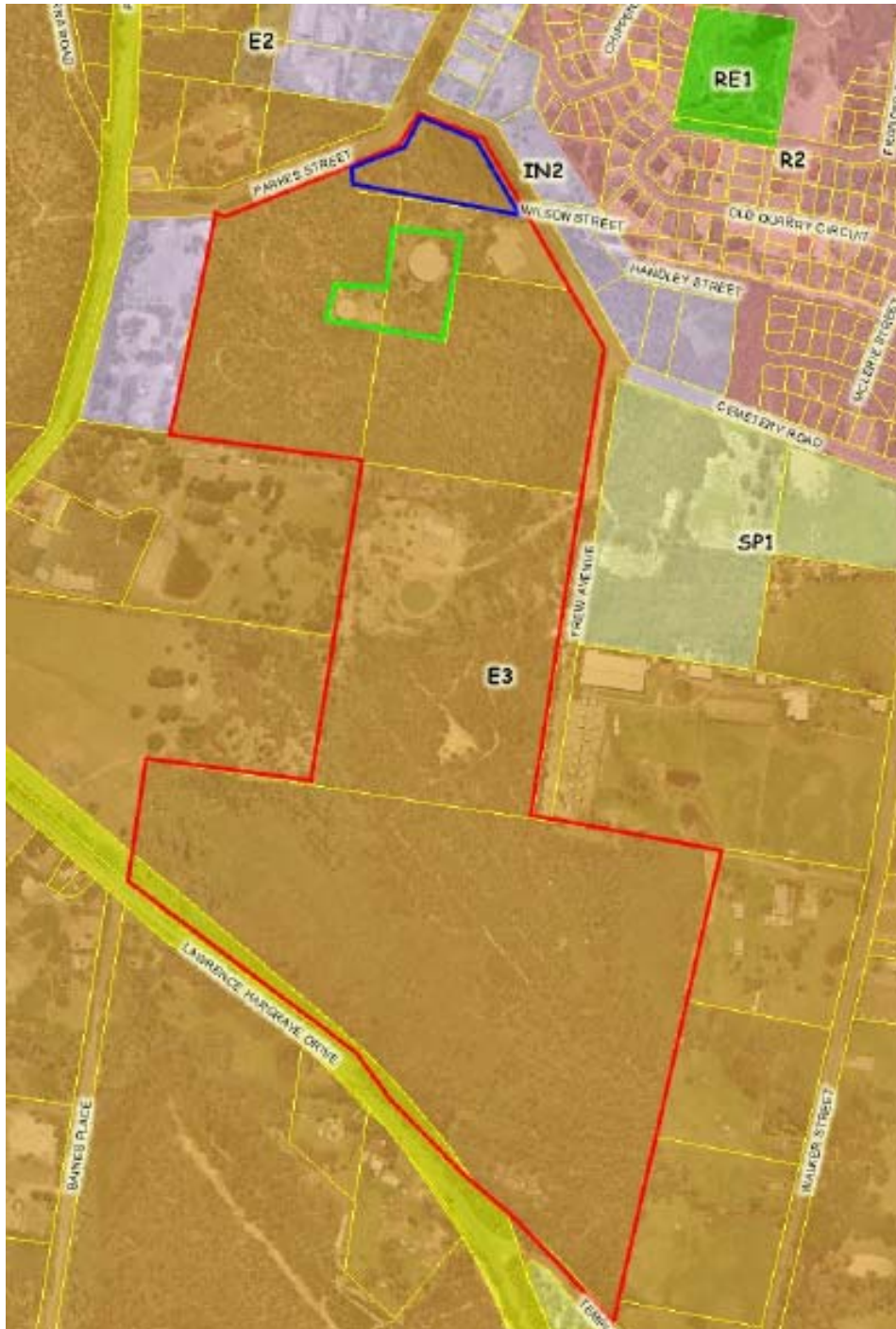
The Frew Avenue precinct is located between the Gateway and Walker Street precincts and consists of eight lots:

- Two lots are owned by Sydney Water and contain water reservoirs (map 2-outlined in green), and are zoned SP2 Infrastructure;
- One lot is Crown land (map 2-outlined in blue); and
- The other five lots are privately owned, as follows:
 - Lot 1 DP 606870 (338 Cemetery Road) is a former squash centre converted to a place of worship;
 - Lot 1 DP 584467 Parkes Street is covered in bushlands and does not contain a dwelling house;
 - Lot 339 DP 752033 contains a dwelling house;
 - Lot 3 DP 606870 is covered in bushland and does not contain a dwelling house; and
 - Lot 1 DP 319310 is covered in bushland and is the location of a historic approval for a caravan park, and does not contain a dwelling house.

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

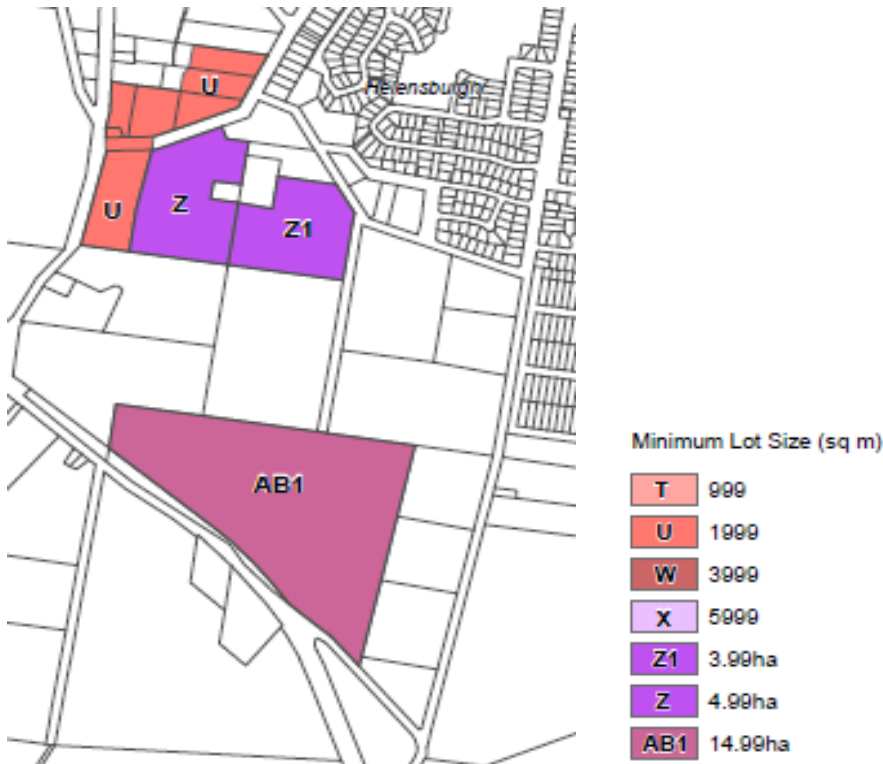
- 2 Council endorse the existing draft Planning Proposal for the Frew Avenue precinct, which seeks to retain E3 Environmental Management zone, and allow a dwelling house on the three (3) vacant lots, through an amendment to the Minimum Lot Size Maps.

Frew Avenue precinct location map 2



The draft Minimum Lot size map amendment showed for the three lots, a proposed lot size smaller than the current lot size, to enable a Development Application for a dwelling house to be assessed, but not to enable subdivision of the land.

Draft Minimum Lot size map 3



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 1 DP 606870 (No. 338) Cemetery Road – Place of worship	Consultant submission requesting that the land be zoned IN2 Light Industrial, as the site has had a number of business approvals and is located opposite the Cemetery Road IN2 Light Industrial area, and will provide additional employment opportunities.	<p>The lot has an area of 9271m2. The lot did contain squash courts and is now a place of worship. The rear of the lot contains a mobile phone tower.</p> <p>The E3 Environmental Management zone does not permit places of worship.</p> <p>A rezoning to IN2 Light Industrial was not proposed by the draft Planning Proposal and would need a new rezoning proposal. Although the site is opposite</p>

Property	Submission	Comment
		the Cemetery Road industrial area, a rezoning to IN2 Light Industrial is unlikely to be supported as it is a small site and there are other opportunities.
Lot 1 DP 584467 221 Parkes Street	Consultant report requesting the rezoning to B6 Enterprise Corridor, the same as the adjoining Gateway precinct. Lot was once part of the former adjoining RTA depot site. Include ecological assessment report. E3 Environmental Management zone does not recognize land capability.	A request to rezone the site to B6 Enterprise Corridor was previously considered by Council and not supported. The rezoning to B6 Enterprise Corridor was not part of the draft Planning Proposal and would need a new rezoning proposal. The expansion was not supported, as it would likely result in the property being cleared of bushland. The use of the land for a dwelling house is more appropriate.
Lot 1 DP 319310 Lawrence Hargrave Drive	<p>Consultant submission requesting the rezoning to SP2 Infrastructure, similar to adjoining site.</p> <p>Site acquired by Sri Venkateswara Temple Association for expansion of religious, cultural and education pursuits.</p> <p>Largest temple in Australia and is regarded as the Mother Temple. Between 50,000 to 60,000 devotees visit the temple each year, plus 10,000 tourists and visitors.</p> <p>Note: Further Development Approvals would need to address biodiversity, bushfire risk, and riparian issues.</p> <p>Site previously had a caravan park approval, which commenced construction.</p>	<p>The existing temple is an important religious, cultural facility and a visitor attraction in the City. The current usage does appear to exceed the site's capacity on occasions. To provide for additional capacity and growth, the property was purchased by the Association during the exhibition period. The current draft Planning Proposal cannot include any rezoning to another zone, which would need to form part of a new planning proposal.</p> <p>The site has an area of 19.38ha, is covered in bushland/weeds and contains two watercourses, plus the remains of a partially constructed caravan park complex.</p> <p>The E3 Environmental</p>

Property	Submission	Comment
		<p>Management zone permits community facilities, but not places of worship, education facilities or residential development.</p> <p>A more comprehensive rezoning proposal would need to be lodged to enable assessment of the environmental impacts, proposed visitation levels and traffic impacts.</p>

Other submissions:

Submitter	Submission
Former owner of Lot 1 DP 319310	Lot 1 DP 319310 Lawrence Hargrave Drive – advises that the property has been sold to the Sri Venkateswara Temple Association, and supports the expansion of the temple activities on to the site. The temple has been a positive addition to Helensburgh.
Resident Helensburgh	Frew Avenue precinct – agree in principle with E3 Environmental Management. Further investigations required to determine impact of dwellings.
Resident Helensburgh	Frew Avenue precinct – should be zoned E2 Environmental Conservation.
Email Suburb unknown	Frew Avenue – support E2 Environmental Conservation.

Form letter/email submissions:

Group / property	Submission
221 Parkes Street	<p>14 form letters submitted by 119-174 persons (total 1,878) supporting the rezoning from E3 Environmental Management to B6 Enterprise Corridor.</p> <p>(refer Attachment 5 of Background report)</p>
Otford Protection Society	<p>One form letter submitted by 235 persons opposing the E3 Environmental Management zone and dwelling allowance, supporting a rezoning to E2 Environmental Conservation.</p> <p>(refer Attachment 5 of Background report)</p>
OtfordEco	<ul style="list-style-type: none"> One form letter submitted by 40 persons opposing the E3 Environmental Management zone and dwelling allowance, supporting a rezoning to E2 Environmental Conservation; One form letter submitted by 136, persons making a conservation based submission on all precincts; and

Group / property	Submission
	<ul style="list-style-type: none"> Two form letters submitted by 79 and 123 persons supporting E2 Environmental Conservation for all 23/24 precincts, respectively. <p>(refer Attachment 5 of Background report)</p>
Helensburgh Land Pooling Group	<ul style="list-style-type: none"> Six form letters submitted by 183-191 persons (total 1,117) opposing the proposed rezoning from E3 Environmental Management to E2 Environmental Conservation; and One form letter submitted by 185 persons supporting the comments in all 56 letters.

The exhibited draft Planning Proposal proposed to amend the planning controls to enable a dwelling house to be erected on the three of the eight lots that do not contain a dwelling, through an amendment to the minimum lot size map. As a consequence of the exhibition, Council received rezoning requests for two of those three sites, plus another site which is used as a place of worship. Two of the requests were for employment zonings of B6 Enterprise Corridor and IN2 Light Industrial, suggesting that there may be further demand for employment opportunities at Helensburgh. This issue maybe better examined through an employment lands review or the proposed Helensburgh Town Plan.

Options

- 1 Proceed with the amendment to the Minimum Lot size map to enable a dwelling house to be erected on the three vacant lots (retaining the existing E3 Environmental Management zone) , as exhibited in the draft Planning Proposal.
- 2 Not proceed with the proposed amendment and retain the current E3 Environmental Management zone and existing minimum lot sizes.
- 3 Resolve to prepare a new Planning Proposal to rezone the precinct to another zone, and undertake further community consultation.

Recommendation: *It is recommended that the amendment to the Minimum Lot size map to enable a dwelling house to be erected on the three vacant lots (retaining the existing E3 Environmental Management zone) be progressed as part of the final Planning Proposal.*

Conclusion

This report is one of a series of reports to assist Council in reviewing the issues raised in submissions following the exhibition of a draft Planning Proposal on the lands formerly zoned 7(d) Hacking River Environmental Protection. It is recommended that the draft Planning Proposal for the rezoning of the Walker Street precinct and the amendment to the Minimum Lot Size map for the Frew Avenue precinct be finalised.