

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 5 and participated in discussion and voting.

ITEM 5 - Review of 7(d) Lands - Gills Creek and F6 West Precincts

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

- 1 Council endorse the draft Planning Proposal for the Gills Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning Nos 237-261 Princes Highway RU2 Rural Landscapes;
 - b Zoning the Crown Land to E2 Environmental Conservation;
 - c Zoning the Kellys Creek corridor E2 Environmental Conservation;
 - d The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation;
 - e Permit the use of a "restaurant or café" on part of Lot 4 DP 25940 (corner of Baines Place and Lawrence Hargrave Drive), be rezoning the land to RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation.
- 2 Council endorse the draft Planning Proposal for the F6 West precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning the Sydney Catchment Authority land and the Crown Land to E2 Environmental Conservation;
 - b Zoning the remaining private land part RU2 Rural

Landscapes and part E2 Environmental Conservation in the area previously indicated for E3 in the Preliminary Review of Submissions.

- 3 The draft Planning Proposal be exhibited for community comment for a minimum period of twenty eight (28) days.

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

- 1 Council amend the draft Planning Proposal for the Gills Creek precinct by:
 - a Zoning Nos 237-261 Princes Highway RU2 Rural Landscapes;
 - b Zoning the Crown Land to E2 Environmental Conservation;
 - c Zoning the Kellys Creek corridor E2 Environmental Conservation;
 - d The properties at Stanwell Tops with access by Plateau Road be zoned E2 Environmental Conservation;
 - e Zoning the remainder of the Gills Creek Precinct to E2 Environmental Conservation.
- 2 Council amend the draft planning proposal for the F6 West Precinct by zoning the precinct to E2 Environmental Conservation.
- 3 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 period of twenty-eight (28) days.

A FORESHADOWED AMENDMENT was MOVED by Councillor Merrin seconded Councillor Curran that –

- 1 Council amend the draft Planning Proposal for the Gills Creek precinct to be rezoned E2 Environmental Conservation.
- 2 Council amend the draft planning proposal for the F6 West Precinct by zoning the precinct to E2 Environmental Conservation.
- 3 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 period of twenty-eight (28) days.

The AMENDMENT on being PUT to the VOTE was LOST.

In favour

Councillors Takacs, Merrin, Curran and Petty

Against

Councillors Kershaw, Connor, Brown, Martin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

The FORESHADOWED AMENDMENT then BECAME the AMENDMENT.

The AMENDMENT on being PUT to the VOTE was LOST.

In favour

Councillors Connor, Takacs, Merrin, Curran and Petty

Against

Councillors Kershaw, Brown, Martin, Blicavs, Dorahy, Colacino, Crasnich, Bradbery

The MOTION was PUT and CARRIED.

In favour

Councillors Kershaw, Connor, Brown, Martin, Blicavs, Dorahy, Colacino, Crasnich and Bradbery

Against

Councillors Takacs, Merrin, Curran and Petty

ITEM 5 REVIEW OF 7(D) LANDS - GILLS CREEK AND F6 WEST 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 Gills Creek and F6 West precincts.

It is recommended that the draft Planning Proposal for the Gills Creek and F6 West precincts be progressed to exhibition for further community input.

Recommendation

- 1 Council endorse the draft Planning Proposal for the Gills Creek precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning Nos. 237-261 Princes Highway RU2 Rural Landscapes;
 - b Zoning the Crown Land to E2 Environmental Conservation;
 - c Zoning the Kellys Creek corridor E2 Environmental Conservation;
 - d The properties at Stanwell Tops be zoned part E3 Environmental Management and part E2 Environmental Conservation; and
 - e Permit the use of a “restaurant or café” on part of Lot 4 DP 25940 (corner of Baines Place and Lawrence Hargrave Drive), be rezoning the land to RE2 Private Recreation and the watercourse and riparian area to E2 Environmental Conservation.
- 2 Council endorse the draft Planning Proposal for the F6 West precinct which seeks to amend the Wollongong Local Environmental Plan 2009 by:
 - a Zoning the Sydney Catchment Authority land and the Crown Land to E2 Environmental Conservation; and
 - b Zoning the remaining private land part RU2 Rural Landscapes and part E3 Environmental Management, as indicated in the Preliminary Review of Submissions.
- 3 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 Gills Creek and F6 West precincts.

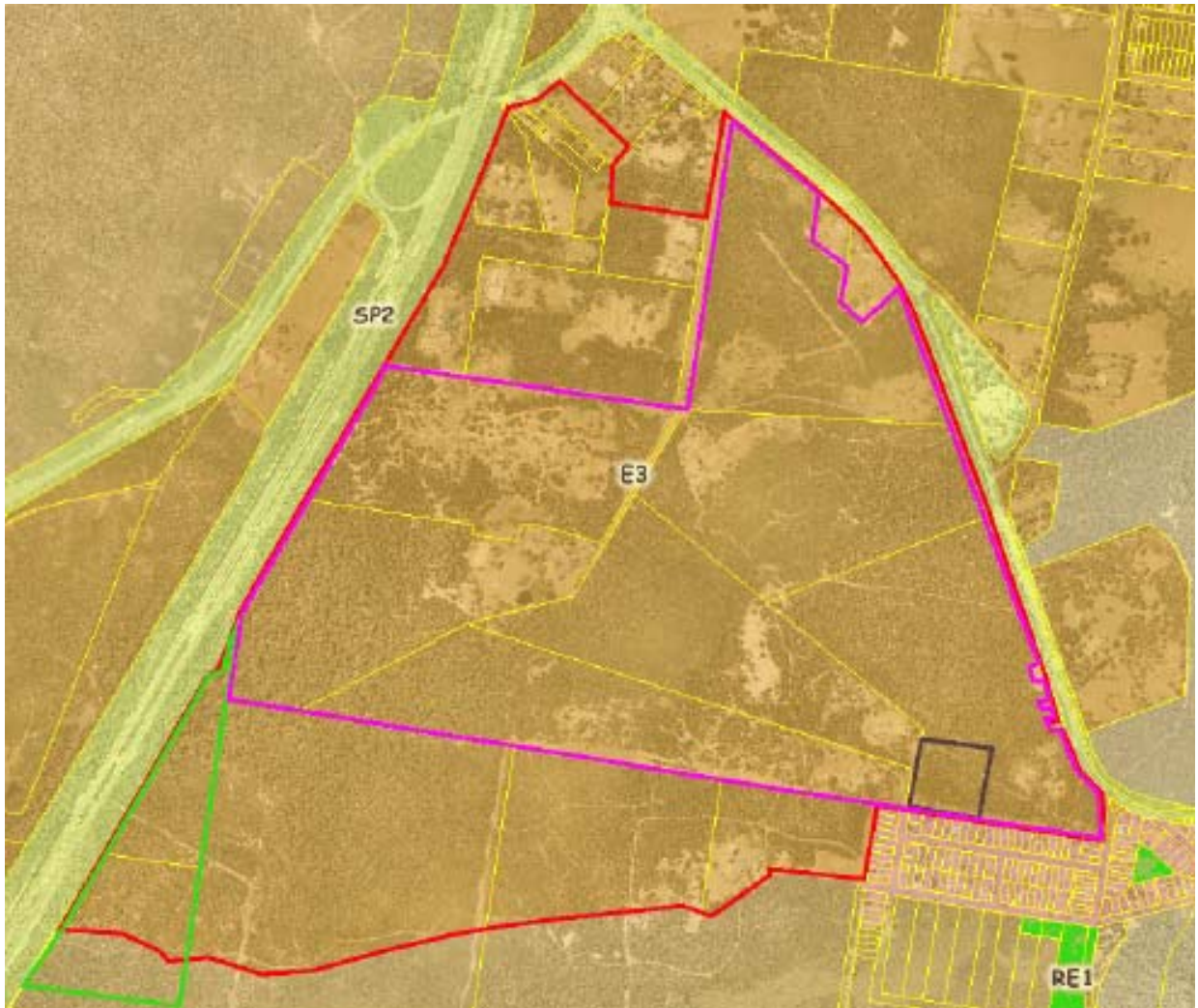
Proposal

Gills Creek precinct

The Gills Creek precinct is located south of Lawrence Hargrave Drive between Stanwell Tops and the F6 Freeway and includes Baines Place. The precinct contains forty four (44) lots, the majority of which are larger lots (2-20 hectares). Seven (7) of the lots were created in 1979 based on the 20 hectare subdivision standard of the day (outlined in pink), that applied to land zoned Rural. Each lot contains a dwelling house. Two (2) lots in the south-west corner are Crown Land (outlined in green). One (1) small lot on Lawrence Hargrave Drive (Lot 17 DP 658702) is part of the Garrawarra State Conservation Area and is zoned E1 National Park. Council owns one (1) lot on the northern side of Stanwell Tops (outlined in blue).

The majority of privately owned lots contain a dwelling house. The precinct also contains extensive bushland areas which surround Kellys Creek. The precinct includes an approved concrete batching plant on Baines Place. The Stanwell Tops Conference Centre is partially within the precinct. The southern portion of the Conference Centre site drains to the Illawarra Escarpment.

Gills Creek Precinct location



The Helensburgh Commission of Inquiry found that part of this precinct was the most capable of urban development.

The draft 7(d) Review (2009) proposed that the bushland parts be zoned E2 Environmental Conservation and that the cleared areas containing dwellings be zoned E3 Environmental Management. No additional subdivision or dwelling entitlements were proposed.

The first exhibition resulted in sixteen (16) submissions commenting on the Gills Creek precinct, all of which objected to the proposed E2 Environmental Conservation / E3 Environmental Management zoning pattern and submitted an alternate zoning pattern (discussed later).

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

- Rezoning land on both sides of Baines Place to IN2 Light Industry, to provide further local employment opportunities.
- Rezone the bushland area E2 Environmental Conservation (with an E3 Environmental Management zone retained around the existing dwellings).

Gills Creek Precinct – Preliminary review zoning option



The Preliminary Review proposed that the land surrounding the existing rural – residential dwellings in Baines Place be zoned E3 Environmental Management and the balance of the lots which contain bushland around Kellys Creek be zoned E2 Environmental Conservation.

As a consequence of the second exhibition, 2,466 submissions were received commenting on the precinct. 2,451 submissions objected to the proposed zone options

and considered that the precinct should be zoned E2 Environmental Conservation in its entirety. The other submissions made comment on specific issues and sites.

The Gills Creek precinct is the largest and most diverse precinct. There are a number of separate proposals and issues within the precinct, which will be discussed separately.

1. Princes Highway, rural properties

The Preliminary Review and draft Planning Proposal proposed that the seven (7) lots fronting the Princes Highway be zoned RU2 Rural Landscape. Each lot has an area of 0.18 to 2.4 hectares, has been cleared and contains an existing dwelling house.

Apart from the submissions objecting to any change in the precinct, no submissions commented on this sub-precinct.

It is proposed that the draft Planning Proposal be progressed to rezone the lots to RU2 Rural Landscape zone.

2. Crown Land

The Land and Property Management Authority supported the two (2) lots of Crown Land in the south of the precinct being zoned E2 Environmental Conservation.

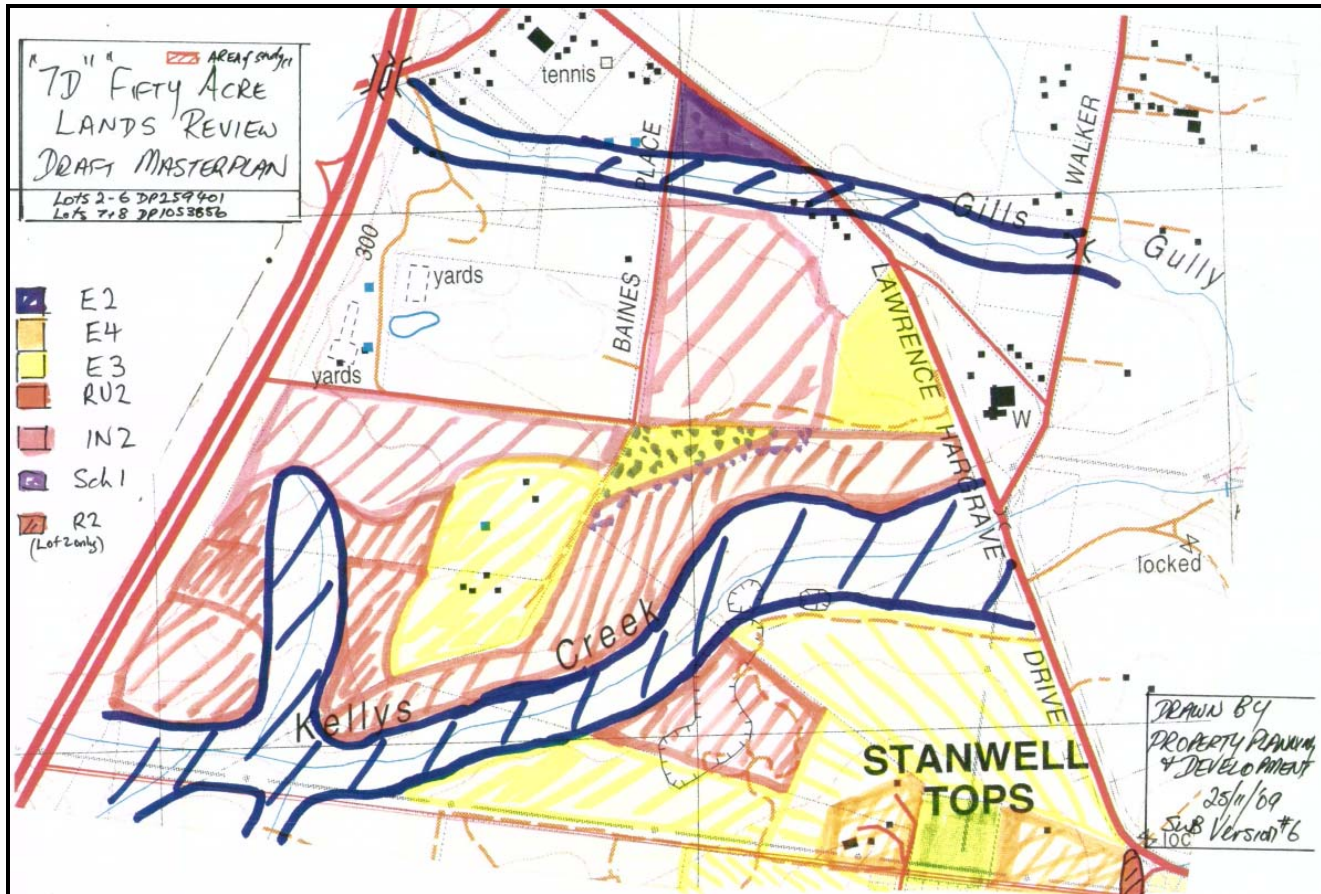
It is proposed that the draft Planning Proposal be progressed to rezone the Crown Land to E2 Environmental Conservation.

3. Baines Place – rural residential properties

During the first exhibition, eight (8) submissions on behalf of the eight (8) owners of the “50 acre lots” (the 20 hectare lots created in 1979) submitted an alternate masterplan (depicted below) which proposed:

- IN2 Light Industry along Baines Place, and between Baines Place and the Princes Highway;
- RU2 Rural Landscapes;
- E3 Environmental Management;
- E2 Environmental Conservation along Kellys and Gills Creeks;
- E4 Environmental Living on two (2) lots adjoining Stanwell Tops;
- R2 Low Density Residential on Lot 2 D 259401 adjoining Stonehaven Road, Stanwell Tops; and
- A restaurant be permitted on the corner of Baines Place and Lawrence Hargrave Drive (discussed later in this report).

Gills Creek Precinct – Submitted alternate zoning option



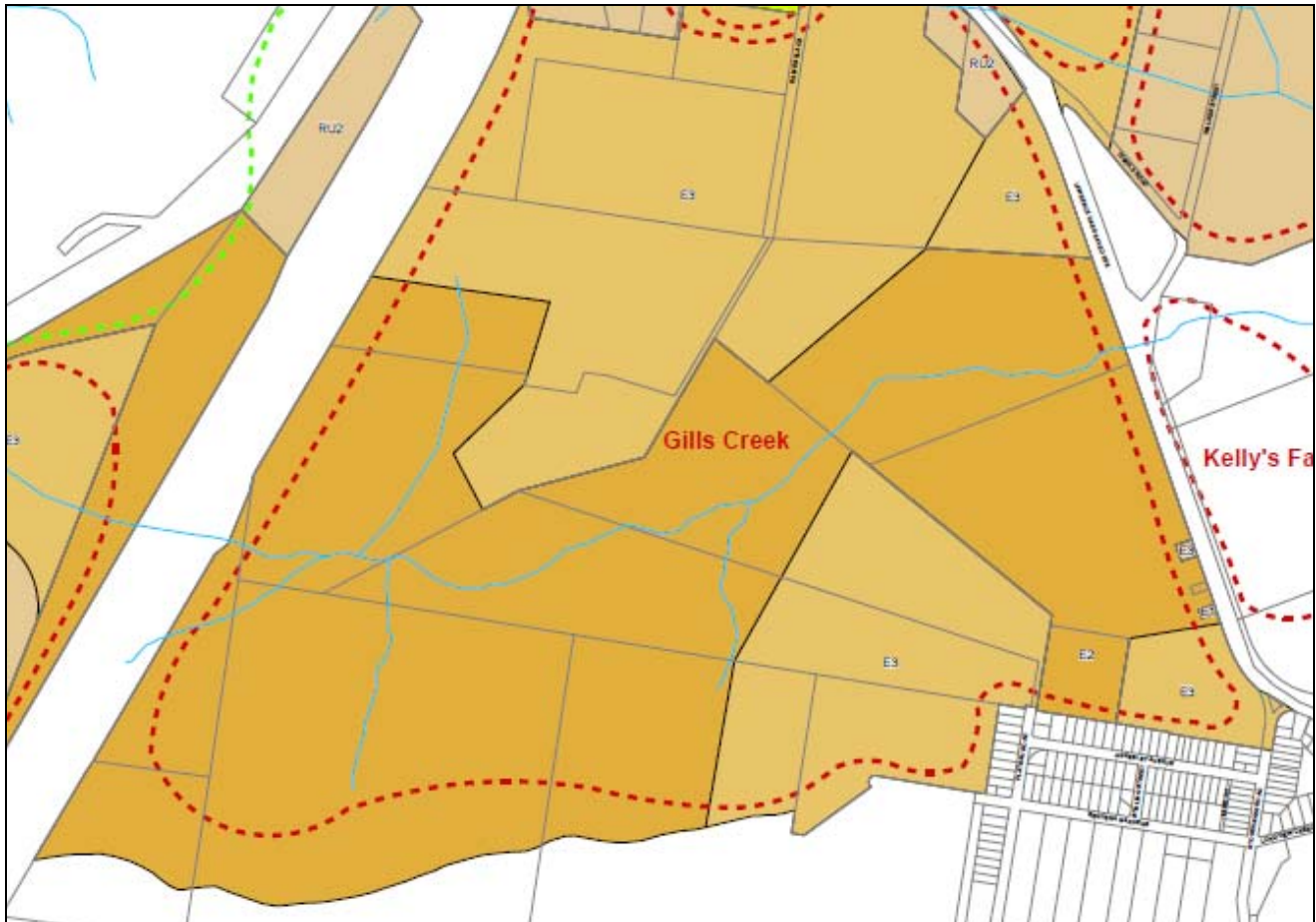
Two (2) submissions on behalf of Baines Concrete and adjoining owners (two (2) lots) sought either an IN2 Light Industrial or B6 Enterprise Corridor zoning. A submission from another owner sought an IN2 Light Industrial zone. The owner of 171 Lawrence Hargrave Drive sought the re-instatement of a Rural zoning on a property owned by the family since 1930.

During the second exhibition, submissions on behalf of the owners of five (5) of the “20 hectare” lots proposed that:

- Lot 3 DP 259401 Lawrence Hargrave Drive – be zoned part RU2 Rural Landscape, and part E2 Environmental Conservation or E3 Environmental Management;
- Lot 8 DP 1053856 (No. 100) Baines Place – be zoned part RU2 Rural Landscape, and part E2 Environmental Conservation or E3 Environmental Management;
- Lot 7 DP 1053856 (No. 86) Baines Place – be zoned part RU2 Rural Landscape, part IN2 Light Industrial and part E2 Environmental Conservation or E3 Environmental Management;

- Lot 2 DP 569325 and Lot 329 DP 752033 (No. 5) Baines Place –be zoned IN2 Light Industrial (discussed in the next sub-precinct); and
- Lot 4 DP 259401 Lawrence Hargrave Drive –requested that the land be zoned IN2 Light Industrial, E2 Environmental Conservation and E3 Environmental Management and a restaurant be permitted (discussed later).

Similar to the recommendations of the Preliminary Review, it is proposed that the Kellys Creek riparian corridor be zoned E2 Environmental Conservation. The area used for rural residential purposes retain an E3 Environmental Management zone, as indicated in the draft Planning Proposal (below).



4. Baines Place Industrial area

The Preliminary Review proposed that land on both sides of Baines Place be zoned IN2 Light Industrial. An industrial precinct was first proposed by the Helensburgh Town Plan (1990). The proximity of the precinct to the Princes Highway and F6 Freeway, and large lots make this area suitable for employment land. The existing concrete batching plant was permitted through an additional use provision. The creation of an industrial precinct along Baines Place would complement the B6 Enterprise Corridor in the Gateway Precinct. The larger properties would provide for uses that require larger floor plates,

and the precinct has good access to the Princes Highway and F6 Freeway. A vegetative buffer to screen any industrial development from Symbio would be required, to separate the uses.

The precinct is not connected to reticulated water or sewerage systems.

During the second exhibition, forty one (41) submissions supported the proposed IN2 Light Industrial zone and 1,972 submissions objected. The objections were concerned about the impact industrial uses would have on Symbio Wildlife Park, bushland and water quality.

In the Final Report on Submissions, the recommendations of the Preliminary Review were reviewed. Despite the support of the landowners, it is proposed that the IN2 Light Industrial zone not be introduced at this time. Further research is required on the demand for industrial land in the northern part of the City, environmental impacts, provision of infrastructure services, impacts on adjacent uses and traffic and transport.

It is recommended that an industrial precinct not be established as part of the draft Planning Proposal and the land retain an E3 Environmental Management zone.

5. Baines Place - Proposed restaurant

The 7(d) zone did permit restaurants, but the use is not permitted in the E3 Environmental Management zone. In April 2010, Council refused Development Application No. 2009/1519 for a restaurant on this site, due to insufficient information, inconsistent with the 7(d) Environmental Protection Hacking River zone objectives, inconsistent with the (then) draft E3 Environmental Management zone, and potential clearing of the riparian corridor for bushfire protection measures.

The owner of Lot 4 DP 259401 (227-231 Lawrence Hargrave Drive) and two (2) other submitters supported permitting the additional use of a “restaurant” on the northern part of the property at the intersection of Baines Place and Lawrence Hargrave Drive.

Lawrence Hargrave Drive is a tourist route, and the establishment of a restaurant on the site opposite Symbio could have some local economic benefits. A restaurant could provide another attraction on the Grand Pacific Drive route and, local employment, but could have a negative effect on existing restaurants in the town centre. It was proposed that the additional use of a “restaurant or café” be permitted on the Lawrence Hargrave Drive / Baines Place corner of Lot 4 DP 259401.

In the Final Report on Submissions, Council resolved on 5 July 2011 to support the inclusion of an Additional Use provision to allow a restaurant on the corner of Baines Place.

In issuing the Gateway determination, the NSW Department of Planning and Infrastructure did not support the use of Schedule 1 to permit a restaurant and instead required that the land be zoned SP3 Tourist.

Rather than the SP3 Tourist zone, it is suggested that the RE2 Private Recreation zone should be utilised. Both the SP3 Tourist zone and the RE2 Private Recreation zone would permit restaurants, however the SP3 Tourist zone would also permit a range of tourist accommodation uses that may not be appropriate in the area.

The restaurant would need to be connected to the sewerage system, rather than relying on on-site disposal. Additionally, the Gills Creek riparian corridor should be protected and not cleared as part of an Asset Protection Zone. The corridor should be zoned E2 Environmental Conservation.

If Council supports the alternate RE2 Private Recreation zoning it will need to be referred to the NSW Department of Planning and Infrastructure for review prior to exhibition.

6. Stanwell Tops

The Preliminary Review proposed that the land surrounding the existing rural – residential dwellings on Plateau Road be zoned E3 Environmental Management and the balance of the lots which contain bushland around Gills Creek be zoned E2 Environmental Conservation.

Two (2) submissions from the owners of two (2) of the “20 hectare lots” indicated general support for the proposed E3 Environmental Management and E2 Environmental Conservation zones, but suggested minor zone boundary amendments to better reflect their use of the land. The minor adjustments were accepted.

Six hundred (600) submissions suggested that the Stanwell Tops Conference Centre should be zoned E2 Environmental Conservation. The southern part of the southern portion of the Conference Centre site drains to the Illawarra Escarpment is zoned E3 Environmental Management and E2 Environmental Conservation.

The alternate master plan submitted during the first exhibition, suggested that land adjacent to Stonehaven Road be zoned to permit residential development. The residential expansion of Stanwell Tops along Stonehaven Road was not supported and is still not supported.

F6 West

Background

The 7(d) zone applied to six (6) properties on the Princes Highway on the western side of the F6 Freeway. The precinct is separated from Helensburgh by the F6 Freeway, but the land is still within the Gills Creek / Kellys Creek / Hacking River catchment area, and was zoned 7(d) Hacking River – Environmental Protection in 1990 as part of the Wollongong Local Environmental Plan 1990.

Two (2) lots are Crown Land (outlined in green). The southern Crown Land parcel (part Lot 129 DP 752054) is divided by the Freeway and continues on the eastern side of the Freeway (within the Gills Creek precinct). Two (2) lots are managed by the Sydney Catchment Authority (outlined in blue). The boundary of the former 7(d) land goes through the middle of the southern Sydney Catchment Authority parcel (Lot 99 DP 752054) which contains a dwelling house.

The other two (2) lots are privately owned. The northern one (Lot 1 DP 1000140) has been cleared and contains a dwelling house. The southern one (Lot 750 DP 752033) is partially cleared, contains some old poultry structures and dam, and was proposed to be the site of a private education facility.

The draft 7(d) review proposed that the cleared northern and southern portions be zoned RU2 Rural Landscape while the middle bushland portion retain an E2 Environmental Conservation zone.

Princes Highway West Precinct location



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

- The Sydney Catchment Authority land and the Crown Land be zoned E2 Environmental Conservation; and
- Zoning the private properties part RU2 Rural Landscapes and part E3 Environmental Management.

As a consequence of the first exhibition, two (2) submissions were received commenting specifically on this precinct. As a consequence of the second exhibition, 1,226 submissions commented on the precinct.

In submissions to both exhibitions, the Sydney Catchment Authority supported their land being zoned E2 Environmental Conservation.

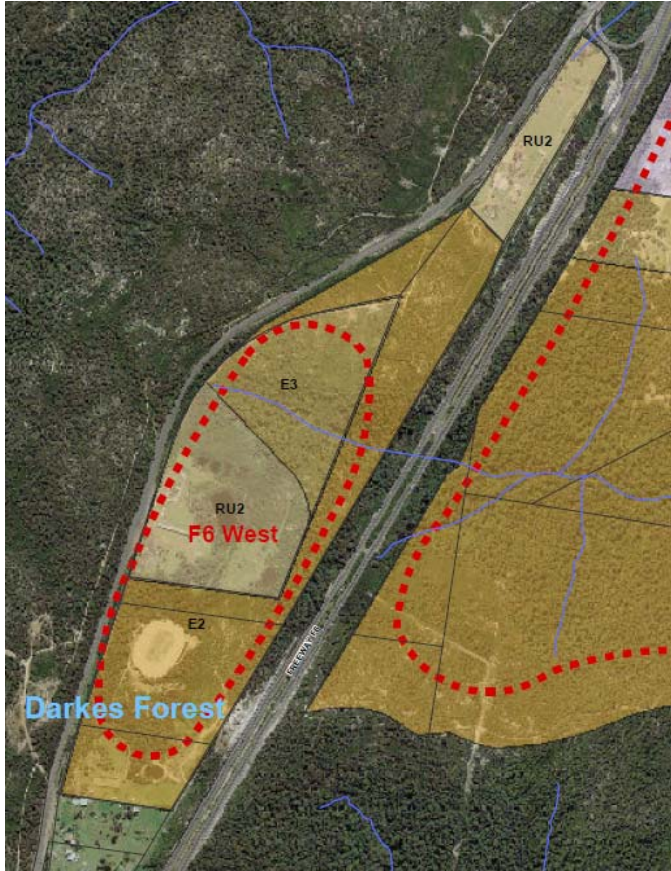
The Land and Property Management Authority supported the Crown Land being zoned E2 Environmental Conservation.

In submissions to both exhibitions, the owner of Lot 750 DP 752033 supported the proposed RU2 Rural Landscapes zone, but opposed the proposed E3 Environmental Management zone on their property. The owner requested that two (2) additional uses be permitted on the site, namely "Information and Education facility" and "Environmental Tourism". The submission indicates that the uses would promote environmental, green industries and green skilling for the local and regional community.

1,222 other submissions to the second exhibition supported the recommendations of the Preliminary Review and one (1) submission opposed the recommendations. The submission suggested that a rural zone was inappropriate as the soils were infertile and the land not capable of agricultural pursuits.

Education establishments were permissible under the 7(d) zone, provided the requirements of clause 11 of the Wollongong Local Environmental Plan 1990 were satisfied. The use is not permitted under the current E3 Environmental Management zone. The use of the site for an education establishment is not considered appropriate due to its isolation from Helensburgh, lack of service infrastructure (water and sewerage) and high bushfire risk.

Princes Highway West – Preliminary Review zoning option



It is recommended that the draft Planning Proposal for the F6 West precinct be progressed to exhibition, which proposes:

- The Sydney Catchment Authority land and the Crown Land be zoned E2 Environmental Conservation; and
- Zoning the private properties part RU2 Rural Landscapes and part E3 Environmental Management.

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 the Gills Creek and F6 West precincts be progressed to exhibition.