

ITEM 6 ACQUISITION OF LOT 6 DP 242135 BEING LOT 6 OTFORD ROAD, OTFORD

This report seeks to obtain Council approval to acquire Lot 6 DP 242135, Otford Road, Otford, for passive open space land as per the land reservation acquisition map in the Wollongong Local Environmental Plan 2009.

RECOMMENDATION

- 1 Council acquire Lot 6 DP 242135 at Otford Road, Otford as the land is required for passive open space land as per the land reservation acquisition map in the Wollongong Local Environment Plan 2009.
- 2 Council be responsible for the landowners' reasonable legal costs associated with the sale at an agreed capped amount.
- 3 Authority be granted to the General Manager to execute any documentation necessary to finalise the acquisition and to affix the Common Seal of Council where necessary.
- 4 Upon acquisition the land becomes classified as Community Land.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Acquisition Location Mapping for Lot 6 DP 242135

BACKGROUND

On 12 April 1967 Council approved a subdivision application which created the Lloyd Place lots and the Otford Road lots. At this time the minimum lot size for "country dwelling" was 8,000m² or 0.8 hectare. The lots created measured two hectares and were zoned Non-Urban "A". In 1968 the minimum lot size for a country dwelling increased to two (2) hectares by the Illawarra Planning Scheme.

In September 1969 Council considered a proposal from the then State Planning Authority to increase the minimum area for "country dwellings" in all non-urban areas from two hectares to 40.4 hectares. Council agreed in principle with the proposal but considered that a twenty-hectare (20 ha) minimum would be more satisfactory for non-urban areas.

On 9 August 1971, the Town Clerk's certificate was issued for the Lloyd Place and Otford Road subdivision after all site works were completed.

On 8 October 1971, the Otford Road lots were released as the first part of the subdivision, with the Lloyd Place lots being released on 6 March 1972.

On 12 December 1970, Council advertised in a local newspaper the proposed increase to minimum lot size requirements for a "country dwelling" from two (2) hectares to twenty (20) hectares and allowed a period of twenty-eight days for comments.

Council received five objections, none of which related to the lots at Otford Road and Lloyd Place.

On 30 April 1971, the Minister for Local Government increased the minimum lot standard for a "country dwelling" on Non-Urban "A" land from two (2) hectares to twenty (20) hectares. By this time most of the lots in the Otford Road and Lloyd Place subdivisions had been sold to persons planning to build dwelling houses.

In 1984, the minimum lot size for a "country dwelling" increased to forty (40) hectares. As a result of these historic changes to planning controls, the landowners have been unable to erect a dwelling.

On 5 June 2015, the lots were rezoned to E2 Environmental Conservation as part of the review of former 7(d) zoned lands, and dwelling houses are no longer permitted.

While some of the lots have been sold, some land holders have been waiting since 1971 to build a house or receive compensation.

On 10 October 2016, Council resolved that:

- 1 *The draft Planning Proposal to identify 21 lots within the Lloyd Place, Otford precinct, and one lot within the Camp Gully Precinct Undola Road sub-precinct (No 3 Undola Road) on the Wollongong LEP 2009 – Land Reservation Acquisition Map as Local Open Space, be progressed by:*
 - a *Referring the final Planning Proposal to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal; and*
 - b *Noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 69 in relation to the final proposal.*
- 2 *Requests for acquisition of properties within the precinct be reported to Council for determination.*
- 3 *Lots 1, 2 and 3 DP 242135 Lloyd Place be excluded from the Planning proposal.*

Part 3 of the resolution reduced the number of lots to be acquired from twenty-one to eighteen.

The draft Planning Proposal was submitted to the NSW Department of Planning and Environment and an amendment to the Wollongong Local Environment Plan 2009 (LEP) (Amendment No 31) (*Attachment 1*) under the Environmental Planning and Assessment Act (EPA) 1979 was notified on the NSW legislation website on 17 March 2017 which reserves the following lots for acquisition:

- 1.1. Lot 38, Section G, DP 2644, 3 Undola Road, Helensburgh;
- 1.2. Lots 4-6 and 8 DP 242135, Lloyd Place, Otford; and
- 1.3. Lot 2 DP 33693, Lot 104 DP 226579, Lot 100 DP 226580 and Lots 11-21 DP 241582 Otford Road, Otford.

Council wrote to the affected landowners on 30 March 2017 advising them of the LEP amendment and that Council could now acquire the land for passive “open space” if they so wished, thereby providing them with an exit strategy. They were also advised that the acquisition would be under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW), in accordance with clause 5.1 of the LEP.

The letter also states “*Council will have regard to the ownership history of the property and the planning controls that applied at the time of purchase*”.

On 26 July 2024, the landowners of Lot 6 DP 242135 wrote to Council confirming that they would like to proceed with the Council acquisition.

An independent market valuation report was obtained to assess the market value of the property. The agreed purchase price reflects the valuation amount in the market valuation report. The details have been circulated to Council under separate cover.

PROPOSAL

It is proposed that Council acquire Lot 6 DP 242135, known as Lot 6 Otford Road, Otford, in accordance with the conditions outlined in this report.

CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with:

- a The landowners of Lot 6 DP 242135,
- b Herron Todd White Property Valuers; and
- c the Land Use Planning Division.

PLANNING AND POLICY IMPACT

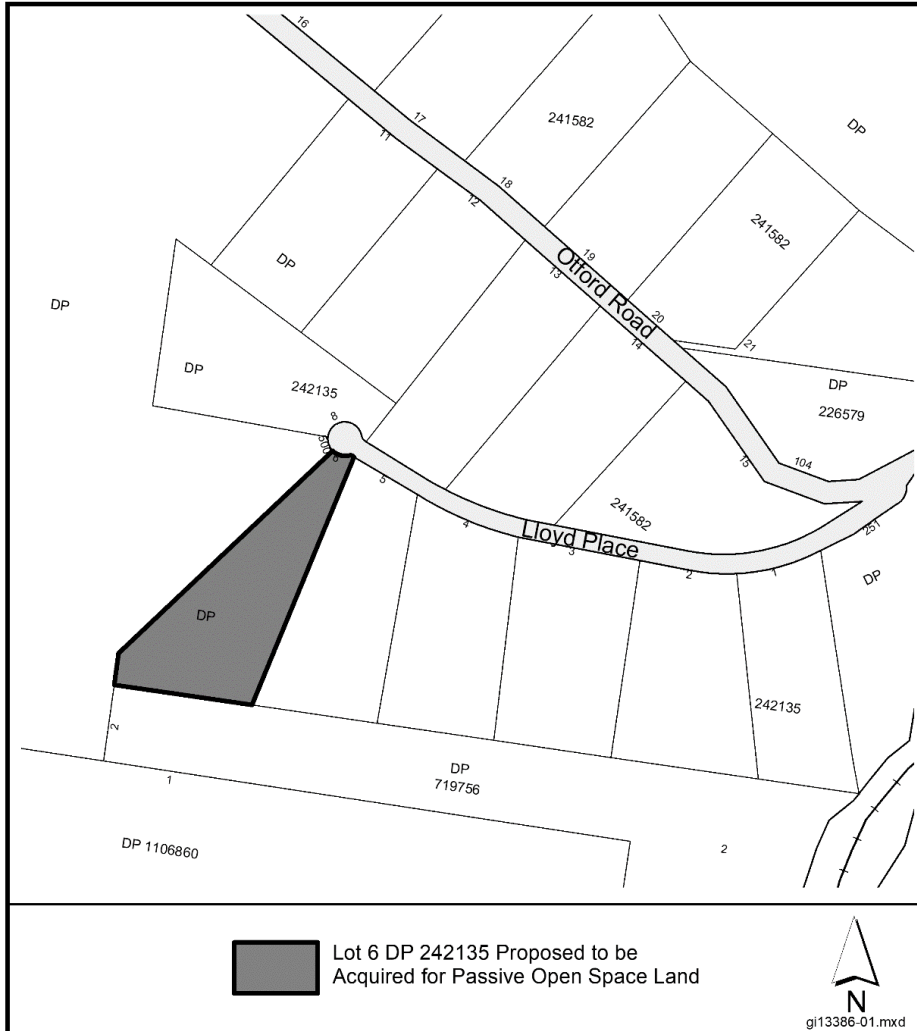
This report contributes to the delivery of Our Wollongong 2032 Goal of “we value and protect the environment”. This acquisition is in accordance with Council’s Land and Easement Acquisition and Disposal Policy.

FINANCIAL IMPLICATIONS

Funding for the acquisition is sourced from the City-Wide Development Contribution Plan.

CONCLUSION

The land is included in the Wollongong Local Environmental Plan 2009 Land Reservation Acquisition map for passive open space land and therefore is required to be purchased.



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