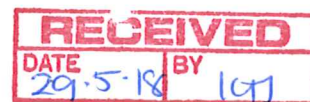


OBERON COUNCIL

137-139 Oberon Street
PO Box 84
OBERON NSW 2787

ABN 13 632 416 736



OBJ17105476

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
email: council@oberon.nsw.gov.au
Website: www.oberon.nsw.gov.au

Contact: Shane Wilson
Your Ref:
Our Ref: 17/05476-1 SW:JB

16th May 2018

Mr Damien Pfeiffer
Director Regions, Western
Department of Planning and Environment
188 Macquarie Street
DUBBO NSW 2830

Dear Damien

Amendment to Planning proposal (PP_2017_OBERO_001_00) to rezone open space, public reserves and public parks to RE1 Public Recreation In the Oberon LEP 2013

I refer to the Gateway determination in relation to the abovementioned Planning Proposal.

In the review of the Gateway determination and preparation to exhibit the proposal, it was identified that the areas of land were incorrectly included within the proposal to rezone the land to RE1 Public Recreation and two lots of land to be rezoned to RE2 Private Recreation were excluded.

I forward the attached amended planning proposal which now reflects the required changes for a modification of the Gateway Determination in accordance with Clause 56 of the EP & A Act 1979.

Council also requests an extension of 6 months in which to complete the LEP upon the reissuing of the Gateway determination.

Council at its Ordinary Meeting on the 15th May 2018 resolved to support the proposal over the land, to which the report and Council resolutions are attached.

The following documents have been enclosed and form part of the request for Gateway Determination:

- Amended Planning Proposal (dated April 2018)
- Council Resolution from May 2018 meeting.
- Copy of Gateway determination as issued (dated 13 September 2017)

RECEIVED	
Y8	37A0

Council submits the amended proposal for your consideration and await advice on the modification of the Gateway Determination.

Should you require any further information relating to the plan please do not hesitate to contact me on 63298122 or email shane.wilson@oberon.nsw.gov.au

Yours faithfully



Shane Wilson

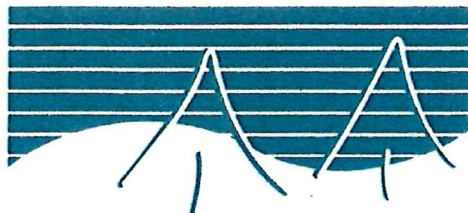
Planning and Development Director

PLANNING PROPOSAL

**REZONE LAND USED FOR OPEN SPACES,
PUBLIC RESERVES AND PUBLIC PARKS,
PRIVATE RECREATION
INTRODUCE TO ZONE RE1 PUBLIC
RECREATION IN THE OBERON LEP 2013 AND
REMOVE MINIMUM LOT SIZES.**

OBERON LOCAL ENVIRONMENTAL PLAN 2013

**AMENDED
APRIL 2018**



OBERON COUNCIL

TABLE OF CONTENTS

Introduction.....	1
Summary of Planning Proposal	1
Planning Context.....	1
Part 1 – Objectives and Intended Outcomes.....	2
Part 2 – Explanation of the Proposal.....	2
Part 3 – Justification.....	5
Section A – Need for the Planning Proposal.....	5
Section B – Relationship to the Strategic Planning Framework	5
Section C – Environmental, social and economic impact.....	6
Section D – State and Commonwealth interests.....	6
Part 4 – Mapping	7
Part 5 – Community Consultation.....	7
Part 6 – Timeline.....	7

APPENDICES

Appendix A – Site Maps: Proposed RE1 Public Recreation zone

Appendix B – Section 117 Direction Assessment Table

Introduction

Summary of Planning Proposal

This planning proposal seeks to integrate the RE1 Public Recreation zone into the *Oberon Local Environmental Plan 2013* (LEP) and apply the zone to identified public open space, public reserves and parks across the Oberon Council area.

The proposal will allow for better and more appropriate regulation and management of land uses on public land in the Oberon Council area and clearly identify land intended for public recreation use. The proposal will amend the LEP to include the RE1 Public Recreation zone in the Land Use Table in Part 2 and will amend the maps associated with the LEP to apply the RE1 Public Recreation zone to identified land parcels comprising public open space and public reserves.

Planning Context

During the preparation of the draft plan that became the gazetted *Oberon Local Environmental Plan 2013* the RE1 Public Recreation zone was not considered for inclusion in the plan. Land comprising open space, public reserves and public parks had zoning applied consistent with the previous generic village/township zones under the *Oberon Local Environmental Plan 1998* or in accordance with the zoning applied to the surrounding land parcels.

The Land Use Strategy considered and adopted by Council in the preparation of the *Oberon Local Environmental Plan 2013* made recommendations in relation to open space and parkland as follows:

Recreation/Open Space Land Uses

Recreation and open space areas have been identified. This includes the open space throughout the urban area of Oberon and includes the existing Showground. Appropriate zoning will be required to protect these lands from development and to allow appropriate management/development commensurate with their role in meeting the recreation needs of the community.

These facilities will be zoned as either RE1 Public Recreation or RE2 Private Recreation respectively depending on their ownership status.

Implications for Emerging LEP

Define and appropriately zone recreation lands as either RE1 Public Recreation or RE2 – 'Private Recreation' in accordance with the Standard LEP template.

Through the integration of the RE1 Public Recreation zone into the LEP, this planning proposal will enable the application of the RE1 zone over identified recreation and open space areas as identified in the Land Use Strategy.

The planning proposal will allow the LEP to better apply land use zoning to identified open space and recreation areas and will enable the ongoing and future use of these areas consistent with the community's expectations.

Part 1 – Objectives and Intended Outcomes

The objectives of this planning proposal are to:

- Incorporate zoning and land use provisions into the *Oberon Local Environmental Plan 2013* for recreation, open space and parkland areas consistent with the Standard Instrument – Local Environmental Plan.
- Appropriately zone and identify permissible compatible land uses for areas of recreation, open space and parkland in the Oberon Council area.
- Identify and regulate ongoing and future land use on public recreation areas, open space and parkland in the Oberon Council area.

The intended outcome of this planning proposal is that recreation, open space and parkland areas in the Oberon Council area will be appropriately zoned with a suite of permissible land uses consistent with the expected ongoing use of the land.

Part 2 – Explanation of the Proposal

The proposed outcome will be achieved by amending the zoning table in the *Oberon Local Environmental Plan 2013* to include the RE1 Public Recreation zone. The proposed content is as follows:

Zone RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and conserve the historical and scenic quality of open space areas.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

3 Permitted with consent

Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Child care centre; Community facilities; Dwelling houses; Educational establishment; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetties; Kiosks; Markets; Places of public worship; Public administration building; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Sewerage systems; Signage; Waste or resource transfer stations; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

In conjunction with the above, it is proposed to rezone identified public recreation, open space and parkland areas across the Oberon Council area by amending the Land Zoning Map and applying the RE1 Public Recreation zone and RE2 Private Recreation as shown in the table below to these sites. The sites proposed for rezoning are detailed in the table below. Maps showing the boundaries of each site proposed for inclusion in the RE1 Public Recreation and RE2 Private Recreation zones are included in Appendix A.

Site No.	Description	Parcel No	Lot/DP	Current Zone	Proposed Zone	Owner
1	Black Springs Recreation Reserve (Crown Reserve R80358)	19653	Lot 160 DP 757072	RU5 Village	RE1 Public Recreation	Crown
2	Burruga Recreation Reserve (Crown Reserve 4212)	19472	Lot 701 DP 1024537	RU1 Primary Production	RE1 Public Recreation	Crown
		17455	Lot 1 Sec 9 DP 758196			
3	The Reef Reserve (Crown Reserves 90827 & 88925)	19780	Lot 7004 DP 1032531	RU1 Primary Production	RE1 Public Recreation	Crown
		19785	Lot 7005 DP 1032531			
		19783	Lot 7003 DP 1032531			
		19769	Lot 7006 DP 1032531			
4	Bligh Street Reserve (Crown Reserve 84322)	20149	Lot 7306 DP 1141921	R1 General Residential	RE1 Public Recreation	Crown
		18581	Lot 1 Sec 63 DP 758805			
		18580	Lot 2 Sec 63 DP 758805			
		18579	Lot 3 Sec 63 DP 758805			
5	Oberon Dam Reserve (Part Crown Reserve 79502)	20150	Part Lot 7307 DP 1141921	RE2 Private Recreation	RE2 Private Recreation	Crown
6	Oberon Recreation Reserve	18528	Lot 228 DP 757068	R1 General Residential	RE1 Public Recreation	Crown
		20085	Lot 1 DP 904155			
		19811	Lot 7015 DP 1051799			
		20086	Lot 2 DP 904155			

Site No.	Description	Parcel No	Lot/DP	Current Zone	Proposed Zone	Owner
7	Oberon Common	19180	Lot 701 DP 1032524	R1 General Residential	RE1 Public Recreation	Crown
		20103	Lot 7305 DP 1138538			
		19602	Lot 3 DP 1126275			
		19154	Lot 1 DP 1074906			
8	Apex Park	10340	Lot 31 Sec C DP 2364	R1 General Residential	RE1 Public Recreation	Council
9	Richards Park (North)	14468	Lot 90 DP 748894	R1 General Residential	RE1 Public Recreation	Council
10	Richards Park (South)		Lot 25 DP 879315	R1 General Residential	RE1 Public Recreation	Council
11	Glyndwr Avenue Reserve	15973	Lot 1 DP 865394	R1 General Residential	RE1 Public Recreation	Council
12	Cunynghame Oval	15389	Lot 36 DP 848153	R1 General Residential	RE1 Public Recreation	Council
13	Miss Wilson Park	14327	Lot 34 DP 700974	R1 General Residential	RE1 Public Recreation	Council
14	Oberon Showground	19754	Lot 7016 DP 1051795	R1 General Residential	RE1 Public Recreation	Crown
		16791	Lot 1 DP 375865			
		11606	Lot 3 Sec 38 DP 758805			
		15339	Lot 1 DP 823445			
		16794	Lot 216 DP 757068			
		16797	Lot 4 Sec 39 DP 758805			
		16796	Lot 3 Sec 39 DP 758805			
		16795	Lot 219 DP 757068			
		16798	Lot 252 DP 757068			
15	Oberon Golf Course	16436	Lot 6 Sec 63 DP758805	R1 General Residential	RE2 Private Recreation	Council
		10290	Lot 8 Sec 63 DP758805			

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

While the planning proposal has been initiated based on a request from the Department of Primary Industries – Lands in relation to the Oberon Showground, the application of the RE1 Public Recreation to recreation, open space and parkland in the Oberon Council area is consistent with the recommendations of the Land Use Strategy adopted by Council in 2012 which states:

Recreation/Open Space Land Uses

Recreation and open space areas have been identified. This includes the open space throughout the urban area of Oberon and includes the existing Showground. Appropriate zoning will be required to protect these lands from development and to allow appropriate management/development commensurate with their role in meeting the recreation needs of the community.

These facilities will be zoned as either RE1 Public Recreation or RE2 Private Recreation respectively depending on their ownership status.

Implications for Emerging LEP

Define and appropriately zone recreation lands as either RE1 Public Recreation or RE2 – 'Private Recreation' in accordance with the Standard LEP template.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Applying the RE1 Public Recreation zone to public land committed for recreation, open space and parkland related uses is the best means of achieving the objectives and intended outcomes and is consistent with the approach intended with the Standard Instrument – Principal Local Environmental Plan and other Local Environmental Plans applied across New South Wales.

Section B – Relationship to the Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the four regionally focused goals of the Central West and Orana Regional Plan (Regional Plan). These goals are:

- *The most diverse regional economy in NSW*
- *A stronger, healthier environment and diverse heritage*
- *Quality freight, transport and infrastructure networks*
- *Dynamic, vibrant and healthy communities*

Direction 29 is of particular relevance, which is “*Deliver healthy built environments and better urban design*”. Essentially this planning proposal is applying a layer of protection on Council’s public parks and recreation areas and therefore enabling the ongoing and

future use of this land for public recreation purposes and adding to the community's wellbeing.

The Regional Plan identifies that transport and logistics, tourism and manufacturing are the Oberon Local Government Area's top three economic opportunities and it is considered that the rezoning of land used for open space, public reserves and public parks to the RE1 Public Recreation Zone does not compromise these opportunities.

4. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs). The proposal will result in the rezoning of land with long established recreational, open space and parkland uses and is not expected to result in any inconsistencies with SEPPs.

5. Is the planning proposal consistent with the applicable Ministerial Directions (s117 directions)?

The proposal is generally consistent with the applicable Ministerial Directions issued under section 117 of the *Environmental Planning and Assessment Act 1979*. An assessment of the proposal against the Ministerial Directions is contained in Appendix B.

Section C – Environmental, social and economic impact

6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No adverse impacts on critical habitats or threatened species, populations or ecological communities, or their habitats, are expected as a result of this proposal. The direct impacts of the planning proposal will be the application of the RE1 Public Recreation zone to land already utilised for recreation, open space and parkland uses.

7. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no expected other likely environmental effects resulting from this planning proposal. The proposal will have the effect of strengthening zoning and land use objectives applied to recreational, open space and parkland areas and will ensure development which is compatible with the public recreational nature of the subject land.

8. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will result in social improvements through the identification and appropriate land use regulation of public recreation related land. Indirect economic impacts can be expected on the communities surrounding the identified sites through better land use planning that identifies and protects land set aside for public recreational uses.

Section D – State and Commonwealth interests

9. Is there adequate public infrastructure for the planning proposal?

The planning proposal applies to existing recreational, open space and parkland areas that generally have sufficient public infrastructure in place to enable the ongoing and future use of the land for public recreation purposes.

10. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation has been undertaken in relation to this proposal to date. Consultation with the Department of Primary Industry will occur concurrently with community consultation.

Part 4 – Mapping

The proposal will result in changes to the Land Zoning Map to apply the RE1 Public Recreation zone to the identified land parcels. The land specific to this zoning change is identified in the appendix.

Part 5 – Community Consultation

No community consultation has been undertaken in relation to this planning proposal to date. It is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979* for a minimum period of 28 days.

Part 6 – Timeline

The proposed timeline for completion of this planning proposal is contained in the table below.

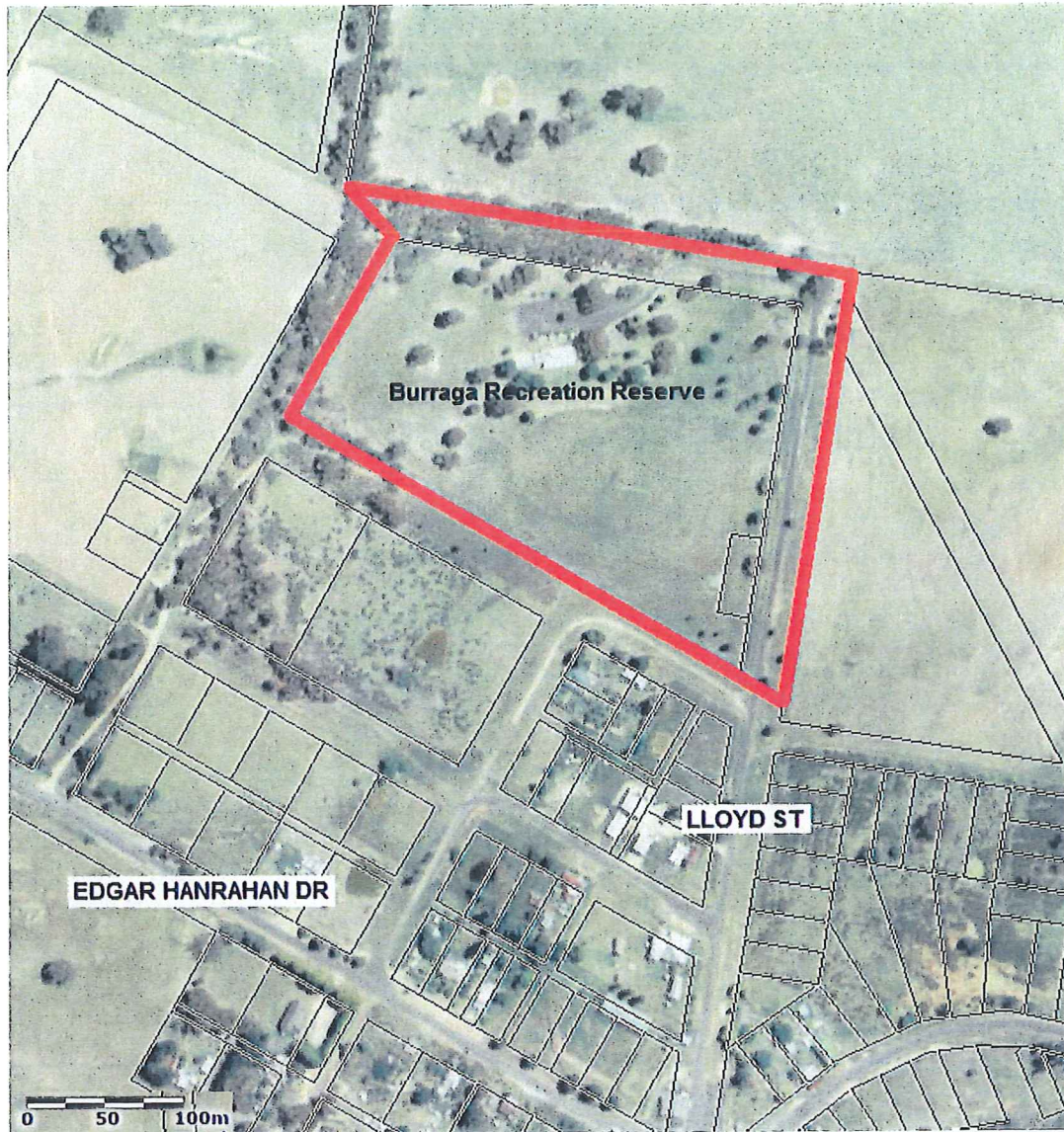
Plan Making Step	Estimated Completion
Gateway Determination	September 2017
Amendment to Gateway Determination	May 2018
Government Agency Consultation	June 2018
Public Exhibition Period	July/August 2018
Public Hearing	N/A
Submissions Assessment by RPA	September 2018
RPA Assessment of Planning Proposal and Exhibition Outcomes	October 2018
LEP Maps prepared	December 2018
Submission of Endorsed LEP to DP&E for Finalisation	February 2019
Completion of LEP	March 2019

Appendices

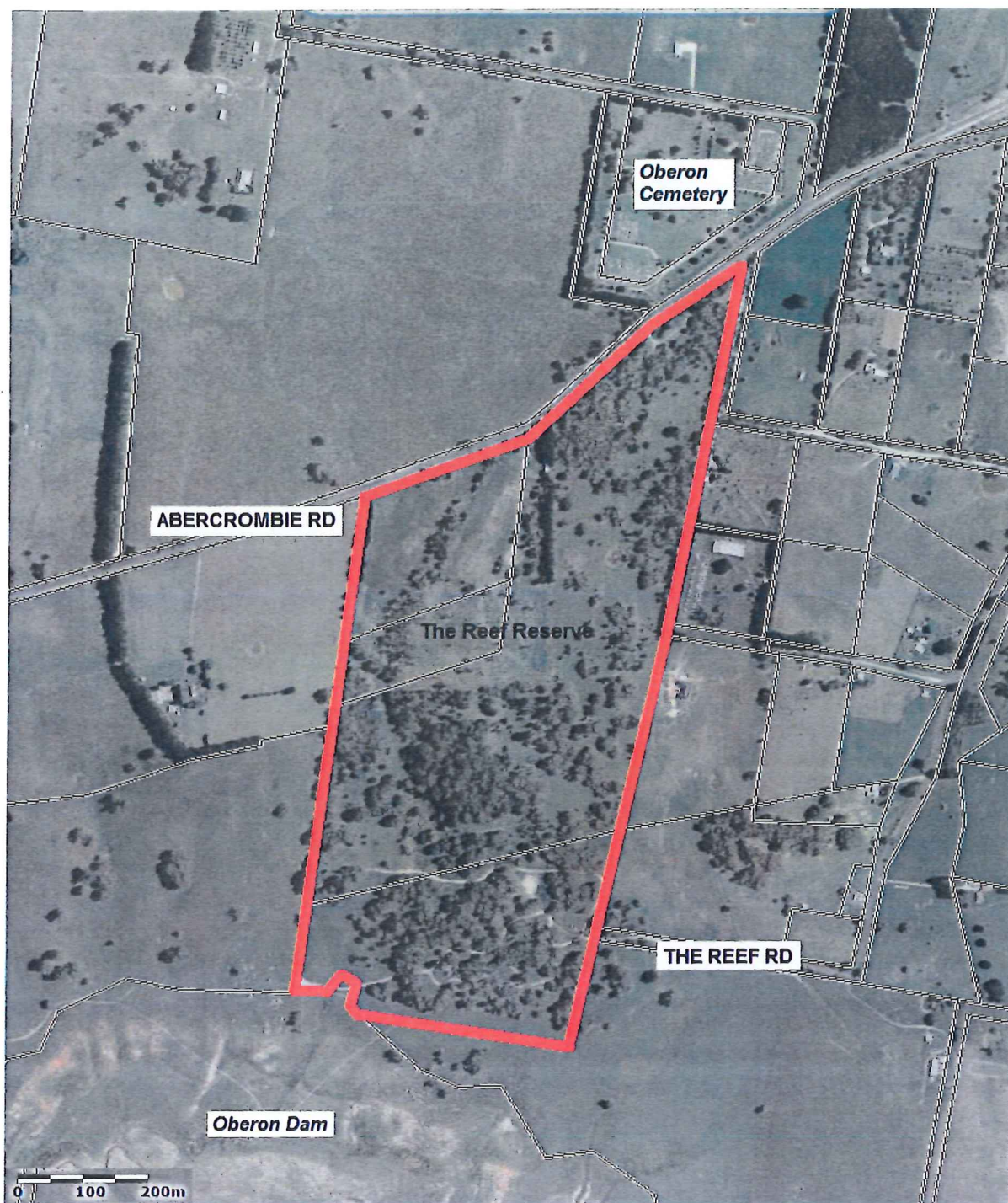
Appendix A – Site Maps: Proposed RE1 Public Recreation zone



Site 1 – Black Springs Recreation Reserve



Site 2 – Burraga Recreation Reserve



Site 3 – The Reef Reserve, Oberon



Site 4 – Bligh Street Reserve, Oberon



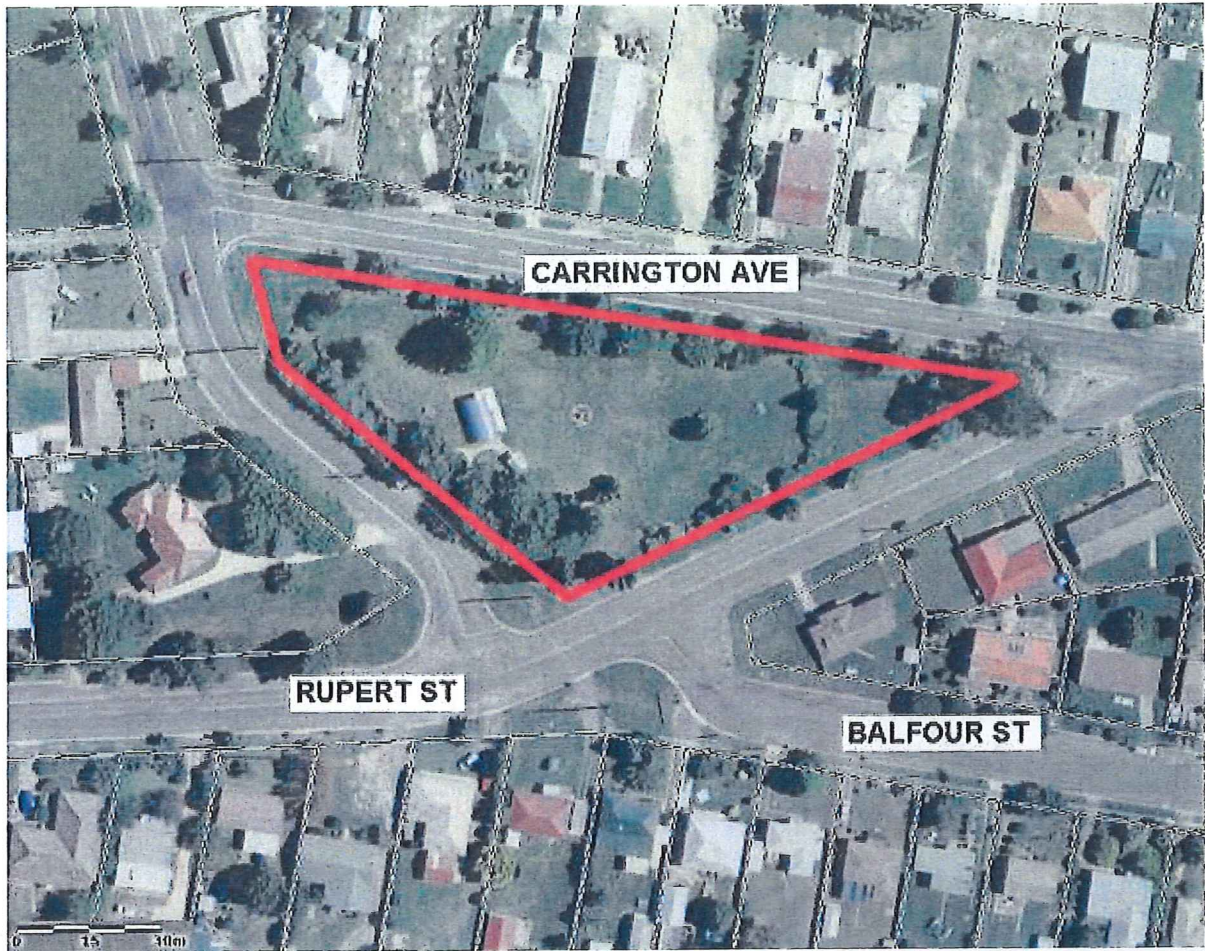
Site 5 – Oberon Dam Reserve (part)



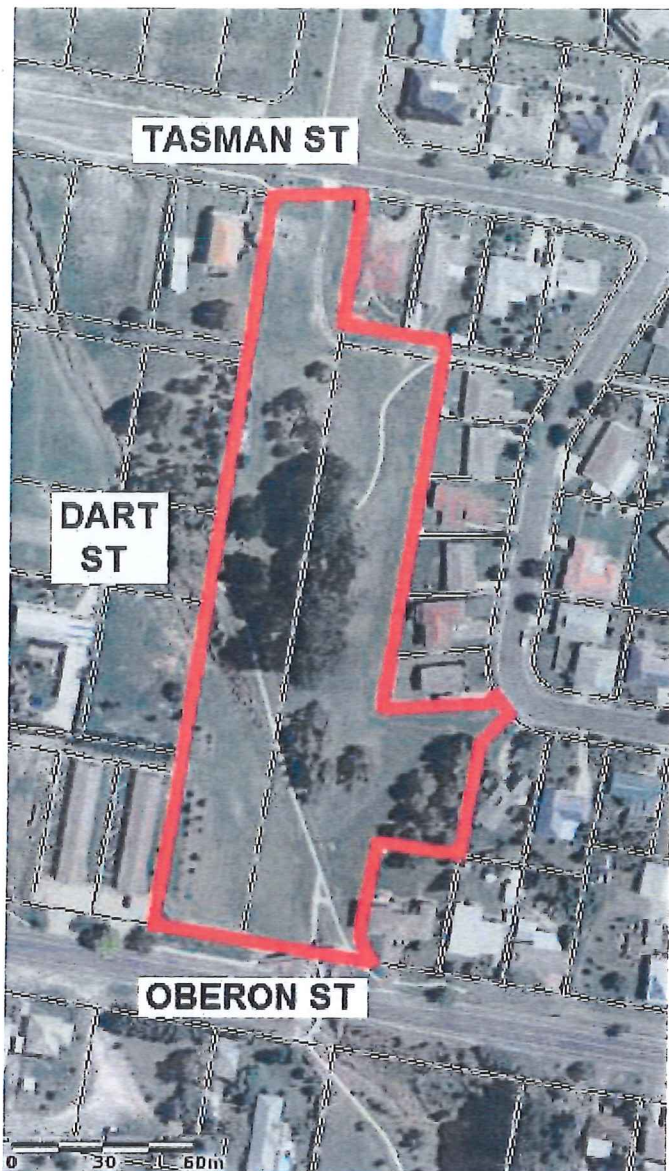
Site 6 – Oberon Recreation Reserve



Site 7 – Oberon Common



Site 8 – Apex Park, Oberon



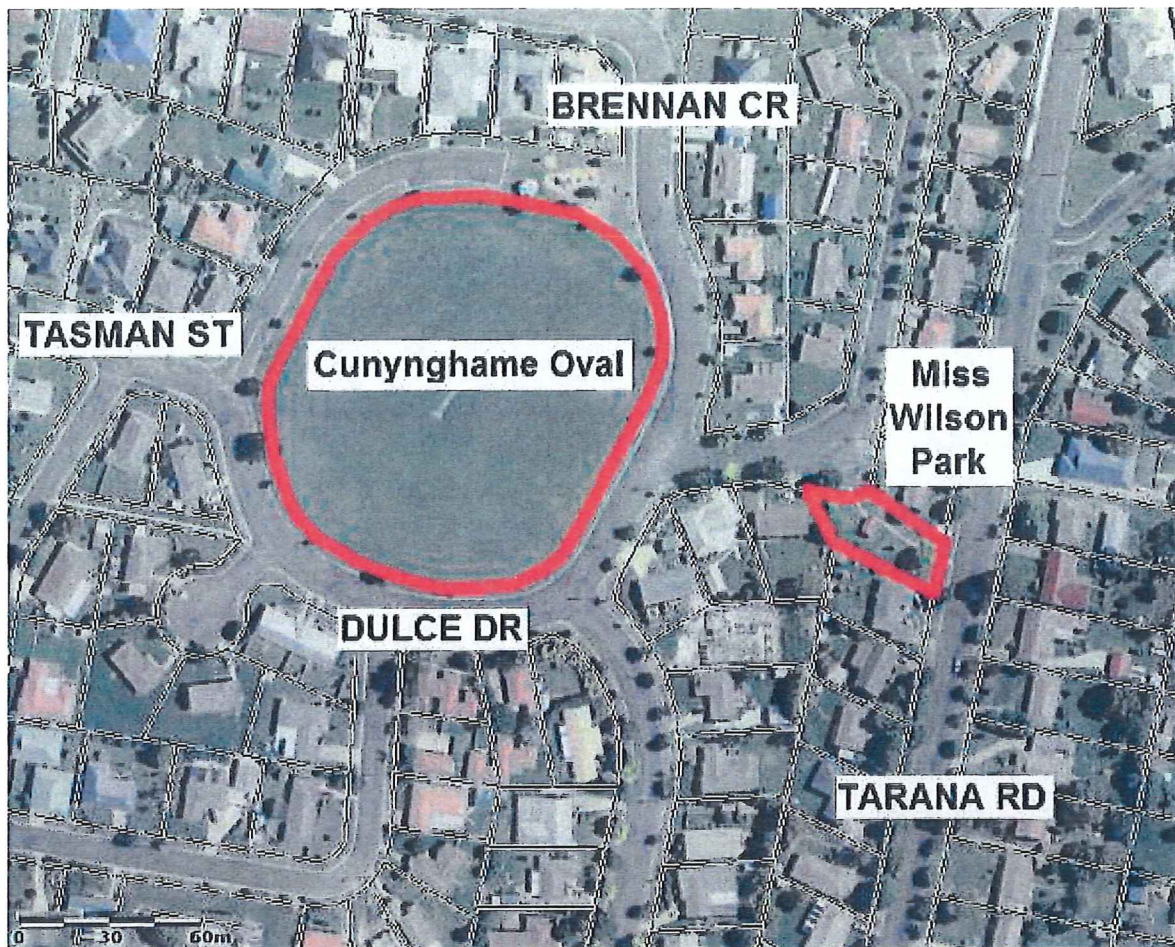
Site 9 – Richards Park (North), Oberon



Site 10 – Richards Park (South), Oberon



Site 11 – Glyndwr Avenue Reserve, Oberon



Sites 12 & 13 – Cunyngghame Oval & Miss Willson Park, Oberon



Site 14 – Oberon Showground



Sites 15 – 26 Bligh Street, Oberon

Appendix B – Section 117 Direction Checklist

Section 117 (2) direction	Planning proposal compliance
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. Three of the affected lots are currently IN1 General Industrial Zone. Amending these lots to the RE1 Zone is providing a practical understanding of who owns the respective lots and what each lot can be used for now and in the future.
1.2 Rural Zones	Consistent. Six of the affected lots are currently RU1 Primary Production Zone. Amending these lots to the RE1 Zone is providing a practical understanding of who owns the respective lots and what each lot can be used for now and in the future. I
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to this planning proposal
1.4 Oyster Aquaculture	Does not apply to this planning proposal
1.5 Rural Land	Does not apply to this planning proposal
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The planning proposal is not expected to affect or alter existing environmentally sensitive areas.
2.2 Coastal Protection	Does not apply to this planning proposal
2.3 Heritage Conservation	Consistent. The effects of this planning proposal will not directly affect or change the existing requirements for heritage management and conservation in the LEP.
2.4 Recreation Vehicle Areas	Consistent. The proposed amendment will not affect development for the purpose of a recreational vehicle area.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The majority of the affected lots are currently R1 General Residential Zone. Amending these lots to the RE1 Zone is providing a practical understanding of who owns the respective lots and what each lot can be used for now and in the future.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This planning proposal will rezone the land of the existing caravan park but will not affect the continued operations or development for caravan parks and manufactured home estates.
3.3 Home Occupations	Does not apply to this planning proposal
3.4 Integrating Land Use and Transport	Does not apply to this planning proposal
3.5 Development near Licensed Aerodromes	Consistent. This planning proposal will not result in impacts on any land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Consistent. This planning proposal will not result in impacts on any land in the vicinity of a shooting range.

4. Hazard and risk	
4.1 Acid Sulphate Soils	Consistent. This planning proposal will not result in direct impacts on acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	Consistent. This planning proposal will not affect land within a mine subsidence district or that has been identified as unstable.
4.3 Flood Prone Land	Consistent. This planning proposal is to change appropriate public owned land to a public recreation zone. Some of this land is affected by waterways and prone to inundation. The change to RE1 Public Recreation Zone will better reflect the opportunities and the future development of flood prone land.
4.4 Planning for Bushfire Protection	Consistent. This planning proposal will change public owned recreation land to RE1 Public Recreation Zone some of which is bushfire prone. . Any development which is bushfire prone is will require a merit based assessment and consideration of the bushfire constraints.
5. Regional planning	
5.1 Implementation of Regional Strategies	Consistent. This planning proposal is consistent with the Final Central West and Orana Regional Plan.
5.2 Sydney Drinking Water Catchment	Consistent. This planning proposal will not have any impacts on the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to this planning proposal
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to this planning proposal
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008, see amended Direction 5.1
5.7 Central Coast	Revoked 10 July 2000, see amended Direction 5.1
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to this planning proposal
5.9 North West Rail Link Corridor Strategy	Does not apply to this planning proposal
5.10 Implementation of Regional Plans	Consistent. This planning proposal is consistent with the Final Central West and Orana Regional Plan and doesn't undermine the achievements of its vision, land use strategy, goals, directions or actions.

6. Local plan making	
6.1 Approval and Referral Requirements	Consistent. This planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. This planning proposal does not create additional reservations of land for public purposes as the land affected is already in public ownership and being maintained for public purposes. The land is being rezoned to Public Recreation Zone to better reflect its ownership and existing and future use.
6.3 Site Specific Provisions	Consistent. There are no site specific provisions as part of this planning proposal. All parcels of land which is being affected as part of this planning proposal will have the same permissible uses.
7.1 Implementation of the Metropolitan Strategy	Does not apply to this planning proposal
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to this planning proposal

should also be noted that the fire shed is located 2.00m from a crown road reserve which is currently unused.

Moved: McCarthy
Second: Doney

That

1. Council vary Part A.4.3 – Building Setback from Roads of the Oberon Development Control Plan 2001 associated DA 10.2018.18.1 for a proposed fire shed with boundary setbacks of 1.66m from Simmons Road boundary, 12.15m from Beaconsfield Road boundary and 2.00m from Crown Road boundary of Lot 12 in DP 759100, Section 5, 3 Simmons Road, Wisemans Creek.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

Votes For: Councillors Sajowitz, Kellam, Doney, Lyon, McKechnie, McCarthy, Capel, McKibbin and Gibbons
Against: Nil

13.04 PLANNING PROPOSAL (PP_OBERO_001_00) RE1 & RE2 PUBLIC RECREATION ZONE

File No: Land Use & Planning/Planning/LEP
Author: Shane Wilson – Planning & Development Director

Summary

Council at its Ordinary meeting on 20 December 2016, resolved to:

1. *Council support the planning proposal in principle to amend the Oberon Local Environmental Plan 2013 to incorporate the RE1 Public Recreation Zone into the plan and identify permissible compatible land uses,*
2. *As part of the proposal to include the RE1 Public Recreation zone, that Council seek to rezone identified public recreation, open space and parkland areas to the RE1 Public Recreation zone,*
3. *Council authorise the Acting General Manager to submit the attached planning proposal to the Department of Planning and Environment requesting Gateway Determination in accordance with the requirements of section 56 of the Environmental Planning and Assessment Act 1979, and*
4. *Council receive a further report on the outcomes of the planning proposal following the mandatory public exhibition period and prior to final authorisation.*

The planning proposal was submitted to the Department of Planning and Environment requesting Gateway Determination in accordance with the requirements of section 56 of the Environmental Planning and Assessment Act 1979, which was issued in September 2017.

In the review of the Gateway determination and preparation to exhibit the proposal, it was identified that the Oberon Rugby ground and associated area was included within the proposal to rezone the

land to RE1 Public Recreation and two lots of the Golf Club to be rezoned to RE2 Private Recreation were excluded.

Given the potential plans for that are it is recommended that the previously identified as the Oberon Rugby League/Hockey/Netball Ground be removed from the Gateway via a modification to it.

Moved: McKibbin
Second: Doney

That:

1. Council support the amended planning proposal dated April 2018 to amend the *Oberon Local Environmental Plan 2013* to incorporate the RE1 Public Recreation Zone into the plan and identify permissible compatible land uses,
2. As part of the proposal to include the RE1 Public Recreation zone, that Council seek to rezone identified public recreation, open space and parkland areas to the RE1 Public Recreation zone,
3. Council authorise the General Manager to submit the attached amended planning proposal to the Department of Planning and Environment requesting a modification to the Gateway Determination dated 13 September 2018 in accordance with the requirements of section 3.33 of the *Environmental Planning and Assessment Act 1979*,
4. Request that an extension of the Gateway determination be granted for a further 6 months, and
5. Council receive a further report on the outcomes of the planning proposal following the mandatory public exhibition period and prior to final authorisation.

Carried

13.05 BOUNDARY ADJUSTMENT 19 BRIEN ROAD OBERON

File No: Roads/Agreement/General

Author: Chris Schumacher Technical Services Director.

Summary

This report relates to recent correspondence received from the property owners 19 Brien Road, requesting Council consideration to rectify a long standing boundary anomaly affecting their current property and Oberon Council's road reserve fronting Brien Road, Oberon.

13.04 PLANNING PROPOSAL (PP_OBERO_001_00) RE1 & RE2 PUBLIC RECREATION ZONE

File No: Land Use & Planning/Planning/LEP

Author: Shane Wilson – Planning & Development Director

Summary

Council at its Ordinary meeting on 20 December 2016, resolved to:

1. *Council support the planning proposal in principle to amend the Oberon Local Environmental Plan 2013 to incorporate the RE1 Public Recreation Zone into the plan and identify permissible compatible land uses,*
2. *As part of the proposal to include the RE1 Public Recreation zone, that Council seek to rezone identified public recreation, open space and parkland areas to the RE1 Public Recreation zone,*
3. *Council authorise the Acting General Manager to submit the attached planning proposal to the Department of Planning and Environment requesting Gateway Determination in accordance with the requirements of section 56 of the Environmental Planning and Assessment Act 1979, and*
4. *Council receive a further report on the outcomes of the planning proposal following the mandatory public exhibition period and prior to final authorisation.*

The planning proposal was submitted to the Department of Planning and Environment requesting Gateway Determination in accordance with the requirements of section 56 of the Environmental Planning and Assessment Act 1979, which was issued in September 2017.

In the review of the Gateway determination and preparation to exhibit the proposal, it was identified that the Oberon Rugby ground and associated area was included within the proposal to rezone the land to RE1 Public Recreation and two lots of the Golf Club to be rezoned to RE2 Private Recreation were excluded.

Given the potential plans for that are it is recommended that the previously identified as the Oberon Rugby League/Hockey/Netball Ground be removed from the Gateway via a modification to it.

Recommendation:

That:

1. Council support the amended planning proposal dated April 2018 to amend the *Oberon Local Environmental Plan 2013* to incorporate the RE1 Public Recreation Zone into the plan and identify permissible compatible land uses,
 2. As part of the proposal to include the RE1 Public Recreation zone, that Council seek to rezone identified public recreation, open space and parkland areas to the RE1 Public Recreation zone,
 3. Council authorise the General Manager to submit the attached amended planning proposal to the Department of Planning and Environment requesting a modification to the Gateway Determination dated 13 September 2018 in accordance with the requirements of section 3.33 of the *Environmental Planning and Assessment Act 1979*,
 4. Request that an extension of the Gateway determination be granted for a further 6 months, and
 5. Council receive a further report on the outcomes of the planning proposal following the mandatory public exhibition period and prior to final authorisation.
-

Comments

ATTACHED is a copy of the Amended Planning Proposal.

In early 2016 Council received a request from the Department of Primary Industries – Lands on behalf of the Oberon Showground Trust in relation to the ongoing use of the showground facilities for camping. The showground's facilities have been used in the past from time to time for camping related to events such as the Oberon Show as well as allowing for overflow facilities during events such as the Royal Bathurst Show and other horse related events in the district. One of the advantages the showground provides is that it allows for basic camping facilities for visitors and participants in events with horse floats and large "5th wheeler" caravans that cannot normally stay at a standard caravan park.

The issue that arise was that under the *Oberon Local Environmental Plan 2013* (LEP), use of the land as a "camping ground" requires development consent. Because the showground site is zoned R1 General Residential under the LEP, camping grounds are prohibited development which means despite the historical informal use of the site for camping, Council cannot grant development consent for this use.

The proposed solution for this issue was to incorporate the RE1 Public Recreation zone into the LEP and make "camping grounds" development permissible with consent in the zone. The showground site could then be rezoned RE1 Public Recreation and the Oberon Showgrounds Trust could subsequently lodge a development application and obtain consent to allow camping at the showground on an occasional/intermittent basis. This approach was consistent with other LEPs in the district which have applied the RE1 Public Recreation zone to showgrounds and allow camping grounds as development permissible with consent in the RE1 zone.

In conjunction with the above amendment, Council staff also proposed that Council endorse in principle the rezoning of other public recreation sites across the Oberon Council area and applying the RE1 Public Recreation zone. These public recreation sites are using traditionally private land zones which is confusing the ownership and future use of the land.

Upon commencement, the *Oberon Local Environmental Plan 2013* only incorporated the RE2 Private Recreation zone which has been applied to the Oberon Golf Course and Oberon Dam Reserve. As part of this proposal, it is intended to retain the RE2 Private Recreation zone to the Oberon Golf Course, but rezone that part of the Oberon Dam Reserve open to the public to RE1 Public Recreation.

The list below was included within planning proposal, was intended to apply the RE1 Public Recreation zone to the following parcels of open space, parkland and recreation areas:

- Black Springs Recreation Reserve (RU Village)
- Burruga Recreation Reserve (RU1 Primary Production)
- The Reef Reserve (RU1 Primary Production)
- Bligh Street Reserve (R1 General Residential)
- Oberon Dam Reserve (RE2 Private Recreation)
- Oberon Showground (R1 General Residential)
- Apex Park, Oberon (R1 General Residential)
- Oberon Rugby League/Soccer/Netball/Hockey grounds (IN1 General Industrial)
- Oberon Recreation Reserve (including caravan park, swimming pool and indoor recreation centre) (R1 General Residential)
- Oberon Common (including adjoining unformed road reserves) (R1 General Residential)
- Richards Park (north and south of Oberon Street), Oberon (R1 General Residential)
- Cunynghame Oval, Oberon (R1 General Residential)
- Glyndwr Avenue Reserve, Oberon (R1 General Residential)
- Miss Wilson Park, Oberon (R1 General Residential)

In the review of the Gateway determination and preparation to exhibit the proposal, it was identified that the Oberon Rugby League/Hockey/Netball Ground was included within the proposal to rezone the land to RE1 Public Recreation.

Given the potential plans for that area of land it is recommended that it be removed from the current Gateway approval, which must occur via a modification of the Planning Proposal as originally issued.

It was also identified that two of the Golf Course lots 6 & 7 Sec 63 DP 758805 had not been included within the Planning Proposal as submitted for Gateway determination. These lots have now been included within the amended proposal.

To enable the above, Council will need to submit an amended planning proposal to the Department of Planning and Environment and seek a modification to the Gateway determination from the Department in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979*. This will then allow Council to undertake an amendment to the LEP to incorporate the RE1 Public Recreation zone and rezone appropriate public recreation parks subject to approval of the Minister for Planning.

Notes:

