

13.14 PLANNING PROPOSAL – RE1 & RE 2 PUBLIC RECREATION ZONES

File No: Land Use & Planning/Planning/LEP

Author: Jaclyn Burns, Health and Building Manager

Summary

Council is in receipt of a request from the Department of Primary Industries – Lands on behalf of the Oberon Showground Trust in relation to allowing camping at the Oberon Showgrounds during special events. One of the issues that has arisen is the zoning of the showground site as R1 General Residential under the *Oberon Local Environmental Plan 2013* (LEP). Use of the land as a “camping ground” is prohibited under the R1 General Residential zone which means that Council cannot allow use of the showground facilities for camping associated with special events.

A potential solution to this is to incorporate the RE1 Public Recreation zone into the LEP with “camping grounds” as being permissible with consent and rezone the Oberon Showground site to RE1 Public Recreation. This land use and zoning approach is consistent with other LEPs in the district that have showground facilities zoned RE1 Public Recreation.

As part of this proposal, it has been considered by Council staff as opportunistic to also consider applying the RE1 Public Recreation zone to other parks, reserves and recreation facilities across the Oberon Council area at the same time. The changes include land from the following zones; General Industrial, Primary Production, Village and General Residential. Further, other areas that can be addressed using this proposal include the current residential land that the Oberon Golf Club leases.

Recommendation:

That:

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 support the planning proposal in principle to amend the *Oberon Local Environmental Plan 2013* to incorporate the RE2 Private Recreation Zone into the plan and identify permissible compatible land uses,
4. 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
5. Council receive a further report on the outcomes of the planning proposal following the mandatory public exhibition period and prior to final authorisation.

Comment

Council has 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 has arisen is 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 is 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 is 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 are also proposing 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. This approach is consistent with the Land Use Strategy adopted by Council in 2013 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.

Implications for Emerging LEP

Define and appropriately zone as RE1 Public Recreation in accordance with the Standard LEP template.

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. Additionally, it is proposed to amend the zoning around existing residential allotments that currently used by the Golf Club for there clubhouse.

As detailed in the ATTACHED planning proposal, it is also intended to apply the RE1 Public Recreation zone to the following parcels of open space, parkland and recreation areas:

- Black Springs Recreation Reserve (RU5 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)
- Lots 6 & 7 Section 63 DP 758805 (R1 Residential)

To enable the above, Council will need to submit a planning proposal to the Department of Planning and Environment and seek Gateway determination from the Department in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*. This will 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.

Consistent with the approach used in other LEPs in the district, the proposed details of the RE1 Public Recreation zone to be incorporated into the LEP 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

Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private 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.*

2 Permitted without consent

Environmental protection works; Water reticulation systems

3 Permitted with consent

Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Function centres; Helipads; Information and education facilities; Kiosks; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Seniors housing; Signage; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 2 or 3

Options

1. Council has the option to authorise the submission of the attached planning proposal to the Department of Planning and Environment seeking Gateway determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*. This will enable Council to proceed with an amendment to the *Oberon Local Environmental Plan 2013* to incorporate the RE1 Public Recreation zone into the plan. This will ensure land which is currently being used for public recreation purposes will be using an appropriate land use zone which is a better reflection of its ownership and allow a suite of appropriate land uses consistent with its public zone. It will provide for the rezoning of the Oberon Showground site to RE1 Public Recreation that will allow camping on the site, subject to development consent, and provide for the rezoning of other parks, recreation reserves and open space areas in the Oberon Council area. Additionally it is proposed to adequately zone the existing land identified as Lots 6 & Section 63 DP 758805 from the existing R1 Residential zone to RE 2 Private Recreation Zone to cater for a request made by Crown Lands in relation to the ongoing use of the Oberon Golf Club, clubhouse.

This is the recommended approach for the reasons outlined above.

2. Council has the option to resolve not to proceed with the draft attached planning proposal and not incorporate the RE1 Public Recreation zone into the *Oberon Local Environmental Plan 2013* and consider other options to address the issues raised by the Oberon Showground Trust. This could involve site specific permitted uses for the Oberon Showgrounds site. This approach is not recommended as it is inconsistent with the approach taken in other LEPs across the State and does not address the issue of public recreation land having traditionally private land zone allocations.

Acting General Manager's Comment

Guidelines have been issued under Section 23A of the Local Government Act 1993 titled 'Council Decision making During Merger Proposal Periods'. Council must consider the guideline in relation to each decision they make during the proposal period. This matter is considered to comply with the guidelines.

Moved: Doney
Second: Gibbons

That Council approve the updated Risk Management and Contract Management policies.

Carried 26 201216

**13.13 MUDGEE STONE COMPANY – OBERON WHITE GRANITE QUARRY –
REQUEST FOR COMMUNITY CONSULTATIVE COMMITTEE
REPRESENTATIVE**

File No: PR259-94

Author: Gary Wallace, Deputy General Manager

Summary

This report requests Council to nominate a Councillor to sit on the Mudgee Stone Company Oberon White Granite Quarry Community Consultative Committee.

Moved: Lord
Second: Doney

That Cllr McCarthy be nominated to sit on the Mudgee White Rock Quarry Community Consultative Committee.

Carried 27 201216

13.14 PLANNING PROPOSAL – RE1 & RE 2 PUBLIC RECREATION ZONES

File No: Land Use & Planning/Planning/LEP

Author: Jaclyn Burns, Health and Building Manager

Summary

Council is in receipt of a request from the Department of Primary Industries – Lands on behalf of the Oberon Showground Trust in relation to allowing camping at the Oberon Showgrounds during special events. One of the issues that has arisen is the zoning of the showground site as R1 General Residential under the *Oberon Local Environmental Plan 2013* (LEP). Use of the land as a "camping ground" is prohibited under the R1 General Residential zone which means that Council cannot allow use of the showground facilities for camping associated with special events.

A potential solution to this is to incorporate the RE1 Public Recreation zone into the LEP with "camping grounds" as being permissible with consent and rezone the Oberon Showground site to RE1 Public Recreation. This land use and zoning approach is consistent with other LEPs in the district that have showground facilities zoned RE1 Public Recreation.

As part of this proposal, it has been considered by Council staff as opportunistic to also consider applying the RE1 Public Recreation zone to other parks, reserves and recreation facilities across the Oberon Council area at the same time. The changes include land from the following zones; General Industrial, Primary Production, Village and General Residential. Further, other areas that can be addressed using this proposal include the current residential land that the Oberon Golf Club leases.

Moved: Morgan
Second: Sajowitz

That:

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, excluding the Oberon Rugby League Ground (site 6),
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 support the planning proposal in principle to amend the Oberon Local Environmental Plan 2013 to incorporate the RE2 Private Recreation Zone into the plan and identify permissible compatible land uses,
4. 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
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 28 201216

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, Francis, Gibbons, Morgan, Lord, Doney and Evans
Against: Councillors McCarthy

13.15 OBERON ARTS COUNCIL – CARE & MAINTENANCE AGREEMENT

File No: Community Relations/Community Consultation/Oberon Arts Council
Author: Gary Wallace, Deputy General Manager

Summary

This report requests Councils formalisation and responsibility for the care and maintenance of the Public Art works installed at the Common by Oberon Arts Council since 2008.

Moved: Doney
Second: Lord

That Council:

1. Agree to ongoing maintenance of approved projects undertaken by the Oberon Arts Councils.
2. Request that any works undertaken by the Oberon Arts Council within the Common (or other land owned by Council) be undertaken in consultation with Council staff to protect the integrity of the work and the Common.