

PLANNING PROPOSAL

APPLICATION OF
RE1 PUBLIC RECREATION ZONE

OBERON LOCAL ENVIRONMENTAL PLAN 2013

JULY 2016



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.....	4
Section A – Need for the Planning Proposal	4
Section B – Relationship to the Strategic Planning Framework	5
Section C – Environmental, social and economic impact	6
Section D – State and Commonwealth interests	7
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 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 zone are included in Appendix A.

Site No.	Description	Parcel No	Lot/DP	Current Zone	Owner
1	Black Springs Recreation Reserve (Crown Reserve R80358)	19653	Lot 160 DP 757072	RU5 Village	Crown
2	Burruga Recreation Reserve (Crown Reserve 4212)	19472	Lot 701 DP 1024537	RU1 Primary Production	Crown
		17455	Lot 1 Sec 9 DP 758196	RU1 Primary Production	Crown
3	The Reef Reserve (Crown Reserves 90827 & 88925)	19780	Lot 7004 DP 1032531	RU1 Primary Production	Crown
		19785	Lot 7005 DP 1032531	RU1 Primary Production	Crown
		19783	Lot 7003 DP 1032531	RU1 Primary Production	Crown
		19769	Lot 7006 DP 1032531	RU1 Primary Production	Crown
4	Bligh Street Reserve (Crown Reserve 84322)	20149	Lot 7306 DP 1141921	R1 General Residential	Crown
		18581	Lot 1 Sec 63 DP 758805	R1 General Residential	Crown
		18580	Lot 2 Sec 63 DP 758805	R1 General Residential	Crown
		18579	Lot 3 Sec 63 DP 758805	R1 General Residential	Crown
5	Oberon Dam Reserve (Part Crown Reserve 79502)	20150	Part Lot 7307 DP 1141921	RE2 Private Recreation	Crown
6	Oberon Rugby League/Hockey/Netball Ground	19008	Lot 2 DP 1098783	IN1 General Industrial	Council
		14576	Lot C DP 158146	IN1 General Industrial	Council
		14577	Lot 1 DP 248152	IN1 General Industrial	Council
7	Oberon Recreation Reserve	18528	Lot 228 DP 757068	R1 General Residential	Crown
		20085	Lot 1 DP 904155	R1 General Residential	Crown
		19811	Lot 7015 DP 1051799	R1 General Residential	Crown
		20086	Lot 2 DP 904155	R1 General Residential	Crown

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

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)?

At the time of preparation this planning proposal, the Draft Central West and Orana Regional Plan was on public exhibition.

The Draft Central West and Orana Regional Plan contains a vision for the region that will be achieved through four overarching goals to influence and inform land use and development. Each goal contains directions and actions to influence and implement land use and development outcomes that will achieve the specified goals.

Of relevance to this proposal is:

GOAL 4: Strong communities and liveable places that cater for the region’s changing population

The aim of Goal 4 is to create attractive, healthy and sustainable communities which are great places for people to live in, work in and visit. Of relevance is Direction 4.4 under this goal which is to “enhance community access to jobs and services by creating well-connected places, designed to meet the needs of a regional community”. This includes designing places to meet the needs of the population and designing urban centres to contribute to cultural, economic and physical well being.

This planning proposal seeks to specifically identify and zone land identified and used for recreation, open space and parkland. This will be achieved by applying appropriate land use controls to protect and enable the ongoing and future use of this land for public recreation purposes.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

The proposal is generally consistent with the Council's adopted Community Strategic Plan (CSP). Of particular relevance is Future Direction 1 – Our Community which includes strategic outcomes such as:

- A healthy and active community
- Integrated, well utilised and appropriate sporting and community facilities
- Well maintained and utilised parks and passive recreation facilities.

Also of relevance is Future Direction 5 – Open Communication which includes the strategic outcome of well planned, presented and maintained towns, villages and rural localities.

This planning proposal is consistent with these strategic outcomes and will help achieve a well planned community with identified recreation, open space and parkland facilities that will contribute to a healthy lifestyle and provide public facilities for recreation and cultural pursuits.

5. 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.

6. 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

7. 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.

8. 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.

9. 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

10. 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.

11. 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. Future government agency consultation will take place in accordance with directions in the Gateway determination.

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. Copies of the draft amended map sheets are included below.

INCLUDE DRAFT AMENDED MAP SHEETS

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	August 2016
Government Agency Consultation	September 2016

Public Exhibition Period	September 2016
Public Hearing	N/A
Submissions Assessment	October 2016
RPA Assessment of Planning Proposal and Exhibition Outcomes	October 2016
Submission of Endorsed LEP to DP&E for Finalisation	November 2016
RPA Decision to Make the LEP Amendment (delegated)	November 2016
Forwarding LEP Amendment to DP&E for Notification (delegated)	November 2016

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



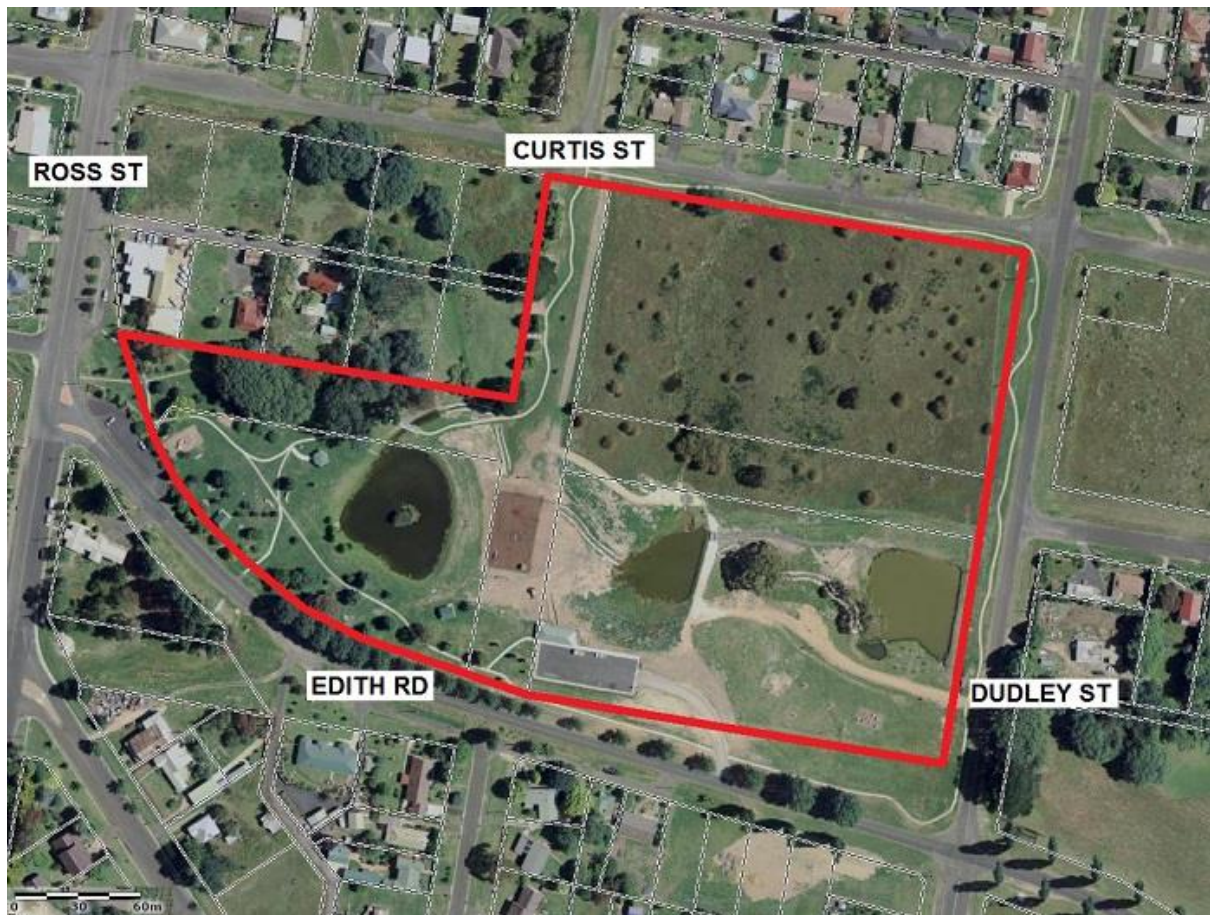
Site 5 – Oberon Dam Reserve (part)



Site 6 – Oberon Rugby League/Hockey/Netball Grounds



Site 7 – Oberon Recreation Reserve



Site 8 – Oberon Common



Site 9 – Apex Park, Oberon



Site 10 – Richards Park (North), Oberon



Site 11 – Richards Park (South), Oberon



Site 12 – Glyndwr Avenue Reserve, Oberon



Sites 13 & 14 – Cunyngame Oval & Miss Wilson Park, Oberon



Site 15 – Oberon Showground

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 not inconsistent with any Regional Strategies.
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
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