

Planning Services

Gateway Determination Report

LGA	Wingecarribee
PPA	Wingecarribee Shire Council
NAME	107 Kangaloon Road, Bowral – rezone land from R2 to SP1 to facilitate cemetery expansion (0 dwellings, 0 jobs)
NUMBER	PP_2018_WINGE_001_00
LEP TO BE AMENDED	Wingecarribee Local Environmental Plan 2010
ADDRESS	107 Kangaloon Road, Bowral
DESCRIPTION	Lot 4 DP 866291
RECEIVED	30 May 2018
FILE NO.	IRF18/1636
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The proposal rezones the site from R2 Low Density Residential to SP1 Special Activities - Cemetery and removes applicable minimum lot size controls.

Site description

The subject site is triangular and has an area of approximately 2,105 m². There is an existing dwelling and a garage on site which is accessed via a driveway connecting to Kangaloon Road. Trees and other vegetation are scattered around the site.

Figure 1 – Site Location

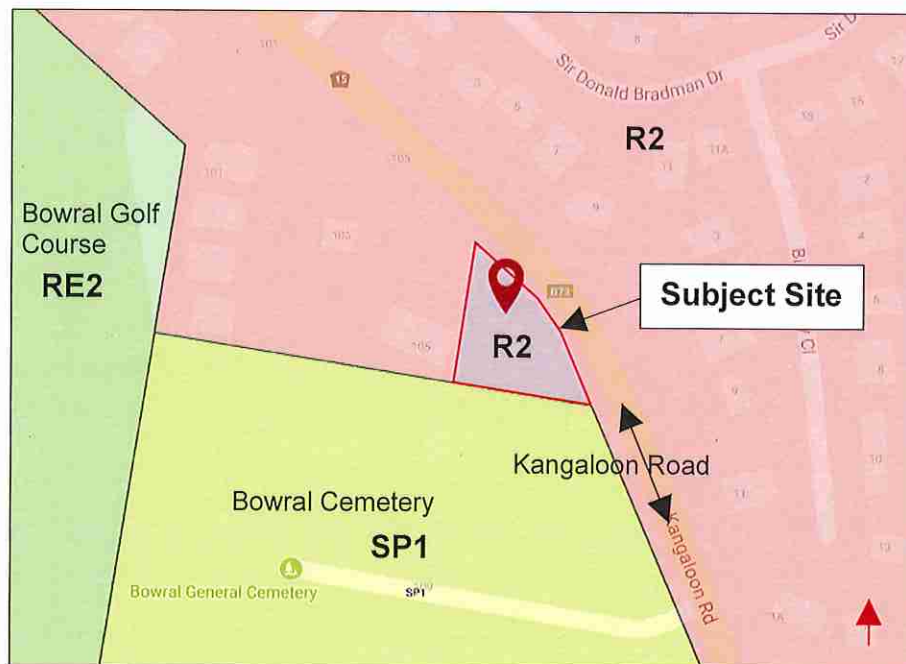


(Source: Department of Planning and Environment)

Surrounding area

The site adjoins residential areas zoned R2 to the west and to the north-east located beyond Kangaloon Road. The Bowral Cemetery which is zoned to SP1 Special Activities - Cemetery adjoins the site to the south (Figure 2). The Bowral Golf Course which is zoned RE2 Private Recreation is located further to the south-west of the site.

Figure 2 – Current Zoning – Wingecarribee LEP 2010



(Source: Department of Planning and Environment)

Summary of recommendation

The Southern Region supports the planning proposal as it would facilitate expanding the capacity of the Bowral Cemetery to cater for the future needs of the Wingecarribee population.

It is recommended that the planning proposal proceed as submitted.

PROPOSAL

Objectives or Intended Outcomes

The planning proposal seeks to rezone the site from R2 Low Density Residential to SP1 Special Activities - Cemetery and to remove applicable minimum lot size controls. The planning proposal is needed to enable an expansion of the Bowral Cemetery which is approaching capacity.

Explanation of provisions

The proposal will amend the Wingecarribee LEP 2010 as follows:

- Amend the relevant Land Zoning Map to rezone the subject site from R2 Low Density Residential land to SP1 Special Activities - Cemetery.
- Amend the relevant Lot Size Map to remove minimum lot size of 2,000m² from the subject site.

Mapping

The proposal will require amendment of two LEP maps, being the zoning and lot size maps applying to the subject site. Council will need to prepare conceptual maps to be included as part of the planning proposal for exhibition purposes.

NEED FOR THE PLANNING PROPOSAL

The Wingecarribee local government area has an ageing population well above the regional New South Wales average and Bowral Cemetery is approaching full capacity. As such, additional land is needed to cater for burials.

Council acquired the subject site in 2017 with a view to rezoning the land for cemetery uses to facilitate an expansion of the Bowral Cemetery.

The Southern Region supports the proposal noting it would facilitate expanding the operating life and capacity of the Bowral Cemetery to cater for the future needs of the Wingecarribee population. It is considered that a planning proposal is the best mechanism to achieve the intended objectives and outcomes.

STRATEGIC ASSESSMENT

South East Tablelands Regional Plan

Council noted the Regional Plan does not contain specific details regarding the provision of community facilities.

The Southern Region considers the planning proposal would facilitate the expansion of an existing cemetery in a central location to cater for the future needs of the Wingecarribee population. The Southern Region considers the planning proposal is consistent with Direction 21 of the Regional Plan to increase access to health and education services. In this regard, the Regional Plan specifically identifies a need for

sufficient space for cemeteries and crematoria to be provided through future land use planning.

Local Strategies

Council noted its Local Planning Strategy, which has been conditionally endorsed by the Department, discusses the ageing population in Wingecarribee which is well above the regional NSW average and continues to rise. Council therefore considers that it needs to ensure there is adequate cemetery space to meet projected demand.

The Southern Region considers that while the planning proposal has not been specifically identified in Council's Local Planning Strategy, it is broadly consistent with the overall intent of the Strategy to cater for the future needs of the community.

Section 9.1 Ministerial Directions

The planning proposal has identified applicable section 9.1 Directions.

Directions of particular relevance are discussed below:

3.1 Residential Zones

This Direction applies to planning proposals affecting residential zones and aims to encourage housing to meet local demand, ensuring new housing makes efficient use of existing infrastructure and services and minimise the impact of residential development on the environment.

The Southern Region considers rezoning one residential lot for the purposes of a cemetery would not adversely impact on housing supply in the Wingecarribee local government area (LGA).

The Secretary's delegate may therefore be satisfied that any inconsistency with this Direction is of minor significance.

5.1 Sydney Drinking Water Catchment

This Direction aims to protect water quality in Sydney's Drinking Water Catchment, including land within the Wingecarribee LGA.

This Direction requires consultation with the Sydney Catchment Authority (SCA) prior to Gateway determination.

Council has advised the planning proposal will not result in any adverse impacts on the water catchment and has committed to consulting with WaterNSW (formerly SCA) prior to exhibition of the planning proposal.

The Southern Region agrees the planning proposal is unlikely to have any significant impact on water quality in the water catchment.

The Secretary's delegate may be satisfied that any inconsistency with this Direction is of minor significance, subject to the Gateway determination including a requirement for consultation with the Water NSW prior to exhibition of the planning proposal.

5.10 Implementation of Regional Plans

This Direction gives legal effect to the vision, directions and actions contained in Regional Plans.

The Southern Region considers the planning proposal is consistent with Direction 21 of the Regional Plan as it seeks to provide sufficient space for a cemetery expansion in the Wingecarribee LGA through land use planning.

The proposal is considered to be consistent with all other applicable Directions.

State Environmental Planning Policies

The planning proposal identifies all State Environmental Planning Policies (SEPPs) applying to the site. Key relevant SEPPs include:

- State Environmental Planning Policy No. 44 – Koala Habitat Protection;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007; and
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

The planning proposal is not inconsistent with relevant SEPPs.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal will facilitate the expansion of the Bowral Cemetery to cater for the future needs of the Wingecarribee population.

Environmental

There are no critical habitats or threatened species, population of ecological communities identified on the subject site. Council noted there is a portion of engendered ecological community located on the western edge of the existing cemetery site which would not be affected by the planning proposal.

Economic

Considering the purpose of the planning proposal, it will not result in negative economic impacts.

Infrastructure

Council has advised no additional infrastructure will be required as a result of the planning proposal.

The provision of state infrastructure is not considered relevant to this proposal.

CONSULTATION

Community

Council has proposed a 28-day community consultation period. This is considered adequate.

Agencies

Council has proposed consultation with WaterNSW.

TIME FRAME

Council anticipates a 4-month time frame to finalise the LEP. It is recommended that a 12-month period be provided to provide a buffer in case issues arise during consultation.

LOCAL PLAN-MAKING AUTHORITY

Council has asked for plan making authority in relation to this proposal. This is considered appropriate, as the proposal is minor in nature.

CONCLUSION

The planning proposal would facilitate the expansion of the Bowral Cemetery to cater for the future needs of the Wingecarribee population. The planning proposal is considered to be consistent with the South East Tablelands Regional Plan by providing sufficient space for cemeteries through future land use planning.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 9.1 Directions 3.1 Environmental Protection Zones and 5.1 Rural Lands are minor or justified.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - WaterNSW
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Council is to prepare proposed zoning and lot size maps for inclusion as part of the planning proposal prior to exhibition.



11/5/18

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17 May 2018

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