

# Planning Proposal

To amend the zoning and lot size controls under Wingecarribee Local Environmental Plan 2010 for 107 Kangaloon Road Bowral.

Prepared Wingecarribee Shire Council:  
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Version 2 – For Gateway Determination

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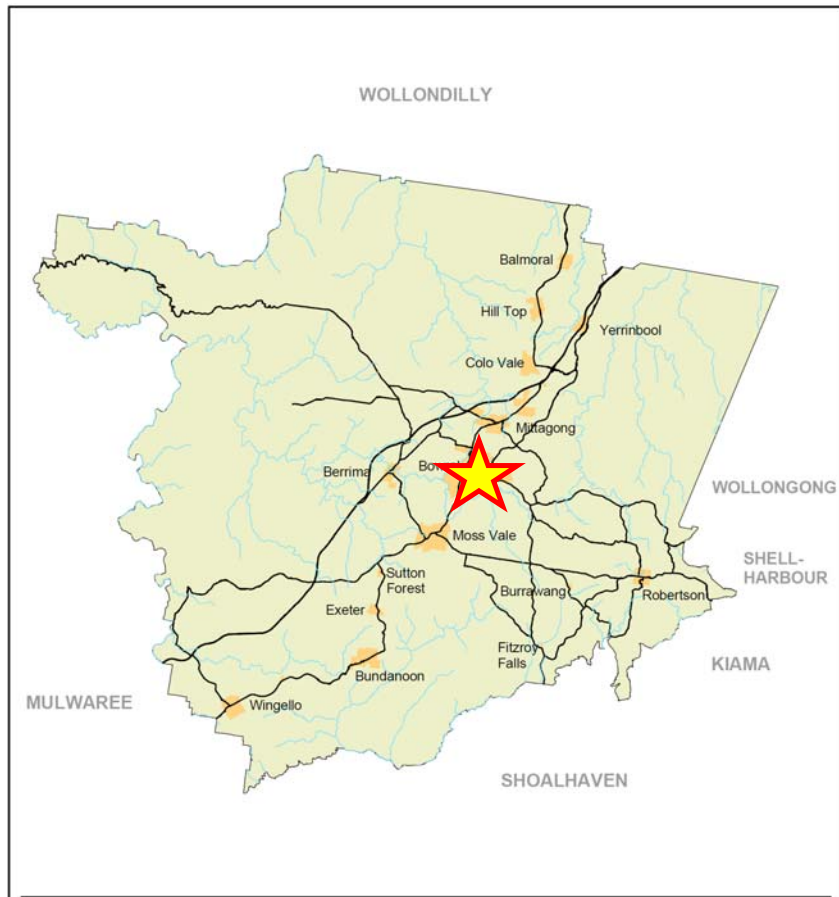
**ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL**

1	Report to Council 26 July 2017
2	Resolution of Council 26 July 2017
3	Resolution of (Closed) Council 26 July 2017
4	Report to Council 22 November 2017
5	Resolution of Council 22 November 2017
6	Delegation Request Evaluation Form

## LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND : 107 Kangaloon Road Bowral

### SHIRE WIDE LOCATION



### SITE LOCATION & DESCRIPTION

The subject land is located on the northern edge of the Bowral cemetery as shown in **Figure 1** and **Figure 2** below.

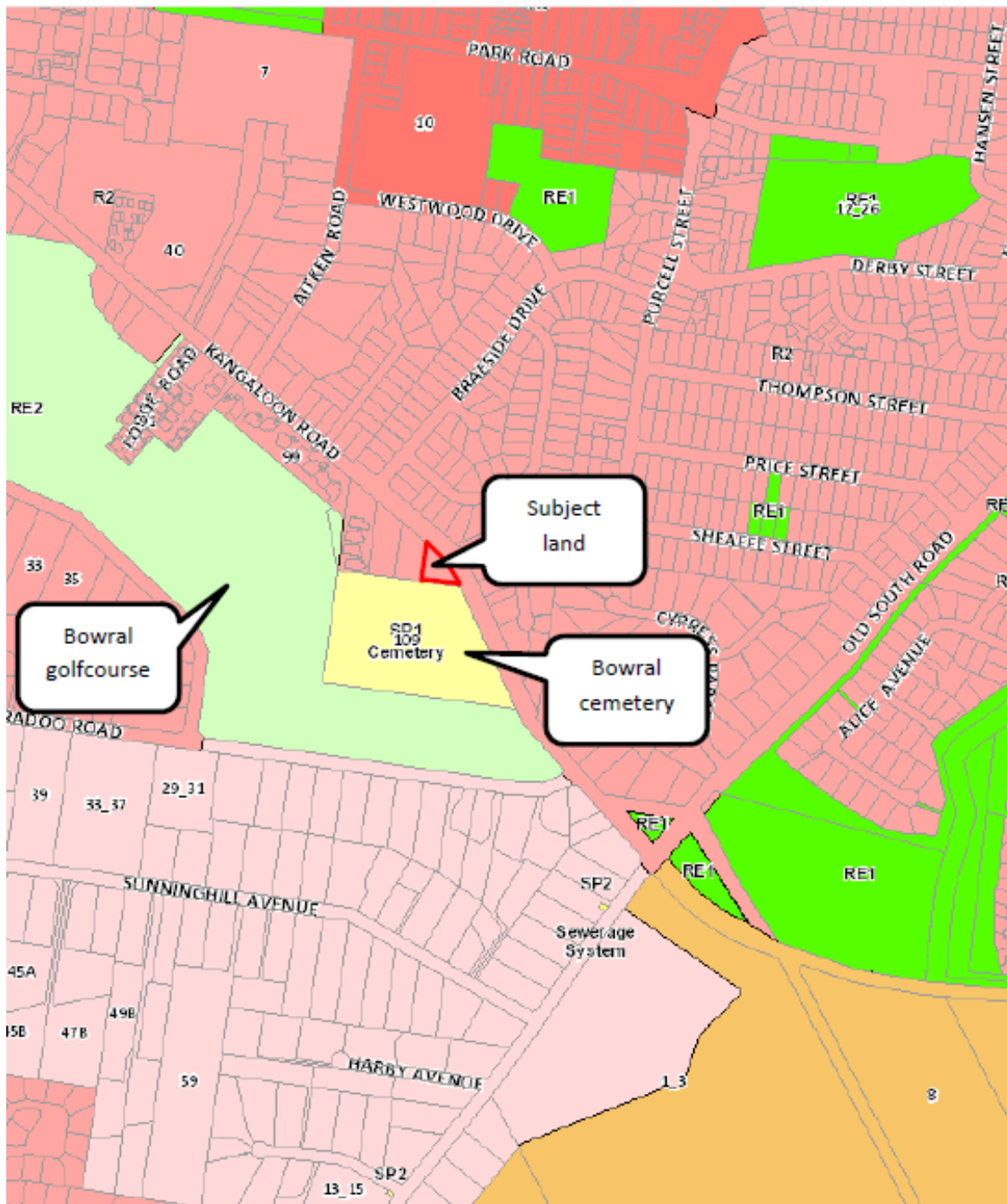


Figure 1 Context Location of Subject Site

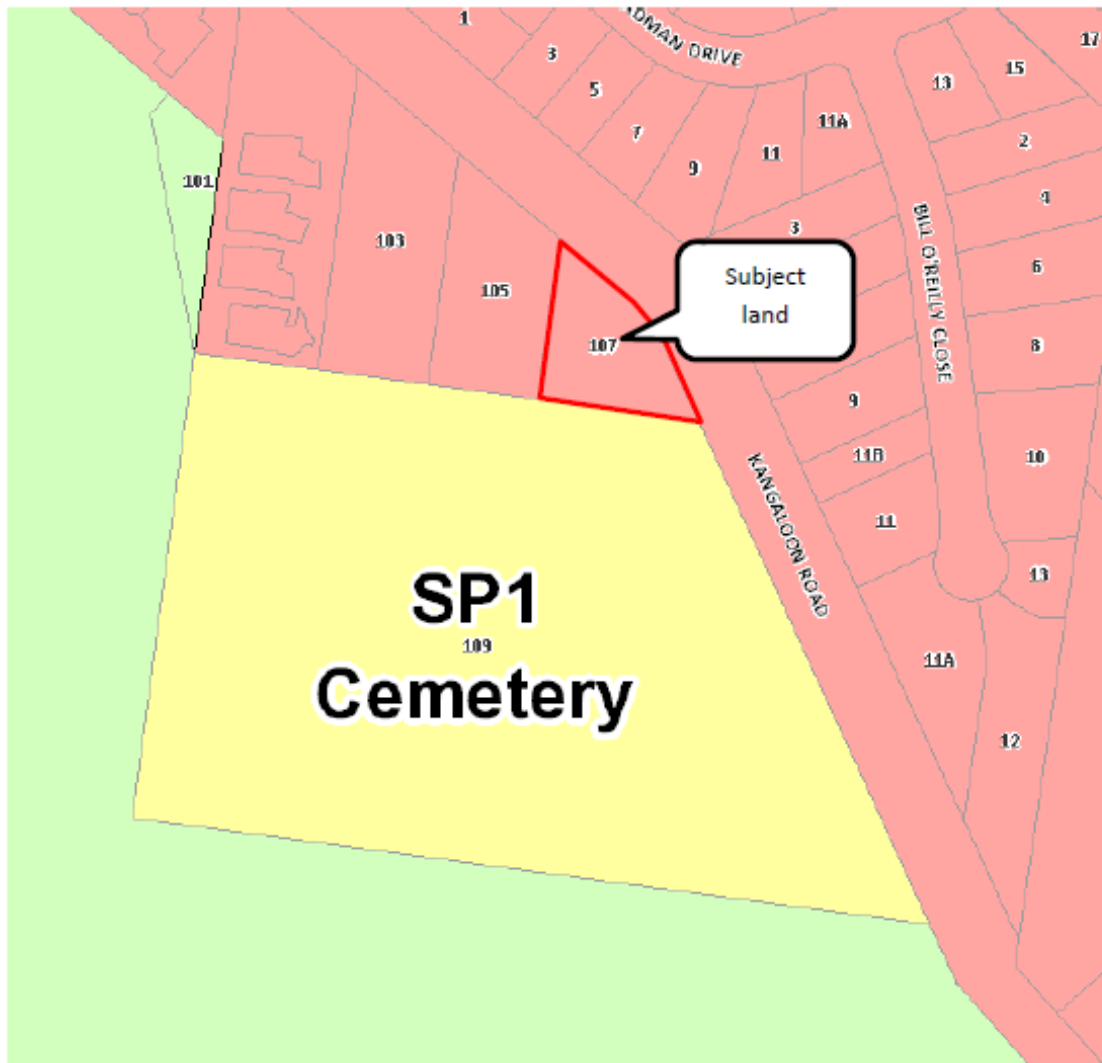


Figure 2 Detailed Location of Subject Site

## PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to rezone from R2 Low Density Residential to SP1 Special Activities Cemetery, and remove the 2,000m<sup>2</sup> minimum lot size, a parcel of land adjoining Bowral Cemetery in order to expand cemetery facilities in line with the *Wingecarribee Cemeteries Strategic Plan* adopted by Council in July 2013. The legal description of the subject land is Lot 4 DP 866291, located at 107 Kangaloon Road Bowral. The land covers an area of some 2,105m<sup>2</sup>.

It is noted that the land has already been classified as Operational Land under Section 25 of the *Local Government Act 1993* by Resolution of Council of 26 July 2017.

## PART 2 : EXPLANATION OF THE PROVISIONS

To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

- Zoning Map 8350\_COM\_LZN\_007G\_020\_20150903 will be replaced with a new map which zones Lot 4 DP 866291, 107 Kangaloon Road Bowral, SP1 Special Activities (Cemetery)
- Lot Size Map 8350\_COM\_LSZ\_007G\_020\_20150903 will be replaced with a new map which removes the minimum lot size of 2000m<sup>2</sup> from Lot 4 DP 866291, 107 Kangaloon Road Bowral.

## PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of any strategic study or report?

Bowral cemetery is reaching full capacity and when an adjoining property came on to the market Council took the opportunity to acquire it, purchasing it at auction on 15 July 2017. To complete the process of extending the Bowral cemetery, it is now necessary to rezone the land from R2 Low Density Residential with a minimum lot size of 2,000m<sup>2</sup> to SP1 Special Activities Cemetery and removing the minimum lot size from the land.

The *Wingecarribee Cemeteries Strategic Plan*, adopted by Council in July 2013, acknowledges that Bowral General Cemetery has been the primary cemetery for the area for many years and is notable for its relatively limited capacity and consistently high level of use, meaning that it is likely to be the first of Council's current operational cemeteries to reach capacity

The number of annual burials at the Bowral General Cemetery has been the highest for any cemetery in the area for many years, historically being around 50-60% of all burials in Council managed cemeteries. The cemetery is recognised as nearing capacity with a Council report in 2000 suggesting that the Bowral General Cemetery had less than 10 years useful life.

Recommendation G&M (Governance & Management) 5.3 of the Cemeteries Strategic Plan includes identifying opportunities for expansion. This proposal accords with that recommendation.

#### 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land must be rezoned to permit its future use as a cemetery. The only way of rezoning the land is by means of a Planning Proposal.

## Section B – Relationship to strategic planning framework

### 3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The *South East and Tablelands Regional Plan* does not provide much detail on the provision of community facilities but it is considered by Council that the proposal is consistent with the Plan.

### 4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The *Wingecarribee Local Planning Strategy 2015-2031* was adopted by Council on 23 March 2016 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017. The Strategy discusses the fact that Wingecarribee's ageing population is well above the regional NSW average and continues to rise.

At 2006 the Wingecarribee population aged 75 and over was 8.3% compared with the regional NSW average of 6.9%. At 2011, Wingecarribee was 11.1% compared with the regional average of 7.2%. While, sadly, death is not restricted to the old, this higher than age cohort does mean that Council needs to ensure that there is an adequate provision of cemetery space to meet expected demand, especially as there are no crematorium facilities in the Shire.

### 5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Proposal has been assessed against relevant SEPPs as indicated below.

SEPP	Relevance to Planning Proposal
No.1 Development Standards	<u>NOT RELEVANT</u> – replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	<u>NOT RELEVANT</u> – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.21 Caravan Parks	RELEVANT – applies to land within Wingecarribee Shire.  <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.26 Littoral Rainforests	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	RELEVANT – applies to land within Wingecarribee Shire.  <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.33 Hazardous and Offensive Development	RELEVANT – applies to land within Wingecarribee Shire.  <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.

No.36 Manufactured Home Estates	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
No.44 Koala Habitat Protection	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
No. 47 Moore Park Showground	<p>NOT RELEVANT – does not apply to Wingecarribee Shire.</p>
No.50 Canal Estate Development	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	<p>NOT RELEVANT – does not apply to Wingecarribee Shire.</p>
No.55 Remediation of Land	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> – It is highly unlikely that the Planning Proposal will result in the need to remediate land but such assessment will occur at the Development Application stage and any remediation will occur in accordance with the SEPP.</p>
No. 62 Sustainable Aquaculture	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
No.64 Advertising and Signage	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> – The Planning Proposal will not result in advertising or signage on land to which this SEPP applies.</p>
No.65 Design Quality of Residential Apartment Development	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
No.70 Affordable Housing (Revised Schemes)	<p>NOT RELEVANT – does not apply to Wingecarribee Shire.</p>
No.71 Coastal Protection	<p>NOT RELEVANT – does not apply to Wingecarribee Shire.</p>
Affordable Rental Housing 2009	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any</p>



	development applicable under this SEPP.
Building Sustainability Index: Basix 2004	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> – The Planning Proposal will not result in development to which BASIX would apply.
Educational Establishments and Child Care Facilities 2017	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
Exempt and Complying Development Codes 2008	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The SEPP does not apply to this Planning Proposal.
Housing for Seniors or People with a Disability 2004	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
Infrastructure 2007	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
Integration and Repeals 2016	NOT RELEVANT – does not apply to Wingecarribee Shire.
Kosciuszko national Park - Alpine Resorts 2007	NOT RELEVANT – does not apply to Wingecarribee Shire.
Kurnell Peninsula 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
Miscellaneous Consent Provisions 2007	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
Penrith Lakes Scheme 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Rural Lands 2008	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.

State and Regional Development 2011	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
State Significant Precincts 2005	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
Sydney Drinking Water Catchment 2011	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will be referred to Water NSW as a requirement of the Gateway Determination. The Planning Proposal does not require any new building or result in any use to which Water NSW might object.
Sydney Region Growth Centres 2006	NOT RELEVANT – does not apply to Wingecarribee Shire.
Three Ports 2013	NOT RELEVANT – does not apply to Wingecarribee Shire.
Urban Renewal 2010	RELEVANT – applies to land within Wingecarribee Shire.  <b><u>CONSISTENT</u></b> - The Planning Proposal will not result in any development applicable under this SEPP.
Vegetation in Non-Rural Areas 2017	NOT RELEVANT – does not apply to Wingecarribee Shire.
Western Sydney Employment Area 2009	NOT RELEVANT – does not apply to Wingecarribee Shire.
Western Sydney Parklands	NOT RELEVANT – does not apply to Wingecarribee Shire.

## 6. Is the Planning Proposal consistent with applicable Section 117 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 (formerly s.117) of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

Direction	Assessment
1. Employment and Resources 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	<b>CONSISTENT</b> – The Planning Proposal will not impact any of the matters identified in this Direction.

Direction	Assessment
<p>2. Environment and Heritage</p> <p>2.1 Environment Protection Zones</p> <p>2.2 Coastal Management</p> <p>2.3 Heritage Conservation</p> <p>2.4 Recreation Vehicle Areas</p>	<p><b>CONSISTENT</b> – The Planning Proposal will not impact any of the matters identified in this Direction.</p>
<p>3. Housing, Infrastructure and Urban Development</p> <p>3.1 Residential Zones</p> <p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>3.3 Home Occupations</p> <p>3.4 Integrating Land Use and Transport</p> <p>3.5 Development Near Licensed Aerodromes</p> <p>3.6 Shooting Ranges</p>	<p><b>CONSISTENT</b> – Although the Planning Proposal seeks to rezone one (1) residential lot, the scale of development is not considered to be sufficient to adversely impact on housing supply especially as the rezoning provides for a genuine need for more cemetery space.</p>
<p>4. Hazard and Risk</p> <p>4.1 Acid Sulfate Soils</p> <p>4.2 Mine Subsidence and Unstable Land</p> <p>4.3 Flood Prone Land</p> <p>4.4 Planning for Bushfire Protection</p>	<p><b>CONSISTENT</b> – The Planning Proposal will not impact any of the matters identified in this Direction.</p>
<p>5. Regional Planning</p> <p>5.1 Sydney Drinking Water Catchments</p> <p>5.10 Implementation of Regional Plans</p>	<p><b>CONSISTENT</b> – It is not considered that there will be any adverse impacts from the proposed development on the water catchment, but this will be confirmed through referral to Water NSW prior to public exhibition of the Planning Proposal.</p>

### Section C – Environmental, Social & Economic Impacts

**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 Planning Proposal?**

The site is currently used for residential purposes. There are no critical habitats or threatened species, populations or ecological communities identified on the site. There is a portion of EEC on the western edge of the existing cemetery. The use of the subject land to extend the cemetery may serve to further protect that community. It is not expected to cause any damage.

**8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

No other environmental impacts have been identified.

**9. Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal will assist in meeting the social needs of the Shire's population. There are no significant economic impacts associated with the Proposal.

## Section D – State and Commonwealth Interests

### 10. Is there adequate public infrastructure for the Planning Proposal?

No additional infrastructure will be required for the proposal.

## PART 4 – MAPPING

To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

- Zoning Map 8350\_COM\_LZN\_007G\_020\_20150903 will be replaced with a new map which zones Lot 4 DP 866291, 107 Kangaloon Road Bowral, SP1 Special Activities (Cemetery)
- Lot Size Map 8350\_COM\_LSZ\_007G\_020\_20150903 will be replaced with a new map which removes the minimum lot size of 2000m<sup>2</sup> from Lot 4 DP 866291, 107 Kangaloon Road Bowral.

## PART 5 – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department's Guide to preparing LEPs. Council normally provides at least 28 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council's website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

Prior to community consultation any referrals required by the Gateway Determination will be done. This will include referral to Water NSW.

## PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress as follows:

MILESTONE	INDICATIVE DATE
Gateway Determination	May 2018
Agency Consultation	June 2018
Public Exhibition	July 2018
Report to Council on exhibition of Planning Proposal	August 2018
S.3.36 Documents to DP&E & PCO	September 2018
Approximate completion date	September 2018

## DELEGATIONS

Council is applying to use its delegations to complete this Proposal. The Department's form *Evaluation Criteria for Delegation of Plan Making Functions* has been attached for consideration.

\*\*\*END\*\*\*

