

Reclassify and rezone land at Eridge Park, Burradoo, Bowral

Proposal Title : **Reclassify and rezone land at Eridge Park, Burradoo, Bowral**

Proposal Summary : **The proposal is part of a wider development concept, but at this time only involves rezoning Lot 5, DP 1087928, Bowral to permit a senior's housing development on the site.**

The wider development concept includes a potential land swap between Council and the applicant, the relocation and augmentation of recreational facilities to a site at Burradoo (known as 'Wongabri'), and the upgrade of the existing Mittagong pool facility.

PP Number : **PP_2013_WINGE_004_00**

Dop File No :

12/19346-1

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **5.2 Sydney Drinking Water Catchments**

Additional Information : **It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Wingecarribee LEP 2010 to rezone Lot 5, DP 1087928, Burradoo from RE1 Public Recreation to R2 Low Density Residential and reclassify it, should proceed subject to the following conditions:**

1. Community consultation is required under sections 56 (2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days;**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning October 2012); and**
- (c) the relevant planning authority comply with the Best Practice Guidelines for LEPs and Council-Owned Land (Jan 1997).**

2. In accordance with section 55(2)(d) of the EP&A Act the relevant planning authority must prepare draft LEP maps showing the proposed changes to the Land Zoning Map. However, the Department acknowledges that Council does not have the GIS resources available and the indicative maps provided are considered adequate in this instance.

3. A public hearing is required to be held in relation to reclassification under section 29(1) of the Local Government Act 1993.

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.

5. Council not be offered the Minister's plan making delegation under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979 as the unfinalised nature of the development concept requires a third party perspective on when the LEP should be made following consultation.

6. (a) In the absence of any clarification whether s117 Direction 4.4 Planning for Bushfire Protection applies consultation should be undertaken with the NSW Rural Fire Service to ensure it does not object to the proposal.

(b) The Department of Local Government should be kept informed of the project at all times.

(c) Consultations are not required with any other State Government agencies.

7. Council should ensure that appropriate technical studies (such as traffic, water and stormwater, contamination, servicing and so on) be publicly exhibited with the draft plan.

SECTION 117 DIRECTIONS - It is recommended that:

8. The Director General can be satisfied that the Planning Proposal is consistent with s117 Direction 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 5.1 Regional Strategies and 5.2 Sydney Drinking Water Catchments.

9. The Director General can agree under Direction 6.2 Reserving Land for Public Purposes that there is sufficient justification for the potential rezoning from RE1 Public Recreation to R2 Low Density Residential to be placed on public exhibition. However, formal agreement will not be given for the zoning change until the planning proposal is returned for finalisation and the rezoning justified.

10. Council will need to satisfy the Director-General that the proposal is consistent with s117 Direction 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land, and 4.4 Planning for Bushfire Protection. However, this can occur as part of the finalisation of the planning proposal after exhibition.

11. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance.

12. No further consultation or referral is required in relation to s117 Directions other than Direction 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes.

13. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

The wider project, that includes the elements of this planning proposal, is likely to raise a number of issues within the community and Council's ultimate plan for the resolution of the value and replacement of Eridge Park recreation facilities is still uncertain at this stage. However, to facilitate the potential land swap at some stage, it is reasonable to pursue Council's proposal to rezone and reclassify the subject land now.

The subject land is a large parcel of urban land within the regionally identified growth centre of Bowral and it would be appropriate for residential or aged care development.

Panel Recommendation

Recommendation Date : **21-Feb-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of A Guide to Preparing LEPs and include a project timeline consistent with section 2.6 Part 6 of the A Guide to Preparing Planning Proposals.

2. Council is to amend the planning proposal to include sufficient information to adequately demonstrate consistency or justify any inconsistencies with S117 Directions, including advising whether Directions 4.2 Mine Subsidence and Unstable Land and 4.3 Flood Prone Land apply to the subject land. If these directions apply, Council is to consult with the appropriate public authorities and if required, seek the Director General's agreement.

3. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

4. Council is to amend the planning proposal to address S117 Direction 6.2 Reserving Land for Public Purposes, once it has undertaken public exhibition and held a public

Reclassify and rezone land at Eridge Park, Burradoo, Bowral

hearing into the reclassification of land. The Director General of the department will consider the reduction of land used for public purposes, once Council has undertaken a public hearing and considered submissions received at public exhibition.

5. Council is to place on public exhibition, any technical studies which it has undertaken to support the planning proposal.

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

7. Consultation is required with the NSW Rural Fire Services (NSW RFS) under section 56(2)(d) of the EP&A Act. NSW RFS is to be provided with a copy of the planning proposal and any relevant supporting material. NSW RFS is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. NSW RFS may request additional information or additional matters to be addressed in the planning proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Gateway Determination

Decision Date : Gateway Determination : **Passed with Conditions**

Decision made by :

Exhibition period : **28 Days** LEP Timeframe : **24 Month**

Gateway Determination : **The Planning Proposal should proceed subject to the following conditions:**

1. Prior to undertaking public exhibition, Council is to update the planning proposal to address the Director General's requirements relating to the reclassification of public land consistent with section 5.5.4 of A Guide to Preparing LEPs and include a project timeline consistent with section 2.6 Part 6 of the A Guide to Preparing Planning Proposals.
2. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency or justify any inconsistencies with S117 Directions, including advising whether Directions 4.2 Mine Subsidence and Unstable Land and 4.3 Flood Prone Land apply to the subject land. If these directions apply, Council is to consult with the appropriate public authorities and if required, seek the Director General's agreement.
3. Consultation is required with the NSW Rural Fire Services (RFS) under section 56(2)(d) of the EP&A Act and in relation to the requirements of S117 Direction 4.4 Planning for Bushfire Protection. The RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. Council is to update the planning proposal to address S117 Direction 6.2 Reserving Land for Public Purposes, once it has undertaken public exhibition and held a public hearing into the reclassification of land. The Director General of the department will consider the reduction of land used for public purposes, once Council has undertaken a public hearing and considered submissions received at public exhibition.

5. Council is to place on public exhibition, any technical studies which it has undertaken to support the planning proposal.

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

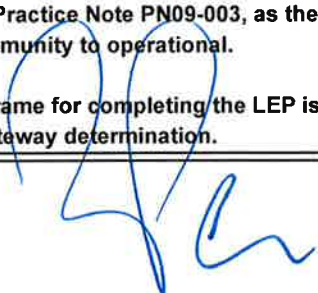
- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

7. A public hearing is required to be held into the matter in accordance with the department's Practice Note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

8. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature:

Printed Name:


R PEARSON

Date:

5/4/13