

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

Proposal Details

Date Planning : **24-Dec-2012**

LGA covered :

Wingecarribee

Proposal Received :

Region : **Southern**

RPA :

Wingecarribee Shire Council

State Electorate : **GOULBURN**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Eridge Park Road**

Suburb : **Burradoo**

City : **Bowral**

Postcode : **2576**

Land Parcel : **Lot 5, DP 1087928**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Mark Parker**

Contact Number : **0242249468**

Contact Email : **mark.parker@planning.nsw.gov.au**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :	The original planning proposal did not detail the mechanisms/governance arrangements to achieve the land swap on which the development concept is predicated. The Department wrote to Council for more detail on this and was advised that Council wanted to progress the planning merits of the concept before considering any tender process.
External Supporting Notes :	This is a complex proposal as it is part of a wider project involving a land swap of the Council-owned Eridge Park (currently used for active recreation) on the southern edge of Bowral with a vacant parcel of rural land between Bowral and Moss Vale at 'Wongabri'. This will enable the recreational facilities to be relocated and upgraded at the Wongabri site, whilst freeing up the Eridge Park site for a large-scale aged care facility. The overall proposal also includes a substantial upgrade to the existing Council-owned Mittagong pool facility. This planning proposal only proposes to rezone the Eridge Park site from RE1 Public Recreation to R2 Low Density Residential and to reclassify the site to 'operational'.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The PP outlines the purpose clearly and provides the broader context of the proposal in terms of the three sites.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : This is clearly provided.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

5.2 Sydney Drinking Water Catchments

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

Drinking Water Catchments Regional Environmental Plan No. 1

e) List any other matters that need to be considered :

Council's local strategy and the Sydney-Canberra Corridor Regional Strategy acknowledge the ageing population and the need for developments that address this. However, Council's planning proposal does not provide any context or discussion in relation to the proposal's contribution to this outcome. The Applicant's planning proposal does provide some further justification.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Council did not include a s117 Direction analysis, although noting that the Sydney Catchment Authority comments were attached to the proposal (indicating that s117 Direction 5.2 applies). Council's Planning Proposal also didn't acknowledge the Applicant's Planning Proposal that identified 3 of the Directions listed below that apply to the proposal.

Direction 3.1 Residential Zones applies and the proposal is not considered inconsistent as it expands the area available for seniors housing.

Direction 3.4 Integrating Land Use and Transport applies and the proposal is not considered inconsistent as the proposed seniors housing is within the existing urban catchment of Bowral/Burradoo.

Council has not provided any advice on whether any hazards (such as mine subsidence, flooding or bushfire) are relevant to the site. Therefore we cannot determine if the proposal is consistent with Directions 4.2-4.4.

Direction 5.1 Implementation of Regional Strategies applies and the proposal is not considered inconsistent with the Sydney Canberra Corridor Regional Strategy as the proposal utilises existing 'urban' land for additional housing and avoids the non-urban buffer between Moss Vale and Bowral.

Direction 5.2 Sydney Drinking Water Catchment applies and Council's consultation with Sydney Catchment Authority has been undertaken and the proposal is considered consistent.

Direction 6.2 Reserving Land for Public Purposes applies and the approval of the Director General will be required for the rezoning of RE1 Public Recreation to R2 Low Density Residential. Council's proposal and subsequent advice has identified that the sale of the Eridge Park lands (either via a land swap or otherwise), will enable the replacement of the public recreation lands. As this approach may generate considerable community interest it is considered appropriate to delay the Director General's formal agreement of the change in zone until the proposal is presented for finalisation of the Local Environmental Plan.

RECOMMENDATION: That the Director General can agree that there is sufficient justification for the proposed rezoning of RE1 land to go to exhibition. However, a formal decision about the suitability of the rezoning can be made when the proposal is submitted for finalisation after public exhibition and community feedback.

Council identified that the Mining, Petroleum Production and Extractive Industries SEPP

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applied and that the proposal is consistent with it, but it didn't provide any discussion about why it applies.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Council has provided context maps, but it currently doesn't have any GIS resource in-house, so it would need to request maps be prepared by the Department when it lodges it's s59 submission to make the plan. The context maps may be suitable for public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : But only in the context of exhibiting the proposal in accordance with the Gateway Determination.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : That the Department of Local Government be kept informed of the process of the proposal as the longer term outcome involves Council owned land and a potential land swap.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : The planning proposal didn't include an adequate s117 Direction assessment, any strategic context, or a completed Project Timeline. However, upon request Council has subsequently provided a timeline that indicates it may take at least 12 (or more) months to complete the proposal. There are many complicating factors relating to this proposal, including that the newly elected Council has not yet considered this matter and may or may not support it proceeding.

It is recommended that delegations not be issued for this proposal given its complexity and that the Council has vested interests in the sale of land and the development of improved community facilities.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Wingecarribee LEP 2010 is a standard instrument Principal LEP.

Assessment Criteria

Need for planning proposal : Council has been approached by the applicant to enter into a land swap deal. As a result, Council has decided to proceed with the rezoning and reclassification of the Council-owned Eridge Park land prior to it going out to tender to consider other possible arrangements that may give a similar result.

It is difficult to determine what part of the entire project needs to happen first. However, Council's choice is to rezone the Eridge Park site to make it available for potential disposal and then proceed with the other requirements and approvals, such as tender for sale or exchange.

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Consistency with strategic planning framework :

Council cannot sell the land for residential (or aged care) development without rezoning it and reclassifying the land as 'operational'.

The Applicant's submission (draft Planning Proposal) by JBA Planning provides some context and discussion on the proposal. It identifies that the Sydney Canberra Corridor Regional Strategy identifies the following preferred outcomes/actions:

- Bowral is identified as a Major Regional Centre and is the preferred location for infill development and redevelopment within the LGA. [NB. The proposal is within the urban edge of Bowral.]
- The population of Wingecarribee LGA is expected to increase by 16,400 people by 2031, which equates to a shortfall of 3,000 dwellings that needs to be provided. [NB. Neither the applicant, nor Council, has identified the proposed dwelling yield from the aged care development. This makes it difficult to understand potential impacts on planning considerations such as infrastructure or traffic. The Applicant identified the Eridge Park site as being 12 hectares in size. For comparison, a 32 hectare site in Moss Vale is currently proposed to yield around 300 standard residential lots.]
- Infill and medium density housing is required to be provided to meet the needs of an ageing population.
- The separation of the respective areas of Mittagong, Bowral and Moss Vale is encouraged. [NB. Neither the Applicant nor the Council has commented on this requirement of the Regional Strategy]. The Strategy requires Wingecarribee LEP to appropriately zone the land to provide a clear separation.

The applicant notes that the proposed development at the Wongabri site (the future recreation facility) will not require rezoning as the current E3 Environmental Management Zone permits recreation areas and recreational facilities (outdoor).

Environmental social economic impacts :

The Applicant's draft planning proposal outlines a number of specialist reports that will be submitted prior to public exhibition of the proposal, including traffic, water and stormwater, contamination, economic and social sustainability, and utilities and services. These are considered appropriate and should be supported through the Gateway determination.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 12 Month Delegation : DG

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons : This part of the wider project is reasonably straightforward (reclassifying and rezoning the site to enable residential development). It is part of an existing urban area that is strategically identified to accommodate urban development.

It is important to note that the proposal relies on the disposal of the Eridge Park lands to justify the acquisition (by land swap or purchase) of replacement recreational facilities. This is likely to be a matter that will illicit strong community views and the Council

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should be encouraged to ensure a clear, open and transparent process is used in dealing with the proposal.

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **Not required**

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Council has not identified the scale of the proposed development but it is not expected to require State infrastructure as it does not appear to be of sufficient scale and it is considered to be located in an area that is likely to have appropriate capacity to accommodate this scale of proposal.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Eridge Park.pdf	Proposal	Yes
Council Report 13 Jun12 Eridge Park.pdf	Proposal	Yes
Resolution 13 June 2012 Eridge Park.pdf	Proposal	Yes
Resolution 27 June 2012 Eridge Park.pdf	Proposal	Yes
Consultant JBA Draft Planning Proposal Sep12.pdf	Study	Yes
AJC concept plans Part 1 of 3.pdf	Drawing	Yes
AJC concept plans Part 2 of 3.pdf	Drawing	Yes
AJC concept plans Part 3 of 3.pdf	Drawing	Yes
AJC Info Wongabri Area Comparison.pdf	Drawing	Yes
Hayes flora fauna review Letter - 5th May 2012.pdf	Study	Yes
SCA comment Planning Proposal Eridge Park Nov 2012.pdf	Proposal	Yes
Wongabri Proposed Total Built Area map.pdf	Map	Yes
Superceded Consultant Study - Bureacracy Busters - May12.pdf	Study	Yes
Sparke Helmore Wingecarribee Advice.pdf	Proposal	Yes
Letter to Council re Div of Local Govt and VPA.pdf	Proposal	Yes
Letter to Council regarding Division of Local Government and VPA.pdf	Proposal	Yes

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.

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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.

Signature: _____



Printed Name: _____

BRETT WHITWORTH

Date: _____

15 February 2013

**Regional Director
SOUTHERN REGION**