



PWG001304



Our Reference 5901/16; PN976400
Contact: Mark Pepping

20 December 2012

Mr Brett Whitworth
Regional Direction Southern Region
Planning and Infrastructure
PO Box 5475
WOLLONGONG NSW 2520



Dear Brett

RE: Planning Proposal to Reclassify and Rezone land at Eridge Park, Burradoo

I refer to your letter dated 7 December 2012 regarding the above proposal and essentially seeking further information in regard to the other aspects of the proposal at this point in time. To assist the Department in considering the merits of the Planning Proposal the following information and advice is provided.

The subject proponent approached Council in February 2012 with a proposal involving a land swap of land owned by them (Wongabri) and Council owned land (Eridge Park) as well as upgrades to the Mittagong Pool. The land known as Eridge Park currently accommodates several sporting facilities including a Rugby Union Field and amenities, outdoor velodrome, Netball courts and facilities, and athletics field. Part of the proposal is to re-establish the Eridge Park sporting facilities on the Wongabri site.

The provisions of the Local Government Act 1993 in this particular proposal are applicable in two (2) instances. The first being the process for reclassification of the Eridge Park from 'Community' to 'Operational' land. This process combined with the provisions of the EP&A Act 1979 for undertaking reclassifications as part of a Planning Proposal is the process whereby Council has written to the Department seeking a Gateway Determination to proceed to the next phase. The second aspect of the Local Government Act 1993 is in relation to the provisions pertaining to Part 6 of the Local Government Act – Public Private Partnerships (PPPs). Council is well aware of its obligations under the said provisions where it is involved in such a proposal.

Whilst Council has been presented with a development opportunity by a proponent involving a land swap of Council owned land, it in no way implies that Council will automatically enter into negotiations with the current proponent to sell or exchange land. Council in disposing of land must seek Expressions of Interest for offers to be made. There is also a process of establishing the value of the land through expert advice from Land Valuers should development potential become available.

This may all lead to Council possibly dealing with a completely different proponent should Council continue with the reclassification and rezoning process of Eridge Park subject to a Gateway Determination being issued.

Should a Gateway Determination allowing Council to proceed with a Planning Proposal be issued, it would at that time instigate dialogue with the Division of Local Government seeking direction in relation to progressing the matter in a transparent manner. Council sees at this time that the determination of the Planning Proposal triggers other approvals, directions, etc. Should the Planning Proposal be rejected under the Gateway Determination, then no further actions would be necessary.

In relation to your suggestions regarding the inclusion and implementation of a Voluntary Planning Agreement (VPA), it is again considered premature at this point in time. Whilst a VPA is a logical and likely inclusion, the other party that Council enters into the VPA with is at this point unknown as a completely different proponent may become involved subject to the Expression of Interest Process.

Clearly this particularly Planning Proposal is a complex matter and one which could become somewhat controversial within the community. Council appreciates the Department's cautious approach on this proposal and for seeking further information. That said, Council is aware of its obligations under both the Environmental Planning and Assessment Act and Local Government Act and the respective Departments administering both legislations.

Should you require any additional information in relation to this matter, please contact me on 4868 0851 or email mark.pepping@wsc.nsw.gov.au

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Pepping', written in a cursive style.

Mark Pepping
Manager Strategic and Assets