



Planning,
Industry &
Environment

IRF21/84

Gateway determination report – PP_2020_GOULB_005_00

Planning Proposal Racecourse Drive Goulburn (0
homes, 23 jobs) Planning Proposal Racecourse Drive
Goulburn (0 homes, 23 jobs)

January 21



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP_2020_GOULB_005_00

Subtitle: Planning Proposal Racecourse Drive Goulburn (0 homes, 23 jobs)

© State of New South Wales through Department of Planning, Industry and Environment <Year>. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (MonthYYYY) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

1	Planning Proposal	1
1.1	Overview and objectives of planning proposal	1
1.2	Explanation of provisions	1
1.3	Site description and surrounding area.....	2
1.4	Mapping.....	2
2	Need for the planning proposal	2
3	Strategic assessment	3
3.1	Regional Plan	3
3.2	Regional Community Strategic Plan.....	4
3.3	Local.....	4
3.4	Section 9.1 Ministerial Directions	5
3.5	State environmental planning policies (SEPPs)	7
4	Site-specific assessment	8
4.1	Environmental.....	8
4.2	Social and economic.....	8
4.3	Infrastructure	9
5	Consultation.....	9
5.1	Community	9
5.2	Agencies.....	9
6	Timeframe	9
7	Local plan-making authority	9
8	Assessment Summary.....	9
9	Recommendation.....	10

Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Goulburn Mulwaree Council Business Paper, Ordinary Council Meeting, 1 December 2020 Section 15.1 Planning Proposal – Commercial Horse Facilities, Racecourse Drive, Goulburn and Minutes dated 1 December 2020.

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Goulburn
PPA	Goulburn Mulwaree Council
NAME	The planning proposal seeks to enable small-scale commercial stabling of horses (agistment) on 31 large residential lots located north and south of Racecourse Drive, Goulburn near the Goulburn Racecourse.
NUMBER	PP_2020_GOULB_005_00
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	Racecourse Drive Goulburn
DESCRIPTION	31 separate lots and DPs (refer Appendix 1 of the Proposal)
RECEIVED	15/12/2020
FILE NO.	EF20/32657
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

1.1 Overview and objectives of the planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to enable the commercial stabling of horses (agistment) for residential lots near the Goulburn Racecourse.

The objectives of the planning proposal are clear and adequate and do not need amendment prior to exhibition.

1.2 Explanation of provisions

The planning proposal seeks to amend the Goulburn Mulwaree LEP 2009 as follows:

- Amend Schedule 1: Additional Permitted Uses to enable development for the purposes of Intensive Livestock Agriculture being for equestrian uses for the 31 subject lots listed in Appendix 1 of the planning proposal.
- Amend Part 7: Additional Local Provisions to include a new local provision that:

- Confirms the objectives of the clause, which is to enable equestrian uses/commercial stabling whilst maintaining current water quality and minimising land use conflicts.
- Confirms that the clause only applies to residential lots with a close physical relationship to Goulburn Racecourse.
- Includes heads of consideration for:
 - Limitation and control of the number of horses on site;
 - Avoiding significant adverse impacts of stormwater and general surface water runoff on receiving waters;
 - Erosion and sediment control; and
 - Minimising and mitigating any potential impacts.

Amendments to Part 8 Site Specific Provisions of the Goulburn Mulwaree DCP are also proposed to support the proposed amendments to the LEP to:

- Establish the size and construction standards for horse stables and shelters;
- Set standards for the construction of horse yards including grading for drainage;
- Prescribe minimum distances for stables, yards and storage from drainage depressions, watercourses and residential properties;
- Set out requirements for material and waste storage;
- Prescribe thresholds and requirements for soil erosion and sediment control;
- Require the submission of a Water Cycle Management Plan with no on-site management and disposal of wastewater;
- Require the minimisation of noise impacts; and
- Prescribe controls and limits on external lighting.

It is considered the explanation of provisions provided in the planning proposal adequately explains how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

The site comprises 31 large residential lots and is located north and south of Racecourse Drive at the eastern end of Racecourse Drive approximately 5km north east of the Goulburn CBD. The site is surrounded by the Goulburn Racecourse and public recreation land to the north and west and by urban land to the south and east as shown by Figure 1 aerial photo provided in the planning proposal.

1.4 Mapping

The planning proposal includes a proposed Schedule 1 local clauses map in Appendix 15d which is considered suitable for community consultation. No other LEP maps require updating.

2 Need for the planning proposal

The planning proposal states that the proposal is the result of a request by a local landowner within the identified area to enable commercial stabling for a small-scale equestrian business as well as a previous Council resolution to prepare a planning proposal to enable equestrian stabling and/or large animal veterinarian facilities on R5 Large Lot Residential lots adjacent the Goulburn Racecourse. During Council's preliminary investigations, WaterNSW provided preliminary advice

on the suitability of the subject site for small-scale commercial stabling through animal boarding and training establishment permissibility. This advice included restricting the uses to equestrian stabling.

It is considered the planning proposal is needed to enable commercial stabling for small-scale equestrian business to be undertaken on large lot residential land adjoining Goulburn Racecourse. Intensive livestock agriculture is currently prohibited use in the applicable R5 Large Lot Residential Zone under the Goulburn Mulwaree LEP 2009. Council has considered other options to amend the LEP to achieve the intended objectives such as adding intensive livestock agriculture as a permissible use in the R5 Zone or amending the definition of animal boarding and training establishment to remove the exclusion for agistment of horses.

Adding intensive livestock agriculture being equestrian uses as an additional permitted use for the subject lots via Schedule 1 of the LEP is considered the most appropriate approach as it will restrict the use to suitable area adjoining the racecourse and will minimise any environmental or amenity impacts.

It is considered the planning proposal process is the appropriate mechanism to facilitate the proposed amendments to the LEP.

3 Strategic assessment

3.1 Regional Plan

It is considered that the proposal is consistent with the South East and Tablelands Regional Plan. The following table provides an assessment of the planning proposal against relevant aspects of the Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Goal 1 – A connected and prosperous economy	The proposal is consistent with Goal 1 of the Regional Plan and specifically Directions 5: “Promote agricultural innovation, sustainability and value-add opportunities”, Direction 9: “Grow tourism in the region” and Direction 12: “Promote business activity in urban centres” because the proposal will support commercial, tourism and recreational activity within close proximity to the Goulburn Racecourse and generate an estimated 23 new commercial stabling/equestrian related jobs.
Goal 1 – A diverse environment interconnected by biodiversity corridors	The proposal is consistent with Goal 1 of the Regional Plan and specifically Direction 18: “Secure water resources” because it seeks to limit the impacts of the intensive livestock agricultural land use on water quality in the Sydney Drinking Water Catchment by ensuring that land use is limited to small-scale commercial equestrian uses only and is limited to identified lots adjoining the Goulburn Racecourse. The proposal also seeks to include local provisions in the LEP and DCP to minimise impact of future development on water quality including requiring a 40 metre buffer to water courses, limiting the number of horses stabled and requiring all wastewater to be disposed to sewer.

Goal 4: Environmentally sustainable housing choices	The proposal is consistent with Goal 4 of the Regional Plan and specifically Directions 24: “Deliver greater housing supply and choice” and 28: “Manage rural lifestyles” because it will provide housing choice for those interested and engaged in equestrian activities at the Goulburn Racecourse. Potential environmental impacts and other land use conflicts will be minimised via a proposed local LEP clause and development controls including separation distances between stables, yards, storage areas and nearby residential accommodation and waste management.
--	--

3.2 Regional Community Strategic Plan

It is considered that the proposal is consistent with the Tablelands Regional Community Strategic Plan. The following table provides an assessment of the planning proposal against relevant aspects of the Plan.

Table 4 Tablelands Regional Community Strategic Plan assessment

Tablelands Regional Community Strategic Plan Priorities	Justification
Strategy EN3 – Protect and rehabilitate waterways and catchments	The proposal is consistent with Strategy EN3 of the Tablelands Regional CSP because it seeks to limit the impacts of the intensive livestock agriculture use on waterways and catchments and by providing matters for consideration and development controls to minimise impact of future development on waterways and the catchment.
Strategy EC3 – Support and foster conditions that enable local and small/home-based businesses to grow.	The proposal is consistent with Strategy EC3 of the Tablelands Regional CSP because it will support home-based stabling/equestrian businesses on large lot residential lots adjoining the Goulburn Racecourse generating up to 23 jobs.
Strategy CO5 – Maintain rural lifestyles and plan for growth in ways and places that allow the character of the region to be retained.	The proposal is consistent with Strategy CO5 of the Tablelands Regional CSP because it will support residents wanting to undertake commercial stabling/equestrian home-business adjoining the Goulburn Racecourse which is an integral part of the character of Goulburn’s urban fringe.

3.3 Local

It is considered that the proposal is consistent with the following local plans and endorsed strategies as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Goulburn Mulwaree Local Strategic Planning Statement	The proposal is consistent with the Goulburn Mulwaree LSPS because the LSPS seeks to support and foster home-based businesses to grow. The LSPS also identifies Goulburn as a centre for equine pursuits, animal racing, sports tourism and events.
Goulburn Mulwaree Urban and Fringe Housing Strategy	The proposal is consistent with the Goulburn Mulwaree Urban and Fringe Housing Strategy because the Strategy identifies the subject lots as a small residential enclave of lifestyle lots with single dwellings. The Strategy also identifies the area around the Racecourse as having potential for serviced equine animal boarding and training establishments.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 2.3 – Heritage Conservation	Yes	The site is located adjacent the Kenmore Psychiatric Hospital, which is a State listed heritage item, and within 50 metres of an Aboriginal site listed on the Aboriginal Heritage Information Management System (AHIMS). Given the minor nature/scale of the planning proposal, it is unlikely to result in any impact on these items. The planning proposal does not identify any known items, objects or places of Aboriginal or non-Aboriginal heritage on the subject lots.
Direction 2.6 – Remediation of Contaminated Land	Yes	The planning proposal states the subject land is not identified on Council's significantly contaminated land register and previous or current land uses do not suggest the potential for the land to be contaminated. The proposal does not seek to add any sensitive land uses to the subject area.

Direction 3.1 – Residential Zones	Yes	The planning proposal does not seek to limit the choice of building types or reduce the permissible residential density of the land. The proposal seeks to support housing choice/home-business and make more efficient use of infrastructure and services by co-locating commercial stabling/equestrian home-business opportunities near the Goulburn Racecourse. The proposal will facilitate good design through the proposed LEP and development control provisions to minimise any environmental/amenity impacts.
Direction 4.3 – Flood Prone Land	Yes	The planning proposal states that, although the subject lots are within the Probable Maximum Flood Level, they are located above the 1:100 year flood event and so are suitable for the current and proposed residential use. The planning proposal does not seek to intensify existing residential development of the subject lots.
Direction 4.4 – Planning for Bushfire Protection	No	The planning proposal states that a portion of the subject northern lots is located in proximity to land mapped as bushfire prone. Council considers the planning proposal will not increase bushfire hazard above the existing situation. Council's view is generally supported, however, to satisfy the requirements of the Direction, Council is required to consult with the Rural Fire Service on the planning proposal and reflect any comments provided by RFS in the proposal prior to public exhibition.
Direction 5.2 – Sydney Drinking Water Catchment	No	Council has sought preliminary comment from WaterNSW on the intent of the proposal, however, Council has yet to provide a copy of the proposal to WaterNSW for formal comment as required by the Direction. Based on WaterNSW's preliminary comment, it is likely that the proposal will be able to demonstrate consistency with the Direction. To satisfy the requirements of the Direction, Council should consult further with WaterNSW on the planning proposal prior to exhibition and reflect any comments in the proposal.
Direction 5.10 Implementation of Regional Plans	Yes	As discussed under section 3.1 of this report, it is considered that the proposal is consistent with the South East and Tablelands Regional Plan and therefore with the Direction.
Direction 6.1 – Approval and Referral Requirements	Yes	The planning proposal is consistent with the Direction because it does not seek to introduce any concurrence, consultation or referral requirements to a Minister or public authority.

Direction 6.2 – Site Specific Provisions	No	The planning proposal is inconsistent with the Direction because it seeks to apply additional local provisions for the subject lots. As discussed in Section 2 of this report, Council has considered other options to achieve the intended objectives including adding intensive livestock agriculture as a permissible use in the R5 Zone. This option, however, is not suitable as it may result in development of intensive livestock agriculture more broadly in large lot residential areas and create land use conflict and environmental impacts. The proposed Schedule 1 Additional permitted use and local matters for consideration clauses for the subject lots is considered the preferred option as it will limit the additional permitted use to suitable lots near the racecourse. Any inconsistency with the Direction is of minor significance and is intended to achieve a better planning outcome by limiting impacts of equestrian uses.
--	----	---

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP (Sydney Drinking Water Catchment) 2011	Development consent cannot be granted unless there is a neutral or beneficial effect on water quality.	The proposal includes changes and recommendations from WaterNSW which will ensure a neutral or beneficial effect on water quality can be achieved and meets the aims of the SEPP.	Yes
SEPP No.55 Remediation of Land	Development consent cannot be granted unless contamination of the land has been considered and, if it is contaminated, whether the land can be remediated for its intended use.	Council considers that the subject land is unlikely to be contaminated nor does the proposal introduce any additional sensitive uses.	Yes
SEPP (Vegetation in Non-rural Areas) 2017	Clearing of vegetation is not allowed unless authorised by the local council or the Native Vegetation Panel.	The proposal states that the majority of the subject lots are already developed except for some limited trees along the southern site parcel's western boundary.	Yes

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	The proposal states that, based on a site visit undertaken by Council's biodiversity Officer on 8 December 2020, there is no likelihood that critical or threatened species, populations or ecological communities, or their habitats, will be affected as a result of the proposal. Council's view is supported based on the reasons provided in the proposal.
Water quality	The proposal states that stormwater runoff from future equestrian uses of the subject lots could potentially impact on water quality. The proposal, however, seeks to mitigate any potential impacts via the proposed LEP and development control provisions including limits on number of horses stabled, no on-site disposal of wastewater, management of manure waste and provision of a 40-metre buffer to watercourses. Council's view that there will be minimal impact on water quality is supported.
Noise	The proposal states that noise impacts will be minimised via the proposed development controls including a requirement that stables are of masonry construction and lined with plywood or rubber to assist noise insulation and requirement for a 9-metre separation between stables and residential properties. Council's view that there will be minimal noise impact is supported for the reasons provided in the planning proposal.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social impacts	It is considered that given the nature and scale of the proposal and proposed development and environmental controls, it is unlikely to have a significant impact on the amenity of the area as a result of noise, visual or other impacts. The proposal is consistent with the local equestrian character of the area surrounding the Goulburn Racecourse and is not unlike residential developments adjacent to other racecourses such as Kembla Grange.

Economic	The planning proposal is considered to have mainly positive economic outcomes by supporting home-based stabling/equine businesses, generating up to 23 local jobs, and supporting commercial activity, tourism and recreation associated with the Goulburn Racecourse.
----------	--

4.3 Infrastructure

The planning proposal states there is adequate public infrastructure for the subject land, including sealed road access, reticulated water and sewerage and electricity and gas infrastructure. Council's assessment there is sufficient infrastructure to support the future development on the site is supported for the reasons provided in the proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate and forms a condition of the Gateway determination.

5.2 Agencies

Council intends to consult WaterNSW on the planning proposal. As the proposal affects land in the vicinity of land mapped as bushfire prone, Council should also consult with the Rural Fire Service.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to allow for any delays in the finalisation of the plan.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of local/minor significance, the Department recommends that Council is authorised as the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will support home-based stabling/equestrian businesses in a suitable location adjoining Goulburn Racecourse.
- The proposal is unlikely to have any significant environmental, social or economic impacts.

- The proposal is consistent with the South East and Tablelands Regional Plan and Council's local planning strategies including the Goulburn Mulwaree Local Strategic Planning Statement and Urban and Fringe Housing Strategy.

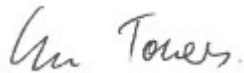
9 Recommendation

It is recommended the delegate of the Secretary:

- Determine that any inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is of minor significance.
- Note that the inconsistencies with section 9.1 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments are unresolved and will require justification.

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

1. Prior to community consultation, consultation is required with the following public authorities:
 - WaterNSW
 - NSW Rural Fire Service
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



15/1/21

Graham Towers

Manager, Southern Region



15/01/2021

Sarah Lees

Director, Southern Region

Assessment officer

George Curtis

Senior Planner, Southern Region

4247 1824