



Goulburn Mulwaree Council

**Planning Proposal to create additional local provisions
and permitted use for the agistment of horses at
Racecourse Drive, Goulburn under Part 7 and
Schedule 1 of the Goulburn Mulwaree Local
Environment Plan 2009**

December 2020

Introduction

This planning proposal seeks to enable the small-scale commercial stabling of horses (agistment) on 31 lots north and south of Racecourse Drive, Goulburn by enabling the Intensive Livestock Agriculture land use (restricted to equine uses) on these lots zoned R5 Large Lot Residential, illustrated in Figure 1.



Figure 1: Location of Subject Site & Racecourse

This area stands in the close proximity to Goulburn Racecourse and seeks to enable an agglomeration of equine uses in the locality in which small- equine businesses can draw upon the benefits of co-location with the Racecourse.

This planning proposal is as a result of a number of historical events which have led to a requirement to specifically enable equine uses within the subject site as summarised below:

In October 2007 the northern part of the subject site was approved for a 13 lot subdivision under reference 263/0607. This subdivision was approved under the previous Goulburn LEP 1990 which prescribed the land zone as 1(c) Rural (Closer Residential Settlement). This zoning enabled animal boarding and training facilities which included stables as a permissible use. The applicant's intention at this time was to provide equine lifestyle lots close to and complementary to the Racecourse.

The Goulburn Mulwaree Local Environmental Plan was adopted in 2009 and was prepared in line with the NSW Standard Instrument which standardised land zonings across the State. However during the preparation of the new LEP, the northern part of the subject site was inadvertently zoned to RE2 Private Recreation, as per the adjacent Racecourse land. The rezoning alongside changes brought about by the Standard Instrument removed the previous equine and residential permissibility and prevented the previous subdivision approval from being fully realised.

In December 2015 Goulburn Mulwaree Council resolved to proceed to Gateway for planning proposal REZ/0001/1516 which sought to rezone the northern part of the subject site from RE2 Private Recreation to R5 Large Lot Residential. This amended the zoning of the land and applied a 2000m² minimum lot size to the lots. This planning proposal did not seek to enable equine uses on the lots.

The planning proposal was prepared, received Gateway determination in 2017 and went on public exhibition in March to April 2018. The subsequent Post Exhibition report for this planning proposal was endorsed at a council meeting on 19 June 2018 which included the following additional resolution:

“Council resolve to prepare a future planning proposal to reinstate the use of the subject land for the purpose of equestrian stabling and/or large animal veterinarian facilities under Schedule 1 Additional Permitted Uses under Goulburn Mulwaree Local Environmental Plan 2009 in the proposed R5 large lot residential site adjacent to the racecourse on Racecourse Road.”

This rezoning planning proposal was subsequently finalised and gazetted on 7 September 2018.

In pursuance of the above Council resolution and as a result of a request from a landowner to the south of the subject site, requesting permissibility for a small-scale equine use on their land, further investigations were made with Water NSW regarding site suitability.

On 17 July 2019 Water NSW provided some preliminary advice on the suitability of the north and south of the subject site for small-scale commercial stabling through animal boarding and training establishment permissibility. This advice raised a number of concerns and recommendations including:

- Restricting the uses to equestrian stabling;
- Introducing an upper limit on horses allowed;
- Avoiding areas in close proximity to watercourses;
- Avoiding areas of high to extreme water quality risk, and
- Review DCP provisions to ensure consistency with the LEP.

A copy of the Water NSW July 2019 advice is provided in **Appendix 5a**.

This current planning proposal has been prepared in response to the above history, to enable equestrian permissibility on both the north and south parts of the subject site, whilst addressing the concerns of Water NSW.

Part 1 – Objectives

1.1 Intended Outcomes

- 1.1.1 The objective of this planning proposal is to amend the Goulburn Mulwaree (GM) Local Environmental Plan (LEP) 2009 to enable the commercial stabling of horses (agistment) for residential lots in close proximity to Goulburn Racecourse.

Refer to **Appendix 1** for the subject site maps of the properties to which this proposal corresponds.

Part 2 – Explanation of Provisions

2.1 The Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) will be amended by:

- I. Amending Schedule 1: Additional Permitted Uses of the GM LEP 2009 to enable development for the purpose of Intensive Livestock Agriculture being for equestrian uses for the lots identified in **Appendix 1**.
- II. Amending Part 7: Additional Local Provisions of the GM LEP 2009 to include new local provisions 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 and illustrated in **Appendix 1**.
 - Includes heads of consideration for:
 - Limitation and control on the number of horses on site;
 - Avoiding significant adverse impacts of stormwater and general surface water runoff on receiving waters;
 - Erosion and sedimentation control, and
 - Minimising and mitigating any potential impacts.

In support of these proposed amendments to the GMLEP additions are proposed to Part 8: Site Specific Provisions of the Goulburn Mulwaree Development Control Plan (DCP) to:

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

Part 3 – Justification

Section A – Need for Planning Proposal

3.1 Is the Planning Proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. It is a result of a request by a local landowner within the identified area to enable commercial stabling for a small-scale equestrian business and a previous Council resolution on 19 June 2018 (**Appendix 2**) to prepare a planning proposal to enable equestrian stabling and/or large animal veterinarian facilities on R5 Large Lot Residential lots adjacent the Racecourse.

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

The land identified in **Appendix 1** is zoned R5: Large Lot Residential where animal shelters which are ancillary to residential uses are exempt development, subject to limitations under the Exempt and Complying Development SEPP. These provisions allow for the stabling of horses, however these limitations include floor area, height and siting restrictions which would not accommodate the proponent's requirements for small scale commercial horse stabling.

Rezoning is not considered an appropriate option because the land has only recently been rezoned from RE2 Private Recreation to R5 Large Lot Residential and the majority of lots have already been developed with single dwellings.

Alternative options considered to meet the objectives of this planning proposal are presented below with the most suitable option presented as Option 4.

Option 1: Amending Dictionary Definitions

Amend the Dictionary of definition terms in the Standard Instrument (LEP template) to remove the exclusion for agistment of horses in the animal boarding and training establishment land use term. The animal boarding or training use, as defined in the dictionary, appears as the use which most closely aligns with the keeping and training of horses, sought by the proponent, as it includes associated riding schools. However this definition explicitly excludes the agistment of horse, otherwise known as the commercial stabling of horses, preventing the objective of the proposal from being fulfilled.

An amendment to the definition of animal boarding or training establishment to remove the exclusion of agistment of horses would provide a succinct definition which would enable the objective of commercial horse stabling to be undertaken on the identified lots. It would however also have the effect of applying to all permissible animal boarding or training establishments across New South Wales, with its impacts far ranging beyond those envisaged for the identified lots, i.e. require an amendment to the Standard Instrument.

In addition, this amendment alone would not enable the proposal's objectives to be obtained without also including animal or training establishments within the permissible uses for the R5 Large Lot Residential zone. This would apply to all R5 zones within the LGA and goes beyond the objectives of enabling commercial stabling which has a close relationship with existing equestrian uses on the nearby Goulburn Racecourse.

This approach is considered to have far reaching, significant impacts which would require exploring and addressing. This approach is considered disproportionate for the intended scale of the proposal.

Option 2: Adding Intensive Livestock Agriculture into R5 permissible uses

Intensive Livestock Agriculture is the only identified land use which currently enables the commercial stabling of horses to meet the proposals objectives. This land use is however very broad in its application and includes the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock. The insertion of this land use into uses permissible with consent for the R5 Large Lot Residential zone would raise significant concerns relating to:

- Inconsistency with the zone objectives;
- The unsuitability of limited lot sizes of some R5 Large Lot Residential lots, such as the 2000m Minimum Lot Size (MLS) for the lots subject to this proposal, for the range of animal uses listed;
- Significant amenity impacts on nearby residential land uses created from some of the animals listed;
- Increased pressure on the sewer network and local water infrastructure, and
- The risk to water quality from the range of animal waste.

This approach would require the removal of intensive livestock agriculture from prohibited uses and its inclusion within permissible uses into the R5 Large Lot Residential zone. This would be applicable to all R5 zones in the LGA and its impacts are likely to be significant and wide-ranging. Additional controls could be inserted into the GM Development Control Plan (DCP) 2009 to seek to address and mitigate the impacts, but these would be extensive and go beyond the targeted, small scale need to commercially stable horses within the locality of Goulburn Racecourse.

This approach is also considered to have far reaching, significant impacts which would require exploring and addressing. This approach is considered disproportionate for the scale of the proposal which is being considered in this context due to proximity to the Goulburn Racecourse only.

Option 3 Addition to Schedule 1: Additional Permitted Uses

A variation in the above approach could be considered which includes limiting the intensive livestock agriculture use to equestrian uses and included as an additional clause to Schedule 1: Additional Permitted Uses of the LEP. This would enable focused permissibility for horse stabling only (avoiding the associated impacts of other agricultural animals) prescribed to only the relevant lots with a close relationship to Goulburn Racecourse. This overcomes previous concerns identified above regarding the geographical scope of the changes and the need to mitigate the impacts of a wide range of agricultural animals.

This approach, whilst targeted, when taken as a stand-alone option, would fail to adequately control the associated equestrian impacts which could arise such as managing water quality. This option could be accompanied by specific DCP controls but these do not carry the legislative weight afforded to controls established through the LEP.

This approach, whilst limiting the proposal's impacts to equestrian only, would not as a stand-alone option adequately address the potential impacts which are likely to arise.

Best means of achieving the Proposals objectives

Option 4: Combination of approach 3 with the inclusion of a new clause into Part 7: Additional Local Provisions

The approach which is judged to be the most targeted and effective to meet the objectives of the proposal is considered to be a combination of option 3, namely including intensive livestock agriculture into Schedule 1 of the LEP with the addition of controls on the development of this use through Part 7: Additional Local Provisions of the LEP.

The insertion of an additional permitted use of Intensive Livestock Agriculture which is limited to horse facilities (for commercial or non-commercial uses) into Schedule 1 of the LEP establishes the permissibility of this use for specified lots. This limits the scope of the application of this use to the R5 Large Lot Residential zones within proximity to Goulburn Racecourse without impacting on the wider LGA.

The inclusion of this refined definition of intensive livestock agriculture into Part 7: Additional Permitted Uses provides additional scope for LEP controls. These are considered particularly important to ensure that anticipated impacts such as residential amenity and water quality can be robustly managed.

The combination of these two options enables a targeted change to the LEP to enable intensive livestock agriculture which is limited to stabling of horses (for commercial or non-commercial uses) which applies only to the intended lots which stand in proximity to and have a close relationship with Goulburn Racecourse. The impacts of this targeted permissibility can also be robustly managed through the additional local controls created through the addition to Part 7 of the LEP with further opportunity for more refined requirements for Development Applications through additional DCP amendments.

Option 4 is considered the most targeted, time and cost effective option to adequately meet the objectives of this proposal.

Section B – Relationship to Strategic Planning Framework

3.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

3.3.1. South East and Tablelands Regional Plan

This planning proposal is consistent with the South East and Tablelands Regional Plan. The summary below explains how the planning proposal is consistent with the related goals and directions in the plan.

Goal 1: A connected and prosperous economy and related Directions 5

Direction 5: Promote agricultural innovation, sustainability and value-add opportunities

Comment: The commercial stabling of horses, as proposed, is not technically classed as agricultural but the proposed amendment is seeking the permissibility of an intensive livestock agriculture use (albeit narrowed to equestrian uses) within a specific area within the R5 Large Lot Residential zone. The proposal promotes this commercial and recreational activity within close proximity to the existing Goulburn Racecourse, which also provides an important tourism draw and recreational venue, through tailored planning provisions in the GM LEP 2009.

Direction 12: Promote business activities in urban centres

- *Encourage mixed use developments that cater for commercial, retail, residential and tourism uses through local planning controls.*
- *Reinforce the role and function of centres as the primary places for commerce, retail, social activity and regional services through local strategies and local environmental plans.*

Comment: This proposal seeks to promote small-scale commercial horse stabling limited to within existing R5 Large Lot Residential zoned land on the edge of the Goulburn urban area and adjacent to Goulburn Racecourse. This would encourage a mix of residential and small scale commercial stabling uses in close proximity to the Racecourse. This is considered to promote equestrian related business activity in the Goulburn urban area and create and reinforce an equestrian focus around the Racecourse through mixed use development.

Direction 18: Secure Water Resources

- *Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater sources.*
- *Incorporate water sensitive urban design into development that is likely to impact water catchments, water quality and flows.*

Comment: This planning proposal seeks to limit the impacts of the intensive livestock agricultural land use on water quality by ensuring the land use is limited to small-scale commercial equestrian uses only and applicable to only the specified lots in **Appendix 1**. This ensures potential impacts are focused only within a small geographical area. Additional controls are prescribed through

changes to Part 7 of the LEP and introduction of horse stabling controls in the GM DCP 2009 to further limit the potential impacts of small-scale commercial stabling on the Sydney Drinking Water Catchment and water quality generally. The additional controls proposed in the DCP and Part 7 of the LEP will seek to ensure related developments are located and managed to minimise impacts on the Sydney Drinking Water Catchment and incorporate water sensitive design which does not lead to negative impacts on water quality or flows. The proposed controls to be implemented through Part 7 of the LEP are available in **Appendix 3** and those proposed through the DCP in **Appendix 4**.

Goal 4: Environmentally sustainable housing choices

Direction 24: Deliver greater housing supply and choice

- *Promote increased housing choice including townhouses, villas and apartments in strategic centres and locations close to existing services.*

Direction 28: Manage rural lifestyles

- *Locate new rural residential areas:*
 - o *Close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and water services, and social and community infrastructure.*
- *Manage land-use conflict that can result from cumulative impacts of successive development decisions.*

Comment: This planning proposal relates to the inclusion of commercial horse stabling within an area already zoned and predominately developed for large lot residential development. This area stands on the edge of Goulburn but still within the city's urban area with ready access to existing services and infrastructure, including road, water and sewer services. The introduction of this flexibility regarding commercial stabling will provide additional housing choice for those interested and engaged in equestrian activities. The applicable subject area's proximity to Goulburn Racecourse also enables close co-location of these stabling and residential uses to existing recreational infrastructure. Potential land use conflicts are minimised by this proximity but further controls through additions to Part 7 of the LEP and DCP are established to manage potential residual land use conflicts including separation distances between stables, yards and storage areas and nearby residential accommodation.

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The Community Strategic Plan (CSP) identifies priorities in order to achieve the future vision for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

The following strategic priorities are considered of particular relevance to this planning proposal:

- **Environment: Strategy EN3-** *Protect and rehabilitate waterways and catchments*
- **Economy: Strategy EC3-** *Support and foster conditions that enable local and small/home-based businesses to grow*
- **Community: Strategy CO5-** *Maintain rural lifestyles and plan for growth in ways and places that allow the character of the region to be retained.*

Comment: The planning proposal has sought to limit the impacts of the intensive livestock agriculture use on waterways and catchments by limiting the range of animals to horses only and restricting this to a specific area adjacent to the Goulburn Racecourse. In addition, a series of controls have been introduced through both Part 7: Additional Local Provisions of the LEP and the introduction of a Site Specific DCP chapter. These controls seek to protect the nearby watercourses through controls on siting, limitations on the number of horses on site, appropriate water sensitive design and drainage, waterproof material storage and restriction on the management and disposal of wastewater. Both the DCP and Part 7 of the LEP also require a Water Cycle Management Plan and for any development to have a neutral or beneficial effect on water quality. Collectively these controls ensure the planning proposal is consistent with Environment Strategy EN3.

This proposal seeks to promote small-scale commercial horse stabling within existing R5 Large Lot Residential zoned land on the edge of Goulburn and adjacent to Goulburn Racecourse. This would encourage a mix of residential and small scale commercial stabling uses in close proximity to the Racecourse and enable small-scale, home-based equestrian businesses to grow. This will create an agglomeration of similar uses and reinforce an equestrian focus around the Racecourse through mixed use development and encourage the diversification of local industry. Equine related activities are an integral part of the character of Goulburn, particularly on the fringes of the urban area and the extension of small scale commercial equestrian business activities in this location is considered to retain and reinforce this character. The proposal is therefore consistent with Economy Strategy EC3 and Community Strategy CO5.

3.4 Is the Planning Proposal Consistent with a council's local strategy or other local strategic plan?

3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)

The LSPS seeks to direct how future growth and change will be managed up to 2040 and beyond and sets out key issues and opportunities for managing urban, rural and natural environments across the local government area.

The Statement seeks to balance a mix of land uses, minimise land use conflicts, preserve and maintain natural environments and protect waterways and catchments whilst enabling planned growth which maintains a strong sense of place. It also seeks to support and foster conditions that enable local small/home-based businesses to grow.

In particular the statement identifies that Goulburn is a centre for equine pursuits and animal racing and there is a desire to support sports tourism and events and create awareness of the area as a tourist destination.

“Goulburn Mulwaree is also a centre for equine pursuits and animal racing....The region has seen incremental growth over the last ten years in its visitor economy particularly in sports tourism and events. Council has an important role in leading the development and promotion of tourism and events to create awareness of the area as a tourism destination.”

This planning proposal seeks to enable the small scale commercial stabling of horses within a specific area of R5 low density residential close to Goulburn Racecourse. The benefit of creating permissible commercial horse stabling in close proximity to the existing Goulburn Racecourse is to encourage horse trainers to relocate close to the facility and provide a symbiosis of uses between the nearby residential properties and the Racecourse. This aims to create/reinforce the equestrian character on the urban fringe of Goulburn and further promote Goulburn as tourist destination.

This is also considered to have the added benefit of contributing to a diversified economy which is resilient to change by providing both additional housing choices which link to Goulburn Racecourse and an opportunity for home-based, small scale stabling businesses.

The location of the lots specified in this proposal stand within close proximity to two waterways within the Sydney Drinking Water Catchment. As such, particular emphasis is required on limiting the number of animals present on the lots and ensuring the protection of waterways, water catchment and overall water quality. Soil erosion is also a particular consideration with horse related development. The avoidance and/or mitigation of these impacts will be achieved through appropriate development controls with additions to Part 7 of the LEP and the DCP- see **Appendix 3 and 4** relating to the siting, design, construction and management of equine related development.

The planning proposal is considered to be consistent with the Goulburn Mulwaree Local Strategic Planning Statement.

3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (July 2020)

The Urban and Fringe Housing Strategy identifies a portion of the applicable lots to the north of Racecourse Drive within Precinct 6: Middle Arm East of this strategy whereas the remaining lots to the south are not included within a defined precinct. In relation to Precinct 6, the Strategy identifies these lots as *‘a small residential enclave of lifestyle lots with single dwellings’*.

This planning proposal is considered to reinforce the lifestyle element of these identified lots by allowing people of similar mindsets to enjoy and share their hobbies and way of life with likeminded neighbours, through the permissibility of small- scale commercial stabling and equine uses.

The Strategy also identifies the potential for serviced equine animal boarding and training establishments in areas around the Racecourse, currently zoned RE2 Private Recreation. This planning proposal seeks to expand serviced equine uses to R5 Large Lot Residential zoned land in close proximity to the Racecourse. This is proposed to be accomplished through enabling the permissibility of intensive livestock agriculture (restricted to equine uses only) rather than animal boarding and training establishments generally.

In addition the Strategy seeks to:

- Maximise the use of existing infrastructure and minimise the cost of development to Council and the community;
- Avoid environmentally sensitive areas and areas of high value conservation and natural hazards, and

- Consider the impact of urban development on the Sydney Drinking Water Catchment.

The lots subject to this planning proposal are already connected to the reticulated town sewer and water network and would therefore utilise this existing infrastructure, reducing the need for new infrastructure and minimising the cost to council and the community.

These existing infrastructure connections, alongside a restriction preventing any on-site management of wastewater, considers the impact of this additional permissible use on the Sydney drinking water catchment and seeks to limit its impact. Further detail is provided in Section 3.5 and 3.6.7 of this Proposal.

The subject site:

- Stands within an existing R5 Large Lot Residential zone
- Located outside the 1 in 100 year flood extent,
- Situated outside of bushfire prone land
- Does not stand within a biodiversity hotspot or contain any threatened species, populations of ecological communities, and
- Is not indicated on the significantly contaminated land register.

Considering the above, combined with the subject sites urban fringe location, the planning proposal avoids environmentally sensitive areas, areas of high value conservation and natural hazards.

The planning proposal is considered to be consistent with the Goulburn Mulwaree Urban and Fringe Housing Strategy.

3.5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. The proposed inclusion of small-scale commercial stabling on lots in close proximity to the Racecourse as a permissible use, when accompanied by suitable development controls, is considered consistent with the need for strategic planning to achieve the following aims of the SEPP:

- a) To provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- b) To provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
- c) To support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The planning proposal applies to land within the Sydney Drinking Water Catchment and within an area which will be serviced by mains water and sewer infrastructure. The on-site management of waste water is prevented through the proposal, alongside other controls which seek to limit the potential impact of equine uses on the land to ensure a neutral or beneficial impact on water quality. A Pre-gateway referral has been made to Water NSW and a response was received on 4 November 2020. This response (**Appendix 5b**) listed a

number of amendments to the proposed controls and these have been implemented through the changes to Part 7 of the LEP and the Site Specific DCP chapter in **Appendix 3 and 4** respectively.

This planning proposal includes changes and recommendations from Water NSW which ensure a neutral or beneficial effect on water quality can be achieved and meets the aims of this SEPP.

Further detail on the Water NSW referral response and proposed changes to Part 7 of the LEP and the DCP are provided in Section 3.6- Ministerial Directions, 5.2: Sydney Drinking Water Catchment.

State Environmental Planning Policy No.55 Remediation of Land

The planning proposal is considered to be compliant with the requirements of this SEPP. The subject land is not identified on the significantly contaminated land register and previous or current uses, alongside the condition of the land, do not suggest that the land is potentially contaminated.

State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The majority of lots subject to this proposal are already developed with single residential dwellings with the remaining northern parcel of lots subdivided and cleared of any vegetation. There are some limited trees along the southern site parcels western boundary but no known trees or vegetation on the site itself, the area is characterised as urban cover and does not stand within a Biodiversity Hot Spot. The Council's Biodiversity Officer has confirmed through a site visit that the area is dominated by exotic plant species with no native vegetation communities present. Further detail is provided in 3.7 of this report.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

3.6.1 Direction 2.3 – Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

When this direction applies a planning proposal must contain provisions that facilitate the conservation of:

- a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and

- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Comment: The relevant lots relating to this proposal stand on the opposing side of Taralga Road to which the State listed heritage item, Kenmore Psychiatric Hospital complex stands, as illustrated in **Appendix 6**. This proposal seeks to enable the development of small-scale commercial or non-commercial horse stabling within large residential lots. The development of horse stables is a relatively minor form of development which is often ancillary to an urban fringe location. This combined with its location adjacent to Goulburn Racecourse and separated from the heritage item would result in development which is small-scale and perceived in the context of the racecourse with little to no impact on the hospital or its setting. The proposal is not considered to adversely affect the conservation of places of environmental heritage significance and is consistent with the requirements of this Ministerial Direction.

Notwithstanding the above, Clause 5.10.5 of the GM LEP 2009 enables Council to require a Heritage Management Plan to be submitted for development in the vicinity of a heritage item, should the scale of any future development warrant it.

The subject site is not a known Aboriginal site as indicated on the Aboriginal Heritage Information Management System (AHIMS) search in **Appendix 12**. The search did however identify an Aboriginal site within 50 metres of the site on an adjacent undisturbed lot. It should be noted, that the southern precinct of the subject site comprises an existing residential subdivision and the northern precinct has a residential subdivision being constructed.

3.6.2 Direction 2.6 – Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination remediation are considered by planning proposal authorities.

Comment: The northern precinct of the subject site stands within an area identified on the local land contamination register, illustrated in **Appendix 14**. This northern precinct once form part of the larger Goulburn Racecourse Area, prior to its residential subdivision, but has not been utilised as part of the Racecourse's operations. This northern precinct has undergone a DA approval for residential subdivision which did not highlight any concerns relating to contamination. This mapping layer has not been updated since this subdivision approval and is not considered to accurately reflect the potential presence of contamination on the northern precinct of the subject site.

The planning proposal is considered to be consistent with the requirements of this Ministerial Direction. The subject land is not identified on the significantly contaminated land register and previous or current uses, alongside the condition of the land, do not suggest that the land is potentially contaminated. In addition the planning proposal does not seek to add any sensitive land uses to the subject area.

3.6.3 Direction 3.1 – Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs;
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

Comment: The proposal is consistent with this direction in that the creation of commercial stabling permissibility with existing R5 Large Lot Residential zoned lots adjacent Goulburn Racecourse provides for additional housing choice for those seeking small-scale, home-based equestrian businesses. The subject lots have appropriate access to existing sewer and water infrastructure with existing connections to Goulburn's reticulated sewage and water network. Permissible stabling developments under this proposal will be small-scale and related controls are proposed through Part 7: Additional Local Provisions of the GM LEP 2009 and Site Specific controls through the GM DCP to ensure equestrian developments and uses minimise the impact on the environment, particularly water quality.

3.6.4 Direction 4.3 – Flood Prone Land

The objectives of this direction are:

- a) To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Flood Development Manual 2005 (or its update), and
- b) To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies when a planning proposal is prepared which creates, removes or alters a zone or a provision that affects flood prone land.

Where this direction applies a planning proposal must be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (or its update).

Comment: The subject lots to which this planning proposal applies stand above the 1 in 100 year flood event (Goulburn Mulwaree Flood Planning Level) as illustrated in **Appendix 7**. In addition the proposal does not seek to add any sensitive land uses to the R5 Large Lot Residential zone. The planning proposal is consistent with this Ministerial Direction.

3.6.5 Direction 4.4 – Planning for Bushfire Protection

The objectives of this direction are:

- a) To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas, and
- b) To encourage sound management of bush fire prone areas.

This direction applies when a planning proposal is prepared that will affect or is in proximity to land mapped as bushfire prone land.

Comment: All of the subject lots stand outside Bushfire prone land however a portion of the northern lots stand within the 30m Asset Protection Zone for category 3 bush fire prone land to the north, as illustrated in **Appendix 8**. The subject land is therefore in proximity to land mapped as bushfire prone land. The proposed equine permissibility on the subject site is not considered to lead to proposals for built development which exceed those already enabled through exempt development as stipulated in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which enables the erection of stables without development approval. This planning proposal seeks the additional permissibility relating to the use of the land for commercial stabling on the subject site which in itself is not considered an incompatible land use or expected to increase bush fire hazard above the existing situation. The subject site is also already subdivided with single detached residential units already extant on the southern lots. No additional dwelling entitlements or residential development capacity will result from this planning proposal.

3.6.6 Direction 5.2 – Sydney Drinking Water Catchment

The objective of this direction is to protect water quality in the Sydney drinking water catchment.

This direction applies to Goulburn Mulwaree Council.

This direction requires that a planning proposal be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected and new development within the water catchment must have a neutral or beneficial effect on water quality.

This direction requires a relevant planning authority, when preparing a planning proposal to:

- a) Ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and
- b) Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
- c) Zone land within the special areas owned or under the care, control and management of Sydney Catchment Authority generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	E1 National Parks and Nature Reserves
Land in the ownership or under the E2 Environmental Conservation care, control and management of the Sydney Catchment Authority located above the	E2 Environmental Conservation

full water supply level	
Land below the full water supply level SP2 Infrastructure (and marked (including water storage at dams and “Water Supply Systems” on the Land weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked “Water Supply Systems” on the Land Zoning Map)

And

- (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and
- (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979*.

Comment: Water NSW has been initially engaged to provide a preliminary pre-gateway response on the proposed amendments to Part 7 and Schedule 1 of the LEP and the draft site specific DCP chapter. The planning proposal had not been drafted at the point of referral and Water NSW's comments related to the draft LEP and DCP wording only.

Water NSW advice is summarised below:

- *Support the approach to require all effluent and related waste water to be transferred to the sewer, as the majority of sites are too small for on-site effluent management. This support relies on the proviso there is adequate capacity in the local sewer infrastructure and sewerage treatment plant.*
- *The proposal needs to clearly commit to the requirement for equine-related developments to meet a neutral or beneficial effect on water quality.*
- *Reference should be included directing development to conform to the Horse Property Developments in the Sydney Drinking Water Catchment Current Recommended Practice (CRP) or otherwise demonstrate how practices and performance standards will achieve outcomes not less than those achieved by the CRP.*
- *A 40m setback distance for all equine-related development from watercourses, drainage depressions and water bodies is acceptable where all waste streams are connected to the sewer and would not be inconsistent with the CRP.*
- *Buffer distances should include caveats excepting environmental protections works and alternative water supplies to allow for riparian protection and erosion repair works.*
- *DCP provisions need to ensure that solid wastes generated from stables, tack shed, exercise yards and other related areas is captured, collected and removed.*
- *Clarification required whether water within horse pools is to be transferred into the sewer system and at what intervals.*

- *Minor amendments to one aim and two objectives*
- *Refined controls relating to the number of horses permissible is supported as it will help reduce stocking intensity*
- *Insert an additional point that material and waste storage areas should be completely roofed to minimise the risk of leaching and the creation of leachates.*
- *Ensure any run-off is diverted around manure, composting and waste storage areas and captured and directed into the sewer system.*

The above recommendations have been included with the amended Part 7 LEP controls and Site Specific DCP chapter attached in **Appendix 3 and Appendix 4**. It should be noted that since receipt of the advice of Water NSW, reference to horse pools has been removed from the draft text to Part 7 of the LEP and the DCP.

Strategic Land and Water Capability Assessment

This referral response also included the Strategic Land and Water Capability Assessment (SLWCA) for Intensive Livestock Agriculture in the vicinity of Racecourse Drive, in **Figure 2**.

The accompanying Water NSW response in relation to the SLWCA identified that the northern precinct of the subject site lies adjacent to a watercourse (an extreme risk) with the remainder having a low to moderate risk to water quality. The southern precinct of the subject site has a varied risk from low to extreme, with the extreme risk associated with the watercourse to the south, along the southern most boundary. Water NSW advised that they generally do not support intensive animal uses in areas of high to extreme risk to water quality. However, these risks are addressed through the 40m setback provisions in the LEP and DCP and the requirement for a connection to the sewer for equine related developments.

A copy of Water NSW's preliminary advice is attached in **Appendix 5b**.



Figure 2: Strategic Land and Water Capability Assessment

3.6.7 Direction 5.10 – Implementation of Regional Plans

The South East and Tablelands Regional Plan is applicable to this planning proposal and this has been considered in section 3.3.1 of this report. The planning proposal is considered consistent with this Regional Plan.

3.6.8 Direction 6.1 – Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Comment: This proposal has set out specific controls relating to the development and use of specific existing R5 Large Lot Residential lots for equestrian uses through Part 7: Additional Local Provisions of the GM LEP 2009 and a new site-specific chapter in the GM DCP. This combined with the limited geographical scope for the provisions will enable the efficient and appropriate assessment of equestrian related development. The planning proposal does not introduce any additional approval or referral requirements beyond those in place in applicable environmental planning instruments.

3.6.9 Direction 6.3 – Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

A relevant planning authority must do the following if this direction applies:

(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Comment: The required land use for this planning proposal specifically requires the permissibility in the agistment of horses, otherwise known as commercial stabling. There is currently only one type of land use which enables the agistment of horses which is Intensive Livestock Agriculture. This land use is currently prohibited in the R5 zone. As previously discussed in section 3.2 of this proposal, enabling this land use to be carried out in the R5 Large Lot Residential zone, without site specific controls, would raise significant concerns relating to:

- The unsuitability of limited lot sizes of some R5 Large Lot Residential lots, such as the 2000m MLS for the lots subject to this proposal, for the range of animal uses listed;

- Significant amenity impacts on nearby residential land uses created from some of the animals listed;
- Increased pressure on the sewer network and local water infrastructure, and
- The risk to water quality from the range of animal waste.

The option to rezone the subject site to an existing zone which already allows the intensive livestock agricultural use is limited by the range of zones in which this land use is permissible and the compatibility of the objectives of these zones. Intensive livestock agriculture is only permissible in the following three land zones:

- RU1: Primary Production
- RU2: Rural Landscape
- IN3: Heavy Industrial

The objectives relating to the two rural land zones (RU1 & RU2) include a number of objectives considered incompatible to the existing residential use of the subject site which is located on the fringe of the Goulburn urban area as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
- To encourage diversity in primary industry enterprises and systems appropriate for the area;
- To minimise conflict between land uses within this zone and with adjoining zones;
- To promote the use of agricultural land for efficient and effective agricultural production;
- To allow the development of processing, service and value-adding industries related to agriculture and primary industry production;
- To provide for a range of compatible land uses, including extensive agriculture, and
- To minimise the potential for conflict between adjoining land uses.

In addition the objectives of the remaining zone IN3: Heavy Industrial are also incompatible with the site's location and current residential use, as follows:

- To provide suitable areas for those industries that need to be separated from other land uses;
- To encourage employment opportunities;
- To minimise any adverse effect of heavy industry on other land uses;
- To support and protect industrial land for industrial uses, and
- To recognise and provide for the diverse demands and implications of industry, warehousing, transport and servicing activities and ancillary land uses.

Enabling the Intensive Livestock Agriculture land use on the R5 zoned subject site without imposing development standards beyond what is

currently contained within the Goulburn Mulwaree LEP would likely lead to adverse impacts on water quality, amongst other potential impacts. This planning proposal is seeking to include additional development standards with the Goulburn Mulwaree LEP to:

- Restrict the intensive livestock agricultural use to equestrian uses only;
- Limit the number of horses permissible;
- Require a Water Cycle Management Plan;
- Establish separation distances from drainage depressions, waterbodies or watercourses and from on-site and adjoining residential properties, and
- Apply erosion controls.

The above standards are a vital component in ensuring the objectives of the planning proposal are met to enable agistment of horses in close proximity to the Racecourse whilst ensuring the requirement of Sydney Drinking Water Catchment SEPP and Ministerial Direction 5.2 are adequately met. The planning proposal only relates to a relatively small area of the Goulburn Mulwaree LGA, focused around Goulburn Racecourse. The additional controls proposed are limited to those necessary to maintain water quality and avoid adverse impacts on local amenity, only apply to the subject site and only relate to small-scale commercial equestrian uses. This planning proposal is therefore considered to be small scale and of minor significance.

Section C – Environmental, social and economic impact.

3.7 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 proposal?

There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats located on the subject land. The Goulburn Mulwaree Terrestrial Biodiversity Map Sheet Bio_001 does not identify the subject land as containing biodiversity as illustrated in **Appendix 9**. The NSW Environment & Heritage Bionet Map, illustrated in **Appendix 10**, does not indicate any species records on the subject site but does record an Apple Box on the Racecourse Drive roadway in 1995. This Apple Box was not observed on the Council Biodiversity Officers site visit.

Councils Biodiversity Officer visited the subject site on 8th December 2020 and made the following comments:

“I can confirm that these areas are dominated by exotic plant species and no native vegetation communities are present

There is no evidence of presence of any threatened species, populations or ecological communities, or their habitats being present on the land.”

It is also worth noting that the large majority of the subject lots have been subdivided, developed for single residential dwellings and are currently occupied. The remaining lots (to the north of Racecourse Drive) have an operational development consent for subdivision (with the subdivision in the construction phase).

3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Probable Maximum Flood Level

The entire northern land parcel and half of the lots in the southern portion of the subject site fall within the Probable Maximum Flood level as illustrated in **Appendix 11**. This increases the potential risk of animal wastes and other pollutants being mobilised during extreme flood events.

This potential has been significantly reduced by the requirement for no on-site management or disposal of wastewater and the requirement for this waste to be disposed of through the sewer network which is connected to all lots on the subject site. This is further reduced through a requirement for water run-off to be diverted around manure, composting and waste storage areas with run-off captured and directed into the sewer system.

Amenity Impacts

The subject site, whilst being situated on the urban fringe of Goulburn and in close proximity to Goulburn Racecourse, is a low density residential area. As such the potential impacts upon the amenity, particularly noise, light and odour, on these properties has been considered through this planning proposal.

The DCP proposes the following controls to limit potential impacts of noise, light and odour generated by equestrian development on nearby residential properties:

- Requires manure and waste to be stored in a sealed container with solid manure removed regularly;
- Stables are to be of masonry construction and lined with plywood or rubber to assist in noise reduction from pawing or kicking of horses within their stables;
- Establishes a 9 metre separation distance between stables and residential properties;
- Requires noise generating areas to be screened and/or located away from residential properties with development not resulting in offensive levels of noise, and
- Stipulates that external lighting should be sited and directed away from adjoining residential properties, turned off when not in use and minimised during night time hours.

3.9 Has the planning proposal adequately addressed any social and economic effects?

The subject land is not identified as a heritage item but is located to the west of the State listed heritage item known as 'The Kenmore Hospital' and the Kenmore Conservation Area, illustrated in **Appendix 6**. The subject land does not adjoin the heritage item or conservation area and is separated by Taralga Road and some boundary vegetation. The additional permissibility for small-scale commercial stabling and associated equine-related structures on the subject site is considered to have a minimal visual impact on this urban fringe location. This planning proposal will have no impact on the nearby Conservation Area or Heritage Item.

The Aboriginal Heritage Information Management System (AHIMS) search through the Office of Environment and Heritage did not identify an Aboriginal site on the subject lots. It did however identify an Aboriginal site within 50 metres of the site on the adjacent undisturbed lot, namely Lot 1 DP 601339, illustrated in **Appendix 13**. The southern precinct of the subject site is highly disturbed by existing residential development and would have a

low likelihood for the presence of undiscovered items of Aboriginal heritage. In addition stables (subject to size limits) are currently exempt development and this planning proposal primarily seeks to enable the use of stables for commercial purposes. The northern precinct of the subject site is under construction for residential development but the erection of dwelling houses has yet to occur.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure for the subject land including sealed road access and reticulated water and sewerage, electricity and gas infrastructure. Available sewer, water and stormwater connections are illustrated in **Appendix 12**.

The Goulburn Mulwaree Council Waste Manager has advised that the local sewerage infrastructure and sewerage treatment plant have adequate capacity to serve the intended equestrian related uses proposed and associated trade waste.

3.11 What are the views of State and Commonwealth public authorities' consultation in accordance with the gateway determination?

No Commonwealth public authorities have been consulted in the preparation of this planning proposal.

As noted in sections 3.5 and 3.6.7 of this proposal Water NSW have provided preliminary comment and advice on the proposed changes to Schedule 1 and Part 7 of the GM LEP 2009 and the supporting Site Specific DCP Chapter.

Further consultation with Water NSW will be conducted after Gateway determination. No further state public authorities are expected to be consulted as part of this planning proposal.

Part 4 – Mapping

The maps included within **Appendix 1** illustrate the area to which this proposal relates and includes current lot and deposit plan numbers. This map will form part of the newly created 'Schedule 1- Additional Permitted Uses Map'

Goulburn Mulwaree LEP 2009 currently has three items on its Schedule 1 Additional Permitted Uses list but these are not currently presented on a Local Clauses Map, Schedule 1.

The addition of the 31 lots relevant to this planning proposal, alongside the existing items on the GM LEP Schedule 1 creates an impetus to create a Local Clauses Map for the Goulburn Mulwaree LEP which illustrates all the lots listed within Schedule 1.

An example of the mapping for the Local Clauses Map is presented in **Appendix 15**.

Part 5 – Community Consultation

As part of the Gateway assessment appropriate public exhibition of the proposal will be applied for the prescribed period.

It is envisaged that the proposal will be advertised in the prescribed manner under the Gateway procedures.

A pre-gateway referral response has been received from Water NSW which is available in full in **Appendix 5b** and summarised in section 3.2 of this report.

Part 6 – Project Timeline

It is envisaged that the gateway process will take approx. 6-9 months for a project of this scale dependent on the grouping of the proposal with other LEP amendments.

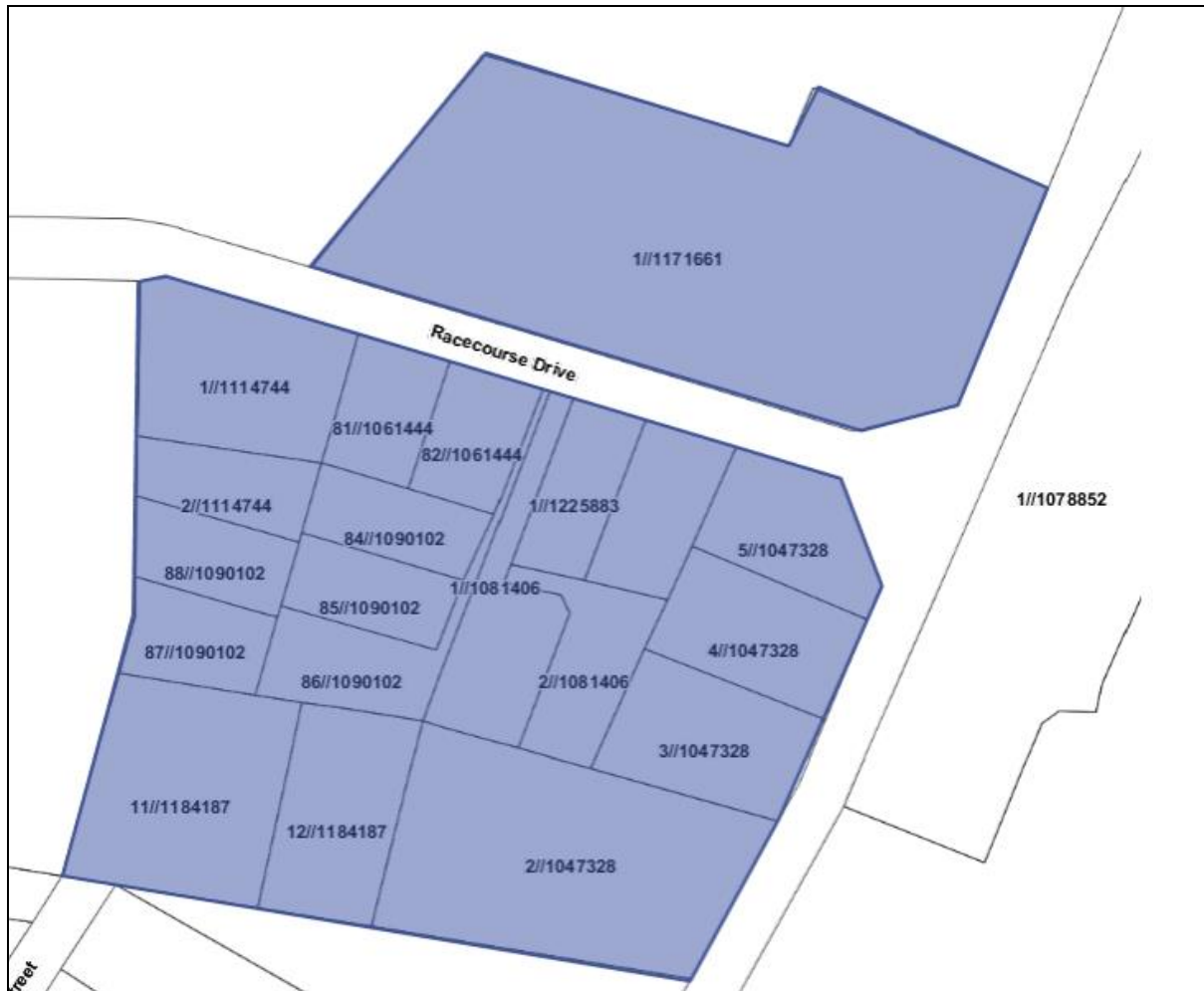
Gateway Determination	January 2021
Timeframe for completion of technical studies	No studies identified
Timeframe for agency consultations	April 2021
Public exhibition	May 2021
Public hearing	No hearing identified
Consideration of submission	July 2021
Date of submission of LEP to DoPI	September 2021
Anticipated date of plan made	October 2021
Anticipated date plan forwarded to DoPI for notification	November 2021

Part 7 – Appendices

Additional maps and other relevant appendices included within this proposal are listed in the table below:

Appendix 1	Subject Site Map (inc. Lot & DP numbers)
Appendix 2	Goulburn Mulwaree Council Resolution- 19 June 2018
Appendix 3	Part 7 of LEP- Additional Local Provisions
Appendix 4	Site Specific DCP Provisions for Racecourse Drive Precinct
Appendix 5a	Water NSW Referral Response- July 2019
Appendix 5b	Water NSW Pre-gateway Referral Response- 4 November 2020
Appendix 6	Heritage Map of Kenmore Heritage Item and Conservation area
Appendix 7	1 in 100 year Flood Extent Map
Appendix 8	Bushfire Prone Land Map
Appendix 9	Goulburn Mulwaree Terrestrial Biodiversity Map Sheet
Appendix 10	NSW Environment & Heritage Bionet Map- 8 Dec 2020
Appendix 11	Probable Maximum Flood Extent Map
Appendix 12	Goulburn Sewer, Water and Stormwater Connections Map
Appendix 13	Aboriginal Heritage Information Management System Map Search- 8 Dec 2020
Appendix 14	Goulburn Mulwaree Local Land Contamination Register Map
Appendix 15a	Example Schedule 1- Local Clauses Map- 745 Crookwell Road- Lot 16, DP 1069310
Appendix 15bi	Example Schedule 1- Local Clauses Map- 5512 Oallen Ford Road, Bungonia- Lot 1, DP 89405 & Lot 2, DP 1130082
Appendix 15bii	Example Schedule 1- Local Clauses Map- Long Point Road, Tallong- Lot 7312, DP 1145878
Appendix 15c	Example Schedule 1- Local Clauses Map-1 Box Avenue, Goulburn- Lot 6, DP 1220973
Appendix 15d	Example Schedule 1- Local Clauses Map- Racecourse Drive, Goulburn- Various Lot & DP numbers

Appendix 1 – Subject Site Map (inc. Lot & DP numbers)



Appendix 2 – Goulburn Mulwaree Council Resolution- 19 June 2018

12 ITEMS FOR DETERMINATION

12.1 PLANNING PROPOSAL - POST EXHIBITION REPORT - 1 RACECOURSE DRIVE, GOULBURN (LOT 1 DP 1171661)

RESOLUTION 2018/219

Moved: Cr Peter Walker

Seconded: Cr Carol James

That:

1. The Post-Exhibition report of the Senior Strategic Planner for the Planning Proposal (REZ/0001/1516) at 1 Racecourse Drive (Lot 1 DP 1171661) be received.
2. That Council support the proposed rezoning of the subject site from RE2 Private Recreation to R5 Large Lot Residential and the application of a Minimum Lot Size of 2,000 m² under the *Goulburn Mulwaree Local Environmental Plan 2009*.
3. Council resolve to prepare a future Planning Proposal to reinstate the use of the subject land for the purpose of equestrian stabling and/or Large animal Veterinarian facilities under *Schedule 1 Additional permitted uses* under *Goulburn Mulwaree Local Environmental Plan 2009* in the proposed R5 large lot residential site adjacent to the racecourse on Racecourse Road.
4. That Council thank those who made a submission and advise the resolution accordingly.
5. That the General Manager exercise Council's delegated plan making powers to make the draft plan in accordance with Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.

CARRIED

Appendix 3 – Part 7 of LEP- Additional Local Provisions

Part 7: Additional Local Provisions

7.7 Racecourse Drive Equestrian Precinct

(1) The objectives of this clause are as follows:

- (a) To prevent adverse impacts on water quality and ensure an overall neutral or beneficial impact on water quality during construction and operation of the site.
- (b) To avoid significant effects on the environment that would cause avoidable erosion and siltation
- (c) Limit sources of pathogens and nutrients and prevent them or contaminants leaching from them reaching watercourses, water bodies or drainage depressions
- (d) To reduce land use conflict and ensure the amenity of nearby residential properties

(2) This clause applies to land identified on the [Schedule 1 Local Clauses Map](#) for the development of intensive livestock agriculture (equestrian uses)

Equestrian uses for the purposes of this clause are:

- Horse Stabling and breeding
- Horse Yards
- Horse related material storage

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and the development application includes the following:

- (a) A Water Cycle Management Plan which:
 - I. includes manure management and
 - II. ensures no on-site management or disposal of wastewater
 - III. includes run-off, erosion and sedimentation controls
- (b) Development is separated from a drainage depression, waterbody or watercourse by at least 40 metres with the exception of environmental protection works, fencing (such as for riparian protection) and alternative water supplies such as troughs, tanks and pumps
- (c) Development is separated from on-site or adjoining residential accommodation by at least 9 metres
- (d) Limits the number of horses for any equestrian establishment within the precinct to no more than 2 horses per 2000 metres squared plus 1 horse for each additional 1000 metres squared.
- (e) Erosion controls comply with standard erosion control recommended practice where development comprises an area 250 metres squared or below or an Erosion and Sediment Control Plan where the development area exceeds 250 square metres but is below 2500 square metres in area.

Appendix 4 – Site Specific DCP Provisions for Racecourse Drive Precinct

Racecourse Drive Equestrian Precinct- Draft Site Specific DCP Provisions

8.11 Racecourse Drive Precinct

Aim

1. To permit horse keeping and breeding for commercial or non-commercial purposes, including agistment of horses in close proximity to Goulburn Racecourse.
2. To ensure environmental impacts arising from horse keeping and breeding minimise environmental impacts and that such development have a neutral or beneficial effect (Nor BE) on water quality.

Objectives

The objectives of this chapter are to:

- Ensure an overall neutral or beneficial effect on water quality during construction and operation of the site;
- Limit sources of pathogens, nutrients and contaminants and prevent them leaching or being transported to watercourses, water bodies or drainage depressions;
- Ensure adequate drainage facilities are provided within the site to collect and carry stormwater to external systems and limit the amount of pollution entering waterways via stormwater;
- Reduce land use conflicts between equestrian uses and residential properties;
- To minimise soil erosion and water pollution by minimising land disturbance and requiring control measures on-site;
- To encourage horse stables to be located away from water bodies and watercourses to avoid erosion, damage to vegetation cover and horse-related manure and effluent being deposited in watercourses;
- Ensure horses are not kept at a density beyond the carrying capacity of the land or water, and
- Safeguard animal welfare.

8.11.1 Land to which this land applies

This chapter applies to the lots identified in the Racecourse Drive Equestrian Map as shown on figure 8-11-1 below.



Figure 8-11-1: Racecourse Drive Equestrian Map

8.11.2 Limit on Number of Horses

- The minimum lot area for the keeping of horses is 2,000m²
- One horse is permissible for each 1,000m² increase in lot size

8.11.3 Horse Stables and Shelter

- The minimum size for any horse stable should be 3.7 metres wide and 3.7 metres deep. The height of any horse stable should be a minimum of 2.75 metres up to a maximum of 3.4 metres.
- The roof of the stable(s) shall provide all weather protection and should incorporate appropriate guttering and downpipes to convey stormwater into rainwater tanks and into appropriately designed stormwater drainage systems or drinking troughs. Rainwater tanks should have a minimum capacity of 10000 litres.
- The walls of the horse stable should be of masonry construction for a height of at least 1.2 metres with either masonry or solid galvanised iron sheeting provided for the upper wall panelling. Any concrete masonry blocks should be reinforced with vertical steel rods and the cores filled with concrete. Some form of window or air passage between the roof and the walls is needed for cross-ventilation purposes.
- External walls of the stable shall be appropriately sealed and waterproofed. The internal walls of the stable should be lined with plywood sheeting or rubber material to prevent injury to horses and to also protect the walls from pawing or kicking.
- The doors of any horse stable shall be at least 1.2 metres wide and 2.4 metres high with no protrusions which may cause potential injury to the horse. Any latches to the doors should be strong and have no protrusions which may injure the horse.
- The floor of any horse stable must be constructed of an impervious material which is graded towards the doorway to permit drainage and should have no depressions where waste/urine can collect. Surface water should drain into a manure trap.
- The flooring is constructed with a 100mm thick reinforced concrete slab. Clean bedding such as straw or sawdust should be provided daily to prevent any foot or leg problems caused by the horse standing on concrete.
- Feeders and water troughs should be raised to a height of 1.05 metres aboveground and placed within a corner of the stable. The feeders should be smooth finished and free of any protrusions.
- Any horse shelters shall be constructed to fulfil the same requirements as a horse stable regarding walls, floor and roofing but should not be provided with any doors, in order to allow free passage of horses to/from the shelter at all times.

8.11.4 Horse Yards

- Horse yards including day yards or holding yards should be at least 3 metres wide with an area of at least 20 square metres.
- Yards should be adequately fenced to prevent escape. Fencing should comprise post and rail fencing using timber, steel pipes or steel posts.
- Gates should be a minimum of 1.2 metres wide and located away from the lowest point of the yard to prevent pooling.

- Yard surfaces should allow for drainage either through grading with run-off directed to appropriate drainage channels or by utilising gravel and a subsurface covered with sand or loam. Surface water must not be allowed to flow onto adjoining properties or drainage depressions, water bodies or watercourses.

8.11.5 Siting

- Stables, yards and storage receptacles should be located at least 40 metres from a drainage depression, water body or watercourse.
- Environmental protection works, fencing (such as for riparian protection) and alternative water supplies such as troughs, tanks and pumps are permissible within the buffer zone.
- Stables must be located at least 9 metres from residential accommodation on-site or adjoining sites.

8.11.6 Material and Waste Storage

- All solid manure should be removed regularly, including prior to forecasted rain, and placed in a suitable waste storage bin. The solid waste storage bin should be a large, sealed metal bin with flanged-fitting metal lid which is waterproof and prevents access to flies and vermin.
- Feed should be stored in a waterproof container on an imperious surface.
- Chemicals must be stored in a weather-proof, fire resistant container on a concrete floor.
- All material and waste storage areas including manure and composting areas must be completely roofed and kept undercover.

8.11.7 Construction

- Developments with an area of 250 metres squared or less should ensure that the Standard Erosion Control recommended practice (Landcom 'The Blue Book') is applied.
- Developments with an area exceeding 250 metres square but less than 2500 metres square should include an Erosion and Sediment Control Plan with a development application

8.11.8 Water management

- No on site management and disposal of wastewater including equine-related effluent and horse and stable wash-down wastewater
- Water run-off must be diverted around manure, composting and waste storage areas with run-off captured and directed into the sewer system
- Waste water generated by horse pools must be directly disposed of through the sewer system
- A Water Cycle Management Study must be submitted and approved with a Development Application which includes the management of stormwater
- A development application must demonstrate a Neutral or Beneficial Effect (NorBE) on water quality

Note: A Section 68 Local Government Act 1993 approval is required for the operation of any trade waste facilities associated with the stables and for the discharge of liquid waste to the sewerage system.

8.11.9 Noise

- Noise generating areas of the operation should be adequately screened and/or located away from adjoining residential properties to minimise noise impacts on neighbours
- Noise caused by the facility must not result in the transmission of “offensive noise” as defined in the protection of the Environment Operations Act 1997 to any place of habitable use.

8.11.10 External Lighting

- Must be sited and directed away from adjoining residential properties to prevent glare and light spillage and minimise impacts on residential amenity
- Must not be directed onto a classified road under the Roads Act 1993
- The operation of external lighting should be minimised during night time hours and turned off when not in use.
- Must comply with AS 4282-2019, Control of the obtrusive effects of outdoor lighting

Appendix 5a – Water NSW Referral Response- July 2019



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

7 August 2019

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2019/79578*

General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Attention: Mr Bennett Kennedy

Dear Mr Sir/Madam

RE: Proposed New Planning Proposal – REZ/0001/1516 – Lot 1 DP 1171661

I refer to Council's email and letter of 17 July 2019 seeking preliminary feedback on pursuing a Planning Proposal to re-instate 'animal boarding or training establishments' (ABTEs) as a permissible use on R5 Large Lot Residential zoned land in vicinity of 1 Racecourse Drive

Council is also seeking advice on whether any conditions removed as part of MOD/0067/1011 would need to be reinstated for the management of the site for ABTEs. The subject land includes 1 Racecourse Drive (which includes 12 lots of a 13-lot subdivision; Lot 1 DP 1171661) in the north and 19 adjoining lots in the south.

Modification conditions

The question regarding MOD/0067/1011 only concerns the subdivision affecting 1 Racecourse Drive. From WaterNSW's perspective, there would be no need to reinstate any conditions removed as part of MOD/0067/1011 as no concurrence conditions of the former Sydney Catchment Authority, particularly stabling conditions, were removed in the re-issue of conditions under the modification.

Re-instating ABTE permissibility

While WaterNSW does not have the detail of a full Planning Proposal to assess Council's proposition of reinstating ABTE permissibility across the specified R5 zoned areas, we are concerned about the water quality risks such a Proposal might generate.

Any Planning Proposal will need to demonstrate how it will protect water quality in accordance with the s 9.1 Direction 5.2 Sydney Drinking Water Catchments. This includes accordance with the principles that new development must have a neutral or beneficial effect on water quality and that future land use should be matched to land and water capability.

Taking these matters into account, any Planning Proposal would need to address the following water quality related issues and risks:

- The *Goulburn Mulwaree Local Environmental Plan 2009* (LEP) definition of an ABTE encompasses dog kennels, catteries, stables, horse studs, and associated veterinary hospitals including for large animals. Such facilities are likely to generate pollutants such as pathogens, nutrients and chemical wastes generated by animals and animal husbandry practices.
- The ABTE permissibility will apply to all 31 lots. While stables are allowed in the northern area under the current conditions of the subdivision modification approval, the reinstatement of

ABTEs as a permissible use would increase the range of other ABTE activities allowed, and extend this permissibility to the 19 lots in the south. This would significantly increase potential pollutant sources and loads given the range of animal boarding facilities allowed by ABTEs and the number of sites where such facilities could be located.

- The zoning and lot sizes (2,000 m² minimum lot size (MLS)) are generally unsuitable for many of the types of ABTEs, which facilitate the concentration of animals and animal care facilities. They are not permissible across other residential zones in the local government area including other R5 zones. Allowing ABTEs on such small lots would give rise to pollutant sources and concentrations not previously considered in allowing the R5 zoning.
- The introduction of ABTEs into R5 areas that have a 2,000 m² MLS will place the LEP in conflict with existing development control plan (DCP) provisions. For example, under the Goulburn Mulwaree DCP, dog kennels must be 100m from adjoining residences. This is unlikely to be possible in an area with lot sizes of 2,000m². WaterNSW is concerned that the LEP permissibility for dog kennels and other ABTEs may potentially override the DCP provisions in cases of inconsistency resulting in concentrations of animal wastes and potentially undermining other DCP provisions that may benefit water quality.
- WaterNSW notes that the land is or will be connected to the sewer. ABTEs are likely to require the washdown of animal wastes into the sewer, increasing pressure on the system beyond that simply associated with housing or the stables allowed under the subdivision development consent. The capacity of the sewerage infrastructure in the area and the Sewage Treatment Plant would need to be considered in relation to the range and extent of uses allowed as ABTEs.
- ABTEs are likely to result in increased impervious areas from roofs and flooring, and will therefore increase pressures on stormwater management capability. Given the MLS, there may be challenges for ABTEs to include suitable areas for stormwater retention and management on-site.
- The northern parcel of land drains towards Kenmore Creek (a fourth order watercourse) while the southern parcel is traversed by a first order watercourse. The proximity of the areas to waterways increases the potential risk to water quality from proposed ABTEs. This risk is exacerbated as half the southern area and the entire northern area is within the Probable Maximum Flood increasing the risk of animal wastes and other pollutants being mobilised during flood events.
- WaterNSW has undertaken a Strategic Land and Water Capability Assessment for Intensive Animal Industries (Figure 1 attached). This indicates that the risk to water quality in the northern parcel (Lot 1 DP 1171661) lies adjacent to an Extreme Risk at the northern boundary with the remainder of the lot having a Low to Moderate Risk to water quality. For the southern area, the risk varies from Low to Extreme, with the High to Extreme Risk being associated with a drainage feature in the south. WaterNSW generally does not support intensive animal uses in areas of High to Extreme Risk. The implications of ABTEs along the northern border of the site would also need to be considered in relation to the Extreme Risk in this area and the land's close proximity to Kenmore Creek.

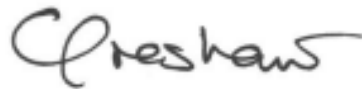
In light of the above, Council is encouraged to explore whether the scope of permissible uses could be limited to equestrian stabling and/or large animal veterinary facilities rather than relying on the broad definition of ABTEs to facilitate the uses envisaged. Council should also consider whether there should be an upper limiting threshold on the number of horses allowed for stabling purposes. The area afforded such permissibility could also be refined to avoid areas in proximity to watercourses and those areas of High and Extreme risk as identified by the SLWCA.

Council is also encouraged to review its DCP provisions for ABTEs in concert with any Planning Proposal, with a view to maximising consistency with the LEP and minimising water quality impacts associated with ABTEs.

The R5 residential zoning along with the 2,000m² MLS presents considerable challenges to instating ABTEs within the subject land. Any Planning Proposal would need to carefully navigate the compatibility between these uses and their combined effect on water quality.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waterNSW.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clay Preshaw'.

CLAY PRESRAW
Manager Catchment Protection



Figure 1. Strategic Land and Water Capability Assessment for Intensive Livestock Agriculture in the vicinity of 1 Racecourse Drive Goulburn.

Appendix 5b – Water NSW Pre-gateway Referral Response- 4 November 2020



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

4 November 2020

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2020/117760*

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Dear Mr Kiernan

PRE-GATE REFERRAL- INTENSIVE LIVESTOCK AGRICULTURE (EQUESTRIAN USES) REZ/0004/1920

I refer to Council's email of 9 October 2020 seeking preliminary feedback on pursuing a Planning Proposal (REZ/0004/1920) for the commercial stabling of horses within an existing residential area (zoned R5 Large Lot Residential) in close proximity to Goulburn Racecourse. The request follows from earlier correspondence in July 2019 when Council was exploring the addition of 'animal boarding or training establishments' (ABTEs) as a permissible use on this land. Our advice (our ref: D2019/79578) recommended that Council consider restricting uses to equestrian stabling, introducing an upper limiting threshold on the number of horses allowed for stabling, and avoiding areas in proximity to watercourses and those areas of High and Extreme water quality risk. We also suggested that Council review its DCP provisions for ABTEs in concert with any Planning Proposal with a view to maximising consistency with the LEP and minimising water quality impacts.

To support the Planning Proposal, Council has now provided proposed Local Environmental Plan and Development Control Plan provisions for equestrian-type development before preparing the actual Planning Proposal. The provisions are largely responsive to the issues we raised in 2019. However, the proposed LEP and DCP provisions have now enabled us to delve more deeply into the opportunities and constraints presented by the proposed equestrian-related uses taking into account the existing zoning, lot sizes, and other site constraints.

In preparing our preliminary advice on the permissibility of commercial stabling of horses, WaterNSW has taken into account the provisions of s9.1 Direction 5.2 Sydney Drinking Water Catchment and *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP). This has included consideration of:

- equestrian-related development needing to have a neutral or beneficial effect on water quality
- the Sydney Catchment Authority (2013) *Horse Property Developments in the Sydney Drinking Water Catchment* Current Recommended Practice (CRP) given effect under the SEPP
- the outcomes of the SLWCA for Intensive Animal Uses.

We have also taken into account current zoning and Minimum Lot Size (MLS) that applies to the land, the lot sizes and configurations that currently exist, the presence and proximity of watercourses, and other environmental constraints as relevant. In this regard, a watercourse

occurs on land adjacent to the north of the site while the larger lots in the south are affected by a 1st order watercourse on-site. We also understand that the site is connected to the sewer and this will be the prime means for disposing of any horse wash water, effluent and wastewater generated by equestrian-related development on the site.

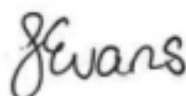
The Planning Proposal is effectively shifting the land use of the area from Residential to Rural Residential. At face value, the Proposal will introduce significant challenges for the area given that it is introducing livestock-related uses into relatively small lots that vary from 2,000 m² to 10,745 m². Ground cover is likely to be adversely affected by the stock intensities proposed. However, effluent-related water quality risks are significantly lessened if effluent is to be transferred to the sewer, and provided that the associated sewer infrastructure has sufficient capacity to deal with the waste.

Any equestrian-related development of the site will need to achieve a neutral or beneficial effect (NorBE) and on water quality and conform with the Sydney Catchment Authority (2013) *Horse Property Developments in the Sydney Drinking Water Catchment* CRP. However, it should be noted that the CRP is based on larger-sized properties that have sufficient land areas available for on-site effluent management. As indicated, we understand that Council is proposing to ensure all effluent and related wastewater is transferred to the sewer, presumably treating the effluent as 'trade waste'. We support this approach as the majority of site are too small for on-site effluent management. The few larger lots that occur in the south are constrained by the watercourse and the 100 m buffer distance required between it and any effluent management area including wastewater generated from yard and horse washdowns. Areas surrounding the watercourse also have a High to Extreme Risk based on the outcomes of the SLWCA.

In light of the above, any Planning Proposal seeking to make the commercial stabling of horses a permissible use will need to clearly articulate that wash-down water and wastewater is transferred to the sewer. It will also need to address the capacity of the sewerage infrastructure and sewerage treatment plant (STP) in dealing with such wastes. The Planning Proposal will need to clearly commit to equine-related developments needing to meet a NorBE on water quality. It should also reference that future development would need to conform with the *Horse Property Developments in the Sydney Drinking Water Catchment* CRP or otherwise demonstrate how the practices and performance standards will achieve outcomes not less than those achieved by the CRP.

More detailed comments are provided in Attachment 1 while Attachment 2 includes the SLWCA for intensive animal uses previously provided in our 2019 correspondence. If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waterNSW.com.au.

Yours sincerely,



JESSIE EVANS
A/Manager Catchment Protection

ATTACHMENT 1 – Detail

Background

The subject land includes 1 Racecourse Drive (Lot 1 DP 1171661) which is the subject to a 12 lot subdivision in the north, and 19 contiguous lots in the south. The area in the north was rezoned from RE2 Private Recreation to R5 Large Lot Residential and afforded a Minimum Lot Size (MLS) of 2,000 m² under Planning Proposal REZ/0001/1516.

Council has provided us with draft proposed Local Environmental Plan (LEP) and supporting Development Control Plan (DCP) to support the preparation of the Planning Proposal to facilitate equestrian uses across the subject land. In relation to LEP provisions, Council is considering facilitating horse stabling by:

- placing Intensive Livestock Agriculture (equestrian uses) into Schedule 1 of the LEP- Additional permitted uses which restricts the use to specific lots in close proximity to Racecourse
- including a new clause into Part 7 of the LEP- Additional local provisions which assigns high level controls into the LEP
- adding a new site specific DCP chapter which seeks to:
 - o address water quality by limiting sources of pathogens and nutrients and ensure adequate drainage
 - o reduce land use conflicts
 - o minimise soil erosion, and
 - o limit the number of horses on site.

Draft wording for the LEP amendments to Schedule 1 and Part 7 of the LEP has been provided in support of the above, along with a draft site-specific DCP chapter. The LEP clause proposes to make the following development types permissible with consent:

- Horse Stabling and breeding
- Horse Yards
- Horse Pools
- Horse related material storage.

No Planning Proposal has been provided at this stage. The request follows from earlier correspondence in July 2019 when Council was seeking preliminary advice on adding 'animal boarding or training establishments' (ABTEs) as a permissible use on the subject land. Our advice (ref. D2019/79578) recommended that Council consider restricting uses to equestrian stabling, introducing an upper threshold on horse numbers, avoiding areas in proximity to watercourses and of High and Extreme water quality risk, and review its DCP provisions for ABTEs in concert with any Planning Proposal, with a view to maximising consistency with the LEP and minimising water quality impacts.

Planning-Related Constraints

Strategic Land and Water Capability Assessment (SLWCA)

As provided in our 2019 advice, WaterNSW has prepared a SLWCA Assessment for Intensive Animal Industries (Figure 1 attached) to help inform the water quality risks associated with the site and the capability of the land for the intended equestrian uses. The SLWCA indicates that the northern parcel (Lot 1 DP 1171661) lies adjacent to an Extreme Risk at the northern boundary with the remainder of the lot having a Low to Moderate Risk to water quality. For the southern area, the risk varies from Low to Extreme, with the High to Extreme Risk being associated with the watercourse the south. The SLWCA only takes into account inherent land and water related constraints, not lot sizes or impacts arising from the intensity of use on land management issues such as groundcover.

In our 2019 correspondence we advised that WaterNSW generally does not support intensive animal uses in areas of High to Extreme Risk to water quality. We also identified that ABTEs along the northern border of the site would also need to be considered in relation to the Extreme Risk in this area and the land's close proximity to Kenmore Creek. Currently the LEP and DCP provisions address these risks by requiring a 40 m setback from waterways and the proposed connection of equine-related development to the sewer (discussed below).

Horse Property Developments in the Sydney Drinking Water Catchment CRP

This CRP is aimed at larger properties. Meeting the terms of the CRP may be very challenging for smaller properties, particularly those in closest proximity to watercourses. However, many of these challenges relate to on-site effluent management which is currently not proposed.

Setback Distances from Watercourses and Waterbodies

The proposed LEP provisions may not be consistent with the setback distances of watercourses as advised under this CRP. Currently, subclause 3 (a) of Part 7.7. of the LEP proposes to introduce provisions that keep development separated from a drainage depression, waterbody or watercourse by at least 40 metres. If the intent is to broadly align the DCP provisions with the distances of the CRP, then the provisions should be changed from 40 m to 100 m for watercourses (as per the CRP). This would probably, however, sterilise the three most southern lots from any equine-related development which would create an inconsistency between the permissibility afforded the three lots and the constraints imposed by means of the buffer distance. If the 100m distance is adopted as stated, the three most southern lots should be removed from the Racecourse Drive Equestrian Map. The northern lots would also need to be examined in relation to the 100 m distances from the nearby waterways, as the northern most lots might similarly be sterilised by the LEP provisions of subclause 3(a).

The alternative way of reading the 40 m setback distance of the proposed LEP provisions, is on the premise that wastewater and effluent streams will be connected to the sewer. The following buffer distances of the CRP apply to equine-related developments:

- 150 m to a named river
- 100 m to a watercourse
- 40 m to a drainage depression or waterbody (such as a farm dam).

These distances apply to on-site wastewater systems, effluent disposal areas, horse wash wastewater and disposal areas, and manure storage areas (as per pages 8, 12, 18 of the CRP). On closer investigation it appears that the 40 m distance proposed in Council's LEP provisions applies to all aspects of the development and is not tied to effluent management or wastewater specifically. If the Proposal is seeking to connect all waste streams to the sewer, then the 40 m setback distance for all equine-related development is appropriate as, together with the sewer connection, it will ensure adequate protection of waterways, will not be inconsistent with the CRP, and likely not sterilise lots where such development would otherwise be permissible. The one stumbling block here is that the manure storage areas require a 100 m setback under the CRP. Given this inconsistency, developers will be reliant on cl 9(2) of the SEPP which states:

If any development or activity does not incorporate Water NSW's current recommended practices and standards, the development or activity should demonstrate to the satisfaction of the consent authority or determining authority how the practices and performance standards proposed to be adopted will achieve outcomes not less than those achieved by Water NSW's current recommended practices and standards.

We provide some additional guidance on manure storage areas below for incorporation into the DCP to help address the water quality risk arising from manure storage areas.

We also ask that the buffer distance provision should include caveats excepting 'environmental protection works', fencing (such as for riparian protection) and alternative water supplies (troughs, tanks and pumps)' as this would allow riparian protection and erosion repair works to occur as part of the development. This is particularly relevant to the southern-most three lots.

If on-site effluent management is at all contemplated, the buffer distances of the CRP should be listed with respect to the development types they apply to.

WaterNSW would appreciate further communication with Council on how the 40 m buffer distance proposed in the LEP is to be applied, taking into account the above comments.

Solid Wastes

The 40 m distance will mean that stables, tack shed, exercise yards, dressage or indoor arena and other areas of intensive animal use may still be located in areas that drain towards the waterways albeit outside the 40 m buffer. The DCP provisions need to ensure that solid wastes generated from these areas is captured, collected and removed. Such areas may require bunding to intercept any solids being mobilised in runoff and possibly diversion banks to avoid run-on onto these areas.

Horse Pools

The LEP proposes to make horse pools permissible with consent. Currently the DCP offers no guidance on how horse pools will be managed. WaterNSW is concerned regarding how the water in horse pools will be managed to minimise the risk of overflows during storm events and potential contamination of downstream waterways. In particular, it needs to be clarified whether the water in these pools will be transferred into the sewer system and at what intervals. Greater DCP guidance and controls are needed.

Flood Risk

Based on information previously provided to us by Council in 2019, half the southern area and the entire northern area is within the Probable Maximum Flood level, increasing the risk of animal wastes and other pollutants being mobilised during extreme flood events. This further justifies the reason for avoiding the use of on-site waste management measures for this particular site.

DCP Provisions

General

The DCP should have additional clauses that require developments to:

- refer to the provisions of clause 9 of the SEPP and refer applicants to the Sydney Catchment Authority (2013) *Horse Property Developments in the Sydney Drinking Water Catchment CRP*
- have a Neutral or Beneficial Effect (NorBE) on water quality as required under cl 10 of the SEPP.

Aim

We believe the aim should be reworded or a 2nd aim added to address environmental impacts, i.e.:

- To ensure environmental impacts arising from horse keeping and breeding minimise environmental impacts and that such development have a neutral or beneficial effect (NorBE) on water quality.

Objectives

- 2nd dot point could be amended to read 'Limit sources of pathogens, nutrients and contaminants and prevent them leaching or being transported to watercourses, water bodies or drainage depressions'
- 6th dot point could be amended to read: 'To encourage horses stables (not stabled) to be located away from water bodies and watercourses to avoid erosion, damage to vegetation cover, and horse-related manure and effluent being deposited in watercourses'.

8.11.2 Limit on Number of Horses

Proposed clause 8.11.2 seeks to limit the number of horses to 2 for each 2,000 m². But note that the wording is slightly ambiguous. We understand that Council is proposing to refine the wording as per below:

Revised control on number of horses

- The minimum lot area for the keeping of horses is 2,000 m².
- A maximum of 2 horses is permissible for each 2,000 m² lot area.
- Two additional horses are permissible for each 2,000 m² increase in lot size.

We note that several lots are between 3,000 m² and 4,000 m². The proposed wording would mean that those lots would be capped at 2 horses (rather than allowing 3 horses if the standard was based on 1 horse per 1,000 m²). WaterNSW is supporting of this approach as it will help reduce stocking intensity on these allotments. However, stocking rates of this intensity is likely to remove groundcover.

8.11.6 Material and Waste Storage

An additional point should be added that material and waste storage areas including manure storage and composting areas should be completely roofed (i.e. under cover). This would minimise the risk of leaching and the creation of leachates.

We also ask Council to consider extending provisions in the DCP to ensure any runoff is diverted around manure, composting, and waste storage areas, and any runoff from the storage areas is captured and directed into the sewer system.

The opening point refers to removing manure waste 'regularly'. This term is vague and should be replaced by the term 'daily' or at least qualified by stating 'including prior to forecasted rain'. It would also benefit by clarifying that the bins themselves (as well as lids) should be sealed/waterproofed.

8.11.8 Water management

The requirement states that there should be no on-site management and disposal of wastewater. We strongly support this but as indicated, it needs to be ensured that the sewer infrastructure will be appropriately sized and designed to cater for the equestrian-generated waste.

'Wastewater' should be defined and include 'equine-related effluent' and 'horse wash wastewater'.

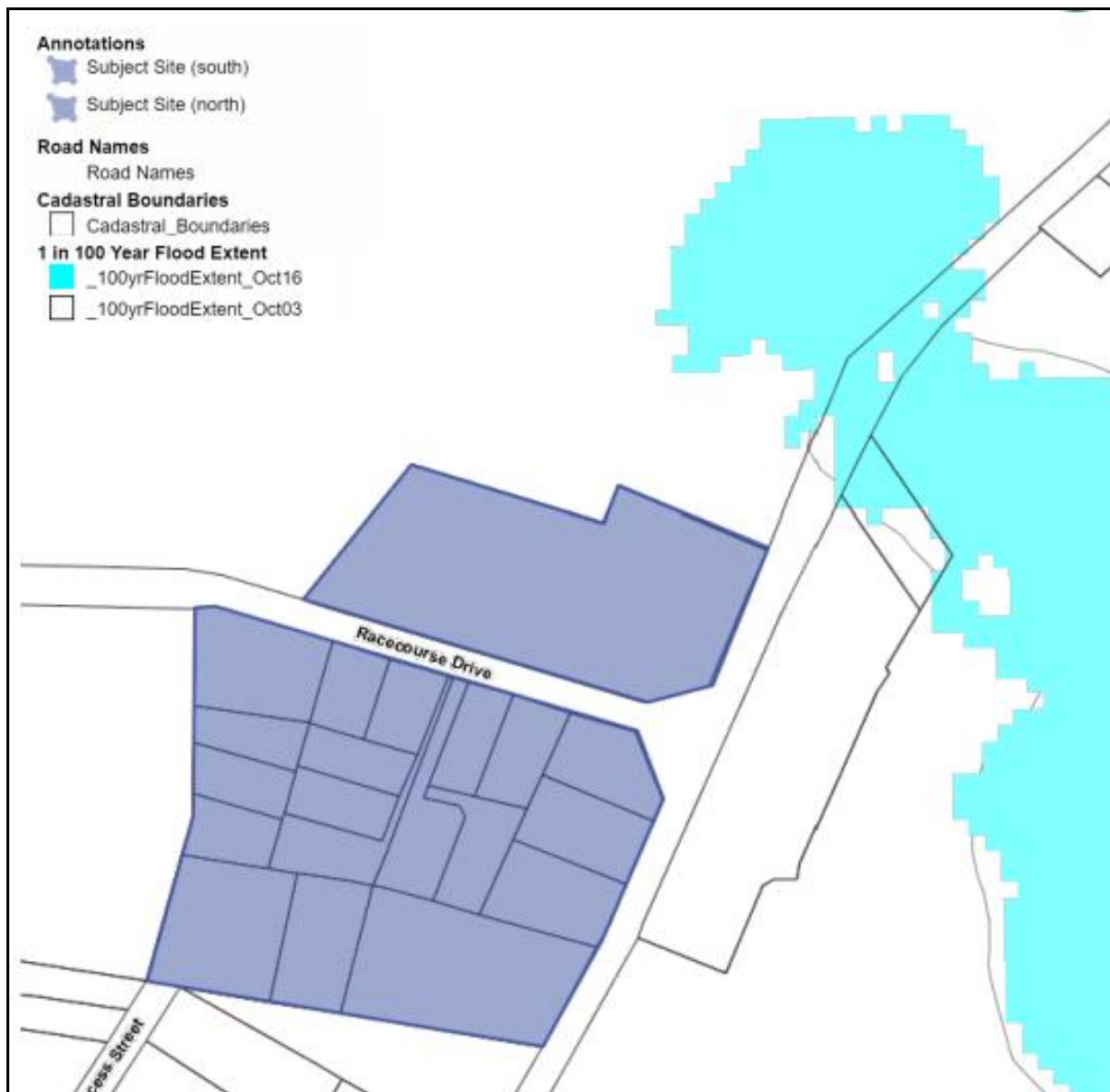


Figure 1. Strategic Land and Water Capability Assessment for Intensive Livestock Agriculture in the vicinity of 1 Racecourse Drive Goulburn.

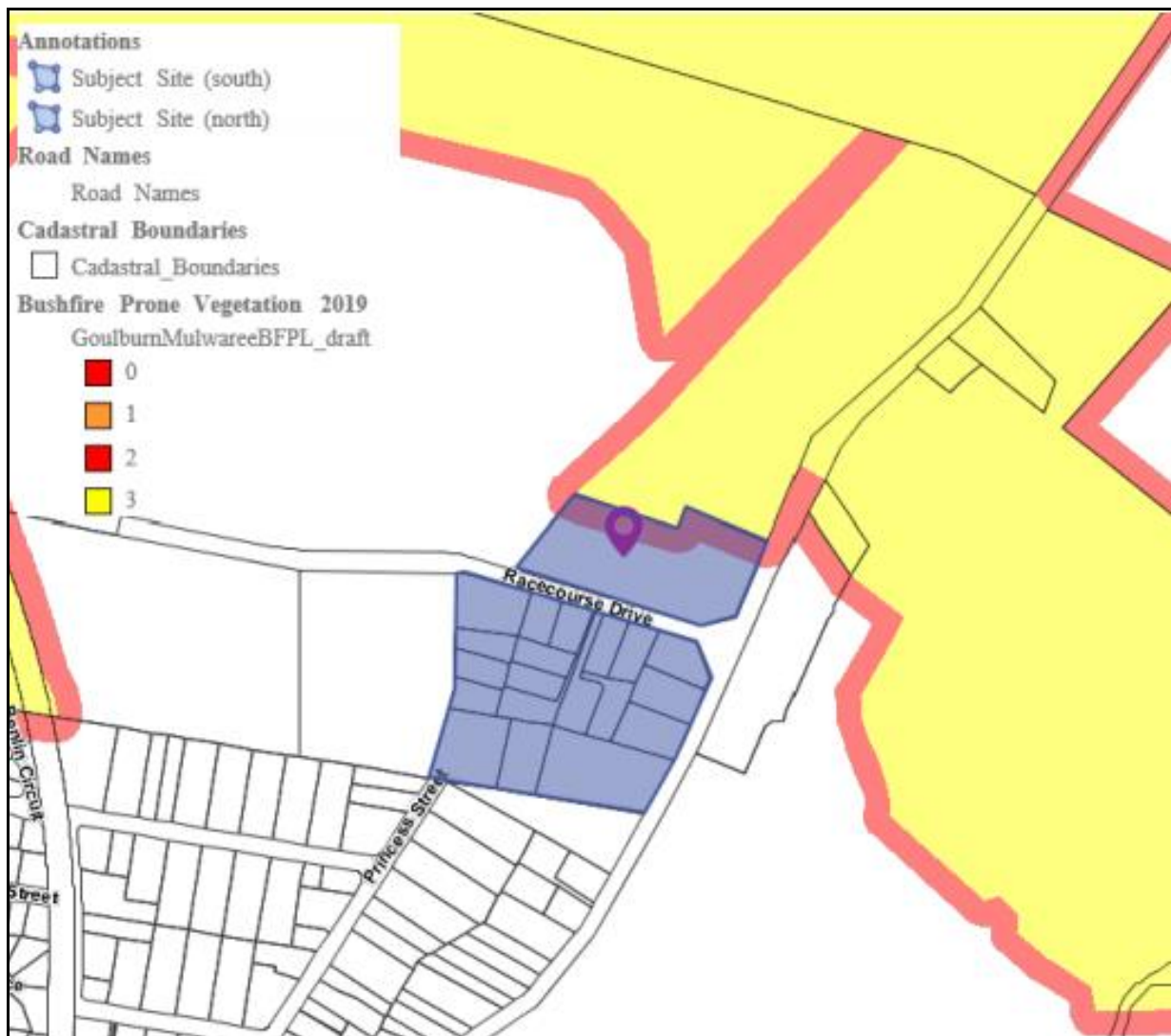
Appendix 6 – Heritage Map of Kenmore Heritage Item and Conservation area



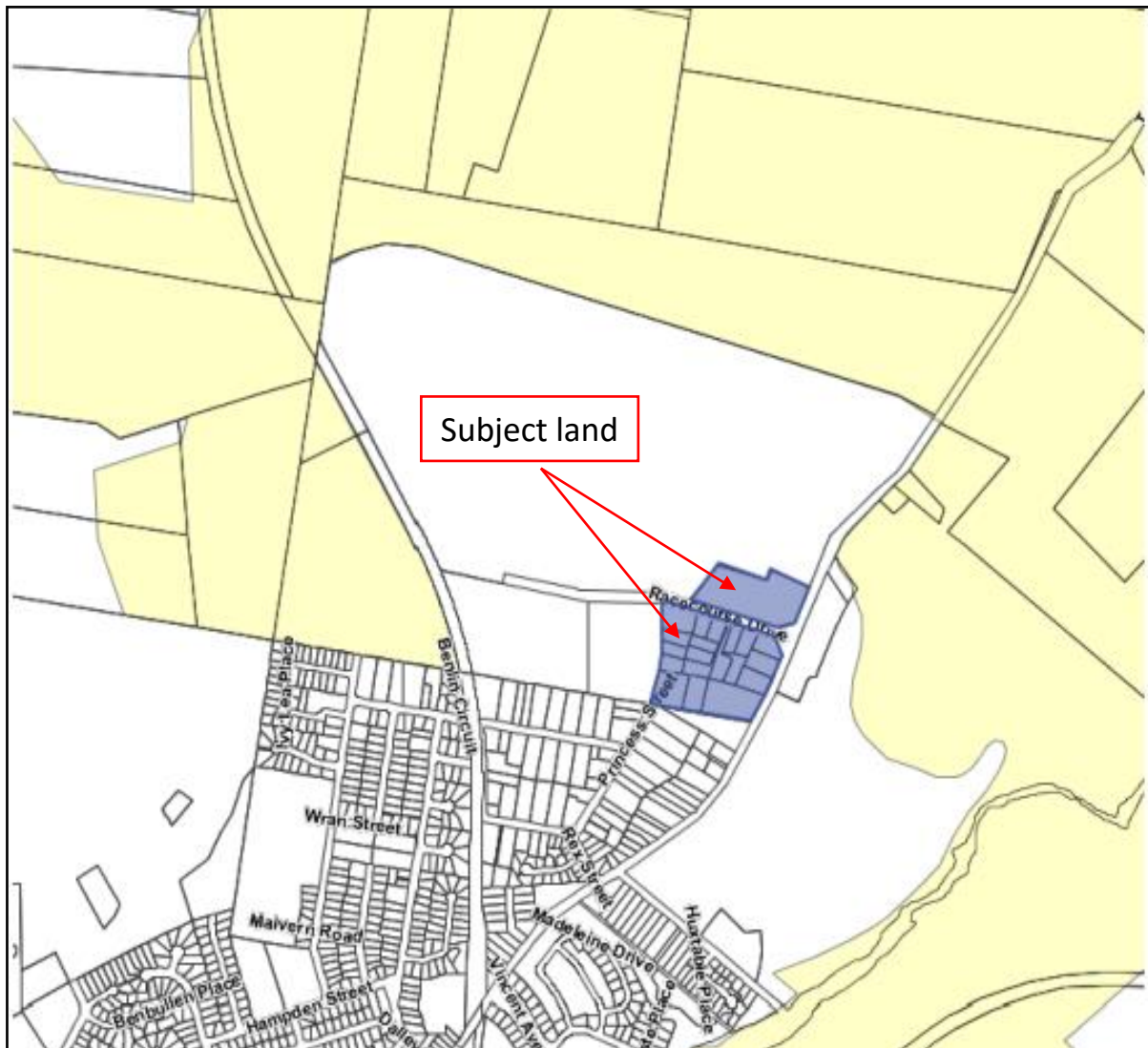
Appendix 7 – 1 in 100 year Flood Extent Map



Appendix 8 – Bushfire Prone Land Map



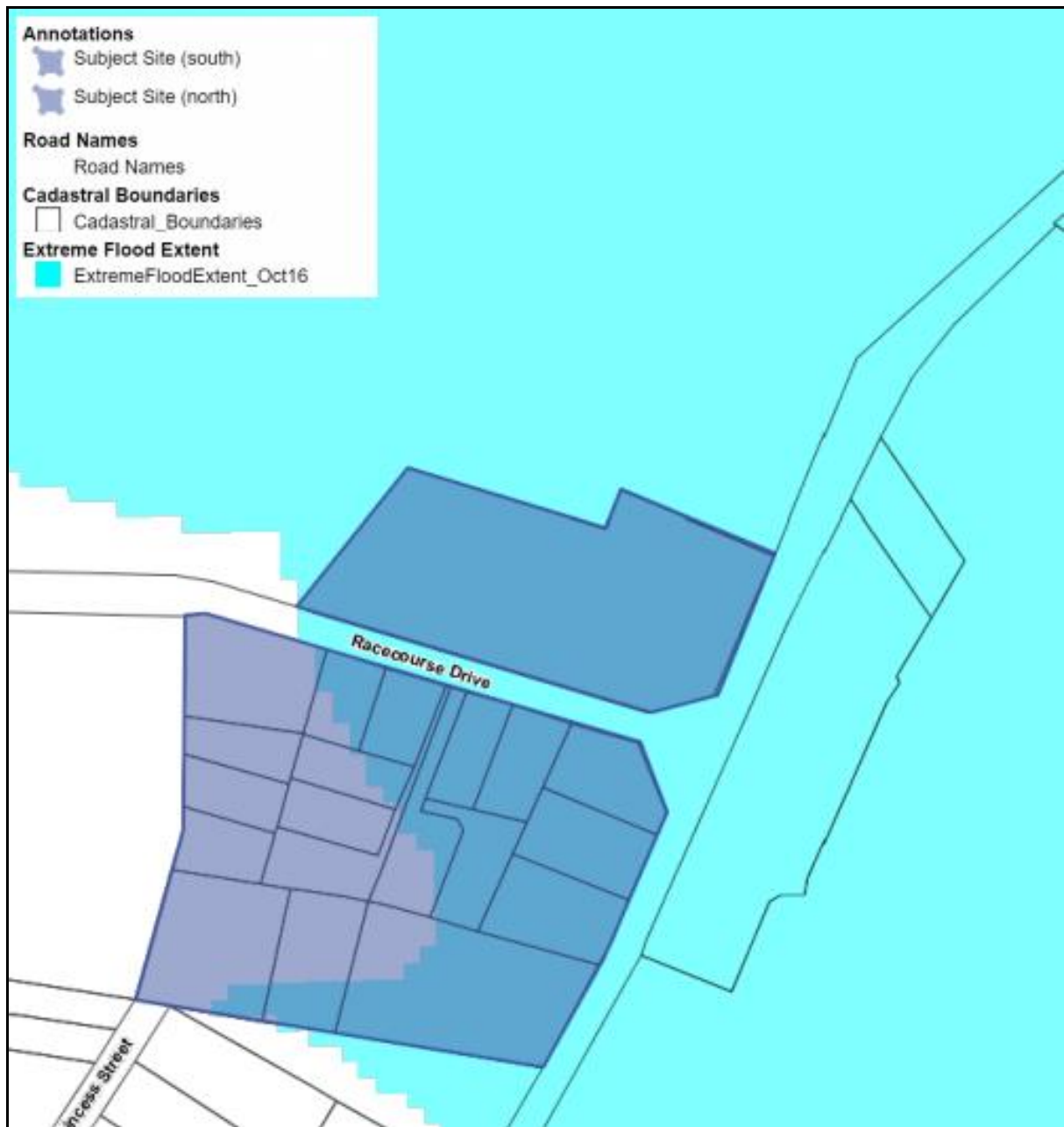
Appendix 9 – Goulburn Mulwaree Terrestrial Biodiversity Map Sheet



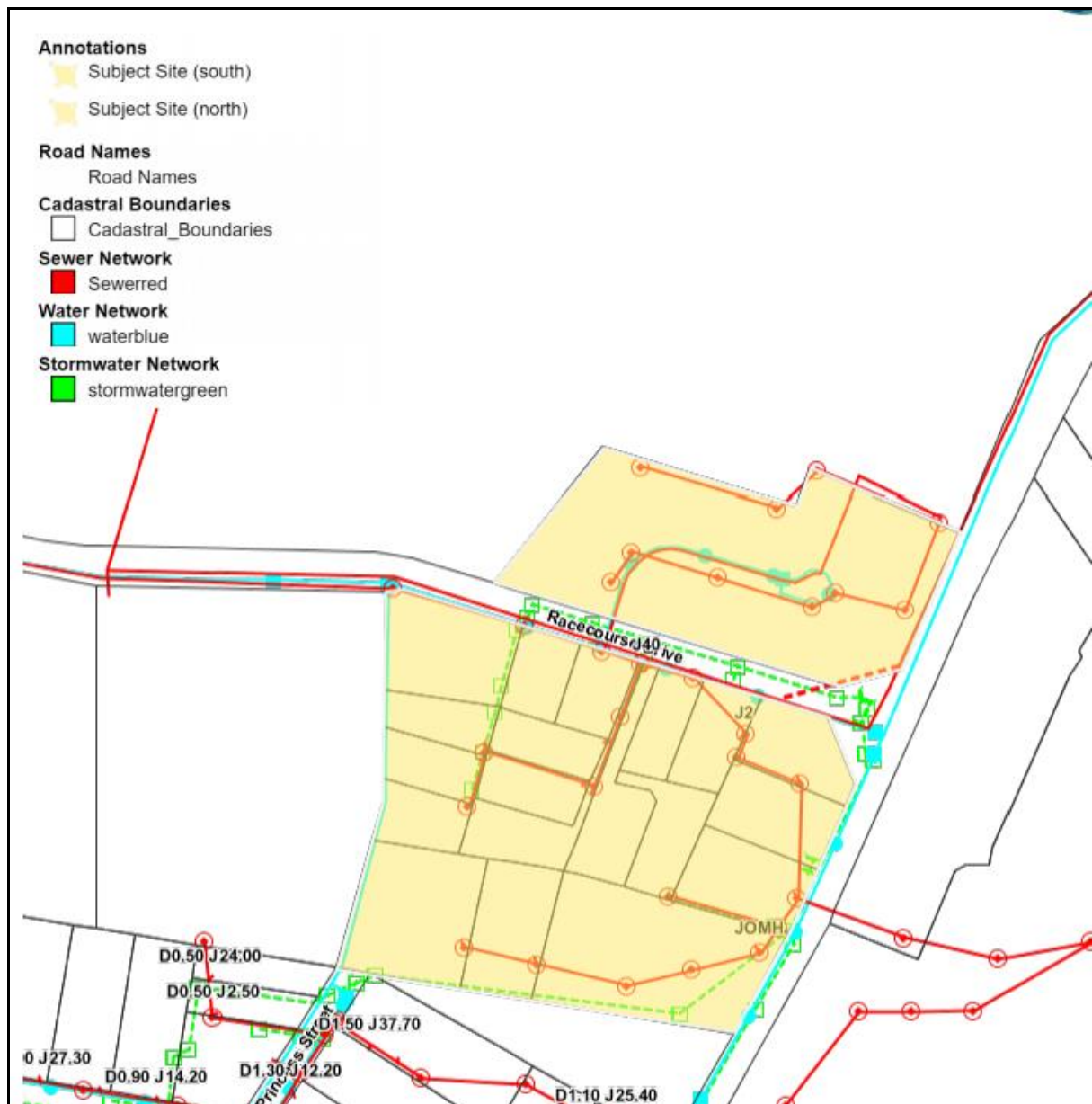
Appendix 10 – NSW Environment & Heritage Bionet Map (8 Dec 2020)



Appendix 11 – Probable Maximum Flood Extent Map



Appendix 12 – Goulburn Sewer, Water and Stormwater Connections Map



Appendix 13 – Aboriginal Heritage Information Management System Map Search



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Racecourse

Client Service ID : 555754

Goulburn Mulwaree Council - Melissa Keegan Group

Date: 08 December 2020

Locked Bag 22

Goulburn New South Wales 2580

Attention: David Kiernan

Email: david.kiernan@goulburn.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -34.7187, 149.7484 - Lat, Long To : -34.7133, 149.757 with a Buffer of 50 meters, conducted by David Kiernan on 08 December 2020.

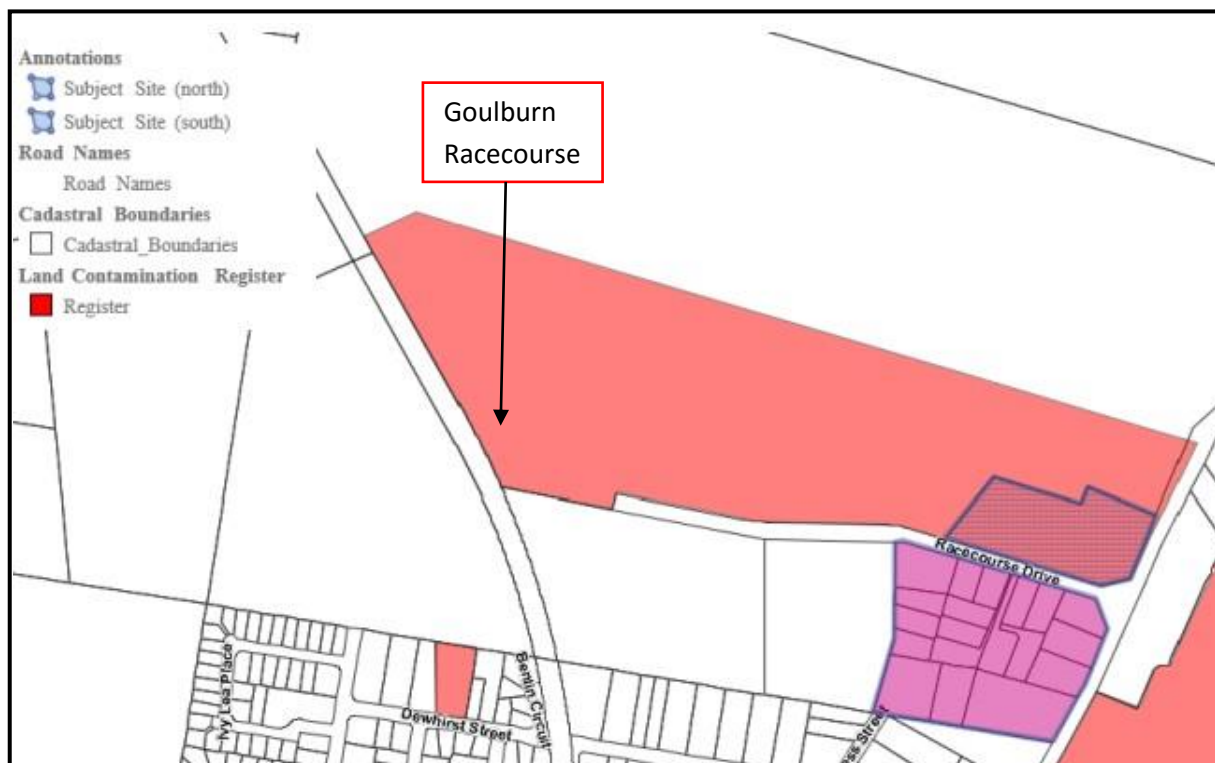
The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Appendix 14 – Goulburn Mulwaree Local Land Contamination Register Map



Appendix 15a – Example Schedule 1- Local Clauses Map- 745
Crookwell Road- Lot 16, DP 1069310



Appendix 15bi – Example Schedule 1- Local Clauses Map- 5512
Oallen Ford Road, Bungonia- Lot 1, DP 89405 & Lot
2, DP 1130082



**Appendix 15bii – Example Schedule 1- Local Clauses Map- Long
Point Road, Tallong- Lot 7312, DP 1145878**



Appendix 15c – Example Schedule 1- Local Clauses Map- 1 Box Avenue, Goulburn- Lot 6, DP 1220973



**Appendix 15d – Example Schedule 1- Local Clauses Map-
Racecourse Drive, Goulburn- Lot & DP listed in
table below**



Lot Number	Deposit Plan number	Lot Number	Deposit Plan number
5	DP1047328	2	DP1225883
81	DP1061444	2	DP1081406
2	DP1047328	85	DP1090102
82	DP1061444	87	DP1090102
4	DP1047328	2	DP1114744
3	DP1047328	11	DP1184187
1	DP1081406	12	DP1184187
84	DP1090102	1	DP1114744
1	DP1171661	86	DP1090102
1	DP1225883	88	DP1090102