

Goulburn Mulwaree Council

Land Use Tables Planning Proposal

Incorporating 'Gateway Determination Amendments'

Local Environmental Plan 2009, Amendment No. 3

September 2011

Goulburn Mulwaree LEP 2009		Rural						Residential					Business					Industrial				SP3	Recreation	Env Prot'n	Waterways							
Land Use Matrix [DoP version 3.0]		RU1 Primary Production	RU2 Rural Landscape	RU3 Forestry	RU4 Primary Production Small Lots	RU5 Village	RU6 Transition	R1 General Residential	R2 Low Density Residential	R3 Medium Density Residential	R4 High Density Residential	R5 Large Lot Residential	B1 Neighbourhood centre	B2 Local centre	B3 Commercial Core	B4 Mixed Use	B5 Business Development	B6 Enterprise corridor	B7 Business Park	IN1 General Industrial	IN2 Light Industrial	IN3 Heavy Industrial	IN4 Working Waterfront	SP3 Tourist	RE1 Public Recreation	RE2 Private Recreation	E2 Environmental conservation	E3 Environmental Management	E4 Environmental Living	W1 Natural Waterways	W2 Recreational Waterways	W3 Working Waterways
Legend																																
O permitted without consent [mandated under the SL].																																
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fill colour in green or red mandated under the SL.																																
fill colour in purple public infrastructure permitted under a SEPP																																
Is the zone used? [please select Y/N for each zone]		Y	Y	N	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	

Parts 1 and 2 – Objectives and Explanation of Provisions

1.1 Background

Standard Instrument Amendment Order 2011, dated 25 February 2011 amended our current LEP. Initial discussions with Department officers have established that matters identified by Council planning staff to preserve the original intent of the LEP need to be progressed by a separate planning proposal. Though Council is not happy with this situation it does allow several discrepancies to be addressed as a result of administering the current LEP. On this basis the subject planning proposal has been drafted in accordance with Councils Resolution 11/204 dated 21 June 2011 (attached).

Gateway determination was issued on 29 August 2011 (attached).

1.2 Objectives

- Land use tables:
To preserve the original intent of the Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 1 as a result of:
 - Changes brought about by the Standard Instrument Amendment Order 2011, dated 25 February 2011 and
 - Several discrepancies identified in the administration of the current LEP and the amending order.
- Miscellaneous:
 - To refocus the Chantry / Maud Streets, Goulburn light industrial zone to residential development (700m² lots) along the Chantry Street frontage to reflect the Chantry Street residential character and to single dwellings and light industrial development (1500m² lots) to reflect the mixed character of the remainder of the zone.
 - To include the standard instrument clause 5.9(9) and 5.13 in the current LEP.

Part 2 – Explanation of Provisions

2.1 Land use tables (enclosed land use matrix)

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone RU1 Primary Production	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Nil Delete: Nil Item 4 Prohibited Add: Vehicle body repair workshop, Vehicle repair station, Wholesale supplies. Delete: Eco-tourist facilities, Function centres, Water recreation structure.
Zone RU2 Rural Landscape	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Agricultural produce industry; Home industry; Stock and sale yards Delete: Bulky good premises, Vehicle sales and hire premises. Item 4 Prohibited Add: Amusement centres, Funeral homes, Industrial retail outlets, Registered clubs, Restricted premises, Rural industries Delete: Eco-tourist facilities, Water recreation structures.

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone RU5 Village	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Nil Delete: Nil Item 4 Prohibited Add: Extractive industries, open cut mining. Delete: Nil
Zone RU6 Transition	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Backpackers accommodation, Bed and breakfast accommodation, Cellar door premises, Entertainment facilities, Farm stay accommodation, Home industry, Kiosks, Markets, Roadside stalls. Delete: Bulky goods premises, Hardware and building supplies, Vehicle sales and hire premises. Item 4 Prohibited Add: Amusement centres, Bulky goods premises, Camping grounds, Caravan parks, Funeral homes, Hardware and building supplies, Industrial retail outlets, Industries, Restricted premises, Vehicle sales and hire premises, Warehouse or distribution centres. Delete: Eco-tourist facilities, entertainment facilities

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone R1 General Residential	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Bed and breakfast accommodation, Business premises, Office premises, Serviced apartments Delete: Bulky goods premises, Hardware and building supplies, Landscaping material supplies, Plant nurseries, Rural supplies, Timber yards, Vehicle sales and hire premises. Item 4 Prohibited Add: Amusement centres, Boat launching ramps, Boatsheds, Camping grounds, Caravan parks, Commercial premises, Extractive industries, Industrial retail outlets, Jetties, Mooring, Open cut mining, Port facilities, Research stations, Restricted premises, Service stations, Sewerage systems, Tourist and visitor accommodation, Veterinary hospitals, Water supply systems. Delete: Retail premises
Zone R2 Low Density Residential	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Nil Delete: Bulky goods premises, Hardware and building supplies, Landscaping material supplies, Plant nurseries, Rural supplies, Timber yards, Vehicle sales and hire premises. Item 4 Prohibited Add: Amusement centres, Boat launching ramps, Boatsheds, Camping grounds, Caravan parks, Depots, Extractive industries, Industrial retail outlets, Jetties, Mooring, Mooring pens, Open cut mining, Port facilities, Recreation facilities (indoor), Research stations, Restricted premises, Service stations, Sewerage systems, Water supply systems. Delete: Boarding houses, Farm stay accommodation, Liquid fuel depots.

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone R5 Large Lot Residential	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Building identification sign Delete: Bulky goods premises, Hardware and building supplies, Landscaping material supplies, Rural supplies, Timber yards, Vehicle sales and hire premises. Item 4 Prohibited Add: Amusement centres, Boat launching ramps, Boat sheds, Camping grounds, Caravan parks, Cemetery, Extractive industries, Industrial retail outlets, Jetties, Mooring, Open cut mining, Port facility, Recreation facilities (indoor), Research stations, Restricted premises, Service stations, Sewerage systems, Signage, Water supply systems. Delete: Nil.
Zone B1 Neighbourhood Centre	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Nil Delete: Nil Item 4 Prohibited Add: Boat building and repair facilities, Boat launching ramps, Boat sheds, Bulky goods premises, Cellar door premises, Exhibition homes, Extractive industries, Heavy industrial storage establishment, Industrial retail outlets, Jetties, Mooring, Open cut mining, Plant nurseries, Port facilities, Restricted premises, Roadside stalls, Sewerage systems, Shops, Timber yards, Water supply system. Delete: Nil.

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone B2 Local Centre	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Nil Delete: Home industry. Item 4 Prohibited Add: Boat building and repair facilities, Boat launching ramps, Boat sheds, Extractive industries, Heavy industrial, Storage establishments, Industrial retail outlets, Jetties, Mooring, Open cut mining, Port facilities, Sewerage systems, Water supply systems. Delete: Farm stay accommodation, Liquid fuel depot
Zone B3 Commercial Core	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Nil Delete: Nil Item 4 Prohibited Add: Boat launching ramps, Boat sheds, Extractive industries, Industrial retail outlets, Jetties, Mooring, Open cut mining, Port facilities, Recreational facilities (major), Rural industries, Sewerage systems, Water supply system. Delete: Nil.

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone B4 Mixed Use	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Light industries Delete: Nil Item 4 Prohibited Add: Boat launching ramps, Boat sheds, Correction centres, Extractive industries, Highway service centre, Industrial retail outlets, Industries, Jetties, Mooring, Open cut mining, Port facilities, Recreation facilities (major), Sewerage systems, Water supply systems. Delete: General industries, Heavy industries.
Zone B6 Enterprise Corridor	Item 1 Objectives of zone Delete: “To provide for residential uses (but only as part of a mixed use development)”.(The focus of this zone is tourist, visitor accommodation, bulky goods, fast food outlets and service stations and not ‘residential accommodation’, general shops and rural, heavy and general industrial) Item 2 Permitted without consent Add: Nil Delete: Home occupations. Item 3 Permitted with consent Add: Agricultural produce industry Delete: Nil Item 4 Prohibited Add: Boat launching ramps, Boatsheds, Camping grounds, Caravan parks, Cellar door premises, Crematorium, Exhibition homes, Exhibition village, Extractive industries, Heavy industrial storage establishments, Home based child care, Home business, Jetties, Mooring, Open cut mining, Port facilities, Recreation facilities (major), Residential accommodation, Sewerage systems, Shops, Water supply systems. Delete: Boarding houses, Eco-tourist facilities, Group homes, Industrial training facilities, Residential flat building, Rural workers dwelling, Shop top housing.

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone IN1 General Industrial	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Extensive agriculture, Funeral homes, Kiosks, Markets, Medical centres, Sawmill or log processing works, Stock and sale yards. Delete: Nil Item 4 Prohibited Add: Agriculture, Boat launching ramps, Boat sheds, Educational establishments, Health services facilities, Heavy industries, Heavy industrial storage establishments, Jetties, Livestock processing industries, Mooring, Port facility, Recreation facilities (major), Restricted premises, Wharf and boating facilities Delete: Highway service centres, Industries, Intensive livestock agriculture, Rural industries, Waste or resource management facility, Wholesale supplies
Zone IN2 Light Industrial	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Dwelling house*, Shop top housing Delete: Nil Item 4 Prohibited Add: Boat launching ramps, Boat sheds, Cellar door premises, Educational establishments, Health services facility, Heavy industrial storage establishments, Jetties, Mooring, Port facility, Recreation facilities (major), Residential accommodation, Restricted premises, Road side stalls, Shop. Delete: Attached dwelling, Correctional centres, Group homes, Home based child care, Home businesses, Multi dwelling housing, Residential flat building, Rural workers dwelling, Seniors housing

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone IN3 Heavy Industrial	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Advertising structure, Office premises, Rural workers dwelling Delete: Bulky goods premises, Hardware and building supplies, Vehicle sales and hire premises. Item 4 Prohibited Add: Boat launching ramps, boatsheds, Camping grounds, Caravan parks, Commercial premises, Correctional centres, Crematorium, Educational establishments, Exhibition homes, Exhibition village, Health services facilities, Jetties, Mooring, Mortuaries, Passenger transport facilities, Port facilities, Public administration building, Recreation facilities (indoor), Recreational facilities (outdoor), Registered clubs, Restricted premises, Respite day care centres, Service stations, Signage, Veterinary hospitals.. Delete: Helipad, industrial training facilities, retail premises
Zone RE1 Public Recreation	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Building identification sign, Emergency service facilities Delete: Charter and tourism boating facilities, signage Item 4 Prohibited Add: Nil. Delete: Nil.

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone RE2 Private Recreation	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Eco-tourist facility, Emergency services facilities, Sewerage systems, Water supply systems. Delete: Charter and tourism boating facilities, Marinas, Mooring pens. Item 4 Prohibited Add: Nil. Delete: Nil.
Zone E2 Environmental Conservation	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Backpackers accommodation, Bed and breakfast accommodation, Cemeteries, Emergency service facilities, Farm building, Recreation facility (outdoor), Roads. Delete: Nil Item 4 Prohibited Add: Nil. Delete: Nil.

CLAUSE	COUNCIL PLANNING PROPOSAL
Zone E3 Environmental Management	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Camping grounds, Caravan parks, Child care centres, Eco-tourist facilities, Entertainment facilities, Emergency service facilities, Information and education facilities, Recreation facility (indoor), Rural workers dwellings, Stock and sale yards. Delete: Nil Item 4 Prohibited Add: Serviced apartments. Delete: Nil.
Zone E4 Environmental Living	Item 2 Permitted without consent Add: Nil Delete: Nil Item 3 Permitted with consent Add: Building identification sign, Camping grounds, Cellar door premises, Depots, Eco-tourist facilities, Environment facilities, Kiosks, Roadside stalls, Tourist and visitor accommodation. Delete: Signage. Item 4 Prohibited Add: Hotel or motel accommodation, Serviced apartments Delete: Nil.

2.2 Miscellaneous

Zone IN2 Light Industrial	Zone and Lot size changes – Chantry / Maud Street Locality: - Proposed zone and lot size amendment to land fronting Chantry Street (enclosed map) to be rezoned General Residential with a minimum lot size of 700m². This is in keeping with the Chantry Street frontage. - Introduce a lot size minimum of 1,500m² for the remainder of the light industrial zone (enclosed map). This will ensure sufficient lot size area to encourage a dwelling / home industry development in keeping with the mixed character of the area.
Clause 5.9(9)	Insert subclause (9) Subclause (9) enables Council to seek consent for the clearing of native vegetation in certain limited circumstances.
Clause 5.13 Eco-tourist facilities [Compulsory if eco-tourist facilities permitted with consent]	Insert clause 5.13. Proposed to make eco-tourist facilities permissible in certain zones and the clause will then be compulsory.

Part 3 – Justification

Section A – Need for Planning Proposal

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

There is no relevant strategic study or report.

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

The circumstances of the proposal are that the planning proposal is the best method of achieving the objectives.

3.3 Will the net community benefit outweigh the cost of implementing and administering the Planning Proposal?

The planning proposal will provide a net community benefit by better relating the land use activities to the zone objectives and by addressing the identified discrepancies in the current LEP.

Section B – Relationship to Strategic Planning Framework

Low impact nature and minor significance of the planning proposal makes it consistent with:

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

Yes - Sydney – Canberra Corridor Regional Strategy.

3.5 Is the Planning Proposal Consistent with the local Council’s community strategic plan or other local strategic plan?

Yes - Goulburn Mulwaree Strategy 2020.

3.6 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPPs)

Yes – SEPP 55, Remediation of Land

Part of the site being zoned residential and part of the existing light industrial zoned area, being Lot 1 DP 456908 and Lots 1-4, 10-12 and 17-20 Section 129 DP 658468, 85 Chantry Street Goulburn was known to have carried out the following activities pursuant to table 1 to the contaminated land planning guidelines:

- Defence works / explosives industry (Munitions factory during WW2)

In addition there is potential for asbestos particle contamination due to poor demolition work practices associated with the removal of old buildings on site.

Preliminary investigations have been undertaken and Council is of the opinion that the subject land needs further detailed investigation and to ensure that this occurs, detailed consent conditions have been issued for development of the site (attached).

Preliminary investigations (attached) of the subject land have been carried out:

1. Environmental Site Validation assessment, June 2006;
2. Land Contamination Reports, June 2010 and July 2010; and
3. BENDOW Report, March 2011.

These preliminary investigations have concluded that:

1. Environmental Investigations, June 2006

“the site presents no risks to human health, the environment or the aesthetic enjoyment of the land and is considered suitable for continued commercial / industrial land use”.

2. Laterals Planning, Engineering and Management Environmental, June / July 2010:
 - Land currently is suitable for industrial and commercial use;
 - Further investigations are required to allow the use of the subject land for residential purposes;
 - There is a need to prepare a remediation action plan based upon further detailed testing of the site prior to and following the removal of existing concrete slabs; and
 - If any contamination is found at either stage a remediation action plan should be developed by an accredited certifier, the material removed and the site validated for residential purposes.
 - Development (DA 326/0910) is recommended for approval subject to a deferred condition requiring the initial testing of the site for residual asbestos and removal if required followed by a further site investigation of sub surface infrastructure, any necessary remediation plan, remediation and validation for residential use prior to other works.
3. BENBOW Report, 1 March 2011
Confirms that further investigations are required for clearance certificates and site auditor certification.

3.7 Is the Planning Proposal consistent with applicable ministerial directions (S117 Directions)?

Yes. Compliance with directions: 1.2 Rural zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 5.1 Sydney – Canberra Corridor Regional Strategy, 5.2 Sydney Drinking Water Catchment including relevant SEPP 2011, 6.1 Approval and Referral requirements and 6.2 Reserving land for public purposes.

Directions not applicable: 1.4, 2.2, 2.4, 3.5, 4.1, 4.2, 4.3, 4.4, 5.3, 5.4, 5.8 and 6.3

Inconsistent Directions:

1.1 Business and Industrial zones:

Reduction of light industrial zone, Chantry Street Goulburn by the adjustment of the common boundary between the R1 and IN2 zone boundaries will reduce the IN2 zoned

area marginally by 6%. This reduction is of minor significance with respect to the amount of employment zoned lands. The planning proposal seeks to address the issues of residential accommodation in industrial zones by focusing residential development along the Chantry Street frontage and single dwelling and light industrial development in the remainder of the IN2 zone.

3.2 Caravan Parks and Manufactured Home Estates:

Caravan parks have been prohibited in RU6, R1, R2, R5, B6 and IN3 as such temporary accommodation is considered inappropriate as a type of residential accommodation in such zones. Other existing zones provide ample opportunities for caravan parks in more appropriate rural and recreational RU1, RU5, RE1 and E3 zones. This inconsistency is of minor significance.

3.3 Home Occupations:

Home occupations have been deleted from permitted without consent in the B6 zone. Focus of the B6 zone is not residential accommodation which is prohibited. Such inconsistency is of a minor significance.

3.4 Integrating land use and transport:

Minor alterations to the light industrial zone may lead to an inconsistency of minor significance.

Conclusion: The planning proposal raises no matters of significance for the Directions.

Section C and D – Environmental, social and economic impact and State and Commonwealth Interests.

Planning Proposal will have nil or at the most minimal effects on:

3.8 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?

The proposal will have no effect on critical habitats or threatened species, populations or ecological communities or their habitats.

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

No effects.

3.10 How has the planning proposal adequately addressed any social and economic effects?

The proposal will have minimal effects on social and economic matters.

3.11 Is there adequate public infrastructure for the planning proposal?

Public infrastructure is available and adequate.

The proposal will have minimal effects on this public infrastructure.

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

Authorities have not been consulted at this stage. It is expected that there will be minimal interest from State and Commonwealth authorities.

Part 4 – Community Consultation

4.1 Proposed Consultation

The proposal will be made publicly available for 28 days.

Part 5 – Conclusion

Conclusion: The planning proposal has come about because of changes to the standard instrument and the need to address several discrepancies as a result of administering the current LEP and the SI changes and is justified on this basis alone.

Encl.

1. Extended R1 General Residential Zone Map
2. Extended Lot Size Map
3. Minutes of the Ordinary Meeting of Council held 21 June 2011 – Item No. 2
4. Standard Instrument Amendment Table
5. Land Use Matrix
6. Supporting Contamination information