

**12.2 REVIEW OF THE B2 LOCAL CENTRE ZONING IN MARULAN AND MISTFUL PARK****Author:** Nick Thistleton, Graduate Strategic Planner**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. Draft CDP Amendment 8  

<b>Link to Community Strategic Plan:</b>	Strategy EC3 Support and foster conditions that enable local and small/home-based businesses to grow.
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That:

1. The report from the Graduate Strategic Planner on the review of the B2 Local Centre zoning in Marulan and Mistful Park be received.
2. Council draft a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to:
  - (a) Rezone lots 6-8 DP 1220973 in the Mistful Park locality from B1 Neighbourhood Centre to R3 Medium Density Residential with a minimum lot size of 1500m<sup>2</sup>;
  - (b) Rezone the detention pond (Lot 9 DP 1220973) in the Mistful Park locality from B1 Neighbourhood Centre to RE1 Public Recreation;
  - (c) Rezone lots 1-5 DP 1220973 in the Mistful Park locality from B1 Neighbourhood Centre and part R5 Large Lot Residential to B2 Local Centre with a floor space ratio of 0.5:1;
  - (d) Add '**tourist and visitor accommodation**', '**camping ground**' and '**caravan park**' as an additional permitted use for Lot 6 DP 1220973 in the Mistful Park locality;
  - (e) Amend the floor space restriction for '**neighbourhood shops**' from 1000m<sup>2</sup> to a maximum of 250m<sup>2</sup>.
  - (f) Rezone the land currently zoned B2 Local Centre with a floor space ratio of 1.2:1, north of the rail line in Marulan to B6 Enterprise Corridor with a floor space ratio of 0.8:1.
  - (g) Rezone lots 3-12 section 1 DP 3012 and lots E, F and G DP26410 in Marulan from B2 Local Centre with a floor space ratio of 1.2:1 to R1 General Residential with a 700m<sup>2</sup> minimum lot size and no floor space ratio.
3. The planning proposal once drafted, be submitted to the Minister of NSW Planning and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.
5. In the event that NSW Planning and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. The amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report relating to commercial and medium density residential development at Mistful Park be placed on public exhibition for a minimum period of 28 days commencing the same day as the public exhibition period for the aforementioned planning proposal and a notice be placed in a local newspaper advising the period of exhibition and how submissions may be made.

7. Following the exhibition period of the draft amendment to the *Goulburn Mulwaree Development Control Plan 2009* and planning proposal, a report will be presented to Council advising of the outcomes of the consultation and any amendments made to the document as a result of consultation.
8. Council wave any standard lodgement and processing fee payable under Council's fees and charges in relation to the planning proposal and amendment to the *Goulburn Mulwaree Development Control Plan 2009*.

## BACKGROUND

The *Employment Lands Strategy*, adopted by Council on 20 December 2016 (resolved 16/566) recommended that approximately half of the B2 Local Centre zone in Marulan, being land located north of the rail line, be rezoned to B6 Enterprise Corridor and that the B2 Local Centre zone adjacent to Thoroughfare Street, Railway Parade and Austin Street should be rezoned to R1 General Residential.

Since this time, Council has also received a request from Ganter Constructions to review the B1 Neighbourhood Centre zone in Mistful Park to facilitate the development of a supermarket of 1500m<sup>2</sup> in size. Due to the zoning and strategic planning implications of this request, it was added to the Strategic Planning Program on 7 August 2018 (resolved 2018/265).

Following further conversations with Ganter Constructions, the decision was made to pursue the rezoning of the B1 Neighbourhood Centre zone to mostly R3 Medium Density Residential whilst rezoning the stormwater detention ponds to RE1 Public Recreation and rezoning the residual B1 Neighbourhood Centre zone to the B2 Local Centre zone. This acted as the catalyst for pursuing an overarching review of the B2 Local Centre zoning in the local government area, incorporating the recommendation from the *Employment Lands Strategy*.

## REPORT

### Introduction

This report details the need for a complete review of the B2 Local Centre zoning in the Mistful Park locality and in Marulan. This will require a planning proposal to be prepared to amend the *Goulburn Mulwaree Local Environmental Plan 2009* (LEP) and site specific provisions to be included in the *Goulburn Mulwaree Development Control Plan 2009* (DCP) to control commercial development in Mistful Park.

For the purposes of this report, the proposed rezoning in Marulan and Mistful Park are discussed in detail separately.

### Marulan B2 Local Centre Zoning

#### Need for rezoning

The *Employment Lands Strategy*, which was tasked with reviewing the current and future needs of commercially and industrially zoned land within the local government area, identified that one of the key weaknesses in the development of Marulan was the extent to which the B2 Local Centre zone applied. To support this statement, the *Employment Lands Strategy* gave the following reasons:

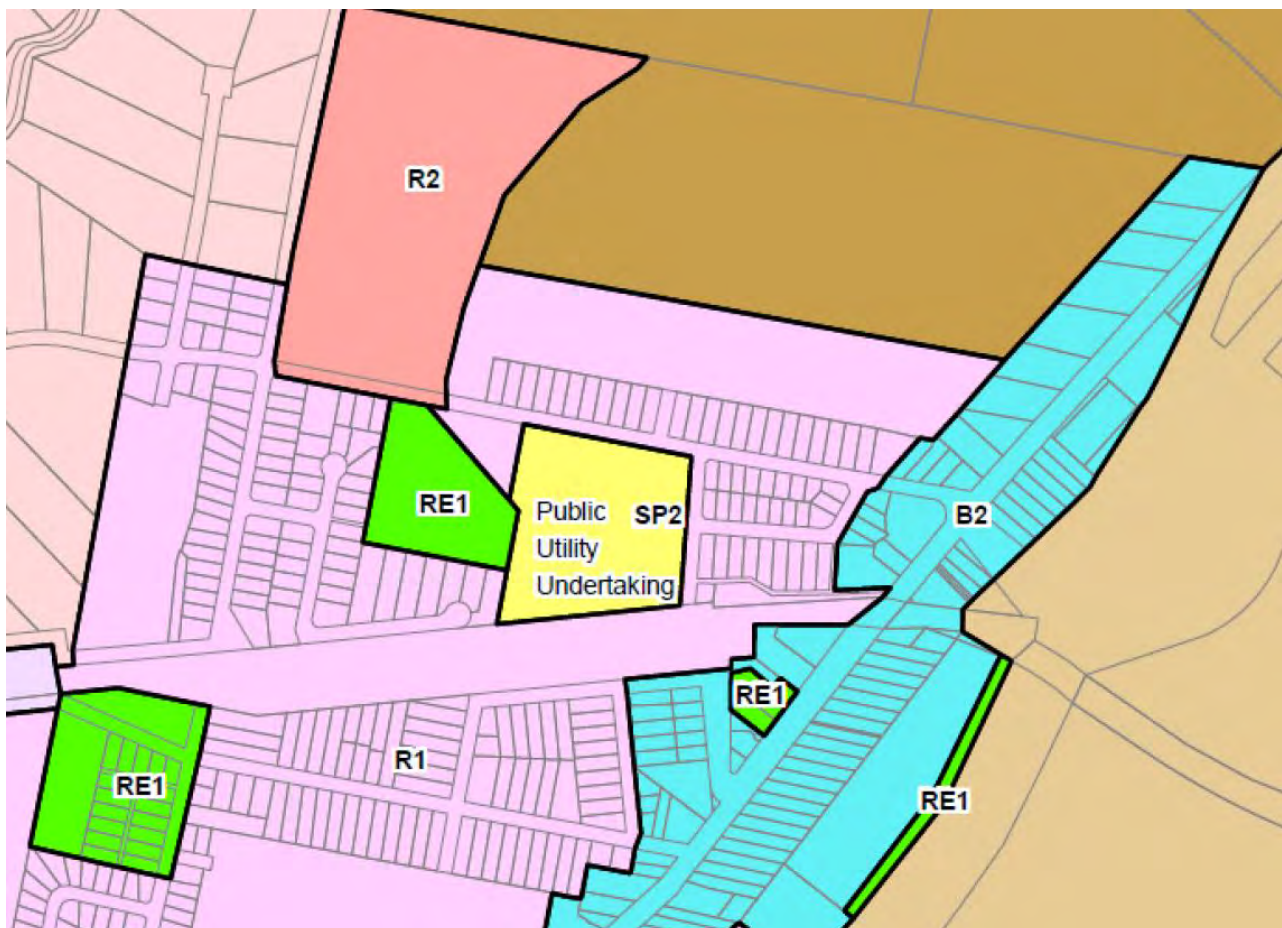
- Marulan's retail core is easily accommodated in just the area zoned B2 Local Centre south of the rail line, which itself has ample capacity to expand to accommodate future demand.
- The land uses on Thoroughfare Street, Railway Parade and Austin Street are residential and more consistent with development expected under the R1 General Residential zone, not the B2 Local Centre zone.

- The B2 Local Centre zone covers land adjacent to Thoroughfare Street, Railway Parade and Austin Street that is residential in nature and more suited to a residential zoning.
- The B2 Local Centre zone is more suited to small scale commercial or retail development, whereas the land zoned B2 Local Centre north of the railway is more suited to light industrial or large scale commercial uses due to the larger lots available and proximity to the highway.

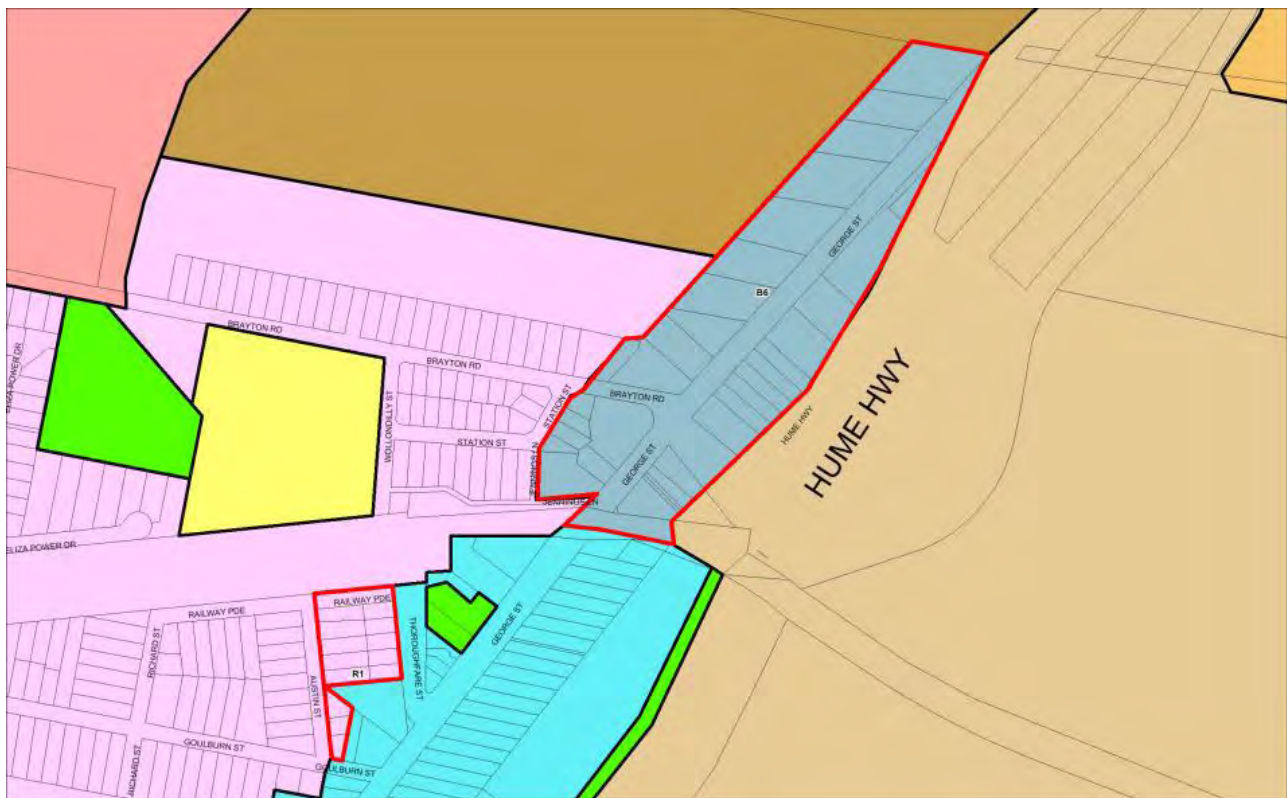
#### Details of Planning Proposal for Marulan

This report recommends that a planning proposal be prepared to do the following in Marulan, in accordance with the recommendations of the Employment Lands Strategy (**Figures 1 and 2**):

- Rezone the land currently zoned B2 Local Centre with a floor space ratio of 1.2:1 north of the rail line to B6 Enterprise Corridor with a floor space ratio of 0.8:1; and
- Rezone lots 3-12 section 1 DP 3012 and lots E, F and G DP26410 in Marulan from B2 Local Centre with a floor space ratio of 1.2:1 to R1 General Residential with a 700m2 minimum lot size and no floor space ratio.



**Figure 1:** Current zone map of subject area.



**Figure 2:** Proposed zone map of subject area.

### Consideration of issues

The issues in **Table 1** have been considered in providing the recommendation for Marulan.

**Table 1:** Consideration of Issues

Issue	Discussion
Why a B6 Enterprise Corridor zone with a floor space ratio of 0.8:1 for the land north of the railway?	<p>The B6 Enterprise Corridor zone allows for a range of business, office and light industrial uses in an area already constrained by the noise from the highway and railway. The kind of development expected in the B6 Enterprise Corridor zone will also benefit from the area's access to the highway and large lot sizes.</p> <p>The floor space ratio of 0.8:1 is consistent with other locations zoned B6 Enterprise Corridor in the local government area. This floor space ratio also ensures that new development on the site does not occur at a bulk and scale that will enable it to diminish the heritage value and character of Marulan.</p> <p>Rezoning to either an industrial zone or residential zone was not considered appropriate given that the area is too heavily constrained by noise to be used for residential purposes and that a more intensive industrial zoning may lead to land use conflict with residential development expected to occur to the west.</p>
Why the R1 General Residential zone with a minimum lot size of 700m <sup>2</sup> for the land adjacent to Thoroughfare Street, Railway Parade and Austin Street?	<p>The R1 General Residential zone with a 700m<sup>2</sup> minimum lot size is consistent with the land uses on and adjacent to Thoroughfare Street, Railway Parade and Austin Street.</p> <p>This zone also affords the opportunity to have more residential development near the centre of Marulan.</p>

Issue	Discussion
Have the community/affected landholders been consulted on this matter?	<p>This recommendation to rezone land at Marulan was a direct recommendation out of the <i>Employment Lands Strategy</i>, which was placed on exhibition for public comment prior to its adoption by Council on 20 December 2016 (resolved 16/566). No objections were received on this recommendation and the Marulan Chamber of Commerce supported it at the time.</p> <p>Notwithstanding the above, it is acknowledged that some time has passed since the strategy was adopted and that further consultation is both required and expected. It is intended that this will occur after the planning proposal is submitted to the Department of Planning and Environment for a gateway determination.</p>

## Mistful Park Rezoning

### Need for rezoning

Council has received a request from Ganter Constructions to modify their existing approval for a 751 square metre supermarket in Mistful Park, Goulburn (DA/329/1415) to a 1500m<sup>2</sup> supermarket.

This would require a planning proposal to be undertaken to either rezone the land to another commercial zone or allow '**shops**' as an additional permitted use in Schedule 1 of the LEP. The proponent has also expressed the desire to make the subject area in Mistful Park friendly for RV's and those seeking to participate in motorsports elsewhere within the local government area, which would require at least one (1) lot to permit '**tourist and visitor accommodation**', '**camping ground**' and '**caravan park**' as a development permissible with consent.

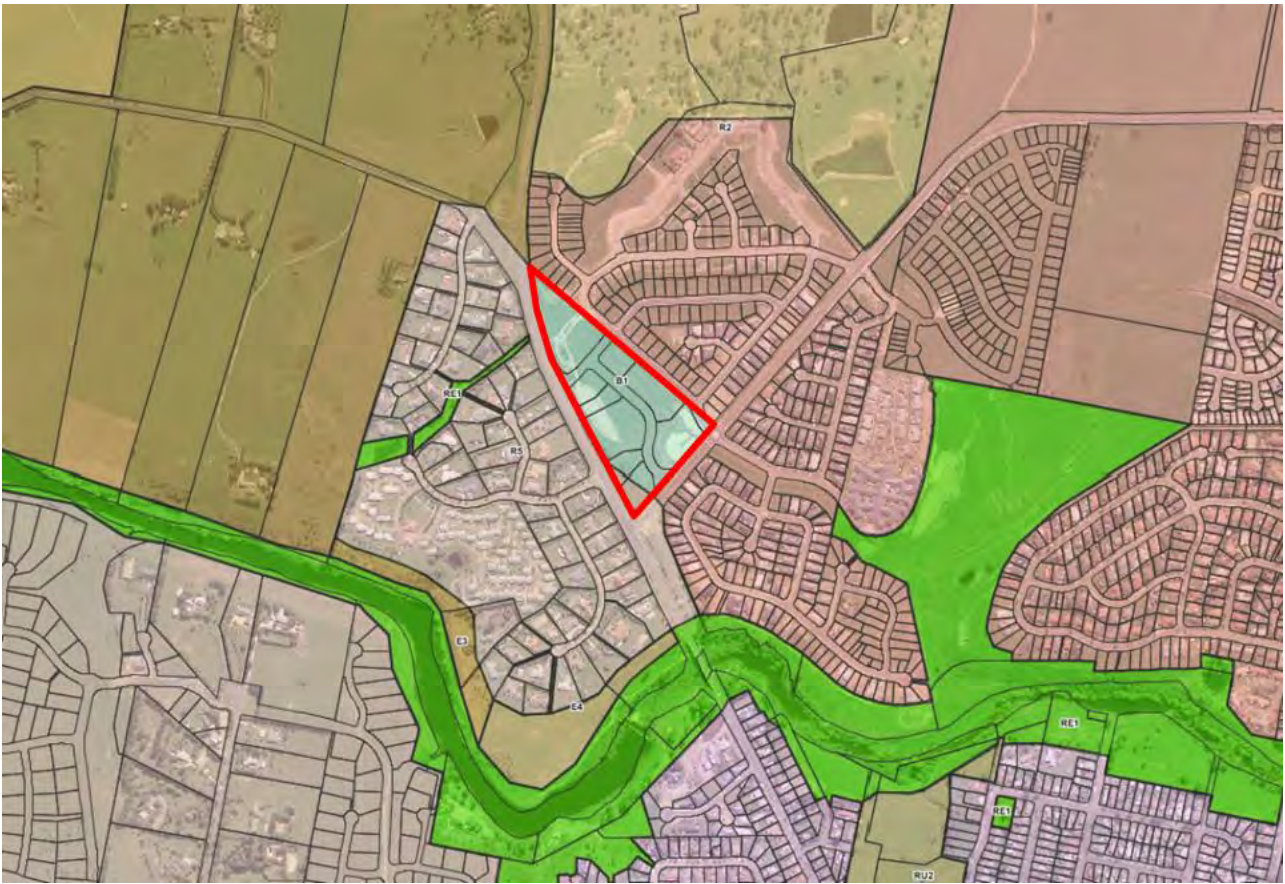
Currently, no strategy adopted by Council directly supports or objects to commercial development at Mistful Park. The *Employment Lands Strategy* does advise that if no further commercial development occurs, Goulburn's CBD will face a retail floor space undersupply of 14,000m<sup>2</sup> by 2031 (p.111). However it must also be noted that the *Employment Lands Strategy* also stresses the need to maintain Goulburn's CBD as the premier commercial hub of Goulburn, so as to not scatter retail activity.

In the absence of any existing strategic guidance, the Strategic Planning team has considered the merits and risks associated with the planning proposal in detail prior to delivering a recommendation.

### Subject area and history

The subject area in Mistful Park is located on the corner of Crookwell and Marys Mount Roads and is zoned B1 Neighbourhood Centre, with the exception of a small residual pocket of R5 Large Lot Residential (**Figure 3**).





**Figure 3:** Subject area.

The site has been zoned as B1 Neighbourhood Centre since the gazettal of the current LEP in 2009. The land was originally one (1) consolidated block and was to be rezoned to R2 Low Density Residential. However the proponent objected to the proposed residential zoning and instead requested it be rezoned to B4 Mixed Use.

The report to Council on this submission argued that development of more than 2000m<sup>2</sup> of retail floor space outside of Goulburn's CBD posed an unacceptable risk to the integrity of the established commercial core. Of the various alternative zoning arrangements presented to Council, Council resolved to rezone the land to B1 Neighbourhood Centre, which restricts the size of all neighbourhood shops and supermarkets to a retail floor area of no more than 1000m<sup>2</sup>.

In 2012 a planning proposal to restructure the retail hierarchy of Goulburn was prepared and submitted for a gateway determination in response to a request by the proponent to lift the retail floor space restriction to 4500m<sup>2</sup> in the B1 Neighbourhood Centre zone. This planning proposal was accompanied by an economic impact assessment organised by Council and funded by the proponent. The economic impact statement identified that supermarkets in Goulburn were receiving more than twice their intended revenue and that there was a gap of supermarket floor space overall.

This finding was originally supported by Council, however the gateway determination from the NSW Department of Planning and Environment found that the mechanism proposed for lifting the floor space restriction to 4500m<sup>2</sup> was unlawful as it conflicted with the *Standard Instrument (Local Environmental Plans) Order 2006*. Following this, and a change in Council's planning staff, Council no longer supported the economic impact assessment, due to the assessment not adequately addressing the impact on the existing CBD. The planning proposal proceeded without any change to the floor space restriction in the B1 Neighbourhood Centre zone.

On 6 October 2015 the subject area was issued with consent for the following uses by Council resolution (15/455) under DA/0329/1415:

- an eight (8) lot Torrens title subdivision;
- one (1) supermarket with a retail floor area of no more than 751 square metres;
- three (3) retail tenancies with a combined retail floor area of not more than 249 square metres;
- two (2) medical tenancies;
- a child care centre;
- parking;
- road access; and
- signage.

Council's assessment at the time demonstrated that this development application attracted significant local interest, with at least 121 landowners being notified of the development and 19 submissions being received. At least two thirds of the submissions were supportive of the development for providing commercial services closer to the local community, including a petition with at least 70 signatures on it. The objectors to the proposal cited concerns over competition with Goulburn's established CBD.

Council's assessment ultimately concluded that the commercial development was not big enough to warrant refusal on the grounds of competing with the CBD, however the Strategic Planning team did note at the time that the B1 Neighbourhood Centre was too large at 7 Hectares for its intended purpose as a local centre for nearby residents.

In the meantime Ganter Constructions have since obtained further approvals for a take-away food and drink premises and a car wash.

#### Key considerations

**Table 2** below details the consideration of several key concerns that may arise in relation to increasing the floor space restriction for commercial development at Mistful Park. In light of these issues it is assumed that the following development will occur without requiring further economic impact assessments to be prepared, should the recommendations of this report be accepted in full:

- a) A mid-size supermarket of around 1500m<sup>2</sup>;
- b) Approximately three (3) retail tenancies, which may or may not require trade waste, with a combined floor space of approximately 250m<sup>2</sup>;
- c) Approximately seven (7) commercial tenancies that do not require trade waste with a cumulative floor space of approximately 1000m<sup>2</sup>; and
- d) A take-away food and drinks premises of approximately 550m<sup>2</sup>.
- e) Two (2) medical tenancies;
- f) A childcare facility;
- g) A car wash;
- h) A petrol/service station; and
- i) Any accommodation or residential development.

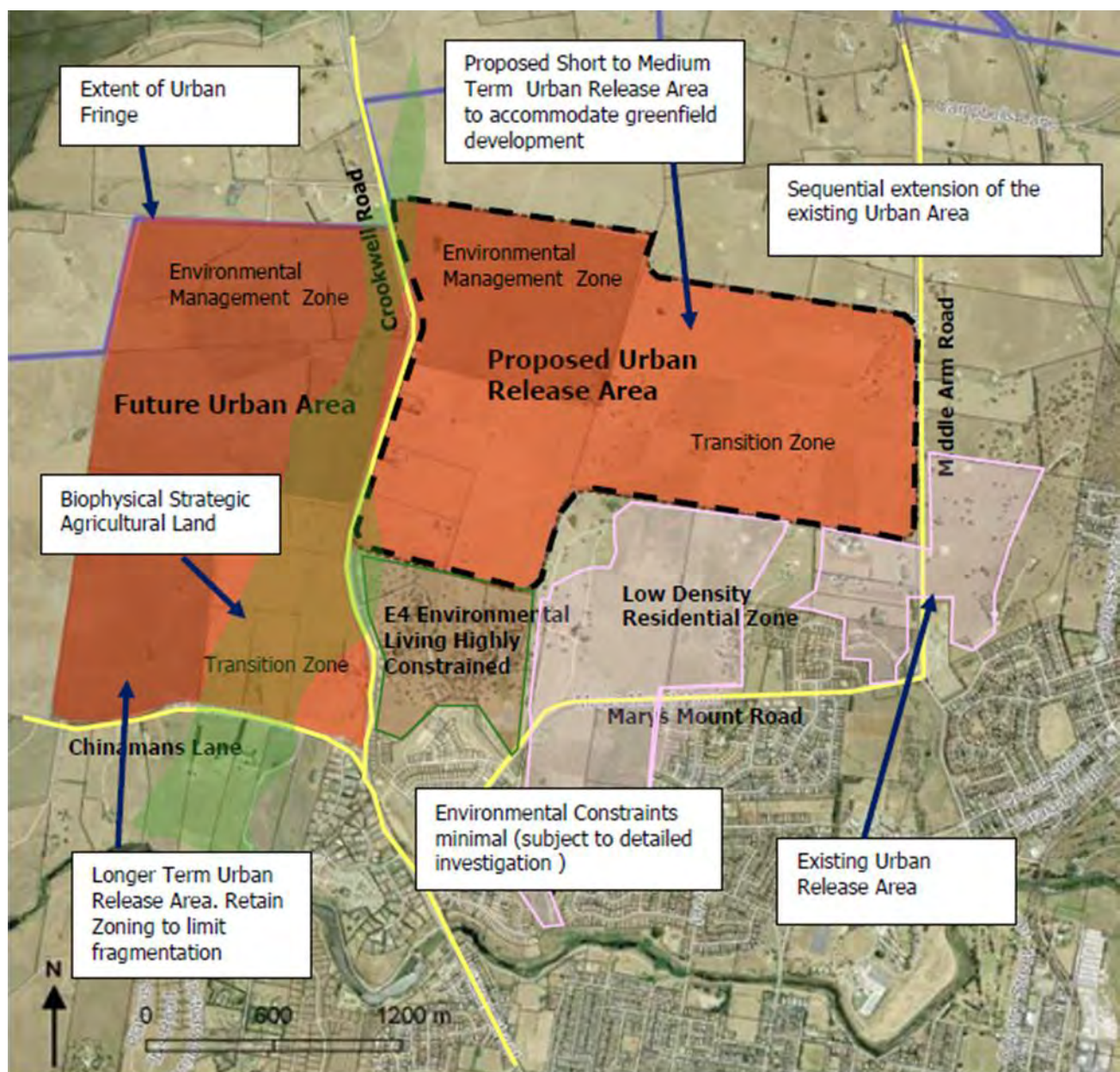
**Table 2: Key considerations**

Issue	Description/Response
<p>The level of commercial development allowable without an economic impact assessment is unacceptable</p>	<p><b>Description</b></p> <p>The scale of commercial development allowable without an economic impact statement may pose an unacceptable trade risk to Goulburn's existing CBD. The area zoned B1 is currently 7ha and is located approximately 2.2km from the Goulburn CBD.</p> <p><b>Response</b></p> <p>The scale of development allowable under the recommendations of this report is far lower than what was proposed with the economic impact statement at approximately 3500m<sup>2</sup>, compared to the 4500m<sup>2</sup> originally proposed. Additionally, the previous economic impact statement provided was not accepted as it did not take into account cumulative future impacts from subsequent future commercial development, which was allowable across the whole of the subject area. It is also worth noting that while the economic impact statement was rejected on the grounds that it did not adequately take into account impacts on the CBD, it did genuinely identify a gap in supermarket floor space.</p> <p>It has also been considered that while any commercial development in Mistful Park will compete with the CBD, the level of commercial development proposed is suitable as it provides a much needed service to local residents within walking distance as well as future residents in the immediate surrounding areas. The scale of commercial development proposed only caters for between 10-15 commercial tenancies without requiring an economic impact assessment. This constitutes around 5% of all commercial tenancies existing along Auburn Street inclusive of the two (2) major shopping centres and is not in and of itself enough to justify the refusal of commercial development on the grounds that it will harm the CBD.</p>
<p>Mistful Park Could Become a Northern CBD</p>	<p><b>Description</b></p> <p>Allowing a supermarket 1500 square metres would attract enough ancillary retail stores to compete directly with the CBD. This potential for competition was not an intended outcome of the commercial zoning around Mistful Park. Rejecting developments based on their impact on Goulburn's CBD may also result in costly disputes in the Land and Environment Court.</p> <p><b>Response</b></p> <p>The recommendations listed in this report restricts the total amount of potential commercial development by limiting the area zoned for such uses, limiting the floor space ratio for land zoned for commercial development and provides a threshold for an acceptable level of development prior to further specific economic assessment being required. Should a more intense level of commercial development be sought, this would require an economic impact statement to be prepared, however and most importantly, more commercial development would not likely be possible due to the floor space restriction as proposed for this land, as would be legislated within the LEP.</p>
<p>Goulburn's CBD has Historically High Vacancy Rates</p>	<p><b>Description</b></p> <p>Goulburn's CBD has recently been recorded to have some of the highest retail vacancy rates since audits commenced in 2011. It must be considered that providing commercial tenancies elsewhere, that are not as constrained by heritage controls, high rent, parking and costs associated with building adaptability (e.g. accessibility, fire), would exacerbate this issue.</p>



Issue	Description/Response
	<p>Response</p> <p>It is acknowledged that Mistful Park may result in some trade loss in Goulburn's established CBD. However the development allowable without further economic impact assessments is only sufficient to support local residents in the surrounding area and is not, in and of itself, large enough to significantly harm the economic viability of the CBD.</p> <p>It is also worth noting that the development of Mistful Park as a commercial centre will not divert Council's attention away from the ongoing enhancement of the CBD.</p> <p>The proposed changes will also reduce the area within Mistful Park zoned for business/commercial uses, and thus prevent further unintended intensification.</p>
<p>Permitting 'Shops' will Also Allow Other, Less Desirable Development</p>	<p>Description</p> <p>In order to allow for a supermarket of more than 1000 square metres in size, 'shops' must be permissible on that land under the LEP. Currently, there is no distinction between supermarkets of larger than 1000 square metres in size and other shops, such as large clothing retailers. It must be considered that allowing a larger supermarket may also allow for other, less desirable commercial activities there which may also compete with Goulburn's CBD.</p> <p>Response</p> <p>Both the floor space ratio and site specific DCP chapter proposed in this report will act to prevent the scale or kind of commercial development mentioned above without providing sufficient evidence to prove that it will not pose an unacceptable trade risk to Goulburn's CBD.</p>
<p>Lack of retail hierarchy in Goulburn</p>	<p>Description</p> <p>Goulburn's population is growing and continuing to expand northwards. This is driving the demand for retail services elsewhere, beyond the current extent of the CBD. Currently development for the purposes of 'neighbourhood shops' with a retail floor space of 1000m<sup>2</sup> is permissible in the R1 General Residential, R2 Low Density Residential and B1 Neighbourhood Centre zones.</p> <p>This makes it almost impossible to provide for any significant commercial development outside of Goulburn's CBD, yet at the same time also makes it impossible to consolidate commercial activity to any one area.</p> <p>The draft <i>Urban and Fringe Housing Strategy</i> also suggests that future residential land will be located further north again than both the CBD and Mistful Park in future (Figure 4). It is important to ensure that these areas are adequately provided for in terms of retail services so as to avoid lengthy commutes to services, excess traffic and parking shortages in the CBD in the long term.</p> <p>Response</p> <p>Unfortunately, without a retail hierarchy strategy in place, Council cannot definitively nominate the exact location of future neighbourhood shops or prohibit neighbourhood shops altogether in residential zones.</p> <p>Council can, however, confidently support limited commercial intensification of Mistful Park and limit the total floor space allowable for neighbourhood shops to between 80-250m<sup>2</sup> for the following reasons:</p>

Issue	Description/Response
	<ul style="list-style-type: none"> <li>▪ Mistful Park is a prime location for a local centre, being on the intersection of both Marys Mount Road and Crookwell Road and within walking distance of much existing residential development and an aged care facility.</li> <li>▪ The commercial development at Mistful Park will be restricted to such a level that it would serve current and short term future demand at Marys Mount without absorbing all demand for commercial growth in the medium to long term future, which would require a retail hierarchy strategy.</li> <li>▪ A retail floor space restriction of 80-250m<sup>2</sup> for neighbourhood shops is consistent with other local government areas and existing development in Goulburn. This would also halt the ability for residentially zoned land to compete with commercially zoned land for commercial development.</li> <li>▪ The restrictions proposed for Mistful Park and '<i>neighbourhood shops</i>' can always be reviewed at a later time.</li> </ul>



**Figure 4:** Draft Urban and Fringe Housing Strategy recommendation for Mary's Mount (Elton Consulting).

Recommendations for rezoning at Mistful Park

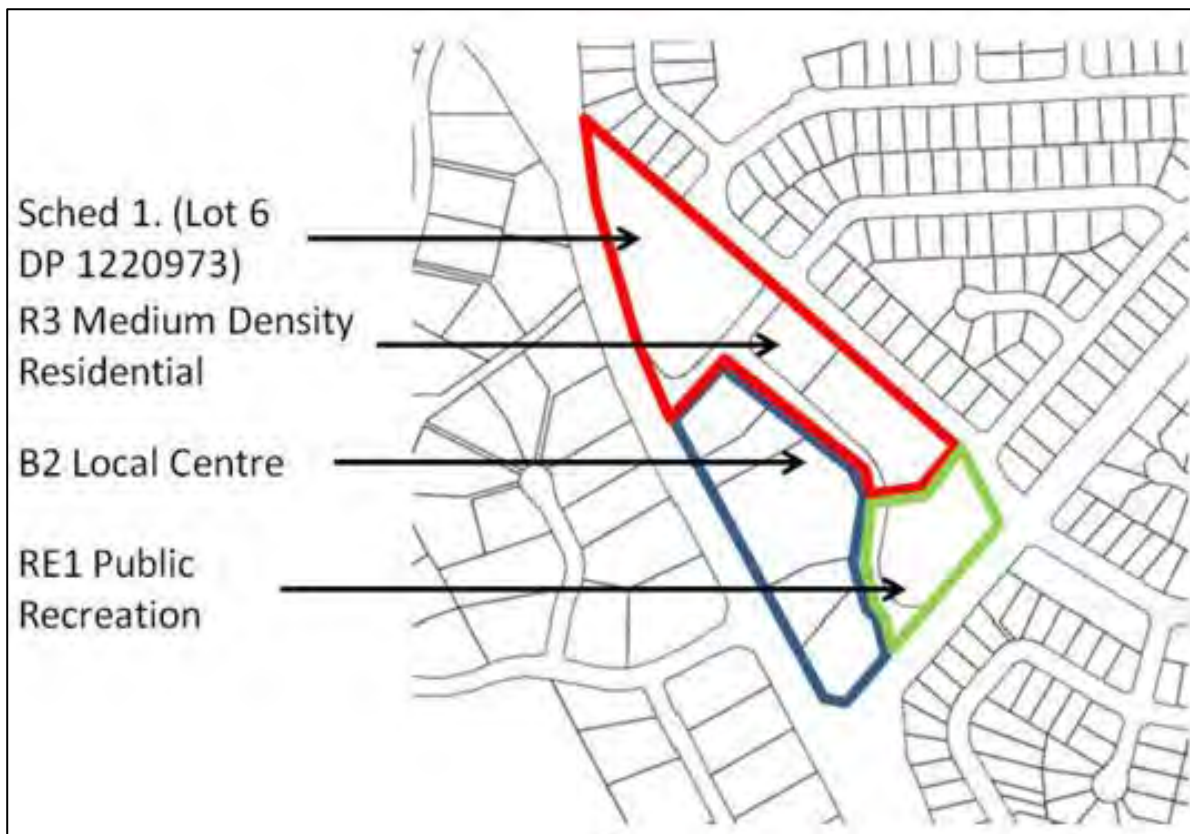
The recommendations in the report are set out and explained in Table 3 below. A site map showing the proposed zoning has also been provided (**Figure 5**).

**Table 3: Recommendations**

<b>Recommendation</b>	<b>Explanation</b>
<b>Rezone Lots 6-8 DP 1220973 to either R3 Medium Density Residential with a minimum lot size of 1500m<sup>2</sup></b>	<p>This would act to both limit the extent of commercially zoned land at Mistful Park as well as offer the possibility of developing medium density housing close to a small commercial centre.</p> <p>This may be achieved by rezoning to R3 Medium Density Residential. The 1500m<sup>2</sup> minimum lot size acts to prevent the fragmentation of land, so that it does not need to be consolidated to support medium density housing. Further subdivision of multi dwelling housing or residential flat building development can occur under a Strata or Community Title Scheme.</p>
<b>Rezone Lot 9 DP 1220973 to RE1 Public Recreation</b>	<p>This detention pond is already owned by Council and functions as a recreational open space. The RE1 Public Recreation zone is best suited to this purpose.</p>
<b>Rezone Lots 1-5 DP 1220973 to B2 Local Centre</b>	<p>This zone would allow Ganter Constructions to build a supermarket of larger than 1000m<sup>2</sup>, satisfying their request for a 1500m<sup>2</sup> supermarket.</p> <p>The B2 Local Centre zone is currently utilised in Marulan's town centre and is suitable for enabling large local retail centres without enabling the scale of commercial activity that would be expected in Goulburn's CBD.</p>
<b>Include '<i>tourist and visitor accommodation</i>', '<i>camping ground</i>' and '<i>caravan park</i>' as an additional permitted use for Lot 6 DP 1220973</b>	<p>During Councils negotiations with Ganter Constructions, they expressed the desire to develop motorsport friendly (i.e. van and trailer) and RV friendly accommodation on Lot 6 DP 1220973, featuring secure garage facilities for visitors. Ganter Constructions has proposed that '<i>tourist and visitor accommodation</i>', '<i>camping ground</i>' and '<i>caravan park</i>' be added as an additional permitted use under Schedule 1 of the LEP for Lot 6 DP 1220973.</p> <p>Strategic Planning has considered that this could be of considerable benefit to the local motorsports industry given that the lack of secure storage for vehicles has consistently been identified as an industry impediment. It was also considered that the strategic location and value of the land at Lot 6 DP 1220973 would ensure that the use of the land as a '<i>camping ground</i>' or '<i>caravan park</i>' would be used as an RV friendly accommodation option in the short term with the opportunity to redevelop as either housing or '<i>tourist and visitor accommodation</i>' in the future.</p> <p>The use of Schedule 1 of the LEP ensures that development for the purposes of a '<i>camping ground</i>', '<i>caravan park</i>' or '<i>tourist and visitor accommodation</i>' will not occur elsewhere with the same residential zoning, where it may potentially incite land use conflict. While this is the preferred option, Strategic Planning will consider other methods of achieving the same outcome in the unlikely event that Council is advised that we are unable to use Schedule 1 for this purpose.</p>

Recommendation	Explanation
<p><b>Restrict the retail floor area for ‘neighbourhood shops’ to a maximum of 250sqm.</b></p>	<p>Currently, ‘<b>neighbourhood shops</b>’ with up to 1000m<sup>2</sup> of retail floor area are permitted in both the R1 General Residential and R2 Low Density Residential zones, in addition to other commercial zones. This makes it very difficult to plan for retail growth, as a large retail development can occur in almost any area of Goulburn.</p> <p>By restricting the retail floor area of ‘<b>neighbourhood shops</b>’ to a maximum of 250m<sup>2</sup>, Council can establish a clear retail hierarchy in Goulburn to facilitate orderly and planned commercial development without outright prohibiting small businesses from residential areas.</p> <p>The precise restriction on the retail floor area for ‘<b>neighbourhood shops</b>’ will be confirmed at the planning proposal stage.</p>
<p><b>Introduce a floor space ratio of 0.5:1 for the land to be rezoned to B2 Local Centre</b></p>	<p>This will ensure that commercial development can be allowed to develop to a size that is capable of servicing the community near Mistful Park whilst also ensuring that the site is not overdeveloped to the extent that it unduly competes with Goulburn’s established CBD.</p>
<p><b>Amend the DCP to include a site specific chapter limiting commercial development at Mistful Park</b></p>	<p>The proposed amendment to the DCP acts as an additional measure to ensure that commercial development at Mistful Park is limited to serving the local community without unduly competing with the CBD. The site specific chapter (attached) achieves this by requiring an economic impact assessment to be prepared to the satisfaction of Council for any development that causes the cumulative commercial floor space of the Mistful Park Commercial Precinct to exceed 3500m<sup>2</sup>, or if it would result in commercial development in the precinct being substantially different then what is currently proposed and/or approved.</p> <p>The site specific chapter will also contain generic provisions relating to the provision of medium density housing.</p> <p>It is recommended that the draft amendment to the DCP is placed on public exhibition at the same time as the planning proposal as opposed to having two (2) separate exhibition periods for each. It is not likely that this will delay the delivery of the</p>





**Figure 5:** Indicative zoning pattern

## Conclusion

The Strategic Planning team concludes that a review of the B2 Local Centre provisions consistent with the recommendations of this report is both timely and necessary to facilitate orderly economic development at Marulan and retail development in Marys Mount.

This is an internally prepared planning proposal consistent with the Strategic Planning Program adopted on 7 August 2018 (resolved 2018/265) and the *Employment Lands Strategy* adopted on 20 December 2016 (resolved 16/566). As such, any fees associated with the preparation and processing of the planning proposal and development control plan should be waived.

## Draft Mistful Park Commercial Precinct DCP Section (Amendment 8)

### 8.8 Mistful Park Commercial Precinct

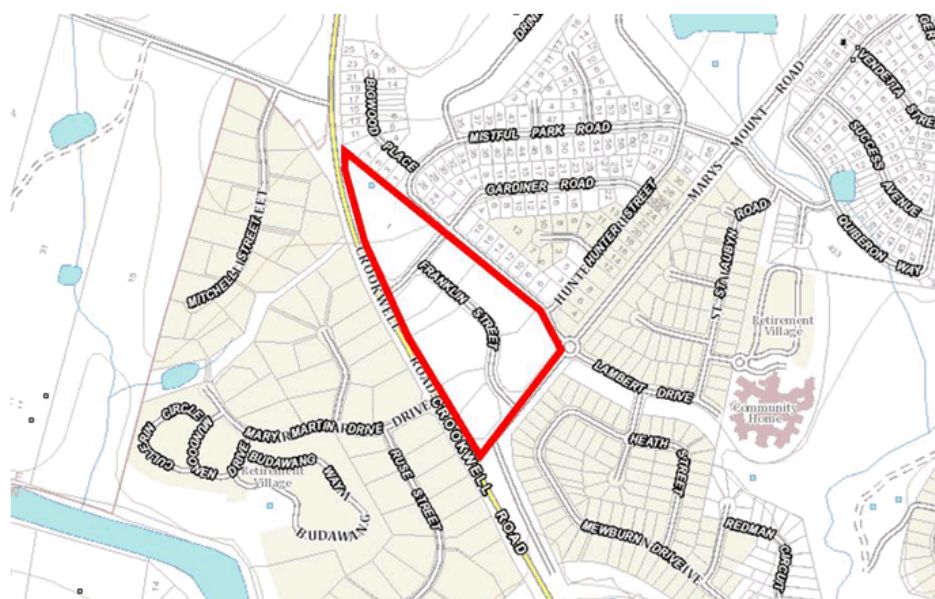
#### Objectives

- To facilitate the provision of commercial and retail services to the immediate surrounding community and commuters on Crookwell and Marys Mount Road.
- To ensure that Goulburn's existing CBD remains the primary centre for business and commerce in Goulburn.
- To facilitate medium density living close to commercial services in Mistful Park.
- To ensure that medium density residential development adequately provides for landscaping, design and car parking

#### 8.8.1 Land to which Plan applies

This Plan applies to the land on the map shown as **Figure 8-8-1**.

**Figure 8-8-1:** Land to which Plan applies – *Mistful Park Commercial Precinct*



#### 8.8.2 Development Potential

The Land has been zoned to facilitate the development of a small commercial centre and medium density housing, with accommodation also allowed on Lot 6 DP1220973 (**Figure 8-8-2**).

Figure 8-8-2 Indicative zone map



Based on existing approvals, floor space ratio restrictions and current plans for the site, development identified as suitable for the land zoned as B2 Local Centre includes:

- a) A mid-size supermarket of around 1500m<sup>2</sup>;
- b) Three (3) retail tenancies ancillary to the supermarket which may not require trade waste with a combine floor space of approximately 250m<sup>2</sup>;
- c) Seven (7) commercial tenancies that do not require trade waste with a cumulative floor space of approximately 1000m<sup>2</sup>
- d) Two (2) medical tenancies of any size;
- e) A take-away food and drinks premises;
- f) A car wash; and
- g) A petrol/service station.

The land zoned R3 Medium Density Residential is suitable for medium density housing given that it would be within walking distance from future commercial services, Riverside Park and public transportation. Low density residential development would also constitute a highly inefficient use of the land.

Lot 6 DP 1220973 is suitable for the development of camping grounds or caravan park in the near term, whilst remaining open for the development of a more permanent tourist or visitor accommodation and medium density housing in the future.

**8.8.3 Restriction on commercial development**

Council will only grant consent to commercial development that is beyond or significantly different to the commercial development indicated in 8.8.2 if an economic impact assessment is prepared and demonstrates, to the satisfaction of Council, that the development does not pose a significant threat to the commercial viability of Goulburn's CBD and its businesses. For the avoidance of doubt, an economic impact assessment is not required for development that does not cause the cumulative floor space of commercial development in the Mistful Park Commercial Precinct to exceed 3500m<sup>2</sup>, assuming that it consists primarily of:

- a) A mid-size supermarket of around 1500m<sup>2</sup>;
- b) Approximately three (3) retail tenancies, which may or may not require trade waste, with a combine floor space of approximately 250m<sup>2</sup>;
- c) Approximately seven (7) commercial tenancies that do not require trade waste with a cumulative floor space of approximately 1000m<sup>2</sup>; and
- d) A take-away food and drinks premises of approximately 550m<sup>2</sup>.

But not including:

- e) Two (2) medical tenancies;
- f) A childcare facility;
- g) A car wash;
- h) A petrol/service station;
- i) Any accommodation or residential development.

It is recommended that the developer liaise with Council prior to the preparation of an economic impact assessment in order ensure that it is completed to the satisfaction of Council. If the economic impact assessment fails to address any key concerns raised by Council, then it may not be accepted.

**8.8.4 Additional and alternative requirements for medium density residential development and tourist and visitor accommodation**

To facilitate the orderly development of medium density housing in Mistful Park the following alternative controls apply and exceed to the extent of any inconsistency with any other part of this Plan:

Height	Development for the purposes of medium density residential housing or tourist and visitor accommodation must not exceed three (3) storeys in height.
Siting	Accesses and entries to any dwellings or tourist and visitor accommodation proposed must face towards Box Avenue and/or Franklin Street.
Private open space/communal open space	<p>For multi storey residential flat buildings, dwellings on ground level should have private open space of at least 25m<sup>2</sup> with a minimum length and width of 4m.</p> <p>For multi storey residential flat buildings, dwellings not on ground level must have access to balconies extending out of living areas in a northerly direction with a minimum depth of 2m.</p> <p>Multi storey residential development should provide between 25 and 35% of the site area as communal open space.</p>

	For attached or semi-detached residential development, between 40m <sup>2</sup> of private open space must be provided with a minimum length and width of 4m.
Landscaping	<p>Development for the purposes of tourist and visitor accommodation should set aside between 25 and 35% of the site area for landscaping.</p> <p>Landscaping for the purposes of communal open space must provide for a variety of plantings and must not consist of large impermeable surfaces so as to minimise run off and the heat island effect.</p>
Parking and access	<p>Parking for the purposes of multi dwelling housing must be provided at the alternative rate of:</p> <ul style="list-style-type: none"> <li>• 1 space per 1 or 2 bedroom unit (including studio units)</li> <li>• 2 spaces per each unit with 3 bedrooms or more.</li> <li>• 0.25 spaces in visitor parking per dwelling.</li> </ul> <p>Where parking cannot be provided without non-compliance with open space or land scaping requirements, it must be provided either underground or under the building, provided that sufficient screening is provided.</p> <p>If secure parking or storage facilities are to be provided, they must be adequately screened from view from the street.</p>