

Goulburn Mulwaree LEP 2009 - Amendment No. 4 - Various matters

Proposal Title : **Goulburn Mulwaree LEP 2009 - Amendment No. 4 - Various matters**

Proposal Summary : **1. Zone Towrang Village a mix of RU5 Village, RE1 Public Recreation and E2 Environmental Conservation.
2. Amend the Lot Size Map affecting Towrang Village to identify a 2ha minimum lot size for lands to be rezoned RU5 under item (1).
3. Amend Schedule 1 to allow Lot 110, DP 750040 to be subdivided to 24ha with a dwelling.
4. Amend Schedule 1 to allow 29 and 64 Highland Way to be subdivided to 7ha with a dwelling.
5. Amend clause 4.1C Lot averaging subdivision to apply to rural zones.
6. Amend Schedule 1 to allow part of the Racecourse to include animal boarding or training establishment involving racehorses, whether or not that use includes agistment of horses.**

PP Number : **PP_2012_GOULB_001_00** Dop File No : **12/09337-1**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.2 Rural Zones
1.5 Rural Lands
5.1 Implementation of Regional Strategies
5.2 Sydney Drinking Water Catchments**

Additional Information : **It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Goulburn Mulwaree LEP 2009 should proceed subject to the following conditions:**

1. The Planning Proposal should proceed as submitted by Council with the exception of the following matters:

(a) Council is to amend the Lot Size Map LSZ_001A for Lot 110, DP 750040 to reflect a minimum lot size of 20ha.

(b) Council is to amend the Lot Size Map LSZ_003 as follows:

Lot 20 and Part Lot 44 (west), DP 700290 and Part Lot 1 (east), DP 819150 to reflect a lot size of approximately 5ha; and

Part Lot 44 (east), DP 700290 and Part Lot 1 (west), DP 819150 to reflect a lot size of 10ha.

Council should also consider rezoning the above lots to R5 Large Lot Residential to more clearly reflect the rural residential nature of these lots.

(c) Council is to remove RU5 Village Zone from the list of zones applying to clause 4.1C Lot averaging subdivision in certain residential, rural and environmental zones.

Council should consider mechanisms to prevent the resubdivision of the residue lot created as a result of the subdivision of land under its lot averaging clause.

When Council has considered and resolved these matters it should seek the agreement of the Regional Director of the Southern Region prior to community consultation.

2. Community consultation is required under section 56(2) of the EP&A Act for a period of not less than 28 days.

3. Consultations are required with the following State Government agencies:

- The Office of Environment and Heritage
- The Sydney Catchment Authority
- The Hawkesbury Nepean Catchment Management Authority
- The Southern Rivers Catchment Management Authority

4. The timeframe for completion of the LEP is to be 6 months from the week following the date of the Gateway Determination.

5. The Director General can be satisfied that the Planning Proposal is consistent with all relevant s117 Directions or that any inconsistencies are of minor significance.

Supporting Reasons :

The various parts of this proposal are considered reasonably minor. The Regional Team has outlined a number of minor concerns and recommended changes to Council's proposed approach. However, it is acknowledged that Council's arguments around the use of Schedule 1 may have some merit in relation to the precedent that other LEPs have used Schedule 1 to provide for minor subdivisions and the erection of dwellings outside the applicable Lot Size Maps.

Panel Recommendation

Recommendation Date : 09-Aug-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council's proposal to include the subdivision of land as an additional permitted use at Towrang Village and Highland Way, Marulan is not supported. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that an amendment will be made to:
 - a. Lot Size Map LSZ_001A for Lot 110, DP 750040 at Towrang Village to reflect a minimum lot size of 20ha.
 - b. Lot Size Map LSZ_003 for Lot 20 and Part Lot 44 (west), DP 700290 and Part Lot 1 (east), DP 819150 to reflect a minimum lot size of 5ha, and Part Lot 44 (east), DP 700290 and Part Lot 1 (west), DP 819150 at Highland Way, Marulan to reflect a minimum lot size of 10ha.Council may consider rezoning these sites to R5 Large Lot Residential to reflect their rural residential nature.
2. Council's proposed provision to allow 'animal boarding and training establishments' as an additional permitted use at Goulburn Racecourse is not supported. Council is to consider amending the land use table of the RE2 Private Recreation zone to permit 'animal boarding and training establishments.'
3. Prior to undertaking public exhibition, Council is to liaise with the Southern Region of the department to resolve matters relating to the drafting of Clause 4.1C 'Lot averaging subdivision in certain residential, rural and environmental zones' as it relates to land zoned RU5 Village. Following these discussions, Council may choose to remove the RU5 zone from the Clause.
4. Council is to consult with the Sydney Metropolitan Catchment Management Authority in accordance with Section 117 Direction 5.2 Sydney Drinking Water Catchments and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Hawkesbury Nepean Catchment Management Authority
- Southern Rivers Catchment management Authority
- NSW Department of Primary Industries (Agriculture)
- Office of Environment and Heritage
- NSW National Parks and Wildlife Services
- Sydney Metropolitan Catchment Management Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMON

Date:

17/9/12