

19 July 2012

Mr Brett Whitworth
 Regional Director Southern Branch
 NSW Department of Planning & Infrastructure
 PO Box 5475
 WOLLONGONG NSW 2520

Dear Mr Whitworth

**Subject: Goulburn Mulwaree Council Planning Proposal- Miscellaneous
 Local Environmental Plan 2009, Amendment No. 4**

I refer to your letter dated 13 June 2012 regarding the above planning proposal.

Enclosed is a revised planning proposal which addresses the matters raised in your letter. The following table summarises Council's response to these matters:

Matter	DoPI Advice	Council Position	Planning Proposal
1. Towrang Village	Lack of justification RE1 Public Recreation and E2 Environmental Conservation.	Further justification provided	Refer Section 3.3.1
	Amend MLS map to include 24ha MLS instead of using Schedule 1.	Not supported	Refer Section 2.1.1
2. Lot averaging provisions	Exclude the RU5 Village Zone from proposed lot averaging provisions.	Not supported	Clause 7.3 Subdivision for residential purposes in Zones RU5 and R5 protects lands from subdivision if services are not present
	Suggested to use the clause for Amendment No.2, appropriately amended for this proposal.	Suggested approach supported	Refer Section 2.2.1
3. 29 & 64 Highland Way	Amend MLS map to include 7ha instead of using Schedule 1.	Not supported	Refer Section 2.1.2
4. Goulburn Racecourse	Provide a map showing the Racecourse in the boarder context.	Map has been included	Refer Appendix 10 - Racecourse Locality Map
	Permit with consent 'animal boarding or training establishments' within the RE2 zone rather than using Schedule 1	Not supported	The only other RE2 Private Recreation land in the LGA is adjacent to a caravan park, this would cause land use conflict
5. Medway Road	Separate matter from Amend No.4 and address sustainability criteria.	Suggested approach supported	Council has resolved to remove these matters from Amendment No.4.
6. Kingsdale	Separate matter from Amend No.4 and address sustainability criteria.	Suggested approach supported	

In accordance with Section 56 of the Environmental Planning and Assessment Act 1979, Council hereby submits a revised planning proposal and requests that a Gateway Determination be made.

Should you have any queries in regard to this matter, please contact the undersigned on (02) 4823 4435.

Yours faithfully

A handwritten signature in blue ink, appearing to read "W. Folitarik", with a long horizontal flourish extending to the right.

Wesley Folitarik
Principal Strategic Planner



Goulburn Mulwaree Council
Planning Proposal – Miscellaneous
Local Environmental Plan 2009
Amendment No. 4

July 2012

Part 1 Objectives

1.1 Background

Goulburn Mulwaree Council (Council) considered reports on 3 April 2012 (refer to **Appendix 1**), 1 May 2012 (refer to **Appendix 2**) and 3 July 2012 (refer to **Appendix 3**) which informed the preparation of this planning proposal.

At its meeting of 1 May 2012, Council resolved pursuant to Section 55 of the Act to adopt this Planning Proposal and forward the Planning Proposal to the NSW Department of Planning and Infrastructure (the Department).

The planning proposal sought to do the following:

- Adopt an RU5 Village zone boundary along and reduce the minimum lot size from 100 hectares to 2 hectares for a number of properties in Towrang;
- Adoption of E2 Environmental Conservation and RE1 Public Recreation zone at Towrang;
- Introduce lot averaging provisions in certain rural zones;
- Reduce the minimum lot size for 29 & 64 Highland Way, Marulan to allow subdivision of properties currently divided by the Highland Way road reserve;
- Reduce the minimum lot size for a number of properties within the Kingsdale locality from 100 hectares to 10 hectares; and
- Reduce the minimum lot size at 152 Medway Road, Marulan from 100 hectares to 10 hectares.
- Allow a recently subdivided portion of the Goulburn Racecourse on the corner of Racecourse Drive and Taralga Road to be used for *animal boarding or training establishment* related to horseracing whether or not that use involves the agistment of horses.

The planning proposal was referred to the Department who subsequently requested further information and recommended that matters relating to Kingsdale and Medway be deferred whilst a number of issues were being addressed (refer to **Appendix 4**).

Council considered the Department's advice at its meeting of 3 July 2012 and resolved to separate the matters relating to Medway and Kingsdale for inclusion in Amendment No 6. The remaining issues are being addressed through this revised planning proposal (Amendment No 4).

Accordingly, this planning proposal (Amendment No 4) seeks to do the following:

- Adopt an RU5 Village zone boundary along and reduce the minimum lot size from 100 hectares to 2 hectares for a number of properties in Towrang;
- Adoption of E2 Environmental Conservation and RE1 Public Recreation zone at Towrang;
- Introduce lot averaging provisions in certain rural zones;
- Reduce the minimum lot size for 29 & 64 Highland Way, Marulan to allow subdivision of properties currently divided by the Highland Way road reserve;
- Allow a recently subdivided portion of the Goulburn Racecourse on the corner of Racecourse Drive and Taralga Road to be used for animal boarding *animal boarding or training establishment* related to horseracing whether or not that use involves the agistment of horses.

1.2 Intended Outcomes

1.2.1 Towrang Village

To introduce a Towrang RU5 Village zone with a minimum lot size of 2 hectares in proximity to the Towrang railway station and zone other land to E2 Environmental Conservation and RE1 Public Recreation zone.

1.2.2 Lot averaging provisions in rural zones

To introduce a lot averaging provision in the RU1 Primary Production, RU2 Rural Landscape, RU5 Village and RU6 Transition zones.

1.2.3 29 & 64 Highland Way, Marulan – Minimum lot size

To reduce the minimum lot size for 29 & 64 Highland Way, Marulan from 100 hectares to 7 hectares to allow the subdivision of properties separated by the Highland Way Road Reserve.

1.2.4 Goulburn Racecourse

To permit *animal boarding or training establishments* whether or not that involves horse agistment on the corner of the Goulburn Racecourse site.

Part 2 Explanation of Provisions

2.1 Zone and Lot Size Mapping Amendments

2.1.1 Towrang Village

The Goulburn Mulwaree Local Environmental Plan 2009 will be amended by:

- i. Amendment of the Land Zoning Map (LZN-001a) indicating the land use zone change from RU2 Rural Landscape to RU5 Village, E2 Environmental Conservation and RE1 Public Recreation (refer to **Appendix 5**);
- ii. Amendment of the Lot Size Map (LSZ-001a) indicating the change in minimum lot size from 'AB' 100ha as 'Z' 2ha for the properties subject to the RU5 Village zone change (refer to **Appendix 6**);
- iii. Inserting in Schedule 1 a provision which allows the minimum subdivision size to be 24 hectares for the portion of Lot 110 DP 750040 zoned RU2 Rural Landscape.

These lands were previously identified as a 'Deferred Matter' under LEP 2009 Amendment No.2 . A number of submissions have been received from landowners in support of the revised RU5 Village boundary (refer to **Appendix 7**).

Using Schedule 1 to achieve this objective keeps the minimum lot size maps consistent by maintaining a uniform number of minimum lots sizes across the LGA. Including a minimum lot size of 24 hectares on the maps for Towrang and 7 hectares for Highland Way, Marulan would create an unrealistic expectation within the community that any nominated lot size may be permitted by Council. This approach is not supported by Council.

2.1.2 29 & 64 Highland Way, Marulan – Minimum lot size

The Goulburn Mulwaree Local Environmental Plan 2009 will be amended by the insertion of an enabling provision in Schedule 1 which allows the minimum subdivision size to be 7 hectares for the following properties:

Property	Lot	DP	Location	Size (Ha)
29 Highland Way	20	700290	Cnr Hume Hwy / Highland Way	0.51
	44	700290	(West)	6.57
	44	700290	(East)	12.57
64 Highland Way	1	819150	(East)	7.334
	1	819150	(West)	11.17

This enabling provision should specifically exclude the site from access to the provisions of *Clause 4.6 Exceptions to development standards* of the LEP.

A map of the subject properties is included in **Appendix 8**.

Using Schedule 1 to achieve this objective keeps the minimum lot size maps consistent by maintaining a uniform number of minimum lots sizes across the LGA. Including a minimum lot size 7 hectares for Highland Way, Marulan and 24 hectares for Towrang and would create an unrealistic expectation within the community that any nominated lot size may be permitted by Council. This approach is not supported by Council.

2.2 Miscellaneous Provisions

2.2.1 Lot Averaging Provisions in Rural Zones

The Goulburn Mulwaree Local Environmental Plan 2009 will be amended by inserting the following provision in Section 4.1C *Lot averaging subdivision in certain residential, rural and environmental zones*:

- (1) *The objective of this clause is to ensure that lot sizes and subdivision patterns conserves and provides protection for the environmental and rural values of the land by encouraging buildings to be appropriately sited.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU5 Village,*
 - (d) *Zone RU6 Transition*
 - (e) *Zone R5 Large Lot Residential,*
 - (f) *Zone E3 Environmental Management,*
 - (g) *Zone E4 Environmental Living.*
- (3) *Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the Community Land Development Act 1989) to create lots of any size if:*
 - (a) *the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and*
 - (b) *the average area of the lots resulting from the subdivision will not be less than the minimum size shown on the Lot Size Map for the relevant land, and*
 - (c) *the consent authority is satisfied that the development retains, and is complementary to, the rural and/or environmental attributes of the land and its surrounds, and*
 - (d) *in relation to land in Zone E3 Environmental Management or Zone E4 Environmental Living, each lot resulting from the subdivision will have an area of at least 10 hectares.*

- (4) *Any residue lot resulting from a lot averaging subdivision shall not be granted subsequent subdivision consent.*

The introduction of lot averaging in the RU5 Village (and urban zone) has precedence through lot averaging being introduced for the R5 Large Lot Residential zone through Amendment No.2. The MLS relating for on-site effluent disposal is 2 hectares; the proposed clause 3(b) can be modified to accommodate a requirement that the minimum lot size in the RU5 Village zone for lot averaging purposes is 2 hectares.

2.2.2 Goulburn Racecourse Additional Permitted Uses

The Goulburn Mulwaree Local Environmental Plan 2009 will be amended by:

- i. Inserting in Schedule 1 a provision which allows the use of a portion of the Goulburn Racecourse on the corner of Racecourse Drive and Taralga Road to include *animal boarding or training establishment* involving race horses, whether or not that use includes agistment of horses. (Note: the definition of *animal boarding or training establishment* excludes agistment of horses).

Maps of the subject property are included as **Appendices 9 & 10**.

Part 3 – Justification

Section A – Need for Planning Proposal

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

The intended outcomes of this Planning Proposal result from Council's consideration of submissions received as part of the exhibition of Goulburn Mulwaree Local Environmental Plan 2009 Amendment No. 2 – Rural Lands Planning Proposal. Council considered reports on these matters on 7 April 2011 and 5 May 2011 and resolved that these matters be addressed through LEP Amendment No 4. This Planning Proposal seeks to implement those resolutions made by Council.

- Submissions in support of a reduced MLS and RU5 Village Zone have been included as **Appendix 7**.
- Submissions in support of a reduced MLS for 29 Highland Way, Marulan are included in **Appendix 11**. Council initially deferred this matter pending an investigation of the inclusion of 64 Highland Way which is burdened in the same manner as 29 Highland Way, Marulan.

It is intended that these issues that were originally deferred from the Rural Lands Planning Proposal (Amendment No 2) will be addressed through an amendment to the LEP prior to the 2014 LEP review.

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

This planning proposal is essentially a 'house-keeping' amendment intended to address local issues arising from community submissions received during the exhibition of Rural Lands Planning Proposal.

Given that the proposed amendments relate to reduction of lots sizes and rezoning of land the planning proposal is the only effective means of achieving these desired outcomes.

Provided the relatively minor nature of the proposed amendments, Council strongly feels that this Planning Proposal should progress ahead of the next scheduled 5 year review of the LEP which is not due until 2014. This will effectively complete the previously undertaken rural planning review ahead of the next comprehensive review.

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

3.3.1 Towrang Village

Benefits:

- Will benefit the community's expectation and support the development of their Community Development Plan by providing a broader range of village related land uses;
- Protection of environmentally sensitive lands as identified by the NSW Office of Environment and Heritage (OEH) who informally identified the subject site to hold environmental significance through a site visit and its subsequent proposal to be rezoned E2 Environmental Conservation. Formal consultation will take place with the (OEH) during the

public exhibition of this planning proposal to provide more detailed justification to the environmental significance of this parcel of land;

- Provision of Public Recreation. The subject parcel of land to be rezoned RE1 Public Recreation is land that is currently owned by the Towrang Recreation Reserve Trust and identified as being used for recreation purposes through community consultation. The rezoning of this land to RE1 Public Recreation more accurately represents the current and future use of this land that is situated within the geographical centre of Towrang; and
- Nil impact on larger rural holdings.

Costs:

- Potential loss of vegetation by clearing of land for home sites. This is offset by identification of RU2 Rural Landscape land rezoned to E2 Environmental Conservation to prevent further clearing of land in environmentally sensitive areas.

Conclusion:

The introduction of a 2 hectare minimum lot size at Towrang will result in a moderate dwelling increase in the village. While the introduction of the village zone together with current development standards will ensure that public costs are minimised and community benefits will outweigh public costs.

The significance of the land identified to be rezoned to E2 Environmental Conservation has been initially flagged by OEH and will be substantiated in greater detail during the public consultation period of this subject planning proposal.

3.3.2 29 and 64 Highland Way Marulan – Minimum rural lot size

Benefits:

- A specific benefit is provided through the rational lot consolidation and subdivision realignment to remove the burden of the subject lands being dissected by the Highland Way. This occurred due to the realignment of Highland Way, which is a busy state road directly accessing the Hume Highway. This subdivision consolidation could have more appropriately been addressed at the time realignment was undertaken.

Costs:

- Nil.

Conclusion:

The subject lands are largely cleared sites formerly used for rural pursuits. With the realignment of Highlands Way, a heavily trafficked state road, the sites are now physically separated and are no longer suitable for most rural pursuits. Their highest and best use is for rural lifestyle type lots which this planning proposal will provide for.

3.3.3 Lot Averaging Provisions in Rural Zones

Benefits:

The introduction of lot averaging provisions in rural zones will achieve better social, economic, environmental and agricultural outcomes by:

- Allowing subdivision patterns to protect significant environmentally sensitive land by consolidating such areas into the larger residue lot (i.e. Conservational Subdivision).
- Helping to prevent the fragmentation of rural land by the creation of larger residue lots.

Costs:

- Potential for reduction in area available for farm businesses.
- Potential for rural land use conflicts.
- Impact on land values for farming purposes.
- Potential to add to environmental degradation through additional rural lifestyle lots if not properly managed.

Conclusion:

The lot averaging approach to subdivision is a specific planning response designed to minimise fragmentation of sensitive land and to provide better agricultural and environmental outcomes.

Council is of the view that averaging provisions in rural zones will provide greater net community benefit over conventional type subdivisions which do not allow for consideration of environmental and rural values of land.

3.3.4 Goulburn Racecourse Additional Permitted Uses

Benefits:

- The enabling of a race horse related animal boarding and training facilities on the subject site will allow and create a milieu of uses related to the Goulburn Racecourse. This land was recently given approval for subdivision of approximately thirteen (13) smaller lots. There has been some interest reported from the horse racing community in establishing these uses at these sites. It is considered that these uses would positively contribute to the long term operations of the Goulburn Racecourse and help stimulate that industry in a location which is appropriate.

Costs:

- There are no costs in terms of loss of land for recreational uses. The land is currently owned by the Racecourse and is surplus to their needs. It is considered that the proposed additional uses would be a more beneficial outcome as opposed to alternatives such as residential housing.

Conclusion:

Allowing *animal boarding and training facilities* within the identified boundaries of the Goulburn Racecourse site would allow for the establishment of training facilities in proximity to the racecourse. This has the potential to provide for future economic flow-on effects as the horse racing industry becomes more established and the economic and social impacts are felt by the wider community.

Section B – Relationship to Strategic Planning Framework

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

3.4.1 Towrang Village

The relatively minor nature of the proposed RU5 Village zone at Towrang means that there is little in the way of strategic direction provided in the Sydney – Canberra Corridor Strategy.

3.4.2 29 and 64 Highland Way Marulan- Minimum Lot Size

Allowing subdivision of these lots is not the result of a direction outlined in the Strategy, but rather allowing lots to achieve their subdivision potential after being dissected by the realignment of a busy state road, the Highland Way. Strategic policy frameworks typically do not capture anomalies of this nature.

3.4.3 Lot Averaging Provisions in Rural Zones

The Strategy discusses the role of rural landscapes of the Goulburn Mulwaree LGA as a key resource for a range of economic contributors to the broader Region. Traditionally, rural landscapes have been, and continue to be, predominately made up of agriculture, though now also involve tourism housing for people seeking a rural lifestyle.

The introduction of lot averaging provisions will assist in providing rural lifestyle accommodation which better protecting the environmental and rural qualities of land throughout the LGA.

3.4.3 Goulburn Racecourse- Additional Permitted Uses

Allowing *animal boarding and training facilities* will provide employment opportunities within Goulburn, which is identified as the Major Regional Centre in the Strategy.

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

3.5.1 Goulburn Mulwaree Strategy 2020

3.5.1.1 Towrang Village

The Strategy dealt with a number of rural villages but did not include Towrang specifically. Generally however, the approach suggested by the Strategy was to enable appropriate future development opportunities and reinforce the community aspirations for rural villages which included Tallong, Bungonia, Lake Bathurst and Tarago.

This approach was subsequently applied to Towrang through the Rural Lands Planning Proposal Amendment No 2, but the matter was deferred for the consideration of the community's views on the ultimate village boundary. This amendment seeks to conclude those consultations and is therefore generally consistent with approach to planning for rural villages identified in the Strategy.

3.5.1.2 Miscellaneous Provisions

The reintroduction of lot averaging provisions in rural zones has long been supported by Goulburn Mulwaree Council. Implementation of the lot averaging provision into the *Goulburn Mulwaree Local Environment Plan 2009* will allow landholders to create small allotments where the average area of the entire subdivision is consistent with the prevailing minimum lot size.

The underlying aim of this approach is to:

- improve the planning process for clustered small allotments;
- continue land owners ability to create allotments;

- ensure that a majority of the land holding be maintained as a large and potentially productive residual property;
- improve maintenance of rural landscapes;
- better protect sensitive fauna flora and environmentally significant areas;
- protect agricultural productive lands;
- secure cost effectiveness for subdivision proponents.

The proposal to allow subdivision at 29 & 64 Highlands Way is not part of the boarder Strategy, but rather a correction to allow these sites to achieve their subdivision potential removed through the Highland Way Road realignment.

The proposed establishment of horse racing related facilities adjacent to Goulburn Racecourse is not specifically foreshadowed in the Strategy, but Council are seeking to respond to market opportunities to promote niche industry growth in Goulburn.

3.5.2 Community Strategic Plan 2012 – 2022

The Community Strategic Plan (CSP) adopted by Council on the 17 April 2012 is a broad based document based on social justice and sustainability principles.

The CSP recommends strategies that provide opportunities for rural lifestyle, settlement, housing, sustainable farming and natural resource protection.

This planning proposal deals predominately with minor matters which arose out of the Rural Lands Planning Proposal (Amendment No 2) but were not addressed during that process.

The planning proposal seeks to re-introduce lot averaging provisions (conservational subdivision) into the Goulburn Mulwaree local planning framework. Such provisions have been a longstanding feature of our planning framework which enables protection of highly productive agricultural lands and environmentally sensitive lands.

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

3.6.1 SEPP (Rural Lands) 2008

The Rural Planning Principles as identified in the SEPP are as follows:

- a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

- h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The planning proposal is consistent with these principles as the lot averaging provisions will ensure protection of natural resources and prime agricultural lands from unsympathetic subdivision patterns resulting in further fragmentation of these lands.

The changes to the Highland Way Marulan site are consistent as they allow a rational boundary realignment to create rural lifestyle from parent lots that were dissected by the realignment of the Highland Way thus diminishing their agricultural potential.

The identification of land at Towrang for the RU5 Village Zone and the 2ha MLS is consistent with the principles outlined above.

3.6.2 SEPP (Sydney Drinking Water Catchment) 2011

Refer to Section 3.7.4.

3.7 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

3.7.1 Direction 1.2 – Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

Where this policy applies a planning proposal must:

- a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

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 and Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- a) justified by a strategy which:
 - i. gives consideration to the objectives of this direction,*
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - iii. is approved by the Director-General of the Department of Planning, or**
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- d) is of minor significance.*

As discussed earlier, this planning proposal is of relatively minor significance and overall aims to achieve the objective of this Direction and the Rural Lands SEPP.

3.7.2 Direction 1.5 – Rural Lands

The objectives of this direction are to:

- a) protect the agricultural production value of rural land,*
- b) facilitate the orderly and economic development of rural lands for rural and related purposes.*

This direction applies to all planning proposals to which *State Environmental Planning Policy (Rural Lands) 2008* applies including this planning proposal.

This direction applies when:

- a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or*
- b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.*

This planning proposal does affect land in an existing or proposed rural zone and does change the minimum lot size on land in a rural zone. According this direction applies.

This direction requires that a planning proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.

As discussed in Section 3.6.1, this planning proposal is consistent with these Rural Planning Principles.

The Rural Subdivision Principles are as follows:

- a) the minimisation of rural land fragmentation,*
- b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*
- d) the consideration of the natural and physical constraints and opportunities of land,*
- e) ensuring that planning for dwelling opportunities takes account of those constraints.*

The planning proposal is consistent with these principles as the introduction of the lot averaging provisions are intended to prevent the further fragmentation of prime agricultural and ensure that consideration of physical constraints and characteristics are considered in subdivisions proposals.

Changes relating to the Highland Way and the introduction of the Village zone at Towrang are relatively minor in nature and not inconsistent with these principles.

3.7.3 Direction 5.1 – Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

This direction applies to land to which the Sydney–Canberra Corridor Regional Strategy applies which includes Goulburn Mulwaree LGA.

The direction requires that planning proposals must be consistent with a regional strategy released by the Minister for Planning.

As discussed earlier, the planning proposal is of a relatively minor nature and is not inconsistent with any broad strategic direction included within the Sydney–Canberra Corridor Regional Strategy. Any point of inconsistency or reference has been noted previously.

3.7.4 Direction 5.2 – Sydney Drinking Water Catchments

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

This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.

Goulburn Mulwaree LGA is within the Sydney Drinking Water Catchment and is therefore subject to the requirements of the *SEPP (Sydney Drinking Water Catchments) 2011* and this Direction.

A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:

- a) *new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and*
- b) *future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
- c) *the ecological values of land within a Special Area that is:*
 - i. *reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or*
 - ii. *declared as a wilderness area under the Wilderness Act 1987, or*
 - iii. *owned or under the care control and management of the Sydney Catchment Authority,*

should be maintained.

This planning proposal is of a minor nature and even considering changes to include lot averaging provisions in the rural zones identified is expected to have a neutral effect on water quality.

The Sydney Catchment Authority (SCA) is developing strategic land and water capability assessments (SLWCA) to assist Councils in ensuring future land use in the catchments is consistent with the SEPP. At this time no strategic land and water capability assessments for Goulburn is available. Given that Goulburn Mulwaree LGA is within the drinking water catchment the SCA will be formally consulted at the appropriate stage.

Section C – Environmental, social and economic impact.

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?

Proposed changes relating to Highlands Way and the Towrang Rural Village Zone are of a relatively nature and are supported here given that there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal.

In relation to Towrang, the OEH noted land of biodiversity significance is proposed to be protected through the introduction of an E2 Environmental Conservation zone.

Overall, the introduction of lot averaging provisions included in this planning proposal will enable the protection of environmentally sensitive land and agricultural lands from further fragmentation and minimise any adverse impacts on critical habitat 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?

The proposed changes to Towrang, Highland Way, lot averaging provisions and Goulburn Racecourse are of a relatively minor nature and are not likely to result in any other environmental impacts.

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

Social and economic effects have been addressed at Section 3.3 (net community benefit).

The planning proposal is relatively minor in nature and provides the opportunity to achieve the highest and best use of land while protecting the environment.

Further supporting information relating to individual sites is contained in the Appendices.

Section D – State and Commonwealth interests

3.11 Is there adequate public infrastructure for the planning proposal?

In summary:

- Introduction of lot averaging provision relate to lands that will not place a burden on existing infrastructure
- Identified rural areas have existing services including power, telephone, sealed roads, schools, waste management facilities and are on School bus routes, etc.

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

Public authorities were consulted as part of the preparation of Goulburn Mulwaree Strategy 2020, Goulburn Mulwaree Biodiversity Strategy and *Goulburn Mulwaree Local Environmental Plan 2009*.

Issues that arose were dealt with and resolved to the satisfaction of the Department of Planning & Infrastructure.

This planning proposal while only minor in nature should be subject to consultations with:

- Hawkesbury Nepean and Southern Rivers Catchment Management Authorities;
- Office of Environment and Heritage;
- Department of Primary Industries; and
- Sydney Catchment Authority.

Part 4 – Community Consultation

The planning proposal for the purposes of community consultation is considered 'low impact'.

However, a 28 day public exhibition period, is recommended.

Public hearing under section 56(2) (e) of the *Environmental Planning and Assessment Act 1979* is not recommended.

Part 5 – Conclusion

This planning proposal's approach to rural development is consistent with the finding of the recent independent inquiry into rural land use and the resulting *Rural Lands State Environmental Planning Policy 2008*.

It is also largely consistent with the outcomes of the Sydney – Canberra Corridor Regional Strategy and the locally and state endorsed Goulburn Mulwaree Strategy 2020 principles of development of rural areas.

The rural lot averaging provision within this proposal will also help protect lands that are of biodiversity significance and identified agricultural value.

Appendix 1 – Council Report 3 April 2012

Minutes of the Ordinary (Planning) Meeting of Council held 3 April 2012 commencing at 6pm in the Council Chambers

Resolved 12/101

Cr O'Neill/Cr Sturgiss

That Item 1 Goulburn Mulwaree LEP 2009 – Amendment No 4 be brought forward for consideration

Item 1 Goulburn Mulwaree LEP 2009 - Amendment No 4 (Enclosure)

Reporting Officer

Principal Strategic Planner - Wesley Folitarik

Assistant Strategic Planner - Jeffrey Bretag

Purpose of Report

To present the Planning Proposal to commence Amendment No 4 to the Goulburn Mulwaree LEP 2009.

Report

A Planning Proposal has been prepared for Amendment No 4 to the Goulburn Mulwaree LEP 2009. The proposal seeks to make the following changes to the LEP:

- Introduction of lot averaging provisions in Rural zones
- Reduction of the minimum lot size for 29 and 64 Highland Way, Marulan to allow subdivision of properties currently divided by the Highland Way road reserve
- Adoption of a 'Village' zone boundary in Towrang following discussion with local residents

This report also deals with several other matters deferred in LEP Amendment No 2 (Rural Lands Planning Proposal) i.e.

- Reestablishment of 40ha minimum lot size for rural land and reintroduction of concessional lot provisions
- 10ha minimum lot size for the Kingsdale area
- Reduction in the rural lot size for the 'Medway' property at Marulan and the introduction of an 'Enterprise Corridor' zone for the site
- Reviewing the zoning and lot sizes to establish an environmental corridor between Morton and Tarlo National Parks

Each of these matters is discussed in detail below.

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▪ **Lot Averaging Provisions in Rural Zones**

This Planning Proposal seeks to extend the use of lot averaging provisions into the 'Primary Production', 'Rural Landscape', 'Village' and 'Transition' zones.

Lot averaging provisions provide a mechanism for the average size of lots in a subdivision to be equal to or greater than a specified minimum rather than requiring that each individual lot to meet the minimum lot size strictly. Lot averaging provisions aim to allow subdivision to occur while minimising fragmentation of environmentally sensitive land and prime agricultural land.

For these reasons, the use of lot averaging provisions has long been favoured by rural Councils including Goulburn Mulwaree Council. The Rural Lands Planning Proposal (LEP Amendment No 2) already seeks to reintroduce lot averaging provisions in the 'Environmental Management', 'Large Lot Residential' and 'Environmental Living' zones. Amendment No 2 is currently with the Department awaiting final approval.

Previously, the NSW Department of Planning had opposed the use of rural lot averaging due to concerns that they allowed fragmentation of prime agricultural land. This position has since been relaxed and in some cases the use of lot averaging provisions has been encouraged by the Department (i.e. Shannon Drive Precinct).

The objective of the lot averaging provision in the LEP is to ensure subdivision patterns provide protection for environmental and rural values of the land. In this manner, use of the clause is restricted to situations where a demonstrable benefit to the community is provided in terms of protection of environmentally sensitive land or rural lands.

▪ **Highlands Way, Marulan.**

This Planning Proposal seeks to allow the minimum lot size at 29 Highlands Way and 64 Highlands Way, Marulan to be not less than 7 hectares in size.

The subject lands are located at the junction of the Hume Highway and Highlands Way, Marulan and comprise the following properties:

Property	Lot	DP	Location	Size (ha)
29 Highland Way	20	700290	Cnr Hume Hwy / Highland Way	0.51
	44	700290	(West)	6.57
	44	700290	(East)	12.57
64 Highland Way	1	819150	(East)	7.334
	1	819150	(West)	11.17

Both of these properties are dissected by Highland Way leaving each property in separate parcels on either side of the road. This constrains the use of these properties and makes stock movement, weed and pest control difficult.

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The owner of 64 Highland Way, Marulan made a submission to LEP Amendment No 2 requesting that a smaller minimum lot size be applied to the property so that they could subdivide and sell the residual lot on the other side of the road.

In April 2011, Council determined to review the minimum lot size for 64 Highland Way, Marulan along with the site to the immediate north, which is also dissected by Highland Way.

This provision will enable consolidation of Lot 20 DP 700290 and part Lot 44 DP 700290 (west) to form one lot 7.08 hectares in size and the eastern portion of Lot 44 to be excised into a separate 12.57 hectare lot thereby enabling the logical realignment existing two lots. Lot 1 DP 819150 can be simply subdivided into two separate lots.

- **Expansion of the ‘Village’ zone boundary in Towrang.**

Submissions made during the exhibition of LEP Amendment No 2 sought an extension to the ‘Village’ zone.

Further discussions with the local Progress Association have been undertaken in relation to the ‘Village’ zone. An adjustment to the proposal exhibited in Amendment No 2 has been made to reflect the discussions and the environmental constraints in the area (eg vegetation, bushfire, effluent disposal, rail noise).

- **Re-establishment of 40 hectare minimum lot size for rural lands and re-introducing concessional lot provisions.**

A minimum rural lot size of 100ha was initially adopted for the new LEP. However Council, with the Department of Primary Industries, agreed to undertake a review to provide a greater range and flexibility in lots sizes. Amendment No 2 introduced this range of rural lot sizes.

The re-introduction of a minimum lot size of 40 hectares and concessional lot provisions is not recommended for the following reasons:

- The introduction of lot averaging provisions across all rural zones (initially by Amendment No 2 and now in proposed Amendment No 4) provides a suitable mechanism for minor departures from the minimum lot size where protection of environmentally sensitive or prime agricultural land is provided. This in effect allows subdivisions of rural land below the prescribed lot size in some circumstances
- Discussions with the NSW Department of Planning and Department of Primary Industries indicate that this approach would not be supported
- It is inconsistent with *State Environmental Planning Policy (Rural Lands) 2008* especially concessional lot arrangements
- There has been significant supply of land zoned for smaller rural subdivisions including 10, 20 and 40 hectares made available through LEP Amendment No 2

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- **Kingsdale Road, Kingsdale and Medway Road, Marulan.**

LEP Amendment No 2 was a broad strategic review of rural lot sizes which identified a number of locations where smaller lot sizes would be appropriate. The outcome of this comprehensive review involved Parksbourne, Baw Baw, Tirrannaville, Brisbane Grove, Goulburn, Run-O-Waters, Gundary, Bungonia and Middle Arm being identified as localities where smaller minimum lot sizes for rural lands was appropriate.

In total, over 20,000ha of rural land was changed from a minimum lot size of 100 hectares to 40ha, 20ha or 10ha. The following table shows the additional quantity of land zoned for smaller sized rural holdings provided in Amendment No 2.

Minimum Lot Size (LGA wide)	LEP 2009 (ha)	LEP 2009 Am No 2 (ha)	Difference (ha)
100ha	310,300	289,700	-20,600
40ha	0	9,550	9,550
20ha	0	10,250	10,250
10ha	569.6	1,932	1,362

The following table indicates the theoretical development yield created through Amendment No 2.

Potential Additional Lots created by Am No 2 (LGA-wide)	Potential (lots)
40ha	32
20ha	144
10 ha	53
TOTAL	229

While there is considered to be an adequate supply of land for rural lifestyle opportunities there may also be a case for both the 'Medway' property and the Kingsdale area being included in the Planning Proposal.

The existing lot pattern along Crookwell Road from the City boundary to Kingsdale suggests this area could have been incorporated into the adjoining 10ha lot size detailed in Amendment No 2 between Crookwell and Middle Arm Roads.

Amendment No 2 introduced a range of rural lot sizes around Marulan. The 'Medway' property and its proximity to the village suggest it could also provide for some rural lifestyle lots. The site currently supports a significant stand of native vegetation. To assist in its ongoing retention it is suggested the minimum lot size should be 20ha. This minimum lot size coupled with the lot averaging provision would assist in retaining the vegetation in a single lot.

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The owner of the 'Medway' site, in the submission to Amendment No 2, requested that the frontage to the Hume Highway be included in an "Enterprise Corridor" zone. This would be inconsistent with the plans for maintaining the focus of the Marulan village on the western side of the Highway and is not supported.

- **Environmental corridor from Moreton National Park to Tarlo National Park.**
The Office of Environment & Heritage in conjunction with the Catchment Management Authorities of the Hawkesbury Nepean and Southern Rivers has undertaken studies that identified grassy woodland ecosystems in the Tallong, Marulan and Brayton localities.

In their report titled *A Planning Framework for Natural Ecosystems of the ACT and NSW Southern Tablelands (2002)* a recommendation for an environmental corridor linking the Morton National Park and the Tarlo National Park is recommended.

Council used its Biodiversity Strategy as a basis for introducing appropriate planning controls to protect environmental values. These provide a mechanism to protect a large portion of the environmental corridor.

While the Office may consider this does not go far enough from an environmental perspective it must be noted that Council's role is to find a balance between the competing economic, environmental and social factors. Nevertheless the issue can be further investigated as part of the comprehensive LEP Review scheduled for 2014.

Planning Proposal for LEP Amendment No 4 has been prepared (refer Enclosure) to:

- Introduce lot averaging in rural zones
- Reduce the minimum lot size for 29 and 64 Highland Way
- Define the Towrang 'Village' zone
- Revise the minimum rural lot sizes for 'Medway', Marulan and the Kingsdale area

The Planning Proposal is required to be submitted to the NSW Department of Planning & Infrastructure for a Gateway determination. Once Gateway Approval has been received the proposal can proceed to public exhibition for wider community comment.

Budget Implications

Nil

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Policy Considerations

- Sydney Canberra Corridor Regional Strategy
- State Environmental Planning Policy (Rural Lands) 2008
- Goulburn Mulwaree Strategy 2020
- Goulburn Mulwaree LEP and DCP 2009
- Goulburn Mulwaree Biodiversity Strategy 2007
- Draft Towrang Village Plan
- A Planning Framework for Natural Ecosystems of the ACT and NSW Southern Tablelands 2002

Recommendation

That:

- A. Planning Proposal for Goulburn Mulwaree LEP 2009 (Amendment No 4) be submitted to the NSW Department of Planning & Infrastructure for a Gateway determination
- B. The draft instrument be placed on public exhibition once Gateway Approval is received

Resolved 12/102

Cr Peterson / Cr O'Neill

That the Planning Proposal for Amendment No 4 be deferred for one month to enable further consultation to take place in the Towrang Village Zone and the Medway proposal.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

Councillor	For the Motion	Against the Motion
Cr Banfield	☒	
Cr Dillon	☒	
Cr James	☒	
Cr Kettle	<i>(declared interest – not present for item)</i>	
Cr Kirk	☒	
Cr O'Neill	☒	
Cr Penning	☒	
Cr Peterson	☒	
Cr Sturgiss		☒

#####

Cr Kettle returned to the meeting at 7.18pm and resumed the chair#####

Appendix 2 – Council Report 1 May 2012

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Officers Reports

Item 1 Goulburn Mulwaree LEP 2009 - Amendment No 4 (Enclosure)

Cr Kettle declared an interest in the item and left the meeting at 6.56pm.

At this time Cr Kirk assumed the Chair.

Reporting Officer

Principal Strategic Planner- Wesley Folitarik

Assistant Strategic Planner- Jeffrey Bretag

Purpose of Report

To report on the outcomes of further consultations with stakeholders regarding the 'Medway' proposal at Marulan and the Towrang village.

Report

In April 2012 Council considered a report which sought to initiate Local Environmental Plan (LEP) Amendment No 4. The amendment was intended to resolve several matters that had been deferred from LEP Amendment No 2 (Rural Lands Planning Proposal).

At the Council meeting, three stakeholders addressed Councillors in the Open Forum raising concerns over lack of consultation regarding matters affecting their land at Towrang and Marulan. A late submission was also received from another landowner regarding land at Towrang. Having heard these representations, Council resolved that:

"The Planning Proposal for Amendment No 4 be deferred for one month to enable further consultation to take place in the Towrang Village Zone and the Medway Proposal"

Staff wrote to these stakeholders and offered the opportunity to meet to discuss these matters further and/or lodge a further submission for Council's consideration. The following summarises the additional submissions received:

No	Submitter	Property	Issue
1	Peta Skaines	465 Towrang Road, Towrang	- The revised zoning map does not reflect what was sent to Council on 17 June 2011 - Land is 40% cleared and wants a separate dwelling entitlement to the rear portion not included in 'Village' zone

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			Concerned over lack of consultation since earlier consultations
2	Rolande McIntosh (Two submissions)	474 Towrang Road, Towrang	- Site comprised of three titles, wants to be able to subdivide each into three separate properties with dwelling entitlements - Objects to one of those titles Lot 2 DP 875103 being removed from originally exhibited 'Village' zone - Has commissioned flora and fauna surveys and bushfire report in anticipation of being able to subdivide - Site is has been cleared in parts and can accommodate three building sites on properties not less than 2 ha
No	Submitter	Property	Issue
3	Towrang Progress Group	Various	- Concerned over lack of consultations since earlier consultations - Were advised that village inspection would be carried out with EPA but did not hear back - Maintains that village is generally within the extent of the 50km/hr speed limit signs. - Several properties have been removed from the 'Village' zone that were initially exhibited.
4	Laterals Planning	54 Arthurs Road, Towrang	- The landowners only acquired the property in December 2011 and were not aware of any plans regarding the 'Village' zone. - Include 2 ha portion of their site which is divided by Arthurs Road in the 'Village' zone - The lot is cleared suitable for dwelling entitlement - The residual lot would be a logical end to the 'Village' zone. - The part lot presents problems for safe stock movements
5	JW Planning	152 Medway Road, Marulan	- Change rezoning from 'Enterprise Corridor' to 'General Industrial' - Maintain 10 ha rural residential subdivision.
6	Wendy Penfold	64 The Highland Way	Repeated request to have site allowed to be subdivided so that portion divided by Highland Way realignment could be subdivided

In addition to these submissions, the following stakeholder meetings were held:

Meeting Date	Attendees	Property/Topic
16 April 2012	- Trevor Allen (JW Planning) - Chris Stewart (GMC) - Wesley Folitarik (GMC)	152 Medway Road, Marulan
18 April 2012	- Roger Curvey (Towrang Progress Group) - Rolande McIntosh - Peta Skaines - Robert Taylor - Janene Robertson	Towrang 'Village' zone boundary

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This report discusses the outcomes of these additional consultations held with relevant stakeholders regarding Towrang and Marulan. Other matters included in the report to the 3 April 2012 meeting remain unchanged and are therefore not discussed further in this report.

1. 152 Medway Road, Marulan

Over the past 10 years, the proponent has submitted several different planning proposals for the subject site (refer timeline in Enclosure).

Following Council's decision on 3 April 2012 staff met with the proponent on 16 April 2012. In summary, the proponent repeated support for rezoning the site for the following reasons:

- Increased economic activity from potential freight and logistics uses
- Protection of sensitive remnant vegetation located on site
- Spatial proximity to Marulan
- Need for sufficient supply of land for a range of lot sizes

A revised planning proposal was also made by the proponent dated 18 April 2012. This revised proposal included:

- Rezoning of portion of the site (approximately 10 ha) to 'General Industrial' as opposed to 'Enterprise Corridor' to address concerns over potential competing retail uses
- Maintained support for reduced minimum lot size from 100 ha to 10 ha for rural residential housing over the remaining 278 ha of the site

The revised proposal offers the following justifications:

- Spatial proximity to Marulan
- 'General Industrial' is for employment generating purposes similar to land on the opposite side of the Highway and will not compete with established retail centre in Marulan
- 10 ha rural residential development will socially and economically support the established village of Marulan
- 10 ha lots will improve diversity of lots sizes available in and around Marulan
- The global financial has severely impacted demand for housing across NSW
- LEPs have a typical life 15 to 20 years so therefore land supply should equate to 15 years

The officer response to these issues are discussed below.

Strategic Direction

Council has undertaken extensive consultation with the community at Marulan in 2008 which involved Councillors and senior management as part of the preparation of the Goulburn Mulwaree Strategy 2020. The outcome of these consultations was a resounding

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sentiment within the community that they did not want to see Marulan divided by development east of the Hume Highway. Instead, the community favoured a focus on new residential development north and north west of the existing settlement on the western side of the Hume Highway. This was favoured in order to ensure greater social cohesion within the community and support the role of the existing commercial area along George Street.

The role of the 2020 Strategy was reinforced by the Director-General, NSW Department of Planning & Infrastructure who advised in relation to the Medway site:

“The land was not identified as being required to meet demand for urban development in this locality for the life of the Strategy, which recommends directing new residential development on the land adjoining the village of Marulan west of the Hume Highway rather than one the eastern side of the Hume Highway.”

The draft Marulan Community Development Plan which was publicly exhibited in 2011 reinforces the vision outlined by the community in the 2020 Strategy.

Accordingly, there is strong strategic basis for limiting residential development and potential retail activity on the eastern side of the Hume Highway at Marulan given extensive community consultations undertaken.

The establishment of an ‘Enterprise Corridor’ or ‘General Industrial’ zone on the eastern site of the highway is not supported at this stage. The submitted proposal suggests these zones will allow for freight and logistic uses. However there has been no critical analysis undertaken to demonstrate how these land uses can be achieved without contravening the agreed strategic direction and how much land would be necessary.

It should also be noted that the planning legislation now provides for the LEP/DA process to be combined. This approach is ideally suited to a freight and logistics project in this locality. It would give better control over the introduction of an appropriate freight and logistics land use and allow the zone to be tailored more precisely to the size and shape of the land use with the benefit of an actual design. This approach is preferred rather than the speculative approach included in the proponent’s submission which does not address critical issues/constraints.

The planning legislation now requires periodic reviews of LEPs to account for any changing circumstances. Councils have been repeatedly instructed by the Department of Planning & Infrastructure to undertake a strategic long term approach to plan making with regular 5 yearly reviews.

Council’s 2020 Strategy Plan fulfilled this requirement and while it has a long term timeframe it was not expected that the initial LEP would deliver on all strategic directions in the first instance. The requirement for a regular review process would ensure progressive implementation of the strategic direction and that any change in circumstances

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could be accounted for. The suggestion that an LEP has a 15 to 20 year timeframe and therefore must ensure 15 years supply of land is not supported.

LEP Amendment No 2 provided considerable supply of rural residential land across the Local Government Area some of which is only less than a kilometre from the Medway site. The proposal to include 'Medway' in a 20 ha minimum lot size area is consistent with the nearby minimum lot sizes proposed in Amendment No 2.

Protection of Remnant Vegetation

The proponent's own planning documents identified a significant stand of native vegetation at the site. The LEP 2009 identified approximately 50 ha as being 'Environmentally Sensitive Land – Biodiversity' (refer Enclosure). A minimum lot size of 20 ha coupled with lot averaging will enable this sizable portion of the site to be contained within one lot and under the management of a single owner.

The April 2012 report recommended a minimum lot size of 20 ha with use of lot averaging provisions. The objective of this approach is to provide an appropriate mechanism to allow some subdivision to occur while limiting fragmentation of environmentally sensitive land.

Spatial Proximity to Marulan

The proponent has argued that the spatial proximity to the existing village centre of Marulan supports release of this land for urban purposes and the lots will be within 500m of the village centre.

Unfortunately this 500m proximity is 'as the crow flies'. The Hume Highway is a 100m wide road reserve and the National Highway linking Sydney, the Southern Highlands, Goulburn and Canberra. This creates a significant physical barrier with limited crossing opportunities and therefore does not benefit from spatial proximity to Marulan. Movement between the site and the village will largely be dependant on vehicle movements.

Although the southern interchange currently under construction will provide improve access to Marulan, the subject site can only access this interchange by getting direct access to the Hume Highway in a southern direction and doubling back to Marulan via the interchange along the Hume Highway. Similarly access to the subject site from Marulan can only be achieved via the northern interchange and travelling down the Hume Highway to turn left in to the subject site. For these reasons increased levels of rural residential or residential development that will significantly increase local vehicle trips to access the Hume Highway to travel to Marulan is unacceptable.

Need for sufficient supply of land for a range of lot sizes

As reported in April 2012 LEP Amendment No 2 was a broad strategic review of rural lot sizes which identified a number of locations throughout the Local Government Area where smaller rural lot sizes would be appropriate.

In total, over 20,000ha of rural land was changed from a minimum lot size of 100 hectares to 40ha, 20ha or 10ha.

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In Amendment No 2 areas for smaller lot sizes for rural lifestyle subdivision (i.e. 20 ha minimum lot size) were identified approximately 1 km north and 2.5 km south of the Medway site. In addition there is already now approximately 60 lots (2 ha in size) subdivided at Marulan west of Brayton Road. A large number of these lots are still currently on the market which is reflective of low demand in the current economic climate. There is no compelling case for additional supply of land for rural residential lots in Marulan when existing supply is high and demand is weak.

While there is considered to be an adequate supply of land for rural lifestyle opportunities there may be a case for some rural residential development of the 'Medway' property having regard to the 20 ha minimum lot sizes to the north and south of the site.

Economic Activity

The proponent has indicated that the preferred use of the proposed 'Enterprise Corridor' land was for freight and logistics purposes given discussions with potential tenants currently being undertaken. However, the 'Enterprise Corridor' zone is not considered appropriate given that it may also lead to retail uses being proposed for the site which would compete with the established town centre along George Street.

The revised planning proposal submitted now proposes that this land be rezoned to 'General Industrial'. Given that this use will allow the freight and logistics uses desired by the proponent without increasing potential for retail uses, there may be some merit in considering this proposal. While there is already large areas of 'General Industrial' zoned land in and around Marulan, this is almost entirely comprised of the Holcim and Boral extractive industries developments. Both of these developments have extensive resources (over 150 years of supply) and are not likely to be available for traditional industrial purposes within that timeframe. The only other industrial land in Marulan is the 15 ha of land located around Portland Avenue and Windsor Drive.

With sufficient capacity within the existing zoned land for employment activity it is not necessary to zone further land at this stage. As previously indicated planning legislation now allows for a combined LEP/DA application should an appropriate land use activity arise. This approach gives Council greater control over the introduction of appropriate land uses and is preferred to the proposal in the request. It also allows for a detail examination of site issues present and relevant supporting documentation to justify such a proposal.

2. Adoption of a 'Village' zone boundary in Towrang

A 'Village' zone was proposed for Towrang as part of the LEP Amendment No 2. Submissions received during the public exhibition process sought an extension of the village area to encompass the land between the Towrang 50km/hr speed signs. Consequently, in an effort not to delay the progress of LEP Amendment No.2, Council resolved to defer the matter for inclusion in the 2011/12 LEP review.

Staff then investigated the matter by meeting with the Towrang Community and receiving one submission identifying additional lands. The Office of Environment & Heritage then

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reviewed the proposed Towrang village area and found that certain additional lands identified were not suitable for development and should be excluded. This consultation resulted in the 'Village' zone boundary being increased to accommodate some additional lands proposed by landowners but only those lands that were considered suitable from an environmental perspective. The resulting village boundary as a result of this process was presented to Council at the 3 April 2012 meeting.

One late submission was received seeking inclusion of a site north of the village on Arthurs Road (refer Enclosure). This site has not previously been included in the village area. The submission suggests that the owners of the land only recently acquired the land and were therefore not able to comment on the 'Village' zone boundary previously.

In light of the concerns expressed by some members of the Towrang community at the Open Forum and in the late submission, Council resolved to defer the matter for further consultations.

Since this time, staff have notified the Towrang Community of Council's resolution, reiterated the consultations undertaken to date and invited further submissions. On 18 April 2012, staff met with the Towrang Progress Group and other members of the community to hear their concerns.

Five submissions (refer Enclosure) have now been received in relation to the 'Village' zone. A map identifying the spatial location of each of the additional properties nominated for inclusion in the 'Village' zone by the landowners or Progress Group is included in the Enclosure.

The officer response to the issues raised in these submissions is discussed below.

464 Towrang Road

The landowner initially requested that the entire 32 ha site, currently zoned 'Rural Landscape', be included in the 'Village' zone. This was not supported given that the majority of the site is steep, densely vegetated land forming part of a broader vegetative corridor. Informal consultations with the Office of Environment & Heritage have revealed that this land would not be supported for inclusion in the 'Village' zone.

Notwithstanding this, approximately 8 ha of cleared land fronting Towrang Road were supported for inclusion in the 'Village' zone given their proximity to the general village area and taking into account the absence of environmental constraints.

The landowner is unclear as to how that rear portion of the site will be able to attract a dwelling entitlement given that the site is already under the 100 ha minimum subdivision size. This may be addressed through inclusion of an enabling provision included in the LEP which would allow the size to be subdivided less than the minimum so that the village portion of the site can be excised and subdivided. This approach will address the concerns of the landowner and would assist in allowing the implementation of the 'Village' zone.

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474 Towrang Road

The subject site is comprised of three titles all of which were initially identified for inclusion in the 'Village' zone during the public exhibition of the Rural Lands Planning Proposal.

Since the Towrang village was deferred from LEP Amendment No 2, informal consultation with the Office of Environment & Heritage has identified that two of these lots would not be suitable for inclusion in the 'Village' zone given that these sites form part of a network of vegetative corridors within the area and are located within the 250m railway buffer. These were subsequently removed from the draft LEP Amendment No 4 as reported to Council on 3 April 2012.

The landowner has since lodged two submissions and met with Council staff on two occasions requesting that the subject site be reinstated in the 'Village' zone. The reasons for this are generally:

- A number of flora and fauna and bushfire reports have been commissioned by the landowner since the draft amendment was publicly exhibited. These reports support subdivision of the subject site into three properties as would be allowed under the draft plan with minimal environmental impact.
- The subject site is already comprised of three separate titles, given the size of the subject site, the minimum lot size of 2 ha as proposed would allow the logical realignment of these boundaries to create three separate properties.

In light of the above, there are a number of points which warrant consideration, these are:

- There is always risk involved with anticipating land use change or development rights and committing funds to development on a speculative basis
- The Office of Environment & Heritage have identified that this land is not suitable for inclusion in the 'Village' zone
- The subject site is located within a 250m exclusion zone for residential development to the main southern railway line

Given that the subject site was previously part of the 'Village' zone exhibited in LEP Amendment No 2 it is reasonable that the site remain in the 'Village' zone for draft LEP Amendment No 4. The draft amendment will be referred to agencies for formal comment regarding potential environmental issues and its proximity to main southern railway line. These consultations may however result in the site not being supported for inclusion in the 'Village' zone by the Office of Environment & Heritage and the Department of Planning & Infrastructure and may need to be removed from the final adopted LEP Amendment.

54 Arthurs Road

The landowners have made a submission requesting inclusion in the 'Village' zone a 2 ha portion of their property located on the opposite side of Arthurs Road. The reasons for this are as follows:

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- This lot being 2.35 ha in size would immediately fit into the minimum lot size area proposed for the 'Village' zone
- The lot is clear of trees and has ability to have a dwelling house constructed and comply with bushfire planning requirements
- The land was originally separated but consolidated prior to being purchased by the current landowners
- This part of the lot is a natural and concluding end to the proposed minimum lot size area ('Village' zone)
- The part lot presently involves the movement of stock and people across Arthurs Roads between the two parts for effective use of the land on a regular basis but this is hazardous
- The landowners had they been aware of the draft amendment previously they would have made submissions in this regard earlier

The inclusion of this site in the 'Village' zone is not supported for the following reasons:

- The subject site is located a further 300m outside the proposed 'Village' zone boundary and is approximately 1 km from the approximate centre of the Towrang village
- Considerable consultations have been undertaken in determining the proposed Village boundary since matter was initially deferred from LEP Amendment No 2
- Arthurs Road which runs through the property is an unsealed rural road with low traffic volumes which would not preclude use of the site for rural purposes including stock movements. There are likely to be numerous rural properties throughout the LGA that are traversed by similar unsealed rural roads which are commonly used as Travelling Stock Routes
- Inclusion of this property in the 'Village' zone will set an unreasonable expectation for adjoining property owners that similar ad hoc extensions to the Village zone will be favourably considered by Council
- The landowners only recently acquired the property and would have had knowledge of the property's dimensions and encumbrances

560 & 587 Towrang Road

Representations have been made by the Towrang Progress Group regarding the inclusion of the above properties within the 'Village' zone. The landowners of each of these properties have not made submissions of their own.

The Group advocate for the inclusion of these properties for the following reasons:

- The Towrang Progress Group have repeatedly argued that the Village of Towrang is generally located between the two 50 km/hr signs on the northern and southern entrances to the Village and this is agreed with the Council Mayor and General Manager
- Consultation has been poor having been given only one week and three days to make further submissions since Council's meeting of 3 April 2012.

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It should be noted that a commitment to a process of review of the exhibited 'Village' zone was given to the Group not that the land would be included in the 'Village' zone.

The inclusion of these properties in the 'Village' zone is not supported for the following reasons:

- There is no strategic basis for effecting land use changes based on the location of street signs designed to slow down traffic entering a village. While it is conceivable that a village may colloquially be considered to start at a defined point, this does not mean that a development right ought to be created through land use change.
- The subject sites are both located within the 250m exclusion zone to the main southern railway line and are unlikely to be supported by state agencies.
- These properties, while suggested by the Progress Group, have at no point been considered suitable for inclusion in the 'Village' zone
- Given the size of each of these properties, if included in the 'Village' zone neither would attract subdivision rights. However it would set an unrealistic expectation of potential future expansions of the 'Village' zone.

Following the additional consultation, Planning Proposal for LEP Amendment No 4 is now presented for consideration. The draft amendment (refer Enclosure):

- Introduces lot averaging in rural zones
- Reduces the minimum lot size for 29 and 64 Highland Way
- Defines the Towrang 'Village' zone
- Revises the minimum rural lot sizes for 'Medway', Marulan and the Kingsdale area
- Includes animal boarding and training establishment for horse agistment as a permitted use at the recently approve Racecourse subdivision

The Planning Proposal is required to be submitted to the NSW Department of Planning & Infrastructure for a Gateway determination. Once Gateway Approval has been received the proposal can proceed to public exhibition for wider community comment.

Budget Implications

Nil

Policy Considerations

- Sydney Canberra Corridor Regional Strategy
- State Environmental Planning Policy (Rural Lands) 2008
- Goulburn Mulwaree Strategy 2020
- Goulburn Mulwaree LEP and DCP 2009
- Goulburn Mulwaree Biodiversity Strategy 2007
- Draft Towrang Village Plan

Minutes of the Ordinary (Planning) Meeting of Council held 1 May 2012 commencing at 6pm in the Council Chambers

- Draft Marulan Community Development Plan
- A Planning Framework for Natural Ecosystems of the ACT and NSW Southern Tablelands 2002

Recommendation

That:

- A. Planning Proposal for Goulburn Mulwaree LEP 2009 (Amendment No 4) be submitted to the NSW Department of Planning & Infrastructure for a Gateway determination
- B. The draft instrument be placed on public exhibition once Gateway Approval is received

Motion

Cr O'Neill/Cr Penning

That:

- A. Planning Proposal for Goulburn Mulwaree LEP 2009 (Amendment No 4) be submitted to the NSW Department of Planning & Infrastructure for a Gateway determination*
- B. The draft instrument be placed on public exhibition once Gateway Approval is received*

Resolved 12/146

Cr Peterson/Cr Banfield

That Council move into Committee of the Whole to discuss this item.

Council moved into Committee of the Whole at 6.59pm.

Resolved 12/147

Cr Peterson /Cr Banfield

That Council move back into the Ordinary Meeting.

Council moved into the Ordinary Meeting at 7.18 pm.

Motion

Cr O'Neill/Cr Penning

That:

- A. Planning Proposal for Goulburn Mulwaree LEP 2009 (Amendment No 4) be submitted to the NSW Department of Planning & Infrastructure for a Gateway determination*
- B. The draft instrument be placed on public exhibition once Gateway Approval is received*

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

Minutes of the Ordinary (Planning) Meeting of Council held 1 May 2012 commencing at 6pm in the Council Chambers

The motion was put and lost.

Councillor	For the Motion	Against the Motion
Cr Banfield	☒	
Cr Dillon		☒
Cr James	Apology to the Meeting	
Cr Kettle	Declared an interest in the item	
Cr Kirk		☒
Cr O'Neill	☒	
Cr Penning	☒	
Cr Peterson		☒
Cr Sturgiss		☒

Resolved 12/148

Cr Peterson/Cr Dillon

That:

- A. Planning Proposal for Goulburn Mulwaree LEP 2009 (Amendment No 4) be submitted to the NSW Department of Planning & Infrastructure for a Gateway determination with:**
- *A ten hectare minimum lot size for the Medway property.*
 - *The inclusion of 54 Arthurs Road, 560 and 587 Towrang Road in the Village Zone*
- B. The draft instrument be placed on public exhibition once Gateway Approval is received**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

Councillor	For the Motion	Against the Motion
Cr Banfield	☒	
Cr Dillon	☒	
Cr James	Apology to the Meeting	
Cr Kettle	Declared an interest in the item	
Cr Kirk	☒	
Cr O'Neill		☒
Cr Penning		☒
Cr Peterson	☒	
Cr Sturgiss	☒	

Cr Kettle returned to the meeting and resumed the chair at 7.29pm.#####

Appendix 3- Council Report 3 July 2012

Minutes of the Ordinary (Planning) Meeting of Council held 3 July 2012 commencing at 6pm in the Council Chambers

Item 3 Goulburn Mulwaree LEP 2009 (Amendment No 4) - Miscellaneous Review (Enclosure)

Reporting Officer

Principal Strategic Planner - Wesley Folitarik
Assistant Strategic Planner - Jeffrey Bretag

Purpose of Report

To advise of issues raised by the Department of Planning & Infrastructure regarding Goulburn Mulwaree LEP 2009 (Amendment No 4).

Recommendation

That:

- A. The Planning Proposal be separated to allow minor changes to be forwarded to the Gateway as Amendment No 4
- B. The matters requiring further investigation being included in a separate Planning Proposal

Resolved 12/255

Cr Sturgiss/Cr Peterson

That:

- A. The Planning Proposal be separated to allow minor changes to be forwarded to the Gateway as Amendment No 4*
- B. The matters requiring further investigation being included in a separate Planning Proposal*

Minutes of the Ordinary (Planning) Meeting of Council held 3 July 2012 commencing at 6pm in the Council Chambers

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

Councillor	For the Motion	Against the Motion
Cr Banfield	☒	
Cr Dillon	☒	
Cr James	☒	
Cr Kettle	Declared an interest	
Cr Kirk	☒	
Cr O'Neill	Apology	
Cr Penning	☒	
Cr Peterson	☒	
Cr Sturgiss	☒	

Cr Kettle returned to the meeting at 6.50pm and resumed the chair

Cr Banfield and Chris Berry each declared an interest in Item 4 and left the meeting at 6.50pm.

Appendix 4- DoPI Advice 13 June 2012



Contact: Meredith McIntyre
Phone: 02 6229 7912
Email: Meredith.mcintyre@planning.nsw.gov.au

Mr Wesley Folitarik
Principal Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Our ref: 12/09337
Your ref:

Dear Mr Folitarik

Goulburn Mulwaree Planning Proposal – Goulburn Mulwaree LEP Amendment No. 4

I refer to your letter dated 11 May and the accompanying Planning Proposal for various matters to amend the Goulburn Mulwaree Local Environmental Plan 2009.

I offer the following comments and requests for additional information for your consideration on the various matters addressed in the Planning Proposal.

1. Towrang Village - Whilst pages 4 and 7 of the Planning Proposal outline the proposal to increase the Village Zone and to rezone land to RE1 and E2, there is a lack of justification and information, particularly about the land to be rezoned to E2 Environmental Conservation. It would be appreciated if you could provide additional information and justification about rezoning this particular site at Towrang and not others in the vicinity to Zone E2.

Clause 2.1.2 of the Planning Proposal outlines that Council will amend Schedule 1 of the GMLEP 2009 to allow the minimum subdivision size to be 24ha for the site to be rezoned E2. However, we would recommend that instead of using Schedule 1, that Council amend the Minimum Lot Size (MLS) Map for that site to be 20 or 24ha, which would enable subdivision and a dwelling to be erected on the lot. This can be a condition of the Gateway if that is simpler.

2. Lot averaging provisions in rural areas – The appropriateness of including lot averaging provisions for the RU5 Village Zone which is essentially an urban zone is questioned. In some of these zones, the MLS has been determined based on the minimum required for on-site effluent disposal. Therefore, it is unlikely that lot averaging would allow these Village lots to achieve lower MLS and still meet on-site effluent disposal requirements. It may be more practical to remove the RU5 Village Zone from the proposed lot averaging clause unless Council can clearly justify its inclusion.

Attached is the latest version of the lot averaging clause from GMLEP 2009 - Amendment No.2 that is still being finalised.

It is suggested you use that clause, appropriately amended, for this proposal. You may also wish to consider an additional sub-clause that prevents re-subdivision of any resultant large lot.

3. 29 & 64 Highland Way, Marulan – It is requested that Council provide the appropriate MLS map showing this land and the proposed changes.

4. Goulburn Racecourse additional permitted uses – It would be appreciated if Council could provide a map showing the subject land in the broader context of the racecourse.

Given there appears to be only two sites in the LGA zoned RE2, Council may wish to consider adding "animal boarding or training establishments" as 'permitted with consent' in the RE2 Private Recreation Zone, thus negating the need to amend Schedule 1 of the GMLEP 2009.

5. Medway Road, Marulan - Council has noted the environmental values of 50 hectares of the 288 hectare "Medway" site, but has not provided any commitment to protecting this land from development.

There are a number of options to protect the environmental values of the site whilst still providing development outcomes. Council could consider the following:

- (a) Zone the "Medway" site RU4 Small Lot Primary Production (to better reflect the small lot subdivision for agriculture proposed on the site) and zone the environmental values part of the site as E2 or E3 with an appropriate MLS to enable a single dwelling house.
- (b) Zone the "Medway" site RU4 Small Lot Primary Production and use lot averaging to subdivide the environmental values into one lot. However, it is noted that the GMLEP 2009 - Amendment No. 2 lot averaging clause does not prevent the "residual" lot from further future subdivision and therefore may not offer sufficient protection for the environmental values of the site unless that clause is appropriately amended.

6. Kingsdale MLS change -

- (a) It would be appreciated if you could provide more information about the Kingsdale site, including the size of the subject land and the potential lot yield from a 10ha MLS change.
- (b) It is noted that the subject land is zoned E3 Environmental Management, presumably to reflect its location in the Sooley Dam catchment. Council's Planning Proposal has not recognised its current zoning, nor provided any justification for amending the MLS to allow for 10ha rural residential development in this area given the land's agricultural value and the potential impact on water quality.
- (c) The Planning Proposal also doesn't address the Section 117 Ministerial Direction 2.1 Environmental Protection Zones.
- (d) In the GMLEP 2009 - Amendment No. 2, substantial areas of land are proposed for 10ha and 20ha MLS changes in the vicinity of the Kingsdale area. It would be appreciated if Council provided more information about why it is proposing to change the MLS on the subject land, given the amount of land included in Amendment No. 2, as well as why Council has chosen 10ha and not 20ha, given the Amendment No. 2 adjoining lands to the east.
- (e) It is noted that at its April 2011 meeting, Council resolved to defer the request to change the MLS at the subject land at Kingsdale until the first general review of the GMLEP 2009 in 2014. It would be appreciated if Council could advise as to why this matter is being considered now, ahead of Council's 2014 LEP Review.

Further information addressing the concerns above would help support a recommendation to proceed with the MLS change for the Kingsdale area to the LEP Panel.

7. General comments

The Sydney-Canberra Corridor Regional Strategy requires that "rural residential development should only be undertaken on the basis of an agreed local government area wide settlement strategy". It is noted that Council does not have such a Strategy and as such, the Planning Proposal would be inconsistent with s117 Direction 5.1 Implementation of Regional Strategies. It would be appreciated if further advice about this in particular, but also recommend that Council commit to undertaking such a Strategy as part of its next general review of the GMLEP 2009 if it intends to identify more land for small lots.

The Regional Strategy provides for development outside the Regional Strategy outcomes if Council can address the Sustainability Criteria in Appendix 1 of the Strategy. It is therefore requested that Council address the Sustainability Criteria for both the "Medway" and "Kingsdale" sites proposed.

[It is noted that GMLEP 2009 - Amendment No. 2 was commenced prior to the introduction of the Sydney-Canberra Corridor Regional Strategy and did not, therefore, have to provide such justification for the creation of nearly 200 rural residential/living allotments].

As an additional general comment, it is noted that Council has not provided any demand and supply analysis for these additional rural residential areas and would recommend that Council commit to a rural residential/rural living monitor to inform its 2014 LEP Review, particularly if Council intends to recommend further rural residential/living sites as part of that Review.

In summary, we recommend the following changes to the Planning Proposal:

1. Amend the relevant MLS map (LSZ_001A) for the land to be rezoned to E2 Environmental Conservation to have a MLS of 20ha or 24ha.
2. Remove "RU5 Village" from applying to the proposed lot averaging clause.
3. Amend the land use table of Zone RE2 Private Recreation by adding "animal boarding or training establishments" to item 3 'permitted with consent'.
4. Introduce a RU4 Small Lot Primary Production Zone to the GMLEP 2009 and apply the RU4 Zone to the "Medway" site. Provide appropriate protection of the environmental values of the "Medway" site.
5. Address the Sydney-Canberra Corridor Regional Strategy Sustainability Criteria for the "Medway" and "Kingsdale" sites.

Please note, we would be happy to separate the Planning Proposal into two and progress the minor matters (items 1-4 above) once appropriate additional information has been provided. It would be preferred if the issues outlined above were addressed before we progress the Planning Proposal to the Gateway and will work with you to progress it as quickly as possible.

Please contact either Meredith McIntyre on 6229 7912 or myself on 4224 9468 if you would like to discuss this matter further.

Yours sincerely

 13/06/2012
Mark Parker
Local Planning Manager

Appendix 5 – Towrang Land Use Zone Map (LZN-001a)



Goulburn Mulwaree Council

Goulburn Mulwaree Council

Local Environmental Plan 2009

Land Zoning Map

- Sheet LZN_001a

Zone

B1

Neighbourhood Centre

B2

Local Centre

B3

Commercial Core

B4

Mixed Business

B6

Enterprise Corridor

E1

National Parks & Nature Reserves

E2

Environmental Conservation

E3

Environmental Management

E4

Environmental Living

IN1

General Industrial

IN2

Light Industrial

IN3

Heavy Industrial

R1

General Residential

R2

Low Density Residential

R5

Large Lot Residential

RE1

Public Recreation

RE2

Private Recreation

RU1

Primary Production

RU2

Rural Landscape

RU3

Forestry

RU5

Village

RU6

Transition

SP2

Infrastructure

DM

Deferred Matter

Cadastral

Cadastral 1/3/10 © LPI NSW

001

004 007

002 005 008

003 006

009

011

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001a

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W

Projection: GDA 1994
Zone 55

0250500

METRES

Scale 1: 20000 @ A3

Map Identification Number:

3310_COM_LZN_001a_020_20120509

Appendix 6 – Towrang Lot Size Map (LSZ-001a)

Lot Size Map - Sheet LSZ_001a

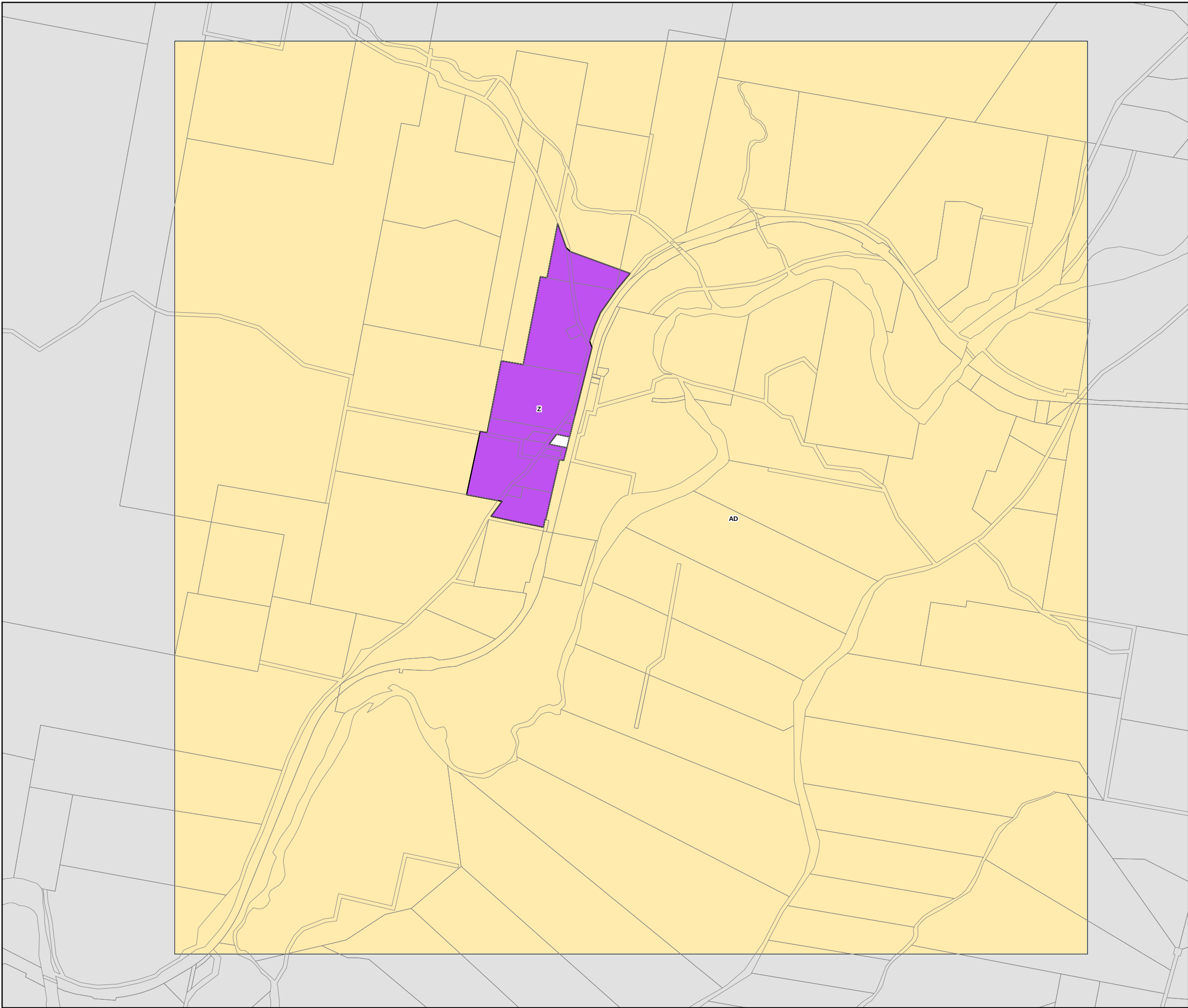
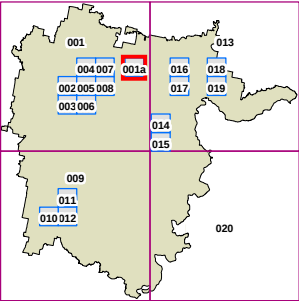
Minimum Lot Size

E	350 m2
Q	700 m2
U	1,500 m2
V	2,000 m2
X	8,000 m2
Y	10,000 m2
Z	2 ha
AB	10 ha
AB1	20 ha
AB2	40 ha
AD	100 ha

DM Deferred Matter

Cadastre

Cadastre 1/3/10 © LPI NSW



Appendix 7 – Submissions Towrang Village

R.A. McIntosh
474 Towrang Rd.,
Towrang 2580

Ph 0408425097 p
0432495153 w

email rolandmac3@bigpond.com

To Goulburn Mulwaree Council 17th April 2012

Refference/ Towrang Village Plan

Further to the village plan and recent personally unnotified changes/amendments made to the original proposal 2009,I hereby place my submission before you for reconsideration and request to speak on the matter at your next council meeting.

As the owner of the property known as 474 Towrang Rd Towrang incorporating Norrong Lot 143 DP750040 Lot 2 DP875103 Lot 2 DP853330 , I request that all of these land titles be included in the village plan as originally proposed in the 2009 submissions.

I have invested considerable amounts of money in Infastructure , fencing, bushfire reports , flora and fauna, Onsite waste management studies and design in anticipation that i may be able to allow my children/grandchildren to one day be able to build cottages on the land in the future. Some minimal clearing would be required admittably ,but done selectively in accordance with environmental and bush fire requirements.

Should this current proposal proceed ,it would negate the potential for development and make perfectly viable land usless.The land consists of some original forrest growth along with a lot of regrowth as it was selectively

cleared in the past when the large dam was constructed and also under growth clearing performed 7year ago

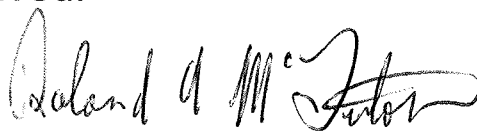
There would still remain a conciderable amount of environmental habitat and bushland on this site even after house construction

It is also my submission that the boundary changes be determined by the current position of the Towrang village signage at the southern approach to the village and likewise at the northern approach.

As we have an expanding population of new residence settling in the areas to the north of the village, I also propose that the 50K ahead and 50speed signs be relocated to a position prior the village signages to encourage drivers to slow down to an appropriate speed for the area as they enter the village precinct.

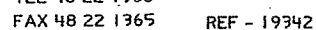
I thank you for this opportunity to put my individual case forward and look forward to a favourable resultt that satisfies all parties involved.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Roland A McIntosh', written in a cursive style.

Roland A McIntosh





R.A. McIntosh
0408425097 p
474 Towrang Rd.,
0432495153 w
Towrang 2580

Ph

email rolandmac3@bigpond.com

To Goulburn Mulwaree Council 18thth April 2012

Refference/ Towrang Village Plan

In addition to my submission dated 17th April 2012. I submit further comment for consideration of my request to have the entire bounds of my property included in the village plan.

The points I bring forward are as follows;

- The current property known as 474 Towrang rd at which I reside on Lot 2 DP853330 contains my dwelling and enompasses three seperate registered titles but due to the current zoning is only recognised/ land valued and rated as as one allotment therefore as a request should be included as a whole parcel of land as per the 1st Nov 2009 version and not seperated off as proposed in the new revised draft 16th april

- The allotments on plan known as Lot 143 DP750040(notably with lot 110 has the same DP750040 on the western side of TowrangRd), together with Lot 2 DP875103 contain some established forrest growth but as previously stated have had clearing done prior to the current tree preservation legislation and had low clearing in the past seven years as a bushfire prevention measure .Iam sympathetic to the lands environmental status and value to the point i have had a flora and fauna study done by SOIL CON along with waste management and a bushfire report to facilitate acceptable development of my property in accordance the requirements of council and state

government bodies

- All these reports and applications should be on file at Health and Building and coincide with a Development application MOD/0060/0910 that was resubmitted as modified determination on 15th feb 2008 and is currently up for renewal but cannot be completed due to the continuing changes and delays in finalising this LEP.(Document attached to original)

- Having previously being informed that the plan was on display and should be completed by april i have held off making any further advance on the determination due to avoiding duplication and cost factors

- On the western side LO110 DP750040 of the above mentioned two allotments on the opposite side of the road the proposed amendments have included an open parcel of land extending to the limit of my lands boundaries which should in my mind set a precedent for inclusion.(Plan attached to original)

- Under the previous consideration of Nov 2009 and due to the lot size requirement change 1 to 2 hectare, it would be my intent to utilise lots 143 DP750040 and Lot 2 DP 875103 by creating a boundary realignment to incorporate 2 by 2 hectare building allotments with frontages to town with on site waste management as per the reports. These blocks currently have good access potential with building envelopes of minimum environmental impact. (Sample plan with original copy

- Lot 2 of DP853330 would remain as is and my principal residence as an approximate area of 3 hectares.

Thank you once again for allowing me this opportunity and i await a favourable outcome

Yours sincerely

Roland McIntosh



15 February 2010

R A McIntosh
C/- Laterals Planning
PO Box 1326
GOULBURN NSW 2580

**NOTICE OF DETERMINATION OF A
MODIFIED DEVELOPMENT APPLICATION**

Issued under Section 96 of the *Environmental Planning and Assessment Act 1979*.

Modification Application Number	MOD/0060/0910
Land to be Developed	Lot 2 in DP 875103 in the Parish of Norrong Lot 143 in DP 750040 in the Parish of Norrong Lot 2 in DP 853330 in the Parish of Norrong 474 Towrang Road, TOWRANG NSW 2580
Proposed Development	Erection of a dwelling and change of use of the shed to a dwelling to create a dual occupancy, erection of a carport
Proposed Modification	Modification to delete the deferred commencement condition and include the consolidation prior to the issue of a Construction Certificate
Determination of Modification	15 February 2010
Consent granted subject to conditions in the attached schedule	
Determination of Consent	15 February 2008
Consent to operate from	15 February 2008
Consent to lapse on	15 February 2013
Other Approvals	
Approvals granted under Section 78A(5)	Water, Stormwater, On-site Sewage Management Facility & a Solid Fuel Heater
Integrated Development	Not Applicable

NOTE: PRIOR TO THE COMMENCEMENT OF ANY WORK A CONSTRUCTION CERTIFICATE IS TO BE ISSUED BY COUNCIL OR AN ACCREDITED CERTIFIER.

STEPHANIE MOWLE
SENIOR DEVELOPMENT ASSESSMENT OFFICER





Legend

- Waterways
- Contour Lines
- Water Bodies
- Existing Lot Boundaries

1:15,000

Map of Towrang Lot 143 DP 750040, Lot 2 DP 875103 and Lot 2 DP 853330 474 Towrang Road, Towrang

- McIntosh Land
- Original McIntosh subdivision concept
- Potential area for Council consideration

0 130 260 520 780 1,040 Meters

Laterals



Notes

1. This plan has been prepared for a development application to Council and should not be used for any other purpose.
2. Dimensions and area are subject to survey and to Council requirements.
3. Every lot may be subject to existing restrictions on the use of land and as required by future Development Application consent conditions, utility providers, Council and developer.
4. There have been no title searches undertaken with the Land & Property Information of NSW in relation to the subject lands.
5. No reliance should be placed on this plan for any financial dealing involving the land.
6. These notes form an integral part of the plan.

R.A. McIntosh
474 Towrang Rd.,
Towrang 2580

Ph 0408425097 p
0432495153 w

email rolandmac3@bigpond.com

To Goulburn Mulwaree Council 18thth April
2012

Refference/ Towrang Village Plan

In addition to my submission dated 17th April 2012. I submit further comment for consideration of my request to have the entire bounds of my property included in the village plan.

The points I bring forward are as follows;

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- The allotments on plan known as Lot 143 DP750040(notably with lot 110 has the same DP750040 on the western side of TowrangRd), together with Lot 2 DP875103 contain some established forrest growth but as previously stated have had clearing done prior to the current tree preservation legislation and had low clearing in the past seven years as a bushfire prevention measure .Iam sympathetic to the lands environmental status and value to the point i have had a flora and fauna study done by SOIL CON along with waste management and a bushfire report to facilitate acceptable development of my property in

[illegible]

TEL 48 22 1366
FAX 48 22 1365 REF - 19342

TOWRANG COMMUNITY PROGRESS GROUP.

Goulburn Mulwaree Council
Planning Services
Civic Centre 184-194 Bourke Street
Goulburn, NSW 2580

RECEIVED BY ME
IN PERSON 18/4/12

W. Follett

17/04/12

Subject; TCPG submission on Towrang Village plan LEP

Dear Sir/ Madam,

The Towrang Community Progress Group would like to raise the following points in submission on the LEP revision of the Towrang Village and surrounding area.

Since the TCPG first advised the GMC of their issues that arose from the proposed changes in the LEP to the Towrang Village boundaries there has been little or no consultation from GMC to the TCPG. The TCPG has previously arranged a meeting with the General Manager and The Mayor to discuss the issues raised and came away from that meeting with an understanding that the LEP proposal was open to review and that all input from residents and TCPG would be taken on board and reviewed and discussed. Proposed Village plans were forwarded to GMC by the required date and we were advised that a Village inspection would be carried out with residents, GMC, and EPA persons to look at proposals. This did not occur and the next correspondence residents and the TCPG received was posted 1 week prior to the 3rd April GMC meeting with an offer to address the council if required. Both Peta Skaines and myself addressed the issues and council voted a 1 month stay on proceeding to allow further discussion to take place between both parties.

Once again we receive a letter giving very little detail with 3 maps that have no descriptive detail attached giving less than 1 week, (3 days from postal delivery) to make more submissions. Hence a meeting was requested ASAP.

The TCPG was under the understanding that the Village boundaries are roughly in the area of the 50Km speed signs and the Village signs and that was discussed with the GM and Mayor who agreed in principle.

Now the revised GMC village plan is out it is noted that several properties that were on the resident and TCPG and original GMC proposals have been removed from the new LEP plan.

The Towrang Community Progress Group meets on the
2nd Wednesday night of each month at 6.30PM
at the Towrang Community Hall 500 Towrang Road Towrang 2580.

TOWRANG COMMUNITY PROGRESS GROUP.

We request that GMC reconsider this matter and provide adequate explanation and reconsideration to the matter at hand.

Thanking You.



Roger W. Curvey..

President TCPG

35 Narelle Lane Greenwich Park 2580

(02) 48298283

rcurvey@bigpond.com

17/04/2012

The Towrang Community Progress Group meets on the
2nd Wednesday night of each month at 6.30PM
at the Towrang Community Hall 500 Towrang Road Towrang 2580.



Planning
Engineering & Management
Environmental

Councillors
Goulburn Mulwaree Council
184-194 Bourke Street
Goulburn NSW 2580

Our Ref.: 1213
Your Ref:

Dear Councillors,

Re Part Lot 1 DP 1159080 – Arthurs Road, Towrang

We act under instruction from the owners (Andrew & Kelly Pocock) of that part of Lot 1 DP 1159080 which is located on the west of Arthurs Road, Towrang to seek to have that part of land included in the proposed minimum lot size of 2 hectares under Amendment No 4 being placed before Council tonight, 3rd April 2012. A plan is attached showing where the lot adjoins the proposed "Z" 2 Ha Minimum Lot Size proposed for Towrang.

The owners of the whole of the Lot were unaware of the consultations carried out with the Villagers of Towrang to set the Village boundary and enable a minimum lot size of 2 hectares over an area of the Village as they were not living on the land at the time.

The family including Andrew and Kelly Pocock with their 2 children (and one on the way) moved to the eastern side of the Lot on December 2011 and are now new residents in the Village of Towrang. Andrew and family have become local residents with Andrew working for NSW Police at the Police Academy, and his wife Kelly is a casual employee at Council and is employed as a chaplain at Mulwaree High School. Both Andrew & Kelly are involved as youth leaders in their church with 30-40 young people from the community (every Saturday night).

We attach below several plans showing the location of the land and one showing the location of existing dwelling houses surrounding the land. In support of the request to include the western part of Lot 1 DP 1159080 in the Minimum Lot Size classification of "Z: (2 Hectares) we make the following points –

1. The western part of Lot 1 DP 1159080 has an area of 2.35 hectares and would as such immediately fit into the minimum lot size without an ability to further subdivide;
2. The lot is clear of trees and has an ability to have a dwelling house with on site disposal and with adequate setbacks for bushfire safety;
3. The land was originally a separate lot but was consolidated prior to purchase;
4. The part lot is a natural and concluding end to the proposed "Z" minimum lot size area;

5. The part lot presently involves the movement of stock and people across Arthurs Road between the two parts for the effective use of the land on a regular basis, but this is hazardous and not desirable;
6. The owners, if they had been aware of the proposed changes to GMLEP would have certainly sought to include the western part of Lot 1 DP 1159080 in the "Z" minimum lot size area.
7. The owner would like to give the western piece of land to his sister and her husband (Glen & Carol Carney) (and four children) who participate heavily in the community in sporting, social and church activities. Andrew's sister works at the police Academy and her husband at Jemena Gas and coaches a local football team and their family are heavily involved in soccer, basketball, etc.
8. The owners are new residents of Towrang and want to form an integral part of that community and help others become a part of that community.

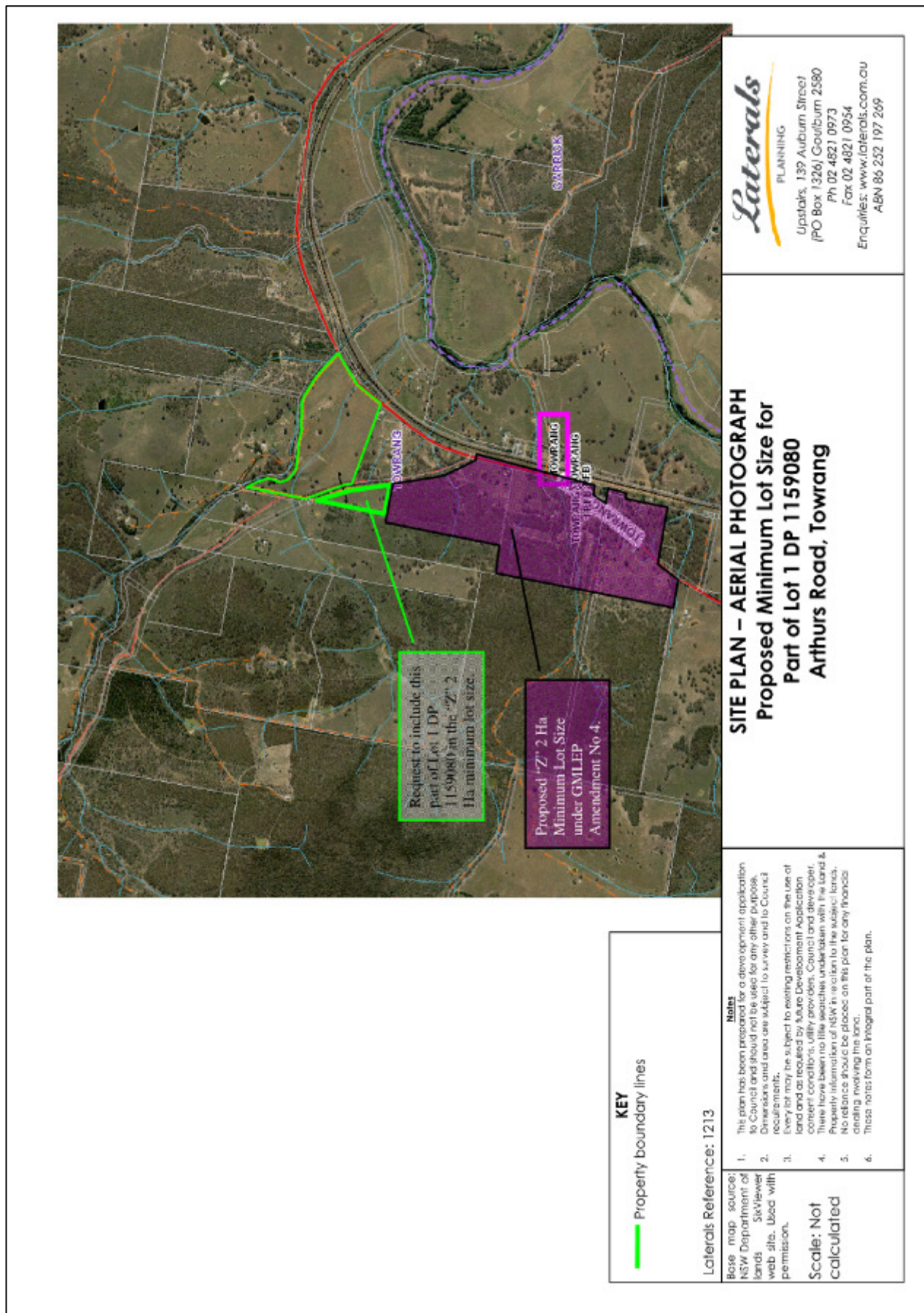
We request Councillors to include this western part of Lot 1 DP 1159080 in the proposed Amendment No 4 to Goulburn Mulwaree Local Environmental Plan 2009 now at the meeting tonight on 3rd April 2012; to avoid any further changes later on and any need for re-exhibition later on.

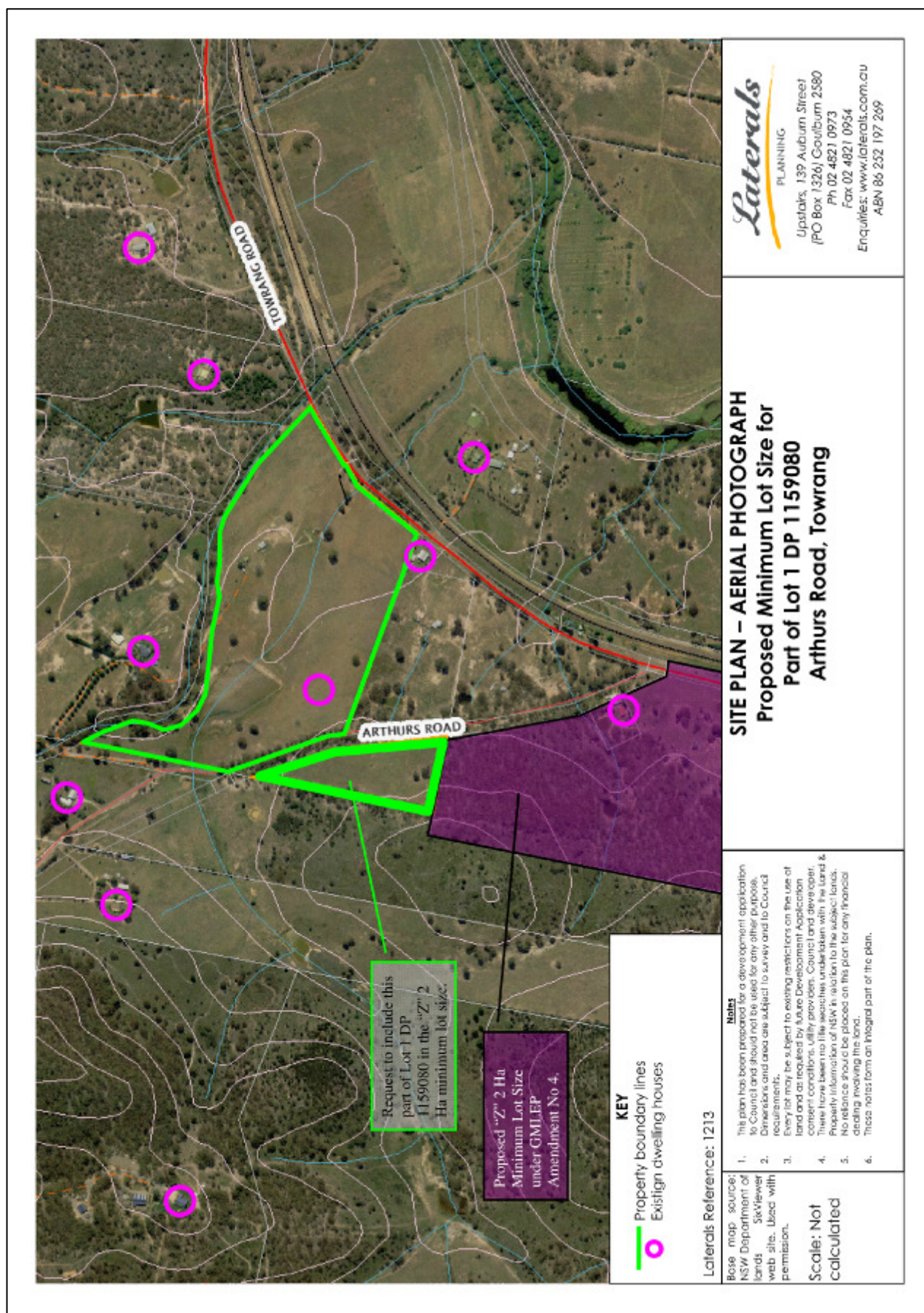
If you require any further information or clarification please do not hesitate to contact me.

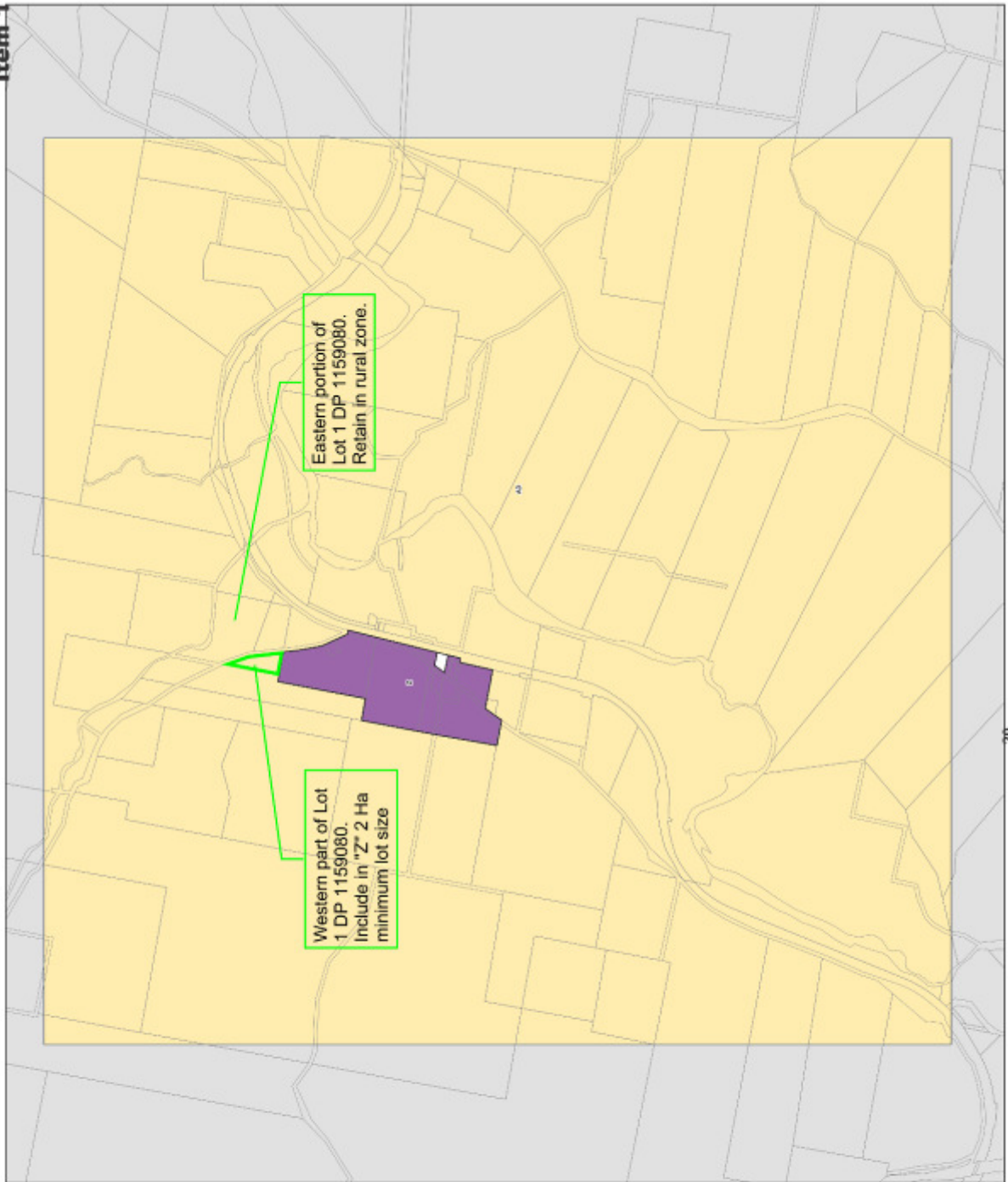
Yours faithfully,



Keith Allen
Laterals Planning
3rd April 2012







From: [Peta Skaines](#)
To: [Wesley Folitarik;](#)
Subject: FW: Scanned image from MX-3610N [Scanned][Spam score:8%]
Date: Thursday, 19 April 2012 4:44:59 PM
Attachments: [Scan_0000e2122cec.pdf](#)

-----Original Message-----

From: Peta Skaines
Sent: Thursday, 19 April 2012 4:15 PM
To: 'wesley.folitarik@goulburn.nsw.gov.au'
Cc: 'chris.stewart@goulburn.nsw.gov.au'
Subject: FW: Scanned image from MX-3610N

Dear Wesley and Chris,

Firstly on behalf of the Towrang Community Group and myself, let me thank you both of you for giving up your time, to clarify matters regarding the rezoning of the Towrang Village.

I have attached the original map outlining the village zone that were submitted back on 17th June 2011 and two additional maps that are just of my property "465" as we discussed at length, there would be some changes. We also note the fact this is only one step in the many processes prior to becoming a reality.

As you are aware my actual land DP750040 {465 Towrang Rd} Is approximately 40% cleared and remainder of the property natural bushland. I would like council to consider subdivision of 2 hectares in the 40% cleared lands with a separate DA allowable for the portion that remains bushland.

I realised that in the submission you have sent to the Towrang Community, is what has been suggested to the front part of my property with the exception of the separate DA for the portion at the back.{bush land}. As stated at the meeting, Can council actually define area of property deemed able to be subdivided?

Again, Thank you to both yourself and Chris, I hope that Towrang Community and the Goulburn Mulwaree Shire continue to share open communication and a strong relationship.

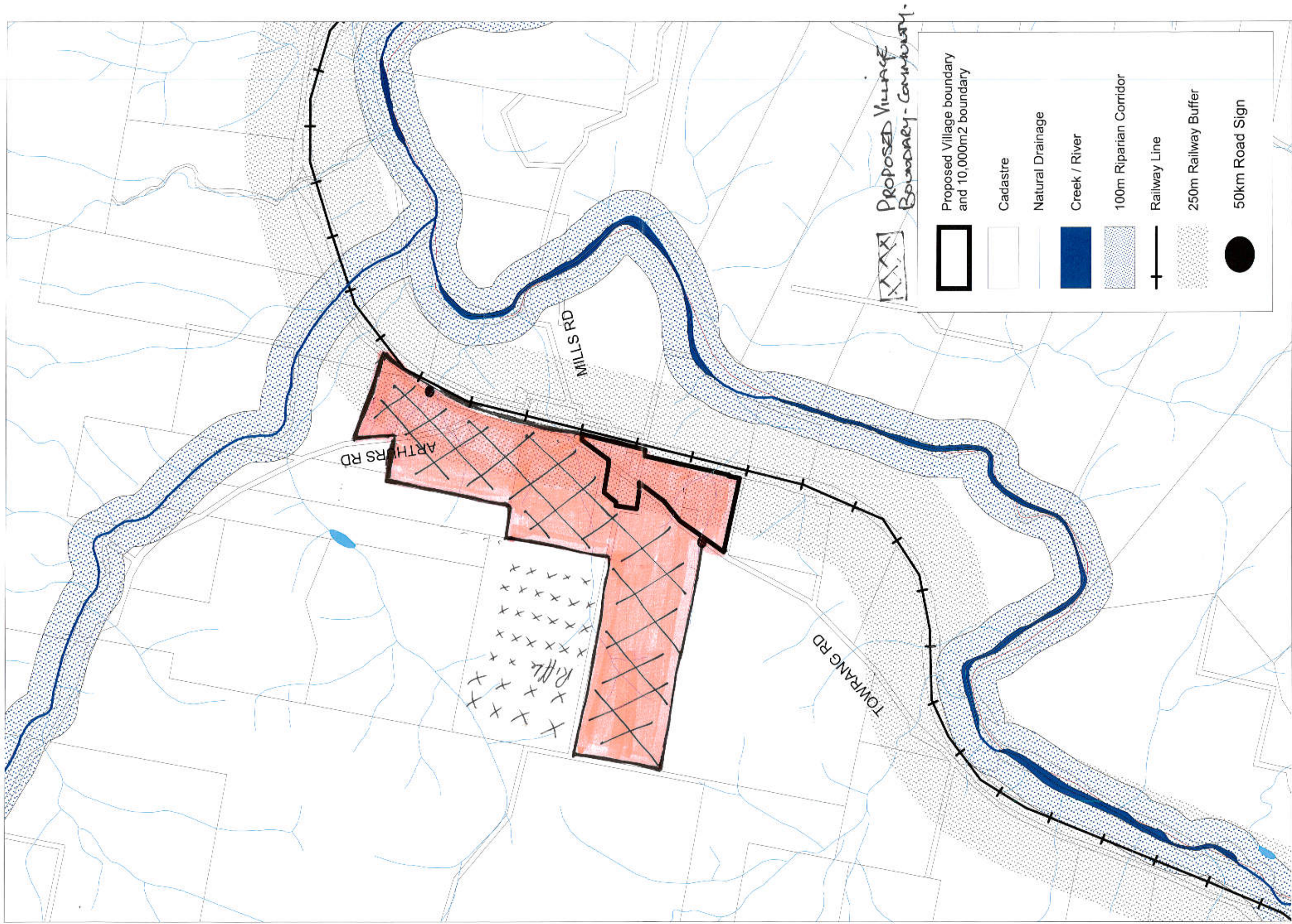
Kindest Regards

Peta Skaines

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Appendix 8 –Highland Way Properties



Goulburn Mulwaree LEP (Amendment No.4) 2009

Locality Map

29 & 64 Highland Way, Marulan

Legend: Address Boundaries



Appendix 9- Racecourse Properties

Legend

 Subdivision Boundary

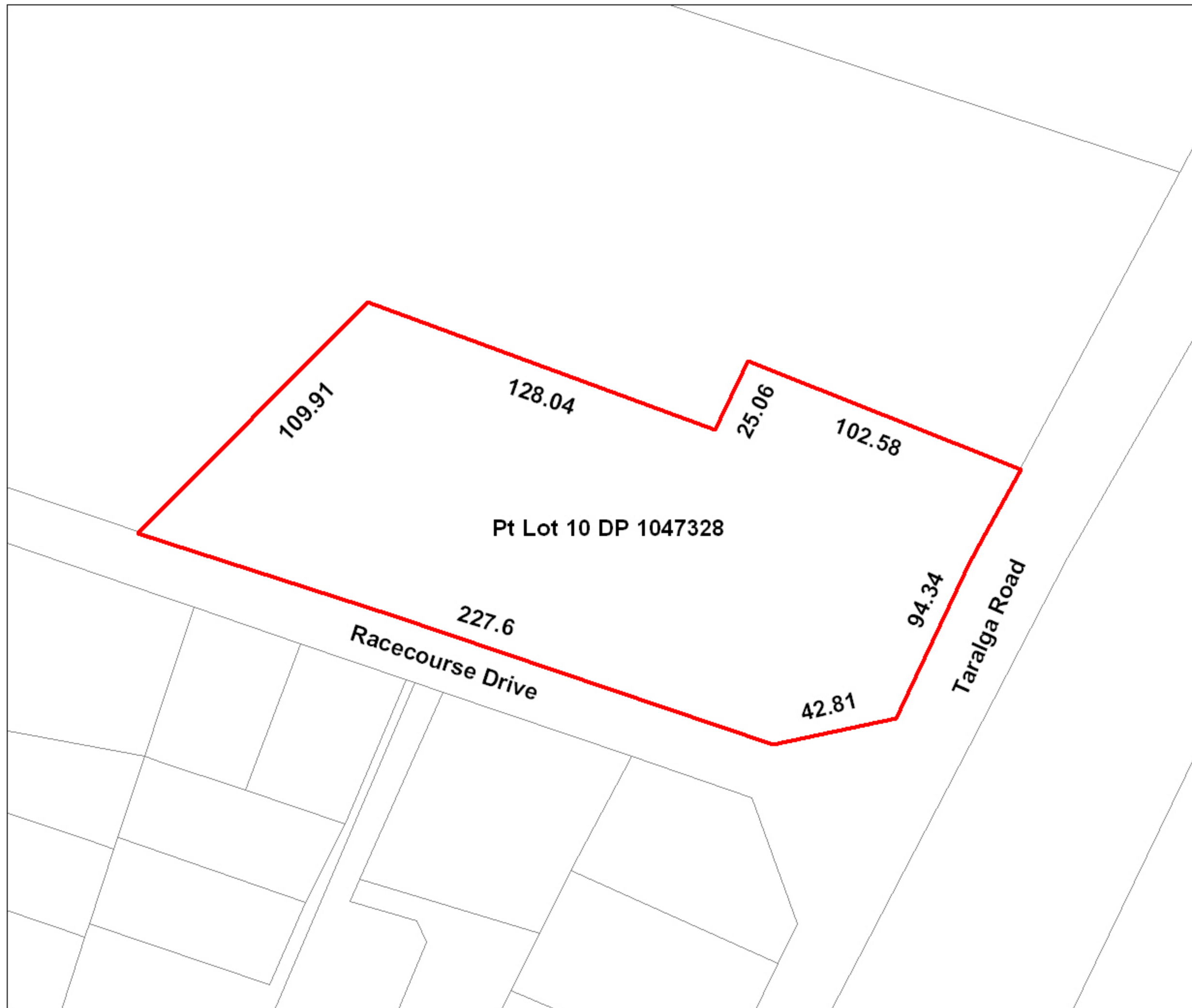
DM



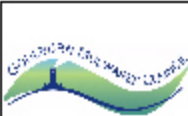
Projection: GDA 1994
Zone 55

0 250 500
METRES

Scale 1:20000 @ A3



Appendix 10- Racecourse Locality Map



Racecourse Locality Map

Legend: Site Boundary

— Subdivision Boundary

Legend: Land Use Zones

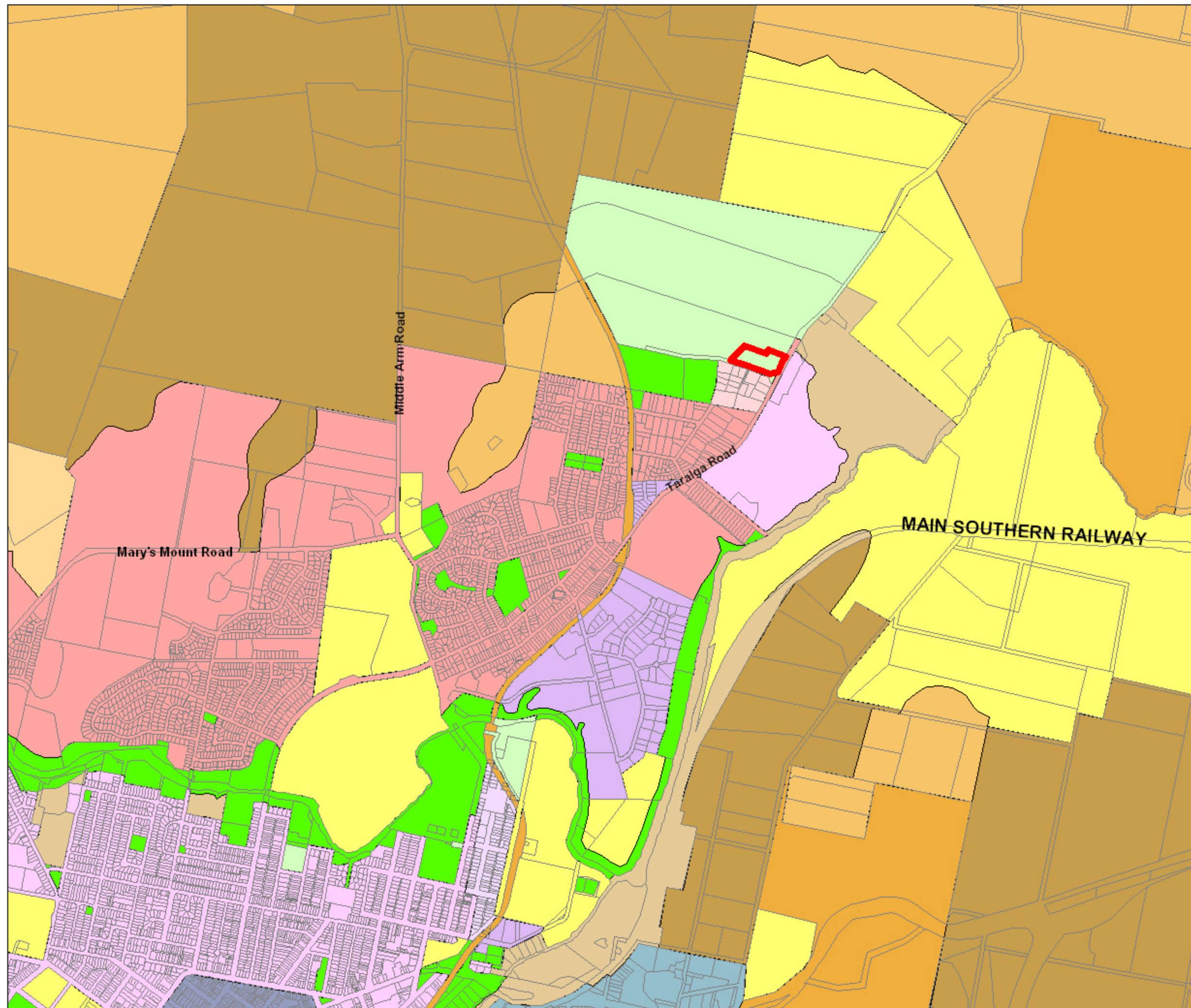
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU5 Village
- RU6 Transition
- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Business
- B6 Enterprise Corridor
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- SP2 Infrastructure
- RE1 Public Recreation
- RE2 Private Recreation
- E1 National Parks & Nature Reserve
- E2 Environmental Conservation
- E3 Environmental Management



0 250 500
METRES

Scale 1:20000 @ A3

Projection: GDA 1994
Zone 55



Appendix 11 – Submissions 29 & 64 Highland Way

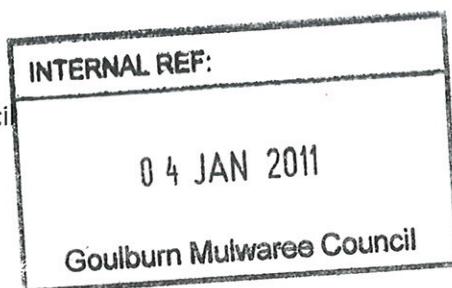
16

Goulburn Mulwaree Shire Council

Bourke Street City Centre

Goulburn

Attention: Krystal Golden



SCANNED

14th December 2010

To Whom it may concern,

I am writing to you in hope you may consider my application to subdivide my current property at
64 Highland Way Marulan

We have lived on the above mentioned property since 1978 and are finding it rather difficult to remain financially stable to stay living there whilst we also have to maintain both sides of the road and the homestead.

We are unable to cross any livestock to the other side of the road (half of our property) as Highland Way is now a more common route and it is unsafe to have any farm equipment or animals on the road especially being so close to the Hume Highway there is not a large enough gap for motor vehicles to slow down to a safe speed before coming across our property.

It was due to no fault of our own that the Highway was due to run straight through the middle of our property and there was nothing we could do to avoid this from going ahead now we are unable to sell off one side and unable to afford to keep both sides whilst we are both receiving an aged pension which does not fulfil and adequate wage to run a small property as well as the current living expenses.

We have tried to sell the whole property to make ourselves more financially stable and have had this on the market for the last 5 years and unfortunately this have been proven very unsuccessful as every potential buyer/investor is turned away when told they will not be able to gain approval to build or to sell on the other side of the road. There is currently no use for that acreage.

Please review my application for this subdivision with great compassion and I will look forward to hearing from you in the near future.

Kind Regards

John & Wendy Penfold

Goulburn Mulwaree Shire Council

Bourke Street City Centre

Goulburn

Attention Krystal Golden

To Whom it May Concern

In regards to the first submission i would like to add these couple of things if i can.

In 1986 we asked the RTA for a 6ft boxed culvert as there had to be a pipe put under Highland way for drainage so it would have made sense to make it larger to use as a stock crossing but this was refused.

At the moment to move stock across highland way we have to put signs out one on the north end as well as the southern end then we still need a person to stand on each end to slow the traffic down as highland way is a scenic route now which makes it like a highway.

Kind Regards

John and Wendy Penfold





Pru Goward

Liberal for Goulburn



SCANNED

28th February 2007

Mr. Chris Berry,
Director of Environment and Planning,
Goulburn Mulwaree Shire Council,
Bourke Street,
GOULBURN NSW 2580.

LIBRARY USE
BC No:
Goulburn Mulwaree Council

Dear Mr. Berry,

I write on behalf of Mr and Mrs. N. Penfold of Otway View, Tallong Road, Marulan. Mr. and Mrs Penfold own a total of 18.8 hectares of land that they inherited from Mrs. Penfold's family. The land was originally in one piece but is now divided by Tallong Road. The Penfolds would like to sell those blocks on the other side of Tallong Road from their own house block but recognise that without a building permit their land is really only attractive to existing block holders who surround the land and would therefore fetch a very minimal price. Their blocks are too small to be eligible for housing permits under existing regulations.

The Penfolds' dilemma is largely the accident of history. It is difficult for them to farm land on the other side of what is now a busy road yet they can only sell it for a very modest sum owing to restrictions over its use. Reviewing the local area however, it is clear that there is a jumble of small rural blocks, all with residences, none with any real prospect of using the Penfolds' blocks for rural-agricultural purposes. While I understand that the Goulburn Mulwaree Council is committed to maintaining the rural integrity of the Shire it also appears that the evolution of this particular area adjacent to both Tallong Road and the Hume Highway has reached a point where it can no longer be considered for rural use and even the minimum rural residential block sizes do not apply. In these circumstances why not allow the Penfolds to sell their remaining blocks with residential permits, on the basis that this finalises the conversion of that entire area from rural to some form of rural residential use, as proposed by the Penfolds? It cannot be considered a precedent for other proposed rural developments because it applies to a very particular set of local and historical circumstances. It would be seen as a locally adapted solution.

I have provided a copy of this letter to the Penfolds and look forward to your reply.

Best wishes,

PRU GOWARD
Liberal Candidate for the State seat of Goulburn.

Campaign Offices: 2/274 Argyle St MOSS VALE NSW 2577 Ph: 4869 2293
191 Auburn St GOULBURN NSW 2580 Ph: 4821 2006

Email: pru.goward@nsw.liberal.org.au Mail: PO Box 44, Marulan, NSW 2579

Authorised by Graham Jaeschke, Level 9, 140 William Street, East Sydney, NSW 2011.

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Pru Goward MP

**MEMBER FOR GOULBURN**

288 Bong Bong Street Bowral NSW 2576 tel (02) 4861 3623 fax (02) 4861 3546

SHADOW MINISTER FOR CLIMATE CHANGE AND ENVIRONMENT
SHADOW MINISTER FOR WOMENP.O. Box 684, Bowral NSW 2576
email pru.goward@parliament.nsw.gov.au
State Parliament tel (02) 9230 211128th July 2008Mr C Berry
Director of Environment & Planning
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

INTERNAL REF:

31 JUL 2008

Goulburn Mulwaree Council


Dear Mr Berry,**RE: Lot 1, DP 819150, Parish of Uringalla**

I am writing to you on behalf of Mr and Mrs J Penfold of "Ottway View", Highland Way, Marulan who have previously sought permission from Goulburn Mulwaree Council to have the section of land – Lot 1, DP 819150, Parish of Uringalla rezoned suitable for housing.

Following reporting of your comments in today's Goulburn Post that you are currently reviewing rural minimum lot sizes I would encourage you to include the Penfold's lot in your review. As I have observed before the division of their land into two small parcels by a local road is an historical accident that should not render their lot worthless. Under current zoning residential development is not allowed and yet it is too small to farm efficiently.

I look forward to your earliest reply.

Best wishes,

**Pru Goward MP**
Member for Goulburn
Goulburn Electorate Office
P O Box 464
GOULBURN NSW 2580
Ph: 4821 2006 Fax: 4821 3558

Goulburn Mulwaree Shire Council
Bourke St City Centre
Goulburn 2580

Attention: Crystal Golden

17/04/2012

To whom it may concern,

I am writing to you about my application to subdivide my current property at

64 Highland Way Marulan 2579

We have lived on the above mentioned property since 1978 and are finding it rather difficult to remain financially stable to stay living there whilst we also have to maintain both sides of the road and the homestead.

We are unable to cross any live stock to the other side of the road (the other half of our property) as Highland Way is now a more common route and it is unsafe to have any farm machinery or equipment let alone animals on the road especially being so close to the highway there is not a large enough gap for motor vehicles to slow down to a safe speed before coming across our property.

It was due to no fault of our own that the Hume Highway was due to run straight through the middle of our property and there was nothing we could do to avoid this from going ahead and now we are unable to sell off the unusable side of our own property and also unable to afford to keep both sides running whilst we are both receiving an aged pension which does not fulfil an adequate wage to run a small property as well as the current living expenses.

We have tried to sell the whole property to make ourselves more financially stable and have had the property on the market for the last 6 years and unfortunately this has proven to be very unsuccessful as every potential buyer/investor is turned away when they are told they will not be able to gain approval to build or sell the other side of the road (There own property). There is currently no use for that acreage.

Please review my application for this subdivision with great compassion and i will look forward to hearing from you soon.

Kind Regards

John & Wendy Penfold
4841 1602