

## 15.7 PLANNING PROPOSAL - INCLUSION OF THE RU6 TRANSITION ZONE IN CLAUSES 4.1AA AND 4.2B OF GMLEP 2009

**Author:** Kate Wooll, Business Manager Strategic Planning

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** Nil

<b>Link to Community Strategic Plan:</b>	<p>Strategy EN4 – Maintain a balance between growth, development and environmental protection through sensible planning.</p> <p>Strategy CO4 – Recognise and celebrate our diverse cultural identities, and protect and maintain our community's natural and built cultural environment.</p> <p>Strategy CL – Encourage and facilitate open and respectful communication between community, the private sector, Council and other government agencies.</p>
<b>Cost to Council:</b>	Exhibition costs only are relevant at this stage – advertising and staff time
<b>Use of Reserve Funds:</b>	Nil

### RECOMMENDATION

That

1. The report from the Business Manager Strategic Planning regarding the planning proposal to include the RU6 Transition Zone into the provisions of clauses 4.1AA and 4.2B of GM LEP 2009 in relation to Community and Strata title subdivision be received.
2. Council re-exhibit the planning proposal which seeks to include the RU6 transition zone within the provisions of clauses 4.1AA and 4.2B of GM LEP 2009 in relation to Community and Strata title subdivision.

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.

### BACKGROUND

Council considered an initial report on this matter at its meeting of 5 March, 2019 where it resolved that:

1. *The report to amend the provisions of Clause 4.1 AA and 4.2B of the Goulburn Mulwaree Local Environmental Plan 2009 in relation to the RU6 - Transition Zone by the Business Manager Strategic Planning be received.*
2. *Council resolve to prepare a Planning Proposal to amend Clause 4.1AA (2) and Clause 4.2B (2) of Goulburn Mulwaree Local Environmental Plan 2009 to include the RU6 Transition Zone.*
3. *When the Planning Proposal is prepared, a request for a Gateway Determination be forwarded to the Department of Planning and Environment.*
4. *The Department of Planning and Environment be requested to issue delegations so that Council is the Relevant Planning Authority to process the subject Planning Proposal.*

Council on 3 December 2019 considered a post exhibition report on the planning proposal which intended to include the RU6 Transition Zone in clauses 4.1AA and 4.2B of the LEP. This would have the effect of excluding these zones from rural or residential subdivision using Community or Strata title where lots below the minimum lot sizes specified in the LEP were proposed. Council resolved that:

1. *The post exhibition report from the Senior Strategic Planner regarding the inclusion of the RU6 Transition zone in Clause 4.1AA and 4.2B be received.*
2. *Council withdraw the Planning Proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to include the RU6 Transition Zone in Clause 4.1AA (2) and Clause 4.2B (2) as a zone to which these Clauses apply.*
3. **Council reconsider this planning proposal as part of the Housing Strategy endorsement.**
4. *Council advise those who made a submission of the resolution and thank them for their submission.*

The planning proposal was subsequently withdrawn, submitters notified and the notation removed from Section 10.7 Planning Certificates. However, the Gateway Determination from the NSW Department of Planning Industry and Environment (DPIE) is still active (until 1 May 2021). Therefore, should Council choose, the planning proposal could (given the endorsement of the Housing Strategy) be re-exhibited and finalised.

Council at its meeting of 21 July 2020 endorsed the *Urban and Fringe Housing Strategy*, therefore in accordance with Part 3 of the above resolution, this matter is being presented for reconsideration.

## REPORT

The inclusion of the RU6 Transition Zone in Clauses 4.1AA and 4.2B does not prohibit Community and Strata title subdivision. It does however, limit these subdivisions by applying the minimum allotment sizes specified in the LEP. As previously reported, the RU6 Transition Zone is relatively extensive, covering approximately 9500 hectares across the LGA (refer to the Maps 1 - 4 below).

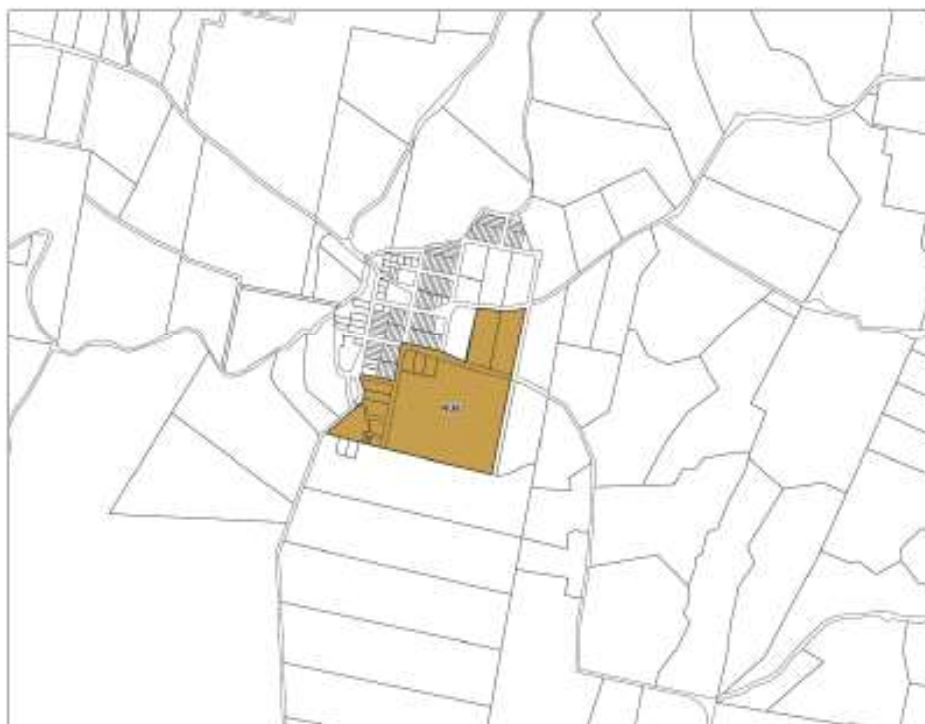
Map 1 Location of RU6 Transition Zone – Goulburn Locality.



**Map 2 Location of RU6 Transition Zone – Marulan and Tallong Locality.**



**Map 3 Location of RU6 Transition Zone – Bungonia Locality.**



**Map 4** Location of RU6 Transition Zone – Tarago Locality.

Greenfield sites identified for residential release in the *Urban and Fringe Housing Strategy* are generally zoned RU6 Transition (although there are some other zones included). This situation is not ideal as it means that development applications (DAs) can be lodged for residential subdivisions with undersized lots using current Community or Strata title subdivision provisions. Until these areas are zoned residential, the Part 6 provisions (urban release area provisions) will not apply. These provisions require that Council be satisfied that arrangements are in place for such matters as infrastructure/servicing and that a DCP and staging plan are in place before a DA is lodged. Currently these provisions do not apply and effectively there are no appropriate controls in place for the urban release of these sites.

Furthermore, until the Developer Contributions Plans are updated, these sites will be levied as if they are rural subdivisions under the current Contributions Plan (Section 7.12 Plan/former s.94A Plan), thereby causing an immediate shortfall in funds levied for new residential populations and associated demands on infrastructure. Furthermore, these areas also fall outside the Developer Servicing Plan areas for water and sewer with no ability for Council to apply these charges (which provide for existing and future water/sewer infrastructure).

It is important to note that once residential land release sites are rezoned to residential, Community and Strata Title subdivisions will not be affected by the provisions of Clauses 4.1AA and 4.2B, and will continue to be an option for developers. However, the protections offered by Part 6 of the LEP for urban release areas will also apply. Alternatively, if through the planning proposal process it can be demonstrated that essential infrastructure is available and the Local Infrastructure Contributions Plans (S. 7.11/s.7.12 plans) are updated, it may be demonstrated the application of LEP Part 6 urban release area (URA) provisions are not required to be applied.

As indicated on Maps 2 – 4, there are other areas outside the villages of Tallong, Bungonia and Tarago also zoned RU6 Transition. The capacity of the villages for further residential development is a matter flagged for consideration in the *Villages Strategy*.

There are a number of different factors which may constrain the development of these areas such as water quality impacts (lack of access to reticulated water/sewer systems), bushfire hazard, biodiversity or flooding.

The current provisions allow for development applications to be lodged in the absence of any forward planning around the suitability of these areas for urban development and puts a heavy reliance upon the development assessment phase as a means to undertake what should be a strategic planning process.

Given that the Gateway Determination is in place and that Council had previously resolved to reconsider this matter with the Strategy endorsement, it is recommended that this planning proposal be placed on public exhibition again. As discussed above, it is considered that this planning proposal is a complementary action that Council can undertake to ensure that a planned outcome for greenfield sites is identified in the Strategy.

The public exhibition would include direct notification to all submitters from the previous exhibition.

### **Conclusion**

This report recommends that the planning proposal intending to include the RU6 Transition zone into the provisions of Clauses 4.1AA and 4.2B of the GM LEP 2009 be re-exhibited, as this planning proposal is complementary to the actions of the Strategy and is intended to ensure a consistency of approach with planned outcomes for all greenfield site development.

<b>Joint Regional Planning Panel</b>	<b>Cr O'Neill</b>
<b>Local Emergency Management</b>	<b>Cr Peter Walker</b> <b>Director Operations</b>
<b>Lynwood Consultative Committee</b>	<b>Cr A Walker</b>
<b>Marulan Hall</b>	<b>Cr Banfield</b> <b>Cr O'Neill</b>
<b>Pepper Tree Community Consultative Committee</b>	<b>Cr Sturgiss</b>
<b>South East Australian Transport Strategy (SEATS)</b>	<b>Cr Peter Walker</b> <b>Cr Sturgiss (Alternate)</b>
<b>Southern Tablelands Zone Bush Fire Management Committee</b>	<b>Cr Sturgiss</b>
<b>Southern Tablelands/South Coast Region Noxious Plants Committee</b>	<b>Cr Sturgiss</b>
<b>Veolia Mulwaree Trust*</b>	<b>Mayor</b>
<b>Veolia Woodlawn Bioreactor Community Liaison / Tarago Consultative Committee</b>	<b>Cr Sturgiss</b>
<b>Wakefield Park Community Consultative Committee</b>	<b>Mayor Bob Kirk</b> <b>Director Planning &amp; Environment</b>

**CARRIED**

At 6:52 pm, Cr Alfie Walker left the meeting.

## **15.7 PLANNING PROPOSAL - INCLUSION OF THE RU6 TRANSITION ZONE IN CLAUSES 4.1AA AND 4.2B OF GMLEP 2009**

### **RESOLUTION 2020/339**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Margaret O'Neill**

**That**

- 1. The report from the Business Manager Strategic Planning regarding the planning proposal to include the RU6 Transition Zone into the provisions of clauses 4.1AA and 4.2B of GM LEP 2009 in relation to Community and Strata title subdivision be received.**
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**CARRIED**

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil