

Appendix C

Examination of State Environmental Planning Policy (Rural Lands) 2008 – Rural Planning Principals and Rural Subdivision Principals

State Environmental Planning Policy (Rural Lands) 2008 – Rural Planning Principals

- a. *“The promotion and protection of opportunities for current and potential production and sustainable economic activities in rural areas:”*

Council has adopted a range of agricultural zones, RU1, RU2, RU3 and RU6 to provide protection for the current rural uses. Land use tables are flexible enough especially the RU1, RU2 and RU3 zones to provide a wide range of opportunities for agricultural and rural industries. Minimum rural lot size has been increased to 100 hectares across the majority of the Local Government Area.

- b. *“Recognition of the importance of rural lands and agriculture and changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State:”*

Council has limited prohibitions in the land use table to the Primary Production zone. Subdivision for agricultural purposes is unrestricted while controls on rural subdivision that permits dwelling construction allows a range of lot sizes including 1 hectare (Tarago and Towrang) villages, subject to availability of a sustainable water supply and suitability of onsite waste water disposal), 2 hectare (Goulburn city, subject to the availability of a reticulated water supply and suitability for on site waste water disposal), 10 hectares, 20 hectares, 40 hectares and 100 hectares.

The proposed averaging lot size for 40 and 100 hectare lot subdivisions in the Environmental Management zone will allow flexibility and financial farm equity for rural producers to better manage and take advantage of latest agricultural trends, demands and issues in the Goulburn Mulwaree Local Government Area.

- 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:”*

The range of planning responses includes:

- § Four rural zones that are:
 - dedicated to Primary Production (RU1)
 - allow rural activities balanced by environmental controls (RU2)
 - dedicated to forestry production (RU3) and
 - provide a buffer between traditional rural activities and rural lifestyle development (RU6).
- § Flexible land use tables;
- § The consideration of rural lifestyle blocks, adjacent to towns and villages and along the east – west developed corridor;
- § Protection of about 95% of the identified prime crop and pasture land in the Local Government Area; and
- § Averaging lot development proposal in environmental zone E3.

- d. *“In planning for rural lands, to balance the social, economic and environmental interests of the community:”*

Goulburn Mulwaree Local Environmental Plan 2009, amendment No. 1 provides a good balance of rural zones – Primary Production, Rural Landscape, Forestry, Village and Transition together with a wide range of permitted uses.

The planning proposal will provide a settlement pattern which balances the social, economic and environmental interests of the community by setting aside about:

- § 30% of the LGA for environmental protection purposes;
- § 8% of the LGA for rural lifestyle opportunities;
- § 3% of the LGA for urban purposes; and
- § 59% of the LGA for traditional rural purposes.

- 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:”*

Goulburn Mulwaree Local Environment Plan 2009, amendment No. 1 has introduced a wide range of environmental protection zones:

- § National Parks & Nature Reserves
- § Environmental Conservation
- § Environmental Management
- § Environmental Living and
- § Rural Landscape

together with appropriate land uses.

Goulburn Mulwaree Local Environmental Plan 2009, amendment No. 1 has also incorporated an environmentally sensitive land biodiversity clause 7.2 and maps to further add to environmental protection throughout 73% the Local Government Area.

It is intended to add to the above environmental zoned area by providing an environmental corridor link between Tarlo National Park and Morton National Parks, Bungonia and Morton National Park and the Shoalhaven River corridor and Lake Bathurst / Morass Wetland area.

This will increase our total zoned environmental protection area to 30% of the LGA. This does not include the rural landscape zoned area and the area mapped Natural Resources Sensitivity Map - Biodiversity which also have environmental objectives.

The restriction of rural subdivision and thus dwelling potential for the majority of the LGA to 100 hectares and the proposed averaging lot development proposal in E3 zone will also add to the protection of natural resources, protection of native vegetation, water quality and the avoidance of constrained land.

- f. *“The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities:”*

- (i) Generally

The planning proposal intends to introduce a range of rural lifestyle opportunities by consolidating rural subdivision to 10, 20 and 40 hectares adjacent to towns and villages which are of sufficient lot size not to require extension of services and impede future urban expansion.

The planning proposal also intends to maintain the generally east west corridor of existing 40 hectare development. This corridor is serviced with school bus routes, power, broadband network and sealed roads and links the communities of Parkesbourne, Goulburn, Marulan and Tallong.

(ii) Averaging lot development proposal in E3 zone

Gateway Determination has removed the rural lot averaging clause from RU1 and RU2 zoned land. The proposed clause however shall apply to E3 Environmental Management zoned areas where the minimum lot size is 40 or 100 hectares.

g. *"The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing:"*

The majority of rural lifestyle opportunities are restricted to the developed east west corridor centred around Goulburn and Marulan and around the existing towns and villages of Goulburn, Marulan, Tallong, Bungonia, Tarago and Towrang.

The recognition of the 'unofficial' village of Towrang, north east of Goulburn by the introduction of a 1 hectare large lot residential area and a village zone supports the village situated adjacent to the old Towrang railway station with its existing small lots, community hall, rural fire service and sealed road access to Goulburn.

The proposed extension of existing 2 hectare area (large lot residential) on the western edge of Goulburn City is seen as infill development between existing large lot residential area and the proposed rural lifestyle areas. Reticulated water supply and the higher order Goulburn services are available to this area.

The larger rural areas have basic services of power, telephone, sealed roads and primary schools and are on school bus routes, within reasonable distance of the higher order services offered at Goulburn, Marulan, Tallong and Tarago, the proposed lot sizes 10, 20 and 40 hectares are also of sufficient size so as not to require extension of reticulated water and sewerage services and the areas are serviced by waste management facilities at Goulburn, Marulan and Tarago.

Rural development will be restricted in the remoter areas of the LGA.

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

Sydney – Canberra Corridor Regional Strategy - Rural Lands and Primary Production.

The revised Planning Proposal builds on the co-ordinated approach taken to settlement planning in the three principal planning instruments recently adopted by Council:

- § Goulburn Mulwaree Strategy 2020, an applicable local strategy endorsed by the Director-General;
- § Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 1 and
- § Goulburn Mulwaree Development Control Plan 2009, Amendment No. 1, a Local Government Area comprehensive development control plan.

An examination of the Regional Strategy's rural lands and primary production outcomes / actions confirms the revised planning proposal's consistency with the Regional Strategy:

- § it will further protect significant agricultural lands and better manage rural subdivision in the E3 zone;
- § it will strengthen scenic, environmental and economic values;
- § it will locate rural residential development adjacent to towns, villages and communities;
- § it will help stimulate the rural economy by the introduction of increased housing opportunities and an alternative means of 40 or 100 hectare rural subdivision in the E3 zone;
- § it will provide a greater level of certainty for land owners and allow orderly development of fringe urban lands by the introduction of additional RU6 zoned areas; and
- § it will maintain controls introduced into the existing EPI's on extractive industries and mineral resources, wind farms and land use conflicts.

In conclusion the rural lands planning proposal maintains and or strengthens the desired actions and outcomes of the Regional Strategy:

- § "rural residential development has been limited to those areas on the fringes of existing villages";
- § "identification and protection of extractive industries through the use of zoning / LEP mapping"; and
- § "identification of environmentally sensitive lands".

Goulburn Mulwaree Strategy 2020

Chapter 12 of the Strategy sets out principals for the development of rural and agricultural areas. The rural lands planning proposal maintains consistency with those principals:

- § protection of agricultural productivity, suitability and capacity;
- § promotion of rural activities;
- § protection / preservation of environmentally sensitive lands;
- § additional standards to minimise land use conflicts;
- § protection / retention of large agricultural holdings; and
- § conditional / cautious approach to the reduction of rural minimum allotment size.

Drinking Water Catchments Regional Environmental Plan No.1

This REP requires:

- § The Sydney Catchment Authority (SCA) to prepare strategic land and water capability assessments (SLWCAs) for the hydrological catchment; and
- § Councils, preparing a draft LEP that applies to the hydrological catchment to consider any SLWCA prepared by the SCA.

SCA, strategic land and water capability assessments have been undertaken for the proposed rural lifestyle areas. A summary of the outcomes has been provided

at 3.6(d) while the full investigations are part of the amendment (No. 2) to Goulburn Mulwaree Development Control Plan 2009 which is included at appendix E.

4.2 State Environmental Planning Policy (Rural Lands) – Rural Subdivision Principals

a. “Minimisation of rural land fragmentation:”

Fragmentation has occurred in the past.

This planning proposal will improve the current and future situation by:

- § Preserving the larger productive rural holdings (figure 2);
- § Minimising the impacts on significant agricultural lands;
- § Better managing rural subdivisions;
- § Protecting significant environmental sensitive lands; and
- § Minimising service impact costs to the local community, Council and the State Government.

In July 2008 the Department of Primary Industries issued Council with the Agricultural Land Classification Map (Figure 3).

Prime crop and pasture land has been mapped as class 1, 2 and 3 under the 5 class classification system adopted by the Department of Primary Industries. This planning proposal will include a range of lot sizes generally of 1, 2, 10, 20 and 40 hectares restricted to 8% of the LGA in the Parkesbourne, Goulburn, Marulan, Tallong corridor and adjacent to the outlying villages of Bungonia, Tarago and Towrang. Of the identified significant agricultural land the proposed rural lifestyle development areas will affect about 4.9%, the majority of which is adjacent to the City of Goulburn (Figure 4).

As discussed the majority of the LGA will be restricted in it's development potential by the 100 hectare minimum lot size.

b. “Minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses:”

Rural land use conflicts have and will be minimised by:

- § The introduction of the transition zone between urban centres and the traditional rural activities in the Primary Production and Rural Landscape zones;
- § The introduction of extensive development controls in the Goulburn Mulwaree Development Control Plan 2009, amendment No. 1 and proposed amendment No. 2;
- § By rationalising the rural lot sizes across the LGA;
- § By concentrating development adjacent to existing settlements and the existing settlement corridor and
- § By carefully selecting the permitted uses in the wide range of zones used in the Goulburn Mulwaree Local Environmental Plan 2009, amendment No. 1.

- 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."*

The range of lot sizes proposed in the planning proposal have resulted from a review of :

- § Size and pattern of existing rural holdings and their activities (figure 8);
- § Environmental constraints;
- § Existing developed and serviced areas adjacent to towns, villages and developed corridors;
- § Rural residential land zoned large lot residential in Goulburn Mulwaree Local Environmental Plan 2009, amendment No. 1; and
- § The impact of proposed development on significant agricultural lands.

- d. *"The consideration of the natural and physical constraints and opportunities of land:*

"Goulburn Mulwaree Strategy 2020 and Biodiversity Strategy 2007 reviewed the natural and physical constraints and opportunities.

The revised planning proposal has further reviewed these same elements.

Having regard to the limitation of those studies the approach adopted was:

- § The introduction of 342 km² of additional environmentally zoned areas which have been clearly identified as requiring that level of protection;
- § The introduction of environmentally sensitive land – biodiversity clause and overlay map in the Goulburn Mulwaree Local Environmental Plan 2009, amendment No. 1 over land identified, but not ground truthed as having high conservation value;
- § The introduction of rural landscape zone over the vegetation areas of the Local Government Area where permissible land uses are very similar to the E3 zone;
- § The introduction of development controls in the Development Control Plan 2009, amendment No. 1. Chapters 3.7 to 3.17 and proposed chapter 8.7 of the Development Control Plan have and will introduce extensive development control provisions that relate to the maintenance, protection and improvement of amenity, natural resource areas and water quality; and
- § The introduction of better management of 40 and 100 hectares minimum lot size controls over the E3 zoned areas.

Development opportunities were then identified around existing settlements and along the defined east to west corridor.

- e. *"Ensuring that planning for dwelling opportunities takes account of those constraints:"*

Areas selected for rural lifestyle development have:

- § Reasonably avoided the constrained areas, areas not capable for certain developments and larger productive rural holdings 400 hectares and above and significant agricultural lands;
- § Been concentrated adjacent to developed towns and villages and along a serviced existing development corridor;

- § A minimum rural lifestyle lot size, where unserviced of either 10 hectares, 20 hectares or 40 hectares which are of sufficient size for collection of potable water, installation of on site effluent disposal systems, to manage constraints and to provide a buffer area if necessary; and
- § Avoided the significant regional biodiversity corridors linking Bungonia State Conservation area with the Tarlo River National Park and the eastern Shoalhaven corridor linking up with the extended Lake Bathurst / Morass Wetland Catchment Land; and
- § Been examined against the SLWCA stage 2 mapping for land capability.

In addition, dwelling opportunities created by proposed 40 or 100 hectares environmental management subdivisions will be better managed by the averaging lot development proposal to avoid identified constraints.