

Contact: Strategic Planning

Reference: JGM:CG

23 June 2010

Mr Brett Whitworth
Department of Planning
Regional Director Southern Region
PO Box 5475
WOLLONGONG NSW 2520

Attention: Mr Mark Parker

Dear Mr Whitworth

**Subject: 1. Lot Averaging in Rural Zones
2. Revised Planning Proposal for Rural Lands across the Goulburn Mulwaree LGA
Your Reference: W08/00144-1**

1. Further to Minister Kelly's letter dated 13 May 2010, Council maintains its position that lot averaging in rural areas is still a legitimate position for the Government to take in our Councils circumstances and advised the Local Government and Shires Associations accordingly.
Further to your proposed model clause for community title schemes in zones E3 and E4 the following comments are offered:

Council supports the use of a model local provision and agrees that in environmental zones the clustering of lots can result in better environmental outcomes in protecting Councils identified sensitive areas by the clustering of the 10 hectare lifestyle lots in unconstrained areas with the sensitive lands contained in the much larger residue lot.

Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 1 has mapped its sensitive lands (biodiversity) and included a supporting development standard local clause, 'environmentally sensitive land – biodiversity'. Other subdivision design requirements are included in Goulburn Mulwaree Development Control Plan 2009, Amendment No. 1.

While the use of community title subdivision is an option it is unnecessary and in some cases counter productive to make it mandatory in the rural context.

Experience in the adjoining local government areas has shown that the use of community title has lead to management problems concerning association lots. Community associations have difficulty in managing association lots be it weed management, feral animal management, conservation management, on site waste water management or because the lot is simply too large.

In Goulburn Mulwaree's case a typical two lot subdivision would be a 10 hectare lifestyle lot and a residue lot of either 70 or 190 hectares because of our minimum lot size

standards. Experience has shown the farmer retaining the residue lot is the better management option. In Council's opinion the environmental zoning, environmental development standard clause and standards requirements of the Goulburn Mulwaree Development Control Plan 2009, Amendment No. 1 will achieve the specified purpose of the suggested model clause. If necessary torrens title subdivision can also impose restrictions as to user.

2. Notwithstanding Council's continued opposition to the removal of lot averaging in rural zones, a revised rural lands planning proposal is attached which in summary has:
 - (a) Reviewed the proposed rural lifestyle areas against the latest Sydney Catchment Authority, Strategic Land and Water Capability assessment stage 2 mapping which resulting in some adjustments to the areas and has recommended zone changes;
 - (b) Inserted the following draft model local clauses:
 - (ii) 4.1b "Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings";
 - (iii) 4.1c "Exceptions to minimum lot sizes for certain residential development";
 - (iv) 4.1a "Minimum lot size for community title schemes in zones E3 and E4" as amended by Council's revised proposal; and
 - (c) Detailed proposed amendments to Goulburn Mulwaree Development Control Plan 2009, Amendment No. 1 to support the development of rural lifestyle areas.

Pursuant to clause 4.8, "A guide to preparing local environmental plans" Council has varied its planning proposal to accommodate additional investigations undertaken by the Sydney Catchment Authority, to take advantage of new model local clauses and to comply with the gateway determination requiring removal of the rural lot averaging clause from RU1 and RU2 zoned land.

Community and public authority consultation has not as yet taken place.

Council resolved the following:

"Resolved 10/254

Cr Peterson/Cr Kirk

That:

- A. The revised Rural Lands Planning Proposal be referred to the Minister in accordance with the legislation.*
- B. On approval from the Minister the revised Rural Lands Planning Proposal be exhibited in accordance with the gateway determination.*
- C. Proposed amendments to the Development Control Plan 2009 be endorsed for public exhibition in conjunction with the revised Rural Lands Planning Proposal."*

Council's report, including minutes, revised rural lands planning proposal and proposed amendments to Goulburn Mulwaree Development Control Plan 2009, Amendment No. 1 are attached in hard copy and disk.

You earliest reply would be appreciated so that the matter can be finished in the required timeframe.

Should you have any queries in regard to this proposal please contact John Massey on (02) 4823 4408

Yours faithfully

A handwritten signature in black ink, appearing to read "J. Massey". The signature is fluid and cursive, with a large loop at the end of the last name.

John Massey
Manager Strategic Planning