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Mr Wesley Folitarik
Principal Strategic Planner
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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