
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).

Report

In May 2012 Council determined to initiate an amendment to LEP 2009 and referred Planning Proposal No 4 to the Department of Planning & Infrastructure for gateway determination. In summary the Planning Proposal seeks to:

1. Adopt 'Village', 'Environmental Conservation' and 'Public Recreation' zones and reduce the minimum lot size from 100ha to 2ha for a number of properties in Towrang
2. Introduce lot averaging provisions in certain rural zones
3. Reduce the minimum lot size for 29 and 64 Highland Way, Marulan to allow subdivision of properties currently divided by the Highland Way road reserve
4. Allow a recently subdivided portion of land on the corner of Racecourse Drive and Taralga Road to be used for animal boarding or training establishment related to horse racing whether or not that use involves the agistment of horses
5. Reduce the minimum lot size for a number of properties within the Kingsdale locality from 100ha to 10ha
6. Reduce the minimum lot size at 152 Medway Road, Marulan from 100ha to 10ha

The Department advises (refer Enclosure) it is seeking either minor changes or further information to support the Planning Proposal.

The following matters require the minor changes to the Planning Proposal:

1. Towrang Village
 - Provide additional justification for rezoning of 'Environmental Conservation' land
 - Amend minimum lot size map (LSZ_001A) for land to be rezoned to 'Environmental Conservation' to have a minimum lot size of 20ha or 24ha

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2. Lot averaging provisions in rural areas
 - Remove 'Village' zone from applying to the proposed lot averaging clause as lot averaging is not considered appropriate in what is essentially an urban zone
3. 29 and 64 Highland Way, Marulan
 - Change approach to providing minimum lot size map as opposed to using Schedule 1 of the LEP
4. Corner Racecourse Drive and Taralga Road additional permitted uses
 - Provide map displaying the broader context
 - Add 'animal and boarding or training establishments' as 'permitted with consent' in the 'Private Recreation' zone thus negating the need to amend Schedule 1 of the LEP

The following matters requires further investigation:

5. Medway Road, Marulan
 - Introduce a 'Small Lot Primary Production' zone to the LEP and apply this zone to the Medway site
 - Protect the environmentally sensitive land identified on the site by rezoning those areas as 'Environmental Conservation' or 'Environmental Management' with a minimum lot size to allow only one dwelling site within that area. The use of lot averaging was also suggested as an alternative approach to achieving this
 - Address the Sydney- Canberra Corridor Regional Strategy Sustainability Criteria because the proposal sits outside of the Regional Strategy process (refer Enclosure)
 - Provide further justification on the supply and demand for rural residential development of this nature
6. Kingsdale Minimum Lot Size Change
 - Provide the size of the subject land and the potential lot yield.
 - Provide justification for 10ha minimum lot size within the current 'Environmental Management' zone and provide proper justification for 10ha minimum lot size given the land's agricultural value and potential impact on water quality
 - Address Ministerial s117 Direction 2.1 Environmental Protection Zones
 - Justification for reducing the minimum lot size given the amount of rural residential subdivision that will occur in the immediate vicinity through LEP Amendment No 2
 - Justification for why this matter is being considered prior to the 2014 LEP Review given that this was Council's previous resolution.

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The Department has suggested separating the matters requiring minor changes from those needing further investigation and dealing with them in a separate LEP amendment. This approach is considered reasonable.

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

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

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	☐	☐
Cr Kirk	☐	☐
Cr O'Neill	☐	☐
Cr Penning	☐	☐
Cr Peterson	☐	☐
Cr Sturgiss	☐	☐

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

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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.