

Planning Proposal Mountain Ash Road, Brisbane Grove

Proposal Title :	Planning Proposal Mountain Ash Road, Brisbane Grove		
Proposal Summary :	The proposal seeks a reduction in the minimum lot size from 100 hectares and 10 hectares minimum to 2 hectares for various properties (approximately 277 hectares in total area) located along Mountain Ash Road and Rosemount Road in Brisbane Grove and Gundry. The proposal has potential to yield up to 134 allotments.		
PP Number :	PP_2015_GOULB_001_00	Dop File No :	15/03994

Proposal Details

Date Planning Proposal Received :	27-Apr-2015	LGA covered :	Goulburn Mulwaree
Region :	Southern	RPA :	Goulburn Mulwaree Council
State Electorate :	GOULBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	132 Rosemount Road		
Suburb :	Gundry	City :	Goulburn
Land Parcel :	Lot 1 DP853498		Postcode : 2580
Street :	15 Mountain Ash Road		
Suburb :	Brisbane Grove	City :	Goulburn
Land Parcel :	Lot 1 DP779194		Postcode : 2580
Street :	35 Mountain Ash Road		
Suburb :	Brisbane Grove	City :	Goulburn
Land Parcel :	Lot 103 DP70346		Postcode : 2580
Street :	101 Mountain Ash Road		
Suburb :	Brisbane Grove	City :	Goulburn
Land Parcel :	Lot 1 DP83578, Lot 104 DP126140, Lot 105 DP126140, Lot 106 DP126140		Postcode : 2480
Street :	109 Mountain Ash Road		
Suburb :	Brisbane Grove	City :	Goulburn
Land Parcel :	Lot 2 DP835278		Postcode : 2480
Street :	148 Mountain Ash Road		
Suburb :	Brisbane Grove	City :	Goulburn
Land Parcel :	Lot 3 DP835278		Postcode : 2480
Street :	188 Mountain Ash Road		
Suburb :	Gundry	City :	Goulburn
Land Parcel :	Lot 22 DP811954		Postcode : 2480

Planning Proposal Mountain Ash Road, Brisbane Grove

Street :	206 Mountain Ash Road		
Suburb :	Gundary	City :	Goulburn
		Postcode :	2480
Land Parcel :	Lot 23 DP811954		
Street :	274 Mountain Ash Road		
Suburb :	Gundary	City :	Goulburn
		Postcode :	2480
Land Parcel :	Lot 24 DP811954		
Street :	4 Barretts Lane		
Suburb :	Gundary	City :	Goulburn
		Postcode :	2480
Land Parcel :	Lot 1 DP731427		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	277.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	134
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			

Planning Proposal Mountain Ash Road, Brisbane Grove

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **On 18 November 2015, Goulburn Mulwaree Council received a planning proposal from CJS Planning Services seeking a reduction in the minimum lot size applying to thirteen lots located along Mountain Ash Road and Rosemount Road in Brisbane Grove and Gundry from 100 hectares and 10 hectares to 2 hectares.**

On 17 February 2015 Council considered the request to amend the Goulburn Mulwaree LEP 2009 and resolved 'That Council support the planning proposal for minimum lot size reduction on rural land at Mountain Ash Road and Rosemount Road, Brisbane Grove & Gundry in its current form and request a Gateway determination from the Department of Planning & Environment.'

On 12 March 2015, Council sent the Department preliminary comment on the planning proposal from WaterNSW provided in accordance with the Section 117 Direction 5.2 Sydney Drinking Water Catchment.

The Department sought additional information on the proposal from Council on 18 March 2015, namely:

- Council's advice on the status of the Southern Distribution Hub which affects most of the site, which was given Concept Approval by the Department in 2007.
- Details of the current supply and annual uptake of 2 hectare rural lifestyle lots in the Goulburn area.
- Advice on Council's intention for the adjoining land zoned B6 Transition.

The additional information was received on 27 April 2015.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The stated objectives and intended outcomes of the planning proposal are:**

1. To reduce the minimum lot size of 132 Rosemount Road, Gundry (Lot 1 DP 853498) from 10ha to 2ha; and

2. To reduce the minimum lot size of various identified properties on Mountain Ash Road, Brisbane Grove and Gundry and 4 Barretts Lane, Gundry from 100ha to 2ha.

The 2ha lots proposed are intended to be used for large lot residential housing.

The statement of objectives is considered to be adequate and clearly describes the objective of the plan to reduce minimum lot size.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal states that the intended outcome will be achieved by amending the Goulburn Mulwaree LEP 2009 Lot Size Maps (LSZ_001E and LSZ_001).**

The statement of provisions is considered to be adequate.

However, retaining the current RU1 Primary Production Zone for the subject land with a minimum lot size of 2ha is not considered to be appropriate. An R5 Large Lot Residential Zone is considered a more appropriate zone for the subject land given that the lots are intended for rural lifestyle living rather than for primary production.

It is recommended that the Gateway is conditioned to require that the land proposed for small rural lifestyle lots with a 2ha lot size is zoned R5 Large Lot Residential Zone in the exhibited proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

Drinking Water Catchments Regional Environmental Plan No. 1

e) List any other matters that need to be considered :

The Section 117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 4.3 Flood Prone Land and the SEPP 55 Remediation of Land may also be relevant to the planning proposal.

The Drinking Water Catchments Regional Environmental Plan No.1 has been replaced with the SEPP (Drinking Water Catchment) 2011.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Goulburn Mulwaree 2020:

The Goulburn Mulwaree 2020 strategy was prepared by Goulburn Mulwaree Council in 2006 to promote the sustainable management of the local government area and guide land use decisions to 2020. The Strategy was endorsed by the Department in 2008.

The planning proposal states that it is consistent with the 2020 Strategy in terms of providing a large lot residential housing option that will not significantly affect agricultural productivity or result in inappropriate fragmentation of farmland.

The Strategy does not, however, specifically identify the subject land as a growth area. Rather the Strategy identifies that:

- Goulburn will remain the primary living and employment centre for Goulburn Mulwaree.

- Mary's Mount located at north Goulburn will provide the primary source of residential land to accommodate the future growth of Goulburn to 2020.

- areas west and south west of Goulburn also present the potential to accommodate large lot residential development and provide an alternative residential choice to Mary's Mount. Furthermore it recommends a 10 hectare minimum lot size for allotments without water and sewer.

The Mary's Mount urban release area was rezoned as part of the Goulburn Mulwaree LEP 2009 while land West and South West of Goulburn was rezoned to R5 Large Lot Residential as part of a 2010/11 comprehensive Rural Lands Planning Study and Planning Proposal that was implemented in 2012 via Goulburn Mulwaree LEP 2009 (Amendment No 2). The Rural Lands Study provided a comprehensive review of rural lot

sizes (2ha-40ha) across the local government area following a detailed consideration of opportunities and constraints, notably environmental (including water quality issues), agriculture, infrastructure and servicing issues.

The Rural Lands Planning process has provided approximately 21,000 ha of rural land available for small rural and 'lifestyle' lots (between 2ha and 40ha in size) in locations adjoining Goulburn City, Marulan and other well serviced towns and villages. The subject site was not considered for rural residential development because it was proposed, at the time, to be developed as a business park.

The Goulburn Mulwaree Strategy 2020 also provides a number of strategies/principles to accommodate urban and rural growth within the LGA that are generally consistent with the proposal, namely:

- supporting rural and agricultural industry and lifestyles including provisions for Large Lot Residential living should be focused around the existing City and Village zones. The future use of rural lands will seek to balance agricultural requirements, environmental constraints and minimise potential for land use conflicts and inappropriate fragmentation.

- Promotion of employment lands within Goulburn City, Marulan and Tarago.

- Reinforce the role of Goulburn as the centre for population and employment growth.

Council has resolved to undertake a review of the Goulburn Mulwaree Strategy 2020 and Goulburn Mulwaree LEP 2009 to address urban and rural development issues. Council, does not, however, have a timeframe for completing this work.

The proposed 2ha unsewered lots are inconsistent with the Strategy's recommendation for at least a 10 hectare minimum lot size for allotments without water and sewer on land west and south west of Goulburn that is zoned R5 Large Lot Residential.

WaterNSW has raised a number of concerns about the potential impact on local water resources/drinking water catchment of the proposed 2ha unsewered lots as part of its preliminary comment to Council on the planning proposal. Further investigation and consultation is recommended to determine the suitable lot size or the need for connection to Council's sewerage system. This matter is discussed further in relation to s117 Direction 5.2 Sydney Drinking Water Catchments.

It is considered that the proposal is generally consistent with the Goulburn Mulwaree Strategy 2020, particularly given its location in close proximity to Goulburn and the existing road infrastructure.

Section 117 Directions:

Direction 1.2 Rural Zones

The objective of the Direction is to protect the agricultural production value of rural land. The subject land is currently zoned RU1 Primary Production which is intended for significant agricultural land.

The proposal states that:

- an increase in the permissible density of land is justified in terms of the proposal's minor significance and consistency with the Regional Strategy (p.7); and
- it will not significantly affect agricultural production value of rural land in the Goulburn Mulwaree area due to its proximity to Goulburn, and adjoining land with minimum lot size less than 40ha lends itself to rural lifestyle living (p.7);
- the site is not considered to be significant agricultural land or productive resource

land (p.15).

The applicable Sydney Canberra Corridor Regional Strategy requires (p.21) that local environmental plans will protect and zone land that is identified through local strategic planning as of significant agricultural land. The proposal does not provide any evidence that the land is not considered to be significant agricultural land or productive resource land.

It is noted that the Department's 2006 assessment report for the Southern Distribution Hub proposal, which covers most of the site, considered that the loss of 430 hectares of agricultural land is insignificant compared to the total area of agricultural land in the LGA (p.29). The loss of 277ha of grazing land subject to the current planning proposal is also likely to be insignificant in the context of the LGA. Regardless, consultation with the Department of Primary Industry (Agriculture) is recommended to confirm the agricultural value, both current and potential, of the land.

The Regional Strategy also requires that rural residential development should only be undertaken on the basis of an agreed local government wide settlement strategy. As previously mentioned, the Goulburn Mulwaree Strategy 2020 does not specifically identify the site for urban growth, however, it does provide a number of general strategies to accommodate new urban and rural growth that are generally consistent with the proposal because of its proximity to the urban area of Goulburn.

The proposal also seeks to justify the development via the Sustainability Criteria provided in the Sydney Canberra Corridor Regional Strategy. With a number of exceptions, namely concerning infrastructure provision and environmental protection criteria, which require further investigation and consultation, the justification provided via the Sustainability Criteria is considered to be satisfactory, for the reasons provided in the proposal. A detailed consideration of this is provided under Direction 5.1 Implementation of Regional Strategies.

Recommendation: The Secretary's delegate can be satisfied that any inconsistency with the Direction is justified by the Sydney Canberra Regional Strategy and Goulburn Mulwaree Strategy 2020.

Direction 1.5 Rural Lands

The proposal states that an increase in the permissible density of land is justified in terms of the proposal's minor significance and consistency with the Regional Strategy. Further it states that the proposal will facilitate the orderly and economic development of rural lands for rural and related purposes by the provision of rural lifestyle living in close proximity to an existing Regional centre thereby reducing fragmentation of rural lands.

The proposal (p.5) considers the Rural Planning and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008. It concludes that it is generally consistent with these principles for the following reasons:

- the proposal facilitates rural lifestyle settlement and housing in close proximity to a major regional centre (Goulburn is approx 3km away from the site).
- The proposal is consistent with the Rural Settlement Strategy endorsed by the Goulburn Mulwaree LEP 2009 (Amendment No.2) whereby lot sizes less than 40ha are congregated around existing towns and villages.
- The proximity of the subject land to Goulburn and adjoining land with minimum lot size provisions less than 40ha will ensure the proposal will not result in fragmentation of farm land.

- The proximity of the site to Goulburn and adjoining land with minimum lot size provisions of 20 and 10ha ensures the proposal will increase compatibility and minimise any potential for land use conflicts caused by intensive agriculture uses.

- The proximity of the subject land to the Hume Highway and network of local roads will minimise the potential for land use conflicts. The ridgeline to the south of the subject land will also assist to reduce any land use conflicts if there was to be any significant intensification of use in the surrounding rural land.

-The planning proposal will have minimal environmental impact on the local biodiversity and water resources.

- The subject land is adequately serviced in terms of electricity, telecommunications, road network and associated services (eg school bus and postal service). The proximity to Goulburn will ensure ready access to all the services provided by the Regional Centre (eg health, education, employment, recreational and social).

- No significant development of an intensive agricultural or rural industry nature has been approved in close proximity to the subject land. The surrounding rural area is used predominantly for rural residential purposes with agricultural activities restricted to grazing.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with the Direction.

Direction 2.1 Environmental Protection Zones

This Direction requires planning proposals to include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The proposal states that an increase in the permissible density of land is justified in terms of the proposal's minor significance and consistency with the Regional Strategy. It also states that the proposal will have minimal environmental impact.

The proposal indicates that the site is predominantly grassland with lightly scattered timber including remnant stands of Blakely's Red Gum (*Eucalyptus blakelyi*) but that no endangered populations or ecological communities are known to occur on the site. The proposal states that the Striped Legless Lizard, which is a threatened species listed on the State and National threatened species lists, may occur along the native grasslands of the Gundry Travelling Stock Route, which adjoins the site but the degraded nature of the site due to pasture improvement means the value of the site to sustain the lizard is low. It indicates that part of the site is covered by the Goulburn LEP 2009 Biodiversity Map which will continue to protect the site.

The Department's assessment report (p.27) for the Southern Distribution Hub did not consider that the Distribution Hub proposal would have an adverse impact on endangered communities and species. The proponent had proposed to establish a 50 metre conservation zone adjacent to the Gundry Travelling Stock Route, as part of the Southern Distribution Hub proposal, to protect the Striped Legless Lizard.

Council has proposed to undertake a study to identify and manage natural resources and environmental attributes of the site following the issue of a Gateway determination. Council's proposed study is supported, as well as consultation with the Office of Environment and Heritage, to give further consideration to the protection of any endangered species and ecological communities on or adjoining the site.

Recommendation: That further investigation and referral is required to ensure compliance with the Direction.

Direction 4.4 Bushfire Protection

The proposal states that it will not place inappropriate development in hazardous areas. It is unclear from the bushfire prone land map provided in the proposal if any parts of the site are bushfire prone. It is recommended that Council consult with the Rural Fire Service to ensure compliance with the Direction.

Recommendation: That Council consult with the Rural Fire Service prior to exhibition to ensure compliance with the Direction.

Direction 5.1 Implementation of Regional Strategies

The proposal states that an increase in the permissible density of land is justified in terms of its consistency with the Regional Strategy.

The Sydney Canberra Corridor Regional Strategy requires that:

- Only new areas which are/will be identified in the Goulburn Mulwaree LEP 2009 and endorsed Goulburn Mulwaree Strategy 2020 are supported (p.39).
- Additional housing areas outside of those set out in the Regional Strategy and supporting LEPs are only to be supported if they can satisfy the Sustainability Criteria in Appendix 1 (p.39).
- Additional rural residential development areas will only be considered if justified by a local settlement strategy that assesses the net economic and social benefit of additional rural residential land against the loss of the potential development of the land for agricultural purposes (p.40).
- Planning for rural residential land must be integrated with the supply of relevant infrastructure and transport services (p.40).

The proposal states that it is consistent with the Goulburn Mulwaree LEP (Amendment No.2) and Council's Rural Lands Planning Proposal process because it seeks a concentration of small acreage housing options on the outskirts of Goulburn to reduce the fragmentation of farmland. As previously discussed, the site was not specifically identified for rural residential development as part of Amendment No.2 or the Rural Lands Planning Proposal process. The site is also not specifically identified in the Goulburn Strategy 2020. It is, however, broadly consistent with the strategies for accommodating urban and rural growth in that policy.

The proposal provides the following justification for the proposed development against the Sustainability Criteria in the Sydney Canberra Corridor Regional Strategy as follows:

Infrastructure provision - key infrastructure provision relates to internal roads and drainage channels which will be undertaken by the property owner as direct works and that any future development of the site would be subject to Section 94A contributions. The justification provided could establish more detail but is a reasonable base for further studies as part of the Gateway process. Further investigation and consultation is recommended.

Access - the proposal states that the site has access to a sealed network of local roads which provide access to Goulburn and a number of access points to the Hume Highway. The road network has sufficient capacity to cope with any additional demand generated by development of the land arising from the planning proposal. The existing timber Landsdown Bridge over the Mulwaree Chain-O-Ponds is proposed to be replaced by RMS with a new concrete bridge. The justification provided is considered reasonable, although further investigation and consultation with the Roads and Maritime Service is

recommended.

Housing diversity - the proposal considers that it will deliver a 2 ha rural lifestyle option which will add to housing diversity and which has proven very popular with buyers. The justification provided is considered reasonable.

Employment Lands - the proposal notes that the site forms part of the Southern Distribution Business Park which gained Concept Approval from the Department in 2007. The proponent has advised that it does not intend to pursue this development option and considers that the Approval has lapsed. The justification provided is considered reasonable. It is also considered that the proposal would support employment lands via creating demand for local jobs eg building, services and support for the Goulburn economy in general.

Avoidance of Risk - the proposal identifies that land use conflicts are considered to be low and can be abated through subdivision design. It is noted that the site adjoins low density residential and rural residential uses to the north and rural/rural residential uses to the west, south and east. The proposal also states that the site is not adversely affected by steep slopes, erosion, flooding or bushfire. It is recommended that further investigation and consultation is undertaken to address any risk issues associated with the site, notably flooding and bushfire.

Natural resources - The proposal states that it is not proposed to connect the site to the reticulated water supply and that the site is not considered to be significant agricultural land or productive resource land.

WaterNSW has raised concern about the impact of the proposed 2ha unsewered rural lifestyle lots on the water quality of the Sydney Drinking Water Catchment. It is recommended that a water quality study, including consideration of the Strategic Land and Water Capability Assessment maps prepared by WaterNSW for the site be undertaken in consultation with WaterNSW if a Gateway determination is granted.

Environmental protection - No endangered populations or ecological communities are known to occur on the subject land and there are no known sites of Aboriginal significance or interest. As previously discussed, a flora and fauna study and consultation with the OEH is recommended to ensure that any endangered species or communities are protected.

Quality and equity in services - the proposal identifies that all services for future residents are located in Goulburn which is recognised as a major regional centre. The justification provided is considered reasonable.

In summary, a number of Sustainability Criteria, particularly natural resources/water quality will require further justification through investigation and agency consultation. On balance, it is considered that the sustainability criteria are adequately justified by the proposal.

Recommendation: The Secretary's delegate can be satisfied that the proposal is generally consistent with the Direction.

Direction 5.2 Sydney Drinking Water Catchments

The proposal states that an assessment in terms of the strategic land and water capability of the site and compliance with the neutral or beneficial effects on water quality (NorBe) requirement will be undertaken by the Sydney Catchment Authority (WaterNSW) as part of any agency consultation process.

WaterNSW has raised a number of significant concerns in relation to the proposal as part of its preliminary consultation in accordance with the Direction:

- There are several watercourses running across the site, and Strategic Land and Water Capability Assessment (SLWCA) constraints mapping that has been provided by WaterNSW shows an extreme risk to water quality along and adjacent to the creeklines.

- It is unclear how the proposed yield of 134 lots has considered the SLWCA constraints mapping. Achieving this lot yield would require the site to be subdivided into 2ha lots including those areas of the site which show high and extreme risks to water quality from future unsewered residential development.

- WaterNSW does not support the planning proposal to change the minimum lot size to 2ha. There is insufficient information about management of potential risks to water quality associated with the creation and development of 2ha lots within the RU1 Primary Production Zone.

- WaterNSW recommends that any planning proposal undertake a preliminary assessment of the physical characteristics of the site and consider whether (and how) the lot yield, design and configuration would allow future proposed lots to meet relevant planning and environmental considerations including NorBe.

It is recommended that Council undertake further investigations and studies to address the concerns raised by WaterNSW in compliance with the Direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The land may be more appropriately rezoned from an RU1 Primary Production Zone to an R5 Large Lot Residential Zone as the R5 Zone objectives would be consistent with the proposed development of the land for rural lifestyle lots. Although extractive industry is prohibited in the R5 Zone under the Goulburn Mulwaree LEP 2009, agriculture is permissible. Extractive industry is permissible wherever agriculture is permissible in accordance with the the SEPP Mining, Petroleum Production and Extractive Industries 2007. The SEPP prevails over an LEP wherever there is an inconsistency. Therefore if the site was rezoned to an R5 Zone, then extractive industry would continue to be a permissible use, and so the proposal would not be inconsistent with the Direction or the SEPP.

Direction 4.3 - Flood Prone Land

Although not identified in the planning proposal, the Direction may also be relevant. The proposal states that it is unlikely to impact upon existing flood events as most of the flooding is associated with water backed up from the confluence of the Wollondilly River. Furthermore, in flood events Windellama Road and Mountain Ash Road tend to be inundated near their intersection. The subject land is only prone to minor flooding.

The proposal does not identify whether the proposed development could affect flood behaviour or/increase flood risk. Council's report states that flood issues have not been adequately addressed in the proponent's planning proposal and that further information on flood risk would be required if a Gateway determination is provided.

Recommendation: that Council provide additional flood risk information to justify whether the proposal is consistent with the Direction.

State Environmental Planning Policies

SEPP (Rural Lands) 2008 - As mentioned previously, the planning proposal has undertaken an assessment of the Rural Planning Principles and Rural Subdivision Principles provided under the SEPP and has concluded that the proposal is generally consistent with these principles. This position is generally supported for the reasons provided in the planning proposal.

SEPP (Drinking Water Catchment) 2011 - The proposal is located within the Sydney Drinking Water Catchment. The proposal states that it will have minimal environmental impact. It further states that it will achieve compliance with the Neutral or Beneficial Effects (NorBe) test for impact on water quality. As discussed previously, further information is required assess the likely impact of the proposal on water quality.

SEPP 55 Contaminated Land - Although not identified in the proponent's proposal, the SEPP is also relevant to the planning proposal because agricultural land has the potential to be contaminated and a more sensitive land use (ie small lot rural lifestyle) is proposed. The SEPP requires that in these circumstances a preliminary site contamination report needs to be prepared to inform future rezoning and development decisions. Council's report has indicated that contamination information to address the SEPP would be provided if a Gateway determination is provided.

Recommendation: That a preliminary site contamination report for the site is prepared and included in the exhibition materials.

SEPP Mining, Petroleum Production and Extractive Industries 2007 - As previously discussed, the proposal is considered to be consistent with the Direction.

Recommendation: That, with the exception of SEPP (Drinking Water Catchment) 2011, which requires further justification and consultation, the Secretary's delegate can be satisfied that the proposal is consistent with all relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The following maps are provided in the planning proposal:

Figure 1 - Locality plan

Figure 2 - Overland flow paths and intermittent creeks map

Figures 3 & 5 - Natural Resources Sensitivity Map - Terrestrial Biodiversity

Figure 4 - Heritage items map

Figure 6 - Flood Planning Map

Figure 7 - Mineral Resource Area Map

Figure 8 - Bushfire Prone Land Map

The maps are generally adequate for the purposes of exhibition. Zoning and Lot Size Maps will be required to be prepared consistent with the Department's technical guidelines for LEP maps as part of the final planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 28 day exhibition period.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : It is recommended that Council revise the planning proposal following the proposed studies and investigations prior to exhibition, including considering preliminary comments provided by WaterNSW in relation to water quality/drinking water catchment issues, and resubmit the planning proposal to the Department for review.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : Council has proposed a 12 month timeframe for completing an LEP but does not provide a detailed project timeline required by the Department's guide to preparing planning proposals. It is recommended that Council include a detailed project timeline

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in the revised planning proposal. With respect to the studies required it is considered that an 18 month timeframe is more reasonable.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The current Principal LEP is the Goulburn Mulwaree LEP 2009. Council is considering undertaking a review of the LEP, including reviewing employment, agricultural and residential (including rural residential) land.

Assessment Criteria

Need for planning
proposal :

The planning proposal is required to amend the Goulburn Mulwaree LEP 2009 to reduce the minimum lot size for the subject lands from 100ha & 10ha to 2 ha to enable the future subdivision and development of the land for up to 134 small rural lifestyle lots.

A Planning Proposal is an appropriate way of achieving this outcome and providing opportunities for comment on the proposal.

It is considered that the zoning of the land should also be changed to R5 Rural Residential to better reflect the desired outcome.

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Consistency with strategic planning framework :

The proposal is considered to be generally consistent with the strategic planning framework, notably the Goulburn Mulwaree Strategy 2020 and the Sydney Canberra Corridor Regional Strategy. It is noted that the 17 February 2015 report on the planning proposal to Council raised a number of strategic concerns, notably:

- the proposal has not demonstrated its suitability for 2 ha rural residential lots and development of the land for rural residential purposes is not identified in any local strategic planning document.
- the land may still have potential for rural residential development on further investigation however these investigations should be completed on a Council-wide basis to ensure selection of the most appropriate locations for development.
- in the absence of a broader Council-wide investigation into the appropriateness for large lot residential development, any change contemplated to the minimum lot size for the subject land should be based on the surrounding land (ie 20ha) provided it can be demonstrated that the subject land is similarly constrained.
- Employment lands and economic growth are key priority areas for Council. A decision to allow rural residential lots in a location that is not identified in the current strategy framework (ie a demand driven approach) could set a precedent that may jeopardize use of the land (and other sites proposed for such development) for employment generating purposes, agricultural production, resource extraction or even urban housing.

Comment: It is preferable that locations for new development are clearly identified in a strategic plan that has been prepared in consultation with the community and relevant agencies. Council has advised that it is considering undertaking a review of the Goulburn Mulwaree Strategy 2020 as well as the Goulburn Mulwaree LEP 2009, particularly concerning opportunities for new employment and residential, including rural residential, lands.

There is the potential that, if the current proposal is allowed to proceed, adjoining landowners may request similar lot size reductions to allow for the development of small rural lifestyle lots. Council has advised that, in response to a specific landowner request, it has an existing resolution to investigate the potential for 2ha lots on land further to the west of the subject site. A clear local settlement strategy that identifies suitable locations for new development based on a detailed consideration of opportunities and constraints, is important to enable Council to respond to additional rezoning request in a fair and transparent way.

In the interim, it is considered that the proposal has sufficient strategic merit to enable it to progress, particularly given its proximity to the Goulburn Major Regional Centre, the previous approval of the site for industrial uses, subject to further investigation and consultation. However, Council should be strongly encouraged to review and potentially amend its strategic planning to reflect this proposal and provide a framework for the consideration of other proposals in the vicinity.

Council is not seeking permission to use its delegations in relation to this proposal.

Environmental social economic impacts :

Environmental impacts

The proposal states that it will provide further housing options with minimal social, economic or environmental impact. A population of the Striped Legless Lizard, considered to be a threatened species, may occur on land in the proximity of the site. Part of the site is, however, covered by the Terrestrial Biodiversity Map under the Goulburn Mulwaree LEP 2009 which will continue to protect biodiversity via the development assessment process. Further investigation and consultation with OEH is recommended to ensure that flora and fauna is adequately managed.

WaterNSW has raised significant water quality concerns in its preliminary comment to Council in accordance with the section 117 Direction Sydney Drinking Water Catchments. A water quality study to demonstrate neutral or beneficial effect on water quality is

recommended to address these concerns.

Social and economic impacts

A key social and economic benefit of the proposal is that it will meet demand for small rural lifestyle lots in the Goulburn area and support housing choice. Council has advised that approximately 100 x 2ha residential lots could be supplied from the currently undeveloped land in the Goulburn Mulwaree LGA area. Anecdotal evidence indicates that rural lifestyle lots of this size are in strong demand.

It will also provide support to the local economy via housing construction and stimulating demand for goods and services in the Goulburn Major Regional Centre.

The proposal will result in the site not being available for employment/business park use. However, it is unlikely that the Southern Distribution Hub development will proceed. The Concept Approval for the Southern Distribution Hub was due to lapse on 30 November 2012 and a modification application was lodged with the Department on 15 November 2012 to extend the existing approval to allow negotiations to continue with certainty. The modification application was later withdrawn. The proponent and current owner of the land does not consider the business park proposal to be feasible and does not intend to pursue this option.

It is noted that other land is available to accommodate new industrial/business park/employment purposes, notably land at Murrays flat which is located on the main northern approach to Goulburn. It is also noted that Council has resolved to prepare a new employment land strategy to consider the supply and demand for employment land in the LGA.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	18 months	Delegation :	DDG
Public Authority Consultation - s56(2)(d) :	Sydney Catchment Authority Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	The proposal has strategic merit to proceed with conditions. Due to the nature of the proposal delegation is not sought or recommended.		
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
Flora			
Fauna			
Flooding			
Other - provide details below			
If Other, provide reasons :			
Water quality			
Traffic and access			
Servicing			

Planning Proposal Mountain Ash Road, Brisbane Grove

Contamination information to address SEPP 55 - Remediation of Land

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The proposal, due to its nature is unlikely to generate demand for State infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	No
Goulburn Mulwaree Council_27_04_2015_Additional information.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.2 Sydney Drinking Water Catchments**

Additional Information : **It is RECOMMENDED that the Secretary's delegate, as delegate of the Minister for Planning, determine under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) that an amendment to the Goulburn Mulwaree Local Environmental Plan 2009 to reduce the minimum lot size applying to thirteen lots located along Mountain Ash Road and Rosemount Road in Brisbane Grove and Gundary from 100 hectares and 10 hectares to 2 hectares should proceed subject to the following conditions:**

1. The land that is proposed to have a minimum lot size of 2 hectares is to be zoned R5 Large Lot Residential. The reason for this condition is that 2 hectares is insufficient area for primary production and the intent of the proposed lot size is to allow for rural residential development.

2. The following studies and investigations are to be prepared prior to the exhibition of the planning proposal:

- (a) Traffic and access**
- (b) Servicing**
- (c) Flood risk**
- (d) Identification and management of natural resources and environmental attributes. This is to include:**
 - * a water quality study that addresses WaterNSW's comments on the proposal in the letter to Goulburn Mulwaree Council dated 11 March 2015 as part of preliminary consultations required under s117 Direction 5.2 Sydney Drinking Water Catchments.**
 - * A study detailing the protection and conservation of flora and fauna including threatened species and endangered ecological communities.**

(e) A preliminary site contamination report to address State Environmental Planning Policy 55 - Remediation of Land.

3. Following the completion of the required studies/investigations, the planning proposal is to be revised accordingly, including the explanation of provisions, proposed zoning, any proposed development controls and mapping. A detailed project timeline is required to be included in the revised planning proposal. The revised proposal is required to be submitted to the Department for review prior to exhibition.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.**
- (c) the outcomes of the investigations and studies are required to be included in the exhibition materials.**

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * WaterNSW**
- * NSW Rural Fire Service (prior to exhibition - under s117 Direction 4.4)**
- * Office of Environment and Heritage**
- * Department of Primary Industries (Agriculture)**
- * Roads and Maritime Service**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 18 months from the date of the Gateway determination.

8. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.5 Rural Lands and 5.1 Implementation of Regional Strategies.

(b) The Secretary's delegate can be satisfied that the planning proposal's inconsistencies with s117 Direction 1.2 Rural Zones is justified by the Sydney Canberra Corridor Regional Strategy or is of minor significance;

(b) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(c) Further consultation and referral is required in relation to s117 Directions 2.1 Environmental Protection Zones, 4.3 Flood Prone Land and 5.2 Sydney Drinking Water Catchment; and

(d) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance.

9. Further investigation and consultation is required to demonstrate consistency with SEPP (Sydney Drinking Water Catchment) 2011 and SEPP 55 - Remediation of land. The planning proposal is considered to be consistent with all other relevant SEPPs.

Supporting Reasons :

The proposal would supply additional housing choice and economic benefits.

The existing RU1 zone is not appropriate for the proposed lot size and land use. The water quality study is required to address issues/concerns raised on the planning proposal by WaterNSW.

Planning Proposal Mountain Ash Road, Brisbane Grove

An 18 month timeframe to complete the LEP is considered necessary to provide sufficient time to complete the required studies/investigations in consultation with relevant agencies.

Signature:

Graham Towers Team Leader, Southern Region

Printed Name:

GRAHAM TOWERS

Date:

13/5/15