

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

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 Gundry 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.

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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.

Panel Recommendation

Recommendation Date : **21-May-2015**

Gateway Recommendation : **Resubmit**

Panel

Recommendation :

- The matter was considered by the Local Environmental Plan Review Panel (Panel) on 21 May 2015. The Panel consisted of:
 - o Simon Manoski, Acting General Manager (Chair);
 - o James Matthews, Team Leader, Planning Services;
 - o David Rowland, General Manager, Hunter & Central Coast Region; and
 - o Andrew Thomas, Executive Manager of City Plan, City of Sydney Council.
- During its deliberations the Panel considered the Department's regional office report to support the Planning Proposal subject to a change in the zone from RU1 Primary Production to R5 Large Lot Residential and the resolution of a number of issues related to traffic and access, servicing, flood risk, water quality, environmental attributes, potential contamination and servicing.
- The Panel agreed that the site may be capable of future rural residential development following additional studies and assessment of the capacity and constraints of the land.
- Further, it was acknowledged that the land may have been previously excluded from consideration in rural planning strategies for future residential development given the proposed and anticipated Southern Distribution Hub.
- The Panel raised concerns with the lack of strategic support and the suitability of the land for two hectare rural residential lot sizes, particularly given the speculative nature of the proposal.
- It was considered that Council had not demonstrated a need for additional rural residential supply and the appropriateness of a two hectare minimum lot size. The land is not identified for the proposed purpose by any study or strategic planning document.
- Concern was also raised that approving the proposal at this stage may set a precedent and generate further amendments to reduce the minimum lot size to land in the vicinity that lacks a strategic base.
- Therefore, it is recommended the planning proposal be resubmitted by Council and that the proposal be informed and supported by a strategic plan that identifies Council's preference for rural residential development in the local government area.
- The Panel also recommends that Council undertake an assessment of the current supply and uptake of 2 - 20 hectare lots around the commercial centre of Goulburn and more broadly across the local government area. In doing so, Council should consider the suitability of zones and appropriate lot sizes for this type of development.
- Council was consulted during the Panel's deliberations who did not object to the Panel's recommendation.

Therefore, it is recommended that the planning proposal to reduce the minimum lot size for approximately 277 hectares of land at Mountain Ash Road and Rosemount Road in Brisbane Grove and Gundry should be resubmitted. Council has not provided sufficient strategic justification for the proposed amendment and additional supply of rural residential 'lifestyle' development in this location. In this regard, Council should resubmit the planning proposal subject to the following conditions:

1. Council should review its rural lands strategic planning framework having regard to the current supply and the take up of 2 to 20 hectare rural lifestyle land in and around Goulburn city and across the local government area.
2. Following the completion of this review, Council should consider the need for the subject land to be developed for the intended purpose and consider the suitability of a two hectare minimum lot size for rural residential development within the RU1 Primary Production Zone more generally. The planning proposal is to be updated to justify the intensification of rural residential development in this area.

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Signature:

Simon Marshall

Printed Name:

Simon Marshall

Date:

19.6.15