

Planning Proposal 150 and 170 Landsdowne Street Goulburn (17 dwellings, 0 jobs)

Proposal Title : Planning Proposal 150 and 170 Landsdowne Street Goulburn (17 dwellings, 0 jobs)

Proposal Summary : The Planning Proposal seeks to amend the Goulburn-Mulwaree Local Environmental Plan 2009 to enable the redevelopment of the former Goulburn drive-in movie theatre and adjoining land at 150 and 170 Landsdowne Street for large lot residential development and protection of part of the land containing significant native vegetation.

PP Number : PP_2017_GOULB_001_00 Dop File No : 17/08241

Proposal Details

Date Planning Proposal Received : 16-Jun-2017 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 : 150 Landsdowne

Suburb : Goulburn City : Goulburn Mulwaree Postcode : 2580

Land Parcel : Lot 1 DP 1018281

Street : 170 Landsdowne

Suburb : Goulburn City : Goulburn Mulwaree Postcode : 2580

Land Parcel : Lot 2 DP 1018281

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	Other	Release Area Name :	
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	6.50	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	17
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting Notes :	An application for the subdivision of 150 Landsdowne Street, Goulburn was approved by Goulburn Mulwaree Council on 7 December 2011 under the Goulburn LEP 2009 which permitted dwellings with consent in the applicable B6 Enterprise Corridor Zone at the time. Dwellings have since been removed as a permissible use in the B6 Zone. The approval (which Council considers has been commenced and therefore remains current) consists of 17 lots for residential purposes plus a single lot designated for future industrial or commercial activities and a single lot in the southern corner for the purpose of protection of native vegetation. Although the 17 lot subdivision is lawfully permitted on the subject land, Council wants to ensure that future applications for dwellings on the lots are permissible.
External Supporting Notes :	Council has proposed the amendment to reflect an approved subdivision of the site.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of the objectives provided in the PP is to amend the Goulburn-Mulwaree Local Environmental Plan 2009 to enable the redevelopment of the former Goulburn drive-in movie theatre holdings and adjoining land at 150 and 170 Landsdowne Street, respectively, for low density residential development and protection of part of the land containing significant native vegetation.

It is considered that the statement of the objectives provided is adequate and meets the requirements of the Department's guide to preparing planning proposals.

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

Is an explanation of provisions provided? Yes

Comment : The PP states that it will amend the Goulburn Mulwaree LEP 2009 as it applies to 150 Landsdowne Street as follows:

(a) Alter the land use zone from B6 Enterprise Corridor to part R5 Large Lot Residential and part E3 Environmental Management;

(b) Alter the minimum lot size from none to 1000 sq.m for the area proposed to be zoned R5 and 10,000 sq.m for the area proposed to be zoned E3; and

(c) Alter the floor space ratio from 0.8:1 to none for all of the lot.

The PP also states that it will amend the Goulburn Mulwaree LEP 2009 as it applies to 170 Landsdowne Street as follows:

(a) Alter the land use zone from B6 Enterprise Corridor to part R5 Large Lot Residential;

(b) Alter the minimum lot size from none to 1000 sq.m; and

(c) Alter the floor space ratio from 0.8:1 to none for all of the lot.

It is considered that the explanation of the provisions provided is adequate and meets the requirements of the Department's guide to preparing planning proposals.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

3.1 Residential Zones

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 No 55—Remediation of Land

Drinking Water Catchments Regional Environmental Plan No. 1

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

Section 117 Direction 4.4. Planning for Bushfire Protection:

The Direction may also apply as the planning proposal (PP) states that Council intends to consult the Rural Fire Service on the PP.

Plan Making Delegations:

Council has not requested delegations for the PP. Given, however, the relatively minor nature of the PP and consistency with Council's Employment Land Strategy which has recently been endorsed by the Department, it is considered that it is appropriate that Council be issued delegation for the planning proposal.

Recommendation: That Council be issued delegation for the planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

SEPP 55 – Remediation of Land

The PP states that it is inconsistent with SEPP 55 – Remediation of Land because the site has been zoned industrial or commercial for many years and the planning proposal is seeking to change the land use to residential development.

A Stage 1 Preliminary Investigation of the site, containing a detailed appraisal of the site's history and a report based on a visual inspection and assessment, is required to be prepared and placed on public exhibition with the planning proposal in accordance with the requirements of the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land 1998, Department of Urban Affairs and Planning and the Environment Protection Authority". Depending on the outcome of the Stage 1 investigation, Council should consider the need to prepare a Stage 2 - Investigation report to undertake more detailed contamination investigations consistent with the Managing Land Contamination Guidelines.

Recommendation: That Council:

1. Arrange for a Stage 1 Preliminary Investigation of the site, comprising a detailed appraisal of the site's history and a report based on a visual inspection and assessment to be placed on public exhibition with the planning proposal in accordance with the requirements of the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land 1998 Department of Urban Affairs and Planning and the Environment Protection Authority".

2. Depending on the outcome of the Stage 1 investigation, Council should consider the need to prepare a Stage 2 - Investigation report to undertake more detailed contamination investigations consistent with the Managing Land Contamination Guidelines. If required the Stage 2 Investigation should be placed on public exhibition with the PP.

Section 117 Directions:

Direction 1.1 Business and Industrial Zones

The PP identifies an inconsistency with this Direction because it seeks to rezone land zoned B6 Enterprise Corridor to R5 Large Lot Residential Zone and E3 Environmental Management Zone. The PP considers that the inconsistency is of a minor significance because only 5.36ha of 6.67ha of land is proposed to be lost from employment use and also identifies that the inconsistency is justified by the Goulburn Mulwaree Employment Land Strategy which recommends rezoning the land to permit large lot residential development. The Employment Land Strategy was endorsed by the Department on 1 July 2017.

Recommendation: That the Secretary's delegate can be satisfied that the PP's inconsistency with the Direction is justified by the Goulburn Mulwaree Employment Land Strategy, which identifies the proposed rezoning of the subject land, and has been endorsed by the Department.

Direction 5.2 Sydney Drinking Water Catchment

Council has undertaken preliminary consultation with WaterNSW and has included WaterNSW's comments with its Gateway request as required by the Direction. WaterNSW's letter dated 1 April 2017 states that the site has a low to moderate risk to water quality from residential sewered development and recommends that public sewer is provided prior to development consent being granted for any development on the site. WaterNSW has further requested that the public utility requirements in Part 6.2 of the LEP must be applied to the site to ensure that the sewer is provided prior to development consent being granted for any development on the site.

Council staff do not consider it necessary to apply clause 6.2 of the Goulburn Mulwaree LEP 2009 to the subject land because services, including water and waste water, are currently available to 150 and 170 Lansdowne Street and the approved residential lots can easily be connected to existing infrastructure. It is considered that WaterNSW's request that the land is included as an urban release area is unnecessary. Council should, however, undertake further discussions with WaterNSW to clarify this matter

during the exhibition of the PP.

Recommendations:

1. The Secretary's delegate can be satisfied that the PP is consistent with the Direction.
2. That Council undertake further discussions with WaterNSW during the exhibition of the PP.

4.4 Planning for Bushfire Protection

As previously mentioned, although not identified in the PP, the Direction may apply to the PP as Council has identified that it would consult with the Rural Fire Service. The PP will be consistent with the Direction once Council has consulted with the RFS following Gateway determination stage and has included any comment provided by RFS within the exhibition materials.

Recommendation: The Secretary's delegate can be satisfied that the PP will be consistent with the Direction once Council has consulted with the Rural Fire Service following Gateway determination stage and has included any comment provided by RFS within the exhibition materials.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The PP provides a locality map and current and proposed LEP zoning and floor space ratio maps. The maps provided are considered adequate for the purposes of public exhibition. The final draft LEP maps will need to be prepared that meet the Department's Standard Technical Requirements for Spatial Datasets and Maps 2015.

Recommendation: That final draft LEP maps are prepared that meet the Department's Standard Technical Requirements for Spatial Datasets and Maps 2015 prior to the finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The PP states that it would be exhibited for a 14 day period and the PP would be notified via local media, Council's and the DPE LEP Tracking website, letters to affected and adjoining landowners and to the Pejar Local Aboriginal Land Council.

It is considered that a longer (28 day) exhibition period may be more appropriate given the complexity of the issues (potential contamination, amenity, traffic) associated with the PP. The community and adjoining landowners will need sufficient time to review the PP, including any contamination reports, and prepare their submissions. Otherwise the community consultation proposed is considered to be adequate.

Recommendation: That the PP is exhibited for a 28 day period.

Additional Director General's requirements

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

If Yes, reasons : A Stage 1 Contamination Investigation for the subject land is required to be prepared and exhibited with the planning proposal. Council should, depending on the outcome of the Stage 1 Investigation, consider the need for a Stage 2 - Detailed Investigation.

Overall adequacy of the proposal

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

If No, comment : It is considered that the PP meets all seven parts of a planning proposal required by the

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Goulburn Mulwaree LEP was notified in 2009. The lots were previously zoned 4 Industrial under the Goulburn LEP 1990. The lots were zoned B6 Enterprise Corridor, which permitted dwellings with consent, under the Goulburn Mulwaree LEP 2009. Dwellings were removed as a permissible use in the B6 Zone via a subsequent amendment due to concern about potential land use conflict in some B6 zoned areas.

Assessment Criteria

Need for planning proposal : The planning proposal is needed to facilitate the rezoning of the Lots to enable residential development to occur consistent with a valid consent for a 17 lot residential and commercial subdivision that was granted by Goulburn Mulwaree Council in 2011. The rezoning is consistent with the endorsed Goulburn Mulwaree Employment Land Strategy which identifies the rezoning of the site.

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Consistency with strategic planning framework :

The PP states that it is consistent with the Sydney-Canberra Corridor Regional Strategy for the following reasons:

- It will help achieve the Strategy aim to “cater for a housing demand of up to 25,200 new dwellings in the Region to accommodate an additional 46,350 people expected in the Region by 2031” (p.13).
- Contributes to the Strategy aim to ensure that “no new rural residential zones will be supported unless as part of an agreed structure plan or local settlement strategy” (p.13) and to ensure that “planning for rural residential land must be integrated with the supply of relevant infrastructure and transport services” (p.40).
- The proposal also contributes to the Strategy aim of protecting the environment because it proposes to zone native vegetation box gum woodland endangered ecological community to an E3 Environmental Management Zone.

Council's view that the PP is consistent with the Sydney Corridor Regional Strategy is supported for the following reasons:

- The PP will provide up to 17 new residential infill lots within Goulburn.
- The land is identified for potential rural residential development in the Goulburn Mulwaree Strategy 2020.
- The land is surrounded by large lot residential and light industrial development and the proposed new lots have access to the relevant infrastructure and services (water, sewer, roads, power).
- The PP will protect the area identified as containing native vegetation (White-Yellow Box – Blakelys Red Gumgum woodland) which is a listed endangered ecological community, by rezoning it from a B6 to an E3 Zone. The PP is also likely to facilitate the investigation and remediation of potentially contaminated land which may have occurred as a result of previous landfilling and/or industrial use of the land.

Although not identified in the PP, it is also considered to be consistent with the recently launched South East and Tablelands Regional Plan which requires new rural residential areas to be located:

- Close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure (p.56).
- Avoids and minimises the potential for land use conflicts with productive, zoned agricultural land and natural resources (p.56).
- To avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards (p.56).

The PP is considered to be consistent with the requirements of the Regional Plan because the PP will facilitate appropriate urban development in Goulburn, which is an identified strategic centre, in an area surrounded by existing urban development that has access to existing infrastructure and services. The PP will also facilitate protection of important environmental values via an E3 zoning and suitable minimum lot size.

The PP is also considered to be consistent with the Goulburn-Mulwaree 2020 Strategy, Goulburn-Mulwaree Community Strategic Plan 2030. Notably the Goulburn-Mulwaree 2020 Strategy identifies the land as having the potential to accommodate large lot residential development and provide an alternative residential choice to the Marys Mount urban release area (p.22).

Environmental social
economic impacts :

The proposed R5 zoning and 1,000 sq.m minimum lot size and no FSR for the subject land is compatible with the controls for land adjoining to the west which is zoned R5 zoning, has a 2,000 sq.m minimum lot size and no FSR.

The proposed E3 Zoning and 10,000sq.m minimum lot size for land containing native vegetation is considered to be appropriate as it will protect the area of important native vegetation and will enable the erection of a dwelling to ensure the ongoing management of the land.

Environmental impacts:

Native vegetation/Endangered ecological communities:

As mentioned previously, the PP identifies that the subject land contains some environmentally sensitive vegetation (White-Yellow Box – Blakelys Red Gum which is an endangered ecological community). The area containing this vegetation has been mapped in a conservation management plan which has been prepared as a condition of the subdivision approval. The PP proposes to include the area containing the important vegetation within the E3 Environmental Management Zone. Council should consult with the Office of Environment and Heritage during the exhibition of the PP to confirm that the area of important native vegetation/EEC is protected .

Recommendation: That Council consult with the Office of Environment and Heritage on the protection of the native vegetation/EEC during the exhibition of the PP.

Contaminated land:

As mentioned previously, the PP identifies that the land is potentially contaminated as a result of previous landfilling and/or industrial uses. It states that Council will require the applicant to undertake a more detailed assessment of this issue prior to the public exhibition of the PP. This is supported and is consistent with the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land", prepared by the Department of Urban Affairs and Planning and the Environment Protection Authority, which provides a four staged approach to the investigation, remediation and validation of potentially contaminated land as part of the rezoning and development process, namely:

Stage 1 - Preliminary Investigation to identify any past or present potentially contaminating activities, a preliminary assessment of any site contamination; and if required, provide a basis for a more detailed investigation.

Stage 2 Detailed Investigation to define the nature, extent and degree of contamination, to assess potential risk posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required.

Stage 3 - Remedial Action Plan which sets objectives and documents the process to remediate the site.

Stage 4 - Validation and Monitoring, which demonstrates whether the the RAP objectives and any conditions of development consent have been achieved.

The four staged approach ensures that any potential or actual contaminated land is investigated and remediated before any proposed residential development can occur on the subject land.

Recommendation: That:

1. A Stage 1 – Preliminary Investigation is prepared for the land in accordance with the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land" prepared by the Department of Urban Affairs and Planning and the Environment Protection Authority.

2. Following the completion of the Stage 1 investigation, Council should consider the need

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for a Stage 2 – Detailed Investigation to be undertaken in accordance with the Managing Land Contamination Planning Guidelines. The report(s) on the Stage 1 and Stage 2 (if required) investigations are to be exhibited with the Planning Proposal.

Social and Economic impacts:

The PP states that it will provide new housing opportunities in an area that has good access to urban services and facilities as well as employment land and shopping centres. As discussed previously, this view is supported. It is also considered that the proposal will facilitate the re-development of the former Goulburn drive in movie site which is now disused, support local businesses and the local economy and contribute generally to the growth/renewal of Goulburn.

The PP identifies there may be potential for land use conflict across Landsdowne and Robinson Street with existing light industrial uses (concrete batching plant and truck depots) and identifies that Council may need to consider generous setbacks and landscaping in any future development applications for lots fronting Landsdowne and Robinson Street. The PP also identifies that avoiding the potential conflict between residential traffic and industrial/business related traffic will also be a challenge. It is considered that the amenity and traffic issues raised by Council in the PP can be addressed at the development application stage. On balance it is considered that social and economic benefits of the PP outweigh any negative impacts.

Assessment Process

Proposal type : **Consistent** Community Consultation **28 Days**
Period :

Timeframe to make **12 months** Delegation : **RPA**
LEP :

Public Authority **Sydney Catchment Authority**
Consultation - 56(2)(d) **Office of Environment and Heritage - NSW National Parks and Wildlife Service**
: **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The proposal has planning merit as it will facilitate residential development on the old Goulburn drive-in movie site which is currently disused and is surrounded by urban development. The development of the site is consistent with an approved residential subdivision that was approved by Council in 2011 and which, according to Goulburn Mulwaree Council, remains valid. The rezoning of the site is identified in the Goulburn Mulwaree Employment Land Strategy that was endorsed by the Department on 1 July 2017.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Stage 1 Contamination Investigation and potentially a Stage 2 Detailed Investigation if Council considers is required.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
WaterNSW letter.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments

Additional Information : It is **RECOMMENDED** that the Director Regions, Southern, Planning Services as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Goulburn-Mulwaree LEP 2009 to enable the redevelopment of the former Goulburn drive-in movie theatre holdings and adjoining land at 150 and 170 Landsdowne Street respectively for low density residential development and protection of part of the land containing significant native vegetation should proceed subject to the following conditions:

1. A Stage 1 – Preliminary Investigation is to be prepared for the land in accordance with the “Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land” prepared by the Department of Urban Affairs and Planning and the Environment Protection Authority. Following the completion of the Stage 1 Investigation, Council shall consider the need for a Stage 2 – Detailed Investigation to be undertaken in accordance with the Managing Land Contamination Planning Guidelines. The investigation report(s) are to be exhibited with the Planning Proposal.

2. 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 Environment 2016)'.

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

- * NSW Rural Fire Service (s117 Direction 4.4)
- * Office of Environment and Heritage
- * WaterNSW

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.

4. 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

6. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

7. 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
- 2.1 Environmental Protection Zones
- 3.1 Residential Zones
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments

(b) The Secretary's delegate can be satisfied that the planning proposal's inconsistencies with s117 Directions 1.1 Business and Industrial zones is justified by the Goulburn Mulwaree Employment Land Strategy, which identifies the proposed rezoning of the subject land, and has been endorsed by the Department.

(c) 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;

(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; and

(e) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

8. The planning proposal is considered to be consistent with all relevant SEPPs (subject to condition 1).

Supporting Reasons :

The planning proposal has merit to proceed as it will facilitate the development of the land to reflect an approved residential subdivision and is consistent with the Goulburn Mulwaree Employment Land Strategy which identifies the rezoning of the land and has been endorsed by the Department.

Signature:

Graham Towers A/TEAM LEADER, Southern Region.

Printed Name:

GRANAM TOWERS

Date:

13/7/17.

