



Goulburn Mulwaree Council
Planning Proposal –
150 and 170 Lansdowne Street, Goulburn
Local Environmental Plan 2009, Amendment No 11

28 March 2017

Part 1 – Objectives

1.1 Intended Outcomes

To amend the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to enable the redevelopment of the former Goulburn drive-in movie theatre holdings and adjoining land at 150 and 170 Lansdowne Street respectively for low intensity residential development and protection of part of the land containing significant native vegetation. Refer to **Appendix 1** for a Locality Map of the properties to which this planning proposal corresponds.

Part 2 – Explanation of Provisions

The planning proposal will amend the *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP) as it applies to 150 Lansdowne Street, Goulburn (Lot 2 DP 1018281) as follows:

- a. Alter the land use zone from B6 Enterprise Corridor to part R5 Large Lot Residential and part E3 Environmental Management (Figure 1);
- b. Alter the minimum lot size from none to 1000 m² for the area proposed to be zoned R5 and 10000 m² for the area proposed to be zoned E3 (Figure 2); and
- c. Alter the floor space ratio from 0.8:1 to none for all of the lot.

It will amend Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP) as it applies to 170 Lansdowne Street, Goulburn (Lot 1 DP 1018281) as follows:

- d. Alter the land use zone from B6 Enterprise corridor to R5 Large Lot Residential (Figure 1);
- e. Alter the minimum lot size from none to 1000 m² (Figure 2); and
- f. Alter the floor space ratio from 0.8:1 to none for all of the lot.

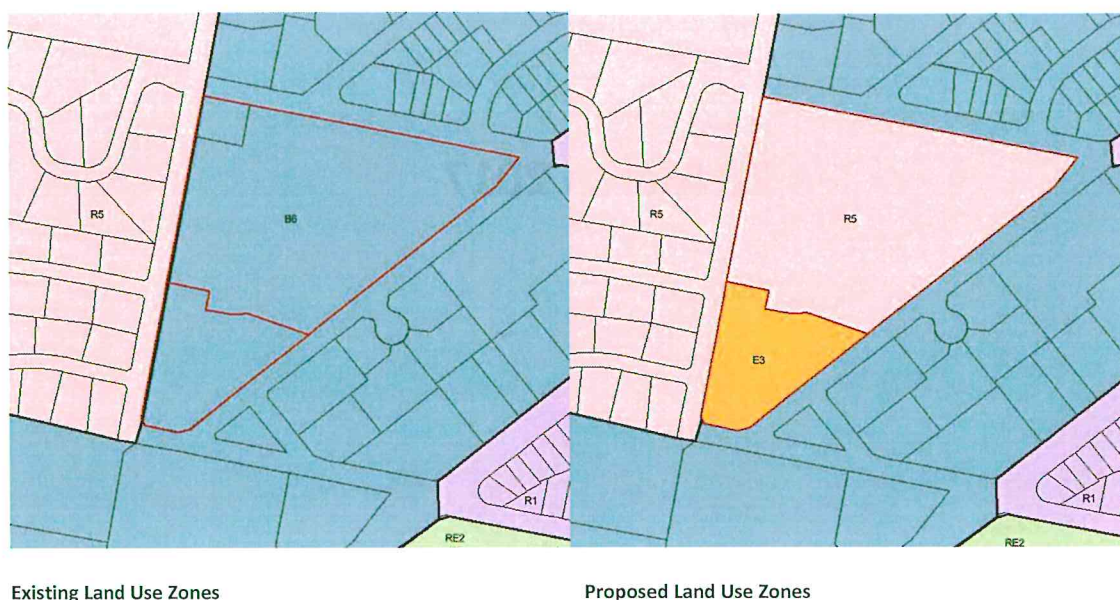


Figure 1. Shows the existing and proposed Land Use Zones.

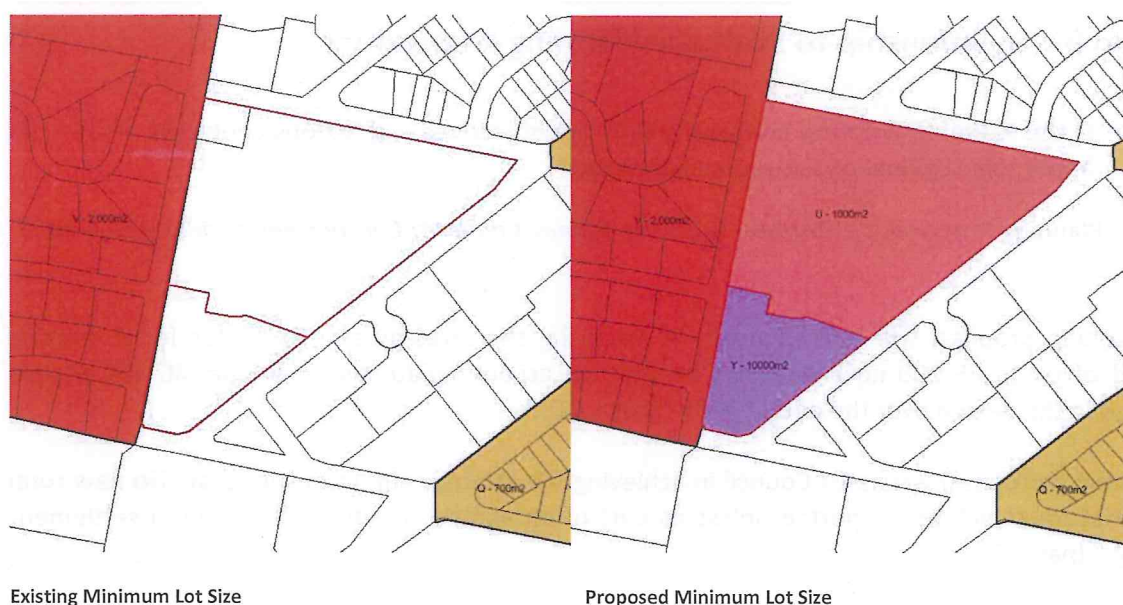


Figure 2. Shows the existing and proposed development controls.

Part 3 – Justification

Section A – Need for Planning Proposal

3.1 Is the Planning Proposal a result of any strategic study or report?

No. When *Goulburn Mulwaree Local Environmental Plan 2009* was introduced the subject land was zoned B6 Enterprise Corridor. It had previously been zoned 4 Industrial under Goulburn LEP 1990. At the time LEP 2009 commenced dwellings were permitted with Council consent in the B6 zone. The zone also had an objective “To provide for residential uses, but only as part of a mixed use development.” An application for the subdivision of Lot 2 DP 1018281 (150 Lansdowne Street) was approved on 7 December 2011. The approval (which 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 (with frontage to both Lansdowne and Robinson Streets) and a single lot in the southern corner for the purpose of protection of native vegetation.

3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. On 19 October 2012 Council amended its LEP to remove the objective relating to residential development and prohibit *residential accommodation* in the B6 zone. This has created a situation where the subdivision for 17 lots (for the purpose of residential development) was lawfully permitted on the subject land, but future applications for dwellings on those lots may not be permitted. It is this situation that Council is trying to address with this planning proposal.

The subject land has access to both reticulated water and sewerage. It has vehicle access from three public roads. Power and communications are also available.

Section B – Relationship to Strategic Planning Framework

3.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes, the Planning Proposal is consistent with the *Sydney-Canberra Corridor Regional Strategy 2006-2031*.

The planning proposal will assist Council in achieving the strategy aim to “Cater for a housing demand of up to 25 200 new dwellings by 2031 to accommodate the additional 46 350 people expected in the Region over the period 2031.”(page 13).

The planning proposal will assist Council in achieving 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.” (page13).

The planning proposal will assist in achieving the housing and settlement outcome to ensure that “Planning for rural residential land must be integrated with the supply of relevant infrastructure and transport services.” (page 40).

The land has a development approval for 17 residential lots and this planning proposal will facilitate a zone that allows for dwellings to be constructed on the approved lots that still addresses environment protection (the box gum woodland is to be protected) and efficient use of infrastructure and services.

3.4 Is the Planning Proposal Consistent with a council’s local strategy or other local strategic plan?

3.4.1 Goulburn Mulwaree Strategy 2020

The Strategy identifies the subject land (South Goulburn) on the map at page 22 as an area of land zoned partly R5 Large Lot Residential and partly B6 Enterprise Corridor. It specifically states:

“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.” It also states that future employment areas need to be located to provide “adequate separation from sensitive land uses.....to minimise potential for land use conflict and enable extended hours of operations for freight and distribution facilities.”

On balance the planning proposal will reduce the likelihood that the subject land will generate employment opportunities but will enable the residential use of an approved subdivision. This can be best achieved by applying the R5 large Lot Residential zone to the land and this is consistent with the Goulburn Mulwarree Strategy 2020.

3.4.2 Community Strategic Plan 2030

The Community Strategic Plan (CSP) was adopted by Council on the 2 July 2013 and revised in September 2014. The Plan seeks to provide opportunities for rural lifestyle, settlement, housing, sustainable farming and natural resource protection.

The Planning Proposal is consistent with the Goulburn Mulwaree Community Strategic Plan 2030 as follows:

Relevant Strategies:

Key Direction 2 – Business and Industry

2.4.1 to provide opportunity for residential and rural residential development and encourage affordable housing.

2.5.1 To provide opportunity and encouragement for the development of employment lands

Key Direction 4 – Sustainable Environment

4.2.1 to protect, maintain and improve the diversity of our native fauna and flora provided there is a balance between environmental protection, population growth and development

Given the relatively small size of the subject land the planning proposal should allow Council to achieve its performance indicators, via:

- P4 Adequate supply of employment lands are provided within the local planning framework; and
- P5 Adequate supply of housing is provided within the local planning framework

3.5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

The Planning Proposal is consistent or justifiably inconsistent with the following applicable State Environmental Planning Policies (SEPPs):

SEPP 55 – Remediation of Land

When rezoning land Council needs to be satisfied that the land is suitable for the use proposed or can be remediated to a level suitable for that use.

The site was zoned for industrial purposes before the current B6 zone was applied in 2009. Possible contamination from past land use was addressed very briefly in supporting information for a development application in 2003. It does not appear to have been addressed in subsequent applications. There is no detailed timeline of past land uses. There is no assessment of adjacent land uses that could affect the site now or in the past. There are no soil tests provided. The conservation management plan identified that part of the site (as observed in February 2016) had been used for dumping of rubbish including organic waste, building waste and general rubbish. The extent and type of waste dumping and options for its “clean up” need to be verified.

Given that the site has been zoned for industrial or business purposes for many years and this planning proposal is to change the prevailing land use to residential development then a more detailed assessment of this issue is required. The planning proposal is inconsistent with SEPP 55 until the additional assessment is provided and the land is shown to be free from contamination or able to be remediated.

SEPP (Sydney Drinking Water Catchment) 2011

The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. Water NSW was consulted in relation to the existing subdivision approval and subsequent modifications to it. It did not object to the subdivision subject to conditions being imposed. Further consultation with Water NSW will occur should the planning proposal proceed. Future development applications will be subject to the SEPP.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with most Section 117 Directions. Where inconsistencies occur, they can be justified. The following directions are most relevant to the proposal:

1.1 Business and Industrial zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

A planning proposal must:

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

This planning proposal is inconsistent with this direction. However, the inconsistency is justified because it is a minor matter.

The entire site is only 6.76 ha and 1.4 ha of that contains an endangered ecological community. Although 5.36 hectares will be lost from the B6 zone it is consistent with the draft Employment Lands Strategy (not yet approved by the Department of Planning and Environment) to do so. It is anticipated that this planning proposal will not undermine the objectives to “encourage employment growth in suitable locations and support the viability of identified strategic centres.”

1.5 Rural Lands

This direction applies when:

- (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or*
- (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.*

A planning proposal to which clauses (a) or (b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands)

The planning proposal will create a 1.4 ha area of E3 Environmental Management and apply a minimum lot size (MLS) of 10,000 m² to the proposed E3 land. The proposed MLS will not permit further subdivision of the E3 zoned land allowing it to be managed as a single entity. It is consistent with the following relevant Rural Planning Principles in State Environmental Planning Policy (Rural Lands) 2008:

“in planning for rural lands, to balance the social, economic and environmental interests of the community, and the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.”

It is consistent with this direction.

2.1 Environment Protection Zones

A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The planning proposal will introduce an E3 zone to the subject land for the first time. This will increase the environmental protection standards that apply to the land.

It is consistent with this direction.

3.1 Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.*

A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

The planning proposal will broaden the housing choice and will be an efficient use of existing infrastructure and services in this locality. It will provide for housing close to the Goulburn urban area and be subject to existing design controls in relevant DCP's.

A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

Goulburn LEP already contains a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it). This land has been fully serviced for some time. It does not contain provisions which will reduce the permissible residential density of land. The proposed MLS reflects the existing lot size in the approved subdivision.

It is consistent with this direction.

5.1 Implementation of Regional Strategies

The planning proposal is consistent with the *Sydney-Canberra Corridor Regional Strategy 2006-2031* (see Section 3.3).

5.2 Sydney Drinking Water Catchment

A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, etc. (See also SEPP - Sydney Drinking Water Catchment comments in Section 3.5).

The planning proposal will include 1.4 ha of the subject land in an E3 zone which should allow it to act as a surface water infiltration area and assist with water quality in the locality. Most of the subject land will change from one urban zone (B6) to another urban zone (R5). This will have neutral effect on water quality in the catchment. In exhibiting the planning proposal Council will need to consult with and take advice from Water NSW.

Section C – Environmental, social and economic impact.

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The subject land is known to contain some environmentally sensitive vegetation. The 2004 South Goulburn Endangered / Threatened Species Management Plan identified the vegetation in the southern corner of the subject land as remnant Eucalypt woodland that is a significant contributor to biodiversity in this locality. It is a box gum woodland (White –Yellow Box – Blakelys Red Gum) that is listed as an endangered ecological community under the Threatened Species Conservation Act, 1995.

It is appropriate that the remnant bushland be included in an E3 Environmental Management zone to reflect its biodiversity values. The relevant objectives of this zone are to: “Protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and Provide for a limited range of development that does not have an adverse effect on those values.”

A condition of the current subdivision required a conservation management plan be prepared. This has been submitted to Council.

The inclusion of the environmentally sensitive vegetation in an E3 zone in combination with the conservation management plan should ensure that there will not be an increase in the likelihood of adverse effects on the ecology of the subject land.

3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site was zoned for industrial purposes before the current B6 zone was applied in 2009. Possible contamination from past land use was addressed very briefly in supporting information for a development application in 2003. It does not appear to have been addressed in subsequent applications. There is no detailed timeline of past land uses. There is no assessment of adjacent land uses that could affect the site now or in the past. There are no soil tests available. The conservation management plan identified that part of the site (as observed in February 2016) had been used for dumping of rubbish including organic waste, building waste and general rubbish. The extent and type of waste dumping and options for its “clean up” needs to be verified.

Given that the site has been zoned for industrial or business purposes for many years and this planning proposal is to change the prevailing land use to residential development then Council will require a more detailed assessment of this issue. This should be supplied by the applicant prior to the public exhibition of the planning proposal.

It is expected that any other environmental issues that arise can be dealt with through the DA process.

3.9 Has the planning proposal adequately addressed any social and economic effects?

The objective of the B6 zone including residential development (when it was first brought in) was to provide some flexibility to development where residents can work and live in the same locality. This can reduce the potential for a clash of incompatible uses as workers and residents have a shared interest. It can act as a small business incubator for “start-up” businesses to keep their costs down in the establishment phase. The site has good access to urban services and facilities as well as employment land and shopping centres. In this case the rezoning to R5 will probably lead to the entire site being subdivided for large lot residential development. This is fine on the western side where it abuts existing rural residential development. However the existing development across Lansdowne Street and Robinson Street includes uses such as a concrete batching plant and truck depots. These may not be compatible with the lifestyle expectations of new residents. Council may need to consider generous setbacks and landscaping in any future development application for lots that have frontage to Lansdowne Street and Robinson Street. Avoiding the potential conflict between residential traffic and industrial / business related traffic will also be a challenge.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

Clause 7.3 of GM LEP 2009 allows Council to require that water, sewer and roads are properly addressed. Council’s S94A contribution plan applies to the subject land. Contributions for public infrastructure will apply to new lots based on this plan.

Reticulated sewer and water is available to the properties. The land adjoins a large lot residential area to the west along Cathcart Street and employment lands to the north (along Lansdowne Street) and east (along Robinson Street). The existing subdivision has good road access, reticulated energy and communication infrastructure. Stormwater is a design issue at the subdivision stage.

There is adequate public infrastructure to support the planning proposal.

3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Commonwealth public authorities have not been formally involved in this planning proposal as it is yet to receive a Gateway determination. At this early stage it appears unlikely that there will be any issues of interest to Commonwealth authorities.

It is proposed that the authorities listed below are consulted in relation to this planning proposal, and that this consultation is undertaken concurrent with the public exhibition of the planning proposal:

- Rural Fire Service
- Office of Environment and Heritage
- Water NSW

Part 4 – Mapping

The planning proposal will amend the Goulburn Mulwaree LEP 2009 zone, minimum lot size and floor space ratio maps for 150 and 170 Lansdowne Street, Goulburn. The detail of this is outlined in Part 2 of this planning proposal.

This will be achieved by amending Goulburn Mulwaree LEP 2009 map sheets:

Land Zoning Map - Sheet LZN_001D

Lot Size Map - Sheet LSZ_001D

Floor Space Ratio Map - Sheet FSR_001D

Refer to **Appendix 2** for the proposed LEP Maps.

Part 5 – Community Consultation

Council will commence community consultation post-Gateway Determination. For the purposes of public notification, Council considers that a twenty-eight (28) day public exhibition period is appropriate.

Notification of the exhibited planning proposal will include:

- A newspaper advertisement that circulates in the area affected by the planning proposal,
- The web site of Goulburn Mulwaree Council and the Department of Planning and Environment,
- Letter to affected and adjoining land holders,
- Letter to the Pejar LALC.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the planning proposal,
- Indicate the land that is the subject of the planning proposal,
- State where and when the planning proposal can be inspected,
- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

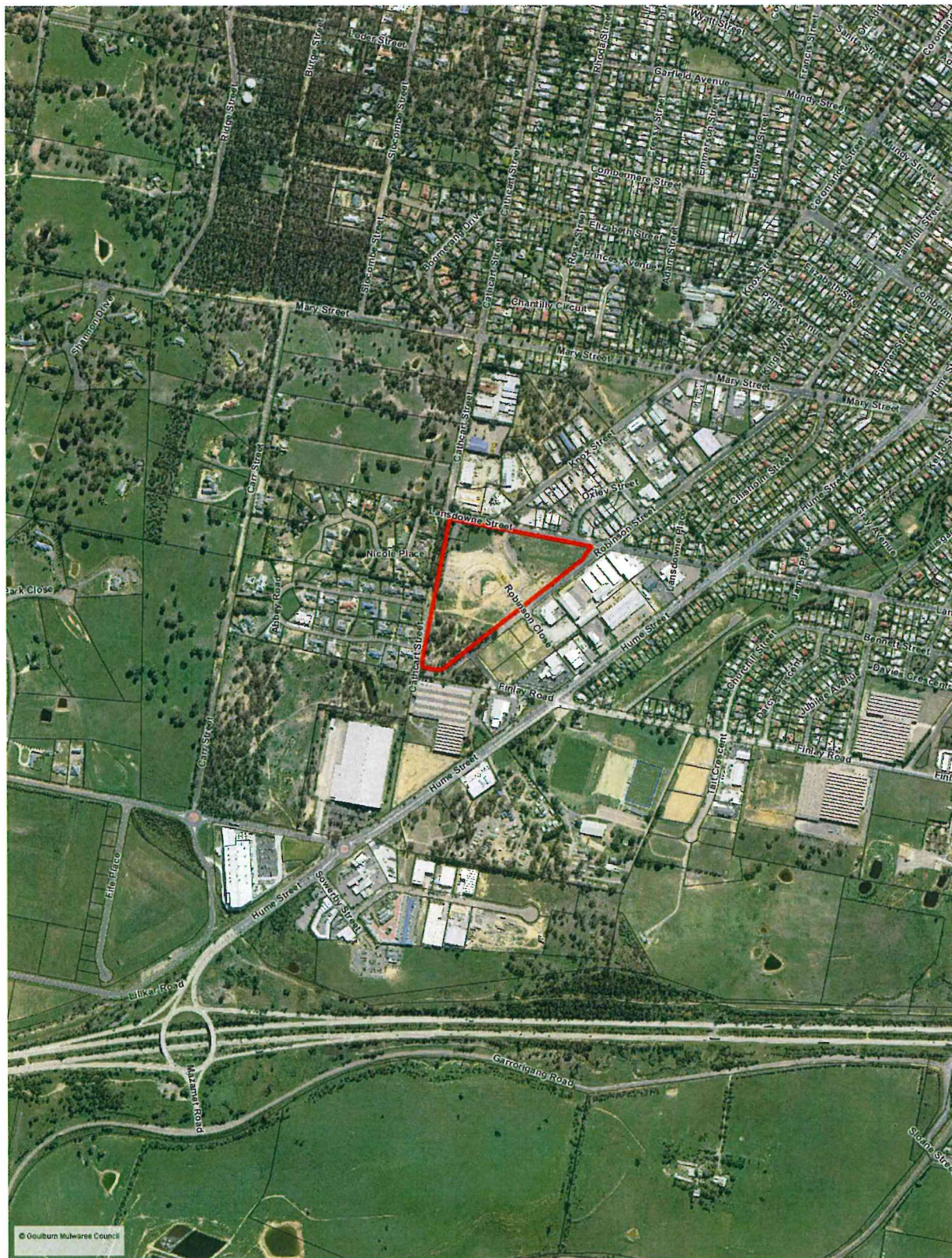
- The planning proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment,
- The Gateway Determination,
- All studies relevant to the site and the planning proposal.

The Gateway Determination will confirm the public consultation requirements.

Part 6 – Project Timeline

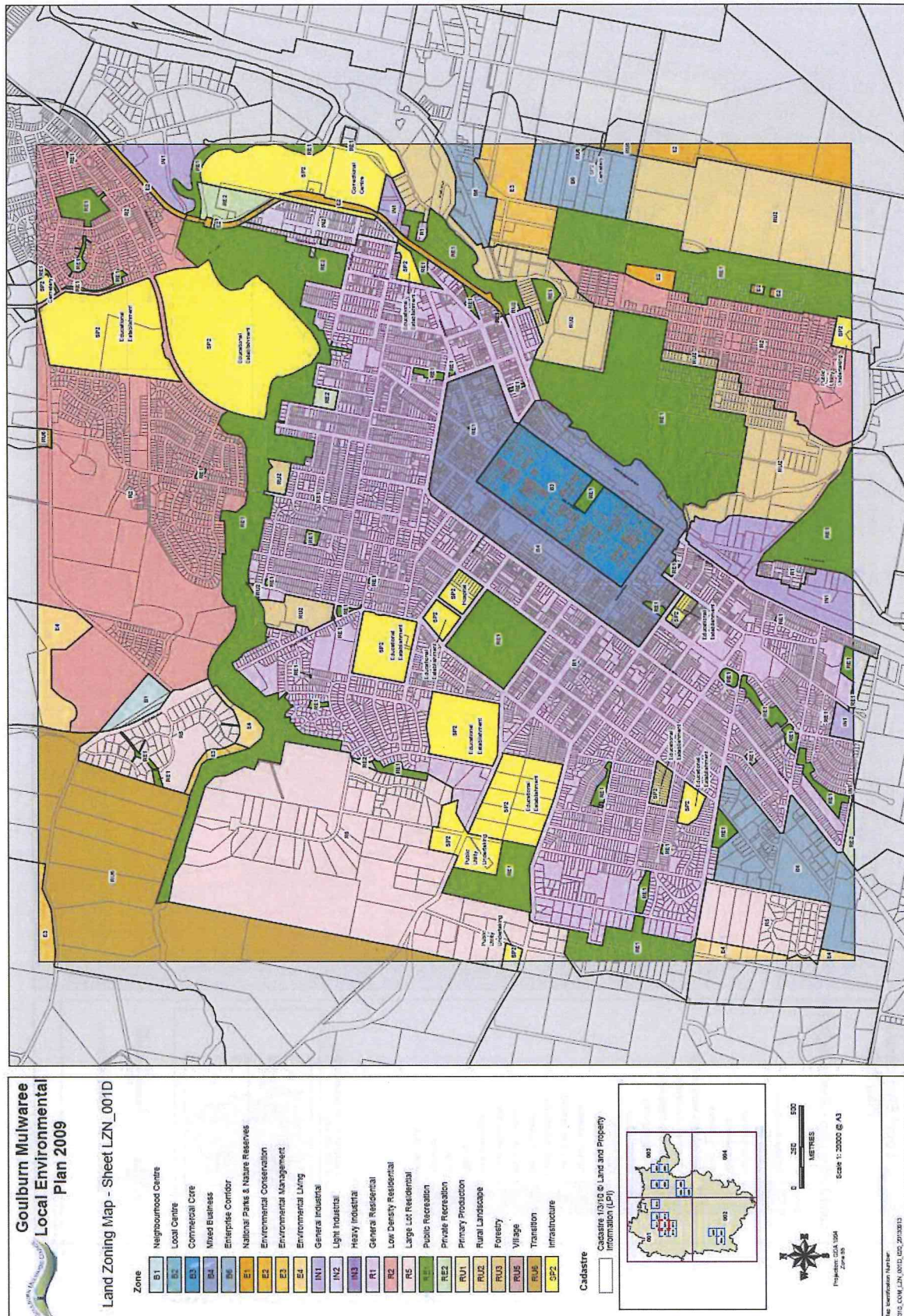
Gateway Determination	June 2017
Timeframe for completion of technical studies	July 2017- Contaminated land assessment
Timeframe for agency consultations	August 2017
Public exhibition	August 2017
Public hearing	Not anticipated
Consideration of submissions	September 2017
Date of submission of LEP to DoPI	November 2017
Anticipated date of plan made	December 2017

Appendix 1 – Locality Map

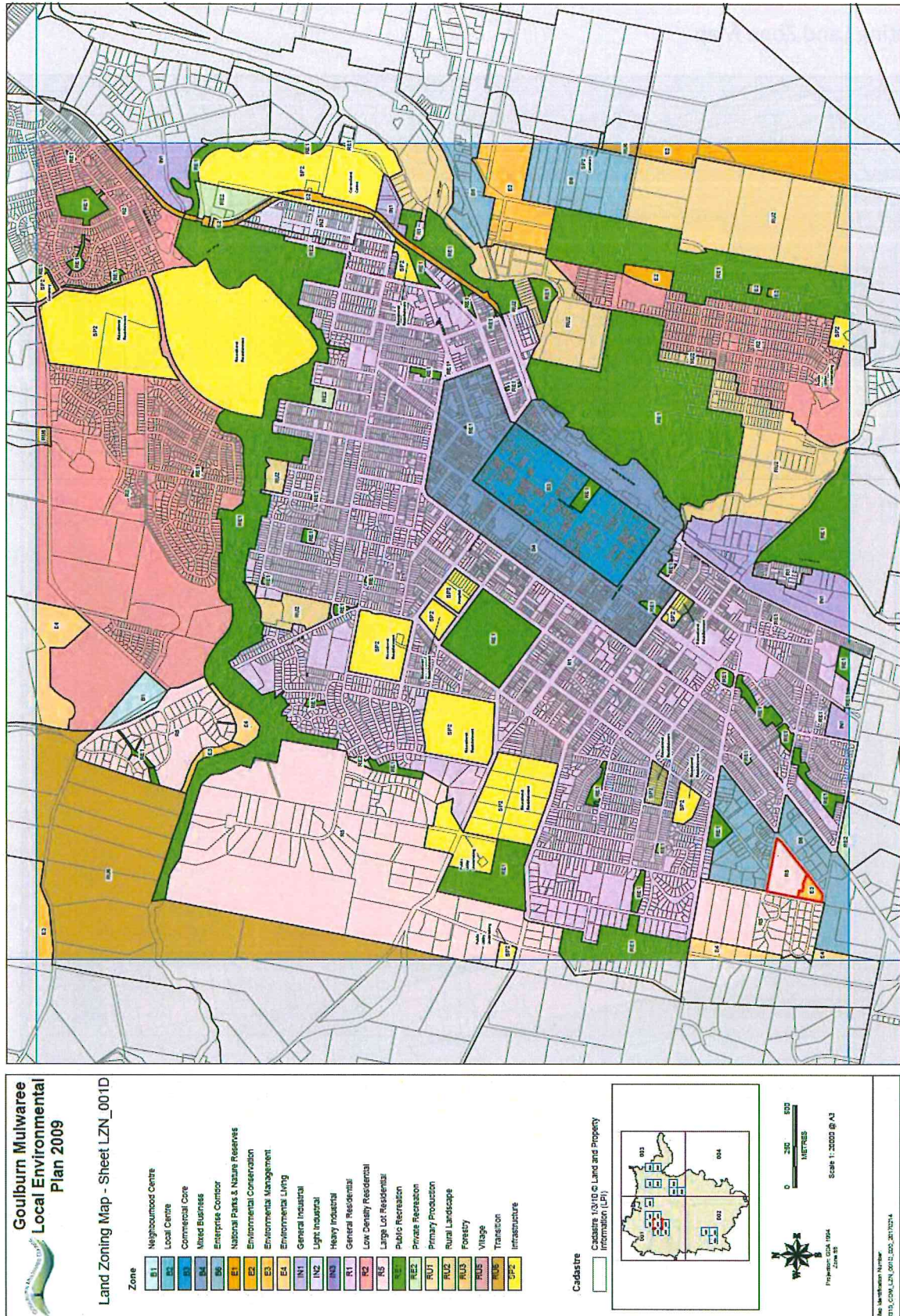


Appendix 2 – LEP Maps

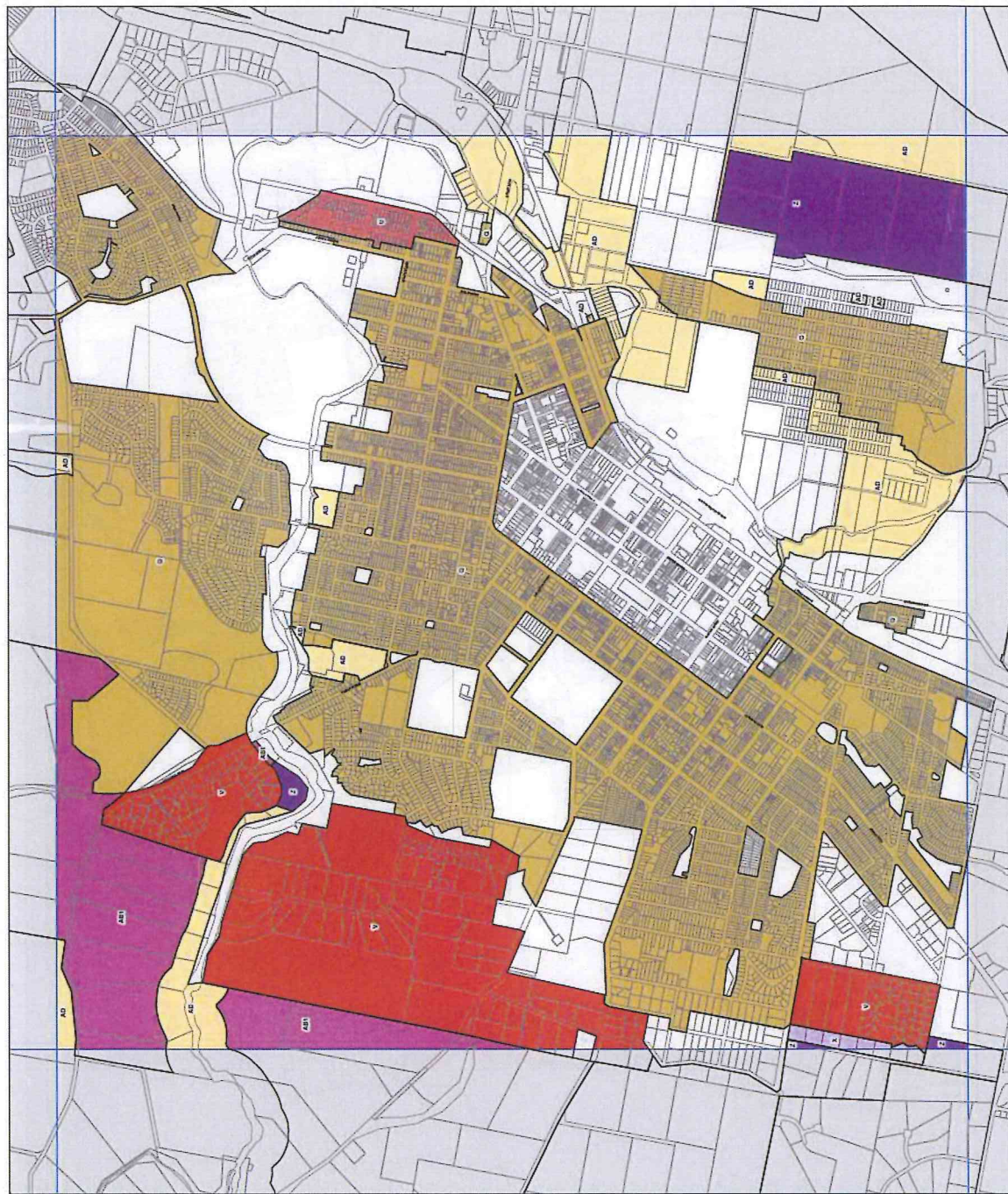
Existing Land Zone Map



Proposed Land Zone Map



Existing Lot Size Map



**Goulburn Mulwaree
Local Environmental
Plan 2009**

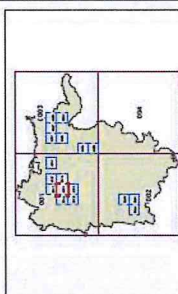
Lot Size Map - Sheet LSZ_001D

Minimum Lot Size (sq m)

E	350
G	700
U	1,500
V	2,000
X	8,000
Y	10,000
AA	2 ha
AB	5 ha
AC	10 ha
AD	20 ha
AE	40 ha
AF	100 ha

Cadastre

Cadastre 1/3115 © Land and Property
Information (LPI)



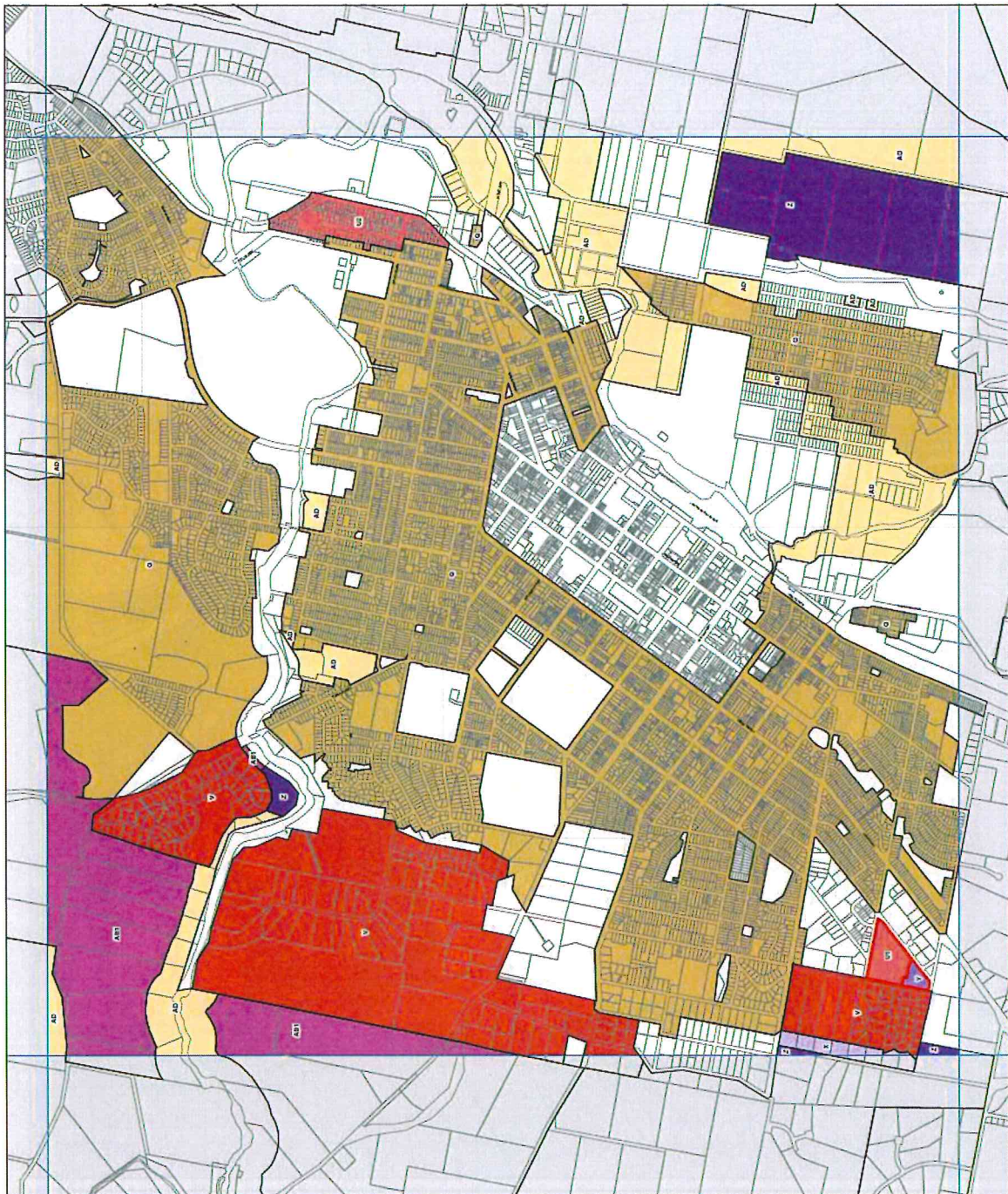
Projection GDA 1984
Zone 55

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Map Identification Number
2310_C09M_L1Z_001D_L00_20130003

Proposed Lot Size Map



Goulburn Mulwaree Local Environmental Plan 2009

Lot Size Map - Sheet LSZ_001D

Minimum Lot Size	Lot Size
E	350 m ²
G	700 m ²
U1	1,000 m ²
U2	1,500 m ²
U3	2,000 m ²
V	3,000 m ²
X	4,000 m ²
Y	5,000 m ²
Z	6,000 m ²
AA	7,000 m ²
AB	8,000 m ²
AC	9,000 m ²
AD	10,000 m ²
AE	2 ha
AF	5 ha
AG	10 ha
AH	20 ha
AI	40 ha
AJ	100 ha

Cadastre

Cadastre (via © Land and Property Information (LPI))

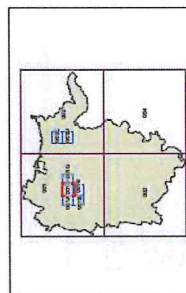
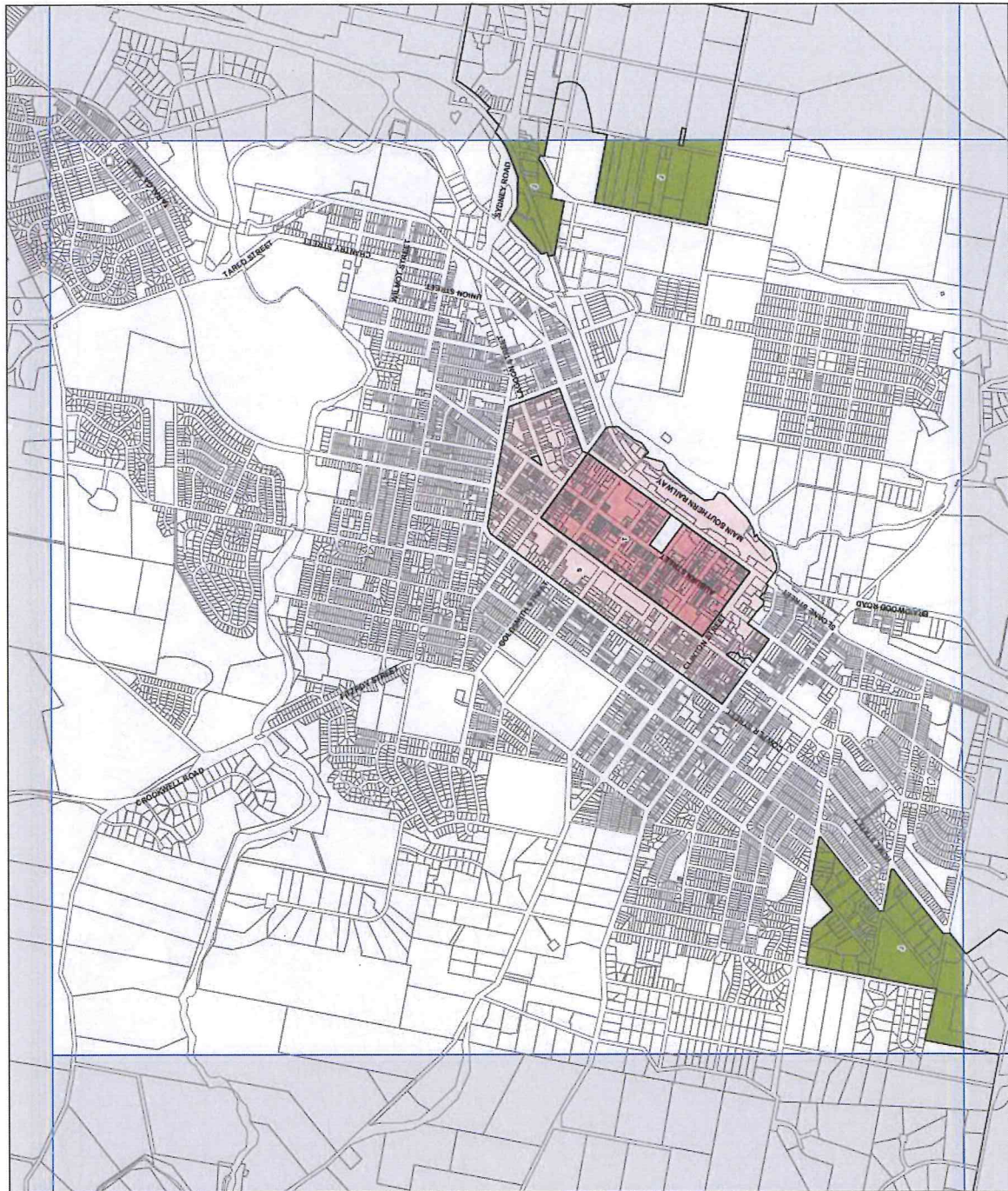
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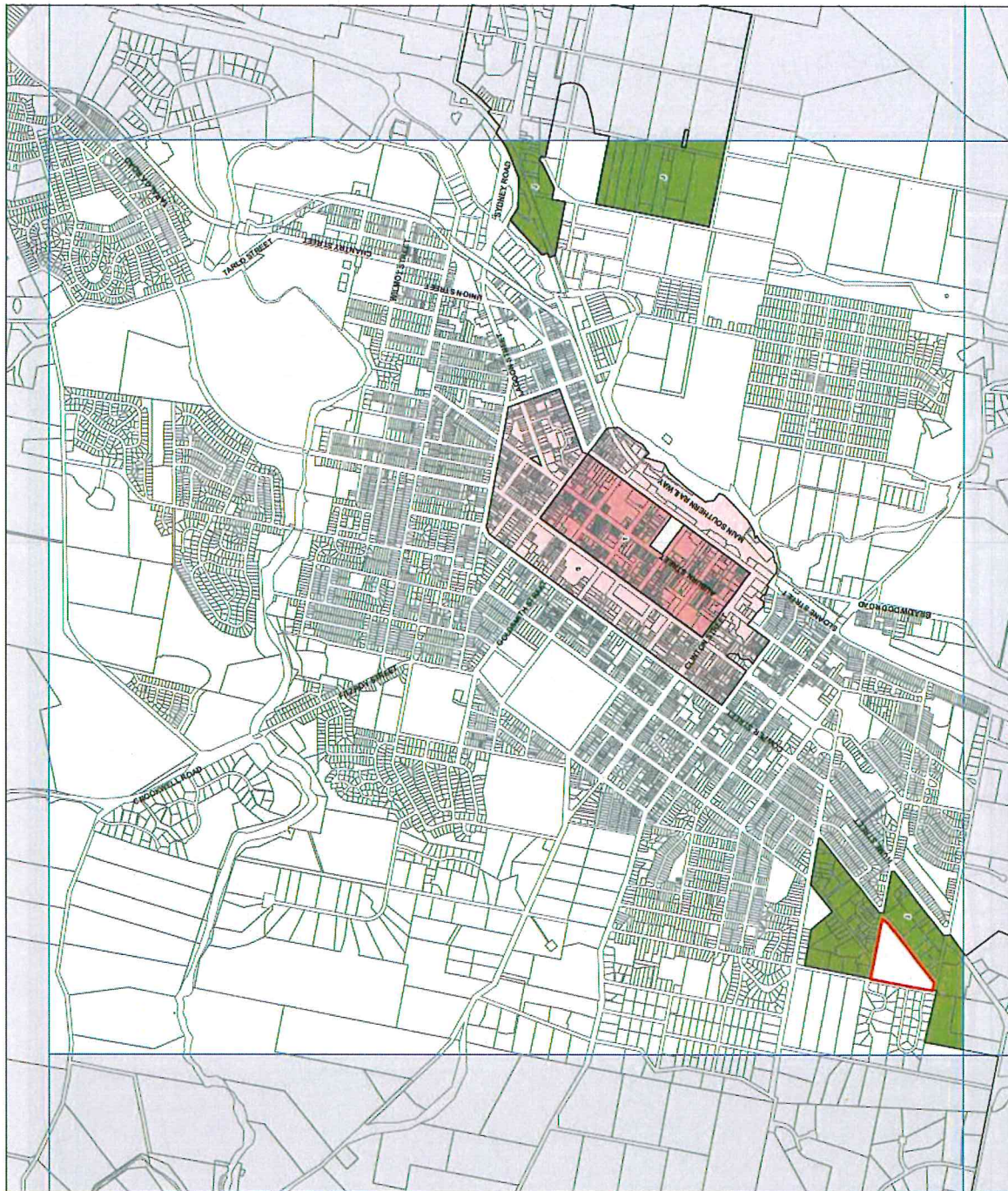
Proposed LEP 1994
2009

Map Identification Number
2010_GMLA_LSP_001D_001/0014

Existing Floor Space Ratio Map



Proposed Floor Space Ratio Map



**Goulburn Mulwaree
Local Environmental
Plan 2009**

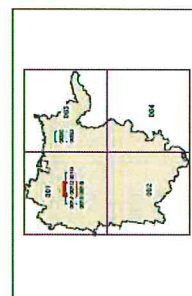
**Floor Space Ratio Map -
Sheet FSR_001D**

Floor Space Ratio



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Information (LPI)



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Scale 1:2000 @ A3

Prepared 02/04/2014
June 2014

Map Identification Number
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