

12 ITEMS FOR DETERMINATION**12.1 PLANNING PROPOSAL TO REZONE AND RECLASSIFY COUNCIL LAND AT DOSSIE STREET GOULBURN****Author:** Bennett Kennedy, Senior Strategic Planner**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

Link to Community Strategic Plan:	<p>Strategy EN4 Maintain a balance between growth, development and environmental protection through sensible planning.</p> <p>Strategy EC1 Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment.</p> <p>Strategy IN3 Maintain and improve road infrastructure and connectivity</p>
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

- The report of the Senior Strategic Planner regarding the rezoning of land at Dossie Street Goulburn be received.
- Council resolve to rezone the following land from RU2 Rural Landscape to IN1 General Industrial and delete the 100 Hectare Minimum Lot Size under *Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009)*:
 - Lot 1 DP 1034565
 - Lot 3 DP 1008818
 - Part Lot 2 PPN DP 1238214 subject to registration (STR)
- Council resolve to rezone the following land (Site B) from RU2 Rural Landscape to RE1 Public Recreation and delete the 100 ha minimum lot size under *Goulburn Mulwaree Local Environmental Plan 2009*:
 - Lot 3 PPN DP 1238214 subject to registration (STR).
- Council prepare a Planning Proposal in accordance with the resolution and forward this to the Department of Planning and Environment (DPE) to issue a Gateway Determination.
- Council waive Planning Proposal fees that would be paid for lodgement of the documentation in support of the Planning Proposal to rezone Part Lot 2 PPN DP 1238214 (STR).
- The proponent for the privately owned land be requested to provide a Preliminary Site Investigation/ Phase 1 Assessment in accordance with *State Environmental Planning Policy – Remediation of Land*) to address the contamination identified on their site.

PURPOSE

The purpose of this report is to consider the preparation of a Planning Proposal to amend the *Goulburn Mulwaree (GM) Local Environmental Plan (LEP) 2009* by rezoning land identified in the South Goulburn Industrial Precinct of the *Goulburn Employment Lands Strategy (ELS) 2016*, from

zone RU2 Rural Landscape to zone IN1 General Industrial and Part RE1 Public Recreation, and remove the minimum lot size provision as mapped under GM LEP 2009.

The subject Council land is identified (refer p.31 *GMC Land and Property Audit 2018* Doc #1047346) as follows:

Property Identifiers	Current Zoning	Area/Size	Current Use
Lot 1 DP 1034565	RU2 Rural Landscape	125,100 m ²	Old Nursery (Operational)
Lot 3 DP 1008818	RU2 Rural Landscape	51,870 m ²	Vacant (Operational)
Lot 3 DP 1238214 (STR)	RU2 Rural Landscape	432 m ²	Vacant (Operational)

The following adjoining privately owned land is proposed to be included in the Planning Proposal:

Property Identifiers	Current Zoning	Area/Size	Current Use
Pt Lot 2 DP 1238214 (STR)	RU2 Rural Landscape	116,795 m ²	Occupied/habitable shed

Please Note: Due to the imminent registration of a subdivision associated with the connection of Tait Crescent and Lockyer Street, the proposed Lot/DP numbers are used in this report. The area identified in this report as being lot 2 DP1238214 (STR) is currently identified as Lot 47 DP1204727 and the area identified as Lot 3 DP1238214 (STR) is currently identified as Lot 1 DP1008818. The areas identified above are identified in Figure 1.

BACKGROUND

This Planning Proposal has not been raised previously with Council however the following four (4) independent actions have been raised over the course of the last eighteen (18) months in support of the intended amendment to the GM LEP 2009. The four (4) independent actions that are giving this Planning Proposal momentum are:

1. Consistency with the objectives and recommendations of the ELS 2016;
2. The rezoning of surplus Council owned land classified as “operational” with the intention of recouping market value;
3. The interest of an adjoining landowner in rezoning and subdividing their land; and
4. The conclusion of negotiations for the connection of Tait Crescent and Lockyer Street.

The above four (4) independent actions have now gained the required momentum to achieve the objectives of the ELS 2016 Strategy. It is considered that these should continue and would be better managed if considered holistically in one Planning Proposal where the area can be treated as a precinct. In relation to action (2), on 20 November 2018 Council resolved (Resolution 2018/554) as follows:

That Council rezone Lot 1 DP 1034565, Lot 3 DP 1008818 and Lot 1 DP 157664 (Dossie Street Goulburn) to IN1 – General Industrial and the General Manager prepare a master plan for Council’s consideration that will maximise the land’s sale potential. The property then be sold by way of public auction with proceeds from the sale being used to offset the capital cost of the consolidation of the Depots at Hetherington Street Goulburn

Further to the above resolution, the subject Planning Proposal is proposed in this report to be expanded to include adjoining privately owned land (Part Lot 2 in PPN DP 1238214) and to rezone a previously unidentified lot (Lot 3 in PPN DP 1238214).

REPORT

Figure 1 identifies the subject land in the South Goulburn Industrial Precinct recommended in Council’s ELS 2016 to be rezoned to IN1 General Industrial under GM LEP 2009 with edits for clarity. The layout of the cadastre in Figure 1 shows the current cadastral boundary (as at 4 Feb 2019) and will be revised subject to the registration of a revised cadastre required by action (4) above (showing the path of the Tait/Lockyer connection).

A portion of the area identified in the ELS 2004 has been excluded from the Planning Proposal because these locations are already zoned IN1 General Industrial under the current GM LEP 2009. Site B (Lot 3 DP 1238214 - STR) is Council owned land that is currently zoned RU2 Rural Landscape under GM LEP 2009. This area will be included in the Planning Proposal and is proposed to be rezoned RE1 Public Recreation to preserve it for the following reasons:

- This site was identified in Council's *South Goulburn Endangered/Threatened Species Management Plan (SMP) 2004* however was not identified at that time as being in public ownership.
- Site B was also not identified as being part of the remnant vegetation communities (SMP 2004). Since that time however, aerial photos of the area indicate that the tree canopy has developed therefore could now form an integral part of the fauna corridor intended by the SMP 2004.
- Land to the west (at the end of Lockyer Street) has subsequently been zoned RE1 Public Recreation under GM LEP 2009 to further protect this corridor.

It is recommended that Site B be included in the Planning Proposal to support the SMP 2004. Land between the subject site and the motorway is proposed to remain RU2 Rural Landscape under GM LEP 2009 as it is understood that this land forms part of a travelling stock route. Further there would be no benefit in rezoning this land to IN1 General Industrial as it is constrained due to the steep and rocky gradient and would better serve as a vegetation buffer from the motorway.

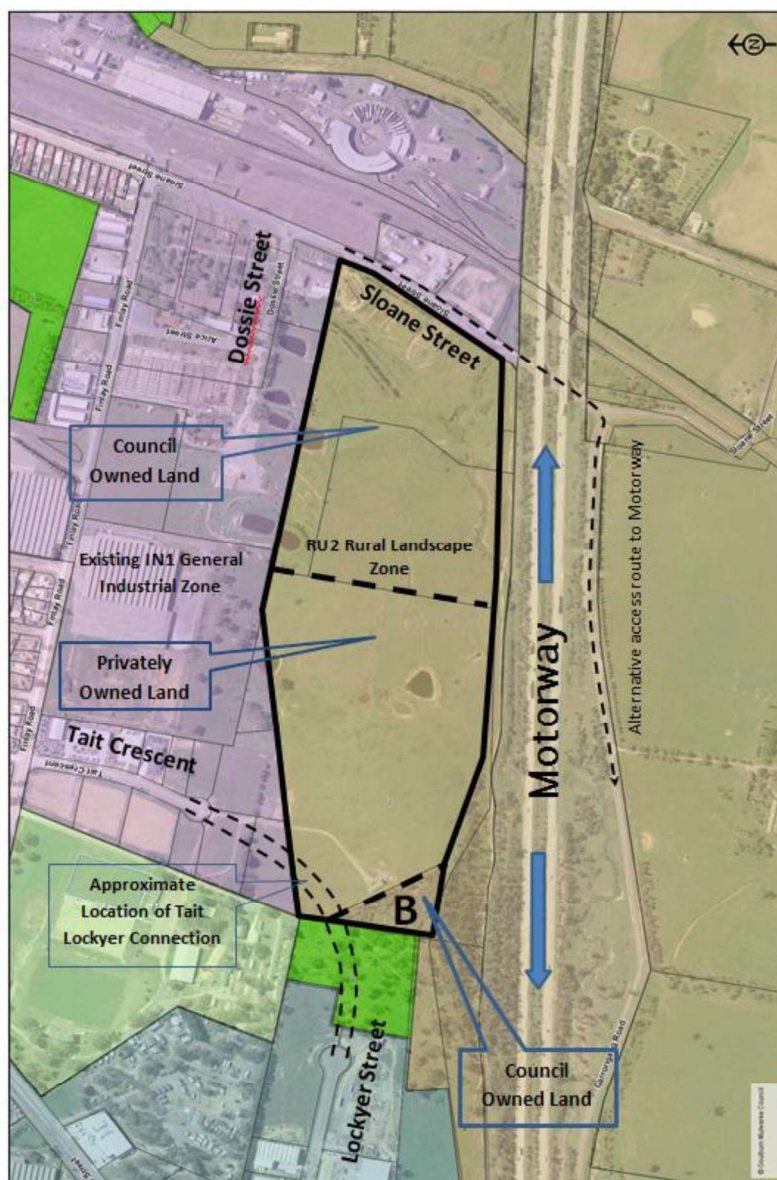


Figure 1: The existing zoning of the subject land outlined in black and located in the South Goulburn Industrial Precinct.

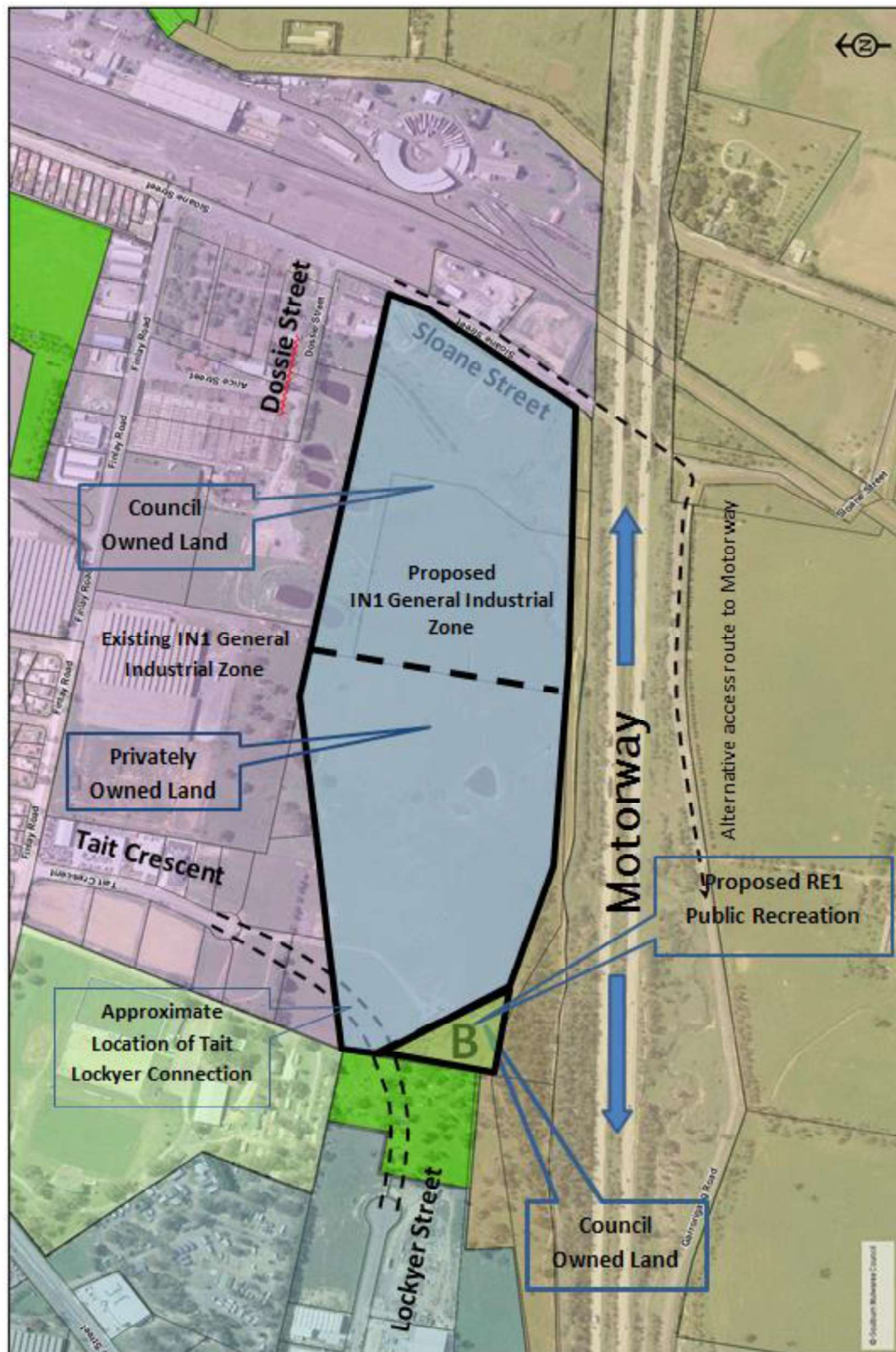


Figure 2 Proposed zones of land to be included in the Planning Proposal.

Employment Land Strategy 2016

The purpose of the *Employment Land Strategy (ELS) 2016* is to guide decisions to rezone land for industrial land uses so that there is an adequate supply of employment lands in appropriate locations to provide for sustainable employment growth into the future. This is particularly relevant due to the anticipated residential growth identified by the Draft Urban and Fringe Housing Strategy.

The recommendation of the ELS 2016 for the South Goulburn Industrial Precinct is that this area *be supported for industrial land uses*. With regard to the subject site it states *'There is a rural zoned area to the south of this precinct as shown in Figure 41 (of the ELS 2016) which may be suitable for rezoning should additional land be required in the future. The rural zoning is no longer appropriate in the long term given surrounding land uses*.

The ELS 2016 noted that the adjacent saleyards and wool stores are underutilised. It is understood that work has begun by the Saleyards owner to remove the existing buildings and structures in preparation for the redevelopment of this site.

One of the constraints to developing this precinct beyond the end of Lockyer Street is access. It is considered that this will be addressed with the connection of Tait Crescent and Lockyer Street and the proposed subdivision of Part Lot 2 PPN DP 1238214. It is further considered that connection of internal roads to Sloane Street as an alternative access route (Figure 1) to the Motorway can be provided via the existing underpass and Garroorigang Road.

The rezoning of the subject land to IN1 General Industrial under GM LEP 2009 is therefore considered consistent with the objectives of the ELS 2016.

Subdivision of Adjoining Privately Owned Land

The owner of 12 Tait Crescent (Part Lot 2 PPN DP 1238214) has expressed an interest in subdividing that land. The owner and proponent have approached Council with proposed subdivision layouts and have also expressed their willingness to cooperate with Council to enable connections with the properties on Dossie and Sloane Streets. The master planning of Council's properties is an appropriate starting point to identify the most suitable and efficient routes.

From a strategic perspective, the inclusion of the privately owned land in the planning proposal is important as otherwise the remaining rural zoned parcel will be relatively isolated from other rural land being fragmented by the rezoning to industrial of the Council owned sites.

Connection of Tait Crescent and Lockyer Street

The owner and proponent of 12 Tait Crescent has concluded discussions with Council to facilitate the connection of these two streets. The details of these discussions are not essential for the purpose of resolving to prepare the subject Planning Proposal, however it is confirmed that the terms have been agreed upon and entered into for the purpose of this report (this will be effective upon registration of the revised cadastre PPN DP 1238214).

Consideration of Relevant Issues

- Development Potential

The development potential of land is considered to be high given its visual prominence and proximity to the motorway. To optimise access to the motorway, suitable travel paths could be considered at the development application (subdivision) or master planning stage. To enable these connections, advice to potential developers, or relating to any intended site layout, would be include provision of suitable heavy vehicle connections to Tait and Lockyer Streets. Master planning could also consider future heavy vehicle travel paths through Sloane, Dossie or Alice Streets. Any subdivision of the precinct would be more effective if the zoning of surrounding land is known rather than as a piecemeal planning proposal and development.

- Visual Impact

The site is visually prominent from the Hume Motorway. This provides both an attractive element to businesses looking for proximity to the motorway, however, there is also the potential to impact negatively on the regional urban landscape. It is considered that this can be managed by providing controls that will require development to carefully consider the visual appearance of development.

Controls could include requiring buildings to use non-reflective materials and ensuring that facades presenting to the motorway are consistent with the character of regional urban landscape. Visual impact mitigation measures could also include tree planting and encouraging building design to be unobtrusive through articulation.

- Signage

Signage will be an important element of business development in this precinct and will be required to address the provisions of *State Environmental Planning Policy 64 Advertising and Signage* (SEPP 64). SEPP 64 requires any proposed signage to be consistent with Schedule 1 of SEPP 64 which includes but is not limited to the impact of signage on the landscape, desired future character of the area and the safety of road users.

- Flooding

The subject site is subject to flooding in the lower areas adjacent to Sloane Street however it is considered that this would not unduly impede development of the site for industrial land uses or the implementation of stormwater management and flooding measures to address the flooding of the site in this area.

- Contamination

The privately owned land is identified on Council's land contamination register therefore a Preliminary Site Investigation (PSI) or Phase 1 Assessment (as required under *State Environmental Planning Policy – Remediation of Land*) will be required to identify the risks that may arise from the rezoning of land. This will be irrespective of the intended use of the site, in this case Industrial land uses, however more sensitive land uses would require a more detailed investigation subject to the outcome of the Phase 1 assessment.

Privately owned land identified on Council's contaminated land register would not be removed with the rezoning of the land and therefore would continue to be a consideration beyond the making of any LEP amendment to the DA stage. This would raise a continual hurdle for development, to which cautionary conditions would still be required, however if a PSI is provided at the Planning Proposal stage, there would be a clear 'line of sight' between any conditions of consent and any works required as part of a development application.

Given the potential improvement of property value resulting from a rezoning of the privately owned land it is considered appropriate that any contamination assessment for this site should be undertaken by the landowner.

- Ecology

The rezoning of the subject site is considered to have minimal impact on any EEC or threatened Species (there are few trees on Council land). The identification of the area adjacent to Site B in Council's Threatened Species Study from 2004 is considered to provide a suitable and appropriate offset to the ecological impact from the rezoning of Council's land.

The ecological assessment undertaken for the privately owned land found that there are a number of hollow bearing trees that will require protection, therefore any proposed concept plan or master plan would need to address this.

Any Planning Proposal prepared will be referred to the Office of Environment and Heritage (OEHL Ecological) for their comments prior to exhibition.

- Archaeological Heritage

Advice from the proponent of the privately owned land indicates that there are a number of possible sites of significance to be considered which has arisen from an independent assessment. They have verbally advised that this has prompted a reconsideration of their concept plan of subdivision which would dovetail with Council's master planning of the site.

A preliminary AHIMS register investigation has been undertaken for existing Lot 47 DP 1204727 which does not identify any known sites on the privately owned land but identifies 4 known sites in the vicinity. Any Planning Proposal prepared would require an Aboriginal Due Diligence Assessment and will be referred to both the Local Aboriginal Land Council and the OEH (Archaeological) for their comment prior to exhibition.

- Services

Water, Sewer and Stormwater infrastructure are available at the periphery of the subject land but will require connection and design work as upgrades are likely given the increase likely in demand. These could be considered in more detail through master planning.

- Timeframe

It is estimate that the subject Planning Proposal can be concluded 12 months after the issuing of a Gateway Determination. This is a best case scenario. In view of the land contamination identified on the adjoining site, this could be extended due to the delay in providing the Preliminary Site Investigation (PSI)/Phase 1 Report with the Planning Proposal for the Gateway determination (though the Department has previously issued a Gateway and requested the PSI prior to exhibition).

- Fees

With regard to Council owned land, it is intended that a Planning Proposal be prepared in-house to rezone Council's land. If Council intended to take advantage of the synergies in including the adjoining privately owned land, a Preliminary Site Investigation (PSI)/Phase 1 Contamination Assessment would still be required.

The proponent had already intended to lodge a Planning Proposal to rezone the privately owned land to IN1 Industrial under GM LEP 2009 and has already had prepared a Planning Proposal and an Ecological and Archaeological Assessment in support of their application. They have verbally agreed to have a PSI prepared for their site and include this with their PP.

In view of these circumstances, and the additional expense that the proponent must go to (in preparing a PSI), it is recommended that the fees be waived (that is the adjoining owner informally provide the documentation they have had prepared) and this land be included in the Planning Proposal to be prepared in-house.

ASSESSMENT

Any land zoned IN1 General Industrial under GM LEP 2009 is not inclusive of a minimum lot size provision, therefore the amendment of the zone will require deletion of the existing 100 hectare minimum lot size as it applies to the subject lands. The removal of the minimum lot size provides a high degree of flexibility for the subdivision of the land. Any subdivision layout is required to demonstrate that the proposed configuration will not compromise future development within the zone or the fragmentation or sterilisation of land for future development. This inherent flexibility is a very attractive proposition for both developers and purchasers of individual lots because it reduces the cost of development.

The other advantage of development of the land for industrial uses, particularly in a high profile location such as this, is that it signals to proponents that Council is being proactive in enabling and facilitating business opportunities outside the metro area and thereby encourages businesses to look into the shire.

The privately owned land is identified on Council's land contamination register therefore is difficult to develop for sensitive land uses such as residential and open space. The advantage of proceeding with the Planning Proposal (subject to a Preliminary Site Investigation – PSI) is that the land can therefore be used for productive purposes (industrial) that have less stringent requirements than more sensitive land uses.

In terms of the preparation of a master plan, it is better to consider the site for master planning *in toto* (including the adjoining privately owned land) and in the context of all road and circulation connections rather than as a piecemeal project. Master planning of the site can commence following endorsement for the preparation of the proposed amendment.

The disadvantage of proceeding with a Planning Proposal to rezone the land would be the loss of area zoned RU2 Rural Landscape under GM LEP 2009. It is considered however that there is sufficient land on the southern side of the Hume Highway to retain the Rural Landscape character along the Hume Motorway. Furthermore the viability of the land for rural use is somewhat limited due to the fragmentation of this precinct from other rural land due to the Hume Highway.

CONCLUSION

In conclusion, the Planning Proposal to rezone the site from RU2 Rural Landscape to IN1 General Industrial and part RE1 Public Recreation involving the removal of the 100 ha minimum lot size provision under *GM LEP 2009* is supported.

It is concluded that the momentum gained by the four (4) independent initiatives is sufficient justification for Council to resolve to prepare a Planning Proposal and forward supporting documentation to the Department of Planning and Environment for a Gateway determination.

There are issues (Ecological, Archaeological and site contamination) to be raised and discussed in any Planning Proposal however at this point in time, it is considered that these are not insurmountable and may be positively incorporated into any future master planning for the site.

In view of the positive outcomes that could be achieved from considering the site holistically by including the adjoining privately owned land, and given the proponent's work already undertaken to support the rezoning of the privately owned land, the proponent's agreement to providing a Preliminary Site Investigation (PSI) Study it is recommended that the proponent not be required to pay the application fees to rezone their land (as the cost of the Planning Proposal administration would be absorbed by the administration involved in preparing the Planning Proposal for the Council land anyway).