



Goulburn Mulwaree Council

Planning Proposal to Rezone 59-61 Hovell Street
Goulburn and Update Schedule 4 of
Goulburn Mulwaree Local Environmental Plan 2009

28 August 2019

Version	Comment	Date
1	For Gateway	28 August 2019

Introduction

Council resolved at its meeting held on the 20th November 2018 that:

RESOLUTION 2018/556

That Council commence a public consultation process and public hearing process to re-categorise 59-61 Hovell Street (Lot 8 DP 832816) as Operational Land and subsequently rezone the land to R1 Residential.

And

RESOLUTION 2018/559

That Council commence a public consultation process and public hearing process to re-categorise 20 Hercules Street Goulburn (Lot 2 Section 9 DP979849) as Operational Land. The property then be sold by way of public auction and the sale proceeds of this property be held in a Community Facilities Capital Reserve Account for the redevelopment of the Goulburn Aquatic Centre.

Number 59-61 Hovell Street being Lot 8 DP 832816, (to be referred hereon as the Hovell Street site) is currently owned by Council and is vacant. See Figures 1 & 2.

The reason to re-classify and rezone the site is that the subject land is not identified as having any strategic or operational benefit for Council and the community. An operational classification enables the land to be sold. The land is currently classified as community land under the *Local Government Act 1993*.

Number 20 Hercules Street being Lot 2 Section 9 DP979849 (to be referred hereon as the Hercules Street site) is currently vacant land which is fenced within a private landholding. No rezoning is proposed for this site due to its relatively small size and location within a rural residential area. This Planning Proposal is seeking to add the reclassification of this site to Schedule 4 of *Goulburn Mulwaree Local Environmental Plan 2009* only.

A public hearing undertaken in accordance with the *Local Government Act 1993* to facilitate the proposed reclassifications of both the Hovell Street and Hercules Street sites occurred on the 11 April 2019. A Public Hearing report was presented to Council on the 4 June 2019 which advised that there were no specific objections raised to the proposed reclassification of the land. Future development issues for the Hovell Street site identified in the submissions included potential land use conflict between future residential development with existing industrial land uses, stormwater impacts from the land to Finlay Road, and existing poor vehicular access to the land from Sloane St via the laneways. The Council report to re-classify the land to operational was considered at Council's meeting held 4 June 2019 and Council resolved to proceed with the re-classification of both the Hovell Street and Hercules Street sites to operational. Public notices advising of the classification of land as operational were published in the Goulburn Post Weekly on the 13 and 27 June 2019 and 4 July 2019 informing of Council's decision to reclassify both the Hovell Street and Hercules Street sites to operational. Opportunity was provided for the public to make submissions up to 5pm, 7 August 2019. No submissions were received by Council for the exhibition period. The reclassification

process need not be separately published in the NSW Government Gazette as this Planning Proposal will formally reclassify the sites to operational.

The Hovell Street site is identified within the *Draft Recreational Needs Strategy* as land that is surplus to the recreational needs of the community. The recommendation of the strategy is to rezone the land to residential with access via a new road off Hovell Street that allows for the retention of the existing trees.

The Hercules Street site is currently zoned RU2 Rural Landscape, accordingly it is not identified in the *Draft Recreational Needs Strategy* as it has never been identified for recreational use. It is noted that the site is in close proximity to the relatively large Carr Confoy Park area.

The resolution of Council to re-classify the land will necessitate a change to Schedule 4 of the *Goulburn Mulwaree Local Environmental Plan 2009*, to include the Hovell Street and Hercules Street sites to reflect the reclassification undertaken separately under the provisions of the *NSW Local Government Act, 1993*.



Figure 1. Photo of 59-61 Hovell Street looking North West



Figure 2. Photo of 59-61 Hovell Street looking South West

Part 1 – Objectives

The primary objective of this Planning Proposal is to amend the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) to facilitate a zoning change for the Hovell Street site being Lot 8 DP 832816, from RE1 Public Recreation to R1 General Residential. In a separate process to the Planning Proposal, the land has been re-classified from Community to Operational under the *NSW Local Government Act, 1993* to enable the land to be sold and developed for residential use in accordance with the *Draft Recreational Needs Strategy*. In addition to the Hovell Street site, Number 20 Hercules Street being Lot 2 Section 9 DP979849, was also reclassified under the *NSW Local Government Act, 1993* to enable the land to be sold. An amendment to Schedule 4 of the GM LEP 2009 is proposed to reflect the reclassification of both sites which occurred separately under the *Local Government Act 1993*.

Refer to **Appendix 1** for a Locality Map of the land to which this proposal corresponds.

Part 2 – Explanation of Provisions

The *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) will be amended to change the land use zone of the Hovell Street site from RE1 Public Recreation to R1 General Residential.

An extract of the current zoning map is below.



Figure 3. Extract of Goulburn Mulwaree Local Environmental Plan 2009 zoning map.

The current RE1 zone is not subject to a minimum lot size however the proposed R1 zone is subject to a minimum lot size, therefore, the Planning Proposal requires the amendment of the zoning map and lot size map. The following maps are proposed to be amended (these are included in Appendix 2):

Land zoning map

LZN_001D

LZN_001E

Lot size map

LSZ_001D

LSZ_001E

Part 2 of Schedule 4 will also require amendment as follows:

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1

Locality

Manfred Park

Goulburn

Column 2

Description

Land known as Manfred Park, bounded by Clinton Street, Glebe Avenue and Auburn Street, Goulburn, Book 1247, Number 285.

Land known as Lot 8 DP 832816, 59-61 Hovell Street Goulburn

Part 3 – Justification

Section A – Need for Planning Proposal

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

The Planning Proposal in relation to the Hovell Street site is a recommendation of the *Draft Recreational Needs Strategy*, and initially, a Council resolution to dispose of the land therefore requiring a zoning change and reclassification of the land to operational under the *Local Government Act 1993 (LGA Act 1993)*. An RE1 Public Recreation zoning is clearly an inappropriate zone for the land if sold. It is considered, therefore, that the most appropriate land use for the site is R1 General Residential as this would be a continuation of this zone which surrounds the site to the north, west and east.

The reclassification of the Hovell Street site has occurred separately under the LGA Act 1993, a process which commenced prior to the submission of the Planning Proposal for gateway determination. Following the public hearing for the proposed reclassifications, a report was considered at the 4 June 2019 Council meeting to reclassify the land to operational and Council resolved the same. The following additional property which was reclassified to operational by Council resolution is 20 Hercules Street Goulburn (Lot 2 Section 9 DP 979849). No rezoning is proposed for the Hercules Street property as the current RU2 Rural Landscape zone is considered to be the most appropriate zone for this site.

The subject land is outlined below:



Figure 4. Extract of aerial photograph (Source: NSW Department of Finance, Services and Innovation (DFS) – Spatial Services Division)



Figure 5. Extract of aerial photograph showing 20 Hercules Street Goulburn

The justification for the planning proposal, as discussed in the report to Council dated 20 November 2018, is that the subject sites are surplus to Council's strategic and operational requirements. As mentioned above, the Hovell Street site is identified in the *Draft Recreational Needs Strategy* as land to be rezoned to residential as it is not required for recreational use.

There is no known community interest for the land to be used or maintained for public recreation purposes. The sporting facilities provided within the Local Government Area (LGA) adequately cater for the community and for the projected population growth.

There is an existing park located within 400 metres of the land and this meets the recommendations of the *Strategy*, in terms of proximity of parks to residential development.

If the land is sold, this will allow Council resources to be concentrated on the maintenance of other recreational assets held by Council. Also, funds generated from the proceeds of sale can be spent on regional recreation facilities as recommended in the *Draft Recreational Needs Strategy*.

The proposed R1 General Residential zoning will be contiguous with the existing R1 General Residential zoning to the east, west and north of the subject land.

Land that adjoins the subject land to the south and south west of the subject land is zoned IN1 General Industrial. A larger minimum lot size that alleviates potential land use conflict with the adjoining industrial zone, given the land's intended residential land use and its slope has been specified. A minimum lot size of 1,000m² is considered a suitable minimum lot size for future residential and ancillary development and this is recommended.

Measures to mitigate potential land use conflict are included in the concept master plan (Figure 6). Such measures include vegetative buffers on the southern side of the land to create greater separation distances from future residential development and larger allotment sizes. Issues raised at the public hearing, include stormwater management and vehicular access. Vehicular access is

identified in the master plan via Hovell Street, with appropriate inter-allotment and street drainage systems.

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

The land is identified as being surplus to Council's needs as a recreational area. The zone objectives and land use table are relatively inflexible, therefore a suitable alternative zone was identified, based on location and planning considerations.

Council at its meeting of 20 November 2018 resolved to re-zone the land from RE1 Public Recreation to R1 General Residential. In order to facilitate a zone change, a Planning Proposal must be prepared. A zoning change cannot be facilitated any other way.

The proposed zoning change is considered to be the most suitable considering the surrounding land use zones. Given the slope of the site and proximity to industrial, applying a minimum lot size of 1,000m² is considered appropriate, particularly to the south of the site that immediately adjoins the IN1 General Industrial zone.

The land has the potential to accommodate future general residential development. The land offers minimal development constraints for the following reasons:

- Access is available via Hovell Street;
- The site can be connected to town reticulated water and sewer infrastructure;
- The site is contiguous with existing residential;
- Existing native vegetation is limited to windrows of planted native species, the site is predominantly covered in grass which is mown on a regular basis.
- The site does not form a part of a known habitat or habitat corridor for threatened species.
- The site is not identified as having a history of potentially contaminating land use.
- The site drains to a public street system.
- There are no items of environmental or Aboriginal archaeological potential within the site.
- The site is neither flood prone nor bushfire prone land.

Given the sites' proximity to general industrial uses to the south and south west (properties fronting Finlay Road), and the slope of the site, the introduction of a 1,000m² minimum lot size is considered appropriate.

The preparation of a master plan in accordance with the concept (Figure 6), following the completion of this Planning Proposal, will ensure that the development constraints of the land are appropriately accounted for.

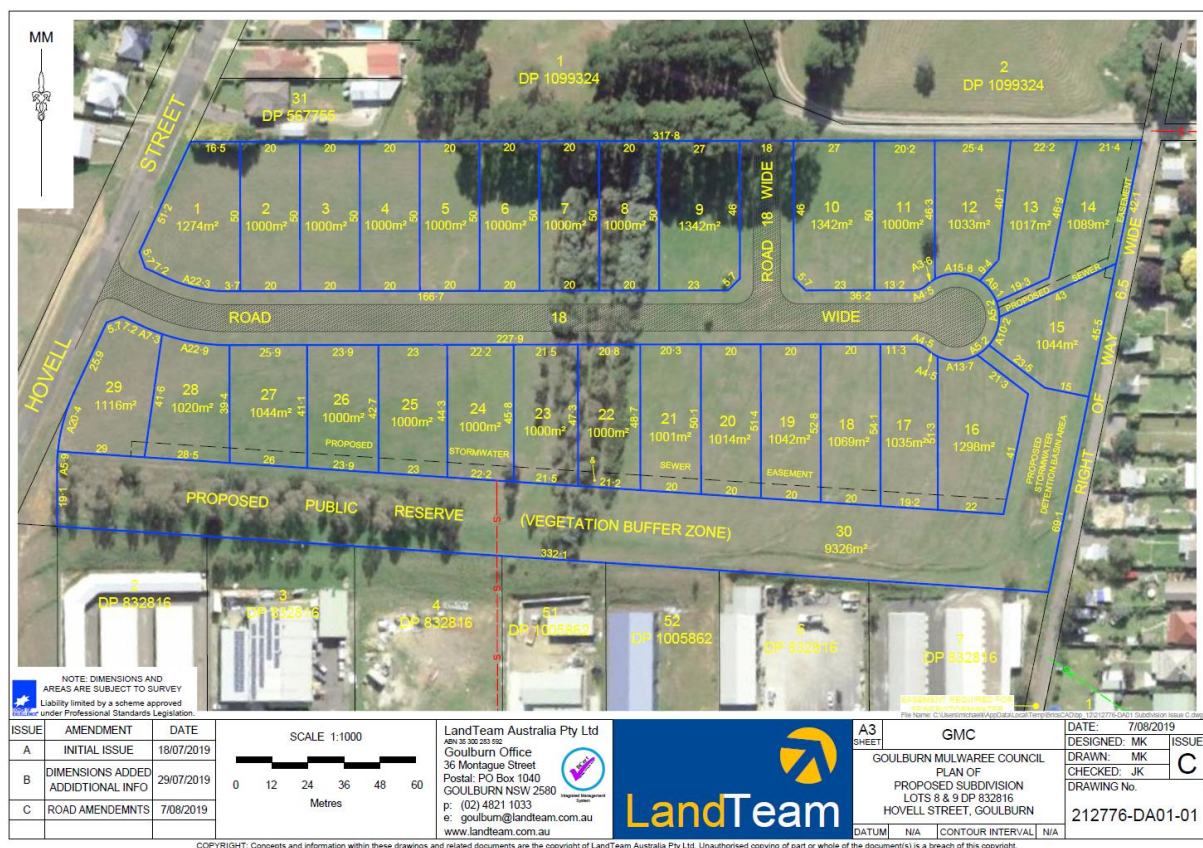


Figure 6. Concept master plan for future subdivision at 59-61 Hovell Street Goulburn.

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?

3.3.1 South East and Tablelands Regional Plan

The Planning Proposal is not inconsistent with the *South East and Tablelands Regional Plan*.

Goal 4 of this strategy, i.e. Environmentally Sustainable Housing Choices, will be considered below.

Goulburn Mulwaree Council has prepared a *Draft Urban and Fringe Housing Strategy*. The subject land is located within the 'Garfield Precinct'. This area is predominantly developed, contains older housing stock and there are limited opportunities for infill development. However there is appeal for development on the site as services do not require significant augmentation as per Direction 25 of the Regional Plan.

The *Goulburn Mulwaree Local Environmental Plan* contains flexible provisions to allow a variety of housing types and densities to promote opportunities for affordable housing in accordance with Direction 25.

The need for an expansive amount of public open space in the location in which the land exists is questionable. The land does not appear to be utilised by the public and is merely maintained by Council. There is a public park located within a 400 metre walking distance of the land (see Figure 3).

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The Community Strategic Plan (CSP) identifies strategic priorities in order to achieve the future vision for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

Each relevant strategic pillar and their relationship to the Planning Proposal is considered below:

Environment: Strategy EN4 Maintain a balance between growth, development and environmental protection through sensible planning.

The subject land identified for rezoning is currently located within an urban area and is zoned RE1 Public Recreation. The land predominantly consists of grassland with two bands of planted vegetation incorporating native species in wind rows.

The subject land is considered to have minimal impact to native flora and fauna given its context within the urban area. From a strategic planning standpoint, the land is capable of future residential development. Nevertheless, impacts from potential removal of native vegetation are subject to consideration under the Development Application process via the *Biodiversity Conservation Act 2016*.



Figure 7. Photograph of site showing limited native vegetation along south western boundary of the land.



Figure 8. Photograph of site showing limited native vegetation along the north western boundary of the site.

Community: Strategy C03 Foster and encourage positive social behaviours to maintain our safe, healthy and connected community.

The development of the site in the future will require consideration against the NSW Police Principles *Crime Prevention through Environmental Design*. The preparation of a master plan by Council for consideration as to how the site will be future developed will assist in providing positive social impacts to future residential property occupiers.

The land as a site for a public park contradicts compliance with Safer by Design Principles. With the configuration and fall of the land, and the locations of clustered vegetation, there are areas where anti-social activity could be exacerbated due to poor natural surveillance. The land also provides a thoroughfare opportunity between Sloane Street and Hovell Street.

The Planning Proposal is consistent with the objectives of this Strategic Plan.

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 Planning Proposal does not contradict the *Goulburn Mulwaree Strategy 2020*.

The strategy identifies that for new development areas, minimisation of rural land use conflict, land capability and the creation of liveable communities are important.

The subject land is located adjacent to existing industrial zoned land. The proposed minimum lot size of 1,000m² will provide a suitable minimum lot size for subdivision purposes with sufficient area for

a dwelling and ancillary development. This also alleviates potential land use conflict without detrimentally impacting the development potential of the land.

The land is serviced by mains sewer, water and stormwater and the land is expected to accommodate future residential development without placing unreasonable demands on services. The land is located amongst other residential development and future development will be required to incorporate a settlement pattern that is convenient and efficient for services and access. The creation of a Council master plan for the site's future development will assist in ensuring the best possible integration with the existing infrastructure.

There are existing public parks located in the vicinity of the land and these are shown in figure 5. The extent of local parks located in the area is considered sufficient. The loss of this public space to future residential land is considered acceptable as the land is considered an oversupply of public space. It is not utilised for public recreation and appears as a vacant parcel of land as opposed to a public space.

The *Draft Recreational Needs Strategy* makes provision for future residential subdivisions to be provided with public open space areas that are conveniently located. The future development of the land will be in keeping with this strategy.

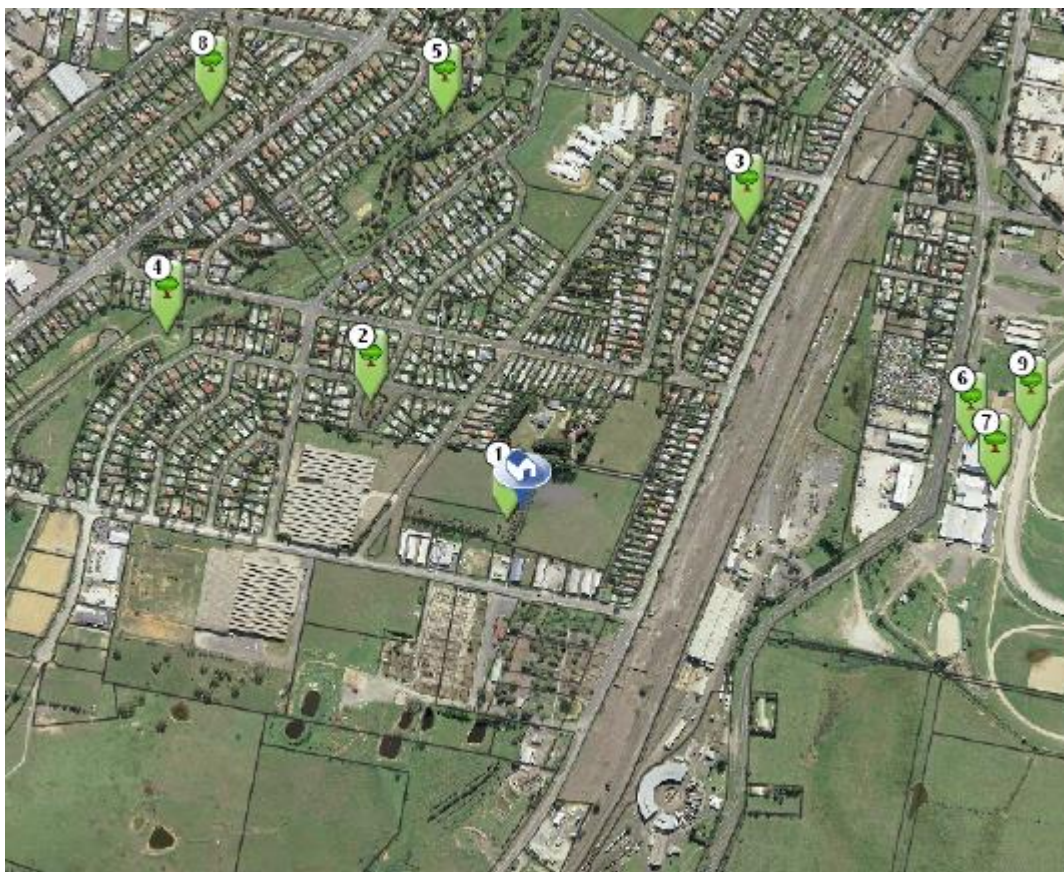


Figure 9. Extract of aerial photograph (Source: NSW Department of Finance, Services and Innovation (DFSi) – Spatial Services Division)

3.4.2 Community Strategic Plan 2012 – 2022

The *Community Strategic Plan* (CSP) was adopted by Council on the 17 April 2015.

The Plan seeks to provide opportunities for rural lifestyle, settlement, housing, sustainable farming and natural resource protection.

In relation to the goal of quality infrastructure, the Planning Proposal will allow for additional residential development which will have reasonable demands on existing services such as water, sewer and stormwater.

The proposed rezoning will provide for infill residential development within an area which is serviceable.

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

State Environmental Planning Policy No. 55- Remediation of Land

The Planning Proposal is considered to be compliant with the requirements of this Policy. The subject land is not identified as being contaminated or potentially contaminated. The condition of the land does not suggest that the land is potentially contaminated.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

As a requirement of the Local Planning Directions, Water NSW have been consulted as part of this Planning Proposal. Their comments have been received and are considered later in this report.

Future development consent for development on the land can only be granted if there is a neutral or beneficial impact on water quality. Water NSW concurrence must also be provided for developments such as a large subdivision.

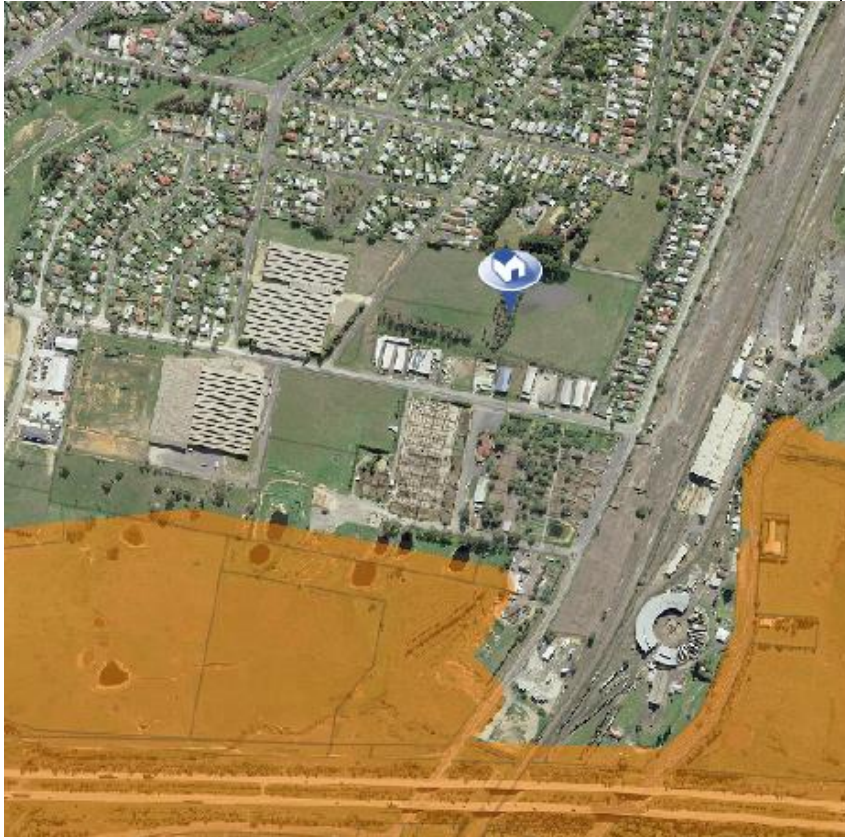
The Water NSW Strategic Land and Water Capability (SLWCA) Maps in relation to the site will be considered in Table below.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The subject land is considered to be compliant with the aims of this Policy being that the biodiversity values of trees and other vegetation are protected and the amenity of the urban areas are preserved. The land contains some native vegetation which are situated on the land in two areas. The vegetation is considered to have low contribution and value to fauna because of the context of the site and its lack of continuity to other vegetative corridors. In addition, the Goulburn Mulwaree Development Control Plan (DCP) 2009 does not identify the land as a biodiversity hotspot or within a heritage significant area which requires a permit or consent from Council. The site is not identified as an area of High Conservation Value (HCV) within the SLWCA Maps.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

Applicable Direction	Justification	Compliant
3.1 Residential zones	This direction applies as the subject land is proposed to be rezoned to R1 General Residential zone. The Planning Proposal is consistent with the objectives of this Direction. The R1 zone allows for a variety of housing types and encourages affordable housing. Future housing will have access to mains services with reasonable impacts. The impact to the environment is	Yes

	<p>not considered detrimental. The development of a master plan by Council prior to the land's sale will have a positive impact in ensuring that the impact of future development is not unreasonable.</p> <p>The subject land is located on the fringes of the residential area, with industrial zoned land and industrial zoned uses located to the south and west of the land. In these circumstances it is considered reasonable to increase the minimum subdivision size for future residential development. Council currently does not have any provisions for residential density.</p>	
4.4 Planning for Bushfire Protection	<p>This direction applies if the land is bushfire prone.</p> <p>The land is not bushfire prone, as identified in the recently endorsed bushfire prone land maps.</p>  <p>Figure 10. Extract of recently adopted Goulburn Mulwaree Bush Fire Prone Land Map</p>	Yes
5.1 Implementation of Regional Strategies	<p>The <i>South East and Tablelands Regional Plan</i> has superseded the Sydney-Canberra Regional Strategy. The Planning Proposal complies with the current Regional Plan.</p>	Yes
5.2 Sydney Drinking Water Catchments	<p>The Planning Proposal is occurring on land which is within the Sydney Drinking Water Catchment and within an area which will be serviced by mains water and sewer.</p> <p>A referral has been made to Water NSW to seek confirmation that future development can achieve a neutral or beneficial impact on water quality.</p> <p>The response from Water NSW is summarised as follows:</p> <p><i>All future development on the land must have a neutral or beneficial effect on water quality, including the management of water quality</i></p>	

during construction and the ongoing management of stormwater from future impervious areas.

Extracts of the Strategic Land and Water Capability (SLWCA) Maps are considered below:

Permeability

The site is classified as predominantly low risk (green) for permeability with a small amount of slight risk (yellow) as shown below in Figure 10.

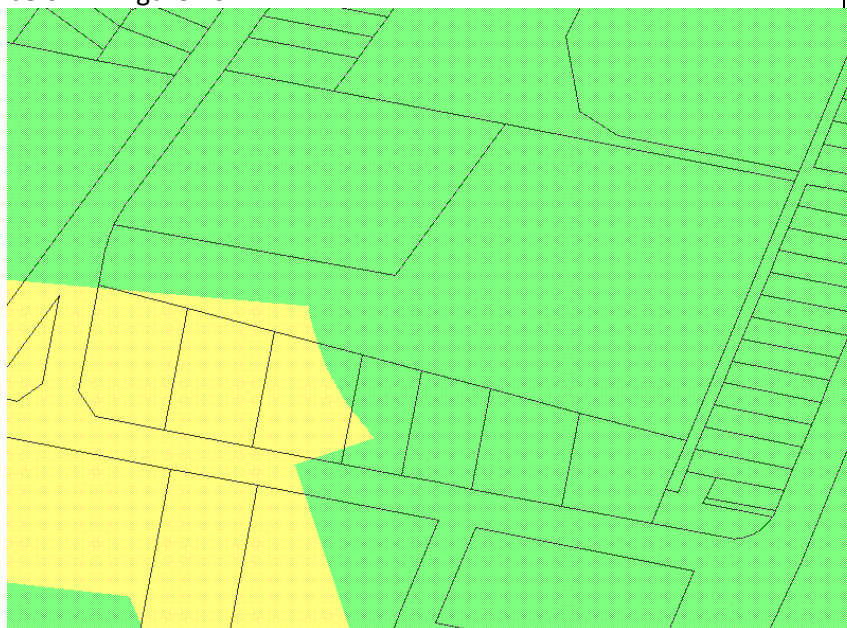
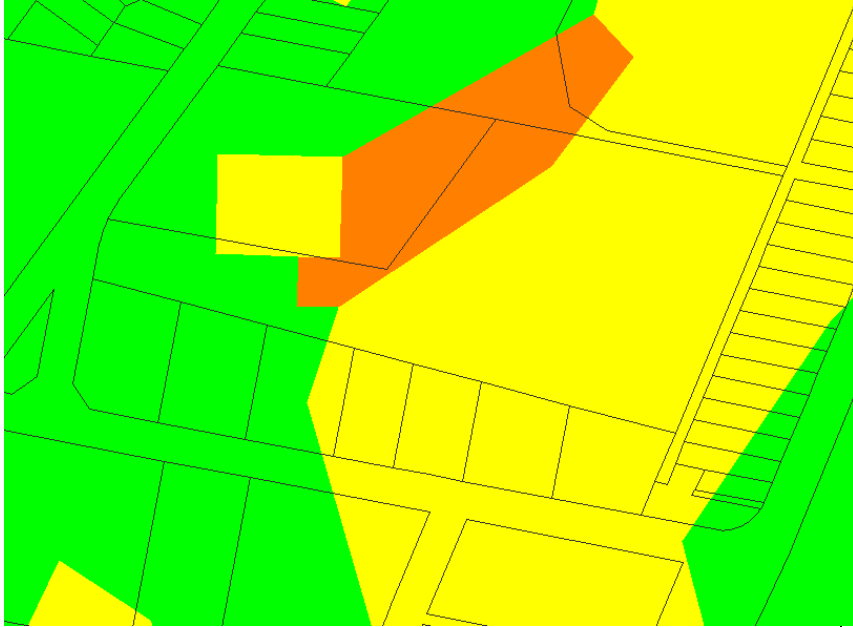


Figure 11. Permeability

Soil Erosion

Figure 11 below shows the site being classified as moderate risk to the west and centre of the site, and a slight risk to the east.



	<p>Figure 12. Soil Erosion</p> <p><u>Soil Depth</u></p> <p>The site is identified as a mixture of low risk to the west, slight risk to the east and a small area of moderate risk to the centre, for sewerer lots up to 2000m² in area. See Figure 12 below.</p> 	
	<p>Figure 13. Soil Depth</p> <p>The site is not identified as having High Environmental Value (HEV) under the South Eastern Tablelands Regional Plan (SETRP).</p> <p>Future development proposals will be required to demonstrate compliance with the above, if Council is to support the proposal. For a subdivision proposal, it is likely that it will require the concurrence of Water NSW.</p>	
5.10 Implementation of Regional Plans	The <i>South East and Tablelands Regional Plan</i> is applicable to this Planning Proposal and this has been considered in section 3.3.1 of this report. The Planning Proposal is not inconsistent with this Regional Plan.	Yes
6.1 Approval and Referral Requirements	This Planning Proposal will not introduce any additional burdens to future development proponents that require concurrence, consultation or referral to the Minister or public authority. The ordinary requirements of existing legislation will be applicable, e.g. Water NSW concurrence requirements where developments exceed delegation thresholds.	Yes.
6.2 Reserving Land for Public Purposes	The land has not been directed for reservation by a Minister or Public Authority. The subject land is currently community classified and zoned RE1 Public Recreation. Council has resolved that the land is surplus to Council's needs and has made arrangements to reclassify the land to operational and amend the <i>Local Government Act 1993</i> to facilitate this.	Yes
6.3 Site Specific	The Planning Proposal will not result in the creation of specific	

Provisions	developments to be carried out on the land. The minimum lot size for subdivision will be altered from the typical 700m ² in the R1 zone to 1,000m ² to alleviate potential land use conflicts from the adjoining industrial zones and to take into consideration the slope of the site. This is not considered to be inconsistent with this Direction as it can be achieved through the existing LEP mapping layers.	
------------	--	--

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?

Future development proposals on the subject land are unlikely to adversely impact on critical habitat or threatened species, populations or ecological communities or their habitats. The land is within an urban area and the existing vegetation offers little value to fauna, due to limited vegetative corridors. The land is not identified as a biodiversity hotspot nor within the Terrestrial Biodiversity maps (note - land containing Terrestrial Biodiversity is located 250 metres away).

Council's mapping system identifies the land within the Biodiversity Strategy which was prepared in 2007. See Figure 13 below.



Figure 14. Extract of Goulburn Mulwaree Council Biodiversity Strategy

The High Conservation Value lands (shown in red) covers a large portion of the Hovell Street site identifying that the area as contains Native Grasslands. The trees within the site are not identified (and appear whilst being native species, to be row plantings of non-locally endemic species). It appears that the Strategy was based on a desktop study without ground truthing and is based on out of date data sets.

The Office of Environment and Heritage Biodiversity Values Map does not identify the land or anywhere in the vicinity of the land containing any biodiversity values.

Council's Native Vegetation Officer has undertaken a site inspection of the site to investigate the significance of the grassland and existing trees and concluded:

"The subject land identified for rezoning is currently located within an urban area and is zoned RE1 Public Recreation. The land predominantly consists of grassland with two bands of planted vegetation incorporating native species in wind rows.

At the time of the site inspection the grassland area had been recently mowed close to ground level. This, combined with seasonal factors (middle of winter and therefore not optimal time for identifying grasses) made it hard to identify potential native plant species that could be present on the site."

However it appears that the site is heavily degraded and the dominant groundcover species on the site is the weed African Love Grass (Eragrostis curvula), which is accompanied by other weed species including St John's Wort (Hypericum perforatum), Serrated Tussock Grass (Nassella trichotoma), Chilean Needle Grass (Nassella neesiana) and Paterson's Curse (Echium plantagineum).

The two bands of planted native vegetation were found to comprise a mix of young trees of the following species:

- *Cootamundra Wattle Acacia baileyana*
- *Snowy River Wattle Acacia boormanii*
- *Knife Leaf Wattle Acacia cultriformis*
- *Early Black Wattle Acacia decurrens*
- *River She Oak Casuarina cunninghamiana*
- *Southern Blue Gum Eucalyptus globulus*
- *White Iron Bark Eucalyptus leucoxylon*
- *Ribbon Gum Eucalyptus viminalis*

There was no evidence found for presence of EEC Box Gum Woodland or derived native grassland on the site."

Additional consultation with Council's Native Vegetation Officer confirmed that the trees are suitable for removal. The trees do not constitute natural vegetation and the vegetation is not part of a threatened community and none of the species are threatened. There was no evidence of any threatened fauna on the site. Furthermore, the NSW Environment and Heritage Bio Net Atlas indicates that the land is not impacted by any significant flora or fauna (Refer Figure 15).



Figure 15. Extract of the BioNet Atlas of NSW Wildlife (Source: NSW Environment and Heritage)

The site is not identified as being of high environmental value in the *South East and Tablelands Regional Plan* as identified in Figure 15 below.



Figure 16. Extract from the South East and Tablelands Regional Plan – High Environmental Value Lands (Green)

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

As the land is located within an urban context and surrounds existing development, future development on the site will require careful due consideration for potential environmental impact to

the built environment. The land is located in an elevated area and amenity issues may arise particularly after the lots are subdivided and dwellings are built. Depending on the future subdivision pattern, existing dwellings to the east may experience privacy impacts or dwellings built adjacent to existing industrial uses may experience noise or dust nuisance. Design and distance of future dwellings from these properties will require consideration at subdivision and dwelling stage. Retaining existing mature vegetation will assist in contributing to positive visual and amenity impacts to dwellings facing or adjoining industrial areas.

The installation of services including roads, drainage and utilities to service future development will also require due consideration during the subdivision master plan stage to ensure that there are reasonable impacts, particularly from significant stormwater events from additional hardstand areas.

Impacts to water quality are also relevant, accordingly, the future subdivision proposal will require the concurrence of Water NSW to ensure neutral or beneficial impacts on water quality.

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

The land is not located in the immediate vicinity of any European heritage items or Aboriginal Significant locations. The closest European heritage item is located approximately 260 metres away.



Figure 17. Extract of Goulburn Heritage Map showing location of heritage items (brown) and Heritage Conservation Area (red dash).

The Planning Proposal will create an opportunity for infill development within an existing urban residential area. This will increase natural surveillance in the area. The increase in supply of lots for

residential development purposes will encourage affordable housing opportunities and this is expected to have positive economic impacts.

Potential land use conflict will need to be considered at the master plan/subdivision stage to ensure that amenity impacts from industrial uses to future residential uses are alleviated.

As identified in the *Draft Recreational Needs Strategy*, as Goulburn's LGA contains vast amounts of public open space, and there are existing public spaces within close proximity to the land, the loss of the site as public open space is not considered detrimental to the social needs of the local community. It will bring opportunities for the funding of other important public spaces. It will also provide opportunity for existing public parks to be further utilised for active purposes.

A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out, incorporating a 200 metre buffer. No Aboriginal significant sites or places were recorded.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 18. Extract of the AHIMS search results (source: Office of Environment and Heritage)

The Goulburn Mulwaree LGA Aboriginal Heritage Study prepared in January 2012 identifies that Aboriginal heritage sites *generally occur in the vicinity of watercourses, in elevated areas, and in areas within suitable geology or mature vegetation*. Although part of the site is within an elevated

area, it is not located in the vicinity of a natural watercourse and the extent of native vegetation is scarce and immature. The likelihood of aboriginal heritage occurring within the site is considered to be relatively low.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

The subject land is within an existing urban area that is serviced although those services will require augmenting to cater for a future subdivision. A specific design for water, stormwater and water services (as well as roads which integrate with these services) will be required at subdivision stage to ensure that the residential development potential provided by a subdivision can be catered for.



Figure 19. Extract of Council's mapping showing existing sewer (red), stormwater (green) and water (blue) infrastructure

It is considered that there is sufficient public open space available in the locality to cater for current and future residents in the immediate locality.

The *Draft Recreational Needs Strategy* identifies criteria that will need to be applied via the Development Control Plan that requires future subdivision proposals to make provision for public open space. This will be applicable where the lots cannot be conveniently located to existing public open spaces. In this case there is sufficient public open spaces within close proximity to the site.

In this LGA there is an oversupply of local parks and there is opportunity to focus on the active use of these parks (e.g. community gardens or other needs such as planting shade trees). There is also opportunity to improve facilities such as providing footpaths to connect residential areas to parks, and to provide certain facilities to cater for the local demographic.

The site is best suited for residential purposes opposed to land that is underutilised public space and a maintenance burden to Council.

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

No consultation has been carried out with State and Commonwealth public authorities, however Water NSW have been consulted and no objections are offered, subject to future development proposals having a neutral or beneficial impact on water quality.

It is considered that this Planning Proposal is not of State or Commonwealth significance.

Following a gateway determination any consultation requirements will be met.

Part 4 – Mapping

This Planning Proposal will amend the Goulburn Mulwaree Local Environmental Plan (LEP) zone maps and lot size maps for Lot 8 DP 832816.

The following map sheets will require alteration:

Land Zoning Map

LZN_001D

LZN_001E

Lot Size Map

LSZ_001D

LSZ_001E

No other LEP maps will require alteration.

Schedule 4 of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 will also require amendment to reflect the land's proposed operational classification. This is shown in Part 2 of this report.

Refer to Appendix 2 for the proposed LEP map.

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 website of Goulburn Mulwaree Council and the Department of Planning and Environment.

Written notice will be provided to affected land owners including:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal;
- State where and when the Planning Proposal can be inspected; and
- Provide details of how members of the community can 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;
- Report to Council titled *Property Sales* dated 20 November 2018 and Council resolution dated 20 November 2018;
- Report to Council titled *Monitoring Potential Property Sales* dated 18 December 2018 and Council resolution dated 18 December 2018;

- Public Hearing Report Prepared by Cowman Stoddart Pty Ltd, dated 1 May 2019;
- Report to Council titled *Public Hearing- Council Land Classification*, considered at Council's ordinary meeting dated 4 June 2019, and Council resolution; and
- Draft *Recreational Needs Strategy*

The Gateway Determination will confirm the public consultation requirements.

Part 6 – Project Timeline

Gateway Determination	November 2019
Timeframe for completion of technical studies	No technical studies are recommended for this Planning Proposal
Timeframe for agency consultations	December 2019
Public exhibition	January - February 2019
Public Hearing	A public hearing has already been undertaken for the reclassification of both the Hovell Street and Hercules Street sites under the provisions of the <i>Local Government Act, 1993</i> . Refer to Introduction and Part 3.
Consideration of submission	March, 2020
Date of submission of LEP to DoPIE	April, 2019
Anticipated date of plan made	May, 2020
Anticipated date plan forwarded to DoPIE for notification	May 2020

Conclusion

This Planning Proposal supports two Council resolutions to:

- Rezone Lot 8 DP 832816, 59-61 Hovell Street Goulburn to R1 General Residential, and to prepare a master plan for Council's further consideration, following the reclassification of the land to Operational.
- Reclassify Number 20 Hercules Street being Lot 2 Section 9 DP979849 to Operational

Neither of the above sites are identified as having strategic or operational or value and Council's intention is for the land to be sold in order to fund major community capital works projects.

Council has already undertaken a separate reclassification process under the provisions of the Local Government Act, 1993, accordingly the amendment to the Schedule 4 of the LEP 2009 is to update the schedule to reflect these reclassifications. Since a full reclassification process including a public hearing and relevant notices have been completed, no further public hearing process is considered necessary for this component of the Planning Proposal.

No objection was made to the reclassification of either site in the public hearing process subject to mitigation measures being in place for issues such as access, stormwater drainage and industrial/residential interface being addressed in the future consideration of the Hovell Street site. These measures have been considered in the preparation of the Concept Master Plan for the subdivision.

The applicable Local Planning Directions, strategies, regional plans and strategic plans have been considered and the Planning Proposal is not inconsistent with the intent of those directions or strategies.

The development of a future master plan will encourage orderly development that has the best possible environmental outcome.

Council requests delegation to be the relevant Planning Authority for the purpose of this Planning Proposal.

Appendix 1 – Locality Map



Figure 20a. Extract of Goulburn Mulwaree Local Environmental Plan 2009 zoning map (Hovell Street Site).



Figure 20b. Extract of Goulburn Mulwaree Local Environmental Plan 2009 zoning map (Hercules Street Site).

Appendix 2- LEP Maps



Figure 21. Goulburn Mulwaree Local Environmental Plan 2009 current zoning map.

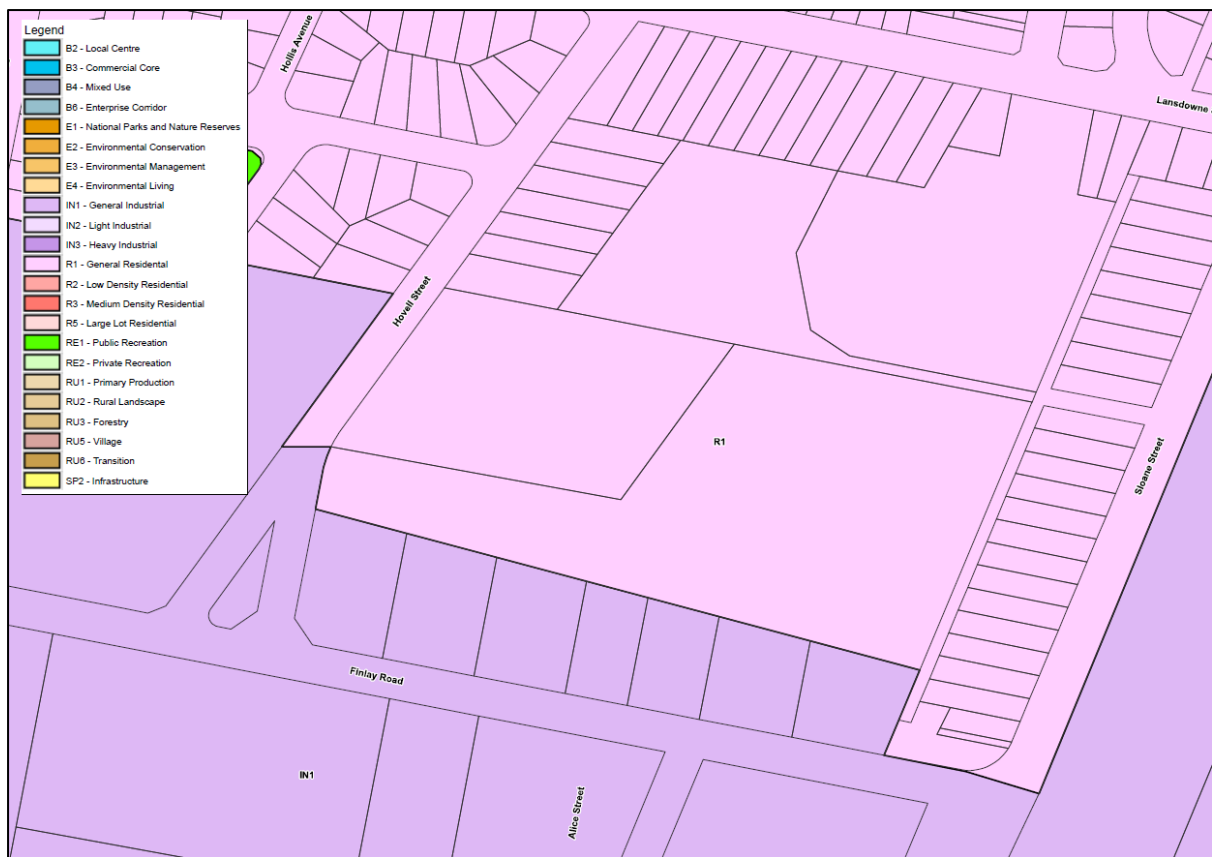


Figure 22. Goulburn Mulwaree Local Environmental Plan 2009 proposed zoning map.



Figure 23. Goulburn Mulwaree Local Environmental Plan 2009 current Lot Size Map.



Figure 24. Goulburn Mulwaree Local Environmental Plan 2009 proposed Lot Size Map.