

15.3 PLANNING PROPOSAL TO REZONE LAND AT THE TENERIFFE RESIDENTIAL SUBDIVISION, MARYS MOUNT ROAD, GOULBURN

RESOLUTION 2021/301

Moved: Cr Sam Rowland

Seconded: Cr Alfie Walker

That:

1. The report from the Senior Strategic Planner on the Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road be received.
2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m².
3. The planning proposal once prepared, be submitted to the Department of Planning, Industry and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

15.3 PLANNING PROPOSAL TO REZONE LAND AT THE TENERIFFE RESIDENTIAL SUBDIVISION, MARYS MOUNT ROAD, GOULBURN

Author: Nick Thistleton, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Letter of Request [↓](#) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
Cost to Council:	Nil

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner on the Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road be received.
2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m².
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BACKGROUND

This matter has not previously been reported to Council.

REPORT

Introduction

Council has received a request from the developer of the Teneriffe residential subdivision on Marys Mount Road, Goulburn to rezone part of their land from RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m² under the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) (**Attachment 1**). This request relates specifically to Lot 184 DP 1250044, which has development consent for subdivision into approx. 222 x 700m² lots, constituting four (4) stages of the larger approved Teneriffe residential subdivision that have not been registered as yet (DA/0183/1718) (**Figure 1**).



Figure 1: Zone map showing boundary of 184 DP 1250044 outlined in red with the location of the RU6 Transition zone outlined in yellow.

All of the lots approved as part of DA/0183/1718 covered partly or wholly by the RU6 Transition zone and 20 hectare minimum lot size on Lot 184 DP 1250044 were approved as community title lots, with the remainder of the larger Teneriffe residential subdivision being approved as Torrens title lots. These lots were approved in this manner as there were no minimum lot size restrictions applicable to community title subdivisions in the RU6 Transition zone at the time and because the lots were otherwise contiguous with an existing residential area within the same lot boundary. The ability to do a community title subdivision in the RU6 Transition zone that resulted in lots below the minimum lot size has since been removed from the GM LEP, following Amendment 19 to the GM LEP, endorsed by Council on 17 November 2020 (resolution 2020/483) and made on 27 November 2020. This amendment does not, however, affect the approval of DA/0183/1718.

The reason for the proponent's request to rezone the RU6 Transition zone and 20 hectare minimum lot size portion of the subject land is to allow them to convert the approved residential lots from a community title subdivision to a Torrens title subdivision. Torrens title subdivision is preferred by the proponent as it does not burden future owners of the approved lots with complex management structures or regulations applicable under separate community title subdivision legislation for lots that otherwise look like and function as a standard Torrens title subdivided residential lot.

Strategic Planning supports the request from the proponent as it will benefit future owners of the as yet unregistered lots if they were to be modified and become Torrens title subdivided lots. As outlined in this report, this request is supported by Council's adopted *Urban and Fringe Housing Strategy* and the prior approval of DA/0183/1718.

Strategic Assessment

The request from the proponent to rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m² is supported on the basis that it is consistent with the recommendations of Council's adopted *Urban and Fringe Housing Strategy* and the prior approval of DA/0183/1718.

The subject site is directly identified as an urban release area in the Middle Arm Precinct under the *Urban and Fringe Housing Strategy* (**Figure 2**). This means that the area is identified as suitable for immediate release into 700m² residential lots subject to relevant site specific environmental assessments and approval processes.

5/6 - Middle Arm constraints and opportunities

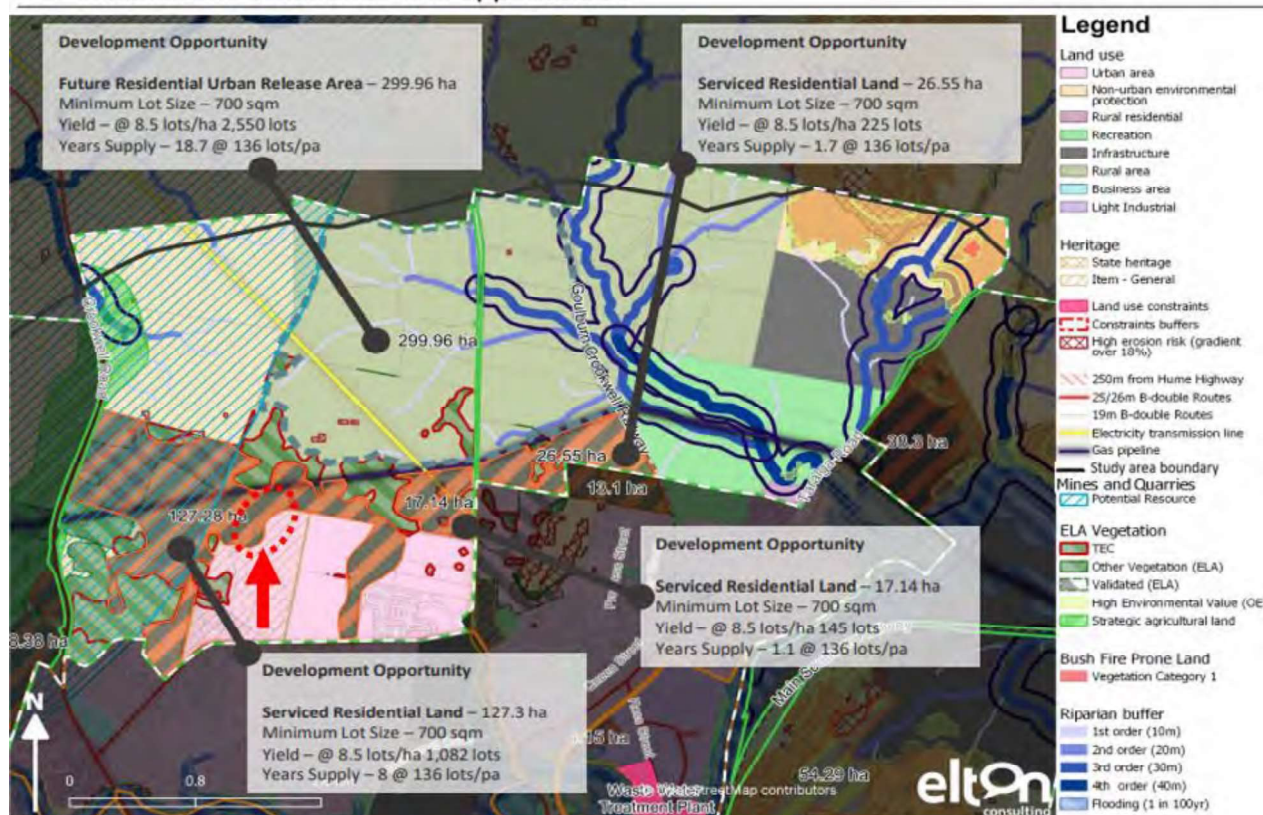


Figure 2: Extract from *Urban and Fringe Housing Strategy* with the approximate location of the urban release area over the subject site circled in dotted red.

Additionally, the site is already subject to approval for 700m² residential lots under DA/0183/1718. This means that effectively all relevant site planning considerations have already been fully assessed and that no further assessments, such as biodiversity, contamination or bushfire assessments are considered necessary for the purposes of the planning proposal.

It is also understood from internal discussions with Council's planning team and Utilities Directorate that the reason for the imposition of the RU6 Transition zone over part of the lot, as opposed to the edge of the lot boundary, was partly to represent what used to be the maximum elevation that could be serviced by Goulburn's reticulated water supply and partly to reflect the ridgeline in the area. The purpose of the RU6 Transition zone in this specific instance was therefore to indicate what land was considered undevelopable for residential purposes just prior to the GM LEP being created in 2009. It is now understood from internal discussions with the Utilities Directorate and the assessment of DA/0183/1718 that this land is now capable of being serviced by Goulburn's water supply and has been assessed as not causing an unacceptable impact upon the ridgeline.

Conclusion and Recommendation

It is recommended that the request to rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m² and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m² be supported by Council. If the recommendation is supported, the planning proposal will be reported back to Council for final consideration after agency consultation and public exhibition is completed in accordance with the gateway determination.



1 June 2021

Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Attention: Mr Nick Thistleton
Ms Kate Wooll

Request for Planning Proposal – Partial Rezoning of Teneriffe

Dear Nick & Kate,

I refer to our meeting on 27 April 2021 and your email of the same date regarding a Proposal to rezone 21 blocks in Stage 2D2 of the Teneriffe subdivision.

Following discussions with Council, we understand Council requires a letter requesting the rezoning and outlining a rationale and justification for same. As such, please accept this letter as our formal request, with details of the Proposal provided in the following sections.

Proposal

Core Developments are the Proponent of a residential subdivision at 133 Marys Mount Road (Lot 500 DP1247515). The subdivision was originally approved on 27 September 2018 (DA0183/1718) as a two-stage residential subdivision. A modification was subsequently lodged and approved in 2019 to split the subdivision into 7 stages. The blocks subject of this rezoning request are in Stage 2D2, which is the final stage.

In respect of Stage 2D2, Condition 74 of the modification determination (2019) noted that a number of lots fell within the RU6 Transition zone and therefore could only be delivered under a Community Title scheme. The lots subject to this condition are:

- C1, C2, C23, C24, E1 – E11, E13 – E19

Instead of delivering these lots under Community Title, the Proponent is seeking to have these lots rezoned to R2 Low Density Residential zone, consistent with the rest of the Teneriffe estate.

Rationale

Rezoning the blocks to R2 is considered to be a better outcome for the estate and future landowners as it ensures all blocks within the estate are zoned the same (R2 low density), and it means that future owners of these blocks are not subject to body corporate fees or maintenance and upkeep requirements associated with Community Title common property.

It is understood that the intent of the RU6 transition zone is to:

1. *Protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities*
2. *To minimise conflict between land uses within this zone and land uses within adjoining zones*

In the case of Teneriffe, the RU6 zone provides a buffer between residential uses (R2 Zone) and areas of environmental significance and/or sensitivity (E3 Zone).

Core Developments
Unit 3/57 Dacre Street
MITCHELL ACT 2911
Phone: 6108 4918
Email: info@coredev.com.au



Noting the buffer zone (RU6) expands some 650m between the R2 Low Density zone and the E3 Environmental Management area, the proposed adjustment to the zone boundary is not considered to erode the function of either the RU6 zone or the E3 zone. This is on the basis that the proposed rezoning represents a minor zone realignment only, leaving a 550m buffer between the residential and environmental zones upon successful variation.

The proposed rezoning is also considered to meet the recommendations of the *Goulburn Mulwaree Council Urban and Fringe Housing Strategy*, noting the Strategy states 'much of this land (RU6 Transition Zone) has been identified as some of the land less constrained and therefore better suited for urban development'. In addition, the Strategy states that management of the interface between the zones and managing land use conflicts will be key. Noting there will continue to be significant separation between residential and environmental land uses, the proposed rezoning is considered consistent with this recommendation.

Further, the *Goulburn Mulwaree Strategy 2020* recommends location of residential living areas on land that is able to be serviced by infrastructure in a cost-effective way, and on land which is less productive from an agricultural perspective. Given the expansion of urban areas on blocks adjacent to the site and also within the Teneriffe estate, it is considered the majority of land zoned RU6 in proximity to the site is unsuitable for agricultural use and as such, rezoning of this land is consistent with the recommendations of the *Goulburn Mulwaree Strategy 2020*.

Noting the rezoning only affects a very small portion of the transition zone and the fact that a 550m buffer will remain between the residential zone and environmental protection zone, even after successful rezoning, the interface between the zones will not be negatively impacted.

Conclusion

In conclusion, we seek Council's support for a rezoning of 21 blocks in the Teneriffe estate from RU6 Transition Zone to the R2 Low Density Zone. The purpose of the rezoning is to facilitate residential subdivision of the blocks inline with DA0183/1718.

In the determination for DA0183/1718, Council recommended subdivision of these lots under a Community Title scheme, however, upon review of the requirements associated with Community Title schemes, the Proponent considers rezoning blocks to R2 to be a better outcome for future residents.

The proposed rezoning is also considered consistent with the *Goulburn Mulwaree Council Urban & Fringe Housing Strategy* and *Goulburn Mulwaree Strategy 2020*. In addition, the intent of the RU6 transition zone is not considered to be impacted by the rezoning, noting a 550m buffer between the proposed R2 and E3 zone will remain, even upon successful rezoning.

Should Council require clarification of any of the information provided, or wish to discuss the Proposal further, please do not hesitate to contact Emily Leemhuis or Matt Cuthbert of Core Developments.

Yours Sincerely,



Figure 1: Tenerife Zoning Plan

