

## Planning and Assessment

IRF19/7415

### Gateway determination report

<b>LGA</b>	Goulburn Mulwaree
<b>PPA</b>	Goulburn Mulwaree Council
<b>NAME</b>	Planning Proposal – Rezone Lot 10 DP 1247119 Lansdowne Street Goulburn to R5 Large Lot Residential Zone (20 homes)
<b>NUMBER</b>	PP_2019_GOULB_006_00
<b>LEP TO BE AMENDED</b>	Goulburn Mulwaree LEP 2009
<b>ADDRESS</b>	Lansdowne Street Goulburn
<b>DESCRIPTION</b>	Lot 10 DP 1247119
<b>RECEIVED</b>	18 November 2019
<b>FILE NO.</b>	IRF19/29825
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal seeks to rezone Lot 10 DP 1247119 Lansdowne Street Goulburn from B6 Enterprise Corridor Zone to R5 Large Lot Residential Zone.

### 1.2 Site description

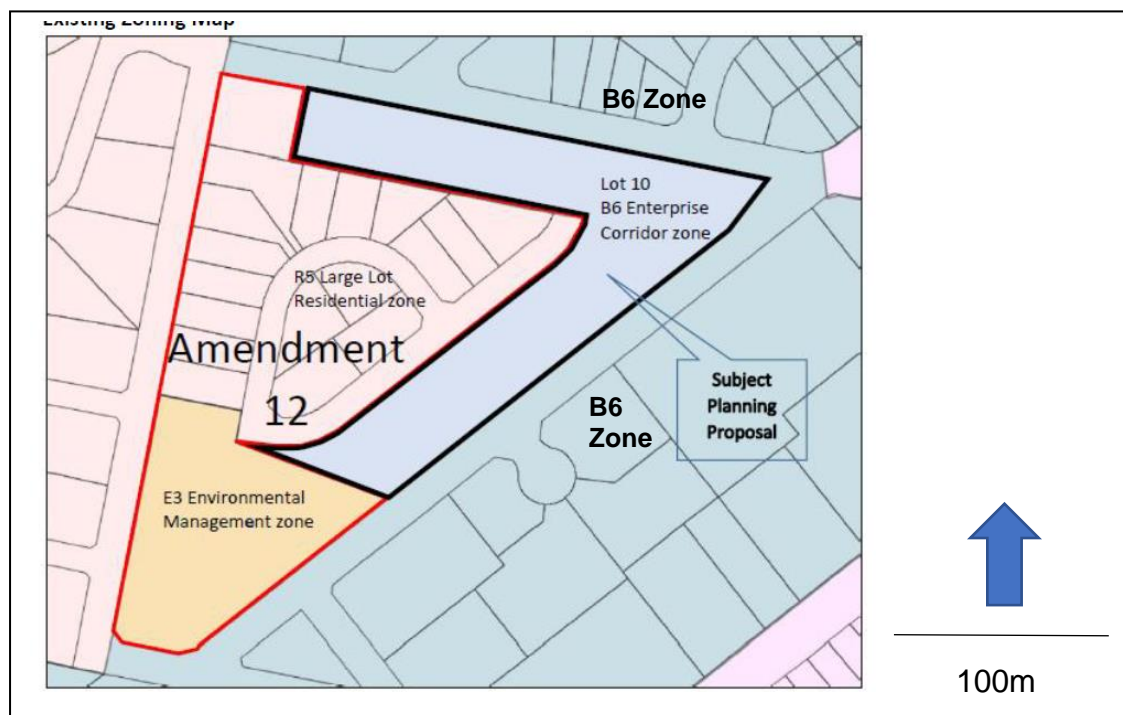
The site is located on the corner of Lansdowne and Robinson Streets Goulburn approximately 1.5km from the Goulburn CBD (Figure 1 - Site Map).



**Figure 1 – Site Map** (source: Google Maps)

### 1.3 Existing planning controls

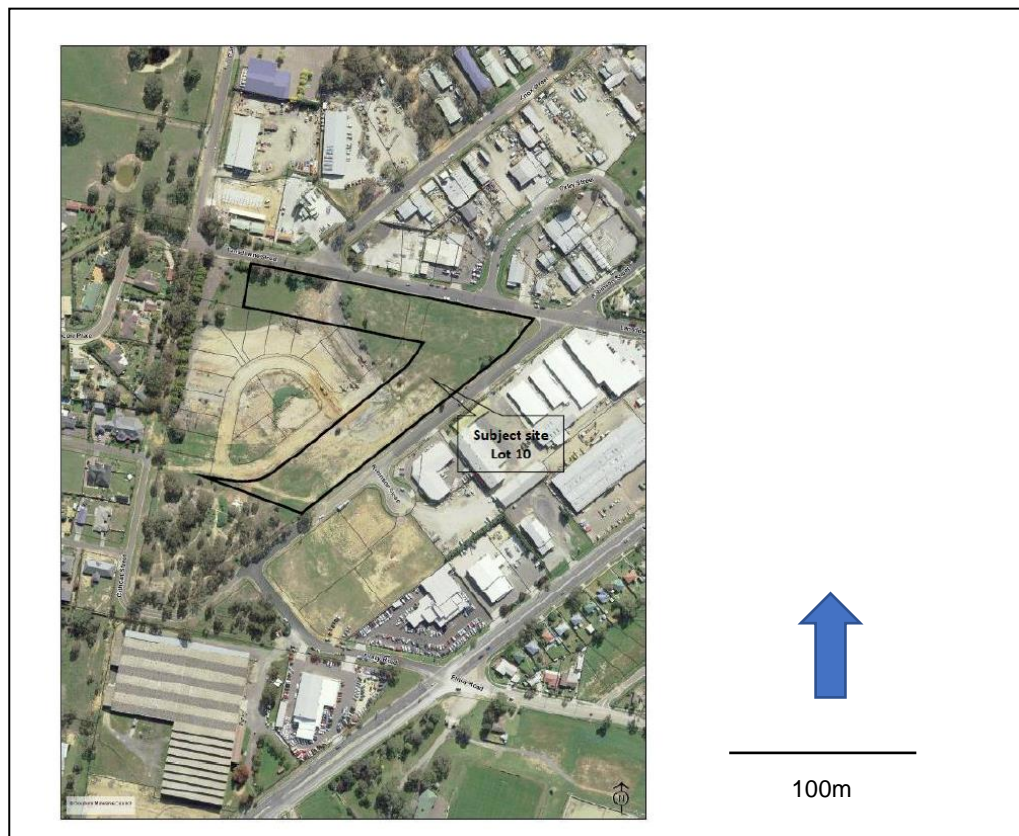
The site is currently zoned B6 Enterprise Corridor Zone under the Goulburn Mulwaree LEP 2009. A floor space ratio of 0.8:1 currently applies to the site under the LEP. No minimum lot size control applies to the site (Figure 2 – Zoning Map).



**Figure 2 – Zoning Map** (source: Goulburn Mulwaree Council Planning Proposal document)

## 1.4 Surrounding area

The site is located on Lansdowne Street Goulburn on the former Goulburn Drive-In Cinema which closed in 1986. The site is surrounded by an undeveloped large lot residential subdivision to the west (which was rezoned to R5 Zone in January 2019 via Goulburn Mulwaree LEP 2009 (Amendment 12)), light industrial development to the north and west and regenerating bushland to the south (Figure 3 – Surrounding Area Map).



**Figure 3 – Surrounding Area Map** (source: Goulburn Mulwaree Council Planning Proposal document).

## 1.5 Summary of recommendation

It is recommended that the proposal proceed as submitted for the following reasons:

- It will support infill housing in Goulburn in a location that has access to infrastructure and services and adjoins employment land.
- It is consistent with the endorsed strategic planning for the area, namely the South East and Tablelands Regional Plan and the Goulburn Mulwaree Employment Land Strategy. It is also consistent with the exhibited draft Urban and Fringe Housing Strategy.
- Mitigation measures have been included in the proposal and draft DCP chapter for the site to minimise potential land use conflict with adjoining businesses.



## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The stated intended outcomes of the planning proposal are to facilitate a concept 20 lot subdivision intended by the applicant for the site (Figure 4 – Proposed residential subdivision).



**Figure 4 – Proposed residential subdivision** (source: Goulburn Mulwaree Council Planning Proposal document).

It is considered that the objectives of the proposal are clear and do not require amendment prior to community consultation.

### 2.2 Explanation of provisions

The stated explanation of the provisions to achieve the intended outcomes are to amend the Goulburn Mulwaree LEP 2009 as follows:

- Amend the land zoning map (LZN\_001D) from B6 Enterprise Corridor Zone to R5 Large Lot Residential Zone.
- Amend the lot size map (LSZ\_001D) to apply a minimum lot size of 1,000m<sup>2</sup> (U1).
- Amend the floor space ratio map (FSR\_001D) to remove an existing floor space ratio of 0.8:1 from the subject lot.

It is considered that the explanation of provisions provided is clear and does not require amendment prior to community consultation. The proposed R5 zoning, 1000m<sup>2</sup> minimum lot size and no floor space ratio controls are consistent with the controls on the adjoining R5 Large Lot Residential zoned land.

### **2.3 Mapping**

The proposal includes amendments to LEP zoning, floor space ratio and lot size maps. It is considered that the maps provided in the planning proposal are suitable for the purposes of exhibition.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal states that the rezoning of the former Goulburn Drive-In Cinema site to a residential use is identified in the Goulburn Mulwaree Employment Land Strategy on the grounds that it is surplus to need as employment land. Council deferred the site from Goulburn Mulwaree LEP (Amendment 12) in response to objections raised by adjoining businesses about potential landuse conflict.

In response to concerns raised, the proponent provided additional information to Council, including an industrial noise intrusion assessment, traffic count data, and revised subdivision plan/traffic and access arrangements. Council considers that the additional information provided by the landowner satisfactorily addresses potential landuse conflicts. Council considers that the planning proposal is the only way of amending the statutory provisions of the Goulburn Mulwaree LEP 2009.

Comment: The planning proposal is needed to facilitate the rezoning of the subject land, which was deferred from the original planning proposal to rezone the former Goulburn Drive-In Cinema site. The rezoning of the former cinema is identified in the Goulburn Mulwaree Employment Land Strategy which was endorsed by the Department in 2016. The planning proposal includes provisions to address concerns previously raised by adjoining business about potential land use conflict – mainly the large lot size and access arrangements. Consultation will provide the opportunity for the neighbouring business to comment on the proposal.

It is considered that the planning proposal process is the appropriate mechanism to facilitate the amendment of the Goulburn Mulwaree LEP 2009 to rezone the site.

## **4. STRATEGIC ASSESSMENT**

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### **4.2 Regional**

The planning proposal states that the proposal is consistent with the relevant goals of the South East and Tablelands Regional Plan, namely:

- Goal 1: “A connected and prosperous economy”.

The proposal states that it will increase supply of residential land to nearby businesses which will reduce travel time to employment opportunities.

- Goal 2: “A diverse environment interconnected by biodiversity corridors”.
- Direction 15: “Enhance biodiversity connections”.

The proposal states that the subject site is devoid of any vegetation and contains no identified biodiversity connections. The original planning proposal facilitated the

rezoning the south eastern part of the former cinema site to E3 Environmental Management to protect a regenerating biodiversity corridor.

- Direction 18: “Secure water resources”.

The proposal states that the site can be connected to the existing water and sewer reticulation network and so will pose a minimal risk to water quality.

- Goal 3: “Healthy and connected communities” and Direction 22: “Build socially inclusive, safe and healthy communities”.

The proposal states that it will incorporate the neighbourhood planning principles, provided in Appendix A of the Regional Plan, into a proposed site specific amendment to the Goulburn Mulwaree DCP 2009 for the site.

- Goal 4: “Environmentally sustainable housing choices” and Direction 24: “Deliver greater housing supply and choice”.

The proposal states that it will provide new housing (20 lots) in Goulburn which will encourage housing supply and choice.

- Direction 25: “Focus housing growth in locations that maximise infrastructure and services”.

The proposal states that it will make use of existing infrastructure (reticulated water and sewer and stormwater) and provides infill development in a location within the existing urban area.

- Local Narrative for Goulburn Mulwaree.

The proposal states that it is consistent with the local narrative for Goulburn Mulwaree provided in the Regional Plan because it will provide infill housing in Goulburn.

Comment: Council’s view that the planning proposal is consistent with the South East and Tablelands Regional Plan is supported. Notably, the proposal will provide infill housing opportunities in Goulburn in a location that adjoins residential and employment land, has access to infrastructure and services and is not environmentally constrained. The large lot sizes will provide a different type of housing from standard residential development.

#### The Tablelands Regional Community Strategic Plan 2016-2036:

The proposal states that it is consistent with the following specific environmental, economic, community and infrastructure strategies identified in the Plan:

- Environment EN1 “Protect and enhance the existing natural environment, including flora and fauna native to the region”.
- EN4 “Maintain a balance between growth, development and environmental protection through sensible planning.
- Economic EC3: “Support and foster conditions that enable local and small/home-based businesses to grow”.

The proposal states that it will provide housing with an ample lot size in a location near existing businesses will encourage home occupations and home industries to establish in this location.

- Community CO5 “Maintain our rural lifestyle”.

The proposal states that it will provide residential lots within the urban boundary which will reduce pressure on rural living for housing.

- Infrastructure IN3: “Maintain and improve road infrastructure and connectivity”.

The proposal states there is adequate infrastructure to support the proposed residential development. Council considers that the revised concept plan of subdivision (refer Figure 4 of this report) which relocates the existing vehicular entrance to Theatre Drive from Lansdowne Street to Robinson Street addresses the concerns raised in submissions on the original planning proposal concerning potential for traffic conflicts arising from the existing traffic configuration.

Comment: It is considered that the proposal is consistent with the Tablelands Regional Community Strategic Plan as it will implement the environmental, economic, community and infrastructure strategies identified in the Plan. It is considered that the revised subdivision layout will minimise potential traffic conflicts between future residents and existing light industrial uses.

#### **4.3 Local**

The proposal states that it is consistent with local strategies, namely:

##### Goulburn Mulwaree Strategy 2020:

The proposal states that the Goulburn Mulwaree Strategy 2020 identifies that areas west and south of Goulburn, which includes the subject land, have the potential to accommodate large lot residential development. The Strategy 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 operation for freight and distribution facilities.

Comment: Council’s view that the proposal is consistent with the Goulburn Mulwaree Strategy 2020 is supported. Notably, the proposal seeks to rezone the site to an R5 Large Lot Residential Zone consistent with the Strategy. The proposal will also minimise the potential for land use conflict with adjoining industrial uses via access, traffic and noise mitigation measures and larger lot sizes. An industrial noise intrusion assessment, prepared by Harwood Acoustics on behalf of the proponent, identifies that noise levels in habitable rooms of future dwellings will be able to meet the relevant Australian Standard. The proposal states that Council considers that the additional information provided by the proponent, namely the noise assessment and proposed noise mitigation measures, is considered satisfactory.

##### Goulburn Mulwaree Employment Land Strategy 2016

The proposal states that it is consistent with the Goulburn Mulwaree Employment Land Strategy which recommends the rezoning of the former Goulburn Drive-In Cinema from B6 Enterprise Corridor to R5 Large Lot Residential. This is because Council considers that the site is underutilised and is better suited for housing. The Strategy was adopted by Council in 2016 and endorsed by the Department in the same year.

Comment: Council’s view that the proposal is consistent with the Goulburn Mulwaree Employment Land Strategy is supported. The Strategy identifies that, despite the proposed loss of employment land in this location, there is more than enough vacant

employment land in the Goulburn area to accommodate forecast employment growth.

#### Goulburn Mulwaree Community Strategic Plan 2030

The planning proposal states that it is consistent with Council's community strategic plan, notably the following strategies:

- Key direction 2 – Business and industry 2.4.1 “to provide opportunity for residential and rural residential development and encourage affordable housing”.
- 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”.

Comment: Council's view that the proposal is consistent with its community strategic plan is supported. The proposal will provide an opportunity for rural residential development and encourage housing supply in Goulburn and will not impact on important environmental land.

#### **4.4 Section 9.1 Ministerial Directions**

The planning proposal states that it is justifiably inconsistent with the following direction:

Direction 1.1 Business and Industrial Zones – The proposal states that it is inconsistent with the Direction because it seeks to rezone the site from a B6 Enterprise Corridor Zone to an R5 Large Lot Residential Zone. However, the proposal states that the inconsistency is justified because it is a minor matter; potential land use conflicts with adjoining B6 zoned land have been addressed via a reconfigured vehicle access to the site and other measures. The proposal also states that it is consistent with the Goulburn Mulwaree Employment Lands Strategy.

Comment: It is considered that the inconsistency of the proposal with the Direction is justified by the Employment Land Strategy which, as discussed in section 4.3 of this report, identifies that the former Goulburn Drive-In Theatre site is surplus to need as employment land, and recommends the rezoning of the site to an R5 Large Lot Residential Zone.

The proposal states that it is consistent with the following directions for the reason provided:

Direction 3.1 Residential Zones – the planning proposal states it will broaden the housing choice and will be an efficient use of infrastructure and services in this locality.

Comment: Council's view that the proposal is consistent with the Direction is supported. It is considered that the proposal will encourage the provision of housing in the Goulburn area and make use of existing infrastructure and services and reduce demand for large lot housing development on the urban fringe, consistent with the requirements of the Direction.

Direction 3.4 Integrating Land Use and Transport- It is considered that the proposal is consistent with the Direction because the site adjoins existing urban and employment area which has access to road and public transport services.



Direction 5.1 Implementation of Regional Strategies – It is considered that reference to the Direction should be removed from the proposal because the Direction was revoked in October 2017.

Recommendation: That Council remove reference to Direction 5.1 from the proposal because the Direction has been revoked.

Direction 5.2 Sydney Drinking Water Catchments – Council referred the proposal to WaterNSW as required by the Direction and has reflected WaterNSW's comments in the planning proposal. The site is mapped by WaterNSW as having a low to moderate risk to water quality for sewer residential development. WaterNSW has advised that the proposal has the capacity to achieve a neutral or beneficial effect on water quality dependent on any future residential development being connected to sewer.

Comment: Council's view the proposal is consistent with the Direction is supported. WaterNSW has not raised any major objection to the proposal.

Direction 5.10 Implementation of Regional Plans – as discussed in section 4.2 of this report, it is considered that the proposal is consistent with the South East and Tablelands Regional Plan.

Direction 6.1 Approval and Referral Requirements and Direction 6.3 Site Specific Provisions

Comment: Council's view that the proposal is consistent with Directions 6.1 and 6.3 is supported. Notably, the proposal does not seek an approval or referral requirements or any unnecessarily restrictive site-specific provisions for the site.

#### **4.5 State environmental planning policies (SEPPs)**

The proposal identifies the following SEPPs are relevant to the proposal:

##### SEPP 55 – Remediation of Land

The proposal states that a preliminary site investigation, which was supplied to Council and publicly exhibited with the initial planning proposal (Amendment 12), concluded that no further investigations are required during the planning proposal stage.

##### SEPP (Sydney Drinking Water Catchment) 2011

As discussed in Section 4.4 of this report it is considered that future development applications on the site will be able to achieve a neutral or beneficial effect on water quality which is a key requirement of the SEPP.

##### SEPP (Koala Habitat Protection)

It is considered that the SEPP does not apply to the subject site because it is predominantly cleared of trees and vegetation.

SEPP (Exempt and Complying Development Codes) 2008 – The proposal states that part 3 of the Housing Code applies to the subject land. It is considered that the SEPP does not currently apply to a B6 Zone or to the proposed R5 Zone as both zones are excluded from the SEPP. Proponents will not be able to use the complying development pathway to develop lots but rather will need to lodge a development application with Council.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

As discussed in section 3 of this report, the proponent has submitted an acoustics report and an analysis of traffic data to Council in response to concerns raised by adjoining businesses during the exhibition of the planning proposal for the broader Goulburn Drive-In Cinema site (Amendment 12).

The reports make recommendations on appropriate mitigation measures, including providing a sound barrier fence to Lansdowne Street and a requirement that new housing meets Australian Standards for noise (AS2107). Council has included the mitigation measures in a draft site-specific development control plan for the site which has been endorsed by Council. The draft DCP is proposed to be exhibited with the planning proposal.

The proponent has lodged a revised subdivision plan which identifies an alternative vehicular access to Theatre Drive from Robinson Street and pedestrian access from Cathcart Street which minimises conflict with adjoining B6 area.

It is considered that the measures incorporated in the planning proposal will minimise potential for landuse conflict. The proposal is considered to provide positive social benefits by providing infill housing in Goulburn which is close to employment land/jobs, infrastructure, services and public open space.

### **5.2 Environmental**

As previously discussed in this report, the planning proposal does not identify any significant environmental impacts. The site is largely devoid of any vegetation. It adjoins an area of Box Gum Woodland Endangered Ecological Community to the south west which is zoned E3 Environmental Management. This land is proposed to be protected via preparation of a conservation management plan by the proponent.

### **5.3 Economic**

The proposal identifies that there is potential land use conflict with adjoining light industrial businesses which could have a negative impact on the operations of these businesses. As previously discussed, Council has included mitigation measures in the proposal and in a site-specific draft DCP, based on further information provided by the proponent, to minimise potential land use conflicts. The proposal identifies that the site can be connected to reticulated water and sewer.

It is considered that the proposal will have a largely positive economic impact by encouraging the supply of infill housing in Goulburn close to employment land and has access to the necessary infrastructure and services. The proposal is also consistent with the recommendations of the Goulburn Mulwaree Employment Land Strategy.

## **6. CONSULTATION**

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### **6.1 Community**

Council proposes to exhibit the planning proposal over a 28-day period and to notify the exhibition via the local newspaper, Council's website and directly to neighbouring landowners. It is considered that the proposed community consultation is appropriate.

The planning proposal states that the supporting studies, prepared by the proponent, will be included in the exhibition materials, if required. It is considered that the

supporting studies should be exhibited to allow adjoining businesses the opportunity to provide comment.

Recommendation: That the supporting studies prepared by the proponent are included in the exhibition materials.

## **6.2 Agencies**

The proposal identifies that Council has undertaken preliminary consultation with WaterNSW but does not identify any further agency consultations proposed.

It is considered that Council should consult with WaterNSW during the exhibition of the proposal. Other agency consultation is not considered necessary.

## **7. TIME FRAME**

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Council proposes to finalise the planning proposal process, and complete an LEP, by October 2019. It is considered that 12 months is an appropriate timeframe to complete an LEP.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority. As the proposal is of local significance and is consistent with the endorsed strategic planning for the area it is considered that Council's request should be supported.

## **9. CONCLUSION**

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Preparation of the planning proposal is supported to proceed with conditions for the following reasons:

- It will support infill housing in Goulburn in a location that has access to infrastructure and services and adjoins employment land.
- It is consistent with the endorsed strategic planning for the area, namely the South East and Tablelands Regional Plan and the Goulburn Mulwaree Employment Land Strategy. It is also consistent with the exhibited draft Urban and Fringe Housing Strategy.
- Mitigation measures have been included in the proposal and draft DCP chapter for the site to minimise potential for land use conflict with adjoining businesses.

## **10. RECOMMENDATION**

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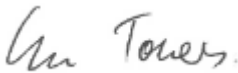
It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones are justified;

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with WaterNSW.

3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. The supporting studies prepared by the proponent should be included in the exhibition materials.
6. Reference to Section 9.1 Direction 5.1 Implementation of Regional Strategies is removed from the planning proposal because the Direction has been revoked.



12/12/19

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16/12/19

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