

Planning Services

Gateway Determination Report

LGA	Goulburn Mulwaree LGA
RPA	Goulburn Mulwaree City Council
NAME	Planning proposal to rezone part of 1 Racecourse Drive, Goulburn (Lot 1 DP1171661) from RE2 Private Recreation to R5 Large Lot Residential.
NUMBER	PP_2017_GOULB_003_00
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	1 Racecourse Drive, Goulburn
DESCRIPTION	Lot 1 DP1171661
RECEIVED	9 October 2017
FILE NO.	17/14674
QA NUMBER	qA420973
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal (PP) seeks to rezone part of land at 1 Racecourse Drive, Goulburn (Lot 1 DP1171661) from RE2 Private Recreation Zone to R5 Large Lot Residential Zone and to apply a 2000sq.m minimum lot size under the Goulburn Mulwaree LEP 2009 to facilitate the development of 12 large residential lots.

Site Description

The site is located approximately 5 km north east of the Goulburn CBD in the Goulburn Mulwaree Local Government Area adjacent to the Goulburn Racecourse (refer Figure 1 – Site map).

Figure 1 – Site map

Subject land

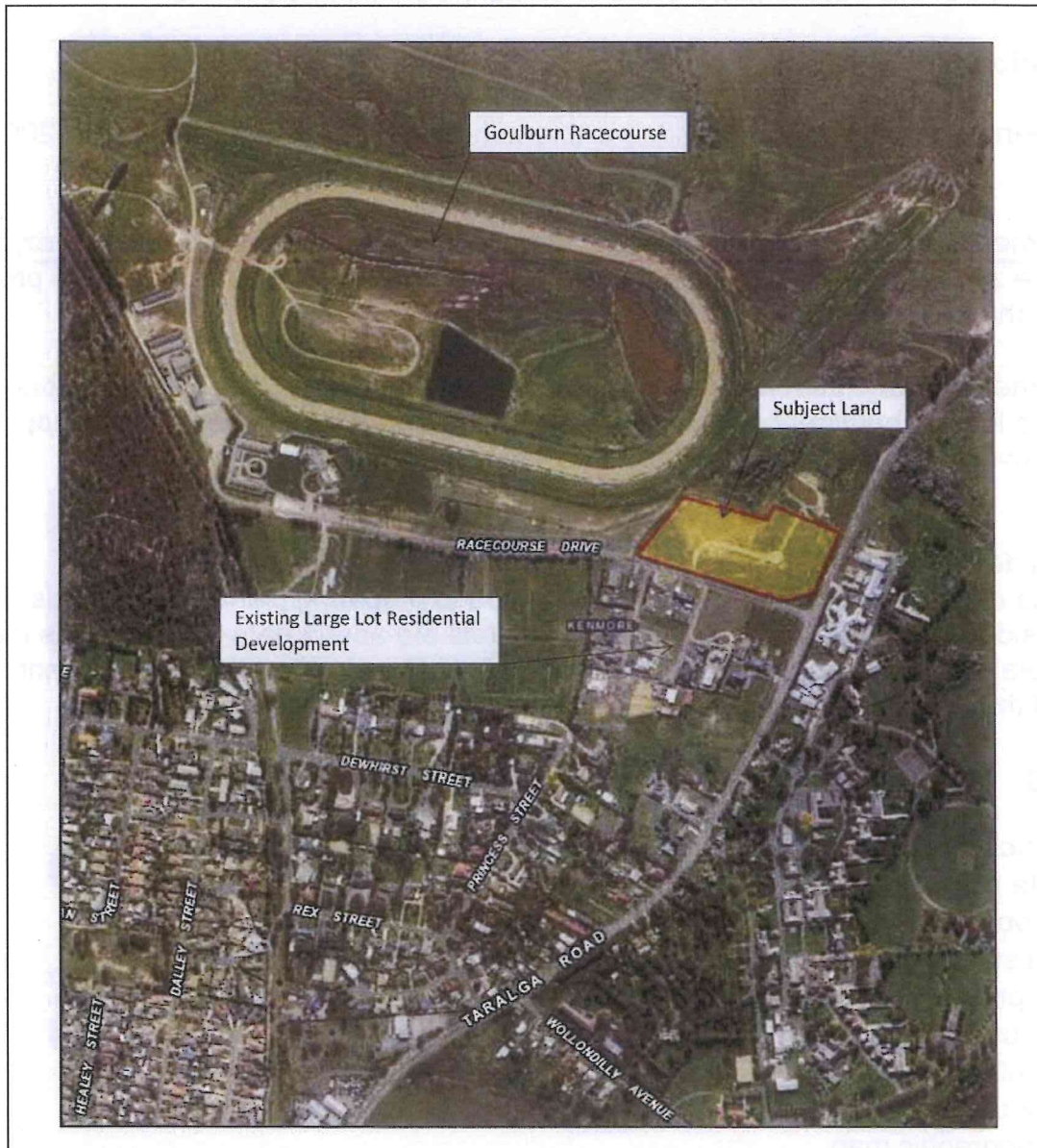


Surrounding Area

The 2.669 hectare site is bounded by large lot residential development to the south, the Kenmore Psychiatric Hospital (State Heritage listed item) to the east and the Goulburn Racecourse to the north and west.

An aerial photo of the site showing the site and current surrounding uses is provided at Figure 2.

Figure 2 – Site and surrounding area



Summary of Recommendation

It is recommended that the PP is allowed to proceed subject to it being updated to include an assessment of consistency with the South East and Tablelands Regional Plan and an updated Project Timeline is provided.

PROPOSAL

Objectives or Intended Outcomes

Goulburn Mulwaree Council has lodged a PP prepared by the applicant for Gateway determination.

The objective of the PP is to rezone the land at Lot 1 DP 1171661 to enable development of dwelling houses on lots to be created under a subdivision approved by Council under Development Application 263/0607 dated 26 October 2007. The proponent has commenced the development and it remains in force.

It is considered that the statement of the objectives is clear and concise and meets the requirements of the Department's guide to preparing planning proposals.

Explanation of Provisions

The explanation of provisions provided is to amend the Goulburn Mulwaree LEP 2009 as follows:

- Amending the Goulburn Mulwaree Land Zoning Map Sheet LZN_001F by expanding the zone boundary to include the site (shown on the proposed zoning map provided in the PP) to be zoned R5 Large Lot Residential.
- Amending Goulburn Mulwaree Land Lot Size Map Sheet LSZ_001F by expanding the lot size boundary to include the site (shown on the proposed lot size map provided in the PP) with a minimum lot size of 2,000sq.m.

It is considered that the explanation of provisions is clear and concise and meets the requirements of the Department's guide to preparing planning proposals. It is also considered that the proposed planning controls are appropriate for the site as they are compatible with adjoining rural residential development and reflect the development intended through the approved subdivision.

Mapping

The PP includes a:

- site map,
- proposed zoning map,
- lot size map,
- approved subdivision plan,
- Council services plan,
- heritage map,
- flood planning map,
- topographic map,
- bushfire prone land map,
- terrestrial biodiversity map.

It is considered that the mapping provided is suitable for the purposes of public consultation. Suitable LEP zoning and lot size maps will need to be prepared that meet the Department's technical requirements for LEP maps prior to the finalisation of the PP.

NEED FOR THE PLANNING PROPOSAL

The PP arose from a request by the property owners to correct an anomaly in the Goulburn Mulwaree LEP 2009 to reinstate dwellings previously permissible for the subject site under the former Goulburn Mulwaree LEP 1990.

A 12 lot residential subdivision was approved on the land by Goulburn Mulwaree Council on 26 October 2007 (DA 263/0607). Council has advised that the approval has been commenced and is still active.

The site is considered suitable for the proposed use as it is located on the fringe of Goulburn and adjoins land zoned R5 Large Lot Residential to the south. The site has access to infrastructure and services. Rezoning of the site as proposed is generally consistent with the strategic planning for the area, notably the Goulburn Mulwaree Strategy 2020 which identifies expansion of Goulburn to the north of the Wollondilly River.

It is considered that amending the planning controls for the site under the Goulburn Mulwaree LEP 2009 via the PP process is the best way of facilitating the intended outcome notably, large lot residential development of the site.

STRATEGIC ASSESSMENT

Regional

The PP states that it is consistent with the Sydney Canberra Corridor Regional Strategy (Regional Strategy) which was the applicable Regional Strategy at the time the PP was prepared and considered by Council in 2015. The Regional Strategy, however, was replaced by the South East and Tablelands Regional Plan (Regional Plan) which was released in July 2017. The PP does not address consistency with the Regional Plan.

It is considered that the PP is not inconsistent with the Regional Plan. In particular the PP is considered to be consistent with the housing directions and actions of the Regional Plan, in particular:

- *Direction 24: Deliver greater housing supply and choice.*
- *Action 24.3 Promote increasing housing choice, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs.*
- *Direction 25: Focus housing growth in locations that maximise infrastructure and services.*

Action 28.2 requires that new residential areas are located:

- *Close to existing urban settlements to maximise the efficient use of existing infrastructure and services including roads, water, sewer and waste services, and social and community infrastructure.*
- *To avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and*
- *To avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards.*

Comment: The PP is consistent with this Action because the site is located within the Goulburn strategic centre, has access to infrastructure and services and does not have any potential for land use conflict with adjoining uses as the site is surrounded by existing urban development with the exception of the Goulburn Racecourse which adjoins the site to the north west. The subject site is not identified as an area of high environmental, cultural and heritage significance, does not contain important agricultural land or areas affected by natural hazards.

It is considered that the PP is potentially inconsistent with Action 28.1 of the Regional Plan which requires that new rural residential development must be identified in a local housing strategy prepared by council and approved by the Department. The Goulburn Mulwaree Strategy 2020, which is the relevant local strategy, does not specifically identify the development of the subject land. It is considered, however, that given that the site

immediately adjoins existing urban areas and has an approved 12 lot subdivision, then the inconsistency with the Action is of minor significance. It is considered that the proposal will not establish a precedent for further rural residential rezoning of adjoining RE2 zoned land because Council has resolved to review the RE2 zoning of the adjoining land.

It is recommended that, the PP, which is dated November 2015, is updated to include consideration of the South East and Tablelands Regional Plan prior to exhibition.

Recommendation: That the PP is updated to include an assessment of consistency with the South East and Tablelands Regional Plan prior to exhibition.

Local

The PP states that it is consistent with the Goulburn Mulwaree Strategy 2020 because it will deliver the following actions:

- *Support rural and agricultural industry and lifestyles including provision for large lot residential living should be focused around the existing City and Village Zones and should not create land use conflict.* The PP states that the proposal is located at the northern fringe of Goulburn and has little potential for land use conflict.
- *Reinforce the role of Goulburn as the centre for population and employment growth.* The PP states that the proposal will contribute to Goulburn being the centre for population and employment growth.
- *Broaden the growth base for residential and employment land use across towns and villages and promote rural living and lifestyle opportunities.* The PP states that the proposal will promote rural living and lifestyle opportunities in Goulburn particularly the racecourse precinct.

As previously mentioned, the site is not specifically identified for development in the Goulburn Mulwaree Strategy 2020. It is, however, considered that the PP is not inconsistent with the actions of the Strategy because it:

- will facilitate provision of housing in Goulburn north of the Wollondilly River in a location that adjoins existing urban development;
- has access to the necessary infrastructure and services; and
- is unlikely to create land use conflict with neighbouring land uses.

Section 117(2) Ministerial Directions

The PP has identified that the following Section 117 Directions may apply:

2.3 Heritage Conservation

The PP states that the subject land is located to the west of the Kenmore Psychiatric Hospital which is a State heritage listed item. The PP states that the subject land is separated from the State heritage item by Taralga Road and that the proposed large lot residential development will have minimal impact on this item.

It is considered that the PP is consistent with the Direction. The site adjoins existing rural residential development and the Goulburn Mulwaree LEP 2009 contains heritage

conservation provisions that must be considered during the assessment of development applications for the dwellings. There would be merit for Council to consult with the NSW Heritage Office on the PP during the exhibition period.

Recommendation:

1. That the Secretary's delegate can be satisfied that the PP is consistent with the Direction.
2. That Council consult with the NSW Heritage Office during the exhibition of the PP.

3.4 Integrating Land Use and Transport

The PP states that the Direction applies because the PP will create a zone relating to urban land, namely the R5 Large Lot Residential Zone. The PP states that it is consistent with the Direction because future residents will be able to access the Goulburn CBD by walking, cycling or public transport and there will be no impact on the movement of freight.

It is considered that the PP is consistent with the Direction. The Racecourse Precinct is serviced by public transport which will be available to future residents of the subject site.

Recommendation: That the Secretary's delegate can be satisfied that the PP is consistent with the Direction.

5.2 Sydney Drinking Water Catchment

The PP states that the Direction applies because the site is located within the Sydney Drinking Water Catchment which the SEPP (Sydney Drinking Water Catchment) applies. Council has consulted WaterNSW on the PP and has provided a copy of WaterNSW's comments to the Department as required by the Direction.

WaterNSW has advised that it provided concurrence to Council's 2007 approval of the subdivision application, as well as a 2011 modification, as it was satisfied that the development would be able to achieve a neutral or beneficial effect on water quality (NorBE) as required by the SEPP based on a water cycle management plan that was prepared by the proponent.

WaterNSW considers that the PP addresses the requirements of the SEPP and the Direction, provided the approved water cycle management plan is implemented in full and the sewerage infrastructure has the capacity to treat the additional loads. It is noted that the subdivision consent requires that the developer provide sewerage and stormwater infrastructure to the site.

Based on WaterNSW's advice and the condition of the subdivision consent that requires that the development is connected to sewer, it is considered that the PP is consistent with the Direction.

Recommendation: That the Secretary's delegate can be satisfied that the PP is consistent with the Direction.

5.10 Implementation of Regional Plans

The PP does not consider consistency with the Direction or the applicable South East and Tablelands Regional Plan (Regional Plan). This is because the PP was prepared by the

applicant in 2015 which predates the release of the Regional Plan. As previously discussed, it is considered that the PP is consistent with the Regional Plan or that any inconsistency is of a minor significance. It is, however, considered that the PP should be updated to include an assessment of the consistency with the Regional Plan.

Recommendation:

1. That the Secretary's delegate can be satisfied that the PP is consistent with the Direction.
2. That the PP should be updated to include an assessment of the consistency with the South East and Tablelands Regional Plan.

State Environmental Planning Policies

The PP identifies that SEPP 55 Remediation of Land applies:

SEPP 55 Remediation of Land

The PP identifies that the site has been used for limited agricultural purposes but considers that, given the proximity to Goulburn, it is unlikely that the storage of large volumes of fuel and chemicals has occurred on the site. A site inspection has been carried out which did not identify the presence of any rubbish tips, mounds, holes or bare ground that could indicate the presence of contamination. The PP concludes that, based on the preliminary assessment, there appears to be no contamination or potential contamination of the site.

It is considered that the information provided in the PP meets the requirements of a "Stage 1 Preliminary Assessment" of the site in accordance with the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land".

Recommendation: That the PP is consistent with SEPP 55 - Remediation of land.

SEPP (Sydney Drinking Water Catchment) 2011

As previously discussed the site is located within the Sydney Drinking Water Catchment which the SEPP applies. The SEPP requires compliance with the "neutral or beneficial effects on water quality guidelines" and concurrence for development consent of WaterNSW. WaterNSW has granted concurrence to the subdivision approval as it considers that the NorBE test can be met. Council will need to seek WaterNSW concurrence in relation to the further development of the land. It is considered that the PP is consistent with the SEPP.

Recommendation:

1. That the PP is consistent with SEPP Sydney Drinking Water Catchments.
2. That Council consult further with WaterNSW during the exhibition of the PP.

SITE SPECIFIC ASSESSMENT

Social

The PP states that it provides a positive social effect by enabling development of the lots to achieve the highest and best use of land with suitable environmental protection measures.

It is considered that the PP will provide additional housing opportunities in a suitable location in North Goulburn that adjoins urban development and has access to necessary infrastructure and services.

The PP states that it will have no impact on the State heritage listed item "The Kenmore Hospital" which is located to the east of the site because the item is separated from the site by Taralga Road. The large lot development is also likely to have limited visual impact to or from the Heritage item.

Environmental

The PP states that there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. The site, which is cleared of vegetation as a result of prior agricultural use, is not identified by the Office of Environment and Heritage as containing important environmental areas and nor is the site identified on the Terrestrial Biodiversity Map in the Goulburn Mulwaree LEP 2009.

The PP states that there are no other likely environmental effects as a result of the proposal. The site is not identified as flood or bushfire prone. It will be connected to the sewer.

Economic

The PP states that it will have a positive economic effect by facilitating the highest and best use of the land. It is considered that the PP will support the development of the Goulburn Racecourse precinct and support the local economy by creating jobs and demand for services.

CONSULTATION

Community

The PP indicates that the proposal would be exhibited for a 14 day period because it is considered to be a low impact proposal which is consistent with an approved residential subdivision. It is considered that the proposed community consultation period for the PP is appropriate.

Agencies

The PP does not identify any specific agencies that would be consulted. It is considered that Council should consult with the NSW Heritage Office in relation to the neighbouring State Heritage listed item "Kenmore Hospital" and WaterNSW in relation to water quality issues.

Recommendation: That agency consultation is required on the PP as described above.

TIMEFRAME

The PP indicates a six month timeframe to finalise and notify the plan. It is considered that a longer 12 timeframe may be more realistic to allow completion. The project timeline provided in the PP needs to be updated as the PP was prepared in 2015.

Recommended:

1. That a 12 month timeframe to finalise and notify the plan be provided.
2. That the project timeline is updated prior to exhibition.

DELEGATION

Council has sought the use of plan making delegations for the PP. It is considered that as the PP is a low impact proposal of local significance for the area Council's request should be supported.

CONCLUSION

The preparation of the PP is supported to proceed with conditions because it will clarify the permissibility of dwellings on the site consistent with the approved 12 lot residential subdivision that was approved by Council in 2007. The PP will also provide additional housing choice in the Goulburn Racecourse Precinct which adjoins the Goulburn CBD.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 117 Direction 5.10 Implementation of Regional Plans is of minor significance.

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

1. The Planning Proposal is to be updated to include an assessment of consistency with the South East and Tablelands Regional Plan and to provide an updated project timeline prior to consultation.
2. Consultation is required with the NSW Heritage Office in relation to the neighbouring State Heritage listed item "Kenmore Hospital" as well as with WaterNSW.
3. The timeframe 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 authorised to exercise delegation to make this plan.


11/11/17.
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