



## **Goulburn Mulwaree Council**

### **Planning Proposal to Amend Zoning of the North East Goulburn Enterprise Corridor Precinct**

### **Goulburn Mulwaree Local Environmental Plan 2009**

**25 March, 2019**

Version	Comment	Date
1	For Gateway	18 February 2019
2	For Gateway	25 March, 2019

# Introduction

The North Goulburn Enterprise Corridor Industrial precinct was identified in Council's *Employment Lands Strategy* (ELS) (Section 11.2.1) for rezoning from B6 Enterprise Corridor to IN1 General Industrial under *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009). The purpose of this rezoning is to achieve the objectives of the ELS to create employment generating lands to the east of Goulburn city and adjacent to the existing Waste Transfer facility.

Council considered a report on this matter at its meeting held on 18 December, 2018 and resolved:

Resolution 2018/606

1. *That the report to amend the zoning of Part of the North East Goulburn Enterprise Corridor Precinct from the Senior Strategic Planner be received.*
2. *That Council resolve to prepare a Planning Proposal on land identified in Figure 2 of this report to amend Goulburn Mulwaree Local Environmental Plan 2009 which will:*
  - (a) *Rezone land in the Common Street Sub-Precinct of the North East Goulburn Enterprise Corridor Precinct within the area bounded by Sinclair Street, Chiswick Street, the land in zone RU6 Transition and zone SP2 Infrastructure (Cemetery) on the eastern side of Long Street and Council's Waste Management Facility from B6 Enterprise Corridor to IN1 General Industrial under GM LEP 2009, and*
  - (b) *Retain No Minimum Lot size on the subject lands.*
3. *That when the Planning Proposal is prepared, a request for a Gateway Determination be forwarded to the Department of Planning and Environment.*
4. *That the Department of Planning and Environment be requested to issue delegations so that Council is the Relevant Planning Authority to process the subject Planning Proposal.*

Council further considered this matter at its meeting of 19 March, 2019 and resolved to include "Rural industries" as a permissible use with consent in the IN1 – General Industrial zone under GM LEP 2009.

# Part 1 – Objective

To amend the *Goulburn Mulwaree Local Environmental Plan 2009* to facilitate the redevelopment of the North Goulburn Enterprise Corridor as an industrial precinct to achieve the goals of the Employment Lands Strategy (ELS) (Section 11.1) to create employment generating lands.

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

# Part 2 – Explanation of Provisions

The *Goulburn Mulwaree Local Environmental Plan 2009* will be amended by altering the land use zone from B6 Enterprise Corridor to IN1 General Industrial as it applies to the following properties:

- Part Lots 22, 23 and 25 in DP 750050 and part Lot 240 DP 1064721 where zoned B6.
- Lots 47, 48, 60, 267, 287 in DP 750050.

The following plans detail the zone changes.



**Existing Zoning**

**Proposed Zoning**

The land use table associated with the IN1 – General Industrial zone will be amended to include rural industries as a use permitted with consent as detailed below:

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

### **2 Permitted without consent**

Roads

### **3 Permitted with consent**

Depots; Extensive agriculture; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Rural industries; Rural supplies; Sawmill or log processing works; Stock and sale yards; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Pond-based aquaculture Recreation facilities (major); Residential accommodation; Restricted premises; Retail premises; Rural industries; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

There is no minimum allotment size applicable within the existing B6 Enterprise Corridor zone, nor within the proposed IN1 General Industrial Zone under GM LEP 2009, therefore, there is no change proposed to the lot size map.

The existing floor space (FSR) ratio within the within Locality J of 0.8:1 as it applies to the area identified will also remain unchanged.

# 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 is the result of both the recommendations of the *Employment Lands Strategy* and the report to Council dated 18 December, 2018 which considered the Planning Proposal and the need to expand the area affected beyond that originally identified in the *Employment Lands Strategy*.

The *Employment Lands Strategy* (Section 11.2) identifies that this precinct contains a range of land uses that are not limited to enterprise or industrial uses and includes pockets of residential development. The Strategy finds that the Enterprise Corridor Zoning affects the value of residential properties within the zone, furthermore, that this precinct has a large vacancy rate. Additionally access in and around the precinct is an issue.

The area considered for rezoning in the Strategy is detailed in the figure below.



Source: HillPDA

**Figure 1 – Extract of Proposed Rezoning from the Employment Lands Strategy**

The Strategy provides the following justification for rezoning as follows:

*Common Street South has seen little development over recent times and vacancy rates remain high. Notwithstanding, the owners of 5 Common Street (eastern side) are seeking approval for a concrete manufacturing industry and have lodged a Development Application (DA) with Council [this DA/0065/1617 was subsequently*



withdrawn following the adoption of the Strategy ]. The owners are also requesting an industrial zoning (site was zoned industrial when site was purchased) as approval of their DA is proving difficult under the B6 Enterprise Corridor zone, given the nature of the industry. An industrial zoning would be more appropriate for this type of employment use.

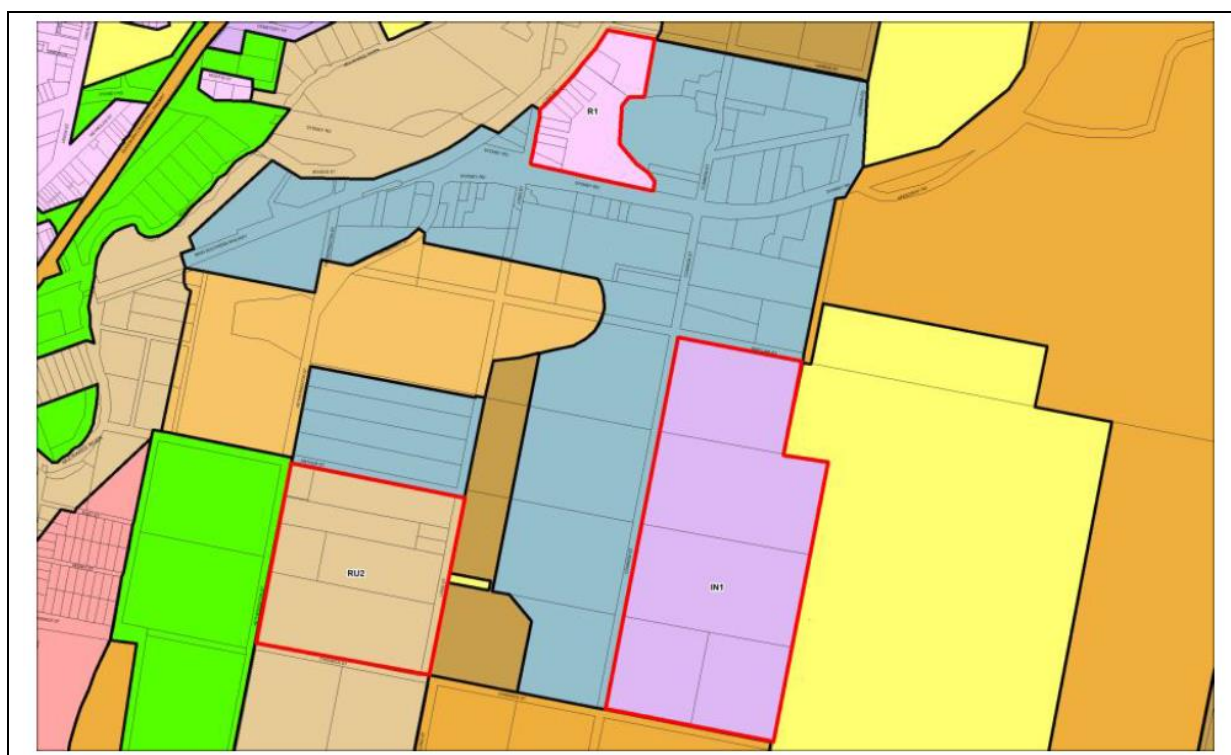
The Council Waste Management Facility is also located in this area (east of Common Street) and Council is mindful that surrounding land use must be compatible with the operations of the Waste Management Facility. There are regular truck movements and odour and noise can be common events. Therefore a residential zoning is not appropriate around this facility.

The eastern side of Common Street is presently zoned B6 Enterprise Corridor however it is considered reasonable to rezone this area back to IN1 General Industrial given the potential for new manufacturing industries and the location and operation of Council's Waste Management Facility. Refer to Figure 38 below.

The area to the west of Common Street is recommended to remain B6 Enterprise Corridor as it will act as a buffer to the proposed industrial area to the east of Common Street.

The Strategy recommends that:

The area bounded by Sinclair, Chiswick and Common Streets and the Waste Management Facility to the east should be rezoned to IN1 General Industrial as per the map below.



**Figure 2 – Extract from the Employment Lands Strategy**

The Planning Proposal intends to expand the proposed IN1 area to include land on the western side of Common Street which is zoned B6. As stated above the Strategy had intended for this land to remain B6 to provide a buffer to residential development.

The report to Council dated 18 December provides the following justification for broadening the IN1 zone beyond the area specified by the Strategy:

- The area proposed by the *Employment Lands Strategy* (ELS) suited development for industrial uses (being relatively flat in close proximity to suitable access) this is also applicable to the proposed extension area;
- The subject area minimises (not eliminates) land use conflict because it has a relatively low density of existing residential development (and is located approximately 7kms from the core urban area);
- The agglomeration (clustering) of development permissible in the IN1 General Industrial zone provides the most cost effective use of any infrastructure provided;
- The existing zoning of B6 Enterprise Corridor has not developed as anticipated (possibly due to the lack of infrastructure); and
- Extending the proposed IN1 General Industrial zone to the western side of Common Street better enables master planning of the precinct and will facilitate the preparation of a consistent set of development controls that can be applied.

The extended area would also contain the site of a proposed **Agricultural produce industry** (a Rural Industry) specifically a Poultry Rendering Plant on Lot 22 DP 750050 (area shown white in Figure 3). The ELS however was prepared prior to the interest being shown in this site for the processing plant. It is noted that a Planning Secretary's Environmental Assessment Requirements (SEARS SSD 9143) was issued to Woodlands Ridge Poultry on 25 July 2018.

It is recommended that the Precinct identified in the ELS be extended to include part of this site currently zoned B6, so that the Precinct can be master planned to provide for both suitable development control provisions and for capacity/location planning of any supporting infrastructure.

A further report to Council dated 19 March, 2019 included a specific resolution to include Rural industries as a permissible use (subject to consent) in the IN1 General Industrial zone under GM LEP 2009.

The proposed Poultry Rendering Plant (identified by white hatching in the figure below) is likely to provide a catalyst for further development of this precinct therefore, it is consistent to support more intensive uses on both sides of Common Street. It is also consistent with the Precinct identified in the ELS that the buffer, zoned RU6 Transition zone between the proposed IN1 General Industrial zone and the B6 Enterprise to the west be retained.





**Figure 3 – Land Subject to Planning Proposal Including the Proposed Poultry Processing Plant.**

There is a current Section 94 Contributions Plan that includes the subject precinct which extends across Sydney Road to the north. However this plan focuses solely on the rehabilitation of Common Street and provides no costing's for any other works or facilities. The lack of development from which to garner contributions and charges has meant that no funds have been available to upgrade road infrastructure to support the B6 Enterprise Corridor land uses. Rezoning the subject area to IN1 General Industrial would make the most cost effective use of any infrastructure provided.

Council has lodged a grant application seeking “Local Economies” funding to provide essential infrastructure and to master plan the whole of the recommended area.

Most of the funding being sought is to:

- Provide essential infrastructure, including roundabouts for heavy vehicles entering Sydney Road; and
- Attract new development, thereby making a more attractive environment for businesses to establish adjacent to the eastern access of Sydney Road.

Full details of the grant application to the Growing Local Economies Fund are provided in Appendix 3 - *“Growing Local Economies Fund – North East Goulburn Enterprise Corridor Precinct Enhancement Business Case”* dated 9 July, 2018.

Based on the above it is considered that the Planning Proposal is consistent with the Strategy.

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

The Planning Proposal is considered to be the best means of achieving the intended outcomes which are to create a precinct which has one specific land use activity and consistent place based controls which will assist with master planning, infrastructure provision and funding.

The area affected is currently already zoned B6 Enterprise Corridor and has since 2009 failed to gain any momentum with development as outlined in the *Employment Lands Strategy*.

The area is located between Council's Waste Management Facility to the west and land zoned for B6 Enterprise Corridor to the North and is considered to be unsuitable for residential development as it is not contiguous with a residential zoning and will be impacted upon by the activities of the Waste Management Facility.

## **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 consistent with the *South East and Tablelands Regional Plan*. Goal 1 of the Plan is: "A connected and prosperous Economy". Direction 4: **Leverage Growth opportunities from Western Sydney** states:

*The region, especially Wingecarribee and Goulburn-Mulwaree local government areas are well positioned to use Western Sydney's growth as an impetus to create new jobs. The availability of jobs enables economic development, and employment lands at Goulburn or the Moss Vale Enterprise Corridor offer well located opportunities. High quality infrastructure, including electricity, gas and telecommunications, must be available to service businesses and industries. For example, a deficiency in the gas network to service Harden has been identified as a barrier to attracting more diversity in the agricultural sector, including poultry farming, and capturing growth opportunities from Western Sydney.*

The Planning Proposal is intended to be a part of a master planning process which will ensure that future infrastructure required in this precinct is provided. The current stagnation of development in this area appears to be largely due to the lack of infrastructure available.

It is considered that the Planning proposal is consistent with Direction 4 of the *South East and Tablelands Regional Plan*.

### 3.3.2 The Tablelands Regional Community Strategic Plan 2016 – 2036

The *Tablelands Regional Community Strategic Plan (CSP) 2016 – 2036*, identifies the aspirations of the community through a clear set of strategic priorities that achieve the region's vision for the future. The CSP is the highest level of plan under the NSW Government's Integrated Planning and Reporting Framework (IPRF). All other plans developed by the Council as a part of the IPRF must reflect and support the implementation of the CSP.

The CSP is has adopted five strategic pillars as follows:

- Community;
- Environment;
- Economy;
- Infrastructure; and
- Civic Leadership.

The Planning Proposal is consistent with the following CSP pillars and strategies as follows:

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

The area identified for rezoning within the Planning Proposal is currently already zoned B6 Enterprise Corridor. The affected area is predominantly cleared grazing land with scattered remnant woodland to the northwest and southwest of the site. Assessment of the impacts of individual developments on the remnant woodland can be undertaken during the development application stage as the provisions of *State Environmental Planning Policy (Vegetation in Non Rural Lands)* applies to both the current and proposed zone. In addition to this the provisions of the *Biodiversity Conservation Act, 2016* would also apply.

*Our Economy – Strategy EC1 – Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment.*

The Planning Proposal is intended to attract industry to a precinct which has good access to the Hume Highway. Coupled with the funding application to the *Growing Local Economies Fund* the Planning Proposal is intended to provide some impetus to an area which is has remain undeveloped since at least 2009.

### 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 *Goulburn Mulwaree (GM) Strategy 2020* identifies this area for a B6 Enterprise Corridor Zoning. This Strategy was adopted in 2006 and has been in place for some time. As discussed previously in this report the later *Employment Lands Strategy, 2016* has identified this precinct as having poor infrastructure and high vacancy rates.

One of the sections of the GM Strategy titled 'Commercial and Employment' which states:

*Council is currently experiencing pressure within Goulburn and Marulan for additional employment land due to good access to road and rail infrastructure. The Strategy*

*focuses on Goulburn continuing to be the commercial and administrative centre for Goulburn Mulwaree...*

*Future employment areas would require direct access to the Hume highway to promote efficient ingress and egress to maximise exposure.*

*Providing separation from sensitive land uses is also required to minimise potential for land use conflict and enable extended hours of operations for freight and distribution facilities. Employment land uses within Goulburn are likely to be Zones IN1 General Industrial and IN2 Light Industrial, B6 Enterprise Corridor and potentially B7 Business Parks.*

*Employment land uses require access to core utilities including connection to water supply, energy and sewerage systems. Providing access to these utilities is integral to encouraging future development in Goulburn.*

As previously stated due to poor development take up in this precinct since the GM Strategy 2020 was adopted, it is considered that an IN1 Industrial zone may, together with grant funding, provide some impetus.

It is considered that the Planning Proposal is consistent with the intent of this Strategy.

### **3.4.2 Community Strategic Plan 2012 – 2022**

The *Community Strategic Plan (CSP) 2030* 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.

The Planning Proposal is consistent with the CSP 2030 as follows:

Relevant Strategies

#### **Key Direction 2 – Business and Industry**

*2.5.1 To provide opportunity and encouragement for the development of employment lands*

#### **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*

Given the relatively small size of the subject land the planning proposal should allow Council to achieve its performance indicators, via:

*P4 Adequate supply of employment lands are provided within the local planning framework.*

Given that the area identified in the Planning Proposal is already zoned B6 Enterprise Corridor and an IN1 General Industrial is proposed, it is considered that the Planning Proposal is consistent with the Community Strategic Plan.

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

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	<p>Water NSW will be consulted as a part of the Planning Proposal process.</p> <p>The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect (NorBE) on water quality. Future development applications will be subject to the SEPP and will require the concurrence of Water NSW following a NorBE assessment.</p> <p>It is considered that this Planning Proposal is consistent with the SEPP.</p>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	<p>This planning proposal is generally consistent with all the aims of this SEPP, the aims of the policy are as follows;</p> <ul style="list-style-type: none"> <li>a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</li> <li>b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</li> </ul> <p>The Planning Proposal area has not been identified as containing any significant biodiversity value land. Portions of the southern section of the precinct do have scattered remnant woodland which under the provisions of this SEPP and Biodiversity Conservation Act. This area may be potentially be avoided through Development Control Plan provisions or master planning following site specific assessment. An area of Lot 22 DP 750050 was identified as potentially containing Box Gum Woodland endangered ecological facility (EEC), however, the affected portion of the site is located outside the B6 zoned area within an E3 Environmental Management Zone. Specific consideration of the biodiversity values of the portion of Lot 22 DP750050 is a part of the matters to be addressed in the SEARs assessment provided to the proponent of the poultry processing plant.</p>

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

The planning proposal is consistent with all relevant s.9.1 directions, consistency with all directions is outlined in table 3 below;

Table 3 – s9.1 Directions

Direction	Justification	Consistent (yes or No)
<b>Direction 1.1 – Business and Industrial Zones</b>	<p><i>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</i></p> <p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <li><i>(a) give effect to the objectives of this direction,</i></li> <li><i>(b) retain the areas and locations of existing business and industrial zones,</i></li> <li><i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i></li> <li><i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i></li> <li><i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</i> <p>This Planning Proposal is consistent with this direction as the land is already zoned B6 Enterprise Corridor and an IN1 General Industrial zone is proposed. The introduction of Rural industries as a permissible land use is consistent with the function of a general industrial area within a rural local government area.</p> <p>No changes to potential floor space for employment uses are proposed. The proposed change is in accordance with the <i>Employment Lands Strategy</i>.</p> <p>Further details are provided in the attached Goulburn Mulwaree Council “<i>Growing Local Economies Fund – North East Goulburn Enterprise Corridor Precinct Enhancement Business Case</i>” dated 9 July, 2018.</p> </li></ul>	Yes
<b>Direction 1.2 – Rural Zones</b>	<p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <li><i>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i></li> <li><i>(b) not contain provisions that will increase the permissible density of land within a rural zone (other</i></li> </ul>	N/A

	<p><i>than land within an existing town or village)</i></p> <p>The planning proposal will not alter any rural zones or alter the intended density of future development. The rezoning of the precinct is consistent with this direction.</p>	
<b>Direction 1.3 – Mining Petroleum and Extractive Industries</b>	Not applicable	N/A
<b>Direction 1.4 – Oyster Aquaculture</b>	Not applicable.	N/A
<b>Direction 1.5 – Rural Lands</b>	<p><i>Applies when:</i></p> <p><i>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or</i></p> <p><i>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</i></p> <p><i>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</i></p> <p><i>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</i></p> <p>The Rural Planning Principles are as follows:</p> <p>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</p> <p>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</p> <p>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</p> <p>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</p> <p>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding</p>	N/A



	<p>constrained land,</p> <p>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</p> <p>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</p> <p>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</p>	
<b>Direction 2.1 – Environment Protection Zones</b>	<p><i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p><i>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</i></p>	N/A
<b>Direction 2.2 – Coastal Management</b>	Not applicable.	N/A
<b>Direction 2.3 – Heritage Conservation</b>	<p><i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p><i>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>There are no identified items of environmental heritage within the subject precinct.</p> <p>The items closest to the precinct identified with the GMLEP are the Jewish Cemetery (Inventory No. 233) and the War Memorial (Inventory Number 114).</p>	Yes

	<p>The site is within the visual catchment/setting of both items and any development application within this precinct should include a visual impact assessment.</p> <p>It is possible that there are Aboriginal archaeological sites within the precinct, accordingly an assessment of heritage and archaeological potential should be undertaken with any development application, or a due diligence assessment undertaken as a part of the Planning Proposal.</p>	
<b>Direction 2.4 – Recreational Vehicle Areas</b>	Not applicable	N/A
<b>Direction 2.5 – Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	Not applicable	N/A
<b>Direction 3.1 – Residential Zones</b>	Not applicable	N/A
<b>Direction 3.2 – Caravan Parks and Manufactured Home Estates</b>	Not applicable	N/A
<b>Direction 3.3 – Home Occupations</b>	Not applicable	N/A
<b>Direction 3.4 – Integrating Land Use and Transport.</b>	Not applicable	N/A
<b>Direction 3.5 – Development Near Licensed Aerodromes</b>	Not applicable	N/A
<b>Direction 4.1 – Acid Sulphate Soils</b>	Not applicable	N/A
<b>Direction 4.2 – Mine Subsidence and Unstable Land</b>	Not applicable	N/A

<b>Direction 4.3 – Flood Prone Land</b>	Not applicable	N/A
<b>Direction 4.4 – Planning for Bushfire Protection</b>	<p><i>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</i></p> <p><i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</i></p> <p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <li><i>a) have regard to Planning for Bushfire Protection 2006,</i></li> <li><i>b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</i></li> <li><i>c) ensure that bushfire hazard reduction is not prohibited within the APZ.</i></li> </ul> <p><i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i></p> <p><i>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</i></p> <ul style="list-style-type: none"> <li><i>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i></li> <li><i>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i></li> </ul> <p><i>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as</i></p>	Yes

	<p><i>defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i></p> <p><i>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</i></p> <p><i>(d) contain provisions for adequate water supply for fire fighting purposes,</i></p> <p><i>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</i></p> <p><i>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</i></p> <p>The Planning Proposal seeks to rezone land currently zoned B6 Enterprise Corridor to IN1 Industrial. It is considered that there is no significant increase in bushfire risk associated with the proposed zone change.</p> <p>The Planning Proposal is consistent with <i>Planning for Bushfire Protection 2006</i>, as it will not place inappropriate development in a hazardous area and will not prohibit bushfire hazard reduction within any APZ's. Consultation with the NSW Rural Fire Service will be undertaken should a favourable gateway be received under section 3.34 of the Act.</p>	
<b>Direction 5.1 – Implementation of Regional Strategies</b>	<p><i>Applies when a relevant planning authority prepares a planning proposal. Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</i></p> <p>The planning proposal is consistent with the <i>Sydney-Canberra Corridor Regional Strategy 2006-2031</i> (see Section 3.3).</p>	Yes
<b>Direction 5.2 – Sydney Drinking Water Catchment</b>	<p>Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.</p> <p>The Planning Proposal affects land within the Sydney Drinking Water Catchment. Development within the catchment is to have a neutral or beneficial effect on water quality. All development applications whether the site is zoned B6 Enterprise Corridor or IN1 Industrial require the concurrence of Water NSW. As a part of the assessment process any DA will need to meet the neutral or net beneficial impact requirements under the SEPP.</p>	Yes

	Consultation with Water NSW will occur should a positive Gateway Determination be received under section 3.34 of the Act.	
<b>Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not applicable	N/A
<b>Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	Not applicable	N/A
<b>Direction 5.8 – Second Sydney Airport: Badgerys Creek</b>	Not applicable	N/A
<b>Direction 5.9 – North West Rail Link Corridor Strategy</b>	Not applicable	N/A
<b>Direction 5.10 – Implementation of Regional Plans</b>	<p><i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:</i></p> <ul style="list-style-type: none"> <li><i>a) is of minor significance, and</i></li> <li><i>b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.</i></li> </ul> <p>The Planning Proposal is consistent with all parts of the plan and will facilitate the implementation of Goal 2: A diverse environment interconnected by biodiversity outcomes and actions contained within the <i>South East and Tablelands Regional Plan 2036</i>. As such the planning proposal achieves the overall intent of the Regional Plan and is consistent with the direction.</p>	Yes

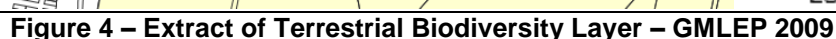
<b>Direction 6.1 – Approval and Referral Requirements</b>	<p><i>A planning proposal must:</i></p> <p><i>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i></p> <p><i>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i></p> <p><i>(i) the appropriate Minister or public authority, and</i></p> <p><i>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</i></p> <p><i>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i></p> <p><i>(c) not identify development as designated development unless the relevant planning authority:</i></p> <p><i>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i></p> <p><i>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>The planning proposal does not contain a provision that requires concurrence, consultation or referral of development applications.</p> <p>Consultation with the community and relevant Government Agencies will occur should a positive Gateway Determination be received under section 3.34 of the Act.</p>	<p>Yes</p>
<b>Direction 6.2 Reserving Land for Public Purposes</b>	<p>Not applicable</p>	<p>N/A</p>
<b>Direction 6.3 – Site Specific Provisions</b>	<p><i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <p><i>(a) allow that land use to be carried out in the zone the land is situated on, or</i></p> <p><i>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that</i></p>	<p>Yes</p>

	<p>zone, or</p> <p><i>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></p> <p>This planning proposal is not intended to facilitate any one particular development. The intention of the planning proposal is to facilitate industrial development generally throughout the subject precinct. Refer to the <i>“Growing Local Economies Fund – North East Goulburn Enterprise Corridor Precinct Enhancement Business Case”</i> dated 9 July, 2018 in Appendix 3.</p> <p>This planning proposal seeks to amend the zone from B6 Enterprise Corridor to IN1 General industrial, the IN1 Industrial Zone is an existing zone within the GMLEP 2009.</p> <p>No development standards or provisions in addition to that already contained for this zone in GMLEP 2009 are proposed.</p>	
<b>Directions Part 7 – Metropolitan Planning</b>	Not applicable	N/A



**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?**

The land is not mapped as being affected by a biodiversity hot spot or wetland on Council's mapping. The site is not mapped as environmentally sensitive land as per the plan below.



Map of the City of Johannesburg showing Biodiversity Values. The map displays various land parcels with their respective DP (Deeds Plot) numbers. A legend on the right indicates that purple shading represents Biodiversity Values, and a darker purple indicates Biodiversity Values added in a specific period. The map shows a grid of parcels, with some parcels shaded in purple. A blue square marker is visible on the map.

**Biodiversity Values**

- ☒ Biodiversity Values
- ☒ Biodiversity Values (added in)

**Figure 5 – Extract of OEH Biodiversity Values Map**

The NSW Bionet Map Atlas does not detail any species records within the subject area as detailed on the map below.

☒ Species records mapped as held  
☒ Category 3 sensitive spp. 0.01° (~1km) rounded  
☒ Category 2 sensitive spp. 0.1° (~10km) rounded

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The area is subject to the provisions of *State Environmental Planning Policy (SEPP) Vegetation in Non Rural Areas, 2017* and the provisions of the *NSW Biodiversity Conservation Act, 2016*. Accordingly, any development application lodged for a site under the IN1 zone would require the same level of environmental assessment as within the B6 Enterprise Corridor zone.

It is noted that a portion of Lot 22 DP 750050 was identified as potentially containing Box Gum Woodland endangered ecological facility (EEC), however, the affected portion of the site is located outside the B6 zoned area within an E3 Environmental Management Zone. Specific consideration of the biodiversity values of the E3 portion of Lot 22 DP750050 is a part of the matters to be addressed in the SEARs assessment provided to the proponent of the poultry processing plant which requires a Biodiversity Assessment Method (BAM) report.

The proposed change of use from an enterprise corridor zone to an industrial zone, with a common FSR of 0.8:1 is considered to have a comparable level of impact on the existing environment. Both the current and proposed zoning would potentially permit a considerable change to the precinct of a similar scale and intensity.

The introduction of *Rural industries* as a permissible use is consistent with a IN1 General Industrial zoning within a rural local government area.

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

Impacts associated with development are very similar between the existing B6 Enterprise Corridor Zone and the proposed IN1 Industrial zone. Impacts such as vegetation clearing and water quality impacts are a potential issue with any green field development.

Impacts are to be addressed via the development assessment process as any application will need to address the provisions of:

- Section 4.15 of the NSW Environmental planning and Assessment Act, 1979.
- NSW Biodiversity Conservation Act.
- SEPP (Sydney Drinking Water Catchments) and the neutral or beneficial effect test.
- SEPP (Vegetation in Non- Rural Lands).
- Other relevant legislation and environmental planning instruments.

Whilst there are no LEP listed heritage items located within the precinct, there are heritage items located in proximity to the area including the Jewish Cemetery and War Memorial. Proposed development under both the current and proposed zone has the potential to have a visual impact on the setting of these items. A couple of the dwellings within the Planning Proposal area such as the dwelling on Lot 48 DP 750050 may also warrant further assessment for significance given their age. An unlisted slab hut is also located opposite the Jewish Cemetery on Long Street.



**Figure 8 – Potential and Known Heritage Sites**

Furthermore, any development application should include an Aboriginal archaeological assessment.

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

The area proposed to be rezoned is currently zoned B6 Enterprise Corridor, as discussed the *Employments Lands Strategy* has found no significant take up of development in this locality since 2009. The proposed change to IN1 Industrial, the grant funding and poultry processing plant is intended to provide an impetus for development in conjunction with precinct master planning for infrastructure upgrades etc.

The range of permissible land uses are relatively similar between the existing and proposed zones. Key differences are:

The B6 zone permits business premises and commercial premises (although shops are limited to 150m<sup>2</sup> of gross floor area). The B6 zone prohibits agriculture and prohibits industries other than light industries.

The General Industrial Zone permits extensive agriculture and permits industries. Business premises are prohibited. Neighbourhood shops are permissible and have a 1000m<sup>2</sup> restriction on gross floor area.

Both zones prohibit residential accommodation.

The broader economic impacts and benefits of the zoning change are discussed in the grant application to the Growing Local Economies Fund are provided in Appendix 3 - "*Growing Local Economies Fund – North East Goulburn Enterprise Corridor Precinct Enhancement Business Case*" dated 9 July, 2018. The addition of rural industries as a use permissible subject to consent is considered to be consistent with the objectives of the IN1 General Industrial zone given that the Goulburn Mulwaree is a rural LGA.

Social impacts in this instance are potentially related to the impact on the cultural landscape which contains the Jewish Cemetery on Long Street and a slab hut on Long Street, a couple of the dwellings within the B6 Enterprise Corridor precinct are also potentially of significance. The area is located to the north east of the War Memorial on Rock Hill which is visible



throughout this locality. A visual impact assessment should be included as a part of any development application in addition to a heritage assessment.

## Section D – State and Commonwealth interests

### 3.10 Is there adequate public infrastructure for the planning proposal?

The planning proposal is intended to facilitate the provision of upgrades to existing public infrastructure in the precinct. Water (shown blue) and sewer services (shown red) are limited to the northern portion of the precinct as identified on the plan below.



**Fig. – Existing Water and Sewer Services**

The infrastructure identified in the Business Case for funding (Appendix 3) is as follows:

#### **New Traffic Signal Intersection, corner Sydney Rd and Common St**

Subject to further negotiation with RMS, the proposal will construct EITHER a two lane roundabout OR a traffic signal intersection, to facilitate access by vehicles up to and including B-double classification.

#### **South Common St road enhancements**

- Construct 12m width asphalt carriageway; 1150m, including turning lane access to 52 Sinclair St.
- Construct kerb & guttering, 2300m.
- Construct B-double capacity turning head located at corner of Common St and Chiswick St.
- Construct stormwater drainage, 1150m.

#### **East Sinclair St road enhancements**

- Construct 9m width asphalt carriageway; 418m.
- Construct kerb & guttering, 560m.
- Construct stormwater drainage, 1150m.

#### **Facility for Future Services**

- Excavate and lay along Common St and Sinclair St (1568m) conduit facilitating the future extension of communication, electrical and gas services to the area.

#### **Water and Sewerage Upgrades**

- Excavate and lay new water reticulation Common St and Sinclair St (750m).
- Supply and construct new water pumping station (designed to meet the pressure and flow demands of an industrial sub-division including the minimum fire-fighting requirements specified under AS2419).
- Excavate and lay new sewer reticulation (1250m, 225mm diameter to facilitate large flows from commercial and industrial activities, in accordance with the Water Services Association Gravity Sewer Code WSA 02-2014).
- Excavate and lay new sewer rising main (450m).
- Upgrade existing sewer pumping station.

#### **Land Acquisition**

The road treatment at the corner of Sydney Road and Common St and construction of the turning head at the southern end of Common St will require some land acquisition, which has been included in the detailed budget provided as Attachment 7 – Project Budget. This is an estimate only and subject to quantification following completion of the detailed design process.

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

No consultation has been undertaken with Commonwealth Public Authorities.

As a part of the Planning Proposal process consultation is proposed to be undertaken with the following State Authorities:

- Water NSW
- RMS
- RFS
- OEHL – Ecological and Heritage.

## Part 4 – Mapping

The planning proposal is intended to amend the Goulburn Mulwaree LEP 2009 zone maps for:

- Part Lots 22, 23 and 25 in DP 750050 and part Lot 240 DP 1064721 where zoned B6.
- Lots 47, 48, 60, 267, 287 in DP 750050.

The detail of this is outlined in Part 2 of this planning proposal.

This will be achieved by amending Goulburn Mulwaree LEP 2009 map sheet:

- Land Zoning Map - Sheet LZN\_001G.

No amendments are proposed to the Minimum Lot Size Map and FSR map.

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 will:

- 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; and
- The Gateway Determination, and
- Reports to Council titled *Planning Proposal to Amend Zoning of the North East Enterprise Corridor Precinct*.
- *Employment Lands Strategy, November, 2016*.
- *“Growing Local Economies Fund – North East Goulburn Enterprise Corridor Precinct Enhancement Business Case”* dated 9 July, 2018.



*Supporting Studies if required.*

The Gateway Determination will confirm the public consultation requirements.

## Part 6 – Project Timeline

<b>Gateway Determination</b>	April , 2019
<b>Timeframe for completion of technical studies</b>	June, 2019 (if required)
<b>Timeframe for agency consultations</b>	July, 2019
<b>Public exhibition</b>	July, 2019
<b>Public hearing</b>	Not required
<b>Consideration of submission</b>	August 2019
<b>Date of submission of LEP to DPE</b>	October 2019
<b>Anticipated date of plan made</b>	December, 2019
<b>Anticipated date plan forwarded to DPE for notification</b>	January, 2020

## Conclusion

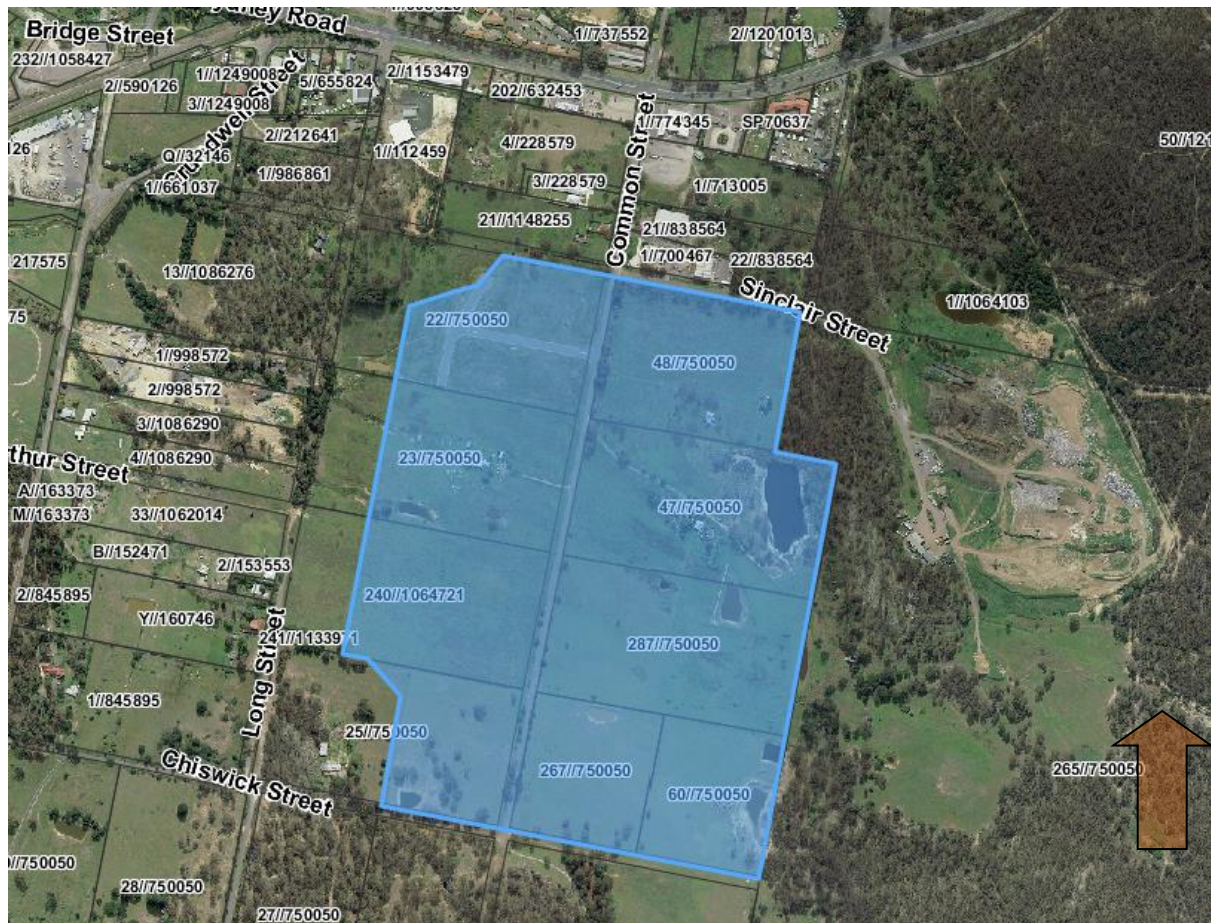
Goulburn Mulwaree Council has initiated a planning proposal to modify its *Local Environmental Plan 2009* to amend the zoning of certain land in the Common Street precinct from B6 Enterprise Corridor to IN1 General Industrial. This decision follows strategic planning assessment undertaken in the *Employment Lands Strategy* and subsequent identification of a need to better master plan this precinct to deliver required infrastructure outcomes.

The subject planning proposal is broadly consistent with the *South East and Tablelands Regional Strategy* (SETRS, 2036) and SEPPs. It is also generally consistent with the relevant Local Planning Directions. It is not considered that this planning proposal raises any issues that require further studies or detailed assessment.

As noted in Part 5 of the Council resolution, Council is seeking delegation from the NSW Department of Planning and Environment (DPE) to make – and determine not to make – the proposed LEP under section 3.36 of the *NSW Environmental Planning and Assessment Act, 1979*. The proposed amendments are consistent with adopted strategies and the zone objectives, furthermore, the plan is only of local significance. The resolution only seeks delegation to the Council and does not specify that the delegation will extend to a specific officer (such as the General Manager without a prior resolution of Council).

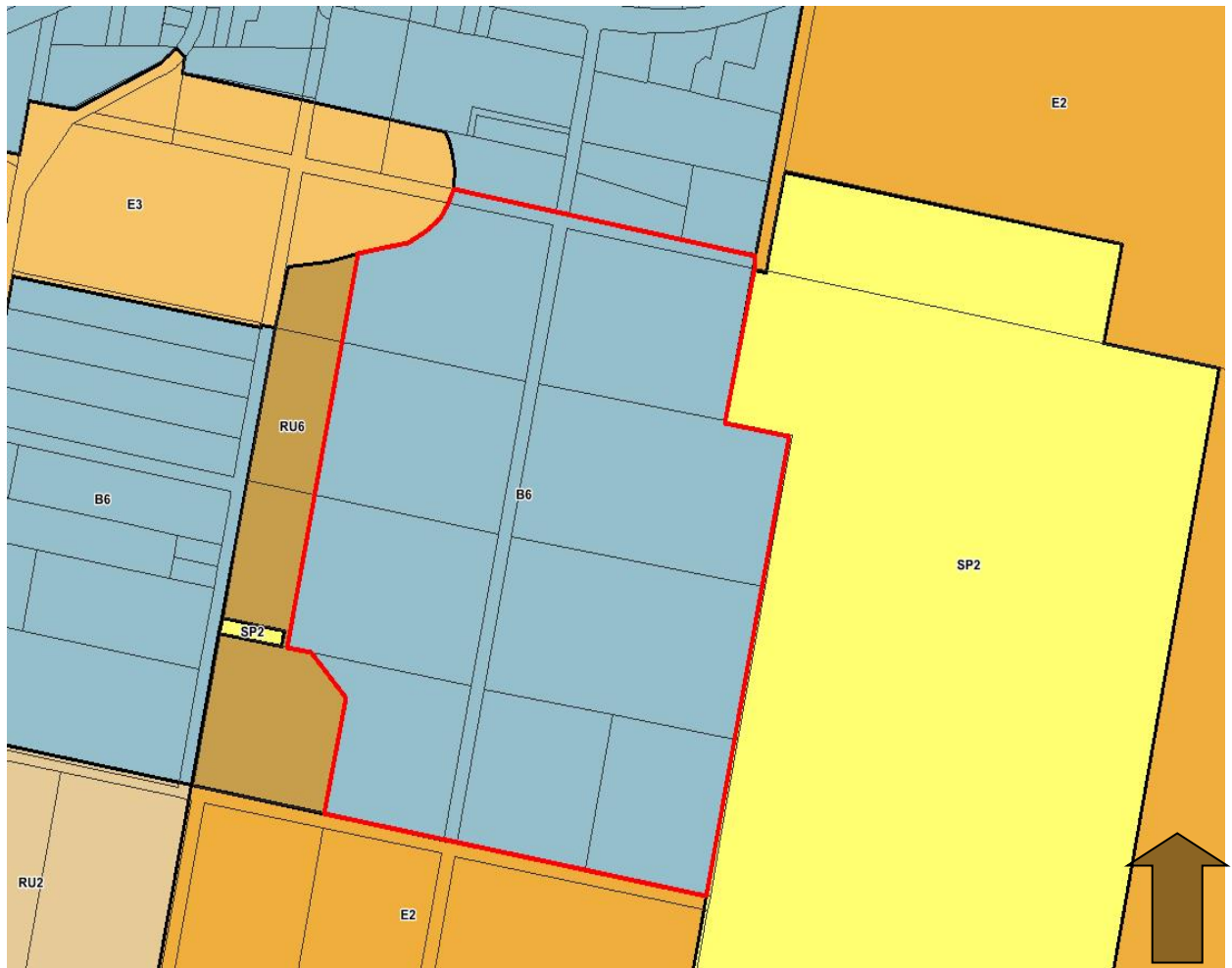


## Appendix 1 – Locality Map



Locality Map

## Appendix 2 – LEP Maps



**Existing Zoning**



**Proposed Zoning**