

Planning Services

IRF19/1676

Gateway determination report

LGA	Goulburn Mulwaree LGA
PPA	Goulburn Mulwaree City Council
NAME	Planning proposal to amend General Industrial Zone land use table and to rezone land within the North East Goulburn Enterprise Corridor Precinct.
NUMBER	PP 2019 GOULB 002 00
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	9 lots bounded by Sinclair, Chiswick and Common Streets and the Waste Management Facility to the east.
DESCRIPTION	Part Lots 22, 23 and 25 DP 750050, Part Lot 240 DP 1064721 and Lots 47, 48, 60, 267 and 287 DP 750050.
RECEIVED	18 February 2019 (Amended 25 March and 23 April 2019)
FILE NO.	EF19/3645
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 seeks to:

- rezone Part Lots 22, 23 and 25 DP 750050, Part Lot 240 DP 1064721 and Lots 47, 48, 60, 267 and 287 DP 750050 from B6 Enterprise Corridor to IN1-General Industrial; and
- include 'Rural Industry' as permissible with consent within the IN1 General Industrial zone.

Site description

The land has been identified for industrial uses since the preparation of the Goulburn Mulwaree LEP 1990. The land has been zoned Rural 1(b) Rural Investigation, Industrial and B6 Enterprise Corridor. The site hasn't been used for industrial purposes to date.

The land is predominantly cleared, grazing land with scattered trees.

The proposed rezoning applies to land in the Common Street sub-precinct of the North East Goulburn Enterprise Corridor. It includes vacant agricultural land between Sinclair Street, Chiswick Street (north-south) and between a cemetery off Long

Street and the Goulburn Mulwaree Council Waste Management Facility (east-west) (Figure 1).



Figure 1 - Proposed rezoning area

The inclusion of Rural Industries as a permissible use with consent applies to the IN1 General Industrial zone across the Goulburn-Mulwaree local government area.

Existing planning controls

The proposed rezoning area is currently zoned B6 Enterprise Corridor under Goulburn-Mulwarree LEP 2009 (Figure 2)

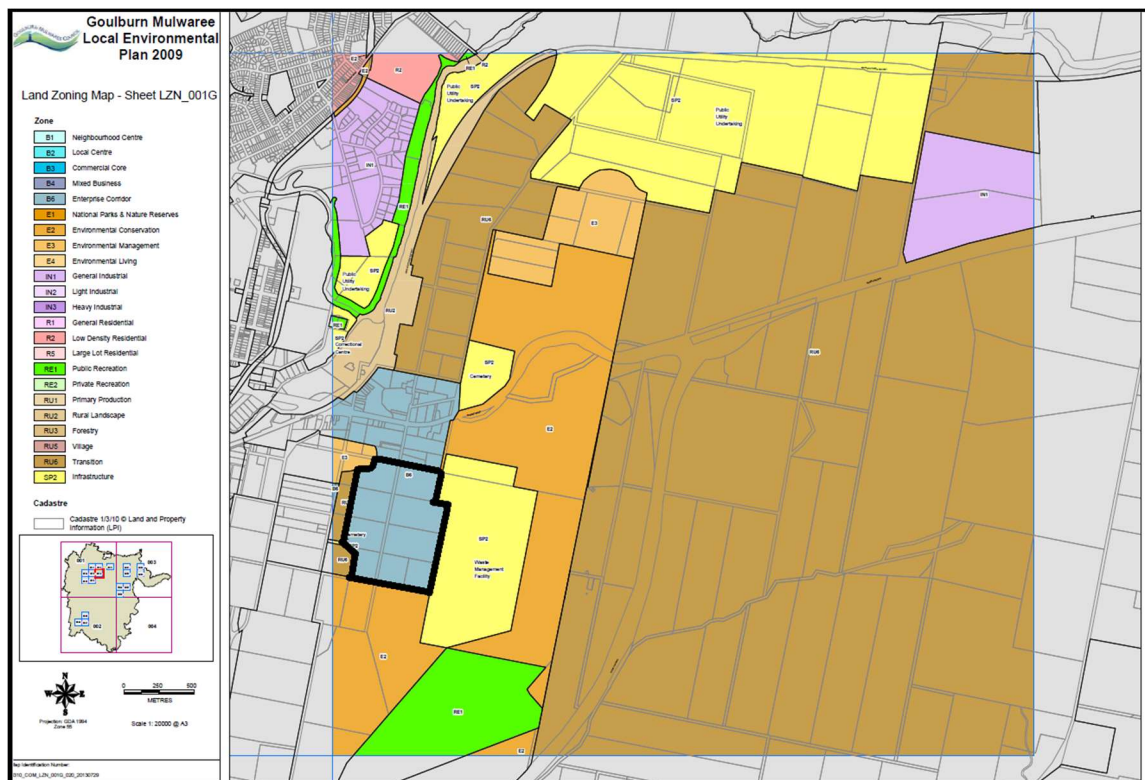


Figure 2 North Eastern Corridor Planning Proposal Subject Area - Existing Zoning

There is no minimum lot size applicable within the B6 zone.

Surrounding area

Figure 3 below shows existing land uses in the vicinity of the proposed rezoning area.

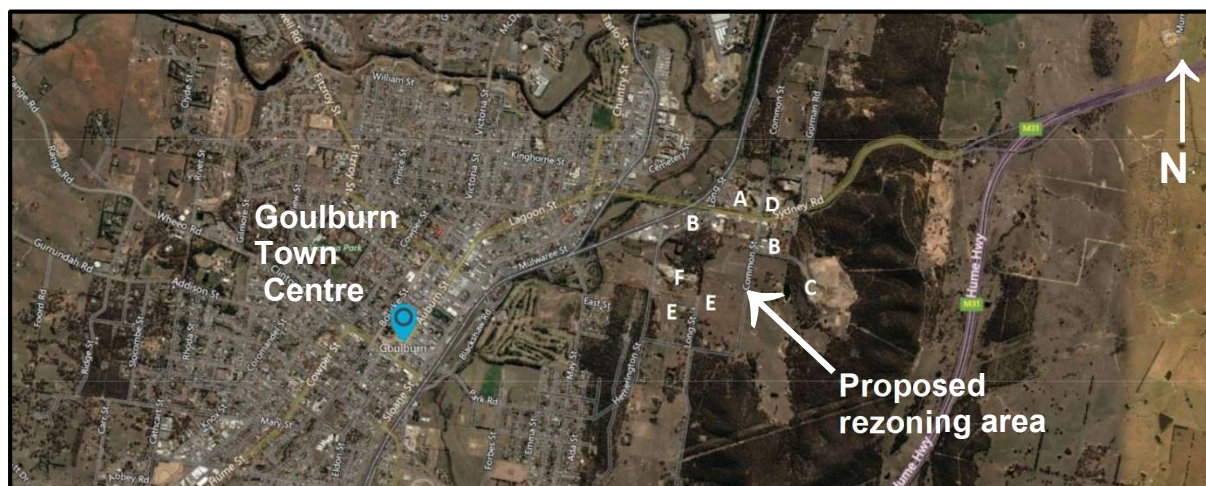


Figure 3 - Surrounding Land Uses

Label	Existing Land Use (Distance from Proposed Rezoning Area)
A	Goulburn Masonic Village – Aged Care (400m)
B	Hotel (300-500m)
C	Goulburn Tip (900m)
D	Goulburn Resource Recovery Centre (300m)
E	Rural Dwellings (300-500m)
F	Extractive Industries (350m)

Summary of recommendation

It is recommended that the planning proposal proceed to a Gateway determination as proposed.

PROPOSAL

Objectives or intended outcomes

The objective of the Planning Proposal is to amend the Goulburn Mulwaree Local Environmental Plan 2009 to facilitate the redevelopment of the North East Goulburn Enterprise Corridor as an industrial precinct to achieve the goals of the Employment Land Strategy (ELS) (Section 11.1) to create employment generating lands.

It is considered that the intended outcome of the planning proposal is adequate.

Explanation of provisions

It is proposed to amend the Goulburn Mulwaree LEP 2009 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; and
 - Lots 47, 48, 60, 267 and 287 in DP 750050; and
- Amending the IN1 General Industrial zone land use table to include Rural Industries as a use permitted with consent and to remove it as a prohibited use.

It is considered that the explanation of provisions is adequate.

Mapping

The planning proposal provides maps demonstrating existing and proposed changes to the Goulburn Mulwaree LEP 2009 Land Zoning Map – Sheet LZN_001G. Council has indicated that there are no amendments proposed to the minimum lot size map or floor space ratio map.

The maps provided in the planning proposal are adequate for public consultation.

NEED FOR THE PLANNING PROPOSAL

Council has identified that the planning proposal is a result of the recommendations of the Goulburn Mulwaree Employment Lands Strategy 2016 (ELS). The ELS identified part of the site for rezoning from B6 Enterprise Corridor to IN1 General Industrial. The report to Council dated 18 December 2018 provides further justification for the expansion of the area from that identified in the Employment Lands Strategy.

The ELS notes that the B6 Enterprise Corridor Zoning potentially affects the value of properties within the zone, contributing to a large vacancy rate.

The planning proposal provides the following justification for rezoning:

- Common Street south has seen little development over recent times and vacancy rates remain high (as of 2016);
- The Council waste management facility is located in this area and Council is mindful that surrounding land uses must be compatible with the operations of the waste management facility (i.e. regular truck movements, odour and noise);
- 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.

Council provides the following justification for broadening the IN1 General Industrial zone beyond the area identified in the Employment Lands Strategy:

- The agglomeration 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;
- 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;
- Currently Rural Industries are only permitted in the RU1 Primary Production zone; and
- Council has advised that it appears to be an omission in the LEP that Rural Industries are not provided for in the IN1 General Industrial zone. Rural Industries may be permissible with consent within the IN1 General Industrial zone under the Standard Instrument and surrounding council areas (i.e. Yass Valley and Wingecarribee).

Council also points out that the range of permissible land uses are relatively similar between the existing and proposed zones. Key differences are:

- The B6 Enterprise Corridor zone permits business premises and commercial premises (although shops are limited to 150m² of gross floor area). The B6 zone prohibits agriculture and prohibits industries other than light industries.
- The IN1 General Industrial zone permits extensive agriculture and permits industries. Business premises are prohibited. Neighbourhood shops are permissible and have a 1000m² limit on gross floor area.

STRATEGIC ASSESSMENT

Regional

South East and Tablelands Regional Plan 2036

The planning proposal states that it is consistent with the regional plan, particularly:

Goal 1 – *A Connected and Prosperous Economy* – The location of the subject site provides good access to the Hume Highway, enabling connection to the wider region and beyond.

Direction 4: *Leverage growth opportunities from Western Sydney* – The Regional Plan acknowledges that *Wingecarribee and Goulburn Mulwaree local government areas are well positioned to use Western Sydney's growth as an impetus to create new jobs*. Rezoning the subject area, may result in increased development through the provision of infrastructure and land available for industry.

It is considered that the planning proposal is consistent with the South East Tablelands Regional Plan 2036.

The Tablelands Regional Community Strategic Plan 2016-2036

The planning proposal identifies consistency with this plan, particularly:

- *Strategy EC1 – Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment* – the location of the proposed rezoning area has the potential to attract industry to the precinct as a result of the good access to the Hume Highway.

It is considered that the Planning Proposal is consistent with the Tablelands Regional Community Strategic Plan 2016-2036.

Local

Goulburn Mulwaree Strategy 2020 (2006)

The Goulburn Mulwaree Strategy identifies the subject area for B6 Enterprise Corridor zoning and identifies that:

- *future employment areas would require direct access to the Hume Highway to promote efficient ingress and egress to maximise exposure; and*
- *employment land uses require access to core utilities including water supply, energy and sewerage systems. Providing access to these facilities is integral to encouraging future investment in Goulburn.*

Although the planning proposal is amending the land use zone from B6 to IN1 General Industrial it is considered that the planning proposal is broadly consistent with the GM Strategy as the above dot points are still satisfied.

Goulburn Mulwaree Employment Land Strategy 2016

The Goulburn Mulwaree Employment Land Strategy (ELS), was developed 10 years after the Goulburn Mulwaree Strategy 2020. It notes that due to the small uptake of the enterprise corridor within the North East Goulburn Enterprise Precinct as a result of poor servicing and access, consideration could be given to a change in land use in parts of the precinct. The ELS notes that it is reasonable to rezone the area to the east of Common Street back to IN1 General Industrial given the potential for new manufacturing industries.

The planning proposal is proposing to expand the area for rezoning back to IN1 General Industrial to also include land to the west of Common Street, with the following justification provided:

- the area proposed by the ELS suited development for industrial uses (being relatively flat in close proximity to suitable access) which is also applicable to the proposed extension area;
- the agglomeration of development permissible in the IN1 zone provides the most cost-effective use of infrastructure provided;
- the existing B6 zone has not developed as anticipated; and
- extending the proposed IN1 zone to the eastern side of Common Street enables master planning of the entire precinct and better coordination of infrastructure.

It is considered that the planning proposal is consistent with the Goulburn Mulwaree Employment Land Strategy 2016.

Community Strategic Plan 2012 – 2022

The planning proposal identifies that it is consistent with the Community Strategic Plan (CSP), particularly:

- 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 flora and fauna provided there is a balance between environmental protection, population growth and development.

It is considered that the planning proposal is consistent with the CSP by providing opportunities for the development of employment lands and ensuring any potential impacts on the environment are addressed in the development application process for individual proposals.

Section 9.1 Ministerial Directions

The land was previously zoned for industrial uses, and as noted previously, the B6 and IN1 zones provide for similar uses and both allow light industries. As such, it is considered that the planning proposal is consistent with the following applicable 9.1 Ministerial directions - Direction 1.1 Business and Industrial Zones; Direction 3.4 Integrating Land Use and Transport; Direction 5.10 Implementation of Regional Plans; and Direction 6.3 Site Specific Provisions.

It is unknown if the planning proposal is consistent with Direction 4.4 Planning for Bushfire Protection until consultation with RFS has occurred.

The planning proposal is inconsistent with Section 9.1 Direction 5.2 Sydney Drinking Water Catchment. While Council undertook consultation with Water NSW in relation to this proposal, the proposal was subsequently changed to include Rural Industries as a permitted with consent use within the IN1 General Industrial zone. No consultation has occurred with Water NSW in regard to this amendment.

It is considered that this inconsistency is minor and will be justified by the requirement for Council to consult with Water NSW.

State environmental planning policies (SEPPs)

The planning proposal identifies that it is consistent with SEPP (Sydney Drinking Water Catchment) 2011 and SEPP (Vegetation in non-Rural Areas) 2017.

In relation to SEPP (Sydney Drinking Water Catchment) 2011, Council has not consulted with Water NSW in relation to the amended proposal, and therefore potential water quality/catchment issues remain unresolved and will require further justification. A condition has been included in the Gateway determination requiring consultation with Water NSW.

Council's assessment that the planning proposal is consistent with the aims of the SEPP (Vegetation in non-Rural Areas) 2017 is supported as the Planning Proposal area does not contain any significant biodiversity values.

SITE-SPECIFIC ASSESSMENT

Social

There are no LEP listed heritage items located within the proposed rezoning area. There are however heritage items located in the vicinity of the proposed rezoning area, including the Jewish Cemetery and War Memorial. The planning proposal notes that a visual assessment, aboriginal and heritage assessment should be included as part of any subsequent development applications.

Environmental

The planning proposal notes:

- the site has been substantially cleared in association with previous agricultural uses;
- the land is not mapped as environmentally sensitive or being affected by a biodiversity hotspot or wetland;
- there is no record of any protected species within the subject area; and
- the site is mapped as Bush Fire Prone.

The planning proposal notes that any potential environmental impacts are to be addressed via the development assessment process.

Economic

The planning proposal would facilitate the establishment of industrial businesses by allowing a wider range of industrial uses and will potentially assist the provision of infrastructure and suitable access. The planning proposal notes that this proposal has the potential to generate an additional \$168 million of capital investment in the region.

The introduction of Rural Industries as a permitted use with consent within the IN1 General Industrial zone will facilitate opportunities for rural industries within industrial areas, where infrastructure such as town water, sewer services and road access (Hume Highway) are available.

Infrastructure

Goulburn Mulwaree Council have lodged a grant request for \$7.15m with the Growing Local Economies Fund. This funding would contribute to the upgrade of key roads to facilitate heavy vehicle access and enhance water, sewer and stormwater services to meet future industrial requirements.

CONSULTATION

Community

Council requests that the planning proposal be publicly exhibited for 28 days. Public consultation will include local newspaper notifications, notice on Council's website, hard copies available at Council's administration buildings and notification letter to affected property owners. These arrangements are considered appropriate.

Agencies

The planning proposal identifies Council will consult with the NSW Rural Fire Service (in accordance with s9.1 Direction 4.4 Planning for Bushfire Protection), NSW Roads and Maritime Service, Water NSW (in accordance with s9.1 Direction 5.2 Sydney Drinking Water Catchment) and the NSW Office of Environment and Heritage.

TECHNICAL STUDIES

The planning proposal identifies that a Due Diligence Assessment be undertaken to assess the heritage and archaeological potential of the site.

TIME FRAME

Council proposes to complete the rezoning process by January 2020.

It is considered that a 12-month timeframe from the date of the Gateway determination to prepare additional studies and finalise the planning proposal is appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has requested in the planning proposal to be authorised as the local plan making authority. Due to the local nature of the proposal and as it is consistent with regional and local planning it is considered that Council's request should be supported.

CONCLUSION

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

- the area was previously zoned for industrial purposes;
- the proposal is generally consistent with the South East and Tablelands Regional Plan 2036, the Goulburn Mulwaree Strategy 2020, the Tablelands Regional Community Strategic Plan 2016-2036, the Goulburn Mulwaree Strategy 2020, the Community Strategic Plan 2012-2022, applicable Section 9.1 Ministerial

Directions (excluding Direction 5.2 which requires further justification), applicable State Environmental Planning Policies; and

- the proposal follows the strategic planning assessment undertaken in the Employment Lands Strategy and subsequent identification of a need to better masterplan infrastructure for this precinct.

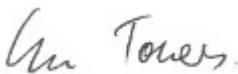
RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree that any inconsistencies with section 9.1 Direction 5.2 Sydney Drinking Water Catchments is minor; and
2. Note the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require consultation with NSW Rural Fire Service.

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 is updated prior to consultation to include Council's additional information provided to the Department in relation to justification of the planning proposal.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Water NSW;
 - NSW Office and Environment and Heritage
 - Roads and Maritime Services; and
 - NSW Rural Fire Service.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.



14/05/19

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20/5/19

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