

**15.2 AMENDMENT TO APPROACH TO MINIMUM LOT SIZES ON C2 ENVIRONMENTAL CONSERVATION ZONED LAND IN THE BRISBANE GROVE AND MOUNTAIN ASH PRECINCTS**

**RESOLUTION 2022/324**

**Moved: Cr Michael Prevedello**

**Seconded: Cr Bob Kirk**

**That:**

- 1. The report from the Senior Strategic Planner regarding the amendment to the minimum lot size for C2 Environmental Conservation Zoned land in the Brisbane Grove and Mountain Ash Precincts be received.**
- 2. Council resolve to amend the approach to minimum lot sizes on C2 Environmental Conservation zoned land to remove the minimum lot size in the Brisbane Grove and Mountain Ash Precincts for current and future planning proposals**

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

**CARRIED**

In Favour: Crs Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

## 15.2 AMENDMENT TO APPROACH TO MINIMUM LOT SIZES ON C2 ENVIRONMENTAL CONSERVATION ZONED LAND IN THE BRISBANE GROVE AND MOUNTAIN ASH PRECINCTS

**Author:** Senior Strategic Planner

Director Planning & Environment

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Previous Council Report Minutes    
2. Indicative plan of C2 zoned land interface  

<b>Reference to LSPS:</b>	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
<b>Address:</b>	Brisbane Grove and Mountain Ash Precincts
<b>Zone:</b>	C2 Environmental Conservation

### RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding the amendment to the minimum lot size for C2 Environmental Conservation Zoned land in the Brisbane Grove and Mountain Ash Precincts be received.
2. Council resolve to amend the approach to minimum lot sizes on C2 Environmental Conservation zoned land to remove the minimum lot size in the Brisbane Grove and Mountain Ash Precincts for current and future planning proposals

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

### BACKGROUND

The Strategic Planning team are currently working through the initial stages of the planning proposal process for three sites to the south of Goulburn in the Mountain Ash and Brisbane Grove Precincts, being;

- “Allfarthing”, 2 Brisbane Grove Road- PP\_2021\_6932 (REZ/003/2122)
- Brisbane Grove Road- PP\_2021\_7390 (REZ/0005/2122), and
- 48 Mountain Ash Road and 292 Rosemont Road- PP\_2022\_1180 (REZ/0006/2122)

Council endorsed the reports to proceed with the preparation of a planning proposal and submission to a Gateway determination for the “Allfarthing” and Brisbane Grove Planning proposals on 15 March 2022. Council endorsed the 48 Mountain Ash Road and 292 Rosemont Road planning proposal report on 22 June 2022. A copy of the three resolutions are available in **Attachment 1**.

Resolution 2 of the three reports resolves to prepare planning proposals which amend the Local Environmental Plan to rezone the sites from a rural zone to part R5 Large Lot Residential and part C2 Environmental Conservation. The C2 Environmental Conservation zoning is proposed to safeguard future development from the impacts of riverine and overland flow flooding and improve water quality outcomes.

In addition to the land zoning changes Resolution 2 of the reports also prescribes a 2 hectare Minimum Lot Size for R5 zoned land and a 100 hectare Minimum Lot Size for the C2 zoned land.

## REPORT

The 2 hectare minimum lot size for the R5 large lot residential zoned land is in accordance with the requirements of the *Urban and Fringe Housing Strategy* and enables lots large enough to safely accommodate on-site effluent management without adversely affecting water quality. The *Urban and Fringe Housing Strategy* recommends the application of an environmental zone to flood affected land but does not include a minimum lot size for the environmental zones.

The 100 hectare minimum lot size for the proposed C2 zoned areas was proposed to ensure the most flood affected riverine and overland flow areas were contained within individual lots attached to a 2ha+ R5 large lot residential within single ownership. This was also consistent with the approach already generally applied to C2 zoned land in the *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009*.

Where a lot is subject to a split residential (R1, R2 & R5) and a conservation zone (C2 or C3), subdivision is reliant on *Clause 4.1E Minimum subdivision lot size for certain split zones* of the GM LEP. This clause requires the lot (after subdivision) to contain an area of residential land which meets the applicable minimum lot size and include all of the area within the conservation zoned land.

Further assessment and application of this approach, particularly the 100 hectare minimum lot size requirement, has revealed some potential unintended consequences including:

- Subdivisions with a split zone could result in irregular and unmanageable lot arrangements. Where an R5 lot includes a C2 zoned drainage line this could result in an extended linear area adjoining numerous small lots in different ownership. Smaller adjoining lots will have no stake in the care or maintenance of the lot burdened with the C2 riparian or drainage area. This could lead to issues between landowners on who is responsible for the upkeep of the C2 zoned drainage land.
- Split zoned lots with an R5 zone section could have extensive separation between the dwelling and the remainder of the lot which could affect the maintenance of the drainage channel.
- Prevents the lots which have a shared boundary with the C2 zone from accessing the drainage channel.

**Attachment 2** illustrates an indicative plan which demonstrates the relationship of the C2 zoned land when combined with a single R5 lot relative to the boundaries of other lots.

The risks associated with the removal of the minimum lot size from C2 zoned land in the Brisbane Grove and Mountain Ash precincts are limited. The GM LEP prohibits most development types in the C2 zone including dwellings and this is reinforced through the emerging Brisbane Grove and Mountain Ash Precinct specific Development Control Plan (DCP) chapter. The C2 zone would not attract a dwelling entitlement and the majority of the C2 zoned land is classified as a floodway where overarching prohibitions apply. Due to these factors, the use of the land is very limited and the further subdivision of the C2 zoned land is considered unlikely and would be difficult to justify against the zone objectives.

Discussions with Water NSW on the proposed removal of the minimum lot size for the C2 zoned land, in the Brisbane Grove and Mountain Ash precincts (as opposed to the way it is currently applied more broadly), has been undertaken and this approach supported on the basis that adequate controls around subdivision, riparian corridors and water quality were incorporated in the Development Control Plan (DCP).

The Brisbane Grove and Mountain Ash Precinct-Specific DCP chapter is currently under development and includes provisions on water quality, subdivision and riparian corridors. This DCP chapter is still under review and additional detail will be incorporated as further guidance is received from external referral bodies such as Water NSW.

### **Conclusion and Recommendation**

The anticipated initial benefit of the 100 hectare minimum lot size on the C2 zoned land to ensure the drainage corridor are in a single ownership would result in a number of adverse impacts. The alternative approach of removing the 100ha MLS from the C2 zoned land would provide additional flexibility, serve to overcome many of these issues and result in a better planning and water quality outcome than the previously proposed approach.

This report recommends that land proposed to be zoned C2 Environmental Conservation in the Brisbane Grove and Mountain Ash Precincts be attributed no (zero) minimum lot size for current and future planning proposals.

### **FINANCIAL IMPLICATIONS**

There are no known financial implications arising from this report.

### **LEGAL IMPLICATIONS**

There are no known legal implications arising from this report.

**15.4 PLANNING PROPOSAL - ZONING AND MINIMUM LOT SIZE AMENDMENT TO 'ALLFARTHING', 2 BRISBANE GROVE ROAD, GOULBURN**

**RESOLUTION 2022/49**

**Moved:** Cr Carol James

**Seconded:** Cr Steven Ruddell

**That:**

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change the zoning of Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708 from RU6 Rural Transition to R5 large lot residential and C2 Environmental Conservation and the minimum lot size from 10 hectares to 2 hectares and 100 hectares respectively.
3. Subject to the submission to Council of an Aboriginal Cultural Heritage Assessment, the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.
6. Subject to (3) above, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' Chapter of Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.

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

**CARRIED**

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

Ordinary Council Meeting Minutes

15 March 2022

**15.3 PLANNING PROPOSAL - ZONING & MINIMUM LOT SIZE AMENDMENT TO LOTS 3-5, DP62157, LOT 2, DP 1180093, LOTS 10-19, 21, 39, 43, 44 AND 54, DP976708, PART LOT 29, DP 175001 & PART LOT 2, DP62157 AT BRISBANE GROVE ROAD, GOULBURN**

**RESOLUTION 2022/48**

**Moved: Cr Bob Kirk**

**Seconded: Cr Michael Prevedello**

**That:**

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change:
  - a. The zoning of Lot 2, DP 1180093 from part RU1 Primary Production and part RU6 Transition to part C2 Environmental Conservation and part R5 Large Lot Residential and minimum lot size for part of the site from 100 hectares to 2 hectares
  - b. The zoning of Part Lot 29, DP 750015, Lots 3 & 4, DP 62157 and Lots 11 & 18, DP 976708 from RU6 Transition to part C2 Environmental Conservation and part R5 Large Lot Residential and minimum lot size for part of the site from 10 hectares to 2 hectares and 100 hectares.
  - c. The zoning of Lot 5, DP62157, Lot 2, DP1180093, Lots 10 & 12-17, 19, 21, 39, 43, 44 and 54, DP976708, from RU6 Transition to R5 Large Lot Residential and the minimum lot size from 10 hectares to 2 hectares.
3. Subject to the submission to Council of an Aboriginal Cultural Heritage Assessment, the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. The Department of Planning and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
5. In the event that the Department of Planning and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.
6. Subject to (3) above, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.

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

**CARRIED**

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

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### 15.3 POST EXHIBITION REPORT - DRAFT TARAGO VILLAGE STRATEGY

#### RESOLUTION 2022/215

Moved: Cr Andrew Banfield

Seconded: Cr Daniel Strickland

That:

1. That the post exhibition report from the Business Manager Strategic Planning on the Draft Tarago Village Strategy be received.
2. Council adopt the Draft Tarago Village Housing Strategy as outlined in this report and as amended in Attachment 4.
3. Council staff seek clarification from the EPA and Transport for NSW regarding lead contamination and remediation works and report findings back to Council.

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

**CARRIED**

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

**CARRIED**

### 15.4 PLANNING PROPOSAL - ZONING & MINIMUM LOT SIZE AMENDMENT TO LOT 21, DP 811954 AND LOT 117 & 118, DP 126140 - 48 MOUNTAIN ASH ROAD & 292 ROSEMONT ROAD

#### RESOLUTION 2022/216

Moved: Cr Andrew Banfield

Seconded: Cr Bob Kirk

That:

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change:
  - a) The zoning of Lot 21, DP 811954 and Lots 117 & 118, DP 126140 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.
  - b) The minimum lot size of part of Lot 21, DP 811954 from 100 hectares to 2 hectares.
  - c) The minimum lot size of Lots 117 & 118, DP 126140 from 20 hectares to part 10 hectares and part 2 hectares.
3. The Department of Planning and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
4. In the event that the Department of Planning and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of

the gateway determination.

5. Council separately assess whether an upgrade to the intersection of Mountain Ash Road and Windellama Road (whether due to current or future demand) is required, including costing and prioritisation as a potential amendment to Council's Local Infrastructure Plan 2021.
6. Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.

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

CARRIED

#### 15.5 2122T0008 WATER METER READING TENDER

##### RESOLUTION 2022/217

Moved: Cr Carol James

Seconded: Cr Michael Prevedello

That

1. The report from the Director Utilities be received on Tender 2122T0008 Water Meter Reading.
2. That Council accept the tender from Skilltech Consultancy Services for the schedule of rates submitted for Tender 2122T0008 Water Meter Reading.
3. The General Manager be delegated to approve any extension of the contract at the conclusion of the three-year contract as per the conditions of contract.

CARRIED

#### 15.6 2122T0010 BIOSOLIDS DEWATERING, TRANSPORT AND BENEFICIAL REUSE

##### RESOLUTION 2022/218

Moved: Cr Carol James

Seconded: Cr Jason Shepherd

That

1. The report from the Director Utilities be received on Tender 2122T0010 - Biosolids Dewatering, Transport and Beneficial Reuse
2. That Council accept the tender from OrganicRecycling Pty Ltd for the schedule of rates submitted for 2122T0010 Biosolids Dewatering, Transport and Beneficial Reuse Tender

CARRIED



