



## **Goulburn Mulwaree Council**

### **Planning Proposal – Deletion of the West Goulburn Urban Release Area North of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, Goulburn.**

**1 March 2017**

**(Version 2)**

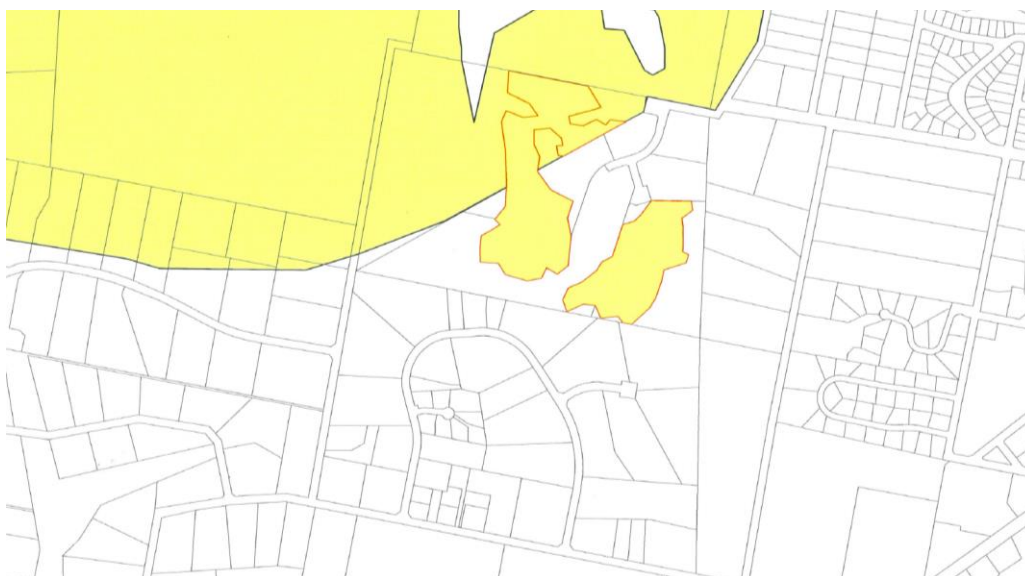
# Part 1 – Objectives

## 1.1 Intended Outcomes

- 1.1.1 The intended outcome of this Planning Proposal is to delete the Urban Release Area north of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, West Goulburn. The deletion of this urban release area will make it easier for the land to be subdivided for rural residential purposes. It is also proposed to include part of the area subject to this proposal (depicted on Figure 1 below), identified as an endangered ecological community, on the Terrestrial Biodiversity Map. No land use zones will change as a result of this planning Proposal.

This outcome will be achieved through an amendment to Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area and Terrestrial Biodiversity Maps.

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



**Figure 1** Proposed Terrestrial Biodiversity Map layer depicting endangered ecological community

## Part 2 – Explanation of Provisions

The Goulburn Mulwaree Local Environmental Plan 2009 will be amended by:

- i. Amendment of the Urban Release Area maps (URA\_001A and URA\_001B) to delete the entire West Goulburn urban release area comprising land north of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, Goulburn. If the urban release area is deleted then the provisions of Part 6 of GMLEP 2009 will no longer apply.
- ii. Amendment of the Terrestrial Biodiversity Map (BIO\_001) to include the area identified as an endangered ecological community on Lot 4, DP 835933 and Lots 2-4, DP 882289.

Refer to **Appendix 2** for proposed LEP Maps.

## Part 3 – Justification

### Section A – Need for Planning Proposal

#### 3.1 Is the Planning Proposal a result of any strategic study or report?

No. The urban release area is split into a northern precinct and a southern precinct. The Planning Proposal is a result of liaison with the developers of the northern precinct who have not been able to produce a DCP to Council's satisfaction. This has resulted in a view at officer level that the urban release area provisions of Part 6 of Goulburn Mulwaree LEP 2009 are not assisting the orderly development of the northern precinct. There is currently a number of existing consents for subdivision in the southern precinct and minimal further interest in development at this stage. There is no need for a DCP for the southern precinct.

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

Yes. Removing the need for a DCP will mean that the northern precinct landowners can proceed individually with development applications for subdivision without a site specific DCP. Further subdivision of the northern precinct (zoned part RU6 Transition and part R5 Large Lot Residential) is anticipated. The northern precinct is either connected to sewer or can be connected and all potential lots have access to reticulated water. Road access options are available and have been identified in a S.94 Contributions Plan.

### 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?

Yes, the Planning Proposal is consistent with the Sydney-Canberra Corridor Regional Strategy 2006-2031 as follows:

- The Planning Proposal is consistent with the regional economic challenge to “manage the location and impacts of rural residential development.” (page 9).
- The Planning Proposal will assist Council in achieving the strategy aim to “Cater for a housing demand of up to 25 200 new dwellings by 2031 to accommodate the additional 46 350 people expected in the Region over the period 2031.”(page 13).
- The Planning Proposal will assist Council in achieving the strategy aim to ensure that “No new rural residential zones will be supported unless as part of an agreed structure plan or local settlement strategy.” (page13).
- The Planning Proposal will assist in achieving the housing and settlement outcome to ensure that “Planning for rural residential land must be integrated with the supply of relevant infrastructure and transport services.” (page 40).
- The Planning Proposal is consistent with the natural environment outcomes of the strategy by identifying an existing endangered ecological community in the urban release area on the Terrestrial Biodiversity Map. This will ensure that “the impacts of development are mitigated

by protecting and enhancing the long term viability of vegetation and habitat corridors.” (page 43).

The land is already mostly zoned for large lot residential development and this Planning Proposal will facilitate that zone being implemented with increased opportunity for housing that still addresses environment protection and efficient use of infrastructure and services. Overall, this is consistent with the Sydney-Canberra Corridor Regional Strategy 2006-2031.

### **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 Strategy identifies the subject land (West Goulburn) on the map at page 22 as an area of land to be zoned R5 Large Lot Residential extension. It specifically states:

“Areas to accommodate large lot residential development along the western front of Goulburn are recommended to enable an alternative residential product and reinforce a transition in land uses from urban to rural. The Strategy recommends the following minimum lot sizes for West Goulburn:

- 2,000 square metres for allotments comprising water and sewer
- 10 hectares for allotments without water and sewer.”

Relevant strategies include:

- Strategy 8- Broaden the growth base for residential and employment land uses across towns and villages and promote rural living and lifestyle opportunities.

On balance the planning proposal will enable the further subdivision of the R5 zoned land and this is consistent with Goulburn Mulwaree Strategy 2020.

#### **3.4.2 Community Strategic Plan 2030**

The Community Strategic Plan (CSP) was adopted by Council on the 2 July 2013 and revised in September 2014.

The Plan seeks to provide opportunities for rural lifestyle, settlement, housing, sustainable farming and natural resource protection.

The Planning Proposal is consistent with the Goulburn Mulwaree Community Strategic Plan 2030 as follows:

Key Direction 2 – Business and Industry

2.4.1 to provide opportunity for residential and rural residential development and encourage affordable housing.

Key Direction 4 – Sustainable Environment

4.2.1 to protect, maintain and improve the diversity of our native fauna and flora provided there is a balance between environmental protection, population growth and development.

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

The Planning Proposal is consistent or justifiably inconsistent with the following applicable State Environmental Planning Policies (SEPPs):

#### SEPP 55 – Remediation of Land

When rezoning land Council needs to be satisfied that the land is suitable for the use proposed or can be remediated. This issue was addressed at the time the land was zoned to permit rural residential development. No further information is required. It is consistent with this SEPP.

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

The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. Consultation with relevant authorities took place as part of the LEP amendments in 2011/12. No further information is required as the land is already mostly zoned to permit its use for rural residential purposes. Notwithstanding, further consultation with Water NSW will occur. Future development applications will be subject to the SEPP.

### **3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The Planning Proposal is consistent with most Section 117 Directions. Where inconsistencies occur, they can be justified. The following directions are most relevant to the proposal:

#### 1.2 Rural Zones

*A planning proposal must:*

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)*

The planning proposal will not alter any zones or alter the density of future development. It is consistent with this direction.

#### 1.5 Rural Lands

*This direction applies when:*

- (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*
- (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.*

The planning proposal will not alter any zones or alter the minimum lot size of the subject land. It is consistent with State Environmental Planning Policy (Rural Lands) 2008. It is consistent with this direction.

#### 2.1 Environment Protection Zones

Consistent – no environmental zones are to be altered or removed. The planning proposal will not reduce the environmental protection standards that apply to the land. Rather the planning proposal

seeks to identify a significant area of vegetation on the Terrestrial Biodiversity Map. This will trigger a requirement for future development to comply with Clause 7.2 Terrestrial Biodiversity in Goulburn Mulwaree DCP 2009 and facilitate the protection and conservation of the environmental values on the site. The E4 land within the subject area has an existing approval for small lot subdivision.

### 2.3 Heritage Conservation

Consistent – no heritage sites or conservation areas are located within the urban release area.

### 3.1 Residential Zones

Consistent – the planning proposal will allow more efficient use of existing infrastructure and services within the R5 land. The LEP already contains a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it). It does not contain provisions which will reduce the permissible residential density of land.

### 5.1 Implementation of Regional Strategies

The planning proposal is consistent with the *Sydney-Canberra Corridor Regional Strategy 2006-2031* (see Section 3.3).

### 5.2 Sydney Drinking Water Catchment

The planning proposal will not alter the zones, density or servicing outcomes for the subject land. It will have neutral effect on water quality in the catchment. In exhibiting the planning proposal Council will need to consult with the Sydney Catchment Authority and take advice from Water NSW.

## **Section C – Environmental, social and economic impact.**

### **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 urban release area is known to contain some environmentally sensitive vegetation. In 2011 OEH noted that the land zoned RU6 contains some fragmented Box-Gum Woodland EEC and the R5 zone contains some Box-Gum Woodland EEC in good condition with a native understorey.

Clause 7.2 (terrestrial biodiversity) of GM LEP 2009 applies to part of the land and must be considered in assessing any Development Application. It is proposed to expand the Terrestrial Biodiversity Map to include all of the significant vegetation referenced above to further safeguard and protect the environmentally sensitive area. Goulburn Mulwaree DCP 2009 also applies to medium and high conservation value vegetation and requires protection and management of these areas as part of any Development Application. Given the scattered nature of the vegetation across this locality, this issue can be addressed in subdivision design and building envelopes. The vegetation on the site could be further protected by identifying it as a biodiversity hotspot in DCP 2009.

The deletion of the urban release area will not increase the likelihood of adverse effects on the ecology of the subject land. These matters can be adequately dealt with as part of the assessment of future development applications. The inclusion of additional significant vegetation on the Terrestrial Biodiversity Map will assist with identification and management of the environmental values occurring within the urban release 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?**

The Goulburn Mulwaree Strategy 2020 was finalised in August 2006. It evaluated a wide range of environmental issues including bushfire, farmland, flooding, steep land and contamination. The subject land was found to be largely free of constraints. It was subsequently zoned a mix of RU6 Transition and R5 Large Lot Residential and E4 Environmental Living. On balance the land is well suited to the proposed rural residential use. It is expected that any environmental issues that arise can be dealt with through the Development Application process.

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

The subject land is a logical location for rural residential land. It has good access to urban services and facilities as well as employment land and shopping centres. Overall, no adverse social or economic impacts are predicted as a result of this Planning Proposal and a social or economic impact assessment is not warranted. It is not known to contain European or Aboriginal cultural heritage items or places. Removal of the urban release area provisions will not alter the existing land use zones or the proposed use of the land for rural residential purposes.

The deletion of the urban release area will not adversely affect the social fabric or economy of the locality.

## **Section D – State and Commonwealth interests**

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

Clause 7.3 of GM LEP 2009 allows Council to require that water, sewer and roads are properly addressed. Council's S94 contribution plan has been amended to include the entire urban release area and this will assist in requiring landowners to co-ordinate road access within the subdivision and the greater locality.

### **Sewer**

Reticulated sewer is available to all properties in the southern precinct of the urban release area. There is also a sewerage pump station located within Bonnett Park to the west. Only one property currently has access to sewer in the northern precinct. The land zoned RU6 in the far north west corner of the northern precinct may not be able to be sewer. If this is the case the yield may need to be less than the maximum that would otherwise be achieved based on minimum lot size as Council will require adequate areas for on-site wastewater disposal.

### **Water**

All properties in the northern and southern precincts have access to reticulated water. Extensions of water mains are possible.

### **Access**

The northern precinct is currently only accessed via Ridge Street. The southern precinct is currently only accessed via Ducks Lane. There are provisions to construct the extension of Mary Street to allow a secondary access to the northern precinct (from the east).

The re-opening of Carr Street is currently under review and if approved will enable a secondary access to the southern precinct.

A new road is proposed from an adjoining subdivision (Meadows estate) that will run parallel with Carr Street, adjoining the rear of properties west of the southern precinct. The new road will link Knowlman Road to Ducks Lane and may include a connection to Shannon Drive.

Other infrastructure

Council will require stormwater, power and communication infrastructure to be addressed as a design issue at the subdivision stage.

Council's S94 contribution plan has been amended to include the subject land and this will assist in requiring landowners to co-ordinate roadworks.

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

Commonwealth public authorities have not been formally involved in this particular Planning Proposal. It is not anticipated that there will be any issues of interest to Commonwealth authorities.

State authorities were consulted in the preparation of the Goulburn Mulwaree Strategy 2020, and their views taken into account.

It is proposed that the authorities listed below are consulted in relation to this Planning Proposal, and that this consultation is undertaken concurrent with the public exhibition of the Planning Proposal:

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- Rural Fire Service,
- Department of Primary Industries,
- Office of Environment and Heritage,

Consultation requirements are to be confirmed via a Gateway Determination for the proposal.

## **Part 4 – Mapping**

The Planning Proposal will amend the Goulburn Mulwaree LEP 2009 Urban Release Area maps to delete the entire west Goulburn urban release area comprising land north of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, Goulburn.

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

URA\_001A

URA\_001B

BIO\_001

**Appendix 2** contains the proposed LEP Maps.



## 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 web site of Goulburn Mulwaree Council and the Department of Planning and Environment,
- Letter to affected and adjoining land holders,
- Letter to the Pejar LALC.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal,
- Indicate the land that is the subject of the Planning Proposal,
- State where and when the Planning Proposal can be inspected,
- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

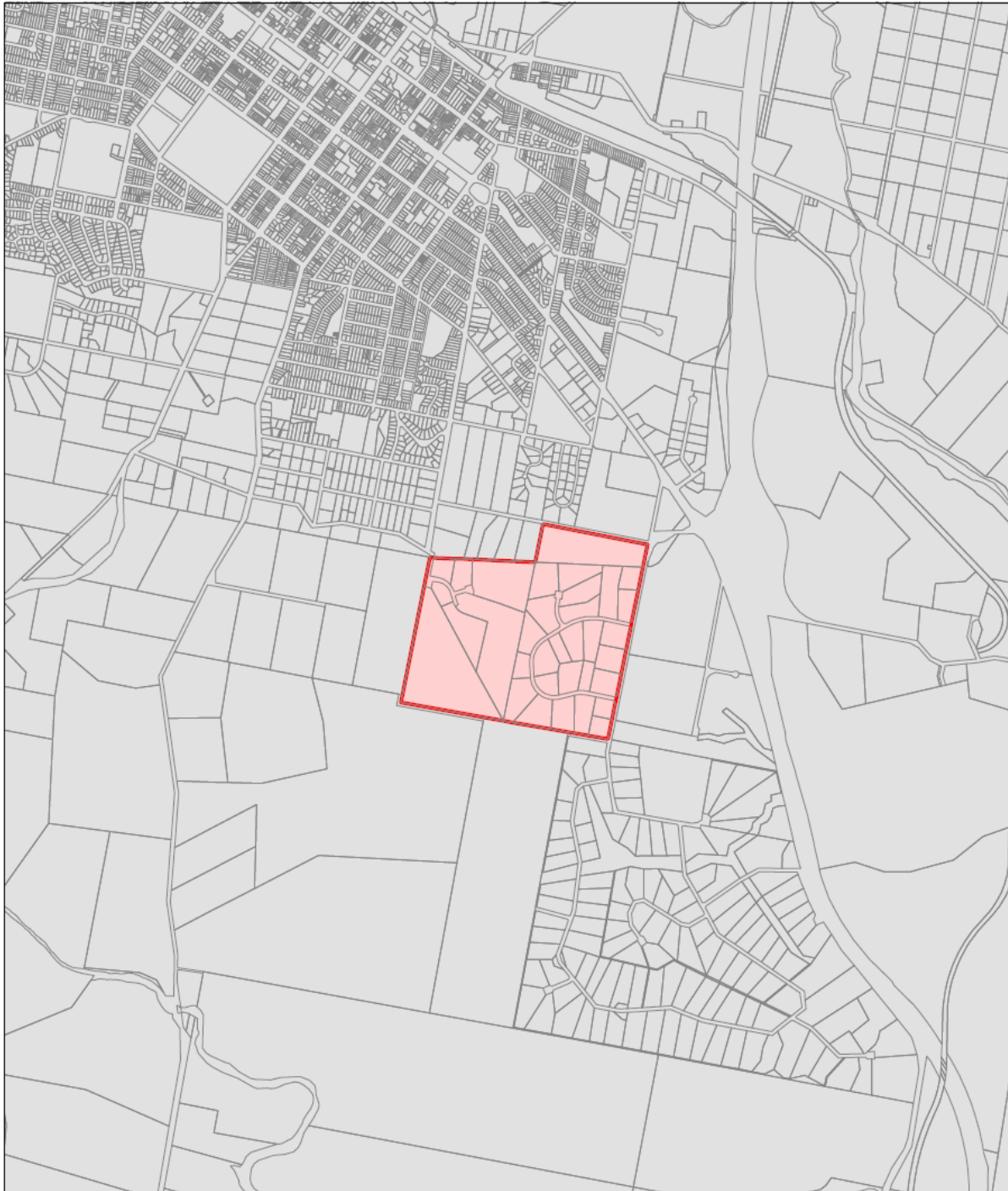
- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment,
- The Gateway Determination,
- All studies relevant to the site and the Planning Proposal.

The Gateway Determination will confirm the public consultation requirements.

## Part 6 – Project Timeline

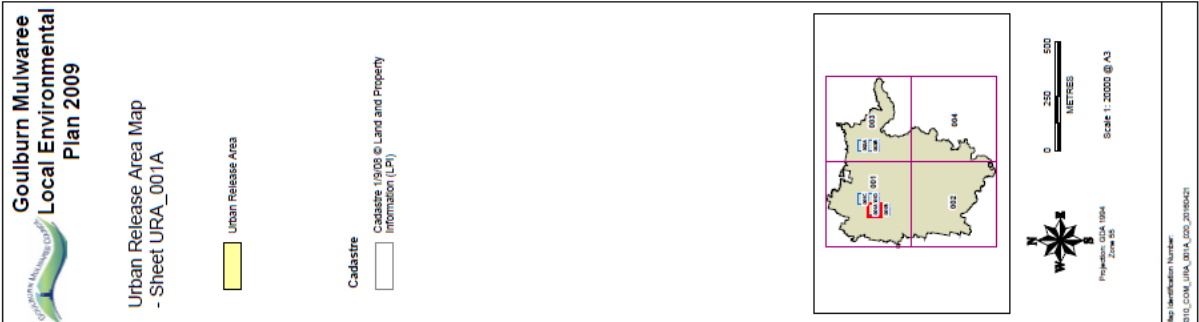
<b>Gateway Determination</b>	October 2016 (received)
<b>Timeframe for completion of technical studies</b>	No further studies required
<b>Timeframe for agency consultations</b>	March 2017
<b>Public exhibition</b>	April 2017
<b>Public hearing</b>	Not anticipated
<b>Consideration of submissions</b>	May 2017
<b>Date of submission of LEP to DoPI</b>	May 2017
<b>Anticipated date of plan made</b>	July 2017

# Appendix 1 – Locality Map



<p><b>Goulburn Mulwaree Local Environmental Plan 2009</b></p> <p><b>Site Identification Map</b> Part of map titles: 3310_COM_URA_001A_020_20120413 3310_COM_URA_001B_020_20120413</p>	<p><b>Subject Land</b></p> 	<p><b>Cadastral</b></p>  <p>Cadastral 1:500 © Land and Property Information (LPI)</p>		<p><b>Scale</b></p> <p>0 250 500 METRES</p> <p>Scale 1: 20000 @ A3</p>	<p><b>Projection</b> GDA 1984 Zone 55</p> <p><b>Map Identification Number</b></p>
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## Appendix 2 – LEP Maps

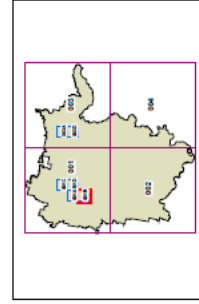




Urban Release Area

**Cadastral**

Cadastral 1:500 © Land and Property  
Information (LPI)



0 250 500  
METRES

Projection: GDA 1984  
Zone 55  
Scale 1: 2000 @ A3

**Biodiversity**  
Biodiversity

**Cadastral**  
Cadastral (31/10 © Land and Property  
Information (LPI))

