

Planning Proposal

Prepared in accordance with Section 3.33 of the
Environmental Planning and Assessment Act 1979



FILE: P100352
May 2023




Planning | Development | Management

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DOCUMENT ID	STATUS	DATE	AUTHOR	SIGNED	REVIEWER	SIGNED
P100352_REV_0	FINAL	31 May 2023	Ben Frasco		Jeff Bulfin	

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Introduction

This Planning Proposal seeks to amend the *Upper Lachlan Local Environmental Plan 2010* (ULLEP 2010) to rezone 39 Redground Road, Crookwell (Lot 1 DP 1064795) ('Subject Site'), comprising 2ha, from RU1 – Primary Production to R2 – Low Density Residential and devise appropriate development controls for the future subdivision of the Subject Site. The Subject Site is identified in Figure 1.



Figure 1 Subject Site (Source: nearmap.com)

The Subject Site is identified in the *Upper Lachlan Local Strategic Planning Statement 2020* ('LSPS') as being located in an 'urban growth area' for future urban growth to the north of Crookwell.

This growth area is identified for future low-density residential development, a new and re-envisioned industrial park area, and an eastern edge green belt of small lot rural production area. The Subject Site is specifically identified in the growth area as suitable for rezoning to R2 – Low Density Residential to encourage the development of low-density residential housing to meet the needs of the community.

It is noted that this Planning Proposal envisages that access will be provided via the adjacent Crown Road to the north. Therefore, it is also envisaged that Council will take care and control of the Crown Road so a road can be constructed in conjunction with a future development application for subdivision.

This Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EPA Act) and with reference to the 'Local Environmental Plan Making Guideline' dated September 2022, to ensure all matters requiring consideration are appropriately addressed.

1. Objectives and intended outcomes

1.1 Description of the Planning Proposal

The Planning Proposal seeks to rezone the Subject Site from RU1 – Primary Production to R2 – Low Density Residential and requires an amendment to the Lot Size Map given effect under clause 4.1 of the *Upper Lachlan Local Environmental Plan 2010*.

1.2 Objectives

The objectives of this Planning Proposal are as follows:

- To encourage the development of low-density residential housing to meet the needs of the community.
- To enable the efficient and appropriate use of land.
- To align the appropriate use of land with a suitable zone and development controls.

1.3 Intended Outcomes

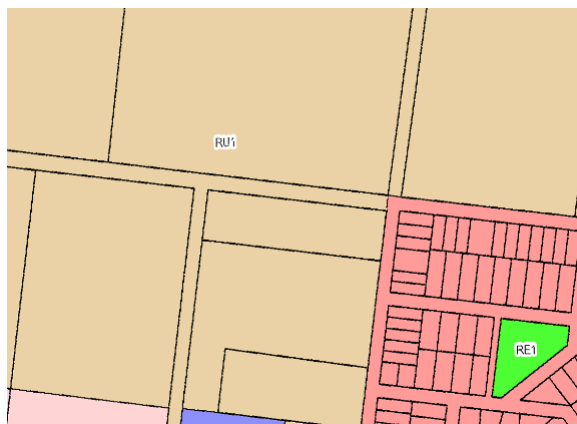
The intended outcome of this Planning Proposal is to rezone the Subject Site to R2 – Low Density Residential and devise appropriate development standards. It is also envisaged that Council will take care and control of the adjacent Crown Road to the north so a road can be constructed in conjunction with a future development application for subdivision.

2. Explanation of provisions

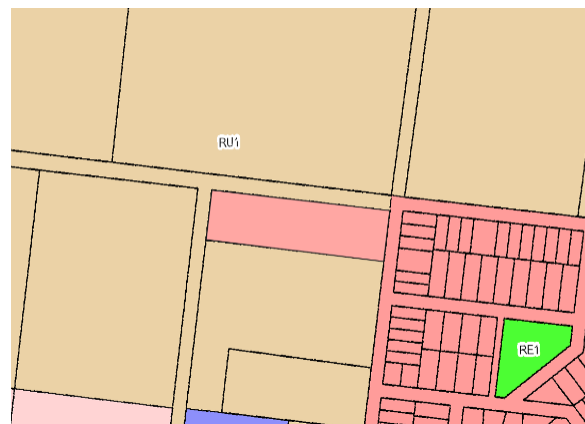
2.1 Intended Provisions

- Amend the *Upper Lachlan Local Environmental Plan 2010* Land Zoning Map (Sheet LZN_005C) as it relates to the Subject Site from RU1 – Primary Production to R2 – Low Density Residential.
- Amend the *Upper Lachlan Local Environmental Plan 2010* Lot Size Map (Sheet LSZ_005C) as it relates to the Subject Site from 100ha control to 800m².

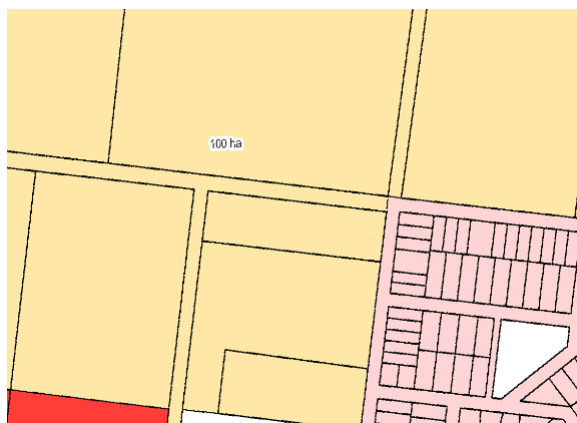
2.2 Thumbnail mapping diagrams



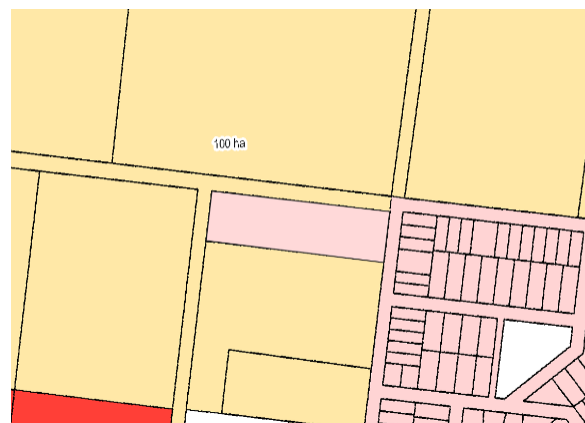
Current Land Zoning



Proposed Land Zoning



Current Minimum Lot Size



Proposed Minimum Lot Size

3. Justification of strategic and site-specific merit

3.1 The Need for a Planning Proposal

Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

This Planning Proposal is a result of an endorsed LSPS known as the *Upper Lachlan Local Strategic Planning Statement 2020*. The Subject Site is located in a 'growth area' and is identified as being suitable for rezoning to R2 – Low Density Residential as shown in Figure 2.

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

A development application cannot be lodged to achieve the objectives and intended outcomes because the creation of 800sqm lots is contrary to clause 4.1(3) of the *Upper Lachlan Local Environmental Plan 2010*, which imposes a 100ha minimum lot size control for subdivision of the Subject Site. Further, clause 4.6 cannot be used to vary the relevant minimum lot size standard, as subclause (6) prohibits subdivision of land in the RU1 zone if –

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Because the existing minimum lot size control is 100ha and the Subject Site is 2ha, development consent for a subdivision suitable for low-density residential development cannot be approved by Upper Lachlan Shire Council without an amendment to the *Upper Lachlan Local Environmental Plan 2010*.

Therefore, a Planning Proposal to amend the *Upper Lachlan Local Environmental Plan 2010* is the best means to achieve the objectives and intended outcomes as set out in sections 1.2 and 1.3 of this document.

3.2 Relationship to the Strategic Planning Framework

Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *Draft South East and Tablelands Regional Plan 2041* ('**Draft Region Plan**') sets the vision, strategic directives, and objectives for the South East and Tablelands region. This Proposal is consistent with the relevant objectives of the Draft Region Plan, as summarised below:

Objective 17: Plan for a supply of housing in appropriate locations

This objective aims to increase the provision of well-planned infill, greenfield, and rural residential development. The Planning Proposal will result in well-planned greenfield development near an existing town centre, allowing development to take advantage of nearby infrastructure and services. Therefore, this Planning Proposal gives effect to this objective.

Objective 20: Provide efficient access to infrastructure and services

This objective aims to increase access to social, community, transport and servicing infrastructure. The Planning Proposal is situated in proximity to Crookwell's town centre and leverages the existing infrastructure, services, and facilities available in the town centre. Therefore, this Planning Proposal gives effect to this objective.

Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The *Upper Lachlan Local Strategic Planning Statement 2020* is a 20-year plan focusing on land use, transport, and infrastructure planning to meet the needs of the locality over the coming decades. The Planning Proposal is consistent with the LSPS, as it does not hinder the achievement of the relevant planning priorities identified within.

Principle 4: Character, Identity, Heritage and Environment

This Principle states that Crookwell is a large town that is “well structured with capacity to grow”. It also identifies that some recent developments occurring in the local government area are better suited to metropolitan areas as opposed to rural villages and towns. This Planning Proposal aligns with this Principle as it proposes a rezoning to allow for low-density residential development that better aligns with traditional housing stock for a rural town. Therefore, this Planning Proposal is consistent with this Principle.

Planning Priority 2: Urban Land

This Planning Priority states that “Providing new opportunities to locate diverse business options and additional dwellings into rural areas will be a focus of the LEP changes” and “At least 28,500 new homes will be needed by 2036 to meet population growth and change in the Southern Tablelands region.” This Planning Proposal provides the opportunity for greenfield housing close to an existing urban service centre to provide additional housing supply. Therefore, this Planning Proposal is consistent with this Planning Priority.

Localities Service Centre - Crookwell

Crookwell is identified as a “Localities Service Centre” that has the largest resident population in the local government area. The Subject Site is identified in the

Crookwell Urban Investigation Area for zone R2 – Low Density Residential as shown in Figure 2. The LSPS states, in relation to the Crookwell Growth Area:

R2 zone land is proposed in order to encourage low density residential housing to meet the needs of the community.

Therefore, the Planning Proposal is consistent with the vision for Crookwell as outlined in this LSPS.

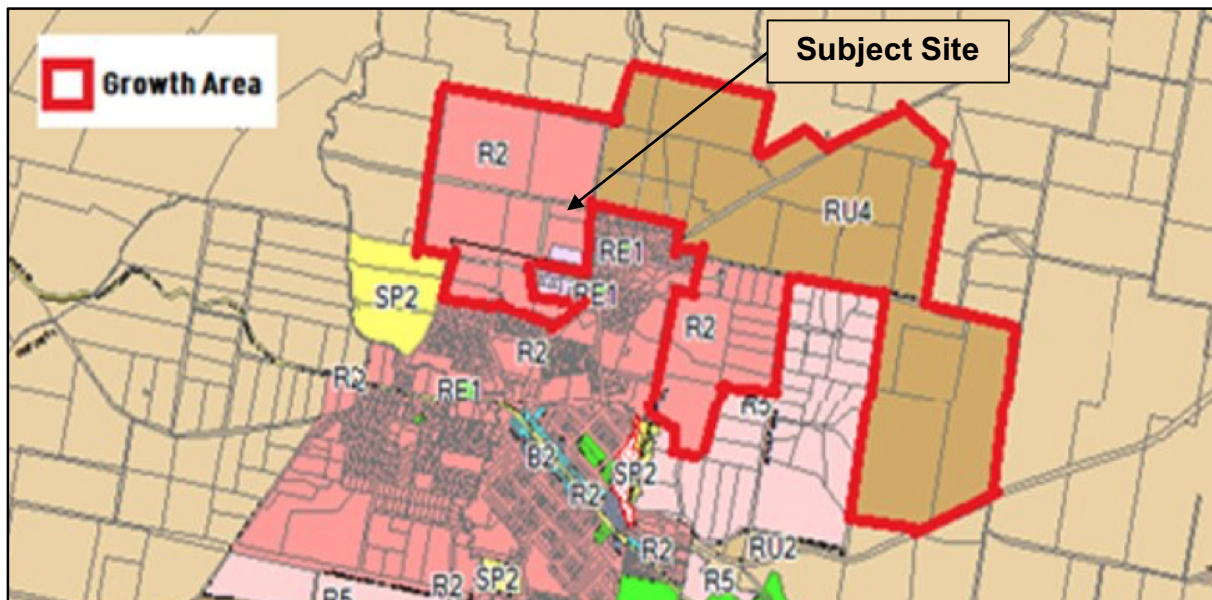


Figure 2 Crookwell Urban Investigation Area – Extract from LSPS

Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no other known applicable State or Regional studies or strategies that ought to be considered by this Planning Proposal.

Is the Planning Proposal consistent with applicable SEPPs?

Yes. The NSW Government has gazetted a range of State Environmental Planning Policies ('SEPP's) that guide land use and planning outcomes across the State. A review of the Planning Proposal against all relevant SEPPs is provided in Appendix 1. The review has demonstrated that the proposal is generally consistent with all relevant SEPPs.

Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. A review of the Planning Proposal against all relevant Ministerial Directions is provided in Appendix 2. The review has demonstrated that the Proposal is generally consistent with all relevant directions.

3.3 Environmental, Social, and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The Subject Site is entirely cleared of native vegetation and is therefore not suitable as nesting hollows for arboreal mammals or birds or other wildlife habitation. The NSW Office of Environment and Heritage Biodiversity Values Map and Threshold Tool indicates that there is no vegetation on or near the site that is subject to the Biodiversity Offset Scheme. Moreover, the NSW State Vegetation Type Map has not classified the Subject Site as containing native vegetation. Therefore, there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal.

Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

The Subject Site is not mapped as bushfire or landslip prone land. As such, no management or mitigation measures are required to address the environmental impact of the Planning Proposal.

The Subject Site is identified on the Natural Resources Sensitivity – Biodiversity Map as “sensitive land” (Sheet NRB_005). However, as previously outlined, the Subject Site is entirely cleared of vegetation, is not identified on the Biodiversity Values Map and Threshold Tool and is not identified as containing native vegetation on the NSW State Vegetation Type Map. As such, no specific management or mitigation measures are deemed to be required in relation to terrestrial biodiversity as a result of this Planning Proposal. Nevertheless, should this Planning Proposal proceed, verification of the existing vegetation on the Subject Site will be provided.

Additionally, the Subject Site is also identified on the Natural Resources Sensitivity – Water Map as “sensitive land” (Sheet NRW_005). However, the Subject Site is located more than 200m from the nearest watercourse. As such, no specific management or mitigation measures are deemed to be required in relation to waterways as a result of this Planning Proposal.

The Subject Site is also shown as containing minor flood affectation on the eastern boundary (refer to Figure 3). Because of the minor extent of the flood affectation, it is considered that a detailed flood study can be provided at the DA stage for a future subdivision.



Figure 3 Extract from Floodplain Risk Management Study and Plan Volume 2 – Crookwell 100 Year ARI

Furthermore, a Limited Site Investigation for Environmental Contamination accompanies this Planning Proposal and states -

“The desktop investigation did not indicate the presence of potential sources of contamination on-site. Laboratory analysis did not record any samples above the SAC [Site Assessment Criteria]. The elevated total chromium concentration is likely due to geogenic sources i.e., contributed by the geology and natural soil formation in the region.”

Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will have positive social impacts by increasing the housing supply in Crookwell, which will help to address the existing housing demand gap identified in the LSPS and provide people with a greater range of housing options. The Planning Proposal will also have positive economic impacts as it will allow for the future construction of housing on the Subject Site. This will result in employment opportunities in construction, landscaping, architecture and other associated industries. Additionally, the new housing will increase the number of residents in Crookwell, which may lead to the future patronage of existing businesses in the area and help stimulate the local economy. In summary, there are positive social and economic impacts that are anticipated to arise from the Planning Proposal.

3.4 Infrastructure (Local, State, and Commonwealth)

Is there adequate public infrastructure for the Planning Proposal?

Yes. Crookwell is identified as a large town that is “well structured with capacity to grow” with key infrastructure including “Crookwell Hospital, a local airstrip for aviation

enthusiasts, primary through to high school facilities, and NBN services.” The Subject Site, as a result of this Planning Proposal, will be required to be serviced with town water, reticulated sewerage, electricity, and telecommunications. Initial consultations with Council have not indicated any sewer capacity issues that need to be addressed at this stage.

3.5 State and Commonwealth Interests

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Relevant state and federal public authorities and government agencies will be consulted with prior to the Gateway determination

4. Maps

4.1 Proposed Mapping

The Proposal requires an amendment to the accompanying maps of the *Upper Lachlan Local Environmental Plan 2010* that relate to land zoning and minimum lot size.

Refer to the following Appendices for further detail.

Land Zoning	Appendix 3
Minimum Lot Size	Appendix 4

Part 5 – Community consultation

5.1 Consultation with Upper Lachlan Shire Council

Preliminary consultation with Council was undertaken on the 24th of February 2023 with Simon Arkinstall, the Manager of Planning & Development Control. It is advised that:

- A Planning Proposal for the Subject Site in isolation is appropriate as no precinct-wide rezoning is envisaged;
- The rezoning of land as identified by the LSPS in the Crookwell Urban Investigation Area is to be undertaken by the landowner or developer;
- There are no identified concerns for the Planning Proposal with regard to sequencing of rezoning, as the land across from the Subject Site on Redground Road is currently zoned R2;
- The provision of a schematic subdivision plan to accompany the Planning Proposal is encouraged;
- There are no identified sewer capacity issues.

5.2 Community Consultation

The public exhibition material will be made available by Council, as prescribed by the Upper Lachlan Shire Community Participation Plan 2020.

Part 6 – Project timeline

Stage	Timeframe and/or date
Consideration by Council	50 days
Council Decision	95 days
Gateway Determination	25 days
Pre-Exhibition	50 days
Commencement and Completion of Public Exhibition Period	20 days
Consideration of Submission	20 days
Post-Exhibition Review and Additional Studies	40 days
Gazettal of LEP Amendment	55 days

Conclusion

The Planning Proposal seeks to rezone the Subject Site from RU1 – Primary Production to R2 – Low Density Residential. This requires an amendment to the Lot Size Map given effect under clause 4.1 of the *Upper Lachlan Local Environmental Plan 2010*.

The Planning Proposal is considered to demonstrate merit in the following areas:

- The Planning Proposal will result in additional low density residential housing to meet the needs of the community.
- The Planning Proposal will result in positive economic impacts as it will allow for the future construction of housing and increased patronage of local businesses.

On balance, the Planning Proposal will have a positive outcome for the community and align with the envisaged land use in the LSPS.

Appendix 1: Assessment Against State Environmental Planning Policies

SEPP / Chapter	Consistency	Comment
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>		
2 Vegetation in non-rural areas	N/A	This chapter does not apply to the Upper Lachlan LGA.
3 Koala habitat protection 2020	Yes	The Planning Proposal does not prevent the application of this chapter to future development applications.
4 Koala habitat protection 2021	Yes	The Planning Proposal does not prevent the application of this chapter to future development applications.
5 River Murray lands	N/A	The Subject Site does not comprise riverine land of the River Murray.
6 Water catchments	N/A	The Subject Site is not identified in a drinking water catchment.
13 Strategic conservation planning	N/A	The Subject Site is not identified in the land application map.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>		
	Yes	The Planning Proposal does not prevent the application of this SEPP to future development applications.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		
	Yes	The Planning Proposal does not prevent the application of this SEPP to development.
<i>State Environmental Planning Policy (Housing) 2021</i>		
	N/A	The Planning Proposal does not prevent the application of this SEPP to future development.

State Environmental Planning Policy (Industry and Employment) 2021		
2 Western Sydney employment area	N/A	The Subject Site is not identified in the land application map.
3 Advertising and signage	Yes	The Planning Proposal does not prevent the application of this chapter to future development.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development		
3 Design review panels	Yes	While the R2 zone under the <i>Upper Lachlan Local Environmental Plan 2010</i> does not prohibit development for the purpose of residential flat buildings, it is not envisaged that the Subject Site would be suitable for apartments. Nevertheless, the Planning Proposal does not prevent the application of this chapter to future development.
4 Application of design principles		
5 Miscellaneous		
State Environmental Planning Policy (Planning Systems) 2021		
2 State and regional development	Yes	The Planning Proposal does not prevent the application of this chapter to future development.
3 Aboriginal land	N/A	This chapter does not apply to the Subject Site as it is not owned by an Aboriginal Land Council.
4 Concurrences and consents	Yes	The Planning Proposal does not prevent the application of this chapter to future development. The Planning Secretary may act as concurrence authority where required.
State Environmental Planning Policy (Precincts—Central River City) 2021		
2 State significant precincts	N/A	The Subject Site is not in a State Significant Precinct as defined by the SEPP.
3 Sydney region growth centres	N/A	The Subject Site is not situated within a growth centre.
4 Homebush Bay area	N/A	The Subject Site is not situated within the “Homebush Bay Area”.

5 Kurnell Peninsula	N/A	The Subject Site is not situated within the “Kurnell Peninsula”.
6 Urban renewal precincts		The Subject Site is not situated within a “potential precinct”.
<i>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021</i>		
2 State Significant Precincts	N/A	The Planning Proposal does not prevent the application of this chapter to future development. The Subject Site is not a State Significant Precinct as defined by the SEPP.
3 Darling Harbour	N/A	The Subject Site is not situated within the “Development Area” as defined by the SEPP.
4 City West	N/A	The Subject Site is not situated within “City West” as defined by the SEPP.
5 Walsh Bay	N/A	The Subject Site is not situated within the “City of Sydney and land within Sydney Harbour” as defined by the SEPP.
6 Cooks Cove	N/A	The Subject Site is not situated within “the Cooks Cove Site” as defined by the SEPP.
7 Moore Park Showground	N/A	The Subject Site is not situated within land mapped as “Moore Park Showground Amendment No 1” on the relevant map.
<i>State Environmental Planning Policy (Precincts—Regional) 2021</i>		
2 State significant precincts	N/A	The Subject Site is not a State Significant Precinct as defined by the SEPP.
3 Activation Precincts	N/A	The Subject Site is not in an Activation Precinct as defined by the SEPP.
4 Kosciuszko Alpine Region	N/A	The Subject Site is not in the Alpine Region as defined by the SEPP.
5 Gosford City Centre	N/A	The Subject Site is not in the land application map as defined by the SEPP.
<i>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</i>		
2 State significant precincts	N/A	The Subject Site is not a State Significant Precinct as defined by the SEPP.

3 Sydney region growth centres	N/A	The Subject Site is not in a growth centre as defined by the SEPP.
4 Western Sydney Aerotropolis	N/A	The Subject Site is not in the land application map as defined by the SEPP.
5 Penrith Lakes Scheme	N/A	The Subject Site is not shown in the structure as defined by the SEPP.
6 St Marys	N/A	The Subject Site is not located in the “Sydney Region” as defined by the SEPP.
7 Western Sydney Parklands	N/A	The Subject Site is not located in the “Western Parklands” as defined by the SEPP.
<i>State Environmental Planning Policy (Primary Production) 2021</i>		
2 Primary Production and rural development	Yes	The Subject Site is currently zoned RU1 but is not identified as State significant agricultural land. The Planning Proposal does not prevent the application of this chapter to future development.
3 Central Coast plateau areas	N/A	The Subject Site is not situated within land mapped as “Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)” on the relevant map.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>		
2 Coastal Management	N/A	The Subject Site is not situated within the “coastal zone” as defined by the SEPP.
3 Hazardous and offensive development	Yes	The Planning Proposal does not prevent the application of this chapter to future development. There are no intended uses of the land which would be classified as hazardous or offensive development.
4 Remediation of land	Yes	The Planning Proposal does not prevent the application of this chapter to future development. The Subject Site is not known to be impacted by contamination nor is it known to have a history of contaminating land uses.
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>		

2 Mining, petroleum production and extractive industries	N/A	The Planning Proposal does not prevent the application of this chapter to future development. There are no intended uses of the land to which this chapter would apply.
3 Extractive industries in the Sydney area	N/A	The Planning Proposal does not prevent the application of this chapter to future development. There are no intended uses of the land to which this chapter would apply
State Environmental Planning Policy (Sustainable Buildings) 2022		
2 Standards for residential development – BASIX	Yes	The Planning Proposal does not prevent the application of this SEPP to future development.
3 Standards for non-residential development		
4 Miscellaneous		
State Environmental Planning Policy (Transport and Infrastructure) 2021		
2 Infrastructure	Yes	The Planning Proposal does not prevent the application of this SEPP to future development.
3 Educational establishments and child care facilities	Yes	The Planning Proposal does not prevent the application of this SEPP to future development.
4 Major infrastructure corridors	N/A	The Subject Site is not within a future infrastructure corridor as defined by the SEPP.
5 Three ports – Port Botany, Port	N/A	The Subject Site is not situated within the land application map as defined by the SEPP.

Kembla and Port of Newcastle		
6 Moorebank Freight Intermodal Precinct	N/A	The Subject Site is not situated within the “Moorebank Freight Intermodal Precinct” as defined by the SEPP.

Appendix 2: Assessment against Ministerial Directions

Direction / Provision	Response
1.1 Implementation of Regional Plans	The Planning Proposal is consistent with the <i>Draft South East and Tablelands Regional Plan 2041</i> . Refer to part 3.1 of this document.
Objective The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	
Application This direction applies to a relevant planning authority when preparing a Planning Proposal for land to which a Regional Plan has been released by the Minister for Planning.	
Direction 1.1 (1) Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	
Consistency A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that: (a) the extent of inconsistency with the Regional Plan is of minor significance, and (b) the Planning Proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.	
1.2 Development of Aboriginal Land Council land	N/A
1.3 Approval and Referral Requirements	The Planning Proposal does not include any provisions requiring the concurrence of, consultation with, or
Objective The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	

<p>Application</p> <p>This direction applies to all relevant planning authorities when preparing a Planning Proposal.</p>	<p>referral to, a Minister or public authority.</p>
<p>Direction 1.3</p> <p>(1) A Planning Proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(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:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</p> <p>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p>	<p>The Planning Proposal does not identify future development on the subject land as Designated Development.</p>
<p>Consistency</p> <p>A Planning Proposal must be substantially consistent with the terms of this direction.</p>	
<p>1.4 Site Specific Provisions</p>	
<p>Objective</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>The Planning Proposal seeks to rezone the Subject Site to the R2 zone. The proposed development standards on the Subject Site are identical to the development standards on the</p>
<p>Application</p>	

This direction applies to all relevant planning authorities when preparing a Planning Proposal that will allow a particular development to be carried out.	immediately surrounding land with the same R2 zoning. As such, the Planning Proposal is considered to satisfy the objective of this Direction by not imposing unnecessarily restrictive site-specific planning controls.
<p>Direction 1.4</p> <p>(1) A Planning Proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already 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 zone, or</p> <p>(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.</p> <p>(2) A Planning Proposal must not contain or refer to drawings that show details of the proposed development.</p>	
<p>Consistency</p> <p>A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the Planning Proposal that are inconsistent are of minor significance.</p>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A

1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A
1.14 Implementation of Greater Macarthur 2040	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A
1.16 North West Rail Link Corridor Strategy	N/A
1.17 Implementation of the Bays West Place Strategy	N/A
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A
1.19 Implementation of the Westmead Place Strategy	N/A
1.20 Implementation of the Camellia-Rosehill Place Strategy	N/A
1.21 Implementation of South West Growth Area Structure Plan	N/A
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A
3.1 Conservation Zones	N/A
3.2 Heritage Conservation	N/A
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEP's	N/A
3.5 Recreation Vehicle Areas	N/A
3.6 Strategic Conservation Planning	N/A
3.7 Public Bushland	N/A
3.8 Wilandra Lakes Region	N/A
3.9 Sydney Harbour Foreshore and Waterways Area	N/A
3.10 Water Catchment Protection	N/A

4.1 Flooding	N/A
<p>Objectives The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. 	
<p>Application This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	
<p>Direction 4.1 (1) A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. <p>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</p> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, 	<p><i>Justification for Inconsistency with Direction 4.1(2)</i></p> <p>The Subject Site is shown as containing minor flood affectation on the eastern boundary (refer to Figure 3). Because of the minor extent of the flood affectation, it is considered that a detailed flood study can be provided at the DA stage for a future subdivision. As such, the inconsistency is justified on the basis that it is of minor significance.</p>

<p>(c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p>	
<p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response</p>	

<p>measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>	
<p>Consistency</p> <p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p> <p>(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the <i>Floodplain Development Manual 2005</i>, or</p> <p>(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the <i>Floodplain Development Manual 2005</i> or</p> <p>(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the <i>Floodplain Development Manual 2005</i> and consistent with the relevant planning authorities' requirements, or</p> <p>(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.</p>	
4.2 Coastal Management	N/A
4.3 Planning for Bushfire Protection	N/A
4.4 Remediation of Contaminated Land	N/A
4.5 Acid Sulfate Soils	N/A
4.6 Mine Subsidence and Unstable Land	N/A
5.1 Integrating Land Use and Transport	N/A

<p>Objectives The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	<p><i>Justification for Inconsistency with Direction 5.1(1)</i></p> <p>The Subject Site is located within 2km of Crookwell's town centre, thereby ensuring that essential infrastructure is accessible. Whilst the planning proposal is partially inconsistent with this direction with limited access to "choice of transport", the inconsistency is justified on the basis that the site is identified as an urban investigation area within the LSPS.</p>
<p>Application This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p>	
<p>Direction 5.1 (1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). 	
<p>Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy approved by the Planning Secretary which: <ul style="list-style-type: none"> i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or 	

<p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>	
<p>5.2 Reserving Land for Public Purposes</p>	<p>The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public uses.</p>
<p>Objectives The objectives of this direction are to:</p> <p>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	
<p>Application This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	
<p>Direction 5.2 (1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary). (2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p>	

<p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	
<p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:</p> <p>(a) with respect to a request referred to in paragraph (4), further information is required before appropriate planning controls for the land can be determined, or</p> <p>(b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</p>	
<p>5.3 Development Near Regulated Airports and Defence Airfields</p>	
<p>5.4 Shooting Ranges</p>	N/A
<p>6.1 Residential Zones</p>	<p>The Planning Proposal seeks to rezone the Subject Site to the R2 zone to provide for greater dwelling opportunities. Additionally, the location of the Subject Site allows for the use of existing infrastructure and services as identified in the <i>Crookwell Urban</i></p>
<p>Objectives</p> <p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p>	

(c) minimise the impact of residential development on the environment and resource lands.	<p><i>Investigation Area.</i> Because the Subject Site is within 2km of the Crookwell town centre, it is not considered that the Planning proposal consumes land for housing on the “urban fringe”. As a result of this Planning Proposal, future development will be assessed by Council with regard to the merit of the proposed design of subdivision and housing.</p> <p>Clause 6.9 of the <i>Upper Lachlan Local Environmental Plan 2010</i> requires that development consent must not be granted unless the supply of water, electricity, disposal and management of sewerage, stormwater drainage, and road access is made available to the Subject Site. Additionally, the Planning Proposal increases the permissible residential density of the Subject Site.</p>
<p>Application This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	
<p>Direction 6.1 (1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain 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), and (b) not contain provisions which will reduce the permissible residential density of land. 	
<p>Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>...</p> <ul style="list-style-type: none"> (d) of minor significance. 	
6.2 Caravan Parks and Manufactured Home Estates	N/A

7.1 Business and Industrial Zones	N/A
7.2 Reduction in non-hosted short-term rental accommodation period	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
8.1 Mining, Petroleum Production and Extractive Industries	N/A
9.1 Rural Zones	<i>Justification for Inconsistency with Direction 9.1(1)&(2)</i> The Planning Proposal seeks to rezone RU1 zoned land to R2 zoned land, resulting in increased residential density on the Subject Site. This inconsistency is justified on the basis that the Subject Site is identified in the LSPS as being suitable for rezoning to R2.
<p>Objective The objective of this direction is to protect the agricultural production value of rural land.</p>	
<p>Application This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Direction (1)(a) applies to all relevant planning authorities. ...</p>	
<p>Direction 9.1 (1) A planning proposal must: (a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, 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).</p>	
<p>Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objectives of this direction, and</p>	

<p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or (d) is of minor significance.</p>	
<p>9.2 Rural Lands</p>	<p><i>Justification for Inconsistency with Direction 9.2(1)&(2)</i></p>
<p>Objective The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</p>	<p>Whilst the planning proposal is partially inconsistent with this direction, the Planning Proposal is consistent with the LSPS and the <i>Draft South East and Tablelands Regional Plan 2041</i>. Additionally, the LSPS identifies the Subject Site as suitable for rezoning to R2 to increase housing supply, thereby necessitating the amendment of principal development standards.</p>
<p>Application This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone.</p>	<p>It is noted that the Subject Site is not identified as state significant agriculture under Chapter 2 of the <i>State Environmental Planning Policy (Primary Production) 2021</i>.</p>

Direction 9.2

(1) A planning proposal must:

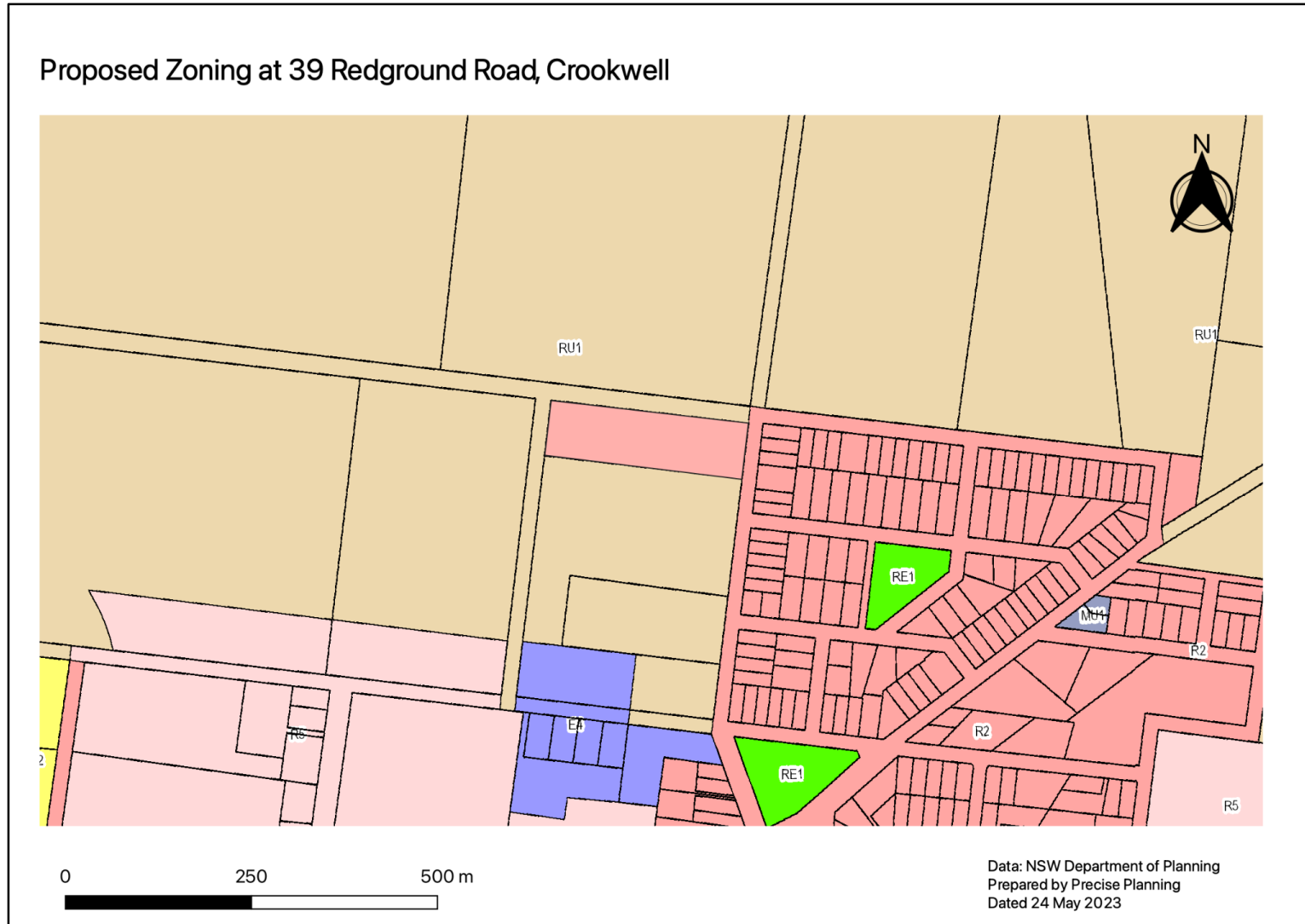
- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
- (b) consider the significance of agriculture and primary production to the State and rural communities
- (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
- (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
- (f) support farmers in exercising their right to farm
- (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
- (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land
- (i) consider the social, economic and environmental interests of the community.

(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:

- (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
- (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
- (c) where it is for rural residential purposes:
 - i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres

ii. is necessary taking account of existing and future demand and supply of rural residential land.	
<p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary and is in force which:</p> <p>i. gives consideration to the objectives of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</p> <p>(b) is of minor significance</p>	
9.3 Oyster Aquaculture	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A

Appendix 3: Proposed Land Zoning Map



Appendix 4: Proposed Lot Size Map

