

KINGSDALE CONSULTING PTY LTD

ABN 12 148 887 647

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PLANNING PROPOSAL

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COLLECTOR LOCALITY

Various Lots

June 2019

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EXECUTIVE SUMMARY

This Planning Proposal is submitted to the Upper Lachlan Shire Council to rezone and amend the lot size for certain land being:

- Lots 5, 6, 11, 13 (part) and 17 DP 264152, Lots 20 (part) and 21 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 from RU1 Primary Production zone to E3 Environmental Management zone and reduce the minimum lot size from 40ha to 20ha (part) and 10ha (part) to enable the development of dwelling houses on lots to be created in accordance with this Planning Proposal and under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).
- Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 from RU1 Primary Production zone to RU4 Primary Production Small Lots zone and reduce the minimum lot size from 40ha to 2ha to enable the development of dwelling houses on lots to be created in accordance with this Planning Proposal and under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

See plans prepared by Landteam Australia Pty Ltd on page 5.

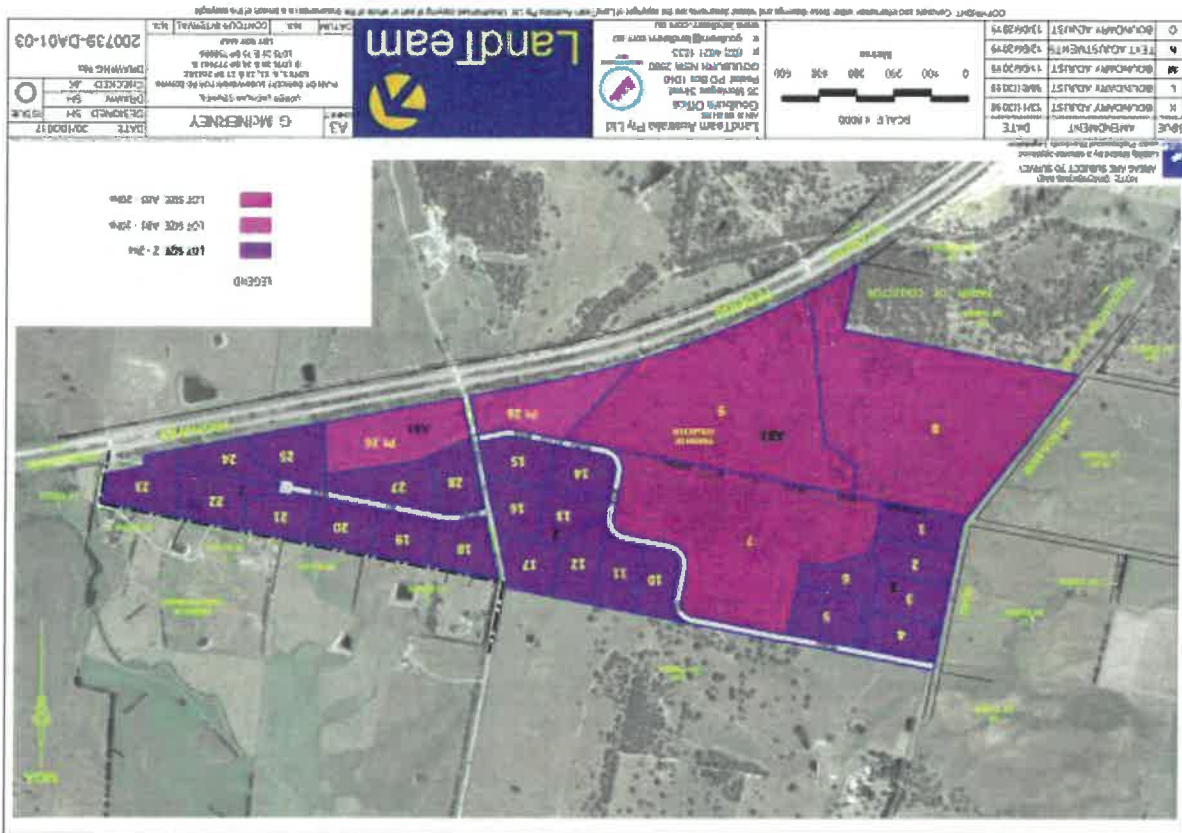
This Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment “A Guide to Preparing Planning Proposals” and addresses the following specific matters in the Guideline and *Environmental Planning and Assessment Act 1979*;

- Part 1 - objectives or intended outcomes;
- Part 2 - explanation of provisions;
- Part 3 - justification;
 - questions to consider when demonstrating the justification;
- Part 4 - Mapping;
- Part 5 - Community consultation;
- Part 6 - Project timeline.

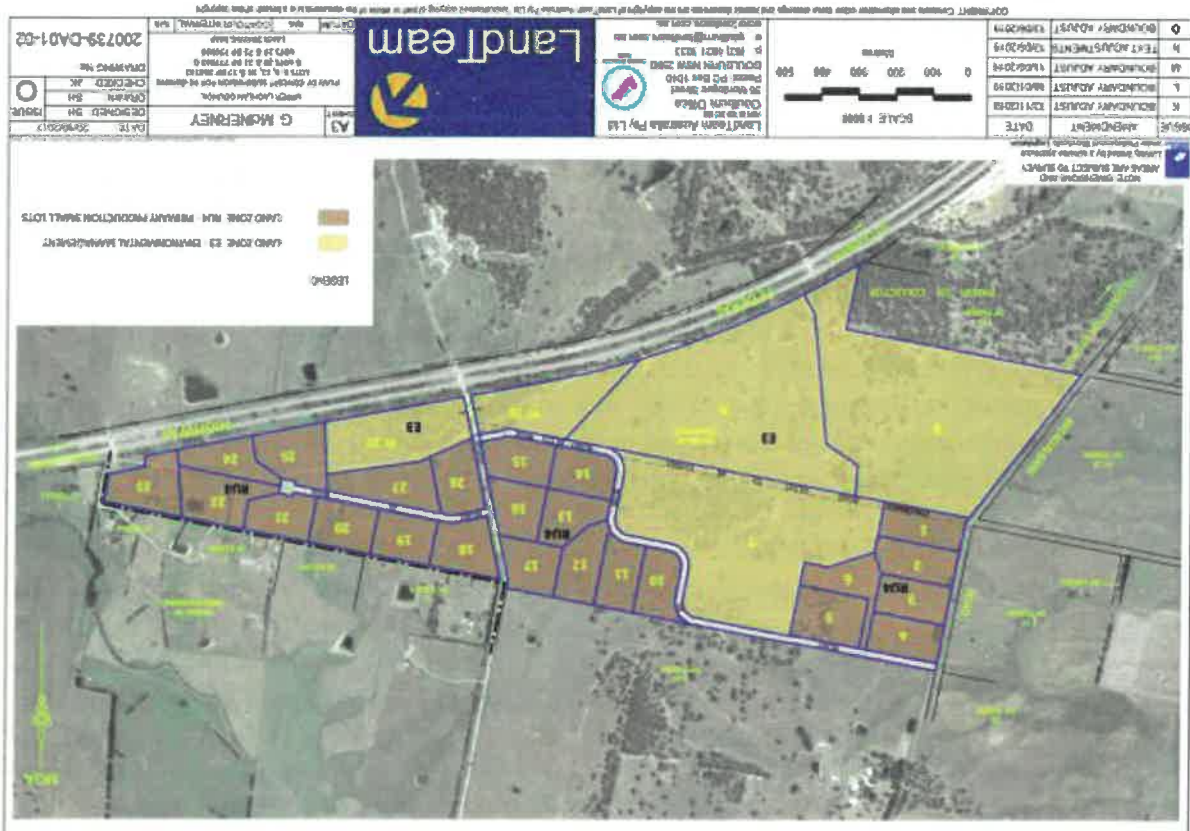
The landowners have had discussions with the Upper Lachlan Shire Council and the Office of Environment and Heritage and all the matters raised have been addressed in this version of the Planning Proposal.

The Planning Proposal demonstrates that there is site specific planning merit and justified by addressing the matters required pursuant to s3.33(2) of the *Environmental Planning and Assessment Act 1979* as well as relevant strategic documents, objectives and actions within the relevant regional and sub-regional strategies, relevant State policies, Ministerial Directions and environmental impacts.

It is recommended that this Planning Proposal be endorsed by the Upper Lachlan Shire Council and forwarded to the Minister for Planning for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.



Proposed Rezoning Plan



PART1 – OBJECTIVES

To rezone certain land being:

- Lots 5, 6, 11, 13 (part) and 17 DP 264152, Lots 20 (part) and 21 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 from RU1 Primary Production zone to E3 Environmental Management zone and reduce the minimum lot size from 40ha to 20ha (part) and 10ha (part) to enable the development of dwelling houses on lots to be created in accordance with this Planning Proposal and under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).
- Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 from RU1 Primary Production zone to RU4 Primary Production Small Lots zone and reduce the minimum lot size from 40ha to 2ha to enable the development of dwelling houses on lots to be created in accordance with this Planning Proposal and under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

Consultation with Upper Lachlan Shire Council identified a preferred study area for this Planning Proposal as indicated at Annexure A comprising the following parcels of land which were considered reasonable due to the pattern of land ownership in the area and the proximity to Collector along the Breadalbane Road:

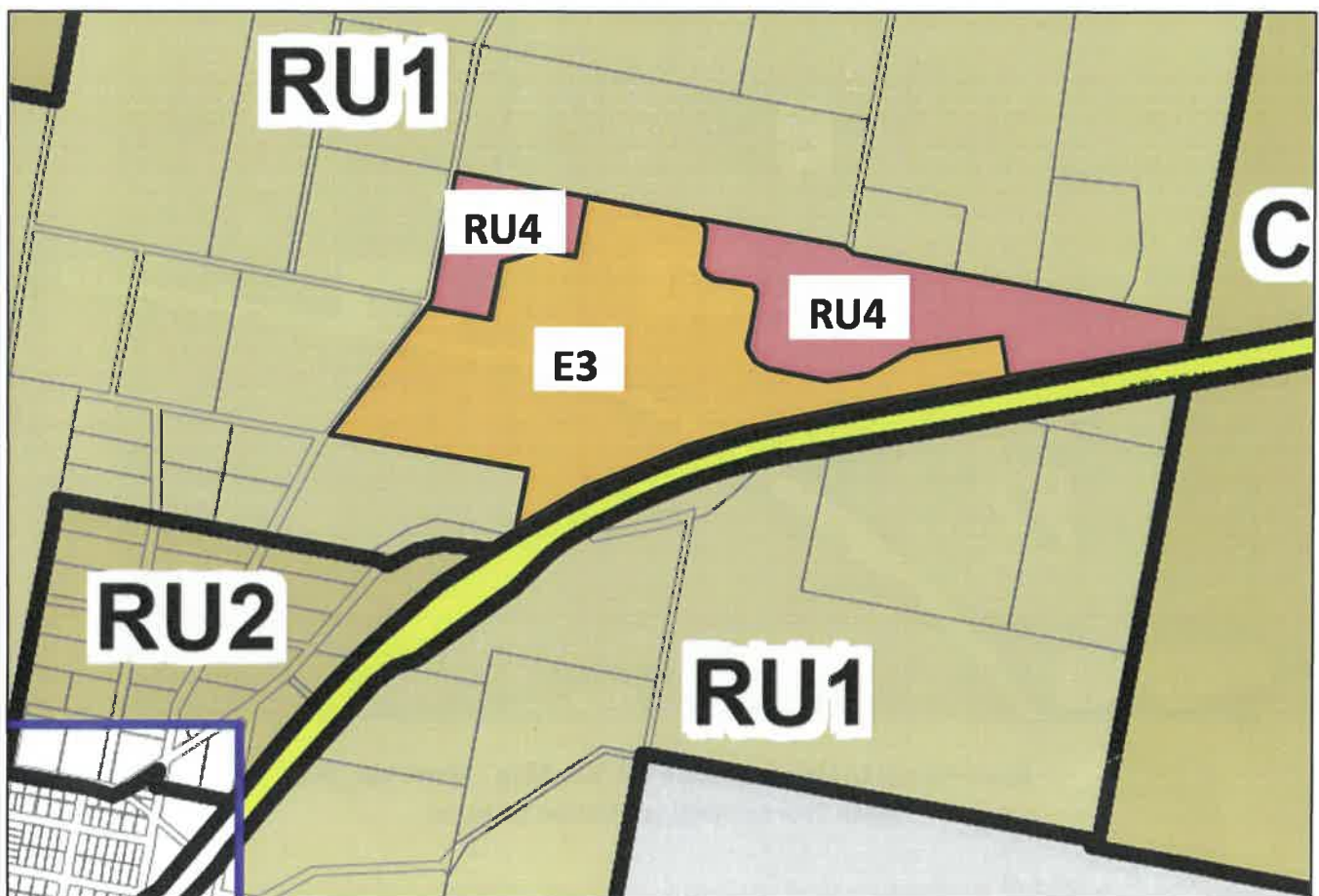
| Lot / Deposited Plan | Approx. Area (ha) (Calculated from Six Maps) | Lot / Deposited Plan | Approx. Area (ha) (Calculated from Six Maps) |
|----------------------------|---|----------------------|---|
| 174/750008 | 16.74 | 6/264152 | 0.22 |
| 167/750008 | 28.33 | 17/264152 | 0.60 |
| 168/750008 | 43.06 | 20/777962 | 53.96 |
| 173/750008 | 16.33 | 5/264152 | 29.26 |
| 166/750008 | 30.22 | 29/750008 | 40.98 |
| 3/833364 | 12.11 | 75/750008 | 16.00 |
| 11/750008 | 86.37 | 57/750008 | 16.43 |
| 12/750008 | 39.61 | 158/750008 | 17.72 |
| 1/126005 | 1.60 | 154/750008 | 3.78 |
| 165/750008 | 47.18 | 152/750008 | 2.82 |
| 58/750008 | 16.12 | 151/750008 | 2.77 |
| 1/436878 | 6.28 | 153/750008 | 3.65 |
| 1/825391 | 50.00 | 145/750008 | 2.40 |
| 2/833364 | 44.45 | 146/750008 | 2.34 |
| 1/833364 | 10.41 | 147/750008 | 2.12 |
| 21/777962 | 2.92 | 24/750008 | 13.91 |
| 13/264152 | 7.76 | 25/750008 | 13.40 |
| 11/264152 | 0.72 | | |
| TOTAL AREA 682.57ha | | | |

PART 2 - EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by an amendment to the Upper Lachlan Local Environmental Plan 2010 as follows:

(1) Amending Upper Lachlan Land Zoning Map Sheet LZN_006 by rezoning:

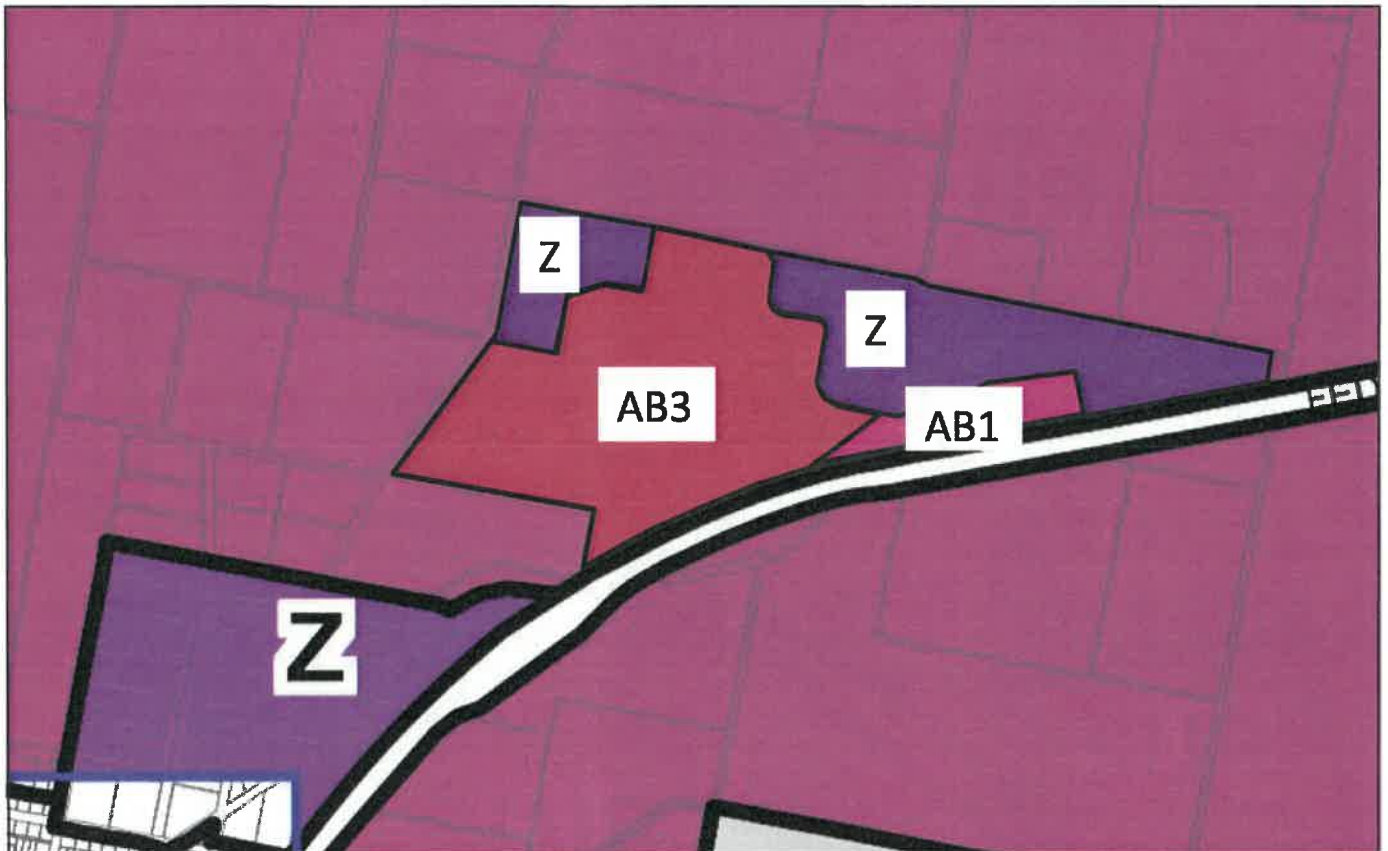
- Lots 5, 6, 11, 13 (part) and 17 DP 264152, Lots 20 (part) and 21 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 from RU1 Primary Production to E3 Environmental Management – see map below.
- Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 from RU1 Primary Production to RU4 Primary Production Small Lots – see map below.



Amendment to Upper Lachlan Land Zoning Map - Sheet LZN_006
(Map Source: NSW Legislation website)

(2) Amending Upper Lachlan LEP 2010 Lot Size Map – Sheet LSZ_006 by including:

- *Lot 5 (part) DP 264152, Lot 20 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 identified as “AB3” having a Minimum Lot Size of 20ha – see map below.*
- *Lots 5 (part), 6, 11, 13 (part) and 17 DP 264152 and Lot 21 (part) DP 777962 identified as “AB1” having a Minimum Lot Size of 10ha – see map below.*
- *Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 identified as “Z” having a Minimum Lot Size of 2ha – see map below.*



Amendment to Upper Lachlan Lot Size Map - Sheet LSZ_006
(Map Source: NSW Legislation website)

PART 3 - JUSTIFICATION

Section A – Need for Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

This planning proposal has been prepared by the property owners of “Taradale” in response to the Upper Lachlan Strategy Plan 2020 Vision. The planning proposal is consistent with the Upper Lachlan Strategy Plan 2020 Vision which states that *“Large lot residential living and rural small holdings should be focused around the existing Village zones. The future use of rural lands will seek to balance agricultural requirements, environmental constraints and minimise potential for land use conflicts. These areas comprise unserviced lots that will be defined by minimum lot sizes for dwelling entitlements. Prime agricultural lands are a key resource and need protection. The Strategy aims to prevent future fragmentation of these areas.”* (Page 197)

This Planning Proposal will not further fragment this rural area and is limited to minimise potential for land use conflicts and protect prime agricultural areas. The residential development will be managed via local environmental plan and development control provisions to ensure the objectives of the zone are fulfilled.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The inclusion of the “Taradale” property (Lots 6, 11, 13, 17 DP 264152 and Lots 20 and 21 DP 777962) was considered by the Upper Lachlan Shire Council at its meeting held on the 18 February 2010 as part of the draft Upper Lachlan Local Environmental Plan and was supported by the Council. The Minister, however, decided not to support the inclusion of this land in the draft LEP. In a letter to Council dated 9 July 2010, the NSW Department of Planning advised that:

“In considering the draft plan, the Minister decided not to support a number of the late changes proposed by Council to the draft LEP. These were:

- 1. the Kangaloolah - Limerick Area (approximately 4, 180 hectares of land) where Council has sought to reduce the exhibited minimum lot size from 200 hectares to 80 hectares,*
- 2. the Lost River area (approximately 14, 880 hectares of land) where Council has sought to reduce the exhibited minimum lot size from 80 hectares to 40 hectares, and*
- 3. the area north of the village of Collector (approximately 127 hectares of land) where Council has sought to reduce the exhibited minimum lot size of 40 hectares to 2 hectares.*

These changes were not supported as they were considered to be inconsistent with the strategic planning work carried out by Council to inform the draft plan. While the additional information submitted by the Council seeking to justify the changes was carefully considered, the justification focused primarily on the three subject areas alone rather than considering these changes in the context of the entire Shire. The Upper Lachlan Strategy Vision 2020 considered minimum lot sizes from a shire-wide perspective and provided for varying lot sizes across the Shire in response to issues such as agricultural production, recognition of biodiversity values and protection of drinking water catchments. In any case, the Minister was also concerned that such significant changes would require re-exhibition of the draft plan as these proposals are significant departures from the draft plan exhibited by the Council. If Council wishes to pursue these proposals, each will need to be justified by

an appropriate study that considers the implications of these changes from a shire-wide perspective. Council should ensure that any Planning Proposal for the changes considers the principles in State Environmental Planning Policy (Rural Lands) 2007.”

The areas (1.) and (2.) above comprise an area of approx. 19,060ha and represent a significant part of the Upper Lachlan Council area (approx. 3%) and it is recognized that inclusion of these areas in the LEP would represent a significant change from the exhibited draft plan. However, the area at (3.) above which is the subject of this Planning Proposal is only approx. 130ha and although a variation from the exhibited draft plan, justification for the variation is supported by this Planning Proposal. Compliance with SEPP (Rural Lands) 2008 is detailed at Part 3 Section B 5(i) and compliance with Council’s local strategic plans is addressed at Part 3 Section B 4 (i) and (ii). This area represents only 0.02% of the Council area and clearly will have no impact from a shire-wide perspective. This request by the property owners will act as a catalyst for Council to again consider rural residential development at Collector and it is considered that this planning proposal is the most appropriate means of achieving the objectives of the planning proposal.

Section B - Relationship to strategy planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?*

The planning proposal is consistent with the objectives and actions contained within the Sydney - Canberra Regional Strategy 2006 - 2031. The Strategy, in respect to Housing and Settlement, states that *“in the central subregion comprising Upper Lachlan and Goulburn Mulwaree Councils, the central subregion has a current population of 33,100 and is projected to grow by 3850 to 36 950 by 2031. This will require an additional 2,300 dwellings.*

Approximately 7100 people live in Upper Lachlan Shire, with about 25 percent in the township of Crookwell. The next largest town is Gunning with the reminder in a number of small villages. The shire is predominantly based on rural industries and is expected to have a modest increase in population.

The small settlements of Gunning and Collector are strategically located on key transport links and close to larger cities of Canberra and Goulburn. There may be potential to accommodate modest amounts of growth in and around Crookwell, Gunning and Collector to help support the vitality of these towns. Planning for growth will need to consider the demand for housing and the availability of local job opportunities, as well as the availability of water supplies.” (Page 33)

This large lot primary production / residential development adjacent to Collector will provide an opportunity for additional housing and will help to stimulate and support the vitality of Collector. The applicants engaged SGS Economics and Planning to prepare a report in respect to *Rural Residential Development in Collector - Current and Future Demand Report* (report separately attached as Annexure S). The report includes the following statements:

“Broadly speaking, each additional household of 2.2 to 2.7 people will require one additional dwelling. The Capital Region will require 58,956 new dwellings between 2011 and 2031. Only 300 of these are expected to be required in Upper Lachlan Shire. Due to the

proximity of Collector to these other LGAs, it is likely that some additional implied dwellings for Goulburn Mulwaree (3,350), Palerang (2,950), Yass Valley (3,050) and ACT (40,606) could be located at Collector. SGS used a dwelling demand model to forecast future demand for separate houses, townhouses and flats in the New South Wales Capital Region. The following table shows forecast demand for dwellings in the NSW Capital Region.

INCREASE IN DWELLING DEMAND BY DWELLING TYPE, 2011-2031

| | Goulburn Mulwaree | Palerang | Queanbeyan | Upper Lachlan Shire | Yass Valley | Total NSW Capital Region |
|--------------------|------------------------------|-----------------|-------------------|------------------------------------|--------------------|---|
| Separate houses | 2,992 | 2,651 | 5,195 | 97 | 2,888 | 13,824 |
| Townhouses | 289 | 169 | 2,381 | 198 | 127 | 3,164 |
| Flats | - | - | 1,061 | - | - | 1,061 |

Source: SGS modelling

This finds that the demand for additional dwellings in the Upper Lachlan area, based on population growth in the area up to 2031 will be negligible. However, Collector's relative proximity to other LGAs means that it may be able to attract households that may have otherwise located in Goulburn Mulwaree, Yass Valley and Palerang. These areas have a forecast total demand of 8,531 freestanding houses. Most of these dwellings are expected to be occupied by people working in the ACT." (Pages 1 / 2)

The report also states that "Despite the fact that the population of Upper Lachlan Shire overall is expected to grow by only 100 people from 2011 to 2031, it is likely that Collector's status as a commuter town for the ACT could result in faster population growth." (Page 23)

The Planning Proposal estimates that the identified land will permit 28 primary production / residential lots to be created. The applicants estimate that the whole development is expected to be fully developed over a period of 5 years being approx. 6 lots / residences per year. It is reasonable to assume in this instance that each additional dwelling will domicile 4 persons on average and increase the population of Collector up to 24 persons per year which will simulate and support the vitality of Collector. An increase in the permissible density of land is justified in terms of its consistency with Regional Strategy (see Annexure M and N) and the proposal is consistent with the outcomes and actions nominated in the Regional Strategy. Also, the Upper Lachlan 2020 Strategy examined the potential growth scenarios for the Upper Lachlan LGA and formed the view that "with targeted expansion and successful promotion of Upper Lachlan, it is possible that the population would be capable of reaching 9,000 residents by 2020. This represents a total growth of 1,400 persons at an average annual growth rate of 1.5 percent". (Clause 10.6.2)

The Strategy also states that "Large lot residential living and rural small holdings should be focused around the existing Village zones. The future use of rural lands will seek to balance agricultural requirements, environmental constraints and minimise potential for land use conflicts. These areas comprise unserviced lots that will be defined by minimum lot sizes for dwelling entitlements. Prime agricultural lands are a key resource and need protection. The Strategy aims to prevent future fragmentation of these areas." (Clause 10).

The Strategy has also identified that such 'lifestyle' lots could be suitably located in the southern sector of the Shire, to accommodate the in-migration of residents from the Australian Capital Territory. The proposed development will meet the following objectives of the Strategy which were derived from community and stakeholder consultations:

Environmental:

- Ensure a high level of water quality by:
 - preserving creek lines;
 - avoiding incompatible uses within drinking water catchment areas;
 - avoiding wetlands;
 - avoiding drainage lines.
- preserve remnant native fauna habitat;
- promote better land management, particularly noxious weed control;
- reduce runoff and erosion by avoiding steep land and best practice farming techniques;
- maintain landscape quality in the area by:
 - avoiding development on ridge lines;
 - retaining vegetation along roadways;
 - preserving the visual quality of access routes into/out of towns and villages.
- retain prime agricultural areas and minimise opportunities for adverse land use impacts;
- ensure growth is consistent with the strategy;
- preserve rural landscape by maintaining established trees as part of the future landscape.

Social:

- improve primary and secondary roads which link towns and villages;
- increase and improve recreational facilities;
- upgrade telecommunications infrastructure;
- provide for new housing areas;
- ensure connectivity and legibility;
- recognise natural area boundaries;
- provide a mix of land sizes and uses;
- ensure good solar access in subdivision and dwelling designs;
- incorporate sustainable utilities (for example tank water, septic, biocycle systems);
- emphasise preservation of the rural landscape and character of the area in development decisions.

Economic:

- ensure efficient planning of communities:
 - locating housing close to existing facilities such as schools and recreation facilities;
 - reducing infrastructure costs;
 - providing new facilities in a cost effective manner.
- protect and support high quality agricultural land uses by:
 - providing adequate buffers between agriculture and residential land uses; and
 - avoiding development on fertile soils.
- promoting development in areas of low agricultural value or less alternative use;

- support regional economy by:
 - preserving key industries including wool, potatoes, honey, eggs;
 - enhancing tourism particularly farm tourism;
 - supporting the image of the Upper Lachlan as providing high quality produce;
 - preserving the opportunities for employment growth.

Overall the benefits of growth in the Collector area would include:

- Stimulating additional local economic development including investment and employment;
- Developing a population base to maintain and improve infrastructure and services;
- Addressing skill shortages;
- Creating a more diverse and vibrant local community;
- Maintaining an integrated community and avoiding creation of isolated settlements;
- Avoiding unplanned development;
- Create opportunities for large lot residential lifestyles near existing towns and villages;
- Provide for mixed uses including residential and commercial;
- Design to efficiently provide a full range of services – water, electricity, communications, access, etc.

In respect to the Upper Lachlan LEP 2010 the subject land is proposed to be rezoned E3 Environmental Management and RU4 Primary Production Small Lots under the Upper Lachlan LEP 2010 and the following zone objectives and land use table apply:

(i) E3 Environmental Management Zone

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of environmentally sensitive land and areas of high environmental value to the local government area.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Dwelling houses; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The objectives of the E3 Environmental Management Zone are examined below:

To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

Part of the subject land is identified on the Upper Lachlan LEP 2010 Natural Resources Sensitivity—Biodiversity Map (Annexure E) and the Natural Resources Sensitivity—Land Map (Annexure F). The land is not identified on the Natural Resources Sensitivity—Water Map (Annexure G). Umwelt (Australia) Pty Ltd have undertaken an ecological assessment of the site in a report dated 4 February 2019 – see Appendix Y) and the conclusion of the assessment states that *“Our TEC analysis has confirmed that a total of 42.46 ha of White Box - Yellow Box - Blakely's Red Gum Woodland EEC as listed under the BC Act, of which 10.87 ha is remnant woodland and 31.59 ha are derived native grasslands occurs in the study area. Furthermore, we have identified a total of 21.25 ha of White Box - Yellow Box - Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands CEEC listed under the EPBC Act, of which 5.62 ha is remnant woodland and 15.63 ha are derived native grasslands within the study area.*

Our revision of the vegetation mapping analysis of the position of the study area in the locality confirms that remnant woodland and derived native grassland are likely to contribute to a regional biodiversity corridor. Umwelt believes the amended lot layout maintains the Regional Biodiversity Corridor through strategic identification of large lots.

The confirmation of these TECs within the study area means that there is a potential risk for a SAI regarding any future subdivision of the land. The risk associated with an SAI being identified will result in the determining authority being required to reject the development application. As noted in above, the proponent has consulted and sought feedback from OEH and Upper Lachlan Council regarding this project. The proposed lot layout has subsequently been revised to take into consideration Umwelt's ecological assessment as well as the feedback from the regulatory bodies.”

Additionally, the Aboriginal Due Diligence Assessment Report summary undertaken by Past Traces Heritage Consultants states that *“As a result of the site visit, field survey of alignments and background research, it is considered that the project has moderate potential to impact on unrecorded Aboriginal heritage sites or areas of PAD. Four Aboriginal and two potential historical heritage sites were recorded as a result of the field survey and may be impacted by the development. Areas of high sensitivity are present in the central section as shown on Figure 2 which would require further investigation to determine the full impact of development within this section. These further investigations would consist of a program of subsurface testing (hand excavation) through these landforms to determine if any deposits are present, and if present their significance. Two potential historical heritage sites were identified which will require validation through additional research and subsurface testing. This additional research will then determine their significance and whether they pose a constraint on the project.”*

The E3 Environmental Management Zone will ensure that the areas with special ecological, scientific, cultural or aesthetic values will not be impacted.

To provide for a limited range of development that does not have an adverse effect on those values.

The E3 Environmental Management Zone restricts the range of possible developments and will ensure that the areas with special ecological, scientific, cultural or aesthetic values will not be impacted.

To facilitate the management of environmentally sensitive land and areas of high environmental value to the local government area.

Part of the subject land is identified on the Upper Lachlan LEP 2010 Natural Resources Sensitivity—Biodiversity Map (Annexure E) and the Natural Resources Sensitivity—Land Map (Annexure F). The land is not identified on the Natural Resources Sensitivity—Water Map (Annexure G). Umwelt (Australia) Pty Ltd have undertaken an ecological assessment of the site in a report dated 4 February 2019 – see Appendix Y) and the conclusion of the assessment states that *“Our TEC analysis has confirmed that a total of 42.46 ha of White Box - Yellow Box - Blakely's Red Gum Woodland EEC as listed under the BC Act, of which 10.87 ha is remnant woodland and 31.59 ha are derived native grasslands occurs in the study area. Furthermore, we have identified a total of 21.25 ha of White Box - Yellow Box - Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands CEEC listed under the EPBC Act, of which 5.62 ha is remnant woodland and 15.63 ha are derived native grasslands within the study area.*

Our revision of the vegetation mapping analysis of the position of the study area in the locality confirms that remnant woodland and derived native grassland are likely to contribute to a regional biodiversity corridor. Umwelt believes the amended lot layout maintains the Regional Biodiversity Corridor through strategic identification of large lots.

The confirmation of these TECs within the study area means that there is a potential risk for a SAIL regarding any future subdivision of the land. The risk associated with an SAIL being identified will result in the determining authority being required to reject the development application. As noted in above, the proponent has consulted and sought feedback from OEH and Upper Lachlan Council regarding this project. The proposed lot layout has subsequently been revised to take into consideration Umwelt's ecological assessment as well as the feedback from the regulatory bodies.”

The E3 Environmental Management Zone will permit the management of environmentally sensitive land and areas of high environmental value on the site.

(ii) RU4 Primary Production Small Lots

1 Objectives of zone

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the soil and water quality in good condition in association with the more intensive residential development of land within this zone.*
- *To protect and enhance the water quality of watercourses and groundwater systems and to reduce land degradation.*

- To maintain areas of high conservation value vegetation.

2 Permitted without consent

Building identification signs; Business identification signs; Home-based child care; Home occupations

3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Extensive agriculture; Farm buildings; Farm stay accommodation; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Plant nurseries; Roads; Roadside stalls; Rural supplies; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

The objectives of the RU4 Primary Production Small Lots Zone are examined below:

To enable sustainable primary industry and other compatible land uses.

The proposed 2ha lots will permit a range of small scale and diverse primary industries in the area.

To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

The opportunity to undertake sustainable intensive primary industry activities on the small lots will result in employment opportunities to assist in this work being provided in the Collector area.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

The RU4 Primary Production Small Lot zone is consistent with the adjoining RU1 Primary Production zone and land use conflicts will not arise.

To maintain the soil and water quality in good condition in association with the more intensive residential development of land within this zone.

The assessment of the land for water management and waste water management in association with proposed residential development will maintain the soil and water quality in good condition in association with the more intensive primary production / residential development of land within this zone.

To protect and enhance the water quality of watercourses and groundwater systems and to reduce land degradation.

The assessment of the land for water management and waste water management in association with any proposed development requiring consent will ensure the protection and enhancement of the water quality of watercourses and groundwater systems to reduce land degradation.

To maintain areas of high conservation value vegetation.

Part of the subject land is identified on the Upper Lachlan LEP 2010 Natural Resources Sensitivity—Biodiversity Map (Annexure E) and the Natural Resources Sensitivity—Land Map (Annexure F). The land is not identified on the Natural Resources Sensitivity—Water Map (Annexure G). Umwelt (Australia) Pty Ltd have undertaken an ecological assessment of the site in a report dated 4 February 2019 – see Appendix Y) and the conclusion of the assessment states that *“Our TEC analysis has confirmed that a total of 42.46 ha of White Box - Yellow Box - Blakely's Red Gum Woodland EEC as listed under the BC Act, of which 10.87 ha is remnant woodland and 31.59 ha are derived native grasslands occurs in the study area. Furthermore, we have identified a total of 21.25 ha of White Box - Yellow Box - Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands CEEC listed under the EPBC Act, of which 5.62 has is remnant woodland and 15.63 ha are derived native grasslands within the study area.*

Our revision of the vegetation mapping analysis of the position of the study area in the locality confirms that remnant woodland and derived native grassland are likely to contribute to a regional biodiversity corridor. Umwelt believes the amended lot layout maintains the Regional Biodiversity Corridor through strategic identification of large lots.

The confirmation of these TECs within the study area means that there is a potential risk for a SAI regarding any future subdivision of the land. The risk associated with an SAI being identified will result in the determining authority being required to reject the development application. As noted in above, the proponent has consulted and sought feedback from OEH and Upper Lachlan Council regarding this project. The proposed lot layout has subsequently been revised to take into consideration Umwelt's ecological assessment as well as the feedback from the regulatory bodies.”

The proposed development will maintain areas of high conservation value vegetation.

The subject land in this instance is intended to provide a rural lifestyle development and the following criteria in respect to rural residential development having a two to 10 hectare minimum lot size has been included in the *Goulburn Mulwaree Draft Urban and Fringe Housing Strategy* dated 5 December 2018. A comment is provided in respect to each of the criteria.

- *The development can be managed to avoid land use conflict. Rural residential development should have regard to the surrounding agricultural land use and must provide a buffer to agricultural land.*

Comment: The subject land is not located adjacent to broadscale agricultural activities but in an area dominated by low density sheep grazing. Residential development will be restricted between a 10m road boundary building setback and an 80m rear building exclusion zone – see proposed plan of subdivision at Annexure L. The RU4 Primary Production Small Lot zone objectives are consistent with the adjoining RU1 Primary Production zone objectives and land use conflicts will not arise.

- *The site is unconstrained by flooding, as it is above the flood planning level of the 1 in 100 ARI. The area is not affected by flooding and has unconstrained flood free access out of the property and/or locality.*

Comment: The subject land is not affected by flooding and flood free access is available to the Hume Highway. A preliminary Flood Assessment has been undertaken by Strategic Environmental and Engineering Consulting (SEEC) (see Annexure Z) and the conclusion states that “*The results show the extent of the 100 year flood event within Byrnes Creek would be retained mainly within the existing creek alignment leaving sufficient areas for siting future building envelopes with levels above the future flood planning levels. The site also sits outside of the flood plain as described in the recent Collector Flood Study, 2014.*”

- *The lots can be connected to the existing road network by sealed road access. The area can be connected to the existing sealed road network by sealed road access and is fully serviced by a sealed road.*

Comment: The subject land is adjacent to the bitumen sealed Breadalbane Road which provides access to Collector and adjacent to the Hume Highway. All access roads associated with the development will be bitumen sealed to Council requirements.

- *The development will not undermine future residential land opportunities. It should be located on land that is not, or unlikely to be suitable for general residential land at some point in the future.*

Comment: The development of the subject land will not undermine future urban residential land opportunities as it is located on land that is not or unlikely to be suitable for general urban residential land in the future. The provision of reticulated water and sewerage services are very unlikely to be provided to this area.

- *The resulting residential development will not adversely impact on the groundwater system. Any development, and in particular un-serviced development, needs to demonstrate that it will not adversely impact on the groundwater system.*

Comment: The resulting residential development will not adversely impact on the groundwater system as all wastewater systems will be required to demonstrate a neutral or beneficial effect on water quality.

- *The need for the additional lots can be justified in terms of supply and demand.*
 Comment: The planning proposal is consistent with the objectives and actions contained within the *Sydney - Canberra Regional Strategy 2006 - 2031*. The Strategy, in respect to Housing and Settlement, states that *"in the central subregion comprising Upper Lachlan and Goulburn Mulwaree Councils, the central subregion has a current population of 33,100 and is projected to grow by 3850 to 36 950 by 2031. This will require an additional 2,300 dwellings. Approximately 7100 people live in Upper Lachlan Shire, with about 25 percent in the township of Crookwell. The next largest town is Gunning with the reminder in a number of small villages. The shire is predominantly based on rural industries and is expected to have a modest increase in population. The small settlements of Gunning and Collector are strategically located on key transport links and close to larger cities of Canberra and Goulburn. There may be potential to accommodate modest amounts of growth in and around Crookwell, Gunning and Collector to help support the vitality of these towns. Planning for growth will need to consider the demand for housing and the availability of local job opportunities, as well as the availability of water supplies."* (Page 33)

The large lot primary production / residential development adjacent to Collector will provide an opportunity for additional housing, will help to stimulate and support the vitality of Collector and will offer a diversity in choice for residential purposes. It is expected to be rapidly absorbed by the current market and is consistent with the Strategy.

- *The site be managed to reduce bushfire hazard.*
 Comment:
 The subject land is located in a bushfire prone area – see extract from the Upper Lachlan Bushfire Prone Land map at Annexure H. A preliminary bushfire assessment report has been prepared and a copy is also at Annexure H.
- *The development should avoid class I-III agricultural land and avoid Important Agricultural Land (subject to mapping being completed for the LGA).*
 Comment:
 The NSW Environment and Heritage Land and Soil Capability Mapping defines the study area as generally Class 4 incorporating *"Moderate to severe limitations. Land generally not capable of sustaining high impact land uses unless using specialised management practices with high level of knowledge, expertise, inputs, investment and technology. Limitations are more easily managed for lower impact land uses (e.g. grazing)."* The subject land is also not considered to be important agricultural land – see extract of Strategic Agricultural Land Map - Sheet STA_035 at Annexure AA.
- *The development will have access to a sustainable water supply. The proposed lot must demonstrate the provision of a sustainable water supply. A sustainable water supply can be achieved by various means including the provision of reticulated water, roof water catchment or accessing water from a river, lake or aquifer in accordance with the Water Management Act 2000. Department of Primary*

Industries – Water ‘How much water do I need for my rural property’ provides one methodology to calculate a required supply.

Comment:

The proposed residential development will utilise rainwater collected from building roof water catchments.

4. Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?

(i) Upper Lachlan Strategy 2020 Vision:

The Upper Lachlan Strategy 2020 Vision includes the following comments in respect to development in rural areas:

“Growth strategy:

Based on investigations of environmental constraints, land capability, demand, and community values there are two short term strategies available to accommodate urban and rural growth in Upper Lachlan. These are:

- Urban development should be facilitated primarily in areas already zoned for that purpose. This includes all land within existing village boundaries – both vacant and developed areas. Opportunities for infill housing within developed areas can be supported. This approach provides greater housing choice and promotes living close to existing services and facilities. This reflects the needs of declining household sizes and an ageing population.*
- Large lot residential living and rural small holdings should be focused around the existing Village zones. The future use of rural lands will seek to balance agricultural requirements, environmental constraints and minimise potential for land use conflicts. These areas comprise unserviced lots that will be defined by minimum lot sizes for dwelling entitlements. Prime agricultural lands are a key resource and need protection. The Strategy aims to prevent future fragmentation of these areas.” (Clause 10).*

Dot point 1 is not applicable, however, in respect to dot point 2 the planning proposal is consistent with the 2020 Vision insofar that the primary production small lots and residential development area is located adjacent to Collector being immediately north of and around the existing village of Collector and will balance agricultural requirements, environmental constraints and minimise potential for land use conflicts. The identified land is only separated from the existing village zone by a parcel of crown land. Additionally, in respect to large lot residential living and rural small holdings being focused around the existing Village zones, the 2020 Vision states that in the Collector area *“The development and expansion of the town is limited by flood prone areas surrounding the town. Suggested locations for the future expansion of the town included along Breadalbane Road and to the south-east (Murray Street to Gunning Road). There was strong community support to retain the travelling stock reserve on Breadalbane Road, however, this area on the western side of the highway is a possible location for expansion that must be appropriately managed”.* (Clause 5.7.1)

The planning proposal complies with this strategy.

(ii) Upper Lachlan Community Strategic Plan Vision 2023:

The Upper Lachlan Community Strategic Plan Vision 2023 includes the following Vision and Mission Statement:

The Vision for our future is:

To be a diverse local government area that provides various lifestyle, business enterprise, leisure and recreation alternatives, whilst ensuring environmental sustainability, preservation of our history and a sense of belonging in our community.

Mission Statement:

To provide services and facilities to enhance the quality of life and economic viability within the Council area.

This planning proposal is consistent with the Upper Lachlan Community Strategic Plan Vision 2023 insofar that the development will provide for various lifestyle living opportunities whilst ensuring environmental sustainability, preservation of history and a sense of belonging in a community as well as providing services and facilities to enhance the quality of life and economic viability within the Council area. The SGS Economics and Planning report *Rural Residential Development in Collector - Current and Future Demand Report* (report separately attached as Annexure S) includes the following statements: states that *"There is considerable future demand for properties within commuting distance of the ACT, as high costs of ACT housing push ACT workers into New South Wales. Families looking for a rural lifestyle may decide that the most affordable way to have a large house on a spacious block will be to live near country towns such as Collector. The primary school in Collector is likely to be an attractor for families with young children. Although Collector is further out than most other areas offering a rural residential lifestyle to Canberra commuters, it has a higher availability of rural residential lots. With prices for lots between 1ha and 5ha in the mid \$200,000s, Collector rural residential lots are substantially cheaper than similar lots in Murrumbateman, Gundaroo, Bywong, Wamboin and Carwoola, which typically cost over \$300,000 for cheaper blocks that may have poor soil, steep slopes, flood or bushfire risk, poor road access or difficulty with utilities, and \$400,000+ for quality blocks. Collector has a great deal of promise to expand as a village offering a rural residential lifestyle with some town benefits, to families who need to commute to Canberra for work."* (Page 23)

The primary production small lots and residential development will provide an opportunity for lifestyle, business enterprise, leisure and recreation alternatives for new residents to the area who will participate in the local community functions and organisations. The identified land does not impact on any historical items and there will be satisfactory environmental safeguards on future residential development with no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. (See Part 3 Section 7)

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The current State Environmental Planning Policies are:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 19—Bushland in Urban Areas

State Environmental Planning Policy No 21—Caravan Parks
State Environmental Planning Policy No 30—Intensive Agriculture
State Environmental Planning Policy No 33—Hazardous and Offensive Development
State Environmental Planning Policy No 36—Manufactured Home Estates
State Environmental Planning Policy No 44—Koala Habitat Protection
State Environmental Planning Policy No 47—Moore Park Showground
State Environmental Planning Policy No 50—Canal Estate Development
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas
State Environmental Planning Policy No 55—Remediation of Land
State Environmental Planning Policy No 62—Sustainable Aquaculture
State Environmental Planning Policy No 64—Advertising and Signage
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Coastal Management) 2018
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Gosford City Centre) 2018
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007
State Environmental Planning Policy (Kurnell Peninsula) 1989
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
State Environmental Planning Policy (Penrith Lakes Scheme) 1989
State Environmental Planning Policy (Rural Lands) 2008
State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State Significant Precincts) 2005
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
State Environmental Planning Policy (Sydney Region Growth Centres) 2006
State Environmental Planning Policy (Three Ports) 2013
State Environmental Planning Policy (Urban Renewal) 2010
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (Western Sydney Employment Area) 2009
State Environmental Planning Policy (Western Sydney Parklands) 2009

The only applicable State Environmental Planning Policy (*State Environmental Planning Policy (Rural Lands) 2008*) is discussed below:

(i) State Environmental Planning Policy (Rural Land) 2008:

State Environmental Planning Policy (Rural Lands) was gazetted on 10 May 2008 and aims:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) to implement measures designed to reduce land use conflicts,*
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

The policy applies to all local government areas within the state, including Upper Lachlan Shire, and the SEPP contains a number of Rural Planning Principles (Clause 7), being:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The Minister has directed under Section 117 (Direction 1.5 Rural Lands) of the Environmental Planning and Assessment Act, 1979 that in preparing an amendment to a Local Environmental Plan the planning proposal must be consistent with the provisions of the SEPP.

Clause 8 of the SEPP contains a number of Rural Subdivision Principles which also must be considered during preparation of the draft Upper Lachlan Local Environmental Plan as Council is considering a variation in minimum allotment sizes within rural areas. The Rural Subdivision Principles are:

- (a) the minimisation of rural land fragmentation,*
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*
- (d) the consideration of the natural and physical constraints and opportunities of land,*
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.*

The planning proposal is consistent with the Rural Lands SEPP in the following terms:

- The planning proposal is adjacent to an existing village.
- The proposal is consistent with the Upper Lachlan 2020 Strategy being located adjacent to an existing village.
- The proximity of the subject land to Collector and adjoining land with a minimum lot size of 2ha will ensure that the proposal will not result in fragmentation of farm land.
- The proximity of the site to Collector and adjoining land with a minimum lot size of 2ha will ensure the proposal will increase compatibility and minimise any potential for land use conflicts caused by intensive agricultural uses.
- The proposed plan of subdivision includes a 50m setback from the Federal Highway and a 10m setback from any public road to minimise the potential for land use conflicts.
- The planning proposal will have minimal environmental impact on the local biodiversity and water resources.
- The subject land is adequately serviced in terms of electricity, telecommunications, road network and associated services (e.g. school bus and postal services). The proximity to Collector as well as Goulburn and Canberra will ensure ready access to all the services provided by the Regional centre (e.g. health, education, employment, recreational and social).
- No significant development of an intensive agricultural or rural industry nature has been approved in close proximity to the subject land. The surrounding rural area is predominately restricted to grazing.
- The proposed development will also;
 - not impact on the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
 - recognise of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area,
 - recognise the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
 - balance the social, economic and environmental interests of the community,
 - protect natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
 - provide opportunities for rural lifestyle, settlement and housing that

- contribute to the social and economic welfare of the rural community,
- have no of impact on services and infrastructure for rural housing,
- be consistent with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The following table is a list of Directions issued by the Minister for Planning to relevant planning authorities under Section 9.1 Directions by the Minister (previous s117) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued:

| Section 117 Directions | Issue Date/Date effective | Relevant | Inconsistent |
|---|---|----------|--------------|
| 1. Employment and Resources | 1 July 2009 (Except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017) | | |
| 1.1 Business and Industrial Zones | | No | - |
| 1.2 Rural Zones | | Yes | No |
| 1.3 Mining, Petroleum Production and Extractive Industries | | No | - |
| 1.4 Oyster Aquaculture | | No | - |
| 1.5 Rural Lands | | Yes | No |
| 2. Environment and Heritage | 1 July 2009 (Except for new Direction 2.5 effective 2 March 2016, Direction 2.1 and 2.4 effective 14 April 2016 and Direction 2.2 effective 3 April 2018) | | |
| 2.1 Environment Protection Zones | | No | - |
| 2.2 Coastal Protection | | No | - |
| 2.3 Heritage Conservation | | No | - |
| 2.4 Recreation Vehicle Areas | | No | - |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's | | No | - |
| 3. Housing, Infrastructure and Urban Development | 1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1,3.2,3.4 and 3.5 effective 14 April 2016) | | |
| 3.1 Residential Zones | | No | - |
| 3.2 Caravan Parks and Manufactured Home Estates | | No | - |
| 3.3 Home Occupations | | No | - |
| 3.4 Integrating Land Use and Transport | | No | - |
| 3.5 Development Near Licensed Aerodromes | | No | - |
| 4. Hazard and Risk | 1 July 2009 (Except for new Direction 4.2 effective 12 April 2016) | | |
| 4.1 Acid Sulphate Soils | | No | - |
| 4.2 Mine Subsidence and Unstable Land | | No | - |
| 4.3 Flood Prone Land | | Yes | No |
| 4.4 Planning for Bushfire Protection | | Yes | No |
| 5. Regional Planning | 1 July 2009 (Except for new Direction 5.2 effective 3 March 2011, Direction 5.9 effective 30 September 2013, Direction 5.4 effective 21 August 2015, Direction 5.8 and 5.10 effective 14 April 2016, Direction 5.1 and 5.3 effective 1 May 2017) | | |
| 5.1 Implementation of Regional Strategies | | Yes | No |
| 5.2 Sydney Drinking Water Catchments | | No | - |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | | No | - |
| 5.4 Commercial and Retail Development along the Pacific Highway North | | No | - |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010) | | No | - |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) | | - | - |

| | | | |
|---|--|-----|----|
| 5.7 Central Coast (Revoked 10 July 2008. | | No | - |
| 5.8 Second Sydney Airport: Badgerys Creek | | No | - |
| 5.9 North West Rail Link Corridor Strategy | | No | - |
| 5.10 Implementation of Regional Plans | | Yes | No |
| 6. Local Plan Making | 1 July 2009 | | |
| 6.1 Approval and Referral Requirements | | No | - |
| 6.2 Reserving Land for Public Purposes | | No | - |
| 6.3 Site Specific Provisions | | No | - |
| 7. Metropolitan Planning | 14 January 2015 (Except for Direction 7.2 effective 22 September 2015) 19 December 2016 15 May 2017 25 July 2017 5 August 2017 22 December 2017 | | |
| 7.1 Implementation of A Plan for Growing Sydney | | No | - |
| 7.2 Implementation of Greater Macarthur Land Release Investigation | | No | - |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy | | No | - |
| 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | | No | - |
| 7.5 Implementation of Greater Parramatta Priority Growth Area Land Use and Infrastructure Implementation Plan | | No | - |
| 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | | No | - |
| 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor | | No | - |

The applicable s9.1 Directions (previous s117 Directions) are discussed below:

DIRECTION 1.2: RURAL ZONES

Objective

- (1) *The objective of this direction is to protect the agricultural production value of rural land.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must:*
- (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
- (i) *gives consideration to the objectives of this direction,*
- (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
- (iii) *is approved by the Director-General of the Department of Planning, 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 or Sub-Regional Strategy*

prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

Comment:

The Planning Proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone –the rural zoning is being maintained. An increase in the permissible density of development is justified in terms of the minor significance of the development and consistency with the Regional Strategy (see Annexures M and N). The proposal will not significantly affect the agricultural production value of rural land in the Upper Lachlan Council area. The site is in close proximity to Collector and adjoining land with a minimum lot size of 2ha and is suitable for rural lifestyle living.

DIRECTION 1.5: RURAL LANDS

Objectives

(1) The objectives of this direction are to:

(a) protect the agricultural production value of rural land,

(b) facilitate the orderly and economic development of rural lands for rural and related purposes.

What a relevant planning authority must do if this direction applies

(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Note: State Environmental Planning Policy (Rural Lands) 2008 does not require a relevant planning authority to review or change its minimum lot size(s) in an existing LEP. A relevant planning authority can transfer the existing minimum lot size(s) into a new LEP. However, where a relevant planning authority seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

i. gives consideration to the objectives of this direction,

ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and

iii. is approved by the Director-General of the Department of Planning and is in force, or

(b) is of minor significance.

Comment:

An increase in the permissible density of land is justified in terms of the minor significance of the proposal and consistency with the Rural Lands SEPP as detailed below:

- The planning proposal is adjacent to an existing village;
- The proposal is consistent with the Upper Lachlan 2020 Strategy being located adjacent to existing towns and villages;
- The proximity of the subject land to Collector and adjoining land with a minimum lot size of 2ha will ensure that the proposal will not result in fragmentation of farm land;
- The proximity of the site to Collector and adjoining land with minimum lot size of 2ha ensures the proposal will increase compatibility and minimise any potential for land use conflicts caused by intensive agricultural uses;
- The proximity of the subject land to the Hume Highway and network of local roads will minimise the potential for land use conflicts;
- The planning proposal will have minimal environmental impact on the local biodiversity and water resources;
- The subject land is adequately serviced in terms of electricity, telecommunications, road network and associated services (e.g. school bus and postal services). The proximity to Goulburn and Canberra will ensure ready access to all the services (e.g. health, education, employment, etc.).
- No significant development of an intensive agricultural or rural industry nature has been approved in close proximity to the subject land. The surrounding rural area is used predominately for rural residential purposes with agricultural activities restricted to grazing.

The proposal will therefore facilitate the orderly and economic development of rural lands for rural and related purposes by the provisions of rural lifestyle living in close proximity to an existing urban centre thereby reducing fragmentation of rural lands.

DIRECTION 4.3: FLOOD PRONE LAND

Objectives

(1) *The objectives of this direction are:*

- to 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*
- to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Where this direction applies

(2) *This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.*

Comment:

The land is not located in a hydrologic catchment and contains a small number of overland flow paths and intermittent creeks which drain to the east and west from a north- south ridgeline. The drainage lines discharge to Collector Creek and Willow Tree Creek. Low lying and flood affected land has been excluded from any consideration for a reduced lot size. This land is identified at Annexures U1 and U2 being land west of Breadalbane Road and

east of Baxters Lane – and area of approx. 400.6ha. A preliminary Flood Assessment has been undertaken by Strategic Environmental and Engineering Consulting (SEEC) (see Annexure Z) and the conclusion states that *“The results show the extent of the 100 year flood event within Byrnes Creek would be retained mainly within the existing creek alignment leaving sufficient areas for siting future building envelopes with levels above the future flood planning levels. The site also sits outside of the flood plain as described in the recent Collector Flood Study, 2014.”*

The land subject to the Planning Proposal shown at Annexure I is not flood prone.

DIRECTION 4.4: PLANNING FOR BUSHFIRE PROTECTION

Objectives

- (1) *The objectives of this direction are:*
- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
 - (b) *to encourage sound management of bush fire prone areas.*

What a relevant planning authority must do if this direction applies

- (4) *In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*
- (5) *A planning proposal must:*
- (a) *have regard to Planning for Bushfire Protection 2006,*
 - (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
 - (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*
- (6) *A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*
- (a) *provide an Asset Protection Zone (APZ) incorporating at a minimum:*
 - (i) *an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
 - (ii) *an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*
 - (b) *for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*
 - (c) *contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*
 - (d) *contain provisions for adequate water supply for firefighting purposes,*
 - (e) *minimise the perimeter of the area of land interfacing the hazard which may*

- be developed,*
- (f) *introduce controls on the placement of combustible materials in the Inner Protection Area.*

Consistency

- (7) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.*

Comment:

The subject land is located in a bushfire prone area – see extract from the Upper Lachlan Bushfire Prone Land map at Annexure H. Only a small part of the development area is shown to be bushfire prone and a preliminary bushfire assessment report has been prepared in respect to proposed Lot 10 and a copy is also at Annexure H. This assessment indicates that that an APZ of 15m will be required and as the subdivision development is within a grassland environment, building construction requirements in conformity with AS 3959 – 1999 will not be required.

DIRECTION 5.1: IMPLEMENTATION OF REGIONAL STRATEGIES

Objective

- (1) *The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.*

What a relevant planning authority must do if this direction applies

- (4) *Planning proposals must be consistent with a regional strategy released by the Minister for Planning.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:*
- (a) *is of minor significance, and*
 - (b) *the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

Comment:

An increase in the permissible density of land is justified in terms of its consistency with Regional Strategy (see Annexure M and N). The proposal is consistent with the outcomes and actions nominated in Regional Strategies. The site is located in close proximity to an existing urban centre.

DIRECTION 5.10: IMPLEMENTATION OF REGIONAL PLANS

Objective

- (1) *The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.*

Where this direction applies

- (2) *This direction applies to land to which a Regional Plan has been released by the Minister for Planning.*

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

Comment:

The planning proposal is consistent with the objectives and actions contained within the Sydney - Canberra Regional Strategy 2006 - 2031. See Section B, Item 3 above.

Section C-Environmental, Social and Economic Impact

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?*

An ecological assessment of the subject land has been undertaken by Umwelt (Australia) Pty Ltd and a copy is attached at Annexure Y. This assessment includes the following background information and conclusions:

(i) Background:

Umwelt (Australia) Pty Ltd (Umwelt) understands that the planning proposal application to the Upper Lachlan Shire Council (Council) is seeking revision of the Upper Lachlan Local Environmental Plan 2010 (LEP 2010) Lot Size Map - Sheet LSZ_006 to revise the minimum lot size for a number of properties from 40 hectares (ha) to 2 ha. The properties are located approximately 2 kilometres (km) north east of the village of Collector in New South Wales (refer to Figure 1.1) and cover a number of lots including Lot 20 DP 777962, Lot 13 DP 264152, Lot 5 DP 264152, Lot 75 DP 750008 and part of Lot 29 DP 750008 (hereafter referred to as the study area). The study area covers approximately 130 ha and while largely cleared it does support remnant native vegetation communities. It is bounded by the Federal Highway, Breadalbane Road and rural properties.

The initial proposed amendment to the LEP would provide for subdivision of the study area to allow for 51 lots, ranging in size from 2 to 11.5 ha. The revised lot layout prepared as part of the provision of this ecological advice, saw the number of lots reduced to 25, ranging in size from 2 to 55.5 ha. The amended proposed layout of the subdivision is provided in Figure 1.2.

The study area has been subject to previous ecological investigations. Umwelt have been provided with and reviewed a report prepared by Guinane in 2017 that is an addendum to an earlier 2015 report to respond to comments provided by the Office of Environment and Heritage (OEH) in July 2016.

OEH in their 2016 letter stated that the study area appears to support several patches of

woodland dominated by Yellow Box (*Eucalyptus melliodora*) and/or Blakely's Red Gum (*E. blakelyi*) that may meet the community definition under the NSW Scientific Committee determination for the White Box Yellow Box Blakely's Red Gum Woodland Endangered Ecological Community (EEC) as listed under the Biodiversity Conservation Act 2016 (BC Act). It is likely that areas of native grassland derived from the clearance of the Box Gum Woodland may also occur in the study area. The woodland and derived native grassland may also be representative of the White Box- Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Critically Endangered Ecological Community (CEEC) as listed under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act).

Guinane (2017) identified that the study area supports areas of high conservation value (HCV) vegetation including approximately 6.5 ha of 'Yellow Box Woodland with native grasses', approximately 1.5 ha of 'Yellow Box Woodland with exotic groundcover', an area of scattered 'Yellow Box and Blakely's Red Gum paddock trees' and a 4 ha remnant 'woodland' community (species not specified) that continues offsite over the crown reserve to the south west. These areas are mapped by LandTeam as vegetation conservation zones on the concept subdivision for rezoning (Drawing No. 200739-DA01-01).

It is our understanding that Council and OEH have reviewed the addendum report (Guinane 2017) and have identified the following outstanding ecological issues:

- That the vegetation map is unchanged from your previous submission and does not reflect the discussions held at the onsite inspection with OEH on 10 August 2017. It is noted that large areas of Box Gum Woodland (including the area along the Highway) and areas of intact HCV grassland have not been mapped. It is noted that there does not appear to be any proposed regional corridor included in this vegetation mapping.
- The main issue reiterated by OEH this year is that a new vegetation map outlining all areas of Box Gum Woodland and native grassland needs to be submitted. There are large areas of native grassland that extend from Collector Road into the woodland patch and link the woodland patch with the forest patch which occurs on the upper slopes. This area needs to be mapped as one vegetation mapping unit.
- The (subdivision) layout is still impacting on Box Gum Woodland and areas of this woodland and HCV grassland which has not been mapped.
- Further comments on the proposed lot layout are reserved pending receipt of revised vegetation mapping.
- That the Biodiversity Conservation Act 2016 commenced in August 2017. The Act's provisions, particularly Part 7 - Biodiversity assessment and approvals under the Planning Act, may carry significant implications for the Planning Proposal and future development of the land. Please ensure this and related legislation is appropriately addressed in the revised planning proposal.

Following the results and documentation of these investigations by Guinane and subsequent feedback from OEH, Umwelt were commissioned to provide further detailed ecological advice to the property owner to meet the satisfaction of OEH. The work undertaken as part of this is presented below.

(ii) Conclusion:

Umwelt has undertaken a review of previous investigations and undertaken targeted surveys to provide advice to the proponent on biodiversity matters raised by Council and

OEH in their review of an application for amendment of LEP 2010 to allow for a reduction in the minimum lot size of the study area. The concerns of Council and OEH are broadly summarised as:

- Inaccuracies in the identification of vegetation communities within the study area, as well as the analysis of these communities with TECs listed under the BC Act or EPBC Act.
- Inaccuracies in the extent of vegetation communities mapped within the study area.
- Lack of consideration for a regional biodiversity corridor that is considered to be part of the study area.

Umwelt completed a detailed field survey throughout the study area, including the collection of detailed floristic and vegetation integrity plots within each of the vegetation communities identified within the study area. We have also provided a full revision of vegetation communities identified and mapping of their extent as well as provided detailed descriptions of each community including the alignment with recognised PCTs. Furthermore we undertook a comprehensive analysis of vegetation within the study area in regards to White Box - Yellow Box - Blakely's Red Gum Woodland EEC listed under the BC Act and White Box - Yellow Box - Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands CEEC listed under the EPBC Act.

Umwelt's investigations have revised the mapping and description of vegetation within the study area confirming the presence of:

- Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion (PCT 1330) including associated derived native grasslands. This community (in varying conditions) occurs on the deep soils of the lower slopes and flats of the study area.
- Shallow soils associated with steeper slopes of the study area support the Inland Scribbly Gum - Brittle Gum low woodland of the eastern tablelands, South Eastern Highlands Bioregion - Remnant Woodland (PCT 888) including the associated derived native grasslands.

Our TEC analysis has confirmed that a total of 42.46 ha of White Box - Yellow Box - Blakely's Red Gum Woodland EEC as listed under the BC Act, of which 10.87 ha is remnant woodland and 31.59 ha are derived native grasslands occurs in the study area.

Furthermore, we have identified a total of 21.25 ha of White Box - Yellow Box - Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands CEEC listed under the EPBC Act, of which 5.62 ha is remnant woodland and 15.63 ha are derived native grasslands within the study area.

Our revision of the vegetation mapping analysis of the position of the study area in the locality confirms that remnant woodland and derived native grassland are likely to contribute to a regional biodiversity corridor. Umwelt believes the amended lot layout maintains the Regional Biodiversity Corridor through strategic identification of large lots.

The confirmation of these TECs within the study area means that there is a potential risk for a SAI regarding any future subdivision of the land. The risk associated with an SAI being identified will result in the determining authority being required to reject the development application. As noted in above, the proponent has consulted and sought feedback from OEH and Upper Lachlan Council regarding this project. The proposed lot layout has subsequently been revised to take into consideration Umwelt's ecological assessment as well as the feedback from the regulatory bodies.

The proposed plan of subdivision at Annexure L has been prepared in accordance with this ecological assessment. The residential development will be managed via local environmental plan and development control provisions to ensure the objectives of the zone are fulfilled. Therefore, there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this planning proposal.

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

The study area is located within the flat and gently undulating and open slopes of an area immediately north of Collector between Collector Creek and Willow Tree Creek. The area is approx. 2.3km wide and 3.6km long with topography ranging from flat land to sloping landform with grades up to approx. 10%. The NSW Environment and Heritage Land and Soil Capability Mapping defines the study area as generally Class 4 incorporating *“Moderate to severe limitations. Land generally not capable of sustaining high impact land uses unless using specialised management practices with high level of knowledge, expertise, inputs, investment and technology. Limitations are more easily managed for lower impact land uses (e.g. grazing).”*

The land is not capable of sustaining high impact land uses and soil types include sand, sandy loam, clay and gravel of varying depth and moderate fertility. There are also a few outcrops of silty sandstone and quartz. The land is not located in a hydrologic catchment and contains a small number of overland flow paths and intermittent creeks which drain to the east and west from a north- south ridgeline. The drainage lines discharge to Collector Creek and Willow Tree Creek. Low lying and flood affected land has been excluded from any consideration for a reduced lot size. This land is identified at Annexures U1 and U2 being land west of Breadalbane Road and east of Baxters Lane – and area of approx. 400.6ha. A preliminary Flood Assessment has been undertaken by Strategic Environmental and Engineering Consulting (SEEC) and a copy of the Assessment is included as Appendix Z: The Assessment concludes that:

“This report provides preliminary flood information to aid with future planning of the site with regards to future lot layout and building envelope locations. It is a study of the major water course flowing through the site only and does not include other minor tributaries/ drainage depressions within the site. Modelling of these should be included in a future detailed drainage assessment of the site along with other considerations such as stormwater and effluent disposal from future dwellings and site stability assessments. Section 6 and the plan in Appendix C of this report detail the results. They illustrate the flood extents within the site and critical flow details for the worst case, pre-development, 100 year ARI flood event.

The results show the extent of the 100 year flood event within Byrnes Creek would be retained mainly within the existing creek alignment leaving sufficient areas for siting future building envelopes with levels above the future flood planning levels. The site also sits outside of the flood plain as described in the recent Collector Flood Study, 2014.”

There is no indication of any site contamination that would cause environmental or health impacts. Given the proximity to waste disposal facilities at Collector would suggest that illegal disposal of waste on the site is highly unlikely. There are no other likely environmental effects as a result of the planning proposal and the proposal is unlikely to have a significant impact on the environment or any adjoining lands.

9. How has the planning proposal adequately addressed any social and economic effects?

The area has a long history of agricultural use. The proposal provides an opportunity to achieve the highest and best use of land with suitable environmental protection measures. The subject land is not identified as a heritage item nor is located in a heritage conservation area. The Australian Heritage Information Management System (AHIMS) (see Annexure P) indicates there are two Aboriginal sites located in or near the study area. A site inspection has been carried out by the Pejar Local Aboriginal Land Council and a copy of the report is at Annexure Q. The report includes the following recommendations (Page 4):

Even though no Aboriginal Sites were located during this inspection, this does not rule out the fact that this proposal is located within an area that has the potential to contain artefacts.

Some areas could not be inspected due to poor visibility. These areas will need to be investigated at a later date.

We also strongly recommend that prior to Council submission or Approval that a full archaeological survey be carried out as there are areas that testing should be carried out on.

Furthermore, there is an area that the Pejar LALC would like to investigate further which is highlighted on the attached map.

- *If any previously undetected Aboriginal site or relic is uncovered or unearthed during any activity, work at that location must cease immediately and advice on appropriate action be obtained from the Pejar LALC in conjunction with NSW Office of Environment and Heritage*

Consequently, an Aboriginal Due Diligence Assessment Report has been commissioned from Past Traces Heritage Consultants and a copy of this report is included at Annexure R. The report includes the following summary and recommendations:

(i) Summary:

As a result of the site visit, field survey of alignments and background research, it is considered that the project has moderate potential to impact on unrecorded Aboriginal heritage sites or areas of PAD. Four Aboriginal and two potential historical heritage sites were recorded as a result of the field survey and may be impacted by the development.

Areas of high sensitivity are present in the central section as shown on Figure 2 which would require further investigation to determine the full impact of development within this section. These further investigations would consist of a program of subsurface testing (hand excavation) through these landforms to determine if any deposits are present, and if present their significance.

Two potential historical heritage sites were identified which will require validation through additional research and subsurface testing. This additional research will then determine their significance and whether they pose a constraint on the project.

(ii) Recommendations:

Based on this due diligence assessment the following actions are recommended for the project.

Recommendation 1: Works to proceed without further heritage assessment in areas without heritage constraints.

The proposed works can proceed without further assessment within the areas where no Aboriginal or historical objects or places have been identified as occurring. The potential of impacting unrecorded sites within these areas during the proposed works is assessed as extremely low, based on landform analysis and prior levels of disturbance.

Recommendation 2: No impacts to occur in areas of identified heritage sites.

No impacts can occur to Aboriginal heritage sites without an Aboriginal heritage Impact Permit (AHIP) granted by the NSW Office of Environment and Heritage (OEH). Application for an AHIP requires the completion of a full detailed Aboriginal Cultural Heritage Assessment Report (ACHAR) in accordance with OEH guidelines. Impacts to all identified heritage sites must be avoided, and if impacts cannot be avoided then completion of an ACHAR and application for an AHIP will be required for the project.

Recommendation 3: Subsurface testing of identified areas of PAD is required.

Areas of PAD are located within the study area. If impacts cannot be avoided in these areas, a program of subsurface testing in accordance with the Code of Practice (hand excavation) will be required in each of the areas of PAD.

Recommendation 4: Further investigation of potential historical heritage sites is required.

Two areas of potential historical heritage have been identified through the field survey. These two areas require further research and subsurface testing prior to any impacts occurring in these areas.

Recommendation 5: Discovery of Unanticipated Aboriginal cultural material.

All Aboriginal places and objects are protected under the NPW Act. This protection extends to Aboriginal material that has not been previously identified, but might be unearthed during construction activities. In the event that Aboriginal material is discovered during construction the following steps should be undertaken:

- Cease Work: Works must cease in the vicinity of the find and a fenced buffer zone of 10m around the find be erected.*
- Notification: OEH must be notified of the find.*
- Management: A qualified heritage consultant should be engaged to assess and record the find in accordance with the legislative requirements and OEH guidelines. If the find is Aboriginal in nature, consult with OEH in regards to appropriate steps and management. This would usually involve consultation with the Aboriginal community and may require application for an Aboriginal Heritage Impact Permit.*

Adherence to these recommendations will result in the low potential for the proposal to negatively impact on Aboriginal heritage values.

The proposed plan of subdivision at Annexure L indicates the location of sites within proposed Lot 9 and will not be impacted by the development. The Aboriginal sites will be required to be fenced to provide a 10m buffer area by any future development consent.

The planning proposal will provide a positive economic impact in the Upper Lachlan Council area and particularly in the locality of Collector. See Part 3 Section B (3). A report titled “Rural Residential Development in Collector - Current and Future Demand” dated April 2015 has been prepared by SGS Economics and Planning regarding the demand for this development in the study area at Collector and is included at Annexure S and the report includes the following statements and conclusion:

“Collector is a small rural village of just over 400 people, located in the corner of Upper Lachlan Shire, around 42 minutes’ drive to the centre of the ACT. Most of its workers

are employed in the ACT, typically in the public service. As a result, it has more in common demographically with the neighbouring LGAs of Palerang and Yass Valley. Despite the fact that the population of Upper Lachlan Shire overall is expected to grow by only 100 people from 2011 to 2031, it is likely that Collector's status as a commuter town for the ACT could result in faster population growth. Neighbouring Palerang, which is less than ten minutes from Collector, expects population growth of over 5,000 people over this time –it is quite probable that land development in Collector could attract some families that may have otherwise moved to the ACT.

Overall, the NSW Capital region is forecast to require an additional 13,824 freestanding dwellings between 2011 and 2031, most of which will be required for people commuting to the ACT for work. Just over 5,000 of these dwellings will be in Yass Valley and Palerang.

There is considerable future demand for properties within commuting distance of the ACT, as high costs of ACT housing push ACT workers into New South Wales. Families looking for a rural lifestyle may decide that the most affordable way to have a large house on a spacious block will be to live near country towns such as Collector. The primary school in Collector is likely to be an attractor for families with young children. Although Collector is further out than most other areas offering a rural residential lifestyle to Canberra commuters, it has a higher availability of rural residential lots. With prices for lots between 1ha and 5ha in the mid \$200,000s, Collector rural residential lots are substantially cheaper than similar lots in Murrumbateman, Gundaroo, Bywong, Wamboin and Carwoola, which typically cost over \$300,000 for cheaper blocks that may have poor soil, steep slopes, flood or bushfire risk, poor road access or difficulty with utilities, and \$400,000+ for quality blocks.

Collector has a great deal of promise to expand as a village offering a rural residential lifestyle with some town benefits, to families who need to commute to Canberra for work. However, the future demand for Collector will be heavily dependent on other properties that become available over the next 20 years.

Other developments in Bungendore, Murrumbateman and Gundaroo may provide substantial competition to future Collector developments, and it is not possible at this stage to identify all the projects currently in the planning stage."

Section D - State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The study area is adequately serviced in terms of electricity, telecommunications and associated services (e.g. school bus and postal services). The area permits ready access to all the benefits offered by Goulburn and Canberra (e.g. health, education, employment, waste management facilities, recreational and social, etc.) via the Federal Highway and Hume Highway. The subject land is not serviced by reticulated water supply or mains sewer.

Access to development within the study area will be via the Federal Highway, Breadalbane Road and Baxters Lane. The Roads and Maritime Services is the Regulatory Authority for the Federal Highway. The proposed plan of subdivision at Annexure L includes a public road connecting Baxters Lane and Breadalbane Road which will permit traffic generated by the development to access the Federal Highway at the existing Collector and Baxters Lane at grade intersections. The upgrading of road infrastructure and any additional public roads

will be at the expense of any subsequent developer. The at-grade intersections and the crown reserve road are shown at Annexure W. A Traffic and Parking Impact Assessment has been prepared by Motion Traffic Engineers (copy at Annexure BB) and the report was based upon an earlier version of the proposed subdivision with a larger number of lots than is currently proposed. The report concludes that:

- *The subdivision is a low trip generator in the AM and PM peak hours.*
- *The additional subdivision trips can be accommodated in the nearby intersection without significantly affecting the performance or creating any additional delays or queues.*
- *There are no traffic engineering reasons why a planning permit for the proposed subdivision in Collector should be refused.*

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Any requirement to consult State and Commonwealth public authorities, as advised by the Department, will be undertaken in accordance with the relevant community consultation requirements.

PART4-MAPPING

The following maps are included as part of the Planning Proposal:

| | |
|------------|--|
| Annexure A | Collector Study Area |
| Annexure B | Upper Lachlan LEP 2010 Zoning Map (Current) |
| Annexure C | Upper Lachlan LEP 2010 Minimum Lot Size Map (Current) |
| Annexure D | Upper Lachlan LEP 2010 Heritage Map |
| Annexure E | Upper Lachlan LEP 2010 NRS Biodiversity Map |
| Annexure F | Upper Lachlan LEP Natural Resource Sensitivity Land Map |
| Annexure G | Upper Lachlan LEP Natural Resource Sensitivity Water Map |
| Annexure H | Upper Lachlan Bushfire Prone Land Map |
| Annexure I | Land Subject to the Planning Proposal |
| Annexure J | Upper Lachlan LEP 2010 Zoning Map (Amended) |
| Annexure K | Upper Lachlan LEP 2010 Minimum Lot Size Map (Amended) |
| Annexure L | Proposed Subdivision Development |

PART5-COMMUNITYCONSULTATION

The document “A guide to preparing local environmental plans” outlines the consultation required for different types of planning proposals and the gateway determination will specify the community consultation that must be undertaken on the planning proposal. It is expected that the exhibition period for this low impact proposal will be 14 days. A ‘low’ impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP;
- does not reclassify public land.

The Planning Proposal will be notified in local newspapers that circulate the area affected, Council's website, in writing to adjoining landowners and public authorities. Details of the Planning Proposal and how to make a submission will be included in this notification. Kingsdale Consulting Pty Ltd will respond to any feedback from the Council, public authorities and the community in relation to the Planning Proposal. Mr Geoff and Mr Paul McInerney are the proponents of this Planning Proposal and all property owners within the study area have been consulted. A copy of a letter forwarded to the property owners and written responses received are included at Annexure T. The owners of the identified developable land have consented to the lodgment of this Planning Proposal and a copy of the letter is attached at Annexure V.

PART 6 PROJECT TIMELINE

The following project timeline is provided for the planning proposal:

Anticipated commencement date (*date of Gateway determination*):

July 2019

Anticipated timeframe for the completion of required technical information:

August 2019

Timeframe for government agency consultation (*pre and post exhibition as required by Gateway determination*):

September / October 2019

Commencement and completion dates for public exhibition period:

November 2019

Dates for public hearing (if required):

Not required

Timeframe for consideration of submissions:

December 2019

Timeframe for the consideration of a proposal post exhibition:

December 2019

Date of submission to the department to finalise the LEP:

January / February 2020

Anticipated date RPA will make the plan (if delegated):

March 2020

Anticipated date RPA will forward to the department for notification:

March 2020

CONCLUSION and RECOMMENDATION

An assessment of the Planning Proposal has been completed in accordance with the guidelines prepared by NSW Department of Planning and is the best means of achieving the intended outcome of the planning proposal to rezone and amend the lot size for certain land being:

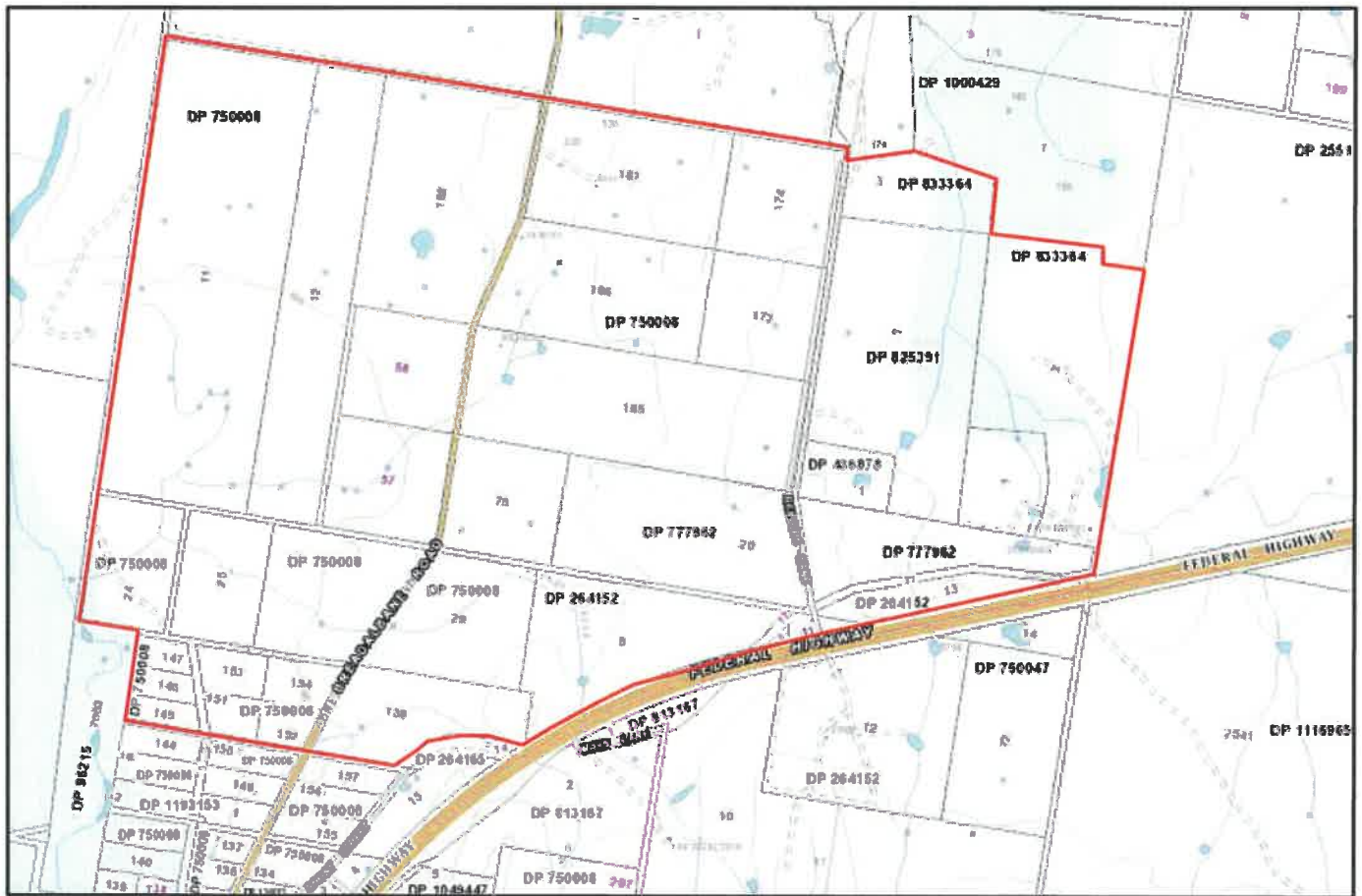
- Lots 5, 6, 11, 13 (part) and 17 DP 264152, Lots 20 (part) and 21 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 from RU1 Primary Production zone to E3 Environmental Management zone and reduce the minimum lot size from 40ha to 20ha (part) and 10ha (part) to enable the development of dwelling houses on lots to be created in accordance with this Planning Proposal and under the Upper Lachlan Local Environmental Plan 2010 (LEP 2010).
- Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 from RU1 Primary Production zone to RU4 Primary Production Small Lots zone and reduce the minimum lot size from 40ha to 2ha to enable the development of dwelling houses on lots to be created in accordance with this Planning Proposal and under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

It is recommended that the Planning Proposal be endorsed by the Upper Lachlan Shire Council and forwarded to the Minister for Planning for a Gateway Determination in accordance with the *Environmental Planning and Assessment Act 1979* on the following grounds:

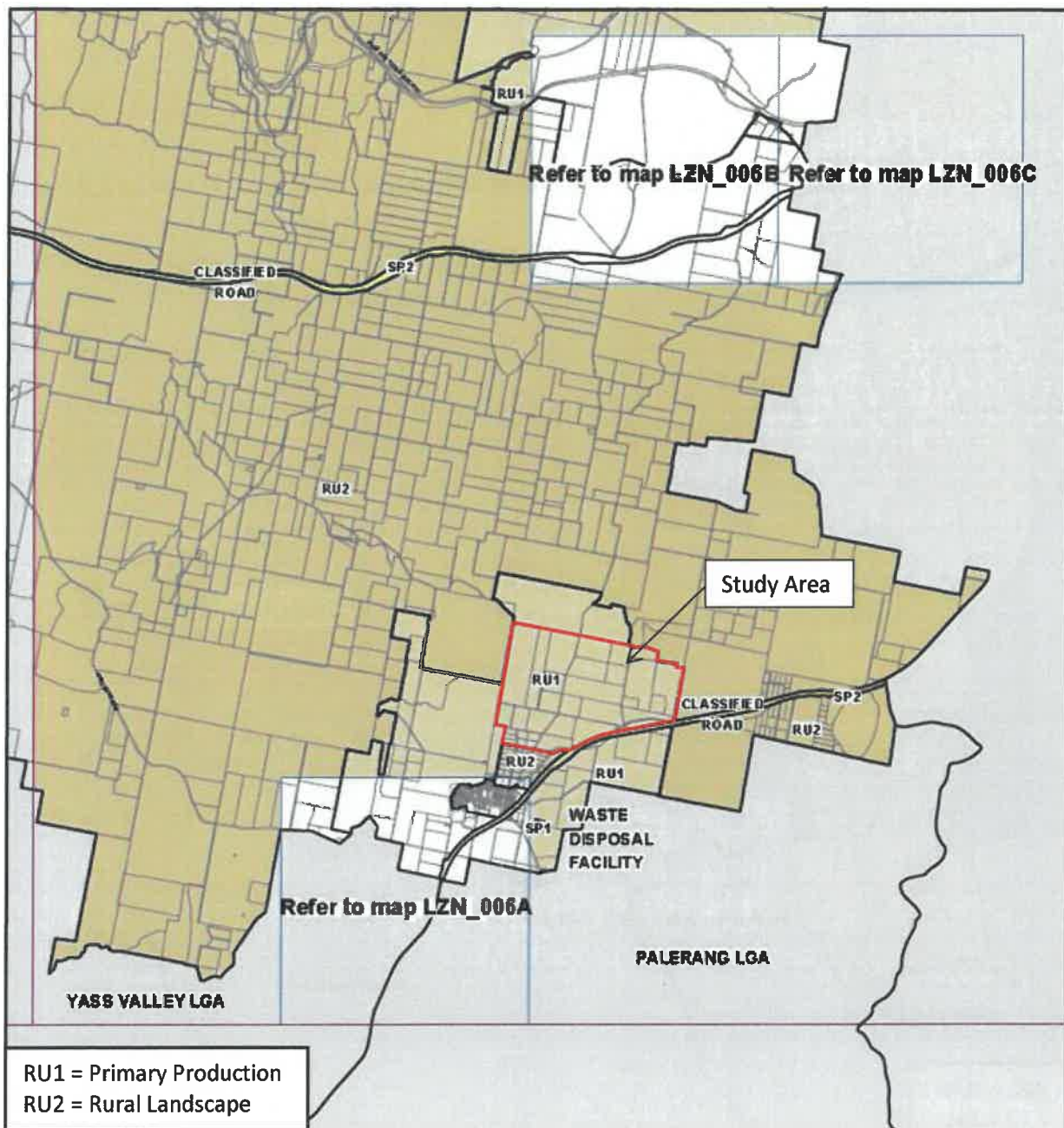
- An increase in the permissible density of land is justified in terms of consistency with the Department's Regional Strategy.
- The proposal is consistent with the Upper Lachlan Council's 2020 Strategy in terms of providing a large lot primary production / residential housing option that will not significantly affect agricultural productivity or result in inappropriate fragmentation of farmland.
- The proposal is consistent with the Rural Lands SEPP, which requires consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.
- The subject land has suitable infrastructure and its proximity to Collector will support economic growth within the Upper Lachlan Council area and particularly in the Collector environs.
- There is a demand for this type of development in the Collector area.
- The Planning Proposal also meets all the relevant State, Regional and Local planning policies and is considered to be of minor significance.

ANNEXURES

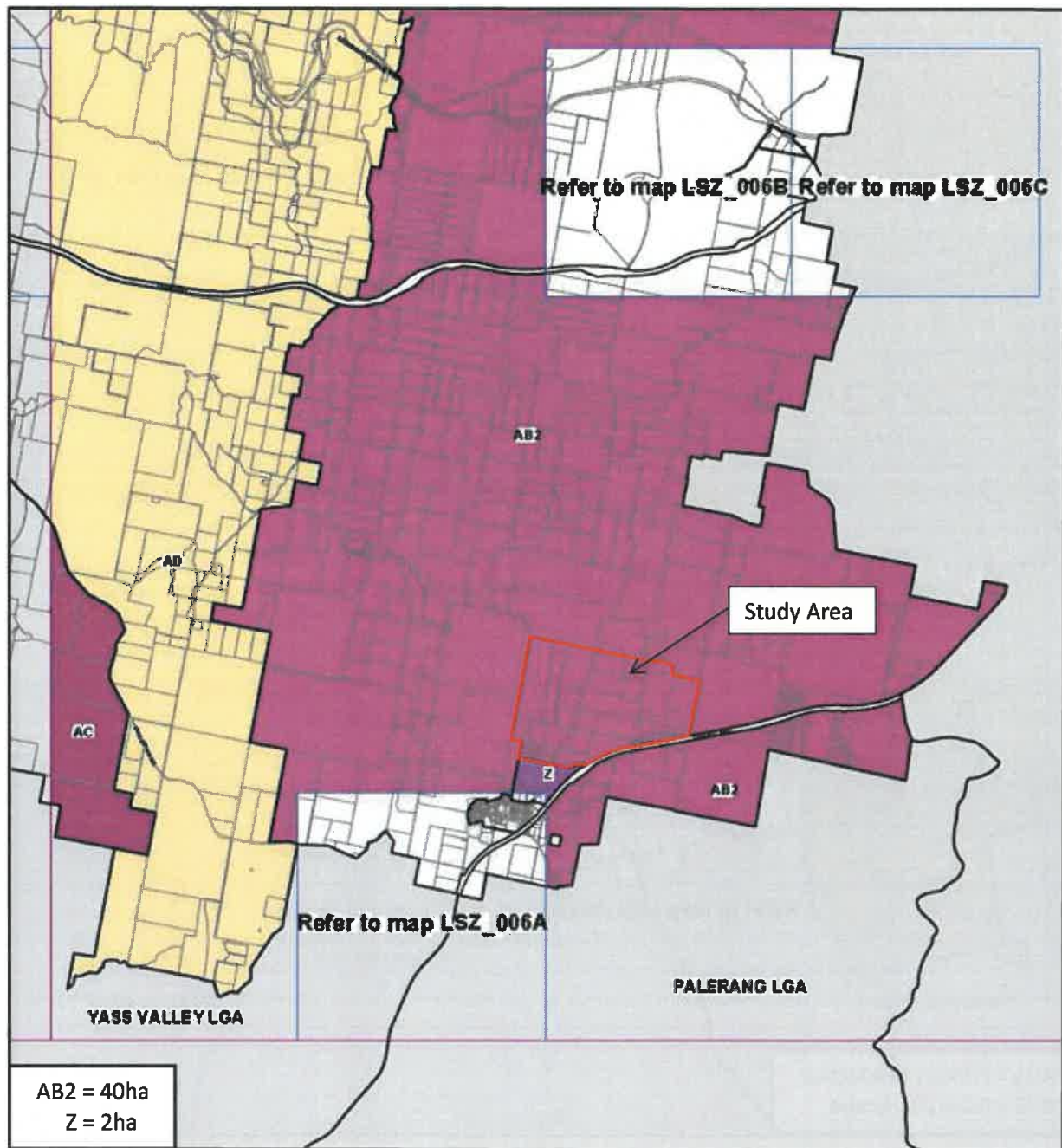
ANNEXURE A
COLLECTOR STUDY AREA
(Base Map: Six Maps)



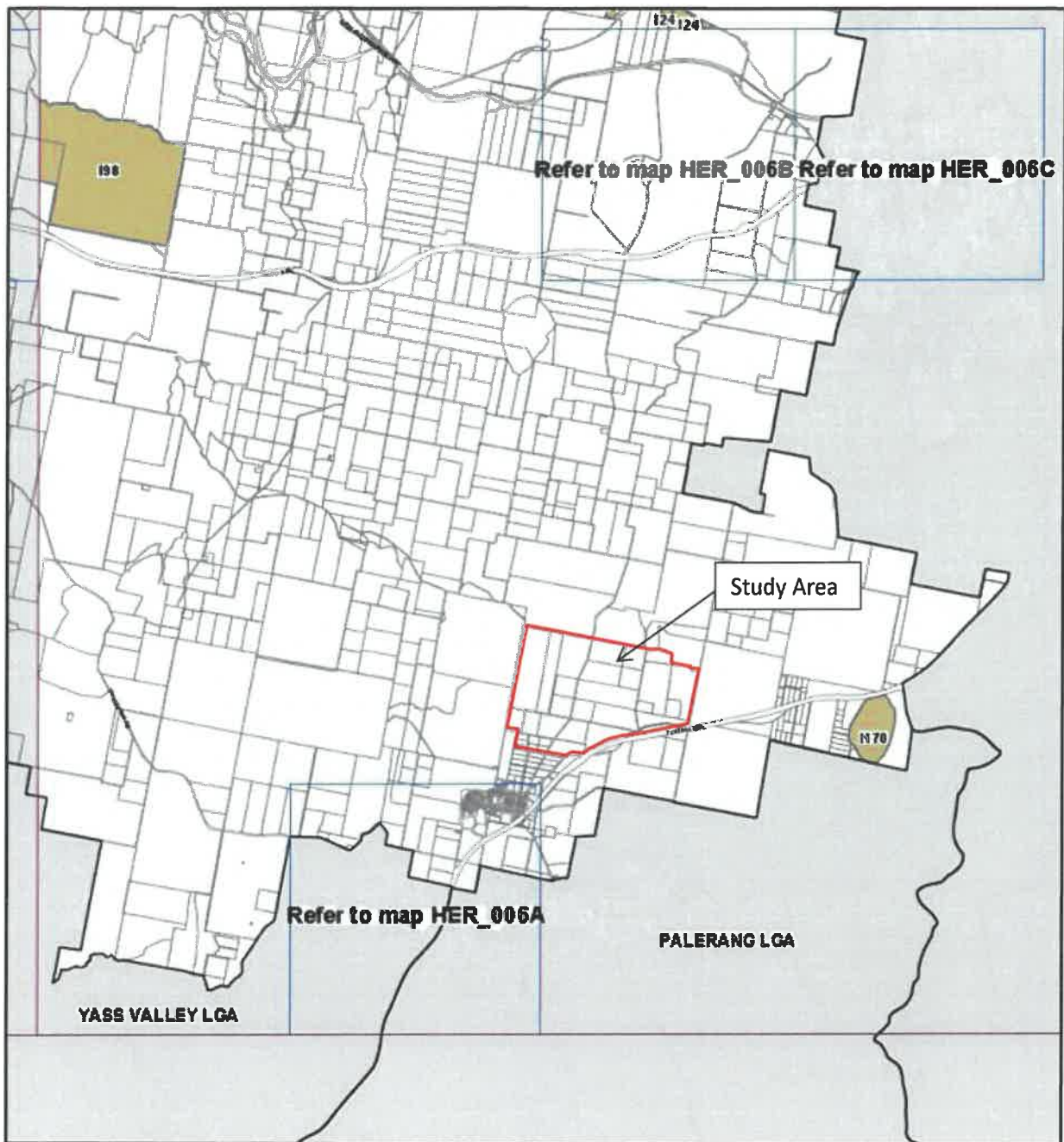
ANNEXURE B
UPPER LACHLAN LEP 2010 – ZONING MAP (Current)
(Source: NSW Legislation Website – Sheet LZN 006)



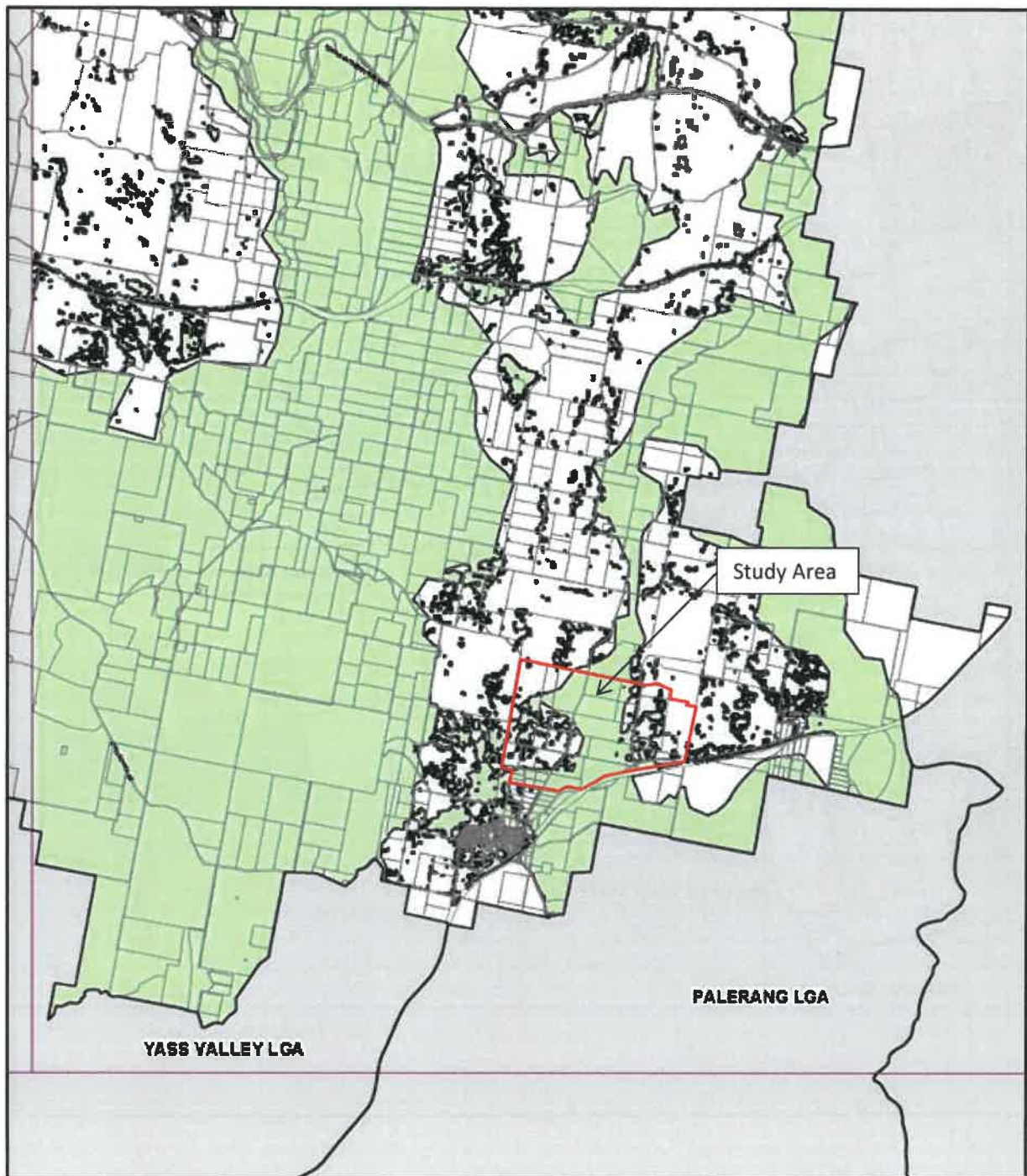
ANNEXURE C
UPPER LACHLAN LEP 2010 – MINIMUM LOT SIZE MAP (Current)
(Source: NSW Legislation Website – Sheet LSZ 006)



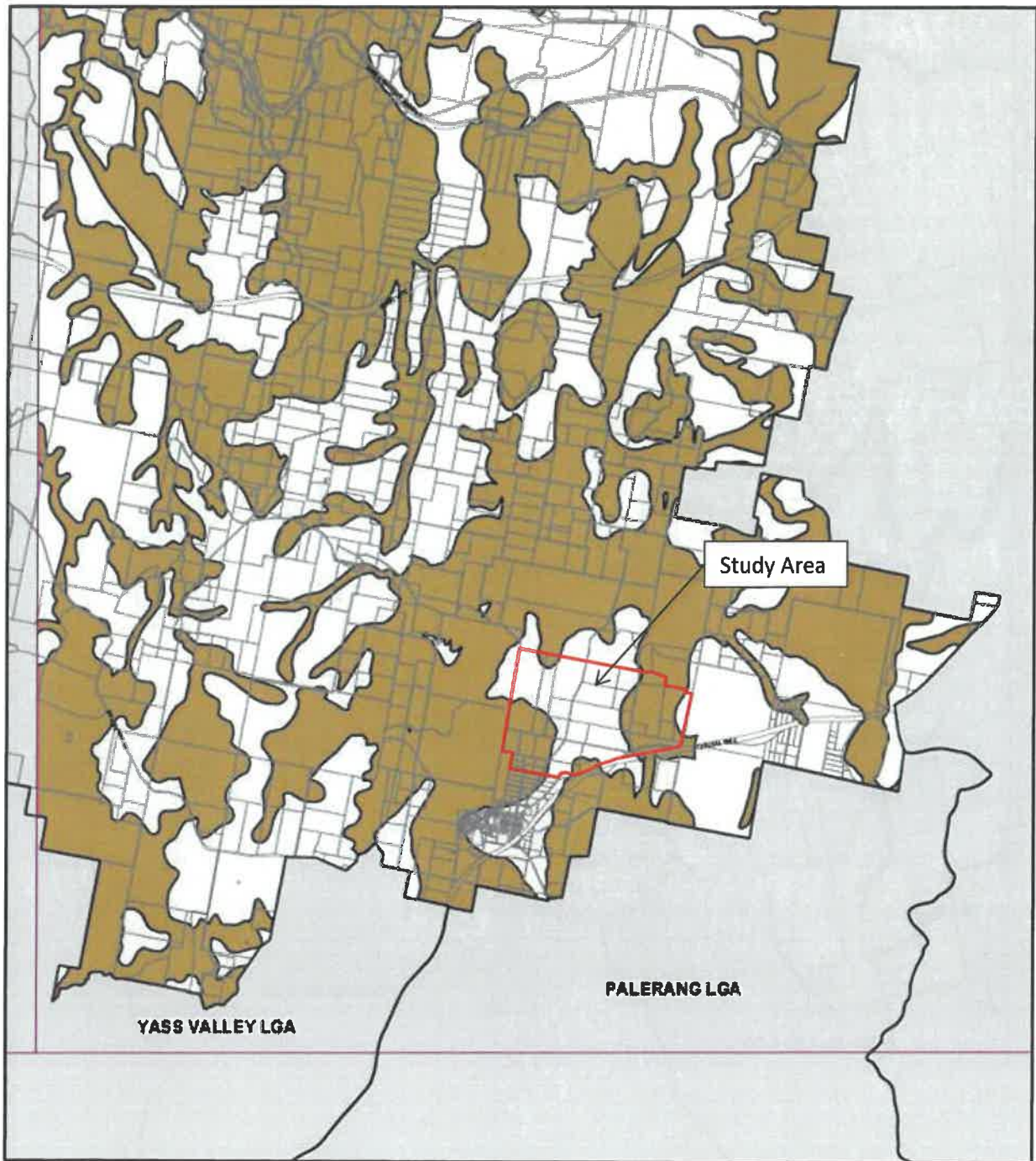
ANNEXURE D
UPPER LACHLAN LEP 2010 – HERITAGE MAP
(Source: NSW Legislation Website – Sheet HER 006)



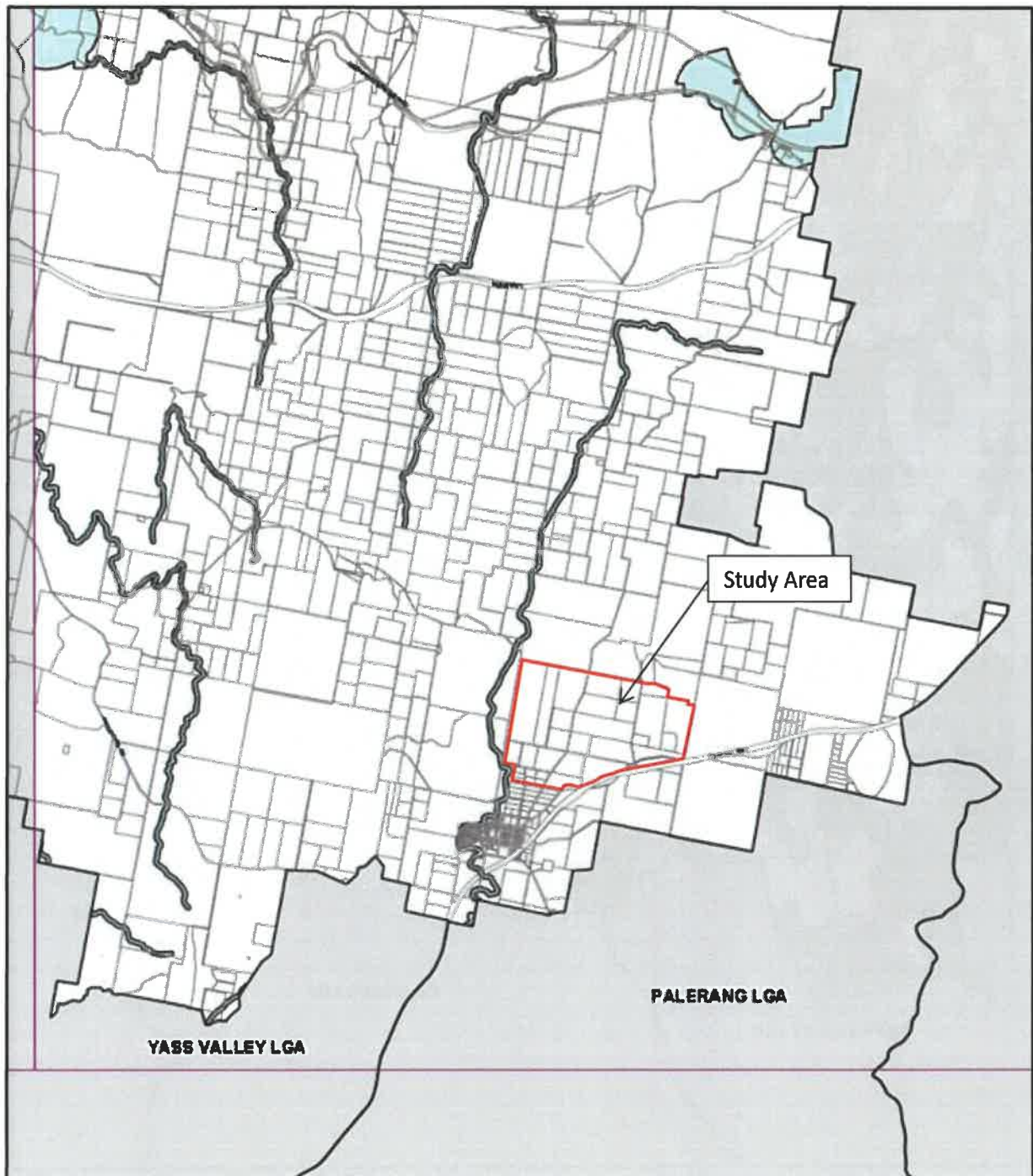
ANNEXURE E
UPPER LACHLAN LEP 2010 – NATURAL RESOURCE SENSITIVITY BIODIVERSITY MAP
(Source: NSW Legislation Website – Sheet NRB 006)



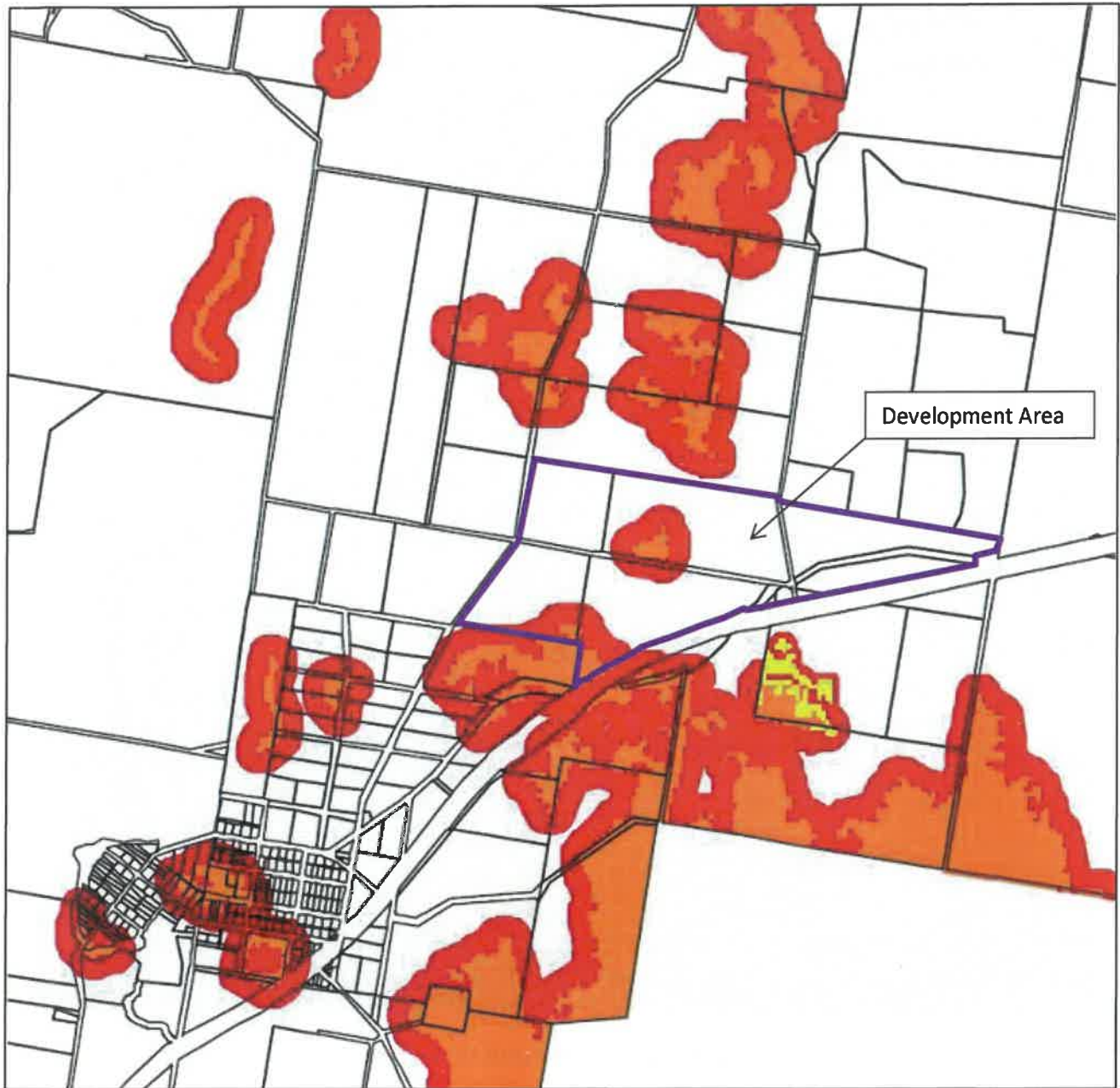
ANNEXURE F
UPPER LACHLAN LEP 2010 – NATURAL RESOURCE SENSITIVITY LAND MAP
(Source: NSW Legislation Website – Sheet NRL 006)

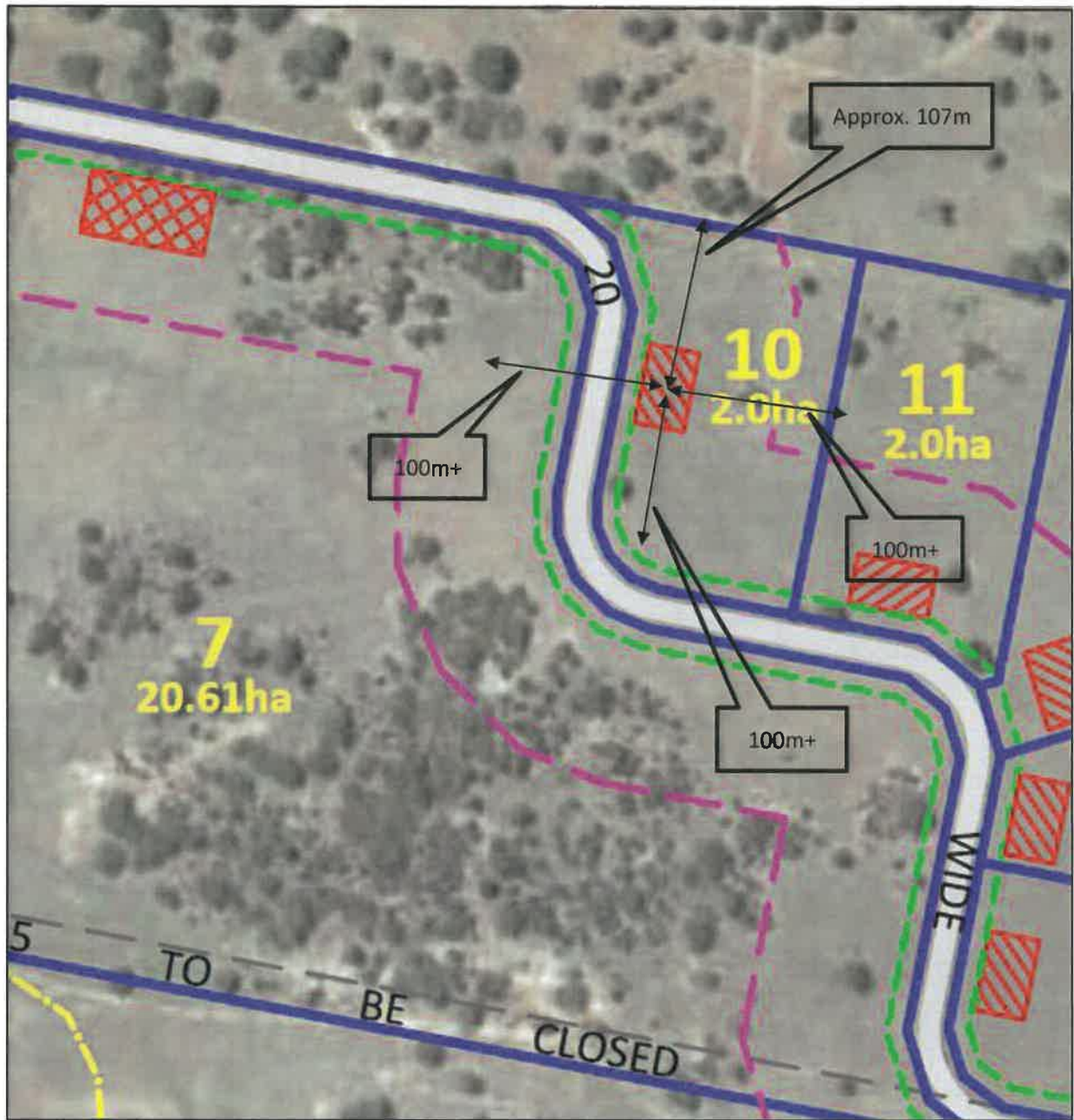


ANNEXURE G
UPPER LACHLAN LEP 2010 – NATURAL RESOURCE SENSITIVITY WATER MAP
(Source: NSW Legislation Website – Sheet NRW 006)



ANNEXURE H
UPPER LACHLAN BUSHFIRE PRONE LAND MAP
(Map Source: Upper Lachlan Council website)





Proposed Lot 10 – Distance to Hazards

SECTION TWO - BUSH FIRE ASSESSMENT REPORT (Attach to DA)

PART A Property Details

Applicants Name: T. B. A.
 Contact Phone Number: (H): (M):
 Council: Upper Lachlan Council Reference (if known):
 Lot: Various DP:
 Address to be developed:
 My property is on Bush Fire Prone Land: ☒ Yes

PART B Type of Proposal

Type of Proposal:

- ☐ New Building ☐ Urban
☐ Dual Occupancy ☒ Rural Residential
☐ Alteration/Additions to an existing building ☐ Isolated Rural

Proposal Description: s.g. two storey house with attached garage Single Dwelling

Copy of plans attached ☐ Yes ☒ No

PART C Bush Fire Attack and Level of Construction

Step 1: Assess the vegetation about the proposed building in all directions and convert from Keith to AUSLIG (1990) using Table1

| CATEGORY | NORTH | EAST | SOUTH | WEST |
|----------------------|--|--|--|--|
| Converted vegetation | <input type="checkbox"/> Forest | <input type="checkbox"/> Forest | <input type="checkbox"/> Forest | <input type="checkbox"/> Forest |
| | <input checked="" type="checkbox"/> Woodland | <input checked="" type="checkbox"/> Woodland | <input checked="" type="checkbox"/> Woodland | <input checked="" type="checkbox"/> Woodland |
| | <input type="checkbox"/> Shrubland | <input type="checkbox"/> Shrubland | <input type="checkbox"/> Shrubland | <input type="checkbox"/> Shrubland |
| | <input type="checkbox"/> Scrub | <input type="checkbox"/> Scrub | <input type="checkbox"/> Scrub | <input type="checkbox"/> Scrub |
| | <input type="checkbox"/> Mallee/Mulga | <input type="checkbox"/> Mallee/Mulga | <input type="checkbox"/> Mallee/Mulga | <input type="checkbox"/> Mallee/Mulga |
| | <input type="checkbox"/> Rainforest | <input type="checkbox"/> Rainforest | <input type="checkbox"/> Rainforest | <input type="checkbox"/> Rainforest |
| | <input type="checkbox"/> Tussock | <input type="checkbox"/> Tussock | <input type="checkbox"/> Tussock | <input type="checkbox"/> Tussock |
| | <input type="checkbox"/> Moorland | <input type="checkbox"/> Moorland | <input type="checkbox"/> Moorland | <input type="checkbox"/> Moorland |
| | <input type="checkbox"/> Managed Land | <input type="checkbox"/> Managed Land | <input type="checkbox"/> Managed Land | <input type="checkbox"/> Managed Land |

Copy of any relevant photos attached ☐ Yes ☒ No

TEAR OUT & ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

Step 2: Determine the distance from asset to boundary line

| ASPECT | NORTH | EAST | SOUTH | WEST |
|----------|-------------|--------------|---------------|--------------|
| Distance | 1.27..... m | 2.122..... m |1.00... m | 2.122..... m |

Step 3: Determine the distance from the building line to the vegetation in each direction as above

| ASPECT | NORTH | EAST | SOUTH | WEST |
|----------|--------------|--------------|-------------|--------------|
| Distance | 2.122..... m | 2.122..... m | 1.00..... m | 2.122..... m |

Step 4: Determine the effective slope that will influence bush fire behaviour in each direction

| CATEGORY | NORTH | EAST | SOUTH | WEST |
|---|---|---|---|---|
| Slope under the hazard (over 100m) [in degrees] | <input type="checkbox"/> upslope/flat <input checked="" type="checkbox"/> >0 to 5 <input type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18 | <input type="checkbox"/> upslope/flat <input checked="" type="checkbox"/> >0 to 5 <input type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18 | <input checked="" type="checkbox"/> upslope/flat <input type="checkbox"/> >0 to 5 <input type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18 | <input type="checkbox"/> upslope/flat <input checked="" type="checkbox"/> >0 to 5 <input type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18 |

Step 5: Determine the Fire Danger Index (FDI) that applies to your local government area (see page 8). Circle the relevant FDI below

FDI ☒ 100 ☐ 80 ☐ 50

Step 6: Match the relevant FDI, vegetation, distance and slope to determine the required APZ and Construction level

FDI ☒ 100 (see Table 4, page 11) ☐ 80 (see Table 5, page 12) ☐ 50 (see Table 6, page 13)

Identify the bush fire attack level for each direction, select the highest level for the entire building and record below. Note BAL-12.5 is the lowest construction level within the scope of AS3959.

Bush Fire Attack Level

- ☐ BAL- FZ
☐ BAL- 40
☐ BAL- 29
☐ BAL- 19
☒ BAL-12.5
☐ No requirement

Does your proposal meet the required construction level ☒ YES ☐ NO

PART D

Flame Zone

Provide details and evidence of an alternative solution.

If you determine your house is located in the flame zone you may wish to seek the advice of a specialist bush fire consultant.

NEW RURAL FIRE SERVICE GUIDELINES FOR SINGLE DWELLING DEVELOPMENT APPLICATIONS V118

PART E Water Supplies

Does your property have a reticulated (piped) water supply?; If so, please provide details on the distance to the nearest fire hydrant on your site plan.

Reticulated (piped) water supply is available

☐ Yes ☒ No Distance (m) to hydrant from house.

Do you have or do you plan to have a dedicated water supply for firefighting purposes?

☒ Yes ☐ No

| Development Type | Water Requirement | Planned | Existing |
|--|------------------------------------|---------|----------|
| Residential Lots (<1,000m ²) | 5,000 l/lot | | |
| Rural-residential Lots (1,000-10,000m ²) | 10,000 l/lot | | |
| Large Rural/Lifestyle Lots (>10,000m ²) | 20,000 l/lot | ✓ | |
| Dual Occupancy | 2,500 l/unit | | |
| Townhouse/Unit Style (e.g. Rets) | 5,000 l/unit up to 20,000l maximum | | |

Do you have or do you plan to have a static water supply (e.g. pool, tank or dam). Include approx. size in litres and also include tank material if using a tank:

| Water supply type | Capacity | Construction material | Planned | Existing |
|-------------------|----------|--|---------|----------|
| e.g. pool | 50,000l | Above ground rolled steel with plastic liner | | |
| | | | | |
| | | | | |
| | | | | |

NOTE: Check with your local council concerning their Local Environmental Plan (LEP) or their Development Control Plan (DCP) as this may dictate the type and size of tank.

PART F Gas Supplies

GAS

Do you have reticulated (piped) or bottled gas?

TYPE OF GAS

Reticulated gas ☐ Yes ☒ No
Bottled gas ☒ Yes ☐ No



NOTE: When attaching development plans please ensure they clearly show location and details of electricity and gas (where relevant) on your property.

CALCULATION OF ASSET PROTECTION ZONE

(Refer to PLANNING FOR BUSHFIRE PROTECTION DECEMBER 2006)

Clause A2.3(d) Determining Appropriate Asset Protection Zones (APZs)

Consult Tables A2.4 and A2.5 (for subdivisions) for each respective vegetation class and appropriate FDI rating. These setbacks are based upon the need to conform to Level 3 (except grasslands) construction (AS 3959 – 1999) for a building of Class 1 or 2 under the BCA. Grasslands of 100 metres from any boundary (subdivision) or buildings (SFPPs) do not require construction requirements in conformity with AS 3959 – 1999 or this document but requires an APZ of 10 metres for slopes $<18^{\circ}$.

For a FDI 100, Table A2.4 applies – see below:

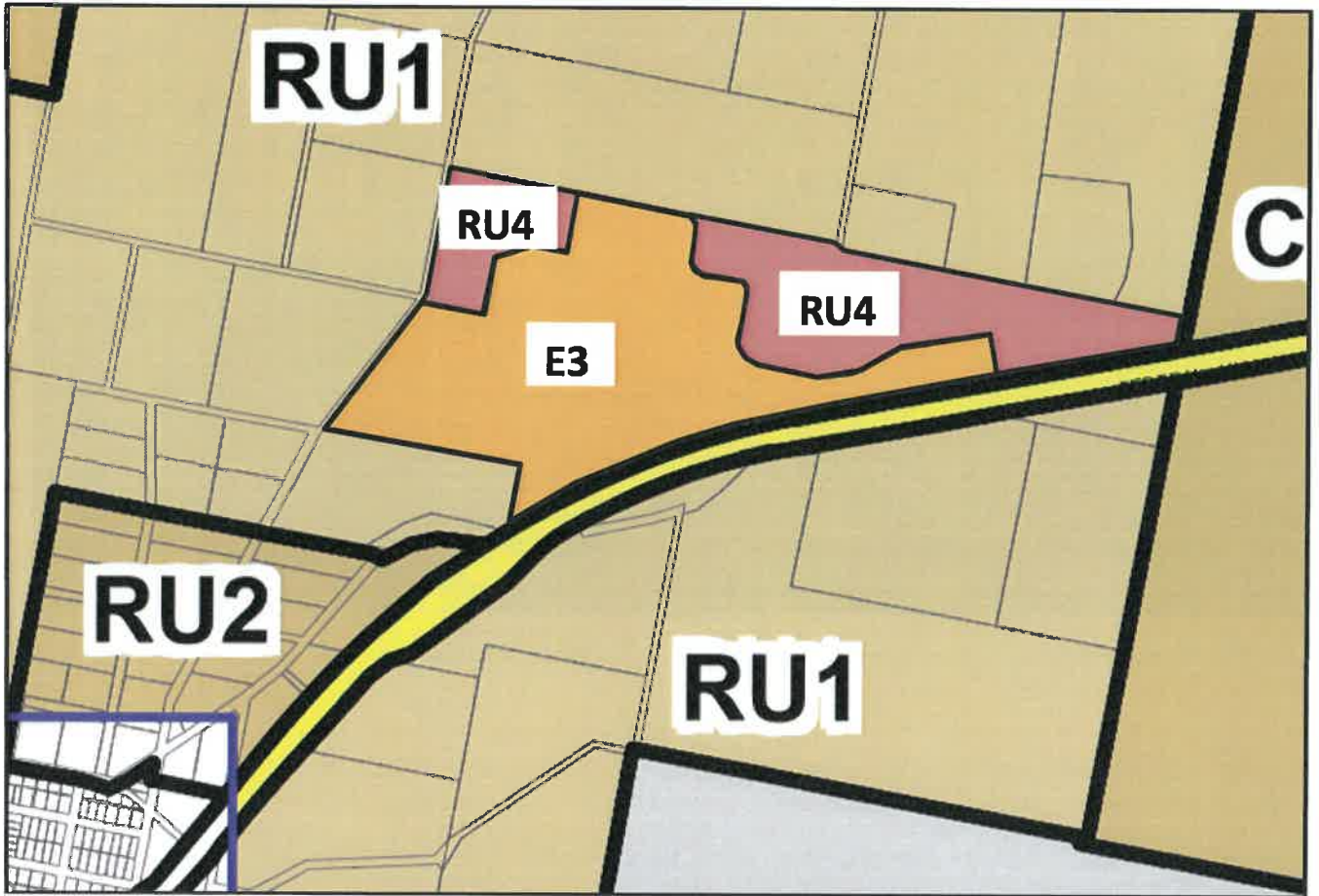
| Table A2.4 Minimum Specifications for Asset Protection Zones (m) for Residential and Rural Residential Subdivision Purposes (for Class 1 and 2 buildings) in FDI 100 Fire Areas ($\leq 25\text{KW/m}^2$) | | | | | |
|--|------------------|--------------------------------|---------------------------------|----------------------------------|----------------------------------|
| Vegetation Formation | Effective Slopes | | | | |
| | Upslope/Flat | $>0^{\circ}\text{--}5^{\circ}$ | $>5^{\circ}\text{--}10^{\circ}$ | $>10^{\circ}\text{--}15^{\circ}$ | $>15^{\circ}\text{--}18^{\circ}$ |
| Rainforests | 10 | 10 | 15 | 20 | 25 |
| Forests | 20 | 25 | 35 | 50 | 60 |
| Woodland (Grassy) | 10 | 15 | 20 | 25 | 30 |
| Plantations (Pine) | 20 | 25 | 30 | 45 | 50 |
| Tall Heath (Scrub) | 15 | 15 | 20 | 20 | 20 |
| Short Heath (Open Scrub) | 10 | 10 | 10 | 15 | 15 |
| Freshwater Wetlands | 10 | 10 | 10 | 15 | 15 |
| Forested Wetlands | 15 | 20 | 25 | 35 | 45 |

The required minimum APZ is 15m for a Woodland (Grassy) and effective slope of 0° to 5° .

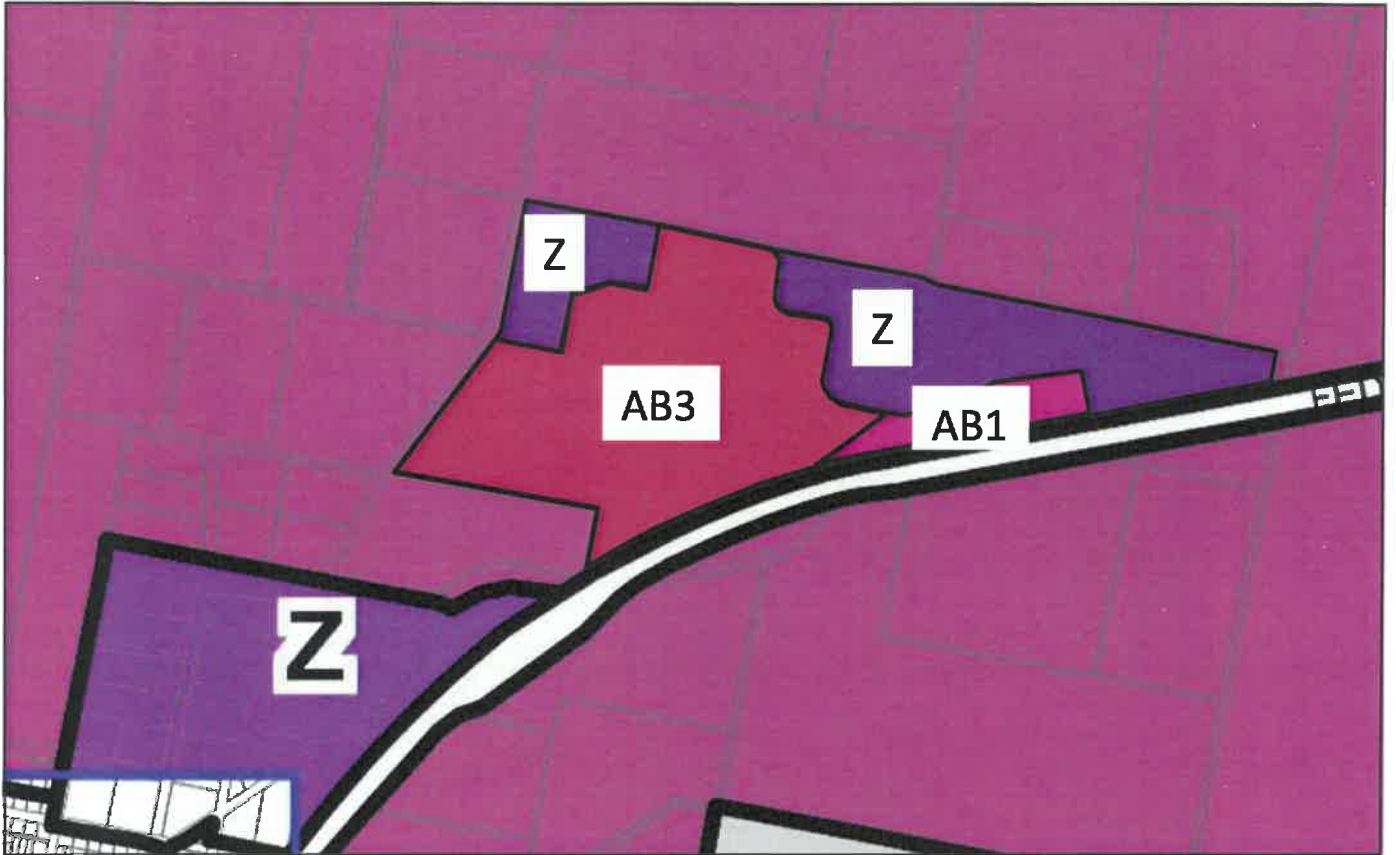
(Map Source: Six Maps)



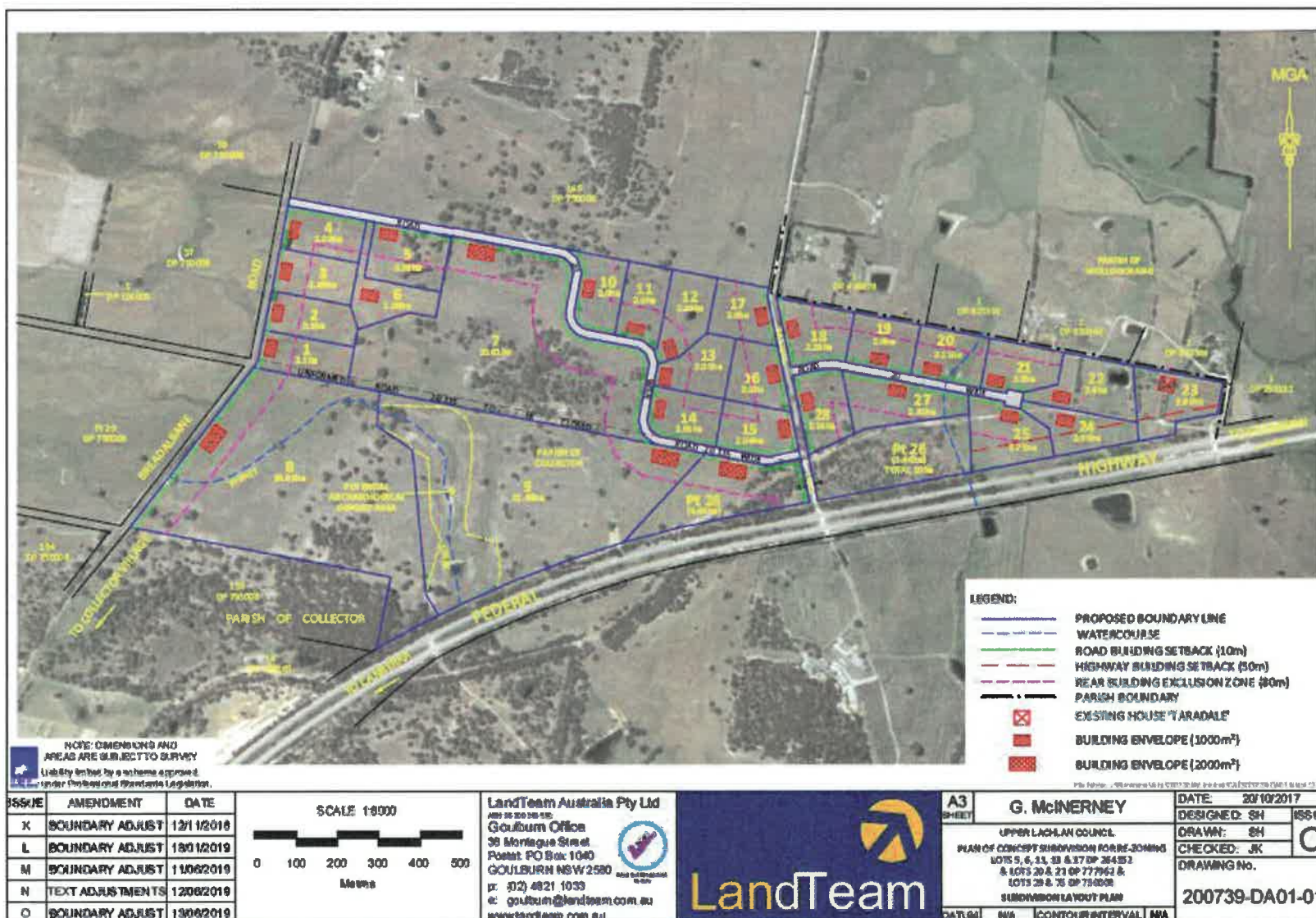
ANNEXURE J
AMENDMENT TO UPPER LACHLAN LAND ZONING MAP - SHEET LZN_006
(Map Source: NSW Legislation website)



ANNEXURE K
AMENDMENT TO UPPER LACHLAN LAND LOT SIZE MAP - SHEET LSZ_006
(Map Source: NSW Legislation website)



ANNEXURE L
PROPOSED SUBDIVISION DEVELOPMENT
 (Plan Source: LandTeam Australia Pty Ltd)



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ANNEXURE M
SYDNEY CANBERRA CORRIDOR REGIONAL STRATEGY 2006 - 2031
HOUSING AND SETTLEMENT

| OUTCOMES | RESPONSE |
|--|---|
| New settlement meets the projected demand for new housing while protecting environmental values and natural resources. (Page 38) | The Strategy states that in the central subregion comprising Upper Lachlan and Goulburn Mulwaree Councils, the central subregion has a current population of 33 100 and is projected to grow by 3850 to 36 950 by 2031. This will require an additional 2300 dwellings. The Strategy has also identified that lifestyle lots could be suitably located in the southern sector of the Shire to accommodate the in-migration of residents from the Australian Capital Territory. The proposal will have minimal environmental impact. |
| Future residential growth is predominantly accommodated within existing centres or contiguous to existing settlements. (Page 38) | The identified land is contiguous to the existing village of Collector being only separated by a parcel of crown land. |
| An appropriate mix of housing for a range of regional and local choices in housing and lifestyle will be available. (Page 38) | The existing minimum lot size provisions do not provide an appropriate mix of housing for a range of regional and local choices in housing and lifestyle. Recent sales in the Goulburn area suggests that the demand for rural residential lots is very strong. |
| Additional housing outside the major regional centres is limited to that which supports the role of towns and villages and is generally contained within existing town and village boundaries. (Page 38) | The identified land is contiguous to the existing village of Collector being only separated by a parcel of crown land. |
| Towns and villages continue to play an important role in providing for housing choice across the Region. Growth and development will be managed in a way that protects and builds on the important built form, heritage and rural character of many of the towns and villages. (Page 38) | The identified land does not impact on any historical items and there will be satisfactory environmental safeguards on future residential development with no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. |
| Adequate infrastructure, community services and transport is provided to service both greenfield and additional infill development. (Page 39) | The subject land is adequately serviced in terms of electricity, telecommunications, road network and associated services are available in Collector. The site also permits ready access to all the benefits available in Goulburn and Canberra. |
| A reticulated water supply will be provided, which will be subject to satisfying the water supply planning principles. (Page 39) | The subject land is not serviced by a reticulated water supply. It should be noted that Collector is not serviced by reticulated water. Rainwater tanks will provide the source for potable water. |

| ACTIONS | RESPONSE |
|--|--|
| Only new areas which are/will be identified in the final versions of the following documents are supported (once endorsed by the Director-General of the Department of Planning): Upper Lachlan Strategy – 2020 Vision. (Page 39) | The Upper Lachlan Shire Council supported the inclusion of part of the subject land into the LEP 2010 at it's meeting held on the 18 February 2010. |
| Additional housing areas outside of those set out in this Regional Strategy and supporting local environmental plans are only to be supported if they can satisfy the Sustainability Criteria in Appendix 1. (Page 40) | See Annexure N for responses to the Sustainability Criteria. |
| Councils will ensure that new residential development incorporates measures to improve management of stormwater and wastewater, and consider options for water recycling and use. (Page 40) | New residential development will incorporate measures to improve management of stormwater and wastewater, and options for water recycling and use. |
| Additional development areas will only be considered if justified by a local settlement strategy that assesses the net economic and social benefit of additional rural residential land against the loss of the potential development of the land for agricultural activities. (Page 40) | The Upper Lachlan Strategy 2020 Vision identified that lifestyle lots could be suitably located in the southern sector of the Shire to accommodate the in-migration of residents from the Australian Capital Territory. The proposal is consistent with this strategy in terms of the concentration of small acreage housing options on the outskirts of Collector to reduce the fragmentation of farm land. |
| Planning for rural residential land must be integrated with the supply of relevant infrastructure and transport services. (Page 40) | The subject land is adequately serviced in terms of electricity, telecommunications, road network and associated services (e.g. school bus and postal services). The proximity to Collector as well as Goulburn and Canberra will ensure ready access to all the services provided by the Regional centre (e.g. health, education, employment, recreational and social). |

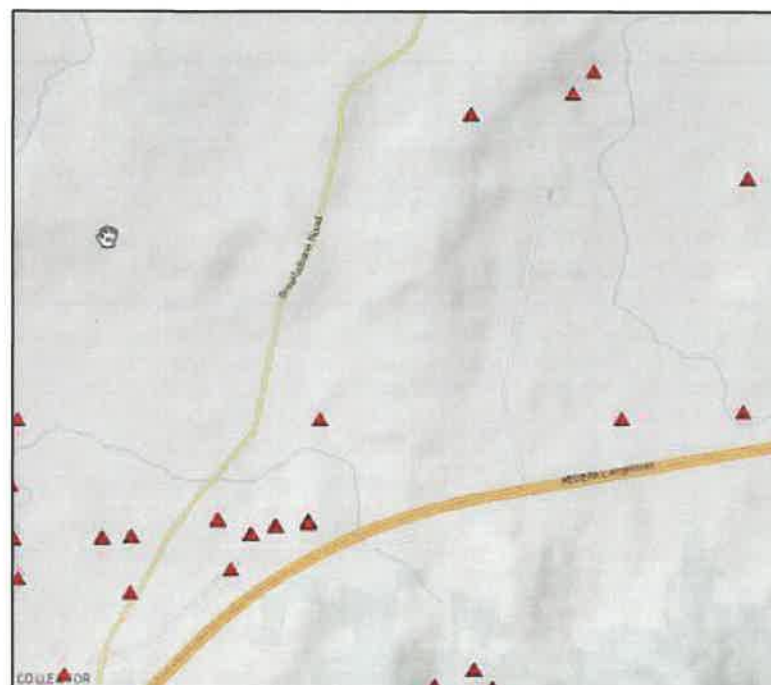
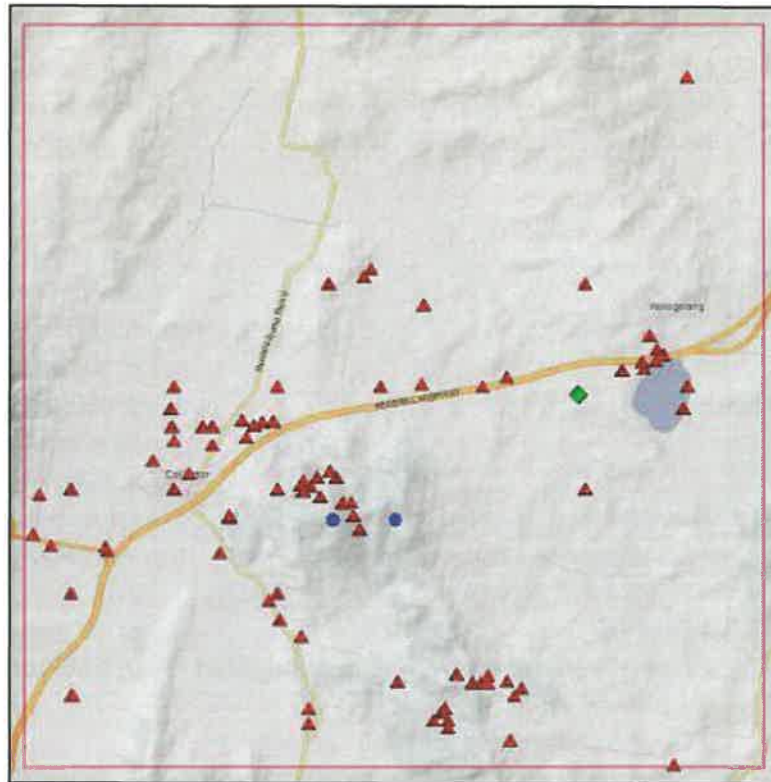
ANNEXURE N
SYDNEY CANBERRA CORRIDOR REGIONAL STRATEGY 2006 - 2031
HOUSING AND SETTLEMENT
APPENDIX 1 - SUSTAINABILITY CRITERIA

| CRITERIA | EXPLANATION OF CRITERIA | RESPONSE |
|--|--|---|
| 1. Infrastructure Provision: Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way. | Development is consistent with the Sydney-Canberra Corridor Regional Strategy, any subregional strategy, the State Infrastructure Strategy and relevant section 117 direction. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure development contributions. Preparedness to enter into development agreement. | The planning proposal is consistent with the Regional Strategy and 117 Directions. Required infrastructure relates to internal roads and services which will be undertaken by the developer. Any future development of the site will be subject to Section 94 contributions in accordance with Council's adopted Plan. |
| 2. Access: Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided. | Accessibility of the area by public transport and/or appropriate road access in terms of: > Location/land use - to existing networks and related activity centres. > Network - the area's potential to be serviced by economically efficient transport services. > Catchment -the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. No net negative impact on performance of existing subregional road, bus, rail and freight network. | The site has access to a sealed local road which provides access to Collector and the Hume Highway to Goulburn and Canberra. The road network has sufficient capacity to cope with any additional demand generated by development of the land in accordance with the planning proposal. Baxters Lane will be upgraded and bitumen sealed. |
| 3. Housing Diversity: Provide a range of housing choices to ensure a broad population can be housed. | Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing. | No urban housing is proposed. The rural lifestyle offered by the planning proposal will add to the diversity of housing choice in the Collector area. |
| 4. Employment Lands: Provide regional/local employment opportunities to | Maintain or improve the existing level of subregional employment self-containment. Meets subregional employment projections. | The site is not zoned for the purpose of employment lands. |

| | | |
|---|--|---|
| support the Sydney-Canberra Corridor's expanding role in the wider regional and NSW economies. | > Employment-related land is provided in appropriately zoned areas. | |
| 5. Avoidance of Risk: Land use conflicts, and risk to human health and life, avoided. | No residential development within 1:100 floodplain. Avoidance of physically constrained land e.g. > high slope > highly erodible. Avoidance of land use conflicts with adjacent or existing or future land use as planned under relevant subregional or regional strategy. Where relevant, available safe evacuation route (flood and bushfire). | Land use conflicts are considered to be low and no residential development will occur within 1:100 floodplain or on land having high slope or being highly erodible. Safe evacuation routes will be available in respect to any flood and bushfire event in the area. |
| 6. Natural Resources: Natural resource limits not exceeded/ environmental footprint minimised | Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. Demonstrates most efficient/suitable use of land: > Avoids identified significant agricultural land. > Avoids productive resource lands - extractive industries, mining and forestry. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy - requires demonstration of efficient and sustainable supply solution. | It is not proposed to connect the site to the reticulated water supply. The site is not considered to be significant agricultural land or productive resource land. The housing generated by development of the land in accordance with the planning proposal will be subject to BASIX sustainability requirements reducing the pressure on the supply of energy. |
| 7. Environmental Protection: Protect and enhance biodiversity, air quality, heritage and waterway health | Consistent with government-approved regional conservation plan (if available). Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DECC). This includes regionally significant vegetation communities, critical habitat, threatened species, population, ecological communities and their habitats. Maintain or improve existing environmental condition for air quality. Maintain or improve existing environmental condition for water quality: | No Endangered populations or ecological communities are known to occur on the subject land. The Australian Heritage Information Management System (AHIMS) (see Annexure P) indicates there are two Aboriginal sites located in or near the study area. A site inspection has been carried out by the Pejar Local Aboriginal Land and |

| | | |
|---|--|--|
| | <p>> Consistent with community water quality objectives for recreational water use and river health (DECC and CMA).</p> <p>> Consistent with catchment and stormwater management planning (CMA and council).</p> <p>Protects areas of Aboriginal cultural heritage value (as agreed by DECC).</p> | <p>an Aboriginal Due Diligence Assessment Report has been commissioned from Past Traces Heritage Consultants. The proposed plan of subdivision at Annexure L indicates the location of sites within proposed Lot 9 and will not be impacted by the development. The Aboriginal sites will be required to be fenced to provide a 10m buffer area by a future development consent.</p> |
| <p>8. Quality and Equity in Services:</p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible.</p> | <p>Available and accessible services:</p> <p>> Do adequate services exist?</p> <p>> Are they at capacity or is some capacity available?</p> <p>> Has Government planned and budgeted for further service provision?</p> <p>> Developer funding for required service upgrade/access is available?</p> | <p>Educational and recreational services are available in Collector and other services are available in Goulburn and Canberra.</p> |

ANNEXURE O
NSW ENVIRONMENT AND HERITAGE - BIONET MAPPING
(Source: NSW Environment and Heritage)



ANNEXURE P
AUSTRALIAN HERITAGE INFORMATION MANAGEMENT SYSTEM (AHIMS) MAP



Office of
Environment
& Heritage

AHIMS Web Services (AWS)
Search Result

Purchase Order/Reference : Collector

Client Service ID : 167087

Robert Mowle

Date: 25 March 2015

P O Box 1326

Goulburn New South Wales 2580

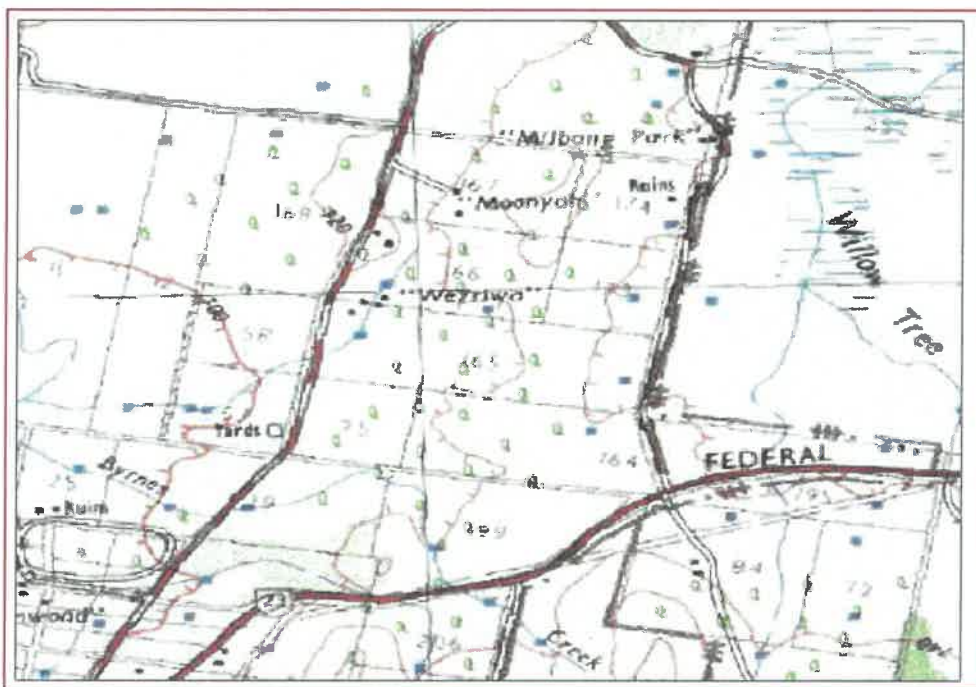
Attention: Robert Mowle

Email: robert@laterals.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 165, DP:DP750008 with a Buffer of 1000 meters, conducted by Robert Mowle on 25 March 2015

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

| |
|---|
| 2 Aboriginal sites are recorded in or near the above location. |
| 0 Aboriginal places have been declared in or near the above location.* |

ANNEXURE Q
PEJAR LOCAL ABORIGINAL LAND COUNCIL
HERITAGE INSPECTION REPORT

See separate attachment.

ANNEXURE R
PAST TRACES HERITAGE CONSULTANTS
ABORIGINAL DUE DILIGENCE ASSESSMENT REPORT

See separate attachment.

ANNEXURE S
SGS ECONOMICS AND PLANNING
RURAL RESIDENTIAL DEVELOPMENT IN COLLECTOR - CURRENT AND FUTURE DEMAND REPORT

See separate attachment.

ANNEXURE T
RESPONSE FROM PROPERTY OWNERS

(i) Letter to property owners:

KINGSDALE CONSULTING PTY LTD

ABN 12 148 887 647
ACN 148 887 647

P O Box 539
GOULBURN NSW 2580

TO:

RE: "Taradale", 5891 Federal Highway, Collector 2581

Dear Mr and Mrs XX

It is advised that I act on behalf of the owners of the property "Taradale" at 5891 Federal Highway, Collector regarding the preparation of a Planning Proposal to allow for the small lot (2ha) subdivision development of the property.

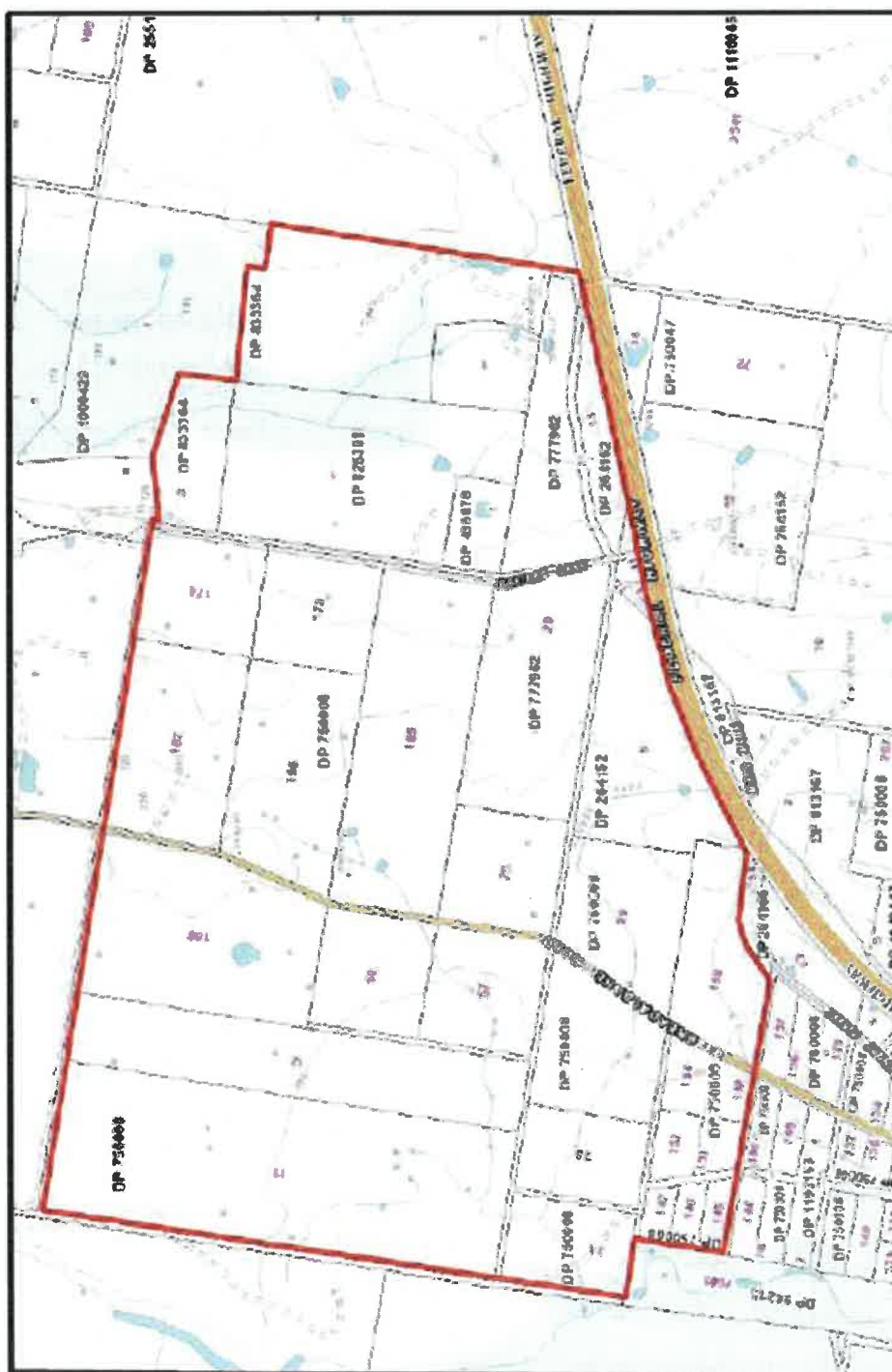
However, the Upper Lachlan Shire Council has required the area of the Planning Proposal to be expanded as indicated on the attached plan which includes your property.

Would you please indicate if you want your land included in this Planning Proposal and advise any issues which you consider should be included.

Please contact me on 0428 483 558 if you require any additional information or wish to discuss the project.

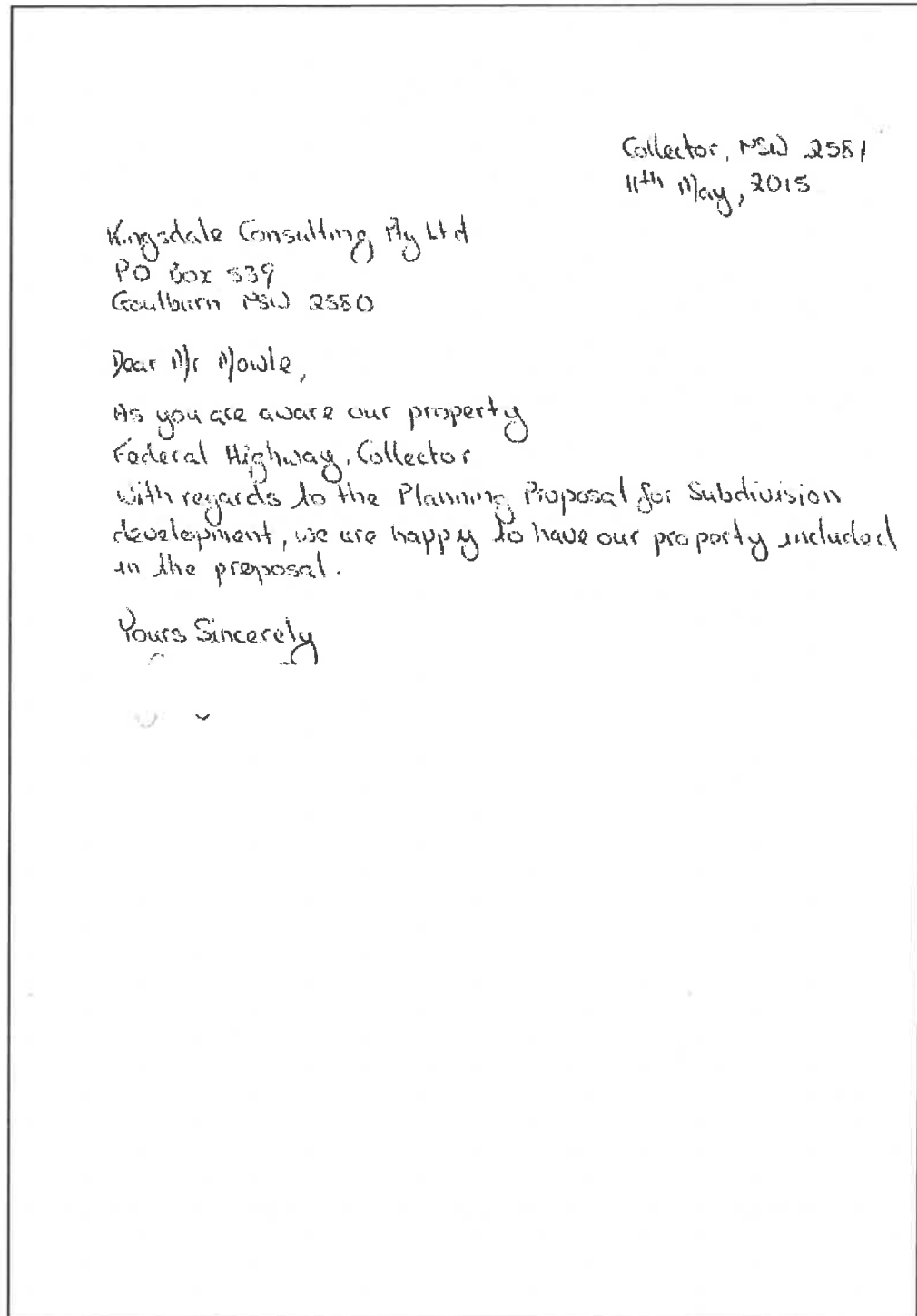
Yours sincerely

Robert Mowle
DIRECTOR
12 March 2015



(ii) Responses from property owners:

The following letter and emails have been received from some of the residents. A meeting was also held with Mr Maurice Grainger and Mr Allen Grainger on the 26 May 2015 and they advised support for the Planning Proposal.



robansue@bigpond.net.au

From:
Date:
To:
Cc:
Subject: "Taradale", 5891 Federal Highway, Collector 2581 [SEC=UNCLASSIFIED]
Good afternoon Robert,

I refer to your letter seeking advice in relation to including our land (Collector) in the Planning Proposal for the small lot subdivision development of "Taradale". Thank you for your time on the phone just now.

As discussed, our queries are primarily in relation to the paper lane currently fenced in on the northern boundary of our property. I understand from our conversation that this five acres is not currently included in the Planning Proposal area.

Further to this I understand that if we were to purchase the paper lane it is unlikely that the transaction would be finalised in time for it to be included in the Planning Proposal due to be submitted to the Upper Lachlan Shire Council in September/October this year.

Could you please confirm that I have the details of our conversation correct?

The other query we have is in relation to any potential increase in costs such as land tax and rates should our property (or parts of it) be approved for small lot subdivision. I would appreciate your feedback on this point.

At this time we agree to our land being included in the Planning Proposal and look forward to your advice on the above considerations.

You can reach us as follows:

Kind regards,

Disclaimer

This message has been issued by the

The information transmitted is for the use of the intended recipient only and may contain confidential and/or legally privileged material.

2/06/2015

robansue@bigpond.net.au

From:
Date:
To:
Subject:
Robert,

Thanks for your time this morning.

Please find all contact details below.

In addition, our postal address for correspondence is

Regards

Email _____
Office _____
Direct line _____
Mobile _____
Fax _____

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ANNEXURE U
EXCLUDED DEVELOPMENT AREAS

Having regard to the above constraints and limitations, the land identified in the Table 1 below and indicated at Annexures U1 to U4 has been excluded from the area proposed for a minimum lot size development. The area comprising part of the study area proposed for primary production / residential development area is detailed at Table 2 below and indicated at Annexure I above and has been determined on the basis of the above constraints and limitations. This is the land being the subject of the Planning Proposal. Also, see map below.

Table 1
Excluded Land

| Annexure | Constraint | Land Affected | Land Parcels Affected | Land Area (ha) |
|-----------------|---|--------------------------|---|-----------------------|
| U1 | Collector Reserve, low lying, flood affected, NRS Land, NRS Biodiversity, bushfire, remote from Village, fragmentation, not supported by landowner. | West of Breadalbane Road | 11, 12, 24, 25, Pt29, 57, 58 145, 146, 147, 151, 152, 153, 154 DP 750008. | 276.4 |
| U2 | Low lying, flood affected, NRS Land, NRS Biodiversity, remote from Village, fragmentation, not supported by all landowners. | East of Baxters Lane | 1, 2, 3 DP833364, 1 DP436878, 1 DP 825391. | 124.2 |
| U3 | NRS Land, NRS Biodiversity, bushfire, remote from Village, fragmentation, not supported by all landowners. | Northern | 165,166, 167, 174, 173 DP 750008 | 139.0 |
| U4 | Crown Land, Biodiversity | East of Breadalbane Road | 158 DP 750008, Pt29 DP75008,Pt 5 DP 264152 | 23.2 |

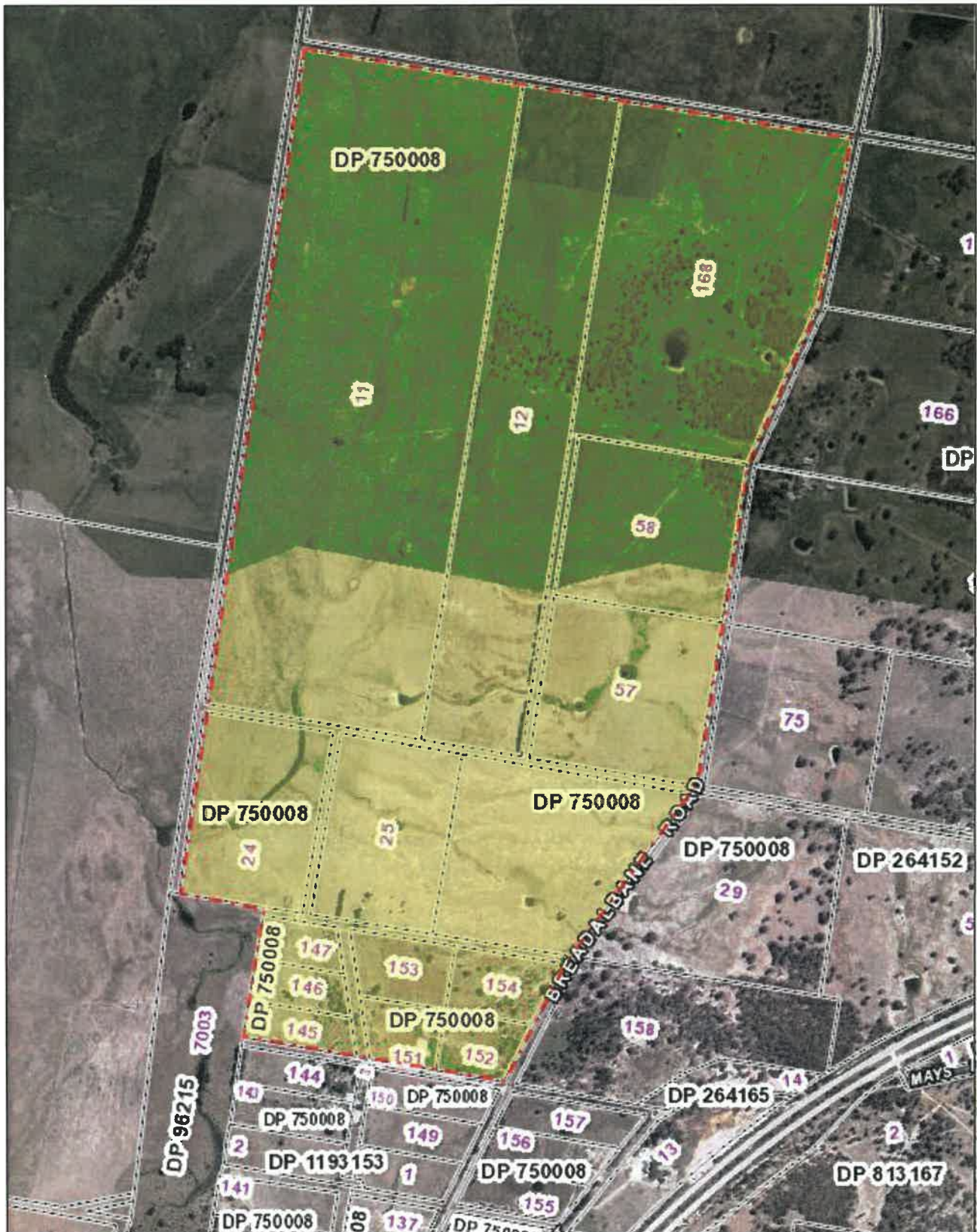
Table 2
Primary Production / Residential Development Area

| Annexure | Constraint | Land Affected | Land Parcels Affected | Land Area (ha) |
|-----------------|----------------------------|--------------------------|--|-----------------------|
| I | NRS Biodiversity, bushfire | North of Federal Highway | 20 DP 777962, 5 DP 264152, Pt29, 75 DP 750008, 6, 11, 13, 17 DP 264152, 21 DP 777962 | 130.6 |

The map illustrates the proposed development area, divided into four annexures. Annexure U1 is outlined in yellow, Annexure U3 in blue, Annexure U2 in red, and Annexure I in black. The map includes various lot numbers, DP (Development Permit) numbers, and the location of the Federal Highway. The map is oriented with North at the top.

75

ANNEXURE U1
EXCLUDED DEVELOPMENT AREA U1



ANNEXURE U2
EXCLUDED DEVELOPMENT AREA 2



ANNEXURE U3
EXCLUDED DEVELOPMENT AREA 3



ANNEXURE U4
EXCLUDED DEVELOPMENT AREA U4



**ANNEXURE V
OWNERS CONSENT**

KINGSDALE CONSULTING PTY LTD

**ABN 12 148 887 647
ACN 148 887 647**

**P O Box 539
GOULBURN NSW 2580**

**The General Manager
Upper Lachlan Shire Council
P O Box 42
GUNNING NSW 2581**

Attention: Mrs Jacqi Impey

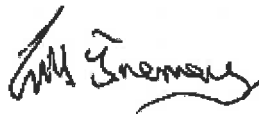
**RE: Planning Proposal, Collector
Lots 20 DP 777962, 5 DP 264152, Pt29, 75 DP 750008, 6, 11, 13, 17,
21 DP 264152**

Dear Mrs Impey

**We are the owners of the (and indicated above and consent to the Planning Proposal) being
lodged with the Upper Lachlan Shire Council by Kingsdale Consulting Pty Ltd.**

Yours sincerely

Mr Geoff McInerney



Mr Paul McInerney



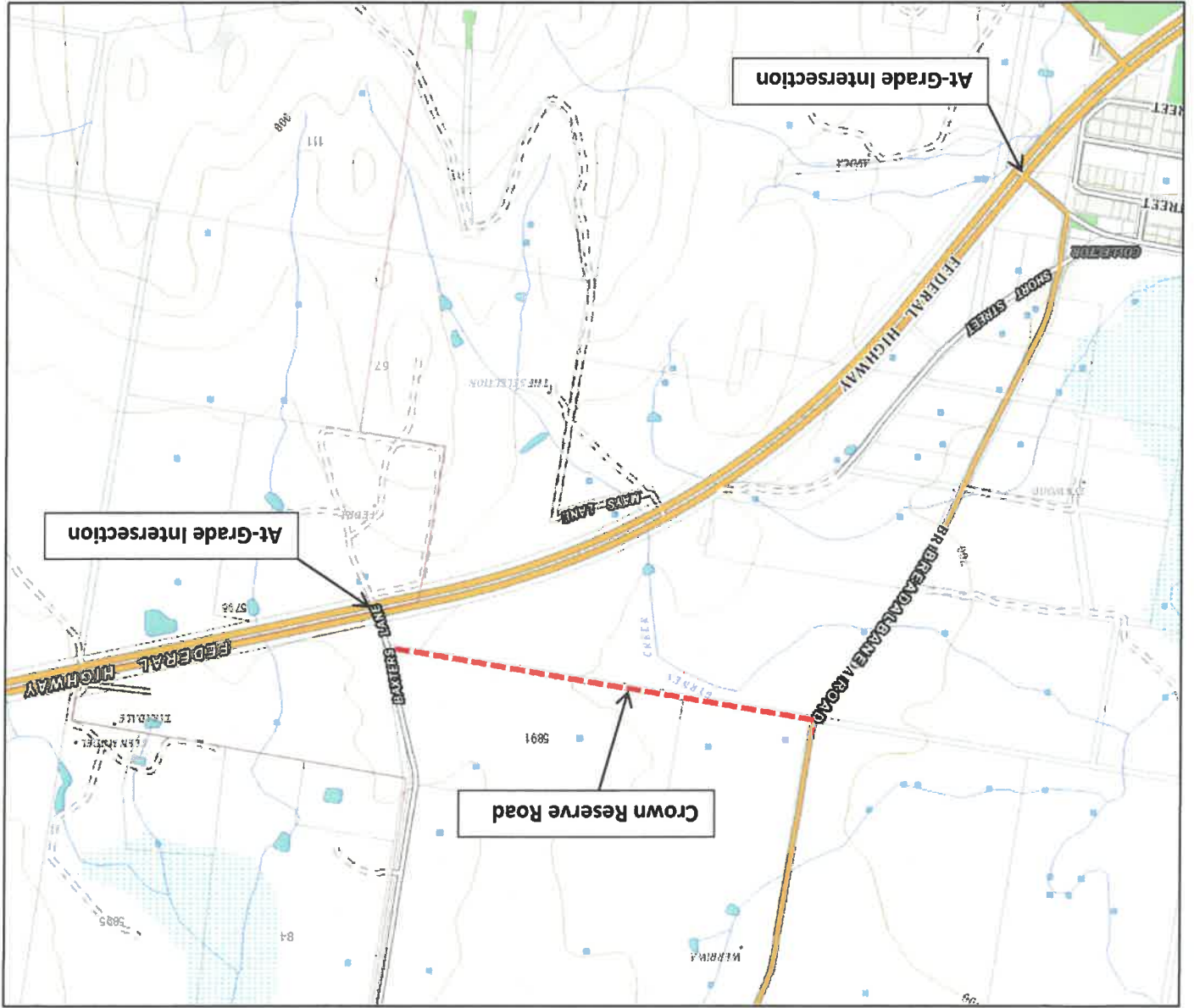
Mr Maurice Grainger



Mr Allen Grainger



ANNEXURE W
ACCESS ROADS



ANNEXURE X
MR PAT GUINANE, ENVIRONMENTAL CONSULTANT
FLORA AND FAUNA ASSESSMENT
DECEMBER 2015

See separate attachment.

ANNEXURE Y
UMWELT(AUSTRALIA) PTY LTD
ECOLOGICAL ADVICE
FEBRUARY 2019

See separate attachment.

ANNEXURE Z
STRATEGIC ENVIRONMENTAL AND ENGINEERING CONSULTING
PRELIMINARY FLOOD ASSESSMENT
10 DECEMBER 2015

See separate attachment.

STRATEGIC AGRICULTURAL LAND MAP



ANNEXURE BB
MOTION TRAFFIC ENGINEERS
TRAFFIC AND PARKING IMPACT ASSESSMENT REPORT

See separate attachment.

SITE PHOTOGRAPHS



Photograph Legend 1



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photograph Legend 2



Photo 13



Photo 14



Photo 15



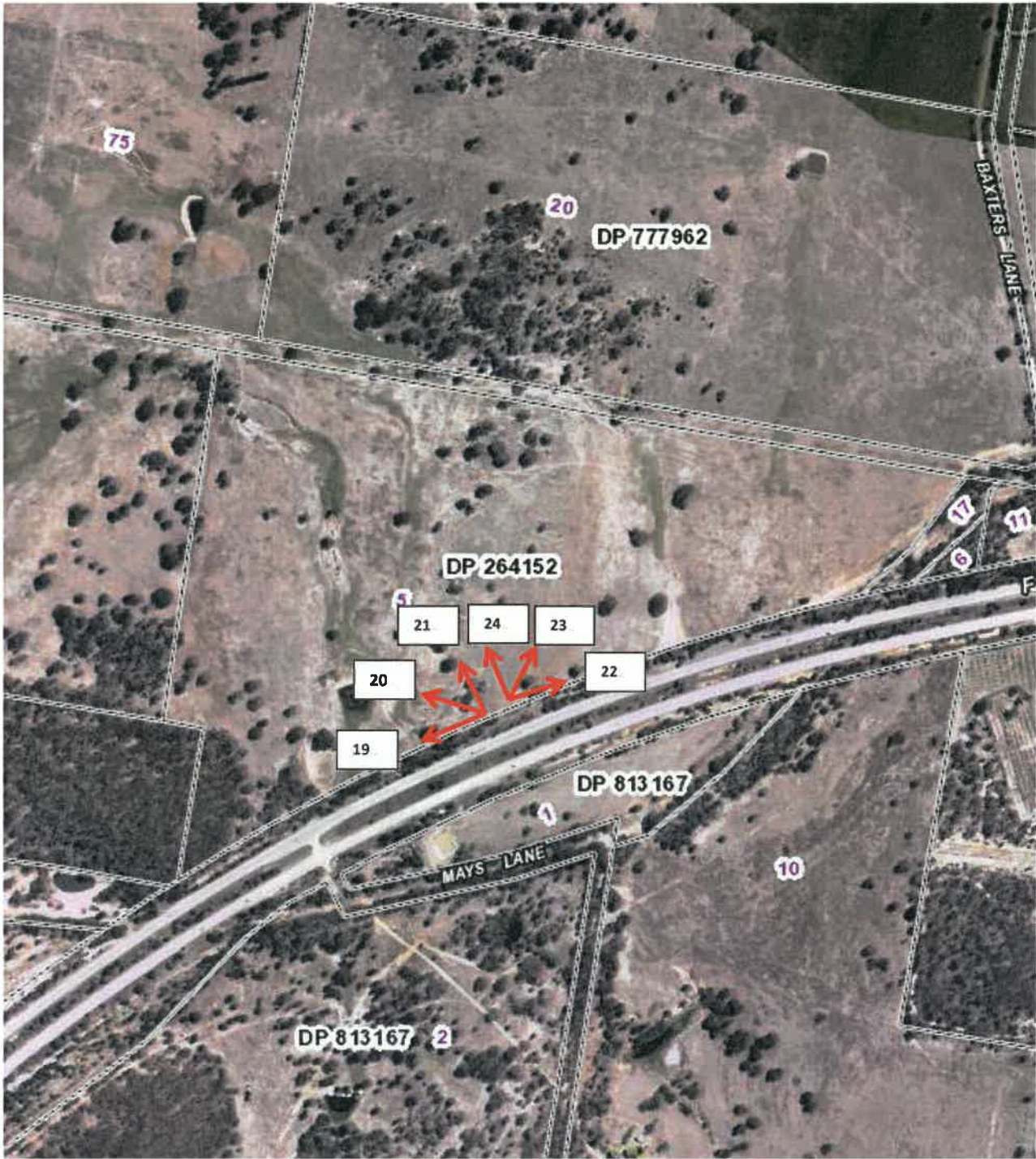
Photo 16



Photo 17



Photo 18



Photograph Legend 3



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 24



Federal Highway Collector At-Grade Intersection



Federal Highway Baxters Lane At-Grade Intersection