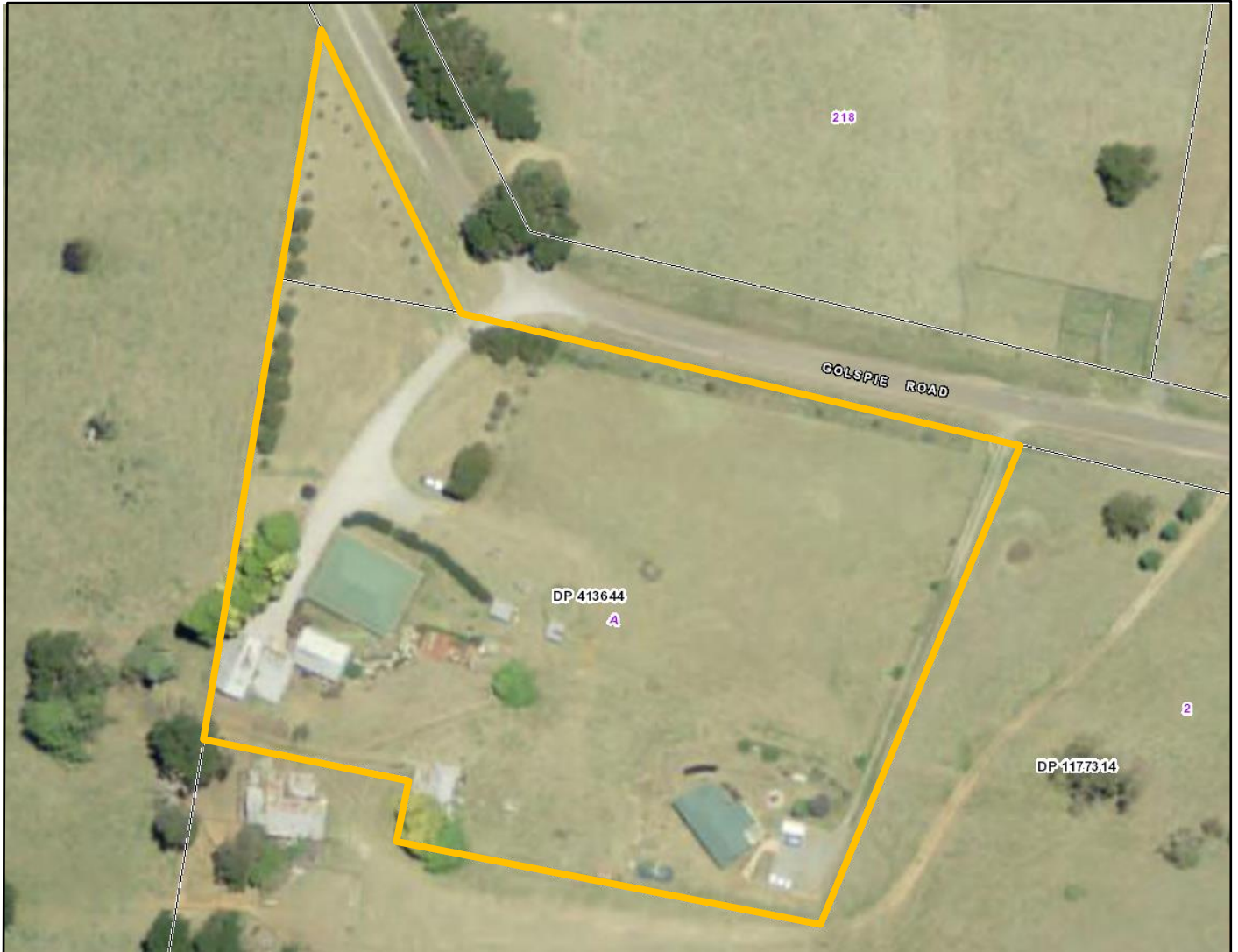


# KINGSDALE CONSULTING PTY LTD

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## PLANNING PROPOSAL

101 GOLSPIE ROAD, TARALGA

Lot A DP 413644

May 2021

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## EXECUTIVE SUMMARY

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This Planning Proposal is submitted to the Upper Lachlan Shire Council to request an amendment to *Upper Lachlan Local Environmental Plan 2010* (LEP) to enable the two (2) existing dwelling houses on Lot A DP 413644 at 101 Golspie Road, Taralga to be located on separate parcels of land. The planning proposal has been amended to comply with changes to legislation and current planning strategies. There is a total area of 2.02ha. The subject land comprises R5 Large Lot Residential Zone and RU1 Primary Production Zone (Upper Lachlan Local Environmental Plan 2010 (LEP 2010)). A minimum lot size of 2ha and 100ha respectively apply. This Planning Proposal proposes to subdivide the subject land into two (2) allotments. This proposal has been prepared by Kingsdale Consulting Pty Ltd on behalf of the residents, Mr Phillip Croke and Mrs Helen Pitt.

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 objective and intended outcome of the Planning Proposal is to enable the two (2) existing dwelling houses on the subject land to be located on separate parcels of land by amending the Upper Lachlan LEP to permit a minimum lot size of 1ha and to rezone part of the land from RU1 Primary Production Zone to R5 Large Lot Residential Zone.

The subject parcel of land (Lot A DP 413644) was created by a Council approved subdivision on the 13 November 1959 – see Annexure 2. The *Upper Lachlan Local Environmental Plan 2010* maps do not accurately reflect the boundaries of this allotment and inadvertently divide the allotment by zoning and lot size boundaries. This Planning Proposal which is of minor significance will enable this error to be corrected.

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*.

## PART1—OBJECTIVES

The objective of the Planning Proposal is to enable the two (2) existing dwelling houses on the subject land to be located on separate parcels of land by amending the Upper Lachlan LEP to permit a minimum lot size of 1ha and to rezone part of the land from RU1 Primary Production Zone to R5 Large Lot Residential Zone.

## PART2-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 Lot Size Map Sheet LSZ\_008B by identifying Lot A DP 413644 having a minimum lot size of 1ha (Y) – Figure 3.*
- and
- (2) *Amending Upper Lachlan Land Zoning Map Sheet LZN\_008B by rezoning part of Lot A DP 413644 from RU1 (Primary Production) to R5 (Large Lot Residential Zone) – see Figure 4.*

## PART3-JUSTIFICATION

### Section A – Need for Planning Proposal

1. ***Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

The planning proposal is not a result of any current strategic study or report. It is as a result of a request by the property owners to address a historical development which has resulted in two (2) dwellings being erected on a single small area allotment. The proponent has advised;

*“History of the two houses on a 2 hectare subdivision.*

*Early to mid 1900’s Picker’s owned about 48 hectares. Main house built early 1900’s. Cottage built around 1940’s to early 1950’s for their son. Sold to Campbells around late 1950’s to early 1960’s. Sold to Bill Connor around early 1960’s. Bill Connor subdivided 2 hectares with the two houses and sold the block to the Todd family. Sold to Pitt’s in 1974. Cottage replaced in 2001. Main house renovated around 2006.” (See Annexure 1)*

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

It is considered that this planning proposal is the most appropriate means of achieving the proposed minimum lot size and rezoning for the subject land and is seeking this amendment as a minor nature in accordance with Section 3.22(1)(b) of the *Environmental Planning and Assessment Act 1979* which states:

#### ***3.22 Expedited amendments of environmental planning instruments***

*(1) An amending environmental planning instrument may be made under this Part without compliance with the provisions of this Act relating to the conditions precedent to the making of the instrument if the instrument, if made, would amend or repeal a provision of a principal instrument in order to do any one or more of the following:*

- (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature.*

### Section B - Relationship to strategy planning framework

3. ***Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

The planning proposal is consistent with the objectives and actions contained within the South East and Tablelands Regional Plan 2036 and The Tablelands Regional Community Strategic Plan 2016-2036.

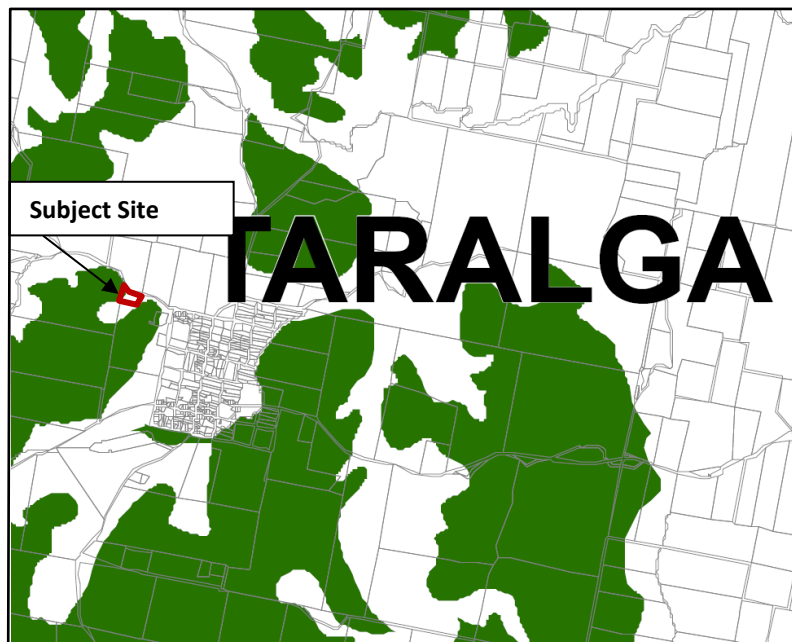
### **South East and Tablelands Regional Plan 2036**

The Planning Proposal is consistent with the relevant goals of the *South East and Tablelands Regional Plan 2036*.

#### **Goal 1: A connected and prosperous economy.**

**Direction 8 – Protect important agricultural land:** The Direction states *“The South East and Tablelands offers stable and favourable growing conditions and easy access to export markets. It is well placed to take advantage of growing demand from Asia and the Sydney Basin, where the capacity to feed residents is forecast to drop from 20 per cent of food demand to less than six per cent over the next 15 years.”* and *“Important agricultural land will be mapped to guide planning decisions, local environmental plans and infrastructure investment, and to provide information on important agricultural industries and resources. They may include biophysical attributes and socio-economic data.”* Actions include *“Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans.”*

**Comment:** The important agricultural land is shown on the map below and the land the subject of this Planning Proposal will not impact on important agricultural land as no additional residential development is proposed. The retention of the existing dwellings will also continue the relationship with the connected and prosperous community of Taralga.



**Biophysical Strategic Agricultural Land Map**

(Map Source: NSW Dept. of Planning, Industry and Environment website)

#### **Goal 2: A diverse environment interconnected by biodiversity corridors.**

**Direction 18: Secure water resources:** The Direction states *“The future growth and development of the region, coupled with the uncertainties of drought and climate change, mean that long-term planning for water supply must be integrated into strategic planning. This planning must also consider the region as a source of potable water for Sydney.”*

**Comment:** The wastewater management assessment prepared by Strategic Environmental and Engineering Consulting (see Annexure 12) concludes that the proposal will have a minimal environmental impact and comply with the Neutral or Beneficial Effects (NorBE) test for impact on water quality in the Sydney drinking water catchment.



### **Goal 3: Healthy and connected communities**

**Direction 22 - Build socially inclusive, safe and healthy communities:** The Direction states *"Neighbourhoods and centres will be environmentally sustainable, socially inclusive, easy to access, healthy and safe. This is particularly important as the population ages and the climate changes. The design and location of recreation facilities, sporting infrastructure, parks and public buildings should encourage people to be physically active where they work and in their neighbourhoods. Neighbourhood communities will reconnect with the surrounding landscape via walkways, cycleways and public transport. These networks will be considered for extension as part of planning for residential release areas and renewal sites. With an older population, homes should be close to active and interesting public spaces, and should be well designed and adaptable. Adaptable housing has a flexible floor plan that enables simple modifications to suit the changing needs of residents. This allows people to stay in their own homes as they age, or as their level of mobility changes."*

**Comment:** The retention of the existing dwellings will enable independent living in each dwelling and enable continuation of the social relationships with the village of Taralga.

**Direction 23 - Protect the region's heritage:** The Direction states *"Heritage is irreplaceable and should be appreciated, valued and protected for the benefit of current and future generations. Harm to Aboriginal objects and places, or areas of significance to Aboriginal people, should be avoided. Where impacts on Aboriginal and historic heritage cannot be avoided, appropriate heritage management mechanisms must be implemented. Areas of high growth can have cumulative impacts on Aboriginal cultural heritage values and historic places. Early investment at the strategic planning stage can protect and preserve heritage and provide greater certainty for stakeholders during the development assessment process."*

**Comment:** The Australian Heritage Information Management System (AHIMS) searches with 50m and 200m buffers at Annexure 7 indicate there no Aboriginal sites located in or near the subject land.

### **Goal 4: Environmentally sustainable housing choices.**

**Direction 28 - Manage rural lifestyles:** The Direction states *"A consistent planning approach will identify suitable locations for new rural residential development that avoids fragmentation of productive agricultural land and lessens the impact on high environmental value assets, cultural and heritage assets, or areas with important rural landscapes. Rural residential development should not increase pressure on infrastructure and services, and should be located on land free from natural hazards."* Action include *"Locate new rural residential areas:*

- *close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;*
- *to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and*
- *to avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards."*

**Comment:** This proposal satisfies the Actions of this direction in that the development:

- is close to existing urban settlement to maximise the efficient use of existing infrastructure and services and social and community infrastructure;
- will avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and
- will avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards.

### **Local Narratives (Upper Lachlan)**

The Narrative states *“The Upper Lachlan Local Government Area will see a 36 per cent growth in the number of people aged over 65 by 2036. The area has a population of around 8,000, with Crookwell and Gunning providing a health and medical service, a fire brigade, police services, banking, a post office and retail offerings”* and in respect to housing it states *“Support the rural lifestyle and the unique cultural and historic heritage of the area’s villages”* and *“Support a variety of housing options and land developments to cater for an ageing population.”*

**Comment:** The Planning Proposal will enable the existing residents to maintain a rural lifestyle and contribute to the cultural and historic attributes of Taralga.

### **The Tablelands Regional Community Strategic Plan 2016-2036**

*The Tablelands Regional Community Strategic Plan 2016-2036* identifies the community aspirations via the strategic priorities that achieve the future visions for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

Each relevant strategic pillar is identified below:

#### **Environment:**

Strategy EN1 requires *“Protect and enhance the existing natural environment, including flora and fauna native to the region.”* The development site as a whole will protect and enhance the existing natural environment including flora and fauna native to the region as no additional residential development will occur.

Strategy EN2 requires *“Adopt environmental sustainability practices.”* This development maximises the use of existing infrastructure and services and doesn’t require new services and thereby provides an environmentally sustainable development.

Strategy EN3 requires *“Protect and rehabilitate waterways and catchments.”* The development will not impact any waterways and will provide a neutral or beneficial effect on water quality in the Sydney drinking water catchment.

Strategy EN4 requires *“Maintain a balance between growth, development and environmental protection through sensible planning.”* The development will maintain the existing balance between development and environmental protection.

#### **Economy:**

Strategy EC3 requires *“Support and foster conditions that enable local and small/home-based businesses to grow.”* The subdivision of the land could encourage Home occupations (permitted without consent) and Home Industries (permitted with consent) to establish on each allotment as well as also encourage small lot agriculture and horticulture.

#### **Community:**

Strategy C05 requires *“Maintain our rural lifestyle.”* The subject Planning Proposal is aimed at achieving this objective by providing for the retention of existing dwellings on large parcels of land adjacent to an urban boundary enabling a rural lifestyle to continue. **Infrastructure:**

Strategy IN3 requires *“Maintain and improve road infrastructure and connectivity.”* There is considered adequate infrastructure in the area to support the existing residential development.

#### **Leadership**

Strategy CL1 requires *“Effect resourceful and respectful leadership and attentive representation of the community.”* The development will maintain existing community membership of the Taralga area.

#### **4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

##### **(i) Upper Lachlan Shire Local Strategic Planning Statement 2040:**

The Planning Proposal will give effect to and is consistent with parts of the *Upper Lachlan Shire Local*



*Strategic Planning Statement 2040* as detailed in Table 1 of the Statement (Upper Lachlan Shire Council Priorities, Principles and Actions) – see below.

Planning Principles	Priority 1 <b>Non- Urban Land</b>	Priority 2 <b>Urban Land</b>	Priority 3 <b>Tourism</b>	Priority 4 <b>Business Development</b>
<b>Drivers of Growth and Sustainability</b>	1.1(a) Promote a diverse agriculture- based economy. (b) Develop an agricultural strategy to provide for value-adding opportunities and succession.	2.1(a) <b>Develop village residential opportunities.</b> (b) Design public spaces of creativity and innovation.	3.1(a) Identify and locate new tourism opportunities. (b) Support tourism as a key sector in the Shire.	4.1(a) Promote a diversified transitioning economy and provide for small business development. (b) Provide strategic support to entrepreneurs and tourism operators.
<b>Productivity and collaborative diversity</b>	1.2(a) Plan for diverse agro-businesses and agricultural land reform. (b) Encourage vertical integration of the rural economy. (c) <b>Improve the diversity of land holding options to promote protection, production and investment.</b>	2.2 Zone land for mixed-use, aged care and tourism developments and provide for urban diversity.	3.2 Plan for new tourism and destination opportunities as an economic benefit	4.2(a) Encourage and support growth in a variety of sectors to enable diversification of the Upper Lachlan economy. (b) promote appropriate smaller-scale renewable energy projects using innovative technologies.
<b>Connectivity, transport and movement</b>	1.3 (a) Improve biodiversity connectivity and protection. (b) Continue to improve road access for commercial opportunities. (c) Improve telecommunications	2.3 (a) Design towns for walking and cycling, promote density, increase accessibility, and facilitate a mix of collaborative uses. (b) Explore and promote active recreation options for cycling and walking. (c) Promote active transport and explore opportunities to develop an active transport network.	3.3 Continue to improve road access and reuse of alternative transport facilities for destination activity. (b) Encourage cycling and walking opportunities throughout the Shire.	4.3(a) Promote smart hubs through broadband connections and decisive planning. (b) promote transport hubs. (c) Promote energy hubs.
<b>Character, Identity, and heritage,</b>	1.4 (a) Protect and enhance the Indigenous, European, rural and natural landscapes. (b) prepare an Aboriginal cultural heritage study	2.4 Manage and enhance the distinctive character of each village through a master plan. Develop Character Statements for urban development.	3.4 Leverage and celebrate our natural and cultural heritage, climate and natural beauty.	4.4 Reinforce the village town centre small business character and facilitate innovation
<b>Lifestyle and livability</b>	1.5 <b>Provide opportunities for housing diversity and off-farm income and green spaces to suit changing requirements.</b>	2.5 Promote arts, culture and nature as part of the urban design framework.	3.5 (a) Conserve and adaptively reuse heritage assets (b) Enhance areas of high environmental value and visual significance.	4.5 Identify the commercial locations and focus points of the villages and structure business growth into them.
<b>Population</b>	1.6 Identify business opportunities that can value add to local business and attract investment and employment..	2.6 Lobby and promote the development of rural livability facilities in villages.	3.6 Plan for increased human and infrastructure capacity in the tourism phenomena and provide new	4.6 Plan for increased capacity in various growth sectors, and seek value-adding options.

			destination activities.	
<b>Landscape</b>	1.7 (a) Recognise environmental landscape values as productive or recreation elements. (b) Promote green infrastructure and ecosystem service opportunities. (c) Undertake a biodiversity assessment of the LGA and develop a rural planning strategy.	2.7 (a) Facilitate villages that are empathetic to the existing agri-landscape: small protected bounded spaces. (b) Enhance utilisation of green infrastructure and increase trees	3.7 (a) Utilise the temperate climate landscape as a place for active recreation opportunities. (b) Identify biodiversity values through landscape assessments to facilitate tourism opportunities.	4.7 Create focal points by siting commercial activities within a mixed-use commercially driven precincts.
<b>Structural Elements</b>	1.8 (a) Identify and protect high-value agricultural land, or land with high environmental value. (b) Review minimum lot size opportunities to facilitate agrarian investment.	2.8 (a) Provide new space to grow around existing villages and towns and provide for infill opportunities. (b) Lobby for more openspaces, parks, conservation areas, walking and cycling tracks	3.8 Identify tourist-focused locations and provide for their development.	4.8 Identify and develop growth localities close to Canberra, Yass and Goulburn.

The Planning Proposal is consistent with the directions highlighted in the above table insofar that the development will:

- Maintain existing residential development in a R5 zone adjacent to an existing village.
- Improve the existing diverse land holding by providing separate Torrens titles to each existing dwelling.
- Provide an opportunity for off-farm income by the residents of the separate dwellings.

Additionally, the subject land is directly opposite the RU4 investigation zone to the north of the Village which will encourage small lot agriculture and horticulture on the separate lots.

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

The current State Environmental Planning Policies applying to the land are detailed below (Source: NSW Planning Portal – 17 May 2021):

*State Environmental Planning Policy (Affordable Rental Housing) 2009*  
*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*  
*State Environmental Planning Policy (Concurrences and Consents) 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 (Housing for Seniors or People with a Disability) 2004*  
*State Environmental Planning Policy (Infrastructure) 2007*  
*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*  
*State Environmental Planning Policy (Primary Production and Rural Development) 2019*  
*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*  
*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*  
*State Environmental Planning Policy No 21—Caravan Parks*  
*State Environmental Planning Policy No 33—Hazardous and Offensive Development*  
*State Environmental Planning Policy No 36—Manufactured Home Estates*  
*State Environmental Planning Policy No 50—Canal Estate Development*  
*State Environmental Planning Policy No 55—Remediation of Land*

The only applicable State Environmental Planning Policies (highlighted) are discussed below:

**(i) SEPP (Primary Production and Rural Development) 2019:**

State Environmental Planning Policy (Primary Production and Rural Development)

2019 was gazetted on 11 October 2019 and aims:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) 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,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The policy applies to all local government areas within the state, including Upper Lachlan Shire, and the following comments are in respect to the above aims:

- The Planning Proposal subject site will not impact on the economic use and development of adjoining lands for primary production.
- The Planning Proposal is located directly adjacent to an existing Village and the proposed development will minimise land use conflicts within the R5 zone as additional residential development will not occur on this parcel of land.

**(i) State Environmental Planning Policy (Drinking Water Catchment) 2011:**

The *State Environmental Planning Policy (Drinking Water Catchment) 2011* was gazetted on 1 March 2011 and aims:

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and*
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and*
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.*

The subject land is not affected by any natural watercourse – see topographic map at Annexure 3 and contour survey at Annexure 4. The existing residential development has on-site wastewater disposal facilities which have been assessed by Strategic Environmental and Engineering Consulting (SEEC) Wastewater Management: Site and Soil Evaluation and Disposal System Design report dated

17 January 2019 – see Annexure 13. This report includes the following conclusions and recommendations:

*“We conclude the site is suited to dispose primary-treated effluent in the existing wastewater management systems. Specifically, our recommendations are:*

1. *1. To leave the current wastewater management systems as they are;*
2. *To protect the current EMAs from vehicle and stock access (fence them off if necessary);*
3. *To provide suitable reserve areas sized to the specifications of this report and leave them undeveloped;*
4. *To preferentially select low phosphorus, liquid detergents;*
5. *To manage the wastewater systems according to the details of this report, its appendices and the manufacturer's recommendations; and*
6. *Any intensification of the land use is to be subject to a new wastewater assessment.”*

The proposal will therefore have minimal environmental impact, comply with the Neutral or Beneficial Effects (NorBE) test for impact on water quality and complies with the aims of the *State Environmental Planning Policy (Drinking Water Catchment) 2011*.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The following table is a list of Directions (as at 17 May 2021) issued by the Minister for Planning to relevant planning authorities under Section 9.1 Directions by the Minister 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 9.1 Directions	Issue Date/Date effective	Relevant	Inconsistent
<b>1. Employment and Resources</b>	1 July 2009		
1.1 Business and Industrial Zones	(Except for New Direction 1.2 effective 14 April 2016; Direction 1.1 effective 1 May 2017; New Direction 1.5 effective 28 February 2019)	No	-
1.2 Rural Zones		Yes	Yes
1.3 Mining, Petroleum Production and Extractive Industries		No	-
1.4 Oyster Aquaculture		No	-
1.5 Rural Lands		Yes	No
<b>2. Environment and Heritage</b>	1 July 2009		
2.1 Environment Protection Zones	(Except for New Direction 2.5 effective 2 March 2016; Direction 2.1 and 2.4 effective 14 April 2016; Direction 2.2 effective 3 April 2018)	No	-
2.2 Coastal Protection		No	-
2.3 Heritage Conservation		Yes	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	-
<b>3. Housing, Infrastructure and Urban Development</b>	1 July 2009		
3.1 Residential Zones	(Except for New Direction 3.6 effective 16 February 2011; Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016; Direction 3.7 effective 15 February 2019)	Yes	Yes
3.2 Caravan Parks and Manufactured Home Estates		No	-
3.3 Home Occupations (Revoked 9 November 2020)		No	-
3.4 Integrating Land Use and Transport		Yes	No
3.5 Development Near Licensed Aerodromes		No	-
3.6 Shooting Ranges		No	-
3.7 Reduction in non-hosted short term rental accommodation period		No	-
<b>4. Hazard and Risk</b>	1 July 2009		
4.1 Acid Sulphate Soils	(Except for new Direction 4.2 effective 12 April 2016)	No	-
4.2 Mine Subsidence and Unstable Land		No	-

4.3 Flood Prone Land		No	-
4.4 Planning for Bushfire Protection		Yes	No
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	1 July 2009 (Except for New Direction 5.2 effective 3 March 2011; Direction 5.4 effective 21 August 2015; Direction 5.9 effective 30 September 2013; Direction 5.8 and 5.10 effective 14 April 2016; Direction 5.1 and 5.3 effective 1 May 2017) Direction 5.11 effective 6 February 2019)	-	-
5.2 Sydney Drinking Water Catchments		Yes	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	Yes
5.11 Development of Aboriginal Land Council land		No	-
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	1 July 2009	No	-
6.2 Reserving Land for Public Purposes		No	-
6.3 Site Specific Provisions		Yes	No
<b>7. Metropolitan Planning</b>			
7.1 Implementation of A Plan for Growing Sydney	14 January 2015 Except for Direction 7.2 effective 22 September 2015; Direction 7.3: effective 9 December 2016; Direction 7.4: effective 15 May 2017; Direction 7.5: effective 25 July 2017; Direction 7.6: effective 5 August 2017; Direction 7.7: effective 22 December 2017; Direction 7.8: effective 20 August 2018; Direction 7.9: effective: 25 September 2018; Direction 7.10: effective 25 September 2018 Direction 7.11: effective 27 August 2020; Direction 7.12 effective 28 November 2019 Direction 7.13 effective 11 December 2020	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	-
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan		No	-
7.9 Implementation of Bayside West Precincts 2036 Plan		No	-
7.10 Implementation of Planning Principles for the Cooks Cove Precinct		No	-
7.11 Implementation of St Leonards and Crows Nest 2036 Plan		No	-

7.12 Implementation of Greater Macarthur 2040		No	-
7.13 Implementation of the Pyrmont Peninsula Place Strategy		No	-

The applicable s9.1 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 seek to rezone land from a rural zone to a residential zone to address a historical development which has resulted in two (2) dwellings being erected on a single small area allotment. This inconsistency is justified in this instance as the area to be rezoned is only approx. 0.6ha in area and is contained within an existing freehold parcel of land. Additionally, the area of land subject to this planning proposal (Lot A DP 413644) is only 2.02ha and is of minor significance in respect to the development of the Council area. The planning proposal will not affect the agricultural production value of rural land in the Upper Lachlan Council area.

### **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*
  - (a) *is of minor significance.*

**Comment:**

The Planning Proposal seeks to address a historical development which has resulted in two (2) dwellings being erected on a single small area allotment. The RU1 zoned land is only approx. 0.6ha in area and is contained within an existing freehold parcel of land. A dwelling is currently located within this area of land and the Planning Proposal will have no impact on the agricultural production value of this land. Additionally, the area of land subject to this planning proposal (Lot A DP 413644) is only 2.02ha and is of minor significance in respect to the development of the Council area.

**DIRECTION 2.3: HERITAGE CONSERVATION**

**Objective**

- (1) *The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

**Where this direction applies**

- (2) *This direction applies to all relevant planning authorities.*

**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) *A planning proposal must contain provisions that facilitate the conservation of:*
- (a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
  - (b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
  - (c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

**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:*



- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.*

**Comment:** The subject land is not located in the vicinity of any heritage item - see Upper Lachlan LEP 2010 Heritage Map HER\_008B (Part) at Annexure 6. Also see the Australian Heritage Information Management System (AHIMS) searches with 50m and 200m buffers at Annexure 7 which indicate there no Aboriginal sites located in or near the subject land.

### **DIRECTION 3.1: RESIDENTIAL ZONES**

#### **Objectives**

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

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

#### **Where this direction applies**

*(2) This direction applies to all relevant planning authorities.*

#### **When this direction applies**

*(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.*

#### **What a relevant planning authority must do if this direction applies**

*(4) A planning proposal must include provisions that encourage the provision of housing that will:*

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

**(5) A planning proposal must, in relation to land to which this direction applies:**

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

#### **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 objective of this direction, and*
  - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), 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 objective 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) *of minor significance.*

**Comment:** The subject land is substantially (70%) located within an existing R5 Large Lot Residential zone and represents only approx. 0.8% of this zoned land. The Planning Proposal will have no impact within this zone and it is not intended that the reduction in the minimum lot size for the subject land will set a precedent for this R5 Large Lot Residential zone. Additionally, the area of land subject to this planning proposal (Lot A DP 413644) is only 2.02ha and is of minor significance in respect to the development of the Council area.

### **DIRECTION 3.4: INTEGRATING LAND USE AND TRANSPORT**

#### **Objective**

(1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) *increasing the choice of available transport and reducing dependence on cars, and*
- (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) *supporting the efficient and viable operation of public transport services, and*
- (e) *providing for the efficient movement of freight.*

#### **Where this direction applies**

(2) *This direction applies to all relevant planning authorities.*

#### **When this direction applies**

(3) *This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

#### **What a relevant planning authority must do if this direction applies**

(4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*

- (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001).*

#### **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 objective of this direction, and*
  - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), 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 objective 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) *of minor significance.*

**Comment:** The Planning Proposal will have no impact as additional residential development will not occur (it is intended that the existing dwellings will be retained) and the existing access arrangements will also be retained. Additionally, the area of land subject to this planning proposal

(Lot A DP 413644) is only 2.02ha and is of minor significance in respect to Integrating Land Use and Transport in the Council area.

#### **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.*

##### **Where this direction applies**

(2) *This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

##### **When this direction applies**

(3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.*

##### **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 land is not bushfire prone - see Upper Lachlan Bush Fire Prone Land Map (Part) at Annexure 8.

## **DIRECTION 5.2: SYDNEY DRINKING WATER CATCHMENTS**

### **Objective**

(1) *The objective of this Direction is to protect water quality in the Sydney drinking water catchment.*

### **Where this Direction applies**

(2) *This Direction applies to the Sydney drinking water catchment in the following local government areas:*

<i>Blue Mountains</i>	<i>Campbelltown</i>	<i>Cooma Monaro</i>
<i>Eurobodalla</i>	<i>Goulburn Mulwaree</i>	<i>Kiama</i>
<i>Lithgow</i>	<i>Oberon</i>	<i>Palerang</i>
<i>Shoalhaven</i>	<i>Sutherland</i>	<i>Upper Lachlan</i>
<i>Wingecarribee</i>	<i>Wollondilly</i>	<i>Wollongong.</i>

### **When this Direction applies**

(3) *This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.*

### **What a relevant planning authority must do if this Direction applies**

(4) *A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:*

- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and*
- (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
- (c) the ecological values of land within a Special Area that is:*
  - (i) reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or*
  - (ii) declared as a wilderness area under the Wilderness Act 1987, or*
  - (iii) owned or under the care control and management of the Sydney Catchment Authority, should be maintained.*

(5) *When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:*

- (a) ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and*
- (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and*
- (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:*

<b>Land</b>	<b>Zone under Standard Instrument (Local Environmental Plans) Order 2006</b>
<i>Land reserved under the National Parks and Wildlife Act 1974</i>	<i>E1 National Parks and Nature Reserves</i>
<i>Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</i>	<i>E2 Environmental Conservation</i>

Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.

SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

and

(d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and

(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.

#### **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 of minor significance.

**Comment:** A Wastewater management: Site and Soil Evaluation and Disposal System Design report has been prepared by Strategic Environmental and Engineering Consulting includes the following conclusions and recommendations (see Annexure 12).

*"We conclude the site is suited to dispose primary-treated effluent in the existing wastewater management systems. Specifically, our recommendations are:*

- 1. To leave the current wastewater management systems as they are;*
- 2. To protect the current EMAs from vehicle and stock access (fence them off if necessary);*
- 3. To provide suitable reserve areas sized to the specifications of this report and leave them undeveloped;*
- 4. To preferentially select low phosphorus, liquid detergents;*
- 5. To manage the wastewater systems according to the details of this report, its appendices and the manufacturer's recommendations; and*
- 6. Any intensification of the land use is to be subject to a new wastewater assessment."*

The proposal will therefore have minimal environmental impact and comply with the Neutral or Beneficial Effects (NorBE) test for impact on water quality in the Sydney drinking water catchment. The catchment authority will be consulted as required.

### **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**

(3) 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:** See Section B, pages 6-8. The proposal is of minor significance and the planning proposal achieves the overall intent of South East and Tablelands Regional Plan 2036.

### **DIRECTION 6.3: SITE SPECIFIC PROVISIONS**

#### **Objective**

(1) *The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.*

#### **Where this direction applies**

(2) *This direction applies to all relevant planning authorities.*

#### **When this direction applies**

(3) *This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.*

#### **What a relevant planning authority must do if this direction applies**

(4) *A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*

(a) *allow that land use to be carried out in the zone the land is situated on, or*

(b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*

(c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

(5) *A planning proposal must not contain or refer to drawings that show details of the development proposal.*

#### **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 of minor significance.*

**Comment:** The Planning Proposal is considered to be of minor significance and intends to provide for the retention of the existing dwellings and associated uses on each of two (2) lots in the future subdivision of Lot A DP 413644 (see plan at Annexure 5). There are no restrictive site-specific planning controls proposed.

## **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?**

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 the proposal. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats located on the subject land - see Annexure 10 being a copy of the NSW Environment and Heritage Bionet map. Additionally, the Upper Lachlan Natural Resources Sensitivity - Biodiversity Map Sheet NRB\_008 (Part) does not identify the subject land as containing biodiversity - see Annexure 11. 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 the proposal.

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

There are no other likely environmental effects as a result of the planning proposal. The land and lots to be created by subdivision (see plan at Annexure 5) have available all necessary services and infrastructure.

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

The planning proposal provides a positive social and economic effect by enabling the two (2) existing dwelling houses on Lot A DP 413644 at 101 Golspie Road, Taralga to be located on separate parcels of land by the subdivision (see plan at Annexure 5) of the subject land into two (2) allotments with consent in the Zone R5 Large Lot Residential of *Upper Lachlan Local Environmental Plan 2010* (LEP 2010) where a minimum lot size of 2ha applies. The Planning Proposal will also address a historical development which has resulted in two (2) dwellings being erected on a single small area allotment.

**Section D-State and Commonwealth Interests**

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

No public infrastructure will be required as a consequence of support of this planning proposal as both future parcels of land have existing access from Golspie Road (see photographs at Annexure 9) and the existing dwellings will continue to utilize existing on-site wastewater disposal facilities and rainwater tanks for potable water. Additionally, any future development applications for the subdivision of the subject land (see plan at Annexure 5) will appropriately consider the requirements for any public infrastructure. The area to which Zone R5 Large Lot Residential applies does not have reticulated water or sewer, however, electricity is available to the existing dwellings. The village of Taralga does have reticulated water and sewerage infrastructure and the estimated cost of providing this infrastructure to the subject land is:

Design and Contingency		\$50,000
Reticulated Water:	568m @ \$120/m =	\$68,160
Reticulated sewerage:	568m @ \$110/m =	\$62,480
Sewer Pump Station		\$250,000
	TOTAL	\$430,640

It is not feasible or economically viable for reticulated water and sewerage infrastructure to be extended to the subject land and the Upper Lachlan Strategy Plan 2020 Vision states in respect to large lot residential living and rural small holdings that *“These areas comprise unserviced lots that will be defined by minimum lot sizes for dwelling entitlements”* (Page 197). Enquiries were made to the Upper Lachlan Council regarding the capacity of the existing reticulated water and sewerage infrastructure to service the R5 zoned area but no information has been provided. In any event, this Planning Proposal will have no impact on the capacity of the Taralga water and sewerage infrastructure. Dwelling 1 has a front setback of 92m from Golspie Road and Dwelling 2, a front setback of 54m from Golspie Road. The Upper Lachlan DCP 2010 requires a minimum front setback of 10m. Side and rear setbacks of Dwelling 1 are 19m and 8m respectively and for Dwelling 2, 19m and 30m respectively which also exceed the DCP requirement of 5m. In respect to access, photographs of the available sight distance are included at Annexure 9 showing:

Dwelling 1:	Sight distance west	145m
	Sight distance east	180m
Dwelling 2	Sight distance west	250m
	Sight distance east	315m



In respect to the required sight distance, Austroads *Guide To Road Design Part 4a: Unsignalised And Signalised Intersections* (Section 3.2.2) provides the following formula to determine a Safe Intersection Sight Distance (SISD):

$$SISD = [(D_T \times V) / 3.6] + [V^2 / (254 \times (d + 0.01 \times a))]$$

where:

SISD = safe intersection sight distance (m)

DT = decision time (s) = observation time (3 s) + reaction time (s): refer to the Guide to Road Design – Part 3: Geometric Design (Austroads 2009a) for a guide to values

V = operating (85th percentile) speed (km/h)

d = coefficient of deceleration – refer to Table 3.2 and the Guide to Road Design – Part 3: Geometric Design (Austroads 2009a) for a guide to values

a = longitudinal grade in % (in direction of travel: positive for uphill grade, negative for downhill grade)

In this instance:

(i) Dwelling 1 Access –Sight Distance West:

DT = 3 + 1.5 (design speed <90kph – see Section 5.2.2 of RMS Supplement at Annexure 13)  
= 4.5

V = 70kph (this 85<sup>th</sup> percentile is considered appropriate for this location for traffic travelling in an easterly direction considering the road alignment, narrow bitumen width (approx. 5.5m) and average to poor condition of the road pavement)

d = 0.36 (See Section 5.2.3 of RMS Supplement at Annexure 13)

a = 3%

and

$$\begin{aligned} SISD &= [(4.5 \times 70) / 3.6] + [70^2 / (254 \times (0.36 + 0.01 \times 3))] \\ &= 87.5 + 49.5 \\ &= 137\text{m} \end{aligned}$$

A Safe Intersection Sight Distance of 137m is required. The minimum sight distance west at the existing driveway is 145m which exceeds the calculated minimum requirement.

(ii) Dwelling 1 Access –Sight Distance East:

DT = 3 + 1.5 (design speed <90kph – see Section 5.2.2 of RMS Supplement at Annexure 13)  
= 4.5

V = 80kph (this 85<sup>th</sup> percentile is considered appropriate for this location for traffic travelling in a westerly direction considering the road alignment, narrow bitumen width (approx. 5.5m) and average to poor condition of the road pavement)

d = 0.36 (See Section 5.2.3 of RMS Supplement at Annexure 13)

a = 3%

and

$$\begin{aligned} SISD &= [(4.5 \times 80) / 3.6] + [80^2 / (254 \times (0.36 + 0.01 \times -3))] \\ &= 100 + 76.4 \\ &= 176.4\text{m} \end{aligned}$$

A Safe Intersection Sight Distance of 177m is required. The minimum sight distance east at the existing driveway is 180m which exceeds the calculated minimum requirement.

(iii) Dwelling 2 Access –Sight Distance West:

DT = 3 + 1.5 (design speed <90kph – see Section 5.2.2 of RMS Supplement at Annexure 13)  
= 4.5

V = 80kph (this 85<sup>th</sup> percentile is considered appropriate for this location for traffic travelling in an easterly direction considering the road alignment, narrow bitumen width (approx. 5.5m) and average to poor condition of the road pavement)

d = 0.36 (See Section 5.2.3 of RMS Supplement at Annexure 13)

a = 3%

and

$$\begin{aligned}\text{SISD} &= [(4.5 \times 80) / 3.6] + [80^2 / (254 \times (0.36 + 0.01 \times 3))] \\ &= 100 + 64.6 \\ &= 164.6\text{m}\end{aligned}$$

A Safe Intersection Sight Distance of 165m is required. The minimum sight distance west at the existing driveway is 250m which exceeds the calculated minimum requirement.

(iv) Dwelling 2 Access –Sight Distance East:

$$\begin{aligned}\text{DT} &= 3 + 1.5 \text{ (design speed } < 90\text{kph – see Section 5.2.2 of RMS Supplement at Annexure 13)} \\ &= 4.5\end{aligned}$$

V = 80kph (this 85<sup>th</sup> percentile is considered appropriate for this location for traffic travelling in a westerly direction considering the road alignment, narrow bitumen width (approx. 5.5m) and average to poor condition of the road pavement)

d = 0.36 (See Section 5.2.3 of RMS Supplement at Annexure 13)

a = 3%

and

$$\begin{aligned}\text{SISD} &= [(4.5 \times 80) / 3.6] + [80^2 / (254 \times (0.36 + 0.01 \times -3))] \\ &= 100 + 76.4 \\ &= 176.4\text{m}\end{aligned}$$

A Safe Intersection Sight Distance of 177m is required. The minimum sight distance east at the existing driveway is 315m which exceeds the calculated minimum requirement.

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

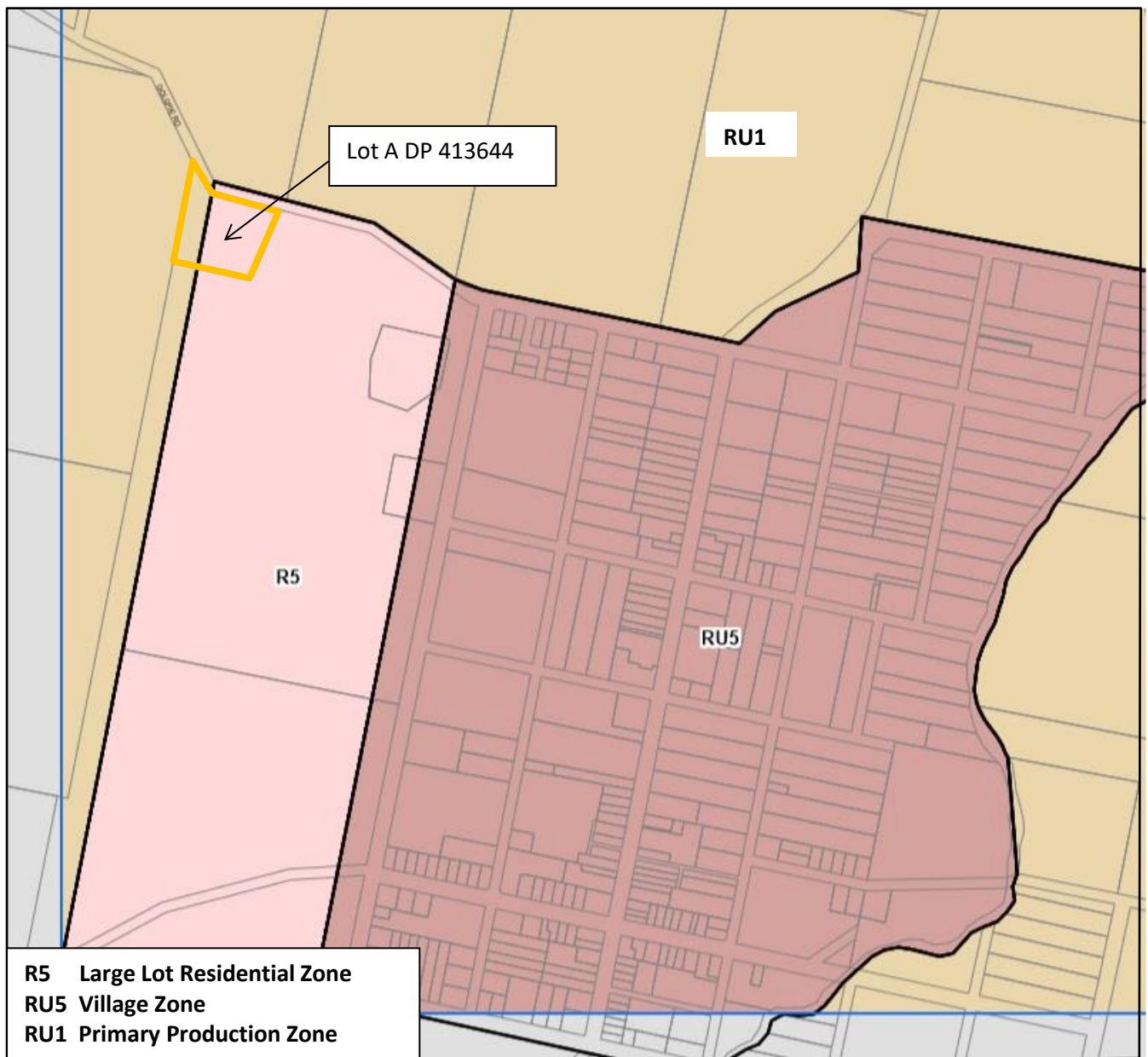
Any requirement to consult State and Commonwealth public authorities, as advised by the Department, will be undertaken in accordance with the relevant community consultation requirements.

## **PART 4 MAPPING**

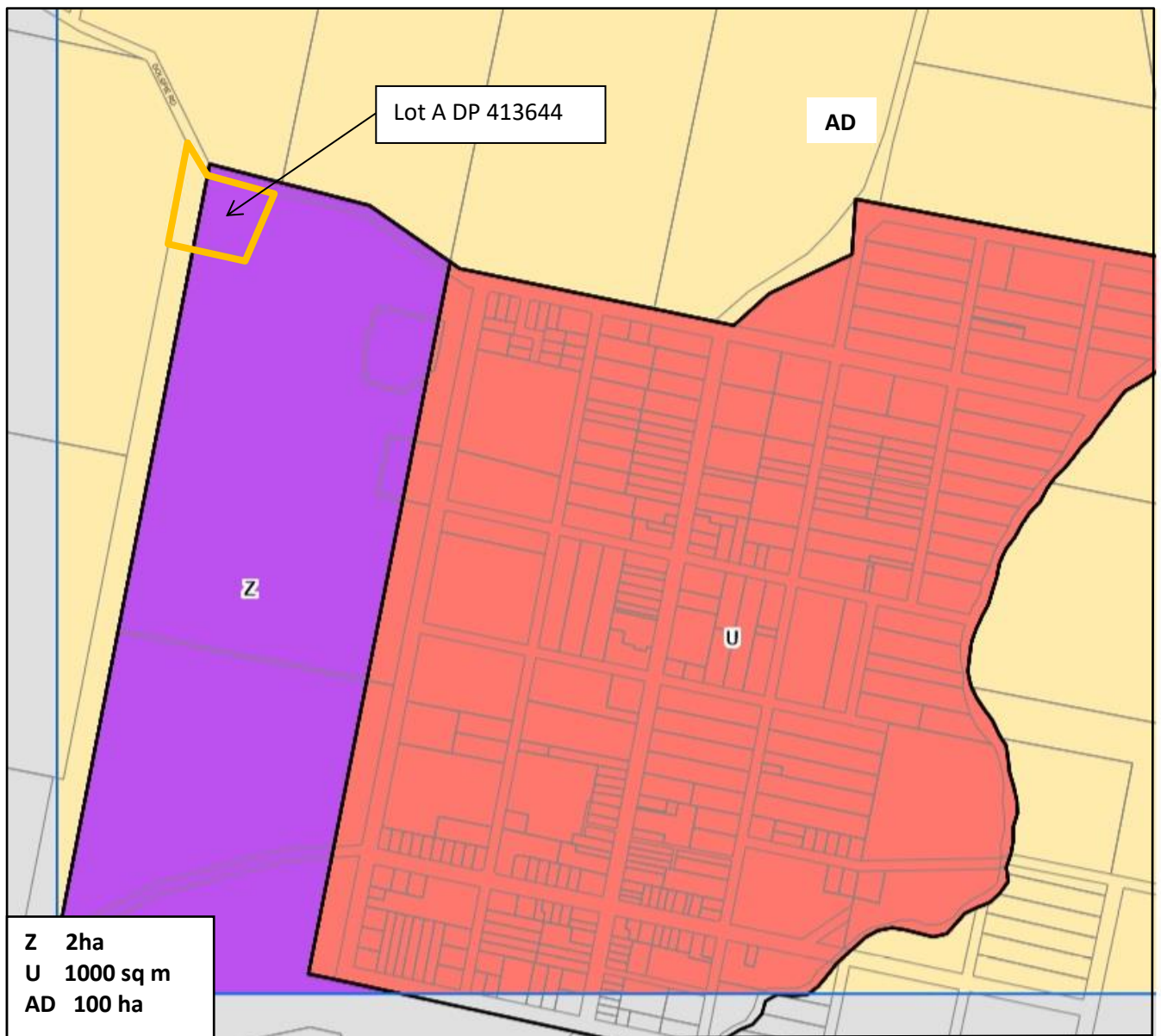
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The following maps are included as part of the Planning Proposal:

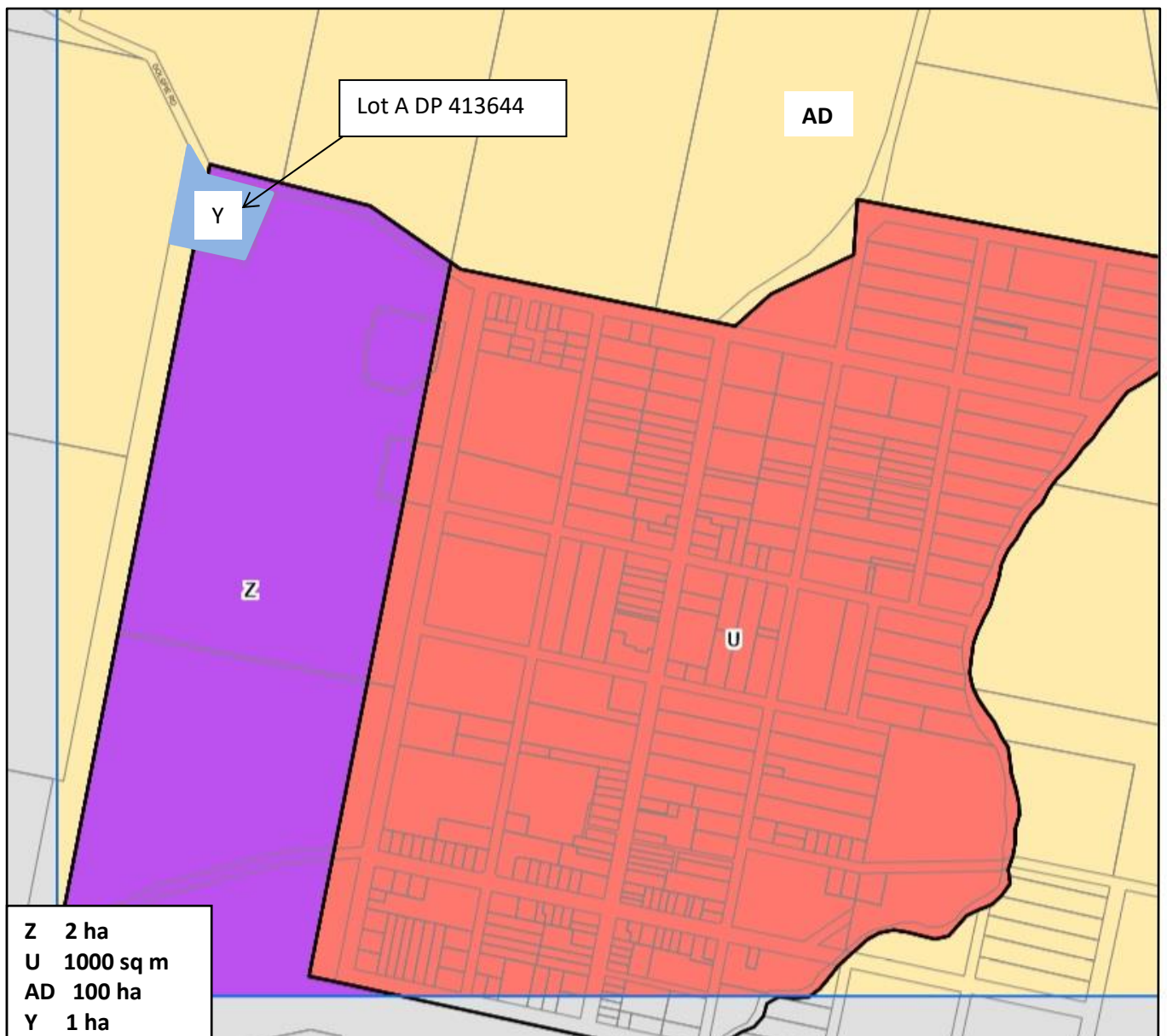
- Figure 1 Upper Lachlan LEP 2010 Land Use Zone Map (Current).
- Figure 2 Upper Lachlan LEP 2010 Minimum Lot Size Map (Current).
- Figure 3 Upper Lachlan LEP 2010 Minimum Lot Size Map (Amended).
- Figure 4 Upper Lachlan LEP 2010 Land Use Zone Map (Amended).



**Figure 1: The current Land Use Zones applying to the land  
 Zone R5 Large Lot Residential and Zone RU1 Primary Production  
 (Land Zoning Map – Sheet LZN\_008B)  
 Upper Lachlan Local Environmental Plan 2010  
 (Map Source: NSW Legislation website)**

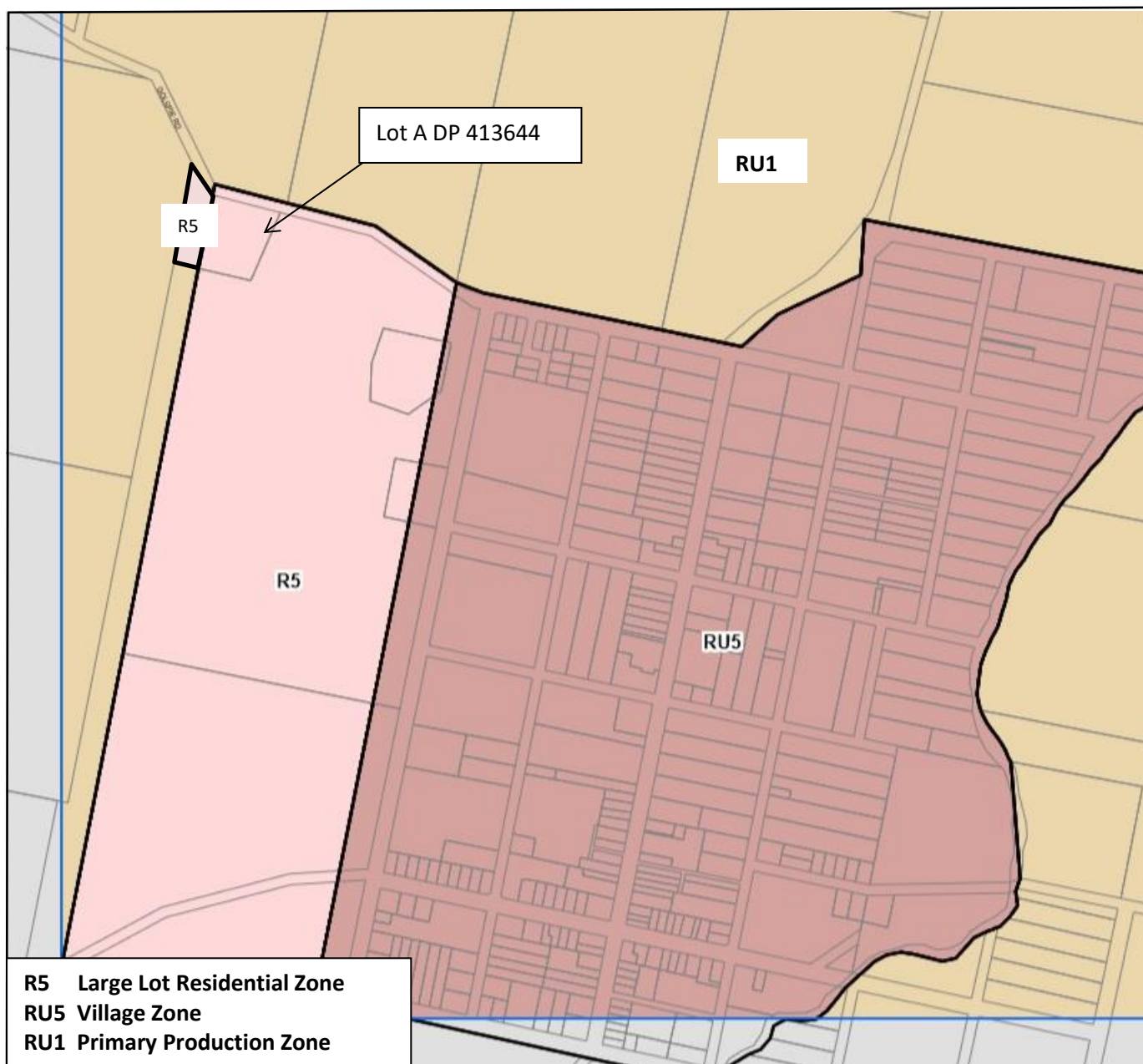


**Figure 2: The current Minimum Lot Sizes relating to the land  
(Lot Size Map - Sheet LSZ\_008B)  
Upper Lachlan Local Environmental Plan 2010  
(Map Source: NSW Legislation website)**



**Figure 3: The proposed Minimum Lot Size to apply to the land**  
**Minimum Lot Size 1ha (Y)**  
**(Lot Size Map - Sheet LSZ\_008B)**  
**Upper Lachlan Local Environmental Plan 2010**  
 (Map Source: NSW Legislation website)





## PART 5 COMMUNITY CONSULTATION

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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 28 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.

## PART 6 PROJECT TIMELINE

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The following project timeline is provided for the planning proposal:

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

June 2021

**Anticipated timeframe for the completion of required technical information:**

July 2021

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

August / September 2021

**Commencement and completion dates for public exhibition period:**

September 2021

**Dates for public hearing (if required):**

Not required

**Timeframe for consideration of submissions:**

October 2021

**Timeframe for the consideration of a proposal post exhibition:**

October 2021

**Date of submission to the department to finalise the LEP:**

November 2021

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

November 2021

**Anticipated date RPA will forward to the department for notification:**

December 2021



## CONCLUSION and RECOMMENDATION

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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 enable the two (2) existing dwelling houses on Lot A DP 413644 at 101 Golspie Road, Taralga to be located on separate parcels of land by the subdivision of the subject land.

The Planning Proposal also meets all the relevant State, Regional and Local planning policies and is considered to be of minor significance. 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 the *Environmental Planning and Assessment Act 1979* as the Proposal:

- is justified in terms of consistency with all the relevant State, Regional and Local planning policies.
- addresses a historical development which has resulted in two (2) dwellings being erected on a single small area allotment.
- is considered to be of minor significance.

## **ANNEXURES**

## Annexure 1

History of the two houses on a 2 hectare allotment.

PHILLIP CROKE  
101 GOLSPIE ROAD  
TARALGA 2580  
PHONE 0438 472 427

TO JACQUELINE IMPEY  
UPPER LACHLAN SHIRE COUNCIL

THIS LETTER IS TO REQUEST UPPER LACHLAN  
SHIRE COUNCIL TO PREPARE AND SUPPORT A PLANNING  
PROPOSAL FOR REZONING FROM 2 HECTARES TO  
1 HECTARE ON BEHALF OF HELEN PITT  
LOT A DP 413644 101 GOLSPIE ROAD TARALGA NSW

HISTORY OF TWO HOUSES ON A 2 HECTARES  
SUBDIVISION.

EARLY TO MID 1900's PICKER'S OWNED  
ABOUT 48 HECTARES.

MAIN HOUSE BUILD EARLY 1900's

COTTAGE BUILD AROUND 1940's EARLY 1950's  
FOR THERE SON,

SOLD TO CAMPBELL'S AROUND LATE 1950's  
EARLY 1960's.

SOLD TO BILL CONNOR AROUND EARLY 1960's.  
BILL CONNOR SUBDIVIDED 2 HECTARES WITH  
THE TWO HOUSES AND SOLD THE BLOCK TO  
THE TODD FAMILY.

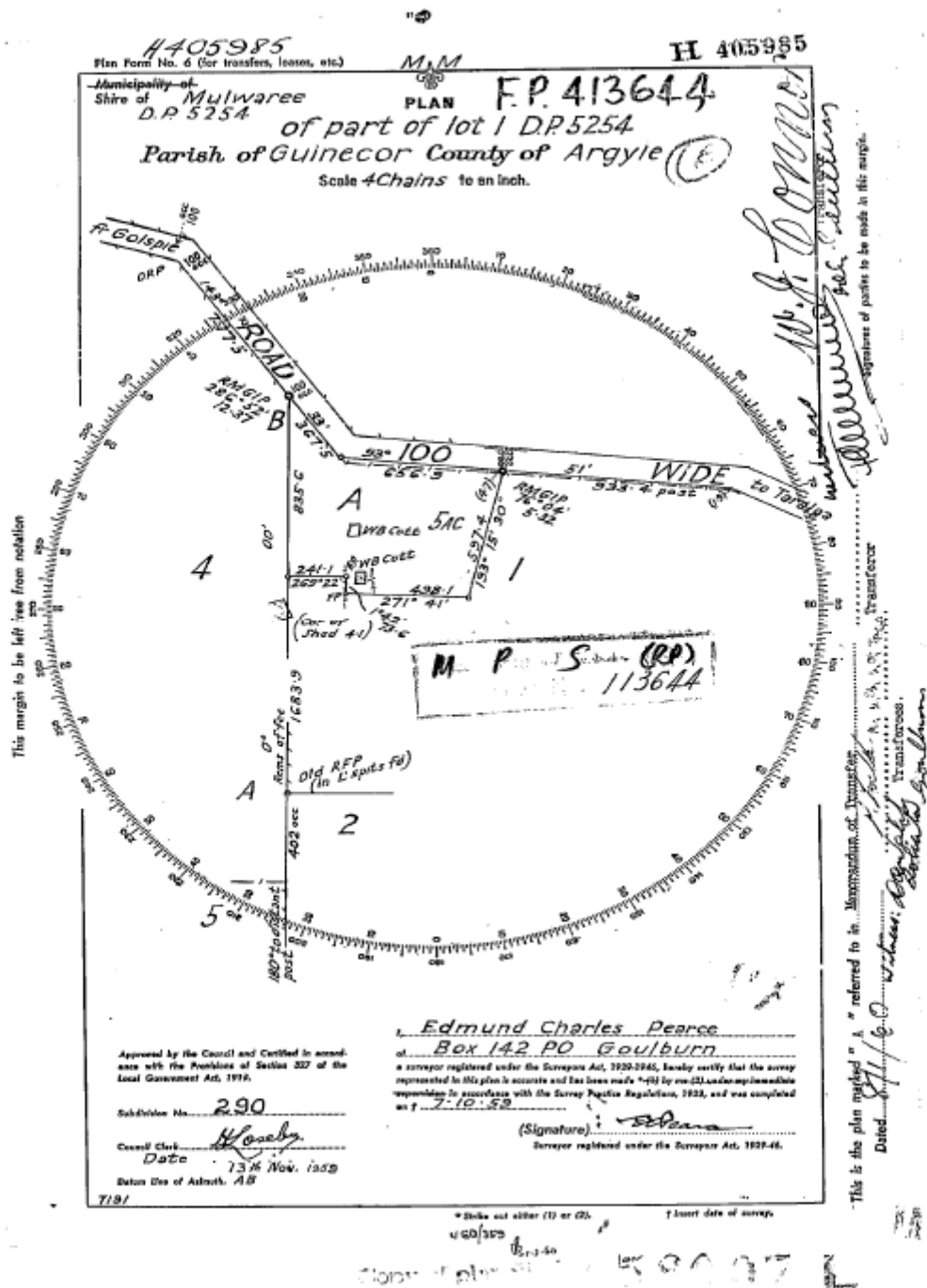
SOLD TO PITT'S IN 1974

COTTAGE REPLACE IN 2001

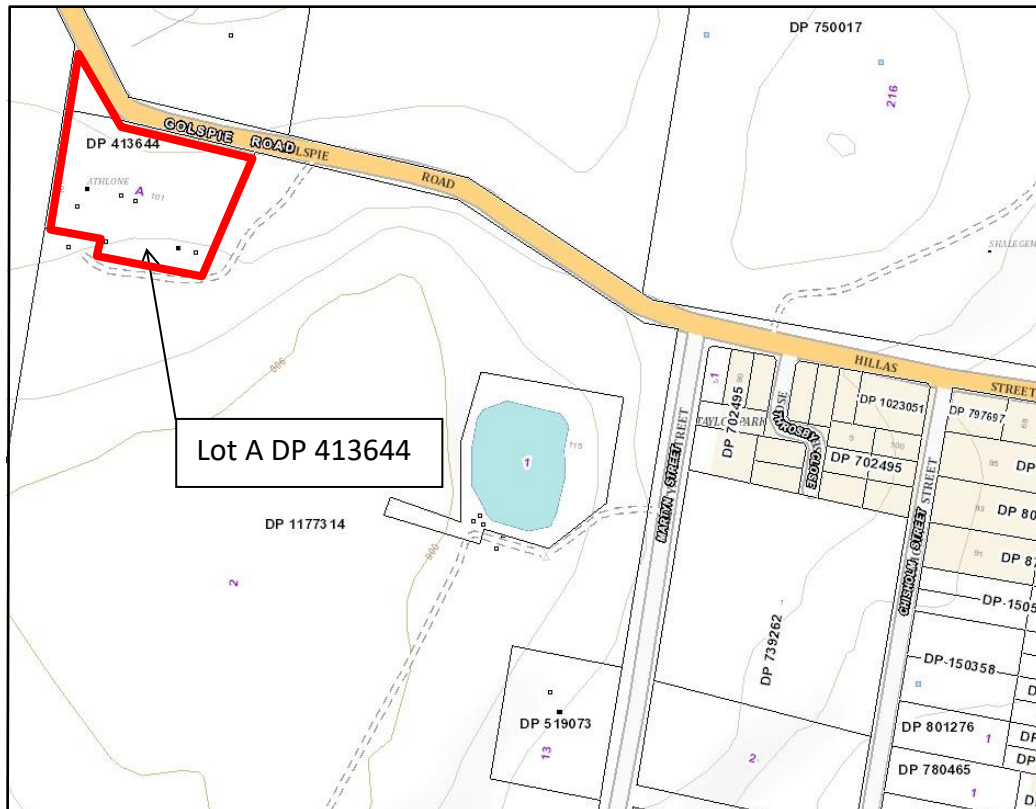
MAIN HOUSE RENOVATE AROUND 2006

Philip L Croke.

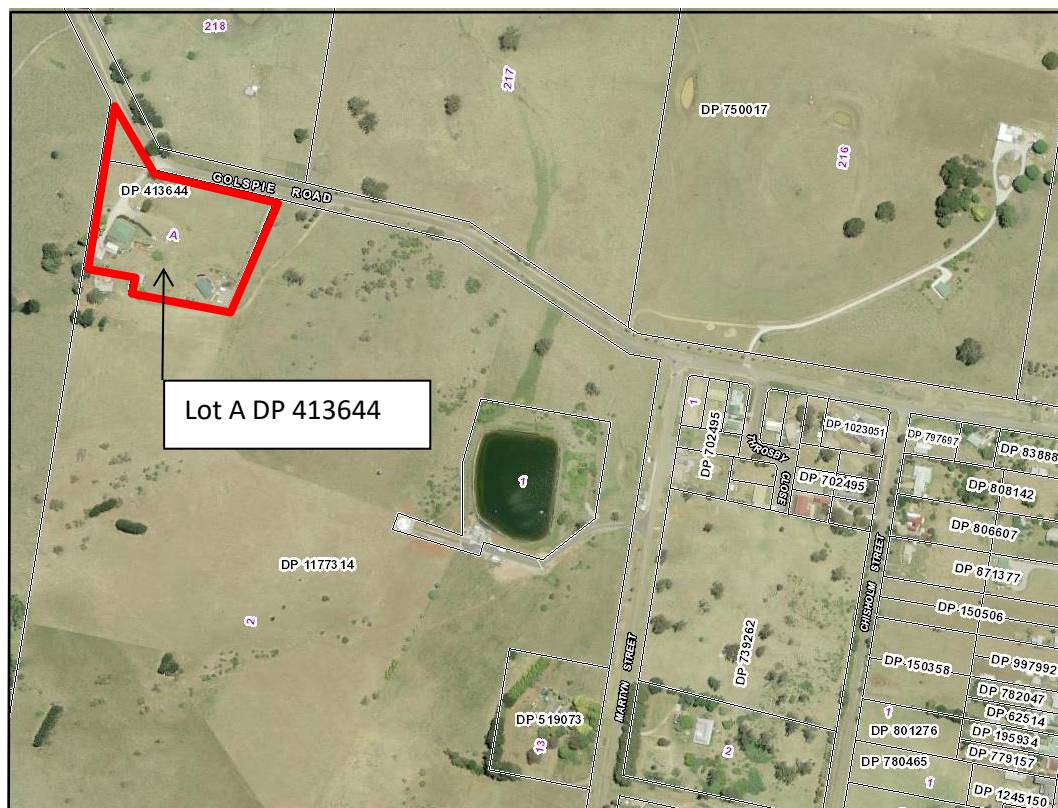
## Deposited Plan - Lot A DP 413644



## Topographic Map and Aerial Photograph



## Topographic Map

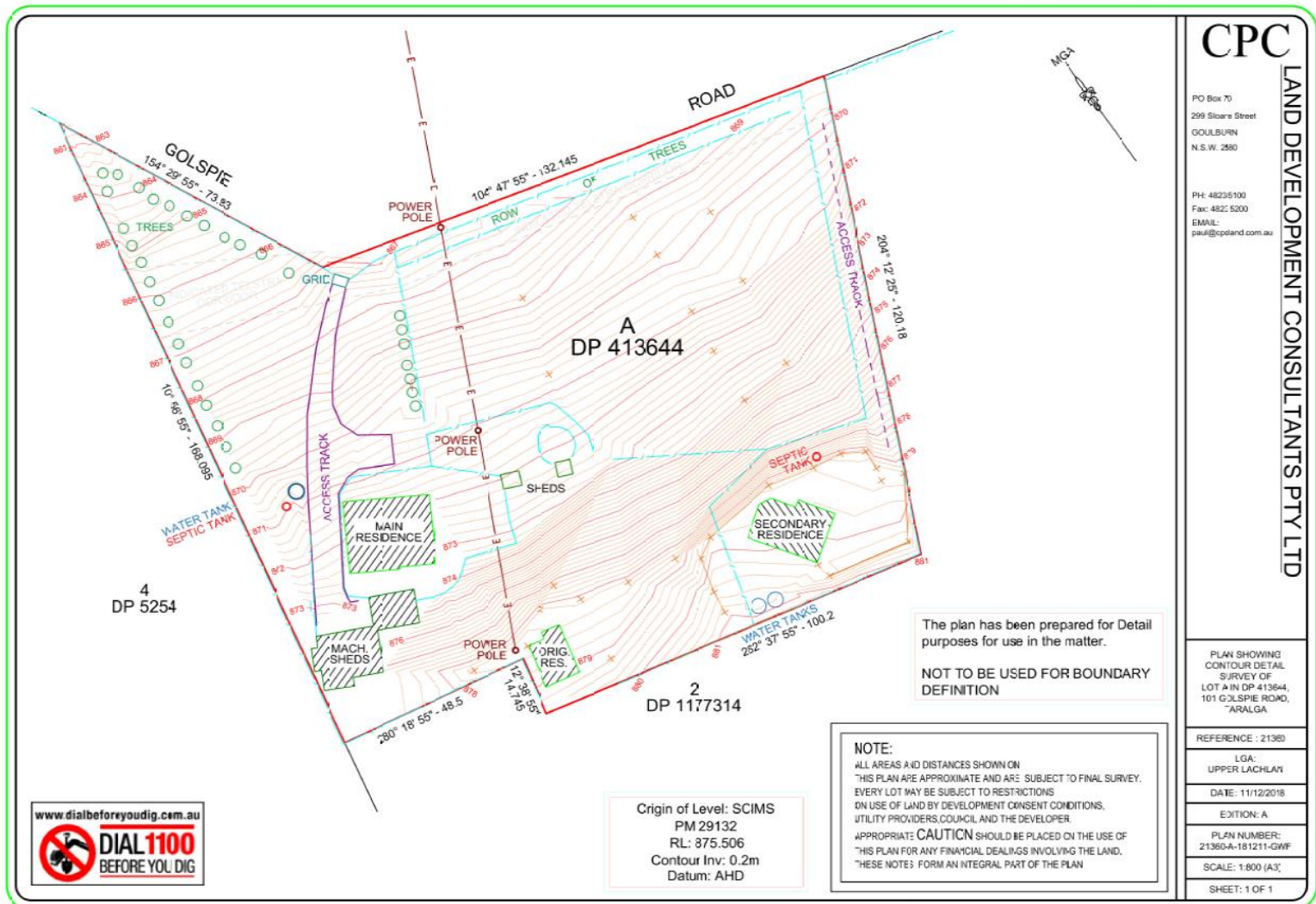


### Aerial Photograph



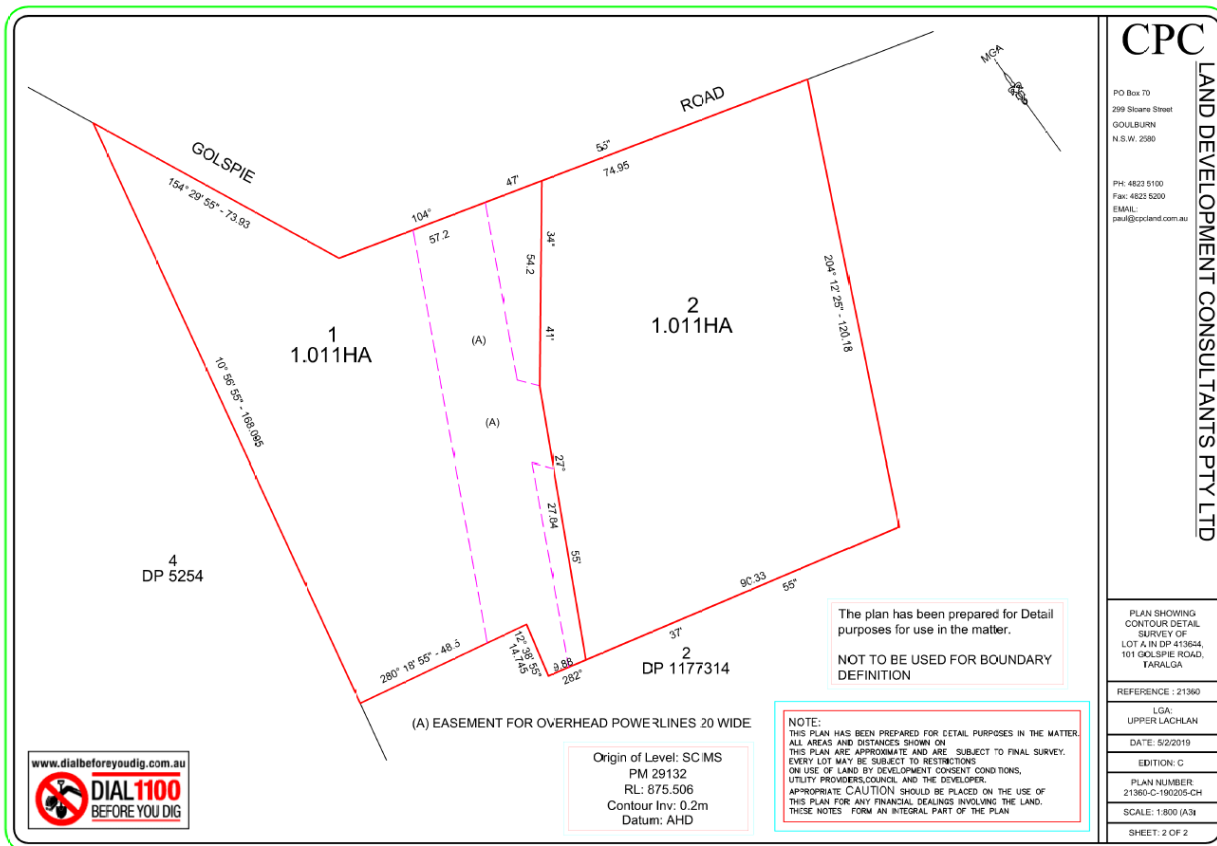
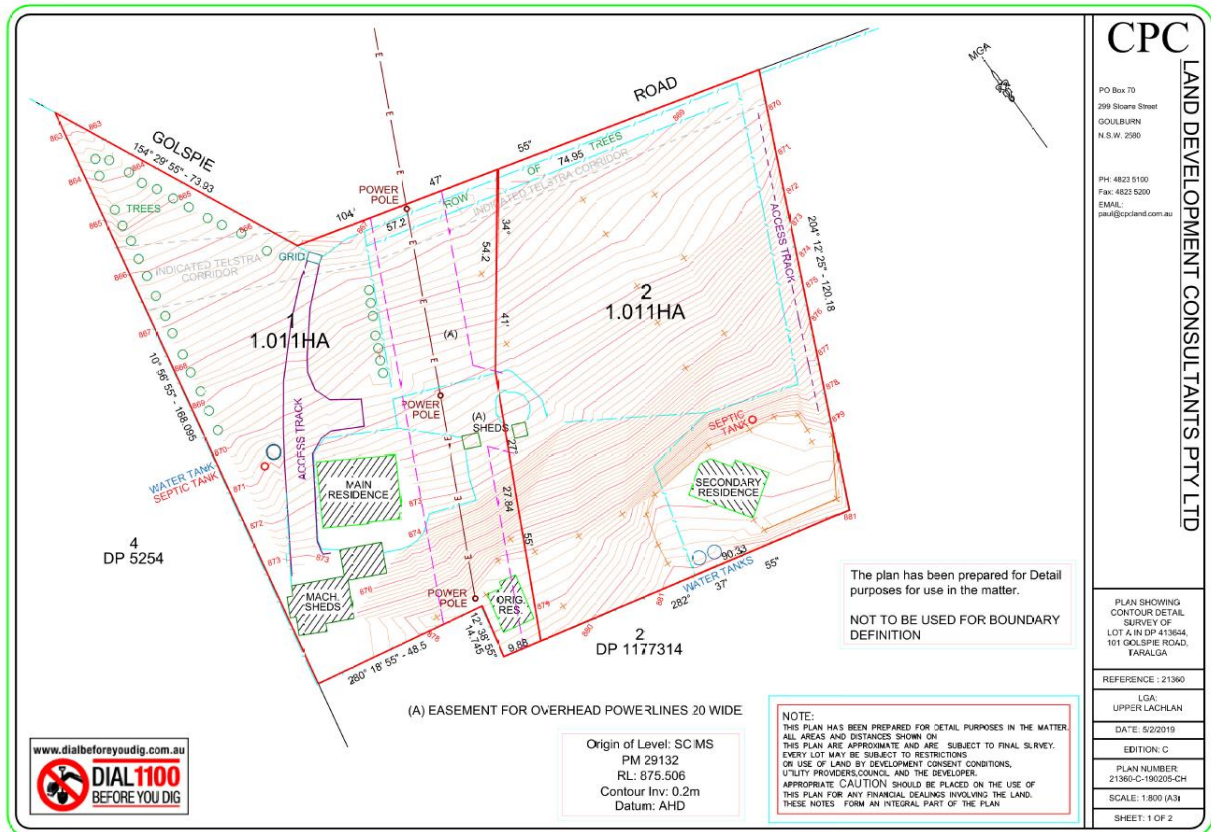
## Annexure 4

### Contour Survey



## Annexure 5

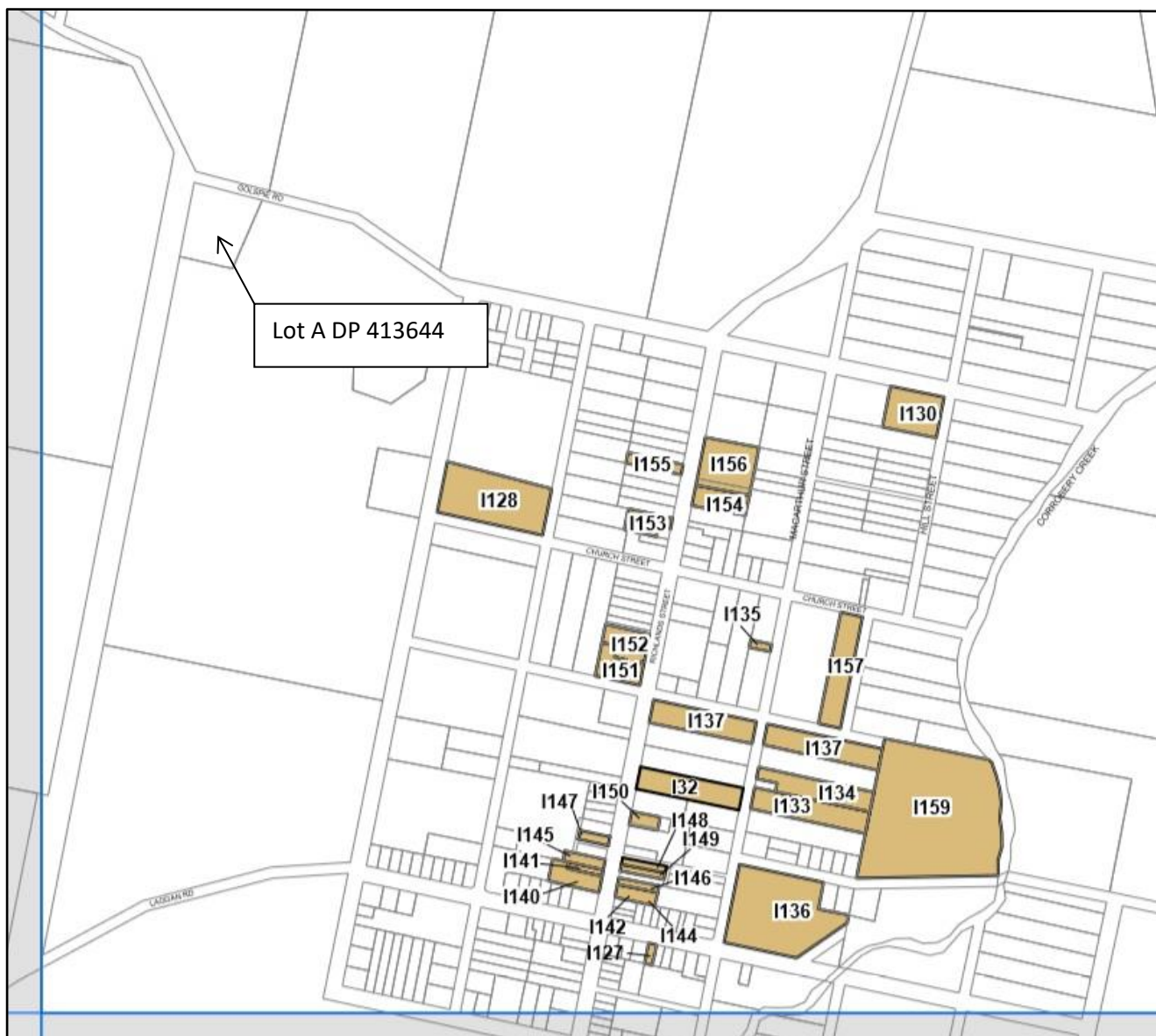
### Proposed Plan of Subdivision





# Annexure 6

Upper Lachlan LEP 2010 – Heritage Map  
HER\_008B (Part)



## Annexure 7

### AHIMS Search Result



#### AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Croke  
Client Service ID : 377120

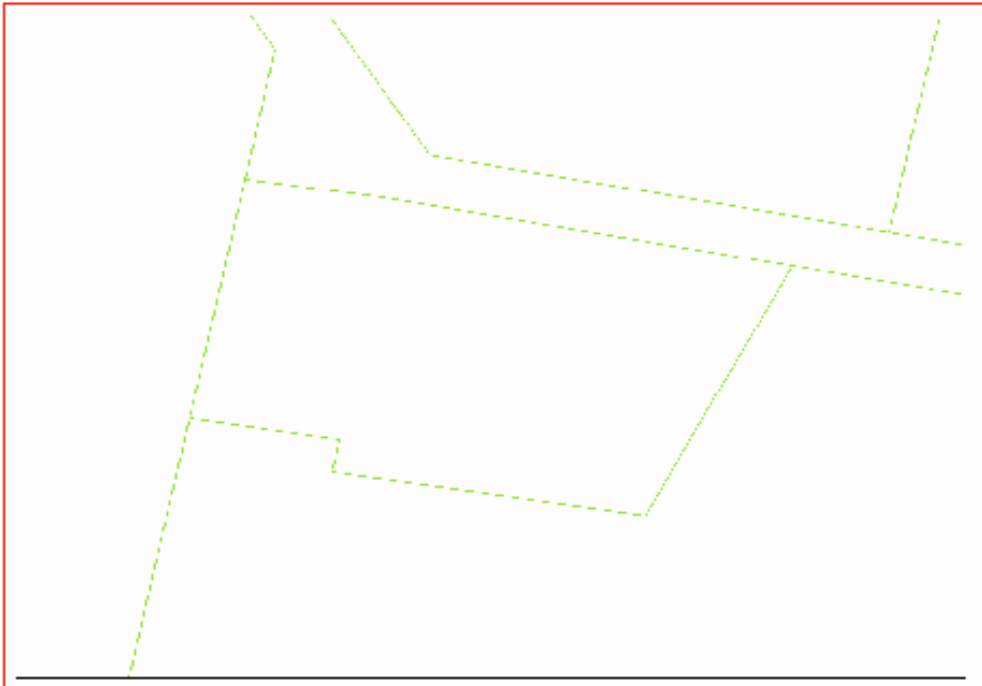
Robert Mowle  
P O Box 1326  
Goulburn New South Wales 2580  
Attention: Robert Mowle  
Email: robert@laterals.com.au

Date: 18 October 2018

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot: A, DP:DP413644 with a Buffer of 50 meters, conducted by Robert Mowle on 18 October 2018.**

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:

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



Robert Mowle  
P O Box 1326  
Goulburn New South Wales 2580  
Attention: Robert Mowle  
Email: robert@laterals.com.au  
Dear Sir or Madam:

Date: 18 October 2018

**AHIMS Web Service search for the following area at Lot: A, DP:DP413644 with a Buffer of 200 meters,  
conducted by Robert Mowle on 18 October 2018.**

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.



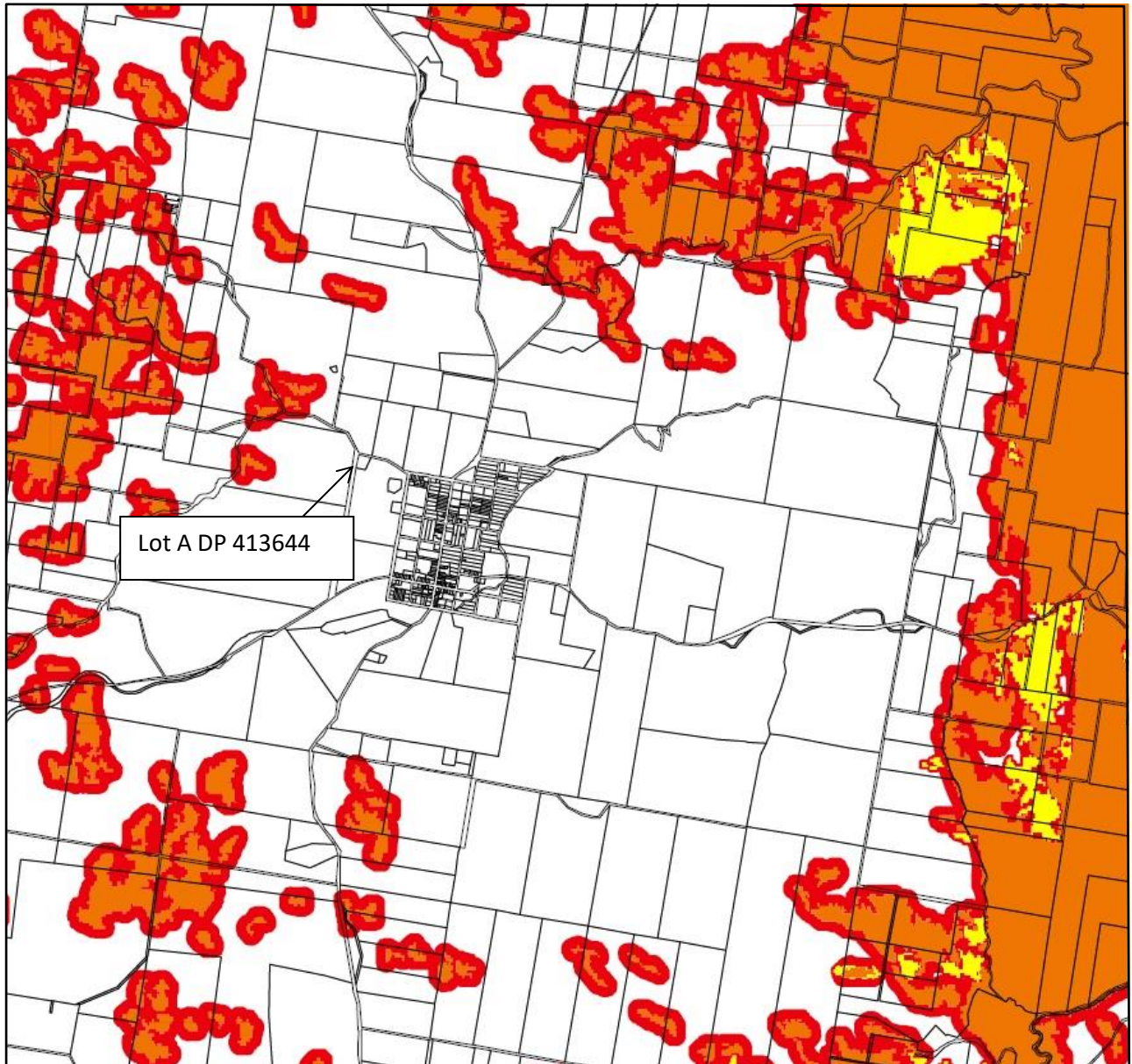
A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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



## Annexure 8

### Upper Lachlan Bushfire Prone Land Map (Part)



## Annexure 9

Site Photographs (22 October 2018)



Existing Dwellings



Driveway to Dwelling 1





**Dwelling 1**



**Driveway to Dwelling 2**





**Dwelling 2**



**Driveway to Dwelling 2 – Sight Distance West 250m**





**Driveway to Dwelling 2 – Sight Distance East 315m**



**Driveway to Dwelling 1 – Sight Distance West 145m**

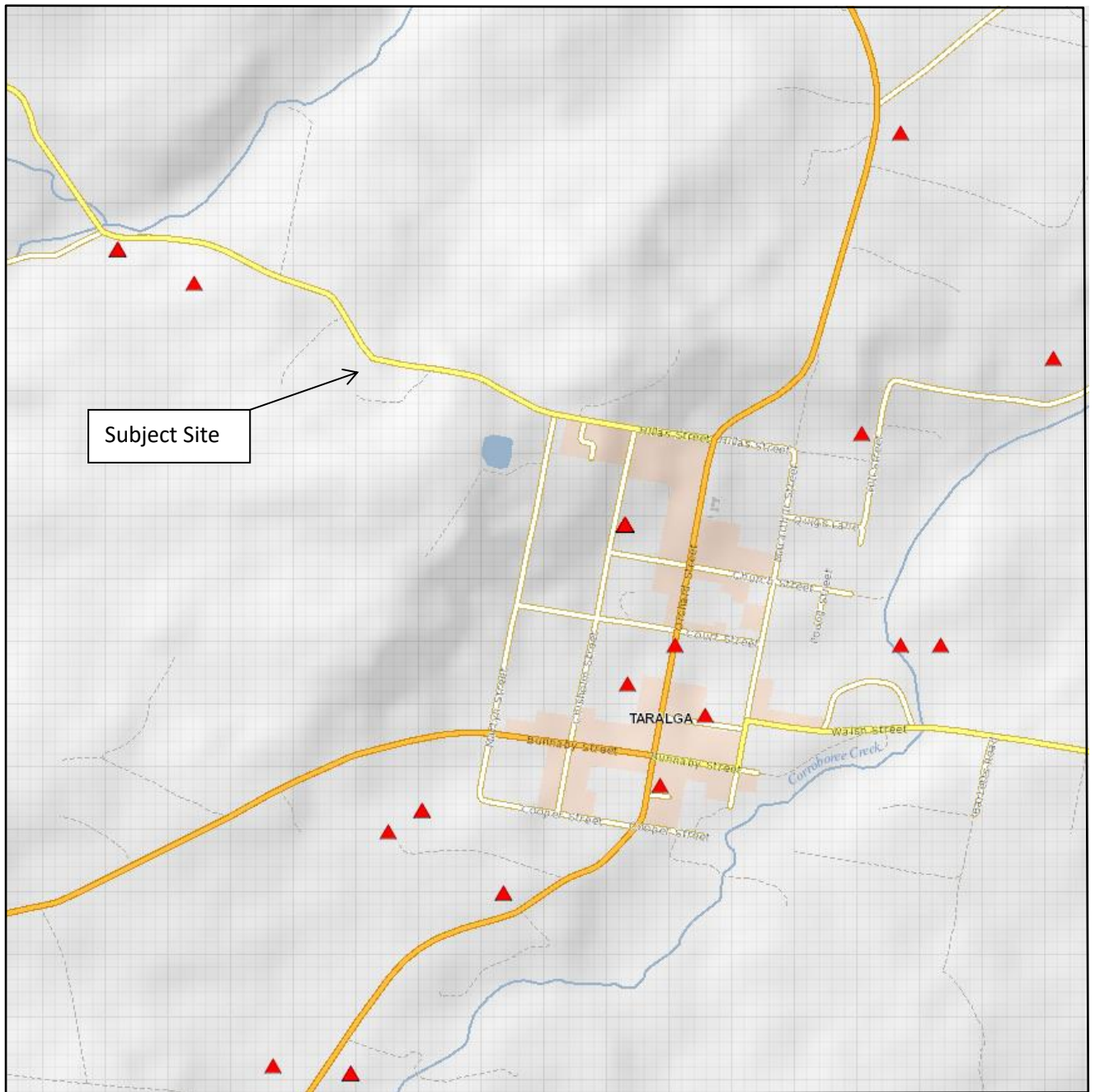


**Driveway to Dwelling 1 – Sight Distance East 180m**



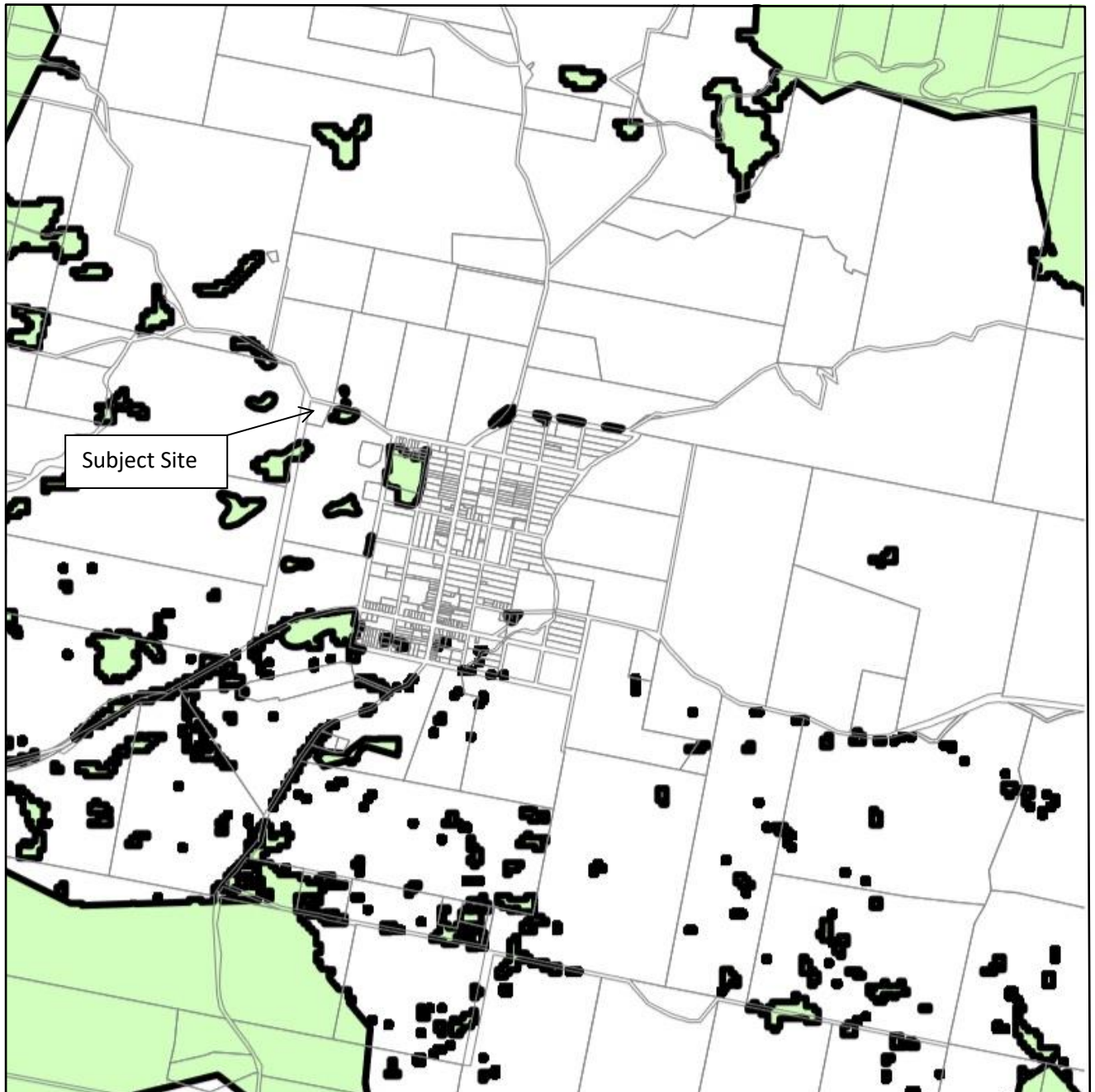
## Annexure 10

### NSW Environment and Heritage Bionet Map



## Annexure 11

### Upper Lachlan Natural Resources Sensitivity - Biodiversity Map Sheet NRB\_008 (Part)



## **Annexure 12**

**Strategic Environmental and Engineering Consulting  
Wastewater Management: Site and Soil and Disposal System Design**

**SEE SEPARATE ATTACHMENT**



## Annexure 13

### RMS Supplement to Austroads Guide to Road Design Part 3



Transport  
Roads & Maritime  
Services

## Supplement to Austroads Guide to Road Design Part 3

Publication No: RMS 17.435

Supersedes version: 2.1

### Geometric Design (2016) Version 2.2

Austroads has released the Guide to Road Design, Part 3: Geometric Design and all road agencies across Australasia have agreed to adopt the Austroads guides to provide a level of consistency and harmonisation across all jurisdictions. This agreement means that the new Austroads guides and the Australian Standards, which are referenced in them, will become the primary technical references for use within Roads and Maritime Services.

This supplement is issued to clarify, add to, or modify the Austroads Guide to Road Design, Part 3: Geometric Design.

Roads and Maritime accepts the principles in the Austroads Guide to Road Design, Part 3: Geometric Design with variations documented in this supplement under the following categories:

- Roads and Maritime enhanced practice: Roads and Maritime practice that enhances the Austroads Guides
- Roads and Maritime complementary material: Roads and Maritime reference material that complements the Austroads Guides. These documents include Roads and Maritime manuals, technical directions and/or other reference material and are to be read in conjunction with the Austroads Guides
- Roads and Maritime departures: Roads and Maritime practice that departs from the Austroads Guides.

## Document information

<b>Title:</b>	Roads and Maritime Supplement to Austroads Guide to Road Design – Part 3: Geometric Design (2016)
<b>Branch/Section/Unit:</b>	Engineering Services/Road Design Engineering/Road Policy, Specifications and Technology
<b>Author:</b>	Road Policy, Specifications and Technology
<b>Contributors:</b>	Standards and Technology Manager, Lead Technology Analyst, Manager Design Review and Special Projects, Manager Road Design, Manager Traffic Signals Operations and Director Road Design
<b>Endorsed by:</b>	Director Road Design
<b>Approvals:</b>	Confer with Director of Engineering
<b>Approved by:</b>	Director of Engineering
<b>Date of Approval and Effect:</b>	31/08/2017
<b>For:</b>	Roads and Maritime Services and road design contractors
<b>Next Review Date:</b>	30/08/2019
<b>Publication Number:</b>	RMS 17.435
<b>Keywords:</b>	Cross section, sight distance, horizontal alignment, vertical alignment

## Document history

Version	Date	Reason for amendment	Page No.	Editor
2.2	31/08/2017	Added general traffic lane bus stop information Added rural bus stop figure Removed reference to "V" in curve widening formula.	3 4 5	Road Policy, Specifications and Technology
2.1	07/04/2017	Update to align with current Austroads Guide to Road Design Part 3, released September 2016.	All	Road Policy, Specifications and Technology
2.0	12/08/2015	Major amendment in formatting and reduced content to align with current Austroads Guide to Road Design Part 3.	All	Road Policy, Specifications and Technology
1.0	17/03/2011	First issue.	All	Technology Standards (Road)

The use of design parameters outside of Normal Design Domain requires approval from a representative authorised by the Director Road Design.

### Roads and Maritime: complementary material

The following documents provide additional detail of Roads and Maritime best practice. It is necessary to comply with complementary material.

- NSW Bicycle Guidelines
- Roads and Maritime Supplements to Austroads Guides
- Roads and Maritime Australian Standards Traffic Supplements
- Roads and Maritime Traffic Signal Design Guide
- Roads and Maritime Delineation Manual
- Roads and Maritime Standard Drawings
- Roads and Maritime Technical Directions.

The documents are published and can be found on the Roads and Maritime website.

### Roads and Maritime: enhanced practice and departures

#### 4 Cross-section

##### 4.6.4 Kerb and channel

Refer to Roads and Maritime standard drawings for kerb profiles used in NSW.

##### 4.7.1 Median width

In addition to the values shown in Table 4.15: Urban median widths, Roads and Maritime accept the following:

Median function	Minimum width (m)
Shelter a pedestrian fence	1.2m

##### 4.8.1 Bicycle lanes – wide kerbside lanes

Roads and Maritime practice is not to use widened lanes for joint use of bicycles and traffic. Designs must take into account Roads and Maritime's regional cycleway network plan.

##### 4.9.2 Bus lanes

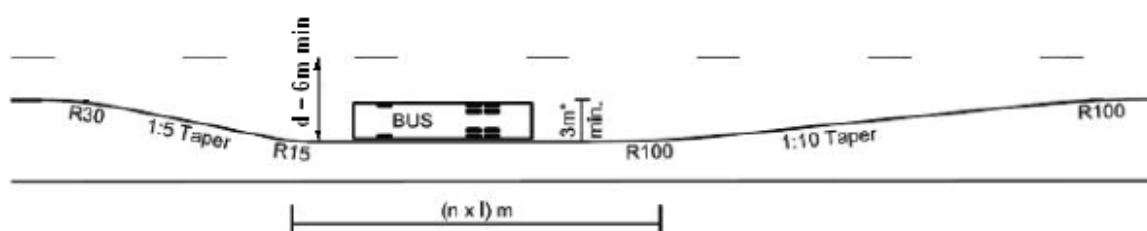
Roads and Maritime practice is to adopt 3.5 metres wide bus lanes for design speeds less than 80 kilometres per hour and 4.0 metres wide bus lanes for design speeds equal to or greater than 80 kilometres per hour.

##### 4.12.2 Bus stops - urban

Where bus stops are located in the general traffic lane, consideration must be given to the adverse effect on traffic.

### 4.12.3 Bus stops - rural

The approved layout for rural indented bus bays is shown below:



\* Width (including clearances) may need to be increased where large/wide buses are involved  
 n – number of buses using stop simultaneously  
 l – length of bus (including clearances if desired)  
 d – either centreline of road, designated centreline or first lane line

## 5 Sight distance

### 5.2.2 Driver reaction time

Roads and Maritime practice is to use the following driver reaction times:

Table 5.2: Driver reaction times

Reaction Time (s)	Design Speed (km/h)
2.5	≥ 110
2.0	100
1.5	≤ 90

Note: Higher reaction times should be considered where local conditions warrant.

### 5.2.3 Longitudinal deceleration

Roads and Maritime uses a coefficient of deceleration of 0.36 for cars on sealed roads.

The tabled value of coefficient of deceleration for buses ensures passenger comfort when decelerating on the approach to a bus stop. This should be considered when designing bus specific facilities.

### 5.3.2 Truck stopping sight distance

Roads and Maritime does not use truck stopping sight distance as a normal design parameter. Truck stopping sight distance should be checked in approach to truck related facilities (such as inspection bays and weigh bridges), assuming the car / truck speed relationship shown in Table 3.5.

## 7 Horizontal alignment

### 7.5.1 Compound curves

In Roads and Maritime practice the desirable ratio of the larger radius to the smaller radius should not exceed 1:0.75. However, in low speed designs, where compound curves with radii less than 1000m are unavoidable, the larger radius to the smaller should not exceed 1:0.5. For high speed design, the design speed criteria and not curve ratios should be satisfied.

## 7.6 Side friction and minimum curve size

Roads and Maritime uses the desirable maximum values of side friction for cars as the normal design parameter for side friction.

## 7.8 Curves with adverse crossfall

Roads and Maritime does not use the values shown in Table 7.12: Minimum radii with adverse crossfall for existing urban roads.

## 7.9 Pavement widening on horizontal curves

Roads and Maritime accepts the application of independently widening lanes or widening evenly across all lanes. Existing and/or proposed traffic composition and lane usage should be considered.

## 8 Vertical alignment

### 8.6.7 Minimum length of vertical curves

Roads and Maritime does not use the values shown in Table 8.11: Minimum length vertical curves for reconstruction.

## A Extended design domain (EDD) for geometric road design

### A.5 Pavement widening

Where normal design domain values for lane widening on curves cannot be achieved, lane widening can be calculated using the following formula. The need for lane widening ceases when widening per lane is less than 0.2 metres.

$$W = \left( \sqrt{R^2 + A(2L + A)} - \sqrt{R^2 - \sum L_i^2} \right) \times \left( 1 - e^{\frac{-0.015 \times D \times R}{\sqrt{\sum L_i^2}}} \right) + W_v + C_l$$

Where:

Design vehicle	$\sum L_i^2$	L	A	Wv
Passenger vehicle (5.2m)	9.3025	3.05	0.95	1.94
Service vehicle (8.8m)	25	5	1.5	2.5
Single unit truck / bus (12.5m)	46.9225	6.85	2.2	2.5
Long rigid bus (14.5m)	70.56	8.4	2.6	2.5
Articulated bus (19m)	61.21	5.5	2.6	2.5
Prime mover and semi-trailer (19m)	118.3	5.3	1.6	2.5
Prime mover and semi-trailer (25m)	222.21	5.4	1.6	3.0
B-double (25m)	169.81	4	1	2.5
B-double (26m)	168.775	4.5	1.4	2.5
A double (Type I) (36.2m)	228.9	5.5	1.6	2.5
B triple (35.4m)	245.99	5	1.5	2.5
A triple	333.29	6	1.7	2.5

Note: The design vehicles listed in the table are those listed in Austroads Design Vehicles and Turning Path Templates (2013)

$W$  = Widened lane width (m)  
 $W_v$  = Width of vehicle  
 $R$  = Radius (m)  
 $e$  = Exponential mathematical constant "e"  
 $D$  = Degree of curvature (degrees)  
 $C_l$  = Lateral clearance (m)  
 $L$  = Wheelbase of single unit or prime mover (m)  
 $A$  = Front overhang of inner lane vehicle (m)

#### Lateral clearance

Lane width (m)	C <sub>l</sub> (m)
3.0	0.6
3.2	0.7
3.5	0.8
3.7+	0.9

#### Sealed shoulders

When adjacent to sealed shoulders, the lateral clearance to an edge line (on the inside of a curve) may be reduced to zero as long as the minimum lateral clearance is available in the sealed shoulder width and the shoulder is not used for parking or on-road cyclists.