

Our Ref 82018 243 01 Letter 001 Rev 1

Contact Daniel Thompson

06 November 2018

The General Manager
Upper Lachlan Shire Council
PO Box 42
GUNNING NSW 2581

RE: PLANNING PROPOSAL TO REZONE LAND AT CROOKWELL DISTRICT HOSPITAL SITE, CROOKWELL

To whom it may concern,

This Planning Proposal has been prepared by Cardno on behalf of Health Administration Corporation (HAC) to describe the proposed rezoning of a vacant parcel of land to the rear of the Crookwell District Hospital that has been declared surplus and intended to be disposed.

This Planning Proposal has considered the various characteristics of the site and provides an assessment of the proposed rezoning in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Planning Proposals*.

1 Background

Crookwell District Hospital is located at 19 Kialla Road, Crookwell NSW. The site gains access from its Kialla Road frontage and McDonald Street to the south. The site is located approximately 600m south-west of the main township of Crookwell, in an area of newly developed low-density residential housing and community and recreational facilities.

In 2007, NSW Health sought development consent for the subdivision of the site to create two separate allotments (Lots 1 and 2 DP 1160080). The development was submitted in accordance with the provisions of the *Crookwell Local Environmental Plan 1994* (LEP 1994), under which the site was zoned 2(v) Urban Zone.

Lot 1 DP 1160080 addresses the Kialla Road frontage and contains all of the Crookwell Hospital buildings, services and infrastructure. Stands of native and non-native vegetation are located in the northern and western portions of the lot and some formal garden beds have been planted between structures and along the Kialla Road frontage.

Lot 2 DP 1160080 (the subject lot) forms the western portion of the hospital site and addresses McDonald Street. The site contains mostly open grassland with clusters of native tree cover located within the central and eastern portions of the site. The western boundary of the site abuts the Crookwell River.

The subdivision works were completed and the Plan was registered by the Department of Lands on the 14th April 2010.

The *Upper Lachlan Local Environmental Plan 2010* (LEP 2010) was gazetted on the 9th July 2010 and the site was subsequently rezoned *SP2 – Infrastructure (Health Services Facility)*. The revised Heritage Map under LEP 2010 indicated that both Lot 1 and 2 DP 1160080 are affected by an item of environmental heritage. However, the heritage listing relates to the Crookwell Hospital buildings contained within Lot 1 DP 1160080 only. Council resolved to submit a Planning Proposal to amend

Schedule 5 of the LEP 2010 to reflect the current title of the land following subdivision, removing Lot 2 DP 1160080 from the Heritage Map on the 18th November 2010.

NSW Health undertook an assessment of the subject site and declared the land surplus to the demand for hospital services. They have also been investigating the development potential of the site for several years, with a number of Planning Proposals lodged with Council to have the land subdivided and rezoned for residential uses.

Council has rejected the previous proposals on the basis that the subdivision and residential development of the land will have a negative impact on the site and surrounds, as the land is affected by an Endangered Ecological Community (EEC) and European and Indigenous heritage.

In response to previous proposals for the site, Council and the Office of Environment and Heritage (OEH) have noted their preference for the site to be rezoned to an environmental land use that will permit the construction of a single dwelling. In addition, OEH noted in their letter of advice dated 27 June 2017 (refer to **Attachment A**) that the most appropriate mechanism for avoiding long-term impacts from a Planning Proposal would be through in perpetuity protection of the EEC and threatened species habitat with a Section 88B Instrument under the *Conveyancing Act 1919* placed on the title.

2 Site Analysis

Crookwell District Hospital is located at the corner of Kialla Road and McDonald Street in Crookwell NSW. Lot 1 DP 1160080 addresses the Kialla Road frontage and contains the hospital buildings. Lot 2 DP 1160080 (the subject site) forms the western portion of the hospital land and addresses McDonald Street. Lot 2 contains mostly open grassland with clusters of native tree cover (refer to Site Plan at **Figure 2-1**).

The site contains sensitive ecological land and is in the vicinity of a heritage item (refer to Site Analysis Plan at **Figure 2-2**). The ecological and heritage values of the site are discussed in detail in **Section 4**.

A review of the NSW Planning Portal online mapping tool identified that the subject site is not considered bushfire prone land. Furthermore, the extent of vegetation within the surrounding area would not constitute a bushfire hazard subject to *Planning for Bushfire Protection* (2006) (Rural Fire Service, NSW). The site, however, contains a riparian corridor to the west that is identified as a high hazard floodway on the Floodplain Risk Management Map at **Figure 2-3**. The Map shows the extent of the floodway, with only the western edge of the site being impacted by the flood risk. The remainder of Lot 2 DP 1160080 is not considered flood prone land.

Figure 2-4 shows the following extents on the site:

- > 20 year ARI
- > Additional land inundated in the 100 year ARI
- > Additional land inundated in the PMF

The western portion of the site contains land affected by the 20 year ARI and land inundated in the PMF. A future dwelling will not be located within this portion of the site to ensure that flooding impacts are minimised.

The subject site is located approximately 800 metres from the Main Street services of Crookwell and is bound by the following land uses:

- > *To the north* – cleared grazing land and the township of Crookwell
- > *To the east* – the Crookwell District Hospital and low density residential housing beyond
- > *To the west* – the Crookwell River and cleared grazing land
- > *To the south* – McDonald Road and large lot residential housing

The land surrounding the subject site is zoned *R2 – Low Density residential* under the LEP 2010. This land has been identified under Part C of the *Upper Lachlan Strategy Vision 2020* as a key area to provide for the future residential expansion of Crookwell. Table 11-1 – *Opportunities and development intensity – Crookwell* from the Strategy describes the potential land use options and constraints for the land surrounding the subject site. The key items identified are as follows:

- > A 40 metre riparian buffer zone either side of the Crookwell River is to be implemented to protect ecologically sensitive areas.
- > Not impacted by bushfire prone areas.
- > Capable of connection to town utilities including energy, communications, reticulated water and sewer systems.
- > Continual residential development would link existing residential areas and recent approvals for residential development.

A Survey Plan is provided at **Attachment B** that shows detailed contour survey across the site and conditions associated with restrictions impacting the site, particularly drainage from the Crookwell District Hospital through the previously approved subdivision. The eastern portion of Lot 2 DP 1160080 is heavily impacted by drainage infrastructure, in addition to several drainage easements traversing the eastern and central portions of the site. The proposed location of a building envelope on the site will not impact on existing and proposed future drainage infrastructure or easements.



Site Plan

LOT 2 DP 1160080
CROOKWELL, NSW

Legend

- Site Boundary
- Crookwell Hospital Site Boundary
- 10m Contours (LPI)
- Watercourse (LPI)
- Cadastre (DFSI-SS, 2017)

Lot 2 DP 1160080

Lot 1 DP 1160080

Lot 2
DP 1018699

800 m

MCDONALD STREET

KIALLA ROAD

WADE LANE

PICKER STREET

CROOKWELL RIVER

FIGURE 1-1

1:1,500 Scale at A3



Map Produced by Cardno NSW/ACT Pty Ltd (WOL)
Date: 2018-07-12 | Project: 81418004-01
Coordinate System: GDA 1994 MGA Zone 56
Map: 82018243-01-GS-001_SitePlan.mxd 05
Aerial Imagery supplied by DFSI (2017)



Site Analysis Plan

LOT 2 DP 1160080
CROOKWELL, NSW

Legend

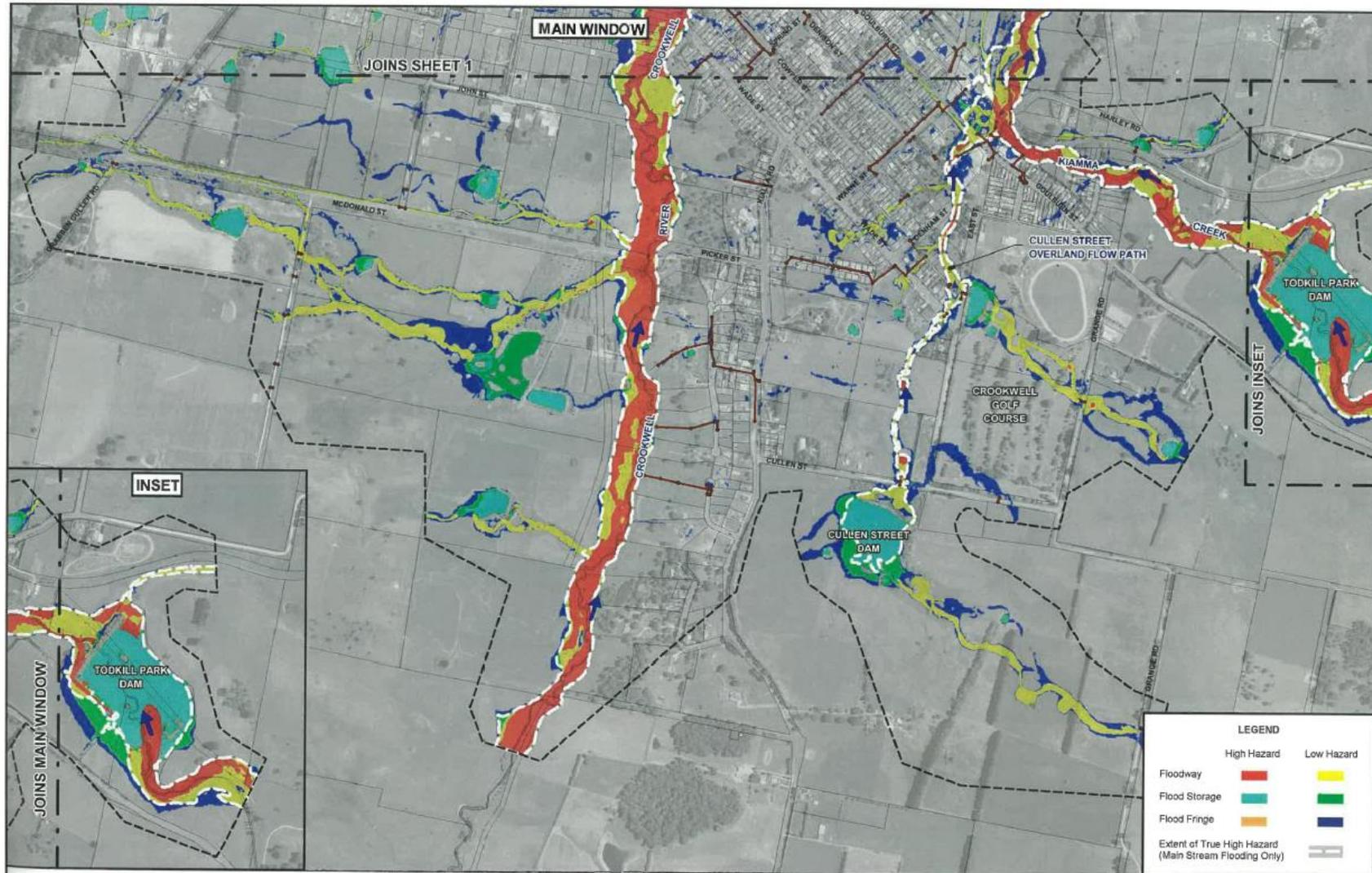
- Site Boundary
- Crookwell Hospital Site Boundary
- 10m Contours (LPI)
- Watercourse (LPI)
- Tablelands Snow Gum Grassy Woodland
- Indicative Riparian Corridor (derived from DPI Water dataset)
- Cadastre (DFSIS-SS, 2017)
- Heritage - Upper Lachlan LEP 2010 (DPE, May 2017)**
- Item - General

FIGURE 2-2

1:1,500 Scale at A3

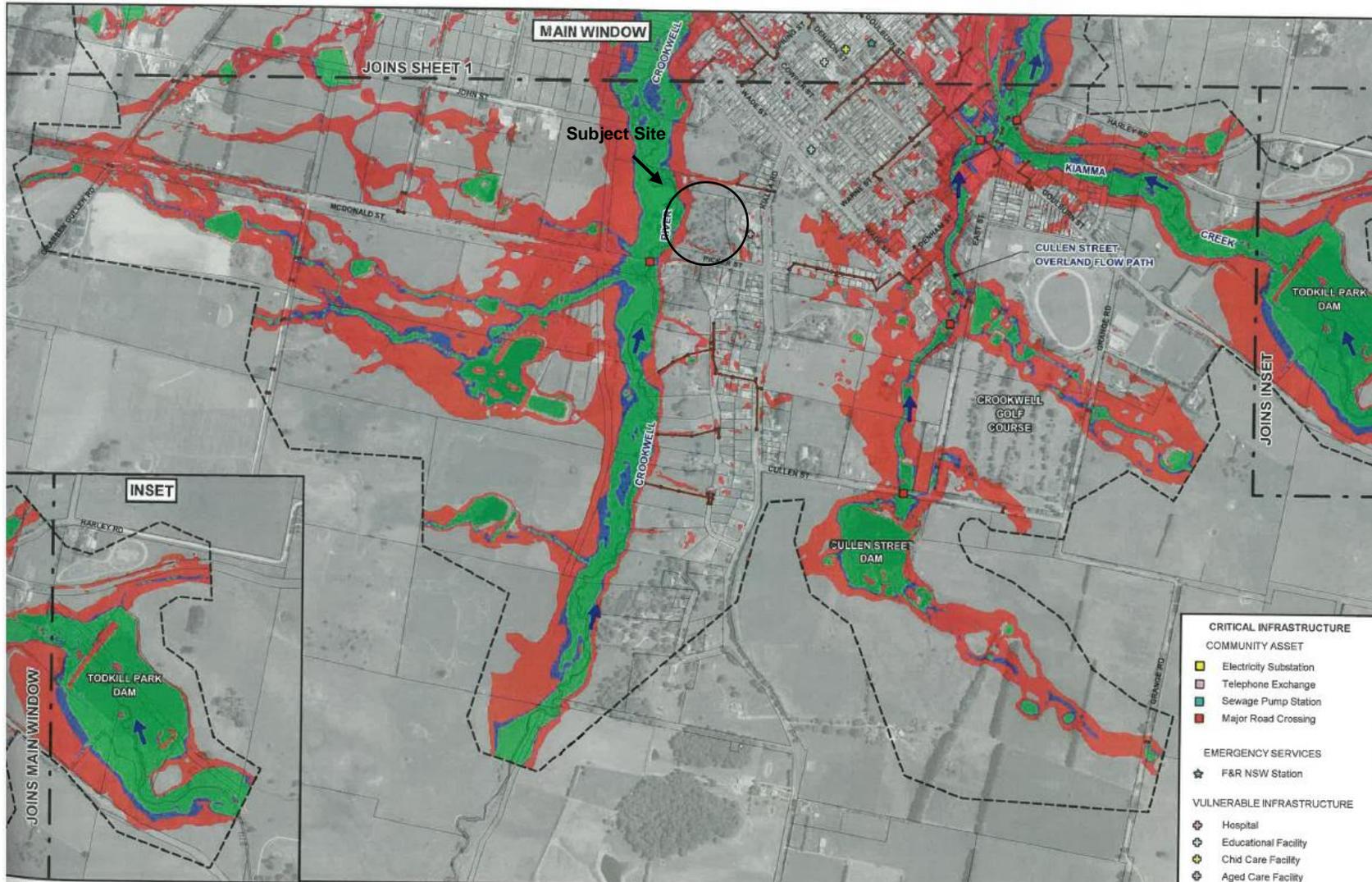


Figure 2-3 Floodplain Risk Management Map



Source: Lyall and Associates

Figure 2-4 1% AEP Mapping



Source: Lyall and Associates

3 Existing Planning Framework

3.3 Upper Lachlan Local Environmental Plan 2010

The LEP 2010 provides the zoning for the site, with the site zoned as SP2 – *Infrastructure*. **Figure 3-1** illustrates the current zoning of the site with the adjacent land to the north and south zoned R2 – *Low Density Residential*.

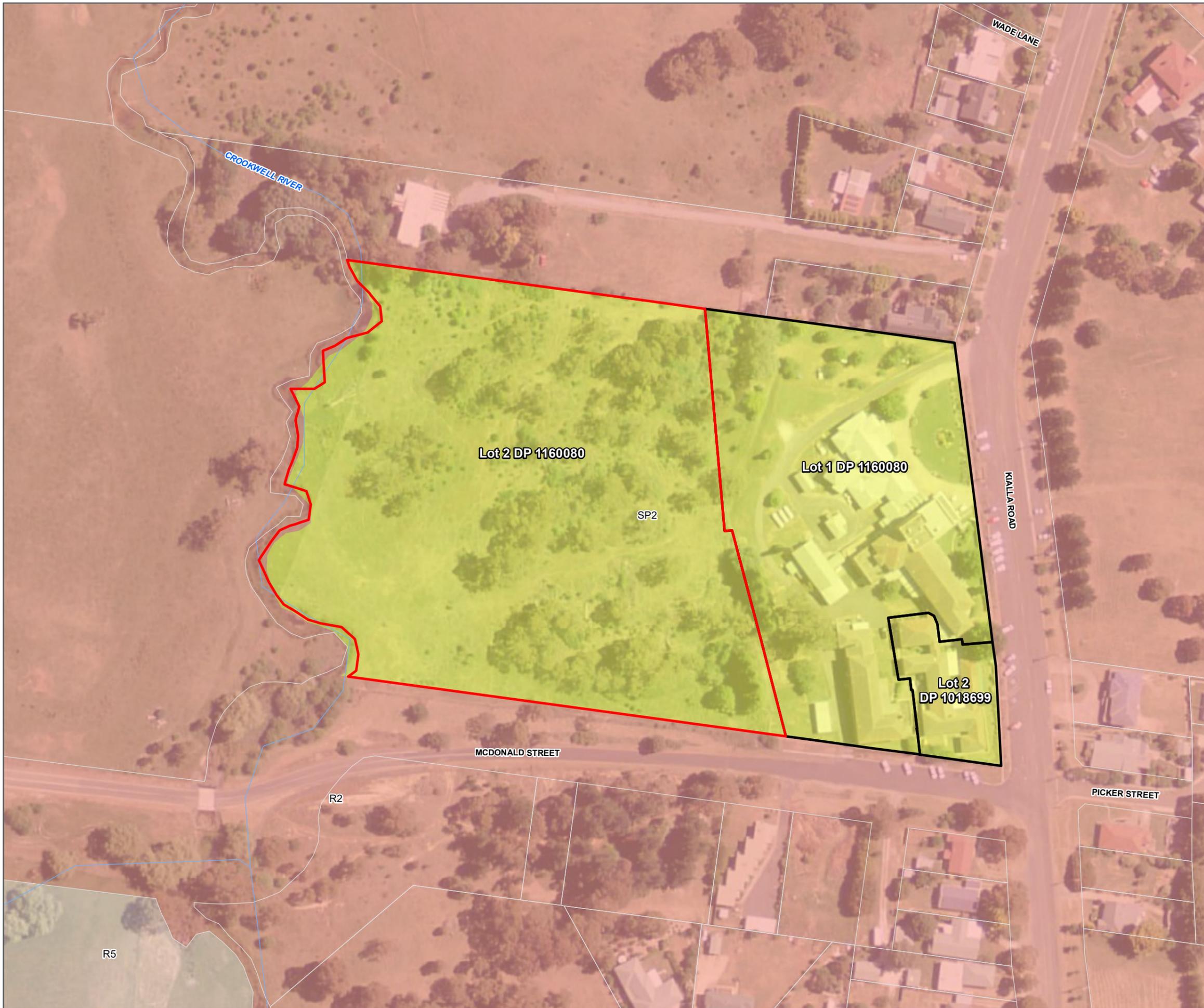
The objectives and controls of the current SP2 zoning are as follows:

Zone SP2	<i>Infrastructure (Health Services Facility)</i>
1	<i>Objectives of zone</i> <ul style="list-style-type: none">> <i>To provide for infrastructure and related uses</i>> <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure</i>
2	<i>Permitted without consent</i> <i>Roads</i>
3	<i>Permitted with consent</i> <i>The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose</i>
4	<i>Prohibited</i> <i>Any development not specified in item 2 or 3</i>

The existing zoning of the subject site reflects the previous title of the land, prior to subdivision, when the land formed part of the Crookwell Hospital site.

As identified in the table above, development within the site under the existing zoning is limited to the land uses shown on the Land Zoning Map including any development that is ordinarily incidental or ancillary to the current use of the Crookwell District Hospital site.

As the site has been assessed as surplus to the current and projected future demand for health services within Crookwell, its existing zoning is not considered to facilitate the highest and best land use for the site. In addition, the objectives of the SP2 zone do not consider the environmental values of the site or facilitate its protection.



Existing Zoning

LOT 2 DP 1160080
CROOKWELL, NSW

Legend

- Site Boundary
 - Crookwell Hospital Site Boundary
 - Watercourse (LPI)
 - Cadastre (DFSI-SS, 2017)
- Zoning - Upper Lachlan LEP 2010 (DPE, March 2017)**
- R2 Low Density Residential
 - R5 Large Lot Residential
 - SP2 Infrastructure

1:1,500 Scale at A3



Map Produced by Cardno NSW/ACT Pty Ltd (WOL)
Date: 2018-07-12 | Project: 81418004-01
Coordinate System: GDA 1994 MGA Zone 56
Map: 82018243-01-GS-003_ZoningPlan.mxd 05
Aerial Imagery supplied by DFSI (2017)

4 Environmental Assessment

The following constraints have been identified on the subject site:

- > Ecology – the site contains an Endangered Ecological Community
- > European Heritage – the Crookwell District Hospital is a local heritage item under the LEP

The following subsections provide a review of the capability of the site to accommodate the proposed rezoning.

4.1 Ecology

The subject site contains an Endangered Ecological Community (EEC) listed under the New South Wales *Biodiversity Conservation Act 2016* (BC Act). The EEC comprises Tablelands Snow Gum Grassy Woodland (TSGGW), as well as *Eucalyptus aggregata* (Black Gum), which is listed as a vulnerable species under the BC Act.

OEH have advised in their assessment of previous Planning Proposals that the most appropriate mechanism for avoiding long-term impacts would be through in perpetuity protection of the EEC and threatened species habitat with a Section 88B Instrument. OEH indicated that the Section 88B Instrument should have a Biodiversity Management Plan (BMP), placed on the title.

Ecoplanning (2018) were engaged by Cardno to prepare a BMP to describe the ecological management strategies to offset the impacts of a single dwelling on the site and to protect and manage the conservation values in perpetuity so as to avoid long-term impact. The BMP is contained at **Attachment C** and addresses the recommendations provided by OEH in their letter dated 19 June 2017. The key findings of the BMP are discussed below.

4.1.1 Threatened Ecological Communities

One Threatened Ecological Community (TEC), namely TSGGW, occurs on the site. This community is located in the centre, east and north of the site. The south-west and north-east corners of the site contain disturbed land dominated by exotic vegetation. Given the previous uses of the site for horse grazing and the prevalence of woody and herbaceous weeds, the TEC is considered to have medium to low capacity for regeneration to be successful, including primary and secondary weed removal, some revegetation and ongoing maintenance works.

4.1.2 Biodiversity Management

The site has been divided into two indicative management zones, based on the conservation values of the site and the different management actions required to protect and manage those conservation values (refer to **Figure 4-1**). Management Zone 1 (MZ1) covers 1.83 hectares of land and encompasses the TSGGW and where *Eucalyptus aggregata* occurs within the site. The following management measures will be undertaken in this zone:

- > Demarcate boundaries
- > Feral animal management
- > Weed management
- > Prohibition of firewood collection
- > Regeneration of TSGGW
- > Connectivity of TSGGW created
- > Protection of *Eucalyptus aggregata*

Management Zone 2 (MZ2) covers 1.09 hectares of land and encompasses the cleared land and land dominated by exotic species. The aim of this zone is control stock and other threatening processes and, therefore, provide an ecological buffer to MZ1. The following management measures should be undertaken in this zone:

- > Demarcate boundaries
- > Feral animal management
- > Weed management
- > Prohibition of firewood collection

Each of the proposed management measures are described in Section 3 of the BMP at **Attachment C**. The progress and compliance with the BMP is to be reviewed annually. The bush regeneration contractor and land owner will monitor the vegetation and record any changes to the vegetation as a result of the management works.

Figure 4-1 Biodiversity Management Zones



Source: Ecoplanning (2018)

4.2 Heritage

Biosis (2018) were engaged by Cardno to prepare a Statement of Heritage Impacts (SoHI) to identify any heritage items or relics that exist within or in the vicinity of the subject site. The report is contained at **Attachment D** and has been prepared in accordance with current heritage guidelines including *Assessing Heritage Significance*, *Assessing Significance for Historical Archaeological Sites and “Relics”* and the *Burra Charter*.

Section 170 of the *NSW Heritage Act 1977* (Heritage Act) requires that culturally significant items or places managed or owned by Government agencies are listed on the departmental Heritage and Conservation Register. The Crookwell District Hospital is listed on the Section 170 Register and is located adjacent to the study area. The Hospital is also listed under Schedule 5 of the LEP 2010 as a heritage item of local significance (Item No. 164).

4.2.1 Impact of Proposed Rezoning

The study area does not contain any built or archaeological items of significance nor is it part of a conservation area. The SoHI found that the proposed rezoning does not currently present any impacts. Future development within the study area should not be located within the visual corridors to and from the Crookwell District Hospital, and should be designed to be visually harmonious with the site setting and located close to existing roads.

4.2.2 Recommendations

The SoHI provides the following recommendations for the site:

Recommendation 1 – No further heritage requirements

The study area has been assessed as not containing any heritage significance, either built or archaeological. Therefore, no further heritage works are required for the proposed rezoning of the study area.

Recommendation 2 – Unexpected finds procedure

An unexpected finds procedure should be developed to mitigate any impacts to any unknown heritage within the study area. The procedure should outline the requirements and steps to follow should suspected heritage items be identified. Should any unexpected heritage items be uncovered during future work then the unexpected finds procedure should be implemented.

5 Proposed Development Concept

5.1 Overview

This Planning Proposal seeks to amend the planning controls applicable to the site to enable the rezoning of the subject land to *E3 – Environmental Management*. The proposed rezoning will allow for the erection of a single dwelling, whilst ensuring the ongoing protection of the ecological significance of the site.

5.2 Proposed Building Envelope

The proposal to amend the land use zoning of Lot 2 DP 1160080 will facilitate the construction of a single residential dwelling on the land. The proposed building envelope is shown in **Figure 5-1** below.

The proposed building envelope has been located within an area identified as MZ2 under the BMP. This zone comprises cleared land and land dominated by exotic species. The location of the building envelope will require minimal infrastructure and clearing, in order to avoid impacts to the EEC on the site.

The building envelope has considered the cultural heritage of the adjacent Crookwell District Hospital site by avoiding locations within the key visual corridors to or from the heritage item. In addition, the location of the building envelope is not affected by drainage infrastructure as identified on the Survey Plan at **Attachment B**. The proposed building envelope has been overlaid on the survey plan in **Figure 5-2** to identify its location in relation to drainage infrastructure and easements. The building envelope will not impact on future drainage infrastructure on the site.

The building envelope has been overlaid on the floodplain risk map in **Figure 5-3** to demonstrate that the proposed location is outside of the high hazard flood way. The building envelope is also shown on the 1% AEP map in **Figure 5-4**. A future dwelling on the site will not be impacted during the 20 year ARI or inundated at PMF.

The proximity of the proposed building envelope to the flood prone land at the western extent of the site will ensure that potential flood impacts are minimised. A future development application for a dwelling within the building envelope will require that a dwelling is built above the minimum flood planning level.

A Section 88B Instrument under the *Conveyancing Act 1919* has been placed on the Lot title to ensure the protection of EEC and threatened species habitat. The instrument includes the BMP

contained at **Attachment C** which has been developed in accordance with relevant guidelines and outlines measures to protect the Tablelands Snow Gum Grassy Woodland and the Black Gum.

The instrument burdens the subject Lot with a positive restriction as to the user/owner of the land as follows:

- > The area of land shown outside of the nominated building envelope of Lot 2 DP 1160080 is not permitted to be cleared, altered or damaged except as to remove noxious weeds or other exotic plant species.
- > Ongoing management of Lot 2 DP 1160080 as outlined in the BMP.

Part 2 of the instrument contains a provision that the easement may not be extinguished or altered without the written consent of Upper Lachlan Shire Council.



Proposed Building Envelope

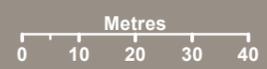
LOT 2 DP 1160080
CROOKWELL, NSW

Legend

- Site Boundary
 - Crookwell Hospital Site Boundary
 - Proposed Building Envelope (10m x 15m)
 - Driveway Access
 - 10m Contours (LPI)
 - Watercourse (LPI)
 - Indicative Riparian Corridor (derived from DPI Water dataset)
 - Cadastre (DFS1-SS, 2017)
- Management Zones (Ecoplanning, 2018)**
- MZ1
 - MZ2

FIGURE 5-1

1:1,250 Scale at A3



Y - EASEMENT FOR DRAINAGE OF WATER 3 WIDE - DP1149308
 - EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE - DP1149308

Survey Plan

LOT 2 DP 1160080
 CROOKWELL, NSW

Legend

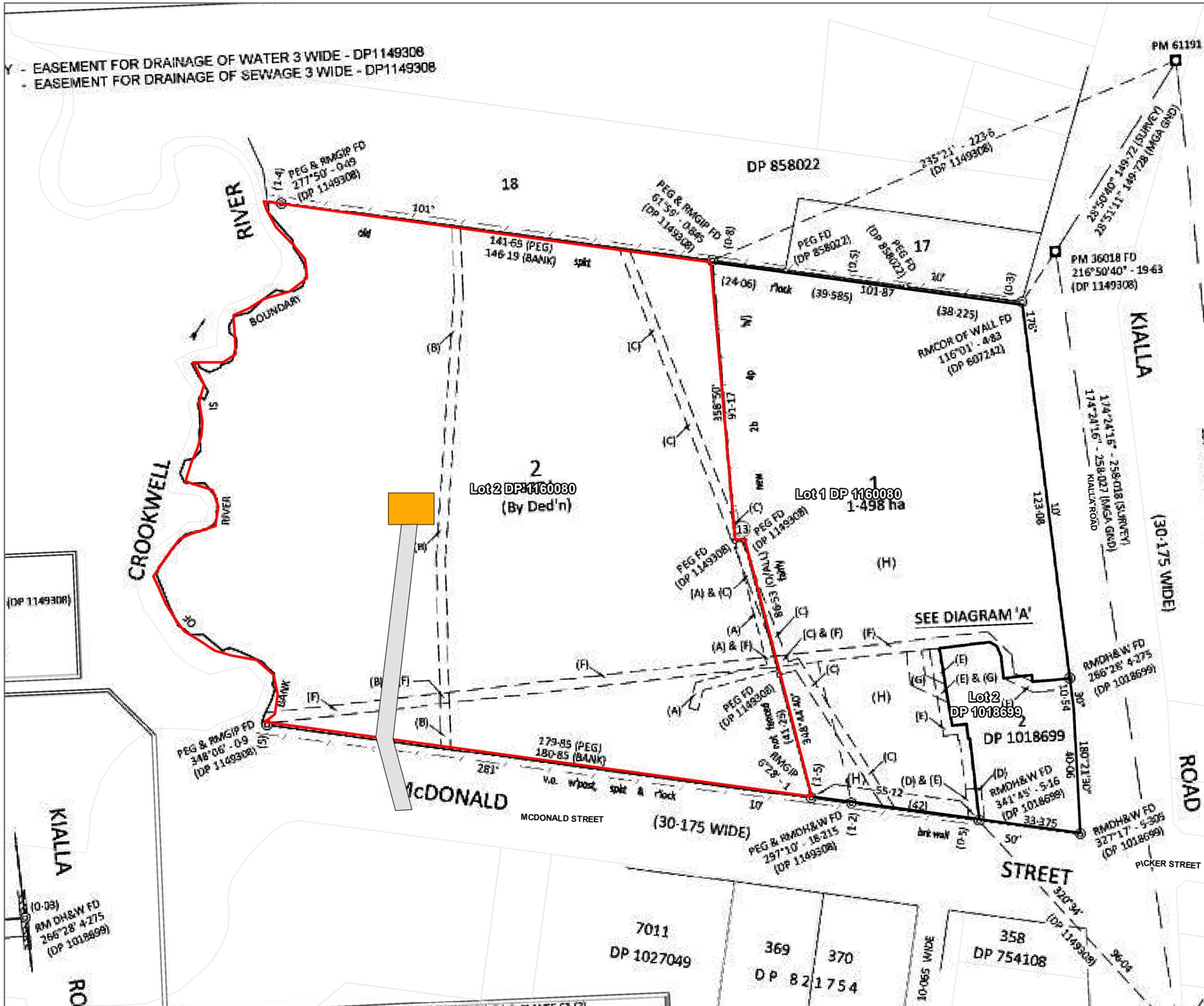
- Site Boundary
- Proposed Building Envelope (10m x 15m)
- Driveway Access
- Cadastre (DFSI-SS, 2017)

1:1,200 Scale at A3



Cardno

Map Produced by Cardno NSWACT Pty Ltd (WOL)
 Date: 2018-10-25 | Project: 81418004-01
 Coordinate System: GDA 1994 MGA Zone 56
 Map: 82018243-01-GS-006_SurveyPlan.mxd 05
 Aerial Imagery supplied by DFSI (2017)

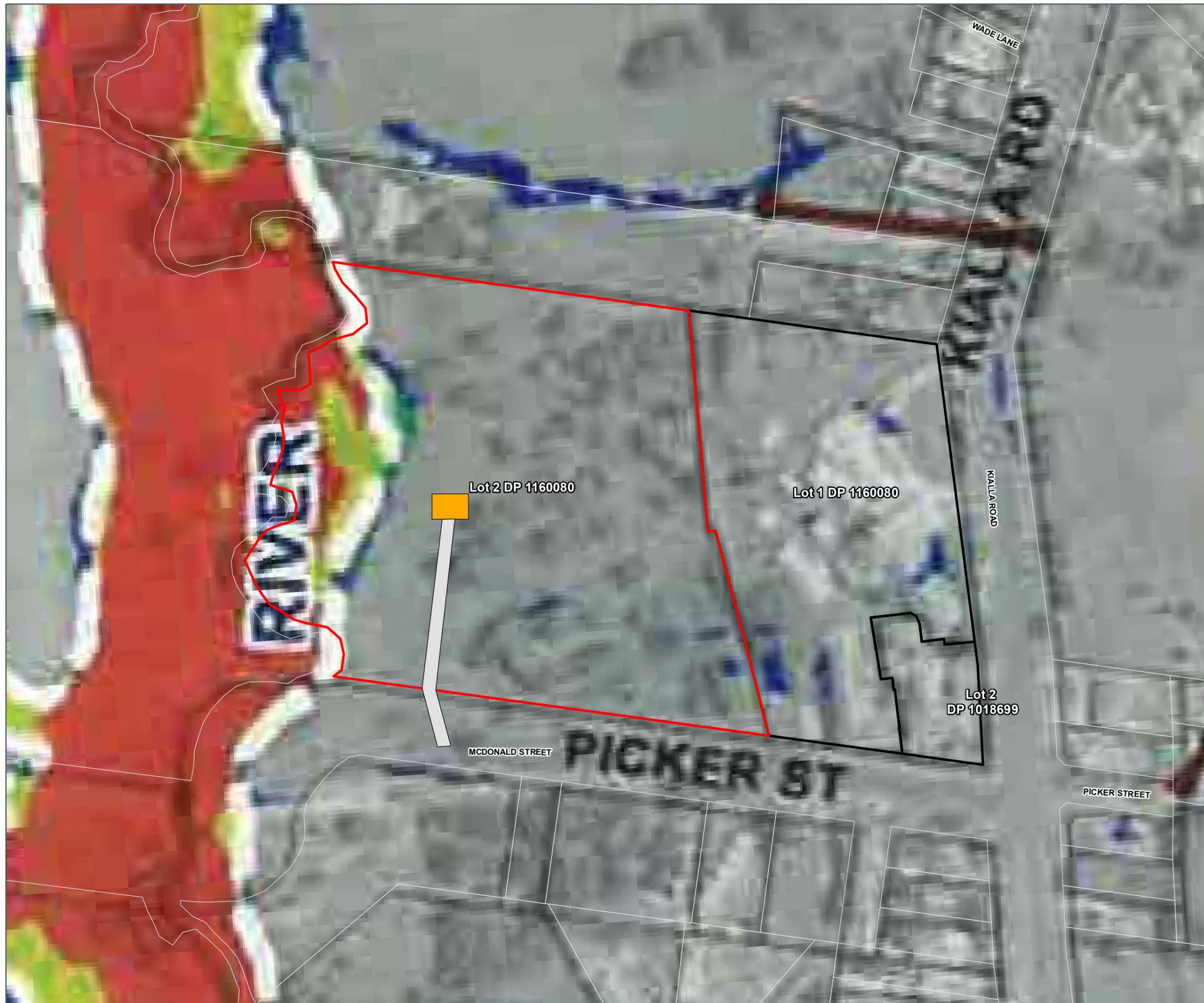


Floodplain Risk Management Map

LOT 2 DP 1160080
CROOKWELL, NSW

Legend

-  Site Boundary
-  Proposed Building Envelope (10m x 15m)
-  Driveway Access
-  Cadastre (DFSI-SS, 2017)



1:1,500 Scale at A3



1% AEP Flood Mapping

LOT 2 DP 1160080
CROOKWELL, NSW

Legend

-  Site Boundary
-  Proposed Building Envelope (10m x 15m)
-  Driveway
-  Cadastre (DFSI-SS, 2017)



1:1,500 Scale at A3



6 Planning Proposal

Section 3.33 of the EP&A Act (as amended) contains the requirements that a Planning Proposal must address. The first step of the process is to prepare a Planning Proposal that addresses the key components of the local environmental plan and its justifications. Clause 2 details what a Planning Proposal must include. These inclusions are detailed in **Table 6-1** below.

Table 6-1 Key Components of a Planning Proposal

Key Components	Response
A statement of the objectives or intended outcomes of the proposed instrument	Section 6.1
An explanation of the provisions that are likely to be included in the proposed instrument	Section 6.2
The justification for these objectives, outcomes and provisions and the process for their implementation	Section 6.3
If maps are to be adopted by the proposed instrument, such as maps for proposed land uses; heritage areas; flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument	Section 6.4
Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	Section 6.5

A *Guide to Preparing Planning Proposals* released in 2009 by DPE and updated in 2016, outlines the specific questions that must be addressed for each component listed in **Table 6-1** by a Planning Proposal. These are detailed in the following sections.

It is noted that The Department of Planning & Environment (DP&E) Planning Circular PS 16-005 issued 30 August 2016 provided updates and advice in relation to new delegations for plan making decisions prepared to implement the Rezoning Review process. Joint Regional Planning Panels and the Sydney Planning Panels (Planning Panels) will determine rezoning review requests for all matters outside of the City of Sydney.

6.1 Statement of Objectives

This Planning Proposal aims to amend the existing zoning of the subject site to enable the erection of a single dwelling house. The rationale behind the proposal is to make the highest and best use of the site in terms of residential opportunity while managing and conserving its environmental and historic significance.

Specifically, the key objectives of the Planning Proposal are:

- > *To control appropriate residential development where the land use and development density reflects the capability of the land*
- > *To identify areas for active conservation and appropriate residential development to fund this conservation*
- > *To respond to the most recent, site specific, constraints information*

The subject site has been assessed by NSW Health and it was determined that the site is not appropriate for further development of hospital services. The intended outcome of this Planning Proposal is therefore to enable the future development of the land for other purposes, consistent with the surrounding area and taking into consideration the sites constraints.

The proposed *E3 – Environmental Management* zoning of the site will allow for the construction of a single residential dwelling, whilst ensuring the ongoing maintenance and preservation of the ecological significance of the site.

6.2 Explanation of Provisions

The Planning Proposal is to be implemented through a site specific amendment to the LEP. The proposal seeks to:

- > Amend the existing zoning of the site from the current *SP2 – Infrastructure* land use zone to *E3 – Environmental Management*

The proposed amendments to the LEP land use zoning controls will enable residential development to occur on the site in the form of a single dwelling, subject to consent from Council.

The Planning Proposal would allow the development approvals process to commence, with subsequent assessment and determination by Council under Part 4 of the EP&A Act.

6.3 Justifications

6.3.1 Need for the Planning Proposal

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

The Planning Proposal is not required to correct an oversight in the drafting of the LEP 2010.

The site forms part of the Crookwell Hospital site and the area comprising Lot 2 DP 1160080 (the subject site) was assessed by NSW Health as surplus land to the current and future requirements for the ongoing provision of hospital services in Crookwell. As such, NSW Health submitted a development application in January 2007 for the subdivision of the land to create two separate allotments.

In accordance with the provisions of the LEP 1994, the subject site was located within the 2(v) Urban Zone. Council granted consent for the subdivision land and a subsequent modification, with the works completed and the Plan registered by the Department of Lands in April 2010.

The revised LEP (LEP 2010) was gazetted on the 9th July 2010 and the subject site was zoned *SP2 – Infrastructure* (Health Services Facility).

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

Council and OEH identified in their letter dated 27 June 2017 that the site should be zoned *E3 – Environmental Management* to permit a dwelling house with development consent. It was also noted that a preferred building envelope should be developed and located where it would require less infrastructure and clearing, in order to avoid impacts to the EEC on the site. OEH considered the most appropriate mechanism for avoiding long-term impacts to the EEC and threatened species habitat would be the implementation of a Section 88B Instrument and associated BMP.

A Planning Proposal, as submitted, is the best means of amending the LEP to achieve the desired outcomes. This Planning Proposal has addressed Council and OEH's concerns for the site, and provides a building envelope that is considered to meet each of the requirements set out in the advice provided at **Attachment A**.

A BMP is provided at **Attachment C**. The purpose of the BMP is to describe the ecological management strategies to offset the impacts of a single dwelling on the site and to protect and manage the conservation values in perpetuity so as to avoid long term impacts. The key objectives of the BMP are as follows:

- > Protect Tablelands Snow Gum Grassy Woodland
- > Control feral animals to reduce adverse impacts to conservation values

- > Manage stock to reduce grazing pressure
- > Encourage regeneration
- > Protect habitat provided by live and dead trees and any fallen timber
- > Control weeds
- > Maintain connections to other patches of vegetation

Given the previous uses of the site for horse grazing and the prevalence of woody and herbaceous weeds, the EEC on the site is considered to have medium to low capacity for regeneration to occur. A management zone has been drawn around the EEC and has included some disturbed land to decrease the edge to perimeter ratio and for practical ease of management. The proposed use of the site and implementation of the measures outlined in the BMP is considered the best means of maintaining and enhancing the ecological values on the site.

The disturbed land, which is not part of the EEC, is dominated by exotic pasture grasses and has

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub regional strategy?

been heavily degraded from past and current land use and is considered to have no to low capacity for regeneration to occur. The construction of a dwelling house on this land is therefore unlikely to have significant environmental impacts. **6.3.2 Relationship to Strategic Planning Framework**

South East and Tablelands Regional Plan 2036

The *South East and Tablelands Regional Plan 2036* will guide the NSW Government's land use planning priorities and decisions to the year 2036. The Plan is intended to be an overarching framework to guide more detailed land use plans, development proposal and infrastructure funding decisions.

A key goal of the Plan is to ensure a diverse environment interconnected by biodiversity corridors. Key actions underpinning this goal include:

- > Protect the validated high environmental value lands in local environmental plans
- > Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy.

The subject site is not identified as a key biodiversity corridor within the Plan, however as noted in the appended BMP (Ecoplanning, 2018), the site contains a Threatened Ecological Community (TEC), namely Tablelands Snow Gum Grassy Woodland (TSGGW). The site has been divided into two Management Zones, with Zone 1 containing the TSGGW. The proposed building envelope has not been located within this area, and the following mitigation measures will be undertaken to ensure the ongoing maintenance and conservation of this zone:

- > Demarcate boundaries
- > Feral animal management
- > Weed management
- > Prohibition of firewood collection
- > Regeneration of TSGGW
- > Connectivity of TSGGW created
- > Protection of *E. aggregata*

Direction 23 of the Plan aims to protect the Region's heritage. This is achieved through a number of actions including:

- > Conserve heritage assets during local strategic planning and development
- > Acknowledge cultural heritage assets where appropriate, and consider how these assets can add value to a development

The appended Historical Heritage Assessment and Statement of Heritage Impact (Biosis, 2018) has identified that the Crookwell District Hospital is a heritage item listed at a local level, The subject site, however, does not contain any built or archaeological items of significance nor is it part of a conservation area, therefore there are no heritage items within the site that will be impacted.

The proposed building envelope for a future dwelling on the site has been strategically located to minimise visual impacts on the adjacent heritage item. As such, the proposal is considered to achieve Direction 23.

Another key goal of the document relates to environmentally sustainable housing choices. At least 28,500 new homes will be needed by 2036 to meet population growth and change. Providing the land and infrastructure to meet this demand is central to the Plan. New housing is to be located to take account of the character, environmental and agricultural qualities and capacity of the land, with an emphasis on resident's access to services, jobs and transport.

This goal is achieved through the delivery of greater housing supply and choice. Focusing growth in existing centres rather than isolated land releases is a sustainable option because it takes advantages of existing job markets, commercial and retail opportunities, and infrastructure such as public transport.

The proposed future dwelling on the site will be located within the township of Crookwell, in close proximity to a range of services, existing employment and public transport. The site is within an area characterised by residential development, with the adjacent lots on McDonald Road containing multi-dwelling housing and low density residential dwellings. Similarly, Picker Street to the east of site and Kialla Road to the south and north contain a diverse range of housing stock with access to existing utilities.

The Plan provides a Local Government Narrative for each LGA that details the key priorities for the LGA to encourage more efficient allocation of resources and investment, and to improve the liveability and sustainability of the Region.

Some of the key priorities for the Upper Lachlan LGA pertaining to this Planning Proposal include:

- > *Protect and enhance the area's high environmental value lands, waterways and water catchments*
- > *Protect the area's valued heritage assets*
- > *Support the rural lifestyle and the unique cultural and historic heritage of the area's village*
- > *Support a variety of housing options and land developments to cater for an ageing population*

The Planning Proposal is considered to achieve these priorities by rezoning the subject site to a land use that will ensure the ongoing maintenance and conservation of the ecological values on the site, as well as the implementation of a BMP. The Planning Proposal has been developed in accordance with Council and OEH's intentions for the site, and the proposed building envelope has been located to avoid any impacts on the ecological or historical significance of the surrounding land.

Upper Lachlan Strategy Vision 2020 (ULSV)

The *Upper Lachlan Strategy Vision 2020* (ULSV) is the key document that provides the necessary strategic framework to guide planning and land use decisions and outcomes within the Upper Lachlan Region to the year 2020. The purpose of the ULSV is to provide Council with a strategy to manage growth and to provide strategic direction for urban and rural development.

The specific objectives of the Strategy that relate to this Planning Proposal are as follows:

- > *Reflect strong community engagement so that the land use outcomes reflect community values and expectations*
- > *Identify challenges facing the Upper Lachlan community, including social, economic, environmental and infrastructure issues*
- > *Identify and analyse constraints to development*

The Planning Proposal has involved a comprehensive assessment of the key challenges and constraints on the site, in particular ecological and heritage constraints, to identify the best possible land use outcome. The Planning Proposal will undergo community consultation through the assessment process. The will involve public notification of the Planning Proposal for a period of 28 days, in accordance with Schedule 1 (4) of the EP&A Act.

Part B - *Planning and Environmental Context* of the Strategy outlines the environmental legislation that applies to the Upper Lachlan LGA. Section 4.6 - *Key Planning Strategies* details the key plans and strategies that identify and provide responses to urban growth and development issues. The plans and strategies pertaining to this Planning Proposal are described below.

Upper Lachlan Shire Biodiversity Planning Framework

The Biodiversity Planning Framework (BPF) provides guidance for protecting and enhancing the biodiversity values of the Shire, while accommodating sustainable development. The BPF aims to:

- > *Protect biodiversity*
- > *Achieve a net gain in the extent (and/or quality) of native vegetation*
- > *Increase the security of regionally significant vegetation communities and fauna habitats through a suitable reserve system, through the planning system and/or community supported programs*
- > *Recognise, support and enhance a comprehensive network of regional biodiversity corridors that have been identified and protected*
- > *Protect riparian vegetation and waterways*

In order to facilitate these aims, the BPF includes recommendations for strategic planning and objectives for the management of environmentally sensitive land, including high and medium conservation value vegetation, and land in riparian and regional corridors.

Despite the generally highly modified nature of the vegetation within Crookwell, there are patches of remnant native vegetation in road reserves and on private property, some of which are in medium to high condition. Five native communities occur within the Crookwell study area including Frost Hollow Grassy Woodland, Tableland Basalt Forest, Riparian Herbfield, Natural Temperate Grassland and Central Northern Tablelands Dry Shrub/Grass Forest.

The distribution of these vegetation communities and other known biodiversity values within the Crookwell study area is shown in **Figure 6-1** below.

The subject site is identified as containing Frost Hollow Grassy Woodland (FHGW) in a medium condition. FHGW is an over-cleared and poorly conserved vegetation community and those parts of the community where the canopy cover is less than 10% and where there is a reasonably diverse grassy native groundcover, comprise the Natural Temperate Grasslands of the Southern Tablelands which is listed under the EPBC Act. Under these circumstances, all FHGW within the study area is considered to be HCV regardless of their condition, however not all of the community comprises EEC.

The BPF recommends all native vegetation in a medium or high condition should be retained and protected. The Planning Proposal seeks to rezone the subject site to E3 - *Environmental*

Management in order to retain and enhance the existing ecology on the site. As such, the proposal is considered to achieve the recommendations of the BPF.

The BPF also identifies potential regional corridors that provide linkages between larger or important areas of habitat. The potential regional corridors are characterised generally by broad corridors linking the extensive areas of remnant vegetation. The potential regional corridors are shown in **Figure 6-2** below. The subject site is not identified as a potential regional corridor.

Figure 6-1 Vegetation Communities and Other Known Biodiversity Values within the Crookwell Study Area

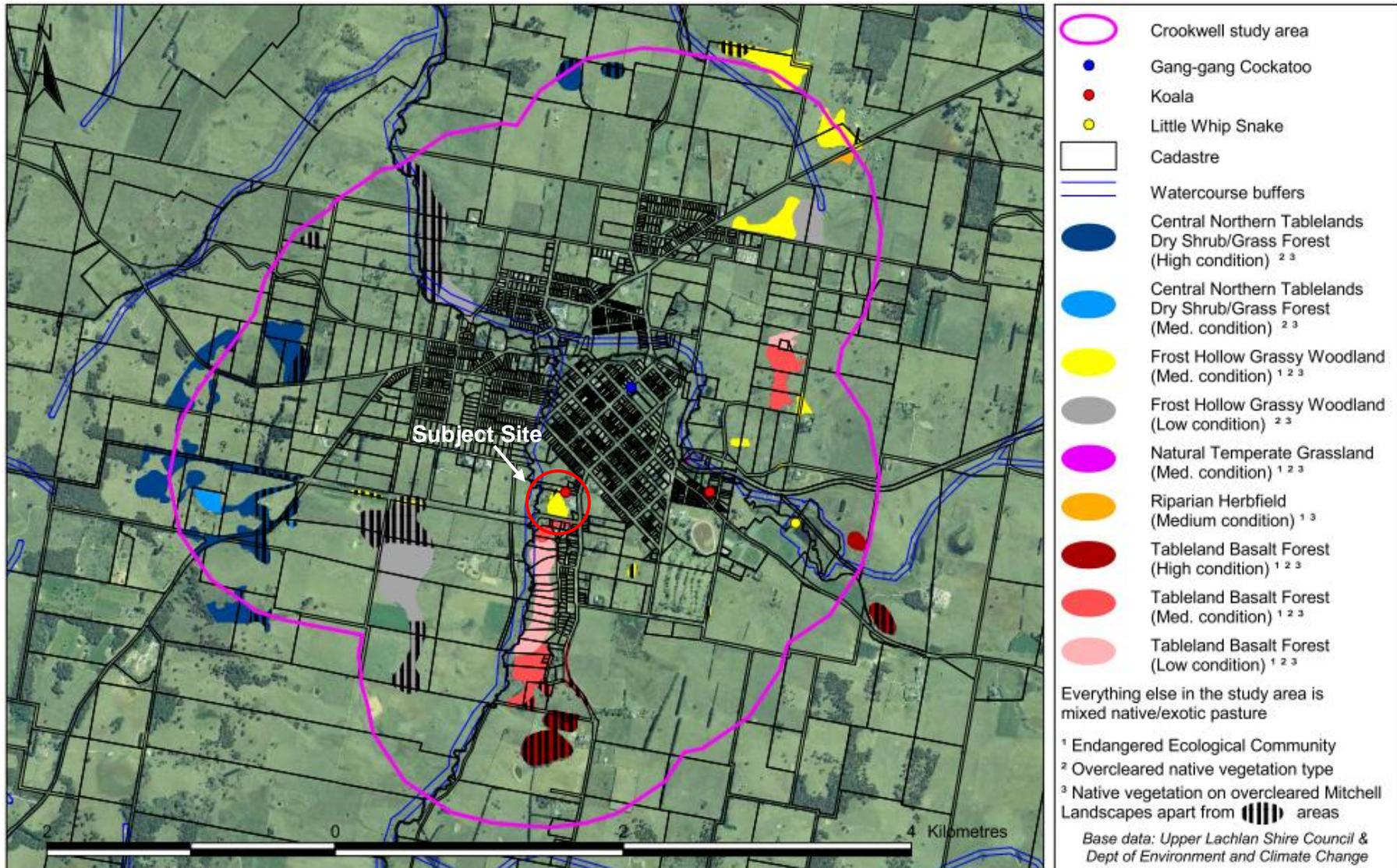
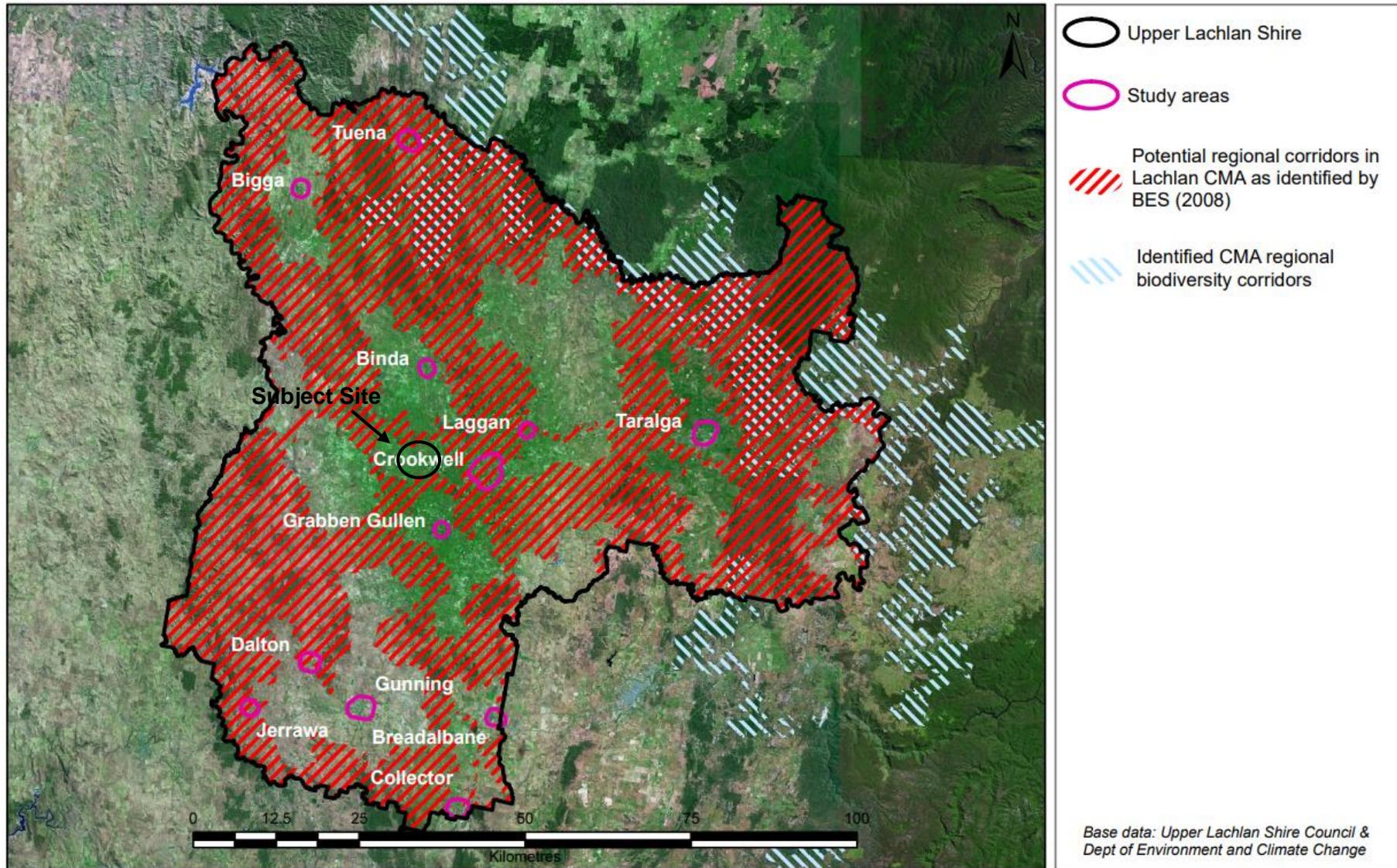


Figure 6-2 Potential and Identified Regional Biodiversity Corridors in the Upper Lachlan Shire



Part 4.7 - *Summary* of the Strategy provides a number of issues and objectives raised in earlier plans for the Upper Lachlan's future development that are still considered relevant. The key objectives pertaining to the Planning Proposal include:

- > Safeguarding important heritage and ecological assets in any land use and development decisions
- > Overall, ensuring that the development of land is carried out in as orderly and efficient manner as possible, with reference to the principles of ecologically sustainable development

The ecology and heritage investigations undertaken as part of this Planning Proposal have confirmed that the proposed rezoning of the site to E3 - *Environmental Management* is the best means of retaining and protecting the existing ecological and heritage values on the site.

Part C of the Strategy provides a growth strategy and key principles that underpin the LEP and DCP. Key growth objectives pertaining to the Planning Proposal include:

Environmental

- > *Ensure a high level of water quality by:*
 - *Preserving creek lines*
- > *Preserve remnant native fauna habitat*
- > *Preserve rural landscape by maintaining established trees as part of the future landscape*

Social

- > *Ensure high quality designs*
- > *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, hospitals and recreation facilities*

The proposal achieves the above objectives as it ensures the preservation of the Crookwell River to the west of the site. The proposed building will not impact on remnant native fauna habitat, and preserves the rural landscape by minimising tree and vegetation removal.

The dwelling house will be of a high quality design that is compatible with the surrounding locality and the heritage value of the existing Crookwell Hospital buildings.

The dwelling house is located within close proximity of existing schools and facilities within the Crookwell Township, and will be located directly adjacent to the Crookwell District Hospital.

<p><i>Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?</i></p>
--

The Tablelands Regional Community Strategic Plan (2016 – 2036) (CSP) pulls together extensive consultation that the three Councils (Upper Lachlan Council, Goulburn Mulwaree Council and Yass Valley Council) have undertaken with the community and identifies the community's regional priorities and expectations to the year 2036, as well as strategies to achieve those aspirations.

The overarching vision of the CSP is “*to build and maintain sustainable communities while retaining the region's natural beauty*”. The Planning Proposal achieves this vision by providing housing in a suitable and desirable location whilst maintaining and preserving the ecological and historical significance of the site and surrounds.

The key strategies of the CSP pertaining to the Planning Proposal are as follows:

- > *Protect and enhance the existing natural environment, including flora and fauna native to the region*
- > *Protect and rehabilitate waterways and catchments*
- > *Maintain a balance between growth, development and environmental protection through sensible planning*

The proposed rezoning of the subject site and implementation of a BMP ensures the protection and enhancement of the existing natural environment. The proposal will maintain the existing waterway to the west of the site, with the proposed building envelope located in excess of 40m from the river bank.

The Planning Proposal has comprised a thorough assessment of key planning controls and environmental constraints applicable to the site to maintain a suitable balance between residential development and environmental protection.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

There are a number of State Environmental Planning Policies (SEPPs) that technically apply to the land. These SEPPs include, but are not limited to:

- > *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- > *State Environmental Planning Policy No 55 – Remediation of Land*
- > *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- > *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

State Environmental Planning Policy (Sydney Drinking Catchment) 2011 (SEPP SDWC) applies to any proposed development on land located within the Sydney Drinking Water Catchment.

Due to the proposed development site being located within the Sydney Drinking Water Catchment, it must comply with the following recommended practices and performance standards of Water NSW.

- (1) *Any development or activity to be carried out on land to which this Policy applies should incorporate Water NSW's current recommended practices and standards.*
- (2) *If any development or activity does not incorporate Water NSW's current recommended practices and standards, the development or activity should demonstrate to the satisfaction of the consent authority or determining authority how the practices and performance standards proposed to be adopted will achieve outcomes not less than those achieved by Water NSW's current recommended practices and standards.*

SEPP SWDC requires the consent authority to consider whether the proposal would have a neutral or beneficial effect on water quality. The proposal involves the rezoning of the subject site and the development of a building footprint for a dwelling house that will be the subject of a separate development application. As no physical works are proposed, the proposal will not impact on water quality and therefore the proposal is considered to be consistent with the provisions of SEPP SWDC.

The Neutral or Beneficial Effect on Water Quality Assessment will be prepared in support of a future development application for a dwelling house.

There are no restrictions or considerations imposed by the other SEPPs on the Planning Proposal or the future construction of a dwelling on the site. The Planning Proposal is therefore consistent with the SEPPs applicable to the site.

Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 Directions)?

There are a number of s.117 Directions that apply to the Planning Proposal. These are described in **Table 6-2** below.

Table 6-2 Consistency with s.117 Directions

Direction	Comment	Consistent
2. Environment and Conservation 2.1 – Environment Protection Zones	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>The proposal is consistent with the direction as the proposed zoning (E3 – <i>Environmental Management</i>) and implementation of a BMP will ensure the protection of the EEC and threatened species habitat on the site.</p> <p>In addition, the riparian land to the west of the subject site will be maintained and preserved.</p>	Consistent
2. Environment and Heritage 2.3 - Heritage Conservation	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The subject site does not contain any items, objects or places of heritage significance, however the Crookwell District Hospital located to the east of the site is listed as a general heritage item under the LEP.</p> <p>The proposal will have minimal impacts on the heritage item as the proposed building envelope has been located away from key visual corridors to and from the hospital site.</p>	Consistent
4. Hazard and Risk 4.3 - Flood Prone Land	<p>The objective of this direction is 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.</p> <p>A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>This Planning Proposal seeks to rezone the subject site from Special Use to an Environmental Protection Zone to ensure the ongoing protection of the ecological and heritage value of the site and surrounds.</p> <p>In addition, a Planning Proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (a) Permit development in floodway areas, (b) Permit development that will result in significant flood impacts to other properties (c) Permit a significant increase in the development of that land (d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development. This Planning Proposal involves the rezoning of the site and creation of a building envelope for a single dwelling house. The proposed location of the building envelope is not within a floodway area, as shown on the Floodplain Risk Management Map at Figure 2-1. The proposal will not result in significant development on the site and will not require government spending on flood mitigation. 	Consistent
5. Regional Planning	<p>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</p>	

5.2 - Sydney Drinking Water Catchments	The proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and will not impact on water quality. A future dwelling on the site will require a NorBE assessment to determine whether the dwelling will have a neutral or beneficial effect on water quality.	
5. Regional Planning 5.10 - Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. As outlined above, the Planning Proposal is consistent with the key objectives and strategies of the CSP and ULSV.	Consistent
6. Local Plan Making 6.1 - Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. There is no requirement for concurrence other than under the current LEP provisions	Consistent

6.3.3 **Environmental, Social and Economic Impact**

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

A BMP has been prepared by Ecoplanning (2018) that identified that the site contains an EEC and a vulnerable species listed under the BC Act.

The BMP outlines a series of biodiversity management works that will be implemented on the site to protect and manage conservation values. The management works will ensure that the EEC's and vulnerable species on the site are not adversely affected as a result of the proposal.

In addition, the proposed building envelope has considered the ecological significance of the site and is located within the MZ2 management zone that comprises cleared land and land dominated by exotic species. The building envelope requires minimal vegetation removal and will not encroach into any areas containing EEC or vulnerable species.

The Planning Proposal will have environmental, social and economic benefits for the subject site and surrounds, for the following reasons:

- > The implementation of the BMP will ensure that the existing ecological values on the site are maintained and enhanced in perpetuity
- > The construction of a single dwelling on the site will contribute to the social and economic welfare of the locality by providing additional housing in a desirable location with access to existing services and infrastructure

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

Section 4 of this report assesses the development constraints affecting the site and considers the capability of the land. There are no significant effects from this Planning Proposal due to the suitability of the proposed building envelope for residential development.

How has the Planning Proposal adequately addressed any social and economic effects?

The proposal provides the following social and economic benefits as a result of the creation of a residential dwelling:

- > Additional land for residential development in a desirable locations that will have no significant environmental impacts

- > Job creation resulting from the servicing of the site
- > Job creation resulting from the development of a dwelling on the site
- > Minor increase in available spending in local shops within the Crookwell Township

6.3.4 **State and Commonwealth Interests**

Is there adequate public infrastructure for the Planning Proposal?

The site is capable of connecting into existing urban services. Additional servicing required to support the residential component of the proposal will be provided by the developer.

The proposal will generate minimal traffic that is not anticipated to detrimentally impact on the Crookwell road network.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination and have they resulted in any variations to the Planning Proposal?

The proposal has in principle support from Council and OEH insofar as outlined in their letter dated 27 June 2017 (refer to **Attachment A**). The letter states the following detailed response from OEH addressing the requirements for a single residential dwelling on the site:

"OEH notes that in our previous correspondence we had incorrectly states that Zone E3 was Environmental Conservation, however OEH intended it to be Zone E3 - Environmental Management as this permits a dwelling house with development consent.

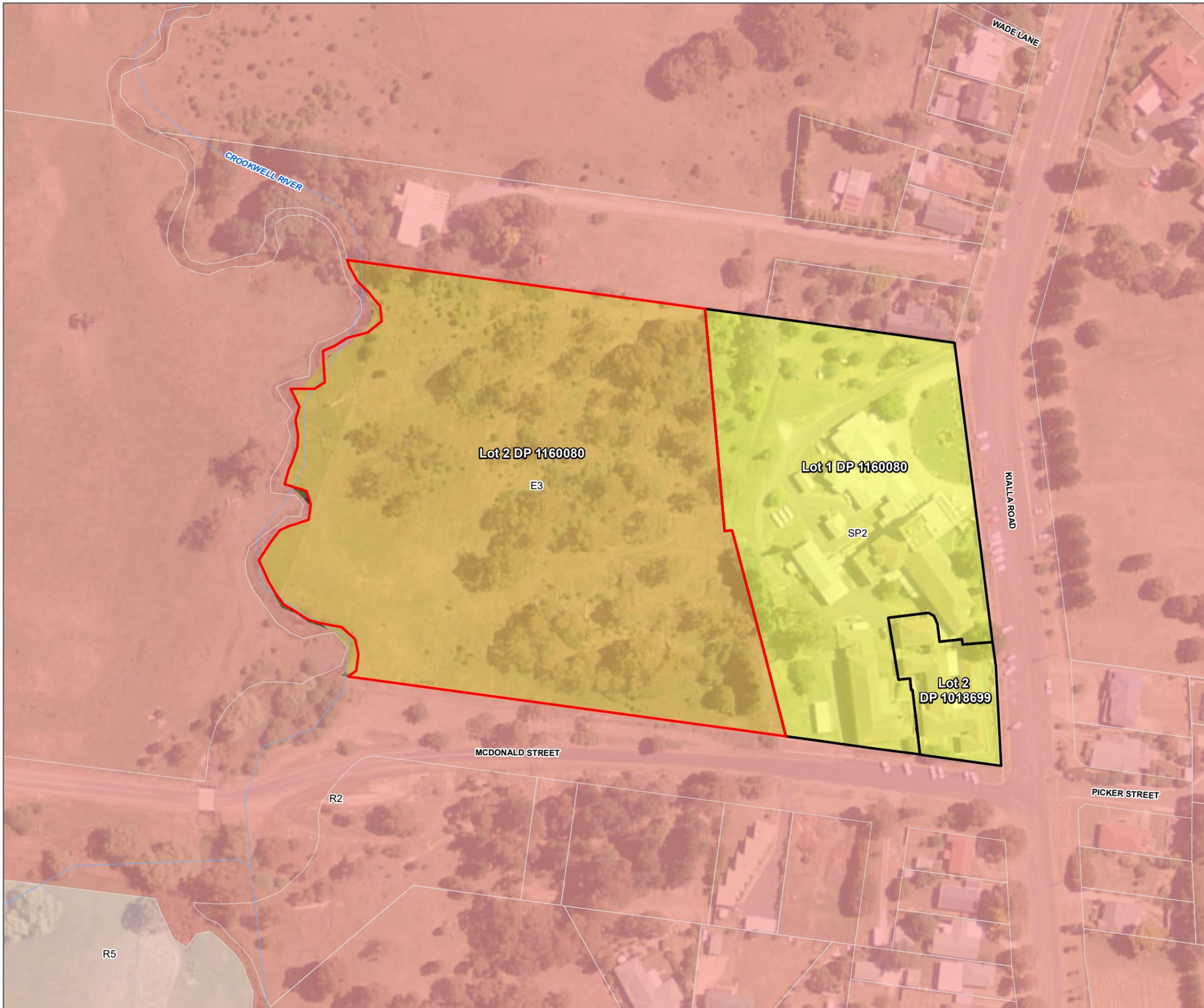
A preferred building envelope should be developed and located where it would require less infrastructure and clearing, in order to avoid impacts to Tablelands Snow Gum Grassy Woodland which is listed as an Endangered Ecological Community (EEC) and Eucalyptus aggregata, Black gum listed as vulnerable in Schedule 2 of the TS Act. The building envelope should include infrastructure such as driveways and effluent disposal and consider asset protection zones, as well as Aboriginal cultural heritage values on the property.

We consider that the most appropriate mechanism for avoiding long term impacts from the planning proposal would be through an in-perpetuity protection of the EEC and threatened species habitat with a Section 88B Instrument under the Conveyancing Act 1919 placed on the Lot title. The s88 B instrument should have a Biodiversity Management Plan."

It is proposed that the subject site be rezoned to E3 - Environmental Management to ensure the ongoing conservation and maintenance of the existing environment on the site, whilst permitting the development of a single dwelling. The proposal is supported by a Section 88B instrument and BMP. As such, the proposal is considered to achieve Council and OEH's vision for the site.

6.4 **Proposed Mapping Amendments**

Figure 6-1 identifies the land use zoning controls that are proposed by the Planning Proposal.



Proposed Zoning

LOT 2 DP 1160080
CROOKWELL, NSW

Legend

- Site Boundary
 - Crookwell Hospital Site Boundary
 - Watercourse (LPI)
 - Cadastre (DFSI-SS, 2017)
- Zoning - Upper Lachlan LEP 2010 (DPE, March 2017)**
- E3 Environmental Management
 - R2 Low Density Residential
 - R5 Large Lot Residential
 - SP2 Infrastructure

1:1,500 Scale at A3



Map Produced by Cardno NSW/ACT Pty Ltd (WOL)
 Date: 2018-07-12 | Project: 81418004-01
 Coordinate System: GDA 1994 MGA Zone 56
 Map: 82018243-01-GS-004_ProposedZoning.mxd 05
 Aerial Imagery supplied by DFSI (2017)

6.5 Community Consultation

Wider Community Consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

- > In a newspaper that circulates in the area affected by the Planning Proposal
- > On the website of the Upper Lachlan Shire Council

The written notice will:

- > Give a brief description of the objectives or intended outcomes of the Planning Proposal
- > Indicate the land affected by the Planning Proposal
- > State where and when the Planning Proposal can be inspected
- > Give the name and address of the RPA for the receipt of submissions
- > Indicate the closing date for submissions

During the exhibition period, the following material will be made available for inspection:

- > The Planning Proposal, in the form approved for community consultation by the Secretary Department of Planning and Environment
- > The Gateway determination
- > Any studies relied upon by the Planning Proposal

6.6 Project Timeline

The timeline for the development to occur will be dependent upon the completion of the requested LEP amendments, the subsequent development application for the dwelling, along with the market for residential development. Based on these factors it is not anticipated that construction would commence prior to late 2019.

This Planning Proposal is minor in nature and will not result in any significant impacts on the site or the surrounding locality of Crookwell. The proposal will ensure that the ecological values of the site are maintained and enhanced in perpetuity, therefore having major benefits for the site in the long term. The proposed creation of a building envelope in a suitable location does not pose any significant impacts on the site and is considered to achieve a good outcome in terms of providing additional housing within the Crookwell Township.

7 Conclusions and Recommendations

This Planning Proposal has been prepared by Cardno on behalf of Health Administration Corporation. The purpose of this Planning Proposal is to assess the strategic impact of a change to the land use zoning controls that would ultimately enable the release of additional land for residential development within the town which will contribute to the local economy and provide additional living opportunities within close proximity of community facilities and services.

Development of the site can also incorporate long-term conservation and site management works in relation to the native vegetation on the site.

This Planning Proposal illustrates that an amendment to the site zoning controls as contained in the LEP is appropriate to facilitate active conservation and the development of a single dwelling on the site. Specifically, it is proposed that the land zoning is amended from the current SP2 – *Infrastructure* to E3 – *Environmental Management*.

Prepared by:



Kaeley Draper
Planner
For **Cardno (NSW/ACT) Pty Ltd**
Ph: (02) 4228 4133

Reviewed by:



Daniel Thompson
Manager - Planning

Attachment A: Written Advice from Upper Lachlan Shire Council and Office of Environment and Heritage



ABN 81 011 241 552

Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 42, Gunning NSW 2581

Crookwell Office: 44 Spring Street, Crookwell NSW 2583
p: 02 4830 1000 | t: 02 4832 2066 | e: council@upperlachlan.nsw.gov.au | www.upperlachlan.nsw.gov.au

Gunning Office: 123 Yass Street, Gunning NSW 2581
p: 02 4845 4100 | f: 02 4845 1426 | e: council@upperlachlan.nsw.gov.au

Taralga Office: Taralga Community Service Centre, Orchard Street, Taralga NSW 2580
p: 02 4840 2099 | f: 4840 2296 | e: taralgacsc@ceinternet.com.au

Environment and Planning Department – TRIM F10/23-07

27 June 2017

NSW Ministry of Health
Finance and Asset Management
Locked Mail Bag 961
NORTH SYDNEY NSW 2059

Attention: Gus Aranega, Property Review Program Officer

Dear Sir,

Request for Additional Information Planning Proposal to rezone Lot 2 DP 1160080 McDonald Street/Kialla Road, Crookwell.

Further to your letter dated 29 May 2017 and subsequent emails you are advised that the Office of Environment and Heritage (OEH) have provided a reply to Council's request.

OEH has provided a detailed response addressing requirements for a proposed single residential dwelling on this land. Council officers concur with the advice given by OEH that considers the best environmental outcome would be a rezoning which only allowed one single dwelling with specific requirements and restrictions on development.

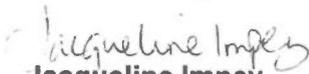
Attached for your information is a full copy of the comments received from OEH.

On further enquiry to OEH they have advised that in addition to identifying a specific building envelope on the revised plans, it would be preferable to develop a Biodiversity Management Plan at this planning proposal stage to ensure all relevant matters are addressed.

As advised by your email dated 13 June 2017 you are reviewing the additional heritage information request as per Council's letter of the 8 August 2016.

Please contact Mrs Jacqueline Impey on (02) 48 301 000 if you have any enquiries regarding this matter.

Yours faithfully


Jacqueline Impey
Senior Strategic Planner

for

John K Bell
General Manager

Enclosure – OEH letter dated 19 June 2017



Office of
Environment
& Heritage

DOC17/313877-2

The General Manager
Upper Lachlan Shire Council
PO Box 10
Crookwell NSW 2583
jlimpey@upperlachlan.nsw.gov.au

Attention: Jacqueline Impey

Dear Ms Impey

Amendment to Upper Lachlan Shire Local Environment Plan (LEP) - Rezone of Lot 2, DP 1160080, Crookwell to Zone E3 – Environmental Management with a single residential dwelling

Thank you for providing the Office of Environment and Heritage (OEH) the opportunity to comment on the planning proposal described above, and further information from the NSW Ministry of Health received on 30 May 2017. OEH has reviewed this information and provide the following advice.

OEH notes that in our previous correspondence we had incorrectly stated that Zone E3 was Environmental Conservation, however OEH intended it to be Zone E3 – Environmental Management as this permits a dwelling house with development consent. The proposal has been amended and NSW Health now wishes to rezone the land to Zone E3 – Environmental Management allowing for a single residential dwelling rather than a 3 lot subdivision.

A preferred building envelope should be developed and located where it would require less infrastructure and clearing, in order to avoid impacts to Tablelands Snow Gum Grassy Woodland which is listed as an Endangered Ecological Community (EEC) and *Eucalyptus aggregata*, Black gum listed as vulnerable in Schedule 2 of the TSC Act. The building envelope should include infrastructure such as driveways and effluent disposal and consider asset protection zones, as well as Aboriginal cultural heritage values on the property.

We consider that the most appropriate mechanism for avoiding long term impacts from the planning proposal would be through an in-perpetuity protection of the EEC and threatened species habitat with a section 88B instrument under the *Conveyancing Act 1919* placed on the Lot title. The s88B instrument should have a Biodiversity Management Plan, details of which were outlined in Appendix A of our letter dated 1 September 2016. Further information can be found in Appendix A of this letter.

Aboriginal cultural heritage

OEH reiterates from our previous correspondence, that if ground disturbing activities are limited to areas of existing disturbance, an Aboriginal Heritage Impact Permit will not be required. However, if Aboriginal objects are found during any subsequent development activities within these disturbed areas, the proponent will need to stop work and contact OEH for advice.

If you require further information or would like to discuss the above comments further, please contact Lyndal Walters on 02 6229 7157.

Yours sincerely



19/6/17

ALLISON TREWEEK
Senior Team Leader, Planning - South East
Regional Operations Group
OFFICE OF ENVIRONMENT AND HERITAGE

Attachment A – Biodiversity Management Plan for Lot 2 DP 1160080

In perpetuity protection of conservation values of the site

OEH recommends that the rezoning of the land to Zone E3 – Environmental Management should be supported by an instrument under section 88B of the *Conveyancing Act 1919*. The instrument should burden the Lot with a positive restriction as to the user/owner of the land as follows:

- a. The area of land shown outside the nominated building envelope on Lot 2 DP 1160080 on the approved plans of the development should not be permitted to be cleared, altered or damaged except as to remove noxious weeds or other exotic plant species.
- b. Ongoing management of Lot 2 DP 1160080 as outlined in the Biodiversity Management Plan.

Part 2 of the 88B Instrument should contain a provision that the easement may not be extinguished or altered without the written consent of Upper Lachlan Shire Council.

The Biodiversity Management Plan should be developed in accordance with relevant guidelines. An example of a Biodiversity Management Plan was attached to our previous correspondence and is reiterated below for your information.

Biodiversity Management Plan to offset unavoidable impacts of single dwelling

OEH recommends that the proponent develop measures to protect the tablelands snow gum grassy woodland and the black gum to protect and minimise impacts of a dwelling.

The management measures should include, but are not limited to;

Tablelands snow gum grassy woodland

- Undertake control of rabbits, hares, foxes, pigs and goats as relevant, (using methods that do not disturb the native plants and animals of the remnant).
- Manage any stock to reduce grazing pressure Do not harvest firewood from remnants (this includes living or standing dead trees and fallen material).
- Leave fallen timber on the ground.
- Encourage regeneration by fencing remnants out, controlling stock grazing and undertaking supplementary planting, if necessary; supplementary planting should only be done using locally-indigenous species of the community, but preferably collected from a variety of local sites to increase genetic viability.
- Undertake weed control (taking care to spray or dig out only target species).
Ensure that the site remains connected to other patches of vegetation. Particularly other tablelands snow gum grassy woodland.

Black gum

- Fence out mature stands to reduce or eliminate grazing pressures and to allow regeneration.
- Control weeds that inhibit regeneration.
- Encourage enhancement plantings around remnants of this species (using local-provenance seed sources).



ABN 81 011 241 552

Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 42, Gunning NSW 2581

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Taralga Office: Taralga Community Service Centre, Orchard Street, Taralga NSW 2580

p: 02 4840 2099 | f: 4840 2296 | e: taralgacsc@ceinternet.com.au

Environment and Planning Department – TRIM F10/23-06

8 August 2016

LandTeam
36 Montague Street
GOULBURN NSW 2580

Attention: Justin Kell

Your Reference: 17124 ULSC 120125

Dear Sir,

Request for Additional Information Planning Proposal to rezone Lot 2 DP 1160080 McDonald Street/Kialla Road, Crookwell.

Further to a preliminary review of the additional heritage information submitted 28 June 2016, you are advised as follows:

As advised by letter 4 February 2016, it is considered that a detailed *Statement of Heritage Impact (SOHI)*, undertaken by an independent heritage professional is required. A SOHI would not negate the requirement for future heritage or archaeological assessments to be carried out, particularly in respect to the construction of buildings, roadways or associated facilities and services within or associated with any future development of the land. Council's Heritage Advisor provided this advice to Mr Murray Blackburn-Smith of Tangible Planning Solutions in September 2015.

The Heritage information submitted 28 June 2016 has been reviewed and it is considered such information is insufficient and does not meet the basic heritage requirements for a 'Statement of Heritage Impact' (SOHI). The heritage submission has not provided any references to historical documents, physical condition or specialist consultant reports. There are no details of a site inspection or of a site analysis, nor is there any reference to a 'Statement of Heritage Significance'. A SOHI needs to address how the heritage value of the Crookwell Hospital and its associated features may be impacted upon or preferably enhanced, by the proposed adjacent subdivision and, in particular, subsequent development resulting from the subdivision.

For your information a *pro forma* for a SOHI is available on the OEH website, see <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf> in particular Page 8, Subdivision.

It is also important that the submission is accompanied by details of the SOHI author's professional and academic qualifications. Such information enables Council to ensure that the SOHI has been prepared by a suitably qualified heritage practitioner.

Please contact Mrs Jacqueline Impey on (02) 48 301 000 if you have any enquiries regarding this matter.

Yours faithfully

Jacqueline Impey
Senior Strategic Planner
for
John K Bell
General Manager

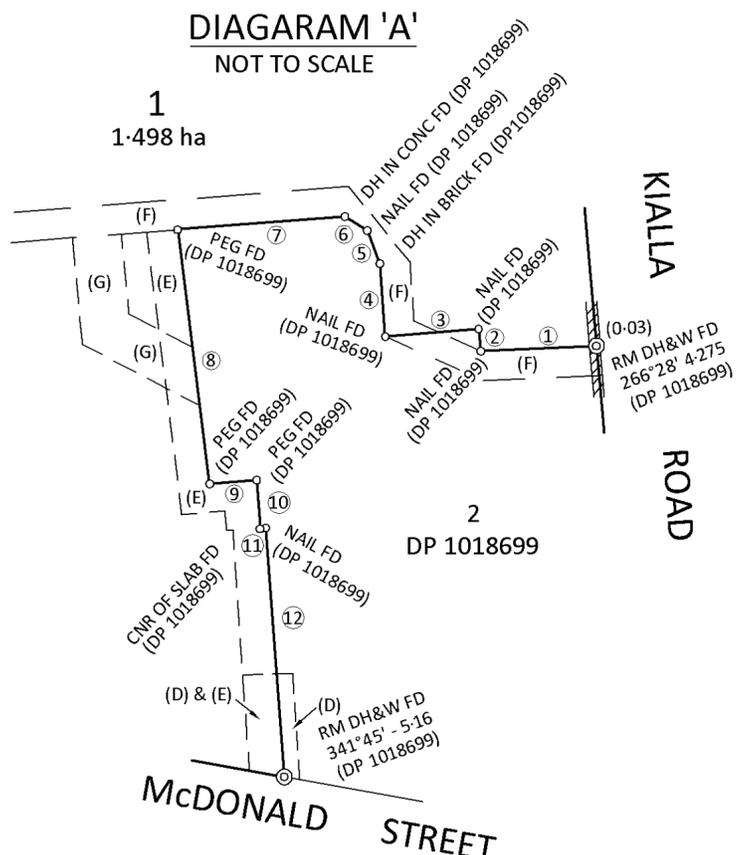
Attachment B: Survey Plan

MGA

(H) BENEFITED BY - EASEMENT FOR DRAINAGE OF WATER 3 WIDE - DP1149308
- EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE - DP1149308

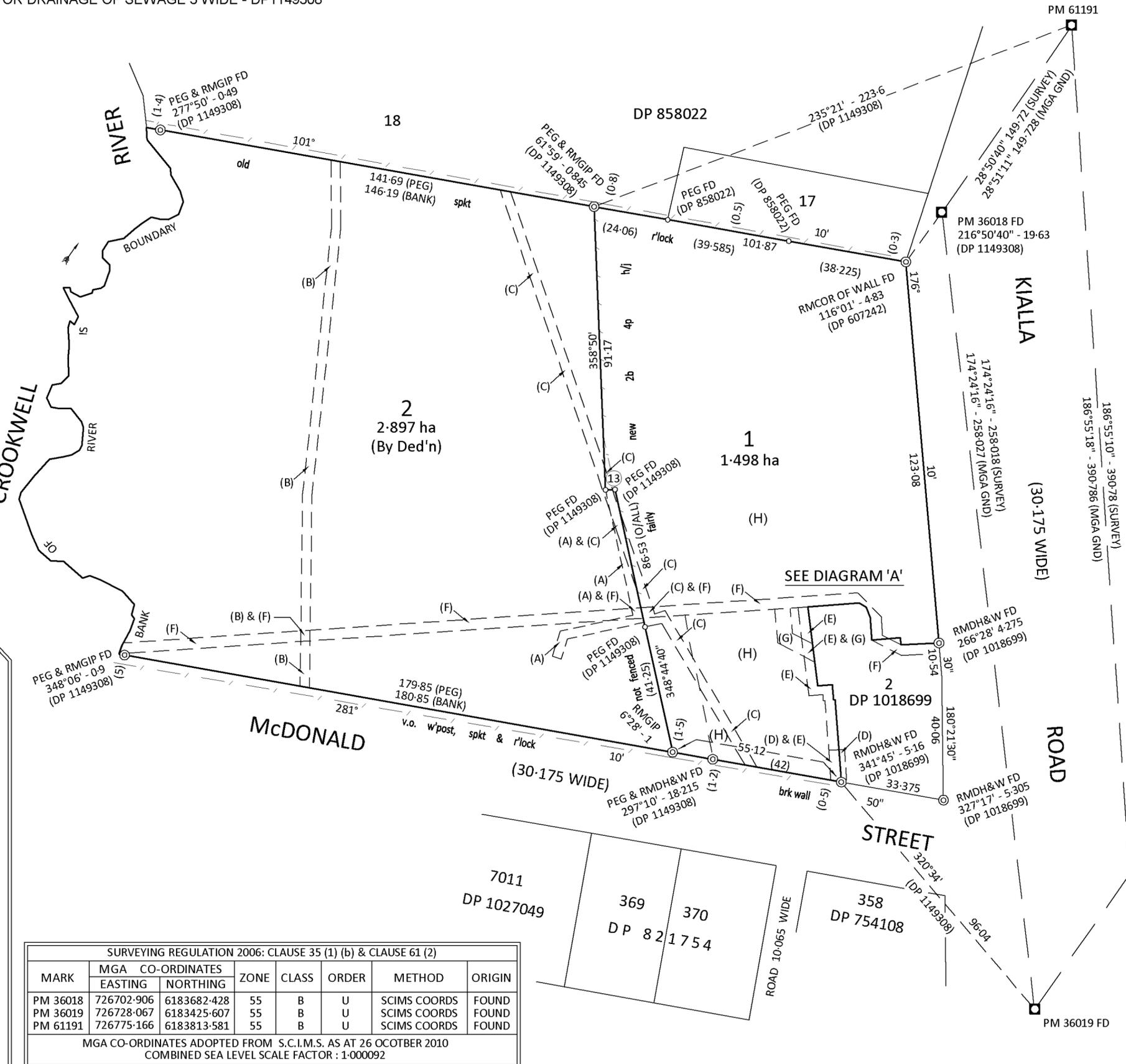
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1	268°33'	12.265
2	357°03'	2.205
3	266°38'	9.235
4	356°54'	7.35
5	339°49'	3.525
6	303°01'	2.605
7	266°40'	16.6
8	173°57'	25.64
9	86°32'	4.705
10	176°32'	4.845
11	86°32'	0.51
12	176°50'	26.58
13	268°50'	3.045

- (A) - EASEMENT FOR DRAINAGE OF WATER 3 WIDE (DP 1149308)
- (B) - EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE (DP 1149308)
- (C) - EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE & VARIABLE WIDTH (DP 1149308)
- (D) - RIGHT OF CARRIAGEWAY VARIABLE WIDTH (DP 1018699)
- (E) - EASEMENT FOR SERVICES 2.44 WIDE (DP 1018699)
- (F) - EASEMENT FOR SERVICES 3 WIDE & VARIABLE WIDTH (DP 1018699)
- (G) - EASEMENT TO DRAIN WATER 5 WIDE (DP 1018699)



SURVEYING REGULATION 2006: CLAUSE 35 (1) (b) & CLAUSE 61 (2)							
MARK	MGA CO-ORDINATES		ZONE	CLASS	ORDER	METHOD	ORIGIN
	EASTING	NORTHING					
PM 36018	726702.906	6183682.428	55	B	U	SCIMS COORDS	FOUND
PM 36019	726728.067	6183425.607	55	B	U	SCIMS COORDS	FOUND
PM 61191	726775.166	6183813.581	55	B	U	SCIMS COORDS	FOUND

MGA CO-ORDINATES ADOPTED FROM S.C.I.M.S. AS AT 26 OCTOBER 2010
COMBINED SEA LEVEL SCALE FACTOR : 1.000092



Surveyor: Justin Michael Kell of LandTeam, Goulburn Date of Survey: 26/10/2010 Surveyor's Ref: 171248	PLAN OF SUBDIVISION OF LOTS 1 & 2 IN DP 1149308	LGA: UPPER LACHLAN SHIRE Locality: CROOKWELL Subdivision No: 29/2010 Lengths are in metres. Reduction Ratio 1 : 1,000	Registered 18.01.2011	DP1160080
--	---	--	--------------------------	------------------

Box:e-DeX /Doc:DP 1160080 P /Rev:19-Jan-2011 /Sts:SC.OK /Prt:20-Jan-2011 08:48 /Pgs:ALL /Seq:1 of 3
WARNING : Electronic Document supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

2
Sheet 1 of 2 Sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, public reserves and drainage reserves or create easements, restrictions on the use of land and positive covenants.

Office Use Only

DP1160080

SIGNED FOR AND ON BEHALF OF
GREATER SOUTHERN AREA HEALTH SERVICE IN
ACCORDANCE WITH s135 HEALTH SERVICES ACT (NSW)
BY THE FOLLOWING PERSON:

Registered: 18.01.2011

Office Use Only

Title System: TORRENS

Purpose: SUBDIVISION

PLAN OF SUBDIVISION OF
LOTS 1 & 2 IN DP 1149308

P. Davis
.....
PETER DAVIS.
.....
(NAME)
PROPERTY MANAGER.
.....
(POSITION)

LGA: UPPER LACHLAN SHIRE
Locality: CROOKWELL
Parish: CROOKWELL
County: KING

Survey Certificate

I, Justin Michael Kell
of LandTeam, 36 Montague St, Goulburn 2580
Ph: (02) 4821 1033 Fax: (02) 4821 7238

a surveyor registered under the Surveying and Spatial Information Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying and Spatial Information Regulation, 2006, and was completed on : 26/10/2010

The survey relates to Lot 1, Pt Lot 2 & Connections
.....
(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature *Justin Kell* Dated: 11/11/2010
Surveyor registered under the Surveying and Spatial Information Act, 2002

Datum Line: PM36018 - PM36019
Type: Urban/~~Rural~~

Plans used in the preparation of survey/compilation
D.P. 1149308

If space is insufficient use PLAN FORM 6A annexure sheet

Surveyor's Reference: 17124B

If space is insufficient use PLAN FOR 6A annexure sheet

~~Crown Lands NSW/Western Lands Office Approval~~

~~I in approving this plan certify
(Authorised Officer)
that all necessary approvals in regard to the allocation of
the land shown herein have been given~~

~~Signature:
Date:
File Number:
Office:~~

Subdivision Certificate

I certify that the provisions of s.109 J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed SUBDIVISION set out herein
(insert "subdivision" or "new road")

Dodson
.....
*Authorised Person / General Manager / Accredited Certifier
Consent Authority: UPPER LACHLAN SHIRE COUNCIL
Date of Endorsement: 22 NOVEMBER 2010
Accreditation No.:
Subdivision Certificate No.: 29/2010
File No.: DA 9/2007

*Strike through inapplicable parts.

PLAN FORM 6A (Annexure Sheet)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 Sheet(s)

PLAN OF SUBDIVISION OF
LOTS 1 & 2 IN DP 1149308

Office Use Only

DP1160080

Office Use Only

Registered:



18.01.2011

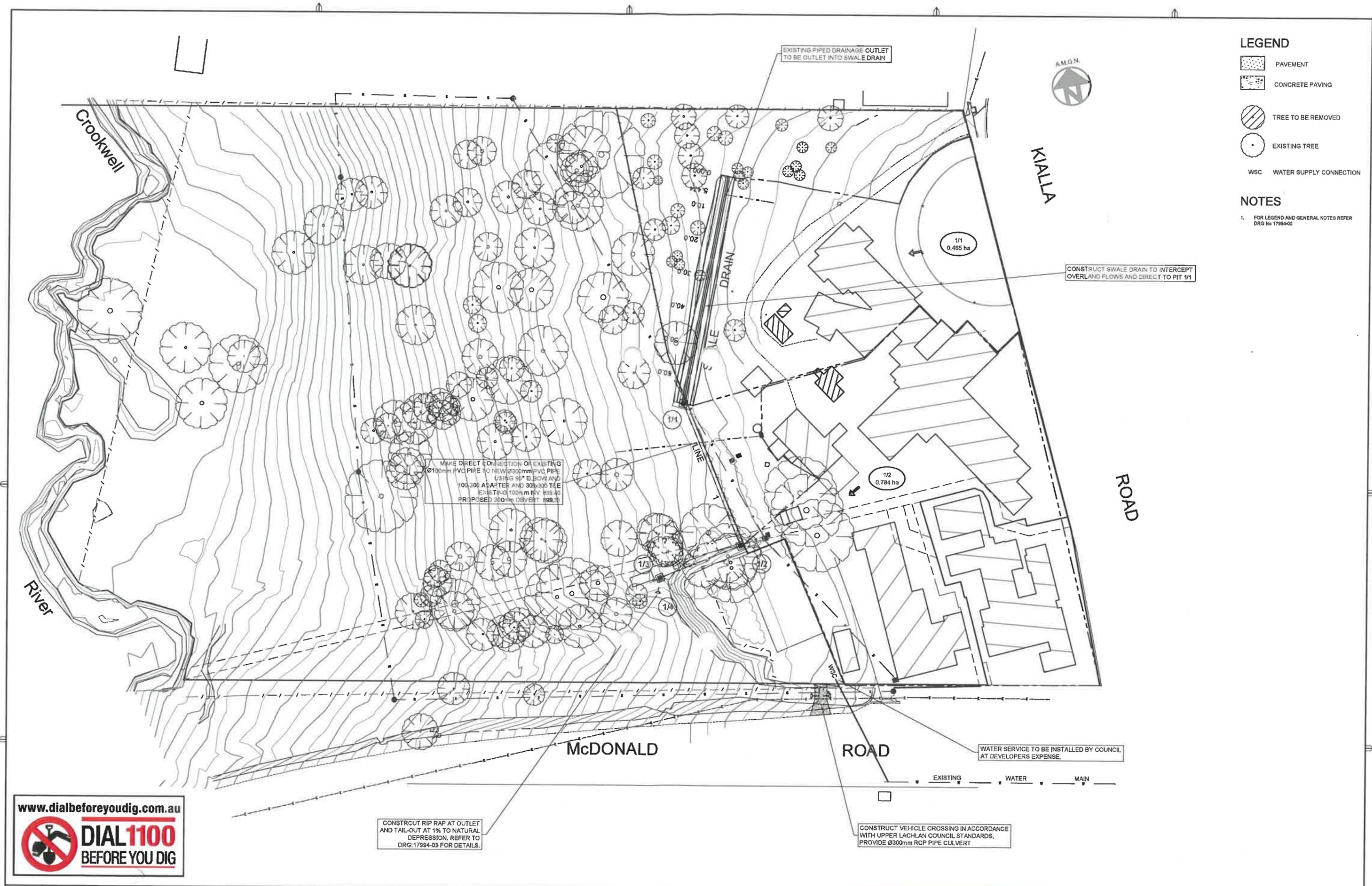
Subdivision Certificate No: 29/2010

Date of Endorsement: 22 NOVEMBER 2010

Signed by me *John Bedford*
as delegate of the HEALTH ADMINISTRATION
CORPORATION, pursuant to section 21 (1)
Health Administration Act, 1982 and I hereby
certify that I have no notice of the revocation of
such delegation.

Bedford

Surveyor's Reference: 17124B



- LEGEND**
- PAVEMENT
 - CONCRETE PAVING
 - TREE TO BE REMOVED
 - EXISTING TREE
 - WSC WATER SUPPLY CONNECTION

- NOTES**
1. FOR LEGEND AND GENERAL NOTES REFER DRG No 17894-00

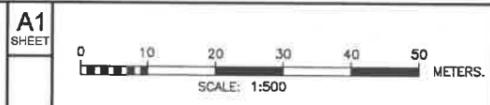


CONSTRUCT RIP RAP AT OUTLET AND TAIL-OUT AT 1% TO NATURAL DEPRESSION. REFER TO DRG:17984-03 FOR DETAILS.

CONSTRUCT VEHICLE CROSSING IN ACCORDANCE WITH UPPER LACHLAN COUNCIL STANDARDS. PROVIDE Ø300mm RCP PIPE CULVERT

WATER SERVICE TO BE INSTALLED BY COUNCIL AT DEVELOPERS EXPENSE.

SPECIAL NOTE
 UTILITY INFORMATION SHOWN ON THESE PLANS DOES NOT DEPICT ANY MORE THAN THE PRESENCE OF A SERVICE, BASED UPON AVAILABLE DOCUMENTARY EVIDENCE. THE PRESENCE OF A UTILITY SERVICE, ITS SIZE AND LOCATION SHOULD BE CONFIRMED BY FIELD INSPECTION, PRIOR TO THE COMMENCEMENT OF EARTHWORKS OR ROADWORKS AND THE RELEVANT UTILITY PLANS OBTAINED BY DIALING Ph1100 OR FAX 1300 652077 (DIAL BEFORE YOU DIG). CAUTION SHOULD BE EXERCISED WHEN WORKING IN THE VICINITY OF ALL UTILITY SERVICES.



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ISSUE	AMENDMENT	DRAWN	DATE
A	INITIAL ISSUE	JC	12/12/08

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SOUTHERN AREA HEALTH SERVICE
 PROPOSED SUBDIVISION OF LOT 1, DP 1018699
 KIALLA ROAD, CROOKWELL

UPPER LACHLAN COUNCIL DA
GENERAL ARRANGEMENT PLAN

DESIGNED: JC
 DRAWN: JC
 CHECKED: RA
 DRAWING No. **157124-01**

SCALE: 1:500 DATUM: A.H.D. DATE: 12/12/2008

X:\JOB\117294\ACAD\117294-ENG1.DWG

Attachment C: Biodiversity Management Plan

Attachment D: Statement of Heritage Impacts