

Laterals

PLANNING PROPOSAL



GOULBURN MULWAREE LOCAL ENVIRONMENTAL PLAN 2009

LOT 1 DP 1171661

1 RACECOURSE DRIVE, GOULBURN

NOVEMBER 2015

Reference No.: 1518

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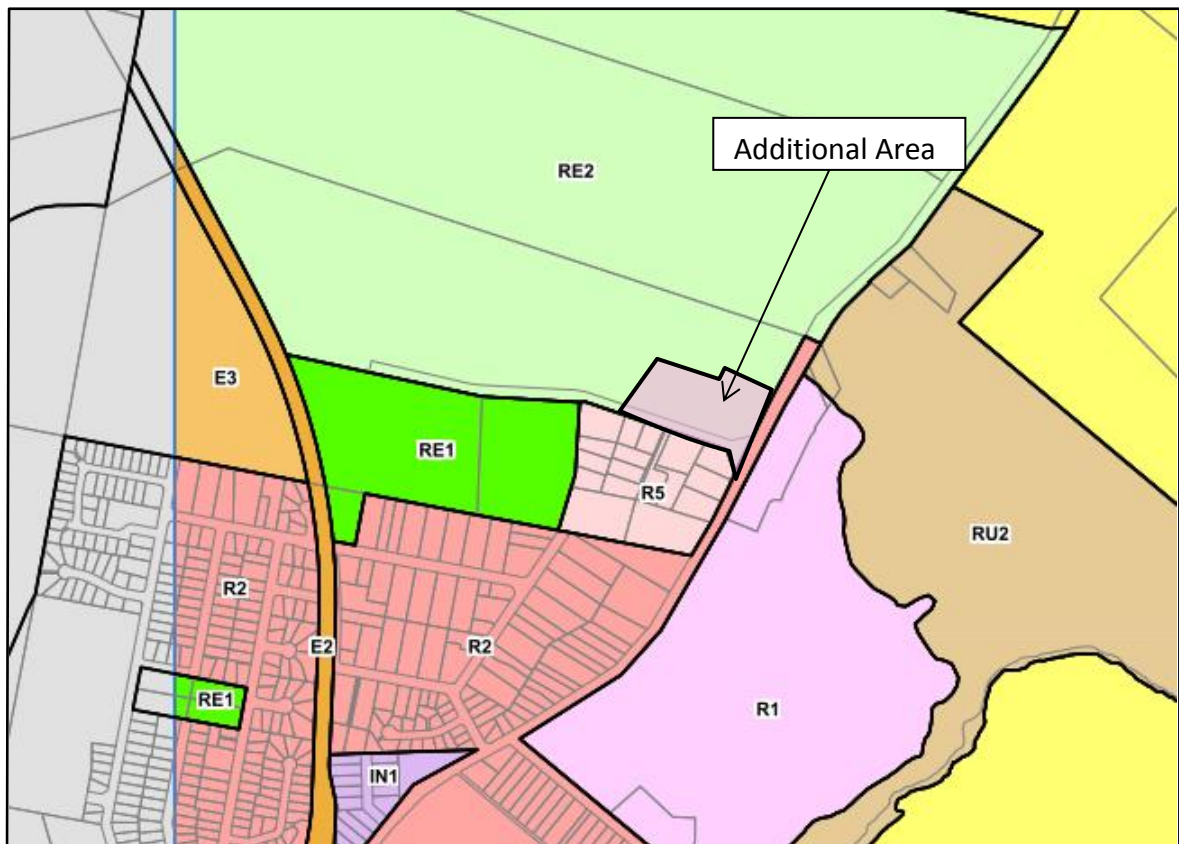
Part 1 Objectives

To rezone the land (Lot 1 DP 1171661) to enable the development of dwelling houses on lots to be created in accordance with a subdivision approved by Council pursuant to Development Application 263/0607 dated 26 October 2007.

Part 2 Explanation of the provisions

The proposed outcome will be achieved by an amendment to the Goulburn Mulwaree Local Environmental Plan 2009 as follows:

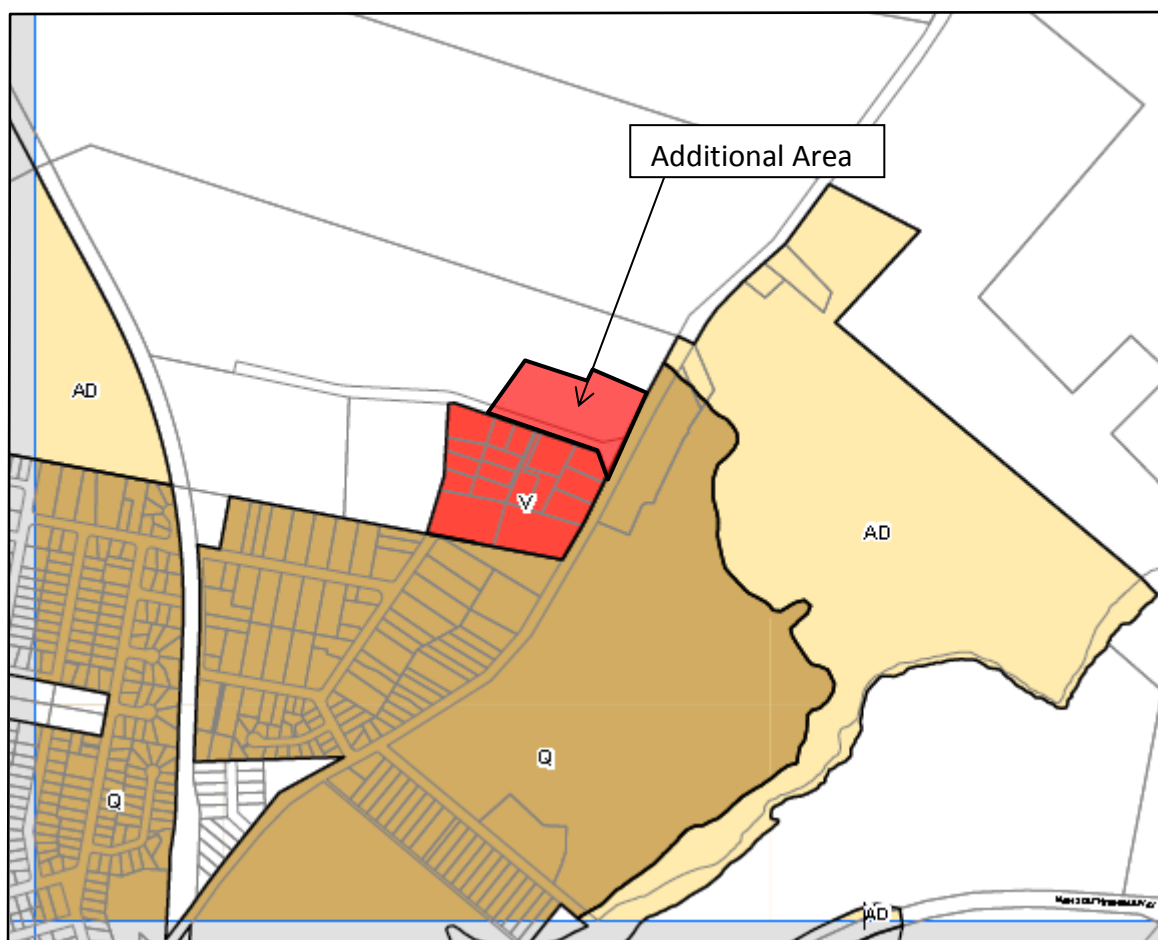
- (1) Amending Goulburn Mulwaree Land Zoning Map Sheet LZN_001F by expanding the zone boundary to include the additional area – see map below.



Amendment to Goulburn Mulwaree Zoning Map – Sheet LZN_001F

Map Source: NSW Legislation website

- (2) *Amending Goulburn Mulwaree Land Lot Size Map Sheet LSZ_001F by expanding the lot size boundary to include the additional area – see map below.*



Amendment to Goulburn Mulwaree Lot Size Map – Sheet LSZ_001F

Map Source: NSW Legislation website

The planning proposal for the subject land is therefore changing the current RE2 Private Recreation Zone to R5 Large Lot Residential Zone with a Minimum Lot Size of 2000m².

Part 3 Justification

Section A – Need for the planning proposal

1. *Is the planning proposal a result of any 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 correct an anomaly in the Goulburn Mulwaree LEP 2009 and reinstate dwelling entitlements previously permissible under Goulburn Local Environmental Plan 1990.

The subject land is immediately adjacent to other R5 zoned land and was inadvertently zoned RE2 Private Recreation under Goulburn Mulwaree Local Environmental Plan 2009 by Council and the erection of dwellings (as intended by the approved subdivision) is not permitted by the current zoning.

Council, in a letter dated 28 May 2015 advised *“The RE2 Private Recreation zoning under Goulburn Mulwaree Local Environmental Plan 2009 is an anomaly and is to be considered by Council in a future LEP review (likely to commence in the second half of the year). Once*

commenced the review process is likely to take six to eight months. Should the new landowner wish to have the land rezoned ahead of Council's LEP review then a site specific LEP amendment proposal (or planning proposal) would need to be prepared and submitted to Council for assessment and processing. A site specific LEP amendment attracts fees in accordance with Council's fees and charges." See Annexure 1.

It is noted that the subject land is not in an area identified for rural residential development in a land use strategy but this rezoning is justified as the land has been approved for subdivision under Goulburn Local Environmental Plan 1990 (DA 263/0607) dated 26 October 2007 which has been commenced and the development consent is active. A copy of the consent is at Annexure 2.

The area of land subject to this planning proposal (Lot 1 DP 1171661) is only 2.669ha with an approved 12 residential lots and will not influence any strategic direction for the development of the Council area. A copy of the subdivision plan is at Annexure 3 and deposited plan is at Annexure 4.

Also, the planning proposal is generally consistent with the Goulburn Mulwaree Strategy Plan 2020 which states that *"Low density subdivision and rural residential development has continued to dominate development surrounding Goulburn. The expansion of Goulburn is occurring to the north and west of the town centre. Goulburn has natural and built boundaries, including the Main Southern Railway and the Mulwaree River to the south and east, topographical constraints to the west, and the Wollondilly River to the north. These boundaries have influenced the growth of Goulburn, with future growth directed north of the Wollondilly River."* (Page 4)

The subject land is on the fringe of Goulburn, located to the north of the Wollondilly River and west of the Taralga and is immediately adjacent to other R5 Large Lot Residential Zoned land.

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 the Planning Proposal incorporating a change in zoning and minimum lot size requirements is the most appropriate and best means of achieving the proposed outcome for the subject land. The land has been approved for subdivision under DA consent 263/0607 which has been commenced and the development consent is active. The development involved an assessment of planning matters and requires the lots to be serviced with reticulated water, sewerage, stormwater, street lighting, telephone, gas and with full road construction and kerbing and guttering.

The landowner also considered waiting for Council to correct the anomaly in a review of the LEP as indicated in Council's letter dated 28 May 2015. However, due to the expected delay of this process, this Planning Proposal has been prepared ahead of Council's LEP review.

An alternative to the rezoning and minimum lot size requirements was also considered and included an amendment to Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree LEP 2009 as being:

Schedule 1 Additional permitted uses

- 6 *Use of certain land at 1 Racecourse Drive, Goulburn*
- (1) *This clause applies to land at 1 Racecourse Drive, Goulburn, being Lot 1 DP 1171661.*
- (2) *Development for the purpose of Dwelling houses, Dual occupancy (attached), dual occupancy (detached), Home business, Home industries, Home occupation, Secondary dwelling, Semi-detached dwellings on each lot created by the subdivision of Lot 1 DP 1171661 carried out in accordance with Development Consent 263/0607 is permitted with consent.*

This alternative has been discarded as residential development is not consistent with the objectives of the RE2 Private Recreation zone being:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

Section B – Relationship to strategic planning framework

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

The planning proposal is consistent with the objectives and actions contained within the Sydney - Canberra Regional Strategy 2006 - 2031.

The Strategy, in respect to Housing and Settlement, states that *“The central subregion has a current population of 33,100 and is projected to grow by 3,850 to 36,950 by 2031. This will require an additional 2,300 dwellings. Goulburn is the major regional centre providing higher order commercial, service and community facilities.*

The Strategy recognises that Goulburn has significant potential for growth with an infill capacity of up to 1,300 dwellings and a major greenfield release at Marys Mount with a capacity of approximately 1,000 dwellings. The potential for further development of greenfield land at Kenmore and additional Marys Mount releases on the outskirts of Goulburn (with a combined potential of approximately 1,000 dwellings) also provides it with the opportunity to attract or retain a stable workforce in the area, provided that there are also job opportunities available. These areas have been proposed to be zoned for housing in Goulburn Mulwaree’s draft principal local environmental plan, with mechanisms identified for staging.”

The subject land is located at Kenmore and this Planning Proposal is certainly consistent with this objective.

The Sydney - Canberra Regional Strategy 2006 – 2031 also includes the following actions to achieve the objectives of the Strategy. The relevant actions identified are:

- *Local environmental plans and other statutory planning controls will align with the Regional Strategy’s settlement hierarchy (as shown on the Strategy Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.*

Comment: The Planning Proposal will not result in the spread of urban development as the subdivision was approved under the Goulburn Local Environmental Plan 1990 on the 26 October 2007 being prior to the commencement of the Goulburn Mulwaree LEP 2009. The proposed development will also utilise existing services and infrastructure, and not impact on areas of high conservation value.

• *Only new areas which are/will be identified in the final versions of the following documents are supported (once endorsed by the Director-General of the Department of Planning): Goulburn Mulwaree local environmental plan and Goulburn Mulwaree Strategy 2020. These documents will align with the Regional Strategy's settlement hierarchy, as shown on the Strategy Map.*

Comment: The Goulburn Mulwaree Strategy 2020 includes the following requirements to accommodate sustainable growth:

- *Protecting the viability of the local agricultural economy by eliminating highly productive agricultural lands from urban development.*
The Planning Proposal will not impact on the local agricultural economy.
- *Conserving the landscape character and scenic quality of Goulburn Mulwaree by sensitively accommodating (or avoiding) development on ridgelines.*
The Planning Proposal does not include any ridgeline.
- *Ensure proactive approach to minimise demands on potable water.*
The Planning Proposal will not increase the demand for potable water.
- *Facilitating urban development in the areas that allow urban infrastructure services to be provided in a cost-efficient manner.*
The Planning Proposal will permit urban development in an area where urban infrastructure services can be provided in a cost-efficient manner. Reticulated water and sewerage and stormwater is available adjacent to the land. Road and reticulated water and sewerage infrastructure have been substantially completed for the approved subdivision development. See Services Plan at Annexure 5 and site photographs at Annexure 6.
- *Reserving land to facilitate the provision of key infrastructure which would be required by urban communities in the future.*
The development will not require land for key infrastructure works.
- *New urban areas with a sense of 'community' with key services available locally.*
The development will achieve a sense of 'community' in this area located within close proximity to the Goulburn Racecourse. See Annexure 9.
- *Locating urban development away from areas affected by hazards, including risk of flood, fire, erosion, slip or subsidence.*
The subject land is not affected by hazards, including risk of flood, fire, erosion, slip or subsidence.
- *Accommodating rural residential living opportunities on less productive rural lands and in locations which would not detract from the cost effective provision of services and utilities.*

This rural residential living development is located on less productive rural land and in a location permitting the cost effective provision of services and utilities.

- *Maintaining Goulburn as the regional centre for Goulburn Mulwaree and the Central Sector as defined in the Sydney to Canberra Corridor Strategy.*
The Planning Proposal will maintain Goulburn as a Regional Centre.
- *Accommodating employment in new industrial areas within Goulburn and Marulan.*
Not applicable.
- *Safeguarding important heritage and ecological assets in any land use and development decisions overall, to ensure that the development of land is carried out in as orderly and efficient manner.*
The subject land is located to the west of the heritage item known as “The Kenmore Hospital”. See Annexure 8. The subject land does not adjoin the heritage item and is separated by the Taralga Road. This large lot residential development will have no impact on this item.
- *Supporting the principles of ecologically sustainable development.*
The Planning Proposal does support the principles of ecologically sustainable development as detailed below:

(a) The precautionary principle

The development has been designed to utilise land that will not result in the loss of threatened species or communities and will result in the revegetation of the area as dwellings develop. The development has been designed to appropriately manage stormwater.

(b) Inter-generational equity

The management of the development will maintain environmental health, diversity and productivity. In relation to the protection of vegetation and cultural values, the development is consistent with the character of the area.

(c) Conservation of biological diversity and ecological integrity

The retention of existing vegetation and the intention to plant street trees will significantly improve the biological diversity of the site and locality as there is little such diversity at present. The development will also improve the ecological value of the land and area.

(d) Improved valuation, pricing and incentive mechanisms

The design of the development is to enable development within the values of the site that currently exists and to enable the improvement of those values such as vegetation. The cost associated with protecting the environment is being borne by the developer and the establishment of the development within the Goulburn Mulwaree Council area places the development under the continuing management of Goulburn Mulwaree Council, which will, through rates and charges, continue to manage the infrastructure for environment protection.

- *Additional housing areas outside of those set out in this Regional Strategy and supporting local environmental plans are only to be supported if they can satisfy the Sustainability Criteria in Appendix 1.*

The table below confirms that the Planning Proposal can satisfy the Sustainability Criteria in Appendix 1 of the Sydney Canberra Corridor Regional Strategy 2006 – 2031:

CRITERIA	EXPLANATION OF CRITERIA	RESPONSE
1. Infrastructure Provision: Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	• Development is consistent with the Sydney- Canberra Corridor Regional Strategy, any subregional strategy, the State Infrastructure Strategy and relevant section 117 direction. • The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure development contributions. • Preparedness to enter into development agreement.	The planning proposal is consistent with the Regional Strategy and 117 Directions. The site is able to be serviced with all required infrastructure including reticulated water, sewerage, stormwater, street lighting, telephone and gas - see Services Plan at Annexure 5. Installation of reticulated water and sewerage, stormwater infrastructure and road construction has been commenced – see site photographs at Annexure 6. The subdivision approved by Council pursuant to Development Application 263/0607 dated 26 October 2007 addresses the infrastructure requirements. Development contributions are payable pursuant to the development consent.
2. Access: Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	• Accessibility of the area by public transport and/or appropriate road access in terms of: ▪ Location/land use - to existing networks and related activity centres. ▪ Network - the area's potential to be serviced by economically efficient transport services. ▪ Catchment -the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. • No net negative impact on performance of existing subregional road, bus, rail and freight network.	The site has access to a sealed local road which provides access to Goulburn CBD, local shopping centres and the Hume Highway to Sydney and Canberra. The road network has sufficient capacity to cope with any additional demand generated by development of the land in accordance with the planning proposal. Also, there will be no negative impact on the bus, rail or freight network.

3. Housing Diversity: Provide a range of housing choices to ensure a broad population can be housed.	• Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	No affordable housing is proposed. The large lot residential lifestyle offered by the planning proposal will add to the diversity of housing choice in the Goulburn area particularly due to subject land being in close proximity to the Goulburn racecourse. The subject land is also immediately adjacent to an existing large lot residential development. See Annexure 9.
4. Employment Lands: Provide regional / local employment opportunities to support the Sydney-Canberra Corridor's expanding role in the wider regional and NSW economies.	• Maintain or improve the existing level of subregional employment self-containment. • Meets subregional employment projections. ▪ Employment-related land is provided in appropriately zoned areas.	The site will not be zoned for the purpose of employment lands and will not remove employment areas.
5. Avoidance of Risk: Land use conflicts, and risk to human health and life, avoided.	• No residential development within 1:100 floodplain. • Avoidance of physically constrained land e.g. ▪ high slope ▪ highly erodible. • Avoidance of land use conflicts with adjacent or existing or future land use as planned under relevant subregional or regional strategy. • Where relevant, available safe evacuation route (flood and bushfire).	Land use conflicts are considered to be low and no residential development will occur within the 1:100 floodplain or on land having high slope or being highly erodible. Safe evacuation routes are available in respect to any flood and bushfire events in the area.
6. Natural Resources: Natural resource limits not exceeded/ environmental footprint minimised	• Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. • Demonstrates most efficient/suitable use of land: • Avoids identified significant agricultural land. • Avoids productive resource lands - extractive industries, mining and forestry. • Demand for energy does not place unacceptable pressure on infrastructure capacity to	The demand for water is within the infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. The site is not considered to be significant agricultural land or productive resource land. The housing generated by development of the land in accordance with the planning proposal will be subject to BASIX sustainability requirements reducing the pressure on the supply of energy.

	supply energy - requires demonstration of efficient and sustainable supply solution.	
7. Environmental Protection: Protect and enhance biodiversity, air quality, heritage and waterway health	• Consistent with government-approved regional conservation plan (if available). • Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DECC). This includes regionally significant vegetation communities, critical habitat, threatened species, population, ecological communities and their habitats. • Maintain or improve existing environmental condition for air quality. • Maintain or improve existing environmental condition for water quality: ▪ Consistent with community water quality objectives for recreational water use and river health (DECC and CMA). ▪ Consistent with catchment and stormwater management planning (CMA and council). • Protects areas of Aboriginal cultural heritage value (as agreed by DECC).	No endangered populations or ecological communities are known to occur on the subject land. See Annexure 14 being a copy of the NSW Environment and Heritage Bionet map. Additionally, the Goulburn Mulwaree Terrestrial Biodiversity Map Sheet BIO_001 does not identify the subject land as containing biodiversity. See Annexure 13. The Australian Heritage Information Management System (AHIMS - see Annexure 7) indicates there no Aboriginal sites located in or near the subject land. The subject land is located to the west of the heritage item known as "The Kenmore Hospital". See Annexure 8. The subject land does not adjoin the heritage item and is separated by the Taralga Road. This large lot residential development will have no impact on this item.
8. Quality and Equity in Services: Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	• Available and accessible services: ▪ Do adequate services exist? ▪ Are they at capacity or is some capacity available? ▪ Has Government planned and budgeted for further service provision? ▪ Developer funding for required service upgrade/access is available?	Quality health, education, legal, recreational, cultural and community development and other government services are available in Goulburn.

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

The Goulburn Mulwaree Strategy 2020 includes the following strategies:

1. *Urban development should be facilitated primarily in areas already zoned for that purpose. This includes all land within Goulburn and existing village boundaries including vacant and developed areas.*

Comment: The subject land should have been identified as large lot residential zoned land in the Goulburn Mulwaree LEP 2009 so that development consent for dwellings could be permitted in accordance with the existing approved subdivision consent.

2. *Employment areas capable of supporting an expanding population base and reinforcing Goulburn as a regional economy in light of its locational attributes within the Sydney to Canberra Corridor.*

Comment: The site will not be zoned for the purpose of employment lands and the rezoning will not remove employment areas. The Planning Proposal is also consistent with the goals of the *Goulburn Mulwaree Community Strategic Plan 2030* as detailed below:

Quality Infrastructure - Objective:

To be proactive in planning for changes that come from technological change and growth, and to continue to aim for the enhancement of the area's infrastructure through strong advocacy partnerships with Government and private enterprise and direct provision of appropriate assets.

Infrastructure will be provided in accordance with Council's Standards for Engineering Works.

A Strong Economy - Objective

The promotion of a healthy and strong economy which will enhance the general wealth of the community.

The development of the subject land will provide an opportunity for local residents and businesses to participate in the works to increase economic activity in Goulburn.

A Vibrant Community - Objective

Council to the importance of continuing to improve the lifestyle options, care services and community support structures available to its residents.

The large lot residential lifestyle offered by the planning proposal will add to the diversity of housing choice in the Goulburn area particularly due to subject land being in close proximity to the Goulburn racecourse.

A Sustainable Environment - Objective

Council commitment to balancing the community's need to use and enjoy our natural resources with their protection, enhancement and renewal.

The development of the subject land will have no impact on the natural resources in the area.

A Leading Organisation - Objective

Council to be a leading organisation of which its citizens, visitors and other stakeholders are proud. This is reflected in how it responds and includes its community, governs and performs its statutory roles.

The planning proposal is as a result of a request by the property owners to correct an anomaly in the Goulburn Mulwaree LEP 2009 and reinstate dwelling entitlements previously permissible under Goulburn Local Environmental Plan 1990 and is consistent with Council strategies.

A Retained Heritage - Objective

Council commitment to balancing the community's need to use and enjoy our natural resources with their protection, enhancement and renewal.

The subject land is located to the west of the heritage item known as "The Kenmore Hospital". See Annexure 8. The subject land does not adjoin the heritage item and is separated by the Taralga Road. The development of the subject land will have no impact on the retained heritage in the area.

3. *Supporting rural and agricultural industry and lifestyles including provisions for Large Lot Residential living should be focused around the existing City and Village zones. The future use of rural lands will seek to balance agricultural requirements, environmental constraints and minimise potential for land use conflicts and inappropriate fragmentation.*

Comment: This large lot residential development is located at the northern fringe of Goulburn with little potential for land use conflicts.

4. *Promotion of employment lands within Goulburn City, Marulan and Tarago.*

Comment: The site will not be zoned for the purpose of employment lands and the rezoning will not remove employment areas.

5. *Reinforcing Main street commercial activity for Tarago and Marulan via development control provisions*

Comment: Not applicable – the subject land is not located in Tarago or Marulan.

6. *Future planning associated with key sites across the local government area including the residential and employment lands will influence the rate and compositions of growth.*

Comment: The development site will only provide 12 residential allotments and will not influence the rate and composition of growth in the area.

7. *Reinforce role of Goulburn as the centre for population and employment growth.*

Comment: The development will contribute to Goulburn being the centre for population and employment growth.

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

Comment: The development will promote rural living and lifestyle opportunities in Goulburn particularly in the racecourse precinct.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*
The applicable State Environmental Planning Policies are discussed below:

(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 Annexure 11. The development will also be required to provide reticulated water and sewerage and to install stormwater infrastructure in accordance with consent condition 11.

The proposed development will be required to result in a neutral or beneficial effect on water quality to comply with the requirements of this SEPP. The Planning Proposal will be forwarded to Water NSW for comment and it is noted that Water NSW (formerly the Sydney Catchment Authority) has provided comment in respect to the approved subdivision and Condition 56 of the consent states:

The applicant shall comply with all requirements of the Sydney Catchment Authority as detailed in the Authority's letter dated 21 August 2007.

A copy of a SCA letter dated 19 May 2011 is included at Annexure 2 and confirms that the development is able to achieve a neutral or beneficial effect on water quality.

A Water Cycle Management Study for the proposed subdivision development was undertaken by Morse McVey and Associates and the report dated 26 October 2006 concludes:

"The results of the MUSIC modelling demonstrates that a beneficial effect has been achieved, providing that the proposed Water Cycle Management Plan (Section 5) is implemented. Without these specific measures, the development could potentially have a negative impact on water quality in the local watercourses. This Plan includes a set of long-term maintenance measures to ensure that the effectiveness of the proposed measures provides ongoing benefits for water quality.

Section 5 of this report details the measures required to achieve a neutral or beneficial effect. We recommend that this plan be implemented in full, as it provides an integrated management strategy for water quality control.

This plan also addresses the objectives of the Warragamba Catchment Blueprint (DLWC, 2003) by:

- (i) including visible, sustainable water cycle management measures to promote ecosystem health;*
- (ii) including signage regarding the function and maintenance of various water quality management measures, which promotes community awareness and involvement in catchment management;*
- (iii) integrating water cycle management measures into the development;*
- (iv) promoting efficient use and re-use of water resources.”*

The Planning Proposal and subsequent development will therefore comply with the aims of the State Environmental Planning Policy (Drinking Water Catchment) 2011 as the development will:

- provide for a healthy water catchment that will deliver high quality water.
- have a neutral or beneficial effect on water quality.
- support the water quality objectives for the Sydney drinking water catchment.

(ii) State Environmental Planning Policy 55 – Remediation of Land:

The objectives of State Environmental Planning Policy 55 – Remediation of Land are:

2 Object of this Policy

- (1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) by requiring that a remediation work meet certain standards and notification requirements.*

6 Contamination and remediation to be considered in zoning or rezoning proposal

- (1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land*

specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

- (2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) The following classes of land are identified for the purposes of this clause:*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

- (5) In this clause, planning authority has the same meaning as it has in section 145A of the Act.*

Clause 6 of SEPP 55 requires consideration of contamination issues when rezoning land particularly land identified at subclause 4 and in respect to the subject land:

- The land that is not within an investigation area,
- The land is not known to have been impacted by the uses identified at Table 1 of the Managing Land Contamination Planning Guidelines 1998 (i.e. *acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosives industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment or wood preservation*).
- The land has been used for limited agricultural purposes. Given the proximity to Goulburn it is unlikely that the storage of large volumes of fuel and chemicals occurred on site. Likewise access to waste disposal facilities at Goulburn would suggest that illegal disposal of waste on the site is highly unlikely. There have been no activities on the since the initial development consent construction works were undertaken in about 2008.
- There is no information that would indicate that there has been any activity on adjoining lands that would result in the contamination of the land which is the subject of this planning proposal.
- A site inspection was carried out in September 2015. A visual inspection was carried out to identify the presence of any rubbish tips, mounds, holes or bare ground that could possibly indicate landfill or materials that may or may not contain contaminants. No obvious contamination on the land within the development was identified.
- There is no information that the land has been subject to any notices concerning the need for remediation of the site. There is no information to indicate that the land has been subject to voluntary remediation by any prior landowner.

From this assessment there appears to be no contamination or potential contamination of the land which is the subject of the proposed development. Based on this preliminary assessment it is considered that the site is presently suitable for subdivision and the subsequent erection of dwelling houses as confirmed by the subdivision approval by Council pursuant to Development Application 263/0607 dated 26 October 2007.

6. *Is the planning proposal consistent with applicable Ministerial Directions?*

The following table is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the Environmental Planning and Assessment Act 1979. These directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued:

Section 117 Directions	Issue Date/ Date effective	Relevant	Inconsistent
1. Employment and Resources	1 July 2009		
1.1 Business and Industrial Zones		No	-
1.2 Rural Zones		No	-
1.3 Mining, Petroleum Production and Extractive Industries		No	-
1.4 Oyster Aquaculture		No	-
1.5 Rural Lands		No	-
2. Environment and Heritage	1 July 2009		
2.1 Environment Protection Zones		No	-
2.2 Coastal Protection		No	-
2.3 Heritage Conservation		Yes	No
2.4 Recreation Vehicle Areas		No	-
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 - effective 16 February 2011)		
3.1 Residential Zones		Yes	No
3.2 Caravan Parks and Manufactured Home Estates		No	-
3.3 Home Occupations		No	-
3.4 Integrating Land Use and Transport		Yes	No
3.5 Development Near Licensed Aerodromes		No	-
3.6 Shooting Ranges		No	-
4. Hazard and Risk	1 July 2009		
4.1 Acid Sulphate Soils		No	-
4.2 Mine Subsidence and Unstable Land		No	-
4.3 Flood Prone Land		Yes	No
4.4 Planning for Bushfire Protection		Yes	No
5. Regional Planning	1 July 2009 (Except for new Direction 5.4 effective 21 August 2015, Direction 5.2 effective 3 March 2011 & Direction 5.9 effective 30 September 2013)		
5.1 Implementation of Regional Strategies		Yes	No
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)		No	-
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		No	-
5.8 Second Sydney Airport: Badgerys Creek		No	-
5.9 North West Rail Link Corridor Strategy		No	-
6. Local Plan Making	1 July 2009		
6.1 Approval and Referral Requirements		No	-
6.2 Reserving Land for Public Purposes		No	-
6.3 Site Specific Provisions		Yes	No
7. Metropolitan Planning	14 January 2015		
7.1 Implementation of A Plan for Growing Sydney		No	-

The applicable s117 Directions are discussed below:

(i) 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 located to the west of the heritage item known as “The Kenmore Hospital”. See Annexure 8. The subject land does not adjoin the heritage item and is separated by the Taralga Road. This large lot residential development will have no impact on this item. The Australian Heritage Information Management System (AHIMS - see Annexure 7) indicates there no Aboriginal sites located in or near the subject land.

(ii) 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 Planning Proposal will affect an existing residential zone boundary and the large lot residential development will comply with the objectives of this s117 direction insofar that:

- a variety and choice of housing types will be able to be provided for future housing needs.
- the development will make efficient use of existing infrastructure and services and new housing will have appropriate access to infrastructure and services.
- there will be minimal impact of residential development on the environment and resource lands.

Additionally, the area of land subject to this planning proposal (Lot 1 DP 1171661) is only 2.669ha with an approved 12 residential lots and is of minor significance in respect to the development of the Council area.

(iii) 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 alter a zone for residential land and the large lot residential development will comply with the objectives of this s117 direction insofar that:

- future residents will be able to access the Goulburn environs by walking, cycling or public transport.
- there will be no impact on the choice of available transport
- due to the proximity of the Goulburn racecourse, future residents will be able to reduce the number of vehicle trips by using alternative means of transport.
- future residents could utilize public transport services to access the Goulburn CBD.
- the movement of freight will not be affected.

Additionally, the area of land subject to this planning proposal (Lot 1 DP 1171661) is only 2.669ha with an approved 12 residential lots and is of minor significance in respect to Integrating Land Use and Transport in the Council area.

(iv) DIRECTION 4.3: Flood Prone Land

Objectives

- (1) *The objectives of this direction are:*
- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
 - (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Where this direction applies

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

When this direction applies

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

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
- (5) *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.*
- (6) *A planning proposal must not contain provisions that apply to the flood planning areas which:*
- (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 floodways or high hazard areas), roads or exempt development.*
- (7) *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
- (8) *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain*

Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

Consistency

- (9) *A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:*
- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
 - (b) the provisions of the planning proposal that are inconsistent are of minor significance.*

Comment: The land is not subject to flooding. See Goulburn Mulwaree Planning Map (Part) at Annexure 10.

(v) 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 Goulburn Mulwaree Bush Fire Prone Land Map (Part) at Annexure 12.

(vi) DIRECTION 5.1: Implementation of Regional Strategies

Objective

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

Where this direction applies

- (2) This direction applies to land to which the following regional strategies apply:*
- (a) Far North Coast Regional Strategy*
 - (b) Lower Hunter Regional Strategy*
 - (c) Illawarra Regional Strategy*
 - (d) South Coast Regional Strategy*
 - (e) Sydney–Canberra Corridor Regional Strategy*
 - (f) Central Coast Regional Strategy, and*
 - (g) Mid North Coast Regional Strategy.*

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 strategy released by the Minister for Planning.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Comment: The proposal is consistent with the outcomes and actions nominated in the Sydney - Canberra Regional Strategy 2006 - 2031. The Strategy, in respect to Housing and Settlement, states that "The central subregion has a current population of 33,100 and is projected to grow by 3,850 to 36,950 by 2031. This will require an additional 2300 dwellings. Goulburn is the major regional centre providing higher order commercial, service and community facilities. The Strategy recognises that Goulburn has significant potential for growth with an infill capacity of up to 1,300 dwellings and a major greenfield release at Marys Mount with a capacity of approximately 1,000 dwellings. The potential for further development of greenfield land at Kenmore and additional Marys Mount releases on the outskirts of Goulburn (with a combined potential of approximately 1,000 dwellings) also provides it with the opportunity to attract or retain a stable workforce in the area, provided that there are also job opportunities available. These areas have been proposed to be zoned for housing in Goulburn Mulwaree's draft principal local environmental plan, with mechanisms identified for staging." The subject land is located at Kenmore and this Planning Proposal is certainly consistent with this objective.

The Sydney - Canberra Regional Strategy 2006 – 2031 also includes the following actions to achieve the objectives of the Strategy. The relevant actions identified are:

- *Local environmental plans and other statutory planning controls will align with the Regional Strategy's settlement hierarchy (as shown on the Strategy Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.*

Comment: The Planning Proposal will not result in the spread of urban development as the subdivision was approved under the Goulburn Local Environmental Plan 1990 on the 26 October 2007 being prior to the commencement of the Goulburn Mulwaree LEP 2009. The proposed development will also utilise existing services and infrastructure, and not impact on areas of high conservation value.

- *Only new areas which are/will be identified in the final versions of the following documents are supported (once endorsed by the Director-General of the Department of Planning): Goulburn Mulwaree local environmental plan and Goulburn Mulwaree*

Strategy 2020. These documents will align with the Regional Strategy's settlement hierarchy, as shown on the Strategy Map.

Comment: The Goulburn Mulwaree Strategy 2020 includes the following requirements to accommodate sustainable growth:

- *Protecting the viability of the local agricultural economy by eliminating highly productive agricultural lands from urban development.*
The Planning Proposal will not impact on the local agricultural economy.
- *Conserving the landscape character and scenic quality of Goulburn Mulwaree by sensitively accommodating (or avoiding) development on ridgelines.*
The Planning Proposal does not include any ridgeline.
- *Ensure proactive approach to minimise demands on potable water.*
The Planning Proposal will not increase the demand for potable water.
- *Facilitating urban development in the areas that allow urban infrastructure services to be provided in a cost-efficient manner.*
The Planning Proposal will permit urban development in an area where urban infrastructure services can be provided in a cost-efficient manner. Reticulated water and sewerage and stormwater is available adjacent to the land. Road and reticulated water and sewerage infrastructure have been substantially completed for the approved subdivision development. See Services Plan at Annexure 5 and site photographs at Annexure 6.
- *Reserving land to facilitate the provision of key infrastructure which would be required by urban communities in the future.*
The development will not require land for key infrastructure works.
- *New urban areas with a sense of 'community' with key services available locally.*
The development will achieve a sense of 'community' in this area located within close proximity to the Goulburn Racecourse.
- *Locating urban development away from areas affected by hazards, including risk of flood, fire, erosion, slip or subsidence.*
The subject land is not affected by hazards, including risk of flood, fire, erosion, slip or subsidence.
- *Accommodating rural residential living opportunities on less productive rural lands and in locations which would not detract from the cost effective provision of services and utilities.*
This rural residential living development is located on less productive rural land and in a location permitting the cost effective provision of services and utilities.
- *Maintaining Goulburn as the regional centre for Goulburn Mulwaree and the Central Sector as defined in the Sydney to Canberra Corridor Strategy.*
The Planning Proposal will maintain Goulburn as a Regional Centre.

- *Accommodating employment in new industrial areas within Goulburn and Marulan.*
Not applicable.
- *Safeguarding important heritage and ecological assets in any land use and development decisions overall, to ensure that the development of land is carried out in as orderly and efficient manner.*
The Planning Proposal will not impact on heritage or ecological assets.
- *Supporting the principles of ecologically sustainable development.*
The Planning Proposal does support the principles of ecologically sustainable development.

(vii) 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:

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	E1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	E2 Environmental Conservation
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: The proposal will have minimal environmental impact and compliance with the Neutral or Beneficial Effects (NorBE) test for impact on water quality will be achieved.

The Planning Proposal will be forwarded to Water NSW for comment and it is noted that Water NSW (formerly the Sydney Catchment Authority) has provided comment in respect to the approved subdivision and Condition 56 of the consent states:

The applicant shall comply with all requirements of the Sydney Catchment Authority as detailed in the Authority's letter dated 21 August 2007.

A copy of a SCA letter dated 19 May 2011 is included at Annexure 2 and confirms that the development is able to achieve a neutral or beneficial effect on water quality.

A Water Cycle Management Study for the proposed subdivision development was undertaken by Morse McVey and Associates and the report dated 26 October 2006 concluded:

“The results of the MUSIC modelling demonstrates that a beneficial effect has been achieved, providing that the proposed Water Cycle Management Plan (Section 5) is implemented. Without these specific measures, the development could potentially have a negative impact on water quality in the local watercourses. This Plan includes a set of long-term maintenance measures to ensure that the effectiveness of the proposed measures provides ongoing benefits for water quality.

Section 5 of this report details the measures required to achieve a neutral or beneficial effect. We recommend that this plan be implemented in full, as it provides an integrated management strategy for water quality control.

This plan also addresses the objectives of the Warragamba Catchment Blueprint (DLWC, 2003) by:

- (i) including visible, sustainable water cycle management measures to promote ecosystem health;*
- (ii) including signage regarding the function and maintenance of various water quality management measures, which promotes community awareness and involvement in catchment management;*
- (iii) integrating water cycle management measures into the development;*
- (iv) promoting efficient use and re-use of water resources.”*

The Planning Proposal and subsequent development will therefore comply with the aims of the State Environmental Planning Policy (Drinking Water Catchment) 2011 as the development will:

- provide for a healthy water catchment that will deliver high quality water.
- have a neutral or beneficial effect on water quality.
- support the water quality objectives for the Sydney drinking water catchment.

(viii) 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 will rezone the subject land to an existing and adjoining zone already applying in the Goulburn Mulwaree LEP 2009 that will permit the land use without imposing any development standards or requirements in addition to those already contained in that zone. The Planning Proposal is considered to be of minor significance and intends to provide for the erection of the range of permissible dwelling and dwelling associated uses on each of the lots in the subdivision of Lot 1 DP 1171661, which were approved for the intended uses previously and are adjacent to lots to the south with the same land use. 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 14 being a copy of the NSW Environment and Heritage Bionet map. Additionally, the Goulburn Mulwaree Terrestrial Biodiversity Map Sheet BIO_001 does not identify the subject land as containing biodiversity. See Annexure 13.
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 have available all services and infrastructure. There is no indication of site contamination that would cause environmental or health impacts. Given the proximity to Goulburn it is unlikely that the storage of large volumes of fuel and chemicals occurred on site. Likewise access to waste disposal facilities at Goulburn would suggest that illegal disposal of waste on the site is highly unlikely.

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 development of the lots for the purpose proposed to achieve the highest and best use of land with suitable environmental protection measures. The subject land is not identified as a heritage item but is located to the west of the heritage item known as “The Kenmore Hospital”. See Annexure 8. The subject land does not adjoin the heritage item and is separated by the Taralga Road. This large lot residential development will have no impact on this heritage item.

Section D – State and Commonwealth interests

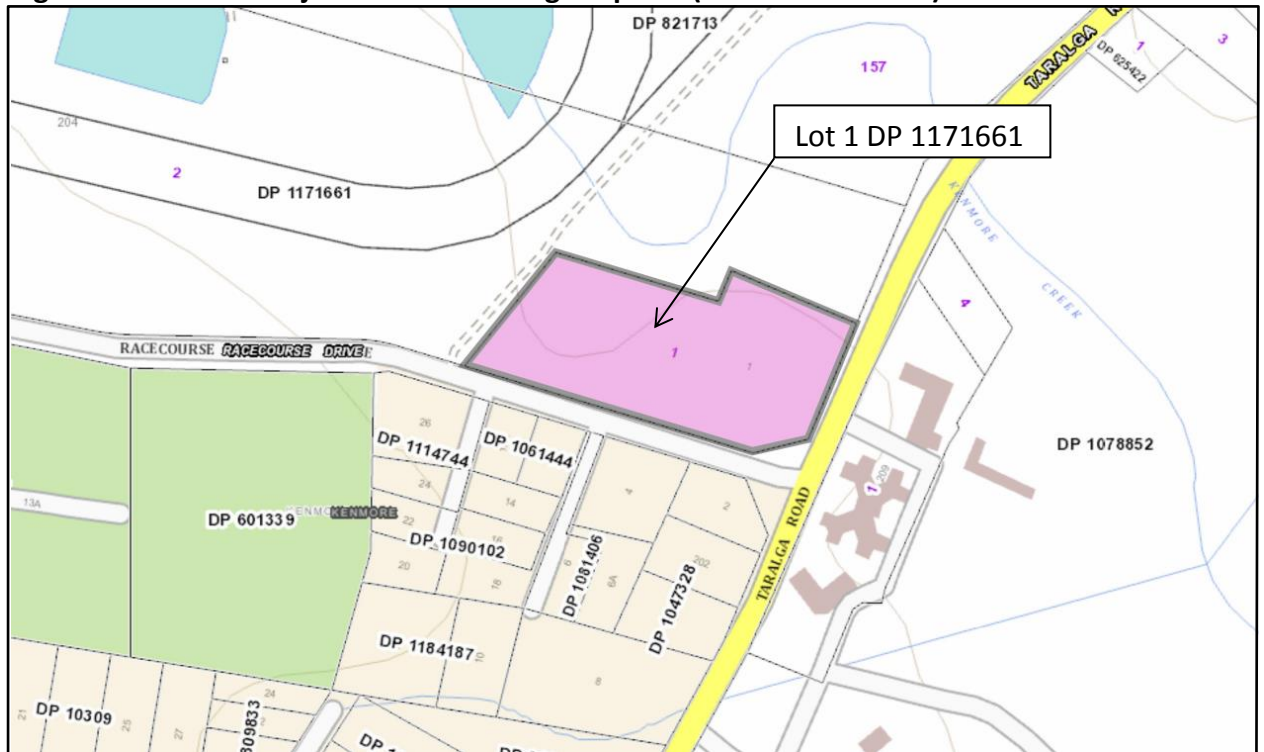
10. *Is there adequate public infrastructure for the planning proposal?*
There is adequate public infrastructure for the subject land including sealed road access and reticulated water and sewerage, electricity, gas and telephone infrastructure are available. Road and reticulated water and sewerage infrastructure have been substantially completed for the approved subdivision development. See Services Plan at Annexure 5 and site photographs at Annexure 6.
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

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

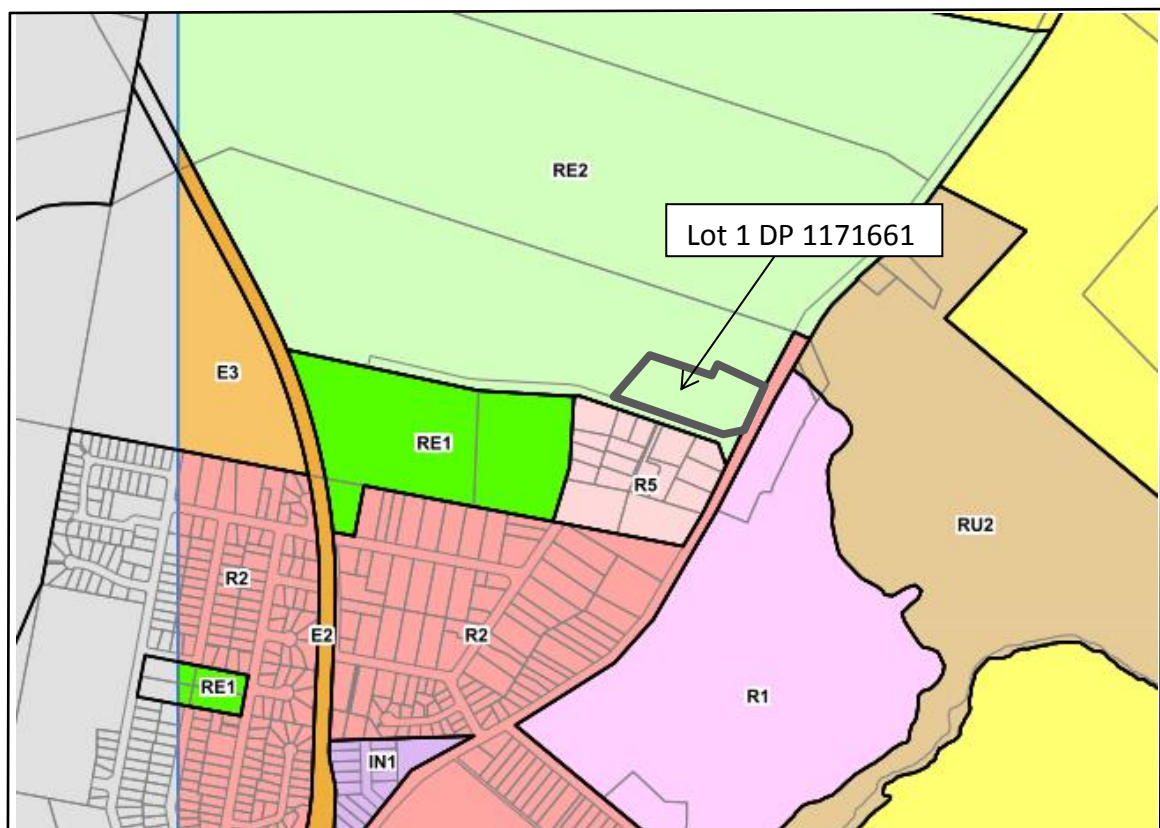
Figure 1	The land subject to the Planning Proposal (Lot 1 DP 1171661).
Figure 2	The current Land Use Zone.
Figure 3	The current Minimum Lot Size.
Figure 4	Aerial photograph identifying the subject lot (Lot 1 DP 1171661).
Figure 5	The proposed Land Use Zone to apply to the land.
Figure 6	The proposed Minimum Lot Size.

Figure 1: The land subject to the Planning Proposal (Lot 1 DP 1171661):



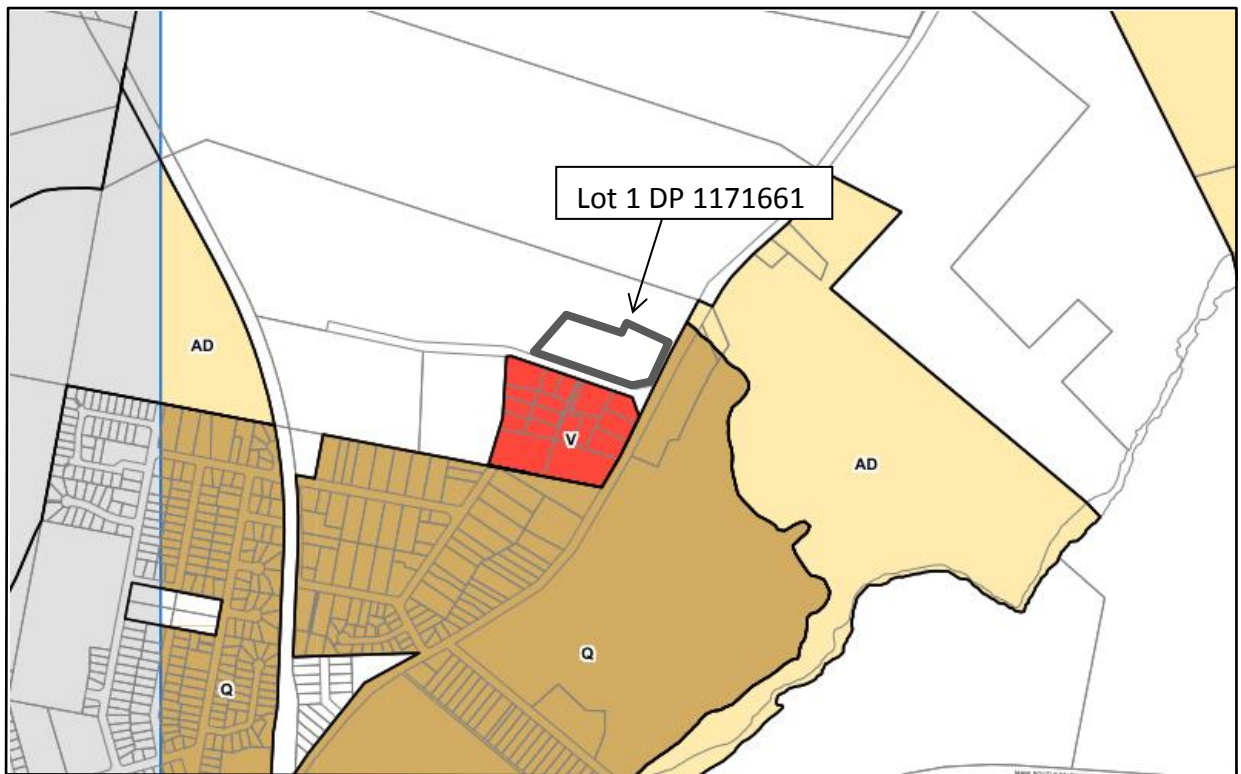
Map Source: Six Maps

Figure 2: The current land use zone applying to the land - Zone RE2 Private Recreation (Land Zoning Map – sheet LZN_001F):



Map Source: NSW Legislation website

Figure 3: The current Minimum Lot Size relating to the land - No minimum lot size (Lot Size Map - Sheet LSZ_001F)



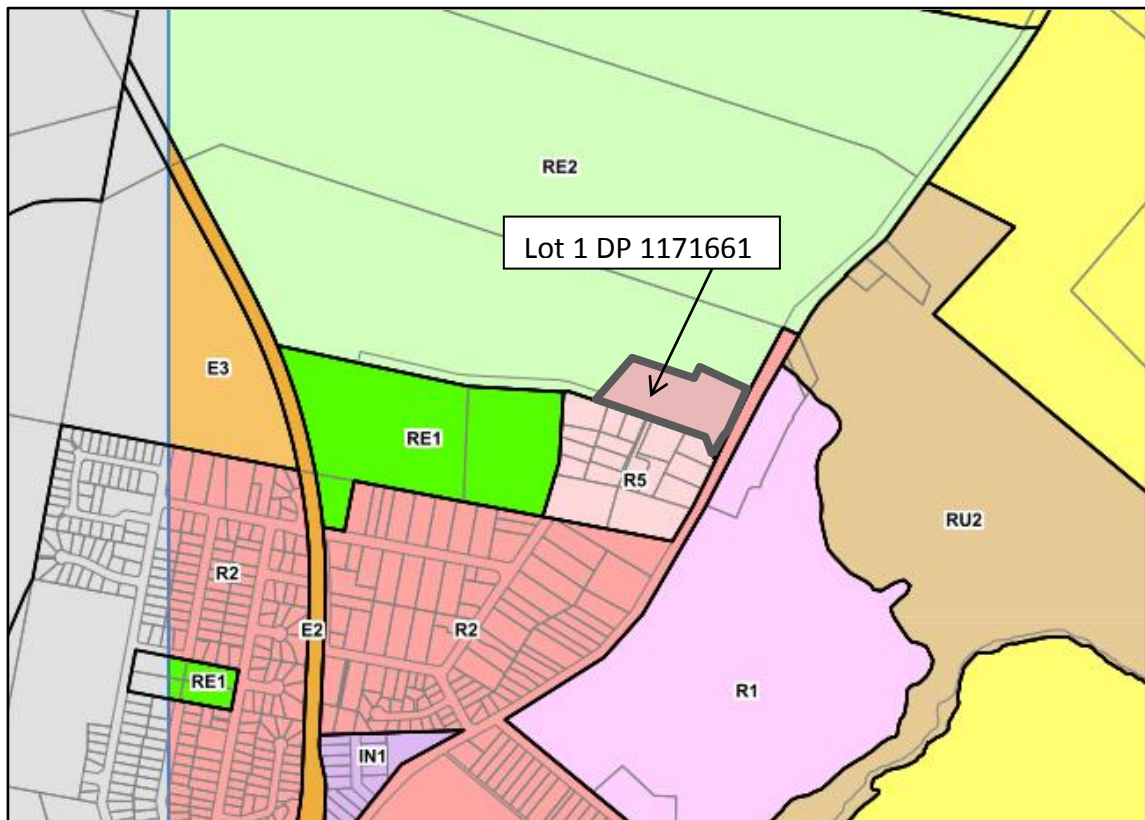
Map Source: NSW Legislation website

Figure 4: Aerial photograph identifying the subject lot:



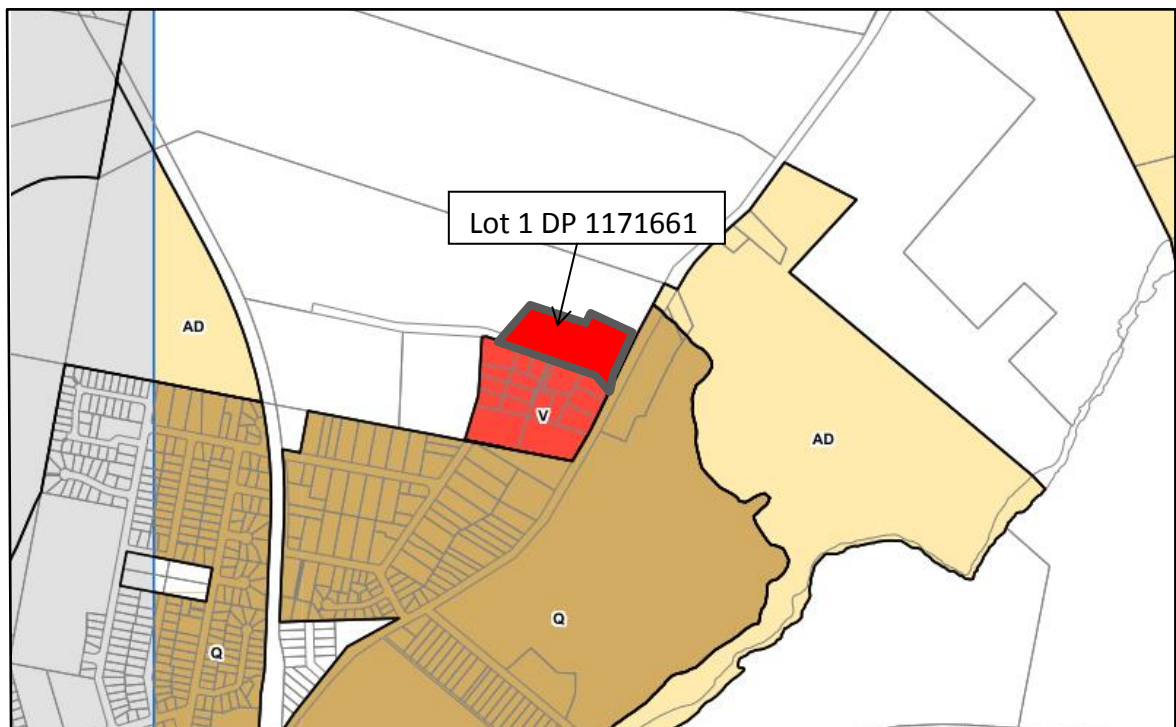
Map Source: Six Maps

Figure 5: The proposed land use zone to apply to the land - Zone R5 Large Lot Residential (Land Zoning Map – sheet LZN_001F):



Map Source: NSW Legislation website

Figure 6: The proposed minimum lot size to apply to the land - Minimum Lot Size – 2000m² (Lot Size Map - Sheet LSZ_001F):



Map Source: NSW Legislation website

Part 5 Community Consultation

The document “A guide to preparing local environmental plans” outlines the consultation required for different types of planning proposals and the gateway determination will specify the community consultation that must be undertaken on the planning proposal.

It is expected that the exhibition period for this low impact proposal will be 14 days. A ‘low’ impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

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

Part 6 Project timeline

The following project timeline is provided for the planning proposal:

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

December 2015

Anticipated timeframe for the completion of required technical information:

January 2016

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

January / February 2016

Commencement and completion dates for public exhibition period:

February / March 2016

Dates for public hearing (if required):

Not required

Timeframe for consideration of submissions:

April 2016

Timeframe for the consideration of a proposal post exhibition:

April 2016

Date of submission to the department to finalise the LEP:

April 2016

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

April 2016

Anticipated date RPA will forward to the department for notification:

May 2016

Conclusion

An assessment of the planning proposal has been completed in accordance with the guidelines prepared by NSW Department of Planning. It is recommended that the proposal be supported on the following grounds:

- The proposal is justified in terms of consistency with the Department's Regional Strategy.
- The proposal is consistent with the Goulburn Mulwaree's Strategy 2020.
- The subject land has suitable infrastructure.
- The proposal will support economic growth within the Goulburn Mulwaree area and particularly in Goulburn.
- The proposal will correct an anomaly in the Goulburn Mulwaree LEP 2009 and reinstate dwelling entitlements previously permissible under Goulburn Local Environmental Plan 1990.

ANNEXURES

Annexure 1 – Council Letter Dated 28 May 2015



Contact: Development Control
File: 204 Taralga Road 67/1011/MOD to 263/0607/DA

28 May 2015

Lachlan Abbott
Kazar Slaven Chartered Consultants Insolvency Practitioners
GPO Box 138
Canberra, ACT 2601
Email: labbott@kazarslaven.com.au & Mark.Nicholls@cbre.com.au

Dear Sir

**SUBJECT: DEVELOPMENT APPLICATION NO. 67/1011/MOD TO
263/0607/DA
LOCATION: 204 TARALGA ROAD**

I refer to your email dated 18 May 2015 in relation to the Development Consent 67/1011/MOD & 263/0607/DA at 204 Taralga Road for Subdivision.

Section 95 of the *Environmental Planning and Assessment Act 1979* (EPAA), generally states that a development consent does not lapse if building, engineering or construction work relating to the building is physically commenced on the site before the date on which the consent is due to lapse.

Council considers the release of Stage 1 of the Subdivision under Subdivision Certificate SUB/22/1112 on 11 November 2011 (creating DP 1171661) that the development has 'commenced'.

It is noted that the original Development Application was approved under Goulburn Local Environmental Plan 1990. It is also noted that the zoning changed as a result of the commencement of *Goulburn Mulwaree Local Environmental Plan 2009* on 20th February 2009. The land is currently zoned RE2 Private Recreation under *Goulburn Mulwaree Local Environmental Plan 2009* and the land use table to the RE2 zone does not permit dwellings. A copy is provided for your reference and the document can be found on the NSW Legislation web site on the following link <http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+56+2009+cd+0+N>

Section 106 (b) *Environmental Planning and Assessment Act 1979* defines existing use (a copy is provided below for your reference). Although the subdivision commenced under s 95 EPPA, and subdivision works were carried out within 12 months of the commencement of the 2009 LEP (viz preparation of the Detail and Contour Survey prepared by Southern Cross Consulting Surveyors dated 13 January 2010) no residential accommodation had commenced prior to 20 February 2010. Consequently it is Council's current interpretation that the residential use has not been preserved under existing use rights provisions under Section 106 *Environmental Planning and Assessment Act 1979*.

106 Definition of "existing use"

In this Division, **existing use** means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use, and
- (b) the use of a building, work or land:
 - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
 - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse

The RE2 Private Recreation zoning under *Goulburn Mulwaree Local Environmental Plan 2009* is an anomaly and is to be considered by Council in a future LEP review (likely to commence in the second half of the year). Once commenced the review process is likely to take six to eight months. Should the new landowner wish to have the land rezoned ahead of Council's LEP review then a site specific LEP amendment proposal (or planning proposal) would need to be prepared and submitted to Council for assessment and processing. A site specific LEP amendment attracts fees in accordance with Council's fees and charges.

Please note that no assessment of the completed works has taken place as a result of this letter as this letter is for the purpose of physical commencement only.

Please note that the issue of physical commencement and existing use rights are a question of law and Council's advice may be challenged in the Land and Environmental Court by a third party. Council recommends that you and/or the Applicant seek their own legal advice as to whether adequate physical works have been undertaken to constitute physical commencement as described in the legislation.

For any further information or clarification please do not hesitate to contact Council's Environment & Planning Department on (02) 4823 4454.

Yours faithfully



Dianne James
Senior Development Assessment Officer

Goulburn Mulwaree Local Environmental Plan 2009

Current version for 15 August 2014 to date (accessed 28 May 2015 at 16:06)

[Land Use Table](#) > Zone RE2

<< page >>

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Camping grounds; Caravan parks; Child care centres; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Food and drink premises; Function centres; Helipads; Information and education facilities; Kiosks; Markets; Neighbourhood shops; Office premises; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Sewerage systems; Signage; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

THIS FORM MUST BE PRESENTED WITH PAYMENT OF CHARGES

SUMMARY OF CHARGES (1415 rate)

DA Number: 67/1011/MOD to 263/0607/DA
 Applicant: Goulburn and District Racing Club Ltd
 Owner: Goulburn and District Racing Club Ltd
 Subject Land: 204 Taralga Road, Goulburn
 No. Of Lots: 12

Description	GL No	Rate 0708	Rate 1415	Amount 0708	Amount 1415	Comments
City-wide Scheme						
Water Supply	Gs64CW - Water	\$1,850	\$2,301	\$22,200	\$27,612	▪ 12 lots (with rainwater tank discount)
Sewerage	Gs64CW - Sewer	\$3,405	\$4,233	\$40,860	\$50,796	▪ 12 lots
Sewer Pumping Stations		\$85,000	\$99,170	\$85,000	\$99,170	▪ Capitalised Operating Costs
Stormwater (outside network)	Gs94CW - S/W	\$251	\$312	\$3,012	\$3,744	▪ 12 lots
Traffic Facilities	Gs94CW - Traffic	\$938	\$1,166	\$11,256	\$13,992	▪ 12 lots
Waste Mgt	Gs94CW - Waste	\$194	\$242	\$2,328	\$2,904	▪ 12 lots
Non Plan Payments						
Subdivision Certificate	Application Wizard	\$310/stage 0708		\$465 1415 rate/stage		
Construction Certificate	Application Wizard	No fixed cost - to be calculated		No fixed cost - to be calculated		
Water Connections / Extensions	GW/Connection	No fixed cost - to be calculated		No fixed cost - to be calculated		
Water Meters / Boxes	GW/Connection	No fixed cost - to be calculated		No fixed cost - to be calculated		
Sewer Connections / Extensions	GSew/Connect	No fixed cost - to be calculated		No fixed cost - to be calculated		
Landscape Bond	GLandscaping/Bond	No fixed cost - to be calculated		No fixed cost - to be calculated		
Inspection Fee for Engineering Drawings/ Works	GIInsp/SubDiv	\$115/lot	\$160	\$1,380	\$1,920	▪ 12 lots
Road Sign		\$220/sign		\$440		▪ CHECK current rate

ADVISING

These contributions are reviewed annually (effectively 1 July each year) and the contribution rates are to be confirmed prior to payment.

OFFICE USE ONLY

Receipt No.

Date

Original E&P Dept
 Copies to Engineering Services Manager
 Parks Manager
 Facilities Manager
 Goulburn Water Services Manager
 Finance Manager
 InfoXpert

Annexure 2 – DA/263/0607 Consent and SCA Letter Dated 19 May 2011



Civic Centre 184-194 Bourke Street Goulburn NSW
Telephone: (02) 4823 4444 • Facsimile: (02) 4823 4456 • www.goulburn.nsw.gov.au
Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*.

Applicant	Goulburn and District Racing Club Ltd C/- Southern Cross Consulting Surveyors PO Box 142 GOULBURN NSW 2580
Development Application Number	263/0607/DA
Land to be Developed	Lot 10 DP 1047328 – 204 Taraiga Road, Goulburn
Proposed Development	13 Lot Rural Residential Subdivision
Building Code of Australia Classification	NA
Determination	16 October 2007
Consent granted subject to conditions in the attached schedule	
Consent to operate from	16 October 2007
Consent to lapse on	16 October 2012
Other Approvals	
Approvals granted under Section 78A(5)	Water, Sewerage and Stormwater
Integrated Development	NA

NOTE: PRIOR TO THE COMMENCEMENT OF ANY WORK A CONSTRUCTION CERTIFICATE IS TO BE ISSUED BY COUNCIL OR AN ACCREDITED CERTIFIER.

Chris Berry
CHRIS BERRY
DIRECTOR PLANNING AND COMMUNITY SERVICES

SCHEDULE OF CONDITIONS

PART 1 - GENERAL CONDITIONS

1. The development is to be carried out generally in accordance with the submitted plans prepared by Southern Cross Consulting Surveyors (referenced plan no 20335 and dated 4/12/2006) and documentation submitted with the application including Water Cycle Management Study prepared by Morse McVey and Associates dated 26/10/06 and 18/4/07 respectively, except where varied by the following conditions.

ADVISING:

Separate Development Applications will be required for any future building or development on the proposed lots.

2. The developer shall provide all engineering works including the services of Water Supply, Sewerage, Stormwater Drainage, Roadway, Kerb and Gutter, and Earthworks in accordance with Council's Standards for Engineering Works documents, July 1996 edition unless otherwise noted in the following conditions.

3. The provision of engineering infrastructure will require detailed investigation and design.

Two A1 copies of detailed engineering plans prepared by a suitably qualified and experienced civil engineering professional are to be submitted to Council. Council must approve these plans prior to the commencement of construction works to allow the issue of a Construction Certificate.

At the conclusion of the works, work-as-executed drawings must be submitted. These drawings are required before the subdivision plans will be released. The preferred format for WAE drawings is on computer disk using AutoCAD software.

4. The open drain to the east of the subdivision must be wholly contained within a strip of land to be dedicated as road widening of Taralga Road. This will necessitate a minor shifting of the subdivision to the west.
5. Lot layout is to be shown on the Plan of Proposed Subdivision prepared by Southern Cross Consulting Surveyors (ref. 20335; sheets 1 and 2; dated 4 December 2006). Any revised lot layout is to be agreed to by the Sydney Catchment Authority (SCA – Schedule 1).
6. There is to be no onsite management and disposal of wastewater (SCA – Schedule 1).

PART 2 - CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. **Roads and Traffic**

Road Layout and Widths

The road reserve layout and widths (15m road reserve) as indicated by the applicant are satisfactory.

Kerb and Gutter

The Racecourse Drive frontage of the development must be provided with kerb and gutter.

8. **Street Lighting**

All areas within the development are to comply with AS1158.3.1: 1999 Road Lighting— performance and installation design requirements. Details of the proposed lighting and compliance with AS1158.3.1: 1999 (as amended) must be accepted by the Principal Certifying Authority prior to issue of the Construction Certificate.

ADVISING:

It is noted that if Country Energy are designing and installing the road lighting and installing standard fixtures used within the locality of the development.

9. **Water Supply**

The proposed road must have a 100mm water main, with no dead ends.

As a minimum, 20mm water services and metres must be provided to each lot. Upon request Council can provide a quotation for the services and metres.

10. **Sewerage**

The lots must be sewered and to do so a new sewer pumping station is required. The developer is responsible for the design and installation of the sewer pumping station and associated rising main.

In this regard, the provisions of Council policy 6.1.2 Sewerage Pumping Stations Required by Development (copy attached), must be complied with. In accordance with this policy, a contribution for the capitalised operating costs of \$85,000 is required.

11. **Stormwater Drainage**

Concept Plans

The concept plan provided by the applicant is generally satisfactory. The works listed in the proposal must be implemented. Further works may be required to comply with the following conditions of consent.

Hydraulic Assessment

Hydrology and hydraulic assessment is required to substantiate the minor and major system stormwater designs.

Details of calculations and modelling must be submitted to Council for approval with the Construction Certificate.

Stormwater Quality Treatments

Measures to reduce pollutant load such as or end-of-pipe treatments may be required to ensure a neutral or beneficial effect on downstream watercourses. Substantiation is required to demonstrate this. The subdivision must include on-site stormwater detention in accordance with the draft Common Street DCP and Morse McVey Water Cycle Management Study. The Common Street DCP also details the permissible site discharge.

Interlot Drainage

Interlot drainage shall be provided to each lot that cannot be drained to the kerb. This interlot drainage shall be connected to the piped stormwater system.

12. **Erosion and Sedimentation Control**

The applicant is to submit a Soil and Water Management Plan (SWMP) in accordance with Condition 2 of Schedule 2 by SCA for approval by Council prior to issue of the Construction Certificate. Written proof of consultation with SCA shall be submitted to Council with the SWMP.

All erosion control and sedimentation measures are to be prepared on a plan by a suitably qualified person(s) with knowledge and experience in the implementation of erosion and sedimentation control measures. Details to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

13. **Dust Control**

Details of dust control measures are to be submitted and approved by the Principal Certifying Authority prior to issue of the Construction Certificate. These measures are to be implemented during and after the construction of the subdivision.

Appropriate measures are to be implemented to ensure no dirt or sediment is deposited on the road from vehicles and equipment associated with the subdivision. Details of these measures are to be submitted and approved prior to issue of the Construction Certificate.

No work is to be undertaken during adverse weather conditions, for example, dust storms during heavy westerly winds.

14. **Construction Supervisor**
The construction works are to be supervised by a suitably qualified and experienced civil engineer on a daily basis. This supervising engineer is to ensure compliance with the requirements of the specification, adherence to design plans and quality control of the works. Prior to issue of the Construction Certificate, the developer is required to submit a resume of the supervising engineer and construction contractor to Council for approval by the Manager of Technical Services.
15. **Street Trees**
The developer is required to plant one street tree on each allotment boundary and one centrally located between the boundaries which will allow driveway access to each allotment. The species of tree should be in accordance with the themes contained in the Goulburn Street Tree Master Plan and be approved by Council's Landscape Planner prior to issue of the Construction Certificate.
16. All elements of the Water Cycle Management Study prepared by Morse McVey and Associates P/L dated 26 October 2006 are to be implemented except as varied in the following conditions: (SCA – Schedule 1).
17. Two swales are to be constructed at the rear of proposed Lots 3 to 6 and at the rear of proposed Lot 7 to 9 as shown in Figure 9 of the Water Cycle Management Study prepared by Morse McVey and Associates P/L dated the 26 October 2006 such that these drain to a water quality control pond on proposed Lot 13 (SCA – Schedule 1).
18. Additional swales are to be constructed along both sides of the subdivision road up to the round-a-bout with discharge to be to a water quality control pond on proposed Lot 13 via a drainage easement on proposed Lot 6 (SCA – Schedule 1).
19. All swales are to have the approximate dimensions specified in the Water Cycle Management Study prepared by Morse McVey and Associates P/L dated the 26 October 2006 (SCA – Schedule 1).
20. All lot access across roadside swales is to be a pipe culvert or equivalent and constructed in a manner that does not interfere with the functioning of the swales (SCA – Schedule 1).
21. All roadside swales are to be protected from vehicles by bollards, slotted kerbs or similar permanent structures (SCA – Schedule 1).
22. All stormwater management structures and drainage works associated with the proposed subdivision road must be wholly included in the road reserve or have suitably defined easements (SCA – Schedule 1).
23. A water quality pond is to be constructed on proposed Lot 13 in the location shown on Figure 9 of the Water Cycle Management Study prepared by Morse McVey and Associates P/L dated 26 October 2006. The pond is to be designed as specified in Section 5.3.2 (i) of the report, including a minimum surface area of 600 square metres, a minimum depth of 2.5 metres, a minimum permanent pool volume of 460 cubic metres, and a trickle pipe outlet with a maximum orifice size of 27mm located at a height of 2 metres above the floor level of the pond (SCA – Schedule 1).

PART 3 - CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

24. Nominate the Principal Certifying Authority (PCA) and ensure the PCA notifies the Consent Authority and Council of their appointment at least two (2) days prior to commencing work on the site.
25. Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
 - (a) A Construction Certificate is to be obtained in accordance with Section 81A(4)(a) of the Act.
 - (b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(4)(b) of the Act.

- (c) Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(4)(c) of the Act.
- 26. A sign is to be erected on the development site, which shows the builders name and contact details, the details of the PCA and must include the words *"Unauthorised entry to the work site is prohibited"*.
- 27. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.
- 28. Work must not be carried out unless the Principal Certifying Authority for the development -
 - Has been informed in writing of the licensee's name and contractor licence number; and
 - Is satisfied that the licensee has complied with the insurance requirements of the Home Building Act.
 - In the case of work to be done by an owner-builder, the Principal Certifying Authority must be notified in writing of the person's name and owner-builder permit number.
 - Run-off and erosion controls must be implemented in accordance with the approved plans.

PART 4 - CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 29. The developer shall construct all engineering works including the services of water supply, sewerage, stormwater drainage, roadway, kerb and gutter and earthworks in accordance with Council's Standards for Engineering Works documents (July 1996 edition) unless noted otherwise in this Consent.
- 30. To preserve and enhance the natural environment, all soil erosion and sediment control measures must be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from soil erosion and sediment control measures when no more than forty percent (40%) capacity has been reached and appropriately disposed of. These measures shall continue in proper operation until all development activities have been completed and the site is fully stabilised.
- 31. All work is to be undertaken in accordance with the documentation required and approved under this Consent.
- 32. The developer is responsible for ensuring all erosion and sediment control measures are implemented in accordance with the approved plan.
- 33. Common trenching of utilities is required where possible.
- 34. In the event that any Aboriginal archaeological sites/objects are uncovered or sited during construction of the development, all construction shall cease work in the vicinity of the relic and the applicant shall contact the Department of Southern Branch of the Environment Protection and Regulation Division of the NSW Department of Environment and Conservation, a qualified Archaeologist and Pejar LALC as soon as practical to determine the appropriate action to be taken.

ADVISING:

The applicant is advised that a Pejar LALC representative is available to be on site before and during any work. At least 7 days notice in writing will be required and a fee will be charged to the developer/owner or their representative of approximately \$100 per hour plus GST.

Contact details:

Delise Freeman
Pejar Local Aboriginal Land Council
PO Box 289
Goulburn NSW 2580
Phone: 02 4822 3552
Fax: 02 4822 3551
Email: pejar@goulburn.net.au
ABN: 72 662 632 151

35. No heavy vehicles and equipment associated with the subdivision are to access the site outside of the specified construction hours, that is between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm.

36. That all construction work shall be carried out only between the hours of 7.00am and 6.00 pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00 to 1.00pm.

No construction work shall take place on Sundays or Public Holidays. A written application shall be made to the Council if a variation of these hours is required.

The application shall indicate the reasons for the variation. The Council shall, if it so desires, grant any variation in writing.

37. Vehicles and equipment associated with the subdivision construction are to be located to ensure there is no adverse impact on existing residences in the locality.

38. Dust and sedimentation control measures are to be provided and maintained until satisfactory ground cover has been established.

Stock-piled topsoil on the site must be located outside drainage lines and where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution, seeded to minimise particle movement or appropriately covered to minimise particle movement.

39. The site and the activities carried out therein must not pollute surface or groundwater.

40. Trucks entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, must be covered at all times, except during loading and unloading.

41. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without prior written approval being obtained from Council as the relevant roads authority.

42. Street trees shall be advanced specimens having a container volume of 25 litres and a height of at least 1.5m. The trees shall be staked with three 1800 mm x 50 mm square hardwood stakes and loosely secured with hessian webbing.

The planting hole is to be twice the width and one and a half times the depth of the pot of the tree to be planted. The hole shall be filled with soil suitable for tree growth being made up of free draining coarse sand 50%, loam 20% and composted organic matter 30% and having a neutral pH.

The trees are to be planted in a workmanlike fashion and maintained by the developer for the full 12-month maintenance period. Any plants that die or are vandalised during the maintenance period are to be immediately replaced by the developer ie within 1 month.

ADVISING:

Monthly inspections are required to ensure compliance with this condition.

43. 48 hours notice is to be given to Council for an inspection, for the following components of construction:

Roadworks

- (i) Sub-grade earthworks prior to gravel
- (ii) Kerb & gutter completed
- (iii) Gravel test results available
- (iv) Compacted gravel base completed
- (v) Sealing completed

These components of construction for which an inspection is requested, must be completed in accordance with the Construction Certificate.

PART 5 - CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

44. A Subdivision Certificate must be applied for and released prior to the registration of the Plan of Subdivision with the Land and Property Information New South Wales.

The payment of the Subdivision Certificate application fee.

The Subdivision Certificate application must be accompanied by the Final Plan of Subdivision together with at least eight (8) copies and be submitted to Council. Location of all easements and/or other permanent improvements must be indicated on one (1) print. Submission of s88b instruments is also required in accordance with this Consent.

45. Developer Contributions

Section 64 Water, Sewer & Stormwater charges

Consent for this development is conditional upon satisfactory arrangements with the Goulburn Mulwaree Council for the provision of adequate facilities for water supply, the removal or disposal of sewage and the disposal of stormwater. In this regard, a Section 305 Compliance Certificate under the *Water Management Act 2000* must be obtained. Application must only be made to the Council for this certificate. Following application a "Notice of Requirements" will be forwarded detailing water, sewer extensions and stormwater services to be built and charges to be paid. The Section 305 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision certificate.

The applicant is to demonstrate to Council, as the water supply authority, that the provisions outlined in the "Notice of Requirements" is satisfied and obtain the Compliance Certificate pursuant to under s.307 of the *Water Management Act 2000* and s.64 of the *Local Government Act 1993*. The Section 307 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate.

Section 94 Development Contributions

In accordance with the provision of s80A(1) and s94 of the *Environmental Planning and Assessment Act 1979* contributions are required toward the provision of community facilities and infrastructure in accordance with the City Wide Infrastructure Policy Contributions Plan. The contributions are to be paid prior to the release of the Subdivision Certificate.

ADVISING

The subdivision has been assessed for 12 Lots.

The current contributions under the City-Wide Infrastructure Policy are as follows:

Water Supply: 12 lots @ \$1,850 (with rainwater discount)	\$22,200
Sewerage: 12 lots @ \$3,405	\$40,860
Sewer Pumping Stations, capitalised operating costs	\$85,000
Stormwater: 12 lots (outside network) @ \$251	\$3,012
Traffic Facilities: 12 lots @ \$938	\$11,256
Waste Management 12 lots @ \$194	\$2,328
TOTAL	\$164,656

These contributions are reviewed annually and the contribution rates are to be confirmed prior to payment.

46. All subdivision works are to be completed in accordance with this Consent and all Construction Certificates for these works or alternative appropriate arrangements are in place to the satisfaction of Council.

47. Submission of written evidence from the relevant service authority or a suitably certified or accredited person that satisfactory arrangements have been made for the supply (including any necessary easements) of reticulated electricity, telephone services and natural gas to each lot.

ADVISING

The provision of power and other utilities should be achieved with no further clearing than is required for the establishment of the road access, i.e. power lines should be sited in/along clear access routes, or be placed underground with minimal disturbance to the native vegetation.

48. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Sydney Catchment Authority, placed over Lots 1 to 12 requiring that:
- Each future dwelling is to have a rainwater tank(s) with a minimum total capacity of 20,000L above any volume required for mains top-up;
 - Rainwater tanks are to be plumbed to toilets, laundry and garden as a minimum;
 - Any future stable is to have a rainwater tank(s) with a minimum capacity of 5,000L which is to be plumbed as a minimum for use with stables;
 - The roof gutters and tanks for any dwellings or stables are to be plumbed so as to capture as much roof runoff as possible. (SCA – Schedule 1).
50. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Sydney Catchment Authority, placed over Lots 1 to 12 requiring that:
- There is to be no onsite disposal of stable wash-down water which is to be disposed of as liquid trade waste through the sewerage system;
 - Any area where stockpiling or composting of manures and materials associated with horse keeping is undertaken is to be bunded and protected from concentrated surface flow. (SCA – Schedule 1).
50. Details and plans to be submitted and approved by Council for the proposed numbering of the Lots prior to release of the Subdivision Certificate.
51. All proposed roads, splay corners and road widening will be dedicated to Council, free of cost, as public road on the plan of subdivision.

ADVISING:

The land has been classified as "Operation" in accordance with the Local Government Act.

52. **Inspection Fees**
The current fees for examination of engineering drawings, inspections of subdivision works and release of Final Plans are to be paid.

ADVISING

The current charges at 2007/2008 Financial year is \$115 per urban lot i.e. \$1,380 for this subdivision involving 12 urban lots.

53. Easements are required over all sewer mains, stormwater mains (at least 3m wide unless noted otherwise) and interlot drainage (at least 1.5m wide) on private property.
54. The submission of a name(s) for the new roads to Council in accordance with Council's "Road Naming Procedures Manual" prior to the issue of the Subdivision Certificate. The approved road name is to be written on the plan of subdivision. The applicant is to pay for the supply and erection of each sign, to Council prior to the issue of a Subdivision Certificate.

ADVISING

The proposed road name for the new road(s) will need to be submitted to Council for approval in accordance with the Geographical Names Board of NSW "Guidelines for the Naming of Roads" and Council's "Road Naming Procedures Manual". The current fee (2007/08) for street signs is \$220 per sign (i.e. total \$440).

PART 6 - ONGOING OPERATION

55. The developer/applicant is required to ensure the maintenance of the construction works including the road and Water Sensitive Urban features for a period of 12 months from completion of the works and provide a revised Monitoring and Maintenance Plan to Council within 2 months of the expiration of the 12-month maintenance period.

PART 7 - AGENCY CONDITIONS

56. **SCA (Refer to Schedule 1)**

The applicant shall comply with all requirements of the Sydney Catchment Authority as detailed in the Authority's letter dated 21 August 2007.

REASONS FOR CONDITIONS

Conditions have been imposed in accordance with the requirements of section 80A of the *Environmental Planning and Assessment Act, 1979*, in particular having regard to the relevant provisions of Section 79C.

- To comply with the provisions of relevant Environmental Planning Instruments (including drafts) regulations and development control plans. (S79C(1)(a)(i)-(iii)).
- To ensure that there is no adverse effect caused by the development. (S79C(1)(b)).
- To ensure that the site is suitable for the development. (S78C(1)(c)).
- To protect the public interest. (S79C(1)(e)).

Regulation 2000 Clause 101 requirements for Section 94 condition/s:

The following Contribution Plans are application to this Consent –

Contribution Plan	
Goulburn City Wide Infrastructure Contribution Plan	• Stormwater Drainage Infrastructure • Traffic Facilities • Recreation Facilities • Cemetery Facilities • Waste Management Facility • Companion Animal Pound Facility

All Contributions Plans are available for inspection free of charge at the Goulburn Mulwaree Council, Civic Centre, Bourke Street Goulburn during usual office hours.

NOTES:**Construction Certificate**

Where construction work is proposed development consent is the first step. **Before construction commences, a Construction Certificate must be obtained** from Council or an accredited certifier.

Lapsing of Development Consent

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

Right of Appeal**If you are the applicant:**

You can appeal against this decision in the Land and Environment Court within twelve (12) months of the date of this notice (section 97 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

Review

An applicant may request the Council to review this determination within one (1) year after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

Notes:

A Review cannot be requested for:

- *a determination to issue or refuse to issue a complying development certificate, or*
- *a determination in respect of designated development, or*
- *a determination in respect of integrated development, or*
- *a determination in respect of integrated development, or a determination made by Council under Section 116E in respect of an application by the Crown.*

Charges

Charges are reviewed each financial year. Any charges payable for this consent should be confirmed prior to payment. A copy of Council's fees and charges is available free of charge at the Council offices.

THIS FORM MUST BE PRESENTED WITH PAYMENT OF CHARGES

SUMMARY OF CHARGES

DA Number: 263/0607/DA
 Applicant: Goulburn and District Racing Club Ltd
 Owner: Goulburn and District Racing Club Ltd
 Subject Land: Lot 10 DP 1047328 - 204 Taralga Road, Goulburn
 No. Of Lots: 13

Description	GL No	Rate	Amount	Comments
City-wide Scheme				
Water Supply		\$1,850	\$22,200	▪ 12 lots (with rainwater tank discount)
Sewerage		\$3,405	\$40,860	▪ 12 lots
Sewer Pumping Stations			\$85,000	▪ Capitalised Operating Costs
Stormwater (outside network)		\$251	\$3,012	▪ 12 lots
Traffic Facilities		\$938	\$11,256	▪ 12 lots
Waste Mgt		\$194	\$2,328	▪ 12 lots

ADVISING

These contributions are reviewed annually (effectively 1 July each year) and the contribution rates are to be confirmed prior to payment.

OFFICE USE ONLY

Receipt No.
 Date

Original E&P Dept
 Copies to Engineering Services Manager
 Parks Manager
 Facilities Manager
 Goulburn Water Services Manager
 Finance Manager



PO Box 323 Penrith NSW 2751
Level 4, 2-6 Station Street
Penrith NSW 2750
Tel 1300 722 468 Fax 02-4725 2599
Email info@sca.nsw.gov.au
Website www.sca.nsw.gov.au

Our Reference: 06631
Your Reference: MOD/0067/1011
0263/0607

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN 2580

Attention: Dianne James

Dear Sir/Madam

**Subject: Sydney Drinking Water Catchment SEPP
MOD/0067/1011 (DA No 0263/0607), Lot 10 DP 1047328
204 Taralga Road, Goulburn**

I refer to your letter received 28 April 2011 with a Section 96 Modification to an existing Consent. The concurrence of the Chief Executive under clause 11 of *State Environmental Planning Policy No 58* (SEPP 58) was granted on 27 August 2007 for the above development. The development was for a 13-lot subdivision consisting of 12 residential lots and a large residual lot that includes part of the racecourse. This modification seeks to allow the subdivision to be staged as follows:

- Stage-1 being a 2-lot subdivision, with one lot of 23.9ha being a large residual lot containing part of the racecourse, and the other a future 2.669ha development lot;
- Stage-2 being a 12-lot residential subdivision of the 2.669ha parcel.

This advice replaces the SCA's earlier advice to Council dated 11 August 2004.

The proposed modification has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The Chief Executive therefore does not object to the modification provided the following conditions are imposed:

Stage-1

General

1. The lot layout is to be as shown on the Plan of Subdivision of Goulburn Racecourse – Stage 1 prepared by Southern Cross Consulting Surveyors (Ref. 20335; dated 20/4/2011). Any revised lot layout or staging is to be agreed to by the Sydney Catchment Authority;

Reason for Condition 1 - The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision;

Wastewater

2. There is to be no onsite management and disposal of any wastewater;

Reason for Condition 2 – To ensure that adequate arrangements are made for wastewater disposal through a proposed sewerage system that will ensure a neutral or beneficial effect on water quality over the long term;

Stormwater Management

3. A drainage easement is to be created under Section 88B of the *Conveyancing Act 1919* over the area depicted as (A) on Lot 2 on the Plan of Subdivision of Goulburn Racecourse – Stage 1 prepared by Southern Cross Consulting Surveyors (Ref. 20335; dated 20/4/2011) in favour of Lot 1, requiring that:
- the land be reserved for the construction of a water quality control pond to treat all stormwater from future developments on Lot 1 once subdivided;
 - the water quality control pond be designed and located as specified in the Water Cycle Management Study prepared by Morse McVey & Associates Pty Ltd (dated 26 October 2006);
 - the water quality control pond be maintained so that it continues to function in a safe and efficient manner;
 - no development is to take place near the water quality control pond and its associated structures that interferes with its water quality management function;

Reason for Condition 3 - To ensure that the required water sensitive design infrastructure for the future subdivision of Lot 1 can be constructed at the required location on Lot 2 such that stormwater runoff from the subdivision will be managed to ensure a sustainable neutral or beneficial effect on water quality over the longer term;

Stage-2

General

4. The lot layout is to be as shown on the revised Plan of Subdivision of Goulburn Racecourse – Stage 2 prepared by Southern Cross Consulting Surveyors (Ref - DWG. 20958N; dated 20/4/2011). Any revised lot layout or staging is to be agreed to by the Sydney Catchment Authority;

Reason for Condition 4 - The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision;

Wastewater

5. There is to be no onsite management and disposal of any wastewater;

Reason for Condition 2 – To ensure that adequate arrangements are made for wastewater disposal through a proposed sewerage system to ensure a neutral or beneficial effect on water quality over the longer term;

Stormwater Management

6. All elements of the Water Cycle Management Study prepared by Morse McVey & Associates Pty Ltd (dated 26 October 2006) are to be implemented except in particular as specified or varied in the conditions below;

Water Quality Control Pond

7. A water quality control pond is to be constructed in the area marked (A) on Lot 2 on the Plan of Subdivision of Goulburn Racecourse – Stage 1 prepared by Southern

Cross Consulting Surveyors (Ref. 20335; dated 20/4/2011) and as shown on Figure 9 of the Water Cycle Management Study prepared by Morse McVey & Associates Pty Ltd (dated 26 October 2006) and according to following specifications:

- the pond is to be designed as specified in Section 5.3.2 (i) of the report;
- the pond is to have a minimum surface area of 600 square metres;
- a minimum depth of 2.5 metres;
- a minimum permanent pool volume of 460 cubic metres;
- a trickle pipe outlet with a maximum orifice size of 27mm located at a height of 2 metres above the base of the pond;

Swales

8. A series of grassed swales are to be constructed that direct stormwater runoff from the site to the water quality control pond referred to in Condition 7 above, with the swales to be located, designed and constructed as shown in Figure 9 and Section 5 of the Water Cycle Management Study prepared by Morse McVey & Associates Pty Ltd (dated 26 October 2006), and as specified below:
 - grassed swales are to be constructed at the rear of proposed Lots 3 to 6 and at the rear of proposed Lots 7 to 9 such that these drain to the water quality control pond;
 - additional swales are to be constructed along both sides of the subdivision road up to the roundabout, with discharge to be to a water quality control pond via a drainage easement on proposed Lot 6;
 - all swales are to have the approximate dimensions as specified in Section 5.3.1 of the Study;
 - all lot access across the roadside swales is to be a pipe culvert or equivalent, and must be constructed in a manner that does not interfere with the functioning of the swales;
 - all roadside swales are to be protected from vehicles by bollards, slotted kerbs or similar permanent structures;
 - all stormwater management structures and drainage works associated with the proposed subdivision road must be wholly included in the road reserve or have suitably defined easements;
9. There is to be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Sydney Catchment Authority, placed over Lots 3, 4, 5, 6, 7, 8 and 9 requiring that the constructed drainage swale on the lot is to be retained and maintained and that no development is to take place within one metre of this swale;

Reason for Conditions 3 to 9 - To ensure the subdivision road, drainage works water quality pond and other water quality control measures associated with the development have a minimal impact on water quality and can be maintained over the longer term;

Rainwater tanks

10. There is to be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Sydney Catchment Authority, placed over Lots 1 to 12 requiring that:

- each future dwelling is to have a rainwater tank(s) with a minimum total capacity of 20,000 litres above any volume required for mains top-up;
- rainwater tanks be plumbed to toilets, laundry and other non-potable uses such as gardens as a minimum;
- any future horse stable is to have a rainwater tank with a minimum capacity of 5000 litres which must be plumbed as a minimum for use with the stables;
- the roof gutters and tanks for any dwellings or stables are to be plumbed so as to capture as much roof runoff as possible;

Reason for Condition 10 – To maximise stormwater collection and reuse so as to reduce stormwater quality problems and have a minimal impact on water quality that can be maintained over the longer term and ensure an overall neutral or beneficial impact on water quality;

Horse Stables

11. There is to be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Sydney Catchment Authority, placed over Lots 1 to 12 requiring that:
 - there is to be no onsite disposal of stable wash-down water which is to be disposed of as liquid trade waste through the sewerage system;
 - any area where stockpiling or composting of manures and materials associated with horse keeping is undertaken is to be bunded and protected from concentrated surface flow;

Reason for Condition 11 – To ensure that the keeping of horses in stables on relatively small lots does not result in deterioration in water quality over the longer term;

Construction Activities

12. A Soil and Water Management Plan (SWMP) is required for all site works proposed as part of the subdivision, including the subdivision road, swales, water quality control pond, other stormwater management elements and access driveways onto the allotments. The SWMP is to be prepared by a person with knowledge and experience in the preparation of such plans and is to meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual - the "Blue Book" - and be agreed to by the Council. The SWMP must be consistent with the principles identified in Section 5.1 of the Water Cycle Management Study prepared by Morse McVey & Associates (dated 26 October 2006);
13. Effective erosion and sediment controls are to be installed prior to any construction activity. The controls must prevent sediment entering drainage depressions and watercourses and are to be regularly maintained and retained until works have been completed and groundcover established;

Reason for Conditions 12 & 13 – To manage adverse environmental and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation or pollution within or from the site during this construction phase.

Subsequent Developments

Any subsequent applications for dwellings and/or other developments on the proposed lots will be subject to the provisions of *State Environmental Planning Policy (Sydney*

Drinking Water Catchment) 2011 (the SEPP) and will need to be assessed according to the Neutral or Beneficial Effects test (NorBE) in relation to the potential effect of the development on water quality.

Under clause 11 of the SEPP Council must provide the SCA with a copy of its determination of the application within 10 days after the determination is made. The SCA also requests that Council provide it with final approved Plans of the Subdivision.

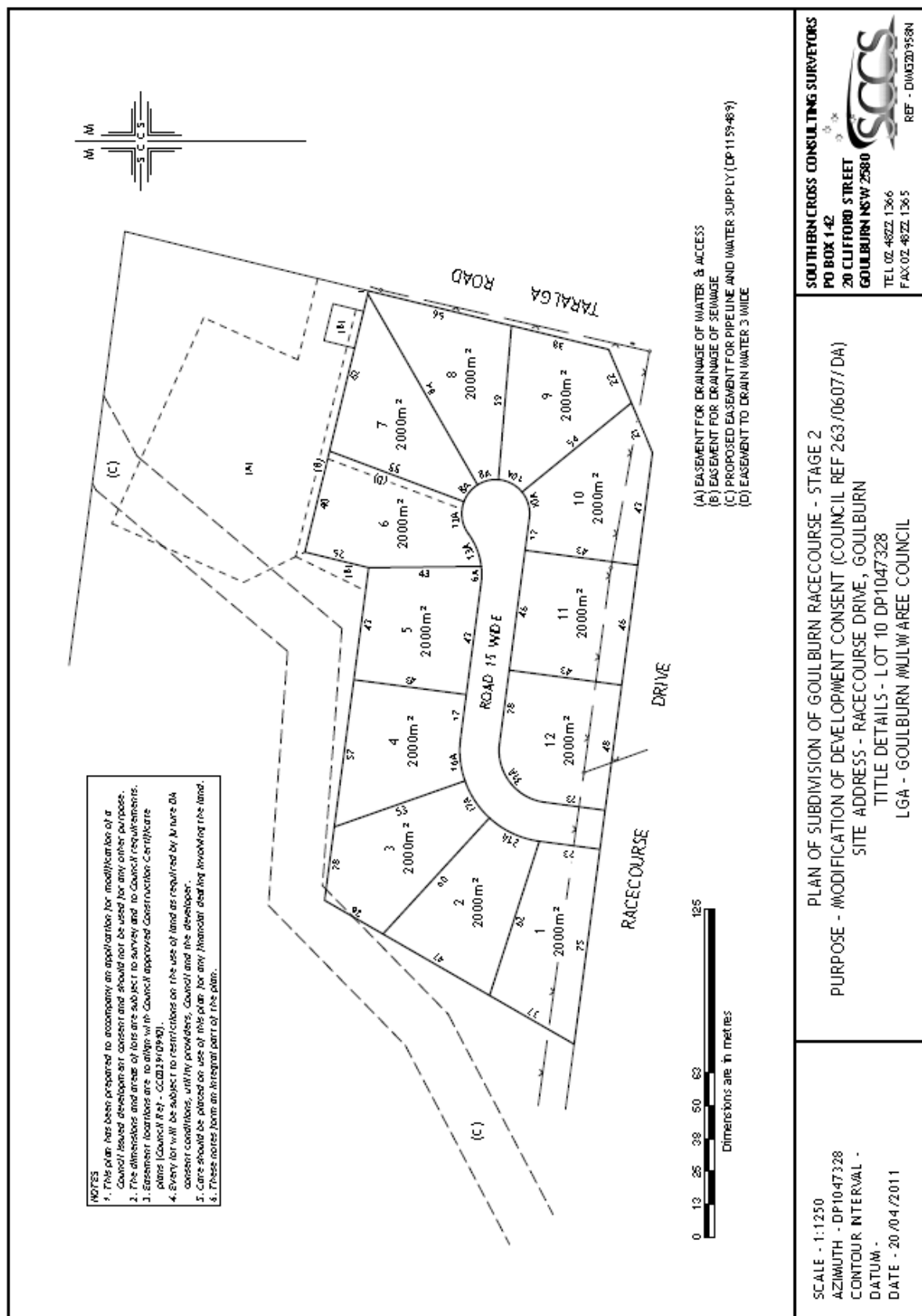
If you wish to discuss this matter further please contact Jim Caddey on 4824 3401.

Yours sincerely

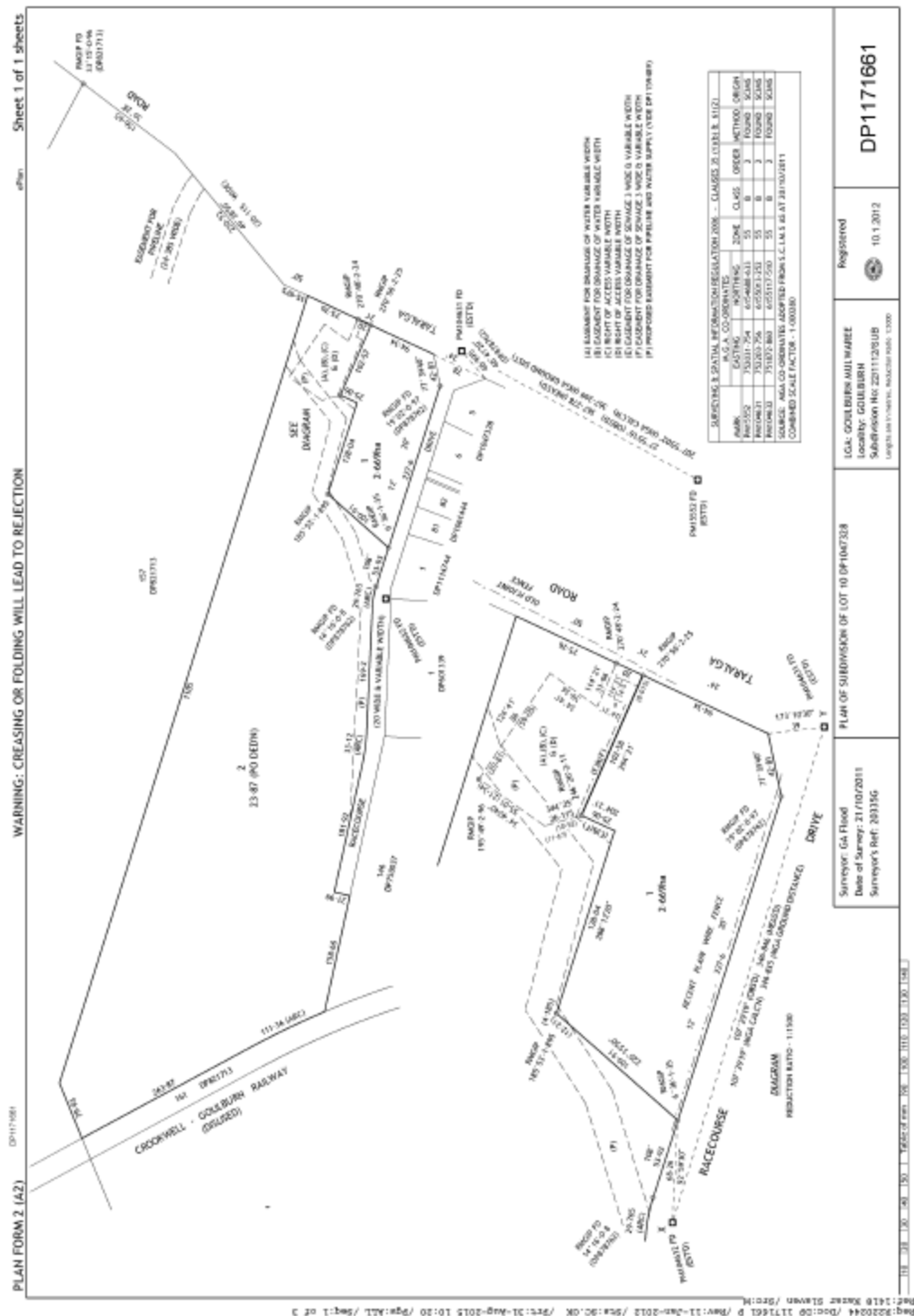


GREG GREENE 19/05/11
A/Manager Planning and Assessments

Annexure 3 – Approved Plan of Subdivision



Annexure 4 – Deposited Plan 1171661



Annexure 6 - Site Photographs (Dated 9 September 2015)



Road Access from Racecourse Drive



Road Access



Road Access



Road Access



Water Hydrant



Sewerage Manhole and Service Riser

Annexure 7 – AHIMS Search Result



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 204 Taralga Road

Client Service ID : 190704

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

Date: 16 September 2015

Dear Sir or Madam:

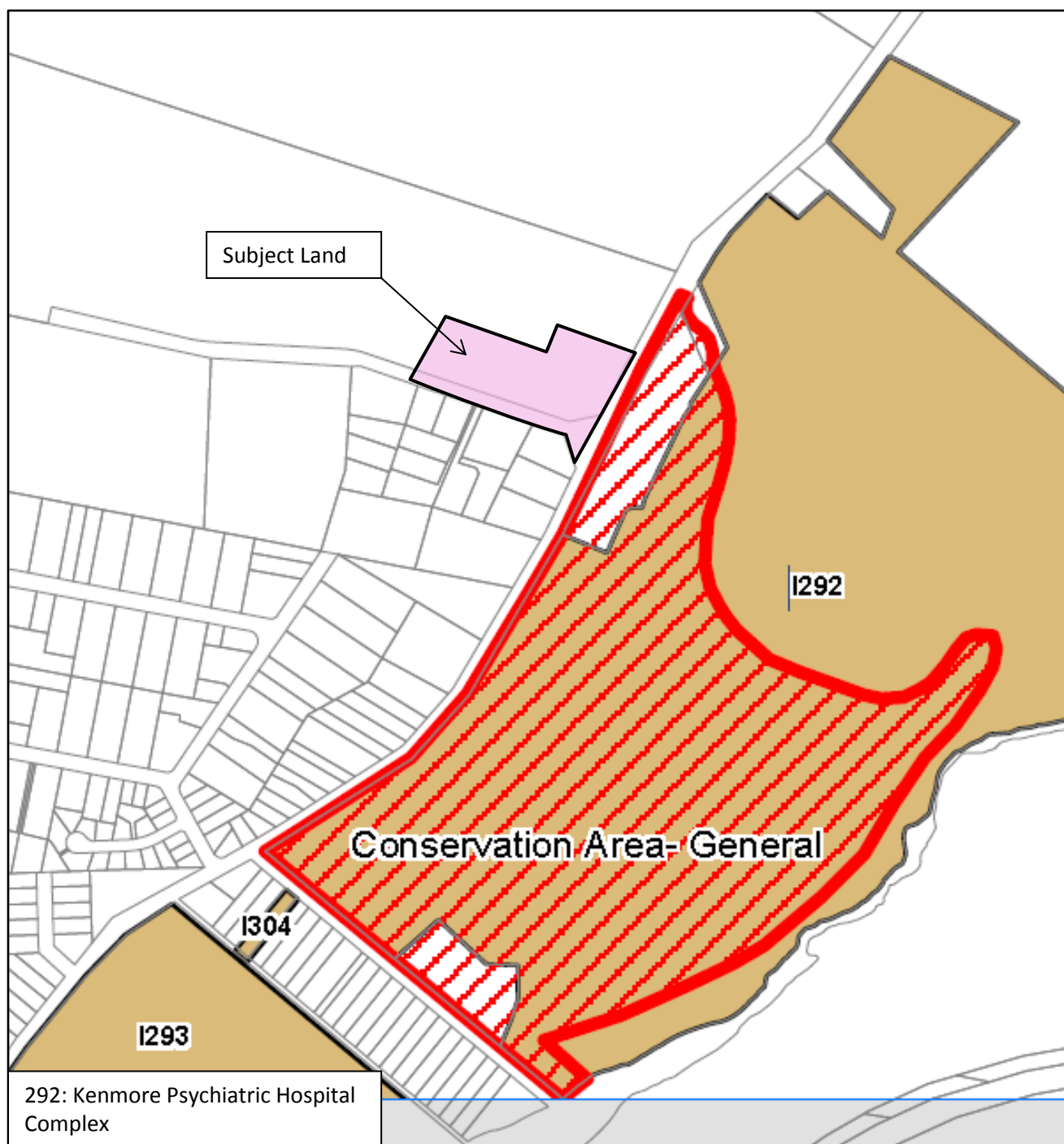
AHIMS Web Service search for the following area at Lot: 1, DP: DP1171661 with a Buffer of 200 meters, conducted by Robert Mowle on 16 September 2015.

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



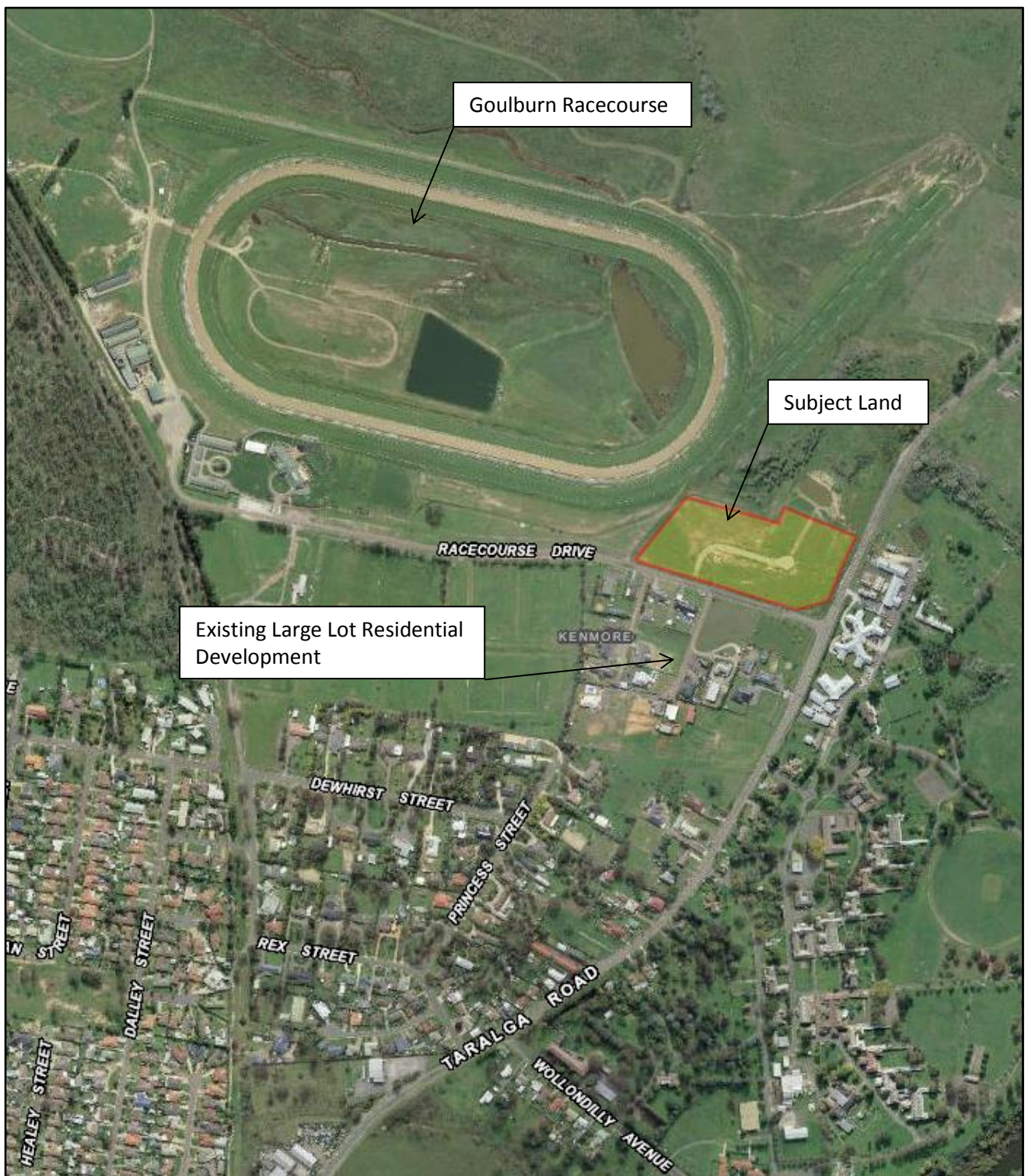
A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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



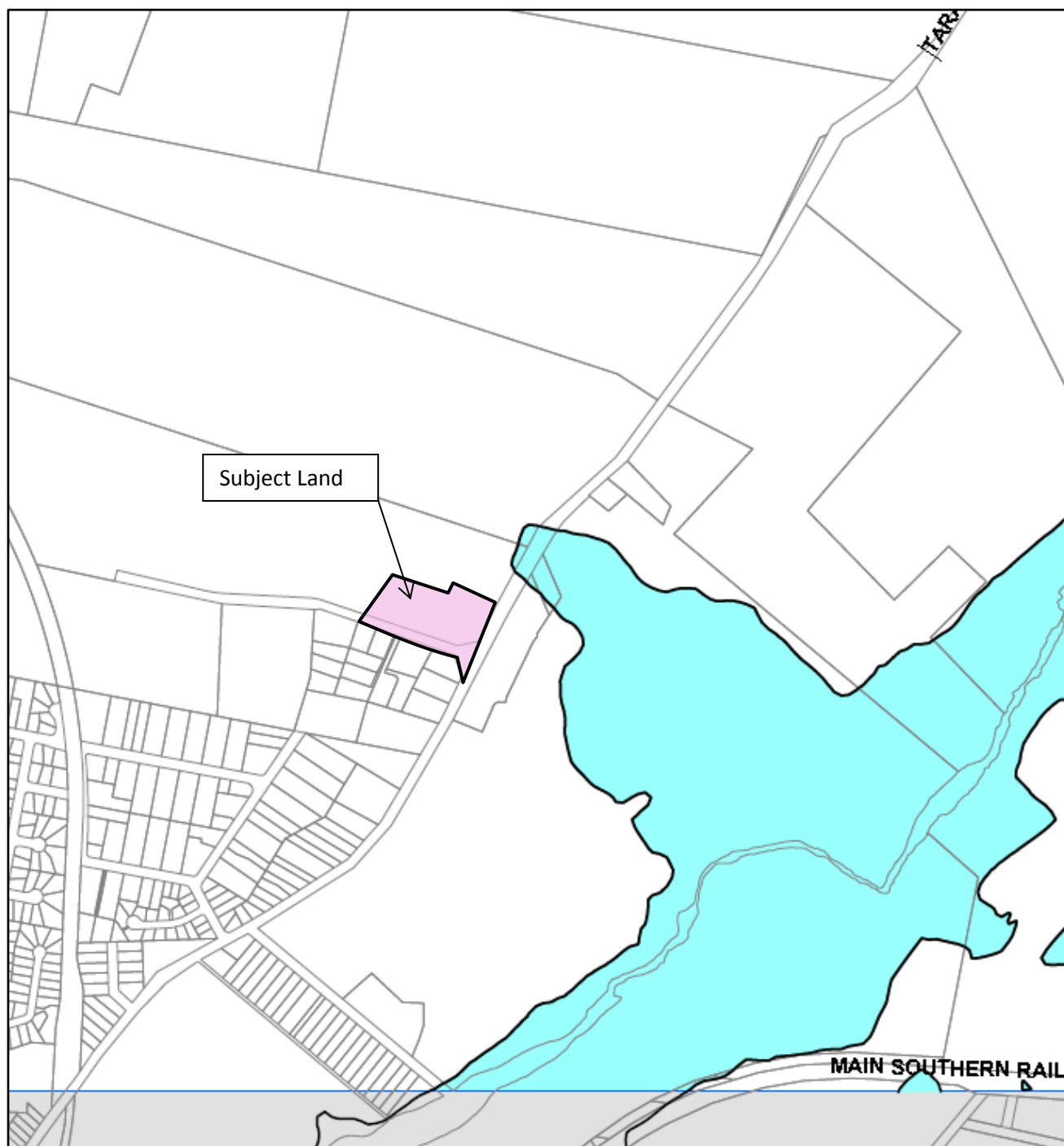
Map Source: NSW Legislation website

Annexure 9 – Aerial Photograph of Environs



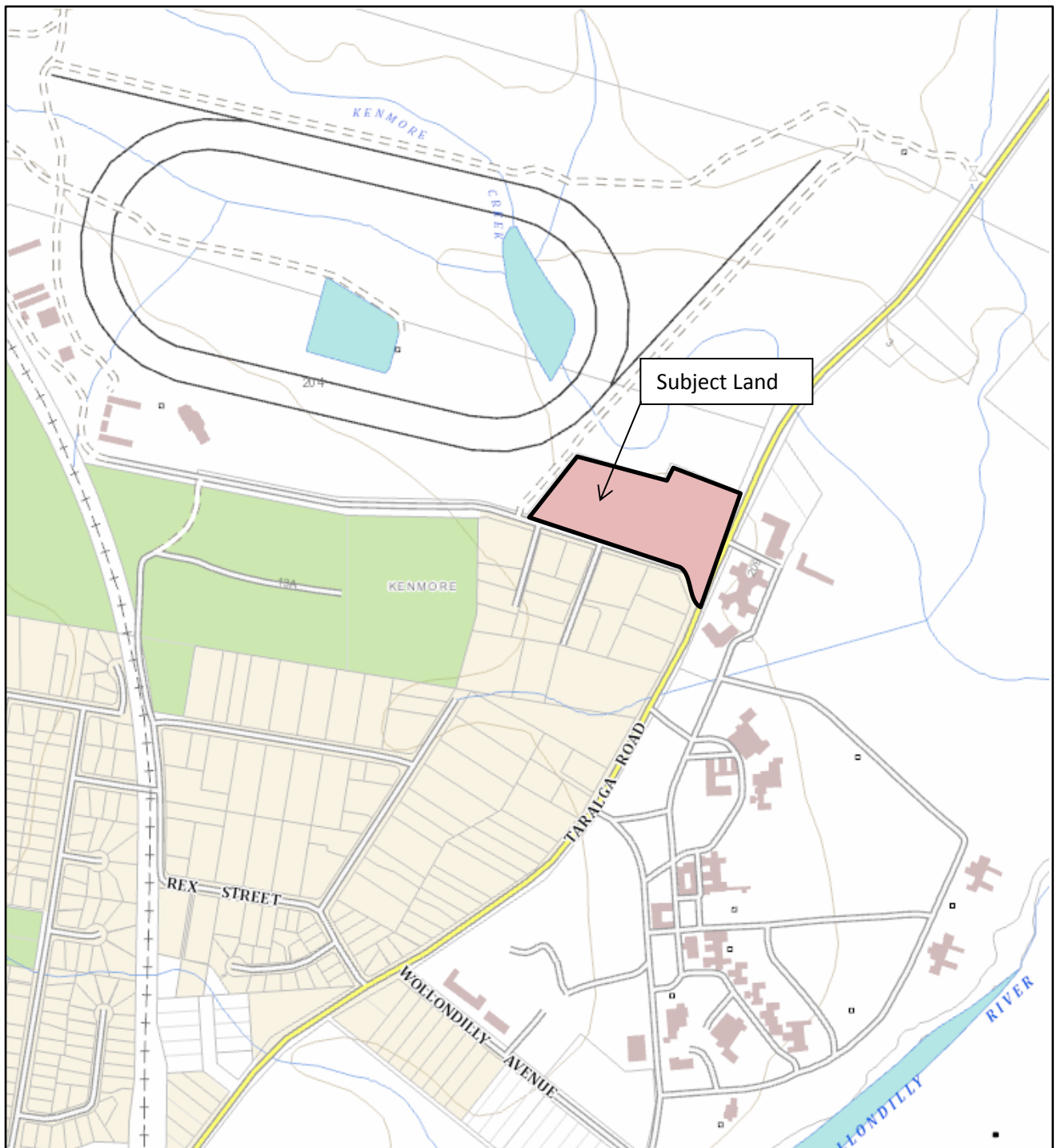
Map Source: Six Maps

Annexure 10 – Goulburn Mulwaree LEP – Flood Planning Map (Part)



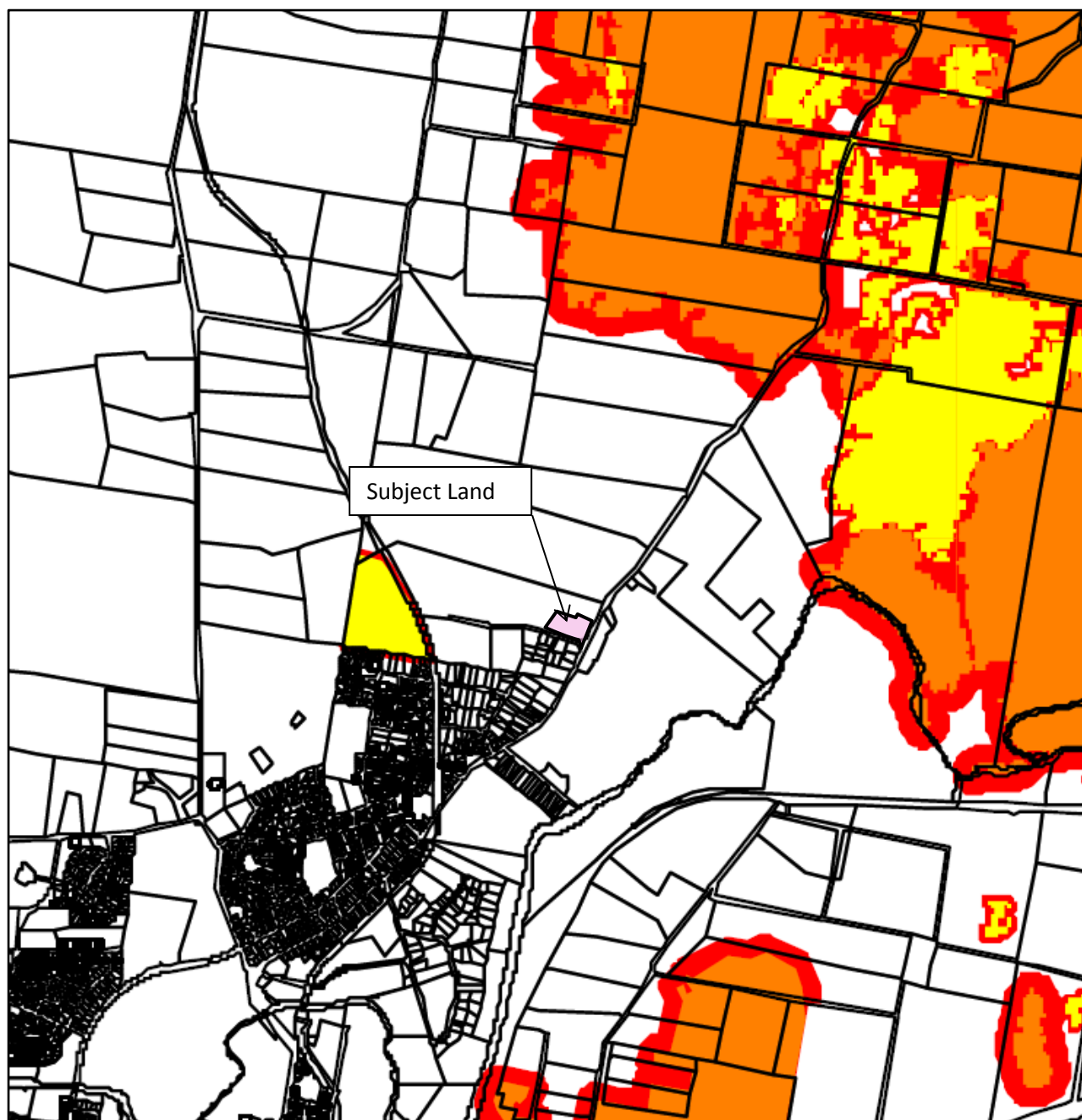
Map Source: NSW Legislation website

Annexure 11 – Topographic Map



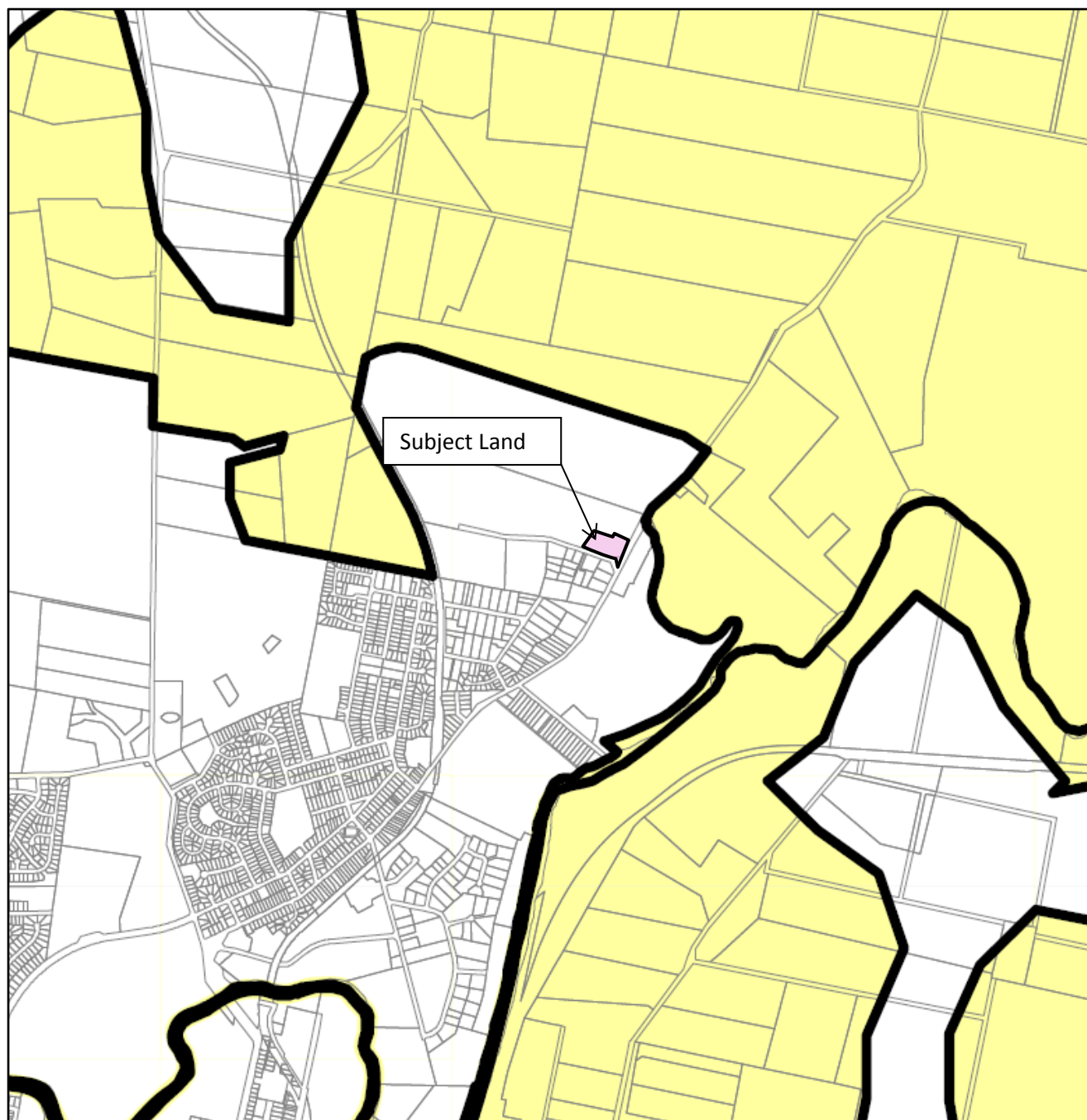
Map Source: NSW Legislation website

Annexure 12 – Goulburn Mulwaree Bush Fire Prone Land Map (Part)



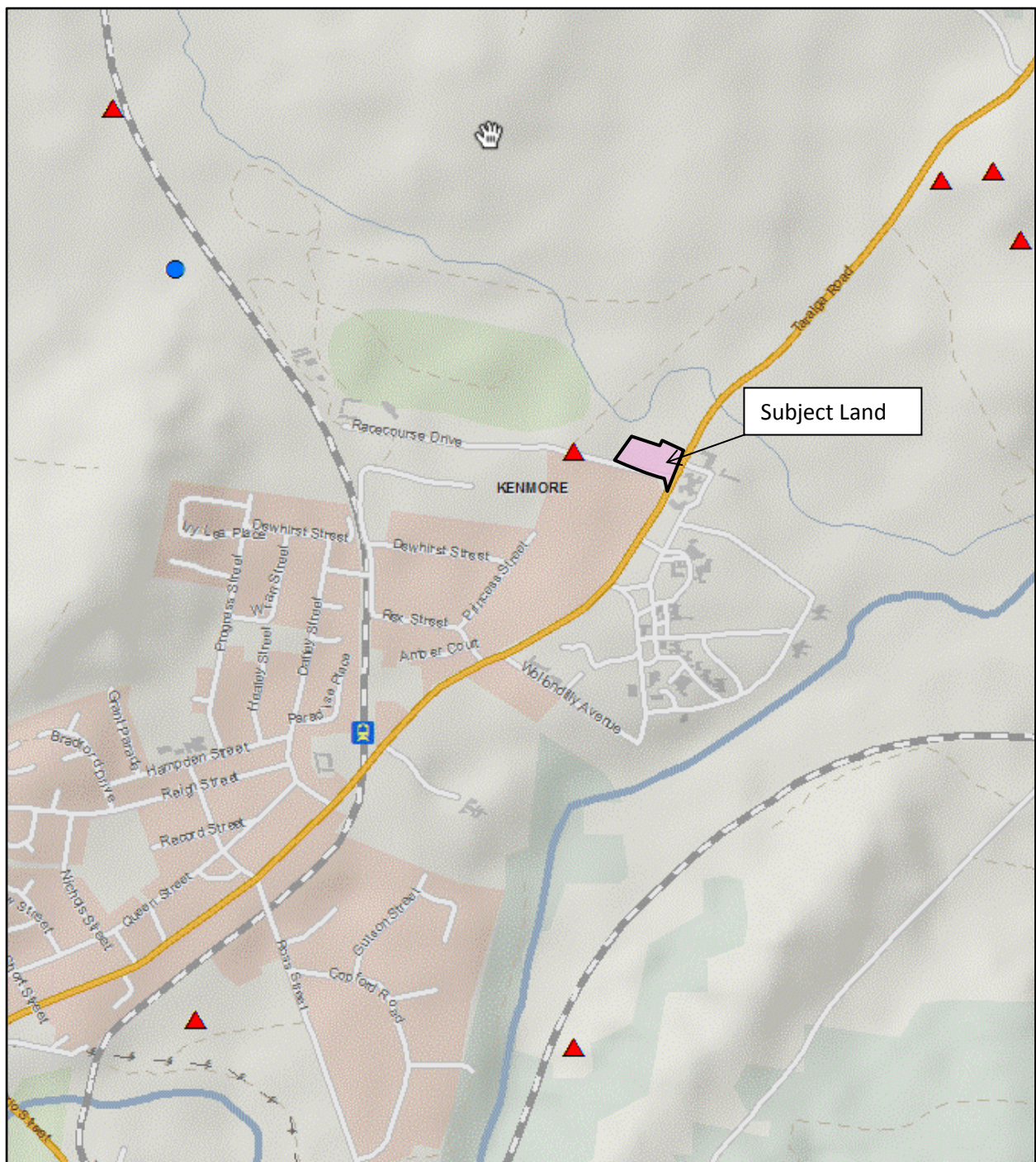
Map Source: Goulburn Mulwaree Council Website

Annexure 13 – Goulburn Mulwaree Terrestrial Biodiversity Map Sheet BIO_001 (Part)



Map Source: NSW Legislation website

Annexure 14 – NSW Environment and Heritage Bionet Map



Map Source: NSW Environment and Heritage website