

**15.4 PLANNING PROPOSAL - ZONING AND MINIMUM LOT SIZE AMENDMENT TO 'ALLFARTHING', 2 BRISBANE GROVE ROAD, GOULBURN****RESOLUTION 2022/49****Moved: Cr Carol James****Seconded: Cr Steven Ruddell****That:**

- 1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.**
- 2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change the zoning of Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708 from RU6 Rural Transition to R5 large lot residential and C2 Environmental Conservation and the minimum lot size from 10 hectares to 2 hectares and 100 hectares respectively.**
- 3. Subject to the submission to Council of an Aboriginal Cultural Heritage Assessment, the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.**
- 4. The Department of Planning, Industry and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.**
- 5. In the event that the Department of Planning, Industry and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.**
- 6. Subject to (3) above, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' Chapter of Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.**

**Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.**

**CARRIED**

**In Favour:** Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

**Against:** Nil






## 15.4 PLANNING PROPOSAL - ZONING AND MINIMUM LOT SIZE AMENDMENT TO 'ALLFARTHING', 2 BRISBANE GROVE ROAD, GOULBURN

**Author:** Senior Strategic Planner

Director Planning & Environment

**Authoriser:** Warwick Bennett, General Manager

**Attachments:**

1. Planning Proposal Submission [↓](#) 
2. Indicative Site Layout Plan [↓](#) 
3. UFHS Extract [↓](#) 
4. Constraint Maps [↓](#) 
5. Indicative Dwelling and Effluent Plan [↓](#) 

|                           |  |
|---------------------------|--|
| <b>Reference to LSPS:</b> | Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan. |
| <b>Address:</b>           | Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708 - 2 Brisbane Grove Road, Goulburn  |

### RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change the zoning of Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708 from RU6 Rural Transition to R5 large lot residential and C2 Environmental Conservation and the minimum lot size from 10 hectares to 2 hectares and 100 hectares respectively.
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4. The Department of Planning, Industry and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.
6. Subject to (3) above, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' Chapter of Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

### INTRODUCTION

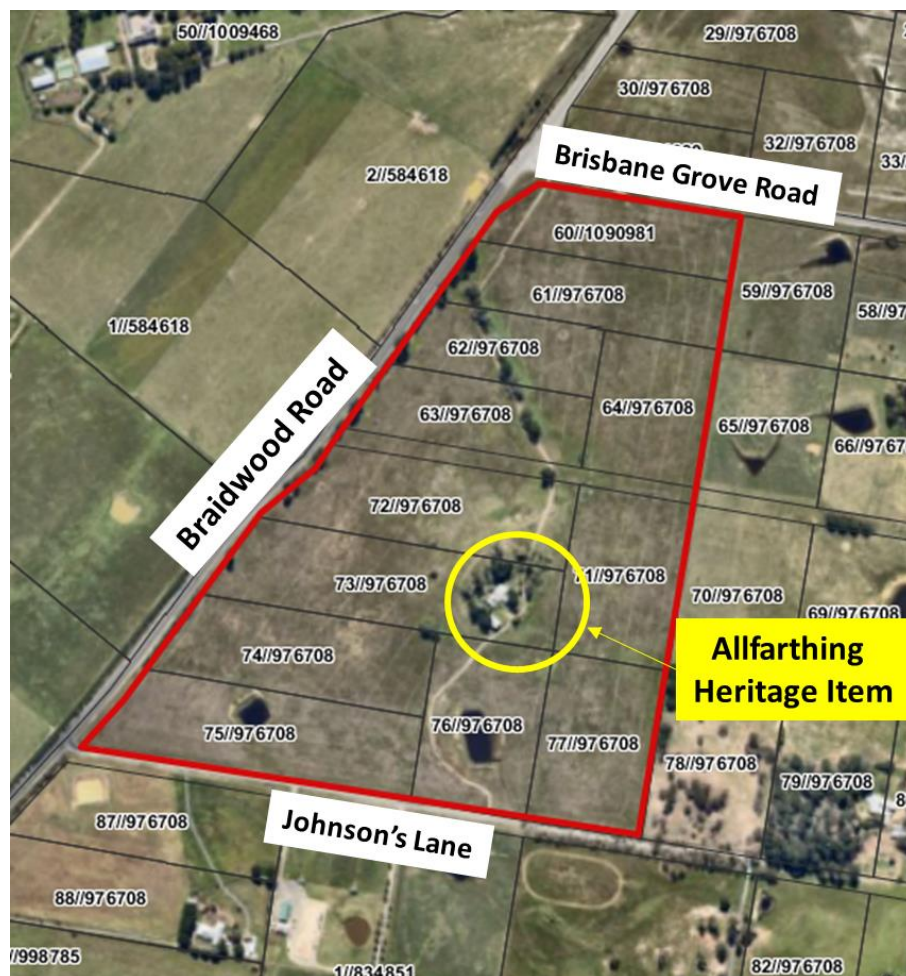
This report considers a proponent-led planning proposal submitted to Council through the NSW Planning Portal on 17 November 2021 (Portal ref: PP\_2021\_6932), (Council ref: REZ\_0003\_2122). The proposal seeks to rezone land identified in the Brisbane Grove Road precinct of the *Urban and Fringe Housing Strategy* from RU6 Rural Transition to R5 Large Lot Residential.

The proposal also seeks to amend the minimum lot size from 10 hectares to 2 hectares. A copy of the submitted planning proposal document is available to view in **Attachment 1**.

The subject site comprises 12 lots (Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708) with a total area of 34.863 hectares situated to the south of the Hume Highway, approximately 3km from the southern edge of the Goulburn Urban Area. The subject site is bounded on three sides by roads, Braidwood Road along the western boundary, Johnsons Lane along the southern boundary and Brisbane Grove Road along the northern boundary. A locally listed heritage item “Allfarthing” stands relatively central on the site within Lot 73, DP 976708 as illustrated in **Figure 1**.

The proposal includes a concept subdivision layout which identifies a potential 16 lot subdivision of the site including the existing “Allfarthing” homestead lot with all lots having a separate access from either Johnson’s Lane or via a new internal access road. A copy of the indicative site layout plan is illustrated in **Attachment 2** of this report.

*Figure 1: subject site Inc. roads and heritage item*



## REPORT

### Urban and Fringe Housing Strategy

The *Urban and Fringe Housing Strategy* identifies all of the subject site within Precinct 11: Brisbane Grove Road as illustrated in **Attachment 3**. The area is currently unsewered and unconnected to the towns reticulated water system. The Strategy highlights opportunities for large lot residential development with minimum lot sizes of 2 hectares or greater.

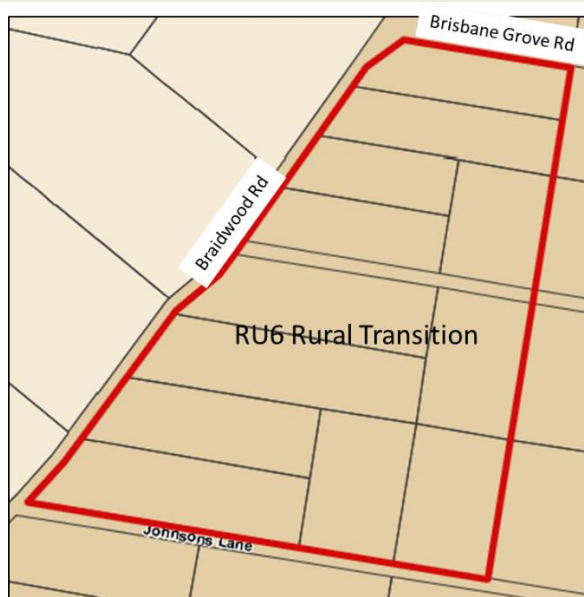
The *Urban and Fringe Housing Strategy* recommends the consideration of a suitable environmental zone for flood affected land.

An area within the southwestern corner of the site is subject to overland flow flooding, addressed in more detail later in this report. The proponent has not included any proposed environmental management zone as part of their submission. Considering the presence of overland flow impacts on the site and the Urban and Fringe Housing Strategy recommendation, it is proposed to include a C2 Environmental Conservation Zone on the most affected areas of overland flow. The inclusion of the C2 Environmental Conservation Zone is considered to bring the planning proposal into full conformity with the recommendations of the Urban and Fringe Housing Strategy.

The existing and proposed zoning and minimum lot size of the subject site are available in **Figure 2**.

*Figure 2: Existing and proposed zoning and minimum lot size of subject site*

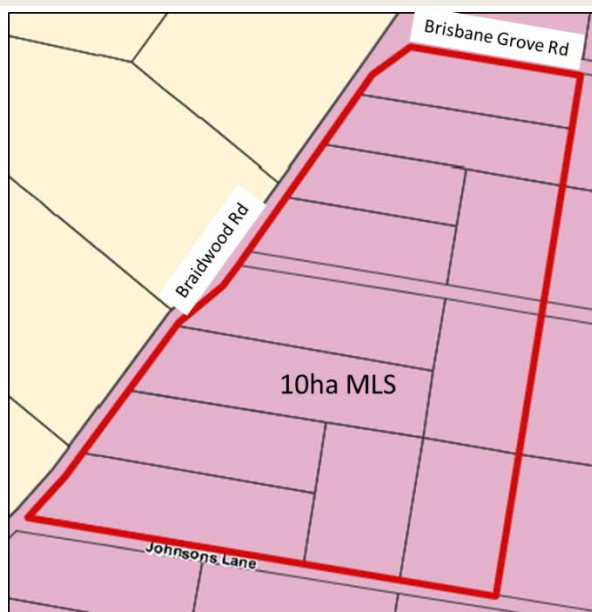
**Existing Zone- RU6 Rural Transition**



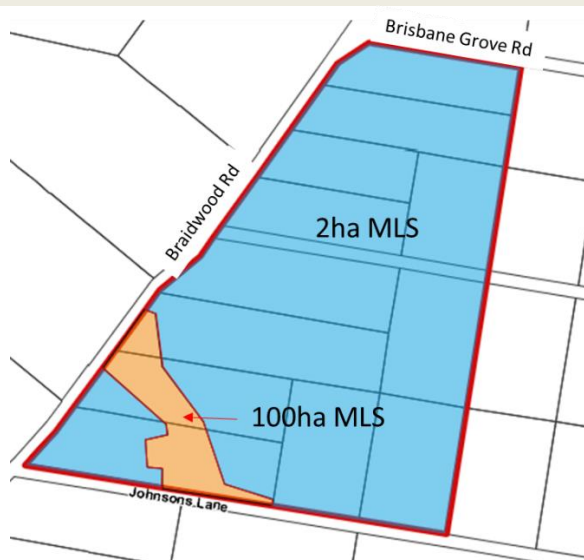
**Proposed Zoning- R5 Large Lot Residential & C2 Environmental Conservation**



**Existing Minimum Lot Size- 10ha**



**Proposed Minimum Lot Size- 2ha & 100ha**





### Addressing Constraints

- **European Heritage**

The “Allfarthing” heritage listed cottage is located within the subject site on Lot 73, DP 976708, as illustrated in **Figure 1**, and the proposed subdivision will reduce the property’s curtilage and change the current rural setting through subdivision and the introduction of additional dwellings. As such, the planning proposal submission has included a Heritage Impact Statement which has assessed the suitability of the proposed subdivision in relation to its potential heritage impact and presented recommendations to mitigate adverse impacts.

The mitigations have been tailored to retain the heritage significance of “Allfarthing” and ensure a suitable context. The recommended mitigations include:

- Completing work to the heritage item prior to the issue of the subdivision certificate for the heritage block. These works include demolition of visually detracting ancillary structures, provision of rural style fences along boundaries, re-roofing the dwelling, donation of related historical documents and retention of an established oak tree.
- Inclusion of a covenant (88B Instrument) to accompany the subdivision certificate to provide a suitable context for the heritage item. The recommendations for the covenant are:
  - Open rural style fencing along lot boundaries
  - Rural style timber gate to each new driveway entrance
  - Plant and maintain a continuous tree/hedgerow along all lot boundaries
  - Single and one and half storey dwellings only (upper level contained with a sloping roof line)
  - Minimum 30-degree pitch for dwelling roofs
  - Roof to be corrugated or standing seam profiles in a prescribed colour palette
  - Walls to be rendered or weatherboard paint finished in a prescribed colour palette.

The overall recommendation of the Heritage Impact Statement is “*the proposal will have an acceptable heritage impact and will be consistent with the heritage requirements and guidelines of Goulburn Mulwaree Local Environmental Plan 2009, Goulburn Mulwaree Development Control Plan 2009, and the NSW Heritage Council guideline Statements of Heritage Impact.*”

The Council’s Heritage Consultant has reviewed the Heritage Impact Statement and generally supports the proposed mitigation measures and design guidelines. However, the heritage consultant made some additional recommendations including:

- Restrictions on site coverage to limit the extent of huge outbuildings
- Generous setbacks of structures from block boundaries
- New dwellings should be Traditional Australian rural homestead style with double pitched roofs and typical attached verandahs.
- Consideration of closer planting intervals for the proposed conifer windbreaks.

The mitigations proposed by the proponents and Council’s heritage consultants are integral to ensuring that the proposed subdivision reflects an open rural character which draws upon the heritage significance of nearby heritage items.

These specific design considerations will be included in a precinct-based Development Control Plan chapter to ensure they are incorporated into a subsequent Development Application.

- **Aboriginal Cultural Heritage**

The planning proposal is subject to a potential aboriginal artifacts layer on council's mapping system which indicates further investigation is required. This is reinforced by the *Urban and Fringe Housing Strategy* which stipulates the requirement for a comprehensive Aboriginal Cultural Heritage Assessment to be submitted with a rezoning proposal.

In light of these requirements the proponent has submitted a Due Diligence Investigation report for the protection of Aboriginal Objects. This assessment did not find any Aboriginal sites or objects within the development area and identified the development area as disturbed with low archaeological potential to contain Aboriginal sites and objects.

A basic Aboriginal Heritage Information Management System search was undertaken by strategic planning on 10 January 2022 which did not identify any Aboriginal sites or objects on the subject site. The search did however identify a recorded Aboriginal site with 1000m of the site, located to the west of Braidwood Road, as illustrated in **Attachment 4**.

Heritage NSW provided some initial advice in relation to the planning proposal and submitted Due Diligence Assessment and confirmed that the planning proposal must be accompanied by a full Aboriginal Cultural Heritage Assessment. This requirement is stipulated within resolution 3 of this report and the proposal will proceed to gateway only after receipt of a full Aboriginal Cultural Heritage Assessment.

- **Biodiversity**

The subject site stands within the Terrestrial Biodiversity mapped area which indicates the potential for biodiversity value within the site.

The planning proposal submission included a Flora and Fauna Assessment to identify the sites biodiversity value through a field and database assessment.

In summary the report concluded the site:

- is significantly modified as a consequence of historic clearing, grazing, cropping and the introduction of exotic weeds;
- maybe classified as highly disturbed areas with limited native vegetation and is of low biodiversity value; and
- rezoning or future development is unlikely to have a significant impact on biodiversity values within the locality.

Council's Biodiversity Officer has reviewed the assessment and conducted a site visit which confirmed the findings of the biodiversity assessment. The Biodiversity Officer confirmed that the land had been historically cleared, cultivated and cropped, that ground cover is dominated by exotic pasture and weed species and that there is a lack of significant nesting, breeding and foraging habitats. The findings of the report have been broadly supported by Council's Biodiversity Officer with no significant impacts on biodiversity as a result of the proposal considered to be likely.

- **Contamination**

The site is not identified on the Council's local contaminated land register or identified as significantly contaminated land. However past agricultural activities on a site are listed as a potentially contaminating use within Table 1 of the *Managing Land Contamination- State Environmental Planning Policy No.55 Planning Guidelines*.

Ministerial Direction 2.6- *Remediation of Contaminated Land* applies to potentially contaminating land uses listed within Table 1 of the guidelines. This direction requires a planning proposal authority to consider, prior to permitting a change of land use, whether land is contaminated and if contaminated, whether it is suitable for the proposed uses and if the land requires remediation.

The planning proposal submission included a Preliminary Site Investigation for contamination which identified two potential sources, namely, potential for hazardous materials to be present within site buildings and small areas of potential filling associated with current buildings on the site, driveway and dam wall.

The study recommends a Construction Environmental Management Plan be implemented during construction works and a Hazardous Building Materials survey undertaken in relation to any demolitions.

Overall the Study concluded that *“the site would be suitable for the proposed residential subdivision following implementation of the above recommendations”*.

The Goulburn Mulwaree Development Control Plan addresses contamination in relation to water quality but further precinct specific guidance is proposed to be included within the precinct-specific development control chapter to ensure the above recommendations are included with a subsequent development application at subdivision stage.

- **Bush fire**

The subject site lies in the rural area and the entire site is encompassed by Category 3 vegetation with a medium bushfire risk as illustrated in **Attachment 4**.

Planning Proposals within bushfire prone areas are required to meet the requirements of Ministerial Direction 4.4- *Planning for Bushfire Protection*. This direction seeks to protect life, property and the environment from bushfire hazards and encourage the sound management of bush fire prone areas. The direction requires a planning proposal to:

- have regard to Planning for Bushfire Protection 2019,
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure bush fire hazard reduction is not prohibited with the Asset Protection Zones (APZ)

The proponent has submitted a Strategic Bushfire Study to provide an independent assessment of the proposal's suitability for large lot residential development in regards to bushfire risk. The assessment has been undertaken in accordance with NSW RFS guidance document *'Planning for Bush Fire Protection 2019'*.

The strategy has identified both the requirements of the RFS guidance and how the proposal seeks to meet them. Where acceptable solutions are not suitable or deliverable for the proposal then alternative solutions which meet the performance criteria have been set out.

The strategy includes the following bush fire protection measures:

- Lots large enough (2ha) to provide suitable Asset Protection Zones within lot boundaries to ensure no dwelling site would be exposed to radiant heat levels exceeding BAL-12.5 (low Bush Fire Attack Level)
- Two-way existing perimeter roads and the proposed internal road to provide access for firefighting vehicles on a sealed road surface and provide multiple evacuation routes
- Provision of 12 farm dams to provide static water supplies for firefighting purposes
- No slopes which exceed 10 degrees

The Goulburn Mulwaree Development Control Plan already includes chapter 3.17 *Bushfire Risk Management* which requires development on bushfire prone land to be developed in accordance with Rural Fire Service Guidelines. The existing chapter is sufficiently detailed to ensure the required bushfire protection measures can be implemented through a subsequent development application.



The planning proposal will include consultation with NSW Rural Fire Service (RFS) in accordance with the requirements of a gateway determination prior to public exhibition, with any comments considered through the planning proposal.

- **Access and Traffic Generation**

The proponent has submitted a Traffic and Parking Assessment Report which assessed current and future traffic conditions, access arrangements and design compliance with applicable standards and policies to demonstrate the sites suitability for the proposal. The Study identified the proposed development has the potential to generate 13 trips in the morning peak and 12 trips in the afternoon peak with significant spare capacity of roads immediately in the vicinity of the site to accommodate additional traffic generation.

**Attachment 2** illustrates the indicative subdivided layout plan which includes the lot orientation and lot access points. The subject site is bounded on three of its four sides by existing roads, namely Braidwood Road along the western boundary, Brisbane Grove Road along the northern boundary and Johnson's Lane along the southern boundary. Braidwood Road is a classified, collector road with a speed limit of 100km/hr which links Goulburn CBD to the southern regional suburbs. Brisbane Grove Road is a local rural road with a speed limit of 80km/hr. These two roads intersect on the northwestern corner of the site at a priority-controlled junction.

The indicative layout plan proposes the creation of a new internal access road from Brisbane Grove Road to the central Allfarthing lot which will serve 10 of the 16 lots. This road terminates in a cul-de-sac and doesn't form a through-road to prevent the establishment of a 'rat-run' where motorists seek to avoid the Braidwood/Brisbane Grove Road intersection. The remaining 6 lots are proposed to be accessed from Johnson's Lane which is a local street which connects to Braidwood Road and ends in a cul-de-sac.

The Traffic and Parking Assessment Report concluded that:

- The proposal would not impact on the surrounding road network to a point of detriment
- Immediate intersections would operate at a satisfactory level of service when the site is developed without any need for capacity improvements.
- The proposal would ensure fire vehicle access to properties fully complies with the requirements of the NSW Rural Fire Service *Single Dwelling Guidelines*.

The planning proposal will include consultation with Transport for NSW in accordance with the requirements of a gateway determination prior to public exhibition, with any comments considered through the planning proposal.

- **Flooding**

Planning proposals which relate to flood liable land are required to meet the requirements of Ministerial Direction 4.3- Flooding.

The subject site is outside the 1 in 100-year flood event for riverine flooding as illustrated in **Attachment 4** but part of the northwestern corner of the site stands within the Probable Maximum Flood (PMF) extent also illustrated in **Attachment 4**.

The site also experiences some overland flow impacts in the southwestern corner where external sources of water enter the site, as highlighted through the Council's Overland Flow modelling and illustrated in **Attachment 4**.

The presence of the PMF and overland flow within the site triggers the necessity for the planning proposal to meet the requirements of the Ministerial Direction 4.3-Flooding and ensure consistency with:

- NSW Flood Prone Land Policy
- The Floodplain Development Manual 2005
- The *Considering flooding in land use planning guideline 2021*, and
- any adopted flood study or floodplain risk management plan

This direction requires provisions which apply to the flood planning area to ensure the following are not permitted:

- development in floodway areas
- development that will result in significant flood impacts to other properties
- residential accommodation in high hazard areas
- a significant increase in dwelling density
- development for sensitive land uses which can't be effectively evacuated
- development to be carried out without development consent

The presence of the PMF only limits the most sensitive land uses which are difficult to evacuate during an emergency such as hospitals, residential care facilities and centre-based childcare facilities. This planning proposal only seeks the provision of residential development (non-sensitive).

The planning proposal has been accompanied by indicative site layout plans which illustrate potential locations for dwelling pads, effluent management areas and dams as illustrated in **Attachment 5**. Indicated dwelling envelope locations may not be achievable for the proposed lots on the southwestern corner of the site when the extent of the overland flow areas and the requirements of Ministerial Direction 4.3 are factored in. However, the proposed lots at 2ha+ and the overall size of the subject site have enough residual capacity to accommodate development outside of and a suitable distance from areas most susceptible to overland flow, illustrated as red and blue areas in **Attachment 4**. A rearrangement of their location is likely to be required prior to the development assessment stage.

To ensure the areas of the site which experience the most severe and frequent overland flow events (red and blue areas in **Attachment 4**) are prevented from being developed, and to ensure consistency with the Ministerial Direction, a C2 Environmental Conservation Zone is proposed to cover the red and blue areas of the site.

The C2 Environmental Conservation Zone prohibits the majority of development types including dwelling houses, thereby retaining the most affected overland flow locations as undeveloped areas and enabling consistency with Ministerial Direction 4.3. In addition, a 100ha minimum lot size is also proposed to accompany the C2 zone and prevent further subdivision of the flood prone land. It should be noted that Clause 4.1e of the GM LEP 2009 will enable the establishment of a dwelling entitlement on the subsequently divided R5 land where the resulting R5 lot meets the 2ha minimum lot size requirement for that zone.

The planning proposal will include consultation with the Department of Planning and Environment-Environment (Energy & Science) in accordance with the requirements of a gateway determination prior to public exhibition, with any comments considered through the planning proposal.

The proponent has submitted a Water Cycle Management Study which addresses storm water drainage and flooding impacts. It should be noted however that this relates more to water quality than addressing flooding, particularly in relation to the requirements of Ministerial Direction 4.3.

- **Water Quality**

Goulburn is located within the Sydney Drinking Water Catchment and Ministerial Direction 3.3- Sydney Drinking Water Catchments and Sydney Drinking Water Catchment State Environmental Planning Policy (SEPP) applies to this planning proposal.

The direction requires a planning proposal to be prepared with the general principle that water quality must be protected. It requires new development to have a neutral or beneficial effect on water quality and to match future land use with land and water capability with consideration to the outcomes of a Strategic Land and Water Capability Assessment.

As previously noted, the proponent has submitted a Water Cycle Management Plan which seeks to meet the requirements of the Ministerial Direction and the requirements of the SEPP. The Study has assessed whether the scheme could achieve a neutral or beneficial effect based upon the indicative layout plan presented in **Attachment 5**. The study concludes:

*“The conceptual subdivision as proposed in the accompanying plans meets the Neutral or Beneficial Effect (NorBE) criteria, and each of the new Lots seeking new residential building entitlements are deemed suitable to support a residential development incorporating an on-site wastewater management facility”.*

The proposed C2 Environmental Conservation zone and the 100ha minimum lot size, which encompasses the most frequent and severe overland flow areas, serves to make it clear from a water quality perspective that effluent disposal can be sited on the subject site and away from areas of inundation. It also provides a potential area for improved water quality outcomes.

Water NSW will be engaged prior to the planning proposal being forwarded for a gateway determination in which advice will be sought and incorporated into the planning proposal (informed by Water NSW’ Strategic Land and Water Capability Assessment).

### **Development Control Plan**

This planning proposal is the first rezoning proposal of the wider Brisbane Grove and adjacent Mountain Ash Road precincts identified in the *Urban and Fringe Housing Strategy* for large lot residential rezoning. These precincts are therefore expected to be rezoned to R5 large lot residential over the course of the next 10+ years.

In order to ensure future subdivision and development in these precincts’ accounts for detailed considerations, particularly around design and siting, a precinct-specific development control chapter will be drafted and exhibited with the planning proposal.

The precinct specific DCP chapter will seek to robustly address the recommendations raised through the accompanying technical documents to this planning proposal and provide high quality development which respects its rural context and the heritage significance of nearby heritage items in the Brisbane Grove and Mountain Ash precincts.

### **Conclusion and Recommendation**

The Planning proposal is considered to be in accordance with the *Urban and Fringe Housing Strategy* in regard to:

- its location within an identified precinct,
- the proposed Large Lot Residential zoning and
- the proposed minimum lot size at 2 hectares or greater
- The implementation of an Environmental Zone for flood prone land.

The planning proposal submission has included a full suite of supporting technical documents which demonstrate:

- Limited additional traffic generation as a result of the proposal
- Lot access is sited away from the busier Braidwood and Brisbane Grove Roads
- European heritage impacts are suitably mitigated
- No identified impact on Aboriginal Cultural Heritage
- Limited biodiversity on the site
- Site suitability for the proposal in relation to contamination
- Bush fire consideration have been addressed and Bush Fire Protection Measures established.

Overall, the submission contains sufficient information and justification to proceed to preparing a planning proposal for gateway determination and forwarded to the Department of Planning and Environment, subject to the submission of an Aboriginal Cultural Heritage Assessment.

This report recommends that a planning proposal to amend the zoning and minimum lot size in the GM LEP 2009 of Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708 from RU6 Rural Transition to R5 large lot residential and the minimum lot size from 10 hectares to 2 hectares, be prepared and progressed to the Department of Planning and Environment for a Gateway determination, subject to the submission of an Aboriginal Cultural Heritage Assessment.

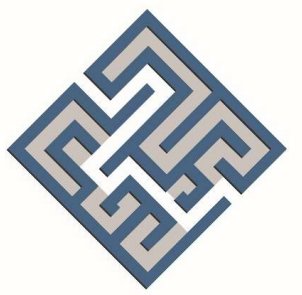
#### **FINANCIAL IMPLICATIONS**

There are no known financial implications of this planning proposal.

#### **LEGAL IMPLICATIONS**

There are no known legal implications of this planning proposal.





PLANNING PROPOSAL  
TO GOULBURN MULWAREE COUNCIL

To rezone the subject land from RU6 Transition to R5 Large Lot Residential and change the Minimum Lot Size Development Standard from 10ha to 2ha at:

LOT 60 IN DEPOSITED PLAN No. 1090981 &  
LOTS 61 - 64 & 71 - 77 IN DEPOSITED PLAN No. 976708

'ALLFARTHING'  
No. 2 BRISBANE GROVE ROAD, BRISBANE GROVE

NOVEMBER 2021





PLANNING PROPOSAL  
TO GOULBURN MULWAREE COUNCIL

To rezone the subject land from RU6 Transition to R5 Large Lot Residential and change the Minimum Lot Size Development Standard from 10ha to 2ha at:

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'ALLFARTHING'  
(No. 2) BRISBANE GROVE ROAD, BRISBANE GROVE

PREPARED ON INSTRUCTION FROM DAVIES NOMINEES (NSW) PTY LTD

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Darren Hogan M.P.I.A.

November 2021

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Date



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## CONTENTS

|   |    |
|---|----|
| EXECUTIVE SUMMARY .....   | 1  |
| 1 THE SUBJECT SITE .....  | 1  |
| 2 SITE LOCATION & DESCRIPTION .....                               | 2  |
| 3 RESPONSES UNDER SECTION 55(2) OF THE EP&A ACT 1979.....         | 3  |
| 3.1 Part 1: Objectives or Intended Outcomes .....                 | 3  |
| 3.2 Part 2: Explanation of the Provisions .....                   | 3  |
| 3.3 Part 3: Justification of Objectives, Outcomes & Process ..... | 4  |
| 4 MAPPING .....   | 27 |
| 5 COMMUNITY CONSULTATION .....                                    | 27 |
| CONCLUSION.....   | 27 |
| ATTACHMENTS.....  | 29 |



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Planning Proposal - November 2021

i

## EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Hogan Planning for submission to Goulburn Mulwaree Council on behalf of Davies Nominees (NSW) Pty Ltd. The document has been prepared for the consideration of Council in accordance with the *Environmental Planning & Assessment Act 1979* and responds to the Section 9.1(2) Ministerial Directions in accordance with Section 55 of the Act. The Planning Proposal seeks Council support for the rezoning of the subject land from RU6 Transition to R5 Large Lot Residential with a corresponding change to the minimum lot size development standard from 10ha to 2ha. The proposal has been triggered by the identification of the subject land within the Goulburn Mulwaree *Urban and Fringe Housing Strategy* as a potentially suitable location for future residential growth to accommodate the housing needs of the Goulburn Mulwaree Shire.

## 1 THE SUBJECT SITE

|                   |  |
|-------------------|--|
| Legal Description | Lot 60 in DP 1090981 and Lots 61-64 and 71-77 in DP 976708 |
| Property Address  | 'Allfarthing' No. 2 Brisbane Grove Road, Brisbane Grove    |



Figure 1: The subject land No. 2 Brisbane Grove Road, Brisbane Grove (Image source: Six Maps).



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1





Figure 2: The subject land No. 2 Brisbane Grove Road, Brisbane Grove is comprised of Lot 60 in DP 1090981 and Lots 61-64 and Lots 71-77 in DP 976708 for a combined land area of approximately 30.7 hectares that includes road reserves (Image source: Six Maps).

## 2 SITE LOCATION & DESCRIPTION

The subject land is described as 'Allfarthing' is located on the southern side of Brisbane Grove Road, in the vicinity of the intersection of Brisbane Grove Road with Bungonia Road. The rural address of the property is No. 2 Brisbane Grove Road, Brisbane Grove and the property is comprised of a total of twelve (12) lots described as Lot 60 in DP 1090981, Lots 61 - 64 and Lots 71 - 77 in DP 976708. The property covers a total area of 34.863 hectares which is comprised of twelve separate registered portions totalling 33.981 hectares plus a separate 8,828m<sup>2</sup> portion of freehold land still held in the name of a former landowner that was subdivided for possible future road allocation but has never been dedicated as such.

The property supports an historic homestead that is situated upon the crest of a small hill located within Lot 73 in DP 976708 (refer to the accompanying Conceptual Subdivision and Lot Layout plan prepared by SOWDES). The dwelling is described as 'Allfarthing' and is identified under Schedule 5 'Environmental Heritage' of the *Goulburn Mulwaree Local Environmental Plan 2009* as a Local Item of Heritage. Appropriately therefore, the Planning Proposal supporting documentation includes an assessment of heritage impact (Heritage Impact Assessment Report prepared by Black Mountain Projects).

The site when considered overall is characterised by open pastureland within which there are also found isolated groups of native trees spaced at irregular intervals. The largest quantity of trees is generally found in proximity to the homestead. As a result, the dwelling enjoys shelter from the prevailing winds and a high level of privacy. The property also supports various sheds and outbuildings that are used for agricultural purposes, for equipment storage and for the garaging of vehicles. Trees identified as predominantly Monterey Pine (*Pinus radiata*) that are generally in poor condition are located to each



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2

side of an internal driveway that connects the property to Brisbane Grove Road via an access gate in the northwest of the site. The property contains a quantity of stock watering dams.

The northernmost extent of the property is situated at approximately 365m distant from the southern arm of a local meander of the Mulwaree River. The Hume Motorway is located at a little over one kilometre to the north of the site. The motorway crosses through the landscape in an east to west orientation within the vicinity. The southernmost urban extent of Goulburn is situated to the north of the motorway and is approximately 1.5kms distant from the 'Allfarthing' property. The urban area to the north is characterised by a small industrial precinct with a low-density residential precinct adjacent.

Notable nearby local landmarks include the Goulburn Railway Museum and Round Yard that is located at approximately 1.4kms to the northeast; the Goulburn Showground and Veolia Stadium at approximately 2kms distant and the Goulburn East residential precinct at 2.8kms to northeast. The Goulburn City CBD centred around Sloane Street is about 3.6kms northeast of the subject property.

The historical use of 'Allfarthing' is described as that of a working farm, an activity that has since been discontinued in recent times. The historical land use is typical of the local area and reflects the agricultural history of land holdings around Goulburn. As a result of continuous farming use with activities, including ploughing and tilling of the soil, the landscape within the subject site is a highly modified landscape compared to what would have been in-situ in pre-European settlement times. The modification of the land has degraded the potential archaeological and existing ecological qualities of the site, as is described within the accompanying archaeological assessment undertaken by Black Mountain Projects and ecological assessment undertaken by Woodlands Environmental Management.

### 3 RESPONSES UNDER SECTION 55(2) OF THE EP&A ACT 1979

#### 3.1 Part 1: Objectives or Intended Outcomes

The intended outcome of this Planning Proposal is to change the Land Use zoning of the subject site from the current zoning of RU6 Transition, wherein a minimum lot size development standard of 10ha applies, to a proposed new land use zoning of R5 Large Lot Residential and for a minimum lot size development standard of 2ha. The minimum lot size is to be applied to the land under Clause 4.1 of the GMLEP 2009. The intended outcome is to enable the land to be developed for future residential purposes consistent with the recommendations for the subject site as set out under the *Urban and Fringe Housing Strategy*.

#### 3.2 Part 2: Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the GMLEP 2009 planning instrument will be required:

Rezoning of the subject land that is described as Lot 60 in DP 1090981, Lots 61-64 and 71-77 in DP 976708, No. 2 Brisbane Grove Road Brisbane Grove from RU6 Transition with a minimum lot size



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Planning Proposal - November 2021

3

development standard of 10ha, to R5 Large Lot Residential with a minimum lot size development standard of 2ha.

- To achieve the intended outcomes of the Planning Proposal the following amendments to the GMLEP 2009 maps will be required:

Land Zoning Map LZN\_001E change to the subject site from RU6 Transition to R5 Large Lot Residential for the subject lands described as Lot 60 in DP 1090981, Lots 61-64 and 71-77 in DP 976708.

Lot Size Map LSZ\_001E change the minimum lot size of the subject site from 10ha to 2ha for the subject lands described as Lot 60 in DP 1090981, Lots 61-64 and 71-77 in DP 976708.

### 3.3 Part 3: Justification of Objectives, Outcomes & Process

#### Section A – Need for the Planning Proposal

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

Yes. The Planning Proposal has been prepared in response to the inclusion of the subject property under the *Goulburn Mulwaree Urban and Fringe Housing Strategy*. The scope of the Strategy included looking at the urban areas of Goulburn and Marulan for opportunities for an additional 3,500 dwellings over the coming 18 years to 2036 and to identify land potentially suitable for residential development post 2036. The *GM Urban and Fringe Housing Strategy* was adopted by Council on 21<sup>st</sup> July 2020 and was conditionally endorsed by the NSW Department of Planning, Industry and Environment (DPIE) on 20<sup>th</sup> November 2020.

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

Yes. The Planning Proposal is the best way of achieving the objectives and intended outcomes for the site. It is not possible to achieve the objectives and outcomes without a Planning Proposal.

A Planning Proposal to change the land use zoning from RU6 Transition to R5 Large Lot Residential with a minimum lot size development standard of 2ha is the most efficient way to achieve the stated objectives and intended outcomes of the Planning Proposal.

#### Section B – Relationship to the Strategic Planning Framework

##### 3.3.3 *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?*

The *South East and Tablelands Regional Plan 2036* is the relevant sub-regional strategy. In broad terms, the Strategy seeks to promote economic growth within the region, including the areas of Goulburn and Marulan and without impacting adversely upon local urban or rural character. The broad goals of the Regional Plan as set out by the NSW Government are to promote:



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Planning Proposal - November 2021

4

- A connected and prosperous economy
- A diverse environment interconnected by biodiversity corridors
- Healthy and connected communities
- Environmentally sustainable housing choices

Specific objectives are set out for the Goulburn-Mulwaree LGA within the Regional Plan under the heading of the Local Government Narratives. Particularly relevant to the Planning Proposal is the information extracted from the Narratives stating that the Goulburn-Mulwaree population is projected to increase by at least 4,700 people by 2036, requiring more than 3,000 new dwellings. The Planning Proposal is consistent with the Regional Plan in providing for an opportunity for the subject site to contribute towards this projected increase through the provision of suitable land for future housing.

The strategy has the further broad objective of protecting the sensitive elements of the natural environment. This objective is not contradicted by this Planning Proposal as the site is demonstrated within the accompanying ecological report as not sensitive from an ecological or environmental perspective. There are no parts of the site that contain significant remnant native vegetation as detailed within the accompanying Biodiversity Assessment Report prepared by Woodlands Environmental Management.

The nature and scale of the Planning Proposal raises no issues of inconsistency with the Regional Strategy and is consistent in that it follows on from Council's adoption of the Goulburn Mulwaree *Urban and Fringe Housing Strategy* that includes the subject land as suitable for consideration for a rezoning from RU6 Transition to R5 Large Lot Residential with the application of a minimum lot size of 2ha.

#### 3.3.4 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The *Urban and Fringe Housing Strategy* supports residential development through an appropriate supply of future land to facilitate residential growth within Goulburn and Marulan. The Strategy prepared by Elton Consulting observes under the document Executive Summary and in reference to housing supply that:

*'Anecdotal evidence gained through the initial community and stakeholder engagement process indicated demand for large lot residential blocks (2ha). This was corroborated by Council analysis of rural residential lot uptake on the western and south western Goulburn fringes over the past decade.'*

In addition to the above, the Executive Summary under the heading of 'Large Lot Residential Demand' describes the following observations which are pertinent to the current Planning Proposal:

*'Within the LGA, rural residential development is typically located in areas zoned R5 Large Lot Residential, RU6 Transition and E4 Environmental Living and with minimum lot sizes ranging from 2,000sqm to 10 hectares depending on zoning and minimum lot size. For Goulburn, the majority of recent rural residential development has been on the western and south-western fringe. In the past decade, 290 lots have been created through subdivision of existing properties in this area. Of these, approximately 200 dwellings had been approved or had a development application submitted within 2 years of the*



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Planning Proposal - November 2021

5



*subdivision being registered. This represents an approximate uptake of 70 percent and demonstrates a consistent demand for larger blocks on the urban fringe.'*

The subject property 'Allfarthing' is identified under Fringe Precinct G 11 'Brisbane Grove' within Figure 4 'Goulburn and Fringe Precincts' of the Strategy document. As such the Planning Proposal meets the Assessment Criteria set out by the Goulburn Mulwaree Council 'Guidelines: For Proponent Initiated Planning Proposals' in that the PP is consistent with an adopted/endorsed Council or State Government Strategy.

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

| SEPP No 21 – Caravan Parks   |
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| <p>(1) The aim of this Policy is to encourage -</p> <p>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</p> <p>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</p> <p>(c) the provision of community facilities for land so used, and</p> <p>(d) the protection of the environment of, and in the vicinity of, land so used.</p> |
| <p><b>Assessment – Consistent-</b> The Planning Proposal seeks to rezone land from RU6 Transition to R5 Large Lot Residential which represents a zone that would prohibit the land use activity of caravan parks.</p>  |

| SEPP No 33 - Hazardous & Offensive Development   |
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| <p>This Policy aims—</p> <p>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</p> <p>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and</p> <p>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</p> <p>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</p> <p>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</p> <p>(f) to require the advertising of applications to carry out any such development.</p> |



Hogan Planning Town Planning Consultants  
Planning Proposal - November 2021

6

**Assessment – Consistent-** – No hazardous or offensive development of the subject land is proposed that would trigger an assessment under this Policy.

**SEPP No 36 – Manufactured Home Estates**

- (1) The aims of this Policy are—
- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and
  - (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and
  - (c) to encourage the provision of affordable housing in well-designed estates, and
  - (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
  - (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and
  - (f) to protect the environment surrounding manufactured home estates, and
  - (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

**Assessment – Consistent –** The SEPP does not apply to land within a water catchment area (as prescribed by Schedule 2). The subject land is within the Sydney Drinking water Catchment Area and therefore the SEPP does not apply.

**SEPP No 50 – Canal Estate Development**

This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.

**Assessment – Consistent-** The subject land is not impacted upon by this Policy.

**SEPP No 55 - Remediation of Land**

- This direction applies to:
- (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,
  - (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) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:



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Planning Proposal - November 2021

7

- (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).

**Assessment – Consistent-** The proposal to rezone farmland may trigger the need for investigation into the potential for contamination and remediation of land should Council consider that there be incomplete knowledge of the site's prior land use history. Any future development of the subject land for the purposes of a subdivision or the erection of a dwelling house may therefore be subject to Council's determination that a DA may be required to be accompanied by a Preliminary Site Assessment (Stage 1 Contamination Assessment) to ascertain whether there are any potential contamination issues.

#### SEPP No 64 – Advertising & Signage

- (1) This Policy aims -
  - (a) to ensure that signage (including advertising):
    - (i) is compatible with the desired amenity and visual character of an area, and
    - (ii) provides effective communication in suitable locations, and
    - (iii) is of high-quality design and finish, and
  - (b) to regulate signage (but not content) under Part 4 of the Act, and
  - (c) to provide time-limited consents for the display of certain advertisements, and
  - (d) to regulate the display of advertisements in transport corridors, and
  - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

**Assessment – Consistent-** – Any future development of the subject land for the purposes of advertising and signage would require compliance with this Policy.

#### SEPP No 65 – Design Quality of Residential Apartment Development

- (1) This Policy aims to improve the design quality of residential apartment development in New South Wales.
- (2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high-quality design.
- (3) Improving the design quality of residential apartment development aims:
  - (a) to ensure that it contributes to the sustainable development of New South Wales:
    - (i) by providing sustainable housing in social and environmental terms, and
    - (ii) by being a long-term asset to its neighbourhood, and
    - (iii) by achieving the urban planning policies for its regional and local contexts, and
  - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and



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Planning Proposal - November 2021

8

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| <ul style="list-style-type: none"> <li>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</li> <li>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</li> <li>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</li> <li>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</li> <li>(g) to support housing affordability, and</li> <li>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</li> </ul> <p>(4) This Policy aims to provide:</p> <ul style="list-style-type: none"> <li>(a) consistency of policy and mechanisms across the State, and</li> <li>(b) a framework for local and regional planning to achieve identified outcomes for specific places.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The proposed R5 Large Lot Residential zoning does not permit residential flat development.</p>   |

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| <p><b>SEPP (Affordable Rental Housing) SEPP</b></p> <p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) to provide a consistent planning regime for the provision of affordable rental housing,</li> <li>(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,</li> <li>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</li> <li>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</li> <li>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</li> <li>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</li> <li>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</li> </ul> |
| <p><b>Assessment – Consistent-</b> No intended development of the subject land would be impacted by this Policy.</p>  |

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| <p><b>SEPP (Building Sustainability Index: BASIX) 2004</b></p> <p>(1) Regulations under the Act have established a scheme to encourage sustainable residential development (<i>the BASIX scheme</i>) under which:</p> <p>(a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list</p> |
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| <p>of commitments by the applicant as to the manner in which the development will be carried out, and</p> <p>(b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.</p> <p>(2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.</p> <p>(3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.</p> |
| <p><b>Assessment – Consistent</b> –Any future building development of the subject land would require compliance with this Policy.</p>   |

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| <p><b>SEPP (Educational Establishments &amp; Child Care Facilities) 2017</b></p> <p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</p> |
| <p><b>Assessment – Consistent-</b> – No intended development of the subject land would be impacted by this Policy.</p>  |



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| <b>SEPP (Exempt &amp; Complying Development Codes) 2008</b>   |
| <p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—</p> <ul style="list-style-type: none"> <li>(a) providing exempt and complying development codes that have State-wide application, and</li> <li>(b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and</li> <li>(c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and</li> <li>(d) enabling the progressive extension of the types of development in this Policy, and</li> <li>(e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The provisions of the SEPP apply to the land however a consideration is not triggered by the current proposal.</p>   |

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| <b>SEPP (Infrastructure) 2007</b>   |
| <p>The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—</p> <ul style="list-style-type: none"> <li>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</li> <li>(b) providing greater flexibility in the location of infrastructure and service facilities, and</li> <li>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</li> <li>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</li> <li>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</li> <li>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</li> <li>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The provisions of the SEPP would apply at subsequent Development Application stage and do not apply to the current proposal.</p>   |

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| <b>SEPP (Koala Habitat Protection) 2021</b>   |
| <p>This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> |
| <p><b>Assessment – Consistent-</b> <i>State Environmental Planning Policy (Koala Habitat Protection) 2021</i> was made and commenced on 17 March 2021.</p>  |





Koala SEPP 2021 reinstates the policy framework of *SEPP Koala Habitat Protection 2019* to 83 Local Government Areas (LGA) in NSW. At this stage:

- In nine of these LGAs – Metropolitan Sydney (Blue Mountains, Campbelltown, Hawkesbury, Ku-Ring-Gai, Liverpool, Northern Beaches, Hornsby, Wollondilly) and the Central Coast LGA – Koala SEPP 2021 applies to all zones.
- In all other identified LGAs, Koala SEPP 2021 does not apply to land zoned RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry.

The subject site is located within the Goulburn Mulwaree LGA and is zoned RU6 Transition. SEPP (Koala Habitat Protection) 2021 is the relevant SEPP for this application.

Part 1: Does the SEPP apply?

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| Landholding is within an LGA listed in Schedule 1 of the SEPP   | Yes |
| Exemption under Section 8   | No  |
| Development Site is on land to which an approved Koala Plan of Management applies.  | No  |
| Development Site is on land which has an area of at least 1 hectare (including adjoining land within the same ownership). | Yes |

SEPP 2021 applies to the proposed development. Part 2(11) sets out the relevant development controls.

Part 2: Development Control

- 11(2) *Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- 11(3) *If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*

The proposed development does not involve any removal of trees or native vegetation. The property is an existing working farm with constant human and vehicular activity. Any potential impact upon Koalas would be so low as to be negligible.

**Conclusion**

SEPP (Koala Habitat Protection) 2021 applies to the land. Part 2 Development control of koala habitats applies to the proposed development. The proposed development would have a low impact on koalas or koala habitat. A Koala Assessment Report is not required.



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| <b>SEPP (Mining, Petroleum Production &amp; Extractive Industries) 2007</b>  |
| <p>The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries -</p> <ul style="list-style-type: none"> <li>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</li> <li>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</li> <li>(c) to promote the development of significant mineral resources, and</li> <li>(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</li> <li>(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development -</li> <li>(i) to recognise the importance of agricultural resources, and</li> <li>(ii) to ensure protection of strategic agricultural land and water resources, and</li> <li>(iii) to ensure a balanced use of land by potentially competing industries, and</li> <li>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The land is not identified as containing mineral, petroleum or extractive material resources that would require consideration under the SEPP.</p>   |

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| <b>SEPP – Primary Production &amp; Rural Development (2019)</b>   |
| <p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) to facilitate the orderly economic use and development of lands for primary production,</li> <li>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</li> <li>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</li> <li>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</li> <li>(e) to encourage sustainable agriculture, including sustainable aquaculture,</li> <li>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</li> <li>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The site is farmland that is engaged in the purposes of primary production. As such an assessment under the SEPP is required. The land is not zoned primarily for agricultural purposes in being zoned RU6 Transition. The land is not identified as State Significant Agricultural Land. Council has acknowledged the land status via an intention to consider a rezoning of the subject site to R5 Large Lot Residential in the inclusion of the subject property under the <i>Urban and Fringe Housing Strategy</i>.</p>  |



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| SEPP (State & Regional Development) 2011  |
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| <p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) to identify development that is State significant development,</li> <li>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>(c) to identify development that is regionally significant development.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The Planning Proposal is not of State or Regional significance.</p>  |

| SEPP (Sydney Drinking Water Catchments) 2011  |
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| <p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and</li> <li>(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</li> <li>(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The subject site is located within the water catchment area and the SEPP has application to the site. The PP is accompanied by the requisite water quality assessment information as referenced within the Attachments listed with the PP. Should a positive Gateway Determination be issued, Water NSW will have the opportunity to assess and respond to the Planning Proposal.</p>  |

| SEPP (Urban Renewal) 2010  |
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| <p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to establish the process for assessing and identifying sites as urban renewal precincts,</li> <li>(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</li> <li>(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The provisions of this Policy do not apply to the subject land.</p>   |



## 3.3.6 Is the Planning Proposal consistent with the applicable EP&amp;A Act 1979 Section 9.1(2) Directions?

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| <b>1. Employment &amp; Resources</b>  |
| <b>1.1 Business &amp; Industrial Zones</b>  |
| <p>This Direction applies when a planning proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The objectives of this Direction are:</p> <ul style="list-style-type: none"> <li>(a) encourage employment growth in suitable locations,</li> <li>(b) protect employment land in business and industrial zones, and</li> <li>(c) support the viability of identified centres.</li> </ul> |
| <p><b>Assessment – Consistent-</b> The Planning Proposal seeks to change the land zoning from RU6 Transition to R5 Large Lot Residential and does not affect land within an existing or proposed business or industrial zone.</p>   |

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| <b>1.2 Rural Zones</b>   |
| <p>This Direction applies when a planning proposal affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land. This Direction applies when a Planning Proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p>  |
| <p><b>Assessment – Consistent-</b> The subject property is zoned RU6 Transition and is engaged in the purposes of agricultural production, hence a consideration of the potential impact upon agricultural production is warranted. The land is not zoned primarily for agricultural production under the RU6 Transition zone. The land is not State significant agricultural land and is not identified as prime agricultural land. Council has acknowledged this via intention to consider a rezoning of the subject site to R5 Large Lot Residential in the inclusion of the subject property under the <i>Urban and Fringe Housing Strategy</i>.</p> |

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| <b>1.3 Mining, Petroleum Production &amp; Extractive Industries</b>   |
| <p>This direction applies when a planning proposal would have the effect of:</p> <ul style="list-style-type: none"> <li>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</li> <li>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</li> </ul> <p>The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> |



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| <p><b>Assessment – Consistent-</b> The proposed development would not have an impact upon potential mining activity, petroleum production and extractive industries.</p> |
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| <p><b>1.4 Oyster Aquaculture</b></p>  |
| <p><b>Assessment – Consistent –</b> This Direction does not apply to Goulburn Mulwaree LGA.</p> |

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| <p><b>1.5 Rural Lands</b></p>  |
| <p>This Direction applies when a planning proposal:</p> <ul style="list-style-type: none"> <li>(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</li> <li>(b) changes the existing minimum lot size on land within a rural or environment protection zone.</li> </ul> <p><b>Note:</b> Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.</p> <p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> <li>(a) protect the agricultural production value of rural land,</li> <li>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> <li>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</li> <li>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land</li> <li>(f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</li> </ul> <p><b>Assessment – Consistent -</b> The subject site is zoned RU6 Transition and the current use of the land is for agricultural purposes, hence a consideration of the potential impact upon agricultural production is warranted. The land is not zoned primarily for agricultural production. The land is not State significant agricultural land and is not identified as prime agricultural land. Council has acknowledged an intention to consider a rezoning of the subject site to R5 Large Lot Residential via inclusion of the subject property under the <i>Urban and Fringe Housing Strategy</i>.</p> |

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| <p><b>2. Environment &amp; Heritage</b></p>   |
| <p><b>2.1 Environmental Protection Zones</b></p>  |
| <p>The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the</p> |



environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “*Rural Lands*”.

**Assessment – Consistent-** The site does not contain land that is zoned for the purposes of environment protection. An ecological assessment of the subject site has been undertaken and the ensuing report prepared by Woodlands Environmental Management concludes that the site does not contain land that is of high environmental value such as would require consideration for protection.

## 2.2 Coastal Management

**Assessment – Consistent** – This Direction does not apply to Goulburn Mulwaree LGA.

## 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 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.

**Assessment – Consistent** – The subject land contains an identified Item of Heritage that is described under Schedule 5 ‘Environmental Heritage’ of the GMLEP 2009 as the dwelling ‘Allfarthing’. Appropriately a Heritage Impact Assessment (HIA) Report is included with the documentation that accompanies the PP and is referenced within the Attachments section of the PP report. The HIA concludes that the heritage impact of the proposed rezoning and enabling of subdivision potential is acceptable from a heritage perspective subject to the recommendations that are made within the report.

The Due Diligence report that supports the PP concludes that there are no Aboriginal sites or objects located within the study area. The consultant further concludes that the current site condition is classified as *disturbed land* and as a result has a low potential to support Aboriginal sites or artefacts and no further assessment is required under the *NSW National Parks and Wildlife Act*.



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Planning Proposal - November 2021

17

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| <b>2.4 Recreation Vehicle Areas</b>  |
| The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles. |
| <b>Assessment – Consistent</b> - No assessment of adverse impacts from recreational vehicles is triggered by the Planning Proposal.                    |

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| <b>2.5 Application of E2 &amp; E3 Zones and Environmental Overlays in Far North Coast LEPs.</b> |
| <b>Assessment – Consistent</b> – This Direction does not apply to Goulburn Mulwaree LGA.        |

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| <b>2.6 Remediation of Contaminated Land</b>   |
| The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.   |
| Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the Environmental Planning and Assessment Act 1979.   |
| <b>Assessment – Consistent-</b> The proposal to rezone farmland may trigger the need for investigation into the potential for contamination and remediation of land should Council consider that there be incomplete knowledge of the site’s prior land use history. The Planning Proposal is accompanied by a Preliminary Site Investigation (Contamination) prepared by Douglas Partners dated May 2021, which concludes: -<br><br><i>Whilst there is a risk of contamination associated with the fill, DP considers that due to the limited likely quantity of fill and the likely small amount of HBM potentially present, an intrusive investigation is not considered necessary at this stage. Nevertheless, it is recommended that a hazardous building material assessment and construction environment management plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site.</i><br><br>It is considered that the site would be suitable for the proposed residential subdivision following implementation of the recommendations contained within the Douglas Partners report. |

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| <b>3. Housing, Infrastructure and Urban Development</b>   |
| <b>3.1 Residential Zones</b>  |
| The objectives of this Direction are:<br><br>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,<br><br>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and |



Hogan Planning Town Planning Consultants  
Planning Proposal - November 2021

18

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| <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>This direction applies when a planning proposal affects land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p>   |
| <p><b>Assessment – Consistent-</b> The current zoning of the land is non-residential, being RU6 Transition, a land use zoning considered inappropriate for further residential development. Rezoning of the land as proposed to R5 Large Lot Residential with a minimum lot size of 2ha will facilitate meeting objectives (a) through to (c) by encouraging variety in the choice for future housing whilst making efficient use of infrastructure and minimising the impact of residential development upon the natural environment and its resources.</p> |

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| <p><b>3.2 Caravan Parks &amp; Manufactured Home Estates</b></p> <p>The objectives of this Direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p> |
| <p><b>Assessment – Consistent</b> – The Planning Proposal intends to rezone the land to R5 Large Lot Residential wherein caravan Parks and Manufactured Home Estates are a prohibited form of development.</p>  |

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| <p><b>3.3 Home Occupations</b></p> <p>The objective of this Direction is to encourage the carrying out of low impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p> |
| <p><b>Assessment – Consistent</b> - The Planning Proposal does not seek to amend the current provisions of the GMLEP 2009 for home occupations.</p>  |

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| <p><b>3.4 Integrating Land Use &amp; Transport</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> |
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| <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p>This Direction applies when a planning proposal creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>                          |
| <p><b>Assessment – Consistent-</b> The Planning Proposal seeks to change the land use zoning of the land that is currently zoned non-residential to a residential zoning. As the site does not support residential development beyond that of an existing rural homestead, there will be no impact that requires consideration at the Planning Proposal stage under the objectives of the direction.</p> |

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| <p><b>3.5 Development Near Regulated Airports and Defence Airfields</b></p> <p>The objectives of this Direction are:</p> <p>(a) to ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> |
| <p><b>Assessment – Consistent</b> – Goulburn Airport is in proximity to the subject land. Should the rezoning application be supported, future dwellings may be impacted by noise from aircraft on approach and departure using the Airport. To address the potential impact, Council or another Authority may deem it appropriate to require that an acoustic assessment be undertaken at subdivision DA stage.</p>   |

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| <p><b>3.6 Shooting Ranges</b></p> <p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> |
| <p><b>Assessment – Consistent</b> -There are no shooting ranges adjacent to the subject land that could result in a land use conflict.</p>  |



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| <b>3.7 Reduction in non-hosted short term rental accommodation period</b>                    |
| <b>Assessment – Consistent</b> – This Direction does not apply to the Goulburn Mulwaree LGA. |

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| <b>4. Hazard &amp; Risk</b>  |
| <b>4.1 Acid Sulphate Soils</b>   |
| The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. |
| <b>Assessment – Consistent</b> – There currently are no mapped acid sulphate soils within the site or the locality of Goulburn Mulwaree LGA.                         |

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| <b>4.2 Mine Subsidence and Unstable Land</b>   |
| The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.   |
| <b>Note 1:</b> When a planning proposal would permit development on land that is within a Mine Subsidence District a relevant planning authority must:   |
| (a) consult the Mine Subsidence Board to ascertain:  |
| (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and  |
| (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and   |
| (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and   |
| (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. |
| <b>Note 2:</b> A planning proposal must not permit development on land that has been identified as unstable in a study, strategy or other assessment undertaken:   |
| (i) by or on behalf of the relevant planning authority, or   |
| (ii) by or on behalf of a public authority and provided to the relevant planning authority.  |
| <b>Assessment – Consistent</b> -The subject land is not identified as subject to mine subsidence or unstable.  |



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| <p><b>4.3 Flood Prone Land</b></p> <p>The objectives of this Direction are:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul> <p>Note: A planning proposal must not rezone land within any flood planning area from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(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.</li> </ul> <p><b>Assessment – Consistent-</b> The subject land is not significantly impacted upon by flood prone land. Impacted areas within the site are identified within the Stormwater Drainage and Flood Impact Plan referenced under the Attachments to the Planning Proposal report.</p> |
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| <p><b>4.4 Planning for Bushfire Protection</b></p> <p>The objectives of this Direction are:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) to encourage sound management of bush fire prone areas.</li> </ul> <p><b>Assessment – Consistent -</b> The subject land is identified as bushfire prone. Should a positive Gateway Determination be received it is anticipated that referral to NSW Rural Fire Service would be required. The Planning Proposal is supported by a Strategic Bushfire Study and Plan referenced under the Attachments to the Planning Proposal report.</p> |
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| <b>1. Regional Planning</b>  |
| <b>5.1 Implementation of Regional Strategies</b>                       |
| <b>Assessment – Consistent</b> – The above Direction has been revoked. |

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| <b>5.2 Sydney Drinking Water Catchment</b>   |
| The objective of this Direction is to give effect to protect water quality in the Sydney Drinking Water Catchment.   |
| <b>Assessment – Consistent</b> – The subject land is located within the catchment area. Should a positive Gateway Determination be received referral to Water NSW will be required. This assessment will then be updated to reflect the Water NSW response prior to exhibition. The Planning Proposal is supported by a Water Cycle Management Study and Stormwater Management and Stormwater Drainage Plans as referenced under the Attachments listed in Part 5. |

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| <b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>  |
| <b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>  |
| <b>5.5 Development in the Cessnock LGA</b>   |
| <b>5.6 Sydney to Canberra Corridor</b>   |
| <b>5.7 Central Coast</b>   |
| <b>5.8 Second Sydney Airport – Badgerys Creek</b>  |
| <b>5.9 North West Rail Link Corridor Strategy</b>  |
| <b>Assessment – Consistent</b> – The above Directions have either been revoked or do not apply in the Goulburn Mulwaree LGA. |

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| <b>5.10 Implementation of Regional Plans</b>  |
| The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in Regional Plans. The Planning Proposal must demonstrate consistency with the SE & Tablelands Regional Plan. |
| <b>Assessment – Consistent</b> - The Planning Proposal is consistent with the goals and actions of the <i>South East &amp; Tablelands Regional Plan</i> as discussed in section B3 above.   |

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| <b>5.11 Development of Council Land</b>  |
| The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority. |
| <b>Assessment – Consistent</b> – This Direction does not apply to Goulburn Mulwaree Shire.   |



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| <b>6. Local Plan Making</b>   |
| <b>6.1 Approval &amp; Referral Requirements</b>   |
| The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.   |
| <b>Assessment – Consistent</b> -The Planning Proposal seeks to rezone land from RU6 Transition to R5 Large Lot Residential and to change the minimum lot size development standard from 10ha to 2ha. The proposed change would be consistent with the <i>Urban and Fringe Housing Strategy</i> that includes the subject site as land that is appropriate for consideration for rezoning to a residential land use. |

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| <b>6.2 Reserving Land for Public Purposes</b>  |
| The objectives of this Direction are:<br>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and<br>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. |
| <b>Assessment – Consistent</b> - The Planning Proposal will not have an impact public services and facilities.   |

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| <b>6.3 Site Specific Provisions</b>   |
| The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.   |
| <b>Assessment – Consistent</b> – The Planning Proposal seeks to include the subject property as part of Council's broader strategy for future housing supply as expressed within the <i>Urban and Fringe Housing Strategy</i> and does not propose to achieve the intended outcome via any site-specific planning controls. |

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| <b>7. Metropolitan Planning</b>  |
| <b>7.1 -7.10</b>   |
| <b>Assessment – Consistent</b> – These Directions do not apply to the Goulburn Mulwaree LGA. |



### Section C – Environmental, Social & Economic Impacts

*3.3.7 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 Planning Proposal?*

The Woodlands Environmental Management Report under Part 7 observes that the site is ‘*highly disturbed... with no or limited native vegetation*’ and is of low biodiversity value and that ‘*rezoning of the land is unlikely to have a significant impact on biodiversity values within the locality.*’ The report concludes that there is no identified critical habitat or threatened species, populations or ecological communities on the subject land. This conclusion lends support in the context of the other environmental investigations undertaken within the site that the land is suitable for the proposed rezoning to a residential land use.

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

The Planning Proposal seeks Council’s support for a rezoning of the subject land from RU6 Transition wherein a minimum lot size development standard of 10ha applies, to R5 Large Lot Residential with a proposed minimum lot size development standard of 2ha. In support of the proposed change, the Planning Proposal is accompanied by various specialist consultant reports. The conclusions of these reports, when considered individually and when summarised collectively, support the intended outcome of the Planning Proposal. Matters pertaining to heritage and archaeology, traffic and parking, the protection of water quality and an assessment of bushfire hazard are considered within the following paragraphs:

Two heritage reports support the Planning Proposal and are described as a ‘Due Diligence Investigation for the protection of Aboriginal Objects’ and a ‘Heritage Impact Statement’. Both reports have been prepared by the heritage consultancy Black Mountain Projects. The Due Diligence report concludes that there are no Aboriginal sites or objects located within the study area. The heritage consultant observes that the condition of the land is classified as *disturbed land* and as a result has a low potential to support Aboriginal sites or artefacts and recommends that no further assessment is required under the *NSW National Parks and Wildlife Act*.

The Heritage Impact Statement prepared by Black Mountain Projects identifies the subject land as containing the Local Item of Heritage ‘Allfarthing’ which is included within Schedule 5 ‘Environmental Heritage’ of the GMLEP 2009 as Inventory Item No. I008. Section 5.3 of the report makes recommendations for various works to be undertaken within the site and proposes that a heritage covenant be introduced via an 88B Instrument to the future Property Title for the residual lot that is to contain the homestead. These measures have been proposed to offset a reduction in the land curtilage about the homestead that would result from a future subdivision. The report recommends that the above measures would result in an acceptable heritage outcome for the Heritage Item.



A Traffic and Parking Impact Assessment Report supports the Planning Proposal as has been prepared by Positive Traffic (Report dated October 2021). Part 5 of the report Conclusion states:

- 1. The potential traffic generation of the development would not impact on the surrounding road network to a point of detriment.*
- 2. Intersections in the immediate vicinity of the development would operate at a satisfactory level of service in the future at full development without any need for capacity improvements.*
- 3. The proposed design would ensure fire vehicle access to properties fully complies with the requirements of the NSW Rural Fire Service Single Dwelling Guidelines.*

The report concludes that the traffic impacts of the proposal are acceptable.

A Water Cycle Management Study (WCMS) prepared by the environmental consultancy SOWDES accompanies the Planning Proposal. The WCMS is supported by maps that detail stormwater, drainage, and flood impact management. The report and plans should be referred to for full details, however in summary the consultant conclusion is that the proposed rezoning of the land based upon consideration of a conceptual 16 lot subdivision is able to result in a Neutral or Beneficial Effect (NorBE) upon water quality under the terms of the *SEPP Sydney Drinking Water Catchments (2011)*. This conclusion is based upon future developments adhering to the recommended practices outlined within the WCMS.

The subject land is mapped in association with Bushfire Prone Land (BFPL) and accordingly the Planning Proposal is supported by a Strategic Bushfire Study Report and Plan prepared by the Accredited Bushfire Risk Assessor SOWDES. The report and accompanying Strategic Bushfire study Site Plan should be referred to for full details however in summary the consultant has concluded that:

*It is considered that the proposed rezoning of the land from RU6 – 'Transition' to R5 – Large Lot Residential' and a subsequent subdivision of the land to create a total of sixteen allotments plus internal access road will generally be able to satisfy the requirements of Planning for Bush Fire protection (2019), in particular the 'acceptable solutions', 'performance requirements' and 'specific objectives' contained in Chapter 5 of the publication with some minor variations to specific conditions. It is further considered that each of the newly created Lots will be able to support a complying development for residential developments undertaken in bush fire prone land in accordance with Chapter 7 – 'Residential Infill Development' of Planning for Bush Fire Protection (2019).*

Based upon the above findings of the Accredited Bushfire Risk Assessor it can be concluded that the risk from bushfire hazard can be effectively managed for the intended future residential development of the land.

The Planning Proposal is accompanied by a Preliminary Site Investigation (Contamination) prepared by Douglas Partners dated May 2021, which concludes: -

*Whilst there is a risk of contamination associated with the fill, DP considers that due to the limited likely quantity of fill and the likely small amount of HBM potentially present, an intrusive investigation is not considered necessary at this stage. Nevertheless, it is recommended that a hazardous building material assessment and construction environment management plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site.*



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Planning Proposal - November 2021

26

It is considered that the site would be suitable for the proposed residential subdivision following implementation of the recommendations contained within the Douglas Partners report.

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

It is considered that the proposed rezoning of the land will have a positive social and economic effect in that it will stimulate the Goulburn Mulwaree economy through the promotion of future development including land subdivision and subsequent construction activities that would be associated with housing development.

**Section D – State and Commonwealth Interests**

*3.3.10 Is there adequate public infrastructure for the Planning Proposal?*

A rezoning of the land to enable future residential growth will entail the need to extend services into the site and within the locality. The appropriate mechanism for considering the introduction of this and other public infrastructure, such as public roads, is the lodgement of a Development Application (DA) for a subdivision of the land. A DA when prepared would contain a conceptual engineering design for servicing of the site and include a concept road design for assessment against the prevailing Council engineering design guidelines.

## **4 MAPPING**

It is the responsibility of Council to make available draft LEP Maps at the time of public advertising and community notification of the Planning Proposal.

## **5 COMMUNITY CONSULTATION**

It is the responsibility of Council to undertake referrals to State Government Agencies and to arrange for public advertising and community notification of the Planning Proposal.

## **CONCLUSION**

This Planning Proposal to Goulburn Mulwaree Council demonstrates that a rezoning of the subject land from RU6 Transition to R5 Large Lot Residential is consistent with the recommended outcomes of the *GM Urban and Fringe Housing Strategy* and is supported by the specialist consultant reports that are referenced within the Planning Proposal and pertaining to the site's environmental considerations. The conclusions of the specialist reports when considered collectively are consistent in that there are no identified site constraints pertaining to Aboriginal or European Cultural Heritage, ecology, contamination, traffic, water quality or bushfire hazard assessment that would preclude a favourable consideration of the Planning Proposal.



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Planning Proposal - November 2021

27



Based upon the above conclusion and the demonstrated consistency of the proposal with both State and Local Planning Legislation, it is recommended to Council that the rezoning of the land from RU6 Transition to R5 Large Lot Residential and a corresponding change to the minimum lot size control from 10ha to 2ha has been demonstrated to have merit and is therefore worthy of Council's support.



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Planning Proposal - November 2021

28

## ATTACHMENTS

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| 1  | Due Diligence Investigation for the protection of Aboriginal Objects prepared by Black Mountain Projects Issue E dated October 2021 |
| 2  | Heritage Impact Statement & Appendix prepared by Black Mountain Projects Issue E dated October 2021                                 |
| 3  | Biodiversity Assessment Report prepared by Woodlands Environmental Management dated 4 <sup>th</sup> June 2021                       |
| 4  | Traffic and Parking Assessment Report prepared by Positive Traffic Ref: PT021012r01 Final dated October 2021                        |
| 5  | Water Cycle Management Study prepared by SOWDES dated 19 October 2021 Ref: 0030321  |
| 6  | Strategic Bushfire Study prepared by SOWDES dated 19 October 2021 Ref: 0030321  |
| 7  | Existing Site Conditions Dwg prepared by SOWDES Ref: 0030321-01A dated October 2021   |
| 8  | Conceptual Subdivision and Lot Plan Dwg prepared by SOWDES Ref: 0030321-01B dated October 2021                                      |
| 9  | Strategic Bushfire Study Site Plan prepared by SOWDES Ref: 0030321-01C dated October 2021   |
| 10 | Stormwater Management Site Plan prepared by SOWDES Ref: 0030321-01D dated October 2021  |
| 11 | Stormwater Drainage and Flood Impact Site Plan prepared by SOWDES Ref: 0030321-01E dated October 2021                               |
| 12 | Wastewater Management Site Plan prepared by SOWDES Ref: 0030321-01F dated October 2021  |
| 13 | Preliminary Site Investigation (Contamination) prepared by Douglas Partners Project 201858.00 dated May 2021                        |



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Planning Proposal - November 2021

29

***Disclaimer***

This report is believed to be true and correct at the time of writing. It is based on the information provided by the client and other relevant organisations during preparation. Hogan Planning Town Planning Consultants does not accept any contractual, tortious or other form of liability for any consequences arising from its use. People using the information in the report should apply and rely on their own skill and judgment to a particular issue they are considering. This report shall be used solely for the purpose of this proposal and shall not be replicated or altered.



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Planning Proposal - November 2021

30





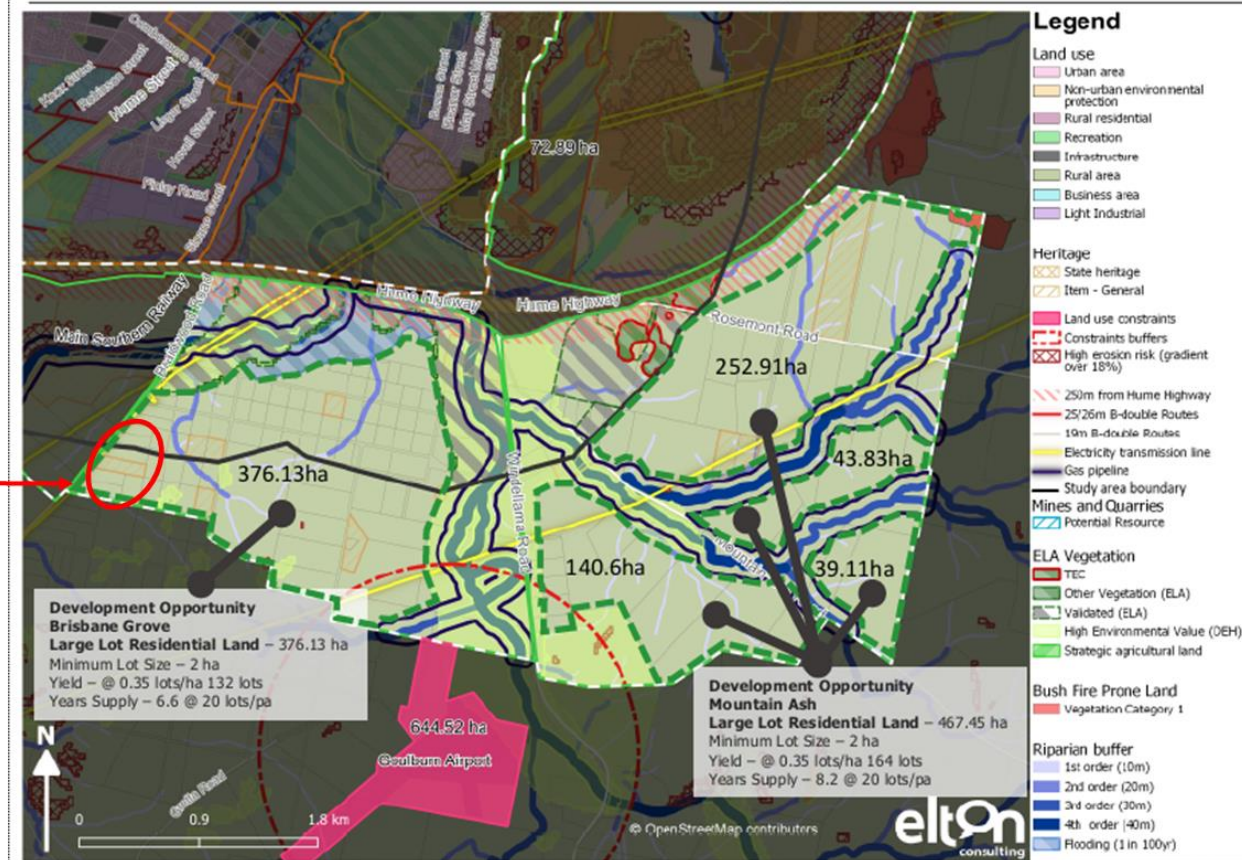




Attachment 3- Extract from Urban and Fringe Housing Strategy

10/11 - Brisbane Grove & Mountain Ash constraints and opportunities

Subject site





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

Your Ref/PO Number : 2 Brisbane Grove Road

Goulburn Mulwaree Council - Melissa Keegan Group

Date: 10 January 2022

Locked Bag 22

Goulburn New South Wales 2580

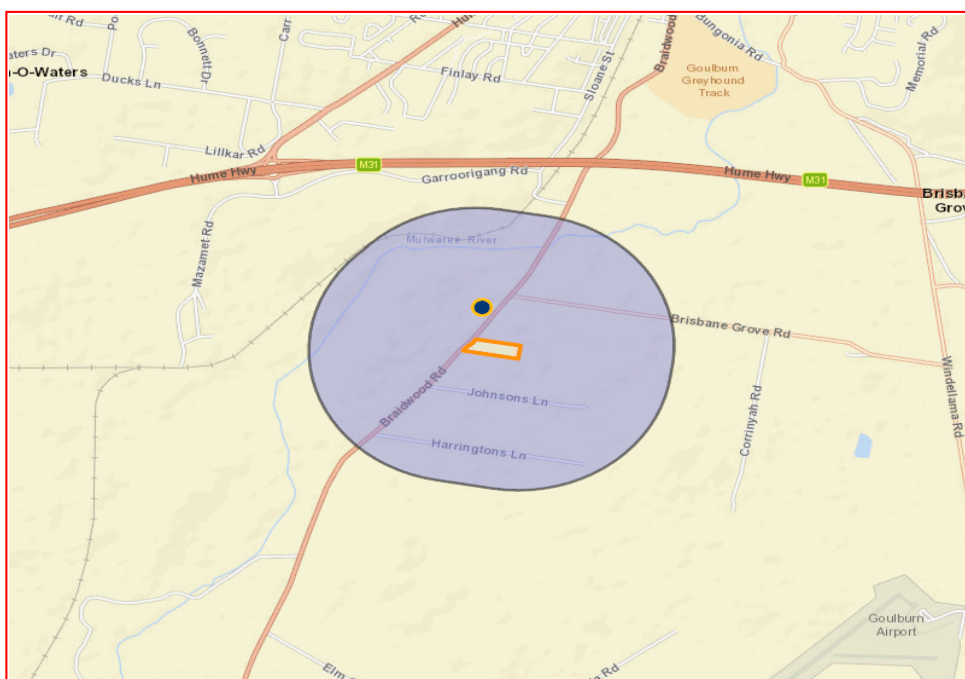
Attention: David Kiernan

Email: david.kiernan@goulburn.nsw.gov.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 72, DP:DP976708, Section : - with a Buffer of 1000 meters, conducted by David Kiernan on 10 January 2022.**

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 Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

|   |   |
|---|---|
| 1 | Aboriginal sites are recorded in or near the above location.          |
| 0 | Aboriginal places have been declared in or near the above location. * |

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

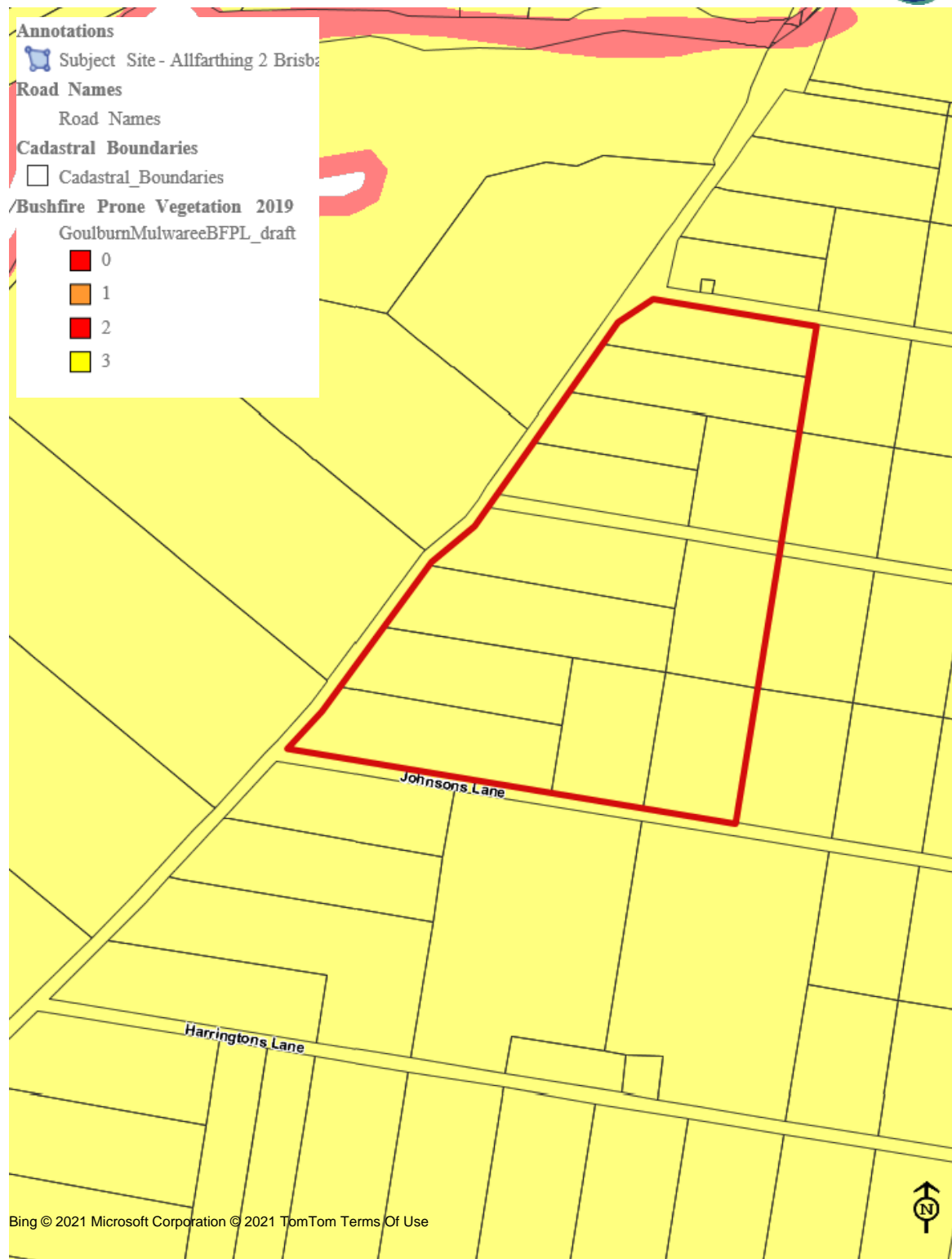
**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



11-January-2022

## Bush Fire Prone Land Map



27-January-2022

# 1 in 100 year Flood Extent Map



## Annotations

- 2 Brisbane Grove Rd Subject Site

## Road Names

Road Names

## Cadastral Boundaries

- Cadastral\_Boundaries

## 1 in 100 Year Flood Extent

- \_100yrFloodExtent\_Oct16
- \_100yrFloodExtent\_Oct03



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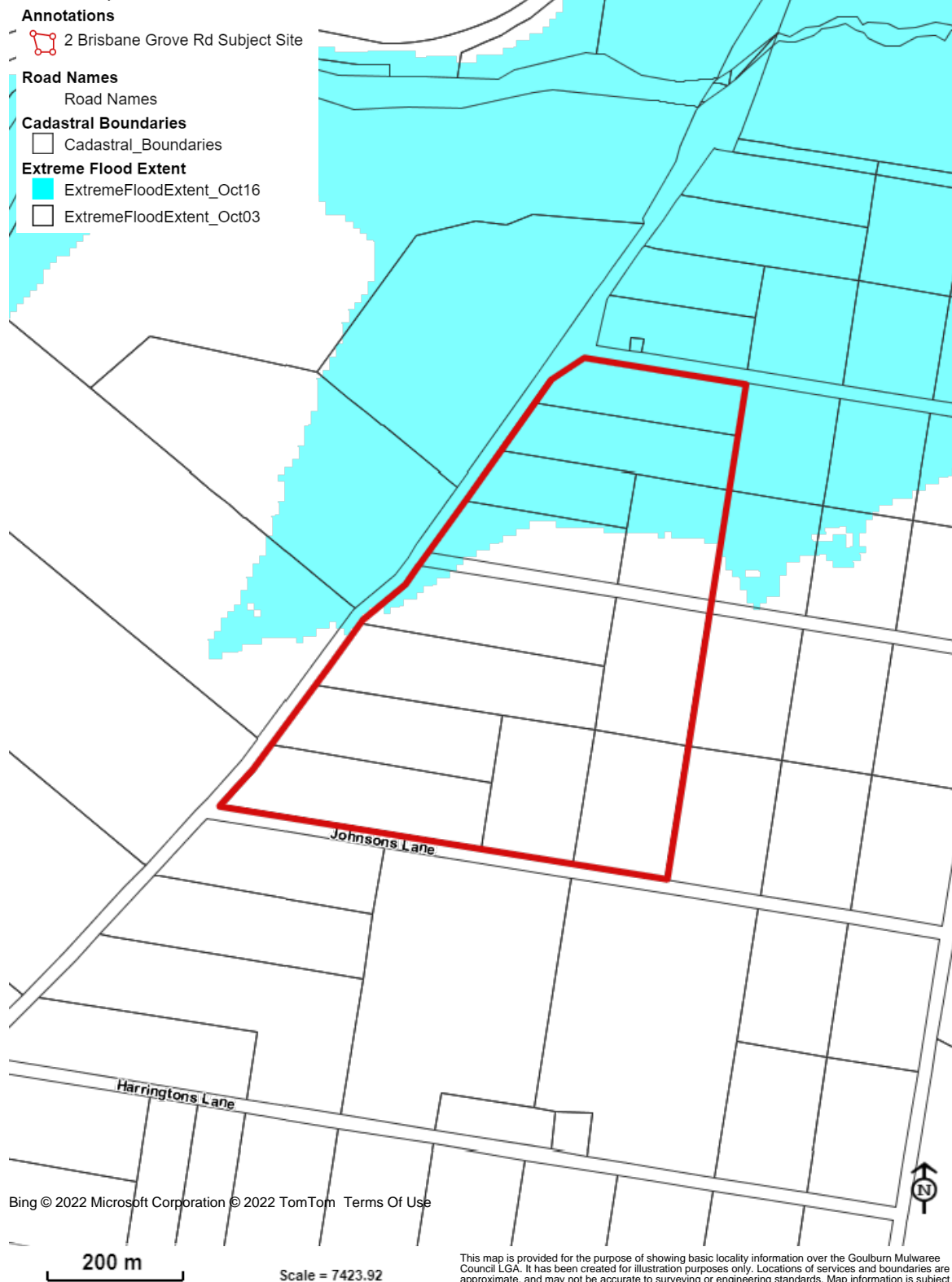
200 m

Scale = 7423.92

This map is provided for the purpose of showing basic locality information over the Goulburn Mulwaree Council LGA. It has been created for illustration purposes only. Locations of services and boundaries are approximate, and may not be accurate to surveying or engineering standards. Map information is subject to constant changes, may not be complete, accurate or current. The council assumes no liability for damages incurred as a result of incomplete, incorrect or omitted information.

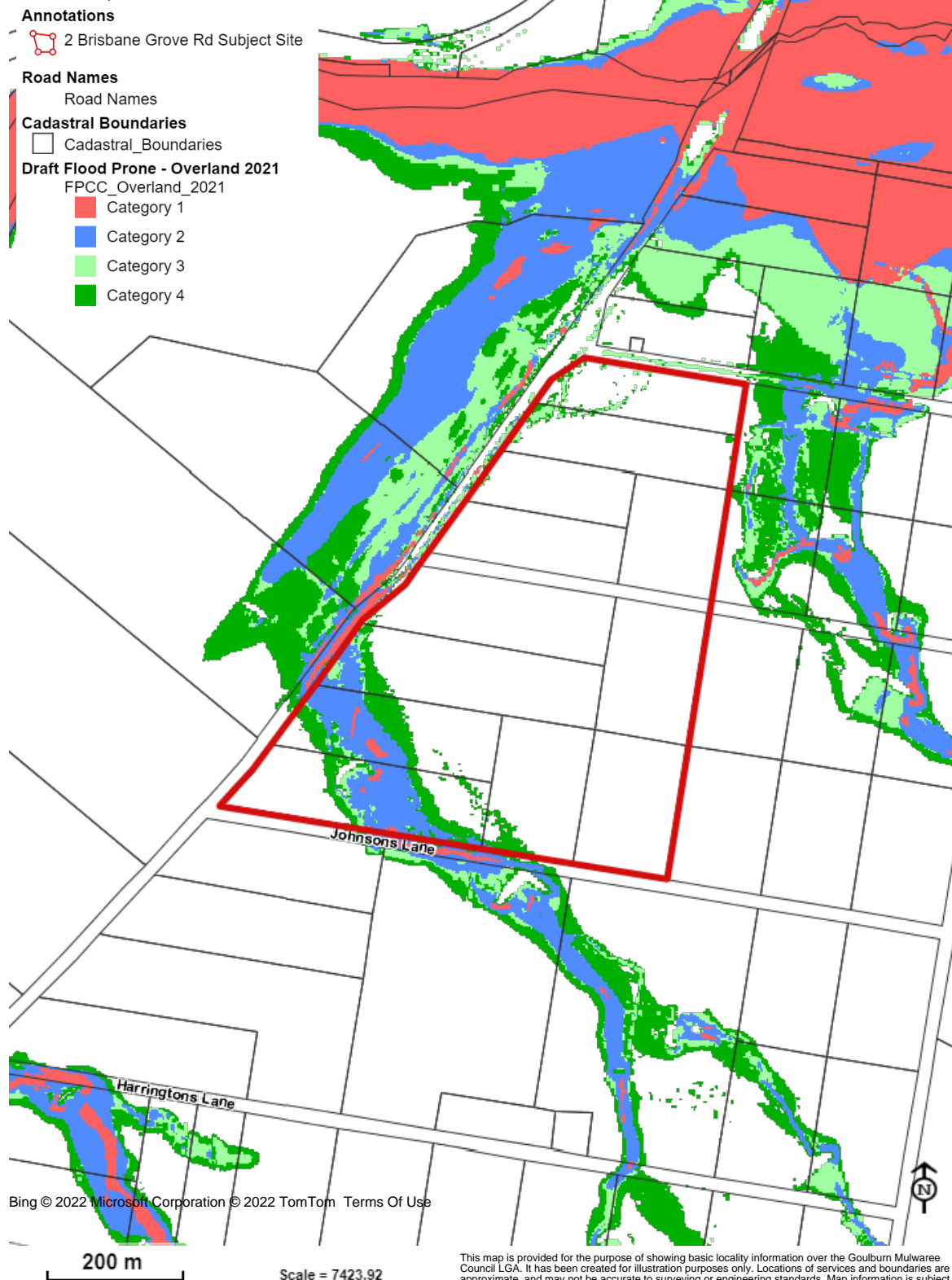
27-January-2022

# Probable Maximum Flood Extent (PMF)



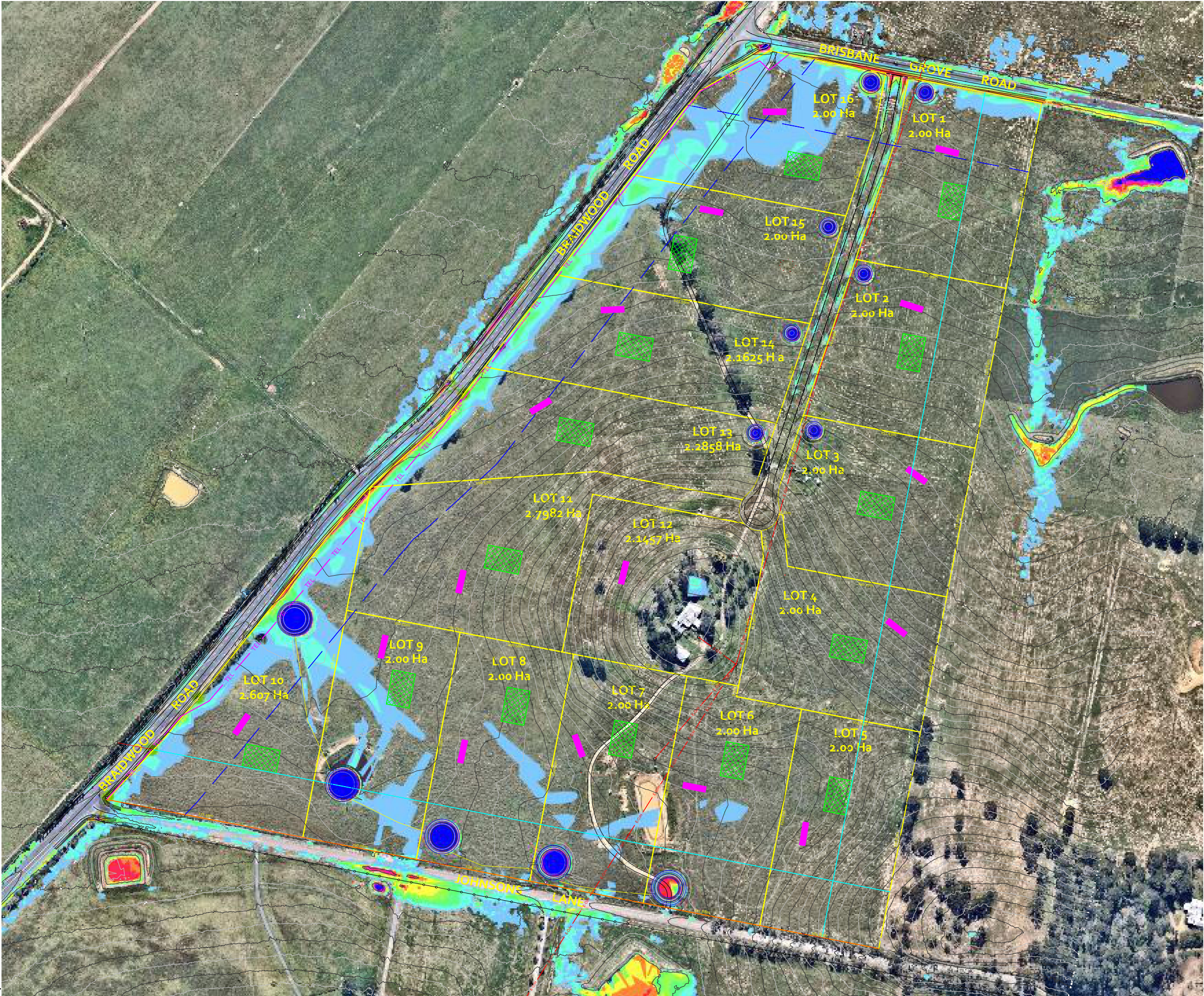
27-January-2022


## Overland Flow Map









|  |   |
|--|---|
| PROJECT TITLE:<br>LAND REZONING APPLICATION  |   |
| DRAWING TITLE:<br>WASTEWATER MANAGEMENT<br>SITE PLAN   |   |
| TITLE PARTICULARS:<br>LOTS 61 - 64 & 71 - 77 DP976708<br>and LOT 60 DP1090981  |   |
| STREET ADDRESS:<br>2 BRISBANE GROVE ROAD<br>BRISBANE GROVE, NSW, 2580  |   |
| DRAWING DATE:<br>Oct. 2021   | SHEET NUMBER:<br>1 of 1                     |
| REFERENCE NUMBER:<br>0030321   | DRAWN BY:<br>PJ                             |
| DRAWING SCALE:<br>1:1,500  | AT SHEET SIZE:<br>A1                        |
| DRAWING REFERENCE NUMBER:<br>0030321-01F   |   |
| AMENDMENT No. / DATE:<br>A<br>19/10/2021   | DRAWING REFERENCE:<br>COUNCIL<br>SUBMISSION |
|  P.O. Box 659<br>Goulburn NSW 2580<br>E: sowdes@sowdes.com<br>M: 0428 863 401 |   |

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Internal contours and features reproduced with consent from the detailed site survey prepared by Southern Cross Consulting Surveyors - Ref: 24352-210401. External contour data produced from Lidar resources accessed from Geoscience Australia.


LINE TYPE AND SYMBOL LEGEND

OPTICAL FIBRE CABLE - APPROXIMATE LOCATION  
TEL TEL TEL

OVERHEAD POWER TRANSMISSION LINES  
E.OH E.OH E.OH E.OH

80 METRE SETBACK FROM GRAZING LAND - GMC DCP S5.9.1.1  
50 METRE BOUNDARY SETBACK FOR BUSH FIRE PROTECTION

NOMINATED DWELLING ENVELOPE - 600m<sup>2</sup>  


EFFLUENT DISPOSAL AREA - 100m<sup>2</sup>  


NEW FARM DAMS - VARIABLE SIZES  
