



Planning | Development | Management

27 May 2022  
Ref: P100113

David Kiernan  
Senior Strategic Planner  
Goulburn Mulwaree Council

Dear Sir,

### Application for Planning Proposal - 515 Crookwell Road, Kingsdale

This covering letter accompanies several documents and reports prepared for the purposes of a planning proposal (*the Proposal*) for 515 Crookwell Road, Kingsdale (*the Subject Site*).

In accordance with Goulburn-Mulwaree Council's *Guidelines For Proponent Initiated Planning Proposals*, the proposal is classified as a **land release** proposal as it applies to an area greater than 10ha where a rural residential zone is proposed. The proposal involves amendments to the *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP) to partially rezone the Subject Site from C3 Environmental Management to R5 Large Lot Residential. In addition, the Proposal seeks to amend the prescribed minimum lot size for the site under the LEP from 40ha to 2ha. It is noted that nearby land zoned Large Lot Residential does not appear to have a Height of Building control under GMLEP. For consistency, a Height of Building control is not proposed at this stage. It is also noted that Council and/or DPE may require the subject land area to be included on the Urban Release Area map and we seek Council's advice in this regard.

The Planning Proposal is accompanied by the following documentation.

- Preliminary Salinity Assessment prepared by CivPlan Pty Ltd dated 28 October 2021
- Preliminary Site Investigation prepared by CivPlan Pty Ltd dated 28 October 2021
- Water Sensitive Urban Design Report prepared by CivPlan Pty Ltd dated 22 May 2022
- Visual Impact Assessment prepared by HLS Pty Ltd dated 23 May 2022
- Bushfire Strategic Study prepared by ABAC Group Pty Ltd dated May 2022
- Aboriginal Cultural Heritage Assessment Report prepared by Past Traces Pty Ltd dated 15 March 2022
- Biodiversity Development Assessment Report prepared by Ecoplaning dated 16 May 2022
- Catchment Analysis prepared by CivPlan Pty Ltd dated 3 March 2022
- Conceptual Site Development Plan prepared by Precise Planning dated 2 May 2022
- Landscape Masterplan prepared by HLS Pty Ltd dated 22 May 2022
- State and Local Infrastructure Investigation prepared by Precise Planning dated May 2022
- Traffic Impact Assessment prepared by Stantec dated 23 May 2022

This letter addresses all relevant matters outlined in Council's *Guidelines for Proponent Initiated Planning Proposals*.

## The Subject Site

The Subject Site is legally described as Lot 103 & 104 in DP1007433 and is commonly known as 515 Crookwell Road, Kingsdale. An aerial overview of the Subject Site is provided in the following figure.



**Figure 1** Aerial Overview of Subject Site

The site fronts Crookwell Road to the east and is generally gently undulating up to a high point near the middle of the land, and down to the west towards Sooley Dam. The north west part of the site drains to Sooley Dam, while the remaining portion of the site drains to Wollondilly River to the south. Trees are scattered sporadically throughout the site, with the largest concentration of vegetation located within proximity of structures sited to the east. Structures are predominately used as a dwelling with ancillary farm buildings.

The Subject Site is encumbered by environmental hazards including potential localised flooding impacts around drainage channels and category 3 bushfire prone land classification. The site is within a 675m gas pipeline buffer zone and has a power/gas easement along the northern boundary. An item of local heritage significance is located within 500m of the site to the north - being the Kingsdale Lime Kilns and Quarries. Biophysical strategical agricultural land is located along the eastern section of the site.

## Strategic Context

Council Resolution 2020/224 on 16 June 2020 partially identified the Subject Site as an opportunity area for large lot residential land. The area identified relates to a portion of the Subject Site east of the ridgeline that does not drain to the Sooley Dam Catchment. This area was added to the *Urban and Fringe Housing Strategy* following an additional Council resolution on 21 July 2020 which extended and refined the large lot residential opportunity area to include lots with a minimum lot size of 2ha.

A Pre-Lodgement Meeting between the proprietor's legal representative and Goulburn-Mulwaree Council was held on the 9<sup>th</sup> of September 2021. Written preliminary feedback was provided by Council following the meeting, including requests for additional documentation.

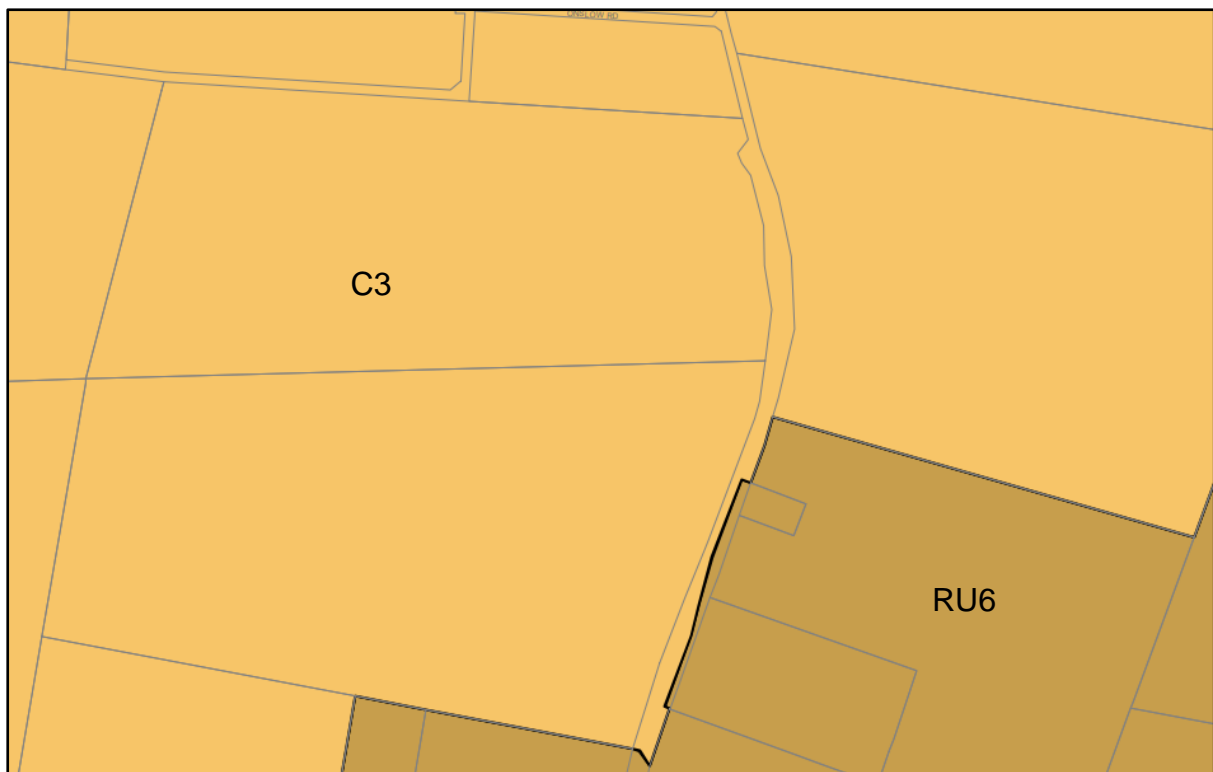
## Planning Proposal

The subject Planning Proposal is categorised as a **Land Release** proposal as per the *Guidelines For Proponent Initiated Planning Proposals* prepared by Goulburn Mulwaree Council dated 19 February 2021. The proposal involves the rezoning of an area of greater than 10 hectares where rural residential uses are proposed. The existing zoning for the Subject Site is C3 Environmental Management, with a prescribed minimum lot size of 100 hectares under the *Goulburn Mulwaree Local Environmental Plan 2009*. The proposed zoning for the site is R5 Large Lot Residential with a proposed minimum lot size of 2 hectares.

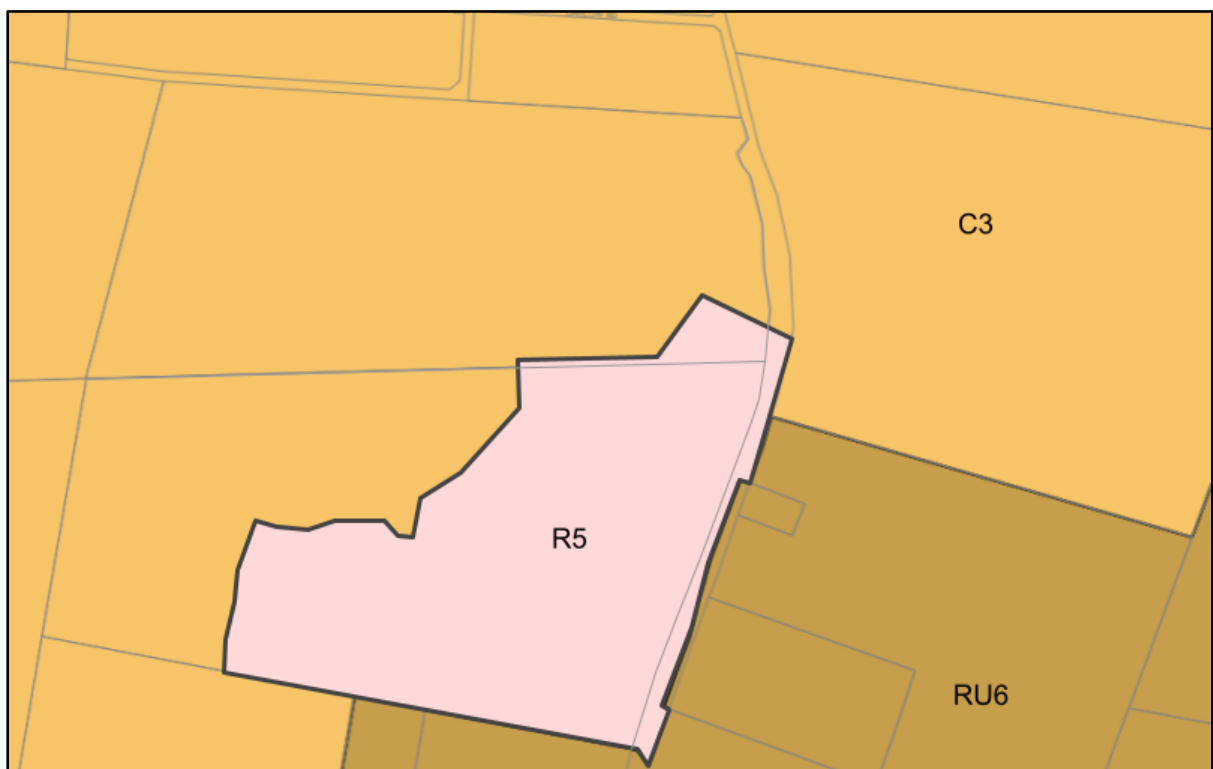
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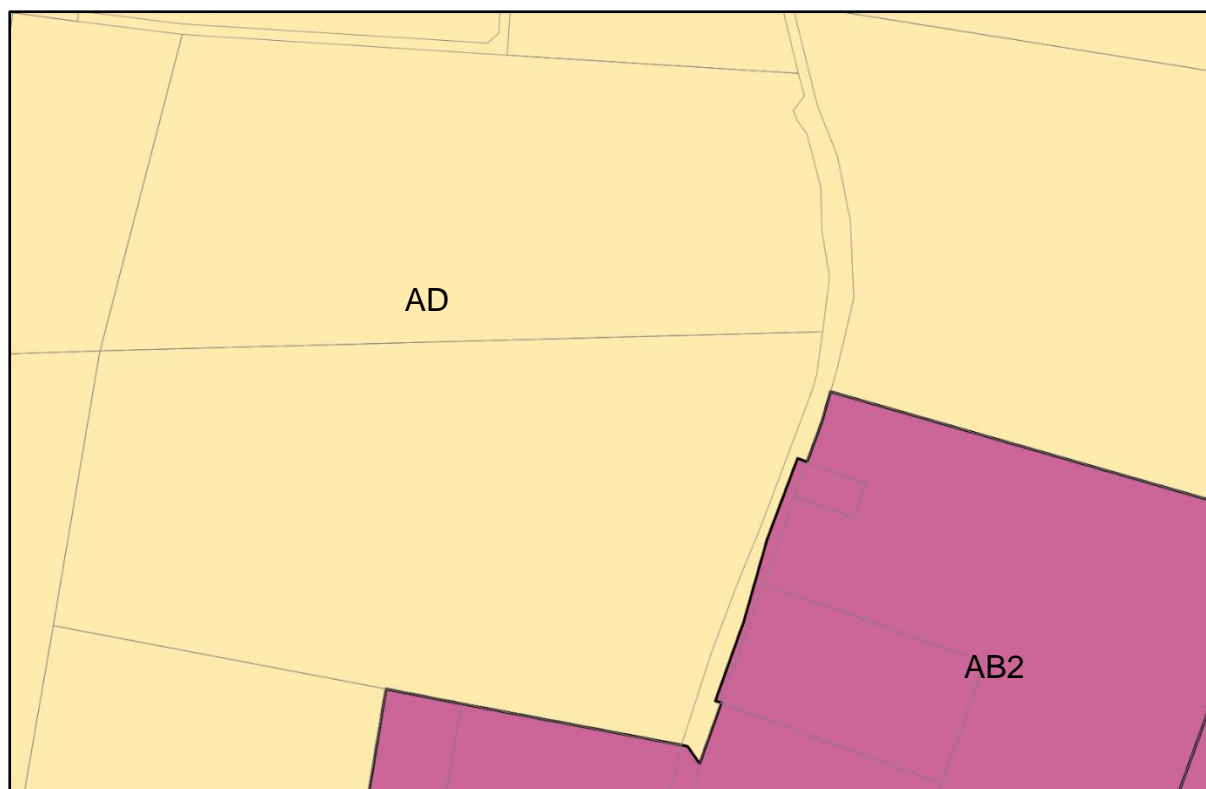
The proposed changes to the LEP zoning and minimum lot size are illustrated in the following figures.



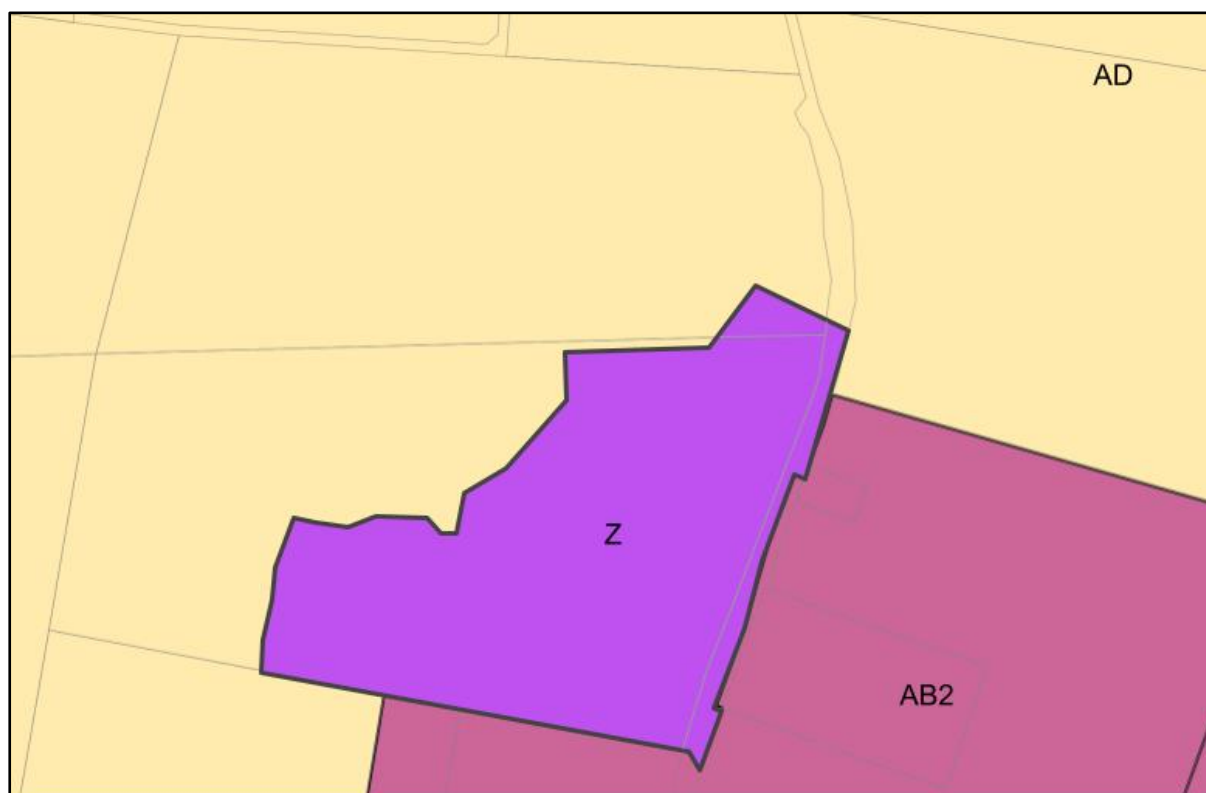
**Figure 2** Existing zoning of the Subject Site (C3 Environmental Management with RU6 Transition zoning to the south)



**Figure 3** Proposed zoning of Subject Site (R5 Large Lot Residential)



**Figure 4** Existing Minimum Lot Size (AD: 100 hectares and AB2 20 hectares to the south)

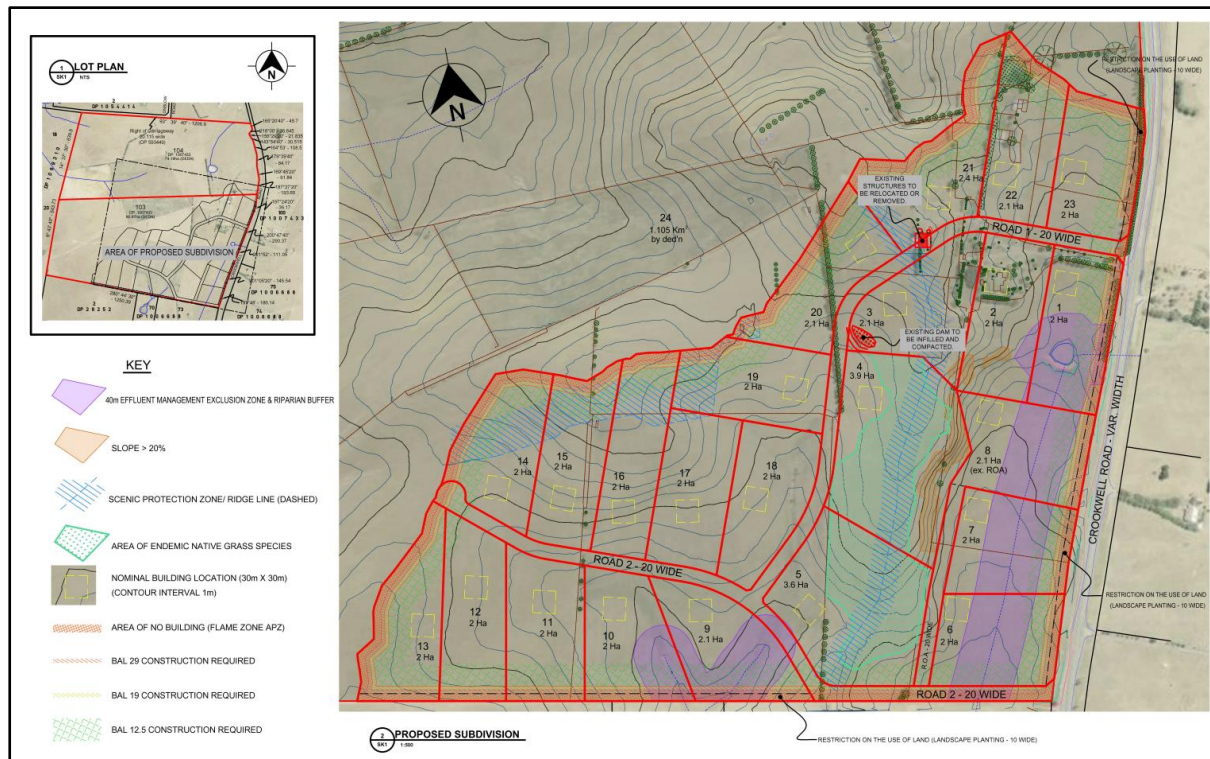


**Figure 5** Proposed minimum lot size (Z: 2 hectares)



## Conceptual Subdivision Layout

The Planning Proposal is accompanied by a conceptual subdivision layout prepared upon request by Goulburn-Mulwaree Council. An overview of the conceptual subdivision layout is provided below.



**Figure 6** Conceptual subdivision layout

The plan illustrates a conceptual subdivision layout of the Subject Site that maintains compliance with the minimum lot size controls nominated under this Proposal. The plan should be treated as conceptual only, as lot dimensions and areas are subject to final survey. Variations to the concept layout may occur dependent on the requirements set by Council and the Department of Planning & Environment.

The concept layout incorporates recommendations and requirements under the Proposal's accompanying documentation including the Bushfire Strategic Study, Visual Impact Assessment, and Biodiversity Development Assessment Report.

### Bushfire Requirements

To address bushfire constraints at the Subject Site, the concept subdivision layout incorporates the provision of an Asset Protection Zone around the perimeter of the identified rural residential area. No buildings or structures will be erected in the zone, and it is anticipated that the zone will be maintained by the proprietor. Additional BAL requirements have been incorporated into the concept plan for any structures located within proximity of the APZ. A BAL 29 construction is required for development within immediate proximity to the APZ, followed by BAL 19 and BAL 12.5 construction requirements.

In addition, the concept subdivision layout incorporates two vehicular access points to the Subject Site from Crookwell Road. The provision of dual entry points to the site ensures compliance with the provisions of the NSW Rural Fire Services *Planning for Bushfire Protection 2019* and Ministerial Direction 4.3 *Planning for Bushfire Protection*.

The accompanying Bushfire Strategic Study prepared by ABAC Group Pty Ltd dated May 2022 finds that the Proposal and measures incorporated into the conceptual subdivision layout, are capable of achieving the relevant objectives and provisions of *Planning for Bushfire Protection 2019* and Ministerial Direction 4.3.

*The Study considers the relevant provisions of Chapter 4 (Strategic Planning) of the NSW Rural Fire Service (RFS) guideline, Planning for Bush Fire Protection 2019 (PBP) and Ministerial Planning Direction 4.3 (Planning for Bushfire Protection), issued under Section 9.1 of the EP&A Act. The analysis has demonstrated that the proposal is consistent with the relevant strategic principles in Chapter 4 of Planning for Bushfire Protection 2019 and Direction 4.3 Planning for Bushfire Protection.*

#### Visual Impact Requirements

The conceptual subdivision layout incorporates measures included in the accompanying Landscape Masterplan prepared by HLS Pty Ltd dated 22 May 2022. To minimise the visual impact of future development at the site, scenic protection zones have been incorporated on all major ridgelines within the study area. Indicative building envelopes on the conceptual subdivision layout have been sited away from the scenic protection zones and areas with a slope in excess of 20%.

#### Biodiversity Requirements

Biodiversity constraints at the Subject Site have been identified in the accompanying Biodiversity Development Assessment Report prepared by EcoPlanning Pty Ltd dated 16 May 2022. The conceptual subdivision layout minimises the potential impact on identified native vegetation at the site and proposes a covenant over area of endemic native grass species. A total of 4.03ha of native grass in a degraded condition is to be retained within the Subject Site. Minor disruption to native vegetation is envisaged under the concept plan and assessed in the Biodiversity Development Assessment Report as follows.

*The 0.10ha of native vegetation to be impacted by a future development is subject to high abundance of weed disturbance, has been historically cleared and is currently grazed. This 0.10ha of native vegetation loss is attributed to APZ impacts on the northern boundary of the subject land and a 2m buffer to compensate for fence impacts within the centre of the subject land. Approximately 22.78ha of 'Semi-native low diversity grassland' native vegetation would be retained within the study area, including a patch of higher condition native grassland to the north of the subject land.*

In addition to incorporating measures to protect native grassland, a 40m effluent management exclusion zone and riparian buffer is included in the conceptual subdivision layout around all 1<sup>st</sup> order streams at the Subject Site. The incorporation of this measure into the concept plan is borne from the requirements of the Natural Resources Access Regulator guidelines.

#### **Justification for Proposal**

The existing zoning of the Subject Site is considered to be inappropriate and incompatible with surrounding land-uses. It is noted that under the site's C3 Environmental Management zoning, the following forms of development are permissible with and without consent.

*Air strips, animal boarding or training establishments, depots, entertainment facilities, eco-tourist facilities, information and education facilities, recreation facilities, research stations, stock and sale yards, water recycling facilities.*

The more intensive forms of development permitted at the site generally have a larger impact on sensitive land-uses and are therefore incompatible with the future use of surrounding land for residential

purposes. The permissible land-uses under the R5 Large Lot Residential zone are considered to be compatible with surrounding future land-uses and include the following.

*Home occupations, roads, building identification signs, dwelling houses, home industries, plant nurseries.*

The proposed residential rezoning of the study area within the Subject Site is considered to yield a positive planning outcome for the locality. The use of the study area for residential purposes rather than agricultural or commercial purposes will be compatible with the residential development presently occurring within proximity of the site.

In addition, the study area within the Subject Site is considered to be suitable for residential land-use zoning. The identified area does not drain toward Lake Sooley to the west, and does not generally comprise of saline soils that would result in damage to buildings or infrastructure.

### Response to Pre-Lodgement Notes

Relevant Council comments in the Pre-Lodgement Notes dated 9 September 2021 are set out and addressed as follows.

*Water NSW comments during the development of the Urban Fringe Housing Strategy will be addressed with water quality models to be re-run in greater detail to confirm or otherwise the original findings. An on-site effluent report is also to be redone.*

The Proposal is accompanied by a Water Sensitive Urban Design Report prepared by CivPlan Pty Ltd dated 2 March 2022. The report assesses on-site wastewater management and stormwater quality management that affect the overall water sensitive urban design strategy of the site. Both the on-site wastewater management analysis and stormwater quality analysis within the Report have been undertaken in accordance with the relevant local, state and federal standards including WaterNSW guidelines to achieve a NorBE water quality outcome.

The on-site wastewater capability review undertaken in the Report summarises that the geology, soil characteristics, landform, land availability and climate are suitable for on-site wastewater disposal using sub-surface irrigation. An approved aerated wastewater treatment system is recommended for each lot. Sub-surface irrigation with an area of 445sqm with no wet weather storage is recommended to be employed to dispose of secondary treated effluent.

The stormwater quality capability review undertaken in the Report summarises that the NorBE criteria for water quality can be achieved through the use of treatment measures that are sympathetic to the rural nature of the planning proposal. Recommendations within the Report for stormwater treatment include ensuring that the post-development mean annual pollutant loads are a minimum of 10% less than the pre-developed conditions. Post development mean annual gross pollutant loads are also to be equal to or less than the pre-developed conditions. Post-development pollutant concentrations must be equal to or less than the pre-development concentrations between the 50<sup>th</sup> and 98<sup>th</sup> percentiles where runoff occurs.

*Kate generally agreed with the list of documents presented but requested a full Aboriginal Cultural Heritage Assessment.*

An Aboriginal Cultural Heritage Assessment Report has been prepared by Past Traces Pty Ltd dated 25 February 2022 to accompany this planning proposal. The Report assesses the presence of any heritage sites and assesses the impacts and management strategies that may mitigate any impacts,



including an application for an Aboriginal Heritage Impact Permit if heritage impacts are unavoidable. The Report identifies four new heritage sites and two areas of potential archaeological deposit within the Subject Site.

The primary recommendations of the Report include an application to be made for an Aboriginal Heritage Impact Permit should development on any of the identified heritage sites occur. Subsurface testing should be undertaken on the two identified areas of potential archaeological deposit. Any artifacts uncovered at the Subject Site should be placed under the care of the Pejar Local Aboriginal Land Council under a care and control agreement, or returned to country. No further heritage investigations are required in the event that an Aboriginal Heritage Impact Permit is approved, except in the event that unanticipated aboriginal objects and/or human remains are unearthed during any phase of the Project.

*Kate advised in relation to the Contamination Report that initially only a Phase 1 Contamination Survey is required with a Detailed Site Investigation (phase 2) potentially required depending on the findings of the Phase 1 study.*

A Preliminary Site Investigation (PSI) has been prepared by CivPlan Pty Ltd dated 28 October 2021 to accompany the Planning Proposal. The PSI assesses the likelihood of contamination existing at the site and assesses the requirement for any particular contaminated land site management. The PSI concludes that potentially contaminating activities may have occurred on site which includes the potential use of pesticides, use of a primary effluent disposal area, vehicle/equipment storage and maintenance activities, pre-1998 dwelling, shed and structure materials and importation of fill materials for the driveway. Four areas of environmental concern were identified in the PSI, with the remainder of the site being of moderate likelihood for any contamination.

The primary recommendations of the PSI include the preparation of a detailed site investigation to determine if the site is fit for its intended purpose. The detailed site investigation is to investigate all identified areas of environmental concern through intrusive soil sampling.

*A traffic assessment should identify what engineering would be required to gain access to and from the site from the classified Crookwell Road. Transport for NSW will also likely require design and acquisition information, amongst other things, at the planning proposal stage rather than the DA stage as they like things upfront. An acquisition plan can be signed off before the end of the planning proposal process so the proposal can still progress.*

A Traffic Impact Assessment has been prepared by Stantec dated 23 May 2022 to accompany the Planning Proposal. The Report contains an assessment of the anticipated transport implications of the Proposal, including consideration of existing traffic conditions, traffic generating characteristics, suitability of road network, and the transport impact of the Proposal. The Report concludes that the development envisaged as a result of the Proposal is likely to generate up to 23 vehicles during any peak hour. Considering the low traffic volumes on Crookwell Road, the Report summarises that the additional traffic generation is unlikely to materially change the safety or function of the surrounding road network.

Recommendations within the Traffic Impact Assessment include the design of all internal roads in accordance with Council's standards and design of site access points to include basic right turn treatment in accordance with the *Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings Management*.

*Kate advised the provision of public transport and pedestrian connections are not as pertinent for a rural residential area and are not expected to be addressed in any detail.*

No public transport infrastructure or pedestrian infrastructure has been proposed as part of this Planning Proposal.

*Kate requested a concept plan (indicative block plan) as this can make engaging with the relevant agencies a lot easier as they can more readily identify whether required buffer distances etc. can be achieved on site.*

*Both parties confirmed that such a concept plan would be indicative only and should not be interpreted as a final plan of what is to be developed on the ground.*

The planning proposal is accompanied by two concept plans prepared by Astique Design Consultancy Pty Ltd for Council's consideration. The plans illustrate potential building envelope and subdivision layout for the site under the proposed minimum lot size and zoning changes.

*After another review of the site constraints the proximity to the gas pipeline is noted. The pipeline has 675m buffer either side which will protrude into the site. Whilst low density residential development can be permissible in the buffer area the planning proposal will be required to be accompanied by a Safety Management Study.*

The proponent has liaised with APA Group, the owner and operator of the identified gas pipeline. APA Group has advised that they will prepare a Safety Management Study for the Proposal but would not be able to complete the study prior to the Proposal's lodgement. Once complete, the Study will be forwarded to the appropriate officer at Council for review.

### Biophysical Strategic Agricultural Land

It is noted that a section of the subject land is mapped as Biophysical Strategic Agricultural Land (BSAL).

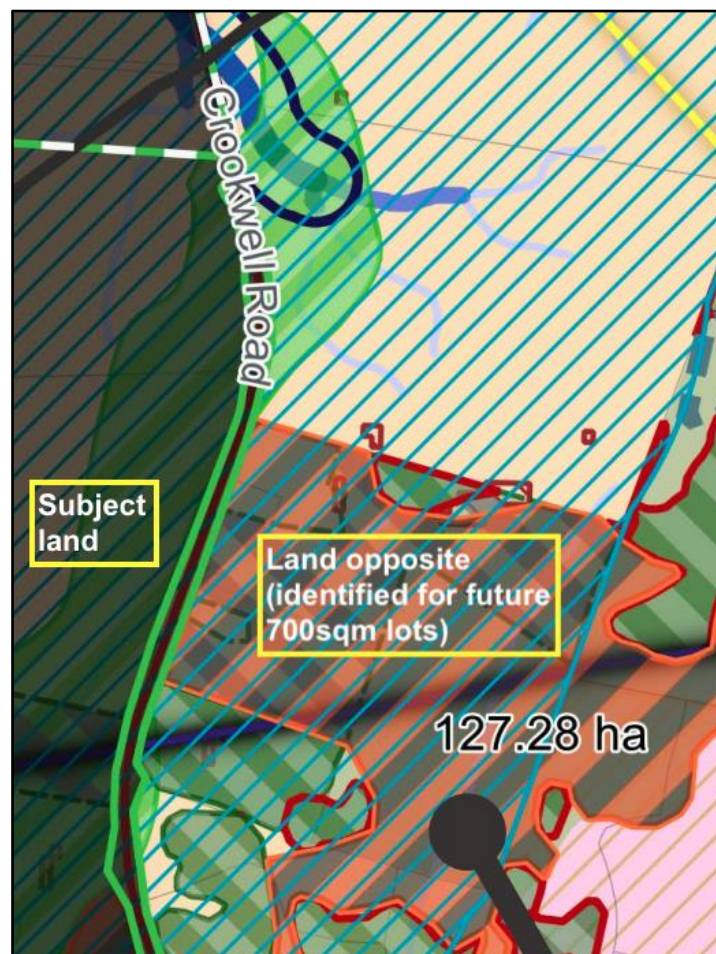


Figure 7 BSAL Land in Goulburn-Mulwaree

The DPE describes BSAL land having ‘high quality soils and water resources capable of sustaining high levels of productivity’.<sup>1</sup>

In this circumstance, the rezoning of BSAL-mapped land to permit 2ha lots is considered justifiable and pragmatic, for the following reasons:

- The area mapped as BSAL is insufficient to sustain any financially viable broadacre or intensive plant cropping. The retention of land with the potential capability of high levels of productivity must be balanced against the likely prospects of the land in question practically being able to be utilised for that purpose, otherwise the land is simply sterilised from any productive purpose;
- The market value of the land in question does not encourage intensive plant agriculture as its highest and best use.
- The area is in close proximity to other areas identified by the Urban and Fringe Housing Strategy as future residential areas (see Figure xx below). The use of the land for more intensive plant agriculture such as market gardening is likely to lead to land use conflict issues, such as noise, dust, odour, spray drift and the like, which would be inconsistent with implementation of the strategic intent of the Housing Strategy;
- The area identified by the BDAR as native grassland falls within the mapped BSAL area. The proposed rezoning seeks to avoid impacts on this area and proposes a conservation management plan be prepared at DA stage to assist its long-term survival. In contrast, the use of the BSAL and for intensive plant agricultural purposes is likely to destroy the grassland altogether



**Figure 8** Adjoining Land Projected Uses

<sup>1</sup> <https://www.planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Safeguarding-our-Agricultural-Land>

On balance, the use of the BSAL mapped land for a purpose other than agriculture is considered logical and justifiable in the circumstance.

### Refinement of Catchment Analysis

The extent of the developable area (land not draining to Sooley Dam) was based on an initial catchment analysis undertaken by [then] Blue Water Consulting (now Civplan Consulting). This analysis determined an area of 52.93ha.

A WaterNSW email to DPE dated 9 August 2021 contained the following comment:

*Based on our drainage mapping and the SLWCA, part of the area identified by Blue Water Catchment Analysis Report as draining away from Lake Sooley actually appears to drain northwards towards Bumana Creek and then into Lake Sooley. This concerns an area surrounding the northern drainage feature and lying within the 52.93ha area identified in Figure 4 of the Catchment Analysis Report. A more detailed topographical/relief analysis should be undertaken at the time a Planning Proposal is prepared in order to more clearly distinguish which areas are draining towards and from Lake Sooley.*

In response, the Water Sensitive Urban Design report prepared by Civplan (Report No 21024CC-003 dated 22 May 2022), at section 2.6 (pp 9-11) addresses this matter. It identifies an error in the SLWCA mapping provided by WaterNSW, which has been confirmed by a detailed site survey and site inspection.

Civplan has re-run its catchment analysis for the purposes of the Planning Proposal and identified that the area outside of the Sooley Dam catchment is 54.68ha, which is marginally more than originally noted (see Catchment Analysis plan by Civplan, Job-Drawing No 20027-1424-401, Rev P1 dated 3 March 2022).

### Response to Ministerial Directions (s. 9.2 of the *Environmental Planning & Assessment Act 1979*)

The Planning Proposal has been assessed against the relevant Ministerial Directions under s. 9.2 of the *Environmental Planning & Assessment Act 1979* as follows.

#### 1.1 Implementation of the Minister's Planning Principles

##### *Objective*

*The objectives of this direction are to:*

- (a) Give legal effect to the Minister's Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals, and*
- (b) Support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.*

The subject Planning Proposal has been prepared with regard to the Minister's Planning Principles as identified below. The Proposal is considered to be generally consistent with the relevant principles and would encourage sustainable rural residential development at the Subject Site.

##### *Direction 1.1*

- (1) In the preparation of a planning proposal the planning authority must have regard to the Minister's Planning Principles and give consideration to specific planning principles in the Ministers Planning Principles that are relevant to the preparation of the planning proposal.*



- (2) *Where there is an inconsistency between a specific planning principle in the Minister's Planning Principles and any other Ministerial Direction under section 9.1 of the Environmental Planning and Assessment Act 1979 the Ministerial Direction should be followed to the extent of that inconsistency.*

The identified relevant Ministerial Planning Principles include *Design and Place, Biodiversity and Conservation, Resilience and Hazards, Transport and Infrastructure, Housing, and Primary Production*. The broad objectives and goals of these principles have been addressed through the preparation of various documentation prepared by suitably qualified consultants. The preparation of these documents such as the Preliminary Site Investigation and Visual Impact Assessment give appropriate consideration to the various planning matters that the Principles broadly aim to address.

## 1.2 Implementation of Regional Plans

### *Objective*

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

### *Direction 1.2*

- (1) *Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning & Public Spaces*

The Planning Proposal is considered to be broadly consistent with the goals, directions and actions contained within the South East and Tableland Regional Plan. In particular, the Proposal is considered to accord with Directions 1, 14, 15, 17, 22, 23, 24, 25 and 28.

## 1.4 Approval and Referral Requirements

### *Objective*

*The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.*

### *Direction 1.4*

- (1) *A planning proposal to which this direction applies must:*
- (a) *minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
  - (b) *not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
    - i. *the appropriate Minister or public authority, and*
    - ii. *the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 of the EP&A Act, and*
  - (c) *not identify development as designated development unless the relevant planning authority:*
    - i. *can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and*
    - ii. *has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 2 to the EP&A Act.*

The Proposal is unlikely to require additional provisions to be incorporated into the *Goulburn Mulwaree Local Environmental Plan 2009*. The proposed rezoning will likely involve the incorporation of the site as an “urban release area” under the LEP. As such, the provisions of Part 6 of the LEP which requires additional consideration for matters relating to essential services and environmental impact will apply to the site. No new additional provisions are likely to be required to facilitate the proposed rezoning and LEP amendments.

### 1.5 Site Specific Provisions

#### *Objective*

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

#### *Direction 1.5*

- (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
  - (a) Allow that land use to be carried out in the zone the land is situated on, or*
  - (b) Rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
  - (c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.**
- (2) A planning proposal must not contain or refer to drawings that show details of the proposed development.*

The Planning Proposal proposes the rezoning of the Subject Site in order to allow large lot rural residential development to be carried out. The concept plans submitted with the Proposal are not proposed to be formally gazetted as part of the rezoning of the site.

### 3.1 Conservation Zones

#### *Objective*

*The objective of this direction is to protect and conserve environmentally sensitive areas.*

#### *Direction 3.1*

- (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*
- (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation 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 Direction 9.3 (2) of “Rural Lands”*

The Proposal is accompanied by a Landscape Master Plan that includes measures to protect and conserve identified environmentally sensitive areas. In addition, the Proposal is accompanied by a Biodiversity Development Assessment Report which makes several recommendations for the conservation of native endemic grassland at the site. The accompanying conceptual layout demonstrates that such environmentally sensitive areas can be protected and conserved under the Proposal.

### 3.2 Heritage Conservation

*Objective*

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

*Direction 3.2*

- (1) *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.*

The Proposal is accompanied by an Aboriginal Cultural Heritage Report which assesses the potential for aboriginal heritage and archaeological items at the Subject Site. The recommendations within the Report form part of the Planning Proposal and generally accord with this Direction.

3.3 Sydney Drinking Water Catchments*Objective*

*The objective of this direction is to protect water quality in the Sydney drinking water catchment.*

*Direction 3.3*

- (1) *A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:*
- (a) *new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and*
  - (b) *future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
  - (c) *the ecological values of land within a Special Area that is:*
    - i. *reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or*
    - ii. *declared as a wilderness area under the Wilderness Act 1987, or*
    - iii. *owned or under the care control and management of the Sydney Catchment Authority, should be maintained*
- (2) *When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:*
- (a) *ensure that the proposal is consistent with chapter 9 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and*
  - (b) *give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and*
  - (c) *zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:*

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
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<i>Land reserved under the National Parks and Wildlife Act 1974</i>	<i>C1 National Parks and Nature Reserves</i>
<i>Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level.</i>	<i>C2 Environmental Conservation</i>
<i>Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.</i>	<i>SP2 Infrastructure (and marked "Water Supply Systems" on the land zoning map)</i>

*And*

- (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and*
- (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&A Act.*

The Planning Proposal is accompanied by A Water Sensitive Urban Design Report prepared by CivPlan Pty Ltd. The Report undertakes a comprehensive assessment of the stormwater and effluent disposal impacts on the future residential use of the Subject Site. Preliminary consultation with Water NSW was undertaken for the purposes of the Proposal and a Strategic Land and Water Capability Assessment was subsequently prepared.

#### 4.3 Planning for Bushfire Protection

##### *Objectives*

*The objectives of this direction are to:*

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) encourage sound management of bush fire prone areas.*

##### *Direction 4.3*

- (1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.*
- (2) A planning proposal must:*
  - (a) Have regard to Planning for Bushfire Protection 2019,*
  - (b) Introduce controls that avoid pacing inappropriate developments in hazardous areas, and*
  - (c) Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).*
- (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*
  - (a) Provide an Asset Protection Zone (APZ) incorporating at a minimum:*
    - i. An inner protection area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
    - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road.*
  - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in*



*consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*

- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*
- (d) contain provisions for adequate water supply for firefighting purposes,*
- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,*
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area.*

The Planning Proposal is accompanied by a Bushfire Strategic Study which assesses the proposal against the relevant provisions of the *Planning for Bushfire Protection 2019*. The recommendations of the Study have been incorporated into the Proposal and are generally consistent with the provisions of this Direction.

#### 4.4 Remediation of Contaminated Land

##### *Objective*

*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.*

##### *Direction 4.4*

- (1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:*
  - (a) the planning proposal authority has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
  - (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.*
- (2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*

The Proposal is accompanied by a Preliminary Site Investigation prepared by CivPlan Pty Ltd which assesses the potential for contaminants at the Subject Site. The report finds that there is generally a low likelihood for contamination at the site, identifying four (4) areas for further investigation. The recommendations of the report have been incorporated into the Proposal and are generally consistent with this Direction.

#### 5.5 Integrating Land Use and Transport

##### *Objectives*

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

- (a) Improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) Increasing the choice of available transport and reducing dependence on cars, and*

- (c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) Supporting the efficient and viable operation of public transport services, and*
- (e) Providing for the efficient movement of freight.*

#### *Direction 5.1*

- (1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*
  - (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
  - (b) The Right Place for Business and Services – Planning Policy (DUAP 2001)*

The Proposal is accompanied by a Traffic Impact Assessment which summarises that the development envisaged as a result of the Proposal would not have adverse impact on existing traffic conditions in the locality. The accompanying conceptual subdivision layout demonstrates that an efficient road network and sufficient access points can be accommodated within the study area in accordance with the objectives of this direction.

### 6.1 Residential Zones

#### *Objectives*

*The objectives of this direction are to:*

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

#### *Direction 6.1*

- (1) A planning proposal must include provisions that encourage the provision of housing that will:*
  - (a) Broaden the choice of building types and locations available in the housing market, and*
  - (b) Make more efficient use of existing infrastructure and services, and*
  - (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and*
  - (d) Be of good design.*
- (2) A planning proposal must, in relation to land to which this direction applies:*
  - (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
  - (b) Not contain provisions which will reduce the permissible residential density of land.*

The Proposal includes the residential rezoning of the Subject Site to accommodate large lot residential development on the urban fringe. The provision of additional large residential lots in the locality will broaden the choice of building types and locations available in the Goulburn-Mulwaree housing market and make efficient use of existing infrastructure (Crookwell Road). The accompanying concept subdivision layout demonstrates that future development within the study area would likely preserve significant site features and be of good design.

### **Conclusion**

We trust that the above information and enclosed documentation is sufficient for the purposes of assessing the Planning Proposal. Should you have any questions or wish to discuss any of the matters in this letter, please contact the author.

Precise Planning

515 Crookwell Road, Kingsdale

Yours Sincerely,

PRECISE PLANNING

A handwritten signature in black ink, appearing to be 'DB' or similar initials, written in a stylized, cursive manner.

Douglas Bennett  
Senior Planner