


15 REPORTS TO COUNCIL FOR DETERMINATION**15.1 PLANNING PROPOSAL- ZONING AND MINIMUM LOT SIZE AMENDMENT TO 515 CROOKWELL ROAD KINGS DALE****Author:** Senior Strategic Planner

Director Planning & Environment

Authoriser: Aaron Johansson, Chief Executive Officer

Attachments:

1. Submitted Planning Proposal  
2. Concept Subdivision Plan  
3. Precinct 4 - Sooley  

Reference to LSPS:	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.
Address:	Part Lot 103 & Lot 104 DP 1007433, 515 Crookwell Road, Kingsdale

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to *Goulburn Mulwaree Local Environmental Plan 2009* be received.
2. Council prepare a Planning Proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to rezone Lot 103 & (part) 104 DP 1007433 from C3 Environmental Management to R5 large lot residential and part C2 Environmental Conservation, and to amend the minimum lot size from 100 hectares to 2 hectares, with the C2 Environmental Conservation Zone area having no minimum lot size.
3. The development proponent is required to submit to Council, the following additional information, prior to the Planning Proposal being submitted to the Department of Planning and Environment for a gateway determination:
 - a. A Detailed Site Investigation (DSI) to further investigate the likelihood of contamination.
 - b. Submit a revised Biodiversity Development Assessment Report that includes additional site considerations not accounted for in the submitted report. These include consideration of existing rocky outcrops, and the undertaking of survey work by a qualified and experienced ecologist during September – December to investigate the presence of endangered, threatened and vulnerable invertebrates. Council must be satisfied that every effort is taken for future development to avoid impacts to significant flora and fauna.
4. The Planning Proposal is forwarded to the NSW Department of Planning and Environment for a gateway determination, with further community and government consultation will be undertaken in accordance with the directions of the gateway determination.
5. Council requests the NSW Department of Planning and Environment that it be the delegated plan making authority for this Planning Proposal.
6. Council prepares a Precinct specific Chapter to the Goulburn Mulwaree Development Control Plan 2009 for the Sooley Precinct and place it 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 Planning Proposal for 515 Crookwell Road, Kingsdale, submitted to Council by Precise Planning on behalf of the property owner. The Planning Proposal was submitted to Council via the Planning Portal on the 30 May 2022. The Planning Portal Reference is PP-2022-1940 and Council's reference is REZ/0007/2122.

The Planning Proposal is seeking an amendment of the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* as follows:

- Rezoning of part of the land identified within the Goulburn and Marulan *Urban Fringe Housing Strategy* (the Strategy) within the Sooley Precinct (the northern portion), from C3 Environmental Management to R5 Large Lot Residential; and
- Amendment of the Minimum Lot Size maps, from 100 hectares to 2 hectares.

A copy of the submitted Planning Proposal document is in **Attachment 1**.

The subject site comprises two lots (Lots 103 & 104 DP 1007433) with a total area of 165 hectares and is located alongside the Crookwell Road, approximately 2 kilometres north of the urban fringe. The land contains an established dwelling house towards the Crookwell Road frontage. Most of the land is used for sheep and cattle grazing and contains ancillary buildings to cater for the agricultural use of the land. A copy of the aerial image of the site is shown below in **Figure 1**.

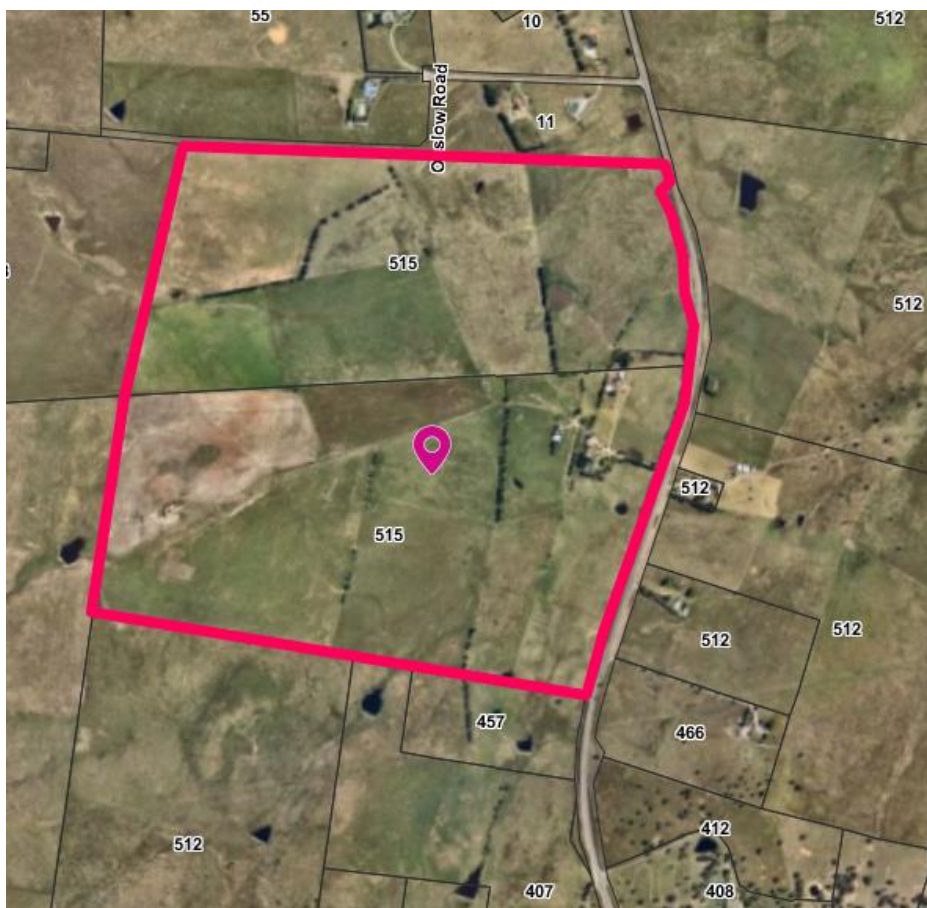


Figure 1. Aerial Image of subject site (Near map Australia Pty Ltd, 2022)

The proposal includes a concept subdivision layout comprising of 24 lots, consisting of 23 lots designated for potential large lot residential purposes, one of which will contain the existing dwelling house, and the residue lot 24 which will contain the land that was excluded from the Strategy. Two internal access roads are identified for access, each will access Crookwell Road. The concept subdivision plan is included in **Attachment 2**.

REPORT

Urban and Fringe Housing Strategy

The Strategy identifies part of the subject site within Precinct 4 - Sooley, as shown in **Attachment 3**. The part of the land identified in the Strategy is a 52.93-hectare portion of land as per Council resolution 2020/261 dated 21 July 2020. This part of the site is east of the ridgeline and drains away from the Sooley Dam catchment.

The site is unsewered and is not serviced by Council's mains water. The Strategy indicates opportunities for large lot residential development incorporating minimum lot sizes of at least 2 hectares to provide for onsite sewer and water provision and is intended to provide for large lot or rural residential development.

The existing and proposed zoning maps and minimum lot size maps are shown below in **Figure 2**.



Figure 2. Existing (on left) and proposed (on right) zoning map (top) and minimum lot size map (bottom)

Constraints

Aboriginal Heritage

The land is mapped as containing potential Aboriginal heritage. An Archaeological Report has been submitted that investigates the presence of potential Aboriginal heritage. This is in alignment with the actions contained within South-East Tablelands Regional Plan.

The Report identifies four (4) Aboriginal heritage sites and two (2) areas of potential archaeological deposits (PAD) located within the site. The report recommends subsurface testing to be carried out within the PAD areas should development result in disturbance in their immediate vicinity.

Considering the areas where the Aboriginal heritage sites and PADs are occurring, further investigation is not warranted at this stage. The site can accommodate a future rural residential development whilst also ensuring any impacts to Aboriginal heritage can be avoided. The concept subdivision plan is subject to change in a detailed Development Application. If the plans indicate potential disturbance to the identified aboriginal sites or PADs, the proponent will be required to undertake further analysis, including obtaining an Aboriginal Heritage Impact Permit (AHIP) if there is potential to impact aboriginal heritage.

The considerations made above are consistent with the Ministerial Directions in relation to Heritage Conservation. There are statutory provisions in place that will enable the conservation of the aboriginal heritage identified at the site.

European Heritage

The Planning Proposal will have negligible impacts on European Heritage. Heritage listed items 'Kingsdale lime kilns and lime quarries' and 'Former Kingsdale Hotel' are located approximately 1.8 kilometres to the north of the site. It is not considered that there will be any impacts on the heritage significance of these items.

Contamination

The site is not included in Council's contaminated land register nor listed as significantly contaminated. However, it is recognised that the land has potential for contamination due to its former and current agricultural uses, which are listed in Table 1 of the *Contaminated Land Planning Guidelines*. Therefore, Council is required to demonstrate whether the land is contaminated and can be remediated to a suitable standard for residential development in accordance with the Ministerial Directions for plan making.

The proponent has submitted a Preliminary Site Investigation and four Areas of Environmental Concern (AEC) have been identified. The site has moderate likelihood for contamination and the report recommends a Detailed Site Investigation (DSI) to be carried out to determine if the site is suitable for future use as residential.

Prior to council submitting the Planning Proposal to the Department of Planning and Environment (DPE) for a gateway determination, the proponent will be required to undertake and submit to Council, a DSI, to facilitate pre-gateway consultation between Council and Water NSW, and to demonstrate the land's suitability for future rural residential development.

Bushfire

The site is wholly classified as category 3 bushfire prone. The Ministerial Directions in relation to bush fire prone land aim to protect life, property, and the environment from bush fire hazards, and encourages sound management of bushfire prone areas. The Planning Proposal must:

- Have regard to *Planning for Bushfire Protection 2019*;
- Introduce controls that avoid placing inappropriate developments in hazardous areas; and

- Ensure that bushfire hazard reduction is not prohibited in the Asset Protection Zone (APZ).

The proponent has submitted a Bushfire Strategic Study that investigates the sites' capability for future large lot residential uses from a bush fire risk perspective. The Study has been undertaken in accordance with NSW Rural Fire Services *Planning for Bushfire Protection 2019*.

The strategy identifies that:

- The land's vegetation type is grassland and the site slope is predominantly downslope 0-5 degrees. There are some parts of the land that are subject to a site slope of up to 12 degrees.
- The future 2 hectare lots can accommodate suitable Asset Protection Zones (APZ) and ensuring that the Bushfire Attack Level (BAL) 12.5 is achieved.
- The existing road along the eastern boundary of the land and the proposed two access roads will enable the safe evacuation of fire fighting vehicles to an all-weather standard.
- Reticulated/mains water is not available to the land. Static water supply is capable of being provided to future dwellings by way of a dedicated fire-fighting supply tank.

Section 3.17 of the *Goulburn Mulwaree Council Development Control Plan (DCP) 2009* includes provision for development within bushfire prone land to be carried out in accordance with *Planning for Bushfire Protection 2019*. The development proponent will be required to demonstrate how the proposal will meet each relevant requirement.

Considering Ministerial Direction 4.3, it is considered that the each of the requirements can be met. Council will consult with and seek any feedback from the NSW Rural Fire Service (RFS) as part of the gateway determination, and prior to public exhibition.

Access and Traffic

The development proponent has submitted a Traffic Impact Assessment which considers the existing road network and related information, such as compliance with relevant design standards and Policies. The Assessment identified that the concept subdivision proposal (**Attachment 2**) will have the capacity to generate 23 vehicle movements during any peak hour. The report concluded that:

- The location of the proposed two new roads are capable of meeting the requirements of Council's Design Standards is considered to be appropriate, from a sight distance perspective;
- Each proposed road, at their junction with Crookwell Road, is capable of being designed in accordance with Austroads Guide to Road Design; and
- Each proposed road is not considered to alter the safety or function of the surrounding road network.

Council's Senior Asset and Development Engineer has reviewed the Assessment and agrees that the site has capability to accommodate a large lot residential subdivision. Council will be required to consult with and seek feedback from Transport for NSW as part of the gateway determination, prior to public exhibition, as Crookwell Road is a classified road.

Flooding

The land is subject to overland flooding impacts towards the southern end of the site as shown in Figure 3 below. The extent of the overland flooding is confined to the riparian areas.

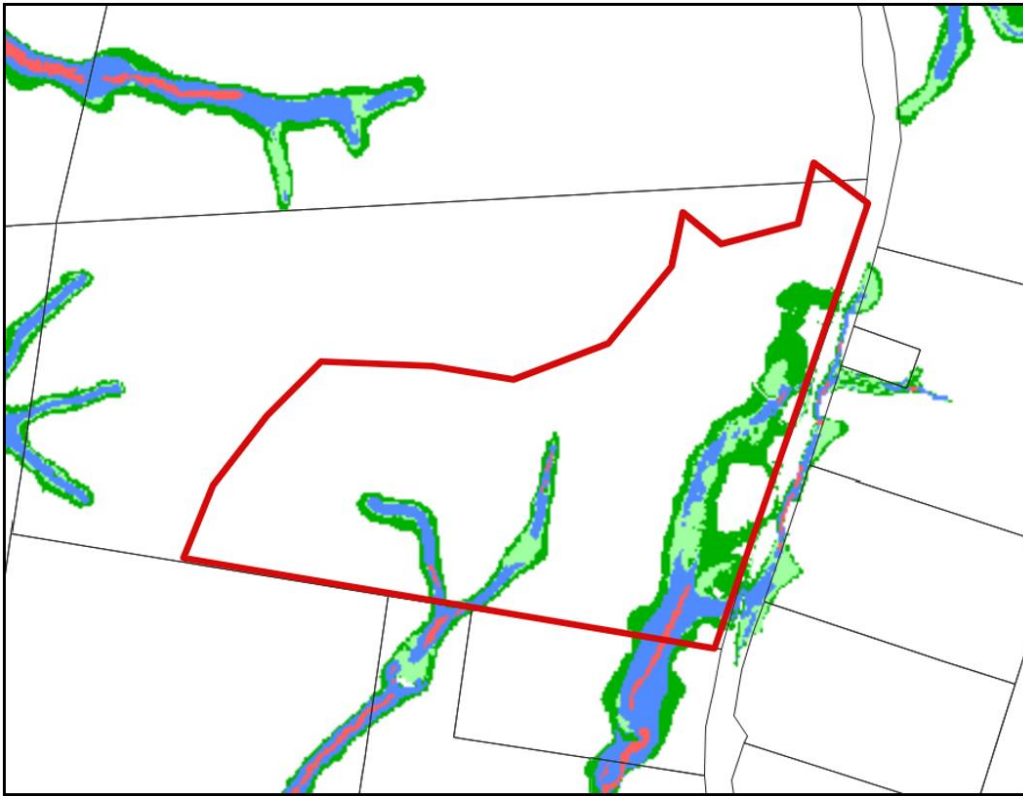


Figure 3. Extent of overland flooding

In accordance with the *Australian Disaster Resilience Guideline*, the overland flood map represents flood affected land by the incorporation of *Flood Planning Constraint Categories* or FPCC. This categorises the land from most constrained (red) to least constrained (dark green).

Ministerial Direction 4.1 requires that Planning Proposals that impact flood prone land are consistent with NSW Flooding Manuals and Guidelines, and an adopted Council Flood Study. The objectives of this Ministerial direction are to ensure that consideration has been given to potential flood impacts.

In this case it is considered necessary that the parts of the land that are impacted by overland flooding are subject to restrictions to prohibit most development. The most appropriate way to manage this is to impose a C2 Environmental Conservation zoning. See figure 4 below.



Figure 4. Proposed extent of C2 Environmental Conservation zone.

The C2 Environmental Conservation zone extent is encompassed by the FPCC 1 & 2 which are the two most flood constrained overland flooding areas and not suitable for most developments, due to exposure of risk to site occupants and development. It is noted that the concept subdivision layout has identified these areas as being riparian buffer areas and identifies dwelling envelopes outside of these areas.

The C2 Environmental Conservation zone prohibits most development types such as dwelling houses, and permits with development consent, a select amount of land uses such as farm buildings and extensive agriculture. This will encourage the retention of the overland flooding area as an undeveloped area, ensuring no further impacts on flood behaviour, and therefore reduce the level of risk from flooding to future property occupants.

The C2 Environmental Management zone will not require the incorporation of a minimum lot size given:

- its location on a water course with associated flooding;
- the more prohibitive range of land uses; and
- the difficulty to demonstrate compliance with zone objectives for further subdivision within this area.

It is envisaged that R5 Large Lot Residential zoned lots will incorporate relevant portions of the C2 zoned area.

Biodiversity

The land has potential to contain significant native flora and fauna due to the rural nature of the land, historic vegetation communities and existence of rocky outcrops. A Preliminary Biodiversity Development Assessment Report has been submitted that investigates the site's potential for the occurrence of native flora. The report has been reviewed by Council's Environment and Biodiversity Assessment Officer and a site inspection has been undertaken. Although it is agreed that the site accommodates native grassland within the locations indicated, the report unfortunately does not acknowledge the presence of rocky outcrops and therefore the potential for the existence of endangered, threatened, and vulnerable invertebrate species.

To demonstrate compliance with the Ministerial Directions, the proponent is required to amend the submitted Preliminary Biodiversity Development Assessment Report and undertake on site survey work between September and December to investigate the presence of endangered, threatened, and vulnerable invertebrate species within the rocky outcrops. If any endangered, threatened, and vulnerable invertebrate species are located, the Planning Proposal must demonstrate that it will avoid any potential habitats, and that they will be protected and preserved.

Pending the outcome of the revised reporting from the required work above, further consideration may be necessary for protection including for example the further application of the C2 Environmental Conservation zone.

Water quality

The land is located within the Sydney Drinking Water Catchment. Ministerial Direction No. 3.3 contains the objective that water quality must be protected. The other principle to be applied is that development must have a neutral or beneficial impact on water quality. Future land use within the catchment is to be matched to land and water capability.

The development proponent has submitted a Water Sensitive Urban Design Report that considers on-site waste-water capability and stormwater quality management, for the proposed concept design. The report concludes that a neutral or beneficial impact on water quality is able to be achieved for a 23 lot residential subdivision, and for each lot assuming a four (4) bedroom dwelling.

The implementation of the C2 Environmental Conservation Zone within the overland flooding areas (and potentially for significant biodiversity areas) will ensure that effluent management areas are located outside areas of inundation, therefore enabling the protection of water quality within those areas of inundation.

As required by the Ministerial directions, Water NSW will be consulted, and advice sought prior to the Planning Proposal being submitted to the Department of Planning and Environment for a gateway determination.

High Pressure Gas Transmission pipeline

A High-Pressure Gas Transmission pipeline is located 80 metres (at its closest point) south of the land. East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA) who own and operate the pipeline, have been consulted about the Planning Proposal. No objection is offered to the Planning Proposal because future land uses are not classified as sensitive (i.e., a use which may increase the impacts of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure).

The Department of Planning and Environment are currently considering a Policy to protect fuel pipelines. It aims to strengthen measures already in place under *State Environmental Planning Policy (Transport and Infrastructure) 2021*. An Explanation of Intended Effect has been prepared and details the proposed changes. A proposed change that impacts Planning Proposals is the inclusion of a Ministerial Direction that will apply to sites that are:

- Wholly or partially within the *Potential safety risk consideration distance* of 200 metres.
- Proposing sensitive land uses involving vulnerable persons, such as childcare centres.
- Proposing sensitive land uses that result in a significant population increase for residential or employment related uses (e.g., multi dwelling housing).

Should the proposed Ministerial Direction apply, the Council will be required to seek from the proponent, a site-specific Quantitative Risk Assessment carried out by a qualified risk specialist. The Assessment is required to assess an exhaustive extent of hazards and risk associated with the operation of a high pressure gas pipeline and consider operational requirements.

Biophysical Strategic Agricultural Land

The land is identified as Biophysical Strategic Agricultural Land, class 3- Moderate soil fertility. The extent of this land is limited to the east, immediately adjacent to Crookwell Road. The area of this land is approximately 26 hectares and is therefore limited as an agricultural resource.

The land is currently used for livestock grazing and based on historical aerial photography, appears to have been used for this purpose for at least the last 15 years. Livestock grazing is also the surrounding dominant agricultural land use.

Council Resolution 2020/224 and 2020/261 included the subject land in the *Urban and Fringe Housing Strategy* to which the then NSW Department of Planning supported. The same resolution identified a potential minimum lot size of 2 hectares (as an area for rural residential with no connection to town water and sewer services). The implications for the context of this agricultural land and viability on the fringe of the town and the planned land use changes will affect its viability for agricultural activities.

Development Control Plan (DCP)

This is the first Planning Proposal to occur within the Sooley Precinct identified in the *Urban and Fringe Housing Strategy* for large lot residential rezoning and will exhaust the Precinct's Large Lot Residential potential. The other lot identified within this precinct is for serviced residential land incorporating a minimum lot size of 700m², with a potential yield of 241 Lots. There is a parcel of land located between each of the above lots that was not formerly identified for inclusion in the *Strategy* although there is limited potential for this lot to be rezoned to large lot residential subject to the consideration of a Planning Proposal that investigates water quality and ecological constraints.

It is expected that the Sooley Precinct will be re-zoned to residential over the next 14 years.

To enable future subdivision and residential development to be planned and coordinated and to ensure development is orderly, a precinct specific Development Control Plan (DCP) is proposed to be drafted and exhibited concurrently with the Planning Proposal.

The development controls will include matters that have been raised in specialist reports, such as identification of the gas pipeline buffer and inappropriate land uses, protection of significant flora/fauna, water quality considerations, flooding and drainage paths, access and connectivity between the sites included in the Sooley Precinct, and protection of Aboriginal heritage. Other matters such as development controls to protect the rural land context will also be included along with visual treatment/landscaping of the site from Crookwell Road.

Conclusion and recommendation

The Planning Proposal is consistent with the *Urban and Fringe Housing Strategy* in that the land is:

- Included within the identified Sooley Precinct and the land does not drain to Sooley Dam;
- Proposed to be rezoned to Large Lot Residential; and
- Proposed to incorporate a minimum lot size of 2 hectares.

Following the consideration of all submitted technical information, the Planning Proposal has demonstrated that:

- Traffic generation is not considered unreasonable. Suitable turning treatments will be required in a future detailed development proposal.
- Future lot access can be facilitated in a safe manner via proposed new roads.
- Impacts to Aboriginal Heritage are capable of being avoided.
- Future development impacts from overland flooding can be adequately managed.

- Future subdivision and dwelling proposals can demonstrate compliance with *Planning for Bushfire Protection 2019*.
- Future subdivision and dwelling proposals can demonstrate a neutral or beneficial impact on water quality.

There is sufficient information and justification to proceed with the preparation of a Planning Proposal and seek a gateway determination from the Department of Planning and Environment, subject to the development proponent submitting, for Council's consideration, the following information:

- A Detailed Site Investigation (DSI) to further investigate the likelihood of contamination.
- Submit a revised Biodiversity Development Assessment Report that includes additional site considerations not accounted for in the submitted report. These include consideration of existing rocky outcrops, and the undertaking of survey work by a qualified and experienced ecologist during September – December to investigate the presence of endangered, threatened and vulnerable invertebrates. Council must be satisfied that every effort is taken for future development to avoid impacts to significant flora and fauna.

The above information is required to be submitted to Council prior to the Planning Proposal being submitted for a gateway determination. Due consideration is required to be given to the land's extent of contamination and ecological value prior to determining whether the Planning Proposal is suitable to proceed. Further, Water NSW will require information regarding the Detailed Site Investigation before it can provide conclusive pre-gateway advice. This in turn will address the Ministerial Directions and inform the matters such as setting the extent of a C2 Environmental Conservation zoning.

This report recommends that a Planning Proposal to amend the zoning and minimum lot size in the Goulburn Mulwaree Local Environmental Plan (LEP) for part of Lot 103 & 104 DP 1007433, 515 Crookwell Road Kingsdale, from C3 Environmental Management to R5 Large Lot Residential and partly C2 Environmental Conservation, and the minimum lot size from 100 hectares to 2 hectares, be prepared and progressed to the Department of Planning and Environment for a gateway determination, subject to the preparation and submission of the Detailed Site Investigation and a revised Biodiversity Development Assessment Report incorporating consideration of rocky outcrops and undertaking survey work to investigate presence of endangered, threatened and vulnerable invertebrates.

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 | 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*.

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Precise Planning

515 Crookwell Road, Kingsdale

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.

Precise Planning

515 Crookwell Road, Kingsdale

A Pre-Lodgement Meeting between the proprietor's legal representative and Goulburn-Mulwaree Council was held on the 9th 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.

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

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

Precise Planning

515 Crookwell Road, Kingsdale

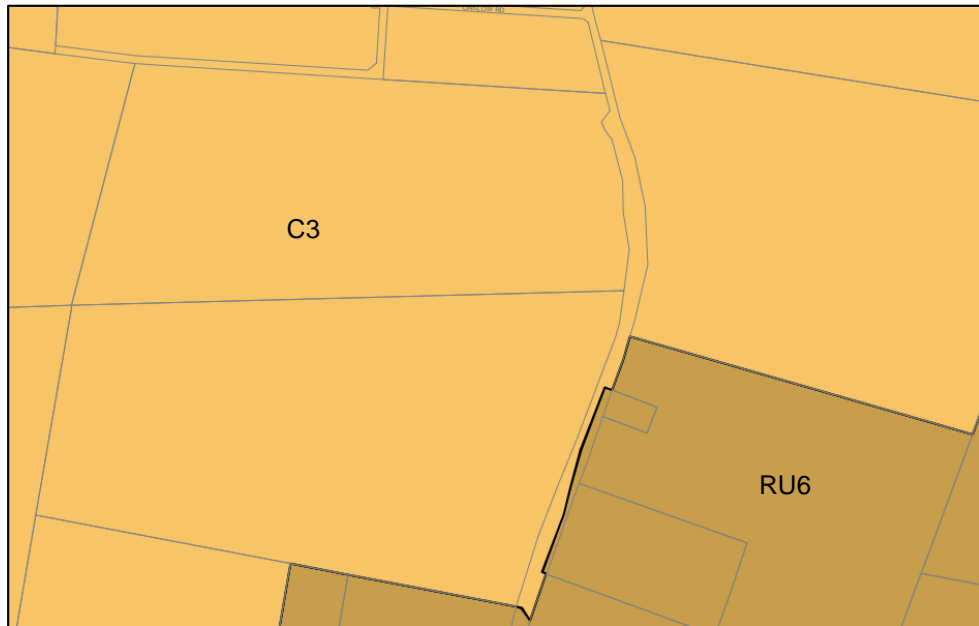


Figure 2 Existing zoning of the Subject Site (C3 Environmental Management with RU6 Transition zoning to the south)

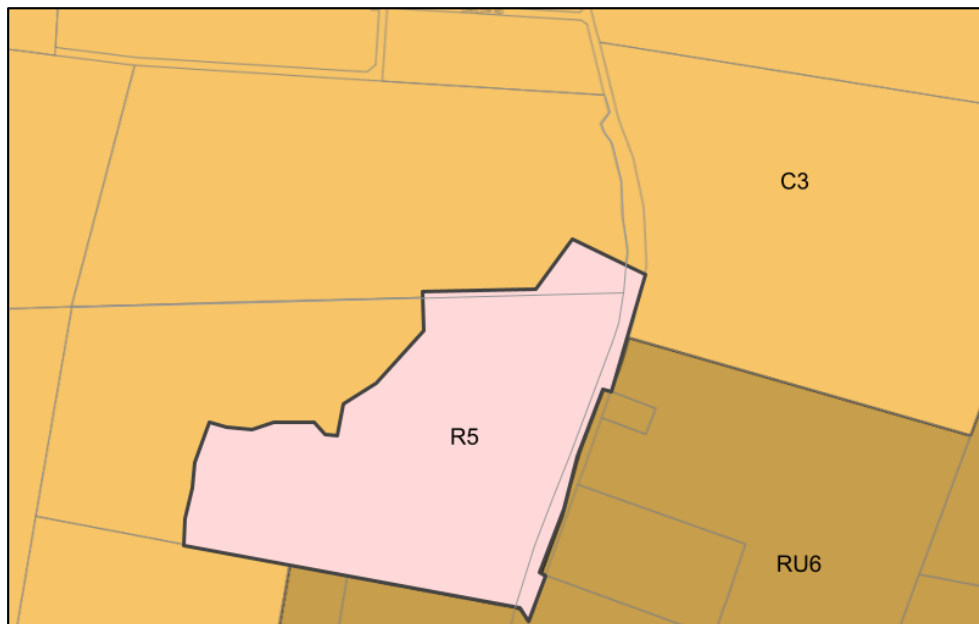


Figure 3 Proposed zoning of Subject Site (R5 Large Lot Residential)

Precise Planning

515 Crookwell Road, Kingsdale

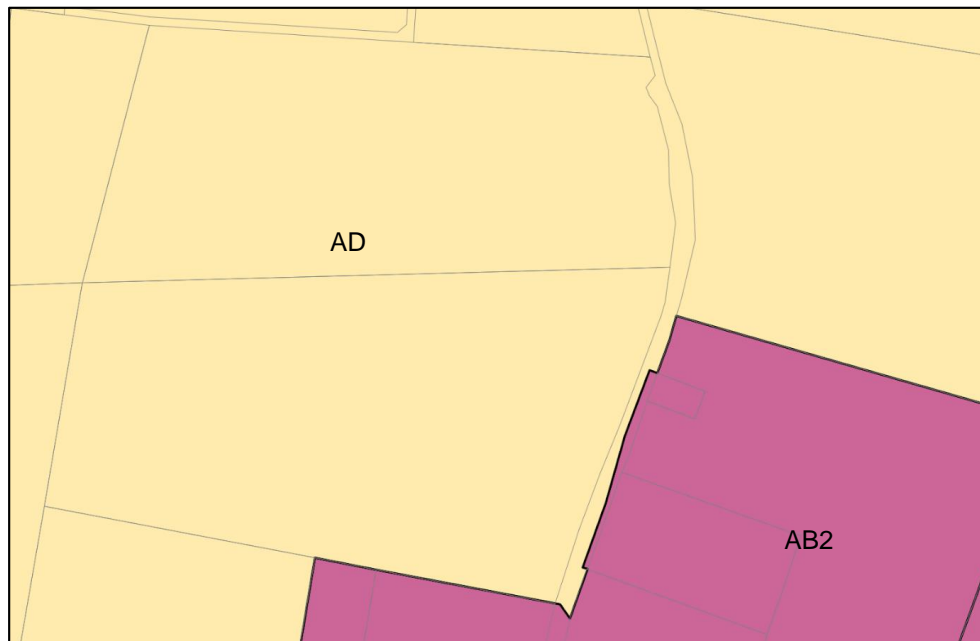


Figure 4 Existing Minimum Lot Size (AD: 100 hectares and AB2 20 hectares to the south)

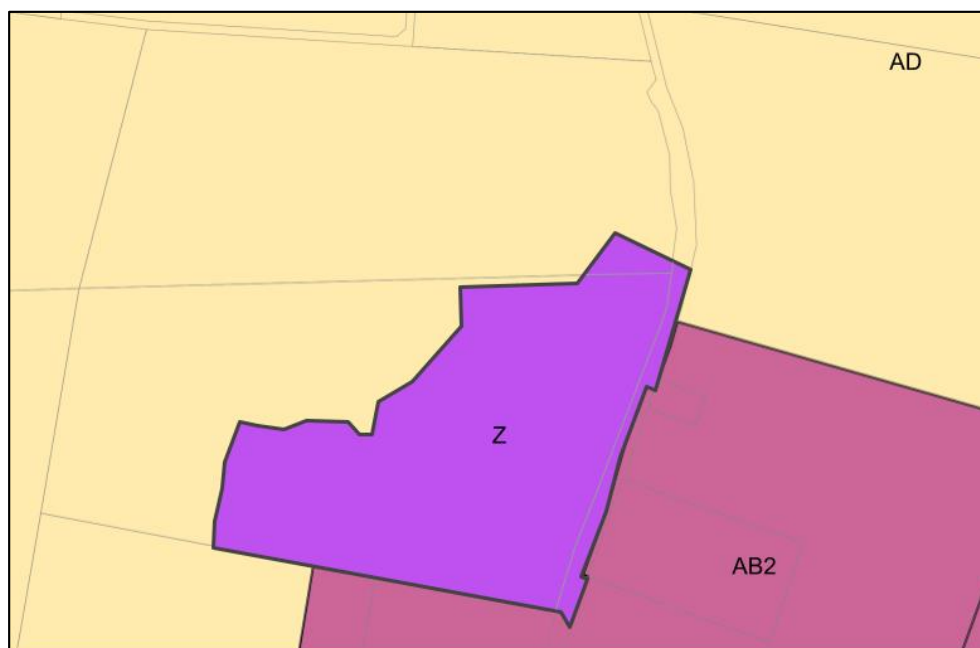


Figure 5 Proposed minimum lot size (Z: 2 hectares)

Precise Planning

515 Crookwell Road, Kingsdale

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.

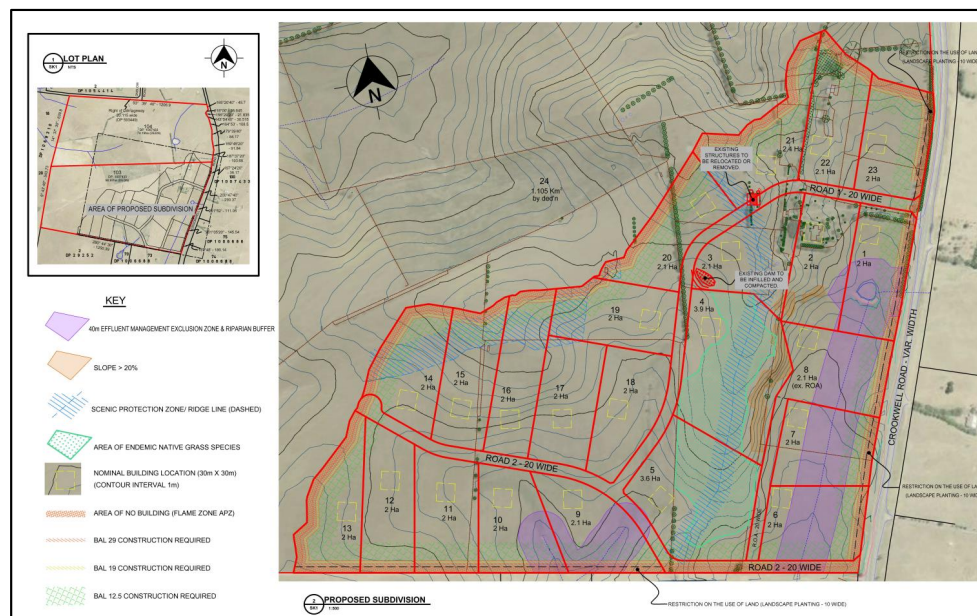


Figure 6 Conceptual subdivision layout

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*.

Precise Planning

515 Crookwell Road, Kingsdale

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 1st 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

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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 50th and 98th 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,

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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.

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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

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The DPE describes BSAL land having 'high quality soils and water resources capable of sustaining high levels of productivity'.¹

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

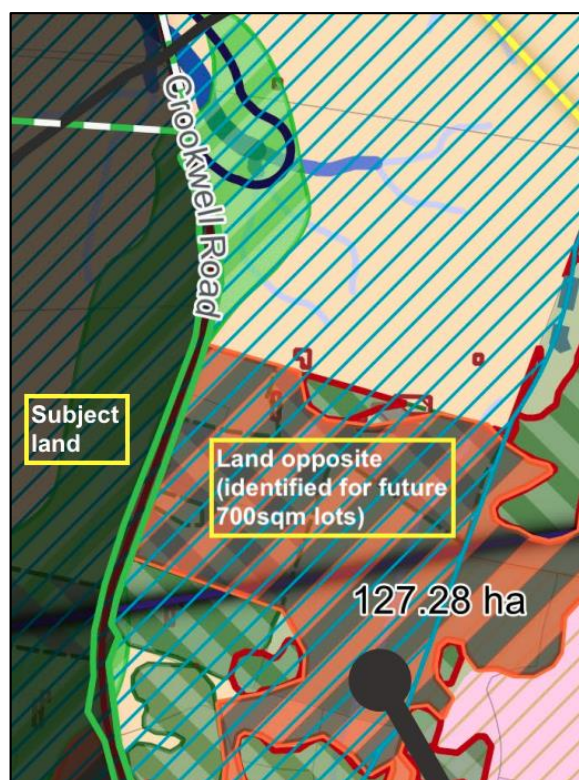


Figure 8 Adjoining Land Projected Uses

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

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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.*

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- (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.*

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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

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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, weird, 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*

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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*

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- (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.

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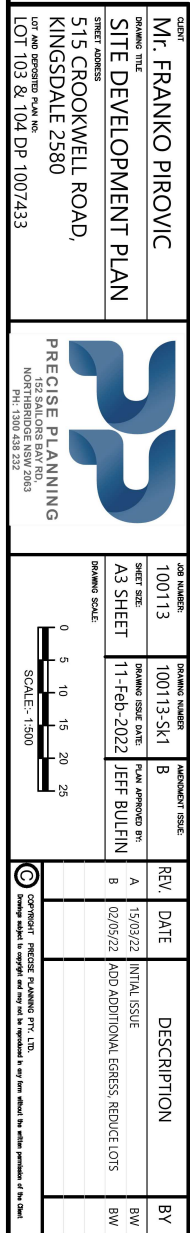
515 Crookwell Road, Kingsdale

Yours Sincerely,

PRECISE PLANNING



Douglas Bennett
Senior Planner



Precinct 4 - Sooley

4 - Sooley constraints and opportunities

Council Adoption and Resolution 2020/261

