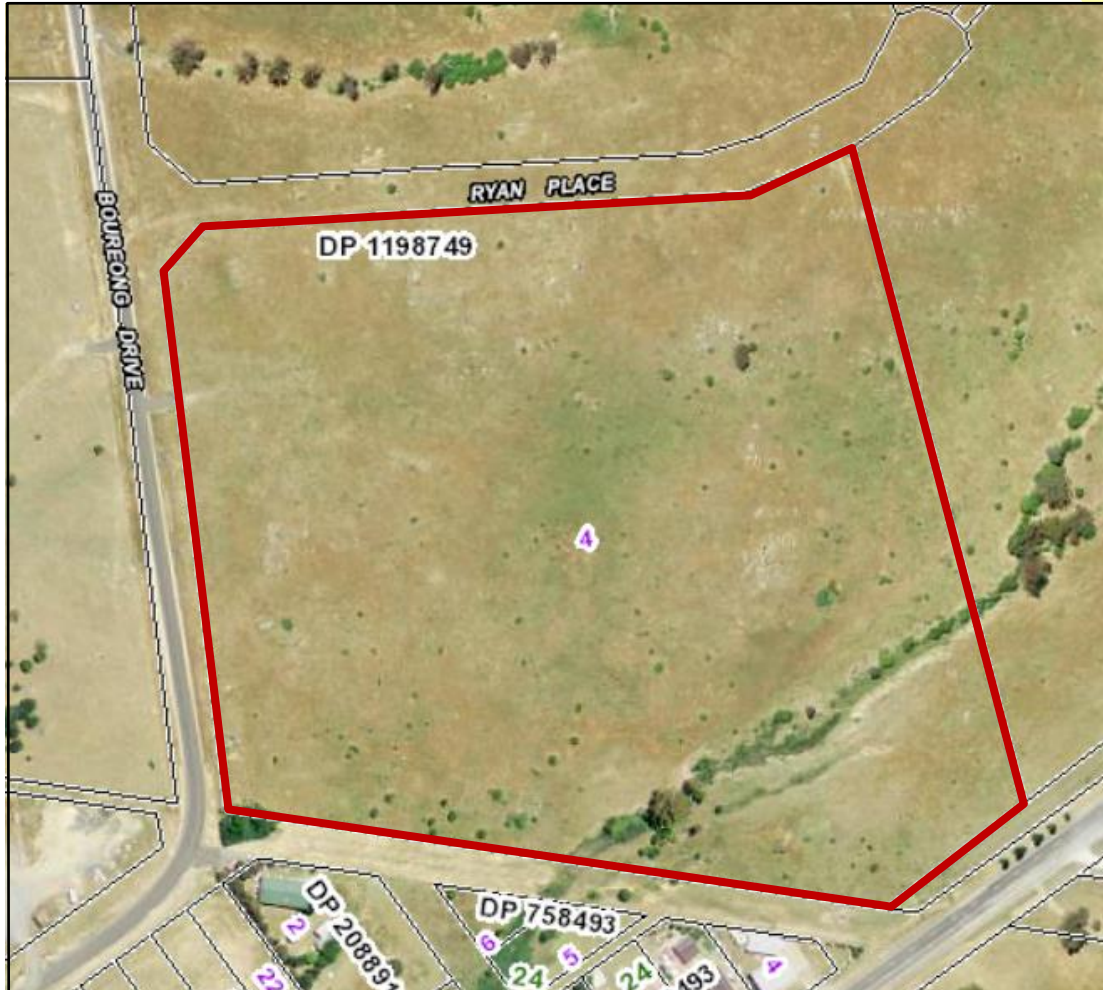


Laterals

Planning
Engineering & Management
Environmental



PLANNING PROPOSAL

Stuart and Catherine Duke

GUNNING HEIGHTS ESTATE

18 Boureong Drive, Gunning

Lot 4 DP 1198749

January 2024

Laterals Reference No.: 20022

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EXECUTIVE SUMMARY

This Planning Proposal is submitted to the Upper Lachlan Shire Council to rezone and amend the lot size for certain land being:

- Lot 4 DP 1198749 from RU4 Primary Production Small Lots zone to RU5 Village zone and reduce the minimum lot size from 10ha to 1,000m² to enable the development of dwelling houses on lots to be created under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

This Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment “A Guide to Preparing Planning Proposals” and addresses the following specific matters in the Guideline and *Environmental Planning and Assessment Act 1979*;

- Part 1 - objectives or intended outcomes;
- Part 2 - explanation of provisions;
- Part 3 - justification;
 - questions to consider when demonstrating the justification;
- Part 4 - Mapping;
- Part 5 - Community consultation;
- Part 6 - Project timeline.

The Planning Proposal demonstrates that there is site specific planning merit and justified by addressing the matters required pursuant to s3.33(2) of the *Environmental Planning and Assessment Act 1979* as well as relevant strategic documents, objectives and actions within the relevant regional and sub-regional strategies, relevant State policies, Ministerial Directions and environmental impacts.

The Planning Proposal was endorsed by the Upper Lachlan Shire Council at its meeting held on the 14 December 2023 and Council resolved that “*The Council submits the planning proposal for a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by changing the zone and minimum lot size provisions of Lot 4 DP 1198749 from RU4 Primary Production Small Lots zone to RU5 Village zone and to reduce the minimum lot size from 10Ha to 1000m².*” (Copy of the resolution at Annexure 1)

PART 1 – OBJECTIVES

The objective of this Planning Proposal is to rezone and amend the lot size for certain land being:

- Lot 4 DP 1198749 from RU4 Primary Production Small Lots zone to RU5 Village zone and reduce the minimum lot size from 10ha to 1,000m² to enable the development of dwelling houses on lots to be created under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

PART 2 – EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by an amendment to the *Upper Lachlan Local Environmental Plan 2010* as follows:

- (1) Amending Upper Lachlan Land Zoning Maps - Sheets LZN_003C and LZN_003E by rezoning:
 - Lot 4 DP 1198749 from RU4 Primary Production Small Lots to RU5 Village.
See Figure 3 on page 39.
- (2) Amending Upper Lachlan LEP 2010 Lot Size Maps – Sheets LSZ_003C and LSZ_003E by including:
 - Lot 4 DP 1198749 identified as “U” having a Minimum Lot Size of 1000m².
See Figure 4 on page 40.

PART 3 – JUSTIFICATION

Section A – Need for Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

This planning proposal has been prepared by the property owner in response to the Upper Lachlan 2040 Local Strategic Planning Statement (LSPS) dated June 2020 (to be amended). The planning proposal is consistent with the Statement which identifies the following key actions:

Key Actions: Non-Urban Land:

- Improve biodiversity connectivity and protection.
- Protect and enhance the Indigenous, European, rural and natural landscapes.
- Provide opportunities for housing diversity, off-farm income and green spaces.
- Recognise environmental landscape values as productive elements or recreation elements.
- Identify and protect high-value agricultural land

Key Actions: Urban Land:

- Develop village residential opportunities, and design public places of creativity and innovation.
- Design towns for walking and cycling, promote density and facilitate a mix of collaborative uses.
- Manage and enhance the distinctive character of each village through a master plan.
- Promote arts, culture and nature as part of the urban design framework.
- Lobby and promote the development of rural livability facilities in villages and towns.
- Facilitate villages that are empathetic to the existing agri-scape.
- Provide new space to grow around existing villages and towns and provide for infill opportunities

It is noted that the subject land is not currently included in the investigation area for Gunning, however, Council at its meeting held on the 14 December 2023 resolved that:

- *Council supports the amendments to the Local Strategic Planning Statement* (Copy of resolution at Annexure 1)

This amendment to the LSPS was identified in the report to the Council meeting which states:

The LSPS sets out the 20-year vision for a local government area, demonstrates how change will be managed and identifies local priorities for updating council's Local Environmental Plan (LEP). Where there is a proposal to amend its LEP Council is required to ensure that it reflects the direction outlined in the LSPS. Where there are inconsistencies the LSPS is required to be updated to incorporate the amended visions or changes. The proposal will

change the zone from RU4 Primary Production Small Lots zone to RU5 Village zone. The amendment also proposes to reduce the minimum lot size from 10ha to 1,000m² to enable the development of dwelling houses on lots to be created under the LEP. The proposal will remove the land from small lot primary production intent to large lot village style living. The planning proposal submits that the land is not particularly good quality land for intensive agricultural use. The Local Strategic Planning Statements recommend new urban areas adjacent to existing villages facilitating Council's existing character as a Shire of villages. Lot 4 DP 1198749, 18 Boureong Drive, Gunning is located within the existing settlement area of Gunning and not identified within the investigation area. Therefore, the LSPS is required to be amended to reflect the land identified within the Planning Proposal. The following maps identify the current investigation area for the township of Gunning within the LSPS and the proposed investigation to include Lot 4 DP 1198749 within the investigation area.

Figure 3: Extract of the current investigation area for Gunning

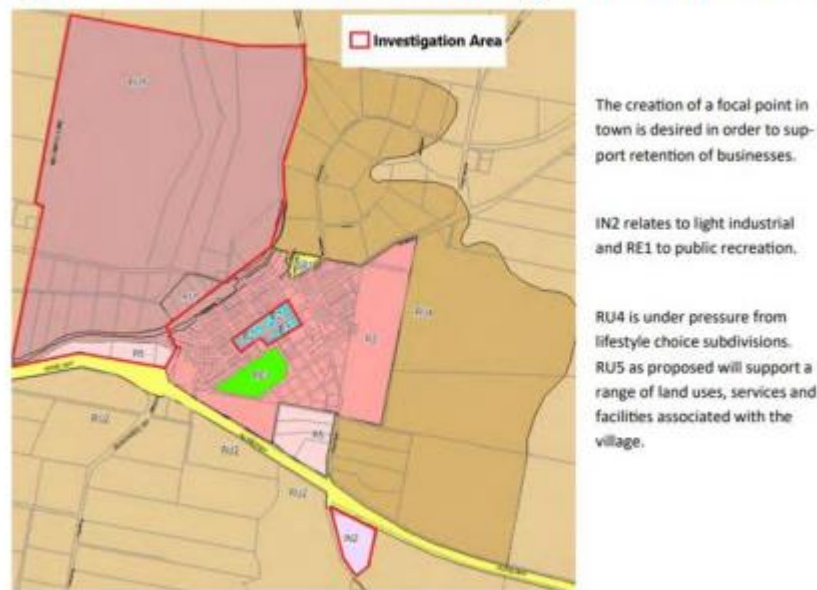
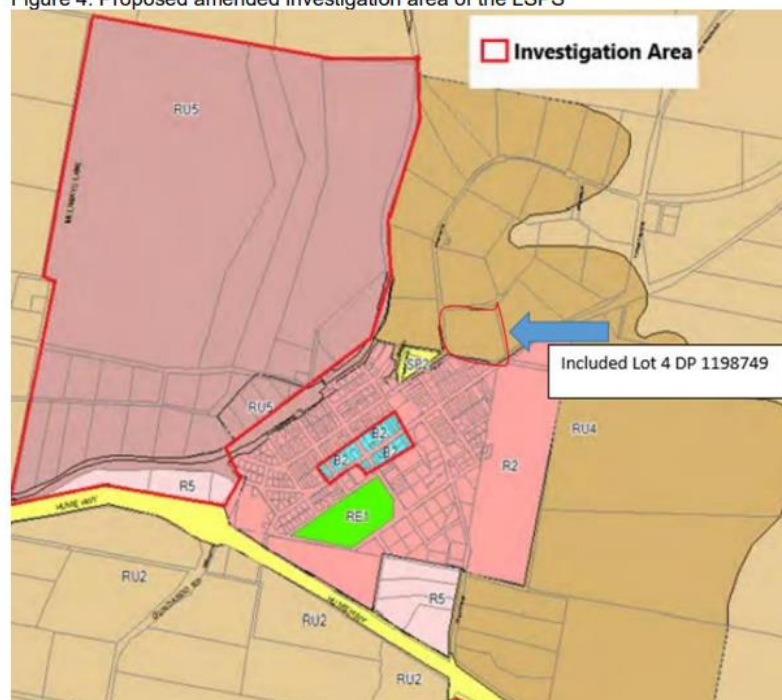


Figure 25 Gunning Investigation Area

Figure 4: Proposed amended investigation area of the LSPS



The Planning Proposal will:

- Provide new opportunities to locate diverse business options.
- Enable businesses to be established.
- Improve biodiversity connectivity and protection.
- Not impact the Indigenous, European, rural and natural landscapes.
- Provide opportunities for housing diversity and green space.
- Enable business opportunities that can add value.
- Not impact high-value agricultural land
- Provide village residential opportunities.
- Zone land for urban diversity.
- Provide new space to grow adjacent to an existing village.

The Planning Proposal will also not further fragment this rural area and it will provide opportunities for diversification and custodianship of the environmental and scenic values.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

It is considered that this planning proposal is the most appropriate means of achieving the proposed minimum lot size and rezoning for the subject land and is seeking this amendment in accordance with Section 3.21(1) of the *Environmental Planning and Assessment Act 1979* which states:

3.21 Review of environmental planning instruments (cf previous s 73)

- (1) *The Planning Secretary shall keep State environmental planning policies and councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible.*

Section B - Relationship to strategy planning framework

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

The planning proposal is consistent with the objectives and actions contained within the *Draft South East and Tablelands Regional Plan 2041* and *The Tablelands Regional Community Strategic Plan 2016-2036*.

Draft South East and Tablelands Regional Plan 2041

The Strategy has a vision relevant to the Planning Proposal stating:

The South East and Tablelands Region is valued as a place where people can live, work, and play throughout their lives. By 2041, it is home to just over 350,000 residents (almost 940,000 residents including the ACT). People are attracted to the region's cities, historic towns and villages. The region's landscape - ranging from Australia's highest peaks, to rural and bush covered plains, hinterland areas and dramatic coastlines – offer residents and visitors a diversity of lifestyle opportunities. Productive agricultural land and natural resources are the foundations of the region's economy, which continues to diversify through growth in the tertiary education, health, waste, energy, tourism and transport sectors. AND

New housing and jobs are located to make the best use of infrastructure and services, while considering natural hazards, catering for long term residents and those who relocate from major population centres. AND

As communities grow, this is balanced against measures to enhance the value and protection of a natural environment that enriches lifestyles, sustains the region's water supply and protects biodiversity and productive agricultural land. Strategic planning ensures the enhancement and quality of waterways, flora and fauna, tree canopy and water infiltration.

The Planning Proposal is viewed as consistent with these visions having regard to the following objectives:

Objective 3: Support diverse, vibrant and socially active communities

The objective states *“A sense of belonging and shared values can lift and unite people in challenging times, as we have seen during the COVID-19 pandemic and natural disasters. Meeting and gathering places, pedestrian prioritised streets, events, festivals and cultural infrastructure all enable a sense of belonging as driven by placemaking.”* And *“Understanding how communities utilise and interact with social infrastructure is essential to manage growth and change. Several forms of infrastructure and services that are widely recognised to support communities:*

- *playgrounds, libraries, heritage, information and education facilities*
- *busy shopfronts, street verges and community gardens*
- *farmers markets and local produce centres*
- *creative arts centres, theatres, live music and coworking spaces*
- *childcare, healthcare and educational facilities*
- *bushcare groups, outdoor gyms, sportsgrounds, aquatic centres, or community spaces.*

These generate more social opportunities when they can be adapted for different uses, accessed by all community members.”

Comment: The expansion of the residential area of Gunning will result in an increase in population which will improve the viability and utilisation of a number of infrastructure items in Gunning generally comprising:

- playgrounds, libraries, heritage and education facilities
- local businesses ▪ farmers markets and local produce centres
- creative arts centres and theatres
- childcare and healthcare facilities
- bushcare groups, sportsgrounds and aquatic centres.

The resultant increase in population at Gunning will revitalise and enhance commercial and retail activity in the existing commercial centre of Gunning and provide positive social and economic benefits to the locality.

Objective 4: Preserve the heritage and character of the region’s towns and villages

The objective states *“The region’s scenic and cultural landscapes provide unique settings for its urban areas and a strong link to its natural and historic landscapes. Providing opportunities to conserve, interpret and acknowledge the region’s heritage values, will build an understanding of history and respect for the experiences of diverse communities. Heritage identification, conservation, management and interpretation can allow heritage places and stories to be experienced by current and future generations. Recognising non-Aboriginal heritage must be balanced with the Aboriginal cultural significance of areas – particularly where the celebration of non-Aboriginal heritage has adversely impacted connections to Country, celebration of culture, or represents trauma.”*

Comment: An AHIMS search was conducted with buffers of 50m and 200m on the 15 January 2024 with a copy of the results attached at Annexure 7. The search notes there are no Aboriginal sites or artefacts on the subject land. The site of the planning proposal is also remote from the Gunning CBD, is consistent with recent residential development in other areas of Gunning and will not adversely affect the heritage and character of Gunning.

Objective 5: Protect important environmental assets

The objective states *“The South East and Tablelands Region includes a variety of landscapes from the Snowy Mountains, the only wilderness coastline in NSW, rural landscapes and national parks. Home to 150 threatened plant species, 144 threatened animal species, 40 endangered ecological communities, and 14 critically endangered ecological communities, the region’s planning needs to closely manage and protect the variety and layers of an interconnected ecological system.”* And *“Due to historical land clearing and ongoing land management activities post-colonisation, there is a relatively low proportion of native vegetation in parts of the Hilltops and Upper Lachlan LGAs, as well as in the Capital subregion.”*

And “High environmental value (HEV) lands and the region’s network of biodiversity corridors provide diversity and habitat for flora and fauna, including significant koala populations in the Wingecarribee and Snowy Monaro LGAs. To support mapping of HEV lands, additional mapping on High Ecological Aquatic Ecosystems can be found on the SEED portal. Avoiding the impacts on important terrestrial and aquatic habitats and on water quality is a necessary part of planning for the intensification of land uses through urban development and other activities.”

Comment: The ecological assessment of the subject land undertaken by Macrozamia Environmental Consulting states in the Assessment of Biodiversity Impact:

Considering the information detailed above that has been summarised from information collected during field and desktop investigations and assessments of significance for threatened species and communities the following final assessments are made.

8.1.Direct Impacts

The proposal will result in the 13ha subject site being available to transition from agricultural to residential.

8.2.Indirect Impacts

Operation of the subject site for residential use will increase traffic on Boureong Drive that may have minor impacts on road strike mortality of fauna. This impact is considered very minor given the low abundance and quality of habitat in the area. As the site transitions to residential landscaping of residential dwellings will increase vegetation diversity. This will result in more animals, particularly birds using the site and be a positive impact on biodiversity.

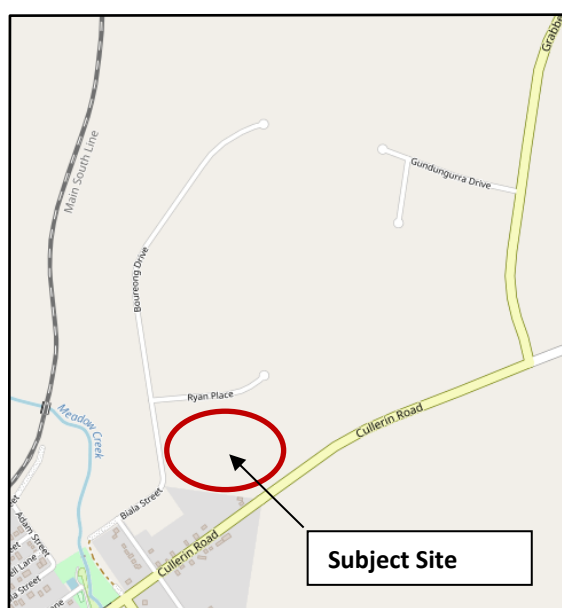
8.3.Potential Impacts on Flora

Vegetation impacts will not significantly impact any threatened flora or endangered ecological communities. The proposal will not involve the removal of any significant vegetation, plant habitats or significantly degrade the ecological value of the study area.

8.4.Potential Impacts on Fauna and Habitat

No areas of important habitat or unique habitat components will be removed as part of this proposal. The impact of the proposal on fauna populations and their habitats is considered likely to be insignificant. No listed threatened fauna or their habitats are considered at risk of impact by this proposal.

Additionally, the following map indicates that the development site is not identified as strategic agricultural land. As a consequence, the Planning Proposal will not impact the environmental values that apply to the land.



Biophysical Strategic Agricultural Land Map

(Map Source: The Central Resource for Sharing and Enabling Environmental Data in NSW)

Objective 6: Enhance biodiversity, habitats and the connections between them

The objective states *“Regional biodiversity corridors are native vegetation links within a region, between regions or between significant biodiversity features. They expand and link different habitats and are critical to long-term ecological connections, particularly in the context of long-term climate change.”* And *“Koala populations have been impacted by drought and the 2019-20 bushfires, which are estimated to have burned 571,568 ha (Figure 10), equating to approximately 26% of the modelled high or very high suitability koala habitat in the region¹⁶. Despite this, breeding populations remain, even in significantly affected areas. Areas known to be important to the species need to be carefully managed so that local populations can recover.”*

Comment: The ecological assessment of the subject land undertaken by Macrozamia Environmental Consulting states in the Assessment of Biodiversity Impact that *“No areas of important habitat or unique habitat components will be removed as part of this proposal. The impact of the proposal on fauna populations and their habitats is considered likely to be insignificant. No listed threatened fauna or their habitats are considered at risk of impact by this proposal.”*

Objective 7: Build resilient places and communities

The objective states *“To build resilient places and communities, risk exposure (shocks and stresses) needs to be understood. Natural hazards, infrastructure and technological failures need to be assessed from a people-centred, cultural, economic, built form and environmental perspective. With a changing climate, communities need the skills and knowledge to effectively respond to change, ensuring they are better placed to prepare for, prevent, respond to and recover from the risks they may experience.”*

Comment: All residential development in the area will be located above the PMF flood level and will not be exposed to natural hazards. Building resilient places and communities involves a holistic and collaborative approach that addresses various aspects of social, economic, and environmental well-being which will be incorporated into the development and will include:

- Fostering a sense of ownership and pride within the community.
- Develop and maintain robust infrastructure that can withstand natural disasters, climate change, and other challenges.
- Incorporate sustainable design principles into the development to enhance environmental resilience.
- Use eco-friendly building materials and design practices to reduce the environmental impact of the development.

The proposed development will be environmentally sustainable, socially inclusive, easy to access, healthy and safe and will integrate walking and cycling networks into the design of the development to encourage physical activity and promote energy efficiency.

Objective 8 - Plan for a net zero region by 2050:

The Objective states *‘The NSW Government is committed to achieving a 50% emissions reduction by 2030 and net zero emissions by 2050. Net Zero Plan Stage 1: 2020-2030 sets out how it will meet the first stage of this objective over the next decade.’*

Comment: Achieving net-zero emissions in residential development involves implementing sustainable and energy-efficient practices throughout the entire life cycle of the development and the following concepts will be incorporated as appropriate and required:

- Incorporate passive design strategies to optimize natural light, ventilation, and temperature control, reducing the need for artificial heating and cooling.
- Use high-performance insulation and energy-efficient windows to minimize heat loss and gain.
- Install on-site renewable energy sources such as solar panels to generate clean energy.
- Specify and install energy-efficient appliances, lighting, and HVAC (Heating, Ventilation, and Air Conditioning) systems.
- Implement smart home technologies to optimize energy use and reduce waste.

- Choose sustainable and environmentally friendly building materials with low embodied carbon and long life cycles.
- Prioritize materials with high recycled content and those that are easily recyclable at the end of their life.
- Implement water-efficient fixtures and appliances to minimize water consumption.
- Incorporate rainwater harvesting and graywater recycling systems for non-potable water use.
- Encourage and facilitate waste reduction and recycling practices within the residential community.
- Implement composting programs to divert organic waste from landfill.
- Design landscapes with native, drought-tolerant plants to reduce the need for irrigation.

Objective 9 - Secure water resources:

The Objective states *‘The State Infrastructure Strategy 2022-2042 identifies the need to improve water security and quality in regional NSW. The future growth and development of the region, coupled with the uncertainties of climate variability and climate change, mean that long-term planning for water supply must be integrated into strategic planning for the region and for adjoining areas including Sydney, which sources a portion its potable water from the northern areas of the region.’*

Comment: The proposed development will be designed to provide a neutral or beneficial effect on water quality and will incorporate water sensitive urban design to minimise the impacts of development on the natural water cycle by protecting natural systems and water quality, integrating stormwater into the landscape, and reducing run off, peak flows and demand for potable water. The subject land is serviced by reticulated water and sewer.

Objective 17: Plan for a supply of housing in appropriate locations

The objective states *“A mix of well-planned infill, greenfield and rural residential development is essential for the region.”* And *“Planning for affordable, quality homes in the right locations also requires planning for greater housing diversity to attract and retain younger residents while supporting people who want to stay in their local area as they get older.”*

Comment: The proposed development site is the subject of a report to the 14 December 2023 meeting of the Upper Lachlan Shire Council which states:

The LSPS sets out the 20-year vision for a local government area, demonstrates how change will be managed and identifies local priorities for updating council’s Local Environmental Plan (LEP). Where there is a proposal to amend its LEP Council is required to ensure that it reflects the direction outlined in the LSPS. Where there are inconsistencies the LSPS is required to be updated to incorporate the amended visions or changes. The proposal will change the zone from RU4 Primary Production Small Lots zone to RU5 Village zone. The amendment also proposes to reduce the minimum lot size from 10ha to 1,000m2 to enable the development of dwelling houses on lots to be created under the LEP. The proposal will remove the land from small lot primary production intent to large lot village style living. The planning proposal submits that the land is not particularly good quality land for intensive agricultural use. The Local Strategic Planning Statements recommend new urban areas adjacent to existing villages facilitating Council’s existing character as a Shire of villages. Lot 4 DP 1198749, 18 Boureong Drive, Gunning is located within the existing settlement area of Gunning and not identified within the investigation area. Therefore, the LSPS is required to be amended to reflect the land identified within the Planning Proposal. The following maps identify the current investigation area for the township of Gunning within the LSPS and the proposed investigation to include Lot 4 DP 1198749 within the investigation area.

Figure 3: Extract of the current investigation area for Gunning

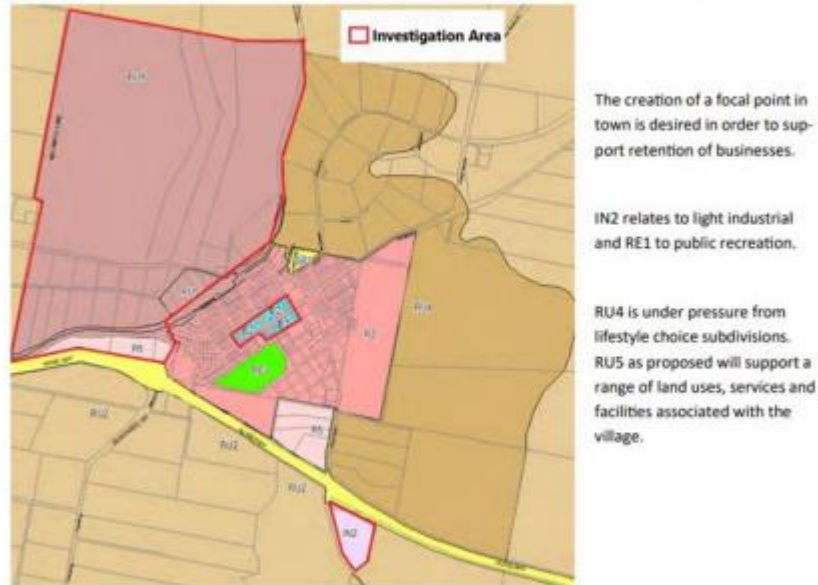
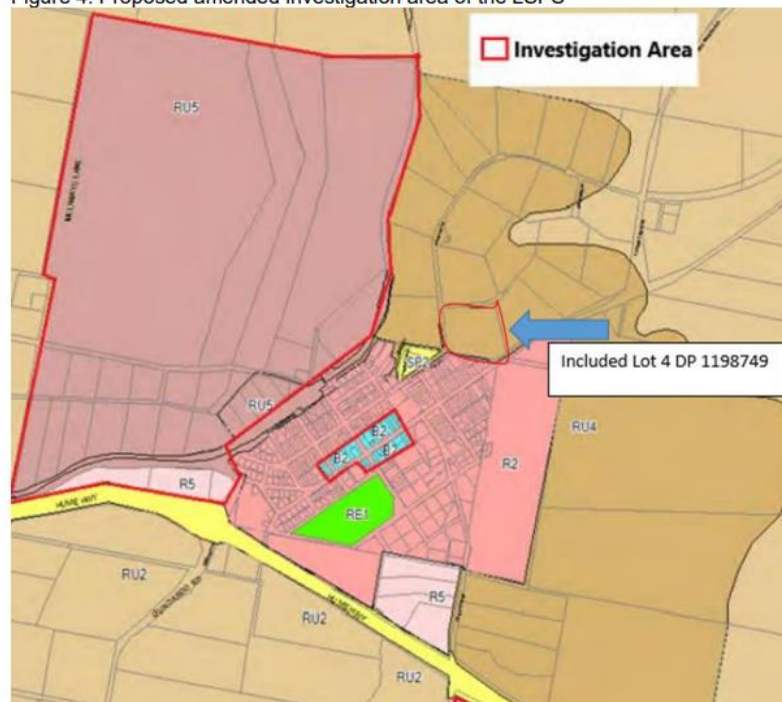


Figure 25 Gunning Investigation Area

Figure 4: Proposed amended investigation area of the LSPS



Council resolved to support the amendment to the Local Strategic Planning Statement (Copy of resolution at Annexure 1) and the proposed development is located in an appropriate location.

Objective 19 - Improve the quality, resilience and sustainability of housing:

The Objective states 'Urban design has a vital role to play in assisting local governments and communities to respond to the challenges that face the region, and rethink how our built environment can support the health and wellbeing of both people and our environment in a changing climate. We need our cities and towns to develop sustainably and adapt to new technology - to foster new and emerging markets, businesses, jobs, and economic prosperity, and to enable the transition to net zero in the built environment. The Urban Design Guide for Regional NSW provides guidance for creating healthy built environments. Applying this guide can support a place based approach in

ensuring strategic planning recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities.”

Comment: The proposed development will incorporate residential design guidelines and covenants to ensure the development provides quality, resilient and sustainable housing as indicated above and includes:

- Incorporate passive design strategies to optimize natural light, ventilation, and temperature control, reducing the need for artificial heating and cooling.
- Use high-performance insulation and energy-efficient windows to minimize heat loss and gain.
- Install on-site renewable energy sources such as solar panels to generate clean energy.
- Specify and install energy-efficient appliances, lighting, and HVAC (Heating, Ventilation, and Air Conditioning) systems.
- Implement smart home technologies to optimize energy use and reduce waste.
- Choose sustainable and environmentally friendly building materials with low embodied carbon and long life cycles.
- Prioritize materials with high recycled content and those that are easily recyclable at the end of their life.
- Implement water-efficient fixtures and appliances to minimize water consumption.
- Incorporate rainwater harvesting and graywater recycling systems for non-potable water use.
- Encourage and facilitate waste reduction and recycling practices within the residential community.
- Implement composting programs to divert organic waste from landfill.
- Design landscapes with native, drought-tolerant plants to reduce the need for irrigation.

Objective 20 - Manage rural living:

The Objective states *“Rural lifestyle developments give people the option to live in a semi-rural or urban fringe setting. Local housing strategies identify rural residential housing needs and local supply to understand the infrastructure needed to support rural communities.”*

Comment: This proposal satisfies the objective in that the development:

- is close to existing an urban settlement to maximise the efficient use of existing infrastructure and services and social and community infrastructure;
- will avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and
- will avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards.

This development maximises the use of existing infrastructure and services and doesn't require new services that would impose excessive costs on Council. The development is on the edge of an existing urban area and supports the Upper Lachlan Council narrative with regard to housing that is responding to demographic changes and housing affordability pressures by allowing a mix of housing types. The additional residents will also help to support existing infrastructure; viz. Memorial hall, school, rural fire service, etc. Managing a rural living effectively requires a combination of practical skills, community engagement, and a mindset that appreciates the slower pace and unique characteristics of rural life and can necessitate the following:

- Learn basic skills such as gardening and basic home repairs to become more self-sufficient.
- Utilise alternative energy sources like solar power,
- Participate in local events, community meetings, and gatherings to build relationships with neighbours.
- Join local clubs, volunteer organizations, or community groups to become an active part of the rural community.
- Understand the specific risks and challenges of rural living, such as natural disasters or limited access to emergency services.

- Create an emergency preparedness plan that includes evacuation routes, communication strategies, and emergency supplies.
- Be mindful of water usage and consider implementing water-saving techniques.
- Explore rainwater harvesting and other sustainable water management practices.
- Identify the location of the nearest healthcare facilities and have a plan for medical emergencies.
- Consider telehealth options for routine check-ups and consultations.
- Participate in local events and festivals to build a sense of belonging.
- Embrace eco-friendly practices, such as composting, recycling, and minimizing waste.
- Consider energy-efficient appliances to reduce environmental impact.
- Engage with neighbours to establish a sense of community security.
- Be prepared for seasonal changes, whether it's extreme weather conditions, agricultural cycles, or wildlife patterns.
- Plan for heating and cooling needs based on seasonal variations.

Managing rural living successfully involves adapting to a different lifestyle and being proactive in addressing the unique challenges that come with rural environments. Building a strong connection with the local community and appreciating the benefits of rural living can contribute to a fulfilling and satisfying experience.

Local Narratives (Upper Lachlan)

The Narrative states *"The Upper Lachlan Local Government Area will see a 36 per cent growth in the number of people aged over 65 by 2036. The area has a population of around 8,000, with Crookwell and Gunning providing a health and medical service, a fire brigade, police services, banking, a post office and retail offerings"* and in respect to housing it states *"Support the rural lifestyle and the unique cultural and historic heritage of the area's villages"* and *"Support a variety of housing options and land developments to cater for an ageing population."*

Comment: The Planning Proposal reflects the existing RU5 zone in Gunning by providing low density residential development which is very flexible, will offer a wide range of housing options whilst maintaining the cultural and historic heritage of Gunning.

The Tablelands Regional Community Strategic Plan 2016-2036

The Tablelands Regional Community Strategic Plan 2016-2036 is a joint initiative by Goulburn Mulwaree Council, Upper Lachlan Shire Council and Yass Valley Council to identify the community's regional aspirations via the strategic priorities that achieve the future visions for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

Each relevant strategic pillar is identified below:

Environment:

Strategy EN1 requires *"Protect and enhance the existing natural environment, including flora and fauna native to the region."*

The development site as a whole will protect and enhance the existing natural environment including flora and fauna native to the region and will result in the planting of locally sourced native vegetation which will be implemented in accordance with a site specific development control plan. Strategy EN2 requires *"Adopt environmental sustainability practices."*

This development maximises the use of existing infrastructure and services and doesn't require new services and thereby provides an environmentally sustainable development.

Strategy EN3 requires *"Protect and rehabilitate waterways and catchments."*

The development will ensure the existing waterway is protected from stock grazing by the erection of riparian fencing which will enable the waterway area to naturally rehabilitate.

Strategy EN4 requires *“Maintain a balance between growth, development and environmental protection through sensible planning.”*

It is considered that the approach taken to achieve this objective, including consideration of environmental constraints, will maintain the balance between growth, development and the environment.

Economy:

Strategy EC3 requires *“Support and foster conditions that enable local and small/home-based businesses to grow.”*

This is anticipated by the ample lot size proposed and the location of the site being adjacent to an existing village zone.

Community:

Strategy C05 requires *“Maintain our rural lifestyle.”*

The Planning Proposal is aimed at achieving this objective by providing large area residential lots adjacent to an urban boundary enabling a rural lifestyle to thrive in the locality.

Infrastructure:

Strategy IN3 requires *“Maintain and improve road infrastructure and connectivity.”*

There is considered adequate infrastructure in the area to support the proposed residential development. New access roads linking with existing infrastructure will be constructed at the developers cost.

Leadership

Strategy CL4 requires *“Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region.”*

The development will contribute funding towards the provision of services throughout the Upper Lachlan Council area in accordance with the Upper Lachlan Development Contributions Plan 2007.

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

(i) Upper Lachlan Shire Local Strategic Planning Statement 2040:

The Planning Proposal is consistent with the Upper Lachlan Shire Local Strategic Planning Statement 2040 (to be amended) and in particular will provide an opportunity for new settlement close to an existing urban centre. Table 1 of the Statement (Upper Lachlan Shire Council Priorities, Principles and Actions) details the future directions for the Council area – see table below.

Table 1 Upper Lachlan Shire Council Priorities, Principles and Actions

Planning Principles	Priority 1 Non- Urban Land	Priority 2 Urban Land	Priority 3 Tourism	Priority 4 Business Development
Drivers of Growth and Sustainability	1.1 (a) Promote a diverse agriculture-based economy. (b) Develop an agricultural strategy to provide for value -adding opportunities and succession.	2.1 (a) Develop village residential opportunities. (b) Design public places of creativity and innovation.	3.1 (a) Identify and locate new tourism opportunities. (b) Support tourism as a key sector in the Shire.	4.1 (a) Promote a diversified transitioning economy and provide for small business development. (b) Provide strategic support to entrepreneurs and tourism operators.
Productivity and collaborative diversity	1.2 (a) Plan for diverse agrobusinesses and agricultural land reform. (b) Encourage vertical integration of the rural economy.	2.2 Zone land for mixed-use, aged care and tourism developments and provide for urban diversity.	3.2 Plan for new tourism and destination opportunities as an economic benefit.	4.2 (a) Encourage and support growth in a variety of sectors to enable diversification of the Upper Lachlan economy.

	(c) Improve the diversity of land holding options to promote protection, production and investment.			(b) Promote appropriate smaller-scale renewable energy projects using innovative technologies.
Connectivity, transport and movement	1.3 (a) Improve biodiversity connectivity and protection. (b) Continue to improve road access for commercial opportunities. (c) Improve telecommunications.	2.3 (a) Design towns for walking and cycling, promote density, increase accessibility, and facilitate a mix of collaborative uses. (b) Explore and promote active recreation options for cycling and walking. (c) Promote active transport and explore opportunities to develop an active transport network.	3.3 (a) Continue to improve road access and reuse of alternative transport facilities for destination activity. (b) Encourage cycling and walking opportunities throughout the Shire.	4.3 (a) Promote smart hubs and improve internet access capacity. (b) Promote transport hubs. (c) Promote energy hubs.
Character, Identity, and heritage,	1.4 (a) Protect and enhance the Indigenous, European, rural and natural landscapes. (b) prepare an Aboriginal cultural heritage study.	2.4 Manage and enhance the distinctive character of each village through a master plan. Develop Character Statements for urban development.	3.4 Leverage and celebrate our natural and cultural heritage, climate and natural beauty.	4.4 Reinforce the village town centre small business character and facilitate innovation
Lifestyle and livability	1.5 Provide opportunities for housing diversity and off-farm income to suit changing circumstances.	2.5 Provide new space to grow around existing villages and towns and provide for infill opportunities.	3.5 (a) Conserve and adaptively reuse heritage assets (b) Enhance areas of high environmental value and visual significance.	4.5 Identify the commercial locations and focus points of the villages and structure business growth into them.
Population	1.6 Identify business opportunities that can value add to local business and attract investment and employment.	2.6 Lobby and promote the development of rural livability facilities in villages.	3.6 Plan for increased human and infrastructure capacity in the tourism phenomena and provide new destination activities.	4.6 Plan for increased capacity in various growth sectors and seek value-adding options.
Landscape	1.7 (a) Recognise environmental landscape values as productive or recreation elements. (b) Promote green infrastructure and ecosystem service opportunities. (c) Undertake a biodiversity assessment of the LGA and develop a rural planning strategy	2.7(a) Facilitate villages that are empathetic to the existing agri-scape: small protected bounded spaces. (b) Enhance utilisation of green infrastructure and increase trees.	3.7 (a) Utilise the temperate climate landscape as a place for active recreation opportunities. (b) Identify biodiversity values through landscape assessments to facilitate tourism opportunities.	4.7 Create focal points by siting commercial activities within a mixed-use commercially driven precincts.
Structural Elements	1.8 (a) Identify and protect high-value agricultural land, or land with high	2.8 (a) Provide new space to grow around existing villages and towns and provide for	3.8 Identify tourist-focused locations and provide for their development.	4.8 Identify and develop growth localities close to Canberra, Yass and Goulburn.

	environmental value. (b) Review minimum lot size opportunities to facilitate agrarian investment.	infill opportunities. (b) Lobby for more open spaces, parks, conservation areas, walking and cycling tracks.		
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The Planning Proposal is consistent with the directions highlighted in the above table insofar that the development will:

- Improve opportunities to develop village residential opportunities;
- Provide for urban diversity;
- Enable and encourage walking and cycling and promote active recreation options.
- Provide new space to grow around an existing village.
- Recognise the rural landscape as a recreation element and identify the existing waterway as an environmentally sensitive aspect that needs protecting.
- Identify this growth locality being close to Canberra, Yass and Goulburn.

(ii) Upper Lachlan Shire Draft Housing Strategy:

The Upper Lachlan Shire Draft Housing Strategy dated September 2021 includes the following vision in respect to population and housing:

“To manage the demand for housing and associated population change in a sustainable way to support a prosperous future for the community of Upper Lachlan while recognising and preserving the particular values, character and liveability of the existing villages and rural areas within the Shire.”

The strategy includes the following details regarding Investigation Areas for Growth:

“A number of impediments to infill development within the existing town and village boundaries has been identified, including stringent planning controls which limit development activity and the ability to provide a diverse range of housing. Further, land banking, which is most apparent in or around the towns of Crookwell, Gunning and Grabben Gullen, places further limitations on the ability to expand and develop the towns to accommodate future growth and change. This land banking occurs due to the holding of larger parcels of land without proceeding to develop or due to purchase of multiple lots to meet the minimum lot size to build. Growth in the Shire to 2036 is predicted to be 0.05% per annum to 2036, with a slightly elevated level of growth of 0.08% in Crookwell and 0.36% in Gunning and Dalton. Whilst the number of underdeveloped or vacant lots would be adequate to accommodate this level of growth, this would not make provision for the following:

- *The lesser level of undeveloped or vacant land in Crookwell which is the major centre of the Shire and which is anticipated to experience a greater level of demand for housing than the outlying villages.*
- *The higher level of growth in the Gunning to Collector corridor due to the site’s high level of access to transport corridors.*
- *The potential increase in migration, which is likely to be accelerated following the COVID-19 pandemic. People, in increasing numbers, are seeking to relocate to rural and regional areas in a less dense setting, whilst retaining work from home capability.*
- *A potential increase in demand which may occur following changes to ULLEP 2010 and which will facilitate land development opportunities and increased housing choice.*
- *A potential increase in the number of secondary/holiday residences within the*

- *Shire, which will limit the availability of land for permanent primary residences.*
- *Growth in the tourism sector which has the potential to increase employment levels and provide a flow on effect to housing growth.*
- *The availability of land for future development, particularly amalgamated larger holdings, due to land banking in and around the towns.*
- *The desire by some landholders to continue to reside in a low density setting, which reduces infill opportunities.*
- *Land capability and site constraints which may limit the development potential of some land following detailed site specific investigations.*

To address the above limitations, this Strategy has identified 'investigation areas' for the towns and villages. Such 'investigation areas' will ensure that sufficient land is available to accommodate growth in the medium to long term, in the event that growth in the Shire and particularly the priority centres, exceeds conservative population projections. Investigation areas have also been identified for the smaller villages, where supply is not an immediate priority, to ensure that current residents remain and future buyers are incentivised. The 'investigation areas' as shown in Figures 4-9 show the areas where attention should be focused to identify land suitable for future growth surrounding the towns and villages. Any flood affected land should only be investigated for intensive agricultural uses, with associated dwellings on flood free land."

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Council, at its meeting held on the 14 December 2023 resolved to support the amendment to the Local Strategic Planning Statement (Copy of resolution at Annexure 1) to include the subject land.

(iii) Upper Lachlan Community Strategic Plan Vision 2023:

The Upper Lachlan Community Strategic Plan Vision 2023 includes the following Vision and Mission Statement:

The Vision for our future is:

To be a diverse local government area that provides various lifestyle, business enterprise, leisure and recreation alternatives, whilst ensuring environmental sustainability, preservation of our history and a sense of belonging in our community.

Mission Statement:

To provide services and facilities to enhance the quality of life and economic viability within the Council area. (Page 14)

This planning proposal is consistent with the Upper Lachlan Community Strategic Plan Vision 2023 insofar that the development will provide for various lifestyle living opportunities whilst ensuring environmental sustainability, preservation of history and a sense of belonging in a community as well as providing services and facilities to enhance the quality of life and economic viability within the Council area. The large lot residential development will provide an opportunity for lifestyle, business enterprise, leisure and recreation alternatives for new residents to the area who will participate in the local community functions and organisations. The identified land does not impact on any historical items and there will be satisfactory environmental safeguards on future residential development with no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

(iv) Upper Lachlan Local Environmental Plan 2010:

The land is currently zoned RU4 Primary Production Small Lots with the following objectives and land uses:

1 Objectives of zone

- *To enable sustainable primary industry and other compatible land uses.*

- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect, manage and restore areas with high conservation, scientific, cultural or aesthetic value.
- To retain the significant historic and social values expressed in existing landscapes and land use patterns.
- To conserve, link and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors, and to reduce land degradation affecting the assets.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Farm stay accommodation; Garden centres; Home industries; Kiosks; Landscaping material supplies; Plant nurseries; Poultry farms; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Timber yards; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Depots; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

The Planning Proposal proposes the subject land to be rezoned to RU5 Village under the Upper Lachlan LEP 2010 and the following zone objectives and land use table will apply:

RU5 Village Zone

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure the efficient use of land and infrastructure within each village.
- To provide high-amenity residential, commercial, civic and community uses within village areas.
- To conserve and enhance buildings and landscape and streetscape features that contribute to the character and identity of village areas.
- To conserve, link and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater

resources, remnant native vegetation and fauna movement corridors, and to reduce land degradation affecting the assets.

- *To encourage the development of tourism assets and the provision of associated services.*
- *To facilitate a strong and viable village system that provides housing options, business opportunities, adequate transport systems and concentrated community services.*

2 Permitted without consent

Bee keeping; Building identification signs; Business identification signs; Environmental protection works; Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Home industries; Horticulture; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Secondary dwellings; Self-storage units; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Cellar door premises; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

The objectives of the RU5 Village Zone are examined below:

To provide for a range of land uses, services and facilities that are associated with a rural village.

The proposed development will provide for residential development that is associated with a rural village.

To ensure the orderly and efficient use of land and infrastructure within each village.

The proposed development will ensure the orderly and efficient use of the land and infrastructure within Gunning including water, sewerage, stormwater and public domain infrastructure.

To provide high-amenity residential, commercial, civic and community uses within village areas.

The proposed development will provide high-amenity residential activity and community uses for the village.

To conserve and enhance buildings and landscape and streetscape features that contribute to the character and identity of village areas.

The proposed development will contribute to the character and identity of Gunning by the imposition of appropriate development controls.

To conserve, link and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors, and to reduce land degradation affecting the assets.

The ecological assessment of the subject land undertaken by Macrozamia Environmental Consulting states in the Assessment of Biodiversity Impact that “No areas of important habitat or

unique habitat components will be removed as part of this proposal. The impact of the proposal on fauna populations and their habitats is considered likely to be insignificant. No listed threatened fauna or their habitats are considered at risk of impact by this proposal.” The proposed development will therefore have no impact.

To encourage the development of tourism assets and the provision of associated services.

The associated increase in population will lead to the development of tourism assets in the area. The development itself is for the purpose of residential development.

To facilitate a strong and viable village system that provides housing options, business opportunities, adequate transport systems and concentrated community services.

The proposed development will contribute to the viability of the village of Gunning and will provide housing options and business opportunities.

5. ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The current State Environmental Planning Policies applying to the land are detailed below

Source: NSW Planning Portal – 15 January 2024):

SEPP (Biodiversity and Conservation) 2021

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing) 2021

SEPP (Industry and Employment) 2021

SEPP (Planning Systems) 2021:

SEPP (Primary Production) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Resources and Energy) 2021

SEPP (Sustainable Buildings) 2022

SEPP (Transport and Infrastructure) 2021

SEPP No 65—Design Quality of Residential Apartment Development:

The applicable State Environmental Planning Policies are highlighted above and are discussed below:

(i) SEPP (Primary Production) 2021:

- Chapter 2 Primary production and rural development

The aims of this Chapter are:

- (a) *to facilitate the orderly economic use and development of lands for primary production,*
- (b) *to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) *to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) *to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) *to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) *to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The following comments are in respect to the above aims:

- The Planning Proposal will not impact on the economic use and development of adjoining lands for primary production.
- The Planning Proposal is located directly adjacent to an existing RU5 Village zone. The Proposal is also consistent with the Upper Lachlan Local Strategic Planning Statement 2010 dated June 2020 and Draft Housing Strategy dated September 2021 which balances primary production and residential development. Native vegetation, biodiversity and water resources will not be adversely impacted.

(ii) SEPP (Transport and Infrastructure) 2021:

- Chapter 2 Infrastructure

The aims of this Chapter are:

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) *providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) *providing opportunities for infrastructure to demonstrate good design outcomes.*

The policy applies to all local government areas within the state, including Upper Lachlan Shire, and the SEPP requires consultation with Council regarding infrastructure and services and flooding.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

The following table is a list of Directions issued by the Minister for Planning to relevant planning authorities under Section 9.1 Directions by the Minister (15 January 2024).

Direction	Applies?	Consistency?
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	Yes
1.2 Development of Aboriginal Land Council land	No	N.A.
1.3 Approval and Referral Requirements	Yes	Yes
1.4 Site Specific Provisions	No	N.A.
1.4A Exclusion of Development Standards from Variation	No	N.A.
Focus area 1: Planning Systems - Place-based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	No	N.A.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N.A.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N.A.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N.A.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N.A.

1.10	Implementation of the Western Sydney Aerotropolis Plan	No	N.A.
1.11	Implementation of Bayside West Precincts 2036 Plan	No	N.A.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N.A.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N.A.
1.14	Implementation of Greater Macarthur 2040	No	N.A.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N.A.
1.16	North West Rail Link Corridor Strategy	No	N.A.
1.17	Implementation of the Bays West Place Strategy	No	N.A.
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N.A.
1.19	Implementation of the Westmead Place Strategy	No	N.A.
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N.A.
1.21	Implementation of South West Growth Area Structure Plan	No	N.A.
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N.A.
Focus area 2: Design and Place			
Focus area 3: Biodiversity and Conservation			
3.1	Conservation Zones	No	N.A.
3.2	Heritage Conservation	No	N.A.
3.3	Sydney Drinking Water Catchments	No	N.A.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N.A.
3.5	Recreation Vehicle Areas	No	N.A.
3.6	Strategic Conservation Planning	No	N.A.
3.7	Public Bushland	No	N.A.
3.8	Willandra Lakes Region	No	N.A.
3.9	Sydney Harbour Foreshores and Waterways Area	No	N.A.
3.10	Water Catchment Protection	No	N.A.
Focus area 4: Resilience and Hazards			
4.1	Flooding	Yes	Yes
4.2	Coastal Management.	No	N.A.
4.3	Planning for Bushfire Protection	Yes	Yes
4.4	Remediation of Contaminated Land	No	N.A.
4.5	Acid Sulfate Soils	No	N.A.
4.6	Mine Subsidence and Unstable Land	No	N.A.
Focus area 5: Transport and Infrastructure			
5.1	Integrating Land Use and Transport	No	N.A.
5.2	Reserving Land for Public Purposes	No	N.A.
5.3	Development Near Regulated Airports and Defence Airfields	No	N.A.
5.4	Shooting Ranges	No	N.A.
Focus area 6: Housing			
6.1	Residential Zones	Yes	Yes
6.2	Caravan Parks and Manufactured Home Estates	No	N.A.
Focus area 7: Industry and Employment			
7.1	Business and Industrial Zones	No	N.A.
7.2	Reduction in non-hosted short-term rental accommodation period	No	N.A.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N.A.
Focus area 8: Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	No	N.A.
Focus area 9: Primary Production			
9.1	Rural Zones	Yes	Yes
9.2	Rural Lands	Yes	Yes
9.3	Oyster Aquaculture	No	N.A.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N.A.

The applicable s9.1 Directions (highlighted above) are discussed below:

DIRECTION 1.1: 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.

Application

This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning.

Direction 1.1

(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:

- (a) the extent of inconsistency with the Regional Plan is of minor significance, and*
- (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.*

Comment:

The planning proposal is consistent with the objectives and actions contained within the Draft South East and Tablelands Regional Plan 2041 and The Tablelands Regional Community Strategic Plan 2016-2036. See Section B, Item 3 above.

DIRECTION 1.3: APPROVAL AND REFERRAL REQUIREMENTS

Objective

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

Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction 1.3

(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 to 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 1 to the EP&A Act.*

Consistency

A planning proposal must be substantially consistent with the terms of this direction.

Comment:

Future development as a consequence of this Planning Proposal will be subject to the current *Upper Lachlan Local Environmental Plan 2010* provisions

DIRECTION 4.1: FLOODING

Objectives

The objectives of this direction are to:

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

Application

This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Direction 4.1

(1) A planning proposal must include provisions that give effect to and are consistent with:

- (a) the NSW Flood Prone Land Policy,*
- (b) the principles of the Floodplain Development Manual 2005,*
- (c) the Considering flooding in land use planning guideline 2021, and*
- (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.*

(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

- (a) permit development in floodway areas,*
- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit development for the purposes of residential accommodation in high hazard areas,*
- (d) permit a significant increase in the development and/or dwelling density of that land,*
- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,*
- (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or*
- (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.*

(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:

- (a) permit development in floodway areas,*
- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit a significant increase in the dwelling density of that land,*
- (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
- (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or*
- (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures,*

which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.

(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council

Consistency

A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:

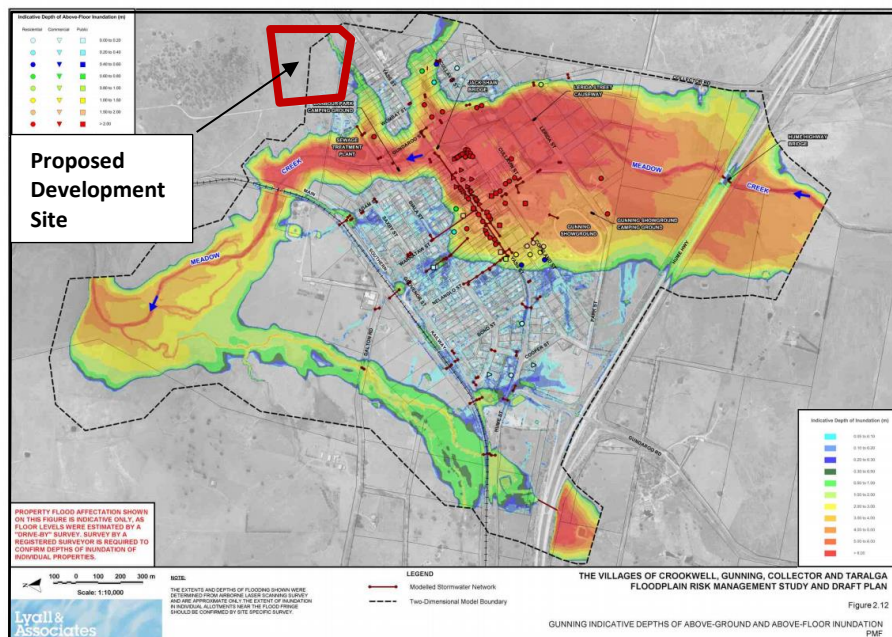
- (a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
- (b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or
- (c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or
- (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

Note: In this direction:

- (a) "flood prone land" "flood storage" "floodway" and "high hazard" have the same meaning as in the Floodplain Development Manual 2005.
- (b) "flood planning level" "flood behaviour" and "flood planning area" has the same meaning as in the Considering flooding in land use planning guideline 2021.
- (c) Special flood considerations are outlined in the Considering flooding in land use planning guideline 2021 and an optional clause in the Standard Instrument (Local Environmental Plans) Order 2006.
- (d) Under the floodplain risk management process outlined in the NSW Government's Floodplain Development Manual 2005, councils may produce a flood study followed by a floodplain risk management study and floodplain risk management plan.

Comment:

The elevated land associated with this planning proposal located to the northeast of the village is not affected by flooding – see flood inundation plan below.



Gunning Indicative Depths of Above Ground and Above Floor Inundation - PMF
(Map Source: Lyall and Associates Floodplain Risk Management Study and Plan June 2017)

DIRECTION 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.*

Application

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

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 placing 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:

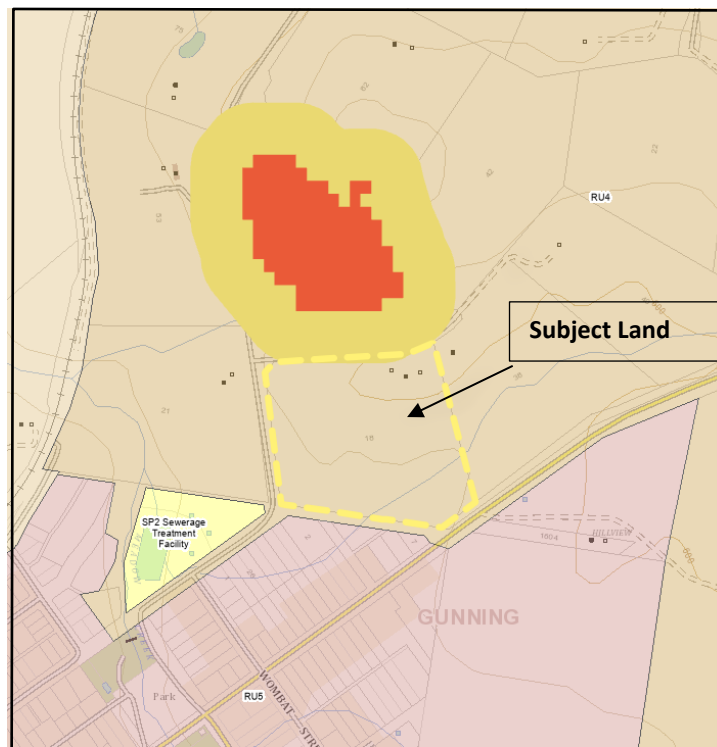
- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:*
 - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, 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*

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

Comment:

The land associated with this planning proposal is not bushfire prone – see plan below.



Bushfire Prone Land Map
(Source: NSW Planning Portal)

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.

Application

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

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.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary which:

 - i. gives consideration to the objective of this direction, and*
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or**
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or*
- (d) of minor significance*

Comment:

The RU5 zone will allow for a variety of housing types and will have access to existing infrastructure and services in Gunning and is located adjacent to existing residential zoned land.

DIRECTION 9.1: RURAL ZONES

Objective

The objective of this direction is to protect the agricultural production value of rural land.

Application

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

Direction 9.1

(1) A planning proposal must:

- (a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.*
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary which:

 - i. gives consideration to the objectives of this direction, and*
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or**
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or*
- (d) is of minor significance*

Comment:

The Planning Proposal seeks to rezone some land from a rural zone (RU4) to a residential zone (RU5) and is justified in terms of the minor significance of the proposal and being consistent with the Upper Lachlan 2040 Local Strategic Planning Statement dated June 2020 (to be amended) and Draft Housing Strategy dated September 2021, the Draft South East and Tablelands Regional Plan 2041 and The Tablelands Regional Community Strategic Plan 2016-2036.

DIRECTION 9.2: RURAL LANDS

Objectives

The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,*
- (b) facilitate the orderly and economic use and development of rural lands for rural and related*

purposes,

(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,

(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,

(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,

(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.

Application

This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:

(a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or

(b) changes the existing minimum lot size on land within a rural or conservation zone.

Note: Reference to a rural or conservation zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, C1, C2, C3, C4

Direction 9.2

(1) A planning proposal must:

(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement

(b) consider the significance of agriculture and primary production to the State and rural communities

(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources

(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions

(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities

(f) support farmers in exercising their right to farm

(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use

(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land

(i) consider the social, economic and environmental interests of the community.

(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:

(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses

(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains

(c) where it is for rural residential purposes:

i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres

ii. is necessary taking account of existing and future demand and supply of rural residential land.

Note: where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause

5.16 of the relevant Local Environmental Plan.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy approved by the Planning Secretary and is in force which:

i. gives consideration to the objectives of this direction, and

ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or

(b) is of minor significance

Comment:

An increase in the permissible density of land is justified in terms of the minor significance of the proposal as detailed below:

- The planning proposal is adjacent to an existing village;
- The proposal is consistent with the Upper Lachlan 2040 Local Strategic Planning Statement dated June 2020 (to be amended) and Draft Housing Strategy dated September 2021;
- The proximity of the subject land to Gunning and adjoining land with a minimum lot size of 1,000m² will ensure that the proposal will not result in fragmentation of farm land;
- The proximity of the site to Gunning and adjoining land with minimum lot size of 1,000m² ensures the proposal will increase compatibility and minimise any potential for land use conflicts caused by intensive agricultural uses;
- The proximity of the subject land to the Boureong Drive and network of local roads will minimise the potential for land use conflicts;
- The planning proposal will have minimal environmental impact on the local biodiversity and water resources;
- The subject land is adequately serviced in terms of electricity, telecommunications, road network and associated services (e.g. school bus, postal services, health, education, employment, etc.).
- The planning proposal is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
- The development will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains.
- The site is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres.
- The development is necessary taking account of existing and future demand and supply of residential land.

Section C - Environmental, Social and Economic Impact

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

A biodiversity assessment of the subject land has been undertaken by Macrozamia Environmental Consulting and a copy of the assessment dated 29 January 2021 is attached at Annexure 5. This assessment includes the following Assessment of the Biodiversity Impact, Impact Mitigation Measures and Conclusion:

8. Assessment of the Biodiversity Impact

Considering the information detailed above that has been summarised from information collected during field and desktop investigations and assessments of significance for threatened species and communities the following final assessments are made.

8.1. Direct Impacts

The proposal will result in the 13ha subject site being available to transition from agricultural to residential.

8.2. Indirect Impacts

Operation of the subject site for residential use will increase traffic on Boureong Drive that may have minor impacts on road strike mortality of fauna. This impact is considered very minor given the low abundance and quality of habitat in the area.

As the site transitions to residential landscaping of residential dwellings will increase vegetation diversity. This will result in more animals, particularly birds using the site and be a positive impact on biodiversity.

8.3. Potential Impacts on Flora

Vegetation impacts will not significantly impact any threatened flora or endangered ecological communities. The proposal will not involve the removal of any significant vegetation, plant habitats or significantly degrade the ecological value of the study area.

8.4. Potential Impacts on Fauna and Habitat

No areas of important habitat or unique habitat components will be removed as part of this proposal. The impact of the proposal on fauna populations and their habitats is considered likely to be insignificant. No listed threatened fauna or their habitats are considered at risk of impact by this proposal.

9. Impact Mitigation Measures

The following impact mitigation measures are recommended for adoption to reduce the likelihood of any negative impacts on flora and fauna associated with this proposal both in the short and long term.

9.1 Any future Development Application to subdivide Lot 4 DP 1198749 must be accompanied by a Biodiversity Assessment that;

- a) Considers the specific design of the proposal &*
- b) Meets planning requirements for biodiversity current at the time of application*

10. Conclusion

This report has assessed the flora and fauna associated with this site and the extent and nature of impacts on biodiversity of the planning proposal.

It is essential that this report's impact mitigation measures be implemented in order to manage potential weed issues on the site and ensure that adjoining areas of high biodiversity value lands are not impacted.

There are no other biodiversity issues associated with this proposal and if the impact mitigation measures recommended by this report are implemented the overall impact of this proposal on flora and fauna will be negligible.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject area is located within the gently undulating and open slopes of an area immediately northeast of Gunning. The area is approx. 250m wide and 350m deep with topography being a sloping landform with a grade of approx. 10%. The NSW Environment and Heritage Land and Soil Capability Mapping defines the study area as generally Class 4 or Class 5 incorporating "Moderate to severe limitations. Land generally not capable of sustaining high impact land uses unless using specialised management practices with high level of knowledge, expertise, inputs, investment and technology. Limitations are more easily managed for lower impact land uses (e.g. grazing)." The land is not capable of sustaining high impact land uses and contains a Strahler 1st order watercourse adjacent to the southern boundary of the land. This intermittent watercourse drains to the west to Meadow Creek. The subject land is also located in the general vicinity of the Gunning Sewage Treatment Plant (STP) as indicated on the plan below on page 35. The southwest corner of the land is located approx. 160m from the northeast boundary of the STP site. An Odour Amenity Impact Assessment has been undertaken by SLR Consulting Australia Pty Ltd and a copy of the report dated June 2021 is attached at Annexure 6. This report includes the following conclusion:

"6 Conclusion

In the absence of separation guidelines issued by NSW EPA, a conservative separation distance of 160 m has been adopted for the GSTP using guidelines set by other regulatory agencies in Australia. The Site predominantly lies outside this separation distance, suggesting that there is a low risk of potential adverse amenity impacts on the Site from the GSTP. In addition, prevailing wind conditions suggest that the Site would be downwind of the GSTP very infrequently, and therefore the likelihood of any odour plume from the GSTP intersecting the Site could be considered unlikely. Based on the above, the risk of odour impacts at the Site is considered low and therefore suitable for sensitive land use as proposed."

Further advice has been received from SLR Consulting and is detailed below:

(i) Letter to EPA dated 31 May 2022:

A copy of the letter is included at Annexure 6 and includes the following summary:

In summary, SLR considers the OAIA for Lot 4 adequate to demonstrate low risk of land-use conflict due to the following:

- *the small scale and odour potential of GSTP*
- *the separation distance to residences within Lot 4 being greater than the relevant recommended separation distances*
- *the low frequency of wind directions required to promote odour transport from GSTP to Lot 4*
- *the apparent absence of odour nuisance at sensitive receptors closer (and in several cases, within the recommended separation distance) to GSTP and in directions experiencing higher frequencies of wind directions required to promote odour transport from GSTP.*

SLR considers that the OAIA meets the intent of the relevant aspects of the Technical Framework and that the qualitative low-risk outcome indicates that a more detailed assessment (e.g. predictive modelling) is not warranted.

(ii) Letter to Upper Lachlan Shire Council dated 25 May 2023:

A copy of the letter is included at Annexure 6 and includes the following statements:

Being a site-specific assessment, incorporating contingency for a population of 1,000 potentially-affected residents, SLR considers a 160 m separation distance for GSTP to be appropriate. This contrasts with NSW Water Directorate's recommended STP buffer of 400 m, which can be considered a blanket distance, chosen to be conservative with no consideration of the elements listed above.

As presented in Figure 1, attached, a 400 m buffer would encompass existing residences. SLR is not aware of any existing ongoing nuisance issues associated with odour from the existing GSTP activities. This absence of odour-related complaints from the existing residential areas indicates that the facility is achieving acceptable performance with regard to odour emissions. SLR considers that the emission of odour (intensity and character) is not offensive at the distances that existing sensitive receptors are located, as would be expected for a facility of this size, noting that these receptors are both closer to and (as discussed in our 2021 assessment report), downwind of the facility for a significantly greater proportion of the time than the Site. SLR does not consider a 400 m buffer distance to be appropriate in this situation, and indeed believes that imposing such a buffer will unnecessarily sterilise a large area of as yet unrealised land.

In response to Council's request that the buffer zone commence from the boundary of Lot 2 DP607629, a 160 m buffer conservatively assumed to extend from the perimeter of Lot 2 is presented in Figure 2, attached. Note this is conservative as it assumes that the activity boundary is the same as the Lot 2 boundary. This is unlikely to be the case, with any new pondage systems likely to be set in from the site boundary. Nevertheless, this conservative buffer leaves the majority of the Site available for subdivision, for which amendments to the

Local Strategic Planning Statement are now sought.

Additional information was provided to the Upper Lachlan Shire Council by Laterals on the 16 June 2023 regarding the Water Directorate STP Buffer Zone Land Use Planning Guidelines with a copy included at Annexure 6. This advice includes the following statements:

“The Water Directorate STP Buffer Zone Land Use Planning Guidelines (June 2020) states that:

In light of the variability of STP conditions and characteristics, it is recognised that a rigid approach to buffer zone planning is not appropriate. Each STP and surrounding environment needs to be assessed individually for effective and appropriate land use to be achieved. (Cl.2.1)

The Guidelines also indicate that the 400m buffer distance originates from the former Department of Planning’s Circular No. E3 – Guidelines for Buffer Areas Around Sewage Treatment (Water Pollution Control) Plants, March 1989, being a general policy on buffer areas and a strategic tool to broadly guide land use planners in considering public health and amenity issues relating to sewage treatment plants and to avoid inappropriate land use planning. The circular states that:

The circular recommends a minimum buffer distance of 400 metres, while recognising that this may vary according to local conditions. (Cl.3.1.1)

This is precisely the approach taken by the SLR Consulting assessment reports.” And

“The proposed Planning Proposal provides an opportunity for the implementation of Council’s Housing Strategy being adjacent to the existing urban area of Gunning which is unaffected by flooding and the site-specific odour assessment undertaken by SLR Consulting stating a buffer distance of 160m which can be implemented from the boundary of Lot 2 DP 607629 will minimise any impact from the Gunning STP.”

Subsequent advice forwarded to the Upper Lachlan Shire Council by the NSW EPA dated 27 October 2023 (copy at Annexure 6) includes the following statement:

“The EPA notes that the application seeks to rezone Lot 4 DP 1198749 from RU4 Primary Production small lots to RU5 Village, for the development of a residential subdivision. The EPA previously identified concerns regarding the proximity of the proposed residential subdivision to the Gunning Sewage Treatment Plant (STP) and the Gunning Landfill. These concerns related primarily to the potential for odour and noise impacts and associated potential conflicts between the sites. The EPA has received the additional information provided as part of the application and is satisfied that the concerns outlined in the previous letter have been appropriately addressed.”

All future residential development on the site will be outside the recommended buffer distance – see conceptual development plans at Annexure 8. Also, there is no indication of any site contamination that would cause environmental or health impacts and given the proximity to waste disposal facilities at Gunning would suggest that illegal disposal of waste on the site is highly unlikely. There are no other likely environmental effects as a result of the planning proposal and the proposal is unlikely to have any significant impact on the environment or any adjoining lands.



Lot 4 DP 1198749 and Gunning STP
(Map Source: Six Maps)

9. How has the planning proposal adequately addressed any social and economic effects?

The area has a long history of agricultural use and the planning proposal provides an opportunity to achieve the highest and best use of land with suitable environmental protection measures. The subject land is not identified as a heritage item nor is located in a heritage conservation area and an AHIMS search has been undertaken indicating nil aboriginal sites or places – see Annexure 7. The Upper Lachlan Shire Draft Housing Strategy (October 2019) states that “*Gunning is approximately 50km to the southwest of Crookwell and directly accessible by the Hume Motorway to both Canberra and Sydney, making it a desirable location for tourists from those cities. It is the closest centre to Canberra in the Shire. Gunning is approximately one hour drive to the centre of Canberra. The area was originally occupied by the Gundungurra and Ngunnawal people. In more recent years the area around Gunning has become known for its fine merino wool production. The town was important in Australia's colonial and 19th Century history. Gunning was settled very early in the colonial period, beginning in 1821 with exploration led by Hamilton Hume and in 1824 Hume, famously with William Hovell who charted the route from Gunning south to what was later to become Melbourne. At Fish River, four kilometres east of Gunning, is the commemorative memorial erected in 1924 to mark the hundredth anniversary of the Hume and Hovell expedition. The wide main street, Yass Street, still shows many examples of 19th century architecture, especially the ground floor of the Telegraph Hotel, London House, the post office, the old printery, the old bank, the courthouse and the commercial precinct centred around Caxton House. The built and natural history of the town are important attractions for tourists who come to visit such places as the Royal Hotel Dalton and the prehistoric Fossil Rock. At the 2016 census, Gunning had a population of 600.*”

In respect to social effects, the planning proposal will have a positive effect as the proposed riparian area and a passive recreation area could be utilized to provide a commentary on the history of Gunning. There seems to be considerable demand for properties within commuting distance of the ACT, as high costs of ACT housing push ACT workers into New South Wales. Families looking for a more rural lifestyle may decide that the most affordable way to have a large house on a spacious block will be to live near country towns such as Gunning. The primary school and other community facilities in Gunning are likely to be an attractor for families with young children. Gunning has a great deal of promise to expand as a village offering a more rural residential lifestyle with town benefits to families who need to commute to Canberra for work. The planning proposal will provide for this population and provide a positive economic impact in the Upper Lachlan Council area and particularly in the locality of Gunning.

Section D - State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The study area is adequately serviced in terms of electricity, telecommunications and associated services (e.g. school bus and postal services). The area permits ready access to all the benefits offered by Goulburn, Crookwell and Canberra (e.g. health, education, employment, waste management facilities, recreational and social, etc.) via the classified roads and Hume Highway. The subject land is able to be serviced by the existing Gunning reticulated water supply which is extant along Boureong Drive and Ryan Place. A gravity sewer reticulation network will also be able to service the site. Access to development within the area will be via Yass Street, Wombat Street, Biala Street and Boureong Drive being under the care and control of the Upper Lachlan Shire Council. The upgrading of road infrastructure and any additional public roads will be at the expense of the developer.

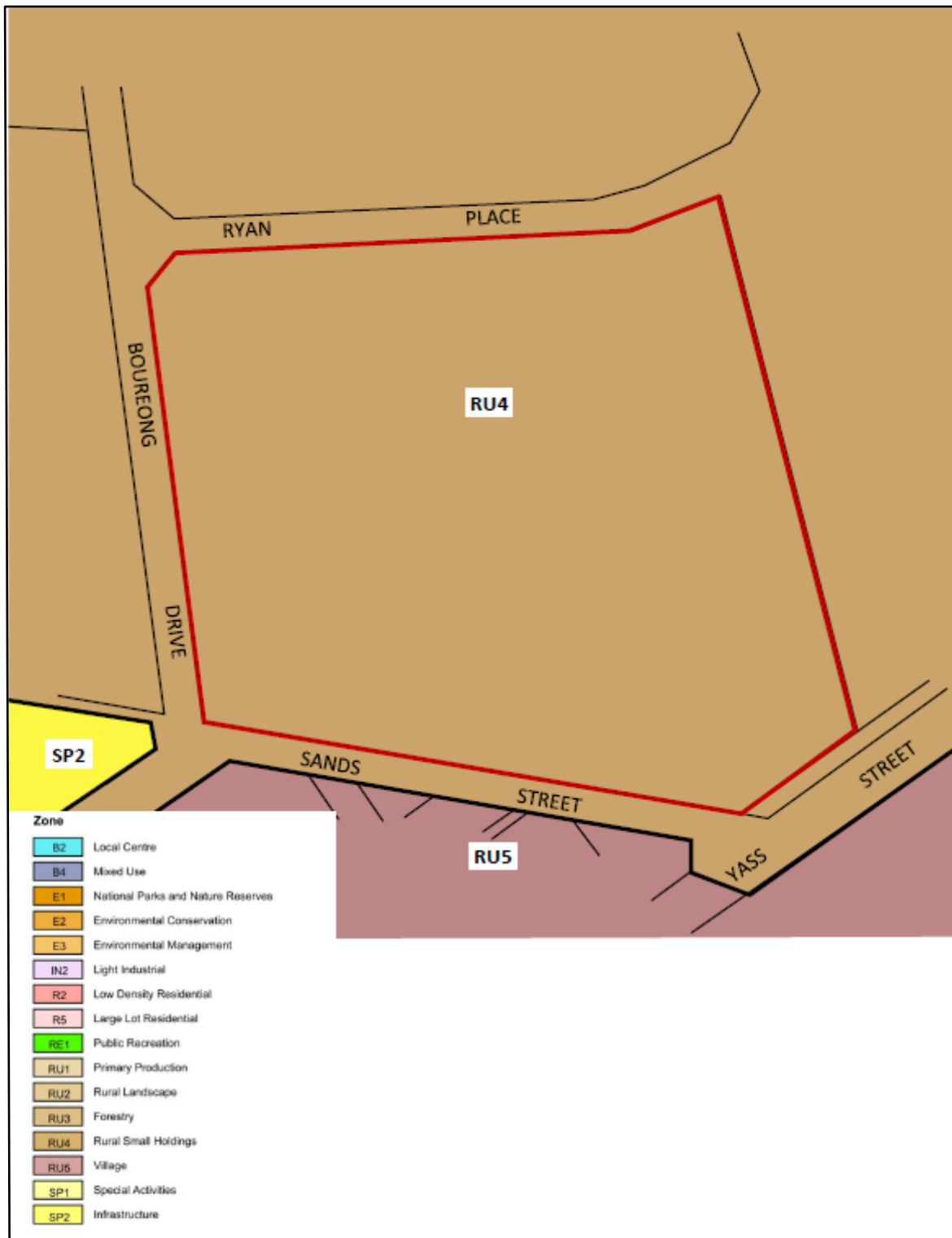
11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Any requirement to consult State and Commonwealth public authorities, as advised by the Department, will be undertaken in accordance with the relevant community consultation requirements.

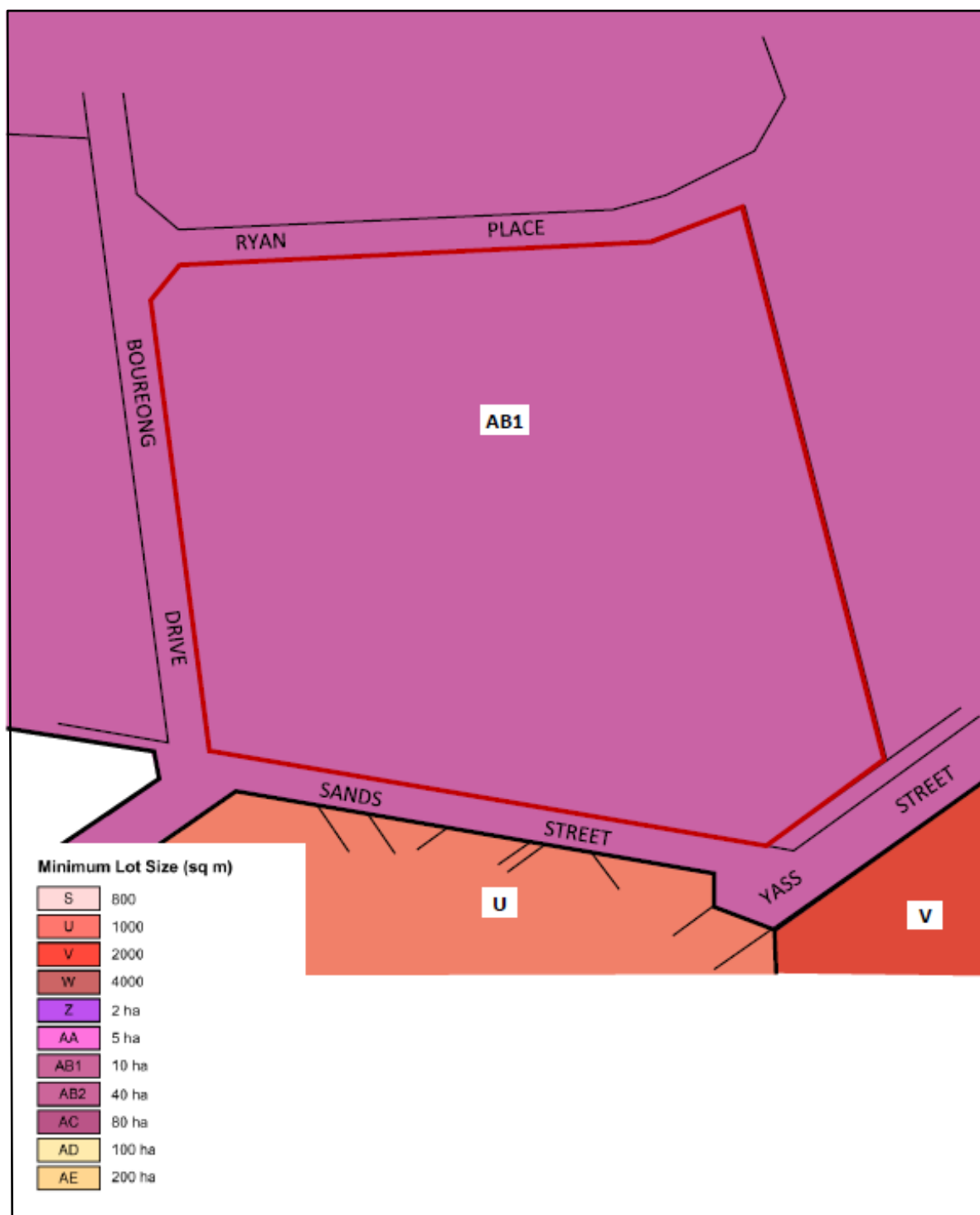
PART4-MAPPING

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

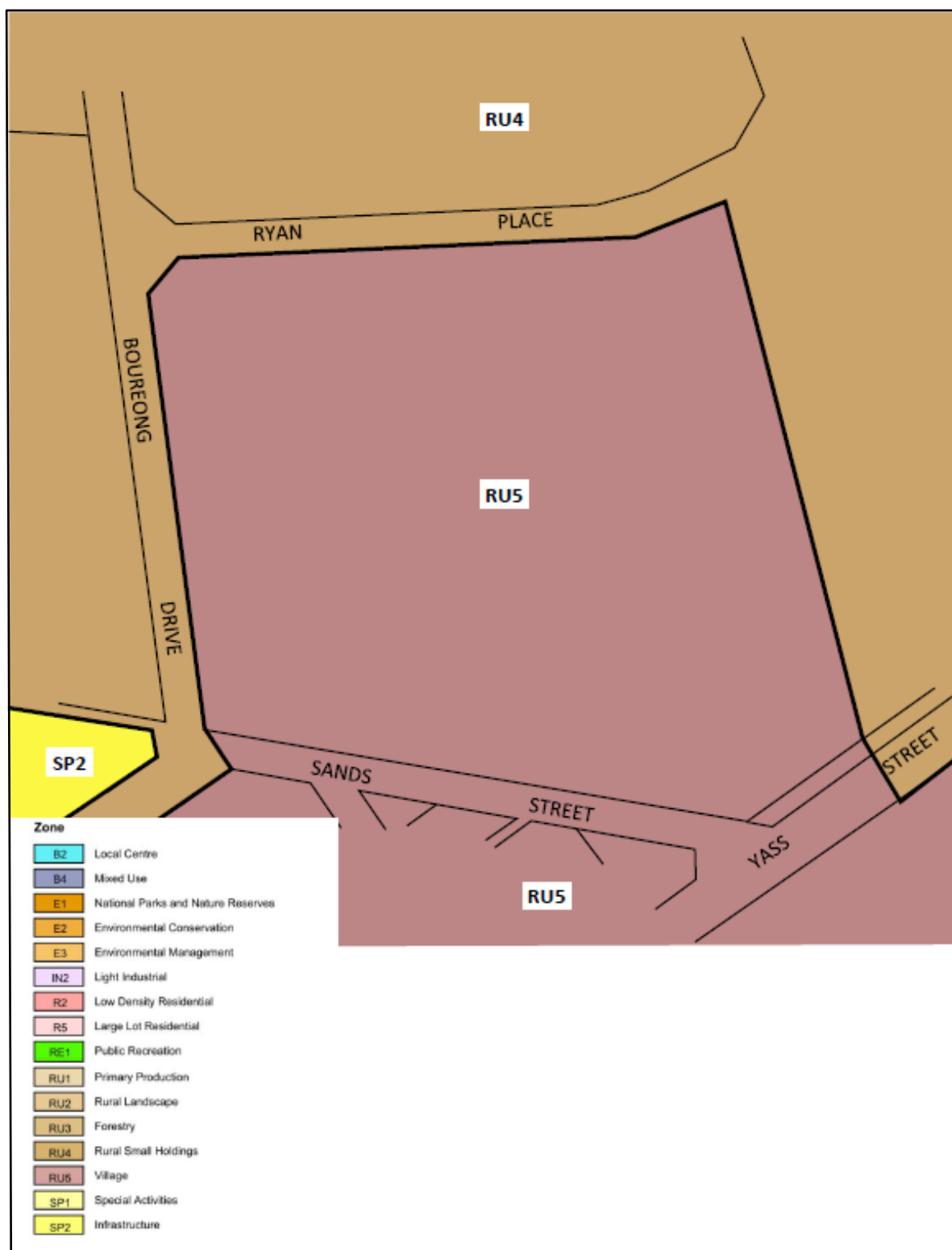
Figure 1	The current Land Use Zone applying to the land.
Figure 2	The current Minimum Lot Sizes relating to the land.
Figure 3	The proposed amendment to Upper Lachlan Land Zoning Map.
Figure 4	The proposed Minimum Lot Size to apply to the land.



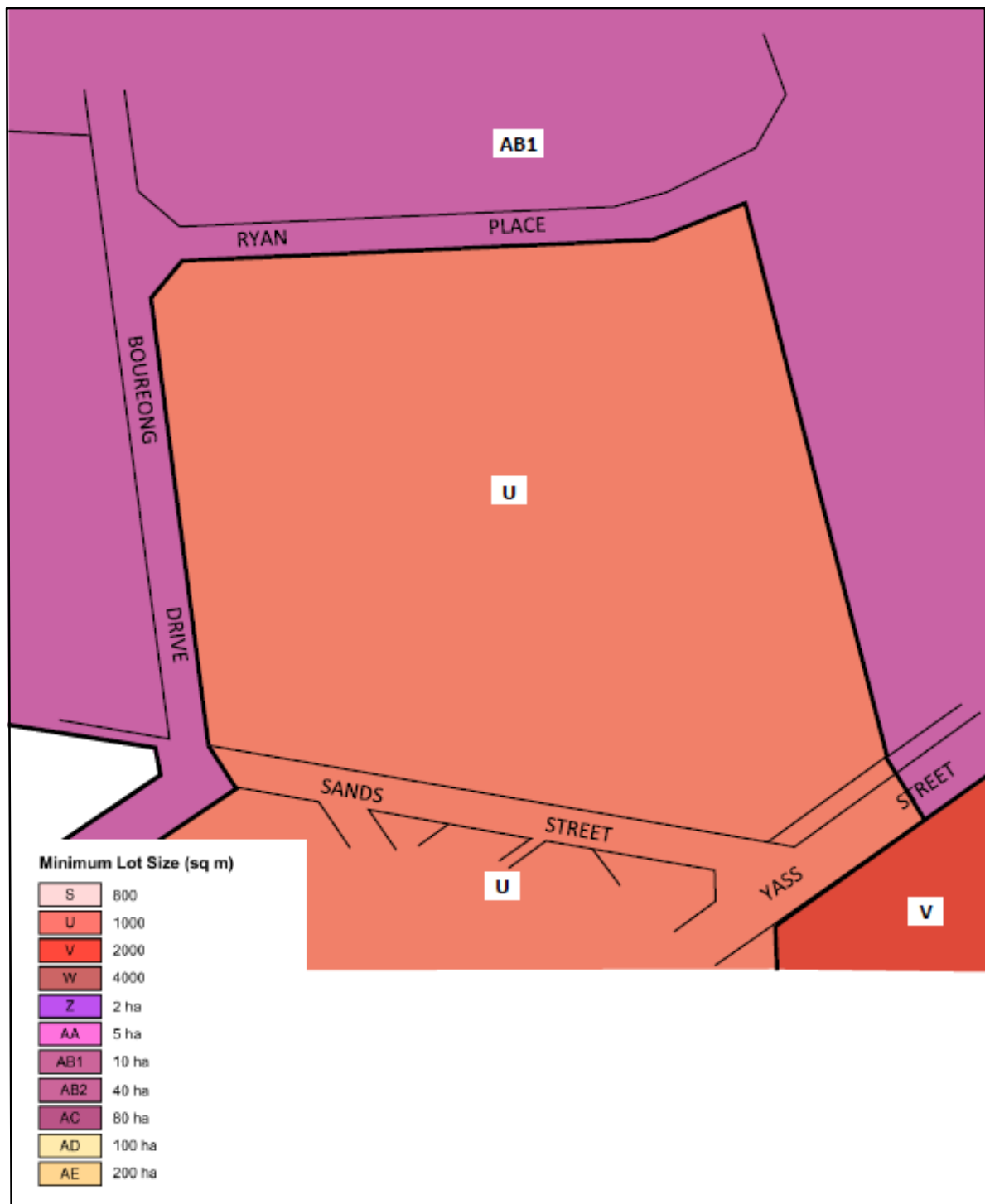
**Figure 1: The current Land Use Zone applying to the land
Zone RU4 Primary Production Small Lots
(Land Zoning Map – Sheets LZN_003C and LZN_003E)
Upper Lachlan Local Environmental Plan 2010
(Map Source: NSW Legislation website)**



**Figure 2: The current Minimum Lot Sizes relating to the land
AB1 – 10ha
(Lot Size Map - Sheets LSZ_003C and LSZ_003E)
Upper Lachlan Local Environmental Plan 2010
(Map Source: NSW Legislation website)**



**Figure 3: The proposed amendment to Upper Lachlan Land Zoning Map
RU5 Village Zone
(Land Zoning Map - Sheets LZN_003C and LZN_003E)
Upper Lachlan Local Environmental Plan 2010
(Map Source: NSW Legislation website)**



**Figure 4: The proposed Minimum Lot Size to apply to the land
Minimum Lot Size 1000m² (U)
(Lot Size Map - Sheets LSZ_003C and LSZ_003E)
Upper Lachlan Local Environmental Plan 2010
(Map Source: NSW Legislation website)**

PART 5-COMMUNITY CONSULTATION

The document “A guide to preparing local environmental plans” outlines the consultation required for different types of planning proposals and the gateway determination will specify the community consultation that must be undertaken on the planning proposal. It is expected that the exhibition period for this low impact proposal will be 28 days. A ‘low’ impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

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

The Planning Proposal will be notified in local newspapers that circulate the area affected, Council's website, in writing to adjoining landowners and public authorities. Details of the Planning Proposal and how to make a submission will be included in this notification. Laterals Planning will respond to any feedback from the Council, public authorities and the community in relation to the Planning Proposal.

PART 6 PROJECT TIMELINE

The following project timeline is provided for the planning proposal:

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

March 2024

Anticipated timeframe for the completion of required technical information:

April 2024

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

May 2024

Commencement and completion dates for public exhibition period:

June 2024

Dates for public hearing (if required):

Not required

Timeframe for consideration of submissions:

August 2024

Timeframe for the consideration of a proposal post exhibition:

September 2024

Date of submission to the department to finalise the LEP:

October 2024

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

November 2024

Anticipated date RPA will forward to the department for notification:

December 2024

CONCLUSION and RECOMMENDATION

An assessment of the Planning Proposal has been completed in accordance with the guidelines prepared by NSW Department of Planning and is the best means of achieving the intended outcome of the Planning Proposal to rezone and amend the lot size for certain land being:

- Lot 4 DP 1198749 from RU4 Primary Production Small Lots zone to RU5 Village zone and reduce the minimum lot size from 10ha to 1,000m² to enable the development of dwelling houses on lots to be created under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).

It is recommended that the Planning Proposal be endorsed by the Upper Lachlan Shire Council and forwarded to the Minister for Planning for a Gateway Determination in accordance with the *Environmental Planning and Assessment Act 1979* on the following grounds:

- An increase in the permissible density of land is justified in terms of its consistency with the objectives and actions contained within the *Draft South East and Tablelands Regional Plan 2036* and *The Tablelands Regional Community Strategic Plan 2016-2041*.
- The Planning Proposal is consistent with the Upper Lachlan Shire Local Strategic Planning Statement 2040 and in particular will provide an opportunity for new settlements close to existing urban service centres and provide value-adding to agriculture by small-scale intensive agriculture opportunities.
- The Planning Proposal complies with this identified growth area for Gunning.
- The Planning Proposal is consistent with the Upper Lachlan Local Planning Statement 2040 insofar that the development will provide for various lifestyle living opportunities whilst ensuring environmental sustainability, preservation of history and a sense of belonging in a community as well as providing services and facilities to enhance the quality of life and economic viability within the Council area.
- The proximity of the subject land to Gunning will support economic growth within the Upper Lachlan Council area and particularly in the Gunning environs.
- There is a demand for this type of development in the Upper Lachlan area.
- The Planning Proposal also meets all the relevant State, Regional and Local planning policies.

ANNEXURES

ANNEXURE 1

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 14 DECEMBER 2023

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 PLANNING PROPOSAL - LOT 4 DP 1198749 - 18 BOUREONG DRIVE, GUNNING

239/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council supports the amendments to the Local Strategic Planning Statement
2. The Council submits the planning proposal for a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by changing the zone and minimum lot size provisions of Lot 4 DP 1198749 from RU4 Primary Production Small Lots zone to RU5 Village zone and to reduce the minimum lot size from 10Ha to 1000m2.
3. The Council requests the Department of Planning and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979.
4. The Council notifies the community of the proposed changes to the local environmental plan through appropriate processes at the time.

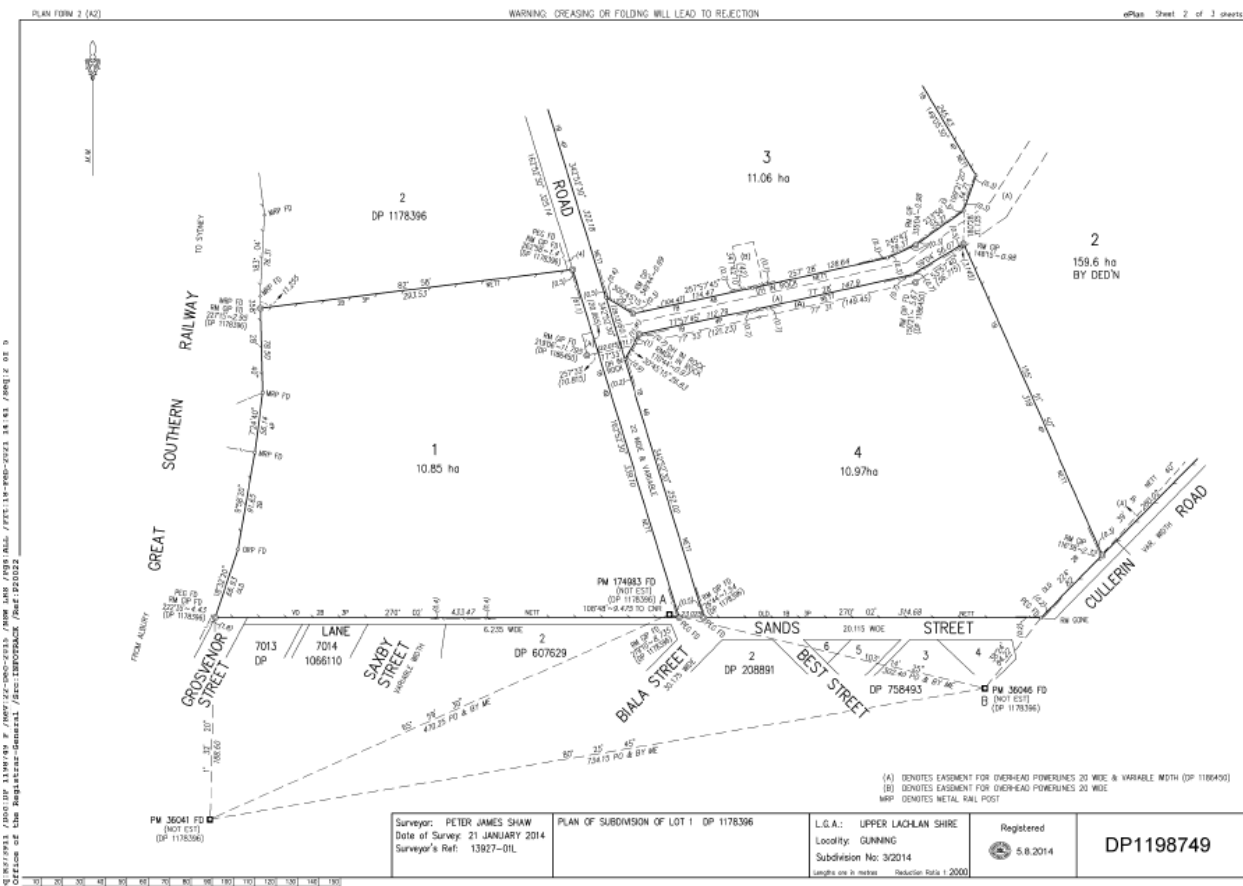
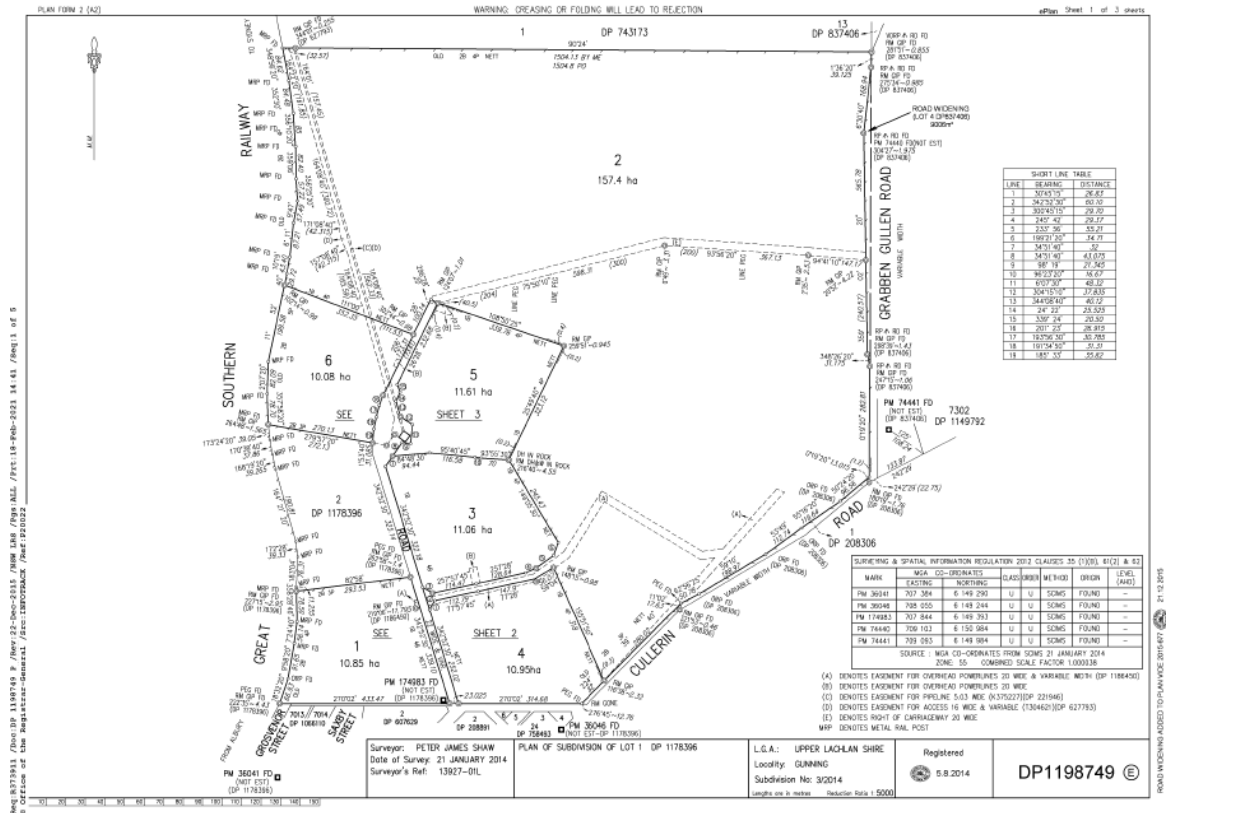
- CARRIED

Councillors who voted for:-

Crs P Kensit, M McDonald, P
Culhane, J Marshall, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

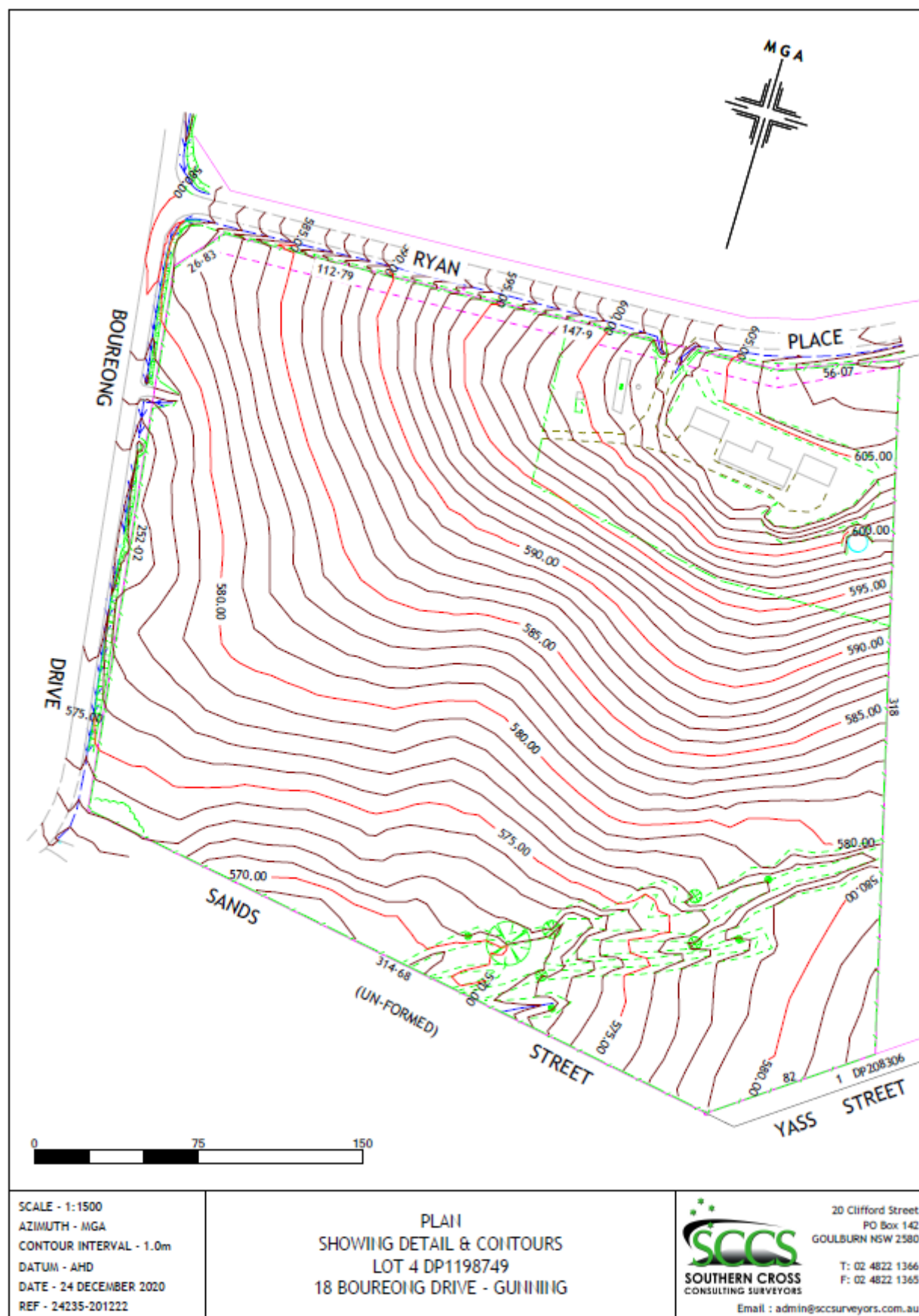
ANNEXURE 2 **DEPOSITED PLAN 1198749 - Sheet 1 and Sheet 2**



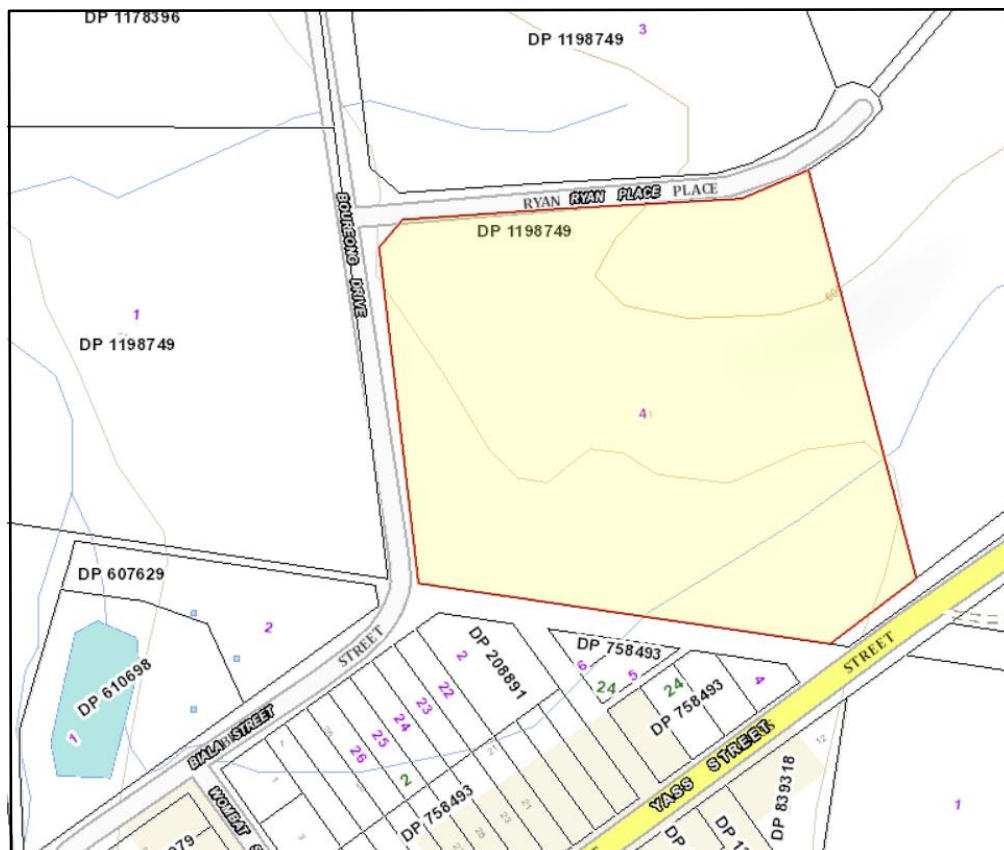
ANNEXURE 3

Site Contour Plan

(Plan Source: Southern Cross Consulting Surveyors)



ANNEXURE 4
Aerial Photograph and Topographic Map
(Map Source: Six Maps)



ANNEXURE 5

Biodiversity Assessment by Macrozamia Environmental Consulting

(Separately Attached)

ANNEXURE 6

Odour Amenity Impact Assessment by SLR Consulting Australia Pty Ltd

SLR Letter to EPA dated 31 May 2022

SLR Letter to Upper Lachlan Shire Council dated 25 May 2023

Laterals Additional Information to the Upper Lachlan Shire Council dated 16 June 2023

(Separately Attached)

ANNEXURE 7



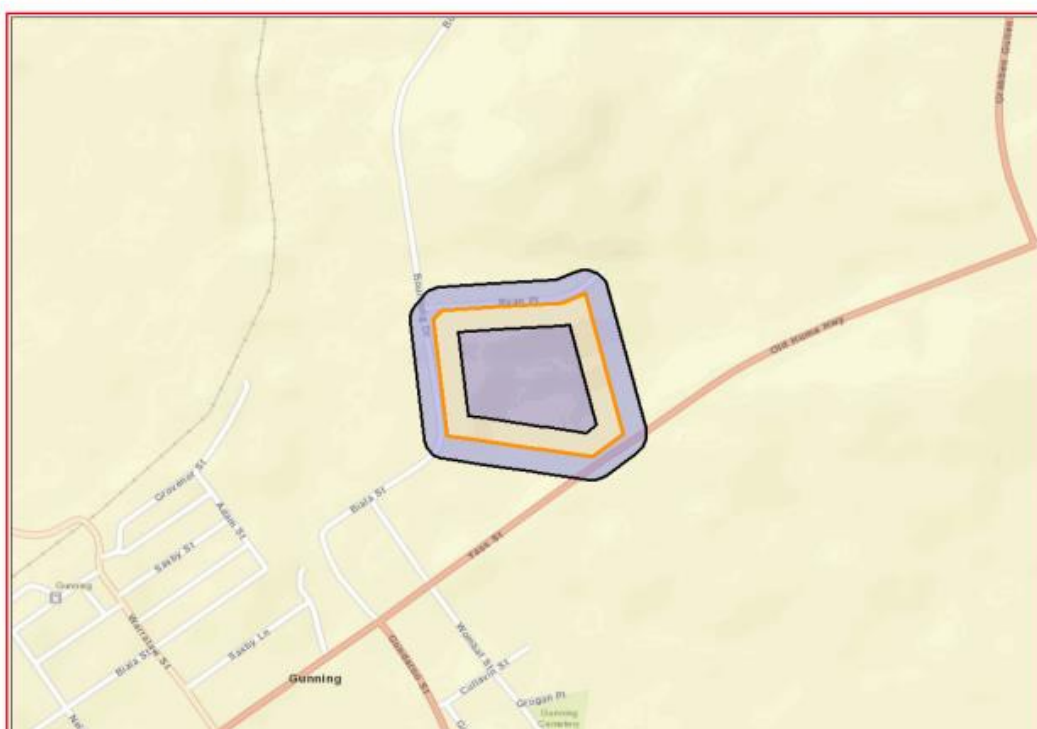
Client Service ID : 854479

Date: 15 January 2024

Email: robert@laterals.com.au

AHIMS Web Service search for the following area at Lot : 4, DP:DP1198749, Section : - with a Buffer of 50 meters, conducted by Robert Mowle on 15 January 2024.

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



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

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

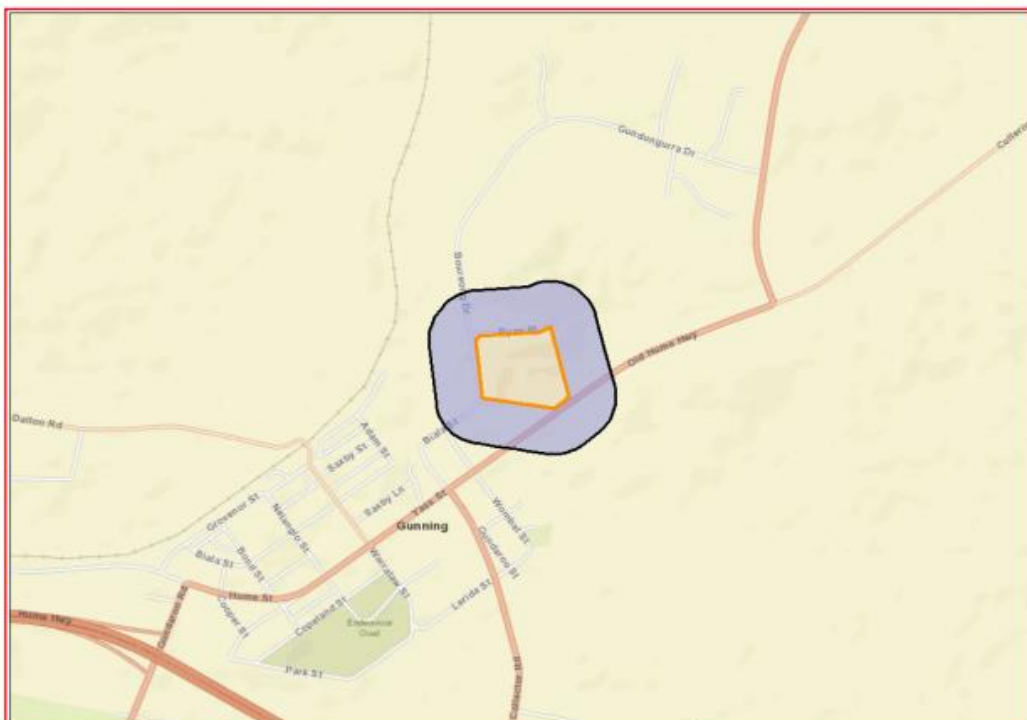
Attention: Robert Mowle

Email: robert@laterals.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 4, DP:DP1198749, Section : - with a Buffer of 200 meters, conducted by Robert Mowle on 15 January 2024.

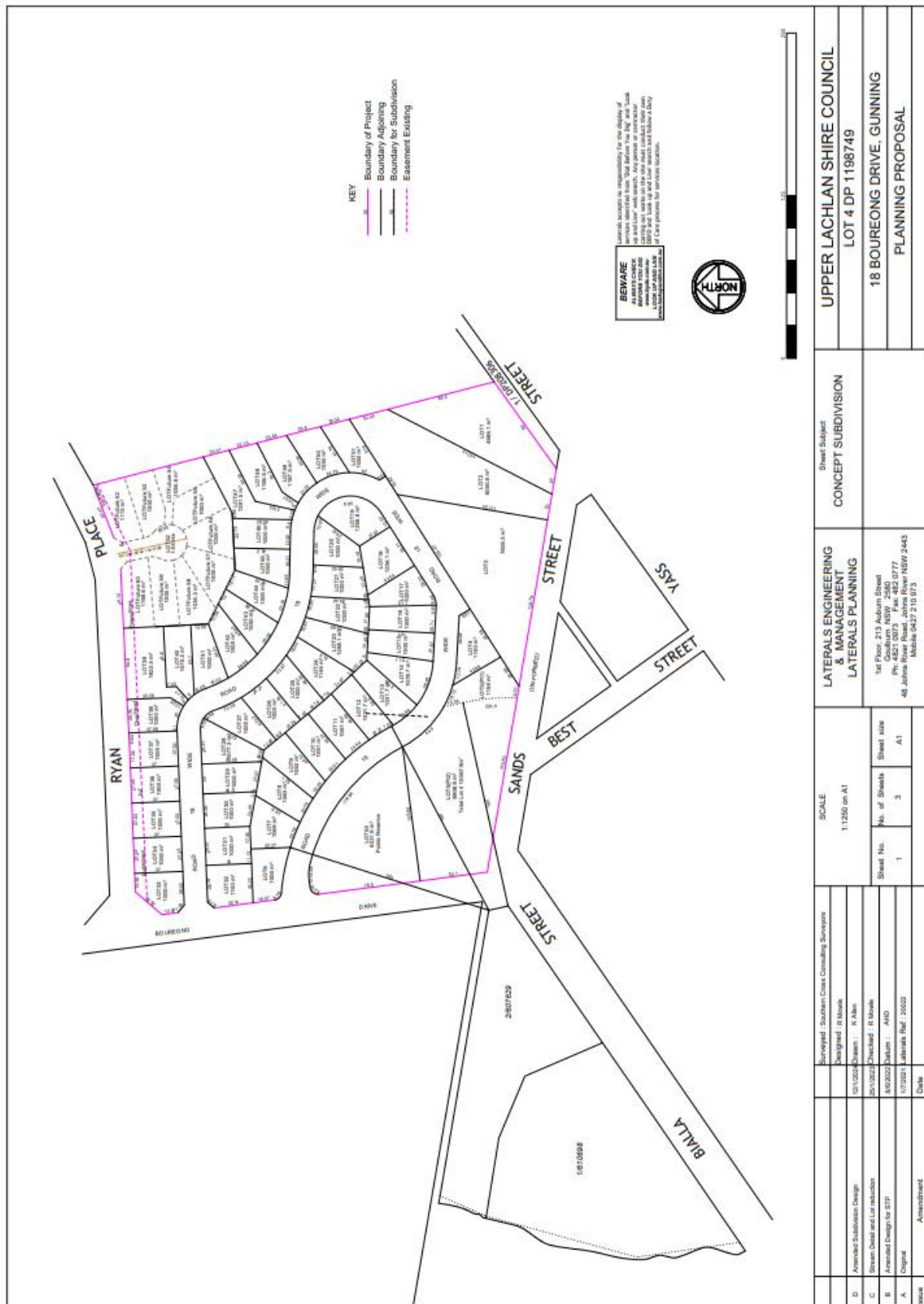
The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



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

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

Site Concept Development Plans



ANNEXURE 9
Site Photographs
(Dated 2 August 2021)



View from Yass Street



View from Boureong Drive