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14 February 2024

General Manager  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Dear Sir,

**Revised Planning Proposal – No. 137 Brisbane Grove Road, Brisbane Grove**

A revised planning proposal has been prepared resulting from the outcomes of a flooding assessment. The primary changes to the Planning Proposal involve: -

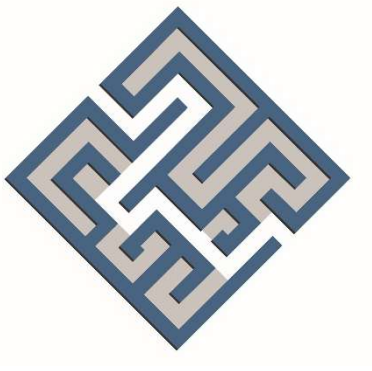
- ❖ Due to flood planning provisions no access can be created to the Lots that is within the extents of the probable maximum flood which necessitated a complete change in the Lot layout including access roadways.
- ❖ In lieu of a through road as originally proposed the development will now be serviced by two separate roads that will terminate in a cul-de-sac formation. Each road will roughly service an equal number of Lots.
- ❖ Due to the flood planning provisions which prohibit development in the 'flood planning area' two portions of the property will also contain land that will be zoned 'C2 – Environmental Conservation'.
- ❖ The number of Lots has decreased from 27 to 21.

As a consequence of the above changes there was quite an amount of detail that needed to be reconsidered and reworded in the reports, and then reflected in the revised plans, particularly the bush fire assessment which has to address access and egress. You will see that the flooding related issues form a big part of the design and discussion around how other matters such as wastewater management and stormwater are also influenced.

Yours truly,

Darren Hogan M.P.I.A  
Principal





PLANNING PROPOSAL  
TO GOULBURN MULWAREE COUNCIL

To rezone the subject land from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential with a Minimum Lot Size Development Standard of 2ha at:

LOTS 2-5 IN DP No. 62157, LOT 2 IN DP No. 1180093, LOTS 10-19, 21, 39, 43-45 & 54 IN DP No. 976708, LOT 54 IN DP No. 976708 & LOT 29 IN DP No. 175001

BRISBANE GROVE ROAD, BRISBANE GROVE

DECEMBER 2021



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## PLANNING PROPOSAL TO GOULBURN MULWAREE COUNCIL

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BRISBANE GROVE ROAD, BRISBANE GROVE

PREPARED ON INSTRUCTION FROM EUCHI PTY LTD

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Darren Hogan M.P.I.A.

December 2021

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Date



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## EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Hogan Planning for submission to Goulburn Mulwaree Council on behalf of the property owner Euchie Pty Ltd. The document has been prepared for the consideration of Council in accordance with the *Environmental Planning & Assessment Act 1979* and responds to the Section 9.1(2) Ministerial Directions in accordance with Section 55 of the Act. The Planning Proposal seeks Council support for the rezoning of the subject lots from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential with a corresponding change to the minimum lot size development standard from 10ha as applies to the RU6 zoning and 100ha as applies to the RU1 zoning to 2ha under the proposed R5 zoning.

The Planning Proposal is supported by various specialist consultant reports that consider the environmental constraints and opportunities of the land, specifically these reports consider matters of ecology, archaeology, traffic impact, water quality impact, bushfire hazard assessment and the potential for site contamination. At the request of the landowner the proposal also includes land that is zoned RU1 Primary Production and is located to the south of the Mulwaree River and within the northeast part of the subject site. The included land is identified as a 16.929ha portion of Lot 2 in DP 1180093. The lot has a split land use zoning of RU1 Primary Production over the major proportion of the lot with RU6 Transition zoned land located in the southeast. It is proposed that the entirety of the land area that is identified for inclusion within the accompanying concept subdivision plan for twenty-seven (27) lots is to be rezoned to R5 Large Lot Residential and that a minimum lot size of 2ha be applied.

Land zoned RU1 Primary Production is not identified under Fringe Precinct G 11 'Brisbane Grove' of the *Urban and Fringe Housing Strategy* and Council's favourable consideration for the inclusion of a 5.44ha portion of Lot 2 in DP 1180093 that is zoned RU1 is sought as it will assist the landholder in meeting the required minimum lot size of 2ha for proposed lots 13 through to 19. The 5.44ha portion of RU1 zoned land within Lot 2 in DP 1180093 is not considered to be prime agricultural land and is affected to an extent by seasonal flood inundation from the nearby Mulwaree River. Building envelopes have been identified outside of the flood affected land.

Reference to the accompanying concept plan of subdivision that has been prepared by Southern Cross Consulting Surveyors reveals that the land, although not ideal for agriculture, could be considered suitable for inclusion into the rear, northern areas of proposed lots 13 through to 19. The inclusion of the 5.44ha of RU1 zoned land and rezoning of this land to R5 can achieve twenty-seven (27) lots of 2ha that will contribute towards the supply of future residential land to meet the housing needs of the greater Goulburn area.



## 1 THE SUBJECT SITE

Legal Description	LOTS 2-5 IN DP No. 62157, LOT 2 IN DP No. 1180093, LOTS 10-19, 21, 39, 43-45 & 54 IN DP No. 976708, LOT 54 IN DP No. 976708 & LOT 29 IN DP No. 175001
Property Address	Brisbane Grove Road, Brisbane Grove



*Figure 1: The subject land area that is proposed to be rezoned to R5 Large Lot Residential comprises 63.37ha (Image source: SOWDES).*



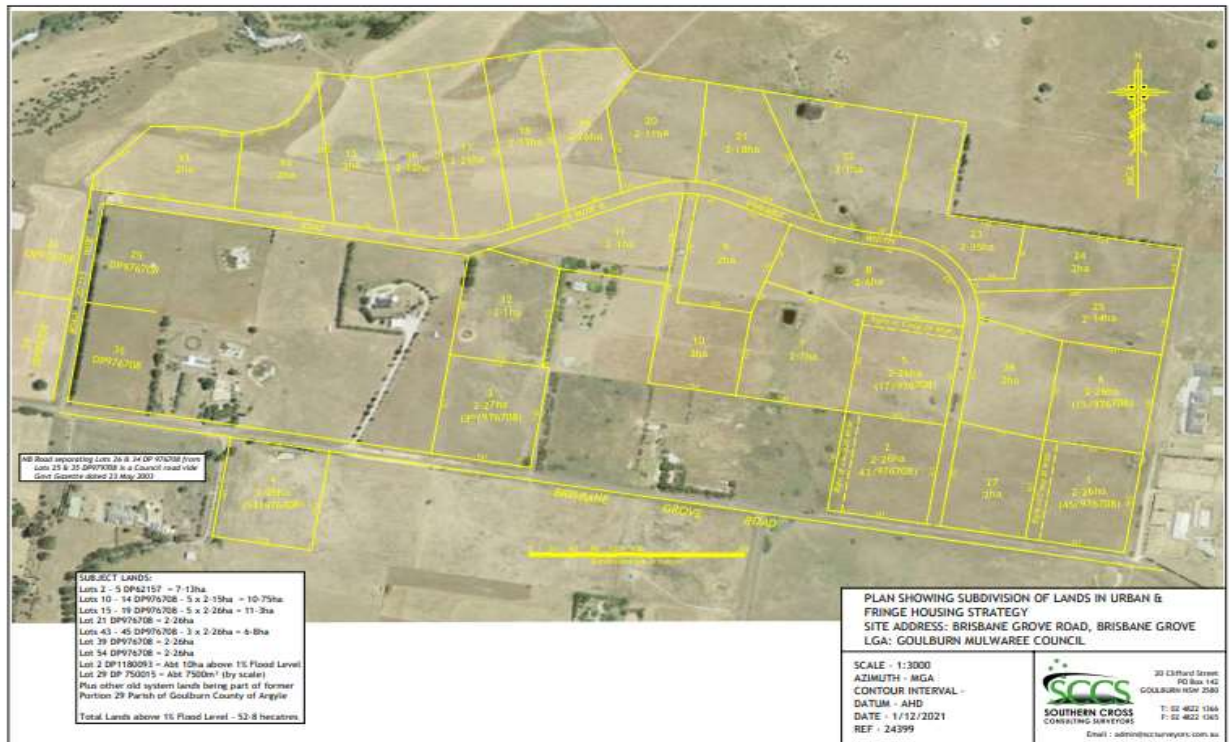


Figure 2: The subject land with the inclusion of 5.44ha of RU1 zoned land can accommodate a total of twenty-seven (27) new lots to meet the future residential land and housing needs of the Goulburn area. (Image source: Southern Cross Consulting Surveyors).

## 2 SITE LOCATION & DESCRIPTION

The subject land area that is proposed to be rezoned to R5 amounts to approximately 63.37ha and consists of nineteen (19) existing lots that are located on the northern side of Brisbane and one (1) existing lot located on the southern side of Brisbane Grove Road. The lots fall between Braidwood Road in the west and Windellama Road in the east. The lots total twenty (20) in number and are of various sizes and configurations that are identified as Lots 2-5 in DP 62157, Lot 2 in 1180093, Lots 10-19, 21, 39, 43-45 & 54 in DP 976708 & Lot 29 in DP 75001. The land area sought to be rezoned includes a 3.012ha portion of Freehold land that was created for a road dedication that was never completed and 6,890m<sup>2</sup> of unformed Council Road Reserve to be utilised in the provision of access to the proposed new lots.

The major proportion of the site is presently zoned RU6 Transition and is identified under the *Urban and Fringe Housing Strategy* as part of Fringe Precinct G 11 'Brisbane Grove' and within Figure 4 'Goulburn and Fringe Precincts' of the Strategy document. The exception to the RU6 zoned land is the proposed inclusion of 5.44ha of land area within Lot 2 in DP 1180093 that is zoned RU1 Primary Production. Lot 2 in DP 1180093 is bounded by the Mulwaree River in the north and has a split land use zoning, being RU1 Primary Production over the northern and western parts of the lot and a proportion within the southeast that is zoned RU6 Transition (Refer to Figure 3 below).



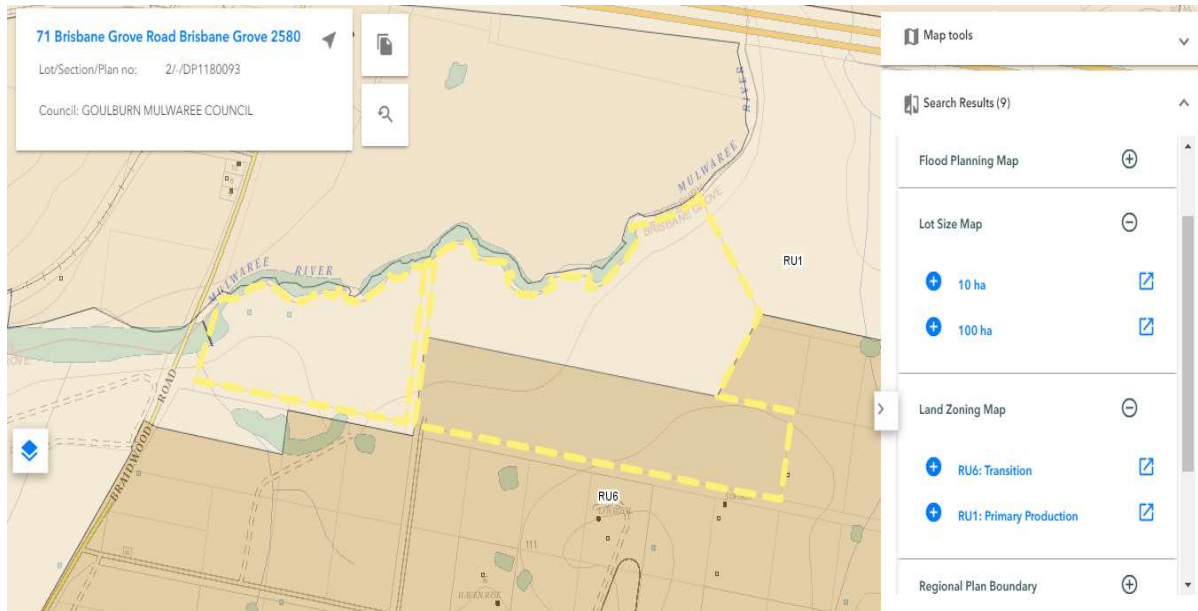


Figure 3: Lot 2 in DP 1180093 has a split land use zoning with the northern and western portions zoned RU1 Primary Production and the southeast portion zoned RU6 Transition. (Image source: DPI&E Planning Portal).

The landscape of the subject area has historically been used for farming, a land use activity that is typical for the location and reflects the agricultural history of lands around Goulburn. As a result of continuous farming activities over many decades, including ploughing and tilling of the soil, the landscape within the subject area is considered as a highly modified landscape compared to what would have existed prior to European settlement of the area. This modification and degradation of the top soil layer has impacted upon the site in terms of its ability to support items of Aboriginal Cultural Heritage, as described within the accompanying Due Diligence Archaeological Assessment undertaken by Black Mountain Projects.

Adjacent land to the east of the subject area is identified as Lot 20 in DP 976708. This lot was until recent times a part of a greater agricultural holding described as Sofala. The lot supports the historic homestead 'Sofala' from which the agricultural property took its name (refer to the accompanying Conceptual Subdivision and Lot Layout plan prepared by SOWDES and the accompanying Heritage Impact Assessment Report prepared by Black Mountain Projects). 'Sofala' is identified under Schedule 5 'Environmental Heritage' of the *Goulburn Mulwaree Local Environmental Plan 2009* as a State Listed Item of Heritage and appropriately the Planning Proposal includes an assessment of potential heritage impact.

The subject land that is proposed to be rezoned is divided up into various paddocks by rural fencing and includes a quantity of stock watering dams and a quantity of trees that are sparsely distributed within this agricultural landscape. The site overall does not contain or support habitat suitable for any threatened or endangered species (Reference should be made to the accompanying letter of correspondence prepared by the Accredited consultant Hayes Environmental dated 5<sup>th</sup> September 2021).



A proportion within the northwest part of the subject site described as Lot 2 in DP 1180093 is situated in proximity to the Mulwaree River and as a result is part flood affected. The Hume Motorway is a kilometre to the north of the subject land and extends through the landscape in an east to west orientation within the vicinity. The nearby southernmost urban extent of Goulburn is described as an industrial and adjacent low density residential precinct and is situated to the north of the motorway. A connection between Goulburn and the subject site is readily achievable via Braidwood Road and via Windellama Road, with Brisbane Grove Road forming a connection between the two major roads.

Nearby local landmarks include the Goulburn Railway Museum and Round Yard at approximately 1.4kms to the northeast; the Goulburn Showground and Veolia Stadium at approximately 2kms distant and the Goulburn East residential precinct at 2.7kms distant and to northeast. The Goulburn City CBD centred around Sloane Street is approximately 3.5kms to the northeast of the subject property. In summary the subject land is considered well situated in terms of road access to Goulburn and access to the greater region via proximity to the Hume Motorway.

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

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

The intended outcome of this Planning Proposal is to change the Land Use zoning of the subject site from the current zoning of RU6 Transition and RU1 Primary Production, wherein a minimum lot size development standard of 10ha and 100ha respectively applies, to a proposed land use zoning of R5 Large Lot Residential and for a minimum lot size development standard of 2ha to be applied to the land under Clause 4.1 of the GMLEP 2009. The intended outcome is to facilitate the lands capability to be developed for future residential purposes. The proposed concept subdivision layout for twenty-seven (27) 2ha lots and a new road is consistent with the recommendations made by Elton Consulting under the *Urban and Fringe Housing Strategy* for Fringe Precinct G 11 'Brisbane Grove' and as identified within Figure 4 'Goulburn and Fringe Precincts' of the Strategy document.

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

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

Rezoning of the subject lands described as Lots 2-5 in DP 62157, Lot 2 in 1180093, Lots 10-19, 21, 39, 43-45 & 54 in DP 976708 & Lot 29 in DP 75001, Brisbane Grove Road Brisbane Grove from RU6 Transition with a minimum lot size development standard of 10ha and RU1 Primary Production with a minimum lot size development standard of 100ha, to R5 Large Lot Residential with a minimum lot size development standard of 2ha to be applied under Clause 4.1 of the GMLEP 2009.

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

Land Zoning Map LZN\_001E is to be amended to change to the subject site from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential for the subject lands described as Lots 2-



5 in DP 62157, Lot 2 in 1180093, Lots 10-19, 21, 39, 43-45 & 54 in DP 976708 & Lot 29 in DP 75001.

Lot Size Map LSZ\_001E is required to be amended to change the minimum lot size of the subject site from 10ha and 100ha to 2ha for the subject lands described as Lots 2-5 in DP 62157, Lot 2 in 1180093, Lots 10-19, 21, 39, 43-45 & 54 in DP 976708 & Lot 29 in DP 75001.

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

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

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

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

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

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

A Planning Proposal to change the land use zoning of the identified lands from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential with a minimum lot size development standard of 2ha is the most efficient way to achieve the stated objectives and intended outcomes of the Planning Proposal. The proposal as noted also includes a portion of land of approximately 5.44ha that is zoned RU1 Primary Production within Lot 2 in DP 1180093.

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

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

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

- A connected and prosperous economy
- A diverse environment interconnected by biodiversity corridors
- Healthy and connected communities



- Environmentally sustainable housing choices

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

The strategy has the further broad objective of protecting the sensitive elements of the natural environment. This objective is not contradicted by this Planning Proposal as the site is demonstrated within the accompanying letter prepared by Hayes Environmental dated 5<sup>th</sup> September 2021 as not sensitive land from an ecological or environmental perspective. There are no parts of the site that contain significant remnant native vegetation as detailed within the Hayes Environmental correspondence.

The nature and scale of the Planning Proposal is broadly consistent with the Regional Strategy in that it follows on from Council's adoption of the Goulburn Mulwaree *Urban and Fringe Housing Strategy* that includes the subject land as suitable for consideration for a rezoning from RU6 Transition to R5 Large Lot Residential with the application of a minimum lot size of 2ha. The proposal as noted also includes a portion of land of approximately 5.44ha that is zoned RU1 Primary Production within Lot 2 in DP 1180093. It is offered to Council that a 16.929ha portion within Lot 2 in DP 1180093 that is proposed to be included as part of the rezoning application may usefully be employed to create the rear yard space of proposed lots 13 through to 19, within which future dwellings would be restricted via building envelopes to the greater portion of flood free land within each of the affected proposed lots.

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

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

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

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

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



*dwelling had been approved or had a development application submitted within 2 years of the subdivision being registered. This represents an approximate uptake of 70 percent and demonstrates a consistent demand for larger blocks on the urban fringe.'*

The subject lots total twenty (20) in number and with the exception of the RU1 Primary Production zoned portion of Lot 2 in DP 1180093, are identified with Fringe Precinct G 11 'Brisbane Grove' and Figure 4 'Goulburn and Fringe Precincts' of the Strategy document. As such the Planning Proposal meets the Assessment Criteria set out by the Goulburn Mulwaree Council 'Guidelines: For Proponent Initiated Planning Proposals' in that the PP is consistent with an adopted/endorsed Council or State Government Strategy.

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

#### SEPP No 21 – Caravan Parks

(1) The aim of this Policy is to encourage -

- (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
- (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
- (c) the provision of community facilities for land so used, and
- (d) the protection of the environment of, and in the vicinity of, land so used.

**Assessment – Consistent-** The Planning Proposal seeks to rezone an area of approximately 63.36ha of land to R5 Large Lot Residential. Of this land, the major proportion is currently zoned RU6 Transition, with a lesser portion of approximately 5.44ha of land zoned RU1 Primary Production. It is proposed that the entirety of the 63.36ha of land involved would be rezoned to R5 Large Lot Residential. The R5 zone represents a zone that would prohibit the land use activity of caravan parks.

#### SEPP No 33 - Hazardous & Offensive Development

This Policy aims—

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and
- (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and
- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and
- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and



- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and
- (f) to require the advertising of applications to carry out any such development.

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

#### **SEPP No 36 – Manufactured Home Estates**

(1) The aims of this Policy are—

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

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

#### **SEPP No 50 – Canal Estate Development**

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

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



#### SEPP No 55 - Remediation of Land

This direction applies to:

- (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
  - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
  - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

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

#### SEPP No 64 – Advertising & Signage

(1) This Policy aims -

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

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





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

- (1) This Policy aims to improve the design quality of residential apartment development in New South Wales.
- (2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high-quality design.
- (3) Improving the design quality of residential apartment development aims:
  - (a) to ensure that it contributes to the sustainable development of New South Wales:
    - (i) by providing sustainable housing in social and environmental terms, and
    - (ii) by being a long-term asset to its neighbourhood, and
    - (iii) by achieving the urban planning policies for its regional and local contexts, and
  - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
  - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
  - (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
  - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
  - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and
  - (g) to support housing affordability, and
  - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.
- (4) This Policy aims to provide:
  - (a) consistency of policy and mechanisms across the State, and
  - (b) a framework for local and regional planning to achieve identified outcomes for specific places.

**Assessment – Consistent-** The proposed R5 Large Lot Residential zoning does not permit residential flat development.

#### SEPP (Affordable Rental Housing) SEPP

The aims of this Policy are as follows—

- (a) to provide a consistent planning regime for the provision of affordable rental housing,
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,



- (f) to support local business centres by providing affordable rental housing for workers close to places of work,
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

**Assessment – Consistent-** No intended development of the subject land would be impacted by this Policy.

#### SEPP (Building Sustainability Index: BASIX) 2004

- (1) Regulations under the Act have established a scheme to encourage sustainable residential development (*the BASIX scheme*) under which:
  - (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and
  - (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

**Assessment – Consistent** –Any future building development of the subject land would require compliance with this Policy.

#### SEPP (Educational Establishments & Child Care Facilities) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and



- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

**Assessment – Consistent-** – No intended development of the subject land would be impacted by this Policy.

#### **SEPP (Exempt & Complying Development Codes) 2008**

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

**Assessment – Consistent-** The provisions of the SEPP apply to the land however a consideration is not triggered by the current proposal as it does not include the erection of any structures.

#### **SEPP (Infrastructure) 2007**

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (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.

**Assessment – Consistent-** The provisions of the SEPP would apply at subsequent Development Application stage and do not apply to the current proposal.

### SEPP (Koala Habitat Protection) 2021

This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

**Assessment – Consistent-** *State Environmental Planning Policy (Koala Habitat Protection) 2021* was made and commenced on 17 March 2021.

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

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

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

#### Part 1: Does the SEPP apply?

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

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



Part 2: Development Control

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

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

**Conclusion**

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

**SEPP (Mining, Petroleum Production & Extractive Industries) 2007**

The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries -

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and
- (c) to promote the development of significant mineral resources, and
- (d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and
- (e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development -
  - (i) to recognise the importance of agricultural resources, and
  - (ii) to ensure protection of strategic agricultural land and water resources, and
  - (iii) to ensure a balanced use of land by potentially competing industries, and
  - (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.

**Assessment – Consistent-** The land is not identified as containing mineral, petroleum or extractive material resources that would require consideration under the SEPP.



#### SEPP – Primary Production & Rural Development (2019)

The aims of this Policy are as follows—

- (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.

**Assessment – Consistent-** The site is farmland that has historically been used for the purposes of primary production and as such an assessment under the SEPP is required. The major proportion of the subject land is not zoned primarily for agricultural purposes in being zoned RU6 Transition. A proportion of the site equating to approximately 5.44ha is zoned RU1 Primary Production. The land is not identified as Strategic Agricultural Land and is impacted in part by flooding from the nearby Mulwaree River. Inclusion of the subject land into the rear yard areas of proposed residential lots is therefore considered favourable as it is of limited agricultural use and is surplus to the requirements of the land owner for the purposes of agriculture.

#### SEPP (State & Regional Development) 2011

The aims of this Policy are as follows—

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to identify development that is regionally significant development.

**Assessment – Consistent-** The Planning Proposal is not of State or Regional significance.

#### SEPP (Sydney Drinking Water Catchments) 2011

The aims of this Policy are -

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and





(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Assessment – Consistent-** The subject site is located within the identified water catchment area and the SEPP has application to the site. The Planning Proposal is accompanied by the requisite water quality assessment information as referenced within the listed Attachments. Should a positive Gateway Determination be issued, Water NSW will have the opportunity to undertake an assessment and respond to the Planning Proposal.

#### **SEPP (Urban Renewal) 2010**

The aims of this Policy are -

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
- (c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

**Assessment – Consistent-** The provisions of this Policy do not apply to the subject land.

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

#### **1. Employment & Resources**

##### **1.1 Business & Industrial Zones**

This Direction applies when a planning proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The objectives of this Direction are:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

**Assessment – Consistent-** The Planning Proposal seeks consideration for a rezoning of a land area of approximately 63.36ha, of which the majority is zoned RU6 Transition and a lesser portion of 5.44ha is zoned RU1 Primary Production. The Planning Proposal does not affect land within an existing or proposed business or industrial zone.



## 1.2 Rural Zones

This Direction applies when a planning proposal affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land. This Direction applies when a Planning Proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

**Assessment – Consistent-** The major proportion of the subject land is zoned RU6 Transition and a lesser proportion of 5.44ha is zoned RU1 Primary Production. The land has been and is engaged in agricultural production, hence a consideration of the potential impact upon the agricultural production value of the land is warranted. The RU6 portion of the land is not zoned primarily for agricultural production. The 5.44ha portion that is zoned RU1 Primary Production is affected by flooding from the adjacent Mulwaree River and is not of an area that is considered to represent viable agricultural land. The subject land is not State significant agricultural land and is not identified as prime agricultural land. Council has acknowledged the suitability of the location via intention to consider a rezoning of the identified lands to R5 Large Lot Residential via inclusion under the *Urban and Fringe Housing Strategy*.

## 1.3 Mining, Petroleum Production & Extractive Industries

This direction applies when a planning proposal would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

**Assessment – Consistent-** The proposed development would not have an impact upon potential mining activity, petroleum production and extractive industries.

## 1.4 Oyster Aquaculture

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



## 1.5 Rural Lands

This Direction applies when a planning proposal:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

**Note:** Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.

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 New South Wales Right to Farm Policy.

**Assessment – Consistent** - The major proportion of the subject land is zoned RU6 Transition and a lesser proportion of 5.44ha is zoned RU1 Primary Production. The land has been and is engaged in agricultural production, hence a consideration of the potential impact upon the agricultural production value of the land is warranted. The RU6 portion of the land is not zoned primarily for agricultural production. The 5.44ha portion that is zoned RU1 Primary Production is affected by flooding from the adjacent Mulwaree River and is not of an area that is considered to represent viable agricultural land. The subject land is not State significant agricultural land and is not identified as prime agricultural land. Council has acknowledged the suitability of the location via intention to consider a rezoning of the identified lands to R5 Large Lot Residential via inclusion under the *Urban and Fringe Housing Strategy*.

## 2. Environment & Heritage

### 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “*Rural Lands*”.

**Assessment – Consistent-** The site does not contain land that is zoned for the purposes of environment protection. An ecological assessment of the subject land has been undertaken by the



Accredited Assessor Hayes Environmental. The accompanying Hayes Environmental correspondence dated 15<sup>th</sup> September 2021 concludes that the site supports an extremely limited extent of highly degraded vegetation and does not support Threatened Species, any Endangered Ecological Community or habitat value.

## 2.2 Coastal Management

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

## 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

**Assessment – Consistent** – The subject land is located adjacent to a State Listed Item of Heritage that is described under Schedule 5 ‘Environmental Heritage’ of the GMLEP 2009 as the homestead ‘Sofala’. Appropriately a Heritage Impact Assessment (HIA) Report is included with the documentation and is referenced within the Attachments section of the PP report. The HIA concludes that the heritage impact of the proposed rezoning and enabling of subdivision potential is acceptable from a heritage perspective subject to the recommendations that are made within the report. The Due Diligence report concludes that there are no Aboriginal sites or objects located within the study area. The consultant further concludes that the current site condition is classified as *disturbed land* and as a result has a low potential to support Aboriginal sites or artefacts and no further assessment is required under the *NSW National Parks and Wildlife Act*.

## 2.4 Recreation Vehicle Areas

The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles.

**Assessment – Consistent** - No assessment of adverse impacts from recreational vehicles is triggered by the Planning Proposal.



## 2.5 Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs.

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

## 2.6 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the Environmental Planning and Assessment Act 1979.

**Assessment – Consistent-** The proposal to rezone farmland may trigger the need for investigation into the potential for contamination and remediation of land should Council consider that there be incomplete knowledge of the site's prior land use history. The Planning Proposal is accompanied by a Preliminary Site Investigation (Contamination) prepared by Douglas Partners dated **June** 2021, that concludes: -

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

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

## 3. Housing, Infrastructure and Urban Development

### 3.1 Residential Zones

The objectives of this Direction are:

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

This direction applies when a planning proposal affects land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.



**Assessment – Consistent-** The current zoning of the land is non-residential, being RU6 Transition and RU1 Primary Production, land use zonings that are considered inappropriate for further residential development. Rezoning of the land as proposed to R5 Large Lot Residential with a minimum lot size of 2ha will facilitate meeting objectives (a) through to (c) by encouraging variety in the choice for future housing whilst making efficient use of infrastructure and minimising the impact of residential development upon the natural environment and its resources.

### 3.2 Caravan Parks & Manufactured Home Estates

The objectives of this Direction are:

- (a) to provide for a variety of housing types, and
- (b) to provide opportunities for caravan parks and manufactured home estates.

**Assessment – Consistent** – The Planning Proposal intends to rezone the land to R5 Large Lot Residential wherein caravan Parks and Manufactured Home Estates are a prohibited form of development.

### 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

**Assessment – Consistent** - The Planning Proposal does not seek to amend the current provisions of the GMLEP 2009 for home occupations.

### 3.4 Integrating Land Use & Transport

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

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

This Direction applies when a planning proposal creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.





**Assessment – Consistent** - As the site does not currently support residential development, there will be no impact that requires consideration at the Planning Proposal stage under the objectives of the direction.

### 3.5 Development Near Regulated Airports and Defence Airfields

The objectives of this Direction are:

- (a) to ensure the effective and safe operation of regulated airports and defence airfields;
- (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and
- (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

**Assessment – Consistent** – Goulburn Airport is in proximity to the subject land. Should the rezoning application be supported, future dwellings may be impacted by noise from aircraft on approach and departure using the Airport. To address the potential impact, Council or another Authority may deem it appropriate to require that an acoustic assessment be undertaken at subdivision DA stage.

### 3.6 Shooting Ranges

The objectives are:

- (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
- (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
- (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

**Assessment – Consistent** -There are no shooting ranges adjacent to the subject land that could result in a land use conflict.

### 3.7 Reduction in non-hosted short term rental accommodation period

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

## 4. Hazard & Risk

### 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

**Assessment – Consistent** – There currently are no mapped acid sulphate soils within the site or the locality of Goulburn Mulwaree LGA.



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#### 4.2 Mine Subsidence and Unstable Land

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

**Note 1:** When a planning proposal would permit development on land that is within a Mine Subsidence District a relevant planning authority must:

- (a) consult the Mine Subsidence Board to ascertain:
  - (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and
  - (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and
- (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and
- (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

**Note 2:** A planning proposal must not permit development on land that has been identified as unstable in a study, strategy or other assessment undertaken:

- (i) by or on behalf of the relevant planning authority, or
- (ii) by or on behalf of a public authority and provided to the relevant planning authority.

**Assessment – Consistent** -The subject land is not identified as subject to mine subsidence or unstable.

#### 4.3 Flood Prone Land

The objectives of this Direction are:

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

**Note:** A planning proposal must not rezone land within any flood planning area from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.



A planning proposal must not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the development of that land,
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in flood ways or high hazard areas), roads or exempt development.

**Assessment – Consistent-** An area within the northwest of the site identified as Lot 2 in DP 1180093 is impacted upon by flood prone land associated with the presence of the Mulwaree River. In reference to the subject site, the flood affected land is proposed to assimilate into the rear yard spaces of proposed lots 13 through to 19. Infrequent and seasonal inundation within the northern parts of the proposed 2ha residential lots will not detrimentally affect the amenity of future dwellings or the access to the proposed lots. A restriction to property title to limit future structures to flood-free areas would be proposed at the DA stage for subdivision of the land. Reference is made to the accompanying Stormwater Drainage and Flood Impact Site Plan drawing prepared by SOWDES for details of the land areas affected relative to the proposed lot boundaries.

#### 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

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

**Assessment – Consistent** - The subject land is identified as bushfire prone. Should a positive Gateway Determination be received it is anticipated that referral to NSW Rural Fire Service would be required. The Planning Proposal is supported by a Strategic Bushfire Study and Plan prepared by the environmental consultancy SOWDES as referenced under the Attachments to the Planning Proposal report.

### 1. Regional Planning

#### 5.1 Implementation of Regional Strategies

**Assessment – Consistent** – The above Direction has been revoked.



## 5.2 Sydney Drinking Water Catchment

The objective of this Direction is to give effect to protect water quality in the Sydney Drinking Water Catchment.

**Assessment – Consistent** – The subject land is located within the catchment area. Should a positive Gateway Determination be received referral to Water NSW will be required. This assessment will then be updated to reflect the Water NSW response prior to exhibition. The Planning Proposal is supported by a Water Cycle Management Study and Stormwater Management and Stormwater Drainage Plans prepared by the environmental consultancy SOWDES as referenced under the Attachments listed in Part 5.

## 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

## 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

## 5.5 Development in the Cessnock LGA

## 5.6 Sydney to Canberra Corridor

## 5.7 Central Coast

## 5.8 Second Sydney Airport – Badgerys Creek

## 5.9 North West Rail Link Corridor Strategy

**Assessment – Consistent** – The above Directions have either been revoked or do not apply in the Goulburn Mulwaree LGA.

## 5.10 Implementation of Regional Plans

The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in Regional Plans. The Planning Proposal must demonstrate consistency with the SE & Tablelands Regional Plan.

**Assessment – Consistent** - The Planning Proposal is consistent with the goals and actions of the *South East & Tablelands Regional Plan* as discussed in section B3 of this report.

## 5.11 Development of Council Land

The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.

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



## 6. Local Plan Making

### 6.1 Approval & Referral Requirements

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

**Assessment – Consistent** -The Planning Proposal seeks to rezone land from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential and to change the minimum lot size development standard from 10ha and 100ha respectively to 2ha. The proposed change would be consistent with the *Urban and Fringe Housing Strategy* that includes the subject site as land that is appropriate for consideration for rezoning to a residential land use as identified within Figure 4 'Goulburn and Fringe Precincts' of the Strategy document.

### 6.2 Reserving Land for Public Purposes

The objectives of this Direction are:

- (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

**Assessment – Consistent**- The Planning Proposal will not have an impact public services and facilities.

### 6.3 Site Specific Provisions

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

**Assessment – Consistent** – The Planning Proposal seeks to include the subject property as part of Council's broader strategy for future housing supply as expressed within the *Urban and Fringe Housing Strategy* and does not propose to achieve the intended outcome via any site-specific planning controls.

## 7. Metropolitan Planning

### 7.1 -7.10

**Assessment – Consistent** – These Directions do not apply to the Goulburn Mulwaree LGA.



## Section C – Environmental, Social & Economic Impacts

### *3.3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?*

The site overall does not contain or support habitat suitable for any threatened or endangered species (Reference should be made to the accompanying letter of correspondence prepared by the Accredited consultant Hayes Environmental dated 5<sup>th</sup> September 2021).

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

The Planning Proposal seeks Council's support for a rezoning of the subject land from RU6 Transition wherein a minimum lot size development standard of 10ha applies and RU1 Primary Production wherein a minimum lot size development standard of 100ha applies to R5 Large Lot Residential with a proposed minimum lot size development standard of 2ha. In support of the proposed change, the Planning Proposal is accompanied by various specialist consultant reports. The conclusions of these reports, when considered individually and when summarised collectively, support the intended outcome of the Planning Proposal. Matters pertaining to heritage and archaeology, traffic and parking, the protection of water quality, an assessment of bushfire hazard and the potential for site contamination are considered within the following paragraphs:

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

The Heritage Impact Statement prepared by Black Mountain Projects identifies the subject lands as being in the vicinity of a State Listed Item of Heritage 'Sofala' which is included within Schedule 5 'Environmental Heritage' of the GMLEP 2009. Section 5.3 of the report proposes that a heritage covenant be introduced via an 88B Instrument to the future Property Title for the subdivision to create future residential lots. The report lists various measures proposed to mitigate potential impacts upon the adjacent Sofala homestead that would result from proximity to a future residential subdivision. The report recommends that the suggested measures would result in an acceptable heritage outcome for the Heritage Item.

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

*1. The potential traffic generation of the development would not impact on the surrounding road network to a point of detriment.*





2. *Intersections in the immediate vicinity of the development would operate at a satisfactory level of service in the future at full development without any need for capacity improvements.*
3. *The proposed design would ensure fire vehicle access to properties fully complies with the requirements of the NSW Rural Fire Service Single Dwelling Guidelines.*

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

A Water Cycle Management Study (WCMS) prepared by the environmental consultancy SOWDES accompanies the Planning Proposal. The WCMS is supported by maps that detail stormwater, drainage, and flood impact management. The report and plans should be referred to for full details, however in summary the consultant conclusion is that the proposed rezoning of the land based upon consideration of a conceptual 27 lot subdivision is able to result in a Neutral or Beneficial Effect (NorBE) upon water quality under the terms of the *SEPP Sydney Drinking Water Catchments (2011)*. This conclusion is based upon future developments adhering to the recommended practices outlined within the WCMS.

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

*'It is further considered that any potential future residential development undertaken within the proposed Lots once the subdivision is registered and the Lots created will be able to comply with the acceptable solutions, performance requirements, and specific objectives provisions of Chapter 7 – 'Residential Infill Development' of Planning for Bush Fire Protection (2019) and "AS3959 - 2018 Construction of Buildings in Bush Fire Prone Areas" if applicable.'*

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

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

*'Sporadic waste materials were observed on the site surface. These included old fencing material, ceramic pipe, metal sheeting and old bricks. The likelihood that contamination has resulted from these waste materials is low, however, the waste material should be removed from the site and disposed at a licensed waste disposal facility prior to development commencing. Minor quantities of pesticides were noted in sheds located immediately to the south of the site, indicating the possible use of pesticides on site. It is considered that the risk of accumulation of significant quantities of pesticides in general soil across the site is low and at this time an intrusive investigation is not required.'*

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



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

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

## **Section D – State and Commonwealth Interests**

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

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

## **4 MAPPING**

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

## **5 COMMUNITY CONSULTATION**

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



## CONCLUSION

This Planning Proposal to Goulburn Mulwaree Council demonstrates that a rezoning of the subject land from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential is consistent with the recommended outcomes of the *GM Urban and Fringe Housing Strategy* and is supported by the specialist consultant reports that are referenced within the Planning Proposal and pertaining to the site's environmental considerations. The conclusions of the specialist reports when considered collectively are consistent in that there are no identified site constraints pertaining to Aboriginal or European Cultural Heritage, ecology, contamination, traffic, water quality, flooding or bushfire hazard that would preclude a favourable consideration of the Planning Proposal.

Based upon the above conclusion and the demonstrated consistency of the proposal with both State and Local Planning Legislation, it is recommended to Council that the rezoning of the land from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential and a corresponding change to the minimum lot size control from 10ha and 100ha respectively to 2ha has been demonstrated to have merit and is therefore worthy of Council's support.



## ATTACHMENTS

1	Due Diligence Investigation for the protection of Aboriginal Objects prepared by Black Mountain Projects Issue A dated May 2021
2	Heritage Impact Statement prepared by Black Mountain Projects Issue A dated May 2021
3	Native Vegetation and Habitat Survey letter prepared by Hayes Environmental dated 5 <sup>th</sup> September 2021
4	Traffic and Parking Assessment Report prepared by Positive Traffic Ref: PT021035r01 Final V2 dated November 2021
5	Water Cycle Management Study prepared by SOWDES Ref: 0050421 dated 23 <sup>rd</sup> November 2021
6	Strategic Bushfire Study prepared by SOWDES Ref: 0050421 dated 23 <sup>rd</sup> November 2021
7	Plan showing subdivision of land in Urban and Fringe Housing Strategy prepared by Southern Cross Consulting Surveyors Ref: 24399 dated 1 <sup>st</sup> December 2021
8	Plan showing subdivision of land in Urban and Fringe Housing Strategy (including aerial overlay) prepared by Southern Cross Consulting Surveyors Ref: 24399 dated 1 <sup>st</sup> December 2021
9	Plan showing subdivision design contours of 0.5m, 1m and 5m prepared by Southern Cross Consulting Surveyors Ref: 24399 dated 1 <sup>st</sup> December 2021
10	Preliminary Site Investigation (Contamination) report prepared by Douglas Partners Project 203670.00 dated June 2021
11	Strategic Bushfire Study Site Plan prepared by SOWDES Ref: 0050421-01A dated November 2021
12	Stormwater Management Site Plan prepared by SOWDES Ref: 0050421-01B dated November 2021
13	Stormwater Drainage and Flood Impact Site Plan prepared by SOWDES Ref: 0050421-01C dated November 2021
14	Wastewater Management Site Plan prepared by SOWDES Ref: 0050421-01D dated November 2021



***Disclaimer***

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