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ATTACHMENTS

ENCLOSURES

Ordinary Council Meeting

16 June 2020

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Attachment 1 - DUFHS – Final Consultation – Submission Summary

	Submitter	Submission Summary	Comment
1	<p>Ian Shuttle for John Craig and Jeanette Shuttle</p> <p>Zone Boundary Lots 11/12 DP 1156095</p>	<p>This submission relates to the current zone boundary between the E3 zone and R2 zone as it applies to Lots 11 and 12 DP 1156095.</p> <p>The submission is advising of the suitability of the sloping portion of the site for residential development. It would appear that in the past the LEP has applied the zone boundary partly based on slope.</p> <p>The submission provides details on slope stability in the E3 section in support of an adjustment to the zone boundary.</p>	<p>As stated in the Consultation Report, this matter is quite specific and could be dealt with in a site specific Planning Proposal. The Strategy is a broader planning document concerning housing (demand/supply/locations), it is not intended to address detailed site specific matters.</p> <p>A future planning proposal to consider the zone boundary issue is not inconsistent with the Strategy as this site (and the E3 zone) is contiguous to existing residential zoned land.</p> <p>Recommendation: No change to the Strategy and the submission of a site specific Planning Proposal to resolve the zone boundary issue.</p>
2	<p>David Kelly Gunlake Quarries</p> <p>Gunlake Quarry Haul Route</p>	<p>This submission reiterates Gunlakes' concerns regarding the protection of its haulage route from potential residential interface issues with the Marulan North residential precinct.</p> <p>The submission cites State Environmental Planning Policy (<i>Mining Petroleum and Extractive Industries</i>) in terms of the objectives being applied to protect the haulage route.</p> <p>The submission is seeking a 250m wide buffer for the haulage route between the Brayton Road intersection, and Hume Highway along Ambrose/and Red Hills Road similar to the buffer indicated in the Strategy for the Hume Highway.</p>	<p>The Strategy does identify the haulage route for Gunlake as a constraint in the Marulan North Precinct. A specific buffer distance was not specified in the Strategy due to the need to do a noise assessment and traffic assessment as a part of future planning. Similar to other precincts the opportunity area mapped deliberately did not follow strict property boundaries in the expectation of future constraints etc and studies being used to determine boundaries. As it currently stands the buffer as mapped in the precinct covers a distance of approximately 260m south of Ambrose – Red Hills Road. The opportunity area is indicated as being to the south of this distance.</p> <p>The precinct map could be amended to include the 250m buffer in the legend (similar to the Hume Highway). It is noted though that this is just a Strategy document and that further detail around this issue will need to be dealt with at the Planning Proposal/DCP Master Planning phases.</p> <p>Recommendation: The legend in the precinct map be amended to include the 250m distance in the buffer (similar to Hume Highway) for Ambrose/Red Hills Road from Brayton Road to the Hume Highway.</p>

	Submitter	Submission Summary	Comment
3	<p>Urbanism on behalf of Ganter</p> <p>Mistful Park</p>	<p>This submission requests that:</p> <ul style="list-style-type: none"> a) The DUFHS acknowledges Council's Resolution of 6 March 2018 in relation to the Mistful Park Urban Expansion Lands Planning Proposal (Precinct 5) b) The DUHFS is corrected to acknowledge the more rigorous environmental field work that has already been undertaken by Woodlands Environmental Management in direct consultation with Council's environmental and Strategic Planning staff in 2017. Further, that environmental overlays contained in the DUHFS are corrected to identify the site as being subject to detail site surveys already undertaken by the landowner in consultation with Council staff. c) That the DUFHS specifically identifies Mistful Park Urban Expansion Lands Planning Proposal as substantially progressed and proponent-led and that a report recommending its progression to the NSW Department of Planning Industry and Environment LEP Gateway be received for Council's consideration along with the draft Strategy so that the detailed environmental assessments and pathways can be progressed with OEH. d) That Council, mindful of the delays in finalising the DUFHS, instructs staff to refer the Mistful Park Urban Expansion Lands Planning Proposal to the Department of Environmental Planning, Infrastructure and Environment (DPIE) seeking a Gateway Determination without further delay, noting its consistency with the DUFHS. 	<p>As previously stated the DUFHS is a general strategy concerned with housing supply/demand, whilst identifying suitable locations for expansion. It is not intended to the means to flag the history of each area under consideration. The Mistful Park site is identified as being within the pre 2036 area for land release.</p> <p>The site does have some areas of biodiversity that are required to be further assessed under the new legislation introduced after the earlier Flora and Fauna Report commissioned by Ganter. It is agreed that the study by Ganter may be more accurate - the Strategy does state that it is only flagging high level constraints.</p> <p>Given that NSW DPIE (Environment) – former Office of Environment and Heritage, had provided a specific comment on this site to the effect that a biodiversity assessment under the new legislation needs to be undertaken, it will be this assessment, which will determine land capability and extent/ocation of residential in relation to biodiversity.</p> <p>This planning proposal was deferred for consideration with the Strategy and once the Strategy is adopted by Council, it is agreed that the processing of this proposal should proceed.</p> <p>The resolution stated that:</p> <ol style="list-style-type: none"> 1. <i>The report from the Senior Strategic Planner regarding the Planning Proposal to rezone Mistful Park (Lot 1 & 4 DP 1223269 and Lot 214 DP 1231260) be received.</i> 2. <i>The Planning Proposal to rezone the 'Mistful Park' property is supported in principle but deferred at this time pending the outcome of the Urban & Fringe Housing Strategy.</i> 3. <i>The Planning Proposal to rezone the 'Mistful Park' property be included on a list of properties to be considered in the Urban & Fringe Housing Strategy and the applicant be encourage to investigate the concerns raised by the State Government Departments.</i> <p>Based on the above wording of the resolution, being "in principle" support, a further Council resolution is required to proceed with the processing of this matter following the endorsement of the Strategy.</p>

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			<p>Recommendation: That the Strategy is endorsed and following this Council consider a report on this planning proposal to proceed.</p> <p>The biodiversity issues identified to be addressed by an assessment as required by DPIE (Environment) as per the NSW Biodiversity Conservation Act 2016. Such an assessment is likely to be a condition of any Gateway determination for a planning proposal.</p>
4	<p>Precise Planning</p> <p>On behalf of Owner –</p> <p>515 Crookwell Road, Kingsdale</p>	<p><i>A Preliminary Onsite Wastewater and Stormwater Management Constraints Assessment</i> was included with this which concludes:</p> <ul style="list-style-type: none"> • There are no significant constraints to onsite wastewater management at the site • Sufficient land will be available within proposed lots to dispose of effluent in an ecologically sustainable manner such that the NorBE test is satisfied. • No water quality impacts are expected on downstream water resources provided that the subdivision layout is undertaken with care and in accordance with the constraints mapping undertaken herein. <p>In relation to water quality (stormwater), the report at section 4.5 concludes:</p> <ul style="list-style-type: none"> • Inclusion of appropriate water quality systems such as roadside swales, rainwater tanks and end of line ponds would result in the achievement of a NorBE water quality outcome • Transport of sediment, nitrogen and phosphorus would be reduced from current conditions and development of the site would in fact have a beneficial impact on water quality when compared to current rural grazing activities • There would subsequently be no detrimental impact to the water quality entering the downstream Sooley Dam as a result of a future large lot residential subdivision. <p>Based on the above, the proponent’s position in relation to the inclusion of this land in the Goulburn Housing Strategy is reiterated based on the following:</p> <ol style="list-style-type: none"> 1) The inclusion of this land into the housing strategy is not guaranteeing it will be rezoned. It is simply affording the owner the 	<p>This site is not required to meet the demand for housing as identified in the Strategy. As stated in the accompanying Council Report, the Strategy identifies a surplus of 1,389 residential lots in Goulburn to 2036 with further land identified post 2036. This surplus may be reduced due to site specific constraints in some locations which is likely to generate further large lots for residential or rural residential.</p> <p>The site is not contiguous with existing urban development.</p> <p>The site has a particular constraint in relation to its proximity to a town water supply that other opportunity sites do not have.</p> <p>Urban (serviced) residential opportunity areas identified in the Strategy follow the watershed between the catchment that feeds into Sooley Dam and the catchment immediately to the South which feeds into the creek below Rossi Weir. This provides a visual as well as physical barrier and creates a logical transition point when approaching the town.</p> <p><u>The suggestion that the site can be developed, would be an argument that could apply to most sites in the local government area, including those that are outside the Strategy opportunity areas.</u></p> <p>The site is currently zoned E3 Environmental Management with the associated limits to land uses, furthermore, this site has been zoned E3 since 2009 - the Strategy is not altering this situation.</p> <p>Whilst intensive livestock agriculture is a permissible use, it would still require development consent and concurrence from Water NSW in relation to water quality.</p>

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		<p>opportunity to pursue a pathway for rezoning, if he so chooses. It would be the owner's responsibility to undertake all the further studies and liaise with all the various Government departments to persuade them that the rezoning should proceed. All that is being requested of Council at this point is to include it in the strategy.</p> <p>2) The proponent is aware that there are numerous constraints affecting the site. However, at his effort and cost, he is willing to investigate each and every constraint, as the process requires, without it becoming the burden of Council.</p> <p>3) The reports relating to the rezoning process is at the full cost of the owner. The rezoning would not create any demand on the public purse.</p> <p>4) The land is only about 1 kilometre from the edge of the existing residential area of Goulburn.</p> <p>5) If the land is not included in the Housing Strategy, Council would be assigning it to be effectively sterilised from any productive use for possibly 20-30 years. Intensive Livestock Agriculture is not permitted in the zone. Intensive Plant Agriculture is permitted but the ability to control nutrient runoff is far less effective than a subdivision. This is confirmed by the Martens report. Extensive agriculture is permitted, but again it would result in animal droppings running into the dam.</p> <p>6) The issue of demand is a commercial decision by the developer. However, it should be pointed out that if demand for this type of development (rural/residential) significantly increases over time, then including it in the strategy at least gives the option of helping to satisfy the demand, whereas if it is not included, the supply will not be available and the community would not be able to benefit from the growth that would otherwise occur.</p> <p>7) In terms of housing targets, there is no guarantee that the areas favoured by the current DRAFT document will be able to be developed, due to the constraints not being fully investigated at this time.</p> <p>Further, some landowners may be unwilling or unable to develop their land at a time when the demand is there, which would mean that the Housing Strategy's housing targets will not be met.</p>	<p>Furthermore, it is one of a number of permissible uses which apply to the zone in general but may not be suitable for this site. It is not a strong argument to suggest that because intensive livestock agriculture is a permissible use that residential should be considered as an alternative.</p> <p>Whilst it is appreciated that the owner would pay for the associated costs of site specific studies and rezoning fees, if Council does not intend to extend the opportunity area further, it would be more appropriate to make a strategic decision at this point rather than allow for an owner to fund ongoing costs.</p> <p>Further specific discussion on the submitted <i>Preliminary onsite Wastewater and Stormwater Management Constraints Assessment: 515 Crookwell Road, Kingsdale</i> prepared by Martens Consulting Engineering and in relation to water quality management issues is made in the accompanying Council Report.</p> <p>Recommendation: This submission is not supported and the land remain excluded as an opportunity area.</p>

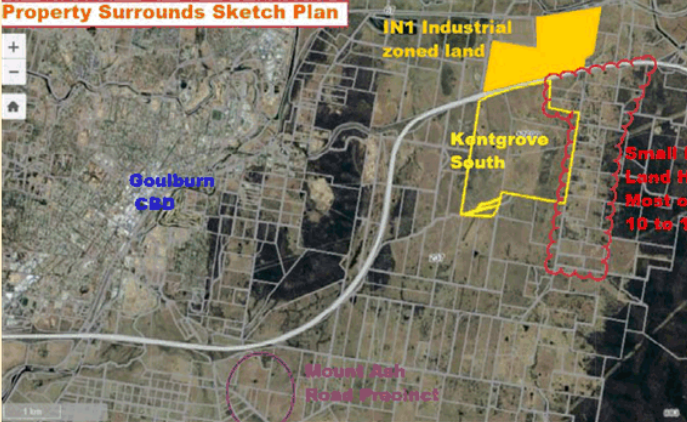
	Submitter	Submission Summary	Comment
5	<p>Tomasz Planning</p> <p>On behalf of the owner of Glenrock</p>	<ol style="list-style-type: none"> 1. The inclusion of Marulan South is accretive [form part of the gradual growth or increase] to the community and consistent with the Strategy. 2. Economic and social reasons for inclusion of this area being <ul style="list-style-type: none"> ◦ the inclusion of this area is required for connectivity to other land which may have potential for residential (and that the more lots developed would make it more viable for infrastructure ◦ exclusion from the Strategy would be effectively be for a period – to 2036; ◦ the precinct is close to railway stations at Marulan and Tallong; ◦ there are a substantial number of rural residential properties such as Glenrowan Green in proximity along Highland Way [note this subdivision is actually located within the RU5 village zone in Tallong]. 3. The stated factual reason for excluding the relevant land is fundamentally flawed, as it rests on 3 external submissions which have been completely mischaracterised by BM Strategic Planning. The decision to exclude this land based on the Boral, DPIE (Geoscience) and Water NSW submissions is fatally flawed. 4. The recommendation does not benefit the community and only benefits Boral. 5. Supporting Boral instead of the community's interest despite it not adjoining Boral's site. 6. Council should not be placed in a position where they are asked to support a recommendation at the expense of their community and own reputations. 7. Exclusion of the relevant land would deny the community in practical terms for 20 years potential to develop in a cohesive and sympathetic way along Highland Way. 8. By including the land in Marulan East (South) Council loses nothing, even if it is found that it cannot be redeveloped through the planning proposal process. 	<ol style="list-style-type: none"> 1. The Marulan South (East) rural residential opportunity area was included at the suggestion of Elton Consulting when land capability for rural residential was determined as being limited following the exhibition of the first strategy. As a percentage of supply the 30 lots potentially identified in this precinct were relatively low and represented around 8.5% of the identified need for a total of 350 dwellings/ lots in the Strategy for Marulan. The Strategy generally looked to limit rural residential to 10% of supply given the larger amounts of land required to meet a larger minimum lot size of 2ha (in comparison to urban land release). The argument that Marulan's expansion to this location is "accretive" is unclear. Marulan can expand to the Northern Precinct and can meet supply well beyond 2036, without having to cross the Hume Highway. Expansion of Marulan to the North which is less constrained and will be serviced will also be accretive and satisfy demand. 2. The economic arguments as raised in this submission are: <ul style="list-style-type: none"> ◦ the inclusion of this area would be required if extension of rural residential is proposed, however, this is not recommended and therefore not proposed. ◦ exclusion from the Strategy would be effectively be for a period – to 2036 , however, this argument does not take into consideration the monitoring component of the Strategy, furthermore, this argument could be used for any land excluded from the Strategy; ◦ the precinct is close to railway stations at Marulan and Tallong as is other land identified in the Strategy; ◦ there are a substantial number of rural residential properties such as Glenrowan Green in proximity along Highland Way. This subdivision is actually located within the RU5 village zone in Tallong. Lots along the northern side of Highland Way are generally 10ha or greater. Lots on the southern side of Highland Way range in size with a couple just under 10ha and other lots being larger. There are no other rural residential subdivisions down to 2ha lots sizes along Highlands Way. <p>The arguments tend to be based on the need for supply of rural residential land for housing. As discussed in the accompanying</p>

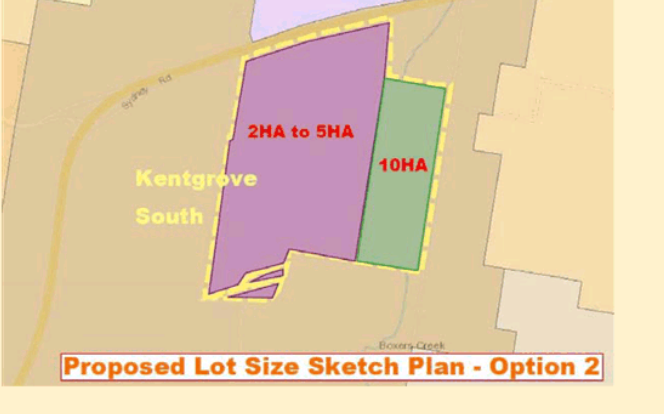
	Submitter	Submission Summary	Comment
		<p>9. Excluding land on the basis of the Boral submission is not in the interests of the community.</p>	<p>Council Report and below, it is considered that the land is surplus to meet the demand for housing identified in the Strategy.</p> <p>3. The submission from Water NSW was not supportive of the development of the Marulan South area – south of Highland Way and east of the highway. It is agreed that being “unsupportive” does not prevent further study and assessment of this matter. However, the addition of 30 rural residential lots as limited by water quality issues was not considered fundamental to housing provision to meet demand identified in the Strategy when considered in context with the excess of housing identified in the Strategy for Marulan and given the likelihood of rural residential lots being generated on constrained sites within the Marulan North Precinct.</p> <p>Water NSW advised in its submission dated 18 December, 2019 advised:</p> <p><i>The Strategy also proposes to accommodate Large Lot Residential (unsewered) development in an area referred to as Marulan South (Figure D). It appears this area is being put forward in place of former Deferred Area 16 which lies south of the railway line. Both former Deferred Area 16 and the current Marulan South Opportunity Area have significant water quality risk constraints. Based on the results of the SLWCA for Residential Unsewered Lots (4,000m² to 2ha), both areas are characterised by Moderate to Extreme Risks to water quality, with most of the land being dominated by an Extreme risk. The Marulan South area contains a number of 1st and 2nd order drainage features and, as raised earlier, the constraints analysis, does not take into account the 5 buffer distances for EMAs. The land may be more constrained than anticipated by the Strategy. WaterNSW is generally not supportive of unsewered development occurring in this area.</i></p> <p><i>As an alternative, based on results of the SLWCA for Residential Unsewered Lots (4,000m² to 2ha), areas south-west of Marulan between the Main Southern Railway and Hume Highway have land areas that vary from Low to Extreme Risk to water quality, with more areas of Low Risk potentially available for development. WaterNSW would welcome the</i></p>

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			<p><i>opportunity to discuss with Council whether this area might be more suitable in providing a limited supply of Large Lot Residential housing.</i></p> <p>The area identified rural residential was relatively small in terms of yield and coupled with the extreme water quality risk and effluent management area (EMA) buffers was likely to have a reduced yield.</p> <p>The submissions from NSW DPIE (Geoscience) and Boral were not relied upon for this decision to exclude this area from the Strategy.</p> <p>It is agreed that when looking at the DPIE (Geoscience) submission that I had inadvertently included both reference to its objections to for land south of the railway line with the area to the north (when in fact they were supportive of the area north of the railway line in this precinct. DPIE's submission reads as follows:</p> <p><i>The Division has no concerns with the Marulan South area (north of the main Southern Railway), however further residential development within area M-2 south of the Main Southern Railway in the vicinity of the Peppertree Quarry private rail line (Consolidated Mining Lease16) would be of concern to the Division.</i></p> <p><u>This error is noted and will be identified as a correction in the accompanying report to Council.</u></p> <p>4- 6. Reliance on the Boral submission is cited as another objection to the exclusion of this area, however decision making on this matter :</p> <ul style="list-style-type: none"> • Water NSW concerns over water quality risks and resultant lack of yield. • Access/location. • The precinct is not contiguous with Marulan. • It is not actually required to meet housing demand in Marulan. <p>The issue of rural residential interface with mining activities is a valid one generally especially in Marulan and is a consideration.</p>

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			<p>However, the primary consideration is water quality coupled with an excess of supply in Marulan North.</p> <p>The criteria for the Strategy for R5 large lot residential development included (amongst other criteria):</p> <ul style="list-style-type: none"> • The resulting development will not adversely impact on the groundwater system. • The need for additional lots can be justified in terms of supply and demand. <p>The Strategy identifies urban residential land with a potential yield of 694 dwellings (in Marulan North) and a further post 2036 yield of 631 dwellings.</p> <p>Marulan does not need an additional 30 lots identified in this precinct when it is only required to provide an additional 355 dwellings. The Strategy is more concerned with identifying the least constrained land in Marulan North and flagging this area for further development.</p> <p>Given the numbers and site constraints in Marulan North, it is likely that yields may be reduced in favour of some larger lifestyle lots as the further site specific studies and constraints further develop with future study.</p> <p>7. As previously stated, the suggestion that exclusion from the Strategy would be effectively be for a period to 2036, does not take into consideration the monitoring component of the Strategy, furthermore, this argument could be used for any land excluded from the Strategy. Should it be identified through monitoring or changes in demand that the Strategy needs to be reviewed, then this can be undertaken before 2036 as needs dictate.</p> <p>The Strategy is fundamentally concerned with meeting housing demand and supply which it has done. Furthermore, the review and consideration of appropriate uses for rural land is a matter to be considered in the proposed <i>Resource Lands (Agricultural and Extractives) Strategy</i>.</p> <p>8. The argument that the inclusion of this extended area could be left to be determined as a part of a planning proposal is</p>

	Submitter	Submission Summary	Comment
			<p>effectively arguing that there is no need for a strategy to consider this area’s inclusion. This argument could be used on other sites, also and is not a strategic approach.</p> <p>9. As previously stated, this matter is not excluded on the basis of reliance on Boral’s submission, although rural residential interface is a relevant issue for consideration in an area where there are a number of extractive industries operating (i.e. refer submission from Gunlake etc).</p> <p>Recommendation: The accompanying Council report include a correction regarding the DPIE Geoscience submission.</p> <p>The Marulan East (former South) precinct remain excluded from the Strategy as an opportunity area.</p>
6	<p>Ross Cameron and Charles Mendel, Co chairmen</p> <p>Southern Highlands Progress Association</p> <p>Note: no prior submissions to the Strategy have been submitted whilst the Strategy was on exhibition by the Southern Highlands Progress Association.</p>	<p>This submission relates to the proposal to exclude the rural residential opportunity area from Marulan East from the Strategy and refers to the Tomasy Planning submission referred to above.</p> <p>The submission requests the inclusion of the Marulan East precinct identifying a rural residential opportunity area would be beneficial for the following reasons:</p> <ol style="list-style-type: none"> 1. The area adjoins Marulan and runs in one long continuous stretch along Highland Way. Highland Way forming a residential area and corridor. Therefore inclusion in the Strategy would benefit the immediate sense of continuity, development and cohesion within the community, and provide a much needed residential presence which would in turn support Marulan, Tallong and Wingello. 2. Reiterate issues raised in the Tomasy Planning submission that the current recommendation to exclude this area is not substantiated by the Water NSW, Department of Planning (DPIE – Geoscience) and Boral submissions. The content of these submissions being inaccurately presented to Council. 3. Agrees with the Tomasy Planning commentary on the Boral submissions and would be concerned if Council supported a business at the expense of the community. 4. Community benefit as per Tomasy Planning submission, and adds that there would be no detrimental impact having this considered in a planning proposal. 	<p>As per the comments above.</p>

	Submitter	Submission Summary	Comment
7	<p>Suresh Guduguntla</p> <p>17699 Hume Hwy Towrang [Goulburn].</p>	<p>Requests the extension of the Urban and Fringe Housing Strategy to include the land known as 17699 Hume Hwy Towrang [Goulburn].</p> <p>This submission is suggesting that the property identified in the plans below is suitable for rural residential lots.</p> <p>It is also suggesting tha the proximity of this property to Goulburn is closer than the rural residential areas identified in the Strategy for the Mountain Ash precinct.</p> <p>It is pointing out nearby lots of 10 – 16 ha in area on Boxers Hill Road.</p>  <p>Property Surrounds Sketch Plan</p> <p>The map shows an aerial view of the Goulburn area. Key features include: <ul style="list-style-type: none"> Goulburn CBD (blue text) I11 Industrial zoned land (yellow shaded area) Kentgrove South (yellow outline) Small Land Most a 10 to 16 ha (red dashed outline) Mountain Ash Road precinct (pink circle) </p> <p>It is requesting a rezoning to permit lots 2 – 5 ha and 10h in area as indicated in the plan below.</p>	<p>This area currently has a 20ha minimum allotment size.</p> <p>Unlike the Mountain Ash precinct, it does not have any direct access to Goulburn without accessing the Hume Highway.</p> <p>The Housing Strategy is primarily concerned with housing demand and supply. This property is not required to meet supply for the Strategy.</p> <p>The property is not contiguous.</p> <p>The Strategy is not intended to be a review of rural land utilisation and minimum allotment sizes in rural zones.</p> <p>Recommendation: No change to the Strategy. This property is not contiguous, and the land is not required to meet supply for housing.</p> <p>The Strategy identifies Opportunity Areas for rural residential with better access to Goulburn. The Mountain Ash and Brisbane Grove Precincts have existing road access via Braidwood Road and Windellama Road, without accessing the Hume Highway.</p>

	Submitter	Submission Summary	Comment
			
8	<p>Stewart Thompson</p> <p>Run of Waters Precinct</p>	<p>This submission is supportive of the inclusion of the residential opportunity area identified to the north of the existing Run of Waters area.</p> <p>The submission re-states the suitability of the precinct for residential development based on the availability (or potential availability) of essential services including:</p> <ul style="list-style-type: none"> ▪ Water ▪ Sewer ▪ Electricity <p>It identifies the opportunities around the use of existing riparian areas for natural and open space uses in addition to stormwater.</p> <p>Encourages Council to recognise the existing biodiversity constraints with the presence of Tablelands Box Gum Woodland, wildlife corridors etc.</p> <p>Suggests no alteration to lot size or future development allowed along the northern boundary of the existing Run-O-Waters development.</p> <p>* Lots 107, 109 & 110, 112, 113 DP1218989 & Lots 18:22</p>	<p>The Strategy identifies this precinct from the north of the existing Run O Waters area through to the southern side of Gurrundah Road as having potential for housing.</p> <p>The potential varies throughout the precinct with the area identifying urban and large lot residential areas of potential.</p> <p>There are areas of biodiversity interest which will require further assessment and may impact development potential. This is the area containing the Tablelands Box Gum Woodland.</p> <p>This area currently has a minimum allotment size of 2ha, which following further biodiversity assessment be the limit of its potential which was partly why it was not identified for urban. Servicing this portion of the precinct was also requiring further information to determine capacity.</p> <p>Recommendation: No change to the Strategy is required.</p>



13 May 2020

The General Manager
Goulburn Mulwaree Council
184-194 Bourke St
GOULBURN NSW 2580

Dear Mr Bennett

Submission – Draft Urban and Fringe Housing Strategy

Urbanism has been engaged by Ganter Constructions to prepare the following submission to the Draft Urban and Fringe Housing Strategy.

Ganter Constructions are concerned that earlier submissions made highlighting significant shortcomings of the environmental investigations undertaken to inform the Strategy continue to be ignored. This is despite extensive delays over the past 2.5 years in finalising what was originally supposed to take no more than 6 months to complete.

Ganter Constructions lodged a planning proposal with Council in September 2017. At its meeting of 6 March 2018, resolved as follows:

- 2. The Planning Proposal to rezone the 'Mistful Park' property is supported in principle but deferred at this time pending the outcome of the Urban & Fringe Housing Strategy.***
- 3. The Planning Proposal to rezone the 'Mistful Park' property be included on a list of properties to be considered in the Urban & Fringe Housing Strategy and the applicant be encouraged to investigate the concerns raised by the State Government Departments***

Ganter Constructions welcomed this decision confident that having already undertaken detailed environmental audits in consultation with Council's Environmental Officer, the DUFHS would not present any delays to their planning proposal and would progress quickly.

Despite the above resolution, Ganter Constructions are no closer to receiving a gateway determination which is necessary to enable consultations with State Government Departments to commence.

These delays could be justifiable if they were necessary to add value to the detailed environmental investigations and planning proposal already commenced at Ganter Constructions expense. Instead, the outcome is a DUFHS that relies to a cursory 'look over the fence' to evaluate environmental lands. This was described by the DUFHS as follows:

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*"The validation was carried out from accessible public roads adjoining the identified Precincts. The purpose of the validation was to **visually identify** and update the **existing mapped** vegetation data with any gross inconsistencies. **No detailed survey was carried out over the Precincts.**" (emphasis added)*

This approach is significantly inferior to the detailed on-site field surveys undertaken by Woodlands Environmental Management in consultation with Council's Environmental staff in August 2017. The methodology for this field work was described as follows:

*"The flora survey was undertaken **using quadrats, random meanders and targeted searches for Threatened Species. Two quadrats were surveyed within remnant Yellow Box - Blackly's Red Gum grassy woodland, with additional random meanders. Surveying within highly modified and disturbed vegetation was undertaken using random meanders.**"*

The outcome of this detailed field work was illustrated in **Figure 1** (overleaf) prepared by Woodlands Environmental Management in support of the planning proposal. This equated to approximately 24% if the site being identified as containing Blackly's Yellow Box Woodland.

However, under the 'rapid visual validation' (an inferior and high level methodology) undertaken to support the DUFHS, all but the entire site has been identified as containing TECs or HEV land (see **Figure 2**).

While it is noted and acknowledged that the Draft Strategy recommends that, the Precinct 5 Middle Arm West area, that the subject site forms part of in this rendition of the Strategy is to "Rezone land immediately adjoining the existing urban fringe in the short/medium term to urban residential", the recommendation also causes ambiguity by recommending that the Precinct is a "Long term development opportunity subject to a detailed masterplan".

It is requested that:

- a) The DUFHS acknowledges Council's Resolution of 6 March 2018 in relation to the Mistful Park Urban Expansion Lands Planning Proposal (Precinct 5)
- b) The DUFHS is corrected to acknowledge the more rigorous environmental field work that has already been undertaken by Woodlands Environmental Management in direct consultation with Council's environmental and Strategic Planning staff in 2017. Further, that environmental overlays contained in the DUFHS are corrected to identify the site as being subject to detail site surveys already undertaken by the landowner in consultation with Council staff.
- c) That the DUFHS specifically identifies Mistful Park Urban Expansion Lands Planning Proposal as substantially progressed and proponent-led and that a report recommending its progression to the NSW Department of Planning Industry and Environment LEP Gateway be received for Council's consideration along with the draft Strategy so that the detailed environmental assessments and pathways can be progressed with OEH.
- d) That Council, mindful of the delays in finalising the DUFHS, instructs staff to refer the Mistful Park Urban Expansion Lands Planning Proposal to the Department of Environmental Planning, Infrastructure and Environment (DPIE) seeking a Gateway Determination without further delay, noting its consistency with the DUFHS.

We hope that the long delays in the assessment of our planning proposal lodged more than 2.5 years ago can now be progressed without further delay.

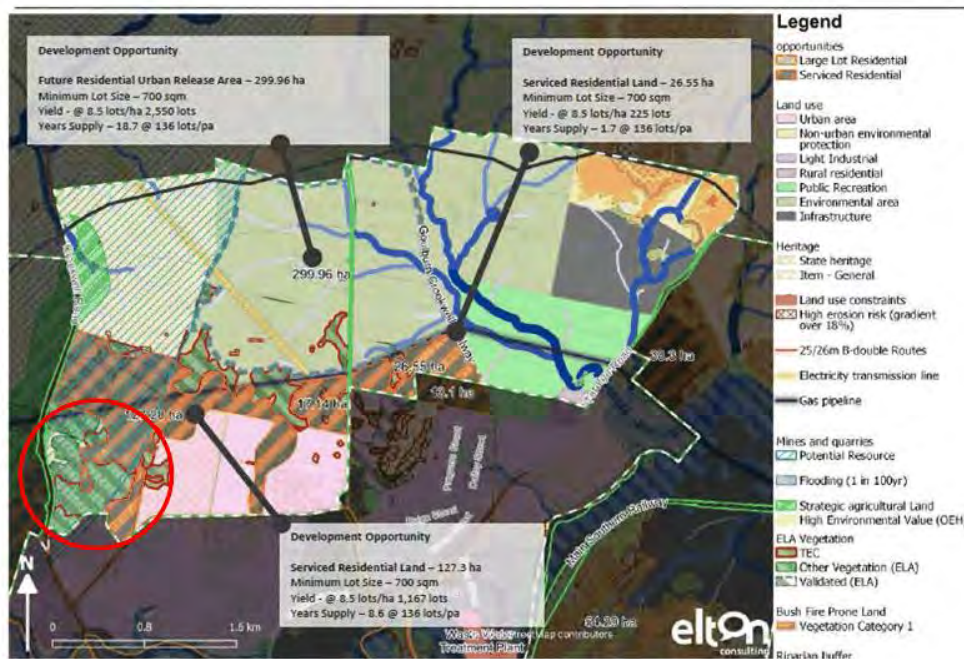
Kind regards

Wesley Folitarik
B. Environmental Planning (UWS); M. Property Development (UTS)
Managing Director | Urbanism

Figure 1 Vegetation Map Woodland Environmental (August 2017)



Figure 2 Constraints Mapping contained in DUFHS as informed by Council's 'Rapid Visual Validation'



From: Jeff Bulfin
Sent: Thursday,
To: Submissions <Submissions@goulburn.nsw.gov.au>; Council <Council@goulburn.nsw.gov.au>

rn Housing Strategy)

Dear Council

I refer to the above matter and email from Scott Martin to me on 24 April 2020.

The email referred to, as well as statements made by Council officer Scott Martin on the night of the meeting, indicated that, whilst not the only constraint, the proximity of the site to Sooley Dam was the primary reason that the land was excluded from the draft Housing Strategy.

I am now attaching a Preliminary Onsite Wastewater and Stormwater Management Constraints Assessment, prepared by Martens And Associates. Martens and Associates are considered experts in the field. The soil testing and analysis undertaken onsite in conjunction with the preparation of this report is very extensive, and the conclusions (outlined below) are very encouraging in support of the ability of the land to support development without adverse impacts on Sooley Dam.

In relation to wastewater, the report at section 3.3 concludes

1. There are **no significant constraints** to onsite wastewater management at the site
2. Sufficient land will be available within proposed lots to dispose of effluent in an ecologically sustainable manner such that the **NorBE test is satisfied.**
3. **No water quality impacts are expected on downstream water resources** provided that the subdivision layout is undertaken with care and in accordance with the constraints mapping undertaken herein.

In relation to water quality (stormwater), the report at section 4.5 concludes

1. Inclusion of appropriate water quality systems such as roadside swales, rainwater tanks and end of line ponds **would result in the achievement of a NorBE water quality outcome**
2. Transport of sediment, nitrogen and phosphorus **would be reduced from current conditions** and development of the site **would in fact have a beneficial impact on water quality** when compared to current rural grazing activities
3. There would subsequently be **no detrimental impact to the water quality entering the downstream Sooley Dam** as a result of a future large lot residential subdivision.

In light of the conclusions of this report, I wish to reiterate the proponent's position in relation to the inclusion of this land in the Goulburn Housing Strategy

1) The inclusion of this land into the housing strategy is not guaranteeing it will be rezoned. It is simply affording the owner the opportunity to pursue a pathway for rezoning, if he so chooses. It would be the owner's responsibility to undertake all the further studies and liaise with all the various Government departments to persuade them that the rezoning should proceed. All that is being requested of Council at this point is to include it in the strategy.

- 2) The proponent is aware that there are numerous constraints affecting the site. However, at his effort and cost, he is willing to investigate each and every constraint, as the process requires, without it becoming the burden of Council.
- 3) The reports relating to the rezoning process is at the full cost of the owner. The rezoning would not create any demand on the public purse.
- 4) The land is only about 1 kilometre from the edge of the existing residential area of Goulburn.
- 5) If the land is not included in the Housing Strategy, Council would be assigning it to be effectively sterilised from any productive use for possibly 20-30 years. Intensive Livestock Agriculture is not permitted in the zone. Intensive Plant Agriculture is permitted but the ability to control nutrient runoff is far less effective than a subdivision. This is confirmed by the Martens report. Extensive agriculture is permitted, but again it would result in animal droppings running into the dam.
- 6) The issue of demand is a commercial decision by the developer. However, it should be pointed out that if demand for this type of development (rural/residential) significantly increases over time, then including it in the strategy at least gives the option of helping to satisfy the demand, whereas if it is not included, the supply will not be available and the community would not be able to benefit from the growth that would otherwise occur.
- 7) In terms of housing targets, there is no guarantee that the areas favoured by the current DRAFT document will be able to be developed, due to the constraints not being fully investigated at this time. Further, some landowners may be unwilling or unable to develop their land at a time when the demand is there, which would mean that the Housing Strategy's housing targets will not be met.

I will be addressing Council again when the matter comes up for a decision. In the meantime, I urge Council to reconsider and include the land in the Housing Strategy.

I am available to discuss or meet with Council or Councillors at any time.

Kind regards

Jeff Bulfin M.B.A., B.Urb.Reg.Plan (Hons), MPIA, LREA
Principal Planner
Precise Planning

Quarry Developments inc. Craig's Hill

A.B.N. 47 905 190 707

Partners:**Jeanette.Shuttle****John.W.Craig**7th May 2020**Re Draft Urban and Fringe Housing Strategy.**The General Manager Emailed: submissions@goulburn.nsw.gov.au

Dear Sir,

With reference to the Council meeting held on the 21st April 2020 which resolved to defer the revised Draft Urban and Fringe Housing Strategy which allows further consultation with submitters ,we would like to provide additional information to our submission for consideration in the final assessment of this matter.

1. The Elton Consulting Comment/response in their report dated 8th April 2020 states that if the constraints are addressed and the land can be serviced council could consider a Planning Proposal , even though DPIE in their submission make recommendation and point to Ministerial Directions We would question this as the E3 zone came about in the 2007 LEP and DCP in 2009 and was drawn as a result of the Consulting Engineers Coffey & Partners Pty Ltd dated 3rd April 1986 re a detailed Slope Stability Investigation A/C Toorak Heights residential Subdivision for which the Council were supplied with a copy at the time.

This report as mentioned in our submission on the 16th December 2019 via Email from Quarry Developments inc Craig's Hill shows the area of land in the Stability Zonation plan from Southern Cross Consulting Surveyors (copy attached) ,we believe should only be restricted to the Zonation marked as pink even though a 4m wide easement goes through this zone to allow necessary water supply to allow developments which took place in William Alfred Place and Ivy Lea Place also part of the top water storage reservoir is in this area as well.

The DPIE we are sure would only be working from information supplied to them, though we would suggest that the area zoned E3 was incorrect from the start ie being included in LEP , DCP's and Cemetery Master Plans. We would ask if any consultant or engineering reports were carried out by GMC with reference to the E3 area in question before the E3 area boundary was

calculated and drawn as the area on the north end of the E3 zone and the west side should be changed to R2 as there is a big difference between 19.8 ha and 3.8h as in the submission letter dated 19th December 2019 .

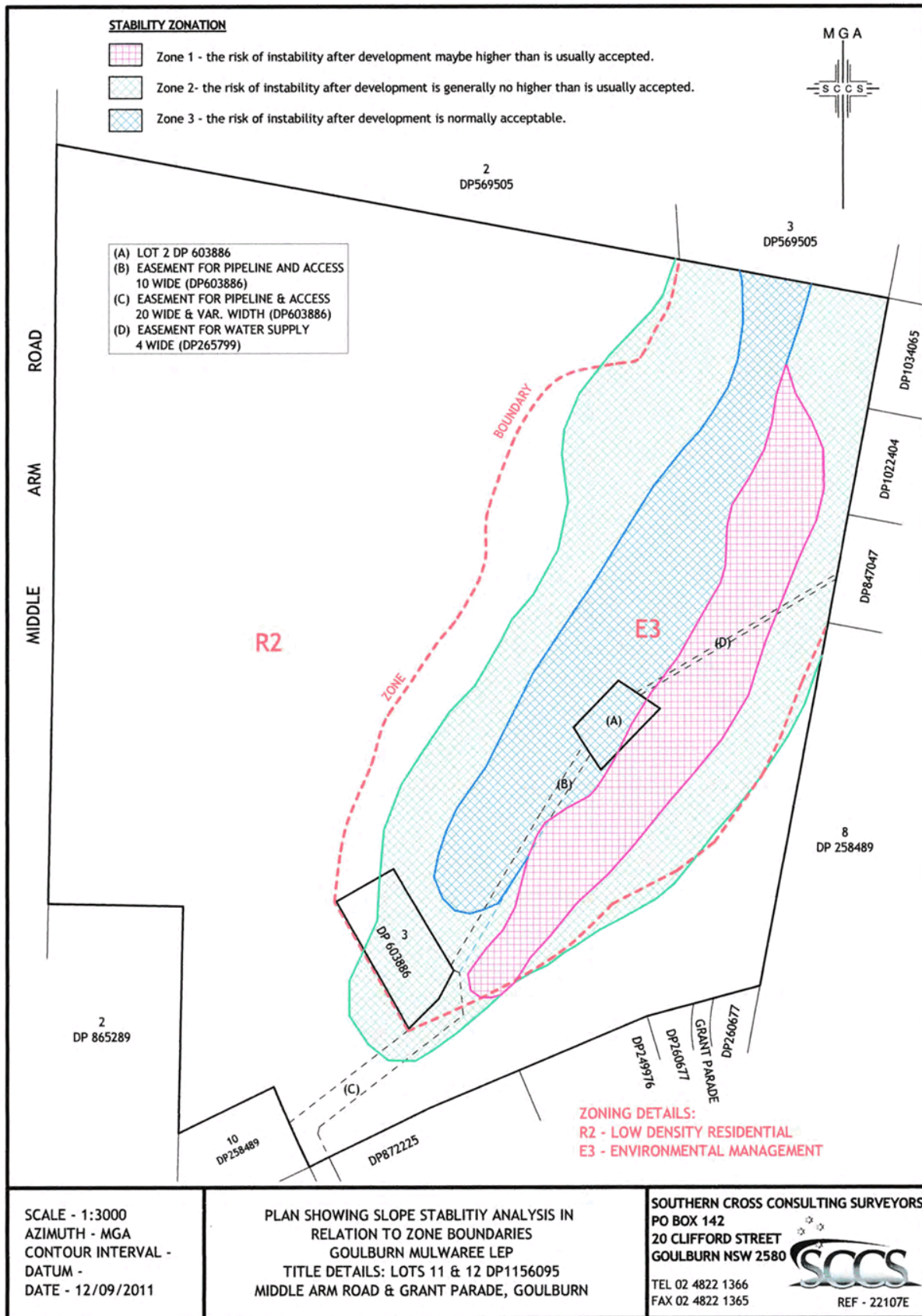
2 . References over the years re slippage and steepness has been exaggerated over a long period of time and as any tour of Goulburn would show building development on steep land and in some cases buildings on the ridge line is apparent please refer to photos in the main body of the email. Some of the streets being William Alfred Place, Ivy Lea Place, Snowgums Dr., Paton Pl ., Henry Street, and Red Gum Place just to name a few.

3. Engineering practices for building sites and water supply we assume in this day and age can overcome problems which may have been more of a problem back in 1985 or 2011. The Coffey report shows good building practices for sites on steeper land and would be addressed in any DA for this area.

We thank GMC for the opportunity to add further to the original submission and trust a favourable outcome from this additional information to the original submission.

Yours sincerely

✓ Ian Shuttle for
John Craig and Jeanette Shuttle
T/A Quarry Developments inc Craigs Hill



Nick Thistleton

From:
Sent: Tuesday, 12 May 2020 11:04 AM
To: Submissions
Subject: Draft Urban and Fringe Housing Strategy
Attachments: IMG_20200510_0002.pdf

To: The Mayor
of Burnham
Municipal Council

Dear Sir,
Please find attached document on the proposed
burnham on the coast Mbu ne edned

our sincere

N. Suttie
on behalf of the Burnham
Town Council















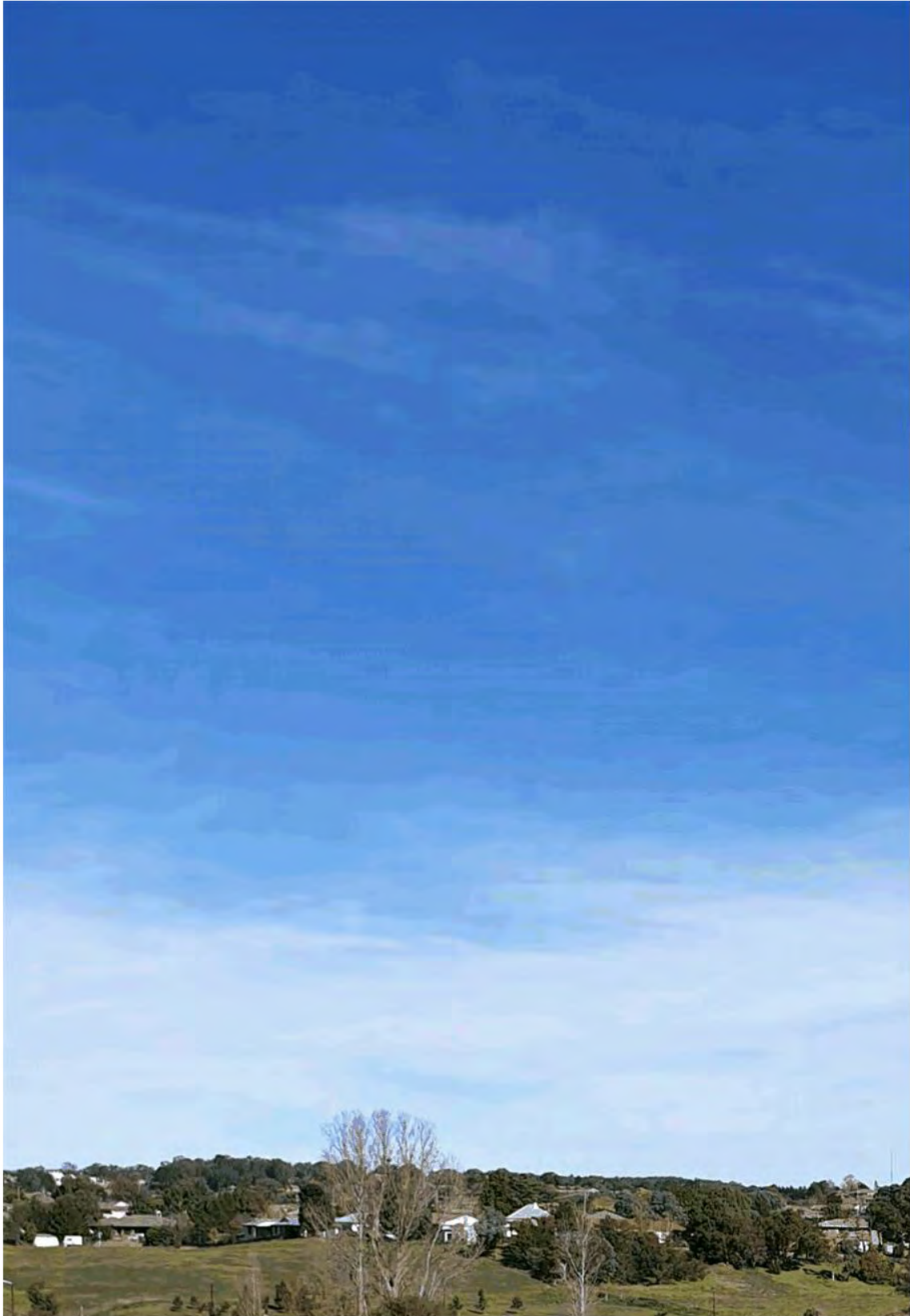




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12 May 2020

General Manager
Goulburn Mulwaree Council
Locked Bag 22,
GOULBURN NSW 2580

By email - submissions@goulburn.nsw.gov.au

Dear Sir,

DRAFT URBAN AND FRINGE HOUSING STRATEGY ("DUFHS")

Property - **17699 HUME HIGHWAY, TOWRANG (GOULBURN)**

(Lot 3 DP 581727; Lot 1 DP 733070; Lots 2 & 6 DP747969; Lot 20 DP806869; and Lot 7 DP1039599)

Reference is made to the letter dated 22 April 2020 received from Council to provide additional supporting information in relation to our submission to include the above-mentioned property ("**The subject site**") zoned RU6 Transition in Urban and Fringe Housing strategy.

We thank Council for giving us the opportunity to provide additional supporting information, but we could not get any investigations / studies done within the given time period of 3 weeks and willing to get appropriate studies done as and when requested by Council to support our request to include the subject site in this Housing strategy.

We hereby request Council to reconsider to extend the Urban and Fringe Housing Strategy to include the subject site to reduce the current minimum lot size of 20HA as per below to provide range of affordable lifestyle rural residential lots to meet the growing demand for these types of lots which is the reason to extend the original DUFHS study area to include additional sites.

- Option 1 - Rural residential lots with minimum lot size of 5HA around Riparian Corridors and 2HA in other areas (as per our request in Stage 2 Submission)

Alternatively, we propose the following option for Council consideration.

- Option 2 - Rural residential lots with minimum lot size of 10HA around Riparian Corridors and 2HA to 5HA in other areas (refer attached Proposed Lot size Sketch plan - Option 2)

Economic indicators and Government's immigration and refugee resettlement policies suggest that the population growth over next 20 years will be much more than the last 5 years average and also assumed housing demand of 3500 dwellings across LGA in the DUFHS because of Western Sydney Airport, settling migrants and refugees in regional areas and people moving from both Sydney and Canberra because of affordability issue.

Any additional yield from reduced minimum lot size as per above request is relatively small and will have very marginal impact on this Housing strategy for the reasons stated above.



Please find below information to address the key issues Council outlined in “Consultation Report – Urban and Fringe Housing Strategy” report dated 08 April 2020 for not considering the subject site part of stage 2 Housing Strategy.

Outside the investigation area:

We understand that the subject site is outside the original DUFHS study area but the investigation area has been extended to include number of other sites mainly in Mountain Ash and Brisbane Grove precincts including the sites on land zoned RU1 Primary production.

The subject site is surrounded by 420 Acres IN1 Industrial zoned land on the northern side and the small rural residential lots of 10 to 16HA lots on the eastern side i.e. existing land holdings in the immediate vicinity is effectively already fragmented (refer attached Property Surrounds Sketch Plan)

It is understood from the local commercial and rural residential property consultant that two of the properties zoned IN1 Industrial (2 x 80 Acre lots) across the road from the subject site have been purchased by the same buyer and is looking at buying the other big parcel, the total area of 420 Acres. Development of these properties will generate plenty of growth in the area and demand for 2HA to 5HA rural residential lots.

It is highlighted in the *Goulburn Mulwaree Strategy 2020*, that the Council is seeking to encourage population and employment growth across the whole of Goulburn Mulwaree and recognise the opportunities that may flow from the ‘tree change’ phenomenon, which has been stimulated by lifestyle choices and higher property prices in the Sydney metropolitan and coastal areas. We believe our request is not inconsistent with the *Goulburn Mulwaree Strategy 2020*.

Significant upgrades to Hume Highway would be required:

Access arrangements will need to be examined in more detail as part of any development in collaboration with RMS, but the subject site can be developed with no or very minimal upgrades to Hume Highway as the site has a frontage to the western side of Boxers Creek Road approximately 1,450m in length.

Access to Goulburn can also be gained via Boxers Creek Road which connects to Rosemont Road and then onto Windellama Road which does have the advantage of avoiding the Hume Highway.

We understand from the local consultant that only left in left out access from Hume Highway may be required in which case it requires 150 to 200m deceleration lane to have left turn access to the subject site.

Biodiversity, Flooding, Services etc

As stated in our Stage 2 Submission, impact on these can potentially be avoided by appropriate siting of houses and infrastructure once the appropriate studies are undertaken.

There are no reticulated water or sewerage services that are readily available. It is too small to be economically served by reticulated water and sewerage services and will not be the only site in the LGA without reticulated water and sewerage. There is sufficient space for on-site wastewater management – including the required buffer distance from watercourses.



We believe that there is considerable justification for including the subject site in the Urban and Fringe Housing Strategy based on the information provided in this letter and in our Stage 2 submission dated 17 December 2019.

We hereby request that the Urban and Fringe Housing Strategy be extended to include subject site to reduce the minimum lot size from 20HA to have mix of 2HA, 5HA and 10HA rural residential lots to offer a mix of lots that respond to the subject site's landscapes / surrounds and growing demand for affordable lifestyle rural residential lots.

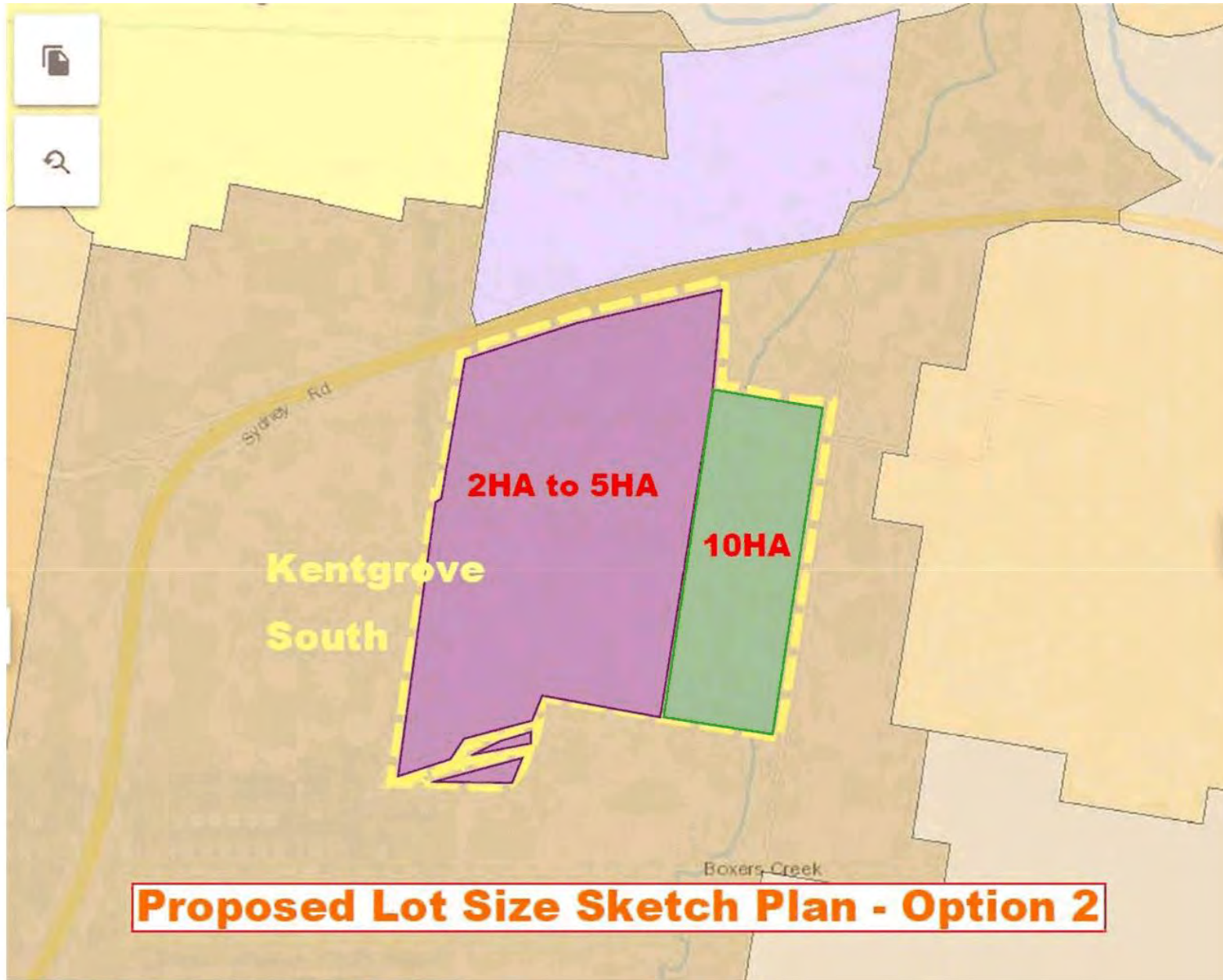
If you have any queries or require further information from us for inclusion of the subject site in the Housing Strategy, please contact me on 0414 537269.

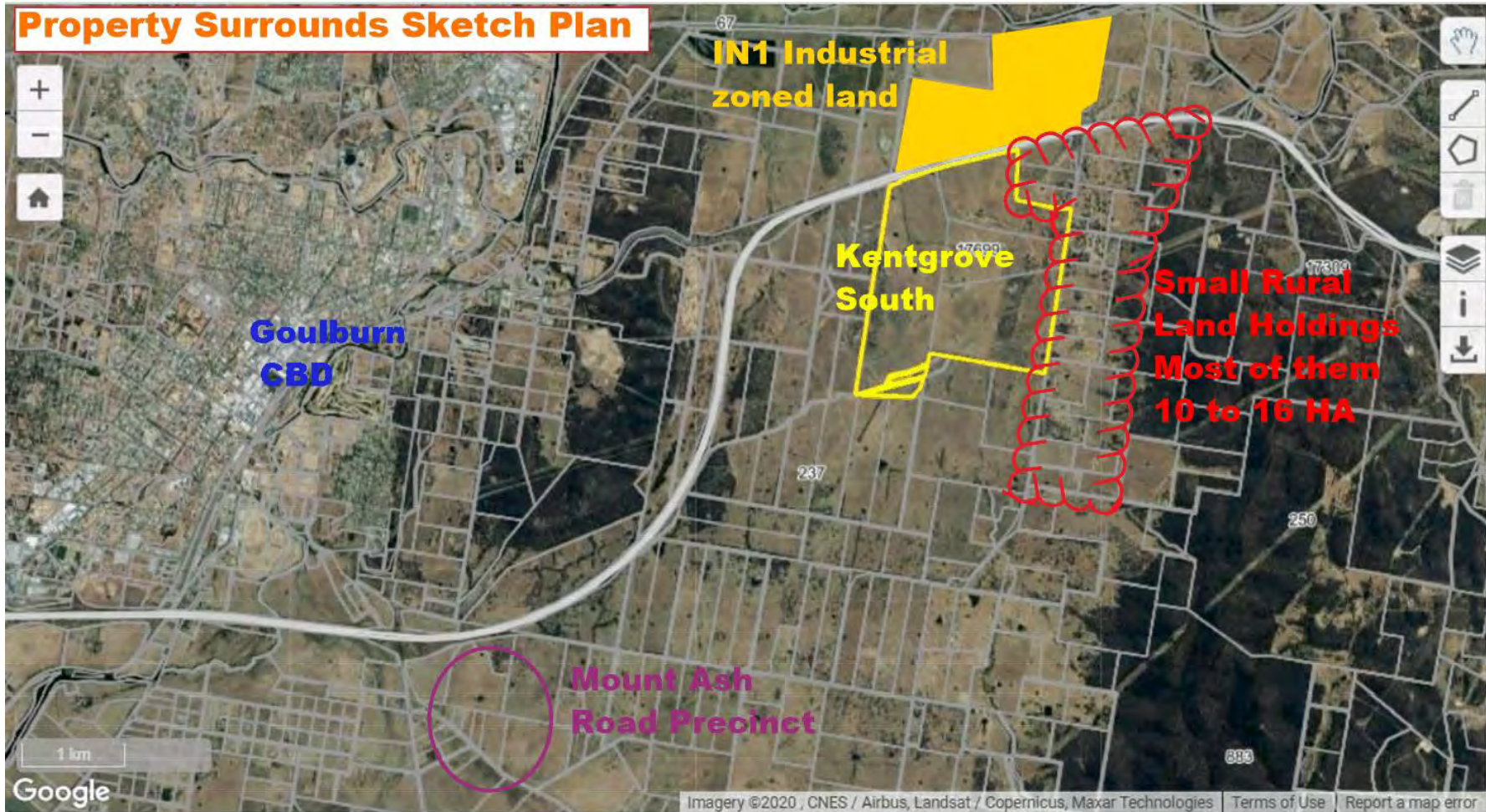
Yours Sincerely,

Suresh Guduguntla
Kentgrove South Property Pty Ltd

Attachments –

- 1) Proposed Lot size Sketch plan - Option 2*
- 2) Property Surrounds Sketch Plan*







11 May 2020

The General Manager
Goulburn Mulwaree Council

Via email: submissions@goulburn.nsw.gov.au

Dear Sir/Madam,

Gunlake Quarries Pty Ltd – The draft Urban and Fringe Housing Strategy Post Exhibition Report

Thank you for the invitation to submit further comment to the Draft Urban and Fringe Housing Strategy - Precinct Marulan North - Post Exhibition Review, following our recent presentation to Council. It is our understanding that these comments will be discussed at your briefing on Saturday 16th May 2020.

Gunlake built and paid for Ambrose Road on its own accord in order to avoid land use conflicts by keeping trucks away from residential areas. This Strategy, in its current form, will now bring residential areas to Gunlake's Transport Route, therefore we believe that the **following motion** must be endorsed and adopted by Council and included within the GMC Draft Urban and Fringe Housing Strategy Precinct 3 Marulan North to provide irrefutable and proper planning protections in perpetuity;

The GMC Draft Urban and Fringe Housing Strategy, Precinct 3 Marulan North recommendations are modified to include:

Gunlake Quarries be afforded the appropriate and legislated protections against any residential development within or adjacent to the Quarry and its Primary Transport Route consistent with NSW State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007. Such protections must include, but not be limited to: -

- A minimum 250 meter buffer in the form of an easement/restrictive covenant that prohibits any kind of development between Precinct 3 Marulan North and Ambrose and Red Hills Roads, from its junction with Brayton Road to the Hume Highway.
- No vehicular access to ever be allowed to Ambrose or Red Hills Roads from Precinct 3 Marulan North.

Head Office:
Level 2, 53 Cross Street
Double Bay NSW 2028
Ph: 02) 9363 1744

In support of this we provide additional background information below as recently presented to Council: -

- Gunlake is a 100% Australian family owned company. The Marulan Quarry has in excess of 100 years of reserves and was first approved in 2009 and is a State Significant Development under the NSW State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007 (SEPP 2007).
- The Gunlake Marulan workforce currently exceeds 45 local-onsite-fulltime-employees, plus an additional 90 indirect jobs, associated haulage contractors or local and regional companies that supply us with ongoing services. It's also important to note that in the current Covid 19 pandemic we have not cut our staff like our competitors.
- Gunlake is also very proud of our involvement and support of local community events and programs. We are major sponsors of and contributors to numerous community events and projects in and around Marulan as well as being one of the major contributors to the Goulburn District Education Foundation.
- Quarries cannot operate without their transport routes and they are an essential part of the quarry operation. No transport route equals no quarry.
- Council staff talk about this being a high level planning document and that there is a long way to go on this strategy, but the reality is as soon as Council adopt this plan it becomes reality.

We would like to invite you all to a site visit of the Quarry and Transport route at a convenient time within the 3 month deferral, so that you can gain a visual understanding of our operation in respect to our concerns and future ramifications of the strategy for Precinct Marulan North, and are available to meet at your convenience.

Yours faithfully,


David Kelly
Head of Development

Mr Warwick Bennett
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D a
D b

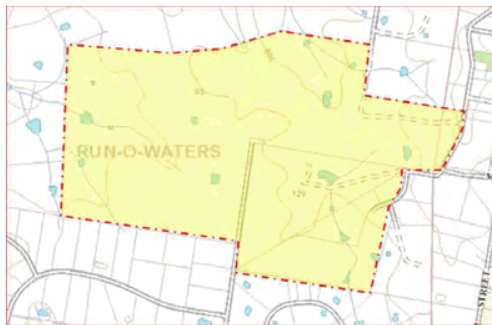
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Goulburn-Mulwaree Urban and Fringe Housing Strategy Submission Posthibition Report

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Limit any further development along northern boundary of existing Run- - aters development

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12 May 2020

Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
85 Deccan Street
Goulburn NSW 2580

By email

Dear Mr Bennett

**RE: DRAFT URBAN AND FRINGE HOUSING STRATEGY (DUFHS)
SUBMISSION ON BEHALF OF GORMEN PTY LTD, GLENROCK
PROPERTY (248 HIGHLAND WAY MARULAN Lot 204 DP 870194, Lot 1 DP
1174575, Lots 5,6,7 DP 855762) (Glenrock)**

This submission – form

This submission is made on behalf of the owner of Glenrock in relation to the DUFHS, pursuant to Council's letter of 22 April 2020.

For the convenience of Councillors and staff this submission incorporates our client's earlier submissions of 21 February 2019 and 6 December 2019, meaning that no cross-referencing to those earlier documents is necessary and this document may be read on a stand-alone basis.

The submission is in three parts:

1. This covering letter.
2. Part A: our detailed submission and reasons in support.
3. Part B: accurate, factual comment on the submissions received by DPIE, Water NSW and Boral – the submissions which form the basis of the present recommendation to remove entirely the Marulan South precinct (now Marulan East) and the adjoining portion of Glenrock land from the DUFHS (together forming the **Relevant Land** as depicted in Appendix 1 to this submission).

This submission – substance

We summarise this submission as follows:

1. The inclusion of the Relevant Land is value accretive to the community and entirely consistent with the DUFHS. Its inclusion has previously been identified as high priority.
2. The strong policy, economic and social reasons in support of the inclusion of the Relevant Land are detailed in Part A of this submission.

3. The stated reason for the recommendation presently before Councillors to exclude the Relevant Land is fundamentally flawed: it rests on three external submissions which have been completely mischaracterised and misrepresented to Councillors by the Business Manager Strategic Planning. This is evidenced by the facts detailed in this submission, particularly in Part B.
4. That recommendation does not benefit the community; it is prejudicial to it. The only party which the recommendation benefits is Boral. It does that by accepting, without question or scrutiny, the demonstrably incorrect position advanced by Boral. In so doing, it places Council in the invidious position of effectively acting as Boral's agent to advance its commercial interest in further isolating existing mining operations by retarding the social and economic development of the community.
5. It would be an extraordinary position if Council supported a major listed company at the expense of the community by enabling that company to prevent the legitimate inclusion of the Relevant Land in a strategy designed for the long term social, economic and residential welfare of the community – especially given the Relevant Land does not even adjoin Boral's land or have any proximity or bearing to its operations. Yet that is the effect of the Business Manager Strategic Planning's recommendation now before Councillors.
6. Councillors should **not** have been placed in a position where they have been asked to support such a recommendation at the expense of both the community and their own reputations.
7. Exclusion of the Relevant Land would deprive the community – for a period in practical terms in excess of 20 years – from the potential to develop in a consistent, cohesive and sympathetic way along Highland Way, an existing residential corridor and an integral part of the Southern Highlands Tourist Drive linking nearby towns which would benefit both commercially and socially from an increase in large rural residential lots over time.
8. By including the Relevant Land in the DUFHS Council would be acting in the best interests of the community and loses nothing: even if land is included it cannot actually be redeveloped without a comprehensive planning proposal. Any such future proposal would need to be approved by Council at the relevant time. Council therefore retains control.
9. By contrast, by excluding the Relevant Land from the proposal Council would be acting in the best interests of Boral at the expense of the community.
10. For all of the above reasons, the Relevant Land should be included in the DUFHS.

Factual detail in demonstrative of the above follows in the remainder of this covering letter and in parts A and B of this submission.

Relevant development of the DUFHS

It is useful to detail the following relevant aspects of the development of the DUFHS.

"Round 1"

Our client's initial submission on 21 February 2019 was made in response to oral advice received from Council staff that "all land East of the Hume Highway" was to be excluded from the DUFHS. The submission questioned the arbitrary exclusion of all

such land in circumstances where there were sensible community, economic and policy reasons for including such land within the DUFHS. Those reasons were detailed in that submission.

"Round 2"

The DUFHS subsequently evolved: the materials placed on public exhibition, particularly the 50 page summary provided by Council, indicated support for removing from the DUFHS all land east of the Hume Highway. But, contrary to that document, the 300 or so page Elton report actually included within the DUFHS land East of the Hume Highway. Specifically, land along Highland Way right up to the border of Glenrock was included but immediately adjoining land with exactly the same features and frontage to Highland Way forming part of Glenrock was excluded. Our client's detailed submission had been excluded from the Council papers and the review process.

The above exclusion of our client's land and of its submission from the entire review caused our client significant concern including from a fundamental policy and fairness perspective. We were grateful at the time for the prudent and correct course adopted by the General Manager to remove and defer the item from the Council's agenda given the failure to include our client's submission. The exclusion of the relevant Glenrock land, and the further policy reasons for its inclusion, is the subject of our written submission of 6 December 2019.

Part A of this submission details the substantial policy, social, community and economic reasons in favour of inclusion of the Relevant Land. We note in that respect the in-principle agreement expressed during our meeting of 12 December 2019 that the same land along the same stretch of Highland Way should be treated in the same way: i.e. if the Marulan South land is included then the immediately adjoining portion of the Glenrock land along the same stretch of Highland Way should also be included (and of course the reverse assumption also applies, i.e. that if the Marulan South land is excluded then the adjoining portion of the Glenrock land would also be excluded).

"Round 3"

The DUFHS has recently evolved again, now to recommend exclusion of all land along Highland Way, i.e. the Marulan South precinct (now Marulan East) and the Glenrock land immediately adjoining it. The reason cited by Council's Business Manager Strategic Planning for this recommendation is the submissions made by Boral, the Department of Planning, Industry and Environment (Geoscience) and Water NSW. This is the only reason cited for the proposed exclusion of the Relevant Land.

The recommendation to exclude the Relevant Land is fatally flawed because it is based on a complete mischaracterisation and misrepresentation of the submissions made by each of those three parties. That specific issue is detailed further in both this covering letter and in **Part B** of this submission.

Context

Our client has asked us to reconfirm that which it has already confirmed to Council in our previous submissions and in person during our December 2019 meeting:

Our client is not a property developer. It has zero interest or desire in seeing Glenrock or any part of it altered from productive agricultural land, which has operated continuously as a beef production business for over 200 years, to residential land. On the contrary, its directors have devoted substantial time, effort and resources to increasing the property's size over the last several decades with the aim of increasing

its agricultural production and retaining a substantial curtilage around the historic homestead and other buildings. Its aim is therefore to protect Glenrock and ensure that any future residential redevelopment occurs in a manner sympathetic to both the property and the community.

Our client is a longstanding member of the community with a passionate belief in the best interests of the community, as previous experience in relation to a previous proposed development demonstrates. From a community perspective, our client wishes to ensure, if there is any future redevelopment, that it occur in a manner which benefits the community and which does not encourage speculative for-profit property development of the type which has occurred previously and which has the undesirable consequence of producing the greatest return for the developer and the least value for the community.

Further, as a matter of basic principle and fairness, our client does not wish to see inclusion in the DUFHS of land immediately adjoining its own while its own land in the same immediate vicinity with exactly the same characteristics, the same frontage to Highland Way and the same bordering of the main Southern Railway is excluded from the DUFHS.

For those reasons our client considers that it is able to make these submissions with both a degree of objectivity, as it is removed from the mercantile and commercial need to make a profit which drives developers, and with some first hand knowledge of the Relevant Land and the considerations applicable to it.

Current status and problem

The Relevant Land is depicted in Appendix 1 to this submission.

The current status is that the Relevant Land has now been recommended for exclusion from the DUFHS. That recommendation has been stated to be based wholly on the three submissions referred to above (from Boral, the DPIE (Geoscience) and Water NSW).

No other reason for the exclusion of the Relevant Land has been advanced by Council's Business Manager Strategic Planning.

The problem with the recommendation to exclude is twofold:

1. it removes – for at least the next 20 years and most likely much longer in practical terms – from potential residential supply a substantial area of land which by virtue of its placement along Highland Way, an existing residential corridor, and its specific topographical and other characteristics is ideally suited to large rural residential lots; and
2. the recommendation relies for its basis and justification on the above submissions: the Council's Business Manager Strategic Planning has clearly stated that the recommendation to exclude the Relevant Land is made because of these three submissions. But the Business Manager's reading of those submissions is substantially flawed and her analysis of them is completely incorrect. *Put plainly:*
 - (a) *the State Agency submissions themselves do not say what Council's Business Manager Strategic Planning says they say – indeed one of them says the direct opposite; and*

- (b) *the Boral submission is palpable nonsense which the Business Manager Strategic Planning should not be asking Councillors to support at the expense of the community and their own reputations.*

As a result, the General Manager and Councillors have received incorrect information.

Worse, on the basis of that incorrect information, Councillors are being asked to support a flawed recommendation to exclude the Relevant Land from the DUFHS.

If Councillors were to do that and rely on the recommendation before them to make a decision to exclude the Relevant Land they would be acting in error and be doing a disservice to the community.

That is a problem which this submission seeks to solve. To that end Part A of this submission details the many policy and community benefit reasons in support of inclusion of the Relevant Land within the DFUHS and Part B corrects the incorrect information referred to above and provides accurate facts as to the three submissions referenced above.

Specifics

It would not be fair or reasonable to make the above comment without demonstrating why it is correct. The following does so briefly and Part B this submission does so in more detail, by reference to the actual submissions made by each party as provided by the General Manager.

The Department of Planning, Industry and Environment (Geoscience) (DPIE) submission

Contrary to the comment of Council's Business Manager Strategic Planning, this submission does **not** indicate that the DPIE has a concern with the inclusion of the Relevant Land at all. On the contrary: the DPIE submission specifically states the following: "The Division has no concerns with the Marulan South area (north of the main Southern Railway)...". *This is precisely the area comprised by the Relevant Land, all of which is north of the main Southern Railway.*

The DPIE submission therefore actually states the opposite of what the Business Manager Strategic Planning has indicated.

In circumstances where the DPIE itself has clearly stated that it has **no concerns** with the inclusion of the Relevant Land within the DUFHS we do not understand why the Post Exhibition Review authored by the Business Manager Strategic Planning overtly mischaracterises the DPIE's submission and its position on the inclusion of the Relevant Land by attributing to the DPIE the opposite of what it in fact has said.

The Water NSW submission

Likewise, the Water NSW submission specifically recognises the potential suitability of the Relevant Land to large residential lot housing. It also accurately recognises that the DUFHS is merely a strategy – not a planning proposal – and that as such it is not definitive and a lot more work would be required before any party included in the DUFHS would be able to subdivide any land and as rural residential lots or otherwise.

The Water NSW submission does not raise any substantive issues at all: it, again, correctly and appropriately recognises that at this time there can be no legitimate exploration of substantive issues because there is as yet no planning proposal. The submission therefore merely flags general principles.

Moreover, Water NSW is aware that Council has already allowed a number of unsewered large residential lot developments east of the Hume Highway in close proximity to Highland Way. This is recognised in the expression of a general preference for reticulated water and the subsequent specific statement by Water NSW in direct reference to the Marulan area (in which the Relevant Land is located) that: *"Water NSW would welcome the opportunity to discuss with Council whether this area might be more suitable in providing a limited supply of Large Lot Residential housing"*.

The concerns raised by Water NSW are prudent, completely usual and no more than expected at an early stage conceptual level. They would need to be balanced against the specifics of any future planning proposal – the submission of which would be mandatory – for any land included in the DUFHS which is sought to be developed.

Water NSW has made a general conceptual submission and even in that context it has expressly recognised the suitability of the Marulan area which includes the Relevant Land for future supply of large lot residential housing. It follows that there is no legitimate or reasonable basis to suggest that this submission forms a valid basis for excluding the Relevant Land from the DUFHS: the opposite is in fact the case.

For completeness we note that any concerns of Water NSW would need to be satisfactorily addressed at the time a planning proposal is made. That is **not** a reason to exclude the Relevant Land from the DUFHS ab initio, nor a justification for doing so. Indeed, excluding the Relevant Land on such a basis would be to render nugatory the whole planning proposal process, which is specifically designed to ensure such concerns are properly addressed before any consent to any actual proposal is given. As noted above, Council remains the arbiter of any future consent process.

In view of the above the recommendation to exclude the Relevant Land on the basis of the Water NSW submission is, as with the DPIE submission, nonsensical. To do so would be to deprive the community of the benefit of sensible and desirable future potential development. That would be a particularly bad policy outcome.

The Boral submission

The Boral submission is self-serving nonsense from start to finish. It is designed to place Boral's commercial interests before the interest of the community, nothing more. In the attempt to obtain that outcome Boral is effectively asking Council to act as its agent against the community. If Councillors follow the recommendation to exclude the Relevant Land that is what they would be doing.

The truth of the above is irrefutable, as indicated by the facts, matters and circumstances contained in Part B in relation to the specifics of the Boral submission.

The resultant position

It is not clear how the above submissions have been depicted as they have been contrary to their actual content (in relation to those from the State Agencies) or why the Boral submission has been given substantial weight, when it should be given none, while the entire substance of our previous submissions has been ignored.

Neither of the State Agency submissions (DPIE and Water NSW) has been accurately portrayed in the Post Exhibition Review provided to the General Manager and Councillors – as detailed above and in Part B of this submission.

As far as the Boral submission is concerned, the above conclusion is inescapable on any objective analysis, as Part B of this submission demonstrates.

It would be most inappropriate for Council to exclude the Relevant Land because Boral wants less rather than more people in the community for its own commercial interests and against community benefit.

Councillors are being asked to adopt a recommendation to exclude the Relevant Land on false pretences and completely inaccurate information, the effect of which would be to short-change the community and prefer the private commercial interests of a public company whose operations are nowhere near, and not affected by, the Relevant Land.

The undesirability of such an outcome for all concerned is obvious.

Progression

We urge Councillors:

- (i) not to accept the fruit of such poisoned logic;
- (ii) to reject the recommendation to exclude the Relevant Land; and
- (iii) to include the Relevant Land within the DUFHS.

Inclusion in the DUFHS would enable a planning proposal to be advanced to Council in the future. Any such proposal would need to satisfy Council's criteria as specified at that time and would have to stand or fall on its merits at that time. But importantly, inclusion of the Relevant Land leaves the option open for such a proposal to at least be properly put and it gives the community the opportunity to potentially expand and develop consistently and sympathetically during the next 20 years.

Our client's hope is that the Relevant Land will be included in the DUFHS as a beneficial and sensible course which is value-accretive to both the DUFHS and the community as a whole.

We and our client would welcome the opportunity to meet with Councillors and present to Council on any aspect of the above and Parts A and B of this submission which follow, as Council desires.

We look forward to progression of this matter to a positive and productive outcome for the community.

**DENIS SMITH
PRINCIPAL, DIRECTOR
TOMASY PLANNING**

PART A**DETAILED SUBMISSIONS AND REASONS IN SUPPORT****Scope of submission**

Our submission is made in support of including in the DUFHS the small section of Glenrock property immediately adjoining the area of land on Highland Way together with the Marulan South precinct (now known as Marulan East); the total forming the Relevant Land as defined above and as depicted in Appendix 1.

Our client does not make any submission at this time in respect of that section of the Glenrock property which abuts Long Point Road. Therefore, this submission is made only in respect of inclusion within the DUFHS of:

- (i) that section of the hatched Glenrock property which immediately adjoins the neighbouring land marked as Marulan South in Appendix 1; and
- (ii) the Relevant Land (being all of the Glenrock and Marulan South land specifically identified in the hatched section depicted in Appendix 1).

Our earlier submissions

Our earlier submissions were provided on 21 February and 6 December 2019. They were a response to:

- (i) Glenrock's omission from the DUFHS and the oral advice provided to the writer by Council that all land east of the Hume Highway would be excluded from the DUFHS (21 February) and
- (ii) Glenrock's subsequent exclusion and the exclusion of our submission entirely from Council's reporting and consideration of the DUFHS (6 December).

They set out our concerns in arbitrarily omitting large areas of land well suited to redevelopment within the DUFHS, especially in the context of increasing demand and other developments approved by Council east of the Hume Highway. They also sought inclusion of appropriate sections of the Glenrock property within the DUFHS and set out the basis for that and the reasons in support.

As our earlier submissions detailed, sections of the Glenrock property along Highland Way meet the necessary criteria for being included in the DUFHS and in particular for rural redevelopment. Many of the reasons for that detailed in our earlier submissions have also been confirmed in Council's response.

Post Exhibition Review Report

On 1 October 2019 a report was prepared by Council's senior management team entitled *Draft Urban and Fringe Housing DUFHS – Post Exhibition Review*. That report did not acknowledge that a submission had been made on behalf of the Glenrock property and its owner and the report therefore failed to have regard to any of the matters in our submission. That omission was dealt with by the report being pulled from the Council's 1 October meeting with the matter being deferred for consideration at a later time. While grateful that the matter was dealt with in that way, it is of concern to our client that its submission and its objections to being excluded from the DUFHS were ignored.

Consultant reporting

We have reviewed in detail all of the materials now provided by Council for public exhibition.

To broadly summarise the position: those materials indicate support, without any reasons articulated, for the position that the DUFHS exclude land east of the Hume Highway. Indeed, if one read only the 50 or so page summary – which we suggest most people will do rather than reading the 300 page actual report – that is the impression one would have.

Then, in the detail of the 300 or so page Elton Consulting report it becomes apparent that not all land east of the Hume Highway is being excluded: there is one identified area of land, comprising 4 lots, which is included. Moreover, that land has been identified as High Priority meaning a supply lead of 12 to 18 months. Leaving aside the inherent contradiction in the reporting, this and the factors below, raise some concerns for our client, Glenrock and the community.

The then-identified land:

- (a) is stated to comprise 85.5 hectares;
- (b) has been identified as suitable for inclusion in the DUFHS as large lot residential development i.e. 2 hectare parcels of land;
- (c) is stated to have a capacity of 30 such dwellings and parcels;
- (d) has been identified as 'High' priority so as to be made available in 12 to 18 months; and
- (e) is not only east of the Hume Highway: it directly abuts and immediately adjoins the Glenrock property. Moreover, it has the exact same topographical, ground coverage and other characteristics as the Glenrock land which it adjoins.

The Elton report speaks of stakeholder consultation and engagement yet at no time was there any attempt to consult or engage with this office or Glenrock despite our early and consistent engagement with Council and our detailed February submission. Put simply, we consider that the report is deficient insofar as its inclusion of the land east of the Hume Highway immediately adjoining Glenrock and its simultaneous failure to include the section of Glenrock land which has exactly the same characteristics.

That said, the Elton report represents merely the current status of consultant reporting. The final decision rests with Council and we therefore sought inclusion within the DUFHS of a small portion of the Glenrock property on the same basis as the land immediately adjoining Glenrock referred to above.

Our meeting of 12 December 2019 with Council then confirmed an in-principle acceptance of that position on the basis that either the relevant portion of Glenrock land should be included if Marulan South was included, or excluded if Marulan South was excluded (as is currently recommended). In other words, there was an in-principle acceptance of the suggestion that since the land in question is in the same vicinity, with the same geographical and topographical characteristics, sharing the same frontage to Highland Way and the same proximity to the main Southern Railway that the Relevant Land should either be included or excluded as a whole and **not** with differential treatment only excluding the Glenrock portion. That position is one which is obviously fair and reasonable.

Reasons in support (February)

The reasons in support were stated in our February submission as:

- (a) Close proximity to both Tallong and Marulan villages (less than 5 minutes drive to either).
- (b) Close proximity to the existing rural residential lots near and around both, and also along each of Highland Way and Long Point Road. Equally close proximity to the various rural housing redevelopments which have been approved in the immediate and surrounding locale (such as Glenrowan Green which is less than 5 minutes' drive).
- (c) Substantial dual road frontage both on Highland Way and Long Point Road enabling direct access to and from lots without the need for an additional public road system.
- (d) Ability for direct provision of services to residential lots, again without a requirement for an additional public road system.
- (e) Relevant land is already cleared of vegetation enabling development to occur without damage to or interference with vegetation, natural species or flora or fauna.
- (f) Commensurate low bushfire risk on the subject land due to its cleared nature.
- (g) The property is a natural growth corridor servicing both Marulan and Tallong and associated villages by virtue of its location and noting that Marulan has already been identified as a future growth area.
- (h) On both Highland Way and Long Point Road (and adjoining roads like Caoura Road) there are already a substantial number of rural residential developments so redevelopment of the defined area for Glenrock would be consistent with the existing character and use of the area.
- (i) Close proximity to the established main southern railway line with existing station infrastructure at both Marulan and Tallong allows easy and effective access to transport into the Sydney CBD and other satellite developments.
- (j) The existing single ownership structure means the land can be cohesively and efficiently subjected to the assessment process without the inherent waste and diffusion of resources that result from the more usual situation where subject land is held by a number of owners.
- (k) The ability to meaningfully add to the increasing demand for more housing stock in a manner which provides a first-class land release which therefore provides a public benefit without any public or environmental detriment (given the release would be consistent with existing land use and the existing character of the location, and given the nature and character of the land itself as referred to above).

Those reasons have not changed. They are factually correct and consistent with the planning criteria, as demonstrated by the previous inclusion of the 85.5 hectares of land immediately adjoining the same section of the Glenrock property referred to above.

Further, the above reasons have been added to and supplemented by the reports provided on the DUFHS and otherwise as detailed below.

Further support within the DUFHS reports

In addition to the reasons stated above, the DUFHS reports released in October 2019 and subsequently also demonstrate and justify the need for additional rural residential development of the type identified above for the Relevant Land, including in the following specific references:

Page 7 – Item 3, Housing Demand:

“Anecdotal evidence gained through the initial community and stakeholder engagement process indicated demand for large lot residential blocks (2ha). These products offer diversity in lifestyle choice. The relatively low subdivision costs associated with creating these lots has resulted in this form of development being the preference of proponents looking to rezone land. Given the current and expected demand for residential land in Goulburn and Marulan it would be anticipated that small volumes of large lot residential land will be absorbed by the market, however, the actual annual demand is difficult to determine.”

Page 9 – Item 4.2, Large Lot Residential Demand:

“The overall dwelling approval data has not been sensitised for the split between approvals on 1 - 2ha large lot residential lots, compared to approvals for serviced residential lots. However, a review of Council data suggests that there is reasonable demand for rural residential development on the fringe of the study area.”

Page 9 – Item 5.1 – Large Lot Residential Supply:

“Based on the current data, 290 lots have been created in the R5 Large Lot Residential zone in the past ten years in Goulburn. Over this same period, approvals have been granted for 200 dwellings. This indicates that there are at least another 90 vacant lots in the R5 zone. Based on the historic conversion or take up rate (lots to approved dwellings) of 20 per annum, this would suggest around 4.5 years supply of large lots in Goulburn...Marulan has a much more limited supply of R5 Large Lot Residential zoned land.”

Page 12 – Item 5.2.2 – Marulan

“Marulan will need to ensure that sufficient land is identified and preserved for future urban residential zoning. Council could consider rezoning this area with an Urban Release Area provision and concept plan that demonstrates the arrangement of larger lots (>2 ha) such that they can be efficiently re-subdivided in the medium/long term.”

Additional applicable reasons in support and consistency with the DUFHS

There are substantial additional reasons in support of including the Relevant Land, beyond those specific report sections referred to above. They include the following:

1. *Consistency with DUFHS*

Inclusion of the Relevant Land and, specifically, the section of the Glenrock land immediately adjoining the 85.5 hectares previously included in the DUFHS

is consistent with the DUFHS and is supported by all of the reasons stated. With respect we do not agree with Kate Wooll's comment that our client is in the same category as people who own land in Goulburn who are asking to be included in the DUFHS. That comment is really quite extraordinary given the relevant section of Glenrock land immediately adjoins the neighbouring 85.5 hectares previously recommended for inclusion and has all of the same characteristics as noted above. It is, with respect, nothing whatsoever like "people who own land in Goulburn" (some 40 or more km away) being asked to be included within the DUFHS. There is simply no similarity or analogy.

2. *Not undermining future residential land opportunities*

Inclusion of the relevant section of the Glenrock property within the DUFHS on the same basis as the 85.5 hectares previously recommended for inclusion would not undermine future residential land opportunities. On the contrary, it would augment them.

3. *Absence of land use conflict*

The development can be managed to avoid land use conflict. Large Lot development should have regard to the surrounding agricultural land use and must provide a buffer to agricultural land. The railway is a definitive boundary between the large lot residential development proposal and the rural land to the south which is used for agricultural purposes.

4. *No flooding*

The site is unconstrained by flooding as it is above the flood planning level of the 1 in 100 ARI. The area is not affected by flooding and has unconstrained flood free access out of the property and locality.

5. *Connection to existing road network*

The lots can be connected to the existing road network by sealed road access. The area can be connected to the existing sealed road network by sealed road access and is fully serviced by a sealed road and within the existing rail corridor.

6. *Demand*

The need for the additional lots can be justified in terms of supply and demand especially given the long term nature of the DUFHS. This is already demonstrated clearly by the previous identification of the immediately adjoining 85.5 hectares as 'High' priority.

As a matter of commercial reality, the market should be left to decide based on any planning proposal at the time (and the conditions required by Council to approve it) whether the product succeeds or fails. As such the demand-side equation can only add value to the community as all of the risk is with the applicant in any such future planning proposal. But if the Relevant Land is excluded then the community is deprived even of the opportunity to meet demand if it is there. That would be a nonsensical economic and social policy outcome completely against the community interests.

7. *Council retains control*

No development may occur on any of the subject land without the provision of a comprehensive planning proposal to Council and without Council consent. Any such proposal would need to be assessed against the DUFHS, the relevant controls and Council's processes and criteria at that future time and Council would need to provide its consent before the proposal were able to be advanced to the DPIE.

Without Council support at such future time such a proposal would not be able to be advanced.

Council therefore retains control and loses nothing by including the relevant portion of Glenrock land along Highland Way and the Relevant Land in its entirety within the DUFHS – on the contrary, Council will be ensuring that the area east of the Hume Highway previously identified as suitable for inclusion in the DUFHS as high priority will actually represent a meaningful contribution to future land use rather than only the 30 additional lots currently identified. After all, if those lots are 'High' priority, it must follow that lots of exactly the same nature immediately adjoining them are also necessary and desirable.

8. *A meaningful number of lots*

By including the Relevant Land within the DUFHS Council will be ensuring there is a meaningful number of lots along Highland Way, an existing residential corridor, included within the DUFHS. This will alleviate supply pressure given the identification of the previous relevant area as 'High' priority. We note that if the Glenrock portion had been excluded from the Relevant Land as previously contemplated only 30 lots would have been available.

9. *Practical utility: cost and efficiency*

From a practical perspective, there is a real utility to including the Relevant Land along Highland Way and, once again, this utility would be substantially diminished if not lost were the Relevant Land not included as a whole (i.e. the area defined in Appendix 1 as Marulan South and the hatched area of the Glenrock land): the cost of preparing the type of planning proposal required for redevelopment as residential rural lots will be substantial, requiring a range of consultants, experts and planners.

The cost of infrastructure in terms of roads and otherwise in relation to any actual development will also be substantial. Therefore, there is a natural economy of scale and efficiency in ensuring that this work is undertaken across a range of owners and in ensuring that any redevelopment has a consistent rather than fragmented appearance along Highland Way.

10. *Adverse impact by exclusion of relevant portion of Glenrock property*

To exclude that portion of the Glenrock property along Highland Way identified in this submission would result in a completely out of character mishmash of developed and undeveloped land along the exact same section of Highland Way. That will be an unsightly blight on an otherwise pristine rural setting, made worse by the contrast of redeveloped land immediately next to rural land. If there is going to be redevelopment it should occur in a cohesive, disciplined and consistent way in respect of land in the same location, with the same characteristics and topography and with the same appearance from, and frontage to, Highland Way.

We note again that this issue is no longer 'live' given the consensus during our December meeting that as a matter of principle the Glenrock section and the Marulan South precinct (now Marulan East) are either to be included or excluded as one, with no differential treatment disadvantaging the Glenrock portion.

11. *Community benefit must be placed above developer opportunism*

The entity which owns Glenrock has been part of the community for over 35 years. During that time it has invested a sum of over eight figures directly into the community and its businesses through the meticulous restoration of the Glenrock homestead and buildings and the deliberate decision to source all property requirements, including for Glenrock's substantial agribusiness, entirely to local businesses and suppliers. While it and its directors generally prefer a low key approach they are also not averse to becoming personally involved where they consider the benefit of the community requires it, two recent examples being the proposed development along Highland Way which went to the Land and Environment Court and the recent proposal in respect of Tallong Dam which was resolved privately and, again, in to the benefit of the community.

The point is simply this: by including Glenrock within the DUFHS Council will be ensuring that an owner with real ties to the community and involvement in it will be actively engaged in ensuring that any redevelopment will be properly and scrupulously proposed and undertaken in a manner sympathetic to the community and in a quality manner without cutting corners. The likely alternative if Glenrock is omitted is that the size and scale of investment required will see smaller holders sell to developers whose incentive and focus will be only on making a profit. That would be a poor result for the community and one Council can ensure is avoided by including in the DUFHS the relevant section of Glenrock identified in this submission.

We note again that this issue is no longer 'live' given the consensus during our December meeting that as a matter of principle the Glenrock section and the Marulan South precinct (now Marulan East) are either to be included or excluded as one, with no differential treatment disadvantaging the Glenrock portion.

'High' priority and the issue of demand

This is an issue which requires some emphasis: the relevant report indicates, correctly in our view, that future demand is difficult to determine. But, the one thing which we do know (and this is a view accepted not only in this region but in the whole of New South Wales), is that housing demand will increase in the future. The DUFHS is not a DUFHS for 5 years. It is a long-term DUFHS stretching out at least 15 years.

It makes no sense to say on the one hand that the release of 30 residential rural lots (of 2 hectares each as identified above) is 'High' priority and, on the other hand, to say that the land immediately adjoining it on the Glenrock property – which in all respects has the same attributes and characteristics – should be excluded from the DUFHS.

The simple fact of the matter is this: if the 85.5 hectares of land immediately adjoining Glenrock is not only a necessary part of the DUFHS but a High Priority component – as the Elton report states that it is – then the Glenrock land immediately adjoining it identified below must be as well.

We note again that this issue is no longer 'live' given the consensus during our December meeting that as a matter of principle the Glenrock section and the Marulan South precinct (now Marulan East) are either to be included or excluded as one, with no differential treatment disadvantaging the Glenrock portion.

PART B**THE SUBMISSIONS RECEIVED BY DPIE, WATER NSW AND BORAL**

As detailed in the covering letter to this submission, the Business Manager Strategic Planning has based the present recommendation to exclude the Relevant Land squarely on these three submissions. It is therefore necessary to address them in detail.

The following comments are in addition to the specific comments contained above in the covering letter to this submission.

Flawed recommendation

A recommendation is before Councillors to exclude the Relevant Land from the DUFHS.

That recommendation is fatally flawed.

This is because it arises directly – and is stated to arise directly – from Council's Business Manager Strategic Planning's incorrect characterisation of these three submissions. Specifically, the Business Manager Strategic Planning has endorsed the following statement in her review to Councillors for the 21 April ordinary Council meeting:

"Development of this precinct has been questioned by Water NSW, DPIE (Geo Science) and Boral due to water constraints and to potential residential quarrying interface constraints. As a result, no further development is recommended under the Draft DUFHS".

Inaccurate depiction of State Agencies' submissions

That is not an accurate depiction – by any standard – of the actual content of the submissions of the DPIE and Water NSW (I deal with Boral below). The General Manager, and then Councillors, have been given a recommendation which misrepresents these submissions, incorrect information and Councillors are now being asked to make a decision on the basis of that incorrect information. The result of following such a recommendation would be that Councillors would have acted in error against the longer term interests of the community.

Failure to properly assess Boral's submission

As far as the Boral submission is concerned, there has been a complete failure by the relevant Business Manager to objectively assess the statements made by Boral or to weigh them against the merits of inclusion of the Relevant Land as detailed in this and our prior submissions. For the detailed reasons stated in both the covering letter to this submission and below, the Boral submission is a farce. Were Councillors to follow the relevant Business Manager's recommendation to exclude the Relevant Land on the basis of Boral's submission – which is what the Business Manager is suggesting – they would open themselves up to community consternation and condemnation on the basis that Councillors would be preferring the narrow commercial profit interests of a public company over the interests of the community and the potential creation of a vibrant residential corridor of large rural lots along Highland Way. That is not a good position to place Councillors in and we do not understand why it is one which is being advocated by the relevant Business Manager.

Failure to objectively consider our submissions

There has been no comment whatsoever by the relevant Business Manager and no objective consideration of the merits of inclusion of the Relevant Land on the basis of the clear policy and other reasons articulated in our own submissions.

Indeed, the treatment of the Boral submission despite its lack of substance compared with the disregard of our own submissions despite our detailed content creates the impression that the relevant Business Manager is not validly exercising her function but instead simply endorsing the commercial interests of Boral at the expense of the future development of the community.

That is extraordinary given that it was Council's officers who previously included a section of the land along Highland Way for rural residential large lots. At the time Council prepared a draft DUFHS, it is only reasonable to assume that proper due diligence was carried out and comprehensive anecdotal information reviewed for Council's officers to recommend that this land shown on Council's draft plan be identified for rural residential (large lots). It is unreasonable for the Relevant Land not to be included now in circumstances where the DPIE submission supports it, the Water NSW leaves its inclusion completely open and where the Boral submission should be dismissed as self-serving codswallop.

Specific comments regarding the DPIE submission

Contrary to what has been suggested by the Business Manager Strategic Planning the DPIE submission does **not** suggest that the Relevant Land should be excluded. It **specifically states the opposite**: "*the Division has no concerns with the Marulan South area (north of the main Southern Railway)*". As noted in the covering letter to this submission, this is precisely the location of the Relevant Land.

Accordingly, the DPIE submission cannot be relied upon as a basis for the relevant Business Manager's flawed recommendation.

We note that in the relevant Business Manager's report to Council, no reference is made to the DPIE's comment that it has "no concerns" with the inclusion of the Relevant Land (all of which is north of the main Southern Railway) being developed for rural-residential purposes.

The DPIE'S submission in fact supports the inclusion of the Relevant Land in accordance with our client's submission.

Specific comments regarding the Water NSW submission

Water NSW does not raise any substantive issues, given Council has already allowed unsewered large residential lots east of the Hume Highway in close proximity to Highland Way. These developments include the Tallong rural residential development less than five minutes' drive from the Glenrock property, and rural residential lots along Highland Way and Long Point Road. Rural residential housing developments have also been approved such as Glenrowan Green – all without town water. In any event, the matters raised in Water NSW's submission are insubstantial and would need to be dealt with as part of the supporting documentation for a future Planning Proposal.

The Water NSW submission makes a number of banal statements relating to the future release of land for large lots (rural residential) which would be unsewered. However, the submission clearly states that: "*Water NSW would welcome the opportunity to discuss with Council whether this area might be more suitable in providing a limited supply of Large Lot Residential housing*".

This quote relates to the Marulan area which includes Marulan South, the subject of this submission. It is evident from the comments of Water NSW that any planning proposal would need to comprehensively address any impacts the proposed development would have on the Sydney Drinking Water Catchment and this requirement would be mandatory.

It follows that, as indicated in the covering letter to this submission, the submission from Water NSW appropriately leaves the potential for redevelopment of the Relevant Land completely open, to be determined by reference to the specifics of any future planning proposal. That is entirely appropriate and does not form any valid or legitimate basis for prematurely excluding the Relevant Land from the DUFHS at this time.

Further, even in the context of Water NSW's general submission it has expressly recognised the suitability of the Marulan area which includes the Relevant Land for future supply of large lot residential housing as demonstrated by the above quote from the submission. It follows that there is no legitimate or reasonable basis to suggest that this submission forms a valid basis for excluding the Relevant Land from the DUFHS: the opposite is in fact the case.

Once again, the relevant Business Manager has taken a substantial amount of licence to translate into her recommendation a conclusion which is neither contained in, nor supported by, the Water NSW submission.

Specific comments regarding the Boral submission

A review of the Boral submission has now been undertaken in an attempt to gain a better understanding of why Boral opposes the inclusion of the land along Highland Way.

It is surprising that Boral would object to additional housing capacity in a community of which it states it wants to be an active and productive member. It is also surprising to note that the content of the submission does not provide any detail, any evidence or even any argument as to how the inclusion of the Relevant Land actually impacts Boral. Specifically:

1. The submission does not address impact on Boral at all. It only references a suggestion of impact in the vaguest terms and without any specificity whatsoever. This is styled around the amorphous suggestion of some unspecified concern over "future residential interference" to the small side rail line for the quarry.

Yet as that line is not only completely outside and separated from the Relevant Land, it rests entirely within the Glenrock property and access to it is in fact controlled through Glenrock itself, as demonstrated by the depiction in Appendix 1. The private rail line is not is it accessible from the Relevant Land at all.

To the extent this matter could be even argued to be a concern, which is not articulated at all by Boral, such concern would easily be able to be addressed – and would in fact be required to be addressed – in a future planning proposal. This would be as simple as a secure physical separation mechanism e.g. secure fencing and access of the type already extant on most rural properties.

Last, if this vague suggestion were to be treated as a valid concern then, applying consistent criteria, there could be no rail line anywhere proximate to any residential area in New South Wales – including the main rail line which has been there for well over 100 years.

The argument, or rather the vague suggestion, is a nonsense which would be destroyed within 5 minutes of it being properly interrogated.

Appendix 1 shows the Boral private rail line in red. In addition to its physical separation and inaccessibility Appendix 1 shows that this line terminates at the Main Southern Rail Line and does not encroach upon any of the Relevant Land.

2. Boral's submission is not able to establish any interaction or interrelation between its property and the Relevant Land. That is because there is none.

There is a buffer of some 2,500 acres – from Glenrock alone – between the two, a distance between Boral's property and the Relevant Land of many kilometres and no direct or indirect sightline whatsoever.

In those circumstances, Boral's submission has no relevance or credibility because the suggestion that Boral's property or operations would in any way be affected by the small number of residential lots proposed is, again, a nonsense.

The Glenrock property, which operates as a primary agricultural business, has worked in harmony with the Boral operations for many years. The introduction of a specified area of land along Highland Way for rural residential (large lots) does not, in any manner, represent a threat to the continued agricultural pursuits of Glenrock or the operations of Boral. As such it is farcical for Boral to suggest that the proposed rural residential (large lots) development along Highland Way would result in "lack of site suitability due to inherent constraints and incompatibility of residential development with surrounding and established primary production uses". If any party were capable of validly making such a claim it would be our client but our client rightly regards the claim as absurd, as must Council based on the previous reporting and recommendations. This comment is a patent attempt by Boral to make submissions in respect of land it does not own and which has no connection with and no effect on its operations. Rather than given weight it should be dismissed for the self-serving interference it is.

3. All loads from Boral's mining operations to the Main Southern Rail Line are required to be covered as a matter of occupational health and safety, pollution and dust avoidance and basic good practice. Boral, at its credit, is scrupulous in ensuring this occurs. This, combined with the physical separation between the private rail line and the Relevant Land detailed above, makes the prospect of any interference or tampering with Boral's product non-existent. This matter has not even been raised by Boral; we simply raise it for completeness to illustrate even further the lack of validity to the Boral submission.
4. Boral's submission lists a number of criteria which it says have not been addressed. It goes on to suggest that the failure to now address those matters is in effect fatal to the proposal to include the Relevant Land.

That, again, is a nonsense: *none of those criteria have been addressed for the other precincts proposed to be included in the DUFHS either.* This is for the very simple and valid reason that *every one of them would be required by Council to be addressed in the required planning proposal before any proposal for redevelopment could be advanced.*

This aspect of Boral's submission shows either, or both, a complete ignorance of the planning proposal and required consent process or an attempt to grasp at straws to bolster a submission which is indefensibly tenuous. It is a smokescreen.

5. The Boral submission is nothing more than the usual mining strategy of overreach and isolation; designed to ensure that public and community policy is manipulated to achieve the greatest possible buffer zone for a mine's operations.

The plain fact is that the inclusion of the Relevant Land in the DUFHS has zero effect on Boral or its operations. This includes the small branch private rail line which is entirely separate from the Relevant Land and in fact isolated within the Glenrock property itself, which forms a buffer zone of some 2,500 acres between Boral's operations and the Relevant Land.

Boral wishes to be seen as an active and community-minded citizen. But attempting – without consulting its neighbours who actually own the Relevant Land – to stretch its corporate arm across a 2,500 acre divide to interfere with the inclusion in the DUFHS of that land when it has no operational effect on Boral whatsoever is not the way to achieve that goal.

It is nothing more than an attempt to ensure there are less members of the community that Boral must engage with in the future – hardly community-minded.

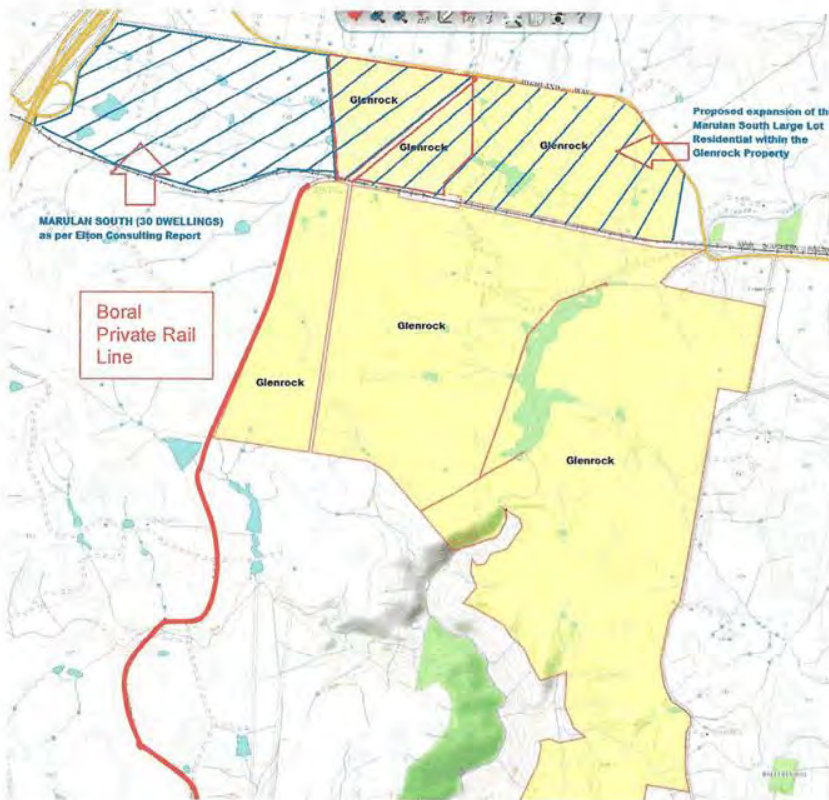
We note our client has advised Boral in writing of the above. That was done as a professional courtesy so Boral is aware of the comments being submitted to Council. To date, no such reciprocal courtesy has been extended by Boral to our client, who was not aware of the Boral submission until very recently. That is disappointing considering Glenrock is Boral's largest neighbour and that the basic courtesy of discussing a submission made regarding a neighbour's land is one encouraged by Councils across New South Wales.

Last, we reiterate our concern that the relevant Business Manager has placed such weight on the Boral submission, and has mischaracterised the Public Agency submissions, while at the same time having ignored the entire substance of our submissions.

Council is not the mouthpiece of Boral and Boral's expectation that it can object on the spurious and fatuous bases it has and then be treated seriously by Council should be shut down without it being further entertained.

APPENDIX 1: THE RELEVANT LAND

As defined in this submission, the Relevant Land is comprised by reference to the illustration below of all of the hatched land, being: (i) the hatched land identified as "Marulan South" and (ii) the hatched land identified as "Glenrock".



13 May 2020

The Councillors
Goulburn Mulwaree Council
85 Deccan Street
Goulburn NSW 2580

By email

Dear Councillors

SUGMISSION: DRAFT URBAN FRINGE HOUSING STRATEGY (Strategy)

SHPA Inc, formerly MRAG Inc

We are writing on behalf of the Southern Highlands Progress Association Incorporated (formerly the Marulan Residents Action Group Incorporated) (**Association**).

Purpose of letter

The purpose of this letter is to express the Association's concern regarding the exclusion of certain land from the Strategy.

In making this submission we have had regard to the submission of Tomasy Planning to Council dated 12 May 2020 on behalf of the owner of Glenrock (**Tomasy submission**).

The Relevant Land and specific concerns

Specifically our concern relates to the exclusion from the Strategy of the land along Highland Way, identified in the Tomasy submission as the Relevant Land and shown in Appendix 1 of the Tomasy submission (**Relevant Land**).

The Relevant Land immediately adjoins and runs along the one continuous stretch of Highland Way. Highland Way forms the start of the Southern Highlands Scenic Tourist Drive and acts as the gateway through and along which Tallong, Wingello and other towns are placed.

Highland Way also already forms a residential area and corridor. Its inclusion within the Strategy as a site for future large lot residential housing supply would benefit not only the immediate sense of continuity, development and cohesion within the community, it would also provide further much needed residential presence which in turn would provide greatly needed support to the individual towns of Marulan, Tallong and Wingello.

We otherwise incorporate by reference each of the concerns and submissions in the Tomasy submission, including the commentary on the public agency and Boral submissions.

In that respect, we are very concerned by the present recommendation to Councillors that the Relevant Land be excluded from the Strategy on the basis of 3 submissions received by the Department of Planning (DPIE), Water NSW and Boral – particularly when those submissions do not legitimately support the exclusion of the Relevant Land as detailed in the Tomasy submission.

Public agency submissions

The Association does not understand how the actual content of the DPIE and Water NSW submissions has been inaccurately depicted to Councillors as outlined in detail in the Tomasy submission. What is clear, however, is that those submissions do not support the present recommendation to exclude the Relevant Land: they do the opposite (again as detailed in the Tomasy submission).

Boral submission

The Association has read both the Boral submission and the commentary of the Tomasy submission on it. We agree entirely with that commentary.

It would be of the utmost concern if Council adopted a recommendation which supports a private for profit enterprise at the expense of the community.

Community benefit

There is a clear community benefit by inclusion of the Relevant Land within the Strategy and as outlined in detail in the Tomasy submission.

Further, there is no detriment to the community from Council including the Relevant Land within the Strategy. In any event, whether or not such land would ultimately be able to be redeveloped will depend on the merits of any relevant future planning proposal at that time and as detailed in the Tomasy submission.

Progression


We ask that Councillors reject the current recommendation to exclude the Relevant Land and that Councillors instead specifically include the Relevant Land within the Strategy.

We are happy to discuss any aspect of the above in further detail as Council wishes.

Sincerely



Ross Cameron
Co-chairman



Charles Mendel
Co-chairman

Southern Highlands Progress Association

Southern Highlands Progress Association, Inc (previously Marulan Residents Action Group, Inc) is an incorporated association in New South Wales. It is a not-for-profit entity dedicated solely to the best interests of the Southern Highlands community and devoid of racial, religious or sexual affiliation or bias.