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ATTACHMENTS

ENCLOSURES

Ordinary Council Meeting

15 September 2020

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12.2 PLANNING PROPOSAL TO REZONE 'MISTFUL PARK' AND REDUCE THE MINIMUM LOT SIZE

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Authoriser: Warwick Bennett, General Manager

Attachments: 1. Mistful Park Planning Proposal [↓](#) 

Link to Community Strategic Plan:	Strategy EN4 'Maintain a balance between growth, development and environmental protection through sensible planning'
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. 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.
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 encourage to investigate the concerns raised by the State Government Departments.

ASSESSMENT OVERVIEW & DISCUSSION

The planning proposal aims to make changes to Goulburn Mulwaree LEP 2009 to allow the creation of approximately 150 additional lots adjacent to the existing Mistful Park subdivision. The area to be rezoned has constraints (such as native vegetation and steep land) that need to be carefully considered at any early stage to ensure the land can be developed in accordance with the wishes of the landowner, and an appropriate zone is selected.

These considerations are usually a part of the rezoning process. However in this case there are broader factors that must be considered before a rezoning is commenced, including:

- The RMS and NSW Office of Environment & Heritage (OEH) have significant concerns about the proposed zoning in its current form due to proximity to a classified road and the presence of protected native vegetation respectively.
- The presence of protected vegetation communities in other parts of the Marys Mount area are currently causing significant challenges for subdivision proposals. In order to avoid this on the subject site a strategic approach to selecting the type of rezoning process, the role of the land in relation to the future supply of housing in Goulburn and the appropriate zones and controls for the site is necessary.

This would need to be supported by policy provisions to deal with infrastructure servicing (sewer, water and stormwater) and vehicular access. The Urban and Fringe Housing Strategy might identify other less constrained sites that are more appropriate for traditional residential subdivisions. Preliminary work on the Strategy indicates that there is sufficient supply of urban

housing in Goulburn for the foreseeable future and there is no land use imperative to consider rezoning the land at this time.

That being said the Urban & Fringe Housing Strategy might identify a potential expansion in the relatively unconstrained area adjacent to the existing subdivision.

- Traffic generation and access from Marys Mount Road onto Crookwell Road is an issue that staff are dealing with in relation to current development applications for subdivisions along Marys Mount Road. It is important that the cumulative impacts of traffic from existing and proposed subdivisions are considered. For the subject land, access is a key issue given the general policy position of the RMS to not support direct vehicular access onto a classified road if another option is available. The design of the existing road network in the Mistful Park subdivision was not intended to service further subdivisions.
- The rezoning proposes to remove an environmental protection zone and replace it with residential zones. Without an appropriate strategic response surrounding future development of the land (discussed above) it will be very difficult to justify how the threatened native vegetation community present on the site will be better protected under the proposed changes. This will be necessary to satisfy state agencies and allow progression of the rezoning proposal.
- If the implications of removing native vegetation to facilitate a future subdivision (i.e. for roads, asset protection zones, building envelopes etc) are appropriately considered now by both the landowner and Council then unforeseen challenges at the development application stage can be avoided. This may not necessarily preclude the removal of some native vegetation. There is a special type of rezoning process which involves assessment of protection vegetation and communities so that further assessment is not required at the development application stage. Depending on the outcomes of the Urban and Fringe Housing Strategy there may be several areas which Council may want to consider rezoning together using this process. There are significant benefits in adopting this approach including increased certainty for developers however it will require a high level of detail and close co-ordination between landowners and Council.
- Only part of the land is strategically identified for residential expansion. Areas for residential expansion will be holistically considered in the Urban & Fringe Housing Strategy. Staff have previously recommended (and Council supported) rezoning proposals being deferred pending completion of broader strategic work (e.g. Goulburn Health Hub was deferred pending completion of the Employment Lands Strategy). This same approach is recommended in this report.
- To be clear, it is not the staff's position that some intensification of parts of the subject site could not be achieved. However in order to make the best use of current staff resources and make informed decisions about how that intensification could occur the constraints of the land must be considered in detail and in the context of the broader area and the future residential housing needs of Goulburn.

BACKGROUND

The subject site was previously identified in a study prepared by Parsons Brinkerhoff (PB) Pty Ltd that underpinned the Goulburn Mulwaree Strategy 2020 (2006). The PB study identified the area around Marys Mount, including part of the subject site as a potential location for future expansion of the Goulburn City urban area. Importantly the PB study also identified constraints to consider when rezoning the site for higher densities including: ridgelines; the presence of protected flora community (Yellow Box – Blakely's Red Gum Woodland – Endangered Ecological Community (EEC)); and infrastructure servicing.

The constraints identified in the PB report limit the residential development potential of the subject site. As a consequence, the identified constraints underpinned the zoning of the land to E4

Environmental Living with a Minimum Lot Size of 10 Ha under *Goulburn Mulwaree Local Environmental Plan* (GM LEP) 2009.

It was intended that the zoning and minimum lot size would play a primary role in protecting the identified EEC from development and mitigate the cumulative impact of development from the R2 Low Density Residential zoning of the broader Mary's Mount area.

Application of the E4 Environmental Living zone under the GM LEP 2009 was anticipated to encourage future land uses that would not adversely impact on the sensitivity or integrity of the EEC, impact on the scenic rural landscape or require further augmentation to the reticulated water supply to service the site.

It is important to note that Council is currently preparing to engage a consultant to prepare an Urban and Fringe Housing Strategy that will supersede the Parsons Brinkerhoff Study and the Goulburn Mulwaree Strategy 2020 (2006). The Urban and Fringe Housing Strategy (once adopted) will set the strategic framework for considering residential development and land release in Goulburn and Marulan.

Site and Proposal

The subject Planning Proposal was lodged by Urbanism Pty Ltd on 25 September 2017.

The subject site is irregular in shape and has a total area of 32.5 Hectares comprising:

- Lot 1 (11.1 Ha),
- Lot 3 (11.1 Ha) (now Lot 214 DP 1231260), and
- Lot 4 (10.1 Ha) of Deposited Plan 1223269

The site adjoins an approved subdivision at 'Mistful Park' (to the south) on Crookwell Road, adjacent to Chinamans Lane and Bigwood Place.

The site is currently zoned E4 Environmental Living and has a Minimum Lot Size of 10 Hectares under *GMC LEP 2009*. The map included in the attachment identifies the proposed amendments.

The current Planning Proposal seeks to:

- Rezone Lots 1 and 4 from predominantly E4 Environmental Living zone to R5 Large Lot Residential
- Rezone Lot 3 from predominantly E4 Environmental Living to R2 Low Density Residential zone; and
- Reduce the minimum lot size in the R5 Large Lot Residential zone and R2 Low Density Residential zone from 10 Hectares to 2,000 m² and 700 m² respectively under GMC LEP 2009.

The information submitted with the Planning Proposal considers that the total proposal would contribute approximately one hundred and fifty (150) lots to the existing supply of residential land.

The information submitted contends that there are management options available to protect the EEC in this development scenario however the options are not clear in identifying the benefit they will extend to the EEC. These management options are discussed later in this report.

REPORT

This report will address the following key issues: vegetation, access, water supply and steep lands (Ridgelines) from a strategic planning perspective and provide comments sourced from external agencies and internal referrals with regard to these issues.

Strategic Planning Framework

A response to the Planning Proposal with regard to the following Strategic Planning Framework documents has been included in the attachment:

- *Constraint, Zoning and Minimum Lot Size Maps*
- *Goulburn Mulwaree Strategy 2020,*
- *Goulburn Mulwaree Community Strategic Plan 2030,*
- *South East and Tablelands Regional Strategy 2036*
- *117 Ministerial Planning Direction's*
- *State Environmental Planning Policies*

The site was initially identified as having a far better role as undeveloped land in terms of the visual impact on the landscape, the presence of Critically Endangered Ecological Community and significant infrastructure works to service any residential properties with reticulated water.

Consequently, the site was zoned E4 Environmental Living under GM LEP 2009, and the protected Yellow Box – Blakely's Red Gum Woodland – Endangered Ecological Community (EEC) was mapped across the site using the best available data at that time. The purpose of these provisions was to identify the land as having a role and function within the landscape other than residential uses. The minimum lot size applied to the land supports this view because the current minimum lot size of 10 Ha only permits a dwelling on each of the existing lots. The priority in protecting areas with these characteristics by the state government is supported by the s.117 Local Planning Direction 2.1 Environmental Protection Zones making it difficult to remove existing environmental zones.

The subject Planning Proposal has been assessed as being inconsistent with the Planning Principles contained in the State Environmental Planning Policy (Rural Lands) 2008. Based on the information submitted and the comments received the proposed amendment is not supported.

The subject site is however, located in the identified fringe area that will be included in an upcoming Urban and Fringe Residential Housing Strategy.

Key Issues and Discussion

The 'Mistful Park' Planning Proposal identifies three (3) key constraints over the subject site that the proponent maintains *'largely comprise the reasons for the subject site originally being identified as E4 Environmental Living Zone and a minimum lot size of 10 Hectares'* and the focus of their Planning Proposal's response: vegetation (EEC); water supply limitations, and steep lands (Ridgelines).

It is this assessment's view that the above three reasons also support the sites notation in the Development Control Plan (Figure 8.3 p255) as having limited development potential and warranted further comments from state government agencies. The subject Planning Proposal cited new information that attempted to mitigate the impact of residential development.

The new information is a revised Flora and Fauna Study prepared by Woodlands Environmental Management Pty Ltd. However on balance, this report supported by comments from the Office of Environment and Heritage and the Department of Planning & Environment, does not conclusively support the Planning Proposal proceeding. The new information also suggests design solutions (not provided) including road layout, lot size and configuration and building footprint controls could ensure a good planning outcome. At this stage staff are not satisfied that these suggestions provide suitable measures for the appropriate management of the Blakeley's Yellow Box Critically Endangered Ecological Community.

Ridgelines (Steep Lands)

The information submitted by the proponent cites that the ridgeline (steep land) should not be an absolute constraint. It also notes the correlation between the ridgeline mapped and the presence of the EEC on the site.



Figure 1: Residential development extending to the ridgeline.

Figure 1 shows the affect that existing development on another site in the Mary's Mount area extending to the ridgeline has in dominating the landscape.



Figure 2: Residential development is located below the ridgeline maintains a rural connection.

Figure 2 shows development on another site in the Mary's Mount area where the built form does not extend close to the ridgeline. Providing a suitable buffer distance from the ridgeline allows a suitable area to allow a critical mass of vegetation to remediate and rehabilitate the Yellow Box – Blakely's Red Gum Woodland – Endangered Ecological Community (EEC).

CONSULTATION

Comments from the following agencies and internal referrals were requested in response to the subject application.

- Roads and Maritime Services (RMS)
- Council's Development Engineer (Reticulated services and local traffic)
- Council's Vegetation Officer
- Office of Environment and Heritage
- Department of Planning and Environment

Roads and Maritime Services (RMS)

The RMS *does not support the application in its current form*. It considers that the planning proposal has not adequately considered traffic and safety implications of future development on the land.

The RMS considers that the Planning Proposal must:

- *Consider the likely lot yield*
- *Identify an appropriate road hierarchy and access strategy that minimises access to Crookwell Road. This must include consideration of the topography in the area and the ability to provide constructible links.*
- *Preserve land required for future road infrastructure upgrades, including internal links with the planning proposal to connect to the existing local road network.*
- *Identify necessary road upgrades on Crookwell Road (e.g. the intersection of Mary's Mount Road with Crookwell Road)*
- *Consider how the necessary road infrastructure will be funded and ensure there is an appropriate planning mechanism in place.*

In the absence of the above, the RMS is concerned development would compromise Crookwell Road, particularly development of lots with frontage to Crookwell Road with no alternate local road access.

Council's Development Engineer

The subject Planning Proposal was referred to Council's Development Engineer on 15 January 2018 with regard to reticulated services and impact on local traffic.

Reticulated water supply

With regard to reticulated services, Council's Development Engineer advised that the new Mary's Mount DSP was based on the current GMC LEP 2009 and has not included any contingency for rezoning which may result in an increased lot yield within this precinct. At a strategic level, a water and sewer modelling project to identify capacity issues with the Goulburn network was scheduled for completion in 2018 and will be complimentary to the Urban and Fringe Housing Strategy.

The current water service level would service Lot 3 however a site specific hydraulics study would be required to identify the nature and capacity of any upgrades including an additional reservoir. A hydraulics study would be an additional cost associated with lodging a follow up Planning Proposal that we do not wish the owner to have prepared unless there is greater certainty in a positive outcome.

Traffic

Council's Development Engineer generally concurs with the advice of the RMS and provided on 15 January 2018 with regard to the subject application the following qualifications:

- *Access to Crookwell Road:* Council's Development Engineer considers that this would be restricted to one access point from Crookwell Road and this would need to be located at the optimum position in terms of sight distances. The Engineer clarifies that the RMS would likely require an intersection design to its satisfaction (most likely with turn lanes in both directions)
- *'Preserve land required for future road infrastructure...':* This indicates that a lot (or more than one) would likely need to be set aside for road connection to Lot 4.

Council's Engineer notes that the current Mistful Park road system was not designed to receive additional traffic. Additional traffic through this road network would have negative amenity impacts.

- *'Identify necessary road upgrades...'*: The Development Engineer considers that a traffic study would be required which should include the Crookwell road Mary's Mount Road intersection where an upgrade has been designed and supported by the RMS.

This approved design includes turn lanes, however the study may reveal a different treatment, such as a roundabout is warranted. Work on the intersection may need to be deferred until this issue is resolved.

- *'Consider how the necessary road infrastructure...'*: The development Engineer concurs that an appropriate funding mechanism like a VPA or the like needs to be implementation detailing works/contributions required.
- Recommends that direct access for lots with frontage to Crookwell road be prohibited.

Council's Vegetation Officer

Council's Vegetation Officer's comments were in general agreement with the qualified ecologist who prepared the applicant's submission, that generally the current condition of the Yellow Box – Blakely's Red Gum Woodland (EEC) was highly disturbed and, under the current management regime of grazing, cultivation and private recreation use would likely become extinct in the foreseeable future. However, their advice is also consistent with the ecologists that the site could be remediated or rehabilitated under the following recommendations:

- Any future subdivision layout be designed to avoid the clearance and disturbance of remnant EEC, and
- Remnant patches of EEC should be included in as few lots as possible to facilitate future rehabilitation and conservation management, and
- Within any lot supporting remnant vegetation, a building envelope, Asset Protection zone and associated infrastructure should be located to avoid the clearance or disturbance of EEC, and
- A Vegetation Management Plan be prepared for each lot containing EEC to guide rehabilitation and conservation and to protect from potential direct, indirect and cumulative impacts during construction, establishment and occupational phases of development, and
- Generally, any subdivision be conditioned for inclusion of an 88B Instrument over each lot containing EEC to protect the EEC in accordance with the above Vegetation Management Plan (or a PVP Property Vegetation Plan be registered on the title - Officer).

This advice suggests that the presence of EEC does not prevent development of the site.

Office of Environment and Heritage (OEH)

Vegetation

The OEH advised on 6 February 2018 that they object to the proposed zonings in its current form.

Their position is based on the potential impacts on the biodiversity and aboriginal cultural heritage values of the site and recommends the following actions for Council and the proponent to complete, prior to lodging a gateway application:

1. *A full site assessment using the Biodiversity Assessment Method (BAM). This will allow Council to determine whether the clearing of Box Gum Woodland would result in a 'serious and irreversible impact' (SAIL).*

An SAI would mean that impacts could not be approved by Council and may impact on the economic viability of the development of the site.

2. *The data collected using the BAM, should be used to design a more appropriate zoning layout that avoids impacts on the best quality area of Box Gum Woodland.*
3. *Council or the proponent could also consider the biodiversity certification as a way of providing greater certainty to any future development of parts of the site.*
4. *At a minimum, if this planning proposal is submitted to DPE, it should identify this site as an urban release area which would require a site specific development control plan to be developed.*

The OEH recommends that any proposed zoning should protect the Box gum woodland and divert development to the fringes of the remnant vegetation as shown in **Figure 6** in the Attachment.

Aboriginal Cultural Heritage

The OEH also objects to the Planning Proposal based on the potential for impacts to Aboriginal Cultural Heritage. In this regard their comments are *A number of Aboriginal objects have been found within 1 km of the site. It also appears that the site might be identified as a place of Aboriginal significance on Figure 3-2 of the Goulburn Mulwaree DCP 2009.* The OEH conclude that if this is the case, an Aboriginal Cultural Heritage Assessment should be completed prior to submitting the planning proposal to identify any Aboriginal cultural heritage values and if these are present, apply an appropriate zoning that would allow for impacts to be avoided.

In support of their comments, the OEH provided additional information to clarify their position however in summary a plan identifying how a rezoning could be considered was also provided.

Department of Planning and Environment (DPE)

Comments from the Department of Planning and Environment make reference to the South East and Tablelands Regional Plan 2036 that an 'avoid, minimise and offset' hierarchy will be applied to areas for new or intensive development. In these circumstances, the Department's comments infer that a Biodiversity Assessment Methodology (BAM) may be applied in these circumstances.

The DPE notes the relevant Local Planning Directions particularly 2.1 Environment Protection Zones. In relation to Direction 2.1 Environmental Protection Zones, the DPE understands that the subject site supports remnant Yellow Box – Blakeley's Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community (CEEC). The flora and fauna study that was undertaken by the applicant in support of the planning proposal states that the subject land is suitable for rezoning to R2 Low Density Residential and R5 Large Lot Residential with proposed minimum lot sizes of 700sqm and 2,000sqm respectively. Further this study recommends that the EEC could be managed by its retention in as few lots as possible and plans of management being required for these lots.

The DPE considers that it is unclear how the proposal, and particularly an R2 Zone and 700sqm minimum lot size will better protect identified EECs than the current E4 Zone and 10ha minimum lot size.

The Department advises that if the proposal was sent to the Department for a Gateway Determination, the following studies would be required to be completed prior to referral to the relevant agency (OEH) for comments:

1. Additional biodiversity survey work to be undertaken to identify and validate the location and condition of the EEC on the subject site in accordance with OEH validation criteria.
2. Where land containing EECs is proposed to be zoned for development, the preparation of a biodiversity offset strategy to be prepared by an accredited biodiversity assessor in consultation with the OEH.

The presence of EEC must therefore be clearly located and delineated prior to consideration of any subdivision application. Careful consideration must also therefore be given to the applicable instrument to regenerate or rehabilitate the site because there will be management issues in either of these mechanisms. The referral comments close off with a recommendation to discuss the preparation of a Biodiversity Offset Strategy with OEH for the broader area rather than a site by site basis.

There is currently no Terrestrial Biodiversity mapping on the subject site.

BUDGET IMPLICATIONS

Nil

RECOMMENDATIONS

The subject site is currently zoned (LZN) part E4 Environmental Living and Part R2 Low Density Residential with corresponding Minimum Lot Sizes (LSZ) of AB1 (10 Hectares) and part Q (700 square metres) under Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009. The subject Planning Proposal sought to rezone the site to zone R5 Large Lot Residential and zone R2 Low Density Residential and apply Minimum Lot Sizes of 2,000 square metres (V) and 700 square metres (Q) under Goulburn Mulwaree LEP 2009.

Three (3) key characteristics of the site are identified in the Mary's Mount Precinct of Council's Development Control Plan that are required to be addressed for support to be given to any proposed amendment: Vegetation, Steep Lands (Ridgelines) and servicing by reticulated water.

Based on the Information submitted with the Planning Proposal, the Office of Environment and Heritage and Department of Planning and Environment object to the Planning Proposal because it does not clearly demonstrate how the development of the site will benefit the remaining Yellow Box – Blakely's Red Gum Woodland – Endangered Ecological Community (EEC). It is considered that there is significant revision required of the proposed amendment for it to be favourably considered by the Office of Environment and Heritage.

The servicing of the site by reticulated water and traffic management do not prevent the proposed amendment from proceeding however additional work is required in these areas for the proposal to be supported by Council's Development Engineers.

The issue of Steep Lands can be addressed by the provision of suitable buffer distance that will limit the protrusion of the built form into the skyline of the natural landscape. A clearer site management plan is required in this regard.

Although these matters alone can be addressed there remain broader considerations around cumulative development impacts, land supply and strategic management of land with protected vegetation that should be addressed prior to Council commencing with a rezoning proposal on the subject land. Given there is sufficient supply of land for housing in Goulburn for the foreseeable future there is no land use planning imperative to commence this rezoning prior to the Urban and Fringe Housing Strategy being prepared and adopted.

Consequently it is recommended that the subject Planning Proposal be deferred until completion of Council's Urban and Fringe Housing Strategy. This would allow the broader strategic and policy matters surrounding urban expansion in Goulburn to be considered holistically and inform the best decision about the future use of the subject land. The planning proposal would be added to a list of properties that Council has previously identified for investigation for urban development that are to be considered in the Urban and Fringe Housing Strategy.

Attachment 1

Planning Proposal: Mistful Park, Goulburn – Separate Enclosure

Figure 1 - Area Subject to Planning Proposal shown by heavy blue line (and current subdivision applications shown dashed).

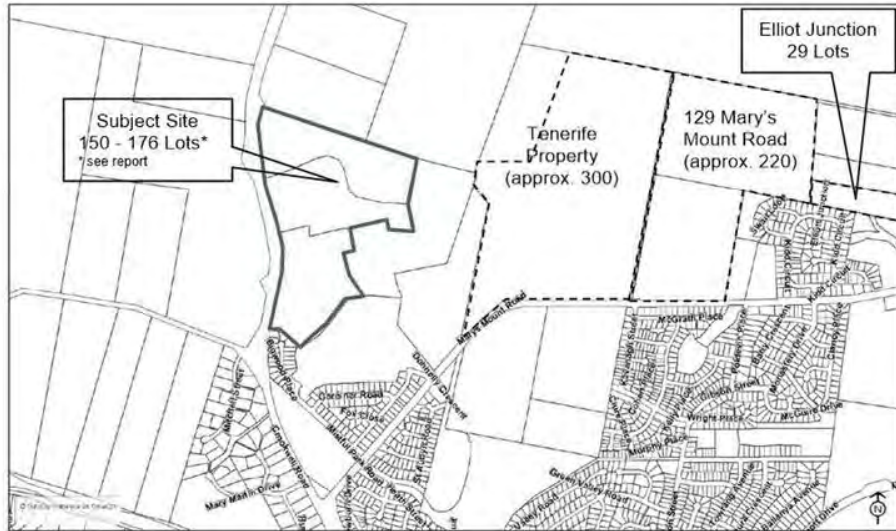
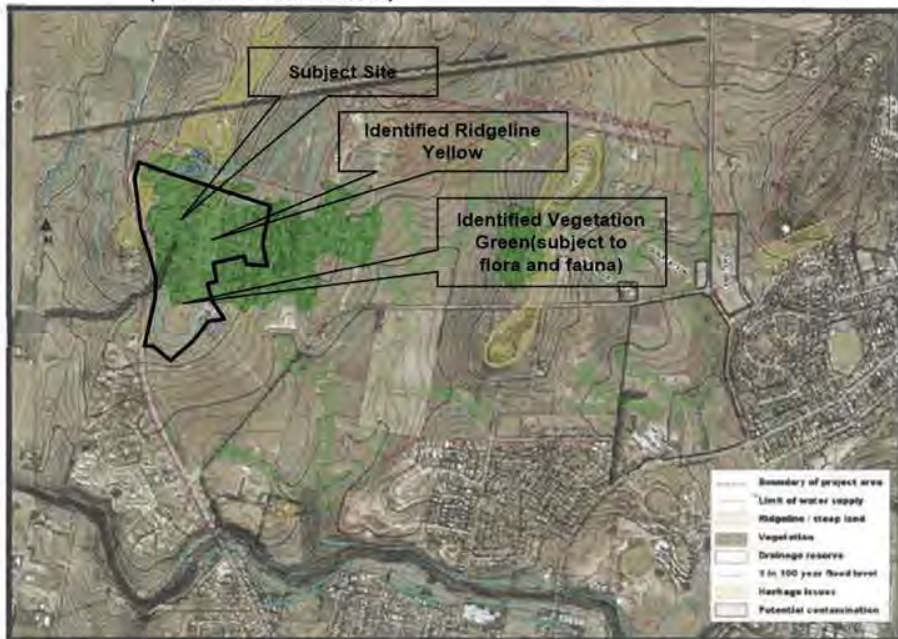


Figure 2 – Current Goulburn Mulwaree DCP 2009 Notation for the site (Constraints map) (Parsons Brinkerhoff 2006)



Attachment 1

Figure 2 – Goulburn Mulwaree LEP 2009 Current Zoning

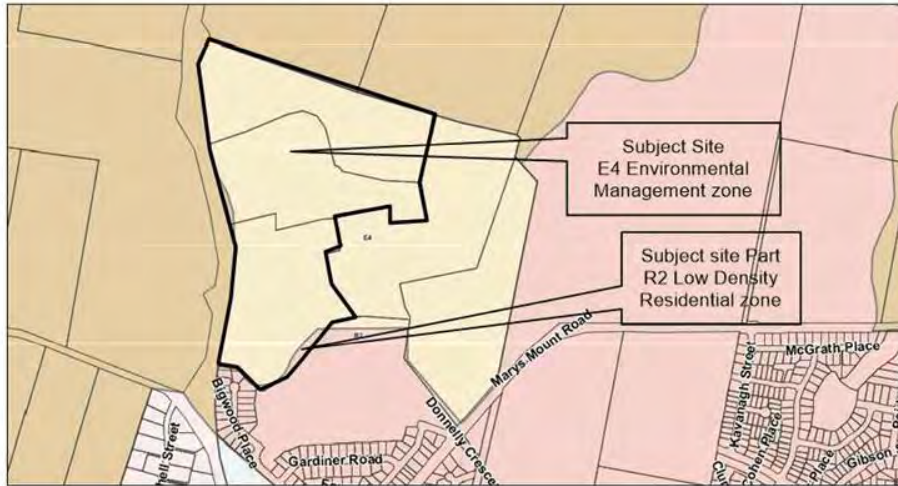
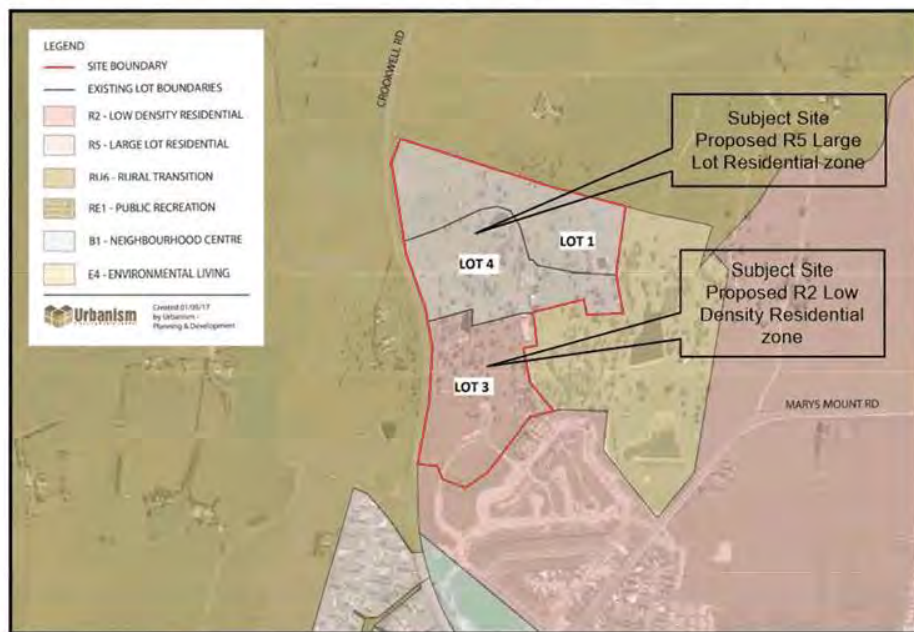


Figure 3 – Goulburn Mulwaree LEP 2009 Proposed Zoning (Extract from Planning Proposal)



Attachment 1

Figure 4 – Goulburn Mulwaree LEP 2009 Current Minimum Lot Size

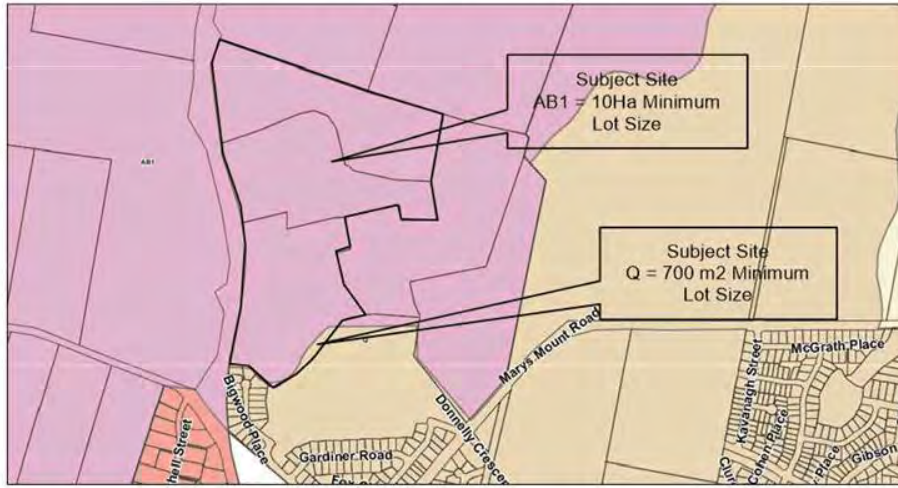
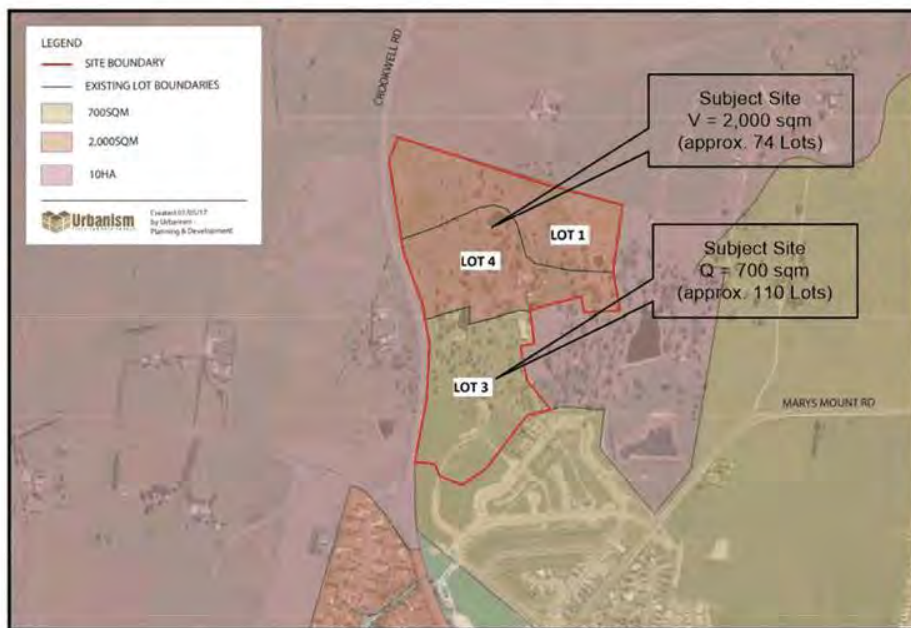


Figure 5 Goulburn Mulwaree LEP 2009 Proposed Minimum Lot Size (Extract from Planning Proposal)



In the following pages, the proposal is assessed against the strategic planning framework.

Attachment 1

Local

Goulburn Mulwaree Strategy 2020

On balance, the proposal is inconsistent with the following approaches to accommodating sustainable growth (page 7):

- 'Conserving the landscape character and scenic quality of Goulburn Mulwaree by sensitively accommodating (or avoiding) development on ridgelines',
- 'Facilitating urban development in the areas that allow urban infrastructure services to be provided in a cost-efficient manner'
- 'Locating urban development away from areas affected by hazards, including risk of flood, fire, erosion, slip or subsidence'

This proposal is consistent with the following approaches to accommodating sustainable growth:

- 'Accommodating rural residential living opportunities on less productive rural lands and in locations which would not detract from the cost-effective provision of services and utilities',

Goulburn Mulwaree Community Strategic Plan 2030

Our Environment

Strategy EN1

Protect and enhance existing the natural environment, including fauna and flora native to the region.
The planning proposal is inconsistent with this goal.

Strategy EN4

Maintain a balance between growth, development and environmental protection through sensible planning.
The planning proposal is inconsistent with this goal.

Our Infrastructure

Strategy IN5

Ensure high quality water supply options for the towns and region.
The subject planning proposal has capacity in this regard.

Our Civic Leadership

Strategy CL2

Encourage and facilitate open and respectful communication between the community, the private sector, council and other government agencies.
The subject planning proposal is consistent with this goal.

Regional Plans

South East and Tablelands Regional Plan (SETRP) 2036

In view of the uncertainty regarding the capacity of water and sewer infrastructure and the ability of the existing Yellow Box – Blakely's Red Gum grassy woodland (Endangered Ecological Community – EEC) to survive under the current property management practices or regenerate under proposed land uses (Residential) support for the Planning Proposal to be consistent with the Directions and Actions of the South East and Tablelands Regional Plan 2036 is not forthcoming.

The proponent has made an effort to consider the proximity of the site to the ridgeline at the edge of the visual catchment and the impact of any development on the sightlines from the urban area however these are not provided with sufficient clarity to ensure the proposed measures will mitigate the impact. This is particularly where the opportunity to integrate the protection of the identified EEC with the protection of sightlines and the visual impact has not been taken.

There is however a current program of actions and consultations being commenced to prepare an Urban and Fringe Housing Strategy specifically to determine if the community's approach to land development in these locations.

Attachment 1**State****Section 117 Ministerial Directions**

When preparing LEP amendments, Councils are required to consider the proposal against Section 117 Ministerial Planning Directions. The following directions are relevant to the proposal.

1.5 Rural Lands

The responses provided in the submission to the Rural Planning Principles all convey that the subject site was endorsed by under the Goulburn Mulwaree Strategy 2020 and the Development Control Plan 2009. This statement is not accurate in that page 22 of the Goulburn Mulwaree Strategy 2020 identifies those areas for R2 Low Density Residential zoning and only part of the subject site is identified. There was therefore no certainty given in the Goulburn Mulwaree Strategy 2020 that the subject land would be rezoned for residential purposes.

2.1 Environmental Protection Zones

The proposed amendment states that the site is suitable for the reduced minimum lot size by managing the Endangered Ecological community (EEC) on a small number of individual lots with plans of management also required for these lots. It is not made clear how reducing the minimum lot size will improve the Critically EEC's ability to regenerate or rehabilitate. Consistency with the Rural Planning Principles under 1.5(5) is inconclusive. It is also considered that the erosion of EEC integrity and increasing the urban density on the site will also increase the pressure on maintenance of the visual amenity and sightlines from the existing urban area and connectivity with the surrounding urban lands.

3.1 Residential Zones

The planning proposal is considered inconsistent with this direction. 4(a) It is arguable whether the Planning Proposal will broaden the type and location of dwellings on the market. 4(b) There is also insufficient clarity in whether the subject site can be adequately serviced by the existing water and sewer infrastructure. This is somewhat addressed by responses received from referrals identifying that there are current studies being undertaken to ascertain the capacity of existing water and sewer infrastructure. 4(c) The proposed amendment does not reduce the consumption of land for housing or associated development on the urban fringe.

The inconsistency is not considered minor and warrants deferral of the Planning Proposal until completion of both the Asset Study and Urban and Fringe Housing Strategy.

3.4 Integrating Land Use and Transport

It is considered that the subject Planning Proposal is not consistent with this Ministerial Planning Direction in that the subject land is at the urban fringe, is not currently serviced by public transport and there is no identified solution to this issue (particularly given there are currently other subdivision applications being considered that may provide a critical mass for public transport routes). It is considered that the subject Planning Proposal is currently inconsistent with this Ministerial Planning Direction.

4.4 Planning for Bushfire Protection

The proposed amendment is not bushfire affected under the current Bushfire Threat maps however Draft Bushfire Threat maps include grasslands as bushfire prone lands. This is a new category introduced following the Canberra bushfires. The subject site will now be identified as bushfire affected under the newly mapped categories.

5.1 Implementation of Regional Strategies

The proposed amendment was submitted under the *Sydney-Canberra Corridor Regional Strategy 2006-2031*. This Strategy has been superseded by the *South and East Tablelands Regional Plan 2036*. It is considered that the new set of Goals, Directions and Actions do not support the proposed amendment.

5.2 Sydney Drinking Water Catchment

No pre-consideration comments have been sought from Water NSW on the basis that the provision of reticulated water and sewer would be a prerequisite to any support for residential development within the drinking water catchment to keep the risk parameter to low. Future consideration of the proposal would be requesting these comments for consideration.

Attachment 1***State Environmental Planning Policies***SEPP 55 – Remediation of Land

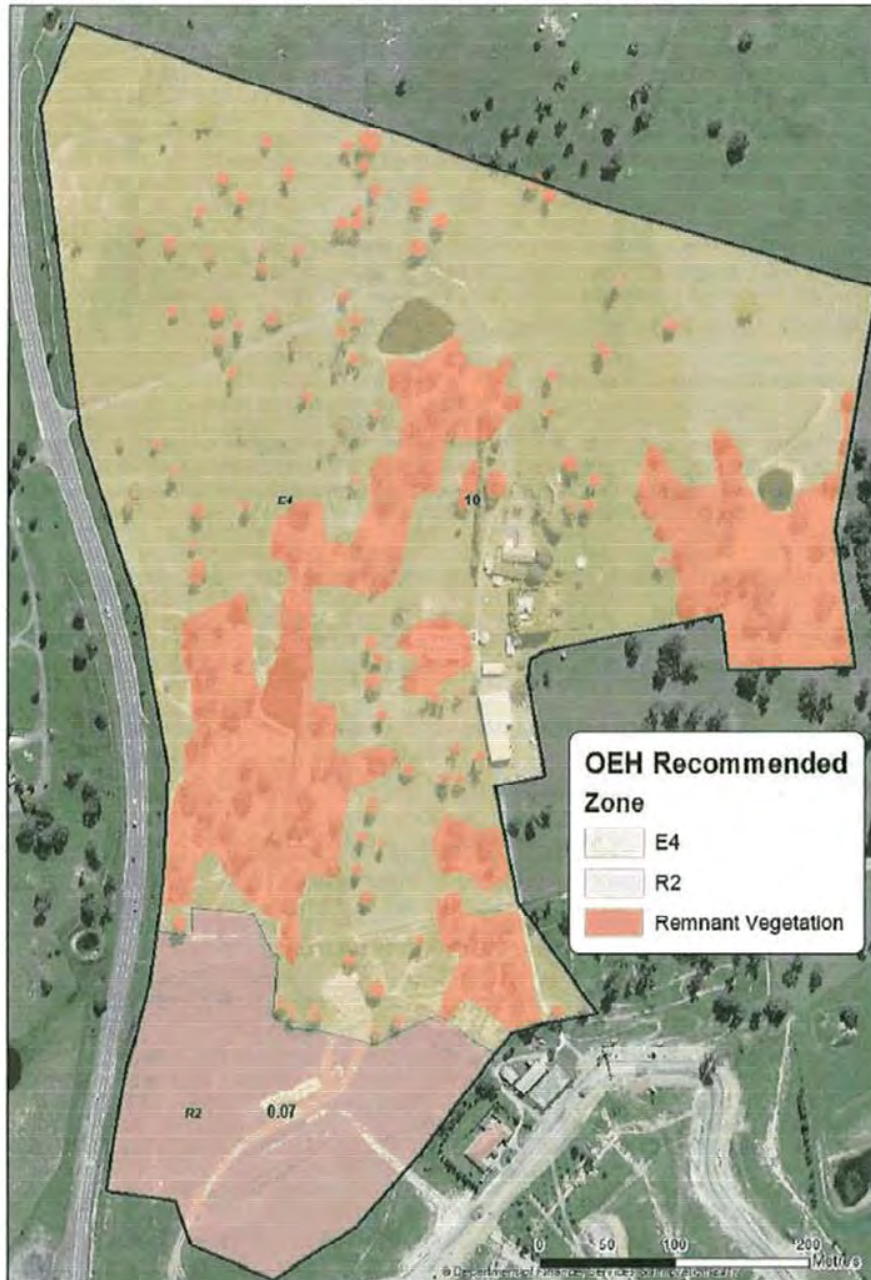
When rezoning land, Council needs to be satisfied that the land is suitable for the use proposed or can be remediated. The proponent advises that the land and adjoining land is not known to have been used for potentially contaminating uses however there has been some agricultural use of the site previously. A site inspection by the proponent revealed no obvious evidence to indicate site contamination.

SEPP (Sydney Drinking Water Catchment) 2011

The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. Notwithstanding, further consultation with Water NSW will occur should the planning proposal proceed. Any future development applications for dwellings will be subject to the SEPP.

Attachment 1

Figure 6 Office of Environment and Heritage recommended zoning configuration.





PLANNING PROPOSAL
REZONING OF E4 ENVIRONMENTAL LIVING LANDS
MARYS MOUNT DEVELOPMENT AREA, GOULBURN

PREPARED FOR
GANTER CONSTRUCTIONS
PTY LTD

SEPTEMBER 2017
(REVISED AUGUST 2020)

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This report remains a preliminary draft report unless signed above.



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Introduction

Urbanism has been engaged by Ganter Constructions Pty Ltd to prepare a planning proposal under s.3.33 of the *Environmental Planning and Assessment Act, 1979*. The planning proposal seeks an amendment to the Goulburn-Mulwaree Local Environmental Plan 2009 (GMLEP). The amendment involves the rezoning of approximately 32.5 hectares of land currently zoned E4 Environmental Living to R2 Low Density Residential and reducing the minimum lot size from 10 hectares to 700m².

This planning proposal has been prepared in accordance with *Planning Proposals: A guide to preparing planning proposals* (NSW Department of Planning, Infrastructure and Environment, December 2018). The Planning Proposal satisfies all requirements under s.3.33(2)(a-e) of the *Environmental Planning and Assessment Act, 1979*.

The merits of the proposal have been assessed against all relevant legislative requirements including State Environmental Planning Policies (SEPPs), Section 117 Directions and strategic planning frameworks and is deemed have sufficient merit to enable the planning proposal to be referred for a Gateway Determination.

Council first considered this planning proposal at its meeting of 6 March 2018 and 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 encourage to investigate the concerns raised by the State Government Departments***

On 21 July 2020, Council adopted its Urban Fringe Housing Strategy (UHFS) which has confirmed that the site is suitable for residential housing in the short to medium term. The planning proposal accordingly seeks to implement Council's recently adopted strategy.

Site Description

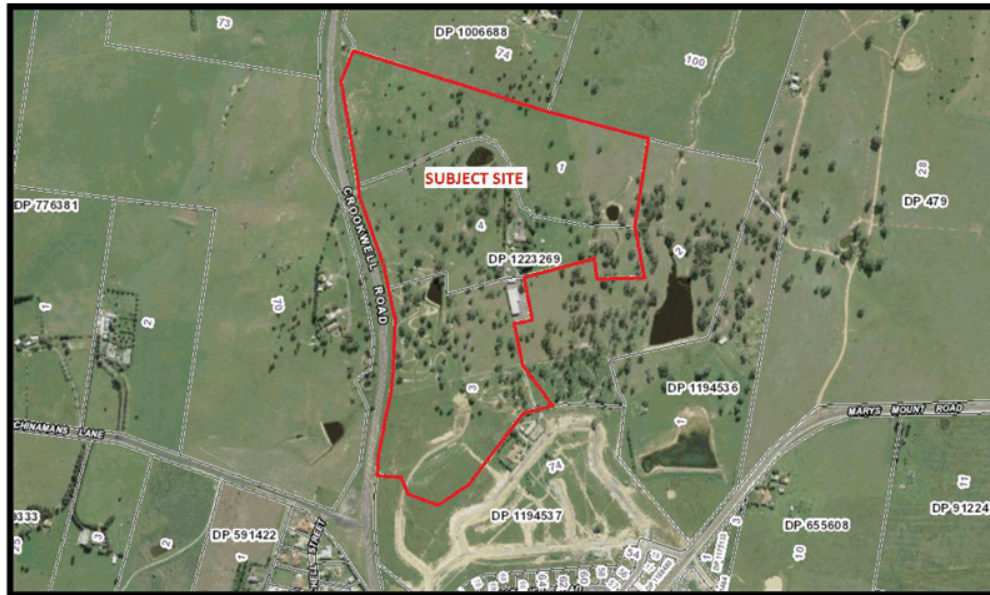
The subject site comprises the following titles, located within the Mary's Mount Development Area:

- Lot 1 DP 1223269
- Lot 4 DP 1223269
- Lot 214 DP 1231260



The following figure shows the subject site and its relationship to the adjoining Mistful Park settlement and neighbourhood centre:

Figure 1: Subject Site



Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to contribute to the supply of land for housing in Goulburn’s Marys Mount Development Area by reviewing the zoning of the subject lands to ensure that it achieves its highest and best use taking in account relevant environment, social and economic considerations.

The intended outcome of this planning proposal is to amend Goulburn-Mulwaree Local Environmental Plan 2009 to rezone approximately 32.5 hectares of land currently zoned E4 Environmental Living to R2 Low Density Residential and reduce the minimum lot size from 10 hectares to 700m² respectively.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Goulburn-Mulwaree Local Environmental Plan 2009 Land Zoning Map in respect of land adjacent to Mistful Park on Crookwell Road in accordance with the proposed zoning map shown at **Attachment 1**;



- Amending the Goulburn-Mulwaree Local Environmental Plan 2009 Lot Size Map in respect of land adjacent to Mistful Park on Crookwell Road in accordance with the proposed zoning map shown at **Attachment 2**;

Part 3 – Justification

Section A – Need for the planning proposal

Q.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes.

Goulburn Mulwaree Strategy 2020 (August 2006)

After the amalgamation of the former Goulburn City Council and Mulwaree Shire Council in 2004, a comprehensive planning study was undertaken called the Goulburn Mulwaree Strategy 2020 (August 2006). This strategy was intended to inform the replacement of the two former Council's Local Environmental Plans into one. This would become the Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP) which adopted the NSW Government's Standard Instrument LEP provisions.

The Strategy recognised that expansion of Goulburn will continue to occur to the north and west of the town centre continuing a low density and rural and residential subdivision pattern. This was attributed to (in part) physical boundaries, including the Main Southern Railway and Hume Highway to the east and south and economic growth drivers including the Goulburn Correctional Centre and NSW Police Academy north of Wollondilly River.

The Strategy found that there was a desire to contain urban growth across the Shire to existing towns and villages to protect the rural character of the Shire. It also emphasised the need to ensure that the supply of developable land was maintained so that land prices did not increase and reduce housing affordability. Following community consultations, a preference for new residential development ranging between 700m² and 1000m² in size on the fringe of the City was found to be desirable. Likewise, medium density development was considered to be more suitable closer to the Goulburn town centre.

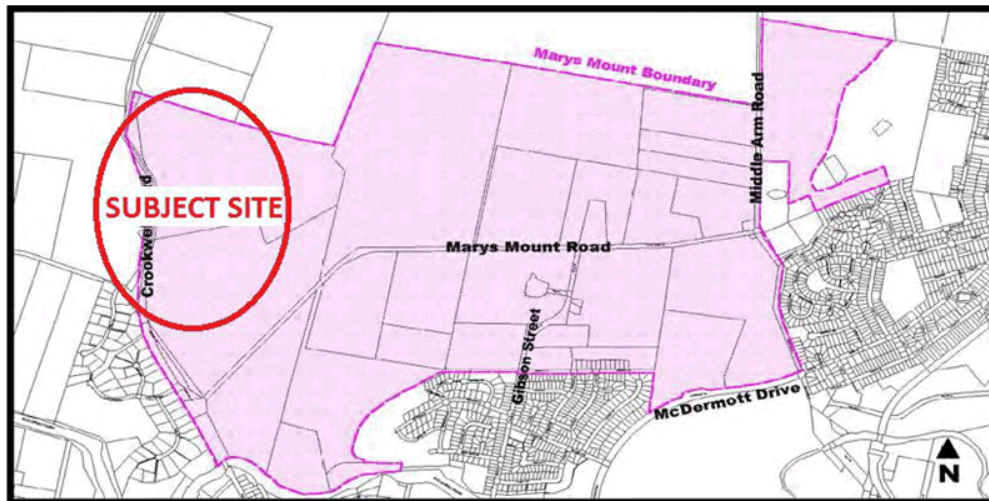
Accordingly, the Strategy determined that Marys Mount provided the most appropriate location for expansion of the existing urban footprint and recommended residential zoning to meet Goulburn's housing needs. Consequently, the Marys Mount Development Area was established which was intended to deliver approximately 2,000 new homes.

A site specific DCP was also prepared to act as an overall structure plan and guide development in the MMDA.



The following extract identifies that the subject site forms part of the Mary's Mount Development Area.

Figure 2: Marys Mount Road Development Area (DCP 2009 extract)



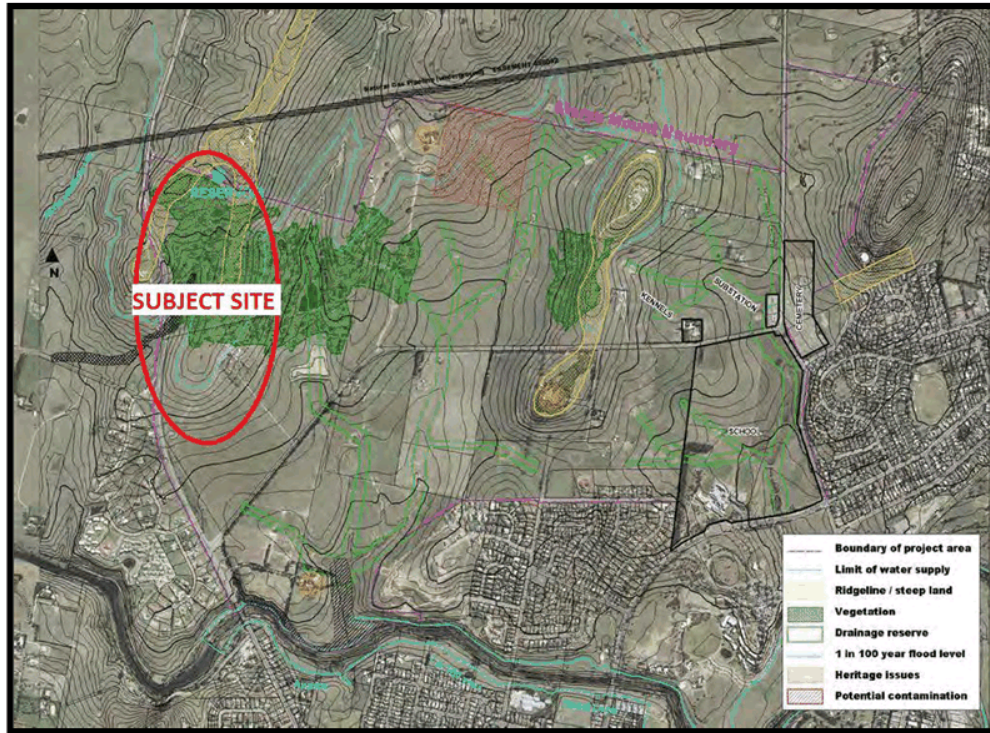
Opportunities and constraints to development were identified to guide future residential development and for any future planning proposals. The initial planning process included the identification of the main constraints to development within the area, which included:

- a) Water and sewer infrastructure requirements (and estimated costs)
- b) Road requirements
- c) Drainage lines
- d) Flooding
- e) Land capabilities
- f) Land ownership
- g) Remnant vegetation
- h) Historic features
- i) Potentially contaminated land

The map contained overleaf outlines those constraints that were at the time considered to limit the development potential of the subject site:



Figure 3: Marys Mount Road Environmental Constraints (DCP 2009 extract)



Based on this work assessment, three (3) constraints were identified including ridgelines (steep land), vegetation and the limit of water supply over the subject site. These largely comprise the reasons for the subject site originally being identified as E4 Environmental Living zone and a minimum lot size of 10 hectares allocated.

Water Supply

The existing residential zone boundary was established primarily on the basis of the limitation of the water supply system at the time the Marys Mount Development Area was rezoned.

However, since this assessment was undertaken, significant augmentations to water supply infrastructure have been completed and the subject site can now be serviced with reticulated water. It is timely therefore to review remaining constraints and test whether these constraints can be managed without unnecessarily limiting development in the Mary Mount Development Area.

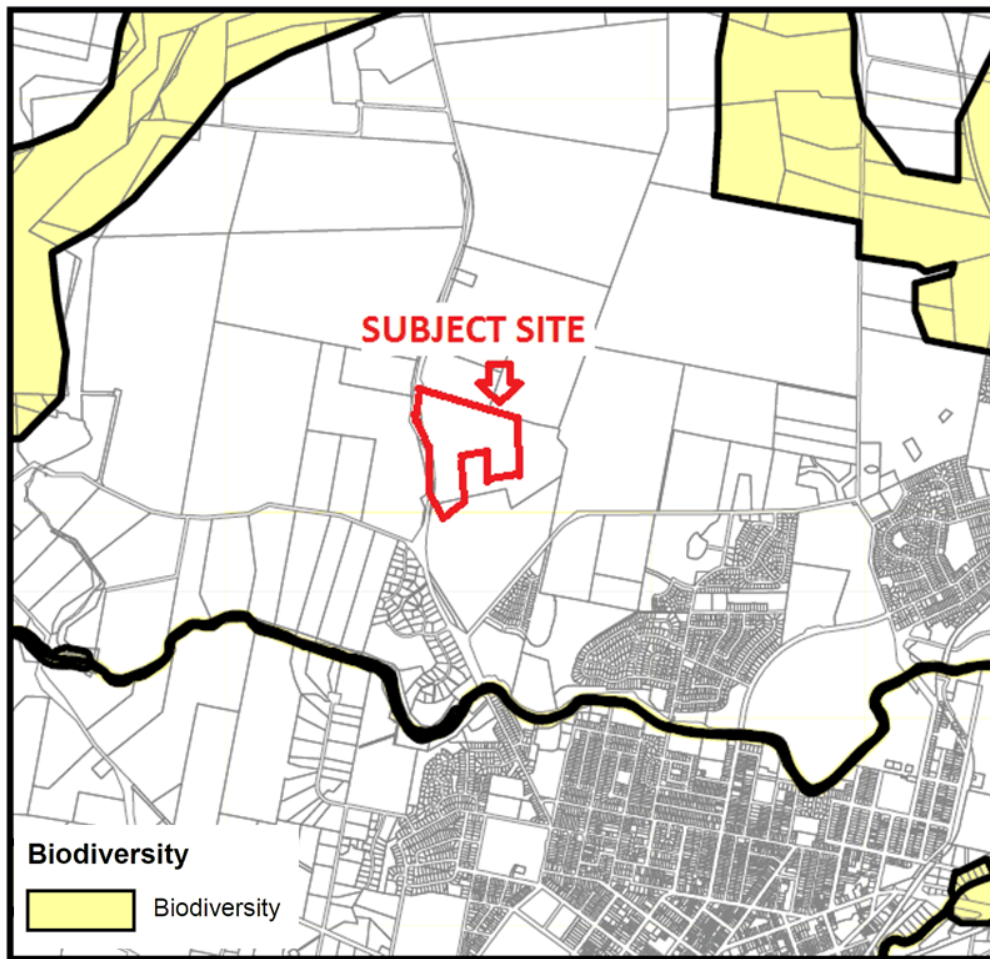


These remaining constraints including vegetation and steep land in this case do not necessitate the adoption of the E4 Environmental Living zone and 10 hectare minimum lot size.

Terrestrial Biodiversity

The following Terrestrial Biodiversity Map extract from GMLEP highlights the subject site's lack of biodiversity constraints and hence suitability for development.

Figure 4: Terrestrial Biodiversity Map (LEP 2009 extract)



Notwithstanding, subject site supports remnant Yellow Box - Blakely's Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community (EEC). A Flora and Fauna Assessment (**Attachment 5**) has been undertaken which found the EEC only



covered 24% of the subject site and was of low to moderate condition, and highly modified and disturbed vegetation. The Survey also found that it was highly likely White Box Yellow Box Blakely's Red Gum Woodland EEC will become extinct within the subject site.

The Flora and Fauna Survey concluded that the subject site was suitable for rezoning to R2 Low Density Residential and R5 Large Lot Residential and the minimum lot sizes of 700m² and 2,000m². The Study recommended that the EEC could be managed by its retention in as few lots as possible and plans of management being required for these lots. This is supported by the planning proposal and can be established the assessment of a development application.

Notwithstanding, the Biodiversity Conservation Act 2016 (BC Act) came into effect in August 2017 which establishes a scheme for the biodiversity certification of land. Under the BC Act, the NSW Biodiversity Assessment Method (BAM) is the methodology required by State and local Government to assess impacts to biodiversity values on the site. This will need to be undertaken after a Gateway Determination is issued.

Steep Land

The ridgeline identified in Figure 3 only impact upon a relatively small portion of the subject site and should not be treated as an absolute constraint. There is a correlation to the ridgeline mapped and the extent of the EEC identified in the Flora and Fauna Study. This suggests that the highest land will be managed to reduce the impact on the EEC in any event. As such there are design solutions available to including road layout, a lot size, orientation and building footprint controls to ensure a good planning outcome is achieved.

It is considered that the proposal is consistent with the broad aims to support urban growth on low density lots on the northern fringe of Goulburn as proposed in the Goulburn Mulwaree Strategy 2020.

Goulburn Mulwaree Urban and Fringe Housing Strategy (July 2020)

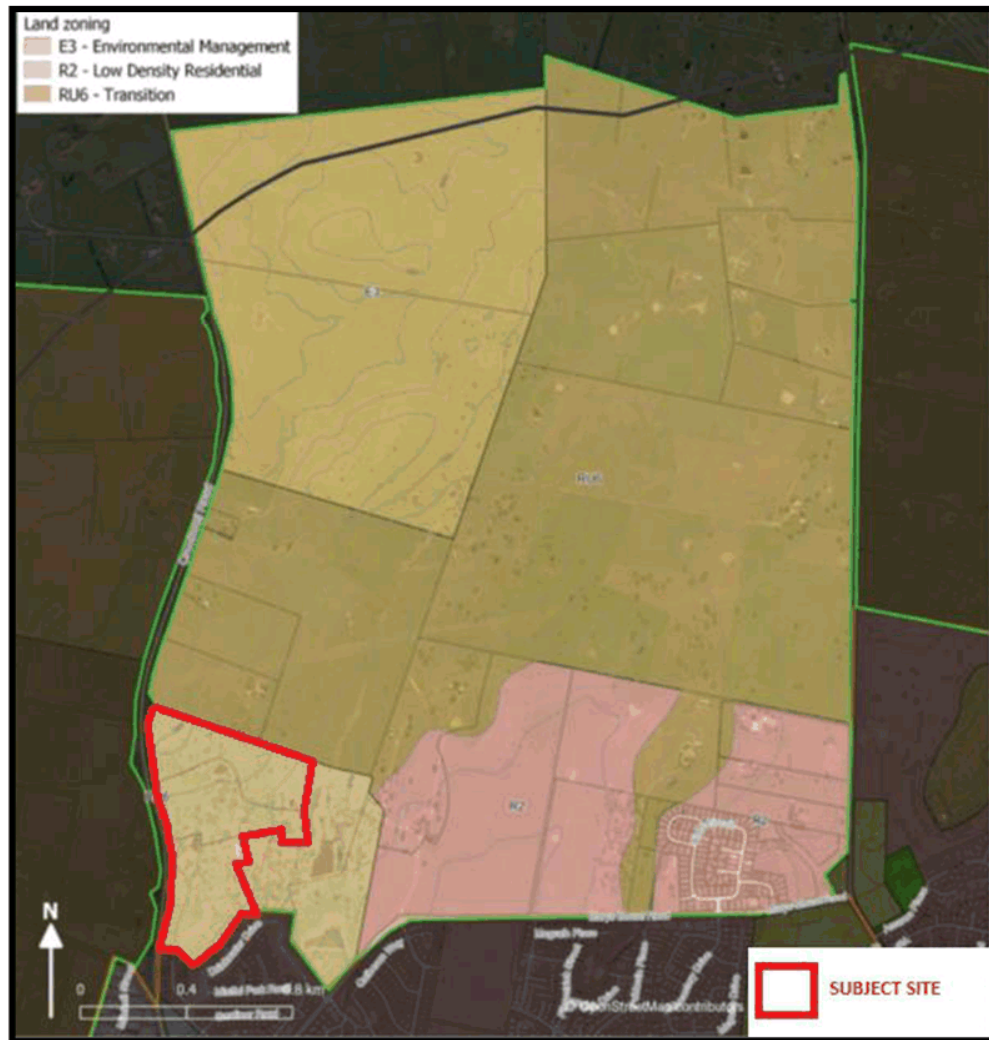
On 21 July 2020, Council adopted its UFHS which reviewed opportunities for suitable land to accommodate an additional 3,500 dwellings over the next 18 years to 2036. This review included those lands within the Marys Mount Development Area including the subject site.

The subject site forms part of "Precinct 5 Middle Arm West" investigation area. The UFHS recommends in relation to this investigation area that Council:

"Rezone land immediately adjoining the existing urban fringe in the short/medium term to urban residential."



Figure 5: Precinct 5 Middle Arm West (UFHS Extract)



The UFHS provides a key recommendation for this precinct as follows:

“Predominantly zoned RU6 Transition, this area remains key to the immediate and long-term urban growth of Goulburn. Initial opportunities are for land south of the gas pipeline. Longer term the land north of the pipeline and identified biodiversity constraints has been identified. It remains critical that, despite pressure for large lot residential development throughout this area, it is retained for urban purposes.”



The long-term Urban Release Area will need a comprehensive structure plan to ensure that water, sewerage, drainage as well as open space and community infrastructure can be accommodated and delivered in an orderly and coordinated manner.”

This planning proposal has been revised from that submitted in 2017 to better align with the key recommendations of the UFHS which states in relation to Middle Arm West Precinct:

“It remains critical that, despite pressure for large lot residential development throughout this area, it is retained for urban purposes.”

In response to this direction and the need to undertake additional environmental assessments to comply with the BC Act, Lots 1 and 4 which were originally proposed to be R5 Large Lot Residential with a minimum lot size of 2,000m² are now proposed to be R2 Low Density Residential with a minimum lot size of 700m² similar to Lot 216. This will ensure a more consistent urban form with existing development within the MMDA and that foreshadowed by the UFHS.

The planning proposal is therefore consistent with the UHFS as it will facilitate to the timely release if land identified in the strategy to help meet the identified housing target. It is also important to note that the proposed minimum lot size of 700m² is consistent with the strategic intent to develop the land for urban purposes as opposed to land lot rural-residential.

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

Yes.

As the current zoning and lot size are restricted under the GMLEP, the planning proposal is considered the best means of achieving the intended outcomes.

Section B – Relationship to strategic planning framework

Q.3 *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

Yes.

The planning proposal is consistent with the strategic directions contained within the South East and Tablelands Regional Plan 2036 specifically, the following directions:

- Direction 24: Deliver greater housing supply and choice
- Direction 25: Focus housing growth in locations that maximise infrastructure and services



- Direction 27: Deliver more opportunities for affordable housing

The Regional Plan requires that Council continues to diversify the housing market to respond to demographic change and pre-empt housing affordability pressures.

Council’s recently adopted UFHS (discussed in Part 2) has been prepared in order to deliver on the directions of the Regional Plan and the planning proposal will assist council implement the UFHS.

Assessment Criteria have been established within the NSW Government’s ‘A guide to preparing planning proposals’ to assist justification for a planning proposal. These criteria form the basis of the strategic merit and site-specific merit assessment for the rezoning review process. The following table summarises the proposal against the Assessment Criteria:

Table 1: Strategic Merit Assessment Criteria

Principle	Consistent?
a) Does the proposal have strategic merit? Will it: <ul style="list-style-type: none"> ▪ give effect to the relevant regional plan 	Yes. As discussed, the planning proposal is consistent with Direction 24, 25 and 27 of the relevant regional plan.
b) Does the proposal have site-specific merit, having regard to the following? <ul style="list-style-type: none"> ▪ the natural environment (including known significant environmental values, resources or hazards) and ▪ the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and ▪ the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	Yes. The subject site forms part of the Marys Mount Development Area. However, the site was initially rezoned from rural uses to E2 Environmental Living in 2009 given the lack of water services and the presence of an EEC community. Adequate services are now in place to service the land following the develop of the MMDA since that time and upgrades for water servicing infrastructure. Likewise, the proponent has carried the costs of associated environmental surveys that are necessary to identify the actual presence of EECs on site. This was out of scope of the Goulburn Mulwaree Strategy 2020 (2009) which informed the new LEP. Furthermore, the site is also confirmed in the recently adopted UFHS for residential use in the short term.

Accordingly, it the planning proposal is assessed as being having strategic merit and should be supported.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes.



The planning proposal is consistent with the Regional Community Strategic Plan 2016-36, in particular, *Strategy EN4 Maintain a balance between growth, development and environmental protection through sensible planning.*

The Planning Proposal is consistent with the Goulburn Mulwaree Strategy 2020 as it represents the rational review of the current planning constraints on development in the designated Marys Mount Development Area identified in the Strategy and seeks to ensure land is used efficiently and does not compromise the sustainability objectives of the Strategy.

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

Yes.

This planning proposal’s consistency with applicable State Environmental Planning Policies is summarised in **Attachment 3**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

Yes.

This planning proposal’s consistency with applicable Ministerial Directions is summarised in **Attachment 4**. Any Planning Directions where justification warranted is discussed in further detail below.

Direction 1.5 – Rural Lands

Under this direction, a planning proposal which affects land within an existing or proposed rural or environment protection zone must be consistent with cl.4(a-) as outlined on the following table:

Table 2: Rural Lands Direction Criteria

Principle	Consistency?
a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement	Yes. The planning proposal is consistent with South East and Tablelands Regional Plan 2036, Goulburn Mulwaree Strategy 2020. It is also consistent with Goulburn Mulwaree Urban and Fringe Housing Strategy which has been recently adopted by Council and referred to the NSW Government for endorsement.
b) consider the significance of agriculture and primary production to the State and rural communities	The subject site was identified as a release area for housing growth in the Goulburn Mulwaree Strategy 2020 and Development Control Plan 2009. Council and the NSW Department of Planning & Environment in adopting this Strategy



Principle	Consistency?
	have evaluated the value of this land as an agricultural resource to be less than its value providing low density housing to support the growth needs of the community.
<p>c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p>	<p>The subject site supports remnant Yellow Box - Blakely's Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community (EEC). A Flora and Fauna Survey (Attachment 5) has been undertaken which found the EEC only covered 24% of the subject site and was of low to moderate condition, and highly modified and disturbed vegetation. The Survey also found that it was highly likely White Box Yellow Box Blakely's Red Gum Woodland EEC will become extinct within the subject site.</p> <p>The Flora and Fauna Survey concluded that the subject site was suitable for rezoning to R2 Low Density Residential and R5 Large Lot Residential and the minimum lot sizes of 700m² and 2,000m².</p> <p>Notwithstanding, the site will be subject to a Biodiversity Assessment Method (BAM) assessment may be required. Consistent with the NSW Government's 'A guide to preparing planning proposals' an assessment of its significance and / or consultation will not be required until after, and if required by, the Gateway determination.</p>
<p>d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p>	<p>There are no physical constraints to the development of the subject site. The site is not known to contain any soil or water conditions that preclude its development for urban purposes.</p>
<p>e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p>	<p>As discussed, the subject site has been identified as being required for residential development in Council's adopted strategic planning framework. There is no requirement to maintain rural activities within the subject site.</p>
<p>f) support farmers in exercising their right to farm</p>	<p>As discussed, the subject site has been identified as being required for residential development in Council's adopted strategic planning framework. There is no requirement to maintain rural activities within the subject site.</p>
<p>g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land</p>	<p>As discussed, the subject site has been identified as being required for residential development in Council's adopted strategic planning framework. There is no requirement to maintain rural activities within the subject site.</p> <p>The adopted strategic planning framework has established</p>



Principle	Consistency?
uses and other rural land uses	<p>designated residential release areas to ensure that potential for land use conflict and land fragmentation are managed.</p> <p>The subject site is the southernmost portion of the identified Precinct 5 Middle Arm West release precinct and forms a logical extension of the Marys Mount Development Area.</p>

Direction 2.1 – Environment Protection Zones

A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

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

- a) justified by a strategy which:
 - I. gives consideration to the objectives of this direction,
 - II. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - III. is approved by the Director-General of the Department of Planning, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- d) is of minor significance

The planning proposal reduces the environmental protections over the subject site in order to implement the strategic directions contained in Goulburn Mulwaree Strategy 2020 (2009) which is adopted by Council and the Department of Planning & Environment. It is also consistent with Goulburn Mulwaree Urban and Fringe Housing Strategy which has been recently adopted by Council and referred to the NSW Government for endorsement.

The planning proposal is also consistent with the South East and Tablelands Regional Plan 2036 and will assisting in avoiding housing affordability pressures through additional land supply within the identified Marys Mount Development Area.



Direction 2.6 – Remediation of Contaminated Land

A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning proposal authority has considered whether the land is contaminated, and
- (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- (c) in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

The subject site is used for agricultural activities as a feedlot for sheep and cattle. The site has remained in family ownership for many decades and as such a good historical account of any potential for contamination is available. The site has not been used for sheep dip or cattle dips at any time. Pasture is improved by exotic grasses but no chemical treatments are applied. There are several clearings on the site for motor bike tracks and jumps but not dumping areas or imported fill is present.

It is not considered that contamination is present to warrant and formal investigation at this stage. It should be noted that SEPP 55 – Remediation of Lands continues to apply to land as described here when a Development Application is made.

Direction 3.1 – Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone. A planning proposal must include provisions that encourage the provision of housing that will:

- a) broaden the choice of building types and locations available in the housing market, and
- b) make more efficient use of existing infrastructure and services, and
- c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- d) be of good design.

A planning proposal must, in relation to land to which this direction applies:

- a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- b) not contain provisions which will reduce the permissible residential density of land.



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

- a) justified by a strategy which:
 - I. (gives consideration to the objective of this direction, and (identifies the land which is the subject of the planning proposal (if the planning
 - II. proposal relates to a particular site or sites), and
 - III. (iii) is approved by the Director-General of the Department of Planning, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- d) of minor significance.

The planning proposal is also consistent with the South East and Tablelands Regional Plan 2036 and will assist in avoiding housing affordability pressures through additional land supply within the identified Marys Mount Development Area. It is also consistent with Goulburn Mulwaree Urban and Fringe Housing Strategy which has been recently adopted by Council and referred to the NSW Government for endorsement.

Infrastructure has been provided to service the Mary's Mount Development Area and services are available in the immediately adjoining Mistful Park subdivision.

Direction 3.4 – Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

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

- a) justified by a strategy which:



- I. gives consideration to the objective of this direction, and
 - II. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - III. is approved by the Director-General of the Department of Planning, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - d) of minor significance.

The planning proposal is consistent with these principles as it supports expansion of a greenfield release area as identified in the Goulburn Mulwaree Strategy 2020 which is adopted by Council and NSW Department of Planning & Environment. It is also consistent with Goulburn Mulwaree Urban and Fringe Housing Strategy which has been recently adopted by Council and referred to the NSW Government for endorsement.

This ensures that integration of road networks and land use best provides best opportunity for the provision of local transport services and reduced travel times and greater use of active transport modes including walking and cycling.

Direction 4.4 – Planning for Bushfire Protection

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

In the preparation of a planning proposal, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A planning proposal must:

- (a) have regard to Planning for Bushfire Protection 2006,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum
 - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a



building line consistent with the incorporation of an APZ, within the property, and

- ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- (d) contain provisions for adequate water supply for firefighting purposes,
- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

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

Although the site is known to be bushfire prone land, a bush fire risk assessment will be undertaken in consultation with the requirements of the NSW RFS. It is not considered that the site cannot satisfy the requirements of *Planning for Bushfire Protection 2006*.

A specific development is not proposed as part of this planning proposal as there are further biodiversity assessments to be undertaken in consultation with the Office of Environment, Energy and Science. This will inform future road networks and subdivision layout which will ensure that adequate Asset Protection Zone are established.

Direction 5.2 – Sydney Drinking Water Catchment

This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.

A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:



- a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and
- b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and
- c) the ecological values of land within a Special Area that is:
 - I. reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or
 - II. declared as a wilderness area under the Wilderness Act 1987, or
 - III. owned or under the care control and management of the Sydney Catchment Authority, should be maintained.

When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:

- a) ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and
- b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
- c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:

Land	Zone under Standard Instrument(Local Environmental Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	E1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	E2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

and

- d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and
- e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a



gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.

The planning proposal is consistent with the general principle that water quality within the Sydney drinking water catchment will be protected. The planning proposal applies to land mapped as having a 'moderate' to 'high' land use capability by Water NSW's strategic land and water capability assessments (SLWCA).

The planning proposal only seeks to rezone the land to enable low density type housing. A NoRBE assessment will need to be undertaken at the development application stage to satisfy State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 by ensuring that there will be a neutral or beneficial impact on water quality.

Notwithstanding, consultation with Water NSW is required post-gateway to satisfy the Direction.

Direction 5.10 – Implementation of Regional Plans

This direction applies when a relevant planning authority prepares a planning proposal.

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

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

- (a) is of minor significance, and
- (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions

The South East and Tablelands Regional Plan applies to the subject site. The Planning Proposal is consistent with the relevant goals of this plan specifically, the following directions:

- Direction 24: Deliver greater housing supply and choice
- Direction 25: Focus housing growth in locations that maximise infrastructure and services
- Direction 27: Deliver more opportunities for affordable housing

The planning proposal will provide additional residential housing is considered consistent with Direction 24 of the SETRP and Settlement Planning Principles provided under this Direction.



The planning proposal will facilitate the use of existing infrastructure (reticulated sewer, water and stormwater) consistent with Direction 25.

The planning proposal will facilitate greater housing diversity by providing urban residential density to meet the needs of the community and resist continuation of rural-residential development consistent with Direction 27.

Section C – Environmental, social and economic impact

Q7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Yes.

The subject site supports remnant Yellow Box - Blakely's Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community (EEC). A Flora and Fauna Assessment (**Attachment 5**) has been undertaken which found the EEC only covered 24% of the subject site and was of low to moderate condition, and highly modified and disturbed vegetation. The Study also found that it was highly likely White Box Yellow Box Blakely's Red Gum Woodland EEC will become extinct within the subject site.

The Flora and Fauna Survey concluded that the subject site was suitable for rezoning to R2 Low Density Residential and R5 Large Lot Residential and the minimum lot sizes of 700m² and 2,000m².

Notwithstanding, a Biodiversity Assessment Method (BAM) assessment may be required. Consistent with the NSW Government's 'A guide to preparing planning proposals' an assessment of its significance and / or consultation will not be required until after, and if required by, the Gateway determination.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes.

Council have raised additional matters that are to be identified in the planning proposal. These are as follows:

High Pressure Gas Pipeline

The Moomba to Sydney High Pressure Gas Pipeline is located approximately 400 metres north of the northern most boundary of the subject site.

A 675m buffer area extends from this line which restricts sensitive uses such as childcare centres, educational facilities, hospitals, tourist facilities, aged care facilities, places of worship, service stations, retail premises, supermarkets and theatres etc.



A portion of the subject site falls within the buffer as so a safety management plan may be required.

Aboriginal Cultural Heritage

An aboriginal cultural assessment this would need to be undertaken post gateway and prior to exhibition.

Topography

Council staff had previously raised concerns of the potential for 'steep land' within the subject site. A review of topographical data confirms that the land is 'flat to moderate' (0-10%) in gradient across the site. Accordingly, there is no reason to consider alternative zoning based on topographical reasons.

Visual Impact

Council staff had previously raised concerns of the potential impact of development on ridgelines and from Crookwell Road.

A series of site pictures is included in **Attachment 6**. Note that several vantage points from within the MMDA towards Rocky Hill, West Goulburn and the former catholic monastery on Marys Mount Road show that the historical development pattern is characterised by residential development in elevated (hillside or ridgeline) locations.

In any event, the UFHS proposes that the Middle Arm West Precinct which extends north of the subject site should be released for urban development. Any visual impacts can be managed through site specific development controls where they are identified.

Water Servicing

Council staff raised concern that there is insufficient clarity as to whether the subject site can be adequately serviced by the existing water and sewer infrastructure. Although Council acknowledged that there are current studies being undertaken to ascertain the capacity of existing water and sewer infrastructure, it was considered by staff that this warranted deferral of the planning proposal until completion of both the UFHS.

The UFHS found in relation to the Middle Arm West Precinct as follows:

"Water infrastructure is available with areas constrained due to water pressure...sewer is available with likely requirement for a localised pumping station and some enlargement of downstream collection network is likely to be necessary (subject to network modelling)."

Based on the findings of the UFHS, the Middle Arm West Precinct was identified suitable release for housing in the short to medium term.



Q9 *Has the planning proposal adequately addressed any social and economic effects?*

Yes.

As discussed the subject site was identified as a release area for housing growth in the Goulburn Mulwaree Strategy 2020 and Development Control Plan 2009. Council and the NSW Department of Planning & Environment in adopting this Strategy have determined that the subject site can play an important role in supporting the social and economic welfare of the Goulburn rural community by contributing to housing supply. This will ensure that an adequate supply of a range of housing types is supplied over time to meet the changing needs of the community.

Section D – State and Commonwealth interests

Q10. *Is there adequate public infrastructure for the planning proposal?*

Yes.

As discussed the subject site was identified as a release area for housing growth in the Goulburn Mulwaree Strategy 2020 and Development Control Plan 2009. Adequate local infrastructure have been planned and sequenced to ensure that the designated release area can contribute to housing supply in a timely manner.

Q11 *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

The views of other public authorities will be not be known until after formal consultations have commenced. The following public authorities should be formally consulted with:

- NSW Rural Fire Service;
- Office of Environment, Energy and Science; and
- Water NSW

Council has undertaken informal discussion with OEH and RMS and flagged issues including:

- Aboriginal cultural heritage
- Biodiversity
- Road network and traffic demand

These issues will be investigated following formal post Gateway determination consultations being undertaken.



Part 4 – Mapping

Refer to **Attachment 1** and **Attachment 2** for proposed land use zone and minimum lot size maps.

Part 5 – Community Consultation

The Gateway Determination will outline the period for Community Consultation. It is recommended that the proposal be exhibited for a period of 28 days.

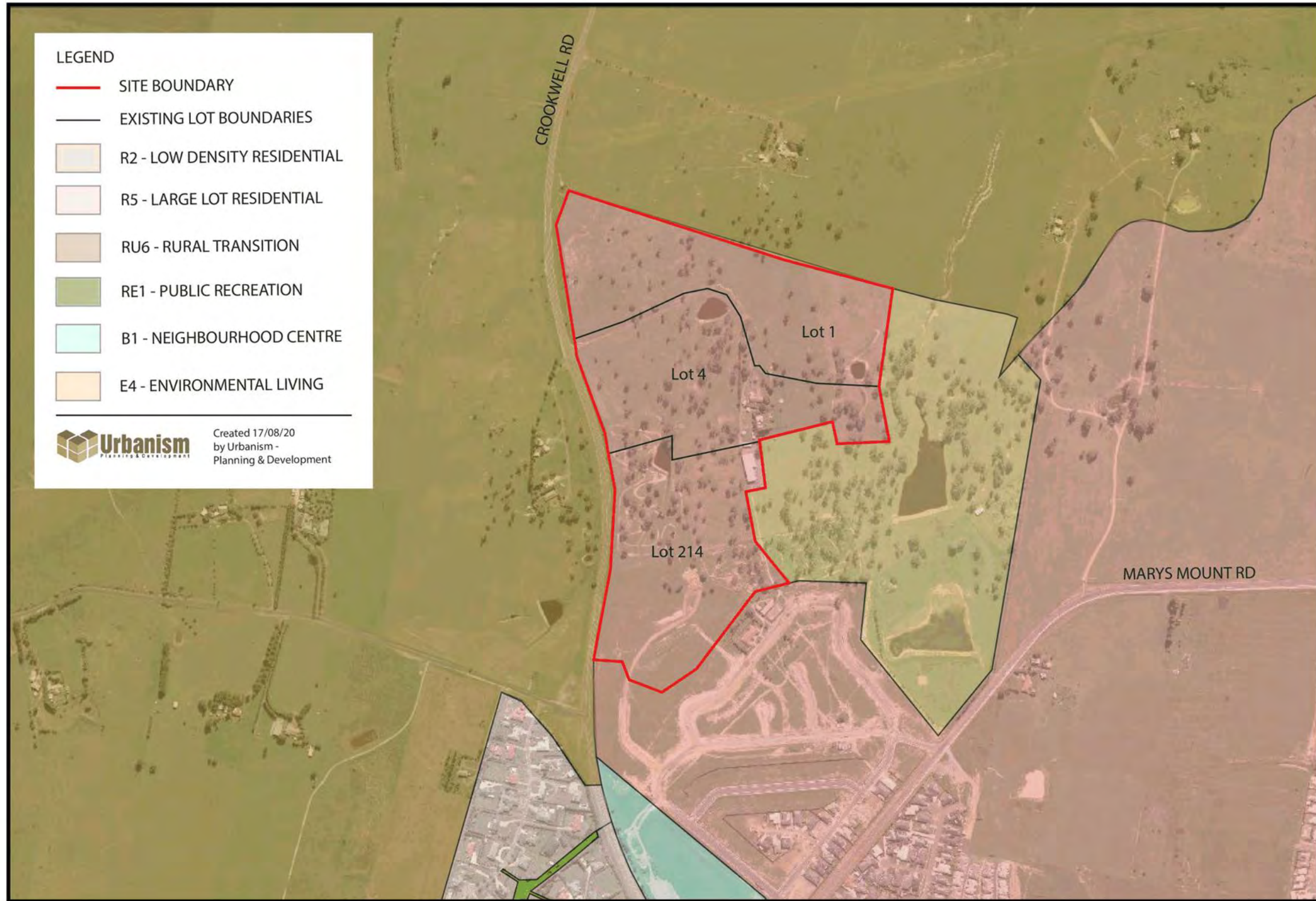
Part 6 – Project Timeline

Action	Completion Date
Anticipated commencement date (date of Gateway Determination)	November 2020
Anticipated timeframe for the completion of required technical information	December 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	March 2021
Commencement and completion dates for public exhibition	March 2021 – May 2021
Dates for public hearing (if required)	N/A*
Timeframe for consideration of submissions	May 2021 – June 2021
Timeframe for consideration of a proposal post exhibition	June 2021 – July 2021
Date of submission to the Department to finalise LEP	July 2021

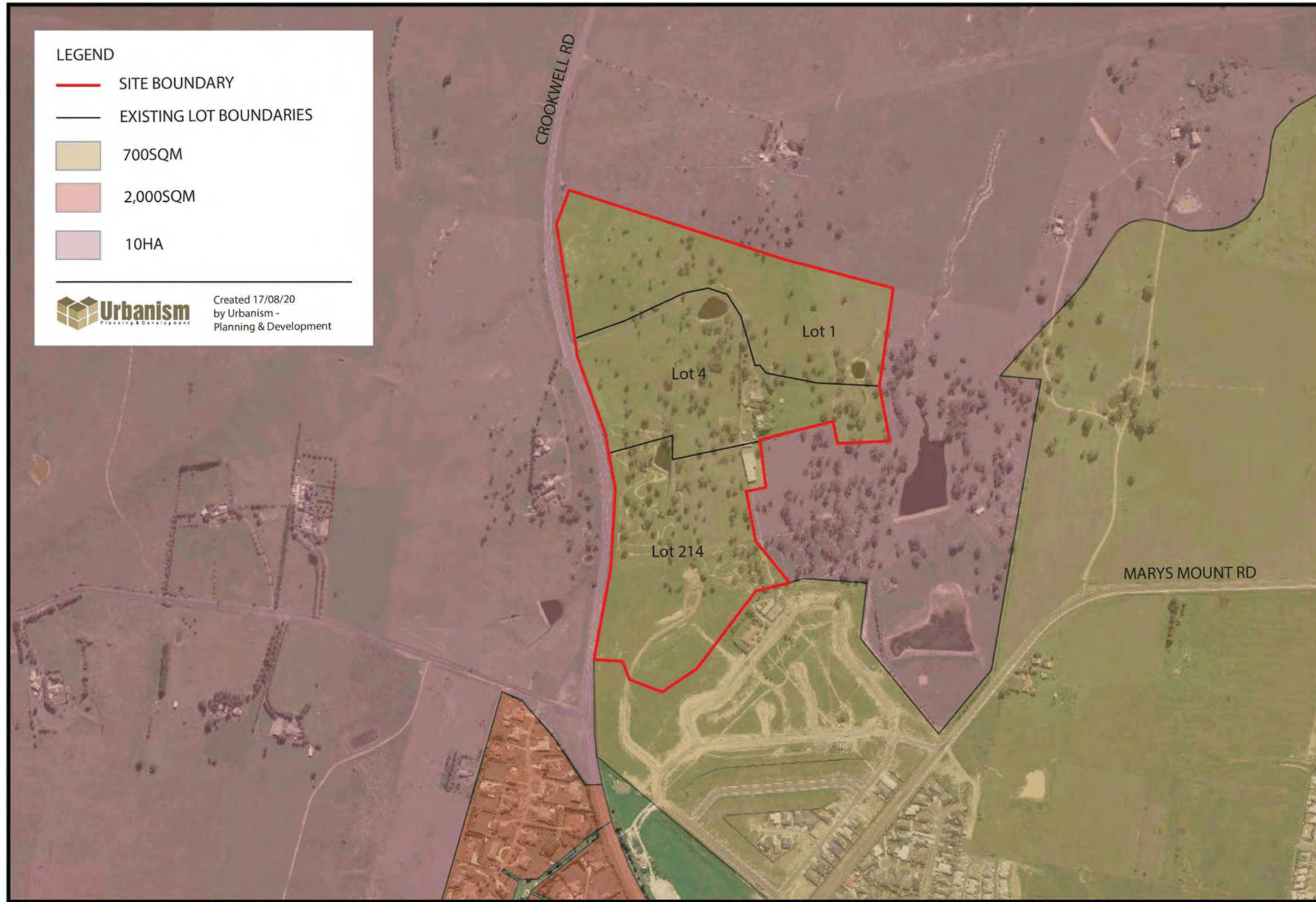
* No public hearing required. No reclassification of community land proposed



ATTACHMENT 1 – LAND USE ZONE MAP



ATTACHMENT 2 – LOT SIZE MAP



ATTACHMENT 3 – STATE ENVIRONMENTAL PLANNING POLICIES

SEPPs (as at 16 August 2020)		Applicable	Consistent
19	Bushland in Urban Areas	No	N/A
21	Caravan Parks	No	N/A
33	Hazardous & Offensive Development	No	N/A
36	Manufactured Home Estates	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
55	Remediation of Land	No	N/A
64	Advertising & Signage	No	N/A
65	Design Quality of Residential Apartment Development	No	N/A
70	Affordable Housing (Revised Schemes)	No	N/A
	(Aboriginal Land) 2019	No	N/A
	(Affordable Rental Housing) 2009	No	N/A
	(Building Sustainability Index: BASIX) 2004	No	N/A
	(Coastal Management) 2018	No	N/A
	(Concurrences and Consents) 2018	No	N/A
	(Educational Establishments & Child Care Facilities) 2017	No	N/A
	(Exempt & Complying Development Codes) 2008	No	N/A
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	No	N/A

SEPPs (as at 16 August 2020)	Applicable	Consistent
(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
(Kurnell Peninsula) 1989	No	N/A
(Mining, Petroleum Production & Extractive Industries) 2007	No	N/A
(Penrith Lakes Scheme) 1989	No	N/A
(Primary Production & Rural Development) 2019	No	N/A
(State & Regional Development) 2011	No	N/A
(State Significant Precincts) 2005	No	N/A
(Sydney Drinking Water Catchment) 2011	Yes	Yes
(Sydney Region Growth Centres) 2006	No	N/A
(Three Ports) 2013	No	N/A
(Urban Renewal) 2010	No	N/A
(Vegetation in Non–Rural Areas) 2017	No	N/A
(Western Sydney Employment Area) 2009	No	N/A
(Western Sydney Parklands) 2009	No	N/A
Greater Metropolitan REP No.2–Georges River Catchment	No	N/A

ATTACHMENT 4 – LOCAL PLANNING DIRECTIONS

Direction & Issue Date		Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones [01/05/17]	No	N/A
1.2	Rural Zones [14/04/16]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [28/02/19]	Yes	Yes
Environment and Heritage			
2.1	Environment Protection Zones [14/04/16]	Yes	Yes
2.2	Coastal Management [03/04/18]	No	N/A
2.3	Heritage Conservation [01/07/09]	No	N/A
2.4	Recreation Vehicle Areas [14/04/16]	No	N/A
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
2.6	Remediation of Contaminated Land [17/04/20]	Yes	Yes
Housing, Infrastructure and Urban Development			
3.1	Residential Zones [14/04/16]	Yes	Yes
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	No	N/A
3.3	Home Occupations [01/07/09]	No	N/A
3.4	Integrating Land Use & Transport [14/04/16]	Yes	Yes
3.5	Development Near Licensed Aerodromes [20/08/18]	No	N/A
3.6	Shooting Ranges [16/02/11]	No	N/A
3.7	Reduction in Non-Hosted Short Term Rental	No	N/A

Direction & Issue Date		Applicable	Consistent
Accommodation Period [15/02/19]			
Hazard and Risk			
4.1	Acid Sulfate Soils [01/07/09]	No	N/A
4.2	Mine Subsidence & Unstable Land [14/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	No	N/A
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A
Regional Planning			
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	No	N/A
5.11	Development of Aboriginal Land Council Land [06/02/19]	No	N/A
Local Plan Making			
6.1	Approval & Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	No	N/A
6.3	Site Specific Provisions [01/07/09]	No	N/A
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	No	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A
7.3	Parramatta Road Corridor Urban Transformation	No	N/A

Direction & Issue Date		Applicable	Consistent
	Strategy [09/12/16]		
7.4	Implementation of North West Priority Growth Area Land Use & Infrastructure Implementation Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use & Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use & Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use & Infrastructure Plan [20/08/18]	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan [25/09/18]	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct [25/09/18]	No	N/A

ATTACHMENT 5 – ENVIRONMENTAL ASSESSMENT (FLORA & FAUNA)

**Environmental assessment (flora and fauna) for a proposed development
at Lots 1, 3 & 4 DP 1223269, Goulburn NSW**

Prepared by Woodlands Environmental Management
PO Box 9 Braidwood NSW 2622
ABN 93 036 995 658
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Prepared for **Ganter Constructions**
c/o Urbanism
Level 40, 100 Miller Street, North Sydney NSW 2060

7th August 2017



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Figure 2	Proposed development plan at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
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Figure 4	Survey map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Figure 5	Vegetation map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Figure 6	Habitat map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
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Figure 8	Atlas of NSW Wildlife map

Tables

Table 1	Threatened Species recorded in the Bionet Atlas of NSW Wildlife within 10km of Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Table 2	Threatened Species associated with vegetation classes and habitats present at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and recorded within Crookwell
Table 3	Terrestrial fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Table 4	Aquatic fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Table 5	Flora species at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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Table 6	Fauna observed at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Table 7	Survey methodology and effort at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Table 8	Survey and photo locations at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Table 9	Assessment and management of impacts at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Appendices

Appendix 1	Vegetation Condition at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Appendix 2	Photographs at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Appendix 3	Certification
Appendix 4	Curriculum Vitae, licensing and insurance

Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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Report title	Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Date	7th August 2017
Report preparation	Woodlands Environmental Management PO Box 9 Braidwood NSW 2622 ABN 93 036 995 658 Mob: 0422279946 Email: woodlandseviro@gmail.com Greg Stone – BAppSc (Parks, Recreation & Heritage), GradCert (Environmental Management, GradCert (Science Communication), AdvDip (Land Management), AssDip (Land Management)
Proponent Agent	Ganter Constructions c/o Urbanism
Client Address	Level 40, 100 Miller Street, North Sydney NSW 2060
Property Address	Crookwell Road, Goulburn
Property	Lots 1, 3 & 4 DP 1223269

1. Introduction and summary

Ganter Constructions seeks the rezoning of the property from E4 Environmental Living to R2 Low Density Residential and R5 Large Lot Residential.

A field survey and assessment was undertaken at the above location for the purpose of:

- assessing the likely effects of the proposed development upon on flora and fauna at the site with particular regard to threatened species, populations or ecological communities, or their habitats,
- identifying opportunities to avoid, minimise or mitigate impacts,
- ensuring that the development results in no loss of biological diversity or ecological integrity and
- identifying future requirements for ecological assessment and the preparation of Assessments of Significance.

Summary

If the recommendations of this report are adopted, it concluded that:

- the development is unlikely to have a significant impact on threatened species, populations or ecological communities, or their habitats.
- the development will ensure that subdivision and residential infrastructure is appropriately sited to conserve and provide protection for the environmental values of the property.

Refer to **13. Conclusions and recommendations.**

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Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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2. Site location

Site location	The property is located approximately 3.75km north of Goulburn. Refer Figure 1.
IBRA Bioregion	Southern Eastern Highlands Bioregion
Local Government Area	Goulburn Mulwaree
Catchment Management Area	Hawkesbury Nepean
Catchment Management Area Sub-region	Crookwell

3. Subject site and study area

Subject site	The subject site is the c. 32ha area to be directly affected by the proposed development. Refer Figure 3
Study area	The study area includes the subject site and any additional areas which are likely to be affected by the proposal, either directly, indirectly or cumulatively. Refer Figure 3

4. Site description

Landform and drainage	The moderately to gently undulating site has a generally southerly aspect with drainage to the Wollondilly River, located c. 900m to the south.
Elevation	Approximately 670 to 680m asl
Geology and soils	Geology at the site is mapped as Ordovician Abercrombie Formation of the Adaminaby Group (Goulburn: 1:100 000 Geology Sheet 8828). Soils are of moderate fertility and depth with good drainage.
Climate	Goulburn receives an annual rainfall of c. 645mm. Average maximum temperature is 19.7°C. Average minimum temperature is 7.5°C.
Vegetation	The subject site supports remnant Yellow Box - Blakely's Red Gum grassy woodland in low to moderate condition, and highly modified and disturbed vegetation (Figure 5).
Land use	The property is presently utilised for agricultural purposes (cattle grazing) and includes a dwelling, sheds, dams and associated infrastructure.

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Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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Adjoining properties The northern and western boundaries of the site adjoin cleared and partially-cleared grazing land. The eastern boundary adjoins grazing land supporting remnant Yellow Box - Blakely's Red Gum grassy woodland. The southern boundary adjoins a residential subdivision.

5. Proposed development

The development as proposed is the rezoning of the property from E4 Environmental Living to R2 Low Density Residential and R5 Large Lot Residential. Refer Figure 2

6. Statutory requirements

The report addresses the following statutory requirements of Commonwealth, State and Local governments:

Commonwealth Environment Protection and Biodiversity Act 1999

State Threatened Species Conservation Act 1995
Environmental Planning and Assessment Act 1979

Local Goulburn Mulwaree Development Control Plan 2009
Goulburn Mulwaree Local Environment Plan 2009

7. Reports consulted

Reference was made to the following consultants reports prepared in relation the development:

No reports were provided by the proponent.

8. Flora survey and assessment

8.1 Database search

Reference was made to the following databases:

Atlas of NSW Wildlife (TSC Act) (incorporating Matters of National Environmental Significance (EPBC Act)) The Atlas of NSW Wildlife was used to produce a list of Threatened Species (species, populations and communities) known or predicted to occur within a selected study area within the Crookwell subregion and further refined to match habitat types.
The Atlas includes species, populations and communities listed under the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
Refer Table 3 and Figure 8.

Vegetation Information System (VIS) Reference was made to the NSW Vegetation Map Viewer, which provides online access for viewing vegetation maps held in the [Vegetation Information System \(VIS\) Map Catalogue](#) administered by the Office of Environment and Heritage.

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Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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8.2 Field survey

Survey methodology	<p>A preliminary assessment of the subject site was undertaken (10th July 2017) to identify the nature and extent of vegetation, and to determine suitable sites for detailed survey, which was undertaken on 26th July 2017.</p> <p>The flora survey was undertaken using quadrats, random meanders and targeted searches for Threatened Species.</p> <p>Two quadrats were surveyed within remnant Yellow Box - Blakely's Red Gum grassy woodland, with additional random meanders.</p> <p>Surveying within highly modified and disturbed vegetation was undertaken using random meanders.</p> <p>Details of survey methods and effort are recorded in Table 7: Survey methodology and effort at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and Table 8: Survey and photo locations at Lots 1, 3 & 4 DP 1223269, Goulburn NSW.</p>
Date/s of survey	10th & 26th July 2017
Survey personnel	Greg Stone (10th & 26th July 2017) and Alison Rowell (26th July 2017)
Survey constraints	The property is presently grazed by livestock, and the survey was undertaken during a cold, dry season, which adversely effected the positive identification of many groundcover species. A survey undertaken in Spring would likely identify a higher number of native species, however it is unlikely that additional surveys would significantly alter the conclusions of this report.
Stratification units	Yellow Box - Blakely's Red Gum grassy woodland and Highly modified and disturbed vegetation
Existing vegetation mapping	Vegetation Goulburn 8828 Native Vegetation Map Report Series 4 maps the remnant vegetation at the subject site as supporting GW 24 Tableland Grassy Box-Gum Woodland
Report vegetation mapping	Vegetation types located at the subject site as a result of the field survey are recorded in Figure 5

8.3 Subject site vegetation

The descriptions of vegetation communities below include only dominant or common species. A full floristic list is found in Table 5: Flora species at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Description of Yellow Box - Blakely's Red Gum grassy woodland

Structure	Patches of overstorey <i>Eucalyptus</i> spp. with a grassy ground stratum. Mid stratum is absent.
------------------	---

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Environmental assessment (flora and fauna) for a proposed development at
Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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Overstorey	Blakely's Red Gum <i>Eucalyptus blakelyi</i> and Yellow Box <i>E. melliodora</i> in association with Apple Box <i>E. bridgesiana</i> .
Mid Stratum	None
Ground Stratum	Native species include Rough Speargrass <i>Auistrostipa scabra</i> , Tall Speargrass <i>Auistrostipa bigeniculata</i> , Wallaby Grass <i>Rytidosperma</i> sp., and Hairy Panic <i>Panicum effusum</i> . Exotic species include Cock's Foot <i>Dactylis glomeratum</i> , Perennial Ryegrass <i>Lolium perenne</i> , Brome Grass <i>Bromus hordeaceus</i> and Yorkshire Fog <i>Holcus lanatus</i> .
PCT common name	Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands
PCT formation	Grassy Woodlands
PCT class	Southern Tableland Grassy Woodlands
Condition	The vegetation is generally in low to moderate condition. Refer Appendix 2.
Conservation status	This vegetation community is <i>White Box Yellow Box Blakely's Red Gum Woodland</i> , listed as a Critically Endangered Ecological Community under the Commonwealth EPBC Act and NSW TSC Acts
PCT estimated remaining	55%
Pre-1750 vegetation	Yellow Box - Blakely's Red Gum grassy woodland
Threatened Species	None located
Comments	<p>The pre-1750 vegetation has been degraded by historic clearing of the mid stratum, and ongoing disturbance of the ground stratum by cropping, cultivation, pasture-improvement, and grazing which has precluded natural regeneration. At some locations earthworks and recreational motorcycle use have contributed to the overall disturbance. Yellow Box - Blakely's Red Gum grassy woodland covers c. 7ha or c. 24% of the subject site.</p> <p>Within Quadrat 1 the condition of the community was classified as 'low', as the ground stratum was dominated by exotic species and die-back was observed in 100% of the trees.</p> <p>Within Quadrat 2 the condition of the community was classified as 'moderate' with a higher percentage of native species occurring in the ground stratum and die-back occurring only rarely.</p>

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Under the existing management regime, it is considered highly likely that the remnant Yellow Box - Blakely's Red Gum grassy woodland will become extinct within the subject site.

Description of Highly modified and disturbed vegetation

Description and condition	Open grassland with occasional, sparsely scattered <i>Eucalyptus</i> spp.
Overstorey	Blakely's Red Gum <i>Eucalyptus blakelyi</i> and Yellow Box <i>E. melliodora</i> in association with Apple Box <i>E. bridgesiana</i> and Brittle Gum <i>E. mannifera</i> on upper slopes.
Mid Stratum	None
Ground Stratum	Native species include Rough Speargrass <i>Austrostipa scabra</i> , Tall Speargrass <i>Austrostipa bigeniculata</i> , Wallaby Grass <i>Rytidosperma</i> sp., and Hairy Panic <i>Panicum effusum</i> . Exotic species include Cock's Foot <i>Dactylis glomeratum</i> , Perennial Ryegrass <i>Lolium perenne</i> , Brome Grass <i>Bromus hordeaceus</i> and Yorkshire Fog <i>Holcus lanatus</i> .
PCT common name	Not applicable
PCT formation	Not applicable
PCT class	Highly disturbed areas with no or limited native vegetation
Condition	Not applicable
Conservation status	Not applicable
PCT estimated remaining	Not applicable
Pre-1750 vegetation	Yellow Box - Blakely's Red Gum grassy woodland
Threatened Species	None located
Comments	Highly modified and disturbed vegetation occupies c. 25ha or c.76% of the subject site (Figure 5).

The pre-1750 vegetation has been degraded by historic clearing of the overstorey and mid stratum, and ongoing disturbance of the ground stratum by cropping, cultivation, pasture-improvement, and grazing which has precluded natural regeneration. The ground stratum includes areas of bare earth, and areas dominated by exotic species. Die-back was observed in c. 25% of the trees.

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8.4 Study area vegetation

Yellow Box - Blakely's Red Gum grassy woodland	Yellow Box - Blakely's Red Gum woodlands in low to moderate condition is present within the study area, occurring as small isolated patches and isolated trees, with a highly modified ground cover dominated by exotic species.
Highly modified and disturbed vegetation	Highly modified and disturbed vegetation within the study area consists of areas of bare earth, areas dominated by exotic species, and areas of mixed exotic and native species.

8.5 Summary of threatened flora at the subject site

Threatened Communities

Three endangered ecological communities are associated with the Southern Tableland Grassy Woodlands habitat within the Crookwell sub-region (Table 2). These communities are not present within the subject site, however White Box Yellow Box Blakely's Red Gum Woodland Critically Endangered Ecological Community is present within the subject.

No endangered ecological communities are associated with the Highly disturbed areas with limited or no native vegetation habitat within the Crookwell sub-region (Table 2).

Threatened Species

Five threatened species of flora have been located within a 10km radius of the subject site (Table 1 and Figure 7). No threatened species were located by the survey.

Five threatened species of flora are associated with the Southern Tableland Grassy Woodlands habitat within the Crookwell sub-region and could potentially occur at or utilise the habitats at the site (Table 2). None of these species were located by the survey and are unlikely to be present due to the degraded condition of the ground stratum and ongoing grazing.

One threatened species of flora is associated with the Highly disturbed areas with limited or no native vegetation habitat within the Crookwell sub-region and could potentially occur at or utilise the habitats at the site (Table 2). This species was not located by the survey and is unlikely to be present due to the degraded condition of the ground stratum and ongoing grazing.

8.6 Discussion and assessment of threatened flora impacts and issues

No threatened species of flora were located within Yellow Box - Blakely's Red Gum grassy woodland. It is considered that no threatened species are likely to occur due to historic and current land use.

No threatened species of flora were located within highly modified and disturbed vegetation and it is considered that none are likely to occur due to historic and current land use.

White Box Yellow Box Blakely's Red Gum Woodland Critically Endangered Ecological Community is present within the subject site. Under the existing management regime, it is considered highly likely that the remnant Yellow Box - Blakely's Red Gum grassy woodland will become extinct within the subject site.

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It is recommended that:

1. Any future subdivision layout be designed to avoid the clearance and disturbance of remnant Yellow Box - Blakely's Red Gum woodlands ('A' in Figure 5: Vegetation map).
2. Remnant patches of Yellow Box - Blakely's Red Gum woodlands should be included within as few lots as possible to facilitate future rehabilitation and conservation management.
3. Within any lot supporting remnant vegetation, a building envelope, Asset Protection Zone and associated infrastructure should be located to avoid the clearance or disturbance of Yellow Box - Blakely's Red Gum woodlands.
4. A Vegetation Management Plan be prepared for each of the lots supporting Yellow Box - Blakely's Red Gum woodlands to guide the rehabilitation and conservation of the vegetation, and to protect the vegetation from potential direct, indirect and cumulative impacts during the construction, establishment and occupational phases of the development.
5. A submission be made to Council for approval of a draft section 88B and/or 88E instrument, providing for a restriction on title for the protection and management of Yellow Box - Blakely's Red Gum woodlands in accordance with the Vegetation Management Plan.

Potential direct, indirect and cumulative impacts are recorded in Table 9: Assessment and management of impacts at Lots 1, 3 & 4 DP 1223269, Goulburn NSW.

9. Fauna survey and assessment

9.1 Database search

Reference was made to the following databases:

Atlas of NSW Wildlife (TSC Act) (incorporating Matters of National Environmental Significance (EPBC Act))	The Atlas of NSW Wildlife was used to produce a list of Threatened Species (species, populations and communities) known or predicted to occur within a selected study area within the Crookwell subregion and further refined to match habitat types.
	The Atlas includes species, populations and communities listed under the <i>NSW Threatened Species Conservation Act 1995</i> and <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> .
	Refer Table 1 and Figure 8.

9.2 Field survey

Survey methodology	A preliminary assessment of the subject site was undertaken (10th July 2017) to identify the nature and extent of fauna habitats.
	Two bird census were undertaken on 26 th July 2017 and opportunistic sightings of fauna or evidence of the presence of fauna recorded.
	Details of survey methods and effort are recorded in Table 7: Survey methodology and effort at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and Table 8: Survey and photo locations at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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Date/s of survey	10th & 26th July 2017
Weather conditions	10 th July 2017: Weather was fine, clear and sunny with no wind. Temperature was c. 12°C. 26 th July 2017: Weather ranged from overcast, cold and windy to clear, sunny and mild with a light breeze.
Survey constraints	<p>Surveying undertaken on 26th July 2017 was not conducive to fauna activity, reflected in the low numbers of birds observed.</p> <p>‘Habitat assessment is recommended, where possible, as a surrogate for intensive surveys. In this instance, threatened species should be assumed present if their habitat requirements are met.’ (OEH Field Survey Methods, 2015)</p> <p>The fauna survey was based upon the identification of potential habitats for birds, mammals, reptiles and amphibians and opportunistic sightings of fauna or evidence of the presence of fauna.</p> <p>Vegetation structural attributes (or class) act as surrogates for the habitat requirements of native flora and fauna. The NSW Office of Environment and Heritage Threatened Species website (www.environment.nsw.gov.au/threatenedSpeciesApp/Habitat) enables the investigation of the associations of species with vegetation communities in NSW.</p> <p>The NSW Office of Environment and Heritage advises that where adequate surveys have not been conducted within the study area due to limitations, the precautionary principle should always be adopted. This involves assuming that threatened biodiversity which are likely to occur in the study area (based on the presence of suitable habitat and recent records) inhabit the whole of the study area.’ (DEC, 2004 p.34)</p>
Habitat mapping	Refer Figure 6: Habitat map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

9.3 Subject site habitats

Southern Tableland Grassy Woodlands	Southern Tableland Grassy Woodlands in low to moderate condition is present within the study area, occurring as small isolated patches and isolated trees, with a highly modified ground cover dominated by exotic species.
Highly disturbed areas with no or limited native vegetation	Highly disturbed areas with no or limited native vegetation within the study area consists of areas of bare earth, areas dominated by exotic species, and areas of mixed exotic and native species with scattered paddock trees.

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Refer Figure 6: Habitat map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and Table 3: Terrestrial fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and Table 4: Aquatic fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

9.4 Study area habitats

Southern Tableland Grassy Woodlands Southern Tableland Grassy Woodlands in low to moderate condition is present within the study area, occurring as small isolated patches and isolated trees, with a highly modified ground cover dominated by exotic species.

Highly disturbed areas with no or limited native vegetation Highly disturbed areas with no or limited native vegetation within the study area consists of areas of bare earth, areas dominated by exotic species, and areas of mixed exotic and native species with scattered paddock trees.

Refer Figure 6: Habitat map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and Table 3: Terrestrial fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and Table 4: Aquatic fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

9.5 General habitat features

Wildlife corridors The subject site is located within a landscape supporting isolated patches of remnant woodland within extensive areas of cleared grazing land. It is likely that birds and bats would utilise these remnants to move through the landscape. Refer Figure 7 Wildlife Corridors.

SEPP 44 Koala habitat The Goulburn Mulwaree LGA is not listed in Schedule 1 of *State Environmental Planning Policy No. 44 – Koala Habitat Protection*.

SEPP No. 44 requires that land in relation to which a development application has been made and which has an area of more than 1 hectare is subject to an assessment of whether it contains potential Koala habitat. Potential Koala habitat is an area of native vegetation where Koala feed tree species listed under Schedule 2 of *SEPP No. 44* constitute at least 15% of the total number of trees in the upper and lower strata of the tree component.

None of the Koala feed trees listed in Schedule 1 of *SEPP no. 44* are present within the subject site.

The subject is therefore not Core Koala Habitat.

9.6 Fauna observations

Fauna signs Rabbit: burrowing and scats in Quadrat 2.

Fauna observed Refer Table 6: Fauna observed at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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9.7 Summary of threatened fauna at the subject site

Threatened Species

14 threatened species of fauna have been located within a 10km radius of the subject site (Table 1 and Figure 7).

28 threatened species of fauna are associated with the Southern Tableland Grassy Woodlands habitat within the Crookwell sub-region and could potentially occur at or utilise the habitats at the site (Table 2).

Six threatened species of fauna are associated with the Highly disturbed areas with limited or no native vegetation habitat within the Crookwell sub-region and could potentially occur at or utilise the habitats at the site (Table 2).

9.8 Discussion and assessment of threatened of fauna impacts and issues

The remnant Southern Tableland Grassy Woodlands is in low to moderate condition and the lack of a shrubby mid stratum and ground stratum dominated by native herbs and grasses has reduced the diversity of fauna species likely to utilise the habitat. However the tree canopy and presence of small hollows is potentially utilised by some threatened species of woodland birds for foraging and microbats for foraging and nesting. Threatened species of raptors such as Little Eagle *Hieraetus morphnoides* (observed within the subject site and study area) and Powerful Owl *Ninox strenua* potentially utilise the highly modified and disturbed vegetation for hunting and foraging.

Potential direct, indirect and cumulative impacts are recorded in Table 9: Assessment and management of impacts at Lots 1, 3 & 4 DP 1223269, Goulburn NSW.

10. Management of impacts on flora and fauna

Avoiding impacts	Potential direct, indirect and cumulative impacts are recorded in Table 9: Assessment and management of impacts at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Minimising impacts	NSW
Mitigating impacts	

11. Assessments of Significance

It is recommended that Assessments of Significance be prepared in accordance with *Threatened species assessment guidelines: The assessment of significance Department of Environment and Climate Change NSW (2007)* for the following communities and species in association with the development of lots supporting remnant Yellow Box - Blakely's Red Gum woodlands.

Communities

White Box Yellow Box Blakely's Red Gum Woodland, listed as a Critically Endangered Ecological Community	White Box Yellow Box Blakely's Red Gum Woodland, listed as a Critically Endangered Ecological Community
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Fauna

Birds <i>Anthochaera phrygia</i>	Regent Honeyeater
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<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo
<i>Chthonicola sagittata</i>	Speckled Warbler
<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)
<i>Daphoenositta chrysoptera</i>	Varied Sittella
<i>Glossopsitta pusilla</i>	Little Lorikeet
<i>Grantiella picta</i>	Painted Honeyeater
<i>Hieraaetus morphnoides</i>	Little Eagle
<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)
<i>Petroica boodang</i>	Scarlet Robin
<i>Petroica phoenicea</i>	Flame Robin
<i>Polytelis swainsonii</i>	Superb Parrot
<i>Stagonopleura guttata</i>	Diamond Firetail
Owls	
<i>Ninox strenua</i>	Powerful Owl
Bats	
<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat
<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat

12. Matters of National Environmental Significance (EPBC Act)

The following communities and species are listed as Matters of Environmental Significance and shall assessed to determine if a referral to the Minister is required.

Communities

<i>White Box Yellow Box Blakely's Red Gum Woodland, listed as a Critically Endangered Ecological Community</i>	White Box Yellow Box Blakely's Red Gum Woodland, listed as a Critically Endangered Ecological Community
--	---

Fauna

<i>Anthochaera phrygia</i>	Regent Honeyeater
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat

13. Conclusion and recommendations

Conclusions

1. The development proposed is the rezoning of the c. 32ha property from E4 Environmental Living to R2 Low Density Residential and R5 Large Lot Residential.
2. White Box Yellow Box Blakely's Red Gum Woodland Critically Endangered Ecological Community in low to moderate condition occupies c.7ha or 24% of the subject site.
3. Under the existing management regime, it is considered highly likely White Box Yellow Box Blakely's Red Gum Woodland Critically Endangered Ecological Community will become extinct within the subject site.
4. No threatened species of flora were located, and none are likely to occur due to historic and ongoing disturbance.

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5. The subject site supports habitat potentially utilised by 16 threatened species of fauna for foraging and / or nesting and breeding.
 6. It is concluded that if the recommendations of this report are adopted, the development is unlikely to have a significant impact on threatened species, populations or ecological communities, or their habitats.
 7. It is concluded that the adoption of the recommendations of this report will ensure that the development will be consistent with the objectives of the Goulburn Mulwaree DCP 2009 i.e. Sections 2.4.2 Rural Landscape, 3.8 Tree and vegetation preservation, 3.13 Biodiversity management, and 6.8 Large lot residential – Zone R5, and Zone R2 Low density residential.

Recommendations

1. It is recommended that any future subdivision layout be designed to avoid the clearance and disturbance of remnant Yellow Box - Blakely's Red Gum woodlands.
2. It is recommended that remnant patches of Yellow Box - Blakely's Red Gum woodlands should be included within as few lots as possible to facilitate future rehabilitation and conservation management.
3. It is recommended that within any lot supporting remnant vegetation, a building envelope, Asset Protection Zone and associated infrastructure should be located to avoid the clearance or disturbance of Yellow Box - Blakely's Red Gum woodlands.
4. It is recommended that a Vegetation Management Plan be prepared for each of the lots supporting Yellow Box - Blakely's Red Gum woodlands to guide the rehabilitation and conservation of the vegetation, and to protect the vegetation from potential direct, indirect and cumulative impacts during the construction, establishment and occupational phases of the development.
5. It is recommended that a submission be made to Council for approval of a draft section 88B and/88E instrument, providing for a restriction on title for the protection and management of Yellow Box - Blakely's Red Gum woodlands in accordance with the Vegetation Management Plan.

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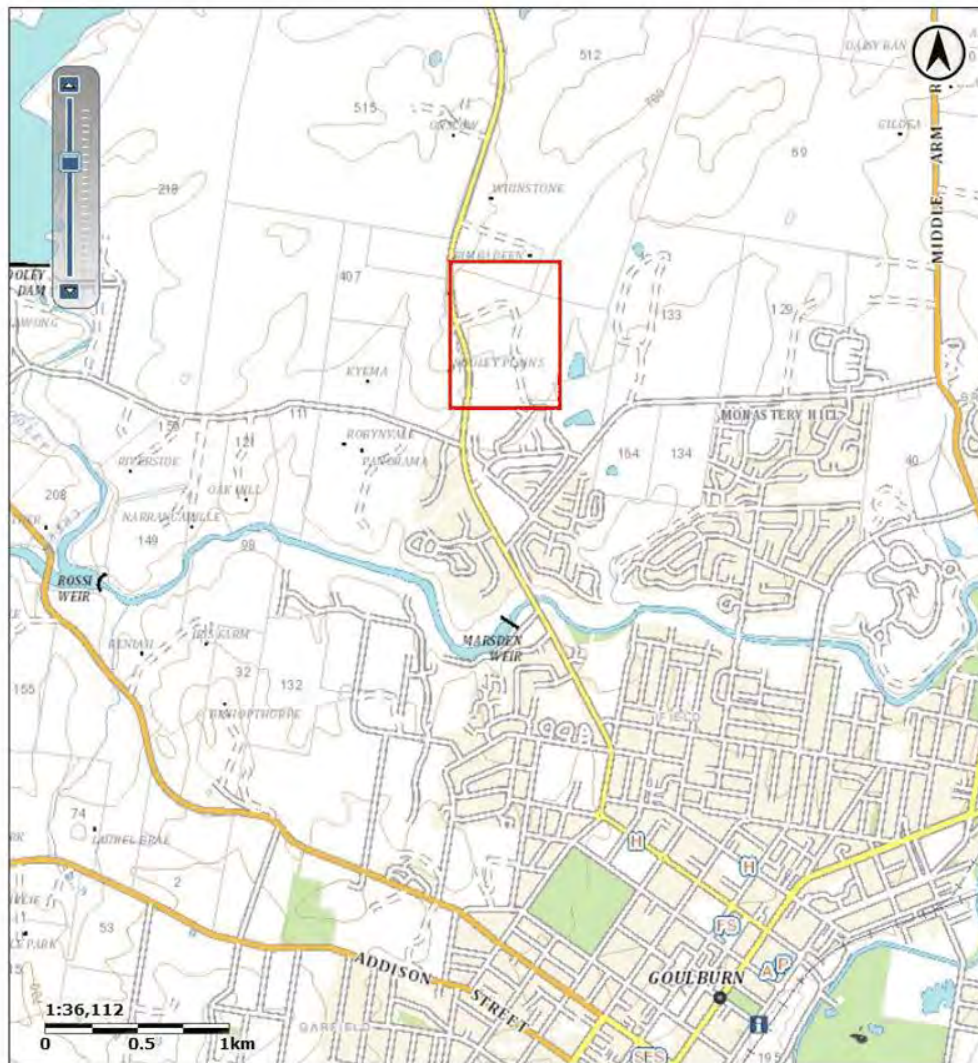
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Figure 1: Location of subject site for Lots 1, 3 & 4 DP 1223269, Goulburn NSW



Source: SIX Maps

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Figure 2: Proposed development plan at Lots 1, 3 & 4 DP 1223269, Goulburn NSW



Source: SIX Maps

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Figure 3: Subject site and study area at Lots 1, 3 & 4 DP 1223269, Goulburn NSW



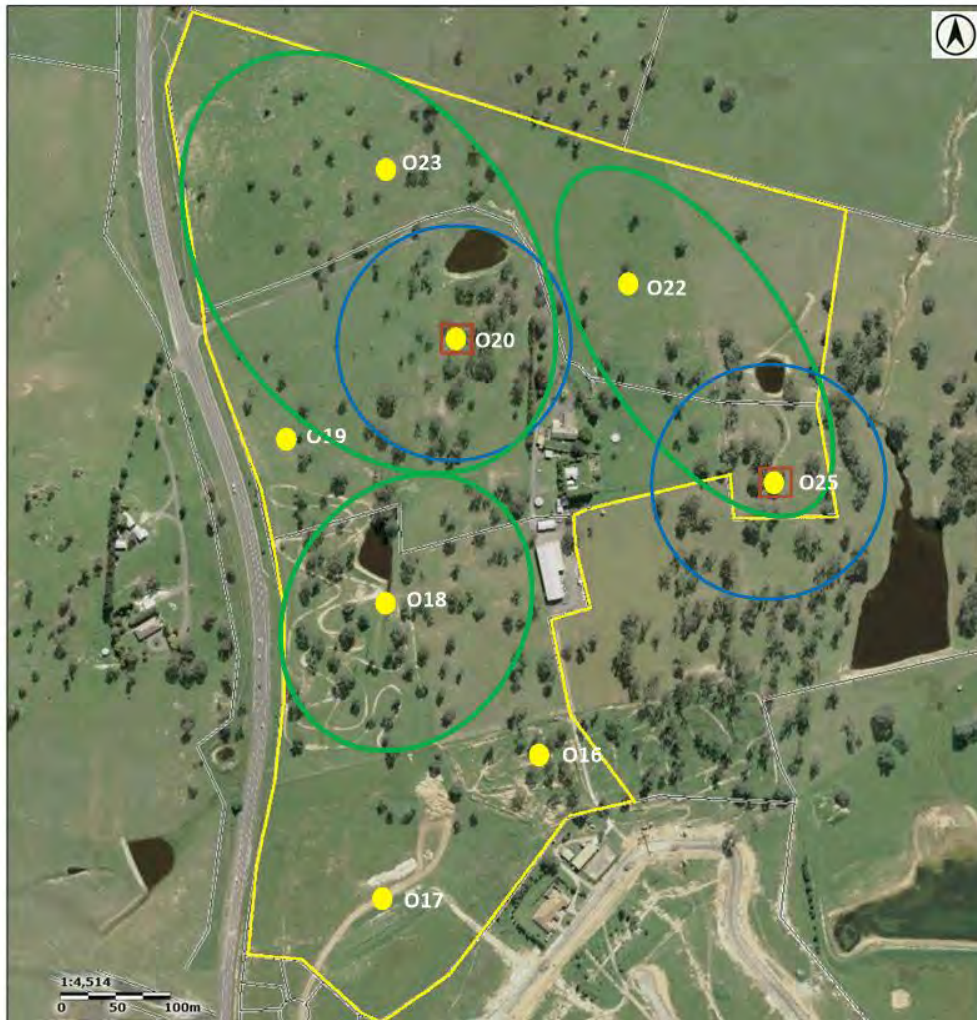
Source: SIX Maps

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Figure 4: Survey map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW



Source: SIX Maps

Red: 20m x 20m (400m ²) quadrat	Blue: Bird census area	Purple: 100m transect
Green: Random meanders, targeted searches and habitat searches	Yellow: Photo-points	

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Figure 5: Vegetation map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW



Source: SIX Maps

- A – Yellow Box - Blakely's Red Gum grassy woodland
- B – Highly modified and disturbed vegetation

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Figure 6: Habitat map at Lots 1, 3 & 4 DP 1223269, Goulburn NSW



Source: SIX Maps

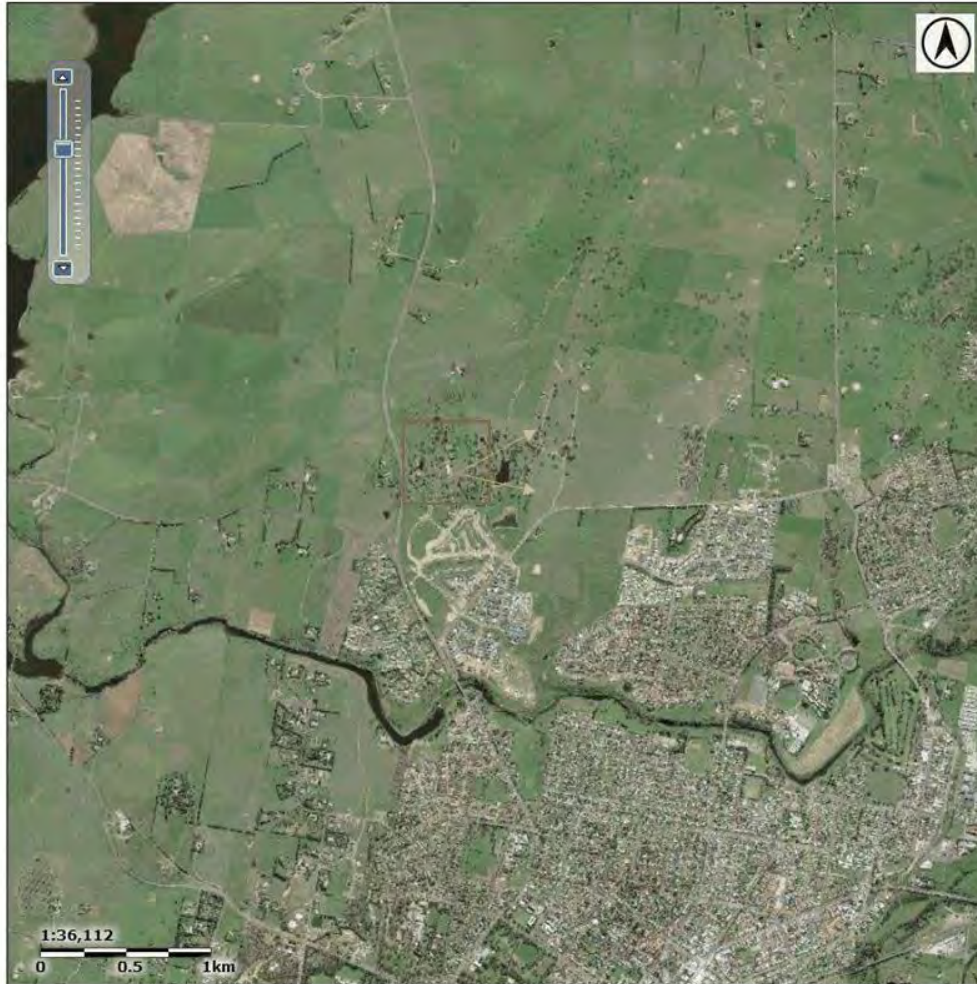
A – Southern Tableland Grassy Woodlands
B – Highly disturbed areas with no or limited native vegetation

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Figure 7: Wildlife Corridors



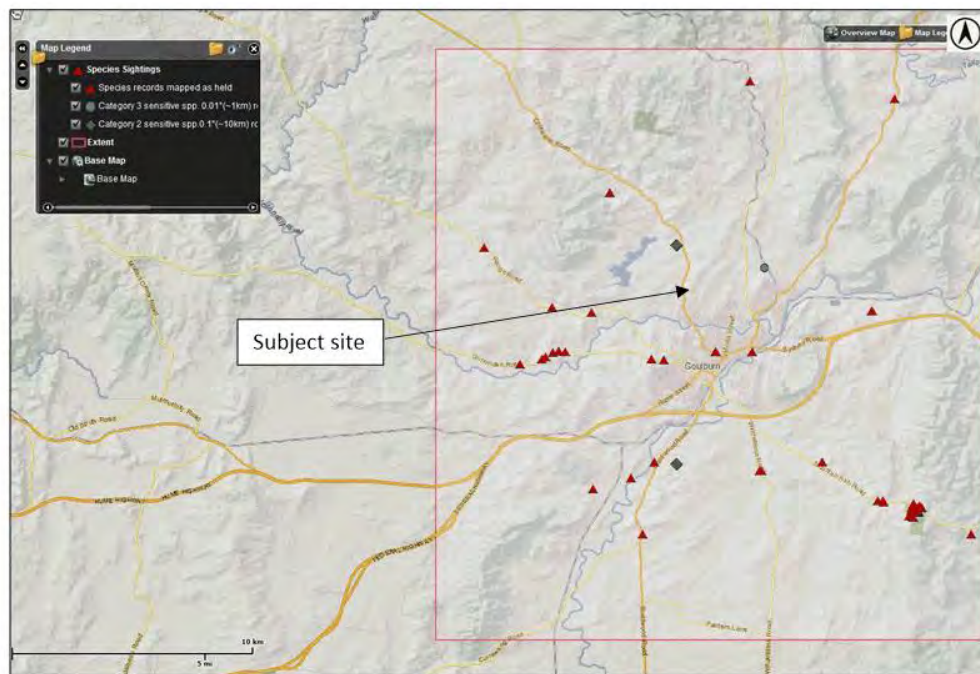
Source: SIX Maps

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Figure 8: Atlas of NSW Wildlife map



Source: Atlas of NSW Wildlife

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Table 1: Threatened Species recorded in the Bionet Atlas of NSW Wildlife within 10km of Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Data from the BioNet Atlas of NSW Wildlife website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions.
Species listed under the Sensitive Species Data Policy may have their locations denatured (^ rounded to 0.1°; ^^ rounded to 0.01°).
Copyright the State of NSW through the Office of Environment and Heritage. Search criteria : Public Report of all Valid Records of Threatened (listed on TSC Act 1995) ,Commonwealth listed ,CAMBA listed ,JAMBA listed or ROKAMBA listed Entities in selected area [North: -34.61 West: 149.59 East: 149.84 South: -34.88] returned a total of 59 records of 19 species. Report generated on 7/10/2014 5:06 PM

Kingdom	Class	Family	Scientific Name	Common Name	NSW status	Comm. status	Records
Animalia	Amphibia	Hylidae	<i>Litoria aurea</i>	Green and Golden Bell Frog	E1,P	V	1
Animalia	Reptilia	Pygopodidae	<i>Delma impar</i>	Striped Legless Lizard	V,P	V	1
Animalia	Aves	Ciconiidae	<i>Ephippiorhynchus asiaticus</i>	Black-necked Stork	E1,P		1
Animalia	Aves	Accipitridae	<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	P	C	1
Animalia	Aves	Accipitridae	<i>Hieraetus morphnoides</i>	Little Eagle	V,P		1
Animalia	Aves	Cacatuidae	^^ <i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	V,P,3		3
Animalia	Aves	Acanthizidae	<i>Chthonicola sagittata</i>	Speckled Warbler	V,P		1
Animalia	Aves	Meliphagidae	<i>Anthochaera phrygia</i>	Regent Honeyeater	E4A,P	E	2
Animalia	Aves	Neosittidae	<i>Daphoenositta chrysoptera</i>	Varied Sittella	V,P		1
Animalia	Aves	Petroicidae	<i>Petroica boodang</i>	Scarlet Robin	V,P		1
Animalia	Aves	Estrildidae	<i>Stagonopleura guttata</i>	Diamond Firetail	V,P		1
Animalia	Mammalia	Dasyuridae	<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V,P	E	1
Animalia	Mammalia	Vespertilionidae	<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	V,P		1
Animalia	Mammalia	Vespertilionidae	<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat	V,P		1
Plantae	Flora	Asteraceae	<i>Leucochrysum albicans var. tricolor</i>	Hoary Sunray	P	E	20
Plantae	Flora	Asteraceae	<i>Rutidosia leptorrhynchoides</i>	Button Wrinklewort	E1,P	E	1

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Plantae	Flora	Fabaceae (Faboideae)	<i>Bossiaea oligosperma</i>	Few-seeded Bossiaea	V,P	V	1
Plantae	Flora	Orchidaceae	<i>Diuris aequalis</i>	Buttercup Doubletail	E1,P,2	V	2
Plantae	Flora	Rhamnaceae	<i>Pomaderris delicata</i>	Delicate Pomaderris	E4A,P		18

Commonwealth status

V – Vulnerable E – Endangered CE Critically Endangered EEC – Endangered Ecological Community EP – Endangered Population
K – Known to occur P – Predicted to occur

NSW Status

- 1 - Sensitivity Class 1 (Sensitive Species Data Policy)
- 2 - Sensitivity Class 2 (Sensitive Species Data Policy)
- 3 - Sensitivity Class 3 (Sensitive Species Data Policy)
- E1 - Endangered (Threatened Species Conservation Act 1995)
- E2 - Endangered Population (Threatened Species Conservation Act 1995)
- E3 - Endangered Ecological Community (Threatened Species Conservation Act 1995)
- E4A - Critically Endangered (Threatened Species Conservation Act 1995)
- E4B - Critically Endangered Ecological Community (Threatened Species Conservation Act 1995)
- P - Protected (National Parks & Wildlife Act 1974)
- V - Vulnerable (Threatened Species Conservation Act 1995)
- V2 - Vulnerable Ecological Community (Threatened Species Conservation Act 1995)

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Table 2: Threatened Species associated with vegetation classes and habitats present at Lots 1, 3 & 4 DP 1223269, Goulburn NSW and recorded within Crookwell sub-region

Scientific Name	Common Name	NSW status	Comm. status	Status / Records	Present	Suitable veg. (1)	Suitable veg. (2)	Suitable veg. (3)	Suitable habitat	7-part test
<i>Ammobium craspedioides</i>	Yass Daisy	V	V	K		Y				
<i>Anthochaera phrygia</i>	Regent Honeyeater	CE	E	K		Y			F	Y
<i>Aprasia parapulchella</i>	Pink-tailed Legless Lizard	V	V	P		Y				
<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	V		K		Y	Y		F	Y
<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	V		K		Y				
<i>Chthonicola sagittata</i>	Speckled Warbler	V		K		Y			F	Y
<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V		K		Y			F	Y
<i>Daphoenositta chrysoptera</i>	Varied Sittella	V		K		Y			F	Y
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V	E	K		Y				
<i>Diuris aequalis</i>	Buttercup Doubletail	E	V	K		Y				
<i>Eucalyptus aggregata</i>	Black Gum	V		K		Y	Y			
<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	V		K		Y			F, N	Y
<i>Glossopsitta pusilla</i>	Little Lorikeet	V		K		Y			F	Y
<i>Grantiella picta</i>	Painted Honeyeater	V		K		Y			F	Y
<i>Hieraaetus morphnoides</i>	Little Eagle	V		K	Y	Y	Y		F	Y
<i>Lepidium hyssopifolium</i>	Aromatic Peppergrass	E	E	K		Y				
<i>Litoria booroolongensis</i>	Booroolong Frog	E	E	K		Y	Y			
<i>Melanodryas cucullata cucullata</i>	Hooded Robin (south-eastern form)	V		K		Y				

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<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)	V		P		Y			F	Y
<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat	V		K		Y	Y		F, N	Y
<i>Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory</i>	Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory	NL	E	K		Y				
<i>Ninox strenua</i>	Powerful Owl	V		K		Y			F	Y
<i>Petaurus australis</i>	Yellow-bellied Glider	V		P		Y				
<i>Petaurus norfolcensis</i>	Squirrel Glider	V		P		Y				
<i>Petroica boodang</i>	Scarlet Robin	V		K		Y			F	Y
<i>Petroica phoenicea</i>	Flame Robin	V		K		Y			F	Y
<i>Phascolarctos cinereus</i>	Koala	V	V	K		Y				
<i>Polytelis swainsonii</i>	Superb Parrot	V	V	K		Y	Y		F	Y
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	P		Y				
<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	V		P		Y			F, N	Y
<i>Stagonopleura guttata</i>	Diamond Firetail	V		K		Y	Y		F	Y
<i>Suta flagellum</i>	Little Whip Snake	V		P		Y				
<i>Tableland Basalt Forest in the Sydney Basin and South Eastern Highlands Bioregions</i>	Tableland Basalt Forest in the Sydney Basin and South Eastern Highlands Bioregions	EEC		K		Y				
<i>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions</i>	Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions	EEC		K		Y				
<i>Thesium australe</i>	Austral Toadflax	V	V	P		Y				
<i>Varanus rosenbergi</i>	Rosenberg's Goanna	V		K		Y				

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V – Vulnerable E – Endangered CE Critically Endangered EEC – Endangered Ecological Community EP – Endangered Population
K – Known to occur P – Predicted to occur N – Nesting or breeding habitat F – Foraging habitat

Vegetation class 1: Southern Tableland Grassy Woodlands
Vegetation class 2: Highly disturbed areas with no or limited native vegetation

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Table 3: Terrestrial fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Terrestrial habitat features	A	B		
Trees with loose bark	O	R		
Fallen timber and logs	R	-		
Rock escarpments	-	-		
Rock ledges or overhangs	-	-		
Caves	-	-		
Rocky outcrops	-	-		
Flat sandstone rocks & crevices	-	-		
Termite mounds	-	-		
Mammal burrows	-	-		
Mistletoe	R	R		
Bursaria or spiky shrubs	-	-		
Allocasuarina spp.	-	-		
River, stream, creek or gully	-	-		
Swamp, pond, wetland, dam, permanent soaks or seepages	O	R		
Corridors for plant or animal species	Y	-		
Scats	O	-		
Whitewashing	-	-		
Bark scratching	R	-		
Nests	-	-		
Microchiropteran bat subterranean roosts (caves, culverts, tunnels and disused mineshafts)	-	-		
Dens used by gliders or phascogales	-	-		
Latrine and den sites of the spotted-tailed quoll	-	-		
Flying-fox camps	-	-		
Winter-flowering Eucalypts	-	-		
Swift parrot and Regent honeyeater feed or nest trees	-	-		
Tree hollows and stags	No.	No.		
2-5 cm diameter	O	R		
5-10 cm diameter	-	-		
10-15 cm diameter	-	-		
15-20 cm diameter	-	-		
>20 cm diameter	-	-		
Stags	-	-		
Large trees with basal cavities	-	-		
A – Southern Tableland Grassy Woodlands				
B – Highly disturbed areas with no or limited native vegetation				
F – frequent C – common O – occasional R – rare C/P – clumps/patches				

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Table 4: Aquatic fauna habitats at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Riparian habitat features			
In stream features		Bank habitat	
Snags	-	Vegetation	-
Boulders	-	Erosion	-
Pools	-	Rocks etc.	-
Riffles	-	Logs etc.	-
Bends	-	Burrows	-
In stream vegetation		Stock access	Y
Fringing	-		
Emergent	-		
Submerged	-		
Floating	-		

F – frequent C – common O – occasional R – rare C/P – clumps/patches

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Table 5: Flora species at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Scientific Name	Common Name	A	B	C
Native species				
<i>Austrostipa bigeniculata</i>	Tall Speargrass		3	P
<i>Austrostipa scabra</i>	Rough Speargrass	1	r	P
<i>Carex appressa</i>	Tall Sedge		r	P
<i>Einadia nutans</i>	Climbing Saltbush		r	P
<i>Eucalyptus blakleyi</i>	Blakely's Red Gum	2	2	P
<i>Eucalyptus bridgesiana</i>	Apple Box			P
<i>Eucalyptus melliodora</i>	Yellow Box		1	P
<i>Juncus ?australis</i>	Rush		r	P
<i>Lomandra sp.</i>	Matrush		r	P
<i>Panicum effusum</i>	Hairy Panic		r	P
<i>Rytidosperma sp.</i>	Wallaby Grass	r	1	P
Exotic species				
<i>?Festuca sp.</i>	Fine-leaved Fescue	r		P
<i>Acetosella vulgaris</i>	Sheep's Sorrel	r		P
<i>Arctotheca calendula</i>	Capeweed	1		P
<i>Bromus hordeaceus</i>	Brome Grass		1	P
<i>Dactylis glomerata</i>	Cock's Foot	4	3	P
<i>Erodium moschatum</i>	Musky Crowfoot	1	1	P
<i>Hirschfeldia incana</i>	Buchan Weed		1	P
<i>Holcus lanatus</i>	Yorkshire Fog	2		P
<i>Hypochoeris radicata</i>	Flatweed	r		P
<i>Lepidium africanum</i>	African Peppergrass		1	P
<i>Lolium perenne</i>	Perennial Ryegrass	3	1	P
<i>Lycium ferocissimum</i>	African Boxthorn		+	P
<i>Malva parviflora</i>	Small-flowered Mallow	r		P
<i>Nassella neesiana</i>	Chilean Needlegrass			P
<i>Nassella trichotoma</i>	Serrated Tussock		+	P
<i>Onopordum acanthium</i>	Scotch Thistle		+	P
<i>Paronychia brasiliiana</i>	Chilean Whitlow		+	P
<i>Plantago lanceolata</i>	Ribwort Plantain		r	P
<i>Trifolium ?subterraneum</i>	Subterranean) Clover	+		P
A – Yellow Box - Blakely's Red Gum grassy woodland (Quadrat 1)				
B - Yellow Box - Blakely's Red Gum grassy woodland (Quadrat 2)				
C - Highly modified and disturbed vegetation (random meanders)				
r - <5%, solitary/<4		3 - 25-50%		
+ - <5%, few/4-15		4 - 50-75%		
1 - <5%, num/>15		5 - >75%		
2 - 5-25%		P - Present		

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Table 6: Fauna observed at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Scientific Name	Common Name	A	B		
<i>Acanthiza chrysorrhoa</i>	Yellow-rumped Thornbill	O			
<i>Aquila audax</i>	Wedge-tailed Eagle		O		
<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	o	O		
<i>Cacatua roseicapilla</i>	Galah		o		
<i>Corvus coronoides</i>	Australian Raven	o	O		
<i>Cracticus torquatus</i>	Grey Butcherbird		o		
<i>Gymnorhina tibicen</i>	Australian Magpie	o	O		
<i>Hieraetus morphnoides</i>	Little Eagle		O		
<i>Manorina melanocephala</i>	Noisy Miner	o			
<i>Platycercus eximius</i>	Eastern Rosella		O		
<i>Rhipidura leucophrys</i>	Willie Wagtail	O			
<i>Smicrornis brevirostris</i>	Weebill		o		
<i>Sturnus vulgaris</i>	Common Starling*		O		
A – Southern Tableland Grassy Woodlands					
B – Highly disturbed areas with no or limited native vegetation					
Subject site: o - observed h - heard call s - scats / signs					
Study area: O - observed H - heard call S - scats / signs					

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Table 7: Survey methodology and effort

	Method	Details	Date	Suggested minimum effort Draft Assessment Guidelines (2004)
Flora	2 x 400m ² (1000m ²) Biometric quadrats	Floristics and structure	26th July 2017	1 x 400m ² (1000m ²) quadrat per stratification unit <2 hectares, 3 plots for 5-20ha, 4 plots for 21-50ha, 5 plots for 51-100ha
	3 x random meanders / targeted searches	Search for Threatened Species	10th & 26th July 2017	30 minutes for each quadrat sampled within the same stratification unit as the quadrat
	0 x 100m transects	Additional floristics	26th July 2017	1x100m traverse per stratification unit <2 hectares, 3 transects for 5-20ha, 4 transects for 21-50ha, 5 transects for 51-100ha
Fauna	2 x 20 minute bird surveys	Record of sightings	26th July 2017	"A 1ha (200m x 500m) 20-minute search is the most common method" (p. 80)
	3 x survey of habitats	Search for tree hollows, stags, fallen timber, rock features, burrows, vegetation, termite mounds etc.	10th & 26th July 2017	Not specified. 30 minutes per stratification unit
	3 x survey for fauna signs	Search for scats, tracks scratchings, nests, burrows, tree scarring, white-washing etc.	10th & 26th July 2017	30 minutes searching each relevant habitat or stratification unit, including trees for scats, scratch marks, whitewashing etc.

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Table 8: Survey and photo locations at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Photographs	Waypoints	Vegetation type	Grid reference	Description and notes
1-4	016	Yellow Box - Blakely's Red Gum grassy woodland	55 H 747798 6154142	Looking north, south, east and west.
5	016	As above		Typical ground stratum.
6-9	017	Highly modified and disturbed vegetation	55 H 747635 6154003	Looking north, south, east and west.
10	017	As above		Typical ground stratum.
11-14	018	Yellow Box - Blakely's Red Gum grassy woodland	55 H 747663 6154296	Looking north, south, east and west.
15	018	As above		Typical ground stratum.
16-19	019	Highly modified and disturbed vegetation	55 H 747574 6154437	Looking north, south, east and west.
20	019	As above		Typical ground stratum.
21-24	020	Yellow Box - Blakely's Red Gum grassy woodland	55 H 747735 6154529	Looking north, south, east and west from centre of Quadrat 1.
25	020	As above		Typical ground stratum.
26-29	022	Highly modified and disturbed vegetation	55 H 747883 6154585	Looking north, south, east and west.
30	022	As above		Typical ground stratum.
31-34	023	Yellow Box - Blakely's Red Gum grassy woodland	55 H 747671 6154691	Looking north, south, east and west.
35	023	As above		Typical ground stratum.
36-39	025	Yellow Box - Blakely's Red Gum grassy woodland	55 H 748003 6154420	Looking north, south, east and west from centre of Quadrat 2.

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Table 9: Assessment and management of impacts at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

Action of activity	Nature and extent of potential impact	Recommendations for avoidance, minimisation, mitigation or offsetting of impact
Direct impacts		
The construction and establishment of dwellings and other infrastructure.	Potential direct disturbance of remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation and habitat for threatened fauna species.	It is recommended that future dwellings, Bushfire Asset Protection Zones, Effluent Management Areas or other infrastructure for the proposed lots be located to avoid direct or indirect disturbance of remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation.
Indirect impacts		
The establishment of Bushfire Asset Protection Zones, Effluent Management Areas or other infrastructure for the proposed lots.	Potential indirect disturbance of remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation and habitat for threatened fauna species.	It is recommended that future dwellings, Bushfire Asset Protection Zones, Effluent Management Areas or other infrastructure for the proposed lots be located to avoid direct or indirect disturbance of remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation.
The establishment of domestic gardens, landscaping, grazing of domestic stock etc.	Potential indirect disturbance of remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation and habitat for threatened fauna species.	It is recommended that remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation and habitat for threatened fauna species within the proposed lots be managed to conserve and provide protection for the environmental values of the land, and that a Vegetation and Habitat Management Plan be prepared for each of these lots in association any future development application.

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Cumulative impacts		
<p>The construction and establishment of dwellings and other infrastructure.</p> <p>The establishment of Bushfire Asset Protection Zones, Effluent Management Areas or other infrastructure for the proposed lots.</p> <p>The establishment of domestic gardens, landscaping, grazing of domestic stock etc.</p>	<p>Potential direct or indirect disturbance contributing to a cumulative loss of remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation and habitat for threatened fauna species within the locality.</p>	<p>The adoption of the above recommendations will provide protection for the environmental values of the land and avoid contributing to a cumulative loss of remnant Yellow Box - Blakely's Red Gum grassy woodland vegetation and habitat for threatened fauna species within the locality.</p>

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Appendix 1: Vegetation condition

Vegetation condition benchmarks are described for a suite of condition variables by vegetation type at the scale of the stand or patch. Benchmarks are used in *BioMetric* as yardsticks against which to assess the current condition of native vegetation. Each condition variable is allocated a score from 0-3 (0=low, 1=moderate, 2=high, 3=very high) based on the difference between its measured value and its benchmark. This scoring system is explained in the [BioMetric Operational Manual \(Version 3.1 - updated February 2011\) \(PDF - 6.0 MB\)](#).

The method of data collection is as described in Appendix 2 of Department of Environment, Climate Change and Water NSW (2011) *Operational Manual for BioMetric* 3.1. Department of Environment, Climate Change and Water, NSW Sydney.

Vegetation community	Native plant species richness	Native overstorey cover %	Native Mid Stratum cover %	Native ground-cover (grasses) %	Native ground-cover (shrubs) %	Native ground-cover (other) %	Lack of exotic plant cover (calculated as % of total ground and Mid Stratum cover)	Number of trees with hollows	Proportion of over-storey species occurring as regeneration	Total length of fallen logs	Score / Condition
Yellow Box - Blakely's Red Gum grassy woodland benchmark	20	17-27	7.5-12.5	24-30	0-5	12.75-18.75	-	0	-	0	
Data (Q. 1 / WP020)	2	20	0	<2	0	0	9	0	0	6m	
Score	1	3	0	1	0	0	0	1	0	1	7/30
Data (Q. 2 / WP 025)	8	20	0	35	0	1	45	1	0	15	
Score	2	3	0	3	0	1	1		0	1	11/30
Highly modified and disturbed vegetation benchmark	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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Appendix 2: Photographs at Lots 1, 3 & 4 DP 1223269, Goulburn NSW



Photo 1: WP016. Yellow Box - Blakely's Red Gum grassy woodland. Looking north.



Photo 2: WP016. Yellow Box - Blakely's Red Gum grassy woodland. Looking south.

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Photo 3: WP016. Yellow Box - Blakely's Red Gum grassy woodland. Looking east.



Photo 4: WP016. Yellow Box - Blakely's Red Gum grassy woodland. Looking west.

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Photo 5: WP016. Yellow Box - Blakely's Red Gum grassy woodland. Typical ground stratum.



Photo 6: WP017. Highly modified and disturbed vegetation. Looking north.

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Photo 7: WP017. Highly modified and disturbed vegetation. Looking south.



Photo 8: WP017. Highly modified and disturbed vegetation. Looking east.

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Photo 9: WP017. Highly modified and disturbed vegetation. Looking west.



Photo 10: WP017. Highly modified and disturbed vegetation. Typical groundcover.

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Photo 11: WP018. Yellow Box - Blakely's Red Gum grassy woodland. Looking north.



Photo 12: WP018. Yellow Box - Blakely's Red Gum grassy woodland. Looking south.

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Photo 13: WP018. Yellow Box - Blakely's Red Gum grassy woodland. Looking east.



Photo 14: WP018. Yellow Box - Blakely's Red Gum grassy woodland. Looking west.

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Photo 15: WP018. Yellow Box - Blakely's Red Gum grassy woodland. Typical ground stratum.



Photo 16: WP019. Highly modified and disturbed vegetation. Looking north.

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Photo 17: WP019. Highly modified and disturbed vegetation. Looking south.



Photo 18: WP019. Highly modified and disturbed vegetation. Looking east.

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Photo 19: WP019. Highly modified and disturbed vegetation. Looking west.



Photo 20: WP019. Highly modified and disturbed vegetation. Typical ground stratum.

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Photo 21: WP020. Quadrat 1. Yellow Box - Blakely's Red Gum grassy woodland. Looking north.



Photo 22: WP020. Yellow Box - Blakely's Red Gum grassy woodland. Looking south.

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Photo 23: WP020. Yellow Box - Blakely's Red Gum grassy woodland. Looking east.



Photo 24: WP020. Yellow Box - Blakely's Red Gum grassy woodland. Looking west.

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Photo 25: WP020. Yellow Box - Blakely's Red Gum grassy woodland. Typical ground stratum.



Photo 26: WP022. Highly modified and disturbed vegetation. Looking north.

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Mobile 0422279946 E-mail: woodlandseviro@gmail.com

*Environmental assessment (flora and fauna) for a proposed development at
Lots 1, 3 & 4 DP 1223269, Goulburn NSW*

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Photo 27: WP022. Highly modified and disturbed vegetation. Looking south.



Photo 28: WP022. Highly modified and disturbed vegetation. Looking east.

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Photo 29: WP022. Highly modified and disturbed vegetation. Looking west.



Photo 30: WP022. Highly modified and disturbed vegetation. Typical ground stratum.

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Photo 31: WP023. Yellow Box - Blakely's Red Gum grassy woodland. Looking north.



Photo 32: WP023. Yellow Box - Blakely's Red Gum grassy woodland. Looking south.

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Photo 33: WP023. Yellow Box - Blakely's Red Gum grassy woodland. Looking east.



Photo 34: WP023. Yellow Box - Blakely's Red Gum grassy woodland. Looking west.

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Photo 35: WP023. Yellow Box - Blakely's Red Gum grassy woodland. Typical ground stratum.



Photo 36: WP025. Quadrat 2. Yellow Box - Blakely's Red Gum grassy woodland. Looking north.

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Photo 37: WP025. Yellow Box - Blakely's Red Gum grassy woodland. Looking south.



Photo 38: WP025. Yellow Box - Blakely's Red Gum grassy woodland. Looking east.

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Photo 39: WP025. Yellow Box - Blakely's Red Gum grassy woodland. Looking west.

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Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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Appendix 3: Certification**Woodlands****Environmental Management****PO Box 9 Braidwood NSW 2622****Mobile 0422279946****E-mail: woodlandsenviro@gmail.com****ABN 93036995658**

Report title:	Environmental assessment (flora) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Report prepared by:	Greg Stone, Woodlands Environmental Management
Qualifications:	BAppSc (Parks, Recreation & Heritage), GradCert (Science Communication), AdvDip (Land Management), AssDip (Land Management)
Address:	Woodlands Environmental Management PO Box 9 Braidwood NSW 2622
Applicant Name:	Ganter Constructions
Applicant Address:	Level 40, 100 Miller Street, North Sydney NSW 2060
Land to be developed:	Lots 1, 3 & 4 DP 1223269, Goulburn NSW
Proposed development:	The rezoning of the property from E4 Environmental Living to R2 Low Density Residential and R5 Large Lot Residential.
Certification:	I certify that I have prepared the contents of this report and to the best of my knowledge: <ul style="list-style-type: none">• It reports on the potential impacts of the proposal as generally outlined in the concept application;• It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.
Disclaimer:	This report has been prepared to provide advice to the client on matters pertaining to the particular and specific development proposal as advised by the client and / or their authorised representatives. This report can be used by the client only for its intended purpose and for that purpose only. Should any other use of the advice be made by any person including the client then Woodlands Environmental Management advises that the advice should not be relied upon. The report and its attachments should be read as a

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*Environmental assessment (flora and fauna) for a proposed development at
Lots 1, 3 & 4 DP 1223269, Goulburn NSW*

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whole and no individual part of the report or its attachments should be interpreted without reference to the entire report.

The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy, the location of all mapped features are to be confirmed by a registered surveyor.

Signature:



Name:

Gregory John Stone

Date:

7th August 2017

*Woodlands Environmental Management, PO Box 9 Braidwood NSW 2622
Mobile 0422279946 E-mail: woodlandseviro@gmail.com*

Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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Appendix 4: Curriculum Vitae, licensing and insurance

Curriculum Vitae

Name

Gregory John Stone

Contact details

Address: PO Box 9
Braidwood NSW 2622

Email: woodlandseviro@gmail.com

Mobile: 0422279946

Qualifications and education

Bachelor of Applied Science (Parks, Recreation and Heritage)
Charles Sturt University

Graduate Certificate in Science Communication
Australian National University

Graduate Certificate in Environmental Management
Charles Sturt University

Advanced Diploma in Land Management
University of Sydney

Associate Diploma in Land Management
University of New England

Name of the organization: **Woodlands Environmental Management**

Designation: Principal environmental consultant (self-employed)

Period: 1990 to present

Duties:

- Preparation of environmental assessments undertaken for development applications, rehabilitation projects and conservation agreements
- Preparation of environmental assessments undertaken in accordance with *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, *Threatened Species Conservation Amendment Act 2002*, the *Environmental Planning and Assessment Act 1979* and the *Commonwealth Environment Protection and Biodiversity Act 1999*
- Preparation of Assessments of Significance (Seven Part Tests) for Threatened Species and Endangered Ecological Communities.
- Preparation of Habitat Management Plans for the purpose of protecting Threatened Species of flora, fauna and Endangered Ecological Communities and their habitats.

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Mobile 0422279946 E-mail: woodlandseviro@gmail.com*

Environmental assessment (flora and fauna) for a proposed development at Lots 1, 3 & 4 DP 1223269, Goulburn NSW

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-
- Vegetation surveying and mapping undertaken within conservation areas and bushland reserves on the Southern Tablelands
 - Preparation and monitoring of Vegetation Management Plans.
 - Preparation of management plans for natural areas incorporating fire, weed and water management and rehabilitation work.
 - Delivery of lectures, training, workshops and field days conducted for NSW National Parks and Wildlife Service, Hawkesbury - Nepean Catchment Management Authority, Wingecarribee Shire Council, Department of Agriculture, Landcare NSW, Bushcare, TAFE NSW, Department Infrastructure, Planning and Natural Resources and community groups

Contracts with NSW Government

Name of the organization: **Hawkesbury-Nepean Catchment Management Authority**

Designation: Catchment Officer (part-time)

Period: August 2007 to August 2012

Duties: Administering the *Native Vegetation Act 2003*, undertaking assessments for Property Vegetation Plans.

Co-ordination of Southern Highlands and Tablelands Biolinks project including incentive, community education and conservation programs.

Name of the organization: **NSW Office of Environment and Heritage**

Designation: Conservation Partners Program contractor

Period: 2008 to present

Duties: Preparing Conservation Agreements with private landholders on properties of high conservation value across south-east NSW.

Insurances

Public and Products Liability Insurance

AIG Australia Limited

Policy No: 9621775CMB Expiry Date: 29/10/2017

Limit of Liability: \$10,000,000

Professional Indemnity

CGU Insurance Limited

Policy No: 61MIS7181181 Expiry Date: 30/10/2017

Limit of Liability: \$10,000,000

Licence

Greg Stone of Woodlands Environmental Management currently holds a

SCIENTIFIC LICENCE issued under the *National Parks & Wildlife Act 1974*

Licence number is: **SL101033**

Class Name: **Biodiversity assessment/Species Impact Statement
Ecological survey/consultancy**

*Woodlands Environmental Management, PO Box 9 Braidwood NSW 2622
Mobile 0422279946 E-mail: woodlandseviro@gmail.com*

ATTACHMENT 6 – SITE PICTURES



PHOTO 1: A VIEW OF THE SUBJECT SITE AS OBSERVED FROM FITZROY STREET

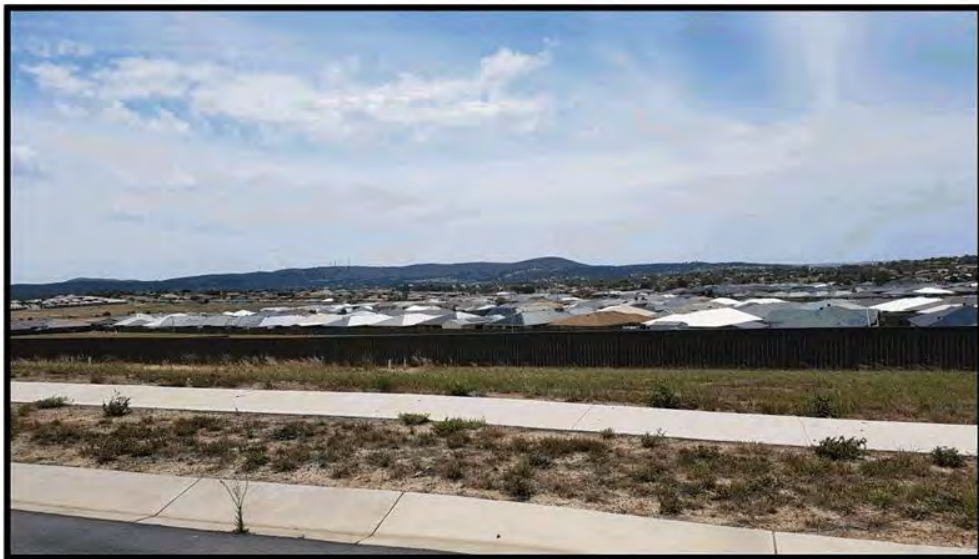


PHOTO 2: A VIEW FROM MARYS MOUNT ROAD TOWARD ROCKY HILL



PHOTO 3: A VIEW FROM MARYS MOUNT ROAD TOWARDS THE FORMER CATHOLIC MONASTERY AT 124 MARYS MOUNT ROAD



PHOTO 4: A VIEW FROM MISTFUL PARK ROAD WEST TOWARDS WEST GOULBURN



PHOTO 5: A VIEW OF THE SUBJECT SITE AS OBSERVED FROM MISTFUL PARK ROAD



PHOTO 6: A VIEW FROM CROOKWELL ROAD TOWARDS GOULBURN (ARROW SHOWING APPROXIMATE NORTHERN MOST BOUNDARY OF SUBJECT SITE)



PHOTO 7: A VIEW (DISTANT) OF THE SUBJECT SITE IN THE FOREGROUND WITH GOULBURN BEYOND AS OBSERVED FROM CROOKWELL ROAD



PHOTO 8: A VIEW OF THE SUBJECT SITE IN THE FOREGROUND WITH GOULBURN BEYOND AS OBSERVED FROM CROOKWELL ROAD

KINGSDALE CONSULTING PTY LTD

ABN 12 148 887 647

ACN 148 887 647

P O Box 539
GOULBURN NSW 2580

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

Attention: Scott Martin / Kate Wooll / Nick Thistleton

**RE: Lot 10 DP 1247119
LANSDOWNE STREET PLANNING PROPOSAL**

Dear Scott, Kate and Nick

I refer to our meeting held on the 18 June 20120 regarding the above matter and we do appreciate your further consideration of the matter following deferral of the Planning Proposal by Council at its meeting held on the 2 June 2020.

Please see attached additional comments for the consideration by Council and if you require any additional information, contact me on 0428 483 558 or at robansue@bigpond.net.au

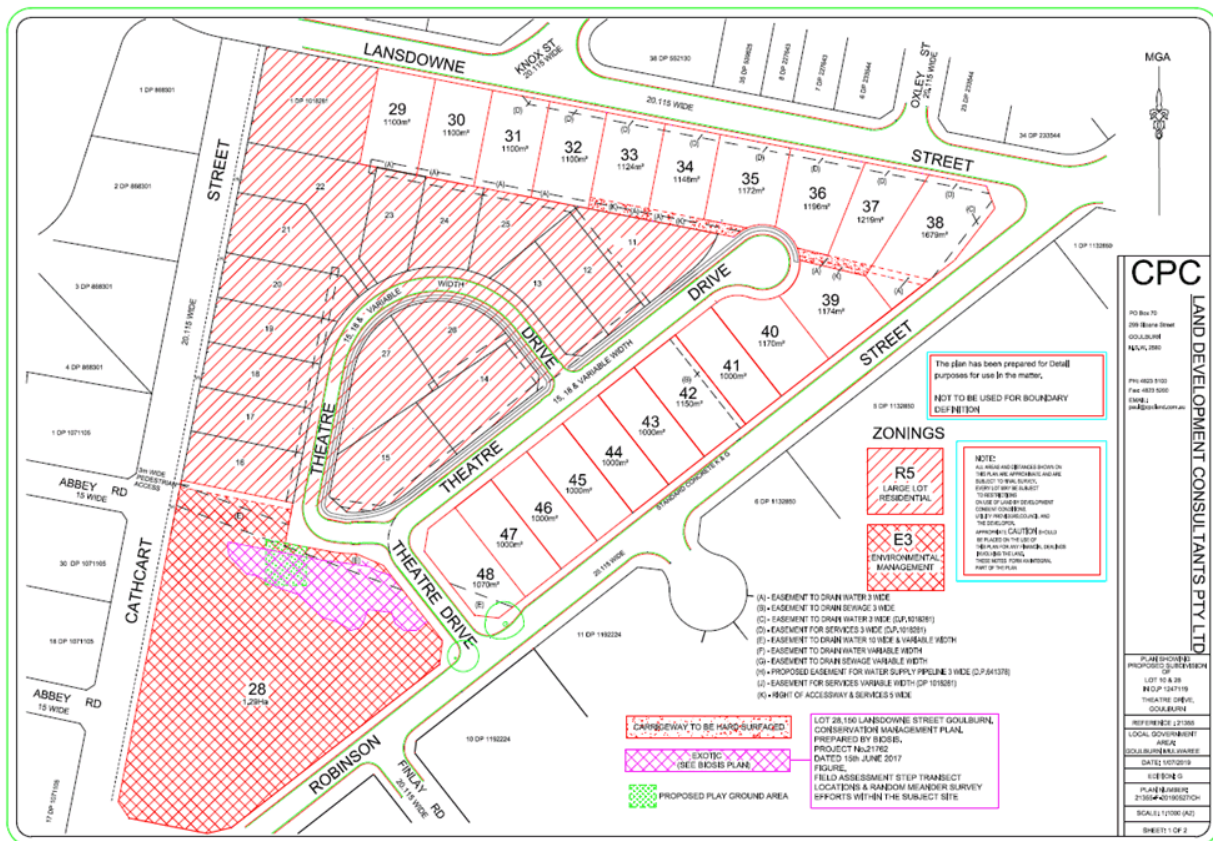
Yours sincerely



Robert Mowle
DIRECTOR
KINGSDALE CONSULTING PTY LTD
24 August 2020

SUBMISSION

It is noted that at its meeting held on the 3 September 2019 Council resolved to support the Planning Proposal by rezoning the subject land from B6 Enterprise Corridor to R5 Large Lot Residential with a minimum lot size of 1000m² based upon supporting noise and traffic reports and an amended subdivision design as detailed below.



Proposed Plan of Subdivision – 3 September 2019
(Plan Source: CPC Consultants Pty Ltd)

This proposed plan of subdivision together with a site specific DCP was placed on public exhibition during March 2020 with post exhibition comments considered by Council at its meeting held on the 2 June 2020.

The report to this Council meeting recommended that the section of the subject land fronting Lansdowne Street retain the existing B6 Enterprise Corridor zone and the existing traffic arrangements be maintained.

This recommendation is not supported by the land owners based upon the following concerns:

- (i) It is the intention of the land owners to redevelop the Drive-in Theatre area into a high-quality residential area as evidenced by the existing dwellings on the site. The imposition of a B6 Enterprise Corridor zone onto the site will significantly detract from the residential ambience of the area.
- (ii) The noise from the existing light industrial activity located to the north of Lansdowne has been assessed by Matthew Harwood of Harwood Acoustics during 2019 and the report includes the statement that *“The highest measured noise level at the closest proposed lots to Lansdowne Street was 62dBA whilst typical Boral activities occurred simultaneously for a minimum 15 minutes”*. (Page 9) The table below lists the noise level of various activities:

dBA	Example	Home & Yard Appliances	Workshop & Construction
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
155	cap gun		
160	shotgun		
165	.357 magnum revolver		
170	safety airbag		
175	howitzer cannon		
180	rocket launch		
185			
194	sound waves become shock waves		

Most noise levels are given in dBA, which are decibels adjusted to reflect the ear's response to different frequencies of sound. Sudden, brief impulse sounds, like many of those shown at 120 dB or greater, are often given in dB (no adjustment).

Typical Noise Levels
(Source: Noise Help Website)

A noise level of 62dBA is not considered to be loud and this environment cannot be considered to be noisy.

- (iii) The land owners acknowledge the concerns of the existing businesses located to the north of Lansdowne Street and are prepared to install fencing along the Lansdowne Street boundary to provide an acoustic / visual barrier to these businesses as detailed in the site specific DCP prepared by Council. This will clearly delineate the residential development from the adjacent light industrial activity.
- (iv) It is noted that the site specific DCP includes a noise management provision (which applies to the whole site) to require all dwellings to be designed to meet Australian Standards for noise, viz.:
- 35dBA in bedrooms.
 - 40 dBA in other residential areas.
- These requirements will ensure there is no impact from noise on the internal residential enjoyment by residents.
- (v) The proposed acoustic / visual barrier along Lansdowne Street comprising a lapped and capped timber fence is the best for noise reduction due to the double paling thickness and multi angled planes which help break sound up to reduce echo. This style is also regularly used in roadside sound barrier fencing. It is acknowledged that this acoustic barrier will not remove all noise from Lansdowne Street but it will make a noticeable difference. Most recreation activities on these lots will generally occur during weekends when heavy vehicle usage of Lansdowne Street is very low as evidenced by the traffic counts provided to Council.
- (vi) It is noted that the date of the original development consent for the site is 7 December 2011 which provided for the new internal road (Theatre Drive) to meet Lansdowne Street at the current location. Since this date (approx. 9 years) the traffic in Lansdowne Street has increased and the large number of trucks parking in Lansdowne Street has been noted and was the primary reason for the land owners suggesting this intersection be closed and the internal access from Theatre Drive be redirected to Robinson Street. This will remove any possible traffic conflict in Lansdowne Street and recognises changed circumstances since the original development consent was granted. The imposition of a B6 Enterprise Corridor zone onto the site will not enable this to happen.
- (vii) The boundary of the existing B6 Enterprise Corridor zone in this area is substantially defined by street boundaries.
- (viii) The imposition of a B6 Enterprise Corridor zone onto the site does not make sense from a planning or common-sense point of view.
- (ix) The subject land fronting Lansdowne Street has a general width of 43m and is not considered wide enough for B6 zone commercial activities. The GMC DCP 2009 (Clause 4.2.4) requires a setback from the street boundary of 6m to provide an open streetscape to enhance the visual quality of the development. Additionally, a parking bay width of 6m, a driveway width of 6m and a rear set back of 3m (to meet fire regulations) could also be required resulting in a possible industrial building width of 22m – clearly a very narrow industrial building. This will impact drastically on the development potential of the site.

- (x) The subject land is not affected by height of buildings restrictions within the GMC LEP 2009 and it is conceivable that if the land is B6 Enterprise Corridor zone an industrial building having a height of at least 15m could be constructed on the site. The impact on the existing residential lots to the south would be dramatic insofar that:
 - The visual impact of a high industrial building would be significant on any adjoining residents in the area.
 - The overshadowing of such a high industrial building would have a significant impact on the adjoining allotment – affect lawn growth and any vegetable gardens, impact on recreation areas and decrease the air temperature in the area. During winter months the overshadowing could affect the actual dwellings.
 - The residential ambiance and enjoyment of the site would be significantly affected.
 - These residential lots have been purchased on the belief that this adjoining land would be zoned residential in accordance the Council resolution from the meeting of the 3 September 2019.

- (xi) Examples of development similar to that proposed for Lansdowne Street can be found in Goulburn along the Taralga Road just north of the disused railway line. The photographs below depict existing fencing along Taralga Road adjacent to the Josephs Gate residential development and light industrial development adjacent to the Kenmore residential area.



Existing Industrial Development – Taralga Road



Existing Timber Boundary Fencing adjacent to Josephs Gate Residential Development – Taralga Road

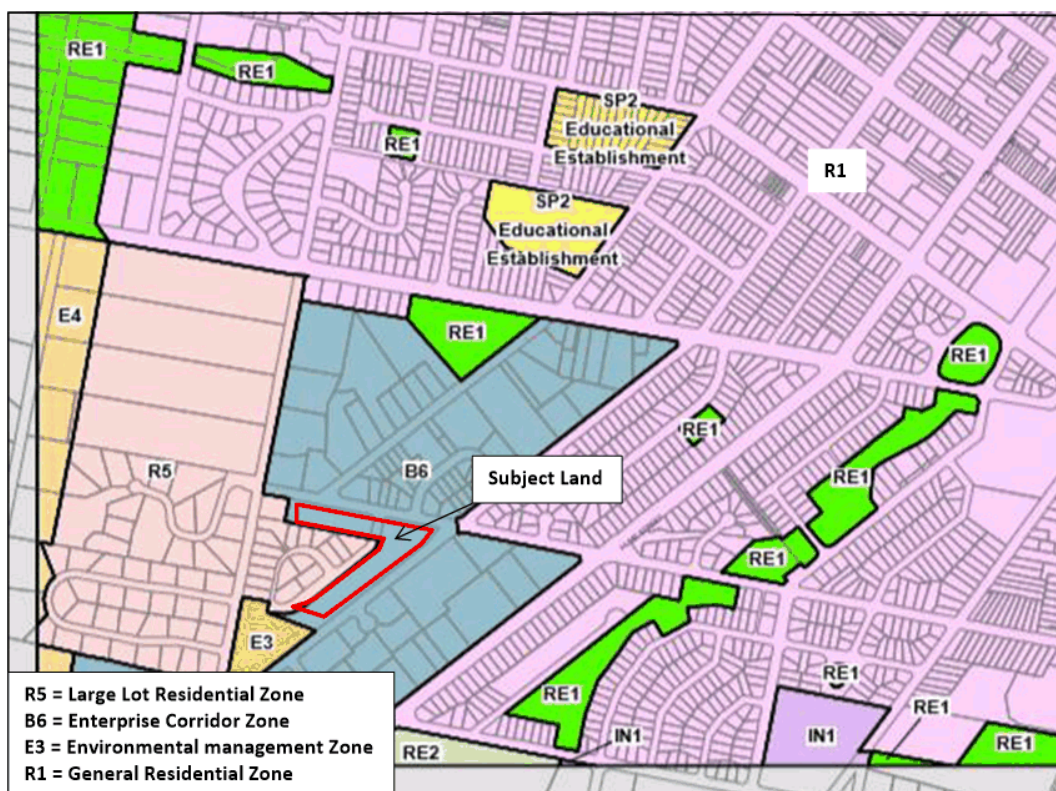


Existing Industrial Development adjacent to Kenmore Residential area – Taralga Road

It is the desire of Simgrow Pty Ltd to provide a high quality barrier between residential development in Lansdowne Street and the existing industrial development generally as depicted in the top photograph on page 6. Simgrow Pty Ltd do not want a generally untidy and undesirable interface between residential and adjoining industrial development as depicted in the bottom photograph on page 6 – this would have a very significant impact on the amenity of the area.

The landowners are prepared to further amend the subdivision design in an effort to provide a high-quality residential development, address the traffic conflicts and to ameliorate the concerns of the existing businesses located to the north of Lansdowne Street – see following details.

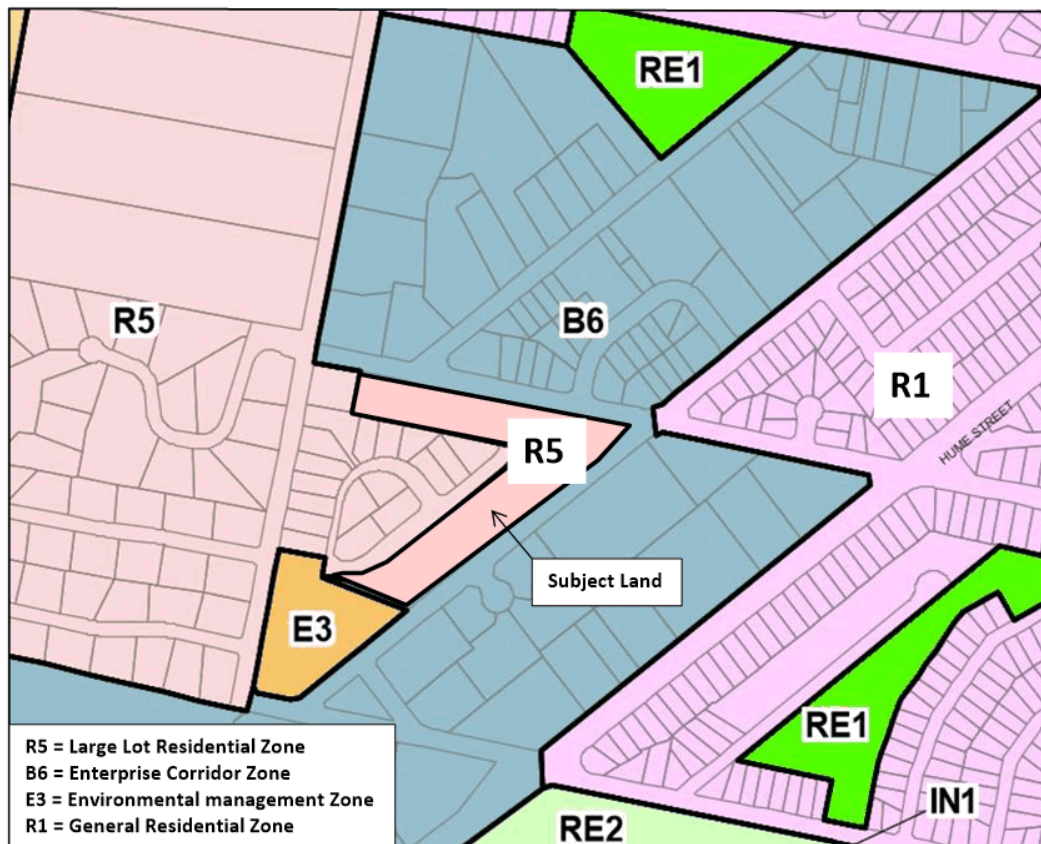
- (a) The zoning proposed by Simgrow Pty Ltd is R5 Large Lot Residential Zone to be consistent with the existing zoning adjoining the land to the west – see map below.



Existing Zoning Map - Sheet LZN_001D
(Map Source: NSW Legislation website)

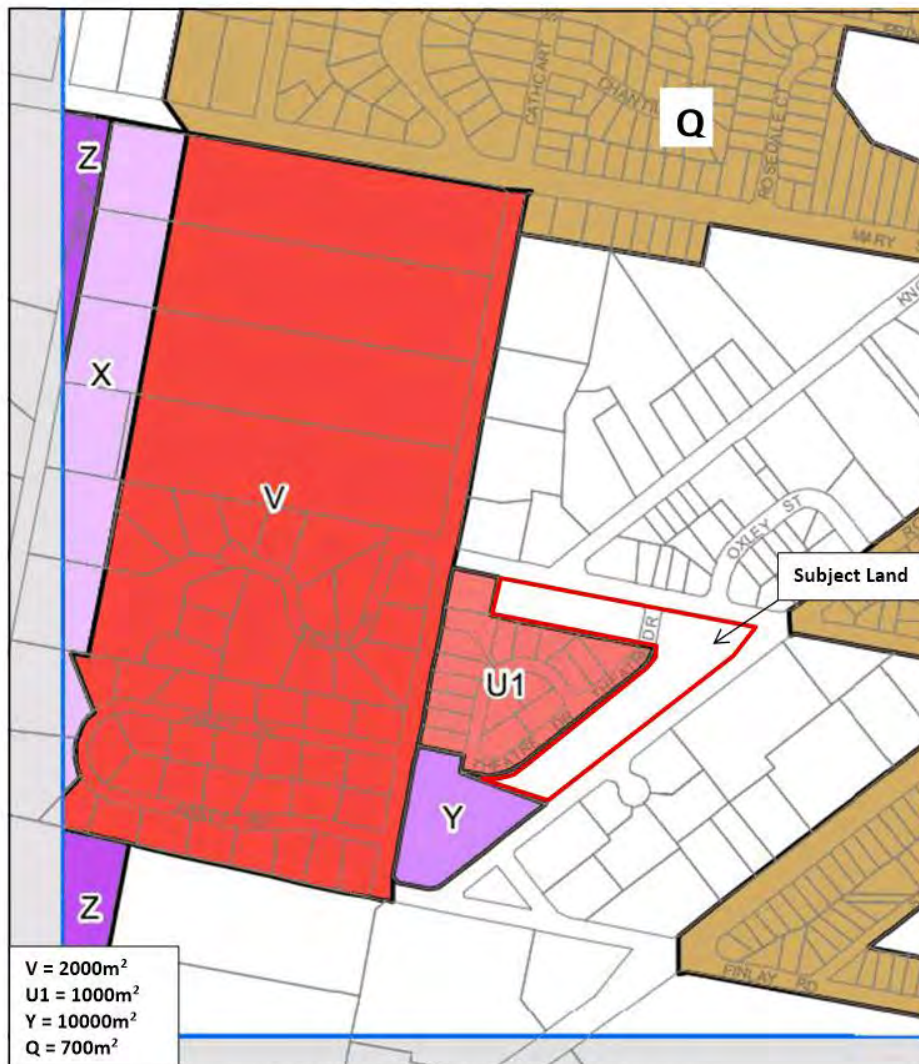
It is noted that the B6 Enterprise Corridor zone boundary in this area (Hume Street, Lansdowne Street, Robinson Street, Mary Street, Cathcart Street) and as noted above generally all follows a street boundary to, at least, separate these land uses from adjacent residential development by a 20m wide road reserve. Again, there is no logical reason why this should not happen to the subject land.

Suggested zoning is indicated on the plan below.



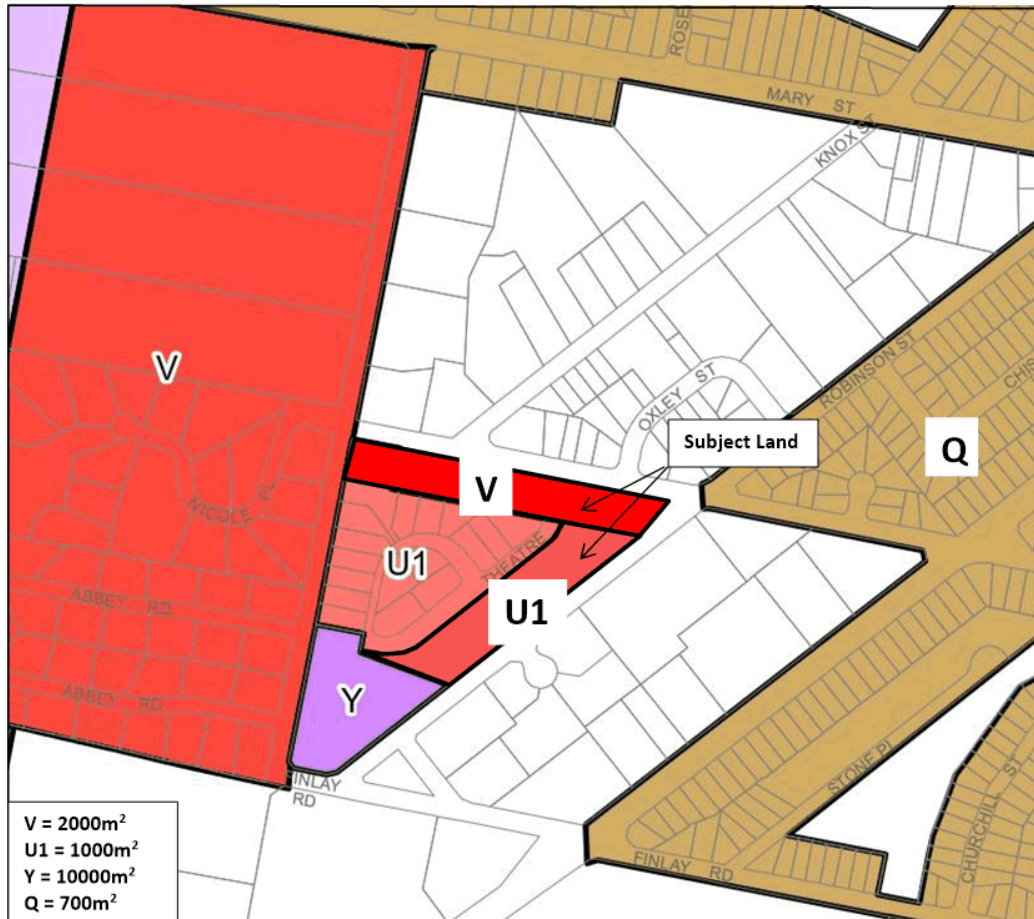
Amendment to Goulburn Mulwaree Land Zoning Map – Sheet LZN_001D
(Map Source: NSW Legislation website)

(b) The lot size proposed by Simgrow Pty Ltd is to be consistent with the existing lot sizes adjoining the land to the west – see map below.



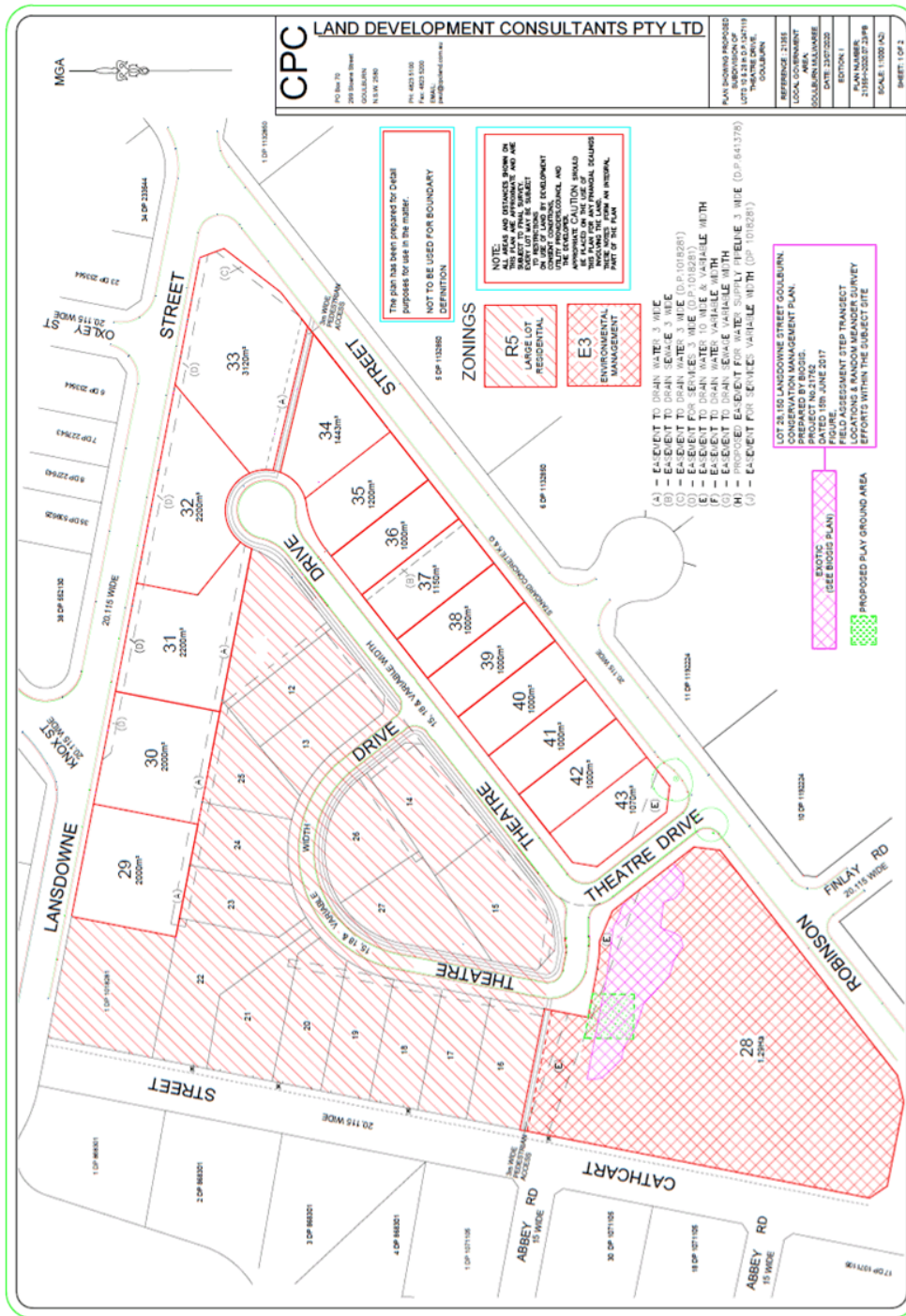
Existing Lot Size Map – Sheet LSZ_001D
 (Map Source: NSW Legislation website)

The lot size proposed by Simgrow Pty Ltd is a reflection of the V (2000m²) lot size located to the west of the land located in Lansdowne Street and U1 (1000m²) lot size located to the west of the land located in Robinson Street – see map below.

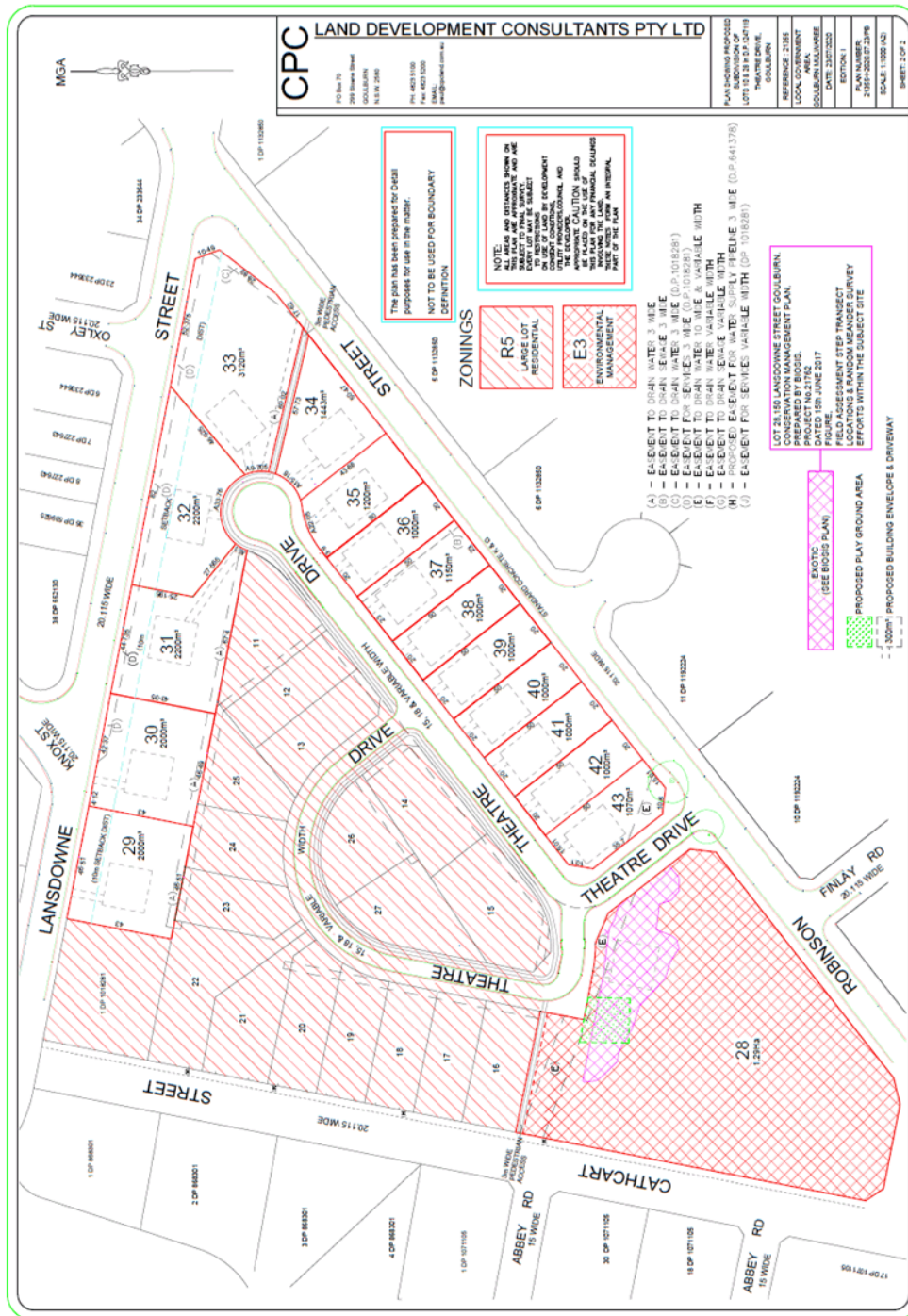


Amendment to Goulburn Mulwaree Lot Size Map – Sheet LSZ_001D
 (Map Source: NSW Legislation website)

These amended lot sizes are reflected on the following plans of subdivision.



Proposed Plan of Subdivision
 (Plan Source: CPC Consultants Pty Ltd)



Proposed Plan of Subdivision
 (Plan Source: CPC Consultants Pty Ltd)

This proposed zoning and lot size:

- Provides a sensible extension of the adjacent R5 Large Lot residential zone to all of the subject land.
- Enables the subject land to be physically separated from the B6 Enterprise Corridor zoned land to the north of Lansdowne Street in accordance with the site specific DCP.
- Will maintain the residential ambiance of the site.
- Will remove residential traffic from Lansdowne Street and remove direct access from Theatre Drive to Lansdowne Street.
- Provide direct access from Theatre Drive to Robinson Street.
- Will provide larger lots fronting Lansdowne Street thereby providing the opportunity for residential development to be carried out in accordance with constraints of the area.
- The number of lots in Lansdowne Street has been substantially reduced – from 10 to 5.
- All lots (except the western 2 lots) will have direct frontage and access from Theatre Drive.
- A pedestrian footpath has been provided to link Theatre Drive to Robinson Street.
- A 10m building set-back is suggested for Lansdowne Street to increase the building separation distance from the B6 Enterprise Corridor zone to 30m.

The proposed development will therefore:

- Create a permanent interface barrier between existing businesses and this residential development.
- Remove any interaction between traffic in Lansdowne Street with residential and pedestrian traffic.
- Not create an environment for on-going conflict between the existing businesses and this residential development.
- Result in a buffer between the residential development and existing businesses being provided by the proposed timber lapped and capped timber (15kg/m²) boundary fence and Lansdowne Street.

This proposal is the best option for the development of the former drive-in theatre site.



Goulburn Mulwaree Council

**Planning Proposal to Rezone Lot 10 DP 1247119
Lansdowne Street Goulburn to R5 Large Lot
Residential under the Goulburn Mulwaree Local
Environmental Plan 2009**

18 December 2019

Version	Comment	Date
1	For Water NSW Consultation	18 October 2019
2	Revision	15 November 2019
3	For Gateway Determination	15 November 2019
4	Post Gateway Agency Referral	18 December 2019

Part 1 – Objective and intended outcome

1.1 Objective

The objective of this Planning Proposal is to rezone the subject land from B6 Enterprise Corridor to R5 Large Lot Residential, apply a Minimum Lot Size (MLS) of 1,000 square metres and remove an existing Floor Space Ratio control of 0.8:1. The subject land was deferred from a previous planning proposal (Amendment 12) made to the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) on 12th January 2019 following additional considerations. The subject site of this Planning Proposal is Lot 10 DP 1247119 (see **Figure 1**), which is located at the corner of Lansdowne Street and Robinson Street Goulburn (a locality map is provided as Appendix A).

On 3rd September 2019 Council resolved to support the subject Planning Proposal as follows:

That

1. **The report from the Graduate Strategic Planner regarding the planning proposal at Lot 10 Lansdowne Street be received.**
2. **Council endorse the planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to rezone Lot 10 DP1247119 from B6 Enterprise Corridor with a floor space ratio of 0.8:1 to R5 Large Lot Residential with no floor space ratio and a minimum lot size of 1000m².**
3. **Council forward the planning proposal to the Department of Planning, Industry and Environment for a gateway determination.**
4. **In the event that the NSW Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.**
5. **The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this planning proposal.**
6. **Council refund the \$2,600 lodgement fee paid and waive any future planning proposal fees applicable.**
7. **The site specific amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report be discussed at a Council Briefing before being placed on public exhibition.**

CARRIED

This subject Lot was deferred from Amendment 12 (see Part 3) of the GM LEP 2009, due to concerns raised in submissions by landowners and business operators in the vicinity of the subject site (the subject site originally formed part of the land included in Amendment 12).

The Council Resolution from 18th December 2018 follows:

That

1. *The report of the Senior Strategic Planner regarding the Lansdowne Street Planning Proposal be received.*
2. *Council endorse the current Planning Proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to:*
 - a) *Rezone land being Lots 11- 27 DP1247119 (Theatre Drive Subdivision), 150 Lansdowne Street Goulburn (Lot 1 DP 1018281)*
 - b) *Rezone lot 28 DP 1247119 from B6 Enterprise Corridor to zone E3 Environmental Management;*
 - c) *Remove existing Floor Space Ratio (FSR) controls for lots no longer proposed to be rezoned B6 Enterprise Corridor; and*

- d)** *Apply a Minimum Lot Size of 1000 m2 (in R5 Large Lot Residential) and a 1 Hectare Lot Size (E3 Environmental Management) under Goulburn Mulwaree Local Environmental Plan 2009.*
- 3.** *The decision on any zoning matter for Lot 10 DP 1247119 be deferred at this time.*
 - 4.** *A Draft Instrument be prepared that is consistent with the above Amendment;*
 - 5.** *The Planning Proposal and relevant documentation be forwarded to the Department of Planning and Environment for making as soon as possible.*
 - 6.** *Council thank those who made a submission and advise the proponent accordingly.*
 - 7.** *Future development applications for development on land in DP1247119 (Theatre Drive Subdivision), Lot 1 DP 1018281 (150 Lansdowne Street) and Lot 28 DP 1247119 include restrictions on the title of each lot as generally outlined in this report and in Attachment 2 pursuant to Section 88B of the Conveyancing Act, 1919.*
 - 8.** *In pursuance of paragraph 2 and 6 of this resolution, site specific development control plan (DCP) provisions are developed to ensure that the mitigation measures are considered as applicable in future development application assessment including:*
 - a)** *Construction standards for all development and boundary fencing in relation to noise and vibration.*
 - b)** *Restrictions on the title of lots on land identified in paragraph 7 above.*
 - 9.** *The DCP provisions in paragraph 4 are publicly exhibited.*

CARRIED

In support of this Planning Proposal, and to respond to concerns raised in submissions during exhibition of Amendment 12, additional information was provided by the applicant including:

- *Industrial Noise Intrusion Assessment Proposed Planning Proposal – Land Rezoning for Residential Subdivision* prepared by *Harwood Acoustics* (5 March 2019), and
- *Traffic count data* provided by *Austraffic* for 18 February – 24 February 2019 (1 week)

In addition to Part 3 of the Council resolution deferring the subject lot from Amendment 12, Council also resolved the following supplementary resolution on 18th December 2018 requesting the applicant consider a proposed alternate access to the subdivision of Theatre Drive as a measure to address concerns raised regarding vehicular conflict by businesses opposite the subject site as follows:

That the applicant be requested to consider a proposed alternate access to this subdivision directly on to both Cathcart and Robinson Streets and to consider proposing the closure of Theatre Drive access onto Lansdowne Street.

CARRIED

The additional information provided by the proponent in response to the supplementary resolution included a concept subdivision plan (Appendix C) which details an alternative vehicular access to the subdivision of Theatre Drive directly on to Robinson Street, a pedestrian access to Cathcart Street and the closure of the access from Lansdowne Street to Theatre Drive. The new access to Cathcart Street is for pedestrian use only to protect the environmental integrity of the Cathcart Street as a fauna movement corridor which forms part of the *South Goulburn Endangered/Threatened Species Management Plan 2004*.

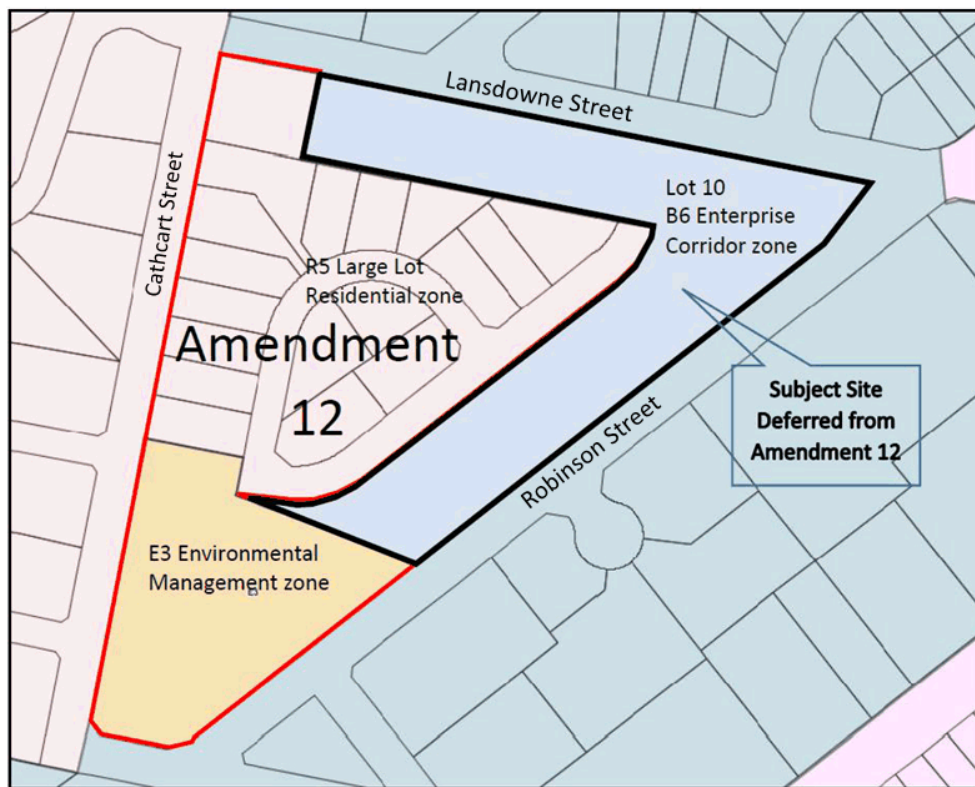


Figure 1: Subject site outlined in black (the remainder outlined in red is land rezoned as Amendment 12)

1.2 Intended Outcome

The intended outcome of the subject Planning Proposal is to facilitate a concept 20 lot residential subdivision (Appendix C) intended by the applicant for Lot 10. The reason for the amendment is because *residential accommodation* is currently prohibited under the existing B6 Enterprise Corridor zone. The rezoning of the site to R5 Large Lot Residential will enable residential accommodation while the application of the 1,000 square metre Minimum Lot Size (MLS), and the creation of building envelopes, will ensure that sufficient land is provided on site to allow for adequate buffer distance for separation from developed land opposite the site that is zoned B6 Enterprise Corridor.

As a result of this proposed amendment, the further intended outcome is to remove an existing Floor Space Ratio (FSR) of 0.8:1 of the GM LEP 2009 where one exists under the current B6 Enterprise Corridor zoning. Floor Space Ratios are normally applied to commercial development to ensure that land uses that are permissible in the B6 Enterprise Corridor zone do not exceed the capacity of the land for these uses. The removal of this development standard will remove an unnecessary control to the residential development of the proposed lots.

The revision of the maps is detailed later in Part 2 of this report and delineated as Appendix B.



Figure 2: The subject site shown on the opposite corner, with new dwellings being constructed on the approved subdivision in the background. The subject site is virtually devoid of any vegetation.

Part 2 – Explanation of Provisions

To achieve the intended outcome, the following amendments are proposed to the maps appended to *GM LEP 2009*:

- **Land Zoning Map Sheet LZN_001D:** Amend the zoning of the subject lot from B6 Enterprise Corridor to R5 Large Lot Residential zone under GM LEP 2009 (R5).
- **Lot Size Map Sheet LSZ_001D:** Amend the minimum lot size of the subject lot to apply a Minimum Lot Size of 1,000 square metres (U1).
- **Floor Space Ratio Map FSR_001D:** Remove an existing Floor Space Ratio of 0.8:1 from the subject lot.

Part 3 – Justification

Section A – Need for Planning Proposal

3.1 Is the Planning Proposal a result of any strategic study or report?

Yes, in the *Employment Lands Strategy 2016* (ELS 2016, p.17) adopted by Council in 2016, it is recommended that the subject land be rezoned to R5 Large Lot Residential. Acting on this recommendation, Council resolved to amend the GM LEP 2009 by Amendment 12. The subject site formed part of the original land included as Amendment 12 to the GM LEP 2009. The rezoning of the subject land was deferred by Council but later supported as a result of the report of 3rd September 2019 which addresses the outstanding areas of concern from Amendment 12.

Although the subject site was deferred from the resolution of 18th December 2019, the subject planning proposal would fulfil the recommendations of the *ELS 2016*.

To minimise further land use conflict and provide a mechanism for enforcing commitments made by the developer, Council also resolved at Part 7 of the 3rd September 2019 to consider a draft amendment to the *Goulburn Mulwaree Development Control Plan 2009* (GM DCP 2009) at a Council Briefing prior to public exhibition. The draft amendment to the GM DCP 2009 is attached (Appendix D - under separate cover).

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

The Planning Proposal to amend the zoning of the subject land from B6 Enterprise Corridor to R5 Large Lot Residential, applying the minimum lot size of 1,000 square metres and remove the Floor Space Ratio is the only way of amending the statutory provisions of the GM LEP 2009 so that the statutory controls over any future subdivision are consistent with other R5 Large Lot Residential zones and the intended outcome of Council's Resolutions and the recommendations of Council's *Employment Land Strategy 2016*.

Council's resolution of 3rd September 2019 recommended proceeding with the amendment to the GM LEP 2009 as proposed (including attachments) for this site.

The retention of the existing B6 Enterprise Corridor zone is not recommended because this zone provides a range of land uses that are *permissible with consent* including but not limited to *Business premises, Commercial premises* and *Light Industries*. However this zone also prohibits *Residential Accommodation* (which includes 'shop top' housing) therefore effectively bringing business, commercial and light Industrial land uses closer to the existing approved residential development. This would also limit the opportunity for an appropriate 'zone of transition (or buffer)' between the established businesses opposite and the approved residential development located around Theatre Drive.

Proceeding with the proposed rezoning as submitted, is the best way of achieving the desired outcome of Council's *Draft Urban and Fringe Housing Strategy* (Housing Strategy) and the adopted *Employment Lands Strategy* by providing an opportunity for residential development on large lots that are close to employment opportunities.

The land use conflicts between existing business, commercial and industrial land uses opposite the subject site were considered during the processing of Amendment 12 and the proponent has responded to the concerns raised in submissions received by the submission of additional information and a revised road configuration. The additional information lodged with the subject application has been considered satisfactory by Council by the resolution of 3rd September 2019 (at page 1). Potential land use conflicts have also been addressed by way of the proposed Site Specific Amendment to the GM DCP 2009 (attached).

Lot 10 is a long shallow lot with wide frontage to both Lansdowne and Robinson Streets but is only 50m deep between the main street frontages. The shallow depth of Lot 10 makes it difficult to achieve good land use interface design outcomes for this site. Setbacks from any future buildings associated with a business/commercial zoning would be close to residences. Furthermore, it is likely that car parking would need to be between buildings rather than along the Lansdowne/Robinson Street frontages.

An indication of the demand for residential development in this location is provided in the number of lots that have been sold with dwelling construction commenced (see **Figure 2**).

It should also be mentioned that immediately to the west of the subject site, along Cathcart Street is a flora and fauna corridor and residential development is consistent with the intended use of this area as a corridor.

The potential impact from land use conflicts are further discussed in Section 3.8 of this report.

Section B – Relationship to Strategic Planning Framework

3.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

3.3.1 South East and Tablelands Regional Plan

The Planning Proposal is consistent with the relevant goals of the *South East and Tablelands Regional Plan*.

Goal 1: A connected and prosperous economy.

Increasing the supply of residential land to nearby businesses means more sustainable transport options and reduced travel time to employment opportunities will therefore enjoy the benefits of a connected and prosperous community.

The proposed Site Specific Development Control Plan amendment to the GM DCP 2009 provisions are intended to protect existing businesses while maintaining the amenity of future residential development.

Goal 2: A diverse environment interconnected by biodiversity corridors.

Direction 15: Enhance biodiversity connections: As part of Amendment 12, part of the subject site proposal was rezoned to E3 Environmental Management identified in the *South Goulburn Endangered/Threatened Species Management Plan 2004*. The site as whole therefore has made a contribution to enhancing biodiversity connections. The subject site (Lot 10) is devoid of any vegetation and contains no identified biodiversity connections (see **Figure 2**).

Council's current GM DCP 2009 restricts access to unmade roads (as per Cathcart Street in the revised subdivision Plan) and also applies to land zoned E3 Environmental Management.

By restricting access to Cathcart Street to pedestrians, the revised subdivision Plan also has regard to the *South Goulburn Endangered Threatened Species Management Plan 2004*.

Direction 18: Secure water resources: The subject Planning Proposal has responded to Action 18.1 to 'locate, design, construct and manage new developments impacts on water catchments....' by providing land uses that can be readily connected to the existing water and sewer reticulation network and that would pose minimal risk to water quality by reliance on the existing stormwater network (in addition to water savings measures imposed as part of a BASIX Certificate requirement for individual dwellings).

Goal 3: Healthy and connected communities

Direction 22: Build socially inclusive, safe and healthy communities. The proposed amendment is considered consistent with action 22.1 by incorporating appropriate development control measures for high demand large lot residential development into the proposed site specific amendment to GM DCP 2009. It is also considered consistent with the Planning Principles provided at Appendix A of the SETRP.

Goal 4: Environmentally sustainable housing choices.

Direction 24: Deliver greater housing supply and choice: Providing additional R5 Large Lot residential development is considered consistent with Action 24.4 of the SETRP and Settlement Planning Principles provided under this Direction.

Direction 25: Focus housing growth in locations that maximise infrastructure and services: The proposed rezoning to R5 Large Lot Residential will make use of existing infrastructure (reticulated sewer, water and stormwater). It also provides infill development in a location within the existing urban area

Local Narratives (Goulburn-Mulwaree)**HOUSING**

The main residential land use zones in Goulburn are R1 General Residential and R2 Low Density Residential areas, which are very flexible and provide a wide range of housing options. R5 Large Lot Residential is less flexible but is considered appropriate given it provides a lower density of development and adjoins R5 zoned land to the west and being opposite land zoned B6 Enterprise Corridor zone and industrial land uses. The R5 Large Lot Residential zoning is preferable to keep density low in this instance as it would not be suitable for a greater residential density that would be permissible in other residential zones near industrial type businesses.

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The *Tablelands Regional Community Strategic Plan 2016-2036* was adopted by Council on 21st February 2017 and identifies the community aspirations via the strategic priorities that achieve the future visions for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

Each relevant strategic pillars are identified below:

Environment:

EN1 Protect and enhance the existing natural environment, including flora and fauna native to the region: The development site as a whole (as identified in Amendment 12) will protect and enhance the existing natural environment including flora and fauna native to the region and specifically part of a corridor for fauna movement identified in the *South Goulburn Endangered/Threatened Species Management Plan 2004*.

EN4 Maintain a balance between growth, development and environmental protection through sensible planning. It is considered that the approach taken to achieve this objective, including consideration of environmental constraints, the amendment to the zoning and minimum lot size of the subject land and drafting Site Specific Amendments to the GM DCP 2009 is consistent with this objective.

Economy:

EC3 Support and foster conditions that enable local and small/home-based businesses to grow. The rezoning of land will maintain the momentum for the rezoning aimed at achieving

this objective. This is anticipated by the ample lot size and the location of the site near existing businesses in the locality to encourage *Home occupations* (permitted without consent) and *Home Industries* (permitted with consent) to establish in this location.

Community:

CO5 Maintain our rural lifestyle. The subject Planning Proposal is aimed at achieving this objective by providing residential lots within the urban boundary, and thereby reducing pressure on rural land for housing.

Infrastructure:

Strategy IN3 Maintain and improve road infrastructure and connectivity. There is considered adequate Infrastructure to support the proposed residential development.

The revised concept plan of subdivision submitted for the subject site (Lot 10) relocates the existing vehicular entrance to Theatre Drive from Lansdowne Street to Robinson Street. Council considers this has addressed the concerns raised in submissions for Amendment 12 of the potential for traffic conflicts envisaged with the existing access configuration.

The proposed site specific amendment to the GM DCP 2009 will incorporate provisions to ensure design elements in the concept plan are reflected in the construction of new dwellings.

Leadership

Strategy CL4 requires our civic leadership to '*Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region*'. The provision of R5 Large Lot residential Land will be funded by Developer Contributions and Water, Sewer and Stormwater charges via Council's adopted Contributions Plans and Developer Servicing Plans.

3.4 Is the Planning Proposal Consistent with a council's local strategy or other local strategic plan?

3.4.1 Goulburn Mulwaree Strategy 2020

The Planning Proposal does not contradict the *Goulburn Mulwaree Strategy 2020*.

The Strategy identifies the subject land (South Goulburn) on the map at page 22 as an area of land zoned partly R5 Large Lot Residential and partly B6 Enterprise Corridor. It specifically states:

"Areas west and south west of Goulburn also present the potential to accommodate large lot residential development and provide an alternative residential choice to Mary's Mount." It also states that future employment areas need to be located to provide "adequate separation from sensitive land uses.....to minimise potential for land use conflict and enable extended hours of operations for freight and distribution facilities." This is achieved by the proposed Site Specific provisions to be incorporated into the GM DCP 2009 and the reconfigured access to the site.

On balance the planning proposal will reduce the likelihood that the subject land will generate employment opportunities but will enable the residential use of an approved subdivision. This can be best achieved by applying the R5 Large Lot Residential zone to the land and this is consistent with the Goulburn Mulwaree Strategy 2020.

3.4.2 Goulburn Employment Lands Strategy 2016

The *Goulburn Employment Lands Strategy (ELS) 2016* recommends that the site at 150 Lansdowne Street be rezoned to R5 Large Lot Residential (p17) in the short term. The ELS 2016 identified the subject site as being underutilised and noted the adjoining land to the north, east and west on Mary, Knox and Cathcart Street was an older established residential area. It considered that business requiring larger lots (where the subject land had an existing approved subdivision) would likely locate along Hume, Lockyer and Sowerby Streets with better access to the main arterial roads and the Hume Highway. It is for this reason that the *ELS 2016* recommends that the subject land be rezoned to R5 Large Lot Residential land uses. The subject Planning Proposal is consistent with the recommendations of the *Employment Lands Strategy 2016*.

3.4.2 Community Strategic Plan 2030

The Community Strategic Plan (CSP) was adopted by Council on the 2 July 2013 and revised in September 2014. The Plan seeks to provide opportunities for rural lifestyle, settlement, housing, sustainable farming and natural resource protection.

The Planning Proposal is consistent with the Goulburn Mulwaree Community Strategic Plan 2030 as follows:

Relevant Strategies:

Key Direction 2 – Business and Industry

2.4.1 to provide opportunity for residential and rural residential development and encourage affordable housing.

Key Direction 4 – Sustainable Environment

4.2.1 to protect, maintain and improve the diversity of our native fauna and flora provided there is a balance between environmental protection, population growth and development

Given the relatively small size of Lot 10, the planning proposal will contribute to the achievement of Council's performance indicators, via: P5 Adequate supply of housing is provided within the local planning framework

3.5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

The Planning Proposal is consistent or justifiably inconsistent with the following applicable State Environmental Planning Policies (SEPPs):

SEPP 55 – Remediation of Land

A preliminary site investigation (PSI) was supplied to Council and publicly exhibited with the initial Planning Proposal (now Amendment 12). The preliminary site investigation concluded that no further investigations are required during the planning proposal stage.

SEPP (Sydney Drinking Water Catchment) 2011

The Sydney Drinking Water Catchment (SDWC) SEPP 2011 operates to protect water quality in the SDWC. Under the SDWC SEPP all future development on the site will need to be assessed against the neutral or beneficial effect test (NorBE) and have a NorBE effect on water quality.

The subject land will be connected to the reticulated water and sewer system. Rainwater collected will be used in rain gardens and it will be necessary to store rainfall as part of any

BASIX Certification. Any excess run off can be directed to Council's existing stormwater drainage network.

State Environmental Planning Policy 44 (Koala Habitat Protection)

The SEPP 44 applies to the site as it applies to the State however the site is devoid of vegetation (see figure 2) therefore it is considered there will be minimal impact on the presence of *Phascolarctos cinereus*. The areas of the land that contain appropriate trees for the *Phascolarctos cinereus* are protected by either E3 Environmental Management zone or are along Cathcart Street (part of the fauna corridor) under Amendment 12.

SEPP (Exempt and Complying Development Codes) 2008

These Codes, specifically Part 3 the Housing Code, applies to the subject land. The SEPP (Exempt and Complying Development Codes) 2008 is a State policy and would permit dwelling construction on the subject land irrespective of any controls placed on the subject site (aside from those under s88B of the Conveyancing Act). Any residential development controls imposed under a Development Control Plan would be secondary and may be disregarded for the purpose of the Exempt and Complying Development Codes under the SEPP.

In the subject proposal's circumstances for example, for the purpose of determining setbacks from the **primary road** of the 2 nearest dwellings, the following are not to be included –

- (a) Dwelling houses on battelaxe blocks (Lots 32-38)
- (b) Any attached development or detached development on other lots
- (c) Building elements in the articulation zone

This means that dwellings on Lots 32-39 do need to have regard to the setback from the **primary street frontage** of Lansdowne Street so building envelopes need to be considered to maintain a separation distance from the industrial uses in the vicinity (separation distances were discussed in the processing of Amendment 12). These have been considered by the applicant as demonstrated in Sheet 2 of the revised plan of subdivision but would be given more detailed assessment at the subdivision application stage.

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

Applicable Direction	Justification	Compliant
1.1 Business and Industrial Zones	<p><i>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</i></p> <p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <i>(a) give effect to the objectives of this direction,</i> <i>(b) retain the areas and locations of existing business and industrial zones,</i> <i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i> <i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i> <i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</i> <p>This planning proposal is inconsistent with this direction. However, the inconsistency is justified because it is a minor matter and further potential land use conflicts have been addressed via a reconfigured vehicle access to Theatre Drive from Robinson Street (see Appendix) and the proposed amendment to the GM DCP 2009 via Site Specific provisions.</p> <p>The planning proposal is consistent with the adopted <i>Employment Lands Strategy</i>.</p>	Justifiably Inconsistent
1.2 Rural Zones	This Direction does not apply because the subject land is not located in a Rural Zone	NA
1.5 Rural Lands	This Direction does not apply because the subject land is not located in a Rural Zone	NA
2.3 Heritage Conservation	This Direction does not apply because the subject land is not located within the vicinity of any heritage item listed in GM LEP 2009.	NA
3.1 Residential Zones.	<p><i>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</i></p> <ul style="list-style-type: none"> <i>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</i> <i>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</i> <p><i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p>	Yes

	<p>(a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design.</p> <p>The planning proposal will broaden the housing choice and will be an efficient use of existing infrastructure and services in this locality. It will provide for housing within the Goulburn urban area and be subject to existing design controls in relevant DCP's and Draft Site Specific provisions proposed as an amendment to the GM DCP 2009.</p> <p><i>A planning proposal must, in relation to land to which this direction applies:</i></p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.</p> <p>Goulburn LEP already contains a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it). This land has been fully serviced for some time. It does not contain provisions which will reduce the permissible residential density of land. The proposed MLS reflects the existing lot size in the approved subdivision.</p> <p>It is consistent with this direction.</p>	
<p>3.4 Integrating Land Use and Transport</p>	<p>This Direction applies as the PP alters zones relating to Residential, Industrial and Environmental zoned land.</p> <p>The subject PP is not inconsistent with the terms of this Direction.</p>	<p>Yes</p>
<p>4.1 Acid Sulphate Soils</p>	<p>This Direction does not apply as the subject land is not mapped as susceptible to acid sulphate soil risk by the NSW Office of Environment and Heritage mapping.</p>	<p>NA</p>
<p>4.2 Mine Subsidence and Unstable land</p>	<p>The subject land is not located in a proclaimed Mine Subsidence District nor is it identified as unstable land.</p>	<p>NA</p>
<p>4.3 Flood Prone Land</p>	<p>The subject land is not identified on Council's Flood prone maps appended to the GM LEP 2009.</p> <p>Note: Council is reviewing its Flood Plain Risk Management Study and Plan to consider overland flow, however Lot 10 is</p>	<p>NA</p>

	a residual lot from a recent subdivision which had been assessed under evaluation criteria of EP&A Act at DA Stage.	
4.4 Planning for Bushfire Protection	This Direction does not apply as the subject land is not identified as bushfire prone on Council's and the NSW Rural Fire Service Bushfire Prone Lands Maps 2019.	NA
5.2 Sydney Drinking Water Catchments	<p>The Planning Proposal is occurring on land which is within the Sydney Drinking Water Catchment (SDWC).</p> <p>This Direction operates to protect water quality in the SDWC.</p> <p>The subject PP has been referred to Water NSW for preliminary comments and has been updated accordingly.</p> <p>The subject site will be connected to the reticulated water and sewer network.</p> <p>Strategic Land and Water Capability Assessment data for sewer residential development is provided below at Figure 4. The data present for sewer residential development presents a predominantly Moderate Risk to water quality. The environmental impacts of development are further discussed below in Section 3.8 of this Planning Proposal.</p> <p>The connection of any proposed development to the existing reticulated water, sewer and stormwater drainage system is therefore considered appropriate to mitigate the risk to and to have a Neutral or Beneficial Effect on water quality.</p> <p>Strategic Land and Water Capability Assessment data for stream proximity is provided at Figure 7. This demonstrates that there is minimal risk to water quality entering water courses. Further, Council's reticulated stormwater network will further mitigate any risk to water quality from overland flow entering the SDWC.</p> <p>The subject PP is consistent with this Planning Direction.</p>	Yes
5.10 Implementation of Regional Plans	<p>Addressed above and at Section 3.3.1 of this report.</p> <p>The subject PP is not inconsistent with the Regional Plan.</p>	Yes
6.1 Approval and Referral Requirements	<p>This Direction applies to the PP. The PP does not propose any provisions that will require additional concurrence or referral requirements of the future development of the subject site.</p> <p>The subject PP is not inconsistent with this Direction</p>	Yes.
6.2 Reserving Land for Public Purposes	No land is proposed to be reserved for public purposes as part of this Planning Proposal. The proponents submission does however include the installation of playground equipment adjacent to the pedestrian access to Cathcart Street on existing Lot 28 created from the original subdivision approval and rezoned E3 environmental	NA

	Management under Amendment 12. It is understood that Lot 28 also has a 'dwelling entitlement'. At some future point, this circumstance may require the separation of the area for a future dwelling from the area where the playground equipment is to be installed.	
6.3 Site Specific Provisions	<p>This Direction applies to the PP. The proposed amendment does not propose any statutory site specific provisions to the subject land that will require additional referral to external agencies.</p> <p>The proposed amendment is therefore consistent because only the statutory LEP maps will be amended.</p>	Consistent
7.0 Metropolitan Planning	The subject land is not located in a metropolitan area.	

Section C – Environmental, social and economic impact.

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

Despite the notation below delineating that the land contains High Environmental Values (HEV) from the HEV map accompanying SETRP, the subject site is largely devoid of any vegetation (See Figure 3). The revised subdivision plan provides pedestrian access through the subject site to Cathcart Street. This access is restricted to pedestrians to minimise the impact of heavier traffic and maintain the integrity of the identified fauna corridor.

The proposed Site Specific provisions to be incorporated into the Goulburn Mulwaree DCP 2009 (GM DCP 2009) includes recommendations that seek to locate a dwelling on Lot 28 so as to retain the integrity of an area to the south of the site (on the previously rezoned land under Amendment 12 of the GM LEP 2009). This areas is to be protected because it contains remnant Eucalypt woodland that is a significant contributor to biodiversity in this locality. It is a Box Gum Woodland (White –Yellow Box – Blakely’s Red Gum) that is listed as an Endangered Ecological Community (EEC) under the *NSW Biodiversity Conservation Act, 2016*.

A condition of the current subdivision plan for the whole site requires a conservation management plan be prepared for Lot 28. This has been submitted to Council.

The subject site is notated as having High Environmental Values (HEV) which accompanies the South East and Tablelands Regional Plan (SETRP) 2036. The southern portion of the site was considered as part of the originally approved subdivision of the subject land to remain whole and was zoned E3 Environmental Management zone as part of Amendment 12. As shown in figure 3 however, the balance of the site and in particular Lot 10, is virtually devoid of any vegetation and substantially discounts the validity of the current HEV mapping notation.

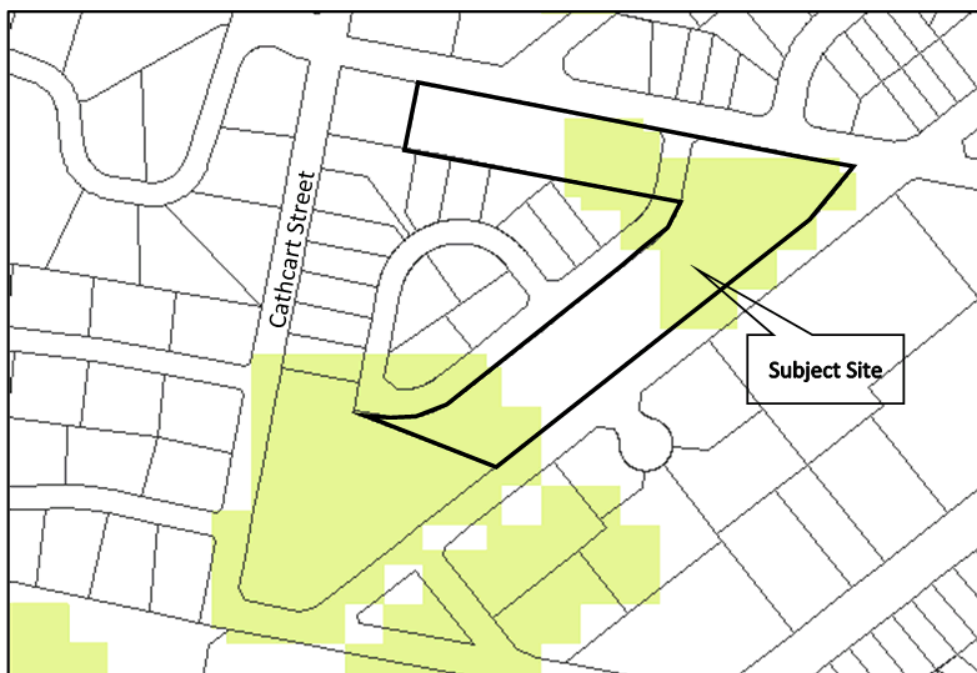


Figure 3: High Environmental Values map notation of the subject site (SETRP 2036)

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

Issues raised during processing of Amendment 12 of the GM LEP 2009 included traffic impacts and noise generation from existing land use on Lansdowne Street and Robinson Street opposite the subject site. Although the subject site, Lot 10, was deferred from that amendment, the proponent has submitted with the subject Planning Proposal two reports in support. These include:

- *Industrial Noise Intrusion Assessment Proposed Planning Proposal – Land rezoning for Residential Subdivision* prepared by *Harwood Acoustics* (5 March 2019), and
- *Traffic count data* provided by *Austraffic* for 18 February – 24 February 2019 (1 week)

In addition to this information, Council has developed a Site Specific Amendment to the Goulburn Mulwaree Development Control Plan (GM DCP) 2009 which will provide a mechanism for compliance with the commitments made by the proponent while mitigating impacts from nearby businesses.

Noise

The supporting *Harwood Acoustics: Industrial Noise Intrusion Assessment Proposed Planning Proposal – Land Rezoning for Residential Subdivision* found that the land is significantly constrained by noise with some recorded readings of 56 dBA. The assessment does concur with Council's existing approach of including restrictions on the title of the land relating to dwelling construction and fencing requirements. However this assessment also recommends a 2.1 metre lapped and capped timber fence along Lansdowne Street and that other noise attenuation development controls be explored.

The Draft Site Specific Development Control amendment to the GM DCP 2009 attached to the report to Council of 3rd September 2019, states at:

Section 8.10.5 Noise Management for Residential Development:

Residential dwellings are to be designed to meet Australian Standards for noise (AS 2107) and to provide appropriate measures to ensure that the following LAeq levels are not exceeded:

- a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Bedrooms in dwellings should be located at the furthest point from noise sources in the B6 Enterprise Corridor zone.

All boundary fencing in land zoned R5 Large Lot Residential must consist of hard wood timber lapped and capped fencing to a height of no less than 1.8m except for any fencing adjacent to Lansdowne Street, where it must be built to a height of no less than 2.1m.

An acoustic report is to be submitted with each development application for a dwelling to address the controls above.

Council considered this a satisfactory measure to address noise concerns however the resolution of 18th December 2019 required any Draft DCP provisions for future development be placed on exhibition in conjunction with the exhibition of the proposed LEP Amendment.

The applicant has considered separation from noise sources by the imposition of Building envelopes on Sheet 2 of the revised plan of subdivision (Appendix C). These however, particularly lots 29-31,

would be given more detailed consideration at the development application for the proposed subdivision.

Traffic Count

The supporting traffic count data, provided by *Austraffic* demonstrates that there is indeed a high volume of heavy vehicle traffic on Lansdowne Street during daylight hours and less heavy vehicle traffic on Robinson Street with minimal heavy vehicle movement between 6am and 6pm and on weekends.

The proponent suggests that traffic movements are not significant enough to warrant particular concern for the proposal. The assertion is not supported by the noise assessment that demonstrates the significant amount of noise levels being generated from heavy vehicles. Notwithstanding this, the noise constraint assessment assessed the noise impact of heavy vehicle movements in its findings and some of the recommended mitigation measures have been included in the provisions of the Site Specific Development Control Plan (above).

To avoid the circumstance where future dwellings are assessed under the Exempt and Complying SEPP, thereby avoiding consideration of Council's Site Specific Development Control Plan provisions, it is also recommended that an 88B Restriction be placed on any future subdivision plan of Lot 10 to include the following:

"All future dwellings on burdened lots are to be designed and constructed such that external noise intrusion will achieve the recommended internal noise levels in accordance with AS 2107"

It is further recommended that similar restrictions be placed on any future subdivision to that imposed under Amendment 12 with regard to fence height and construction materials (2.1 metres and 1.8 metres on Lansdowne Street and Robinson Street respectively and constructed of lapped and capped timber) to further mitigate vehicle noise and achieve acceptable ambient noise levels in dwellings.

Traffic Conflicts

In response to the Supplementary Resolution of 18th December (Page 4), and vehicular traffic conflict concerns raised under Amendment 12, the revised Subdivision Plan (Appendix C) has substantially addressed potential traffic conflicts on Lansdowne Street between residential vehicles having direct access to Lansdowne Street and heavy vehicles associated with existing businesses.

Direct Access to Lansdowne Street from Theatre Drive is proposed to be closed (this is to be included in the DCP chapter controls). The closure of the Theatre Drive access to Lansdowne Street will result in only 3 lots (29-31) having direct access with the remaining lots along Lansdowne Street having access via a Right of Carriageway to Theatre Drive.

Draft Site Specific Development Control Plan Provisions

To minimise land use conflict and to provide a mechanism for enforcing commitments made by the developer, a proposed amendment to the *Goulburn Mulwaree Development Control Plan 2009* (GM DCP 2009). This site specific development control chapter contains provisions that:

- Requires dwellings to provide acoustic reports, which demonstrate that noise levels will be kept to an acceptable level; and
- Requires direct access to Robinson Street to be completed prior to dwellings being erected on Lot 10 with closure of the Lansdowne Street access (to Theatre Drive)

It should be noted as a condition of the subdivision which created DP 1247119, the titles of lots within the approved subdivision, had restrictions imposed for all future dwellings to comply with AS 2107 for noise levels within existing residences under s88B of the *Conveyancing Act 1919*.

Although the drafting of site specific Development Control Plan provisions to address potential land use conflicts for a site specific rezoning to R5 Large Lot Residential is unusual, the circumstances of this particular site are unique. They are unique in that the subdivision was originally approved well before (2007) gazettal of the current Standard Instrument and Council's adopted *Employment Lands Strategy 2016 (ELS 2016)*. The reason for this anomaly is that the original statutory instrument (GM LEP 2009) approved residential accommodation in the B6 Enterprise Corridor zone and the adopted ELS 2016 at p17 supported rezoning of the site to R5 Large Lot Residential. A later Amendment to the GM LEP 2009, unrelated to the subject site, prohibited *Residential Accommodation* in the *B6 Enterprise Corridor* zone.

Contamination

The proponent provided a preliminary site investigation (PSI) for the previously considered amendment to the *GM LEP 2009* (Amendment 12). This preliminary site investigation detailed previous uses operating on the whole of the site, primarily as a Drive-In Theatre, however concluded that no further investigations (Stage 2 Investigations) is required. Council is satisfied that no remediation works will be required with the subject planning proposal stage. The assessment of the approved subdivision corroborated this advice. It is considered that the subject site will have similar minimal risk of contamination. Any future development application for subdivision of the subject site will consider the risk to be addressed at that stage of the development process.

Water Quality

Strategic Land and Water Capability Assessment (SLWCA) data is provided below (at **Figure 4**) for Sewered Residential Development on the subject site.

This data demonstrates that the subject site presents a predominantly moderate risk to water quality.

To retain and mitigate the effects of residential development, the subject site is serviced by reticulated sewer, to which all future residences will be connected (**Figure 5**).

Overland flow and run off from the subject site will be directed towards Council existing reticulated stormwater network (**Figure 6**).

The response from Water NSW advised that their mapping identifies a water course traversing the subject site Lot 10. While this may have been historically correct, the subsequent development of the area, and particularly the installation of kerb and guttering and a reticulated stormwater system has addressed this issue. To support the dated nature of Water NSW's advice in this regard, the Stream Proximity SLWCA data (Figure 7) does not identify any streams within proximity to the subject site. As a consequence of the historic water course data used by Water NSW, and how it was used to develop the risk data of land use categories (in this case sewered residential development), the inclusion of the historic water course resulted in the yellow (Moderate Risk) classification given across the site.

Council has since had discussions with Water NSW to validate and provide their water course data sets to Council's GIS branch for inclusion in our mapping platform.

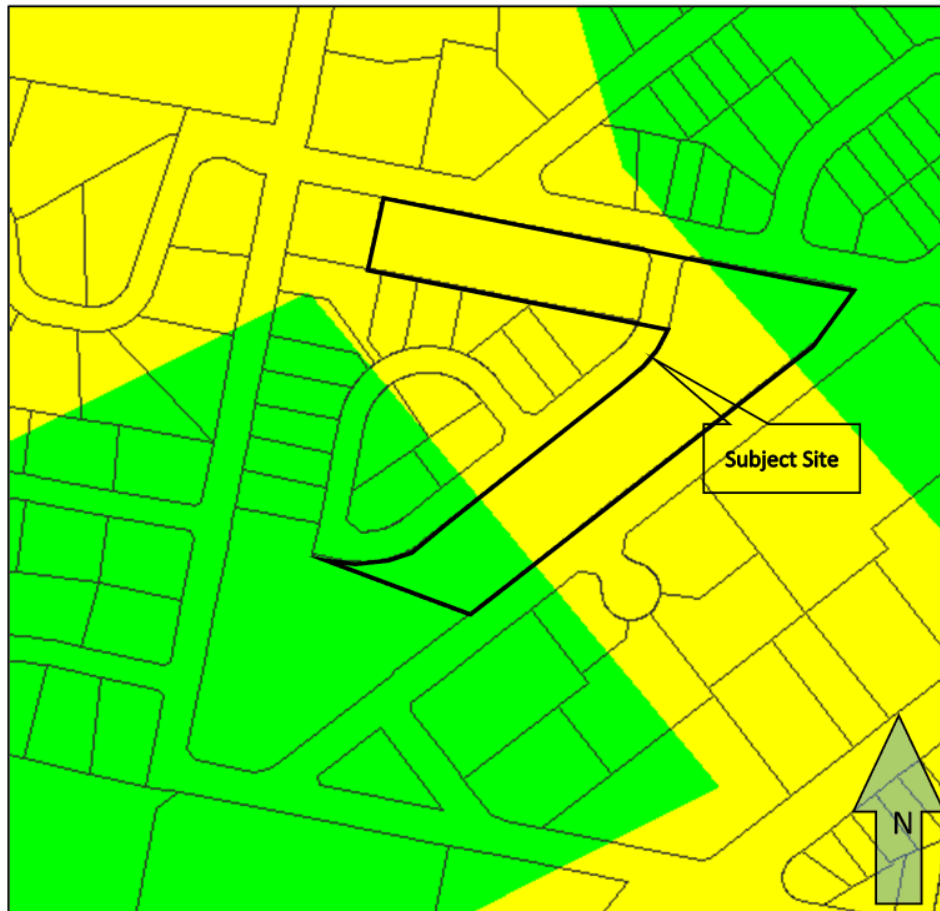


Figure 4: Shows that Sewered Residential development presents a predominantly Moderate risk to water quality from the subject site.

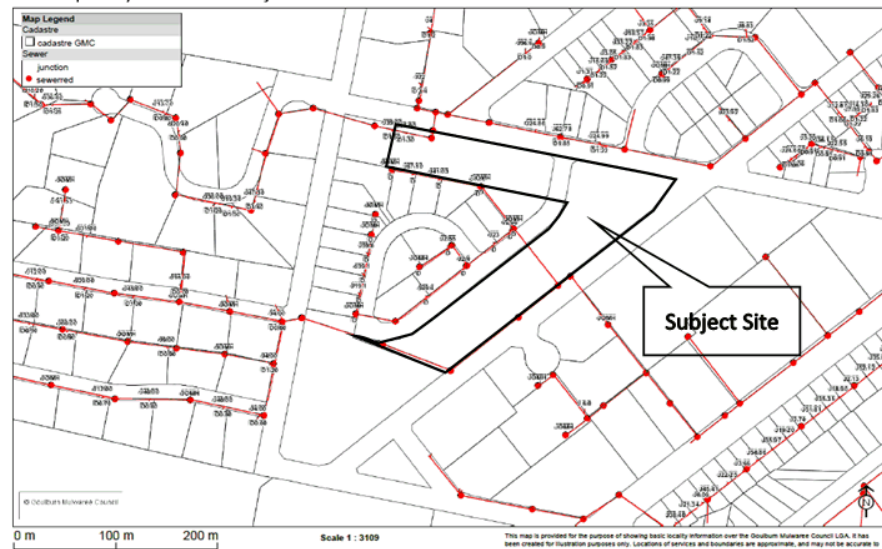


Figure 5: Council's reticulated sewer network mapping (shown red).

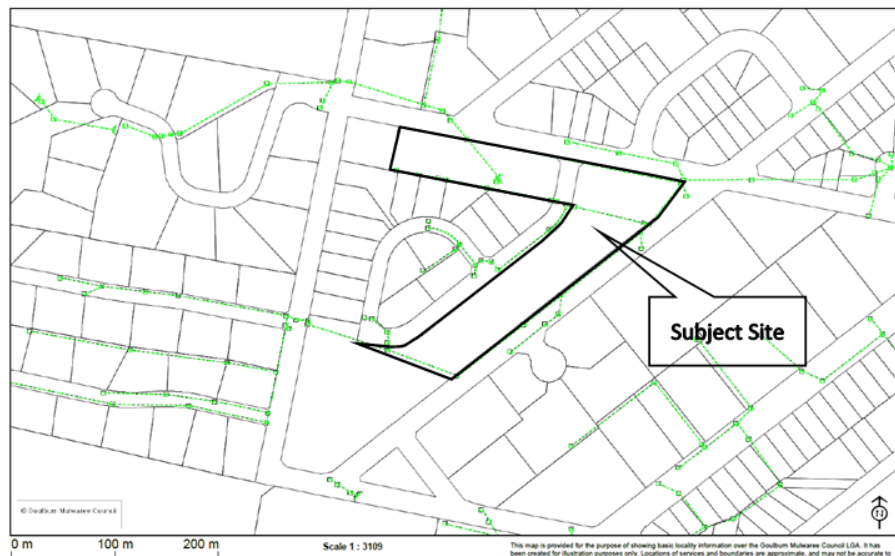


Figure 6: Council's reticulated stormwater network (shown green).

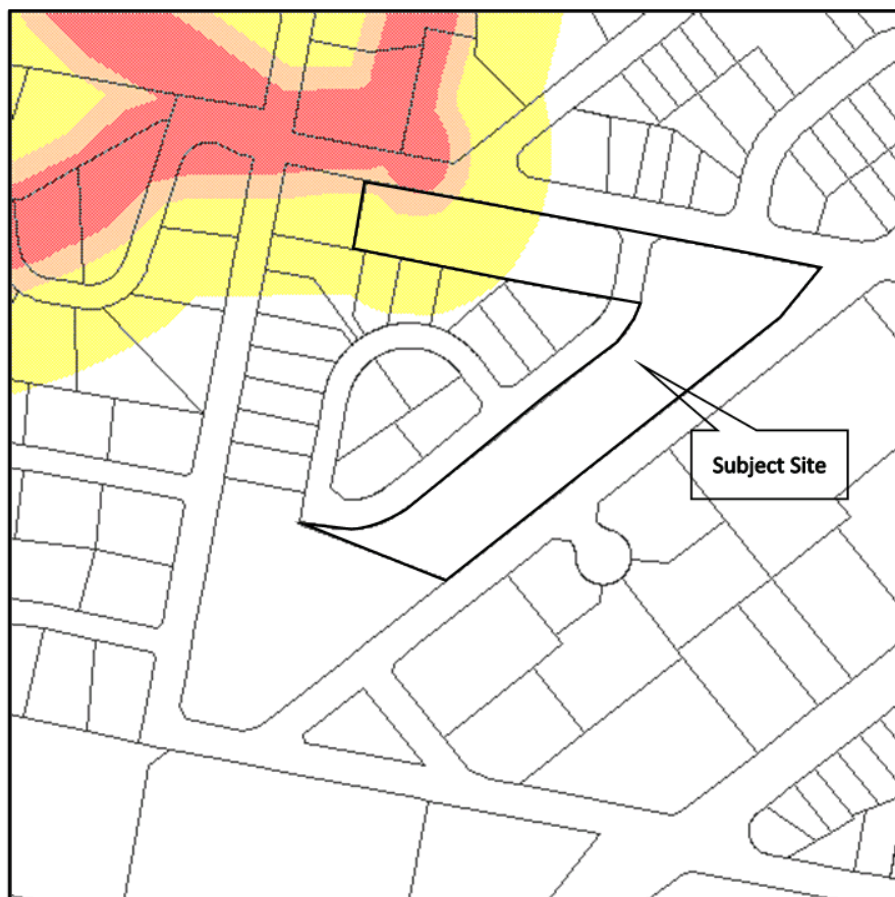


Figure 7: SLWCA Stream Proximity data demonstrating the sites proximity to water courses.

3.9 Has the planning proposal adequately addressed any social and economic effects?

During the processing of Amendment 12 adjoining the subject land, 12 submissions were received raising concern regarding land use conflict with businesses opposite, with particular regard to residential development on the subject site. To address these concerns, the proponent has submitted an acoustics report and an analysis of traffic data to substantiate, or refute, the claims raised in previous submissions in the form of:

- *Industrial Noise Intrusion Assessment Proposed Planning Proposal – Land Rezoning for Residential Subdivision* prepared by *Harwood Acoustics* (5 March 2019), and
- *Traffic count data* provided by *Austraffic* for 18 February – 24 February 2019 (1 week)

Both reports make recommendations as to appropriate mitigation measures and these have been incorporated into the Draft Site Specific Development Control Plan provisions (Appendix D) attached. The Draft Site Specific Development Control Plan provisions were endorsed by Council at its meeting on the 3rd September 2019 to be discussed at a Councillor briefing session. These provisions were discussed on 21st October 2019 and will be exhibited concurrently with the subject Planning Proposal following receipt of a Gateway Determination.

To address the supplementary resolution of 18th December 2018, the proponent has also lodged a revised plan of subdivision (Appendix C) identifying an alternative vehicular access to Theatre Drive from Robinson Street and pedestrian access from Cathcart Street.

The reconfigured access to Theatre Drive from Robinson Street is intended to address vehicular conflicts with the commercial and business traffic generated by land uses opposite on Lansdowne Street.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

Clause 7.3 of GM LEP 2009 requires Council to be satisfied that any development application for the subdivision of land for residential purposes in the R5 Large Lot Residential zone will have public utility infrastructure (water, sewer) available or that adequate arrangements have been made to make that infrastructure available when required. This includes consideration of water quality associated with the management of effluent and stormwater and the provision of an adequate supply of water for drinking and firefighting purposes.

Council's Contribution Plan and Developer Servicing Plan apply to the subject land. Based on these Plans adequate public infrastructure will be available to the proposed lots.

Reticulated sewer and water is available to the subject site (and future lots). The land adjoins a large lot residential area to the west along Cathcart Street and employment lands to the north (along Lansdowne Street) and east (along Robinson Street).

In response to Council's Supplementary resolution of 18th December 2018, the revised subdivision configuration provides closes the direct access from Theatre Drive to Lansdowne Street and provides a vehicular access to Robinson Street intended to reduce vehicular traffic conflict and maintain access to the road network.

Stormwater is available and any future development consent for subdivision will be conditioned for connection prior to the release of a linen plan.

There is adequate public infrastructure to support the planning proposal.

3.11 What are the views of State and Commonwealth public authorities' consultation in accordance with the gateway determination?

The subject Planning Proposal has been referred to Water NSW for Pre-Gateway consultation. Despite the anomalous data discussed in Section 3.8 Water NSW generally supports the proposed amendment.

The subject Planning Proposal is not State or Commonwealth significant.

Following a Gateway Determination (if supported) any consultation requirements will be met prior to exhibition.

Council is also making application to exercise its delegations to be the Relevant Planning authority for this Planning Proposal.

Part 4 – Mapping

The planning proposal will amend the Goulburn Mulwaree LEP 2009 zone, minimum lot size and floor space ratio maps for Lot 10 of DP 1247119 located at the corner of Lansdowne Street and Robinson Street, Goulburn. The details of the mapping amendments are outlined in Part 2 of this planning proposal.

This will be achieved by amending Goulburn Mulwaree LEP 2009 map sheets:

- Land Zoning Map - Sheet LZN_001D
- Lot Size Map - Sheet LSZ_001D
- Floor Space Ratio Map - Sheet FSR_001D

Refer to **Appendix B** for the proposed LEP Maps.

Part 5 – Community Consultation

Council will commence community consultation post-Gateway Determination. For the purposes of public notification, Council considers that a twenty-eight (28) day (public exhibition period is appropriate).

Notification of the exhibited Planning Proposal will include:

- An advertisement in a local newspaper that circulates in the area affected by the Planning Proposal;
- Uploading to the Goulburn Mulwaree Council and the Department of Planning and Environment websites.

Written notice will be provided to affected land owners including:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal;
- State where and when the Planning Proposal can be inspected; and
- Provide details of how members of the community can make a submission.

Exhibition Material:

- Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment; and
- Gateway Determination, and
- Council Report and Resolution dated 3rd September 2019; and

Supporting Studies if required.

The Gateway Determination will confirm the duration of public consultation required.

Part 6 – Project Timeline

Water NSW Pre-Consultation	November 2019
Gateway Determination	December 2019
Timeframe for completion of technical studies	February 2020 (No technical studies identified as required)
Timeframe for agency consultations	March 2020
Public exhibition	April 2020
Public hearing	NA
Consideration of submission	June 2020
Date of submission of LEP to PC	August 2020
Date plan forwarded to DPE for notification	Sept 2020
Anticipated Date of PC Plan made	October 2020

Conclusion

This Planning Proposal is supported by a current Council resolution to rezone the subject land from B6 Enterprise Corridor to R5 Large Lot Residential zone, removal of an existing floor space ratio (FSR) control of 0.8:1 over the site and introduction of a minimum lot size of 1,000 square metres for any future subdivision.

The subject Planning Proposal is considered consistent with relevant Planning Directions. Where the subject proposal is justifiably inconsistent, the inconsistency is considered minor in nature and supported.

The subject Planning Proposal is also considered consistent with State and Local Planning Strategies and relevant State Environmental Planning Policies.

It is recommended that the proposed Draft Site Specific provisions intended as a proposed amendment to the GM DCP 2009, and presented to Council on 3rd September 2019, be publicly exhibited concurrently with the subject Planning Proposal

Council is requesting to exercise its delegations to be the Relevant Planning Authority for the purpose of this proposed amendment and envisages a favourable gateway determination.

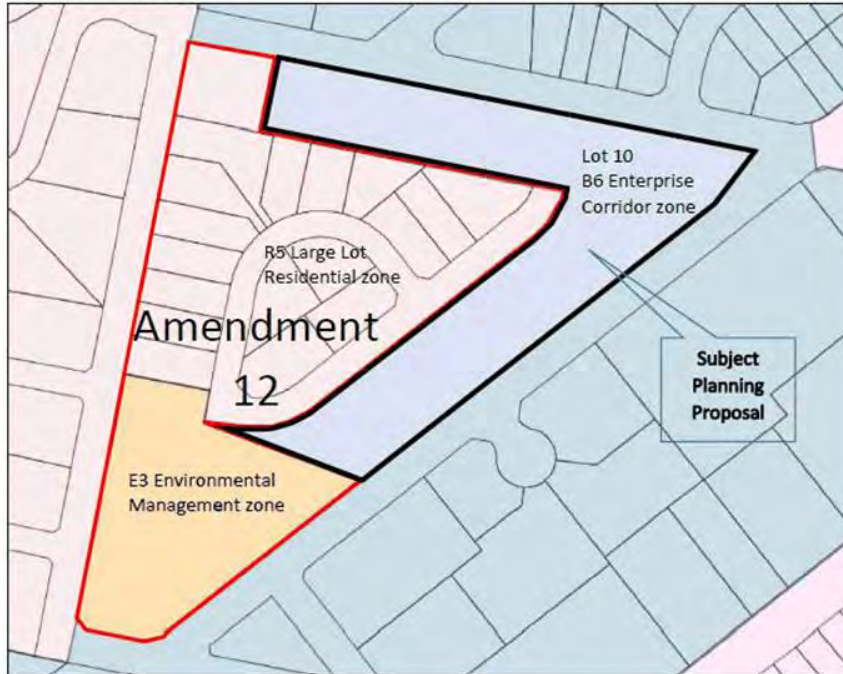
Appendix A – Locality Map



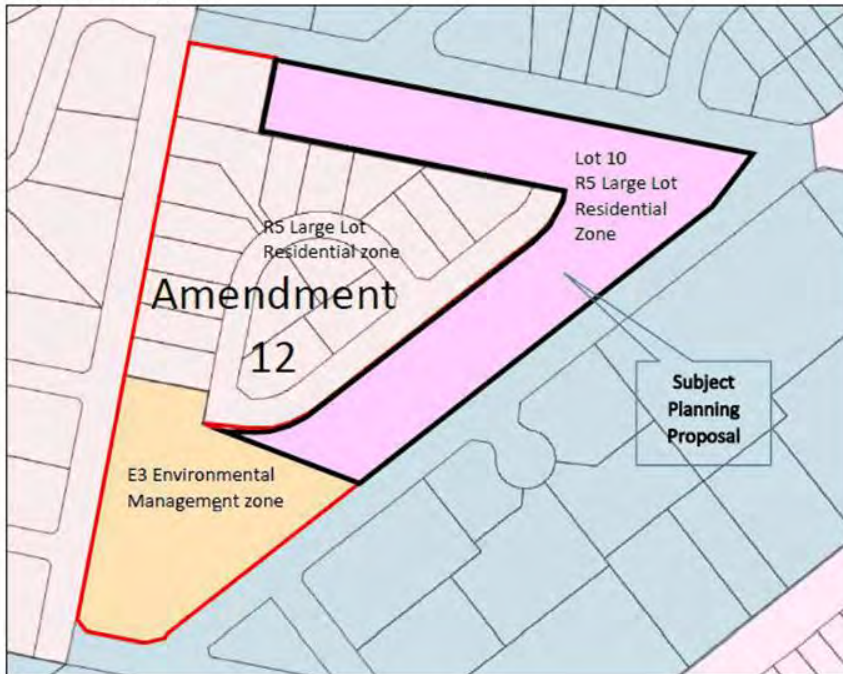
Appendix B – LEP Map revisions

Note: Mapping data sets to be updated to planning portal separately

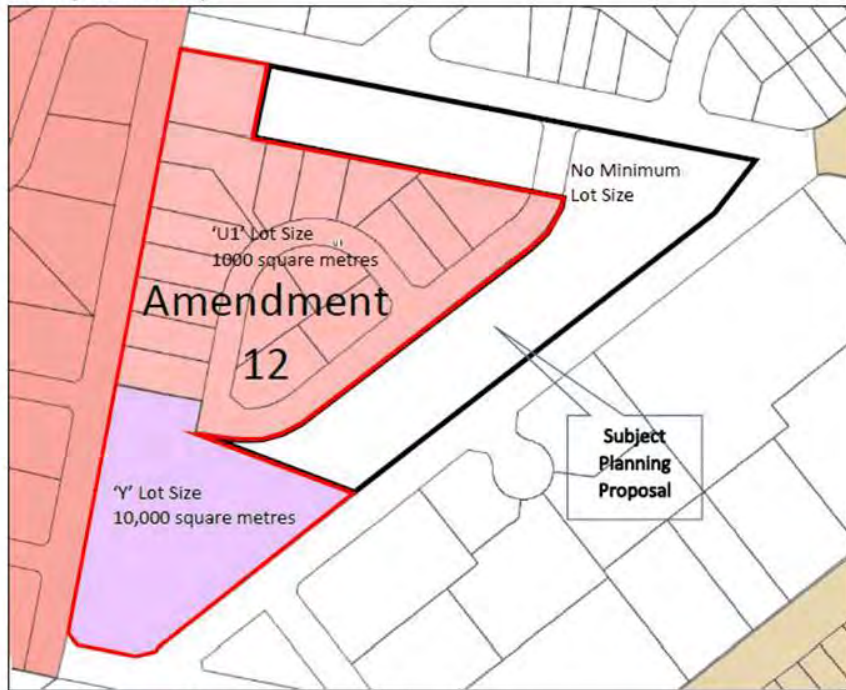
Existing Zoning Map



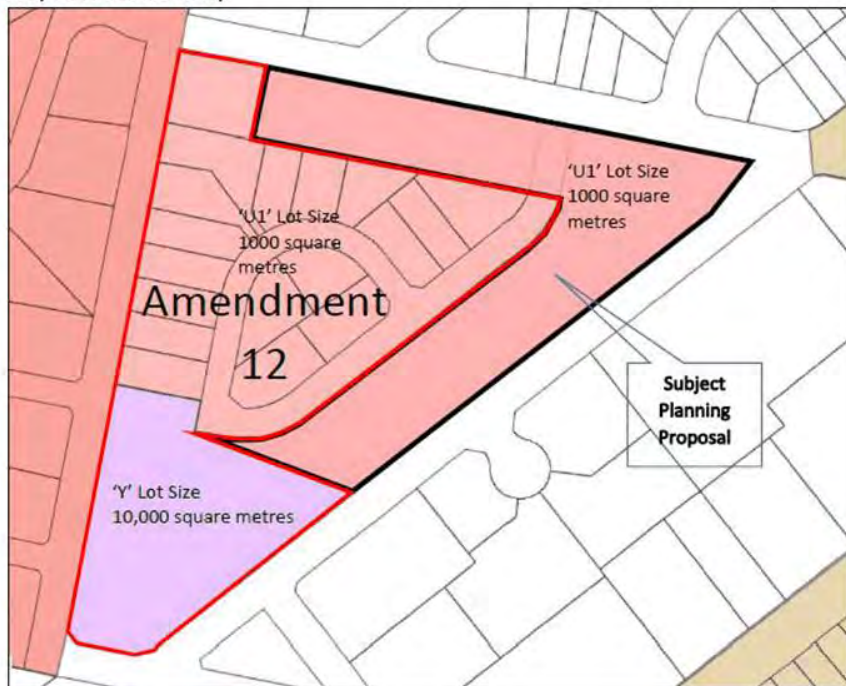
Proposed Zoning Map



Existing Lot Size Map



Proposed Lot Size Map



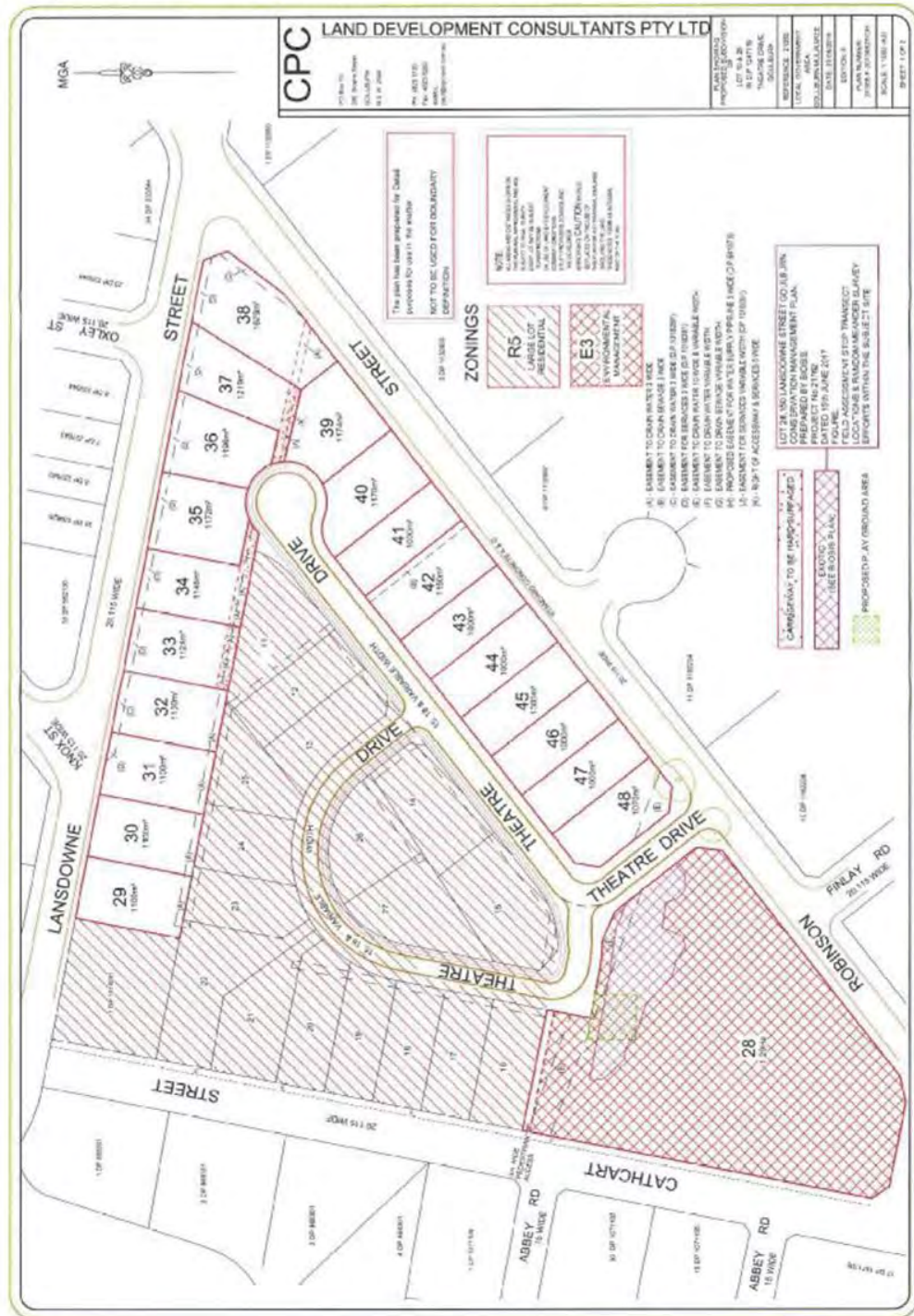
Existing Floor Space Ratio (FSR) Map (0.8:1)

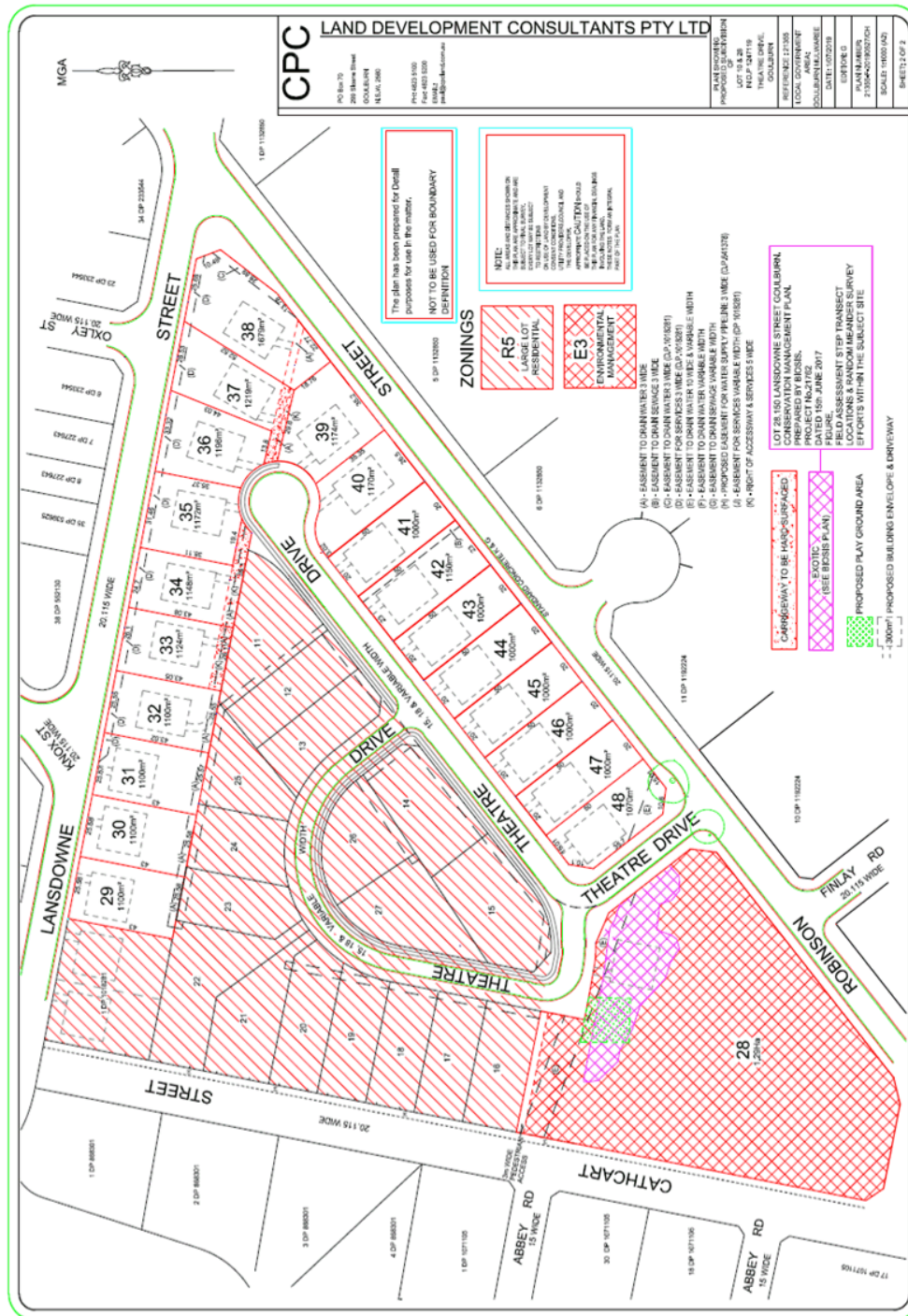


Proposed Floor Space Ratio (FSR) Map (Nil)



Appendix C – Concept Plan of Subdivision





Appendix D – Draft Site Specific Development Controls

(Under Separate Cover)

Doc # 1184561

Doc ID: 920477



SCANNED

Documents, plans, additional information taken at Customer Service Counter (including Subdivision Certificate Application)

Name and contact number of person delivering documentation:

Name: Robert Nowle
Contact Number: 48210973

Related Information:

Application number:

Property Address: lot 10 Jacobson St.

Council Officer requesting documentation: Kate Woolf

Schedule of documents received: Rezoning

- (1) cd
(2) Plan
(3) Anglake Consulting P/L
(4) Hawwood Acoustics

Are these replacement /superseded plans Yes/No

Comments:

[Blank lines for comments]

Date Received: 17/6/19
Received by: [Signature]

KINGSDALE CONSULTING PTY LTD

ABN 12 148 887 647

ACN 148 887 647

P O Box 539
GOULBURN NSW 2580

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

Attention: Scott Martin / Kate Wooll

**RE: Lot 10 DP 1247119
LANSDOWNE STREET REZONING**

Dear Scott and Kate

I refer to previous discussions regarding the above matter and please find attached a submission in support of the rezoning of Lot 10 DP 1247119 from B6 Enterprise Zone to R5 Large Lot Residential Zone and for the land to have a minimum lot size of 1,000m². An Industrial Noise Intrusion Assessment report prepared by Harwood Acoustics is separately attached as well as plans prepared by CPC Land Development Consultants Pty Ltd and an electronic copy of the documentation.

If you require any additional information or clarification, please contact me on 0428 483 558 or at robansue@bigpond.net.au

Yours sincerely

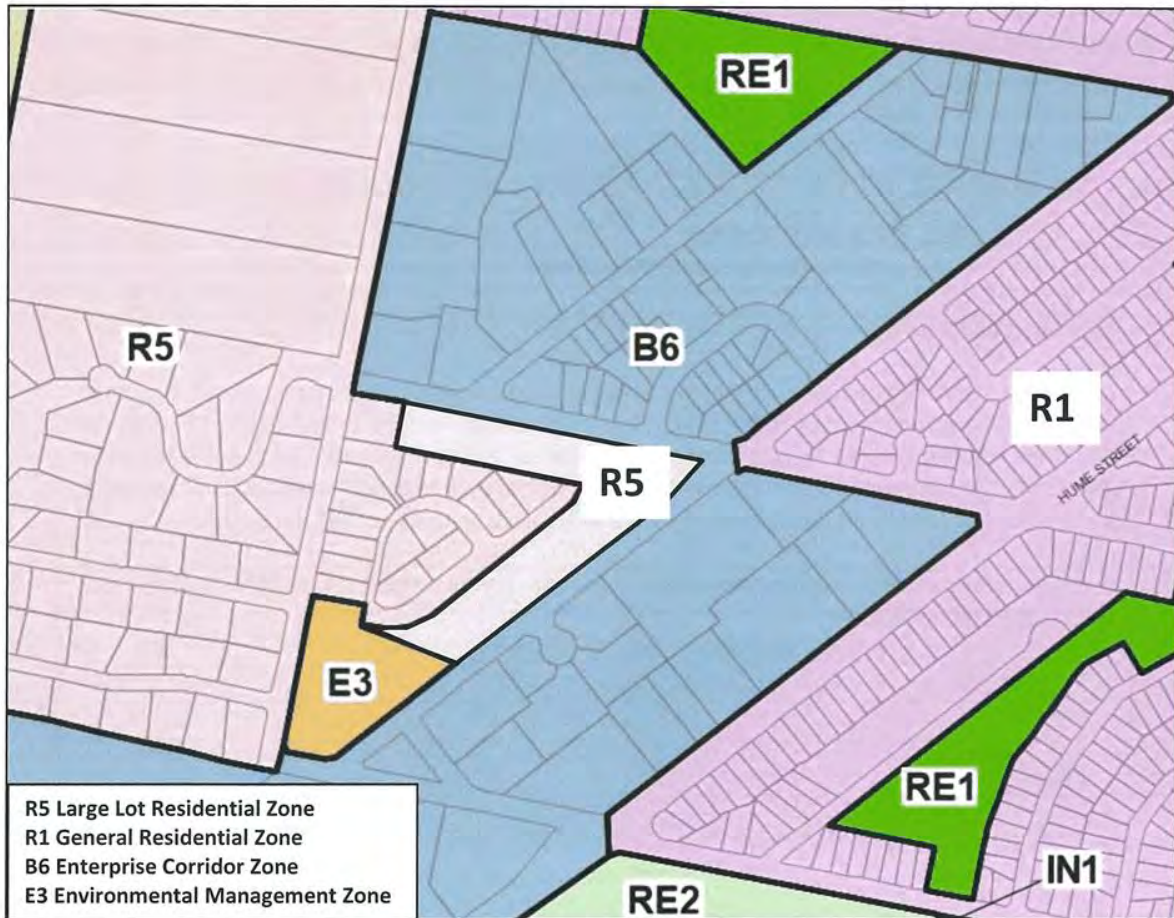


Robert Mowle
DIRECTOR
KINGSDALE CONSULTING PTY LTD
17 June 2019

SUBMISSION

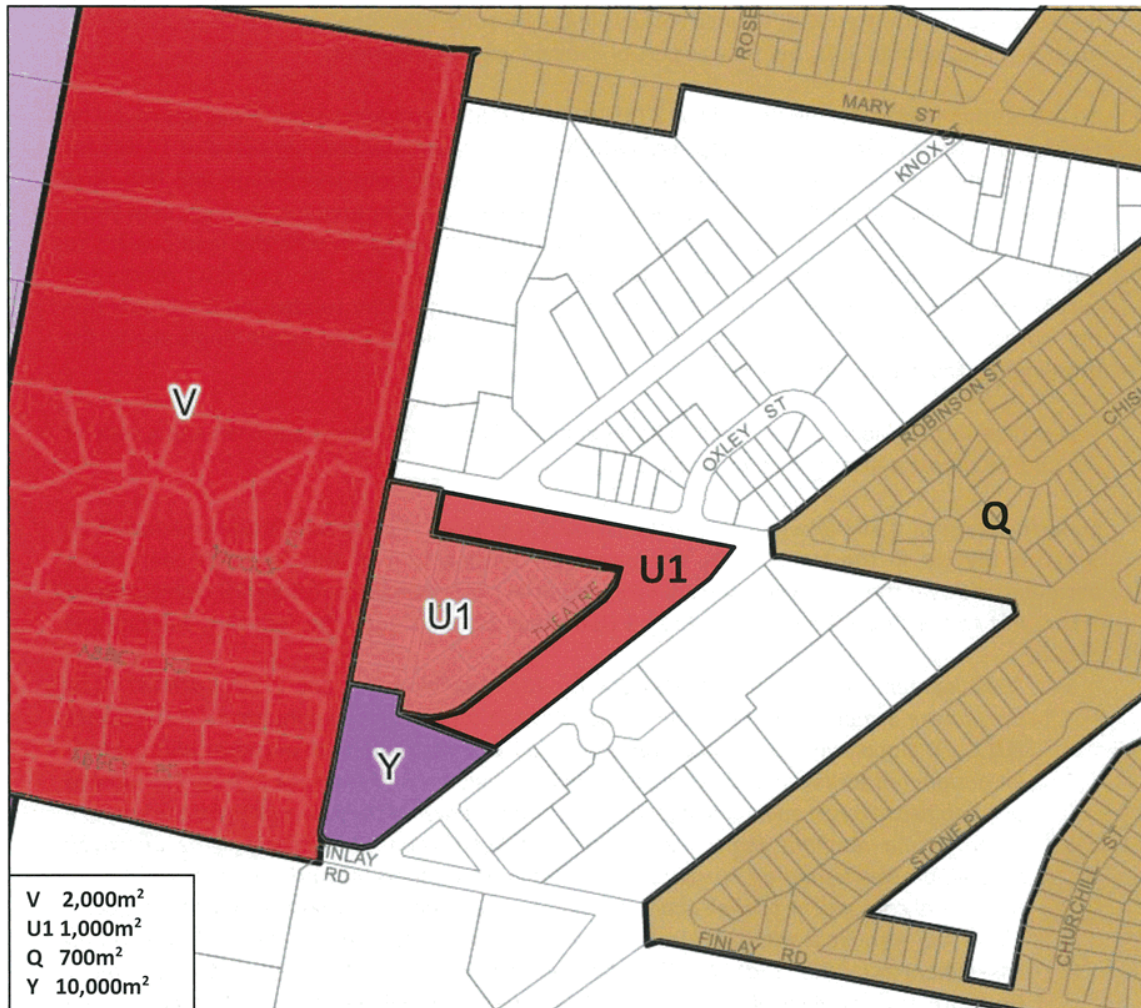
This submission on behalf of Simgrow Pty Ltd is submitted to the Goulburn Mulwaree Council to request an amendment to *Goulburn Mulwaree LEP 2009* (LEP) to rezone Lot 10 DP 1247119 from B6 Enterprise Zone to R5 Large Lot Residential Zone and to enable Lot 10 DP 1247119 to have a minimum lot size of 1,000m² – see maps below:

- (1) *Amending Goulburn Mulwaree Land Zoning Map Sheet LZN_001D by rezoning Lot 10 DP 1247119 from B6 (Enterprise Corridor Zone) to R5 (Large Lot Residential Zone).*



Amendment to Goulburn Mulwaree Land Zoning Map – Sheet LZN_001D
 (Map Source: NSW Legislation website)

(2) Amending Goulburn Mulwaree Land Lot Size Map Sheet LSZ_001D by identifying Lot 10 DP 1247119 having a minimum lot size of 1,000m² (U1) – see map below.



Amendment to Goulburn Mulwaree Lot Size Map – Sheet LSZ_001D
(Map Source: NSW Legislation website)

Council is also advised that when the *Goulburn Mulwaree Local Environmental Plan (GLEP) 2009* was introduced the subject land was zoned B6 Enterprise Corridor and it had previously been zoned for 4 industrial development under Goulburn LEP 1990. When the GLEP 2009 commenced, dwellings were permitted with Council consent in the B6 zone. The zone also had an objective "To provide for residential uses, but only as part of a mixed use development."

An application for the subdivision of Lot 2 DP 1018281 (150 Lansdowne Street) was approved by Council on 7 December 2011. This approval (which had been commenced) consisted of 17 lots for residential purposes plus a single residue lot (with frontage to both Lansdowne and Robinson Streets) and a single lot in the southern corner being subject to a Conservation Management Plan. On 19 October 2012 Council amended its LEP without any consultation with the land owners to remove the objective relating to residential development and to prohibit residential accommodation in the B6 zone. This has created a situation where the subdivision for 17 lots (for the purpose of residential development) was lawfully permitted, but future applications for dwellings on those lots were not permitted.

This matter was considered by Council at its meeting held on the 18 December 2018 and a copy of the Council report is attached at Appendix 1.

Council will recall that the whole site was originally a drive-in theatre which was purchased by Simgrow Pty Ltd in the late 1980's. The proposed development of this land has seen many permutations over the years varying from light industrial / commercial to residential development. The report to the Council meeting of the 18 December 2018 included the following background details:

*"Development Application 50/1011/DA for the subdivision of Lot 2 DP 1018281 (150 Lansdowne Street - the site of the former drive-in theatre) was approved on 7 December 2011. The approved subdivision consisted of 17 Lots for residential purposes plus a single lot designated for future industrial commercial activities (with frontage to both Lansdowne and Robinson Street) and a single lot in the southern corner of the subject site for the purpose of protecting remnant native vegetation. The Subdivision Certificate for the approved subdivision was issued on 30 August 2018. It is understood that prior to this, the 17 Lot residential component of the subdivision had been put on the market with many lots sold. These lots were sold with Section 10.7 Planning Certificates (Environmental Planning and Assessment Act, 1979) that identified the land as being zoned B6 Enterprise Corridor under Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) upon which Residential Accommodation (this definition including detached dwellings and dual occupancies) is prohibited. When the GM LEP 2009 was introduced the subject land was zoned B6 enterprise Corridor. It had previously been zoned "4 Industrial" under Goulburn LEP 1990. At the time LEP 2009 commenced, dwellings were permitted with Council consent in the B6 Enterprise Corridor zone. The zone also had an objective "to provide for residential uses, but only as part of a mixed use development". On October 2012 Council amended GM LEP 2009 to remove the objective relating to residential development and prohibit residential accommodation in the B6 Enterprise Corridor zone. This created a situation where the subdivision for 17 lots could still be enacted, but future applications for dwellings on those lots were prohibited. **It is this situation that Council is trying to address with a current Planning Proposal to rezone the land to zone R5 Large Lot Residential under GM LEP 2009.**" (bold text by writer).*

Council resolved as follows:

"RESOLUTION 2018/602

1. *The report of the Senior Strategic Planner regarding the Lansdowne Street Planning Proposal be received.*
2. *Council endorse the current Planning Proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to:*
 - a) *Rezone land being Lots 11- 27 DP1247119 (Theatre Drive Subdivision), 150 Lansdowne Street Goulburn (Lot 1 DP 1018281)*
 - b) *Rezone lot 28 DP 1247119 from B6 Enterprise Corridor to zone E3 Environmental Management;*
 - c) *Remove existing Floor Space Ratio (FSR) controls for lots no longer proposed to be rezoned B6 Enterprise Corridor; and*
 - d) *Apply a Minimum Lot Size of 1000 m2 (in R5 Large Lot Residential) and a 1 Hectare Lot Size (E3 Environmental Management) under Goulburn Mulwaree Local Environmental Plan 2009.*
3. *The decision on any zoning matter for Lot 10 DP 1247119 be deferred at this time.*
4. *A Draft Instrument be prepared that is consistent with the above Amendment;*
5. *The Planning Proposal and relevant documentation be forwarded to the Department of Planning and Environment for making as soon as possible.*
6. *Council thank those who made a submission and advise the proponent accordingly.*
7. *Future development applications for development on land in DP1247119 (Theatre Drive Subdivision), Lot 1 DP 1018281 (150 Lansdowne Street) and Lot 28 DP 1247119 include restrictions on the title of each lot as generally outlined in this report and in Attachment 2 pursuant to Section 88B of the Conveyancing Act, 1919.*
8. *In pursuance of paragraph 2 and 6 of this resolution, site specific development control plan (DCP) provisions are developed to ensure that the mitigation measures are considered as applicable in future development application assessment including: a) Construction standards for all development and boundary fencing in relation to noise and vibration. b) Restrictions on the title of lots on land identified in paragraph 7 above.*
9. *The DCP provisions in paragraph 4 are publicly exhibited.*

SUPPLEMENTARY RESOLUTION 2018/603

That the applicant be requested to consider a proposed alternate access to this subdivision directly on to both Cathcart and Robinson Streets and to consider proposing the closure of Theatre Drive access onto Lansdowne Street."

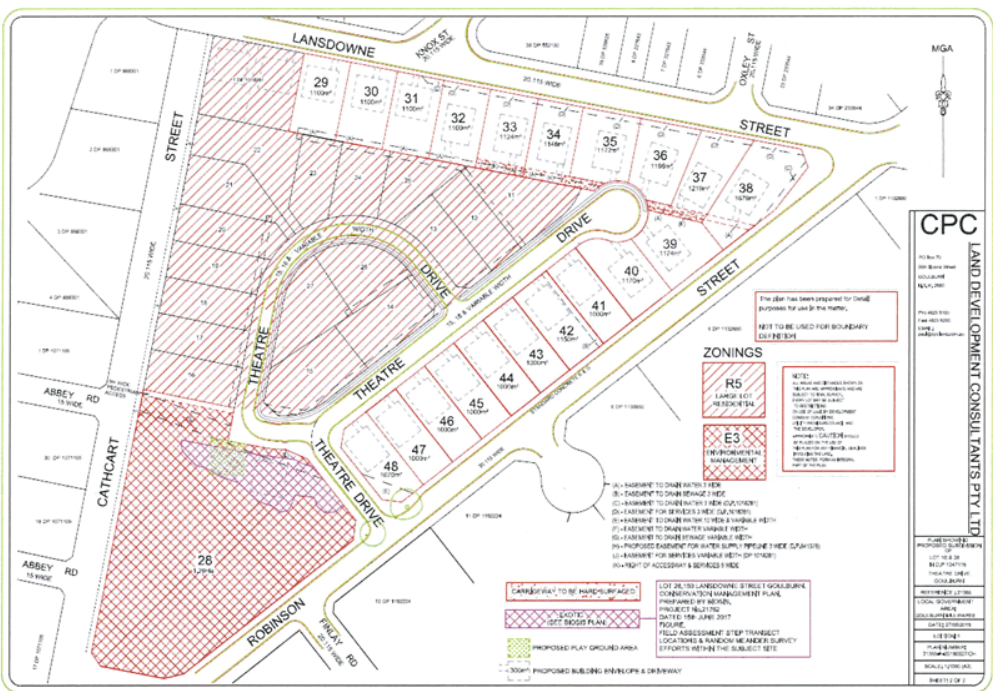
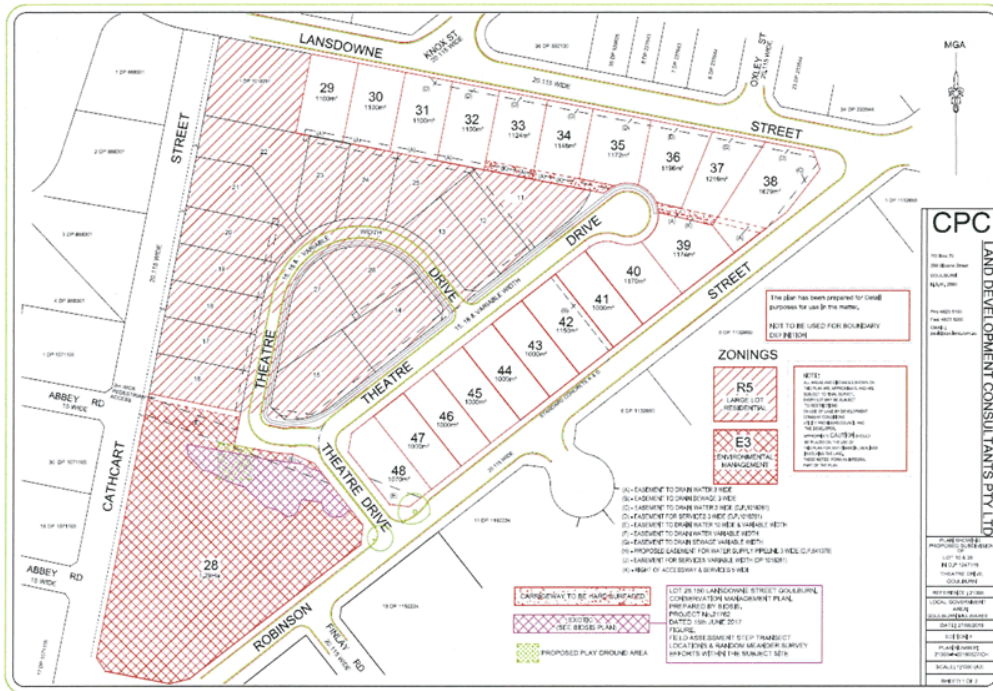
In respect to this Resolution, Simgrow Pty Ltd have:

1. **Redesigned the proposed subdivision of Lot 10 DP 1247119 and:**
 - Removed direct access from Theatre Drive to Lansdowne Street.
 - Provided direct access from Theatre Drive to Robinson Street.
 - Provided a range of lot sizes from 1100m² to 1679m² along Lansdowne Street with the larger lots being located to the east of Lansdowne Street.
 - Provided an area for the establishment of a playground area particularly for young children in the Theatre Drive and Abbey Road areas.
 - Provided for pedestrian access from Cathcart Street to Theatre Drive.

No direct vehicular access has been provided to Cathcart Street from Theatre Drive at this

5

stage although Simgrow Pty Ltd are prepared to have ongoing discussions with Council in respect to this matter. See plans below.



2. Carried out a Traffic Count Analysis:

It is noted that the report to the meeting of Council included the following comments:

The business operators also questioned whether traffic counts in Robinson or Lansdowne Street had been undertaken. Unfortunately, counts are unavailable for this section of Lansdowne St, but traffic counts were available for Robinson Street (undertaken in 2016) as follows:

ClassMatrix-382
 Site: ST682-39.0.0SN
 Description: 150m south of Mary St on Robinson St at number 39
 Filter time: 10:21 Monday, 23 May 2016 => 13:56 Tuesday, 7 June 2016
 Scheme: Vehicle classification (AustRoads94)
 Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Speed (km/h)	Class												Speed Totals	
	1	2	3	4	5	6	7	8	9	10	11	12		
10 - 20	78	-	3	4	2	-	-	-	-	-	-	-	79	0.5%
20 - 30	232	4	27	12	-	-	3	7	1	1	-	-	287	1.7%
30 - 40	1105	36	195	40	7	4	2	13	4	1	-	-	1407	8.5%
40 - 50	5981	141	693	43	9	18	18	1	5	1	-	-	6910	41.6%
50 - 60	6002	66	620	7	-	5	8	-	-	-	-	-	6709	40.4%
60 - 70	1034	5	80	-	-	-	-	-	-	-	-	-	1119	6.7%
70 - 80	75	-	6	-	-	-	-	-	-	-	-	-	81	0.5%
80 - 90	17	-	-	-	-	-	-	-	-	-	-	-	17	0.1%
90 - 100	3	-	-	-	-	-	-	-	-	-	-	-	3	0.0%
100 - 110	1	-	-	-	-	-	-	-	-	-	-	-	1	0.0%
110 - 120	-	-	-	-	-	-	-	-	-	-	-	-	0	0.0%
120 - 130	-	-	-	-	-	-	-	-	-	-	-	-	0	0.0%
130 - 140	-	-	-	-	-	-	-	-	-	-	-	-	0	0.0%
140 - 150	-	-	-	-	-	-	-	-	-	-	-	-	0	0.0%
150 - 160	-	-	-	-	-	-	-	-	-	-	-	-	0	0.0%
	14520	252	1624	106	18	27	31	21	11	3	0	0	16613	
	87.4%	1.5%	9.8%	0.6%	0.1%	0.2%	0.2%	0.1%	0.1%	0.0%	0.0%	0.0%		ADT 1107

The graph suggests a relatively high vehicle usage rate over the count period from 10.21 on Monday 23 May through to 1.56pm Tuesday 7 June being 16,613 vehicles (approximately 1,186 per day). Heavy vehicles are classes 3 – 12 using Austroads vehicle classification system. Therefore heavy vehicles accounted for 1,841 movements (131.5 per day). It is likely that the number of heavy vehicle and car movements has increased since that time. Essentially the traffic count demonstrates the relatively high level of vehicle and heavy vehicle usage of Robinson Street, it would be anticipated that Lansdowne Street would have a similarly high usage level. The issues raised above have been considered further in the options section of this report.

The report also includes the following comments:

It is considered that measures will be put in place via the proponent’s response (88B Instrument and lot configuration) to address some of the concerns of objectors. This would also necessitate site specific development control plan provisions being in place as a means of alerting assessment staff and purchasers to likely construction standards or restrictions on lots. However, the usage of Robinson Street and Lansdowne Street by heavy freight and other industrial type businesses is potentially going to be an ongoing cause for dispute between landowners. The measures outlined only go a part of the way to solving these ongoing land use conflicts. The activity and noise levels by 24 hour a day truck usage of Lansdowne and Robinson Street should not be underestimated. Whilst dwellings can be constructed with increased standards for noise and vibration, amenity levels of private open space etc. will still be reduced. The traffic counts for Robinson Street are very high in a residential context aside from the heavy vehicle component. This traffic activity will

be ongoing and whilst the mitigation measures proposed go some way to address the problems they are not a "complete" solution.

It is noted that this traffic count was undertaken in June 2016 and only in Robinson Street at a location 150m south of Mary Street – it is not considered appropriate to use this traffic count information to predict traffic levels adjacent to the subject development and traffic counts adjacent to the site should have been taken prior to the Council meeting. However, Council did undertake traffic counts during January 2019 in Robinson Street and Lansdowne Street as noted in the results shown below:

Class Speed Matrix

ClassMatrix-163
Site: ST682-99.0.1NS
Description: Robinson Street 30m north of Finlay Rd
Filter time: 13:53 Tuesday, 15 January 2019 => 13:53 Tuesday, 29 January 2019
Scheme: Vehicle classification (AustRoads94)
Filter: CIs(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	50	.	12	17	.	.	1	.	6	.	.	.	86	0.8%
20- 30	320	45	190	67	5	.	1	.	10	7	.	.	567	5.2%
30- 40	3140	103	457	43	6	9	10	14	6	.	.	.	3804	35.1%
40- 50	4332	57	390	7	.	1	1	.	.	.	.	.	4797	44.3%
50- 60	1137	5	90	1	.	1	.	.	.	.	.	.	1334	12.3%
60- 70	113	.	11	.	.	.	.	.	.	.	.	.	225	2.1%
70- 80	11	.	.	.	.	.	.	.	.	.	.	.	15	0.1%
80- 90	.	.	.	.	.	.	.	.	.	.	.	.	2	0.0%
90-100	.	.	.	.	.	.	.	.	.	.	.	.	2	0.0%
100-110	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
110-120	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
120-130	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	1	.	.	.	.	.	.	.	.	.	1	0.0%
Total	9323	182	1101	135	11	12	15	17	24	13	0	0	10833	
	86.1%	1.7%	10.2%	1.2%	0.1%	0.1%	0.1%	0.2%	0.2%	0.1%	0.0%	0.0%		

Class Speed Matrix

ClassMatrix-164
Site: ST682-89.0.1SN
Description: Robinson St 40m south of Lansdowne St
Filter time: 13:53 Tuesday, 15 January 2019 => 13:57 Tuesday, 29 January 2019
Scheme: Vehicle classification (AustRoads94)
Filter: CIs(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	210	5	22	6	2	.	.	1	.	.	.	.	246	1.8%
20- 30	433	11	119	63	11	.	3	11	10	1	1	.	668	5.0%
30- 40	2979	39	519	80	9	6	13	9	20	5	.	.	3729	27.9%
40- 50	6103	33	742	45	2	9	6	2	5	1	1	.	7019	52.6%
50- 60	1407	6	162	.	.	1	.	.	.	.	.	.	1580	11.8%
60- 70	85	.	15	.	.	.	.	.	.	.	.	.	100	0.7%
70- 80	11	.	1	.	.	.	.	.	.	.	.	.	12	0.1%
80- 90	.	.	.	.	.	.	.	.	.	.	.	.	2	0.0%
90-100	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
100-110	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
110-120	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
120-130	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
Total	11230	194	1584	219	24	16	22	23	35	7	2	0	13356	
	84.1%	1.5%	11.9%	1.6%	0.2%	0.1%	0.2%	0.2%	0.3%	0.1%	0.0%	0.0%		

Class Speed Matrix

ClassMatrix-165
Site: ST593-125.0.1WE
Description: Lansdowne Street 20m west of Lansdowne Place
Filter time: 13:55 Tuesday, 15 January 2019 => 14:03 Tuesday, 29 January 2019
Scheme: Vehicle classification (AustRoads94)
Filter: CIs(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	120	2	23	15	1	1	.	.	.	43	.	.	170	0.7%
20- 30	1578	24	102	12	11	.	5	10	32	46	.	.	1965	8.0%
30- 40	2724	50	601	148	27	22	16	27	190	224	50	.	4064	16.5%
40- 50	6052	127	924	188	76	31	15	11	127	147	23	.	9887	40.2%
50- 60	6576	135	532	38	18	3	11	.	23	29	.	.	7374	30.0%
60- 70	825	17	77	3	1	.	.	.	3	.	.	.	1028	4.2%
70- 80	22	1	7	.	.	.	.	.	.	.	.	.	90	0.4%
80- 90	16	.	.	.	.	.	.	.	.	.	.	.	16	0.1%
90-100	3	.	.	.	.	.	.	.	.	.	.	.	3	0.0%
100-110	6	.	.	.	.	.	.	.	.	.	.	.	6	0.0%
110-120	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
120-130	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
Total	20089	516	2398	400	134	59	47	48	452	449	11	0	24603	
	81.7%	2.1%	9.7%	1.6%	0.5%	0.2%	0.2%	0.2%	1.8%	1.8%	0.0%	0.0%		ADD 1787

Class Speed Matrix

ClassMatrix-166
Site: ST593-137.0.1EW
Description: Lansdowne Street at the intersection of Oxley St
Filter time: 13:54 Tuesday, 15 January 2019 => 14:06 Tuesday, 29 January 2019
Scheme: Vehicle classification (AustRoads94)
Filter: CIs(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	187	2	20	37	14	.	.	.	6	.	.	.	216	1.5%
20- 30	407	7	68	112	15	.	11	10	18	23	.	.	733	5.1%
30- 40	1008	55	194	69	14	10	11	10	12	63	.	.	1794	12.4%
40- 50	4616	123	396	99	66	16	6	6	97	87	1	.	5515	36.2%
50- 60	4248	115	367	26	19	16	16	16	11	16	.	.	4820	33.4%
60- 70	1021	24	110	4	.	.	.	.	.	.	.	.	1162	8.1%
70- 80	125	3	17	1	.	.	13	.	.	.	.	.	147	1.0%
80- 90	30	.	2	.	.	.	.	.	.	.	.	.	32	0.2%
90-100	4	.	.	.	.	.	.	.	.	.	.	.	4	0.0%
100-110	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
110-120	.	.	1	.	.	.	.	.	.	.	.	.	1	0.0%
120-130	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
Total	11972	329	1173	347	117	25	49	10	215	188	1	0	14426	
	83.0%	2.3%	8.1%	2.4%	0.8%	0.2%	0.3%	0.1%	1.5%	1.3%	0.0%	0.0%		ADD 1030

The Austroads Vehicle Classification System is detailed on the following page 10.

In respect to the Council traffic counts above, the following information is obtained:

- **Robinson Street 30m North of Finlay Road:**
 Classes 3 to 12 95 movements per day in both directions.
 AADT 774 movements per day in both directions.

- **Robinson Street 40m South of Lansdowne Street:**
 Classes 3 to 12 138 movements per day in both directions.
 AADT 954 movements per day in both directions.

- Lansdowne Street 20m West of Lansdowne Place:
Classes 3 to 12 285 movements per day in both directions.
AADT 1757 movements per day in both directions.

- Lansdowne Street 20m West of Lansdowne Place:
Classes 3 to 12 151 movements per day in both directions.
AADT 1030 movements per day in both directions.

The Austroads Vehicle Classification System is detailed below:

AUSTROADS Vehicle Classification System						
Level 1	Level 2		Level 3	AUSTROADS Classification		
Length (inclusive)	Axes and Axle Groups		Vehicle Type	Class	Parameters	Typical Configuration
Type	Axes	Groups	Typical Description			
Short up to 5.5m	1 or 2	3	Short Sedan, Wagon, 4WD, Utility, Light Van, Bicycle, Motorcycle, etc.	1	$d(1) \leq 3.2m$ and axles = 2	
			Short-Towing Trailer, Caravan, Boat, etc.	2	groups = 3 $d(1) \geq 2.1m$, $d(1) \leq 3.2m$, $d(2) \geq 2.1m$ and axles = 3, 4 or 5	
Medium 5.5m to 14.5m	2	2	Two Axle Truck or Bus	3	$d(1) > 3.2m$ and axles = 2	
			Three Axle Truck or Bus	4	axles = 3 and groups = 2	
			Four Axle Truck	5	axles > 3 and groups = 2	
Long 11.5m to 19.0m	3	3	Three Axle Articulated Three axle articulated vehicle, or Rigid vehicle and trailer	6	$d(1) > 3.2m$, axles = 3 and groups = 3	
			Four Axle Articulated Four axle articulated vehicle, or Rigid vehicle and trailer	7	$d(2) < 2.1m$ or $d(1) < 2.1m$ or $d(1) > 3.2m$ axles = 4 and groups > 2	
			Five Axle Articulated Five axle articulated vehicle, or Rigid vehicle and trailer	8	$d(2) < 2.1m$ or $d(1) < 2.1m$ or $d(1) > 3.2m$ axles = 5 and groups > 2	
			Six Axle Articulated Six axle articulated vehicle, or Rigid vehicle and trailer	9	axles = 6 and groups > 2 or axles > 6 and groups = 3	
Medium Combination 17.5m to 36.5m	> 6	4	B Double B Double, or Heavy truck and trailer	10	groups = 4 and axles > 6	
			Double Road Train Double road train, or Medium articulated vehicle and one dog trailer (M.A.D.)	11	groups = 5 or 6 and axles > 6	
Large Combination Over 35.0m	> 6	> 6	Triple Road Train Triple road train, or Heavy truck and three trailers	12	groups > 6 and axles > 6	

Definitions:
 Group: Axle group, where adjacent axles are less than 2.1m apart
 Groups: Number of axle groups
 Axles: Number of axles (maximum axle spacing of 10.0m)

$d(1)$: Distance between first and second axle
 $d(2)$: Distance between second and third axle

Simgrow Pty Ltd have also had traffic counts undertaken in Robinson Street and Lansdowne Street by Austraffic which provide an hourly analysis of traffic during the period 18 February 2019 to the 24 February 2019. A volume summary and total average daily vehicle classification of these counts is shown on the pages 12 to 17 and a vehicle type summary is indicated in the tables on page 11 and schematically at page 18. The vehicle types have been categorized by Austraffic as:

- Light Vehicle Austroads Classes 1 and 2
- Small Truck Austroads Class 3
- Medium Truck Austroads Classes 4 and 5
- Large Truck Austroads Classes 6 to 12

(a) Robinson Street:

Vehicle Type	Southbound		Northbound	
	Weekday	Weekend	Weekday	Weekend
Light Vehicles	1301	782	817	482
Small Trucks	72	19	100	23
Medium Trucks	28	7	33	2
Large Trucks (LT)	12(0.8%)	2 (0.2%)	7 (0.7%)	1 (0.2%)
LT – 12.00am to 6.00am	1	1	1	1
LT –6.00pm to 12.00am	1	0	0	0

(b) Lansdowne Street (East of Oxley Street)

Vehicle Type	Westbound		Eastbound	
	Weekday	Weekend	Weekday	Weekend
Light Vehicles	1159	753	1228	781
Small Trucks	102	20	83	12
Medium Trucks	87	17	84	22
Large Trucks (LT)	68 (4.8%)	9 (1.1%)	76 (5.2%)	9 (1.1%)
LT – 12.00am to 6.00am	10	1	25	2
LT –6.00pm to 12.00am	4	1	6	2

(c) Lansdowne Street (East of Knox Street)

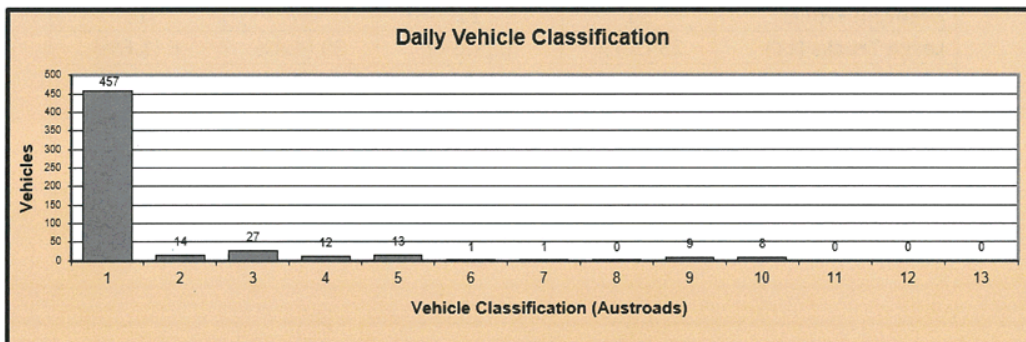
Vehicle Type	Westbound		Eastbound	
	Weekday	Weekend	Weekday	Weekend
Light Vehicles	518	355	542	343
Small Trucks	35	7	52	23
Medium Trucks	31	11	37	13
Large Trucks (LT)	23 (3.7%)	6 (1.6%)	29 (4.4%)	6 (1.6%)
LT – 12.00am to 6.00am	3	0	8	3
LT –6.00pm to 12.00am	1	0	2	0

(Data Source: Austraffic)

Road	Lansdowne St	<table border="1"> <tr> <td>Average Weekday</td> <td>607</td> </tr> <tr> <td>All Day Average</td> <td>542</td> </tr> <tr> <td>Weekday Heavy's</td> <td>14.7%</td> </tr> <tr> <td>All Day Heavy's</td> <td>13.0%</td> </tr> </table>	Average Weekday	607	All Day Average	542	Weekday Heavy's	14.7%	All Day Heavy's	13.0%
Average Weekday	607									
All Day Average	542									
Weekday Heavy's	14.7%									
All Day Heavy's	13.0%									
Location	Btw Knox St & Oxley St									
Suburb	Goulburn									
Site No.	8602_2									
Start Date	Monday 18/02/2019									
Direction	Westbound									

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon	Tue	Wed	Thu	Fri	Sat	Sun		
	18-Feb	19-Feb	20-Feb	21-Feb	22-Feb	23-Feb	24-Feb		
AM Peak	52	53	43	39	48	50	25		
PM Peak	68	56	61	53	68	36	45		
0:00	2	2	1	1	0	1	3	1	1
1:00	0	2	3	5	2	2	2	2	2
2:00	0	2	1	1	2	0	0	1	1
3:00	3	4	3	4	3	0	1	3	3
4:00	2	6	1	2	1	1	0	2	2
5:00	5	7	14	10	6	4	2	8	7
6:00	30	28	27	27	20	8	3	26	20
7:00	13	21	20	31	21	9	4	21	17
8:00	32	53	40	36	48	23	8	42	34
9:00	40	34	30	33	42	37	14	36	33
10:00	38	36	37	39	42	47	25	38	38
11:00	52	32	43	37	39	50	24	41	40
12:00	53	36	46	46	38	36	45	44	43
13:00	36	36	41	36	43	30	29	38	36
14:00	52	49	44	49	54	23	25	50	42
15:00	68	50	61	53	68	30	24	60	51
16:00	59	45	53	52	62	32	27	54	47
17:00	46	56	53	41	55	23	31	50	44
18:00	31	33	33	39	24	17	17	32	28
19:00	14	24	20	25	22	15	12	21	19
20:00	17	20	12	10	15	11	13	15	14
21:00	11	14	8	14	12	11	7	12	11
22:00	5	3	13	3	8	7	9	6	7
23:00	2	1	3	1	3	9	5	2	3
Total	611	594	607	595	630	426	330	607	542
% Heavies	15.1%	14.6%	14.0%	16.3%	13.7%	7.5%	4.2%	14.7%	13.0%

Lansdowne Street – Westbound – Between Knox Street and Oxley Street
Volume Summary

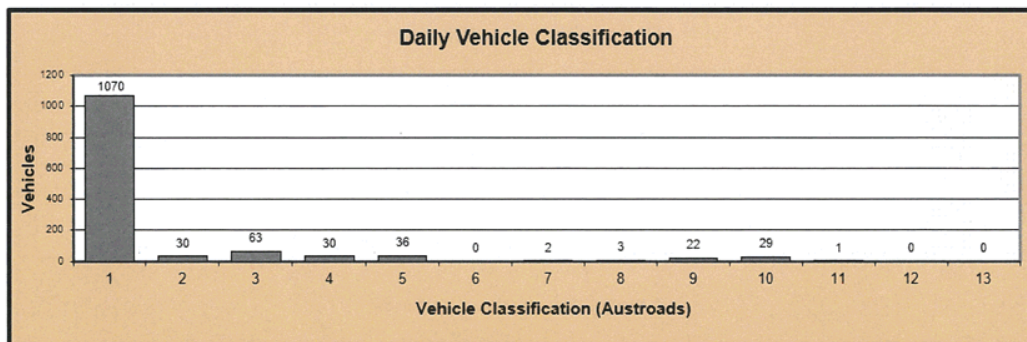


Lansdowne Street – Westbound – Between Knox Street and Oxley Street
Total Average Daily Vehicle Classification
(Data Source: Austraffic)

Road	Lansdowne St		
Location	Btw Knox St & Oxley St	Average Weekday	659
Suburb	Goulburn	All Day Average	580
Site No.	8602_2	Weekday Heavy's	17.7%
Start Date	Monday 18/02/2019	All Day Heavy's	16.4%
Direction	Eastbound		

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon	Tue	Wed	Thu	Fri	Sat	Sun		
	18-Feb	19-Feb	20-Feb	21-Feb	22-Feb	23-Feb	24-Feb		
AM Peak	54	64	52	60	69	63	37		
PM Peak	66	56	77	50	77	44	34		
0:00	2	1	2	3	0	2	1	2	2
1:00	1	2	1	2	4	2	2	2	2
2:00	5	1	2	1	4	0	1	3	2
3:00	3	5	5	7	3	0	0	5	3
4:00	5	10	7	6	10	2	0	8	6
5:00	21	17	24	27	20	10	2	22	17
6:00	27	38	35	26	33	11	11	32	26
7:00	41	46	45	51	40	13	14	45	36
8:00	44	64	47	60	69	37	14	57	48
9:00	54	57	52	43	49	37	37	51	47
10:00	49	34	46	38	45	63	31	42	44
11:00	47	36	47	43	60	40	33	47	44
12:00	48	38	45	41	39	44	26	42	40
13:00	48	37	52	40	46	31	34	45	41
14:00	58	56	37	36	43	24	32	46	41
15:00	60	53	77	50	77	24	27	63	53
16:00	66	42	62	48	55	23	13	55	44
17:00	35	34	45	32	32	19	23	36	31
18:00	16	25	21	25	22	12	16	22	20
19:00	13	15	23	17	19	7	15	17	16
20:00	7	14	7	14	12	2	12	11	10
21:00	4	6	2	2	5	6	4	4	4
22:00	5	2	1	2	3	2	5	3	3
23:00	2	1	2	1	7	3	1	3	2
Total	661	634	687	615	697	414	354	659	580
% Heavies	17.2%	17.4%	18.8%	17.1%	18.1%	11.8%	9.3%	17.7%	16.4%

Lansdowne Street – Eastbound – Between Knox Street and Oxley Street
Volume Summary

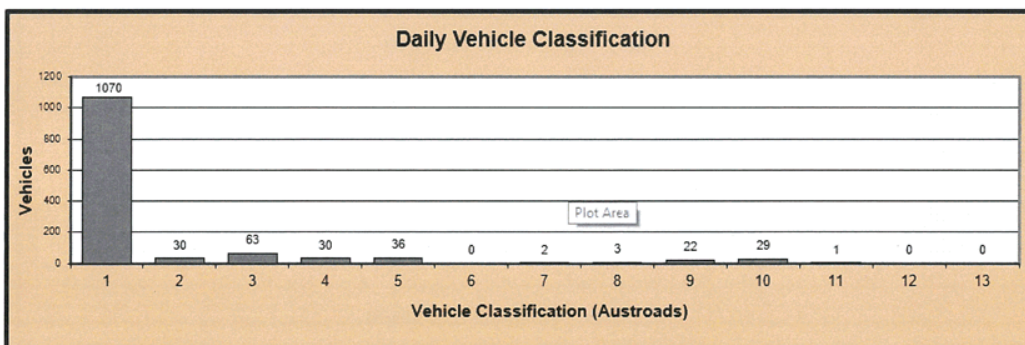


Lansdowne Street – Eastbound – Between Knox Street and Oxley Street
Total Average Daily Vehicle Classification
(Data Source: Austraffic)

Road	Lansdowne St	Average Weekday	1470
Location	Btw Robinson St & Oxley St	All Day Average	1286
Suburb	Goulburn	Weekday Heavy's	16.5%
Site No.	8602_1	All Day Heavy's	14.4%
Start Date	Monday 18/02/2019		
Direction	Eastbound		

Starting Time	Day of Week							Ave Wday	All Days Ave
	Mon 18-Feb	Tue 19-Feb	Wed 20-Feb	Thu 21-Feb	Fri 22-Feb	Sat 23-Feb	Sun 24-Feb		
AM Peak	122	134	122	140	140	106	64		
PM Peak	148	114	162	116	174	78	100		
0:00	4	2	6	8	10	6	2	6	5
1:00	2	6	4	4	6	6	4	4	5
2:00	14	4	10	4	12	2	2	9	7
3:00	6	16	12	24	12	6	2	14	11
4:00	12	32	16	16	24	8	0	20	15
5:00	46	38	52	62	36	18	12	47	38
6:00	54	78	90	52	60	30	24	67	55
7:00	86	110	102	124	102	44	18	105	84
8:00	78	134	122	140	140	68	16	123	100
9:00	122	134	112	100	124	106	58	118	108
10:00	102	90	102	94	92	86	50	96	88
11:00	100	84	106	110	70	78	64	94	87
12:00	110	86	90	104	100	78	64	98	90
13:00	98	86	116	92	92	54	78	97	88
14:00	114	114	82	78	106	74	70	99	91
15:00	124	110	162	116	174	54	100	137	120
16:00	148	102	160	110	104	46	54	125	103
17:00	74	84	100	86	76	50	46	84	74
18:00	34	56	40	52	38	34	26	44	40
19:00	34	30	50	36	38	18	24	38	33
20:00	18	30	22	28	24	18	16	24	22
21:00	8	12	8	8	16	2	12	10	9
22:00	12	8	4	4	6	6	10	7	7
23:00	4	4	4	2	10	2	2	5	4
Total	1404	1450	1572	1454	1472	894	754	1470	1286
% Heavy's	15.4%	16.6%	15.8%	17.6%	17.3%	6.3%	4.0%	16.5%	14.4%

Lansdowne Street – Eastbound – Between Robinson Street and Oxley Street
Volume Summary

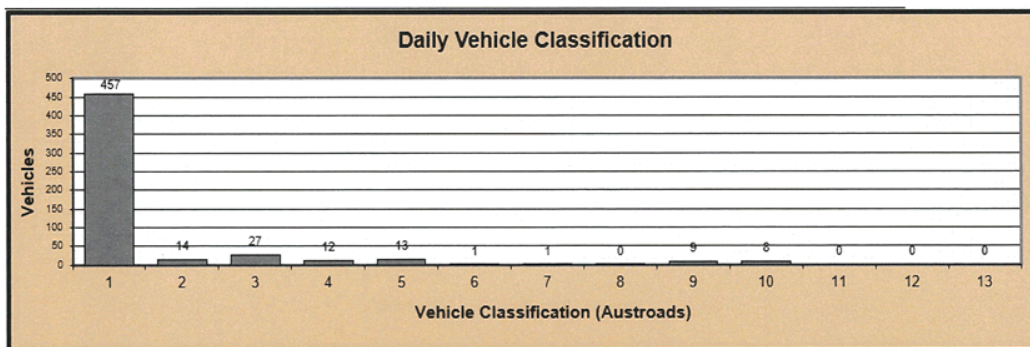


Lansdowne Street – Eastbound – Between Robinson Street and Oxley Street
Total Average Daily Vehicle Classification
(Data Source: Autraffic)

Road	Lansdowne St	Average Weekday	1416
Location	Btw Robinson St & Oxley St	All Day Average	1239
Suburb	Goulburn	Weekday Heavy's	18.1%
Site No.	8602_1	All Day Heavy's	15.9%
Start Date	Monday 18/02/2019		
Direction	Westbound		

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon	Tue	Wed	Thu	Fri	Sat	Sun		
	18-Feb	19-Feb	20-Feb	21-Feb	22-Feb	23-Feb	24-Feb		
AM Peak	112	120	106	98	102	86	168		
PM Peak	154	124	154	128	142	74	78		
0:00	4	6	2	12	12	2	4	7	6
1:00	0	12	12	8	4	12	2	7	7
2:00	2	10	2	10	8	8	6	6	7
3:00	6	8	12	12	10	2	0	10	7
4:00	6	22	2	6	8	6	4	9	8
5:00	20	26	42	34	26	6	6	30	23
6:00	68	66	68	72	52	14	6	65	49
7:00	40	58	68	82	70	30	8	64	51
8:00	78	120	106	80	86	38	16	94	75
9:00	98	76	80	84	102	72	26	88	77
10:00	86	78	78	92	80	70	168	83	93
11:00	112	84	90	98	98	86	52	96	89
12:00	122	90	110	100	104	66	44	105	91
13:00	88	82	98	78	104	52	62	90	81
14:00	108	120	96	116	114	68	40	111	95
15:00	154	108	154	128	142	74	52	137	116
16:00	136	108	130	122	130	62	78	125	109
17:00	102	124	122	86	104	58	64	108	94
18:00	68	80	44	82	52	30	50	65	58
19:00	32	48	44	46	32	24	22	40	35
20:00	32	40	24	26	36	22	20	32	29
21:00	22	32	16	32	18	8	22	24	21
22:00	10	8	26	6	18	16	10	14	13
23:00	4	4	4	2	16	4	6	6	6
Total	1398	1410	1430	1414	1426	830	768	1416	1239
% Heavy's	17.2%	17.3%	17.9%	19.4%	18.9%	7.5%	3.9%	18.1%	15.9%

Lansdowne Street – Westbound – Between Robinson Street and Oxley Street
Volume Summary

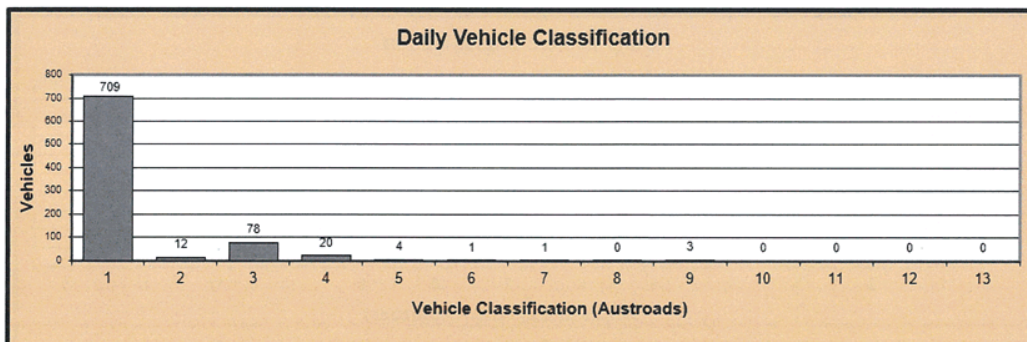


Lansdowne Street – Westbound – Between Robinson Street and Oxley Street
Total Average Daily Vehicle Classification
(Data Source: Austraffic)

Road	Robinson St	<table border="1"> <tr> <td>Average Weekday</td> <td>957</td> </tr> <tr> <td>All Day Average</td> <td>829</td> </tr> <tr> <td>Weekday Heavy's</td> <td>14.6%</td> </tr> <tr> <td>All Day Heavy's</td> <td>12.9%</td> </tr> </table>	Average Weekday	957	All Day Average	829	Weekday Heavy's	14.6%	All Day Heavy's	12.9%
Average Weekday	957									
All Day Average	829									
Weekday Heavy's	14.6%									
All Day Heavy's	12.9%									
Location	South of Lansdowne St									
Suburb	Goulburn									
Site No.	8602_3									
Start Date	Monday 18/02/2019									
Direction	Northbound									

Starting Time	Day of Week							Ave W/day	All Days Ave
	Mon 18-Feb	Tue 19-Feb	Wed 20-Feb	Thu 21-Feb	Fri 22-Feb	Sat 23-Feb	Sun 24-Feb		
AM Peak	98	92	70	78	78	70	46		
PM Peak	116	96	108	114	108	66	48		
0:00	2	2	2	0	0	0	0	1	1
1:00	0	0	2	2	2	2	6	1	2
2:00	2	4	0	2	4	4	0	2	2
3:00	2	2	8	4	0	2	0	3	3
4:00	2	4	2	0	8	2	2	3	3
5:00	2	4	2	2	0	2	4	2	2
6:00	24	18	22	16	18	4	2	20	15
7:00	38	28	40	46	44	22	12	39	33
8:00	86	92	58	78	66	20	2	76	57
9:00	98	72	66	56	78	50	16	74	62
10:00	60	58	68	66	64	70	46	63	62
11:00	62	64	70	58	70	64	46	65	62
12:00	82	80	78	114	74	44	48	86	74
13:00	74	58	70	72	62	46	48	67	61
14:00	54	56	76	62	76	34	44	65	57
15:00	84	78	72	86	86	42	40	81	70
16:00	116	80	98	114	108	66	34	103	88
17:00	86	96	108	86	88	40	26	93	76
18:00	46	34	34	58	40	24	34	42	39
19:00	20	28	32	26	28	8	18	27	23
20:00	20	24	10	14	12	16	12	16	15
21:00	12	4	10	12	8	8	0	9	8
22:00	8	22	8	8	14	2	4	12	9
23:00	4	0	6	4	14	0	0	6	4
Total	984	908	942	986	964	572	444	957	829
% Heavy's	14.2%	16.1%	14.6%	13.2%	14.9%	6.6%	3.2%	14.6%	12.9%

Robinson Street – Northbound – South of Lansdowne Street
Volume Summary

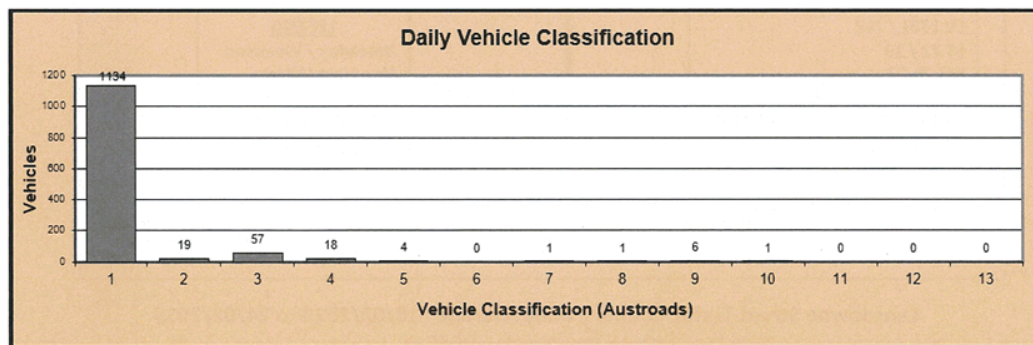


Robinson Street – Northbound – South of Lansdowne Street
Total Average Daily Vehicle Classification
(Data Source: Austraffic)

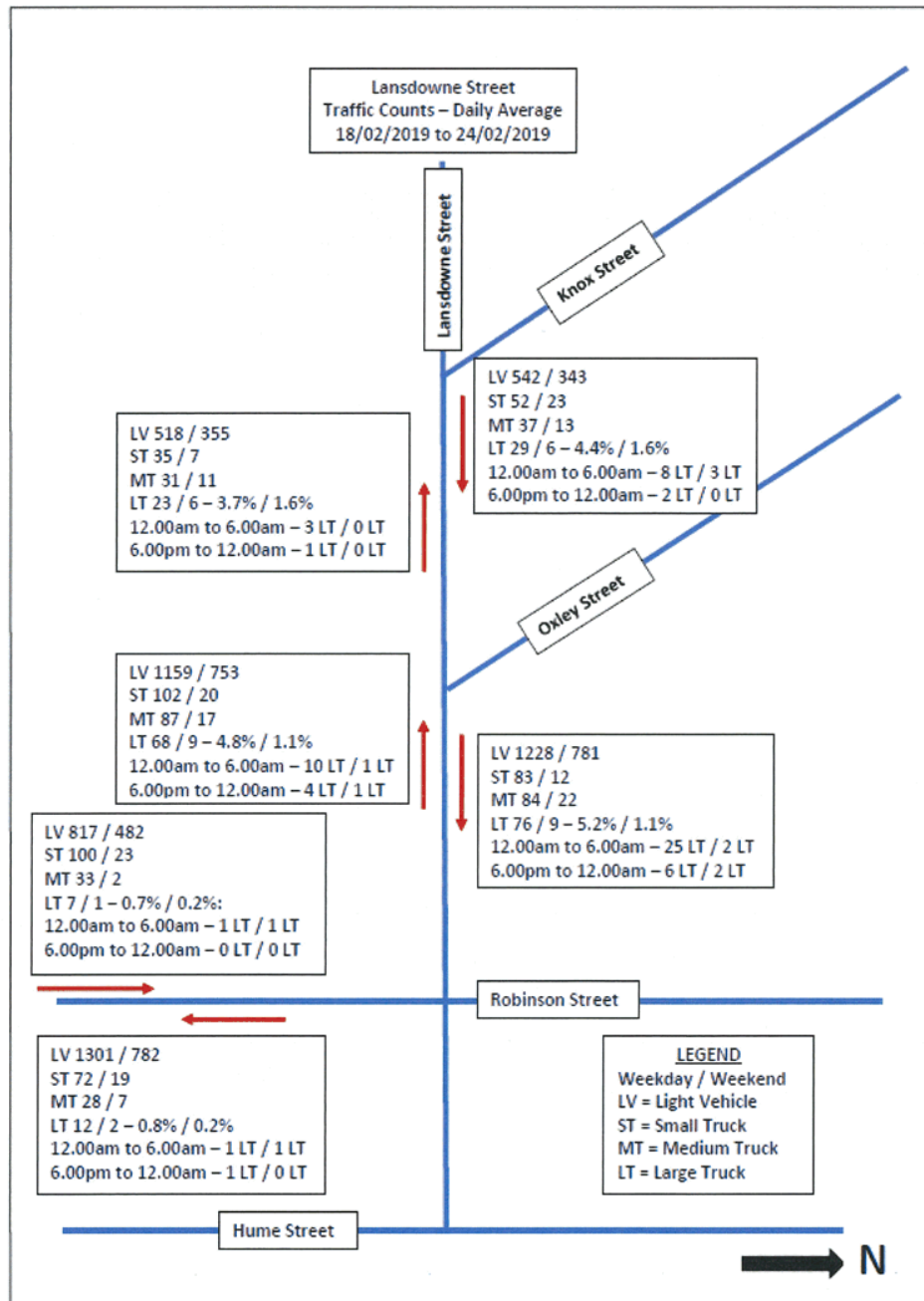
Road	Robinson St	Average Weekday	1414
Location	South of Lansdowne St	All Day Average	1241
Suburb	Goulburn	Weekday Heavy's	8.0%
Site No.	8602_3	All Day Heavy's	7.1%
Start Date	Monday 18/02/2019		
Direction	Southbound		

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon	Tue	Wed	Thu	Fri	Sat	Sun		
	18-Feb	19-Feb	20-Feb	21-Feb	22-Feb	23-Feb	24-Feb		
AM Peak	130	164	118	160	138	108	84		
PM Peak	148	130	160	138	168	102	76		
0:00	2	2	0	4	0	4	0	2	2
1:00	0	0	2	6	0	4	2	2	2
2:00	0	4	0	4	6	2	0	3	2
3:00	2	0	4	0	0	4	2	1	2
4:00	10	12	10	14	16	6	0	12	10
5:00	20	20	28	26	14	2	4	22	16
6:00	44	44	40	40	54	14	8	44	35
7:00	124	108	84	126	106	36	16	110	86
8:00	130	164	118	160	138	68	20	142	114
9:00	122	122	112	102	108	86	38	113	99
10:00	92	112	92	118	80	108	76	99	97
11:00	96	84	88	78	90	90	84	87	87
12:00	64	94	94	94	104	102	62	90	88
13:00	104	74	126	64	92	38	64	92	80
14:00	114	98	100	94	108	56	76	103	92
15:00	140	130	160	124	168	68	66	144	122
16:00	148	102	124	138	132	48	58	129	107
17:00	92	78	92	96	74	66	40	86	77
18:00	38	60	40	58	52	44	32	50	46
19:00	30	28	32	50	46	18	32	37	34
20:00	22	28	22	18	24	16	24	23	22
21:00	12	16	14	20	20	4	14	16	14
22:00	4	8	2	2	12	12	2	6	6
23:00	0	0	0	2	6	2	2	2	2
Total	1410	1388	1384	1438	1450	898	722	1414	1241
% Heavies	6.2%	6.6%	9.0%	9.6%	8.4%	3.8%	3.0%	8.0%	7.1%

Robinson Street – Southbound – South of Lansdowne Street
Volume Summary



Robinson Street – Southbound – South of Lansdowne Street
Total Average Daily Vehicle Classification
(Data Source: Austraffic)



Lansdowne Street Traffic Counts – Daily Average - 18/02/2019 to 24/02/2019
(Data Source: Austraffic)

Some observations from this data:

- The majority of the traffic on Lansdowne Street is between Robinson Street and Oxley Street.
- There is a significant reduction in traffic during weekends on Lansdowne Street and Robinson Street.
- There is minimal large truck traffic between 6.00pm and 6.00am.
- There is minimal large truck traffic in Robinson Street.
- Traffic volumes are not considered to be high particularly in respect to large trucks.
- The vast majority of traffic in Lansdowne Street and Robinson Street is class 1 sedan motor vehicles

3. Carried out a Noise Assessment

Simgrow Pty Ltd engaged Harwood Acoustics to undertake a Noise Assessment (copy attached) which includes the following comments and recommendations:

"The author visited the Site on several occasions throughout November and December 2018 and January 2019 to carry out attended noise surveys of noise emission from industrial activity at various locations across the development Site, as shown in Figure 1.

The acoustical environment during all noise surveys was dominated by activity at Boral Concrete which included the loading of cement trucks from the hoppers, washing cement trucks (or adding water to the mix).

Other industrial activity included noise emanating from Goulburn Farm Machinery, Allmac Welding and heavy vehicle movements along Lansdowne Street. The level of noise emission from premises along Robinson Street was significantly lower than those along Lansdowne Street, particularly near to Boral Concrete. The level of noise emission from the eastern end of Lansdowne Street was considerably less than the Boral site." (Page 9)

"6. CONCLUSION

An industrial noise intrusion assessment has been undertaken in relation to a planning proposal seeking to rezone land at Lot 10 in DP 1018281 Lansdowne and Robinson Streets, Goulburn, NSW to facilitate residential subdivision.

Industrial noise levels and heavy vehicle movement noise levels have been established across the Site based on attended noise surveys undertaken in November and December 2018 and January 2019. Industrial noise levels range from 51 to 62 dBA during the day and noise emitted from heavy vehicles are from 54 to 56 dBA at night at the least exposed and most exposed potential future dwellings respectively. These measured and established noise levels have been used to determine the potential for compliance with the internal noise design goals derived from Australian Standard AS2107:2016 'Acoustics – Recommended design sound levels and reverberation times for building interiors' (AS2107).

These design goals can be achieved for any future residences based on typical example constructions outlined in Section 5 of this report. Individual assessments of future dwellings may be undertaken prior to issue of construction certificates.

This may be facilitated by the inclusion of 88b instruments on burdened lots.

Any acoustical treatment, where required will not be onerous and result typically in

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an upgrade to standard glazing thicknesses and or standard plasterboard thickness in some ceilings.

The approach of including 88b instruments that require internal noise design goals to be met in accordance with AS2107:2016 is in keeping with the approved residential subdivision on the adjoining parcel of land at Theatre Drive.

This assessment does not address potential for compliance with external noise goals derived from the EPA's Noise Policy for Industry (2017) for noise emission arising from industrial premises impacting on future residents. However, advice is provided in Section 5.3 to reduce external noise impacts in the design stage of future dwellings so far as is reasonably practicable.” (Page 14)

As a response to the traffic and noise assessments, Simgrow Pty Ltd have initiated the following actions:

- Removed direct access from Theatre Drive to Lansdowne Street.
- Proposed the erection of a lapped and capped timber fence (density 15kg/m²) 2.10m high along the Lansdowne Street boundary of lots 32 to 38 inclusive as a sound barrier as well as to provide privacy and amenity to the area – see example below. The attached Industrial Noise Intrusion Assessment report includes the following statement regarding this barrier - *“This will provide attenuation of between 5 and 6 dB from noise emission arising from industrial sites and trucks passing on Lansdowne Street. The proposed boundary fence will provide a reduction in external noise levels which will improve external noise amenity in gardens and courtyards and also potentially reduce the level of construction required to meet the recommended internal noise design goals.”*
- Proposed the erection of a lapped and capped timber fence 1.8m high along the Robinson Street boundary of lots 38 to 48 inclusive to provide privacy and amenity to the area – see example below.

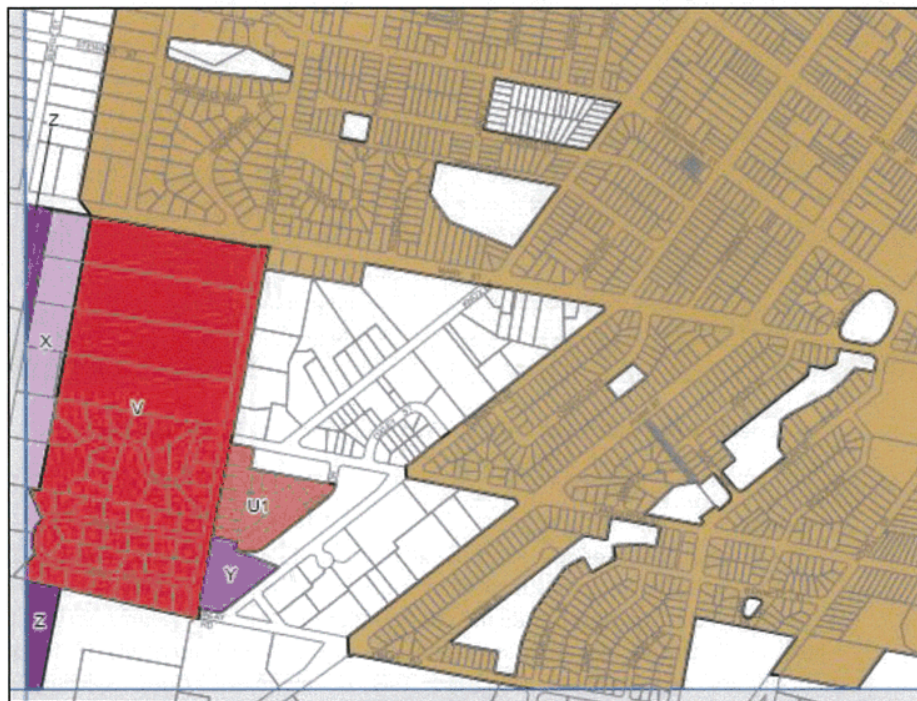


Typical Lapped and Capped Timber Fence

In respect to other matters associated with this rezoning request:

1. Lot Size

The minimum lot size proposed by Simgrow Pty Ltd is 1000m² and is consistent with that applying to the existing Theatre Drive development. The proposed conceptual subdivision proposes lots having a boundary with Lansdowne Street having areas varying between 1100m² (similar area to the subdivision of Lot 1 DP 1018281) located towards the west to 1679m² being the eastern most lot with lots progressively increasing in area towards the east. Lots fronting Robinson Street are proposed to be generally 1000m² with larger lots towards the north. These lot sizes are consistent with the Theatre Drive development and will have no impact on the amenity of the area. It is also noted that the minimum lot size in the Abbey Road development to the west is 2000m² (V) and 700m² (Q) in the residential areas to the north and east – see map below. The proposed 1000m² (U1) minimum lot size is a sensible size for lots located between these areas.

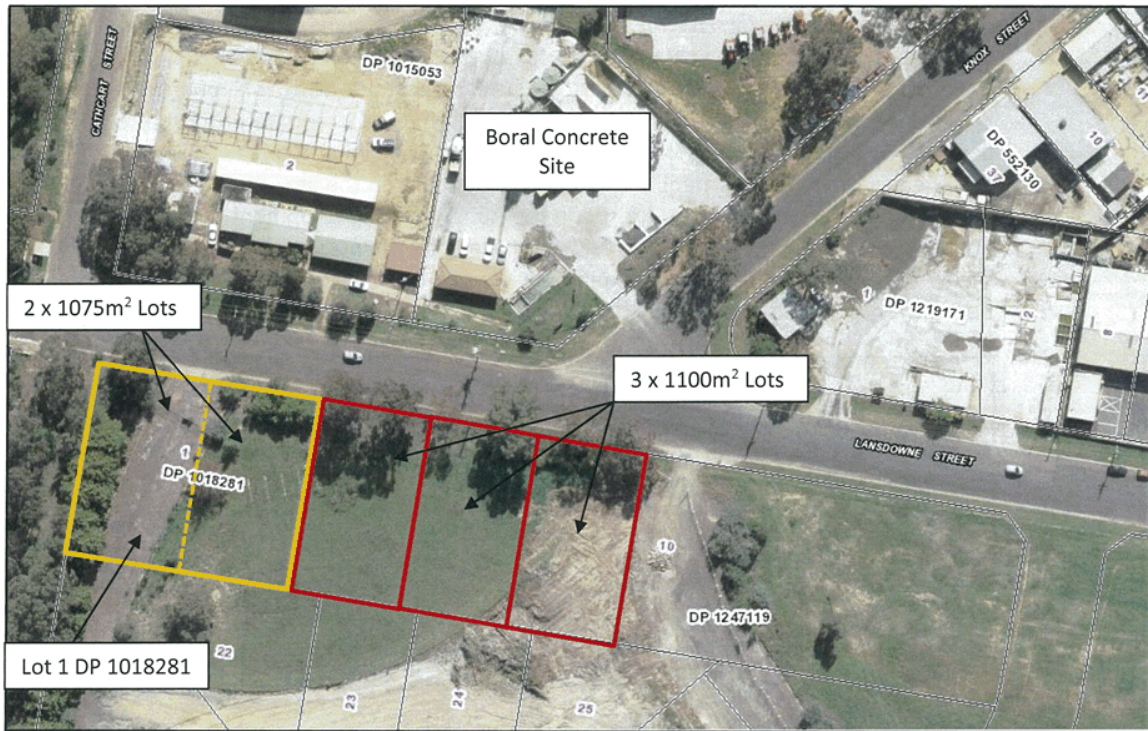


Lot Size Map

(Map Source: NSW Legislation website)

It is also noted that Council resolved to include 150 Lansdowne Street Goulburn (Lot 1 DP 1018281) as part of the R5 rezoning and 1000m² minimum lot size. The rezoning of this parcel of land certainly sets a precedent for the Simgrow Pty Ltd land being within the impact area to the Boral site insofar that it is reasonable to assume that proposed allotments fronting Lansdowne Street generally west of Knox Street can have direct access to Lansdowne Street as well. Lot 1 DP 1018281 has an area of 2150m² and on

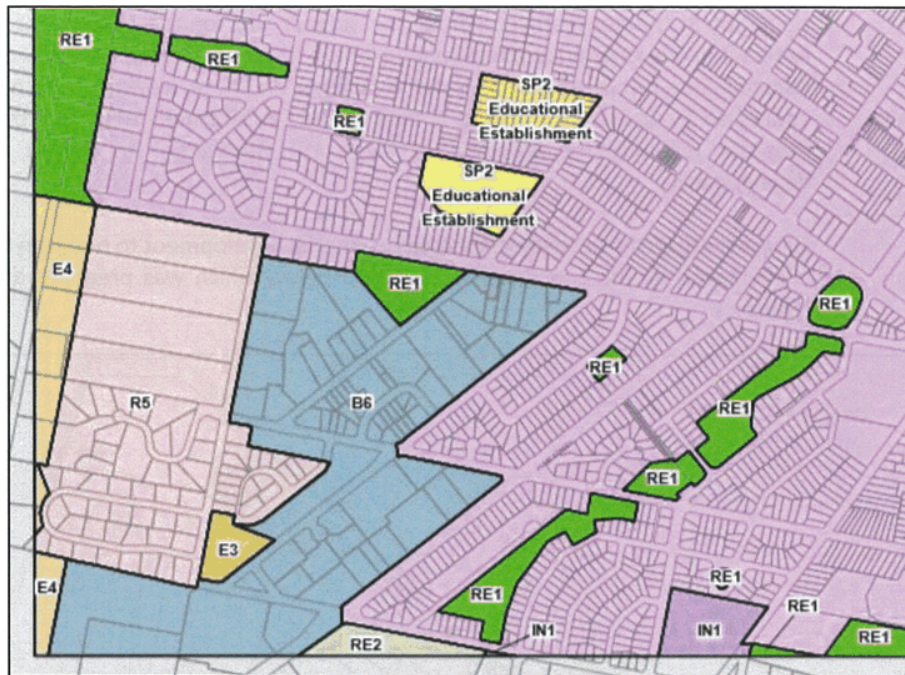
the assumption that this lot will be subdivided in the future, each lot will have an area of 1075m² with access from Lansdowne Street. It is logical to assume that the Simgrow Pty Ltd land generally west of Knox Street should be able to have a similar development potential – see aerial photograph below.



Aerial Photograph – Lot 1 DP 1018281 and Part Lot 10 DP 1247119
(Map Source: Six Maps)

2. Zoning

The zoning proposed by Simgrow Pty Ltd is R5 Large Lot Residential Zone to be consistent with the zoning located and adjoining the land to the west – see map below on page 23. It is noted that the B6 boundary in this area (Hume Street, Lansdowne Street, Robinson Street, Mary Street, Cathcart Street) generally all follow a street boundary to, at least, separate this development from adjacent residential development by a 20m wide road reserve. There is no logical reason why this should not happen in this area with the controls detailed above in this submission.



Zoning Map

(Map Source: NSW Legislation website)

3. Council Fees

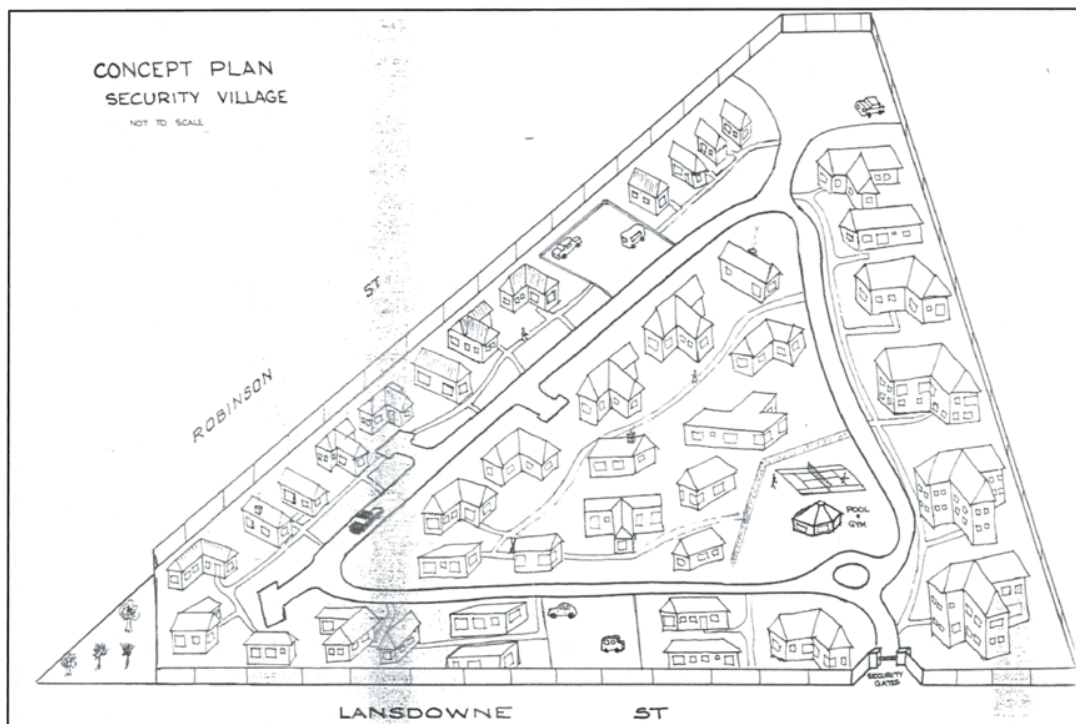
Subject to this request being supported by Council, Council is requested to waive any fees for the processing of this request for the rezoning the subject land. This rezoning of Lot 10 DP 1247119 essentially comprises part of the Planning Proposal initiated by Council at its meeting held on the 18 December 2016 – see Item 4 (History) below. Simgrow Pty Ltd will be responsible for all the capital costs associated with the variations to the internal road layout and the development of this site has been ongoing for many years being the subject of discussions with various Councils and staff and Simgrow Pty Ltd have always cooperated with Council requirements. This current predicament has not been initiated by the land owners but was precipitated by Council with a change to the LEP. Waiving of any fee is considered a reasonable request.

4. History

As indicated in this submission above, the whole site was originally a drive-in theatre which was purchased by Simgrow Pty Ltd in the late 1980's. The proposed development of this land has seen many permutations over the years varying from light industrial / commercial to residential development. Development Application 50/1011/DA for the subdivision of Lot 2 DP 1018281 (150 Lansdowne Street - the site of the former drive-in theatre) was approved on 7 December 2011. The approved subdivision consisted of 17 Lots for residential purposes plus a single lot designated for future industrial commercial activities (with frontage to both Lansdowne and Robinson Street) and a

single lot in the southern corner of the subject site for the purpose of protecting remnant native vegetation. The situation where the subdivision for 17 lots could still be enacted, but future applications for dwellings on those lots were prohibited was addressed by Council at its meeting held on the 18 December 2018 with the Planning Proposal rezoning the 17 lots R5 Large Lot Residential to permit residential development.

Simgrow Pty Ltd have always expected residential development to occur on this land as is evidenced by the concept plan indicated below which was prepared during 2004 (approx.).



Preliminary Residential Concept Plan
(Plan Source: Unknown)

It is therefore erroneous to suggest that, historically, the land adjacent to Lansdowne Street and Robinson has been intended for industrial / commercial use. The current approved plan of subdivision was the result of discussions between Council staff and Simgrow Pty Ltd being a compromise between residential and industrial / commercial development on the B6 zoned land – it really is not a desirable long term development concept. The rezoning of this parcel of land was initially considered by Council at its meeting held on the 20 December 2016 and a copy of this report is attached at Appendix 2. Some relevant statements within this report are:

- i. *The purpose of the report is to recommend that Council initiate a planning proposal to amend the Gou/burn Mulwaree Local Environmental Plan 2009 to*

alter the zone, minimum lot size and floor space ratio controls for land at 150 and 170 Lansdowne Street, Goulburn (Lots 1 and 2 DP 1018281). The proposal is that the subject land be rezoned from B6 Enterprise corridor to part RS Large Lot Residential and part E3 Environmental Management.

Comment: The Planning Proposal prepared by Council included the whole of Lot 2 DP 1018281 to be rezoned for residential development.

- II. *The objective of the B6 zone including residential development (when it was first brought in) was to provide some flexibility to development where residents can work and live in the same locality. This can reduce the potential for a clash of incompatible uses as workers and residents have a shared interest. It can act as a small business incubator for "start-up" businesses to keep their costs down in the establishment phase. In this case the rezoning to R5 will probably lead to the entire site being subdivided for large lot residential development. This is fine on the western side where it abuts existing rural residential development. However the existing development across Lansdowne Street and Robinson Street includes uses such as a concrete batching plant and truck depots. These may not be compatible with the lifestyle expectations of new residents. Council may need to consider generous setbacks, landscaping and noise attenuation measures in any future development application for lots that have frontage to Lansdowne Street and Robinson Street. Avoiding the potential conflict between residential traffic and industrial / business related traffic will also be a challenge.*

Comment: Simgrow Pty Ltd have initiated measures for noise attenuation in Lansdowne Street and Robinson Street by the erection of a timber lapped and capped fence having a minimum density of 15kg/m² as well as removing the opportunity for traffic conflict in Lansdowne Street particularly.

CONCLUSION

The inclusion of the following measures being:

- Removed direct access from Theatre Drive to Lansdowne Street.
- Provided direct access from Theatre Drive to Robinson Street.
- Provided a range of lot sizes from 1100m² to 1679m² with the larger lots being located to the east of Lansdowne Street and north of Robinson Street.
- Provided an area for the establishment of a playground area particularly for young children in the Theatre Drive and Abbey Road areas.
- The erection of a lapped and capped timber fence (density 15kg/m²) 2.10m high along the Lansdowne Street boundary of lots 32 to 38 inclusive as a sound barrier as well as to provide privacy and amenity to the area.
- The erection of a lapped and capped timber fence 1.8m high along the Robinson Street boundary of lots 38 to 48 inclusive to provide privacy and amenity to the area.

will ameliorate any concerns of the existing businesses in the area and in particular will:

- Create a permanent interface barrier between existing businesses in Lansdowne Street and Robinson Street and this residential development.
- Remove any interaction between traffic in Lansdowne Street with residential and pedestrian traffic from Theatre Drive.
- Not create an environment for on-going conflict between the existing businesses and this residential development.
- Result in a buffer between the residential development and existing businesses being provided by the proposed timber lapped and capped timber (15kg/m²) boundary fence in Lansdowne Street and Robinson Street.

Appendix 1

Council Meeting Report 18 December 2018

Ordinary Council Meeting Agenda

18 December 2018

12.2 LANSDOWNE STREET REZONING POST EXHIBITION REPORT

Author: Bennett Kennedy, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Summary of Submissions [↓](#)
 2. Summary of Proponents response to submissions [↓](#)

Link to Community Strategic Plan:	EN4 Maintain a balance between growth, development and environmental protection through sensible planning.
Cost to Council:	The cost of rezoning will be from operational budgets
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report of the Senior Strategic Planner regarding the Lansdowne Street Planning Proposal be received.
2. Council endorse the current Planning Proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to:
 - a) Rezone land being Lots 11- 27 DP1247119 (Theatre Drive Subdivision), 150 Lansdowne Street Goulburn (Lot 1 DP 1018281) from zone B6 Enterprise Corridor to zone R5 Large Lot Residential;
 - b) Retain the existing B6 Enterprise Corridor zoning applying Lot 10 DP 1247119;
 - c) Rezone lot 28 DP 1247119 from B6 Enterprise Corridor to zone E3 Environmental Management;
 - d) Remove existing Floor Space Ratio (FSR) controls for lots no longer proposed to be rezoned B6 Enterprise Corridor; and
 - e) Apply a Minimum Lot Size of 1000 m2 (in R5 Large Lot Residential) and a 1 Hectare Lot Size (E3 Environmental Management) under Goulburn Mulwaree Local Environmental Plan 2009.
3. A Draft Instrument be prepared that is consistent with the above Amendment;
4. The Planning Proposal and relevant documentation be forwarded to the Department of Planning and Environment for making as soon as possible.
5. Council thank those who made a submission and advise the proponent accordingly.
6. Future development applications for development on land in DP1247119 (Theatre Drive Subdivision), Lot 1 DP 1018281 (150 Lansdowne Street) and Lot 10 DP 1247119 and Lot 28 DP 1247119 include restrictions on the title of each lot as generally outlined in this report.
7. In pursuance of Paragraph 2 above, site specific development control plan (DCP) provisions are developed to ensure that the mitigation measures are considered in future development application assessment including:
 - a) Construction standards for dwellings and boundary fencing in relation to noise and vibration.
 - b) A limitation on the further subdivision of Lot 10 with an indicative lot layout identified to limit the number of accesses to Lansdowne and Robinson Streets.
 - c) Provisions requiring development on Lot 10 include mitigation measures to reduce interface impacts on adjoining residential through building and car parking location, landscaping etc.

Item 12.2

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Cont'd.

d) Consideration of the potential for a dedicated road access from Theatre Drive to Cathcart Street.

8. The DCP provisions in Recommendation 3 are publicly exhibited.

BACKGROUND

Development Application 50/1011/DA for the subdivision of Lot 2 DP 1018281 (150 Lansdowne Street - the site of the former drive-in theatre) was approved on 7 December 2011.

The approved subdivision consisted of 17 Lots for residential purposes plus a single lot designated for future industrial commercial activities (with frontage to both Lansdowne and Robinson Street) and a single lot in the southern corner of the subject site for the purpose of protecting remnant native vegetation.

The Subdivision Certificate for the approved subdivision was issued on 30 August 2018. It is understood that prior to this, the 17 Lot residential component of the subdivision had been put on the market with many lots sold. These lots were sold with Section 10.7 Planning Certificates (Environmental Planning and Assessment Act, 1979) that identified the land as being zoned B6 Enterprise Corridor under *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) upon which *Residential Accommodation* (this definition including detached dwellings and dual occupancies) is prohibited.

When the GM LEP 2009 was introduced the subject land was zoned B6 enterprise Corridor. It had previously been zoned "4 Industrial" under Goulburn LEP 1990. At the time LEP 2009 commenced, dwellings were permitted with Council consent in the B6 Enterprise Corridor zone. The zone also had an objective "to provide for residential uses, but only as part of a mixed use development".

On October 2012 Council amended GM LEP 2009 to remove the objective relating to residential development and prohibit *residential accommodation* in the B6 Enterprise Corridor zone. This created a situation where the subdivision for 17 lots could still be enacted, but future applications for dwellings on those lots were prohibited. It is this situation that Council is trying to address with a current Planning Proposal to rezone the land to zone R5 Large Lot Residential under GM LEP 2009.

REPORT

Council is currently processing a Gateway Determination issued by the Department of Planning and Environment (DPE) to rezone the subject land from the current zone B6 Enterprise Corridor to part zone R5 Large Lot Residential and part (1 lot) zoned E3 Environmental Management, remove existing Floor Space Ratio (FSR) controls and apply minimum lot sizes of 1,000 m² (area of R5) and 1 Hectare (area of E3) under GM LEP 2009. This amendment is supported by *Council's Employment Lands Strategy 2016* however, concerns have been raised with the current Planning Proposal regarding the potential for land use conflict with nearby industrial land uses.

This report outlines the Public Exhibition process undertaken thus far, what measures have been put in place to mitigate identified land use conflicts and what options are available to progress the Planning Proposal.

In the context of the current circumstances it is worth considering that the current Planning Proposal is nearing completion.

The current Planning Proposal underwent Community Consultation from 25 January 2018 to 23 February 2018. Eight (8) submissions were received objecting to the proposal from owners/occupiers located in proximity to the subject site and a meeting held (attended by the Mayor, the then Manager of Planning and Strategic Outcomes and staff) on 12 February 2018.

The written objections (made anonymous) were summarised and forward to the proponent for a response in May 2018 (Attachment 1). The response from the proponent was received in September 2018. The proponent's response was forwarded to those who made a submission on 5 October 2018.

Council held a meeting with several objectors on Friday 7 December 2018 to discuss their continuing concerns with the current Planning Proposal and the proponent's response.

To address the concerns of objectors from the first exhibition period in Jan-Feb 2018, Council requested that the proponent consider measures that would mitigate the concerns of objectors on properties where the greatest impacts from their operations would be felt, thereby reduce the perception of land use conflicts by future residents. These mitigation measures are:

1. Consolidated access to certain lots (for a proposed future subdivision – refer Attachment 2).
2. Restrictions to be registered, via an 88B Instrument (refer Attachment 2), on the titles of future lots for the use of the land for residential purposes. In summary these include:
 - (a) No habitable rooms (as defined by the Building Code of Australia (BCA) to be constructed to provide separation from industrial operations opposite,
 - (b) Raised construction standards,
 - (c) Increased minimum rear setbacks to Robinson Street (26m) and Lansdowne Street (17m),
 - (d) No direct access to Lansdowne or Robinson Streets from these lots and
 - (e) Construction of lapped and capped timber paling fences along the Lansdowne and Robinson Street boundaries.

In addition to these measures, on 7 August 2018 Council resolved to include an attachment with all 10.7 Planning Certificates advising that 'Council would not support any action that would unreasonably interfere with the existing use or ongoing operation of land uses, particularly where such activities or uses are carried out in accordance with existing approvals, industry standards and relevant legislation'.

The 10.7 Certificates issued when the lots were sold (from the original lot) would not contain these attachments, however now that the lots have been registered any new Planning Certificate would include them.

It should be noted that these restrictions (apart from higher construction design for acoustics/vibration) will not be placed on 170 Lansdowne Street Goulburn (Lot 1 DP 1018281).

To provide a transparent planning framework for development applications on affected sites, it is recommended that site specific development control plan (DCP) provisions be prepared for inclusion in *Development Control Plan 2009*. These provisions based on the mitigation measures above and those identified in Attachment 2 to be placed on exhibition in January 2019.

Consultation

The Gateway Determination for the Planning Proposal was issued on 21 July 2017.

The Gateway Determination included a pre-condition for a Preliminary Site Investigation (PSI) to determine the presence or otherwise of any contamination on the site. This means that if contamination is detected, further investigation (Stage 2) is required.

A Preliminary Site Investigation was undertaken by Zoic Pty Ltd on behalf of the proponent. The PSI concluded that a Stage 2 investigation is not required.

The subject Planning Proposal was placed on Public Exhibition in accordance with the Gateway determination for 28 days by placing an advertisement in the Goulburn Post on 1 February 2018. Submissions were invited until 23 February 2018.

In response to this advertisement, 8 submissions were received (Attachment 1).

As previously stated, a meeting was held with objectors representing various truck and freight companies and landowners operating businesses around the subject site on 7 December, 2018. Key concerns raised by this group were:

- Residential/ industrial land use interface issues due to existing businesses operating on approvals which allow 24 hour a day and 7 day a week operations. Thereby creating an environment from the outset that will lead to conflicts relating, to noise, dust, vibration, traffic etc.
- Safety with the interaction between B doubles and semi-trailers with residential vehicle and pedestrian traffic.
- Potential ongoing complaints and regulatory issues for Council and the businesses due to fundamental interface issues.
- Historically proposed Lot 10 (the peripheral lot) was approved as a commercial/industrial lot and not for residential.

The position of this group of representative businesses was:

1. That Lot 10, the peripheral lot retain a B6 Enterprise Corridor rezoning to provide a buffer between existing businesses (with more intensive operational activities) and dwelling houses. New business development on Lot 10 would be required to mitigate impacts on residential land within Theatre Drive from the outset.
2. Limit the amount of further subdivision on Lot 10 so that the number of access points onto Lansdowne and Robinson Street are also limited (given heavy existing traffic volumes).
3. Restrictions relating to noise and vibration etc. for construction and fencing should apply to land to be rezoned R5 fronting Theatre Drive via a DCP and potential 88B restrictions.
4. Council consider providing an alternate entry to Theatre Drive via Cathcart Street and the portion of the site proposed to be zoned E3.

The business operators also questioned whether traffic counts in Robinson or Lansdowne Street had been undertaken. Unfortunately, counts are unavailable for this section of Lansdowne St, but traffic counts were available for Robinson Street (undertaken in 2016) as follows:

ClassMatrix-362
Site: ST682 00.0.05N
Description: 150m south of Mary St on Robinson St at number 30
Filter time: 10:21 Monday, 23 May 2016 -> 13:56 Tuesday, 7 June 2016
Scheme: Vehicle classification (AustRoads94)
Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(-0)

Speed (km/h)	Class												Speed Totals
	1	2	3	4	5	6	7	8	9	10	11	12	
10 - 20	70												70 0.5%
20 - 30	232	4	27	12			5	7	1	1			287 1.7%
30 - 40	1105	36	195	40	7	4	2	13	1	1			1407 8.5%
40 - 50	5981	141	693	42	9	19	16	1	5	1			6916 41.6%
50 - 60	4002	66	429	7		5	8		1				4709 28.4%
60 - 70	1034	9	89										1132 6.7%
70 - 80	75		6										81 0.5%
80 - 90	17												17 0.1%
90 - 100	3												3 0.0%
100 - 110	1												1 0.0%
110 - 120													0 0.0%
120 - 130													0 0.0%
130 - 140													0 0.0%
140 - 150													0 0.0%
150 - 160													0 0.0%
	14520	250	1624	104	18	27	31	21	11	3	0	0	16613
	87.4%	1.5%	9.8%	0.6%	0.1%	0.2%	0.2%	0.1%	0.1%	0.0%	0.0%	0.0%	

Class Totals

AUNT 11:07

The graph suggests a relatively high vehicle usage rate over the count period from 10.21 on Monday 23 May through to 1.56pm Tuesday 7 June being 16,613 vehicles (approximately 1,186 per day). Heavy vehicles are classes 3 – 12 using Austroads vehicle classification system. Therefore heavy vehicles accounted for 1,841 movements (131.5 per day). It is likely that the number of heavy vehicle and car movements has increased since that time. Essentially the traffic count demonstrates the relatively high level of vehicle and heavy vehicle usage of Robinson Street, it would be anticipated that Lansdowne Street would have a similarly high usage level.

The issues raised above have been considered further in the options section of this report.

Government Agency Response

The Gateway Determination required referral to Water NSW, Office of Environment and Heritage, Water NSW and the Rural Fire Service. The Gateway process requires responses from these agencies to be exhibited with the Public Exhibition documents. Responses from these agencies were also publicly exhibited.

<p>Water NSW: Advised that the conditions provided in response to the subdivision of the subject site remain relevant and applicable. Further, Strategic Land and Water Capability assessment mapping shows no risk to water quality from sewer residential development therefore public infrastructure (sewer) must be retained. They further advised that the proposed amendment would not result in the creation of any development permissible with or without development consent that would be in conflict with the SLWCA mapping and that any future development must have a neutral or beneficial effect (NorBE) on water quality.</p>	<p>Response: It is considered that the Planning Proposal is satisfactory with regard to the response from WaterNSW.</p>
<p>Office of Environment and Heritage (Biodiversity): OEH supported the rezoning of the southern lot to an environmental zone however had concerns regarding the level of protection the proposed E3 Environmental Management zone would provide the remnant Box-gum Woodland (EEC).</p>	<p>Response: Both the E3 Environmental Management and E4 Environmental Living zones offer a greater level of protection than the E2 Environmental Conservation by providing an additional objective within the respective zones. Any future development application on Lot 28 DP 1247119 (the southern lot) would require</p>

<p>OEH make further reference to the <i>Goulburn Mulwaree Council, South Goulburn Endangered/threatened Species Management Plan November 2004</i> that specifically identifies this site.</p>	<p>development assessment and thereby reference the above species management plan, although Biodiversity legislation has been considerably tightened since that Management Plan was prepared. Any future development application assessment would therefore be even more rigorous. Further to this, Council considered a modification of the original development consent on 2 April 2013 and resolved that amongst other things that, <i>Retention of proposed lot 28 in private ownership subject to provision of a Conservation Management Plan and other measures to protect the remnant vegetation.</i> The E2 zone prohibits dwelling houses and therefore, is inconsistent with Council's resolution.</p> <p>It is considered that the proposed E3 Environmental Management zoning and the <i>Conservation Management Plan</i> are satisfactory measures to protect the remnant Box-gum Woodland vegetation on the site</p>
<p>Office of Environment and Heritage (Heritage): OEH advised in this regard that due to the separation of the site from any dated built form, there would unlikely be any impact on European heritage. With regard to Aboriginal Cultural Heritage their advice recommended applying their due diligence guidelines (<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW DECCW 2010</i>) to consider the need for any further investigation.</p>	<p><i>Response:</i> Council applied the due diligence guidelines by undertaking a search of the AHIMS database. No areas or objects of significance were identified in the search results.</p>
<p>Rural Fire Service (NSW RFS): No response received.</p>	<p><i>Response:</i> Nil</p>

Options

The options available to Council are as follows:

Option 1: This would involve no change to the current Planning Proposal.

It is considered that measures will be put in place via the proponent's response (88B Instrument and lot configuration) to address some of the concerns of objectors. This would also necessitate site specific development control plan provisions being in place as a means of alerting assessment staff and purchasers to likely construction standards or restrictions on lots. However, the usage of Robinson Street and Lansdowne Street by heavy freight and other industrial type businesses is potentially going to be an ongoing cause for dispute between landowners. The measures outlined only go a part of the way to solving these ongoing land use conflicts. The activity and noise levels by 24 hour a day truck usage of Lansdowne and Robinson Street should not be underestimated. Whilst dwellings can be constructed with increased standards for noise and vibration, amenity levels of private open space etc. will still be reduced. The traffic counts for Robinson Street are very high in a residential context aside from the heavy vehicle component. This traffic activity will be ongoing and whilst the mitigation measures proposed go some way to address the problems they are not a "complete" solution. The following is a map of Option 1:



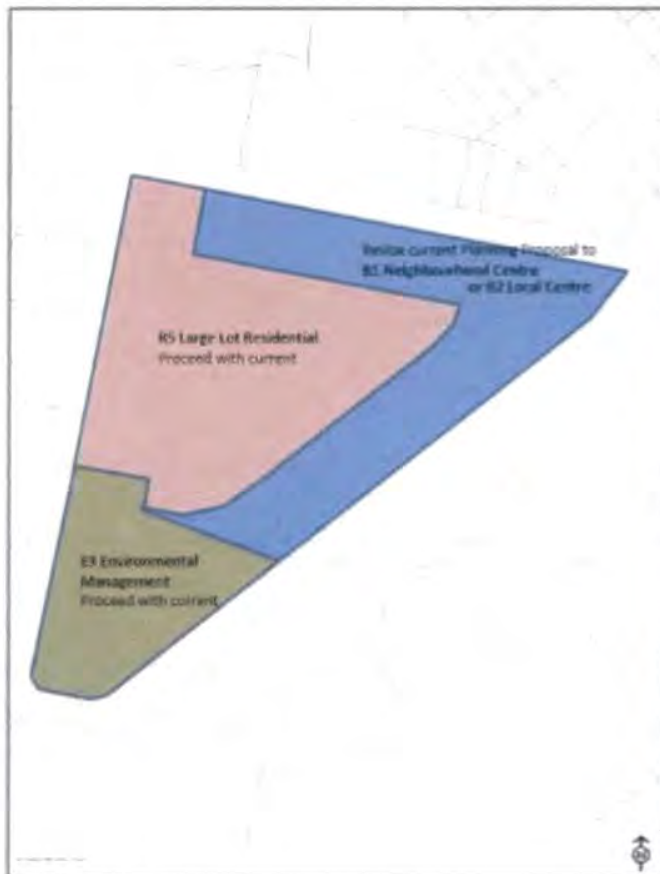
Option 1 Outcomes Map

The finalisation process could commence if this option is chosen but it may result in a situation where land use conflict will still occur. This process requires Council to instruct Parliamentary Counsel Office's to draft a suitable amendment that is consistent with Council's resolution and mapping data to amend Council's GM LEP 2009. When these have been prepared and submitted, the package of material can then be forwarded to the DPE for making. This process would take around two (2) months to complete (March - April 2019). Whilst this is in progress Council could have prepared and exhibited site specific draft DCP provisions.

If the concerns of objectors raised at the meeting of 7 December 2018 cannot be overcome in a timely fashion the following options are also available.

Option 2: This would involve splitting the Planning Proposal to separate the residential land use envisaged by the approved subdivision, including Lot 28 DP 1247119 (proposed E3 Environmental Management) and 150 Lansdowne Street (Lot 1 DP 1018281) from the remainder of the B6 Enterprise Corridor land (Lot 10 DP 1247119).

This would require a revised (1st) Planning Proposal (including only the identified land) to be forwarded to DPE for the Department to justify issuing a revised Gateway Determination. The revised Gateway Determination may require a further exhibition period (14 or 28 days) and following that, a post exhibition report to Council to address the public interest component. However it would be anticipated that any objections would be similar to those already lodged and would be addressed by similar measures identified above. These may also be included in the review of Council's *Development Control Plan 2009*. The following is a map of Option 2.



Option 2 Outcomes Map

If further exhibition is not required in the revised Gateway Determination, following receipt of the revised Gateway Determination, a revised a post exhibition report for the internal residential land would be presented to Council early next year. This would likely expedite the processing of the rezoning for the existing subdivision (to R5 Large Lot Residential, Lot 28 DP 1247119 (to E3 Environmental Management zone) and 150 Lansdowne Street (Lot 1 DP 1018281) to finalisation (April – May 2019).

Council would also need to prepare a new and separate (2nd) Planning Proposal with consideration given to an appropriate zone that excludes rezoning to R5 Large Lot Residential, for the balance of the land (Lot 10 DP 1247119). This Planning Proposal would include what Council recommends this land be rezoned to. The main criteria of any zoning Council would need to address the issues raised above and potential for land use conflict between the industrial land uses opposite and the future residential land use within the Theatre Drive subdivision. Any zoning would however provide a degree of separation from the industrial land uses opposite. A Gateway Determination would also need to be issued for this Planning Proposal and again any Community Consultation would be required (14-28 days) to address the public interest.

Option 3: The third option is to proceed only with the rezoning of the existing land identified in the Lots 11 – 27 DP 1247119 (Theatre Drive Subdivision), Lot 28 DP 1247119 (proposed to E3 Environmental Management zone) and 150 Lansdowne Street (Lot 1 DP 1018281).

A revised Planning Proposal would also be require justifying the DPE issuing a revised Gateway Determination and may also require further consultation however, as above, this would expedite the processing of the Planning Proposal for the identified lands to finalisation.

This would leave the remainder of the site (Lot 10 DP 1247119) zoned B6 Enterprise Corridor. To rezone this land, the proponent would need to re-lodge the Planning Proposal with what they consider is an appropriate zone. Again their proposed zoning should address the potential for land use conflict with industrial land uses opposite and the transition to the residential land uses to its south. The concerns raised in submissions to the current planning proposal indicate that this would require further exhibition, consultation and a post exhibition report.

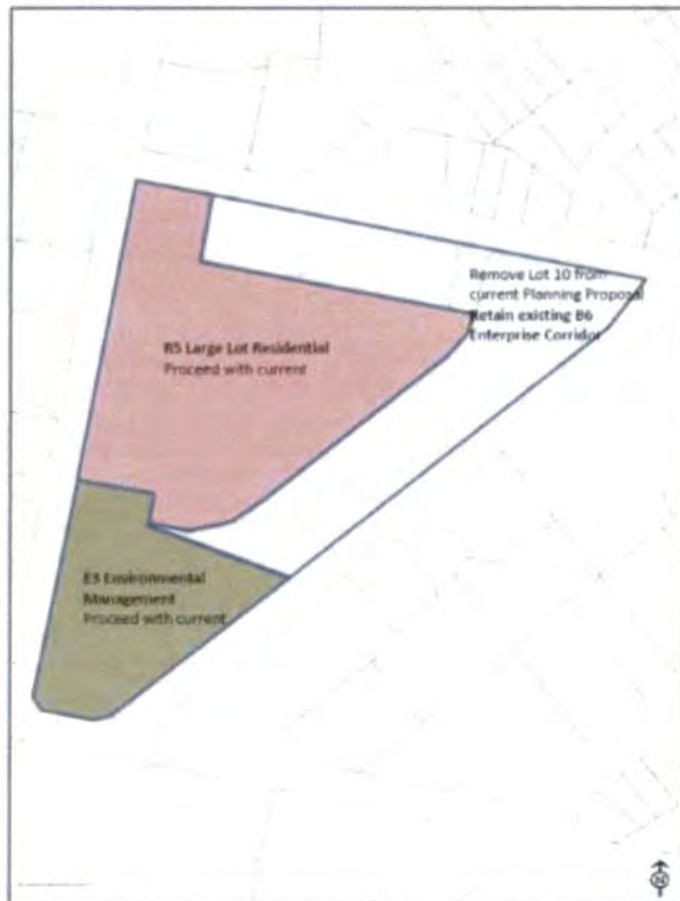
This option would expedite the processing of the Planning Proposal for the subject lands to finalisation (as outlined above) however, due to the requirement for the proponent to resubmit their documentation; it would considerably elongate the processing of rezoning of the outstanding land (Lot 10 DP 1247119) should this be proposed.

This option is consistent with the original Council development consent for this site which provided for a peripheral lot being a commercial /industrial lot.

The benefit of this option is that potentially a development control plan could be put in place providing:

- a. Development controls requiring noise and vibration controls on residential lots within Theatre Drive.
- b. Site specific provisions requiring that the further subdivision of Lot 10 be limited in order to restrict the amount of access conflicts with existing freight and industrial businesses/activities.
- c. Future development on Lot 10 can provide a buffer with the residential properties on Theatre Drive. Mitigation measures will be required with new development applications.
- d. Consideration of opening access to Cathcart Street as an alternate access to the residential area in Theatre Drive instead of via Lansdowne Street.

The following is a map detailing Option 3:



Option 3 Outcomes Map

CONCLUSION

In conclusion, the fundamental issue is that there is an approved residential subdivision on this site which has now been on sold. The separate ownerships of the affected lots will make it extremely difficult to rectify the situation (i.e. the site is unlikely to be redeveloped now in a layout that suits the range of permissible uses in the B6 zone).

The original subdivision approved 17 residential lots, 1 environmental lot and 1 business/commercial lot (lot 10). Council's role as a land manager and decision maker in this instance should include consideration of the historical situation decision making process. In this instance the peripheral lot (Lot 10) fronting Lansdowne and Robinson was approved as a commercial/business lot and not as a residential lot. This lot was intended from the outset to provide a buffer between residential and existing businesses. New development applications for businesses within Lot 10 would be subject to higher mitigation measures.

The land use interface concerns of surrounding businesses in the B6 zone are understood and mitigation measures are recommended to address these issues. It is recommended that Council proceed with the rezoning as proposed in Option 3, and that the mitigation measures be put in place via inclusion in a site specific DCP.

Appendix 2

Council Meeting Report 20 December 2016

Officers' Reports to Ordinary Meeting of Council to be held on 20 December 2016

Item 10.5 Proposed amendment to Goulburn Mulwaree LEP 2009 - 150 and 170 Lansdowne Street, Goulburn (Attachment)

Reporting Officer

Business Manager Planning & Strategic Outcomes – Emma-Jayne Leckie

Purpose of Report

The purpose of the report is to recommend that Council initiate a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to alter the zone, minimum lot size and floor space ratio controls for land at 150 and 170 Lansdowne Street, Goulburn (Lots 1 and 2 DP 1018281). The proposal is that the subject land be rezoned from B6 Enterprise corridor to part R5 Large Lot Residential and part E3 Environmental Management.

Report

Background

When *Goulburn Mulwaree Local Environmental Plan 2009* was introduced the subject land was zoned B6 Enterprise Corridor. It had previously been zoned 4 Industrial under Goulburn LEP 1990. At the time LEP 2009 commenced dwellings were permitted with Council consent in the B6 zone. The zone also had an objective "To provide for residential uses, but only as part of a mixed use development."

An application for the subdivision of Lot 2 DP 1018281 (150 Lansdowne Street) was approved on 7 December 2011. The approval (which has been commenced and therefore remains current) consists of 17 lots for residential purposes plus a single lot designated for future industrial or commercial activities (with frontage to both Lansdowne and Robinson Streets) and a single lot in the southern corner for the purpose of protection of native vegetation.

On 19 October 2012 Council amended its LEP to remove the objective relating to residential development and prohibit *residential accommodation* in the B6 zone. This has created a situation where the subdivision for 17 lots (for the purpose of residential development) was lawfully permitted, but future applications for dwellings on those lots may not be permitted. It is this situation that Council is trying to address with this planning proposal.

Site and Proposal Information

- **The Planning Proposal**

The planning proposal (if Council agrees to initiate it) will amend *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP) as it applies to 150 Lansdowne Street, Goulburn (Lot 2 DP 1018281) as follows:

Officers' Reports to Ordinary Meeting of Council to be held on 20 December 2016

- a. Alter the land use zone from B6 Enterprise Corridor to part R5 Large Lot Residential and part E3 Environmental Management
- b. Alter the minimum lot size from none to part 1000 m² (the R5 part) and part 10000 m² (the E3 part)
- c. Alter the floor space ratio from 0.8:1 to none for all of the lot.

It will amend *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP) as it applies to 170 Lansdowne Street, Goulburn (Lot 1 DP 1018281) as follows:

- a. Alter the land use zone from B6 Enterprise corridor to R5 Large Lot Residential
- b. Alter the minimum lot size from none to part 1000 m²
- c. Alter the floor space ratio from 0.8:1 to none for all of the lot.

The proposed amendments (other than the E3 zoning) are consistent with existing residential land to the west (Nicole Place and Abbey Road).

A map showing the location of the land affected and a set of maps showing the proposed zone, minimum lot size and floor space ratio of the land can be found in the Attachment (Figures 1-4).

• Current zones and controls

Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP) applies to 150 and 170 Lansdowne Street, Goulburn (Lot 1 and 2 DP 1018281) as follows:

- a. The site is zoned entirely B6 Enterprise Corridor
- b. The site has no minimum lot size
- c. The site has a floor space ratio of 0.8:1

There are no height controls applying to the subject site and it is not identified as 'flood planning area' on the Flood Planning Map.

A set of maps showing the current zone, minimum lot size and floor space ratio of the land can be found in the Attachment (Figures 5-7).

The land adjoins a R5 Large Lot Residential area to the west along Cathcart Street and B6 Enterprise Corridor to the north (along Lansdowne Street) and east (along Robinson Street).

• Site information

The subject land consists of two lots with a combined area of approximately 6.76 hectares. Lot 1 is approximately 0.2165 hectares and Lot 2 is approximately 6.547 hectares. Lot 2 has consent for a 19 lot subdivision being 17 lots of between 0.1 and 0.17 hectares plus a proposed conservation lot of approximately 1.42 hectares and a future development lot of approximately 2.26 hectares.

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The subject land was the site of a drive in theatre which has not been in use for many years. The southern corner was identified in the South Goulburn Endangered / Threatened Species Management Plan (2004) as a significant area of remnant bushland.

The significance of this portion of the site was reinforced by it being identified for conservation in the existing subdivision approval. A draft conservation management plan prepared for the site also confirms its value.

• **Site servicing information**

The subject land has access to both reticulated water and sewerage. It has vehicle access from three public roads. Power and communications are also available.

How does the planning proposal relate to the Strategic Planning Framework?

The strategic and statutory planning framework has been examined and an assessment is provided in the Attachment.

In summary, the planning proposal is consistent with the *Goulburn Mulwaree Strategy 2020* and the *Goulburn Mulwaree Community Strategic Plan 2030*. It is also consistent with the *Sydney-Canberra Corridor Regional Strategy 2006-2031*. It is consistent with the relevant S.117 Directions except for Direction 1.1 Business and Industrial zones. In this case the inconsistency is justified on the basis it is a minor matter. It is consistent with the relevant SEPP’s other than SEPP 55 – Remediation of Land. A preliminary contaminated land assessment should be able to resolve this inconsistency.

What are the key issues?

The key issues with these sites are compatibility of the proposed large lot residential use with neighbouring land uses; possible contamination from past land use, dumping or neighbouring land uses; protection of the remnant bushland in the southern corner; and the Goulburn Employment Lands Strategy.

Compatibility with neighbouring land use

The objective of the B6 zone including residential development (when it was first brought in) was to provide some flexibility to development where residents can work and live in the same locality. This can reduce the potential for a clash of incompatible uses as workers and residents have a shared interest. It can act as a small business incubator for “start-up” businesses to keep their costs down in the establishment phase. In this case the rezoning to R5 will probably lead to the entire site being subdivided for large lot residential development. This is fine on the western side where it abuts existing rural residential development. However the existing development across Lansdowne Street and Robinson Street includes uses such as a concrete batching plant and truck depots. These may not be compatible with the lifestyle expectations of new residents.

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Council may need to consider generous setbacks, landscaping and noise attenuation measures in any future development application for lots that have frontage to Lansdowne Street and Robinson Street. Avoiding the potential conflict between residential traffic and industrial / business related traffic will also be a challenge.

Contamination

The site was zoned for industrial purposes before the current B6 zone was applied in 2009. Possible contamination from past land use was addressed very briefly in supporting information for a development application in 2003. It does not appear to have been addressed in subsequent applications. There is no detailed timeline of past land uses. There is no assessment of adjacent land uses that could affect the site now or in the past. There are no soil tests provided. The draft conservation management plan identified that part of the site (as observed in February 2016) had been used for dumping of rubbish including organic waste, building waste and general rubbish. The extent and type of waste dumping and options for its "clean up" needs to be verified.

Given that the site has been zoned for industrial or business purposes for many years and this planning proposal is to change the prevailing land use to residential development then Council will require a more detailed assessment of this issue. This can be undertaken post a positive Gateway Determination.

Protection of remnant bushland

The 2004 South Goulburn Endangered /Threatened Species Management Plan identified the vegetation in the southern corner of the subject land as remnant Eucalypt woodland that is a significant contributor to biodiversity in this locality. It is a box gum woodland (White -Yellow Box - Blakelys Red Gum) that is listed as an endangered ecological community under the Threatened Species Conservation Act, 1995. A condition of the current subdivision required a conservation management plan be prepared. A draft was submitted to Council and OEHL for review and comment.

It is appropriate that the remnant bushland be included in an E3 Environmental Management zone to reflect its biodiversity values. The relevant objectives of this zone are to: "Protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and Provide for a limited range of development that does not have an adverse effect on those values."

Employment Lands Strategy recommendations

Council recently exhibited a draft Employment Lands Strategy that considered the role of the South Goulburn Enterprise Corridor Precinct. A submission from the owner of 150 Lansdowne Road requested that the land be rezoned to R1 General Residential. Council's consultant agreed that the circumstances warrant a change of zone. However, the R1 zone would permit multi dwelling housing, residential flat buildings and serviced apartments.

Officers’ Reports to Ordinary Meeting of Council to be held on 20 December 2016

It would also typically be coupled with a minimum lot size of 700 m². It is questionable as to whether this density of residential development is appropriate in this locality. A compromise is to change the zone to R5 large Lot Residential but with a 0.1 hectare minimum lot size (to reflect the existing consent). Although 170 Lansdowne Road was not considered in the submissions to the draft Employment Lands Strategy, it is located such that whatever happens to 150 Lansdowne Road should also apply to 170 Lansdowne Road given its small size and location.

Are there any risks or legal considerations?

If Council does not undertake the planning proposal there is a risk that it may not be able to approve dwellings on lots that have been lawfully approved in the past with the intention of being used for a dwelling.

What community engagement is proposed?

This planning proposal is not anticipated to be complex or controversial. A standard 28 day exhibition is foreshadowed.

Budget Implications

The Strategic Planning Unit has initiated the planning proposal and prepared the report using a consultant paid for by Council. If Council agrees to proceed then a consultant will be used to prepare the planning proposal. This will also be paid for by Council and can be accommodated within the existing strategic planning budget.

It is anticipated that the cost of a preliminary SEPP 55 contaminated land assessment would be passed on to the landowners. It is not recommended that Council pay for this assessment.

All other costs associated with the processing and assessment (including public exhibition costs) of the planning proposal will be Council’s responsibility.

Recommendation

That:

1. The report from the Business Manager Planning & Strategic Outcomes be received.
2. In accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 Council resolve to prepare a Planning Proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to alter the zone, minimum lot size and floor space ratio controls for land at 150 and 170 Lansdowne Street, Goulburn (Lots 1 and 2 DP 1018281) consistent with the details in this report.
3. Once prepared, the planning proposal be submitted to the NSW Minister for Planning and Environment for a Gateway Determination.



Officers' Reports to Ordinary Meeting of Council to be held on 20 December 2016

4. The Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the Planning Proposal.
5. In the event NSW Planning & Environment issues a Gateway Determination to proceed with the Planning Proposal, consultation be undertaken with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and any directions of the Gateway Determination.
6. The matter be reported back to Council after the public exhibition with details of submissions and consultation.

Item 10.5 Attachment

Attachment
Proposed Amendment to GMLEP – Lansdowne Street

Figure 1 - Area Subject to Planning Proposal



Figure 2 – Proposed LEP 2009 zoning



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Proposed Amendment to GMLEP – Lansdowne Street

Figure 3 - Proposed LEP 2009 minimum lot size



Figure 4- Proposed LEP 2009 floor space ratio



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Figure 5 – Existing LEP 2009 zoning



Figure 6 - Existing LEP 2009 minimum lot size



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Proposed Amendment to GMLEP – Lansdowne Street

Figure 7 - Existing LEP 2009 floor space ratio



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Attachment
Proposed Amendment to GMLEP – Lansdowne Street

In the following pages the proposal is assessed against the strategic planning framework.

Local

Goulburn Mulwaree Strategy 2020

The Strategy identifies the subject land (South Goulburn) on the map at page 22 as an area of land zoned partly R5 Large Lot Residential and partly B6 Enterprise Corridor. It specifically states:

“Areas west and south west of Goulburn also present the potential to accommodate large lot residential development and provide an alternative residential choice to Mary’s Mount.” It also states that future employment areas need to be located to provide “adequate separation from sensitive land uses.. to minimise potential for land use conflict and enable extended hours of operations for freight and distribution facilities.”

On balance the planning proposal will reduce the likelihood that the subject land will generate employment opportunities but will enable the residential use of an approved subdivision. This can be best achieved by applying the R5 large Lot Residential zone to the land and this is consistent with the Strategy.

Goulburn Mulwaree Community Strategic Plan 2030

Relevant Strategies:

Key Direction 2 – Business and Industry

2.4.1 to provide opportunity for residential and rural residential development and encourage affordable housing.

2.5.1 To provide opportunity and encouragement for the development of employment lands

Key Direction 4 – Sustainable Environment

4.2.1 to protect, maintain and improve the diversity of our native fauna and flora provided there is a balance between environmental protection, population growth and development

Given the relatively small size of the subject land the planning proposal should allow Council to achieve its performance indicators, viz:

- P4 Adequate supply of employment lands are provided within the local planning framework; and
- P5 Adequate supply of housing is provided within the local planning framework

On balance, the planning proposal is consistent with the Goulburn Mulwaree Community Strategic Plan 2030.

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Proposed Amendment to GMLEP – Lansdowne Street

Regional

Sydney-Canberra Corridor Regional Strategy 2006-2031

The planning proposal is consistent with the regional economic challenge to “manage the location and impacts of rural residential development.” (page 9).

The planning proposal will assist Council in achieving the strategy aim to “Cater for a housing demand of up to 25 200 new dwellings by 2031 to accommodate the additional 46 350 people expected in the Region over the period 2031.”(page 13).

The planning proposal will assist Council in achieving the strategy aim to ensure that “No new rural residential zones will be supported unless as part of an agreed structure plan or local settlement strategy.” (page13).

The planning proposal will assist in achieving the housing and settlement outcome to ensure that “Planning for rural residential land must be integrated with the supply of relevant infrastructure and transport services.” (page 40).

The land has a development approval for 17 rural residential lots and this planning proposal will facilitate a zone that allows for dwellings to be constructed on the approved lots that still addresses environment protection (the box gum woodland is to be protected) and efficient use of infrastructure and services.

Overall, this is consistent with the Sydney-Canberra Corridor Regional Strategy 2006-2031.

State

Section 117 Ministerial Directions

When preparing LEPs (including amendments) Councils are to required to comply with Section 117 Ministerial Directions. The following directions are most relevant to the proposal.

1.1 Business and Industrial zones

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

A planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and

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Item 10.5 Attachment

Attachment
Proposed Amendment to GMLEP – Lansdowne Street

(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

This planning proposal is inconsistent with this direction. However, the inconsistency is justified because it is a minor matter.

The entire site is only 6.76 ha and 1.4 ha of that contains an endangered ecological community. Although 5.36 hectares will be lost from the B6 zone it is consistent with the draft Employment Lands Strategy (not yet approved by the Department of Planning and Environment) to do so. It is anticipated that this planning proposal will not undermine the objectives to “encourage employment growth in suitable locations and support the viability of identified strategic centres.”

1.5 Rural Lands

This direction applies when:

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

A planning proposal to which clauses (a) or (b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

The planning proposal will create a 1.4 ha area of E3 Environmental Management and apply a minimum lot size (MLS) of 10,000 m² to the proposed E3 land. The proposed MLS will not permit further subdivision of the E3 zoned land allowing it to be managed as a single entity. It is consistent with the following relevant Rural Planning Principles in State Environmental Planning Policy (Rural Lands) 2008:

“in planning for rural lands, to balance the social, economic and environmental interests of the community, and the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.”

It is consistent with this direction.

2.1 Environment Protection Zones

A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The planning proposal will introduce an E3 zone to the subject land for the first time. This will increase the environmental protection standards that apply to the land.

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Attachment
Proposed Amendment to GMLEP – Lansdowne Street

It is consistent with this direction.

3.1 Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

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

A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

The planning proposal will broaden the housing choice and will be an efficient use of existing infrastructure and services in this locality. It will provide for housing close to the Goulburn urban area and be subject to existing design controls in relevant DCP's.

A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- (b) not contain provisions which will reduce the permissible residential density of land.

Goulburn LEP already contains a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it). This land has been fully serviced for some time. It does not contain provisions which will reduce the permissible residential density of land. The proposed MLS reflects the existing lot size in the approved subdivision.

It is consistent with this direction.

5.1 Implementation of Regional Strategies

The planning proposal is consistent with the *Sydney-Canberra Corridor Regional Strategy 2006-2031* (see above).

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Proposed Amendment to GMLEP – Lansdowne Street

5.2 Sydney Drinking Water Catchment

A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, etc. (See also SEPP - Sydney Drinking Water Catchment comments below).

The planning proposal will include 1.4 ha of the subject land in an E3 zone which should allow it to act as a surface water infiltration area and assist with water quality in the locality. Most of the subject land will change from one urban zone (B6) to another urban zone (R5). This is expected to have neutral effect on water quality in the catchment. Should Council support the planning proposal it will be sent to Water NSW for review prior to being submitted for a Gateway Determination. In exhibiting the planning proposal Council will need to consult with Water NSW.

State Environmental Planning Policies

SEPP 55 – Remediation of Land

When rezoning land Council needs to be satisfied that the land is suitable for the use proposed or can be remediated to a level suitable for that use.

The site was zoned for industrial purposes before the current B6 zone was applied in 2009. Possible contamination from past land use was addressed very briefly in supporting information for a development application in 2003. It does not appear to have been addressed in subsequent applications. There is no detailed timeline of past land uses. There is no assessment of adjacent land uses that could affect the site now or in the past. There are no soil tests provided. The conservation management plan identified that part of the site (as observed in February 2016) had been used for dumping of rubbish including organic waste, building waste and general rubbish. The extent and type of waste dumping and options for its “clean up” need to be verified.

Given that the site has been zoned for industrial or business purposes for many years and this planning proposal is to change the prevailing land use to residential development then a more detailed assessment of this issue is required.

This can be undertaken after Council makes its decision to support the planning proposal and it receives a Gateway determination, but before public exhibition.

SEPP (Sydney Drinking Water Catchment) 2011

The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. Water NSW was consulted in relation to the existing subdivision approval and subsequent modifications to it. It did not object to the subdivision subject to conditions being imposed. Further consultation with Water NSW will occur should the planning proposal proceed. Future development applications will be subject to the SEPP.



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Industrial Noise Intrusion Assessment Proposed Planning Proposal – Land Rezoning For Residential Subdivision

Lot 10 DP 1018281, Lansdowne Street and Robinson Street
Goulburn, NSW 2580

Prepared For:-

Simgrow Pty Ltd
PO Box 539
Goulburn NSW 2580

Attention: Mr Robert Mowle

Reference: 1810009T-R1

Prepared by:-

Matthew Harwood MAAS
5th March 2019



Environmental
Acoustics

Occupational
Acoustics

Architectural
Acoustics

Transportation
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Harwood Acoustics was requested by Simgrow Pty Ltd, to carry out an Industrial Noise Intrusion Assessment for a proposed residential development to be developed at Lansdowne Street and Robinson Streets Goulburn, NSW 2580

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1. INTRODUCTION AND SUMMARY

Harwood Acoustics was engaged by Simgrow Pty Ltd to carry out an Industrial Noise Intrusion Assessment in relation to a planning proposal that will seek to rezone land located at Lot 10 in DP 1018281, (hereafter the Site) Goulburn, in order to facilitate a residential subdivision.

The Site is located on the southern side of Lansdowne Street and the western side of Robinson Street approximately 2.4 kilometres south west of the CBD of Goulburn.

The Site in question is located on land that adjoins and partially surrounds a recent residential subdivision which is serviced by Theatre Drive. The overall Site is in a predominantly industrial area and there are industrial premises located opposite Lansdowne Street to the north and opposite Robinson Street to the west and south east as shown in Figure 1.

Industrial premises in the estate include, but are not limited to, Boral Concrete, Allmac Welding, Goulburn Farm Machinery, Storage King and Millennium Windows. The closest proposed lots fronting Lansdowne Street are at a distance of approximately 30 metres from the nearest industrial premises to the north. Those lots fronting Robinson Street are at a distance of approximately 25 metres from the nearest industrial premises to the south east.

The rezoning proposal seeks to have the remaining land on the site, being Lot 10, rezoned so as to allow for residential development similar to the adjoining lots serviced by Theatre Drive. This Industrial Noise Intrusion assessment will be submitted with the rezoning request. The assessment is to determine the potential for noise emanating from the existing industrial premises to impact on any future residences.

Noise arising from industrial premises is typically assessed against the NSW EPA's *Noise Policy for Industry* 2017. This is particularly relevant for new industrial sites potentially affecting existing residential areas. The policy provides a method for establishing project specific noise goals in order to assess the potential impact of noise from industry. The policy includes a framework for considering feasible and reasonable noise mitigation measures. However, the policy is designed for large industrial and agricultural sources and specifies substantial monitoring and assessment procedures that may not always be applicable to the types of sources that Councils need to address. Neither is it intended for use as a mandatory requirement, but rather as a guide in determining the potential for noise impact and to identify reasonable and feasible noise mitigation measures.

Given the close proximity of the existing and proposed residential allotments to the existing industrial premises in this instance, it may not be practicable to expect that the level of noise emission arising from the operation of the existing industrial premises would not exceed the project trigger levels that would be established under the Policy, at least for some premises, on some occasions.

That being said, the existing approved residential lots within the existing subdivision each have restrictions placed on them via 88b instruments. The 88b instruments on the subject land require that any future dwellings are to be constructed such that external noise intrusion will achieve the recommended internal noise levels derived from Australian Standard AS2107:2016 '*Acoustics – Recommended design sound levels and reverberation times for building interiors*' (AS2107).

AS2107 provides a list of recommended design sound levels for different areas of occupancy in various buildings. The appropriate indoor noise design goals in this instance are considered

to be 35 dBA ($L_{eq, 1 \text{ hour}}$) inside bedrooms between 10 pm and 7 am and 40 dBA ($L_{eq, 1 \text{ hour}}$) inside all habitable spaces at any time. External noise levels are the energy average sound pressure levels of noise emission arising from the nearby industrial premises when measured or established over a typical worst-case one-hour period ($L_{eq, 1 \text{ hour}}$).

It is assumed that each of the residential lots within the proposed subdivision of Lot 10, if approved by Council, will have similar restrictions placed on each lot via a similar 88b instrument.

This assessment therefore establishes typical existing industrial noise levels across the development site and provides an assessment of the potential for compliance with the internal design goals set by AS2107 for typical future dwellings.

The author visited the site on several occasions throughout November and December 2018 and again in January 2019 to measure the level of noise emission from the various industrial premises in proximal of the future proposed lots.

Industrial noise levels range from 51 to 62 dBA $L_{eq, 1 \text{ hour}}$ during the day at the furthest and closest future dwellings to the noise producing industrial premises. Consideration is also given to noise associated with heavy vehicle movements prior to 7 am based on attended noise measurements and acoustical modelling. The predicted noise level from passing trucks at the closest future residential lots to Lansdowne Street is 56 dBA ($L_{eq, 1 \text{ hour}}$) at night and for those lots closest to Robinson Street the predicted level is 54 dBA ($L_{eq, 1 \text{ hour}}$).

The as-measured and predicted external industrial and heavy vehicle noise levels have been used to determine the potential for compliance with the internal noise limits within typical future dwellings. An assessment of the potential noise intrusion from industrial activity into a selection of potential future dwellings on the Site has been undertaken based on typical living room and bedroom sizes.

Individual assessments for dwellings will be required once the subdivision is created prior to the issue of Construction Certificates for each dwelling. This may be done through the inclusion of 88b instruments on those lots and examples of such instruments are provided in Section 3.1.

Acoustical treatment of these dwellings will be dependent upon, for example, room sizes; ratio of glazing to the overall façade; orientation of windows and rooms to the respective roads; floor coverings and shielding from other dwellings, boundary fences, etc.

It is proposed to erect a minimum 2.1-metre-high timber lapped and capped fence, (noise barrier with a minimum surface density of 15 kg/m²) along the entire Lansdowne Street frontage. The sound barrier fence will therefore achieve an effective height of **2.1 metres** above the finished ground level of the proposed lots adjacent to Lansdowne Street. This will provide varying level of noise attenuation from noise emission from industrial premises and heavy vehicles. A similarly constructed noise barrier is proposed for the Robinson Street frontage and will be erected to a minimum height of 1.8 metres.

In any event, for even the most exposed future dwellings to industrial noise, acoustical treatment where required, will not be significantly onerous and examples are given in Section 5 of this Report.

2. SITE AND PLANNING PROPOSAL DESCRIPTION

The Site is located on the southern side of Lansdowne Street and the western side of Robinson Street approximately 2.4 kilometres south west of the CBD of Goulburn.

The Site in question is located on land that adjoins a recent residential subdivision serviced by Theatre Drive. The overall Site is in a predominantly industrial area and there are industrial premises located opposite Lansdowne Street to the north and opposite Robinson Street to the west and south east as shown in Figure 1.

Industrial premises in the estate include, but are not limited to, Boral Concrete, Allmac Welding, Goulburn Farm Machinery, Storage King and Millennium Windows. The closest proposed lots fronting Lansdowne Street are at a distance of approximately 30 metres from the nearest industrial premises to the north and those fronting Robinson Street are at a distance of approximately 25 metres from the nearest industrial premises to the south east.

The rezoning proposal seeks to have the remaining land on the site, being Lot 10, rezoned so as to allow for residential development of approximately 20 lots as shown in Figure 2.



Figure 1. Location Plan – Lot 10 in DP 1018281, Goulburn, NSW

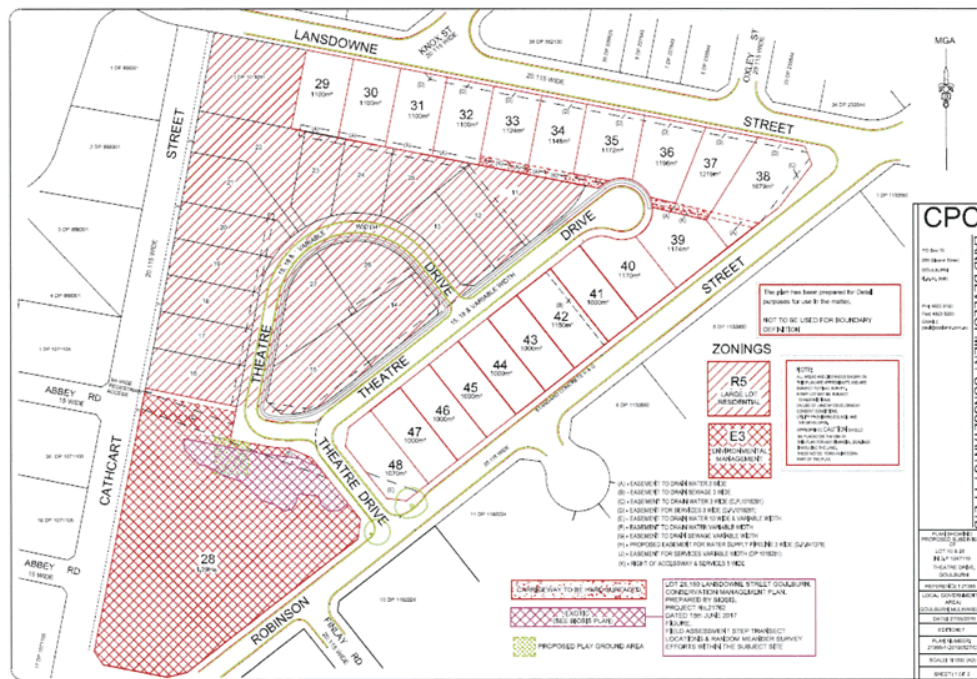


Figure 2. Planning Proposal – Proposed Subdivision

(source: CPC Land Development Consultants Pty Ltd, plan no. 21355-D-20190527/CH, May 2019)

3. NOISE CRITERIA

Noise arising from industrial premises is typically assessed against the NSW EPA’s ‘Noise Policy for Industry’ 2017. This is particularly for new industrial sites potentially affecting existing residential areas. The policy provides a method for establishing project specific noise goals in order to assess the potential impact of noise from industry and includes a framework for considering feasible and reasonable noise mitigation measures. However, the policy is designed for large industrial and agricultural sources and specifies substantial monitoring and assessment procedures that may not always be applicable to the types of sources Councils need to address. It is not intended for use as a mandatory requirement but rather as a guide to regulatory authorities. Given the close proximity of the existing and proposed residential allotments to the existing industrial premises in this instance, it may not be practicable to expect that the level of noise emission arising from the operation of the existing industrial premises would always meet the project trigger levels that would be established under the policy, at least for some premises, on some occasions.

As such, the existing approved residential lots within the existing subdivision each have restrictions placed on them via 88b instruments. The 88b instruments on the subject land requires that any future dwellings are to be constructed such that external noise intrusion will achieve the recommended internal noise levels derived from Australian Standard AS2107:2016 ‘Acoustics – Recommended design sound levels and reverberation times for building interiors’ (AS2107).

3.1 88B Instrument DP 1247119

An example of the 88b instrument applied to burdened lots on Theatre Drive is as follows:-

“all future dwellings on burdened lots are to be designed and constructed such that external noise intrusion will achieve the recommended internal noise levels in accordance with AS2107.”

3.2 AS 2107:2016

Australian Standard AS 2107:2016 ‘Acoustics – Recommended design sound levels and reverberation times for building interiors’ provides a list of recommended design sound levels for different areas of occupancy in buildings. The recommended internal noise levels and reverberation times for various relevant rooms are shown in Table 1 below.

Table 1 Recommended L_{eq} Design Sound Level (AS2107-2016)

Type of Occupancy/Activity	Recommended Design Sound Level, L_{eq} dB(A)		Recommended Reverberation Time (T).s
	Satisfactory	Maximum	
RESIDENTIAL BUILDINGS			
Houses and apartments in suburban areas or near major roads –			
Living areas	35	45	-
Sleeping (night time)	35	40	-
Houses and apartments in suburban areas or near minor roads –			
Living areas	30	40	-
Sleeping (night time)	30	35	-

Given the location of the development site with respect to the industrial area and Hume Street to the south, it is considered that **35 dBA** is a realistic noise design goal for bedrooms (at night) and **40 dBA** is a realistic noise design goal for all habitable rooms during day time hours. These levels are also in line with those set by Clauses 87 and 102 of SEPP Infrastructure 2007 relating to rail and road noise intrusion respectively.

- a) Day is defined as the period from 7 am to 10 pm; and
- b) Night is defined as the period from 10pm to 7am.

4. INDUSTRIAL NOISE LEVELS

4.1 Measured Noise from Industrial Premises

The author visited the Site on several occasions throughout November and December 2018 and January 2019 to carry out attended noise surveys of noise emission from industrial activity at various locations across the development Site, as shown in Figure 1.

The acoustical environment during all noise surveys was dominated by activity at Boral Concrete which included the loading of cement trucks from the hoppers, washing cement trucks (or adding water to the mix).

Other industrial activity included noise emanating from Goulburn Farm Machinery, Allmac Welding and heavy vehicle movements along Lansdowne Street. The level of noise emission from premises along Robinson Street was significantly lower than those along Lansdowne Street, particularly near to Boral Concrete. The level of noise emission from the eastern end of Lansdowne Street was considerably less than the Boral site.

The highest measured noise level at the closest proposed lots to Lansdowne Street was 62 dBA whilst typical Boral activities occurred simultaneously for a minimum 15 minutes.

As a conservative worst-case scenario this assessment assumes this level is representative of any given one-hour period. In practice this is unlikely to occur regularly as once the cement mixer trucks leave the site the level of noise producing activity is considerably lower.

It is reported that Boral Concrete and other surrounding industries do not commence operating until 7 am. Noisy activities prior to 7 am are dominated by heavy vehicle movements, predominantly in Lansdowne Street. Heavy vehicle noise emission is detailed in Section 4.2 below.

The noise levels measured from nearby industry during the noise surveys have therefore been used to establish the octave band and overall ‘A’ frequency weighted sound pressure levels, in decibels re: 1 pW, shown in Table 1 below.

Table 1 $L_{eq, 1 \text{ hour}}$ Industrial Noise Levels – Various locations across the Site

Industrial Noise Levels	dBA	Sound Pressure Levels (dB) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
<i>Most exposed future dwellings to Industrial Noise</i>									
Day Time $L_{eq, 1 \text{ hr}}$	62	65	63	58	54	57	56	53	43
<i>Least exposed future dwellings to Industrial Noise</i>									
Day Time $L_{eq, 1 \text{ hr}}$	51	54	52	47	43	46	45	42	32

4.2 Heavy Vehicle Noise Levels

During the noise surveys the author measured the level of noise emission from a number of heavy vehicle movements along Lansdowne Street. Trucks included semi-trailers and smaller rigid trucks approximately 13 metres in length. There is potential for a variety of heavy vehicle types and movements to occur in both Lansdowne Street and Robinson Street, prior to 7 am.

A calculation based on the sound exposure level for various vehicles has therefore been carried out. The sound exposure level (L_{Ae}) is a summation of the sound energy produced during a single event (i.e. a motor vehicle pass-by, train pass-by, etc).

In addition to the measurements taken on site, the author has measured the level of noise emission from numerous heavy vehicles including, for example, truck and trailer, semi-trailer, b-double, refrigerated rigid trucks.

The average maximum measured sound exposure levels of a range vehicles, normalised to a distance of 15 metres is as follows:-

- Truck – 85 dBA;

Once established, a sound exposure level (L_{Ae}) can be used to calculate an energy average, sound pressure level ($L_{eq, time}$) using the following formula:-

$$L_{eq, 1\ hour} = L_{Ae} - 10 \log_{10} (T) + 10 \log_{10} (N)$$

Where T is time in seconds (1 hour in this instance in line with the requirements of AS2107) and N is the number of vehicle trips. For the purpose of establishing a typical worst-case scenario, it is assumed that there may be five (5) heavy vehicle movements along Lansdowne Street and three (3) along Robinson Street in any given one-hour period prior to 7 am (e.g. between 6 am and 7 am – which is within the night time shoulder period).

The predicted octave band and overall ‘A’ frequency weighted sound pressure levels, in decibels re: 1 pW from heavy vehicle movements are shown in Table 2 below.

Table 2 $L_{eq, 1\ hour}$ Heavy Vehicle Noise Levels – Various locations across the Site

Heavy Vehicle Noise Levels	dBA	Sound Pressure Levels (dB) at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
<i>Closest future dwellings to Heavy Vehicle movements – Lansdowne Street</i>									
Night Time $L_{eq, 1\ hr}$	56	66	56	51	50	53	48	45	38
<i>Closest future dwellings to Heavy Vehicle movements – Robinson Street</i>									
Night Time $L_{eq, 1\ hr}$	54	64	54	49	48	51	46	43	36

Instrumentation used during the noise survey is shown in the attached Appendix A.

4.3 Required Noise Reduction

The required noise reduction is as follows:

For the future dwellings most exposed to noise from industrial activity and heavy vehicles

- (62 – 40 =) 22 dB for all Living areas; and (industry during the day)
- (56 – 35 =) 21 dB for all sleeping areas (heavy vehicles prior to 7 am – i.e. at night)

For the future dwellings least exposed to noise from industrial activity and heavy vehicles

- (51 – 40 =) 11 dB for all Living areas; and (industry during the day)
- (54 – 35 =) 19 dB for all sleeping areas (heavy vehicles prior to 7 am – i.e. at night)

The higher noise levels at night arise from heavy vehicle movements as it is reported that the industrial premises, particularly Boral Concrete do not operate prior to 7 am, other than truck movements to the Site. Traffic count information provided also indicated that there are minimal truck movements between 6 pm and 6 am.

5. NOISE MODELLING AND RECOMMENDED ACOUSTICAL TREATMENT

5.1 Noise Modelling Methodology

Design and layout of any potential future dwellings are unknown at this stage. For the purpose of modelling and assessment, typical living areas and bedroom sizes have been assumed as follows:-

- Open-plan Living / Dining / Kitchen, timber or tile flooring – 8 metres x 7 metres x 2.7 metres with:-
 - sliding glass door (2000 mm x 2700 mm);
 - one main window (2200 mm x 2100 mm); and
 - one highlight window (600 mm x 2400 mm).
- Bedroom, carpeted – 3.5 metres x 4.5 metres x 2.7 metres with:-
 - one window (2400 mm x 1800 mm); and
 - one sliding door (2000 mm x 2700 mm).

The internal noise levels can be calculated using the formula: -

$$L_{p2} = L_{p1} - R_w + 10 \log_{10} (S/A) - K + 6 \text{ dB}$$

Where:

L_{p1} is the external freeway noise level;

R_w is the weighted sound reduction index of the partition;

S is the area of the partition (e.g. wall, roof, window or glazed door);

A is the acoustic absorption of the room;

K is an angle of view correction.

5.2 Building Construction Recommendations

The level of noise intrusion has been calculated through the roof, floor, walls, glazed doors and windows.

The recommended internal noise levels from AS2107:2016 can be met using the following construction methods and materials.

5.2.1 Walls

- External walls may be of brick veneer or other masonry construction; or
- Cement composite external cladding, for example Hardies 'Scyon', 'Linea', 'Stria', or CSR Cemintel or equivalent with similar minimum mass; and
- Internal plasterboard wall lining may be of standard 13 mm thick plasterboard construction with standard thermal insulation in the external wall cavity.

5.2.2 Ceiling and Roof System

- Concrete tile or metal deck roof with 13 mm thick standard or 10 mm thick sound rated plasterboard ceiling below and minimum 50 mm thick glasswool insulation (minimum 11 kg/m³) in the ceiling cavity will be acceptable;

5.2.3 Windows and Glazed Doors

Glazing

- Windows and glazed doors may be fixed, sliding, awning, casement or double hung style in aluminium or timber frames;
- Based on the above example room dimensions and window sizes, windows for dwellings at various locations should achieve the following weighted sound reduction index ratings (R_w):-
 - Most exposed – living room R_w 32 (e.g. 6.38 mm thick laminated glass);
 - Most exposed – Bedroom R_w 30 (e.g. 6.38 mm thick laminated glass);
 - Least exposed – living room R_w 25 (e.g. 4 mm thick float glass);
 - Least exposed – Bedroom R_w 26 (e.g. 5 mm thick float glass).

Discussion

The required acoustical performance of future building elements is dependent upon, for example, the rooms sizes; the proportion of glazing to the remaining walls; the orientation of the rooms and windows to the external noise source; the floor coverings within the rooms; any shielding from other buildings, boundary fences, etc.

Individual assessments for future dwellings will be required once the subdivision is created, prior to the issue of Construction Certificates for each dwelling.

This may be done through the establishment of 88b instruments on those lots, along the lines of the example provided in Section 3.1 of this Report.

5.3 External Noise Reduction

As stated previously it is unlikely that external intrusiveness project noise levels that would be established under the EPA's Noise Policy for Industry 2017 would be met at the closest future dwellings to some industrial premises, at least on some occasions for 15 minute periods during the day.

Practical steps to minimise external noise impacts include:-

Boundary Screening

- Erecting boundary fences along shared boundaries with Lansdowne Street and Robinson Street;
 - Fences may be constructed from any impervious materials including lapped and capped timber, corrugated sheet steel, masonry, or proprietary modular wall systems;
- At this stage it is proposed to erect a minimum 2.1-metre-high barrier along the entire Lansdowne Street frontage. This will provide attenuation of between 5 and 6 dB from noise emission arising from industrial sites and trucks passing on Lansdowne Street.

The proposed boundary fence will provide a reduction in external noise levels which will improve external noise amenity in gardens and courtyards and also potentially reduce the level of construction required to meet the recommended internal noise design goals.

Outdoor Areas & Building Design

- Locate outdoor areas such as courtyards, patios, barbeque areas as far from the respective roads as practicable;
- Avoid elevated decking;
- Shield outdoor areas and noise sensitive rooms from the road or industrial premises by service rooms (see Figure 3 below as an example)

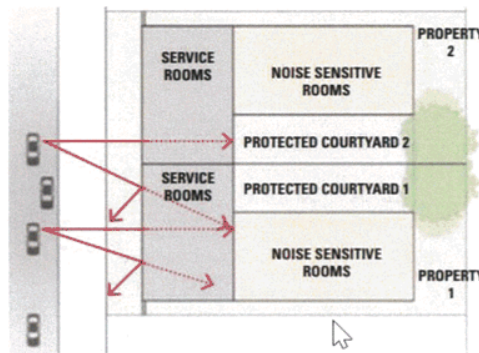


Figure 3.17: Noise shielded courtyards

Figure 3. Building Layout and Design to Reduce Noise Impact

(source: NSW Department of Planning’s Development Near Rail Corridors and Busy Roads – Interim Guideline 2008, Figure 3.17)

Important note:-

These recommendations are given to minimise external noise impacts through the construction of boundary fences and building design so far as may be reasonably practicable for the builder or home owner. This assessment does not provide advice and recommendations to ensure compliance with any external noise limits at future dwellings from existing industrial operations.

Previously approved residential allotments on Theatre Drive, adjoining the subject Site, are restricted via 88b instruments requiring internal noise design goals to be met. This assessment adopts the same approach to the proposed subdivision of Lot 10.

6. CONCLUSION

An industrial noise intrusion assessment has been undertaken in relation to a planning proposal seeking to rezone land at Lot 10 in DP 1018281 Lansdowne and Robinson Streets, Goulburn, NSW to facilitate residential subdivision.

Industrial noise levels and heavy vehicle movement noise levels have been established across the Site based on attended noise surveys undertaken in November and December 2018 and January 2019. Industrial noise levels range from 51 to 62 dBA during the day and noise emitted from heavy vehicles are from 54 to 56 dBA at night at the least exposed and most exposed potential future dwellings respectively.

These measured and established noise levels have been used to determine the potential for compliance with the internal noise design goals derived from Australian Standard AS2107:2016 *'Acoustics – Recommended design sound levels and reverberation times for building interiors'* (AS2107).

These design goals can be achieved for any future residences based on typical example constructions outlined in **Section 5** of this report. Individual assessments of future dwellings may be undertaken prior to issue of construction certificates.

This may be facilitated by the inclusion of 88b instruments on burdened lots.

Any acoustical treatment, where required will not be onerous and result typically in an upgrade to standard glazing thicknesses and or standard plasterboard thickness in some ceilings.

The approach of including 88b instruments that require internal noise design goals to be met in accordance with AS2107:2016 is in keeping with the approved residential subdivision on the adjoining parcel of land at Theatre Drive.

This assessment does not address potential for compliance with external noise goals derived from the EPA's *Noise Policy for Industry* (2017) for noise emission arising from industrial premises impacting on future residents. However, advice is provided in **Section 5.3** to reduce external noise impacts in the design stage of future dwellings so far as is reasonably practicable.



Matthew Harwood, MAAS

Principal Acoustical Consultant

Attachments:-

Appendix A – Noise Survey Instrumentation

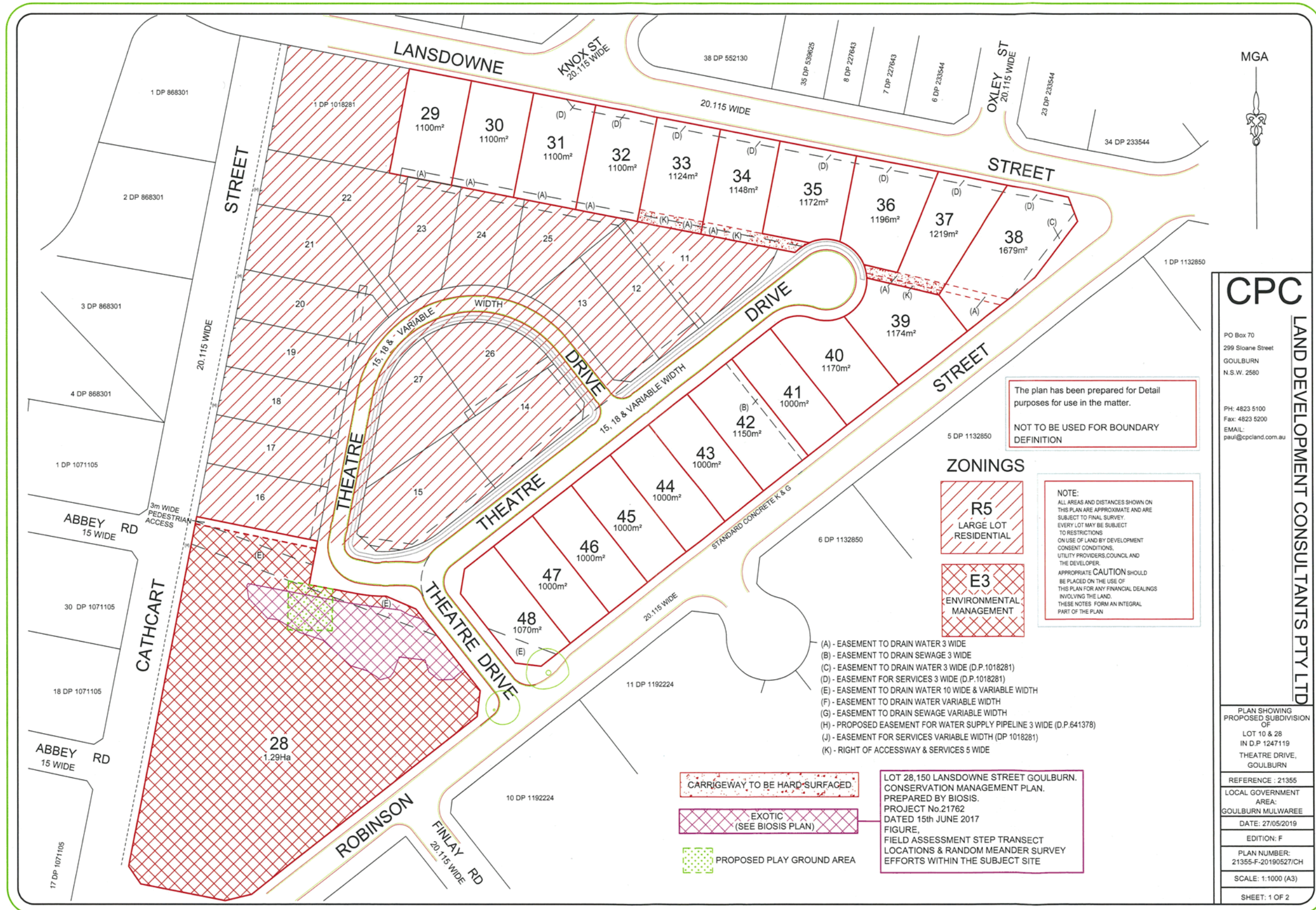
Noise Survey Instrumentation	Appendix A
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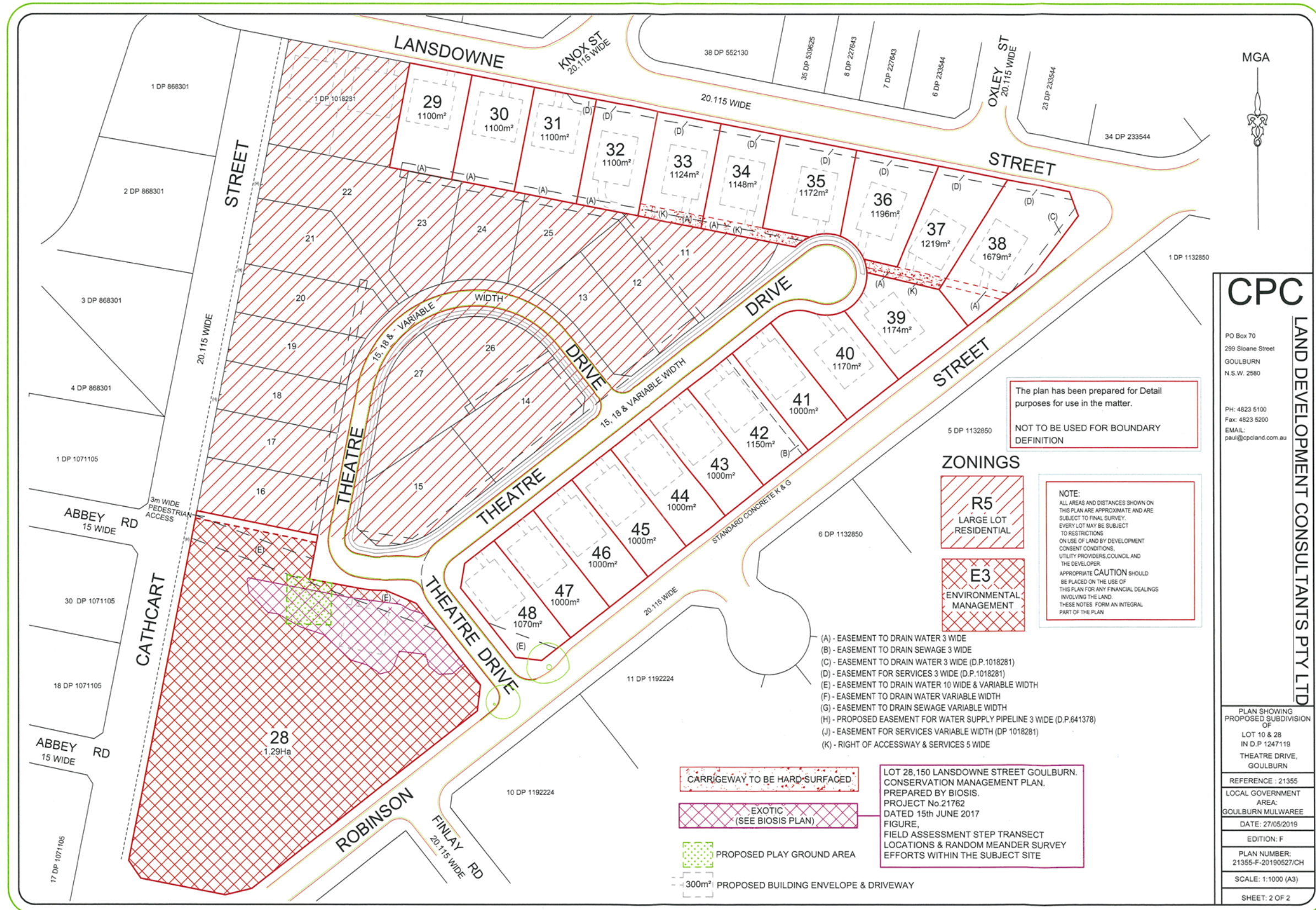
The instrumentation used during the noise survey consisted of the following:-

Description	Model No.	Serial No.
SvanTek Sound Level Meter	SVAN 957	15395
Bruel & Kjaer Sound Level Meter	2260	244 3406

The sound level meters conform to Australian Standard AS IEC 61672.1-2004 : ‘Electroacoustics - Sound level meters – Specifications’ as a Class 1 precision sound level meter.

The calibration of the meter was checked before and after the measurement period. No significant system drift occurred over the measurement period. The sound level meter and calibrator have been checked, adjusted and aligned to conform to the factory specifications and issued with conformance certificates as required by the regulations.







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30 January 2020

General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2020/1719*

Attention: Bennett Kennedy

Dear Mr Sir/Madam

RE: Lansdowne Street Goulburn Planning Proposal - Post-Gateway Referral

I refer to Council's correspondence of 18 December 2019 referring the updated Planning Proposal (dated 15 November 2019) for Lansdowne Street, Goulburn, following the Gateway Determination of 16 December 2019. WaterNSW provided earlier comments on the Proposal on 7 November 2019 (our ref: D2019/121867).

The Proposal involves rezoning Lot 10 DP 1247119 from B6 Enterprise Corridor to R5 Large Lot Residential, amending the minimum lot size from Nil to 1,000m², and removing the existing (0.8:1) Floor Space Ratio Development Standard.

The revised Proposal adequately responds to both State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) and s9.1 Direction 5.2 Sydney Drinking Water Catchments. The site mostly carries a Moderate Risk to water quality as based on the relevant Strategic Land and Water Capability Assessment, with remaining areas being Low Risk (see Map 1 attached). WaterNSW notes the land will be connected to reticulated water and sewer, while rainwater will be collected in rain gardens with excess runoff directed to the existing stormwater drainage network.

The report notes there are differences in watercourse mapping for the site, which are a minor issue for this Proposal. They have arisen due to different data and digital elevation models being used to determine topographic relief and the location of drainage features (p.22), rather than outdated information. WaterNSW has now run an ARC Hydro model on a 1m DEM with a 100m² catchment for the drainage lines. This identifies the drainage occurs along the northern and southern edge of the site, generally aligning with the road corridor and associated guttering.

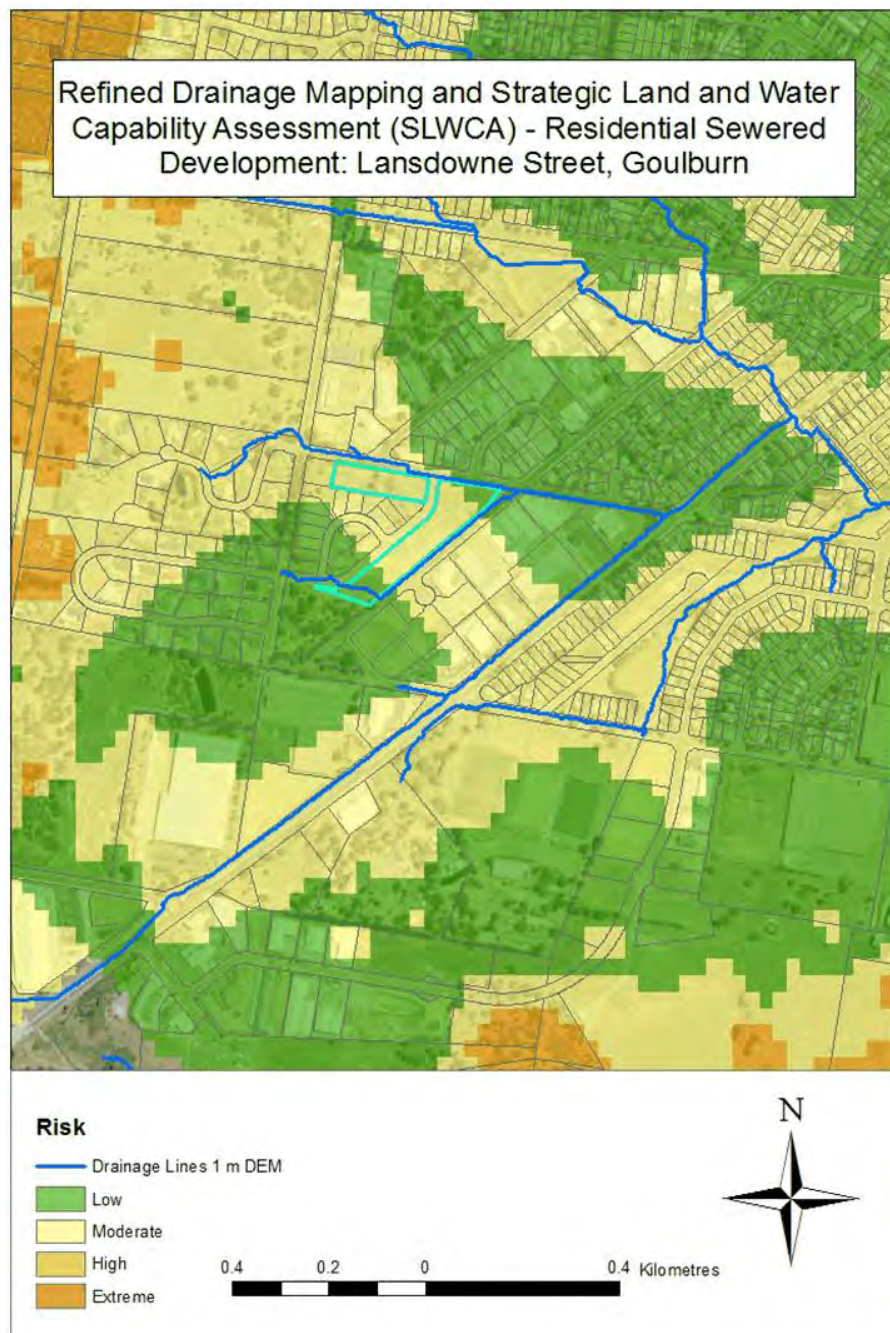
Regardless of these differences, the site has been subject to past urban uses, predominantly operating as a drive-in theatre, with surface drainage being managed by kerb and guttering and a reticulated stormwater system. It is not a greenfield site and WaterNSW has no issues with proposed drainage management. As required by the SEPP, any future development of the site will need to have a neutral or beneficial effect on water quality.

If you have any questions regarding the matters raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Preshaw".

CLAY PRESRAW
Manager Catchment Protection



Map 1. Lansdowne Street, Goulburn: Refined Drainage Mapping Overlay with Strategic Land and Water Capability Assessment.

Vacvator

107 Cathcart Street Goulburn
NSW 2580

Goulburn Mulwaree Council
Civic Centre 184-194 Bourke Street
Goulburn NSW 2580

21st February 2020

Re: Planning Proposal to Rezone Land at 150-170 Lansdowne Street Goulburn

Attn: To whom it may concern,

Further to the meeting with Goulburn Mulwaree Council on the 12th Feb 2018, I would like to make a formal submission in reference to 150-170 Lansdowne Street and the proposed rezoning of the area from B6 Enterprise Corridor to R5 Large Lot Residential and E3 Environmental Management.

We own a business, Vacvator, located at 107 Cathcart Street Goulburn (Lot 1 of DP 1015053) owned by Rowlands Infrastructure Pty Ltd ACN 620 065 867. I purchased the property in 2010 (formally via the UEA Group) and were granted a Development Application for alterations to the business on 20th Jan 2011. The land is currently zoned B6 – Enterprise Corridor.

We are concerned that the proposal to grant a rezoning to all of 150-170 Lansdowne Street to R5 could have major detrimental effect on the areas surrounding this Large Lot Residential development in future years. We do not however object to the proposed rezoning of part of this lot to E3.

The viability of our business and others around this area are dependent on being able to operate under the current B6 zoning including 24hr operation of those businesses under their pre-existing consent. As much as we do not agree that this land should have been changed from its previously zoning of Enterprise Corridor, we wish to compromise and work with the council to minimise the impact on businesses that provide a substantial economic benefit to the Goulburn Community.

We have grave concerns that the residential development proposed along Lansdowne Street will not only be impacted by the Enterprise Corridor activities but more concerning is the risk to residents due to the transport and freight movements along Lansdowne Street that are necessary for the viability of those businesses. The long-term effects of having a residential development opposite an Enterprise Corridor will impact on the commercial viability of those businesses due to ongoing conflict that will occur.

We propose that the area adjacent to Lansdowne Street remain B6 (see plan) and that a high fence be erected at the rear of Pt. 10 and DP 1018281 as part of the development to minimise noise and visual impact to the residents. We suggest that the proposed access to the residential development from Lansdowne Street be turned into a cul-de-sac and that the residential traffic exit via the pre-existing road in Cathcart Street adjacent to Abbey Road. These two changes will reduce the noise and visual impact from the B6 activities to the R5 residential areas and reduce the potential risk of personal harm and vehicle accidents that could result as a consequence of the existing re-zoning to R5 in a pre-existing B6 corridor. We also suggest that the 150-170 Lansdowne Street development allow for parallel parking along the street opposite the exiting B6 businesses to take vehicle parking off the road and provide a much-needed safe parking area for the Enterprise Corridor (see plan).

To balance the proposed changes, we agree that the land along Robinson Street be rezoned to R5 as the impact to residents from the Enterprise Corridor activities in Robinson Street will be far less than those in Lansdowne Street. We suggest that a pedestrian walkway be constructed for the residents and businesses along Robinson Street from the corner of Lansdowne to the corner of Robinson and Cathcart Streets as part of this development. This will create a buffer zone and reduce the risk of pedestrians walking on the road. We also suggest that the development make provision for a high fence along Robinson Street to further reduce traffic and visual impact to the residents.

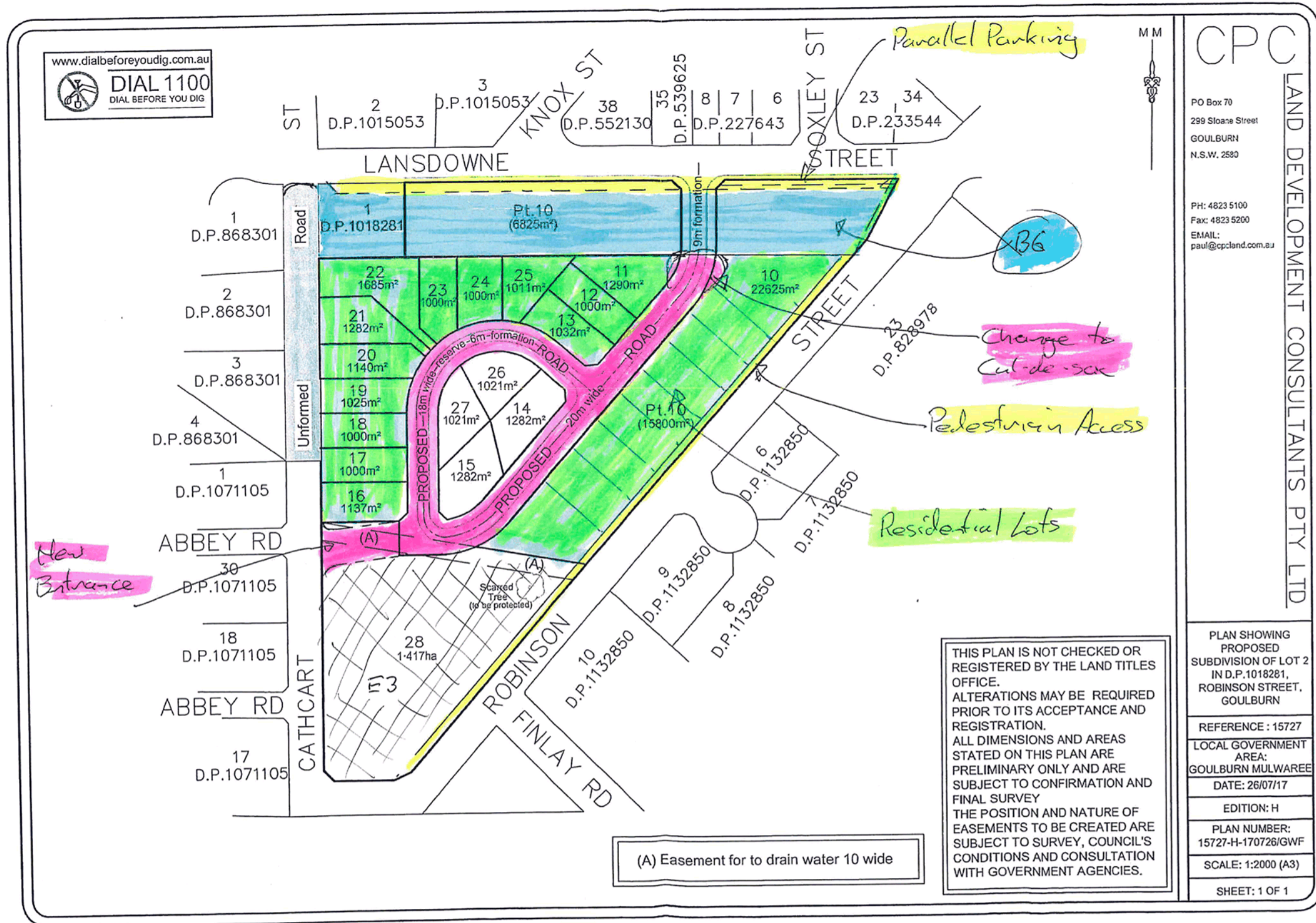
Our main concern is that in future years if the existing businesses adjacent to the proposed R5 re-zoned area apply for future Development Applications to alter, extend and/or enhance their business premises, that the council could then impose restrictions on the operation or trading hours of the business as a consequence of this re-zoning of 150-170 Lansdowne Street. If the council cannot guarantee this will not be the case in future year's then we would have to object to any rezoning of this area from B6 to R5. The basis of this residential development should be how to prevent it impacting on the pre-existing B6 zone not how to stop the B6 impacting on a new proposed residential development, therefore the onus should be on the developer and the council to prevent this impact not the owners of the businesses in the B6 zone. These businesses have in the past and will provide an important economic contribution to Goulburn in years to come and therefore should be the main consideration for the council in granting a rezoning of this area.

If you wish to discuss this further please contact me on 0409736000 or email at arowlands@ultegra.com.au

Regards,



Andrew Rowlands
Director Vacvator



Nick Thistleton

From: Craig Evans
Sent: Monday, 16 March 2020 12:21 PM
To: Submissions
Subject: (REZ/0008/1819)

General Manager

I am submitting a my views on the rezoning of land from B6 Business Enterprise to R5 Large Lot Residential.

As a nearby resident who utilises Landsdowne street by vehicle, bicycle and via walking I would like to bring to the councils attention that this street is used frequently by heavy vehicles including B doubles.

The street is know used as a parking zone for cement agitators and semi trailers. Up to nine agitators can be parked on both sides of the street for extended periods including continuously for for about five weeks over December/January. This narrows the access to the road to about 8 metres wide and when heavy vehicles use the street access for other traffic is restricted immensely.

To walk down this street you need to utilise the road as the nature strip is overgrown with vegetation uneven and blocked with workers from the nearby businesses parking their vehicles on it.

Walking between the parked heavy vehicles with oncoming traffic is dangerous.

At times when their is not a lot of heavy vehicles parked there most of the traffic using it are doing so at excessive speed.

I have concerns for the safety of the public including children living in this area if it becomes residential.

Are the new residents going to be happy with B doubles and cement agitators parked at the front of there new homes as well as the noise from these industrial businesses? I think not.

Landsdowne street at this area is a industrial street not residential.

If the council approves this there should be some traffic, parking and pedestrian management put in place.

The same issues are also starting to develop in Robinson street.

Regards

Craig Evans

4 Nicole Place

Sent from my iPhone

Property at 150 Lansdowne St, Goulburn (Lot 10, DP 1247119)

Objection to proposed rezoning of the site from a B6 Enterprise Corridor zone to R5 Large lot Residential zone.

The primary reason for objecting to the proposed rezoning related specifically to traffic and land use matters as we own commercial property in Lansdowne street with transport company and run a farm Machinery Business in the close proximity with Lansdowne and Robinson St being our closest cross street.

We already experience complaints from residential areas not aware that residential and commercial zones have different rules.

In Mary Street with residential across the road from commercial property 2 recent examples:

In 2018, We have had a resident pull a Knife on our staff (our son) he was in a vehicle and able to drive away. The resident was ranting about the noise, however we were within our rights. There are complaints on the council records with each time council telling us we were with in our zoning rights.

In 2019 a truck driver had stopped to retie a load and was threatened however he was out of the vehicle and a violent encounter resulted with police called.

Also, council telling the person in residential area repeatedly that the noise and vehicle movements is within the correct zoning, they continue to complain. We have since moved our business off Mary street. There is even more truck movement and noise related in 24hr zone in Lansdowne street.

There needs to be a buffer between Commercial and residential.

Sincerely

Andrew and Michelle White

50 Robinson St

Goulburn NSW 2580

**FIFE'S
STOCKFEEDS**

PO BOX 908
GOULBURN
NSW 2580

51-53 KNOX STREET GOULBURN 2580

Phone: (02) 4822 3111
Fax: (02) 4822 3102

A.H.
[REDACTED]

A.B.N. 74 008 054 106

19th March, 2020

The General Manager,
Goulburn Mulwaree Council,
Civic Centre
184 - 194 Bourke Street,
GOULBURN N.S.W. 2580

Re: Contact: Bennett Kennedy
Reference: REZ/0008/1819 150 Lansdowne Street Planning Proposal

Dear Sir,

We are the operators of Fife's Stockfeeds situated @ 51/53 Knox Street, Goulburn and have been operating from this site since 1st July 1994. We have a fleet of three semi trailers, including one B-Double combination.

Our store trading hours are from 8.00 a.m. until 5.30 p.m. each week day, and from 8.00 a.m. until 1.00 p.m. on Saturdays. The store is closed on Sundays.

However, this is certainly only part of the story, as our trucks are both leaving, and returning with produce (mainly large loads of hay) at all sorts of hours, including through the night time hours. We also have other trucking companies delivering hay, chaff and goods at very unpredictable times, mostly evenings - depending on what times the trucking companies were loaded out of Melbourne, Sydney and regional centres.

We have very deep concerns that the development of this land to allow more residential living will, in due course, result in greatly increased agitation from residents to restrict both noise levels and trading hours. We have been operating from here without any trouble for a very long time.

We respectfully request that yourself, and the Councillors take into account the above when further considering the planning proposal relating to 150 Lansdowne Street, Goulburn.

Yours sincerely,

W. D. & C. M. Fife trading as Fife's Stockfeeds



12-16 Oxley Street,
Goulburn NSW 2580
Tel: 02 4821 3040, Fax: 02 4821 9529

A.B.N. 67 003 089 816

General Manager
Goulburn Mulwaree Council
Goulburn NSW 2580

Re Planning Proposal to 150 Lansdowne St Goulburn **REZ/0008/1819**

I Peter Granger am raising a submission on behalf Grangers Freight Lines.

Our original submissions from local business owners raised issues regarding Safety, traffic and noise along Lansdowne and Robinson Streets and we still have the same concerns.

The Submission I have for the current R5 proposal has some objections, concerns and compromise.

Some miss leading information is in the report such as starting times for businesses, stating starting time is at 7am. This is totally untrue as Boral start at 6am, Southern Transport Services, Grangers Freight Lines and Privett Haulage have 24 hr or extended working hours as allowed.

Also the traffic counters are not correct as the one placed on Lansdowne St between Robinson St and Oxley St was placed on the western side of Southern Transport Services driveway so no traffic movements up or down Lansdowne St that went around Robinson St up Oxley St and in the rear gate and out his front gate were not recorded. This in total by our estimations will be another 100 traffic movements at least per day.

Objection is that the potential for residential to be allowed along Lansdowne St as that will have families in a high-volume traffic street that has cars and trucks using this street at all hours of day and night. Lots 29 to 31 front the street and with lots 32 to lot 38 using an internal access but the potential of rear access by the means of either a pedestrian gate or gate for vehicle access off Lansdowne Street as this will create issues for residents moving in and out of their residence as the street is already congested with vehicle parking and this will only add to the congestion and create blind spots which could result in accidents. As its not stated that they cannot have rear access to their properties. Also, the Speed Matrix shows that speeds up to 100km by cars and light commercials which is a huge concern. The other issue with lots 29 to 31 will front Boral with no sound suppression fencing thus have vehicle noise and head lights at 6am flashing though windows

reversing beepers and revolving lights that are required by law etc which will soon where thin with residents.

I understand a noise study has been done, but an annoying sound is not just by decibels it can also be the pitch of the sound such as reversing beepers and the constant sound of a truck idling and vehicle noise like forklifts moving around.

Shift workers trying to sleep of a day with these annoying sounds. As a shift worker I know what it was like with day noise in residential areas like mowers, whipper snippers and dogs barking. So industrial noise will be a constant annoyance for them and will eventually create issues.

Other businesses that operate in Knox St use Lansdowne and Knox St to access their businesses to go past the minimal amount off residential blocks instead of using Mary St. This is something that we have all been aware of and do as a consideration for those residents.

The entrance to Theatre Drive I believe could be in a better place than opposite a driveway into a business that operates heavy machinery as trucks will use that street to reverse into the driveway thus creating conflict and disruptions with residents in Theatre Drive.

We will have an added 48 vehicles if one car per house but in reality could be 2 to 3 vehicles per house so minimum 96 to 288 vehicle movements per day from Theatre Drive and that will result in Hume St and Lansdowne St intersection even busier and that's not counting the vehicles that go to the Gym, the 2 mechanic shops and Elders and Storage King as well as the rear entrance to the Home Makers Centre that were never counted in the traffic counts. There can already be delays between 2 to 15 min to get out of that intersection at times.

The major concern that I have is when we go to extend our current operation due to growth and raise a DA that we could possibly have our operating hours restricted due to residents' concerns. So, if this happens it will close our business and put a considerable number of employees out off work. As a restriction of hours will not work for the transport industry.

Suggestions.

- Move the entrance to Theatre Drive on Robinson St 50m towards Lansdowne St
- Along Lansdowne St have light industrial buildings with a setback to allow parallel parking and footpath on the Northern side of Lansdowne St to stop people walking on the road.
- Light industrial buildings along Lansdowne Street could be for the likes of plumbers and mechanics, car detailers etc or internet business that needs storage and close to freight distribution just a few options with no direct impact to the residential area due noise as they can have restrictions.
- Along Robinson St have a footpath with a tall fence to assist as a sound barrier due to the potential of residential being built on this section.
- D.P.1018281 as this is not owned by the developer needs to be zoned as B6 so as no residential building can be erected.

- Traffic congestion to Hume and Lansdowne St intersection needs either a round about or Traffic Lights.

We offered a solution to these issues on the 21/2/2018 that along Lansdowne St to be light industrial buildings with a 2.5 to 3m recess for vehicles to be parked of Lansdowne Street and this would act as a buffer between current 24hr operations and businesses and residential along Robinson St. We did this as a collective as we knew the centre section had already been approved as R5 and this was a solution to all our concerns and needs to have what we seen as a compromise. But for some reason our concerns don't seem to be at the fore front for the security and safety of our employees or tenant's future prospective.

Residential fronting the industrial will result in conflict due to noise and traffic movements as it has done in Mary St over the last 30 years and still does. This involves employees being abused and threatened and as tempers grow will end in physical confrontations, none of us want this for our employees or us as that results in safety concerns.

I would like to offer the opportunity for the councillors to arrange a date and sometime to come and see in real time what the residents and will contend with daily during business and the traffic times.

I would like any correspondence from council on this matter so as I have time to respond to any further changes or concerns for the future of business operations for Grangers Freight lines in a timely matter.

Yours Sincerely

Peter Granger

On behalf Grangers Freight Lines

Build something great™

20 March 2020

General Manager
Planning Department
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580



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F: +61 (02) 9033 5305
www.boral.com.au

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

Dear Sir,

**PLANNING PROPOSAL TO REZONE LOT 10 DP 1247119 LANSDOWNE ST, GOULBURN
REZ/008/1819**

Reference is made to Planning Proposal REZ008/1819 exhibited by Goulburn Mulwaree Council between 20 February and 20 March 2020. The proposal seeks amendment of Goulburn Mulwaree Local Environmental Plan 2009 in relation to land at Lot 10 in Deposited Plan (DP) 1247119 to achieve the following:

- Rezone land from B6 Enterprise Corridor to R5 Large Lot Residential;
- Adopt a minimum lot size requirement of 1,000m²; and
- Remove the maximum floor space ratio controls.

The proposal is supported by a draft site specific development control plan that is intended to guide the future development of the site and ensure the mitigation and management of amenity impacts associated with the proximity of future dwellings to operating industry.

Boral Land and Property Group has prepared this submission on behalf of Boral Resources (Country) Pty Ltd ("Boral"). This correspondence serves to advise Council of our objection to the proposed rezoning.

In summary, the draft planning proposal has failed to adequately demonstrate that the strategic functions of existing necessary "urban services" (which include the production of construction materials and other industry currently located within the B6 Enterprise Zone) would not be significantly comprised by the proposed zoning change and the introduction of sensitive land uses within its immediate proximity. The draft planning proposal fails to adequately consider or provide stringent controls to ensure existing employment land and commercial or industrial activities including Boral's Concrete operations will be protected. Industries such as concrete production are vital to the ongoing economic growth and development of regional centres such as Goulburn and cannot be relocated. The ongoing viability of these existing industrial activities, and any future upgrade, is threatened by the proposed planning proposal.

Boral's Goulburn plant operates from 90 Know Street, Goulburn. This plant has been operating for 34 years and benefits from a flexible consent allowing 24 hour, seven day a week operation. The operational flexibility of the plant allows Boral to operate in response to market conditions and demands from various sectors including residential, civil works and buildings projects including government projects for Council and Transport for NSW. Accordingly the plant is an integral part of Boral's supply chain network within the Goulburn region and it is fundamental that this flexibility not be impacted in any way. In the event there is a market demand, Boral's plant can and will operate 24

hours a day, seven days a week, operations are not constrained to commencing at 7.00am as purported by the proponent.

The existing plant is an important contributor to the local economy as both an employer and supplier of construction materials. The plant supplies between 40 – 45 per cent of concrete to the local construction sectors and provides direct employment for six people, with economic activity and employment opportunities arising from the supply of raw material and in the distribution of finished product to the market.

The draft planning proposal does not sufficiently justify the need for the proposed zoning amendments in respect to the demand for residential land in the area or the potential impacts on operating business that will result. Furthermore, inadequate provision has been made within the planning proposal and development control plan to protect the ongoing operation of “urban services” (which includes the existing concrete plant) through either the retention of suitably zoned land to allow the ongoing and unfettered operation of established employment uses or through the introduction of robust planning mechanisms and controls to ensure that the predominant employment use of these lands is not undermined by incompatible land uses.

This submission objects to the proposed rezoning of the site and requests that further consideration be given to the significant and detrimental effect that the planned changes will have on the ongoing viability for key “urban service”. Details of the submission are set out below.

1.0 Background

As a consequence of Boral’s current and foreseeable operations at No. 90 Knox Street, previous submission of objection have been lodged in response to the proposed subdivision of the land in 2011 and again in 2018 when the planning proposal to rezone land was first reported to Council.

In the instance of the latter we note that Boral along with other industrial operators in the area lodged objections leading to the matter being deferred. Previously Boral raised objection on the following grounds:

- Inadequate strategic justification; and
- A lack of orderly planning, as the proposal was not adequately supported by suitable technical information (including an acoustic report) to manage the inevitable interface impacts.

It is noted that since this time the proponent has undertaken traffic counts, an acoustic assessment and prepared a concept subdivision plan to inform the preparation of a draft site specific Development Control Plan (draft DCP) that now forms the basis of proposal justification.

Notwithstanding the above, Boral remains concerned that the rezoning of land in proximity to active industrial operations is likely to contribute to an increase in interface impacts and that the proposed mitigation measures are wholly inadequate to protect either industry or future residents from adverse impact.

The planning proposal and associated draft DCP rely heavily on technical information, specifically an acoustic report that has failed to adequately assess the noise environment based on the operational profile of established industry. Principally the report has failed to acknowledge that industry, including Boral’s concrete batching plant, can and does operate 24 hours, seven days a week. These representations are grossly misleading and will result in poor amenity residential land whilst threatening the viability of key employment lands and local businesses.

2.0 BORAL'S OBJECTION

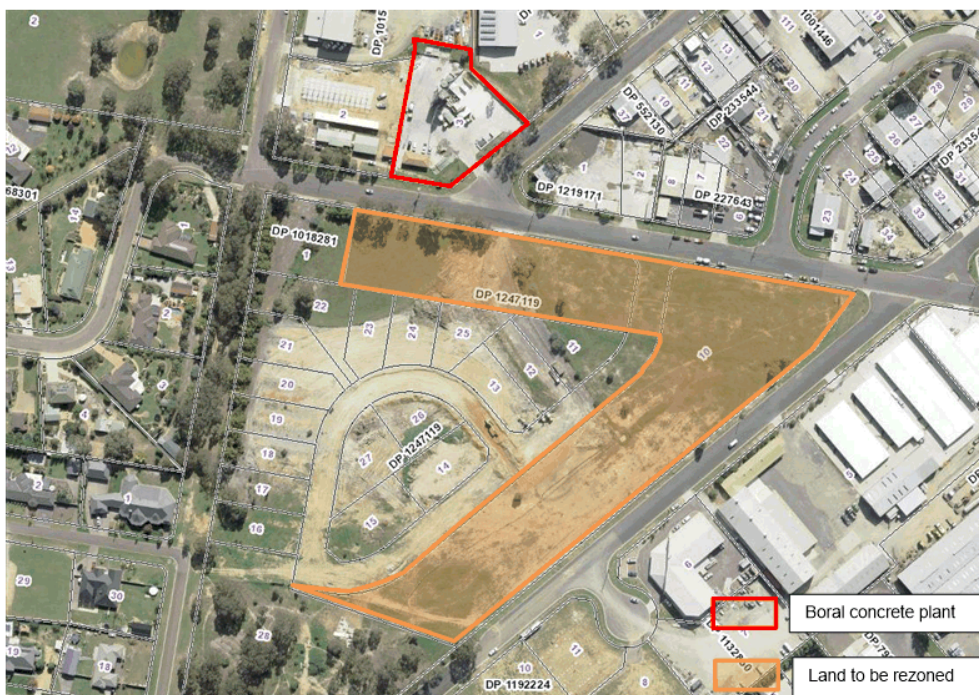
The following sections set out the grounds on which Boral objects to the proposed amendment of Goulburn Mulwaree Local Environmental Plan (LEP).

2.1 Adverse impact to industry

The draft planning proposal seeks to facilitate the redevelopment of land for residential purposes, seeking to implement planning controls aims at delivering up to 20, 1,000m² residential lots on land within an immediate and direct interface with industrial and commercial operations.

Boral's concrete plant is located immediately north of the land to be rezoned separated by Landsdowne Street (refer to Figure 1). The planning proposal acknowledges that the land to be rezoned is constrained and likely to be affected by industrial and road traffic noise sources that are intended to be managed through a site specific development control plan (draft DCP). The intent of the rezoning and draft DCP are reported to provide the necessary "transition (or buffer)" that cannot be achieved through the existing zoning controls.

Figure 1: Aerial view showing the location of Boral's plant & the proposed residential land



While Boral agrees that transition between land uses is necessary to avoid and overcome potential interface impacts, concern is raised regarding the rationale that relies on reducing separation between active industrial uses and residential land while increasing density and the potential number of occupants with exposure to industrial noise sources.

To put this in perspective, there is currently 104 metres between Boral's concrete plant and the nearest dwelling. Under the proposed rezoning this "buffer" is reduced to 54 metres. Accordingly, the proposed rezoning does not "buffer" incompatible land uses it creates a direct residential/industrial interface based on the existing and established nature of development.

An effective zone transition would deliver a graduation of land uses from those most likely to cause adverse amenity impacts to those least likely, in this instance industry would interface with commercial that would interface with residential, this is a readily achievable outcome under the existing zoning controls. In contrast the proposed rezoning of the subject site from B6 Enterprise Corridor to R5 Large Lot Residential is likely to exacerbate interface land use conflict and contribute to adverse amenity impacts by creating a direct industrial/residential interface.

It is the fundamental role of land use planning to prevent land use conflict and the best means of ensuring this through appropriate zoning controls. In this instance, the proposal will threaten the viability of key operating industry that provides employment opportunities and supports the growth of the region and result in poor quality residential land. Land that has not been identified as necessary to delivering housing in accordance with a relevant policy, specifically the draft Urban and Fringe Housing Strategy (2019) which is considered to prevail over the Employment Lands Study (2016).

The inevitable pressure brought to bear on existing industrial operations as a result of the proposed changes is that existing and established industrial uses will be subject to land use pressure from incompatible sensitive land uses. The inevitable land use conflict arising from this will erode the viability of their operations due to escalating land use conflict, arising from amenity impacts such as noise, odour, dust and the like.

The proposed amendment will not deliver a desirable planning outcome and should not proceed.

2.2. Development Control Plan

The following section details Boral's concerns regarding,

- The suitability of using a development control plan to manage land use conflict between incompatible zones; and
- The reliability of the draft site specific development control plan exhibited as part of the planning proposal.

2.2.1 Suitability of the planning mechanism

The best means of ensuring residential amenity and protection of industry is through strong land use controls adopted and enforced through a Local Environmental Plan (LEP). Conversely the planning proposal as exhibited places significant emphasis on managing land conflict through a site specific Development Control Plan (DCP).

The transference of land use control and management from the LEP to a DCP introduces significant uncertainty for industrial operators and future residents alike. In most instances, controls implemented through a DCP are diluted through the development assessment process, with variations granted that undermine the initial justification for the rezoning.

Such an instance has already occurred in Goulburn Mulwaree Council, where land rezoned in Marulan immediately adjacent to another Boral plant and industrial area was required to construct a solid concrete acoustic wall under site specific DCP. On the submission of a Stage 1 DA this was reduced to no more than 1.8 metre high wooden fence and a 1 metre landscaping provision on the basis of acoustic measures for the dwelling's internal areas. While residents are yet to move into the newly created residential estate, the variation has resulted in residential land that is afforded no external protection from Boral's operation. The effect is likely to be felt twofold with future residents subject to poor amenity and Boral's viability threatened.

A DCP is not and should not be viewed as the primary planning mechanism for avoiding or managing the potential for land use conflict. The inherently flexibility of these controls provide no certainty for future

residents or existing industry. In this regard, the existing zoning provisions should be retained as the primary means of ensuring land use transition and "buffers" between established incompatible land uses.

2.2.2 Reliability of the draft site specific Development Control Plan

The draft site specific DCP does not adequately ensure future residential amenity or the protection of operating industry. Principally concern is raised regarding:

- The development potential of the future site taking into account the constrained nature of the land;
- The acoustic report used as the basis for ensuring the preservation of amenity is deficient (refer to details set out below);
- The lack of site specific controls proposed to be implemented at subdivision stage to reduce land use conflict including but not limited to a requirement for the registration of construction standards on title (under section 88B), the construction of suitable boundary fencing to all lots in accordance with the recommendations of the acoustic report (once validated); and
- The clarity and general construction of the DCP.

While Boral is of the view the proposed rezoning should not proceed, in the event that Council elect to progress with the planning proposal, the site specific DCP should be substantially amended to reduce the number of potential future lots and residents exposed to industrial noise and to provide greater certainty.

Development Potential

A concept subdivision plan is appended to the 17 December 2019 report to Council that also included the site specific draft development control plan.

Part 1 *Objective and intended outcome* (p.6) of the planning proposal explains that the planning proposal is intended to facilitate the concept subdivision plan. The minimum lot size of (1,000m²) and building envelopes have been proposed to ensure "adequate buffer distance" from "developed" land opposite.

Despite the planning report relying on information contained within the concept subdivision plan as a means of justifying the suitability of the rezoning, the purpose and role of the concept subdivision plan is not clearly articulated in the report to Council or the draft site specific DCP.

In particular it is noted that no reference is made to the plan in section 8.10. 2 *Development Potential* of the draft DCP. In this regard, the concept plan (including the building envelopes) can only be taken as one possible outcome for future redevelopment of the site and there is no certainty that any buffer would be achieved between future dwellings and adjacent industrial operation. Furthermore, the plan itself presents several factors that indicate the site is not capable of the intended density, not the least of which is the over reliance battleaxe lot configurations and rights of way (noted as being inconsistent with Council's subdivision controls set out in section 4.1.15 of the Goulburn DCP for Urban Development).

The concept subdivision plan would appear to result in an overdevelopment of the site or a zoning that is simply inappropriate given the constrained nature of the land. It would appear that a minimum lot size of 2,000m² or more would achieve a better outcome, allowing for improved lot configuration, access, and separation from industrial uses and reduced number of noise impact residents.

Access

Section 8.10.3 of the draft DCP sets out provisions for access that includes "limited" access to Landsdowne Street. These intended access arrangements are clarified in the concept subdivision plan that includes three (3) new driveways from Landsdowne Street to proposed lots 29 – 31. All of which are immediately opposite the intersection of Knox Street, that forms part of the approved B-Double Route connecting to Landsdowne and Robinson Streets.

The concept subdivision plan raises concern of the safety of all road users. The information provided by the applicant was limited to traffic data, with no consideration of road safety. Boral raises concern that the draft DCP, that forms the basis of justification for the rezoning and management of impacts, has failed to adequately demonstrate that the site is suitable for the proposed zone and development intensity.

The controls as drafted provide no certainty as to how many driveways could be achieved or by what measure they will be assessed. The controls are wholly inadequate and inappropriate for managing potential road user safety.

In the absence of an appropriate level of mitigation the rezoning should not proceed.

Noise Management

Section 8.10.5 of the draft DCP contains measures that are aimed at managing noise impacts on future residents. The planning proposal report indicates that these controls have been developed on the basis of an acoustic report prepared by Harwood and indicates that noise will be controlled through a mix of construction standards and building envelopes, noting that Lots 29 – 31 would be given more attention at development application stage (p. 20).

The following concerns are raised in relation to the exhibited acoustic report:

- Figure 1 of the report contains no indication of where acoustic monitoring was undertaken from despite comments been made to the contrary (refer to paragraph 1, section 4.1, p. 9)
- The report indicates that 62 dBA is the highest noise recording from adjacent to Boral's holdings. However there is no indication as to the location of where this data was collected;
- The basis for impact is derived from an assumption that neither Boral nor other operators commence works prior to 7am – albeit the report then recognises that heavy vehicles dominate in Landsdowne prior to 7am. As set out earlier in this submission Boral can and does operate 24 hours a day, seven days week;
- Section 5.3 specifically identifies that residential premises located in close proximity to operating industry would not meet the project specific requirements of the Noise Policy for Industry guideline and recommends additional protections to include fencing. This has already been diluted for the three premises within proximity to Boral's holdings (noted by the acoustic engineer as being the dominant source of noise) with the fencing removed and building envelopes sited within 6 metres (approximately) of the front boundary; and
- The noise report is not supported by data logs for noise data collected. There is no way to validate the noise levels reported.

Insufficient supporting information has been provided to justify the suitability of the management controls. Given that the proposed rezoning relies on the implementation of the draft DCP as means of mitigating the identified land use conflicts the proposed rezoning should not proceed.

2.3 Lack of strategic justification

The proposal has failed to adequately demonstrate that the amendment of the LEP to support residential rezoning is consistent with key strategic planning documents. In particular the proposal has failed to demonstrate consistency with the:

- Employment Lands Strategy (2016) that aims to ensure *protection of good quality employment lands to protect existing and prospective industrial businesses is important*. In this instance the proposal would exacerbate land use conflict by locating dwellings on the interface of industry threatening the viability of future operations.

- The draft Urban and Fringe Housing Strategy (2019) that does not identify the subject site as delivering housing to meet anticipated demand or need within the Local Government Area.
- The South East Tablelands Regional Plan (the Regional Plan) proposing to deliver residential land on the interface of operating industry known to generate noise capable of impacting residential amenity in this regard the proposal represents a risk to the viability of key industry in the region and the health and wellbeing of future residents and cannot be considered consistent with:
 - Goal 1: A connected and prosperous economy; or
 - Goal 3: Healthy and connected communities, Action 22 build socially inclusive, safe and healthy communities.


3.0 Conclusion

The draft planning proposal as submitted fails to adequately demonstrate that the proposed rezoning and impact of allowing incompatible land uses within greater proximity to one another can be adequately managed and therefore has failed to demonstrate that the strategic functions of existing necessary industry currently located within the B6 Enterprise Zone would not be significantly affected by the proposed zoning change and the introduction of sensitive land uses.

The proposed management and mitigation measures set out in the proposal report and the supporting draft DCP are inadequate and would not overcome the inherent land use conflicts that are likely to arise from allowing residential development within close proximity to industrial noise sources. The proposal should not proceed.

Should you have any further questions related to the information provided in this letter, please do not to hesitate to contact the undersigned on 0401 894 110, or Rachael.Snape@boral.com.au.

Yours faithfully,


Rachael Snape
Planning and Development Manager (NSW & ACT)
Boral Land & Property Group



SCANNED

20th March 2020

Attn: Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
Clifford Street
GOULBURN NSW 2580

Dear Sir,

Re: Planning proposal of 150 Lansdowne Street, Goulburn REZ/0008/1819

I, Gary Privett, on behalf of Gary Privett Pty Ltd trading as Privett Haulage & Roadworks located at 137-141 Lansdowne Street, Goulburn, do hereby submit my concerns and objections of the abovementioned development application.

We refer to the current R.5 Proposal and express our deep concerns for both our own business and those in the immediate surrounds and will address these in the following paragraphs.

Noise Impact

We currently operate our business 24 hours, 7 days a week. Our trucks arrive and leave at varying hours during the day or night. These trucks all are equipped, by law, with reversing beepers and squawkers.

We employ 5 staff, 3 of which are casuals, these individuals rely heavily on the work that we can provide them.

We acknowledge that tolerance to noise is influenced by the degree of acclimatisation and the level and nature of the intruding noise as well as the level of the background and ambient noise. The tolerance of one person is not going to be the same as another, for example, sleeping, television, studying or relaxing. For any given level of noise, there is likely to be a wide range of responses with people likely to become disturbed, frustrated and angry.

This development is surrounded by transport yards, concrete plants, Tutt Bryant Hire, farm machinery depots, storage yards, mechanical businesses and veterinarian, all are employers and important contributors to the economic wellbeing of the Goulburn area.

132 Lansdowne Street, Goulburn NSW 2580
P: 02 4822 2710
E: privetthaulage@bigpond.com

ABN: 49 093 427 886

I am extremely concerned that conflict between the residents and businesses will be inevitable. The suggestion that a lapped and capped wooden fence will stop noise is not feasible. The RMS guide to the reduction of traffic noise recommends that bricks or concrete blocks have the best sound reducing properties with no clearance cap under the fence and the higher the fence, the better. The barrier must also be continuous and solid with few or no openings.

Business starting time 7am and traffic movements (as noted in report)

The assertion that businesses are starting at 7am is incorrect and untrue. The general starting time for our business is 5am to 6am each morning with trucks returning late into the evening.

Traffic movements along Lansdowne and Robinson Street appear to be inconsistent, the traffic counters have been placed in positions that have not taken in the movements of Oxley Street and parts of Robinson Street and have grossly underestimated the actual movement of vehicles in this area. We believe that at least an additional 100 vehicle movements per day would be more accurate.

I strongly believe that the B6 Zoning Lot 10 needs to remain to allow light industrial buildings with a set back to allow parallel parking and to include a footpath to prevent people from walking on the road.

We note that, as it appears to be an easy process to keep changing the land zones to suit the applicant, then surely, we can change the northern side of Lansdowne Street and eastern side of Robinson Street back to industrial land.

We also strongly object to any lot access onto Lansdowne Street. Vision will be seriously impeded by vehicles parked in this area, residents are entering roads were small and large truck movement occur at all hours, this will create dangerous situations for the resident and the other road users.

We recommend that the entrance be moved to Theatre Drive on Robinson Street for safety.

Ultimately, we are raising our express concerns of the potential for conflict and unrest and general unhappiness to both the residents of this development and the businesses that have longstanding tenure in the area and are important to the community and economy of Goulburn.

I implore you to consider these objections and suggestions, they are raised to ensure that our business and the residents can operate in a safe and reasonably harmonious way.

I am happy to meet with councillors at a time and date that is suitable so that they can see that I am not raising these concerns lightly.

Kind regards ~

Gary Privett
Privett Haulage & Roadworks

Lansdowne Street – Site Specific DCP Provisions

8.9 Lansdowne Street

Objectives

The objectives of this chapter are to:

- Reduce land use conflicts between residential development in the subject area and existing light industrial and industrial activities to the north and east.
- Protect the ecological values of the site, namely the Box Gum Woodland Endangered Ecological Community that includes known habitat for the vulnerable Varied Sittela.
- Protect the North – South landscape and ecological connectivity from the Mulwaree River, including the unformed section of road on Cathcart Street adjoining the site.

8.9.1 Land to which Plan applies

This chapter applies to the land indicated in **Figure 8-9-1** below. The subject land is bound by Lansdowne Street to the north, Robinson Street to the east, Cathcart Street to the west and incorporates Theatre Drive

Figure 8-9-1 : Land to which Plan applies- Lansdowne Street



8.9.2 Development Potential

The majority of the subject site is zoned R5 Large Lot Residential to support the development of dwellings on lots no smaller than 1000m², provided that measures are taken to limit the impact of noise on any proposed future dwelling.

The land zoned as B6 Enterprise Corridor is suitable for limited commercial or semi-industrial development, provided that operating hours are limited in accordance with this section and operational noise does not make it more difficult for residential development to comply with noise abatement controls in this section.

The remainder of the site is zoned E3 Environmental Management to protect the ecological value of the site and support no more than one (1) dwelling.

8.9.3 Access

No dwelling in the subject area is to have access driveway access directly onto Cathcart Street, Lansdowne Street or Robinson Street.

A pedestrian footpath must be provided between Cathcart Street and Robinson Street and along Robinson Street as indicated in **Figure 8-9-2** prior to dwellings being occupied on land between Theatre Drive and Robinson Street.

Figure 8-9-2: Land between Theatre Drive and Robinson Street (in red) and indicative pedestrian footpath area (in blue).



8.9.4 Cathcart Street

The vegetated unformed section of Cathcart Street is to remain closed so as to provide ecological connectivity with the E3 Environmental Management zone portion of the site.

8.9.5 Noise Management for Residential Dwellings

Residential dwellings are to be designed to meet Australian Standards for noise (AS 2107) and to provide appropriate measures to ensure that the following LAeq levels are not exceeded:

- a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Bedrooms in dwellings should be located at the furthest point from noise sources in the B6 Enterprise Corridor zone.

All boundary fencing in land zoned R5 Large Lot Residential must consist of hard wood timber lapped and capped fencing to a height of no less than 1.8m, except for any fencing adjacent to Lansdowne Street, where it must be built to a height of no less than 2.1m.

An acoustic report is to be submitted with each development application for a dwelling to address the controls above.

8.9.5 Development in the B6 Enterprise Corridor zone

Development in the B6 Enterprise Corridor zone is to be limited to single storey development.

Any development proposed in the B6 Enterprise Corridor zone is to have operational hours restricted to between 7am and 6pm. Any such development must also not emit noise that would prejudice the ability of future residential development in the area to comply with this clause.

8.9.6 Development in the E3 Environmental Management zone

Residential dwellings are not to be constructed in the E3 Environmental Management zone until public playground equipment is provided on the land.

Residential dwellings are not to be constructed in the E3 Environmental Management zone until public pedestrian access is provided from Theatre Drive to Cathcart Street and any direct road access from Theatre Drive to Lansdowne Street is sealed.

Residential dwellings are only to be located on land designated as MZ03 in the *Conservation Management Plan* prepared by Biosis and dated 15 June 2017 on behalf of Simgrow Pty Ltd (**Figure 8-9-3**). The MZ03 area being the northern section of the subject site which has been highly disturbed and previously cleared and is dominated by introduced grasses and forbs.

Figure 8-9-3 : Land suitable for residential development (in green)







During the construction phase of any development in the E3 Environmental Management zone the following management activities are to be undertaken to minimise potential impacts within the site. These activities include:

- Use of appropriate dust suppression to minimise deposition of dust on vegetation within the subject site.
- Implementation of weed hygiene control measures for vehicles and machinery to minimise the risk of new weeds establishing within the subject site – this activity will reduce the risk of novel weed introductions and subsequent habitat degradation within the subject site.
- Run-off and erosion controls to be implemented to prevent soil erosion or discharge of loose sediment to the subject site – this activity will minimise the risk of erosion, smothering and/or nutrient enrichment and subsequent habitat degradation within the site.

15.2 LANSDOWNE STREET PLANNING PROPOSAL AND SITE SPECIFIC DEVELOPMENT CONTROL PLAN AMENDMENT - POST PUBLIC EXHIBITION REPORT

Author: Nick Thistleton, Strategic Planner

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Planning Proposal (separately enclosed) 
 2. Planning Proposal Supporting Documentation.pdf (separately enclosed) 
 3. All Submissions (Including Water NSW).pdf (separately enclosed) 
 4. Proposed Site Specific DCP Chapter.pdf (separately enclosed) 

Link to Community Strategic Plan:	Strategy EN4: Maintain a balance between growth, development and environmental protection through sensible planning. Strategy CI2: Encourage and facilitate open and respectful communication between the community, the private sector, Council and other government agencies
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The post public exhibition report by the Strategic Planner regarding the zoning and site specific development controls relating to land on Lansdowne Street, Goulburn be received.
2. Council only proceed in rezoning the portion of Lot 10 DP 1247119 fronting Robinson Street, Goulburn indicated in paragraph 4 of this resolution to R5 Large Lot Residential with a minimum lot size of 1,000m² and no floor space ratio under the *Goulburn Mulwaree Local Environmental Plan 2009*.
3. Council not proceed in making any amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* for any portion of Lot 10 DP 1247119 fronting Lansdowne Street, Goulburn, as indicated in paragraph 4 of this resolution.
4. The zonings as discussed in paragraph 2 and 3 of this resolution be in accordance with this plan.



5. The General Manager use Council's delegated plan-making authority to implement the proposed amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* above as

soon as practicable.

6. The draft site specific amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report be adopted, with the following changes being incorporated to address submissions received and the recommendation to only partially endorse the planning proposal:
 - (a) Removal of the requirement to relocate the Lansdowne Street and Theatre Drive intersection.
 - (b) Introduction of controls to limit operational hours to between 7am and 6pm for the remaining B6 Enterprise Corridor zone on Lot 10 DP 1247119 and restrict noise generation.
 - (c) Insertion of a new control to require a footpath to be constructed along Robinson Street.
 - (d) Prohibition of any residential driveway access onto Lansdowne Street.
 - (e) Correction of any inconsequential spelling or grammatical errors.
7. Council consider the rezoning of 170 Lansdowne Street back to B6 Enterprise Corridor as part of its next overarching or miscellaneous amendment to the *Goulburn Mulwaree Local Environmental Plan 2009*.
8. Council investigate existing industrial traffic congestion, intersection design and on-street parking issues raised in relation to Lansdowne Street (west of Hume Street) and refer this matter to the Traffic Committee.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

Council has previously considered the zoning of Lot 10 DP 1247119 (Lot 10) on Lansdowne Street, Goulburn on several occasions, including at its meetings on 20 December 2016, 18 December 2018, 3 September 2019 and 22 October 2019. The series of events leading up to this report may be summarised as follows (**Figure 1**):

- Prior to the adoption of the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP), all of the land in the subject area and to the immediate North, South and East was zoned '4 Industrial' under the former *Goulburn Local Environmental Plan 1990*. As an industrial zone, it resulted in numerous development consents being issued for industrial development in the local area, most heavily concentrated on the northern side of Lansdowne Street. Many of these approvals remain active today, including some that have little to no limit on the amount of heavy vehicle movements generated per day and some that can operate 24 hours a day, 7 days per week. It was not until the current GM LEP became operational in 2009 that all of this land, including the subject area, was rezoned to B6 Enterprise Corridor. The B6 Enterprise Corridor zone is not considered to be an industrial zone under the NSW planning system and is instead intended to support development of a semi-industrial or commercial nature (e.g. bulky goods retail, warehousing, vehicle dealerships etc.).
- On 7 December 2011, a 17 lot residential subdivision was approved on 150 Lansdowne Street in the B6 Enterprise Corridor zone. At the time dwellings were permitted in the B6 zone.
- On 19 October 2012, an unrelated and overarching amendment to the land use tables in the GM LEP resulted in, amongst other things, dwelling houses becoming prohibited in the B6 Enterprise Corridor zone. This amendment to the GM LEP meant that no residential development could occur on the previously approved 17 lot residential subdivision. The planning proposal did not include a detailed assessment of this particular change to the

land use tables and it is unclear if Council was aware that such an amendment would prejudice this prior approval of a residential subdivision.

- At its meeting on 20 December 2016, Council resolved (16/567) to prepare a planning proposal to rezone of all of the subject area to part R5 Large Lot Residential with a minimum lot size of 1,000m², with no floor space ratio in order to facilitate residential development in the subject area. A smaller parcel was also rezoned as E3 Environmental Management with a minimum lot size of 10,000m² and no floor space ratio, to protect an ecologically sensitive area of the land.
- At its meeting on 18 December 2018, Council considered the submissions made to the planning proposal to rezone the subject area after it was prepared and publicly exhibited. Submissions received raised serious concerns with respect to potential land-use conflict with the proposed R5 Large Lot Residential area and the northern side of Lansdowne Street, which contained multiple businesses with lawful approval to constantly operate and receive heavy vehicle movements, under the previous *Goulburn Local Environmental Plan 1990*. In response to these submissions, Council resolved (2018/602) to proceed with the rezoning, with the exception of the rezoning for Lot 10 DP 1247119, which had not yet been subdivided into smaller residential blocks. This lot is currently acting as a separation between the residential subdivision and the surrounding B6 Enterprise Corridor to the North and East with good effect. Council also resolved that an amendment to the *Goulburn Mulwaree Development Control Plan 2009* (GM DCP) be considered to further limit the potential of land use conflict between any residentially zoned area and the surrounding B6 Enterprise Corridor zone.
- At its meeting on 3 September 2019, Council resolved (2019/345) to proceed with a planning proposal to rezone Lot 10 to R5 Large Lot Residential with a minimum lot size of 1,000m² and no floor space ratio. This decision was based on new supporting noise and traffic reports provided by the landowner of Lot 10 and a new subdivision design intended to minimise land use conflict (**Attachments 1 and 2**) (**Figure 2**). This planning proposal was to be simultaneously publicly exhibited with site specific GM DCP controls to mitigate land use conflict and enforce the alternate subdivision design.
- At its meeting on 22 October 2019, Council considered and resolved (2019/519) to endorse and publicly exhibit the aforementioned site specific GM DCP controls relating to the subject area, supporting the proposed subdivision layout (**Figure 2**).
- The planning proposal for Lot 10 and proposed GM DCP controls completed their period of public exhibition on 20 March 2020 and must now be considered by Council.

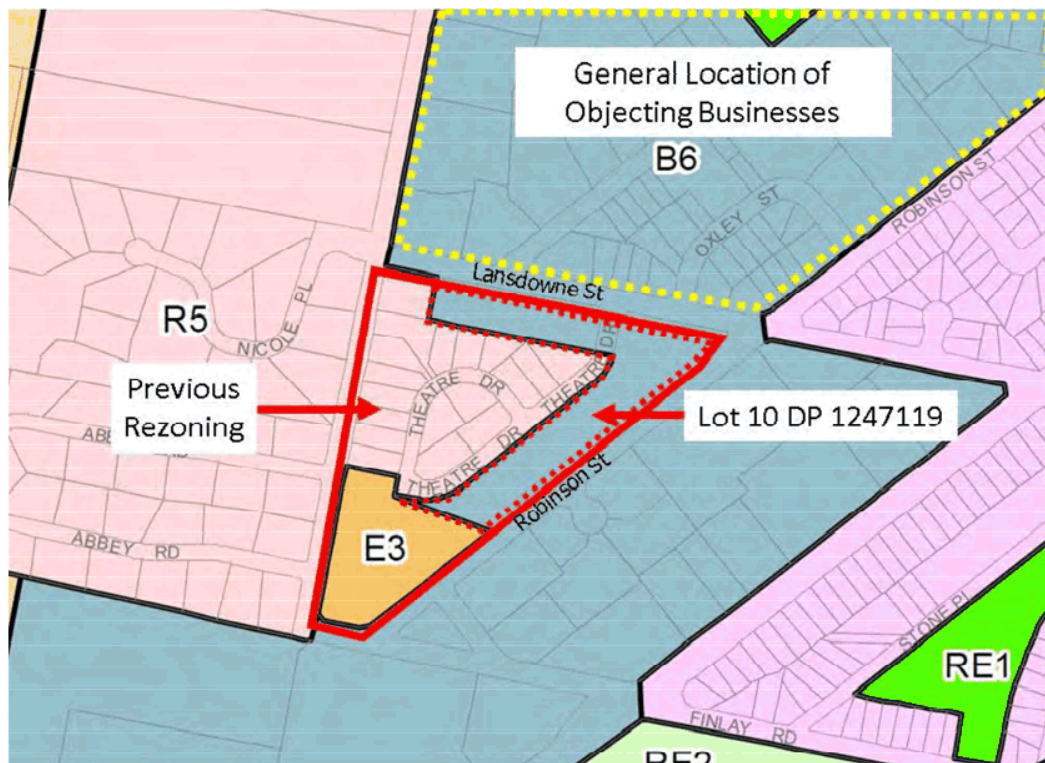


Figure 1: Area subject to rezoning (Lot 10 DP 1247119) outlined in broken red, with the area subject to the proposed GM DCP controls outlined in solid red.

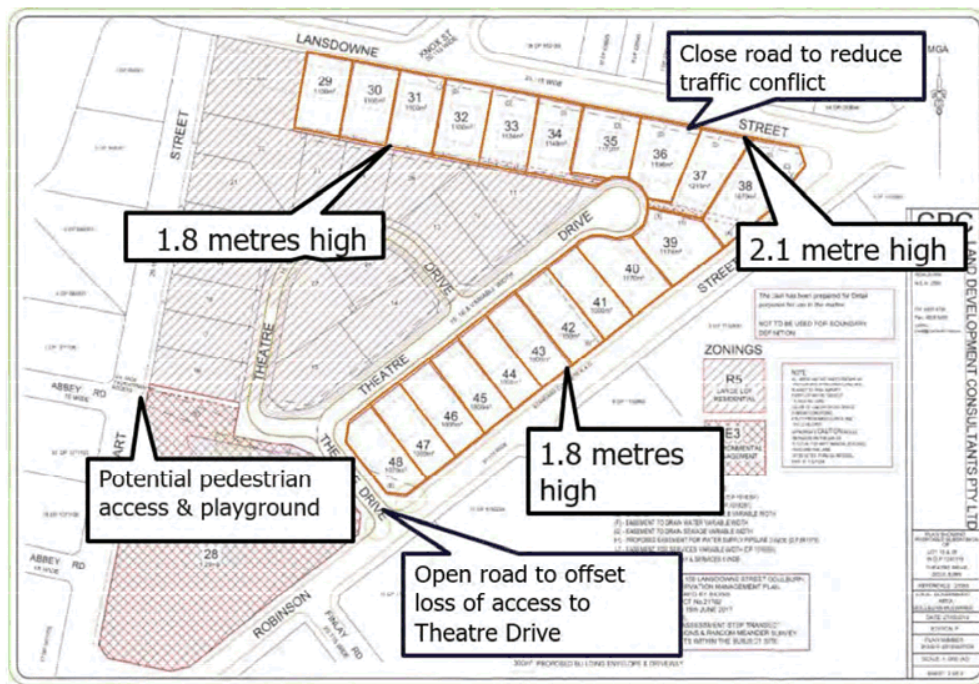


Figure 2: Proposed subdivision layout supported by publicly exhibited GM DCP controls.

REPORT

Introduction

The purpose of this report is to consider the planning proposal to rezone Lot 10 and the associated site specific GM DCP controls proposed for the area, following their simultaneous exhibition from 20 February 2020 to 20 March 2020.

Based on legitimate concerns raised throughout the public exhibition period, the recommendation of this report is for Council to now only endorse the rezoning of part of Lot 10 fronting Robinson Street to R5 Large Lot Residential with a minimum lot size of 1,000m² and no floor space ratio, with all remaining land fronting Lansdowne Street to remain as B6 Enterprise Corridor with no minimum lot size and a floor space ratio of 0.8. This report also recommends the adoption of the proposed GM DCP amendment with post exhibition changes being made to reflect the new recommendation of this report and remove the requirement to move intersection access off of Lansdowne Street, as this would no longer be an enforceable control.

It is noted in this report that the prolonged series of events leading up to this recommendation has meant that there are no all-encompassing means for mitigating every impact for both the residential or industrial uses, and that in this instance it is a matter of weighing up the impacts to find an appropriate balance or compromise.

Details of Exhibited Planning Proposal and GM DCP Amendment

The planning proposal publicly exhibited recommended the rezoning of all of Lot 10 from B6 Enterprise Corridor with no minimum lot size and a floor space ratio of 0.8 to R5 Large Lot Residential with a minimum lot size of 1,000m² and no floor space ratio (**Attachment 1**).

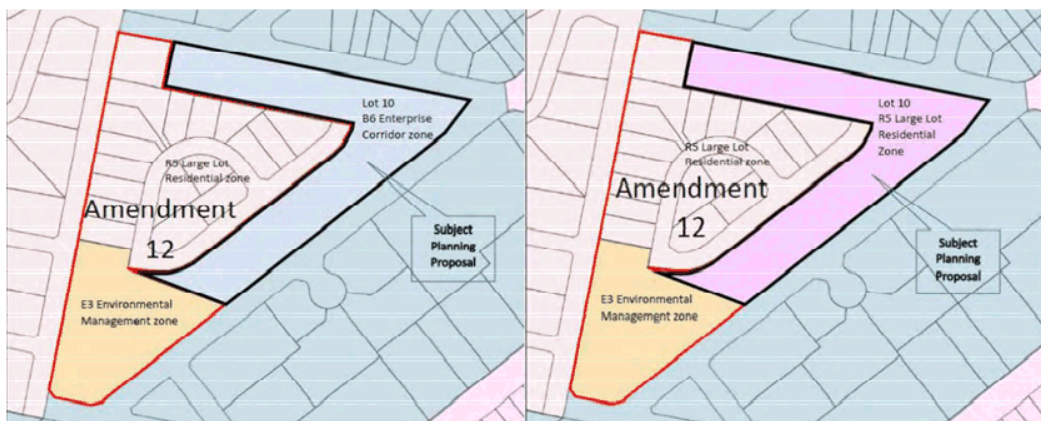


Figure 3: Proposed Rezoning

The corresponding proposed development controls applied to the broader Lansdowne Street/Theatre Drive locality, and sought to introduce a variety of controls to limit land use conflict and protect biodiversity within the subject area. They included:

- The requirement for the existing Lansdowne Street and Theatre Drive intersection to be closed prior to any dwelling approvals for Lot 10 being issued.
- The requirement to limit driveway access onto Lansdowne Street and Robinson Street.
- The prohibition of any use or access of the unformed section of Cathcart Street, which is currently functioning as an important biological corridor.
- The requirement for dwellings to provide acoustic reports demonstrating compliance with the relevant Australian Standard for noise suitability (AS 2107).
- The requirement to erect 1.8-2.1m lapped and capped timber fencing along boundary lines.

- A restriction as to the developable area for the land zoned as E3 Environmental Management, in line with the ecological assessment submitted by the proponent as part of the previous planning proposal for the site.

Public Exhibition Period and Meeting with Business Owners

The planning proposal and draft site specific GM DCP controls were simultaneously placed on public exhibition between 20 February 2020 and 20 March 2020. All proposal documents were advertised and made available together. Advertisements were made in the Goulburn Post Weekly, Council's website and in letters to all parties that placed a submission to the previous planning proposal for the subject area.

During the public exhibition period, Council staff were approached by six (6) local businesses to have a meeting to discuss their concerns for the proposed rezoning of Lot 10 DP 1247119. This meeting was held in the Council Chambers on 11 March 2020 and was attended by the Business Manager of Strategic Planning and Senior Strategic Planner. Some of the concerns and discussion points raised are summarised below:

- All of those present expressed concerns that allowing residential development near to their businesses would result in an escalation of complaints and confrontations with current and potential new residents.
- The existing business operators were very concerned that the recommendations of the supporting noise assessment and development controls would not provide suitable mitigation measures between the business and residential land uses.
- All of those present believed that any future expansion of their businesses, which would otherwise be permissible, would not be feasible if the planning proposal for Lot 10 DP 1247119 proceeds as planned.
- Two (2) of the businesses present had relocated to the area to continue their operations. One had relocated based on Council's advice that the area was conducive to further business expansion. The other business relocated within the area to avoid personal and physical threats to their staff from existing neighbourhood residents.
- Concern that, despite recommendations to limit and buffer residential development on Lansdowne Street, three (3) proposed lots will still have direct access and frontage to Lansdowne Street.
- They believe fencing should be higher (noise assessment recommends 2.1 metres).
- They believe the minimum standards for ambient noise levels required under the GM DCP amendment cannot be achieved.
- They believe traffic data loggers were located so as to give an inaccurate depiction of the traffic movements occurring in the precinct.
- Those present instead proposed that access to Lansdowne Street from Theatre Drive be relocated and that no rezoning be considered for Lot 10 DP 1247119, or at least no rezoning of any land fronting Lansdowne Street.

The meeting concluded with staff recommending those present make submissions in writing during the public exhibition period for Council's consideration. All of those present have made submissions, further contributing to the points above.

Submissions

A total of seven (7) submissions were received throughout the public exhibition period, in addition to a referral from Water NSW, which was required as part of the gateway determination issued on 16 December 2019 (**Attachment 3**). These submissions are summarised in **Table 1** below.

Submission	Summary
Water NSW Referral	Water NSW offered no objection to the planning proposal for Lot 10 DP 1247119 and instead referenced the requirement for any subsequent development of the site to demonstrate a neutral or beneficial impact on water quality, pursuant to the <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> .
<p>Vacvator 107 Cathcart Street, Goulburn</p> <p>Vacvator (cont.) 107 Cathcart Street, Goulburn</p>	<p>The submitter raised numerous concerns with respect to the proposal, including:</p> <ul style="list-style-type: none"> • Increased land use conflict arising from residential development occurring so close to existing industrial or semi-industrial development. • Potentially significant traffic hazard accompanying any residential development with direct access to Lansdowne Street, due to the heavy vehicle movements that occur. • Future residents being able to influence the determination of development applications or modifications to development consent to further restrict operating hours. <p>The submitter also provided a variety of suggestions as part of a compromise for Council's consideration, including (refer to submission for plan provided):</p> <ul style="list-style-type: none"> • Only proceeding in rezoning land fronting Robinson Street to R5 Large Lot Residential, with all land fronting Lansdowne Street to remain B6 Enterprise Corridor, including 170 Lansdowne Street, which was rezoned to R5 Large Lot Residential following Council's meeting on 18 December 2018. • A high fence to be erected along the Lansdowne and Robinson Street frontages • Access from Theatre Drive to Lansdowne Street to be closed and converted to a cul-de-sac and alternate access be provided onto Cathcart Street. • Parallel parking be provided on the land to remain as B6 Enterprise Corridor, which would also double as a much needed safe parking option. • Provision of a footpath along the entire frontage of Robinson Street.
Craig Evans Nearby Resident	<p>The submitter raised numerous concerns with respect to the proposal, offering the following observations and concerns:</p> <ul style="list-style-type: none"> • Up to nine (9) cement agitators have been observed being parked on the Lansdowne Street at a time. Other heavy vehicles, including B-doubles, also utilise the street as parking. • Pedestrians are often forced to walk on the road as nearby nature strips and curbs can be overgrown. Ducking in between parked cars and trucks on a road frequently utilised by heavy

	<p>vehicles is a serious hazard.</p> <ul style="list-style-type: none"> Excessive speeding has been observed on Lansdowne Street, further increasing pedestrian and traffic hazard. <p>The submitter concluded that they were concerned for the safety of the public and future children that may need to live there, should the proposal proceed. They also considered Lansdowne Street to be strictly an industrial street and unsuitable as a residential street.</p>
<p>White's Tractors Pty Ltd 50 Robinson Street, Goulburn</p>	<p>The submitter raised concerns over the potential for further aggressive confrontations with current or future nearby residents should any further residential development be permitted in their vicinity.</p> <p>The submitters cited two (2) recent examples of threatening behaviour from local residents relating to the noise emitted by the ordinary and lawful functioning of their business.</p> <p>The submitters have also commented that multiple noise complaints have also been received by Council, despite all noise being emitted in the lawful and ordinary functioning of their business.</p>
<p>Fife's Stockfeeds 51-53 Knox Street, Goulburn</p>	<p>The submitter raised concerns over the potential for further residential development in the area due to their business often requiring heavy vehicle movements at unpredictable times over a 24 hour period. They are concerned that further residential development will result in greater agitation from local residents resulting from their heavy vehicle movements.</p>
<p>Grangers Freight Lines 12-16 Oxley Street, Goulburn</p> <p>Grangers Freight Lines (cont.) 12-16 Oxley Street, Goulburn</p>	<p>The submitter raised numerous concerns with respect to the proposal, including:</p> <ul style="list-style-type: none"> Statements made in noise and/or traffic reports that starting business times in the area are at 7am are incorrect. The submitter states that many businesses operate or can operate at any time during a 24 hour period. The placement of the traffic counters led to total traffic movements in the traffic assessment provided being significantly underestimated. The submitter states that the location of the traffic counters would not have counted many of the heavy vehicle movements of a nearby transport and logistics company and may have missed a minimum of 100 vehicle movements per day. The proposed GM DCP controls do not do enough to prohibit vehicle access onto Lansdowne Street, including allowing Lots 29-31 of the proposed subdivision plan allowing direct access. No mitigation measures have been put in place to limit land use conflict with Boral's operation. The noise assessment does not accurately depict the actual impact of noise. The submitter raised the point that decibels do not necessarily convey the duration, type or pitch of a sound, all of which are arguably more relevant to the actual impact of

	<ul style="list-style-type: none"> • The reliance on battle-axe lots to fully develop the site indicates that the lot sizes are too small for the site, whereas larger 2,000m² lots with a corresponding minimum lot size would not require a battle-axe configuration. • The allowance of three (3) lots to maintain access to Lansdowne Street is completely at odds with the objective to limit any direct access or frontage to Lansdowne Street. • The proposal does not follow any established recommendation of Council's <i>Employment Land Strategy</i> or the <i>Draft Urban and Fringe Housing Strategy</i> and conflicts with the overall objectives of the <i>Employment Land Strategy</i> and Goals 1 and 3 of the <i>South East and Tablelands regional Plan</i>.
<p>Privett Haulage and Roadworks 137-141 Lansdowne Street.</p>	<p>The submitter raised numerous concerns with respect to the proposal, including:</p> <ul style="list-style-type: none"> • Their business operates 24/7 and involves heavy vehicle movements and other machinery equipped with mandatory beepers and squawkers. The concern is that any further residential development will be subject to such noise, resulting in a negative impact on local residents and an escalation in land use conflict. • The noise assessment does not accurately depict the actual impact of noise. The submitter raised the point that decibels do not necessarily convey the duration, type or pitch of a sound, all of which are arguably more relevant to the actual impact of noise generation. • Lapped and capped timber fencing is insufficient to adequately limit noise. Suggested that concrete blocks are a more feasible way of limiting noise impact. • Pointed out that the assumption that most businesses only open at 7am is incorrect, as they and other businesses operate or have lawful approval to operate 24/7. • Traffic counts may have underestimated actual vehicle movements by at least 100 per day. <p>The submitter also recommended relocating the entrance to Theatre Drive from Lansdowne Street to Robinson Street and maintaining the B6 Enterprise Corridor zone across the Lansdowne Street frontage, including rezoning the adjacent 170 Lansdowne Street (Lot 1 DP 1018281) back to B6 Enterprise Corridor, which was rezoned to R5 Large Lot Residential by Council after its meeting on 18 December 2018.</p>

Response to Submission and Recommendations

Based on the concerns raised by submitters it is agreed that the planning proposal should not proceed as proposed as there is little to no possibility of adequately mitigating against land use conflict. All submissions received demonstrated a high level of understanding of what was proposed and used clear logic and evidence to justify their objections and raise legitimate and serious questions as to the merit of the planning proposal. Further, the willingness from some submitters to seek a compromise shows that they have been rational and pragmatic in their response.

The recommendation of this report is to amend the planning proposal as follows:

- Only rezone part of Lot 10 to R5 Large Lot Residential, with a minimum lot size of 1,000m² and no floor space ratio as indicated in the map below (**Figure 3**);
- Introduce controls for the remaining B6 Enterprise Corridor zone on Lot 10 to limit operational hours for any future development to between 7am and 6pm and to ensure that operational noise does not prejudice residential development of the propose R5 Large Lot Residential zone.
- Introduce a control to require footpath construction along the frontage of Robinson Street.
- Introduce a control to completely restrict any residential access onto Lansdowne Street or Robinson Street from the subject area.
- Remove the control requiring the relocation of the Theatre Drive intersection from Lansdowne Street to Robinson Street and instead refer the matter, along with matters relating to parking, to the Traffic Committee.
- Consider the rezoning of 170 Lansdowne Street back to B6 Enterprise Corridor as part of the next overarching or miscellaneous planning proposal.



Figure 3: Indicative proposed new zoning layout

It is important to note that the manner in which this development has evolved has resulted in a situation in which there is now no single solution that Council can implement that would not result in some form of interface impact between industrial and residential development. The recommended solution and proposed GM DCP amendment attached (**Attachment 4**) have therefore been formulated on the basis that a reasonable balance is achieved. With this in mind,

the following assessment is given for the new recommendation with respect to the submissions provided:

- The new recommendation is similar to the compromised zoning arrangement proposed by several of the submitters, with the significant differences detailed and considered further below.
- It is noted that this recommendation would still result in additional residential development near existing industrial and semi-industrial businesses to the north who legally hold approvals to operate 24/7, albeit with noise abatement measures required in the proposed GM DCP controls to facilitate at least some development of the land.
- Following further assessment of the noise and traffic reports provided, it is now considered that they can no longer be used to adequately justify residential development fronting Lansdowne Street. Further detailed assessment of these documents are provided later in this report.
- The concern raised by some submitters that local land use conflict could impact further development is in itself a valid reason to limit the encroachment of residential development to simply the land fronting Robinson Street. While local resident objections may not prevent new businesses from entering the area, they would have a significant impact as to the limitation placed on operational hours and heavy vehicle movements. Council is required to assess the social impacts of a development proposal under s4.15 of the *Environmental Planning and Assessment Act 1979* and the limitation of operational hours and heavy vehicle movements is often the primary method employed by Council to limit future land use conflict. Further residential encroachment on the Lansdowne Street frontage may force Council to consider including such limitations. It is anticipated that limiting residential encroachment to only the Robinson Street frontage would prevent the requirement to implement such restrictions on the expansion of operating hours and heavy vehicle movements.
- By retaining the B6 Enterprise Corridor zone on Lansdowne Street, an additional buffer may be provided with the potential for any future semi-industrial or commercial development on the land acting to be an additional physical barrier.
- While this recommendation is considered to be the preferred option, it will require the removal of any control to require the relocation of the Theatre Drive intersection from Lansdowne Street to Robinson Street. This is because Council can no longer rely on the position that it is required due to significantly increased residential traffic volumes on Theatre Drive, as only very limited residential development would be allowed on the new proposed R5 Large Lot Residential zone.
- The parallel parking suggestion for Lansdowne Street is noted, however this is a matter that extends beyond the scope of the planning proposal and GM DCP amendment. A number of issues relating to existing industrial traffic congestion and street parking in Lansdowne Street have been raised. These issues can be further investigated and referred to Traffic Committee.
- It is agreed that the rezoning of 170 Lansdowne Street back to B6 Enterprise Corridor should be considered. However this will require a new planning proposal and another gateway determination, so it is instead proposed that this matter be considered as part of Council's next overarching or miscellaneous planning proposal to be prepared. Competing priorities within the existing Strategic Planning Program means that there is minimal capacity to undertake this work separately at this point in time.
- It is noted that the remaining B6 Enterprise Corridor zone within Lot 10 will have limited development potential due to the land use table for the zone, the relatively narrow dimensions of the lot and the restrictions proposed in the GM DCP. This outcome is nonetheless considered to be acceptable on the grounds that proceeding with residential rezoning will result in unreasonable levels of land use conflict.

- It is noted that the corner of Lansdowne Street and Robinson Street, to remain as B6 Enterprise Corridor, may be further compromised in terms of development potential due to the limited ability for any potential corner lot to obtain a safe and practical access that does not conflict with the three (3) intersections that are in close proximity. This matter is discussed later in this report along with an alternate recommendation to proceed in rezoning this land to R5 Large Lot Residential as well.

Traffic Assessment

Upon further review of the supporting traffic assessment, it is noted that the location of traffic counters has not clearly been conveyed and that this lack of clarity significantly affects how representative the findings are of local traffic volumes (**Attachment 2**). Of particular note, p.10 of the supporting documentation indicates that traffic counters placed on Lansdowne Street were located 20m west of Lansdowne Place, whereas the indicative map provided later on p.18 appears to indicate that the actual placement of traffic counters was closer to 200m to the west of Lansdowne Place (**Figure 4**). The relevance of this is that the latter location of the traffic counters would not have been able to pick up any traffic movements from the section of Robinson Street north of Lansdowne Street or movement from Southern Transport Services, which would appear to support the claims made by submitters that traffic estimates significantly misrepresent actual traffic volumes in the area.



Figure 4: Traffic counter locations.

Should the location of the traffic counters have actually been placed where indicated on p.18 of the additional information submitted, then it is reasonable to determine that the traffic assessment provided does not accurately convey the actual volumes of heavy vehicle traffic in the locality. The traffic movements on the northern portion of Robinson Street and all businesses on Lansdowne Street are considered relevant to the noise and amenity impacts of the proposed R5 Large Lot Residential zoning on Lansdowne Street.

Noise Assessment

Upon further review of the noise assessment provided, it is now considered that it cannot be relied upon to justify the proposed R5 Large Lot Residential rezoning of land fronting Lansdowne Street. In support of this statement, the following points are provided:

- The assumption that most businesses in the area commence daily at 7am is incorrect. It has been identified that many businesses in fact have approval to operate continuously in the area north of Lansdowne Street, including Boral whose operation was identified as the main contributor to noise.
- The current operational hours of nearby businesses alone cannot be relied upon to determine the impact of noise in the area or the potential for future land use conflict. To determine this, the noise report must have considered potential noise impact if businesses decide to operate at full capacity within the operating hours specified in their development consents. It is reasonable to expect that businesses can and will operate to the fullest possible extent allowable under their development consent conditions should commercial circumstances require them to.
- It is not clear in the noise assessment at what time noise assessments were undertaken or the exact locations of where the measurements were undertaken.
- The noise assessment finds that consistent external noise attenuation is likely unattainable for residential lots closest to the sources of noise.

It should be noted that the final point listed above is unlikely to change with any further noise report should one be provided, unless the initial noise assessment significantly overestimated noise levels. This finding can also be used to further justify the recommendation to not rezone the part of Lot 10 fronting Lansdowne Street to R5 Large Lot Residential.

Finally it is noted that the level of noise is only one of several considerations as to the suitability of the subject site for residential development in relation to land use conflict and amenity. The type, duration and timing of noise is arguably equal to, or of greater importance in regard to overall amenity and impact.

Car Parking and Traffic Issues Lansdowne Street

A number of issues relating to the existing industrial traffic congestion, intersection design and street parking in Lansdowne Street have been raised. Furthermore, there may be existing issues with non-compliance with development consents if heavy vehicles (eg. delivery trucks, concrete agitators, etc.) are using street parking rather than on-site parking for business operation.

These issues can be further investigated and referred to the Traffic Committee.

Alternate Recommendation

Council may alternatively resolve to proceed in rezoning the entire length of Lot 10 fronting Robinson Street to R5 Large Lot Residential for the purposes of maintaining a high level of development potential on the corner of Lansdowne Street and Robinson Street (**Figure 5**). This alternate recommendation is given on the basis that it is acknowledged that the consequence of keeping the corner of Lansdowne Street and Robinson Street as B6 Enterprise Corridor may be that the development potential of the resultant corner lot could be substantially lower. This is due to the increased difficulty that may arise from trying to gain a safe vehicle access, given that vehicle access for any resultant semi-industrial or commercial development would likely require two-way vehicle movement on a comparatively small lot that is immediately adjacent to or opposite from three (3) intersections. If this corner lot was instead rezoned to R5 Large Lot Residential, only a single vehicle width driveway would be required back onto Theatre Drive, thereby preserving a high level of development potential.

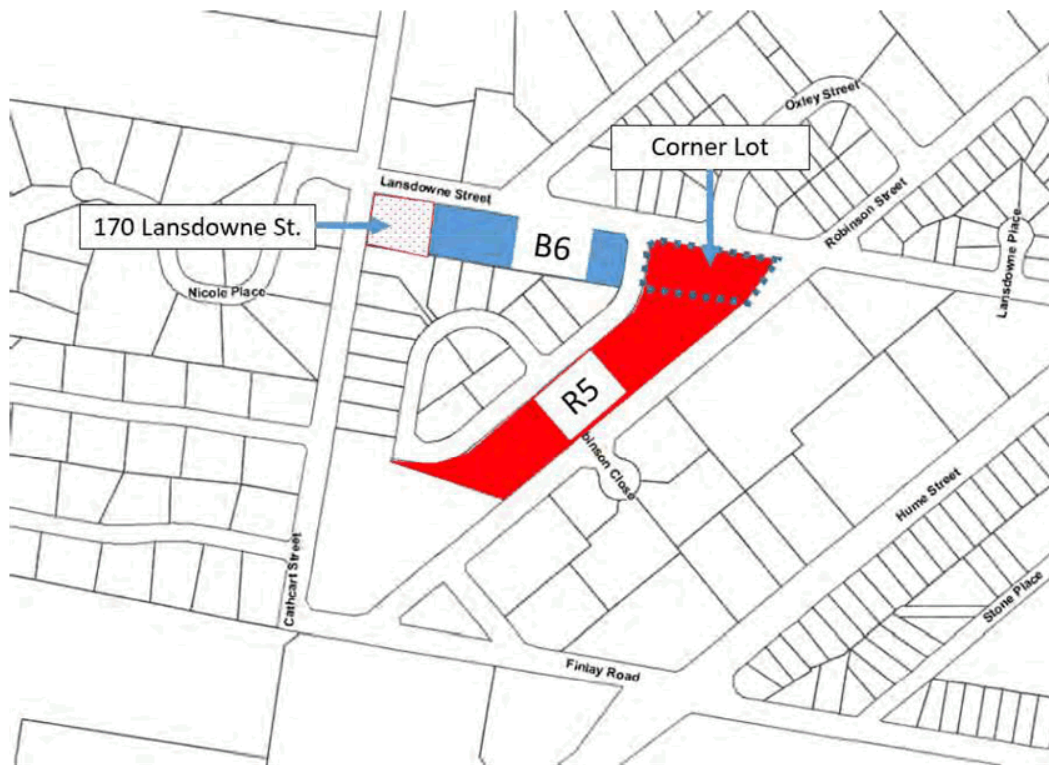


Figure 5: Alternate recommendation.

This alternate recommendation has been put forward for Council's consideration, however it is not the principle recommendation of this report as it would facilitate further residential interface with semi-industrial businesses on the other side of Lansdowne Street. The additional residential interface is considered to be a less suitable outcome than the creation of a remnant B6 Enterprise Corridor corner lot.

If Council wishes to pursue this alternate solution in place of that being recommended by the report, the following resolution need to be made, noting that that this alternate recommendation only requires the amendment of items 2 and 3 of the original recommendation:

- That:
1. The post public exhibition report by the Strategic Planner regarding the zoning and site specific development controls relating to land on Lansdowne Street, Goulburn be received.
 2. Council only proceed in rezoning the part of Lot 10 DP 1247119 fronting Robinson Street, Goulburn, as indicated in the alternate recommendation of this report, to R5 Large Lot Residential with a minimum lot size of 1,000m² and no floor space ratio under the *Goulburn Mulwaree Local Environmental Plan 2009*.
 3. Council not proceed with making any further amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* in this precinct as it relates to the remainder of Lot 10 DP 1247119, Goulburn.
 4. The General Manager use Council's delegated plan-making authority to implement the proposed amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* above as soon as practicable.

5. The Draft Site Specific Amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report be adopted, with the following changes being incorporated to address submissions received and the recommendation to only partially endorse the planning proposal:
 - a. Removal of the requirement to relocate the Lansdowne Street and Theatre Drive intersection.
 - b. Introduction of controls to limit operational hours to between 7am and 6pm for the remaining B6 Enterprise Corridor zone on Lot 10 DP 1247119 and restrict noise generation.
 - c. Insertion of a new control to require a footpath to be constructed along Robinson Street.
 - d. Prohibition of any residential driveway access onto Lansdowne Street.
 - e. Correction of any inconsequential spelling or grammatical errors.
6. Council consider the rezoning of 170 Lansdowne Street back to B6 Enterprise Corridor as part of its next overarching or miscellaneous amendment to the *Goulburn Mulwaree Local Environmental Plan 2009*.
7. Council investigate existing industrial traffic congestion, intersection design and street parking issues raised in relation to Lansdowne Street (west of Hume Street) and refer this matter to the Traffic Committee.

Conclusion

Based on the submissions and legitimate concerns raised with respect to the planning proposal for Lot 10 DP 1247119, it is recommended that Council proceed in rezoning only part of the Robinson Street frontage of this land to R5 Large Lot Residential, with a minimum lot size of 1,000m² and no floor space ratio. It is also recommended that the associated GM DCP amendment also be amended to reflect this recommendation and to ensure that a footpath is constructed along Robinson Street.

As noted in the report, the series of events leading up to this planning proposal has resulted in a situation that necessitates some compromise to find the best available balance between the likely interface issues between residential development and existing industrial uses. In conclusion the recommendation is considered to provide the most balanced option to mitigate land use conflict without significantly impeding the development of the land.

2020-2021 Local Heritage Grant applications

Applications were assessed by Council's Heritage
Adviser against the adopted Assessment Criteria

Background

- Council has 2 Heritage Grant Schemes
 - CBD Heritage Grants – An action of the CBD Masterplan
 - Local Heritage Grants – in partnership with Heritage NSW
- **The focus of this presentation is Local Heritage Grants**
- Applications for the CBD Heritage Grant scheme to be considered separately.
- Large number of applications (25), as a result several worthy projects will miss out. Encouraged to apply again next year

Each application was competitively scored against the Assessment Criteria that is established by Heritage NSW as a joint funding partner (refer next slide)

Grant Assessment Criteria

Note: The following criteria has been established by Heritage NSW

- Technical and financial ability to complete the project by Friday 30 April 2021
- The degree to which the applicant is financially contributing to the project
- Projects that clearly complement broader conservation objectives, e.g. projects which implement key findings of heritage studies or projects in designated heritage main streets or conservation areas
- Projects that would encourage the conservation of other heritage items
- Projects of heritage value to the community; commonly the item concerned will appear on heritage lists: e.g. the restoration of an important local heritage building
- Projects that are highly visible to the public, e.g. the replacement of a verandah to a building in a main street location
- Projects that have high public accessibility, e.g. a local museum, church or a private home that is open to the public several times a year
- Projects that are in an area which has received little or no funding
- Projects involving aspects of heritage that have received little or no funding e.g. historic gardens
- Projects subject to conservation controls where the owner is able to show hardship arising from conservation work required to the item
- Urgent projects to avert threat to a heritage item
- Owners with outstanding council rates are ineligible to receive grant funding

1. 47 Combermere Street: Re-roofing of Heritage Item



Applicant: Tomy Kosac

- Local Heritage Item
- Value of work \$210,000
- Score 69/135
- Grant proposed \$4,800

- Former King's College
- Condition of grant: use of short galvanised sheets, galvanised quad gutters and downpipes

2. 68 Mundy Street : Re-tile Verandah Floor



Applicant: Penny Lawson

- Located in Heritage Conservation Area
- Value of work \$10,434
- Score 45/135
- Grant proposed – NIL, low score as work not visible from street, not essential maintenance
- Placed on reserve list in 4th place

3. 246 Cowper Street: Paint



Applicant: Judith Hansen

- Local Heritage Item
- Value of work \$11,000
- Score 57/135
- Grant proposed \$2,500
- Condition of grant: colour scheme to be approved by Council prior to start of work
- Formerly called Hurstville & Bulwarra. Built c 1860

4. 164 Bourke Street : Baptist Church Replace Concrete Paving



Applicant: Goulburn Baptist Church

- Local Heritage Item
- Value of work \$20,000
- Score 28/135
- Grant proposed NIL

- Work proposed is not to heritage fabric but to replace concrete paving
- Community Grant may be an appropriate option for owner

5. 33-43 King St, Bungonia: New Windows & Doors



Applicant: Anne Wiggan

- Local Heritage Item
- Value of work \$10,450
- Score 61/135
- Grant proposed NIL

- A worthy project however there is no roof on the structure. Needs a roof prior to installing windows & doors
- Encouraged to reapply once the structure has a roof.

6. 4 Church St: Paint



Applicant: Tracy O'Rourke

- Local Heritage Item
- Value of work \$16,050
- Score 49/135
- Grant proposed NIL
- Place on reserve list in 1st place
- Condition: Colour scheme to be approved by Council prior to start of work if grant is offered

7. 209 Braidwood Road – “Garroorigang”: 1857 Toilet Block Conservation.



Applicant: Stuart Hume

- Local Heritage Item
- Value of work \$6,700
- Score 42/135
- Grant proposed NIL
- Placed on Reserve list in 7th place

- The toilet block is the small building on the right of the photo
- Had recent grant for conservation of water pump

8. 21 Hay St, Bungonia: Brick Chimney Repairs



Applicant: P&C McGrath

- Located in Heritage Conservation Area
- Value of work \$5,060
- Score 39/135
- Grant proposed NIL
- Place on Reserve list in 8th place

- The chimney is part of an early settler's cottage at Bungonia
- The work proposed will help to waterproof the structure

9. 96 Grafton St: Paint & Garden



Applicant: Deirdre Barnes

- Local Heritage Item
- Value of work \$10,221
- Score 70/135
- Grant proposed \$2,500
- Condition: Colour scheme to be approved by Council prior to start of work

- One of three attached dwellings
- Highly visible, will be a good example to others

10. 324 Sloane St: Roof Repairs



Applicant: Helen Hadlow

- Local Heritage Item
- Value of work \$15,940
- Score 68/135
- Grant proposed \$2,500
- Condition: Use galvanised iron, roof sheets & drainage
- Former commercial building. Have also applied for a CBD grant

11. 8 Ben Street – Mary's Mount: Paint Windows



Applicant: Beate Zanner

- Local Heritage Item
- Value of work \$22,000
- Score 62/135
- Grant proposed \$2,500
- Condition: Colour scheme to be approved by Council prior to start of work

- Former grand home & seminary. Now divided into individual units

12. 83 Grafton St: Paint



Applicant: D & L Rogers

- Local Heritage Item
- Value of work \$5,000
- Score 68/135
- Grant proposed \$2,000
- Condition: Revise proposed colour scheme in consultation with Heritage Adviser
- Highly visible former Builder's Arms Hotel in Grafton Street

13. 9 Bradley Street: Paint, Awning Repairs



Applicant: P Youssef & A El Saadi

- Located in Heritage Conservation Area
- Value of work \$29,000
- Score 57/135
- Grant proposed \$2,500
- Condition: Colour scheme to be approved by Council prior to start of work

- Just outside the designated CBD grant area

14. 292 Merilla Lane, Parkesbourne: Repairs to Early Kitchen Building

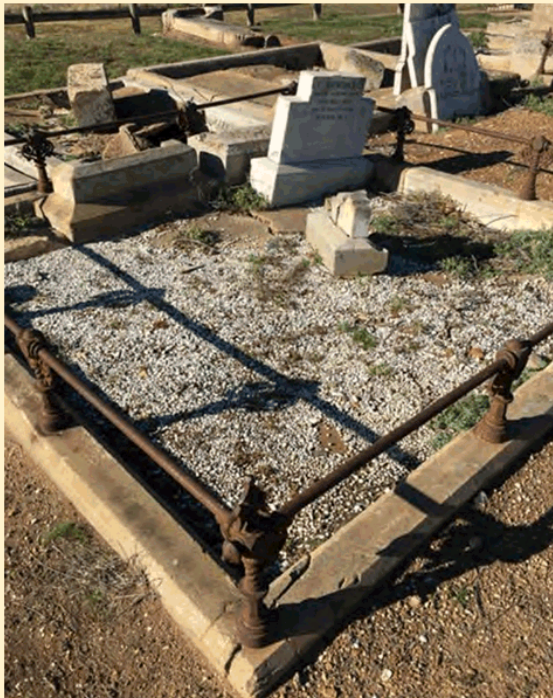


Applicant: J Bell

- Not listed as Heritage Item
- Value of work \$13,785
- Score 43/135
- Grant proposed NIL
- Place on Reserve list in 6th place

- Worthy work but won't be seen by the public. Owner wants to propose Heritage listing on LEP. Once this is done encouraged to reapply.

15. Knowlman Grave, Mortis St Cemetery: Repairs



Applicant: Nancye Louise Allison

- Local Heritage Item
- Value of work \$3,575
- Score 46/135
- Grant proposed NIL
- Place on Reserve list in 3rd position

- Knowlman family headstones
- Graves include that of former Mayor/prominent businessman

16. 4 Grafton St: Paint



Applicant: I Wilden-Constantin

- Local Heritage Item
- Value of work \$4,140
- Score 50/135
- Grant proposed \$1,250

- Condition: Colour scheme to be approved by Council prior to start of work

17. St Saviour's Cemetery: Paint Gates



Photos of the cemetery gates show rust, paint deterioration and broken barrel bolts.

Applicant: H West – Friends of Cemeteries

- Local Heritage Item
- Value of work \$4,140
- Grant proposed NIL
- Proposed work doesn't meet grant guidelines. The gates **aren't** part of the original fabric of the cemetery (addition circa 1980's)
- The applicants are a community group carrying out maintenance at St Saviours & Mortis St cemeteries
- Suggest they apply for a Community Grant

18. 19 Market Street – Goulburn Club: Replace Verandah Post



Applicant: Goulburn Club

- Local Heritage Item
- Value of work \$2,474
- Score 68/135
- Grant proposed \$1,250

- Significant local building in highly visible location
- Have also applied for a CBD Grant

19. 34 King St, Bungonia – Former school: Rising Damp & Repoint Stonework



Applicant: D Moran

- Local Heritage Item
- Value of work \$5,320
- Score 59/135
- Grant proposed \$2,500

- Significant visible Bungonia building

20. 1 Ballina St: Repairs & Paint



Applicant: R & C McLaughlin

- Located in Heritage Conservation Area
- Value of work \$8,800
- Score 45/135
- Grant proposed NIL
- Place on Reserve list in 5th place
- Condition: Colour scheme to be approved by Council prior to start of work
- Had a grant in 2019-2020 (works pictured being carried out)

21. 336 Auburn Street: Replace Roof & Windows



Applicant: G Drakakis

- Local Heritage Item
- Value of work \$19,953
- Score 70/135
- Grant proposed \$2,500
- Colorbond roof sheeting proposed
- Window material not specified. Ground floor windows are aluminium
- Condition: Use galvanised roofing materials & timber windows to match existing
- CBD application for painting recommended for funding

22. 177 Bourke St: Front Fence



Applicant: D Nedanoski

- Local Heritage Item
- Value of work \$12,265
- Score 66/135
- Grant proposed \$2,500
- Condition: Use exterior grade timber

- Highly visible structure in Bourke Street

23. McCallum Graves, Mortis Street Cemetery: Conservation work



Applicant: K McCallum

- Local Heritage Item
- Value of work \$6,741
- Score 49/135
- Grant proposed NIL
- Place on Reserve list in 2nd position
- McCallum family headstones

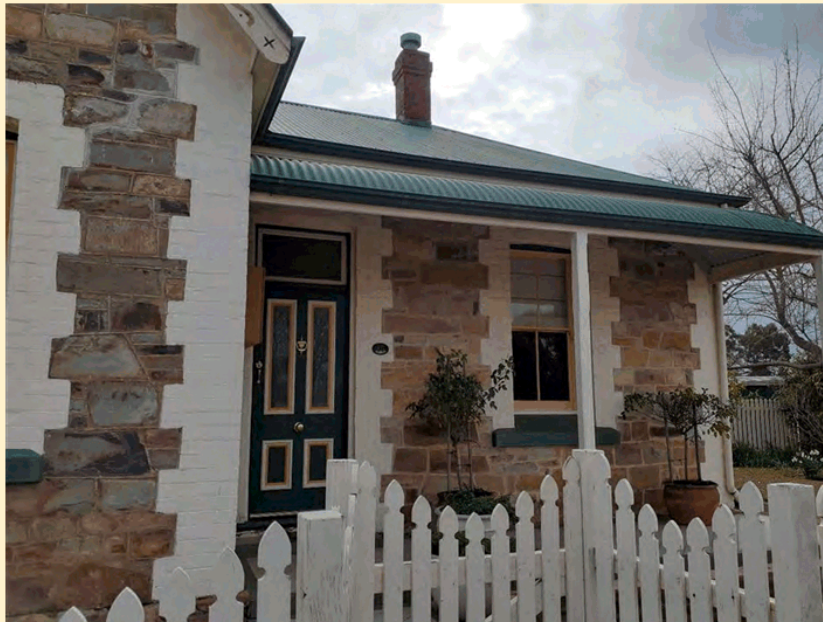
24. 207 Auburn St. CML Building: Roof repairs. Heritage Item



Applicant: M Hua Mo

- Heritage Item (State Register)
- Value of work - No quote provided, therefore cannot meet criteria
- Grant proposed NIL
- Had recent grant for painting
- Due to State Listing, can apply directly to State for grants

25. 78 Queen St: Paint



Applicant: D Epstein

- Local Heritage Item
- Value of work \$9,150
- Score 64/135
- Grant proposed \$2,500
- Condition: Colour scheme to be approved by Council prior to start of work

- Stone dwelling located in the Kenmore area

Recommended Heritage Grant Recipients

Score Priority Order	Application number	Address	Work proposed	Total Value of work	Heritage Item or HCA	Criteria Score	Rec. Grant	Condition/comment	Cumulative total
1	9	96 Grafton Street	Painting, repairs etc	\$10,221	Item	70	\$2,500	Exterior grade timber to be used for verandah posts	\$2,500
1	21	336 Auburn Street	Roof, windows	\$19,953	Item	70	\$2,500	Use galvanised materials for roof & timber windows to match existing windows	\$5,000
2	1	47 Combermere St	Roof	\$210,000	Item	69	\$4,800	Use galvanised materials	\$9,800
3	10	324 Sloane Street	Roof repairs	\$15,940	Item	68	\$2,500	Use galvanised materials	\$12,300
3	12	83 Grafton Street	Paint	\$5,000	Item	68	\$2,000	Revise colours with Adviser	\$14,300
3	18	19 Market Street	Verandah post	\$2,474	Item	68	\$1,250	Exterior grade timber to be used for verandah post. S138 required	\$15,550
4	22	177 Bourke Street	Fence	\$12,265	Item	66	\$2,500	Use exterior grade timber	\$18,050
5	25	78 Queen Street	Paint	\$9,150	Item	64	\$2,500		\$22,550
6	11	8 Ben Street	Paint windows	\$22,000	Item	62	\$2,500		\$23,050
7	5	33-43 King Street, Bungonia	Windows & doors	\$10,450	Item	61	NIL	Requires roof first prior to installing windows & doors	NIL
8	19	34 King Street, Bungonia	Stonework repairs	\$5,320	Item	59	\$2,500		\$25,550
9	13	9 Bradley Street	Paint & repairs	\$29,000	HCA	57	\$2,500		\$28,050
9	3	246 Cowper Street	Paint	\$11,000	Item	57	\$2,500		\$30,550
10	16	4 Grafton Street	Paint	\$4,140	Item	50	\$1,250		\$31,800
			Total	\$366,913		Total	\$31,800		

Reserve List

Score Priority Order	Application number	Address	Work proposed	Total Value of work	Heritage Item or HCA	Criteria Score	Rec. Grant	Condition/comment
11	6	4 Church Street	Paint	\$16,050	Item	49		1 st Reserve \$2,500
12	23	McCallum Graves	Conservation	\$6,741	Item	48	-	2 nd Reserve \$2,500
13	15	Knowlman Grave	Conservation	\$3,575	Item	46	-	3 rd Reserve \$1,750
14	2	68 Mundy Street	Tile verandah	\$10,434	HCA	45	-	4 th Reserve
14	20	1 Ballina	Repairs & Paint	\$8,800	HCA	45	NIL	5 th Reserve. Had grant 2019-2020
15	14	292 Merilla Lane, Parkesbourne	Conservation of kitchen building	\$13,785	-	43		6 th reserve. Owner would like to include item on LEP Sch 5. Once complete re apply.
16	7	209 Braidwood Rd	Conservation of 1857 toilet block	\$6,700	Item	42	NIL	7 th Reserve. Had recent grant
17	8	21 Hay Street, Bungonia	Brick chimney repairs	\$5,060	HCA	39		8 th Reserve
18	4	164 Bourke Street	Concrete Paving	\$20,000	Item	28	NIL	Not suitable work for heritage grant
19	17	St Saviour's Cemetery	Repair & paint gates	\$2,000	Item	-	NIL	Not suitable work for heritage grant
20	24	207 Auburn Street	Roof repairs	No Quote	Item			No Quote provided