

ATTACHMENTS

ENCLOSURES

Ordinary Council Meeting

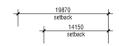
15 December 2020

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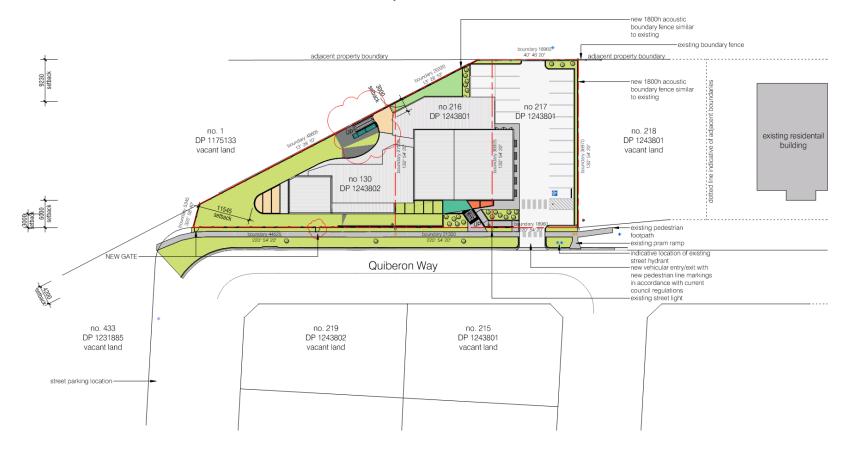
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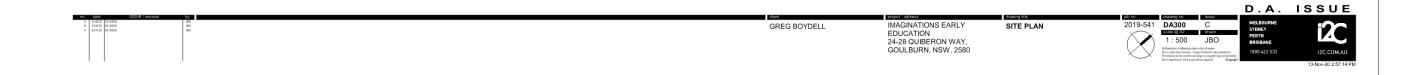




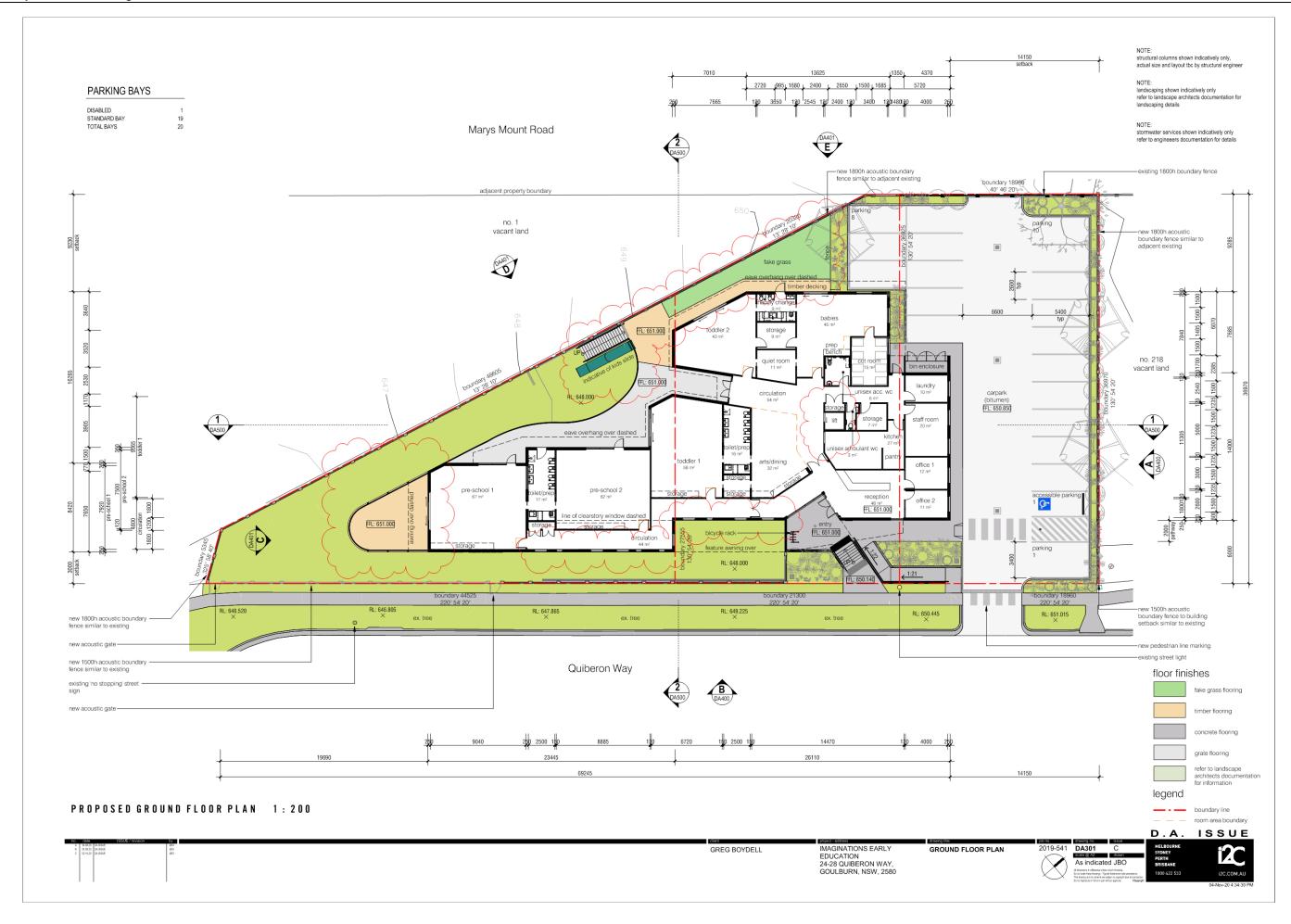
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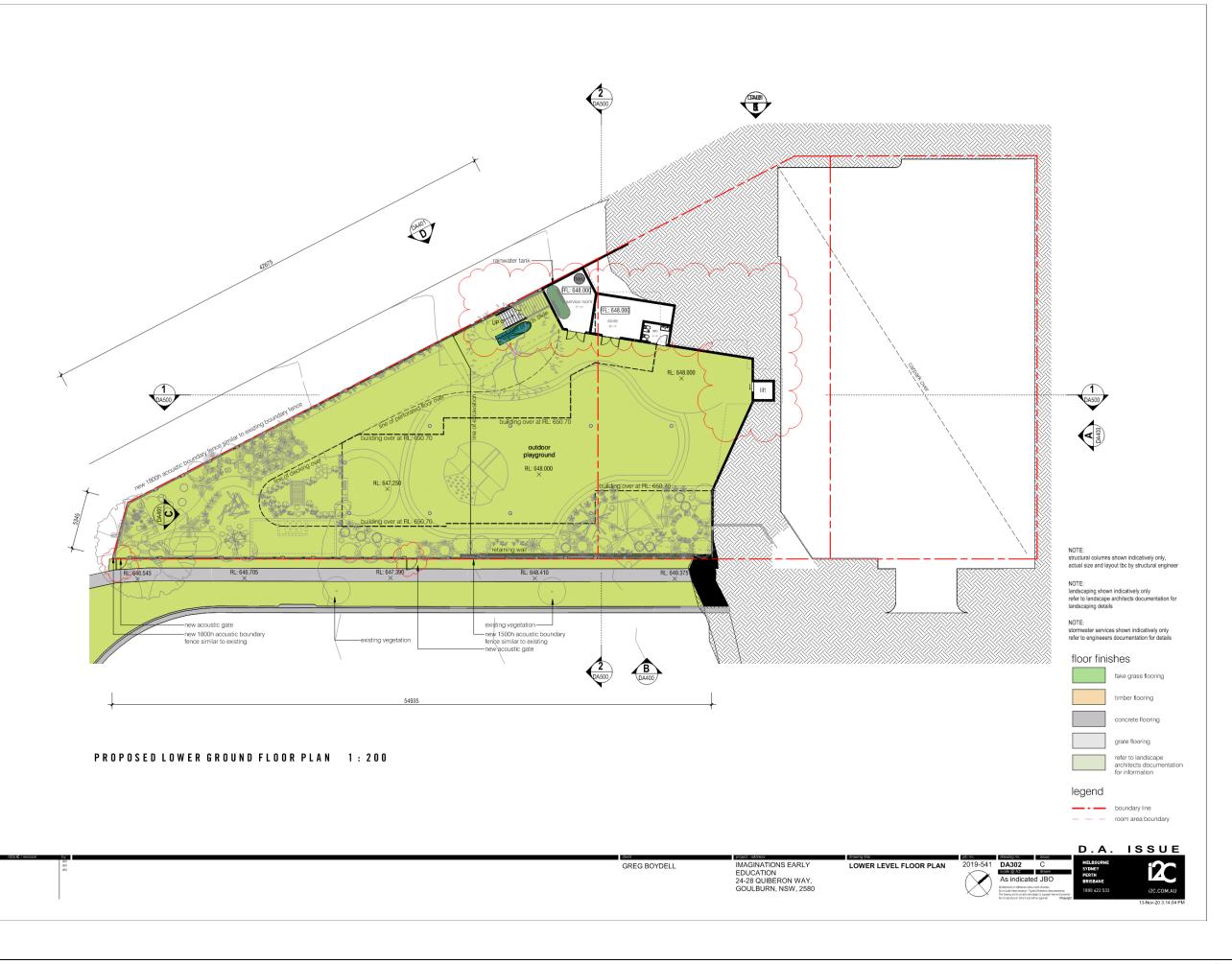


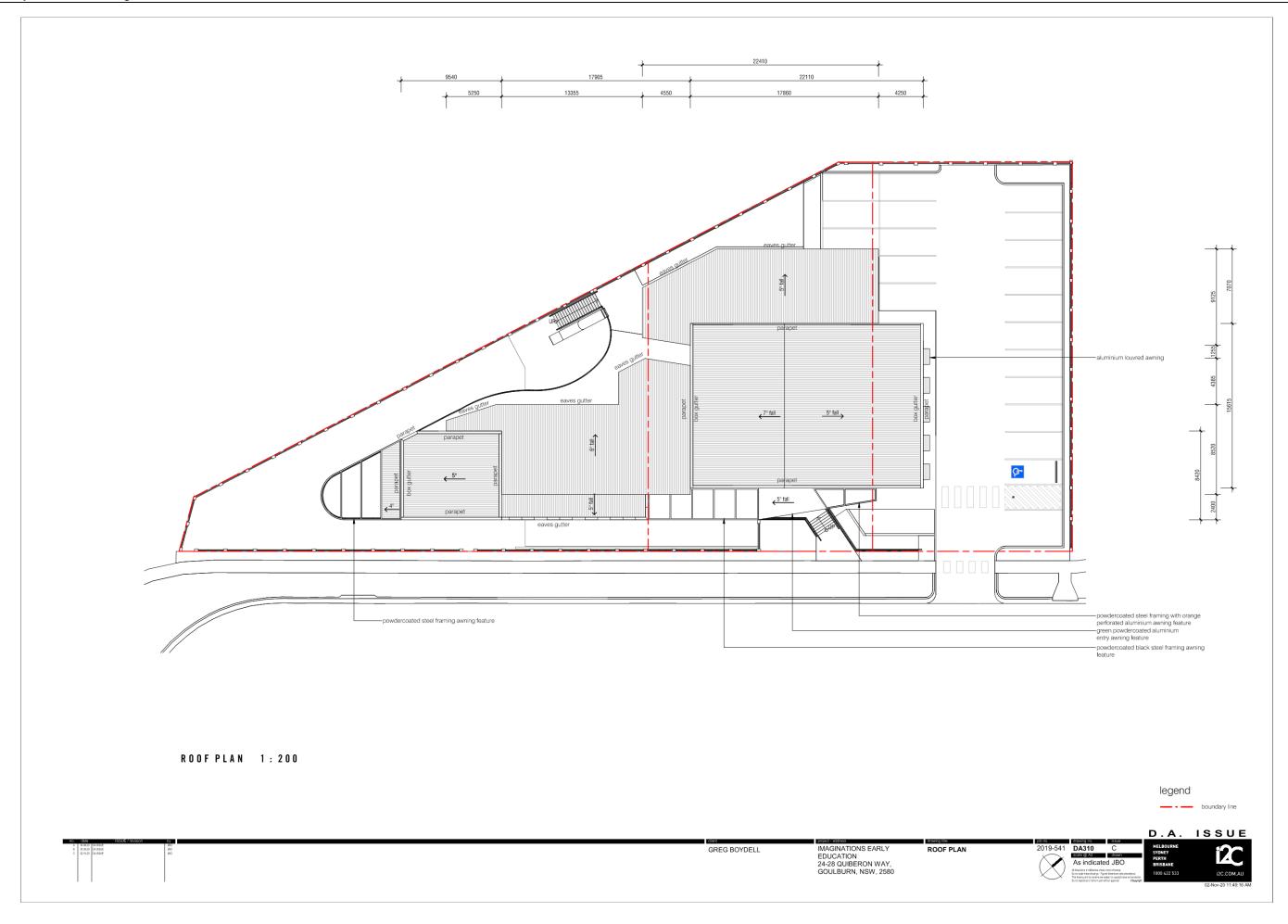
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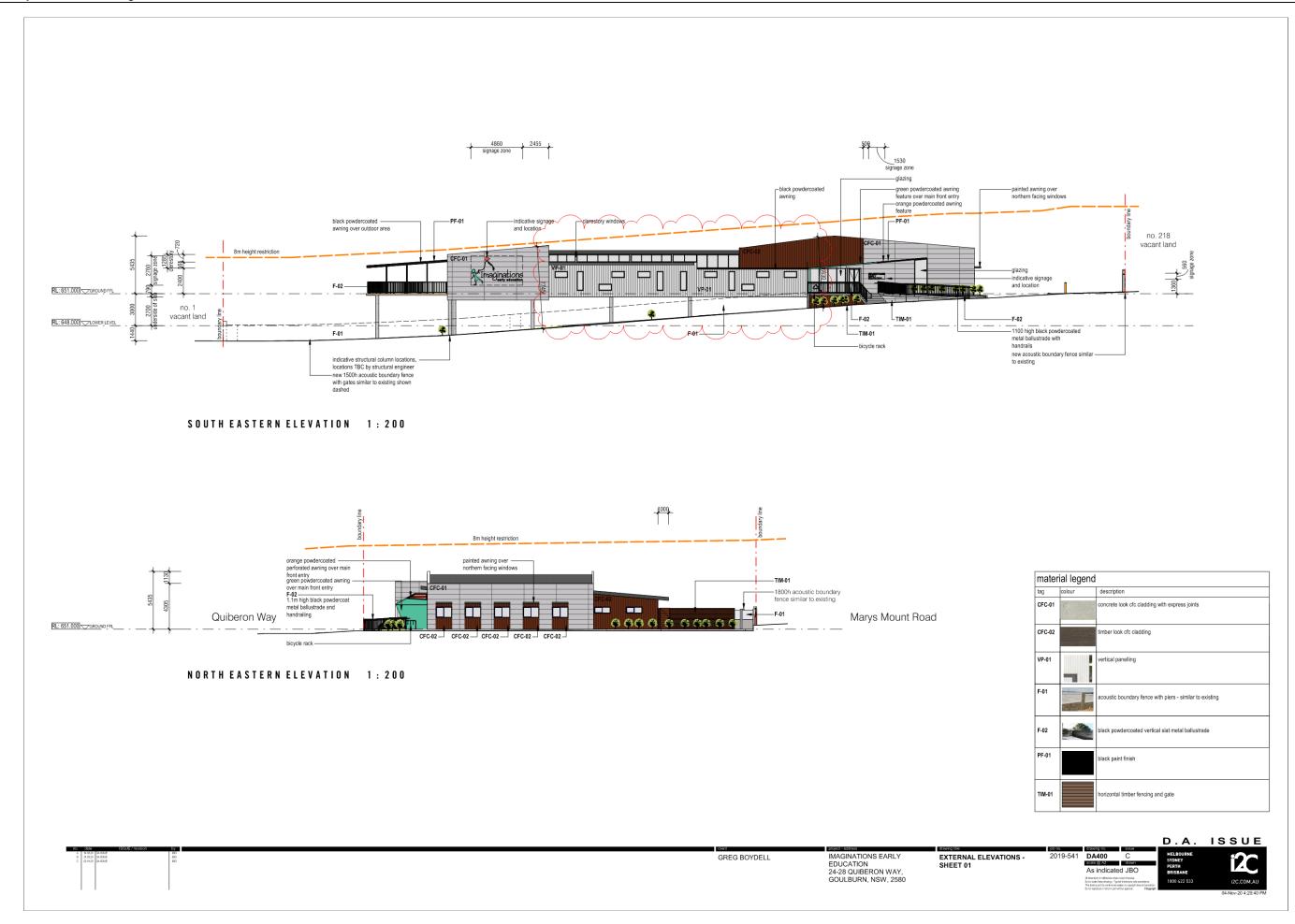


Ordinary Council Meeting Attachments 15 December 2020

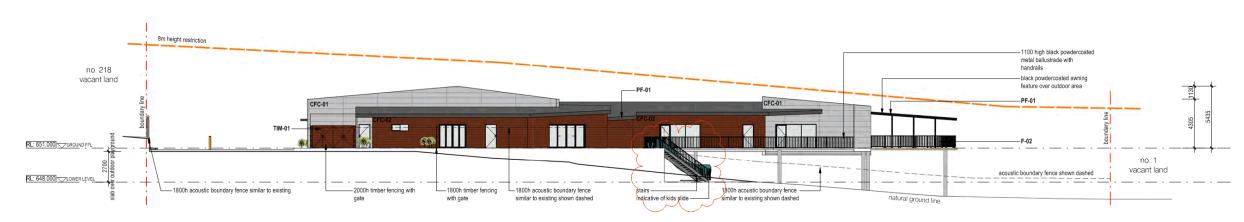




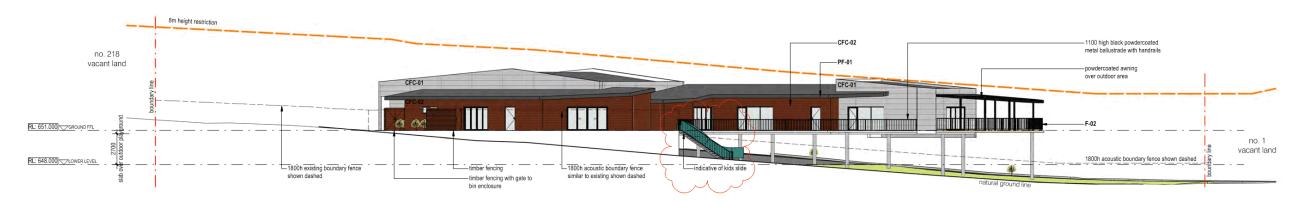




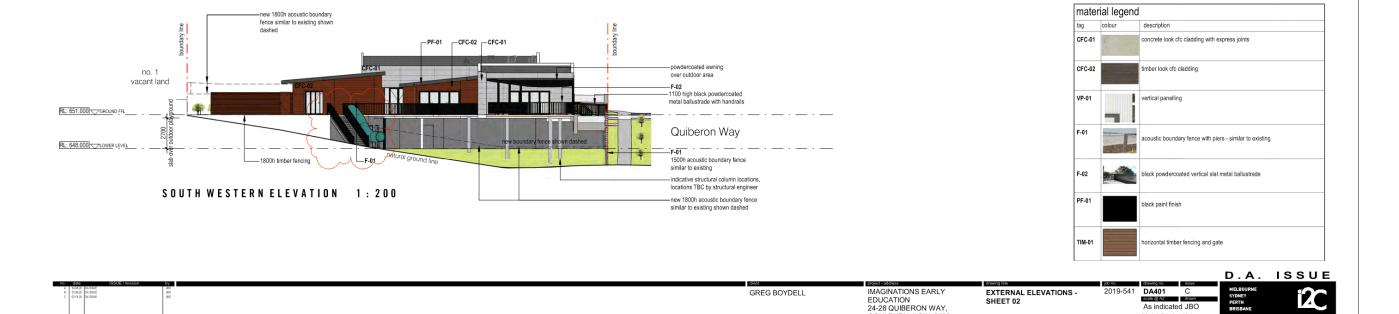
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NORTH WESTERN ELEVATION 1:200



WESTERN ELEVATION 1:200



Item 15.1- Attachment 2 Page 13

SHEET 02

GOULBURN, NSW, 2580

Important Information:

Your Details

Prior to submitting this form, please read the *Guide to Making a Submission* on the back to help you understand how to make a submission, and what Council will be doing with any personal information you provide in your submission. Council's Privacy Management Policy may also help assist with your considerations when making a submission.

		1 ,		
Name:	Knne	to wie	1) CKSON	

Organisation (if applicable):

Development application details

DA Number:	0070/2021	
DA Address:	24 Quiberon Way	Goulburn

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

☐ Yes ☐ No

Your Submission (please attach additional pages if required)

Pease see attached.

Council collects personal information only for a lawful purpose that is directly related to Council's planning functions and activities. For further information please contact Council's Privacy Officer or refer to Council's Privacy Management Policy at www.gov.au

Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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24 Quiberon Way - DA/0070/2021

Objections to proposed Child Care Centre

Lack of quiet enjoyment & living at The Tillage

The Tillage was marketed as a small boutique development which would allow quiet living with absolutely no mention of a large commercial development in the future that would have hundreds of cars moving along a very narrow street each day.

"Taking its cue from the rural surrounds, The Tillage will be a country estate with wide open spaces, a nature reserve and meandering pathways throughout..."

"Set in a tranquil and peaceful part of growing Goulburn, The Tillage has been created to give residents a place to create their own haven, just as they want it."

... we have designed the tree-lined streets of The Tillage to be wide and welcoming, for the pathways and shared spaces to be easily maintained and the process for buying and building to be a stress-free and authentic experience."

No Commercial development noted/allocated on the Master Plan

It appears that the allocation for a proposed commercial development was omitted from the Master Plan that all residents viewed before purchasing land. Had it been noted then residents may not have purchased in this estate and particularly along Quiberon Way.





Safety

Quiberon Way is a very narrow street that is barely 3 cars wide, and not engineered to take the volume of traffic that the child care centre would generate. There is a safety risk both to traffic on this street and to pedestrians also. What is now a quiet residential street will become a major thoroughfare will all the noise, fumes, and hazards that a major access road entails.

Existing Child Care Centres

There are two Child Care Centres within walking distance of this estate.

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Your Details

Name:	ANNE + SCOTT ROWLEY
Organisation (if applicable):	NA

Development application details

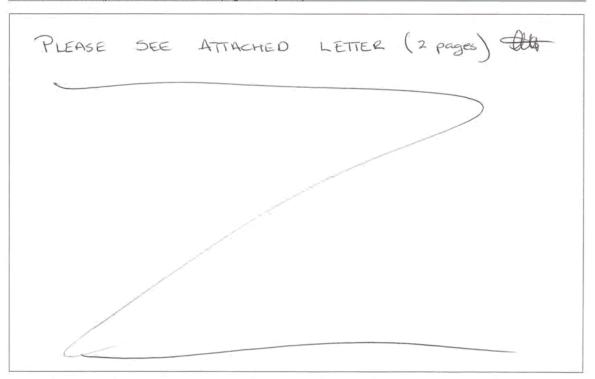
DA Number:	ØΦ7Φ 2Φ2\
DA Address:	24 QUIBERON WAY COULBURN NEW 2580

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

☐ Yes Yo

Your Submission (please attach additional pages if required)



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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Anne & Scott Rowley

Goulburn Mulwaree Council Planning Department GOULBURN NSW 2580

Application Number: DA/0070/2020 Proposal: Centre Based Childcare Facility

Location: 24 Quiberon Way GOULBURN NSW 2580

Attn. Matthew Hedgers

Dear Matthew,

My husband and I just recently relocated from the Camden LGA where we lived for 20 years to start a new life and plan for semi-retirement, the street we lived on started off quiet then became a high-flow traffic area to the point we could no longer reside there.

When we commenced looking into moving to the Goulburn area there were a number of beautiful reasons to move to a smaller community with a country feel, where we could build a house and not be living on top of our neighbours.

We are both front-line EMERGENCY service workers who have serviced the community for 20 plus years and we both work very long and tiring 24 hour rotational shift-work.

As we were looking for a suitable place to relocate to where we could see a long future the appeal of the Tillage stood right out for us. We were told that this would be an area that would not be extended due to the protected waterways that surround the estate and would be an estate that would be home to 132 houses and was to be a boutique estate and something that would be considered as a prestige area for Goulburn.

Within the Tillage guidelines I quote; "the aim was for all homes to be a short stroll from the river with wide pathways for an active lifestyle. To achieve this, all home sites at The Tillage will follow carefully considered designed building guidelines to ensure every house, is made to look like a home"

This statement in itself is a direct contradiction of how the Tillage was to grow, and it will directly impact the remainder of the estate with property values.

As residents of the Tillage we will be directly impacted by this Centre Based Childcare Facility and strongly object to the building of this Centre at the current application location or anywhere within the Tillage.

We object the approval of this submission for the following reasons;

- . It directly contradicts the vision of the Tillage
- The streets are not wide enough to accommodate such a significant increase flow in traffic
- It directly impacts our house being on the corner of the Success and Quiberon we will be subjected by;

- A significant increase in traffic flow with up to 115 cars twice a day coming down Success or along Quiberon Way
- A significant amount of noise from kids during the day, and car doors being closed multiple times per day
- o This centre will devalue our house quite significantly
- This will disrupt our rest and sleep patterns with the increase in noise coming from the centre and the arrival and departure of many cars
- I am required as part of my role as a Paramedic have to bring home and Ambulance to fulfill an on-call component of my position, this in itself will draw attention to my house. I feel that whilst I have to respond from my house this could pose a risk for the increased movement of children across the road
- We will see an increase in cars being parked on our verge which we have taken pride in looking after and well-manicured
- This will directly impact our afternoon sun
- This development doesn't not fit within our estate guidelines
 - We had to meet very stringent guidelines to ensure we achieve the vision of the estate
 - This proposed development looks like a club and looks very commercial and is no way complimentary to the estate
- At no time we were advised that there was intent for a commercial looking building would take place in the estate

We have currently 4 childcare Centre's within 2kms of each other and whilst Goulburn is a growing area we do not think we this Centre is warranted anywhere in our estate and perhaps with some consultation a more suitable location should be sourced.

My husband and I do not have any children and this development will ruin the feel of our estate and the little community it is currently building, and this was the very reason we chose to build and live here.

As residence of the Tillage we are aware that only those houses currently in direct view of this development have been notified by council, and being that we have received very short notice we also request an extension on the close date for submissions for appeal on this application.

We would also like to request that all residents within the estate are notified by council of this development application as every single resident within our estate will be affected especially on property value.

I would like to thank you for taking the time to read our strong objection to the approval of this development, I hope that a more suitable location can be sourced.

With kind regards,

Anne & Scott Rowley

To whom it may concern:

Re: Application: DA/0070/2021 - Quiberon Way

According to the draft Child Care Planning Guideline Planning and Designing Quality Child Care Facilities by the NSW Government Planning and Environment tabled on page 36, it is recommended that child care centres are not suited to every site and that centre based child care centres be built in areas that are compatible with the surrounding land uses.

A centre-based childcare centre is not keeping with the amenity on Quiberon way. The size of this proposed centre based care facility will dominate the landscape and is totally out of context in this area.

The street is not built for accommodating the amount of traffic this proposed facility would generate. This will greatly impact on residents by way of increased traffic, parking and noise pollution from increased traffic, pedestrians' children and employees. This is totally unnecessary as there is a centre based childcare facility in proximity in a mixed development area, to which this type of business is more suited.

Therefore, to protect the amenity of the residents and the values of their homes, and given the current issues surrounding COVID and the impact it is having on jobs and the economy, it is economically unsustainable for another childcare centre to open. The population of Goulburn cannot sustain another centre. I strongly oppose this development of a new centre based childcare facility in Quiberon way.

M Hazim

Resident

Important Information:

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Your Details

Name:	Anın	Kumar	Yadav	
Organisation (if applicable):				

Development application details

DA Number:	DA 10070/2021
DA Address:	24-28 Quiberon way, Goulburn NSW 2580

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Yes

Your Submission (please attach additional pages if required)

few concerns are as follows:

-My driveway is at intersection where road width is not enough
for traffic increment after development. i.e. traffic volume
will increased, less width of road and at intersection
probability of accident will be increased.

- awet Area will be transferred to crowded

- How it will affect the value of property when this
development occurs in this residential estale.

- flooding and evacuation of the children in case of
emergency with narrow spoad.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Your Details		
Name: Organisa applicab		Jack Zucchetto NIA
	application deta	
	-	
DA Numi		0070 2020
DA Addr	ess:	24 duberon way, houlbrin
Political Don	ations and Gifts	(Please refer to part 2 -Guide to Making a Submission)
☐ Yes	sion (please attac	ation or gift to a Councillor or Council employee within the last two years? Refer to Planning & Assessment Act 1979 for further information. No Ch additional pages if required)
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Jack and Hayley Zucchetto

Goulburn Mulwaree Council Planning Department Goulburn NSW 2580

Application Number: DA/0070/2020 Proposal: Centre Based Childcare Facility Location: 24 Quiberon Way, Goulburn NSW 2580

Attn: Matthew Hedgers

Dear Matthew

"The Tillage has been created to give residents a place to create their own haven, just as they want it."

My wife and I have just recently purchased Lot 315 Quiberon Way in The Tillage. It is here that we will be building our family home. We chose The Tillage for a number of reasons, with the main reason being its small, tranquil and quiet feel. In comparison with a number of other estates in Goulburn, The Tillage stands out for it's boutique feel and it's limited availability of land. To compare The Tillage briefly with other estates in Goulburn, we were led to believe that The Tillage was going to be closed off to commercial enterprises unlike many other estates where Childcare Centres, Retirement Villages, Cafes and other DA applications for further centres exist already. Again, this was a leading reason behind our purchase in The Tillage.

I work as a Full Time Paramedic for NSW Ambulance which requires me to fill a shift work roster. Alongside this, I am required to work on-call which entails an Ambulance residing at my home for these shifts. As you would understand, working shift work requires rest and sleep throughout the day. My wife is a Secondary Teacher who had great interest in this estate due to the fact that it is small and away from any school or child care centre.

Being only a matter of 200 metres away from the proposed Centre, I foresee the following problems:

- Noise travel
 - How often will 95+ children be outside during the operational hours? I'm often required to have sleep in periods if I breached the fatigue policy. I worry how I will get adequate sleep with such an increase in noise?
 - During pick up and drop off time, conversations between clients, educators and children, how will this noise be managed?
- Increased traffic flow
 - The current wide streets are inadequate to accommodate an estimated maximum of 115 extra cars multiple times per day

- There is only 16 available car parks on site, where will the remaining 99 cars park/pickup/drop off?
- Safety of children living within the estate already. It is currently a quiet estate
 where children could safely be in their front gardens under the supervision of
 carers, however for us in particular, an increase of 115 cars per day will
 cease this opportunity
- The on call component of my position requires me to respond to incidents within 7 minutes. The increased flow of traffic, particularly during busy drop off and pick up times will without a doubt have a negative impact on my ability to navigate to an incident in a timely and safe mannar. This is something I thought I was avoiding by moving into a quiet estate.

Visual upset

- We have had to abide by strict regulations set out by The Tillage in regards to our choices in brick colour, roof colour, fence colour, garden set out, rain gardens, landscaping. The proposed Centre destroys this uniform expectation, contradicting what The Tillage states its residents must abide by.
- The proposed Centre visually upsets the entire estate. Current dwellings create a home like, community orientated feel. The commercial building will destroy the feel of a boutique estate and instead creating an industrial feel.
- The overall size of this Centre is overwhelming for the size of the estate. It will be the focal point and the first thing people see when driving towards The Tillage from Crookwell Road.

Property value

- We predict our future house will have a significant reduction in value due to the construction of this centre.
- It is advertised as residential land, how will this affect future sales of unsold land?

- Current availability of Childcare

 There is currently three childcare centres off Mary's Mount Road, with the closest only 1.4km away

Above all, we, like other residents of The Tillage, want a quiet, boutique like estate that we were promised. We don't agree that there is a need for a development of a childcare centre within The Tillage and believe that there is a much more suitable location. The above reasons very clearly state a number of significant issues that will come to fruition from this development and I trust that you also recognise the mistake that this development will be.

Further, we were not given any formal notification of this proposed development nor were many residents of The Tillage. It would be extremely disappointing if residents were not given the opportunity to be a part of this process. We request that you inform all current residents and land holders within The Tillage of this DA.

With thanks, Jack and Hayley Zucchetto

Important Information:

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Your	De	t:	ai	Is

Name:	RILEY BARRINGON
Organisation (if applicable):	

Development application details

DA Number:	DA 00702021	
DA Address:	24 Quiberan W	ey, Gaulburn, 2580

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

1 1	Yes		
	res		

No No

Your Submission (please attach additional pages if required)

I'm writing to espess my concern about this development. The Tillage is it was advertised to all residuals of houtharn to be a housing estate. It was also zoned as residual not commercial, soft is DA would breach here areas especially the zoning as publicum by conservit.

Because this area is residential in purpose, the facilities, infrastructor to surrounding area will not use with invoke in traffic increase in stammader it swar output. Not will their he aslegued pathing or space on the roads for he increase in vehicle traffic in the subdivision.

As a resident of the subdivision lam strongly against this proposal to the problems it will cause the subdivision.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Your Details

Name:	NIDHI	GAUR	
Organisation (if applicable):			

Development application details

DA Number:	DA	1007020	21	0	
DA Address:	24	Quiber	on Way	GOULBURN-	2580

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

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Your Submission (please attach additional pages if required)

For various reasons do not

Want child Care Centre at 24

Quiberon Way, Goulburn:

- Narrow roads

- Too much traffic in future

- Downgrade of property value

- Unsafe for small kids around as

influx of traffic:

- Child Care May be suitable for a

commercial block NOT a residential

block. Thanks

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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You		

Name:	Kristy + Ben Honey	
Organisation (if applicable):		

Development application details

DA Number:	0070/2021
DA Address:	24-28 Quiberon Way, Goulburn.

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/es	1	V	

Your Submission (please attach additional pages if required)
APPEAU

The overall appeal of the tillage is that were connected to our natural surrounds. Goulbum council have made an amazing contribution to the Goulburn residents by providing us with a wonderful nature reserve that has been thoroughly designed and a lot of funds, time a effort have gone in to create such a space. This truly will impact the ambience of the reserve, as this proposed structure will be visable and overtake the open space feel.

The community is just starting to come together we're all creating that homely feel within our estate. This proposal will remove the current atmosphere giving residents a sense of being looked in to an area where they didn't intend to live. We were always under the impression that the area was going to be a boutique estate. It no time at time of purchase or still, were we made aware of a business setting up within our estate that we been made aware, our, choice to purchase in this estate properly wouldn't have taken place.

traffic imposed from this development is of great concern. The streets ajoining Quiberon way are already overloaded with resident vectocles as no street parking is available. These are the streets that justomer from the proposed business will try to use when entering exiting the facility.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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PRIVACY

- fest devits will also lose an element of privacy. The normal amount of traffic from local residents and those using the walking track, is to be expected. However, with this glevelopment an additional 100 plus unknown persons will be entering our estate and either driving or walking past our homes, which will really invade our privacy.

DEVELOPMENT

- A development like this needs space of its own. I'm sure the need for another children is needed as Goulburn is growing, however in not sure one of this size and authorius fits in well with any estate or housing areas.

Mistful park has designed a commercial area for business as to not impose on the residents of Mistful park. Within this commercial area a children has already been set-up and rumning well for our area. Jumpstart is only 1.2 km from the proposed development site, which is ample distant for the residents in our estaste to take our children to dive those to do so. I would also be concerned if jumpstart would be at a risk of losing business to this new development, considering its close proimity.

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Your Details

Name:	JOANNE +	Rooney	HUMPHRIES	
Organisation (if applicable):				

Development application details

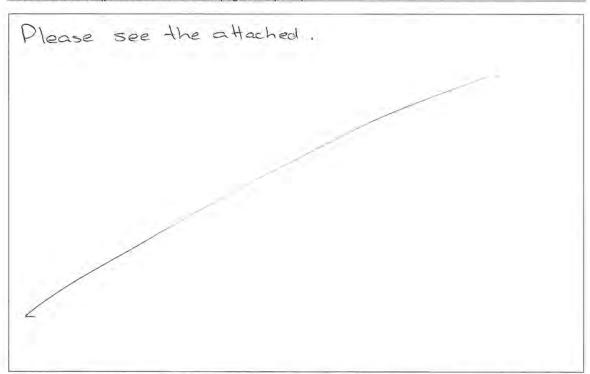
DA Number:	0070 2021
DA Address:	24-28 QUIBERON WAY COULDURN.

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the Environmental Planning & Assessment Act 1979 for further information.

Yes	☑ No

Your Submission (please attach additional pages if required)



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Submission to Development Application 24 Quiberon Way - DA/0070/2021 – Rodney and Joanne Humphries (16 Quiberon Way).

We wish to submit our objections to the subject DA based on the following concerns

Lack of adequate notice - We have recently moved to 16 Quiberon Way, on 21 August 2020, only 60 metres from the proposed development and received NO notification of this development. This lack of notice has not allowed us adequate time to properly consider this development. We moved to Quiberon Way based on the advertised 'boutique' estate concept where the building guidelines were very specific and met our expectations of a controlled and modern style of living. We do not believe the visual impact of the proposed Child Care facility meets the strict requirements placed on other residents within the estate.

Vehicle Movements - The proposed 95 place centre, supported by 20 staff and the obvious need for service vehicles would see a drastic increase in vehicle movements on Quiberon Way. I would question whether a 20 space car park will be adequate to support this number of vehicles. It would be a realistic estimate that a minimum of an extra 240 vehicle movements each day could be anticipated. Quiberon Way is a relatively narrow street with a 90 degree corner at the bottom of the street. If any vehicles parked on the street it would be unavoidable for passing vehicles to have to cross into the other lane to safely pass those parked vehicles. The north east aspect of the street rises quickly and this could result in vehicles crossing into the other lane on the steep rise and the potential for accidents on the top of this rise. Traffic movement on Marys Mount Road is already quite busy but to add extra vehicles movements through the estate is an added impact on residents and their chosen lifestyle.

Application for increased hours of operation – the quoted Child Care guidelines which restrict operation before 7am are in place for obvious reasons i.e. to minimise impact on neighbouring properties during the designated 'night time hours'. To apply for operations outside of these guidelines is unreasonable. The requested operating hours of 6.30am – 7 pm would require staff to be in place and ready for operations at those times. This would see staff and some service vehicles potentially travelling along Quiberon Way well before the 6.30am starting time and after the 7pm closing time, and inside the designated 'night time hours'. These vehicle movements do not support the advertised 'idealistic lifestyle' concept of the estate. The provided statement of environmental effects acknowledges that the anticipated noise levels do not comply with current requirements of the Sleep Disturbance Assessment.

Overland Flow Water path – in my employment with the NSW State Emergency Service I am aware the GMC has commissioned an "Overland Flow assessment" of some areas within Goulburn. I am currently on leave and do not know the outcomes of that study but from my working knowledge of floods within Goulburn would suggest that GMC should consider the results of any such study to understand the flow path of water through the Tillage estate on its way to the Wollondilly River. It

.

would be reasonable to expect that the channel at the bottom of Quiberon Way has been designed to direct water towards the river but will this be adequate in a major storm or prolonged flood event. Could this pose a problem with closure of the bottom of Quiberon Way and potential evacuation of the child care centre in an extreme event?

We would be happy to provide further comment if required.

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Your Details		Company of the Compan	property of
Name:		-	
Organisation (if applicable):			

Development application details

DA Number:	DA 00702021			
DA Address:	48 Quiberon way, Goulburn, 2580			

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Your Submission (please attach additional pages if required)

I object to the above DA purchased our family home brawing point of purchasing was that it was adventised Bootique "Residental" estate. NOT AN AREA FOR COMMERCIAL BUSINESS The propoped establishment is a real eyesaw. And will bring an influx of traffic into the tillage which will disrupt the quite surronaing correctly exist. The inplux of traffic is a huge me do my distorer along with other love to ride there bikes and scooters around the theage, which is queetion if the road is wider commercial business +officss

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

ur Details	
Name:	Alux McEvoy.
Organisation (if applicable):	ing.
velopment application	details
DA Number:	00702021
DA Address:	24-Quiberon Way, apulburn
	28
ve you made a political of the thickness of the Environme Yes Graph Submission (please)	donation or gift to a Councillor or Council employee within the last two years? Refer to ntal Planning & Assessment Act 1979 for further information. No attach additional pages if required)
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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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The proposed development was brought to my attention on Monday 28th September 2020 by concerned residents. When purchasing the land in July 2019 I enquired with the real estate agent whether anything other than residential dwellings were going to be built within the estate of which I was assured there was not. There are a number of other reasons to be considered as to why this development should not go ahead.

The increased traffic flow as a result of the child care centre will contribute to noise, congestion and safety issues to the numerous young families, children and elderly residents who already reside within the estate. The width of the Success Street and Quiberon Way in that part of the estate is already a narrow roadway and even with the number of residents in that section already causes traffic flow issues particularly when there is a vehicle parked on the side of the road. Further to this, as a full-time shift worker often returning home in the hours of the mornings when most people are leaving for work the increase in vehicular and pedestrian traffic and noise would be sure to cause undue stress. The addition of the dog park only accessible by car through this estate has already created an obvious increase in traffic.

A quick search on Google of 'child care centres in Goulburn NSW' returned upwards of 10 child care centres, all within a 10 kilometre radius of the CBD. This already seems excessive particularly with a brand-new child care centre merely 2 minutes down the road within the Mistful Park estate. An additional child care facility is unnecessary.

The proposed location of the child care facility is what most consider the 'high' side of the estate where the blocks sit above those located at the back of the estate. Marys Mount Road has become an increasingly busy thoroughfare and the addition of centre not only blocks out a tasteful view into the estate but also detracts from the appearance of the surrounding dwellings, decreasing their value and causes potential to deter future residents from purchasing/renting within the estate.

Even with my own child due to be born in December this year I am unsupportive of the child care centre being built within the estate; although some may see this as a convenience there is an exhaustive list of reasons to counteract any 'convenience'. The planning of this proposal was made with poor judgement, severe oversight to the bigger picture and a lack of consideration for the residents within what is supposed to be an 'ideal location'. I oppose the development of a child care facility with The Tillage.

Alyx McEvoy 54 Ownberon way =

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Your Details

Name:	GILLIAN MORRISON.
Organisation (if applicable):	

Development application details

DA Number:	0070/2021
DA Address:	24128 Quiberon Way Goulburn.

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

☐ Yes	I No

Your Submission (please attach additional pages if required)

- " MY MUSISHID AND I ARE JUSTIME STARTING A FAMILY, WE WERE LEAD TO BELIEVE WE WOULD BE LIVING IN A QUIET RESIDENTIAL AREA, NOT A BUSY ESTATE WITH A LARGE COMMERCIAL PREMISES.
- · IS THERE PARKING GRALICIES? OR ALL OUR ROADS AND DEVE WAYS GOING TO BE BLOCKED?
- MY MUSTAMO WORKS SHIFTS AND SLEEPS THROUGH THE DAY,
 THE MOISE OF A CHILD CARE PACILITY AND THE TRAVEL THAT
 ACCOMPANIES IT IS NOT SOMETHING WE WOULD HAVE
 ANTICIPATED MAYING TO BE CONCORNED ABOUT.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Your Details

Name:	Prince Gaux
Organisation (if applicable):	

Development application details

DA Number:	DA	0070	2021		-1, 7, - ==	
DA Address:	24	Qui	Denon	way	Goulbeven	7580
				-/		

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Your Submission (please attach additional pages if required)

The existing road doesn't Seem to be wide enough for that

The increase of traffic is a concern for us

This is a residential community, we don't need commercial business here

"Do not want child care at purposed

Site."

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Part B - To be Published

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Your Details

Name:	Anneliese Riley.
Organisation (if applicable):	

Development application details

DA Number:	24 Quiberon Way, Goulbum NSW-
DA Address:	0070/2021

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the Environmental Planning & Assessment Act 1979 for further information.

No No ☐ Yes

Your Submission (please attach additional pages if required)

- unattractive establishment.

- womed about my dogs being run over.

- blocking off sun into my house.

- Increase of noise + traffic.

- there's already 4 childcares around us.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Part B - To be Published

ur Details	
	i
Name:	Estelle Roberts/Andrew Newman
Organisation (if applicable):	
velopment application	details
DA Number:	0070/202
DA Address:	24-28 Quiberon Way, Govibum
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t 10.4 of the <i>Environme</i> Yes	donation or gift to a Councillor or Council employee within the last two years? Refer to ntal Planning & Assessment Act 1979 for further information. No attach additional pages if required)
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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

Estelle Roberts

9 Success Street

Goulburn, NSW 2580

30 September 2020

To whom it may concern,

I'm writing in regards to oppose a submission to development application for a child care facility being built in the Tillage incorporating 24-28 Quiberon Way (3 lots),

The building of this facility will have numerous social and environmental disadvantages to the residents of the Tillage through increased noise, increased traffic and safety concerns both of existing residents and to those attending the centre.

Residents purchased in this estate with the clear understanding that it was entirely residential. This is evidenced in documentation stating "To achieve this, all home sites at the Tillage will follow carefully designed building guidelines to ensure every house looks like a home." The Tillage is a small residential community and the plans associated with this proposal do not promote the lifestyle, design or environment that the Tillage promoted its buyers to. Does this not come with some legal issues in false representation of buying within this estate in that a residential environment was a main target point for marketing and purpose for buying? People buying and renting in this area were attracted to it because of the areas being marked as "boutique residential estate." With the current proposal which apart from other issues is an eye sore for this peaceful neighbourhood. Commercial business was not included in the marketing for this estate and this clearly is the opposite to what was advertised by developers to attract buyers. Again, legal considerations for false advertisement would be explored if this proposal is approved. This proposal brings with its extensive negative lifestyle impacts the residents of the Tillage.

This proposal states that the child care centre would bring 95+ children and 20 staff. This would increase noise pollution significantly and this would not be limited to traffic noise for pick up and drop off but also 95+ children for the entirety of every day. We have a number of shift workers within the area who would be negatively affected if this proposal were to go ahead. A majority of these workers are health care workers who provide critical services for our community and are entitled to their rest as required for their shift working requirements. This needs to be taken into account as these workers require their rest so they can meet the needs of these critical services without compromise.

The existing streets have been designed to align with the quiet neighbourhood in that they are narrow and not built for high amounts of traffic. It goes without saying that there would be a dramatic increase in traffic which these roads have not been built to accommodate and this also brings with its increased concerns for safety. We have a number of young children who play in the street and increased traffic would compromise their safety and ability to be able to do so. This traffic would be substantial, particularly at times of drop off and pick up. This increase would have a detrimental affect to our environment with increased traffic omissions and noise. There is also concern with increased foot traffic and street traffic across residents' yards where there is inadequate parking to meet peak hour times.

As mentioned above the facility goes completely against design stipulations for the Tillage and its appearance is very unattractive and substantial in it sprawling across three (3) blocks of this estate. Its height would also impact neighbouring properties and there would also be privacy concerns. The building of this facility would also impact existing residential property values due to the concerns that I have detailed in this letter. Do residents get the opportunity to investigate how much this facility would devalue their property?

To add to this as a government worker I do not believe that the consultation process or periods has been suffice. I was only notified today of this proposal and there are many that also were not included to what should be a fair and transparent process. I would like to raise this as a concern of priority as this has clearly not be a transparent process which raises many concerns by those driving this proposal.

It should also be noted that residents are willing to attend council with these concerns and present them to both the developers and Goulburn Council.

Estelle Roberts

Andrew Newman

Kind Regards

Part B - To be Published

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Your Details

Name:	Scott Rawley
Organisation (if applicable):	

Development application details

DA Number:	0070/2021
DA Address:	24-29 Auberon Way Goodburn

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Yes	No

Your Submission (please attach additional pages if required)

- I strongly object this DA on the grounds

the tillage was t is strictly residential

(low density), I am a shift worker of frontline

Service efter skeeping during the day.

- Nil transparent consultation has taken place

- This is a commercial dwelling t should be
placed in an area outside the tillage.

- Roads are not wide enought there is no
infrastructure to support this.

- Double unbroken lines will encourage road rules
to be broken to place lives a rish

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Your Details

Name:	Megan Schweers
Organisation (if applicable):	

Development application details

DA Number:	0070/2021
DA Address:	24-28 Quiberon Way, Goulburn

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

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1	Yes



Your Submission (please attach additional pages if required)

My concerns, as a Resident of the Tillage estate. With regards to the development of the childrane centre come from something which we have already witnessed. Having many young families and children around creates an area for unwanted People and room for things such as kidnappings. By Building a childrane centre, This creates more of a danger for these such occurances to happen. As well as this, there is barely sufficient street Parking for residents, let alone a childrane centre that large.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Yc			

Name:	GARRY	SINGH	
Organisation (if applicable):	1		

Development application details

	DA 100 TO	DA Number:
Way Gouldum-250	24 Qui	DA Address:
	24 Qui	DA Address:

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the Environmental Planning & Assessment Act 1979 for further information.

☐ Yes

No.

Your Submission (please attach additional pages if required)

Hereby submitting this submission as I am concerned about a proposed development of a child care centre at 24 Quiberon Way, The Tillage, Gowburn. I was told that the Tillage will be purely a residential estate and there will be no commercial / business activities nearby. My resident is very close to purposed development and 9 find it very busy & chaptic in future. The roads around are not wide enough and traffic will be a major issue. I have a 2 year old who loves to play / ride bike around and the influx of traffic on a very namow road and blind corner will be very unsafe for everyon I hope my concerns will be liften by council. not assained new developments but Sont development 24 Quiberon way

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Your Details

Name:	Reg + Lesley Thoms.	
Organisation (if applicable):		

Development application details

DA Number:	DA 00702021	
DA Address:	25 24 to 28 Quiberon Way Goulburn	NSW
	2580	100

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

☐ Yes

X No

Your Submission (please attach additional pages if required)

The road is far too narrow for the required traffic:
When the Tillage was marketed, this was not included, and this would make things very inconvenient for people living in this sub-division.
We feel that this development should not proceed.
Traffic would hinder the freedom of children to more independently in this area.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

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Your Details

Name:	GREG OF ELLEN	WATTER	
Organisation (if applicable):			

Development application details

DA Number:	0070/2021
DA Address:	24-28 QUEBERON WAY

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Yes	□ N	o

Your Submission (please attach additional pages if required)

Our small broutque residental estate is becoming a finally orientated area just like our developers were trying to owhieve Our children are out and about on likes, scoolers, walking dops, and training as well our elderly are on push bikes which is encoraging to others

But this looks like its all going to other

PLERSE PTO

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

This Monstrosity looking building (child care facility) over 3 blocks design desent fit into the developers design guildines (every house is made to looks like a home)

We have many whoppy residents.

Petition to stop Childcare Facility from commencing development within the Tillage Estate.

Petition summary and background	Stop the Proposed Childcare Facility (24-28 Quiberon Way, Goulburn) or any business development from taking place commencing as our community was designed as a residential estate.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to not approval the development Application DA/0070/2021.

Printed Name	Signature	Address	Comment	Date
Ameliese Riley	11.	<u>I</u>	NOISE + PARILING	23/9/2020
Nidu	4		HOISE + PARKING,	25.9.20
Binu	_		Naise and Parking	23/9/20
RILEY B		_	Noix & Parking	23/9/20
Merk 6	-	-	Traffic a Noise	23/9/20
R Rohan C			Traffic + Parking Noise	23/9/2020
Morgan Czartowski	_		Traffic & noise	23/9/2020
MORRISON	_	_	TRAFFIC / PARKING / NOISE	
Anne Rowley		_	Eye Saw / traffic flow	23912020
NAZZ RAMUSEN	_	<u>.</u>	PARKING NOISE	23/9/20
MINA MINA	1/0-1	d	TRAFFIC & PARKING	23/9/20.

m

Printed Name	Signature	Address	Comment	Date
PaulBerstow				23/9/202
MOIDRIDOCA				25/1/202
Vatasha (Cafel	718			22/9hore
Sover Lowell	-		-	23/9/20
Sophie Cornis	6			23/9/20
1 11			NOISE INCREASED TRI	AFFIC 1
KOD HUMPHRIE	- C		BAD TO NARROW FOR EXTR	
JOANNE HUMPHE	6		PROPERTY 11/9 AND THE	23/9/20
WHITE HOME	100		I referritely wouldn't have where I did had I known all children - Increase of a beautiful Homey avea in hope it strays this way.	purchased
KRISTY HONEY			Swill Children - increase	traffic 24/9/201
BEN HONEY			hope it stry's this way	24/9/2020
Dela Holde			Dant want it	
Oon Marmi	5			1 1/20
SRUMON			MEN IN THE	ARUD 28/9/202
01.1.			7/2 00:	
1 Hearen			1 rabbit	28/9/20
Joshua O'Le	0.01		Don't want it	28/9/20
JUSTING O'LE	7		creates room -	for page
Megan Schwa	eors		unsale situation	18 28/9/20
Angela Forme	<			28/9/20
The rate			Road top man	(22)
Julie Dicks	sal a		unsale	28.9.20
D. D.			Load Congesti	on 289.20

Printed Name	Signature	Address	Comment	Date
VIJI PRAKAS	SH	1	RISK FOR KIDS- ACCIDENTS	28.9.2
Amanda Park				28/9/2
Jobin Thomas.				
FREG WRITE			TRAFFIC NOT	
Esteve Ro	be		- Traffic, noise	30/9/
cott Powley			residential only	30/9/
Matasha Bake			Residential aregion Eincreased traffic. N	30/9/20 14. 30/9/20
JEZ BAYER	4		INCREASE OF NOISE, THE	AFAC
Sally Falk			Noise, increas	30/9/
Som Cond	bn		Residential onl	1 30/9
ellin wiste			MOREY MORE EXTRAF	TC iliol

SCANNED

To whom it may concern:

Re: Application: DA/0070/2021 - Quiberon Way

3 0 SEP 2020

Goulburn Mulwaree Council

According to the draft Child Care Planning Guideline Planning and Designing Quality Child Care Facilities by the NSW Government Planning and Environment tabled on page 36, it is recommended that child care centres are not suited to every site and that centre based child care centres be built in areas that are compatible with the surrounding land uses.

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Kind regards,



Re: Application: DA/0070/2021 - Quiberon Way

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Chioe walker

25.00.2020

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Georgie - Mai Stephenson

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Elizabeth Rawle

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Sharon Pawell 25.10.20

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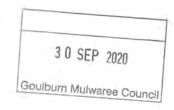
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Emma Spillage

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Salah Apps

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Kind regards,

Mackenzie Darnell

Objection	Number	Response
	of	
	Objections	
Traffic flow, road safety and parking	32 (16 of which are duplicates of the same letter)	A traffic and parking report has been prepared by gtk consulting (gtk). The findings of gtk, which are based on RMS guidelines, calculates approximately 60 vehicle trips in the AM and 53 in the PM period. This is significantly less than some residents have estimated.
	·	As the proposed site has 2 roundabout access points to Mary's Mount Rd, vehicles that enter the site would be expected to drive past individual residents homes on 50% of the occasions that would be the case if only 1 access point to Mary's Mount Rd existed, significantly reducing traffic flow past individual residences.
		In addition, based on the Tillage estate comprising 125 lots in an area that will appeal to families with children, our analysis conservatively estimates that between 15 and 20 families that reside in the Tillage will use the proposed centre. This is supported by 24 families that attend our current 75 place centre who reside within 1km of the centre. These families will already use the roads within the estate and therefore, using the mid-point of 17.5, the net impact of the proposed centre on the road structure is an increase of 43 vehicle trips in the AM and 36 in the PM period. 15 staff are expected to drive vehicles to the centre. Offsetting this, the development would remove the local traffic generated from 3 residential buildings had these been built on the 3 lots which Council estimate to be 27 trips per day. The net impact on traffic flow is therefore minor.
		A number of residents have raised concern over the width of Quiberon Way. Road widths are determined by Council in accordance with their subdivision guidelines. Goulburn Mulwaree Council uses the Guide to Road Design published by Austroads as a reference in determining road widths and Austroads state that "research has shown that there is no evidence (Elvik et al. 2009) that supports the assumption that road safety is increased with wider traffic lanes." It should also be noted that whilst the proposed centre will only have a minor impact on future traffic flows during weekdays as assessed independently by gtk, the area surrounding the Tillage is being developed by Council to include extensive walkways, an off-leash dog park and a
		children's playground. These community facilities, which will be most extensively utilised on weekends, will draw non residents to the area. The local roads have therefore been designed to cater for more than just the local residents. The proposed centre has parking for 20 vehicles which complies with the RMS commissioned report Validation Trip

Number	Response
Number of Objections 27 (16 of which are duplicates of the same letter)	Generation Surveys - Child Care Centres 2015, NSW Child Care Centre Guidelines and an analysis of existing parking at our existing centre. gtk have concluded that: • The proposed car parking spaces are sufficient to cater for all parent and staff parking requirements (ie no street parking will be required); and • The volume of traffic generated by the proposed child care centre is moderate and will have minor impact on existing and future traffic flows, and intersection capacities, and will not present any unsatisfactory traffic safety or capacity issues on the road. Accordingly, the proposed car parking and traffic generation complies with the guidelines for such developments. The site is wholly within the R2 Low Density Zone. A child care facility is a use Council has already determined to be one they can consent to at this site. One of the objectives of the R2 zoning is to enable other land uses that provide facilities or services to meet the day to day needs of residents and to complement the housing stock. The proposal meets the relevant objectives for the zone outlined in the Goulburn Mulwaree Local Environmental Plan and will provide a community facility for local families within a developing part of the region. The primary function of a child care facility is to support and provide amenity to its community, which is what this centre aims to do by providing the capacity to better accommodate existing and future families. Some residents have noted that the Child Care Planning Guideline acknowledges that not all sites will be suitable for child care facilities. However, the Guideline goes on to clarify that developments are allowable in a residential zone when issues relating to the building impact on the local area have been demonstrated to comply with applicable regulations and guidelines. All of the applicable regulations and guidelines.
	of Objections 27 (16 of which are duplicates of the same

Objection Number		Response		
of Objections				
	,			
		The Child Care Planning Guideline state that contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing. The overall form of the structure has been designed to blend in with its surroundings. Through the use of traditional shapes, the structure aligns with its surrounding buildings from the primary elevation of Quiberon Way. The building comprises of a gable roof and elongated hip like forms which is consistent with a number of existing houses and uses a number of common materials with a neutral colour palate. Please refer Appendix A for examples of existing houses in the estate which also shows some unconventional forms such as the use of skillion roofs. Appendix B also shows some		
		current houses being built in other Goulburn estates which demonstrate the use of modern materials using a mixture of materials.		
		The proposed development uses a variety of materials in conjunction with a landscape plan that softens the visual presence of the structure. This works to break down the façade into smaller modules that are not imposing. We have incorporated one change to the façade in light of residents concerns which is to replace the polycarbonate sheeting with a weatherboard style product which is more common in residential builds.		
		The building structure is under the maximum building height for a residential dwelling and is therefore compliant. One comment has been raised as to the impact of erecting a building that will block views of the estate from Mary's Mount Rd. Regardless of the type of development, a built structure would be visible on these lots.		
		Accordingly, the building meets the applicable regulations and guidelines and is located within a zoning that permits its use.		
Noise	20 (16 of which are duplicates of the same letter)	An acoustic report prepared by PKA Acoustic Consulting confirms that noise levels generated by the proposed development do not exceed the requirements of the NSW EPA Noise Policy for Industry 2017 which is the applicable environmental standard. The development includes acoustic fences in accordance with the acoustic consultants specifications to minimise noise levels. The operational hours of the centre also ensure that night time and early morning amenity is maintained. Furthermore, no noise will be created during the most typical times that houses are occupied in the evenings and on weekends.		

Objection Number Response of		Response
	Objections	
		Children typically play outdoors for between 2 to 5 hours a day, depending on the season and weather conditions. Whilst the noise goals set by the NSW EPA Noise Policy for Industry 2017 do not distinguish between different noise sources, legal precedent has accepted that the noise from children playing has a different character than other forms of environmental noise. In the Land and Environment Court decision of Meriden School v Pedavoli, the Court held that most people find the sound of children playing to be less objectionable at the same level compared to typical industrial/commercial noise. In any event, the noise generation will be below the regulated level. Our existing 3 centres all operate within R2 zoned areas with adjoining residential properties. We have never received a complaint from a neighbour for noise. The proposed development complies with the applicable standard for noise generation for the day time hours that it will operate.
The development is economically unsustainable / will impact competitors	20 (16 of which are duplicates of the same letter)	This is not a planning issue, however, the growth in housing in the Tillage and surrounding estates does support the need for additional child care places. 16 of the objectors state that the current issues surrounding COVID and its impact on jobs and the economy make it unsustainable for another child care centre to open. The development will actually create 18 jobs at a time when job creation is most critical in a region experiencing strong population and housing growth.
The proposed development will adversely impact housing prices	20 (16 of which are duplicates of the same letter)	This is not a planning issue and is not supported by empirical evidence.
Safety of children (including kidnapping) and dogs	5	Concerns over children not being able to ride their bikes on the road are best addressed by parents supervising children and keeping them on the paved footpaths. gtk consulting have confirmed that the driveway to the centre provides adequate visibility between vehicles leaving a car park and pedestrians on the road frontage footpath. Similarly, the risk of a dog being run over would be eliminated by keeping the dog in a fenced area or a on a lead when outside. This is not an issue this Development Application can reasonably address.

Objection Number		Response		
of				
Objections				
		There is no evidence of childcare centres attracting unwanted attention from people with inappropriate intentions. The proposed centre complies with the Child Care Planning Guideline in respect of privacy through the use of fencing, landscaping and window placement and Council's Crime Prevention Through Environment Design guidelines.		
Operational	1	We have amended the operating hours to between 7am and		
hours		6pm. Accordingly, the centre will only operate during day time hours.		
Blocking of sun on adjoining residential properties	2	The Shadow Diagrams on drawing DA610 – Issue B prepared by i2c Architects demonstrate that there is no overshadowing from the proposed development to the neighbouring Quiberon Way sites.		
Privacy / height of building	2	The proposed development has been designed to ensure the privacy of children in the centre and that of neighbours. The site has only 1 adjoining neighbour and the car park is located between the building structure and the neighbour, ensuring no privacy concerns exist.		
		The height of the building complies with both the Council DCP and the Tillage Landscape and Building Guidelines.		
Stormwater and sewer won't cope with increased demand	1	This has been addressed by JN Engineering. The proposed development will not cause any stormwater or sewer issues.		
Evacuation of the centre in a severe weather event	2	An evacuation plan is in place and would be executed consistent with the plan currently in operation at the existing centres we operate. Furthermore the occupied ground floor of the building is grounded on the sites topographical high point, allowing for the safest possible positioning of occupants in case of an emergency such as a flood. This composition is therefore safer for both the structure and its occupants in		

Conclusion

The development application has been notified in order to gauge community concerns which we acknowledge as being important to the submitters. Many issues simply cannot be addressed through this application process, including concerns regarding impacts on land values and community safety.

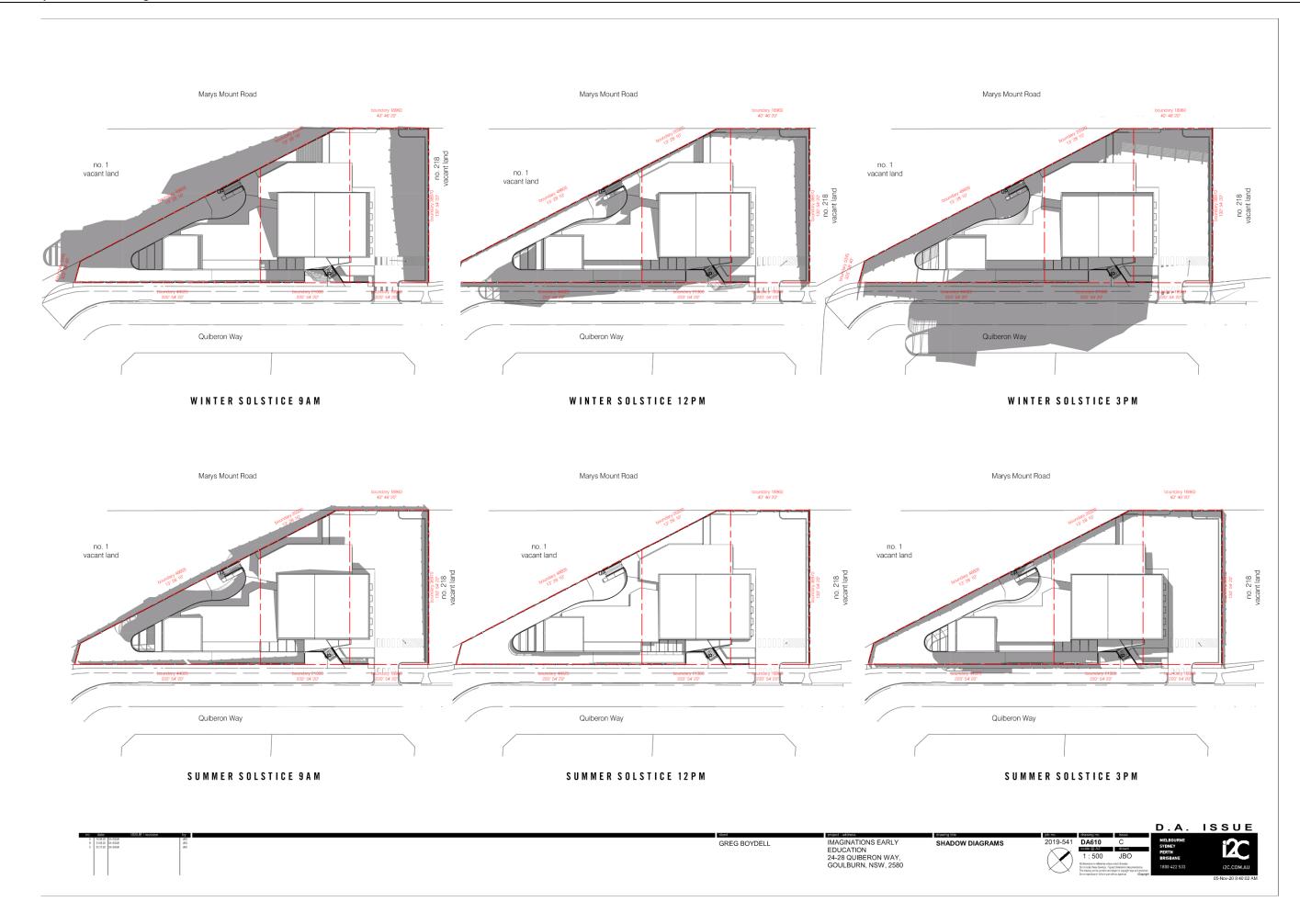
relative levels.

severe weather as compared to 3 individual structures (one on each lot) which would obviously have exits at lower

Objection	Number	Response
	of	
	Objections	

Considerable effort has been put into the design and planning for this centre to ensure it works well for the site. The application has demonstrated compliance with all relevant provisions of Council, State Government regulations and Australian Standards.

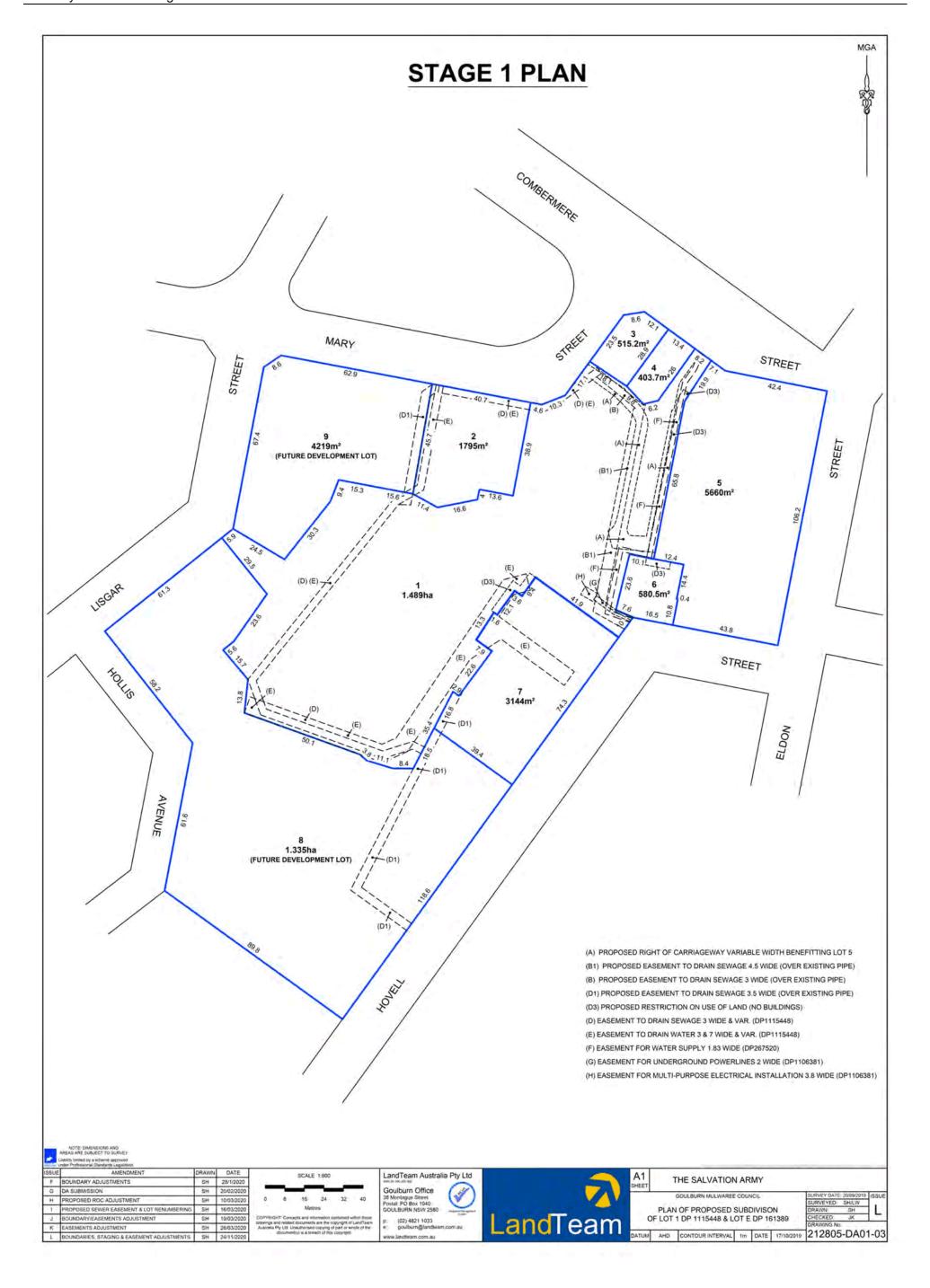
Ordinary Council Meeting Attachments

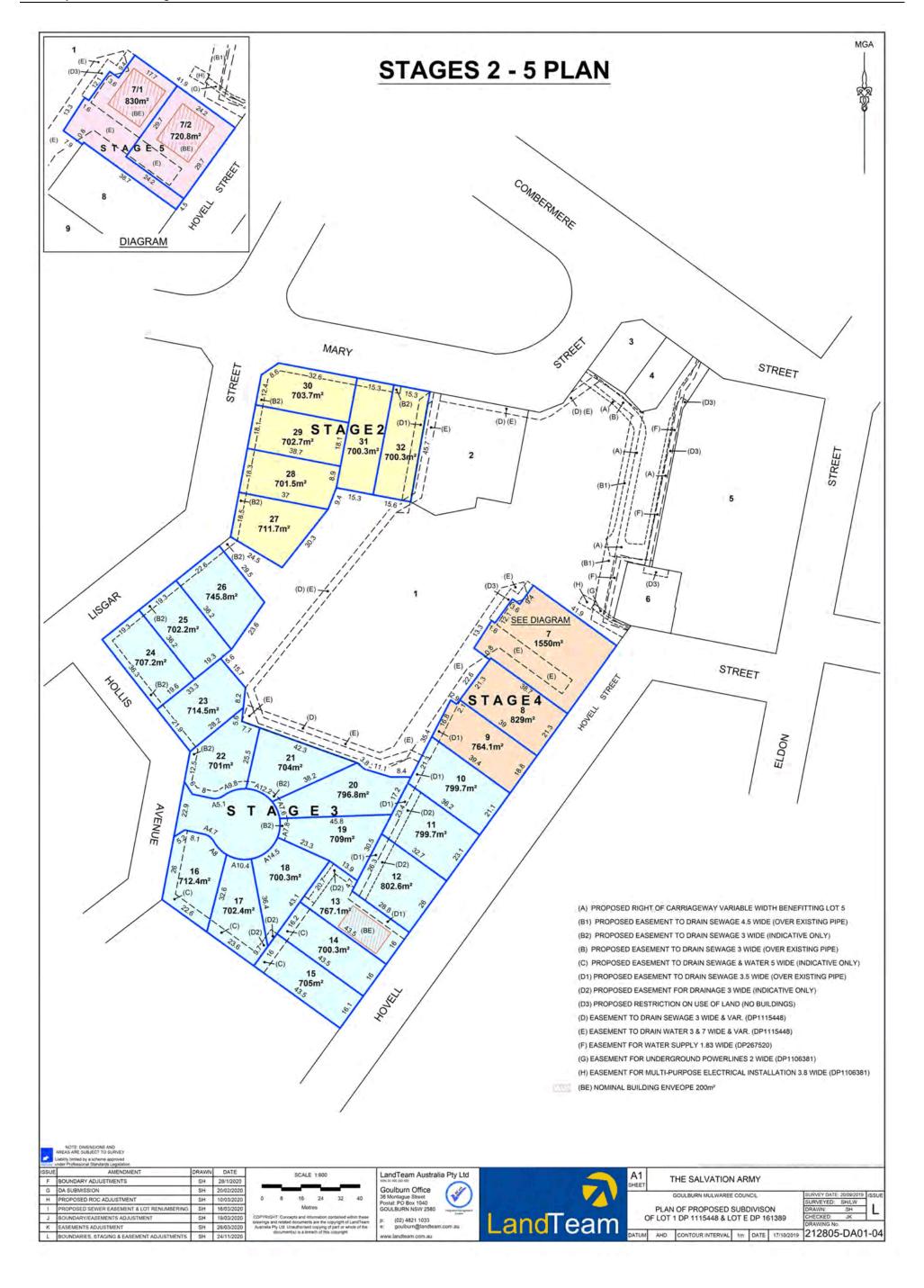


Item 15.1- Attachment 5











30th October 2020

The General Manager Goulburn Mulwaree Council

Dear Sir.

DEVELOPMENT APPLICATION NO. DA/0277/1920 8-10 COMBERMERE STREET AND 7-21 LISGAR STREET GOULBURN, NSW 2580 33 LOT SUBDIVISION

The Salvation Army (NSW) Property Trust (TSA) - Offer to enter into Voluntary Planning Agreement (VPA). This letter and attachment responds to the matters raised in our meeting with you and Council staff Scott Martin – Director Planning & Environment and Stephanie Mowle – Business Manager Planning & Development on 22 October 2020. Firstly, we thank you for your time to meet with us on this important matter. Secondly, we reiterate our desire to work with Council to come to an agreement on the basis for entering a VPA. This letter responds to this meeting to progress the resolution of the 'value' of the Land Value and monetary compensation for use of Council land for drainage associated with the proposal.

Council has indicated that the appropriate 'value' is \$100,000. We understand from Council's email of 19 August 2020 from Ellie Varga that this is for the Land Value component only and does not include the contribution required for the operation and maintenance and renewal costs. Please let us know if this is not the case.

In our letter to Council dated 21st September 2020 we requested guidance from Council on the appropriate way to advance the negotiations and value the land. This was sought to obtain an equitable value for the use of the recreational land for the proposed basin, that had been agreed to by Council during the pre-DA and current DA assessment period subject to a VPA

It is noted that the current Council Stormwater Drainage Design Handbook revised in 2020 provides under section 9 Stormwater Treatment Facilities on Council Property an excerpt of Development Service Plan, Goulburn Stormwater, 2020 (draft at August 2020) stating under the heading of "Contributions Required from the Developer" that compensation for use of Council's land requires the developer to "pay to Council compensation for the land to be used. A valuation (by agreed certified valuer) shall be carried out at the developer's cost" (bold and underlined added). This does not reflect the methodology requested by Council in our meeting 22 October 2020.

To progress the matter, TSA have adopted the methodology requested by Council in this meeting of 22 October 2020 to obtain the Land Value to purchase / sacrifice TSA undeveloped residential zoned land, despite the basin land:

- 1. is not being purchased, as Council will retain ownership of the improved asset; and
- having a recreational zoning, being of lesser value than the assumed residential zoning.

Founder William Booth General Brian Peddle

Wherever there is hardship or injustice, Salvos will live, love and fight alongside others to transform Australia one life at a time with the love of Jesus

salvationarmy.org.au

Whilst this methodology is not consistent with Council's policy or supported by TSA, in the interests of progressing the matter, TSA is prepared to consider this approach on a without prejudice basis.

As previously indicated, the valuation of \$280,000 provided by Council does not reflect the land proposed to be used for a landscaped basin, rather it reflects residential 'improved' value of a larger portion of land and above market value.

To apply Council's requested methodology of valuing the subject TSA residential land, evidence of the value of the unimproved residential land has been sought. The unimproved value has been used as it excludes all works and costs (and value) to create a market saleable residential lot e.g. installation of services and sales and marketing costs, therefore reflecting the basis of the methodology from Council.

We have discussed our land and lot value with two local real estate agents and reviewed recent sales / properties for sale of "raw" residential zoned land to obtain comparables, being common practice to resolve a land value.

The names of the real estate agents and businesses have not been disclosed in this letter, however they indicated a price per undeveloped residential lots of \$50,000 and \$60,000 respectively for the average vacant residential lot.

The sales evidence provided below is in the public realm and has therefore been provided. It is highlighted that the values below for all three properties reflect a DA approved site and incorporate the costs of the basin and therefore at arriving at a value on our land, should be discounted. It is also highlighted that properties 1 and 2 are for lots substantially larger than what we have proposed (and the area required by the basin). With property 3 "Sale Price" being the asking price, therefore likely reflecting a value higher than what will be achieved.

Market Comparable

IVI	arket comparable						
#	Address	Sale Price	Sale Date	Yield	Rate/lot	Comments	Zoning
1	2 - 80 Carr Street	\$2.45m	Sep-17	35	\$70,000	DA&CC approved - lot sizes	E4, min lot size
l	Goulburn					range from 2,000-5,868sqm	2,000sqm
2	129 Marys Mount	\$13.965m	Jul-19	211	\$66,185	DA&CC approved - smallest	R2 & RU6, min
l	Road Goulburn					lot starting from 700sqm	ot size 700sqm
3	82 Middle Arm	\$2.95m	On Market	45	\$65,556	Raw Site (DA Lodged) - On	R2, min lot size
	Road Goulburn					Market (700sqm parcels).	700sqm

Based on the above we believe that a rate of \$60,000 per residential lot is a reasonable and, in the circumstances, appropriate value to use in regard to Council's requested methodology of valuing the residential land value.

The other main variable in the valuation provided by Council is the assumption that the proposed works occupy 1200sqm in area. This could not be validated. The total disturbed area for the proposed works is 740sqm and we have previously argued that the external batter slopes of the detention basin should be excluded as they do not affect the use of the Council's land in any material way i.e. the area to the top of the basin is 410sqm. Notwithstanding this, in order to progress the matter, the total disturbed area has been utilised for the basis for calculations. This area (760sqm) equates to one of the proposed lots (the average vacant lot size in the proposal is 760sqm).

2

Therefore, adopting the Council methodology of a Land Value to purchase / sacrifice our residential zoned land despite the basin land not being purchased and it being on recreational zoned land, is \$60,000. It is further highlighted that in addition to the Land Value portion of the VPA, the VPA offer incorporates, Operation and Maintenance Cost and Renewal Costs to a total value of \$107,820.

Conclusion

The Salvation Army is a charitable organisation that have a long and proud history of providing spiritual and social assistance in the New South Wales and Australian Community. TSA provides critical outreach and support where it is needed most to better physical, emotional and spiritual health. TSA property holdings are fundamental to the services we provide either directly to provide a basis for delivery and indirectly to fund the services. Within Goulburn, the property the subject of this application is critical to providing both an outreach and delivery basis as well as a mechanism to fund our services. We depend on Council and the Community to support these outcomes.

The Salvation Army (NSW) Property Trust appreciate the opportunity to work with the Council to achieve an appropriate development outcome for both the Site and the surrounding public domain.

Whilst the Land Value methodology proposed by Council in the meeting of 22 October 2020 is not consistent with Council's policy or supported by TSA, in the interests of progressing the matter, TSA is prepared to consider this approach on a without prejudice basis. Updating the valuation methodology as outlined above, produces a valuation of \$60,000. While we understand Council are requesting \$100,000 for the land, we cannot find any support for this determination and Council has not provided any substantiating information.

In the interests of progressing the matter, we are prepared to offer a \$60,000 Land Value in the VPA for the basin land, with 50% of this amount requested to be allocated to upgrading the park for the betterment of the community.

We trust that the attached letter of offer now satisfies Council staff's requirements and that the DA can now be recommended for approval to Council. If this is not the case, then as discussed in our meeting with you, we request that the matter be put to the elected Council for their consideration together with the assessment report for the DA or we seek independent assessment of the matter.

Please contact Oliver McGeachie if you have any queries.

Yours faithfully

Oliver McGeachie

Senior Development Manager National Property Group The Salvation Army Australia

Attachments

The Salvation Army Letter of Offer for DA/0277/1920 dated 30th October 2020

Item 15.2- Attachment 4

3



The Salvation Army Australia Territory

Territorial headquarters

P 03 8878 4500

95-99 Railway Road, Blackburn, Victoria, 3130 PO Box 479, Blackburn, Victoria, 3130

30th October 2020

The General Manager Goulburn Mulwaree Council

Dear Sir,

DEVELOPMENT APPLICATION NO. DA/0277/1920 8-10 COMBERMERE STREET AND 7-21 LISGAR STREET GOULBURN, NSW 2580 33 LOT SUBDIVISION

WITHOUT PREJUDICE OFFER

The Salvation Army (NSW) Property Trust - Offer to enter into Voluntary Planning Agreement (VPA)

This letter constitutes an offer by The Salvation Army (NSW) Property Trust (TSA) to enter a VPA in relation to the subject DA.

Background to offer and public purpose

As part of the proposed subdivision it is proposed to provide part of the stormwater detention onsite within nearby Council land. With Council's agreement these works will be undertaken as part of the construction works by the developer at the developer's cost. A VPA is intended to provide a lump sum payment to Council for the maintenance of the stormwater infrastructure into the future. Council has also requested the provision of additional public infrastructure in the form of outdoor gym equipment, pathways or seating. This is now included in the letter of offer on the basis that the cost of such infrastructure will be deducted from any contributions payable pursuant to Council's Section 7.12 Contributions Plan.

A summary of the mandatory elements of the proposed VPA under section 7.4(3) of the Environmental Planning and Assessment Act 1979 (EPA Act) are set out below.

2. Description of the land (s7.4(3)(a))

The VPA will apply to the Site, known as 8-10 Combermere Street and 7-21 Lisgar Street, Goulburn, NSW (identified as Lot E/DP161389 and Lot 1 DP1115448). It is highlighted that the land for the stormwater basin is on Part Lot 74 DP25542. We note that Council has confirmed that they have obtained owners consent.

Founder William Booth General Brian Peddle

Wherever there is hardship or injustice, Salvos will live, love and fight alongside others to transform Australia one life at a time with the love of Jesus

salvationarmy.org.au

The Salvation Army (NSW) Property Trust is the registered proprietor of the Site.

3. Description of the development (s7.4(3)(b)(ii))

The subject DA seeks consent for subdivision of the land into 33 lots in 4 stages.

4. Nature and extent of the provision to be made by the developer, and the times and manner in which the provision is to be made (s7.4(3)(c))

TSA proposes that, if the subject DA is approved, it will enter into a VPA with Council to provide the following items.

Monetary Contributions for Maintenance of Stormwater Infrastructure and use of Council land in perpetuity

 \$107,820 (subject to Treasury Bond Rate at date draft VPA agreed) to be used by Council for the ongoing maintenance of the stormwater detention system to be constructed as part of the development with land owned by Council. Below shows the breakdown that supports this figure.

	Land Value	Capitalised Operation & Maintenance Cost	Renewal Cost	Total
The Salvation Army - Offer	Agreed unimproved value of 1 standard lot of residential land = \$60,000	40 years maintenance at - \$1200/yr x discount rate of 10 year Treasury Bond rate at date draft VPA is agreed (eg if the rate is 1.5% the total will be \$36,960.	Present value for the renewal costs of \$19,700 at the end of the 40-year period discount rate of 10 year Treasury Bond rate at date draft VPA is agreed (eg if the rate is 1.5% the total will be \$10,860.	\$60,000 + 36,960 + 10,860 = \$107,820

Embellishment of open space

The applicant agrees to provide for items such as outdoor gym equipment, pathways or seating (details to be further negotiated with Council) subject to the cost of these items and their installation being deducted from any required Section 7.12 contributions (see further comments below) or other Monetary Contribution.

2

Staging

The basin works will be undertaken prior to the completion of the Stage 1 subdivision works. The timing of the payment and other embellishment works is subject to agreement in the VPA.

Exclusion of s7.11, s7.12 and s7.24 contributions (s7.4(3)(d))

The VPA will provide that sections 7.11, 7.12 and 7.24 of the EPA Act are not excluded.

Generally, the development contributions proposed to be made under the VPA will be provided in addition to those payable to Council under section 7.12. However, in accordance with Council's email from Ellie Varga Senior Development Assessment Officer dated 19th August 2020, the Council's request to provide outdoor gym equipment, pathways or seating within their reserve is agreed to on the basis that the full cost of these works (the details of which will be the subject of further discussion) will be offset by a consequent reduction in the contributions payable under Section 7.12 (by way of Council' Section 94A Levy Contributions Plan 2009).

Whether benefits under the VPA are or are not to be taken into consideration in determining development contributions under s7.4(3)(e)

Not applicable.

Mechanisms for resolution of disputes (s7.4(3)(f))

A conventional dispute resolution provision will be included, providing for resolution of disputes by way of mediation.

8. Enforcement of the VPA by a suitable means (s7.4(3)(g))

The VPA will provide for registration of the VPA on title to the Site, with release on payment of the monetary contributions.

The Salvation Army (NSW) Property Trust appreciate the opportunity to work with the Council to achieve appropriate development outcomes for both the Site and the surrounding public domain. We trust that this letter of offer now satisfies Council's lodgment requirements and that assessment of the DA can now commence.

Please contact Oliver McGeachie if you have any queries.

Yours faithfully

Oliver McGeachie Senior Development Manager National Property Group The Salvation Army Australia

Item 15.2- Attachment 4 Page 85

3

1



You should complete this form and then return it to Council's Customer Service Centre located in the Civic Centre 184-194 Bourke Street, Goulburn. Customer Service is open 8.30am to 5pm Monday to Friday. Alternately you could mail your completed form Goulburn Mulwaree Council, Locked Bag 22 Goulburn NSW 2580

Part A - Not Published

Your contact details

Guide to Making Submissions



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Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 1 of 4

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Important Information:		

Prior to submitting this form, please read the *Guide to Making Submission* on the back to help you understand how to make a submission, and what Council will be doing with any personal information you provide in your submission. Council's Privacy Management Policy may also help assist with your considerations when making a submission.

Your Details

Your Details				
Name:				
Organisation:				
Development appli	cation details			
DA Number: DA Address:	DA/0277 8 COMPERME	1920 RE ST,	GOULBURN	2580
Political Donations	and Gifts (Please refer to p	art 2 -Guide to Maki	ng a Submission)	
	erson associated with you, mars? (Please refer to section 1- ard).			
	Yes	No	\square	
Your Submission (ple	ease attach additional pages if re	quired)		
5-	- A	Dire		
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Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 2 of 4

ATTACHMENT TO SUBMISSION

This submission relates to Development Application DA/0277/1920.

I do not object to the proposal to create a 33 lot subdivision nominally described as 8-10 Combernere St Goulburn, but which also impacts Lisgar, Hovell, and Eldon Streets and Hollis Avenue.

However, consent by Council to this application should be conditional on the applicant recognising the architectural and historical significance of the buildings described in the application documents as the Gill Memorial Home for Boys (the "Gill buildings"). Such recognition should initially be, but not confined to the restoration, conservation and protection of the exterior of the heritage buildings.

Currently, the Gill buildings present poorly and are a reprehensible reflection on the custodians. The Salvation Army Property Trust. The buildings have been unoccupied and untended for many years and therefore have become a target for vandals and anti-social behaviour. Owners of neighbouring houses who have challenged people having unauthorised access have been physically threatened.

The ground floor windows are boarded up and the western and northern sides are protected with coils of razor wire (see photos), totally inappropriate in a residential zone. First floor windows are smashed. The overgrown photinia bushes on the Eldon St boundary conceal illegal activity from public view and hide the facade which sadly, has become an eyesore. This is not an image that Council, the development applicant and potential investors in the subdivision would want to perpetuate.

Conditions must be imposed under S80A of the EPA Act in consultation with heritage architects to rehabilitate the exterior of the heritage buildings and their curtilage. These conditions must be unambiguous, not overly onerous but time critical and carried out to the satisfaction of Council or a person specified by Council.

It is clear that there is a nexus between the development and conditions imposed to rehabilitate the heritage buildings. The Gill buildings are synonymous with the presence and history of The Salvation Army in Goulburn; they are a prominent landmark and a focus of both the Statement of Environmental Effects and Statement of Heritage Impact in the development application.

The Statement of Environmental Effects concludes by stating that "The development will facilitate the use of the existing heritage buildings on the site so they can once again make a positive contribution to the community".

Council has acknowledged in its pre-DA discussion with the applicant the significance of the Gill buildings (para 9.1.1) and it may be implied by the development applicant that there is an intention to sympathetically manage the Gill buildings. However the development application only refers to the construction of a right of way adjacent to the buildings, to service another part of the development.

Council must remember that consent to the application will persist indefinitely but failure to impose these conditions on the consent will also persist indefinitely. There are other examples in Goulburn where historically significant buildings nearby have been lost forever because Council has acted cautiously.

The applicant has asked for an exemption to the minimum lot size for lots 2, 3 and 5. Approval of the development could include such an exemption but must also include conditions relating to the restoration, conservation and protection of the exterior of the heritage buildings.

The Salvation Army cannot continue to try to hide its dark past behind photinia bushes and razor wire. Given the less-than-happy memories that the Gill Memorial Home for Boys may still hold for former residents, refurbishment and repurposing the interior of the heritage buildings in the immediate future would also be appropriate.

This is another subject for another time.





2





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Part A - Not Published

Your contact details

Guide to Making Submissions

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Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

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Part B – To be Published		
Important Information:		
Prior to submitting this form, please read the Guide to Making Su		
make a submission, and what Council will be doing with any pers Privacy Management Policy may also help assist with your consid		
Your Details		
Name:		
Organisation:		
Development application details		
DA Number: DA/0277/1920 (XEDP161389, DP1115448)	
DA Address: 8 Combermere	St Goulburn 2580	
D. Hattark Branch and Cliffornia		
Political Donations and Gifts (Please refer to part 2 - Guide to	o Making a Submission)	
Have you or has any person associated with you, made a political within the last two years? (Please refer to section 147 of the <i>Envi</i> information in this regard).	- , ,	
Yes 🗍	No IV	
165	NO L	
Your Submission (please attach additional pages if required)		
1.6 1. to -1 + to 650	and the the	
like wish to object to pla subdivision with the p	and formal of so	
Sudwice with the p	Toposed Cul-de-Sac.	
to have entry/exit on to	o Hollis avenue for the	
following reasons.		
	and traffee somes which	K-
have not been considered	I, with the narrow road	(
way being only or metres	wide and also two	
very dangerous bands,	which have a history	
of Whice and motor bike	accidento over some	
fifty odd years		
Diff the Cal-de-sac wes	te to proceed this	
	more dangerous, as	
a clear way would need	to be on the Western	
Side of Hollis Avenue o	and this would cancel a	ny
visiting or residential of	111	rgn
Council collects personal information only for a lawful purpose that is directly please contact Council's Privacy Officer or refer to Council's Privacy Manag		10

Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

The area, with increased traffic Volumes.

We refere recommend that stage
three Cul de sax and plan be completely
turned around and the Cul-de-sax be
placed in the eastern area with egress
to placed in the eastern area with egress
to placed that their which is much wider and
with less traffic flow.

We feel that this would be more
consistent with Jaullush Mulwaree
Council pasty produbles as a large
number of residents would be greatly
effected in various ways also.

From: Sent: To: Subject:

Monday, 22 June 2020 9:42 AM Council DA 0277/1920

Categories:

We strongly object to the proposed units in Lisgar street, which the plan is to have 7 driveways off Lisgar street into these units.

We feel that is very dangerous.

There has been cars go through the fence 3 times, 2 cars hit the power pole and blacked out the street.

We have had cars spin out in front of our place cars through next door neighbours fence a few times.

Most of these units will be occupied by older drivers which could make it difficult for them to access driveways.

Cars speed up Lisgar street quiet often it like a race track.

4



General Manager
Goulburn Mulwaree Council

Mr Bennett

re: proposed residential subdivision lot E DP161389; DP 1115448.

We believe that there are serious safety issues arising to both traffic vehicles and pedestrians, inherent in the design of this land subdivision as proposed.

We point out that the very narrow Hollis Avenue roadway already has a serious safety history. Vehicles negotiating the limited road width between parked cars on opposite sides of the road, have frequently caused nasty accidents; the existing narrow bends with limited sight lines have already caused dangerous traffic paths in both directions.

It would seem that to add a cul-de-sac into this road section will be inviting further serious traffic conditions - especially at night-time.

The logical alternative of providing a cul-de-sac into the standard width and straight aligned Hovell Street would offer a much safer solution - one that is hazard free and just as attractive.

We point out that this land was given to the Salvation Army purely for community social benefits. It included emergency vehicle access routes and a pedestrian pathway specifically designated for people to walk safely and conveniently towards both the Army Hostel and the CBD. At the very least, these facilities should be retained in keeping with the original donor objectives.

Any subdivision designed purely to maximise financial profit over the convenience, safety and attractiveness of existing property owners does not meet current social objectives. We hope that Council ensures that its own community standards are upheld.

Sincerely:

5.



General Manager Goulburn Mulwaree Council

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Sincerely:

Goulbard, Langues Coducil Date Received: 22/06/2020

General Manager Goulburn Mulwaree Council



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Goulburn Mulwaree Council



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Sincerely:

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Goulburn Mulwaree Council

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Sincerely:

1

9



SCANNED submission to Development Application

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Part A - Not Published

Your contact details

Sende to Making Submissions

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Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 1 of 4

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Your Details
Tour Details
Name:
Organisation:
Development and lighting details
Development application details
DA Number: 04/0277/1920
DA Address: 8 Combernese St GOULBURN
DA Address: 8 Company of the second of the s
Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)
Have you or has any person associated with you, made a political donation or gift to a councillor or council employee
within the last two years? (Please refer to section 147 of the Environmental Planning & Assessment Act 1979 for further
information in this regard).
Yes No 🖸
res 🛄 No 🛄
Your Submission (please attach additional pages if required)
M - I - I - I - I - I - I - I - I - I -
My only objection to this devolopment
is the location of the Cul-de-Sac.
Et is a narrow road as is and will
create unsafe driving conditions.
The Cul-de-sac should be relocated
THE CHI DESTI STORIA BE TE TOCKTER

2 - 8 Holl's Ave.

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often going above the speed limit when

to Hovell St where it is much safer.

whilst living at 8 Hollis Ave I noticed an increase in learner drivers using Hollis Ave as part of their training route. This is also a concern as they were

Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 2 of 4

17/6/20

10







Submission to Development Application

You should complete this form and then return it to Council's Customer Service Centre located in the Civic Centre 184-194 Bourke Street, Goulburn. Customer Service is open 8.30am to 5pm Monday to Friday. Alternately you could mail your completed form Goulburn Mulwaree Council, Locked Bag 22 Goulburn NSW 2580

Part A - Not Published

Your contact details

Guide to Making Submissions

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- 3. Do not make any offensive or defamatory comments in your submission.
- 4. Section 147 of the Environmental Planning & Assessment Act 1979 (EP&A Act), requires you to disclose reportable political donations and gifts if you are making a relevant public submission to Council. Failure to disclose relevant information is an offence under the EP&A Act. Council is required to make any disclosure made under this section publicly available on its website. Further information about the requirement to disclose any political donations and gifts is outlined in section 147 of the EP&A Act. If disclosure of a political donation or gift is necessary, a Disclosure Statement Form can be completed (available from Council's website), and lodged with this form. Alternatively, you may make your disclosure on this form.
- Council will send you an acknowledgement of your submission, and notify you of the outcome of Council's decision
 on a DA. Council may also notify you of an amended DA, or of any public Council meetings which you may wish to
 attend at which the DA will be considered.
- 6. In accordance with the provisions of the Government Information (Public Access) Act 2009 (GIPA Act), Council will place the information you provide on the second page of this form (being part B, including any additional pages you provide for your submission) on its website in full. The first page of this form (being Part A), will not be placed on Council's website. Members of the public (including the Applicant) are entitled to copies of your submission under the GIPA Act. A copy of your submission generally will be reproduced and published in Council reports or in Court proceedings. Refer to Council's Privacy Management Policy.
- 7. It is voluntary for you to provide your name, address and any other contact information on this form. However, it is important to note that Council does not consider anonymous submissions. Persons identified on this form may apply to Council to have access to or amend the personal information provided on this form at any time.

Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 1 of 4

Part B - To be Published

Important Information:

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Your Details
Name:
Organisation:
Development application details
DA Number: LOT DP 161389 DP 1115448 DA Address: MARY LISGAR HOLLIS AUG HOVELL ST
Political Donations and Gifts (Please refer to part 2 -Guide to Making a Submission)
Have you or has any person associated with you, made a political donation or gift to a councillor or council employee within the last two years? (Please refer to section 147 of the Environmental Planning & Assessment Act 1979 for further information in this regard).
Yes No 🖾
Your Submission (please attach additional pages if required)
THE DANGER HAVING A RORD INTO HALL
ME THE STREET IS THE READURY 20M
FROM RIGIT HAND TUKIN TO NEW HOAD.
NO WALK WAY BETWEEN. HOLLIS AND
9 HOVERG ST. AS IN LANDS DEPARTMENT
PRIANS BUYERRS HEE BUTTERN PARIETAR
AND SAGUATION ARMY LAND
LAND Fill From THE DUTYDING WAMINDA
NURSING HOME. From MARY ST LISSAR ST
+ HOGH'S AUG PHOTOS AVALLABLE

Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities. For further information please contact Council's Privacy Officer or refer to Council's Privacy Management Policy at www.goulburn.nsw.gov.as.

Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 2 of 4

11.





Submission to Development Application

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Part A - Not Published

Your contact details

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Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 1 of 4

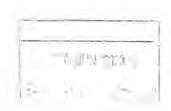
Part B – To be Published
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Privacy Management Policy may also help assist with your considerations when making a submission.
Your Details
Name:
Organisation:
Development application details
DA Number: 0277/1920
DA Address: 8 Comborne St Govlburn
DA Address: 8 Com Boome St Clave Burn
Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)
Have you or has any person associated with you, made a political donation or gift to a councillor or council employee
within the last two years? (Please refer to section 147 of the Environmental Planning & Assessment Act 1979 for further
information in this regard).
Yes No M
Your Submission (please attach additional pages if required)
Mease refer to attached submission smalled concernatly
Music refer to attacked submission emailed concurrently with posting of this submission

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Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

Page 2 of 4

25 June 2020



Ms Ellie Varga Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

Dear Ellie,

Objection to Development Application DA/0277/1920 8 -10 Combermere St Goulburn

I am writing to you to lodge an objection to the abovementioned DA with regard to the subdivision plan. Particular concern relates to:

- . the proposed use of Lot 5 (not identified)
- access via a proposed ROW onto Combermere Street and Mary Street for Lot 5
- insufficient curtilage to proposed Lot 5
- the area of Lot 5 should be increased
- · there is insufficient carparking for Lot 5
- the Heritage impacts of the proposed subdivision have not been adequately addressed given the proposed use of Lot 5 is not identified
- There is no carparking or traffic study on how the proposed subdivision or uses contained therein will affect the surrounding streets and or properties
- There is no mention of a restrictive covenant on any of the lots created in order to prevent further subdivision or intensification of use

Statement of Environmental Effects

The Statement of Environmental Effects (SEE) contains a plan of subdivision which proposes Lot 5 (former Boys home and Heritage item) is to be contained within a 5,560m² lot with access via a Right of Way (ROW) over Lot 1 through to either Combermere St or Mary Street. This lot also has superior and safer access from Hovell Street which should be utilised.

The SEE contains Councils concerns regarding this proposed ROW due to being narrow and inadequate in relation to the direct access to Combermere St. This ROW is directly opposite my properties at 3 Combermere St and is a safety issue. The proponent has not identified the proposed use for Lot 5 aside that it may be used for tourist and visitor accommodation. Given its location and crest of the hill and the inevitable intensification of uses which will be undertaken on the property the proposed access via a ROW to Combermere Street or through May Street is functionally inadequate.

As such the proponent should be required to identify the proposed use for lot 5 and provide a suitable traffic and carparking study in order for the Council to make an informed view of the adequacy of the access to Lot 5, its use and the effect on the surrounding development prior to any approval for subdivision.

The proposed subdivision of Lot 5 does not provide an appropriate area for the quantity of carparking which would be required for a change of use, particularly tourism and visitor accommodation. The additional parking requirements are not shown on the plan or have the ability to be contained within the allotment of Lot 5 and as such the area of Lot 5 should be increased.

The Condusion on page 25 of the SEE III no way explains or identifies how the proposal has been developed in respect to the Heritage significance of that part of the site that is a heritage item. The proposal does not identify the proposed use and how this will impact the Heritage fabric, the proposed subdivision as a whole and the surrounding development. Given this uncertainty if cannot be approved.

As it is not clear as to how the proposal will facilitate the use of the existing heritage buildings on the site, how they can once again make a positive contribution to the community, nor the impact of any intensification of uses and increased carparking and access requirements to the land by the proposed subdivision it cannot be approved. This should be addressed prior to any consideration of the proposed subdivision in order to ensure the proposal is consistent with both the LEP and DCP requirements.

Planning Report

Section 6 speaks to the curtilage to Lot 5. Given the proposed use is not identified in either this document or the SEE and the additional land for parking requirements resulting from an intensification of use there is insufficient curtilage surrounding Lot 5 and the area of land required for Lot 5 as shown on the proposed plans should be increased.

There is no reason why the proponent could not lodge a development application for the use of Lot 5 simultaneously with the DA for subdivision.

The heritage impacts of the subdivision have not been adequately addressed and are not in accordance with the NSW Department of Premier and Cabinet criteria. Given the high Heritage significance of the former Boys Home on Lot 5 a requirement prior to Council granting consent for the subdivision should be that the developer provides the proposed use of the asset for consideration.

The proposal is also not consistent with the Heritage guidelines of the Goulburn Mulwaree DCP for subdivision given there is insufficient curtilage to Lot 5.

Of concern whilst the land subdivision provides for lots greater than 700 square metres there is no mention within the submission of measures proposed to prevent further subdivision of the lots proposed especially for medium density housing. As such if the proposed subdivision was to be approved there should be covenants placed on each of the individual titles preventing further subdivision of the individual lots created.

With regard to Lot 5 the proposed use is not identified therefore the proposed subdivision plans do not conform to Section 3.3.1.8 of the Goulburn Mulwaree DCP Development in the Vicinity of a Heritage item.

The Development Application is not consistent with the Heritage requirements and guidelines of the Goulburn Mulwaree LEP 2009 and the Goulburn Mulwaree DCP 2009 and should be refused.

12.

General Manager Goulburn Mulwaree Council



Mr Bennett

re: proposed residential subdivision lot E DP161389; DP 1115448.

We believe that there are serious safety issues arising to both traffic vehicles and pedestrians, inherent in the design of this land subdivision as proposed.

We point out that the very narrow Hollis Avenue roadway already has a serious safety history. Vehicles negotiating the limited road width between parked cars on opposite sides of the road, have frequently caused nasty accidents; the existing narrow bends with limited sight lines have already caused dangerous traffic paths in both directions.

It would seem that to add a cul-de-sac into this road section will be inviting further serious traffic conditions - especially at night-time.

The logical alternative of providing a cul-de-sac into the standard width and straight aligned Hovell Street would offer a much safer solution - one that is hazard free and just as attractive.

We point out that this land was given to the Salvation Army purely for community social benefits. It included emergency vehicle access routes and a pedestrian pathway specifically designated for people to walk safely and conveniently towards both the Army Hostel and the CBD. At the very least, these facilities should be retained in keeping with the original donor objectives.

Any subdivision designed purely to maximise financial profit over the convenience, safety and attractiveness of existing property owners does not meet current social objectives. We hope that Council ensures that its own community standards are upheld.

Sincerely:

Item 15.2- Attachment 5 Page 109

1

13.

General Manager
Goulburn Mulwaree Council



Mr Bennett

re: proposed residential subdivision lot E DP161389; DP 1115448.

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Sincerely:

Gottleurn Land Free Council.

Date Received: 26/6/2020

14,





Submission to Development Application

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Part A - Not Published

Your contact details

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Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020

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Page 1 of 4

Part B - To be Published

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Your Details				
Name:				
Organisation:	***************************************	***************************************		1704 FF 300 FF 100 1 100 FF 300 FF 100
Development applic	ation details		3-31 3 22	
DA Number: DA Address:	DA/0277/1920 8 Combermere	Street Goulburn		
Political Donations	and Gifts (Please ref	er to part 2 -Guide to Mo	iking a Submission)	2 1 Per 2
, , , , , , , , , , , , , , , , , , , ,	rs? (Please refer to sec		nation or gift to a councillor or nental Planning & Assessmen	
	Yes	No		
Your Submission (ple	ase attach additional pag	ges if required)	. n (7,32) - 2 - n/4,	
Construction Manager	ment concerns and t	heir impact on local re	sidents.	
The Environmental	Planning and Asses	sment (COVID-19 De	velopment – Construction V	Nork Days) Order 2020
will have a adverse im	pact on the local cor	mmunity. We are both	essential workers and have	e continued to work during
the pandamic. With Su	unday being the only	day off each week tha	t my partner receives. Beir	ng unable to rest on Sundays
will endanger him at h	is high risk workplac	e due to exhaustion. V	Ve request that hours of op	eration are kept to pre covid
evels. Since this DA is	solely for a subdivis	sion we submit that no	hours of work would be los	st due to social distancing
requirements and wou	uld thus make this ex	dension of hours unne	cessary.	
Request that site ac	cess for heavy mach	ninery be in an area th	at is not directly across from	m our residence. We have
2 small children and us	sing the current Salv	os storage facility driv	eway will pose a safety risk	to my children as well as
imit our access to the	street and on street	parking. Both of which	are required in the case of	f an emergency.
 Request that dust st 	upression methods b	e in place as well as f	ences with fence mesh acr	oss from our residence.
The westerly wind is s	trong in this area an	d without multiple met	nods for dust supression in	place our home and cars
would be full of dust.	This poses a risk to r	my daughter as she is	asthmatic. Lack of fences	would also pose a safety
risk to my children and	d other children in the	e area.		
			ated to Council's functions and ac nt Policy at <u>www.goulbum.nsw.go</u>	

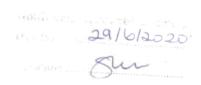
Submission to Development Application Form Effective from 1 July 2019 to 30 June 2020 $\,$

Page 2 of 4

15.



General Manager
Goulburn Mulwaree Council



Mr Bennett

re: proposed residential subdivision lot E DP161389; DP 1115448.

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We point out that this land was given to the Salvation Army purely for community social benefits. It included emergency vehicle access routes and a pedestrian pathway specifically designated for people to walk safely and conveniently towards both the Army Hostel and the CBD. At the very least, these facilities should be retained in keeping with the original donor objectives.

Any subdivision designed purely to maximise financial profit over the convenience, safety and attractiveness of existing property owners does not meet current social objectives. We hope that Council ensures that its own community standards are upheld.

Sincerely:

Cc - The Mayor, Councillor Kirk Traffic Co-ordinator, Ellie Varga Planning Manager, Scott Martin

1

SCANNED

Date Edward 29/6/2020

General Manager
Goulburn Mulwaree Council

Mr Bennett

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Sincerely:

Cc - The Mayor, Councillor Kirk Traffic Co-ordinator, Ellie Varga Planning Manager, Scott Martin

1

From:

Sent: To:

Sunday, 14 June 2020 9:34 AM

Council

Categories:

Dear Ms Varga,

I would like to submit my concerns over the proposed development at the Waminda aged care facility in the Eldon St/ Hoveil st/ Hollis ave/ lisgar st, area.

I live at no and have genuine concerns about a large cul de sac opening out on the hend of Hollis Ave. I have serious health issues and several years ago, the purchased a mobility scooter to help me get down the street etc. I ended up selling it, as it was too dangerous for me to drive it in my area. There are nearly always cars parked on footpaths and sides of roads, which meant I had to ride out onto the middle of the road to get around the cars... there were several occasions that a car zipped around the corner from Lisgar St and Lalmost got hit. (there is also no cement footpaths in Hollis ave.) I now try to walk with mobility aids, but the problems remain the same. My fear is, that with extra traffic entering Hollis Ave right on that corner, there will be some serious accidents with other motorists as well as walkers. Quite a few people walk their dogs and children down our street and we also have young children on bikes.

My husband is elderly and is the driver in our household. He's had many occasions where, driving around the corner of Hollis Ave to get to Lisgar St, he's had to pull in behind parked cars to let another on-coming motorist pass. There are other motorists and bike riders that zip around that corner very quickly and roar up the street towards Landsdowne St.

We are not contentious people. There has to be progress of course, but we are not the only folk who live close to the proposed cul de sac, that are genuinely concerned about the positioning of said cul de sac.

Thankyou for considering this submission. I look forward to hearing from you regarding our concerns:

18



General Manager Goulburn Mulwaree Council



Mr Bennett

re: proposed residential subdivision lot E DP161389; DP 1115448.

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Sincerely:



Response to Submissions

SUBJECT: DEVELOPMENT APPLICATION NO. DA/0277/1920 LOCATION: 8-10 COMBERMERE STREET AND 7-21 LISGAR STREET GOULBURN NSW 2580 PROPOSAL: 32 LOT SUBDIVISION IN FOUR STAGES, INCLUDING DEMOLITION8 August 2020

As requested by Council in their letter of 10 July 2020, we provide the following response to submissions. A total of 19 submission have been provided to us by Council. Of these 11 are in the form of pro-forma letter. The matters raised are summarized and responded to in the following table.

Issue	Comment
Heritage	As detailed in the other information responding to Council concerns, The Salvation Army is committed to protecting the heritage buildings on the site and maintaining them in a reasonable state until a future use can be found that will determine their ongoing purpose. Until this occurs, it is not appropriate to undertake 'restoration' or other works that are dependent on future use and approvals.
Location of proposed cul- de-sac	Council's traffic engineer has not raised any traffic safety concerns with the proposal and if anything the introduction of a new intersection could result in slowing down traffic in this part of Hollis Street. As detailed in the attached information, the alternative access via Hovell Street is considered to be a more problematic alternative.

Urban and Regional Planning, Environmental Planning and Statutory Planning
PO Box 251 Artarmon NSW 1570
Telephone: (02) 9416 9111 Email: admin@inghamplanning.com.au
A.C.N 106 713 768
www.inghamplanning.com.au



Issue	Comment
Multiple access points to Lisgar Street	Council's traffic engineer has not raised any traffic safety concerns with the proposal and the arrangement is the same as most other properties in the area.
Previously provided emergency vehicle and pedestrian access should be retained	No evidence has been found to suggest that the site has ever accommodated such features. The proposal includes a formal access arrangement for emergency vehicles to access the aged care facility on the site. No pedestrian access is provided or needed as the main pedestrian link to the town centre is to the west of Lisgar Street.
Construction hours including COVID related exemptions	The proposal does not seek any special construction hours and these will be in accordance with the relevant requirements.
Construction impacts including noise dust and security	Appropriate conditions of consent can ensure that the impacts of construction are appropriately minimised.
Traffic safety of Combermere Street access	Council's traffic engineer has not raised any traffic safety concerns with the proposal.
Use of Lot 5	The future use of this lot is not known at this stage however the proposal is designed to ensure that multiple vehicular and pedestrian access points are available and that there will be adequate space for parking. In this regard part of the site contains buildings with no or little heritage significance that can be demolished to provide for onsite parking (refer to submitted sketch).
Further subdivision	Any future proposal for subdivision would need to be assessed on its merits however it is noted that whilst the LEP currently permits smaller lots in some circumstances, Council is preparing an amendment to remove these provisions.

We are of the view that the concerns raised are either unfounded, can be dealt with by appropriate conditions or have been appropriately responded to by the applicant.

Please do not hesitate to contact Brett Brown if you wish to discuss this matter.

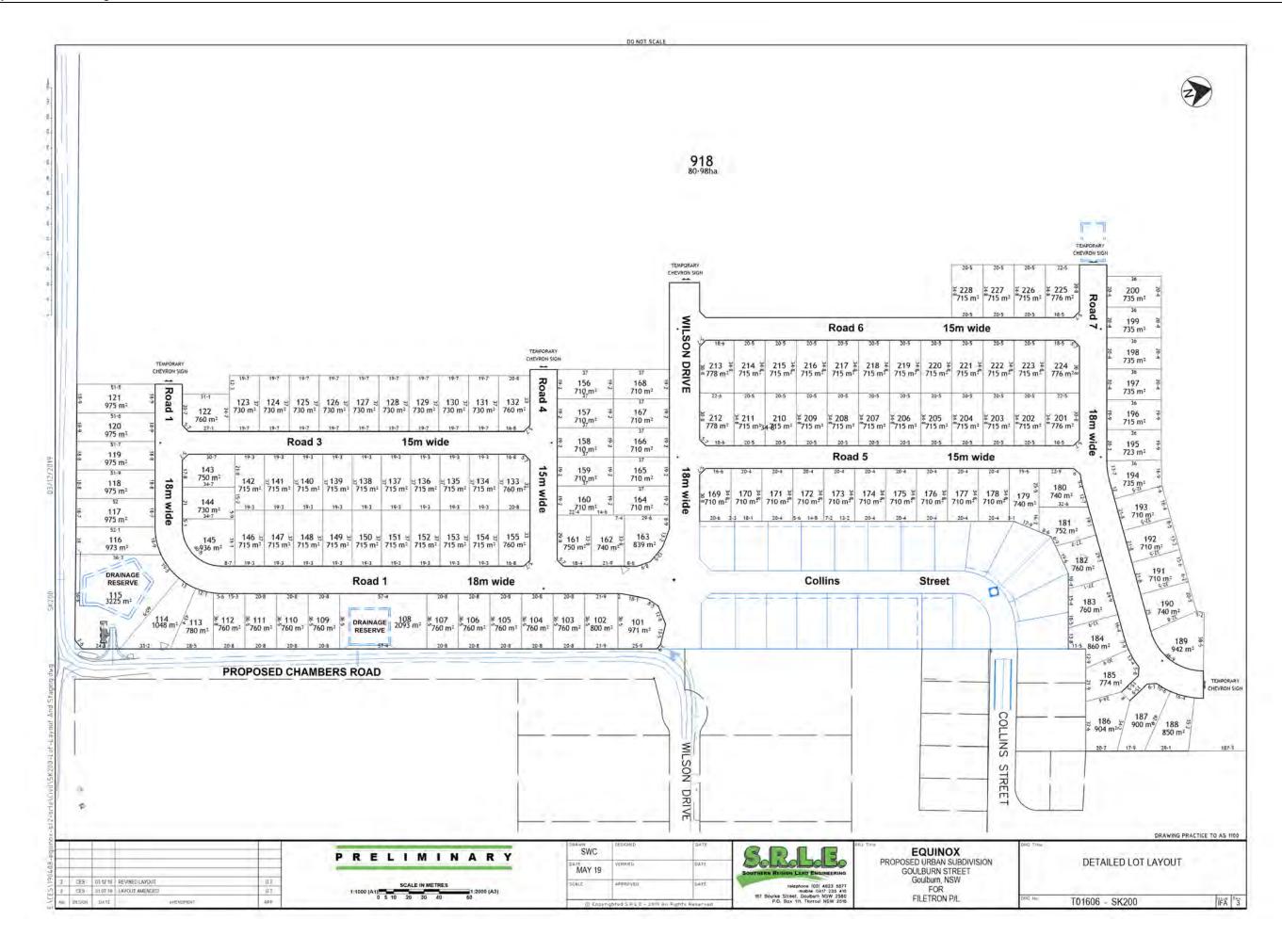
Yours faithfully

INGHAM PLANNING PTY LTD

2



Ordinary Council Meeting Attachments



Item 15.3- Attachment 2



Planning Agreement

Land 94 WILSON DRIVE, MARULAN

Parties

GOULBURN MULWAREE COUNCIL

(Council)

MARULAN ESTATES PTY LTD

(Owner)

DARRABY PTY LTD

(Developer)



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Planning Agreement

Dated

Parties

Goulburn Mulwaree Council ABN 84 049 849 319 of 184-194 Bourke Street, Goulburn NSW 2580 (Council)

Marulan Estates Pty Ltd ACN 113 187 778 of 22-24 Junction Street, Forest Lodge NSW 2037 (Owner)

Darraby Pty Ltd ACN 153 183 012 of 22-24 Junction Street, Forest Lodge NSW 2037 (Developer)

Background

- A. The Owner is the registered proprietor of the Land.
- B. The Owner and Developer have entered into Project Delivery Agreement in respect of the development of the Land.
- C. The Developer has lodged the Development Application with Council.
- D. The Developer has agreed to provide the Development Contributions in connection with carrying out the Development, subject to and on the terms and conditions set out in this Agreement.

General terms

1. Definitions

The following definitions apply unless the context otherwise requires:

Acquisition Act means the *Land Acquisition (Just Term Compensation) Act 1991* (NSW).

Act means the Environmental Planning and Assessment Act 1979 (NSW).

Agreement means this document and includes the schedules and annexures.

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Authority means (as appropriate) any:

- (a) federal, state or local government;
- (b) department of any federal, state or local government;
- (c) any court or administrative tribunal; or
- (d) statutory corporation or regulatory body.

Bank Guarantee means a bank guarantee from an Australian bank, in a form acceptable to Council and without an expiry date.

Business Day means between 9am and 5pm Sydney time on a day other than a Saturday, Sunday, any other local, state or federal public holiday and any day between 20 December and 10 January inclusive.

Claim against any person any allegation, action, demand, cause of action, suit, proceeding, judgment, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.

Complete, Completed, Completion means completed in accordance with the requirements of this Agreement.

Completion Notice means a notice issued by Council to the Developer pursuant to clause 6.2(a).

Construction Costs means, in respect of the Sewer Main Works, the lower of:

- the actual costs incurred by the Developer in carrying out and Completing the Sewer Main Works; or
- (b) \$490,110.00.

Contribution Credit means a contribution credit by Council towards a Development Contribution as set out in the column titled "Contribution Credit" in Schedule 3.

Council means Goulburn Mulwaree Council ABN 84 049 849 319.

Date of Completion means, in relation to each Item of Work, the date on which the works are Completed, being the earlier of:

- (a) the deemed date of completion under clause 6.3; or
- (b) the date of completion as set out in a Completion Notice.

Defect includes an omission in an Item of Work.

Defects Liability Period means, in relation to each Item of Work, 12 months from the Date of Completion of that Item of Work.

Designated Land means that part of the Land identified as Lots 108 and 115 (containing drainage reserves) on the plan attached at Schedule 4.

Developer means Darraby Pty Ltd ACN 153 183 012.

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Development means the Equinox residential subdivision on the Land.

Development Application means development application DA334/1819 lodged by the Developer with Council in respect of the Land.

Development Consent means a development consent issued under the Act with respect to the Development Application.

Development Contributions means the provision of the Works, the making of the Monetary Contributions, the dedication of the Designated Lands, the provision of any other material public benefit as set out in this Agreement or any combination of them, by the Developer in accordance with this Agreement, which are to be used for, or applied towards a public purpose, but does not include any Bank Guarantees or other benefit provided by the Developer to Council to secure the enforcement of the Developer's obligations under this Agreement for the purposes of section 7.4(3)(g) of the Act.

DSP means the Goulburn Mulwaree Development Servicing Plan for Water Supply, Sewerage and Stormwater dated September 2017.

Encumbrance means an interest or power:

- (a) reserved in or over an interest in any asset;
- (b) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or
- (c) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.

EPA means the NSW Environment Protection Authority.

First Subdivision Certificate means the first Subdivision Certificate issued under the Act with respect to the Development Consent.

Force Majeure Event means an earthquake, cyclone, fire, civil commotion, sabotage, act of a public enemy, war, contamination, flood or a severe weather event that inflicts damage or harm that could not have otherwise been prevented by taking reasonable and prudent action.

GST Law means A New Tax System (Goods and Services Tax) Act 1999 (Commonwealth) and any other Act or regulation relating to the imposition or administration of the goods and services tax.

Item of Work means an individual item of the Works specified or described in Section B of Schedule 3.

Land means the land described as Lot 23 in DP 1256090 and known as 94 Wilson Drive, Marulan NSW.

Law means all legislation, regulations, by-laws, common law and other binding order made by any Authority.

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Monetary Contributions means the monetary contributions set out in Section C of Schedule 3.

Owner means Marulan Estates Pty Ltd ACN 113 187 778.

Park Embellishment Works means the works to be undertaken on Lot 108 as shown on the plan attached at Schedule 6and agreed between the parties.

Parties means the parties to this Agreement collectively and Party means each of them individually.

Planning Legislation means the Act, the *Local Government Act 1993* (NSW) and the *Roads Act 1993* (NSW).

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Residential Lot means a single lot created on the registration of a plan of subdivision as part of the Development intended to not be further subdivided and to be used for the purpose of the construction of one (1) or more residential dwellings.

Road Upgrade Works means the upgrade of local Council road (or part thereof) known as "Wilson Drive" in accordance with the scope and specifications in Schedule 3

Sewer Main Works means the installation of a sewer trunk main in accordance with the scope and specifications in Schedule 3.

Stormwater Capitalisation Amount means the Monetary Contribution for Council's capitalisation and maintenance costs for stormwater basin over 40 years, being \$91,000.

Subdivision Certificate means a subdivision certificate as defined in section 6.4(d) of the Act.

Water Main Works means the installation of a water trunk main from the Brayton Road main to the Development in accordance with the scope and specifications in Schedule 3.

Works means the works specified or described in Section B of Schedule 3 except in clause 5.2 where the "Works" means the works specified or described in Section B of Schedule 3 other than the Road Upgrade Works.

Works as Executed Plan means a plan that shows that construction has been completed in accordance with the engineering plans and specifications.

2.1 Interpretation

The following rules of interpretation apply unless the context requires otherwise:

- (a) a reference to:
 - (i) one gender includes the other;
 - (ii) the singular includes the plural and the plural includes the singular;

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- (iii) a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this Agreement;
- (iv) a document (including this Agreement) includes any variation or replacement of it;
- a statute, ordinance, code or other law includes a regulation or other statutory instrument made or issued under it and consolidations, amendments, re-enactments or replacements of any of them;
- (vi) a person includes a partnership, body corporate, unincorporated association or an authority;
- (vii) a Party includes the Party's executors, administrators, successors and permitted assigns;
- (viii) dollars, Australian dollars, A\$ or \$ is a reference to the lawful currency of Australia; and
- (ix) time is a reference to Sydney time;
- (b) if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later;
- if an act must be done on a given day which is not a Business Day, it must be done instead on the next Business Day;
- (e) the words **include**, **including**, **for example** or **such as** when introducing an example, do not limit the meaning of the words to which the example relates to the example or to examples of a similar kind;
- (f) where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning;
- (g) headings and any index are for convenience only and do not form part of this Agreement or affect its interpretation; and
- (h) a provision of this Agreement must not be construed to the disadvantage of a Party merely because that Party was responsible for the preparation of this Agreement or the inclusion of the provision in this Agreement.

2.2 Parties

- (a) If a Party consists of more than one person, this Agreement binds each of them separately and any two or more of them jointly.
- (b) An obligation, representation or warranty in favour of more than one person is for the benefit of them separately and jointly.
- (c) A Party which is a trustee is bound both personally and in its capacity as a trustee.

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3.1 Planning Agreement

This Agreement is a planning agreement:

- (a) within the meaning set out in section 7.4 of the Act; and
- (b) governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

3.2 Application

This Agreement applies to both the Land and the Development.

3.3 Commencement

This Agreement commences and is effective on and from the later of:

- (a) the date that the Agreement is executed by both Parties or, if the Agreement is executed in counterparts, the date that the Parties have executed and exchanged counterparts of the Agreement; and
- (b) the date that Council grants Development Consent.

3.4 Application of Sections 7.11 and 7.12 of the Act

- (a) This Agreement:
 - (i) excludes the application of section 7.11 of the Act to the Development;
 - (ii) does not exclude the application of section 7.12 of the Act to the Development.
- (b) The benefits to be provided by the Developer under this Agreement are to be taken into consideration by Council in determining Development Contributions under section 7.12 of the Act.

4.1 Provision of Development Contributions

- (a) The Parties acknowledge and agree that the Developer's obligation to make Development Contributions under this Agreement only arises in connection with carrying out the Development.
- (b) Subject to the terms and conditions of this Agreement, the Developer must make Development Contributions to Council in accordance with clause 4 and Schedule 3.
- (c) Council agrees that the Developer will be entitled to credits as a result of making Development Contributions to Council, in accordance with Schedule 3.

4.2 Contribution Credits

The Parties acknowledge and agree that:

(a) on Completion of the Sewer Main Works in accordance with this Agreement, Council agrees to offset 75% of the Construction Costs as credit to, and

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thereby reduce the Developer's liability to pay any sewerage contributions payable by the Developer pursuant to Council's Development Servicing Plan under Section 64 of the Local Government Act 1993; and

- (b) the Developer must pay Council the Stormwater Capitalisation Amount prior to the issue of the relevant Subdivision Certificate (as specified in Schedule 3); and
- (c) within 7 days of Council's issuance of the First Subdivision Certificate, Council must pay the Developer \$157,500 in respect of the Road Upgrade Woks; and
- (d) on Completion of the Park Embellishment Works in accordance with this Agreement, Council agrees to offset \$60,000 as credit to, and thereby reduce the Developer's liability to pay any contributions pursuant to Development Contributions under section 7.12 of the Act.

4.3 Dedication of Designated Land

- (a) The Owner must dedicate the Designated Lands to Council:
 - (i) free of any trusts, estates, interests, covenants and Encumbrances;
 - (ii) by the times specified in Schedule 3; and
 - (iii) at no cost to Council,

unless otherwise agreed in writing by Council.

- (b) The Developer must meet all costs associated with the dedication of the Designated Lands in accordance with clause 4.3(a), including any costs incurred by Council in relation to that dedication.
- (c) Council must do all things reasonably necessary to enable the Owner to comply with clause 4.3(a).
- (d) A Development Contribution comprising the dedication of Designated Lands under clause 4.3(a) is made when:
 - a deposited plan is registered by the Registrar General that dedicates the Designated Lands as public reserve or drainage reserve under the Local Government Act 1993 (NSW); or
 - (ii) the Developer provides the Council with:
 - (A) an instrument in registrable form under the Real Property Act 1900 (NSW) executed by the Developer, such that title to the Designated Lands can be transferred to Council once the instrument is executed and registered by Council;
 - (B) written consent from any person required to consent to the transfer of the Designated Lands to Council; and

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(C) confirmation that the certificate of title to the Designated Lands has been produced or will be produced within a reasonable time with the Registrar-General to allow dedication of the Designated Lands to Council.

5.1 Works

Council and the Developer agree that the Developer must, subject to any credit under clause 4.2, carry out the Works at its own cost and in accordance with the scope and specifications in Schedule 3.

5.2 General Obligations regarding Works

The Developer must, at its cost:

- if necessary, obtain any consents, approvals or permits required by a relevant Authority, for the conduct of the Works;
- (b) carry out and complete each Item of Work by the time specified in Schedule 3; and
- (c) subject to Schedule 3, carry out and complete the Works:
 - in accordance with the lawful requirements of, or consents issued, by any Authority;
 - (ii) in accordance with the reasonable requirements of Council and the Development Consent; and
 - (iii) in a proper and workmanlike manner complying with current industry practice and standards, including applicable Australian standards.

5.3 Road Upgrade Works

- (a) Council and the Developer agree the Road Upgrade Works apply to a local road where Council is the consenting Authority.
- (b) Notwithstanding any other provision in this Agreement, the Developer's obligations in connection with the Road Upgrade Works is limited to the scope and specifications set out in Schedule 3.

5.4 Protection of People and Property

- (a) The Developer must use all reasonable endeavours to ensure that, in relation to the performance of its obligations under this Agreement:
 - (i) all necessary measures are taken to protect people and property;
 - (ii) unnecessary interference with the passage of people and vehicles is avoided; and
 - (iii) nuisances and unreasonable noise and disturbances are prevented.
- (b) In relation to those Items of Work located on Designated Lands, the Developer is responsible for care of those Works until the Designated Lands

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are dedicated to Council in accordance with clause 4.3 or clause 13, after which those Items of Work will vest in Council.

5.5 Variation to Works

- (a) The design or specification of the Works may be varied by agreement in writing between the Parties without requiring an amendment to this Agreement.
- (b) Council must not unreasonably delay its approval to any written request made by the Developer to vary, at the Developer's Cost, the design or specification of any Works.
- (c) Council may reasonably require the Developer, at Council's cost, to vary the design or specification of the Works, in which case the Developer must comply with that requirement unless the proposed variation:
 - (i) materially affects the Development;
 - (ii) reduces the financial return or profitability of the Development; or
 - (iii) results in increased cost or delay in the Works undertaken by the Developer.

6.1 Notice of Anticipated Completion

When the Developer is of the opinion that an Item of Work has been Completed, the Developer must notify Council in writing and such notice must specify:

- (a) the Item of Work Completed; and
- (b) the date on which the Developer asserts the Item of Work was Completed.

6.2 Completion Notice

Council must provide, within fourteen (14) days of the Developer's notice under clause 6.1, a notice in writing to the Developer that the relevant Item of Work:

- (a) has been Completed;
- (b) will need to be inspected, tested or assessed prior to Council issuing a Completion Notice; or
- (c) has not been Completed, in which case the notice must also detail:
 - those aspects of the Item of Work which have not been Completed;
 and
 - the work Council requires the Developer to carry out in order for the ltem of Work to be Completed.

6.3 Deemed Completion

If Council does not provide the Developer with notice within the time specified in clause 6.2, the Item of Work the subject of the Developer's notice under clause 6.1

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will be deemed to have been Completed on the date nominated in the Developer's notice.

6.4 Effect of Council Notice

- (a) Where Council serves notice on the Developer pursuant to clause 6.2(c), the Developer must:
 - rectify the deficiencies in that Item of Work in accordance with that notice within a reasonable time (not being less than fourteen (14) days from the date it is issued by Council); or
 - (ii) serve a notice on Council that it disputes the matters set out in the notice.
- (b) Where the Developer:
 - serves notice on Council in accordance with clause 6.4(a)(ii) the dispute resolution provisions of this Agreement apply; or
 - rectifies the Item of Work in accordance with clause 6.4(a)(i) it must serve upon Council a new notice of Completion for the Item of Work it has rectified (New Completion Notice).

6.5 New Completion Notice

The provisions of clauses 6.1 to 6.4 (inclusive) apply to each Item of Work and any New Completion Notice issued by the Developer.

6.6 Executed Plans

- (a) Prior to Completion of an Item of Work, the Developer is to submit to Council a works as executed plan for the Completed Item of Work.
- (b) The Developer, being the copyright owner in the works as executed plan for the Completed Item of Work, assigns the copyright in the works as executed plan for the Completed Item of Work to Council free of cost to the Council;
- (c) If the Developer is not the copyright owner of the works as executed plan for the Completed Item of Work, the Developer is to promptly procure the assignment of the copyright of the works as executed plan for the Completed Item of Work at the Developer's expense.

7.1 Defects Notice

- (a) Where any Item of Work is Complete but that item contains a Defect which:
 - (i) adversely affects the ordinary use and/or enjoyment of that item; or
 - (ii) will require maintenance or rectification works to be performed on it at some time in the future as a result of the existence of the Defect;

Council may issue a notice to the Developer (**Defects Notice**) concerning that Item of Work but only during the Defects Liability Period applicable to that Item of Work.

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- (b) A Defects Notice must contain the following information:
 - (i) the nature and extent of the Defect;
 - (ii) the work Council requires the Developer to carry out in order to rectify the Defect; and
 - (iii) the time within which the Defect must be rectified by the Developer (which must be a reasonable time and not less than fourteen (14) days).

7.2 Developer to Rectify Defects

- (a) The Developer must rectify the Defects contained within a Defects Notice prior to the date specified in that notice.
- (b) The Developer must follow the procedure set out in clause 7 in respect of the completion of the rectification of any Defect as if a reference in that clause to an Item of Work is a reference to the relevant Defect.

7.3 Access to Designated Land

If the Developer is required to access, use or occupy any part of the Designated Land for the purpose of discharging its obligations under this clause 7 after the relevant land has been dedicated or transferred to Council, Council will grant a fee free licence to the Developer:

- (a) with respect to so much of the relevant Designated Land; and
- (b) for such period,

that is reasonably necessary to allow the Developer to properly discharge those obligations.

7.4 Inspection

- (a) Council may undertake an audit, inspection or testing of the Works under suspicion of non-compliance of this Agreement or any legislation with or without giving reasonable notice in accordance with the relevant legislative requirements.
- (b) The Developer is to provide Council with any assistance that is reasonably required by Council to enable Council to undertake any audit, inspection or test of the Works.

7.5 Right of Council to Step-in

Council may, at its absolute discretion, enter upon the Land for the purpose of rectifying a Defect set out in the Defects Notice where the Developer has failed to comply with a Defects Notice, but only after giving the Developer seven (7) days written notice of its intention to do so.

7.6 Consequence of Step-in

If Council elects to exercise the step-in rights granted to it under clause 7.5 then:

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- (a) Council may:
 - enter upon any part of the Land reasonably required to exercise those step-in rights; and
 - (ii) rectify the relevant defects or omissions in accordance with the Defects Notice;
- (b) the Developer must not impede or interfere with Council in exercising those rights; and
- (c) Council may claim any costs incurred by it in doing so from the Developer as a liquidated debt.

7.7 Costs of Council

Where Council exercises its step-in rights under clause 7.6, it may:

- (a) call upon the Bank Guarantees provided by the Developer pursuant to clause
 12 to meet any costs for which the Developer is liable under clause 7.6; and
- (b) recover as a debt due in a court of competent jurisdiction any difference between the amount of the Bank Guarantees and the costs incurred by Council in rectifying the Defects.

8.1 Warranties

The Developer warrants to Council that:

- (a) it is able to fully comply with its obligations under this Agreement;
- (b) it has full capacity to enter into this Agreement; and
- (c) there is no legal impediment to it entering into, or performing the obligations under, this Agreement.

8.2 Indemnity

The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Works, but only to the extent that any such Claim does not arise as a result of the acts or omissions of Council.

9.1 Definitions

For the purpose of this clause:

Contamination means any material, gas, substance, liquid, chemical or biological mineral or other physical matter which would, if present on the Land:

- result in an Authority issuing a notice, direction or order under an Environmental Law; or
- (b) which would constitute a violation of any Environmental Law,

but expressly excludes any material, gas, substance, liquid, chemical or biological mineral or other physical matter which is present in, on or under the Land which has

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migrated, seeped or leaked into, onto or under the Land from (whether above, on or below) any other land including any existing road.

Contaminated means subject to Contamination.

Environmental Law means all planning, environmental or pollution laws and any regulations, order, directions, ordinances or requirements, permissions, permits, licences issued under those laws or instruments.

9.2 Warranty and indemnity

The Developer warrants that:

- as far as it is aware, and other than as disclosed in writing to Council prior to the formation of this Agreement, the Designated Land is not Contaminated;
 and
- (b) in relation to any notices or orders issued pursuant to the Contaminated Land Management Act 1997, and the requirements of the EPA and any other relevant Authority, the Developer indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on or under the Designated Land as at the date of dedication or transfer of the Designated Land to Council in accordance with this Agreement.

9.3 Contamination outside of the Land

Subject to clause 9.4, if the Developer discovers any Contamination in, on or under any land where the Works are being undertaken and carried out which is outside the boundary of the Land:

- (a) the Developer will:
 - immediately suspend any works being carried out in the immediate vicinity of the location where the Contamination was discovered, so as not to disturb the Contamination;
 - (ii) promptly notify Council of the presence of the Contamination; and
 - (iii) within 14 days of the Developer providing a notice under clause 9.3(a)(ii), provide Council with a proposal:
 - identifying one or more methodologies to remediate the Contamination; and
 - (B) providing budget costings in relation to each methodology identified in clause 9.3(a)(iii)(A),

(Proposal);

- (b) Council will, within 10 days of receiving the Proposal, instruct the Developer in writing:
 - if the Developer had identified only one methodology in the Proposal, that Council accepts the Proposal;

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- if the Developer had identified more than one methodology in the Proposal, the methodology (including the relevant budget costings) accepted by Council; or
- (iii) if Council does not consent to any of the methodologies identified in the Proposal (such consent not to be unreasonably withheld), Council's reasons for its disagreement and its preferred alternative methodology of remediating the Contamination; and
- (c) if:
 - clause 9.3(b)(i) applies, the Developer will remediate the Contamination in accordance with the methodology in the Proposal;
 - clause 9.3(b)(ii) applies, the Developer will remediate the Contamination in accordance with the methodology accepted by Council;
 - (iii) clause 9.3(b)(iii) applies, the Developer will:
 - (A) remediate the Contamination in accordance with Council's alternative methodology; or
 - (B) notify Council that it does not agree with Council's alternative methodology and provide reasons for its disagreement, in which case:
 - the parties will cooperate and work together in good faith to identify an agreed methodology; and
 - the Developer will remediate the Contamination in accordance with the methodology agreed by the parties under clause 9.3(c)(iii)(B)(1); or
 - (iv) Council does not provide an instruction within the time specified in clause 9.3(b), Council is deemed to have accepted the Proposal and the Developer will remediate the Contamination in accordance with any methodology identified in the Proposal,

and Council will bear all costs in connection with the discovery and remediation of Contamination, including the costs associated with the effects on the Works due to such Contamination.

If the Parties have not agreed on a methodology under clause 9.3(c)(iii)(B)(1) within 14 days of the Developer's notice in clause 9.3(c)(iii)(B), then clause 14 applies.

9.4 Contamination caused by Developer

If Contamination in, on or under the Land or land which is outside the boundary of the Land is caused by the Developer or as a direct consequence of the Works being undertaken or carried out by the Developer under this Agreement, the Developer will, at its own cost, remediate the Contamination.

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10.1 Registration

This Agreement must be registered on the title of the Land pursuant to section 7.6 of the Act.

10.2 Obligations of the Developer

The Developer must do all things necessary to allow the registration of this Agreement to occur, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land.

10.3 Removal from Title of the Land

- (a) Council will do all things necessary to allow the Developer to remove the registration of this Agreement from the title of the Land where the Developer has:
 - (i) provided all Monetary Contributions;
 - (ii) Completed the Works; and
 - (iii) dedicated the Designated Land.
- (b) The Developer must pay any reasonable costs incurred by Council in undertaking that discharge.
- (c) Clause 10.3 does not merge on completion and shall survive on termination of this Agreement.

11.1 Determination

This Agreement will determine upon the earlier of:

- (a) the Developer satisfying all of its obligations under the Agreement; and
- (b) registration of a plan of subdivision that creates the last Residential Lot in the Development.

11.2 Effect of Determination

Upon the determination of this Agreement Council will do all things necessary to allow the Developer to remove the notation of this Agreement from the title of the whole or any part of the Land as quickly as possible.

12.1 Delivery to Council of Bank Guarantee

Except to the extent that a bank guarantee, bond or other security has been provided by the Developer (or its contractor performing the Works, or any part thereof) in relation to the Works (or any part thereof) pursuant to a development consent (granted by Council or any other relevant Authority) in connection with the Land, prior to the issue of a Subdivision Works Certificate for the Development, the Developer must deliver to Council a Bank Guarantee in the amount of 5% of the value of the Works.

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12.2 Council may call on Bank Guarantee

- (a) If the Developer does not comply with its obligations under this Agreement in relation to the performance of the Works, Council may issue the Developer with a notice requiring the Developer to rectify the relevant default within fourteen (14) days from the date of that notice.
- (b) If the Developer fails to comply with a notice issued under clause 12.2(a) to the reasonable satisfaction of Council, Council may, without limiting any other avenues available to it, call on the relevant Bank Guarantee to the extent necessary to reimburse Council for any costs incurred by it in rectifying the relevant default of the Developer.

12.3 Return of Bank Guarantee

Council must return the remaining Bank Guarantee (if any) to the Developer within 21 days of the Date of Completion for the last Item of Work that is Completed.

13.1 Consent to Compulsory Acquisition of the Designated Land

Subject to clause 13.2(a), the Owner consents to the compulsory acquisition of the Designated Land:

- (a) in accordance with the Acquisition Act; and
- (b) on the terms set out in clause 13.2(b).

13.2 Council's right to acquire

- (a) Council may only acquire the Designated Land compulsorily in accordance with the Acquisition Act if the Owner has failed to comply with its obligations with respect to the dedication of that land under this Agreement.
- (b) If Council acquires the Designated Land compulsorily in accordance with the Acquisition Act:
 - the Owner agrees that the compensation payable to it on account of that acquisition under the Acquisition Act is \$1.00; and
 - (ii) Council must complete that acquisition within twelve (12) months of a written notice from Council to the Owner and Developer setting out the Owner's failure to comply with its obligations with respect to the dedication of the Designated Land under this Agreement.

13.3 Consent of owners

The Parties agree that the provisions of clause 13 are an agreement with respect to the compulsory acquisition of the Designated Land for the purpose of section 30 of the Acquisition Act.

14.1 Notice of Dispute

(a) If a dispute between the Parties arises in connection with this Agreement or its subject matter (Dispute), then either party (First Party) must give to the other (Second Party) a notice which:

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- (i) is in writing;
- (ii) adequately identifies and provides details of the Dispute;
- (iii) stipulates what the First Party believes will resolve the Dispute; and
- (iv) designates its representative (Representative) with the necessary authority to negotiate and resolve the Dispute.
- (b) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person with the necessary authority to negotiate and settle the Dispute (the representatives designated by the Parties being together, the Representatives).

14.2 Conduct Pending Resolution

The Parties must continue to perform their respective obligations under this Agreement if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

14.3 Further Steps Required before Proceedings

Subject to clause 14.12 and except as otherwise expressly provided in this Agreement, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 14.5 or determination by an expert under clause 14.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 14.1 is served.

14.4 Disputes for Mediation or Expert Determination

If the Representatives have not been able to resolve the Dispute, then the Parties must agree within five (5) Business Days to either refer the matter to mediation under clause 14.5 or expert resolution under clause 14.6.

14.5 Disputes for Mediation

- (a) If the Parties agree in accordance with clause 14.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the Parties and, if the Parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (b) If the mediation referred to in clause 14.5(a) has not resulted in settlement of the Dispute and has been terminated, the Parties may agree to have the matter determined by expert determination under clause 14.6.

14.6 Choice of Expert

(a) If the Dispute is to be determined by expert determination, this clause 14.6 applies.

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- (b) The Dispute must be determined by an independent expert in the relevant field:
 - (i) agreed between and appointed jointly by the Parties; or
 - (ii) in the absence of agreement within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- (c) If the Parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to he relevant field is final and binding on the Parties.
- (d) The expert appointed to determine a Dispute:
 - (i) must have a technical understanding of the issues in dispute;
 - must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - (iii) must inform the Parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then the expert must not be appointed except with written approval of the Parties.
- (e) The Parties must promptly enter into an agreement with the expert appointed under this clause setting out the terms of the expert's determination and the fees payable to the expert.

14.7 Directions to Expert

- (a) In reaching a determination in respect of a dispute under clause 14.6, the independent expert must give effect to the intent of the Parties entering into this Agreement and the purposes of this Agreement.
- (b) The expert must:
 - (i) act as an expert and not as an arbitrator;
 - (ii) not accept verbal submissions unless both Parties are present;
 - (iii) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
 - (iv) take into consideration all documents, information and other material which the Parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - (v) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);

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- (vi) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
- (vii) issue a final certificate stating the expert's determination (together with written reasons); and
- (viii) act with expedition with a view to issuing the final certificate as soon as practicable.
- (c) The Parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
 - (i) a short statement of facts;
 - (ii) a description of the Dispute; and
 - (iii) any other documents, records or information which the expert requests.

14.8 Expert may Convene Meetings

- (a) The expert must hold a meeting with all of the Parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (b) The Parties agree that a meeting under paragraph (a) is not a hearing and is not an arbitration.

14.9 Other Courses of Action

lf:

- (a) the Parties cannot agree in accordance with clause 14.3 to refer the matter to mediation or determination by an expert; or
- (b) the mediation referred to in clause 14.5 has not resulted in settlement of the dispute, the mediation has been terminated and the Parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation.

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

14.10 Final Determination of Expert

The Parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

14.11 Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

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14.12 Remedies Available under the Act

This clause 14 does not operate to limit the availability of any remedies available to Council under sections 9.45 and 9.46 and Division 9.6 of the Act.

14.13 Urgent Relief

This clause 14 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this Agreement.

15.1 Consent Authority

The Parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

15.2 Agreement does not Fetter Discretion

This Agreement is not intended to operate to fetter:

- (a) the power of Council to make any Law; or
- (b) the exercise by Council of any statutory power or discretion (**Discretion**).

15.3 Severance of Provisions

- (a) No provision of this Agreement is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this Agreement is held by a court of competent jurisdiction to constitute an unlawful fetter of any Discretion, the Parties agree:
 - they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 15 is substantially satisfied;
 - (ii) in the event that the intention in clause 15.3(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this Agreement has full force and effect; and
 - (iii) to endeavour to satisfy the common objectives of the Parties in relation to the provision of this Agreement which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (b) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this Agreement contracted out of a provision or exercised a Discretion under this Agreement, then to the extent of this Agreement is not to be taken to be inconsistent with the Law.

15.4 No Obligations

Nothing in this Agreement will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.

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16.1 Definitions

In this clause:

Taxable supply, GST, Tax Invoice and Input Tax Credit have the same meaning given to them in GST Law.

16.2 Non-monetary Supplies

- (a) The Parties agree that any non-monetary supplies made by one party to the other pursuant to this Agreement (including Works and the dedication of land) will be exempt from GST pursuant to Division 82 of the GST Law.
- (b) In the event that one party reasonably believes that the non-monetary supply it makes to the other is a Taxable Supply then the Parties agree to negotiate in good faith to agree to the GST inclusive market value of that Taxable Supply as follows:
 - (i) The party making the Taxable Supply will issue a Tax Invoice to the other as soon as practicable after agreeing to the GST inclusive market value and will disclose the amount of GST included in the GST inclusive market value.
 - (ii) The recipient of the Taxable Supply will pay to the other party the amount of the included GST within fifteen (15) days of receiving the Tax Invoice.
- (c) In the event that both Parties reasonably believe that each make a non-monetary Taxable Supply to the other, any GST payable by one party to the other will be off-set against each other and any net difference will be paid by the party with the greater obligation.

16.3 Supply Expressed in Terms of Money

If any party reasonably believes that it is liable to pay GST on a supply expressed in terms of money (or where the consideration for the supply is expressed in terms of money) and made to the other party under this Agreement and the supply was not expressed to include GST, then:

- (a) the recipient of the supply must pay an amount equal to the GST on that supply to that other party;
- (b) the party making the supply will issue a Tax Invoice to the other party; and
- (c) the recipient of the supply will pay the amount of the GST to the supplier within fifteen (15) days of receiving the Tax Invoice.

16.4 Expenses and Costs incurred

If any expenses or costs incurred by one party are required to be reimbursed by the other party under this Agreement, then the amount of the reimbursement will be calculated as follows:

(a) The amount of the cost or expense incurred by the party seeking reimbursement will be initially calculated excluding any Input Tax Credit to which that party is entitled to claim.

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- (b) This amount initially calculated will be increased by the applicable rate of GST to equal a GST inclusive reimbursement amount and this amount will be paid by the party liable to make the reimbursement.
- (c) The party being reimbursed will issue a Tax Invoice to the other at the GST inclusive reimbursement amount prior to being reimbursed.

16.5 Survival of Clause

Clause 16 does not merge on completion and shall survive termination of this Agreement.

17.1 Application of Clause

This clause applies if the Developer accesses, uses and/or occupies any land owned by Council in performing its obligations or exercising its rights under this Agreement (Necessary Access).

17.2 Terms of Licence

The Terms of Schedule 2 apply to any Necessary Access.

- (a) The Appendix contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- (b) Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Agreement.

Each Party shall bear its own costs in relation to the preparation, negotiation, execution and registration of this Agreement and any document related to this Agreement.

20.1 Notices

- (a) Any notice, consent or other communication under this Agreement must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
 - (i) delivered to that person's address;
 - (ii) sent by pre-paid to that person's address; or
 - (iii) sent by email to that person's email address.
- (b) A notice given to a person in accordance with this clause is treated as having been given and received:
 - if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - (ii) if sent by pre-paid mail, on the third Business Day after posting; and
 - (iii) if sent by email to a person's email address and a confirmation of receipt can be retrieved, on the day it was sent if a Business Day, otherwise on the next Business Day.

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(c) For the purpose of this clause the address of a person is the address set out in this Agreement or another address of which that person may from time to time give notice to each other person.

20.2 Further assurance

Each Party must promptly at its own cost do all things (including executing and if necessary delivering all documents) necessary or desirable to give full effect to this Agreement.

20.3 Severability

If anything in this Agreement is unenforceable, illegal or void then it is severed and the rest of this Agreement remains in force.

20.4 Entire understanding

This Agreement:

- (a) is the entire Agreement and understanding between the Parties on everything connected with the subject matter of this Agreement; and
- (b) supersedes any prior Agreement or understanding between the Parties on anything connected with that subject matter.

20.5 Variation

An amendment or variation to this Agreement is not effective unless it is in writing and signed by the Parties.

20.6 Waivers and consents

Except as expressly stated in this Agreement, each Party acknowledges that:

- (a) a waiver or consent under this Agreement is not effective unless it is in writing and signed by the Parties entitled to give the waiver or consent;
- (b) a waiver or consent may be given conditionally or unconditionally or withheld at the absolute discretion of the Party entitled to give the waiver or consent;
- a waiver of a power or right or the giving of consent is effective only in respect of the specific instance to which it relates and for the specific purpose for which it is given;
- a party's failure or delay to exercise a power or right does not operate as a waiver of that power or right; and
- (e) the exercise of a power or right does not preclude either its exercise in the future or the exercise of any other power or right.

20.7 Counterparts

This Agreement may be executed in a number of counterparts and the counterparts taken together constitute one and the same instrument.

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20.8 No right of set off

Except as expressly stated in this Agreement, a Party has no right of set-off against a payment due to another Party.

20.9 Relationship of parties

Nothing in this Agreement creates a relationship between the Parties of partnership, employment, principal and agent or of trustee and beneficiary.

20.10 Power of Attorney

Each attorney (if any) who executes this Agreement on behalf of a party declares that the attorney has no notice of:

- (a) the revocation or suspension of the power of attorney by the grantor; or
- (b) the death of the grantor.

20.11 Review Requirements

- (a) The Parties agree to review during the event that either party believes that a change in circumstances has or will occur that will affect the operation and carrying out of this Agreement.
- (b) Review of this Agreement is required if any Legislation is introduced or changed to the effect that it would limit, stop, substantially change or otherwise hinder the operation or implementation of this Agreement in the opinion of either Party.
- (c) The Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement should reasonable and necessary amendments be identified.
- (d) If this Agreement becomes illegal, unenforceable or invalid as a result of any change to Legislation, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

20.12 Further Agreements

This Agreement does not restrict further agreements between the Parties that are not inconsistent with this Agreement.

20.13 Force Majeure

If a Party is affected, or likely to be affected, by a Force Majeure Event, that Party must promptly notify the other Party, giving:

- (a) full details of the event;
- (b) an estimate of its duration;
- (c) the obligations under this Agreement it affects and how much it will affect them; and

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(d) the steps either taken or planned to manage its effects.

20.14 Suspension of Obligations under a Force Majeure

- (a) A Party's obligations under this Agreement are suspended if those obligations are affected by a Force Majeure Event for as long as the event continues.
- (b) A Party affected by a Force Majeure Event must do all it reasonably can to remove, overcome or minimise the effects of the event as quickly as possible.

20.15 Surrender of Right of Appeal

The Developer is not to commence or maintain any proceedings in any court, tribunal or similar appealing against or questioning the validity of this Agreement or an approval relating to the Development in so far as the subject matter of the proceedings relates to this Agreement.

20.16 Notations under s 10.7(5) of the Act

Council may, at its absolute discretion, make a notion on a planning certificate issued under section 10.7(5) of the Act detailing the application or effect this Agreement has on the Land.

20.17 Confidentiality

The terms of this Agreement are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

20.18 Governing law

The law of New South Wales governs this Agreement.

20.19 Jurisdiction

The Parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts which are entitled to hear appeals from them.

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EXECUTED as an Agreement. EXECUTED by and on behalf of **GOULBURN MULWAREE COUNCIL** ABN 84 049 849 319 by its authorised delegate pursuant to section 377 of the Local Government Act 1993 in the presence of: Signature of authorised delegate Signature of witness Name of authorised delegate Name of witness Address of witness EXECUTED by **MARULAN ESTATES PTY LTD ACN 113 187** 778 by its attorney DARRABY PTY LTD ACN 153 183 012 under power of attorney Book 4754 No 431 in accordance with section 127 of the Corporations Act 2001 Signature of director/company secretary Signature of director Name of director/company secretary Name of director **EXECUTED** by **DARRABY PTY LTD ACN 153 183 012** in accordance with section 127 of the Corporations Act 2001 Signature of director/company secretary Signature of director Name of director Name of director/company secretary

Schedule 1 – Requirements under Section 7.4 of the Act

Requirement	Under the Act	This Agreement
Planning instrument and/or Development Application – section 7.4(1)		
The Develope	r has:	
(a)	sought a change to an environmental planning instrument;	
(b)	made, or propose to make, a Development Application;	
(c)	entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	
Description o applies – sec	f land to which this Agreement tion 7.4(3)(a)	The land described as Lot 23 in DP 1256090 and known as 94 Wilson Drive, Marulan NSW
planning inst	of change to the environmental rument or the development to greement applies – section	Subdivision of the Land to create 127 Residential Lots plus 2 drainage reserves
Application o section 7.4(3)	f section 7.11 of the Act – ((d)	Refer to clause 3.4 of this Agreement.
Application o section 7.4(3)	f section 7.12 of the Act – ((d)	Refer to clause 3.4 of this Agreement.
Consideration of benefits under this Agreement if section 7.11 applies – section 7.4(3)(e)		Refer to clause 3.4 of this Agreement.
Mechanism for dispute resolution – section 7.4(3)(f)		Refer to clause 14 of this Agreement.
Enforcement of this Agreement – section 7.4(3)(g)		Refer to clause 12 of this Agreement.
No obligation to grant consent or exercise functions – section 7.4(9)		Refer to clause 15 of this Agreement.

Schedule 2 - Terms of Licence

1. Definitions

For the purposes of this Schedule 2:

- (a) the **Land** is the land being accessed under the Licence;
- (b) the Licence means the licence of the Land to which this Schedule applies;
- (c) the Licensee is the party accessing the Land; and
- (d) the Licensor is the owner of the Land.

2. Licence

2.1 Personal Rights

- (a) The Licence is personal to the Licensee.
- (b) The Licensee may not encumber, assign or transfer (either directly or indirectly) the Licensee without the prior written consent of the Licensor.
- (c) The Licensor may refuse the granting of consent under paragraph (ii) without reason and at its absolute discretion.

2.2 Leasehold Interest

- (a) This Agreement does not grant to the Licensee a leasehold interest in the Land. The Parties agree that:
 - the Licence does not confer exclusive possession of the Land on the Licensee;
 - (v) the Licensee may not exclude the Licensor, its officers, employees and invitees from:
 - (A) entry onto the Land; and
 - (B) the performance of any works on the Land,

provided that such entry onto and/or performance of work on the Land does not unreasonably interfere with the activities being carried out on the Land by the Licensee;

- (b) the Licensee does not have any right to quiet enjoyment of the Land; and
- (c) the Licensee will not at any time seek to enforce an interest in the Land in competition with the interest held by the Licensor.

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3. Compliance with Authorities

3.1 No Warranty as to Suitability for Use

The Licensee acknowledges and agrees that the Licensor has not made any representation or warranty to the Licensee regarding the suitability of the Land for the purposes of the Licensee.

3.2 Compliance with the Terms of the Consents

The Licensee must comply with the requirements of all Authorities in relation to its access to the Land and the conduct of any activities on it by the Licensee.

3.3 Compliance with Directions from Authorities

The Licensee must comply with all notices, directions, orders or other requests served upon itself or the Licensor and which arise from the conduct of any activities on the Land by the Licensee.

3.4 Obtaining Further Consents

- (a) If the Licensee requires further consents to conduct activities on the Land, it must:
 - (i) make such applications itself; and
 - (ii) bear all costs incurred by it in relation to obtaining the relevant consent.
- (b) The Licensor agrees that it will, where required, sign all authorities reasonably required by the Licensee to make any application to any Authority.

4. Limitation on the Licensor's Liability

4.1 Insurances

- (a) The Licensee must effect and keep current and in force the following policies of insurance:
 - (i) a Broadform Public Liability Insurance policy with a reputable insurance company approved by the Licensor in an amount of \$20,000,000 for any one occurrence in respect of any liability for:
 - (A) personal injury or death of any person; and
 - (B) loss or damage to property;
 - (ii) Workers compensation insurance under the Workers Compensation Act 1987 covering all persons employed or deemed to be employed by the Licensee in connection with the conduct of the activities on the Land by the Licensee;
 - (iii) A comprehensive policy of motor vehicle insurance or an unlimited third party property insurance policy in respect of all motor vehicles used in the performance of the activities on the Land by the Licensee; and

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- (iv) A contractor's risk policy of insurance in respect of all plant and equipment (including unregistered motor vehicles) used in the conduct of the activities on the Land by the Licensee.
- (b) The policies referred to in paragraphs (a)(i), (a)(iii) and (a)(iv) must note the interest of the Licensor as principal.

4.2 Inspection of Insurance

- (a) The Licensee must produce at the renewal of each policy a certificate of currency issued by the insurer establishing that the policy is valid.
- (b) The Licensor may carry out random audits to verify insurances held by the Licensee. The Licensee will assist in any audit and provide evidence of the terms and currency of the insurance policies wherever requested by the Licensor.

4.3 Cancellation of Insurance

If any policy is cancelled either by the Licensee or the insurer the Licensor must notify the Licensor immediately.

4.4 Risk

The Licensee uses and occupies the Land at its own risk.

4.5 Indemnity

The Licensee indemnifies the Licensor against any Claim (of whatever nature) made in respect of the Licensee's use and/or occupation of the Land.

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Schedule 3 – Development Contributions

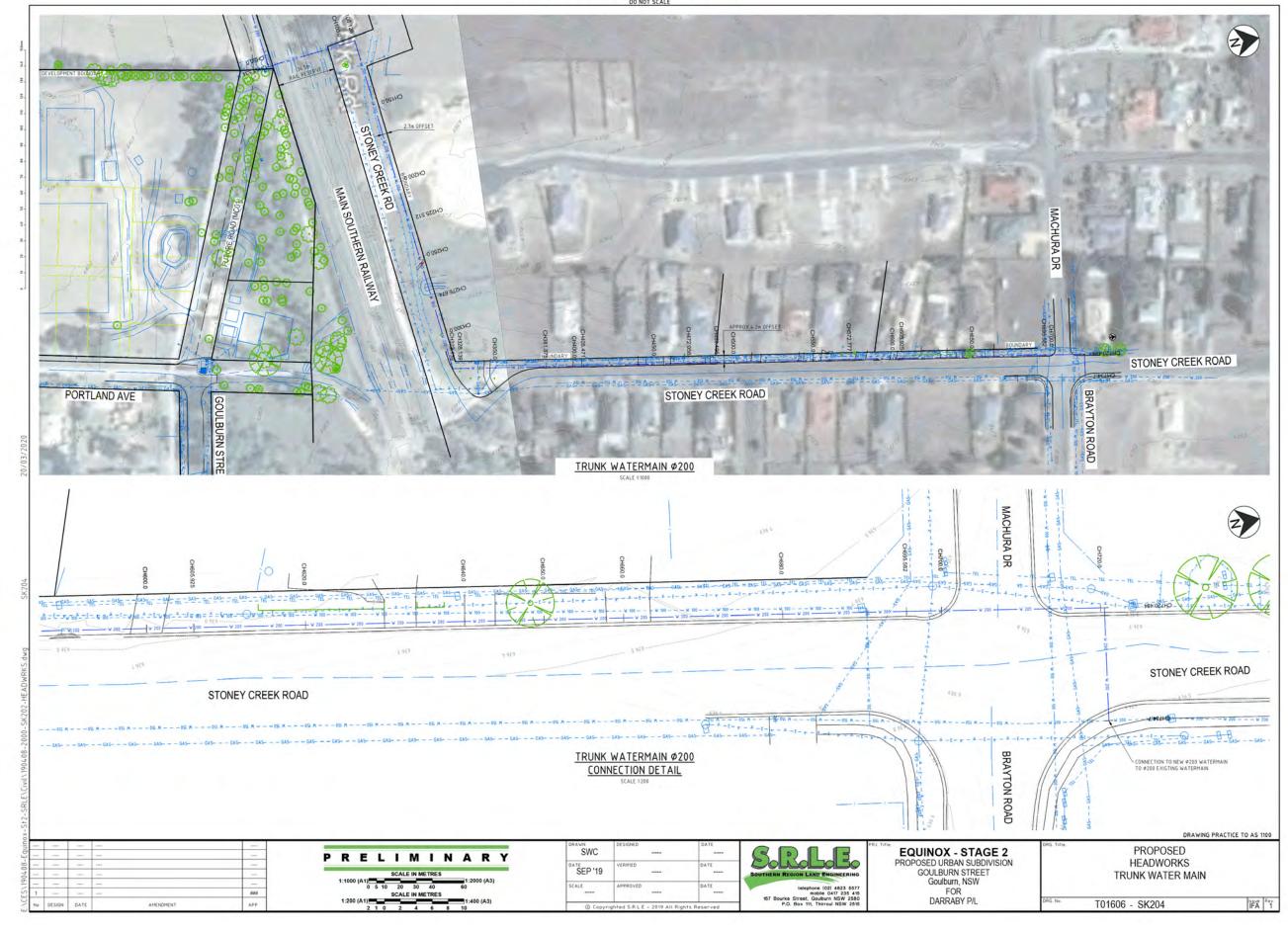
Contribution	Public Purpose	Manner & Extent	Timing	Contribution Credit / Payment
A. Dedication	of Land			
Dedication of Lot 108 for stormwater detention purposes and public open space	Stormwater management and public open space	Dedication of land for the purposes of ongoing stormwater infrastructure management and provision of public open space	Works to be completed prior to the issuance of the Subdivision Certificate that creates Lot 108	\$0.00
Dedication of Lot 115 for stormwater detention purposes	Stormwater management	Dedication of land for the purposes of ongoing stormwater infrastructure management	Works to be completed prior to the issuance of the Subdivision Certificate that creates Lot 115	\$0.00
B. Carrying o	ut of Work			
Water Main Works	Provision of reticulated water supply	Supply and install 200mm Water Main from Brayton Road intersection to development site (in accordance with Council's water and sewer construction standards), but excluding any removal of contaminated waste or remediation works associated with contamination identified during works outside the boundary of the Land. Full scope of requirements to be included in s 306 Certificate and approved plans.	Works to be completed prior to the issuance of the First Subdivision Certificate	\$0.00
Sewer Main Works	Provision of reticulated sewer infrastructure	Supply and install 450mm sewer main from the existing sewer pump station to the dedicated location on the southbound side of the Hume Highway (in accordance with Council's water and sewer construction standards), but excluding any removal of contaminated waste or remediation works associated with contamination identified	Works to be completed prior to the issuance of the First Subdivision Certificate	75% of the Construction Costs

		during works outside the boundary of the Land.		
		Full scope of requirements to be included in s 306 Certificate and approved plans.		
Road Upgrade Works	Provision of access from existing road network and partial upgrade of existing road network	Construction of road upgrade works as outlined in Figure 1 in accordance with Council's Engineering Standards, including the following: 1. excavation of existing road shoulders to new kerb alignment; 2. construction of 320mm thick subbase pavement and road base to road shoulder (subject to geotechnical investigation); 3. construction of kerb and guttering; 4. construction of nine new industrial driveways with 200mm thick DGB20 road base; 5. construction of 1.2 metre wide footpath along one side of the road; 6. geotechnical pavement testing to confirm 10 year design life of a residential collector road – 4 x 10s ESA in accordance with Council's Engineering Standards; 7. any rehabilitation of the existing pavement required as a result of the pavement testing to achieve the 10 year design life; 8. construct new 14/7mm bitumen seal to new road extent and over existing pavement; 9. install pram ramps as required and relay topsoil and grass seed to verges;	Works to be completed prior to the issuance of the First Subdivision Certificate	\$157,500.00 (as a cash payment from Council to the Developer)

		10. existing services pits / lids to match new pavement level; 11. inclusion of pipes and pits for road stormwater; and 12. asphalt concrete pavement to be provided to the intersection of Portland Avenue and Wilson Drive in accordance with Figure 1, but excludes any removal of contaminated waste or remediation works associated with contamination identified during works within the Council's road reserve.			
Park Embellishment Works	Public open space	In accordance with the works set out in Schedule 5	Works to be completed prior to the issuance of the Subdivision Certificate that creates Lot 108	\$60,000.00	
Stormwater Detention Basin Works	Stormwater management	The construction of the stormwater basin must be substantially in accordance with the Development Consent, the referenced plans, WaterNSW Concurrence Requirements and the Subdivision Works Certificate.	Works to be completed prior to the issuance of the First Subdivision Certificate	\$0.00	
C. Monetary C	C. Monetary Contribution				
Monetary Contribution of \$45,500.00	Drainage	Capitalisation and ongoing maintenance (40 years) of stormwater basin	To be paid upon the issuance of the Subdivision Certificate that creates Lot 108	\$0.00	
Monetary Contribution of \$45,500.00	Drainage	Capitalisation and ongoing maintenance (40 years) of stormwater basin	To be paid upon the issuance of the Subdivision Certificate that creates Lot 115	\$0.00	

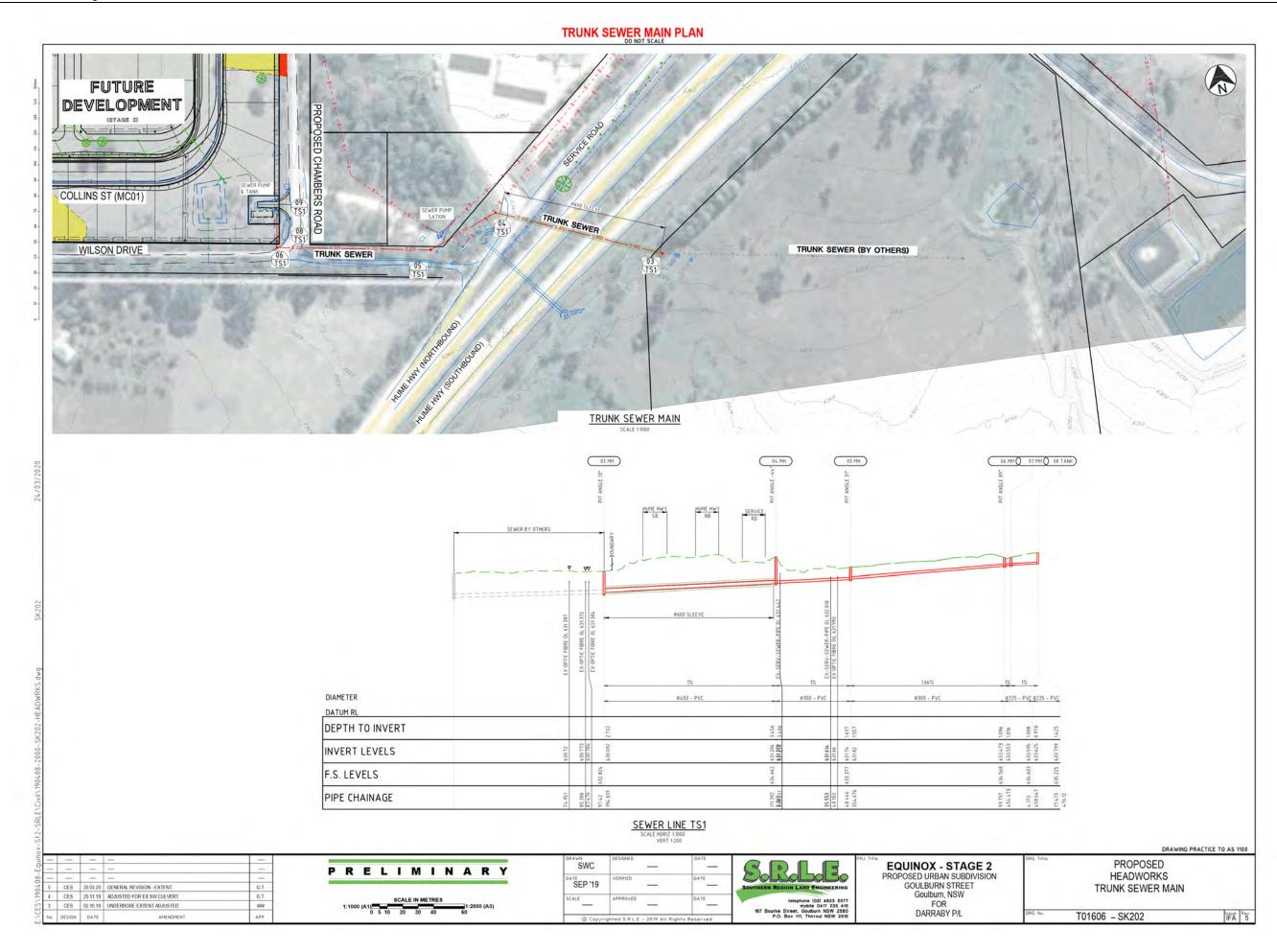
Ordinary Council Meeting Attachments

TRUNK WATER MAIN PLAN

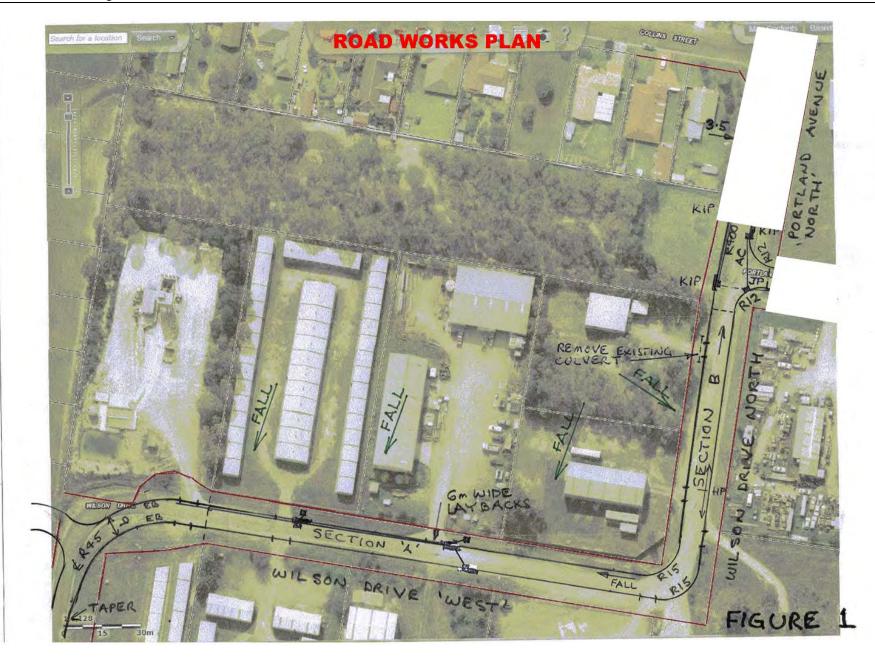


Item 15.3- Attachment 3

Ordinary Council Meeting Attachments

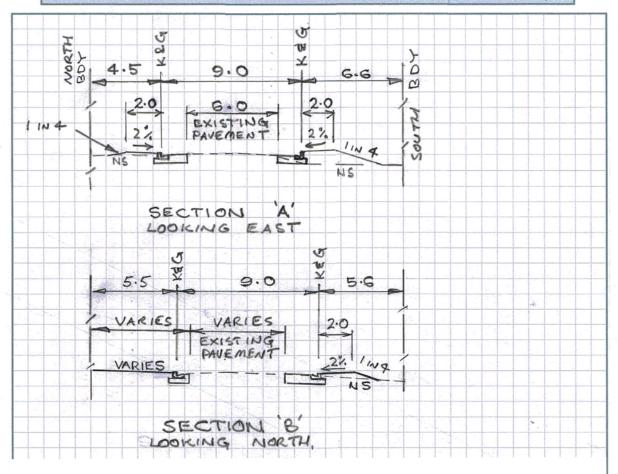


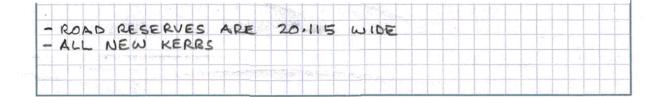
Item 15.3- Attachment 3



CALCULATION SHEET ROAD WORKS PLANT REGION LAND ENGINEERING

JOB NAME: EQUINOX SUBDIVISION MARUL	AN JOB No: TOLGOG
DESCRIPTION: EXTERNAL ROAD UPGRADES	DATE: 7/11/2019
	PAGE: OF:

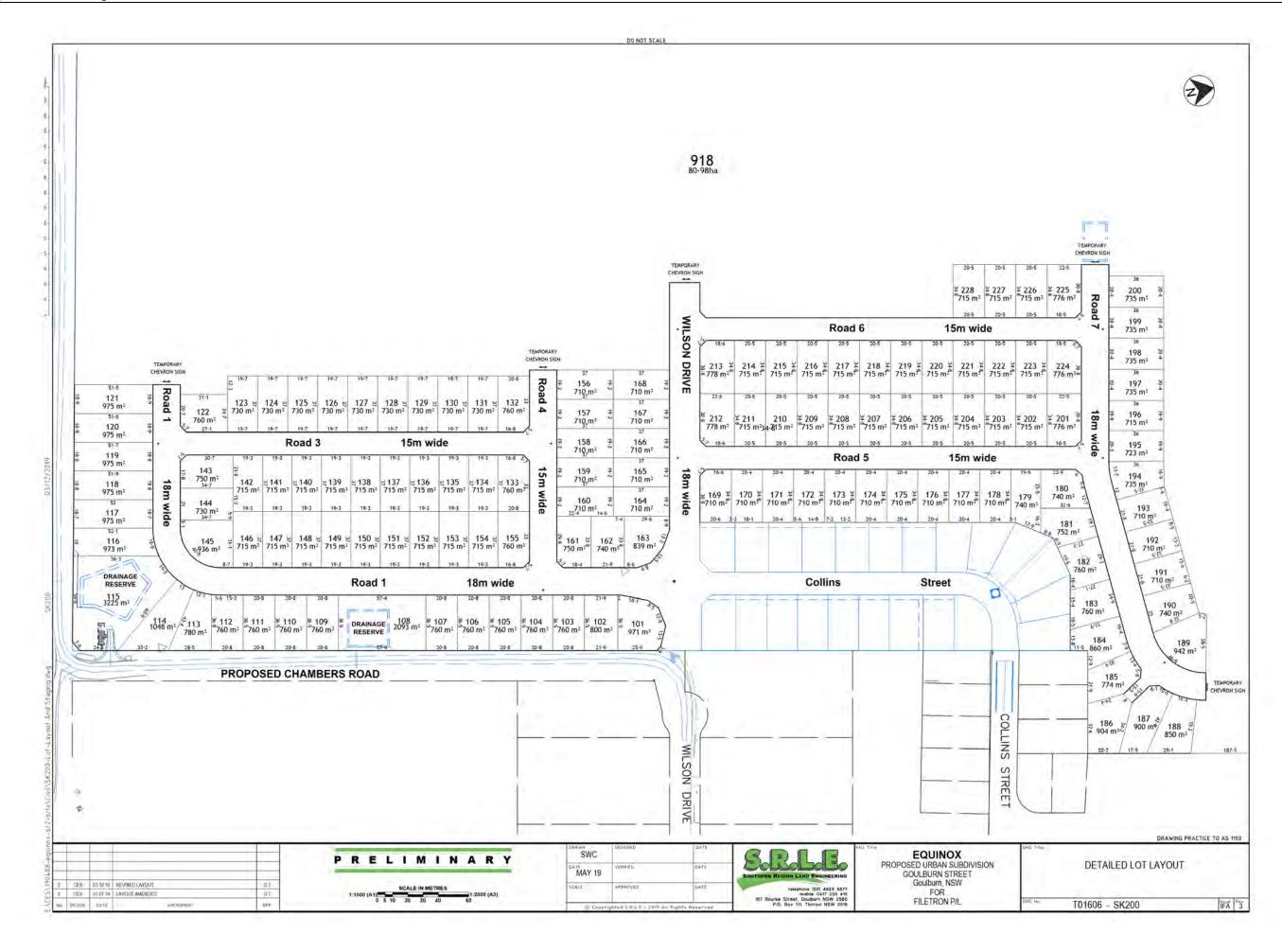




Schedule 4 – Designated Land Plan



Ordinary Council Meeting Attachments



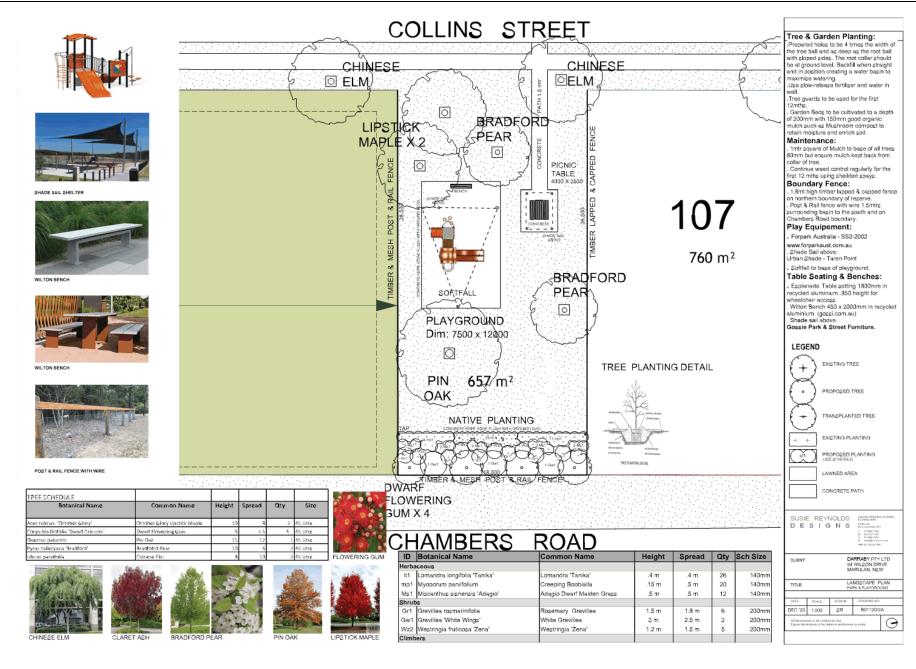
Item 15.3- Attachment 3

Schedule 5 - Park Embellishment Works

The Landscape Plan – Park and Playground (Drawing B01120/2) prepared by Susie Reynolds Designs and dated December 2020 is attached to illustrate the scope of 'Park Embellishment Works'.



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Appendix A - Explanatory Note

[Insert Explanatory Note as per Clause 25E of the *Environmental Planning and Assessment Regulation* 2000]

[Note: to be completed upon finalisation of the Planning Agreement and be signed and dated by all Parties]

Note: Merits of the Draft Planning Agreement will include:

- Provision of infrastructure to accommodate and meet the demands of future developments and to mitigate the potential impacts of the Development on existing infrastructure
- Enables the subject land to be developed in a timely and efficient manner to promote economic development and employment opportunities
- Improving and upgrading road to mitigate the potential impacts of the Development on existing road
- Provides for the dedication of land for public purposes



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Landscape Handover and Maintenance Protocol

- On Practical Completion of an Item of Work, Council is to attend an on-site meeting to inspect both Site Work-- Hard Landscaping and Site Work-- Soft Landscaping (acknowledging that not all soft landscaping will be fully established).
- At or prior to the Practical Completion Date for a Site Work the Developer's contractor will provide a maintenance plan for the Site Work — Hard Landscaping and Site Work— Soft Landscaping.
- 3. Subject to being satisfied, acting reasonably, that the Site Work is consistent with the approved plans and specifications, Council shall issue a Certificate of Practical Completion, subject to the maintenance of the Site Work by the Developer's contractor in accordance with the maintenance plan for a period of 104 weeks from the Practical Completion Date for the Site Work.
- 4. In respect of the Item of Work— Hard Landscaping the maintenance plan will address:
 - inspection and repair of cracks and / or undermining to the footpaths within the open space;
 - a maintenance schedule for the playground to ensure that upon completion of the Maintenance Period it will be in a good state of repair, well maintained, and meets a fit for purpose standard as generally prescribed in the following standards at the time of installation:
 - AS4685 (2014): Playground equipment and surfacing;
 - AS4422 (2016): Playground surfacing Specifications, requirement and test method; and
 - AS/WS 4486.1 : Playgrounds and playground equipment;
 - A maintenance schedule for the seating, shade structures and picnic area facilities, to ensure that upon completion of the Maintenance Period they will be in a good state of repair, well maintained, and meet a fit for purpose standard.
- 5. In respect of the Item of Work— Soft Landscaping the maintenance plan will address:
 - o mowing of open space grass areas;
 - o over sowing of patchy grass areas;
 - watering of all new trees,
 - o replacement of dead or diseased trees, shrubs & groundcovers;
 - o weed control and spraying of grass areas and garden beds;
 - o formative pruning of all trees (including adjustment or replacement of stakes and
 - o removal of stakes/ties when tree is self-supporting);
 - o mulch top ups to gardens to maintain a minimum 100mm depth.
- From the Practical Completion Date of an Item of Work, the Developer's contractor will
 maintain the Site Work Hard Landscaping and the Site Work Soft Landscaping in
 accordance with the maintenance plan for a period of 104 weeks.
- 7. The developer will be entitled to temporarily fence the area off to prevent public access during the first 12 months of the maintenance period to assist in the establishment of soft landscaping. This will coincide with the construction of surrounding dwellings (within the subdivision) during which there is no demand for access to public open space. Temporary fencing will be removed as homes are completed and become occupied.

- 8. During the Maintenance Period Council will attend quarterly inspections to view the status of the landscape, and provide written commentary as to any remedial works that it reasonably considers are required to meet the requirements of the maintenance plan.
- Within 4 weeks prior to the completion of the 104-week Maintenance Period, the Council
 is to attend an on-site meeting to inspect the Site Work Hard Landscaping and the
 Site Work Soft Landscaping.
- For Council to accept handover of the Item of Work it will need to be satisfied, acting reasonably, that:
 - all Items of Work Hard Landscaping are free of material defects, are in a good state of repair and fit for purpose, including, but not limited to:
 - that all concrete pathways are to be free of structural cracks and/or undermining;
 - that the playground is free of material defects, in a good state of repair and well maintained, and meets a fit for purpose standard as generally prescribed in the following standards at the time of installationin:
 - AS4685 (2014): Playground equipment and surfacing;
 - AS4422 (2016): Playground surfacing Specifications, requirement and test method; and
 - AS/NZS 4486.1: Playgrounds and playground equipment;
 - that the seating, shade structures and picnic area facilities are free of material defects, in a good state of repair and well maintained, and meet a fit for purpose standard; and
 - that a final as constructed plan is provided including a list of parts including codes and suppliers any maintenance tools that are supplied with the playground at installation and an inspection checklist;
 - soft Landscaping meets the following specifications:
 - dryland grass has healthy growth and at least 85% coverage across the site:
 - all dead or diseased trees and dead or diseased shrub & groundcover bed plantings have been replaced and all plants are established
 - firm in the ground, and showing a dominant leader consistent with the age and the prevailing growing conditions over the Maintenance Period;
 - all garden beds are mulched with a minimum 100mm cover required;
 - and weeds in (grassed and shrub bed areas) have been controlled as per the maintenance plan.
- Upon Council being satisfied, acting reasonably, that the assets are presented as noted above, the Council will issue a certificate of acceptance.
- 12. All Items of Work will transfer from the Developer and become the property and responsibility of the Council on and from the date the land on which the relevant work is located is dedicated to the Council.

Development Control Plan Chapter Amendment

Insert after 8.10

8.11 Ross Street Mixed Use Precinct

Objectives

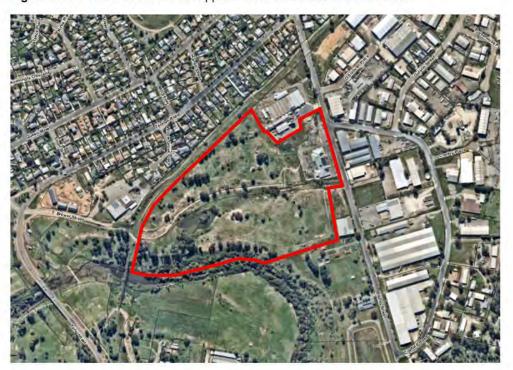
The objectives of this chapter are to:

- · Protect Aboriginal cultural heritage and state heritage items.
- · Manage flood risk associated with the site.
- Account for future development of the Goulburn-Crookwell rail reserve.
- · Mitigate against any potential future land use conflict.

8.11.1 Land to which Plan applies

This chapter applies to the land indicated in **Figure 8-11-1** below. The subject land is bound by the disused Goulburn-Crookwell rail reserve to the north and west, Ross Street to the east and the Wollondilly River to the South.

Figure 8-11-1: Land to which Plan applies- Ross Street Mixed Use Precinct

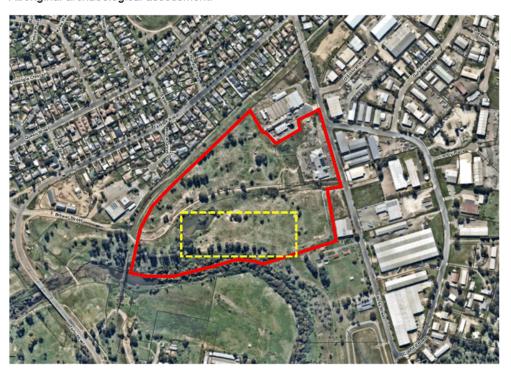


8.11.2 Aboriginal cultural heritage

No development is to occur on land identified in **Figure 8-11-2** below in yellow unless it is in accordance with a detailed archaeological assessment undertaken in consultation with the local Aboriginal community and any applicable Aboriginal Heritage Impact Permit. This area may be further refined and reduced with the submission of an Aboriginal Cultural Due Diligence Assessment that identifies more precisely the location of a Potential Archaeological Deposit (PAD), in which case this control only applies to the PAD area plus a boundary of 10m.

Barrier fencing must be installed if any works are proposed adjacent within 10m of the area identified in the above control.

Figure 8-11-2: Area (in yellow) where no development is to occur without an Aboriginal archaeological assessment.



8.11.3 European heritage

The subject area is located north of the state heritage listed 'Riversdale' to the south (**Figure 8-11-3**). Any proposed subdivision or subsequent development of the subject area will require a Heritage Impact Statement. This Heritage Impact Statement must include at a minimum the significant views to and from the heritage item and any mitigation measures to avoid or minimise visual impacts. Mitigation measures may include (but are not limited to):

- Setbacks.
- · Buffer distances.
- Sympathetic building form.
- · Limitations as to bulk and scale of development.

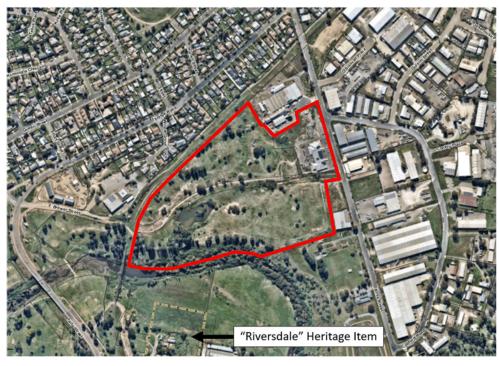


Figure 8-11-3: Location (in yellow) of the state heritage listed "Riversdale".

8.11.4 Flood planning

All of the subject land is flood prone in different flooding events up until the Probable Maximum Flood (PMF). All development must therefore adhere to the *NSW Floodplain Development 2005* (or any superseding version if applicable).

Any subdivision design must allow for continuous egress for vehicles up to the PMF.

Sensitive uses such as aged care facilities, hospitals, day care facilities or other developments that pose significant difficulties when evacuating occupants due to their age, illness, disability, lack of ability to undertake responsibility for personal transport must not be developed anywhere on land affected by the PMF.

8.11.5 Development adjacent to rail reserve

Any development on or adjacent to the Goulburn-Crookwell rail reserve (**Figure 8-11-3**) must demonstrate how privacy is to be maintained and landscaping is to be provided, in consideration of the potential of this rail reserve to be developed into a rail trail or highly trafficked walking and cycling route.

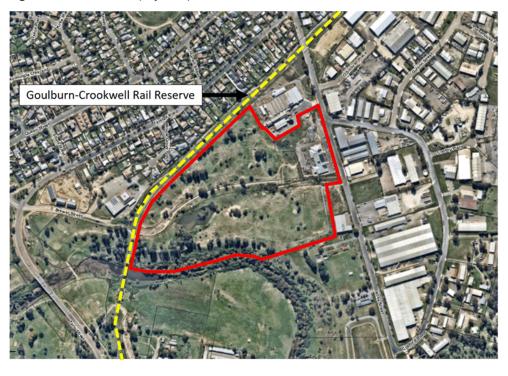


Figure 8-11-3: Location (in yellow) the Goulburn-Crookwell rail reserve.

Solid fencing is not to be erected fronting the rail reserve without a landscaping plan showing a landscaped buffer between the fence and the rail reserve.

8.11.6 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 adjacent or nearby B6 Enterprise Corridor or IN1 General Industrial zone.

An acoustic report may be required to demonstrate compliance with the controls above.



Planning Proposal Report



Revised Planning Proposal

37 Ross Street and 23 Brewer Street, Bradfordville

Prepared for: Goulburn Health Hub

October 2020

Revised Planning Proposal Goulburn Health Hub

PROJECT NUMBER	201909-01			
PROJECT NAME	Revised Planning Proposal – Goulburn Health Hub			
PROJECT ADDRESS	37 Ross Street and 23 Brewer Street Bradfordville			
PREPARED FOR	Goulburn Health Hub			
AUTHOR/S	Michael Park			
	Version	Draft/Final	Date to client	
	1.0	Draft	26 July 2019	
VERSION	2.0	Draft	25 August 2019	
	2.0	Final	4 September 2019	
	3.0	Gov Agency Responses	October 2020	

This report should be cited as: Mi Place Planning (2019). Revised Planning Proposal Submission – 37 Ross Street and 23 Brewer Street, Bradfordville. Prepared for Goulburn Health Hub.

MI PLACE PLANNING 28 BLAND STREET KIAMA NSW 2533 M: 0423 902 049

Disclaimer: This report has been prepared by Mi Place Planning for Goulburn Health Hub and may only be used for the purpose agreed between these parties, as described in this report. The opinions, conclusions and recommendations set out in this report are limited to those set out in the scope of works and agreed between these parties. Mi Place Planning accepts no responsibility or obligation for any third party that may use this information or for conclusions drawn from this report that are not provided in the scope of works or following changes occurring subsequent to the date that the report was prepared.



Revised Planning Proposal Goulburn Health Hub

Glossary and abbreviations

ABBR./TERM	DESCRIPTION
Council	Goulburn Mulwaree Council
DPIE	NSW Department of Planning, Industry and Environment
EP&A Act	NSW Environmental Planning and Assessment Act 1979
GMELS	Goulburn Mulwaree Employment Land Strategy 2016
GMLEP	Goulburn Mulwaree Local Environmental Plan 2009
LGA	Local Government Area
NSW	New South Wales
PP	Planning Proposal
SEPP	State Environmental Planning Policy

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		4.2.3 policies?	Is the Planning Proposal consistent with applicable state environmental planni P16	ng
		4.2.4 direction	Is the Planning Proposal consistent with applicable Ministerial Directions (s.s)?	
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1 Introduction

This Planning Proposal (PP) seeks to amend Goulburn Mulwaree Local Environmental Plan (GMLEP) 2009 in relation to 37 Ross Street and 23 Brewer Street, Bradfordville.

The purpose of this revised PP is to explain the intent of, and justification for, amending land use zoning, height of building, floor space ratio and minimum lot size controls in GMLEP 2009 over the subject site.

This revised PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*, NSW Department of Planning, Industry & Environment's (DPIE) *A Guide to Preparing Planning Proposals* (August 2016); and in direct response to advice provided by Goulburn Mulwaree Council (Council) and other public authorities during discussions following receipt of the Gateway determination.

1.1 Subject Land

This PP applies to land within the Goulburn Mulwaree Local Government Area (LGA), as shown in **Figure 1** below. The subject land is located at 37 Ross Street and 23 Brewer Street, Bradfordville and is legally described as Lots 100 and 101 DP 1214244.



Figure 1 - Location Plan

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The subject site covers approximately 12.45 hectares (ha) of land to the north east of the Goulburn CBD and is separated by an unformed road reserve east of Brewer Street through to Ross Street, as shown in **Figure 2**.

Lot 100 contains an existing multi-disciplinary medical centre with allied health facility and a valid development approval for a day surgery. The remainder of the site is vacant and generally flat land with scattered vegetation; and the Wollondilly River runs along the southern boundary of the site as shown in **Figure 2** below.



Figure 2 - Subject Land

The area is currently zoned IN1 General Industrial and RE1 Public Recreation, as shown in **Figure 3** below, and has no mapped Height of Building (HOB), Floor Space Ratio (FSR) or minimum lot size under GMLEP 2009 as shown in **Figure 4**, **Figure 5** and **Figure 6** below.





Figure 3 - Current Land Use Zone (GMLEP2009)



Figure 4 - Current Height of Building (GMLEP2009)

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Figure 5 - Current Floor Space Ratio (GMLEP 2009)



Figure 6 - Current Minimum Lot Size (GMLEP 2009)

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1.2 Background

Consultation with Goulburn Mulwaree Council (Council) and DPIE initially commenced in 2014 where the expansion of the existing health facilities at 37 Ross Street were discussed. Three options were recommended for consideration, including rezoning the site to SP2 Infrastructure or appropriate Business Zone, or utilising a Schedule 1 Additional Permitted Use. Discussions with Council and DPIE concluded that the SP2 Infrastructure zone would be most appropriate to facilitate the proposed development.

On this basis, a PP was originally submitted to Council in December 2014 to enable the expansion of the existing health facilities through the spot rezoning of the site to SP2 Infrastructure (Health Services Facility). The proposal included an amendment to the mapped development standards including a HOB of 12 metres, FSR of 0.7:1, and a minimum lot size of 1000 m². A subsequent revision to the PP involved an inclusion of a Schedule 1 Additional Permitted Use to permit 'seniors housing' with development consent over the subject site.

At the time of submitting the original PP, Council were in the process of undertaking the Goulburn Mulwaree Employment Land Strategy (GMELS) which provides a range of key policy matters for Goulburn Mulwaree Council including considering current employment land availabilities and needs.

In relation to the Goulburn Health Hub, the GMELS concludes that the development has planning merit in both social and economic terms through the co-location of a range of health services for the community, job creation and flow-on effects to service industries.

The GMELS makes the following recommendations specifically in relation to the Goulburn Health Hub:

- · Rezone 37 Ross Street from IN1 General Industrial to SP2 Infrastructure (Health); and
- Investigate alternate access to the site from Brewer Street as part of the rezoning.

The GMELS was adopted by Council on 20 December 2016.

Following Council's support of the PP in March 2017, a submission was made to DPIE for Gateway determination. The PP initially received Gateway determination with conditions on 10 November 2017.

In undertaking the requirements of the conditions of the Gateway, NSW Office of Environment and Heritage (OEH) and NSW State Emergency Service (SES) were consulted. OEH and SES raised concerns in relation to the 'sensitive land uses' identified on the supporting master plan (namely the hospital and aged care) being located within the Probable Maximum Flood area, which would increase the need for emergency services in the event of a flood emergency.

In response to the concerns raised by OEH and SES, Council facilitated a meeting with the proponent and relevant Government agencies, and it was agreed that the PP would be amended to provide a generic land use zone that would enable a broader range of health uses on the subject site, and to remove the proposed hospital and aged care uses from master plan.

The revised PP seeks to rezone the subject site part B6 Enterprise Corridor and part R1 General Residential as a direct response to the feedback received from the government agencies. The revised proposal also includes an amendment to the mapped development standards including a HOB of 13 metres over the portion of the site proposed to be zoned B6,

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with an FSR of 1:1, and a minimum lot size of 700m² over the portion of the site proposed to be zoned R1. The new zones and development standards will provide flexibility of future land uses on the subject site, whilst acknowledging the concerns of OEH and SES and enabling the appropriate expansion of the existing health facilities.

A number of different zoning configurations were considered in preparing the revised PP, including a B4 Zone across the entire site, or a mix of commercial and residential zones that would ensure the long term success of the Goulburn Health Hub, while protecting the primacy of the Goulburn CBD. Council raised some concerns around the B4 Zone and allowing retail development across the site, and the potential impacts this would have on the Goulburn CBD. To address these concerns, the PP seeks to rezone the land to part B6 Enterprise Corridor and part R1 General Residential. This would restrict retail development on the site, ensure that future development on the site would not impact on the primacy of the Goulburn CBD, and provide flexibility in the land use provisions to ensure that the future development can adapt to the changing needs of the community. The proposed R1 zone would also allow for a future seniors living development, consistent with the intent of the original PP supported by Council and the Gateway determination.

Whilst this PP no longer proposes to rezone the site SP2 Infrastructure (Health) as a direct response to government agency feedback, the intent of the PP remains unchanged in enabling the appropriate expansion of the Goulburn Health Hub and ancillary / complimentary land uses that will provide essential services to the community.

Most recently, DPIE issued an amended Gateway determination on 18 April 2019 that revised the timeframe for completion to 10 November 2020.

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2 Part 1 – Intended Outcome

This PP aims to amend GMLEP 2009 to provide a new opportunity for residential land, and provide an opportunity for increased employment land and activity associated with the Goulburn Health Hub at 37 Ross Street and 23 Brewer Street, generally consistent with the adopted GMELS.

3 Part 2 - Explanation of Provisions

The proposed intended outcome will be achieved by the following:

- Amend the Land Zoning Map Sheet LZN_001D and LZN_001G to modify the land use zone of 37 Ross Street and 23 Brewer Street from IN1 General Industrial to part B6 Enterprise Corridor, part R1 General Residential and part RE1 Public Recreation;
- Amend Lot Size Map Sheet LSZ_001D to modify the minimum lot size of 23 Brewer Street from no mapped minimum lot size to 700m² over the proposed R1 General Residential zoned area;
- Amend Height of Building Map Sheet HOB_001D and HOB_001G to modify the height of building of 37 Ross Street and 23 Brewer Street from no mapped height of building to 13 metres over the proposed B6 Enterprise Corridor zoned area; and
- Amend Floor Space Ratio Map Sheet FSR_001D and FSR_001G to modify the FSR of 37 Ross Street and 23 Brewer Street from no mapped FSR to 1:1 over the proposed B6 Enterprise Corridor zoned area.

The existing RE1 Public Recreation zone is proposed to increase slightly to reflect the flood planning area within the site, and provide additional protection for the associated riparian area.

This is the preferred option of achieving the intended outcome as this will enable the development of the Goulburn Health Hub and ancillary / complimentary uses in accordance with the GMELS.

The PP proposes to amend the Land Zoning Map Sheet in GMLEP 2009 to reflect the change in land use zone from IN1 General Industrial to R1 General Residential and B6 Enterprise Corridor to support the intended outcome. To ensure the future development of the subject land is appropriate within its context, it is also proposed to amend the Lot Size, Height of Building and Floor Space Ratio Maps.

4 4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

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

Yes. The PP is a result of the adopted GMELS. The PP achieves one of the recommendations for employment lands made in relation to the Bradfordville Industrial Estate Precinct. This PP also makes provision for additional residential land within the existing Goulburn residential area as per the Goulburn Mulwaree Community Strategic Plan 2020.

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

The PP is the only means of enabling opportunity for expanded health services development within the Bradfordville Industrial Estate Precinct and residential development adjacent to the existing Goulburn residential area.

Previous revisions of this PP have attempted to enable the development of the Goulburn Health Hub and a seniors living development in accordance with Strategy, however due to government agency feedback received following the Gateway determination, amendments have been made to the PP to specifically address these concerns.

A number of different zoning configurations were considered in preparing the revised PP, including a B4 Zone across the entire site, or a mix of commercial and residential zones that would ensure the long term success of the Goulburn Health Hub, while protecting the primacy of the Goulburn CBD. Council raised some concerns around the B4 Zone and allowing retail development across the site, and the potential impacts this would have on the Goulburn CBD. To address these concerns, the PP seeks to rezone the land to part B6 Enterprise Corridor and part R1 General Residential. This would restrict retail development on the site, ensure that future development on the site would not impact on the primacy of the Goulburn CBD, and provide flexibility in the land use provisions to ensure that the future development can adapt to the changing needs of the community. The proposed R1 zone would also allow for a future seniors living development, consistent with the intent of the original PP supported by Council and the Gateway determination.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

South East and Tablelands Regional Plan (2017)

The PP seeks to rezone land in the Bradfordville Industrial Estate Precinct to provide further business zoned land development opportunity, and residential development opportunity adjacent to the existing Goulburn residential area.



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The PP will enable the expansion of the existing health facilities, a residential subdivision and potential seniors living development in association with the Goulburn Health Hub. In relation to the land identified for the potential expansion of the Goulburn Health Hub, the proposed B6 zone provide flexibility in the potential future land uses, as recommended by the government agencies as part of the post-Gateway consultation process.

The PP will specifically achieve Goal 1: A Connected and Prosperous Economy, Direction 12 Promote business activities in urban centres, and Goal 3: Healthy and connected communities, Direction 21 Increase access to health and education services. The intended outcome of the PP, particularly through the rezoning of the subject site to B6 will promote business activity through existing and expanding health services associated with the Goulburn Health Hub.

Whilst the subject site is outside of the Goulburn CBD, its location within the boundaries of Goulburn urban centre is still considered appropriate given the social and economic benefits provided to the community. The GMELS is supportive of the Goulburn Health Hub at the subject site, specifically for its community benefits as it will result in co-location of a range of health services for the community, job creation and flow-on effects to service industries. The PP will facilitate the establishment of knowledge-intensive industries and the development of small work hubs, i.e. health, in accordance with Action 12.1. Given the limited scope for a health hub within close proximity to Goulburn Base Hospital, the subject site offers a suitable location for complementary and supplementary health services for the growing community of Goulburn as per Action 21.1.

The introduction of the R1 zone will achieve Goal 4: Environmentally sustainable housing choices, Direction 24: Deliver greater housing supply and choice. The proposal will allow for a potential seniors living development and a residential subdivision with a minimum lot size of 700m2, however there may be merit in considering a lower minimum lot size to encourage increased housing choice, particularly given the subject sites proximity to Goulburn CBD, transport connections and to accommodate the changing demographics in Goulburn Mulwaree. Considering alternate minimum lot size would be consistent with Actions 24.3 and 24.4.

The PP is consistent with the South East and Tablelands Regional Plan.

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Sydney-Canberra Corridor Regional Strategy

The PP addresses the Regional Strategy by providing an opportunity for employment lands within an existing industrial precinct in Goulburn, the major regional centre for the Central subregion. One of the key challenges identified in the Regional Strategy is unemployment and the need to provide employment opportunities to match the projected population growth.

The PP will also enable a residential subdivision and potential seniors living development and provide new business zoned land that will support the expansion of the existing health facilities to develop the Goulburn Health Hub. The subdivision and development of the business land will encourage economic development and regionally based employment opportunities, in an existing precinct that is serviced by quality transport infrastructure.

The Regional Strategy identifies the need to rezone further employment land in Goulburn in the Central subregion. Further strategic planning for a number of potential sites is suggested to create opportunities to respond quickly and take full advantage of specific proposals for economic investment where and when these occur. Since the Regional Strategy, Council commissioned and adopted the GMELS which identifies the subject site for rezoning to SP2 Infrastructure to support the development of the Goulburn Health Hub in the short-term. Despite the revised PP seeking to zone the subject land part R1 and part B6, the primary purpose of the PP is to enable the expansion of the existing Goulburn Health Hub and ancillary / complimentary uses. The revised land use zones offer flexibility in the future potential uses of the site, which was recommended by the government agencies as part of the post-Gateway consultation process.

The PP will provide for additional employment growth in the health services industry and supplementary housing potential within the Goulburn major regional centre, consistent with the Sydney-Canberra Corridors centres hierarchy as per settlement principles 1, 3 and 5.

The PP is consistent with the Sydney-Canberra Corridor Regional Strategy.

4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Tablelands Regional Community Strategic Plan

The Tablelands Regional Community Strategic Plan identifies a number of objectives to plan for the sustainable growth of the Tablelands Local Government Areas. The growth targets and strategies contained within the Strategic Plan seek to accommodate urban and rural growth of the LGAs, whilst considering its constraints and opportunities. This PP specifically addresses:

- Strategy EN3: Protect and rehabilitate waterways and catchments.
- Strategy EC1: Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment.
- Strategy CO1: Facilitate and encourage equitable access to community infrastructure and services, such as health care, education and transport.
- Strategy IN8: Improve accessibility to, and support the development of, health and medical facilities in the region

The PP is consistent with the Tablelands Regional Community Strategic Plan.

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Goulburn Mulwaree Employment Land Strategy (GMELS)

The GMELS, prepared by HillPDA, was commissioned by Goulburn Mulwaree Council and adopted on 20 December 2016. The GMELS provides a range of key policy matters for Goulburn Mulwaree Council including considering current employment land availabilities and needs.

The GMELS specifically identifies the site as an opportunity for further expansion of the existing health facilities as the Goulburn Health Hub, within the Bradfordville Industrial Estate Precinct.

Specifically, it states that:

This Strategy has concluded that the development of a Goulburn Health Hub has planning merit in both social and economic terms through co-location of a range of health services for the community, job creation and flow-on effects to service industries. Concern has been raised in relation to the loss of industrial land (20% of the Precinct) and the precedent that a rezoning of this kind may have on the remainder of the Bradfordville Industrial Precinct. Notwithstanding the loss of industrial land, on balance this Strategy is recommending that a rezoning to SP2 Infrastructure is supported for the following reasons:

- A Medical Centre is permissible and already approved on the site;
- The loss of industrial land in Bradfordville will not have a significant effect on the future supply of employment land as there is enough available land elsewhere in the LGA and within the Precinct;
- The Goulburn Mulwaree LGA like many other areas is moving towards a more serviced based economy, and coupled with an ageing population there is demand for increased health facilities. The nearest private hospitals are located in Bowral and Canberra;
- The potential for land use conflict is considered minimal as the site is located on the west of
 the Precinct and is adjacent to residential land which lies to the north west of the site as well
 as public and private recreation zoned land to the north west. It is considered that interface
 issues with the general industrial area can be adequately addressed (large building
 setbacks, landscaping etc.);
- There is opportunity to open up access to the subject site from Brewer Street which would minimise traffic on Ross Street; and
- The economic and social benefits are considerable and will provide employment opportunities as well as increased facilities for the community.

The Strategy recommended that a rezoning for 37 Ross Street from IN1 General Industrial to SP2 Infrastructure this should be progressed in the short term.

As outlined in the background of this PP Report, the initial PP proposed to rezone the site SP2 Infrastructure in accordance with the GMELS. However, following the receipt of a Gateway determination and consultation with government agencies, this revised PP is provided to Goulburn Mulwaree Council in direct response to the feedback received from the government agencies. Whilst the PP no longer proposes to rezone the subject land SP2 Infrastructure, the intended outcome remains the same whilst providing flexibility of potential future land uses.

It is considered that future subdivision and development of the site will consider necessary utility and infrastructure upgrades as part of the development application stage.

The PP is generally consistent with the GMELS.



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4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) are considered in **Appendix A** and the relevant SEPPs are discussed below.

State Environmental Planning Policy No. 55 - Remediation of Land

The PP proposes to rezone land from IN1 General Industrial to part R1 General Residential and part B6 Enterprise Corridor. The SEPP and condition 2 of the existing Gateway determination requires that a Stage 1 Preliminary Contamination Assessment is undertaken.

A Stage 1 Preliminary Site Investigation (PSI) was initially completed in May 2013 and a Stage 2 Contamination Investigation Plan in August 2013 by Zoic Environmental Pty Ltd. The assessments were prepared in accordance with the Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land 1998 Department of Urban Affairs and Planning and Environment Protection Authority.

As outlined in the original PP Report, the Stage 1 PSI confirmed that the majority of the samples tested were below the adopted human health and environmental criteria for the proposed land use, with the exception of two areas which demonstrated some exceedances along the northern site boundary of Lot 100. The exceedances were associated with the historical use of the adjacent site to the north and use of particular pesticides for either ground surface spraying or water runoff, and ashy fill.

The Stage 2 investigation included additional testing of the areas that exceeded the adopted human health and environmental criteria for the proposed business land use. The results indicated that the area identified as BH4 and the surrounding test pits is suitable for commercial or industrial land uses, however not for more sensitive land uses such as child care centres unless the fill is remediated or managed. The results indicated that the area identified as BH1 and the surrounding sample locations do not meet the commercial / industrial and childcare land use criteria unless the impacted soils are remediated or managed.

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AGA AG BHS

BHA A4H

AAAABA A4H

AAABA AAABA

Revised Planning Proposal Goulburn Health Hub

Legend • 1A to 1L Sample location for Dieldrin delineation around 8H1

• 4A to 4I Test pit location for heavy metal/fill material delineation around 8H4

Figure 7 - Sample Locations (ZOIC, 2013)

In accordance with the Gateway determination, a further PSI was undertaken by Zoic Environmental over the remainder of the subject land. The PSI determined that the subject land has a low to moderate potential for contamination associated with the current and historical site activities and is considered suitable for the proposed development subject to the following recommendations:

- A targeted State 2 Contamination Assessment should be undertaken along the northeastern boundary of the site.
- Reduced sampling covering the remainder of the site should be undertaken for completeness for any future development
- Sediment and surface water sampling should be conducted to asses the quality of the sediments and surface water within the existing water features and suitability to remain onsite as part of any future development
- Stockpile sampling should be conducted to assess whether the stockpiles are suitable to remain onsite as part of any future development.

SEPP 55 requires that the planning authority be satisfied that land is deemed suitable for the proposed purposes, and where necessary, any contaminated land will be remediated to a satisfactory level to reduce the risk of harm to human and or environmental health before being used for that purpose.

A further targeted contamination assessment and remediation action plan will be undertaken at the development application stage, once the future land use zones and future intended uses are determined. Alternatively, should Council or DPIE consider it necessary to undertake these



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assessments prior to the finalisation of this PP, further contamination assessments and remediation action plans may be prepared following the issue of an amended Gateway determination.

The PP is not inconsistent with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The aim of this SEPP is to facilitate the effective delivery of infrastructure across the State by:

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

The intended outcome of this PP is to enable the expansion of the existing health facilities to establish the Goulburn Health Hub. The future development of the subject site for health services facility will need to be assessed against the SEPP. The future intended use is considered to be consistent with this SEPP as it will deliver necessary infrastructure to the South East and Tablelands Region.

The PP is not inconsistent with the SEPP.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2017

The subject site is located within the Mulwaree River sub-catchment of the Sydney Drinking Water Catchment. This SEPP requires that future development of land within the sub-catchment can demonstrate achievement of Neutral or Beneficial Effects on Water Quality Guidelines (Sydney Catchment Authority 2011).

WaterNSW have been consulted as part of the PP process to date. In their comments dated 22 September 2017, WaterNSW noted that the site has a low to moderate risk to water quality for sewered residential, retail, commercial, and light industrial development, with some higher risks along drainage lines and flood affected areas to the south. It was also noted that the upgrade to the Sewage Treatment Plan that services the subject site was underway and capable of treating additional load from the future development of the site.

Water NSW had no requirements or specific comments relating to the PP. It will be necessary to consult with WaterNSW following the issue of a revised Gateway determination.

A further assessment on water quality to determine neutral or benefit effect will be undertaken as part of a future development application, if considered necessary.

The PP is not inconsistent with the SEPP.



State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This SEPP aims to protect biodiversity values and amenity through preservation of trees and other vegetation in non-rural areas of the State. The SEPP ensures that offset schemes apply to the clearing of native vegetation that exceeds the offset thresholds in urban areas. The subject site is a prescribed zone that is affected by the SEPP.

As part of the original PP report, an Ecology Report was prepared December 2014 by EMM. The assessment was prepared prior to the notification of this SEPP and the *Biodiversity Conservation Act 2016*.

The assessment determined that the site was characterised by modified or disturbed land, with no remnant vegetation remaining. A desktop review identified potential for two threatened ecological communities (NSW) of White Box Yellow Box Blakely's Reg Gum Woodland and Tablelands Snow Gum Black Sallee Candlebark and Ribbon Gum Grassy Woodland which have previously been recorded in the Monaro subregion of the Hawkesbury Nepean Catchment. There is also potential for two additional threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* to occur on the site including Natural Temperate Grassland of the Southern Tablelands of NSW and ACT, and White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grasslands. However a site inspection clarified that there were no native vegetation communities on the site due to the high level of disturbance, and the existing vegetation did not meet the habitat descriptors for the threatened ecological communities.

The site contains an artificial lake and surrounding grassland, scattered trees and shrubs, and the adjacent Wollondilly River which could provide potential habitat for some threatened fauna species on an infrequent basis. These species include the Cattle Egret, Gang-gang Cockatoo, Grey-headed Flying-fox, White-bellied Sea Eagle and Little Eagle. However it was deemed that the site did not contain core habitat for any migratory or threatened fauna species such as important habitat for breeding, foraging, shelter or dispersal.

Whilst there are no environmental effects envisaged as a direct result of the PP, as part of the future development of the subject site, further assessments will required against the SEPP and Biodiversity Conservation Act as part of a future development application, depending on the extent of the proposal and impact to flora and fauna and the like.

The PP is not inconsistent with the SEPP.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Section 9.1 Directions are considered in **Appendix B** and those that are relevant to the subject PP are discussed below.

1.1 Business and Industrial Zones

This Direction applies as the PP proposes to rezone the subject land from an IN1 General Industrial zone to part B6 Enterprise Corridor and part R1 General Residential.

The PP gives effect to the objectives of the Direction by providing additional employment lands in a strategically identified location. The GMELS identifies the site for future expansion of the existing health facilities to develop the Goulburn Health Hub. The use of the B6 zone provides flexibility in the potential future land use of the subject site. Although the subject site is located



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outside of the Goulburn CBD, the B6 zone will not compromise the viability of the existing business centre retail development is restricted in the B6 zone under Clause 7.6 of GMLEP 2009.

While the PP does propose to reduce the total area of zoned employment lands, the potential floor space will not be reduced due to the proposed increase in building height and floor space ratio across the site. Further, the density of employment in the proposed health precinct will be significantly higher than under the existing general industrial zone, which will lead to an increase in the potential full time equivalent employees.

While the PP may technically be inconsistent with parts 4(b) and 4(d) of this Direction, the PP will not result in a reduction in potential floor space due to the increase in building heights and floor space ratios. Any inconsistency is considered to be minor in nature and justified.

2.3 Heritage Conservation

This Direction applies as the subject land is within close proximity to a heritage item listed in GMLEP 2009.

The existing heritage item within the vicinity of the subject site is Item No 302 within GMLEP 2009, "Riversdale" - Single Storey Georgian Dwelling (c.1840) and is of State significance. The heritage item is located south-west of the subject site, on Lot 1 DP 714378.

It is considered that the nature of the PP will not cause harm or impact to the heritage item or its significance. Further consideration of impact to the heritage item will be considered as part of a future DA.

An Aboriginal Cultural Heritage Due Diligence Assessment has been completed over the site in accordance with the relevant OEH Guidelines. Two Aboriginal heritage sites were identified within the subject lands. One of the two sites is located outside of the developable area. The second site is located in an area already zoned for industrial development purposes, and the PP does not allow further development in this area.

Where possible, impacts on the second site will be avoided in the future development of the site. If impacts cannot be avoided, then subsurface testing of the area of the associated PADs will be required to determine the extent of heritage impacts.

It is noted that the subject land is already zoned for industrial purposes, and the PP does not create any additional risk to the second site. It is It is not considered reasonable or practical to undertake subsurface testing when the PP does not allow further development within this area.

The PP is not inconsistent with the terms of the Direction, subject to further investigations as part of a future DA.

3.1 Residential Zones

This Direction applies as the PP proposes to rezone the subject site part R1 General Residential.

The PP includes an amendment to the Lot Size Map to apply a minimum lot size of 700m² over the land proposed R1 which will facilitate a residential subdivision within an existing urban centre with established infrastructure and service networks. The availability of existing transport and utility infrastructure suggests that satisfactory arrangements for site servicing are available.



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As discussed previously in this report, there may be merit in considering a lower minimum lot size to encourage increased housing choice, particularly given the subject sites proximity to Goulburn CBD, transport connections and to accommodate the changing demographics in Goulburn Mulwaree. This would also address this Direction by broadening the choice of building types.

The PP is not inconsistent with the terms of the Direction.

3.3 Home Occupations

This Direction applies as the PP proposes to rezone the subject site part R1 General Residential.

The GMLEP 2009 permits 'home occupations' without the need for development consent in R1 General Residential zones. This PP does not propose to amend the land use table or the permissibility of 'home occupations' for the R1 zone.

The PP is not inconsistent with the terms of the Direction.

3.4 Integrating Land Use and Transport

This Direction applies as the PP proposes to remove the IN1 General Industrial zone and replace it with R1 General Residential and B6 Enterprise Corridor zone. The PP is consistent with the direction in that it will facilitate increased employment lands within an already established Precinct to the north-east of the existing Goulburn Regional City. The subject site has good access to road and rail transport, and its location within an established employment area enables achievement of the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development*, and *The Right Place for Business and Services – Planning Policy*.

The PP is not inconsistent with the terms of the Direction.

4.3 Flood Prone Land

This Direction applies as the PP affects land within the Flood Planning Area (1% Annual Exceedance Probability + 0.5m Freeboard). However, the land within the Flood Planning Area is proposed to be either be retained in an RE1 Public Recreation zone, or where relevant, back zoned from an IN1 General Industrial zone to an RE1 Public Recreation zone consistent with the terms of this Direction.

While the PMF is not a consideration of this Direction, future development of the site will be designed in accordance with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM).

It is noted that the subject land is currently zoned for urban development, and the PP provides for significant improved flooding outcomes by back zoning land within the Flood Planning Area.

The PP is not inconsistent with the terms of the Direction.

5.1 Implementation of Regional Plans

This Direction applies as the subject land is located within Goulburn-Mulwaree local government area and is subject to the Sydney-Canberra Corridor Regional Strategy.



The PP gives effect to the Regional Strategy's vision, land use strategy, policies, outcomes and actions by providing an opportunity for employment lands within and existing industrial precinct in Goulburn, the major regional centre for the Central subregion. Specifically, will provide for additional employment growth in the health services industry and supplementary housing potential within the Goulburn major regional centre, consistent with the Sydney-Canberra Corridors centres hierarchy as per settlement principles 1, 3 and 5.

The PP is not inconsistent with the terms of the Direction.



5.2 Sydney Drinking Water Catchment

This Direction applies as the subject land is located within Goulburn-Mulwaree local government area.

WaterNSW have been consulted as part of the PP process to date. In their comments, WaterNSW noted that the site has a low to moderate risk to water quality for residential, retail, commercial, and light industrial development, with some higher risks along drainage lines and flood affected areas to the south. It was also noted that the upgrade to the Sewage Treatment Plan that services the subject site was underway and capable of treating additional load from the future development of the site.

WaterNSW had no requirements or specific comments relating to the PP. It may be considered necessary for further consultation with WaterNSW in relation to the proposed amendments following a revised Gateway determination.

A further assessment on water quality to determine neutral or benefit effect will be undertaken as part of a future development application, if considered necessary.

The PP is not inconsistent with the terms of the Direction.

5.10 Implementation of Regional Plans

This Direction applies as the subject land is located within Goulburn-Mulwaree local government area and is subject to the South East and Tablelands Regional Plan.

The PP gives effect to the vision, land use strategy, goals, directions and actions of the Regional Plan by providing additional residential land in an existing urban centre, and business zoned land within the Bradfordville Industrial Estate Precinct which will encourage employment opportunities within Goulburn, which is identified as a major regional centre.

The PP will specifically achieve Goal 1: A Connected and Prosperous Economy, Direction 12 Promote business activities in urban centres; Goal 3: Healthy and connected communities, Direction 21 Increase access to health and education services; Goal 4: Environmentally sustainable housing choices, Direction 24: Deliver greater housing supply and choice.

The PP is not inconsistent with the terms of the Direction.

6.1 Approval and Referral Requirements

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. The PP process, however, will involve consultation with relevant State public authorities as per the Gateway determination.

The PP is not inconsistent with the terms of the Direction.

6.3 Site Specific Provisions

This Direction applies to the PP. The PP proposes to rezone the site to part B6 Enterprise Corridor and part R1 General Residential, and amend the HOB, FSR and minimum lot size

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provisions. The PP does not propose any provisions that will require site specific provisions to be adopted for the subject site.

The PP is not inconsistent with the terms of the Direction.



4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 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?

The proposed amendment will not impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

There are no environmental effects envisaged as a direct result of the PP. An Ecology Report was prepared December 2014 by EMM. The assessment was prepared prior to the notification of SEPP (Vegetation in Non-Rural Areas) 2017 and the *Biodiversity Conservation Act 2016*.

The Ecology report determined:

- The site was characterised by modified or disturbed land, with no remnant vegetation remaining.
- Desktop review identified potential for:
 - two threatened ecological communities (NSW) of White Box Yellow Box Blakely's Reg Gum Woodland and Tablelands Snow Gum Black Sallee Candlebark and Ribbon Gum Grassy Woodland which have previously been recorded in the Monaro subregion of the Hawkesbury Nepean Catchment.
 - two additional threatened ecological communities under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to occur on the site including Natural Temperate Grassland of the Southern Tablelands of NSW and ACT, and White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grasslands
- Site inspection clarified that there were no native vegetation communities on the site due to the high level of disturbance, and the existing vegetation did not meet the habitat descriptors for the threatened ecological communities.
- The site contains an artificial lake and surrounding grassland, scattered trees and shrubs, and the adjacent Wollondilly River which could provide potential habitat for some threatened fauna species on an infrequent basis. It was deemed that the site did not contain core habitat for any migratory or threatened fauna species such as important habitat for breeding, foraging, shelter or dispersal.

Whilst there are no environmental effects envisaged as a direct result of the PP, as part of the future development of the subject site, further assessments will required against the SEPP and Biodiversity Conservation Act as part of a future development application, depending on the extent of the proposal and impact to flora and fauna and the like.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The intended outcome of the PP is to enable the development of the Goulburn Health Hub within the confines of the proposed B6 zones. The zones selected will result in the permissibility of the future intended use, with consent, whilst considering the feedback received from government agencies as part of the post-Gateway process. Whilst the subject site is located outside of the regional centre Goulburn CBD, it is considered that the proposed PP will not cause adverse effects on the viability of the CBD due to the clear objectives of the B6 zone.



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In addition, the GMLEP 2009 contains specific provisions for the development of shops in B6 zones which restricts the gross floor area to safeguard the primacy of the CBD.

The PP will create opportunity for increased employment land within an already established Industrial Precinct. The GMELS identified the subject site for rezoning in the short-term to address demand for health services, and provision of economic and social benefits to the community through the co-location of a range of health services for the community, job creation and flow-on effects to service industries. The development of the Goulburn Health Hub will provide well-needed health services to the growing Region to meet the population growth and demand for health infrastructure. The Goulburn Health Hub has the potential to offer complementary and supplementary services to the Goulburn Base Hospital which is located approximately 4km south-west of the subject site.

The provision of additional residential land within the existing urban centre will also offer positive social and economic effects in providing additional housing supply and choice in Goulburn. The PP will enable a residential subdivision with a minimum lot size of 700m² in an existing and serviced residential area. The subject site is also adjacent to land zoned RE1 Public Recreation subject to future public acquisition, which will provide further amenity to the future residential land uses. As discussed in this report, a further reduction in the proposed minimum lot size could be considered as a means of encouraging housing diversity and choice on the subject site.

In addition, the PP is consistent with the Sydney-Canberra Corridor Regional Strategy and South East and Tablelands Regional Plan in that it encourages employment opportunities within Goulburn, a major regional city as per the Regional Plan, and provides opportunity for additional residential land within an existing urban centre.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The PP affects land where there is already generally adequate infrastructure and services to support increased development of the area. This issue will also be specifically considered and if necessary, addressed through future development application process.

4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As per the PP process stipulated by NSW DPIE's A Guide to Preparing Planning Proposals, it is expected that Council will consult with relevant public authorities in accordance with the conditions of the Gateway determination. The Gateway determination issued on 10 November 2017 identified a number of government agencies to be consulted in relation to the proposal, including OEH, Water NSW, Environment Protection Authority, NSW Heritage Office and NSW Health / Southern NSW Local Health District.

As part of the post-Gateway consultation process, issues were raised by OEH and SES in response to the proposed rezoning of the site to SP2 Infrastructure (Health Facilities) with the Schedule 1 Additional Permitted Use for seniors development. As part of this consultation, OEH and SES raised concerns in relation to the flood affectation of the subject land and the potential sensitive land uses which would become permissible if the rezoning proceeded. As

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part of the feedback received during the process, it was recommended that the proposal be revised to an alternate land use zone that would enable a broader scope of permissible land uses whilst still permitting health facilities.

It is expected that the revised PP will be referred to the government agencies for comment. The PP will be updated prior to public exhibition, if required, to incorporate the view of any public authority.

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5 Part 4 - Mapping

As described in the explanation of provisions, the PP will require amendments to the Land Zoning Map, Height of Buildings, Floor Space Ratio and Lot Size Map in GMLEP 2009, specifically, the following map sheets: LZN_001D and LZN_001G, LSZ_001D, HOB_001D and HOB_001G, and FSR_001D and FSR_001G.

The proposed land use zone, height of buildings, FSR and minimum lot size amendments are illustrated in *Figures 7 to 10* below.



Figure 8 - Proposed Zoning Map

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Figure 9 - Proposed Height of Building Map

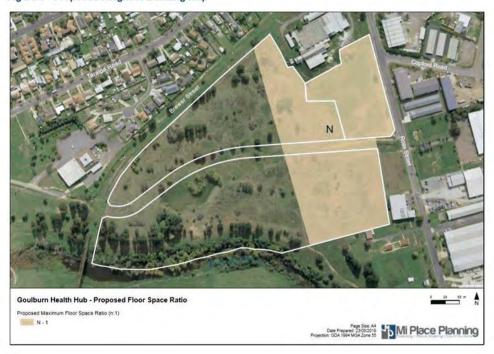


Figure 10 - Proposed FSR Map



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Figure 11 - Proposed Lot Size Map

6 Part 5 – Community Consultation

The GMELS was subject to consultation with various public authorities and stakeholders including owners of land that is currently zoned for employment uses, and owners whose land was potentially affected by the draft Strategy.

As part of the Gateway determination, the PP is to be exhibited for a minimum period of 28 days. Further, the PP was referred to Government agencies prior to public exhibition, with responses received from the following agencies:

- Water NSW
- NSW Rural Fire Service
- Environmental Protection Agency
- Heritage NSW, and
- Department of Planning, Industry and Environment, Biodiversity Conservation Division (formerly Office of Environment and Heritage).

Details of the responses received are outlined below.

Water NSW

Water NSW has no objections to the proposal and supports the increase in the RE1 zone to align with the Flood Planning Area map for the site and to better protect riparian vegetation.

Water NSW states that the site may contain contaminated soil, water and sediment, and that a detailed contamination assessment should be prepared to inform any development application for the site.

Response

It is noted that the planning proposal provides for significantly improved flooding, water quality and riparian vegetation outcomes across the site through the proposed back zoning of land within the flood planning area to an RE1 Public Recreation zone. The proposed change in zoning from an industrial zone to a mix of residential and business zones will likely result in a significant reduction in impervious surface areas across the site, further improving the flooding and water quality outcomes as a result of the Planning Proposal.

A detailed contamination assessment will be required to support any future development application over the site, to determine whether the site contains contaminated soil, water and / or sediment.

NSW Rural Fire Service

The NSW Rural Fire Service raised no objections with the Planning Proposal.

Environmental Protection Agency

The Environmental Protection Agency raised no objections with the Planning Proposal.



Heritage NSW

Heritage NSW raised no objections to the Planning Proposal, however, noted that the site is located near the State Heritage Register (SHR) item 'Riversdale' (SHR 01504). Any potential impacts on the State Heritage Item will need to be considered as part of any future development applications over the site.

Department of Planning, Industry and Environment - Biodiversity Conservation Division

The Biodiversity Conservation Division (BCD) raised no specific objections to the Planning Proposal, however, has suggested additional work be undertaken prior to rezoning, as outlined below.

BCD recommend undertaking consultation with the Aboriginal community and a more comprehensive archaeological assessment at this rezoning stage to give more certainty to any future development proposals and to provide up front measures which could be taken to avoid or mitigate impacts if Aboriginal objects are located. The Department cannot not guarantee an Aboriginal Heritage Impact Permit will be issued for any future development applications without an understanding of the impacts to Aboriginal cultural heritage values.

BCD also state that the proposal should considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005. Further, given the flood hazard on this proposed development site BCD recommend the approval authority consult further with the SES on emergency management and evacuation issues prior to making any further decisions on this rezoning proposal.

Response

The Planning Proposal seeks to rezone the subject land from an existing urban zone (IN1 General Industrial) to a mix of urban and non-urban zones across the site including B6 Enterprise Corridor, R1 General Residential and RE1 Public Recreation. It is noted that the existing IN1 zone is generally a more intensive / intrusive land use zone, which traditionally would result in a significantly higher site coverage than the mix of zones proposed under this planning proposal. The Planning Proposal will result in a reduction in urban zoned land across the site, a reduction in the potential development footprint, and a reduction in impervious surface area compared to the existing zoning.

An Aboriginal Cultural Heritage Due Diligence Assessment has been completed over the site in accordance with the relevant OEH Guidelines. Two Aboriginal heritage sites were identified within the subject lands. One of the two sites is located outside of the developable area. The second site is located in an area already zoned for industrial development purposes, and the PP does not allow further development in this area.

Where possible, impacts on the second site will be avoided in the future development of the site. If impacts cannot be avoided, then subsurface testing of the area of the associated PADs will be required to determine the extent of heritage impacts.

Under the provisions of the *National Parks and Wildlife Act 1974*, anyone proposing to carry out an activity that may harm an Aboriginal object or a declared Aboriginal place must investigate, assess and report on the harm that may be caused by the activity they propose.

Mi Place Planning

It is noted that the subject land is already zoned for industrial purposes, and rezoning from one urban zone, to a less intrusive urban zone is not considered an activity that may harm an Aboriginal object of declared Aboriginal Place. While an Aboriginal Cultural Heritage Assessment may be required to support a future development application across the site, it is not considered reasonable or practical to undertake subsurface testing when the PP does not allow further development within this area.

It is noted that the Planning Proposal has been sent to SES for their consideration in accordance with the recommendation of BCD. As outlined above, the planning proposal does not propose to rezone any land within the flood planning area from a non-urban zone to an urban zone in accordance with the relevant Section 9.1 Ministerial Direction. Rather, the proposal seeks to back zone land within the flood planning area from an urban zone to a public recreation zone, providing for significantly improved flooding, water quality and riparian vegetation outcomes across the site. Further, the proposed change in zoning from an industrial zone to a mix of residential and business zones will likely result in a significant reduction in impervious surface areas across the site, further improving the flooding and water quality outcomes as a result of the Planning Proposal.

It is noted that future development of the site will be designed and assessed in accordance with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM).

7 Part 6 – Project Timeline

The anticipated timeline for the PP is outline in Table 7-1 below.

Table 7-1 - Project Timeline

TASK	ASSESSMENT	
Lodgement of PP to Goulburn Mulwaree Council	August 2019	
Pre-Gateway Assessment and Report to Council	September 2019	
Submit PP to DPE for Gateway determination	May 2020	
Commencement date (date of Gateway determination)	May 2020	
Completion of Gateway determination requirements	June 2020	
Public Exhibition	October 2020	
Consideration of Submissions	November 2020	
Finalisation and notification of Plan	November 2020	

8 Conclusion

The proposal to amend GMLEP 2009 in relation to 37 Ross Street and 23 Brewer Street, Goulburn for the purpose of enabling the development of the Goulburn Health Hub and supplementary residential land, is provided with the attached supporting information and in



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accordance with the NSW Government's Sydney-Canberra Corridor Regional Strategy and South East and Tablelands Regional Plan, Council's adopted GMELS and Community Strategic Plan 2020, and advice received from Goulburn Mulwaree Council, Department of Planning, Industry & Environment, Office of Environment & Heritage and State Emergency Services.

The outcome of the PP will encourage positive economic and social impacts through the provision of additional business zoned land within an existing industrial precinct to support the development of the Goulburn Health Hub, employment and residential land creation and economic development opportunities.



Appendix A – State Environmental Planning Policies

SEPP	RELEVANCE	CONSISTENT
No. 1 – Development Standards	Х	
No 19 – Bushland in Urban Areas	Х	
No 21 – Caravan Parks	Х	
No 30 – Intensive agriculture	Х	
No 33 – Hazardous and Offensive Development	Х	
No 36 – Manufactured Home Estates	Х	
No 44 – Koala Habitat Protection	Х	
No 50 – Canal Estate Development	Х	
No 55 – Remediation of Land	✓	✓
No 62 – Sustainable Aquaculture	Х	
No 64 – Advertising Signage	✓	✓
Affordable Rental Housing (2009)	Х	
BASIX (2004)	Х	
Exempt and Complying Development (2008)	✓	✓
Housing for Seniors or People with a Disability (2004)	Х	
Infrastructure (2007)	✓	✓
Mining, Petroleum Production and Extractive Industries (2007)	Х	
Miscellaneous Consent Provisions (2007)	Х	
Rural Lands (2008)	Х	
State and Regional Development (2011)	Х	
Sydney Drinking Water Catchment (2011)	✓	✓
Vegetation in Non-Rural Areas (2017)	✓	✓
Coastal Management (2017)	Х	



Appendix B – Section 9.1 Directions

DIRECTION	APPLICABLE	RELEVANT	CONSISTENT
1 EMPLOYMENT AND RESOURCES			
1.1 Business and Industrial Zones	✓	✓	Justified
1.2 Rural Zones	✓	Х	
1.3 Mining, Petroleum Production and Extractive Industries	~	х	
1.4 Oyster Aquaculture	Х	X	
1.5 Rural Lands	~	X	
2 ENVIRONMENT AND HERITAGE			
2.1 Environment Protection Zones	V	×	
2.2 Coastal Management	Х	Х	
2.3 Heritage Conservation	✓	✓	Subject to further investigation at DA stage
2.4 Recreation Vehicle Areas	✓	Х	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	✓	x	
3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT			
3.1 Residential Zones	~	✓	✓
3.2 Caravan Parks and Manufactured Home Estates	✓	x	
3.3 Home Occupations	√	X	
3.4 Integrating Land Use and Transport	~	✓	✓
3.5 Development Near Regulated Airports and Defence Airfields	✓	X	
3.6 Shooting Ranges	✓	X	
4 HAZARD AND RISK			
4.1 Acid Sulfate Soils	~	х	
4.2 Mine Subsidence and Unstable Land	Х	Х	
4.3 Flood Prone Land	~	~	~
4.4 Planning for Bushfire Protection	─ ✓	Х	
5 REGIONAL PLANNING			



DIRECTION	APPLICABLE	RELEVANT	CONSISTENT
5.1 Implementation of Regional Strategies	✓	Х	✓
5.2 Sydney Drinking Water Catchments	V	х	~
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	×	х	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	×	x	
5.9 North West Rail Link Corridor Strategy	Х	х	
5.10 Implementation of Regional Plans	✓	✓	✓
6 LOCAL PLAN MAKING			
6.1 Approval and Referral Requirements	✓	✓	✓
6.2 Reserving Land for Public Purposes	Х	Х	
6.3 Site Specific Provisions	✓	Х	✓
7 METROPOLITAN PLANNING			
7.1 Implementation of A Plan for Growing Sydney	Х	х	
7.2 Implementation of Greater Macarthur Land Release Investigation	х	х	
7.3 Parramatta Road Corridor Urban Transformation Strategy	х	х	
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	x	x	
7.5 Implementation of Greater Parramatta Priority Growth Area Land Use and Infrastructure Implementation Plan	x	х	
7.6 Implementation of Wilton Interim Land Use and Infrastructure Implementation Plan	х	х	
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	×	х	
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Х	×	
7.9 Implementation of Bayside West Precincts 2036	х	х	
7.10 Implementation of Planning Principles for the Cooks Cover Precinct	x	х	





Our ref: DOC20/427986-6 Your ref: PP_2017_GOULB_004_04

Nick Thistleton Strategic Planner Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

council@goulburn.nsw.gov.au

Dear Mr Thistleton

Subject: Planning Proposal Referral Goulburn Health Hub

I refer to your request for comments on the amended Planning Proposal for the Goulburn Health Hub - Rezoning of 37 Ross Street & 23 Brewer Street Bradfordville, Lots 100 and 101 DP1214244. We have reviewed the amended proposal to rezone the land from an IN1 General Industrial Zone to a B6 Enterprise Corridor Zone and an R1 General Residential Zone and to amend development standards for the subject site to facilitate a proposed Goulburn Health Hub:

Biodiversity

The Department is satisfied regarding biodiversity. The site is severely disturbed, and the plantings intended to occur within the proposed development should have a positive benefit to the local environment. We reiterate our previous recommendation to maintain any native trees where possible.

Aboriginal cultural heritage

The Aboriginal cultural heritage assessment (dated January 2019) for this rezoning remains incomplete as the potential archaeological deposit (PAD) associated with two previously recorded Aboriginal sites has not been test excavated to establish the nature, extent and significance of the area. It remains unclear as to whether the sites and PAD will be avoided by the future development.

As the assessment was undertaken following the due diligence code, no consultation has been undertaken with the Aboriginal community which may provide more information about cultural values of the land. The 2012 <u>Goulburn Mulwaree LGA Aboriginal Heritage Study</u> has previously identified the Wollondilly River as an area of Aboriginal heritage sensitivity to the community.

We recommend undertaking consultation with the Aboriginal community and to do a more comprehensive archaeological assessment at this rezoning stage to give more certainty to any future development proposals and to provide up front measures which could be taken to avoid or mitigate impacts if Aboriginal objects are located. The Department cannot not guarantee an Aboriginal Heritage Impact Permit will be issued for any future development applications without an understanding of the impacts to Aboriginal cultural heritage values.

Floodplain Risk Management

As the proposed development site is located on flood prone land, it should be considered in accordance with the NSW Government's Flood Prone Land Policy as set out in the Floodplain Development Manual, 2005 (FDM). The policy aims to reduce the impact of flooding and flood

11 Farrer Place, Queanbeyan NSW 2620 | PO Box 733 | dpie.nsw.gov.au | 1

liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding utilising ecologically positive methods wherever possible.

The approval authority should consider and be satisfied that the following matters have been adequately addressed with relation to floodplain management:

- the impact of flooding on the development including local overland flows and the range of possible floods up to the Probable Maximum Flood (PMF);
- · the impact of the development on flood behaviour;
- · the impact of flooding on the safety of people for the full range of possible floods; and
- the implications of <u>climate change</u> on flooding particularly increased rainfall intensity on flood behaviour.

We understand that the planning proposal seeks to rezone a site adjacent to the Wollondilly River, from Industrial to General Residential (R1) and Enterprise Corridor (B6). Council's Wollondilly & Mulwaree Rivers Flood Study (2016) indicates that the entire site is flood prone due to mainstream flooding from the Wollondilly River. In a PMF, much of the site forms a floodway of the Wollondilly River, and is subject to high hydraulic hazards with depths well exceeding 2m.

From the information provided, it appears that adequate consideration has not been given to flooding. Specifically:

- The flood review notes that the critical duration of the PMF is 6 hours and contends that this
 provides sufficient warning time to evacuate. However, critical durations do not reflect
 actual effective flood warning times. Further, actual extreme flood events of shorter
 durations may occur which would place vulnerable occupants at comparable risk, but
 without sufficient warning time to evacuate;
- In suggesting and concluding that evacuation as a suitable approach to managing flood
 risk, a range of factors have not yet been considered, such as the number of occupants
 requiring evacuation, proposed evacuation centres, availability and need of emergency
 services etc; and
- Furthermore, the impacts of climate change on flooding have not been considered.

Based on the flood review document, there are a range of issues that require further consideration to enable an assessment consistent with the principles of the FDM. The primary critical issues relate to:

- ensuring that risks to life are considered and addressed over the full range of possible floods up to the PMF. We recommend council consults with the SES, to understand evacuation logistics if this is the proposed strategy to manage risks to life; and
- ensuring the subdivision design will require continuous egress for vehicles and people to continuously higher ground to a planned evacuation centre above the PMF from each proposed dwelling. Further consultation should be made with SES in this regard.
- the implications of the full range of floods on flood resilience and recovery, including and assessment of flood hazard, damages and structural requirements of buildings and other infrastructure.

In addition to the FDM there is a suite of technical guidelines available to support councils. In managing flood risk in areas where the PMF is significantly greater than the design flood event such as in Goulburn, reference should be made to the Hawkesbury Nepean guidelines on land-use planning, sub-division and building. This guidance can be found at:

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https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-guidelines

Council, with technical and financial support from DPIE, is preparing its Wollondilly and Mulwaree Rivers Floodplain Risk Management Study and Plan (FRMS&P). This is considered as an appropriate approach to inform decisions by council for the management of existing and future flood risk such as the proposed floodplain development in strategic land-use planning.

Given the flood hazard on this proposed development site we recommend the approval authority consult further with the SES on emergency management and evacuation issues prior to making any further decisions on this rezoning proposal.

Council should also be aware that the Flood Prone Land Package including a draft revised section 9.1 direction is currently on exhibition and can be found at: https://www.planningportal.nsw.gov.au/flood-prone-land-package. This package may impact considerations for this planning proposal. We therefore recommend council consult with DPIE-Planning and Assessment to establish any implications for current decision making.

Should council as the approval authority require any further technical advice on flood risk management matters, it should not hesitate to contact the Water Floodplains & Coast team.

If you have any questions about this advice, please do not hesitate to contact Jackie Taylor on 02 6229 7089.

Yours sincerely

MICHAEL SAXON 29/6/2020

Director South East Branch

Biodiversity and Conservation Division



Our ref: DOC20/425694

Mr Warwick Bennett General Manager Goulburn Mulwaree Council Locked Bag 22 GOULBURN NSW 2580

Attention: Mr Nick Thistleton, Strategic Planner nick.thistleton@goulburn.nsw.gov.au

Planning Proposal - Goulburn Health Hub - Amended Proposal

Dear Mr Thistleton

Thank you for the opportunity to comment on the amended planning proposal to rezone 37 Ross Street and 23 Brewer Street, Bradfordville under the *Goulburn Mulwaree Local Environmental Plan 2009*.

The site contains an existing multi-disciplinary medical centre and health facility. The remainder of the site is vacant and generally flat land with scattered vegetation. It is understood that the aim of the planning proposal is to provide for expanded health services and residential development.

The proposal site is located near the State Heritage Register (SHR) item 'Riversdale' (SHR 01504), which is also listed under Council's Local Environmental Plan. The statement of significance for the SHR item describes it as follows:

Riversdale is a colonial complex of State significance. Its location represents the early foundation of Goulburn town. Its form represents a typical example of the early Australian Colonial house complex with associated gardens, paddocks and outbuildings, together forming an autonomous suburban unit. Of the outbuildings, the stone barn is particularly important for being the only surviving building of the first settlement of Goulburn Plains, established in 1828 and later superseded by the new settlement of Goulburn. Further, the complex of house and outbuildings (including stable) reflects the way of life of the nineteenth century era.

While the SHR item is separated from the subject site by the Wollondilly River to the north and the colonial house is approximately 500 metres from the planning proposal, the wider curtilage of the SHR item contains colonial gardens, paddocks and significant tree plantings. While it is understood that there is unlikely to be a physical impact on the SHR item, future development may cause adverse visual impacts to Riversdale and its grounds.

In previous correspondence, dated 12 November 2018, it was recommended that Council consider preparing a heritage assessment; including an archaeological assessment to inform the development application following rezoning of the site, this is still recommended. A Heritage Impact Statement should be prepared which includes consideration of impacts on significant views to and from the heritage item and mitigation measures to avoid or minimise visual impacts. Measures could include setbacks, buffer zones, sympathetic building form, scale and density of any future development.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124 P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

Further, it is noted that the Aboriginal Cultural Heritage Due Diligence Assessment identified two Aboriginal heritage sites within the proposal site. Due to the Aboriginal sensitivity of the site, if you have not already done so, please refer the planning proposal to the Greater Sydney Region Planning Unit for review and comment. This can be done via email at rog.gsrplanning@environment.nsw.gov.au.

Prior to finalisation of the planning proposal, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken.

If you have any questions please contact James Sellwood, Senior Heritage Programs Officer, Statewide Programs at Heritage NSW, Department of Premier and Cabinet by phone on 02 9274 6354 or email at james.sellwood@environment.nsw.gov.au.

Yours sincerely

Rochelle Johnston

Manager Heritage NSW

As delegate of the Heritage Council of NSW

30 June 2020

Heritage NSW

The former Office of Environment and Heritage (Heritage Division) is now Heritage NSW.

Correspondence should be sent to us via email at <a href="https://email.org/heritage.nc/menting-nc/

Please update your records as using an incorrect name and address could cause significant delays or non-delivery of your correspondence.



Planning Engineering & Management Environmental

STATEMENT OF ENVIRONMENTAL EFFECTS



TRUCK DEPOT LOT 3 DP 1171126 31 LOCKYER STREET, GOULBURN Paul Lawton Freight Pty Ltd

September 2020 Amended October 2020 Reference No.: 20007

Prepared by:

Laterals Planning

1st Floor, 35 Montague Street (PO Box 1326) Goulburn NSW 2580

Tel: (02) 4821 0973 Fax:(02) 4822 0777

Email: robert@laterals.com.au



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1 INTRODUCTION/EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) supports a Development Application by Paul Lawton Freight Pty Ltd to Goulburn Mulwaree Council for the establishment of a Truck Depot on Lot 3 DP 1171126, 31 Lockyer Street, Goulburn. See plan below.



Locality Plan - Aerial Photograph

(Base Plan: Six Maps website)

The site will be accessed via Hume Street, Sowerby Street and Lockyer Street and egress will also utilise the same route. Trucks will access the site generally between the hours of 2.00pm to 5.00pm and depart the site early of a morning generally between the hours of 2.00am and 7.00am Monday to Saturday. The development involves up to 6 heavy vehicles comprising 3 x b-double configuration up to 26m in length and 3 x semi-trailers up to 19m in length. All trucks will enter and leave the site in a forward direction as shown by plans at Section 5.2.

The assessment of the land has provided for the consideration of existing natural features including drainage patterns, elevation, accessibility, biodiversity, vegetation and the ability for stormwater management, all of which are identified as manageable within relevant legislation and guidelines. The site is substantially constructed with works on hold pending completion upon the issue of development consent. The location achieves maximum access and useability on the site with the minimal impact on the existing industrial activity on site and capable of compatibility with the general industrial nature of the locality.

The information regarding the proposed development is consolidated in the plans and details provided in this report. The report provides information about the site and the proposed

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development. Key planning issues are discussed which, in combination with a summary assessment of the proposal against the heads of consideration in s4.15 of the Environmental Planning and Assessment Act 1979, represents the required Statement of Environmental Effects.

1.1 HISTORY OF SITE

The land has been owned by the current proprietors since 2014 and remains vacant land. The use of the land prior to the subdivision creating the current allotments for industrial uses during 2013 pursuant to DP 1171126 (see plan on page 5) is not known by the applicant.

1.2 CONSULTATION WITH COUNCIL

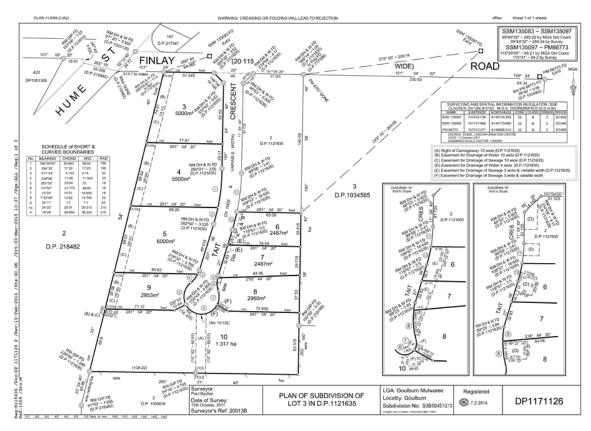
Council has corresponded with Paul Lawton Freight Pty Ltd concerning the uses carried out on the land in relation to a complaint lodged with Council about the current activity. Discussions have subsequently resulted in the need for the lodgement of a development application in relation to the land use. A pre-lodgement meeting by telephone was held with Goulburn Mulwaree Council on 28 April 2020 and all matters discussed have been addressed in this SEE.



2 SITE ANALYSIS

2.1 SITE DESCRIPTION

The site consists of Lot 3 DP 1171126, 31 Lockyer Street, Goulburn as shown on the aerial photograph and topographic map on page 6. A copy of the deposited plan is shown below.



DP 1171126

The land has a northerly aspect. None of the slopes exceed 18 degrees and all areas of the lot are able to be developed or used for permissible purposes under *Goulburn Mulwaree Local Environmental Plan 2009*. There are no defined waterways or drainage depressions on the land and no areas of slip or subsidence were identified. The site is serviced with reticulated water and sewerage, electricity and telephone although the proposed development does not require any of these services. The general nature of the site is shown on the Laterals topographic map and aerial photograph on the following page 6. Photographs are included on pages 7 to 11.

2.2 SITE LOCATION and CONTEXT

The site is located on the west side of Lockyer Street and south side of Finlay Road in the southern area of Goulburn. The site has access from Lockyer Street. The area in general has been subdivided into industrial lots of varying size from approx. 2500sqm to 1ha.

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2.3 SURROUNDING DEVELOPMENT

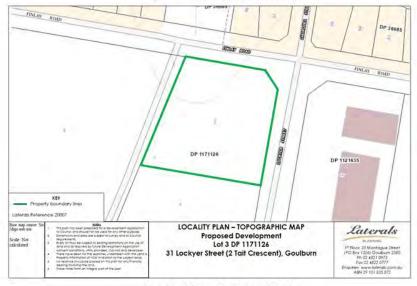
The site is within a general industrial area – see photographs on following pages 7 to 11. Viewing the site from the aerial photograph the land surrounding contains-

- To the north there is Finlay Road and residential development.
- To the east is Geissler Motors.
- To the south is vacant industrial zoned land.
- · To the west there are sporting fields.



Locality Plan - Aerial Photograph

(Base Plan: Six Maps website)



Locality Plan - Topographic Map

(Base Plan: Six Maps website)

Item 15.5- Attachment 1 Page 226





Ingress / Egress from Lockyer Street



Southern Boundary from Lockyer Street

Item 15.5- Attachment 1 Page 227





Lockyer Street Frontage



Finlay Road Frontage





Lockyer Street from Finlay Road



Lockyer Street South from Driveway





Lockyer Street extension from Tait Street



Lockyer Street / Sowerby Street Intersection





Hume Street / Sowerby Street Intersection



Sowerby Street



3 PROPOSED DEVELOPMENT

3.1 ELEMENTS OF THE PROPOSED DEVELOPMENT and DESIGN STATEMENT

The development proposal involves:

- 1. The parking of up to 6 heavy vehicles on the site;
- 2. Landscaping, stormwater works and bitumen sealing;
- 3. The carrying out of works as required by Council on the issue of development consent.

The site will be accessed via Hume Street, Sowerby Street and Lockyer Street and egress will also utilise the same route. All trucks will enter and leave the site in a forward direction.

All trucks are parked on the site during afternoon hours (2.00pm to 5.00pm) Monday to Friday as shown on the development plans on following pages 13 and 14.

The trucks will all depart during the site via Lockyer Street, Sowerby Street and Hume Street during early hours (2.00am to 7.00am) of each morning Monday to Saturday inclusive in accordance with the requirements of the Noise Impact Assessment prepared by Harwood Acoustics.

All drivers access the site in the early morning via Lockyer Street to begin work and the motor vehicles are parked on site as indicated on the site development plans. The gates fronting Lockyer Street will be opened by the first arriving truck driver and the gates will remain open. During the afternoon the gates are already open and at approx. 2.00pm and the trucks access the site via Lockyer Street with the gate remaining open until the last truck driver departs the site and the gates are closed.

There is no requirement for any truck or motor vehicle to be stationary on Lockyer Street.

An application has been made to the National Heavy Vehicle Regulator for the use of the extension of Lockyer Street to Sowerby Street for B-Doubles given that part of Lockyer Street off Sowerby Street is already identified for B-Double use and Lockyer Street has not been extended to incorporate Tait Street through to Finlay Road.

3.2 DEVELOPMENT MATERIALS

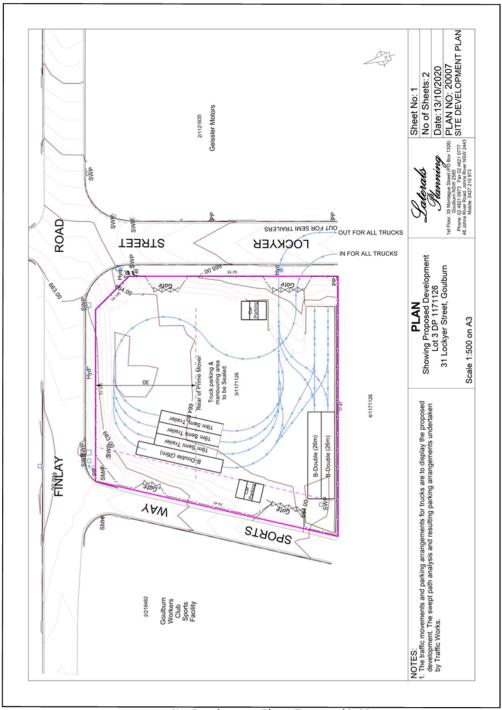
The site had been levelled to allow for vehicles to drive onto the site, turn around and park and depart the site in a forward direction. The site has been used for truck parking for a couple of years and the only identified site works required are landscaping (see Section 5.16), installation of stormwater measures (see Section 5.7) and bitumen sealing.

3.3 OPERATIONAL DETAILS and DEVELOPMENT/CONSTRUCTION MANAGEMENT

The development is for the parking of trucks. There will be no servicing or washing of vehicles at any time. The truck drivers currently park motor vehicles on the site whilst the trucks are being used. This location is within an industrial area and there are other industrial / commercial businesses being conducted in the area.

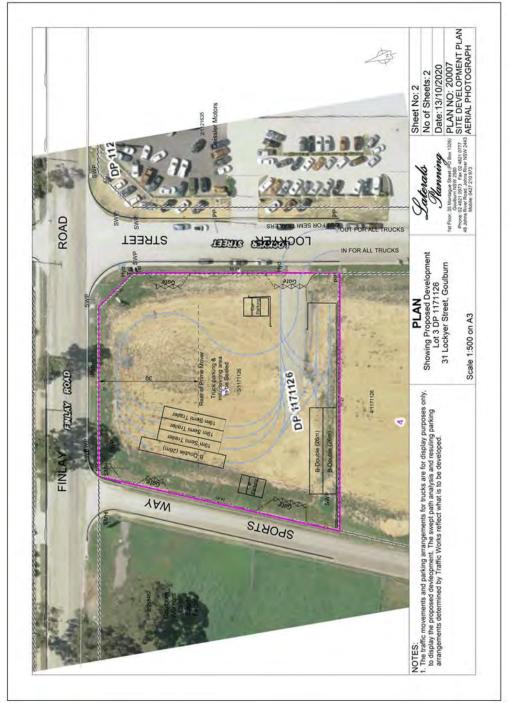
12





Site Development Plan – Topographic Map





Site Development Plan – Aerial Map



3.4 ACCESS/PARKING

Current access to and from the site is via Finlay Road and Sports Way. However, as the continuing use of Sports Way is no longer possible, access to and egress from the site will be via Lockyer Street, Sowerby Street and Hume Street. All trucks will enter, manoeuvre and leave the site in a forward direction. Lockyer Street and Sowerby Street are bitumen sealed having a carriageway width of 12m. See Section 5.2 for details of the access and parking arrangements.

3.5 SIGNAGE

No signage is proposed.

3.6 VEGETATION MANAGEMENT and LANDSCAPING

The site is currently clear of vegetation except for grass verges on the east, north and west section of the site. Landscaping is proposed as detailed in Section 5.16.

3.7 WATER MANAGEMENT

The site has been levelled with stormwater management to be installed in accordance with the SEEC report – see Section 5.7. There will be no washing or servicing of any vehicles onsite so there will be no dirty or contaminated water leaving the site.

3.8 DEMOLITION

No demolition is proposed.

3.9 AMENDMENTS TO EXISTING CONSENT

This proposal does not involve the amendment of any existing development consent.

3.10 STAGING

The development is not intended to be carried out in stages as defined by section 4.22 of the Environmental Planning and Assessment Act 1979.



4 LEGISLATION AND PLANNING CONTROLS

A full list of legislation and planning controls that are applicable to the land is included in Appendix 1 in section 6 below. Those matters listed in Appendix 1 which would warrant further consideration are listed below with responses provided. A general assessment of the relevant legislation is carried out in this section but in some instances more detailed assessment is carried out in section 5.

4.1 LEGISLATION APPPLICABLE TO THE PROPOSED DEVELOPMENT

From the list of legislation in Appendix 1 the following legislation is considered applicable to be considered for the proposed development.

4.1.1 Environmental Planning & Assessment Act 1979 and Regulation 2000 Section 1.3 (b) – Objects of the Act

<u>Ecological Sustainable Development (ESD):</u> The principles of ecologically sustainable development are as follows:

- (a) the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
 - careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,

The development has been designed to utilise existing land and infrastructure that will result in the least potential for adverse impact from works.

(b) inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.

The management of the development as discussed in this statement proposes the best ability for the development to maintain the existing environment. In relation to the protection of cultural values the development is consistent with the planned industrial character of the area, yet being cognisant of the residential area nearby in Finlay Road. In particular additional landscaping as explained in section 5.16 would add to the environmental diversity of the locality.

(c) conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

The design of the development provides the best opportunity for biological diversity and ecological integrity of the site to be retained. And improved with the addition of further landscaping.

- (d) improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as:
 - polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

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The design of the development is to enable development within the values of the site that currently exists without adversely impacting on any adjacent or nearby site or development. The establishment of the development within the Goulburn Mulwaree Council area places the development under the continuing management of Goulburn Mulwaree Council, which will, through rates and charges continue to manage the infrastructure for cultural and environment protection.

Section 10.4 - Disclosure of political donations and gifts

The Applicant has declared on the Development Application form that there are no relevant political donations or affiliations.

4.1.2 Road Act 1993

The development will not involve the construction of driveways and as such no approval is needed under S138 of the Act for any works on the road at the access points to site.

4.1.3 Biodiversity Conservation Act 2016

The site is not identified on the Biodiversity Values Map and Threshold Tool. No clearing is necessary or proposed. The land to be utilised contains no vegetation and as such the development will not affect threatened species nor does the development involve any Key Threatening Process.

4.1.4 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The SWDC SEPP provides that a consent authority must not grant consent on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality. The SWDC SEPP further provides that a consent authority must not grant consent to the carrying out of development on land in the Sydney drinking water catchment except with the concurrence of the Water NSW (previously known as 'SCA'). The requirement for referral does not apply if the consent authority is satisfied that the proposed development has no identifiable potential impact on water quality. In accordance with the "Neutral or Beneficial Effect of Water Quality Assessment Guideline 2015" the development is a Module 5 type development which requires referral to Water NSW. A Water Cycle Management Study has been undertaken by SEEC and a copy is attached. Also, see Section 5.7.

4.1.5 State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 deals with the remediation of land and the consent authority is required to consider the items listed under Clause 7. As stated by Clause 7:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) It has considered whether the land is contaminated, and
 - (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in

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the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

- (4) The land concerned is:
 - (a) Land that is within an investigation area,
 - (b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)."

Contaminated land is defined in SEPP 55 to mean land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

A Preliminary Assessment is conducted below in Section 5.14 below.

4.1.6 Goulburn Mulwaree LEP 2009

The site is within the Goulburn Mulwaree Local Government Area ('LGA') and the *Goulburn Mulwaree Local Environmental Plan 2009* is the applicable Local Environmental Plan which was published and commenced on 20 February 2009. The site is within the IN1 General Industrial zone under the Goulburn Mulwaree Local Environmental Plan 2009. The proposed development (truck depot) is permissible development under the zone subject to compliance with various clauses detailed in this Statement. Under the Goulburn Mulwaree Local Environmental Plan 2009 the land is also identified as:

- 1. Has no minimum lot size for subdivision.
- 2. Has no height of building limitation.
- 3. Has no floor space ratio limitation.
- 4. Not affected by minerals or extractive resources.
- 5. Not subject to any land acquisition proposal.
- 6. Not containing a heritage item.
- 7. Not within a heritage conservation area.
- 8. Not flood liable.
- 9. Is not within an area of terrestrial biodiversity.
- 10. Not within an urban release area.
- 11. In terms of clause 3.3 the land is
 - a. not within the coastal waters;
 - b. not a coastal lake;
 - c. not included in SEPP 14 or SEPP 26;
 - d. not an aquatic reserve;
 - e. not within a wetland of international significance or a world heritage area;
 - f. not within 100m of either item (c), (d) or (e) above;
 - g. not identified as being of high Aboriginal cultural significance or high biodiversity;
 - h. not reserved as a state conservation area;
 - not dedicated for the preservation of flora, fauna, geological formations or for other environmental protection purposes;
 - j. not within critical habitat.



Legislative compliance is generally provided in Appendix 1 with the consideration of planning issues in Section 5 below.

The various Local Environmental Plan Maps applicable to the development are shown on the following pages:

Zoning Map Page 21 Heritage Map Page 22

The IN1 General Industrial Zone includes the following land use table:

1 Objectives of zone

- · To provide a wide range of industrial and warehouse land uses.
- · To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Roads

3 Permitted with consent

Depots; Extensive agriculture; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Rural supplies; Sawmill or log processing works; Stock and sale yards; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Pond-based aquaculture Recreation facilities (major); Residential accommodation; Restricted premises; Retail premises; Rural industries; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

The proposed development (truck depot) is not prohibited and is permissible within the IN1 General Industrial zone with Council consent. Pursuant to the *Goulburn Mulwaree Local Environmental Plan 2009* a truck depot is defined as:

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

The proposed development complies with this definition.

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4.1.7 Goulburn Mulwaree LEP 2009 IN1 Zone Objectives

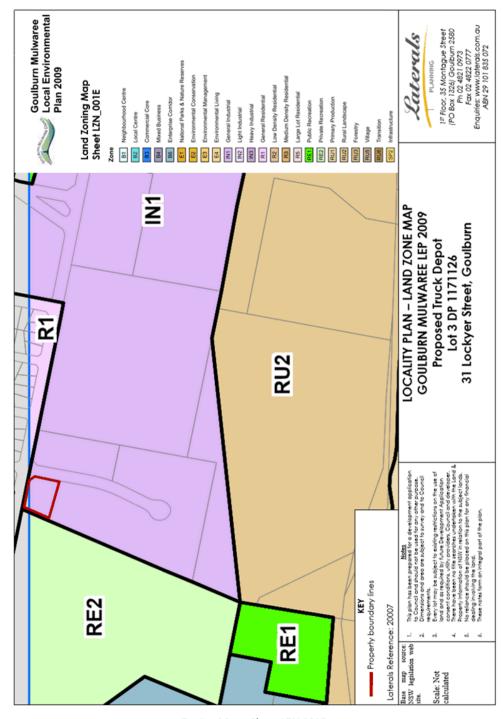
Under the IN1 General Industry zone the objectives are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

The proposal addresses the objectives in that:

- The truck depot provides for the development and use of the land for a permissible industrial use providing for the continuing support of the Goulburn businesses and community in an efficient and integrated manner.
- The truck depot enables the continued support of employment opportunities in the locality by the establishment of a facility to accommodate logistical support services within the Goulburn community.
- The scale of the development and the location of the truck depot on land established for industrial development has been assessed and found to be capable of being conducted and managed in a manner satisfactory having regard to potential impacts on other more sensitive nearby land uses.
- 4. The proposed development makes use of industrial zoned land in a manner which, while not carrying out any building or structure construction, enables the further use of the industrial zoned land consistent with the circular economy.

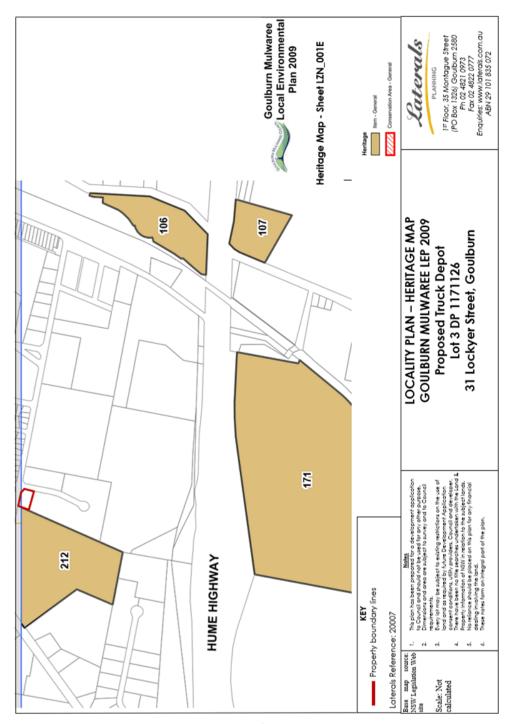




Zoning Map - Sheet LZN 001E (Base Map Source: NSW Legislation Web Site)

Item 15.5- Attachment 1 Page 241





Heritage Map - Sheet HER 001E (Base Map Source: NSW Legislation Web Site)

Item 15.5- Attachment 1 Page 242



4.1.8 Goulburn Mulwaree DCP 2009

The Goulburn Mulwaree Development Control Plan 2009 (DCP) controls relevant to the proposed development are:

- 2 Plan Objectives
 - 2.1 General Development Objectives
 - 2.2 Locality objective Goulburn City
- 3 General Development Controls
 - 3.1 European (non-indigenous) heritage conservation
 - · 3.2 Indigenous heritage and archaeology
 - · 3.5 Landscaping
 - · 3.6 Vehicular access and parking
 - 3.7 Crime prevention through environmental design
 - · 3.14 Biodiversity management
 - 3.16 Stormwater pollution
- 4 Principle Development Controls Urban
 - · 4.2 Non-residential development retail, commercial and industrial
 - 4.2.2 Design principles industrial
 - 4.2.7 Noise and vibration general requirements

A full assessment against the relevant components of the DCP is included at Appendix 2. Special consideration of planning issues is provided in Section 5 below.

4.1.9 Goulburn CBD Plan 2009

The site is not located within the Goulburn City Business District (CBD).

4.1.10 Goulburn Mulwaree Section 94 Contribution Plan 2009

The site is not located within the area of the Goulburn Mulwaree Section 94 Contribution Plan 2009

4.1.11 Goulburn Mulwaree Section 94A Levy Development Contribution Plan 2009

The estimated total cost of the development is \$43,200 as detailed below and as the development cost is less than \$100,000 the Section 94A Levy Development Contribution Plan 2009 is not applicable.

Estimate of Cost

Item	Amount	
	\$ (Incl. GST)	
Landscaping (65 trees @ \$100.00)	6,500	
Installation of stormwater measures	25,000	
Installation of brush fencing (66m @ \$30)	1,980	
Bitumen sealing (3,750m ² @ \$12)	45,000	
TOTAL	78,480	



5 ASSESSMENT OF PLANNING CONTROLS

5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS

- 1 The development is for a truck depot which is permissible development within the IN1 General Industrial Zone;
- 2 The proposal is consistent with the relevant section of the Goulburn Mulwaree DCP 2009 and relevant Council plans and strategies.

5.2 TRAFFIC ACCES AND PARKING

The proposal is for a truck depot, which will involve the parking of up to 6 heavy vehicles on the site when not in use. There is no other infrastructure proposed. Current access to and from the site is via Finlay Road and Sports Way. However, as the continuing use of Sports Way is no longer possible, access to and egress from the site will be via Lockyer Street, Sowerby Street and Hume Street. All trucks will enter, manoeuvre and leave the site in a forward direction. Lockyer Street and Sowerby Street are bitumen sealed having a carriageway width of 12m. Hume Street is dual carriageway being part of the old Hume Highway. Council's DCP does not have a specific parking requirement for Truck Depot with the nearest development type that is similar to this type of development being a Road Transport terminal/container depot/bus depot which requires the following parking onsite:

1 space per 3 employees; plus 1 space per company vehicle, including vehicles leased for or servicing the company.

Parking Assessment:

The truck depot will have 6 heavy vehicles parked onsite which equates to 6 employees. 6 employees/3 = 2.0 spaces will be required. However, there has been provision on the site for 6 spaces so that each employee can park their own vehicles onsite.

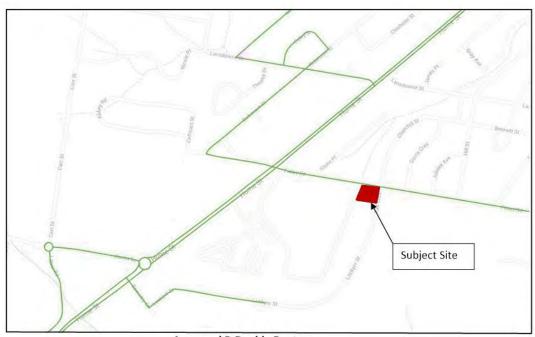
When the vehicles are out working there will be light vehicles (Cars and Utes) parked. The site has enough area for parking of both heavy and light vehicles and for the efficient movement of both within the site. Both heavy and light vehicles can enter and exit the site in a forward manner.

In respect to b-double truck access, the following map on page 25 indicates the approved b-double routes in the vicinity of the subject site. This confirms that the northern section of Lockyer Street is not an approved b-double route. The applicant has, however, made an application to the National Heavy Vehicle Regulator for this section of Lockyer Street to be an approved b-double route and has also had discussions with Council. A copy of the application is at Appendix 3 together with the permit issued by the National Heavy Vehicle Regulator. B-double access could also be provided directly onto Finlay Road. The northern section of Lockyer Street is also impacted by a sign restricting the use of the street by trucks having a length over 5.5m (see photograph at the bottom of following page 25). Discussions with Council indicate that vehicles with a destination within the area are exempt and this section of Lockyer Street may be used. This has been incorporated into the noise assessment to reduce the noise impact on the residents along Finlay Road.

It is also noted that the western side of Lockyer Street is used for parking presumably by employees and visitors associated with Geissler Motors being located directly opposite the subject site (see photographs on following page 26). The parking of motor vehicles in the vicinity of the access gateway in Lockyer Street will affect access to the site by large trucks and Council is requested to consider installing "No Parking" signs in this area to facilitate the turning of large trucks.

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Approved B-Double Routes (Map Source: Transport for NSW Website)



Lockyer Street North - Existing Traffic Sign





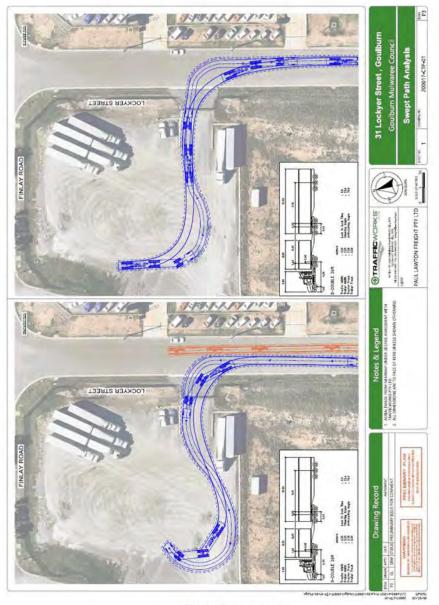
Existing Parking in Lockyer Street – North of Driveway



Existing Parking in Lockyer Street - South of Driveway



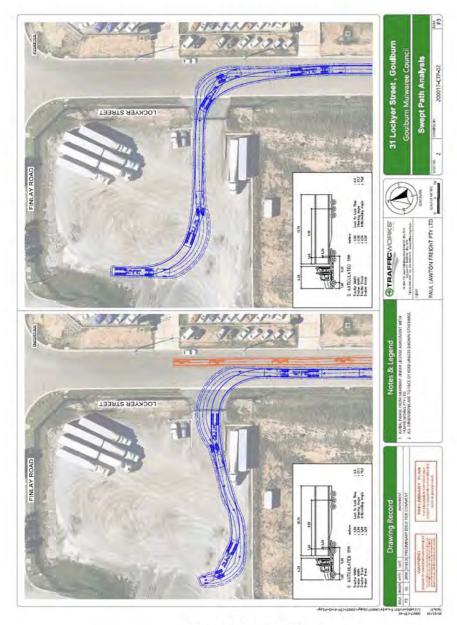
A swept path analysis has been undertaken by Traffic Works Pty Ltd and this analysis confirms that the trucks are able to access and depart the site in a forward direction — see plan below and on following page 28.



B-Double Swept Path (Plan Source: Trafficworks Pty Ltd)

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Semi-Trailer Swept Path (Plan Source: Trafficworks Pty Ltd)

However, in respect to manoeuvring on site, the software being utilised is not able to replicate the real world being most likely due to the fact the templates are based on the 85th percentile vehicle. A video has been taken by myself on the 7 August 2010 indicating that a b-double truck is able to manoeuvre on site and park on the site. The following photographs taken from the video albeit with access from Sports Way show the manoeuvring. A copy of the video can be provided to Council if required. The reverse manoeuvring would occur from Lockyer Street.

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5.3 VISUAL ASSESSMENT

The site is shown in Section 2.3. The development is within a general industrial area and the surrounding development types are in keeping with this proposal. The vehicles will generally be parked onsite over night and during weekends. Landscaping that is proposed would provide broken screening of the vehicles parked on site and provide a less industrial appearance on a lot that is across the road from residential land.

5.4 AMENITY ASSESSMENT

The development has the potential to affect residential development across the road in Finlay Road in ways that residents might reasonably expect given the zoning of the land for industrial development. This potential effect is considered and has resulted in the provision of landscaping as outlined in section 5.16. Furthermore the operation of the facility in terms of traffic movements has had regard to noise affects and has resulted in the proposed use of the southern gate in Lockyer Street including for B-double trucks (not currently permitted to use that part of Lockyer Street), and no night time reversing movements along with other restrictions on driver and personal activities.

With the recommendations of the noise assessment carried out and the provision of landscaping to the north and also to the east (along Lockyer Street) it is considered that the development will be capable of a satisfactory operation without adversely affecting the amenity of the locality.

5.5 NOISE ASSESSMENT

The development is within a general industrial area which accommodates various development types including a poultry hatchery. Vehicles will be entering and exiting the site at various times during the day and night but generally would exit the site in the early morning hours and return to site in the late afternoon/early evening. The nearest dwellings are located to the north of the site on Finlay Road. A Noise Impact Assessment has been undertaken by Harwood Acoustics which includes the following conclusion:

"An assessment of the potential noise emission arising from a truck depot proposed to be established at 31 Lockyer Street, Goulburn, NSW has been undertaken.

Noise modelling, calculations and predictions show that the level of noise emission from the operation of the depot can be controlled so as to minimise the noise impact on neighbouring residences and meet the EPA's standard noise design goals for industrial premises, so far as is reasonably practicable. This is providing that recommendations made in Section 5 of this Report are implemented and continue to be adhered to.

The NSW EPA's Road Noise Policy 2011 will also be met for this proposal from trucks accessing the site during day time or night time hours."

A copy of the Noise Impact Assessment prepared by Harwood Acoustics is separately attached.

5.6 PRIVACY and OVERSHADOWING ASSESSMENT

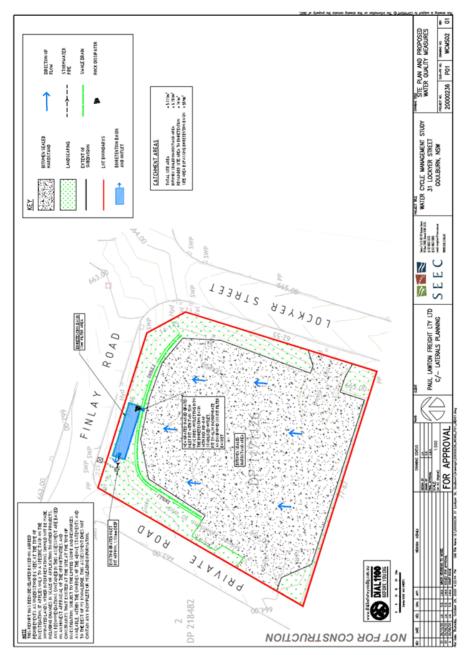
The development does not involve any works that would result in privacy and overshadowing issues.

5.7 WATER MANAGEMENT ASSESSMENT

A Water Cycle Management Study has been undertaken by Strategic Environmental and Engineering Consulting (SEEC) and a copy is separately attached. The following plan indicates the required water quality measures to achieve a neutral or beneficial effect on water quality.

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SEEC Water Quality Measures

5.8 EROSION and SEDIMENT CONTROL ASSESSMENT

Erosion and sediment controls including sediment fencing and/or hay bales will be installed at the downslope sections of any development site works until vegetation is re-established in any disturbed areas.

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5.9 SOCIAL AND ECONOMIC ASSESSMENT

The approval of the proposed development will result in the retention of the Goulburn operations of Paul Lawton Freight Pty Ltd. The company operates an extensive fleet of trucks transporting goods throughout eastern Australia. There are six (6) drivers and their families based in Goulburn and they make an important contribution to the Goulburn economy and community.

5.10 HERITAGE AND ABORIGINAL OBJECTS ASSESSMENT

The site is not located within a heritage conservation area and is not listed as a heritage item. The development is not in an area of high elevation or located near any waterways of significance. As such an Aboriginal archaeological assessment has not been conducted. The site has been levelled to allow for vehicles to drive into the site, turn around and park and depart the site in a forward direction and has been used for truck parking for a couple of years. No site works are required for the continuation of the land use.

The site adjoins a heritage item which consists of the Goulburn Workers Club Arena, Grandstand, Rifle Range and Nissen Huts. The development proposed is more a use of land (parking of trucks) than physical development that introduces any new or permanent architecture to the locality and as such the proposal has no significant heritage impact.

5.11 DEMOLITION ASSESSMENT

No demolition is proposed for assessment.

5.12 UTILITIES AND SERVICES ASSESSMENT

The site does have adjacent water and sewerage reticulation and access to power and telephone. These facilities are not needed for the proposed truck depot.

5.13 SUITABILITY OF THE SITE

The development proposal as designed is considered suitable for the site and compatible within the locality.

5.14 CONTAMINATED LAND ASSESSMENT

This report provides information from preliminary investigations pertinent to the development about the potential for the site to contain contamination from previous activities. The assessment is carried out in accordance with the 'Planning Guidelines for Contaminated Land' prepared by the Department of Urban Affairs and Planning and Environment Protection Authority in 1998. The report forms a key assessment in accordance with the heads of consideration in s79C of the Environmental Planning and Assessment Act 1979.

- (i) Previous land uses
 - The land has historically would have been used for limited agricultural purposes. The original subdivision creating the light industrial subdivision (DP 1121635) dates from 2007 and the land has essentially been vacant since that date until the current operations commenced a couple of years ago.
- (ii) Adjoining Land Uses
 - Adjoining land uses are recorded under site context at Section 2.3 above. There is no information that would indicate that there has been any activity on the land that would result in the contamination of the land which is the subject of this application.
- (iii) Site Inspection
 - A site inspection was carried out in July 2020. A visual inspection was carried out to identify the presence of any rubbish tips, mounds, holes or bare ground that could possibly indicate landfill or materials that may or may not contain contaminants. No obvious contamination on the land within the development was identified.
- (iv) Potentially Contaminating Activities

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Potentially contaminating activities and main contaminants are listed in Table 1 of Chapter 2 of the 'Planning Guidelines for Contaminated Land' published by the Department of Urban Affairs and Planning and Environment Protection Authority in 1998. The list of activities and main contaminants are provided below.

MANAGING LAND CONTAMINATION PLANNING GUIDELINES 1998 Table 1. Some Activities that may Cause Contamination

• acid/alkali plant and formulation • agricultural/horticultural activities • airports • asbestos production and disposal • chemicals manufacture and formulation • defence works • drum re-conditioning works • dry cleaning establishments • electrical manufacturing (transformers) • electroplating and heat treatment premises • engine works • explosives industry • gas works • iron and steel works • landfill sites • metal treatment • mining and extractive industries • oil production and storage • paint formulation and manufacture • pesticide manufacture and formulation • power stations • railway yards • scrap yards • service stations • sheep and cattle dips • smelting and refining • tanning and associated trades • waste storage and treatment • wood preservation

None of the activities or main contaminants listed in the guideline has affected the land based on the information available at the time of this preliminary assessment.

- (v) Remediation Activities
 - There is no information that the land has been subject to any notices concerning the need for remediation of the site. There is no information to indicate that the land has been subject to voluntary remediation by any prior landowner.
- (vi) Contaminated Land Assessment Summary From this assessment there appears to be no contamination or potential contamination of the land which is the subject of the proposed development. Based on this preliminary assessment it is considered that the site is presently suitable for the proposed development.

5.15 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

In April 2001, the NSW Department of Infrastructure, Planning and Natural Resources (former Department of Urban Affairs and Planning) introduced Crime Prevention Legislative Guidelines to s4.15(1) of the Environmental Planning and Assessment Act 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. Guideline protocols are location (need) based agreements which outline the types of development that will be jointly assessed, how consultation will occur and timeframes for consultation. Subject to council discretion, development types not listed in local consultation protocols will not require a formal crime risk (CPTED) assessment. The proposed development is not considered to pose a crime risk, however, the following initiatives will be implemented to minimise any risk:

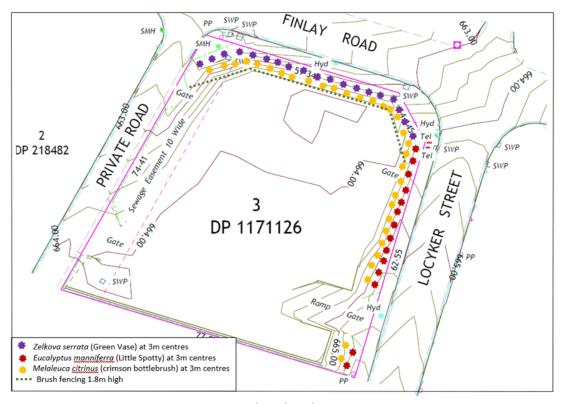
- the street number will be displayed at the front of the property to assist emergency services locate the property.
- street fencing and side boundary fencing is of a security type to maximise visibility of the site and allow passive surveillance.
- security gates are provided to the land.

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5.16 LANDSCAPING

Proposed landscaping is detailed below:



Proposed Landscaping

(Base Plan: SCCS Site Survey)

In accordance with advice from Council, the plantings along the Lockyer Street boundary will comprise *Eucalyptus manniferra* (Little Spotty) at 3m centres and along the Finlay Road boundary will comprise *Zelkova serrata* (Green Vase) at 3m centres with the additional planting of *Melaleuca citrinus* (crimson bottlebrush) at 3m centres located approx. 1.5m from the front line of plantings. Typical example of these species is detailed below on page 37. It is also proposed that a 1.8m high brush fence be erected generally adjacent to the northern boundary between the northwest gateway and northeast gateway as shown above to provide additional screening.

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Eucalyptus manniferra (Little Spotty)

Zelkova serrata (Green Vase)

Melaleuca citrina (Callistemon Citrinus)

Eucalyptus mannifera 'Little Spotty' is a small Australian native tree with narrow leaves and a rounded shape. It is noted for its spotted bark and beautiful white flowers that are in bloom from Winter to Summer. Little Spotty has a fast growth rate, reaching heights of approximately 8 metres.

Zelkova serrata 'Green Vase' is a fast-growing, medium-sized, deciduous tree. 'Green Vase' matures to a graceful, uniform V-shaped tree with a short trunk and upright branching. Bark is distinctive, predominantly in shades of yellows and light greys and has a flaky appearance revealing additional textures and tones of orange, brown and pink.

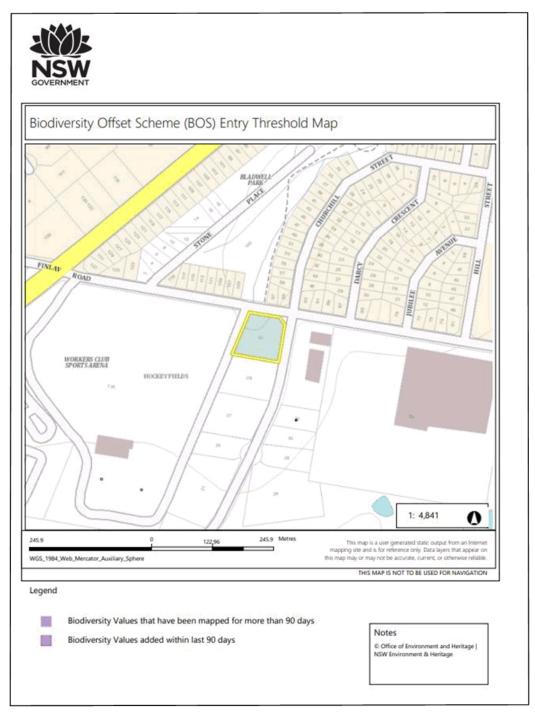
Melaleuca citrina, commonly known as common red, crimson or lemon bottlebrush, is a plant in the myrtle family. Myrtaceae and is endemic to New South Wales and Victoria. It is a hardy and adaptable species, common in its natural habitat. It is widely cultivated often as a species of Callistemon.

5.17 BIODIVERSITY

A Biodiversity Values Map and threshold Tool was obtained on-line indicating that the site has no biodiversity values for assessment. This would be consistent with the site being substantially devoid of all vegetation other than skirting trees. The assessment report is detailed below. For Council assessment the development involves no clearing and no incidental clearing from the construction activity. The ground area is gravel surfaced. The site is not identified on the Biodiversity Values Map and Threshold Tool. No clearing is necessary or proposed. The land to be utilised contains no vegetation and as such the development will not affect threatened species nor does the development involve any Key Threatening Process.

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Biodiversity Values Map (Map Source: NSW Government Website)

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Biodiversity Values Map and Threshold Report

Results Summary

Date of Calculation	31/08/2020 3	:40 PM	BDAR Required*
Total Digitised Area	0.5	ha	
Minimum Lot Size Method	Lot size		
Minimum Lot Size	0.5	ha	
Area Clearing Threshold	0.25	ha	
Area clearing trigger Area of native vegetation cleared	Unknown #		Unknown #
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no		no
Date of the 90 day Expiry	N/A		

*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment
 Report with your development application. Go to https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor to access a
 list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.
- # Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BOSET user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Office of Environment and Heritage and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies will all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature	Date:	31	/08	/2020	03:40	PM

Biodiversity Values Report

(Map Source: NSW Government Website)

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5.18 SUBMISSIONS

Submissions regarding the development proposal have not been made at this stage.

5.19 PUBLIC INTEREST

There are no known issues of public interest that should preclude the consent of this development application. The public interest matters addressed through the 2020 Strategy are generally considered in the above matters with no anticipated conflicts being created with community expectations.



6 CONCLUSIONS

The requirements of section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this development application as follows -

- The development proposal complies with the relevant provisions of the applicable environmental
 planning instruments, development control plans and the regulations further discussed in Appendix
 1 below
- There is no draft Environmental Planning Instrument applicable to the land.
- No planning agreements, or draft planning agreements have been entered into or proposed in relation to this development.
- The development proposal has been designed to minimise or eliminate any likely impacts of the
 development, including potential environmental impacts on the natural and built environments,
 and the social and economic impacts in the locality.
- The site is considered suitable for the development proposal as designed.
- Public submissions regarding the development proposal have not been made at this stage, but would be considered following public notification in accordance with Councils policy.
- There are no other known issues of public interest that should preclude the consent of this
 development application.

The requirements of clauses 92, 93, 94, and 94A, of the *Environmental Planning and Assessment Regulation* 2000 have been considered where applicable as noted in the following manner –

- There is no demolition of a building involved in the development.
- The development is not in relation to a subdivision order made under Schedule 7 to the Act.
- The development is not relevant in terms of the Dark Sky Planning Guideline.
- The development is not for the purposes of a manor house or multi dwelling housing (terraces).
- The development is not for the erection of a building for residential purposes on land in Penrith City Centre.
- The development is not for a change of building use for an existing building.
- The development does not involve the rebuilding, alteration, enlargement or extension of an existing building.
- The development is not for the erection of a temporary structure.

Further details regarding the matters of consideration in relation to this development proposal are detailed below in Appendix 2.

The development is in accordance with legislative requirements and relevant guidelines and is considered reasonable and not contrary to the public interest and is a development worthy of Council's support.

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7 APPENDIX 1 – LEGISLATION POTENTIALLY APPLICABLE

LEGISLATION AND PLANNING	RELEVANCE	APPLICABILITY (FOR FURTHER CONSIDERATION)
CONTROLS	045 1 0 1 1 0 1 1 1 1 1	
Environmental Planning & Assessment Act 1979 and Regulation 2000	 2.1 Ecological Sustainable Development (ESD): The principles of ecologically sustainable development are as follows: (a) the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by: (iii) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (iv) an assessment of the risk-weighted consequences of various options, (b) inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations, (c) conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration, (d) improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as: (i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems. 	YES
	See Section 4.1.1.	
	Section 4.10 — Designated Development The development is not identified as designated development under Schedule 3 of the EPA Regulations 2000.	NO
	2.3 Section 4.14 – Bushfire Prone Land Section 4.14 of the Environmental Planning and Assessment Act 1979 requires that Council not grant approval for any development in a bush fire prone area (other than those developments covered by Section 1008 of the Rural Fires Act 1997) unless the proposal complies with Planning for Bush Fire Protection 2019 or the Commissioner of the NSW Rural Fire Service has been consulted on any non-compliance. The consent authority is only required to consult with the NSW Rural Fire Service (NSW RFS) under section 4.14 when a proposed residential dwelling (i.e. infill) does not comply with the "acceptable solutions" of Planning for Bush Fire Protection 2006. The site is not identified as bushfire prone land.	NO
	Section 4.46 – Integrated Development Integrated development is development that, in order to be carried out, requires development consent and one (1) or more specified approvals under a number of other Acts. The proposed development is not classified as 'integrated development'.	NO

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	2.5 Section 7.4 – Provisions of a Planning Agreement	NO
	The proposed development is not subject to the provisions of a	
	Voluntary Planning Agreement under Section 7.4 EPA Act.	
	2.6 Section 10.4 – Declaration	NO
	Section 10.4 EPA Act requires the declaration of donations/gifts in excess	110
	of \$1000 within Section 5 of the Development Application form. The	
	Applicant has declared that there are no relevant political donations or affiliations.	
Commonwealth	The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC	NO
Legislation	Act) commenced on 16th July 2000 and is administered by the	
	Commonwealth Department of Environment, Water, Heritage and the Arts.	
	Its primary objective is to "provide for the protection of the environment,	
	especially those aspects of the environment that are matters of national	
	environmental significance."	
	environmental significance.	
	The development will not require clearing for any aspect of development	
D / A 4000	The development will not require clearing for any aspect of development.	NO
Road Act 1993	Under Section 138 of the Roads Act 1993, consent is required from the	NO
	appropriate roads authority to:	
	(a) erect a structure or carry out a work in, on or over a public road, or	
	(b) dig up or disturb the surface of a public road, or	
	(c) remove or interfere with a structure, work or tree on a public road, or	
	(d) pump water into a public road from any land adjoining the road, or	
	(e) connect a road (whether public or private) to a classified road,	
	The development will not involve the construction of driveway accesses	
	from Lockyer Street.	
Local government Act	Under Section 68 of the Local Government Act, consent is required from	YES
1993	Council for the following:	
	Part A Structures or places of public entertainment	
	Install a manufactured home, moveable dwelling or associated	
	structure on land	
	Part B Water supply, sewerage and stormwater drainage work	
	Carry out water supply work	
	Draw water from a council water supply or a standpipe or sell water so	
	drawn	
	3 Install, alter, disconnect or remove a meter connected to a service pipe	
	4 Carry out sewerage work	
	5 Carry out stormwater drainage work	
	6 Connect a private drain or sewer with a public drain or sewer under the	
	control of a council or with a drain or sewer which connects with such a	
	public drain or sewer	
	Part C Management of waste	
	For fee or reward, transport waste over or under a public place	
	2 Place waste in a public place	
	3 Place a waste storage container in a public place	
	4 Dispose of waste into a sewer of the council	
	5 Install, construct or alter a waste treatment device or a human waste	
	storage facility or a drain connected to any such device or facility	
	6 Operate a system of sewage management (within the meaning of	
	section 68A)	
	Part D Community land	
	1 Engage in a trade or business	
	2 Direct or procure a theatrical, musical or other entertainment for the	
	public 2 Construct a temporary englesure for the purpose of entertainment	
	3 Construct a temporary enclosure for the purpose of entertainment	
	4 For fee or reward, play a musical instrument or sing	
	5 Set up, operate or use a loudspeaker or sound amplifying device	
	6 Deliver a public address or hold a religious service or public meeting	
	Part E Public roads	
	1 Swing or hoist goods across or over any part of a public road by means	
	of a lift, hoist or tackle projecting over the footway	



	2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road Part F Other activities A. Operate a public car park 2 Operate a caravan park or camping ground 3 Operate a manufactured home estate 4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance E. Install or operate amusement devices (Construction Safety) 3 Install or operate amusement devices (Local government Act) 4 Use a standing vehicle or any article for the purpose of selling any article in a public place 5 Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations	
State Environmental	The aims of this Policy are as follows:	NO
Planning Policy (Affordable Rental Housing) 2009	 a. to provide a consistent planning regime for the provision of affordable rental housing, b. to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, c. to facilitate the retention and mitigate the loss of existing affordable rental housing, d. to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, e. to facilitate an expanded role for not-for-profit-providers of affordable rental housing, f. to support local business centres by providing affordable rental housing for workers close to places of work, g. to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation. 	
	The development is not for affordable rental housing.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The aims of this Policy are as follows: a. Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which: (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled. b. The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. c. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	NO
	The development does not involve any new residential building.	
State Environmental	If a person whose concurrence to development is required to be obtained by	NO
Planning Policy	a relevant provision fails to inform a consent authority of the decision	
(Concurrences) 2018	concerning concurrence within the time allowed for doing so, the Planning	



	Secretary may elect to act in the place of the person for the purposes of	
	deciding whether to grant concurrence to the development.	
	designing whether to grant content to the development	
	Concurrence is not required.	
State Environmental	The aim of this Policy is to facilitate the effective delivery of educational	NO
Planning Policy	establishments and early education and care facilities across the State by—	
Educational	a. improving regulatory certainty and efficiency through a consistent	
stablishments and	planning regime for educational establishments and early education and	
Child Care Facilities)	care facilities, and	
2017	b. simplifying and standardising planning approval pathways for	
	educational establishments and early education and care facilities	
	(including identifying certain development of minimal environmental	
	impact as exempt development), and	
	c. establishing consistent State-wide assessment requirements and design	
	considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to	
	minimise impacts on surrounding areas, and	
	d. allowing for the efficient development, redevelopment or use of surplus	
	government-owned land (including providing for consultation with	
	communities regarding educational establishments in their local area),	
	and	
	e. providing for consultation with relevant public authorities about certain	
	development during the assessment process or prior to development	
	commencing, and	
	f. aligning the NSW planning framework with the National Quality	
	Framework that regulates early education and care services, and	
	g. ensuring that proponents of new developments or modified premises	
	meet the applicable requirements of the National Quality Framework for	
	early education and care services, and of the corresponding regime for	
	State regulated education and care services, as part of the planning	
	approval and development process, and	
	h. encouraging proponents of new developments or modified premises and	
	consent authorities to facilitate the joint and shared use of the facilities	
	of educational establishments with the community through appropriate	
	design.	
	The development is not for an educational establishments or early education	
	and care facility.	
State Environmental	This Policy aims to provide streamlined assessment processes for	NO
Planning Policy	development that complies with specified development standards by—	
(Exempt and	(a) providing exempt and complying development codes that have State-	
Complying	wide application, and	
Development Codes)	(b) identifying, in the exempt development codes, types of development	
2008	that are of minimal environmental impact that may be carried out	
	without the need for development consent, and	
	(c) identifying, in the complying development codes, types of complying	
	development that may be carried out in accordance with a complying	
	development certificate as defined in the Act, and (d) enabling the progressive extension of the types of development in this	
	(d) enabling the progressive extension of the types of development in this	
	(e) providing transitional arrangements for the introduction of the State-	
	wide codes, including the amendment of other environmental planning	
	instruments.	
	No Exempt or Complying Development is sought for the proposed	
	development.	
State Environmental	(1) This Policy aims to encourage the provision of housing (including	NO
Planning Policy	residential care facilities) that will—	
(Housing for Seniors or		
People with a	of seniors or people with a disability, and	
Disability) 2004	(b) make efficient use of existing infrastructure and services, and	
	(c) be of good design.	



	 (2) These aims will be achieved by— (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes. 	
	The development is not for Seniors Housing.	
State Environmental	The aim of this Policy is to facilitate the effective delivery of infrastructure	NO
Planning Policy	across the State by:	
(Infrastructure) 2007	 (i) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and (ii) providing greater flexibility in the location of infrastructure and service facilities, and (iii) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and (iv) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and (v) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (vi) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (vii) providing opportunities for infrastructure to demonstrate good design outcomes. 	
	The development is not of a kind referred to in the SEPP nor affects any land or operation controlled by any authority.	
State Environmental Planning Policy (Koala Habitat Protection) 2019	This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The Policy applies to Goulburn Mulwaree Council which is within the "Central and Southern Tablelands" koala management area. The land is not within the area of the "Koala Development Application Map" and is not within a "Site Investigation Area for Koala Plans of Management	NO
	Map".	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries— (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (b1) to promote the development of significant mineral resources, and (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and	NO
	sustainable management, of development of mineral, petroleum and extractive material resources, and (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development— (i) to recognise the importance of agricultural resources, and (ii) to ensure protection of strategic agricultural land and water resources, and	



	(iii) to ensure a balanced use of land by potentially competing industries,	
	and	
	(iv) to provide for the sustainable growth of mining, petroleum and	
	agricultural industries	
	The development is not of a type to which the SEPP applies.	
State Environmental	The aims of this Policy are as follows:	NO
Planning Policy	i. to provide that the erection of temporary structures is permissible with	
(Miscellaneous	consent across the State,	
Consent Provisions)	 to ensure that suitable provision is made for ensuring the safety of 	
2007	persons using temporary structures,	
	i. to encourage the protection of the environment at the location, and in	
	the vicinity, of temporary structures by specifying relevant matters for	
	consideration,	
	v. to provide that development comprising the subdivision of land, the	
	erection of a building or the demolition of a building, to the extent to	
	which it does not already require development consent under another	
	environmental planning instrument, cannot be carried out except with	
	development consent.	
	The development is not for a temporary structure.	
State Environmental	The aims of this Policy are as follows—	NO
Planning Policy	(i) to facilitate the orderly economic use and development of lands for	
(Primary Production	primary production,	
and Rural	(ii) to reduce land use conflict and sterilisation of rural land by balancing	
Development) 2019	primary production, residential development and the protection of	
	native vegetation, biodiversity and water resources,	
	(iii) to identify State significant agricultural land for the purpose of ensuring	
	the ongoing viability of agriculture on that land, having regard to social,	
	economic and environmental considerations,	
	(iv) to simplify the regulatory process for smaller-scale low risk artificial	
	waterbodies, and routine maintenance of artificial water supply or	
	drainage, in irrigation areas and districts, and for routine and emergency	
	work in irrigation areas and districts,	
	(v) to encourage sustainable agriculture, including sustainable aquaculture,	
	(vi) to require consideration of the effects of all proposed development in	
	the State on oyster aquaculture,	
	(vii) to identify aquaculture that is to be treated as designated development	
	using a well-defined and concise development assessment regime based	
	on environment risks associated with site and operational factors.	
	The site has an area of 5000m ² and has not been utilised for agriculture since	
	the subdivision creating the allotment was completed in 2013. The property	
	is considered to have no agricultural value (existing) and further productive	
	potential given its location. Native vegetation, biodiversity and water	
	resources have been considered in relation to the proposed development.	
	The Site	
	 Is not identified within an irrigation corporation within the meaning of 	
	part 1 of Chapter 4 of the Water Management Act 2000.	
	Does not involve development in excess of what is permissible for	
	Livestock industries per Part 4.	
	Is not located in the Western Division within the meaning of the Crown	
	Lands Management Act 2016.	
	Does not propose sustainable Aquaculture or affect oyster aquaculture	
	per part 5.	
	(Note: Clauses 1, 3, 4 & Part 4 of Schedule 4 are not applicable under	
	Goulburn Mulwaree LEP 2009; and Schedule 5 is not applicable under	
	Goulburn Mulwaree LEP 2009.)	



Chata Fassinananantal	The sines of this Policy area	VEC
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	The aims of this Policy are: (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment. The SWDC SEPP provides that a consent authority must not grant consent on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality. The SWDC SEPP further provides that a consent authority must not grant consent to the carrying out of development on land in the Sydney drinking water catchment except with the concurrence of the Water NSW (previously known as 'SCA'). The requirement for referral does not apply if the consent authority is satisfied that the proposed development has no identifiable potential impact on water quality.	YES
State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017	In accordance with the "Neutral or Beneficial Effect of Water Quality Assessment Guideline 2015" the development is a Module 5 type development which requires referral to Water NSW. A Water Cycle Management Study has been undertaken by SEEC and a copy is attached. Also, see Section 5.7. The aims of this Policy are— (a) to protect the biodiversity values of trees and other vegetation in non- rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	NO
	The land is within the IN1 General Industrial Zone and as such the policy applies to the development. However, there is no clearing associated with the proposed development.	
State Environmental Planning Policy No 21—Caravan Parks	 The aim of this Policy is to encourage: (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and (c) the provision of community facilities for land so used, and (d) the protection of the environment of, and in the vicinity of, land so used. The strategies by which that aim is to be achieved are: (a) (Repealed) (b) by requiring that development consent be obtained from the local Council for development for the purposes of caravan parks, and (c) by providing that development consent may be granted that will authorise the use of sites for short-term stays (whether or not by tourists) or for long-term residential purposes, or for both, and (d) by requiring that development consent be obtained from the local Council for the subdivision of land for lease purposes under section 289K of the Local Government Act 1919 	NO
State Environmental Planning Policy No 33 — Hazardous and	The development is not for a caravan park. SEPP 33 deals with the definition of, and control of, hazardous and offensive developments. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined by the legislation.	NO



o" :	oron and for the state of	
Offensive	SEPP 33 defines potentially offensive industry as:	
Development	"a development for the purposes of an industry which, if the development	
	were to operate without employing any measures (including, for example,	
	isolation from existing or likely future development on other land) to reduce	
	or minimise its impact in the locality or on the existing or likely future	
	development on other land, would emit a polluting discharge (including for	
	example, noise) in a manner which would have a significant adverse impact	
	in the locality or on the existing or likely future development on other land,	
	and includes an offensive industry and an offensive storage establishment."	
	and morage cotabilisment	
	According to the Department of Planning and Infrastructure publication	
	entitled Applying SEPP 33 Guidelines dated January 2011, this development	
	, , ,	
	would not likely fall under the definition "potentially offensive	
	development" by deduction by not being identified as Designated	
	Development.	
	The development does not involve any potentially offensive or hazardous	
	activity.	
State Environmental	(1) The aims of this Policy are:	NO
Planning Policy No	(i) to facilitate the establishment of manufactured home estates as a	
36—Manufactured	contemporary form of medium density residential development that	
Home Estates	provides an alternative to traditional housing arrangements, and	
Home Estates		
	(ii) to provide immediate development opportunities for manufactured	
	home estates on the commencement of this Policy, and	
	(iii) to encourage the provision of affordable housing in well designed	
	estates, and	
	(iv) to ensure that manufactured home estates are situated only in	
	suitable locations and not on land having important resources or	
	having landscape, scenic or ecological qualities that should be	
	preserved, and	
	(v) to ensure that manufactured home estates are adequately serviced	
	and have access to essential community facilities and services, and	
	(vi) to protect the environment surrounding manufactured home	
	estates, and	
	(vii) to provide measures which will facilitate security of tenure for	
	residents of manufactured home estates.	
	(2) The strategies by which those aims are to be achieved are:	
	(a) by allowing, with development consent, manufactured home estates	
	on certain land on which caravan parks are permitted if the land	
	meets the suitable locational criteria stipulated in this Policy (which	
	it would not do if, for example, it contains important resources, is	
	subject to natural or man-made risks or has sensitive environmental	
	or ecological features), and	
	(b) by applying this Policy to areas where there is likely to be a demand	
	and suitable opportunities for the development of manufactured	
	home estates, and	
	· ·	
	(c) by allowing manufactured home estates to be subdivided with	
	development consent either by way of leases for terms of up to 20	
	years or under the Community Land Development Act 1989, and	
	(d) by enabling the Minister for Planning to exclude from this Policy any	
	land that is subject to a local environmental plan prepared in	
	accordance with the principles of a direction issued in conjunction	
	with this Policy under section 117 of the Act	
	,	
	The development is not for a manufactured home estate.	
State Environmental		NO
State Environmental	This Policy aims to prohibit canal estate development as described in this	NO
Planning Policy No	Policy in order to ensure that the environment is not adversely affected by	
50—Canal Estate	the creation of new developments of this kind.	
Development		
	The development is not for a canal estate.	



State Environmental	SEPP 55 deals with the remediation of land and the consent authority is	YES
State Environmental Planning Policy No 55 - Remediation of Land	 SEPP 55 deals with the remediation of land and the consent authority is required to consider the items listed under Clause 7. As stated by Clause 7: A consent authority must not consent to the carrying out of any development on land unless: (a) It has considered whether the land is contaminated, and (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation. (4) The land concerned is: (a) Land that is within an investigation area, (b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been carried out 	YES
	and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation. (4) The land concerned is: (a) Land that is within an investigation area, (b) Land on which development for a purpose referred to in Table 1 to	
	(ii) On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)." Contaminated land is defined in SEPP 55 to mean land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment. There is the potential for contamination and as such the site requires consideration in preliminary terms. A preliminary assessment has been carried out – see Section 5.14.	
State Environmental Planning Policy No 64—Advertising and Signage	(1) This Policy aims: (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage	NO



	The development does not propose signage.	
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	 The development does not propose signage. This Policy aims to improve the design quality of residential apartment development in New South Wales. This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. Improving the design quality of residential apartment development aims: (a) to ensure that it contributes to the sustainable development of New South Wales:	NO
	The development does not involve residential apartment development.	
Goulburn Mulwaree LEP 2009	The site is within the Goulburn Mulwaree Local Government Area ('LGA') and the Goulburn Mulwaree Local Environmental Plan 2009 is the applicable Local Environmental Plan which was published and commenced on 20 February 2009. The site is within the IN1 General Industrial zone under the Goulburn Mulwaree Local Environmental Plan 2009. The proposed development (truck depot) is permissible development under the zone subject to compliance with various clauses detailed in this Statement. Under the Goulburn Mulwaree Local Environmental Plan 2009 the land is also identified as: 1. Has no minimum lot size for subdivision. 2. Has no height of building limitation. 3. Has no floor space ratio limitation. 4. Not affected by minerals or extractive resources. 5. Not subject to any land acquisition proposal. 6. Not containing a heritage item. 7. Not within a heritage conservation area. 8. Not flood liable. 9. Is not within an area of terrestrial biodiversity. 10. Not within an urban release area. 11. In terms of clause 3.3 the land isanot within the coastal waters; b. not a coastal lake; c. not included in SEPP 14 or SEPP 26;	YES



e. not within a wetland of international significance or a world heritage area; f. not within 100m of either item (c), (d) or (e) above; g. not identified as being of high Aboriginal cultural significance or high biodiversity; h. not reserved as a state conservation area; i. not dedicated for the preservation of flora, fauna, geological formations or for other environmental protection purposes; j. not within critical habitat. See Section 4.1.6. The Goulburn Mulwaree Development Control Plan 2009 (DCP) controls relevant to the proposed development are: • 2 Plan Objectives • 2.1 General Development Objectives • 2.2 Locality objective – Goulburn City • 3 General Development Controls	YES
 3.1 Indigenous heritage and archaeology 3.2 European(non-indigenous) heritage conservation 3.5 Landscaping 3.6 Vehicular access and parking 3.7 Crime prevention through environmental design 3.14 Biodiversity management 3.16 Stormwater pollution 4 Principle Development Controls – Urban 4.2 Non-residential development – retail, commercial and industrial 4.2.1 Design principles – industrial 4.2.7 Noise and vibration – general requirements A full assessment against the relevant components of the DCP is included at	
The site is not located within the Goulburn City Business District (CBD).	NO
The site is not located within the area of the Goulhurn Mulwarea Section 94	NO
Contribution Plan 2009.	140
The estimated total cost of the development is \$78,480 and as the development cost is less than \$100,000 the Section 94A Levy Development Contribution is not payable. See Section 4.1.11.	YES
	heritage area; f. not within 100m of either item (c), (d) or (e) above; g. not identified as being of high Aboriginal cultural significance or high biodiversity; h. not reserved as a state conservation area; i. not dedicated for the preservation of flora, fauna, geological formations or for other environmental protection purposes; j. not within critical habitat. See Section 4.1.6. The Goulburn Mulwaree Development Control Plan 2009 (DCP) controls relevant to the proposed development are: 2 Plan Objectives 2.1 General Development Objectives 2.2 Locality objective – Goulburn City 3 General Development Controls 3.1 Indigenous heritage and archaeology 3.2 European(non-indigenous) heritage conservation 3.5 Landscaping 3.6 Vehicular access and parking 3.7 Crime prevention through environmental design 3.14 Biodiversity management 3.16 Stormwater pollution 4 Principle Development Controls – Urban 4.2 Non-residential development – retail, commercial and industrial 4.2.2 Design principles – industrial 4.2.7 Noise and vibration – general requirements A full assessment against the relevant components of the DCP is included at Appendix 2. Special consideration of planning issues is provided in Section 5. The site is not located within the Goulburn City Business District (CBD). The site is not located within the area of the Goulburn Mulwaree Section 94 Contribution Plan 2009.



8 APPENDIX 2 – LEGISLATIVE AND POLICY COMPLIANCE

Clauses identified as relevant to the proposed development and contained within the legislative controls are listed and considered in the following table.

PROVISION	REQUIREMENT	COMMENTS	COMPLIANCE
GOULBURN MULWAREE I	OCAL ENVIORNMENTAL PLAN 2009	,	
Cl.1.2 Aims of Plan Subclause 2(a-)(k)	The particular aims of this Plan are as follows: (a) to promote and co-ordinate the orderly and economic use and development of land in the area, (b) to provide a framework for the Council to carry out its responsibility for environmental planning provisions and facilitate the achievement of the objectives of this Plan, (c) to encourage the sustainable management, development and conservation of natural resources, (d) to promote the use of rural resources for agriculture and primary production and related processing service and value adding industries, (e) to protect and conserve the environmental and cultural heritage of Goulburn Mulwaree, (f) to enhance and provide a range of housing opportunities in, and the residential and service functions of, the main towns and villages in Goulburn Mulwaree, (g) to establish a framework for the timing and staging of development on certain land in Goulburn and Marulan, (h) to provide a range of housing opportunities, including large lot residential development in the vicinity of the villages, (i) to allow development only if it occurs in a manner that minimises risks due to environmental hazards, and minimises risks to important elements of the physical environment, including water quality, (j) to provide direction and guidance as to the manner in which growth and change are to be managed in Goulburn Mulwaree, (k) to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Goulburn Mulwaree and Sydney drinking water catchments	The proposed development is designed within the framework of the LEP and DCP and provides for: Development consistent with the orderly development of the land to a level anticipated in the planning instrument; The design of the development to provide for the sustainable management of the land. Sustainable development in the management of sites natural qualities and constraints; Development that has been planned and forms part of the expected management regime for the rural locality; Consideration of the environmental constraints of the site and planned for appropriate management of utilities, services and stormwater. A design to manage any potential additional hazard generated to watercourses, riparian habitats, wetlands or water quality.	YES

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PROVISION	REQUIREMENT	COMMENTS	COMPLIANCE
	so as to enable the achievement of		
Cl.1.9A Suspension of covenants, agreements and instruments	the water quality objectives. (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. (2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or (d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or (e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or (f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995. (3) This clause does not affect the rights or interests of any public authority under any registered instrument.	There are no known covenants, agreements or instruments affecting the land. However, there is an easement to drain sewage 10 wide along the west of the land which remains unaffected by the proposed development except for car parking on that part which would not involve any works.	YES
Cl.2.3 Zone objectives and land use table IN1 General Industrial	To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses.	Under the IN 1 General Industrial zone the proposal addresses the objectives in that- 1. The truck depot provides for the development and use of the land for a permissible industrial use providing for the continuing support of the Goulburn businesses and community in an efficient and integrated manner. 2. The truck depot enables the continued support of employment opportunities in the locality by the establishment of a facility to accommodate logistical support services within the Goulburn community. 3. The scale of the development and the location of the truck depot on	YES



PROVISION	REQUIREMENT	COMMENTS	COMPLIANCE
		found to be capable of being conducted and managed in a manner satisfactory having regard to potential impacts on other more sensitive nearby land uses. 4. The proposed development makes use of industrial zoned land in a manner which, while not carrying out any building or structure construction, enables the further use of the industrial zoned land consistent with the circular economy.	
Cl.4.6	The objectives of this clause are as follows:	No exception is sought to the minimum standards for development of the land.	YES
Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.		
Cl.5.10	The objectives of this clause are as follows:	The site is not located within a heritage conservation area nor is there any	YES
Heritage conservation	(a) to conserve the environmental heritage of Goulburn Mulwaree, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	heritage item on the land. A heritage item on the adjoining land is considered in section 5.10 above.	
Cl.5.11 Bush fire hazard reduction	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	The site is not identified as Bushfire Prone Land on the NSW Planning Portal.	N/A
	The objectives of this clause are as	The site is not identified as flood	YES
Cl.7.1 Flood planning land	follows: (a) to maintain the existing flood regime and flow conveyance capacity, (b) to enable safe occupation and evacuation of land subject to flooding, (c) to avoid significant adverse impacts on flood behaviour, (d) to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, (e) to limit uses to those compatible with flow conveyance function and	planning land on any Flood Planning Map under <i>Goulburn Mulwaree Local</i> <i>Environmental Plan 2009</i> .	fts
	flood hazard.		



PROVISION	REQUIREMENT	COMMENTS	COMPLIANCE
	processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.		
Cl.7.2 Terrestrial biodiversity	The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including: (a) protecting biological diversity of native flora and fauna, and (b) protecting the ecological processes necessary for their continued existence, and	The site is not identified as biodiversity on the Terrestrial Biodiversity Map under Goulburn Mulwaree Local Environmental Plan 2009.	YES
Cl 7.4	(c) encouraging the recovery of threatened species, communities or populations and their habitats. The objective of this clause is to	The land is not located near any	VEC
Cl.7.4 Restrictions on development adjoining mines and extractive resource sites	provide for the proper management and development of mineral and extractive resources for the purpose of promoting social and economic benefits to Goulburn Mulwaree and the State.	mineral or extractive resources on the Mineral Resource Area Map under Goulburn Mulwaree Local Environmental Plan 2009.	YES
GOULBURN MULWAREE D	EVELOPMENT CONTROL PLAN 2009		
Section 2 Plan objectives		As discussed in Section 5 above the	
Section 2.1 Plan Objectives	The relevant general development objectives are: Employment uses should be sensitively designed and located to minimise conflict. Non-residential land uses shall not impact upon the amenity of the area or surrounding sensitive land uses. This would include, for example, local shops and commercial premises, schools, child care centres, places of worship, open space and recreation. Land uses that maintain a rural landscape should be encouraged on the edges of residential areas to provide a defined transition to rural areas and minimise potential for land use conflicts. This is particularly important where large lot residential development is near areas identified for agricultural purposes. Best practice water quality controls (including water quality monitoring) should be implemented. Pre-	proposal: 1. Is employment maintaining and generating; 2. Is a facility in an area of similar uses and supportive of the existing community and local industry and services; 3. Will not impact the amenity of the area; 4. Will have a neutral or beneficial effect on water quality.	YES
	should be implemented. Pre- development water quality should be maintained or enhanced in post- development run-off. The management of water should address cumulative environmental		



PROVISION	REQUIREMENT	COMMENTS	COMPLIANCE
	impacts and be carried out in accordance with the objectives of integrated water cycle management and water sensitive urban design.		
Section 2.2 Locality Objectives — Goulburn City	Area character is given by a unique combination of the natural and physical elements of a place. This includes both public and private domain elements: slope, block pattern, lot size and dimension, setbacks, building form and scale, street tree planting, the treatment of front gardens and the adjacency of open space areas.	The development is not located within a heritage conservation area. The proposal does not include any changes to the site and will not negatively impact on the development objectives for the area or the future use of the industrial land.	YES
Section 3 General develop	ment controls		
Section 3.1 Indigenous heritage and archaeology	The objective is to provide for the consideration of impacts on indigenous heritage and archaeology from proposed developments within the Goulburn Mulwaree Local Government Area.	The development is not in an area of high elevation of located near any waterways of significance. No site works are proposed and as such an Aboriginal archaeological assessment has not been conducted. A heritage item on the adjoining land is considered in section 5.10.	YES.
Section 3.2 European (non- indigenous) heritage conservation	The general objectives of this section the DCP are: 1. To conserve and enhance the heritage significance and qualities of heritage items conservation areas and archaeological remains and relics. 2. To ensure that alterations, additions and new infill development are sympathetic, well designed and appropriate to the values of the heritage item or streetscape context in which it is located. 3. To preserve and maintain trees and other vegetation that contributes to the significance of heritage items and heritage conservation areas. 4. To ensure a thorough assessment process is applied for any proposed demolition or removal of a heritage item or building located within a heritage conservation area including the archival recording of these buildings where required. 5. To promote public awareness and education on heritage conservation.	The site is not located within a heritage conservation area and is not listed as a heritage item. A heritage item on the adjoining land is considered in section 5.10.	YES.
Section 3.5 Landscaping	The objective is to: Provide well-designed, constructed and maintained landscapes that are an asset to the community. Well-designed landscapes contribute to the attractiveness of outdoor spaces, to the protection of the natural environment and to the health and well being of the community.	In accordance with advice from Council, the plantings along the Lockyer Street boundary will comprise Eucalyptus manniferra (Little Spotty) at 3m centres and along the Finlay Road boundary will comprise Zelkova serrata (Green Vase) at 3m centres with the additional planting of Melaleuca citrinus (crimson bottlebrush) at 3m centres located approx. 1.5m from the	YES



PROVISION	REQUIREMENT	COMMENTS	COMPLIANCE
	Promote good landscape design. Good design is critical in producing environmentally sustainable landscapes. Provide attractive landscapes that are consistent with the visual character of the landscapes within the Goulburn Mulwaree local government area.	front line of plantings. Typical example of these species is detailed on page 37. It is also proposed that a 1.8m high brush fence be erected generally adjacent to the northern boundary between the northwest gateway and northeast gateway as shown above to provide additional screening.	
Section 3.6 Vehicular access and parking	This policy aims to provide sufficient and convenient parking for residents, visitors and service vehicles; to ensure vehicular and pedestrian safety and to encourage access design to form part of the overall landscape design.	See Sections 3.4 and 5.2 which indicates compliance with Council requirements.	YES
Section 3.7 Crime prevention through environmental design	The objectives of this plan for crime prevention through environmental design (CPTED) are to: • enhance and improve community safety within the Goulburn Mulwaree local government area • create a physical environment that encourages a feeling of safety • address community concerns with regard to issues of community safety and crime prevention • reduce the level of crime within the Goulburn Mulwaree local government area prevent the opportunity for criminal activity ②ensure that new developments promote CPTED	The proposed development complies with the objectives by incorporating appropriate identified measures. See Section 5.15.	YES
Section 3.14 Biodiversity management – (Reference: Clause 1.7 – LEP 2009	The objectives are: To provide bed and bank stability. To protect water quality. To maintain viability of riparian vegetation. To provide continuity and connectivity.	The site is not identified as biodiversity on the Terrestrial Biodiversity Map under Goulburn Mulwaree Local Environmental Plan 2009.	YES
Section 3.16 Stormwater pollution	The objective is to limit the amount of pollution entering waterways via stormwater.	A Water Cycle Management Study has been prepared by SEEC and a copy is separately attached. See Section 5.7.	YES
Section 4 Principal develop	oment controls — Urban		
Section 4.2.2 Design Principles - Industrial	The objective is to encourage a high standard of architectural design which contributes to a visually cohesive character. Encourage building design which allows energy efficient development and good solar access.	The development is located in an area dominated by light industrial activity and will not adversely impact on the existing amenity. Noise controls and additional landscaping is proposed as part of this development to ameliorate any potential impacts.	YES
Section 4.2.7 Noise and vibration – general requirements	The objective is to minimise the impact of noise and vibration by proposed operations and on proposed developments of existing and projected future sources of noise and vibration.	A Noise Impact Assessment has been undertaken by Harwood Acoustics – see Section 5.5.	YES

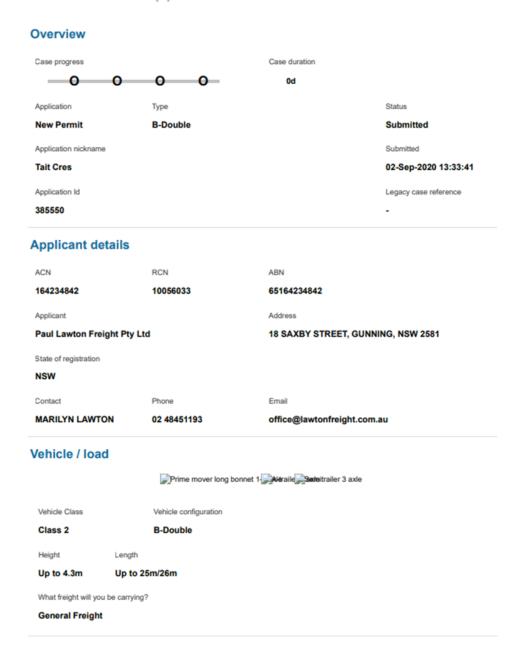


PROVISION	REQUIREMENT	COMMENTS	COMPLIANCE
State Environmental Plann	ing Policy (Sydney Drinking Water Catchn	nent) 2011	
Neutral or Beneficial Effect	on Water Quality Pre-Assessment Checklis	t	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	The aims of this Policy are: (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.	The site is located within the Sydney Catchment Authority area. The proposed development makes no alteration to the existing site or drainage arrangements of site coverage. A Water Cycle Management Study has been prepared by SEEC and a copy is separately attached. The development will satisfy the 'Neutral or Beneficial Effect' criteria as defined by Water NSW and the Goulburn Mulwaree Council. See Section 5.7.	YES



9 APPENDIX 3 – NATIONAL HEAVY VEHICLE REGULATOR – B-DOUBLE ROUTE APPLICATION and PERMIT

New Permit Application - Tait Cres



60



Permit period

Period From

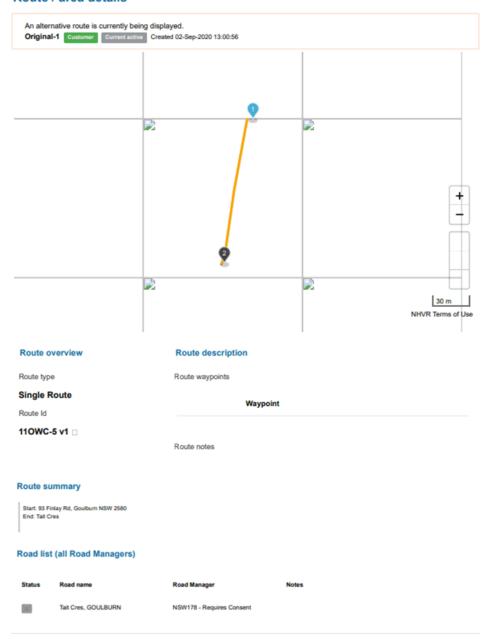
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02-Sep-2020

01-Sep-2023

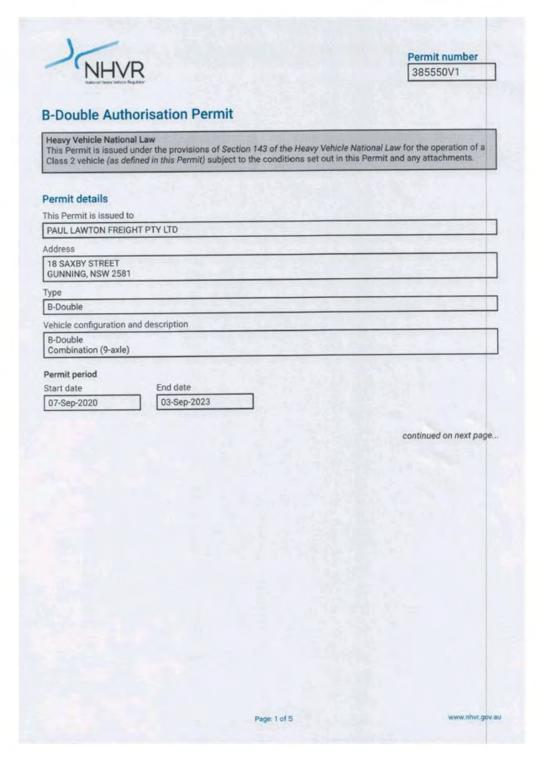


Route / area details

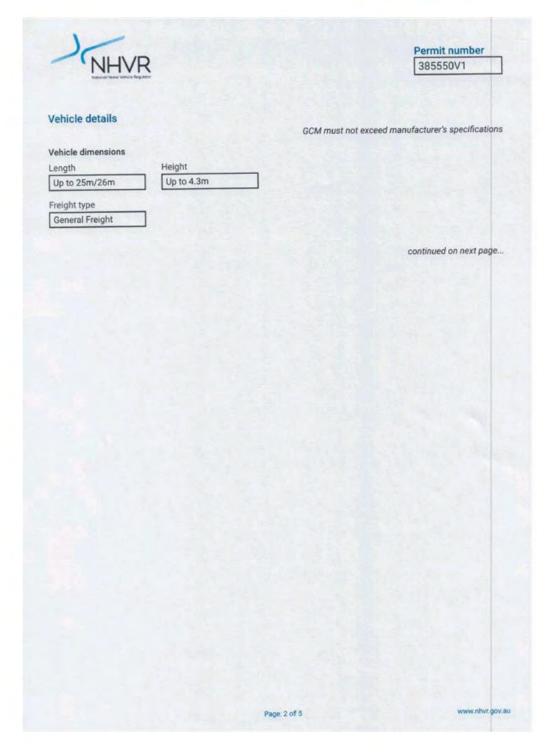


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NHVR

Permit number

385550V1

Authorised Routes

Turn by turn description

385550r1v1 - Area

Start: Approved B-Double Network, Finlay Rd, Goulburn NSW 2580 Tait Cres, Goulburn End: Tait Cres, Goulburn (Approx 0.15km)

Road conditions

Regulator

(1) GO03

You may be required under another law to obtain consent or approval from a Third Party entity.

These approvals must be carried and produced on request by an authorised officer. In this section Third Party entity usually include the following -

- (a) police especially with respect to the movement of vehicles which exceed dimension requirements due to the potential risks to other road users and possible need for police assistance to control traffic
- (b) rail infrastructure managers the movement of oversize/overmass heavy vehicles across level crossings or restricted access vehicles near rail infrastructure may create risks that need to be managed
- (c) utilities restricted access vehicles may have adverse effects on utilities infrastructure with over height vehicles and telecommunications/power lines being a common concern
- (d) private road owners allowing public access toll roads, ports, airports, hospitals and private estates are potential examples where those road owners, who may not be road managers for the purpose of the HVNL, also need to grant consent to the use of restricted access vehicles
- (e) forestry agencies roads owned by governmental agencies can possess different characteristics that may pose risks not found on typical roads and if the government agency is not a road manager for the purpose of the HVNL may require special consideration to manage risks arising from the use of restricted access vehicles on these roads.

Travel conditions

N/A

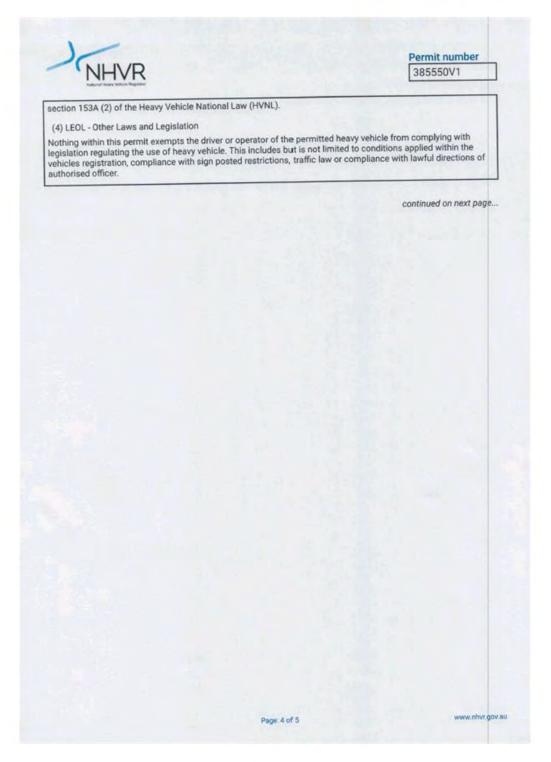
Vehicle conditions

- (1) LE07 The driver and operator of the B-double must comply with all conditions, except conditions relating to stated routes or networks, set out in the National Class 2. Heavy Vehicle B-double Authorisation (Notice) including the schedule for a participating jurisdiction when the vehicle is being used in the jurisdiction to which that schedule applies.
- (2) LE12 A B-double may be up to 26.0m long provided the vehicle meets Schedule 6 Section 3 (3) of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation.

A complying an eligible heavy vehicle may be up to 4.6m in overall height provided the heavy vehicle meets

65







Permit number

385550V1

The driver of the heavy vehicle who is driving a vehicle that is subject to a permit issued under the HVNL must keep a copy of the permit for the exemption in the driver's possession.

The driver or operator of a heavy vehicle being used on a road that is subject to a permit issued under the HVNL must not contravene a condition of the permit.

The driver or operator must comply with the provisions of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation unless anything contrary is applied within this permit.

It is an offence to operate a vehicle at a mass limit greater than indicated by an official traffic sign.

Declaration

NHVR

Signed:

NHVR Delegate

Dated: 07-Sep-2020

Associated documents

N/A

The National Heavy Vehicle Regulator (NHVR) accepts no liability for any errors or omissions and gives no warranty or guarantee that the material, information, maps or publications made accessible are accurate, complete, current or fit for any use whatsoever. The information contained within the NHVR Route Planner online map system is subject to change without notice.

NHVR accepts no liability for the information provided within the authorised route as part of this exemption/ authorisation. The operator must ensure prior to travel that the roads/areas/networks listed in the authorised route are still current and accessible as the approved network is subject to change at any given time.

To the extent permitted by law, NHVR excludes liability for any loss (including loss from viruses, or consequential damage) caused by use of or reliance on the NHVR Route Planner.

Access to the NHVR Portal and NHVR Route Planner is only provided for your personal use. You may not sell or rebrand information obtained from the NHVR Portal or NHVR Route Planner without NHVR's written permission, or represent that the information is from a source other than the NVHR.

Apart from the purposes required or permitted under Heavy Vehicle National Law and for private study, research, criticism or review purposes as permitted under Australian copyright legislation, no part of this permit may be reproduced, modified, stored in a retrieval system, transmitted, broadcasted, published or reused for any commercial purposes whatsoever without the written permission of the NHVR first being obtained.

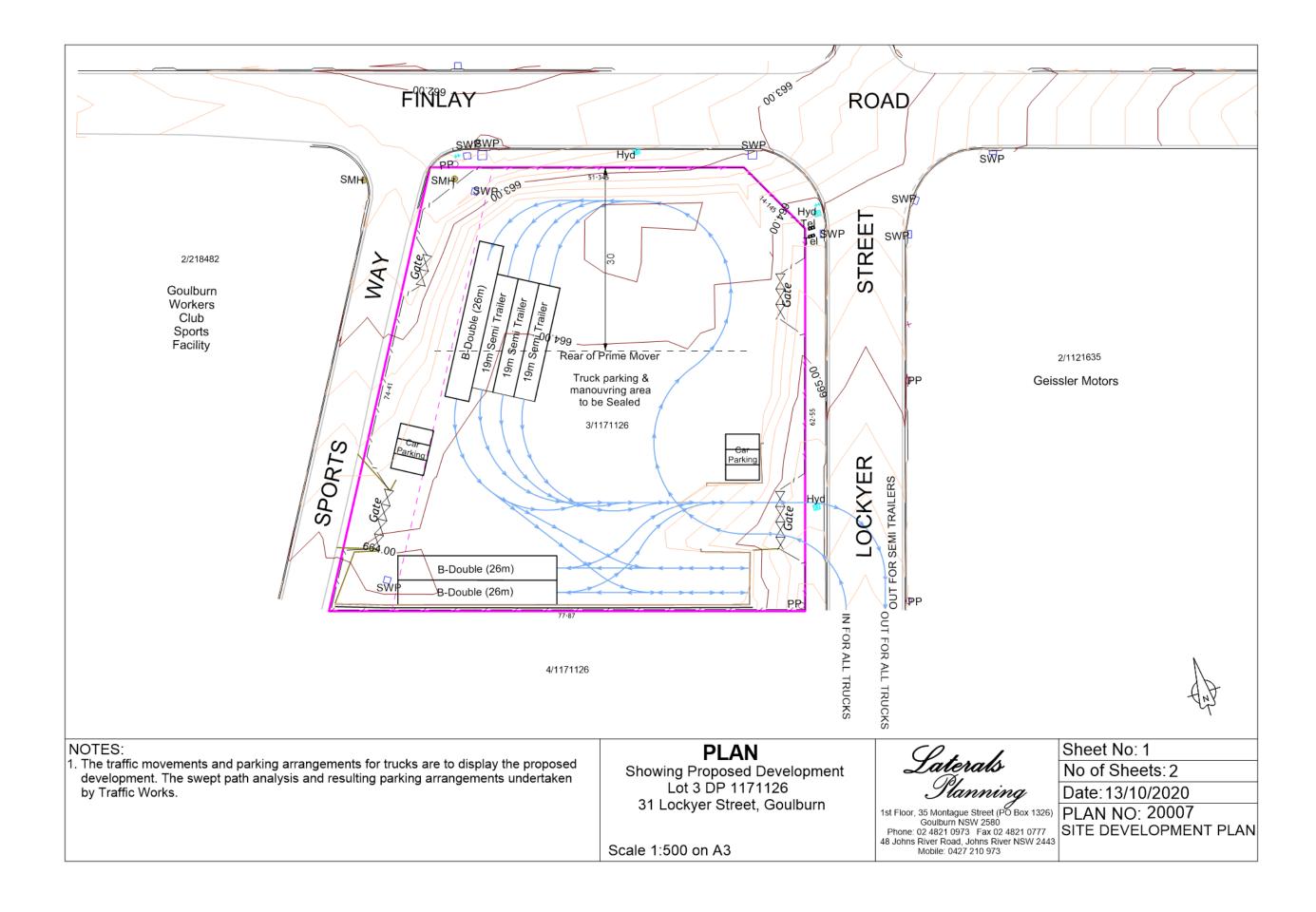
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Page: 5 of 5

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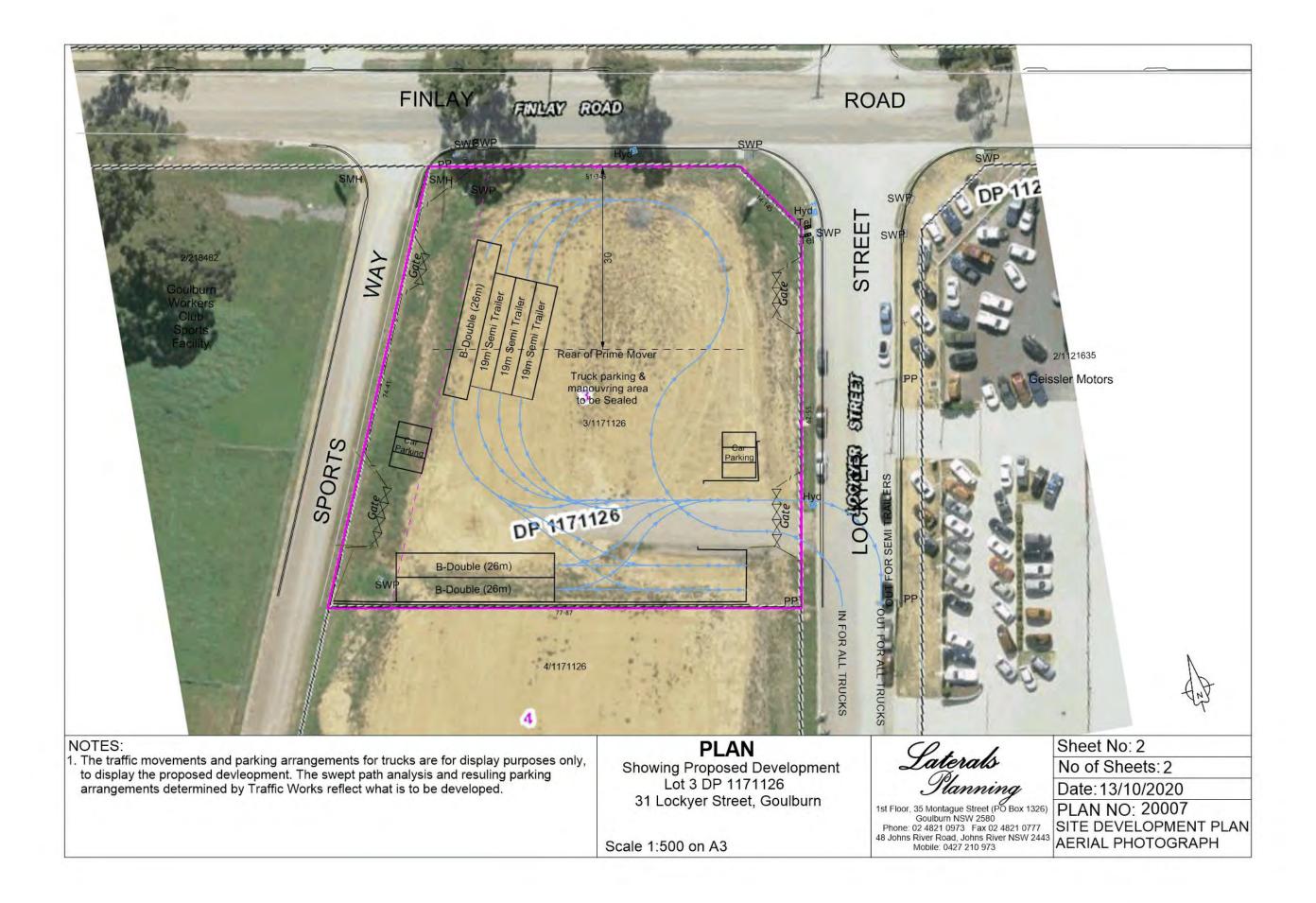
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Ordinary Council Meeting Attachments



Item 15.5- Attachment 2

Ordinary Council Meeting Attachments



Item 15.5- Attachment 3

Part B - To be Published

Important Information:

Prior to submitting this form, please read the *Guide to Making a Submission* on the back to help you understand how to make a submission, and what Council will be doing with any personal information you provide in your submission. Council's Privacy Management Policy may also help assist with your considerations when making a submission.

Your Details

Name:	ADAM MILLS.
Organisation (if applicable):	

Development application details

DA Number:	DA/0101/2021	
DA Address:	31 LOCKYER 37, GOULBURN NSW 2580	

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10,4 of the *Environmental Planning & Assessment Act 1979* for further information.

Yes	₽ No

Your Submission (please attach additional pages if required)

As the owner of 89 finlay rel lam concerned by the effect approval of this application will have over the cornent and fetere value of my property.

While I understand the need for track parting and that this particular land is gened as industrial the noise generated by insets given the normal appearating books of freight companies I do not believe the proposed foliage is going to reduce the noise and visual impact of the proposed development.

I also believe approval of this development will affect the railed return on my property due to reduced desimbility.

of the area.

Council collects personal information only for a lawful purpose that is directly related to Council's planning functions and activities. For further information please contact Council's Privacy Officer or refer to Council's Privacy Management Policy at www.goulburn.nsw.gov.au

Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

(4)

Part B - To be Published

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Your Details

Name:	Wayne Miller
Organisation (if applicable):	Aviagen Australia Pty Ltd

Development application details

DA Number: DA/0101/2021	
DA Address: 31 Lockyer Street, Goulburn, NSW 2580	

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

☐ Yes ☑		\checkmark
---------	--	--------------

Your Submission (please attach additional pages if required)

On behalf of Aviagen Australia - I wish to object to this DA on the grounds that the planned Traffic Access/Egress route as shown in the Statement of Environmental Effects (prepared by Laterals Planning) will be in breach of the vehicle limits currently imposed on Lockyer Street prohibiting vehicles greater than 5.5m from using this road.

This limitation was largely imposed in response to the concerns expressed by Aviagen Australia, of the biosecurity impacts of the Lockyer Street extension on the Aviagen Chicken Hatchery located at 26 Lockyer Street. Under the Biosecurity Act 2015, property owners have a legal obligation to minimise biosecurity risk caused by their actions to neighbouring properties and surrounds. Goulburn Mulwaree Council imposed these vehicle restrictions as being conducive to their obligations to take reasonable and practicable action to address this risk.

It is therefore deeply concerning that the proponent for this DA has already applied to have these limitations removed. Such action has the capacity to cause unacceptable risk and damage to the Aviagen business, which as previously discussed with council could easily run to the tens of millions of dollars in required compensation. Not only does this have the capacity to impact our business, but this also places the proponent at risk of prosecution under the Biosecurity Act. Likewise - if the current vehicle limitation is removed from Lockyer Street, this will expose the Council to similar risk.

In summary - Aviagen Australia opposes this DA as it currently stands. We would like to suggest that an alternative access/egress route via Finlay Rd would be acceptable.

Council collects personal information only for a lawful purpose that is directly related to Council's planning functions and activities. For further information please contact Council's Privacy Officer or refer to Council's Privacy Management Policy at www.goulburn.nsw.gov.au

Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

Part B - To be Published

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Your	Details

Name:	Kevin	Francis	Hainter	•
Organisation (if				
Organisation (if applicable):				

Development application details

DA Number:	0101/2021	
DA Address:	31 LOCKYER ST GOULBURN .	

Political Donations and Gifts (Please refer to part 2 - Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Yes

M No

Your Submission (please attach additional pages if required)

Moise which the trucks have been making between 1:30am and 6:00 am 6-6 days aweek affecting steep and daily activities as steep has been broken.

Council collects personal information only for a lawful purpose that is directly related to Council's planning functions and activities. For further information please contact Council's Privacy Officer or refer to Council's Privacy Management Policy at www.goulburn.nsw.gov.au

Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

Our Ref.: 20007



Planning Engineering & Management Environmental

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

Attention:

Re: Development Application No. DA/0101/2021

Truck Depot

Ryan Gill

Lot 3 DP 1171126; 31 Lockyer Street, Goulburn

Dear Ryan

I refer to your email dated 25 November 2020 forwarding three (3) public submissions received in the respect to the proposed development. The following comments are provided for your consideration:

Submission 1 - Noise Concerns:

The issue of noise was addressed in the Statement of Environmental Effects which included the following paragraph:

The development is within a general industrial area which accommodates various development types including a poultry hatchery. Vehicles will be entering and exiting the site at various times during the day and night but generally would exit the site in the early morning hours and return to site in the late afternoon/early evening. The nearest dwellings are located to the north of the site on Finlay Road. A Noise Impact Assessment has been undertaken by Harwood Acoustics which includes the following conclusion:

"An assessment of the potential noise emission arising from a truck depot proposed to be established at 31 Lockyer Street, Goulburn, NSW has been undertaken.

Noise modelling, calculations and predictions show that the level of noise emission from the operation of the depot can be controlled so as to minimise the noise impact on neighbouring residences and meet the EPA's standard noise design goals for industrial premises, so far as is reasonably practicable. This is providing that recommendations made in Section 5 of this Report are implemented and continue to be adhered to.

The NSW EPA's Road Noise Policy 2011 will also be met for this proposal from trucks accessing the site during day time or night time hours."

Section 5 of the Noise Report included the following recommendations in order to minimise the noise impact on the residences from the truck depot, we recommend the following noise controls and noise management plan.

- 5.1.1 Option 1 Lockyer Street South
 - This is the acoustically preferred option.
 - All trucks should exit the Site via the gate at the southern end of the of the eastern fence and drive along Lockyer Street to Sowerby Street and access Hume Street at the Big Merino Complex.

This option has been adopted by the applicant.

1st Floor, 35 Montague Street, PO Box 1326, Goulburn NSW 2580 Tel: (02) 4821 0973; Fax:(02) 4822 0777; Email: robert@laterals.com.au

- 5.2 Truck Movement Management Plan
- There should be no reversing of trucks on the Site between the hours of 10 pm and 7 am Monday to Saturday or 10 pm to 8 am on Sundays and Public Holidays,
- Trucks may reverse in the day time and evening hours to prepare for efficient departure in the early hours of the morning via gates based on Options in Section 5.1,
- All drivers should be instructed on the importance of keeping noise levels to a minimum at all times, including but not necessarily limited to:
 - o No shouting on Site,
 - o No slamming of truck doors,
 - o No radios should be switched on until the truck has departed,
 - o Trucks should not be left idling with engines running, any longer than is necessary to the warm the engine for departure,
 - o Drivers should no congregate on Site after returning and should quietly and efficiently depart in personal motor vehicles if applicable.
- The south eastern gates are to be opened by the first truck driver accessing the Site and the gates are left open until the last driver returns in the afternoon,
 - o There should be no trucks parked in Lockyer Street and left running during the night time whilst the driver shuts the gate,
- Trucks must park during the day time and afternoon time such that there are no prime movers located within 30 metres of the northern boundary of the Site, These recommendations have been adopted by the applicant.

In addition to the above actions, the applicant has also provided for additional landscaping and the erection of a 1.8m high brush fence to provide additional screening but which will also reduce the noise impacts – see plan below:



Proposed Landscaping Plan (Amended) (Plan Source: Laterals Planning)

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Additionally, the applicant advises that invariably the earliest a truck may have to depart the site is 3.00am for a scheduled product collection in Sydney at 5.00am and from onsite observations, he considers it unlikely for residents to be disturbed inside a dwelling.

Submission 2 - Property Value Concerns:

The proposed development (truck depot) is not a prohibited use and is permissible within the IN1 General Industrial zone with Council consent. Pursuant to the *Goulburn Mulwaree Local Environmental Plan 2009* a truck depot is defined as:

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

The proposed development complies with this definition and the proposed landscaping detailed above will provide effective and appropriate screening from residences along Finlay Road as well as providing a reduction in the noise impacts. It is most unlikely that the proposed development will have any impact on property values or rental returns in the area.

Submission 3 - Aviagen - Vehicle Restrictions:

This issue was addressed in the Statement of Environmental Effects which includes the following statement:

The northern section of Lockyer Street is also impacted by a sign restricting the use of the street by trucks having a length over 5.5m (see photograph at the bottom of following page 25). Discussions with Council indicate that vehicles with a destination within the area are exempt and this section of Lockyer Street may be used.

There is no proposal or intention for this restriction to be removed – only for the applicant having an exemption due to the use of the subject land.

If you require any further information or clarification, please do not hesitate to contact me on 0428 483 558 or at robert@laterals.com.au..

Yours faithfully,

Robert Mowle

LATERALS ENGINEERING and MANAGEMENT

26 November 2020

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Noise Impact Assessment Proposed Truck depot

At:-

31 Lockyer Street Goulburn, NSW 2580

Prepared for: -

Paul Lawton Freight Pty Ltd C/- Laterals Planning Pty Ltd 1st Floor, 35 Montague Street Goulburn NSW 2580

Attention: Mr Robert Mowle

Reference: 2005002E-R

Prepared by: -

Matthew Harwood MAAS 9th September, 2020



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Laterals Planning Pty Ltd on behalf of Mr Paul Lawton of Paul Lawton Freight Pty Ltd commissioned Harwood Acoustics to carry out an Environmental Noise Impact Assessment for a truck depot at 31 Lockyer Street, Goulburn, NSW 2580.

Accordingly, Harwood Acoustics has prepared this report for the exclusive use of the Client identified on the title page. The report is prepared in accordance with the brief and scope of works agreed between the Client and Harwood Acoustics and may not be suitable for use beyond that scope.

Harwood Acoustics undertakes no duty nor accepts any responsibility to any third party who may rely upon this report.

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Advice and recommendations provided in this report are in relation to acoustical issues only. No claims of expertise are made, and no liability is accepted, in relation to issues falling outside the field of acoustical consulting. These may include, but are not limited to, structural and waterproofing considerations, fire rating or thermal rating. Relevant authorities and / or experts should be consulted regarding areas other than acoustics.

Reference: 2005002E-R 11-Sep-2020

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1. INTRODUCTION AND SUMMARY

Paul Lawton Freight Pty Ltd operates a haulage company with a fleet of six (6) trucks, comprising three (3) b-doubles and three (3) semi-trailers. The trucks are currently parked on an industrial lot at 31 Lockyer Street, Goulburn, NSW (the Site). Development application documentation is currently being prepared by Laterals Planning Pty Ltd for Goulburn Mulwaree Shire Council to formalise the use of the Site as a truck depot. It is a requirement of Council that a noise impact assessment be prepared to be submitted with the application and this Report provides that assessment.

The Site is located in an Industrial Estate on the western side of Lockyer Street and the southern side of Finlay Road. Industrial land and industrial premises bound the site to the south and opposite Lockyer Street to the east. To the west is the Goulburn Workers Club Sports Arena and Hockey fields. To the north, opposite Finlay Road, are residential premises and a small park. A Site plan and the surrounding properties are shown in Figure 1.

Trucks typically arrive at the Site in the afternoon and can depart in the early hours of the morning.

In order to determine the potential for noise impact arising from the use of the Site as a truck depot, noise design goals are derived from the NSW EPA's *Noise Policy for Industry* 2017 and *Road Noise Policy* 2011. Consideration is also given to the potential for sleep disturbance for truck activity occurring during the night time period.

The project noise trigger levels (essentially the noise design goals) are derived from background noise measurements undertaken in the vicinity of the nearest residences to the Site. The project intrusiveness noise goals are 44 dBA ($L_{eq, 15 \, minute}$) during the day time and evening time periods and 36 dBA ($L_{eq, 15 \, minute}$) during the night time period.

The author conducted an attended and unattended noise survey on Tuesday 19 and Wednesday 20 May 2020. Noise measurements were taken of trucks manoeuvring on the Site as well as entering and exiting the Site. The author has also conducted numerous noise surveys of a number of truck depots and b-double and semi-trailer truck movements which have been used for additional noise modelling at the Site.

Recommendations are made in Section 5 of this Report to ensure that the noise design goals are met and the potential for noise impact is minimised so far as is reasonably practicable. These include using Lockyer Street for access and egress, manoeuvring trucks on the Site such that reversing does not occur during night time hours and implementing a Noise Management Plan.

The level of noise emission from truck movements on Finlay Road (as distinct from on the Site) is well within the EPA's *Road Noise Policy* 2011 criteria at the closest residences to Finlay Road during the day and night.

Reference: 2005002E-R 11-Sep-2020

2. SITE AND DEVELOPMENT DESCRIPTION

2.1 Site Description

The Site is located in an Industrial Estate on the western side of Lockyer Street and the southern side of Finlay Road. Industrial land and industrial premises bound the site to the south and opposite Lockyer Street to the east. To the west is the Goulburn Workers Club Sports Arena and Hockey fields. To the north, opposite Finlay Road, are residential premises and a small park.

The nearest receptors to the Site are shown in Figure 1 below:-

R1 - 97 Finlay Road

R2 - 93 Finlay Road

R1 - 105 Finlay Road



Figure 1. Location Plan - 31 Lockyer Street, Goulburn

(source: Google Maps 2020 ©)

Reference: 2005002E-R 11-Sep-2020

2.2 Development Description

Paul Lawton Freight Pty Ltd operates a haulage company with a fleet of six (6) trucks, comprising three (3) b-doubles and three (3) semi-trailers.

Trucks typically arrive at the Site in the afternoon and can depart in the early hours of the morning.

3. NOISE CRITERIA

This section outlines the noise guidelines applicable to this proposal and establishes the project specific noise trigger levels and noise design goals

3.1 NSW EPA's Noise Policy for Industry 2017

3.1.1 Introduction

The NSW Environment Protection Authority (EPA) published the NSW *Noise Policy for Industry* in October 2017 (the Policy). This Policy has now replaced the *Industrial Noise Policy* (INP) 2000.

The Policy sets out the NSW Environment Protection Authority's (EPA's) requirements for the assessment and management of noise from industry in NSW. It aims to ensure that noise is kept to acceptable levels in balance with the social and economic value of industry in NSW.

The Policy is designed to assist industry and authorities to ensure that potential noise impacts associated with industrial projects are managed effectively.

The purpose of the policy is to ensure noise impacts associated with particular industrial developments are evaluated and managed in a consistent and transparent manner. It provides noise levels for assessing the potential impact of noise from industry and includes a framework for considering feasible and reasonable noise mitigation measures.

The objectives of the policy are to:

- provide the noise levels that are used to assess both change in noise level and longterm noise levels;
- provide a clear and consistent framework for assessing environmental noise impacts from industrial premises and industrial development proposals;
- promote the use of best-practice noise mitigation measures that are feasible and reasonable where potential impacts have been identified;
- support a process to guide the determination of achievable noise limits for planning approvals and/or licences, taking into account the matters that must be considered under the relevant legislation (such as the economic and social benefits and impacts of industrial development).

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.

However, local government may find the policy helpful in assessing noise from premises it regulates and in the carrying-out of its land-use planning responsibilities.

3.1.2 Project Noise Trigger Level

Section 2 of the *Noise Policy for Industry* 2017 sets out the procedure to determine the **project noise trigger levels** relevant to a particular industrial development.

Reference: 2005002E-R 11-Sep-2020

The project noise trigger level provides a benchmark or objective for assessing a proposal or site. <u>It is not intended for use as a mandatory requirement</u>. The project noise trigger level is a level that, if exceeded, would indicate a potential noise impact on the community, and so 'trigger' a management response; for example, further investigation of mitigation measures.

The project noise trigger level, feasible and reasonable mitigation, and consideration of residual noise impacts are used together to assess noise impact and manage the noise from a proposal or site. It is the combination of these elements that is designed to ensure that acceptable noise outcomes are determined by decision makers.

The **project noise trigger level** is defined as the lower (that is, the more stringent) value of the project **intrusiveness noise level** and project **amenity noise level**.

3.1.3 Project Intrusiveness Noise Level

The intrusiveness of an industrial noise source may generally be considered acceptable if the level of noise from the source (represented by the L_{Aeq} descriptor), measured over a 15-minute period, does not exceed the background noise level by more than 5 dB when beyond a minimum threshold. This intrusiveness noise level seeks to limit the degree of change a new noise source introduces to an existing environment.

The intrusiveness noise level is determined as follows:

L_{Aeq, 15 minute} = rating background noise level (RBL) + 5 dB

Where:

L_{Aeq, 15 minute} Represents the equivalent continuous energy average A-

weighted sound pressure level of the source over 15

minutes.

And:

Rating background noise level

Represents the background level to be used for assessment purposes, as determined by the method outlined in Fact

Sheets A and B.

Intrusiveness noise levels are not used directly as regulatory limits. They are used in combination with the amenity noise level to assess the potential impact of noise, assess reasonable and feasible mitigation options and subsequently determine achievable noise requirements.

Minimum assumed Rating Background Levels (RBLs) are applied in the Policy and these result in minimum intrusiveness noise levels. These are shown in Table 2.1 in the Policy and are replicated in Table 1 below.

Reference: 2005002E-R 11-Sep-2020

Table 1 Minimum Assumed RBLs and Project Intrusiveness Noise Levels (Derived from EPA Table 2.1)

Time of Day	Minimum Assumed Rating Background Level dBA	Minimum Project Intrusive Noise Level (L _{eq, 15 minute,} dBA)
Day (7 am to 6 pm)	35	40
Evening (6 pm to 10 pm)	30	35
Night (10 pm to 7 am)	30	35

3.1.4 Amenity Noise Levels and Project Amenity Noise Levels

To limit continuing increases in noise levels from application of the intrusiveness level alone, the ambient noise levels within an area from **all** industrial noise sources combined should remain below the recommended amenity noise levels specified in Table 2.2 where feasible and reasonable. (EPA Table 2.2 is replicated in Table 2 below).

The recommended amenity noise levels will protect against noise impacts such as speech interference, community annoyance and some sleep disturbance.

The recommended amenity noise levels represent the objective for **total** industrial noise at a receiver location, whereas the **project amenity noise level** represents the objective for noise from a **single** industrial development at a receiver location.

To ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a **project amenity noise level** applies for each new source of industrial noise as follows:

Project amenity noise level for industrial developments = recommended amenity noise level (Table 2.2) minus 5 dB

Amenity noise levels are not used directly as regulatory limits. They are used in combination with the project intrusiveness noise level to assess the potential impact of noise, assess reasonable and feasible mitigation options, and subsequently determine achievable noise requirements.

Reference: 2005002E-R 11-Sep-2020

Table 2 Amenity Noise Levels (EPA Table 2.2)

Receiver	Noise Amenity Area	Time of Day	L _{Aeq} , dBA
(see Table 2.3 to deter	mine which residential re	ceiver category applies)	Recommended amenity noise level
Residential	Rural	Day Evening Night	50 45 40
	Suburban	Day Evening Night	55 45 40
	Urban	Day Evening Night	60 50 45
Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks *	See column 4	See column 4	5 dB(A) above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day
School classroom – internal	All	Noisiest 1-hour period when in use	35 (see notes for table)
Hospital ward internal external	All	Noisiest 1-hour Noisiest 1-hour	35 50
Place of worship – internal	All	When in use	40
Area specifically reserved for passive recreation (e.g. national park)	All	When in use	50
Active recreation area (e.g. school playground, golf course)	All	When in use	55
Commercial premises	All	When in use	65
Industrial premises Industrial interface (applicable only to residential noise amenity areas)	All All	When in use	70 Add 5 dB(A) to recommended noise amenity area

Relevant Notes:

Time of day is defined as follows:

- day the period from 7 am to 6 pm Monday to Saturday or 8 am to 6 pm on Sundays and public holidays
- evening the period from 6 pm to 10 pm
- night the remaining periods.

3.1.5 Assessment Locations

For a **residence**, the project noise trigger levels are to be assessed at the reasonably most-affected point on or within the residential property boundary or, if that is more than 30 metres from the residence, at the reasonably most-affected point within 30 metres of the residence, but not closer than 3 metres to a reflective surface and at a height of between 1.2–1.5 metres above ground level. This should not be read to infer that the project noise trigger level (or a limit in a statutory document) applies only at the reasonably most-affected location.

Reference: 2005002E-R 11-Sep-2020

3.2 Background Noise Levels

In order to establish the project intrusive noise levels, it is necessary to determine the background noise levels in the vicinity of all potentially affected residential receptors.

The background noise level is defined by the EPA as 'the underlying level of noise present in ambient noise when all unusual extraneous noise is removed' and is considered to be represented by the La90, $15 \, \text{minute}$ descriptor. This is a statistical measure of the sound pressure level that is exceeded for 90 % of the time. The Rating Background Level is the single-figure background noise level derived from monitoring La90, $15 \, \text{minutes}$ over a representative period of time. The Rating Background Level is established for the day, evening and night time periods and is used for assessment purposes.

The author conducted attended and unattended noise surveys at the closest receptors to the Site in Finlay Road on Tuesday 19 and Wednesday 20 May 2020. During the survey the lowest background noise levels measured during the night time were 31 dBA ($L_{90, 15 \text{ minute}}$) between 2.45 am and 3.15 am.

The author has previously conducted long term background noise measurements at 117 Finlay Road for the Goulburn Workers Club in 2014. This location is approximately 75 metres to the west of receptor R1, shown in Figure 1. The current background noise levels measured at receptor R1 are in line with the long-term measurements previously undertaken.

Rating Background Noise Levels in proximity to the nearest residential receptors to the Site are shown in Table 1 below.

Table 1 Rating Background Noise Levels – Finlay Road, Goulburn

Period / Time of Day	Rating Background Noise Level (L ₉₀) dBA
Day Time Period (7 am to 6 pm)	39
Evening Time Period (6 pm to 10 pm)	39
Night Time Period (10 pm to 7 am)	31

3.3 Sleep Disturbance Criteria

3.3.1 Noise Policy for Industry 2017

Section 2.5 'Maximum noise level event assessment' states: -

"The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

Where the subject development/premises night-time noise levels at a residential location exceed:

- L_{Aeq,15min} 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- LAFmax 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

a detailed maximum noise level event assessment should be undertaken.

The detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period. Some guidance on possible impact is contained in the review of research results in the NSW Road Noise Policy."

Reference: 2005002E-R 11-Sep-2020

3.3.2 EPA's Road Noise Policy 2011 (Sleep disturbance)

Section 5.4 of the NSW EPA's Road Noise Policy states: -

"Further studies by the enHealth Council (2004) and the guidelines published by the World Health Organisation (1999) were reviewed and analysed in terms of the guidance on noise exposure and sleep disturbance. The enHealth report states that: 'as a rule for planning for short-term or transient noise events, for good sleep over 8 hours the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45 dB(A) $L_{\rm Max}$ more than 10 or 15 times per night'."

3.3.3 Environmental Criteria for Road Traffic Noise 2009

Appendix B5 of the NSW EPA's Environmental Criteria for Road Traffic Noise (ECRTN) reviews the current level of knowledge and concludes that maximum internal noise levels below 50–55 dBA are unlikely to cause awakening reactions, and that one or two noise events per night with maximum internal noise levels of 65–70 dBA are not likely to affect health and wellbeing significantly.

3.4 On-Road Traffic Noise Criteria – Road Noise Policy 2011

The NSW EPA published the NSW Road Noise Policy in March 2011 (RNP) and the RNP replaced the Environmental Criteria for Road Traffic Noise in July 2011.

The Policy contains strategies to address the issue of road traffic noise from, among other things, traffic generating developments.

Section 2.3.1 of the Policy 'Noise assessment criteria – residential land uses' sets out the assessment criteria for residences to be applied to particular types of project, road category and land use.

The relevant parts of the EPA's Table 3 are replicated in Table 3 below.

Table 3 Road Traffic Noise Assessment Criteria (EPA RNP, Table 3)

		Assessment	Criteria, dBA
Road Category	Type of Project / Land Use	Day (7 am – 10 pm)	Night (10 pm – 7 am)
Sub Arterial Roads	6. Existing residences affected by additional traffic on existing sub arterial roads generated by land use developments	L _{Aeq (15 hour)} 60 (external)	L _{Aeq (9 hour)} 55 (external)

Reference: 2005002E-R 11-Sep-2020

3.5 Noise Design Goals

The most relevant noise design goals are as follows: -

On-Site Vehicle Activity

- (39 + 5 =) 44 dBA Leq, 15 minute during the day time and evening time periods,
- (31 + 5 =) **35 dBA** Leq, 15 minute during the night time period,
- (31 + 15 =) 46 dBA L_{max} or L_{1, 1 minute} as an initial external assessment for sleep disturbance potential,
- 45 dBA to 55 dBA L_{max} or L_{1, 1 minute} inside residential dwellings for further potential sleep disturbance assessment

On-Road Traffic Noise Goals

- 55 dBA Leg, 1 hour from on-road traffic during the day, and
- 50 dBA Leq, 1 hour from on-road traffic at night.

4. TRUCK NOISE EMISSION

The author visited the Site on Tuesday 19 and Wednesday 20 May to measure the level of noise emission from various truck movements on the Site and of trucks exiting and entering the depot.

4.1 On-Site Truck Movements

Noise measurements were taken at the boundary of the residential receptors R1 and R2 and in Bladwell Park as well as up close to the trucks moving in the yard.

Trucks measured during the survey on Site included a semi-trailer and truck and trailer (b-double). Not all trucks in the fleet of six were available to be measured during the survey.

The author has carried out several noise assessments for truck depots and undertaken numerous noise measurements of a range of heavy vehicles manoeuvring around truck depots and storage yards over the past 19 years across NSW.

A combination of current noise measurements at the Site and previous noise measurements of semi-trailer and b-double movements have been to establish the predicted noise levels at each receptor, shown in Tables 4 and 5 below, where:-

- Table 4 shows the predicted level of noise emission from truck movements on the Site
 for assessment against the project trigger levels of 44 dBA in the day and evening and
 36 dBA Leq, 15 minute during the night, and
- Table 5 shows the predicted level of noise emission from one-off instantaneous noise
 events for assessment against the potential for sleep disturbance external trigger level
 of 45 dBA L_{1, 1 minute} during the night time period.

Reference: 2005002E-R 11-Sep-2020

Table 5 Predicted Leq Noise Levels – Truck Movements on Site

Description	Predicted Noise Level L _{eq, 15 minute} (dBA) at Receptor Location		
	R1	R2	R3
Project Noise Trigger Level – 7 am to 10 pm	44	44	44
Truck movements on Site – Day and Evening	39 – 44	37 – 40	40 – 42
Complies	Yes	Yes	Yes
Project Noise Trigger Level – 7 am to 10 pm	36	36	36
Truck movements on Site – During the Night	39 – 40	37 – 39	37 – 39
Complies	No + 4 dB	No + 3 dB	No + 3 dB

Predictions in Table 5 assume the following:-

- The range in predicted noise levels is based on:-
 - Day time and evening periods Semi-trailer or b-double manoeuvring at the closest and furthest parking areas to each receptor respectively,
 - Night time period Semi-trailer or b-double manoeuvring at the furthest parking areas to each receptor respectively
- One truck only manoeuvring in any given 15-minute period.
- · Distance loss to each receptor,
- Recommendations made in Section 5 of this report are implemented and continue to be adhered to.

Table 6 Predicted L_{1,1 minute} Noise Levels – Truck Movements on Site (Night time)

Description	Predicted Noise Level L _{eq, 15 minute} (dBA) at Receptor Location		
	R1	R2	R3
Sleep Disturbance External Trigger Level	54	54	54
Truck movements on Site – Night time	57 – 59	56 – 58	55 – 57
Meets the external trigger level	No + 5 dB	No + 4 dB	No + 3 dB

Predictions in Table 6 assume the following:-

- The range in predicted noise levels is based on;
 - o Different types of one off noises, such as door slam, engine brake release, etc
- Recommendations made in Section 5 of this report are implemented and continue to be adhered to.

Reference: 2005002E-R 11-Sep-2020

Sleep Disturbance Discussion

Table 6 shows that the predicted level of noise emission from one-off or instantaneous noises associated with truck movements has the potential to exceed the external sleep disturbance assessment trigger level of 54 dBA L_{1, 1 minute} at each receptor by up to 5 dB.

The EPA recommends that where the <u>external</u> trigger level is exceeded a detailed maximum noise level event assessment should be undertaken.

Consideration is therefore given to the assessment of potential noise levels emitted from oneoff noise events as received within the nearest dwellings.

A reduction of approximately 10 dB occurs from outside to inside with windows partially open. The predicted level from doors closing, engine brake release, trucks starting, etc at each receptor therefore becomes:-

- Receptor R1 47 to 49 dBA inside (from 57 to 59 dBA outside minus 10 dB),
- Receptor R2 46 to 48 dBA inside (from 56 to 58 dBA outside minus 10 dB), and
- Receptor R3 45 to 47 dBA inside (from 55 to 57 dBA outside minus 10 dB).

The enHealth Council (2004) report states that:

'as a rule, for planning for short-term or transient noise events, for good sleep over 8 hours the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45 dB(A) $L_{\rm Max}$ more than 10 or 15 times per night'.

The NSW EPA's *Environmental Criteria for Road Traffic Noise (ECRTN)* concludes that maximum internal noise levels below 50 to 55 dBA are unlikely to cause awakening reactions, and that one or two noise events per night with maximum internal noise levels of 65 to 70 dBA are not likely to affect health and wellbeing significantly.

The highest predicted noise level inside the residence at Receptor R1 is 49 dBA L_{1,1 minute} with the windows and doors of the residence partially open. This level of noise emission is below the level of 50 to 55 dBA suggested by the EPA and is unlikely to cause awakening reactions.

The predicted level of 49 dBA is above the recommended level of 45 dBA that is recommended by the *enHealth Council*. However, the Council states that 45 dBA should not be exceeded more than 10 or 15 times per night to ensure good sleep over eight hours. The predicted level of 49 dBA at receptor R1 is likely to occur, if at all, significantly less than this, given the number of trucks that may depart at night and is therefore considered acceptable.

It is also worth noting the predicted level of noise emission from one off noises at night is based on truck movements occurring on the site, toward the southern end of the Site. The level of noise from this activity will be considerably less at the residences on Finlay Road compared to general trucks passing along the road during night time hours.

Reference: 2005002E-R 11-Sep-2020

4.2 On-Road Truck Movements

In order to assess the potential for on-road traffic noise it is assumed as a worst-case scenario that all trucks at the depot may depart or leave in any given one-hour period.

Formulae are given in the *Calculation of Road Traffic Noise* (CoRTN) from the UK Department of Transport and Welsh Office (1988) for the calculation of on-road vehicle noise. However, the calculation procedure given in CoRTN is untested for small traffic flows (under 200) and typically yields lower levels than occur in practice.

Therefore, a calculation based on the sound exposure level for various vehicles has been carried out. The sound exposure level (LAe) is a summation of the sound energy produced during a single event (i.e. a motor vehicle pass-by, train pass-by, etc).

The author has measured the level of noise emission from trucks as they passed the houses on Finlay Road during the survey in May 2020. Again, the author has also carried out numerous measurements of other semi-trailer and b-double pass bys at various speeds, road gradients and road surfaces.

The average maximum measured sound exposure levels of a range vehicles, normalised to a distance of 15 metres is as follows:-

• Truck - 82 to 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 and N is the number of vehicle trips.

The predicted noise level from on road vehicle movements during peak flows is shown in Table 7 below.

Table 7 Predicted Leq, period Noise Levels – Passing Heavy Vehicles

Description	Predicted Noise Level Leq, period (dBA) at Nearest Receptor Locations Finlay Road	
Day Time Road Traffic Noise Limit (Leq, 15 hour)	60	
6 truck movements in one hour	46	
Night Time Road Traffic Noise Limit*	55	
Complies	Yes	

^{*} The predicted level of on-road traffic noise (i.e. noise from the trucks once they exit the Site and drive along Finlay Road) is well below the EPA's noise criteria for Existing residences affected by additional traffic on existing sub arterial roads generated by land use developments (see Table 3 in this Report).

However, recommendations in Section 5 below, if implemented will ensure that there are no night time movements of trucks from the depot along Finlay Road and so there will be no noise impact from truck pass bys at night.

Reference: 2005002E-R 11-Sep-2020

5. RECOMMENDED NOISE CONTROLS

In order to minimise the noise impact on the residences from the truck depot, we recommend the following noise controls and noise management plan.

5.1 Access and Egress

5.1.1 Option 1 Lockyer Street South

This is the acoustically preferred option.

 All trucks should exit the Site via the gate at the southern end of the of the eastern fence and drive along Lockyer Street to Sowerby Street and access Hume Street at the Big Merino Complex.



Figure 2. Night Time Egress Option 1

However, this option is subject to Lockyer Street being an approved b-double route.

5.1.2 Option 2 Lockyer Street South for Trucks and North for B-Doubles

As Option 1 is subject to Lockyer Street being an approved b-double route, the following option is recommended as an alternative:-

Reference: 2005002E-R 11-Sep-2020

- All semi-trailer trucks should exit the Site via the gate at the southern end of the of the eastern fence and drive along Lockyer Street to Sowerby Street and access Hume Street at the Big Merino Complex,
- All b-double trucks exit the site via Lockyer Street to Finlay Road as shown in Figure 3 subject to this northern section of Lockyer Street being an approved b-double route.



Figure 3. Night Time Egress Option 2

5.2 Truck Movement Management Plan

- There should be no reversing of trucks on the Site between the hours of 10 pm and 7 am Monday to Saturday or 10 pm to 8 am on Sundays and Public Holidays,
- Trucks may reverse in the day time and evening hours to prepare for efficient departure in the early hours of the morning via gates based on Options in Section 5.1,
- All drivers should be instructed on the importance of keeping noise levels to a minimum at all times, including but not necessarily limited to:-
 - No shouting on Site,
 - o No slamming of truck doors,
 - No radios should be switched on until the truck has departed,

Reference: 2005002E-R 11-Sep-2020

- Trucks should not be left idling with engines running, any longer than is necessary to the warm the engine for departure,
- Drivers should no congregate on Site after returning and should quietly and efficiently depart in personal motor vehicles if applicable.
- The south eastern gates are to be opened by the first truck driver accessing the Site and the gates are left open until the last driver returns in the afternoon,
 - There should be no trucks parked in Lockyer Street and left running during the night time whilst the driver shuts the gate,
- Trucks must park during the day time and afternoon time such that there are no prime movers located within 30 metres of the northern boundary of the Site,
- Figure 4 below shows a traffic management and movement plan of the direction that trucks traverse the site and where they park.

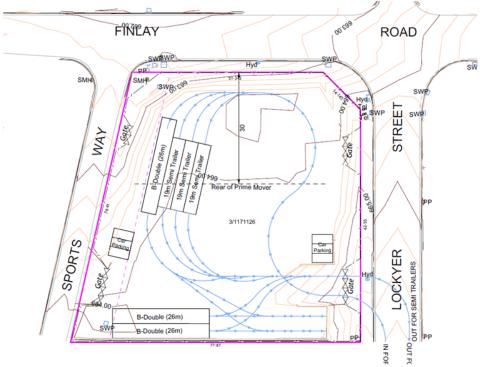


Figure 4. Parking Plan to Avoid Reversing at Night Time (not to scale, source: Laterals Planning Pty Ltd, plan no. 20007, dated 26/08/2020)

Figure 4 shows the parking plan to avoid the need for reversing at night time and to ensure that there are no prime movers located within 30 metres of the northern boundary of the Site. The configuration of the plan in Figure 4 facilitates departure via the south eastern gate.

Reference: 2005002E-R 11-Sep-2020

11-Sep-2020

6. CONCLUSION

An assessment of the potential noise emission arising from a truck depot proposed to be established at 31 Lockyer Street, Goulburn, NSW has been undertaken.

Noise modelling, calculations and predictions show that the level of noise emission from the operation of the depot can be controlled so as to minimise the noise impact on neighbouring residences and meet the EPA's standard noise design goals for industrial premises, so far as is reasonably practicable. This is providing that recommendations made in Section 5 of this Report are implemented and continue to be adhered to.

The NSW EPA's Road Noise Policy 2011 will also be met for this proposal from trucks accessing the site during day time or night time hours.

Matthew Harwood, MAAS

Principal Acoustical Consultant

Attachments: -Important note

Reference: 2005002E-R

Appendix A - Noise Survey Instrumentation

Important Note

All products and materials suggested by Harwood Acoustics are selected for their acoustical properties only.

Recommendations made in this report are intended to resolve acoustical problems only, therefore all other properties such as aesthetics, air flows, chemical, corrosion, combustion, construction details, decomposition, expansion, fire rating, fumes, grout or tile cracking, loading, shrinkage, smoke, ventilation etc. are outside Harwood Acoustic's fields of expertise and **must** be checked with the supplier or suitably qualified specialist before purchase.

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Reference: 2005002E-R 11-Sep-2020

Environmental Noise Impact Assessment – Truck depot, Lockyer St, Goulburn

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Noise Survey Instrumentation	Appendix A

The instrumentation used during the noise survey consisted of the following:-

Description	Model No.	Serial No.
SvanTek Sound Level Meter	SVAN 957	15395
Brüel & Kjaer Acoustical Calibrator	4321	3003242
Infobyte Noise Logger (Type 2)	Im4	104

The sound level meter conforms to Australian Standards AS IEC 61672.1-2004: 'Electroacoustics - Sound level meters – Specifications' as a Class 1 precision sound level meter and the noise logger conforms to AS 1259 as a Type 2 precision sound level meter.

The calibration of the meter and noise logger 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.

Reference: 2005002E-R 11-Sep-2020

TREE AND VEGETATION SECTION

3.9 Tree and Vegetation Management

3.9.1 Purpose

The purpose of this Section is to declare trees and other vegetation under Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP). Where a tree or other vegetation is declared in this Section a person must not clear vegetation without a permit granted by Council (Clause 10(1) of the Vegetation SEPP). This is referred to as 'removal or pruning' in this Section and includes:

- Cutting down, felling, uprooting, killing, poisoning, ringbarking, burning or otherwise destroying the vegetation, or
- Lopping or otherwise removing a substantial part of the vegetation.

Council can only issue a permit for the removal or pruning of native vegetation that is below the biodiversity offsets scheme threshold and where there will be no significant impact on any threatened species, habitat, population or Ecological Communities listed under the NSW Biodiversity Conservation Act 2016 and/or the Commonwealth Environment and Biodiversity Conservation Act 1999.

Removal of native vegetation that exceeds the biodiversity offsets scheme thresholds must have approval from the Native Vegetation Panel in accordance with Part 4 of the Vegetation SEPP. The biodiversity offsets scheme thresholds are described in section 7.1 of the Biodiversity Conservation Regulation 2017. For more information about applying for approval from the Native Vegetation Panel contact Local Land Services on 1300 795 299, or via email to info@nvp.nsw.gov.au.

This Section also provides guidance on the process for obtaining a permit for the removal or pruning of trees and other vegetation on land in the Goulburn Mulwaree Local Government Area (LGA).

3.9.2 Objectives

The objectives are to:

- Support the aims of the Vegetation SEPP to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.
- Achieve the long term retention of existing trees, appropriate tree maintenance, and in relation to replacement trees, suitable tree locations and considered species selection.
- Protect and enhance trees and vegetation in non-rural areas including street trees, park trees (including bushland) and trees on private property as an important community and tourism asset;
- Facilitate the removal or pruning of undesirable exotics, environmental weeds, priority
 weeds, dangerous trees and any other inappropriate plantings e.g. plantings that are
 causing damage to buildings or other infrastructure;

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- Facilitate the removal or pruning of vegetation for maintenance of existing rural infrastructure; and
- Minimise impacts to vegetation with high environmental value e.g. threatened ecological communities, threatened species and their habitats.

3.9.3 Application of this Section

This Section applies to all **non-rural land** (all zones except RU1, RU2, RU3, RU4 & RU6) as defined in the Vegetation SEPP within the Goulburn Mulwaree (GM) Local Government Area (LGA) and where referred to in the GM Development Control Plan 2009 that applies to the land.

This Section applies to removal or pruning of any vegetation that does not exceed the biodiversity offsets scheme threshold on non-rural land. Refer to Section 3.7.4.

3.9.4 Definitions

Other than those listed below, terms in this document have the same meanings found in the *Environmental Planning and Assessment Act 1979* (EP&A Act), Vegetation SEPP and *Goulburn Mulwaree Local Environmental Plan 2009* (*GM LEP*) dictionary.

Category	Meaning/Definition
Front Boundary	Means any boundary which faces a public road or public open space wider than 6 metres
Building Footprint	Means the maximum extent of the two dimensional area of the plan view of a building excluding minor ancillary structures.
	Note: The reference to minor ancillary structures in this definition includes, but is not limited to, garden sheds, cubby houses, detached car ports, gazebos, barbeques and detached decks and pergolas.
Clearing	Means any one or more of the following:
	Cutting down, felling, thinning, logging or removing native vegetation
	Killing, destroying, poisoning, ring-barking, uprooting or burning native vegetation;
	Severing, topping or lopping branches, limbs, stems or trunks of native vegetation;
	Substantially damaging or injuring native vegetation in any other way (see definition for injury).
Dead Tree	Means a tree(s) that is no longer capable of performing the
	following processes: photosynthesis, take up water through its roots, hold moisture in its cells and produce new shoots.
Root Zone	The area under the drip line or branches of the tree that generally aligns with the root system required for the ongoing viability of the tree.

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Category	Meaning/Definition
Environmental Weed	Means a plant that poses a threat to the natural environment. Environmental weeds are
	Either not native to the Goulburn Mulwaree area or are plants growing outside their natural range. A list of plants considered by Council to be environmental weeds can be found in section 3.9.7 of this plan.
Habitat Tree	Means any tree(s) which has developed hollows in the trunk or limbs and is suitable for nesting native birds, arboreal marsupials and mammals or which support the growth of locally indigenous epiphytic plants (such as orchids).
Imminent	Means about to happen or threatening to occur.
Injury	means damage to a tree or native vegetation and includes:
	Lopping and topping;
	Poisoning, including applying herbicides and other toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
	Cutting, snapping off and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices.
	Ring-barking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches;
	Damaging a tree's root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
	Under scrubbing, unless carried out by hand tools, such as brush cutters and the like.
	Wounding the stem with machinery (e.g. lawn mowers), fixing objects (e.g. signs) to the stem or branches by nails, staples or wire, using tree climbing spikes in healthy trees to be retained (except for access to an injured tree worker), fastening materials around the stem or branches that circle and restrict the normal vascular function of the stem or branches.
Key Threatening Process	Means a process that threatens, or could threaten, the survival or evolutionary development of species, populations or ecological communities.

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Category	Meaning/Definition
Lopping	Means cutting between branch unions or at internodes on young trees
Native Vegetation	Means any of the following types of plants native to New South Wales:
	trees (including any sapling or shrub or any scrub),
	understorey plants,
	groundcover (being any type of herbaceous vegetation),
	plants occurring in a wetland.
	A plant is native to NSW if it was established in NSW before European settlement
Priority Weeds	Priority Weed (formerly known as Noxious Weeds) - means a plant declared within the South East Local Land Services Area
	Priority weeds NSW Department of Primary Industries
Prune or Pruning	Means the following activities as specified in Australian Standard AS 4373, <i>Pruning of Amenity Trees:</i>
	Crown maintenance pruning involving:
	General pruning
	Thinning
	Dead wooding
	Selective pruning
	Formative pruning
	Crown modification pruning involving:
	Reduction pruning
	Crown lifting
	Pollarding
	Remedial pruning
	Line clearance
Remove	Means to clear, take away or transplant a tree from its place of origin
Suitably Qualified Person	Means an arborist or similarly qualified or experienced person (refer to section 3.9.9 of this Plan) or an ecologist with experience and qualifications to undertake tests of significance required by the Biodiversity Conservation Act 2016.

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Category	Meaning/Definition
Threatened Species	Has the same meaning as in the <u>Biodiversity Conservation Act 2016</u> which includes native species, populations and ecological communities of flora and fauna.
Topping	Means cutting away part or all of the tree canopy leaving a trunk and stubbed main branches
Tree	Means a perennial plant with at least one self-supporting woody or fibrous stems which:
	is 3 metres or more in height
	has a trunk circumference of 400 mm or more measured at ground level or
	has a crown/branch span of 3 metre diameter or more;

3.9.5 Declared Trees or Other Vegetation under Part 3 of the Vegetation SEPP

This clause provides a declaration for trees and other vegetation for the purposes of Part 3 of the Vegetation SEPP. In accordance with Clause 7(1) of the Vegetation SEPP, a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or lop or otherwise remove a substantial part of the vegetation without a permit granted by Council.

All trees are declared for the purposes of Part 3 of the Vegetation SEPP unless exempt to the requirement for a permit as set out in Section 3.9.6 and 3.9.7 of this Code, that is trees that are at least 3 metres in height, or have a trunk circumference of 400mm at ground level or have a crown/branch span of 3 metres diameter or more.

All native vegetation is declared for the purposes of Part 3 of the Vegetation SEPP on land zoned RE1 Public Recreation, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R5 Large Lot Residential or RU5 Village by the *Goulburn Mulwaree Local Environmental Plan 2009*, unless exempt to the requirement for a permit set out in Section 3.9.6 and 3.9.7 of this Code.

3.9.6 Exemptions

Exemption under this section does not equal an exemption under other legislation controlling the removal or pruning of trees and other vegetation.

Exemptions under this Code cannot be used for removal or pruning of trees and other native vegetation that is required to be retained by development consent or a Section 88B restriction to user instrument. Applicants may choose to apply to Council for a variation to the conditions of consent (for dwelling and/or subdivision) or the 88B Instrument in this instance.

Exemptions under this Code cannot be used for removal or pruning of trees and other native vegetation related to a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area. Clause 10(3) of the Vegetation SEPP states Council can only grant a permit for the removal or pruning of vegetation on land that is, or forms part of a heritage item; or is within a heritage conservation area; or that is or Page 5 of 20

forms part of an Aboriginal object; or is within an Aboriginal place of heritage significance, if Council is satisfied it is:

- · Of a minor nature: or
- For the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area; and
- Would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area.

Exemptions under this Code cannot allow vegetation removal that exceeds the Biodiversity Offsets Scheme thresholds identified in the *Biodiversity Conservation Regulation 2017*. Approval from the Native Vegetation Panel under Part 4 of the Vegetation SEPP is required in that circumstance. More information about the Biodiversity Offset Scheme thresholds can be found on NSW Department of Planning Industry and Environment's website. The thresholds are defined by clause 7.1 (1) of the *Biodiversity Conservation Regulation 2017* and include:

- a) the clearing of native vegetation exceeding the thresholds shown in Table 3-1.
- b) the clearing of native vegetation on land included on the Biodiversity Values Map published under clause 7.3 of the *Biodiversity Conservation Regulation 2017*.

Table 3-1: Clearing area thresholds (source Clause 7.2 of the Biodiversity Conservation Regulation 2017).

Minimum Lot Size of Land in the GM LEP 2009	Area of clearing
Less than 1 hectare	0.25 hectares or more
Less than 40 hectares but not less than 1 hectare	0.5 hectares or more
Less than 1,000 hectares but not less than 40 hectares	1 hectares or more
1,000 hectares or more	2 hectares or more

A permit under this Code is not a defence for significant impacts to any threatened species, habitats, populations or ecological communities listed under the NSW *Biodiversity Conservation Act 2016* and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

3.9.6.1 List of Exempt Activities

The following activities do not require a permit from Council:

- (1) The removal of dangerous vegetation that Council is satisfied is an imminent risk to human life or property. Council must be notified prior to the removal of any tree(s) and the tree(s) must show obvious instability that represents immediate danger, for example, storm damage resulting in structurally split trunks, limbs, or branches. Photographic evidence of the trees condition is required if there is not time to notify Council.
- (2) The clearing of vegetation that is authorised under section 60O of the Local Land Services Act 2013 (Clearing authorised under other legislation). This includes:

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- a) Planning approval e.g. development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*
- b) Other planning authorisation e.g. an activity carried out by a determining authority under part 5 of the Environmental Planning and Assessment Act 1979
- Biodiversity conservation authorisation under the Biodiversity Conservation Act 2016
- d) Rural fires authorization under the Rural Fires Act 1997 10/50 Vegetation
 Clearing
- Electricity network operator bush fire risk mitigation direction under the Electricity Supply Act 1995
- f) State emergency authorisation under the State Emergency and Rescue Management Act 1989 or the State Emergency Service Act 1989 and was reasonably necessary in order to avoid a threat to life or property
- g) Biosecurity authorisation under the Biosecurity Act 2015
- Plantation operations authorisation under the Plantations and Reafforestation Act 1999
- i) Forestry operations authorisation under the Forestry Act 2012
- j) Water management authorisation under the Water Management Act 2000
- k) Mining/petroleum authorisation under the *Mining Act 1992* or the *Petroleum* (Onshore) Act 1991
- I) Fisheries management authorisation under the Fisheries Management Act 1994
- m) Survey work under the Surveying and Spatial Information Act 2002 and carried out under the direction of a surveyor
- n) Roads authorisation under the Roads Act 1993
- o) Private land conservation agreement under the *Biodiversity Conservation Act* 2016
- (3) The clearing of vegetation in accordance with a property vegetation plan under the former *Native Vegetation Act 2003*; or
- (4) The removal or harvesting of trees grown commercially or domestically for their edible fruit; or
- (5) The removal or pruning of trees on Council owned/managed land authorised by Goulburn Mulwaree Council and provided that assessment of the tree work is carried out in accordance with this Code or in accordance with a Plan of Management for the land
- (6) Trees or other vegetation declared to be weeds in the Goulburn Mulwaree Local Government Area under the Biosecurity Act 2015 (it will not be sufficient defence that

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the species was not correctly identified prior to removal). <u>Visit NSW Department of Primary Industries NSW Weed Wise</u> for a list of priority weeds.

- (7) Removal of undesirable species listed in Section 3.7.7 (it will not be sufficient defence that the species was not correctly identified prior to removal).
- (8) Removal of trees or other vegetation in accordance with Goulburn Mulwaree Council's Local Weed Management Plan.
- (9) If the land is zoned E4 Environmental Living, E3 Environmental Management, R5 Large Lot Residential or E2 Environmental Conservation:
 - Clearing for the following maintenance of existing rural infrastructure. The minimum extent of clearing necessary for carrying out the activity is permitted up to the distances from the infrastructure below:
 - (a) fences —3 metres either side,
 - (b) road 3 metres either side from edge of road,
 - (c) track— 1 metre either side from edge of track,
 - (d) pipeline—3 metres total width of clearing,
 - (e) shed 10 metres from the outer edge of the structure,
 - (f) tank—3 metres from the outer edge of the structure,
 - (g) dam-10 metres from the outer edge of the structure,
 - (h) stockyards— 10 metres from the outer edge of the structure,
 - (i) bore—5 metres from the outer edge of the structure,
 - (j) pump—3 metres from the outer edge of the structure,
 - (k) water point—3 metres from the outer edge of the structure,
 - (I) windmill —5 metres from the outer edge of the structure.
 - The continuation of existing cultivation, grazing or rotational farming practices if it does not involve the clearing of native vegetation.
 - Sustainable grazing that is not likely to result in the substantial long-term
 decline in the structure and composition of native vegetation is permitted if it
 does not involve the clearing of native vegetation; or
- (9) Removal of trees and other native vegetation within 3.0 metres (as measured on the horizontal plane from the edge of the building footprint to the trunk of the tree) of an existing lawful dwelling or an approved building footprint in accordance with a development consent. This exemption does not apply to a tree on adjoining land unless the adjoining landholder gives written permission for the vegetation removal; or
- (10) The removal of vegetation that Council is satisfied is dying or dead as determined through the application of the code of practice associated with the *Tree Risk Management Policy on Council Controlled Land* or to trees or vegetation subject to Page 8 of 20

assessment under Council's Vegetation Clearing – Roadsides and Infrastructure Lines Policy and is not required as the habitat of native animals e.g. it does not contain hollows. Council must be notified prior to the removal of any tree(s) that are dead or dying so that Council can issue a letter confirming that the tree is exempt from the requirement for a permit and removal or pruning may be undertaken; or

- (11) Pruning of trees if pruning does not exceed 10% of canopy per year and complies with Australian Standard 4373 Pruning of Amenity Trees; or
- (12) Removal of vegetation on a boundary between properties for the purpose of enabling a boundary survey to be carried out by a registered surveyor. The surveyed lands must exceed one hectare and the maximum width of clearing is 0.5m either side of boundary. The adjoining owner's written approval is necessary; or
- (13) Removal of trees or vegetation directly on a boundary line between properties for the purpose of erecting a boundary fence – adjoining owner's written approval is necessary.
- (14) Pruning and removal of fruit trees specifically planted for human consumption e.g. where used in association with commercial orchards.

The activities listed in subsections (9) to (13) above, do not require a permit from Council, unless:

- The vegetation is a threatened species, provides habitat for a threatened species or is
 part of a threatened ecological community (EECs) under the *Biodiversity Conservation*Act 2016 and/or the Environment and Biodiversity Conservation Act 1999. Seek advice
 from a suitably qualified person e.g. an ecologist;
- The vegetation is, or forms part of, a heritage item identified in the GM LEP 2009;
- The vegetation is within a heritage conservation area identified in the GM LEP 2009;
 or
- The proposed additional clearing would exceed the biodiversity offsets scheme clearing area threshold of the lot (see Table 3-1).

3.9.6.2 Evidence is required for some exemptions to apply

This section describes the evidence that is required to satisfy Council that the above exemptions apply.

Expert advice from a suitably qualified and experienced person must be obtained (refer to Section 3.9.9) with respect to dangerous, dead or dying trees:

- i. to confirm their condition prior to removal or injury, and
- ii. to ensure that they do not provide habitat for Threatened Species

Where a dangerous tree is removed or pruned in an emergency situation due to obvious instability or hazard before Council has been notified:

- photographic evidence of the tree's condition; or
- ii. a report by a suitably qualified and experienced person;
- iii. a written statement from the State Emergency Service, if the Service carried out the emergency tree works at the owners request

In relation to exempt, dated photographic evidence of the subject tree(s) before and after pruning or removal must be retained for a period of 6 months after the

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completion of works and produced as evidence of compliance with this Code at the request of a Council officer.

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3.9.7 List of Exempt Species

A permit is not required to remove or prune any of the following trees on private land provided the tree is not part of a threatened ecological community, habitat for any threatened species, listed as a Heritage Item or within a Heritage Conservation Area, or listed on Council's Significant Tree Register.

A list of plants considered by Council to be **environmental weeds** can be found below;

SCIENTIFIC NAME	COMMON NAME	LOCATION	DESCRIPTION	COMMENT
Alianthus altissima	Tree of Heaven	Wide spread, favours fences	Medium size deciduous tree	Vigorous growers. Deep green pinnate leaves to 1.0m long.
Centaurea calcitrapa	Star Thistle		Thistle	Mainly in native grass land.
Cirsium vulgare	Spear Thistle	Wide spread along rivers	Thistle	
Cotoneaster glaucophyllus	Cotoneaster	Gardens	Small evergreen tree with red berries	Spread by birds, poisonous berries
Crataegus monogyna & hybrid cultivars	Hawthorn	Wide spread	Small evergreen tree with red berries	Spread by birds. Encourages predatory bird species.
Cytisus proliferus	Tagasaste	Widespread	Large evergreen shrub to small tree	Invades bushland areas, eg common on Rocky Hill
Dactylis glomerata	Cocksfoot	Any grassy area, woodlands and native grasslands.	Tall upright grass with broken flower spike circling stem	
Foeniculum vulgare	Fennel	Neglected areas & roadsides	Erect perennial herb to 2.5 m high	A weed of waste spaces in urban areas
Hedera helix	English Ivy	Gardens	Evergreen climber	

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SCIENTIFIC NAME	COMMON NAME	LOCATION	DESCRIPTION	COMMENT
Ilex species	Holly	Gardens & bushland	Evergreen shrub with prickly leaves	Spread by birds
Ligustrum species	Privet, Large & Small Leaved.	Widespread, likes moist places	Small evergreen tree, masses of black berries	Difficult to kill, spread by birds
Lonicera japonica	Japanese Honeysuckle	Rivers	Rampant climber	
Marrubium vulgare	Horehound	Rivers & neglected areas	Bushy perennial herb to 0.75 m	Germinates from seed.
Myrsiphyllum asparagoides	Bridal Creeper, Florists Smilax	Wet areas	Rampant smothering creeper	
Paspalum dilatatum	Paspalum	Widespread on rivers	Grass	
Phalaris species	Phalaris	Widespread	Tall tough grass	
Pinus radiata	Radiata Pine	Neglected areas	Large, fast growing conifer	Invades bushland areas
Populus alba	White Poplar	Rivers and creeks	Fast growing, suckering deciduous tree	Invades moist areas and forms dense thickets
Prunus species	Plum & Cherry Plum	Widespread in neglected areas.	Small deciduous tree.	
Pyracantha species	Firethorn	Neglected areas	Large evergreen shrub	Red – orange berries spread by birds.
Ranunculus repens	Creeping Buttercup	Wet places	Creeping herb	Can form dense pure stands replacing other understorey.

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SCIENTIFIC NAME	COMMON NAME	LOCATION	DESCRIPTION	COMMENT
Rhamnus alaternus	Italian Buckthorn	Riversides and neglected areas	Evergreen woody shrub with black berries	Small leathery leaves.
Salix calodendron Salix reichardtii	Pussy Willow	Riversides	Deciduous trees or large shrubs	Willow species clog rivers. All other species are on the priority weed list.
Sambucus nigra	Black Elder	Rivers	Small deciduous tree	Not currently a problem locally but is in similar areas
Sorbus domestica	Service Tree	Neglected areas	Deciduous tree	Spread by birds
Vinca major & V. minor	Periwinkle also variegated forms.	Creeks & streams E.g. Rocky Hill & Mt. Gray	Slender stemmed herbaceous perennials	Groundcovers with purple flowers. Can climb to 3.0 m

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3.9.8 Procedures

Removal of native vegetation that triggers entry into the biodiversity offsets scheme must have approval from the Native Vegetation Panel in accordance with Part 4 of the Vegetation SEPP. The biodiversity offsets scheme thresholds are described Section 7.1 of the *Biodiversity Conservation Regulation 2017*.

If any threatened species, habitats, populations or ecological communities are present on the land to be cleared, a Test of Significance must be conducted, regardless of whether the biodiversity offsets scheme thresholds are triggered. If the Test of Significance indicates that a significant impact is likely, a Biodiversity Development Assessment Report (BDAR) will be required to be prepared by an accredited Biodiversity Assessment Method (BAM) Assessor and submitted to the Native Vegetation Panel.

The Native Vegetation Panel must refuse to grant approval if the Panel is of the opinion that the proposed clearing of native vegetation is likely to have serious and irreversible impacts on biodiversity values.

For more information about applying for approval from the Native Vegetation Panel contact Local Land Services on 1300 795 299, or email info@nvp.nsw.gov.au or contact your Local Land Services office.

If you are applying for a Complying Development Certificate under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 you need to obtain a permit to remove or prune vegetation to which this Code applies.

If a Development Application has been approved for the removal of a tree or other native vegetation, a permit is not required.

A Tree Removal Application is not required for removal or pruning of vegetation for the maintenance of a heritage item, Aboriginal object, Aboriginal place of heritage significance, or in heritage conservation area if it is minor in nature. Council can confirm this via an email to planningenquiries@goulburn.nsw.gov.au. A development application for any other removal or pruning of vegetation located on heritage items and heritage conservation areas are required in accordance with Clause 5.10 of the GM LEP 2009.

3.9.8.1 Application Procedures

For trees on Council reserves, please contact Council's Parks Coordinator on (02) 4823 4444.

If native vegetation removal would exceed the Biodiversity Offsets Scheme Thresholds described in Part 7 of the *Biodiversity Conservation Regulation 2017* (i.e. mapped by the Biodiversity Values Map (https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap or exceeds the area thresholds in Clause 7.2 of the that regulation) please contact Local Land Services on 1300 795 299, email info@nvp.nsw.gov.au or contact the South East Local Land Services office via email to enquiry.southeast@lls.nsw.gov.au.

You can also find further information on the Native Vegetation Panel here: https://www.nvp.nsw.gov.au/

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All requests for a permit to remove or prune trees or vegetation subject to this Code are to be submitted on a Tree Removal Application Form available from Council for this purpose and may be accompanied by a Tree Plan drawn to scale and illustrating;

- (a) Property boundary, existing structures and access roads.
- (b) Location of all trees on the lot and identification of those trees or other native vegetation proposed for removal or pruning.
- (c) A description of the trees or other native vegetation proposed for removal or pruning.
- (d) Distance of those trees or other native vegetation proposed for removal or pruning from the nearest boundary and/or structure.
- (e) A north arrow.
 - (f) The area of native vegetation being cleared in square metres (this can be generated by the Biodiversity Offsets Scheme Entry Tool available on the NSW office of Environment Heritage's website, https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap)
 - (g) Mitigation measures proposed e.g. replacement plantings locations.
 - (h) Relevant site features (e.g. watercourses and services).

Where Council requires a suitably qualified and experienced person to prepare a Tree Assessment Report, applicants should engage their own suitably qualified arborist.

The owner of the property, on which the trees or vegetation are growing must sign the Tree Removal Application Form;

The appropriate processing fee (refer Goulburn Mulwaree Council – Fees and Charges) as determined by Council must accompany the Tree Removal Application Form;

Upon submission of the Tree Removal Application Form, Tree Plan and relevant fee, Council staff will ensure that the form is correctly filled out and contains all necessary information required to allow lodgement.;

If more than 6 trees are proposed to be removed, or if the vegetation is a threatened species, provides habitat for threatened species (eg contains hollows or fissures) or is component of a threatened ecological community, Council may require the applicant to provide a Test of Significance of the potential impacts of vegetation removal on these threatened entities in accordance with Part 7.3 of the *Biodiversity Conservation Act 2016*. This must be prepared by a suitably qualified person.

All trees must be clearly marked on site for inspection purposes.

Council may request further information about the proposed clearing that is necessary for proper consideration of the application.

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3.9.8.2 Assessment criteria

Council may issue a permit for the removal or pruning of trees or other native vegetation if the following criteria are met:

- The tree is a poor specimen and is in a state of decline that is prolonged and irreversible. The application is supported by a Tree Assessment Report (refer to section 3.9.9);
- The tree has caused significant structural damage and the application is supported by a Tree Assessment Report (refer to section 3.9.9) including photographic evidence;
- It can be demonstrated that there is an on-going problem with the tree that no other course of action will rectify. The application is supported by a Tree Assessment Report (refer to section 3.9.9);
- Council is satisfied there is unlikely to be a significant impact on threatened species, their habitat (e.g. hollows) or ecological communities and the reason for removal or pruning would otherwise be an exempt activity under section 3.9.6.1 and 3.9.6.2 of this Code and other reasonable alternatives are not available.
- Clear evidence is provided of how impacts to hollow bearing trees, threatened species
 or vegetation communities have been avoided and minimised and that other
 reasonable alternatives are not available.
- Trees or other vegetation removed or pruned to facilitate solar access for the tree owner or their neighbours are kept to the minimum necessary to ensure solar efficiency.
- Removal or pruning of trees and other vegetation that occurs within 20 metres of a
 bank of a large (category 1) water course is minimised and erosion control measures
 have been considered; and a program of replanting of local native species is proposed
 to maintain bank stability, water quality and terrestrial habitat. The program should be
 provided as a written plan with maintenance commitments to ensure long term
 survivability.
- Removal or pruning of trees and other vegetation on mapped land with a slope in excess of 20% is minimised and erosion control measures have been considered; and, a program of replanting of local native species is proposed to maintain slope stability.

Applications for impacts to any tree that contains a hollow, is a threatened species or is a component of a threatened ecological community may need to include a Test of Significance completed by a suitably qualified and experienced person e.g. an ecologist.

If hollows will be removed, an animal handler must be present on site to rescue any animals potentially using the tree as habitat.

Provided that no significant hazard or other safety issues also apply, the following will not justify the removal of a tree:

- Dropping of leaves, flowers, fruit, bark, sap or twigs into gutters, downpipes or pools for example;
- b. To enhance views, solar access, increase natural light or increase sunlight to garden areas;
- To reduce minor lifting of driveways and paths by tree roots or impacts to minor structures;

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- d. For bushfire hazard control that has not been approved by the Rural Fire Service:
- e. Potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible;
- f. Damage to buildings or structures that have not been built in accordance with the relevant planning controls and legislation in force at the time of construction
- g. Damage to buildings or structures where alternative tree sensitive construction measures could be undertaken

Where mature trees are proposed to be removed, they are replaced with trees identified in Appendix 2 of this plan in an appropriate location including consideration of providing street trees nearby. Replacement species and locations must be agreed to by Council.

The amount of vegetation approved to be removed by Council in the previous 5 years is cumulatively less than the Biodiversity Offsets Scheme Thresholds.

The distance or area specified as exempt for maintenance of rural infrastructure in its application to the land concerned may be extended, if:

- a) the proposed increase is minor, and
- the proposed increase is for a legitimate purpose associated with the management of the land concerned, and
- c) the increase is necessary in the circumstances.

The removal of vegetation would allow exempt or complying development where the vegetation proposed to be removed is for direct impacts by the proposed development or within 3 metres of the development only (i.e. not for an asset protection zone). Clear evidence that impacts to vegetation have been avoided and minimised and there are no other reasonable alternatives is provided.

Removal or pruning of trees and other vegetation on land with a slope in excess of 20% or within 20 metres of a water course is avoided. Erosion control measures must be proposed eg a program of replanting of local native species to maintain slope stability, water quality and terrestrial habitat.

3.9.9 Tree Assessment Reports

Suitably qualified and experienced arborist

Where Council requires a suitably qualified and experienced person to prepare a Tree Assessment Report, applicants shall engage their own suitably qualified arborist. A suitably qualified and experienced person is one who holds the diploma of Horticulture (Arboriculture) Australian Qualification Framework of Level 5. Council will consider reports from consulting arborists who are members of either the Institute of Consulting Arborists or Arborists or <a href="Arboriculture Aus

Tree Assessment Report requirements

A Tree Assessment Report must contain the following information:

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- Name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting;
- · Address of the site containing the trees;
- Who the report was prepared for and the aims of the report;
- Methods and/or techniques used in the inspection;
- A plan, to scale, consistent with the requirements of the application procedure in this Code;
- A table showing, for each tree the subject of the application:
 - i. Species name;
 - ii. Age/classification;
 - iii. Height;
 - iv. Trunk diameter at 1 metre above ground;
 - v. Canopy spread;
 - vi. Health and condition
- A discussion of other relevant information, including details of tree hollows or potential
 hollows for wildlife, tree structure/weaknesses, root form and distribution, soil stability,
 scenic amenity, pests and diseases and/or a Tree Hazard Assessment;
- Supporting evidence such as photographs and laboratory results to confirm presence of soil pathogens or support soil assessment, where relevant;
- · Proposed replacement plantings, landscaping and soil remediation;
- Tree protection measures and post tree maintenance program which can be used as conditions, should the application be approved;
- · Sources of information referred to in the report;
- · Amenity value;
- · Any other relevant matters.

3.9.10 Determination

Council can either issue a permit or refuse to issue a permit. If a permit is issued it can be subject to conditions.

3.9.11 Public Notification

Council is not required to notify the public including neighbours of an application for a permit to clear or for the public to be given the opportunity to comment.

3.9.12 Appeals

An appeal to Council against an approval or refusal to grant a permit under this Code may be made by the applicant.

If dissatisfied with the result of the appeal to Council, an applicant for a permit may appeal to the Land and Environment Court against the refusal by Council to grant the permit. Any such appeal is to be made within 3 months after the date on which the applicant is notified of the decision or within 3 months after the Council is taken to have refused the application (whichever is later).

An application for a permit that has not been determined is taken to have been refused after 28 days from the date the application was made.

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3.9.13 Penalties

There are significant penalties for the illegal removal or pruning of trees and other vegetation.

Local Government Act 1993

Under Section 629 of the *Local Government Act 1993*, it is an offence to cause injury or unnecessary disturbance to trees and native vegetation on public land including road reserves. This specifically relates to street trees, foreshore reserves and public open space. A person who, without lawful excuse, deliberately damages, poisons or injures vegetation on public land, is guilty of an offence under that Act.

Environment Planning and Assessment Act 1979

Clearing vegetation or trees without a permit is prohibited, and prohibited development can be enforced by a penalty notice under the *Environmental Planning and Assessment Act 1979* for each offence.

Alternatively, Council can undertake court proceedings for the injury, removal of trees and native vegetation on private and public land without a permit. Penalties for offences under Section 4.3 of the EP&A Act can exceed \$1 million for individuals. Where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may also direct that person to pay costs incurred:

- (i) to plant new trees and vegetation and maintain those trees and vegetation to a mature growth; and
- (ii) to provide security for the performance of any obligation imposed under (i).

Councils can prosecute offences within two years of an offence coming to a council investigation officer's attention.

Biodiversity Conservation Act 2016

It is an offence to harm or pick threatened species, populations or endangered ecological communities (EECs) under the Section 2.2 of the *Biodiversity Conservation Act 2016*. Prosecutions can result in significant penalties including fines and imprisonment.

A permit from Council to remove vegetation is a defence under section 2.8 of the *Biodiversity Conservation Act 2016*.

Other acts

Exemption under this Chapter does not equal an exemption under other legislation controlling the removal or pruning of trees and other vegetation. Consideration should be given to the following legislation before carrying out any work:

- Biodiversity Conservation Act 2016 and Regulations
- Biosecurity Act 2015
- Environmental Planning and Assessment Act 1979
- Environmental Protection and Biodiversity Conservation Act 1999
- Fisheries Management Act 1994
- Forestry Act 1916

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- Heritage Act 1977 (Sections 129A and 139)
- Local Land Service Act 2013
- Rivers and Foreshores Improvements Act 1948
- Rural Fires Act 1997
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No 14 Coastal Wetlands
- State Environmental Planning Policy No 26 Littoral Rainforests
- State Environmental Planning Policy (Koala Habitat Protection) 2019
- Water Management Act 2000 (Guidelines for Riparian Corridors and Waterfront Land)

Vegetation removal on rural zoned land must be in accordance with the *Local Land Services Act 2013*. For vegetation removal on rural zoned land, contact Local Land Services on 1300 778 080, email slm.info@lls.nsw.gov.au or contact the South East Local Land Services office via email to enquiry.southeast@lls.nsw.gov.au.

Other Relevant Policies & Guidelines:

- Australian Standard Protection of trees on development sites: AS 4970-2009
- Australian Standard Pruning of amenity trees: AS 4373-2007
- Rural Fire Service Planning for Bushfire Protection 2006

3.9.14 Trees on Neighbouring land

Council has no power to order the owner of a tree to remove or prune a tree on their property apart from under the provisions of the *Biosecurity Act 2015*.

Where a tree is growing on a boundary, ownership is determined by which side of the boundary the centre of the trunk originated, or which side of the boundary, the majority of the trunk's diameter exists (at ground level).

Permission for removal of a tree on a neighbour's property can only be granted to the owner of the tree and requires the consent of Council. Written agreement from the owner of the tree must occur prior to making an application.

Where neighbour disputes arise, Council refers people to the *Trees (Disputes Between Neighbours) Act 2006.* Please contact the Clerk of the Court at Goulburn Courthouse for further information.

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15.2 PROPOSED AMENDMENT TO DCP 2009 - VEGETATION CHAPTER

Author: Kate Wooll, Business Manager Strategic Planning

Authoriser: Warwick Bennett, General Manager

Attachments: 1. DCP 2020 Tree and Vegetation Section

Reference to LSPS:	Planning Priority 10: Natural Environment – Vision 2040 – Protection and enhancement of the quality of natural environments and systems.
Cost to Council:	Nil - Public exhibition of proposed amendment only at this stage.

RECOMMENDATION

That:

- 1. The report by the Business Manager Strategic Planning on a proposed amendment to Development Control Plan 2009 in relation to vegetation provisions be received.
- The draft Development Control Plan 2009 Vegetation Chapter 3.9 Amendment be publicly exhibited for a minimum of twenty eight (28) days.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

The NSW Biodiversity Conservation Act, 2016 (BC Act) introduced a new framework for:

- Identifying and assessing the significance of native plant communities, and habitats for native fauna species; and
- Methods of assessment, reporting and offsetting.

The BC Act is based on the principles of <u>avoidance</u>, <u>minimisation</u> and <u>offsetting</u> in priority order. The introduction of the BC Act resulted in associated changes to the planning framework for the management of native vegetation clearing.

REPORT

State Environmental Planning Policy (SEPP) (Vegetation in Non Rural Areas) 2017 was introduced to integrate the new BC Act with the Planning Act and necessitated the updating of all Development Control Plans (DCP) Vegetation Management chapters to align with the SEPP in order to be a "declared mechanism" for councils to manage native tree and vegetation clearing. The SEPP repealed tree clearing provisions from all LEPs identifying development control plans (DCPs) as the principal mechanism for local control of vegetation removal

Currently the controls in the Goulburn Mulwaree Development Control Plan (DCP) are not "declared" for the purposes of the State Environmental Planning Policy (SEPP) and as a result are only managing vegetation associated with heritage items and within heritage conservation areas as it does not reference the new SEPP or have controls which align with it. Native vegetation clearing, is therefore, currently largely limited to and regulated through the development application process only, until the DCP is updated.

Clearing of native vegetation can occur in all zones other than the Rural Zones (i.e. RU1, RU2, etc.) which are covered by Local Land Services up to the thresholds set out in Section 7.2 (Table 1) of the *BC Act Regulation 2017*. The thresholds are relatively generous and are based on the minimum lot sizes set out in the LEP as follows:

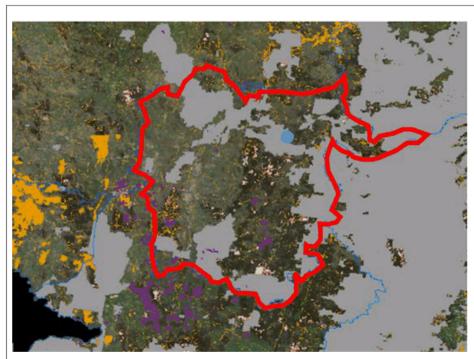
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Table	
Column 1	Column 2
Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

Clearing of native vegetation has been occurring within areas containing native vegetation such as Tallong and West Goulburn (outside heritage areas) without the need for approval (being under the threshold) and without Council being in a position to manage or enforce compliance action (if under the threshold).



Goulburn Mulwaree LGA – Grey areas where DCP vegetation provisions do not apply - no controls under the BC Regulation 2017 thresholds for clearing.

Proposed DCP Amendments

The proposed amended chapter is drafted to be compliant with the State Environmental Planning Policy (SEPP) and align with the BC Act provisions. Unfortunately, the new legislation is quite complex and is difficult to articulate in plain English. A copy of the amended DCP chapter as proposed is attached (Attachment 1).

The following is a breakdown of key aspects to the amended chapter. It is noted that extensive exemptions from approval have been included in order to simplify the application of the document where possible.

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New objectives:

- To support the aims of the Vegetation SEPP to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.
- To achieve the long term retention of existing trees, appropriate tree maintenance, and in relation to replacement trees, suitable tree locations and considered species selection.
- To protect and enhance trees and vegetation in non-rural areas including street trees, park trees (including bushland) and trees on private property as an important community and tourism asset.

General Exemptions:

General exemptions applying to all properties include:

- The removal of:
 - o trees within 3 m of a dwelling
 - o dead, dying trees if not providing habitat,
 - o dead, dying, fallen trees etc. if dangerous, and
 - o trees on a boundary for the purpose of erecting a new fence.
- Pruning and removal of fruit trees specifically planted for human consumption e.g. where used in association with commercial orchards.

Exemptions for Rural Residential and Environmental Zones

- If the land is zoned E4 Environmental Living, E3 Environmental Management, R5 Large Lot Residential or E2 Environmental Conservation:
 - Clearing for the following maintenance of existing rural infrastructure. The minimum extent of clearing necessary for carrying out the activity is permitted up to the distances from the infrastructure such as fences, roads, tracks, pipelines, sheds, dams, stockyards, bores, pumps, windmills
- The continuation of existing cultivation, grazing or rotational farming practices if it does not involve the clearing of native vegetation.
- Sustainable grazing that is not likely to result in the substantial long-term decline in the structure and composition of native vegetation is permitted if it does not involve the clearing of native vegetation.

Exemptions - Weeds

Trees or other vegetation declared to be noxious weeds in the Goulburn Mulwaree LGA within the Development Control Plan (DCP) chapter (note that the "noxious" declaration is for the purposes of the DCP and not in relation to the *Biosecurity Act*, 2015) and as identified on the NSW Weed Wise Site and as per the GMC Weed Management Plan.

Exemptions - Other Legislation

- The clearing of vegetation that is authorised under section 600 of the Local Land Services Act 2013 (Clearing authorised under other legislation). This includes:
 - Planning approval e.g. development consent under Part 4 of the Environmental Planning and Assessment Act 1979
 - Other planning authorisation e.g. an activity carried out by a determining authority under part 5 of the Environmental Planning and Assessment Act 1979.

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- Biodiversity conservation authorisation under the Biodiversity Conservation Act 2016.
- Rural fires authorisation under the Rural Fires Act 1997 10/50 Vegetation Clearing.
- Electricity network operator bush fire risk mitigation direction under the Electricity Supply Act 1995.
- State emergency authorisation under the State Emergency and Rescue Management Act 1989 or the State Emergency Service Act 1989 and was reasonably necessary in order to avoid a threat to life or property.
- Roads authorisation under the Roads Act 1993.
- · Private land conservation agreement under the Biodiversity Conservation Act 2016.
- The clearing of vegetation in accordance with a property vegetation plan under the former Native Vegetation Act 2003; or
- The removal or pruning of trees on Council owned/managed land authorised by Goulburn Mulwaree Council and provided that assessment of the tree work is carried out in accordance with this Code or in accordance with a Plan of Management for the land.

Conclusion and Recommendation

In conclusion, it is recommended that the draft amendment to the vegetation provisions in *Goulburn Mulwaree Development Control Plan 2009* be placed on public exhibition. The proposed amendment will bring the Development Control Plan into alignment with the current legislation.

It is important to have an updated vegetation section in order to facilitate clear messaging around vegetation removal to the public.

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Post-Public Exhibition Proposed Amendment to the *Goulburn Mulwaree Development Control Plan 2009*

Section	Amendment	Reason			
General	eneral				
N/A	Re-numbering and re-formatting of all clauses affected by this amendment	N/A			
Chapter 3 Gene	ral Development Controls				
Section 3.8 Flood affected lands	Delete the following: Engineering details for the effect of flooding are not required for non-habitable buildings and structures.	This is inconsistent with flood planning policy and obligations under s4.15 of the <i>Environmental Planning and Assessment Act 1979</i> as there are circumstances where this information needs to be made available in order to accurately assess flood risk.			
Chapter 4 Princ	iple development Controls - Urban				
Section 4.1.1 Site planning, bulk, scale and density	Delete the following: B1 Neighbourhood Centre and B3 Commercial Core — Nil (except for shop top housing);	The B1 Neighbourhood Centre zone no longer exists in the <i>Goulburn Mulwaree Local Environmental Plan 2009</i> and the control relating to the B3 Commercial Core zone is unnecessary as the zone already prohibits all residential development that is not shop top housing.			
Section 4.1.1 Site planning, bulk, scale and density	Delete the following: Figure 4-1: Example of the calculation of maximum number of dwellings allowed in the Business B2 Local Centre zone Subject lot area – 1,000m²;	This example is unnecessary clutter.			

Section	Amendment	Reason
	 Gross floor area (GFA) is calculated by multiplying FSR (1.2) by site area (1,000) which is 1,200m²; Minimum GFA for a single dwelling unit is 150m²; Allowable residential percentage is 40%; Number of dwellings is calculated by dividing 40% of the FSR (1,200) by minimum GFA for a single dwelling (150) which is 3.2. Maximum theoretical number of dwellings for this site is 3. 	
Section 4.1.1 Site planning, bulk, scale and density	Amend from: RU5 Village – 750m² per dwelling unit. To instead say: RU5 Village – 700m² per dwelling unit.	700m ² is consistent with the minimum lot size applied to the RU5 Village zone.
Section 4.1.1 Site planning, bulk, scale and density	Delete: Figure 4-2: Example of the calculation of maximum number of dwellings allowed in residential zones	This example is unnecessary clutter.

Section	Amendment		Reason
	 Zone R1 General Residential; Subject lot area – 1,500m²; Average site area required for each proposed dwelling unit – 350m²; Number of dwellings is calculated by dividing lot area (1,500) by dwelling site area required (350); Maximum number of dwellings allowed (rounded) is 4. Note: this theoretical calculation is based on full reticulated services being available to the site. 		
New section Sheds and other ancillary structures	Insert after 4.1.1: 4.1.2 Sheds and other ancillary structures Sheds and other ancillary structures to residentito the height limits outlined in Table 4-1 below: Table 4-1: Height limits	al development (e.g. car ports) must adhere <mark>with</mark>	To provide guidance as to acceptable height limits for sheds and ancillary structures where there currently are none. Post-public exhibition changes: Minor spelling error.
	Setback	Height limit	
	0-1m	2.4m	Included definition of a shed to
	1m	3m	clarify application of control.
	2m or greater	3.6m	

Section	Amendment	Reason
	Note: A shed means an outbuilding, usually for a specific purpose such as storage and is a building that cannot be used for a habitable purpose	Amended the setback for sheds and ancillary structures of 2.4m in height or less from 0.5m to between 0-1m to provide additional flexibility.
		Increased setback for shed and ancillary structures of 3.6m in height from 1.5m or more to 2m so that the setback control aligns with solar access provisions.
		Clarification that height relates to wall height.
New section Rain gardens	Insert after 4.1.1:	To provide guidance as to the location of rain gardens where there is none.
	4.1.3 Rain gardens	there is none.
	Rain gardens are to be located on a low spot away from any dwelling with access to sunlight. Rain gardens must drain away from nearby dwelling.	Post-public exhibition changes: Inclusion of additional notation to clarify that rain gardens are not be included in the calculation of
	Note: Rain gardens are not to be used in the calculation of private open space.	private open space.
New section Cut and fill	Insert after 4.1.1:	To provide guidance for cut and fill where there is none.
	4.1.4 Cut and fill	
	Objectives To minimise the extent of cut and fill within residential allotments.	
	To protect and enhance the aesthetic quality of the area by controlling the form, bulk and scale of land forming operations.	

Section	Amendment	Reason
	To ensure that the amenity of adjoining residents is not adversely affected by any land forming. To ensure that stormwater management is not adversely affected.	
	Controls	
	Earthworks shall be undertaken to a maximum of 600mm excavation or fill from the natural surface level of the property.	
	Council will assess proposals for excavation or fill greater than 600mm having regard to the visual impact of the proposed earthworks.	
	All cut and fill shall have a setback to the boundary to permit any retaining walls to be located wholly within the property boundary and to allow fencing to be installed at the boundary.	
New section	Insert after 4.1.1:	To limit clustering of identically
Dwelling		designed houses that can detract
design	4.1.5 Dwelling Design	from the visual amenity.
	Dwelling houses and each unit of a detached dual occupancy development are not to comprise of substantially the same streetscape design of any other dwelling house or unit of a detached dual occupancy development that exists or is proposed as part of the same application within four lots	Post-public exhibition changes:
	either side of the development site and on either side of the road it is fronting (inclusive of the development site). This provision does not apply to attached dwellings (e.g. attached dual occupancies, semi-detached dwellings etc.) or developments within heritage conservation areas or adjoining heritage items where the development is designed to be sympathetic to existing development and period details etc.	Clarifying that this control does not apply to attached dwellings.
Section 4.1.2	Remove the following word from the clause:	To strengthen the application of
Number of storeys	recommended	this control.

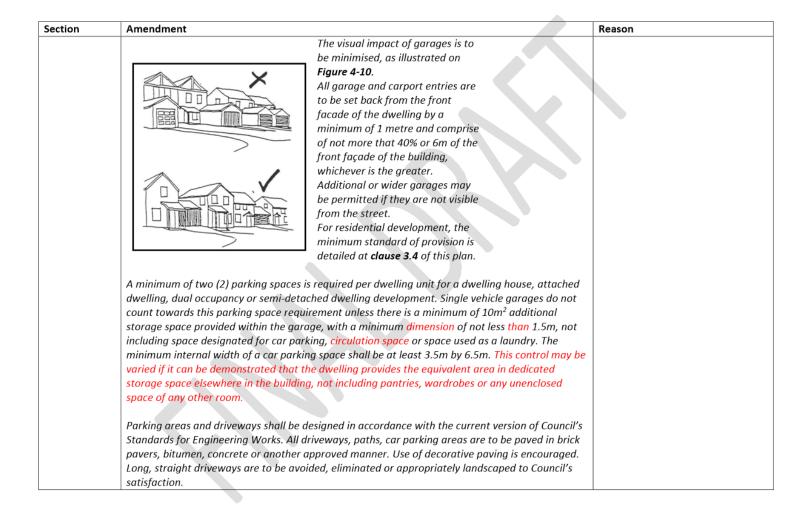
Section	Amendment	Reason
Section 4.1.3	Amend from:	To clarify that solar access
Solar access		requirements also apply to private
	Residential buildings shall be designed to ensure that the proposed dwelling, adjoining residential	open space.
	buildings, and the major part of their landscaped open space, have at least four hours of sunlight	
	between 9.00am and 3.00pm on 21 June (winter solstice). Figure 4-3 identifies the variation of the	To allow for developments with
	sun's path in winter and summer.	only three (3) hours direct sunlight
		as four (4) hours can be overly
	To instead say:	onerous and difficult to achieve.
	Residential buildings shall be designed to ensure that the principal living spaces of the proposed	To clarify that solar access must be
	dwelling, adjoining residential buildings, and at least 50% of their private open space, have at	considered not just in the context
	least three hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice). Figure 4-3	of the development proposed, but
	identifies the variation of the sun's path in winter and summer.	also in the context of enabling
		neighbouring lots to comply with
	Note: Direct sunlight is achieved when $1m^2$ of direct sunlight on the glass is received for at least 15	the control.
	minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved,	
	however the periods do not need to be consecutive.	Post-public exhibition changes:
	No structure is permitted where it would prejudice the ability of adjacent lots to meet the above	Clarification that solar access
	control or overshadow existing neighbouring solar powered devices (e.g. photovoltaic panels,	provisions for dwellings apply to
	solar water heaters).	principal living spaces.
	In circumstances where an adjacent southern lot has an east-west orientation, a southern setback	Inclusion of definition of what
	of at least 3m must be applied for all one-storey development and 6m for all two-storey	constitutes solar access, as per the
	development, in order to comply with the above control.	NSW low rise housing diversity
		design guide.
	In circumstances where an adjacent southern lot has an east-west orientation, the following	
	southern setbacks should be applied in order achieve the above controls:	Easing of southern setback
		requirements for solar access.
	 1.5m for all single storey development within 12m of the forward building line. 	These controls are similar to solar
	3m for all single storey development behind the first 12m of the forward building line.	access provisions used in the ACT.
	3m for all second storey development within 12m of the forward building line.	

Section	Amendment	Reason
	6m for all second storey development behind the first 12m of the forward building line. Shadow diagrams or solar access diagrams may be required by Council to demonstrate compliance with this section.	
Section 4.1.4 Privacy	Insert under <i>controls</i> : Windows and balconies are not to be positioned in a location where it allows for direct views into	To provide additional controls to protect the privacy of neighbouring lots and limit amenity impacts of
	nearby/adjoining approved habitable rooms. Balconies and second storey windows are also not to have direct views into the private open space of nearby approved residential areas unless	pool pumps.
	permanent privacy elements are applied (e.g. privacy screens or high still windows). Figures 4-6 and 4-7 demonstrate appropriate ways to maintain privacy.	Post-public exhibition changes:
	Note: habitable rooms has the same definition as in the National Construction Code for the purposes of this Plan.	Clarification of the used definition for 'habitable rooms'.
	Bathrooms and water closets are excepted from the above control provided that their windows are permanently frosted.	Clarification that bathrooms and water closets are excepted from
	Windows must not be located parallel to other windows of adjacent dwellings. However this may be permitted on the ground level if it can be demonstrated that the erection of a fence will completely restrict overlooking into the opposite room.	privacy provisions if windows are permanently frosted.
	Swimming pool pumps and other miscellaneous noise producing ancillary structures must be located at least 6m from the nearest habitable room. Sound insulation must be also be used if a swimming pool pump is within 3m of a property boundary.	
Section 4.1.5	Amend from:	To strengthen the application of controls and clarify when and how

Section	Amendment	Reason
	Whenever possible, open space is to be orientated to have a north easterly aspect and living areas	they are applied, including for
	are to open out thereon, whenever possible (refer to Figure 4-9).	secondary dwellings.
	Areas used for driveways, car parking, drying yards and service yards shall not be included as landscaped open space.	Post-public exhibition changes:
	Recommended amount of private open space per dwelling is 75 m².	Clarification of controls to explain that principal living spaces are to
	To instead say:	open onto the private open space.
	Whenever possible, private open space is to be orientated to have a north easterly aspect and the principal living areas are to have direct access to the private open space (refer to Figure 4-9).	
	Areas used for driveways, car parking, drying yards, service yards, rain gardens, rainwater tanks, services or the like shall not be included as private open space.	
	The minimum amount of private open space required per detached, attached or semi-detached dwelling is 75 m². This 75m² of private open space must be a single contiguous area with a minimum length of 6m and width of 4m.	
	Secondary dwellings must also provide a minimum of 75m ² of private open space in accordance with the above control.	
4.1.6 Setbacks	Delete clause, replace instead with:	To consolidate front setback controls and provide minimum rea
	4.1.10.1 Rear setback	and side setbacks to limit
	A minimum rear setback of 6m is required for all residential development.	overdevelopment.
	4.1.10.1 Side setback A minimum side setback of 1m is required for all residential development, which excludes all	Post-public exhibition changes:
	ancillary service infrastructure such as hot water services, air-conditioning units, electrical meter boxes and the like.	To clarify services and architecture features that must also be setback

Section	Amendment	Reason
	4.1.10.1 Front setback	Reduction of the front setback
	A minimum front setback of 4.5m, measured from the forward building line to the property boundary, is required for residential development. A smaller front setback distance may only be considered if it is consistent with the front setback of adjacent dwellings constructing on subdivisions that predate this Development Control Plan.	from 6m to 4.5m, which is in line with complying development standards.
	Note: garages must be setback a further 1m from the front façade of the building in accordance with the controls contained within the next section.	Inclusion of a cross reference to garage setback requirements.
	Secondary frontages on corner allotments must be setback 3m and exclude all raised pathways, steps, parking spaces and the like.	
4.1.8 Traffic	Insert under <i>objectives</i> :	To limit garage frontage and ensur
safety and management	Ensure that garages meaningfully contribute to the parking capacity of the dwelling.	that any garage space allocated is enough to facilitate off street parking when taking into account
	Amend from:	storage requirements.
	Figure 4-10: Preferred garage treatment	To require landscaping as part of proposing a right of carriageway.
		Post-public exhibition changes:
		Clarification that circulation space
		is not to be counted as storage space.
		Minor rewording to eliminate confusion as to how controls are applied.

Section	Amendment	Reason
Section	The visual impact of garages is to be minimised, as illustrated on Figure 4-10. All garage and carport entries are to be set back from the front facade of the dwelling by a minimum of 1 metre, and a minimum of 5.5 metres from the front property boundary. For residential development, the minimum standard of provision is detailed at clause 3.4 of this plan. Parking areas and driveways shall be designed in accordance with the current versual standards for Engineering Works. All driveways, paths, car parking areas are to be pavers, bitumen, concrete or another approved manner. Use of decorative paving Long, straight driveways are to be avoided, eliminated or appropriately screened satisfaction. Paved area is to be minimised. Access for one dwelling via right of carriageways is to be a minimum of 3.5 metres (excludes traffic control devices), except when it is more than 40 metres long who width increases to 5	Included exemption for garage storage space requirement if equivalent storage space can be provided elsewhere in the building. rsion of Council's per payed in bricking is encouraged. Ito Council's per payed in bricking is encouraged. Ito Council's per payed in width



Section	Amendment	Reason
	Paved area is to be minimised. Access for one dwelling via right of carriageways is to be a minimum of 3.5 metres in width (excludes traffic control devices), except when it is more than 40 metres long where the total minimum width increases to 5.5 metres. Landscaping with a minimum width of 0.5 metres is to be provided along the boundary of the driveway in addition to the minimum width.	
Section 4.1.10 Energy efficient siting and layout	Amend from: Buildings should be designed to ensure that much of the floor area is within a 4-6 metre distance of an external window. An elongated plan shape produces this characteristic, as will the use of an atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades (refer to Figure 4-3 & 4-11). To instead say: Buildings must be designed to ensure that all floor areas are to be within a 4-6 metre distance of an external window. An elongated plan shape produces this characteristic, as will the use of an atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades (refer to Figure 4-3 & 4-11).	To strengthen the application of the control Post-public exhibition changes: Inconsequential rewording to make the sentence read better.
Section 4.1.11 External window shading and internal and external lighting	Amend from: Ideally, shading devices should be external. To instead say: Shading devices must be external.	To strengthen the application of the control.
Section 4.1.14 Working hours	Amend from:	To clarify the objective of the control.

Section	Amendment	Reason
– residential	Ensure the operations of the proposed development period will not cause nuisance to residents by	
and business	way of working hours.	
	To instead say:	
	Ensure the operations of the proposed development and construction period will not cause nuisance to residents by way of working hours.	
Section 4.1.14	Insert after 'Council seeks to ensure that the hours of operation of businesses, commercial	To clarify the application of this
Working hours – residential and business	premises and places of work are compatible with the type of activities carried out on the premises and the relationship with neighbouring residential occupiers':	control.
	(e.g. for home businesses, home industries, neighbourhood shops etc.).	
Section 4.1.15	Delete:	This is an unnecessary notation as
Subdivision	Note: Reference chapter 7 of this Plan. – All roads etc, are to be designed and constructed in accordance with the current version of Council's Standards for Engineering.	it forms one of Council's standard conditions of consent.
Section 4.1.15 Subdivision	Insert at beginning:	To clarify the relationship between the general development controls
Subdivision	The following subdivision controls apply to all residential subdivisions. Site specific development controls supersede to the extent of any inconsistency.	and
Section 4.1.15	Replace all <i>controls</i> with the following;	To strengthen master planning
Subdivision		requirements to also include
	Controls	consideration of the potential for
	Master planning	lots to be subsequently developed
		into more than one dwelling and

Section	Amendment	Reason
	Council is receptive to subdivision designs that accommodate a mixture of lot sizes and dwelling	link these considerations with all
	types. Such subdivisions designs can accommodate a broader cross-section of housing	other relevant subdivision controls.
	development and maximise development yield. However, in order to facilitate such development,	
	Council must first ensure adequate provisions are made to ensure that the subdivision design can	To strengthen the considerations
	accommodate this increased density.	required prior to nomination of road networks.
	Residential subdivision applications involving the creation of a new public road are to be provided	
	with a master plan to consider the future development capacity of the land and demonstrate	
	compliance with relevant controls in this Plan.	To include minimum requirements
		for public open space where there
	Each proposed lot shall be labelled as being primarily intended for:	are none.
	Single detached dwelling houses;	To align generic water sensitive
	 Dual occupancies or semi-detached dwellings; 	urban design requirements with
	 Multi dwelling housing (with the number of dwellings to be specified); 	WaterNSW requirements.
	 Attached housing (with the number of dwellings to be specified); or 	
	 A combination of any of the above. 	Post-public exhibition changes:
	Where a lot is identified as being suitable for a combination of the above or as being identified as	Inconsequential rewording to make
	suitable for a range of different dwelling yields, Council will apply controls relevant to the highest dwelling yield identified and the most intensive dwelling type in terms of infrastructure demand.	sentences read better.
	For the avoidance of doubt, Council will determine that a lot is intended for a higher dwelling yield	To clarify that lot orientation
	than specified if more dwellings can be subsequently approved under the complying development	towards parks or road reserve must
	approval pathway.	not be to the detriment of solar
		access provisions.
	Subdivision design must allow for any subsequent development to be reasonably capable of	
	complying with other development controls in this Plan.	Correction of the need to consider
		achievement of 4 hours of sunlight
	Battle-axe lots are not permitted if the subdivision can reasonably be carried out without their	per dwelling to 3 hours of sunlight,
	use.	so as to align with previous solar
		access provisions.
	Road location and hierarchy	

Section	Amendment	Reason
	A road hierarchy must be indicated and designed in accordance with Council's Engineering Standards. If there is an inconsistency between these standards and this Plan, this Plan prevails to the extent of the inconsistency.	Alignment of footpath requirements with Council's engineering requirements.
	Road widths and hierarchy must be designed to accommodate the maximum dwelling yield identified for the subdivision.	
	Road widths and hierarchy must be designed to allow for increased traffic and on-street parking for services that may reasonably be expected to occur in the subdivision (e.g. child care facilities, neighbourhood shops).	
	The nominated road network must also include an assessment of how it is the optimal means of achieving the following:	
	 Safety for all road users. Access to community centres and recreational areas. Access from within the subdivision to surrounding areas. Integration or compatibility with pedestrian and cycling routes within the subdivision (e.g. ensuring safe crossings). Minimisation of through traffic in residential areas. Adequate provision of on-street parking. Compliance with other controls in this Plan. 	
	The road hierarchy must allow for any subsequent development to be within 400m walking distance of existing bus routes. If bus routes do not exist, the road hierarchy must be capable of supporting a new bus route within 400m walking distance of all subsequent development. Should remnant vegetation be located in either existing or proposed road reserves it shall be conserved in the design and construction process. Access to new lots should be located in an alternate position or to take advantage of existing road reservations where they exist. Council will	

Section	Amendment	Reason
	require that access to lots (driveways) be nominated in Section 88B instruments in order to	
	protect existing vegetation and to reduce their visual impact.	
	Building envelopes	
	In circumstances where Council considers the land or part of the land to be particularly	
	constrained or unique, a plan must be submitted to Council that indicates the location of building	
	envelopes to be enforced through a restriction as to user on the land. Building envelopes for	
	residential subdivisions are to assume a minimum site coverage of 65%, including carports,	
	driveways, potential swimming pools, sheds and other ancillary structures that may subsequently	
	be built.	
	Laboritation	
	Lot orientation	
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses:	
	 align streets east-west and north-south. Aim for north-south streets within 20° west and 	
	30° east of true north and east-west streets within 30° south and 20° north.	
	 allotments on east-west orientated streets need to have greater depth and width to make 	
	best use of solar access.	
	 allotments on south side of street should be sufficient depth so buildings can be set well 	
	back to allow north facing rooms to look onto larger front yards.	
	 allotments on north-south streets to be of sufficient width to allow for private open space 	
	on the north side and for houses to be built on the south boundary.	
	 taking into account views and topography, lot orientation and layout should enable the 	
	majority of dwellings to be designed so that the main living area receives not less than	
	3 hours of sunlight per day between 9am and 3pm.	

Section	Amendment	Reason
	 regular rectangular shaped allotments maximises siting opportunities and increases 	
	potential lot yield.	
	 on sloping sites, north-facing sites improve opportunities for solar access. 	
	Lots shall face toward public open space areas, vegetation conservation areas and public roads to	
	encourage passive surveillance from dwellings over these public spaces to assist with safety and	
	security. This must not be to the detriment of achieving suitable solar access.	
	Water Sensitive Urban Design	
	Natural drainage lines are to be presented and enhanced where possible	
	Natural drainage lines are to be preserved and enhanced where possible.	
	Natural drainage lines are not to be channelled if connecting to natural drainage channels	
	downstream.	
	Stormwater detention basins are to be made easily accessible for maintenance purposes.	
	Stormwater detention basins are to be finded easily decessible for maintenance purposes. Stormwater detention basins are to be fenced in urban areas and incorporated into the landscape	
	design of the subdivision.	
	2.17	
	Public open space	
	All new lots created must be within 400m walking distance of public open space. Public open	
	space, for the purposes of this control, is taken to have a minimum contiguous area of 1500m²,	
	containing landscaping and amenities designed to encourage utilisation (e.g. playground	
	equipment, exercise equipment etc.).	
	Bicycle and pedestrian movements	
	Provision for bicycle and pedestrian movements are to be provided throughout the subdivided	
	area.	

Section	Amendment	Reason
	Cyclists can be integrated into the road network through a combination of on and off road	
	measures together with bike parking at clusters of community and commercial facilities	
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be	
	clearly highlighted with signposting and pavement logos.	
	Payed footpaths are to be provided on both sides of new roads and frontages of existing lots.	
	Paved footpaths are to be provided in accordance with Council's engineering standards.	
	Retention of significant environmental features	
	Retention of significant environmental features	
	Where significant environmental features such as natural landforms, remnant native vegetation,	
	wetlands or natural drainage lines or water courses occur on a development site, they shall be	
	conserved and or enhanced. Subdivision design shall incorporate these elements as much as can	
	practicably be achieved. This may necessitate larger lot sizes in order to maintain these features.	
	Landscape embellishment	
	A condition of Council's subdivision approval will be to carry out landscape treatment of lots and	
	public road reserves with the objective of enhancing vegetation and specifically native vegetation	
	in the locality. The landscape treatment shall be designed to mitigate the:	
	environmental impact of the development;	
	 visual obtrusiveness of new development and enhance the visual connection of the newly 	
	created landscape with any remnant native vegetation in the locality.	
	Street trees	
	Street tree planting is required where new or existing lots are developed in order to create a	
	consistent theme. Street trees add to the areas character and reduce the visual impact of new	
	development. They have environmental benefits of reducing the impacts of sun in the summer	
	months; reducing global warming and when natives are used providing possible habitat for native	
	fauna.	

Section	Amendment	Reason
	 Important Street Tree principles are: Preserve vistas to and from significant heritage buildings and to rural areas; Reinforce traditional exotic planting themes and prominent gardens where they exist; Retain and enhance significant existing trees and remnant native areas; Reinforce the planting themes of the central town or village area. 	
Chapter 8 Site S	Specific Provisions	
Section 8.3 Marulan Estates Urban Release Area	Delete: Council has put in place a Section 94A levy development contributions plan and a Marulan Infrastructure Contributions Plan. Wilson Drive urban release area is subject to both of these plans. However with the Infrastructure Contributions Plan only the identified works in that plan are to be funded.	Unecessary clutter.
	All other works required in the release area must be fully funded by the relevant developer. The following figures identify the public facilities and their location for which contributions will be required pursuant to S94A Contributions Plan: Figure 8-3-7 – public facilities	
	(a) George Street landscape works including: (i) street tree planting and road treatment at the southern end; (ii) southern and northern entry features; (iii) post office median strip and adjacent areas; (iv) garden area adjacent to the pedestrian crossing. (b) Meridian Park development including:	

Section	Amendment	Reason
	(i) picnic facilities, playground equipment, landscaping and off street parking.	
	(c) Portland Avenue public recreation area development including:	
	(i) sporting fields, access roads and parking area.	
	(d) Health care and community centre in George Street(completed):	
	(e) Traffic facilities upgrading including:	
	(i) modification works on the north and south bound lanes of the Hume Highway at	
	the southern "at-grade" intersection with Portland Avenue and George Street	
	roundabout;	
	Figure 8-3-7 – Marulan Infrastructure Contributions Plan public infrastructure utilities including:	
	water supply infrastructure;	
	sewerage infrastructure;	
	 stormwater design infrastructure. 	
	The recommended means to satisfy the above requirements is for a mutually agreed planning	
	agreement to be put in place between Council and the developer.	
Section 8.4	Delete:	Inconsistent with other proposed
Charles Valley		amendments and unnecessary
Long Street	8.4.3 Subdivision	clutter.
Goulburn	Note: Reference chapter 7 of this Plan.	
	Objectives	
	To encourage subdivision layouts that:	
	 allow integration of neighbourhoods between "natural" boundaries or barriers and 	
	connections between the neighbourhoods	
	 minimise environmental impact by ensuring subdivision into rural residential lots only occurs 	
	on land free of development constraints	
	 are based on a hierarchy of roads for the efficient movement of vehicle traffic. Roads will be 	
	connective and efficient, giving motorist multiple travel paths. Long cul-de-sacs are unsuitable	
	for efficiency and safety reasons	
	focus open space on the drainage constraints and network	
	 incorporate water sensitive urban design principles into subdivision design 	

Section	Amendment	Reason
	 encourage northern orientation of dwellings for energy efficiency benefits and passive solar 	
	access	
	 ensure rural residential lots have a sufficient area to allow for the siting of a dwelling and 	
	ancillary buildings (including private open space, vehicle access and parking)	
	 provide for protection/enhancement of visually prominent sites/locations 	
	 protect riparian areas and native vegetation areas 	
	 consider existing residential development 	
	Controls	
	8.4.3.1 Subdivision lot size	
	Minimum lot size, is 2ha. However this minimum will need to take into account the suitability of	
	the site and the infrastructure that will have to be provided.	
	Battle-axe lots are generally not supported. In calculating the area of a battle-axe allotment, the	
	access way, which includes any rights-of-carriageway/access, are to be excluded.	
	8.4.3.2 Lot orientation	
	(a) Solar access	
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses:	
	(i) Align streets east-west and north-south. Aim for north-south streets	
	within 20° west and 30° east of true north and east-west streets within	
	30° south and 20° north.	
	(ii) Allotments on east-west orientated streets need to have greater depth	
	and width to make best use of solar access.	
	(iii) Allotments on south side of street should be sufficient depth so buildings	
	can be set well back to allow north facing rooms to look onto larger front yards.	

Section	Amendment	Reason
	(iv) Allotments on north-south streets to be of sufficient width to allow for	
	private open space on the north side and for houses to be built on the south boundary.	
	(v) Taking into account views and topography, lot orientation and layout	
	should enable the majority of dwellings to be designed so that the main	
	living area receives not less than 4 hours of sunlight per day between 9am and 3 pm.	
	(vi) Regular rectangular shaped allotments maximises siting opportunities	
	and increases potential lot yield.	
	(vii) On sloping sites, north-facing sites improve opportunities for solar access.	
	(b) Passive surveillance	
	 (i) Lots shall face toward public open space areas, vegetation conservation areas and public roads to encourage passive surveillance from dwellings 	
	over these public spaces to assist with safety and security.	
	(ii) Where this cannot be achieved open style fencing is required to promote	
	passive surveillance of public open space and public road area with some	
	landscape screening to provide privacy.	
	8.4.3.3 Bicycle and pedestrian movements	
	Bicycle and pedestrian movements to be addressed in accordance with Council's Bicycle Strategy	
	2007.	
	Cyclists can be integrated into the road network through a combination of on and off road	
	measures together with bike parking at clusters of community and commercial facilities.	
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be	
	clearly highlighted with signposting and pavement logos. Engineering works, including	
	signposting and line marking must comply with the appropriate engineering standards.	

Section	Amendment	Reason
	8.4.3.4 Streetscape	
	Existing trees are to be retained where possible and appropriate.	
	Existing trees should be located near boundaries of proposed allotments to avoid conflict with	
	proposed building envelopes (refer Council Policy – Bushfires and Vegetation Controls)	
	Chroatesans planting themses must be developed based on mative two survive with his fauthor	
	Streetscape planting themes are to be developed based on native tree species suitable for the locality and in an urban context.	
	locality and in an arban context.	
	Residential development	
	Objectives	
	To encourage residential development in which:	
	 there is a diversity of housing stock and type to meet diverse housing needs 	
	dwellings to face public spaces for passive surveillance living approximate the base passive surveillance	
	 living areas are orientated to the north for energy efficiency benefits dwelling design and siting respects the privacy of neighbours 	
	 dwelling design and siting respects the privacy of neighbours on site vehicle parking is provided to minimise congestion within the streets 	
	 garages and fences do not dominate the streetscape 	
	 there is easy access to community facilities 	
	 Rainwater tanks are provided to supplement water supply and control stormwater runoff. 	
	3	
	Controls	
	8.4.4.1 Detached dwellings and "secondary dwellings"	
	(a) Streetscape	
	Dwellings are to face public spaces (roads and open space areas).	
	Dwellings are not to be hidden by high fences.	

Section	Amendment	Reason
	Garages are to be located behind the building facade so that they do not dominate the	
	streetscape.	
	Fences shall be of a design that is sympathetic to the existing semi-rural character of this locality.	
	(b) Height	
	Maximum recommended height is two storeys.	
	(c) Energy efficiency	
	To maximise energy efficiency the internal and external living areas should be located to the north	
	side of the dwelling. Further requirements are specified in clause 4.1.3 of this plan.	
	(d) Privacy	
	Private open spaces and living rooms of adjacent dwellings should be protected from direct overlooking, by:	
	appropriate dwelling layout	
	 use of distance or slope 	
	 screening devices like screen vegetation and courtyard walls 	
	First floor decks, balconies and the like, are not supported where they overlook or have the	
	potential to directly overlook habitable rooms or private open space of adjoining properties.	
	Windows of one dwelling should not be located opposite the windows of another dwelling unless	
	direct views are restricted:	
	 off-set windows 	
	 use of narrow, translucent or obscured windows 	
	 provide sufficient distance between dwellings 	
	(e) Acoustic privacy	

Section	Amendment	Reason
	Noise generating area of a development (e.g. driveway, air conditioning units, swimming pool	
	areas) should be adequately screened or located away from the bedroom areas to minimise	
	impact on neighbours.	
	Bedroom windows to be a minimum 3m from shared streets, driveways and parking areas of	
	other dwellings.	
	Transmission of noise between adjoining properties should be minimised.	
	Locate active recreation areas (swimming pools, spas, tennis courts, BBQs), driveways, carports,	
	garages and garbage collection areas, pumps and air conditioners, away from bedrooms of	
	adjacent dwellings.	
	Dwellings adjoining and other noise generating land uses should be designed and sited to	
	minimise noise impacts.	
	Locate bedrooms and other noise sensitive rooms away from the road.	
	(f) Durking	
	(f) Parking Provision for a locations covered parking anges per develling (a greenest or garage) and one	
	Provision for a least one covered parking space per dwelling (e.g. carport or garage) and one tandem vehicle space (e.g. driveway area in front of garage or carport).	
	(a) Rainwater tanks	
	A rainwater tank is to be provided per dwelling to supplement water supply and control	
	stormwater runoff.	
	stormwater ranogy.	
	The tank shall have a minimum capacity of 10,000 litres.	
	The rainwater tank supply shall be connected to the hot water service, laundry and toilet facilities	
	with a top up connection into the tank.	
	(h) Water sensitive urban design	
	House design should include water sensitive urban design features such as porous paving,	
	infiltration devices and landscaping.	

Section	Amendment	Reason
Section 8.5 Clyde Street	Delete: 8.5.7 Subdivision Note: Reference chapters 7.4.3 and 7.6 of this Plan.	Inconsistent with other proposed amendments and unnecessary clutter.
	Objectives To encourage subdivision layouts that: allow integration of neighbourhoods between "natural" boundaries or barriers and connections between the neighbourhoods minimise environmental impact by ensuring subdivision into residential lots only occurs on land free of development constraints are based on a hierarchy of roads for the efficient movement of vehicle traffic. Roads will be connective and efficient, giving motorist multiple travel paths. Long cul-de-sacs are unsuitable for efficiency and safety reasons focus open space on the drainage constraints and network incorporate water sensitive urban design principles into subdivision design encourage northern orientation of dwellings for energy efficiency benefits and passive solar access ensure residential lots have a sufficient area to allow for the siting of a dwelling and ancillary buildings (including private open space, vehicle access and parking) residential lots face public areas (including open space areas) for passive surveillance provide for protection/enhancement of visually prominent sites/locations protect riparian areas and native vegetation areas consider existing residential development Controls 8.5.7.1 Subdivision lot size Minimum lot size is 2000m². However this minimum will need to take into account the suitability of the site and the infrastructure provided (refer to clause 7.3 of the LEP 2009).	

Section	Amendment	Reason
	<u>Battle-axe</u> lots are generally not supported. In calculating the area of a <u>battle-axe</u> allotment, the	
	access way, which includes any rights-of-carriageway/access, are to be excluded.	
	Allotments should be able to accommodate a building envelope of 150m ² with the minimum	
	dimensions of 10m by 15m, within a 6m front building setback and a 1m side and rear setback	
	and clear of any easements.	
	and them by any extensional	
	8.5.7.2 Lot orientation	
	(a) Solar access	
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses:	
	(i) Align streets east-west and north-south. Aim for north-south streets	
	within 20° west and 30° east of true north and east-west streets within	
	30° south and 20° north.	
	(ii) Allotments on east-west orientated streets need to have greater depth and width to make best use of solar access.	
	(iii) Allotments on south side of street should be sufficient depth so buildings	
	can be set well back to allow north facing rooms to look onto larger front	
	yards.	
	(iv) Allotments on north-south streets to be of sufficient width to allow for	
	private open space on the north side and for houses to be built on the south boundary.	
	(v) Taking into account views and topography, lot orientation and layout	
	should enable the majority of dwellings to be designed so that the main	
	living area receives not less than 4 hours of sunlight per day between 9am and 3 pm.	
	(vi) Regular rectangular shaped allotments maximises siting opportunities and increases potential lot yield.	
	(vii) On sloping sites, north-facing sites improve opportunities for solar access.	
	(b) Passive surveillance	

Section	Amendment	Reason
	Lots shall face toward public open space areas, vegetation conservation areas and public roads to	
	encourage passive surveillance from dwellings over these public spaces to assist with safety and	
	security.	
	Where this cannot be achieved ones style forcing is required to promote passive surveillance of	
	Where this cannot be achieved open style fencing is required to promote passive surveillance of public open space and public road area with some landscape screening to provide privacy.	
	public open space and public road area with some landscape screening to provide privacy.	
	8.5.7.3 Bicycle and pedestrian movements	
	Bicycle and pedestrian movements to be addressed in accordance with Council's Bicycle Strategy	
	2007.	
	Cyclists can be integrated into the road network through a combination of on and off road	
	measures together with bike parking at clusters of community and commercial facilities.	
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be	
	clearly highlighted with signposting and pavement logos. Engineering works, including	
	signposting and line marking must comply with the appropriate engineering standards.	
	8.5.7.4 Streetscape	
	Existing trees are to be retained where possible and appropriate.	
	Existing trees should be located near boundaries of proposed allotments to avoid conflict with	
	proposed building envelopes (refer Council Policy – Bushfires and Vegetation Controls)	
	proposed bunding envelopes (rejer edulien rolley) bushines and regetation controls,	
	Streetscape planting themes are to be developed based on native tree species suitable for the	
	locality and in an urban context.	
	8.5.8 Residential development	
	Objectives	
	To encourage residential development in which:	
	 there is a diversity of housing stock and type to meet diverse housing needs 	

Section	Amendment	Reason
	 dwellings to face public spaces for passive surveillance 	
	 living areas are orientated to the north for energy efficiency benefits 	
	 dwelling design and siting respects the privacy of neighbours 	
	 on site vehicle parking is provided to minimise congestion within the streets 	
	 garages and fences do not dominate the streetscape 	
	 there is easy access to community facilities 	
	 rainwater tanks are provided to supplement water supply and control stormwater runoff. 	
	Controls	
	8.5.8.1 Detached dwellings	
	(a) Streetscape	
	Dwellings are to face public spaces (roads and open space areas).	
	Dwellings are not to be hidden by high fences.	
	Garages are to be located behind the building facade so that they do not dominate the	
	streetscape.	
	Fences shall be of a design that is sympathetic to the existing semi-rural character of this locality.	
	(b) Height	
	Maximum recommended height is two storeys.	
	(c) Energy efficiency	
	To maximise energy efficiency the internal and external living areas should be located to the north	
	side of the dwelling. Further requirements are specified in chapter 4 of this plan.	
	(d) Privacy	
	Private open spaces and living rooms of adjacent dwellings should be protected from direct	
	overlooking, by:	
	 appropriate dwelling layout 	
	■ use of distance or slope	
	 screening devices like screen vegetation and courtyard walls 	
	First floor decks, balconies and the like, are not supported where they overlook or have the	
	potential to directly overlook habitable rooms or private open space of adjoining properties.	

Section	Amendment	Reason
	Windows of one dwelling should not be located opposite the windows of another dwelling unless	
	direct views are restricted:	
	 off-set windows 	
	 use of narrow, translucent or obscured windows 	
	 provide sufficient distance between dwellings 	
	(e) Acoustic privacy	
	Noise generating area of a development (e.g. driveway, air conditioning units, swimming pool	
	areas) should be adequately screened or located away from the bedroom areas to minimise	
	impact on neighbours.	
	Bedroom windows to be a minimum 3m from shared streets, driveways and parking areas of	
	other dwellings.	
	Transmission of noise between adjoining properties should be minimised.	
	Locate active recreation areas (swimming pools, spas, tennis courts, BBQs), driveways, carports,	
	garages and garbage collection areas, pumps and air conditioners, away from bedrooms of	
	adjacent dwellings.	
	Dwellings adjoining and other noise generating land uses should be designed and sited to	
	minimise noise impacts.	
	Locate bedrooms and other noise sensitive rooms away from the road.	
	(A) A. (A)	
	(f) Parking	
	Provision for a least one covered parking space (e.g. carport or garage) and one tandem vehicle	
	space (e.g. driveway area in front of garage or carport).	
	(g) Rainwater tanks	
	A rainwater tank is to be provided to supplement water supply and control stormwater runoff.	
	A rainwater talk to be provided to supplement water supply and control stormwater rainoff.	
	The tank shall have a minimum capacity of 10,000 litres.	

Section	Amendment	Reason
	The rainwater tank supply shall be connected to the hot water service, laundry and toilet facilities	
	with a top up connection into the tank.	
	(h) Water sensitive urban design	
	House design should include water sensitive urban design features such as porous paving, infiltration devices and landscaping.	
	(i) Dual occupancy and multi dwelling housing accommodation	
	Development and density requirements in the subject R5 Large Lot Residential zone are contained in chapter 4 and also chapter 6 for development in Zone R5, Large Lot Residential	
	8.5.8.3 Open space	
	Council's Leisure – Recreation and Social Planning Study identifies that there is sufficient active	
	recreational reserves and sports grounds provided elsewhere in the City, which are adequate to	
	cater for any organised sporting needs from the area. However, identified detention basins can have a dual function to any unidentified active sporting recreation needs if required.	
	have a dual junction to any amaentified active sporting recreation needs if required.	
	The balance of the open space can be satisfied via the passive open space created along the	
	drainage lines along with any neighbourhood park requirements. These areas can also provide for	
	informal active recreation areas.	
Section 8.7	Delete:	Inconsistent with other proposed
Marys Mount		amendments and unnecessary
	8.7.4 Subdivision requirements	clutter.
	8.7.4.1 Subdivision lot size	
	(a) Battle-axe lots are generally not supported. In calculating the area of a	
	battle-axe allotment, the access way, which includes any rights-of- carriageway/access, are to be excluded.	

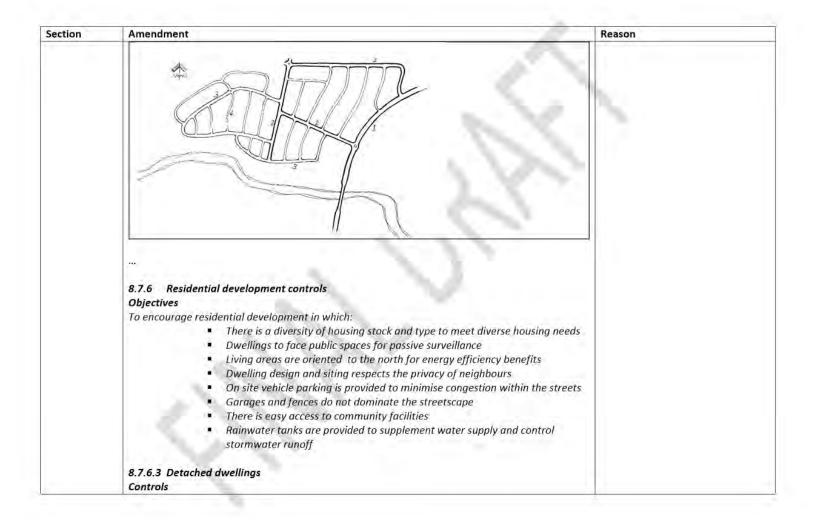
Section	Amendment	Reason
	(b) Allotments should be able to accommodate a building envelope of 150m ²	
	with the minimum dimensions of 10 metres by 15 metres, within a 6 metr	e
	front building setback and a 1m side and rear setback and clear of any	
	easements.	
	8.7.4.2 Lot orientation	
	a) Solar Access	
	The following design techniques are to be adopted to maximise opportunities for solar access t	TO
	allotments and to allow for the consequent design and siting of energy efficient houses.	
	 Align streets east-west and north-south. Aim for north-south streets within 	n
	200 west and 300 east of true north and east-west streets within 300 sou	th
	and 200 north.	
	ii. Allotments on east-west orientated streets need to have greater depth an	d
	width to make best use of solar access.	
	iii. Allotments on the south side of a street should have a sufficient depth so	
	buildings can be set well back to allow north facing rooms to look onto lar	rger
	front yards.	
	iv. Allotments on south-north streets to be of sufficient width to allow for	
	private open space on the north side and for houses to be built on the sou	th
	boundary.	
	v. Taking into account views and topography, lot orientation and layout sho	
	enable the majority of dwellings to be designed so that the main living are	ea
	receives not less than 4 hours of sunlight per day between 9am and 3pm.	
	vi. Regular rectangular shaped allotments maximises site opportunities and	
	increases potential lot yield	
	vii. On sloping sites, north-facing sites improve the opportunities for solar acc	ress.
	b) Passive Surveillance	
	(i) Lots shall face toward public open space areas, vegetation conservation	
	areas and public roads. Where this cannot be achieved open style fencion	•
	is required to promote passive surveillance of public open space and pu	blic
	road area with some landscape screening to provide privacy.	

Section	Amendment	Reason
	(ii) Visually contain the carriageway to promote steady, predictable traffic speeds by: Encouraging hedging or front fences; Using upright kerbs; Provide on-street parking; Providing wide verges; Planting street trees at regular spacing within the carriageway or verge; and Only use narrow streets, when lot frontages are wide (at least 15 metres). 8.7.4.3 Bicycle and pedestrian movements (a) Provision for bicycle and pedestrian movements are to be provided throughout the area.	
	 (b) Provide footpaths on both sides of the street. They must be provided in accordance with Council's Standards for Engineering works. (c) Cyclists can be integrated into the road network through a combination of on and off road measures together with bike parking and clusters of community and commercial facilities (Refer to Council's Bicycle Strategy 2008-2018). (d) On -road and off-road cycle networks will be clearly highlighted with signposting and pavement logos. 	
	(a) Council's Leisure- Recreation and /social Planning Study identifies that there is sufficient active recreational reserves and sports grounds provided elsewhere in the City. (b) Goulburn Mulwaree Contributions Plan details community facilities and open space requirements. 8.7.5.3 Access roads	

Section	Amendment	Reason
	(a) Access roads should prioritise pedestrians and cyclists- they should provide a	
	pleasant environment that encourages walking and social interaction.	
	(b) Houses on access road corners should address both street frontages.	
	(c) Avoid cul-de-sacs wherever possible. If they are used:	
	(i) Limit their length so the end point is visible from the access point;	
	(ii) Provide access to 10 house at the most	
	(iii) Avoid cul-de-sac at activity centres (i.e. near shops) & where they would	
	limit direct access to transport.	
	(d) Level 1 Access Roads are roads servicing more than 15 lots and that have direct	
	access to a collector road are to have a minimum road reserve width of 20	
	metres and a pavement width of 9 metres, unless the road has:	
	(i) Trees in the verge, a pavement width of 9.6m are required;	
	(ii) With trees in the carriageway + verge, a pavement width of 9.6m is	
	required;	
	(iii) With parking bays, a pavement width of 10.4m is required;	
	(iv) With trees in the carriageway and swales, a pavement width of 9.6m is	
	required.	
	(e) Level 2 Access roads are roads servicing more than 15 lots are to have a	
	minimum road reserve width of 18 metres and a pavement width of 9 metres,	
	unless the road has:	
	(i) Trees in the verge, a pavement width of 9.6m are required;	
	(ii) With trees in the carriageway + verge, a pavement width of 9.6m is	
	required;	
	(iii) With parking bays, a pavement width of 10.4m is required;	
	(iv) With trees in the carriageway and swales, a pavement width of 9.6m is	
	required.	
	(f) Level 3 Access Roads are roads servicing less than 15 lots are to have a minimum	
	road reserve width of 15 metres and a pavement width of 6 metres.	
	8.7.5.4 Intersections	
	(a) Design intersections to reflect street hierarchy.	
	(b) On collector and access roads use four-way intersections where possible.	

on	Amendment				
	(c) Avoid r	oundabouts w	herever possible l	by:	
	(i)	ensuring the d	design indicates t	he presence of the intersectio	n on all
	_	approaches; o	and		
	(ii)	using short bl	ock lengths (<70r	metres) on access roads.	
	_				
	8.7.5.5 Road hierarchy				
	(a) Figure	8-7-4 & 8-7-5 i	llustrate the arte	rial roads, cycle-ways, existing	g and future
		or roads.			
	(b) All deve	elopments in th	ne precinct are re	quired to contribute towards t	the
			and arterial roa		
	Table 8-7-1: Road Hi	erarchy			
	Street Type	Road	Carriageway	Appropriate Use	Reference
		Reserve	Width (M)		
		Width (M)			
	Arterial Road	N/A	N/A	Arterial roads are	Crookwell
		'		generally used to link and	Road
				pass through a town or	
				suburban regional/sub	
		1 10		regional centres.	
	Collector Road	30	10	Collector Roads link	1 Marys
	- with landscaped			neighbourhoods together.	Mount
	buffer	1		They usually carry bus	Road
	"			routes within as well as	
				between neighbourhoods.	
	Level 1 Access Road	20	9	Level 1 Access Roads are	2
	- with trees in verge		9.6	roads servicing more than	
	- with trees in the			15 lots and that have	
	carriageway + verge		9.6	direct access to a collector	
	- with parking bays		10.4	road. They the	
	- with trees in the			predominant street type	

Section	Amendment					Reason
				They provide access to the dwellings, parks and neighbourhood edges.		
	Level 2 Access Road - with trees in verge - with trees in the carriageway + verge - with parking bays	18	9 9.6 9.6 10.4	Level 2 Access roads are roads servicing more than 15 lots that do not have direct access to a collector road. They the	3	
	- with trees in the carriageway + swales		9.6	predominant street type within a neighbourhood. They provide access to the dwellings, parks and neighbourhood edges.		
	Level 3 Access Road	15	6	Level 3 Access Roads have limited use. Use only where: - traffic volumes are low - there is low parking demand and - where the lot width is 15m or more.	4	
					,	



Section	Amendment		Reason
	a)	Streetscape	
	i.	Dwellings are to face public spaces (roads and open space areas)	
	ii.	Limit the height of front fences and hedges to 1.2 metres to enable	
		surveillance of the street and to contribute to the streets amenity.	
	iii.	Garages are to be located behind the building façade so that they do not	
		dominate the streetscape.	
	iv.	Rear private open space areas are to be accessible by vehicles.	
	b)	Height	
	<u>(i)</u>	Maximum recommended height is 2 storeys.	
	c)	Energy Efficiency	
	(i)	Internal and external living areas should be located to the north side of the	
		dwelling.	
	<u>(ii)</u>	A BASIX Certificate shall support all approvals for a dwelling.	
	d)	Visual Privacy	
	(i)	Private open spaces and living rooms of adjacent dwellings should be	
	7.7	protected by:	
		o appropriate dwelling layout	
		use of distance or slope	
		o screening devices like fences, window screens, screen vegetation and	
		courtyard walls	
	(ii)	First floor decks, balconies and the like are not supported where they	
		overlook or have the potential to directly overlook habitable rooms or private	
		open space.	
	<u>(iii)</u>	Windows of one dwelling should not be located opposite the windows of	
		another dwelling unless direct views are restricted.	
	<u>(iv)</u>	Use of narrow, translucent or obscured windows is encouraged	
	e)	Acoustic Privacy	

Section	Amendment		Reason
	<u>(i)</u>	Noise generating areas of a development (such as a driveway, air	
		conditioning unit or swimming pool areas) should be adequately screened or	
		located away from bedroom areas to minimise impact on neighbours.	
	<u>(ii)</u>	Bedrooms of one dwelling shall not share walls with living rooms or garages	
		of adjacent dwellings.	
	(iii)	Bedroom windows to be a minimum 3 metres from shared streets, driveways	
		and parking areas of other dwellings	
	(iv)	Transmission of noise between adjoining properties should be minimised.	
	<u>(v)</u>	Location of active recreation areas (swimming pools, spas, tennis courts,	
		BBQs), driveways, carports, garages and garbage collection areas, pumps	
		and air conditioners should be away from bedrooms of adjacent dwellings.	
	<u>(vi)</u>	Dwellings adjoining Marys Mount Road and other noise generating land uses	
	, "	should be designed and sited to minimise noise impacts.	
	(vii)	Location of bedrooms and other noise sensitive rooms should be away from	
		the road.	
	f)	Parking	
	(i)	Provision for at least one covered parking space and one tandem vehicle	
		space.	
	g)	Water	
	<u>(i)</u>	Rainwater tanks of a minimum capacity of 10,000 litres shall be connected to	
		the hot water service, laundry and toilet facilities with a top up connection	
		into the tank.	
	(ii)	House design should include water sensitive urban design features such as	
		porous paving, infiltration devices and appropriate landscaping.	
		lopment controls	
		Community Facilities	
	<u>(i)</u>	Community facilities should be clustered, which will assist in promoting	
		multi-use trips, reducing traffic impacts and improving accessibility.	

Section	Amendment		Reason
	<u>(ii)</u>	Community facilities should be located at the periphery of residential	
		neighbourhoods to avoid traffic impact intruding into residential areas.	
	(b)	Schools	
	<u>(i)</u>	No additional school facilities have been identified for the area to serve the estimated population.	
	(c)	Retail Premises & Neighbourhood Shops	
	<u>(i)</u>	Land at corner of Crookwell Road and Marys Mount Road has been zoned 'B1	
		Neighbourhood Centre'. A wider range of retail uses are permissible in this	
	,	zone.	
	(<u>ii)</u>	Two appropriate sites for neighbourhood shop development are identified in Figure 8-7-3 - Development Potential.	
	/:::\	-	
	(<u>iii)</u>	Additional neighbourhood shops within the residential zones will only be	
		considered where supported by an economic supply and demand analysis. A	
		proposal should demonstrate consistency with the Draft Centres Design	
		Guidelines (Department of Planning 2011) and any relevant strategy of Council.	
		Council.	

Proposed Amendment to the Goulburn Mulwaree Development Control Plan 2009

Section	Amendment	Reason
General		
N/A	Re-numbering and re-formatting of all clauses affected by this amendment	N/A
Chapter 3 Gene	ral Development Controls	
Section 3.8 Flood affected lands	Delete the following: Engineering details for the effect of flooding are not required for non-habitable buildings and structures.	This is inconsistent with flood planning policy and obligations under s4.15 of the Environmental Planning and Assessment Act 1979 as there are circumstances where this information needs to be made available in order to accurately assess flood risk.
Chapter 4 Princ	ple development Controls - Urban	
Section 4.1.1 Site planning, bulk, scale and density	Delete the following: B1 Neighbourhood Centre and B3 Commercial Core — Nil (except for shop top housing);	The B1 Neighbourhood Centre zone no longer exists in the Goulburn Mulwaree Local Environmental Plan 2009 and the control relating to the B3 Commercial Core zone is unnecessary as the zone already prohibits all residential development that is not shop top housing.
Section 4.1.1 Site planning, bulk, scale and density	Delete the following: Figure 4-1: Example of the calculation of maximum number of dwellings allowed in the Business B2 Local Centre zone Subject lot area – 1,000m²;	This example is unnecessary clutter.

Section	Amendment	Reason
	Gross floor area (GFA) is calculated by Gross floor area (GFA) is calculated by	
	multiplying FSR (1.2) by site area (1,000) which is 1,200m²;	
	Minimum GFA for a single dwelling unit 150m²	
	is 150m²;	
	Allowable residential percentage is 40%;	
	Number of dwellings is calculated by	
	dividing 40% of the FSR (1,200) by	
	minimum GFA for a single dwelling (150)	
	which is 3.2.	
	Maximum theoretical number of	
	dwellings for this site is 3.	
Section 4.1.1 Site planning,	Amend from:	700m ² is consistent with the minimum lot size applied to the
bulk, scale and density	RU5 Village – 750m² per dwelling unit.	RU5 Village zone.
,	To instead say:	
	RU5 Village – 700m² per dwelling unit.	
Section 4.1.1 Site planning,	Delete:	This example is unnecessary clutter.
bulk, scale and	Figure 4-2: Example of the calculation of maximum number of dwellings allowed in residential	ciuttoi.
density	zones	

Section	Amendment		Reason
	Zone R1 General Residential;		
	• Subject lot area – 1,500m²;		
	Average site area required for each		
	proposed dwelling unit – 350m²;		
	Number of dwellings is calculated by		
	dividing lot area (1,500) by dwelling		
	site area required (350);		
	Maximum number of dwellings		
	allowed (rounded) is 4.		
	Note: this theoretical calculation is		
	based on full reticulated services being		
	available to the site.		
New section	Insert after 4.1.1:		To provide guidance as to
Sheds and			acceptable height limits for sheds
other ancillary	4.1.2 Sheds and other ancillary structures	and ancillary structures where	
structures	Shade and other ancillary structures to residen	there currently are none.	
	to the height limits outlined in Table 4-1 below	tial development (e.g. car ports) must adhere with v:	
	Table 4-1: Height limits		
	Setback	Height limit	
	0.5m	2.4m	
	1m	3m	
	1.5m or greater	3.6m	

Section	Amendment	Reason
New section	Insert after 4.1.1:	To provide guidance as to the
Rain gardens		location of rain gardens where there is none.
	4.1.3 Rain gardens	there is none.
	4.1.3 Kuin guruens	
	Rain gardens are to be located on a low spot away from any dwelling with access to sunlight. Rain	
	gardens must drain away from nearby dwelling.	
New section	Insert after 4.1.1:	To provide guidance for cut and fill
Cut and fill		where there is none.
	4.1.4 Cut and fill	
	<u>Objectives</u>	
	To minimise the extent of cut and fill within residential allotments.	
	To protect and enhance the aesthetic quality of the area by controlling the form, bulk and scale of land forming operations.	
	To ensure that the amenity of adjoining residents is not adversely affected by any land forming.	
	To ensure that stormwater management is not adversely affected.	
	Controls	
	Earthworks shall be undertaken to a maximum of 600mm excavation or fill from the natural surface level of the property.	
	Council will assess proposals for excavation or fill greater than 600mm having regard to the visual impact of the proposed earthworks.	

Section	Amendment	Reason
	All cut and fill shall have a setback to the boundary to permit any retaining walls to be located	
	wholly within the property boundary and to allow fencing to be installed at the boundary.	
New section Dwelling design	Insert after 4.1.1: 4.1.5 Dwelling Design Dwelling houses and each unit of a detached dual occupancy development are not to comprise of	To limit clustering of identically designed houses that can detract from the visual amenity.
	substantially the same streetscape design of any other dwelling house or unit of a detached dual occupancy development that exists or is proposed as part of the same application within four lots either side of the development site and on either side of the road it is fronting (inclusive of the development site). *	
	*Note- This provision does not apply to developments within heritage conservation areas or adjoining heritage items where the development is designed to be sympathetic to existing development and period details etc.	
Section 4.1.2 Number of	Remove the following word from the clause:	To strengthen the application of this control.
storeys	recommended	
Section 4.1.3 Solar access	Amend from:	To clarify that solar access requirements also apply to private
	Residential buildings shall be designed to ensure that the proposed dwelling, adjoining residential buildings, and the major part of their landscaped open space, have at least four hours of sunlight	open space.
	between 9.00am and 3.00pm on 21 June (winter solstice). Figure 4-3 identifies the variation of the sun's path in winter and summer.	To allow for developments with only three (3) hours direct sunlight as four (4) hours can be overly
	To instead say:	onerous and difficult to achieve.
	Residential buildings shall be designed to ensure that the proposed dwelling, adjoining residential buildings, and at least 50% of their private open space, have at least three hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice). Figure 4-3 identifies the variation of the sun's path in winter and summer.	To clarify that solar access must be considered not just in the context of the development proposed, but also in the context of enabling

Section	Amendment	Reason
	No structure is permitted where it would prejudice the ability of adjacent lots to meet the above control or overshadow existing neighbouring solar powered devices (e.g. photovoltaic panels, solar water heaters).	neighbouring lots to comply with the control.
	In circumstances where an adjacent southern lot has an east-west orientation, a southern setback of at least 3m must be applied for all one-storey development and 6m for all two-storey development, in order to comply with the above controls.	
	Shadow diagrams or solar access diagrams may be required by Council to demonstrate compliance with this section.	
Section 4.1.4	Insert under <i>controls</i> :	To provide additional controls to protect the privacy of neighbouring
Privacy	Windows and balconies are not to be positioned in a location where it allows for direct views into nearby approved habitable rooms. Balconies and second storey windows are also not to have direct views into the private open space of nearby approved residential areas unless privacy elements are applied (e.g. privacy screens or high still windows). Figures 4-6 and 4-7 demonstrate appropriate ways to maintain privacy.	lots and limit amenity impacts of pool pumps.
	Windows must not be located parallel to other windows of adjacent dwellings. However this may be permitted on the ground level if it can be demonstrated that the erection of a fence will completely restrict overlooking into the opposite room.	
	Swimming pool pumps and other miscellaneous noise producing ancillary structures must be located at least 6m from the nearest habitable room. Sound insulation must be also be used if a swimming pool pump is within 3m of a property boundary.	
Section 4.1.5	Amend from:	To strengthen the application of controls and clarify when and how
	Whenever possible, open space is to be orientated to have a north easterly aspect and living areas are to open out thereon, whenever possible (refer to Figure 4-9).	they are applied, including for secondary dwellings.

Section	Amendment	Reason
	Areas used for driveways, car parking, drying yards and service yards shall not be included as landscaped open space. Recommended amount of private open space per dwelling is 75 m².	
	To instead say:	
	Private open space is to be orientated to have a north easterly aspect and living areas are to open out thereon (refer to Figure 4-9).	
	Areas used for driveways, car parking, drying yards, service yards, rain gardens, rainwater tanks, services or the like shall not be included as private open space.	
	The minimum amount of private open space required per detached, attached or semi-detached dwelling is 75 m². This 75m² of private open space must be a single contiguous area with a minimum length of 6m and width of 4m.	
	Secondary dwellings must also provide a minimum of 75m² of private open space in accordance with the above control.	
4.1.6 Setbacks	Delete clause, replace instead with:	To consolidate front setback controls and provide minimum rear
	4.1.10.1 Rear setback A minimum rear setback of 6m is required for all residential development.	and side setbacks to limit overdevelopment.
	4.1.10.1 Side setback A minimum side setback of 1m is required for all residential development.	
	4.1.10.1 Front setback A minimum front setback of 6m, measured from the forward building line to the property boundary, is required for residential development. A smaller front setback distance may only be	

Section	Amendment	Reason
	considered if it is consistent with the front setback of adjacent dwellings constructing on subdivisions that predate this Development Control Plan. Secondary frontages on corner allotments must be setback 3m.	
4.1.8 Traffic safety and management	Insert under <i>objectives</i> : Ensure that garages meaningfully contribute to the parking capacity of the dwelling. Amend from:	To limit garage frontage and ensure that any garage space allocated is enough to facilitate off street parking when taking into account storage requirements.
	The visual impact of garages is to be minimised, as illustrated on Figure 4-10. All garage and carport entries are to be set back from the front facade of the dwelling by a minimum of 1 metre, and a minimum of 5.5 metres from the front property boundary. For residential development, the minimum standard of provision is detailed at clause 3.4 of this plan.	To require landscaping as part of proposing a right of carriageway.

Section	Amendment	Reason
	Parking areas and driveways shall be designed in accordance with the current version of Council's Standards for Engineering Works. All driveways, paths, car parking areas are to be paved in brick pavers, bitumen, concrete or another approved manner. Use of decorative paving is encouraged. Long, straight driveways are to be avoided, eliminated or appropriately screened to Council's satisfaction. Paved area is to be minimised. Access for one dwelling via right of carriageways is to be a minimum of 3.5 metres in width (excludes traffic control devices), except when it is more than 40 metres long where the minimum width increases to 5	
	To instead say: Figure 4-10: Preferred garage treatment The visual impact of garages is to be minimised, as illustrated on Figure 4-10. All garage and carport entries are to be set back from the front facade of the dwelling by a minimum of 1 metre and comprise of not more that 40% or 6m of the front façade of the building, whichever is the greater. Additional or wider garages may be permitted if they are not visible from the street. For residential development, the minimum standard of provision is detailed at clause 3.4 of this plan.	

Section	Amendment	Reason
	A minimum of two (2) parking spaces is required per dwelling unit for a dwelling house, attached dwelling, dual occupancy or semi-detached dwelling development. Single vehicle garages do not count towards this parking space requirement unless there is a minimum of $10m^2$ additional storage space provided within the garage, with a minimum width of 1.5m, not including space designated for car parking or space used as a laundry. The minimum internal width of a car parking space shall be at least 3.5m by 6.5m. Parking areas and driveways shall be designed in accordance with the current version of Council's Standards for Engineering Works. All driveways, paths, car parking areas are to be paved in brick pavers, bitumen, concrete or another approved manner. Use of decorative paving is encouraged. Long, straight driveways are to be avoided, eliminated or appropriately landscaped to Council's satisfaction. Paved area is to be minimised. Access for one dwelling via right of carriageways is to be a minimum of 3.5 metres in width (excludes traffic control devices), except when it is more than 40 metres long where the total minimum width increases to 5.5 metres0.5m of landscaping is required along the boundary in addition to the minimum width.	
Section 4.1.10 Energy efficient siting and layout	Amend from: Buildings should be designed to ensure that much of the floor area is within a 4-6 metre distance of an external window. An elongated plan shape produces this characteristic, as will the use of an atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades (refer to Figure 4-3 & 4-11). To instead say: Buildings must be designed to ensure that the floor area is within a 4-6 metre distance of an external window. An elongated plan shape produces this characteristic, as will the use of an atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades (refer to Figure 4-3 & 4-11).	To strengthen the application of the control

Section	Amendment	Reason
Section 4.1.11	Amend from:	To strengthen the application of
External		the control.
window	Ideally, shading devices should be external.	
shading and		
internal and	To instead say:	
external		
lighting	Shading devices must be external.	
Section 4.1.14	Amend from:	To clarify the objective of the
Working hours		control.
– residential	Ensure the operations of the proposed development period will not cause nuisance to residents by	
and business	way of working hours.	
	To instead say:	
	Ensure the operations of the proposed development and construction period will not cause	
	nuisance to residents by way of working hours.	
Section 4.1.14	Insert after 'Council seeks to ensure that the hours of operation of businesses, commercial	To clarify the application of this
Working hours	premises and places of work are compatible with the type of activities carried out on the	control.
residentialand business	premises and the relationship with neighbouring residential occupiers':	Control.
and business	(e.g. for home businesses, home industries, neighbourhood shops etc.).	
Section 4.1.15	Delete:	This is an unnecessary notation as
Subdivision	Note: Reference chanter 7 of this Plan. All reads are to be designed and accommodated in	it forms one of Council's standard conditions of consent.
	Note: Reference chapter 7 of this Plan. – All roads etc, are to be designed and constructed in	conditions of consent.
	accordance with the current version of Council's Standards for Engineering.	

Section	Amendment	Reason
Section 4.1.15 Subdivision	Insert at beginning: The following subdivision controls apply to all residential subdivisions. Site specific development controls supersede to the extent of any inconsistency.	To clarify the relationship between the general development controls and
Section 4.1.15 Subdivision	Replace all controls with the following; Controls Master planning Council is receptive to subdivision designs that accommodate a mixture of lot sizes and dwelling types. Such subdivisions designs can accommodate a broader cross-section of housing development and maximise development yield. However, in order to facilitate such development, Council must first ensure adequate provisions are made to ensure that the subdivision design can accommodate this increased density. Residential subdivision applications involving the creation of a new public road are to be provided with a master plan to consider the future development capacity of the land and demonstrate compliance with relevant controls in this Plan. Each proposed lot shall be labelled as being primarily intended for: Single detached dwelling houses; Dual occupancies or semi-detached dwellings; Multi dwelling housing (with the number of dwellings to be specified); Attached housing (with the number of dwellings to be specified); or A combination of any of the above. Where a lot is identified as being suitable for a combination of the above or as being identified as suitable for a range of different dwelling yields, Council will apply controls relevant to the highest	To strengthen master planning requirements to also include consideration of the potential for lots to be subsequently developed into more than one dwelling and link these considerations with all other relevant subdivision controls. To strengthen the considerations required prior to nomination of road networks. To include minimum requirements for public open space where there are none. To align generic water sensitive urban design requirements with WaterNSW requirements.

Section	Amendment	Reason
	dwelling yield identified and the most intensive dwelling type in terms of infrastructure demand.	
	For the avoidance of doubt, Council will determine that a lot is intended for a higher dwelling yield	
	than specified if more dwellings can be subsequently approved under the complying development approval pathway.	
	approvar patriway.	
	Subdivision design must allow for any subsequent development to be reasonably capable of	
	complying other development controls in this Plan.	
	Battle-axe lots are not permitted if the subdivision can reasonably be carried out without their	
	use.	
	Road location and hierarchy	
	A road hierarchy must be indicated and designed in accordance with Council's Engineering	
	Standards. If there is an inconsistency between these standards and this Plan, this Plan prevails to	
	the extent of the inconsistency.	
	Road widths and hierarchy must be designed to accommodate the maximum dwelling yield	
	identified for the subdivision.	
	Boad widths and historichy must be designed to allow for increased traffic and an atreat parking	
	Road widths and hierarchy must be designed to allow for increased traffic and on-street parking for services that may reasonably be expected to occur in the subdivision (e.g. child care facilities,	
	neighbourhood shops).	
	The nominated road network must also include an assessment of how it is the optimal means of	
	achieving the following:	
	1. Safety for all road users.	
	2. Access to community centres and recreational areas.	
	3. Access from within the subdivision to surrounding areas.	
	4. Integration or compatibility with pedestrian and cycling routes within the subdivision (e.g.	
	ensuring safe crossings).	

Section	Amendment	Reason
	5. Minimisation of through traffic in residential areas.	
	6. Adequate provision of on-street parking.	
	7. Compliance with other controls in this Plan.	
	The road hierarchy must allow for any subsequent development to be within 400m walking	
	distance of existing bus routes. If bus routes do not exist, the road hierarchy must be capable of	
	supporting a new bus route within 400m walking distance of all subsequent development.	
	Should remnant vegetation be located in either existing or proposed road reserves it shall be conserved in the design and construction process. Access to new lots should be located in an alternate position or to take advantage of existing road reservations where they exist. Council will require that access to lots (driveways) be nominated in Section 88B instruments in order to	
	protect existing vegetation and to reduce their visual impact.	
	Building envelopes	
	In circumstances where Council considers the land or part of the land to be particularly constrained or unique, a plan must also indicate the location of building envelopes to be enforced through a restriction as to user on the land. Building envelopes for residential subdivisions are to assume a minimum site coverage of 65%, including carports, driveways, potential swimming pools, sheds and other ancillary structures that may subsequently be built.	
	Lot orientation	
	The following design techniques are to be adopted to maximise opportunities for solar access to allotments and to allow for the consequent design and siting of energy efficient houses: align streets east-west and north-south. Aim for north-south streets within 20° west and	
	30° east of true north and east-west streets within 30° south and 20° north.	
	 allotments on east-west orientated streets need to have greater depth and width to make 	
	best use of solar access.	

Section	Amendment	Reason
	 allotments on south side of street should be sufficient depth so buildings can be set well 	
	back to allow north facing rooms to look onto larger front yards.	
	 allotments on north-south streets to be of sufficient width to allow for private open space 	
	on the north side and for houses to be built on the south boundary.	
	 taking into account views and topography, lot orientation and layout should enable the 	
	majority of dwellings to be designed so that the main living area receives not less than	
	4 hours of sunlight per day between 9am and 3pm.	
	 regular rectangular shaped allotments maximises siting opportunities and increases 	
	potential lot yield.	
	 on sloping sites, north-facing sites improve opportunities for solar access. 	
	Lots shall face toward public open space areas, vegetation conservation areas and public roads to encourage passive surveillance from dwellings over these public spaces to assist with safety and security.	
	Water Sensitive Urban Design	
	Natural drainage lines are to be preserved and enhanced where possible.	
	Natural drainage lines are not to be channelled if connecting to natural drainage channels downstream.	
	Stormwater detention basins are to be made easily accessible for maintenance purposes. Stormwater detention basins are to be fenced in urban areas and incorporated into the landscape design of the subdivision.	
	Public open space	

Section	Amendment	Reason
	All new lots created must be within 400m walking distance of public open space. Public open space, for the purposes of this control, is taken to have a minimum contiguous area of 1500m², containing landscaping and amenities designed to encourage utilisation (e.g. playground equipment, exercise equipment etc.).	
	Bicycle and pedestrian movements	
	Provision for bicycle and pedestrian movements are to be provided throughout the subdivided area.	
	Cyclists can be integrated into the road network through a combination of on and off road measures together with bike parking at clusters of community and commercial facilities	
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be clearly highlighted with signposting and pavement logos.	
	Paved footpaths are to be provided on both sides of new roads and frontages of existing lots.	
	Retention of significant environmental features	
	Where significant environmental features such as natural landforms, remnant native vegetation, wetlands or natural drainage lines or water courses occur on a development site, they shall be conserved and or enhanced. Subdivision design shall incorporate these elements as much as can practicably be achieved. This may necessitate larger lot sizes in order to maintain these features.	
	Landscape embellishment	
	A condition of Council's subdivision approval will be to carry out landscape treatment of lots and public road reserves with the objective of enhancing vegetation and specifically native vegetation in the locality. The landscape treatment shall be designed to mitigate the: • environmental impact of the development;	

Section	Amendment	Reason
	 visual obtrusiveness of new development and enhance the visual connection of the newly 	
	created landscape with any remnant native vegetation in the locality.	
	Street trees	
	Street tree planting is required where new or existing lots are developed in order to create a consistent theme. Street trees add to the areas character and reduce the visual impact of new development. They have environmental benefits of reducing the impacts of sun in the summer months; reducing global warming and when natives are used providing possible habitat for native fauna.	
	 Important Street Tree principles are: Preserve vistas to and from significant heritage buildings and to rural areas; Reinforce traditional exotic planting themes and prominent gardens where they exist; Retain and enhance significant existing trees and remnant native areas; Reinforce the planting themes of the central town or village area. 	
Chapter 8 Site	Specific Provisions	
Section 8.3 Marulan	Delete:	Unecessary clutter.
Estates Urban Release Area	Council has put in place a Section 94A levy development contributions plan and a Marulan Infrastructure Contributions Plan.	
	Wilson Drive urban release area is subject to both of these plans. However with the Infrastructure	
	Contributions Plan only the identified works in that plan are to be funded.	

Section	Amendment	Reason
	The following figures identify the public facilities and their location for which contributions will be	
	required pursuant to S94A Contributions Plan:	
	Figure 8-3-7 – public facilities	
	(a) George Street landscape works including:	
	(i) street tree planting and road treatment at the southern end;	
	(ii) southern and northern entry features;	
	(iii) post office median strip and adjacent areas;	
	(iv) garden area adjacent to the pedestrian crossing.	
	(b) Meridian Park development including:	
	(i) picnic facilities, playground equipment, landscaping and off street parking.	
	(c) Portland Avenue public recreation area development including:	
	(i) sporting fields, access roads and parking area.	
	(d) Health care and community centre in George Street(completed):	
	(e) Traffic facilities upgrading including:	
	(i) modification works on the north and south bound lanes of the Hume Highway at	
	the southern "at-grade" intersection with Portland Avenue and George Street	
	roundabout;	
	Figure 8-3-7 – Marulan Infrastructure Contributions Plan public infrastructure utilities including:	
	water supply infrastructure;	
	sewerage infrastructure;	
	stormwater design infrastructure.	
	The recommended means to satisfy the above requirements is for a mutually agreed planning	
	agreement to be put in place between Council and the developer.	
Section 8.4	Delete:	Inconsistent with other proposed
Charles Valley		amendments and unnecessary
– Long Street	8.4.3 Subdivision	clutter.
Goulburn	Note: Reference chapter 7 of this Plan.	

Section	Amendment	Reason
	 Objectives To encourage subdivision layouts that: allow integration of neighbourhoods between "natural" boundaries or barriers and connections between the neighbourhoods minimise environmental impact by ensuring subdivision into rural residential lots only occurs on land free of development constraints are based on a hierarchy of roads for the efficient movement of vehicle traffic. Roads will be connective and efficient, giving motorist multiple travel paths. Long cul-de-sacs are unsuitable for efficiency and safety reasons focus open space on the drainage constraints and network incorporate water sensitive urban design principles into subdivision design encourage northern orientation of dwellings for energy efficiency benefits and passive solar access ensure rural residential lots have a sufficient area to allow for the siting of a dwelling and ancillary buildings (including private open space, vehicle access and parking) provide for protection/enhancement of visually prominent sites/locations protect riparian areas and native vegetation areas consider existing residential development Controls 	
	8.4.3.1 Subdivision lot size Minimum lot size, is 2ha. However this minimum will need to take into account the suitability of the site and the infrastructure that will have to be provided. Battle-axe lots are generally not supported. In calculating the area of a battle-axe allotment, the access way, which includes any rights-of-carriageway/access, are to be excluded. 8.4.3.2 Lot orientation (a) Solar access	

Section	Amendment	Reason
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses:	
	(i) Align streets east-west and north-south. Aim for north-south streets	
	within 20° west and 30° east of true north and east-west streets within 30° south and 20° north.	
	(iii) Allotments on east-west orientated streets need to have greater depth and width to make best use of solar access.	
	(iii) Allotments on south side of street should be sufficient depth so buildings can be set well back to allow north facing rooms to look onto larger front yards.	
	(iv) Allotments on north-south streets to be of sufficient width to allow for private open space on the north side and for houses to be built on the south boundary.	
	(v) Taking into account views and topography, lot orientation and layout should enable the majority of dwellings to be designed so that the main living area receives not less than 4 hours of sunlight per day between 9am and 3 pm.	
	(vi) Regular rectangular shaped allotments maximises siting opportunities and increases potential lot yield.	
	(vii) On sloping sites, north-facing sites improve opportunities for solar access.	
	(b) Passive surveillance	
	 (i) Lots shall face toward public open space areas, vegetation conservation areas and public roads to encourage passive surveillance from dwellings over these public spaces to assist with safety and security. (ii) Where this cannot be achieved open style fencing is required to promote passive surveillance of public open space and public road area with some landscape screening to provide privacy. 	
	8.4.3.3 Bicycle and pedestrian movements	

Section	Amendment	Reason
	Bicycle and pedestrian movements to be addressed in accordance with Council's Bicycle Strategy	
	2007.	
	Cyclists can be integrated into the road network through a combination of on and off road	
	measures together with bike parking at clusters of community and commercial facilities.	
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be	
	clearly highlighted with signposting and pavement logos. Engineering works, including	
	signposting and line marking must comply with the appropriate engineering standards.	
	одинести	
	8.4.3.4 Streetscape	
	Existing trees are to be retained where possible and appropriate.	
	Existing trees should be located near boundaries of proposed allotments to avoid conflict with	
	proposed building envelopes (refer Council Policy – Bushfires and Vegetation Controls)	
	, ,	
	Streetscape planting themes are to be developed based on native tree species suitable for the	
	locality and in an urban context.	
		
	Residential development	
	nesiaentai aetelopinetti	
	Objectives	
	To encourage residential development in which:	
	 there is a diversity of housing stock and type to meet diverse housing needs 	
	 dwellings to face public spaces for passive surveillance 	
	living areas are orientated to the north for energy efficiency benefits	
	 dwelling design and siting respects the privacy of neighbours 	
	 on site vehicle parking is provided to minimise congestion within the streets 	
	 garages and fences do not dominate the streetscape 	

Section	Amendment	Reason
	 there is easy access to community facilities 	
	 Rainwater tanks are provided to supplement water supply and control stormwater runoff. 	
	Controls	
	8.4.4.1 Detached dwellings and "secondary dwellings" (a) Streetscape	
	Dwellings are to face public spaces (roads and open space areas).	
	Dwellings are not to be hidden by high fences.	
	Garages are to be located behind the building facade so that they do not dominate the streetscape.	
	Fences shall be of a design that is sympathetic to the existing semi-rural character of this locality.	
	(b) Height Maximum recommended height is two storeys.	
	(c) Energy efficiency To maximise energy efficiency the internal and external living areas should be located to the north side of the dwelling. Further requirements are specified in clause 4.1.3 of this plan.	
	(d) Privacy Private open spaces and living rooms of adjacent dwellings should be protected from direct overlooking, by:	
	 appropriate dwelling layout use of distance or slope 	
	 screening devices like screen vegetation and courtyard walls 	
	First floor decks, balconies and the like, are not supported where they overlook or have the potential to directly overlook habitable rooms or private open space of adjoining properties.	

Section	Amendment	Reason
	Windows of one dwelling should not be located opposite the windows of another dwelling unless	
	direct views are restricted:	
	• off-set windows	
	 use of narrow, translucent or obscured windows 	
	 provide sufficient distance between dwellings 	
	(e) Acoustic privacy	
	Noise generating area of a development (e.g. driveway, air conditioning units, swimming pool	
	areas) should be adequately screened or located away from the bedroom areas to minimise	
	impact on neighbours.	
	Bedroom windows to be a minimum 3m from shared streets, driveways and parking areas of	
	other dwellings.	
	Transmission of noise between adjoining properties should be minimised.	
	Locate active recreation areas (swimming pools, spas, tennis courts, BBQs), driveways, carports,	
	garages and garbage collection areas, pumps and air conditioners, away from bedrooms of adjacent dwellings.	
	Dwellings adjoining and other noise generating land uses should be designed and sited to	
	minimise noise impacts.	
	Locate bedrooms and other noise sensitive rooms away from the road.	
	(f) Parking	
	Provision for a least one covered parking space per dwelling (e.g. carport or garage) and one	
	tandem vehicle space (e.g. driveway area in front of garage or carport).	
	(g) Rainwater tanks	
	A rainwater tank is to be provided per dwelling to supplement water supply and control	
	stormwater runoff.	

Section	Amendment	Reason
	The tank shall have a minimum capacity of 10,000 litres.	
	The rainwater tank supply shall be connected to the hot water service, laundry and toilet facilities with a top up connection into the tank. (h) Water sensitive urban design House design should include water sensitive urban design features such as porous paving, infiltration devices and landscaping.	
Section 8.5 Clyde Street	Delete: 8.5.7 Subdivision Note: Reference chapters 7.4.3 and 7.6 of this Plan.	Inconsistent with other proposed amendments and unnecessary clutter.
	Objectives To encourage subdivision layouts that: allow integration of neighbourhoods between "natural" boundaries or barriers and connections between the neighbourhoods minimise environmental impact by ensuring subdivision into residential lots only occurs on land free of development constraints are based on a hierarchy of roads for the efficient movement of vehicle traffic. Roads will be connective and efficient, giving motorist multiple travel paths. Long cul-de-sacs are unsuitable for efficiency and safety reasons focus open space on the drainage constraints and network incorporate water sensitive urban design principles into subdivision design encourage northern orientation of dwellings for energy efficiency benefits and passive solar access ensure residential lots have a sufficient area to allow for the siting of a dwelling and ancillary buildings (including private open space, vehicle access and parking) residential lots face public areas (including open space areas) for passive surveillance provide for protection/enhancement of visually prominent sites/locations protect riparian areas and native vegetation areas	

Section	Amendment	Reason
	consider existing residential development	
	Control	
	Controls	
	8.5.7.1 Subdivision lot size	
	Minimum lot size is 2000m ² . However this minimum will need to take into account the suitability	
	of the site and the infrastructure provided (refer to clause 7.3 of the LEP 2009).	
	<u>Battle-axe</u> lots are generally not supported. In calculating the area of a <u>battle-axe</u> allotment, the	
	access way, which includes any rights-of-carriageway/access, are to be excluded.	
	Allotments should be able to accommodate a building envelope of 150m² with the minimum	
	dimensions of 10m by 15m, within a 6m front building setback and a 1m side and rear setback	
	and clear of any easements.	
	8.5.7.2 Lot orientation	
	(a) Solar access	
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses:	
	(i) Align streets east-west and north-south. Aim for north-south streets	
	within 20° west and 30° east of true north and east-west streets within	
	30° south and 20° north.	
	(ii) Allotments on east-west orientated streets need to have greater depth	
	and width to make best use of solar access.	
	(iii) Allotments on south side of street should be sufficient depth so buildings	
	can be set well back to allow north facing rooms to look onto larger front yards.	
	(iv) Allotments on north-south streets to be of sufficient width to allow for	
	private open space on the north side and for houses to be built on the south boundary.	
	(v) Taking into account views and topography, lot orientation and layout	
	should enable the majority of dwellings to be designed so that the main	

Section	Amendment	Reason
	living area receives not less than 4 hours of sunlight per day between 9am	
	and 3 pm.	
	(vi) Regular rectangular shaped allotments maximises siting opportunities	
	and increases potential lot yield.	
	(vii) On sloping sites, north-facing sites improve opportunities for solar access.	
	(b) Passive surveillance	
	Lots shall face toward public open space areas, vegetation conservation areas and public roads to	
	encourage passive surveillance from dwellings over these public spaces to assist with safety and	
	security.	
	Where this cannot be achieved open style fencing is required to promote passive surveillance of	
	public open space and public road area with some landscape screening to provide privacy.	
	public open space and public road area with some landscape screening to provide privacy.	
	8.5.7.3 Bicycle and pedestrian movements	
	Bicycle and pedestrian movements to be addressed in accordance with Council's Bicycle Strategy	
	2007.	
	Cyclists can be integrated into the road network through a combination of on and off road	
	measures together with bike parking at clusters of community and commercial facilities.	
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be	
	clearly highlighted with signposting and pavement logos. Engineering works, including	
	signposting and line marking must comply with the appropriate engineering standards.	
	8.5.7.4 Streetscape	
	Existing trees are to be retained where possible and appropriate.	
	Existing trees should be located near boundaries of proposed allotments to avoid conflict with	
	proposed building envelopes (refer Council Policy – Bushfires and Vegetation Controls)	
	Streetscape planting themes are to be developed based on native tree species suitable for the	
	locality and in an urban context.	

Section	Amendment	Reason
	8.5.8 Residential development	
	Objectives	
	To encourage residential development in which:	
	 there is a diversity of housing stock and type to meet diverse housing needs 	
	 dwellings to face public spaces for passive surveillance 	
	 living areas are orientated to the north for energy efficiency benefits 	
	 dwelling design and siting respects the privacy of neighbours 	
	 on site vehicle parking is provided to minimise congestion within the streets 	
	 garages and fences do not dominate the streetscape 	
	 there is easy access to community facilities 	
	rainwater tanks are provided to supplement water supply and control stormwater runoff.	
	Controls	
	8.5.8.1 Detached dwellings	
	(a) Streetscape	
	Dwellings are to face public spaces (roads and open space areas).	
	Dwellings are not to be hidden by high fences.	
	Garages are to be located behind the building facade so that they do not dominate the	
	streetscape.	
	Fences shall be of a design that is sympathetic to the existing semi-rural character of this locality.	
	(b) Height	
	Maximum recommended height is two storeys.	
	(c) Energy efficiency	
	To maximise energy efficiency the internal and external living areas should be located to the north	
	side of the dwelling. Further requirements are specified in chapter 4 of this plan.	
	,	
	(d) Privacy	

Section	Amendment	Reason
	Private open spaces and living rooms of adjacent dwellings should be protected from direct	
	overlooking, by:	
	 appropriate dwelling layout 	
	use of distance or slope	
	 screening devices like screen vegetation and courtyard walls 	
	First floor decks, balconies and the like, are not supported where they overlook or have the	
	potential to directly overlook habitable rooms or private open space of adjoining properties.	
	Windows of one dwelling should not be located opposite the windows of another dwelling unless	
	direct views are restricted:	
	■ off-set windows	
	 use of narrow, translucent or obscured windows 	
	 provide sufficient distance between dwellings 	
	(e) Acoustic privacy	
	Noise generating area of a development (e.g. driveway, air conditioning units, swimming pool	
	areas) should be adequately screened or located away from the bedroom areas to minimise	
	impact on neighbours.	
	Bedroom windows to be a minimum 3m from shared streets, driveways and parking areas of other dwellings.	
	Transmission of noise between adjoining properties should be minimised.	
	Locate active recreation areas (swimming pools, spas, tennis courts, BBQs), driveways, carports,	
	garages and garbage collection areas, pumps and air conditioners, away from bedrooms of	
	adjacent dwellings.	
	Dwellings adjoining and other noise generating land uses should be designed and sited to	
	minimise noise impacts.	
	Locate bedrooms and other noise sensitive rooms away from the road.	
	(f) Parking	

Section	Amendment	Reason
	Provision for a least one covered parking space (e.g. carport or garage) and one tandem vehicle	
	space (e.g. driveway area in front of garage or carport).	
	(g) Rainwater tanks	
	A rainwater tank is to be provided to supplement water supply and control stormwater runoff.	
	The tank shall have a minimum capacity of 10,000 litres.	
	The rainwater tank supply shall be connected to the hot water service, laundry and toilet facilities with a top up connection into the tank.	
	with a top up connection into the tank.	
	(h) Water sensitive urban design	
	House design should include water sensitive urban design features such as porous paving, infiltration devices and landscaping.	
	(i) Dual occupancy and multi dwelling housing accommodation	
	Development and density requirements in the subject R5 Large Lot Residential zone are contained in chapter 4 and also chapter 6 for development in Zone R5, Large Lot Residential	
	8.5.8.3 Open space	
	Council's Leisure – Recreation and Social Planning Study identifies that there is sufficient active	
	recreational reserves and sports grounds provided elsewhere in the City, which are adequate to cater for any organised sporting needs from the area. However, identified detention basins can	
	have a dual function to any unidentified active sporting recreation needs if required.	
	The balance of the open space can be satisfied via the passive open space created along the	
	drainage lines along with any neighbourhood park requirements. These areas can also provide for informal active recreation areas.	

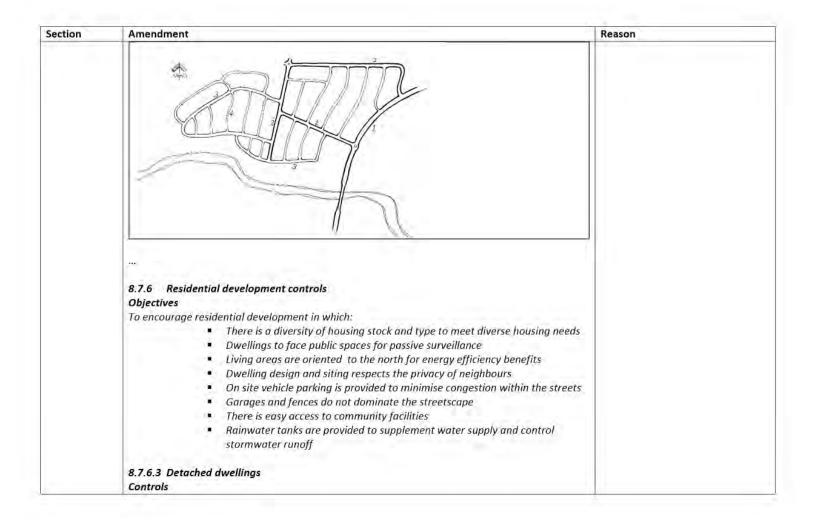
Section	Amendment	Reason
Section 8.7	Delete:	Inconsistent with other proposed
Marys Mount		amendments and unnecessary
	8.7.4 Subdivision requirements	clutter.
	8.7.4.1 Subdivision lot size	
	(a) Battle-axe lots are generally not supported. In calculating the area of a	
	battle-axe allotment, the access way, which includes any rights-of-	
	carriageway/access, are to be excluded.	
	(b) Allotments should be able to accommodate a building envelope of 150m ²	
	with the minimum dimensions of 10 metres by 15 metres, within a 6 metre	
	front building setback and a 1m side and rear setback and clear of any	
	easements.	
	8.7.4.2 Lot orientation	
	a) Solar Access	
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses.	
	i. Align streets east-west and north-south. Aim for north-south streets within	
	200 west and 300 east of true north and east-west streets within 300 south	
	and 200 north.	
	ii. Allotments on east-west orientated streets need to have greater depth and	
	width to make best use of solar access.	
	iii. Allotments on the south side of a street should have a sufficient depth so that	
	buildings can be set well back to allow north facing rooms to look onto larger	
	front yards.	
	iv. Allotments on south-north streets to be of sufficient width to allow for	
	private open space on the north side and for houses to be built on the south	
	boundary.	
	v. Taking into account views and topography, lot orientation and layout should	
	enable the majority of dwellings to be designed so that the main living area	
	receives not less than 4 hours of sunlight per day between 9am and 3pm.	
	vi. Regular rectangular shaped allotments maximises site opportunities and	
	increases potential lot yield	

Section	Amendment		Reason
	vii.	On sloping sites, north-facing sites improve the opportunities for solar access.	
	b)	Passive Surveillance	
	(i)	Lots shall face toward public open space areas, vegetation conservation areas and public roads. Where this cannot be achieved open style fencing is required to promote passive surveillance of public open space and public road area with some landscape screening to provide privacy.	
	(ii)	Visually contain the carriageway to promote steady, predictable traffic speeds by: Encouraging hedging or front fences; Using upright kerbs; Provide on-street parking; Providing wide verges; Planting street trees at regular spacing within the carriageway or verge; and Only use narrow streets, when lot frontages are wide (at least 15 metres).	
	(a) Protection (b) Protection (c) Cyclection (c) Cyclection (c) Control (d) On	pedestrian movements evision for bicycle and pedestrian movements are to be provided throughout evarea. evide footpaths on both sides of the street. They must be provided in evordance with Council's Standards for Engineering works. elists can be integrated into the road network through a combination of on ad off road measures together with bike parking and clusters of community and enterial facilities (Refer to Council's Bicycle Strategy 2008-2018). -road and off-road cycle networks will be clearly highlighted with signposting ad pavement logos.	

Section	Amendment	Reason
	(a) Council's Leisure- Recreation and /social Planning Study identifies that there is	
	sufficient active recreational reserves and sports grounds provided elsewhere in	
	the City.	
	(b) Goulburn Mulwaree Contributions Plan details community facilities and open	
	space requirements.	
	8.7.5.3 Access roads	
	(a) Access roads should prioritise pedestrians and cyclists- they should provide a	
	pleasant environment that encourages walking and social interaction.	
	(b) Houses on access road corners should address both street frontages.	
	(c) Avoid cul-de-sacs wherever possible. If they are used:	
	(i) Limit their length so the end point is visible from the access point;	
	(ii) Provide access to 10 house at the most	
	(iii) Avoid cul-de-sac at activity centres (i.e. near shops) & where they would	
	limit direct access to transport.	
	(d) Level 1 Access Roads are roads servicing more than 15 lots and that have direct	
	access to a collector road are to have a minimum road reserve width of 20	
	metres and a pavement width of 9 metres, unless the road has:	
	(i) Trees in the verge, a pavement width of 9.6m are required;	
	(ii) With trees in the carriageway + verge, a pavement width of 9.6m is	
	required;	
	(iii) With parking bays, a pavement width of 10.4m is required;	
	(iv) With trees in the carriageway and swales, a pavement width of 9.6m is required.	
	(e) Level 2 Access roads are roads servicing more than 15 lots are to have a	
	minimum road reserve width of 18 metres and a pavement width of 9 metres,	
	unless the road has:	
	(i) Trees in the verge, a pavement width of 9.6m are required;	
	(ii) With trees in the carriageway + verge, a pavement width of 9.6m is	
	required;	
	(iii) With parking bays, a pavement width of 10.4m is required;	

Section	Amendment					Reason
	<u>(iv)</u>		the carriageway (and swales, a pavement width	of 9.6m is	
		required.				
				g less than 15 lots are to have	e a minimum	
	road i	reserve width of	15 metres and a	pavement width of 6 metres.		
	8.7.5.4 Intersections					
	(a) Design	n intersections t	o reflect street hi	erarchy.		
	(b) On co	llector and acces	ss roads use four-	way intersections where poss	ible.	
	(c) Avoid	roundabouts wi	herever possible l	by:		
	<u>(i)</u>	ensuring the o	design indicates t	he presence of the intersection	n on all	
		approaches; o	and			
	<u>(ii)</u>	using short bl	ock lengths (<70r	netres) on access roads.		
	8.7.5.5 Road hierarch	•				
	1 , ,		llustrate the arte	rial roads, cycle-ways, existing	g and future	
		tor roads.				
	, ,	•	•	quired to contribute towards t	the	
	upgra	ding of collector	r and arterial roa	ds.		
	Table 8-7-1: Road I	Hierarchy				
	Table 8-7-1: Road I	Hierarchy Road	Carriageway	Appropriate Use	Reference	
			Carriageway Width (M)	Appropriate Use	Reference	
		Road		Appropriate Use	Reference	
		Road Reserve		Appropriate Use Arterial roads are	Reference Crookwell	
	Street Type	Road Reserve Width (M)	Width (M)			
	Street Type	Road Reserve Width (M)	Width (M)	Arterial roads are	Crookwell	
	Street Type	Road Reserve Width (M)	Width (M)	Arterial roads are generally used to link and	Crookwell	
	Street Type	Road Reserve Width (M)	Width (M)	Arterial roads are generally used to link and pass through a town or	Crookwell	
	Street Type	Road Reserve Width (M)	Width (M)	Arterial roads are generally used to link and pass through a town or suburban regional/sub	Crookwell	
	Street Type Arterial Road	Road Reserve Width (M) N/A	Width (M)	Arterial roads are generally used to link and pass through a town or suburban regional/sub regional centres.	Crookwell Road	

Section	Amendment		Reason			
				routes within as well as between neighbourhoods.		
	Level 1 Access Road - with trees in verge	20	9 9.6	Level 1 Access Roads are roads servicing more than	2	
	- with trees in the carriageway + verge		9.6	15 lots and that have direct access to a collector		
	- with parking bays - with trees in the		10.4	road. They the predominant street type		
	carriageway + swales		9.6	within a neighbourhood. They provide access to the dwellings, parks and neighbourhood edges.		
	Level 2 Access Road - with trees in verge - with trees in the	18	9 9.6	Level 2 Access roads are roads servicing more than 15 lots that do not have	3	
	carriageway + verge - with parking bays - with trees in the		9.6 10.4	direct access to a collector road. They the predominant street type		
	carriageway + swales		9.6	within a neighbourhood. They provide access to the dwellings, parks and neighbourhood edges.		
	Level 3 Access Road	15	6	Level 3 Access Roads have limited use. Use only where: - traffic volumes are low - there is low parking demand and - where the lot width is 15m or more.	4	



Section	Amendment		Reason
	a)	Streetscape	
	i.	Dwellings are to face public spaces (roads and open space areas)	
	ii.	Limit the height of front fences and hedges to 1.2 metres to enable	
		surveillance of the street and to contribute to the streets amenity.	
	iii.	Garages are to be located behind the building façade so that they do not	
		dominate the streetscape.	
	iv.	Rear private open space areas are to be accessible by vehicles.	
	b)	Height	
	<u>(i)</u>	Maximum recommended height is 2 storeys.	
	c)	Energy Efficiency	
	(i)	Internal and external living areas should be located to the north side of the	
		dwelling.	
	<u>(ii)</u>	A BASIX Certificate shall support all approvals for a dwelling.	
	d)	Visual Privacy	
	<u>(i)</u>	Private open spaces and living rooms of adjacent dwellings should be	
		protected by:	
		o appropriate dwelling layout	
		 use of distance or slope 	
		 screening devices like fences, window screens, screen vegetation and courtyard walls 	
	(ii)	First floor decks, balconies and the like are not supported where they	
		overlook or have the potential to directly overlook habitable rooms or private	
		open space.	
	(iii)	Windows of one dwelling should not be located opposite the windows of	
		another dwelling unless direct views are restricted.	
	(iv)	Use of narrow, translucent or obscured windows is encouraged	
	e)	Acoustic Privacy	

Section	Amendment		Reason
	<u>(i)</u>	Noise generating areas of a development (such as a driveway, air	
		conditioning unit or swimming pool areas) should be adequately screened or	
		located away from bedroom areas to minimise impact on neighbours.	
	<u>(ii)</u>	Bedrooms of one dwelling shall not share walls with living rooms or garages	
		of adjacent dwellings.	
	<u>(iii)</u>	Bedroom windows to be a minimum 3 metres from shared streets, driveways	
		and parking areas of other dwellings	
	(iv)	Transmission of noise between adjoining properties should be minimised.	
	<u>(v)</u>	Location of active recreation areas (swimming pools, spas, tennis courts,	
		BBQs), driveways, carports, garages and garbage collection areas, pumps	
		and air conditioners should be away from bedrooms of adjacent dwellings.	
	<u>(vi)</u>	Dwellings adjoining Marys Mount Road and other noise generating land uses	
		should be designed and sited to minimise noise impacts.	
	(vii)	Location of bedrooms and other noise sensitive rooms should be away from	
		the road.	
	f)	Parking	
	<u>(i)</u>	Provision for at least one covered parking space and one tandem vehicle	
		space.	
	a)	Water	
	(<u>i)</u>	Rainwater tanks of a minimum capacity of 10,000 litres shall be connected to	
		the hot water service, laundry and toilet facilities with a top up connection	
		into the tank.	
	(ii)	House design should include water sensitive urban design features such as	
	_	porous paving, infiltration devices and appropriate landscaping.	
	8.7.7 Other deve	lopment controls	
		Community Facilities	
	(i)	Community facilities should be clustered, which will assist in promoting	
	1	multi-use trips, reducing traffic impacts and improving accessibility.	

Section	Amendment		Reason
	<u>(ii)</u>	Community facilities should be located at the periphery of residential neighbourhoods to avoid traffic impact intruding into residential areas.	
	(b)	Schools No additional school facilities have been identified for the area to serve the estimated population.	
	(c) (i)	Retail Premises & Neighbourhood Shops Land at corner of Crookwell Road and Marys Mount Road has been zoned 'B1 Neighbourhood Centre'. A wider range of retail uses are permissible in this zone.	
	<u>(ii)</u>	Two appropriate sites for neighbourhood shop development are identified in Figure 8-7-3 - Development Potential.	
	<u>(iii)</u>	Additional neighbourhood shops within the residential zones will only be considered where supported by an economic supply and demand analysis. A proposal should demonstrate consistency with the Draft Centres Design Guidelines (Department of Planning 2011) and any relevant strategy of Council.	





REF: GMC - DCP1

Tim Lee Architects P.O. Box 516 GOULBURN NSW 2580

18th November 2020

The General Manager Goublurn Mulwaree Council Locked Bag 22 Goublrun NSW 2580

RE Proposed amendment to Goublurn Mulwaree Development control plan 2009

Attn: Strategic planning department Goulburn Mulwaree Council, Mr Nick Thistleton, Senior Strategic Planner.

Please find attached some comments and thoughts around the proposed amendments to the Goulburn Mulwaree DCP – specifically focusing on the proposed Chapter 4 amendments.

I will address comments by section and reference numbers corresponding to the sections of the proposed amendment document.

I applaud the proposed amendment strategy as the current DCP document is deficient in detailed descriptions around many design parameters while bring overly prescriptive in areas that are compromising the ability to create vital and varied urban environments. My comments are my opinion only and are arrived at based on 25 years' experience of designing to similar planning documents across much of regional NSW, Canberra and Sydney Metro areas.

The built environment is probably the most significant element in all our lives, we interact with space and objects on a daily basis and mostly we are unaware of the subtle social and psychological effects of these interactions.

Considered clear design direction devoid of personalised or idiosyncratic assessment options is essential to successful development control planning.

I cannot stress enough the need for simple and clear guidelines.

As assessment and determinations move more to black and white decision making, so too the planning documents need to provide pathways for creative interpretation and intelligent considered design options built around simple clear macro planning considerations only. The detail resolution should lay with the designer.

Comment on the proposed panning changes.

3.8 – engineering details, flooding Agree

Chapter 4 Principal development controls - urban

Section 4.1.1

B1, B3 residential development

Prohibiting all residential development other than shop top housing in the B3 zone is contradictory to existing council application of this policy.

The Marian residential flat building on Clinton street, the approved 17 villas on Bourke street and the existing 7 villas on Cartwright place are all residential development styles within the B3 zone.

Higher density development in the B3 and B4 zones will promote 24 hour activation of the commercial area which has proven economic and social benefits.

Most existing main street shop top housing is either closed off or non-compliant, the cost of building modification to these existing structures is prohibitive hence the reluctance of building owners to invest in building works necessary to upgrade these structures. The Belmore centre on Russel lane is a perfect example where the two existing shop top residences are vacant and unlettable due to the cost of fire rating the structure to comply to current building regulation requirements.

Encouraging higher density mixed use green field development of the main street would see many existing owners able to justify the initial capital outlay.

- Consider promotion of new 2 and 3 storeyt main street development
- Clearly assess the heritage elements that contribute to the character of the main street and look to redeveloping the less significant, often run-down commercial sites
- Consider promotion of varied height limits and reduced parking requirements for CBD residential development

(Note: single level detached residents, or low density multi-unit development is considered inappropriate in the B3 zone)

New section - Rain Gardens

This section needs greater consideration.

Specifically, in relation to low density multi-unit and dual occupancy scenarios:

- Consider simple underground detention and filtration in lieu of raingardens
- The maintenance of these gardens is a real issue
- Water quality can be achieved through alternate filtration systems
- Consider location within easements as appropriate
- Consider location confined to "dead zones" and difficult areas in an allotment rather than prime north facing real estate.

New section - Cut and Fill

This section needs greater consideration

- Placing a suggested 600mm limit then allowing a subjective assessment of cut or fill over this
 amount provides a lack of direction for planning staff and will create significant issues if the
 opinions of the planning staff and developer clash.
- Simple factual engineering-based requirements for hydraulic stability and structural certification, combined with building volume envelopes will eliminate argument over interpretation of the appropriateness of the cut or fill.
- Add in shoring requirements along boundaries over 600mm depth
- Limit fill against boundaries

New section Dwelling design

The mirroring of a standard single dual occupancy when applied to the further subdivision of a standard residential allotment needs to be allowed.

This will allow the designer the option of creating a symmetrical larger frontage giving the appearance of a single dwelling. The requirement to alter the adjoining unit has created extremely poor design resolution or token changes creating disjointed facades and poor architectural detailing.

Larger multi-unit or large-scale street developments can, and probably should, have this variance requirement as proposed. Similarly, if two adjacent allotments are to be developed with a dual occupancy each, then the façade treatment of each overall lot should be different.

The requirement to mimic heritage and create sympathetic design infil is currently being interpreted as "the new development must be substantially the same as the adjoining buildings", while this may not be the intent, what is being created is faux heritage that detracts and devalues any significant buildings.



This is an example of a successful insertion of a modern building into the heritage streetscape. The building does not take cues from the adjoining structures (verandas, roof and gutter lines are all different) and does not utilise fake ornament or symbols to achieve a clean modern appearance.



This is an extremely poor insertion into the probably the most significant area of the Main street – adjacent to Belmore park, near the amp building, courthouse, Hollis group and the mechanics' institute. The toy town façade and fake ornament were driven by the planning department at the time and their interpretation of this type of clause.

Designers need to be encouraged to explore and reinterpret infill development to allow buildings of their time to be constructed providing the next layer of heritage into the streetscape.

All references to the requirements for Sympathetic heritage development need to be removed and consideration to a rewording allowing the freedom for better design outcomes.

Solar access

Agree with the time requirement, this is easier to successfully achieve

Strongly disagree with the proposed southern boundary setback requirements

- · Creates large southern areas with no use or solar access
- Prejudices a proposed development in favour of a neighbour.
- Will significantly impact the ability on narrow lots to achieve a successful design resolution, particularly when teamed with the proposed private open space dimension restrictions.
- Contradicts the BCA setback requirements and housing codes requirements.
- Consider the introduction of a building envelope volume and floor space ratio this system is successfully applied across many regional councils and provides great flexibility, for example 50% for R1 35% for R2 etc.
- Consider the following diagrams as a way of simply defining the setback requirements with little room for misinterpretation. (taken from ACTPLA planning documentation)

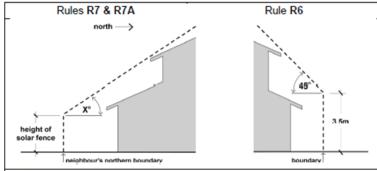


Figure 1 - Typical building envelope for rule R6 and solar building envelope for rules R7 & R7A $\,$

Note: height of building and boundary setback provisions also apply

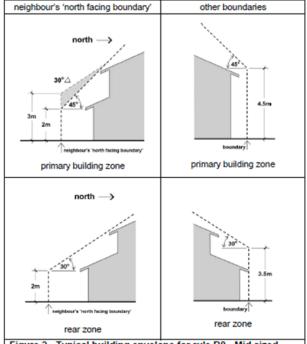
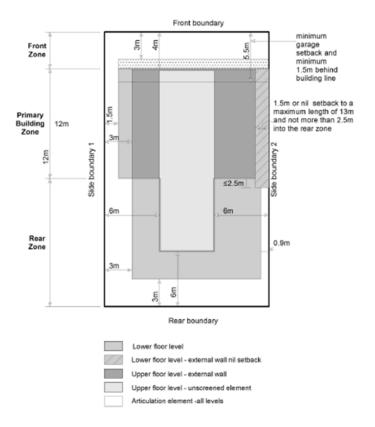
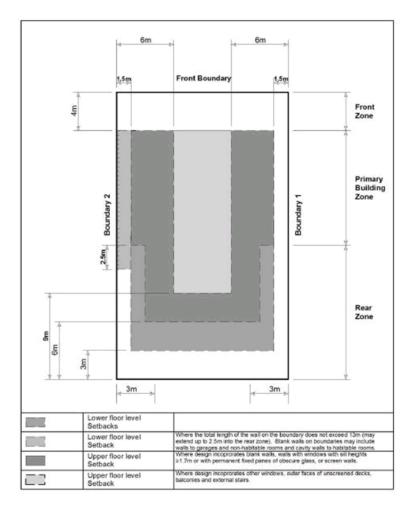


Figure 2 - Typical building envelope for rule R8 - Mid sized blocks approved before 5 July 2013 & permissible encroachment under R9 Note: height of building and bordary setback provisions also apply Hatched area indicates permissible encroachment under R9.

For example, the vertical and angular restrictions indicated in this drawing provide greater flexibility in planning options while maintaining the desired solar access on the adjoining allotment.

This coupled with the once well used floor space ratios relative to allotment size and building type provide unarguable controls that still permit creative, mindful and energy efficient solutions.





Both these preceding plan documents clearly provide great flexibility at the ground floor level, including zero boundary setback in certain conditions. The upper floor restrictions are also clearly defined.

This level of control clearly sets parameters and leaves room for creative design solutions but maintains clear and simple envelope restriction on development.

I believe this is a far simpler solution that is less likely to allow misinterpretation on both the design and planning approval sides of the process.

Section 4.1.4

Privacy Agree

Section 4.1.5 Private open space

Generally, agree however,

The minimum dimension requirements and the requirement for contiguous space with north east aspect is simply not achievable, for example, on the southern unit of a dual occupancy on an east west facing allotment accessed on the shorter street frontage.

 Consider a total of 75sqm, part of which must have a minimum area of 30sqm and minimum dimension of 4m along the short side and 6m on the long side with a north east aspect.

Section 4.1.6

- contradicts the requirements for solar access proposed in the preceding section
- consider the previous argument for defined simple building envelope design as suggested in the previous diagrams.

Section 4.1.8

Traffic safety management

- Strongly disagree with the proposed requirements around a single garage provision.
- The proposed minimum internal width and depth on a narrow site dual occupancy combined with the desired frontage percentage is simply not achievable on most blocks, particularly on many new subdivision allotments.
- Consider a minimum size of 3 x 6m
- Consider a separate minimum storage requirement (as provided for in the manor housing code detailed design compliance requirements for example) – and link this requirement into the floor space ratio and occupant capacities.
- The 5.5m wide drive is also restrictive to most multi-unit developments.
- Consider a requirement to provide swept path analysis proving accessibility to garages and manoeuvring areas with narrower access points.
- Consider eliminating "to councils' satisfaction" replace with defined alternatives.
 For example.

Where drive access is required to be straight, ie on the southern side of a long allotment allowing ease of access to garaging, provide:

- A vegetative barrier ¼ the drive width breaking the site lines. Include a traffic calming device to reduce drive access speed
- C
- Provide a chicane type element at the boundary coupled with screening device to 1.8m above finished ground.

4.1.11 - 4.1.15 generally agree

4.1.15 Master planning controls

 Suggest where higher density developments are specified on selected allotments the contributions for water, sewer and stormwater will then be removed from the future owner.

IE, currently if a dual occupancy is proposed on an existing allotment with a single residence. Additional contributions are then payable for the second dwelling. If the developer of the subdivision installs the higher capacity infrastructure, the additional cost at dwelling construction would therefore be eliminated (making development far more attractive).

Building envelopes

- Consider this as inappropriate.
- For example, the recent Anembo close subdivision off Slocombe Street provided a 150sqm building envelope on each allotment. There is not a single dwelling in that estate that used the position of the envelope or the size of the envelope.
- Council setback and height envelopes over the whole lot should provide adequate control without this pointless additional element.

8.4.4.1 a) Street scape

Strongly disagree with the requirement for dwellings to face public roads.

- Frank Lloyd Wright (one of the most important Designer, Architect and Planner of the modern age) in the early 1900's broke this "tradition" providing dwellings mindful of their allotment, position and topography. Providing a considered connection to the outdoor spaces. Without facing the street.
- The semiotic requirement for an address can be achieved with architectural treatments combined the landscape elements directing visitors to the entrance sequence.
- Energy efficiency, passive solar design, connection to private open space and efficient use of an allotment are all severely compromised by this outdated and nonsensical notion of streetscape requiring all dwellings address is only achievable by obvious street to building association.
- This inhibits creative dwelling design, particularly with the trend to smaller energy efficient building envelopes and more stringent energy certification requirements.
- This requirement denies the ability to utilise the slope of a site to full advantage.

I present these comments to the planning department for consideration. I would be more than happy to sit with the planners to discuss some of these ideas further. Should you require any additional information please do not hesitate to contact the undersigned.

Yours sincerely

Tim Lee Architect

NSW Registration No: 7304

ACT Registration No: 1030, ABN 71425067537, Mobile: 0429 898 690

Nick Thistleton

From: Chris Hargood

Sent: Thursday, 19 November 2020 5:04 PM

To: Council

Subject: Submissions to Residential Development and Subdivision Controls

Attachments: Residential Controls Amendment Comments Log.docx

Categories: Suzi, IT Check Complete

To the General Manager.

In relation to the above proposed amendments to the GM DCP 2009 please find attached a marked up document containing proposed comments for consideration.

In addition to the attached careful consideration needs to be given as tot the suitability of the proposed 6m front and rear setbacks and the fact that no structure like porches are to be permitted in the front setback zone, this could give rise to a scenario where a Lot cannot easily accommodate say a standard 3-4 bedroom dwelling. It may be more advantageous to reduce the front set back to 4.5 or 5m which is more in line with the Exempt SEPP. Furthermore, side setback controls could be reflective of Part 3 of the housing code that increase depending on width of Lot and height of proposed development.

Regards

Chris Hargood Team Leader Development Assessment

T: 02 4823 4505

Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580 | Connect on Facebook



Proposed Amendment to the Goulburn Mulwaree Development Control Plan 2009

Section	Amendment	Reason
General		
N/A	Re-numbering and re-formatting of all clauses affected by this amendment	N/A
Chapter 3 Gene	ral Development Controls	
Section 3.8 Flood affected lands	Delete the following: Engineering details for the effect of flooding are not required for non-habitable buildings and structures.	This is inconsistent with flood planning policy and obligations under s4.15 of the Environmental Planning and Assessment Act 1979 as there are circumstances where this information needs to be made available in order to accurately assess flood risk.
Chapter 4 Princ	iple development Controls - Urban	
Section 4.1.1 Site planning, bulk, scale and density	Delete the following: B1 Neighbourhood Centre and B3 Commercial Core — Nil (except for shop top housing);	The B1 Neighbourhood Centre zone no longer exists in the <i>Goulburn Mulwaree Local Environmental Plan 2009</i> and the control relating to the B3 Commercial Core zone is unnecessary as the zone already prohibits all residential development that is not shop top housing.
Section 4.1.1 Site planning, bulk, scale and density	Delete the following: Figure 4-1: Example of the calculation of maximum number of dwellings allowed in the Business B2 Local Centre zone Subject lot area – 1,000m²;	This example is unnecessary clutter.

Item 15.7- Attachment 5

Section	Amendment	Reason
	Gross floor area (GFA) is calculated by multiplying FSR (1.2) by site area (1,000) which is 1,200m².	
	which is 1,200m²; • Minimum GFA for a single dwelling unit is 150m²;	
	 Allowable residential percentage is 40%; Number of dwellings is calculated by 	
	dividing 40% of the FSR (1,200) by minimum GFA for a single dwelling (150) which is 3.2.	
	Maximum theoretical number of dwellings for this site is 3.	
Section 4.1.1 Site planning, bulk, scale and density	Amend from: RU5 Village – 750m² per dwelling unit.	700m ² is consistent with the minimum lot size applied to the RU5 Village zone.
delisity	To instead say: RU5 Village – 700m² per dwelling unit.	
Section 4.1.1 Site planning, bulk, scale and density	Delete: Figure 4-2: Example of the calculation of maximum number of dwellings allowed in residential zones	This example is unnecessary clutter.

Section	Amendment		Reason	
New section Sheds and other ancillary structures	 Zone R1 General Residential; Subject lot area – 1,500m²; Average site area required for each proposed dwelling unit – 350m²; Number of dwellings is calculated by dividing lot area (1,500) by dwelling site area required (350); Maximum number of dwellings allowed (rounded) is 4. Note: this theoretical calculation is based on full reticulated services being available to the site. Insert after 4.1.1: 4.1.2 Sheds and other ancillary structures 	ential development (e.g. car ports) must adhere with	To provide guidance as to acceptable height limits for sheds and ancillary structures where there currently are none.	
	Shed means — "An outbuilding, usually for a specific purpose such as storage and is a building that		Note: We should cover the gap	Format
	cannot be used for a habitable purpose <u>."</u>		from zero setback to 1 meter. 2	Format
	Table 4.1. Uninbt limits		meters should be the minimum	Format
	Table 4-1: Height limits		setback to 3.6 meters or grater as	
	Setback Control Services	Height limit	there may be issued with the provision of solar access.	Format
	<u>0 to 1m</u> 0.5m	2.4m	provision of solar access.	Format

Section	Amendment		Reason		
	1m	3m	We should provide a definition of	117777777777777777777777777777777777777	Format
	<u>1.5</u> 1.52m or greater	3.6m	shed or strengthen its meaning in		Format
			this section as people don't		Torrida
			understand that a shed is not a use.		
			<u>I have included 2 metres as there</u>		
			may be issues with provision of		
			solar access.		
New section	Insert after 4.1.1:		To provide guidance as to the		
Rain gardens			location of rain gardens where		
			there is none.		
	4.1.3 Rain gardens				
			Note: we should clarify that rain	The state of the s	Formatt
	Rain gardens are to be located on a low spot awa	y from any dwelling with access to sunlight. Rain	gardens do not constitute private		
	gardens must drain away from nearby dwelling.		open space at the point.		
	Rain gardens must be excluded from any Private	Open space (POS) calculation.			Formati
New section	Insert after 4.1.1:		To provide guidance for cut and fill		
Cut and fill			where there is none.		
	4.1.4 Cut and fill				
	<u>Objectives</u>		Note: we already ask that retaining	and a parameter date of a property	Formati
	To minimise the extent of cut and fill within reside	ential allotments.	walls are set off the boundary by 1		
			meter.		
	To protect and enhance the aesthetic quality of the land forming operations.	he area by controlling the form, bulk and scale of			
	To ensure that the amenity of adjoining residents	is not adversely affected by any land forming.			
	To ensure that stormwater management is not ac	dversely affected.			
	Controls				

Section	Amendment	Reason		
	Earthworks shall be undertaken to a maximum of 600mm excavation or fill from the natural surface level of the property.			
	Council will assess proposals for excavation or fill greater than 600mm having regard to the visual impact of the proposed earthworks.			
	All cut and fill shall have a <u>minimum</u> setback <u>of 1 meter</u> to the boundary to permit any retaining		and the second second second second	Formatt
	walls to be located wholly within the property boundary and to allow fencing to be installed at the boundary.		The same of the sa	Formatt
New section Dwelling design	Insert after 4.1.1: 4.1.5 Dwelling Design	To limit clustering of identically designed houses that can detract from the visual amenity.		
	Dwelling houses and each unit of a detached dual occupancy development are not to comprise of substantially the same streetscape design of any other dwelling house or unit of a detached dual occupancy development that exists or is proposed as part of the same application within four lots either side of the development site and on either side of the road it is fronting (inclusive of the development site). *			
	*Note- This provision does not apply to developments within heritage conservation areas or adjoining heritage items where the development is designed to be sympathetic to existing development and period details etc.			
Section 4.1.2 Number of	Remove the following word from the clause:	To strengthen the application of this control.		
storeys	recommended			
Section 4.1.3	Amend from:	To clarify that solar access		
Solar access	Occidential buildings of all be designed to consume that the appropriate design and district and district and design and	requirements also apply to private		
	Residential buildings shall be designed to ensure that the proposed dwelling, adjoining residential	open space.		
	buildings, and the major part of their landscaped open space, have at least four hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice). Figure 4-3 identifies the variation of the	To allow for developments with		
	sun's path in winter and summer.	only three (3) hours direct sunlight		
	Sun Spacifin whiter and summer.	only three (3) hours unect sumight		

Section	Amendment	Reason		
	To instead say:	as four (4) hours can be overly onerous and difficult to achieve.		
	RResidential buildings shall be designed to ensure that the <u>principleal living spaces of</u> the	To clarify that solar access must be	and the second	Formatt
	proposed dwelling, adjoining residential buildings, and at least 50% 70% of their private open	considered not just in the context		Formatt
	space, have at least three hours of sunlight between 9.00am and 3.00pm on 21 June (winter	of the development proposed, but		\searrow
	solstice). Not more than 15% of the Private Open Space shall receive no solar access. Figure 4-3	also in the context of enabling	_ //	Formatt
	identifies the variation of the sun's path in winter and summer.	neighbouring lots to comply with		Formatt
		the control.		Formatt
	Solar access in a dwelling is achieved when 1m ² of direct sunlight on the glass is received for at			Formatt
	least 15 minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be	Note: We currently only ask that	and the same of th	
	achieved.	the principleal living spaces require		Formatt
		three hours solar access on the		
		winter solstice between 9am and		
	No structure is permitted where it would prejudice the ability of adjacent lots to meet the above	3pm. We should also add the text		
	control or overshadow existing neighbouring solar powered devices (e.g. photovoltaic panels,	at the bottom which sets the		
	solar water heaters) or private open space-	standard for how solar access is		
		achieved consistent with the		
	In circumstances where an adjacent southern lot has an east-west orientation, a southern setback	accepted standard in NSW.		
	of at least 3m must be applied for all one-storey development and 6m for all two-storey			
	development, in order to comply with the above controls.	70% of private open space within		
		ADG is required to have solar		
	Shadow diagrams or solar access diagrams may will be required by Council to demonstrate	access with not more than 15%		Formatt
	compliance with this section.	receiving no solar access. The DCP	-	Formatt
		should be consistent with this as a		
		minimum.		
Section 4.1.4	Insert under <i>controls</i> :	To provide additional controls to		
Privacy	Windows and halconies are not to be positioned in a location where it allows for direct views into	protect the privacy of neighbouring		
	Windows and balconies are not to be positioned in a location where it allows for direct views into nearby approved habitable rooms. Balconies and second storey windows are also not to have	lots and limit amenity impacts of		
	neurby approved nubicable rooms, balcomes and second storey windows are also not to have	pool pumps.		

Section	Amendment	Reason		
	direct views into the private open space of nearby/adjoining approved residential areas unless			
	permanent privacy elements are applied (e.g. privacy screens or high still windows). Figures 4-6	Note: The erection of a 1.8m high	*************	Formatt
	and 4-7 demonstrate appropriate ways to maintain privacy.	fence will not stop privacy concerns		
		if the windows need to be		
	Windows must not be located parallel to other windows of adjacent dwellings. However this may	separated from each other.		Formatt
	be permitted on the ground level if it can be demonstrated that the erection of a fence will	What is a habitable room?- we	and the second second second second	Formatt
	completely restrict overlooking into the opposite room.	should define this.		romacc
		Note: Habitable room needs		
	Habitable room means – "A room used for normal domestic activities, and includes a bedroom,	defining to avoid any ambiguity.		
	living room, lounge room, dining room, sewing room, study, play room, family room and			
	sunroom; but excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor,			
	hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised			
	nature occupied neither frequently nor for extended periods, as defined by the BCA."			
	Swimming pool pumps and other miscellaneous noise producing ancillary structures must be			
	located at least 6m from the nearest habitable room. Sound insulation must be also be used if a			
	swimming pool pump is within 3m of a property boundary.			
Section 4.1.5	Amend from:	To strengthen the application of		
		controls and clarify when and how		
	Whenever possible, open space is to be orientated to have a north easterly aspect and living areas	they are applied, including for		
	are to open out thereon, whenever possible (refer to Figure 4-9).	secondary dwellings.		
	Areas used for driveways, car parking, drying yards and service yards shall not be included as	Note: we require that the		Formatte
	landscaped open space.	princip <mark>leal</mark> living areas open onto		Formatte
	Recommended amount of private open space per dwelling is 75 m².	the private open space not all living		Torrida
		areas. We should also include a		
	To instead say:	condition for multi-dwelling		_
		housing consistent with the Low		Formatte
	Private open space is to be orientated to have a north easterly aspect and the principleal living	Rise Housing Diversity Design Guide		Formatte
	areas are to have direct access to the Private Open Space open out thereon (refer to Figure 4-9).	for Development Applications and		Formatt
			The same of the sa	
	·	•		Formatt

Section	Amendment	Reason		
	Areas used for driveways, car parking, drying yards, service yards, rain gardens, rainwater tanks,	reiterate the solar access control		
	services or the like shall not be included as private open space.	for Private Open Space.		
	The minimum amount of private open space required per detached, attached or semi-detached			
	dwelling is 75 m². This 75m² of private open space must be a single contiguous area with a			
	minimum length of 6m and width of 4m.			
	Secondary dwellings must also provide a minimum of 75m ² of private open space in accordance			
	with the above control in addition to that of the primary dwelling.			
	with the above control in addition to that of the primary awening.			
	Multi-dwelling ho			Formatte
	using must have a minimum of 45m2 per dwelling with a minimum dimension of 5m and provide		and the second	
	a consolidated paved area of 12m2 with a minimum dimension of 3m.			Formatte
				Formatte
	70% of the Private Open Space provided to any dwelling must receive at least 3 hours solar access			Formatte
	between 9am and 3pm on the winter solstice with no more than 15% receiving no solar access.			
4.1.6 Setbacks	Delete clause, replace instead with:	To consolidate front setback		Formatte
		controls and provide minimum rear		
	4.1.10.1 Rear setback	and side setbacks to limit		
	A minimum rear setback of 6m is required for all residential development.	overdevelopment.		
	4.1.10.1 Side setback			
	A minimum side setback of 1m is required for all residential development. Which excludes all	Note: Side setbacks become very		Formatte
	ancillary service infrastructure such as hot water services, air-conditioning units, electronical	cluttered with service		Formatte
	meter boxes and the like.	infrastructure that impedes access		
		and needs to be excluded.		Formatte
	4.1.10.1 Front setback		,	Formatte
	A minimum front setback of 6m, measured from the forward building line to the property	Note: Clarification is required for		$\overline{}$
	boundary, is required for residential development. A smaller front setback distance may only be	Applicants on whether Does the	//	Formatte
	considered if it is consistent with the front setback of adjacent dwellings constructing on	minimum front setback includes	//	Formatte
	subdivisions that predate this Development Control Plan. A front setback excludes all roofed patio	roofed patios, porticos, porches or		Formatte
	areas, porticos, porches or the like.	the like. (roofed or unroofed)? This		Formatte
				· Onnata

Reason	
needs to be clarified in the controls.	Formatto
To limit garage frontage and ensure that any garage space allocated is enough to facilitate off street parking when taking into account storage requirements. To require landscaping as part of proposing a right of carriageway. Note: The garage proportion needs a maximum of six meters. We should not be using the term "whichever is the greater" as this allows problems to arise and gives Council very little control on larger dwellings. Dimensions for storage and landscaping firmed up.	Formatti Formatti
	To limit garage frontage and ensure that any garage space allocated is enough to facilitate off street parking when taking into account storage requirements. To require landscaping as part of proposing a right of carriageway. Note: The garage proportion needs a maximum of six meters. We should not be using the term "whichever is the greater" as this allows problems to arise and gives Council very little control on larger dwellings. Dimensions for storage and

Section	Amendment		Reason	
	Parking areas and driveways shall be	designed in accordance with the current version of Council's		
	Standards for Engineering Works. All	driveways, paths, car parking areas are to be paved in brick		
	pavers, bitumen, concrete or another	approved manner. Use of decorative paving is encouraged.		
	Long, straight driveways are to be avo	oided, eliminated or appropriately screened to Council's		
	satisfaction.			
	Paved area is to be minimised.			
	Access for one dwelling via right of ca	rriageways is to be a minimum of 3.5 metres in width		
	(excludes traffic control devices), exce	pt when it is more than 40 metres long where the minimum		
	width increases to 5			
	To instead say:			
	Figure 4-10: Preferred garage treatm			
		The visual impact of garages is to		
		be minimised, as illustrated on	CNote: an tThe 'front façade'	Formatt
	X	Figure 4-10.	wording requires strengthening.	Formatt
		All garage and carport entries are	please be strengthened? Im always	Formatt
		to be set back from the front	having arguments with aApplicants	Formatt
		facade of the dwelling by a	regularly argue about what is the	Formatt
		minimum of 1 metre and comprise	front façade- and Some applicants	Formatt
		of not more that 40% or <u>a</u>	will include a roofed entry porch as	Formatt
		maximum of 6m of the front	the front façade, or have an	
		façade of the building, whichever	articulated front façade.	Formatt
	V O	is the greater. Additional or wider		Formatt
		garages may be permitted if they		Formatt
		are not visible from the street.		
		For residential development, the		
		minimum standard of provision is		
		detailed at clause 3.4 of this plan.		

6 5 -	A minimum of two (2) parking spaces is required per dwelling unit for a dwelling house, attached dwelling, dual occupancy or semi-detached dwelling development. Single vehicle garages do not count towards this parking space requirement unless there is a minimum of 10m² additional storage space provided within the garage, with a minimum width Dimension of not less than 1.5m, not including space designated for car parking, circulation space or space used as a laundry.			
9	count towards this parking space requirement unless there is a minimum of 10m² additional storage space provided within the garage, with a minimum width Dimension of not less than			
3	storage space provided within the garage, with a minimum width Dimension of not less than			
=				
	1.5m, not including space designated for car parking, circulation space or space used as a laundry.		1 of the second section 100 of the second	Format
				Format
	The minimum internal width of a car parking space shall be at least 3.5m by 6.5m.			
				Format
	Parking areas and driveways shall be designed in accordance with the current version of Council's			Format
	Standards for Engineering Works. All driveways, paths, car parking areas are to be paved in <mark>brick</mark>			Format
1.5	pavers , bitumen, concrete or another approved manner. Use of decorative paving is encouraged.			Format
	Long, straight driveways are to be avoided, eliminated or appropriately landscaped to Council's			romati
	satisfaction.			
1 '	Paved area is to be minimised.			
	Access for one dwelling via right of carriageways is to be a minimum of 3.5 metres in width			
	(excludes traffic control devices), except when it is more than 40 metres long where the total			
	minimum width increases to 5.5 metres. <u>0.5m of I</u> andscaping <u>with a minimum width of 0.5</u>			Formati
	meters is required to be provided along the boundary of the driveway in addition to the minimum		-	Formati
,	width.			Formati
	Front façade means – "The external face of a building, generally the principle face, facing a public			Formati
	street or space. Excluding roofed patio areas, porticos, porches or the like."		-//	<u></u>
3	street of space. Excluding rooted patio areas, porticos, porches of the like.		- /// /	Formati
Section 4.1.10	Amend from:	To strengthen the application of	- \	Formati
Energy	Amena nem	the control		Formati
0,	Buildings should be designed to ensure that much of the floor area is within a 4-6 metre distance			Formati
	of an external window. An elongated plan shape produces this characteristic, as will the use of an	Note: amended to provide clarity	١	Formati
(atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades	on distances from windows and		
((refer to Figure 4-3 & 4-11).	addition of natural ventilation.		Formati
	To instead say:			

Section	Amendment	Reason		
	Buildings must be designed to ensure that <u>all</u> the floor area <u>s are</u> is within <u>a</u> 4 -6 metre distance of		A CONTRACTOR OF THE CONTRACTOR	Formatte
	an external window. An elongated plan shape produces this characteristic, as will the use of an			Formatte
	atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades			
	(refer to Figure 4-3 & 4-11).			Formatte
	All habitable rooms are to be naturally ventilated. The maximum crossover is not to exceed 18			
	meters measures glass line to glass line.			Formatte
Section 4.1.11 External	Amend from:	To strengthen the application of the control.		
window shading and	Ideally, shading devices should be external.			
internal and external	To instead say:			
lighting	Shading devices must be external.			
Section 4.1.14 Working hours	Amend from:	To clarify the objective of the control.		
residential and business	Ensure the operations of the proposed development period will not cause nuisance to residents by way of working hours.			
	To instead say:			
	Ensure the operations of the proposed development and construction period will not cause nuisance to residents by way of working hours.			
Section 4.1.14	Insert after 'Council seeks to ensure that the hours of operation of businesses, commercial	To clarify the application of this	\dashv	
Working hours	premises and places of work are compatible with the type of activities carried out on the	control.		
residential and business	premises and the relationship with neighbouring residential occupiers':			
	(e.g. for home businesses, home industries, neighbourhood shops etc.).			

Section	Amendment	Reason
Section 4.1.15	Delete:	This is an unnecessary notation as
Subdivision		it forms one of Council's standard
	Note : Reference chapter 7 of this Plan. – All roads etc, are to be designed and constructed in	conditions of consent.
	accordance with the current version of Council's Standards for Engineering.	
Section 4.1.15	Insert at beginning:	To clarify the relationship between
Subdivision		the general development controls
	The following subdivision controls apply to all residential subdivisions. Site specific development controls supersede to the extent of any inconsistency.	and
Section 4.1.15	Replace all <i>controls</i> with the following;	To strengthen master planning
Subdivision		requirements to also include
	Controls	consideration of the potential for
	Master planning	lots to be subsequently developed
		into more than one dwelling and link these considerations with all
	Council is receptive to subdivision designs that accommodate a mixture of lot sizes and dwelling types. Such subdivisions designs can accommodate a broader cross-section of housing	other relevant subdivision controls.
	development and maximise development yield. However, in order to facilitate such development,	other relevant subdivision controls.
	Council must first ensure adequate provisions are made to ensure that the subdivision design can	To strengthen the considerations
	accommodate this increased density.	required prior to nomination of
	decommodate this increased density.	road networks.
	Residential subdivision applications involving the creation of a new public road are to be provided	l dad notworks
	with a master plan to consider the future development capacity of the land and demonstrate	
	compliance with relevant controls in this Plan.	To include minimum requirements
		for public open space where there
	Each proposed lot shall be labelled as being primarily intended for:	are none.
	Single detached dwelling houses;	
	 Dual occupancies or semi-detached dwellings; 	

Section	Amendment	Reason	
	 Multi dwelling housing (with the number of dwellings to be specified); 	To align generic water sensitive	
	 Attached housing (with the number of dwellings to be specified); or 	urban design requirements with	
	 A combination of any of the above. 	WaterNSW requirements.	
			For
	Where a lot is identified as being suitable for a combination of the above or as being identified as	Note: We should require that roads	
	suitable for a range of different dwelling yields, Council will apply controls relevant to the highest	are designed to Councils	
	dwelling yield identified and the most intensive dwelling type in terms of infrastructure demand.	Engineering Standards as a	
	For the avoidance of doubt, Council will determine that a lot is intended for a higher dwelling yield	minimum.	
	than specified if more dwellings can be subsequently approved under the complying development		
	approval pathway.	It needs to be clarified that lots	
		facing roads, reserves, ect should	
	Subdivision design must allow for any subsequent development to be reasonably capable of	not come at the expense of solar	
	complying with other development controls in this Plan.	access.	
	Battle-axe lots are not permitted if the subdivision can reasonably be carried out without their		
	use.		
	Road location and hierarchy		
	A road hierarchy must be indicated and designed in accordance with Council's Engineering		
	Standards. If there is an inconsistency between these standards and this Plan, this Plan prevails to		
	the extent of the inconsistency.		
	Road widths and hierarchy must be designed to accommodate the maximum dwelling yield		
	identified for the subdivision.		
	Road widths and hierarchy must be designed to allow for increased traffic and on-street parking		
	for services that may reasonably be expected to occur in the subdivision (e.g. child care facilities,		
	neighbourhood shops).		
	The nominated road network must also include an assessment of how it is the optimal means of		
	achieving the following:		

Section	Amendment	Reason	
	1. Safety for all road users.		
	2. Access to community centres and recreational areas.		
	3. Access from within the subdivision to surrounding areas.		
	4. Integration or compatibility with pedestrian and cycling routes within the subdivision (e.g.		
	ensuring safe crossings). 5. Minimisation of through traffic in residential areas.		
	6. Adequate provision of on-street parking.		
	7. Compliance with other controls in this Plan.		
	7. Compliance with other controls in this Flain.		
	The road hierarchy must allow for any subsequent development to be within 400m walking		
	distance of existing bus routes. If bus routes do not exist, the road hierarchy must be capable of		
	supporting a new bus route within 400m walking distance of all subsequent development.		
	Should remnant vegetation be located in either existing or proposed road reserves it shall be		
	conserved in the design and construction process. Access to new lots should be located in an		
	alternate position or to take advantage of existing road reservations where they exist. Council will		
	require that access to lots (driveways) be nominated in Section 88B instruments in order to		
	protect existing vegetation and to reduce their visual impact.		
	The road must be designed in accordance with Councils Engineering Standards		Format
	Building envelopes		
	In circumstances where Council considers the land or part of the land to be particularly		
	constrained or unique, a plan must be submitted to Council that also indicates the location of		
	building envelopes to be enforced through a restriction as to user on the land. Building envelopes		
	for residential subdivisions are to assume a minimum site coverage of 65%, including carports,		
	driveways, potential swimming pools, sheds and other ancillary structures that may subsequently		
	be built.		
	Lot orientation		

Section	Amendment	Reason	
	The following design techniques are to be adopted to maximise opportunities for solar access to allotments and to allow for the consequent design and siting of energy efficient houses: align streets east-west and north-south. Aim for north-south streets within 20° west and		
	30° east of true north and east-west streets within 30° south and 20° north.		
	 allotments on east-west orientated streets need to have greater depth and width to make 		
	best use of solar access.		
	 allotments on south side of street should be sufficient depth so buildings can be set well 		
	back to allow north facing rooms to look onto larger front yards.		
	 allotments on north-south streets to be of sufficient width to allow for private open space 		
	on the north side and for houses to be built on the south boundary.		
	 taking into account views and topography, lot orientation and layout should enable the 		
	majority of dwellings to be designed so that the main living area receives not less than		
	4 hours of sunlight per day between 9am and 3pm.		
	 regular rectangular shaped allotments maximises siting opportunities and increases potential lot yield. 		
	 on sloping sites, north-facing sites improve opportunities for solar access. 		
	Lots shall face toward public open space areas, vegetation conservation areas and public roads to encourage passive surveillance from dwellings over these public spaces to assist with safety and		
	security. This must not be to the detriment of achieving suitable solar access.		Fori
	Water Sensitive Urban Design		
	Natural drainage lines are to be preserved and enhanced where possible.		

Section	Amendment	Reason
	Natural drainage lines are not to be channelled if connecting to natural drainage channels downstream.	
	Stormwater detention basins are to be made easily accessible for maintenance purposes. Stormwater detention basins are to be fenced in urban areas and incorporated into the landscape design of the subdivision.	
	Public open space	
	All new lots created must be within 400m walking distance of public open space. Public open space, for the purposes of this control, is taken to have a minimum contiguous area of 1500m², containing landscaping and amenities designed to encourage utilisation (e.g. playground equipment, exercise equipment etc.).	
	Bicycle and pedestrian movements	
	Provision for bicycle and pedestrian movements are to be provided throughout the subdivided area. This is commonly not provided. Should this is be better defined so that we know what types of subdivision this needs to be provided for?	
	Cyclists can be integrated into the road network through a combination of on and off road measures together with bike parking at clusters of community and commercial facilities	
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be clearly highlighted with signposting and pavement logos.	
	Paved footpaths are to be provided on both one sides of new roads and frontages of existing lots. (traditionally we have only required a footpath on one side of the road)- ian can assist with this.	
	Retention of significant environmental features	

Section	Amendment	Reason
	Where significant environmental features such as natural landforms, remnant native vegetation,	
	wetlands or natural drainage lines or water courses occur on a development site, they shall be	
	conserved and or enhanced. Subdivision design shall incorporate these elements as much as can	
	practicably be achieved. This may necessitate larger lot sizes in order to maintain these features.	
	Landscape embellishment	
	A condition of Council's subdivision approval will be to carry out landscape treatment of lots and public road reserves with the objective of enhancing vegetation and specifically native vegetation in the locality. The landscape treatment shall be designed to mitigate the: • environmental impact of the development;	
	 visual obtrusiveness of new development and enhance the visual connection of the newly created landscape with any remnant native vegetation in the locality. 	
	Street trees	
	Street tree planting is required where new or existing lots are developed in order to create a consistent theme. Street trees add to the areas character and reduce the visual impact of new development. They have environmental benefits of reducing the impacts of sun in the summer months; reducing global warming and when natives are used providing possible habitat for native fauna.	
	 Important Street Tree principles are: Preserve vistas to and from significant heritage buildings and to rural areas; Reinforce traditional exotic planting themes and prominent gardens where they exist; Retain and enhance significant existing trees and remnant native areas; 	
	 Reinforce the planting themes of the central town or village area. 	
Chapter 8 Si	ite Specific Provisions	

Section	Amen	dment	Reason
Section 8.3	Delete	:	Unecessary clutter.
Marulan			
Estates Urban	Counci	il has put in place a Section 94A levy development contributions plan and a Marulan	
Release Area	Infrast	ructure Contributions Plan.	
	Wilson	Drive urban release area is subject to both of these plans. However with the Infrastructure	
	Contri	butions Plan only the identified works in that plan are to be funded.	
	All oth	er works required in the release area must be fully funded by the relevant developer.	
	1 -	llowing figures identify the public facilities and their location for which contributions will be ed pursuant to S94A Contributions Plan:	
	Figure	8-3-7 – public facilities	
	(a)	George Street landscape works including:	
		(i) street tree planting and road treatment at the southern end;	
		(ii) southern and northern entry features;	
		(iii) post office median strip and adjacent areas;	
		(iv) garden area adjacent to the pedestrian crossing.	
	(b)	Meridian Park development including:	
		(i) picnic facilities, playground equipment, landscaping and off street parking.	
	(c)	Portland Avenue public recreation area development including:	
		(i) sporting fields, access roads and parking area.	
	(d)	Health care and community centre in George Street(completed):	
	(e)	Traffic facilities upgrading including:	
		(i) modification works on the north and south bound lanes of the Hume Highway at	
		the southern "at-grade" intersection with Portland Avenue and George Street	
		roundabout;	
	Figure	8-3-7 – Marulan Infrastructure Contributions Plan public infrastructure utilities including:	
	•	water supply infrastructure;	
	•	sewerage infrastructure;	

Section	Amendment	Reason
	stormwater design infrastructure.	
	The recommended means to satisfy the above requirements is for a mutually agreed planning	
	agreement to be put in place between Council and the developer.	
Section 8.4	Delete:	Inconsistent with other proposed
Charles Valley		amendments and unnecessary
– Long Street	8.4.3 Subdivision	clutter.
Goulburn	Note : Reference chapter 7 of this Plan.	
	Objectives	
	To encourage subdivision layouts that:	
	 allow integration of neighbourhoods between "natural" boundaries or barriers and 	
	connections between the neighbourhoods	
	minimise environmental impact by ensuring subdivision into rural residential lots only occurs	
	on land free of development constraints	
	are based on a hierarchy of roads for the efficient movement of vehicle traffic. Roads will be	
	connective and efficient, giving motorist multiple travel paths. Long cul-de-sacs are unsuitable	
	for efficiency and safety reasons	
	focus open space on the drainage constraints and network	
	 incorporate water sensitive urban design principles into subdivision design 	
	 encourage northern orientation of dwellings for energy efficiency benefits and passive solar access 	
	ensure rural residential lots have a sufficient area to allow for the siting of a dwelling and	
	ancillary buildings (including private open space, vehicle access and parking)	
	provide for protection/enhancement of visually prominent sites/locations	
	protect riparian areas and native vegetation areas	
	 consider existing residential development 	
	Controls	
	8.4.3.1 Subdivision lot size	
	8.4.3.1 Subdivision lot size	

Section	Amendment	Reason
	Minimum lot size, is 2ha. However this minimum will need to take into account the suitability of	
	the site and the infrastructure that will have to be provided.	
	<u>Battle-axe</u> lots are generally not supported. In calculating the area of a <u>battle-axe</u> allotment, the	
	access way, which includes any rights-of-carriageway/access, are to be excluded.	
	8.4.3.2 Lot orientation	
	(a) Solar access	
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses:	
	(i) Align streets east-west and north-south. Aim for north-south streets	
	within 20° west and 30° east of true north and east-west streets within	
	30° south and 20° north.	
	(ii) Allotments on east-west orientated streets need to have greater depth	
	and width to make best use of solar access.	
	(iii) Allotments on south side of street should be sufficient depth so buildings	
	can be set well back to allow north facing rooms to look onto larger front yards.	
	(iv) Allotments on north-south streets to be of sufficient width to allow for	
	private open space on the north side and for houses to be built on the south boundary.	
	(v) Taking into account views and topography, lot orientation and layout	
	should enable the majority of dwellings to be designed so that the main	
	living area receives not less than 4 hours of sunlight per day between 9am	
	and 3 pm.	
	(vi) Regular rectangular shaped allotments maximises siting opportunities	
	and increases potential lot yield.	
	(vii)On sloping sites, north-facing sites improve opportunities for solar access.	
	(b) Passive surveillance	

Section	Amendment	Reason
	 (i) Lots shall face toward public open space areas, vegetation conservation areas and public roads to encourage passive surveillance from dwellings over these public spaces to assist with safety and security. (ii) Where this cannot be achieved open style fencing is required to promote passive surveillance of public open space and public road area with some landscape screening to provide privacy. 	
	8.4.3.3 Bicycle and pedestrian movements Bicycle and pedestrian movements to be addressed in accordance with Council's Bicycle Strategy	
	2007. Cyclists can be integrated into the road network through a combination of on and off road	
	measures together with bike parking at clusters of community and commercial facilities. To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be clearly highlighted with signposting and pavement logos. Engineering works, including signposting and line marking must comply with the appropriate engineering standards.	
	8.4.3.4 Streetscape	
	Existing trees are to be retained where possible and appropriate. Existing trees should be located near boundaries of proposed allotments to avoid conflict with proposed building envelopes (refer Council Policy – Bushfires and Vegetation Controls)	
	Streetscape planting themes are to be developed based on native tree species suitable for the locality and in an urban context.	

Section	Amendment	Reason
	Residential development	
	Objectives	
	To encourage residential development in which: there is a diversity of housing stock and type to meet diverse housing needs dwellings to face public spaces for passive surveillance living areas are orientated to the north for energy efficiency benefits dwelling design and siting respects the privacy of neighbours on site vehicle parking is provided to minimise congestion within the streets garages and fences do not dominate the streetscape there is easy access to community facilities Rainwater tanks are provided to supplement water supply and control stormwater runoff.	
	Controls	
	8.4.4.1 Detached dwellings and "secondary dwellings" (a) Streetscape Dwellings are to face public spaces (roads and open space areas).	
	Dwellings are not to be hidden by high fences.	
	Garages are to be located behind the building facade so that they do not dominate the streetscape.	
	Fences shall be of a design that is sympathetic to the existing semi-rural character of this locality.	
	(b) Height Maximum recommended height is two storeys.	
	(c) Energy efficiency	

Section	Amendment	Reason
	To maximise energy efficiency the internal and external living areas should be located to the north	
	side of the dwelling. Further requirements are specified in clause 4.1.3 of this plan.	
	(d) Privacy	
	Private open spaces and living rooms of adjacent dwellings should be protected from direct	
	overlooking, by:	
	appropriate dwelling layout	
	 use of distance or slope 	
	 screening devices like screen vegetation and courtyard walls 	
	First floor decks, balconies and the like, are not supported where they overlook or have the	
	potential to directly overlook habitable rooms or private open space of adjoining properties.	
	potential to directly overlook habitable rooms of private open space of adjoining properties.	
	Windows of one dwelling should not be located opposite the windows of another dwelling unless	
	direct views are restricted:	
	• off-set windows	
	 use of narrow, translucent or obscured windows 	
	 provide sufficient distance between dwellings 	
	(e) Acoustic privacy	
	Noise generating area of a development (e.g. driveway, air conditioning units, swimming pool	
	areas) should be adequately screened or located away from the bedroom areas to minimise	
	impact on neighbours.	
	Bedroom windows to be a minimum 3m from shared streets, driveways and parking areas of	
	other dwellings.	
	Transmission of noise between adjoining properties should be minimised.	
	Locate active recreation areas (swimming pools, spas, tennis courts, BBQs), driveways, carports,	
	garages and garbage collection areas, pumps and air conditioners, away from bedrooms of	
	adjacent dwellings.	

Section	Amendment	Reason
	Dwellings adjoining and other noise generating land uses should be designed and sited to minimise noise impacts.	
	minimise noise impacts.	
	Locate bedrooms and other noise sensitive rooms away from the road.	
	(f) Parking	
	Provision for a least one covered parking space per dwelling (e.g. carport or garage) and one	
	tandem vehicle space (e.g. driveway area in front of garage or carport). (a) Rainwater tanks	
	A rainwater tank is to be provided per dwelling to supplement water supply and control stormwater runoff.	
	The tank shall have a minimum capacity of 10,000 litres.	
	The rainwater tank supply shall be connected to the hot water service, laundry and toilet facilities with a top up connection into the tank. (h) Water sensitive urban design	
	House design should include water sensitive urban design features such as porous paving, infiltration devices and landscaping.	
Section 8.5	Delete:	Inconsistent with other proposed
Clyde Street		amendments and unnecessary
	8.5.7 Subdivision	clutter.
	Note: Reference chapters 7.4.3 and 7.6 of this Plan.	
	Objectives	
	To encourage subdivision layouts that:	
	 allow integration of neighbourhoods between "natural" boundaries or barriers and connections between the neighbourhoods 	
	 minimise environmental impact by ensuring subdivision into residential lots only occurs on land free of development constraints 	

Section	Amendment	Reason
	 are based on a hierarchy of roads for the efficient movement of vehicle traffic. Roads will be 	
	connective and efficient, giving motorist multiple travel paths. Long cul-de-sacs are unsuitable	
	for efficiency and safety reasons	
	 focus open space on the drainage constraints and network 	
	 incorporate water sensitive urban design principles into subdivision design 	
	 encourage northern orientation of dwellings for energy efficiency benefits and passive solar access 	
	 ensure residential lots have a sufficient area to allow for the siting of a dwelling and ancillary buildings (including private open space, vehicle access and parking) 	
	 residential lots face public areas (including open space areas) for passive surveillance 	
	 provide for protection/enhancement of visually prominent sites/locations 	
	 protect riparian areas and native vegetation areas 	
	 consider existing residential development 	
	Controls	
	8.5.7.1 Subdivision lot size	
	Minimum lot size is 2000m². However this minimum will need to take into account the suitability	
	of the site and the infrastructure provided (refer to clause 7.3 of the LEP 2009).	
	Battle-axe lots are generally not supported. In calculating the area of a battle-axe allotment, the	
	access way, which includes any rights-of-carriageway/access, are to be excluded.	
	Allotments should be able to accommodate a building envelope of 150m² with the minimum	
	dimensions of 10m by 15m, within a 6m front building setback and a 1m side and rear setback	
	and clear of any easements.	
	8.5.7.2 Lot orientation	
	(a) Solar access	
	The following design techniques are to be adopted to maximise opportunities for solar access to	
	allotments and to allow for the consequent design and siting of energy efficient houses:	

Section	Amendment	Reason
	 (i) Align streets east-west and north-south. Aim for north-south streets within 20° west and 30° east of true north and east-west streets within 30° south and 20° north. 	
	(ii) Allotments on east-west orientated streets need to have greater depth and width to make best use of solar access.	
	(iii) Allotments on south side of street should be sufficient depth so buildings can be set well back to allow north facing rooms to look onto larger front yards.	
	(iv) Allotments on north-south streets to be of sufficient width to allow for private open space on the north side and for houses to be built on the south boundary.	
	(v) Taking into account views and topography, lot orientation and layout should enable the majority of dwellings to be designed so that the main living area receives not less than 4 hours of sunlight per day between 9am	
	and 3 pm. (vi) Regular rectangular shaped allotments maximises siting opportunities and increases potential lot yield.	
	(vii) On sloping sites, north-facing sites improve opportunities for solar access. (b) Passive surveillance	
	Lots shall face toward public open space areas, vegetation conservation areas and public roads to encourage passive surveillance from dwellings over these public spaces to assist with safety and security.	
	Where this cannot be achieved open style fencing is required to promote passive surveillance of public open space and public road area with some landscape screening to provide privacy.	
	8.5.7.3 Bicycle and pedestrian movements Bicycle and pedestrian movements to be addressed in accordance with Council's Bicycle Strategy 2007.	
	Cyclists can be integrated into the road network through a combination of on and off road measures together with bike parking at clusters of community and commercial facilities.	

Section	Amendment	Reason
	To encourage cycling as an easy transport alternative, on-road and off-road cycle networks will be	
	clearly highlighted with signposting and pavement logos. Engineering works, including	
	signposting and line marking must comply with the appropriate engineering standards.	
	signposting and line marking must comply with the appropriate engineering standards.	
	8.5.7.4 Streetscape	
	Existing trees are to be retained where possible and appropriate.	
	Existing trees should be located near boundaries of proposed allotments to avoid conflict with	
	proposed building envelopes (refer Council Policy – Bushfires and Vegetation Controls)	
	Streetscape planting themes are to be developed based on native tree species suitable for the	
	locality and in an urban context.	
	ioculty and in an arban context.	
	8.5.8 Residential development	
	Objectives The second of the standard of the	
	To encourage residential development in which:	
	 there is a diversity of housing stock and type to meet diverse housing needs dwellings to face public spaces for passive surveillance 	
	 living areas are orientated to the north for energy efficiency benefits 	
	 dwelling design and siting respects the privacy of neighbours 	
	 on site vehicle parking is provided to minimise congestion within the streets 	
	garages and fences do not dominate the streetscape	
	 there is easy access to community facilities 	
	 rainwater tanks are provided to supplement water supply and control stormwater runoff. 	
	Controls	
	8.5.8.1 Detached dwellings	
	(a) Streetscape	
	Dwellings are to face public spaces (roads and open space areas).	
	Dwellings are not to be hidden by high fences.	

Section	Amendment	Reason
	Garages are to be located behind the building facade so that they do not dominate the	
	streetscape.	
	Fences shall be of a design that is sympathetic to the existing semi-rural character of this locality.	
	(b) Height	
	Maximum recommended height is two storeys.	
	Muximum recommended neight is two storeys.	
	(c) Energy efficiency	
	To maximise energy efficiency the internal and external living areas should be located to the north	
	side of the dwelling. Further requirements are specified in chapter 4 of this plan.	
	(d) <i>Privacy</i>	
	Private open spaces and living rooms of adjacent dwellings should be protected from direct	
	overlooking, by:	
	appropriate dwelling layout	
	use of distance or slope	
	 screening devices like screen vegetation and courtyard walls 	
	First floor decks, balconies and the like, are not supported where they overlook or have the	
	potential to directly overlook habitable rooms or private open space of adjoining properties.	
	Windows of one dwelling should not be located opposite the windows of another dwelling unless	
	direct views are restricted:	
	• off-set windows	
	 use of narrow, translucent or obscured windows 	
	 provide sufficient distance between dwellings 	
	(e) Acoustic privacy	
	Noise generating area of a development (e.g. driveway, air conditioning units, swimming pool	
	areas) should be adequately screened or located away from the bedroom areas to minimise	
	impact on neighbours.	
	Bedroom windows to be a minimum 3m from shared streets, driveways and parking areas of	
	other dwellings.	

Section	Amendment	Reason
	Transmission of noise between adjoining properties should be minimised.	
	Locate active recreation areas (swimming pools, spas, tennis courts, BBQs), driveways, carports, garages and garbage collection areas, pumps and air conditioners, away from bedrooms of	
	adjacent dwellings.	
	and the state of t	
	Dwellings adjoining and other noise generating land uses should be designed and sited to	
	minimise noise impacts.	
	Locate bedrooms and other noise sensitive rooms away from the road.	
	(f) Parking	
	Provision for a least one covered parking space (e.g. carport or garage) and one tandem vehicle	
	space (e.g. driveway area in front of garage or carport).	
	(g) Rainwater tanks	
	A rainwater tank is to be provided to supplement water supply and control stormwater runoff.	
	The tank shall have a minimum capacity of 10,000 litres.	
	The rainwater tank supply shall be connected to the hot water service, laundry and toilet facilities	
	with a top up connection into the tank.	
	(h) Water sensitive urban design	
	House design should include water sensitive urban design features such as porous paving,	
	infiltration devices and landscaping.	
	(i) Dual occupancy and multi dwelling housing accommodation	
	Development and density requirements in the subject R5 Large Lot Residential zone are contained	
	in chapter 4 and also chapter 6 for development in Zone R5, Large Lot Residential	
	···	

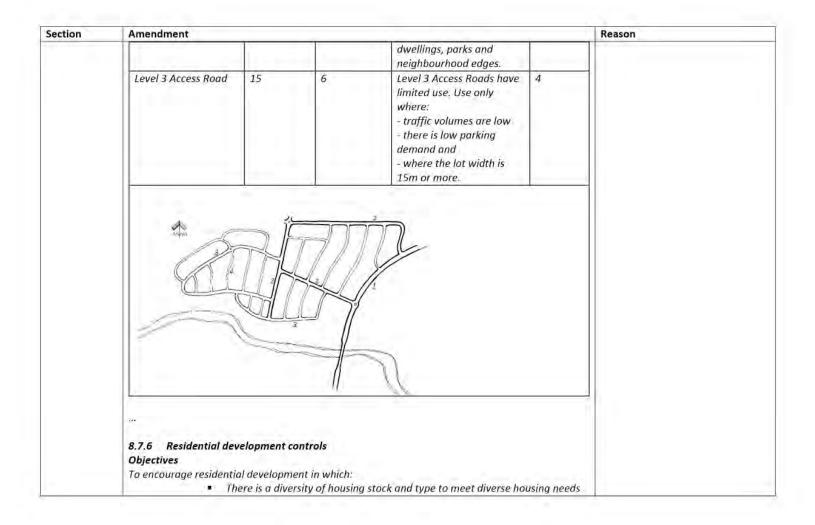
Section	Amendment	Reason
	8.5.8.3 Open space Council's Leisure — Recreation and Social Planning Study identifies that there is sufficient active recreational reserves and sports grounds provided elsewhere in the City, which are adequate to cater for any organised sporting needs from the area. However, identified detention basins can have a dual function to any unidentified active sporting recreation needs if required. The balance of the open space can be satisfied via the passive open space created along the drainage lines along with any neighbourhood park requirements. These areas can also provide for informal active recreation areas.	
Section 8.7 Marys Mount	B.7.4 Subdivision requirements 8.7.4.1 Subdivision lot size (a) Battle-axe lots are generally not supported. In calculating the area of a battle-axe allotment, the access way, which includes any rights-of-carriageway/access, are to be excluded. (b) Allotments should be able to accommodate a building envelope of 150m² with the minimum dimensions of 10 metres by 15 metres, within a 6 metre front building setback and a 1m side and rear setback and clear of any easements.	Inconsistent with other proposed amendments and unnecessary clutter.
	8.7.4.2 Lot orientation a) Solar Access The following design techniques are to be adopted to maximise opportunities for solar access to allotments and to allow for the consequent design and siting of energy efficient houses. i. Align streets east-west and north-south. Aim for north-south streets within 200 west and 300 east of true north and east-west streets within 300 south and 200 north. ii. Allotments on east-west orientated streets need to have greater depth and width to make best use of solar access.	

Section	Amendment		Reason
	iii.	Allotments on the south side of a street should have a sufficient depth so that	
		buildings can be set well back to allow north facing rooms to look onto larger	
		front yards.	
	iv.	Allotments on south-north streets to be of sufficient width to allow for	
		private open space on the north side and for houses to be built on the south	
	.,	boundary.	
	v.	Taking into account views and topography, lot orientation and layout should enable the majority of dwellings to be designed so that the main living area	
		receives not less than 4 hours of sunlight per day between 9am and 3pm.	
	vi.	Regular rectangular shaped allotments maximises site opportunities and	
	· · · · · · · · · · · · · · · · · · ·	increases potential lot yield	
	vii.	On sloping sites, north-facing sites improve the opportunities for solar access.	
		,,,,,	
	b)	Passive Surveillance	
	(i)	Lots shall face toward public open space areas, vegetation conservation	
		areas and public roads. Where this cannot be achieved open style fencing	
		is required to promote passive surveillance of public open space and public	
		road area with some landscape screening to provide privacy.	
	(ii)	Visually contain the carriageway to promote steady, predictable traffic	
		speeds by: • Encouraging hedging or front fences;	
		 Encouraging hedging or front fences; Using upright kerbs; 	
		 Osing upright keros, Provide on-street parking; 	
		Providing wide verges;	
		 Planting street trees at regular spacing within the carriageway or verge; 	
		and	
		Only use narrow streets, when lot frontages are wide (at least 15	
		metres).	
	8.7.4.3 Bicycle and	pedestrian movements	
		ovision for bicycle and pedestrian movements are to be provided throughout	
	, ,	e area.	

Section	Amendment	Reason
	(b) Provide footpaths on both sides of the street. They must be provided in	
l	accordance with Council's Standards for Engineering works.	
l	(c) Cyclists can be integrated into the road network through a combination of on	
l	and off road measures together with bike parking and clusters of community and	
l	commercial facilities (Refer to Council's Bicycle Strategy 2008-2018).	
l	(d) On -road and off-road cycle networks will be clearly highlighted with signposting	
	and pavement logos.	
	(a) Council's Leisure- Recreation and /social Planning Study identifies that there is	
	sufficient active recreational reserves and sports grounds provided elsewhere in	
l	the City.	
l	(b) Goulburn Mulwaree Contributions Plan details community facilities and open	
	space requirements.	
	8.7.5.3 Access roads	
l	(a) Access roads should prioritise pedestrians and cyclists- they should provide a	
l	pleasant environment that encourages walking and social interaction.	
l	(b) Houses on access road corners should address both street frontages.	
	(c) Avoid cul-de-sacs wherever possible. If they are used:	
l	(i) Limit their length so the end point is visible from the access point;	
l	(ii) Provide access to 10 house at the most	
	(iii) Avoid cul-de-sac at activity centres (i.e. near shops) & where they would	
l	limit direct access to transport.	
l	(d) Level 1 Access Roads are roads servicing more than 15 lots and that have direct	
l	access to a collector road are to have a minimum road reserve width of 20	
l	metres and a pavement width of 9 metres, unless the road has:	
	(i) Trees in the verge, a pavement width of 9.6m are required;	
	(ii) With trees in the carriageway + verge, a pavement width of 9.6m is	
	required;	<u> </u>

Section	Amendment	Reason
	(iii) With parking bays, a pavement width of 10.4m is required;	
	(iv) With trees in the carriageway and swales, a pavement width of 9.6m is	
	required.	
	(e) Level 2 Access roads are roads servicing more than 15 lots are to have a	
	minimum road reserve width of 18 metres and a pavement width of 9 metres,	
	unless the road has:	
	(i) Trees in the verge, a pavement width of 9.6m are required;	
	(ii) With trees in the carriageway + verge, a pavement width of 9.6m is	
	required;	
	(iii) With parking bays, a pavement width of 10.4m is required;	
	(iv) With trees in the carriageway and swales, a pavement width of 9.6m is required.	
	(f) Level 3 Access Roads are roads servicing less than 15 lots are to have a minimum road reserve width of 15 metres and a pavement width of 6 metres.	
	8.7.5.4 Intersections	
	(a) Design intersections to reflect street hierarchy.	
	(b) On collector and access roads use four-way intersections where possible.	
	(c) Avoid roundabouts wherever possible by:	
	(i) ensuring the design indicates the presence of the intersection on all approaches; and	
	(ii) using short block lengths (<70metres) on access roads.	
	8.7.5.5 Road hierarchy	
	(a) Figure 8-7-4 & 8-7-5 illustrate the arterial roads, cycle-ways, existing and future collector roads.	
	(b) All developments in the precinct are required to contribute towards the upgrading of collector and arterial roads.	
	Table 8-7-1: Road Hierarchy	

Section	Amendment					Reason	
	Street Type	Road Reserve Width (M)	Carriageway Width (M)	Appropriate Use	Reference		
	Arterial Road	N/A	N/A	Arterial roads are generally used to link and pass through a town or suburban regional/sub regional centres.	Crookwell Road		
	Collector Road - with landscaped buffer	30	10	Collector Roads link neighbourhoods together. They usually carry bus routes within as well as between neighbourhoods.	1 <u>Marys</u> <u>Mount</u> <u>Road</u>		
	Level 1 Access Road - with trees in verge - with trees in the carriageway + verge - with parking bays - with trees in the carriageway + swales	20	9 9.6 9.6 10.4 9.6	Level 1 Access Roads are roads servicing more than 15 lots and that have direct access to a collector road. They the predominant street type within a neighbourhood. They provide access to the dwellings, parks and neighbourhood edges.	2		
	Level 2 Access Road - with trees in verge - with trees in the carriageway + verge - with parking bays - with trees in the carriageway + swales	18	9 9.6 9.6 10.4 9.6	Level 2 Access roads are roads servicing more than 15 lots that do not have direct access to a collector road. They the predominant street type within a neighbourhood. They provide access to the	3		



Item 15.7- Attachment 5

Section	Amendment		Reason
	•	Dwellings to face public spaces for passive surveillance	
	•	Living areas are oriented to the north for energy efficiency benefits	
	•	Dwelling design and siting respects the privacy of neighbours	
	•	On site vehicle parking is provided to minimise congestion within the streets	
	•	Garages and fences do not dominate the streetscape	
	•	There is easy access to community facilities	
	•	Rainwater tanks are provided to supplement water supply and control	
		stormwater runoff	
	8.7.6.3 Detached d	wellings	
	Controls		
		Streetscape	
	i.	Dwellings are to face public spaces (roads and open space areas)	
	ii.	Limit the height of front fences and hedges to 1.2 metres to enable	
		surveillance of the street and to contribute to the streets amenity.	
	iii.	Garages are to be located behind the building façade so that they do not	
		dominate the streetscape.	
	iv.	Rear private open space areas are to be accessible by vehicles.	
	b)	Height	
	<u>(i)</u>	Maximum recommended height is 2 storeys.	
	с)	Energy Efficiency	
	<u>(i)</u>	Internal and external living areas should be located to the north side of the	
		dwelling.	
	<u>(ii)</u>	A BASIX Certificate shall support all approvals for a dwelling.	
	d)	Visual Privacy	
	<u>(i)</u>	Private open spaces and living rooms of adjacent dwellings should be	
		protected by:	
		o appropriate dwelling layout	
		 use of distance or slope 	

Section	Amendment		Reason
		 screening devices like fences, window screens, screen vegetation and courtyard walls 	
	<u>(ii)</u>	First floor decks, balconies and the like are not supported where they	
		overlook or have the potential to directly overlook habitable rooms or private open space.	
	(iii)	Windows of one dwelling should not be located opposite the windows of	
		another dwelling unless direct views are restricted.	
	(iv)	Use of narrow, translucent or obscured windows is encouraged	
	e)	Acoustic Privacy	
	<u>(i)</u>	Noise generating areas of a development (such as a driveway, air	
		conditioning unit or swimming pool areas) should be adequately screened or	
		located away from bedroom areas to minimise impact on neighbours.	
	<u>(ii)</u>	Bedrooms of one dwelling shall not share walls with living rooms or garages	
	,,	of adjacent dwellings.	
	<u>(iii)</u>	Bedroom windows to be a minimum 3 metres from shared streets, driveways	
	(iv)	and parking areas of other dwellings Transmission of noise between adjoining properties should be minimised.	
	(v)	Location of active recreation areas (swimming pools, spas, tennis courts,	
	141	BBQs), driveways, carports, garages and garbage collection areas, pumps	
		and air conditioners should be away from bedrooms of adjacent dwellings.	
	(vi)	Dwellings adjoining Marys Mount Road and other noise generating land uses	
	72-7	should be designed and sited to minimise noise impacts.	
	(vii)	Location of bedrooms and other noise sensitive rooms should be away from	
		the road.	
	f)	Parking	
	<u>(i)</u>	Provision for at least one covered parking space and one tandem vehicle	
		space.	
	g)	Water	

Section	Amendment		Reason
	<u>(i)</u>	Rainwater tanks of a minimum capacity of 10,000 litres shall be connected to the hot water service, laundry and toilet facilities with a top up connection into the tank.	
	<u>(ii)</u>	House design should include water sensitive urban design features such as porous paving, infiltration devices and appropriate landscaping.	
	8.7.7 Other deve	lopment controls	
	(a)	Community Facilities	
	<u>(i)</u>	Community facilities should be clustered, which will assist in promoting	
	<u>(ii)</u>	multi-use trips, reducing traffic impacts and improving accessibility. Community facilities should be located at the periphery of residential neighbourhoods to avoid traffic impact intruding into residential areas.	
	(b)	Schools	
	<u>(i)</u>	No additional school facilities have been identified for the area to serve the estimated population.	
	(c)	Retail Premises & Neighbourhood Shops	
	<u>(i)</u>	Land at corner of Crookwell Road and Marys Mount Road has been zoned 'B1 Neighbourhood Centre'. A wider range of retail uses are permissible in this zone.	
	<u>(ii)</u>	Two appropriate sites for neighbourhood shop development are identified in Figure 8-7-3 - Development Potential.	
	<u>(iii)</u>	Additional neighbourhood shops within the residential zones will only be considered where supported by an economic supply and demand analysis. A proposal should demonstrate consistency with the Draft Centres Design Guidelines (Department of Planning 2011) and any relevant strategy of Council.	
		Council.	