

Goulburn Mulwaree Council

Guidelines: For Proponent Initiated Planning Proposals



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INTRODUCTION

1.1 Introduction

Land use and development activities within Goulburn Mulwaree (GM) are subject to the Local Environmental Plan (LEP). A LEP is a legal document prepared under the Environmental Planning and Assessment Act, 1979 and consists of a written document and maps. A LEP sets out land use zones and specifies standards to control development such as minimum subdivision lot sizes and the maximum height for buildings.

Council has the ability to amend the LEP as the need arises. The ideal situation is to review the whole LEP regularly or major sections of the plan on a programmed basis.

However, Council may undertake less significant, one-off amendments to the LEP where such a change is warranted, via the Planning Proposal (PP) process.

1.2 Purpose

The purpose of these guidelines is to ensure that Council is consistent and transparent in its consideration and management of Planning Proposals (PPs). It provides a framework for all PPs within the City, with a particular focus on the issues associated with proponent initiated PPs.

1.3 What is a Planning Proposal (PP)?

A Planning Proposal (PP) is a document that explains the intended effect of, and justification for, a proposed change to the *Goulburn Mulwaree Local Environmental Plan (GMLEP) 2009*. A PP is the process undertaken to effect a change to the GM LEP 2009 such as a change to a land use zone or rezoning, heritage listing, clauses, maps etc.

An applicant or consultant can prepare a PP and submit it to Council via the NSW Planning Portal (fees apply) and Council may also initiate planning proposals.

However, Council and the NSW Department of Planning, Industry and Environment (DPIE) must endorse a planning proposal for it to take effect.

This Planning Proposal Guideline details how we process Planning Proposals and the type of additional information that may be required.

If you plan to prepare a Planning Proposal (PP), you should:

- consult the Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline*;
- attend a required pre-lodgement meeting with Council's Strategic Planning team; and then,
- Lodge the planning proposal via the NSW Planning Portal (**State requirement from 8 February 2021 onwards**) <https://www.planningportal.nsw.gov.au/ppr> .

Council will issue an invoice for the commencement fee following the lodgement of the Planning Proposal on the NSW Planning Portal.

1.4 Planning Proposal (PP) Process

The following flow chart illustrates the PP process as undertaken by Goulburn Mulwaree Council.

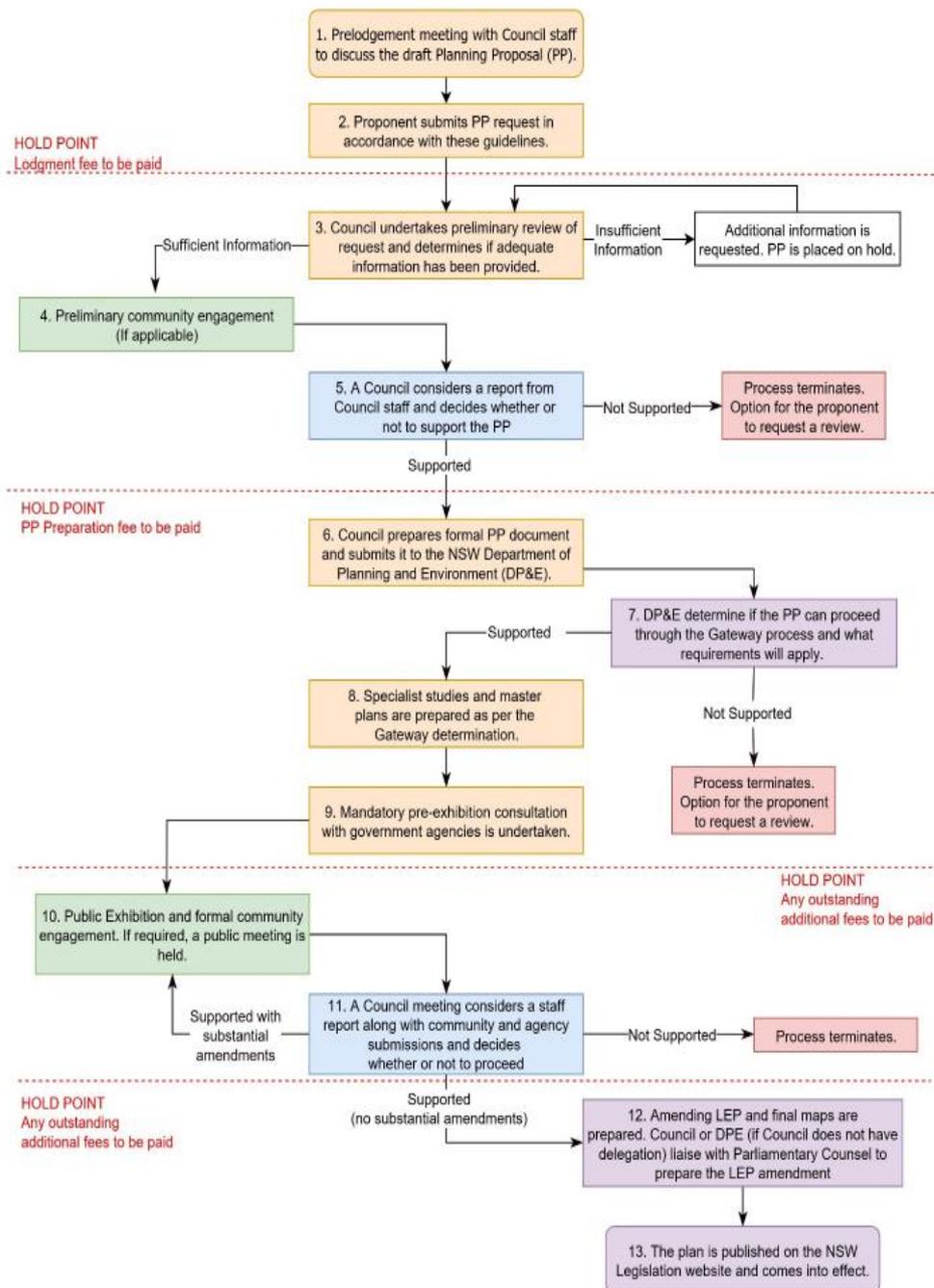


Figure 1: Planning Proposal Process

1.5 Classification of Planning Proposals (PPs)

Planning Proposals (PPs) can vary in size, complexity and purpose, ranging from correcting a mapping or typing error, to rezoning land to create a new urban centre.

Council broadly classifies PPs as either 'minor' or 'major' based on potential impact. This informs community engagement approaches and is used to determine the applicable fees (for proponent-initiated PPs).

PPs are described/defined as follows:

Anomalies and Minor Amendments: (no specialist studies required) e.g. adding or removing a heritage item or other matter not requiring complex assessment. Correction of anomalies in the LEP.

Note - proposals will be combined and processed on a 6 monthly basis (not as individual LEP amendments).

Minor PP: a PP that generally only applies to one (1) lot and less than 1ha of land. Typically no more than one (1) specialist study is required. This includes 'housekeeping' PPs (prepared by Council to address minor anomalies etc.) and other minor impact PPs.

Major PP: a PP that generally applies to more than 1 lot and greater than 1 ha or may require two (2) or more specialist studies are required. Major PPs include:

- Local Impact PP - requires specialist studies that relate only to potential impacts on the locality; and
- Broader Impact PP - requires at least one (1) specialist study to address potential impacts beyond the land directly adjoining the subject land.

Note: any necessary studies not already completed prior to Gateway will be listed on the Gateway determination (if approved) issued by DPIE.

Land Release: a PP which applies to an area greater than 10 ha where a residential, rural residential or industrial zoning is proposed. Major rezoning sought for other land uses on sites larger than 10ha will also be treated as land release applications. Typically multiple specialist studies will be required.

Note: Where it is not clear which category a particular planning proposal fits under, Council will exercise its discretion as to which category applies.

1.6 Fees and Charges

Planning Proposals can vary significantly in scale and scope, accordingly our fees and charges for 20/21 are scaled as follows:

| Fee Name | Amount (GST exclusive) |
|--|-------------------------------|
| Planning Proposal Commencement (covers pre lodgement meetings, assessment and report to Council) Anomalies & Minor Amendments/Minor Planning Proposal Major Planning Proposal /Land Release | \$1,800 \$4,500 |
| Planning Proposal Fee - Anomalies and minor amendments , no specialist studies required) e.g. adding or removing a heritage item or other matter not requiring complex assessment. <i>Note - proposals will be combined and processed on a 6 monthly basis (not as individual LEP amendments).</i> | \$2,100 |
| Planning Proposal Fee – Minor Planning Proposal (1 lot and less than 1ha) <i>Note – does not include specialist studies and public hearings (if required) which are at the cost of the proponent.</i> | \$6,312 |
| Planning Proposal Fee – Major (More than 1 lot and greater than 1 ha) <i>Note – does not include specialist studies and public hearings (if required) which are at the cost of the proponent.</i> | \$22,100 |
| Planning Proposal Fee – Land Release (Area greater than 10 ha where a residential, rural residential or industrial zoning is proposed). <i>Note – does not include specialist studies and public hearings (if required) which are at the cost of the proponent.</i> | \$42,000 |

Table 1 – 20/21 Fees and Charges

The above fees are based upon the preparation of the actual Planning Proposal document being undertaken by Council's Strategic Planning team.

1.7 Ownership of the process

Council owns all Planning Proposals (PPs), including those initiated and funded by proponents.

A proponent may request that Council amend the LEP by lodging a formal PP request and paying the required fees. The PP request must be lodged online via the NSW Planning Portal and accompanied by a PP report or assessment (prepared by suitably qualified professionals). Should Council decide to progress the PP, the process and proposed outcomes will be managed and controlled by Council.

Council will determine the outcomes sought by the PP, taking into consideration relevant factors such as technical studies, input from Government agencies, and community

feedback. The proponent's PP report will be used as a guide for preparing Council's PP, **which may differ depending on what Council is prepared to support** e.g. Council may not seek to increase the height of buildings to the extent sought by a proponent if it considers the requested height to be excessive or out of character with the area.

The proponent is to nominate one contact to liaise with Council during the PP process. The proponent will be updated on the progress of the PP via the nominated contact (as nominated on the NSW Planning Portal when submitted).

The proponent is not entitled to:

- have contact with consultants (if engaged by Council) to prepare technical studies or peer reviews, or to see technical studies etc. prior to them being finalised;
- view staff reports to Council before they are finalised; or
- view the LEP amendment documentation before it is notified in the NSW Government Gazette.

2. ASSESSMENT CRITERIA

2.1 When is a Planning Proposal (PP) likely to be supported by Council?

Planning Proposals must have a strategic context and will generally be assessed on its **strategic relevance/context**, rather than simply addressing a sites' capacity for development.

Council is more likely to support a PP request if:

- The proposed amendment is supported by an adopted/endorsed Council or State Government strategy or plan such as:
 - *South East Tablelands Regional Plan*;
<https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/South-East-and-Tablelands>
 - *GM Local Strategic Planning Statement*
 - *GM Urban and Fringe Housing Strategy*
 - *GM Employment Lands Strategy*
 - *GM Social Sustainability Strategy and Action Plan*

Council Strategies:

<https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-7>

- There is a clear anomaly in the LEP mapping.
- Council is satisfied that the proposed amendment is minor and has sound justification.

PP requests that do not meet the above criteria will generally not be supported by Council.

Before submitting a PP request, the proponent must have:

1. Held a pre-lodgement meeting (which is free of charge) at which sufficient information was provided to enable Council staff to provide preliminary feedback on the proposal. Council will write to the proponent following the pre-lodgement

meeting to provide preliminary feedback on the proposal and list any studies or other information required, including any that would need to be undertaken before submitting a PP request to Council.

2. Prepared a PP report and supporting documentation in accordance with Council's letter (referred to above).

2.2 Commencement of a Planning proposal

A Planning Proposal assessment process will be considered to have commenced by Council upon:

- **Submission of the proposal via the NSW Planning Portal web site (from 8 February 2021);** and
- Payment of a commencement fee; and
- Provision of either a detailed letter outlining the proposal (refer next section) or submission of a full planning proposal prepared in accordance with this policy, Council's template and the Department of Planning, Industry and Environment's [DPIE Local Environmental Plan Making Guideline](#).

Initially Council will need sufficient information to make a recommendation as to whether or not to proceed with a planning proposal as a part of a planning assessment report to Council. In some cases (especially for a minor planning proposal/anomaly) the submission of a fully developed planning proposal at commencement is not recommended, as a letter clearly outlining the proposed LEP change and justification may be sufficient.

For more technical proposals such as for 'Major' or 'Land Release Proposals' greater detail may need to be provided with the initial application and letter to justify the proposal*. It is recommended that site specific technical studies not be undertaken until Council resolves to prepare or not to prepare a planning proposal. Council's assessment will determine additional studies required and flag these in the planning proposal document. The State agency consultation and Gateway determination process will also identify the types of site specific studies required to support the planning proposal.

Notwithstanding the above, a fully developed Planning Proposal with supporting technical studies may be submitted at commencement, however, there is potential through the process that further technical studies may be identified as being required.

***Note- DPIE (Planning) advice dated 1 October regarding reduced timeframes for Planning Proposals.**

2.3 Preparation of proponent led Planning Proposals

As indicated in the Fees and Charges section, the fees include the Council preparation of a Planning Proposal document.

Council Fees and Charges: <https://www.goulburn.nsw.gov.au/Council/Integrated-Planning-Reporting#section-3>

These Guidelines are intended to assist you to achieve a quality PP, based on information and advice provided to Council by the Department of Planning, Industry and Environment (the Department). You are advised to also consult the Department's [DPIE Local Environmental Plan Making Guideline](#).

2.4 Site Specific Studies

Who organises the specialist studies?

- **Council Initiated Planning Proposals**

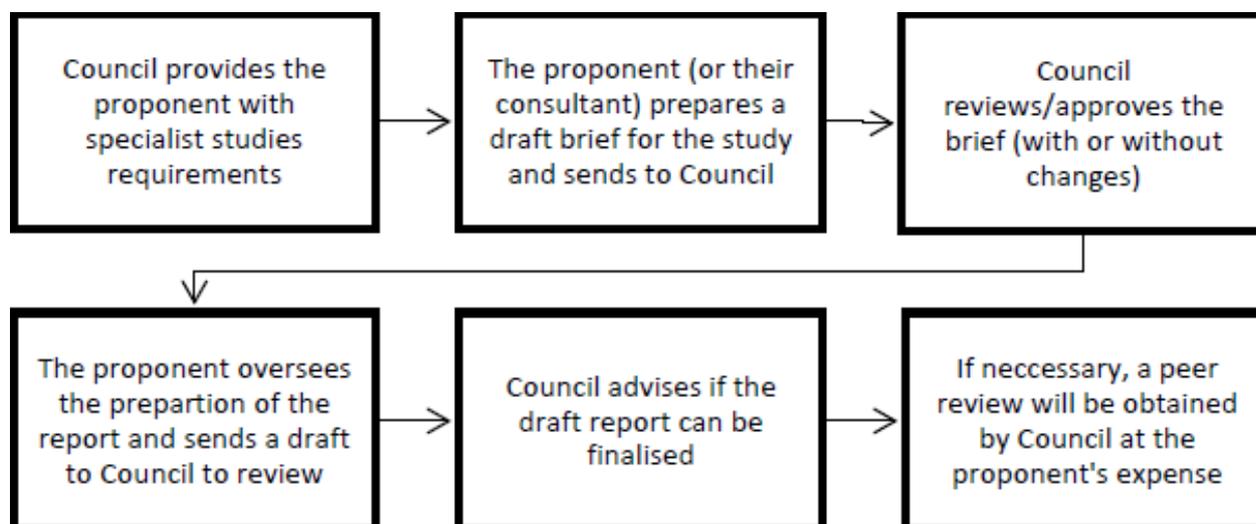
The specialist studies for PP's initiated by Council will be obtained by Council in accordance with Council's standard procurement procedures.

- **Proponent Managed Studies**

The proponent will generally be required to obtain the studies that are needed for a proponent initiated PP. The exceptions to this are:

- a) Studies where there is a significant community interest;
- b) Studies that have a particular significance for Council or have a potential probity issue; or
- c) Studies that are otherwise significant from a public interest perspective.

The process for a proponent managed study is outlined below:-

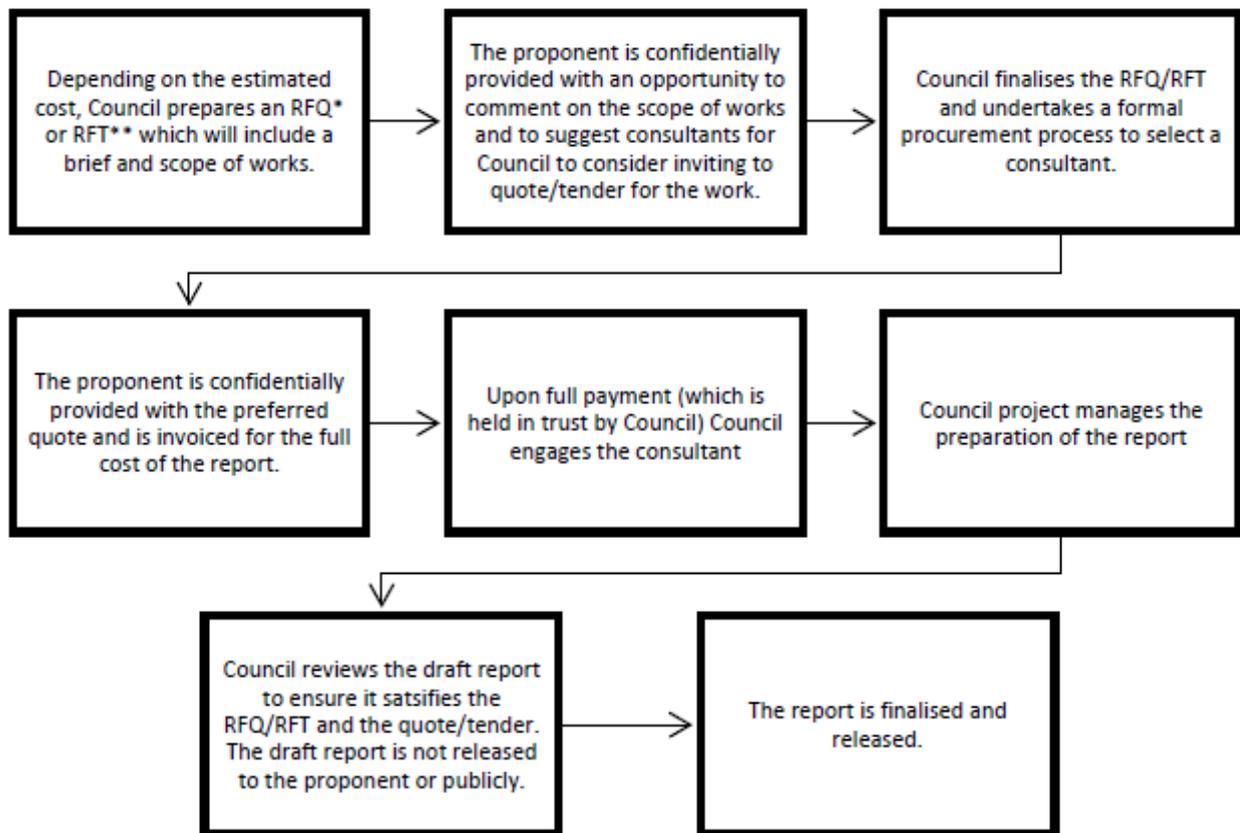


- **Council Managed Studies**

Some studies will need to be project managed by Council, namely:

- a) Studies where there is a particularly significant community interest
- b) Studies that have a particular significance for Council or have a potential probity issue.
- c) Studies that are otherwise significant from a public interest perspective.

The process for a Council managed study is outlined below:



* Request for quote
 ** Request for tender

2.5 Who pays for specialist studies?

The full cost of all studies for proponent initiated PPs is to be met by the proponent. Specialist studies associated with Council initiated PPs are funded by Council except where Council has resolved to do otherwise.

2.6 Threshold Issues

Threshold issues are any issues that need to be addressed in detail to enable Council to make a decision on whether or not the PP request will be supported.

In order to inform future planning and address the s. 9.1 Ministerial Directions under the *Environmental Planning and Assessment Act, 1979*, site specific technical studies may be required. Section 9.1 Ministerial Directions (or known as *Policy Directions for Plan Making*) set out matters to be considered and addressed in Planning Proposals, the key areas identified in the Directions are included in Table 2 below.

State Agencies and Council will follow the considerations set out in the Directions in the assessment process. Justification of a particular matter may require a site specific technical study in order to support decision making.

Site specific studies may be provided at the initial lodgement of a planning proposal application (especially for threshold issues such as flooding, contamination, and biodiversity), however the Gateway Determination process and subsequent consultation with State Agencies may require further studies or refinement of studies to be undertaken.

Section 9.1(2) Directions

Note: Revoked or Non Applicable Directions are struck out.

| | |
|--|---|
| 1. Employment and Resources | 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands |
| 2. Environment and Heritage | 2.1 Environment Protection Zones 2.2 Coastal Management 2.3 Heritage Conservation 2.4 Recreational Vehicle Areas 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs 2.6 Remediation of Contaminated Land |
| 3. Housing, Infrastructure and Urban Development | 3.1 Residential Zones 3.2 Caravan Parks and Manufactured Home Estates 3.3 Home Occupations 3.4 Integrating Land Use and Transport 3.5 Development Near Regulated Airports and Defence Airfields 3.6 Shooting Ranges 3.7 Reduction in Non – Hosted Short Term Rental Accommodation Period |
| 4. Hazard and Risk | 4.1 Acid Sulfate Soils 4.2 Mine Subsidence and Unstable Land 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection |
| 5. Regional Planning | 5.1 Implementation of Regional Strategies (Revoked 17 October 2017) 5.2 Sydney Drinking Water Catchments 5.3 Farmland of State and Regional Significance on the NSW Far North Coast 5.4 Commercial and Retail Development along the Pacific Highway North Coast 5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) 5.6 Sydney to Canberra Corridor (Revoked) 5.7 Central Coast 5.8 Second Sydney Airport: Badgerys Creek (Revoked) 5.9 North West Rail Link Corridor 5.10 Implementation of Regional Plans 5.11 Development of Aboriginal Land Council Land |
| 6. Local Plan Making | 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 6.3 Site Specific Provisions |
| 7. Metropolitan Planning | Not applicable. |

Table 2 – Section 9.1(2) Ministerial Directions (as at 11 February, 2021)

<https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Policy-Directions-for-Plan-Making>

A number of State Environmental Planning Policies also apply to the Goulburn Mulwaree area, for future development to occur, compliance with the applicable policies should be demonstrated in planning proposals.

Note: Site specific technical studies are not funded by Council and are to be prepared by a suitably qualified consultant engaged by the proponent unless specified by Council. In some instances a peer review of the technical study may be required by an independent consultant or State agency. Such peer reviews are also at the proponent's expense.

2.7 Site Specific Studies which may be required

A list of studies typically required in the Goulburn Mulwaree local government area are:

- **Water Quality Impacts**

If a planning proposal is likely to increase water quality impacts (particularly in areas without access to a Council reticulated sewer system), then a preliminary water quality assessment may be required. Goulburn Mulwaree is generally located within the Sydney Drinking Water Catchment (Warragamba and Shoalhaven Catchments) and the provisions of *State Environmental Planning Policy - SEPP (Sydney Drinking Water Catchments) 2011* apply. Water NSW has undertaken Strategic Land and Water Capability Assessments (SLAWCA) to identified areas of various levels of water quality risk for certain types of development. Water quality impacts should refer to SLAWCAS and potentially include water quality modelling (MUSIC Modelling) to demonstrate the potential for the subject area to comply with the SEPP and the neutral or net beneficial effect test.

- **Bushfire**

The majority of the Goulburn Mulwaree Local Government area is identified as bushfire prone land. If a site is identified as bushfire prone land, the NSW Rural Fire Service will be consulted as a part of the planning proposal process.

Ministerial Direction 4.4 – Planning for Bushfire Protection, requires a that a Planning Proposal must:

- (a) have regard to *Planning for Bushfire Protection 2019*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

If a planning proposal involves bushfire prone land and seeks to increase potential for residential development or other sensitive development types e.g. education facilities, child care centres, function centres then a Strategic Bush Fire Study will be required. Future development must be able to comply with the requirements of the NSW Rural Fire Services' *Planning for Bushfire Protection 2019*. Chapter 4 of this document provides specific guidance on strategic planning, planning proposals, development control plans and master plans. A Strategic Bush Fire Study must as a minimum include the components of Table 4.2.1 from *Planning for Bushfire Protection 2019*.

- **Contamination**

A Preliminary Site Investigation (PSI) should be provided for all planning proposals which seek to introduce residential development or other sensitive development types e.g. education facilities, child care centres, function centres, hospitals. Brownfield sites with a potentially contaminating previous use will also require a PSI. Should the PSI recommend further investigation a Detailed Site Investigation (DSI) and potentially a Remediation Action Plan may be required.

Contamination assessments should be undertaken in accordance with the NSW Contaminated Land Planning Guidelines (currently under review by DPIE).

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

- **Aboriginal Cultural Heritage Assessment and Non Aboriginal Heritage Assessment**

Any planning proposals of greenfield sites (as opposed to brownfield sites which are occupied by buildings, car parks etc.) will require an Aboriginal Cultural Heritage Assessment, prepared by a qualified archaeologist and prepared in consultation with the Aboriginal community and Local Aboriginal Land Council.

Ministerial Direction 2.3 Heritage Conservation stipulates that a planning proposal must contain provisions that facilitate to conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

(b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Sites known to contain listed items of environmental heritage may also require a heritage impact assessment to determine the impact of a proposal on the heritage item.

It may occur that through the assessment of a planning proposal a site is found to have potential heritage significance which has not been previously identified. In such cases Council may require a Non Aboriginal Heritage Impact Assessment.

- **Biodiversity**

Ministerial Direction 2.1 Environment Protection Zones, requires that a Planning Proposal (PP) must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

It should be noted that Goulburn Mulwaree LGA is known to have a number of Threatened, Endangered and Critically Endangered Ecological Communities (CEEC) and individual species. For example much of the area located around and within the Goulburn City area is historically derived from the *White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland* (a CEEC in both NSW and under the Commonwealth). The listing includes derived native grassland, so the lack of trees on a site does not necessarily mean that the CEEC is not present. Much of the area is also identified as potential koala habitat, therefore the provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2020* also apply and should be addressed in any assessment.

The *NSW Biodiversity Conservation Act (BC ACT), 2016* sets out the methodology for assessing, protecting and conserving environmentally sensitive areas in relation to biodiversity.

The BC Act applies a hierarchy of principles in relation to biodiversity management being:

1. Avoid
2. Minimise/mitigate
3. Offset.

State Agencies will typically require areas of environmental/biodiversity significance to be identified through appropriate zoning following a Biodiversity Assessment Method process. It is important to understand site capability from a strategic perspective as it is through the strategic or planning proposal phase that the principles of avoidance can best be applied. It is noted that mitigation and offsetting are “fall back positions” only to be used if avoidance is not possible.

The proponent must provide for the long term management of environmental land within the precinct/proposal area at no cost to Council.

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) may also apply and need to be addressed in the assessment. In some instances a referral under this Act may be triggered by a Planning Proposal.

The EPBC Act focuses Australian Government interests on the protection of matters of national environmental significance, with the states and territories having responsibility for matters of state and local significance.

Planning Proposals should identify whether the referral requirements under this Act (and Regulations) are triggered. Furthermore, biodiversity assessments should address this Act also.

Biodiversity Assessment Method (BAM)

In relation to PP’s a BAM may be required to identify the biodiversity impacts of the development of a site where a new and more intense land use is proposed (i.e. greenfield sites identified for residential or rural residential use)*. A BAM may be identified by Council as a requirement or by the relevant State Agency (DPIE – Biodiversity and Conservation) either as a condition of a Gateway approval or in a State agency referral.

**In some instances, the subject area may be obviously totally cultivated (with no fragments of remnant native vegetation) or a previously developed brownfield site. In such cases a preliminary vegetation assessment by a qualified ecologist may satisfy*

that the vegetation does not meet the definition of “native vegetation” as defined by the Local Land Services Act, 2013 (Section 60B). Council’s Environment and Biodiversity Assessment Officer will review these assessments.

The BAM is established for the purpose of assessing certain impacts on threatened species and threatened ecological communities, and their habitats, and the impact on biodiversity values, where required under the *Biodiversity Conservation Act 2016, Local Land Services Act 2013 or the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

The BAM is a scientific document that provides:

- a consistent method for the assessment of biodiversity on a proposed development or major project, or clearing a site
- guidance on how a proponent can avoid and minimise potential biodiversity impacts, and
- the number and class of biodiversity credits that need to be offset to achieve a standard of ‘no net loss’ of biodiversity.

The BAM is supported by the online BAM tool, which allows accredited assessors (typically ecological consultants) to enter field data and determine the number and class of biodiversity credits. The BAM tool will also help with preparation of standardised reports for consent authorities to consider.

An accredited assessor must apply the BAM. The assessor documents the results of the biodiversity assessment in a *Biodiversity Development Assessment Report (BDAR)*.

The BDAR identifies:

- how the proponent proposes to avoid and minimise impacts
- any potential impact that could be characterised as serious and irreversible according to specified principles and
- the offset obligation required to offset the likely biodiversity impacts of the development or clearing proposal, expressed in biodiversity credits.

A proponent must provide the BDAR to the approval authority as part of their PP. A BDAR will be placed on public exhibition with the relevant PP.

Biodiversity Certification

Biodiversity certification is a streamlined biodiversity assessment process for areas of land that are proposed for development. The process identifies areas that can be developed after they are certified and measures to offset the impacts of development. Where land is certified, development may proceed without the usual requirement for site by site assessment. It is particularly suitable to be used where strategic land use planning is proposed or underway.

As biodiversity certification addresses the potential impacts on biodiversity during the early planning of land use change, it encourages planning authorities and landholders to design their development footprint in a way that avoid and minimise impacts on with biodiversity values and protects those areas. This:

- achieves better environmental outcomes compared to site-by-site assessment
- provides upfront certainty to developers and the community about the development potential and conservation outcomes for an area.

A broad range of proposals can access biodiversity certification under the *Biodiversity Conservation Act 2016*. It is available in both urban and rural settings, and both planning

authorities (such as local government, the Department of Planning and Environment and the Greater Sydney Commission) and individuals can seek biodiversity certification.

Two types of biodiversity certification are available:

1. **Standard** - available to both landholders and planning authorities
2. **Strategic** - available only to planning authorities, to support significant regional development and planning processes.

The Minister for the Environment will determine whether to declare a proposal as 'strategic', taking into account criteria set out in the Biodiversity Conservation Regulation 2017. A formal request must be made to the Minister to have an application declared strategic. Information included in the request should be guided by [Request to declare biodiversity certification application as strategic – addressing the criteria \(DOC 31KB\)](#).

- ***Traffic Impact Assessment and Structure Plan***

Under Ministerial Direction 3.4 – Integrating Land Use and Transport, applies when to a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

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

Transport for NSW will generally require a transport and access assessment with recommendations for road hierarchy to be addressed (especially where new land releases are proposed). It is important to understand how new releases will integrate with existing road networks, public transport, pedestrian and cycle ways.

Access to classified roads is limited and will often require a hierarchy assessment for new road networks for planning proposals. This may include the identification of upgrades, location and design of new major intersections and integration with other local roads. It may also be a requirement to include where potential land dedication or acquisition may be required and upgrades to existing collector roads may be required. Issues such as evacuation or access to fire fronts in relation to flooding and bushfire for example may also need to be considered.

- ***Economic Impact Assessment***

Economic Impact Analysis (EIA) is a methodology for evaluating the impacts of a project, program or policy on the economy of a specified region. EIA is useful to show impacts on jobs, income, operating costs, productivity and competitiveness – and their distribution among industries, regions and over time.

Economic impacts of some developments need to be understood in order to gain a comprehensive understanding of the impact of a planning proposal. The scale of the assessment would vary depending on the likely impact from the proposal.

The planning proposal guidelines identify the need to address the economic impact of the proposal.

- **Social Impact Assessment**

There are some occasions where a planning proposal may trigger the need for a social impact assessment. This may be a requirement if there is a potential for significant positive or negative impacts on our society. Such impacts are more likely associated with site specific proposals to allow certain land use activities.

- **Essential Infrastructure Assessment and Structure Plan**

Where land is proposed for urban release such matters as water and sewer servicing need to be considered. The location and staging of releases may need to be in response to the location of existing water
Refer also LEP Part 6 - URA provisions and the need to prove availability of infrastructure.

- **Safety Management Study (Sites in proximity to hazardous industries, storage facilities or infrastructure (i.e. Orica - Marulan, High Pressure Gas Pipeline etc)**

Where rezoning is likely to change a land use in proximity to hazardous infrastructure or a hazardous industry a safety management study will be required. An example of this is where development is proposed in proximity to the high pressure gas pipeline, or Orica site in Marulan.

As an example the following buffers apply to the high pressure gas pipelines:

| | | | | |
|----------------------------|---|---|-----|--|
| High Pressure Gas Pipeline | Moomba – Wilton Natural Gas Pipeline (Pipeline Licence 15): 675m Moomba – Sydney Ethane Pipeline (Pipeline Licence 16): 590m | Either side of the line to child care centres, detention facilities, educational facilities, function centres, health care services, hospitals, tourist and visitor accommodation, places of public worship, residential care facilities, aged care facilities, service stations, retail premises, supermarkets theatres. | N/A | Safety Management Study to address Australian Standard 2885. |
|----------------------------|---|---|-----|--|

Whilst low density residential may be located within the 675m buffer for a gas pipeline, a safety management study will be required. This should be flagged in the PP and the safety management study ideally prepared prior to the zone boundaries and Development Control Plan provisions being determined. This is to ensure that sensitive land uses (typically those uses with higher concentrations of people which are harder to evacuate) are excluded from the buffer and that all other relevant matters in relation to the individual site and context are considered given the proximity of the pipeline.

The Department has also published a number of *Hazardous Industry Advisory Papers* (HIPAPs) and other guidelines such as applying SEPP 33 and Multi-level Risk Assessment have been issued to assist stakeholders in implementing an integrated assessment process. *HIPAP No 4: Risk Criteria for Land Use Safety Planning* and *HIPAP 10: Land Use Safety Planning* should be considered and addressed in any Safety Management Study.

- **Noise or Odour Impact Assessment**

A noise or odour impact study with associated mitigation measures may be required if a sensitive land use such as residential is proposed near significant transport infrastructure (classified roads, freight routes, rail corridors) or an industrial or waste facility. Ideally sensitive land uses such as residential should not be located in proximity to activities which will cause ongoing interface issues or reduce the amenity of residential areas or inhibit the operation of approved and lawful freight/industrial activities.

- **Flood Assessment**

Currently flood studies are limited to the Goulburn City area. Council is currently undertaking overland flow mapping for Goulburn to complement the existing flood study (which is also being reviewed). The absence of flood mapping for areas outside the study is not evidence that there is no flooding. On sites where there is a potential for flooding a site specific flood study may be required to determine the extent of the hazard and suitability of the site factoring in other associated issues such as proposed use and sensitivity to evacuation in a flood event.

- **Visual Impact Assessment**

Planning proposals may initiate substantial changes to the landscape which can be managed from the planning proposal through to the development application. Visual impact will vary depending on the scale/scope of the changes proposed. If visual impact is understood, then mitigation measures can be identified through zoning, landscaping, road design, development control plan provisions etc.

2.8 Coordination of Recommendations from Site Specific Technical Studies

In some instances the recommendations from site specific technical studies will result in conflicting recommendations between studies. This is particularly the case between studies addressing bushfire and biodiversity, where conservation of native vegetation may be desirable but may add to bushfire hazard risk. Project management of the technical studies is critical to ensure that the studies are informed as far as possible by constraints identified in other studies being undertaken. This may mean that before studies are finalised there needs to be some coordination between consultants. **Potentially it may also mean that some studies will need to follow the outcomes of foundational studies i.e. biodiversity assessment may be required prior to the bushfire study.**

3. OTHER SUPPORTING PLANS/AMENDMENTS TO PLANS WHICH MAY BE REQUIRED

3.1 Master Plans – Urban Release Areas

PPs for new land release sites should also result in a Master Plan once the site specific studies have been undertaken. The information and recommendations from the site specific studies should be overlaid on mapping for the release area so that concept level details of road locations, open space, drainage, bushfire asset protection zones can be identified.

In residential areas a hierarchy of lots sizes may be required with a core area designed to facilitate medium density through to peripheral larger lots which may assist with mitigating visual impact and as transition areas to surrounding rural. Where land is nominated for future residential in the *Urban and Fringe Housing Strategy* some planning should be incorporated into future connectivity with neighbouring sites.

Public Open Space: the proponent is to deliver all public open space (including embellishment) required to service the precinct at no cost to Council or government.

If the precinct contains an area identified for public open space to service a wider area (such as district or regional open space) then that land is to be dedicated to Council and embellished to one of the following standards:

- Fully embellished as anticipated by the GMS or its supporting document; or
- Embellished to ensure it is low maintenance until Council is ready to further embellish it.

3.2 Site Specific Development Control Chapter

A Development Control Plan (DCP) is a Council document that supports the Local Environmental Plan (LEP) and provides additional objectives, development controls and guidance. Goulburn Mulwaree DCP 2009 is divided into generic and area specific chapters.

Council will determine the form and place for any DCP controls required to accompany a given PP on a case by case basis, but in general does not wish to see unnecessary site specific DCP chapters that do not achieve substantial planning outcomes.

Generally, site-specific DCP chapters or provisions will only be considered in the following circumstances:

- URAs
- Sites that have been master planned in detail during the PP process
- Sites that have significant constraints that are best managed through a site specific DCP chapter or provisions
- Heritage conservation areas and/or groups of heritage items
- Sites that require detailed urban design controls because of their particular context
- Town and village centres

If the DCP needs to be amended to facilitate the intended outcomes of a PP, it should be identified as early as possible in the PP process. Generally, a DCP amendment (including a new chapter) will be exhibited with the PP.

All amendments are managed by Council. In the case of proponent initiated PPs, fees apply for preparing any supporting DCP amendments in accordance with Council's fees and charges.

3.3 Infrastructure Contributions Plans (ICPs) and Development Servicing Plans (DSPs)

Infrastructure Contributions Plans (ICPs) and Development Servicing Plans (DSPs) are mechanisms under the EP&A Act and Water Management Act, 2000 allowing councils to levy developers for certain types of infrastructure in certain situations. Once adopted, development contributions are compulsory at the development approval stage. ICPs and DSPs are an appropriate means to fund infrastructure in the following circumstances:

- All required infrastructure is able to be levied in a CP or DSP.
- The financial risk to Council is acceptable.
- The ownership of the land is fragmented or the owner(s) are otherwise unwilling to negotiate a planning agreement.

If an ICP or an ICP amendment is proposed, it should be identified as early as possible in the PP process.

Generally, an ICP or DSP will be exhibited with the PP.

3.4 Planning Agreements

Planning Agreements or Voluntary Planning Agreements (VPAs) are an agreement between a public authority and a landowner. A VPA must provide for a “material public benefit” (MPB). The definition of a MPB is broad and can include items that are not able to be levied under a ICP. A VPA can exclude the application of the ICP if this is appropriate.

A VPA is generally preferable to a ICP in that it offers more flexibility to Council and the landowners. A VPA is, however, a voluntary agreement. Consequently, this mechanism can only be used where all landowners involved and the Council are willing to sign off on the agreement.

VPAs must be prepared in accordance with Council’s policy on Voluntary Planning Agreements which can be found on Council’s web site.

The cost of VPA preparation is to be borne by the proponent in accordance with Council’s fees and charges.

If a VPA is proposed it should be identified as early as possible in the PP process. Generally, a VPA will be exhibited with the PP.

4. COMMUNITY ENGAGEMENT

4.1 Engagement Methods

All PPs approved at the Gateway stage must be publicly exhibited for a minimum period specified by DPIE in the Gateway determination. Feedback received during this formal exhibition period will inform Council’s decision on whether to finalise the PP, with or without any changes. In terms of preliminary/informal consultation, Council also notifies relevant stakeholders prior to public exhibition, and where appropriate, provides opportunities for community input. For example, Council writes to directly affected (i.e. adjoining) landowners upon receiving proponent-initiated PPs prior to the matter being reported to Council for initial consideration.

The following table lists the types of community engagement methods used for the different PP classifications, prior to, and during the formal public exhibition phase.

4.2 Council Meetings (All Planning Proposals)

Council will notify the relevant stakeholders prior to a PP being considered at a meeting of Council (including a committee that has delegation to make decisions on Council's behalf). Relevant stakeholders include:

- Owner(s) of the subject land OR the proponent
- Relevant State agencies (where requested)
- Anyone who has made a submission on the PP (whether or not that submission was received in a submission period)
- Anyone who has requested to be notified of the PP after its lodgement with Council

***Note:** Due to limitations imposed by Council processes and timeframes, it is generally not possible to provide more than 5 days' notice. The notification will include details of the meeting time and place, and information on how to register to make a deputation to the meeting.*

5. RISKS INVOLVED IN LODGING A PLANNING PROPOSAL

Council gives no undertaking that the processing of a PP will result in the requested amendment to the LEP occurring. It is possible that all steps in the process can be completed and an amendment be declined by Council or by the Minister for Planning, Industry and Environment. There is no **merit-based** court appeal avenue available in NSW where an LEP amendment is declined or processing is ceased. However, proponents can request an independent review of decisions through the local Southern Joint Regional Planning Panel if Council has decided not to support the PP or failed to respond to the PP within 90 days of the lodgement of all required information.

Council can request that the Minister terminates a PP at any point of the process including after all investigations, analysis and community engagement has been completed.

Council may process LEP amendment requests in the order it sees fit. Time of lodgement does not determine the priority for processing and progressing of an amendment. The timeframe stated on a Gateway determination for completion of a PP can be extended. Council may seek an extension of time if for example, the PP is delayed due to resourcing issues or a change in priorities.

It is important that proponents liaise with Council prior to preparing any technical studies. Council may decline to accept proponent's technical studies where they are considered inadequate, or may require an independent peer review of studies at the proponent's cost.

Costs associated with the PP process are to be paid by the proponent. The cost of any investigations commissioned by Council (at any phase) are to be paid by the proponent prior to commencement. These costs are not refundable should the PP process be terminated for any reason.

6. WHO SHOULD I CONTACT FOR MORE INFORMATION?

Please contact Council's Strategic Planning Section on (02) 4823 4444. All proponents are encouraged to liaise with Council on the PP as soon as possible in the concept and preliminary design phase.

The Department of Planning, Industry and Environment's Guideline on preparing PPs can be viewed on their website: www.planning.nsw.gov.au.