

# Planning Proposal

407 & 457 Crookwell Road, Kingsdale



Amendment to Goulburn Mulwaree Local Environmental Plan 2009

Prepared for Ironstone Property Group

Submitted to Goulburn-Mulwaree Regional Council

February 2023



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# Part A – Overview

## 1. Introduction

This Planning Proposal has been prepared by Eight Mile Planning on behalf of Ironstone Property Group Pty Ltd (IPG) to support changes to the *Goulburn-Mulwaree Local Environmental Plan 2009 (GMLEP)*. The report has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and having regard to the *Local Environmental Plan Making Guidelines* (LEP Guidelines) prepared by the Department of Planning, Industry and Environment (DPE).

This Planning Proposal has been prepared following consultation with Goulburn-Mulwaree Regional Council (Council) to support the implementation of the Urban and Fringe Housing Strategy (UFHS) adopted by Council 20 July 2020.

The proposal relates to land known as:

- » 407 Crookwell Road, Kingsdale – Lot 70 and Lot 77 DP 1006688 (40 ha)
- » 457 Crookwell Road, Kingsdale – Lot 73 DP 1006688 (9.67 ha)

The proposed amendments to the GMLEP are based on a concept subdivision plan. It is intended to proceed to a subdivision application concurrent with the Planning Proposal under *Division 3.5 Planning instrument amendments and development applications* of the EP&A Act.

The following section of the EP&A Act has been considered:

*3.39 Making and consideration of certain development applications (cf previous s 72J)*

*Nothing in this Act prevents—*

*(a) the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or*

*(b) the consideration by a consent authority of such a development application, subject to this Division.*

It is intended that a Development Application (DA) for the subdivision will be lodged subject to support of Council and a favourable Gateway Determination. This will enable any refinement of the zone boundaries with the draft detailed subdivision plans.

The objectives and intended outcomes are outlined in *Part B The Planning Proposal*.

The Planning Proposal will:

- » Amend density controls in respect of land known as 407 and 457 Crookwell Road, Kingsdale from RU6 Transition to R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation.
- » Amend the Minimum Lot Size (MLS) applicable to from site from 10 ha to a MLS of 700m<sup>2</sup> applicable to the R2 zoned land and 3500 m<sup>2</sup> and 2ha for the R5 zoned land. The proposed RE1 zone will not have a MLS.

Having regard to the LEP Guidelines the proposal would be characterised as a 'Standard' Planning Proposal, in so far as it is consistent with an endorsed District/Regional Plan and/or LSPS.

### Standard

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

The UFHS includes a strategic approach to zoning which is intended to guide the preparation and consideration of planning proposals consistent with the strategy.

### Strategic approach to zoning

- » encourages higher density residential development closer to the Goulburn CBD
- » relies on the already zoned land to continue to deliver infill and medium density housing in suitable locations
- » Zone boundaries are not nominated in this Strategy in recognition that detailed site analysis through a Planning Proposal process is required
- » Council will consider zoning land for Public Recreation and Environmental Conservation on a case by case basis
- » Lots will generally be zoned with a 700sqm Minimum Lot Size in areas that are serviceable
- » Large lots will be strictly limited to areas that cannot be feasibly serviced at any point in the lifetime of the Strategy
- » Planning proposals for urban release areas which maximise the use of existing hard infrastructure will be prioritised. Planning proposals for sites which require extension of services beyond other green field sites will not be supported

## 1.1 Supporting documents

The Planning Proposal is supported by a number of plans and technical documents. In some instances, the preparation of supporting documents has been such as to provide also provide sufficient detail that they would be generally suitable for the subsequent DA that will follow.



**Document**

Appendix A - Site Plans and Proposal Layout

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Appendix B - Aboriginal Cultural Heritage Assessment Report

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Appendix C – BDAR

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Appendix D- Biophysical Strategic Agricultural Land Verification Assessment

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Appendix E – Contamination

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Appendix F - SMS Validation Workshop and Plan

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Appendix G – Water Cycle Management Study

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Appendix H – Traffic Assessment

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Appendix I – Strategic Bush Fire Study

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Appendix J - Landscape Plan

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## 2. Proposal

The Planning Proposal is seeking to enable the development of the site for 265 standard residential lots and 10 large residential lots and associated open space. The yield has been determined having regard to the constraints and opportunities of the site. A general arrangement has designed to accommodate topography, site drainage, significant vegetation, BSAL assessment and to avoid development over the gas pipeline through the north of the site. It is intended that the subdivision layout will be used to guide the delimitation of the zone and minimum lot size boundaries.

## 3. Site Description

The site has an area of 49.67 ha on the western side of Crookwell Road, approximately 5 km north of Goulburn town centre (**Figure 3.1** below). The land has historically been used for grazing. A chronology of land use has been provided in the *Aboriginal Cultural Heritage Assessment Report* (ACHAR) (refer **Appendix B**). The site is located within the area investigated under the UFHS as an investigation area (G4 Sooley) suitable for urban development.

Figure 3.1 Subject Site



Source: Six Maps 2023.

The site topography is characterized by crests, side slopes and three water courses. The dominant slope is between 5-16% with steeper topography associated with rocky outcrops. Crookwell Road, which is a Transport for NSW controlled road, runs along the eastern boundary of the site and Chinamans Lane, a local road running along the southern boundary.

There are three catchments across the site as identified on *T02104-SK-103 Topography Plan* (**Appendix A**) namely a southern catchment that falls to the southwest, a central catchment that falls to a watercourse that enters the site from the north near Crookwell Road and a north-western catchment that falls to another watercourse that also enters the site from the north near the western boundary.

There are three watercourses that traverse the site, two entering from the north and another that enters the site from Crookwell Road. The southern and central watercourse would be defined as First Order streams whilst the western watercourse would be defined as a Second Order stream. There are four dams located within the site associated with these watercourses. All three watercourses drain into the Wollondilly River which is located approximately 800 m from the southern boundary of the site.

### 3.1 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) (**Appendix B**) has been prepared to support the Planning Proposal and subsequent DA for subdivision of the site (to be lodged following preliminary support of the Planning Proposal).



A comprehensive assessment of the site uncovered primary flaking debris near a mechanically excavated chert geological source which was subsequently registered on the AHIMS database (Impacted Chert Bedrock, AHIMS no. 51-6-0915). The site falls within one of the areas identified as open space in the concept plan and proposed to be zoned RE1.

For the purpose of the Planning Proposal, the ACHAR determined that the site has been impacted and is characterised as disturbed land under clause 80B relating to section 87(4) of the *National Parks and Wildlife Act, 1974*. The site is considered to have low archaeological potential to contain Aboriginal sites and objects.

## 3.2 Biodiversity

A Biodiversity Development Assessment Report (BDAR) has been undertaken to support the Planning Proposal. The assessment considered the impact of the proposal and the future subdivision of the site for residential purposes.

No part of the subject land is included on the Biodiversity Values Map. The BOS area of clearing threshold is 0.5ha. The masterplan would directly impact upon approximately 12.1ha of native vegetation (noting that 11.4ha of this area comprises low quality grassland with a vegetation integrity score below the offset threshold). Development in accordance with the masterplan would, therefore, exceed the BOS area threshold.

A biodiversity constraints study was carried out across the subject property prior to development of the masterplan (Hayes Env, Feb 2022). The findings of the study were provided to Council and discussed with Council's biodiversity officer during a pre-lodgement meeting for the project in March 2022, and a general agreement made on the avoid and minimise strategy.

The avoid and minimise strategy was subsequently forwarded to the Department of Planning and Environment (DPE) Regional Biodiversity and Conservation Division (BCD) for comment. The BCD responded in April 2022 with advice that they were broadly supportive of the strategy. The BCD recommended formal protection of avoided areas through conditions of consent, conservation covenant or other legal instrument.

The masterplan was designed to avoid and minimise impacts on biodiversity in accordance with the strategy and the advice of Council and the BCD.

A Preliminary Biodiversity Development Assessment Report (BDAR) has been prepared by Hayes Environmental (Feb 2023) to assess the impacts and calculate the offset liability for residual impacts of development in accordance with the masterplan. The preliminary assessment has not been finalised and submitted through the BOAMs portal.

The BDAR records the presence of one plant community type on the property – PCT 1330. This PCT is part of the threatened Box-Gum woodland listed under the BC Act. The vegetation does not meet the condition criteria for listing of the equivalent community under the EPBC Act. The community is at risk of SAIL.

Two threatened fauna species are assumed present due to insufficient survey to demonstrate absence at this time – the Koala, and Key’s Matchstick Grasshopper. Neither species is considered likely to use the property. Neither species are at risk of SAIL.

The preliminary offset liability would be:

- » PCT 1330 – 8 ecosystem credits;
- » Key’s Matchstick Grasshopper *Keyacris scurra* – 59 species credits;
- » Koala – *Phascolarctos cinereus* – 7 species credits.

The BDAR is attached at **Appendix C**.

### 3.3 Biophysical Strategic Agricultural Land

A key site constraint identified in the UFHS is an area of Biophysical Strategic Agricultural Land (BSAL) mapped through the site. BSAL land with high quality soil and water resources capable of sustaining high levels of productivity. The BSAL mapping was undertaken in 2013 and 2014 across the state at a regional scale. It is generally triggered and associated by mine and petroleum development and if present, needs to be validated as part of the development assessment process.

A site verification process has been developed under the *State Environmental Planning Policy (Resources and Energy) 2021* (which encompasses the previous Mining SEPP). A Verification Assessment has been undertaken by SLR (**Appendix D**). The assessment concludes that the site does not contain BSAL.

The implication of the outcome of the Validation Assessment is that it is reasonable to assume that land otherwise unconstrained in mapping associated with the UFHS can now be considered for urban development. The outcome of the assessment has therefore informed the layout of the site for residential development.

### 3.4 Bushfire

A Strategic Bush Fire Study has been undertaken by Sowdes. The report provides an independent assessment of the proposed rezoning of the site and suitability for future residential development with regard to protection of life and property, the potential impact on services and infrastructure within bush fire prone areas. The report follows the relevant guidelines and information requirements from Chapter 4 ‘Strategic Planning’, and Chapter 5 ‘Residential and Rural Residential Subdivisions’ of the NSW RFS’s publication “Planning for Bush Fire Protection” (2019) (PBP). The submission of a Strategic Bush Fire Study to the NSW Rural Fire Service for assessment of the land rezoning proposal also satisfies the Ministerial Directions obligations under the Section 9.1 of the Environmental Planning and Assessment Act (1979) – Direction 4.4 Planning for Bush Fire Protection.

The report concludes that the development outcome anticipated by the rezoning of the site will generally be able to satisfy the requirements of Planning for Bush Fire protection (2019), in particular the 'acceptable solutions', 'performance requirements' and 'specific objectives'

contained in Chapter 5 of the publication. It is further considered that each of the newly created Lots associated with a future subdivision of the land will be able to support a complying development for residential developments undertaken in bush fire prone land in accordance with Chapter 7 – ‘Residential Infill Development’ of Planning for Bush Fire Protection (2019) if deemed necessary at the time of lodging a formal development application to Council.

The Strategic Bush Fire Study is **Appendix I**.

## 3.5 Contamination

A Detailed Site Investigation was undertaken by CSH Consulting Pty Ltd (**Appendix E**) which identified potential contamination at two locations:

- » PAEC01 -House and garage
- » PAEC06 – sheds

The potential for contamination across the balance of the site was found to be low. The Remedial Action Plan for the removal of the contaminants will render the site suitable for residential use.

The proposed development includes a mixture of predominantly lots of a minimum 700m<sup>2</sup> with larger semi-rural lots located along the northern and north-western boundaries.

## 3.6 Pipeline

There is a gas pipeline operated by APA traversing the norther portion of the site. Following initial discussion with Council and APA, a Safety Management Study Workshop was undertaken on 6 September 2022. The objective of the workshop was to consider the future development of the site in the context of the safety and on-going risks associated with the pipeline. It is noted the Planning Proposal will not authorise any works. Further, there are a range of permissible uses under the current RU6 Transition zone that pose a potential risk to the pipeline infrastructure.

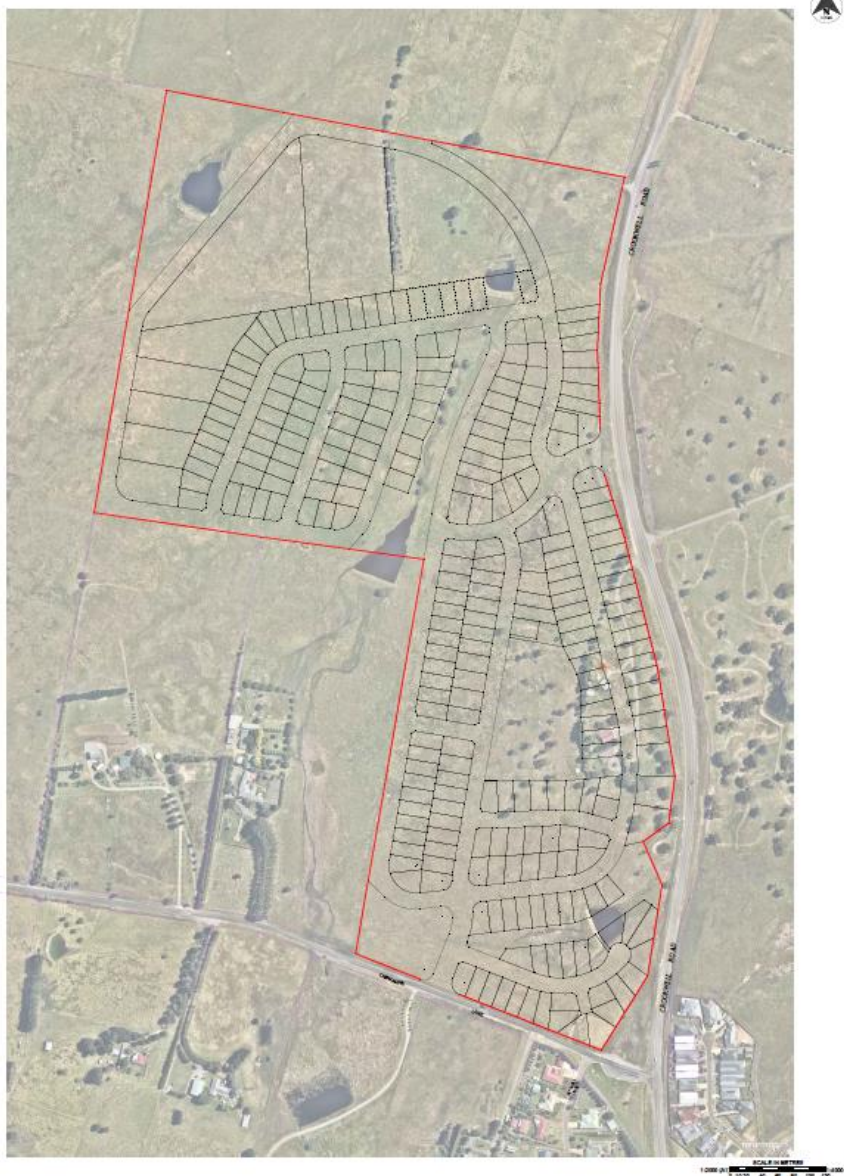
Following the Workshop, the design was amended to reduce the number of lots that could be created along the pipeline route. An initial suggestion to incorporate the pipeline corridor into an open space zone was considered found not the achieve the risk objectives due to the number of potential people and activities that would be attracted to the corridor were this to be the case. The pipeline will be protected by an easement and development adjacent to the corridor will be prohibited by the restriction on Title.

A SMS Action Plan and Threat Register were also produced for the site. These documents area attached (**Appendix F**) and will need to be considered in the future subdivision DA and any subsequent subdivision works approval and built form DAs.

## 4. Design and Layout

The Planning Proposal is supported by plans to demonstrate yield based on as engineering assessment. An overview is provided below. Further detail will be provided in DA for the subdivision.

Figure 4.1 Subject Site -Layout



Source: SRLE, Refer Appendix A.

### 4.1 General arrangement

The site is accessed by proposed roundabouts from Crookwell Road and Chinamans Lane shown in the *Goulburn Mulwaree Local Infrastructure Contributions Plan 2021*.

Figure 4.2 Proposed General Arrangement



Source: SRLE, Refer Appendix A.

The layout has been arranged to comply with Council's Development Control Plan (DCP) requirement for the urban lots to be within 400m walking distance of public open space. The proposed road hierarchy is capable of supporting a new bus route within 400m walking distance of all the urban lots using both entrance roads and which would follow a route defined by roads 5, 4, 12, 13 and 11.



## Roads

The road design widths applied to the current layout comply with Council's current requirements. There is a Road Width Schedule shown on drawing *T02104-SK-101 Road and Lot Layout (Appendix A)*. The urban road widths are a minimum 20m wide with the exception of Road No.3 which is 15m wide as it only serves four lots for a potential yield of eight lots. Further detail as to the road design will be included in the DA for subdivision.

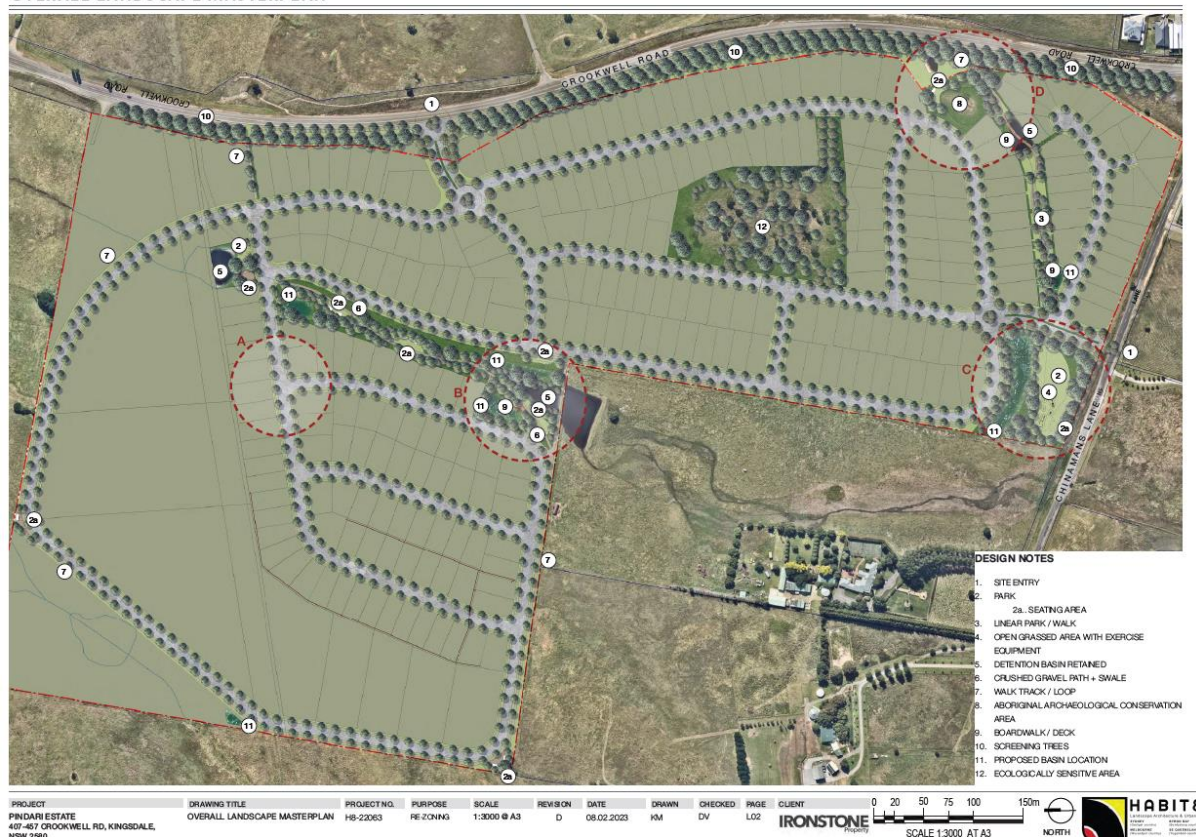
The plans show a potential yield of 265 'standard lots' with a minimum area of 700m<sup>2</sup>, 5 lots numbered 1001 to 1005 with a minimum area of 2Ha and 5 lots numbered 1006 to 1010 with a minimum area of between 3910.8 m<sup>2</sup> and 6640.1m<sup>2</sup>. The area of standard lots located within the steeper topography has been increased to a minimum of 900m<sup>2</sup> to allow for any additional earthworks relating to future dwellings within those lots.

## Landscape Plan and Public Open Space

The proposal is supported by a Landscape Plan (refer **Appendix J**) prepared by Habit8. The Landscape Plan incorporates the areas of remnant vegetation proposed to be retained into an open space network. The open space network is proposed to be zoned Public Recreation and dedicated as public land.

Figure 4.3 Landscape Plan

### OVERALL LANDSCAPE MASTERPLAN



Source: Habit8 Appendix J

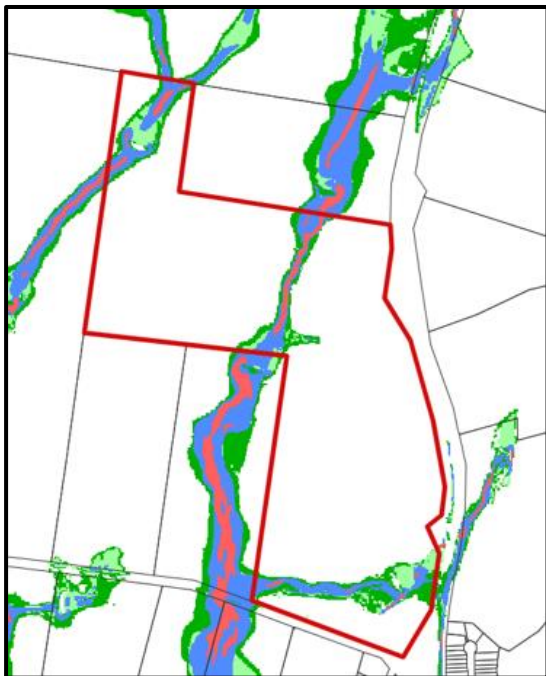
The mechanism for the dedication of land is typically via a Planning Agreement. It is intended that the Planning Agreement, terms and value of the offer will be negotiated concurrently with the Planning Proposal with the area to be aligned to the final layout provided in the subdivision application.

## Stormwater Drainage

The extent of the flooding shown on Council's Inundation map has been considered in the design and layout. Detail will be provided in the development application for subdivision, however, it is noted that:

- » The western watercourse will be located within just the one Lot No.1005 which has a minimum area of 2Ha. *T02104-SK-103 Topography* drawing shows the minimum 20m setback required for any Effluent Management Area.
- » The remaining area of the lot is approximately 5,700m<sup>2</sup> which is also located above the 1%AEP event which is sufficient area for both a dwelling and an Effluent Management Area.
- » The central watercourse as currently shown would impact upon approximately six standard lots and earthworks will be required the manager drainage.

Figure 4.4 Proposed General Arrangement



Source: Extract from Council's Inundation map

## Treatment of Stormwater Runoff

SEEC has prepared a preliminary Water Cycle Management Study (**Appendix G**) to achieve a Neutral or Beneficial Effect of the stormwater runoff. This includes both water quality and volume. *T02104-SK-104 Drainage Plan* includes the location of the basins as identified in the study which reflect the areas and Onsite Detention volumes.

## Proposed Sewerage and Treatment Systems

The site cannot be connected by gravity to an existing reticulation sewerage system. It is intended that a Sewerage Pump Station (SPS) be located as indicated on *T02104-SK-105 Sewer Layout* within both the southern and central catchments and are identified as SPS No.1 and SPS No.2. All of the standard lots will be serviced by a sewerage reticulation system which will drain by gravity to the two Sewerage Pump Stations.

The proposed sewerage pipe to service proposed lots numbered 237 to 254 is also shown on *T02104-SK-105 Sewer Layout*. The pipeline will pass through a low point within the ridgeline through lots 239 and 229 and will require a maximum depth of approximately 2.8m before eventually connecting to SPS No.2.

The large lots 1006 to 1010 will be able to pump flows into access chambers to the sewer pipe along the rear of lots 238 to 246.

Council undertook an analysis of the existing sewerage system and advised that the infrastructure required to service the development would include:

- » A Sewer Pumping Station with a 1.8 m well with pumps capable of delivering 25L/s @ 17m
- » 425 m of DN150 rising main from the SPS to the high point on Crookwell Road
- » 235 m of DN225 gravity main from the rising main discharge point to MH 04467
- » 520 m of DN225 parallel to existing DN225 from MH 04467 to MH 02704

On site effluent management can be accommodated on the 2ha lots (1001-1005) with sub-surface irrigation and offset to water courses..

## 4.2 Utility Services

### Water Supply

Council also undertook an analysis of the existing water supply system and advised the following; “It was assumed that the new development will connect to the DN200 on Crookwell Rd (located near the intersection of Marys Mount Road). The minimum pressure experienced by the development was 20.9 m. A fire flow scenario was also simulated at the proposed development area. A flow of 20 L/s was applied over the evening diurnal peak during a peak day. The system has sufficient capacity for the additional flow and the fire flow applied to the network had minimal effect on modelled customer pressures, only lowering simulated pressure to 18.9 m.”

## Electrical

There is an existing overhead 33Kv electrical service that traverses the site from south to north. It is expected that this will require relocation either to be located within the Crookwell Road reserve or within the proposed road network for the development. It is expected that this service can be used to supply a series of padmount transformers to serve the proposed development.

## Telecommunications

There are existing telecommunication services within Crookwell Road and Chinamans Lane. It is expected that these existing services can be extended to service the proposed development.

## Gas

There is an existing 32 NY gas service that terminates at the intersection of Chinamans Lane and Mitchell Lane. It is expected that this existing service can be extended to service the proposed development.

## 4.3 Traffic

A traffic assessment has been undertaken by Positive Traffic to review the potential traffic impacts of the rezoning of the site to accommodate residential development. The assessment has been based on a proposed yield of 275 lots and the general arrangement prepared by SRLE to support the proposal.

The Traffic Assessment is attached in **Appendix F** and concludes that the traffic impacts likely to be associated with the development facilitated by the rezoning of the site, are acceptable:

1. The potential traffic generation of the development would not impact on the surrounding road network to a point of detriment.
2. Intersections in the immediate vicinity of the development would operate at a satisfactory level of service in the future at full development without any need for capacity improvements.
3. All proposed internal roads comply with the minimum requirements of Goulburn Council Engineering Standards.
4. Consideration should be given to extending the existing 60km/hr speed zone in Crookwell Road at Chinamans Lane to the northern boundary of the site to better reflect the residential environment of Crookwell Road in the future.

## 5. Strategic Planning Context

### 5.1 South East and Tablelands Regional Plan

*The South East and Tablelands Regional Plan 2036* provides a 20 year blueprint for the future of the region. The vision for the region will be delivered through 4 goals to create:

- » Goal 1      A connected and prosperous economy
- » Goal 2      A diverse environment interconnected by biodiversity corridors
- » Goal 3      Healthy and connected communities
- » Goal 4      Environmentally sustainable housing choices

These goals are proposed to be met through various directions under the South East and Tablelands Regional Plan. The relevant directions are outlined in the following table.

Direction	Comment
Direction 22 Build socially inclusive, safe and healthy communities	<p>The direction refers to the design and location of neighbourhoods in that neighbourhoods and centres will be environmentally sustainable, socially inclusive, easy to access, healthy and safe.</p> <p>The Planning Proposal support to continued delivery of the neighbourhood through consistency and alignment with the UFHS.</p>
Direction 25 Focus housing growth in locations that maximise infrastructure and services	<p>The Planning Proposal will continue to allow for the most efficient delivery of housing by ensuring that the statutory planning controls are aligned with the UFHS providing a mix of lot sizes compatible with constraints and the objectives of zoning of land outlined in the UFHS.</p>

The Regional Plan is currently under review. The Planning Proposal is considered to be consistent with the *Draft South East and Tablelands Regional Plan 2041*.

### 5.2 Local Strategic Planning Statement

*Towards 2040*, the Goulburn-Mulwaree Strategic Planning Statement (LSPS) works alongside the Community Strategic Plan to set out the community's long-term vision and aspirations for all Council's planning activities.



The LSPS is the strategic land-use planning roadmap for the future and provides the framework for land-use needs over the next 20 years. It sets out the long-term vision and aspirations for the community and is Council's key strategic land-use planning document. The LSPS articulates the long term planning priorities and how these will be achieved.

The following planning priorities are considered as relevant to the Planning Proposal:

### **Planning Priority 1 - Infrastructure**

#### *Planning Principles:*

- » New development and planning decisions provide for adequate infrastructure (water, sewerage, stormwater management) to accommodate new development.

**Comment:** The proposal focuses on the efficient delivery of urban land providing for and delivering infrastructure to support the proposed yield.

### **Priority 3 – Community facilities, open space and Planning recreation**

#### *Planning Principles:*

- » Ensure new subdivisions and development includes open space using both natural systems such as riparian corridors and areas for active recreation use and provides pedestrian cycle connectivity to existing footpath and cycleway networks.
- » New land releases for housing development have appropriate master planning for open spaces and site specific DCP requirements.

**Comment:** The proposal identifies opportunities for open space that both provides connectivity through the site and aligns with biodiversity conservation objectives. The proposal includes a concept plan and subdivision layout that provides for the staged delivery of the development in an orderly and efficient manner.

### **Planning Priority 4 – Housing**

#### *Planning Principles:*

- » Goulburn continues to be the focus of housing growth for the region.
- » Ensure that residential development is supported by relevant infrastructure.
- » Housing is contextual, well designed and liveable.

**Comment:** The Planning Proposal will support the growth of Goulburn as the focus for housing and associated infrastructure.

There is an action under the Housing priority being Action 4.1 the to Implement and monitor an Urban and Fringe Housing Strategy. The Planning Proposal is consistent with Action 4.1.

### **Planning Priority 7 – Sustainability**

#### *Planning Principles:*

- » Incorporate best practice energy, water and waste management in new development.
- » Promote uses of water through development that promotes green corridors and urban cooling.
- » Improve connectivity via a “Green Grid” of tree canopy cover between urban areas and natural areas such as the rivers within Goulburn.

**Comment:** The subdivision has been arranged to facilitate best practice design including the promotion of green corridors which will utilise the existing topography and vegetation.

## 5.3 Community Strategic Plan

The Goulburn-Mulwaree Community Strategic Plan (CSP) sets out Council’s vision and priorities for the LGA. The CSP has a broader focus than the LSPS as it addresses long term social, environmental and economic goals for the community that have been developed following extensive community consultation and engagement.

The proposal is consistent with the Community Strategic Plan.

## 5.4 Urban and Fringe Housing Strategy

The UFHS has been prepared by Council and endorsed by the Department of Planning and Environment (DPE) in 2020. The UFHS identifies land suitable for future urban development including land in the Sooley area. An extract of the Sooley Precinct is provided below. One of the key objectives of the UFHS was the identification of land suitable for fully serviced residential development as opposed to the less efficient un-serviced rural residential 2-5ha lots. The UFHS includes criteria for the identification of greenfield sits in section 2.5.1 as follows.

**The identification of greenfield sites for future development is key to the Strategy given that over 2,000 dwellings will need to be accommodated by 2036. In essence, the focus on land identification for serviced residential land was:**

- » **The ability to provide housing that meets the needs of the population**
- » **Focus on areas that have capacity in existing infrastructure and align with efficient and economical infrastructure delivery**

**In addition to constraints mapping, consideration has been given to objectives and principles consistent with the strategic and statutory context of each settlement including the proximity to the city or town centre, the rail station, the Hume Highway as a physical constraint, compatibility of surrounding zones and land uses (particularly in the southern areas around Goulburn). These criteria are outlined below and were used to inform the focus and consideration of land suitable for urban expansion as part of the Strategy.**

**Location**

- » the site is within the area identified for urban expansion in the Housing Strategy adopted by Council
- » the site location supports a logical and contiguous development with the existing settlements of Goulburn and Marulan.
- » the site is within the urban fringe identified by the Housing Strategy
- » the site can be connected to water and sewer infrastructure
- » the site has minimal or limited impact on matters of biodiversity or heritage
- » the site will not result in the fragmentation of biodiversity corridors
- » the site is not identified as being subject to flooding
- » the proposal will preserve and enhance riparian corridors as open space networks and utilise for active travel connections. Development around riparian corridors is to be in accordance with the guidelines for waterfront land defined by the NSW Office of Water DPI
- » avoid residential development on the southern/eastern side of the Hume Highway
- » the proposal considers the requirements of Primary Production and Rural Development SEPP

**Housing**

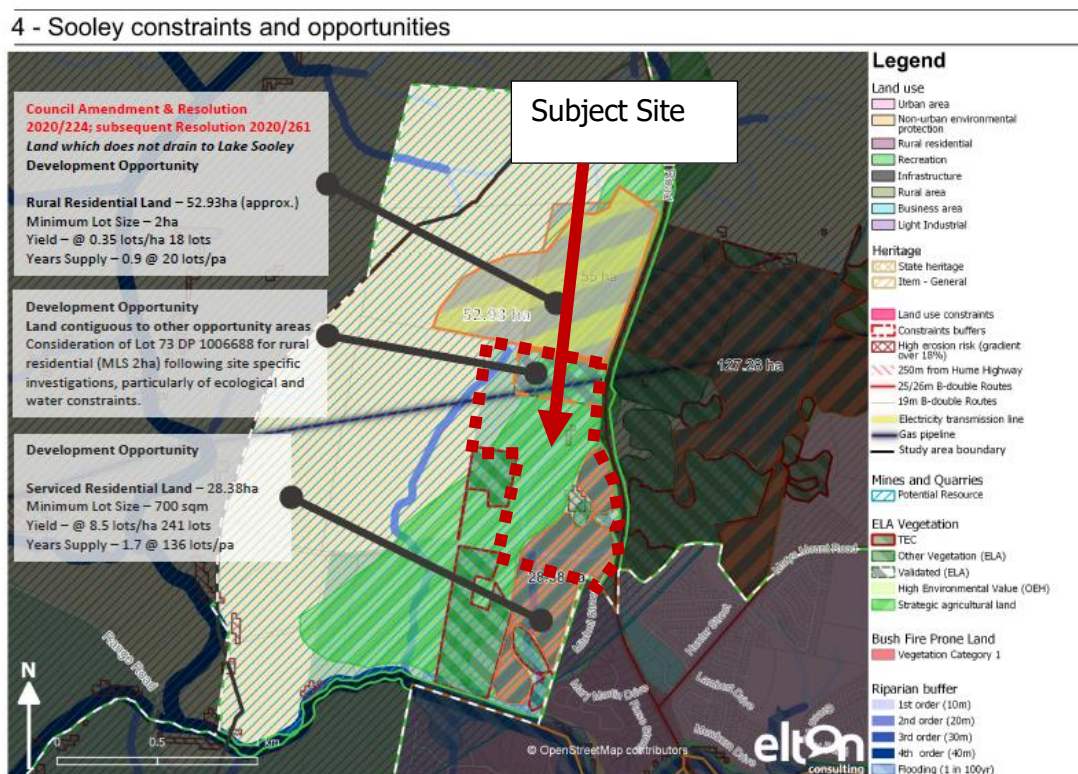
- » housing contributes the required demand identified in the Housing Strategy for the Goulburn Mulwaree LGA
- » the proposal delivers appropriate housing to meet the demographic needs of the region
- » development reinforces and enhances any existing residential character
- » development will contribute housing affordability, choice and diversity appropriate for the anticipated demographic profile of the LGA

**Use**

- » development will not result in land use conflicts particularly with agriculture and primary industries
- » minimise disturbance or conflict with State Significant Quarry Areas and haulage routes.

In addition, the strategy considered previously identified sites. The land at 407 Crookwell Road was a previously identified site.

Figure 5.1 Sooley constraints and opportunities



Source: UFHS

As can be seen from the extract above, the site was initially identified as having the potential for the delivery of a combination of both serviced residential development and some rural residential (2ha) in the north on Lot 73.

It is noted in the UFHS that the land is yet to be serviced by water and sewer. Any development will need to consider the capacity and extension of services.

The central portion of Lot 70 was excluded in the constraints mapping being BSAL. Smaller areas were also flagged as high value biodiversity and the environmental constraints also identifies the APA gas pipeline that bisects the precinct in an east-west direction approximately 1km north of Chinamans Lane.

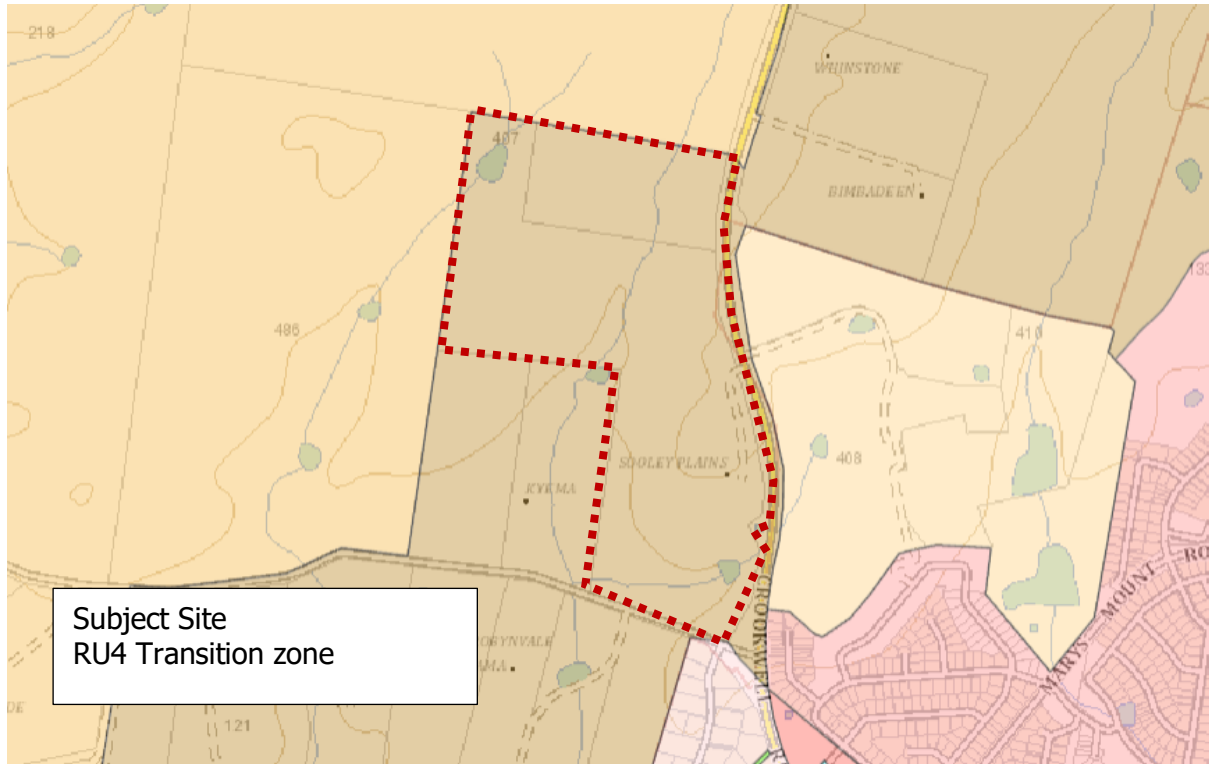
A BSAL validation assessment has been undertaken to support the Planning Proposal. The report, prepared by SLR, applies the Interim Protocol process for verification of whether or not land mapped as BSAL meets the established BSAL criteria provided by the Office of Environment and Heritage (OEH) in 2013.

The report concludes as follows:

*The assessment has verified that the entire Study Area of 51 hectares is non-BSAL. This is consistent with the historical and prevailing land use in the Study Area (i.e. sheep grazing rather than more productive land uses such as cultivating crops), however this is not consistent with the NSW Government's regional BSAL mapping as there is no verified BSAL within the Study Area. This area should be removed from the regional BSAL mapping.*

Having determined that the area is not BSAL and addressing the gas pipeline, there are no other significant constraints in the UFHS that would prevent the consideration of this part of the site for serviced residential development.

Figure 5.2 Subject Site and zone



Source: Extract Planning Portal Spatial Data, 2023.

## 6. Existing planning controls

The GMLEP sets out the legislative framework for land use and development in the Goulburn-Mulwaree LGA through the application of land use zones and development controls.

This Planning Proposal seeks to amend the zone, minimum lot size and the additional permitted uses maps. The maximum building height will also be modified to align with the zone and additional permitted uses maps way of a mapping amendment to the GMLEP.

The land use zones, and planning controls are outlined below. The proposed mapping amendments are provided in **Part 4**.



## 7. Overview of amendments

### 7.1 Zones

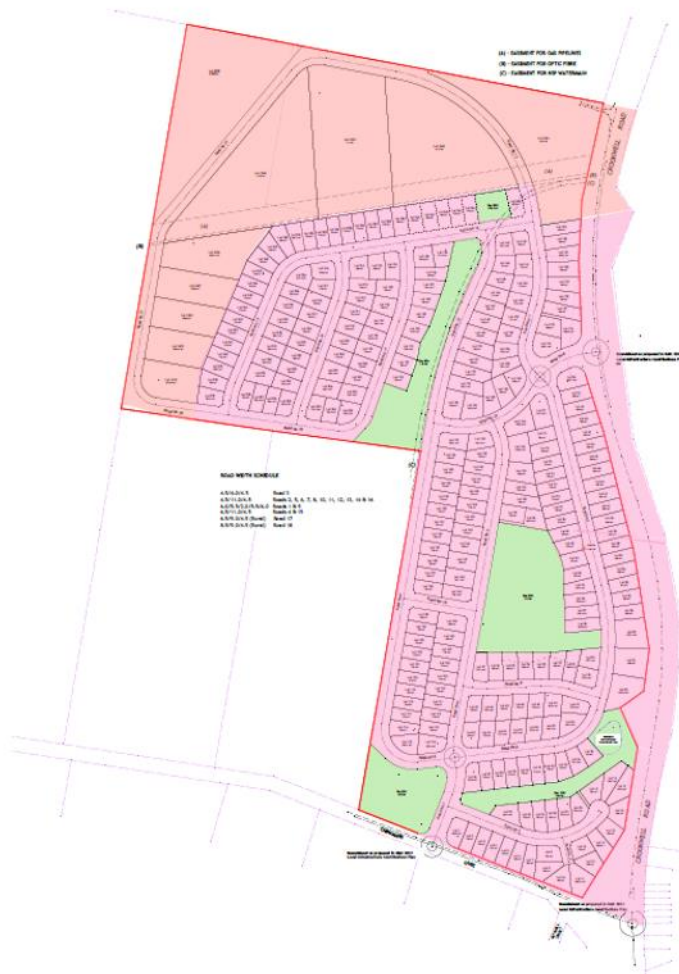
The land is currently zoned RU6 Transition. This zone is applied to land on the fringe of the urban area of Goulburn as a means of protecting it from fragmentation. The objectives of the RU6 zone are as follows:

#### 1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The land is proposed to be rezoned part R2 Low Density Residential and Part R5 Large Lot Residential consistent with the land use planning controls applied to adjoined land at Marys Mount. The RE1 Public Recreation zone is proposed to be used for those area of future open space.

Figure 7.1 Proposed zones

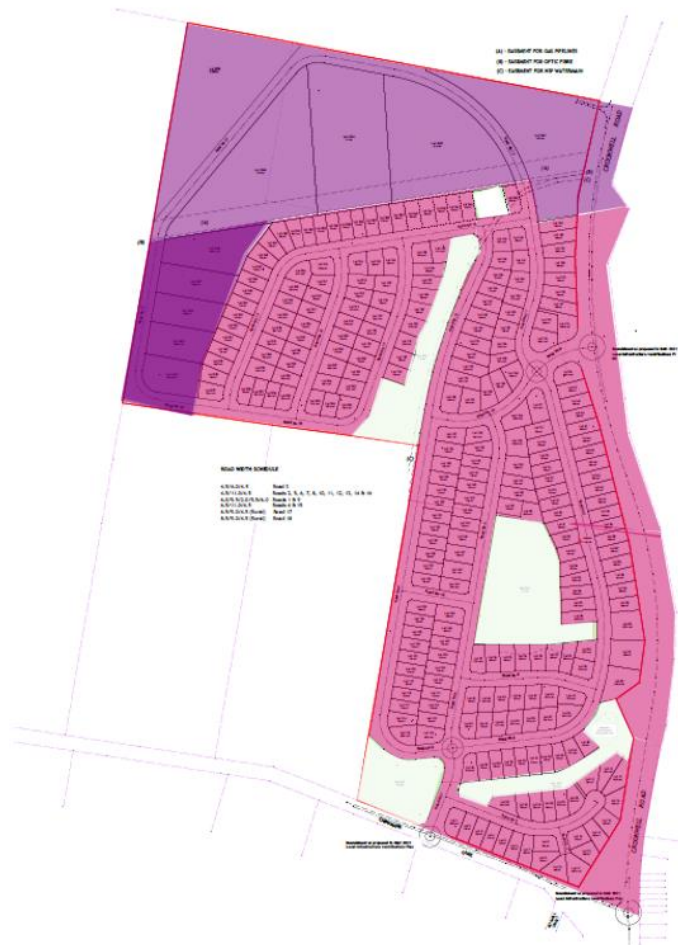


## 7.2 Minimum Lot Size

The current Minimum Lot Size (LSZ) control map under GMLEP is 10ha.

The proposal considers the MLS in the context of low density residential land in the release areas of Goulburn, proposing a MLS of 700m<sup>2</sup> to coincide with the R2 zoned land and 3,500m<sup>2</sup> and 2ha for the R5 zoned land. The RE1 zoned land will not have a MLS.

Figure 7.2 Proposed MLS



## Part B The Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33(2) of the EP&A Act which outlines the required contents of a Planning Proposal. Accordingly, this Planning Proposal includes:

- » A description of the Site and the surrounding locality (refer Section 1)
- » A statement of the objectives or intended outcomes of the proposed instrument (refer Section 5 Part 1)
- » An explanation of the provisions that are to be included in the proposed instrument (refer Section 5 Part 2)
- » The justification for those objectives, outcomes and provisions and the process for their implementation, including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1 of the EP&A Act (refer Section 5 Part 3)
- » Maps to be adopted by the proposed instrument (refer Section 5 Part 4)
- » Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (refer Section 5 Part 5)
- » Details on the proposed project timeframe for the completion of the Planning Proposal (refer Section 5 Part 6).

The Planning Proposal has also been prepared in accordance with the Department's *Local Environmental Plan Making Guideline* (As revised: September 2022).

### Part 1 - Objectives and intended outcomes

The primary purpose of this PP is to amend the GMLEP to make minor amendments to the planning control to align with the Masterplan that has been developed for the site.

The intended outcomes are to:

- » amend the zoning and MLS controls to accommodate residential development
- » ensure the controls are consistent with the on ground situation(s) as well as Council's expectations for future development of the land, and

### Part 2 - Explanation of provisions

The proposal seeks to achieve the intended outcomes outlined in Part 1 of this report by proposing amendments to the GMLEP as follows:

- » Mapping Amendments to Maps sheets
  - Lot Size Map – Sheet\_001C/D

- Land Zoning Map – Sheet\_001C/D

## Part 3 - Justification

Part 3 of the Planning Proposal provides the justification of the proposal within the relevant strategic planning context. In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the of the LEP amendment process. At this initial stage the issues relevant to the proposal must be identified to provide sufficient confidence to Council and DPE the amendment has merit.

### Section A – Need for the planning proposal

#### Q1. Is the planning proposal a result of any strategic study or report?

Yes. The Planning Proposal is consistent with the goals and priorities outlined in the following strategic plans and reports that have been prepared and endorsed by Council:

- » Local Strategic Planning Statement
- » Community Strategic Plan
- » Urban and Fringe Housing Strategy

The above listed plans are addressed in further detail at Section 2.

#### Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal seeking to amend GMLEP is considered the best means of achieving the objectives and intended outcomes set out in Part 1 of this Planning Proposal and the most effective way of providing certainty for Council and the local community for the implementation of the UFHS.

### Section B – Relationships to Strategic planning framework

#### Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Yes. The proposal is consistent with the South East and Tablelands Regional Plan 2036 and the recently exhibited Draft South East and Tablelands Regional Plan 2041. Refer Section 2.

#### Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As noted above, the Planning Proposal will give effect to the LSPS, Community Plan and the UFHS.

#### Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies as follows:

**State Environmental Planning Policy (Resilience and Hazards) 2021***Chapter 4 Remediation of Land (formerly SEPP 55)*

(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.

(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

(a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are **relevant in rezoning land** and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements.

**Comment:** The proposal includes a contamination assessment (refer **Appendix F**).

The other State Environmental Planning Policies have been considered and found not to be applicable to the proposal.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The Planning Proposal has considered the SEPP to the extent that the matters raised are relevant. The proposal is supported by a BDAR (refer **Appendix C** and Section 3.2).

**Chapter 6 Water Catchments**

The site is within the Sydney Drinking Water Catchment. Part 6.5 of the SEPP includes the following objectives:

*The objectives of this Part are—*

*(a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and*

*(b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.*

The land being considered in the Planning Proposal will be subject to an urban zone and the subsequent development will be serviced with reticulated water and sewer as well as an engineered drainage solution. The proposal does not “approved” development, rather will facilitated the development of the land for residential development. SEPP biodiversity and Conservation, Part 6 will need to be considered during the assessment process under section 4.15 of the Environmental Planning and Assessment Act.

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

The Ministerial Directions under section 9.1 of the EP&A Act requires planning proposals to be consistent with the terms of the relevant direction. The relevant directions are considered below.



Directions	Aim of Direction	Consistency and Implications
Focus Area 1 — Planning Systems		
1.1 Implementation of Regional Plans	Planning proposals must be consistent with the Regional Plan	Consistent
1.2 Approval and referral requirements	(a)Minimise the inclusion of provisions that require the concurrence consultation or referral of development applications to a minister or public authority,  (b)Not contain provisions requiring concurrence consultation or referral to a Minister or public authority unless the relevant public authority has obtained the approval of the appropriate Minister or public authority and Planning Secretary prior to undertaking community consultation.  (c)Not identified development as designated development.	Consistent. The proposal does not includes concurrence provisions or identify designated development.
1.3 Site specific provisions	The objective is to discourage unnecessarily restrictive site specific planning controls	Consistent. The proposal does not include site specific controls. The proposed zones ordinarily support the residential use.
Focus Area 1 — Planning Systems – Place Based		
1.5-1.22	Planning Proposal not affected by these directions.	
Focus Area 2 – Design and Place		
No directions		
Focus Area 3 – Biodiversity and Conservation		
3.1 – 3.2	Planning Proposal not affected by these directions.	
3.3 Sydney Drinking Water Catchments	<p>The objective is to provide healthy water catchments and protect water quality.</p> <p>A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected and in accordance with the following specific principles</p> <p>(a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality including groundwater and</p> <p>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability and</p> <p>(c) the ecological values of land within a special area should be maintained.</p> <p>When preparing a planning proposal the planning proposal authority must</p> <p>(a) consult with Water NSW, and</p> <p>(b) ensure the proposal is consistent with part 6.5 of chapter 6 of <i>State</i></p>	<p>The site is within the Sydney drinking water catchment. The proposal has considered the water catchment in the design and delivery of the development, including a Water Cycle Management Study (refer Appendix G). The proposal will provide for a residential zone with reticulated water and sewer infrastructure.</p> <p>The proposal has considered Part 6.5 of the SEPP. The proposal is considered to satisfactorily provide for the protection of the catchment and managing water through the site will have a beneficial impact on the catchment.</p>

Directions	Aim of Direction	Consistency and Implications
	<p><i>Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> <p>(c) identify any existing water quality including groundwater risks to any waterway occurring on or adjacent to the site and</p> <p>(d) give consideration to the outcomes of the strategic land and water capability assessment prepared by water NSW.</p>	
3.4-3.10	Planning Proposal not affected by these directions.	
3.7 Public bushland	Planning proposal that applies to conservation zones or environmentally sensitive areas	Planning Proposal not affected by this direction.
<b>Focus Area 4 – Resilience and Hazards</b>		
4.1-4.2	Planning Proposal not affected by these directions.	
4.3 Planning for Bushfire Protection	Planning proposal that applies to bushfire prone land	<p>The Planning Proposal is accompanied by a Strategic Bush Fire Study (refer Appendix I). The proposal has considered the RFS Planning for Bushfire Protection Guideline.</p> <p>The report demonstrates that the proposal is consistent with the 9.1 direction. The proposal will be referred to the RFS for a determination.</p>
4.5-4.6	Planning Proposal not affected by these directions.	
<b>Focus Area 5 — Transport and Infrastructure</b>		
5.1 Integrated Land use and Transport	<p>The objectives of this direction include:</p> <p>(a) improving access to housing jobs and services by walking cycling and public transport and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distance travelled especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>The Planning Proposal is consistent with the UFHS which identifies the subject land for residential development.</p> <p>Goulburn, as is the case in many regional towns and cities has limited public transport.</p> <p>The masterplan and layout that has been provided to guide the arrangement of the zones, including open space, is consistent with a walkable neighbourhood.</p> <p>An open space network extends through the site providing the opportunity for walking and cycling within the neighbourhood (refer <b>Appendix J</b>).</p>
5.2- 5.4	Planning Proposal not affected by these directions.	
<b>Focus Area 6 — Housing</b>		
6.1 Residential Zones	The objectives of this direction are to: Encourage variety and choice of housing types to provide for existing and future housing needs be make efficient use of existing infrastructure and services and	Consistent. The proposal provides for a range of housing types via varying lot sizes consistent with the UFHS.

Directions	Aim of Direction	Consistency and Implications
	ensure that new housing has appropriate access to infrastructure and services and see minimise the impact of residential development on the environment and resource lands.	
6.2	Planning Proposal not affected by this direction.	
<b>Focus Area 7 – Industry and Employment</b>		
7.1 – 7.3	Planning Proposal not affected by these directions.	
<b>Focus Area 8 – Resources and Energy</b>		
8.1	Planning Proposal not affected by these directions.	
<b>Focus Area 9 – Primary Production</b>		
9.1 Rural Areas	The objective of this direction is to protect the agricultural production value of rural land.	<p>The proposal is justifiably inconsistent with this direction.</p> <p>The land is zoned RU6 Transition. This is within the rural zones. The objectives of the RU6 zone include to provide a transition to the rural zones.</p> <p>The planning proposal maintains this by retaining the larger lots on the periphery of the site transitioning to rural.</p> <p>The proposal is consistent with the UFHS in that the land within the RU6 zone has been identified as suitable for residential development.</p> <p>The proposal is supported by a BSAL assessment that considers the value of the agricultural land in that context (refer <b>Appendix D</b>).</p>
9.2 Rural Lands	<p>The objectives of this direction are to</p> <ul style="list-style-type: none"> <li>(a) protect the agricultural production value of rural land</li> <li>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes</li> <li>(c) assist in the proper management development and protection of rural lands to promote the social economic and environmental welfare of the state</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas particularly between residential and other rural land uses</li> <li>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land</li> </ul>	<p>Justifiably inconsistent.</p> <p>Refer above.</p>

Directions	Aim of Direction	Consistency and Implications
	(f) support the delivery of the actions outlined in the NSW right to farm policy.	
9.3 – 9.4	Planning Proposal not affected by these directions.	

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

No. The Planning Proposal is supported by a BDAR refer **Appendix C**.

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

No. The proposal is supported by a Strategic Bush Fire Study refer **Appendix I**.

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

The proposal supports the continued growth of Goulburn through the provision of a supply of serviced residential land for housing delivery.

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

Yes. Water, Sewer, Drainage and local road infrastructure can be made available to support the delivery of the site for residential development under the proposed zone.

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

The views of State and Commonwealth Public Authorities will not be known until after the Gateway Determination. This section of the planning proposal is completed following consultation with those public authorities identified in the Gateway Determination.

## Part 4 - Maps

The proposal will amend the following Map Sheets:

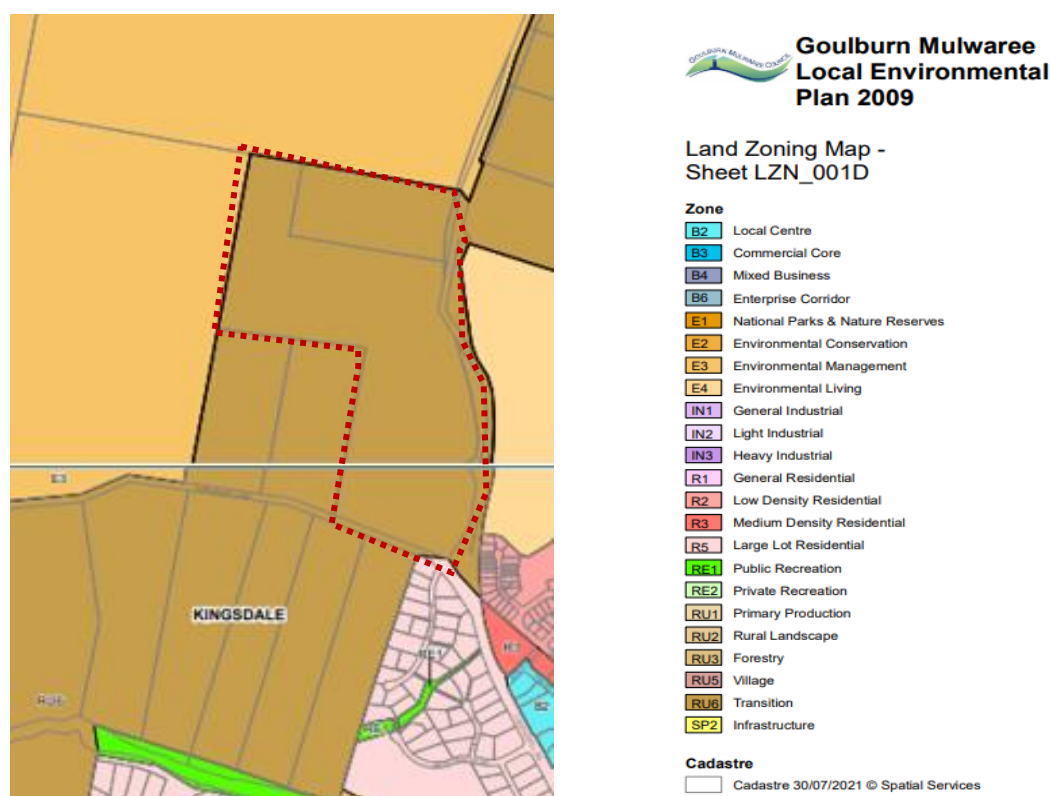
Planning Control	Description
Land Zoning Map – Sheets_001C/D	Amend the relevant zones from RU6 Transition to R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation
Mapping	
Lot Size Map – Sheets_001C/D	Apply the MLS that corresponds to the relevant lot size determined by the concept plan; 700m <sup>2</sup> , 3500 m <sup>2</sup> or 2 ha

Existing and proposed GMLEP Maps are shown in the **Figures** below. A detailed overview of all the proposed changes by using annotated subdivision plan maps is provided below. Draft LEP maps will be prepared to align with the survey files should the proposal be supported.

## Zone

The current zone is RU6 Transition. The proposed zone will be R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation.

Figure B.1 Existing Land Zoning Map - LZN\_001C/D



Source: Extract LZN\_001C/D



Figure B.2 Proposed Land Zoning Map - LZN\_00

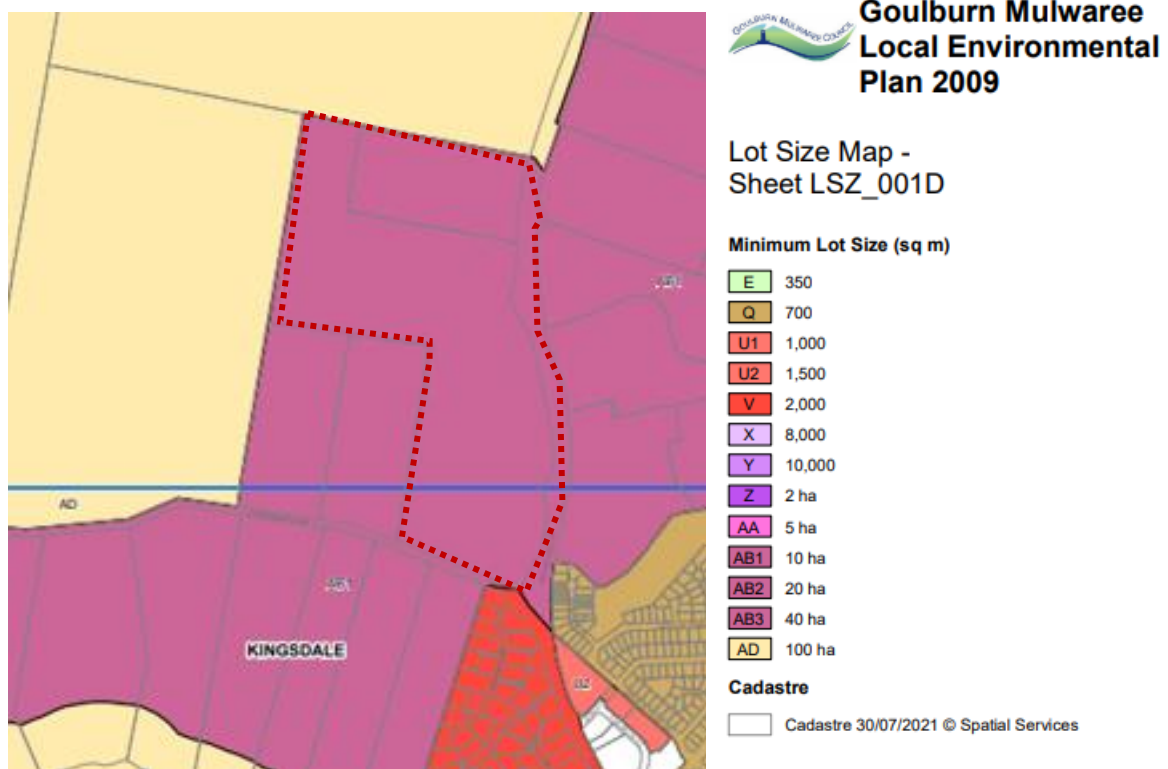


## Minimum Lot Size

The current Minimum Lot Size (LSZ) control map under GMLEP is 10ha.

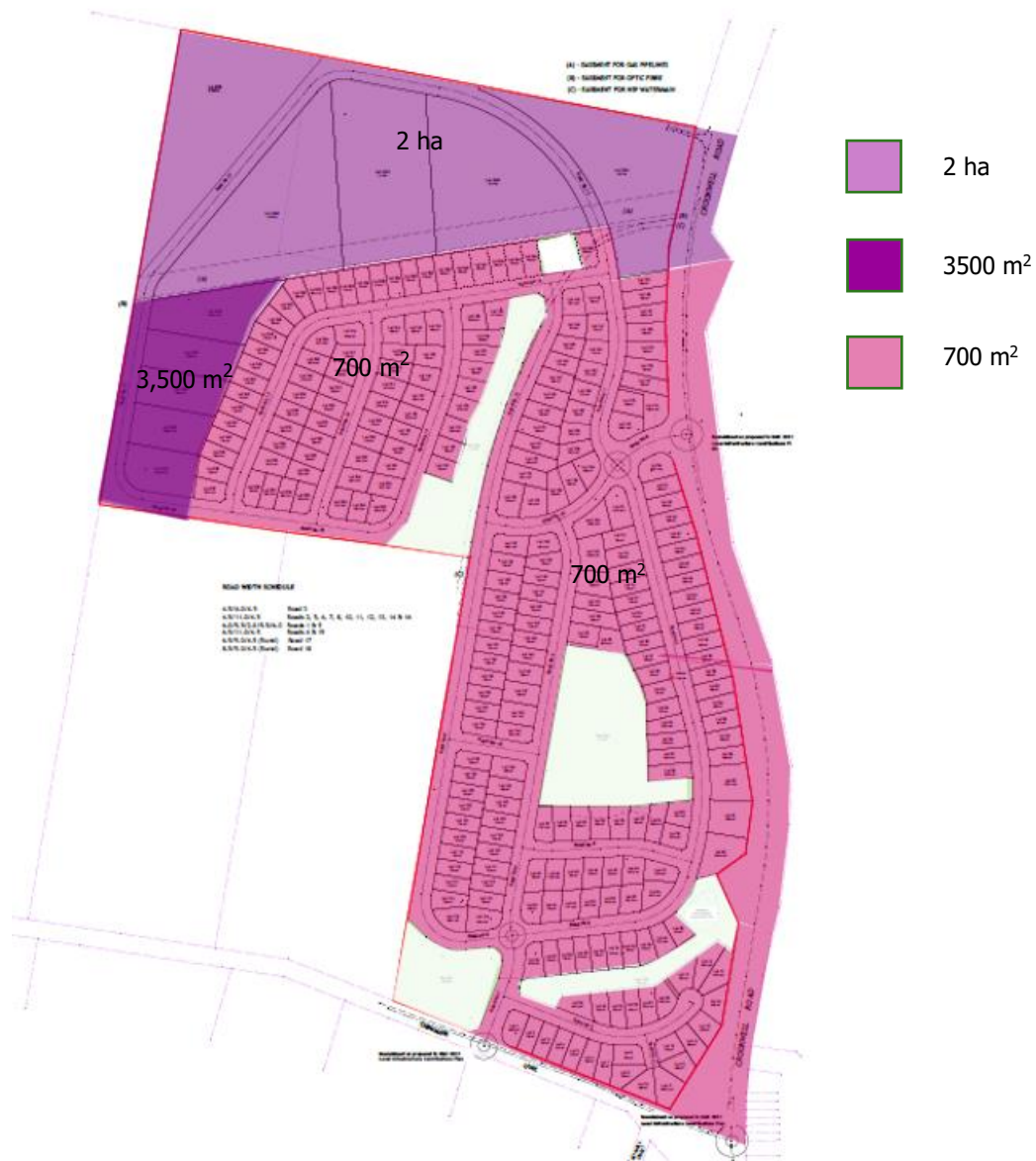
The proposal considers the MLS in the context of low density residential land in the release areas of Goulburn, proposing a MLS of 700m<sup>2</sup> for the R2 and 3,500 m<sup>2</sup> and 2ha for the R5. There is no MLS for the RE1 zoned land.

Figure B.3 Existing Minimum Lot Size Map –LSZ\_001C/D



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## Part 5 - Consultation

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with relevant agencies and the community in accordance with the Gateway Determination. The Gateway Determination will specify the community consultation requirements that must be undertaken by Council. The Gateway Determination will:

- » outline the timeframe for exhibition
- » relevant state or Commonwealth authorities to be consulted
- » whether a public hearing is to be held into the matter by the IPC or other specified person or body.

It is expected that the planning proposal will be publicly exhibited for 28 days.

## Conclusion

The Planning Proposal demonstrates the strategic merit of the proposal as summarised in the table below. The Planning Proposal can be supported by Council to enable that proceed to Gateway.

Criteria	Assessment
<b>Strategic merit test criteria</b>	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	<b>Consistent.</b> The Planning Proposal is consistent with the Regional Plan.
Consistent with a relevant local strategy that has been endorsed by the Department; or	<b>Consistent.</b> The Planning Proposal is consistent with the CSP and LSPS. The Planning Proposal is consistent with the UFHS adopted by Council and endorsed by DPE.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.	<b>Not applicable.</b>
<b>Site-specific merit test criteria</b>	
The natural environment (including known significant environmental values, resources or hazards)	<b>Consistent.</b> The site is generally unconstrained. Vegetation will be retained within open space and larger

Criteria	Assessment
	lots and is supported by a BDAR and Bush Fire Assessment. The site is not subject to flooding. The rezoning will have limited impact on the natural environment.
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal	<b>Consistent</b> The amendment will not implicate the land use tables for the relevant zones.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision	<b>Consistent.</b> The proposal can be accommodated with augmentation of existing infrastructure.



# **Appendix**

**Appendix A – Site Plans & Proposal Layout**

**Appendix B – Aboriginal Cultural Heritage  
Assessment Report**

**Appendix C - BDAR**

**Appendix D Biophysical Strategic Agricultural  
Land Verification Assessment**

**Appendix E – Contamination**

**Appendix F - SMS Validation Workshop and Plan**

**Appendix G – Water Cycle Management Study**

**Appendix H – Traffic Management Assessment**

**Appendix I – Strategic Bush Fire Study**

**Appendix J – Landscape Plan**

