



PLANNING PROPOSAL

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Subject site:

Lot 117 & 118 DP 126140
Lot 21 DP 811954
292 Rosemont Road, Boxers Creek
46 Mountain Ash Road, Brisbane Grove
Planning Proposal to Amend Land Zoning and Minimum Lot Size

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Acknowledgment of Country

MMJ acknowledges the traditional custodians of the land to which this Statement of Environmental Effects applies. We pay our respect to all Aboriginal people of this land and to Elders past, present, and emerging.

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1.0 Introduction

Martin Morris & Jones Pty Limited (MMJ Wollongong) has been engaged by Land Team and the landowners to coordinate the preparation and lodgement of a Planning Proposal (PP). This PP seeks to amend Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP 2009) to allow for a change in the minimum lot size and land zoning of certain land at Boxers Creek and Brisbane Grove, NSW.

The sites are legally referred to as:

- Lot 117 & 118 DP 126140 - 292 Rosemont Road, Boxers Creek
- Lot 21 DP 811954 - 46 Mountain Ash Road, Brisbane Grove

The PP seeks to provide opportunity for additional residential development in the Goulburn Fringe, that is contextually appropriate, and consistent with the Urban and Fringe Housing Strategy – Goulburn and Marulan 2020, the Goulburn Mulwaree Local Strategic Planning Strategy, Urban and Fringe Housing Strategy – Goulburn Mulwaree and the South East and Tablelands Regional Plan 2036.

In essence, this PP seeks the following amendments:

	Existing	Proposed
<u>Lot 21 DP 811954</u>		
Zoning	RU6 Transition	R5 Large Lot Residential C2 Environmental Conservation
Minimum Lot Size	100ha	2ha over R5 100ha over C2
<u>Lot 117 & 118 DP 126140</u>		
Zoning	RU6 Transition	R5 Large Lot Residential C2 Environmental Conservation
Minimum Lot Size	20ha	2ha over R5 100ha over C2



1.1 Conceptual Framework

This report provides a description of the subject site and surrounds, a summary of the existing and relevant legislative framework applying to the site, an identification of the future land use outcome sought by this Planning Proposal (PP) and a preliminary environmental review of those relevant matters generally considered for development.

This PP has been prepared for Goulburn Mulwaree Council in consideration of the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979 (the Act)*, together with the NSW Department of Planning and Environment's "A guide to preparing planning proposals" (December 2018). In general, this PP comprises the following considerations as required:-

- Part 1 A statement of the objectives or intended outcomes of the proposed instrument.
- Part 2 An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 The justification for those objectives, outcomes and the process for their implementation based on technical studies.
- Part 4 The existing controls that apply to the site based on the Council's LEP Maps.
- Part 5 Details of the community consultation to be undertaken on the planning proposal.
- Part 6 Project timeline.

1.2 Subject Land

The subject land is legally referred to as Lot 117 and 118 DP 126140, 292 Rosemont Road, Boxers Creek and Lot 21 DP 811954, 46 Mountain Ash Road, Brisbane Grove NSW located within the Goulburn Mulwaree Local Government Area.

The subject land is located in the suburb of Boxers Creek and Brisbane Grove, south east of Goulburn and north east of the Goulburn Airport. The sites are located generally south of the Hume Highway, along Mountain Ash Road and Rosemont Road. The sites are rural allotments characterised by existing rural land uses (see *Figure 1 and Figure 2 below*).



Figure 1: Subject Sites, Brisbane Grove & Boxers Creek - Aerial Photo (*Source: Nearmap)



Figure 2: Subject Sites, Brisbane Grove & Boxers Creek – Site Plan (*Source: Nearmap)

1.2.1 Lot 117 & 118 DP 126140 – 292 Rosemont Road, Boxers Creek

The site at 292 Rosemont Road is made up of two allotments, Lot 117 & 118 DP 126140 and is approximately 325,725m² (32.5ha) in size.

The site is predominantly undeveloped land used for livestock grazing, has grassed ground cover and at least one (naturally occurring) farm dam. The site generally falls south from the front boundary at Rosemont Road and from the south-west of the site, down towards the Gundry Creek tributary which dissects the middle of the site in a east-west direction. The site is affected by a high voltage transmission line easement 60.96m wide which runs to the north and parallel with the creek line.

Surrounding development immediately adjoining the site is detailed as follows:-

- To the north: Rosemont Road is located immediately north of the site with rural properties and the Hume Motorway located further north.*
- To the south: Rural properties and Mountain Ash Road is located to the south of the site. The additional site subject to this PP is located to the south-west, as is "Homeden" a locally significant heritage item, Windellama Road and Goulburn Airport.*
- To the east: East of the site is characterised by rural properties. Approximately 4.8km south east is the Pomaderris Nature Reserve.*
- To the west: The west of the site is characterised by further rural properties, including "Wyoming" a locally significant heritage item. Beyond the Hume Motorway is the Goulburn Clay Target Club and Goulburn CBD.*

The site photos below illustrate the site and surrounding conditions.



Figure 3 - Subject Site – Rosemont Road Site (Source: MMJ Planning)



Figure 4 - Subject Site – Rosemont Road Site (Source: MMJ Planning)

1.2.2 Lot 21 DP 811954 – 46 Mountain Ash Road, Brisbane Grove

Lot 21 in DP 811954 is a large rural allotment with road access to the north east on Mountain Ash Road, and to the south west on Windellama Road. The site is approximately 406,808m² in size.

The site is a rural allotment used for livestock grazing, contains a rural shed, is predominately grassed ground cover and contains at least two (naturally occurring) farm dams. The Gundry creek tributary runs parallel with the property boundary to Mountain Ash Road. The site is affected by a high voltage transmission line easement 60.96m wide which dissects the middle of the site and runs generally in an east west direction.

Surrounding development immediately adjoining the site is detailed as follows:-

- To the north: The north of the site is made of rural properties, one of which contains “Homeden”, a locally significant heritage item which is part of a number of dwellings in Brisbane Grove which were built between 1869 and 1893. Further to the north is the Hume Motorway and the Goulburn Clay Target Club, and Goulburn CBD.*
- To the south: To the south is rural properties and further, the Goulburn Airport.*
- To the east: The east of the site is characterised by rural land uses. In a north-east direction, is the additional site subject to this PP.*
- To the west: Windellama Road runs to the west of the site, which services a number of rural properties. Further to the west is Gundry Creek.*

The site photos below illustrate the site and surrounding conditions.



Figure 5 - Subject Site – Mountain Ash Road – Existing Rural Shed in the distance (Source: MMJ Planning)



Figure 6 - Mountain Ash Road Site Looking North-East (Source: MMJ Planning)



Figure 7 – North of the Mountain Ash Road Site - "Homeden" (Source: MMJ Planning)



Figure 8 - Mountain Ash Road Site Looking West towards Brisbane Grove Road (Source: MMJ Planning)

2.0 Part 1 – Statement of Objectives or Intended Outcomes

The objective of this PP is to amend GMLEP 2009 to allow for a change in the minimum lot size and land zoning of certain land at Boxers Creek and Brisbane Grove, NSW.

The sites are legally referred to as Lot 117 and 118 DP 126140, 292 Rosemont Road, Boxers Creek and Lot 21 DP 811954, 46 Mountain Ash Road, Brisbane Grove.

This PP seeks to initiate this assessment and determination process in accordance with the provisions of the *Environmental Planning & Assessment Act, 1979*, and recommends amendment criteria to GMLEP 2009 to achieve the preferred long-term land use strategy for the subject land. This PP seeks to amend GMLEP 2009 by:

- Amending the minimum lot size from 20ha and 100ha, to 2ha and 100ha; and
- Rezoning the land currently zoned RU6 Transition to R5 Large Lot Residential and C2 Environmental Conservation

The concise statement setting out the objective or intended outcome of this Planning Proposal is as follows:-

“Proposed amendment to the minimum lot size at certain lands at Boxers Creek and Brisbane Grove from 20ha and 100ha to 2ha and 100ha; and rezoning from RU6 Transition to R5 Large Lot Residential and C2 Environmental Conservation.”

3.0 Part 2 – Explanation of Provisions

The Planning Proposal seeks to amend GMLEP 2009 to allow for a change in the minimum lot size, floor space ratio and land zoning of certain land at Boxers Creek and Brisbane Grove.

The proposed outcome will be achieved by amending the following mapping layers that apply to the above-mentioned lots:

- The Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Maps LZN_001 and LZN_001E in accordance with the proposed zoning map (refer Part 4 Mapping).
- The Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Maps LSZ_001 and LSZ_001E in accordance with the proposed lot size map (refer Part 4 Mapping).

4.0 Part 3 – Justification

As outlined in Part 1, the proposal seeks to amend the land zoning and minimum lot size for certain lands at Boxers Creek and Brisbane Grove, being part of the existing GMLEP 2009. In accordance with Clause 3.33 of the *EP&A Act 1979*, this Planning Proposal has been prepared on behalf of LandTeam for consideration by the planning authority. This section of the PP explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument in accordance with Clause 3.33(2) and (3) of the *EP&A Act 1979*.

4.1 Planning Secretary Requirements

Clause 3.33(3) of the *EP&A Act* allows the Planning Secretary to issue requirements with respect to the preparation of a planning proposal as outlined in NSW DPIE's "*Guide to Preparing Local Environmental Plans*". The Secretary's requirements include:

- Specific matters that must be addressed in the justification of the planning proposal (included within Part 3 of this PP); and
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal. The project timeline forms Part 6 of this PP.

4.2 Section A – Need for the Planning Proposal

4.2.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the basis and strategic merit of this PP is a direct result of the Urban and Fringe House Strategy (UFHS). The UFHS was prepared on behalf of Council to identify areas for residential growth to accommodate the growing population and associated housing demand. This PP is proponent initiated following the completion and adoption of the UFHS by Council in July 2020. The following is an assessment of the PP against the relevant local strategic planning statement.

Goulburn Mulwaree Local Strategic Planning Statement

Goulburn Mulwaree Council endorsed its Local Strategic Planning Statement (LSPS) in August 2020. The LSPS provides a 20-year land use vision for the future of the Goulburn Mulwaree Local Government Area (LGA). It provides details on which Council can base planning decisions and drive future land use planning and management of growth in the City based on its economic, social and environmental needs over the next 20 years. This plan builds on the community's aspirations expressed in the Tablelands Regional Community Strategic Plan 2016-2036 (CSP).

Council has chosen ten areas of Planning Priorities which include:

- *Infrastructure;*
- *City, Town and Village Centres;*
- *Community Facilities, Open Space and Recreation;*
- *Housing;*
- *Primary Industry;*
- *Industry and Economy;*
- *Sustainability;*
- *Natural Hazards;*
- *Heritage; and*
- *Natural Environment.*

The PP is consistent with the Housing Planning Priority which references the Draft UFHS, and outlines the need to provide a range and diversity in housing type, which is contextual, affordable and is primarily centred around Goulburn and Marulan. Increased residential development around these two centres is prioritized due to their existing and superior access to employment, services and transport, whilst Goulburn is the focus for housing growth for the region. The Draft UFHS informed the planning priorities and actions in the LSPS, identifying the subject sites of this PP in Attachment 2a (of the LSPS) as having opportunity to increase large lot dwellings available in the 'Mountain Ash' area, thereby directly supporting this PP. See Section 4.3.2 and Figure 9 in this PP for further details on the LHS.

This Planning Priority reinforces strategies and directions within The Tablelands Regional Community Strategic Plan 2016-2036 and South East and Tablelands Regional Plan 2036, specifically:

The Tablelands Regional Community Strategic Plan 2016-2016

- *Strategy C01 - facilitate and encourage equitable access to community infrastructure and service, such as health care, education and transport*
- *Strategy C05 - maintain our rural lifestyle*

South East and Tablelands 2036

- *Direction 24: deliver greater housing supply and choice*
- *Direction 25: focus housing growth in locations that maximises infrastructure and services*
- *Direction 27: deliver more opportunities for affordable housing*
- *Direction 28: manage rural lifestyles*

Additionally, the PP supports *Planning Priority 10 – Action 10.1: Review LEP provisions relating to management of watercourses* through the proposed treatment of the riparian corridor. The riparian corridors on both the Rosemont Road and Mountain Ash Road sites are both proposed for C2 Environmental Conservation zoning with a minimum lot size of 100 hectares to reduce any development conflicts and provide adequate protection for the waterways.

The PP is consistent with the LSPS through its alignment with the planning priorities and actions.



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

Yes. The Planning Proposal is the best means of achieving the intended outcomes.

The following options are available to Council:

- a. Amend the GMLEP 2009 to allow for a change in the minimum lot size and land zoning via Mapping.

This option is the best means of achieving the intended outcome. The proposal has strategic merit as it is an identified precinct for increased large lot residential as per the UFHS. It is likely that the surrounding area is likely to undergo similar changes in the future, as demanded, and applying the changes to the land use zoning and the minimum lot size is the most reasonable and transparent way to achieve the priorities and objectives of the UFHS and LSPS.

- b. Amend the GMLEP 2009 to allow for a change in the minimum lot size and land zoning via Additional Permitted Use.

This option is not favoured as the amendment is for multiple changes over multiple parcels of land in a fringe location that is not an entire precinct or release area. In addition, the proposal to rezone and amend the minimum lot size is consistent with strategy.

The LEP Practice Note Preparing LEPs using the Standard Instrument: standard clauses (PN 11-001) states that wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved. In this instance, the change in zone can be achieved through using the Land Use Table and Clause 4.1 Minimum Lot Size to achieve the intended outcome, and therefore a Schedule 1 should not be used.

Therefore, the Planning Proposal, in this form to amend the GMLEP 2009 mapping layers is the best means of legally achieving the objectives and intended outcomes.

4.3 Section B – Relationship to Strategic Planning Framework

4.3.1 Is the planning proposal within the objectives and of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal (PP) is generally consistent with the South East and Tablelands Regional Plan 2036 (SETRP) which identifies increased demands / targets for housing within the region. In this regard, the SETRP is focused on creating “a borderless region in Australia’s most geographically diverse natural environment with the nation’s capital at its heart”. To achieve this, four goals have been set for the SETRP together with the NSW Government’s commitment to working with the ACT to capitalize and make use of opportunities from the borderless ‘Canberra region’. The goals include:

- *A connected and prosperous economy*
- *A diverse environment interconnected by biodiversity corridors*
- *Healthy and connected communities*
- *Environmentally sustainable housing choices*

In terms of the above goals, the most relevant in this instance is “*Goal 4 – Environmentally sustainable housing choices*”. The PP proposes to provide opportunity for additional large lot residential land in an existing rural setting, that is in close proximity to the existing Goulburn CBD. The subject sites are located on the fringe of Goulburn, their location in comparison to Goulburn CBD offers a number of benefits, such as access to a number of existing services and infrastructure including education, employment, transport and health. Access to these services and infrastructure ensures that the PP is consistent with the following Directions in the SETRP:

- *Direction 24: deliver greater housing supply and choice*
- *Direction 25: focus housing growth in locations that maximises infrastructure and services*
- *Direction 28: manage rural lifestyles*



4.3.2 Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

Urban and Fringe Housing Study – Goulburn and Marulan

The Urban and Fringe Housing Study – Goulburn and Marulan (UFHS) was completed by Elton Consulting on behalf of Goulburn Mulwaree Council and adopted in July 2020 (Resolution 2020/261).

The UFHS aims to establish areas that are considered appropriate for additional housing in the Goulburn and Marulan areas, in response to expected population growth and housing demand through to 2036. The UFHS has been prepared consistent with the directions of South East and Tablelands Regional Plan 2036.

The UFHS identifies opportunities for urban residential land, future urban land, and large lot residential land. The UFHS suggests that opportunity areas for large lot residential must ensure that a minimum 2 hectare lot size is maintained to take into consideration the Strategic Land and Water Capability Assessment results, the buffer distances required for effluent management areas and the required 'neutral or beneficial effect' of development on water quality within the Sydney Drinking Water Catchment area.

In the Goulburn area, there are 11 opportunity areas identified, one of which is Precinct 10 Mountain Ash which is where the subject sites are located (see Figure 9 below).

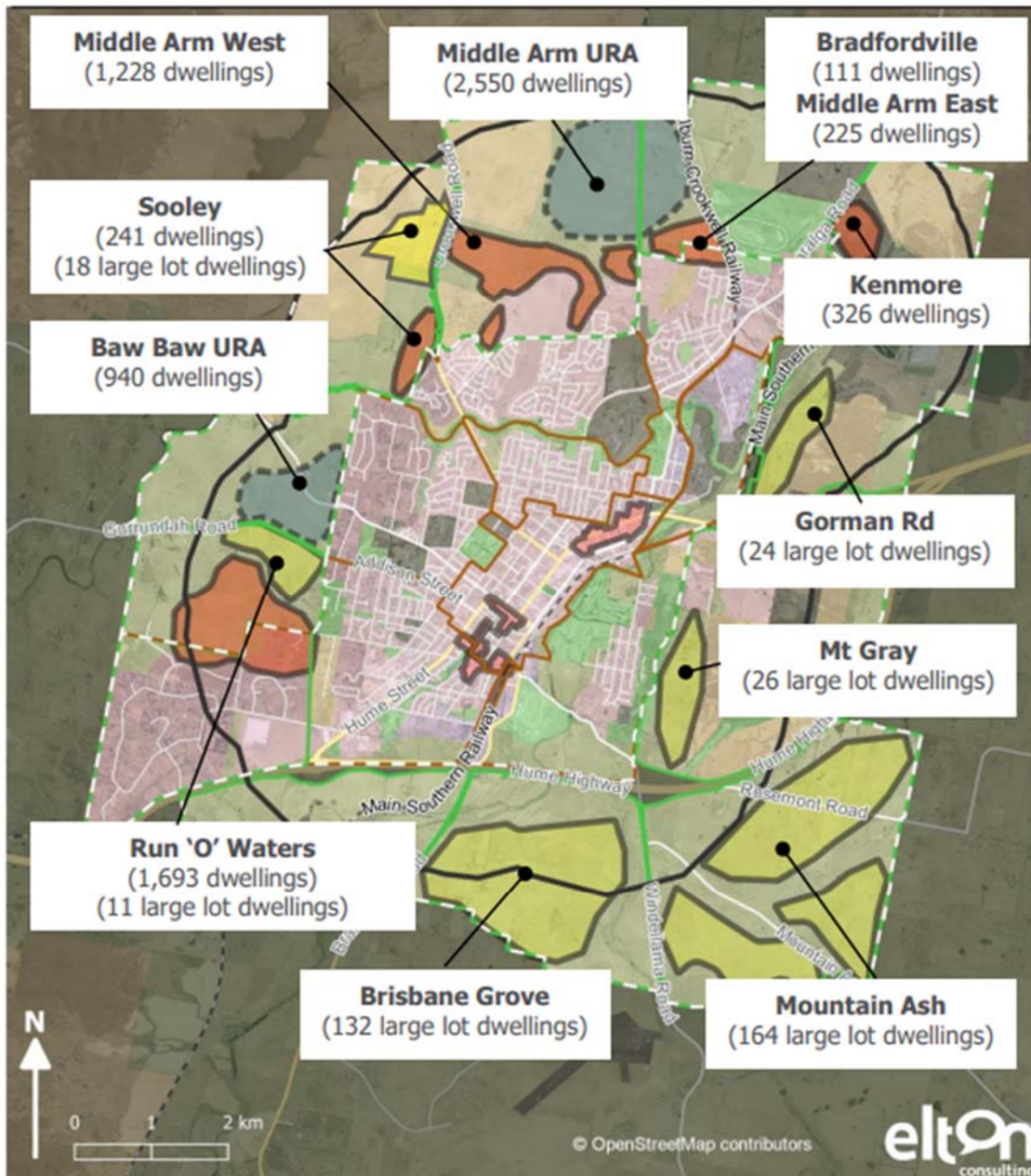


Figure 9: Extract from Urban and Fringe Housing Study – Goulburn and Marulan (Elton Consulting, 2020)

The Mountain Ash opportunity area has the potential to provide up to 164 large lot residential dwellings and the Brisbane Grove opportunity area has the potential to provide 132 large lot dwellings. The PP proposes to rezone the subject sites to R5 Large Lot Residential and C2 Environmental Conservation, with a minimum lot size of 2 hectares over the proposed R5 zoning, and a 100 hectare minimum over the proposed C2 zoning.

The dwelling yield to result from the PP is 15 dwellings on properties based on a indicative subdivision proposal that reflects the subject sites opportunities and constraints. The indicative allotments range in size from 2 hectares through to 14.72 hectares in size and take into consideration required building envelopes with appropriate buffers to watercourses, easements for transmission lines, on site effluent disposal and native vegetation.

The recommendations for the Mountain Ash precinct include:

- *Rezone the land that is least constrained by topography and environmental constraints to a Large Lot Residential zone.*
- *Amend GMLEP to address anomalies in split zone created by Highway.*
- *Priority – High*

The PP is consistent with the UFHS through its alignment with the recommendations and priorities.

The Tablelands Regional Community Strategic Plan 2016-2036

The Integrated Planning and Reporting Framework provides Councils in NSW the opportunity to work with their communities to develop a long-term plan for their Local Government areas, known as a Community Strategic Plan (CSP). The Framework is a legislative requirement which forms part of the Local Government Act 1993.

The Tablelands Regional Community Strategic Plan 2016-2036 reflects the community's aspirations and needs for the future across the Goulburn Mulwaree, Upper Lachlan Shire and Yass Valley Local Government Areas. The Tablelands CSP is informed by relevant information and community consultation relating to five strategic pillars of Environment, Economy, Community, Infrastructure and Civic Leadership. Each pillar has its own objectives, Council responsibilities, areas of focus, KPIs and relevant stakeholders. The PP is directly consistent with the following objectives across the five pillars:

- EN1 Protect and enhance the existing natural environment, including flora and fauna native to the region.
- EN3 Protect and rehabilitate waterways and catchments.
- EN4 Maintain a balance between growth, development and environmental protection through sensible planning.
- CO5 Maintain our rural lifestyle.

The PP is directly consistent with EN1 which has the following relevant means for implementation:

- *Maintain rural landscapes.*
- *Good planning practices that take environmental protection into account.*

The PP is directly consistent with EN3 which has the following relevant means for implementation:

- *To ensure planning policies and LEPs support the protection of waterways and catchments.*
- *Ground water / sub surface water and stormwater management.*

The PP is directly consistent with EN4 which has the following relevant means for implementation:

- *To ensure local planning policies and strategies protect and enhance the natural environment.*
- *To make high-impact planning decisions consistent with the planning scheme, to consider social and environmental impacts and community sentiment.*
- *Future planning for growth has to be undertaken now to ensure long term harmonious and balanced development.*

The PP is directly consistent with CO5 which has the following relevant means for implementation:

- *To implement planning and development decisions that ensure the protection of our rural and village lifestyles while planning for population growth and community sustainability.*
- *Large minimum lot sizes need to be protected, with some suggestions that few small 'urban' areas have smaller lots and / or apartments to provide a range of living choices for new residents.*

The PP is consistent with the CSP by proposing to change the zoning and minimum lot size to R5 Large Lot Residential and C2 Environmental Conservation, with a respective minimum lot size of 2 hectares and 100 hectares. The proposal is consistent with the UFHS and ensures that the future development of the Boxers Creek and Brisbane Grove areas maintains a rural character and is respectful of the existing rural landscape, whilst providing increased residential development opportunities to accommodate housing needs and diversity for the current and growing Goulburn-Mulwaree community. In addition, the PP aims to protect the riparian corridors on the subject sites, by appropriately zoning them for environmental conservation, to limit development opportunity within the corridor and offset areas and allow for their protection.

4.3.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. A review and assessment against the proposal's consistency with the applicable State Environmental Planning Policies (SEPP) is attached as *Appendix 1* of this report.

Whilst a number of the SEPPs are applicable, most are not relevant to this PP. The following SEPPs are relevant to this PP:

SEPP (Biodiversity and Conservation) 2021

Chapter 8 Sydney Drinking Water Catchment in SEPP (Biodiversity and Conservation) 2021 is aimed at ensuring healthy water catchments that will deliver high water quality while permitting development that is compatible with that goal, ensuring development has a neutral or beneficial effect on water quality, and support the water quality objectives for the Sydney drinking water catchment.

The subject sites are located in the outer catchment of the Sydney drinking water catchment. Chapter 8 of the SPP requires that a basic Water Cycle Management Study be carried out to assess the effect of the development on the receiving of waters which form part of the catchment controlled by Water NSW. This site must be capable of having a sustainable effluent disposal system, with the assessment based on the guidelines in “On-Site Sewerage Management for Single Household” produced by the Department of Local Government and others.

The PP is supported by an Onsite Wastewater Management Assessment (refer to Appendix 3) for each site. The assessments have determined that the resulting large lot residential allotments are able to accommodate 4 bedroom dwelling with 8 residents using 100 L/day of tank water each. The lots were modelled and assessed considering the use of an Aerated Wastewater Treatment System (AWTS) draining secondary treated effluent into an absorption bed.

The PP is also supported by a Music Model Assessment which assesses the rezoning and future subdivision of the land on water quality and provides recommendations as per Chapter 8 of the SEPP (Biodiversity and Conservation) 2021. The results of the assessment and modelling conceptually indicate that a Neutral or Beneficial Effect on water quality can be achieved for the proposed development if the following recommended treatment measures are implemented as part of the future development of the subject land:

- Bioretention basins for each catchment, and
- Drainage swales directing flows from each catchment.

An assessment of dwellings or other development can be adequately assessed in future as part of a Development Application subject to assessment in accordance with Section 4.15 of the EP&A Act.

The Planning Proposal is not inconsistent with the SEPP and any future development will be subject to the provisions of the SEPP.

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of Land in SEPP (Resilience and Hazards) 2021 is aimed at reducing the risk of harm to human health or any other aspect of the environment, in the context of planning proposals, by specifying certain considerations that are relevant in rezoning land. The SEPP applies across NSW and therefore applies to the subject site. The subject sites are zoned RU6 Transition and are proposed to be zoned R5 Large Lot Residential and C2 Environmental Conservation.



A Preliminary Soil Characterisation and Assessment Report has been undertaken by Dr Upsilon Environments Pty Ltd for the subject sites. A copy of the full assessment is provided as an Appendix to this PP. The assessment notes the current use of the land as grazing modified pastures and the proposed use as Residential A with small farms. Visual observations and assessments concluded that the site contains:

- *Lush vegetation was observed throughout.*
- *No building rubbles was observed.*
- *No building rubbles was observed on soil surfaces.*
- *No vegetation stress was observed.*
- *No visible evidence of odour and staining was identified at the time of the inspection.*
- *No stored chemicals / drums were identified at the time of the inspection.*

Due to the proposed land use change to large lot residential, the Residential A assessment criteria was employed in order to assess the potential contaminants of concern in soils. Samples collected indicated concentrations of potential chemicals of environmental concern, namely Heavy Metals. However, the assessment noted that the concentrations recorded were either below the NEPC (2013) NEPM land use guidelines for Residential A land use (HIL -A/HSL-A) or not detected above the laboratory limit of reporting.

Review of the analytical results of samples collected for the preliminary soil characterisation indicates concentrations of the tested potential chemicals of environmental concern of TRHs were either below the Management Limits or not detected above the laboratory limit of reporting.

Based on the results of the preliminary investigation, Dr Upsilon Environments Pty Ltd concluded that the subject soils are considered suitable for inclusion within the development from a contamination perspective only, subject to the implementation of the below recommendations:

- No additional investigation and assessment were considered warranted.
- Should unexpected finds such as asbestos containing material or any other contaminating features such as asbestos containing material or any other contaminating features such as buried waste, staining or odours be encountered during disposal, relocation and/or placement of the material, further assessment will be required to reassess the suitability for off-site disposal or no-site reuse based on further waster classification reports.

The above can be individually addressed in future as part of a Development Application subject to assessment in accordance with Section 4.15 of the EP&A Act.



The Planning Proposal is not inconsistent with the SEPP and any future development will be subject to the provisions of the SEPP.

4.3.4 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

Yes. A review and assessment against the proposal's consistency with the applicable Section 9.1 Local Planning Directions is attached as Appendix 2 of this report. The PP is consistent with the relevant current strategic State-based planning initiatives applying to the site. This PP is deemed to be generally consistent with the applicable Section 9.1 Directions and any inconsistency is considered minor given the justification below.

Focus Area 1 – Planning Systems:

1.2 Implementation of Regional Plans

The subject sites are located in the Goulburn Mulwaree LGA, which is covered by the South East and Tablelands Regional Plan 2036 (SETRP). Section 4.3.1 of this PP assesses and concludes that the PP is consistent with SETRP, and will specifically contribute towards achieving Goal 4 – Environmentally sustainable housing choices, and Directions 24, 25 and 28 through the provision of large lot residential housing opportunities that have access to a number of existing services and infrastructure including education, employment, transport and health.

This PP is therefore not inconsistent with this Direction.

1.4 Approval and Referral Requirements

The PP does not propose to include additional concurrence, consultation or referral requirements to a Minister or public authority.

This PP is therefore not inconsistent with this Direction.

1.5 Site Specific Provisions

The PP does not include site specific provisions.

This PP is therefore not inconsistent with this Direction.

Focus Area 3: Biodiversity and Conservation

3.1 Conservation Zones

The PP includes provisions to protect and conserve environmentally sensitive areas, specifically the zoning of the watercourse and its buffer areas on both subject sites as C2 Environmental Conservation, with respective minimum lot size of 100 hectares. The proposed planning provisions reduce opportunity for any development within the watercourse and buffer area, whilst providing adequate protection for the waterway.

This PP is therefore not inconsistent with this Direction.

3.2 Heritage Conservation

The subject sites are not identified as having heritage significance and are not listed on any register.

The subject land at Mountain Ash Road contains a mapped Heritage Item (I014 - Dwelling, "Homeden") in GMLEP 2009, however the proposed LEP Amendments do not extend over the area mapped as heritage significant. Figure 10 illustrates the location of the heritage item.



Figure 10: Heritage Map (Source: ePlanning Spatial Viewer)

The statement of significance for the heritage item, "Homeden" states:

“Homeden” was built by the Taylor brothers as a residence for Samuel Taylor c. 1890. “Homeden” is of local significance because of its association with Samuel Traylor and his brother William who built the residences of “Weston” and “Homeden” in 1890. This property continues to reflect the colonial rural ambiance so prominent in the Brisbane Grove area. Together with the substantial gardens, this property provides a good and intact example of the areas history / heritage.

The PP is supported by a Statement of Heritage Impact (refer to Appendix 3) and assesses the impact of the proposal on the existing heritage item and heritage value of the area. The statement concludes that the PP and resulting subdivision will have no adverse impact on the heritage values on Homeden or the heritage values of the area.

The PP is also supported by an Aboriginal Cultural Heritage Assessment Due Diligence Report for both sites (refer to Appendix 3) which has been prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010a). The report identifies that future development of the resulting large lot residential lots within the identified building envelopes will involve the following impacts:

- Construction of housing foundations involving removal of top and subsoils within Building Envelopes
- Connection to infrastructure, such as water, communications and electricity
- Effluent management area
- Installation of boundary fencing around house lot and potential impacts from landscaping
- Construction of access roads from Windellama Road to the Building Envelopes

An assessment of the building envelopes has resulted in no heritage sites or areas of potential identified within their boundaries. Based on landform and a review of the predictive modelling for the region, the areas of the access road placement are considered to hold low potential for unrecorded heritage sites or subsurface deposits. The project area has suffered a moderate degree of disturbance and soils appear to be thin and overlaying base clays and shale. Due to the general lack of depth of topsoils, this area is considered to hold low potential for unrecorded sites or subsurface deposits. The undulating low gradients along most of the route are considered to hold low potential for unrecorded heritage sites or subsurface deposits. A confirmatory field survey was undertaken with Aboriginal Representatives which did not identify any heritage sites or areas of potential.

Recommendations have been made following the Due Diligence assessment which include:

- *Recommendation 1: Works to proceed without further heritage assessment with caution.*
- *Recommendation 2: Discovery of Unidentified Aboriginal cultural material during works.*
- *Recommendation 3: Alteration of impact footprint*

Each recommendation has its associated process, which is outlined in the Due Diligence assessment. Further assessment can be addressed, if necessary, in future as part of a Development Application subject to assessment in accordance with Section 4.15 of the EP&A Act.

3.3 Sydney Drinking Water Catchments

The subject sites are located in the outer catchment of the Sydney drinking water catchment. Chapter 8 of the SPP requires that a basic Water Cycle Management Study be carried out to assess the effect of the development on the receiving of waters which form part of the catchment controlled by Water NSW. This site must be capable of having a sustainable effluent disposal system, with the assessment based on the guidelines in “On-Site Sewerage Management for Single Household” produced by the Department of Local Government and others.

The PP is supported by an Onsite Wastewater Management Assessment (refer to Appendix 3) for each site. The assessments have determined that the resulting large lot residential allotments are able to accommodate 4-bedroom dwelling with 8 residents using 100 L/day of tank water each. The lots were modelled and assessed considering the use of an Aerated Wastewater Treatment System (AWTS) draining secondary treated effluent into an absorption bed.

The PP is also supported by a Music Model Assessment which assesses the rezoning and future subdivision of the land on water quality and provides recommendations as per Chapter 8 of the SEPP (Biodiversity and Conservation) 2021. The results of the assessment and modelling conceptually indicate that a Neutral or Beneficial Effect on water quality can be achieved for the proposed development if the following recommended treatment measures are implemented as part of the future development of the subject land:

- Bioretention basins for each catchment, and
- Drainage swales directing flows from each catchment.

The PP has been assessed against Chapter 8 of the SEPP (Biodiversity and Conservation) 2021 and is considered not inconsistent with the SEPP and any future development will be subject to the provisions of the SEPP.

An assessment of dwellings or other development can be adequately assessed in future as part of a Development Application subject to assessment in accordance with Section 4.15 of the EP&A Act.

This PP is therefore not inconsistent with this Direction.

3.5 Recreation Vehicle Areas

The PP proposes to protect sensitive land associated with the watercourse and buffers areas by zoning part of the subject land C2 Environmental Conservation. This will ensure that the sensitive areas are suitably protected and do not enable land to be developed for the purpose of a recreational vehicle area.

This PP is therefore not inconsistent with this Direction.

Focus Area 4: Resilience and Hazards

4.1 Flooding

The Mountain Ash and Rosemont site are not identified as flood prone land in the Goulburn Mulwaree LEP 2009. Part of the Mountain Ash site is mapped as flood prone land in the 1% AEP in Wollondilly and Mulwaree Rivers Flood Study 2016.

A C2 Conservation Zone with a minimum lot size of 100HA is proposed to apply to the land identified as being flood affected in the 1% AEP flood affection in the Wollondilly and Mulwaree Rivers Flood Study 2016. The planning proposal has been prepared in accordance with the relevant Flood study and does not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.

This PP is therefore not inconsistent with this Direction.

4.3 Planning for Bushfire Protection

The subject sites are mapped as bushfire affected, specifically as Vegetation Category 3. A Strategic Bushfire Study has been completed to support the PP.

This Strategic Bushfire Study has followed the Aim and Objectives of Planning for Bushfire Protection 2019, Section 2.3 Strategic Planning, and specifically addressed the requirements of Chapter 4 – Strategic Planning. Three methods have been used to consider the bushfire risk at both landscape scale and subdivision scale. All three methodologies support the conclusion that the land is suitable for rural residential development.

In relation to the PP the assessment concludes that the PP demonstrates it is consistent with Section 2.3 Strategic Planning (p. 19):



Strategic bush fire planning and studies are needed to avoid high risk areas, ensure that zoning is appropriate to allow for adequate emergency access, egress, and water supplies, and to ensure that future compliance with this document is achievable.

The most important objective for strategic planning is to identify whether new development is appropriate subject to the identified bush fire risk on a landscape scale. An assessment of proposed land uses and potential for development to impact on existing infrastructure is also a key element of the strategic planning process in bush fire prone areas.

Once development has been assessed as being appropriate in its bush fire prone context, it will need to be capable of complying with PBP. The ability of proposed land uses and associated future developments to comply with PBP will be assessed at the strategic planning stage. The expectation will be that the development will be able to comply with PBP at the DA stage.

The indicative subdivision layout has been assessed against Planning for Bushfire Protection Chapter 5 – Residential and Rural Residential Subdivisions to satisfy the requirements of Section 4.4.1 regarding indicative development layout. The future subdivision can satisfy all the detailed criteria to be assessed at the next stage of the process. All proposed lots are large enough to support the minimum APZ requirements for 29kW/m² and the specific APZ and BAL detail will be determined at the subdivision and subsequent individual dwelling applications.

Further assessment of bushfire can be considered as part of a future Development Application subject to assessment in accordance with Section 4.15 of the EP&A Act.

This PP is therefore not inconsistent with this Direction.

4.4 Remediation of Contaminated Land

A Preliminary Soil Characterisation and Assessment Report has been undertaken by Dr Upsilon Environments Pty Ltd for the subject sites. A copy of the full assessment is provided in Appendix 3 to this PP. The assessment notes the current use of the land as grazing modified pastures and the proposed use as Residential A with small farms. The preliminary investigation noted that:

- Concentrations recorded were either below the NEPC (2013) NEPM land use guidelines for Residential A land use (HIL -A/HSL-A) or not detected above the laboratory limit of reporting.
- Review of the analytical results of samples collected for the preliminary soil characterisation indicates concentrations of the tested potential chemicals of environmental concern of TRHs were either below the Management Limits or not detected above the laboratory limit of reporting.

Based on the results of the preliminary investigation, Dr Upsilon Environments Pty Ltd concluded that the subject soils are considered suitable for inclusion within the development from a contamination perspective only, subject to the implementation of the below recommendations:

- No additional investigation and assessment were considered warranted.
- Should unexpected finds be encountered during works, further assessment will be required to reassess the suitability for off-site disposal or no-site reuse based on further waste classification reports.

The above can be individually addressed in future as part of a Development Application subject to assessment in accordance with Section 4.15 of the EP&A Act.

This PP is therefore not inconsistent with this Direction.

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport

The PP is generally consistent with this Direction as it promotes the creation of new large lot residential lots on the fringe of Goulburn, and within close proximity to Goulburn CBD. The PP supports the principles and objectives of *Improving Transport Choice – Guidelines*.

The PP is not inconsistent with this Direction.

Focus Area 6: Housing

6.1 Residential Zones

The PP is consistent with this Direction as it proposes to increase housing supply and choice of housing types on the fringe of Goulburn CBD, as per the adopted UFHS.

The subject sites can connect to existing power and telecommunications networks. As a large lot residential subdivision, each resulting site will have their own tank water and onsite wastewater management system. The PP is supported by an Onsite Wastewater Management Assessment (refer to Appendix 3) for each site.

Further details on service availability can be provided post Gateway and prior to public exhibition.

This PP is not inconsistent with this direction.

Focus Area 9: Primary Production

9.1 Rural Zones

This Direction requires that a PP does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The PP is inconsistent with this Direction as it proposes to change the zone of the subject land from RU6 Transition to R5 Large Lot Residential and C2 Environmental Conservation.

The inconsistency is justified as:

- The subject sites are utilised as grazing modified pastures and are not considered to have agricultural production value.
- The proposal is consistent with the adopted UFHS through its alignment with the recommendations and priorities and therefore has strategic merit.
- The proposal is consistent with the Goulburn Mulwaree LSPS, CSP and SETRP.
- The proposal maintains a rural character and is respectful of the existing rural landscape, whilst providing increased residential development opportunities to accommodate housing needs and diversity for the current and growing Goulburn-Mulwaree community.
- The PP aims to protect the riparian corridors on the subject sites, by appropriately zoning them for environmental conservation, to limit development opportunity within the corridor and offset areas and allow for their protection.

It is considered that the extent of the inconsistency with this Direction is suitably justified.

9.2 Rural Lands

The PP proposes to rezone land from RU6 Transition to R5 Large Lot Residential and C2 Environmental Conservation, with respective changes to the minimum lot size of 2 hectares over the R5 zone and 100 hectares over the C2 zone.

The PP is consistent with this Direction, as the PP is consistent with the Goulburn Mulwaree LSPS, CSP, SETRP, and the adopted UFHS through its alignment with the recommendations and priorities and therefore has strategic merit.

The proposed LEP Amendments will allow for the opportunity for new large lot residential supply in the Goulburn fringe area, that is in close proximity and accessible to a range of services including education, health, employment, transport, recreation and more. The PP will allow for the future subdivision of the land to be respectful of the existing rural landscape whilst providing increased residential development opportunities to accommodate housing needs and diversity for the current and growing Goulburn-Mulwaree community.

The proposed zoning of the watercourse and buffer area as C2 Environmental Conservation, with associated 100 hectare minimum lot size aims to protect the riparian corridors on the subject sites, by appropriately zoning them for environmental conservation, to limit development opportunity within the corridor and offset areas and allow for their protection.

The creation of large lot residential allotments in the Brisbane Grove and Boxers Creek locality is appropriate given its proximity to the Hume Highway and Goulburn CBD, and does not inhibit potential for future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains to occur on the subject sites.

This PP is not inconsistent with this direction.

4.4 Section C – Environmental, Social and Economic Impact

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

No. The Planning Proposal is to allow for a change in the minimum lot size and land zoning. The subject lands are not identified as currently being affected by critical habitat or threatened species, populations or ecological communities, or their habitats and there is unlikely to be any environmental impact directly caused by the Planning Proposal.

There are existing areas of vegetation and watercourses, and the sites are mapped partly (Rosemont) and wholly (Mountain Ash) as terrestrial Biodiversity, containing Environmentally Sensitive Land. A Flora and Fauna Report has been prepared and submitted with this PP (refer to Appendix 3).



The report acknowledges that the subject land has been historically cleared and managed for agricultural purposes for over 100 years. Most of the subject land consists of non-native (exotic) pasture-improved and regularly grazed grassland.

On the Rosemont subject land, a small area in the north-east of the subject land contains native grassy woodland, however, it is severely weed-infested.

On the Mountain Ash subject land a small area on a hill top in the east of the subject land contains native grassland, however, this grassland is in poor condition. Of the >1 hectare of grassland, a maximum area of 0.4 hectares will be directly impacted for the future subdivision. All trees and shrubs in the subject land are historically planted paddock trees or wind rows. All native trees and shrubs will be retained. A small number of non-native trees may need to be removed.

No native vegetation will be directly impacted by the rezoning and future subdivision of land.

The native grassland vegetation belongs to one distinct plant community type (PCT):

- PCT 1330: Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion.

The area of PCT 1330 within the subject land comprises an occurrence of 'White Box Yellow Box Blakeley's Red Gum Woodland' which is listed as a Critically Endangered Ecological Community under the NSW Biodiversity Conservation Act 2016. The condition of this vegetation is poor. It is historically disturbed, isolated and weed infested.

Upon completion of a Test of Significance and Serious and Irreversible Impacts assessment, the Report concludes that it is satisfied that the proposed development will not incur significant effects to a local occurrence of 'White Box Yellow Box Blakeley's Red Gum Woodland' nor any potentially occurring threatened species or ecological community as listed under the NSW Biodiversity Conservation Act 2016. Recommendations have been put forward to reduce impacts of the proposed development upon biodiversity.

Future Development Applications will be subject to further environmental assessment through the Section 4.15 Assessment process.

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



Environmental impacts associated with the PP have been assessed against the relevant SEPPs and Local Planning Directions, and include but are not limited to bushfire, contamination, flora and fauna, and water quality.

Supporting assessments have been undertaken by relevant and suitably qualified consultants, each of which have generally concluded that the PP does not result in adverse environmental impacts. Copies of the consultant reports are provided in Appendix 3.

Bushfire

Management of bushfire impacts will be determined in future as part of the subdivision and subsequent individual dwelling DA stage. Bushfire risk will be managed through design and compliance with Planning for Bushfire Protection.

Future DAs over the subject sites will be classed as Integrated Development and will require concurrence from NSW Rural Fire Service. Specific APZ and BAL detail will be determined at the subdivision and subsequent individual DA stage.



Contamination

Management of contamination impacts include:

- No additional investigation and assessment were considered warranted.
- Should unexpected finds be encountered during works, further assessment will be required to reassess the suitability for off-site disposal or no-site reuse based on further waste classification reports.

Flora and Fauna

Management of flora and fauna impacts are recommended as follows:

- Ensure all contractors employed to work within the subject land are suitably qualified, experienced and informed of the sensitive ecological features and potentially occurring threatened species.
- Assign a Project Ecologist to conduct and oversee all ecological compliance requirements associated with conducting a proposed development in line with all relevant state and commonwealth legislation and guidelines.
- Ensure an Ecologist is present during the clearing of all vegetation both native and exotic related to the proposed activity.
- Implement all relevant biological hygiene protocols and requirements as per NSW Government guidelines.
- Ensure ongoing management of priority weeds according to statutory requirements.
- Ensure all trees that occur outside of the development footprint are protected from harm during earthworks and construction.
- Remediate the small patches of White Box Yellow Box Blakeley's Red Gum Woodland and revegetate the riparian corridor with locally indigenous flora.

Water Quality

Management of water quality impacts are recommended to be implemented at the subdivision stage, and include the provision of:

- Bioretention basins for each catchment, and
- Drainage swales directing flows from each catchment.

The above impacts, and any other impacts associated with the future subdivision and development of the sites can be individually addressed in future Development Applications subject to further environmental assessment through the Section 4.15 Assessment process.

4.4.3 How has the planning proposal adequately addressed any social and economic effects?

The PP is to allow for a change in the minimum lot size and land zoning.

The PP will result in social and economic benefits by providing an opportunity for increased housing variety and supply to accommodate the growing population of the Goulburn Mulwaree LGA.

The proposal is consistent with the adopted UFHS and will ensure that future development of this area is consistent with the rural character of the Brisbane Grove and Boxers Creek localities.

4.5 Section D – State and Commonwealth Interests

4.5.1 Is there adequate public infrastructure for the planning proposal?

Yes. The subject sites can connect to existing power and telecommunications networks. As a large lot residential subdivision, each resulting site will have their own tank water and onsite wastewater management system to provide water and sewer services to future dwellings. The PP is supported by an Onsite Wastewater Management Assessment (refer to Appendix 3) for each site. The assessments have determined that the resulting large lot residential allotments are able to accommodate 4 bedroom dwelling with 8 residents using 100 L/day of tank water each. The lots were modelled and assessed considering the use of an Aerated Wastewater Treatment System (AWTS) draining secondary treated effluent into an absorption bed.

Further details on service availability can be provided post Gateway and prior to public exhibition.

In addition, access to the subject sites are gained via the public roads, which services the immediate rural area. The traffic generation characteristics will not be altered by this Planning Proposal, and there is ample capacity within the existing/proposed public road network to accommodate existing traffic levels.

4.5.2 What are the views of State and Commonwealth Public authorities?

No consultation has occurred with State and Commonwealth Public authorities prior to the lodgement of this Planning Proposal. Consultation with the relevant State and Commonwealth authorities will be undertaken as required by the Gateway Determination during public exhibition. It is acknowledged that the following State Public authorities will be consulted:

- NSW Rural Fire Service, and

- WaterNSW.

Consultation has occurred with Goulburn Mulwaree Council on 2 June 2021 who were generally in support of the proposal pending submission requirements.

5.0 Part 4 Mapping

The Planning Proposal proposes to amend Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP 2009) to allow for a change in the minimum lot size and land zoning of certain land on Mountain Ash Road, Brisbane Grove and Rosemont Road, Boxers Creek.

The existing zoning and lot size maps are included in Figures 11 to 14 below.

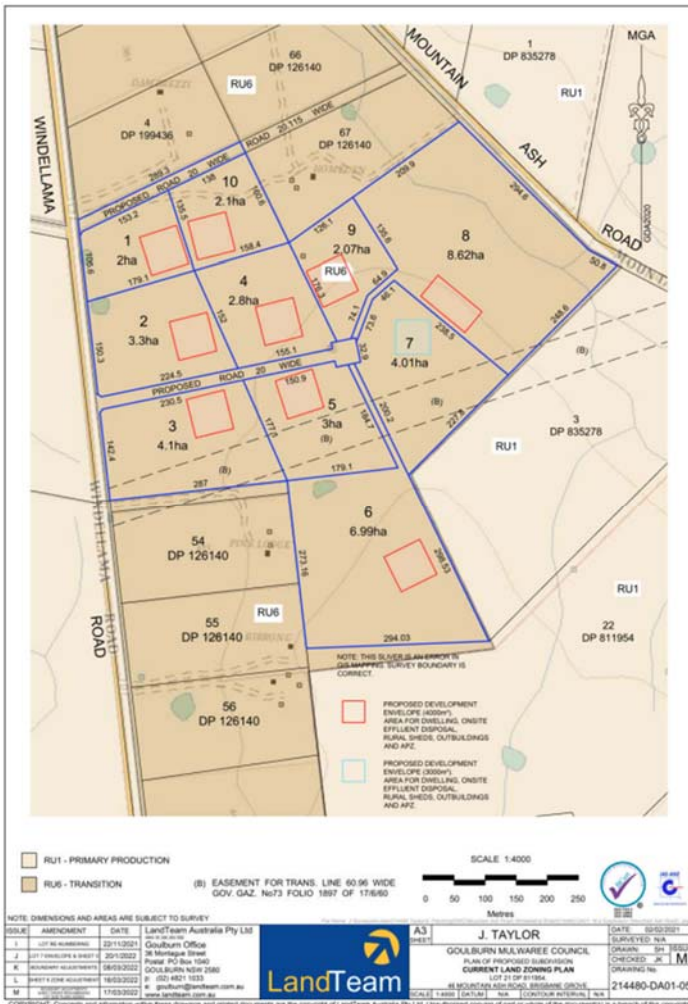


Figure 11 (Left): Current Land Zoning – 46 Mountain Ash Road, Brisbane Grove (Source: LandTeam)

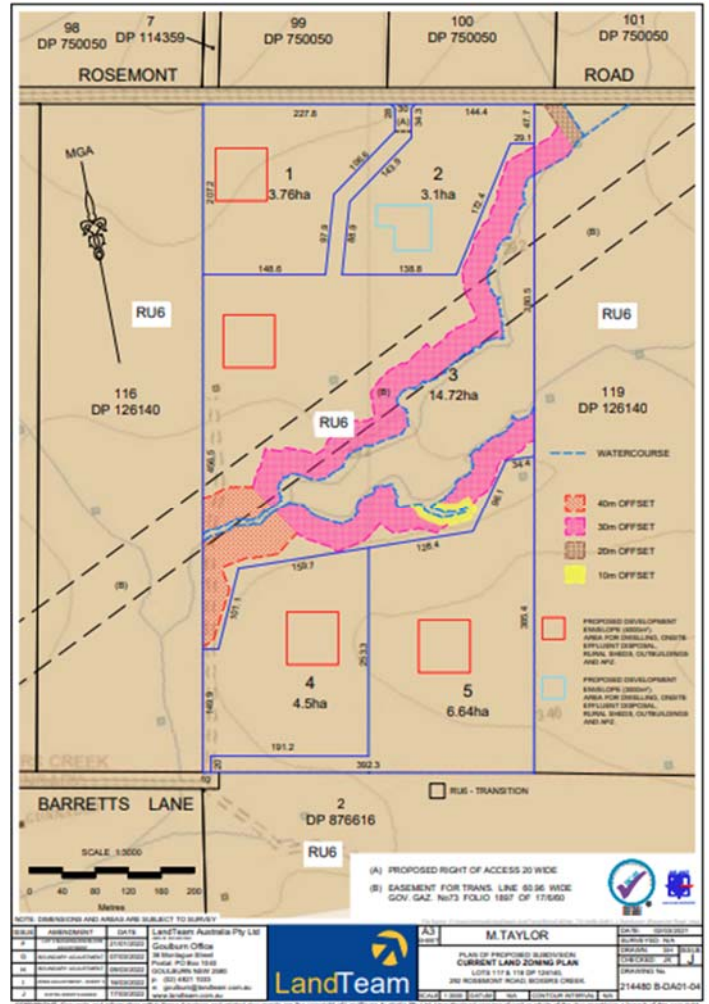


Figure 12 (Right): Current Land Zoning – 292 Rosemont Road, Boxers Creek (Source: LandTeam)

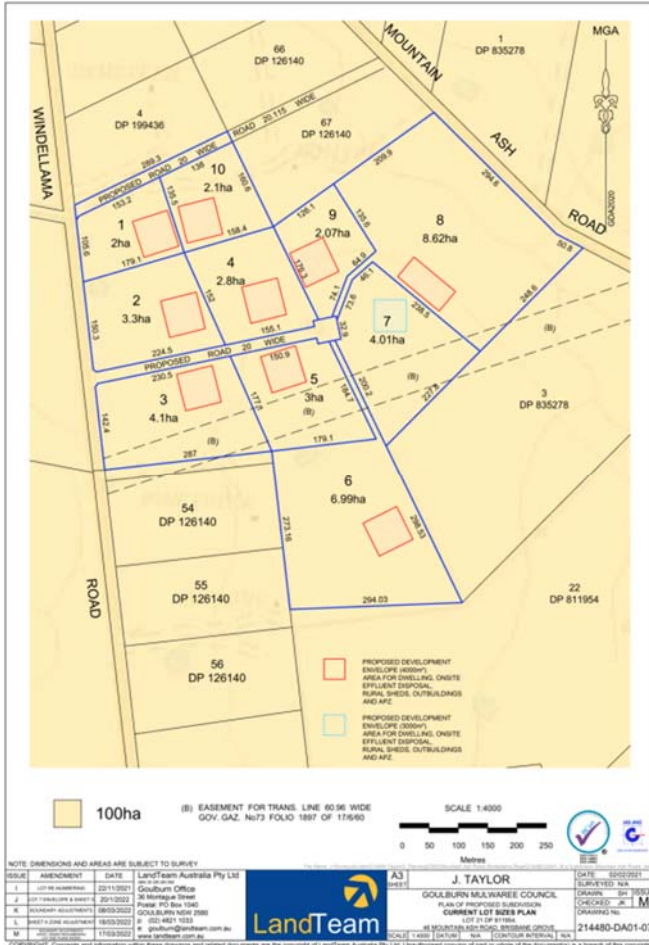


Figure 13 (Left): Current Lot Size Map – 46 Mountain Ash Road, Brisbane Grove (Source: LandTeam)

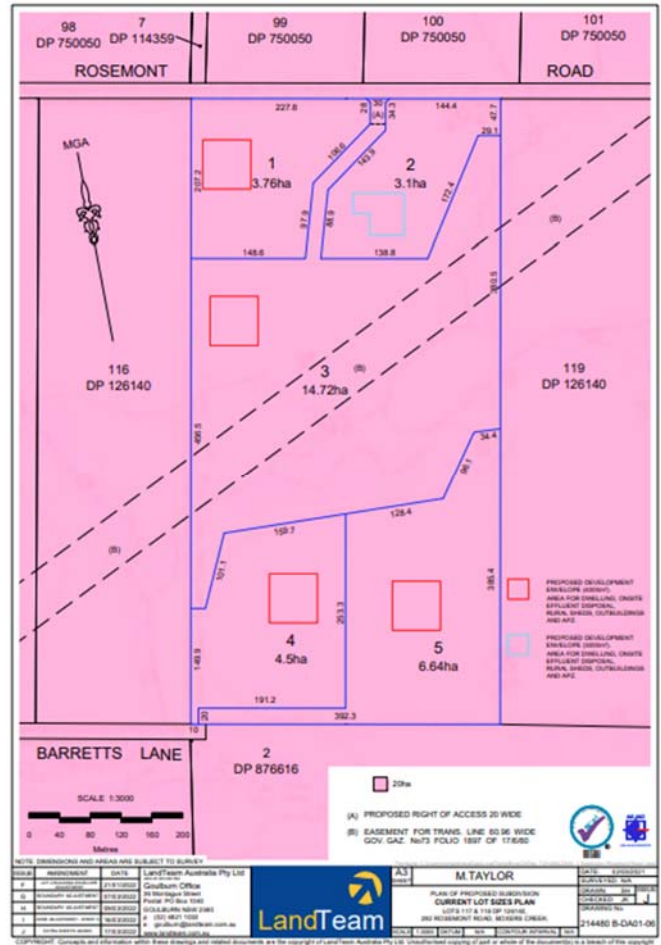


Figure 14 (Right): Current Lot Size Map – 292 Rosemont Road, Boxers Creek (Source: LandTeam)

The proposed outcome will be achieved by amending the above mentioned sites and the:

- Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Maps LZN_001 and LZN_001E in accordance with the proposed zoning map in accordance in Figures 15 and 16.
- Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Maps LSZ_001 and LSZ_001E in accordance with the proposed lot size map in accordance in Figures 17 and 18.

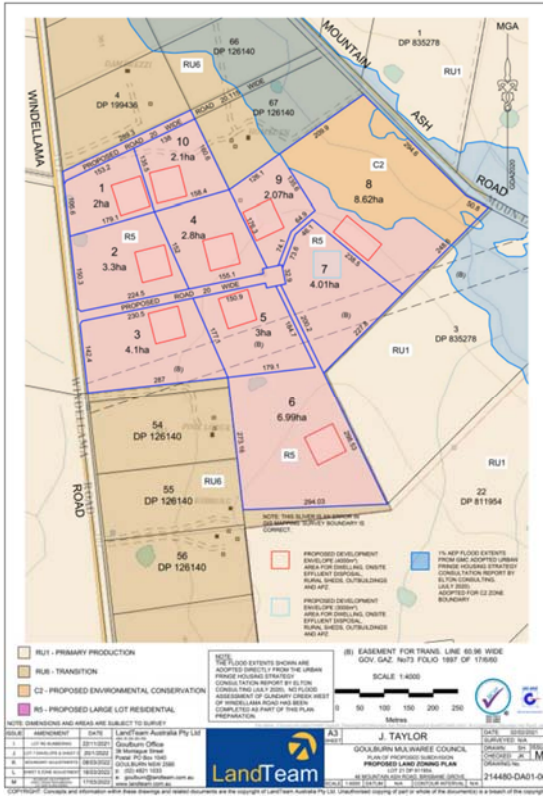


Figure 15 (Left): Proposed Zoning Map – 46 Mountain Ash, Brisbane Grove (Source: LandTeam)

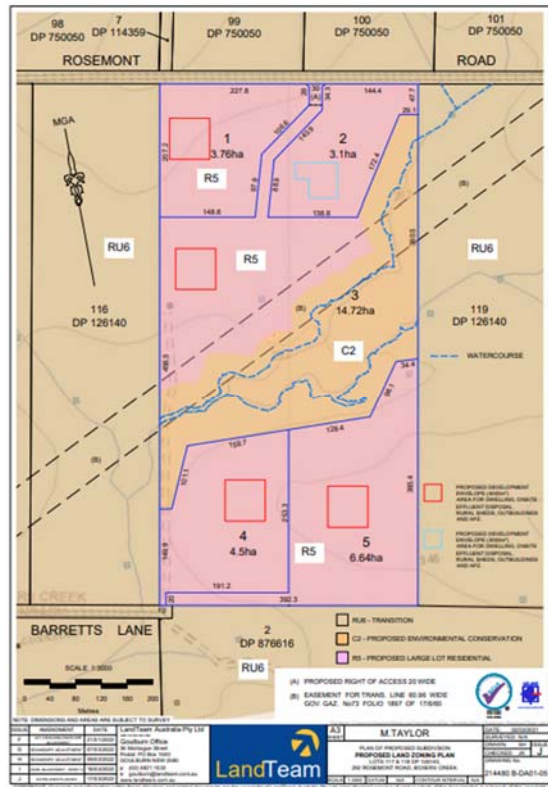


Figure 16 (Right): Proposed Zoning Map - 292 Rosemont Road, Boxers Creek (Source: LandTeam)

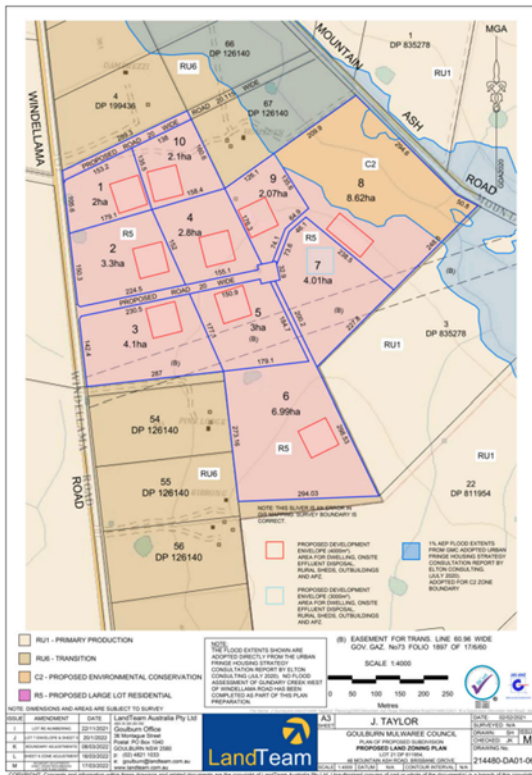


Figure 17 (Left): Proposed Lot Size Map – 46 Mountain Ash, Brisbane Grove (Source: LandTeam)

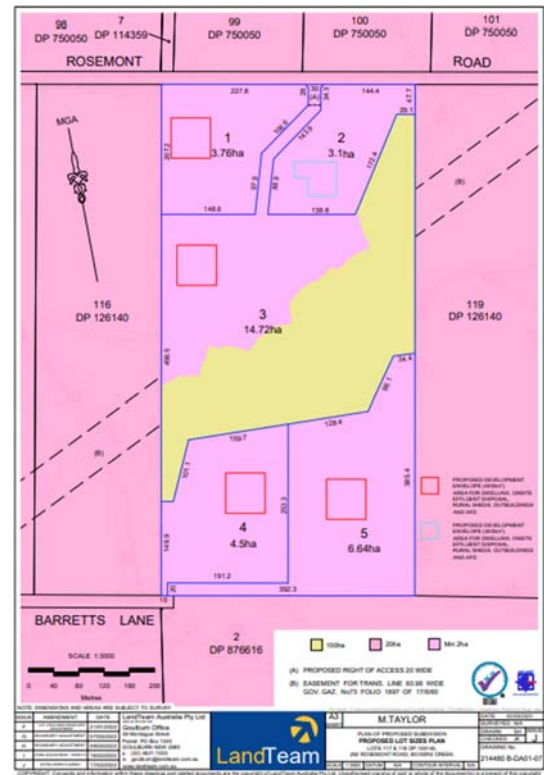


Figure 18 (Right): Proposed Lot Size Map - 292 Rosemont Road, Boxers Creek (Source: LandTeam)



6.0 Part 5 Community Consultation

The Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, community consultation will involve an exhibition period for a minimum of 28 days. The community are likely to be notified of the commencement of the exhibition period via a notice in a local newspaper and through publication on Council's website. Additionally, notification letters will be distributed to surrounding and nearby property owners.

The written notice will likely:

- Give a brief description of the objectives or intended outcomes of the Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal can be viewed/inspected;
- Give the name and address of the relevant planning authority (Council) for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will likely be made available for inspection:

- The Planning Proposal (as amended following Gateway Determination requirements);
- The Gateway Determination;
- Historic Title Information relating to the properties; and
- Any studies relied upon by the Planning Proposal.



7.0 Part 6 Project Timeline

The timeframe for completion of the PP is expected as follows:

Task	Time Period	Anticipated Timeframe
Submit Planning Proposal to Goulburn Mulwaree Council for consideration	-	April 2022
Planning Proposal Submitted to NSW DPIE requesting Gateway Determination	2 Months	June 2022
Issue of Gateway Determination	-	July 2022
Completion of Gateway Determination Requirements	3 Months	October 2022
Public Exhibition	28 Days	November 2022
Post exhibition consideration of PP – report to Council and submission of Final PP to NSW DPIE requesting finalisation	2 Month	January 2023
Finalisation and notification of Plan by Council (if delegated authority) and / or Parliamentary Counsel Office	2 Month	March 2023

Given the indicative timeline provided, a Gateway Determination period of 12 Months is requested for completion of any Gateway Determination requirements, Public Exhibition, Council Reporting, submission of the final Planning Proposal and finalisation of the Local Environmental Plan Amendment.

8.0 Conclusion

This Planning Proposal seeks to amend Goulburn Local Environmental Plan 2009 (GMLEP 2009) to allow for a change in the minimum lot size and land zoning of certain land at Mountain Ash Road, Brisbane Grove and Rosemont Road, Boxers Creek.

As such, this Planning Proposal report has been prepared for Council in consideration of the requirements under *Section 3.33* of the *EP&A Act*, together with the NSW DPI's "*A guide to preparing planning proposals*" (December 2018), the Planning Secretary Requirements and the LEP Practice Note PN16-001.

A review of the relevant planning matters for consideration in this instance has been undertaken, and it is considered that the proposed change in the minimum lot size and land zoning of certain land on Mountain Ash Road, Brisbane Grove and Rosemont Road, Boxers Creek has strategic merit and should proceed.

The proposed land use will be in keeping with current community expectations for the appropriate use of available land and will provide an improved land use outcome for the area through the provision of large lot residential land that is consistent with the UFHS and respectful of the existing rural landscape character.

It is concluded that the Planning Proposal can be justified relative to environmental, social and economic effects and will be in the public interest. Accordingly, the Planning Proposal should be forwarded to the Department of Planning & Infrastructure for Gateway Determination in accordance with *Section 3.34* of the *EP&A Act, 1979*.

Appendix 1: State Environmental Planning Policy Checklist Review

SEPP	Applicable	Relevant	Not Inconsistent
<u>SEPP (Biodiversity and Conservation) 2021</u>	Yes	Yes	Yes
<u>SEPP (BASIX) 2004</u>	Yes	No	-
<u>SEPP (Exempt and Complying Development Codes) 2008</u>	Yes	No	-
<u>SEPP (Housing) 2021</u>	Yes	No	-
<u>SEPP (Industry and Employment) 2021</u>	Yes	No	-
<u>SEPP No. 65 - Design Quality of Residential Apartment Development</u>	Yes	No	-
<u>SEPP (Planning Systems) 2021</u>	Yes	No	-
<u>SEPP (Precincts - Central River City) 2021</u>	No	No	-
<u>SEPP (Precincts - Eastern Harbour City) 2021</u>	No	No	-
<u>SEPP (Precincts - Regional) 2021</u>	No	No	-
<u>SEPP (Precincts - Western Parkland City) 2021</u>	No	No	-
<u>SEPP (Primary Production) 2021</u>	Yes	No	-
<u>SEPP (Resilience and Hazards) 2021</u>	Yes	Yes	Yes
<u>SEPP (Resources and Energy) 2021</u>	Yes	No	-
<u>SEPP (Transport and Infrastructure) 2021</u>	Yes	No	-

Appendix 2: Section 9.1 Local Planning Directions Checklist Review

Local Planning Direction	Applicable	Relevant	Not Inconsistent
<i>Focus Area 1: Planning Systems</i>			
<i>1.1 Implementation of the Minister's Planning Principles (Revoked)</i>	-	-	-
<i>1.2 Implementation of Regional Plans</i>	Yes	Yes	Yes
<i>1.3 Development of Aboriginal Land Council Land</i>	Yes	No	-
<i>1.4 Approval and Referral requirements</i>	Yes	Yes	Yes
<i>1.5 Site Specific Provisions</i>	Yes	Yes	Yes
<i>Focus Area 1: Planning Systems – Place-based</i>			
<i>1.6 Parramatta Road Corridor Urban Transformation Strategy</i>	No	No	-
<i>1.7 Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	No	No	-
<i>1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	No	No	-
<i>1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	No	No	-
<i>1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor</i>	No	No	-

<i>1.11 Implementation of Western Sydney Aerotropolis Plan</i>	No	No	-
<i>1.12 Implementation of Bayside West Precincts 2036 Plan</i>	No	No	-
<i>1.13 Implementation of Planning Principles for the Cooks Cove Precinct</i>	No	No	-
<i>1.14 Implementation of St Leonards and Crows Nest 2036 Plan</i>	No	No	-
<i>1.15 Implementation of Greater Macarthur 2040</i>	No	No	-
<i>1.16 Implementation of Pyrmont Peninsula Place Strategy</i>	No	No	-
<i>1.17 North West Rail Link Corridor Strategy</i>	No	No	-
<i>Focus Area 2: Design and Place</i>			
<i>Focus Area 3: Biodiversity and Conservation</i>			
<i>3.1 Conservation Zones</i>	Yes	Yes	Yes
<i>3.2 Heritage Conservation</i>	Yes	Yes	Yes
<i>3.3 Sydney Drinking Water Catchments</i>	Yes	Yes	Yes
<i>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</i>	No	No	-
<i>3.5 Recreation Vehicle Areas</i>	Yes	Yes	Yes
<i>Focus Area 4: Resilience and Hazards</i>			
<i>4.1 Flooding</i>	Yes	No	Yes
<i>4.2 Coastal Management</i>	No	No	-

<i>4.3 Planning for Bushfire Protection</i>	Yes	Yes	Yes
<i>4.4 Remediation of Contaminated Land</i>	Yes	Yes	Yes
<i>4.5 Acid Sulfate Soils</i>	No	No	-
<i>4.6 Mine Subsidence and Unstable Land</i>	No	No	-
<i>Focus Area 5: Transport and Infrastructure</i>			
<i>5.1 Integrating Land Use and Transport</i>	Yes	Yes	Yes
<i>5.2 Reserving Land for Public Purposes</i>	Yes	No	-
<i>5.3 Development Near regulated Airports and Defence Airfields</i>	No	No	-
<i>5.4 Shooting Ranges</i>	No	No	-
<i>Focus Area 6: Housing</i>			
<i>6.1 Residential Zones</i>	Yes	Yes	Yes
<i>6.2 Caravan Parks and Manufactured Home Estates</i>	Yes	No	-
<i>Focus Area 7: Industry and Employment</i>			
<i>7.1 Business and Industrial Zones</i>	No	No	-
<i>7.2 Reduction in non-hosted short-term rental accommodation period</i>	No	No	-
<i>7.3 Commercial and retail Development along the Pacific Highway, North Coast</i>	No	No	-
<i>Focus Area 8: Resources and Energy</i>			



<i>8.1 Mining, Petroleum Production and Extractive Industries</i>	<i>No</i>	<i>No</i>	<i>-</i>
<i>Focus Area 9: Primary Production</i>			
<i>9.1 Rural Zones</i>	<i>Yes</i>	<i>Yes</i>	<i>Inconsistency is justified</i>
<i>9.2 Rural Lands</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
<i>9.3 Oyster Aquaculture</i>	<i>No</i>	<i>No</i>	<i>-</i>
<i>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</i>	<i>No</i>	<i>No</i>	<i>-</i>



Appendix 3: Supporting Documents