



# **ATTACHMENTS**

## **ORDINARY MEETING**

Thursday 19 December 2019

6:00PM

Council Chambers

Crookwell

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#### **11 ENVIRONMENT AND PLANNING**

##### **11.1 Development Application DA 61/2019 light industrial warehouse section 8.2 review**

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##### **11.2 101 Golspie Road Taralga zone modification Lot A DP 413644**

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ABN 81 011 241 552

## Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 42, GUNNING NSW 2581

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p: 02 4830 1000 | f: 02 4832 2066 | e: council@upperlachlan.nsw.gov.au | www.upperlachlan.nsw.gov.au

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25 October 2019

Three Serves Pty Limited  
54 Goulburn Street  
CROOKWELL NSW 2583

### Notice of Determination of a Development Application

Under Section 4.16 of the Environmental Planning & Assessment Act 1979, Upper Lachlan Shire Council has determined DA61/2019 as described below, by the granting of development consent to the conditions specified in the notice.

<b>Development Application number</b>	61/2019
<b>Land to be developed</b>	Lots 11 and 12 DP 1031350, 36-38 McIntosh Road, Crookwell
<b>Proposed Development</b>	Erection of buildings and the carrying out of works for the purpose of a two staged multi-unit light industrial development (8 units)
<b>Determination schedule</b>	Consent granted subject to conditions in the attached
<b>Consent to operate from</b>	25 October 2019
<b>Consent to lapse on</b>	25 October 2024
<b>Other Approvals</b>	
Approvals Granted under Section 4.12	Not applicable
Approvals Granted under Section 138 of the Roads Act 1993	Not Applicable
<b>Integrated Development</b>	Not applicable

Yours faithfully,

Karinne Granger  
Development Control Officer  
*Signed on behalf of the consent authority*

### SCHEDULE OF CONDITIONS

#### **PART 1 - GENERAL CONDITIONS**

The following conditions have been applied to ensure that the use of the land and /or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on the development consent.

**ADVISING NOTE:** All conditions relate to Stage 1 and 2 of the development unless specified otherwise.

- (1) Except where otherwise required or permitted by conditions of development consent, the development shall be carried out generally in accordance with the information submitted in support of the development application and the following stamped approved development drawings, including any notations or amendments marked by Council in red.

<i>Title/ Description</i>	<i>Document reference</i>	<i>Document Dated</i>	<i>Prepared by</i>
Site Plan	A02 Rev C	30/09/2019	Peak Architecture
Ground Floor Plan	A03 Rev C	30/09/2019	Peak Architecture
Roof Plan	Rev C	30/09/2019	Peak Architecture
Elevations	A05 Rev C	30/09/2019	Peak Architecture
Section Plan	A06 Rev C	30/09/2019	Peak Architecture

- (2) All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that Code as in force on the date that an application for a relevant construction certificate is made.
- (3) The development shall comply with relevant Australian Standards for access and mobility and the Disability Discrimination Act 1992.
- (4) The use of the individual units have not been approved as part of this application. Once a defined use has been determined for each unit, a development application shall be applied for and approved prior to the use commencing.
- (5) The location and design of each internal driveway for each stage is to comply with AS 2890-1 Part 1: Off Street Car Parking. Provision of car parking space(s) for people with disabilities is to be provided in this internal car parking area in accordance with AS 2890.6.2009 Parking Facilities Part 6 Off-Street Parking for People with Disabilities.
- (6) The driveway crossing for each stage on McIntosh Road shall comply with Council's Standard drawings ER05 and ER06. The driveway profile for an industrial driveway shall be 150mm minimum concrete slab thickness. The finished surface of each vehicle driveway is to be reinstated to match the existing footpath profile on McIntosh Road.
- (7) In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* the following contributions are to be paid to Council in accordance with section 7.11 of the Environmental Planning and Assessment Act 1979 and Upper Lachlan Development Contributions Plan 2007:

<b>Stage 1</b>	
Road	\$44,217.00
<b>Stage 2</b>	
Road	\$44,217.00



**COMBINED TOTAL                      \$88,434.00**

The above contributions are current at the time of determination of the development application and, until paid, shall be adjusted annually on 1 July by reference to the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

- (8) In accordance with the provisions of S64 of the Local Government Act, 1993 and S306 of the Water Management Act, 2000 contributions are required toward the provision of water, sewer and stormwater infrastructure in accordance with the Upper Lachlan Development Servicing Plan 2008 to financially assist in the provision of infrastructure identified as necessary as a result of the development.

The current contributions under the Upper Lachlan Development Servicing Plan 2008 for water, sewer and stormwater infrastructure services are as follows (2019/2020):

**Stage 1**

Water supply Charge:	\$12,225
Sewerage Charge:	\$13,026

**Stage 2**

Water supply Charge:	\$12,225
Sewerage Charge:	\$13,026

**COMBINED TOTAL:                      \$50,502.00**

These contributions are reviewed annually and the contribution rates are to be confirmed prior to payment.

- (9) Each proposed unit shall connect to Council's water supply service. In this regard, a water supply service and meter shall be provided to each unit and comply with current water pressure guidelines. Council's Infrastructure Department can provide a fee quotation for the required service connections and meter(s).
- (10) The applicant is required to connect to Council's sewer system located at the rear of the allotments. Council's Infrastructure Department can provide a fee quotation for the required service connection(s).
- (11) All waste shall be collected on McIntosh Road. Council's garbage truck will not use the internal road access.
- (12) In accordance with Councils Floodplain Risk Management Study and Draft Plan dated June 2017, Lot 11 and 12 are located within the Outer Floodplain (Annexure 2.2 Part D). In accordance with the Development Control Matrix in that Study and Draft Plan for Business & Commercial/Industrial development the floor levels of future development are to be equal to or greater than the Major Overland Flow MFL (100 year ARI flood level plus 300mm freeboard) or 300mm above natural surface levels, whichever is higher.

**PART 2 - PRIOR TO THE APPROVAL OF THE S68 APPLICATION UNDER THE LOCAL GOVERNMENT ACT 1993**

The following conditions of consent must be complied with prior to the issue of a section 68 approval under the Local Government Act 1993 by the Council. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

- (13) Prior to the issue of a Section 68 approval, details of proposed stormwater drainage, designed and certified by a practising hydraulic engineer, shall be submitted to and approved by Council. In this regard:
  - (a) The stormwater design shall detail all stormwater diverted to a suitably sized On-site Detention Chamber and discharged to the existing kerb and gutter on McIntosh Road.
  - (b) The stormwater design is to include the impervious road and roof areas and is to comply with Australian Standard AS3500.

**PART 3 - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

- (14) Prior to the issue of a Construction Certificate, the S68 application as referred to in condition 13 shall be approved by Council.
- (15) Prior to Council or an accredited certifier issuing a Construction Certificate payment to Council of Section 7.11 and Section 64 contributions is required.
- (16) Prior to the issue of a construction certificate details shall demonstrate compliance with condition 12 above relating to Major Overland Flow.

**PART 4 - PRIOR TO COMMENCEMENT OF WORK**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any work on site.

- (17) No building work in the development shall commence unless the following provisions of the *Environmental Planning and Assessment Act 1979* (the Act) have been complied with:
  - a) A construction certificate for the building or subdivision work concerned shall be obtained; and
  - b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and
  - c) Council shall be notified in writing at least two days prior to building work commencing.
- (18) If Council is appointed as the Principal Certifying Authority for the development, at least 48 hours' notice shall be given to Council to permit inspection of building work:
  - a) After excavation for, and prior to the placement of, any footings, and
  - b) Prior to pouring any in-situ reinforced concrete building element, and
  - c) Prior to covering of the framework for any floor, wall, roof or other building element, and
  - d) Prior to covering waterproofing in any wet areas, and
  - e) Prior to covering any stormwater drainage connections, and
  - f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

These are critical stage inspections and must be inspected by the Principal Certifying Authority.

Bookings for inspections should be made through Council's Crookwell Office on 02 4830 1000.

ADVISING - Any required re-inspection or additional inspection will incur a fee in accordance with Council's fees and charges, current at the time of inspection. Council will not grant an occupation certificate unless all inspection fees have been paid.

- (19) As Council is the water supply authority for the land, at least 48 hours' notice shall be given to Council to permit inspection of:-

- a) Internal drainage, and
- b) Hot & cold water; and
- c) External drainage; and
- d) Plumbing and drainage after completion.

Bookings for inspections should be made through Council's Crookwell Office on 02 4830 1000.

Any required re-inspection or additional inspection will incur a fee in accordance with Council's fees and charges, current at the time of inspection. Council will not grant an occupation certificate unless all inspection fees have been paid.

- (20) An application under Section 138 of the Roads Act 1993 is to be lodged with Council for any works on Council's McIntosh Road reserve.

The application shall be made on the appropriate form available on Council's website, and shall be submitted 72 hours prior to the commencement of work by the contractor undertaking the work.

ADVISING - All work in the road reserve area shall be conducted by Council or a Council approved contractor in compliance with the Work Health & Safety Act 2011 and subordinate legislation.

#### **PART 5 - DURING CONSTRUCTION**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

- (21) Building work in the development shall be carried out only:

- a) On Mondays to Fridays between 7:00 AM and 6:00 PM, and
- b) On Saturdays between 7:00 AM and 1:00 PM if inaudible on residential premises, otherwise 8.00 AM to 1.00 PM.

No building work in the development shall be carried out on Sundays or public holidays.

- (22) No construction work shall take place on Sundays or Public holidays. A written application shall be made to Council if a variation of these hours is required. The application shall indicate the reasons for the variation. The Council shall, if it so desires, grant any variation in writing.



- (23) At least 48 hours' notice shall be given to Council for inspection of any of the following works in the development:
- a) Roadworks
  - b) Sub-grade earthworks prior to gravel
  - c) Any Kerb & gutter completed
  - d) Gravel test results available
  - e) Compacted gravel base completed
  - f) Sealing completed
- (24) Vehicles and equipment associated with the work in the development will be located to minimise potential adverse impact on residential amenity in the locality.
- (25) For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- (26) No building, subdivision or demolition work in the development shall commence unless provision has been made for temporary toilet accommodation on the site of the work.
- (27) No work in the development shall commence unless satisfactory erosion and sediment controls have been put in place to prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land as follows. Such measures shall include:
- a) Diversion of uncontaminated run-off around cleared or disturbed areas, and
  - b) Erection of silt fencing to prevent debris escaping into drainage systems and waterways, and
  - c) Prevention of tracking of sediment by vehicles onto roads, and
  - d) Stockpiling of topsoil, excavated material, construction and landscaping supplies and debris at the site of works.
- The above controls shall remain in place until all disturbed ground surfaces at the development site have been rehabilitated, vegetated and/or stabilised to prevent erosion or sediment loss.
- (28) All plumbing and drainage work shall be completed and certified by a licensed plumber to be in accordance with the National Construction Code – Plumbing Code of Australia.
- The following documentation shall be submitted to Council prior to the issue of the Occupation Certificate:
- a) An accurately drawn sewer diagram, and
  - b) Certificate of Compliance for Plumbing & Drainage Work.
- (29) No building material or demolition waste shall be permitted to be deposited on any Council land, including public reserves, roads, gutters or footpaths. Unless pre-existing damage to Council infrastructure is notified to Council in writing prior to commencement of any building or other work in the development, Council will hold the person(s) having the benefit of the consent liable for the cost of any necessary repairs.
- (30) Vehicles entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, shall be covered at all times when not loading or unloading.
- (31) During the proposed earthworks and construction on the site, it is important that all contractors be advised of the probability of historical artefacts being unearthed. Any small items should be noted, retrieved and stored carefully. Should any major archaeological features be observed or

uncovered, work on that particular section of the property should cease and Upper Lachlan Shire Council be informed immediately.

#### **PART 6 - PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.**

- (32) The development shall not be occupied unless an Occupation Certificate has been obtained for each stage of the development.
- (33) Prior to the issue of an Occupation Certificate for Stage 2, the lots identified as Lot 11 & 12 DP 1031350 shall be consolidated to form a single lot. Details of the consolidated lots, including the new Lot and Deposited Plan number registered with the Land and Property Management Authority shall be submitted to Council.
- (34) If any damage is caused to any Council asset or infrastructure in the carrying out of the development or any associated transportation, no Occupation Certificate shall be granted for the development unless satisfactory repairs are carried out under Council's direction and at no expense to Council.
- (35) No Occupation Certificate shall be granted for the development unless all necessary Fire Safety Certificates, with respect to the Fire Safety Schedule, have been submitted to the Principal Certifying Authority for the development. A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:
  - Forwarded to Upper Lachlan Shire Council
  - Forwarded to the Commissioner of the NSW Fire Brigade; and
  - Prominently displayed in the building

#### **Part 7 - AGENCY Conditions**

Nil

**REASONS FOR CONDITIONS**

Conditions have been imposed in accordance with the requirements of Section 4.17 of the *Environmental Planning and Assessment Act, 1979*, in particular having regard to the relevant provisions of Section 4.15.

- To comply with the provisions of relevant Environmental Planning Instruments (including drafts) regulations and development control plans. (Section 4.15(1)(a)(i)-(iii)).
- To ensure that there is no adverse effect caused by the development. (Section 4.15(1)(b)).
- To ensure that the site is suitable for the development. (Section 4.15(1)(c)).
- To protect the public interest. (Section 4.15(1)(e)).

**ADDITIONAL NOTES**Construction Certificate

Where construction work is proposed development consent is the first step. Before construction commences, a Construction Certificate must be obtained from Council or an accredited certifier.

Lapsing of Development Consent

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

Planning Assessment Commission

The Independent Planning Commission has not conducted a public hearing in respect of the subject development application.

Right of Appeal

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months after the date the applicant received this notice (Section(s) 8.7 & 8.10 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, in the case of designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission.

Review

An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

Notes:

*A Review cannot be requested for:*

- *a determination to issue or refuse to issue a complying development certificate, or*
- *a determination in respect of designated development, or*
- *a determination in respect of integrated development, or*
- *a determination in respect of integrated development, or a determination made by Council under Division 4 in respect of an application by the Crown.*
- *a determination in which a regional panel exercises a Council's functions as the consent authority.*

Charges

Charges are reviewed each financial year. Any charges payable for this consent should be confirmed prior to payment. A copy of Council's fees and charges is available free of charge at the Council offices.

*Dial Before You Dig*

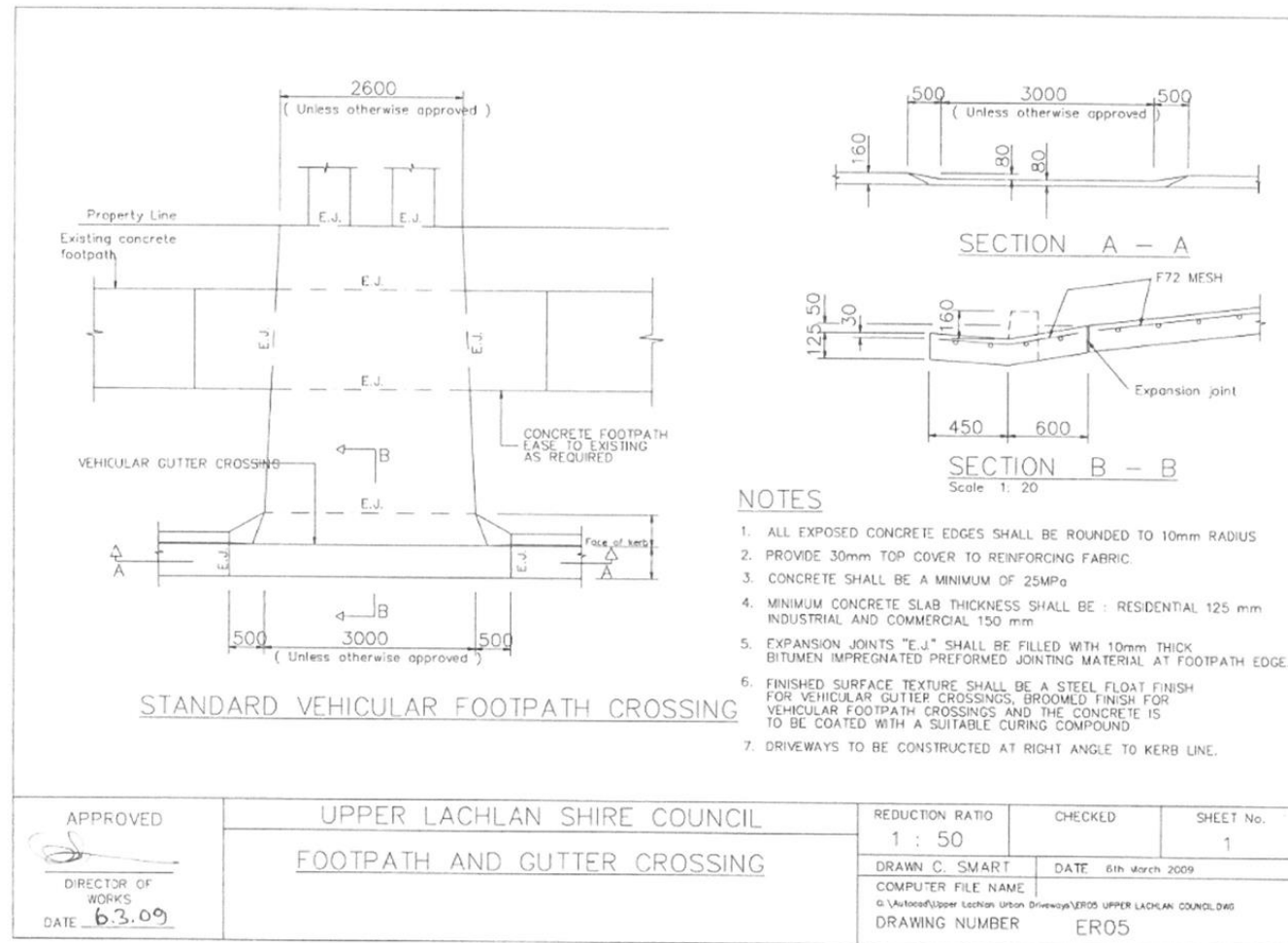
Underground assets may assist in the area that is subject to your application. In the interest of health & safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

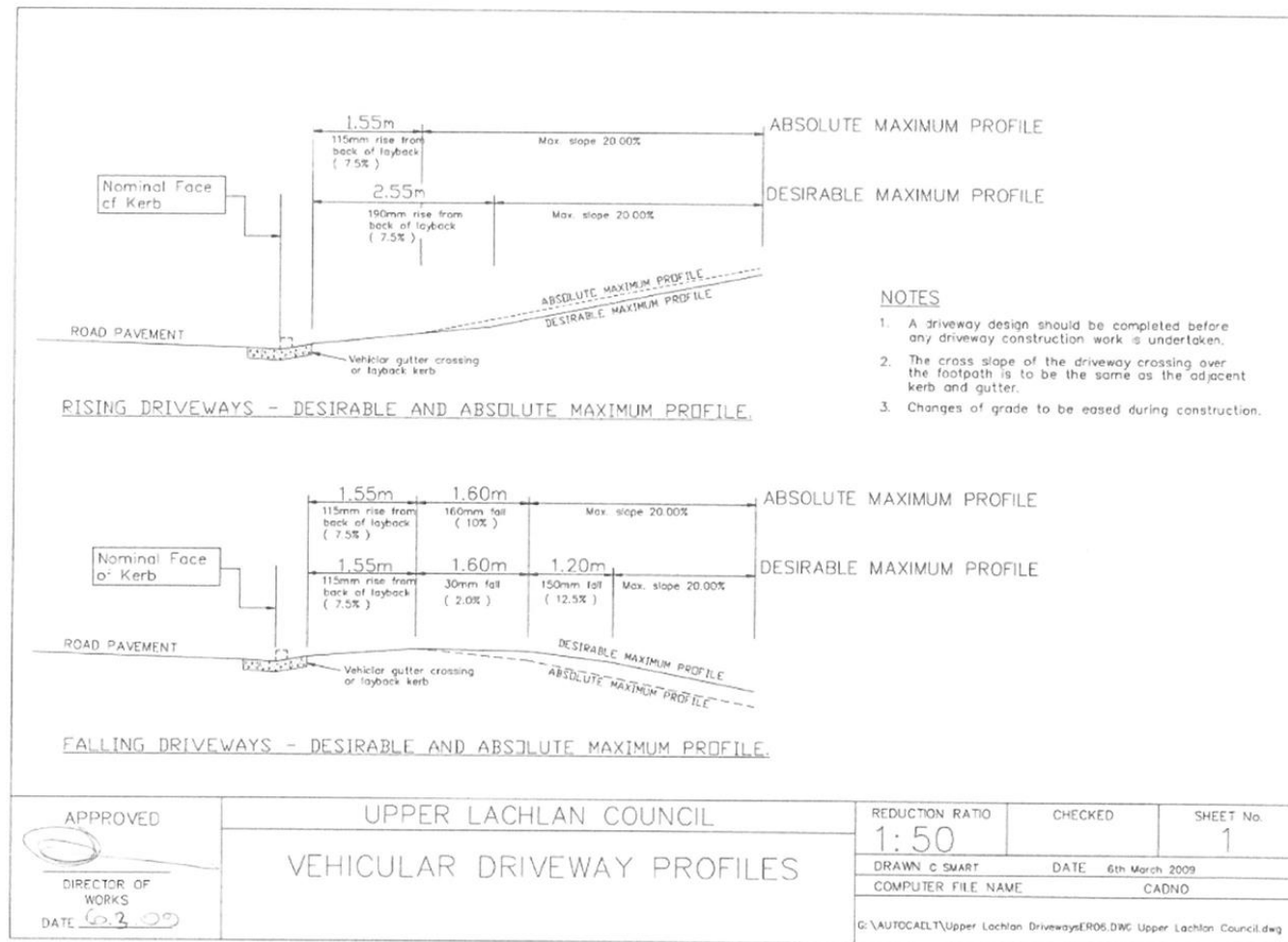
*Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: **Telstra's Network Integrity Team** on Phone Number 1800810443.









Three Serves Pty Limited  
P O Box 4  
CROOKWELL NSW 2583  
[gerald@smrcrookwell.com.au](mailto:gerald@smrcrookwell.com.au)  
(02) 4832 1100

8 November 2019.

The Planning Department  
Upper Lachlan Shire Council  
CROOKWELL NSW 2583

Dear Sir

Development Application Number: 61/2019  
LOT 11 & 12 MCINTOSH ROAD  
LIGHT INDUSTRIAL DEVELOPMENT  
REVIEW DETAILS TO ACCOMPANY SECTION 8.2 REVIEW APPLICATION

Thank you for the DA issued 25<sup>th</sup> October 2019 and received by mail 29<sup>th</sup> October 2019.

We provide below details of a few issues which we discussed with Viv & Karinne at a meeting on the 7<sup>th</sup> November 2019 and now request a formal review as per accompanying section 8.2 Review application.

Items as they appear in the DA.

ITEM 9 WATER SUPPLY & METERS TO EACH UNIT. It is our intention to only have one council meter per block, which are already in place. As owners we will install internal meters to each separate unit and deal with water charges as part of the rent.

ITEM 13. STORM WATER PLAN. The DA states that prior to issue of s68 approval we must submit a storm water design. The existing storm water plan is deficient in that it was based upon an earlier building plan. We request that this item allow some flexibility in either resubmitting the storm water plan with the final approved building plans or providing an alternative option yet to be discussed with director of engineering.

ITEM 33 STAGE 2. The DA states that prior to the issue of occupancy certificates for stage 2 that lots 11 & 12 shall be consolidated to one lot. We request that this item be amended to include options of provision for a right of carriage way or other legal access which would not necessitate consolidation of the blocks.

Thank you for your time in reviewing these matters.

THREE SERVES PTY LIMITED

Per: 

K:\data\Doc\OGS\McIntosh Rd\Sec8.2 Review application annexure Nov19

Three Serves Pty Limited  
P O Box 4  
CROOKWELL NSW 2583  
[gerald@smrcrookwell.com.au](mailto:gerald@smrcrookwell.com.au)  
(02) 4832 1100

8 November 2019

The Councillors  
Upper Lachlan Shire Council  
CROOKWELL NSW 2583

Mayor John Stafford and ULSC Councillors

Section 7.11 and Section 64 of the Local Govt Act.

MCINTOSH ROAD LIGHT INDUSTRIAL DEVELOPMENT ("Three Serves Pty Ltd")

"Three Serves Pty Ltd" has just been granted Development Consent (DA : 61/2019) for Lots 11 and 12 DP 1031350, 36-38 McIntosh Road, Crookwell for the erection of buildings and the carrying out of works for the purpose of a two staged multi-unit light industrial development (8 units).

As part of the DA approval we have been advised that the section 7.11 charges for the development will be \$88,434 and section 64 charges for the provision of Water, Sewerage and stormwater infrastructure will be \$50,202. A total of infrastructure charges of \$138,636.

"Three Serves Pty Ltd" is three local businessmen who are concerned for the future of Crookwell and felt the establishment of eight warehouse units may entice businesses to Crookwell. This in turn would create new jobs and provide a facility that is currently unavailable and sorely needed in the Upper Lachlan Shire

We request that council give favourable consideration to this project by reducing the section 7.11 and waiving section 64 contributions on this development. We believe that this development will give great benefit to Crookwell, being the start of an industrial hub in North Crookwell and by providing various employment opportunities. The flow on effect if this were to occur would be enormous, both for the shire and the ULSC in terms of rates etc. It appears the only way an industrial hub like this will occur is if it is funded by private enterprise.

It is our understanding that part of the purpose of these charges is for the betterment of the community. We are taking considerable risk in undertaking this development with one of the main aims being to improve the Crookwell community and business opportunities.

We acknowledge that a major issue in reducing section 7.11 charges is that it could create a "precedent" for future developers and ULSC would have to deal with those issues. As part of our research into how we can entice businesses into the ULS we came across the attached "Fraser Council Regional Council Incentives Policy 2019". Its objective is to **"provide subsidised infrastructure charges as an incentive for development within the Fraser Coast Regional Area"**. The policy was designed to ensure consistency in application and provide certainty to applicants. As you will see in the attachment, incentive subsidies are available up to 100% depending on what will be achieved with the development.

Incentive 3 in the Fraser Council scheme is for Employment Generating Businesses and offers a 50% incentive subsidy. Our McIntosh Road Light Industrial Development is being built to encourage new businesses into the district or existing small businesses to expand. Our aim as stated is to generate employment opportunities in the ULS. We hope to provide new employment for up to 16 people and we note that the Fraser Council offered these incentives to Employment generating businesses, employing two or more full time employees.

If ULS Councillors implemented a similar scheme as the Fraser Council Infrastructure Charges Incentive Policy 2019, then it would negate the current "precedent" issue and more importantly it would provide a massive incentive for prospective developers. Creating employment and opportunities in the Shire will ensure its future. The location of Upper Lachlan Shire to the Hume Highway and the major cities of Sydney and Canberra, with development incentives would be a major lure to developers.

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You will appreciate that this project is very cost sensitive. These particular blocks were on the market for five years before being acquired by ourselves. The land values were not substantial and our initial inquiries show that rental returns have to be kept reasonable to attract tenants. All of this shows that to make this project viable all costs including sec 7.11 and sec 64 contributions have to be kept to low levels and well below the amount advised. Based on the above amount these costs are almost 14% of the overall construction costs.

As stated above, we believe this project will bring considerable benefit to Crookwell and as a result we request that you review the sec 7.11 contributions for this project in light of this, with a view to keeping them to a minimum thus enabling this project a chance of being viable. We have allowed for \$25,000 per block in our costings of the project (\$50,000 or \$6,250 per unit for this contribution) and consider that any amount above \$50,000 would be excessive.

In regard to section 64 contributions of \$50,202, we request that council give favourable consideration to waiving the contributions on this development.

It is our understanding that the purpose of these charges is for the improvement to water & sewer infrastructure based upon growth expectations. While we expect that this project will in the longer term provide for growth in the Crookwell district, our proposed development will add little to current demand on water and sewage infrastructure in Crookwell. It is our understanding that the current facilities are well in excess of current requirements and thus the nexus between current demand and future demand based on growth expectations are that no additional work will be required to any existing facilities because of this project. This additional usage may be 10 to 12 persons compared to 2500 in the town or .04%

We were of the understanding when acquiring these blocks that, as they were already connected to town water & sewage, that no further costs would be incurred in respect of these facilities. We currently have no provision in our costings of the project for this charge and consider that any amount would be excessive. These blocks were initially developed by Crookwell Council in early 2000's. This along with the fact that we believe no additional costs will be incurred by council in this area as a result of this project that these fees should be waived.

Our advertising around the State for potential initially provided three very interested parties. Two of these have now withdrawn due to the lengthy period in obtaining the DA, both were from outside of Crookwell. We initially lodged the DA in June 2019.

We further request that these Sec 7.11 contributions be deferred until each of the units is let. This will also allow the council to assess any addition in use contributions as the tenants will be known.

Three Serves hope that ULS Councillors will debate the above contributions and agree to a reduction in the current Sec 7.11 contributions and a waiver of the section 64 contributions that are included in our Development Consent. The current infrastructure charges of \$138,636 make the proposed industrial development unviable and if they remain we will not be going ahead with the development.

We also hope that in the short term, ULS Councillors will review the attached Fraser Council document and potentially look at implementing a similar scheme in the Upper Lachlan Shire which will provide consistency and encourage infrastructure development and in turn the associated employment benefits for this district.

"THREE SERVES PTY LTD"

Gerald Spackman

Floyd Davies

David Johnson

Three Serves Pty Limited  
P O Box 4  
CROOKWELL NSW 2583  
[gerald@smrcrookwell.com.au](mailto:gerald@smrcrookwell.com.au)  
(02) 4832 1100

12 November 2019.

The Planning Department  
Upper Lachlan Shire Council  
CROOKWELL NSW 2583

Dear Sir

Development Application Number: 61/2019  
LOT 11 & 12 MCINTOSH ROAD  
LIGHT INDUSTRIAL DEVELOPMENT  
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Items as they appear in the DA.

ITEM 8 WATER & SEWAGE CHARGES

Item 2.7 of the Upper Lachlan Shire Council Development Servicing Plan Sewer Scheme clearly states that these development contributions are payable and should be finalised at the following stages:

a) Development applications involving sub division – Prior to release of subdivision certificate. These block were developed by the council in the early 2000's sub divided and with water & sewage connected at that time. Based on the councils own documents, as detailed above, these fees are payable at that time. Thus these fees were either paid or waived at that time and thus are not payable now. (Please note in accompanying letter to councillors we have requested these be waived however that will not be required if incorrectly applied).

ITEM 9 WATER SUPPLY & METERS TO EACH UNIT. It is our intention to only have one council meter per block, which are already in place. As owners we will install internal meters to each separate unit and deal with water charges as part of the rent.

ITEM 13. STORM WATER PLAN. The DA states that prior to issue of s68 approval we must submit a storm water design. The existing storm water plan is deficient in that it was based upon an earlier building plan. We request that this item allow some flexibility in either resubmitting the storm water plan with the final approved building plans or providing an alternative option yet to be discussed with director of engineering.



ITEM 33 STAGE 2. The DA states that prior to the issue of occupancy certificates for stage 2 that lots 11 & 12 shall be consolidated to one lot. We request that this item be amended to include options of provision for a right of carriage way or other legal access which would not necessitate consolidation of the blocks.

Thank you for your time in reviewing these matters.

THREE SERVES PTY LIMITED

Per:

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## COUNCIL POLICY

**Policy Title:** INFRASTRUCTURE CHARGES INCENTIVES POLICY 2019  
**Policy Subject:** Development  
**Policy No.:** #2437134v8

**Directorate:** Development & Community  
**Department:** Planning & Growth  
**Section:** Development Assessment

**Responsible Officer:** Executive Manager, Planning and Growth  
**Authorised by:** Director, Development & Community

**Adopted date:** 12/02/2014  
**Review date:** 01/09/2019  
**Amended date:** 18/12/2018  
**Risk Assessment:** High

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This policy commences on 14 February 2019 and will be reviewed on 1 September 2019. Incentives under this Policy are not retrospective.

**1.0 OBJECTIVE:**

The objective of this policy is to provide subsidised infrastructure charges as an incentive for development within the Fraser Coast Regional Council area.

**2.0 POLICY:**

This policy outlines the financial incentives that are available to developers and establishes the criteria for eligibility according to the type of development and its location within the Fraser Coast Regional Council area. The policy will ensure consistency in application and provide certainty to applicants.

Development that is ineligible for any subsidies will be subject to Council's *Adopted Infrastructure Charges Resolution*, pursuant to the *Planning Act 2016*.

**3.0 APPLICABILITY:**

Developments that are subject to infrastructure agreements with Council are ineligible for further incentives under this Policy.

Otherwise, the Policy is applicable to developments that meet one or more of the following Incentives as detailed in Section 4.0 - Assessment Criteria:

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Incentives	The maximum amounts of subsidy available for each Incentive are as follows:
<b>Incentive 1</b> – Residential, Commercial and Industrial Delayed Payment	Delayed payment of Reconfigure A Lot Infrastructure charges until the sale of the lots created or 2 years whichever is earlier, subject to agreement to the terms and conditions
<b>Incentive 2</b> – Residential Affordability (a) Infill residential development (b) Over 50's Lifestyle Village (c) Tourist Parks and Tourist Attraction (d) Small Lot Residential Development	20%; or 20%; or 20%; or 20%; or
<b>Incentive 3</b> – Employment Generating Businesses (a) Industry Activities (b) Medical Related (c) Business Activities (d) Tourism Activities (e) Rural Industry	50%; or
<b>Incentive 4</b> - Central Business District development, Hervey Bay Nodal development ,and, Commercial zoned land in a Rural or Coastal township	100%
<b>Incentive 5</b> – Maryborough and Hinterland, and townships of Howard and Torbanlea	a. Preservation of existing charges for Material Change of Use; and b. Flat rate charge for Reconfiguring a Lot applications: - \$10,000 per lot if serviced with reticulated water & sewerage; or - \$7,500 per lot if not serviced by reticulated water and/or sewer Lots to be completed within 2 years of the commencement of this policy.
<b>Incentive 6</b> – Development considered to be of Special or significant benefit	Up to 100%

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Where compliance with two or more of the Incentive Groups is achieved, only the highest subsidy shall apply, i.e. Subsidies are not cumulative. However, **Incentive 2(a)** - Infill Residential Development may also be eligible for the **Incentive 1** - Residential Delayed payment.

The subsidy applies to the applicable infrastructure charges calculated pursuant to Council's *Adopted Infrastructure Charges Resolution* (i.e. the infrastructure charges less any applicable credits or offsets).

***Incentives will only apply to charges that are paid in accordance with the timeframes for payment as indicated on the relevant infrastructure charges notice.***

An application for a development incentive will be subject to assessment against this policy (*Infrastructure Incentives Policy 2019*) and if further consideration for eligibility is required, determination will be at the discretion of Council and/or the Chief Executive Officer.

Developers or landowners who wish to determine whether their development is eligible for a subsidy in accordance with this Policy should apply in writing using the prescribed form. The form should be submitted to Council's Planning and Development Department and addressed to:

Physical Submissions:  
Chief Executive Officer  
Fraser Coast Regional Council  
PO Box 1943  
HERVEY BAY QLD 4655

Electronic Submissions:  
[development@frasercoast.qld.gov.au](mailto:development@frasercoast.qld.gov.au)

Where a development permit provides for staging, the assessment criteria below can be applied to individual stages.

### 4.0 ASSESSMENT CRITERIA:

#### **INCENTIVE 1 – RESIDENTIAL, COMMERCIAL & INDUSTRIAL DELAYED PAYMENT OPTION; SUBJECT TO AGREEMENT TO TERMS AND CONDITIONS**

##### **Purpose:**

The purpose of this incentive is to provide an incentive for development that reduces the upfront costs of development at sealing of survey plan by delaying the payment of infrastructure charges until such time as the lots provided are on sold or a period of two years expires whichever is the sooner.

##### **Eligibility Criteria:**

- (a) A current development permit to Reconfigure a Lot (RAL) for Residential, Commercial or Industrial allotments must be in place, which includes Building Format Plan and Standard Format Plan Reconfigure Developments.
- (b) Prior to the Sealing of Survey plan for the RAL, the applicant enters into an Infrastructure Agreement (IA) with Council. The IA will include the following schedule of conditions:
  - Infrastructure Charges are to be applied in accordance with the Adopted Infrastructure Charges Resolution and applicable Incentive Policy at the time;



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- Upon sealing of the Survey Plan by Council the Plan of Survey is to be lodged with Department Natural Resources ,Mines and Energy (Titles Office) within a period of 2 months, or as otherwise approved by the delegated Council Officer;
  - Upon receipt by Council of the titles notification for each lot created, Council will attach the value of the Infrastructure Charge (IC) to each lot as a rate pursuant to section 144 Planning Act 2016;
  - The Infrastructure Charge attached to the property pursuant to the Infrastructure Agreement shall be paid when the subject Lot is transferred in ownership, or within two years of the issuance of a title whichever is the sooner;
  - Interest on the outstanding Infrastructure Charge will not be applied by Council for the first 2 year period. Interest will however be applied to any outstanding IC after this period; and
  - Should Infrastructure Charges not be paid within a period of three years, Council will exercise its rights pursuant to the *Local Government Act 2009* to recover the outstanding infrastructure charges as if the amount constitutes an outstanding rate which levied against the property.
- (c) The Applicant must apply in writing on the prescribed form for this Incentive; and
- (d) The Engineering Works associated with the RAL must be accepted "on maintenance" prior to the entering into the Infrastructure Agreement. In this regard, no works are to remain outstanding.

**INCENTIVE 2 – RESIDENTIAL AFFORDABILITY; INCLUDES INFILL RESIDENTIAL DEVELOPMENT, OVER 50'S LIFESTYLE VILLAGE, TOURIST PARKS AND SMALL LOT RESIDENTIAL DEVELOPMENT**

The purpose of this Incentive is to encourage development that meets the eligibility criteria for at least one of the following:

**(a) Infill residential development**

**Purpose:**

The purpose of this Incentive is to foster the efficient use of small areas of existing zoned and serviced residential land.

Council considers that there are advantages to the wider community in ensuring the development of this land, such as better utilisation of existing infrastructure.

**Eligible development:**

Eligible development must meet all of the following requirements:

- (a) The development is classified "infill residential development" as defined in this Policy; and
- (b) The Development Permit for reconfiguring a lot has taken effect;

"Infill residential development" for the purposes of this Policy means land which –

- is situated within an established suburb;

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- is substantially surrounded by existing urban development;
- is serviced by urban roads, water and sewer supply and is within 500 metres of a park;
- is less than 1 hectare in area;
- is capable of producing no more than 10 residential lots/dwellings or involves a multiple dwelling development that exceeds a minimum residential density target of 40 dwelling units per hectare for Medium Density development or 85 dwelling units per hectare for High Density development;
- is located within the identified Priority Infrastructure Area (PIA) as identified in the State Planning Regulatory Provision (Adopted Charges); and
- is generally consistent with the intended density.

For the purposes of clarity, "infill residential development" does not include land zoned "Emerging Communities", "Rural Residential" or "LDR 1 Precinct" of the "Residential Zone" in the *Fraser Coast Planning Scheme 2014*.

**Amount of subsidy:**

A 20% subsidy on applicable infrastructure charges pursuant to Council's *Adopted Infrastructure Charges Resolution*. This Incentive may be eligible for delayed payment.

**(b) Over 50's Lifestyle Village****Purpose:**

The purpose of this Incentive is to encourage new Over 50's residential retirement villages which by their built form and available facilities will provide a residential product targeting self-funded retirees.

**Eligible development:**

Eligible development must meet all of the following requirements:

- (a) The Applicant must demonstrate that the development will provide new permanent employment for six (6) or more full time employees or equivalent after the construction stage is complete or in the case of an existing small business (i.e. with less than 20 employees) the development will provide new permanent employment for two (2) or more full time employees or equivalent; and
- (b) A Development Permit for a Retirement Facility or Relocatable Home Park as defined by the *Fraser Coast Planning Scheme 2014* has taken effect not before the commencement date and the Development Permit has taken effect when construction has lawfully commenced or sealing of survey plan for RAL; and
- (c) The Over 50's Lifestyle village contains independent living units, serviced units and may contain a Residential Care Facility component. The development must provide for an integrated resort style residential community specifically built and designed to cater for active retirement including; communal buildings sporting/recreational facilities health care and may include a food and drink outlet/ restaurant /bar; and
- (d) The Applicant must demonstrate that the development is limited to Over 50's retirement lifestyle living.

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A 20% subsidy on applicable infrastructure charges pursuant to Council's *Adopted Infrastructure Charges Resolution*. This incentive is not eligible for delayed payment, however, Council may upon application, agree to a payment plan on a per dwelling basis at issuance of Certificate for Final Classification for individual buildings.

**(c) Tourist Park****Purpose:**

The purpose of this Incentive is to encourage new Tourist Parks developments as defined by the *Fraser Coast Planning Scheme 2014* to expand the tourism opportunities on the Fraser Coast.

Eligible development must meet all of the following requirements:

- (a) The Development Permit for short term accommodating in the form of a Tourist park, Nature Based Tourism or Farm Stay as defined by the *Fraser Coast Planning Scheme 2014* has taken effect not before the commencement date and the Development Permit has taken effect when construction has lawfully commenced or sealing of survey plan for RAL; and

**Amount of subsidy:**

A 20% subsidy on applicable infrastructure charges pursuant to Council's *Adopted Infrastructure Charges Resolution*. This Incentive is not eligible for delayed payment.

**(d) Small Lot Residential Development****Purpose:**

The purpose of this incentive is to encourage the diversity of new residential development that incorporates innovated urban design small lot configurations.

**Eligible development:**

Eligible development must meet all of the following requirements:

- (a) The Development Permit for reconfiguring a lot takes effect.

"Small Lot Residential Development" for the purposes of this Policy means land which –

- is situated within an established medium or high density zoned land;
- is substantially surrounded by existing urban development;
- is serviced by urban roads, water and sewer supply;
- is less than 450m<sup>2</sup> in area;
- is capable of being occupied by only one (1) household;
- is contained within a defined building envelope which specifies requirements for the height, setbacks of the dwelling, and outcomes for built to boundary walls;
- is located within the identified Priority Infrastructure Area (PIA) as identified in the State Planning Regulatory Provision (Adopted Charges); and



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- is generally consistent with the intended density for the zone.

For the purposes of clarity, "small lot residential development" does not include land zoned "Emerging Communities", "Rural Residential" or "LDR 1 Precinct" of the "Residential Zone" in the *Fraser Coast Planning Scheme 2014*.

**Amount of subsidy:**

A 20% subsidy on applicable infrastructure charges pursuant to Council's *Adopted Infrastructure Charges Resolution*. This Incentive is not eligible for delayed payment.

**INCENTIVE 3 - EMPLOYMENT GENERATING BUSINESS****Purpose:**

The purpose of this Incentive is to encourage for new businesses or existing businesses including, Industrial activities, Medical related activities, Business activities, Tourism activities and Rural industries to establish or expand, which generate additional employment opportunities after the construction stage.

**Eligible development:**

Eligible development must meet all of the following requirements:

- (a) The Applicant must demonstrate that the development will provide new permanent employment for six (6) or more full time employees or equivalent after the construction stage is complete or in the case of an existing small business (i.e. with less than 20 employees) the development will provide new permanent employment for two (2) or more full time employees or equivalent; and
- (b) The Development Permit has taken effect not before the commencement date and the Development Permit has taken effect when construction has lawfully commenced or sealing of survey plan for RAL; and

**Amount of subsidy:**

A 50% subsidy on applicable infrastructure charges pursuant to Council's *Adopted Infrastructure Charges Resolution*. This Incentive is not eligible for delayed payment.

**INCENTIVE 4 - CENTRAL BUSINESS DISTRICT DEVELOPMENT AND HERVEY BAY NODAL DEVELOPMENT****Purpose:**

The purpose of this Incentive is to encourage development within the Central Business Areas of Maryborough and Pialba, the Scarness, Torquay and Urangan Nodes in Hervey Bay, and, Commercial zoned land in the rural and coastal townships which will result in better utilisation of existing infrastructure; help to consolidate development within the centres/nodes; generate employment and increase opportunity, increase services and improve lifestyle, and, provide overall community benefits.

**Eligible development:**

Eligible development must meet all of the following requirements:

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- (a) Development must be on land located within "Maryborough Principal Activity Centre Local Plan Area" (*Attachment 1*) or the "Pialba Principal Activity Centre Local Plan Area" (*Attachment 2*) or the Scarness, Torquay and Urangan HDR1 Hervey Bay Tourism Nodes (*Attachment 3*); or, a Commercial zoned lot in a Rural or Coastal Township.
- (b) The Development Permit has taken effect not before the commencement date and the Development Permit has taken effect when construction has lawfully commenced or sealing of survey plan for RAL; and

**Amount of subsidy:**

A 100% subsidy on applicable infrastructure charges pursuant to Council's *Adopted Infrastructure Charges Resolution*. This Incentive is not eligible for delayed payment.

**INCENTIVE 5 – PROVISIONS FOR DEVELOPMENT IN THE FORMER LOCAL GOVERNMENT AREAS OF MARYBOROUGH, TIARO AND WOOCOO AND THE TOWNSHIPS OF HOWARD AND TORBANLEA****Purpose:**

The purpose of this incentive is to provide subsidies for infrastructure charges applicable to development within the former local government areas of Maryborough City, Tiaro Shire (as administered by the Fraser Coast Regional Council), Woocoo Shire and the Howard and Torbanlea townships.

**Eligible development:**

This incentive is only applicable to;

- (a) Existing Material Change of Use development approvals that have been previously granted a subsidy under this incentive, but only for the life of the existing approval; or
- (b) Additional lots created by Reconfigure a Lot applications provided the 'Plan of Subdivision' is approved (plan sealed) prior to 14 February 2021.

**INCENTIVE 6 – SPECIAL OR SIGNIFICANT BENEFIT****Purpose:**

The purpose of this Incentive is to promote development that provides special or significant benefit to the region.

**Eligibility Criteria:**

Eligible development may include:

- (a) Development that exhibits innovative or leading edge design as an example of 'exemplar' development, incorporates high levels of efficiency and/or sustainability, as determined by Council or the Chief Executive Officer or any other development that is considered by Council or the Chief Executive Officer to warrant special consideration; or

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- (b) Development that is compliant with at least one of Incentives 2-3 and is of a type or scale that requires extended subsidy deadlines in consideration of the longer lead times.

**Amount of subsidy:**

The applicable subsidy and conditions will be determined by Council or the Chief Executive Officer, having regard to the significance of the development to the region as well as, the application of Council's *Adopted Infrastructure Charges Resolution*.

**5.0 DEFINITIONS:**

Terms used in this Policy are as defined in the *Planning Act 2016* and the *State Planning Regulatory Provision (Adopted Charges)*.

Land use definitions are as defined in the *Fraser Coast Planning Scheme 2014*.

"*Development Permit*" for the purpose of this policy, refers to a Development Permit for Reconfiguring a Lot; Material Change of Use; or Building Works, for which infrastructure charges are payable.

**6.0 TIMING**

This policy commences on the 14 February 2019 and shall remain current until such time as Council resolves otherwise. The Incentives are not retrospective and Incentives do not apply to any development that has effectively commenced pursuant to the *Planning Act 2016*.

Applications in accordance with this policy shall detail the estimated time line to deliver the development. The currency for any Incentive 2, Incentive 3, Incentive 4, Incentive 5 or Incentive 6 approved by Council under this policy is two (2) years, unless otherwise established under schedule in an Infrastructure Agreement.

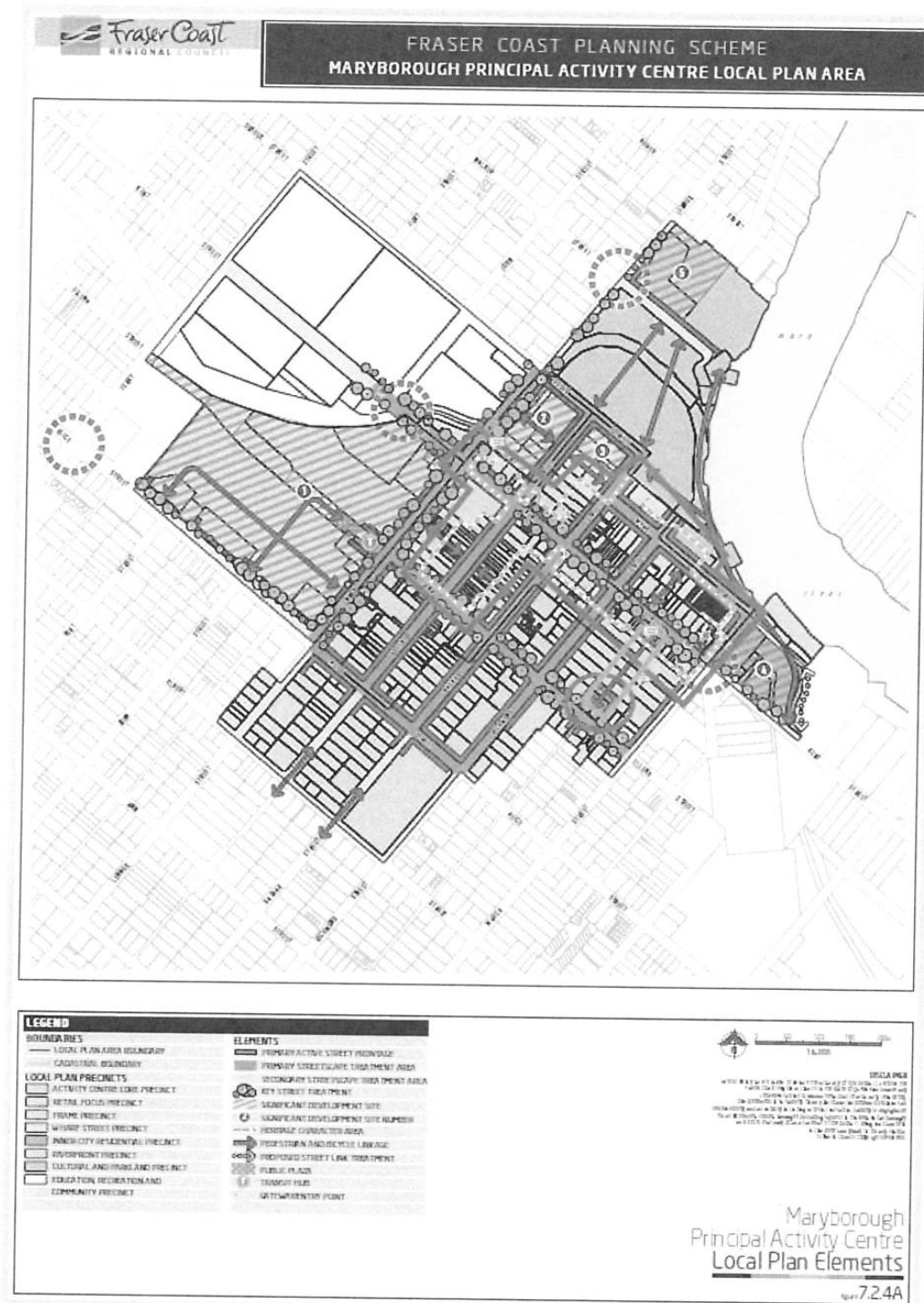
**RELATED DOCUMENTS:**

1. Adopted Infrastructure Charges Resolution September 2018: Docs #3264245
2. Adopted Infrastructure Charges - Management Policy: Docs #2461019

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## Attachment 1

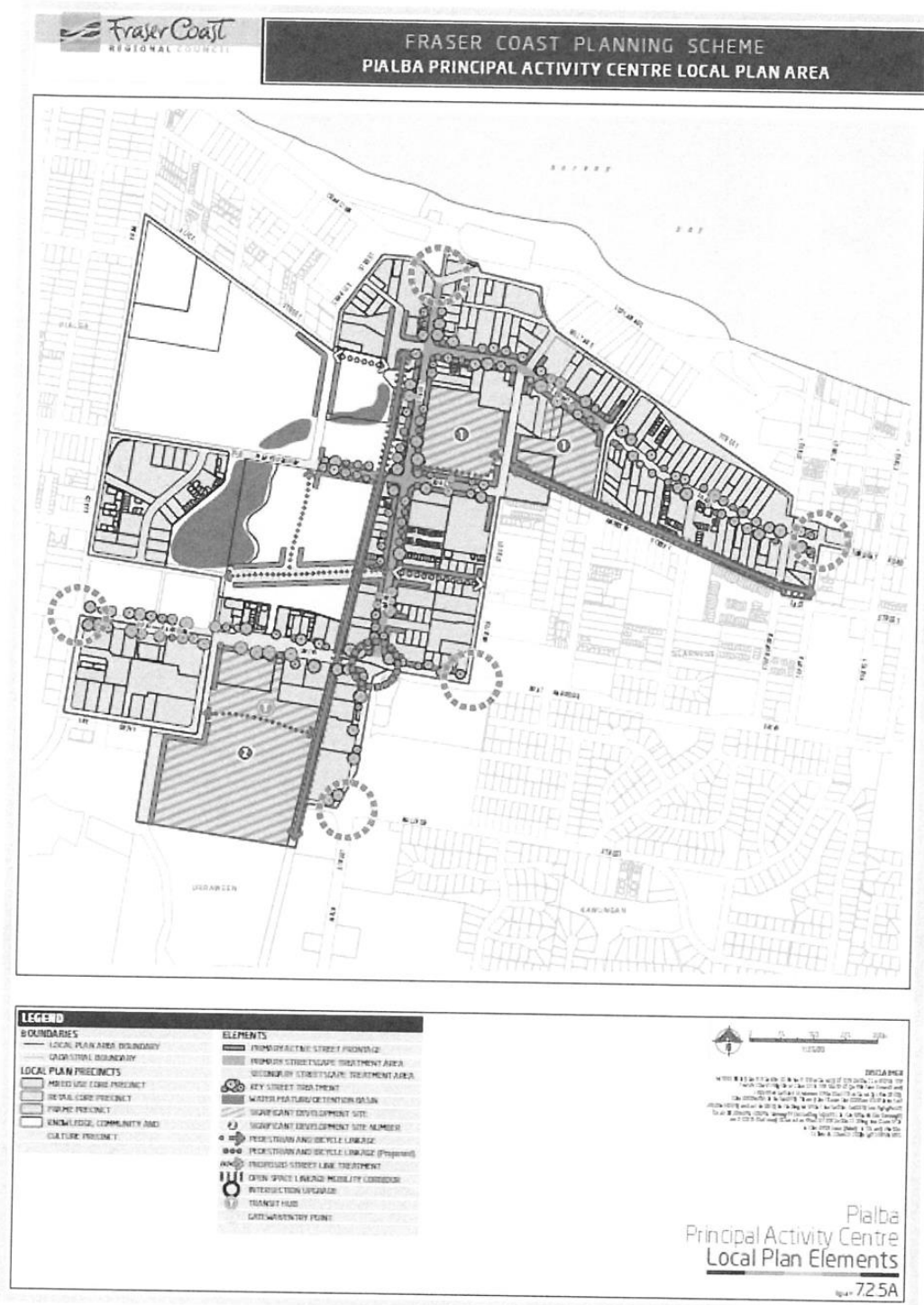




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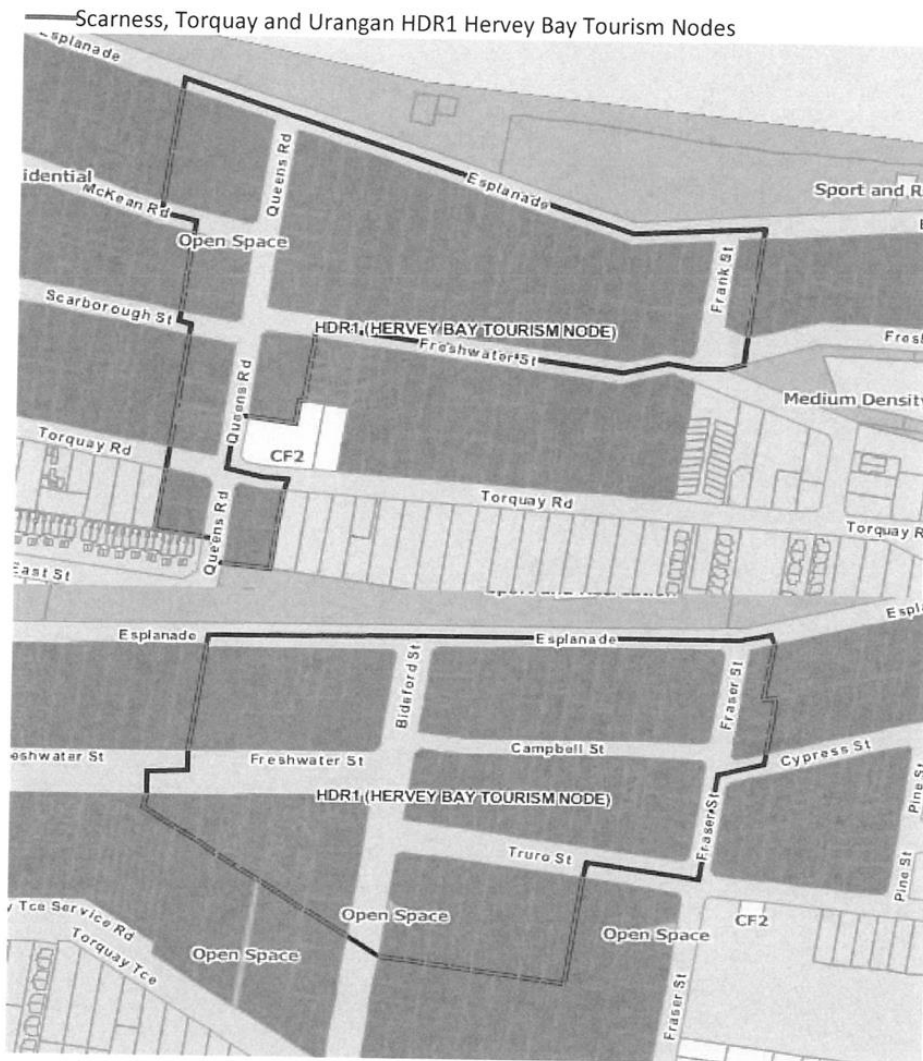
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## Attachment 2



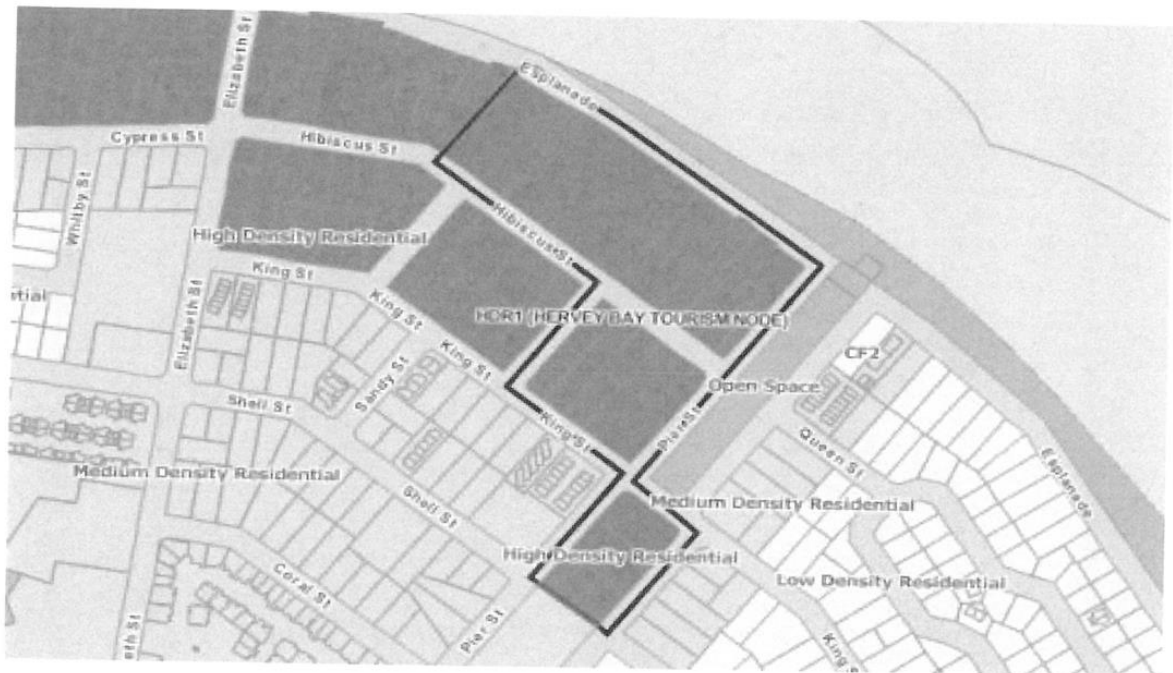
## Fraser Coast Regional Council

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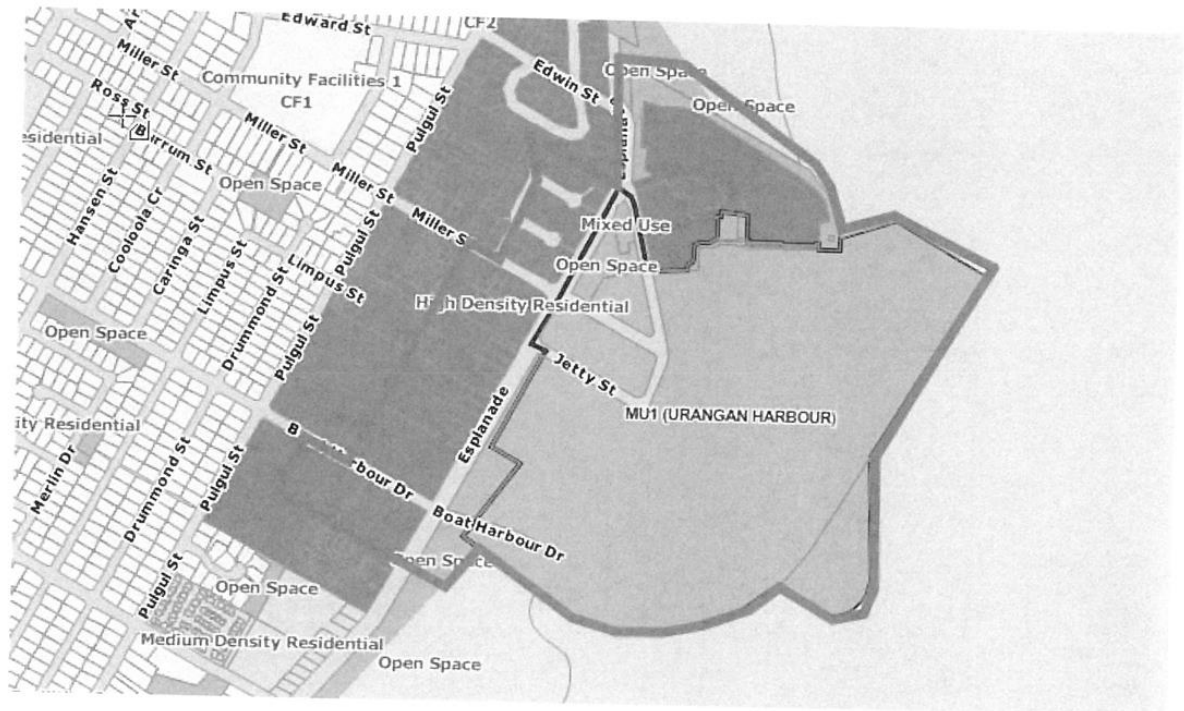
Attachment 3

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## EPA ACT 1979 – Section 4.15 Evaluation

DA: 61/2019	Proposal: Erection of buildings and the carrying out of works for the purpose of a staged multi-unit industrial development (8 units)
Lot/Sec/DP: Lots 11 & 12 DP 1031350	Property; 38 McIntosh Road CROOKWELL
Site Inspection Date: 11 September 2019	Assessing Officer: Mr Viv Straw

### History

Development application 61/2019 was lodged with Council on the 24th of August 2019. The proposal is for an industrial building on 36 and 38 McIntosh Road Crookwell.

The development site is flat with minimal undulations. The description is for the construction of two light industrial sheds.

The land is within councils IN2 light industrial zone, and the use is permissible with consent. In the initial application, access is from McIntosh Road culminating in a central driveway and a turning area at the rear. There are two large single story buildings on each lot subdivided internally into four spaces each.

The purpose of the proposal is to increase the amount and range of light industrial, and related land uses and provides the potential for employment, new businesses and growth of the economy within the town.

Surrounding land is already developed for similar uses or large lot residential and primary production.

### Environmental planning instrument and State environmental planning policy

The land use is permissible under the local environmental plan, Upper Lachlan Local Environmental Plan 2010.

The original application provided for a total floor area for each industrial shed as 1268 m<sup>2</sup> and operating hours to be between 7 AM and 5 PM. The maximum number of employees would not exceed 32.

Council staff reviewed the application and identified several planning issues and requested a meeting with the applicants to discuss:

- The application constituted a significant over development of the site, did not provide adequate room for manoeuvring or for vehicle loading and unloading. The two blocks are 100% covered with hardstand or building and the passive surveillance and safety of workers did not meet current design practice.
- Elevation plans that indicate a 'first-floor' level is not consistent with the floor plan. Council requested that the applicants submit amended plans to show the ceiling height.
- Council noted that the owner of the property was not the same person that signed the development application and requested proper authorisation.
- Council was concerned that the estimated cost of the proposed development was not a genuine or accurate estimate of the cost of construction. The estimated cost of construction sets the application fees.

On 11 August 2019, a letter was supplied by the company that owned the land consenting to the application.

On 29 August 2019, Council requested further information including amended plans detailing building materials and construction details the road and pavement design and internal road layout including loading and unloading areas. Access and parking for people with a disability needed to meet Australian standards. Council also identified that there were concerns with the driveway design, waste collection facilities, location, organisation and orientation of car parking and security lighting.

The movement of heavy vehicles adjacent to the light industrial area was not adequate. The applicants provided information regarding heavy vehicles parking in McIntosh Street and being unloaded or loaded in the street.

Amended plans arrived at Council on 18 September 2019. However, the applicants had not addressed CPTED (crime prevention through environmental design guidelines), and there is no provision for passive surveillance of units four and five.

The applicants advised that the construction of the building is BesserBlock concrete bricks. Amended plans impact the stormwater management proposal. They reorganised the structures to provide for improved movement of vehicles at the front. But still did not address the concerns about parking and access to the rear.

The applicant's architect provided updated plans on 18 September 2019 addressing fencing, motion sensors, and additional four car parking spaces and a redesigned driveway. The amended plans also provided for waste collection facilities and confirmed the rain gardens at the front. Council provided a list of outstanding issues following a meeting held on 30 August 2019 and a further meeting on 11 September 2019.

A detailed response was received by Council on 1 October 2019 addressing numerous issues.

Council provided a Notice of Determination of Development Application to the applicants on 25 October 2019 subject to conditions. On 15 November 2019, a section 8.2 review application was registered with Council.

The section 8.2 application requests that Council formally review the determination for the following matters.

Item 9 water supply and metres to each unit. Council requires that each industrial unit shall connect to the Council's water supply service. The applicant request one meter per block and they will internally meter the units. Council agrees to the change.

Item 13 stormwater plan. The condition of consent requires: prior to the issue of a section 68 approval, details of proposed stormwater drainage, design and certified by a practising hydraulic engineer, shall be submitted to and approved by Council. In this regard:

- the stormwater design shall detail all stormwater diverted to a suitably sized on-site detention chamber and discharge to the existing curb and gutter on McIntosh Road.
- The stormwater design is to include the impervious road and roof areas and is to comply with Australian standard AAS 3500.

The applicants request that this item allow some flexibility, either resubmitting the stormwater plan with the final approved building plans or providing an alternative option yet to be discussed with the director of engineering. The recommendation is that the applicant supplies an alternative engineering solution for Council to approve.



Item 33 stage II (condition 33) before the issue of an occupation certificate for stage II, the lots identified as lot 11 and 12 DP 1031350 shall be consolidated to form a single lot. Details of the consolidated lots, including the new lots and the deposited plan number registered with the Land and Property Management Authority, shall be submitted to Council.

In the amended plans, the applicants provided ingress and egress as a U-shaped circulation system throughout the site. This creates an issue of access from lot 11 to Lot 12 or from lot 12 to Lot 11 by people visiting one site and exiting through another site. Legally, vehicles travelling from one lot to another lot may be trespassing unless provision is made for freedom of access. A simple system would be to consolidate the two lots. The applicants contended that they may wish to sell one lot. An alternative may be to create rights of way on each lot in favour of the other lot. Alternatively, the land could be subdivided using the Community Land Act or the Strata Titles Act. The applicants should provide Council with the preferred option to be conditioned.

The applicants have also requested that the Council reduce the section 94 charges and remove the section 64 fees.

Section 94 (now S7.11)

The request is that the cost of the fees inhibits local development and that if the fees are not waived the development will not proceed. The fees are \$44,217.00 per lot. They advise that in Queensland the fees are discounted for developments that generate work. There are instances of this in NSW.

Options for council include setting a discount rate for employment generating development, or charging the fees as set for other developers. Council has not adopted a section 7.12 contributions plan which would apportion contributions as a percent of the construction cost as calculated by an independent assessor, so this option is not available. Discounting the fees would have a significant impact on the construction of infrastructure and set a precedent for other developments that would compound the impact. The fees have not been previously paid for this site.

Section 64 water and sewer fees. The applicants believe that because they have water meters and a sewer connection at the property they should not pay this fee. However, the fees are to go to the water and sewer headworks to cover the cost of the additional load to the system. They are not connection fees. There are no connection fees on this site.

**Site and locality description:** The site is located within the IN2 Light Industrial zone of Crookwell. The site consists of 2 lots and is currently vacant. The site has frontage to McIntosh Road and is an area of approximately 4000m<sup>2</sup>.



W & S (Councils Works Department)	✓	31 July 2019	19/08/2019
H & B (Council's Health and Building)	✓		
Heritage (Heritage advisor)	✓		
External			
SCA (Sydney Catchment Authority)	✓		
RTA (Roads and Traffic Authority)	✓		
RFS (Rural Fire Services)	✓		
DECCW (Dpt Env. Climate Change & Water)	✓		

**Notification to Adjoining Property**☐ Notification

Date: 2 August 2019      Expiry Date: 16 August 2019

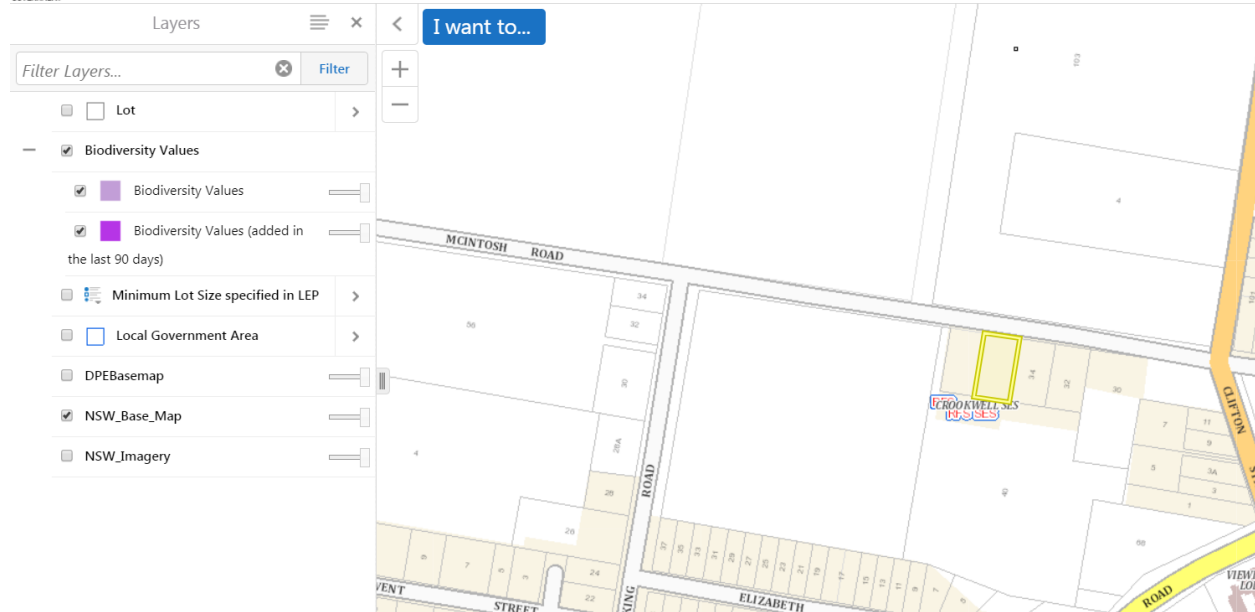
Application was notified to adjoining neighbours and no submissions were received.

**Desk Top Assessment**

Provisions prescribed by EP&A Regulations	Clause 92 (AS2601) - Demolition of Structures	N/A
	Clause 93 Fire Safety Considerations (Change of use of an existing building):	N/A
	Clause 94 Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building(s):	N/A
<b>S4.15(1)(a)</b> <b>(i) any environmental planning instrument:</b>	<p>SEPP's Applicable:</p> <ul style="list-style-type: none"> <li>☐ <a href="#">State Environmental Planning Policy No 55—Remediation of Land</a></li> <li>☐ <a href="#">State Environmental Planning Policy No 64—Advertising and Signage</a></li> <li>☐ <a href="#">State Environmental Planning Policy (Infrastructure) 2007</a></li> </ul> <p>REP's Applicable:</p> <p><a href="#">South East and Tablelands Regional Plan 2036 – Upper Lachlan</a></p> <p><b>Priorities</b></p> <ul style="list-style-type: none"> <li>• Protect and enhance the area's high environmental value lands, waterways and water catchments.</li> <li>• Protect important agricultural lands as resources for food security.</li> <li>• Protect the area's valued heritage assets.</li> </ul> <p><b>Economy and employment</b></p> <ul style="list-style-type: none"> <li>• Capitalise on the area's proximity to Canberra and Sydney to attract industry and investment, including using advances in technology to create smart work opportunities.</li> <li>• Promote the area as a destination and attract visitors from Canberra and Sydney.</li> <li>• Leverage the area's existing expertise in renewable energy to foster innovative economic development opportunities.</li> <li>• Diversify the agriculture industry, including opportunities for value-added activities and access to national and international markets.</li> </ul> <p><b>Housing</b></p> <ul style="list-style-type: none"> <li>• Support the rural lifestyle and the unique cultural and historic heritage of the area's villages.</li> <li>• Support a variety of housing options and land developments to cater for an ageing population.</li> </ul>	
<b>Biodiversity Conservation Act 2016</b>	<p>The proposed construction area on the subject land is not identified as "sensitive land" on the Biodiversity Value Map</p> <p><a href="https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap">https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap</a></p>	



## Biodiversity Values Map and Threshold Tool



Threshold:

<https://www.environment.nsw.gov.au/biodiversity/entryrequirements.htm>

**Area clearing threshold**

The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.

**OUTCOME :**

BDAR not required for the proposed development as no clearing is proposed.

**LEPs - Upper Lachlan Local Environmental Plan 2010:**

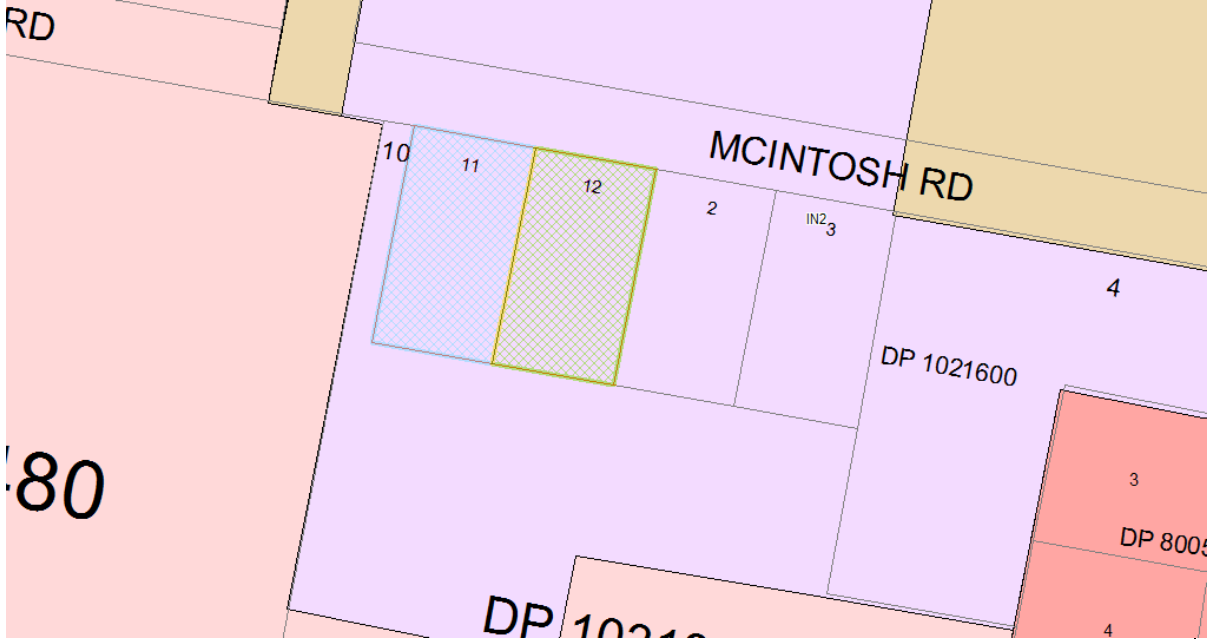
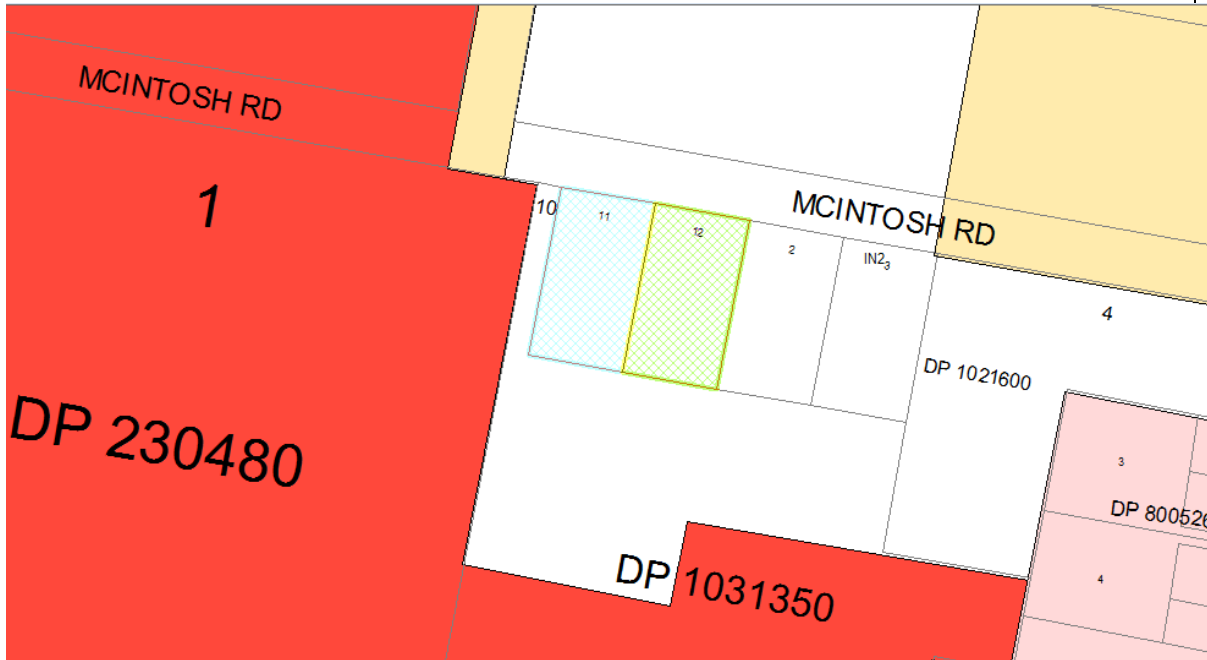
The application has been considered with regard to the relevant provisions of the ULLEP 2010 including:

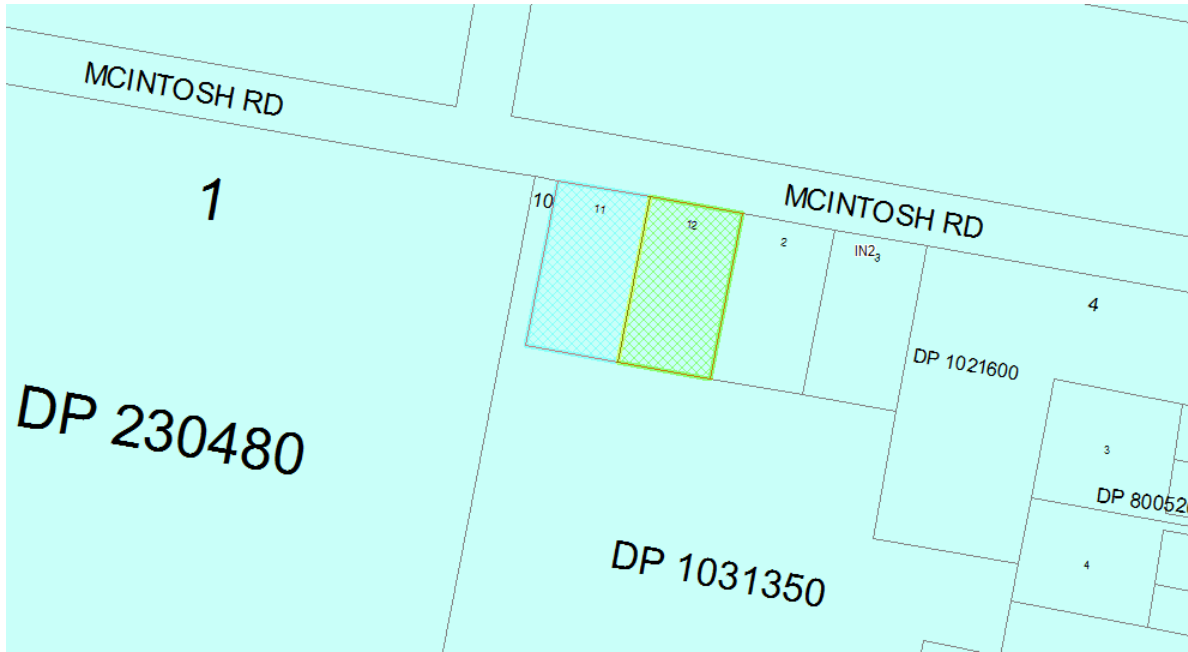
Clause <a href="#">1.2 Aims of Plan</a>	Satisfactory
Clause <a href="#">2.3 Zone objectives and Land Use Table</a>	<p>Zone IN2 Light Industrial</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <li>To provide a wide range of light industrial, warehouse and related land uses.</li> <li>To encourage employment opportunities and to support the viability of centres.</li> </ul>



	<ul style="list-style-type: none"> <li>• To minimise any adverse effect of industry on other land uses.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</li> <li>• To support and protect industrial land for industrial uses.</li> </ul>
Clause <a href="#">6.1 Flood planning</a>	See below comments
Clause <a href="#">6.2 Biodiversity</a>	See above comments
Clause <a href="#">6.3 Land</a>	See below comments
Clause <a href="#">6.4 Water</a>	See below comments
Clause <a href="#">6.5 Earthworks</a>	
Clause <a href="#">6.9 Essential services</a>	Essential services available to the site

## Upper Lachlan Local Environmental Plan 2010:

ZONE:	<p>IN2 Light Industrial</p> 
Minimum Lot size:	<p>No minimum lot size</p> 

6.2 BIODIVERSITY	See the Biodiversity assessment above.
6.3 LAND	The subject land is not identified as “sensitive land” on the Natural Resource Sensitivity – Land Map. The development is considered satisfactory and has no impact on Clause 6.3.
6.4 WATER	The subject land is identified as “sensitive land” on the Natural Resource Sensitivity – Water Map. The development is considered satisfactory and has minimal impact on Clause 6.4.
	
Dwelling Permissibility: Not relevant	Objectives of the Zone: Proposal is consistent with the objectives of the zone.
Erection of Advertising Structure: Advertising signs are proposed on the front facade of the building as identified in drawing A-05. Condition consent	Development Near Boundary: Not applicable
Heritage Item: Not identified as a heritage item	BASIX: Not relevant
Proposed Water Supply: Council reticulated supply	Proposed Sewer/Sewage: Council reticulated supply
Proposed Power Supply: Reticulated supply	Proposed Stormwater: Raingardens proposed. See Council's Infrastructure Department comments dated 19 August 2019. Changes to the building envelope may impact the rainwater garden size.

**S4.15 (1)(a)(ii) - Any proposed environmental planning instrument that has been subject to public consultation – (draft SEPPs/REPs/LEPs):**

Check online for draft SEPPs/REPs at - <http://planspolicies.planning.nsw.gov.au/index.pl?action=introduction>

**S4.15(1)(a)(iiia) - Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:**

**S4.15(1)(a)(iii)- Any Development Control Plan (DCP) - Upper Lachlan Development Control Plan 2010:**



The application has been considered following relevant provisions of the DCP including:

<b>2. Plan Objectives</b>	
2.1 Village/Residential Development Objectives	<i>Satisfactory</i>
<b>4. General Development Controls</b>	
<u>4.1 Matters for consideration</u>	
4.1.1 <i>Matters for consideration (General)</i>	These matters have been considered in the assessment of the proposed development
<u>4.2 Environment</u>	
4.2.1 <i>Tree and vegetation preservation</i>	These matters have been considered in the assessment of the proposed development
<u>4.3 Design</u>	
4.3.1 <i>Solar access</i>	These matters have been considered in the assessment of the proposed development
4.3.2 <i>Landscaping</i>	Landscaping proposed as identified in Site Plan – A02. It is considered satisfactory
4.3.3 <i>Disability standards for access</i>	The development will need to meet relevant standards for access. Condition consent accordingly
4.3.4 <i>Crime Prevention Through Environmental Design</i>	The applicant proposes security fencing, motion detector lighting and security cameras.
<u>4.5 Flooding and Stormwater</u>	<i>The site is mapped within Outer Floodplain of the Floodplain Risk Management Study and Plan. See below extracts. Condition consent stating floor level requirements</i>

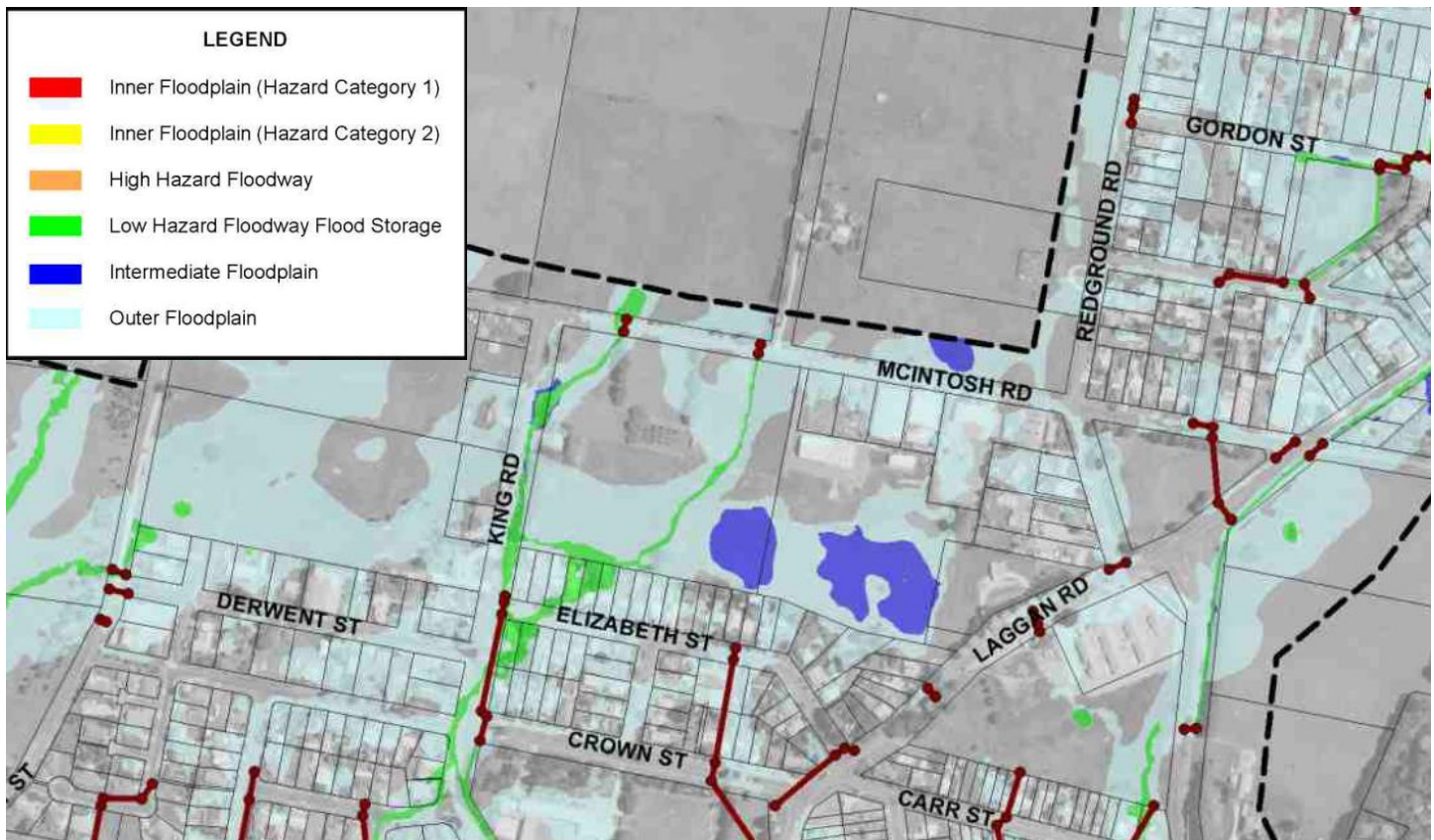
#### FLOOD MAPPING



#### DEVELOPMENT CONTROLS MATRIX

	Main Stream and Minor Tributary Flooding Flood Planning Area (Refer Annexure 2.1 of Appendix D)
	Major Overland Flow Flood Planning Area (Refer Annexure 2.2 of Appendix D)
	Main Stream and Minor Tributary Flooding Outer Floodplain (Refer Annexure 2.1 of Appendix D)
	Major Overland Flow Outer Floodplain (Refer Annexure 2.2 of Appendix D)





The Villages of Crookwell, Gunning, Collector and Taralga  
Floodplain Risk Management Study and Draft Plan  
Appendix D - Draft Flood Policy

#### ANNEXURE 2.2 DEVELOPMENT CONTROLS MATRIX – MAJOR OVERLAND FLOW

	Outer Floodplain								Intermediate Floodplain								Low Hazard Floodway / Flood Storage								High Hazard Floodway								
	Essential Community Facilities	Critical Utilities and Uses	Flood Vulnerable Residential	Residential	Business & Commercial/Industrial	Non-Urban and Outbuildings	Residential Sub-Division	Minor Additions (Residential)	Essential Community Facilities	Critical Utilities and Uses	Flood Vulnerable Residential	Residential	Business & Commercial/Industrial	Non-Urban and Outbuildings	Residential Sub-Division	Minor Additions (Residential)	Essential Community Facilities	Critical Utilities and Uses	Flood Vulnerable Residential	Residential	Business & Commercial/Industrial	Non-Urban and Outbuildings	Residential Sub-Division	Minor Additions (Residential)	Essential Community Facilities	Critical Utilities and Uses	Flood Vulnerable Residential	Residential	Business & Commercial/Industrial	Non-Urban and Outbuildings	Residential Sub-Division	Minor Additions (Residential)	
Floor Level	2	2	2	2	2		2	2	2	2	2	2	2		2	2				1	1		1	1								1	
Building Components	2	2							2	2	1	1	1		1	1				1	1		1	1								1	
Structural Soundness	2	2							2	2	1	1	1		1	1				1	1		1	1								1	
Flood Affection																				1	1		1	1						1		1	
Evacuation / Access	1	1	1						1	1	1																						
Management and Design	2,3	2,3	5						2,3	2,3	5		4		1	6					7	4,7		1,7	6					3,7		6,7	

■ Not Relevant

■ Unsuitable Land Use

Major Overland Flow applies for inundation of land along the various flow paths which are present in the villages of Crookwell, Gunning, Collector and Taralga.

The Intermediate Floodplain is defined by the area between the High Hazard Floodway and Low Hazard Floodway / Flood Storage zones and the Flood Planning Area (FPA). The Outer Floodplain is the area between the FPA and the Probable Maximum Flood.

See Notes over page:



4.5.2 Stormwater managemen t	Raingardens proposed, amended plans are required prior to issue of Construction Certificate to depict new layout. The plans submitted were for a different building and layout.																		
4.5.4 Overland Flow Paths	Condition consent accordingly.																		
4.6 Traffic and Car Parking																			
4.6.1 Vehicular access and parking	<p>Referred to Council's Infrastructure Department. See comments on file dated 19 August 2019.</p> <p>Car parking spaces for the proposed development are 1 space per 100m<sup>2</sup> of GFA plus 1 space per 40m<sup>2</sup> of office GFA plus 1 space per 37m<sup>2</sup> of retail GFA.</p> <p>GFA = 1100 per stage which requires 11 car parking spaces, which equates 22 for the whole development. There are 30 car parking spaces proposed which exceed required amount. This may vary with each unit proposing a new light industrial activity.</p> <p>See extract below.</p> <table border="1"> <thead> <tr> <th>Land Use</th><th>Number of spaces</th></tr> </thead> <tbody> <tr> <td colspan="2"><b>Industry/Employment</b></td></tr> <tr> <td>Road transport terminals/ container depots/bus depots</td><td>1 space per 3 employees, plus 1 space per company vehicle, including vehicles leased for or servicing the company</td></tr> <tr> <td>Industrial buildings</td><td>1 space per 100m<sup>2</sup> of GFA; plus 1 space per 40m<sup>2</sup> of office GFA, plus 1 space per 37m<sup>2</sup> of retail GFA</td></tr> <tr> <td>Wrecking yards/junkyard</td><td>1 space per employee, plus 1 space per 200m<sup>2</sup> of site area</td></tr> <tr> <td>Warehouse/bulk store</td><td>1 space per 300m<sup>2</sup> of GFA, plus 1 space per 40m<sup>2</sup> of retail GFA</td></tr> <tr> <td>Home industry</td><td>1 space per 3 employees, plus 1 space per dwelling</td></tr> <tr> <td>Extractive industry</td><td>1 space per company vehicle, plus 1 space per 2 employees</td></tr> <tr> <td>Car Repair Station</td><td>5 spaces per work bay. This may include the area available within the work bays where vehicles are worked upon</td></tr> </tbody> </table> <p>Condition consent accordingly.</p>	Land Use	Number of spaces	<b>Industry/Employment</b>		Road transport terminals/ container depots/bus depots	1 space per 3 employees, plus 1 space per company vehicle, including vehicles leased for or servicing the company	Industrial buildings	1 space per 100m <sup>2</sup> of GFA; plus 1 space per 40m <sup>2</sup> of office GFA, plus 1 space per 37m <sup>2</sup> of retail GFA	Wrecking yards/junkyard	1 space per employee, plus 1 space per 200m <sup>2</sup> of site area	Warehouse/bulk store	1 space per 300m <sup>2</sup> of GFA, plus 1 space per 40m <sup>2</sup> of retail GFA	Home industry	1 space per 3 employees, plus 1 space per dwelling	Extractive industry	1 space per company vehicle, plus 1 space per 2 employees	Car Repair Station	5 spaces per work bay. This may include the area available within the work bays where vehicles are worked upon
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7. Industrial development																			
7.1 Industrial (IN2 Light Industrial Zone) – Crookwell	<p>The proposal is consistent with the objectives of this Clause and addresses the key controls contained in the DCP.</p> <p>Controls</p> <table border="1"> <thead> <tr> <th colspan="2">7.1 Industrial – Controls</th></tr> </thead> <tbody> <tr> <td>Type of development, nature and volume of goods produced, handles or stored</td><td>Erection of buildings and the carrying out of works for the purpose of a staged multi-unit industrial development (8 units)</td></tr> </tbody> </table>	7.1 Industrial – Controls		Type of development, nature and volume of goods produced, handles or stored	Erection of buildings and the carrying out of works for the purpose of a staged multi-unit industrial development (8 units)														
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Type of development, nature and volume of goods produced, handles or stored	Erection of buildings and the carrying out of works for the purpose of a staged multi-unit industrial development (8 units)																		

Anticipated noise levels beyond this site	Anticipated noise levels are unknown at this stage due to each unit being rented out as individual businesses. A development application for the change of use for each unit will be required as a condition of consent.
Hours of operation	Hours of operation unknown at this stage due to each unit being rented out as individual businesses.
Description of plant, machinery and equipment involved in the operation	Unknown at this stage due to each unit being rented out as individual businesses.
Number of employees	Unknown at this stage due to each unit being rented out as individual businesses.
Likely size, frequency and number of deliveries to and from the site	Unknown at this stage due to each unit being rented out as individual businesses.
Likely number of visitors to the premises, including customers, trader representatives etc	Unknown at this stage due to each unit being rented out as individual businesses.
Proposed vehicle movements, access, manoeuvring, parking, loading and unloading arrangements, traffic management plan	Unknown at this stage due to each unit being rented out as individual businesses.
Waste disposal arrangements	Each unit has individual waste disposal arrangements. Council's garbage truck will not use internal roads for waste collection.
Anticipated future expansion (if known)	Unknown at this stage due to each unit being rented out as individual businesses.
Effect of any residential development in the vicinity	Unknown at this stage due to each unit being rented out as individual businesses.
Availability of water, sewer, power & stormwater drainage	All utility services are available to site
<b>Site suitability and layout</b>	
development must only occur where buildings, parking areas, landscaping areas, service vehicle areas and areas for on-site vehicle movement are contained on-site	Access and parking is proposed to be on-site.
development must take into consideration the topography, drainage lines, existing infrastructure (electricity, sewer, etc.), access and existing vegetation	Satisfactory
<b>Building Design</b>	

	buildings must be designed to address the street and have a clear entry point. No blank walls should front the street,	Clear entry and exit points are detailed on plans. Landscaping proposed to soften street frontage.
	the scale and bulk of the building/s must be consistent with appropriate built forms for that type of use and adjoining uses, and	Satisfactory
	building finishes should generally be consistent with the following: ☐ materials – masonry, colorbond, glass or brick (non reflective materials) ☐ colours – dark earthy tones – greys, blues and greens.	Satisfactory
	Setbacks ☐ Setbacks for building/s must consider: ☐ efficient use of the site ☐ car parking to be provided forward of the building line ☐ provision of service vehicle turning areas on-site, and ☐ landscaping at the front of the site ☐ All setback areas are to be landscaped ☐ No parking will be permitted within setback areas ☐ Minimum requirements: ☐ frontage – 6 metres ☐ side and rear – setbacks required for corner allotments (secondary road frontage) and in areas of visual importance Note: Setback distances are proportionally related to building materials required to satisfy wall fire ratings – refer to Building Code of Australia for details.	Satisfactory – Front setback > 6m.
	Buffer to residential development ☐ An appropriate buffer shall be provided from	Satisfactory

	<p>Industrial development to land zoned R2 Low Density Residential and R5 Large Lot Residential. This buffer shall be determined in consultation with Council to ensure sufficient area is provided to protect the amenity of existing and future residential development in this area. The buffer may take the form of a physical barrier including suitable fencing and landscaping.</p>	
	<p>Traffic management ☐ A traffic management plan/assessment report shall be submitted to address the traffic impacts in the locality (specifically McIntosh Road, Laggan Road, Clifton Street, King Road and any other relevant local streets). This should address traffic generation as a result of the development and also impacts on existing land use traffic generation.</p>	<p>Traffic generating for each unit is Unknown at this stage due to each unit being rented out as individual businesses. Condition consent accordingly.</p>
	<p>Environmental management (noise, traffic, vibration etc) ☐ Where the proposed development involves a noise producing activity, attenuation measures should be provided to protect the amenity of the locality, this may include: - incorporation of sound proofing to machinery/activities likely to create a noise, - locating noisy operational equipment within a noise insulated being away from residential areas - implementing efficient business practice to minimise the use of</p>	<p>Unknown at this stage due to each unit being rented out as individual businesses. Condition consent accordingly.</p>



	<p>equipment, traffic movements per site per day - where sites adjoin a residential area, limiting the hours and times at which mechanical plant and equipment is used - the use of appropriate paving or track mounting and acoustic barriers as required to minimise the noise and vibration impact of traffic operations ☐</p> <p>Development, including any plant and machinery, must not contribute to emissions that are inconsistent with the Protection of the Environment Operations Act 1997 and corresponding Regulations. Applicants are required to demonstrate consistency of any proposed development with these requirements. It should be noted that a separate approval may be required from DECCW. ☐ All external lighting provided is in accordance with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.</p>	
	<p>Waste management ☐ Development must provide separate areas for the storage of waste bins which are suitably located for use and waste servicing, and ☐ The location of waste bins must be such that it minimises potential impacts on adjoining uses.</p>	<p>Each unit has individual waste disposal arrangements. Council's garbage truck will not use internal roads for waste collection.</p>
10. Engineering requirements		

10.1 Utility services	Relevant utility services will be required as part of approval of the development
10.2 Roads	
10.2.1 Urban	

**S4.15 (1)(b)-Likely impacts of the development:**

CONTEXT & SETTING	The proposal is consistent with the context of the industrial zone of Crookwell. The proposal accounts for the setting of the site.
ACCESS, TRANSPORT & TRAFFIC	The proposal was referred to Council's engineers and suitable conditions have been recommended to address access, car parking, waste, stormwater and water and sewerage services.
PUBLIC DOMAIN	The proposal will have a positive impact on the public domain
LANDSCAPING / CLEARING	Landscaping within the site is consistent with Council's DCP
NOISE AND VIBRATION	Noise and vibration impacts are unknown at this stage due to each unit being rented out as individual businesses. Condition consent accordingly.
AIR QUALITY	The proposal will have some impact on air quality during construction. The operation of the development is unlikely to impact on air quality
WASTE	The proposal will generate construction and demolition waste. Other wastes generated by the development will be managed within existing waste servicing of the site.
ENERGY	The proposal will not have an adverse impact on energy generation or consumption
VIEWS	The proposal will not impact on views to and from the site
SAFETY, SECURITY & CRIME PREVENTION (NSW POLICE SERVICE CHECKLIST)	The proposal is generally consistent with the Crime prevention guidelines
SOCIAL IMPACT IN THE LOCALITY	The proposal will have a positive social impact to the local community
ECONOMIC IMPACT IN THE LOCALITY	The proposal will have a positive economic impact to the local community
SITE DESIGN & INTERNAL DESIGN	The proposed site layout is consistent with the proposed uses and limitations of the site
FLORA & FAUNA	The development is unlikely to impact on local flora and fauna.
NATURAL HAZARDS	Site is within the outer floodplain. Condition consent accordingly.
TECHNOLOGICAL HAZARDS	There are no proposed technological hazards impacting on the site
CONSTRUCTION	There will be construction impacts that will need to be mitigated within the site.

**S4.15 (1)(c) - The suitability of the site for the development**

- ☐ Does the proposal fit the locality      Yes
- ☐ Are the site attributes conducive to development: Yes

**S4.15 (1)(e) -The public interest**

The proposed development will have positive impacts on the built, social and economic environment of Crookwell. This proposal is in the wider public interest.

**S7.11 Contribution towards provision or improvement of amenities or services**

Adopted S94 Contribution Plan      Applicable

From Council's Section 94 Contribution Plan the following Section 7.11. Contributions have been calculated for the proposed development.

**Roads**

The generated trip by land use identifies Factories covered by light industry.

**Table 5-3: Generalised trip generation by land use**

Land use	Daily trip rate	Unit
Aged housing	1-2	Dwelling
Child minding facility	3.7	Enrolment
Commercial	25	100 m <sup>2</sup> GFA
Factories covered by light industry	5	100 m <sup>2</sup> GFA
Garden centre not included in shopping centre	40	100 m <sup>2</sup> retail area
General heavy industry	1.5	100 m <sup>2</sup> GFA
GP/surgery	50-150	100 m <sup>2</sup> GFA
Hardware (not included in shopping centre)	80	100 m <sup>2</sup> GFA
Hospitality facilities	50	100 m <sup>2</sup> GFA
Licensed clubs	100	100 m <sup>2</sup> GFA
Medical centres & dentists	50	100 m <sup>2</sup> GFA
Mixed industrial park	9	100 m <sup>2</sup> GFA
Motels	3	Unit
Motor showrooms <sup>2</sup>	5	100 m <sup>2</sup> GFA
Other office	16	100 m <sup>2</sup> GFA
Restaurant	60	100 m <sup>2</sup> GFA
Residential housing <sup>1</sup>	11	Household
Residential units	4 (1bedroom) 5 (2 bedrooms) 6 (3+ bedrooms)	Unit
Retail	48	100 m <sup>2</sup> GFA
Retail market	20	100 m <sup>2</sup> GFA
Service station	200	Pump
Shopping centres, < 10,000m <sup>2</sup>	67	100 m <sup>2</sup> GFA <sup>2</sup>
Taverns, hotels	110	100 m <sup>2</sup> GFA
Warehouses	4	100 m <sup>2</sup> GFA

Contribution rate per trip under Section 5.5 of the Contributions Plan is **\$884.34** (including CPI Increase).

The combined expected trip rate for the proposed development (based on Gross Floor Area – GFA) includes:  
Factories covered by light industry is 5.

5 x \$884.34 = \$4421.70 per 100m<sup>2</sup> of GFA.

GFA excluding lunch room and amenities (Net Leasable Area - NLA)

Stage 1 – 966.05 divided by 100 = 9.66 rounded up 10 = 10 x \$4421.70 = \$44,217.00

Stage 2 - 989.33 divided by 100 = 9.89 rounded up 10 = 10 x \$4421.70 = \$44,217.00

TOTAL = \$88,434.00

### S64 Contributions

The following is calculated for S64 Contributions

Contribution	Council Development Servicing Plan
Sewerage – applicable – 15 ET	0.4Ha x 15ET = 6, 6 x \$4342 = \$26,052
Water – applicable – 15 ET	0.4Ha x 15ET = 6, 6 x \$4075 = \$24,450
<b>Total:</b>	<b>\$50,502.00</b>

The above rates are based on the NSW Water Directorate Section 64 Determinations of ETs Guidelines. The proposed development would generate the following ETs:

## 9 Standard ET Figures – Industrial User Categories (General)

Table 3: Standard ET Figures - Industrial User Categories\*

CATEGORY	STANDARD UNIT	SUGGESTED VALUES	
		WATER ET	SEWER ET**
<b>INDUSTRIAL GENERAL</b>			
Light Industrial	Gross Ha	15	15
Future Unknown - Light	Gross Ha	15	15
Future Unknown - Med	Gross Ha	30	30
Future Unknown - Heavy	Gross Ha	50	50
* For industrial categories that have process water, it is suggested that a non-typical development ET is determined based on the methodology in Section 6.3 of the guidelines.			
** Additional ET figures for sewer have been included on Table 4, for a large range of detailed subcategories. These figures are provided for background information and should only be used as a general guide or where actual consumption data cannot be obtained.			

### Notes

1 Standard ET = Town Water Usage of 230 kL/a & Sewage Loading of 140 kL/a

Assumed Residential Standard Discharge Factor: 60%

Gross Ha = Total land area of zone

- Light Industrial                      15ET for water/sewer

Gross Ha = Total Land Area of zone = 4000m<sup>2</sup> = 0.4ha x 15ET = 6

Sewerage – applicable – 15 ET                      0.4Ha x 15ET = 6, 6 x \$4342 = \$26,052

Water – applicable – 15 ET                      0.4Ha x 15ET = 6, 6 x \$4075 = \$24,450

**TOTAL \$50,502.00**

### Assessment Summary:

The proposal is consistent with the objectives of the zone. The application has been assessed under the relevant provisions of Council's planning controls and is not considered to have any negative impacts on the character and amenity of the local area. The application should be approved subject to conditions of consent.

### Recommendation:

- Development Application 61/2019 be approved subject to conditions in accordance with the EP&A Act and regulations and Council practices.

Signature: \_\_\_\_\_  
Mr Vivian Straw

Date: 6 December 2019







# KINGSDALE CONSULTING PTY LTD

ABN 12 148 887 647  
ACN 148 887 647

P O Box 539  
GOULBURN NSW 2580

The General Manager  
Upper Lachlan Shire Council  
P O Box 42  
GUNNING NSW 2581

Attention:      Mrs Tina Dodson

**RE:    Planning Proposal - Taralga Locality  
         Lot A DP 413644  
         101 Golspie Road, Taralga**

  
Dear Mrs Dodson

Please find attached a Planning Proposal in respect to the above land to have the two (2) existing dwelling houses to be located on separate parcels of land by amending the Upper Lachlan LEP 2010 to enable the subject land having an area of 2.02ha to have a minimum lot size of 10,000m<sup>2</sup>.

An assessment of the Planning Proposal has been completed in accordance with the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment "A Guide to Preparing Planning Proposals" and is the best means in achieving the intended outcome of the proposal to enable the two (2) existing dwelling houses to be located on separate parcels of land.

The Planning Proposal also meets all the relevant State, Regional and Local planning policies.

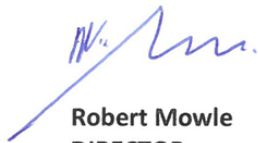
It is recommended that this Planning Proposal be endorsed by the Upper Lachlan Shire Council and it is requested that the Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination in accordance with the *Environmental Planning and Assessment Act 1979* as the Proposal:

- is justified in terms of consistency with all the relevant State, Regional and Local planning policies.
- addresses a historical development which has resulted in two (2) dwellings being erected on a single small area allotment.
- is considered to be of minor significance.

Please contact me on 0428 483 558 or at [robansue@bigpond.net.au](mailto:robansue@bigpond.net.au) if you require any additional information or wish to discuss any matters.

I attach one (1) bound copy, one (1) unbound copy and an electronic copy of the Planning Proposal.

Yours sincerely



**Robert Mowle**  
**DIRECTOR**

12 November 2018



# KINGSDALE CONSULTING PTY LTD

ABN 12 148 887 647  
ACN 148 887 647



## PLANNING PROPOSAL

101 GOLSPIE ROAD, TARALGA

Lot A DP 413644

November 2018

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## EXECUTIVE SUMMARY

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This Planning Proposal is submitted to the Upper Lachlan Shire Council Council to request an amendment to *Upper Lachlan Local Environmental Plan 2010* (LEP) to enable the two (2) existing dwelling houses on Lot A DP 413644 at 101 Golspie Road, Taralga to be located on separate parcels of land by the subdivision of the subject land having an area of 2.02ha into two (2) allotments with consent in the Zone R5 Large Lot Residential where a minimum lot size of 2ha applies and has been prepared by Kingsdale Consulting Pty Ltd on behalf of the residents, Mr Phillip Croke and Mrs Helen Pitt.

This Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment "A Guide to Preparing Planning Proposals" and addresses the following specific matters in the Guideline and *Environmental Planning and Assessment Act 1979*;

- Part 1 - objectives or intended outcomes;
- Part 2 - explanation of provisions;
- Part 3 - justification;
  - questions to consider when demonstrating the justification;
- Part 4 - Mapping;
- Part 5 - Community consultation;
- Part 6 - Project timeline.

The primary objective and intended outcome of the Planning Proposal is to amend the LEP by enabling the subject land to have a minimum lot size of 10,000m<sup>2</sup>.

The Planning Proposal demonstrates that there is site specific planning merit and justified by addressing the matters required pursuant to s3.33(2) of the *Environmental Planning and Assessment Act 1979* as well as relevant strategic documents, objectives and actions within the relevant regional and sub-regional strategies, relevant State policies, Ministerial Directions and environmental impacts.

It is recommended that this Planning Proposal be endorsed by the Upper Lachlan Shire Council and forward this Planning Proposal to the Minister for Planning for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.



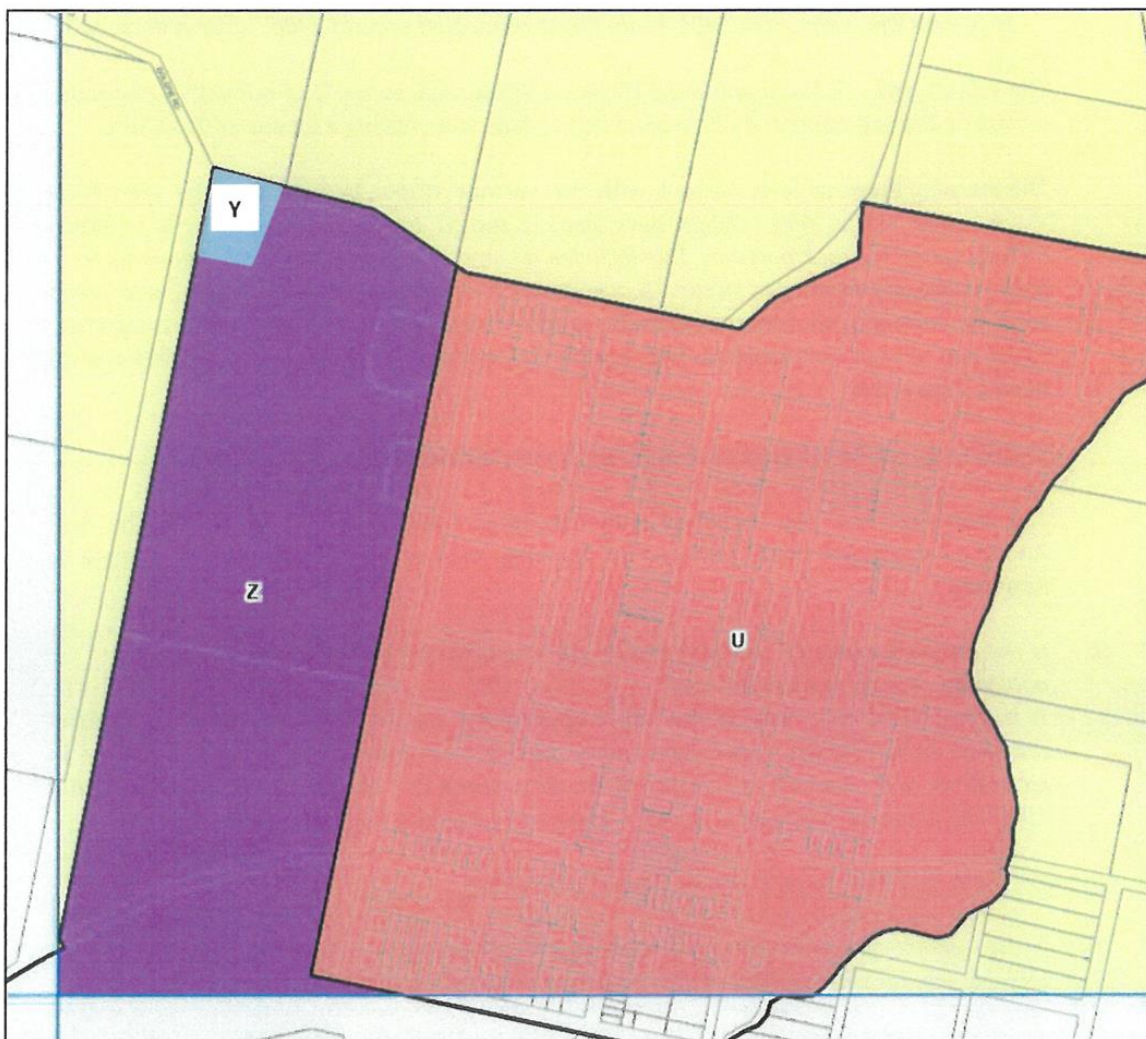
### PART 1—OBJECTIVES

To enable the two (2) existing dwelling houses on Lot A DP 413644 at 101 Golspie Road, Taralga to be located on separate parcels of land by the subdivision of the subject land having an area of 2.02ha into two (2) allotments with consent in the Zone R5 Large Lot Residential of Upper Lachlan Local Environmental Plan 2010 (LEP 2010) where a minimum lot size of 2ha applies.

### PART 2 - EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by an amendment to the Upper Lachlan Local Environmental Plan 2010 as follows:

- (1) *Amending Upper Lachlan Land Lot Size Map Sheet LSZ\_008B by identifying the subject land having a minimum lot size of 10,000m<sup>2</sup> (Y) – see map below.*



Amendment to Upper Lachlan Lot Size Map – Sheet LSZ\_008B  
Map Source: NSW Legislation website

## PART 3 - JUSTIFICATION

### Section A – Need for Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is not a result of any current strategic study or report. It is as a result of a request by the property owners to address a historical development which has resulted in two (2) dwellings being erected on a single small area allotment. The proponent has advised;

*"History of the two houses on a 2 hectare subdivision.*

*Early to mid 1900's Picker's owned about 48 hectares. Main house built early 1900's. Cottage built around 1940's to early 1950's for their son. Sold to Campbells around late 1950's to early 1960's. Sold to Bill Connor around early 1960's. Bill Connor subdivided 2 hectares with the two houses and sold the block to the Todd family. Sold to Pitt's in 1974. Cottage replaced in 2001. Main house renovated around 2006."* (See Annexure 1)

The subject land is located within R5 Large Lot Residential zoned land but with a minimum lot size of 2ha and approx. 417m from a RU5 Village zone having a lot size of 1,000m<sup>2</sup>.

The Planning Proposal is consistent with the current Upper Lachlan Strategy Plan 2020 Vision which states that *"Urban development should be facilitated primarily in areas already zoned for that purpose. This includes all land within existing village boundaries – both vacant and developed areas. Opportunities for infill housing within developed areas can be supported. This approach provides greater housing choice and promotes living close to existing services and facilities. This reflects the needs of declining household sizes and an ageing population."*

The R5 Large Lot Residential zone is certainly intended for residential development.

The proponent has also consulted with the Upper Lachlan Shire Council and The Hon Anthony Roberts MP (NSW Minister for Planning) with a copy of the correspondence at Annexure 2.

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

It is considered that this is the most appropriate means of achieving the proposed minimum lot size for the subject land and is seeking this amendment as a minor nature in accordance with Section 3.22(1)(b) of the *Environmental Planning and Assessment Act 1979*. The planning proposal is the best means of achieving the objective.

### Section B - Relationship to strategy planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

The planning proposal is consistent with the objectives and actions contained within the Sydney Canberra Regional Strategy 2006-31 which aims to:

- *cater for a housing demand of up to 25,200 new dwellings to accommodate an*



- additional 46,350 people (by 2031);
- increase the amount of housing in existing centres to ensure the needs of households are better met, especially for the ageing population;
- manage the environmental impact of settlement by focusing new urban development in existing identified growth areas;
- only considering additional development areas if they satisfy a Sustainability Criteria;
- no new rural residential zones will be supported unless as part of an agreed structure plan or local settlement strategy;
- ensure an adequate supply of land to support economic growth and provide capacity for an additional 27,800 new jobs, particularly in the areas of manufacturing, transport and logistics, business services, health, aged care and tourism;
- limit development in places constrained by important primary industry resources and significant scenic and cultural landscapes.
- Protect the cultural and Aboriginal heritage values and visual character of rural towns and villages and surrounding landscapes.

In respect to these Aims, the Planning Proposal:

- Will maintain the existing population in the area.
- Will maintain the level of housing in the area.
- Will have no environmental impact.
- Is not considered an additional development area.
- Is currently located in a residential zone.
- Will have no impact on manufacturing, transport and logistics, business services, health, aged care and tourism.
- Will have no impact on primary industry resources and significant scenic and cultural landscapes.
- Will have no impact on cultural and Aboriginal heritage values and visual character of rural towns and villages and surrounding landscapes.

4. *Is the planning proposal consistent with a council's local strategy or other strategic plan?*  
The planning proposal is consistent with the Upper Lachlan Strategy Plan 2020 Vision which informed the Upper Lachlan Local Environmental Plan 2010 and states that “Urban development should be facilitated primarily in areas already zoned for that purpose. This includes all land within existing village boundaries – both vacant and developed areas. Opportunities for infill housing within developed areas can be supported. This approach provides greater housing choice and promotes living close to existing services and facilities. This reflects the needs of declining household sizes and an ageing population.”

The subject land is located in a residential zone intended for residential development.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*  
The current State Environmental Planning Policies are:  
State Environmental Planning Policy No 1—Development Standards  
State Environmental Planning Policy No 19—Bushland in Urban Areas  
State Environmental Planning Policy No 21—Caravan Parks

*State Environmental Planning Policy No 30—Intensive Agriculture*  
*State Environmental Planning Policy No 33—Hazardous and Offensive Development*  
*State Environmental Planning Policy No 36—Manufactured Home Estates*  
*State Environmental Planning Policy No 44—Koala Habitat Protection*  
*State Environmental Planning Policy No 47—Moore Park Showground*  
*State Environmental Planning Policy No 50—Canal Estate Development*  
*State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas*  
*State Environmental Planning Policy No 55—Remediation of Land*  
*State Environmental Planning Policy No 62—Sustainable Aquaculture*  
*State Environmental Planning Policy No 64—Advertising and Signage*  
*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*  
*State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*  
*State Environmental Planning Policy (Affordable Rental Housing) 2009*  
*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*  
*State Environmental Planning Policy (Coastal Management) 2018*  
*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*  
*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*  
*State Environmental Planning Policy (Gosford City Centre) 2018*  
*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*  
*State Environmental Planning Policy (Infrastructure) 2007*  
*State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*  
*State Environmental Planning Policy (Kurnell Peninsula) 1989*  
*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*  
*State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*  
*State Environmental Planning Policy (Penrith Lakes Scheme) 1989*  
*State Environmental Planning Policy (Rural Lands) 2008*  
*State Environmental Planning Policy (State and Regional Development) 2011*  
*State Environmental Planning Policy (State Significant Precincts) 2005*  
*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*  
*State Environmental Planning Policy (Sydney Region Growth Centres) 2006*  
*State Environmental Planning Policy (Three Ports) 2013*  
*State Environmental Planning Policy (Urban Renewal) 2010*  
*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*  
*State Environmental Planning Policy (Western Sydney Employment Area) 2009*  
*State Environmental Planning Policy (Western Sydney Parklands) 2009*

The only applicable State Environmental Planning Policy is discussed below:

- (i) **State Environmental Planning Policy (Drinking Water Catchment) 2011:**  
 The *State Environmental Planning Policy (Drinking Water Catchment) 2011* was gazetted on 1 March 2011 and aims:
  - (a) *to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and*



- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The subject land is not affected by any natural watercourse – see topographic map at Annexure 3. The existing residential development has on-site wastewater disposal facilities which have no impact on the water quality objectives for the Sydney drinking water catchment and the Planning Proposal therefore complies with the aims of the *State Environmental Planning Policy (Drinking Water Catchment) 2011*.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table is a list of Directions issued by the Minister for Planning to relevant planning authorities under Section 9.1 Directions by the Minister (previous s117) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued:

Section 117 Directions	Issue Date/Date effective	Relevant	Inconsistent
<b>1. Employment and Resources</b>	1 July 2009 (Except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017)		
1.1 Business and Industrial Zones		No	-
1.2 Rural Zones		No	-
1.3 Mining, Petroleum Production and Extractive Industries		No	-
1.4 Oyster Aquaculture		No	-
1.5 Rural Lands		No	-
<b>2. Environment and Heritage</b>	1 July 2009 (Except for new Direction 2.5 effective 2 March 2016, Direction 2.1 and 2.4 effective 14 April 2016 and Direction 2.2 effective 3 April 2018)		
2.1 Environment Protection Zones		No	-
2.2 Coastal Protection		No	-
2.3 Heritage Conservation		Yes	No
2.4 Recreation Vehicle Areas		No	-
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's		No	-
<b>3. Housing, Infrastructure and Urban Development</b>	1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016)		
3.1 Residential Zones		Yes	No
3.2 Caravan Parks and Manufactured Home Estates		No	-
3.3 Home Occupations		No	-
3.4 Integrating Land Use and Transport		Yes	No
3.5 Development Near Licensed Aerodromes		No	-

<b>4. Hazard and Risk</b>			
4.1 Acid Sulphate Soils	1 July 2009 (Except for new Direction 4.2 effective 12 April 2016)	No	-
4.2 Mine Subsidence and Unstable Land		No	-
4.3 Flood Prone Land		Yes	No
4.4 Planning for Bushfire Protection		Yes	No
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	1 July 2009 (Except for new Direction 5.2 effective 3 March 2011, Direction 5.9 effective 30 September 2013, Direction 5.4 effective 21 August 2015, Direction 5.8 and 5.10 effective 14 April 2016, Direction 5.1 and 5.3 effective 1 May 2017)	Yes	No
5.2 Sydney Drinking Water Catchments		Yes	No
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		No	-
5.4 Commercial and Retail Development along the Pacific Highway North		No	-
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)		No	-
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		No	-
5.7 Central Coast (Revoked 10 July 2008.		No	-
5.8 Second Sydney Airport: Badgerys Creek		No	-
5.9 North West Rail Link Corridor Strategy		No	-
5.10 Implementation of Regional Plans		No	-
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	1 July 2009	No	-
6.2 Reserving Land for Public Purposes		No	-
6.3 Site Specific Provisions		Yes	No
<b>7. Metropolitan Planning</b>			
7.1 Implementation of A Plan for Growing Sydney	14 January 2015 (Except for Direction 7.2 effective 22 September 2015)	No	-
7.2 Implementation of Greater Macarthur Land Release Investigation	19 December 2016 15 May 2017 25 July 2017	No	-
7.3 Parramatta Road Corridor Urban Transformation Strategy	5 August 2017 22 December 2017	No	-

7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan		No	-
7.5 Implementation of Greater Parramatta Priority Growth Area Land Use and Infrastructure Implementation Plan		No	-
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		No	-
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor		No	-

The applicable s9.1 Directions (previous s117 Directions) are discussed below:

**(i) DIRECTION 2.3: Heritage Conservation**

**Objective**

- (1) *The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

**Where this direction applies**

- (2) *This direction applies to all relevant planning authorities.*

**When this direction applies**

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

**What a relevant planning authority must do if this direction applies**

- (4) *A planning proposal must contain provisions that facilitate the conservation of:*
- (a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
  - (b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
  - (c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*



**Consistency**

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:*
- (a) *the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
  - (b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

**Comment:** The subject land is not located in the vicinity of any heritage item - see Upper Lachlan LEP 2010 Heritage Map HER\_008B (Part) at Annexure 4. Also see the Australian Heritage Information Management System (AHIMS) searches with 50m and 200m buffers at Annexure 5 which indicate there no Aboriginal sites located in or near the subject land.

**(ii) DIRECTION 3.1: Residential Zones**

**Objectives**

- (1) *The objectives of this direction are:*
- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
  - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
  - (c) *to minimise the impact of residential development on the environment and resource lands.*

**Where this direction applies**

- (2) *This direction applies to all relevant planning authorities.*

**When this direction applies**

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*
- (a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
  - (b) *any other zone in which significant residential development is permitted or proposed to be permitted.*

**What a relevant planning authority must do if this direction applies**

- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
  - (b) *make more efficient use of existing infrastructure and services, and*
  - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
  - (d) *be of good design.*

**(5) A planning proposal must, in relation to land to which this direction applies:**

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

**Consistency**

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

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

**Comment:** The subject land is located within an existing R5 Large Lot Residential zone and the Planning Proposal will have no impact within this zone. Additionally, the area of land subject to this planning proposal (Lot A DP 413644) is only 2.02ha and is of minor significance in respect to the development of the Council area.

**(iii) DIRECTION 3.4: Integrating Land Use and Transport**

**Objective**

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

**Where this direction applies**

(2) This direction applies to all relevant planning authorities.



**When this direction applies**

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

**What a relevant planning authority must do if this direction applies**

- (4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*
- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
  - (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

**Consistency**

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) justified by a strategy which:*
    - (i) gives consideration to the objective of this direction, and*
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
    - (iii) is approved by the Director-General of the Department of Planning, or*
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
  - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
  - (d) of minor significance.*

**Comment:** The Planning Proposal will have no impact as additional residential development will not occur (it is intended that the existing dwellings will be retained) and the existing access arrangements will also be retained. Additionally, the area of land subject to this planning proposal (Lot A DP 413644) is only 2.02ha and is of minor significance in respect to Integrating Land Use and Transport in the Council area.

**(iv) DIRECTION 4.3: Flood Prone Land**

**Objectives**

- (1) *The objectives of this direction are:*
- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
  - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

**Where this direction applies**

- (2) *This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.*

**When this direction applies**

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.*

**What a relevant planning authority must do if this direction applies**

- (4) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
- (5) *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*
- (6) *A planning proposal must not contain provisions that apply to the flood planning areas which:*
- (a) permit development in floodway areas,*
  - (b) permit development that will result in significant flood impacts to other properties,*
  - (c) permit a significant increase in the development of that land,*
  - (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
  - (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*
- (7) *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
- (8) *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

**Consistency**

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

- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.*

**Comment:** The land is not subject to flooding.

**(v) DIRECTION 4.4 : Planning for Bushfire Protection**

**Objectives**

*(1) The objectives of this direction are:*

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) to encourage sound management of bush fire prone areas.*

**Where this direction applies**

*(2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

**When this direction applies**

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

**What a relevant planning authority must do if this direction applies**

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

**(5) A planning proposal must:**

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

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

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:*
  - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*



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

**Consistency**

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

**Comment:** The land is not bushfire prone - see Upper Lachlan Bush Fire Prone Land Map (Part) at Annexure 6.

**(vi) DIRECTION 5.1: Implementation of Regional Strategies**

**Objective**

- (1) *The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.*

**Where this direction applies**

- (2) *This direction applies to land to which the following regional strategies apply:*
  - (a) *Far North Coast Regional Strategy*
  - (b) *Lower Hunter Regional Strategy*
  - (c) *Illawarra Regional Strategy*
  - (d) *South Coast Regional Strategy*
  - (e) *Sydney–Canberra Corridor Regional Strategy*
  - (f) *Central Coast Regional Strategy, and*
  - (g) *Mid North Coast Regional Strategy.*

**When this direction applies**

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

***What a relevant planning authority must do if this direction applies***

*(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.*

***Consistency***

*(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:*

*(a) is of minor significance, and*

*(b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

**Comment:** The proposal is consistent with the outcomes and actions nominated in the Sydney - Canberra Regional Strategy 2006 - 2031. The Strategy, in respect to Rural Villages and Lifestyle Housing, states that:

- *Future residential growth is predominantly accommodated within existing centres or contiguous to existing settlements.*

**Comment:** The subject land and existing dwellings are located within R5 Large Lot Residential zoned land being contiguous to the RU5 Village zone of Taralga.

- *Towns and villages continue to play an important role in providing for housing choice across the Region. Growth and development will be managed in a way that protects and builds on the important built form, heritage and rural character of many of the towns and villages.*

**Comment:** The Planning Proposal will have no impact on the built form, heritage and rural character of the village of Taralga.

The Sydney - Canberra Regional Strategy 2006 – 2031 also includes the following actions to achieve the objectives of the Strategy. The relevant actions identified are:

- *Local environmental plans and other statutory planning controls will align with the Regional Strategy's settlement hierarchy (as shown on the Strategy Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.*

**Comment:** The Planning Proposal will not result in the spread of urban development as any subdivision of the subject will not result in the erection of additional dwellings. The proposed development will also utilise existing services and infrastructure and not impact on areas of high conservation value.



- *Only new areas which are/will be identified in the final versions of the following documents are supported (once endorsed by the Director-General of the Department of Planning): Upper Lachlan Strategy – 2020 Vision. These documents will align with the Regional Strategy’s settlement hierarchy, as shown on the Strategy Map.*

**Comment:** The Upper Lachlan Strategy – 2020 Vision includes the following requirements to accommodate sustainable growth:

- *Urban development should be facilitated primarily in areas already zoned for that purpose. This includes all land within existing village boundaries – both vacant and developed areas. Opportunities for infill housing within developed areas can be supported. This approach provides greater housing choice and promotes living close to existing services and facilities. This reflects the needs of declining household sizes and an ageing population.*

**Comment:** The subject land and existing dwellings are located within R5 Large Lot Residential zoned land.

**(vii)      DIRECTION 5.2: Sydney Drinking Water Catchments**

**Objective**

- (1) *The objective of this Direction is to protect water quality in the Sydney drinking water catchment.*

**Where this Direction applies**

- (2) *This Direction applies to the Sydney drinking water catchment in the following local government areas:*

<i>Blue Mountains</i>	<i>Campbelltown</i>	<i>Cooma Monaro</i>
<i>Eurobodalla</i>	<i>Goulburn Mulwaree</i>	<i>Kiama</i>
<i>Lithgow</i>	<i>Oberon</i>	<i>Palerang</i>
<i>Shoalhaven</i>	<i>Sutherland</i>	<i>Upper Lachlan</i>
<i>Wingecarribee</i>	<i>Wollondilly</i>	<i>Wollongong.</i>

**When this Direction applies**

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

**What a relevant planning authority must do if this Direction applies**

- (4) *A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:*
- (a) *new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and*
  - (b) *future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
  - (c) *the ecological values of land within a Special Area that is:*
    - (i) *reserved as national park, nature reserve or state conservation area under the*

*National Parks and Wildlife Act 1974, or*  
*(ii) declared as a wilderness area under the Wilderness Act 1987, or*  
*(iii) owned or under the care control and management of the Sydney Catchment Authority, should be maintained.*

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

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

*and*

- (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and*
- (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.*

#### **Consistency**

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

**Comment:** The proposal will have minimal environmental impact and comply with the Neutral or Beneficial Effects (NorBE) test for impact on water quality.

**(viii) DIRECTION 6.3: Site Specific Provisions**

**Objective**

*(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*

**Where this direction applies**

*(2) This direction applies to all relevant planning authorities.*

**When this direction applies**

*(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.*

**What a relevant planning authority must do if this direction applies**

*(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*

- (a) allow that land use to be carried out in the zone the land is situated on, or*
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

*(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.*

**Consistency**

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

**Comment:** The Planning Proposal is considered to be of minor significance and intends to provide for the retention of the existing dwellings and associated uses on each of two (2) lots in the future subdivision of Lot A DP 413644. There are no restrictive site specific planning controls proposed.

**Section C- Environmental, Social and Economic Impact**

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

There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats located on the subject land - see Annexure 8 being a copy of the NSW Environment and Heritage Bionet map. Additionally, the Upper Lachlan Natural Resources



Sensitivity - Biodiversity Map Sheet NRB\_008 (Part) does not identify the subject land as containing biodiversity - see Annexure 9. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

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

There are no other likely environmental effects as a result of the planning proposal. The land and lots to be created by subdivision have available all necessary services and infrastructure.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides a positive social and economic effect by enabling the two (2) existing dwelling houses on Lot A DP 413644 at 101 Golspie Road, Taralga to be located on separate parcels of land by the subdivision of the subject land into two (2) allotments with consent in the Zone R5 Large Lot Residential of *Upper Lachlan Local Environmental Plan 2010* (LEP 2010) where a minimum lot size of 2ha applies. The Planning Proposal will also address a historical development which has resulted in two (2) dwellings being erected on a single small area allotment.

#### Section D-State and Commonwealth Interests

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

No public infrastructure will be required as a consequence of support of this planning proposal as both future parcels of land have existing access from Golspie Road - see photographs at Annexure 7. Additionally, any future development applications for the subdivision of the subject land will appropriately consider the requirements for any public infrastructure. The area to which Zone R5 Large Lot Residential applies does not have reticulated water or sewer, however, electricity is available to the existing dwellings.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Any requirement to consult State and Commonwealth public authorities, as advised by the Department, will be undertaken in accordance with the relevant community consultation requirements.

#### PART 4 MAPPING

The following maps are included as part of the Planning Proposal:

Figure 1	The land subject to the Planning Proposal (Lot A DP 413644).
Figure 2	The land subject to the Planning Proposal – Deposited Plan
Figure 3	The current Land Use Zone.
Figure 4	The current Minimum Lot Size.
Figure 5	Aerial photograph identifying the subject lot - General Locality.
Figure 6	Aerial photograph identifying the subject lot – Site Plan.
Figure 7	The proposed Minimum Lot Size.



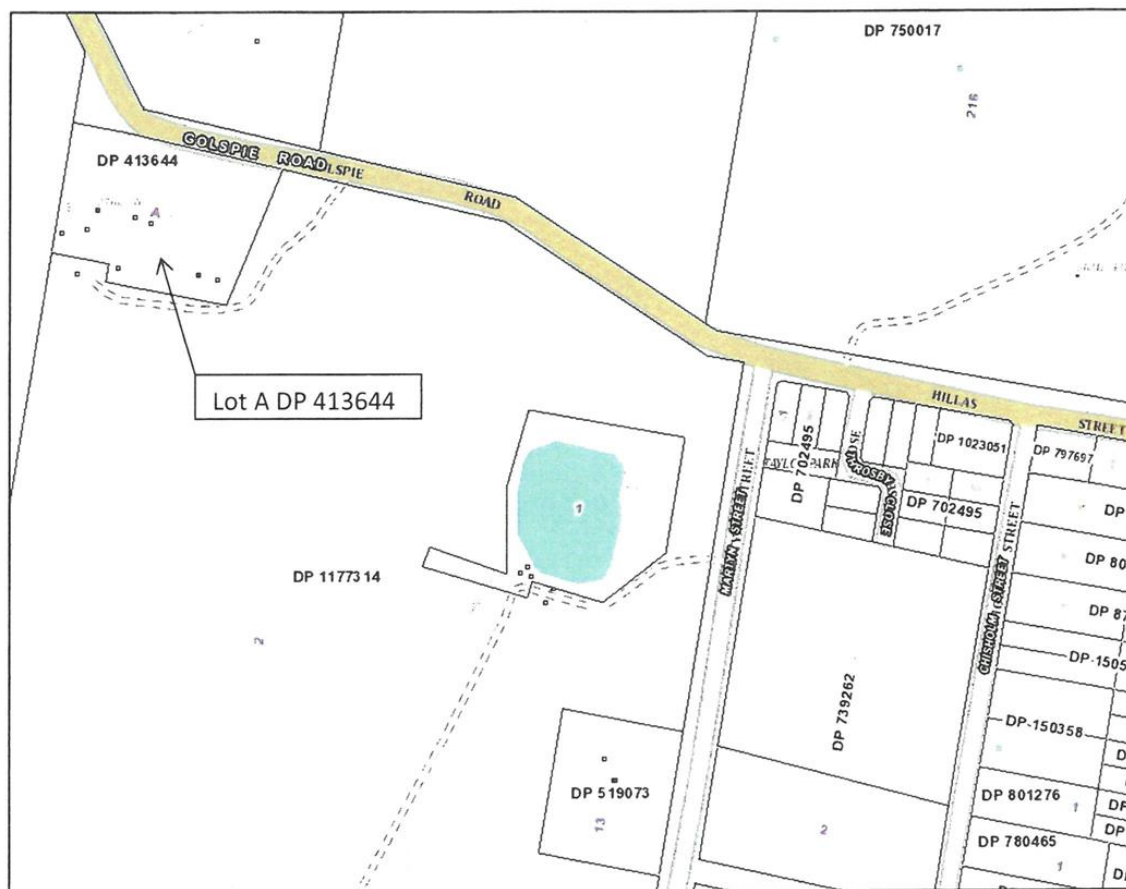


Figure 1: The land subject to the Planning Proposal (Lot A DP 413644)  
Map Source: Six Maps

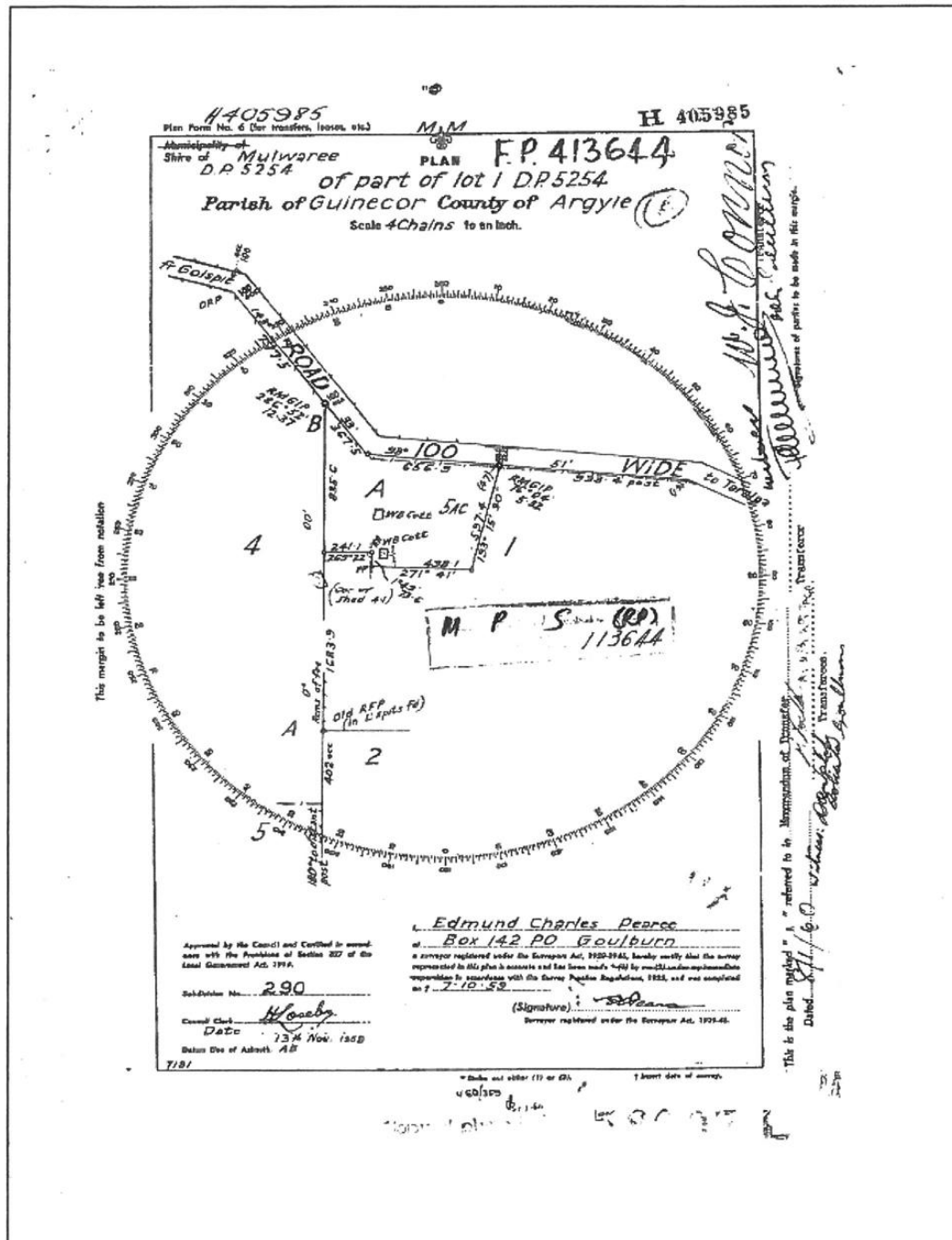
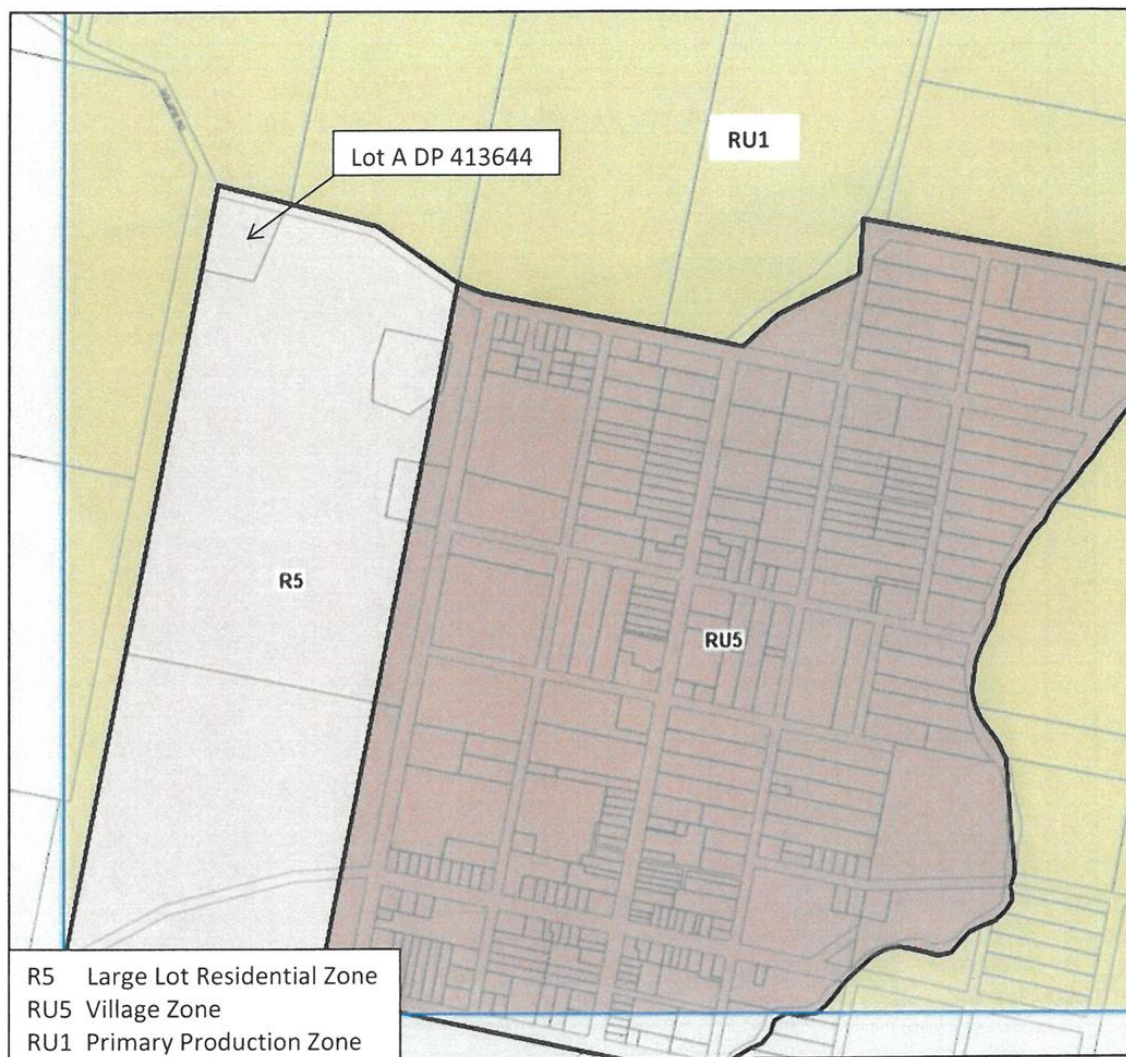
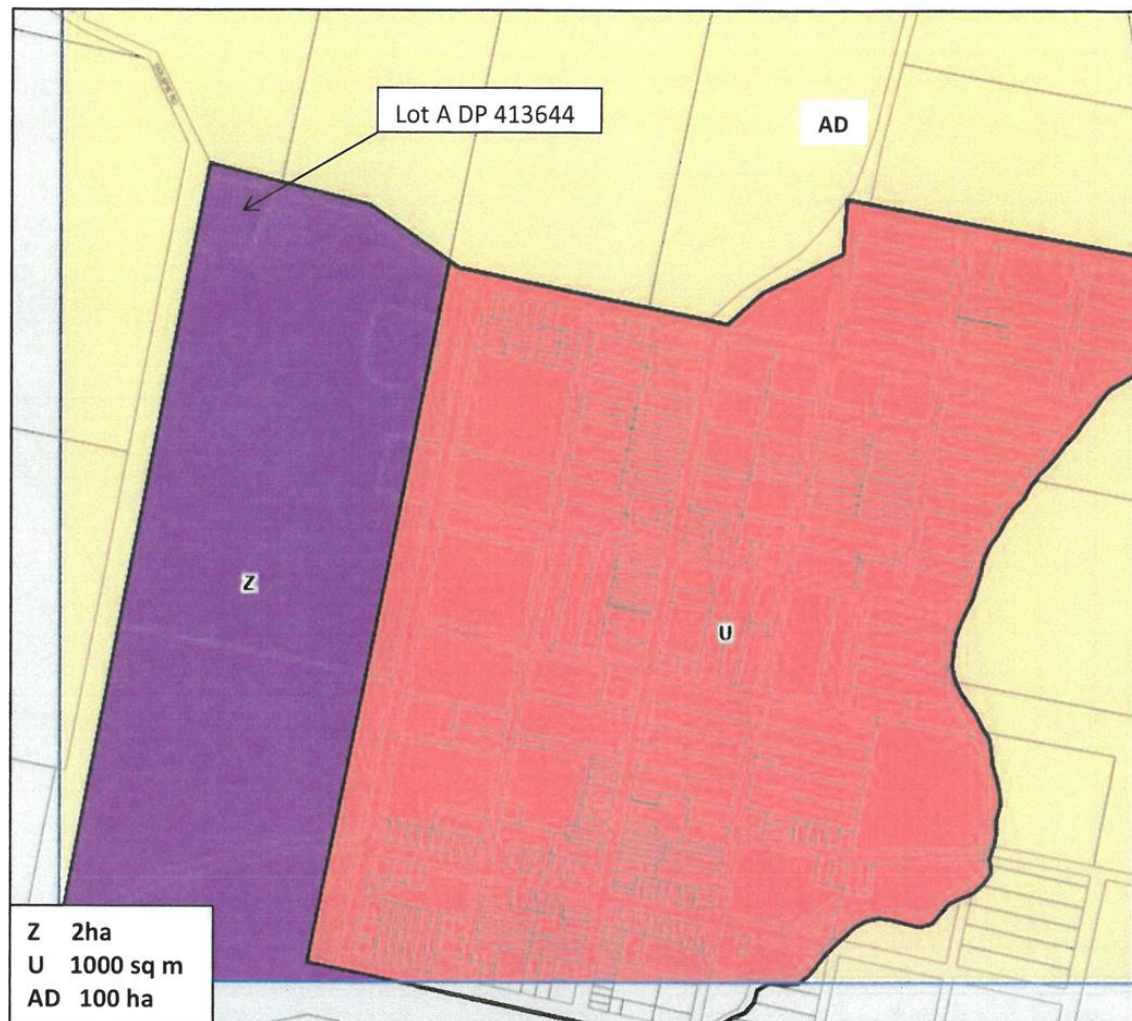


Figure 2: The land subject to the Planning Proposal – Deposited Plan



**Figure 3: The current land use zone applying to the land - Zone R5 Large Lot Residential**  
(Land Zoning Map – Sheet LZN\_008B)  
**Upper Lachlan Local Environmental Plan 2010**  
(Map Source: NSW Legislation website)





**Figure 4: The current Minimum Lot Size relating to the land**  
**(Lot Size Map - Sheet LSZ\_008B)**  
**Upper Lachlan Local Environmental Plan 2010**  
(Map Source: NSW Legislation website)

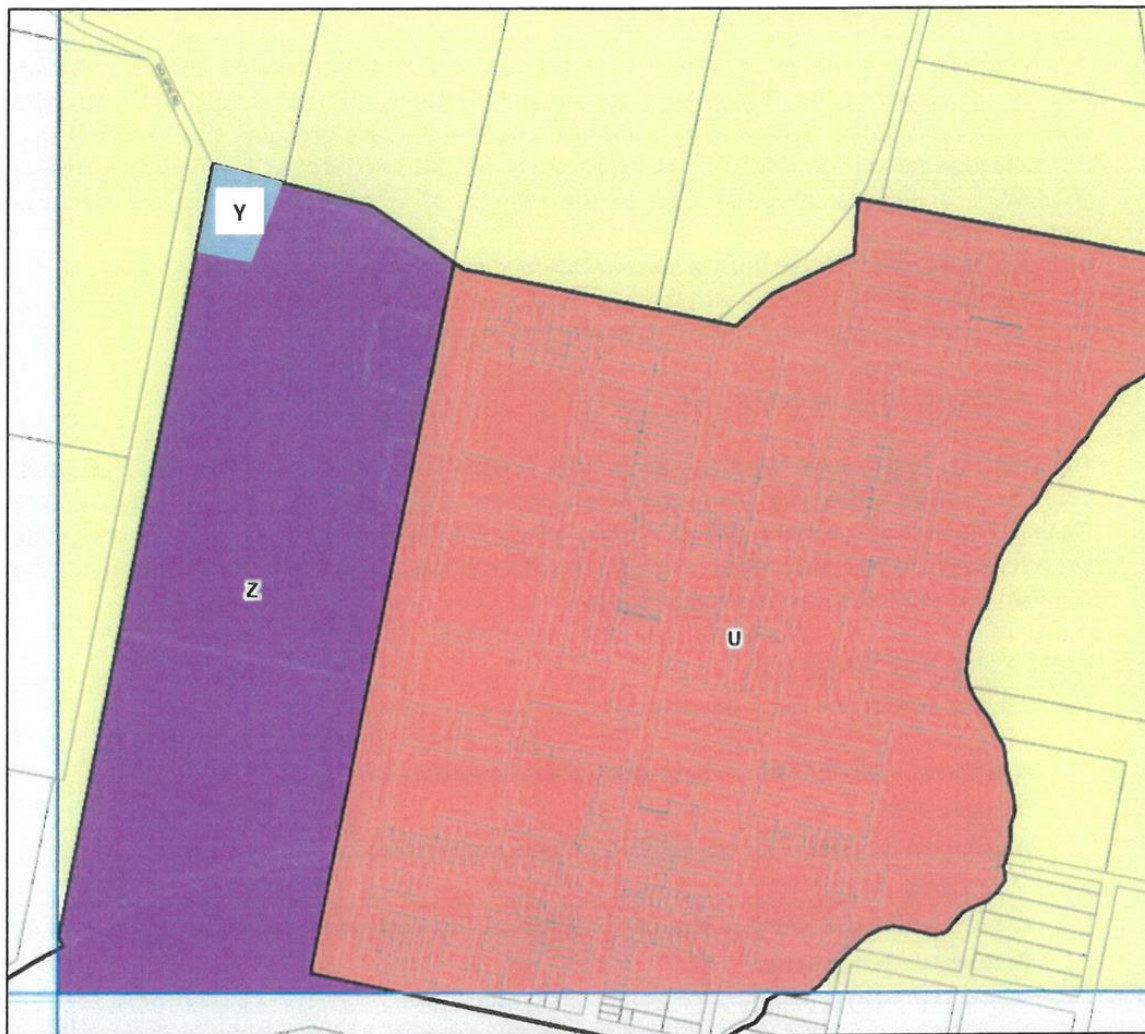






Figure 6: Aerial photograph identifying the subject lot – Site Plan





**Figure 7: The proposed minimum lot size to apply to the land - Minimum Lot Size 10000 sq m (Y)**  
(Lot Size Map - Sheet LSZ\_008B)  
**Upper Lachlan Local Environmental Plan 2010**  
(Map Source: NSW Legislation website)

## PART 5 COMMUNITY CONSULTATION

The document "A guide to preparing local environmental plans" outlines the consultation required for different types of planning proposals and the gateway determination will specify the community consultation that must be undertaken on the planning proposal. It is expected that the exhibition period for this low impact proposal will be 14 days. A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP;
- does not reclassify public land.

The Planning Proposal will be notified in local newspapers that circulate the area affected, Council's website, in writing to adjoining landowners and public authorities. Details of the Planning Proposal and how to make a submission will be included in this notification. Kingsdale Consulting Pty Ltd will responding to any feedback from the Council, public authorities and the community in relation to the Planning Proposal.

## PART 6 PROJECT TIMELINE

The following project timeline is provided for the planning proposal:

**Anticipated commencement date (*date of Gateway determination*):**

February 2019

**Anticipated timeframe for the completion of required technical information:**

March 2019

**Timeframe for government agency consultation (*pre and post exhibition as required by Gateway determination*):**

March / April 2019

**Commencement and completion dates for public exhibition period:**

April / May 2019

**Dates for public hearing (if required):**

Not required

**Timeframe for consideration of submissions:**

June 2019

**Timeframe for the consideration of a proposal post exhibition:**

June 2019

**Date of submission to the department to finalise the LEP:**

June 2019

**Anticipated date RPA will make the plan (if delegated):**

July 2019

**Anticipated date RPA will forward to the department for notification:**

July 2019



### CONCLUSION and RECOMMENDATION

An assessment of the Planning Proposal has been completed in accordance with the guidelines prepared by NSW Department of Planning and is the best means in achieving the intended outcome of the proposal to enable the two (2) existing dwelling houses on Lot A DP 413644 at 101 Golspie Road, Taralga to be located on separate parcels of land by the subdivision of the subject land.

The Planning Proposal also meets all the relevant State, Regional and Local planning policies and is considered to be of minor significance.

It is recommended that this Planning Proposal be endorsed by the Upper Lachlan Shire Council and request that the Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination in accordance with the *Environmental Planning and Assessment Act 1979* as the Proposal:

- is justified in terms of consistency with all the relevant State, Regional and Local planning policies.
- addresses a historical development which has resulted in two (2) dwellings being erected on a single small area allotment.
- is considered to be of minor significance.

## ANNEXURES

## Annexure 1

History of the two houses on a 2 hectare subdivision.

PHILLIP CROKE  
101 GOLSPE ROAD  
TARALGA 2580  
PHONE 0438 472 427

TO JACQUELINE IMPEY  
UPPER LACHLAN SHIRE COUNCIL

THIS LETTER IS TO REQUEST UPPER LACHLAN  
SHIRE COUNCIL TO PREPARE AND SUPPORT A PLANNING  
PROPOSAL FOR REZONING FROM 2 HECTARES TO  
1 HECTARE ON BEHALF OF HELEN PITT  
LOT A DP 413644 101 GOLSPIE ROAD TARALGA NSW

HISTORY OF TWO HOUSES ON A 2 HECTARES  
SUBDIVISION.

EARLY TO MID 1900'S PICKER'S OWNED  
ABOUT 48 HECTARES.

MAIN HOUSE BUILD EARLY 1900'S

COTTAGE BUILD AROUND 1940'S EARLY 1950'S  
FOR THERE SON.

SOLD TO CAMPBELL'S AROUND LATE 1950'S  
EARLY 1960'S.

SOLD TO BILL CONNOR AROUND EARLY 1960'S.

BILL CONNOR SUBDIVIDED 2 HECTARES WITH  
THE TWO HOUSES AND SOLD THE BLOCK TO  
THE TODD FAMILY.

SOLD TO PITTS IN 1974

COTTAGE REPLACE IN 2001

MAN HOUSE RENOVATE AROUND 2006

Phillip L Croke.

## Annexure 2

Letter from Upper Lachlan Shire Council dated 18 January 2018  
Letter from The Hon Anthony Roberts MP (NSW Minister for Planning) dated 1 August 2017



APN: B1 611 241 552

**Cookwell Office:** 44 Spring Street, Cookwell NSW 2563  
p: 02 4930 1000 | f: 02 4932 2066 | e: council@upperlachlan.nsw.gov.au | www.upperlachlan.nsw.gov.au  
**Gunning Office:** 123 Yass Street, Gunning NSW 2581  
p: 02 4945 4100 | f: 02 4945 1426 | e: council@upperlachlan.nsw.gov.au  
**Taralga Office:** Taralga Community Service Centre, Orchard Street, Taralga NSW 2580  
p: 02 4840 2096 | f: 4840 2296 | e: taralgasc@centernet.com.au

Environment and Planning Department – TRIM F11/162-09 D2018/269 and F11/163-09

18 January 2018

Mr Phillip Croke  
101 Golspie Road  
TARALGA NSW 2580

Dear Sir,

**Rezoning Enquiry – Lot A, DP 413644, 101 Golspie Road, Taralga.**

Reference is made to your enquiry to determine whether the existing dwellings are lawful and the potential for rezoning to reduce the existing minimum lot size and you are advised as follows:

A search of Council's records has confirmed that in 2001 the former Mulwaree Shire Council sent a letter confirming that the two existing dwelling houses were built prior to 1970 and were therefore considered lawful. Subsequently Development Application No. 001/516 and Construction Certificate No. 001/516 were approved on 1.8.2001 for a dwelling house to replace one of the existing dwelling houses.

In regard to your request to reduce the minimum lot size from 2 hectares to 1 hectare you are advised that any proposed rezoning must proceed in accordance with the Department of Planning and Environment's Gateway Process which includes preparation of a Planning Proposal. This is the link to the Department's Gateway Information website:  
<http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/The-Gateway-Process>

As part of this process there must be supporting studies and information which includes the justification for any change in zoning and/or minimum lot size. The Department's website provides guidelines to assist with the process. Consideration must also be given to relevant studies undertaken in the preparation of *Upper Lachlan Local Environmental Plan 2010 (LEP 2010)*. Council recommends you engage the services of a suitably qualified professional to prepare the planning proposal and relevant supporting reports and submissions.

For any further information please contact Council's Environment and Planning Department on (02) 48 301 000.

Yours faithfully,

Jacqueline Impey  
Senior Strategic Planner  
for  
John K Bell  
General Manager

*Disclaimer: while every effort has been made to ensure the accuracy of this response, Council accepts no responsibility for any errors or omissions.*






**Anthony Roberts MP**

Minister for Planning, Minister for Housing, Special Minister of State

17/08525

The Hon Pru Goward MP  
Member for Goulburn  
Minister for Family and Community Services  
Minister for Social Housing  
Minister for the Prevention of Domestic Violence and Sexual Assault  
PO Box 168  
GOULBURN NSW 2580

  
Dear Minister

Thank you for your representations on behalf of Mr Phillip Croke and Ms Helen Pitt of Taralga about the potential subdivision of their property.

I appreciate the reasons that prompted Mr Croke and Ms Pitt to contact you.

I am advised that Mr Croke and Ms Pitt's land is zoned a combination of RU1 Primary Production, with a minimum lot size of 100 hectares, and R5 Large Lot Residential, with a minimum lot size of 2 hectares under the Upper Lachlan Local Environmental Plan (LEP) 2010. I understand they wish to subdivide the area zoned R5 Large Lot Residential but are of the understanding that they cannot do so because this area is below the LEP's minimum lot size.


To enable a subdivision of the land, the Department has advised me that the minimum lot size would need to be changed. Mr Croke and Ms Pitt would need to request Upper Lachlan Shire Council to prepare a planning proposal to amend this control in the LEP. If Council supports the proposal it would seek a Gateway determination from the Department of Planning and Environment for the proposal to proceed to community consultation.

To find out more about the rezoning process, your constituents may wish to read the Department's guide to preparing planning proposals, by searching 'Gateway process' on the Department's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

In an effort to be of assistance, the Department has contacted the Council for information and advice on this matter. The Department notes that Council's senior planner, Ms Jacqueline Impey can assist you constituents and can be contacted on (02) 4830 1000.

If Mr Croke and Ms Pitt have any more questions about this matter, please advise them to contact Mr Graham Towers, Acting Team Leader, Southern Region, at the Department on 4224 9467.

Yours faithfully

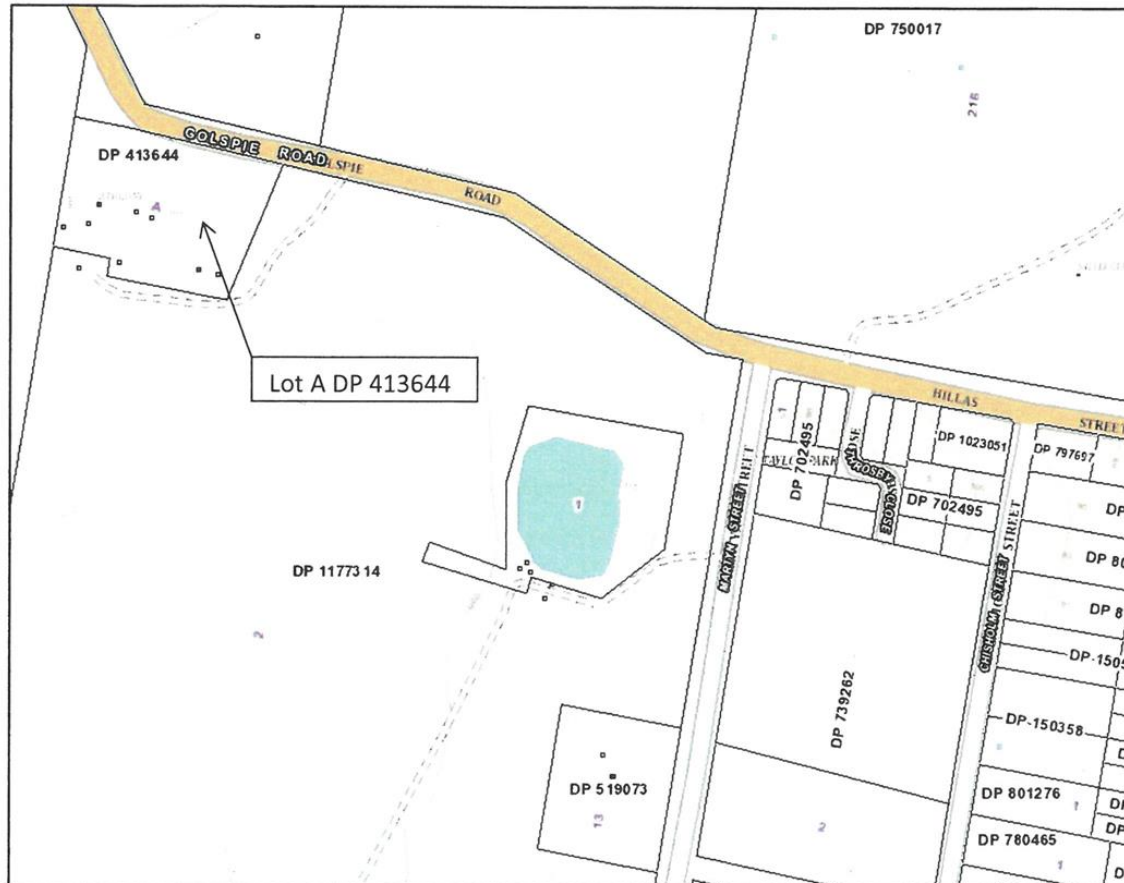
  
**Anthony Roberts MP**  
Minister for Planning  
Minister for Housing  
Special Minister of State

1 AUG 2017

GPO Box 5341 Sydney NSW 2001 • P: (02) 8574 5600 • F: (02) 9339 5544 • E: [office@roberts.minister.nsw.gov.au](mailto:office@roberts.minister.nsw.gov.au)

### Annexure 3

Topographic Map



## Annexure 4

Upper Lachlan LEP 2010 – Heritage Map  
HER\_008B (Part)



## Annexure 5

### AHIMS Search Result



Office of  
Environment  
& Heritage

#### AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Crolite

Client Service ID : 377120

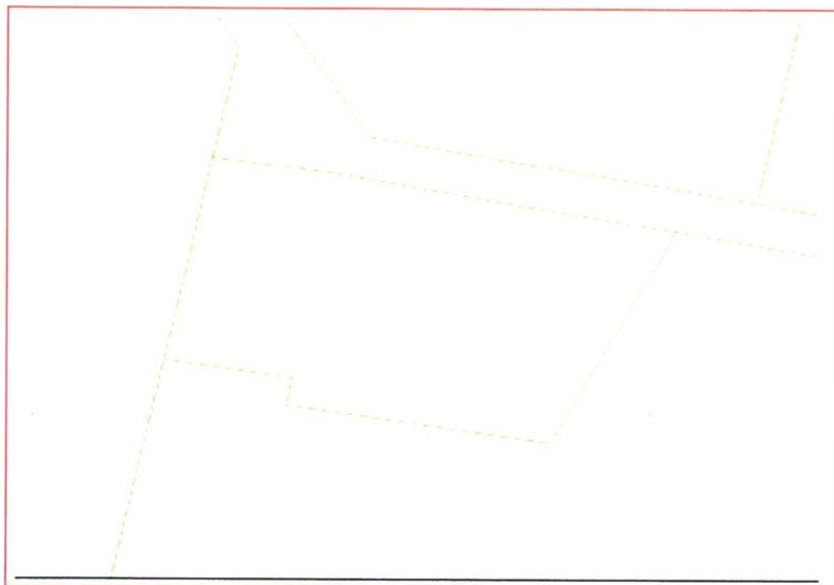
Robert Mowle  
P O Box 1326  
Goulburn New South Wales 2580  
Attention: Robert Mowle  
Email: robert@laterals.com.au

Date: 18 October 2018

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: A, DP:DP413644 with a Buffer of 50 meters, conducted by Robert Mowle on 18 October 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *





Office of  
Environment  
& Heritage

## AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Crolite  
Client Service ID : 377122

Robert Mowie  
P O Box 1326  
Goulburn New South Wales 2580  
Attention: Robert Mowie  
Email: robert@laterals.com.au

Date: 18 October 2018

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: A, DP:DP413644 with a Buffer of 200 meters, conducted by Robert Mowie on 18 October 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

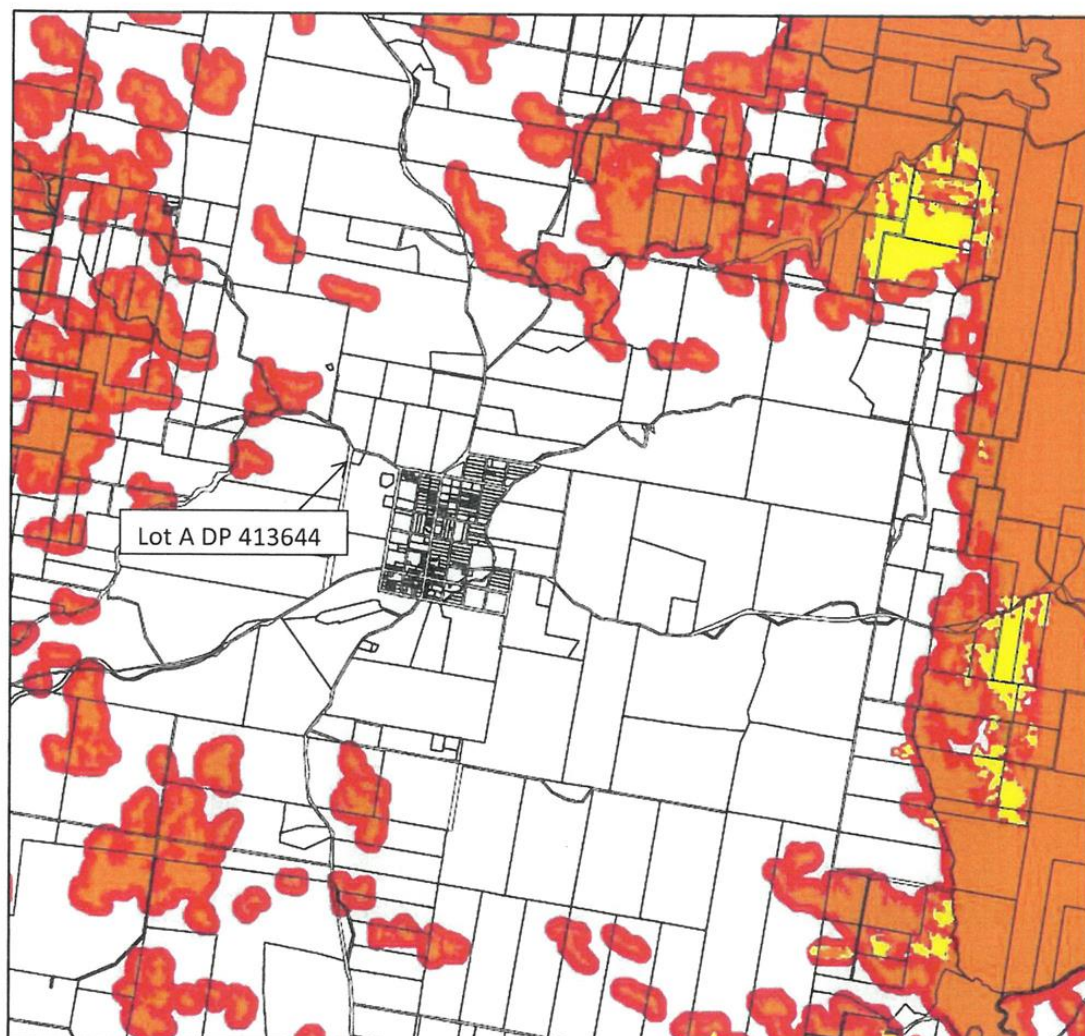


A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<input type="checkbox"/>	Aboriginal sites are recorded in or near the above location.
<input type="checkbox"/>	Aboriginal places have been declared in or near the above location. *

## Annexure 6

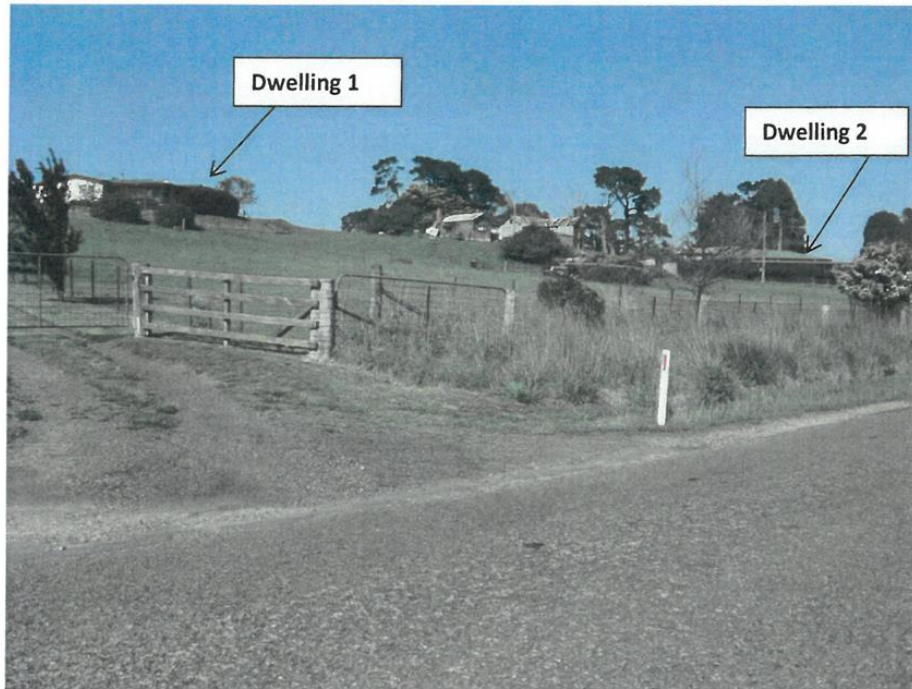
### Upper Bushfire Prone Land map (Part)





## Annexure 7

Site Photographs (22 October 2018)



Existing Dwellings



Driveway to Dwelling 1



Dwelling 1



Driveway to Dwelling 2

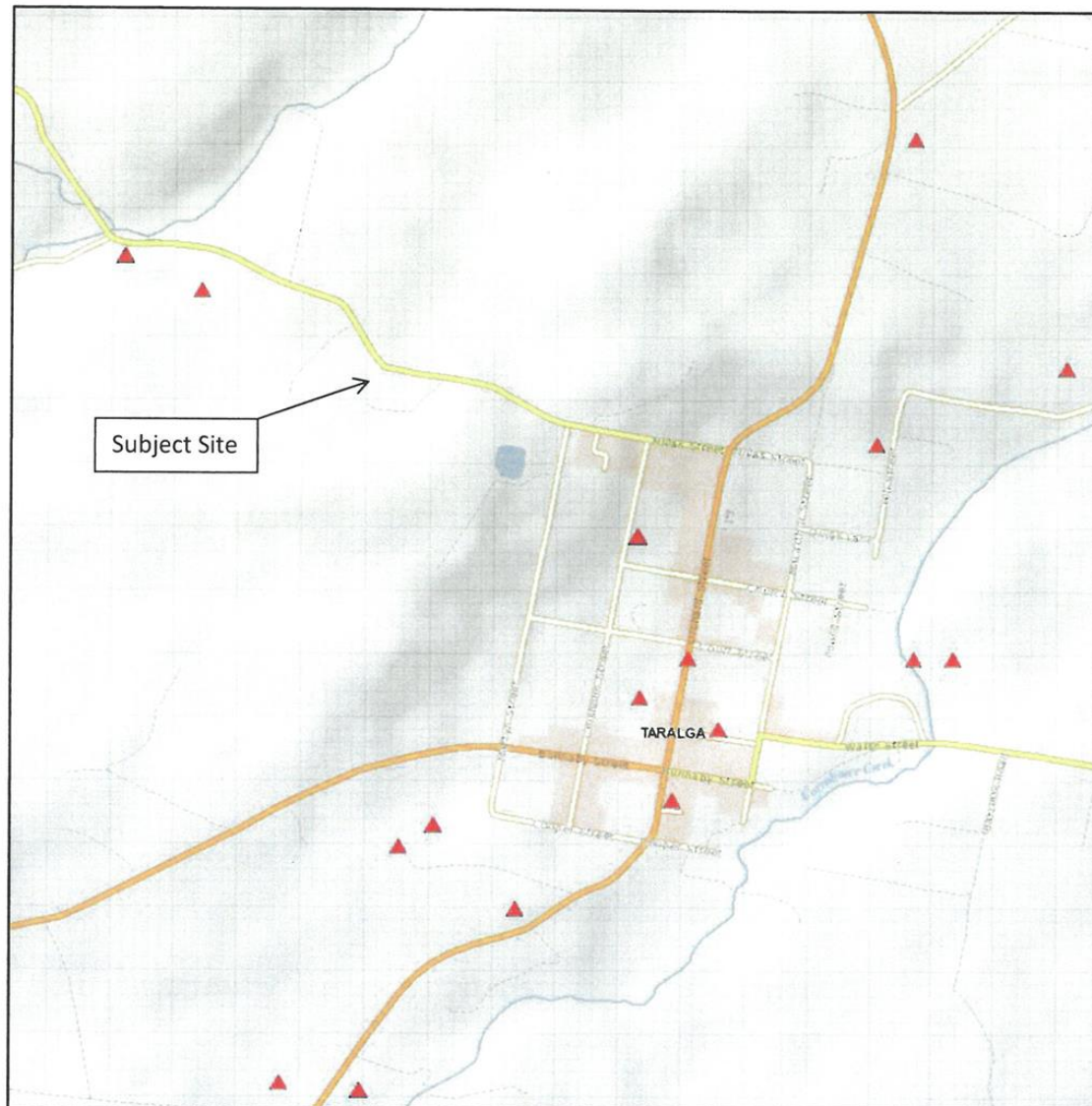




Dwelling 2

## Annexure 8

### NSW Environment and Heritage Bionet Map



## Annexure 9

Upper Lachlan Natural Resources Sensitivity - Biodiversity Map Sheet NRB\_008 (Part)

