

## Planning and Assessment

IRF20/416

### Gateway determination report

<b>LGA</b>	Goulburn LGA
<b>PPA</b>	Goulburn Mulwaree
<b>NAME</b>	Planning Proposal Dossie Street, Goulburn (estimated 35-40 homes and 80 jobs)
<b>NUMBER</b>	PP_2020_GOULB_001_00
<b>LEP TO BE AMENDED</b>	Goulburn Mulwaree LEP 2009
<b>ADDRESS</b>	Dossie Street, Goulburn
<b>DESCRIPTION</b>	Lot 1 DP1034565, Lot 3 DP 1008818, Lot 2 DP 1238214, Lot 3 DP1238214
<b>RECEIVED</b>	19 December 2019
<b>FILE NO.</b>	IRF19/31504
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

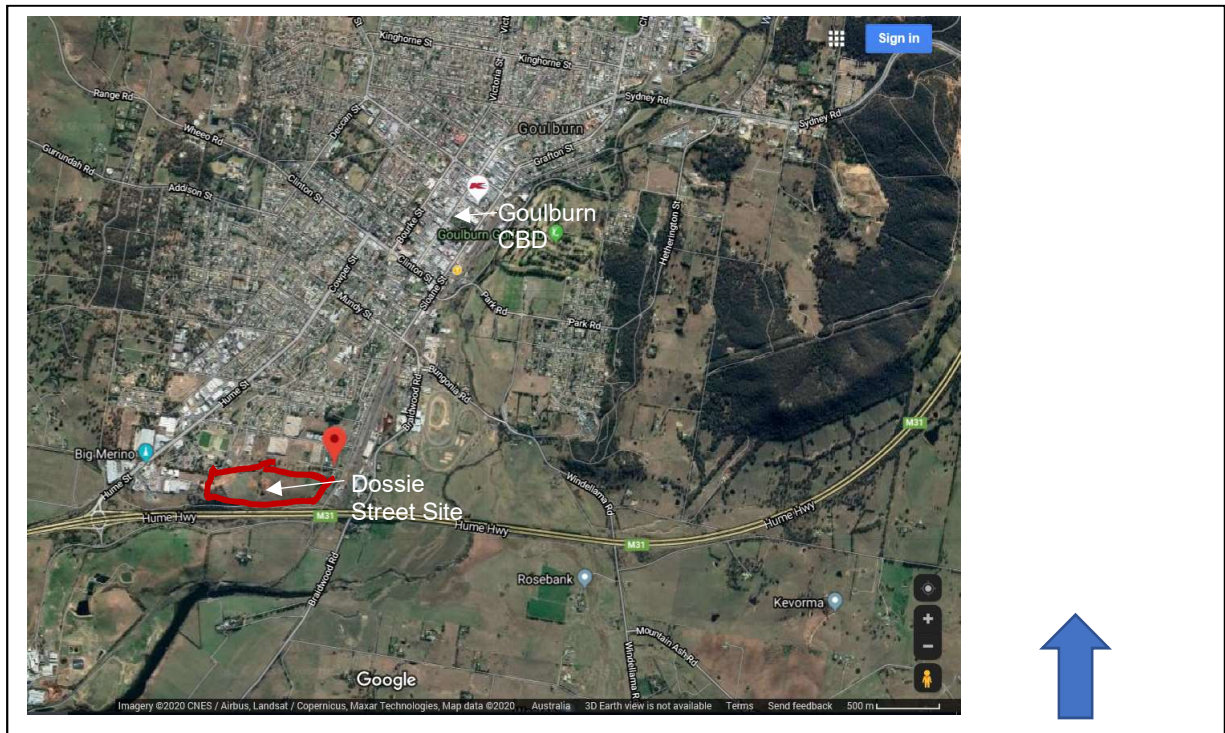
## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal seeks to rezone rural land adjacent to Dossie Street Goulburn to facilitate development for large lot residential, industrial, public open space and environmental uses.

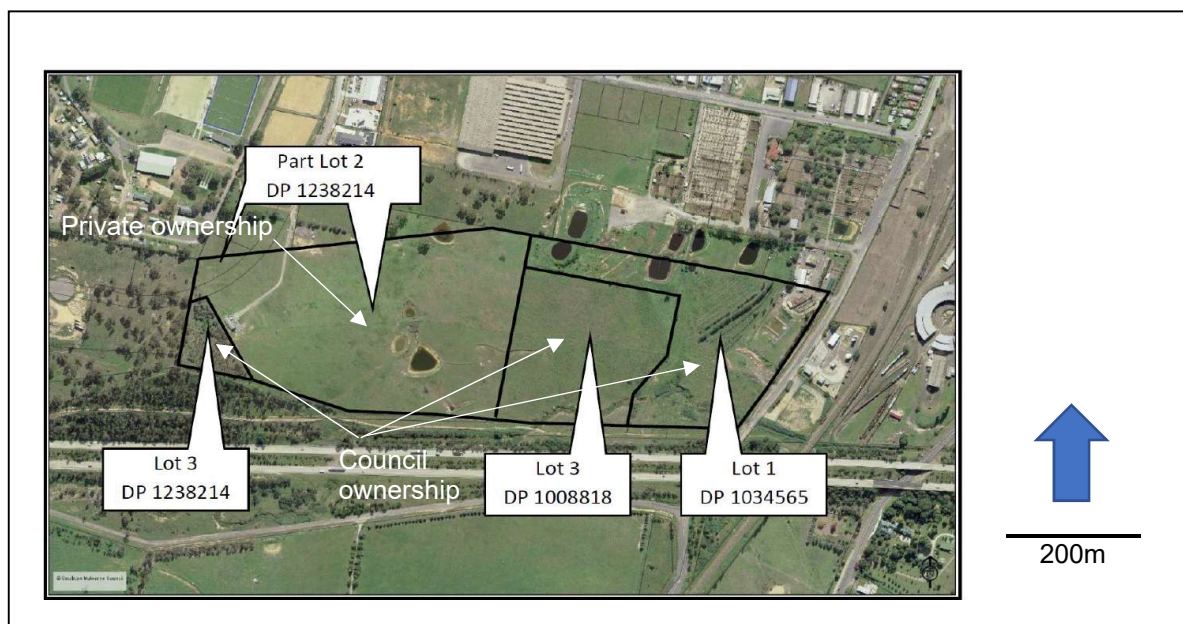
### 1.2 Site description

The site is located on the southern edge of Goulburn adjacent Dossie Street approximately 1.8km south west of the Goulburn CBD (Figure 1 – Site map).



**Figure 1 – Site Map** (Source: Google Maps 2020)

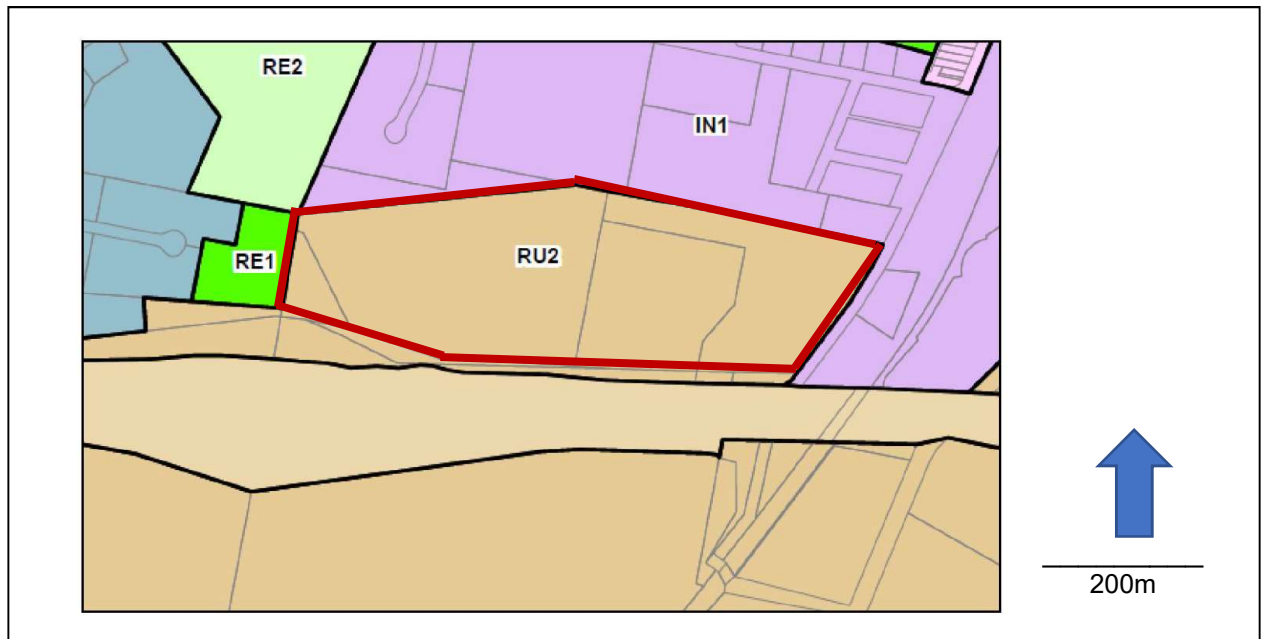
The 24.338 ha site comprises four lots, three of which are owned by Council and one is privately owned (Figure 2 – Land ownership Map).



**Figure 2 – Land ownership Map** (Source: Base map taken from Goulburn Mulwaree Planning Proposal document 19 December 2019)

### 1.3 Existing planning controls

The site is zoned RU2 Rural Landscape Zone under the Goulburn Mulwaree LEP 2009 (Figure 2 – Zoning Map). A 100ha minimum lot size currently applies to the subject site.



**Figure 2 – Zoning Map** (Source: Goulburn Mulwaree Council Planning Proposal document December 2019).

### 1.4 Surrounding area

The site adjoins industrial land to the north, Goulburn railway line/industrial land to the east, the Hume Highway to the south and public open space and the South Goulburn Enterprise Corridor precinct (site of the “Big Merino”) to the west (Figure 3 – Surrounding Area).



**Figure 3 – Surrounding Area** (Source: Google Maps 2020)

## 1.5 Summary of recommendation

The proposal is recommended to proceed with conditions for the following reasons:

- It will facilitate new housing, employment land, public open space and protection of environmental land in Goulburn.
- It is generally consistent with endorsed strategic planning for the area including the South East and Tablelands Regional Plan and the Goulburn Mulwaree Employment Land Strategy.

Conditions are recommended requiring Council to undertake a number of studies and investigations to better understand and address contamination, Aboriginal cultural heritage and acid sulphate soil issues as well as consultation with relevant agencies and with the Pejar Local Aboriginal Land Council.

## 2. PROPOSAL

---

### 2.1 Objectives or intended outcomes

The planning proposal states that the intended outcomes of the proposal are to:

- Contribute to the supply of land zoned R5 Large Lot Residential, IN1 General Industrial, E4 Environmental Living and RE1 Public Recreation;
- Allow the site to be developed with respect to the movement of fauna through the local government area from surrounding areas of the site;
- Detail the location and level of contamination of the site from historic land uses;
- Locate future land uses with regard to the site's archaeological heritage;
- Ensure future land uses can meet or exceed the Neutral or Beneficial Effects (NorBE) test;
- Minimise the impact of development on an area of ecological significance on the site;
- Mitigate the risk of development to water quality in the Sydney Drinking Water Catchment; and
- Minimise land use conflict with surrounding land uses.

It is considered that the intended outcomes of the proposal are clear and do not require amendment prior to community consultation.

### 2.2 Explanation of provisions

The explanation of provisions provided are as follows:

- **Land Zoning Map Sheet LZN\_001E:** Amend the zoning configuration of the subject lots by replacing the current RU2 Rural Landscape Zone with Part R5 Large Lot Residential Zone, Part E4 Environmental Living, Part IN1 General Industrial and Part RE1 Public Recreation under the Goulburn Mulwaree LEP 2009.
- **Lot Size Map Sheet LSZ\_001E:** Amend the minimum lot size of all four lots from 100 hectares to:
  - Part 2,000m<sup>2</sup> for Lot 2 DP 1238214 proposed to be zoned R5 Large Lot Residential.

- Part 1 ha for lots 2 DP 1238214 and Lot 1 DP1034565 proposed to be zoned R5 Large Lot Residential.
- Part 2 ha for Lot 3 DP 1008818 and Lot 1 DP 1034565 proposed to be zoned E4 Environmental Living Zone.
- No minimum lot size for the proposed area to be zoned RE1 Public Recreation.
- No minimum lot size for the proposed areas to be zoned IN2 General Industrial Zone.

It is considered that the explanation of the provisions provided in the proposal is generally clear and does not require amendment prior to community consultation. It is considered that the proposed zones and minimum lot sizes are compatible with the surrounding land uses.

### **2.3 Mapping**

The proposal includes amendments to LEP zoning and lot size maps. Maps are included in the planning proposal that show the current and proposed controls. The proposed lot size map (Figure 6) provided in the proposal does not show the proposed 2,000m<sup>2</sup> minimum lot size which Council has advised is an error. It is considered that this error should be corrected prior to exhibition.

Recommendation: That Council revise Figure 6 of the planning proposal, prior to exhibition, to show the proposed 2,000m<sup>2</sup> minimum lot size.

## **3. NEED FOR THE PLANNING PROPOSAL**

---

The proposal states that it is the result of three strategic Council programs which identify and make recommendations in relation to the subject land, namely:

The Goulburn Mulwaree Employment Land Strategy 2016.

The South Goulburn Endangered/Threatened Species Management Plan 2004.

Goulburn Mulwaree Council Asset Sales Strategy.

The proposal states that the proposed zoning and lot size configuration responds most effectively to the site's characteristics and constraints, including slope, flooding, water quality, contaminated land, adjoining industrial land and the Hume Motorway, and represents the highest and best use of land in the area.

It is considered that the planning proposal is needed to implement Council's strategic plans, including the Goulburn Mulwaree Employment Land Strategy which was endorsed by the Department in 2016. The Strategy recommends the rezoning of the subject site to support the South Goulburn Industrial Precinct. The proposal will facilitate approximately 35-40 new homes, 2.7 ha new industrial land providing an estimated 80 jobs, 0.8ha of public open space and protection of important environmental land in the Goulburn area.

The proposal states that the planning proposal is the best means of achieving the objectives and intended outcomes by facilitating an amendment to the Goulburn Mulwaree LEP 2009 in relation to the zoning and lot size controls for the subject site. Council's view that the planning proposal process is the most appropriate mechanism to achieve the objectives for the site is supported.

## 4. STRATEGIC ASSESSMENT

---

### 4.2 Regional

The proposal states that it is consistent with the South East and Tablelands Regional Plan, particularly the following Goals and Directions:

- Goal 1: “A connected and prosperous economy.”
- Direction 8 “Protect important agricultural land.”
- Direction 11 “Enhance strategic transport links to support economic growth.”

The proposal states that it is consistent with this goal and directions because it seeks to avoid impact on important agricultural land. The proposal also provides new industrial land in the South Goulburn area which can take advantage of good existing accesses to north and south bound transport links to support economic growth.

- Goal 2: A diverse environment interconnected by biodiversity corridors
- Direction 14: Protect important environmental assets.
- Action 14:6 Protect travelling stock routes
- Direction 15: Enhance biodiversity connections.

The proposal states that it is consistent with this goal, directions and action because identified important environmental areas and biodiversity connections will be protected via the application of RE1 Public Recreation and E4 Environmental Living zones. An historic travelling stock route, which is located between the subject site and the Hume Motorway, currently zoned RU2 Rural Landscape, is not affected by the proposal. Council also proposes to prepare site specific DCP controls to ensure that any impact on important biodiversity is avoided, minimised or offset during the development application process.

- Direction 18: Secure water resources
- Action 18.1 Locate, design, construct and manage new developments to avoid impacts on water catchments.

The proposal states that it was prepared following comments/advice from WaterNSW on an earlier version of the proposal to ensure that impacts on water quality in the Sydney Drinking Water Catchment are minimised.

- Goal 4: Environmentally sustainable housing options
- Direction 24: Deliver greater housing supply and choice

The proposal states that it will provide a modest supply (approximately 31 homes) in the area on large lots which are compatible with site characteristics and constraints of the area.

Comment: Council’s view that the proposal is consistent with the South East and Tablelands Regional Plan is supported. It is considered that the proposal will support the continued growth of Goulburn as a strategic regional centre by providing new housing and employment land as well as protecting important environmental assets.

### 4.3 Local

The proposal states that it is consistent with the following local strategies:

#### The Tablelands Regional Community Strategic Plan 2016-2036:

The proposal is consistent with the Tablelands Regional Community Strategic Plan because it implements strategic priorities in relation to the environment, economy, community, infrastructure and civic leadership, for the following reasons:

- It protects important environmental assets, corridors and water quality via suitable land use zones including RE1 Public Recreation, E4 Environmental Living and R5 Large Lot Residential.
- It provides new industrial land in locations that are strategically accessible which optimises the site's potential to capitalise on its proximity to the Hume Highway, Canberra's airport and Western Sydney.
- It supports the establishment of local and small home-based businesses and industries via the proposed zones which permit development of home-based businesses and industries.
- It will maintain Goulburn's rural lifestyle by retaining the Hume Motorway as the southern boundary to Goulburn's future growth and by retaining the low-density character/rural appearance of Goulburn from the Hume Motorway.
- It will facilitate the connectivity of the land to road infrastructure.
- It will facilitate the sale of Council land that has been identified as surplus to need and the reallocation of the funding to other strategic priorities.

Comment: Council's view that the proposal is consistent with the Tablelands Regional Community Strategic Plan is supported. The proposal will provide positive outcomes in relation to the regional strategic priorities identified in the Plan.

#### Goulburn Mulwaree Strategy 2020

The proposal states that the Goulburn Mulwaree Strategy 2020 does not provide any specific recommendations for the precinct. The Strategy, however, identifies that new development areas should minimise rural land use conflict, be within the land's capability and create liveable communities. The proposal states that it is consistent with the Strategy because the subject land is located at the southern edge of Goulburn and has been designed to meet the characteristics and constraints of the area.

Council's view that the proposal does not conflict with the Strategy is supported. The proposal will not create rural land use conflict, it addresses the characteristics and constraints of the site and will create a liveable community that adjoins employment land and has access to infrastructure and services.

#### Goulburn Mulwaree Employment Land Strategy 2016

The subject site is identified to be rezoned to employment land under the Goulburn Mulwaree Employment Land Strategy (ELS). The proposal goes some way to effect the recommendation of the ELS by rezoning two portions of flat land located at the eastern and western sides of the subject site to IN1 General Industrial Zone.

WaterNSW originally objected to an earlier proposal to rezone a larger area of the site to an industrial zone due to concerns about potential impacts of industrial

development on steep land (approximately 20% slope) would have on the Sydney Drinking Water catchment. Industrial development has a large footprint and needs flat land which would require extensive amounts of cut and fill on this site. WaterNSW considers that sewered large lot housing would be more likely to achieve a neutral or beneficial effect on water quality as required by the SEPP (Sydney Drinking Water Catchment).

Comment: The ELS, which was endorsed by the Department in 2016, identifies the subject land as part of the South Goulburn Industrial Precinct. The ELS recommends that the rural zoning of the subject site is no longer appropriate in the long term given the surrounding land uses and may be suitable for rezoning should additional employment land be required in the future.

It is considered that, on balance, the proposal is consistent with Council's ELS as it will provide 2.7ha new industrial land in the area and will also facilitate proposed upgrades to local roads and other infrastructure in the area. The proposed large lot housing will provide an opportunity for home based businesses/industries which will complement adjoining employment land and provide jobs closer to home.

#### Draft Urban and Fringe Housing Strategy

Although not identified in the proposal, it is considered that the proposal is consistent with the general intent of the draft Urban and Fringe Housing Strategy which is currently being prepared by Goulburn Mulwaree Council. The Strategy identifies that there is demand for large lot housing particularly on the urban fringe of Goulburn and Marulan. The proposal is also generally consistent with the housing vision and guiding principles provided on p.52 of the draft Strategy including that a range of housing lot sizes and dwelling types should be provided and that development should avoid environmentally sensitive areas and natural hazards.

#### **4.4 Section 9.1 Ministerial Directions**

The proposal identifies that it is consistent with the majority of Section 9.1 Ministerial Directions with the following exceptions:

##### Direction 1.2 Rural Zones

The proposal states that it is inconsistent with the terms of the Direction because it proposes to rezone land zoned RU2 Rural Landscape to R5 Large Lot Residential, E4 Environmental Living, IN1 General Industrial and RE1 Public Recreation. The proposal states that the net loss of rural land is considered minor when considering the existing area of rural zoned areas within the LGA.

Comment: Council's view that the inconsistency with the Direction is of minor significance is supported. It is considered that the loss of 24.338 ha of rural zoned land is minor compared to the total amount of rural land in the LGA (approximately 2,200 km<sup>2</sup> - source: [profile.id.com.au/goulburn/about](http://profile.id.com.au/goulburn/about)). The rezoning of the site is also identified in the Goulburn Mulwaree Employment Land Strategy. The rezoning of the site is identified in the endorsed Goulburn Mulwaree Employment Land Strategy.

Recommendation: That the Secretary's delegate can be satisfied that the inconsistency with the Direction is justified under the terms of the Direction.

### Direction 1.5 Rural Lands

The proposal states that it is inconsistent with the Direction as it will result in a loss of rural lands. Council considers that due to the location of the site on the urban fringe of Goulburn and site characteristics and constraints, the loss of rural land is justifiably inconsistent.

Comment: It is considered that the proposal is likely to satisfy most of the rural planning principles set out in clause 4 of the Direction, namely:

- The proposal is consistent with the South East and Tablelands Regional Plan and Council's local strategies (principle (a)).
- The site is not currently or likely to be used for productive agriculture due to site characteristics and constraints (principle (b)).
- The proposal will protect environmental values, including maintaining biodiversity, protection and native vegetation and water resources (principle (c)).
- The proposal considers natural and physical constraints of the land, including topography, size, location, water availability, ground and soil conditions (principle (d)).
- The proposal minimises the fragmentation of rural land and reduces risk of land use conflict (principle (g)).
- The proposal does not impact state significant agricultural land (principle (h)).
- The proposal provides positive, economic and environmental benefits to the community (principle (i)).

Council's view that the any inconsistency with the Direction is of minor significance is supported for the reasons provided in the proposal.

Recommendation: That the Secretary can be satisfied that the proposal is consistent with the Direction or that any inconsistency is of minor significance.

### Direction 2.3 Heritage Conservation

The proposal states that it is inconsistent with the Direction but that the inconsistency is justified under the terms of the Direction because the heritage items will be conserved by existing heritage provisions contained in the Goulburn Mulwaree LEP and DCP 2009.

The proposal states that, based on a detailed Aboriginal due diligence assessment undertaken by the applicant and investigations undertaken by Council on Council's lands, the subject site contains Aboriginal heritage sites as well as within the vicinity. In January 2019 Council updated the Goulburn Mulwaree DCP to include a "Criteria for the Assessment of Heritage Significance of Aboriginal Sites and an "Unexpected finds protocol" consistent with OEH guidelines.

Council intends to undertake a detailed Aboriginal cultural heritage due diligence assessment on its lands and to consult with the Pejar Local Aboriginal Land Council on the planning proposal.

Comment: Council's view that any inconsistency with the Direction is justified by the terms of the Direction is supported. Council's intention to undertake more detailed Aboriginal cultural heritage assessment for Council-owned land as well as to consult with the relevant Local Aboriginal Land Council is supported.

Recommendation: That:

1. the Secretary's delegate can be satisfied that any inconsistency with the Direction is justified by the terms of the Direction.
2. Council prepare a more detailed Aboriginal cultural heritage assessment for the Council-owned land.
3. Council consult with the Pejar Local Aboriginal Land Council on the planning proposal.

#### Direction 4.1 Acid Sulphate Soils

The proposal states that the majority of the site is mapped as low probability of occurrence of acid sulphate soil risk but that some areas, near dam locations, have not been assessed. Investigations undertaken by the applicant have not identified any acid sulphate soil risk. The proposal states that Council will be undertaking further investigations of the Council-owned land to identify any acid sulphate soil risk. The proposal states that any inconsistency with the Direction is likely to be of minor significance.

Comment: Council's view that any inconsistency with the Direction is likely to be of minor significance is supported. Based on investigations done to date to inform the proposal, the majority of the site has a low acid sulphate soil risk.

Recommendation: The Secretary's delegate can be satisfied that any inconsistency with the Direction is justified by the terms of the Direction.

#### Direction 4.3 Flood Prone Land

The proposal states that it is inconsistent with the Direction because it proposes to rezone part of the subject site, which is identified as partly flood affected, to an E4 Environmental Living Zone. Council considers that the extent of the flooding is minor and that any inconsistency with the Direction is justified by the terms of the Direction. The extent of future subdivision of land zoned E4 will be minimised by the proposed 2 ha minimum lot size.

Comment: Council's view that any inconsistency with the Direction is justified under the terms of the Direction is supported. Council has advised that there is a flood free building envelope available to site at least one dwelling on the proposed E4 zoned part of the subject site.

#### Direction 4.4 Planning for Bushfire Protection

The proposal states that the subject land is mapped by the NSW Rural Fire Service as being within the bushfire risk area. Council intends to consult with the RFS on the proposal prior to public exhibition and to reflect any RFS comments/requirements in a revised proposal as required by the Direction.

Comment: Further information is required to be provided by Council to demonstrate that the proposal complies with the Direction.

Recommendation: That the Secretary's delegate require Council to provide further information, including consultation with the RFS, to demonstrate compliance with the Direction.

#### Direction 6.2 Reserving Land for Public Purposes

Although not identified in the proposal, it is considered that the Direction is relevant because it's proposed to create new zonings of land for public purposes, which requires the approval of the Secretary's delegate.

Lot 3 DP1238214, which is proposed to be rezoned from RU2 Rural Landscape to RE1 Public Recreation, is currently classified as "community land" and there is no change intended to the classification of the land as part of the planning proposal.

The proposal states that the area proposed to be rezoned RE1 Public Recreation Zone will protect important native vegetation/habitat corridor which is identified in the South-Goulburn Endangered/Threatened Species Management Plan 2004.

Comment: It is considered that the proposed area to be zoned RE1 Public Recreation has merit because it will protect an identified area of native vegetation/habitat corridor and will provide public open space/recreation opportunities for the precinct.

In relation to Council owned Lot 1 DP1034565 and Lot 3 DP1008818, which are proposed to be rezoned to R5 Large Lot Residential and IN1 General Industrial, the proposal states that the lots are currently classified as "operational land". Council has confirmed that the lots have never been gazetted, declared or used as public reserves and so the public reserve status of the land does not need to be removed via this planning proposal prior to disposal. The proposal states that the proposed disposal of the Council owned land is consistent with its Asset Sales Strategy.

Recommendation: That the Secretary's delegate approve of the creation of the proposed new RE1 Public Recreation Zoning.

#### **4.5 State environmental planning policies (SEPPs)**

The proposal identifies the following SEPPs to be particularly relevant to the proposal:

##### SEPP 55 Remediation of Land

The proposal states that privately-owned Lot 2 DP1238214 is identified in Council records as significantly contaminated. The lot is proposed to be rezoned IN1 General Industrial and R5 Large Lot Residential. A Stage 1 Preliminary Site Investigation (PSI) prepared by the proponent for the lot, however, concludes that the probability of gross chemical contamination is nil to low.

A PSI prepared for the Council-owned land, has identified 25 areas of potential contamination. Council is currently engaging consultants to undertake a Stage 2 Detailed Investigation for the land to confirm the extent of contamination and the possibility of remediation. Council intends to exhibit the final Stage 2 report during community consultation.

Comment: It is considered that further information is required to be provided by Council to demonstrate compliance with the SEPP. This will be provided once

Council has completed the State 2 Detailed Investigation report which should be prepared in consultation with the NSW EPA and WaterNSW.

Recommendation: That:

1. Council prepare a Stage 2 Detailed Investigation for the subject land owned by Council and include a copy of the final report during the exhibition of the proposal.
2. Council consult with the NSW EPA and WaterNSW on the proposal in relation to contamination issues.

SEPP (Sydney Drinking Water Catchments) 2011

As discussed in section 4.2 of this report, Council has undertaken preliminary consultation with WaterNSW on an earlier version of the proposal as required by Section 9.1 Direction 5.2 Sydney Drinking Water Catchments.

Council has revised the proposal to address issues and concerns raised by WaterNSW in relation to potential impacts on the Sydney Drinking Water Catchment. In particular WaterNSW was concerned that a larger industrial rezoning of the subject site as originally proposed by Council would have a significant impact on water quality due to the amount of excavation that would be required to create the necessary flat industrial lots. WaterNSW consider that large lot residential development connected to Council's sewer was more likely to achieve a neutral or beneficial effect on water quality as required by the SEPP.

Comment: Council's view that the proposal is consistent with the SEPP is supported. It is considered that the proposal will facilitate development which will achieve water quality standards for the catchment required under the SEPP. Future development as proposed will not require significant cut and fill and can be connected to sewer.

SEPP (Vegetation in Non-Rural Areas) 2017

An ecological constraints assessment prepared by the proponent for the privately-owned land identifies that the site is predominantly cleared but contains some hollow bearing trees which it recommends should be retained. Council considers that the proposal is consistent with the SEPP as it intends to include appropriate controls in a draft site-specific amendment to the Goulburn Mulwaree DCP 2009 to ensure that trees and vegetation located on the subject site are protected during subsequent development.

Comment: Council's view that the proposal is consistent with the SEPP is supported. Future development applications will need to address the requirements of the SEPP and Council's DCP in relation to the protection of trees and vegetation in non-rural/urban areas.

SEPP 44 (Koala Habitat Protection)

The proposal states that the SEPP applies to the proposal as the site applies under Schedule 1 of the SEPP. The proposal states that although no specific koala surveys have been undertaken in the area, the absence of suitable feed trees and the predominance of cleared land limits the likelihood of any koala habitation.

Comment: Council's view that the proposal is consistent with the SEPP is supported for the reasons provided in the proposal. The proposal is likely to benefit koalas and

other local wildlife in the area as it will facilitate the protection of potential habitat via the environmental and public recreation zonings.

#### SEPP 64 (Advertising and Signage)

The proposal states that no signage is proposed as part of the proposed amendment, however, signage may be proposed for future development applications. Council intends to consult with the Roads and Maritime Service in relation to potential impacts of the proposal on the Hume Motorway, including impact of signage on motorists.

Recommendation: That Council consult with the RMS on potential impacts of the proposal on the Hume Motorway.

## **5. SITE-SPECIFIC ASSESSMENT**

---

### **5.1 Social**

Council considers that there is potential for visual amenity and privacy impacts as a result of future development as the site is elevated from the Hume Motorway. Council, however, proposes to include site specific provisions in the Goulburn Mulwaree DCP 2009 to manage any amenity impacts as a result of future development of the subject land.

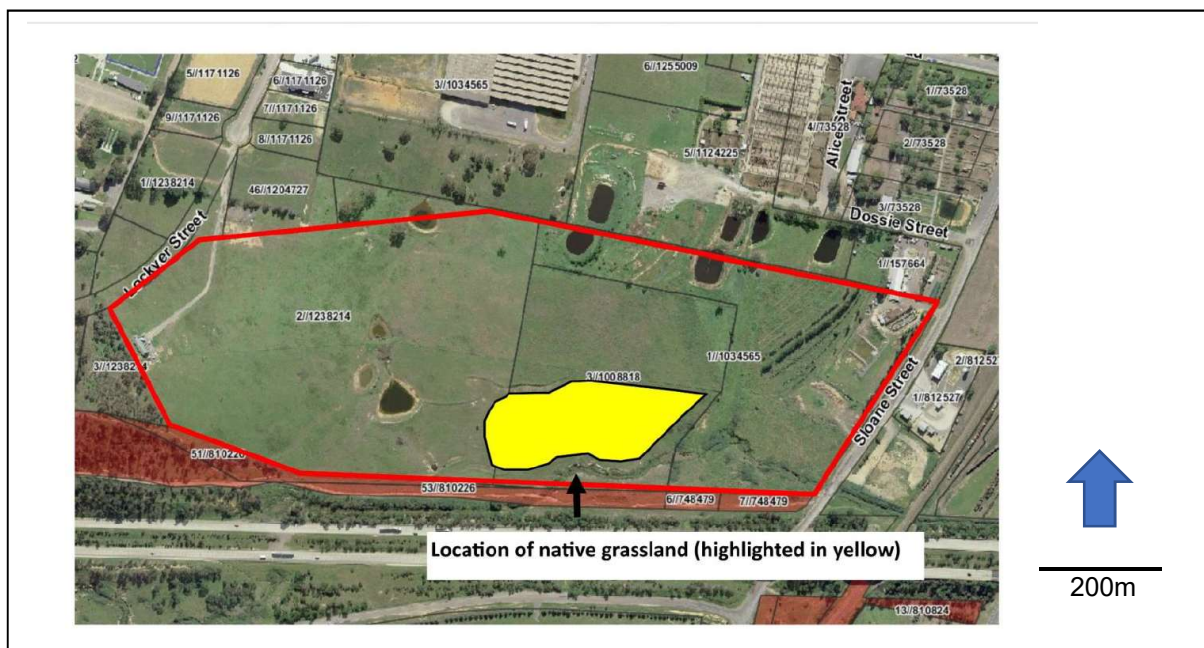
Council considers that the proposal will have positive social impacts as it will provide infill residential, industrial and recreational development and protect important environmental land and water catchment areas. The potential for land use conflict between proposed new residential areas and adjoining new and existing industrial areas will be minimised by the proposed large residential lot sizes which will enable dwellings to be sited away from adjoining industrial lots. The IN1 General Industrial Zone under the Goulburn Mulwaree LEP 2009 does not permit heavy or hazardous industries which will minimise potential for land use conflict. Council also intends to include site specific provisions in its DCP to minimise potential for land use conflict.

Council proposes to consult with traditional owners to ensure that Aboriginal cultural heritage issues are identified and addressed.

It is considered that the proposal will have a positive social impact as it will provide additional housing and employment as well as public open space in an area that has good access to infrastructure and services.

### **5.2 Environmental**

The proposal states that the subject site is not identified on the High Environmental Values Map in the South East and Tablelands Regional Plan. Environmental assessments undertaken by the applicant as well as by Council, have however, identified two small stands of degraded White/Yellow Box-Gum Woodland Endangered Ecological Community (EEC) on the privately owned land and a 1.6ha area of White/Yellow Box-Gum Woodland on the Council-owned land overlapping the privately owned land (Figure 4 – Area of White/Yellow Box-Gum Woodland EEC).



**Figure 4 – Area of White/Yellow Box-Gum EEC** (Source: Goulburn Mulwaree Council Planning Proposal document 19 December 2019)

The area of native vegetation on the subject site is identified by Council is proposed to be zoned E4 Environmental Living. The environmental assessment undertaken by the proponent recommends that hollow bearing trees are retained during any future development of the site and that a plan of management is required to be prepared and submitted to Council as part of a development application to subdivide the site. Council proposes to include site specific controls in its DCP to protect native vegetation and EECs during any future development of the land.

Comment: It is considered that the proposal will facilitate a positive environmental outcome by protecting areas of native vegetation and EECs via the proposed zones for the subject site.

As discussed in section 4.2 and 4.3 of this report, the subject site has been identified by Council and the proponent to be contaminated which could potentially have an impact on water quality of the Sydney Drinking Water Catchment. The planning proposal will provide an opportunity to undertake detailed investigations to determine the extent of contamination and whether it can be remediated so that the land can be developed. The proposed R5 Large Lot Residential zoning is more likely to achieve a neutral or beneficial effect on water quality as future development will not require significant cut and fill and can be connected to sewer.

### 5.3 Economic

The proposal states that it will have a positive economic impact because it will contribute to the supply of land in Goulburn for residential development and land for productive and employment generating purposes. The proposal states that reticulated water and sewer infrastructure are currently available at the boundary of the site but an upgrade to this infrastructure will be required with subsequent development of the land.

It is considered that the proposal will have positive economic impacts. The site is part of the South Goulburn Industrial Precinct which is identified in the Goulburn

Mulwaree Employment Land Strategy. The proposal will support the growth of this precinct by providing additional employment land and supporting infrastructure and services including local roads, water and sewer.

## **6. CONSULTATION**

---

### **6.1 Community**

Council intends to exhibit the proposal for a 28 day period and to notify the exhibition via local media and Council's website. Council also intends to notify affected landowners.

It is considered that Council's proposed community consultations are appropriate.

Recommendation: That Council exhibit the proposal for a 28 day period.

### **6.2 Agencies**

Council intends to consult with the Rural Fire Service, Roads and Maritime Service and WaterNSW on the planning proposal.

It is considered that consultation with the RFS, RMS and WaterNSW is appropriate. It is also considered that Council should also consult with DPIE (Biodiversity and Conservation team) and NSW EPA, in relation to contaminated land issues.

Recommendation: That Council consult with the RFS, RMS, WaterNSW, EPA and DPIE (Biodiversity and Conservation Team).

## **7. TIME FRAME**

---

Council intends to complete the planning proposal process by September 2020. Given the complexity of the proposal, proposed studies and potential delays in consulting with the RFS during the recent bushfire crisis, it is considered that an 18 month timeframe is appropriate to complete the process.

Recommendation: That an 18-month timeframe is provided to complete the planning proposal process.

## **8. LOCAL PLAN-MAKING AUTHORITY**

---

Council has requested to be the local plan-making authority. It is considered that Council should be authorised to be the local plan-making authority because the proposal is of local significance and is generally consistent with endorsed strategic planning for the area.

Recommendation: That Council is authorised to be the local plan-making authority.

## **9. CONCLUSION**

---

Preparation of the planning proposal is supported to proceed for the following reasons:

- It will facilitate new housing, employment land, public open space and protection of environmental land in Goulburn.
- It is generally consistent with endorsed strategic planning for the area including the South East and Tablelands Regional Plan and the Goulburn Mulwaree Employment Land Strategy.

## 10. RECOMMENDATION

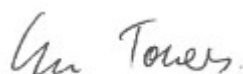
---

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land are minor or justified; and
2. Note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.
3. Approve the proposed creation of new zoning of land for public purposes under Direction 6.2 Reserving Land for Public Purposes.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - NSW Rural Fire Service
  - NSW Roads and Maritime Service
  - WaterNSW
  - NSW Environment Protection Authority
  - Department of Planning, Industry and Environment (Biodiversity and Conservation Team)
3. The time frame for completing the LEP is to be 18 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Council revise the proposed lot size map (Figure 6) to show the proposed 2,000m<sup>2</sup> minimum lot size area.
6. Council shall undertake the following studies and investigations prior to public consultation:
  - Stage 2 Detailed Site Investigation for Council-owned land.
  - A detailed Aboriginal Due Diligence Assessment for Council-owned land.
  - Acid Sulphate Soil Assessment for the subject site.
7. Council shall consult with the Pejar Local Aboriginal Land Council on the proposal.



11/2/20

**Graham Towers**  
**Team Leader, Southern Region**



17/2/20

**Sarah Lees**  
**Director, Southern Region**  
**Local and Regional Planning**

Assessment officer: George Curtis Senior Planner, Southern Region, Phone: 42471824

