



Goulburn Mulwaree Council

**Planning Proposal to amend the Zoning and Minimum
Lot Size of land adjacent to Dossie Street Goulburn
under the
Goulburn Mulwaree Local Environmental Plan 2009**

REZ/0007/1819

23 September 2020

| Version | Comment | Date |
|----------------|---|--------------------------|
| 1 | Water NSW Pre-Gateway Referral | 3 May 2019 |
| 2 | Water NSW Pre-Gateway Referral | 29 Oct 2019 |
| 3 | For Gateway Determination | 19 Dec 2019 |
| 4 | Post Gateway Agency Referral | 23 September 2020 |
| | | |

Introduction

This revised planning proposal seeks to amend the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) by rezoning and amending the minimum lot size of the subject land identified below (**Table 1**, **Figure 1** and **Figure 2**). The purpose of this planning proposal is to facilitate the development intensification of this land in accordance with a number of Council meeting resolutions.

Table 1: Lots located within the subject site subject to rezoning.

| Lot DP | Owner ship | Area (Ha) | Classification | Current LZN | Proposed LZN | Current LSZ | Proposed LSZ |
|------------------|------------|-----------|----------------|---------------------|--|-------------|-------------------------------|
| Lot 1 DP 1034565 | Council | 6.02 | Operational | RU2 Rural Landscape | R5 Large Lot Residential, E4 Environmental Living + IN1 General Industrial | 100 Ha | 1 Hectare 2 Hectare Nil |
| Lot 3 DP 1008818 | Council | 5.18 | Operational | RU2 Rural Landscape | R5 Large Lot Residential + E4 Environmental Living | 100 Ha | 1 Hectare 2 Hectare |
| Lot 2 DP 1238214 | Private | 12.35 | N.A | RU2 Rural Landscape | IN1 General Industrial + R5 Large Lot Residential | 100 Ha | Nil 2,000 sqm |
| Lot 3 DP 1238214 | Council | 0.8 | Community | RU2 Rural Landscape | RE1 Public Recreation | 100 Ha | Nil |

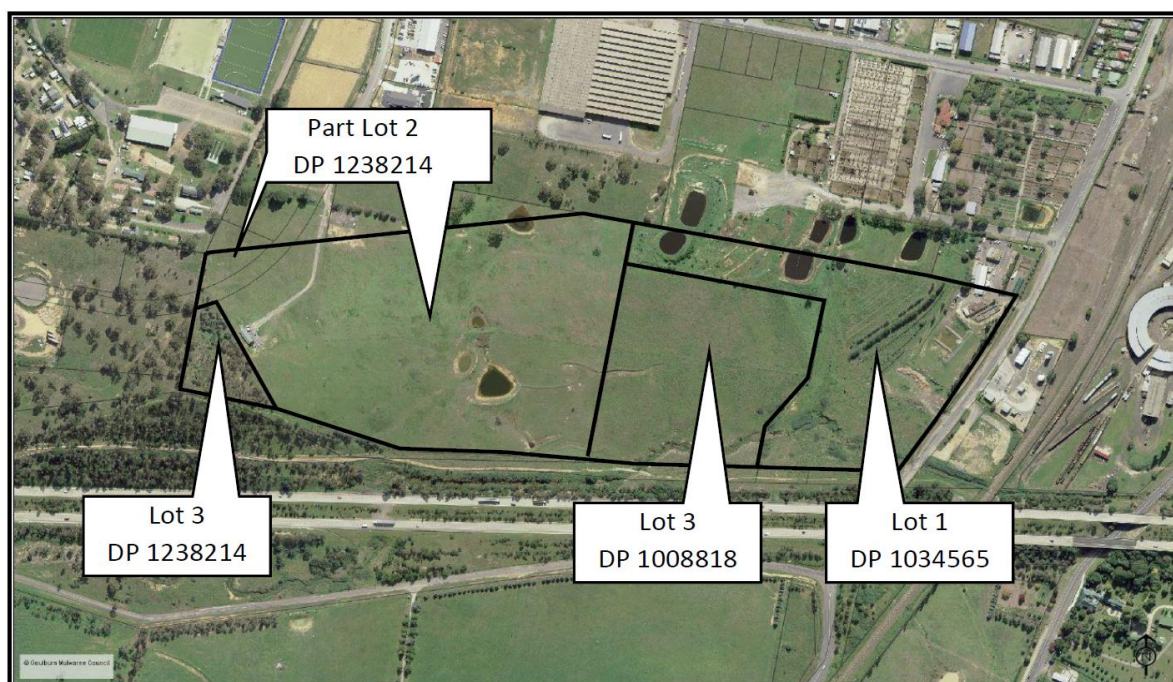


Figure 1: Spatial location of identified lots as part of the subject site.

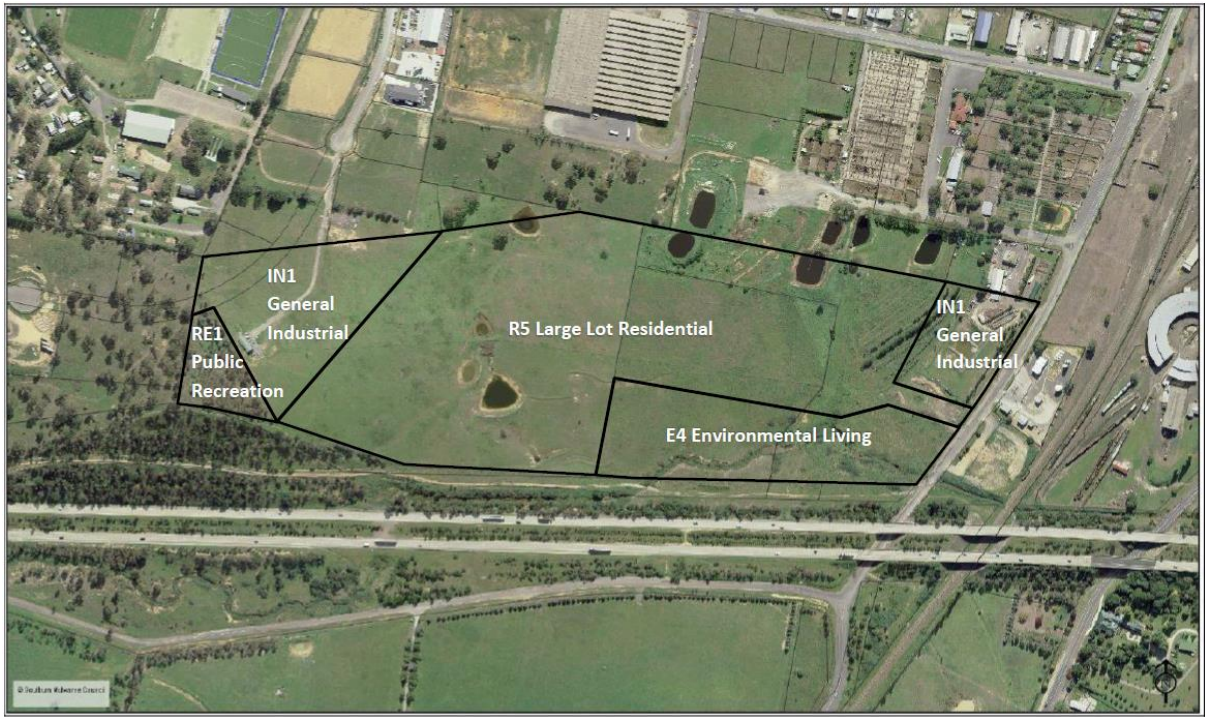


Figure 2: Proposed zoning amendment to the GM LEP

The subject site adjoins existing IN1 General Industrial zoning to the north and east and a small area of land zoned RE1 Public Recreation to the west. The site is also bounded to the south, between it and the Hume Highway, by a thin strip of existing RU2 Rural Landscape zone understood to be an historic travelling stock route.

This planning proposal was last considered by Council at its meeting on 20 August 2019, where Council resolved (2019/304):

That:

- 1. The report from the Graduate Strategic Planner regarding the rezoning of land at Dossie Street be received.***
- 2. Council prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to:***
 - (a) Rezone part of Lot 1 DP 1034565 and Lot 3 DP1008818 from RU2 Rural Landscape with a minimum lot size of 100 hectares to part R5 Large Lot Residential with a minimum lot size of 10000m², part E4 Environmental Living with a minimum lot size of 20000m² and part IN1 General Industrial with no minimum lot size.***
 - (b) Rezone Lot 3 DP 1238214 from RU2 Rural Landscape with a minimum lot size of 100 hectares to RE1 Public Recreation with no minimum lot size.***
 - (c) Rezone part of Lot 2 DP 1238214 from RU2 Rural Landscape with a minimum lot size of 100 hectares to part IN1 General Industrial with no minimum lot size and part R5 Large Lot Residential with a minimum lot size of 2000m², with the exact zone boundary to be confirmed after engaging with affected landowners.***
- 3. Council forward the planning proposal to the Department of Planning, Industry and Environment for a gateway determination.***
- 4. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.***

5. ***The Department of Planning, Industry and Environment be advised that Council is willing to defer any part of this planning proposal referred to under item 2 of this resolution to a later stage, if complying with government agency requirements for that particular zone or zones is likely to significantly delay the processing of the remainder of the planning proposal.***
6. ***The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this planning proposal.***
7. ***Council waive any standard lodgement and processing fees payable under Council's fees and charges in relation to the planning proposal.***
8. ***The proponent for the privately owned land be requested to provide a Preliminary Site Investigation/ Phase 1 Assessment in accordance with State Environmental Planning Policy No 55—Remediation of Land to address the potential land contamination on their site.***
9. ***The amendment to the Goulburn Mulwaree Development Control Plan 2009 attached to this report relating to large lot residential and industrial development at Dossie Street be placed on public exhibition for a minimum period of 28 days commencing the same day as the public exhibition period for the aforementioned planning proposal.***
10. ***Following the exhibition period of the draft amendment to the Goulburn Mulwaree Development Control Plan 2009 and planning proposal, a report will be presented to Council advising of the outcomes of the consultation and any amendments made to the document as a result of consultation.***

CARRIED

This resolution followed a reconsideration of the original planning proposal as a result of pre-Gateway consultations with WaterNSW that identified that the previously proposed IN1 General Industrial land uses would pose a threat to water quality in the Sydney Drinking Water Catchment. Detailed commentary on this advice for this previous planning proposal has been excluded from this amended document as it is considered that this planning proposal has been amended to the extent that entirely new advice is now required.

The report presented to Council on 20 August 2019 also proposed an amendment to the *Goulburn Mulwaree Development Control Plan 2009* (GM DCP) to introduce a site specific development control plan amendment in conjunction with the subject planning proposal (attached). The site specific amendment to the GM DCP introduces additional controls to limit the surface area of development to limit the level of stormwater run-off being generated, so as to limit water quality impacts on the Sydney Drinking Water Catchment. The proposed site specific GM DCP amendment is also intended to restrict future development to mitigate the impact on the environment with respect to the ecological constraints that have been identified on the site.

In response to Council's reconfiguration of the proposed zones, the proponents for the privately owned land have submitted a revised *Planning Proposal* (prepared by Mi Place Planning, October 2019). An *Ecological Constraints Assessment* (prepared by Ecoplaning, January 2019), an *Aboriginal Cultural Heritage Due Diligence Assessment* (prepared by Past Traces, January 2019) and a *Stage 1 Preliminary Site Investigation* (prepared by Douglas and Partners, 24 October 2019) was also submitted in support of this planning proposal. The planning proposal submitted by Mi Place Planning is attached for information only. This document is considered to supersede any information contained within that document.

No change to the classification of Council owned land is recommended or required as part of this planning proposal.

Council is authorised as the local plan-making authority for this planning proposal subject to the conditions of the Gateway Determination issued on 17 February 2020.

The following documents are attached in support of this planning proposal:

- *Ecological Constraints Assessment* (prepared by Ecoplaning, 10 January 2019)(#1234632)
- *Aboriginal Cultural Heritage Due Diligence Assessment* (prepared by Past Traces, 23 January 2019)(#1234631)
- Council Report 19 February 2019 (#1305981)
- Council Meeting Minutes 19 February 2019 (#1114727)
- *WaterNSW response* (28 May 2019)(#1148153)
- Council Report 20 August 2019 (#1174931)
- Council Meeting Minutes 20 August 2019 (#1174935)
- *Stage 1 Preliminary Site Investigation* (prepared by Douglas and Partners, 24 October 2019)(#1205209)
- *Planning Proposal* (prepared by Mi Place Planning, October 2019)(#1190801)
- *Site Inspection Report* (prepared by Council's Native Vegetation Officer, 7 November 2019)(#1208259)
- *Stage 1 Preliminary Site Investigation* (prepared by Construction Sciences, 19 November 2019)(#1203123)
- *Stage 2 Detailed Site Investigation* (prepared by Construction Sciences, 30 March 2020)(#1253178)
- *Aboriginal Due Diligence Assessment* (prepared by NGH, 31 March 2020)(#1245894)
- *Remedial Action Plan* (prepared by Construction Sciences, 29 July 2020)(#1290627)
- *Draft Site Specific GM DCP Amendment* (#1176522)

Part 1 – Objective

The objectives of this planning proposal are to:

- Facilitate development intensification of serviced rural land located within Goulburn.
- Contribute to the supply of industrially zoned and serviceable land in Goulburn.
- Contribute to the supply of large lot residential zoned land in Goulburn.
- Rezone Council owned land classified a community land to RE2 Public Recreation to reflect its intended use.
- Introduce a minimum lot size and zoning arrangement that allows for the preservation of ecological communities and Aboriginal artefacts on site.
- Introduce a minimum lot size and zoning arrangement that allows for subsequent development to feasibly meet obligations under the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.
- Minimise land use conflict with surrounding land uses.

Part 2 – Explanation of Provisions

Table 1 below details what amendments to the GM LEP are proposed as part of this planning proposal (**Figures 3-6**):

Table 1: Lots located within the subject site subject to rezoning.

| Lot DP | Owner ship | Area (Ha) | Classification | Current LZN | Proposed LZN | Current LSZ | Proposed LSZ |
|------------------|------------|-----------|----------------|---------------------|--|-------------|-------------------------------|
| Lot 1 DP 1034565 | Council | 6.02 | Operational | RU2 Rural Landscape | R5 Large Lot Residential, E4 Environmental Living + IN1 General Industrial | 100 Ha | 1 Hectare 2 Hectare Nil |
| Lot 3 DP 1008818 | Council | 5.18 | Operational | RU2 Rural Landscape | R5 Large Lot Residential + E4 Environmental Living | 100 Ha | 1 Hectare 2 Hectare |
| Lot 2 DP 1238214 | Private | 12.35 | N.A | RU2 Rural Landscape | IN1 General Industrial + R5 Large Lot Residential | 100 Ha | Nil 2,000 sqm |
| Lot 3 DP 1238214 | Council | 0.8 | Community | RU2 Rural Landscape | RE1 Public Recreation | 100 Ha | Nil |

This will require the following map sheets to be amended:

- Land Zoning Map Sheet LZN_001E
- Lot Size Map Sheet LSZ_001E

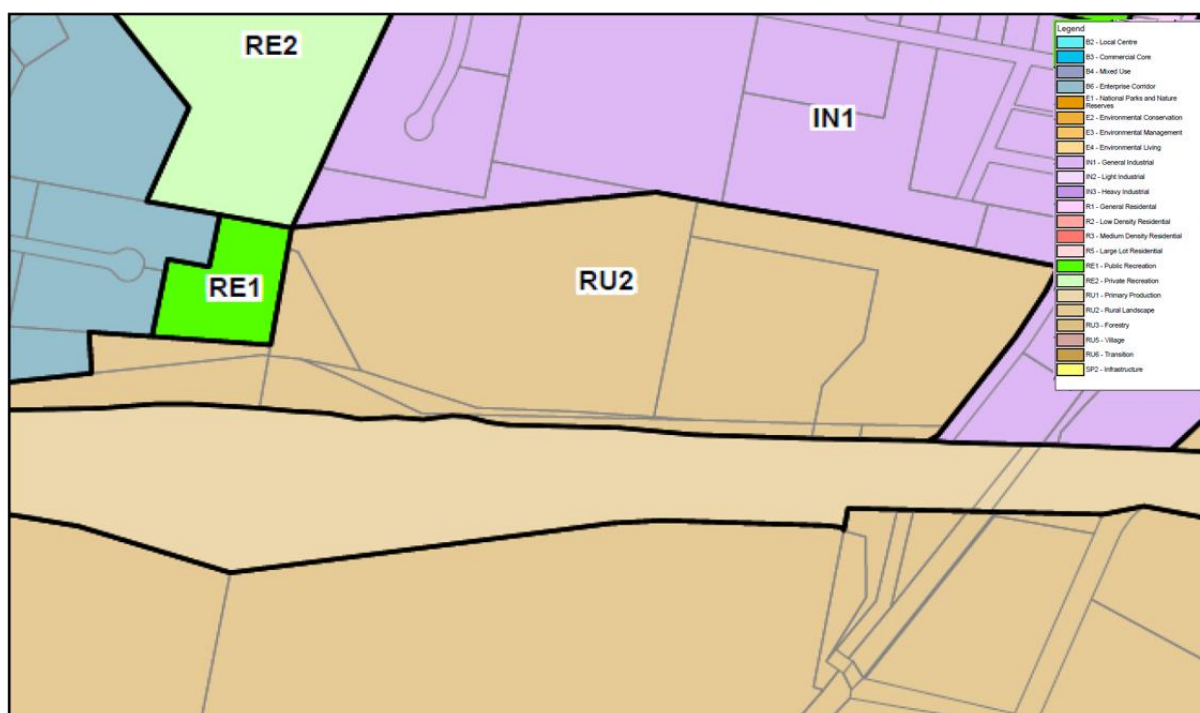


Figure 3: Existing zoning (extract from Map LZN_001E)

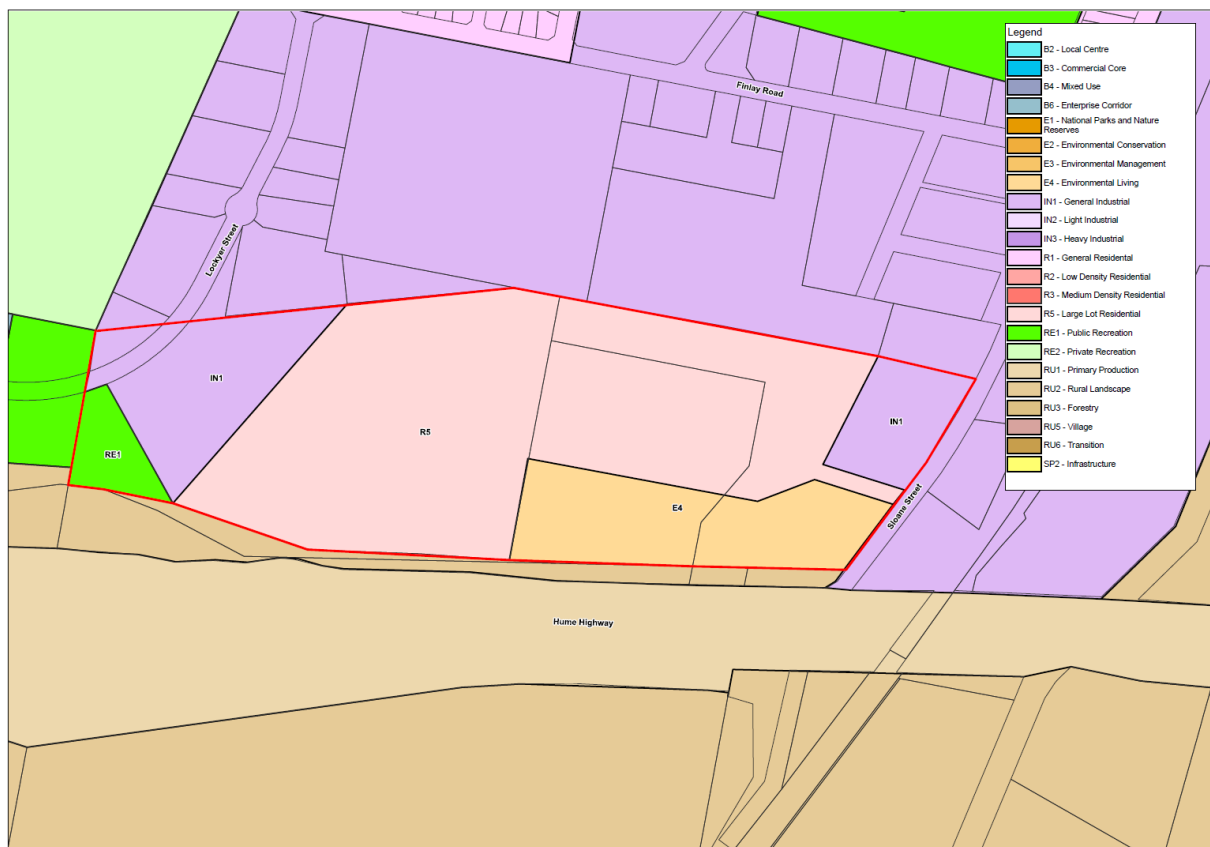


Figure 4: Proposed zoning (proposed amendment to Map LZN_001E)

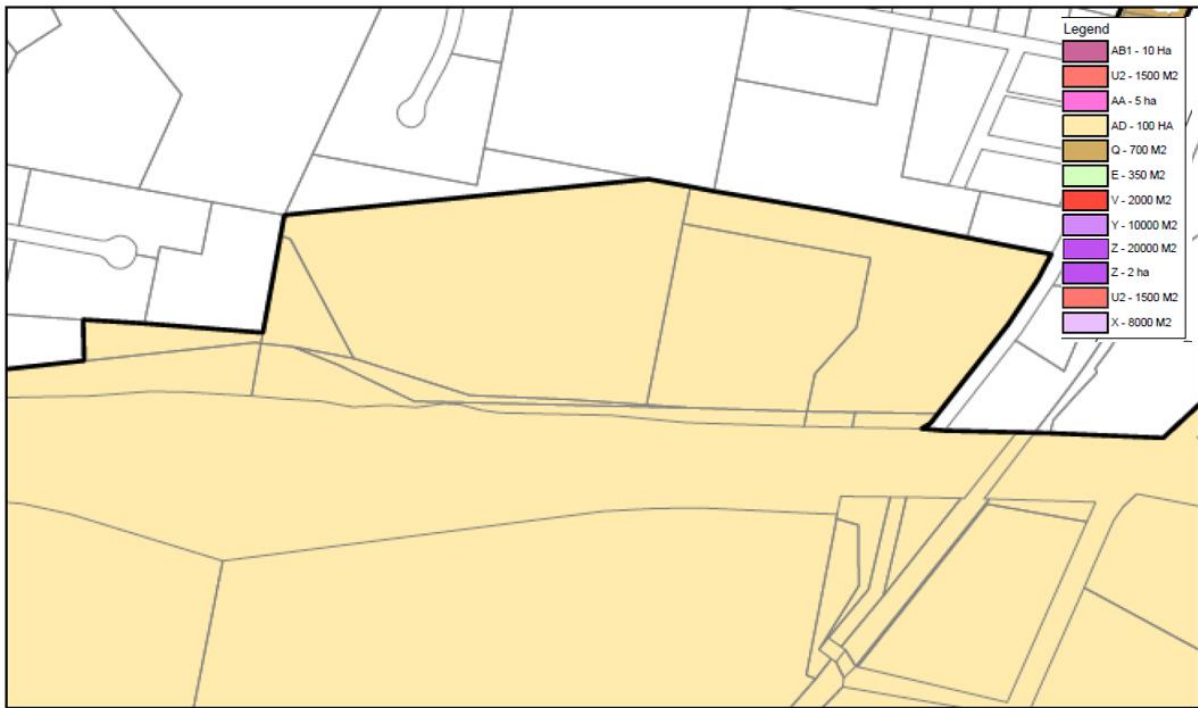


Figure 5: Existing minimum lot size (extract from LSZ_001E)

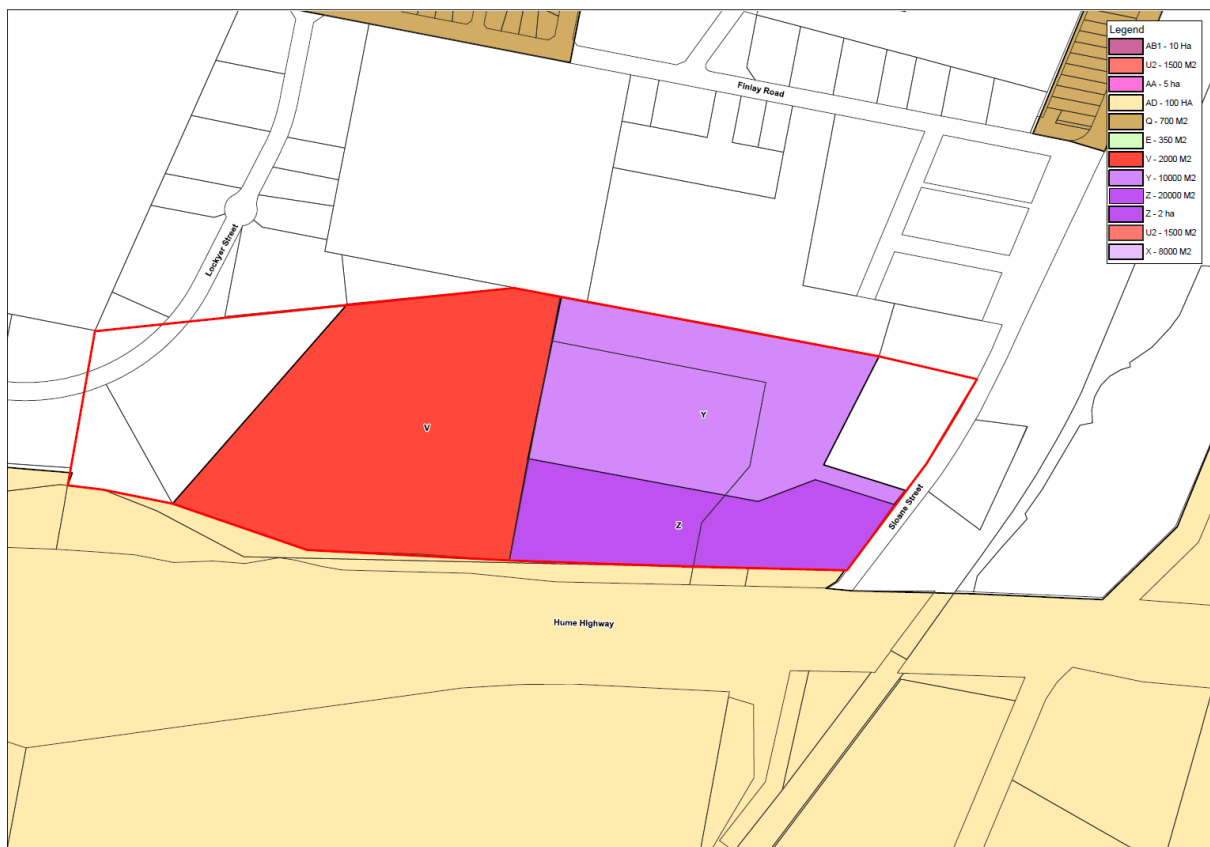


Figure 6: Proposed minimum lot size (proposed amendment to LSZ_001E)

Part 3 – Justification

Section A – Need for Planning Proposal

3.1 Is the Planning Proposal a result of any strategic study or report?

Yes, Council has four (4) strategic plans which identify and make recommendations in relation to the subject land. The report to Council on 20 August 2019 provided further recommendations as to the proposed zoning arrangement of this site in response to these strategies and site constraints on this land and prior attempt to rezone this land following the Council meeting on 19 February 2019.

The *Goulburn Mulwaree Employment Land Strategy 2016* (p.17), identifies the whole subject area for rezoning to IN1 General Industrial.

The *South Goulburn Endangered/Threatened Species Management Plan 2004*, identifies land along the eastern side of the precinct as being important as a part of the strategic vegetation protection framework. The area identified to be rezoned to RE1 Public Recreation will contribute to this.

Council is also in the process of implementing an asset sales strategy which is intended to dispose of Council owned land surplus to needs, which will benefit from this rezoning.

The *Urban and Fringe Housing Strategy*, recommends the greater utilisation of services areas to support housing growth.

Employment Land Strategy 2016

The *Employment Land Strategy* identified the subject site as the South Goulburn Industrial Precinct primarily because it has good north and south bound access to the Hume Highway.

The adoption of the *Employment Land Strategy* was intended to progress the medium term recommendations of the HillPDA report, and Council, at that time recommending on p.17:

‘Investigation to rezone the land to the south of Tait Crescent from a rural zoning to either an industrial or enterprise corridor zone to facilitate subdivision and use of the lots for more general employment land.’

Based on the above recommendation, Council considered a report on 19 February 2019 and resolved rezone the land from RU2 Rural Landscape to IN1 General Industrial and remove the 100 Hectare Minimum Lot Size under GM LEP with the exception of Lot 3 DP 1238214, which was to be rezoned to RE1 Public recreation with no minimum lot size. Council resolved on 19 February 2019 (2019/26):

That:

- 1. The report of the Senior Strategic Planner regarding the rezoning of land at Dossie Street Goulburn be received.***
- 2. Council resolve to rezone the following land from RU2 Rural Landscape to IN1 General Industrial and delete the 100 Hectare Minimum Lot Size under Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009):***
 - a. Lot 1 DP 1034565***
 - b. Lot 3 DP 1008818,***
 - c. Part Lot 2 PPN DP 1238214 subject to registration (STR)***
- 3. Council resolve to rezone the following land (Site B) from RU2 Rural Landscape to RE1 Public Recreation and delete the 100 ha ,minimum lot size under Goulburn Mulwaree Local Environmental Plan 2009:***
 - a. Lot 3 PPN DP 1238214 subject to registration (STR)***

- 4. Council prepare a Planning proposal in accordance with the resolution and forward this to the Department of Planning and Environment (DPE) to issue a Gateway Determination.**
- 5. Council waive Planning Proposal fees that would be paid for lodgement of the documentation in support of the Planning Proposal to rezone Part Lot 2 PPN DP 1238214 (STR).**
- 6. The proponent for the privately owned land be requested to provide a Preliminary Site Investigation/Phase 1 Assessment in accordance with State Environmental Planning Policy – Remediation of Land) to address the contamination identified on their site.**

The response received from WaterNSW (28 May 2019) for this earlier version of the Planning Proposal assessed the site against Strategic Land and Water Capability Assessment mapping and identified that the site was highly constrained in relation to water quality management. WaterNSW considered that slope was the biggest constraint to industrial development because Industrial sites require large flat areas for vehicle manoeuvring and building construction. These requirements necessitate extensive cut and fill. These firstly present a significant potential to disturb the sites ecology and archaeological integrity. Secondly, large excavated areas create the need for concentrated drainage and treatment to ensure both water quality and quantity (volume and velocity) are at an acceptable level for receiving waters.

In view of the potential risk, WaterNSW objected to the planning proposal in that previous form. As a consequence, Council revisited the planning proposal and reconsidered the proposed zonings and minimum lot sizes amongst other measures at its meeting on 20 August 2019.

The assessment of the subject Planning Proposal against the SLWCA data is discussed in more detail in **Section 3.6** of this report.

South Goulburn Endangered/Threatened Species Management Plan 2004

The *South Goulburn Endangered/Threatened Species Management Plan 2004* relates primarily to Lot 3 DP 1238214 (identified as Site B in the above resolution), the small lot on the western edge of the site. This lot, shown in **Figure 7** below is immediately adjacent to land that forms part of the fauna movement corridors. It is considered that rezoning Lot 3 DP 1238214 to RE1 Public Recreation would facilitate the protection of the identified flora and fauna corridor.

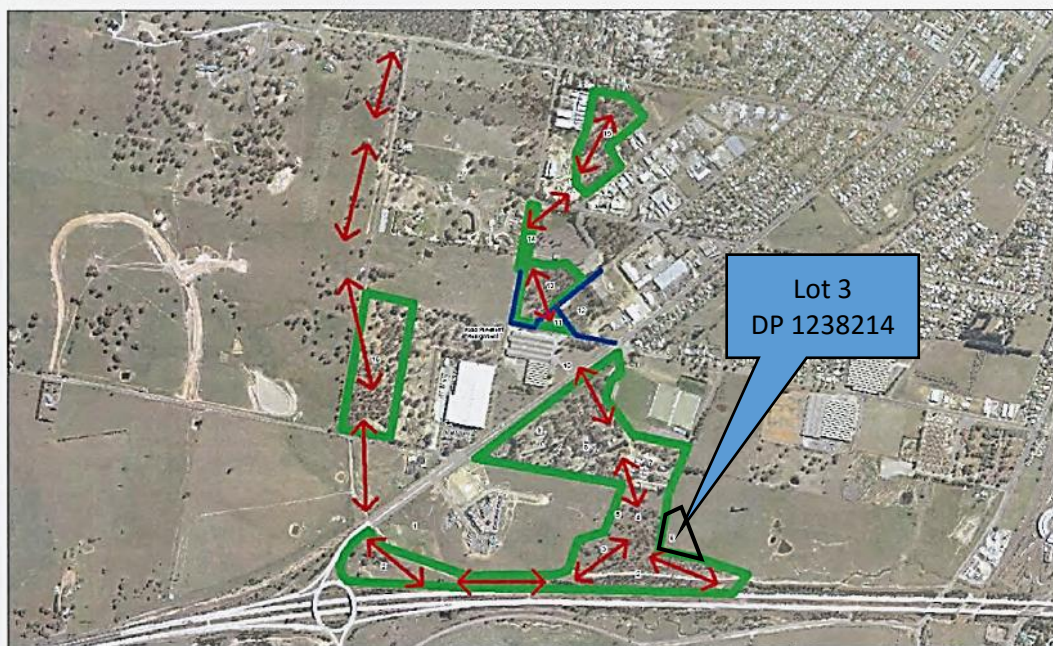


FIGURE 6 - Strategic Vegetation Protection Framework

Figure 7: Extract of the South Goulburn Endangered/Threatened Species Management Plan 2004.

Asset Sales

With regard to Council's other strategic programs, on 20 November 2018 Council also endorsed a program of land sales to fund Council's works program. Specifically in relation to the subject land, where Council resolved (2018/554):

That Council rezone Lot 1 DP 1034565, Lot 3 DP 1008818 and Lot 1 DP 157664 [now known as Lot 3 DP 1238214 as a result of the creation of the Tait Lockyer Street Road connection] (Dossie Street Goulburn) to IN1 – General Industrial and the General Manager prepare a master plan for Council's consideration that will maximise the land's sale potential. The property then be sold by way of public auction with the proceeds from the sale being used to offset the capital cost of the consolidation of the Depots at Hetherington Street Goulburn.

In support of the proposed sale of the land, a concept plan of subdivision was drafted to indicate lot size, orientation and the proposed access (**Figure 8**).



Figure 8: Concept Plan of Subdivision intended for the Council owned land.

Urban and Fringe Housing Strategy

The report to Council on 20 August 2019 revised the planning proposal to include the rezoning of land to R5 Large Lot residential and E4 Environmental Management, yielding between 25-29 lots. Whilst not forming a specific recommendation in Council's *Urban and Fringe Housing Strategy*, this recommendation is consistent with the following actions contained within the strategy (pp. 125-131):

- *B1-2 Recognises the need to extend the urban footprint into areas that are readily accessible and can be connected to existing infrastructure.*- the subject area can be connected to Council's road, stormwater, sewer and water network.
- *B5-1 Consider adjoining land uses, including agricultural land as part of the assessment criteria for urban expansion.*- site specific amendments to the GM DCP are also proposed so as to manage land use conflict between residential development, the Hume Highway and nearby industrial land.
- *I1-1 Consider the impact of urban development on the Sydney Drinking Water Catchment in the Planning Proposal.*-This planning proposal has been amended so as to avoid risks to the Sydney Drinking Water Catchment identified by WaterNSW. The site specific GM DCP amendment proposed also introduces additional measures to mitigate any risks on water quality.
- *I1-2 Review water cycle management strategies to include the additional urban areas identified in the Strategy as part of the Planning Proposal process. Include WSUD in corresponding Development Control Plans for Urban Release Areas-* as above.
- *J1-1 Undertake detailed Aboriginal Cultural Heritage Assessment to inform the Planning Proposal prior to public exhibition.*- This has been undertaken for this planning proposal.

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

The proposed zoning and minimum lot size configuration is the best means of achieving the objectives because it responds most effectively to the identified site constraints. The precinct is currently zoned RU2 Rural Landscape and is isolated from surrounding rural land by the Hume Highway and the city of Goulburn.

The *Employment Lands Strategy 2016* initially identified the inappropriateness of the current zoning and its context and suggested further investigation for employment generating land uses. The initial resolution to prepare a planning proposal was based upon this recommendation, however due to the site constraints and risks to water quality identified by WaterNSW, the area of the proposed IN1 General Industrial zone was limited to land that has a lesser gradient and where the site's constraints for industrial land uses can be better mitigated. The IN1 General Industrial zone is also proposed where it is located contiguous to existing industrial areas (refer **Part 4 – Mapping**).

The revised planning proposal rezones the majority of the site to R5 Large Lot Residential with a minimum Lot Size of 2,000m² (Lot 2 DP 1238214). A second area of R5 is located further downslope and provides a minimum lot size of 10,000m² (1 Hectare) due to the slope of the land and the risk to water quality of other land uses. Further responses to the site constraints of the proposed R5 Large Lot Residential zoned land are provided later in this report.

The lowest area of the site is proposed to be E4 Environmental Living, with a minimum lot size of 2 Hectares, where the presence of native vegetation, slope and highly erodability affects the development potential of the land.

RE1 Public Recreation is proposed at the top of the site on Lot 3 DP 1238214, adjacent to land that has high biodiversity value identified in the *Goulburn Mulwaree Endangered/Threatened Species Management Plan* (2004). Further, this site adjoins an existing RE1 Public Recreation area to the west which also forms part of the same fauna corridor identified in the 2004 Management Plan. Rezoning Lot 3 DP 1238214 to RE1 Public Recreation will contribute to the critical mass of ecological corridors and add value to the land in the most appropriate way.

In summary, the proposed zoning configuration reflect that the site is a complex scenario of competing issues and constraints. These include but are not limited to:

- The adoption of Council's *Employment Lands Strategy 2016*.
- Council's program of project funding, including rationalising Council's assets.
- The sites visible proximity and good access to the Hume Highway.
- The surrounding commercial and industrial land uses.
- The sites inherent constraints that impact on the development on the site being located within the Sydney Drinking Water Catchment.
- Site contamination.
- The presence of native grasslands.
- The likelihood of heritage items of Aboriginal cultural significance.

While this section provides an opportunity to raise and discuss alternative options, and the best way forward to address the issues raised in Section 3.1, it is considered that the range of zones and their configuration across the site responds most effectively to the above points and is the best way forward. This has been achieved through

- The above reappraisal of the proposed amendment in response to water NSW comments.
- The technical reports submitted.

- Responses to the remaining Sections of this report.
- The intentions of Council for the site shown by the resolution of 20 August 2019.

Section B – Relationship to Strategic Planning Framework

3.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

3.3.1 South East and Tablelands Regional Plan

The planning proposal is consistent with the *South Eastern Tablelands Regional Plan* (SETRP).

This planning proposal is considered to achieve the following goals of the SETRP:

Goal 1: A connected and prosperous economy.

Direction 8: Protect important agricultural lands: The subject land is located on the urban boundary and is fragmented from other land zoned RU2 Rural Landscape by the Hume Motorway. It is not identified as important agricultural land.

Direction 11: Enhance strategic transport links to support economic growth: The inclusion of key areas of the site (the north western portion and the north eastern corner) for rezoning to IN1 General Industrial under GM LEP 2009 will 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: The subject Planning Proposal achieves all relevant actions of this goal including but not limited to 14.6 *Protect Travelling Stock Reserves in local strategies*. The retention of a community classification and rezoning Lot 3 DP 1238214 from the existing RU2 Rural Landscape to RE1 Public Recreation is consistent with this Direction.

Direction 15: Enhance biodiversity connections: That part of the site to be rezoned RE1 Public Recreation is identified in the *South Goulburn Endangered/Threatened Species Management Plan 2004*. This site (Lot 3 DP 1238214) has been included to retain the biodiversity connection and respond to Actions 15.1 of the SETRP to enhance the biodiversity corridors of the region.

Native grassland identified on the site has been considered as part of the zoning configuration and is intended to be zoned E4 Environmental Living with a minimum lot size of 2 Hectares. The proposed site specific amendment to the *Goulburn Mulwaree Development Control Plan 2009* also provides that no structure is to be erected in the area identified as containing native grasslands unless the structure actively facilitates or does not affect the conservation of the native grasslands contained within.

Direction 18: Secure water resources: The subject Planning Proposal has responded to Action 18.1 to 'locate, design, construct and manage new developments impacts on water catchments....' by responding to advice received from WaterNSW and reducing the area of land uses (IN1 General Industrial zone) that would pose a risk to water quality. Conversely, the area of R5 Large Lot Residential has been increased to encourage land uses that are likely to lessen the risk to water quality.

Goal 4: Environmentally sustainable housing choices.

Direction 24: Deliver greater housing supply and choice: In the context of the identified site characteristics, the provision of a modest supply of large lot residential land in this location provides a more environmentally sensitive land use for sensitive areas of the site.

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The *Tablelands Regional Community Strategic Plan 2016-2036* was adopted by Council on 21st February 2017 and identifies the community aspirations via the strategic priorities that achieve the future visions for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

Environment:

EN1 Protect and enhance the existing natural environment, including flora and fauna native to the region: The proposed amendment includes retention of a small portion of land (Site B) as RE1 Public Recreation that will preserve and protect part of a vegetation corridor identified in the *South Goulburn Endangered/Threatened Species Management Plan 2004*.

The proposed zonings for the site have been substantially reconfigured to respond to concerns raised by WaterNSW and to consider the intensity of future development on the site and water quality.

The Ecoplanning *Ecological Constraints Assessment (2019)* report for the private landowners of (Lot 2 DP 1238214) identifies small areas (one or two trees) that may be of value in the area identified for Large Lot Residential however the author of this report suggests the area of the affected site is less than 1 hectare and would not trigger entry into the 'biodiversity offset scheme' under the *Biodiversity Conservation Act 2016*.

Comments from Council's Native Vegetation Officer mapped an area of the site containing an Endangered Ecological Community (EEC) of Grasslands. These comments identify an area of 1.6 Hectares in size. This map has been incorporated into the draft site specific development controls to restrict any development occurring on the land.

EN4 Maintain a balance between growth, development and environmental protection through sensible planning. It is considered that the holistic approach, including consideration of environmental constraints, the revision to the zoning and minimum lot size of the subject land is consistent with this objective.

Economy:

EC1 Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment. The retention of some land for IN1 General Industrial in locations that are strategically accessible optimises the sites potential to capitalise on its proximity to the Hume Highway, Canberra's airport and western Sydney.

EC3 Support and foster conditions that enable local and small/home-based businesses to grow. The rezoning of the subject site will maintain some of the momentum for the rezoning aimed at achieving this objective. This is anticipated by the potential for the establishment of businesses in the area proposed to be rezoned IN1 General Industrial zone.

Community:

CO5 Maintain our rural lifestyle. The subject Planning Proposal is aimed at achieving this objective by reviewing the use of the subject land for development that is permissible in the existing RU2 Rural Landscape zone. Retaining the Hume Motorway as the southern boundary to Goulburn's future growth will in turn maintain and preserve rural lands for agricultural uses and provide an area of R5 Large Lot Residential land that will retain the low density of development to create a rural appearance of Goulburn from the Hume Motorway.

Infrastructure:

Strategy IN3 Maintain and improve road infrastructure and connectivity. The rezoning is expected to facilitate industrial development on land with direct or close access to Hume Street and Slone Street (classified roads) whilst allowing for an internal road connection between the two to form for residential purposes only.

Leadership:

Strategy CL4 requires our civic leadership to '*Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region*'. The subject planning proposal has investigated and communicated funding sources through the report of 20 November 2018 which identified the land for disposal to fund the works at the Council's Depot at Hetherington Street. Further, collaboration with the adjoining landowner demonstrates Council working with the community to strengthen the region.

The Planning Proposal is therefore considered consistent with the objectives of the *Tablelands Regional Strategic Plan 2016-2036*.

Urban and Fringe Housing Strategy

Whilst not forming a specific recommendation in Council's *Urban and Fringe Housing Strategy*, this recommendation is consistent with the following actions contained within the strategy (pp. 125-131):

- *B1-2 Recognises the need to extend the urban footprint into areas that are readily accessible and can be connected to existing infrastructure.*- the subject area can be connected to Council's road, stormwater, sewer and water network.
- *B5-1 Consider adjoining land uses, including agricultural land as part of the assessment criteria for urban expansion.*- site specific amendments to the GM DCP are also proposed so as to manage land use conflict between residential development, the Hume Highway and nearby industrial land.
- *I1-1 Consider the impact of urban development on the Sydney Drinking Water Catchment in the Planning Proposal.*-This planning proposal has been amended so as to avoid risks to the Sydney Drinking Water Catchment identified by WaterNSW. The site specific GM DCP amendment proposed also introduces additional measures to mitigate any risks on water quality.
- *I1-2 Review water cycle management strategies to include the additional urban areas identified in the Strategy as part of the Planning Proposal process. Include WSUD in corresponding Development Control Plans for Urban Release Areas*- as above.
- *J1-1 Undertake detailed Aboriginal Cultural Heritage Assessment to inform the Planning Proposal prior to public exhibition.*- This has been undertaken for this planning proposal.

3.4 Is the Planning Proposal Consistent with a council's local strategy or other local strategic plan?

3.4.1 Goulburn Mulwaree Strategy 2020

The *Goulburn Mulwaree Strategy 2020* does not have any specific recommendations identified for this precinct.

The strategy identifies that new development areas should endeavour to minimise rural land use conflict, be within the lands capability and create liveable communities.

The land is generally located between the Hume Highway and existing industrial land uses. With the addition of the site specific provisions to be included in GM DCP, future development will need to consider the site in its context and mitigate impacts on both adjoining land uses and the natural environment.

3.4.2 Goulburn Employment Land Strategy 2016

The subject site is identified as part of a precinct recommended to be rezoned to employment generating land. In addition to the new road construction to connect Tait Crescent and Lockyer Street, the proposed amendment has gone some way to effect the recommendation of the *Employment Land Strategy 2016* by rezoning appropriate portions of the land around the new road connection and Sloane Street to IN1 General Industrial under GM LEP.

The discussion and response to the issues raised at Section 3.1 and summarised at Section 3.2 identifies that this is a satisfactory outcome in the context of the *Employment Land Strategy*, Council's other strategic obligations and the strategic planning framework.

3.5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

State Environmental Planning Policy No. 55- Remediation of Land

A Stage One Preliminary Site Investigation, Stage Two Detailed Site Investigation and Remedial Action Plan has been undertaken in accordance with this planning policy for Council's land (Lot 3 DP 1008818 and Lot 1 DP 1034565- separately enclosed). Both Site Investigations identified contamination on Lot 3 DP 1008818 and Lot 1 DP 1034565, which posed an unacceptable risk to human health and the environment for any proposed urban intensification. The Remedial Action Plan was therefore prepared to identify appropriate measures to decontaminate the land to make it appropriate for the proposed use. The Remedial Action Plan does confirm that the site is appropriate for its intended use subject to decontamination in accordance with the plan. Any subsequent development of this land will not be allowed to take place until this Remedial Action Plan is put into effect, in accordance with the *State Environmental Planning Policy No. 55- Remediation of Land*.

A Stage One Preliminary Site Investigation was also submitted by the proponent for the privately owned land (Lot 2 DP 1238214). This Preliminary Site Investigation concluded that it would be appropriate for this planning proposal to proceed without further assessment at this stage, whilst noting that further testing would be required if any of the fill located onsite was to be utilised and noting that further intrusive soil testing may also be required to identify any unforeseen contamination. Given the level of contamination detected immediately adjacent to this lot on Council's land and the presence of fill, it is reasonable to expect that intrusive soil testing will be required of any subsequent development application in order to comply with the *State Environmental Planning Policy No. 55- Remediation of Land*.

No contamination assessment has been undertaken for Council's other parcel of land in this planning proposal (Lot 3 DP 1238214) as it is intended to remain as a public reserve and biodiversity corridor with an RE1 Public Recreation zone, with no subsequent development proposed.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The previous response provided by WaterNSW was with regard to a previous iteration of the planning proposal, where the area of R5 Large Lot Residential and E4 Environmental Living was also proposed to be rezoned IN1 General Industrial. It identified a number of constraints and an assessment against Strategic Land and Water Capability Assessment maps. The current configuration of the proposed zones is in response to this initial consultation.

In terms of the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, it is considered that the reconfiguration of proposed zones responds more favourably to the sites characteristics and is better suited to meet or exceed the Neutral or Beneficial Effect on water quality test.

Minimum lot sizes have been revised and apportioned as detailed above. The area of the site proposed to be rezoned IN1 General Industrial located either side of the Tait Lockyer Street connection (Part Lot 2 DP 1238214) has an area of approximately 2.7 Hectares and will retain no minimum Lot size. This part of the site is relatively flat and will require limited cut and fill to facilitate development of this precinct for industrial land uses. Any stormwater generated from development of this area could be dispersed with a connection to Councils stormwater management network.

Land to be rezoned to R5 Large Lot Residential and E4 Environmental Living will have minimum lot sizes of 2,000m², 10,000m², 20,000m² with an estimated of yield 25-29 lots (in total). This area will be serviced by a reticulated sewer and connection to Council's stormwater drainage system. The substantial minimum lot size will also ensure limited cut and fill and a high level of soil permeability.

It is also worth noting that any subsequent development of the subject area requiring a development consent would be required to demonstrate a neutral or beneficial effect on water quality in accordance with the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. For most industrial development and sewered subdivisions of four (4) lots or more, development consent cannot be issued without concurrence being received from WaterNSW.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Lot 3 DP 1238214, which is to be rezoned to RE1 Public Recreation is adjacent to the area identified as a fauna corridor under the *South Goulburn Threatened Endangered Management Plan 2004*. The rezoning of this lot from RU2 Rural Landscape to RE1 Public Recreation, located at the top of the slope, will make a contribution to the health and value of this area of the site.

The *Ecological Constraints Assessment* (prepared by *Ecoplanning, January 2019*), lodged for the privately owned land of Lot 2 DP 1238214, identifies a few hollow bearing trees however it also notes there is no understorey evident. The report recommends that these trees be retained. A more detailed ecological constraints assessment may be submitted as part of a future development application for this site, and would provide more detailed advice and recommendations regarding any proposed development to mitigate the impact on the hollow bearing trees.

The existing vegetation on the majority of the privately owned is considered to have low ecological value to fauna because of the context of the site and its lack of continuity to other vegetation corridors.

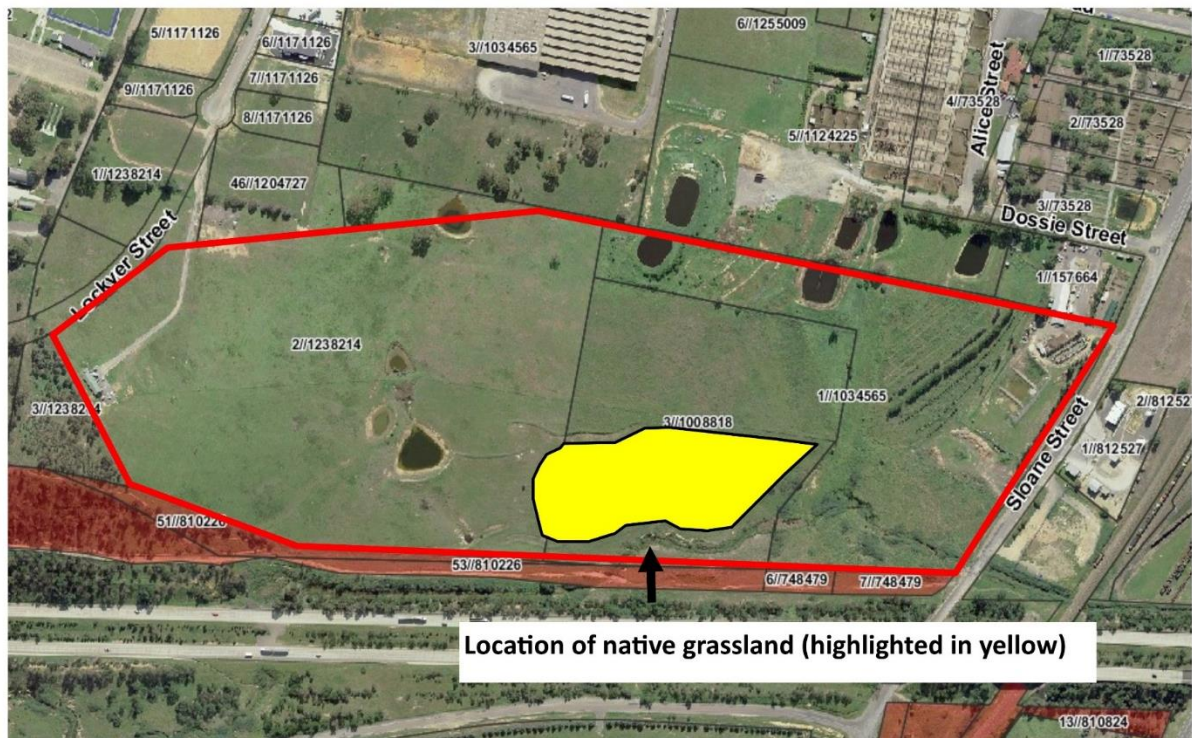


Figure 9: Location of native grasslands.


A further more detailed assessment, provided by Council's Native Vegetation Officer of the Council owned land, on 7 November 2019, identified an area of native grassland about 1.6 hectares that meets the criteria for listing as the Endangered Ecological Community (EEC) White Box-Yellow Box – Blakely's Red Gum grassy woodland. This assessment also identified a small patch of heavily degraded Box Gum Woodland on the adjoining privately owned land (Lot 2 DP 1234214). A more detailed response to this assessment is provided in Section 3.7 of this Planning Proposal. This assessment informed a control in the proposed site specific development controls to limit any development of this land.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

| Applicable Direction | Justification | Compliant |
|--|---|--------------------------|
| 1.1 Business and Industrial Zones | <p>The planning proposal gives effect to the objectives of the Direction by providing a small amount of additional industrially zoned employment lands, initially identified by Council's <i>Employment Land Strategy</i> 2016.</p> <p>It is acknowledged that the proposed industrial land is smaller than initially proposed in this strategy, however this was considered necessary as the result of the site constraints and WaterNSW preliminary consultation.</p> | Yes |
| 1.2 Rural Zones | <p>This Direction applies as the planning proposal proposes to rezone the subject land from RU2 Landscape zone to part IN1 General Industrial, part R5 Large Lot Residential and Part E4 Environmental Living zone under the GM LEP.</p> <p>The net loss to rural zoned land is also considered minor due to its isolation on the northern side of the Hume Highway and disconnection with other rural zoned land. All of the subject area has otherwise already been recommended to be rezoned to an urban zone, albeit a different one, by the <i>Employment Land Strategy</i> 2016.</p> <p>The subject PP is inconsistent with the terms of this Direction, however on balance any potential inconsistency is considered minor in nature and justifiably inconsistent.</p> | Justifiably inconsistent |
| 1.3 Mining, Petroleum Production and Extractive Industries | This direction does not apply as this planning proposal does not affect the permissibility of mining, petroleum production or extraction industries and otherwise does not limit the growth of these industries. | N/A |
| 1.4 Oyster Aquaculture | This direction is not applicable anywhere in Goulburn Mulwaree. | N/A |
| 1.5 Rural Lands | <p>This Direction applies as the planning proposal proposes to rezone the subject land from an RU2 Rural Landscape zone to part IN1 General Industrial, part R5 Large Lot Residential and Part E4 Environmental Living zone under GM LEP.</p> <p>Given the location of the site, and the identification of it in Council's <i>Employment Land Strategy</i> 2016 for employment generating land uses, it is considered that the objectives of the current RU2 Rural Landscape zoning and the schedule of permissible land uses permissible within that zone have been made redundant with the growth of Goulburn and the site's potential to contribute to other growth sectors in the LGA.</p> <p>The planning proposal is potentially inconsistent with the Direction in that it will result in a loss of rural lands through proposed loss of RU2 Rural Landscape zoned land. However due</p> | Justifiably Inconsistent |

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| | to the constraints of the site, Council has considered that the loss of Rural Land is justifiably inconsistent. | |
| 2.1 Environm ent Protectio n Zones | <p>This planning proposal is considered to be consistent with this direction as it involved the rezoning of land identified as part of ecological corridor under Council's <i>South Goulburn Endangered/Threatened Species Management Plan 2004</i> to RE1 Public Recreation.</p> <p>The proposed site specific development controls also require the preservation and conservation of ecologically sensitive grasslands located onsite.</p> | Yes |
| 2.2 Coastal Manage ment | This direction does not apply anywhere in Goulburn Mulwaree. | N/A |
| 2.3 Heritage Conserva tion | <p>The subject area does not contain any state or local heritage items listed under the GM LEP.</p> <p>Separate Aboriginal Cultural Heritage Due Diligence Assessments have been undertaken by Council for Council's land and the proponent for the privately held land. In both instances, they have identified areas where no physical works are to commence without further archaeological studies and an Aboriginal Heritage Impact Permit (AHIP). Both assessments also recommended the adoption of an unexpected finds protocol.</p> <p>Section 3.1 and Appendix A of the <i>Goulburn Mulwaree Development Control Plan 2009</i> requires consideration of Indigenous Heritage and Archaeology. This requires consideration and implementation of prior assessments and inclusion of a standard consent condition to require a cessation of all works in the event of an unexpected finds project. It is therefore considered that the presence of these controls within the <i>Goulburn Mulwaree Development Control Plan 2009</i> will ensure the implementation of these assessments.</p> | Yes |
| 2.4 Recreatio n Vehicle Areas | This direction does not apply as the planning proposal will not allow recreation vehicle areas near an environmental protection zone, beach or dune adjacent to or adjoining a beach. | N/A |
| 2.5 Applicati on of E2 and E3 Zones and Environm ental Overlays in Far North Coast LEPs | This direction is not applicable anywhere in Goulburn Mulwaree. | N/A |

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| 2.6 Remediation of Contaminated Land | <p>This planning proposal is considered to be consistent with this direction as Council has considered a Stage 1 and 2 Preliminary Site Investigation and Remedial Action Plan for its own land and a Preliminary Site Investigation for the privately owned land (separately enclosed).</p> <p>The Stage 1 and 2 Preliminary Site Investigations conducted on Councils land for Lot 3 DP 1008818 and Lot 1 DP 1034565 identified significant contamination that was unsuitable for the environment or human health for any proposed zone change. The Remedial Action Plan was therefore prepared for these lots, which identified that the land could be decontaminated to the extent necessary to facilitate the proposed types of development. Any proposed new use of this land will need to implement the Remedial Action Plan prior to development consent being issued, in accordance with the <i>State Environmental Planning Policy No 55—Remediation of Land</i>.</p> <p>The Stage 1 Preliminary Site Investigation conducted for the private land on Lot 2 DP 1238214 concluded that the proposed rezoning was suitable for the land. Given the contamination of Councils land immediately adjacent to this lot and the stated intention to use imported fill onsite, it would be reasonable to assume that any subsequent development of this site would not be granted development consent without further contamination assessment and soil testing in order to satisfy the <i>State Environmental Planning Policy No 55—Remediation of Land</i>.</p> <p>Council has not undertaken any contamination assessment of its land on Lot 3 DP 1238214, to be rezoned to RE1 Public Recreation, as this land is not intended to be developed or have its use changed from being an ecological corridor.</p> | Yes |
| 3.1 Residential Zones. | This planning proposal is considered consistent with this direction as it will contribute to the supply of large lot residential dwellings in the local government area. The subject area is also located in an area where it can readily access existing Council infrastructure such as water, stormwater and sewer. | Yes |
| 3.2 Caravan Parks and Manufactured Home Estates | This direction is not applicable as the planning proposal does not affect the permissibility of caravan parks or manufactured home estates. | N/A |
| 3.3 Home Occupations | This planning proposal is consistent with the direction as home occupations are permitted without development consent in all zones proposed that permit dwelling houses. | Yes |
| 3.4 Integrating Land Use and Transport | <p>The planning proposal is consistent with this policy because it is consistent with Direction 3.4(5c). The planning proposal is also consistent with this Direction because it goes some way to implement the recommendations of the <i>Employment Land Strategy 2016</i>.</p> <p>The initial planning proposal responded to the recommendation of the ELS by recommending that the whole site be rezoned to IN1 General Industrial. Due to site constraints, the revised</p> | Yes |

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| | specific locality to E4 Environmental Living. It is therefore considered that the extent of flooding and the response satisfactorily addresses subsection (6) of this Direction and is therefore justifiably inconsistent. | |
| 4.4 Planning for Bushfire Protection | <p>All of the land with the exception of the north east portion of the lot is mapped as bushfire prone land (Figure 11). It is acknowledged that a referral to the NSW Rural Fire Service is required for this planning proposal.</p>  <p>Figure 11: Bushfire Prone Lands map (Category 3 bushfire prone land in yellow (grasslands), buffer in red)</p> <p>It is considered that any subsequent subdivision and development is capable of meeting the requirements of <i>Planning for Bushfire Protection 2019</i>, by virtue of the ability to develop two (2) access roads, from Lockyer Street and Sloane Street, the absence of any Category 1 vegetation in the subject area, and the ability to connect the entire site to Goulburn's reticulated water supply. The presence of bushfire prone lands mapping also makes compliance with <i>Planning for Bushfire Protection 2019</i> a compulsory consideration in any subsequent development application.</p> | Justifiably Inconsistent. |
| 5.2 Sydney Drinking Water Catchments | <p>This planning proposal is considered to be consistent with this direction.</p> <p>The limited application of the IN1 General Industrial zone on predominately flat land and the proposed use of R5 Large Lot Residential and E4 Environmental Living with large minimum lot sizes on topographically constrained land ensures that any subsequent development requiring development consent is able to demonstrate a neutral or beneficial effect on water quality in accordance with the <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i>.</p> <p>All land in the subject area will be connected to Council's reticulated sewerage and stormwater networks.</p> <p>It is also noted that the land proposed for sewerage residential development is classified on the Strategic Land and Water Capability Assessment (SLWCA) mapping as being between a low and high risk to water quality (Figure 12). The large minimum lot</p> | Yes |

sizes of between 2,000m² and 20,000m² mean that any subsequent subdivision can be designed around areas of high risk. Land identified for light industrial use also shows up as being a low to moderate risk on water quality (**Figure 13**).

Any subsequent industrial development or residential sewered development containing four (4) or more lots will also require a referral and concurrence from WaterNSW before a development consent may be issued, in accordance with the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* and the *Neutral or Beneficial Effect on Water Quality Assessment Guideline 2015*.

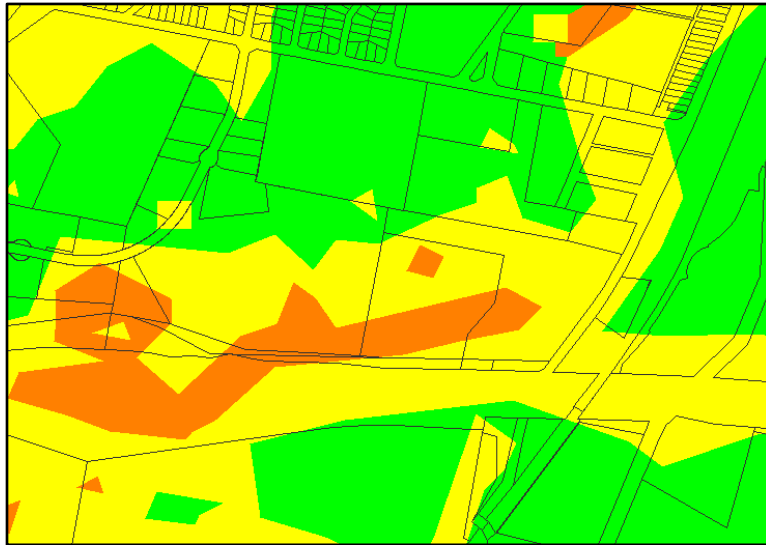


Figure 12: Residential Sewered Lots Risk to Water Quality (Green = Low Nil, Yellow = Moderate, Amber = High Risk, Red = Extreme Risk)



Figure 13: Light Industrial Risk to Water Quality (Green = Low Nil, Yellow = Moderate, Amber = High Risk, Red = Extreme Risk)

5.3 Farmland of State and Regional

This direction is not applicable anywhere in Goulburn Mulwaree.

N/A

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| Significance on the NSW Far North Coast | | |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | This direction is not applicable anywhere in Goulburn Mulwaree. | N/A |
| 5.9 North West Rail Link Corridor Strategy | This direction is not applicable anywhere in Goulburn Mulwaree. | N/A |
| 5.10 Implementation of Regional Plans | Addressed above and at Section 3.3.1 of this report. This planning proposal is consistent with the Regional Plan. | Yes |
| 5.11 Development of Aboriginal Land Council land | This direction is not applicable anywhere in Goulburn Mulwaree. | N/A |
| 6.1 Local Plan Making | The planning proposal does not propose any provisions that will require additional concurrence or referral requirements of the future development of the subject site. | Yes. |
| 6.2 Reserving Land for Public Purposes | <p>Council resolved on 20 November 2018 that Lot 1 DP 1034565 and Lot 3 DP 1008818 are no longer required for strategic or operational purposes.</p> <p>Both Council properties that form part of this application (identified in Part 2 (a) and (b) of the Introduction resolution) retain their respective classifications as 'operational'. No change to these classifications is proposed or required.</p> <p>Council has resolved that these lots are surplus to Council's needs and no change to these classifications is proposed or required to proceed with the planning proposal.</p> <p>Lot 3 DP 1238214 is currently classified as 'Community'. No change is proposed to this classification. This site is proposed to be rezoned from RU2 Rural Landscape to RE1 Public recreation to better protect the lands component value to the <i>South Goulburn Endangered Threatened Species Management Plan 2004</i> that will form a part of the flora and fauna movement corridor. Lot 3 is therefore being preserved for the public purpose.</p> <p>The planning proposal is consistent with this Direction.</p> | Yes |
| 6.3 Site Specific Provisions | This Direction does not apply to the planning proposal because it does not <i>allow a particular development to be carried out (subsection 3)</i> . However due to the specific site constraints and risk to water quality identified by WaterNSW, the additional | Yes |

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| | <p>information submitted, the location of the site, in acknowledgement of its historic use and the range of land uses permissible with consent in the four proposed zones, a site specific amendment to the GM DCP is proposed).</p> <p>The subject amendment does not however propose to introduce any 'development standard' into the existing statutory instruments above those contained in the existing GM LEP.</p> <p>To this extent it is considered that the subject PP is consistent with this Direction.</p> | |
| Section 7 | No direction in this section is applicable to Goulburn Mulwaree | N/A |

Section C – Environmental, social and economic impact.

3.7 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?

Two (2) small stands of degraded Box-Gum Woodland (Endangered Ecological Community - EEC) have been identified on the privately owned land. An area of approximately 1.6 Hectares of native grassland that meets the criteria for the White/Yellow Box Gum Woodland, has been identified in the lower area of the site on the Council owned land. These are discussed in more detail below.

The site is not identified on the Biodiversity Values Map or the High Ecological Value map under the *South East and Tablelands Regional Plan 2036*.

Ecological Assessment (Privately owned land)

The *Ecological Constraints Assessments* (ECA) prepared by *Ecoplanning* for the privately owned land, notes the site as 'low' conservation significance particularly due to extensive clearing and predominance of exotic and weeds species. The presence of two (2) stands of Box Gum Woodland Endangered Ecological Community (EEC) and a hollow bearing tree present a 'moderate' to 'high' ecological value respectively.

Although there is an absence of understorey, the report makes the following recommendations:

- that the hollow bearing trees should be retained where possible.
- a Vegetation Management Plan or similar which includes controlling and preventing the spread of exotic weeds and grasses should be required for any future development application.
- a Dam Dewatering report be prepared in order to manage the environmental impacts that will likely arise (particularly with regard to any contamination).

The report concludes that *'Given that the minimum Lot Size for the study area is 100 Ha, and the total area of native vegetation mapped in the survey area was 0.17 Ha, future development of the study area would not trigger entry into the 'biodiversity offsets scheme under the BC Act [Biodiversity Conservation Act 2016]'*.

It is considered that the recommendations of this report can reasonably be implemented through the development assessment process.

Ecological Assessment (Council owned land)

Council's Native Vegetation Officer provided a detailed assessment on 4 December 2019 for Council's land. The assessment found that a large portion of remnant native grassland was found on Lot 3 DP 1008818 (**Figure 14**).

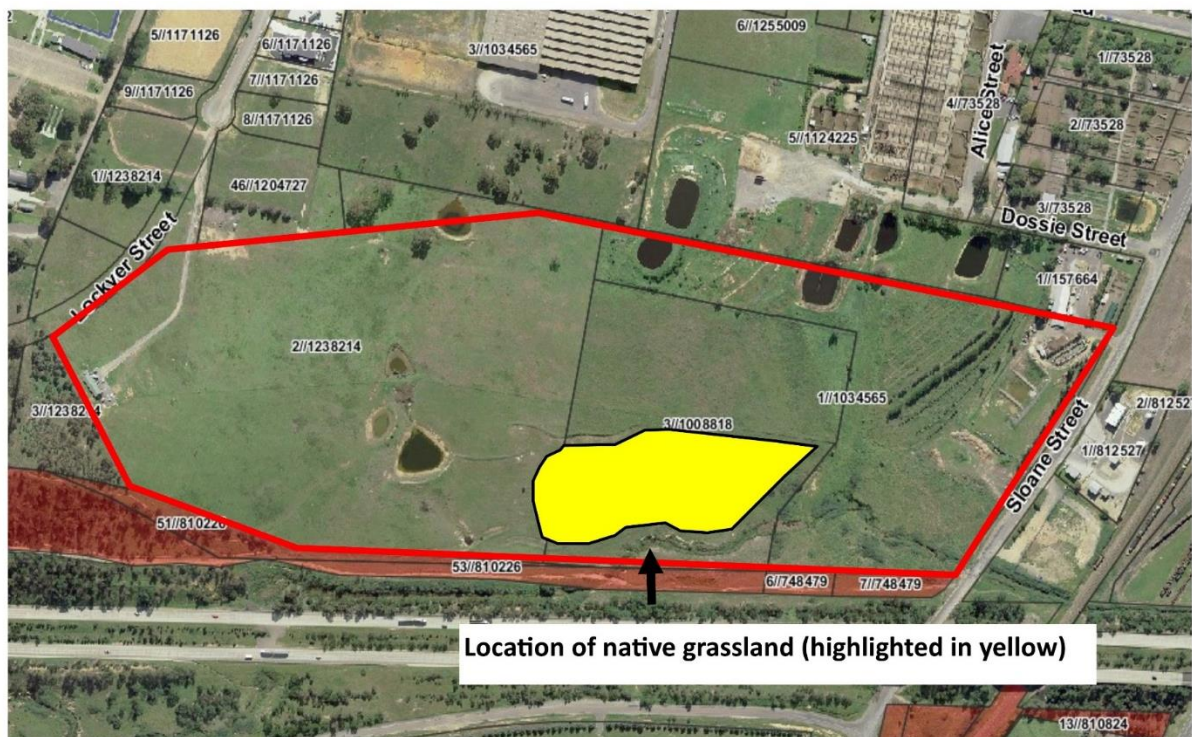


Figure 14: Location of native grassland.

This assessment informed the inclusion into a draft site specific Development Control Plan Chapter for the area to restrict any development from occurring on this land. This also informed the decision to rezone this land to E4 Environmental Living with a minimum lot size of 20,000m², which would provide a large enough lot size and area to stop any fragmentation of this land and allow for the construction of a dwelling on land that does not contain this grassland.

Council's Native Vegetation Officer also noted that the identified area meets the criteria for classification as an Ecological Endangered Community because:

- *The patch has a predominantly native understorey (groundcover at the time of site inspection estimated to be greater than 70% native species)*
- *The area of derived native grassland was estimated to be approximately 1.6 ha (i.e. considerably larger than the minimum 0.1 ha in size required for listing)*
- *During the site inspection, 27 species of native understorey species were recorded in the native grassland area, of which 11 comprised native grass species and 18 comprised non-grass species*
- *Kangaroo Grass is present as a component of the grassland. Another grazing sensitive species present is Bulbine Lily.*

As such, any development proposal that would have an impact on this area will require preparation of a BDAR (Biodiversity Assessment Report).

The recommendation of the Native Vegetation Officer recommends that a Plan of Management be prepared for this area of EEC. It is possible that this Plan of Management be submitted with any development application for subdivision of the subject site.

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

The main environment effects associated with this planning proposal are the impact on water quality, the presence of contamination and the presence of EEC's. These impacts and proposed management mechanisms are detailed in **Sections 3.5, 3.6 and 3.7** of this planning proposal.

No additional environmental effects are noted.

3.9 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will create an opportunity for infill development of residential, industrial, recreational and environmental land uses within an existing urban area. This will contribute to the supply of land for residential development and land for productive and employment generating purposes. This is anticipated to have positive social and economic impacts.

Additional social aspects are also reflected through the heritage value of the site. As raised in **Section 3.6** of this planning proposal, the Aboriginal Cultural Heritage Due Diligence Assessments identified areas which should not be developed without further archaeological assessment and an Aboriginal Heritage Impact Permit if necessary and also recommended that an unexpected finds protocol be put in place as well. It is considered that the mandatory requirement to consider Aboriginal heritage in Section 3.1 and Appendix A of the *Goulburn Mulwaree Development Control Plan 2009* means that the recommendations of these assessments are able to be met through the development assessment process. Further consultation with the Pejar Local Aboriginal Land Council is also required as part of the Gateway Determination issued on 17 February 2020.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

Reticulated water and sewer infrastructure are currently available at the boundary of the subject site. All subsequent development will be required to connect to Council's water, stormwater and sewerage network where appropriate.

The subject area can also be accessed from both Lockyer Street and Sloane Street, providing excellent road access into Goulburn and close access to the Hume Highway and regional road system.

3.11 What are the views of State and Commonwealth public authorities' consultation in accordance with the gateway determination?

The subject planning proposal will be referred to the following authorities prior to public exhibition, in accordance with the Gateway Determination issued on 17 February 2020:

- NSW Rural Fire Service.
- Transport for NSW (formerly the NSW Roads and Maritime Service).
- WaterNSW.
- NSW Environment Protection Authority.
- Department of Planning, Industry and Environment (Biodiversity and Conservation Division).
- Pejar Local Aboriginal Land Council.

Prior consultation was undertaken with WaterNSW with respect to a planning proposal to rezone the majority of the subject land to IN1 General Industrial. A detailed commentary on this advice has not been provided as it is considered that this planning proposal has changed significantly enough to warrant the issue of new advice.

Part 4 – Mapping

Indicative maps are provided below:

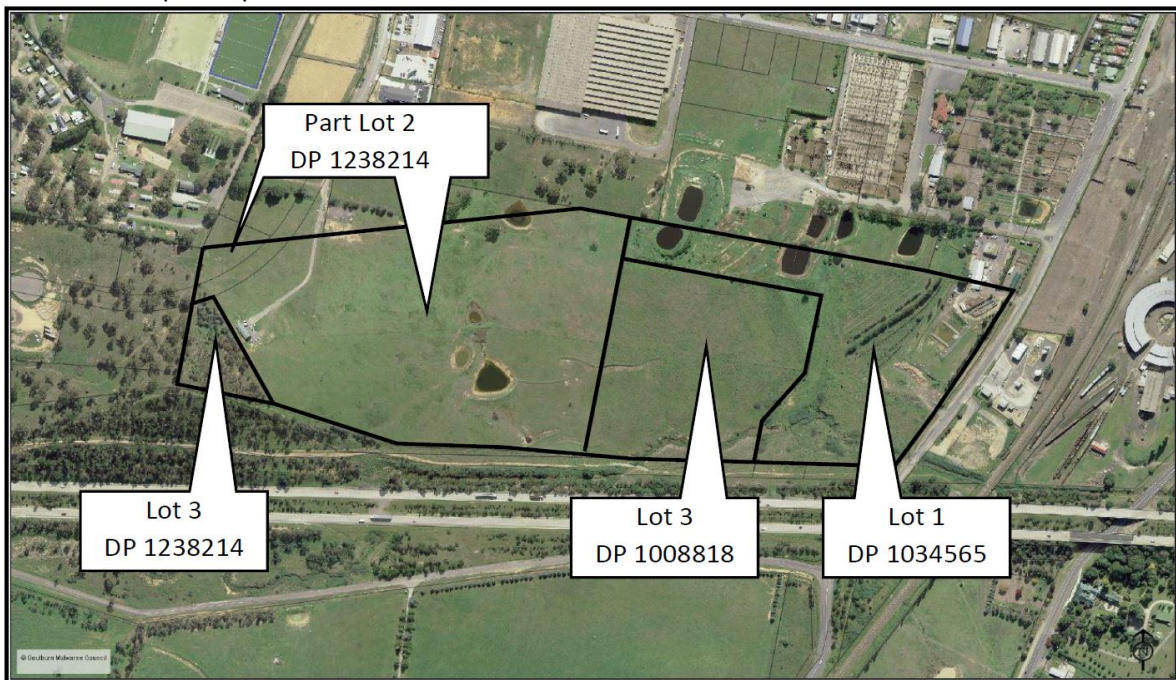


Figure 15: Spatial location of identified lots as part of the subject site.

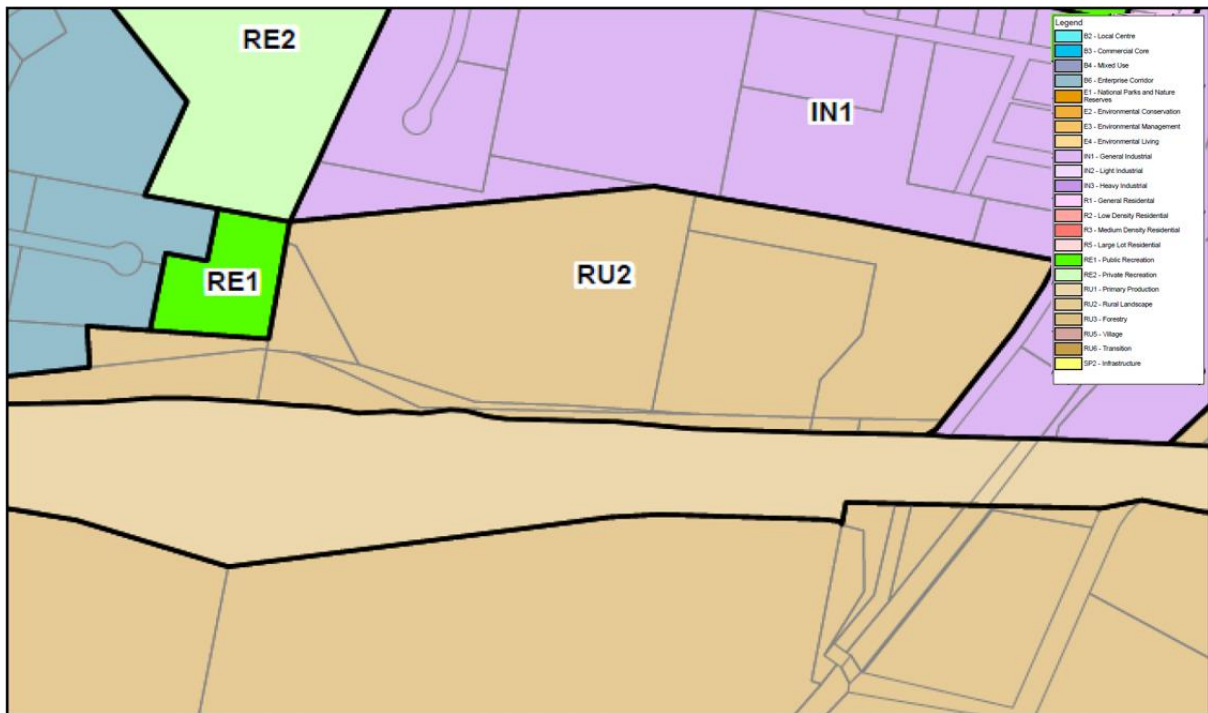


Figure 16: Existing zoning (extract from Map LZN_001E)

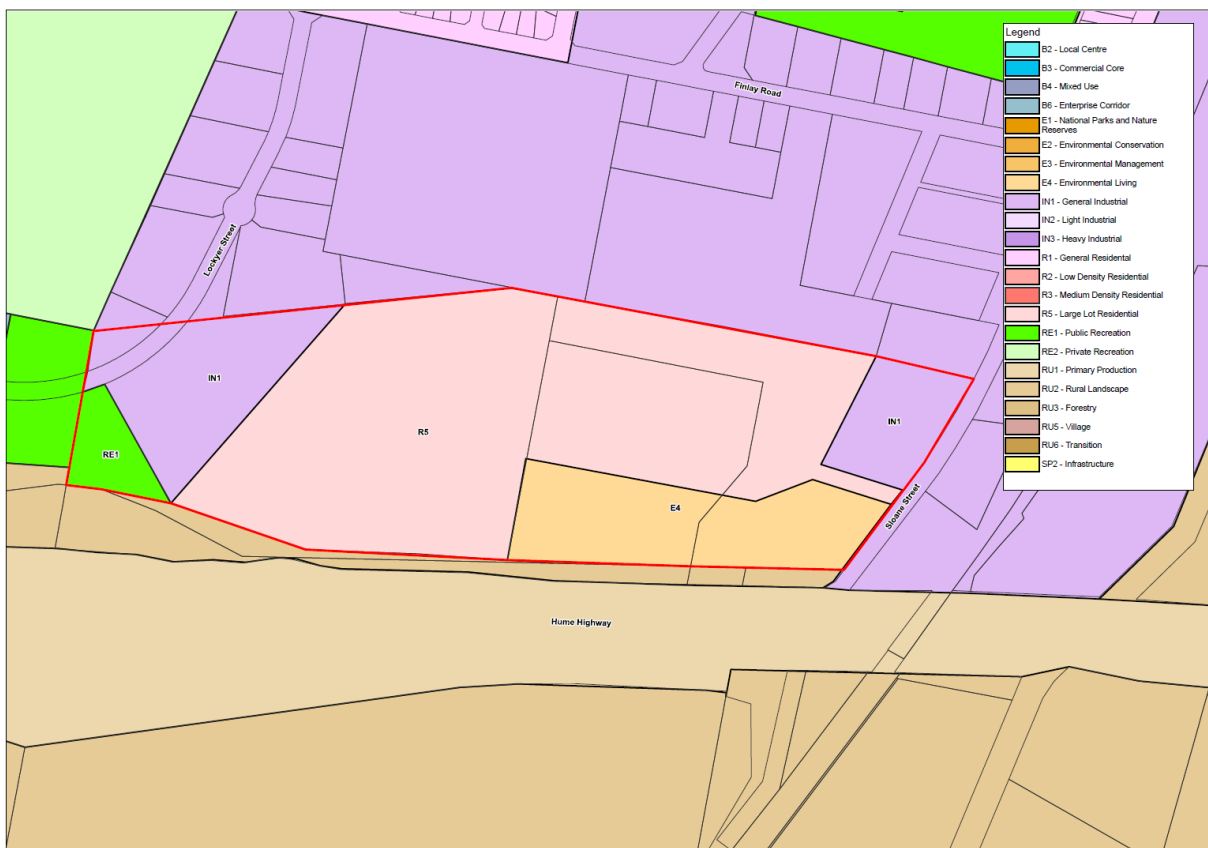


Figure 17: Proposed zoning (proposed amendment to Map LZN_001E)

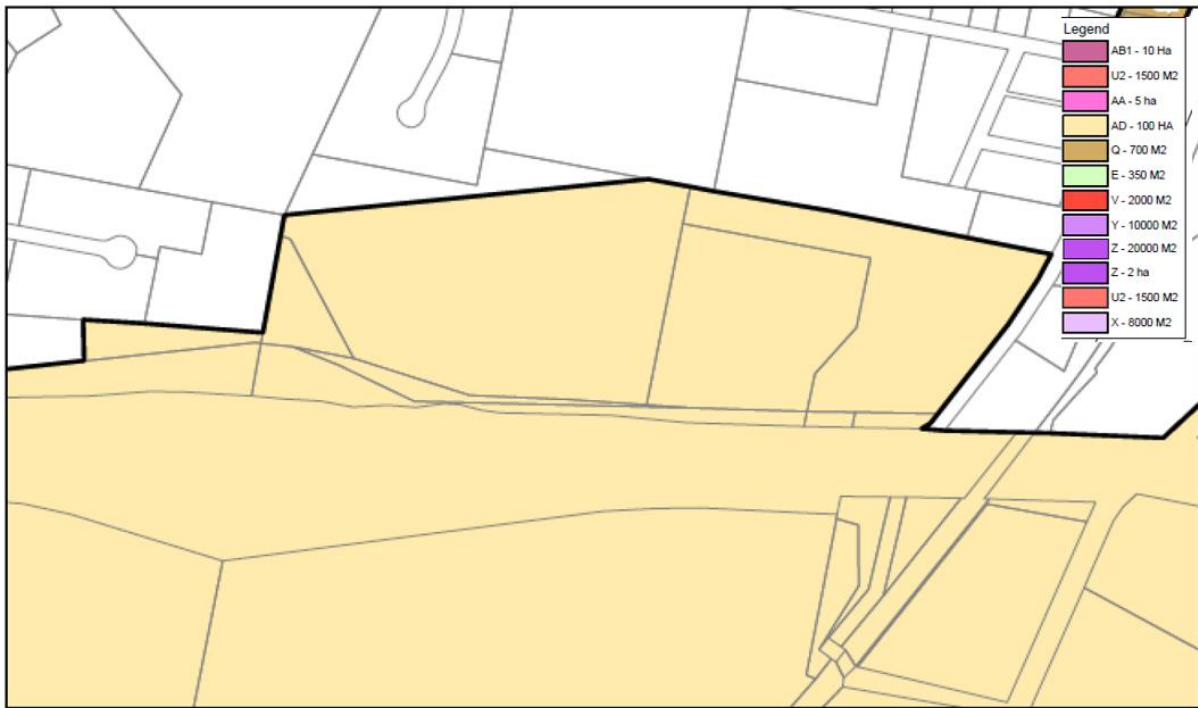


Figure 18: Existing minimum lot size (extract from LSZ_001E)

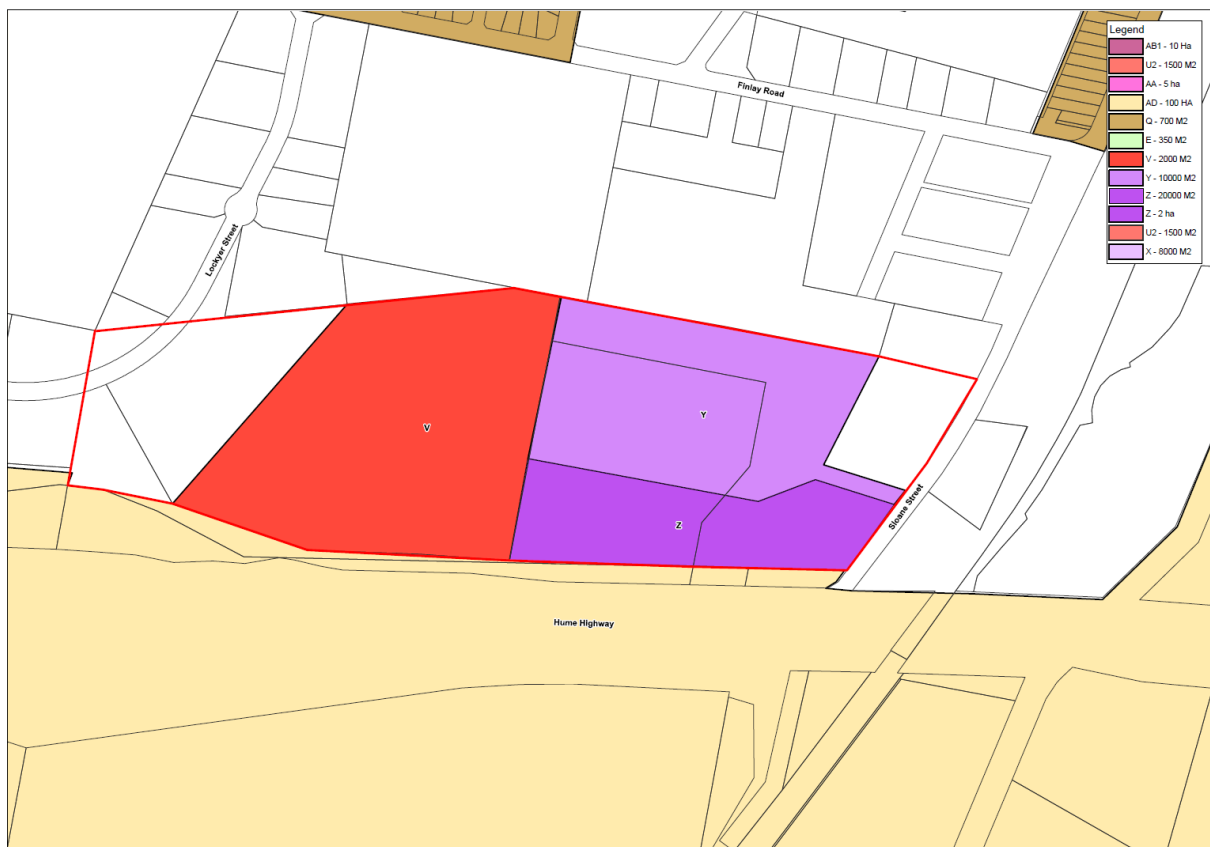


Figure 19: Proposed minimum lot size (proposed amendment to LSZ_001E)

Part 5 – Community Consultation

Council will commence community consultation after referrals to public authorities required under the Gateway Determination. Community Consultation will be undertaken in accordance with the Gateway Determination, including the involvement of:

- An advertisement in a local newspaper that circulates in the area affected by the planning proposal;
- Uploading the relevant documentation of the planning proposal to the Goulburn Mulwaree Council website.
- Written notice will be provided to affected and neighbouring land owners.

Part 6 – Project Timeline

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|--|----------------|
| Water NSW Pre-Consultation | November 2019 |
| Gateway Determination | February 2020 |
| Timeframe for completion of technical studies | September 2020 |
| Timeframe for agency consultations | September 2020 |
| Public exhibition | November 2020 |
| Public hearing | N/A |
| Consideration of submission | December 2020 |
| Date of submission of LEP to PC | February 2020 |
| Date plan forwarded to DPE for notification | February 2020 |
| Anticipated Date of PC Plan made | February 2020 |

Conclusion

This Planning Proposal is supported by a current Council resolution to rezone the land from RU2 Rural Landscape under *Goulburn Mulwaree Local Environmental Plan 2009* to:

1. part R5 Large Lot Residential,
2. part E4 Environmental Living,
3. part IN1 General Industrial and
4. part RE1 Public Recreation

Supporting these zones will be the respective Minimum Lot Sizes:

1. 2,000 square metres and 1 Hectare (under land zoned R5 Large Lot Residential), and
2. 2 Hectares (under land zoned E4 Environmental Living), and
3. No minimum lot size (under land zoned RE1 Public Recreation), and
4. No minimum lot size (under land zoned IN1 General Industrial)

The proposed amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* is generally consistent with state, regional or local planning strategies and warrants support.

The subject planning proposal is considered consistent with relevant s9.1 Ministerial Directions and State Environmental Planning Policies and can make a positive contribution to achieving the goals and implementing the actions of the *South East and Tablelands Regional Plan 2036*.

Despite the existing constraints and potential impacts on water quality, the intent of the current planning proposal is considered to have manageable impacts and on balance is a more efficient use of land against the existing undeveloped RU2 Rural Landscape zoned land. Additionally, the development of a site specific GM DCP chapter for this area will also assist in managing the constraints of the subject area.