



Goulburn Mulwaree Council

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

19 December 2019

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	

Introduction

This revised Planning Proposal (PP) seeks to amend the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) by rezoning and concurrently amending the minimum lot size of the subject land identified below as Figure 1. The purpose of the PP is to effect a number of Council Resolutions to synthesize and rationalise Council's existing strategies in the context of inherent site constraints and Council's broader strategic initiatives. This PP should be read in conjunction with the PP submitted by Mi Place Planning (MPP PP) Revised October 2019 and the additional information (attached) provided in support of the proposed amendment of the statutory controls for 12 Tait Crescent (Lot 2 DP 1238214).

The whole subject site includes four (4) lots. Two (2) are Council owned and classified as Operational (2) and one (1) is classified as Community.

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

Table 1: Schedule of identified lots included as the subject site.

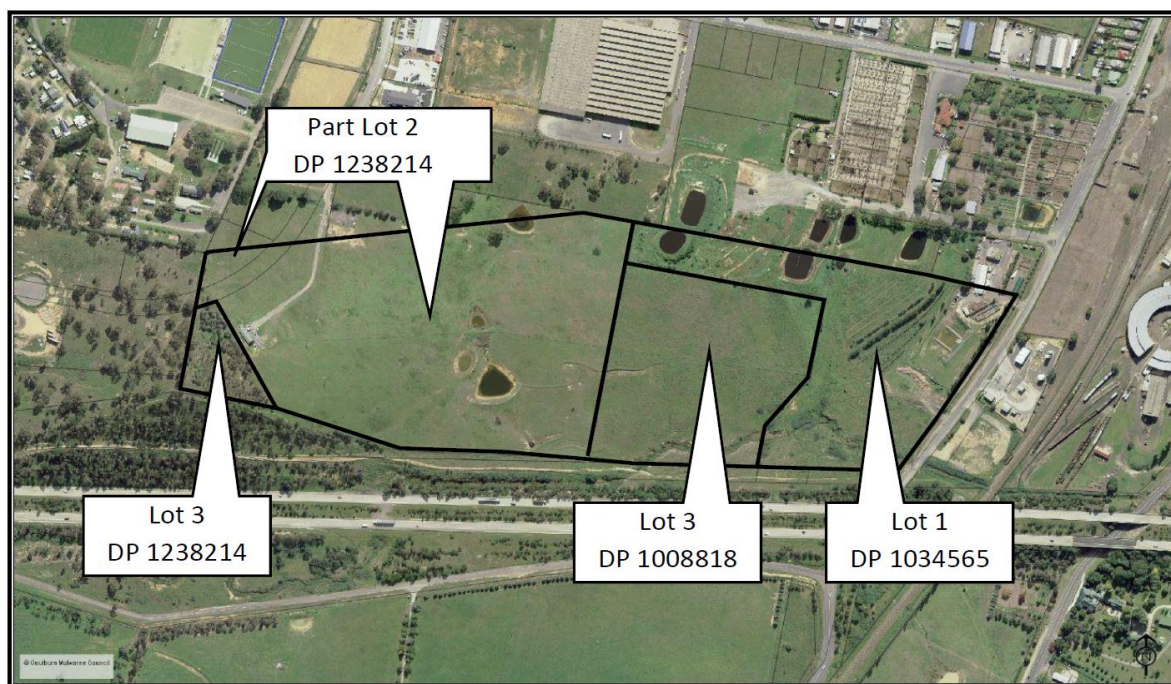


Figure 1 Spatial location of identified lots as part of the subject site.

On 20th August 2019 Council considered the subject Planning Proposal and resolved as follows:

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 preliminary Gateway consultations with Water NSW that identified that the previously proposed IN1 General Industrial land uses, would pose a threat to water quality in the Sydney Drinking Water Catchment. The threat would come from, not only the required level of treatment of run-off from industrial sites, but also the level of cut and fill required to provide 'level' sites necessary to accommodate industrial development. These and other aspects are discussed in more detail later in this report.

The subject land identified below has a **total area of 24.338 (Ha) Hectares** and is described as irregular in shape with an east west orientation. The slope of the site falls to the south east in the direction of a water course. The south east corner of the site is affected by the Peak Mean Flood (PMF) event (see Figure 19).

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 Motorway, by a thin strip of existing RU2 Rural Landscape zone (Figure 5) understood to be an historic Travelling Stock Route (TSR).

This Planning Proposal is being prepared by Council for Council owned land but also includes private land at 12 Tait Crescent, Goulburn legally described above. Council considered the inclusion of the adjoining privately owned land also zoned RU2 to ensure the area was considered as a precinct rather than considering lot specific zoning changes.

The following figure identifies the configuration of the proposed zonings under GM LEP 2009.



Figure 2 Proposed zoning amendment to the GM LEP 2009

The above outline of the proposed zonings (specifically the E4 Env Living) does not correlate with that in the Council Report of 20th August 2019 which was based on the information available at that time. Please also be advised, because this Planning Proposal is drafted on the basis of information available at the time of preparation and Council and a single adjoining landowner are the proponents, delineation of the proposed zonings may be further revised during the course of deliberations.

In response to concerns raised by Water NSW regarding the history of land use on the site, a Stage 1 Preliminary Site investigation (PSI) was undertaken by Construction Sciences for the Council owned land. The findings of the PSI recommended a further Detailed Site Investigation (DSI) be undertaken. This is further discussed in Section 3.5 of this report.

The comments from Council's Ecological adviser and reported to Council on 20th August 2019 identified an area of Endangered Ecological Community (EEC) of native grassland. Those comments were based on a preliminary investigation. More detailed comments regarding the ecological condition of this EEC have been provided by Council's Ecological adviser. These comments are considered in more detail in Section 3.7 of this report.

The report presented to Council on 20th August 2019, advising of the zoning reconfiguration, also proposed an Amendment to the *Goulburn Mulwaree Development Control Plan 2009* (GM DCP 2009) by way of a Site Specific Development Control Plan Amendment (attached) in conjunction with the subject Planning Proposal. The site specific amendment to the GM DCP addresses the concerns raised by Water NSW to development of the site generally and the impact on the SDWC. The proposed site specific DCP amendment is also intended to restrict future development to mitigate the impact on the environment and development with respect to the ecological and archaeological 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 *Ecoplanning*, January 2019) and an *Aboriginal Cultural Heritage Due Diligence Assessment* (prepared by *Past Traces*, January 2019) was also submitted in support of their initial version (January 2019) for their part of this Planning Proposal. Considering the revision of the zoning configuration, revised *Ecological Constraints Assessment* and revised *Aboriginal Cultural Heritage Due Diligence Assessment* for the privately owned land are not considered necessary.

A basic Aboriginal Heritage Information Management System (AHIMS – Appendix 1) search was conducted for the Council owned land. The response from this search identified sixteen (16) sites 'recorded in or near the above location'. Further investigation in this regard may be required as part of the Gateway Determination.

The Council owned land (Lot 1 DP 1034565 and Lot 3 DP 1008818) identified above are currently classified as operational (under the *Local Government Act 1993*) and no change is intended to this classification. Further to this, Lot 3 DP 1238214 (proposed to be zoned RE1 Public Recreation) is classified as community land and there is **no change intended to the classification of the land** as part of this Planning Proposal. There is therefore no amendment to *Schedule 4 Classification and reclassification of public land* of the GM LEP 2009 and no public hearing (under the *Local Government Act 1993*) is anticipated during the course of this Amendment.

Council is requesting delegation to act as the Relevant Planning Authority for the purpose of this Amendment to the GM LEP 2009.

Part 1 – Objective and intended outcome

The objective of this planning proposal is to amend the *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009* by rezoning the four (4) lots (the 'subject site') from RU2 Rural Landscape to (see Figure 4);

- Part R5 Large Lot Residential zone, with a Minimum Lot Size of 1 Hectare, and
- Part E4 Environmental Living zone, with a Minimum Lot Size of 40 Hectares, and
- Part IN1 General Industrial zone, with no Minimum Lot Size, and
- Part RE1 Public Recreation, with no Minimum Lot Size

The intent of the PP is to:

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

The current zoning of the precinct as RU2 Rural Landscape is effectively redundant as the site is isolated from other rural land due to its location between the urban boundary of Goulburn to the north, and the Hume Highway to the south. The evolution of the proposed amendment in the context of Council's *Employment Lands Strategy (ELS) 2016* is further discussed in Section 3.1 of this report however the intended outcome is to contribute to the supply of land that considers this strategy but responds to the sites inherent constraints.

This reconfigured Planning Proposal also includes amending the zoning of part of the site (Lot 3 DP 1238214) from RU2 Rural Landscape to RE1 Public Recreation. This aspect of the proposed amendment is consistent with the *South Goulburn Endangered/Threatened Species Management Plan 2004* (context map below). The intended outcome is for appropriate land to be rezoned that can positively integrate with this management Plan. This aspect is further discussed in Section 3.1 of this report.

A Preliminary Site Investigation for the Council owned land identified 26 areas of environmental concern and recommended a Stage 2 Detailed Site Investigation (DSI) be undertaken. The preliminary findings of the PSI are discussed in Section 3.5 of this report. Council is currently in the process of engaging consultants to undertake the Stage 2 Detailed Site Investigation (DSI) report. The Stage two DSI will be forwarded to the Department of Planning, Industry and Environment upon completion in the New Year (2020). In this regard, the objective and intended outcome is to rezone those areas of the subject site that can be remediated to a level that will mitigate the risk to human health.

The initial intended outcome for this Planning Proposal was to develop the majority of the site for *employment generating land uses* (as recommended by the *Employment Lands Strategy 2016*). This would have put at considerable risk, the archaeological and ecological integrity of the site due to the necessity of extensive cut and fill for level/flat sites required by *employment generating land uses*. The intended outcome in this regard is to limit the extent of cut and fill that could impact on the integrity of these characteristics of the site. Archaeological consideration are further discussed in Section 3.6 Direction 2.3 Heritage Conservation of this report.

Consideration of the future development of the site within the intended zones and their ability to meet or exceed the NorBE test are discussed in Section 3.6 under Direction 5.2 Sydney Drinking Water Catchments.

Ecological considerations are discussed in more detail in Section 3.7 of this report. The reconfigured zone layout seeks to respond to this constraint, as raised above, by providing zones that have less invasive land uses. The Draft Site Specific Development Control Plan 2009 amendment also proposes to limit development within the area of ecological sensitivity. The intended outcome is to maintain the integrity of the EEC and rehabilitate it where practicable.

The site is located within the SDWC so the impact on water quality will be considered against the *Strategic Land and Water Capability Assessment (SLWCA)* data. Further detailed responses to these aspects are provided in Section 3.8 of this report. It is intended that the revised zoning and minimum lot size configuration, and the Draft Site Specific Development Control Plan, will guide development on the site to reduce the impact of overland flow on the receiving water of the Sydney Drinking Water Catchment.

The south eastern corner of the subject site is affected during the Peak Mean Flood (PMF) event (see Figure 17) adjacent to an existing water course. The future subdivision of the site will make a dwelling entitlement become available. This aspect of the Planning Proposal is briefly raised in Section 3.6 under Planning Direction 4.3 Flood prone land but is discussed in more detail in Section 3.8 of this Planning Proposal. The intended outcome is to limit the impact of flooding on any future works, including dwelling construction. This area may be retained by Council or be included in a plan of management as part of any subdivision to ensure its ongoing maintenance.

The subject site has also been identified in the revised Bushfire Prone Lands maps (2019) recently endorsed by the Rural Fire Service as being bushfire affected. This aspect of the site is briefly raised in Section 3.6 under Direction 4.4 Planning for Bushfire Protection but is discussed in more detail in Section 3.8 of this report.

Land use conflict of the proposed R5 Large Lot Residential land with adjoining industrial land uses to the north are considered in Section 3.9 of this report. The intended outcome is to minimise the potential for land use conflict by the use of buffer zones between dwellings and the adjoining business. The Draft Site Specific Development Control Plan mitigates the potential for land use conflict through noise abatement for residences however further revision in this regard may be required.

Zoning

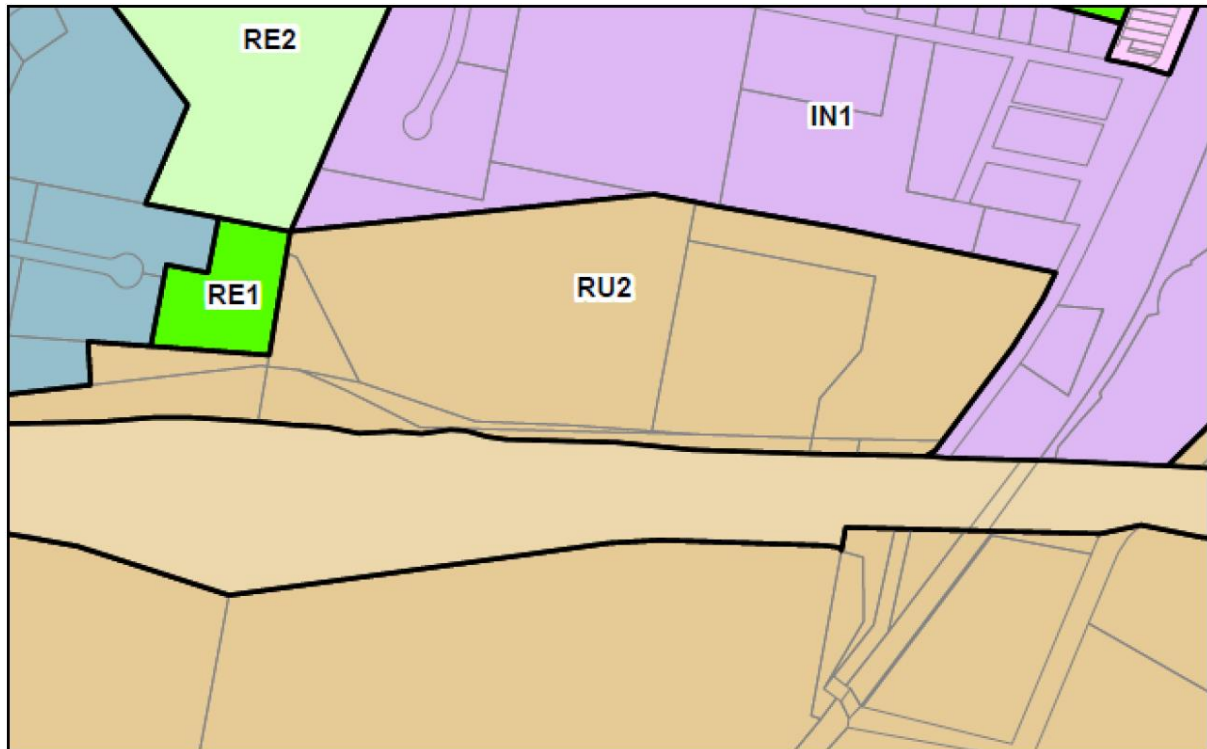


Figure 3 Extract of existing Zoning Map LZN_001E (N.B The cadastral boundary has not been updated to incorporate the registration of the DP for the Tait Lockyer Street connection)

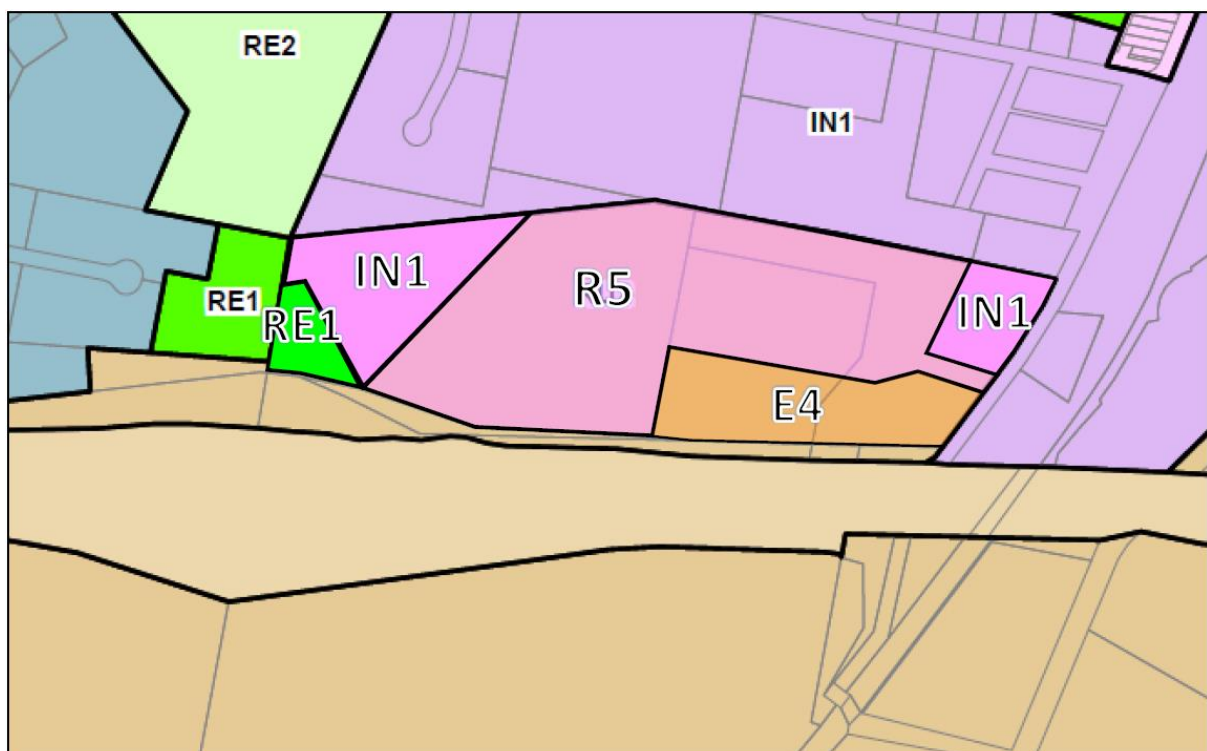


Figure 4: Overlay of proposed Zoning Amendment over extract of existing LSZ_001E under current resolution (N.B The cadastral boundary has not been updated to incorporate registration of the DP for the Tait Lockyer Street connection)

Minimum Lot Size

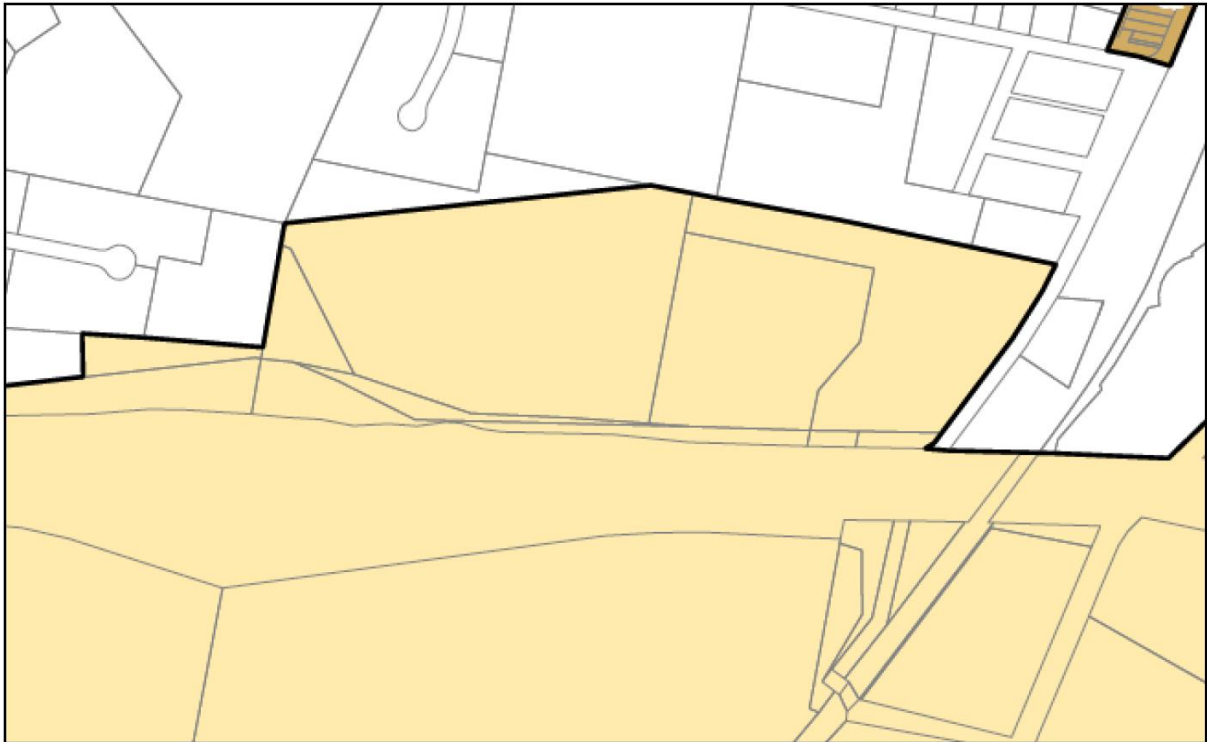


Figure 5 Extract of existing Lot Size Map LSZ_001E (N.B The cadastral boundary has not been updated to incorporate the registration of the DP for the Tait Lockyer Street connection)

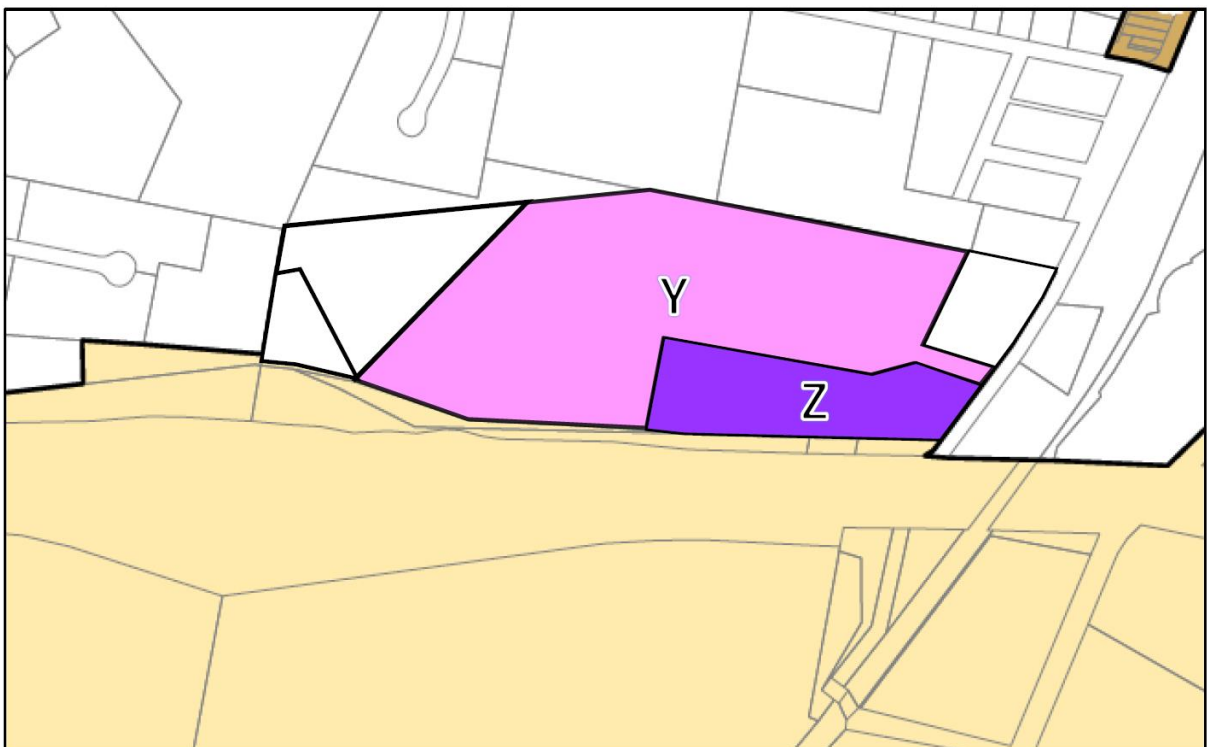


Figure 6 Overlay of proposed Zoning Amendment over extract of existing LSZ_001E under current resolution (N.B The cadastral boundary has not been updated to incorporate registration of the DP for the Tait Lockyer Street connection).

Part 2 – Explanation of Provisions

To achieve the intended outcome, the following amendments are proposed to the maps appended to *GM LEP 2009*:

- **Land Zoning Map Sheet LZN_001E:** Amend the zoning configuration of the subject lots by replacing the current RU2 Rural Landscape to Part R5 Large Lot Residential, Part E4 Environmental Living, Part IN1 General Industrial and Part RE1 Public Recreation under GM LEP 2009 as delineated above.
- **Lot Size Map Sheet LSZ_001E:** Amend the minimum lot size of all four (4) lots from 100 Hectares (AD) to:
 - Part 2,000 sqm (V = 2,000) under the area of Lot 2 DP 1238214 proposed R5 Large Lot Residential Zone,
 - Part 10,000 sqm (Y = 1 Ha)) under the area of (Lot 3 DP 1008818 and Lot 1 DP 1034565) proposed to be R5 Large Lot Residential,
 - Part two (2) Hectares (Z = 2 Ha) under the area of (Lot 3 DP 1008818 and Lot 1 DP 1034565) proposed to be E4 Environmental Living Zone, and
 - No minimum Lot Size (clear = no mapped minimum lot size) under the proposed area of RE1 Public Recreation Zone, and
 - No minimum Lot Size (clear = no mapped minimum lot size) under the proposed areas of IN1 General Industrial Zone.

As delineated above

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 three (3) strategic programs which identify and make recommendations in relation to the subject land. The proposed zone configuration responds to these strategies and the identified site constraints and intended future land uses under the proposed zones.

The *Goulburn Mulwaree Employment Land Strategy (ELS) 2016* (p17), identifies the land as the *South Goulburn Industrial Precinct*.

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 fund Council projects and has been adopted to identify sites (including the subject site) for disposal.

Employment Lands Strategy 2016 (ELS 2016)

The *ELS 2016* 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 *ELS 2016* was intended to progress the medium term recommendations of the HillPDA report, and Council, at that time recommending at p17:

‘Investigation to rezone the land to the south of Tait Crescent from a rural zoning (RU2 Rural Landscape) 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 19th February 2019 and resolved rezone the land from RU2 Rural Landscape to IN1 General Industrial and remove the 100 Hectare Minimum Lot Size under GMC LEP 2009 (except Lot 3 DP 1238214 to remain RE1 Public recreation).

The Council Resolution of 19th February 2019 reads as follows:

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 Water NSW (28th May 2019 - attached) to this version of the Planning Proposal assessed the site against Strategic Land and Water Capability Assessment (SLWCA) data and identified that the site was highly constrained in relation to water quality management. In particular, slope soil depth, proximity to water courses (riparian corridors).

Water NSW considered that slope was the biggest constraint to industrial development because Industrial sites require large flat areas for vehicle 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. When this treatment is located adjacent to first and second order watercourses at the headwaters of the Sydney Drinking Water Catchment, this poses an unacceptable risk to water quality.

In view of the potential risk, Water NSW 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.

The assessment of the subject Planning Proposal against the SLWCA data is discussed in more detail in Section 3.8 of this report.

South Goulburn Endangered/Threatened Species Management Plan 2004

This Management Plan 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 would make a positive contribution to the identified flora and fauna corridor.

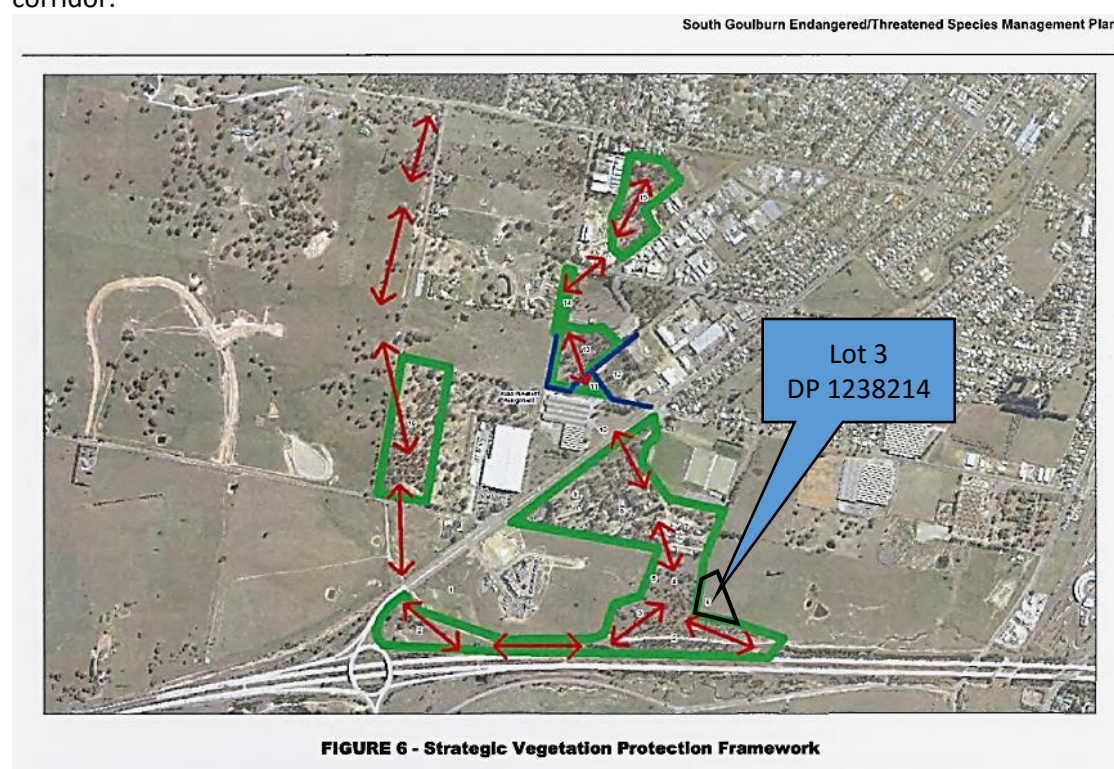


Figure 7 Extract of the South Goulburn Endangered/Threatened Species Management Plan 2004.

Asset Sales

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

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.*

**At that time, the creation of an easement over the private land was being negotiated with the owner to create the Tait Lockyer Street connection as per the recommendation of the ELS 2016.*

In support of the proposed sale of the land, after the intended rezoning, a concept plan of subdivision was drafted to indicate lot size, orientation and the proposed access. The draft plan of subdivision is identified as Figure 8.9.2 in the Draft Site Specific Development Control Plan 2009 amendment.

Including this concept plan of subdivision in the Draft Site Specific Development Control Plan will require any future development application for subdivision to have regard to its configuration however it is important to remember that further criteria (ecological significance, archaeological heritage and the extent of the identified areas of contamination) will also need to be considered.

This plan of subdivision and the subdivision of the adjoining land, and in particular the location of any future dwellings, will also need assessment in response to other site constraints such as slope (>18%) and proximity to water courses (riparian corridors).

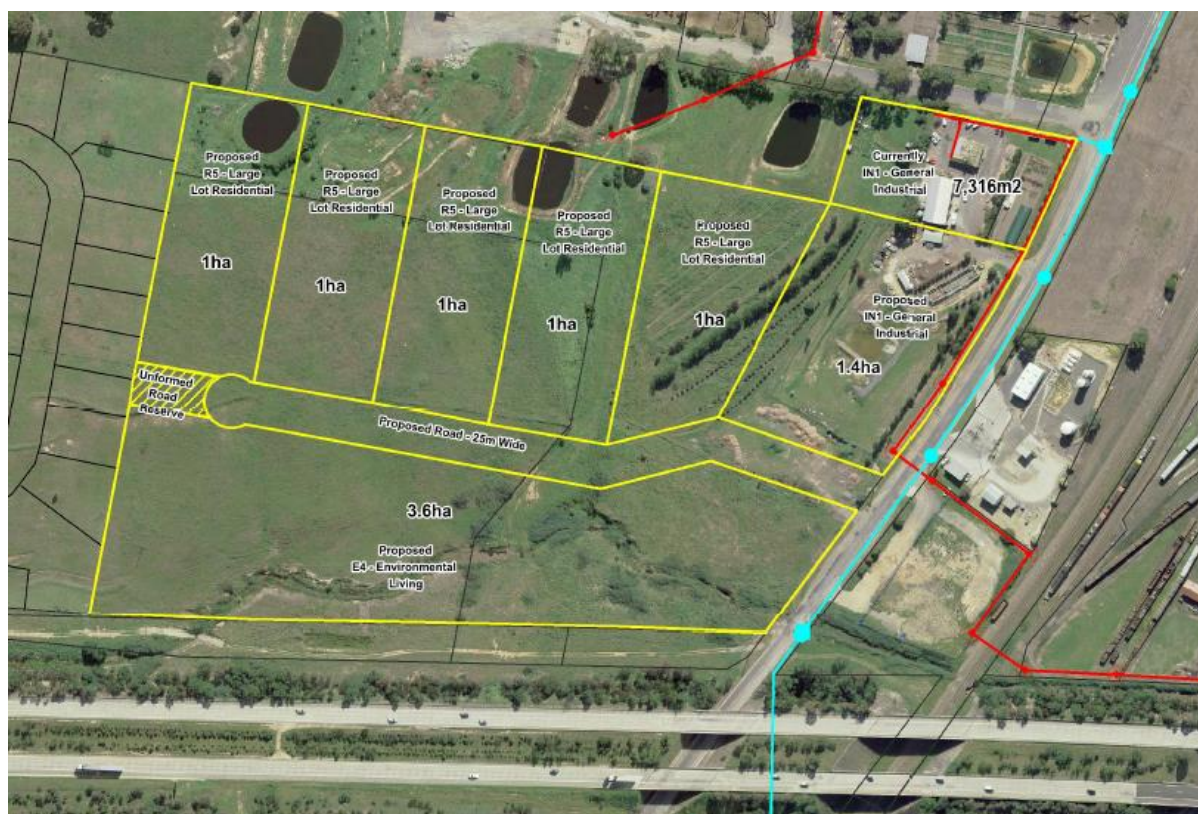


Figure 8: Concept Plan of Subdivision intended for the Council owned land.

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 fragmented from surrounding rural land by the Hume Highway and the township of Goulburn. It is firstly considered that the current schedule of land uses that are permissible in the current RU2 zone are not the highest and best uses of the land in this location.

The *Employment Lands Strategy 2016* initially identified the inappropriateness of the 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, further investigation and consultation with Water NSW has resulted in the area of industrial land uses being reduced and not suitable for the whole precinct.

Due to the site constraints and risks to water quality, the area of IN1 General Industrial zone is now 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 (see proposed lot configuration in Figure 4 and Figure 6).

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, highly erodability and flood affectation restricts the location of a dwelling.

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 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, and
- The potential for site contamination, and
- The likelihood and quality of the natural environment (the presence of native grasslands), and
- The likelihood of archaeological or indigenous heritage items.

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 there

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, and
- The technical reports submitted, and
- Responses to the remaining Sections of this report, and
- The intentions of Council for the site shown by the resolution of 20th 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).

While the intention of this proposed amendment is to rezone land from RU2 Rural Landscape to a combination of R5 Large Lot Residential, E4 Environmental Living, IN1 General Industrial and RE1 Public Recreation, it is considered that the current proposal will achieve the relevant goals of the *South East and Tablelands Regional Plan* (SETRP) while balancing the site's potential against the inherent site constraints and characteristics and minimising the impact on the natural environment and human health.

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 and 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 DCP controls can make provision for controls to be put in place to protect the ecologically sensitive area.

the affected area provide that no structure is to be erected in the 'exclusion area' unless the structure actively facilitates or does not affect the conservation of the native grasslands contained within. Further investigation by Council's Ecological adviser maps the location of native grasslands and this could be included in the proposed Site Specific provisions of the proposed amendment to the *Goulburn Mulwaree Development Control Plan 2009*. Including this underlay would prompt the need for a Biodiversity Assessment Report (BDAR) for any future development applications for the affected areas of the site.

The subject land is located within the Sydney Drinking Water Catchment and further important environmental assets are discussed later in this PP.

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 Water NSW 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. Discussion of actions to secure water resources are discussed later in this PP.

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 (subject to the recommendations of the Preliminary Site Investigations). While there is the potential for land use conflicts with surrounding land uses, including the Hume Highway, the surrounding uses are existing and any intending purchaser should be aware of their proximity before purchase of the land and development of a site. Given its elevated position, the proposed R5 Large Lot Residential portion of the site provide opportunities for innovative design to work within the site characteristics and constraints.

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 Water NSW and to consider the intensity of future development on the site and water quality. This reconfiguration has also considered the potential PMF flood impacts identified in the southeast corner of the site and been revised accordingly.

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*.

Comments from Council's Ecological advisor maps 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 could be included in the Draft Site Specific Development Control Plan 2009 and therefore any development application would trigger a Biodiversity Assessment Report due to its size (> 1 Hectare).

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 and *Home Occupations* which are permissible with consent in the R5 Large Lot Residential zone and E4 Environmental Living zone in this precinct.

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 of 2 parts of the site to IN1 General Industrial will improve the connectivity of some of the land to road infrastructure and is therefore aimed at achieving this objective.

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 20th 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*.

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.

Council is however mindful of the constraints the site has and therefore located an area identified as flood prone (PMF event) and native grassland vegetation, for less intensive land uses by rezoning this portion of the site to E4 Environmental Living under GM LEP 2009.

The land is generally located between the Hume Motorway and existing industrial land uses. With the addition of the Site Specific provisions to be included in GM DCP 2009, 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 Lands 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 ELS 2016 by rezoning appropriate portions of the land around the new road connection and Sloane Street to IN1 General Industrial under GM LEP 2009.

The discussion and response to the issues raised at Section 3.1 and summarised at Section 3.2 '*Is there a better way...*' identifies that this is a satisfactory outcome in the context of the *ELS 2016*, 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

The subject site contains seven (7) dams. Five (5) of these are on Lot 2 DP 1238214 (private) and two (2) on Lot 1 DP 103456 (Council owned).

The privately owned land (Lot 2 DP 1238214) has been identified by Council records (though not on the Environmental Protection Authorities register) as being 'Significantly Contaminated'. A Stage One Preliminary Site Investigation (PSI - attached) submitted by the proponent for that site has established that the probability of gross chemical contamination is Nil to Low. This should not prevent the proposed amendment from proceeding.

Preliminary advice from Water NSW advised that a dam adjacent to the northern boundary of the privately owned land may also pose a contamination risk. The PSI for the adjoining site recommends that prior to backfilling of this dam reference should be made to Excavated Natural Materials Order 2014 due to the presence of anthropogenic materials.

A PSI on Council's land has identified twenty five (25) areas of concern (Figure 8 below) (Note AEC 26 is outside and downslope of the area the subject of this Planning Proposal). The conclusion of the report is that a Stage Two (2) Detailed Site Investigation (DSI) is required. Council is in the final stages of engaging consultants to undertake the DSI on its land. This report will be provided to the Department of Planning, Industry and Environment upon completion. Council is committed to full disclosure of this information to the public due to the intention to dispose of land that is surplus to Council's needs to fund infrastructure upgrades therefore the exhibition of the Planning Proposal will include the report of the Stage 2 Investigation.

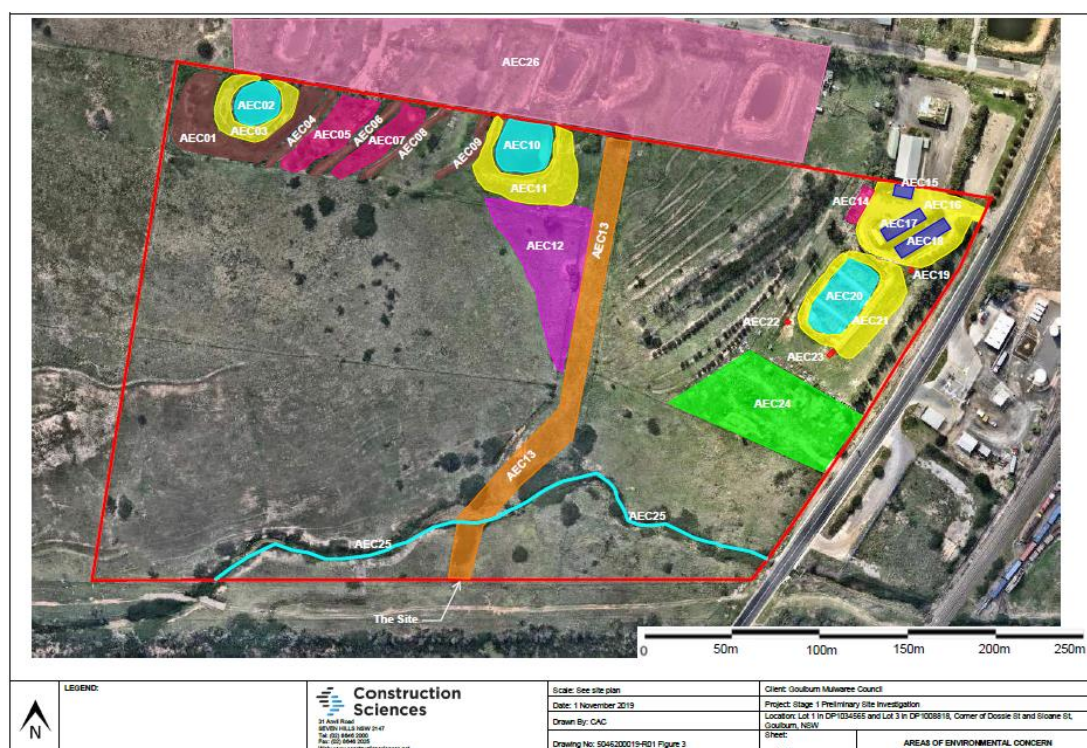


Figure 9 Stage 1 Preliminary Site Investigation map of areas of concern.

The Stage 2 Detailed Site Investigation will confirm the extent of contamination (if any) and the possibility of remediation.

Subject to confirmation of the above DSI and that report's recommendations, any future development application will require a remedial action plan for any change of land use of areas AEC01-AEC13 detailing the extent of remediation required under SEPP 55 to make it suitable for a proposed change of land uses permissible in the R5 Large Lot Residential and E4 Environmental Living zone under GM LEP 2009 and prior to it being approved. Alternatively this may include restricting access to these areas of the site.

If areas AEC14-AEC24 are identified as being contaminated, any future development application will require a remediation action plan to be lodged to address the extent and level of contamination required to make it suitable for a proposed change of use in the IN1 General Industrial under GM LEP 2009.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

As required by the s9.1 Planning Directions, WaterNSW has been consulted because the subject site is located in the Sydney Drinking Water Catchment (SDWC) area. Their response is, dated 28 May 2019. The image below identifies the subject land and its location and sub-catchment in the broader Sydney Drinking Water Catchment.



Figure 10: The subject site's (yellow) sub-catchment (green) in the Sydney Drinking Water Catchment.

Although the response from Sydney Water 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 identifies a number of constraints and an assessment against Strategic Land and Water Capability Assessment criteria (SLWCA). The current configuration of the proposed zones (R5 Large Lot Residential, E4 Environmental Living, IN1 General Industrial & RE1 Public Recreation) is in response to this initial consultation. A detailed response to this data is included at Section 3.8 of this report.

In terms of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, it is considered that the reassignment and reconfiguration of proposed zones responds

more favourably to the sites characteristics and 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 but will require less 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 suitable stormwater network, with the cost recouped through an effective Stormwater Contribution, Voluntary Planning Agreement or Works in Kind agreement.

The next lower precinct of R5 Large Lot Residential zoned land (Part Lot 2 DP 1238214) has an area of approximately 8.73 Hectares and will have a minimum lot size of 2,000 sqm and is estimated to yield 25 lots (in total). This area is intended to be serviced by a reticulated sewer however the substantial lot size (for a residential dwelling) will allow for permeability and landscaping and works associated with residential construction (including on-site water storage) to minimise cut and fill and minimise the volume and velocity of overland flows that would pose a risk to the natural drainage network.

The area below this (Part Lot 3 DP 1008818, Part Lot 1 DP 1034565) proposed to be zoned part R5 Large Lot Residential and part E4 Environmental Living, have areas of approximately 4.93 Hectares and 3.91 Hectares respectively.

Water NSW noted, three (3) of the dams on the private land are linked by a mapped *first order water course*. The history of land use on this site indicates that these have been used for stock watering, however any development of this site would need to consider its proximity to this water course. Council is intending on initiating a further Planning Proposal to include a 'riparian corridor' clause in the *Goulburn Mulwaree Local Environmental Plan 2009*. As an interim measure, a similarly worded provision could be included in the Draft Site Specific Development Control Plan to be incorporated into the *Goulburn Mulwaree Development Control Plan 2009*.

The costs of any stormwater infrastructure could be recouped through Development Servicing Plan (DSP) charges, a Works in Kind Agreement or a Voluntary Planning Agreement.

The subject PP is therefore considered satisfactory with regard to the SDWC SEPP 2011

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

The subject site is largely devoid of any trees however there are some important points to note. 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. The Goulburn Mulwaree Development Control Plan (DCP) 2009 does not identify the land as a biodiversity hotspot which supports the minimal contribution the existing vegetation makes.

An initial assessment of the Council owned land was provided by Council's Ecological adviser on 12 July 2019. This assessment identified an area of native grassland which resulted in a preliminary notation being included in Draft Site Specific Development Control Plan being proposed in support of the subject amendment.



Figure 11: Current notation in the Draft Site Specific Development Control Plan 2009.

A further more detailed assessment, provided by Council's Native Vegetation Officer of the Council owned land, on 7th Nov 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.

Subject to appropriate controls being included in any Draft Site Specific Amendment to the DCP 2009, the subject Planning Proposal is considered consistent with the Vegetation in Non-Rural Areas SEPP 2017.

State Environmental Planning Policy 44 (Koala Habitat Protection)

The SEPP 44 applies to the site as it applies under Schedule 1 in the Mulwaree Shire (though Goulburn is not listed) however, although no data was collected on the presence of *Phascolarctos cinereus*, the absence of foraging trees, and the predominance of cleared land for Koala's effective survival, limits the likelihood of any habitation. To offset any negative impacts of the development of the majority of the site, Lot 3 DP 1238214 is identified as part of a fauna corridor and will assist in retaining habitat corridor for fauna.

The Hume Motorway presents a major barrier for all fauna, excluding birds, and there are limited (if any) devices installed to facilitate fauna migration.

State Environmental Planning Policy 64 (Advertising and Signage)

No signage is proposed as part of the proposed amendment however with the proposed amendment to part R5 Large Lot Residential, part IN1 General Industrial and E4 Environmental Living it is possible that development applications for advertising signage will be submitted in future. Clause 31 of the SEPP 64 – Advertising and Signage requires that *‘In the preparation of a draft local environmental plan under Division 4 of Pat 3 of the Act that makes provision for or with respect to signage or advertising to which this Policy applies within 250 metres of a classified road, a council should consult with RMS.’*

It is considered that the subject Planning Proposal should be referred to the RMS prior to public exhibition. Any response from the RMS would also assist in developing a suitable set of criteria to be contained in a site specific Development Control Plan to mitigate the impact of any signage or advertising on road users of the Hume Motorway.

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>This Direction applies as the PP proposes to rezone the subject land from RU2 Rural Landscape zone to part IN1 General Industrial, part R5 Large Lot Residential and Part E4 Environmental Living zone under GM LEP 2009.</p> <p>The PP gives effect to the objectives of the Direction by providing a small amount of additional employment land in a strategically identified location. The GM <i>ELS 2016</i> identifies the site for investigation for <i>employment generating uses</i> to ultimately address demand for industrial zoned land.</p> <p>The PP will retain areas and locations of existing businesses and industrial centres and does not propose to alter by way of reduction the total potential floor space area for employment uses and elated public services in business zones or industrial uses in industrial zones.</p> <p>The subject PP is consistent with the terms of the Direction</p>	Yes
1.2 Rural Zones	<p>This Direction applies as the PP 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 GM LEP 2009. The PP is potentially inconsistent with the Direction in that the PP will result in a loss of rural zoned land.</p> <p>The net loss to rural zoned land is also considered minor when considering the existing rural zoned areas within the LGA and in particular with regard to its location within the urban boundary.</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
1.5 Rural Lands	<p>This Direction applies as the PP 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 2009.</p> <p>Given the location of the site, and the identification of it in Council's employment Lands Strategy2016 for <i>employment generating land</i> 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 PP is potentially inconsistent with the Direction in that it will result in a loss of rural lands through proposed loss of</p>	Justifiably Inconsistent

	<p>RU2 Rural Landscape zoned land however due to the location of the site, Council has considered the potential impacts (particularly on the SDWC) and considers that the loss of Rural Land is justifiably inconsistent.</p>	
2.3 Heritage Conservation	<p>An AHIMS search (Appendix 1) by Council did not reveal any items or sites on the subject land but did note the presence of sixteen (16) sites in the vicinity. An Aboriginal Due Diligence Assessment, provided by the proponent for the privately owned land identifies three (3) potential Aboriginal heritage sites.</p> <p>In relation to Aboriginal cultural heritage, the Due Diligence Assessment provided by the adjoining owners (attached) undertaken initially identified one Aboriginal heritage site (51-6-0019) but no areas of Potential Archaeological Deposit (PAD). After a field survey was undertaken, an additional two Aboriginal heritage sites were identified (51-6-0844 and 51-6-0845) with associated areas of Potential Archaeological Deposit.</p> <p>Two recent studies by Council, <i>Heritage Study Review (HSR, January 2018)</i> and <i>Goulburn Mulwaree LGA Aboriginal Heritage Study (GM AHS, January 2012)</i> had not identified specific Aboriginal Heritage sites related to the subject land. Section 5.4 of the GM AHS 2012 makes it clear that not all cultural heritage sites should be mapped. As a result, a blanket distribution notation of potential Aboriginal artefacts (Figure 6.2) is applied to the whole of Goulburn. Similarly, Section 3.1.3 Related Places and Sites of the <i>HSR 2018</i> does not identify specific locations for aboriginal artefacts.</p> <p>However in response to the recommendations of the <i>Heritage Study Review 2018</i> the controls contained in Section 3 of Council's Development Control Plan have been reviewed and revised to provide a methodology for proceeding with development and specifically a new <i>Appendix A Criteria for the Assessment of Heritage Significance of Aboriginal Sites</i>.</p> <p>The review of Section 3 of the GM DCP 2009 incorporated an <i>unexpected finds protocol</i> as per the relevant OEH Guidelines into Section 3 of the GM DCP 2009. The amendment to the DCP 2009 took effect on 26th January 2019 and would be effective at the development application stage.</p> <p>Further details regarding the significance of the site are provided in Section 3.9 of this PP.</p> <p>It is considered that the subject PP is consistent with this Direction because it satisfactorily addresses Direction 2.3(5a).</p>	Justifiably Inconsistent

3.1 Residential Zones.	<p>This Direction is applicable to the subject PP. The PP is considered consistent with this direction because sufficient measures and processes have been put in place, or are in draft form (ie The Draft Housing Strategy and the proposed Site Specific DCP provisions to be incorporated into the GM DCP 2009).</p> <p>The above strategic planning instruments and proposed amendment to the GM DCP 2009 is consistent with the provisions of Direction 3.1(6).</p>	Yes
3.4 Integrating Land Use and Transport	<p>This Direction applies as the PP alters zones relating to Residential, Industrial and Environmental zoned land. The PP is justifiably inconsistent with this policy because it is consistent with Direction 3.4(5c). Whereas the site characteristics and constraints limit the potential for more intensive development adjacent to the Freight corridor of the Hume Motorway. The PP is however consistent with this Direction because it goes some way to implement the recommendations of the <i>Employment Land Strategy 2016 (ELS 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 Planning Proposal reduces the area of land to be rezoned from RU2 to IN1 General Industrial but locates these areas adjacent to connections that would support this Planning Direction and provide suitable integration of transport and land use.</p> <p>The subject PP is consistent with the terms of this Direction.</p>	Yes
4.1 Acid Sulphate Soils	<p>This Direction applies as the subject land is mapped as low probability of occurrence of acid sulphate soil risk by the NSW Office of Environment and Heritage mapping (see Figure 20). Both parties, Council and the adjoining private landowner are in the process of undertaking Preliminary Site Investigation under SEPP 55 to establish the extent, if any of contamination. It is considered that these investigations should identify any Acid Sulphate Soil affects. Further assessment of acid sulphate soils will be undertaken at the development application, if determined necessary.</p> <p>The subject PP is justifiably inconsistent with this Direction in that it is of minor significance.</p>	Justifiably Inconsistent
4.2 Mine Subsidence and Unstable land	The subject land is not included in a proclaimed Mine Subsidence District nor is it identified as unstable land.	NA
4.3 Flood Prone Land	The south eastern corner of the site is identified as being subject to the effects of flooding during the Peak Mean Flood (PMF) event under its current mapping (2016)(see Figure 17). In response to this circumstance and other environmental factors, Council has proposed to rezone this area, and further up the watercourse, to E4 Environmental	Justifiably Inconsistent

	<p>Living and limit the extent of future subdivision by applying a minimum lot size of 2 Hectares.</p> <p>Council is currently in the process of updating its flood mapping.</p> <p>The extent of the flooding is considered minor and Council has taken appropriate measures to address this by rezoning the 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.</p>	
4.4 Planning for Bushfire Protection	<p>This Direction applies to the subject land because it is mapped as being within the designated bushfire risk area by the NSW Rural Fire Service (RFS) mapping (see Figure 18).</p> <p>The PP will seeks to rezone the subject land from RU2 Rural Landscape to part R5 Large Lot Residential, part RE1 Public Recreation, part E4 Environmental Living and part IN1 General Industrial zone. The result of the PP will allow for the land to be subdivided to provide a limited amount of residential and industrial land uses and maintain areas of ecological and environmental significance.</p> <p>The provision for suitable Asset Protection Zones and other bushfire mitigation measures as per the NSW RFS <i>Planning for Bushfire Protection Guidelines (PfBP) 2006</i>, can be incorporated into the proposed Site Specific Amendment to the GM DCP 2009 to ensure that the objectives of this Direction are met.</p> <p>As part of the Gateway process, it is recommended that the NSW RFS be consulted prior to commencing any community consultation on the PP. It is considered however that the proposal can meet the provisions of subsection (6) of this Direction subject to formal NSW RFS advice and the incorporation of this advice into any Site Specific amendment to the GM CP 2009.</p> <p>In the current circumstances the subject PP is considered to be justifiably inconsistent with the terms of the Direction.</p>	Justifiably Inconsistent.
5.1 Implementation of the Regional Strategies	<p>This Direction applies as the subject land is located within the Goulburn Mulwaree LGA and is included in the South East and Tablelands Regional Plan (SETRP).</p> <p>The PP gives effect to the Regional Strategy's vision, land use strategy, policies, outcomes and actions:</p> <p><i>Direction 1: Leverage access to the global gateway of Canberra Airport:</i> The subject site has the potential to leverage good access north and south bound to the Hume Motorway Interchange and transport facilities further afield (Canberra Airport) via Garoorigang Road and Tait Avenue. It</p>	Yes

	<p>also has the potential to provide good access to existing railway infrastructure located at Goulburn.</p> <p><i>Direction 4: Leverage growth opportunities from Western Sydney:</i> Similarly good northbound access is provided via the existing Hume Motorway Interchange.</p> <p><i>Direction 8: Protect important agricultural lands;</i> While the intention of this proposed amendment is to rezone land from RU2 Rural Landscape to IN1 General Industrial to achieve the intended outcome, there are land uses that would be <i>entirely appropriate</i> in this location particularly with regard to its proximity to the Hume Motorway. Having said that, the site has been zoned RU2 for some time and there has been no interest in developing the site for land uses that are permissible in the RU2 Rural Landscape zone.</p> <p>It should also be noted that the subject site is not mapped or identified as important agricultural lands and the existing site constraints provide limited potential for a substantial agricultural venture. It is considered that the location of the site would provide a better opportunity in facilitating the provision for housing and a good connection for the distribution and supply of goods and services and employment for our region on land zoned IN1 General Industrial.</p> <p><i>Direction 11: Enhance strategic transport links to support economic growth,</i> as outlined above, there are good existing accesses to north and south bound transport links to support economic growth. However given this sites inherently good existing transport connections, <i>Action 11.1</i> makes improving the capacity of freight networks a priority.</p> <p>The subject PP is consistent with the terms of this Direction.</p>	
5.2 Sydney Drinking Water Catchments	<p>The subject PP is located on land which is within the Sydney Drinking Water Catchment.</p> <p>The subject PP has been preliminarily referred to WaterNSW to seek confirmation that future development can achieve a neutral or beneficial impact on water quality. The impacts of the proposed rezoning under the current resolution are addressed below in Section 3.7.</p> <p>The subject PP is not inconsistent with this Planning Direction.</p>	Yes
5.10 Implementation of Regional Plans	<p>Addressed above and at Section 3.3.1 of this report.</p> <p>The subject PP is consistent with the Regional Plan.</p>	Yes
6.1 Local Plan Making	<p>This Direction applies to the PP. The PP does not propose any provisions that will require additional concurrence or referral requirements of the future development of the subject site.</p>	Yes.

	The subject PP is consistent with this Direction	
6.2 Reserving Land for Public Purposes	<p>Council resolved on 20th November 2018 that Lot 1 DP 1034565 and Lot 3 DP 1008818 are no longer required for strategic or operational purposes (see page 9 above).</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 PP.</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 subject PP is consistent with this Direction.</p>	Yes
6.3 Site Specific Provisions	<p>This Direction does not apply to the PP 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 Water NSW, the additional 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 (attached).</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 2009.</p> <p>To this extent it is considered that the subject PP is consistent with this Direction.</p>	Yes
Section 7	Metropolitan Planning	NA

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?

The subject land identified for rezoning is currently located between an existing industrial precinct (zoned IN1 General Industrial) and the Hume Motorway. The existing zone is RU2 Rural Landscape, predominantly consists of grassland, with a downslope (<20%) running from the west to the east (towards Sloane Street). The land is currently unused for any purpose. It is occupied by seven (7) dams, 3 on Council land, four (4) on the privately owned land.

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 (and also overlaps onto the privately owned land. These are discussed in more detail below.

The Office of Environment and Heritage High Environmental Values Map (notated below in yellow) identifies the site in the context of the South East Tablelands Regional Plan. It does not identify the site or land in the vicinity as being of High Environmental Value.

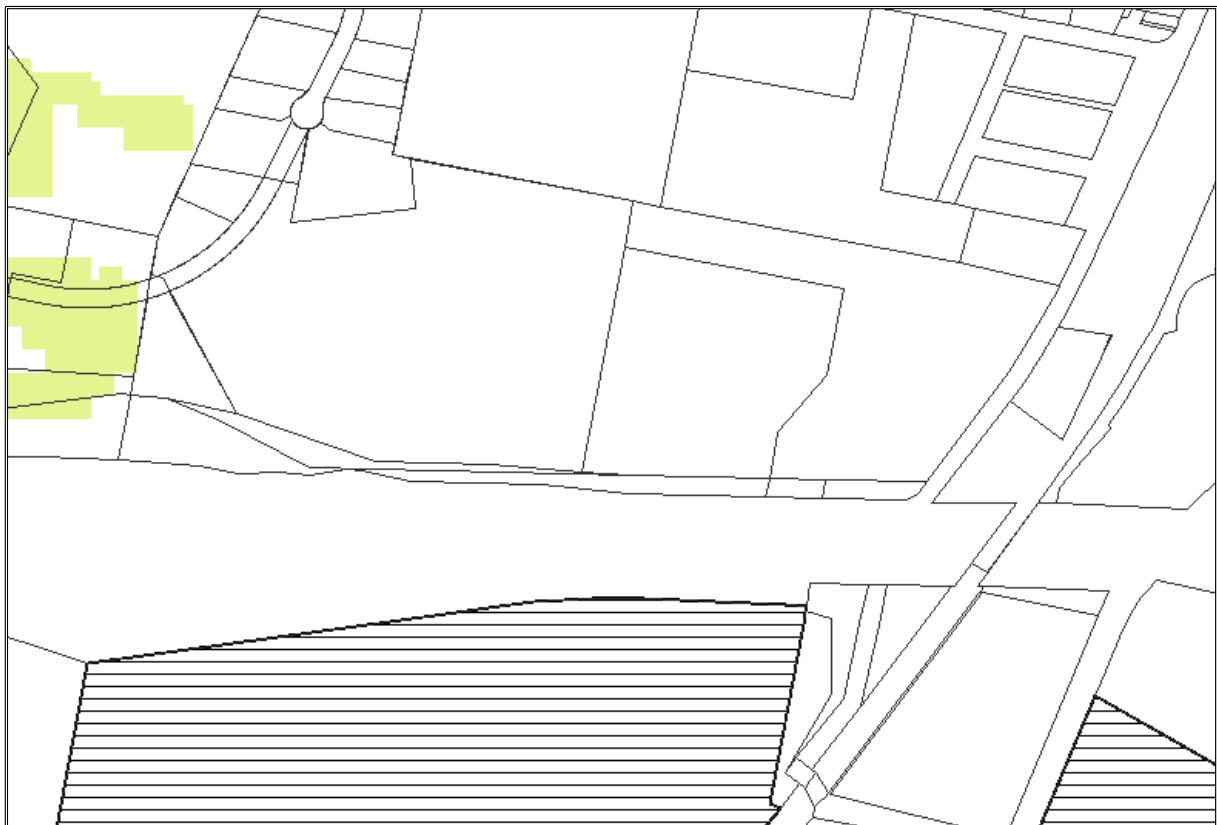


Figure 12: The site is not identified in the High Environmental Values that notates the environmental values of the South East Tablelands Regional Plan (SETRP)

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).*

Ecological Assessment (Council owned land)

The initial assessment provided by Council's Adviser on 12 July 2019, noted the presence of an area of Native Grassland on the Council owned land. These comments also noted significant areas of exotic species (see Figure 8 below). These initial findings resulted in a notation being included in the Draft Site Specific Development Control Plan in support of the subject Planning Proposal.

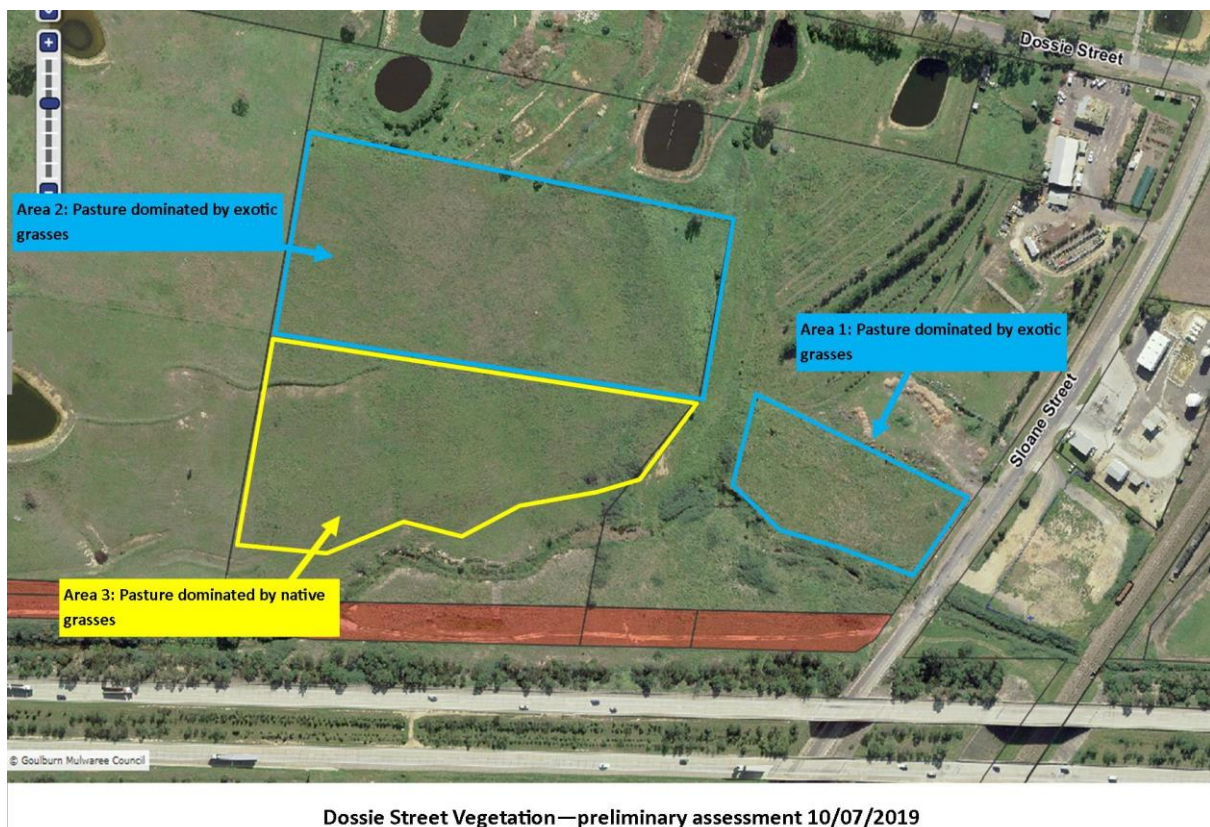


Figure 13: Preliminary Ecological Assessment

This site inspection was brief due to time constraints. Time of year is also not ideal for flora surveys, as many species are dormant in winter.

It is highly recommended that a follow up flora survey be conducted, particularly in Area 3 in late spring/early summer as this area appears to comprise relatively undisturbed native grassland with a high likelihood of presence of a range of native plant species, which could include threatened species.

Given the extent of area and the time of year further comments were requested in November 2019.

Further comments provided by Council's Ecological Adviser on 4 December 2019 clarified the extent of native grassland as shown below in Figure 2 of the advisers later comments.

Figure 2: Approximate area dominated by native grassland species

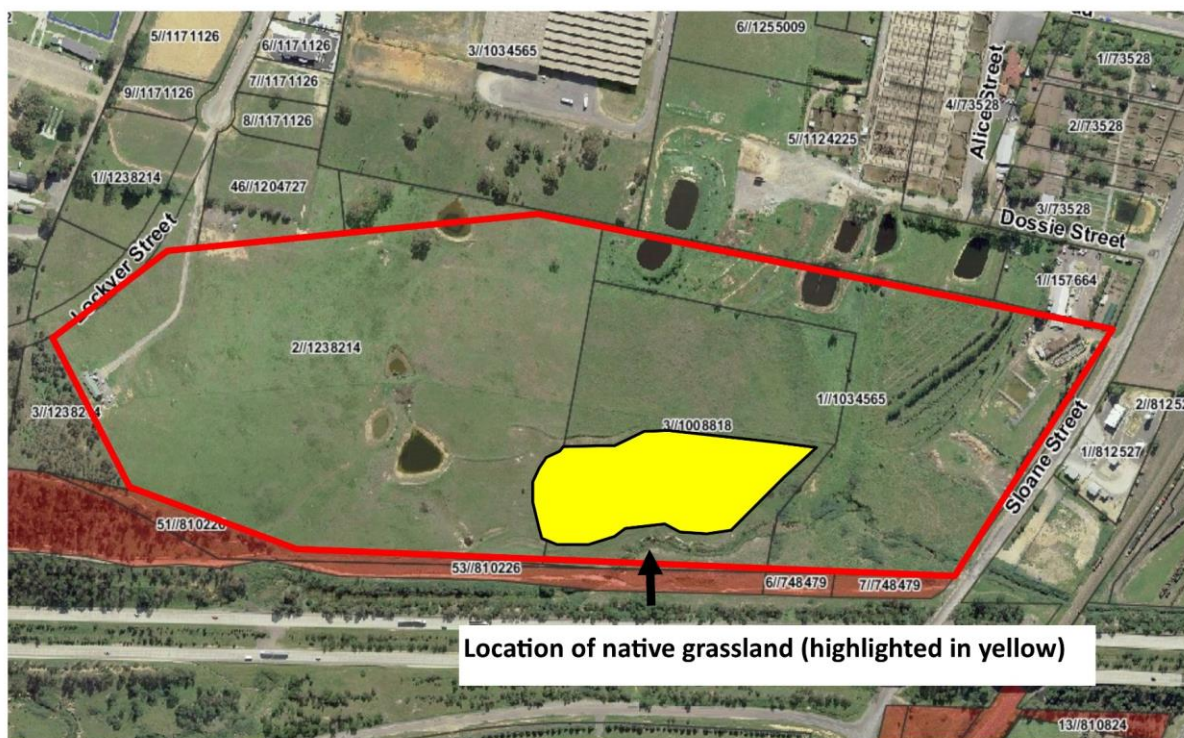


Figure 14 Extent of native grassland located on the subject site.

Council's Ecological Adviser noted that the identified area meets the criteria for classification as an EEC 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 Ecological Adviser 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.

As a result of the later comments it is likely that the figure included in the Draft Site Specific Development Control Plan 2009 above (Figure 11) will likely require revision, as may the concept subdivision plan for the site (Figure 8).

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 subject site contains a number of constraints that combined, present a likely impact on water quality. Compounding this risk is the potential for site disturbance and future land uses to exacerbate the impact.

An assessment of the subject land using Strategic Land and Water Capability Assessment data (SLWCA) (Below Figures 11 – 15) indicate that the proposed rezoning of the subject site to include part R5 Large Lot Residential, part IN1 General Industrial, part E4 Environmental Living and part RE1 Public Recreation, in conjunction with other statutory controls, Site Specific Development Control Plan provisions and the provision of reticulated water and sewer would present a **moderate** risk to water quality. The factors affecting water quality being:

- Slope
- Stream Proximity
- Erodability, and
- Soil Depth

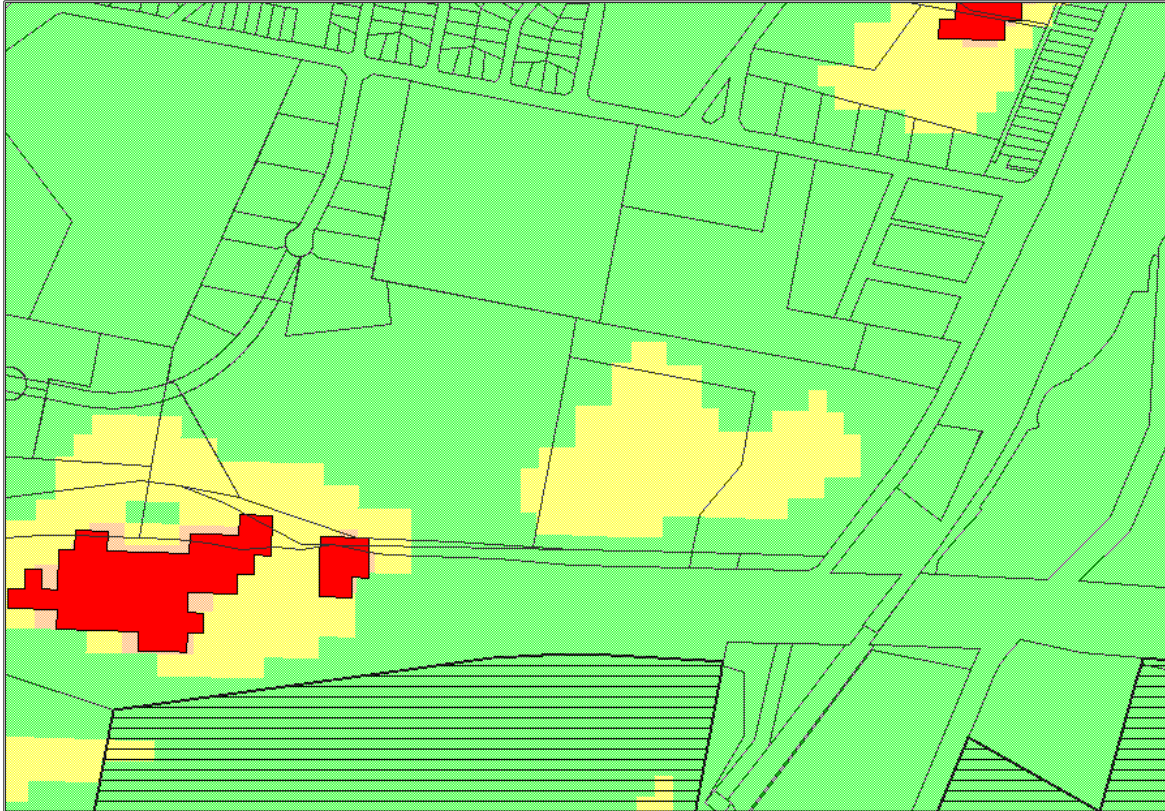
Slope

The SLWCA data provided by Water NSW identifies areas of the site with a slope between 15-20% (shown Yellow) presenting a moderate risk to water quality (below).

In view of this, Water NSW have recommended that a site specific Development Control Plan include provisions for lots greater than 4,000 square metres so that suitably scaled devices can be installed to restrict the volume and velocity of overland flows leaving the a site and entering the stormwater drainage system (the proposed minimum lot size on that part of the site to be rezoned R5 Large Lot Residential will have a minimum lot size of 1 Hectare). The slope of the site combined with a greater frequency and intensity of significant storm events anticipated with climate change, would need to operate at an appropriate design capacity to mitigate the risk to the riparian system.

Slope will also have an impact on the design and site configuration of development. The extent of the slope of the subject site will require cut and fill with the gradient of the site requiring civil works to minimise the loss of developable land. This is proposed to be managed on a case by case basis.

Figure 9 Slope (Figure 15)



Slope Risk Classification:

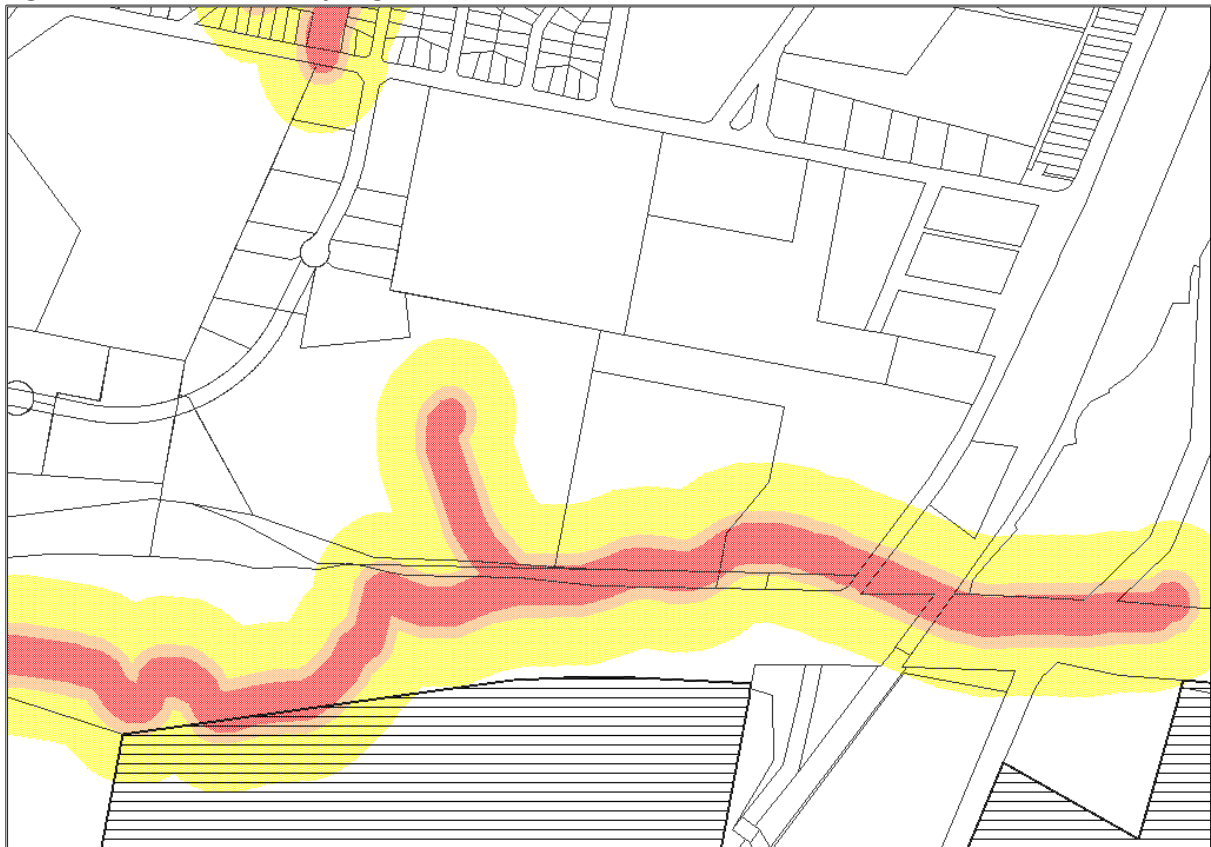
Green = Low No Risk
Yellow = Moderate Risk
Pink = High Risk
Red = Extreme Risk

Stream Proximity

The figure below delineates that a significant area of the site is restricted by the presence of a water course and intermittent drainage channel. The Neutral or Beneficial Effect test requires a minimum distance from any natural water course or water body of 40 metres (the red area). Any development within this area presents a risk to water quality. Although these maps are generic (applying to all land uses types including sewer residential), there are measures that can be applied to achieve a Neutral or Beneficial Effect on water quality. The NorBE guidelines require that if any development is within this boundary it presents an extreme risk and the development must be reconfigured to avoid it. This would include development for the purpose of subdivision and public infrastructure such as roads. Council's site specific Development Control Plan should include measures to avoid development in proximity to the existing water courses.

Despite certain exemptions and exclusions under the NorBE assessment guidelines, the extensive area of the notation indicates that the site is limited by the location of the existing streams and watercourses. It will also restrict any proposed subdivision layout. The risk must therefore be delineated and be reflected in any development controls applicable to the site. The proposed subdivision layout (Figure 8), the proposed Site specific development controls (Appendix 3) and application of the E4 Environmental Living Zone, will go some way to mitigating the risk to water quality.

Figure 10 Stream Proximity (Figure 16)



Stream Proximity Risk Classification:

- Clear = Nil Risk
- Yellow = Moderate Risk
- Pink = High Risk
- Red = Extreme Risk

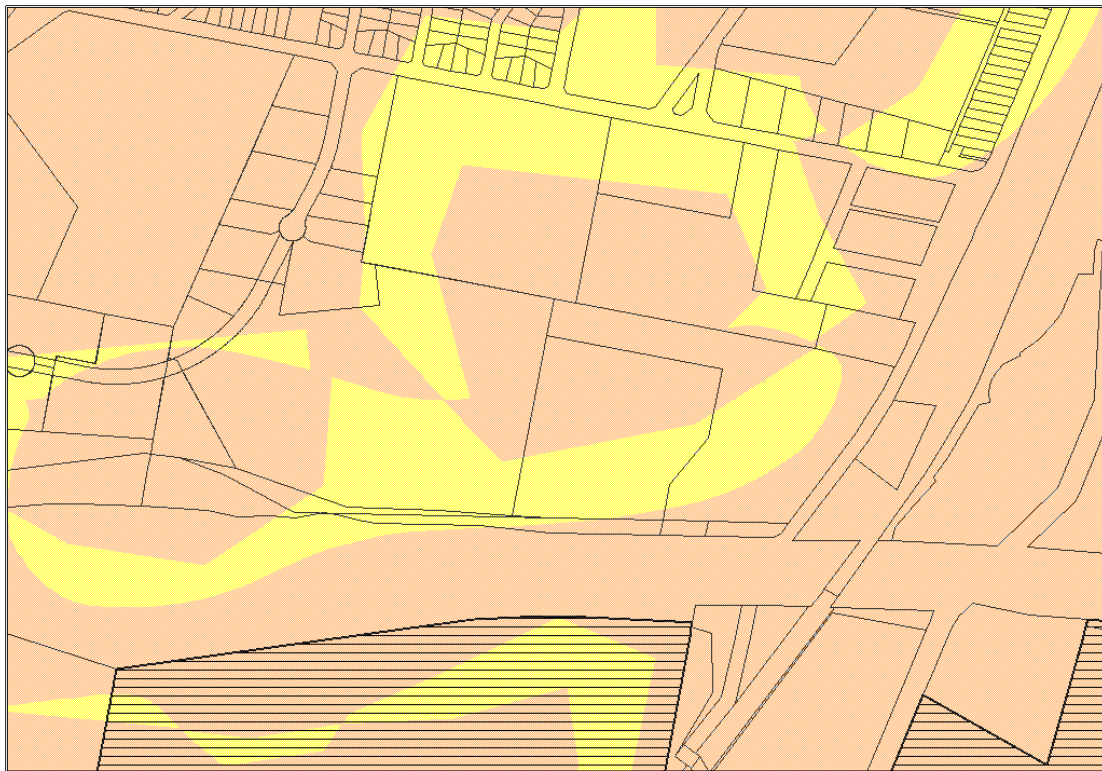
Erodability

The SLWCA mapping data presented below presents the risk to water quality of the site from erosion in its current state. The potential for the site to be developed would exacerbate this risk particularly where earthworks and any vegetation is removed to expose top soil. The slope of the site, discussed above, and the proximity of water courses to any development area, would further exacerbate the risk from Erodability and highlights the commensurate need to provide erosion and sediment control measures, both during any construction phase and for the ongoing management of the site. The need to assess and address this for any development would mean that these measures would need to be incorporated into the development or the development be designed to mitigate these risks.

Clause 7.1A Earthworks of the Goulburn Mulwaree LEP 2009 supports protecting the risk to water quality particularly at 7.1A (3) before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (c) The quality of the fill or top soil to be excavated,*
- (g) Proximity to and potential for adverse impacts on any water course, drinking water catchment or environmentally sensitive land*

Figure 11 Erodability (Figure17)



Erodability Risk Classification:

- Green = Low Nil Risk
- Yellow = Moderate Risk
- Pink = High Risk

Soil Depth

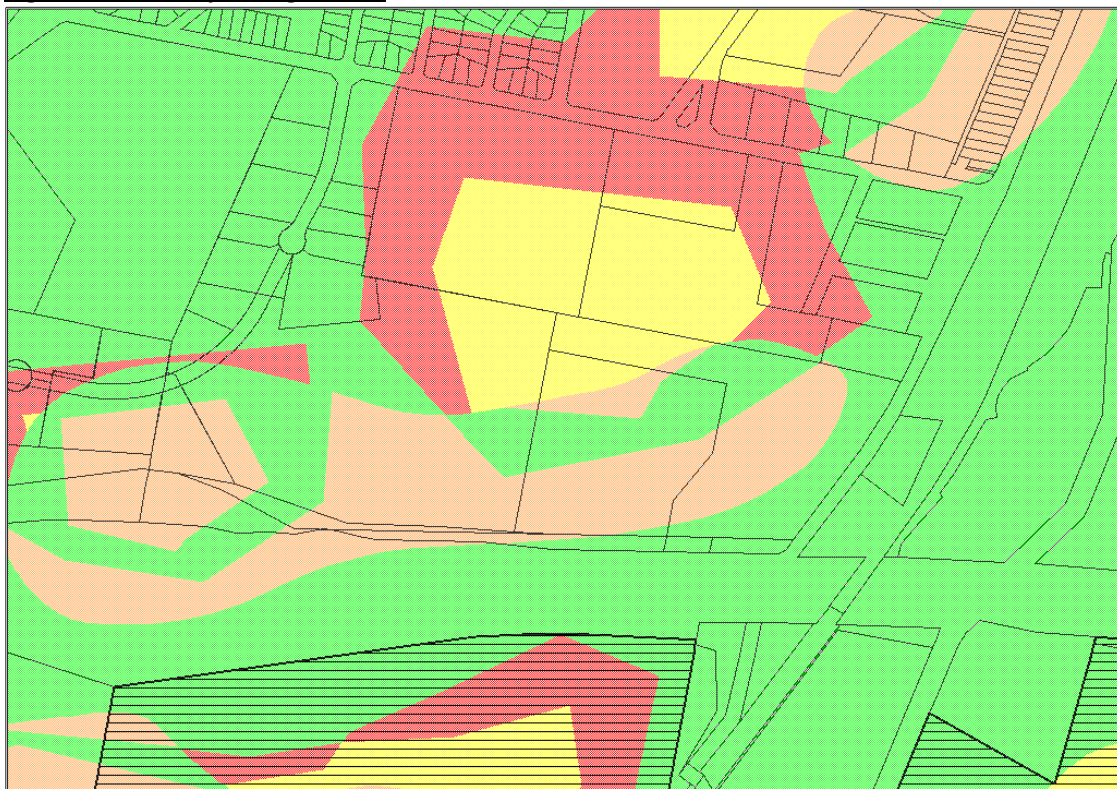
An indication of the risk to water quality from soil depth is delineated below by the SLWCA mapping data from Water NSW. The delineation of soil depth shows two factors that will have an impact on development. The first is the depth to which any earthworks can proceed before uncovering other subterranean features such as bedrock or clay.

Clause 7.1A Earthworks of GM LEP 2009 supports protecting water quality where at 7.1(3) *before granting development consent for earthworks, the consent authority must consider the following matters:*

- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties* (though noise and vibration in the case of bedrock)
- (e) *the source of any fill material and destination of any excavated material, (using unclean fill would increase the risk to water quality.*

The risk to water quality raised in soil depth are compounded for any future development by the slope of the site, the proximity to water courses and erodability of the soil structure and depth. These risks would be required to be address in any future development.

Figure 12 Soil Depth (Figure 18)



Soil Depth Risk Classification

Green = Low Nil Risk
Yellow = Moderate Risk
Pink = High Risk
Red = Extreme Risk

Light Industrial Risk to Water Quality

The SLWCA data provided by Water NSW includes composite maps to delineate the risk to water quality of various categories of land use types. These are based on consideration of the risk factors discussed above: Slope, Stream Proximity, Erodability, Soil Depth and includes Permeability (the ability of the soil to absorb water).

The figure below indicates this composite for IN2 Light Industrial land uses.

It should be noted that the proposed areas of IN1 General Industrial zone present a low to moderate risk to water quality.

Figure 13 Light Industrial Risk to Water Quality (Figure 19)



Light Industrial Risk Classification

Green = Low Nil
Yellow = Moderate
Pink = High Risk
Red = Extreme Risk

Residential Risk to Water Quality

With Council's revision for rezoning of the site, the following SLWCA data mapping demonstrates the relative suitability of the site for this type of development, and thereby the likelihood that Water NSW would be supportive of rezoning and applying a minimum lot size as noted respectively.

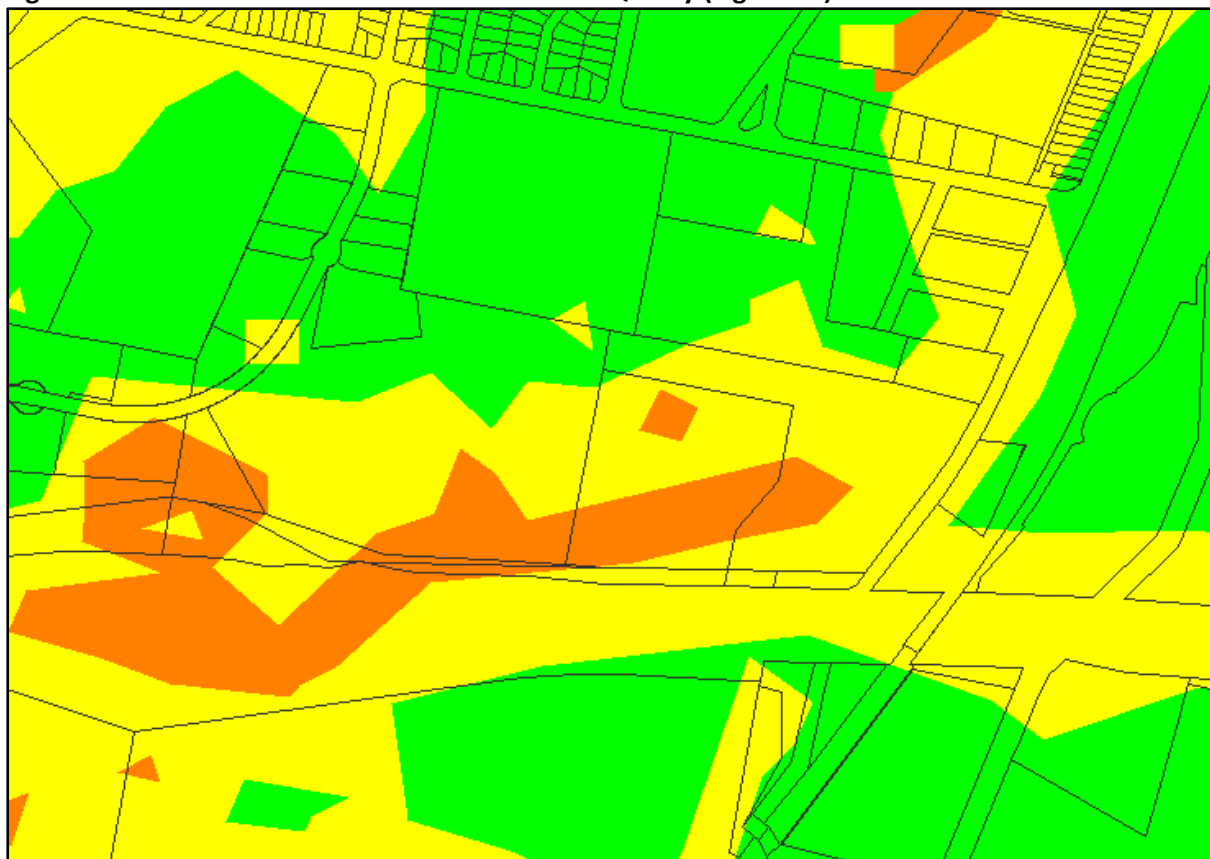
It should be noted that the area of land to be rezoned R5 Large Lot Residential (which will be sewered) presents a nil to low risk to water quality. Further measures will be included in the Site Specific Development Control Plan to further mitigate these risks.

The proposed area of E4 Environmental Living to be located in the south eastern corner of the site will have limited residential opportunity through the provision of a two (2 Ha) hectare minimum lot size.

In addition, any road and civil works required as part of a subdivision layout would also require satisfaction of the NorBE test.

Residential Sewered

Figure 14 Residential Sewered Lots Risk to Water Quality (Figure 20)



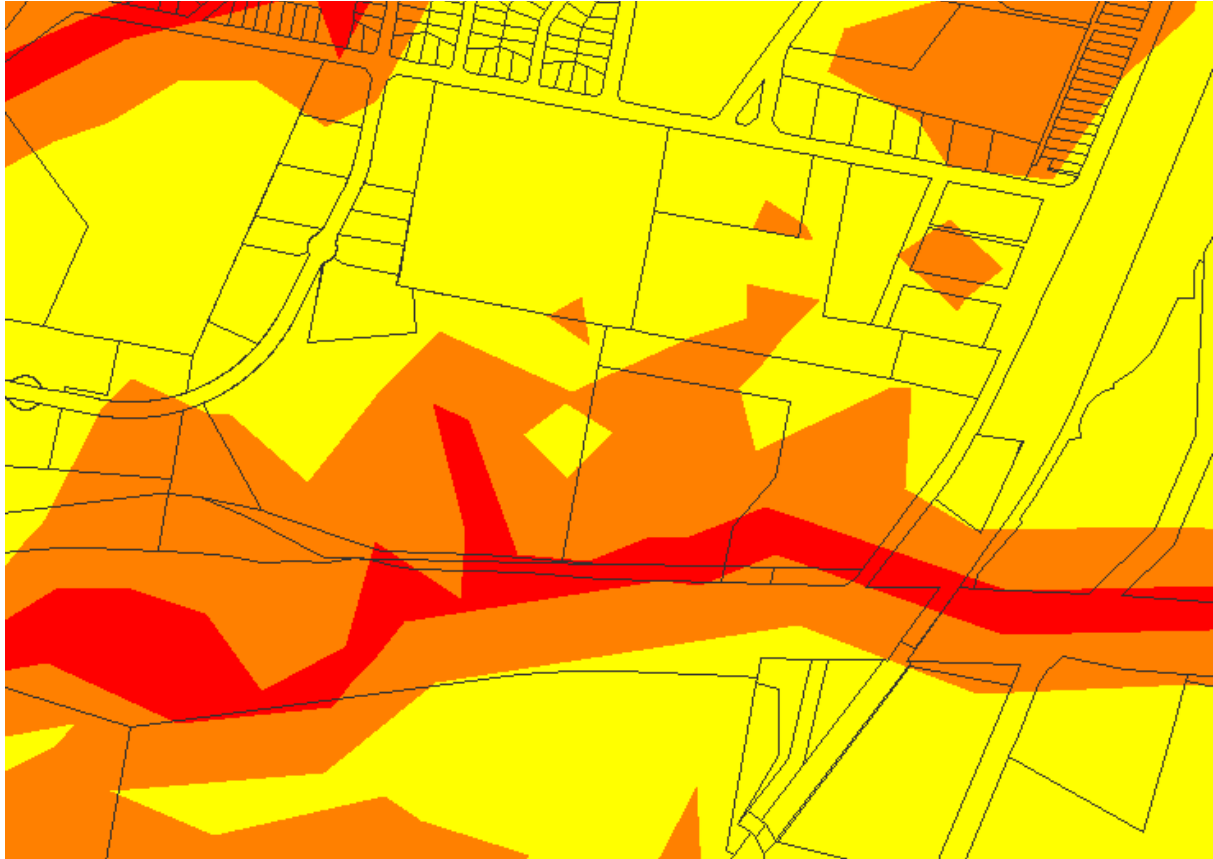
Residential Sewered Risk Classification

Green = Low Nil
Yellow = Moderate
Amber = High Risk
Red = Extreme Risk

Residential Unsewered Lots (2,000 – 4,000 sqm Lot Size)

Residential Unsewered land would require the installation of On-Site Waste Water Management Systems. Reticulated sewer is currently available to the site and no Residential zoned land is proposed to be unsewered.

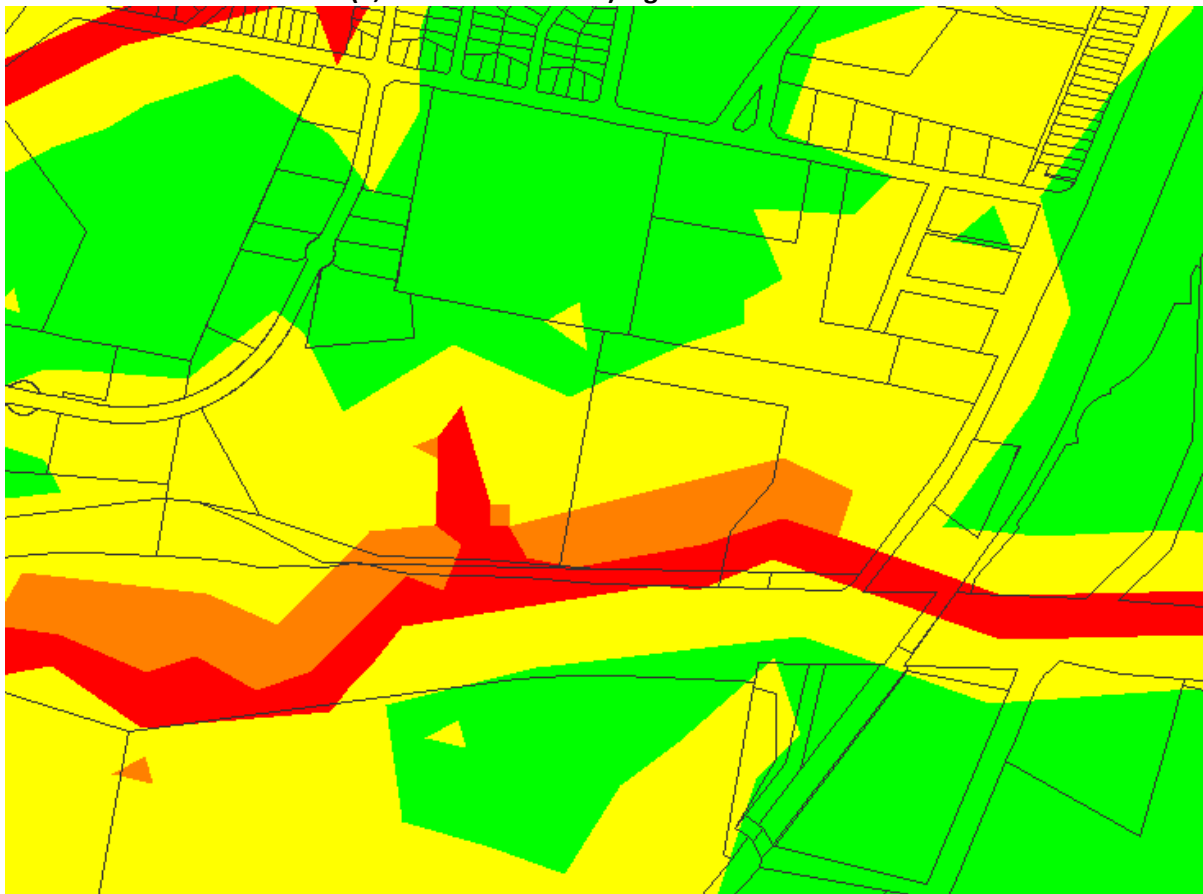
Rural Residential Lifestyle Lots (Figure 21)



Residential Unsewered Lots (2,000-4,000 sqm Lot Size) Risk Classification

Green = Low Nil
Yellow = Moderate
Pink = High Risk
Red = Extreme Risk

Residential Unsewered Lots (2,000 – 4 Ha Lot Size) Figure 21



Residential Unsewered Lots (2,000-4 Ha Lot Size) Risk Classification

Green = Low Nil
Yellow = Moderate
Pink = High Risk
Red = Extreme Risk

The conclusion from this SLWCA data is that unsewered residential development with a minimum Lot Size from 2,000 square metres to 4 Ha, in this location would have significant impacts on water quality and therefore is significantly constrained, both in terms of necessary infrastructure (road construction and stormwater and drainage devices), for the location of dwellings (limited to higher ground) and in the ongoing management and limitations for dwelling occupation and (and ancillary structures) construction.

Council is proposing to service all of the site, including particularly the R5 Large Lot Residential zone land, with reticulated water, sewer and a stormwater network stormwater.

Flooding (Figure 22)

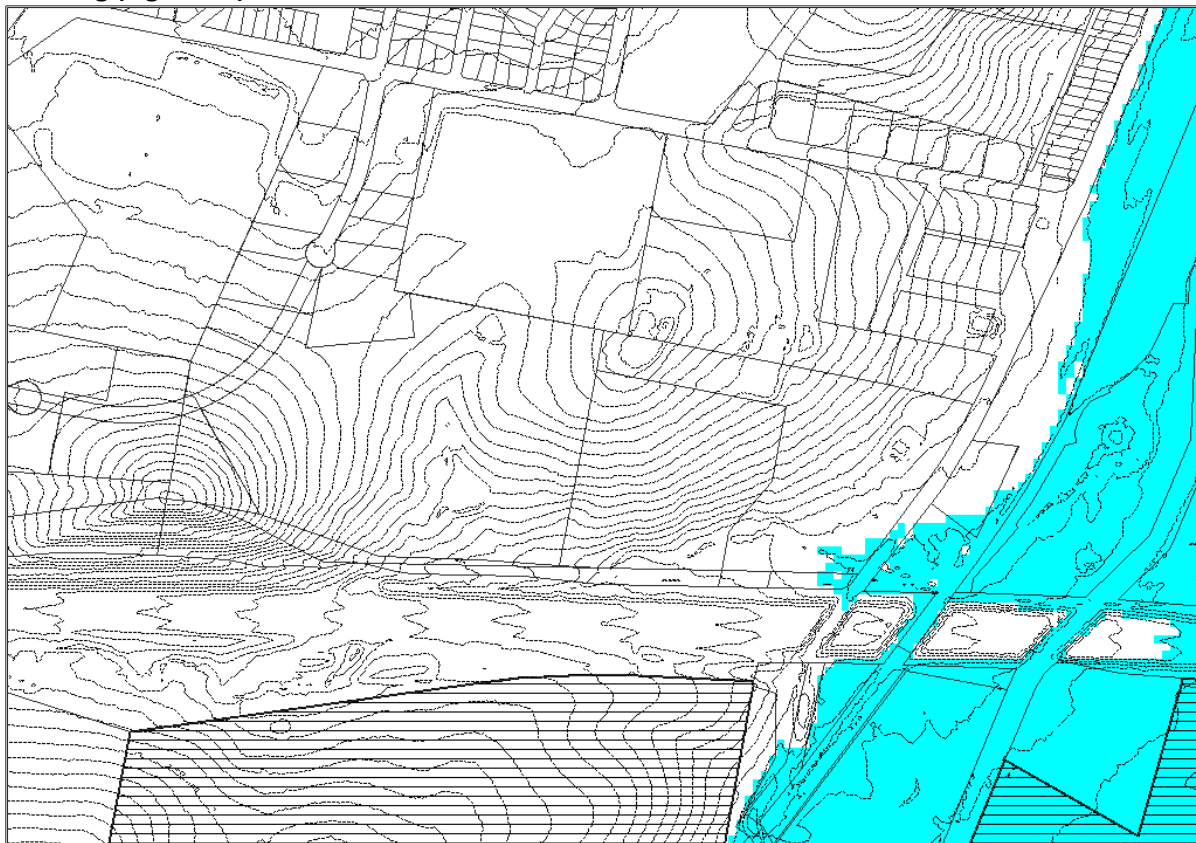


Figure 17 Flood Risk Classification

Blue = Extreme (PMF event)(2016 data levels)

The latest available (2016) flood data demonstrates that a flood risk exists in the south eastern corner of the subject site in an extreme (Peak Mean Flood - PMF) flood event.

While the flood risk is identified as being confined to PMF events, the existing steep terrain and concentration of overland flow from the localised catchment indicates that this part of the site would also be inundated in smaller rainfall events (eg, the possibility of water logging). To address this, it is proposed to apply a protective E4 Environmental Living zone. The reason for this is so that either works to create an artificial wetland (to address stormwater quality) would allow water to be filtered suitably while draining quickly.

Because the sub-catchment is relatively small but with steep slopes, overland flow would be focussed in this confined area. The installation of stormwater devices to address these characteristics would mitigate these impacts. This would allow overland flow from the subject site to be channelled from development sites into designated paths to optimise the site coverage of specific developments.

Achieving Neutral or Beneficial Effects from High Risk development in Masterplan/Development Control Plan provisions

The subject site has a current resolution to rezone the land to part R5 Large Lot Residential, part E4 Environmental Living, part IN1 General Industrial and part RE1 Public Recreation.

It is considered that the revised zoning's to be used, in conjunction with the proposed Site Specific provisions to be included in GM DCP 2009 and the provision of reticulated water and sewer will enable development of the subject site to meet and exceed the NorBE test.

Bushfire Prone Land (Figure 23)



Figure 18: 2019 Bushfire Prone Lands map

The subject land has been identified as bushfire prone lands.

In response to the apparent bushfire affectation on the land, it is recommended that the subject PP be referred to the NSW Rural Fire Service for comment prior to exhibition as part of the Gateway process.

Acid Sulphate Soils (Figure 24)

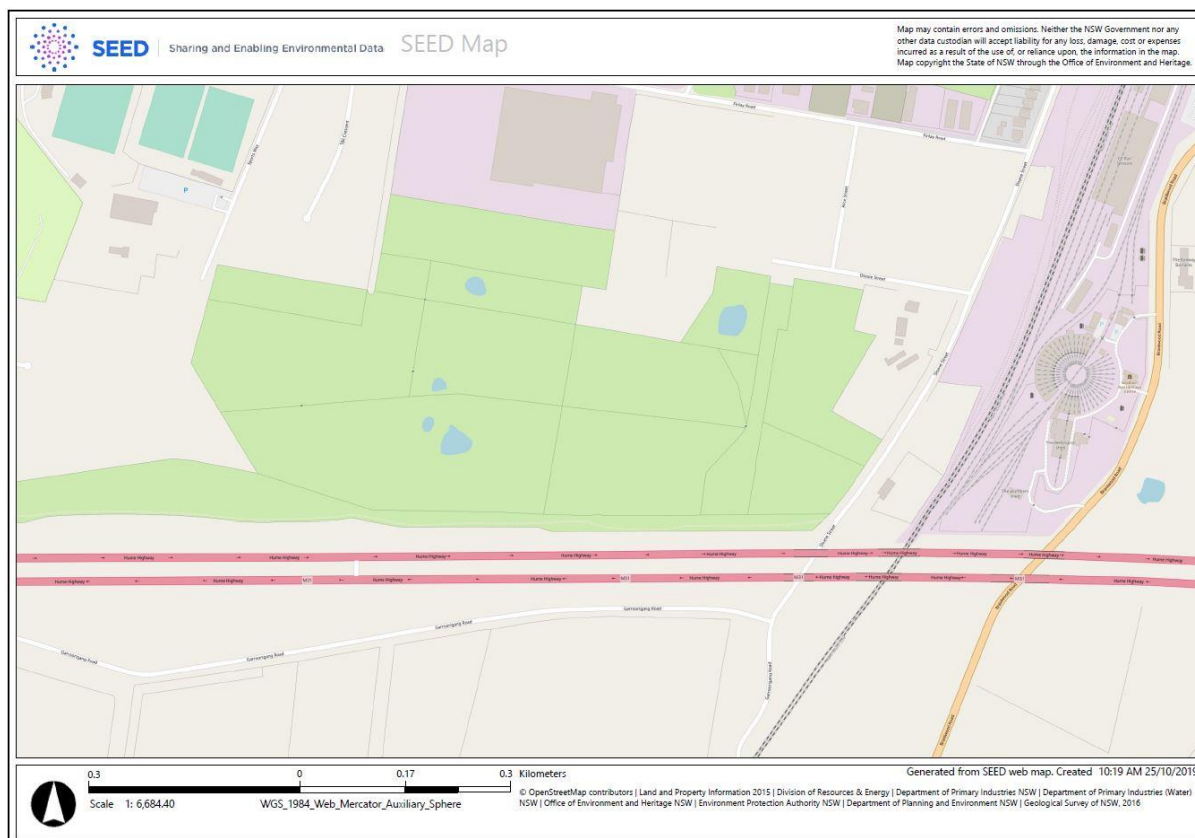


Figure 19: SEED (OEH Acid Sulphate soils) mapping.

— Acid Sulfate Soil Risk

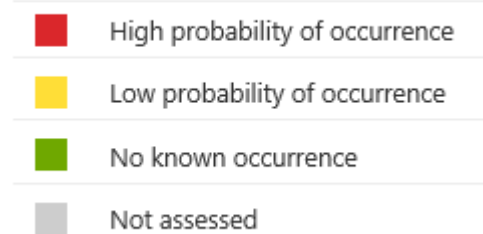


Figure 21 Acid Sulphate Soils key.

The majority of the subject site is identified as having no Acid Sulphate Soil affectation however some specific locations (in proximity to Dam locations) have been notated as 'not assessed'. Council and the adjoining private land owner have undertaken Preliminary Site Investigation under SEPP 55 to determine the extent, if any, of contamination of these specific locations. No Acid Sulphate soils were identified in the PSI for the privately owned land.

The PSI for the Council owned land should identify any remaining Acid Sulphate soil locations.

Other impacts of development

As the land is located in an urban context and is located between developed industrial land and the Hume Motorway, developmental issues from infill development are likely to result. The land is located in an elevated area and amenity issues may arise particularly after the lots are subdivided and developed. Depending on the future subdivision pattern, structures will be visible from the northern approach on the Hume Motorway. These are proposed to be managed by the inclusion of provisions in the applicable section of Council's Draft Development Control Plan to ensure that reflective

materials are minimised and planting of appropriate native species are included in landscape plans to soften the impact of development (See also SEPP 64 assessment above).

Privacy impacts may arise to development adjacent to the Hume Motorway for land zoned R5 Large Lot Residential but less so for land zoned E4 Environmental Living (below the carriageway of the Hume Motorway) and negligible for that part of the site zoned IN1 General Industrial.

Dust (and erosion) and noise impacts are likely to arise during construction and will be managed by appropriate dust suppression and erosion and sediment control measures being in place, particularly to protect sediment and overland flow entering waterways.

Design and distance of future structures will require consideration at the subdivision and construction stage. Retaining existing mature vegetation (and hollow bearing trees) will create positive visual impact from passing vehicular traffic and lend itself to the maintenance of the rural outlook from this location to the Hume Motorway.

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

Broadly, the PP 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.

The rezoning of the land for public recreation is also intended to have positive social impacts.

Social effects are also reflected through the heritage value of the site. As raised in Section 3.6 Direction 2.3 Heritage Conservation, an AHIMS search of the Council owned land did not identify any specific items on the subject site. A desktop search undertaken as part of a detailed Aboriginal Due Diligence Assessment of the privately owned land did identify the presence of one item but no Potential Archaeological Deposits (PAD's). A field survey however did reveal two (2) potential PAD sites (These cannot be identified in exhibition documents for cultural reasons). One of these sites is located in proximity to the boundary with the Council owned land.

The location of the potential PAD sites identified during the field survey will warrant a more detailed assessment with the processing of any future development applications.

In view of the location of the PAD adjacent to the Council owned land it is recommended at a minimum that the subject PP be referred to the Pejar Local Aboriginal Land Council for their comment. In order for any future DA to be considered on Council's land, it would also be recommended that a more detailed Aboriginal Cultural Heritage Due Diligence Assessment be undertaken on the Council owned land.

In view that Council has made amendments to Section 3.0 of the GM DCP 2009 to incorporate provisions relating to archaeological findings, Council may consider future DA's on their land. However undertaking an Aboriginal Cultural Heritage Due Diligence Assessment to include specific provisions in the Site Specific Amendment proposed to the GM DCP 2009 (Appendix 3) for this site will guide development in a coordinated way.

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. An upgrade to this infrastructure will be required with subsequent development of the land

Further detailed analysis will be required due to the proximity of the site to the identified water course which drains into the Sydney Drinking Water Catchment. Stormwater drainage issues could be considered, addressed and incorporated at the subdivision stage particularly for significant stormwater and overland flow events.

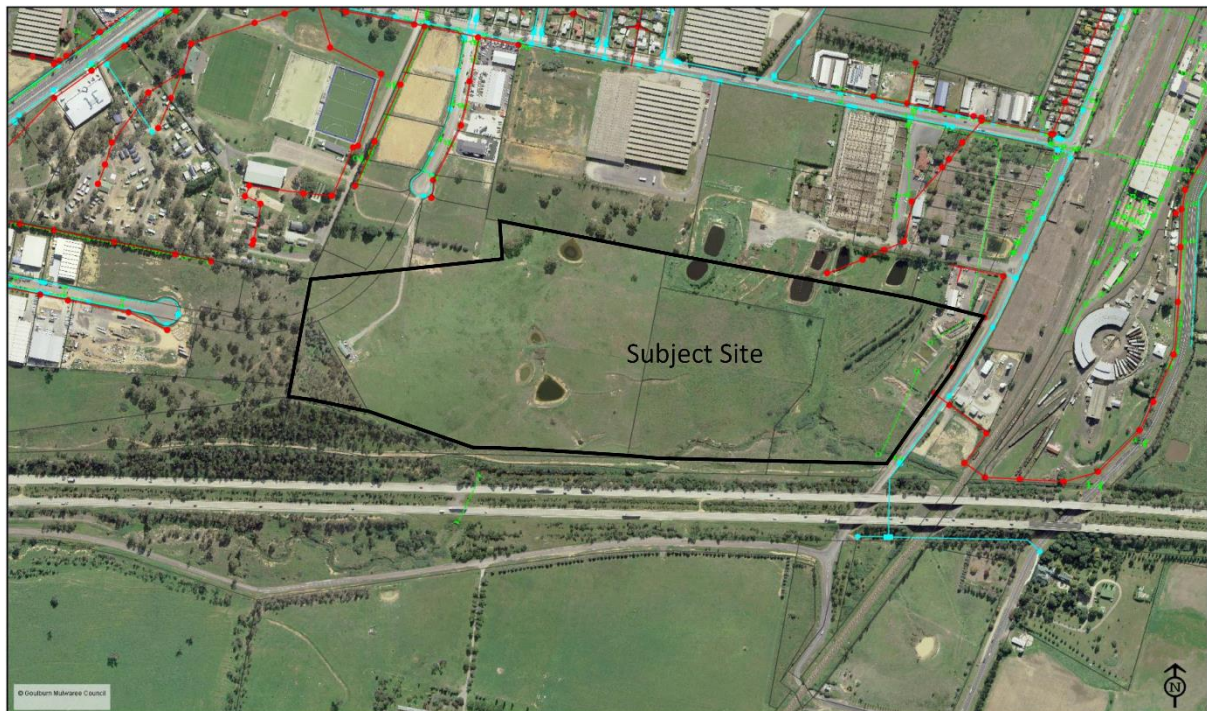


Figure 25. Extract of Council's mapping showing existing sewer (red), stormwater (green) and water (blue) infrastructure

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

The subject Planning Proposal has been referred to Water NSW for Pre-Gateway consultation. The subject Planning Proposal for the site has been substantially revised in response to their comments.

This Planning Proposal has not identified issues of Commonwealth significance, following a Gateway Determination (if supported) any State agency consultation requirements will be met prior to exhibition.

Council is also making application to exercise its delegations to be the Relevant Planning authority for this Planning Proposal.

Part 4 – Mapping

This Planning Proposal will amend the following Goulburn Mulwaree Local Environmental Plan (LEP) maps:

Land zoning map

LZN_001E

- Amend the zoning configuration of the subject lots from entirely RU2 Rural Landscape to Part R5 Large Lot Residential, Part E4 Environmental Living, Part IN1 General Industrial and Part RE1 Public Recreation under GM LEP 2009. As notated above

Lot size map

LSZ_001E

- Amend the minimum lot size of all four (4) lots from 100 Hectares (AD) to:
 - Part 2,000 sqm (V = 2,000) under the area of R5 Large Lot Residential of Lot 2 DP 1238214,
 - Part 10,000 sqm (Y = 1 Ha)) under the area of proposed R5 Large Lot Residential Zone of Lot 3 DP 1008818 and Lot 1 DP 1034565,
 - Part two (2) Hectares (Z = 2 Ha) under the area of proposed E4 Environmental Living Zone (Lot 3 DP 1008818 and Lot 1 DP 1034565), and
 - No minimum Lot Size (clear = no mapped minimum lot size) under the proposed area of RE1 Public Recreation Zone (Lot 3 DP 1238214), and
 - No minimum Lot Size (clear = no mapped minimum lot size) under the proposed area of IN1 General Industrial Zone (Part Lot 2 DP 1238214 and Lot 1 DP 1034565).

No other LEP maps will require amendment.

Simulated maps are provided in *Part 2 Explanation of Provisions* of this report.

Part 5 – Community Consultation

Council will commence community consultation post-Gateway Determination. For the purposes of public notification, Council considers that a twenty-eight (28) day public exhibition period is appropriate. The Gateway Determination will confirm the duration of public consultation required.

Notification of the exhibited Planning Proposal will include:

- An advertisement in a local newspaper that circulates in the area affected by the Planning Proposal;
- Uploading the relevant document of the Planning Proposal to the Goulburn Mulwaree Council and the Department of Planning and Environment websites.

Written notice will be provided to affected land owners including:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal;
- State where and when the Planning Proposal can be inspected; and
- Provide details of how members of the community can make a submission.

Exhibition Material:

- *Planning Proposal*, in the form approved for community consultation by the Director General of the Department of Planning and Environment; and
- *Gateway Determination*, and
- *Planning Proposal* (prepared by *Mi Place Planning*, Revised October 2019), and
- *Ecological Constraints Assessment* (prepared by *Ecoplanning*, January 2019), and
- *Aboriginal Cultural Heritage Due Diligence Assessment* (prepared by *Past Traces*, January 2019), and
- Council Report and Resolution dated 19 February 2019 *Planning Proposal to Rezone and Reclassify Council Land at Dossie Street Goulburn*, and
- Council Report and Resolution dated 20 August 2019 *Dossie Street Planning Proposal Amendment*, and
- Council Report dated 20 August 2019 – Attachment 1 Response from Water NSW, and
- Council Report dated 20 August 2019 – Attachment 2 proposed Site Specific Goulburn Mulwaree Development Control Plan (DCP) 2009 provisions, and
- Council Report dated 18 December 2018 *Monitoring Potential Property Sales*, and
- Council Resolution (Resolution 2018/554) dated 18 December 2018, and
- Council Report and Resolution dated 20 November 2018 *Property Sales*.

Further Agency comments if required.

Part 6 – Project Timeline

Water NSW Pre-Consultation	Nov 2019
Gateway Determination	Feb 2020
Timeframe for completion of technical studies	TBC January 2020
Timeframe for agency consultations	21 Days February 2020
Public exhibition	April 2020
Public hearing	NA
Consideration of submission	June 2020
Date of submission of LEP to PC	August 2020
Date plan forwarded to DPE for notification	Sept 2020
Anticipated Date of PC Plan made	Sept 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 site has a number of naturally occurring constraints including:

- Characteristics that will affect the development of the site due to its location within the Sydney Drinking Water Catchment including: Slope, Watercourses, Erodability, Permeability and Soil Depth,
- The presence of identified Endangered Ecological Community of native grassland, and
- The presence of Box Gum Woodland (Endangered Ecological Community (Lot 2 DP 1238214), and
- An area of Flood Prone land limited in area to the south eastern corner of the site, and
- Potentially Contaminated land due to the presence of dams that have been use for high and low intensity agricultural purposes, and
- The potential for archaeological 'finds', and
- 'Potential Archaeological Deposits' (PAD's) to be made.

In consideration that the south eastern corner of the site is subject to the Peak Mean Flood (PMF) even, it is concluded and recommended that an additional E4 Environmental Living zone and a Minimum Lot Size of two (2 Ha) Hectares be included in the rezoning to accommodate sub-catchment infrastructure and limit that part of the site for any future subdivision.

The proposed amendment to the Goulburn Mulwaree Local Environmental Plan 2009 is generally consistent with state, regional or local planning strategies and warrants support. Elements that are justifiably inconsistent can be addressed by way of development controls to be included in the proposed Site Specific Amendment to the GM DCP 2009.

The Council owned land has no strategic or operational value and Council's intention is for the land to be sold in order to fund important community projects.

The subject Planning Proposal is considered consistent with relevant Planning Directions and State Environmental Planning Policies and can make a positive contribution to achieving the Goals and implementing the Actions of the South East 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. In view of this however, it is

recommended that the proposed Site Specific Amendment to the GM DCP 2009 be revised to identify areas that should be conserved (eg, Stream proximity, areas of ecological significance and Water Sensitive Urban Design guidelines – as per Action 18.4 of the SETRP))

The findings of the ACHDD assessment prepared by 'Ecoplanning' revealed two (2) unanticipated archaeological finds. Application of the revised Section 3 of the GM DCP 2009 may be sufficient for any future development application. However, given the location of 'unanticipated' findings of the ACHDD report for the privately owned land, an ACHDD report for the Council owned land may be recommended for preparation. The findings of this report may then be incorporated into the provisions of the proposed Site Specific Section of the GM DCP 2009 for the subject land to protect this area in a coordinated way. As a minimum referral of the subject PP to the Pejar Local Aboriginal Land Council, for comment would also identify the appropriate pathway.

The development of a future Masterplan, and site specific development control plan will encourage orderly development that has will meet and achieve the Neutral or Beneficial Effects test and acceptable environmental outcomes.

Council has made application to exercise its delegations to be the Relevant Planning Authority for the purpose of this proposed amendment and envisages a favourable gateway determination.

Appendix 1- AHIMS Search results



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : REZ_03_1819

Client Service ID : 454015

Goulburn Mulwaree Council
184 Bourke Street
Goulburn New South Wales 2580
Attention: Kate Wooll
Email: kate.wooll@goulburn.nsw.gov.au

Date: 02 October 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -34.7784, 149.6948 - Lat, Long To : -34.7694, 149.7091 with a Buffer of 50 meters, conducted by Kate Wooll on 02 October 2019.

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



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

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

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Appendix 2 - Proposed Site Specific provisions to be included in Goulburn Mulwaree Development Control Plan 2009 (attached)