

# Planning Proposal Report



## Revised Planning Proposal

37 Ross Street and 23 Brewer Street, Bradfordville

Prepared for: Goulburn Health Hub

**August 2019**

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# Glossary and abbreviations

ABBR./TERM	DESCRIPTION
Council	Goulburn Mulwaree Council
DPIE	NSW <i>Department of Planning, Industry and Environment</i>
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
GMELS	<i>Goulburn Mulwaree Employment Land Strategy 2016</i>
GMLEP	<i>Goulburn Mulwaree Local Environmental Plan 2009</i>
LGA	Local Government Area
NSW	New South Wales
PP	Planning Proposal
SEPP	State Environmental Planning Policy

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# 1 Introduction

This Planning Proposal (PP) seeks to amend Goulburn Mulwaree Local Environmental Plan (GMLEP) 2009 in relation to 37 Ross Street and 23 Brewer Street, Bradfordville.

The purpose of this revised PP is to explain the intent of, and justification for, amending land use zoning, height of building, floor space ratio and minimum lot size controls in GMLEP 2009 over the subject site.

This revised PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*, NSW Department of Planning, Industry & Environment's (DPIE) *A Guide to Preparing Planning Proposals* (August 2016); and in direct response to advice provided by Goulburn Mulwaree Council (Council) and other public authorities during discussions following receipt of the Gateway determination.

## 1.1 Subject Land

This PP applies to land within the Goulburn Mulwaree Local Government Area (LGA), as shown in **Figure 1** below. The subject land is located at 37 Ross Street and 23 Brewer Street, Bradfordville and is legally described as Lots 100 and 101 DP 1214244.



Figure 1 - Location Plan

The subject site covers approximately 12.45 hectares (ha) of land to the north east of the Goulburn CBD and is separated by an unformed road reserve east of Brewer Street through to Ross Street, as shown in **Figure 2**.

Lot 100 contains an existing multi-disciplinary medical centre with allied health facility and a valid development approval for a day surgery. The remainder of the site is vacant and generally flat land with scattered vegetation; and the Wollondilly River runs along the southern boundary of the site as shown in **Figure 2** below.



**Figure 2 - Subject Land**

The area is currently zoned IN1 General Industrial and RE1 Public Recreation, as shown in **Figure 3** below, and has no mapped Height of Building (HOB), Floor Space Ratio (FSR) or minimum lot size under GMLEP 2009 as shown in **Figure 4**, **Figure 5** and **Figure 6** below.



Figure 3 - Current Land Use Zone (GMLEP2009)



Figure 4 - Current Height of Building (GMLEP2009)



Figure 5 - Current Floor Space Ratio (GMLEP 2009)



Figure 6 - Current Minimum Lot Size (GMLEP 2009)

## 1.2 Background

Consultation with Goulburn Mulwaree Council (Council) and DPIE initially commenced in 2014 where the expansion of the existing health facilities at 37 Ross Street were discussed. Three options were recommended for consideration, including rezoning the site to SP2 Infrastructure or appropriate Business Zone, or utilising a Schedule 1 Additional Permitted Use. Discussions with Council and DPIE concluded that the SP2 Infrastructure zone would be most appropriate to facilitate the proposed development.

On this basis, a PP was originally submitted to Council in December 2014 to enable the expansion of the existing health facilities through the spot rezoning of the site to SP2 Infrastructure (Health Services Facility). The proposal included an amendment to the mapped development standards including a HOB of 12 metres, FSR of 0.7:1, and a minimum lot size of 1000 m<sup>2</sup>. A subsequent revision to the PP involved an inclusion of a Schedule 1 Additional Permitted Use to permit 'seniors housing' with development consent over the subject site.

At the time of submitting the original PP, Council were in the process of undertaking the Goulburn Mulwaree Employment Land Strategy (GMELS) which provides a range of key policy matters for Goulburn Mulwaree Council including considering current employment land availabilities and needs.

In relation to the Goulburn Health Hub, the GMELS concludes that the development has planning merit in both social and economic terms through the co-location of a range of health services for the community, job creation and flow-on effects to service industries.

The GMELS makes the following recommendations specifically in relation to the Goulburn Health Hub:

- Rezone 37 Ross Street from IN1 General Industrial to SP2 Infrastructure (Health); and
- Investigate alternate access to the site from Brewer Street as part of the rezoning.

The GMELS was adopted by Council on 20 December 2016.

Following Council's support of the PP in March 2017, a submission was made to DPIE for Gateway determination. The PP initially received Gateway determination with conditions on 10 November 2017.

In undertaking the requirements of the conditions of the Gateway, NSW Office of Environment and Heritage (OEH) and NSW State Emergency Service (SES) were consulted. OEH and SES raised concerns in relation to the 'sensitive land uses' identified on the supporting master plan (namely the hospital and aged care) being located within the Probable Maximum Flood area, which would increase the need for emergency services in the event of a flood emergency.

In response to the concerns raised by OEH and SES, Council facilitated a meeting with the proponent and relevant Government agencies, and it was agreed that the PP would be amended to provide a generic land use zone that would enable a broader range of health uses on the subject site, and to remove the proposed hospital and aged care uses from master plan.

The revised PP seeks to rezone the subject site part B6 Enterprise Corridor and part R1 General Residential as a direct response to the feedback received from the government agencies. The revised proposal also includes an amendment to the mapped development standards including a HOB of 13 metres over the portion of the site proposed to be zoned B6,

with an FSR of 1:1, and a minimum lot size of 700m<sup>2</sup> over the portion of the site proposed to be zoned R1. The new zones and development standards will provide flexibility of future land uses on the subject site, whilst acknowledging the concerns of OEH and SES and enabling the appropriate expansion of the existing health facilities.

A number of different zoning configurations were considered in preparing the revised PP, including a B4 Zone across the entire site, or a mix of commercial and residential zones that would ensure the long term success of the Goulburn Health Hub, while protecting the primacy of the Goulburn CBD. Council raised some concerns around the B4 Zone and allowing retail development across the site, and the potential impacts this would have on the Goulburn CBD. To address these concerns, the PP seeks to rezone the land to part B6 Enterprise Corridor and part R1 General Residential. This would restrict retail development on the site, ensure that future development on the site would not impact on the primacy of the Goulburn CBD, and provide flexibility in the land use provisions to ensure that the future development can adapt to the changing needs of the community. The proposed R1 zone would also allow for a future seniors living development, consistent with the intent of the original PP supported by Council and the Gateway determination.

Whilst this PP no longer proposes to rezone the site SP2 Infrastructure (Health) as a direct response to government agency feedback, the intent of the PP remains unchanged in enabling the appropriate expansion of the Goulburn Health Hub and ancillary / complimentary land uses that will provide essential services to the community.

Most recently, DPIE issued an amended Gateway determination on 18 April 2019 that revised the timeframe for completion to 10 November 2019.

## 2 Part 1 – Intended Outcome

This PP aims to amend GMLEP 2009 to provide a new opportunity for residential land, and provide an opportunity for increased employment land and activity associated with the Goulburn Health Hub at 37 Ross Street and 23 Brewer Street, generally consistent with the adopted GMELS.

## 3 Part 2 – Explanation of Provisions

The proposed intended outcome will be achieved by the following:

1. Amend the Land Zoning Map Sheet LZN\_001D and LZN\_001G to modify the land use zone of 37 Ross Street and 23 Brewer Street from IN1 General Industrial to part B6 Enterprise Corridor and part R1 General Residential;
2. Amend Lot Size Map Sheet LSZ\_001D to modify the minimum lot size of 23 Brewer Street from no mapped minimum lot size to 700m<sup>2</sup> over the proposed R1 General Residential zoned area;
3. Amend Height of Building Map Sheet HOB\_001D and HOB\_001G to modify the height of building of 37 Ross Street and 23 Brewer Street from no mapped height of building to 13 metres over the proposed B6 Enterprise Corridor zoned area; and
4. Amend Floor Space Ratio Map Sheet FSR\_001D and FSR\_001G to modify the FSR of 37 Ross Street and 23 Brewer Street from no mapped FSR to 1:1 over the proposed B6 Enterprise Corridor zoned area.

There is no proposed change to the existing RE1 Public Recreation zone and the associated development standards which apply over the portion of RE1 zoned land.

This is the preferred option of achieving the intended outcome as this will enable the development of the Goulburn Health Hub and ancillary / complimentary uses in accordance with the GMELS.

The PP proposes to amend the Land Zoning Map Sheet in GMLEP 2009 to reflect the change in land use zone from IN1 General Industrial to R1 General Residential and B6 Enterprise Corridor to support the intended outcome. To ensure the future development of the subject land is appropriate within its context, it is also proposed to amend the Lot Size, Height of Building and Floor Space Ratio Maps.

## 4 Part 3 – Justification

### 4.1 Need for the Planning Proposal (Section A)

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

Yes. The PP is a result of the adopted GMELS. The PP achieves one of the recommendations for employment lands made in relation to the Bradfordville Industrial Estate Precinct. This PP also makes provision for additional residential land within the existing Goulburn residential area as per the Goulburn Mulwaree Community Strategic Plan 2020.

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

The PP is the only means of enabling opportunity for expanded health services development within the Bradfordville Industrial Estate Precinct and residential development adjacent to the existing Goulburn residential area.

Previous revisions of this PP have attempted to enable the development of the Goulburn Health Hub and a seniors living development in accordance with Strategy, however due to government agency feedback received following the Gateway determination, amendments have been made to the PP to specifically address these concerns.

A number of different zoning configurations were considered in preparing the revised PP, including a B4 Zone across the entire site, or a mix of commercial and residential zones that would ensure the long term success of the Goulburn Health Hub, while protecting the primacy of the Goulburn CBD. Council raised some concerns around the B4 Zone and allowing retail development across the site, and the potential impacts this would have on the Goulburn CBD. To address these concerns, the PP seeks to rezone the land to part B6 Enterprise Corridor and part R1 General Residential. This would restrict retail development on the site, ensure that future development on the site would not impact on the primacy of the Goulburn CBD, and provide flexibility in the land use provisions to ensure that the future development can adapt to the changing needs of the community. The proposed R1 zone would also allow for a future seniors living development, consistent with the intent of the original PP supported by Council and the Gateway determination.

### 4.2 Relationship to strategic planning framework (Section B)

#### 4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

*South East and Tablelands Regional Plan (2017)*

The PP seeks to rezone land in the Bradfordville Industrial Estate Precinct to provide further business zoned land development opportunity, and residential development opportunity adjacent to the existing Goulburn residential area.

The PP will enable the expansion of the existing health facilities, a residential subdivision and potential seniors living development in association with the Goulburn Health Hub. In relation to the land identified for the potential expansion of the Goulburn Health Hub, the proposed B6 zone provide flexibility in the potential future land uses, as recommended by the government agencies as part of the post-Gateway consultation process.

The PP will specifically achieve Goal 1: A Connected and Prosperous Economy, Direction 12 Promote business activities in urban centres, and Goal 3: Healthy and connected communities, Direction 21 Increase access to health and education services. The intended outcome of the PP, particularly through the rezoning of the subject site to B6 will promote business activity through existing and expanding health services associated with the Goulburn Health Hub.

Whilst the subject site is outside of the Goulburn CBD, its location within the boundaries of Goulburn urban centre is still considered appropriate given the social and economic benefits provided to the community. The GMELS is supportive of the Goulburn Health Hub at the subject site, specifically for its community benefits as it will result in co-location of a range of health services for the community, job creation and flow-on effects to service industries. The PP will facilitate the establishment of knowledge-intensive industries and the development of small work hubs, i.e. health, in accordance with Action 12.1. Given the limited scope for a health hub within close proximity to Goulburn Base Hospital, the subject site offers a suitable location for complementary and supplementary health services for the growing community of Goulburn as per Action 21.1.

The introduction of the R1 zone will achieve Goal 4: Environmentally sustainable housing choices, Direction 24: Deliver greater housing supply and choice. The proposal will allow for a potential seniors living development and a residential subdivision with a minimum lot size of 700m<sup>2</sup>, however there may be merit in considering a lower minimum lot size to encourage increased housing choice, particularly given the subject sites proximity to Goulburn CBD, transport connections and to accommodate the changing demographics in Goulburn Mulwaree. Considering alternate minimum lot size would be consistent with Actions 24.3 and 24.4.

The PP is consistent with the South East and Tablelands Regional Plan.

## Sydney-Canberra Corridor Regional Strategy

The PP addresses the Regional Strategy by providing an opportunity for employment lands within an existing industrial precinct in Goulburn, the major regional centre for the Central subregion. One of the key challenges identified in the Regional Strategy is unemployment and the need to provide employment opportunities to match the projected population growth.

The PP will also enable a residential subdivision and potential seniors living development and provide new business zoned land that will support the expansion of the existing health facilities to develop the Goulburn Health Hub. The subdivision and development of the business land will encourage economic development and regionally based employment opportunities, in an existing precinct that is serviced by quality transport infrastructure.

The Regional Strategy identifies the need to rezone further employment land in Goulburn in the Central subregion. Further strategic planning for a number of potential sites is suggested to create opportunities to respond quickly and take full advantage of specific proposals for economic investment where and when these occur. Since the Regional Strategy, Council commissioned and adopted the GMELS which identifies the subject site for rezoning to SP2 Infrastructure to support the development of the Goulburn Health Hub in the short-term. Despite the revised PP seeking to zone the subject land part R1 and part B6, the primary purpose of the PP is to enable the expansion of the existing Goulburn Health Hub and ancillary / complimentary uses. The revised land use zones offer flexibility in the future potential uses of the site, which was recommended by the government agencies as part of the post-Gateway consultation process.

The PP will provide for additional employment growth in the health services industry and supplementary housing potential within the Goulburn major regional centre, consistent with the Sydney-Canberra Corridors centres hierarchy as per settlement principles 1, 3 and 5.

The PP is consistent with the Sydney-Canberra Corridor Regional Strategy.

### 4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

#### *Tablelands Regional Community Strategic Plan*

The Tablelands Regional Community Strategic Plan identifies a number of objectives to plan for the sustainable growth of the Tablelands Local Government Areas. The growth targets and strategies contained within the Strategic Plan seek to accommodate urban and rural growth of the LGAs, whilst considering its constraints and opportunities. This PP specifically addresses:

- *Strategy EN3: Protect and rehabilitate waterways and catchments.*
- *Strategy EC1: Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment.*
- *Strategy CO1: Facilitate and encourage equitable access to community infrastructure and services, such as health care, education and transport.*
- *Strategy IN8: Improve accessibility to, and support the development of, health and medical facilities in the region*

The PP is consistent with the Tablelands Regional Community Strategic Plan.

### Goulburn Mulwaree Employment Land Strategy (GMELS)

The GMELS, prepared by HillPDA, was commissioned by Goulburn Mulwaree Council and adopted on 20 December 2016. The GMELS provides a range of key policy matters for Goulburn Mulwaree Council including considering current employment land availabilities and needs.

The GMELS specifically identifies the site as an opportunity for further expansion of the existing health facilities as the Goulburn Health Hub, within the Bradfordville Industrial Estate Precinct.

Specifically, it states that:

*This Strategy has concluded that the development of a Goulburn Health Hub has planning merit in both social and economic terms through co-location of a range of health services for the community, job creation and flow-on effects to service industries. Concern has been raised in relation to the loss of industrial land (20% of the Precinct) and the precedent that a rezoning of this kind may have on the remainder of the Bradfordville Industrial Precinct. Notwithstanding the loss of industrial land, on balance this Strategy is recommending that a rezoning to SP2 Infrastructure is supported for the following reasons:*

- *A Medical Centre is permissible and already approved on the site;*
- *The loss of industrial land in Bradfordville will not have a significant effect on the future supply of employment land as there is enough available land elsewhere in the LGA and within the Precinct;*
- *The Goulburn Mulwaree LGA like many other areas is moving towards a more serviced based economy, and coupled with an ageing population there is demand for increased health facilities. The nearest private hospitals are located in Bowral and Canberra;*
- *The potential for land use conflict is considered minimal as the site is located on the west of the Precinct and is adjacent to residential land which lies to the north west of the site as well as public and private recreation zoned land to the north west. It is considered that interface issues with the general industrial area can be adequately addressed (large building setbacks, landscaping etc.);*
- *There is opportunity to open up access to the subject site from Brewer Street which would minimise traffic on Ross Street; and*
- *The economic and social benefits are considerable and will provide employment opportunities as well as increased facilities for the community.*

The Strategy recommended that a rezoning for 37 Ross Street from IN1 General Industrial to SP2 Infrastructure this should be progressed in the short term.

As outlined in the background of this PP Report, the initial PP proposed to rezone the site SP2 Infrastructure in accordance with the GMELS. However, following the receipt of a Gateway determination and consultation with government agencies, this revised PP is provided to Goulburn Mulwaree Council in direct response to the feedback received from the government agencies. Whilst the PP no longer proposes to rezone the subject land SP2 Infrastructure, the intended outcome remains the same whilst providing flexibility of potential future land uses.

It is considered that future subdivision and development of the site will consider necessary utility and infrastructure upgrades as part of the development application stage.

The PP is generally consistent with the GMELS.

#### 4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) are considered in **Appendix A** and the relevant SEPPs are discussed below.

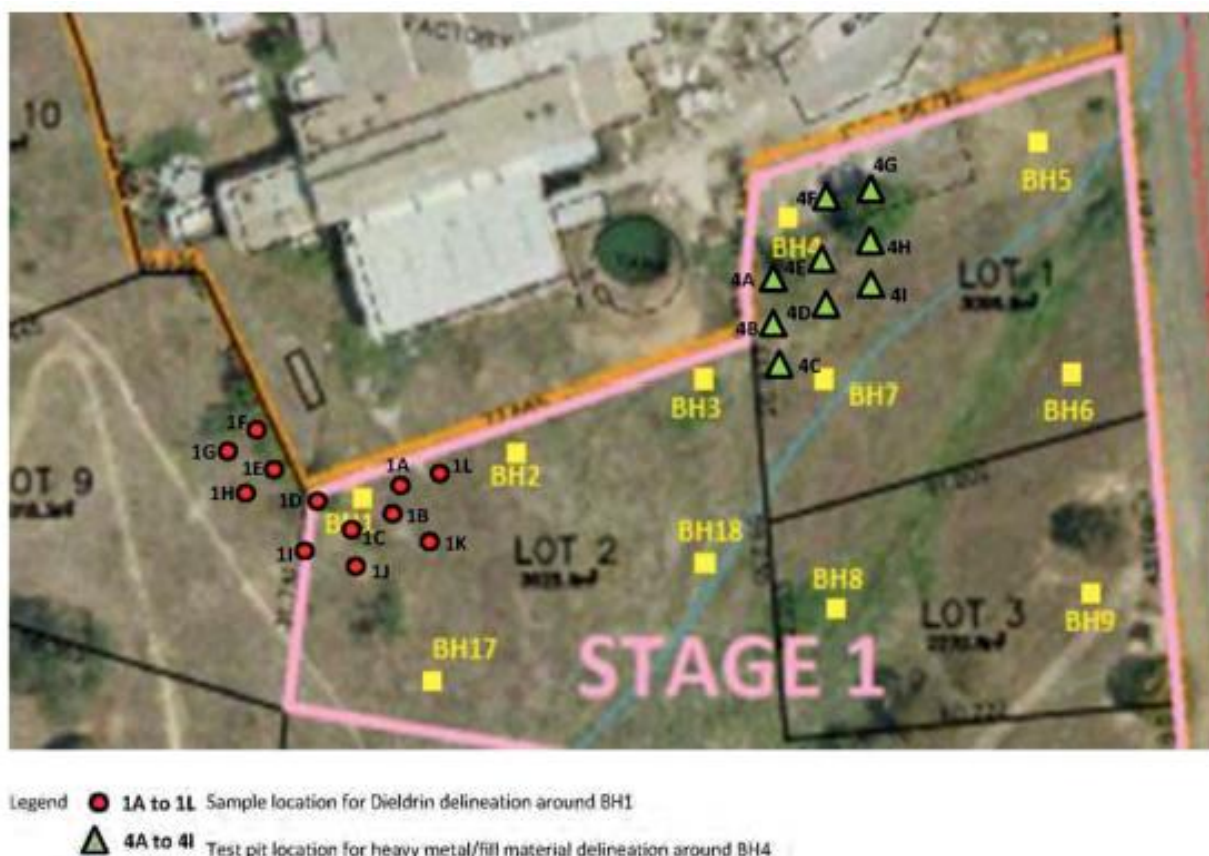
##### *State Environmental Planning Policy No. 55 – Remediation of Land*

The PP proposes to rezone land from IN1 General Industrial to part R1 General Residential and part B6 Enterprise Corridor. The SEPP and condition 2 of the existing Gateway determination requires that a Stage 1 Preliminary Contamination Assessment is undertaken.

A Stage 1 Preliminary Site Investigation (PSI) was initially completed in May 2013 and a Stage 2 Contamination Investigation Plan in August 2013 by Zoic Environmental Pty Ltd. The assessments were prepared in accordance with the Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land 1998 Department of Urban Affairs and Planning and Environment Protection Authority.

As outlined in the original PP Report, the Stage 1 PSI confirmed that the majority of the samples tested were below the adopted human health and environmental criteria for the proposed land use, with the exception of two areas which demonstrated some exceedances along the northern site boundary of Lot 100. The exceedances were associated with the historical use of the adjacent site to the north and use of particular pesticides for either ground surface spraying or water runoff, and ashy fill.

The Stage 2 investigation included additional testing of the areas that exceeded the adopted human health and environmental criteria for the proposed business land use. The results indicated that the area identified as BH4 and the surrounding test pits is suitable for commercial or industrial land uses, however not for more sensitive land uses such as child care centres unless the fill is remediated or managed. The results indicated that the area identified as BH1 and the surrounding sample locations do not meet the commercial / industrial and childcare land use criteria unless the impacted soils are remediated or managed.



**Figure 7 - Sample Locations (ZOIC, 2013)**

In accordance with the Gateway determination, a further PSI was undertaken by Zoic Environmental over the remainder of the subject land. The PSI determined that the subject land has a low to moderate potential for contamination associated with the current and historical site activities and is considered suitable for the proposed development subject to the following recommendations:

- A targeted State 2 Contamination Assessment should be undertaken along the north-eastern boundary of the site.
- Reduced sampling covering the remainder of the site should be undertaken for completeness for any future development
- Sediment and surface water sampling should be conducted to assess the quality of the sediments and surface water within the existing water features and suitability to remain onsite as part of any future development
- Stockpile sampling should be conducted to assess whether the stockpiles are suitable to remain onsite as part of any future development.

SEPP 55 requires that the planning authority be satisfied that land is deemed suitable for the proposed purposes, and where necessary, any contaminated land will be remediated to a satisfactory level to reduce the risk of harm to human and or environmental health before being used for that purpose.

A further targeted contamination assessment and remediation action plan will be undertaken at the development application stage, once the future land use zones and future intended uses are determined. Alternatively, should Council or DPIE consider it necessary to undertake these

assessments prior to the finalisation of this PP, further contamination assessments and remediation action plans may be prepared following the issue of an amended Gateway determination.

The PP is not inconsistent with the SEPP.

#### State Environmental Planning Policy (Infrastructure) 2007

The aim of this SEPP is to facilitate the effective delivery of infrastructure across the State by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

The intended outcome of this PP is to enable the expansion of the existing health facilities to establish the Goulburn Health Hub. The future development of the subject site for health services facility will need to be assessed against the SEPP. The future intended use is considered to be consistent with this SEPP as it will deliver necessary infrastructure to the South East and Tablelands Region.

The PP is not inconsistent with the SEPP.

#### State Environmental Planning Policy (Sydney Drinking Water Catchment) 2017

The subject site is located within the Mulwaree River sub-catchment of the Sydney Drinking Water Catchment. This SEPP requires that future development of land within the sub-catchment can demonstrate achievement of Neutral or Beneficial Effects on Water Quality Guidelines (Sydney Catchment Authority 2011).

WaterNSW have been consulted as part of the PP process to date. In their comments dated 22 September 2017, WaterNSW noted that the site has a low to moderate risk to water quality for sewerage residential, retail, commercial, and light industrial development, with some higher risks along drainage lines and flood affected areas to the south. It was also noted that the upgrade to the Sewage Treatment Plant that services the subject site was underway and capable of treating additional load from the future development of the site.

Water NSW had no requirements or specific comments relating to the PP. It will be necessary to consult with WaterNSW following the issue of a revised Gateway determination.

A further assessment on water quality to determine neutral or benefit effect will be undertaken as part of a future development application, if considered necessary.

The PP is not inconsistent with the SEPP.

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

This SEPP aims to protect biodiversity values and amenity through preservation of trees and other vegetation in non-rural areas of the State. The SEPP ensures that offset schemes apply to the clearing of native vegetation that exceeds the offset thresholds in urban areas. The subject site is a prescribed zone that is affected by the SEPP.

As part of the original PP report, an Ecology Report was prepared December 2014 by EMM. The assessment was prepared prior to the notification of this SEPP and the *Biodiversity Conservation Act 2016*.

The assessment determined that the site was characterised by modified or disturbed land, with no remnant vegetation remaining. A desktop review identified potential for two threatened ecological communities (NSW) of White Box Yellow Box Blakely's Reg Gum Woodland and Tablelands Snow Gum Black Sallee Candlebark and Ribbon Gum Grassy Woodland which have previously been recorded in the Monaro subregion of the Hawkesbury Nepean Catchment. There is also potential for two additional threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* to occur on the site including Natural Temperate Grassland of the Southern Tablelands of NSW and ACT, and White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grasslands. However a site inspection clarified that there were no native vegetation communities on the site due to the high level of disturbance, and the existing vegetation did not meet the habitat descriptors for the threatened ecological communities.

The site contains an artificial lake and surrounding grassland, scattered trees and shrubs, and the adjacent Wollondilly River which could provide potential habitat for some threatened fauna species on an infrequent basis. These species include the Cattle Egret, Gang-gang Cockatoo, Grey-headed Flying-fox, White-bellied Sea Eagle and Little Eagle. However it was deemed that the site did not contain core habitat for any migratory or threatened fauna species such as important habitat for breeding, foraging, shelter or dispersal.

Whilst there are no environmental effects envisaged as a direct result of the PP, as part of the future development of the subject site, further assessments will be required against the SEPP and Biodiversity Conservation Act as part of a future development application, depending on the extent of the proposal and impact to flora and fauna and the like.

The PP is not inconsistent with the SEPP.

### 4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Section 9.1 Directions are considered in **Appendix B** and those that are relevant to the subject PP are discussed below.

#### 1.1 Business and Industrial Zones

This Direction applies as the PP proposes to rezone the subject land from an IN1 General Industrial zone to part B6 Enterprise Corridor and part R1 General Residential.

The PP gives effect to the objectives of the Direction by providing additional employment lands in a strategically identified location. The GMELS identifies the site for future expansion of the existing health facilities to develop the Goulburn Health Hub. The use of the B6 zone provides flexibility in the potential future land use of the subject site. Although the subject site is located

outside of the Goulburn CBD, the B6 zone will not compromise the viability of the existing business centre retail development is restricted in the B6 zone under Clause 7.6 of GMLEP 2009.

While the PP does propose to reduce the total area of zoned employment lands, the potential floor space will not be reduced due to the proposed increase in building height and floor space ratio across the site. Further, the density of employment in the proposed health precinct will be significantly higher than under the existing general industrial zone, which will lead to an increase in the potential full time equivalent employees.

While the PP may technically be inconsistent with parts 4(b) and 4(d) of this Direction, the PP will not result in a reduction in potential floor space due to the increase in building heights and floor space ratios. Any inconsistency is considered to be minor in nature and justified.

### 2.3 Heritage Conservation

This Direction applies as the subject land is within close proximity to a heritage item listed in GMLEP 2009.

The existing heritage item within the vicinity of the subject site is Item No 302 within GMLEP 2009, "Riversdale" - Single Storey Georgian Dwelling (c.1840) and is of State significance. The heritage item is located south-west of the subject site, on Lot 1 DP 714378.

It is considered that the nature of the PP will not cause harm or impact to the heritage item or its significance. Further consideration of impact to the heritage item will be considered as part of a future DA.

An Aboriginal Cultural Heritage Due Diligence Assessment has been completed over the site in accordance with the relevant OEH Guidelines. Two Aboriginal heritage sites were identified within the subject lands. One of the two sites is located outside of the developable area. The second site is located in an area already zoned for industrial development purposes, and the PP does not allow further development in this area.

Where possible, impacts on the second site will be avoided in the future development of the site. If impacts cannot be avoided, then subsurface testing of the area of the associated PADs will be required to determine the extent of heritage impacts.

The PP is not inconsistent with the terms of the Direction, subject to further investigations as part of a future DA.

### 3.1 Residential Zones

This Direction applies as the PP proposes to rezone the subject site part R1 General Residential.

The PP includes an amendment to the Lot Size Map to apply a minimum lot size of 700m<sup>2</sup> over the land proposed R1 which will facilitate a residential subdivision within an existing urban centre with established infrastructure and service networks. The availability of existing transport and utility infrastructure suggests that satisfactory arrangements for site servicing are available.

As discussed previously in this report, there may be merit in considering a lower minimum lot size to encourage increased housing choice, particularly given the subject sites proximity to Goulburn CBD, transport connections and to accommodate the changing demographics in

Goulburn Mulwaree. This would also address this Direction by broadening the choice of building types.

The PP is not inconsistent with the terms of the Direction.

### 3.3 Home Occupations

This Direction applies as the PP proposes to rezone the subject site part R1 General Residential.

The GMLEP 2009 permits 'home occupations' without the need for development consent in R1 General Residential zones. This PP does not propose to amend the land use table or the permissibility of 'home occupations' for the R1 zone.

The PP is not inconsistent with the terms of the Direction.

### 3.4 Integrating Land Use and Transport

This Direction applies as the PP proposes to remove the IN1 General Industrial zone and replace it with R1 General Residential and B6 Enterprise Corridor zone. The PP is consistent with the direction in that it will facilitate increased employment lands within an already established Precinct to the north-east of the existing Goulburn Regional City. The subject site has good access to road and rail transport, and its location within an established employment area enables achievement of the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development*, and *The Right Place for Business and Services – Planning Policy*.

The PP is not inconsistent with the terms of the Direction.

### 4.3 Flood Prone Land

This Direction applies as the PP affects land within the Flood Planning Area (1% Annual Exceedance Probability + 0.5m Freeboard). However, the land within the Flood Planning Area is proposed to be retained in an RE1 Public Recreation zone consistent with the terms of this Direction.

The PP is not inconsistent with the terms of the Direction.

### 5.1 Implementation of Regional Plans

This Direction applies as the subject land is located within Goulburn-Mulwaree local government area and is subject to the Sydney-Canberra Corridor Regional Strategy.

The PP gives effect to the Regional Strategy's vision, land use strategy, policies, outcomes and actions by providing an opportunity for employment lands within and existing industrial precinct in Goulburn, the major regional centre for the Central subregion. Specifically, will provide for additional employment growth in the health services industry and supplementary housing potential within the Goulburn major regional centre, consistent with the Sydney-Canberra Corridors centres hierarchy as per settlement principles 1, 3 and 5.

The PP is not inconsistent with the terms of the Direction.

## 5.2 Sydney Drinking Water Catchment

This Direction applies as the subject land is located within Goulburn-Mulwaree local government area.

WaterNSW have been consulted as part of the PP process to date. In their comments, WaterNSW noted that the site has a low to moderate risk to water quality for residential, retail, commercial, and light industrial development, with some higher risks along drainage lines and flood affected areas to the south. It was also noted that the upgrade to the Sewage Treatment Plan that services the subject site was underway and capable of treating additional load from the future development of the site.

WaterNSW had no requirements or specific comments relating to the PP. It may be considered necessary for further consultation with WaterNSW in relation to the proposed amendments following a revised Gateway determination.

A further assessment on water quality to determine neutral or benefit effect will be undertaken as part of a future development application, if considered necessary.

The PP is not inconsistent with the terms of the Direction.

## 5.10 Implementation of Regional Plans

This Direction applies as the subject land is located within Goulburn-Mulwaree local government area and is subject to the South East and Tablelands Regional Plan.

The PP gives effect to the vision, land use strategy, goals, directions and actions of the Regional Plan by providing additional residential land in an existing urban centre, and business zoned land within the Bradfordville Industrial Estate Precinct which will encourage employment opportunities within Goulburn, which is identified as a major regional centre.

The PP will specifically achieve Goal 1: A Connected and Prosperous Economy, Direction 12 Promote business activities in urban centres; Goal 3: Healthy and connected communities, Direction 21 Increase access to health and education services; Goal 4: Environmentally sustainable housing choices, Direction 24: Deliver greater housing supply and choice.

The PP is not inconsistent with the terms of the Direction.

## 6.1 Approval and Referral Requirements

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. The PP process, however, will involve consultation with relevant State public authorities as per the Gateway determination.

The PP is not inconsistent with the terms of the Direction.

## 6.3 Site Specific Provisions

This Direction applies to the PP. The PP proposes to rezone the site to part B6 Enterprise Corridor and part R1 General Residential, and amend the HOB, FSR and minimum lot size

provisions. The PP does not propose any provisions that will require site specific provisions to be adopted for the subject site.

The PP is not inconsistent with the terms of the Direction.

## 4.3 Environmental, Social and Economic Impact (Section C)

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

The proposed amendment will not impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

### 4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no environmental effects envisaged as a direct result of the PP. An Ecology Report was prepared December 2014 by EMM. The assessment was prepared prior to the notification of SEPP (Vegetation in Non-Rural Areas) 2017 and the *Biodiversity Conservation Act 2016*.

The Ecology report determined:

- The site was characterised by modified or disturbed land, with no remnant vegetation remaining.
- Desktop review identified potential for:
  - two threatened ecological communities (NSW) of White Box Yellow Box Blakely's Reg Gum Woodland and Tablelands Snow Gum Black Sallee Candlebark and Ribbon Gum Grassy Woodland which have previously been recorded in the Monaro subregion of the Hawkesbury Nepean Catchment.
  - two additional threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* to occur on the site including Natural Temperate Grassland of the Southern Tablelands of NSW and ACT, and White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grasslands.
- Site inspection clarified that there were no native vegetation communities on the site due to the high level of disturbance, and the existing vegetation did not meet the habitat descriptors for the threatened ecological communities.
- The site contains an artificial lake and surrounding grassland, scattered trees and shrubs, and the adjacent Wollondilly River which could provide potential habitat for some threatened fauna species on an infrequent basis. It was deemed that the site did not contain core habitat for any migratory or threatened fauna species such as important habitat for breeding, foraging, shelter or dispersal.

Whilst there are no environmental effects envisaged as a direct result of the PP, as part of the future development of the subject site, further assessments will be required against the SEPP and Biodiversity Conservation Act as part of a future development application, depending on the extent of the proposal and impact to flora and fauna and the like.

### 4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The intended outcome of the PP is to enable the development of the Goulburn Health Hub within the confines of the proposed B6 zones. The zones selected will result in the permissibility of the future intended use, with consent, whilst considering the feedback received from government agencies as part of the post-Gateway process. Whilst the subject site is located outside of the regional centre Goulburn CBD, it is considered that the proposed PP will not cause adverse effects on the viability of the CBD due to the clear objectives of the B6 zone.

In addition, the GMLEP 2009 contains specific provisions for the development of shops in B6 zones which restricts the gross floor area to safeguard the primacy of the CBD.

The PP will create opportunity for increased employment land within an already established Industrial Precinct. The GMELS identified the subject site for rezoning in the short-term to address demand for health services, and provision of economic and social benefits to the community through the co-location of a range of health services for the community, job creation and flow-on effects to service industries. The development of the Goulburn Health Hub will provide well-needed health services to the growing Region to meet the population growth and demand for health infrastructure. The Goulburn Health Hub has the potential to offer complementary and supplementary services to the Goulburn Base Hospital which is located approximately 4km south-west of the subject site.

The provision of additional residential land within the existing urban centre will also offer positive social and economic effects in providing additional housing supply and choice in Goulburn. The PP will enable a residential subdivision with a minimum lot size of 700m<sup>2</sup> in an existing and serviced residential area. The subject site is also adjacent to land zoned RE1 Public Recreation subject to future public acquisition, which will provide further amenity to the future residential land uses. As discussed in this report, a further reduction in the proposed minimum lot size could be considered as a means of encouraging housing diversity and choice on the subject site.

In addition, the PP is consistent with the Sydney-Canberra Corridor Regional Strategy and South East and Tablelands Regional Plan in that it encourages employment opportunities within Goulburn, a major regional city as per the Regional Plan, and provides opportunity for additional residential land within an existing urban centre.

## 4.4 State and Commonwealth Interests (Section D)

### 4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The PP affects land where there is already generally adequate infrastructure and services to support increased development of the area. This issue will also be specifically considered and if necessary, addressed through future development application process.

### 4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As per the PP process stipulated by NSW DPIE's A Guide to Preparing Planning Proposals, it is expected that Council will consult with relevant public authorities in accordance with the conditions of the Gateway determination. The Gateway determination issued on 10 November 2017 identified a number of government agencies to be consulted in relation to the proposal, including OEH, Water NSW, Environment Protection Authority, NSW Heritage Office and NSW Health / Southern NSW Local Health District.

As part of the post-Gateway consultation process, issues were raised by OEH and SES in response to the proposed rezoning of the site to SP2 Infrastructure (Health Facilities) with the Schedule 1 Additional Permitted Use for seniors development. As part of this consultation, OEH and SES raised concerns in relation to the flood affectation of the subject land and the potential sensitive land uses which would become permissible if the rezoning proceeded. As

part of the feedback received during the process, it was recommended that the proposal be revised to an alternate land use zone that would enable a broader scope of permissible land uses whilst still permitting health facilities.

It is expected that the revised PP will be referred to the government agencies for comment. The PP will be updated prior to public exhibition, if required, to incorporate the view of any public authority.

## 5 Part 4 – Mapping

As described in the explanation of provisions, the PP will require amendments to the Land Zoning Map, Height of Buildings, Floor Space Ratio and Lot Size Map in GMLEP 2009, specifically, the following map sheets: LZN\_001D and LZN\_001G, LSZ\_001D, HOB\_001D and HOB\_001G, and FSR\_001D and FSR\_001G.

The proposed land use zone, height of buildings, FSR and minimum lot size amendments are illustrated in *Figures 7 to 10* below.



**Figure 8 - Proposed Zoning Map**



Figure 9 - Proposed Height of Building Map



Figure 10 - Proposed FSR Map



Figure 11 - Proposed Lot Size Map

## 6 Part 5 – Community Consultation

The GMELS was subject to consultation with various public authorities and stakeholders including owners of land that is currently zoned for employment uses, and owners whose land was potentially affected by the draft Strategy.

As part of the Gateway determination, condition 3 requires that the PP be exhibited for a minimum period of 28 days. It is expected that this will remain unchanged as part of a revised Gateway determination.

## 7 Part 6 – Project Timeline

The anticipated timeline for the PP is outline in **Table 7-1** below.

**Table 7-1 - Project Timeline**

TASK	ASSESSMENT
Lodgement of PP to Goulburn Mulwaree Council	August 2019
Pre-Gateway Assessment and Report to Council	September 2019
Submit PP to DPE for Gateway determination	October 2019
Commencement date (date of Gateway determination)	November 2019
Completion of Gateway determination requirements	December 2019
Public Exhibition	January 2020
Consideration of Submissions	February 2020
Finalisation and notification of Plan	March 2020

## 8 Conclusion

The proposal to amend GMLEP 2009 in relation to 37 Ross Street and 23 Brewer Street, Goulburn for the purpose of enabling the development of the Goulburn Health Hub and supplementary residential land, is provided with the attached supporting information and in accordance with the NSW Government's Sydney-Canberra Corridor Regional Strategy and South East and Tablelands Regional Plan, Council's adopted GMELS and Community Strategic Plan 2020, and advice received from Goulburn Mulwaree Council, Department of Planning, Industry & Environment, Office of Environment & Heritage and State Emergency Services.

The outcome of the PP will encourage positive economic and social impacts through the provision of additional business zoned land within an existing industrial precinct to support the development of the Goulburn Health Hub, employment and residential land creation and economic development opportunities.

# Appendix A – State Environmental Planning Policies

SEPP	RELEVANCE	CONSISTENT
No. 1 – Development Standards	X	
No 19 – Bushland in Urban Areas	X	
No 21 – Caravan Parks	X	
No 30 – Intensive agriculture	X	
No 33 – Hazardous and Offensive Development	X	
No 36 – Manufactured Home Estates	X	
No 44 – Koala Habitat Protection	X	
No 50 – Canal Estate Development	X	
No 55 – Remediation of Land	✓	✓
No 62 – Sustainable Aquaculture	X	
No 64 – Advertising Signage	✓	✓
Affordable Rental Housing (2009)	X	
BASIX (2004)	X	
Exempt and Complying Development (2008)	✓	✓
Housing for Seniors or People with a Disability (2004)	X	
Infrastructure (2007)	✓	✓
Mining, Petroleum Production and Extractive Industries (2007)	X	
Miscellaneous Consent Provisions (2007)	X	
Rural Lands (2008)	X	
State and Regional Development (2011)	X	
Sydney Drinking Water Catchment (2011)	✓	✓
Vegetation in Non-Rural Areas (2017)	✓	✓
Coastal Management (2017)	X	

## Appendix B – Section 9.1 Directions

DIRECTION	APPLICABLE	RELEVANT	CONSISTENT
<b>1 EMPLOYMENT AND RESOURCES</b>			
1.1 Business and Industrial Zones	✓	✓	Justified
1.2 Rural Zones	✓	X	
1.3 Mining, Petroleum Production and Extractive Industries	✓	X	
1.4 Oyster Aquaculture	X	X	
1.5 Rural Lands	✓	X	
<b>2 ENVIRONMENT AND HERITAGE</b>			
2.1 Environment Protection Zones	✓	X	
2.2 Coastal Management	X	X	
2.3 Heritage Conservation	✓	✓	Subject to further investigation at DA stage
2.4 Recreation Vehicle Areas	✓	X	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	✓	X	
<b>3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>			
3.1 Residential Zones	✓	✓	✓
3.2 Caravan Parks and Manufactured Home Estates	✓	X	
3.3 Home Occupations	✓	X	
3.4 Integrating Land Use and Transport	✓	✓	✓
3.5 Development Near Regulated Airports and Defence Airfields	✓	X	
3.6 Shooting Ranges	✓	X	
<b>4 HAZARD AND RISK</b>			
4.1 Acid Sulfate Soils	✓	X	
4.2 Mine Subsidence and Unstable Land	X	X	
4.3 Flood Prone Land	✓	✓	✓
4.4 Planning for Bushfire Protection	✓	X	
<b>5 REGIONAL PLANNING</b>			

DIRECTION	APPLICABLE	RELEVANT	CONSISTENT
5.1 Implementation of Regional Strategies	✓	X	✓
5.2 Sydney Drinking Water Catchments	✓	X	✓
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	X	X	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	X	X	
5.9 North West Rail Link Corridor Strategy	X	X	
5.10 Implementation of Regional Plans	✓	✓	✓
<b>6 LOCAL PLAN MAKING</b>			
6.1 Approval and Referral Requirements	✓	✓	✓
6.2 Reserving Land for Public Purposes	X	X	
6.3 Site Specific Provisions	✓	X	✓
<b>7 METROPOLITAN PLANNING</b>			
7.1 Implementation of A Plan for Growing Sydney	X	X	
7.2 Implementation of Greater Macarthur Land Release Investigation	X	X	
7.3 Parramatta Road Corridor Urban Transformation Strategy	X	X	
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	X	X	
7.5 Implementation of Greater Parramatta Priority Growth Area Land Use and Infrastructure Implementation Plan	X	X	
7.6 Implementation of Wilton Interim Land Use and Infrastructure Implementation Plan	X	X	
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	X	X	
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	X	X	
7.9 Implementation of Bayside West Precincts 2036	X	X	
7.10 Implementation of Planning Principles for the Cooks Cover Precinct	X	X	