



IRF22/3917

## Gateway determination report – PP-2021-6932

---

Proposal to rezone and amend the minimum lot size  
on lots at 'Allfarthing', 2 Brisbane Grove Road,  
Goulburn

November 22



Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Gateway determination report – PP-2021-6932

Subtitle: Proposal to rezone and amend the minimum lot size on lots at 'Allfarthing', 2 Brisbane Grove Road, Goulburn

---

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 22) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview.....	1
1.2	Objectives of planning proposal .....	1
1.3	Explanation of provisions .....	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	2
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>2</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>3</b>
3.1	Regional Plan .....	3
3.2	The Tablelands Regional Community Strategic Plan .....	4
3.3	Local Strategies .....	5
3.4	Section 9.1 Ministerial Directions .....	6
3.5	State environmental planning policies (SEPPs) .....	8
<b>4</b>	<b>Site-specific assessment .....</b>	<b>9</b>
4.1	Environmental.....	9
4.2	Social and economic.....	9
4.3	Infrastructure .....	10
<b>5</b>	<b>Consultation.....</b>	<b>10</b>
5.1	Community .....	10
5.2	Agencies.....	10
<b>6</b>	<b>Timeframe .....</b>	<b>11</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>11</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>11</b>
<b>9</b>	<b>Recommendation.....</b>	<b>11</b>

### Relevant reports and plans

Draft Brisbane Grove and Mountain Ash Precinct -Specific Development Control Plan Chapter

Council Report and Resolution – 15 March 2022

Aboriginal Due Diligence Assessment

Aboriginal Cultural Heritage Assessment

---

Heritage Impact Statement

---

Council's Heritage Consultant Advice

---

Water Cycle Management Study

---

Waste Water Management Site Plan

---

Stormwater Drainage and Flood Impact Site Plan

---

Biodiversity Assessment

---

Council's Biodiversity Officer referral comments

---

Preliminary Site Investigation (Contamination)

---

Development Control Plan Flood Policy

---

Strategic Bushfire Study and Site Plan

---

Traffic and Parking Assessment Report

---

# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Goulburn Mulwaree</b>
<b>PPA</b>	<b>Goulburn Mulwaree Council</b>
<b>NAME</b>	<b>'Allfarthing' 2 Brisbane Grove Road, Goulburn Planning Proposal (16 homes, 0 jobs)</b>
<b>NUMBER</b>	<b>PP-2021-6932</b>
<b>LEP TO BE AMENDED</b>	<b>Goulburn Mulwaree LEP 2009</b>
<b>ADDRESS</b>	<b>2 Brisbane Grove Road, Goulburn</b>
<b>DESCRIPTION</b>	<b>Lot 60, DP 1090981, Lots 61-64 and 71-77, DP 976708.</b>
<b>RECEIVED</b>	<b>21/10/2022</b>
<b>FILE NO.</b>	<b>IRF22/6275</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to enable the subdivision of the subject land which is identified in the Urban and Fringe Housing Strategy for large lot residential development.

The objective of this planning proposal is clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Goulburn Mulwaree LEP 2009 as per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	RU6 Transition	Part R5 Large Lot Residential and part C2 Environmental Conservation
Minimum lot size	10 ha	Part 2 ha and part 100 ha
Number of dwellings	1	16
Number of jobs	N/A	0

A precinct-specific development control chapter has also been prepared to support the planning proposal.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The 34.8ha rural site comprises 12 existing lots (Lot 60, DP 1090981, Lots 61-64 and 71-77, DP 976708) located at 2 Brisbane Grove Road, Goulburn.

The site is located south of the Hume Highway approximately 3km from the southern edge of the Goulburn urban area and 800m west of the Mulwaree River. A site map is provided in the planning proposal (Figure 1).

The site is bound on three sides by Braidwood Road to the west, Johnson's Lane to the south and Brisbane Grove Road to the north. A locally listed heritage item/dwelling 'Allfarthing' is located in the middle of the site. The site is surrounded by rural land.

## 1.5 Mapping

The planning proposal includes mapping that shows the proposed changes to the zoning and lot size maps, which are suitable for community consultation.

## 2 Need for the planning proposal

The site is located within the southern edge of 'Precinct 11: Brisbane Grove' which is identified in the Goulburn Mulwaree Urban and Fringe Housing Strategy for rezoning to large lot residential with a minimum lot size of 2 hectares. The Department conditionally endorsed the Strategy in December 2020, which included endorsement of the proposed development in the Brisbane Grove Precinct subject to detailed assessment via a planning proposal.

The planning proposal is the appropriate mechanism to facilitate the amendment of the Goulburn Mulwaree LEP 2009 to make the proposed zoning and lot size changes.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan, as well as the draft updated South East and Tablelands Regional Plan which is currently being prepared by the Department. The draft was publicly exhibited from 8 August to 23 September 2022.

**Table 4 Regional Plan assessment**

#### **Draft South East and Tablelands Regional Plan 2041**

Regional Plan Objectives	Justification
Theme 2: Enhancing sustainable and resilient environments  Objective 5: Protect important environmental assets  Objective 7: Build resilient places and communities	The planning proposal seeks to protect important environmental areas on the site by applying an E2 Environmental Conservation Zone.  The proposal addresses impacts of flood and bushfire on future residents.
Theme 4: Planning for fit for purpose housing and services  Objective 17: Plan for a supply of housing in appropriate locations.  Objective 19: Manage rural living	The proposal seeks to provide 16 homes on the urban fringe of Goulburn that has been identified in an endorsed local housing strategy as a suitable location for large lot residential development.

#### **South East and Tablelands Regional Plan 2036**

Regional Plan Objectives	Justification
Direction 16: Protect the coast and increase resilience to natural hazards	<p>The subject site stands within a category 3 (medium bushfire risk) landscape. The proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience.</p> <p>Part of the north-western corner of the site stands within the Probably Maximum Flood extent while the south western corner of the site is subject to overland flow impacts. The area affected by the PMF will be subject to flood related planning controls in a precinct specific DCP chapter which has been prepared to support the planning proposal. The land subject to overland flow is proposed to be zoned C2 Environmental Conservation Zone which will limit development and protect water quality. It is recommended Council consult with the Department of Planning and Environment – Biodiversity and Conservation Division (Floodplain Team).</p>

Regional Plan Objectives	Justification
Direction 23: Protect the region's heritage	<p>An Aboriginal Due Diligence Assessment, Cultural Heritage Assessment and a Heritage Impact Statement have been prepared in support of the planning proposal.</p> <p>The planning proposal stands within a Potential Aboriginal Artefacts layer and within an area identified as place of Aboriginal significance.</p> <p>The locally listed "Allfarthing" heritage item, and three other locally listed items in proximity are located within the subject site.</p> <p>The heritage assessments/impact statement identify that the proposal will not have any impact on cultural heritage. They provide recommendations and management actions on how heritage items and heritage values of the site can be protected which have been included in a precinct-specific DCP chapter.</p> <p>It is recommended that Council consult with the NSW Heritage Office on the planning proposal.</p>
Direction 28: Manage Rural Lifestyles	<p>The planning proposal is located within the Brisbane Grove Precinct which is identified in the Goulburn Mulwaree Urban and Fringe Housing Strategy as a location suitable for large lot residential development. The Strategy was conditionally endorsed by the Department in December 2020. The site is located within 3km of Goulburn is not constrained by high value agricultural land, important biodiversity or potential land use conflicts.</p>

## 3.2 The Tablelands Regional Community Strategic Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Tablelands Regional Community Strategic Plan.



**Table 5 The Tablelands Regional Community Strategic Plan**

District Plan Priorities	Justification
<p>Environment Strategy:</p> <p>EN1 – Protect and enhance the existing natural environment, including flora and fauna native to the region which includes maintaining our rural landscape.</p> <p>EN3 – Protect and rehabilitate waterways and catchments</p> <p>EN4 – Maintain a balance between growth, development and environment protection through sensible planning</p>	<p>A Biodiversity Assessment, which was prepared in support of the planning proposal, identifies the site is highly modified due to past agricultural use and is not of high biodiversity significance.</p> <p>The rural character of the area will be protected via the R5 Large Lot Residential Zone and proposed 2ha minimum lot size control as well as a precinct specific DCP chapter including provisions relating to building setbacks, maximum site coverage, rural-style fencing and landscaping.</p> <p>A Water Cycle Management Plan has been prepared in support of the planning proposal which demonstrates the proposal can achieve a neutral or beneficial outcome for water quality.</p> <p>The area of overland flow hazard on the site will be zoned C2 Environmental Conservation Zone, which will assist in protecting water quality.</p> <p>The planning proposal provides a balance between residential development and environmental protection through large lot sizes, to accommodate on-site effluent management systems, and will have minimal impact on biodiversity and landscape amenity.</p>
Our Community Strategy CO4 - Recognise and celebrate diverse cultural identities and protect and maintain our community's natural and built cultural heritage.	The planning proposal is supported by Aboriginal and non-Aboriginal cultural heritage assessments, which have identified that the proposal will not have an impact on cultural heritage.

### 3.3 Local Strategies

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Goulburn Mulwaree Local Strategic Planning Statement	The planning proposal is consistent with several of the planning priorities identified in Council's LSPS including Planning Priority 5: Housing, 8: Natural Hazards, 9: Heritage and 10: Natural Environments.
Goulburn Mulwaree Urban and Fringe Housing Strategy	The site is located within the Brisbane Grove Precinct in the Urban and Fringe Housing Strategy which is identified for large lot residential development. The Brisbane Grove Precinct is located approximately 3km south of the Goulburn urban area, adjoins the Hume Highway and the Main Southern Railway and has the potential to provide up to 132 large lot dwellings.

## 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Yes	Refer section 3.1 of this report.
Direction 1.3 Approval and Referral Requirements	Yes	The planning proposal does not seek to introduce additional concurrence, consultation or referral requirements, nor does it seek to include provisions relating to designated development.
Direction 1.4 Site Specific Provisions	Yes	The planning proposal does not seek to include site specific provisions or additional permitted uses on the subject site.
Direction 3.1 Biodiversity and Conservation	Yes	A Biodiversity Assessment prepared by the proponent in support of the planning proposal concludes that the site is significantly modified/disturbed and has no or limited native vegetation and biodiversity value. Council's Biodiversity Officer has reviewed and confirmed the findings of the Biodiversity Assessment. The Brisbane Grove Precinct was also reviewed and endorsed by the Department's Biodiversity and Conservation Division, as part of the Department's endorsement of the Urban and Fringe Housing Strategy subject to more detailed environmental assessment be undertaken at the planning proposal stage.
Direction 3.2 Heritage Conservation	Yes	As discussed in sections 3.1 and 3.2 of this report, the planning proposal is supported by an Aboriginal Due Diligence Report, Aboriginal Cultural Heritage Assessment and a Heritage Impact Report. These reports conclude that Aboriginal and non-Aboriginal heritage is unlikely to be impacted by the planning proposal. The precinct-specific DCP chapter includes relevant controls to protect Aboriginal and non-Aboriginal heritage.
Direction 3.3 Sydney Drinking Water Catchments	Yes	As discussed in sections 3.1 and 3.2 of this report, a Water Cycle Management Study was prepared by the proponent in support of the planning proposal. Council has consulted with WaterNSW on the draft planning proposal, as required by the Direction, and has revised the planning proposal to reflect WaterNSW comments. WaterNSW has not raised any objection to the planning proposal proceeding.

Direction 4.1 Flooding	Yes	As discussed in section 3.1 part of the north-western corner of the site stands within the Probably Maximum Flood extent while the south western corner of the site is subject to overland flow impacts. The area affected by the PMF will be subject to flood related planning controls in a precinct specific draft DCP which has been prepared to support the planning proposal. The land subject to overland flow is proposed to be zoned C2 Environmental Conservation Zone to limit development and protect water quality.
Direction 4.3 Planning for Bushfire Protection	Unknown	The site is mapped as Category 3 vegetation with a medium bushfire risk. A Strategic Bushfire Study was prepared by the proponent in support of the planning proposal. The Study identifies how the proposal meets the requirements of 'Planning for Bushfire Protection 2019' including the provision of suitable Asset Protection Zones, access roads and farm dams for firefighting purposes. The planning proposal is seeking an exemption from the RFS the requirement in the guideline to provide a perimeter road due to concerns about traffic issues. Council intends to consult with the RFS on the planning proposal post-gateway as required by the Direction.
Direction 4.4 Remediation of Contaminated Land	Yes	Given the past agricultural use of the site, a Preliminary Site Investigation (PSI) has been prepared by the proponent in support of the planning proposal. The PSI identified two potential sources of contamination on site, namely fill associated with buildings on the site, driveway and dam walls such as hydrocarbons; and current site buildings with associated contaminants such as asbestos. The PSI concludes that the identified potential sources are relatively minor, are likely limited to small areas of the site and can be managed at the development application stage. Council is satisfied that the site can be made suitable for the proposed rezoning to large lot residential.
Direction 5.1 Integrating Land Use and Transport	No	The site is located approximately 3km from the Goulburn CBD. The proposed large lot development is unlikely to be serviced by public transport which will increase dependence on the private car. Any inconsistency with the Direction is, however, justified by the Goulburn Mulwaree Urban and Fringe Housing Strategy which identifies the development of the site for large lot residential and considers the objectives of the Direction.
Direction 6.1 Residential Zones	No	The planning proposal will not reduce the consumption of land for housing and associated development on the urban fringe of Goulburn. Any inconsistency with the Direction, however, is justified by the Goulburn Mulwaree Urban and Fringe Housing Strategy which identifies the development of the site for large lot residential to contribute to housing diversity/choice in the Goulburn area. The Strategy was conditionally endorsed by the Department in December 2020.

Direction 9.1 Rural Zones	No	The planning proposal seeks to rezone the site from RU6 Transition to R5 Large Lot Residential and C2 Environmental Conservation. Any inconsistency with the Direction, however, is justified by the Goulburn Mulwaree Urban and Fringe Housing Strategy, which identifies the development of the site. The Department of Primary Industries (Agriculture) was consulted during DPE's review and endorsement of the Strategy. DPI did not raise any objection/concerns regarding the Brisbane Grove Precinct.
Direction 9.2 Rural Lands	No	The planning proposal is potentially inconsistent with the Direction, however, any inconsistency is justified by the Goulburn Mulwaree Urban and Fringe Housing Strategy which identifies the development of the site.

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021 – Chapter 8: Sydney Drinking Water Catchment	Development consent cannot be granted unless there is a neutral or beneficial effect (NorBe) on water quality.	Yes	As previously discussed in this report, a Water Cycle Management Study was prepared by the proponent in support of the planning proposal which demonstrates that future development proposals will be able to achieve NorBe. Water NSW did not raise any objections to the planning proposal during Council's consultations.
SEPP Primary Production) 2021	Provides aims and objectives to facilitate the orderly economic use and development of lands for primary production and to protect State significant agricultural land.	Yes	The planning proposal is consistent with the Urban and Fringe Housing Strategy, which considered the aims and objectives of the SEPP during its preparation. The site is not identified as State significant agricultural land.
SEPP (Resilience and Hazards) 2021 Chapter 4: Remediation of Land	Provides a state-wide approach to the assessment and remediation of contaminated land during the rezoning and development of land.	Yes	As previously discussed, a preliminary site investigation was prepared by the proponent in support of the planning proposal. The investigation identified two potential sources of contamination. Council considers these sources are relatively minor and can be addressed at the development application stage.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Biodiversity	As discussed in sections 3.1-3.5 of this report, the planning proposal is unlikely to impact on any critical habitat or threatened species, populations or ecological communities.
Water quality	As discussed in sections 3.1-3.5 of this report, the planning proposal is unlikely to have a negative impact on water quality.
Noise	The site is potentially impacted by four possible noise sources namely the railway line (1km to the south-west), the Hume Highway (0.5km and 1km to the north), Goulburn Airport (2.7 km to the south-east) and Wakefield Park Raceway (5.5km to the south east). Potential noise impacts from the Goulburn Airport and Wakefield Park Raceway on the Brisbane Grove Precinct were considered during the preparation of the Urban and Fringe Housing Strategy. A precinct-specific DCP chapter which has been prepared to support the planning proposal provides development controls to address noise at the DA stage. This includes an internal noise limit of 35dbL which can be achieved via design, orientation, landscaping, earthworks or built solutions.

### 4.2 Social and economic

The planning proposal is unlikely to have any negative social or economic impacts. Rather the proposal is likely to provide positive benefits including providing sixteen additional homes in a planned growth area of Goulburn which will support local jobs and services.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 11 Infrastructure assessment**

Infrastructure	Assessment
Traffic	A Traffic and Parking Assessment Report was prepared by the proponent in support of the planning proposal. The subject site is serviced by Brisbane Grove Road and Johnson's Lane. An additional internal road from Brisbane Grove Road is proposed to access the proposed lots. The Traffic Report identifies there is spare capacity on the existing road network with limited to no impact on the Brisbane Grove and Braidwood Road intersection. The Report does not identify additional upgrades to the existing road network as being required.
Water and sewer	The site is not connected, or proposed to be connected, to Council's reticulated water and sewer network. Lots will be required to provide their own on-site water storage and wastewater disposal.
Power	An overhead electricity power line runs through the site, which currently provides power connection to the existing Allfarthing heritage listed dwelling and will enable connections to be provided to the proposed new lots.
Telecommunications	An optic fibre cable runs parallel to the site's western boundary with Braidwood Road, which provides opportunity for connection to proposed new lots.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 30 days.

The exhibition period proposed is considered appropriate and forms part of the conditions of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- WaterNSW
- Rural Fire Service
- Department of Planning and Environment – Biodiversity and Conservation Division (Floodplain Team)
- Department of Planning and Environment - NSW Heritage Office

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 12 months is appropriate to complete the planning proposal process. It is also recommended Council update Part 6 Project Timeline section of the planning proposal.

Conditions to the above effect are recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the site/planning proposal is consistent with an endorsed local housing strategy and is of local significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

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

- It will provide 16 homes in Goulburn in the Brisbane Grove Precinct which is identified for large lot residential development in the endorsed Goulburn Mulwaree Urban and Fringe Housing Strategy.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Update Part 6 - Project Timeline

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified and;
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

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

1. The planning proposal is to be updated to:
  - Update Part 6 – Project Timeline
2. Consultation is required with the following public authorities:
  - Rural Fire Service
  - WaterNSW
  - Department of Planning and Environment – Biodiversity and Conservation Division (Floodplain Team)
  - Department of Planning and Environment - NSW Heritage Office

3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



17/11/22

Graham Towers

Manager, Southern Region



21/11/2022

Daniel Thompson

Director, Southern Region

Assessment officer

George Curtis

Senior Planner, Southern Region

42471824