

15.7 PLANNING PROPOSAL - ZONING & MINIMUM LOT SIZE AMENDMENT TO LOTS ASSOCIATED WITH 274 MOUNTAIN ASH ROAD, GOULBURN**RESOLUTION 2022/380****Moved: Cr Bob Kirk****Seconded: Cr Andrew Banfield****That:**

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Upon receipt of:
 - a) An Aboriginal Cultural Heritage Assessment prepared by a suitably qualified professional, which includes, as a minimum, evidence of a site inspection accompanied by member of the local Aboriginal community, consultation with the Local Aboriginal Land Council and assessment of Potential Archeological Deposit sites.
 - b) A Preliminary Site Investigation for Contamination undertaken by a suitably qualified professional in accordance with the requirements of Managing Land Contamination Planning Guidelines.
 - c) A Traffic Impact Assessment undertaken by a suitably qualified professional which;
 - i. Examines the proposed additional traffic movements generated by the proposed additional lots for the entire subject site
 - ii. Identifies the capacity of the local road network to accommodate additional traffic volumes
 - iii. Assesses the suitability and safety of the road network, including road intersections, to accommodate the proposed development
 - iv. Demonstrates the ability to evacuate lots within Stages 1-3 during periods of heavy rain and inundation of Mountain Ash Road
 - v. Provides recommendations to resolve any identified adverse impacts on the road network as a result of the proposed development.
3. Upon provision of the items listed in item 2 above, a further report will be presented to Council for its consideration.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood




Against: Nil

15.7 PLANNING PROPOSAL - ZONING & MINIMUM LOT SIZE AMENDMENT TO LOTS ASSOCIATED WITH 274 MOUNTAIN ASH ROAD, GOULBURN

Author: Senior Strategic Planner

Director Planning & Environment

Authoriser: Aaron Johansson, Chief Executive Officer

- Attachments:**
1. Updated Planning Proposal (separately enclosed) 
 2. Indicative Layout Plan [↓](#) 
 3. Draft Brisbane Gr_Mountain Ash Precinct DCP Chapter V5 [↓](#) 
 4. Key Fish Habitat Map [↓](#) 
 5. Vegetation Community Map CEEC [↓](#) 
 6. Gundry Stock Reserve Map [↓](#) 
 7. Revised GMC Biodiversity Officer Comments - 5 August 2022 [↓](#) 
 8. Peak Flood Depths & Levels- PMF [↓](#) 
 9. NSW SES Response - 26 August 2022 [↓](#) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
Address:	274 Mountain Ash Road, Goulburn

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change:
 - a) The zoning of Lots 22-24, DP811954, Lots 1-3, DP835278, Lot 1, DP 731427, Lot 1, DP 779194 and Lot 1, DP 853498 from RU1 Primary Production to part R5 Large Lot Residential and part C2 Environmental Conservation.
 - b) The zoning of Lot 103, DP70346 and Lots 104-106, DP 126140 from RU1 Primary Production to R5 Large Lot Residential.
 - c) The minimum lot size of Lot 1, DP853498 from 10 hectares to 2 hectares.
 - d) The minimum lot size of Lots 22-24, DP811954, Lots 1-3, DP835278, Lot 1, DP 731427, Lot 1, DP 779194, Lot 103, DP70346 and Lots 104-106, DP 126140 from 100 hectares to part 2 hectares and removal of the minimum lot size for the C2 zoned land.
3. The proponent to the planning proposal is required to submit to Council within 90 days (16 January 2023) from the date of this resolution, the following additional information prior to the planning proposal being submitted to the Department of Planning and Environment for a gateway determination:
 - a) An Aboriginal Cultural Heritage Assessment prepared by a suitably qualified professional, which includes, as a minimum, evidence of a site inspection accompanied by member of the local Aboriginal community, consultation with the Local Aboriginal Land Council and assessment of Potential Archeological Deposit sites.
 - b) A Preliminary Site Investigation for Contamination undertaken by a suitably qualified professional in accordance with the requirements of Managing Land Contamination Planning Guidelines.

c) A Traffic Impact Assessment undertaken by a suitably qualified professional which;

- i. Examines the proposed additional traffic movements generated by the proposed additional lots for the entire subject site
- ii. Identifies the capacity of the local road network to accommodate additional traffic volumes
- iii. Assesses the suitability and safety of the road network, including road intersections, to accommodate the proposed development
- iv. Demonstrates the ability to evacuate lots within Stages 1-3 during periods of heavy rain and inundation of Mountain Ash Road
- v. Provides recommendations to resolve any identified adverse impacts on the road network as a result of the proposed development.

4. Subject to the requirements of Recommendation 3 above not being met within the prescribed timescale, Council notify the proponent the planning proposal is not supported and will not progress to a Gateway determination.
5. Subject to compliance with Recommendation 3, the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
6. The Department of Planning and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
7. If the Department of Planning and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.
8. Subject to Recommendation 3 above and inclusion of minor variations to wording because of agency referrals, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan on public exhibition with the Planning Proposal for a minimum of 28 days.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

A proponent-led planning proposal was submitted to the Council through the Planning Portal on 25 November 2021 (Portal ref: PP_2021_7072, Council ref: REZ/0004/2122). The planning proposal was submitted without a prior pre-lodgment discussion with Council, as a result several required studies were omitted from the initial submission including:

- A Flora & Fauna Assessment which included on-site survey work
- An Aboriginal Cultural Heritage Assessment
- A Heritage Impact Statement- European
- A Strategic Bush Fire Assessment
- A Preliminary Site Investigation- Contamination

In addition, the initial indicative layout plans illustrated over 300 proposed lots ranging from a minimum of 4000m² which was contrary to the 2ha+ requirement in the *Urban and Fringe Housing Strategy*.

Council subsequently engaged with the proponent through post lodgment meetings on 7th December 2021 and 17th February 2022 to outline the additional technical studies required to meet the requirements of Ministerial Directions and State Environmental Planning Policy.

The planning proposal submission, alongside identification of the deficiencies in the supporting technical studies and indicative layout plan, were reported to council through a councilor briefing session on 22 February 2022.

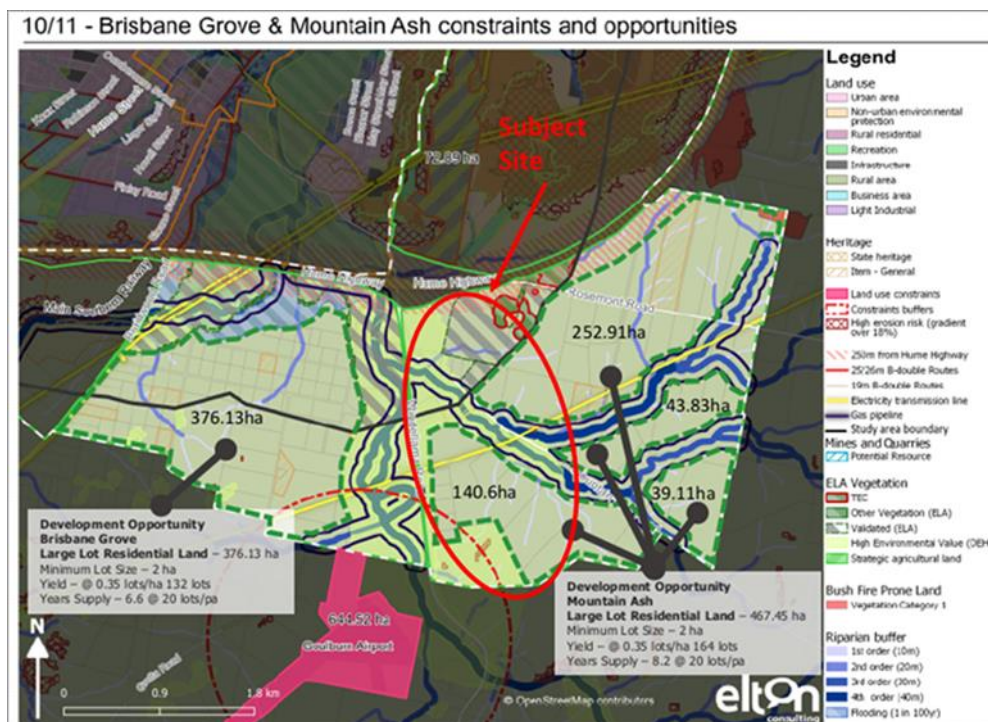
Strategic planning has engaged with the proponent over the course of the last 10 months to obtain the necessary studies to progress with the planning proposal. This has resulted in changes to the indicative layout plan and the submission of some of the requested technical studies.

This planning proposal is one of four rezoning proposals council are currently assessing within the Mountain Ash and Brisbane Grove Precincts.

Urban and Fringe Housing Strategy

The Urban and Fringe Housing Strategy (UFHS) identifies the subject within Precinct 10: Mountain Ash as illustrated in **Figure 1**. The area is unsewered and unconnected to the towns reticulated water system. The Strategy highlights opportunities for large lot residential development with minimum lot sizes of 2 hectares of greater. It also recommends that a comprehensive Aboriginal Cultural Heritage Assessment would be required, that potential noise issues are addressed, and an environmental zoning is applied to flood affected areas. The Strategy also highlights that subject to additional flooding information development yields in the precinct maybe limited.

Figure 1: Extract from Urban and Fringe Housing Strategy

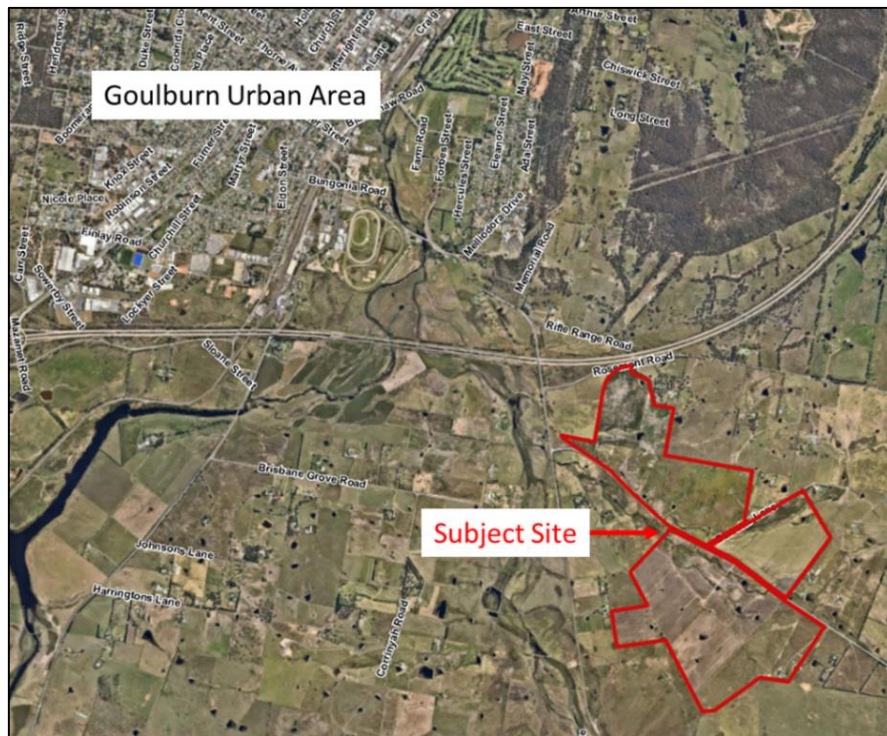


REPORT

The subject site comprises 13 lots with an area of approximately 277 hectares which span along Mountain Ash Road to the east and west. The subject site is located south of the Mulwaree River

and Hume Highway and between 2.7 km and 5.3 km southeast of the Goulburn Urban Area as illustrated in **Figure 2**.

Figure 2: Site Location Plan

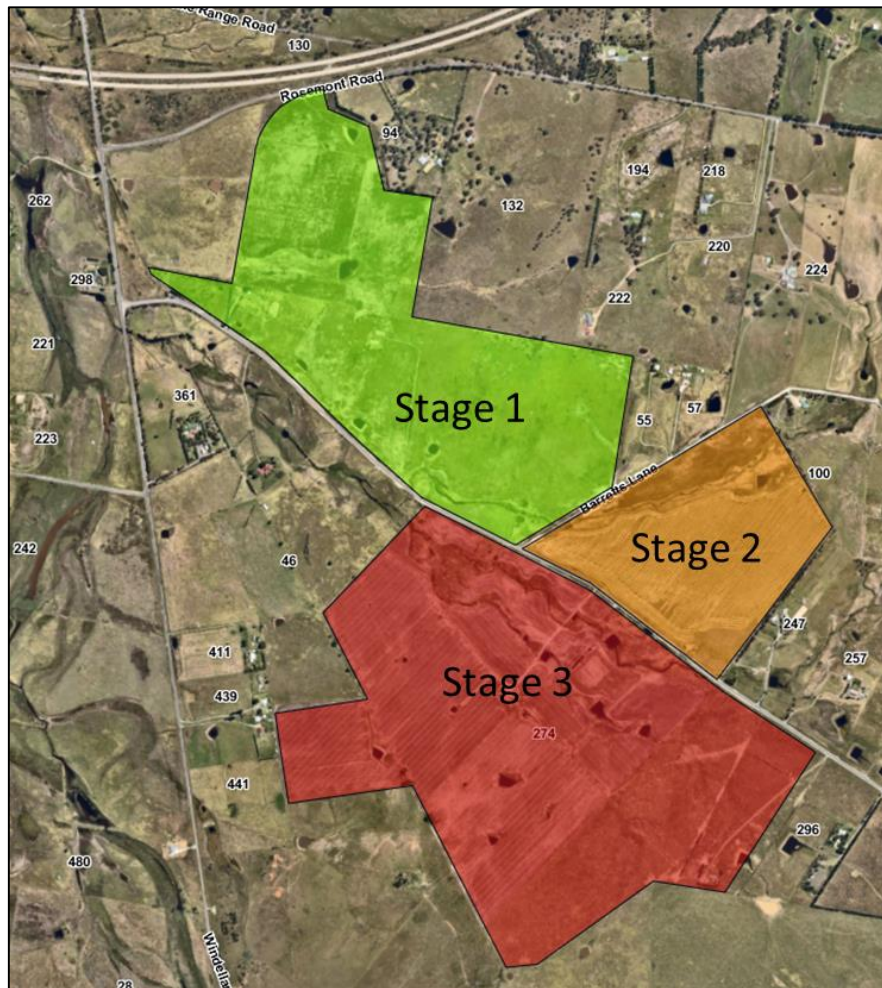


The proposal seeks to rezone land identified in the Mountain Ash precinct of the *Urban and Fringe Housing Strategy* from RU1 Primary Production to part R5 Large Lot Residential and part C2 Environmental Conservation. In addition, the proposal seeks a change to the minimum lot size from 100ha and 10ha to 2ha for the R5 Large Lot Residential zoning and removal of the minimum lot size for the C2 Environmental Conservation Land. A copy of the most up to date planning proposal document is available to view in **Attachment 1**.

The proponent is seeking a staged development process upon completion of the rezoning to provide a total of 108 R5 large residential lots at 2 hectares or greater in area. The development is proposed to be staged in the following three parts (**Figure 3**):

1. **Stage 1** forms the northern stage comprising 8 existing lots to the east of Mountain Ash Road. Access to the northern boundary is proposed via Rosemont Road and to the south via Barrett's Lane.
2. **Stage 2** forms the central stage comprising one large lot with a frontage onto Mountain Ash Road and Barrett's Lane. Access to Stage 2 is proposed via Mountain Ash Road to create a cul-de-sac with no access proposed onto Barrett's Lane.
3. **Stage 3** forms the southern stage comprising 4 relatively large lots with a frontage onto Mountain Ash Road. Two access points are proposed off Mountain Ash Road to service stage 3 which creates an internal loop road.

A copy of the most up to date indicative layout plan is presented in **Attachment 2**.

Figure 3: Staging of Subject Site

The subject site is unserved by Goulburn's reticulated water and sewer system and will rely on on-site effluent management and rainwater collection. The site is affected by several known constraints including:

- Bushfire,
- Overland flow flooding from the numerous drainage channels present across the site,
- Proximity of heritage items,
- Limited native vegetation on site and proximity to native vegetation on adjacent lots
- Potential for Aboriginal artefacts.
- High voltage electricity transmission line easement
- Proximity to noise generating sources

Addressing Constraints

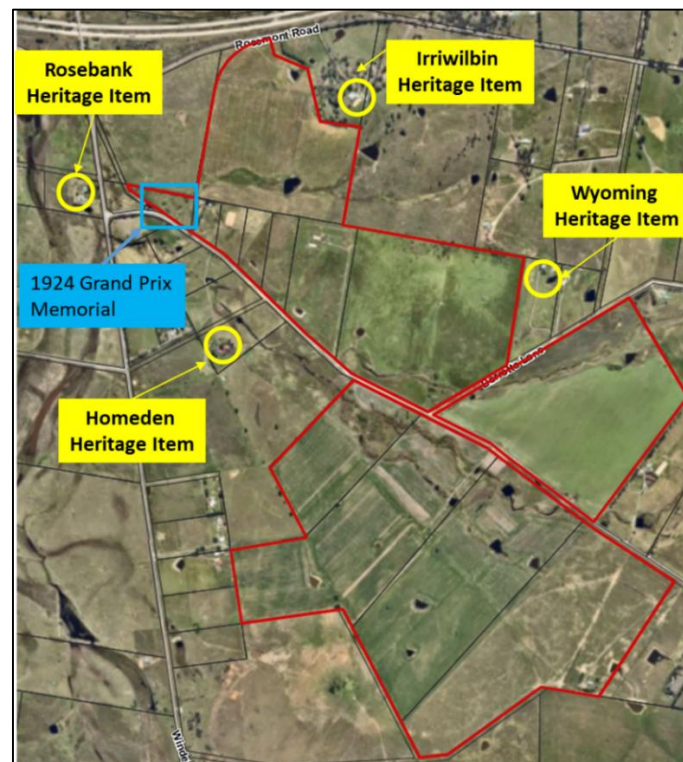
Heritage

A planning proposal must meet the requirements of Ministerial Direction 3.2 Heritage Conservation. This direction requires a proposal to contain provisions that facilitate the conservation of items of environmental heritage significance. In addition, the Direction requires an Aboriginal Heritage survey, which identifies areas, objects, places or landscapes as being of heritage significance to Aboriginal culture and people should be provided to Council.

European Heritage

Four locally listed heritage items are located in close proximity to the subject site but none are within its boundaries. The (non-listed) 1924 Motorcycle Grand Prix Memorial, within Council's ownership, is located directly adjacent the western boundary of Stage 1. **Figure 4** illustrates the location of the listed heritage items and the 1924 Motorcycle Grand Prix Memorial.

Figure 4: Location of Heritage Items



Whilst the heritage items are not included within the planning proposal, the subdivision will change the existing rural setting through the introduction of additional dwellings. This equally applies to other nearby heritage items within the wider landscape of the Mountain Ash and Brisbane Grove precincts.

The potential for the rezoning and subsequent subdivision to affect the setting and significance of heritage items in the precincts has required the preparation and submission of a Heritage Impact Statement.

The proponent submitted a Statement of Heritage Impact (SHI) on 14th September 2022. The assessment of heritage was based upon a desktop-based assessment only as a site inspection was not permitted. Therefore, an assessment of the views to heritage items and the potential for archaeological deposits were not undertaken.

The SHI repeatedly highlights that the rezoning of the land itself would not result in physical impacts on the nearby heritage items but that the subsequent subdivision would result in an impact on the setting of adjacent heritage items as demonstrated through excerpts of the study below.

- *“There will be a change to the land use which will have an impact on adjacent heritage items once residential development commences.”*

- *“As the proposal is for rezoning of rural land to large lot residential land, there will be no heritage impacts to adjacent heritage items. However, once development commences the impacts will need to be determined”*
- *“Mitigation strategies for the investigation or avoidance of potential archaeological deposits were unable to be determined”.*
- *“Any development sympathetic to the heritage items will need to be considered at the development stage.”*
- *“These impacts may be addressed by considered design at the development stage”.*

Therefore, the Study has assessed the rezoning of the land from RU1 Primary Production to R5 Large Lot Residential from a desktop perspective only and identified there will be impacts from the subsequent subdivision. The study has failed to quantify these impacts or provide recommendations for their mitigation. The Study has deferred the assessment and mitigation of the heritage impacts as a result of subdivision to the development assessment stage.

This approach fails to facilitate the conservation of items of environmental heritage significance with particular reference to views, the setting and context of heritage items and archeological deposits.

Notwithstanding, a draft Brisbane Grove and Mountain Ash Precinct-specific DCP chapter (**Attachment 3**) has been developed in conjunction with three other planning proposals currently being processed in the two precincts. This DCP chapter has partly been informed by identified impacts and proposed recommendations sourced from Heritage Impact Statements submitted in support of these other planning proposals.

The DCP chapter includes provisions relating to site coverage, setbacks, dwelling design, height, materials, fencing and landscaping. These controls seek to minimise the impact of future subdivisions on the setting of heritage items in the wider landscape.

The emerging DCP controls have been reviewed by Council's Heritage Consultant to determine whether the draft controls would satisfactorily address the potential impacts from this proposal on nearby heritage items. The Heritage Consultant considered that the draft precinct specific DCP controls alongside existing heritage controls within the main body of the DCP would adequately address potential impacts on nearby heritage items at the rezoning stage but further detail will be required at the development application stage. Additional text to the precinct specific DCP chapter has been recommended by the heritage consultant to ensure appropriate consideration of views and approaches to heritage items. This additional text has been included within the updated DCP chapter (**Appendix 3**).

The DCP also requires the submission of a Heritage Impact Statement with a development application. Due to the deficiencies of the currently submitted Heritage Impact Statement, a more comprehensive version will be required at the development application stage to meet the requirements of the DCP.

It should be noted that the 1924 Motorcycle Grand Prix memorial was identified as locally significant in the proponents SHI and provisions for the incorporation of this monument into a subsequent subdivision are included within the Draft Precinct-specific DCP chapter.

Aboriginal Cultural Heritage

The planning proposal is subject to a potential aboriginal artefacts layer on Council's mapping system which indicates further investigation is required. This is reinforced by the *Urban and Fringe Housing Strategy* which stipulates the requirement for a comprehensive Aboriginal Cultural Heritage Assessment (ACHA) to be submitted with a rezoning proposal. As a minimum the ACHA must include a site inspection in consultation with a member of the Aboriginal community and identification of Potential Archaeological Deposit areas (PAD's).

The proponent has been advised of the requirement for an ACHA through the following:

- Stipulated as a requirement in the *Urban and Fringe Housing Strategy*;
- Advised through face-to-face post lodgment meetings on 7th December 2021 and 17th February 2022;
- Advised by email from Heritage NSW on 21st February 2022, and
- Advised by email from Council on 14th June 2022, 19th September 2022 and 29th September 2022.

In response, the proponent submitted an Aboriginal Heritage Desktop Assessment which failed to include the requested site visit, consultation with the Aboriginal community and identification of PAD sites. The desktop assessment did however make the following recommendation:

`It is recommended that further archaeological investigations in the form of a preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) be completed prior to the construction phase of the work`.

The findings of the ACHA have the potential to vary the approach to zoning which is why an assessment of Aboriginal cultural heritage is required at the planning proposal stage.

The requirement of the *Urban and Fringe Housing Strategy* and Heritage NSW for a full ACHA, alongside the proponents own Aboriginal Due Diligence study recommending an ACHA, all reinforce the requirement for this planning proposal to be supported a full Aboriginal Cultural Heritage Assessment.

This requirement is stipulated within Recommendation 3 of this report and the proposal will not proceed to gateway until council has received a full Aboriginal Cultural Heritage Assessment which includes a site inspection by a suitably qualified archeologist in consultation with the Aboriginal community and identification of Potential Archaeological Deposits sites (PAD).

Biodiversity

None of the lots within the subject site are identified on the Biodiversity Values Map but all lots are affected entirely or partially by the Terrestrial Biodiversity mapped area which indicates the potential for biodiversity values within the site.

The initial planning proposal submission included an Ecological Constraints Analysis (Oct 2021) involving a desktop review. However, after discussions with Council, the proponent prepared a more detailed Ecological Assessment (Aug 2022) with targeted field surveys.

The assessment found:

- The terrain dominated by cleared and historically managed grassland with minimal native forest cover;
- Exotic/weed species estimated to contribute to greater than 95% of the sites biomass;
- Cleared land/pasture grasses comprises approximately 260 hectares of the 265 hectare subject site;
- Key fish habitat identified along the main creek lines (**Attachment 4**);
- An example of the White Box- Yellow Box- Blackely's Red Gum Grassy Woodland and Derived Native Grassland comprising 7 scattered Blakely's red gums in an area of 0.38ha adjacent the northwestern boundary of Stage 1. As a precautionary approach, the area has

been treated as a degraded patch of Critically Endangered Ecological Community (CEEC) (**Attachment 5**);

- The ecologically important Gundry Travelling Stock Reserve stands adjacent the western boundary of Stage 2 (**Attachment 6**); and
- No threatened fauna species are considered a possible occurrence due to an absence of suitable habitat types and/or structural diversity.

The following summarized recommendations from the Ecology Assessment seek to address the potential impacts on the degraded CEEC, key fish habitat and Gundry Travelling Stock Reserve from the proposed subdivision:

- A Vegetation Management Plan be prepared at the development application stage to control clearing activities, detail how vegetation will be retained and identify and protect buffer areas;
- Weed control during construction, in landscaped areas and areas of retained vegetation;
- Vegetation removal during construction should be mulched for use on the subject site;
- Tree protection measures put in place;
- The CEEC is retained and restored through assisted natural regeneration or re-vegetation works with a minimum additional 10m planting buffer and safeguarded in perpetuity through a covenant;
- Provision of a minimum 10m vegetated buffer interface between Stage 2 and the Gundry Travelling Stock Reserve;
- Native landscape planting which provides foraging habitat;
- Waterways are to be retained and buffered with buffers rehabilitated to achieve full structured native vegetation and protected in perpetuity; and
- Provision of a Sediment and Erosion Control Plan and Stormwater Management Plan with a development application.

Council's Biodiversity Officer has reviewed the Ecological Assessment and made the following conclusion:

"The conclusion of the report that, provided the remnant Box Gum Woodland and watercourses/drainage lines are retained, buffered and protected by a CMP, the proposed activity will not have any significant adverse impacts on Biodiversity is supported."

A copy of Council's Biodiversity Officers comments are available in **Attachment 7**.

The above recommendations will be addressed in three different ways, namely through existing DCP provisions, the draft precinct-specific Brisbane Grove and Mountain Ash Precinct DCP chapter and LEP zoning changes.

The Proposal seeks to rezone areas around the creek lines as C2 Environmental Conservation where most development types, including residential, are prohibited by the LEP. This will ensure the protection of these waterways. The precinct specific DCP chapter also prescribes riparian planting requirements and development setback distances.

The existing Development Control Plan includes requirements for Erosion and Sediment Control plans, alongside a requirement for Stormwater Management Plans. In addition, the DCP already includes a tree and vegetation preservation chapter which sets out the provisions for the protection of trees and vegetation.

The precinct specific DCP chapter prescribes 20 metre landscape buffers in relation to the remnant Box Gum Woodland in Stage 1 and the Gundry Travelling Stock Reserve in Stage 2 in order to safeguard and enhance existing native vegetation.

It also requires the submission of a Vegetation Management Plan for development applications involving native vegetation management and rehabilitation.

The planning proposal has been accompanied by sufficient information to assess the biodiversity value of the site with mitigations proposed which are to be implemented through changes to the LEP, existing DCP provisions and through the Precinct-specific DCP chapter.

Contamination

The site is not identified on the Council's local contaminated land register or identified as significantly contaminated land. However past agricultural activities are listed as a potentially contaminating use within Table 1 of the *Managing Land Contamination* guidelines- State Environmental Planning Policy (Resilience and Hazards) 2021.

Ministerial Direction 4.4 - Remediation of Contaminated Land applies to potentially contaminating land uses listed with Table 1 of the guidelines. This direction requires a planning proposal authority to consider, prior to permitting a change of land use, whether land is contaminated, if contaminated, whether it is suitable for the proposed use and if the land requires remediation.

The planning proposal was accompanied by an Engineering Services Report which included a Site & Soil Evaluation which sought to address soil contamination from organochlorine and organophosphorus pesticides. This assessment did not consider other potential contaminants such as those from farm machinery or oil-based products and failed to address previous land uses and their potential impact on soil and water contamination.

The information submitted with the planning proposal to date is not sufficient to address the requirements of Ministerial Direction 4.4. A Preliminary Site Investigation for contamination must be undertaken in accordance with the *Managing Land Contamination* guidelines and submitted to council which includes the following:

- Identification of all past and present potentially contaminating activities;
- Identification of potential contamination types;
- Discussion of the site condition;
- A preliminary assessment of site contamination, and
- Assessment of the need for further investigations to ensure suitability for residential use.

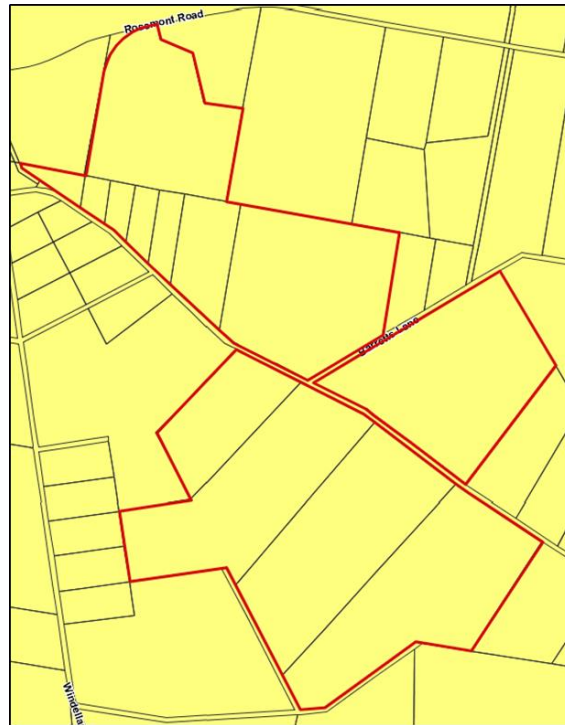
The requirement for the submission of Preliminary Site Investigation for Contamination is stipulated within Recommendation 3 of this report and the proposal will proceed to gateway only after receipt of a Preliminary Site Investigation.

The proponent has been advised of this requirement and Council have been notified that a Preliminary Site Investigation is currently being prepared.

Bushfire

The subject site lies within a rural area and all lots are encompassed by Category 3 vegetation with a medium bushfire risk as illustrated in **Figure 5**.

Figure 5: Bush Fire Prone Land Map



Proposals within bushfire prone areas are required to meet the requirements of Ministerial Direction 4.3 - Planning for Bushfire Protection. This direction seeks to protect life, property and the environment from bushfire hazards and encourage the sound management of bushfire prone areas. The direction requires a planning proposal to:

- Have regard to *Planning for Bushfire Protection 2019*,
- Introduce controls that avoid placing inappropriate developments in hazardous areas, and
- Ensure bushfire hazard reduction is not prohibited within the Asset Protection Zones (APZ)

The planning proposal has been accompanied by a Strategic Bush Fire Study to provide an independent assessment of the proposals suitability for large lot residential development in regards to bushfire risk. The assessment has been undertaken in accordance with NSW RFS guidance document '*Planning for Bushfire Protection 2019*'.

The Study has identified both the requirements of the RFS guidance document and how the proposal seeks to meet the performance criteria through the application of acceptable solutions. Where acceptable solutions cannot be implemented the study justifies this departure or proposes alternative solutions which meet the requirements of the performance criteria. The Study has included the following bushfire protection measures:

- Location of APZ's on slopes which do not exceed 18 degrees;
- Lots large enough (2ha+) to provide Asset Protection Zones in accordance with the acceptable solutions within the RFS guidelines (minimum of 17m for grassland slopes between 15 to 20 degrees). These APZ's can be accommodated within lot boundaries to ensure no dwelling site would be exposed to radiant heat levels exceeding BAL-29 (High Bush Fire Attack Level);
- A site area and number of proposed lots which provide ample space for the 20,000L firefighting water tank requirement for each lot, and
- Two access points provided for Stage 1 and Stage 3 (only one access point for stage 2).

It is noted that the acceptable solutions as they relate to access prescribed by the *Planning for Bushfire Protection* guidelines requires a perimeter road around the subject site. The Study argues this requirement is negated by all APZ's being located wholly within each lot and that the subdivision of land removes the bushfire risk. Notwithstanding, the Study highlights existing sealed roads, paper roads, unnamed crown road reserves and fire trails to be nominated for emergency use. It is worth noting that regardless of what is illustrated on the indicative plan, the overall site area at 277 hectares provides ample space to accommodate perimeter roads alongside other bushfire protection measures, albeit with a potential lower yield and lot readjustment.

The Study has proposed some alternative solutions to meet the performance criteria and guidance will be sought from RFS as to the acceptability of these solutions through the Gateway referral process.

The *Goulburn Mulwaree Development Control Plan* includes Chapter 3.17 Bushfire Risk Management which requires development on bushfire prone land to be developed in accordance with the Rural Fire Service guidelines. The existing chapter is sufficiently detailed to ensure the required bushfire protection measures can be implemented through a subsequent development application.

The planning proposal will include consultation with NSW Rural Fire Service (RFS) in accordance with the requirements of a gateway determination prior to public exhibition, with any comments considered through the planning proposal.

Access and Traffic Generation

The planning proposal has not been accompanied by a Traffic Impact Assessment but does include an indicative subdivision layout plan which includes lot orientation, proposed access points and the location of new internal access roads, illustrated in **Attachment 2**.

Stage 1 includes a proposed internal access road which runs from Barrett's Lane in the south to Rosemont Road to the north to provide access to approximately 38 lots. No access is proposed from Mountain Ash Road for Stage 1.

Stage 2 includes a cul-de-sac arrangement with a proposed internal access road via Mountain Ash Road to provide vehicle access to approximately 19 lots.

Stage 3 includes a proposed internal access road with two access points via Mountain Ash Road to create an internal loop road for Stage 3. The internal loop road will provide access to approximately 51 lots.

The proponent's proposal submission has identified that proposed road reserve widths will accord with Council's standards and incorporate table and mitre drains and any intersections with an existing road will incorporate right and left turn treatments and suitable sight distances.

As part of the wider precinct rezoning proposals currently being assessed and in anticipation of more rezoning proposals being submitted, Council's Senior Asset and Development Engineer provided some highway considerations for the precinct.

The Engineers comments (in blue) and an evaluation of these comments (in green) as they relate to the proposal are summarized below:

1. Barrett's lane should be upgraded and sealed to current standards for the full-length including culvert upgrading

Barrett's Lane is proposed to provide the southern access point for Stage 1 internal access road which is positioned approximately 200m down Barrett's Lane. Any required upgrade to

the first 200 metres of this road would directly relate to enabling the subdivision of stage 1. As such, any future development application would be required to provide upgrades and improvements to this section of the road as required. Road construction standards are currently prescribed within Chapter 7 of the GM DCP.

2. Mountain Ash/Windellama Road intersection has poor sight distance and should be upgraded

The Mountain Ash/Windellama Road intersection stands in close proximity to the site but outside of the subject sites' boundaries. Whilst this intersection will be utilised by proposed lots in this proposal, it will also be utilised for traffic generated by other future subdivisions in the precinct. It is therefore unreasonable and disproportionate to require a subsequent development application to fully fund an upgrade to this intersection. An alternative solution is to update the Local Infrastructure Contributions Plan (LICP) to include this intersection improvement to the Roads and Active Transport Schedule of Works. This enables all future subdivisions to contribute proportionally to the number of lots proposed into a communal fund. Further consideration of an intersection upgrade and amendment to the LICP will be subject to a separate report to council.

3. No new driveways onto Mountain Ash Road

No new driveways are proposed to be constructed from Mountain Ash Road (internal access roads only).

4. Internal access roads should have appropriate sight distance with Mountain Ash Road intersections

The assessment of appropriate sight distances from internal access roads and their intersections will be examined through a Traffic Impact Assessment and assessed at the development application stage.

5. Consideration should be given to the provision of bus stops, walking and cycle paths along roadways.

In terms of pedestrian, cycle and bus stop provision, the low density of lots combined with the dominant mode of travel expected to be the private vehicle, this type of infrastructure would be significantly under-utilised. The extent of cycle and footpath provision would also be extensive with several kilometres of provision required. This would be costly to provide and result in significant on-going maintenance costs to Council in perpetuity. Considering the proposed density in the precinct alongside the significant cost of provision, this type of infrastructure investment would be more beneficially directed to the urban area.

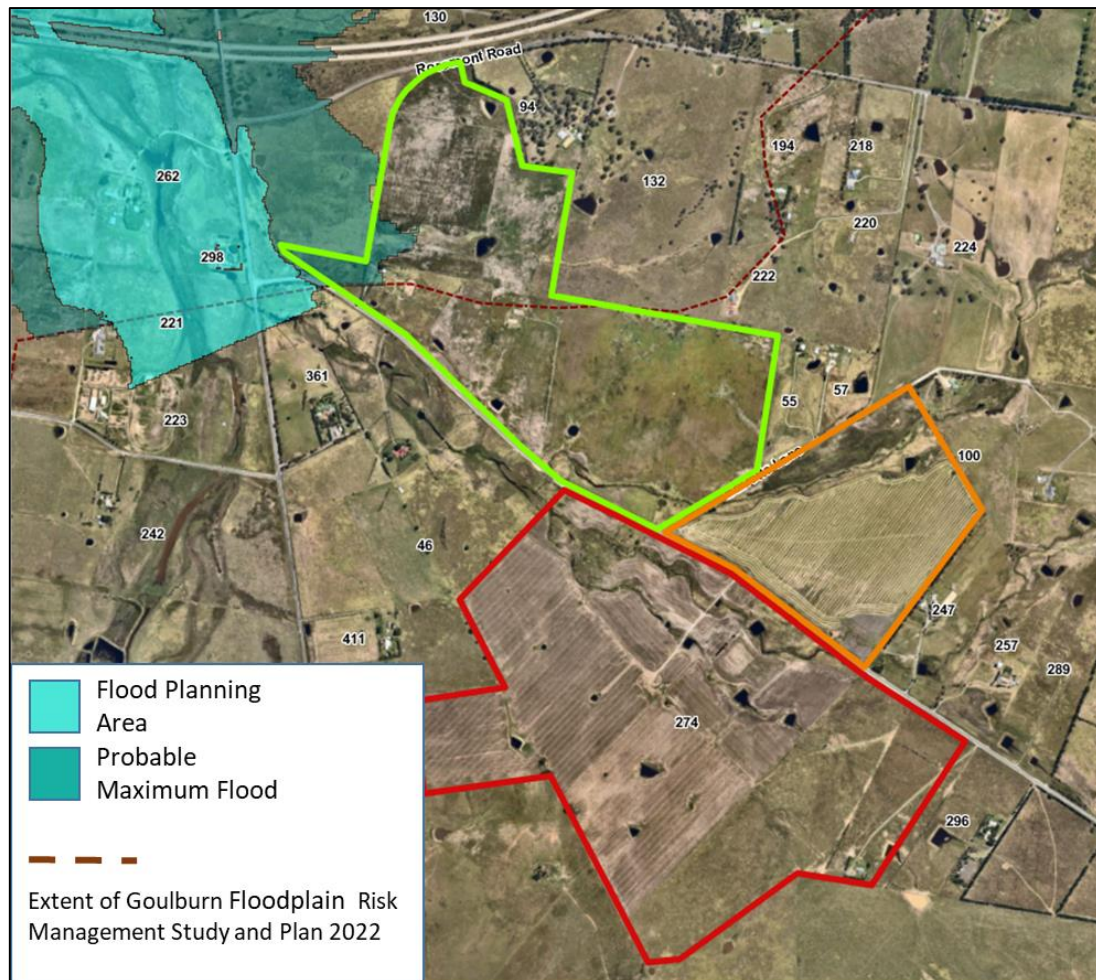
6. The 1924 Motorcycle Grand Prix memorial should be designed into the development for passive surveillance

The 1924 Motor Cycle Grand Prix Memorial site stands adjacent Stage 1 of the subject site and its importance to local heritage has been recognised through the draft precinct-specific DCP chapter. This policy requires the memorial site to be incorporated into the subdivision design which provides natural surveillance from adjacent properties.

Flooding

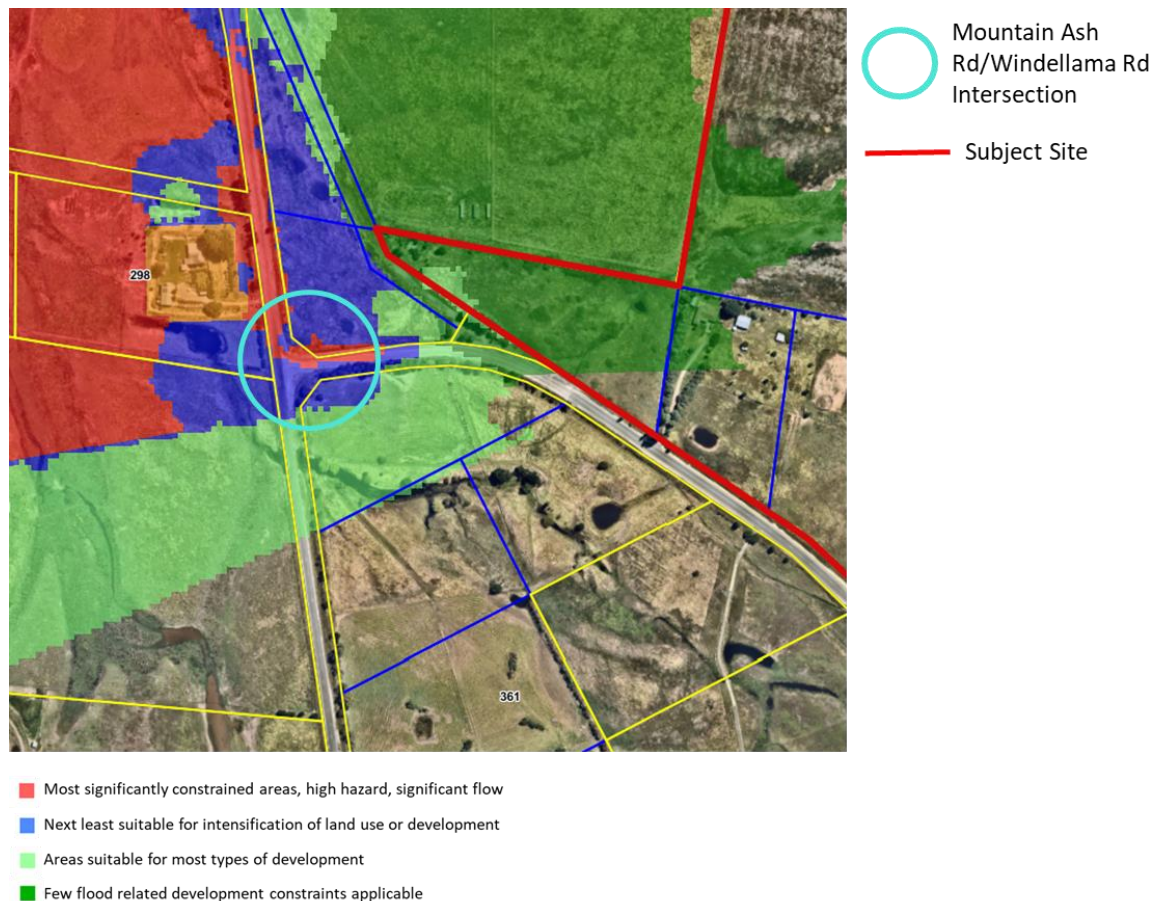
The significant majority of the subject site is outside of the recently adopted *Goulburn Floodplain Risk Management Study and Plan 2022* with only a small northern section of Stage 1 included with the study boundary. The study illustrates a small encroachment of the Probable Maximum (PMF) riverine flooding event within the site as illustrated in **Figure 6**.

Figure 6: Extent of riverine flooding



The *Goulburn Floodplain Risk Management Study and Plan 2022* also identifies that the Mountain Ash Road and Windellama Road intersection is affected by the Flood Planning Area. **Figure 7** illustrates that this intersection experiences frequent and severe flood inundation from riverine flooding, illustrated within Flood Planning Constraint Category 1 (red) and 2 (blue). Whilst the intersection is not directly included within the proposal, future residents are highly likely to utilise this intersection to gain access to and from the Goulburn urban area. This presents issues around the ability of residents to safely evacuate during periods of heavy rain and inundation.

Figure 7: Riverine Flooding Impacts on Mountain Ash Rd/Windellama Rd Intersection



The site is crisscrossed by a number of drainage channels including a significant tributary to Gundry Creek which follows a northern path toward the Mulwaree River and running roughly parallel with Mountain Ash Road, illustrated in **Figure 8**. The number and extent of these drainage channels identifies the potential for overland flow impacts to the site.

Figure 8: Location of drainage paths through subject site

The recently adopted *Goulburn Floodplain Risk Management Study and Plan* included a recommendation to undertake overland flow modelling and a subsequent overland flow study. Overland flow modelling had already been undertaken for the Flood Study area, but in light of the emerging planning proposal to the south of Goulburn, this modelling was extended to include all of the Mountain Ash and Brisbane Grove precincts with some additional information on flood depth also provided in relation to this site specifically.

The overland flow modelling maps (**Figure 9**) illustrate significant overland flow impacts across the site but particularly focused upon the drainage lines which run parallel with Mountain Ash Road and Barrett's Lane. The most significantly affected areas are those identified as Flood Planning Constraint Category 1 (red) and 2 (blue) where flood inundation is most frequent and severe, indicating where development should be avoided. These areas are proposed to be zoned as C2 Environmental Conservation where most development types are prohibited.

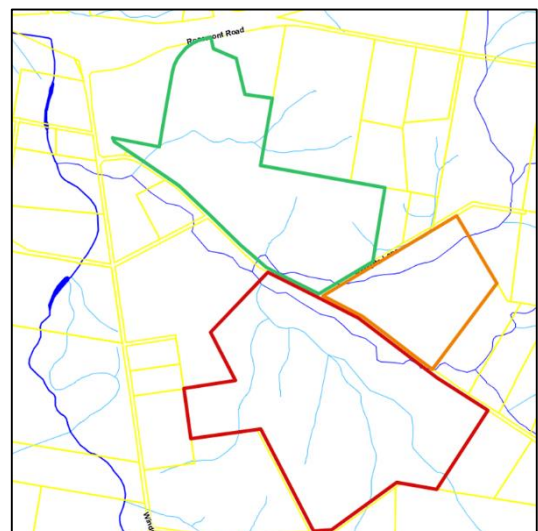
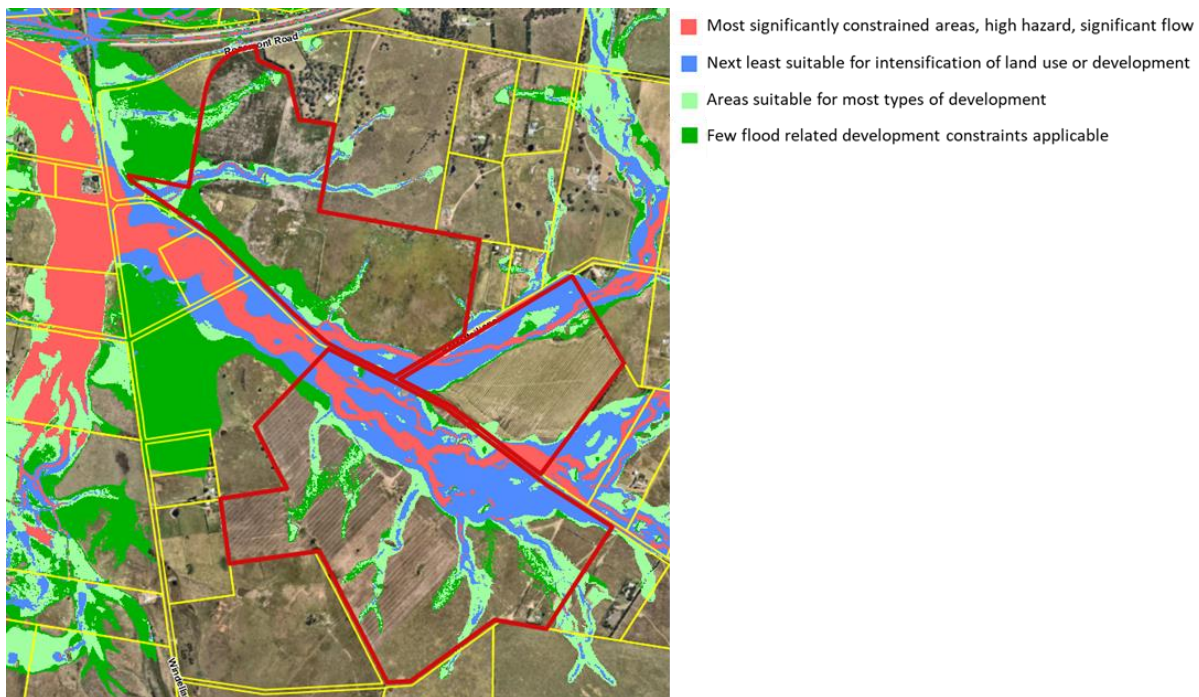


Figure 9: Overland Flow Mapping



Ministerial Direction 4.1 - Flooding applies to planning proposals that relate to provisions affecting flood prone land (riverine and overland flow). This direction requires a planning proposal to be consistent with relevant guidance and policy. In addition, a planning proposal must not:

- Rezone land within the flood planning area from rural to residential
- Permit development in floodway areas
- Permit development which would result in significant flood impacts to other properties
- Permit residential accommodation in high hazard areas
- Permit a significant increase in dwelling density
- Permit development which may be difficult to evacuate

The proponent, through the submitted indicative layout plan, illustrates the scheme's ability to avoid placing built development in floodway areas including avoiding placing residential in the high hazard areas identified in red and blue on **Figure 9**. These illustrations alongside the large area of the site at 277 hectares all indicate the scheme's ability to avoid placing development in floodway areas.

In addition to the above, the *Floodplain Development Manual 2005*, *Considering Flooding in land use planning guideline 2021* and Clause 5.21 of the *GM LEP 2009* all require council to be satisfied the development will not adversely affect the safe occupation and efficient evacuation of the site.

As indicated above the subject site is large enough to accommodate dwelling envelopes which are located outside of the flood planning area and the safe occupation of the site is achievable. The additional overland flow modelling undertaken for the Mountain Ash Precinct has illustrated that large sections of both Mountain Ash Road and Barrett's Lane have the potential to become inundated during periods of heavy rain. The severity of this inundation varies depending on the intensity of the rainfall event. Parts of Mountain Ash Road and Barrett's Lane become inundated during a 1% (1 in 100 year) event with the modelling illustrating the extent of flooding and water depth during a probable maximum flood event to be significant. **Attachment 8** illustrates the

majority of Mountain Ash Road and Barrett's Lane as inundated with water depths largely between 50cm to 1m or greater during the worst-case flooding scenario.

The proposal is seeking to provide an access point to Stage 1 via Barrett's Lane and access to Stage 2 and 3 via Mountain Ash Road. This raises the issue of whether the site can be efficiently evacuated during periods of heavy rain and inundation.

The concern regarding safe and efficient evacuation is amplified by the inundation of the closest and most obvious evacuation route via the Mountain Ash Road/Windellama Road intersection.

In light of this issue the State Emergency Service (SES) provided written advice to council on 26th August 2022 (**Attachment 9**), summarised below:

- Evacuation must not require people to drive or walk through flood water;
- Self- evacuation of the community should be achievable consistent with the NSW SES principles for evacuation;
- Development strategies relying on deliberate isolation or sheltering in place in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. 'Shelter in place' strategy is not an endorsed flood management strategy. Secondary emergencies such as fire and medical emergencies may occur in buildings isolated by floodwater;
- Development strategies relying on mass rescue where evacuation either fails or is not implemented is not acceptable, and
- NSW SES is opposed to development strategies that transfer residual risk in terms of emergency response activities, to NSW SES and/or increase capability requirements of the NSW SES.

Face to face discussions with SES and DPE - Biodiversity & Conservation (Flooding) on 4 October 2022 provided guidance on how the proponent/Council can demonstrate the proposal avoids a 'shelter in place' strategy and provide a safe and efficient evacuation route during periods of heavy rain and inundation. This should be demonstrated through an Evacuation Capability Assessment in accordance with the requirements of the *Support for Emergency Management Planning- Flood Risk Management Guide*. The scope of the Evacuation Capability Assessment is currently being evaluated by SES and DPE which once established will be conveyed to the proponent for preparation prior to Gateway.

Water Quality

Goulburn is located within the Sydney Drinking Water Catchment and Ministerial Direction 3.3 Sydney Drinking Water Catchments and State Environmental Planning Policy (Biodiversity and Conservation) 2021 apply to this planning proposal.

This direction requires a planning proposal to be prepared with the general principle that water quality must be protected. The SEPP requires new development to have a neutral or beneficial effect on water quality and to match future land use with land and water capability with consideration to the outcomes of a Strategic Land and Water Capability Assessment.

The proponent has sought to address these considerations through an indicative layout plan which illustrates the ability to achieve required buffer distances within the site boundaries whilst providing enough residual land area to safely accommodate dwelling envelopes and effluent management areas (EMA's) (potentially with an adjustment of lot numbers and boundaries).

The proponent has also submitted a Preliminary Soils Assessment which included an effluent disposal assessment and Site and Soil evaluation conducted in accordance with Water NSW

current recommended practice. The assessment was based upon each lot containing a dwelling with 4 bedrooms, using a rainwater supply and a standard aerated wastewater treatment systems with an area of 2,000m² for the EMA's.

The method of wastewater treatment is detail more relevant to the development application stage but it indicates the site is capable of accommodating the proposed development and achieving a neutral or beneficial effect on water quality.

In addition, the proposed C2 Environmental Conservation Zone encompasses the most frequent and severe areas of inundation and serves to make to clear from a water quality perspective, that effluent disposal can be sited on the subject site and away from these flood affected areas. It also provides for improved water quality outcomes.

Water NSW will be engaged prior to the planning proposal being forwarded for a gateway determination in which advice will be sought and incorporated into the planning proposal alongside a Strategic Land and Water Capability Assessment.

Electricity Transmission Line and Easement

A 60.96m wide high voltage electricity transmission line easement spans east to west across the centre of the site intersecting with the top of Stage 3 and the bottom of Stage 1. The submitted indicative layout plan, provided in **Attachment 2** illustrates the provision of additionally sized lots (greater than the prescribed 2ha) where the electricity easement crosses the site. This demonstrates the proposal's ability to avoid built development within this easement. The Draft Precinct-specific DCP chapter also includes controls relating to structures within the electricity easement.

Noise Impacts

The subject sites stand within a landscape with four possible noise sources which have the potential to adversely affect residential amenity, these include:

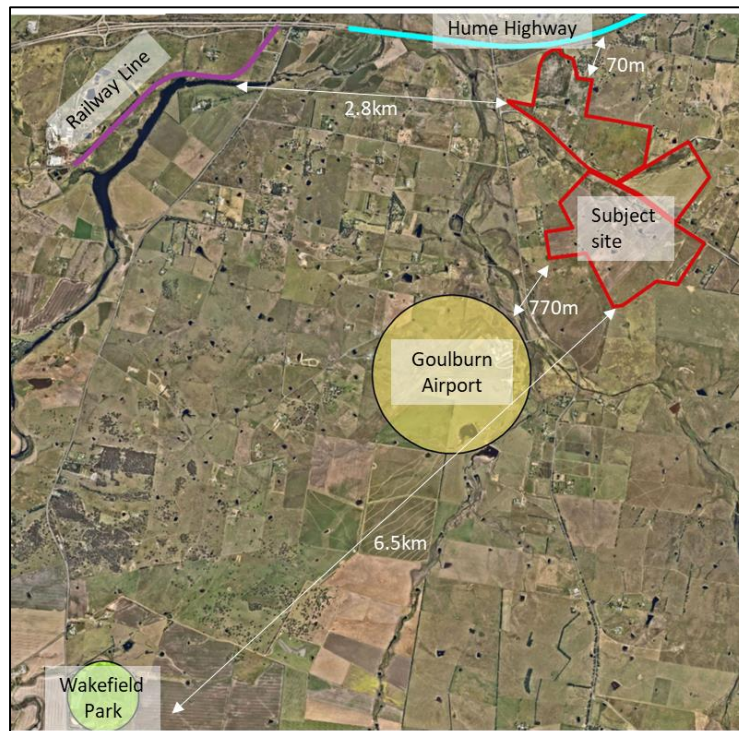
- The railway line which stands approximately 2.8km to the southwest of Stage 1;
- The Hume Highway which stands approximately 70m north of Stage 1;
- Goulburn Airport which stands approximately 6.5km southwest of Stage 3, and
- Wakefield Park Raceway which stands approximately 6.5km southwest of Stage 3.

These four noise sources derived from multiple directions (**Figure 10**) raises the potential for adverse impacts on residential amenity. Two of these noise sources, namely the airport and Wakefield Park, are identified in the *Urban and Fringe Housing Strategy* as the following potential constraints:

- Proximity to Goulburn Airport could limit density of residential development, and
- Proximity to Wakefield Park imposes a noise constraint on this precinct.

These noise impacts have been addressed through the Precinct-specific Development Control Plan chapter which requires an internal noise limit of 35dbL, as illustrated in **Attachment 3**. This can be achieved via a number of methods including through design, orientation, landscaping and earthworks or built solutions.

Figure 10: Proximity of Noise Sources



Local Infrastructure Contributions Plan

The planning proposal site stands within the boundary of the Goulburn Local Infrastructure Contributions Plan (LICP). As previously noted, the LICP may require updating to include an additional commitment to the Mountain Ash/Windellama Road intersection upgrade.

Conclusion

The planning proposal submission is considered to be in accordance with the *Urban and Fringe Housing Strategy* in regard to:

- Its location within an identified precinct
- The proposed large lot residential zoning
- The proposed minimum lot size at 2 hectares or greater, and
- The implementation of an Environmental Zone for flood prone land.

The proposal is not currently in conformity with the strategy's requirement to provide an Aboriginal Cultural Heritage Assessment which will be resolved upon the submission of this requested document.

Heritage impacts have not been fully quantified through the applicants Statement of Heritage Impact but existing and proposed DCP controls, alongside the requirement for an updated Statement of Heritage Impact at the development application stage, are considered to safeguard the significance of heritage items in the landscape.

Contamination has not been investigated in accordance with the *Managing Land Contamination* guidelines and the proposal is not currently able to address the Ministerial Direction. This requirement will be resolved upon the submission of the requested Preliminary Site Investigation for contamination.

The proposal adequately addresses biodiversity through the C2 zoning, identification of buffers areas to protect and enhance native vegetation and the through the application of existing and proposed Development Control Plan provisions.

The Strategic Bushfire Assessment has been prepared in accordance with the relevant guidelines and identifies suitable bushfire protection measures to meet the Ministerial Direction and proceed to gateway.

New internal roads, access points and intersections have been identified through the planning proposal, but the potential impacts of additional traffic generation have not been quantified and no recommended mitigations proposed. The Traffic Impact Statement, once received with the detail requested, will inform these considerations.

Supporting technical information indicates that neutral or beneficial effect on water quality can be achieved.

The proposal demonstrates the ability to avoid placing development in floodway and high hazard areas. Further work is currently being undertaken by council and the proponent to demonstrate safe evacuation of the site during periods of inundation of Mountain Ash Road, Barrett's Lane and the Mountain Ash Rd/Windellama Rd intersection to satisfactory address Ministerial Direction 4.1. This further work has the potential to demonstrate the unsuitability of the site for residential development or significantly reduce site capacity. Given the increasing concerns over this type of risk by State agencies, the process and policy of determining risk and acceptable risk is more onerous than was historical the case. It is likely that the proponent will still need to provide additional information to support this rezoning as the process continues.

Overall, the planning proposal has largely demonstrated strategic merit for the proposed rezoning however further detail, as stipulated in Recommendation 3, is required before council can adequately address the Ministerial Directions and proceed to Gateway.

Subject to receipt of the required studies with the relevant detail, a planning proposal can be prepared and submitted for the gateway determination. However, due to the protracted nature of this process to date and the difficulty receiving requested information, if the required studies are not submitted to council within the prescribed timescale, the planning proposal will be returned to the proponent and the proposal will not be forwarded for a gateway determination.

Recommendation

This report recommends that subject to the submission of required technical studies as stipulated in Recommendation 3 of this report, that a planning proposal be prepared and progressed to the Department of Planning and Environment for a gateway determination which seeks to amend the zoning and minimum lot size in the GM LEP 2009 as follows:

- a) The zoning of Lots 22-24, DP811954, Lots 1-3, DP835278, Lot 1, DP 731427, Lot 1, DP 779194 and Lot 1, DP 853498 from RU1 Primary Production to part R5 Large Lot Residential and part C2 Environmental Conservation.
- b) The zoning of Lot 103, DP70346 and Lots 104-106, DP 126140 from RU1 Primary Production to R5 Large Lot Residential.
- c) The minimum lot size of Lot 1, DP853498 from 10 hectares to 2 hectares
- d) The minimum lot size of Lots 22-24, DP811954, Lots 1-3, DP835278, Lot 1, DP 731427, Lot 1, DP 779194, Lot 103, DP70346 and Lots 104-106, DP 126140 are changed from 100 hectares to part 2 hectares and removal of the minimum lot size for the C2 zoned land.

A draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove and Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan 2009 be placed on public exhibition with the planning proposal.

Subject to the requirements of Recommendation 3 not being met within the prescribed timescale, the report recommends Council notify the proponent that the planning proposal is not supported and will not progress to a Gateway determination.

FINANCIAL IMPLICATIONS

There are no known financial implications arising from this report.

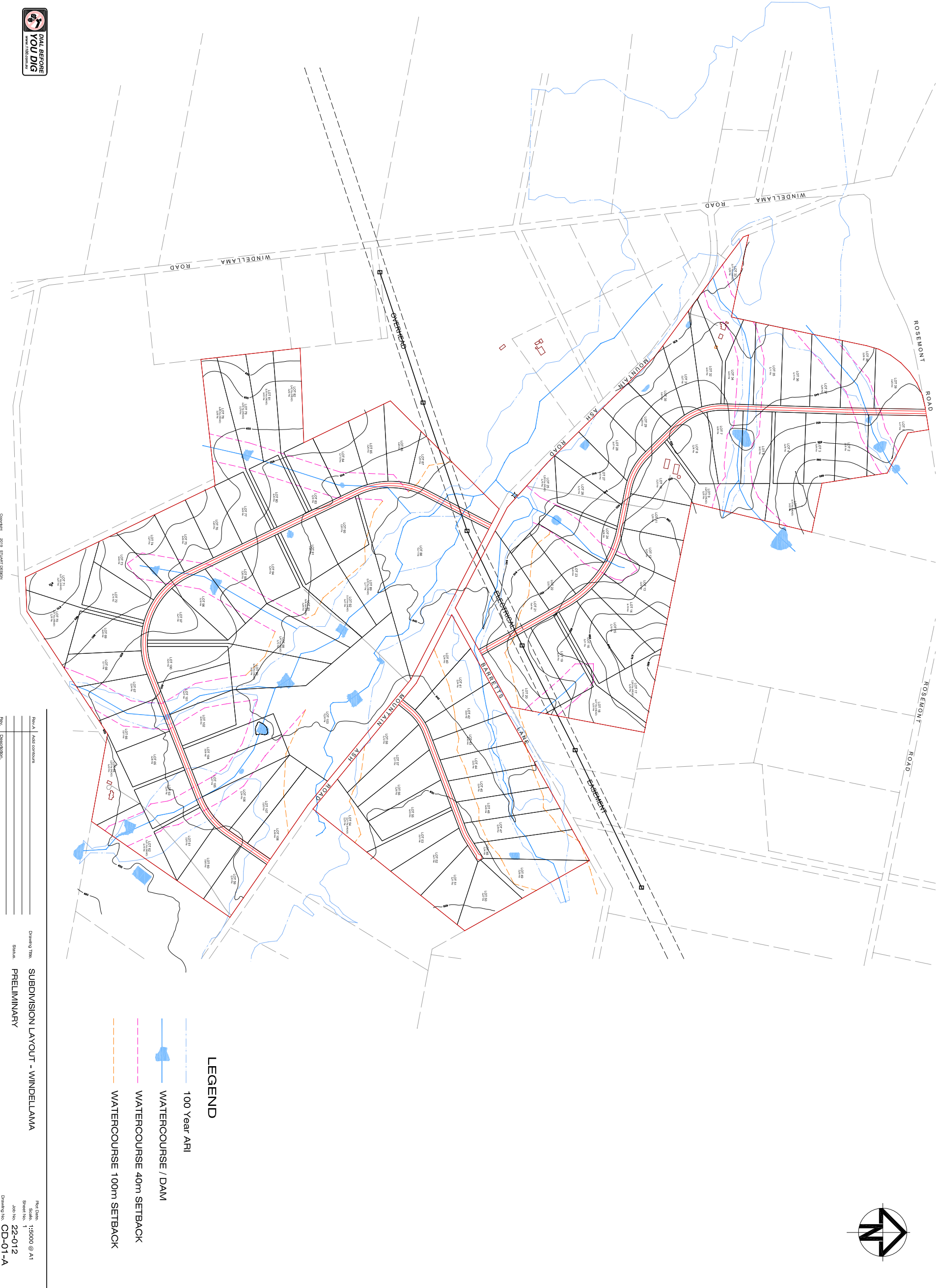
LEGAL IMPLICATIONS

There are no known legal implications arising from this report.

STUART
BUILT - 02
- BUILDING DESIGN
- DRAFTING
- 3D PHOTO RENDERING
- PROJECT MANAGEMENT

bdp
BUILDING DESIGN
ASSOCIATION OF AUSTRALIA

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8.13. URBAN AND FRINGE HOUSING STRATEGY PRECINCTS

This DCP chapter has been prepared to provide additional objectives, controls and guidance to applicants proposing to undertake residential development within a precinct identified in the Goulburn Mulwaree Urban and Fringe Housing Strategy. It also serves as the reference point for Council in the application of controls in the assessment of development applications in these precincts.

Brisbane Grove Precinct and Mountain Ash Precinct are the first two precincts of the Urban and Fringe Housing Strategy to benefit from a Precinct Plan in the DCP. These two precincts share a precinct DCP chapter due to their close geographical relationship and similar constraints and policy provisions.

Relationship to other plans and policies

As precinct planning is completed for each precinct, an additional section is added to this chapter of the DCP with additional controls within the main body of the DCP. Where inconsistency arises between the precinct chapter and the main body of the DCP, the precinct chapter prevails. Where the precinct chapter is silent on an issue reference should be made to the relevant policy in the main body of the DCP.

Policy controls set out the requirements and standards a development application within an Urban and Fringe Housing Strategy precinct must meet. Additional information is provided throughout this chapter through the Policy Context which establishes the background to the policy and Policy Notes which provide additional detail on constraints, regulations, guidance and policy requirements.

8.13.1 BRISBANE GROVE & MOUNTAIN ASH PRECINCTS

8.13.2 Existing Character Statement

This precinct specific chapter applies to both the Brisbane Grove and Mountain Ash Precincts identified through the Urban and Fringe Housing Strategy, illustrated in **Figure 8-13-1**.

The precincts stand on the Gundry Plain located to the south of the Goulburn Urban Area with the Brisbane Grove precinct encompassing an area of approximately 640 hectares and Mountain Ash Precinct an area of approximately 975 hectares.

The Brisbane Grove precinct is bounded to the north by the Hume Highway, to the west by the classified Braidwood Road, to the east by Windellama Road and to the south by Johnson's Lane and southern field boundaries. Brisbane Grove Road runs centrally through the precinct in an east-west direction, linking Braidwood Road and Windellama Road and providing a direct road link between the two precincts.

The Mountain Ash precinct is bounded to the north by Rosemont Road and the Hume Highway, to the west by Windellama Road and to the south and east by unformed road reserves and field boundaries. Mountain Ash Road runs south-east to north-west through the lower third of the precinct and links into Brisbane Grove Road and Bungonia Road.

The precincts landscape is characterised by an extensive and relatively flat plain with gently undulating topography with small areas of elevation which provide wider views of the landscape. This landscape comprises cultivated agricultural land which is pasture improved and primarily used for the grazing of animals. Vegetation is generally limited to trees and hedges along field boundaries but pockets of copses are found in small clusters around the landscape and focused on drainage pools and channels, with many existing properties screened by trees encircling their immediate curtilage.

Built development is generally limited to agricultural structures, dams and a scattering of rural residential buildings sited on large rural lots, all of which are unserved by Goulburn's reticulated water or sewer system. A number of heritage items are located within the precincts with many situated on elevated positions in the landscape providing vantage points across the landscape and avoiding the worst impacts of flooding. These heritage items predominantly reflect a traditional, single storey, Australian homestead style with verandahs, brick facades and iron roofs situated on extensive rural lots.

The Mulwaree River meanders to the west and north of the Brisbane Grove precinct and the Gundry Creek runs between the two precincts, roughly parallel with Windellama Road. A number of drainage channels drain from higher ground to the drainage channels and waterways and crisscross the plain. The prevalence of waterways and drainage channels often leads to gully erosion in addition to riverine and overland flow flooding in lower lying parts of the precinct as illustrated in **Figure 8-13-11** to **Figure 8-13-14**.

A number of noise generating sources are located within the precincts which have the potential to affect residential amenity, including the Hume Highway, Goulburn Airport, Wakefield Park Raceway and the railway line as illustrated in **Figure 8-13-9**.

A high voltage electricity transmission line and easement spans south east to northwest across the lower part of the Brisbane Grove Precinct and centrally through the Mountain Ash Precinct as illustrated in **Figure 8-13-10**.

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8.13.3 Desired Future Character Statement

The precincts wrap around the southern periphery of the Goulburn Urban Area providing a semi-rural context made up of 2 hectare lifestyle lots which provide a transition from low density rural development to the south to the higher density urban development in Goulburn to the north.

The density transition is reinforced through lots which are predominantly undeveloped with large areas of open space and generous building setbacks. These lifestyle lots provide residents the opportunity to undertake small-scale agricultural activities, animal husbandry, including private stables, provide extensive gardening and horticultural opportunities and generally provide large areas of private space to live, play and relax.

Rivers, creeks and drainage depressions which crisscross the precincts are identified and safeguarded by an environmental zone. These environmental zones cover the most frequent and severe impacts of riverine and overland flow flooding and prevent the erection of most structures, including effluent management areas, in close proximity.

Watercourses and drainage channels are nurtured and enhanced for their biodiversity potential and their contribution to local water quality.

New residential developments are un-serviced by Goulburn's reticulated water and sewer system and are instead served by on-site effluent management areas and rainwater collection systems to provide adequate water and sewer services to residents.

New residential developments demonstrate high quality design which reflects the single storey traditional Australian rural homestead style prevalent in the precincts. Properties in the precinct reflect this design character through suitable roof forms, scale of buildings, setbacks and landscaping.

Properties which include or are in proximity to heritage items reflect the items characteristic design, form, materials, colours and landscaping and are sensitive to the context and setting of these heritage items.

Dwellings, alongside ancillary buildings, are set back from road frontages and lot boundaries to provide a sense of space and rurality. Secondary dwellings are subservient in bulk and scale to principle dwellings to establish a clear and recognisable hierarchy to development types in the landscape.

New residential development is sited and designed to mitigate impacts from noise generating sources to ensure a high level of amenity to habitable internal spaces of new dwellings and minimise future noise complaints.

To ensure a consistent semi-rural and open character to the precinct's, lots are bounded by post and wire fencing with post and rail fencing and gates fronting driveways. Lot boundaries are planted with native trees and plant species to provide delineation between lots and partial visual screening to soften the impact of increased density on the landscape.

Properties include suitable bush fire protection measures to mitigate the frequency, intensity and severity of the bush fire instances to minimise risk and harm to life and property. These measures include Asset Protection Zones, perimeter roads, accessibility for firefighting vehicles and adequate water storage facilities.

Highway safety is ensured through the upgrade of existing roads and the provision of new roads to Council's engineering standards. New access points to development avoid

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classified roads and ensure adequate sight-lines to enable safe access and egress of vehicles.

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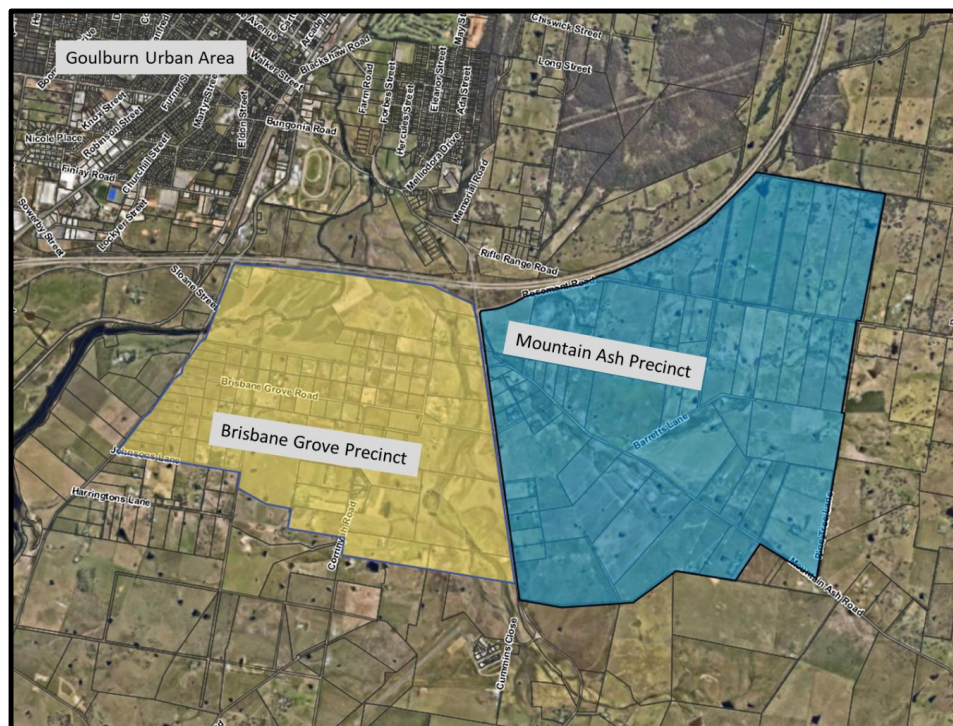
8.13.4 Objectives

- A. To provide for rural residential living opportunities in locations within close proximity to the Goulburn Urban Area**
- B. To ensure new development maintains the rural context of the locality and southern setting of Goulburn**
- C. To reduce the visual impact of increased development on the Gundry plain and retain the rural setting and context of heritage items**
- D. To ensure new development ensure groundwater protection and has a neutral or beneficial effect on water quality.**
- E. Ensure a high level of residential amenity for future residents.**
- F. Ensure the land is suitable or can be made suitable for the proposed use.**
- G. Ensure a safe standard of access is provided to rural residential properties.**
- H. Provide adequate water storage facilities for domestic and bushfire fighting purposes.**
- I. Minimise environmental degradation and the risk to life and property by ensuring new dwellings are located away from areas of environmental sensitivity and constraint including inundation.**
- J. To maintain and enhance the heritage significance of heritage items, including their setting, in the precincts.**

8.13.5 Land to which this chapter applies

This Plan applies to the land identified on the map as shown in **Figure 8-13-1- Brisbane Grove and Mountain Ash Precincts**.

Figure 8-13-1: Precinct Area Map- Brisbane Grove & Mountain Ash Precincts



8.13.6 Required documents to be submitted with a development application

- Preliminary Site Investigation (Contamination) dated within the last 3 years (a Detailed Site Investigation and Remedial Action Plan may also be required)
- Flora & Fauna Assessment (a full biodiversity assessment maybe required)
- Water Cycle Management Study- to demonstrate a neutral or beneficial effect on water quality (*A Erosion and Sediment Control Plan should also be included*)
- Wastewater Management Assessment
- A Landscape Plan
- Vegetation Management Plan (for proposals which include management and/or rehabilitation of native vegetation)
- Traffic Impact Assessment
- A Construction Environmental Management Plan (CEMP)
- Bush Fire Assessment and Plan of Management
- Aboriginal Heritage Due Diligence Assessment relevant to the application area dated within the last 5 years
- A Heritage Impact Statement relevant to the application area dated within the last 5 years
- Noise Impact Assessment/Acoustic Assessment

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- A Flood Risk Assessment
- A Stormwater Management Plan
- An Erosion and Sediment Control Plan (where the land disturbance area is less than 2500m²)
- A Soil and Water Management Plan (where the land disturbance area is 2500m² or greater)

8.13.7 Subdivision

Policy Context

A Section 88B instrument of the Conveyancing Act 1919 sets out any easements, restrictive or positive covenants and rights of way affecting the land. These restrictions are applied to the land at subdivision and any subsequent owner of the land is bound by these restrictions.

A Section 88b Instrument will be applied to the title of the land subject to subdivision which includes covenants to ensure future development meets the policy requirements of this DCP including those which relate to following matters:

- Site coverage
- Building setbacks
- Building design
- Fencing
- Landscaping
- Heritage
- Noise attenuation
- Access
- Electricity transmission line easement
- Riparian corridors
- Flood-labile land
- Gully protection
- Management of native vegetation

Areas of the most frequently and severely flood affected land are zoned C2 Environmental Conservation where most forms of development including residential are prohibited. The C2 zones form corridors across the landscape and intersect with multiple lots. As a result a number of subdivided lots will be subject to a split zone.

Policy

- A Section 88b Instrument will be applied to the title of land subject to subdivision which includes covenants to ensure future development meets the policy requirements of this DCP.
- Subdivision of land must comply with the minimum lot size requirements of the GM LEP 2009
- Subdivisions including heritage items must meet the requirements in **section 3.3.6** of this DCP.
- Proposals must demonstrate that each allotment created is capable of being used for un-serviced residential development which has least one suitable building envelope within the R5 Large Lot Residential zone having regard to:
 - Flood liable land and inundation
 - Stormwater Management
 - Biodiversity retention

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- The setting of Heritage items
- Effluent disposal
- Bush fire hazard
- A safe and practical access from the building site to a public road.
- Subdivision plans must respond to the requirements Water NSW's Water Sensitive Design Guide for Rural Residential Subdivisions and pay particular regard to the relationship of lot boundaries with drainage corridors and C2 zoned land. Lot boundaries must not be positioned along the centre line of drainage channels and must instead seek to include both banks of the channel into the same lot boundary.
- Lots should be oriented and access roads sited to minimise the requirement for crossings over creeks and drainage channels

Policy Note: Allotment sizes are expressed as minimums. It may be necessary for larger allotments to be created where other environmental constraints occur such as to incorporate and retain remnant vegetation, to adequately accommodate bushfire protection measures or to ensure placement of building envelopes outside areas of flood inundation.

8.13.8 Site Coverage & Setback requirements

Policy Context

The precincts form a low density rural residential location which provide the rural context and southern setting for the city through low density/low rise development and significant areas of open land. This setting should be maintained by ensuring the majority of the precincts land area remains open and undeveloped.

Policy

- The maximum allowable site coverage, including the main dwelling, any secondary dwelling, outbuildings, garages, access roads and other ancillary structures combined must not exceed a total footprint area equivalent to 30% of the lot area.
- All dwellings should have a minimum front setback of 20 metres from the front lot boundary
- All structures on site should be setback from side and rear lot boundaries by at least 10 metres.
- Outbuildings must be located behind the dwellings front elevation by at least 5 metres.
- Attached and detached garages should be setback from the front elevation of the principal dwelling by a minimum of 1 metre.

Policy note: All hardstand and impervious areas must be clearly identified within plans submitted with a Development Application.

8.13.9 Design of dwellings

Policy Context

The design of dwellings and other ancillary structures forms an integral component in the formation of an areas character. The rural context of the precincts should be reflected through the design of new dwellings and ancillary structures with inspiration drawn from existing heritage properties in the locality. These design considerations should embrace various components including the appropriate use of materials for exterior facades, the single storey construction of buildings, the design and pitch of roofs and the use of verandahs.

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Policy

- All dwellings must include a verandah on the property's front elevation
- Dwellings should be of a traditional Australian rural homestead style currently reflected in existing heritage properties in the precincts, illustrated in **Figure 8-13-2**.

Figure 8-13-2- Local Examples of Heritage Items

Local example 1- "Allfarthing" 2 Brisbane Grove Road



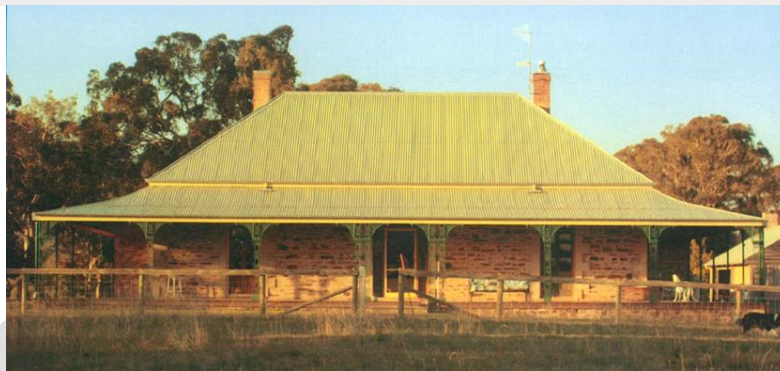
Local example 2- "Homeden" 46 Mountain Ash Road



Local example 3- "Rosebank" 262 Windellama Road



Local example 4 "Irriwilbin" 94 Rosemont Road



8.13.9.1 Exterior finish of Dwellings

Policy

- Proposals which directly affect a heritage item and/or its curtilage or setting must ensure the recommendations of the Heritage Impact Statement are incorporated into the final design, including the use of appropriate materials and prescribed colours.

8.13.9.2 Dwelling Height

Policy

- Dwellings should be single storey in height with additional habitable space permissible in the roof space

8.13.9.3 Roof Design & Pitch

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Policy

- The roof of a main dwelling must comprise hipped or gabled roofs with a minimum pitch of 25 degrees
- Dwelling roofs and awnings must be constructed from metal sheeting with corrugated or standing seam profiles.

Policy Note: Skillion roofs are an acceptable roof form for ancillary structures such as rear extensions, verandahs and outbuildings etc.

8.13.10 Outbuildings and Ancillary Structures

Policy Context

Outbuildings and ancillary structures include a range of buildings which stand in addition to and separate from the primary dwelling. They can include sheds, garages, greenhouses, swimming pools, pool houses and secondary dwellings [not exhaustive]. They provide additional utility to a property, creating additional space which can be used for hobbies, gardening, storage or additional living space for family members or guests.

Policy

- Outbuildings and ancillary structures should be designed to minimise the impact of their bulk and scale on the landscape through articulated roof forms
- The external cladding of outbuildings should be metal sheet or another suitable and non-combustible material in a dark grey or a dark green colour
- Outbuildings and ancillary structures (excluding secondary dwellings) should not exceed a floor area of 500m² combined and must be subservient in height to the principle dwelling.
- Secondary dwellings must be subservient in height, bulk and scale to the primary dwelling on the lot.
- Secondary dwellings must not exceed a floor area of 60 square metres or 80% of the total gross floor area of the principal dwelling, whichever is greater.
- Secondary dwellings should mirror the roof type, pitch and exterior roof and façade materials of the principal dwelling.

8.13.11 Fencing

Policy Context

Fencing has the ability to affect the perception of space and enclosure with poorly suited fence design and height having the potential to adversely affect the open rural character of the precincts. High brick walls, solid fencing, lack of visual permeability and metal fencing would all serve to introduce detracting and urbanizing features to the existing rural context and setting of the Goulburn urban area. The precincts 2 hectare lot sizes create the need for significant spans of fencing along property boundaries which have the potential to result in an increased perception of enclosure which would limit the desired rural character sought in the precincts. The adverse impacts on the rurality of the precincts should be avoided through the installation of appropriate fencing using natural materials which provide visual permeability and reflects the rural context of properties.

Policy

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- An unpainted, timber post and rail gate must be provided to each new driveway entrance in accordance with **Figure 8-13-3**.
- Driveway gates must open inwards and be inset from the front lot boundary by a minimum of 5 metres to ensure the highway is unobstructed during access as illustrated in **Figure 8-13-4**.
- Boundary fencing must comprise unpainted hardwood timber post and rail fencing in for the first 10 metres along the front lot boundary either side of the entrance gate. The remainder of lot boundaries can comprise post and rail fencing or alternatively post and wire fencing as illustrated in **Figure 8-13-4**.

Policy Note: Whilst fencing must not feature painted timber, flame retardant timber staining would be acceptable.

Figure 8-13-3: Example of post and rail fencing and gate to lot frontage

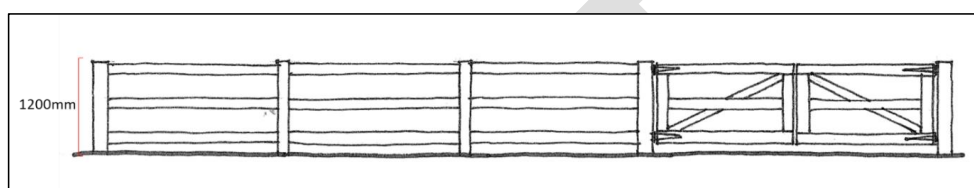
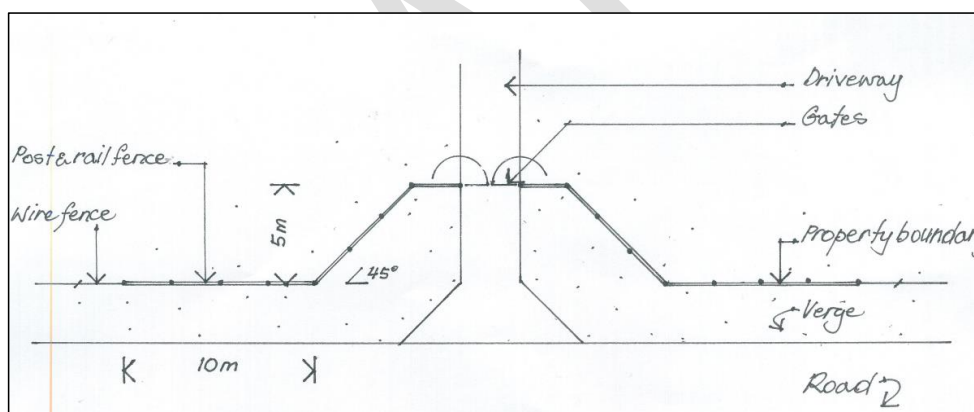


Figure 8-13-4: Example of layout of fencing and driveway gate inset



8.13.12 Landscaping

Policy Context

Vegetation is generally limited to trees and hedges along field boundaries but pockets of remnant native vegetation are found in small clusters around the landscape and focused on drainage pools and channels, with many existing properties screened by trees encircling their immediate curtilage. This landscape character should be retained throughout the precincts with vegetated lot boundaries, planting within the curtilage of properties and populating drainage lines with native vegetation. Landscaping should aim to provide a delineation between lots and partial screening of properties to soften the impact of increased density on the landscape.

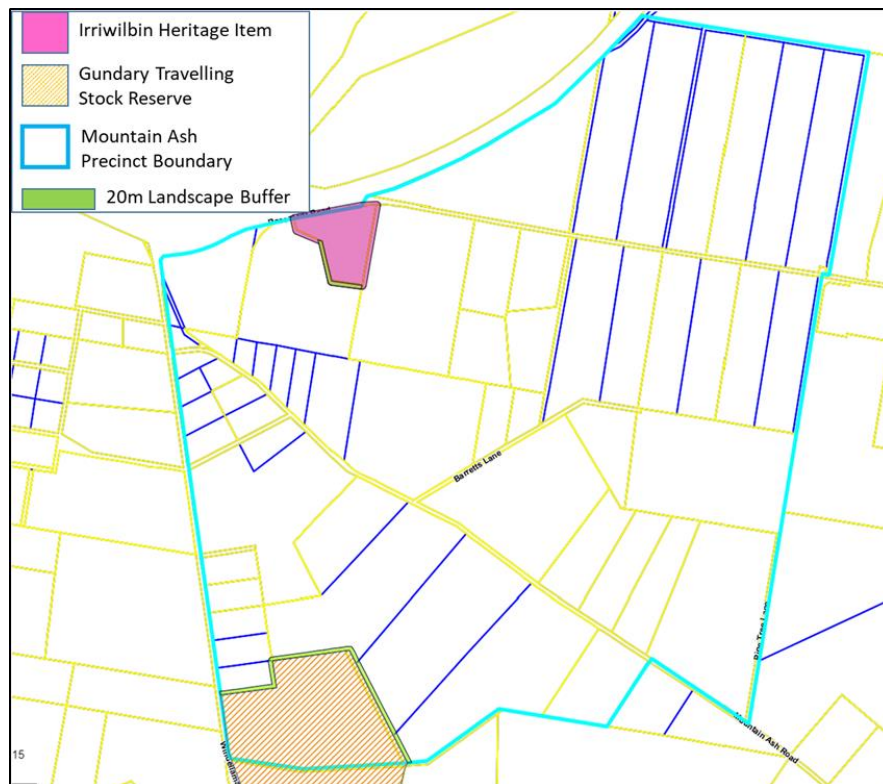
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Policy

- All subdivision and residential proposals must include a Landscape Plan which incorporates a Vegetation Management Plan and meets the requirements of **chapter 3.5** of this DCP.
- Landscape plans must include boundary vegetation along lot boundaries to provide partial screening.
- Landscape plans must include proposals for native vegetation within vegetation buffers along drainage channels and within the C2 Environmental Conservation Zone.
- Landscape plans must respond to and where applicable incorporate the landscaping recommendations of a Heritage Impact Statement and Biodiversity Assessment.
- All trees outside the development footprint must be protected from harm during earthworks and construction.
- Landscaping plans relating to Lot 1 DP 853498 must incorporate a 20 metre landscape buffer along the north eastern boundary with the Irriwilbin Heritage Item to provide additional screening and enhance existing native vegetation, as illustrated in **Figure 8-13-5**. The landscape buffer must comprise vegetation from Plant Community Type 3376 Southern Tableland Grassy Box Woodland and include suitable groundcovers, shrubs and canopy trees to provide for a dense and fully structured vegetation community.
- Landscaping plans relating to lots adjacent the Gundry Travelling Stock Reserve must incorporate a 20 metre landscape/vegetation buffer as illustrated in **Figure 8-13-5**. This buffer must comprise native endemic species and include suitable groundcovers, shrubs and canopy trees to provide for a dense and fully structured vegetation community.

Policy Note: The PCT3376 Southern Tableland Grassy Box Woodland is typically dominated by Yellow Box (*Eucalyptus melliodora*), Apple Box (*Eucalyptus bridgesiana*) and Blakely's Red Gum (*Eucalyptus blakelyi*)

Figure 8-13-5: Location of 20 metre Landscaping Buffer Requirement



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8.13.13 European Heritage

Policy Context

A number of locally listed heritage items stand within the landscape of the precincts as illustrated in **Figures 8-13-7 and 8-13-8**. The precinct-wide rezoning and subdivision of the Mountain Ash and Brisbane Grove Precincts to large lot residential will have an impact on the character and appearance of the landscape, including the context and setting of these heritage items. Minimisation of these impacts requires careful management, sensitive design and siting of new buildings and suitable landscaping. It also provides an opportunity for restoration and repair of existing heritage items which in turn can serve as a focal point for a development and provide a distinct, locally-specific identity.

Policy

- All development proposals with the potential to affect these heritage items including their setting are subject to the provisions of *Clause 5.10 of the GM LEP 2009*.
- A Heritage Impact Statement must be submitted with any development application with the potential to affect these items (including their setting) in accordance with the requirements of Appendix H of this DCP and Heritage NSW guidelines.
- A Heritage Impact Statement must have particular regard to:
 - Impacts on views across the landscape and views between heritage items within the precincts
 - Landscaping within and around the curtilage of heritage items
 - The setting and context of heritage items
 - Historic driveways and approaches to heritage items
 - The local topography and relative elevation of the development and the heritage item
- Recommendations included within a Heritage Impact Statement, including design guidelines, landscaping and prescribed colours and materials must be incorporated into the design of the scheme.
- Development in the vicinity of a heritage item must meet the requirements of **section 3.3.8** of this DCP.
- Proposed alterations and additions to a heritage item must meet the requirements of **section 3.3.2** of this DCP.

Figure 8-13-6: Table of Heritage Items in Brisbane Grove & Mountain Ash Precincts

Heritage Items within or adjacent the Brisbane Grove and Mountain Ash Precincts	
Item no.	Item name and address
003	Nooga- 237 Boxers Creek Road
006	Wyoming- 55 Barrett's Lane
007	The Towers- 5477 Braidwood Road
008	Allfarthing- 2 Brisbane Grove Road
009	Wyadra- 54 Brisbane Grove Road
010	Brigadoon- 56 Brisbane Grove Road
011	Sofala- 137 Brisbane Grove Road
012	Weston- 242 Brisbane Grove Road
013	Corrinyah- 53 & 77 Corrinyah Road
014	Homeden- 46 Mountain Ash Road
015	Yattalunga- 83 Johnson's Lane

016	Rosebank- 262 Windellama Road
210	Garroorigang- 209 Braidwood Road
331	South Hill Complex- 3 Garroorigang Road
498	Iriwilbin- 94 Rosemont Road

Figure 8-13-7: Heritage items within and adjacent the Brisbane Grove Precinct

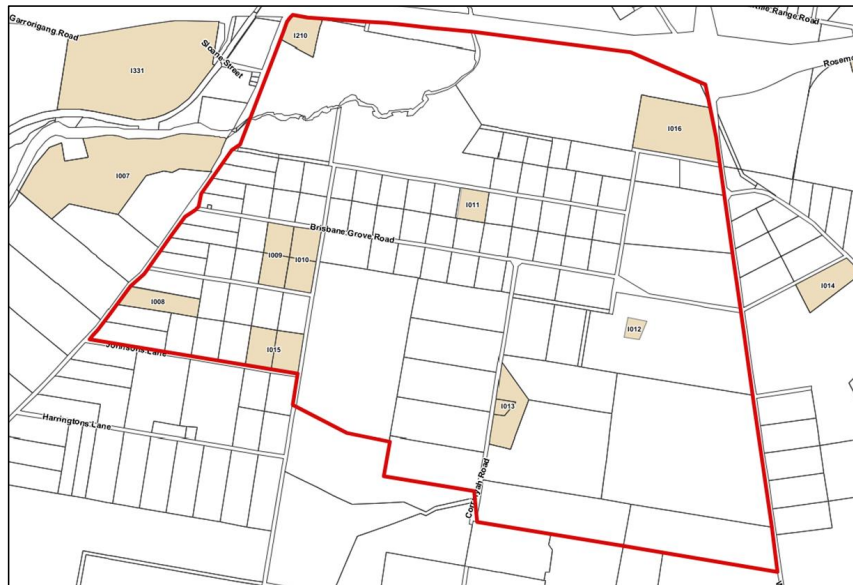
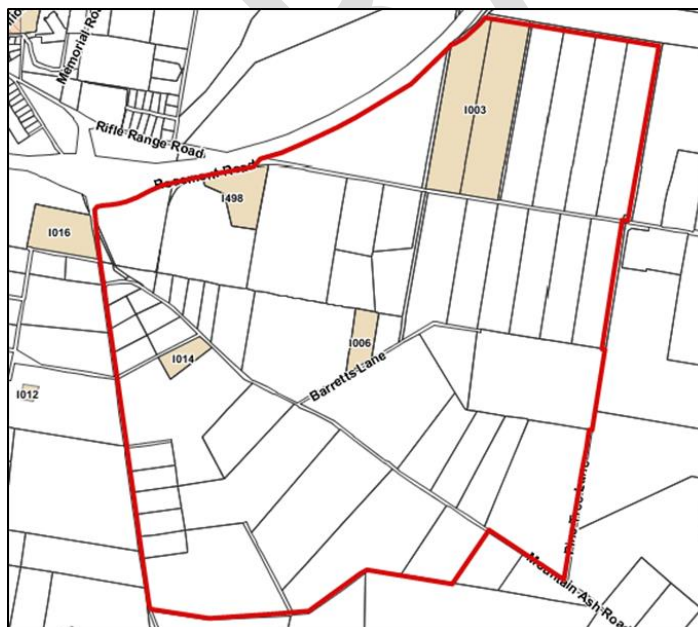


Figure 8-13-8: Heritage items within and adjacent the Mountain Ash Precinct



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8.13.14 1924 Motor Cycle Grand Prix Memorial

Policy Context

The 1924 Motor Cycle Grand Prix Memorial, illustrated in **Figure 8-13-9**, commemorates the start and finish point of the 1924 Grand Prix which was the first of its kind in Australia. The memorial echoes the importance, popularity and historical relationship of motorsport in Goulburn.

Policy

- Subdivision of lots adjacent to the 1924 Motor Cycle Grand Prix Memorial site (Lot 3, DP 1115348) must incorporate the memorial into the subdivision design which:
 - Creates an attractive feature to the development
 - Is accessible to vehicles from Mountain Ash Road and to residents of the subdivision by foot.
 - Provides natural surveillance from adjacent properties.

Figure 8-13-10: 1924 Motor Cycle Grand Prix Memorial Site Location



Figure 8-13-9: Image of 1924 Motor Cycle Grand Prix Memorial

8.13.15 Aboriginal Cultural Heritage

Policy Context

Figure 3.1 of this DCP illustrates a map of places of Aboriginal significance throughout the Goulburn Mulwaree LGA which has been developed in consultation with the Pejar Local Aboriginal Land Council.

A significant portion of the Brisbane Grove and Mountain Ash Precincts fall within the identified places of Aboriginal significance, indicating the potential for Aboriginal sites or objects to be present in these areas.

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Policy

- Development involving ground disturbance within the Brisbane Grove and Mountain Ash precincts will be required to meet the requirements of **Section 3.1-** Indigenous Heritage and Archaeology of this DCP.

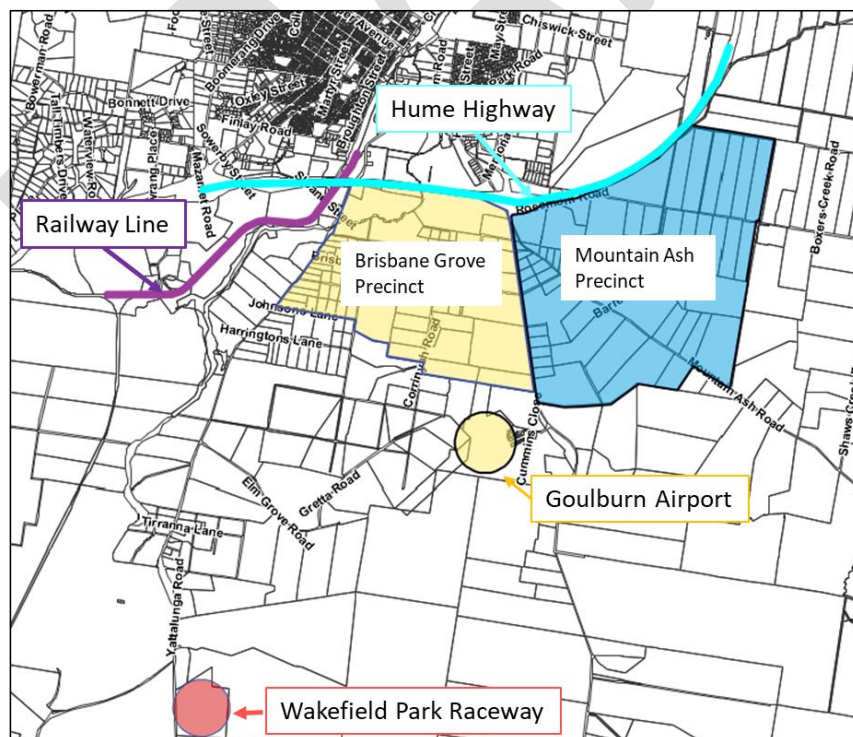
Policy Note: If a comprehensive Due Diligence Assessment has been undertaken, which includes all of the proposed site area, within the last 5 years, a new Due Diligence assessment would not normally be required. Where a Due Diligence assessment has been undertaken within the last 5 years, this assessment must be submitted with the development application and the proposal is required to address the issues and recommendations presented within this report.

8.13.16 Management of Sound for Residential Dwellings

Policy Context

A number of sources of sound with the potential to adversely impact on residential amenity are located in relatively close proximity to the precincts, as illustrated in **Figure 8-13-11**. These include the Hume Highway directly adjacent the precincts northern boundary, the railway line, Goulburn Airport and Wakefield Park Raceway. To ensure a high level of residential amenity whilst ensuring the continued operation of existing sound emitting uses, new residential development must be designed and oriented to mitigate the worst of these impacts from the outset.

Figure 8-13-11: Location of significant noise emitters



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Policy

- Proposals for residential accommodation must include measures to reduce/attenuate the impact of external sources of sound on habitable internal spaces.
- Attenuation measures can be achieved through design, siting and orientation, through landscaping or via technical solutions such as insulation and double glazing.
- Proposals for new residential accommodation must be accompanied by an Acoustic Assessment/Noise Impact Assessment which:
 - a) Meets Australian Standards for noise (AS 2107)
 - b) Includes on-site acoustic measurements which quantify sound emissions generated by:
 - i. Wakefield Park Raceway during the operation of race days,
 - ii. the Hume Highway,
 - iii. the operation of Goulburn airport, and
 - iv. the railway line
 - c) adequately demonstrates the following LAeq levels will not be exceeded within habitable rooms (excludes garage, kitchen, bathroom and hallway):
 - i. 35 dB(A) at any time between 22:00 hours and 7:00 hours in any bedroom
 - ii. 40 dB(A) at any time anywhere else
 - d) Provides conclusions as to the requirement for attenuation measures and where applicable, recommends attenuation methods to be implemented with a development consent.

8.13.17

Development on or near Electricity Easements

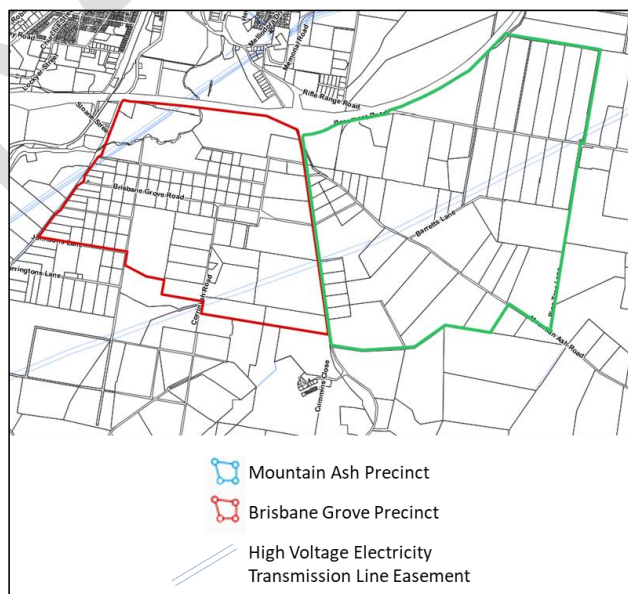
Policy Context

A high voltage electricity transmission line runs in a south-east/ north-west direction across the landscape of the precincts with an easement 60.96 metres wide. This constraint must be considered from the start of the design process to ensure proposals to do not interfere with the proper functioning or maintenance of the transmission line or create a danger to life or property.

Policy

- No structures should be constructed within the electricity easement
- Roads are permissible within the electricity easement where they cross the easement at 90 degrees and allow for standard ground clearance

Figure 8-13-12: Location of Electricity easements



Policy Note: *Developments near electricity transmission line easements will be referred to Essential Energy in accordance with the requirements of the SEPP (Transport and Infrastructure) 2021.*

8.13.18 Traffic & Access

Policy Context

Access provided to rural residential properties must be engineered and constructed appropriately to facilitate safe ingress and egress to the public road system. A suitably constructed access ensures highway safety, drainage and a means to evacuate during flood or fire.

Policy

- All dwellings/lots must have a legal and practical access to a public road.
- Vehicle access entrance gates must be setback from the adjacent roadway by a minimum of 5 metres to ensure safe vehicle entry and exit which does not obstruct the public roadway.
- New vehicle access points or intensification of existing vehicle access points directly onto Braidwood Road will only be considered where it is demonstrated access from an alternative road is unachievable.
- New roads must be constructed to the standard prescribed in **Chapter 7** of this DCP
- Existing roads and right-of-carriageways within the site which do not currently meet the required construction standards shall be upgraded to meet the standards prescribed in **Chapter 7** of this DCP.
- Proposals which involve the creation of additional lots to be accessed from Johnson's Lane and Barrett's Lane must include provisions to upgrade these roads in accordance with the standards prescribed in **Chapter 7** of this DCP.
- Newly constructed or upgraded entrances located off sealed road networks must also be sealed to the property gateway to prevent the carriage of dust and mud on trafficable surfaces. All sealing works shall be from the edge road line to the property gateway.

8.13.19 Safeguarding the C2 Environmental Conservation Zone

Policy Context

Areas which experience the most frequent and severe riverine and overland flow flooding impacts are zoned C2 Environmental Conservation. This zoning seeks to avoid adverse impacts on life and property, maintain water quality and enhance the biodiversity value of drainage channels.

Policy

- Residential development, including ancillary residential structures must not be constructed in C2 Environmental Conservation Zones.
- Effluent Management Areas must be located outside of C2 Environmental Conservation Zones.

- C2 Environmental Conservation Zones must be separately fenced from the remainder of the lot with post and wire fencing following the outer boundary of the C2 zone which includes land between the drainage channel and the fence as a buffer.
- Each lot with a C2 zone should include an access gate to the C2 zone to enable maintenance and emergency access.

Policy Note: Ancillary residential structures include but are not limited to wastewater treatment facilities, effluent management areas, outbuildings, secondary dwellings, garages, pergolas, and swimming pools.

Fencing should avoid crossing and dissecting riparian corridors.

8.13.20 Water Quality & Storage

Policy Context

The precincts are un-serviced by Goulburn's reticulated water and sewer system with no anticipation that this infrastructure will be extended to serve these areas. Development within these precincts must therefore meet their own water supply and sewerage management needs through on-site rainwater collection and storage facilities and on-site effluent management systems. The precincts stand within the Sydney Drinking Water Catchment and all development must adequately demonstrate the proposal would result in a neutral or beneficial effect on water quality.

Policy

- A development application must be accompanied by a Water Cycle Management Study/Plan which demonstrates how the scheme would ensure a neutral or beneficial effect on local water quality.
- Each dwelling must ensure a water storage capacity of at least 46,000 litres for domestic purposes.
- All effluent and wastewater must be disposed of on-site with each lot provided with an adequate area for an on-site sewage management facility.
- Effluent management areas must be located at least 100 metres from watercourses and groundwater bores and at least 40 metres from drainage depressions and farm dams.
- Effluent management areas must be sited within the R5 Large Lot Residential zone and outside the C2 Environmental Conservation Zone
- A Wastewater Management Assessment report is required to accompany all development applications requiring on-site effluent management which should include consideration of the following factors:
 - Soil profile to one and half metres
 - Climate
 - Terrain
 - Aspect
 - Maximum potential effluent generation
 - Impact of existing wastewater management systems on site
 - Sizing of sustainable effluent management area
 - Location of groundwater bores on and in proximity to the site and identify the potential risk of contamination

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Policy Note: The precinct stands within the Sydney Drinking Water Catchment and State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to all developments in the precinct.

Reference should be made to:

- AS/NZS 1547-2000 'On-site Domestic Wastewater Management'
- Developments in the Sydney Drinking Water Catchment- Water NSW
- Designing and installing on-site wastewater systems

Domestic water storage requirements stand separate to and in addition to bushfire management water storage requirements prescribed in **section 8.13.22** of this DCP.

8.13.22 Land disturbance/Soil and water management

To ensure soil erosion and water pollution are minimised through the reduction of land disturbance and through the application of on-site measures, development proposals involving land disturbance are required to be accompanied by an Erosion and Sediment Control Plan or Soil and Water Management Plan in accordance with **Section 7.3.3** of this DCP.

8.13.23 Drainage Channels

The Mulwaree River meanders parallel to the western boundary of the Brisbane Grove precinct, and numerous drainage channels serve as tributaries across the landscape. The primary tributary within the precincts is Gundry Creek which runs south to north roughly parallel with Mountain Ash Road until it reaches the Mulwaree River. The Brisbane Grove and Mountain Ash Precincts therefore have a number of drainage channels which convey stormwater as overland flow into the river system. Poor maintenance of and/or inappropriate development adjacent drainage channels can impede overland flow, result in increased incidences of flooding, damage property, result in a loss of biodiversity and adversely affect water quality.

Policy

Where a drainage channel or creek, as identified in **Figure 8-13-13** and **Figure 8-13-14** traverses or adjoins the development site the following apply:

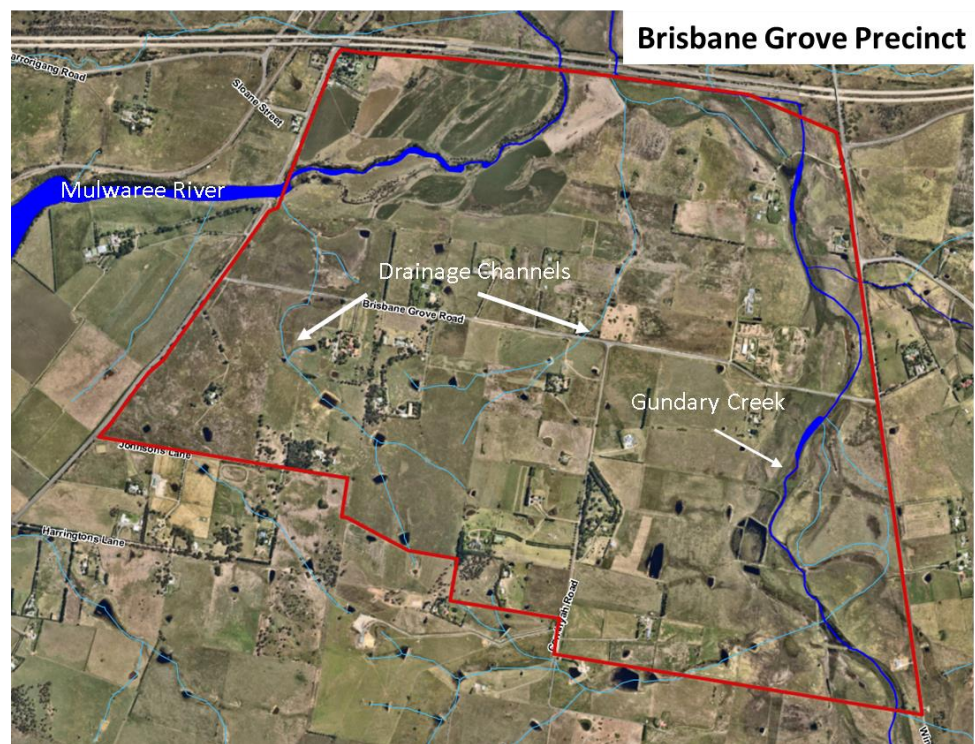
- Development affecting some drainage channels will require the assessment and approval from relevant state government authorities such as the Department of Natural Resources, NSW Fisheries (Department of Primary Industry) or the Department of Environment and Conservation.
- A vegetation buffer in accordance with **Figure 8-13-16** shall be established either side of the drainage channel as measured from the top bank of the channel in accordance with the Strahler system of ordering watercourses (**Figure 8-13-15**).
- The vegetation buffer should be planted with dense native grass cover to buffer overland flow with planting species and vegetation maintenance demonstrated through a Vegetation Management Plan.
- The vegetation buffer must be fenced off from the remainder of the lot.
- Alteration of the drainage channel should only be undertaken following written confirmation from council that the channel can be altered.

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- The property owner shall be responsible for any on-going maintenance of drainage channels required within their lot boundaries.
- Where a drainage channel is in a degraded state, such as through erosion and/or gullyng, all necessary works to remediate the channel shall be undertaken by the developer at the development application stage.

Policy note: Fencing should follow the outer boundary of either the drainage vegetation buffer or the C2 zone whichever is greater.

Figure 8-13-13: Location of River, creeks and drainage channels in Brisbane Grove Precinct



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Figure 8-13-14: Location of creeks and drainage channels in Mountain Ash Precinct

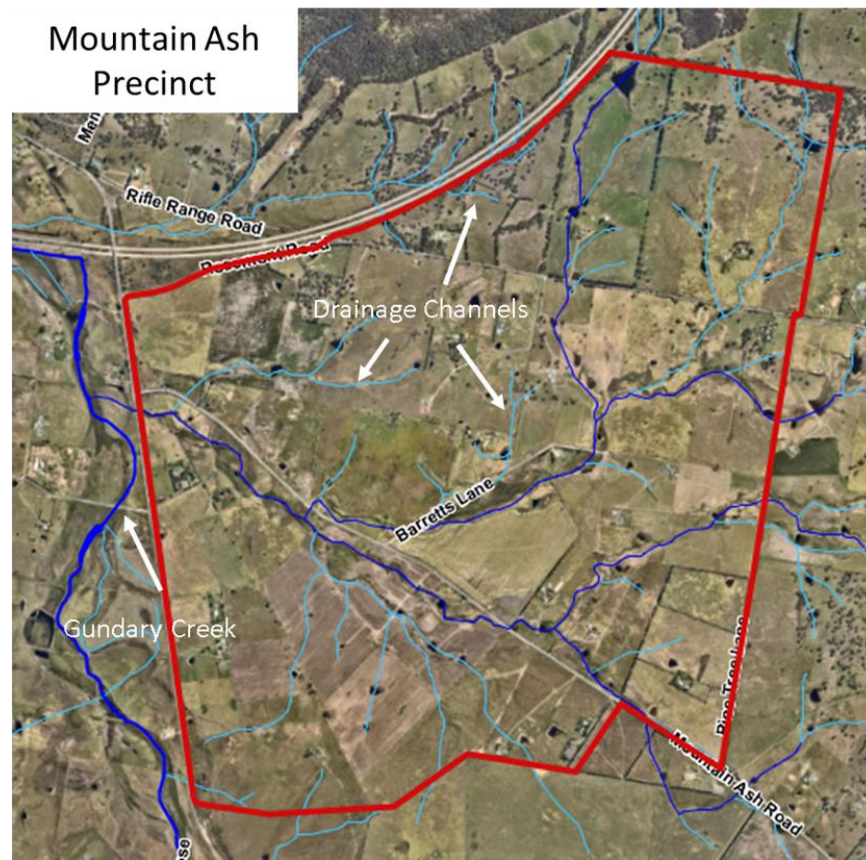


Figure 8-13-15: Strahler Stream Order

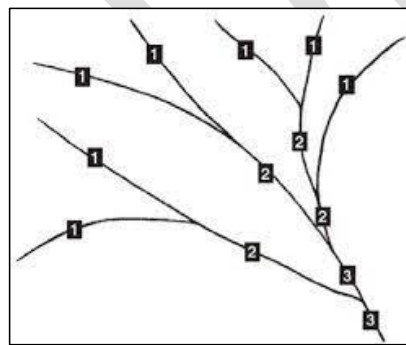


Figure 8-13-16: Vegetation buffer requirements per watercourse type

Watercourse Type	Vegetation Buffer Width each side of channel bank
1 st Order	10 metres
2 nd Order	20 metres
3 rd Order	30 metres
4 th Order	40 metres

8.13.24 Contamination

Policy Context

The precincts historical land use is that of agriculture and primarily utilised for pasture. Agricultural activities are listed as a potential source of contamination within the *Managing Contamination Guidelines*.

Sources of contamination can include oil and fuels from agricultural machinery, stored chemicals such as fertilizers and pesticides and construction materials. The proposed and emerging land use within the precincts is large lot residential where residents are expected to utilise the land for hobby farming. The residential use of the land indicates the potential for the growing and consuming of produce alongside the potential for ingestion of soil. As a result it is important to ensure that water and soil contamination levels stand below the Health Investigation Level Residential A standard (residential with garden/accessible soils) of the National Environment Protection Measure to ensure the land is suitable for the proposed residential land use.

All of the land zoned R5 Large Lot Residential within the Precincts have been rezoned through a planning proposal which has investigated the potential for contamination on site. This investigation initially comprised of a Preliminary Site Investigation (PSI). If the PSI found that potential contamination was present or likely to be present a Detailed Site Investigation (DSI) and potentially a Remedial Action Plan would have also been required to demonstrate suitability of the land for the proposed use.

Policy

- A development application must be accompanied by the contamination documentation supplied at the planning proposal stage (PSI, DSI & Remedial Action Plan), if undertaken within the last 3 years from the date the application was submitted.
- PSI's and contamination documents which are older than 3 years or do not apply to the full development proposal area will not be accepted and must be updated and submitted with the development application.
- All reports must be prepared by appropriately experienced and qualified consultants in the field of contaminated land management.
- The development application must address the recommendations and requirements of the Detailed Site Investigation and Remedial Action Plan where prescribed.

Policy note: An indicative list of potentially contaminating land uses is provided in the *Managing Contaminated Land guidelines accompanying SEPP (Resilience and Hazards) 2021*.

The provision of a Detailed Site Investigation is only necessary where identified as a requirement through a Preliminary Site Investigation.

Council may request a Site Audit Statement from an accredited Site Auditor in order to certify the findings of submitted contamination reports when:

- *Council considers the information to be incomplete or incorrect,*
- *Council wishes to confirm the information conforms to relevant legislation and guidelines*
- *Council does not have the capability/capacity to undertake technical reviews due to complex contamination issues and/or significant risks to health or the environment.*

Contamination reports prepared to support a planning proposal prepared after 2020 will be available to view on the Planning Portal.

8.13.25 Bushfire Risk Management

Policy Context

The entirety of Brisbane Grove and Mountain Ash Precincts are classified as Category 3 (Medium Risk) Bushfire prone land where bush fire protection measures are required to be incorporated into development proposals to reduce the potential harm to life and property.

Policy

- All development in the precincts must be developed in accordance with **Chapter 3.17** of this DCP and with the Rural Fire Service- *Planning for Bush Fire Protection Guidelines 2019*.
- Development in the precincts must be supported by a Bushfire Assessment which addresses the requirements of the Rural Fire Service- *Planning for Bush Fire Protection Guidelines 2019* and has specific regard to the provision of:
 - Asset Protection Zones
 - Perimeter Roads
 - Suitable access for firefighting vehicles
 - Water Storage of 20,000 litres or greater per lot which are accessible to firefighting services

Policy Note: *A Bushfire Assessment and a Plan of Management will be required to be submitted with a development application.*

*Water Storage requirements for bushfire management stand separate to and in addition to domestic water storage requirements prescribed in **section 8.13.20** of this DCP.*

8.13.26 Riverine and Overland Flow Flooding

Policy Context

The Mulwaree River runs along the western and northern boundary of the Brisbane Grove Precinct with significant northern areas of the precinct affected by riverine flooding, illustrated in **Figure 8-13-17**. The Gundry Creek runs along the eastern boundary of Brisbane Grove which, alongside three other drainage channels running south to north into the river, create areas of overland flow flooding in parts of the Precinct (**Figure 8-13-18**). The Mountain Ash Precinct is only slightly affected by riverine flooding (**Figure 8-13-19**) in the north western corner but extensively impacted by overland flow flooding from a central drainage channel running alongside Mountain Ash Road and its feed-in drainage channels meandering across the landscape, illustrated in **Figure 8-13-20**.

Policy

Any development proposed within flood affected land as illustrated in **Figures 8-13-17 to 8-13-20** must meet the requirements of **Chapter 3.8- Flood Affected Lands** of this DCP.

Figure 8-13-17: Brisbane Grove Riverine Flooding

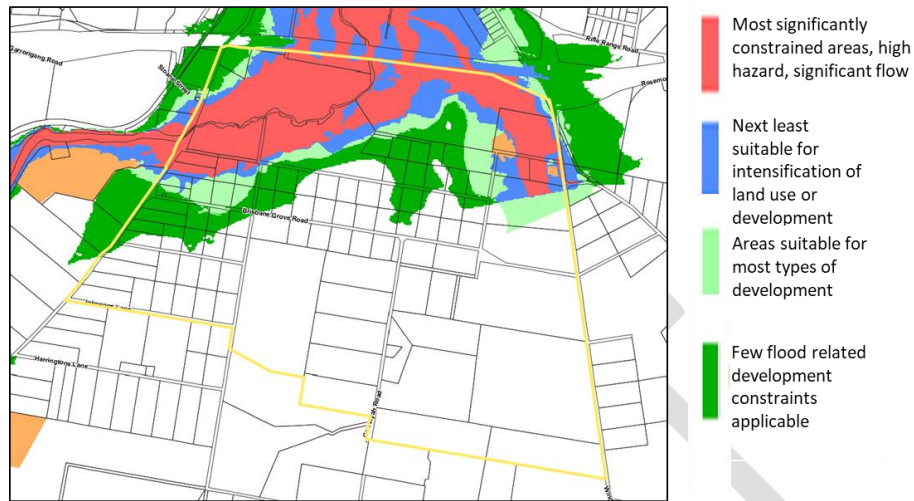
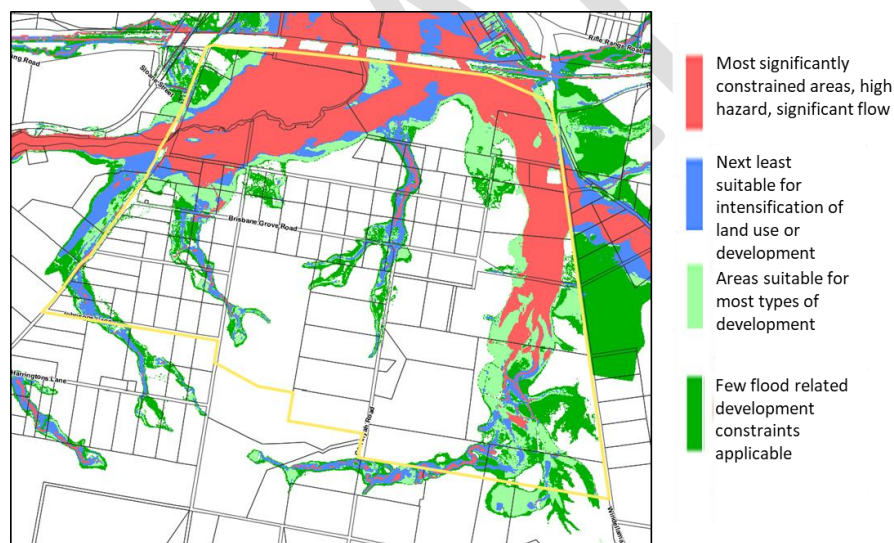


Figure 8-13-18: Brisbane Grove Overland Flow

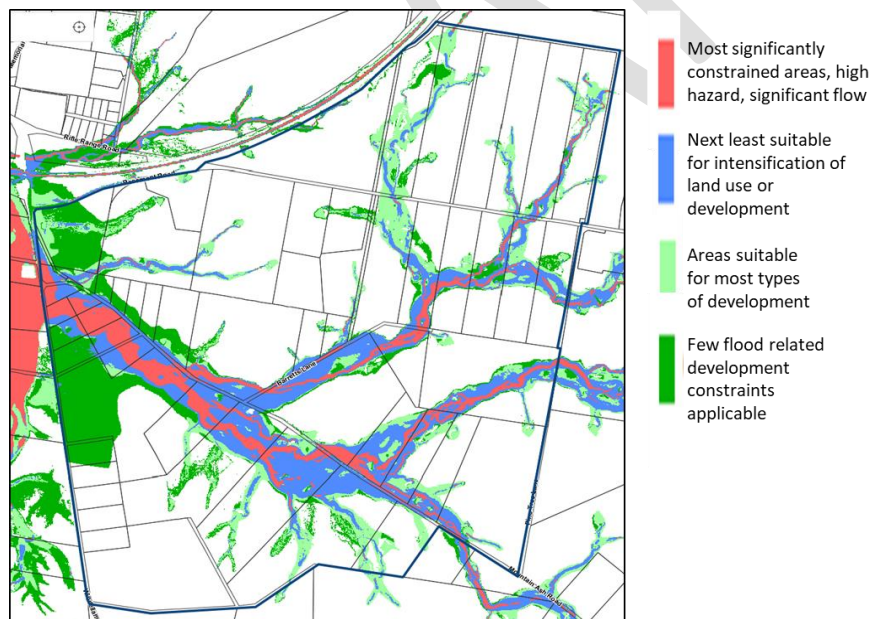


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Figure 8-13-19: Mountain Ash Riverine Flooding



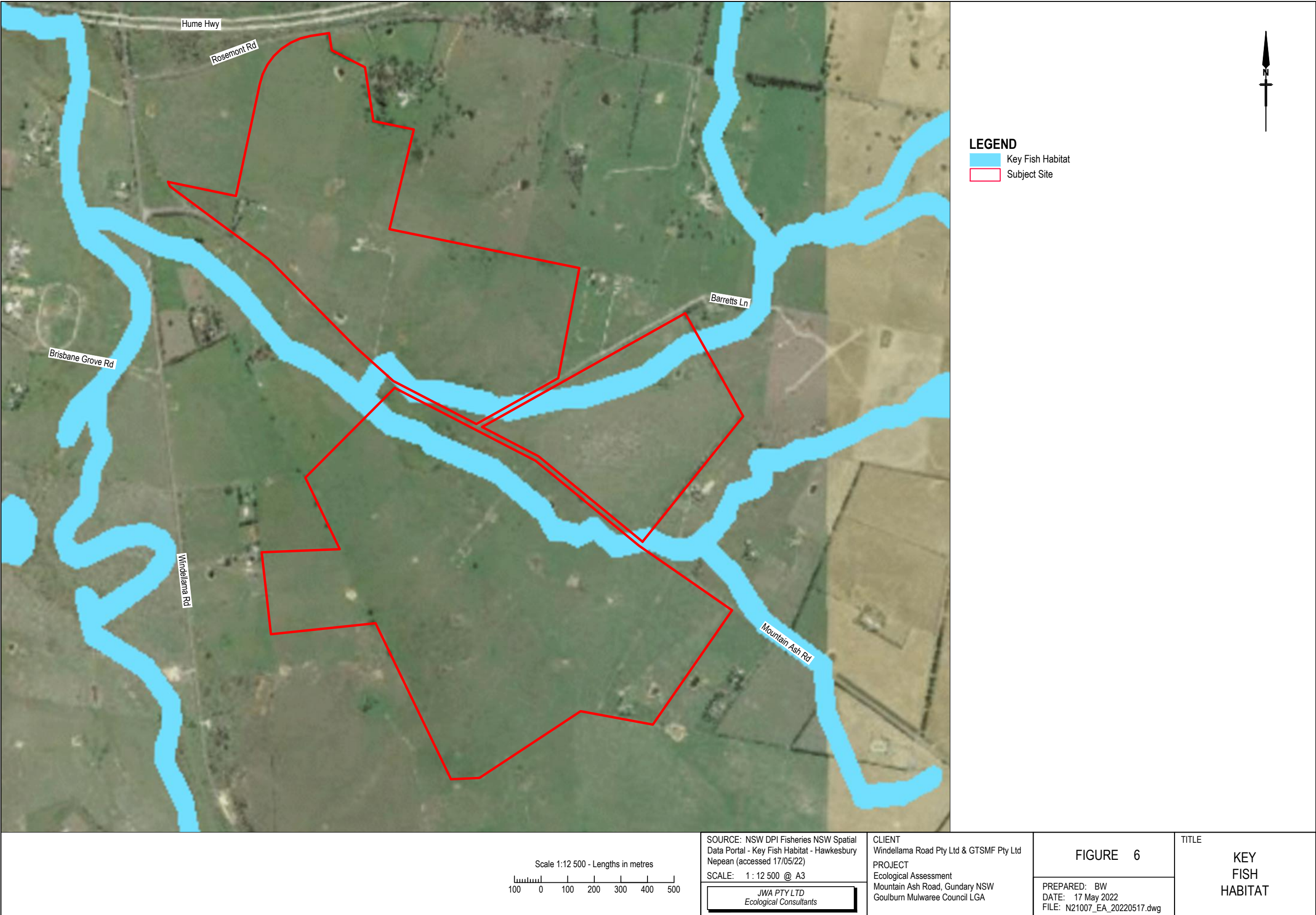
Figure 8-13-20: Mountain Ash Overland Flow

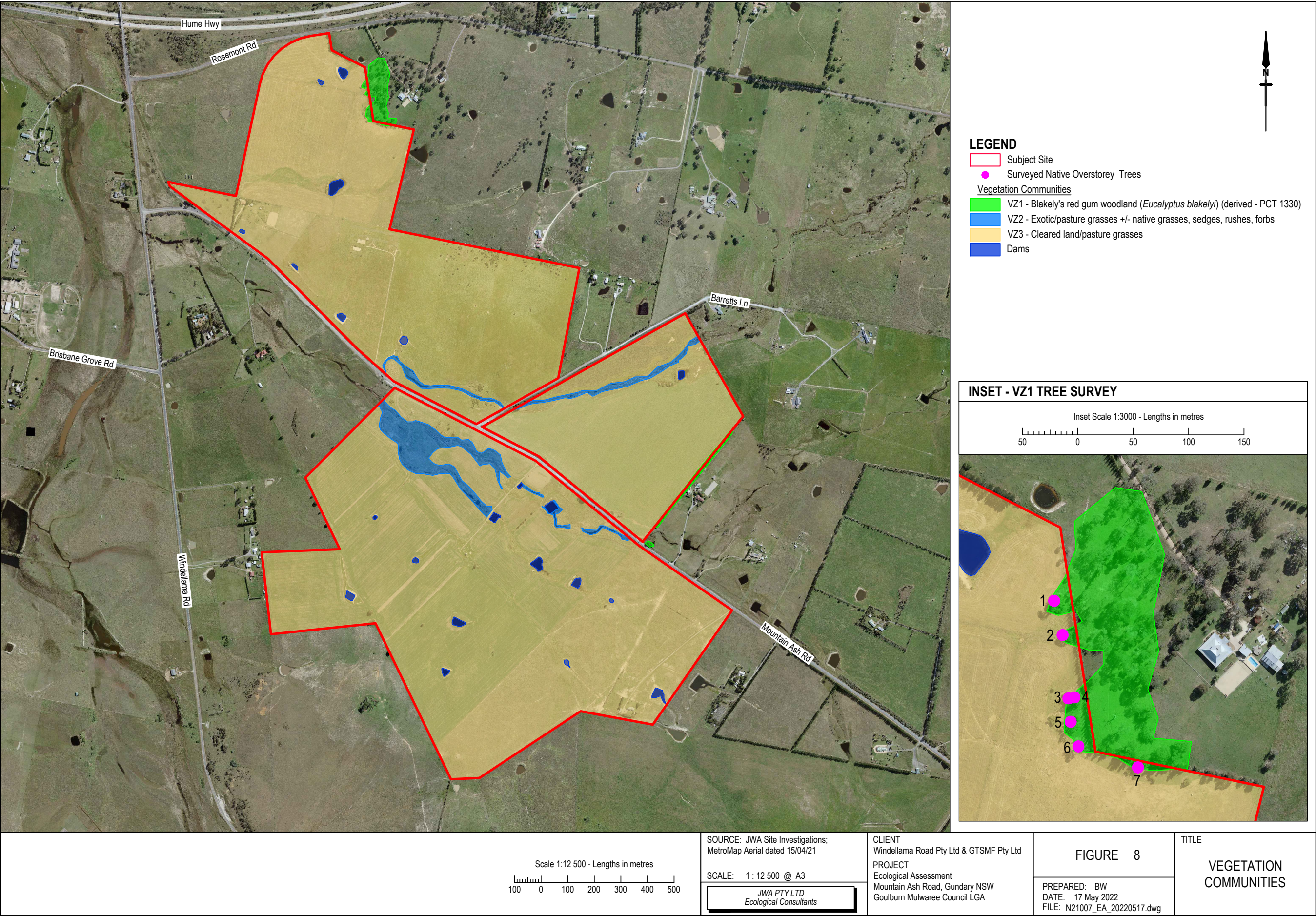


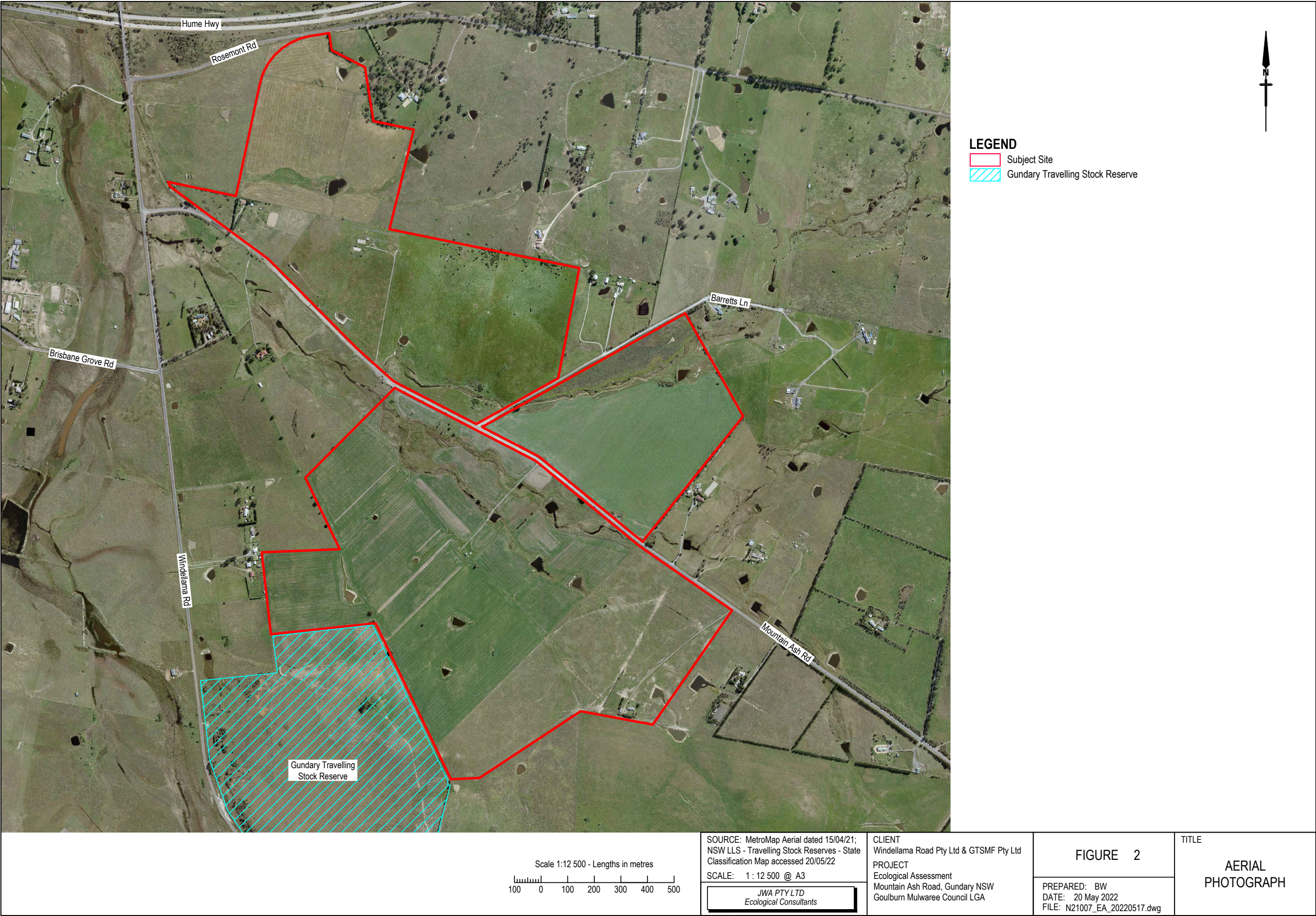
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ECOLOGICAL ASSESSMENT – MOUNTAIN ASH ROAD, GUNDARY (JULY 2022)

JWA PTY LTD ECOLOGICAL CONSULTANTS

REVIEWER: BRIAN FAULKNER

(ENVIRONMENT & BIODIVERSITY ASSESSMENT OFFICER, GOULBURN MULWAREE COUNCIL)

REVIEW DATE: 5/08/2022

REVIEW COMMENTS

The report is well researched and presented.

Desktop surveys have been conducted appropriately utilizing relevant online databases, including EPBC Protected Matters Search Tool, BioNet Atlas, ALA, eBird, BVM, NVR, NSW Fisheries, and SEED.

Threatened ecological communities and threatened species predicted or known to occur within 10 km of the study area have been correctly identified and evaluated.

Flora and fauna field surveys have been conducted appropriately and in line with relevant NSW Government DPE Environment and Heritage guidelines.

Ecological communities, flora and fauna lists derived from surveys are consistent with what would be expected for the locality.

Habitat values and landscape connectivity have been assessed.

Potential impacts of the proposed activity have been identified and evaluated.

Commonwealth and NSW State legislative requirements have been identified and addressed.

The majority of the site has been determined to have been previously cleared of native vegetation due to agricultural activity and it is now dominated by exotic pasture and weed species. The land is currently used primarily for grazing livestock.

The proposed activity will not require entry into the BOS:

- No parts of the land are flagged on the Biodiversity Values Map.
- The BOS area clearing threshold for native vegetation will not be triggered.
- The proposed activity is not likely to have a significant adverse impact on any threatened species or ecological communities.

A small area of degraded Box Gum Woodland has been identified as being present in the north western part of the land. An assessment of significance has determined that the proposed activity is not likely to have a significant impact on this remnant vegetation, but as an added safeguard the report recommends that this area be protected by a Covenant Management Plan (CMP). Watercourses and drainage lines are also recommended to be protected by the CMP.

No threatened flora species were found during field surveys. The assessment has determined that there is a small chance Button Wrinkelwort (*Rutidosia leptorhynchoidea*) and Small Purple Pea (*Swainsona recta*) could be present in the remnant woodland area, but if these are present they will not be adversely impacted by the proposed activity.

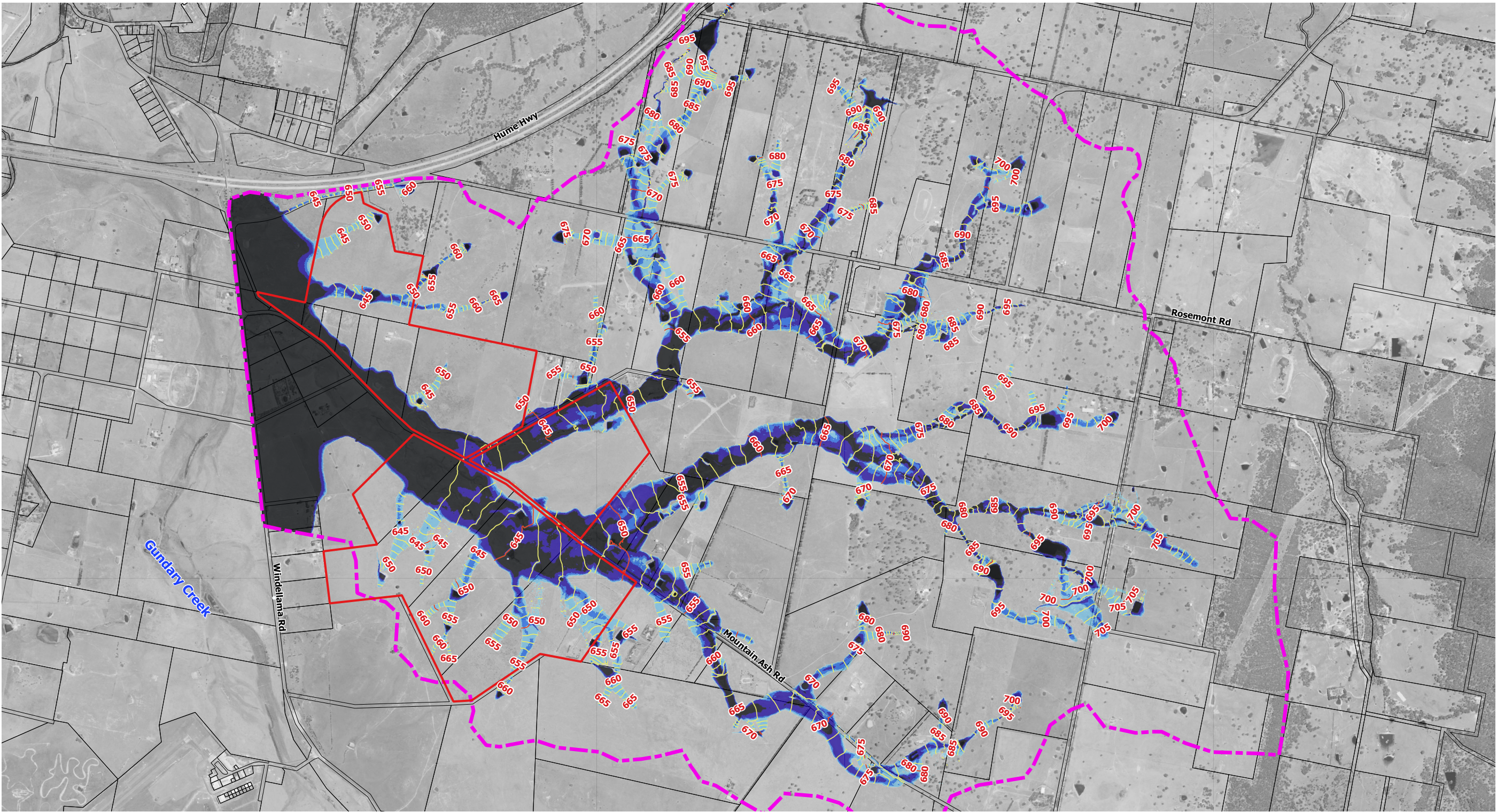
Two threatened fauna species, both microbats, were identified by use of Anabat acoustic detectors. Based on bat calls recorded, Large Bent-winged Bat (*Miniopterus orianae oceanensis*) was confirmed on the site and Eastern False Pipistrelle (*Falsistrellus tasmaniensis*) was determined to be highly probably present.

The Large Bent-winged Bat utilises caves as its primary roosting habitat, but also uses derelict mines, storm-water tunnels, buildings and other man-made structures. These are not present in the project area and the proposed activity will not impact on any roosting sites for this species.

The Eastern False Pipistrelle generally roosts in eucalypt hollows, but has also been found under loose bark on trees or in buildings. Roosting habitat for this species will not be impacted by the proposed activity.

Both threatened bat species are utilising the site for foraging and the proposed activity is not likely to have a significant adverse impact on their access to or use of the area.

The conclusion of the report that, provided the remnant Box Gum Woodland and watercourses/drainage lines are retained, buffered and protected by a CMP, the proposed activity will not have any significant adverse impacts on biodiversity is supported.



Flood Depths (m)

<= 0.05

0.05 - 0.10

0.10 - 0.30

0.30 - 0.50

0.50 - 1.00

> 1.00

Mountain Ash Road Precinct

Study Area

Cadastral Boundary

Major Flood Level Contours (Spacing = 5.0 m)

Minor Flood Level Contours (Spacing = 1.0 m)

N

W

E

S

0

700

1400

2100

2800 metres

grc

HYDRO

TITLE: PMF event - Peak Flood Depths & Levels	PROJECT: Goulburn - Mountain Ash Road	PROJECT No. J180068	DATE: 06-2022	SCALE: 1:20000	FIGURE No. 04
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Our Ref: ID 1687
Your Ref: REZ/0004/2122 - PP-2021-7072

26 August 2022

David Kiernan
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

email: David.Kiernan@goulburn.nsw.gov.au

Dear David,

Planning Proposal for Mountain Ash Road Bungonia

Thank you for the opportunity to provide comment on the Planning Proposal for Mountain Ash Road Bungonia. It is understood that the planning proposal seeks to:

- Change the existing (approximately 13) lot zoning along Mountain Ash Road from RU1 Primary Production to be rezoned to approximately 108 unsewered, 2ha lots with a R5 zoning of Large Residential Lots.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.3 – Flood Prone Land and is consistent with the NSW Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (the Manual). Attention is drawn to the following principles outlined in the Manual which are of importance to the NSW SES role as described above:

- **Zoning should not enable development that will result in an increase in risk to life, health or property of people living on the floodplain.** It is identified that this area may be subject to isolation prior to a 5% AEP flood event and a portion is subject to inundation. The large sections of Mountain Ash Road and Barrett's Lane being subject to flooding are likely to adversely affect the ability of residents to safely evacuate during a flood event, particularly if an alternative rising road access cannot be identified. **Evacuation must not require people to drive or walk through flood water.**



STATE HEADQUARTERS

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- Risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood. It is noted that the mapping provided considers the impacts of flood events up to the PMF.
- Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes. In the context of future development, self-evacuation of the community should be achievable in a manner which is consistent with the NSW SES's principles for evacuation. This is noted in the first point above.
- Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. 'Shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for future development. Such an approach is only considered suitable to allow existing dwellings that are currently at risk to reduce their risk, without increasing the number of people subject to such risk. The flood evacuation constraints in an area should not be used as a reason to justify new development by requiring the new development to have a suitable refuge above the PMF. Allowing such development will increase the number of people exposed to the effects of flooding. Other secondary emergencies such as fires and medical emergencies may occur in buildings isolated by floodwater. During flooding it is likely that there will be a reduced capacity for the relevant emergency service agency to respond in these times. Even relatively brief periods of isolation, in the order of a few hours, can lead to personal medical emergencies that have to be responded to.
- Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.
- The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.
- NSW SES is opposed to development strategies that transfer residual risk, in terms of emergency response activities, to NSW SES and/or increase capability requirements of the NSW SES.
- Consent authorities should consider the cumulative impacts any development will have on risk to life and the existing and future community and emergency service resources in the future.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:



- Reducing Vulnerability of Buildings to Flood Damage
- Designing Safer Subdivisions
- Managing Flood Risk Through Planning Opportunities

Please feel free to contact Elspeth O'Shannessy via email at rra@ses.nsw.gov.au should you wish to discuss or arrange a meeting to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Elspeth O'Shannessy', written over a horizontal line.

Elspeth O'Shannessy
Planning Coordinator, Emergency Risk Management
NSW State Emergency Service