



Gateway determination report – PP-2021-7072

Rezone 274 Mountain Ash Road, Goulburn to R5
Large Lot Residential and C2 Environmental
Conservation Zones

September 24



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2021-7072

Subtitle: Rezone 274 Mountain Ash Road, Goulburn to R5 Large Lot Residential and C2 Environmental Conservation Zones

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

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

Contents

1	Planning proposal	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	2
1.4	Site description and surrounding area	2
1.5	Mapping	3
3	Strategic assessment	6
3.1	Regional Plan	6
3.2	Local	7
3.3	Section 9.1 Ministerial Directions	9
3.4	State environmental planning policies (SEPPs)	17
4	Site Specific assessment	18
4.1	Environmental	18
4.2	Social and economic	20
4.3	Infrastructure	21
5	Consultation	22
5.1	Community	22
5.2	Agencies	22
6	Timeframe	23
7	Local plan-making authority	23
8	Assessment summary	23
9	Recommendation	24

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Appendix 1 Proponents Planning Proposal Report
Appendix 2 Mountain Ash Road Concept Layout Plans
Appendix 3a Initial Council Report & Resolution 18 October 2022
Appendix 3b Second Council Report & Resolution- 4 April 2023

Appendix 3c C2 MLS Council Report & Resolution- 20 September 2022

Appendix 3d Special Flood Council Report and Minutes_2 November 2022

Appendix 4 Draft Brisbane Grove & Mountain Ash Precinct-Specific Development Control Chapter V10

Appendix 5a Flood Impact and Risk Assessment

Appendix 5b NSW SES Referral Response Mountain Ash Rd_26 Aug 2022

Appendix 5c Goulburn Mulwaree Development Control Plan Flood Policy

Appendix 5d Superseded Concept Plan

Appendix 6a Aboriginal Heritage Desktop Assessment 2022

Appendix 6b Aboriginal Cultural Heritage Assessment March 2023

Appendix 7 Statement of Heritage Impact September 2022

Appendix 8a Ecological Assessment- July 2022

Appendix 8b GMC Biodiversity Officer Referral Comments 5 Aug 2022

Appendix 9a Engineering Services Report

Appendix 9b Report on Effluent Disposal Preliminary Soils Assessment

Appendix 9c Water NSW Pre-gateway Referral Response- 26 July 2024

Appendix 10 Preliminary Site Investigation- Contamination

Appendix 11 Strategic Bushfire Study

Appendix 12 Traffic and Parking Impact Assessment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Goulburn Mulwaree
NAME	Rezone 274 Mountain Ash Road, Goulburn to R5 Large Lot Residential and C2 Environmental Conservation Zone
NUMBER	PP-2021-7072
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	274 Mountain Ash Road, Goulburn
DESCRIPTION	Lots 22-24, DP811954, Lots 1-3, DP835278, Lot 1, DP 731427, Lot 1, DP 779194, Lot 1, DP 853498, Lot 103, DP70346 and Lots 104-106, DP 126140.
RECEIVED	1/08/2024
FILE NO.	IRF24/1954 and EF24/11210
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objective of the planning proposal is to rezone 274 Mountain Ash Road, Goulburn to enable subdivision of land identified in the Goulburn Mulwaree Urban and Fringe Housing Strategy 2020 for large lot residential development.

The proposal seeks to apply a R5 Large Lot Residential zone on land that is flood free. The proposed C2 Environmental Conservation Zone will be applied to land identified as flood prone (Probable Maximum Flood level). This is to ensure dwellings cannot be erected on flood prone land.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production Zone (277 ha)	R5 Large Lot Residential Zone (162 ha). C2 Environmental Conservation Zone (115 ha) – applied to Flood Prone Land (Probable Maximum Flood).
Minimum lot size	100 hectare MLS (Area 247 ha and 10 ha MLS (Area 30 ha)	2 hectares MLS (proposed R5 Zone) and nil MLS (proposed C2 Zone)
Number of dwellings	Site area would allow approximately five dwelling houses	70-80 rural residential lots on 162 ha of R5 Zoned land (Source: Planning Proposal). Note: This is less than the estimated 108 rural residential lots in the proponent's concept subdivision layout that was to be applied to the proposed R5 Large Lot Residential Zone covering the entire 277 ha site (Source: Planning Proposal).

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved (see Section 1.3).

1.4 Site description and surrounding area

The 277 hectare site is flat to undulating rural land situated to the south of the Hume Highway, between approximately 2-5km from the southern edge of the Goulburn urban area (Figure 1).

The site comprises 13 existing lots within 3 parcels of land separated by Barrett's Lane and Mountain Ash Road. The site is surrounded by generally cleared agricultural land and is un-serviced by Goulburn's reticulated water and sewer system. Future development will rely on on-site effluent management and rain water collection. The planning proposal states that there are no dwellings on the site and 21 farm dams are located throughout the property (Figure 2).

The closest part of the subject site is located approximately 18 km east of the Mulwaree River but a major tributary to the river, Gundry Creek runs northward roughly parallel with Windellama Road.

Another significant perennial watercourse runs northward, through stage 2, approximately parallel with Mountain Ash Road and feeds into Gundry Creek and ultimately the Mulwaree River. A number of additional non-perennial drainage channels also crisscross the three stages of the subject site.



Figure 1 Site Locality and Context (source: Planning Proposal)

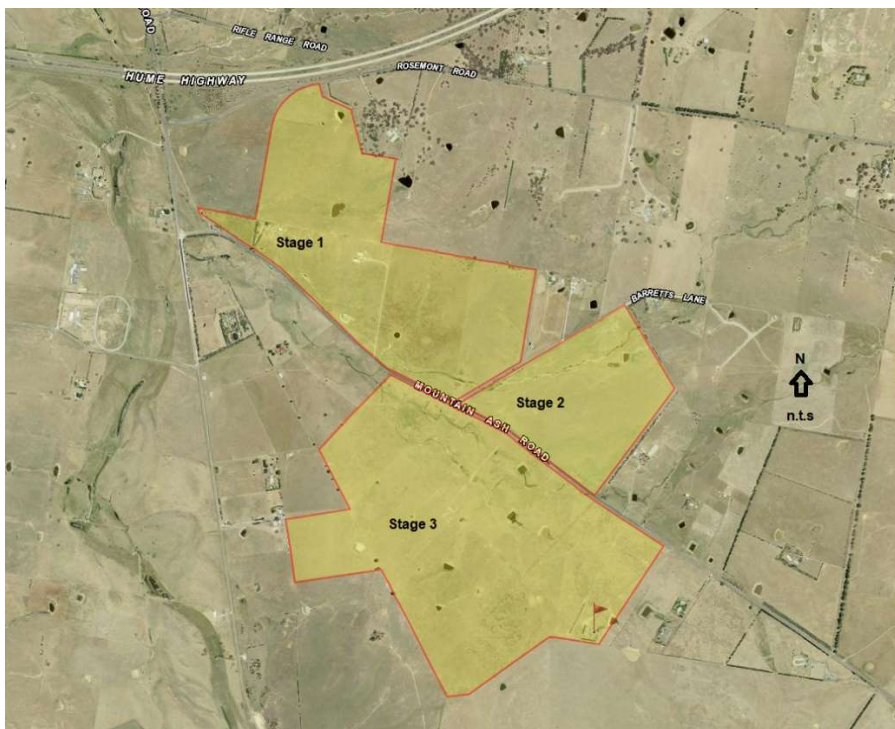


Figure 2 Site and stages (source: NSW SixMap)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Goulburn Mulwaree LEP 2009 maps, which are suitable for community consultation. The proposal will seek to amend the Land Zoning and Lot Size Maps.

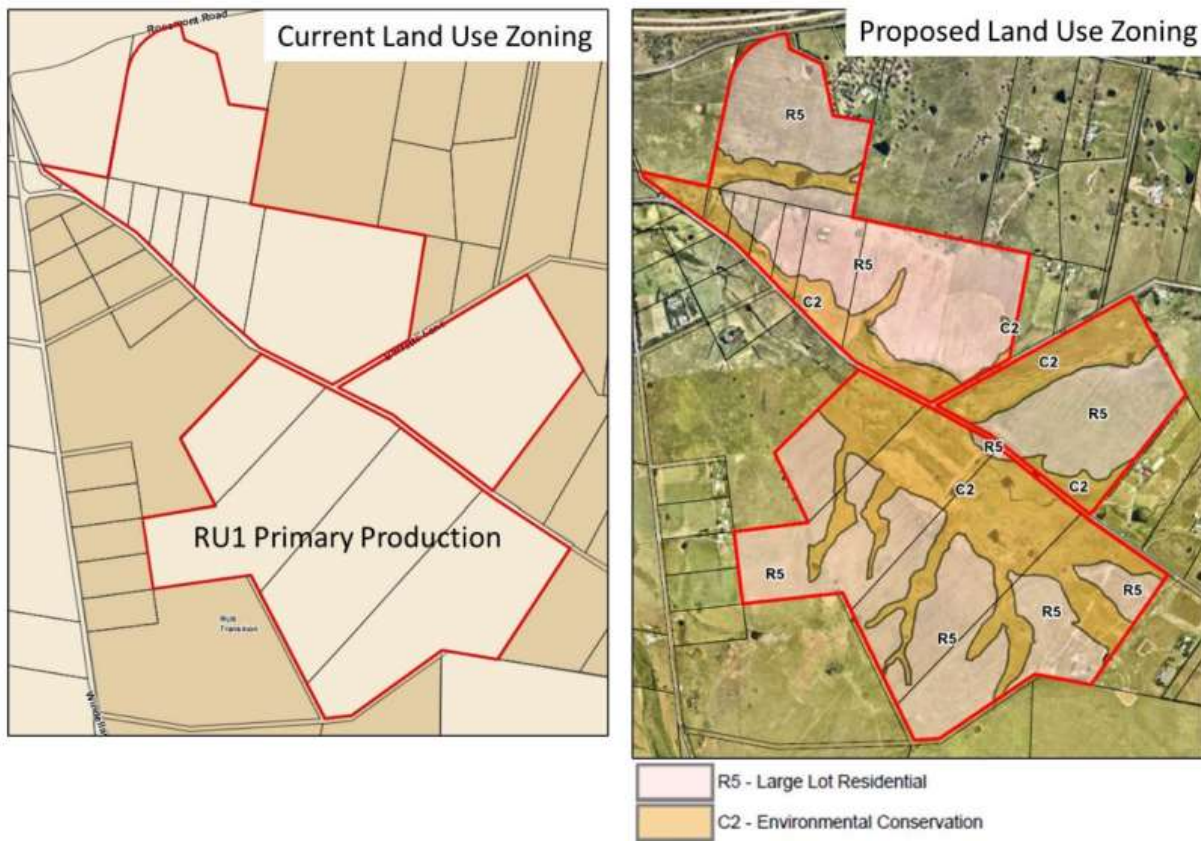


Figure 3 Current and proposed zoning map (Source: Planning Proposal)

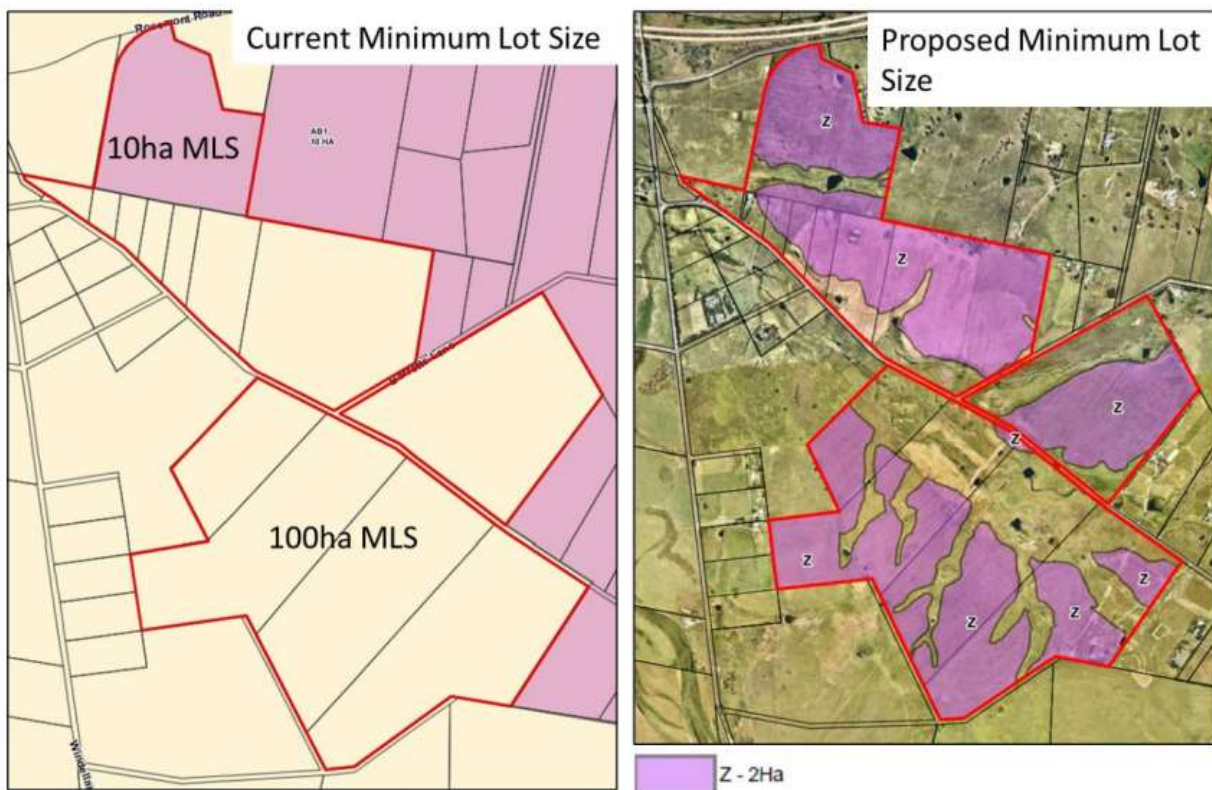


Figure 4 Current and proposed minimum lot size map (Source: Planning Proposal)

2 Need for the planning proposal.

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

Yes, the planning proposal is a result of an adopted local strategic planning strategy that was endorsed by the Department on the 20 November 2020 (**Attachment DPHI Endorsement**).

The planning proposal states that site is located within Precinct 10: Mountain Ash identified in the Goulburn Marulan Urban and Fringe Housing Strategy 2020 (see Figure 5). Precinct 10 is identified as a rural and rural transition area south of the Hume Highway, on both sides of Mountain Ash Road. The strategy recommends land in the precinct that is least constrained by topography and environmental constraints be rezoned to large lot residential with a minimum lot size of 2 hectares.

The planning proposal is therefore consistent with the Goulburn Marulan Urban and Fringe Housing Strategy.



Figure 5. Precinct and Opportunities for Development - Goulburn (Source: Extract from the Urban and Fringe Strategy 2020 – site is within red circled area – Precinct 10 Mountain Ash)

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal to amend the RU1 Primary Production zoning and minimum lot size on the subject site to R5 Large Lot Residential with a 2 hectare minimum lot size and C2 Environmental Conservation, is the best means of achieving the intended outcome and the requirements of the Goulburn Marulan Urban and Fringe Housing Strategy that identified the land for future large lot rural residential development.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

The planning proposal states that is consistent with both the current and draft South East and Tablelands Regional Plans with particular regard to the principles identified in Table 4.

Table 4 Regional Plan assessment

Regional Plan Objectives/Principle	Justification
Building resilient places and safeguarding from natural hazards	<p>The planning proposal includes a Strategic Bushfire Study (Appendix 11). It indicates that the site is located within a category 3 (medium bushfire risk) landscape and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience.</p> <p>The planning proposal includes a Flood Impact and Risk Assessment (Appendix 5a) and an area constrained by overland flow flooding hazard (probable maximum flood) is proposed to be rezoned as C2 Environmental Conservation to limit development on flood prone land and ensure the impacts of overland flow events are avoided. This approach seeks to incorporate the best available hazard information into the zoning of the Local Environmental Plan which is consistent with current flood studies and floodplain risk management plans.</p> <p><u>Comment</u></p> <p>Consultation with DCCEEW Biodiversity and Science, State Emergency Services and NSW Rural Fire Service is required to verify the proposal's consistency with the South East and Tablelands Regional Plan and draft Regional Plan. Council may still require the approval of the Secretary for an inconsistency with this principle.</p>
Preserving the heritage and character of the region's towns and villages and conserving and enhancing Aboriginal cultural heritage values	<p>Both the current and draft South East and Tablelands Regional Plans seek to protect the region's heritage with particular regard to consulting with Aboriginal people to identify heritage values and to conserve heritage assets during the strategic planning stage.</p> <p>The planning proposal includes an Aboriginal Cultural Heritage Assessment (Appendix 6b). The Assessment has sought to identify potential heritage values on the site and has been prepared with engagement from the local Aboriginal Community.</p> <p>In addition, four locally listed heritage items stand in close proximity to the site boundaries including Rosebank to the north, Homeden to the north west, Irriwilbin</p>

Regional Plan Objectives/Principle	Justification
	<p>and Wyoming to the north east. The proponent has submitted a Statement of Heritage Impact (Appendix 7) which has assessed the heritage values of these heritage items and its surrounds.</p> <p><u>Comment</u></p> <p>Consultation with NSW Heritage and the LALC is required to verify the proposal's consistency with the South East and Tablelands Regional Plan and draft Regional Plan. Council may still require the approval of the Secretary for any inconsistency with this principle.</p>
Managing rural living	<p>Both the current and draft South East and Tablelands Regional Plans seek to manage rural lifestyles and ensure a consistent planning approach to identify suitable locations for new rural residential development.</p> <p>The site is located within the Mountain Ash Precinct 10 identified in the Goulburn Marulan Urban and Fringe Housing Strategy and located between 2-5km from the edge of the Goulburn urban area (See Figure 5). The site is located in close proximity to the Goulburn urban area whilst also facilitating a site size large enough to accommodate the 2ha minimum lot size prescribed in the Strategy.</p> <p>The planning proposal states that:</p> <ul style="list-style-type: none"> - site is accessible through the existing road network which has capacity for additional traffic and the proposal is not expected to require additional social or community infrastructure due to the low density of the proposal and proximity to the Goulburn urban area. - The relatively low density of the proposal, large lot sizes and the planned precinct-wide rezoning is considered to reduce potential land use conflict with other rural land uses. - The site is not identified as a 'state significant agricultural area' or an area of high biodiversity or high environmental significance. - Portions of the site are affected by overland flow inundation but its potential impact on life and property has been mitigated through the application of a C2 Environmental Conservation zone. - The Mountain Ash Precinct is identified bushfire prone land, but the planning proposal includes a series of suitable bushfire mitigations. <p><u>Comment</u></p> <p>Consultation with relevant state agencies is required to verify the proposal's consistency with the South East and Tablelands Regional Plan and draft Regional Plan. Council may still require the approval of the Secretary for an inconsistency with this principle.</p>

3.2 Local

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

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The planning proposal states that it is consistent with the following LSPS Planning Priorities.</p> <p><u>Planning Priority 4: Housing</u> which establishes the principle that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure. It also highlights that a key land use challenge is to meet the housing supply and type required for a growing population. A primary action in meeting this challenge is the implementation of the Urban and Fringe Housing Strategy which sets out housing growth areas.</p> <p><u>Planning Priority 8: Natural Hazards</u>. The two main natural hazards potentially affecting the subject site are bushfire and overland flow flooding. The subject site stands within a category 3 (medium bushfire risk) landscape. The proposal includes bushfire prone land measures to mitigate potential impacts and increase resilience. The Goulburn Mulwaree Development Control Plan also includes provisions relating to bushfire controls. Areas of flood inundation have been identified through overland flow modelling and the proponents submitted FIRA and planned for through appropriate zoning.</p> <p><u>Planning Priority 9: Heritage</u> which has a vision that cultural heritage is conserved, actively adapted for use and celebrated. It also includes planning principles to protect and conserve heritage items and ensure the preservation of Aboriginal heritage and culture both at the strategic and development assessment stages.</p> <p>The site does not include any listed heritage items, but four locally listed heritage items are located in close proximity to the site's boundaries. The planning proposal includes large 2 hectare lots for subdivision throughout the Mountain Ash precinct assisting in maintaining the rural setting and context of heritage items in the locality. Additional provisions are provided through the precinct-specific Development Control Plan which seeks to limit the impact of the proposal on the wider landscape setting.</p> <p><u>Planning Priority 10: Natural Environments</u> of the LSPS sets a vision for the protection and enhancement of natural environments and systems.</p> <p>The subject site is not of high biodiversity significance, outstanding biodiversity value or include a declared critical habitat. The Ecological Assessment (Appendix 8a) submitted with the planning proposal identifies the site is dominated by cleared and historically managed grasslands with minimal native forest cover.</p> <p>The site is within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect on water quality. This planning proposal has sought to protect waterways and catchments by prescribing a 2 hectare minimum lot size to reduce the intensity of potential uses, siting effluent management areas suitable distances from watercourses and drainage paths and rezoning overland flow corridors as C2 Environmental Conservation to reduce development potential and improve water quality outcomes.</p> <p>Further provisions on the appropriate design and management of developments to minimise impacts on the water catchment are provided in the Development Control Plan and will be applied at the development application stage.</p>

Local Strategies	Justification
	<p><u>Comment</u></p> <p>The proposal is generally consistent with the Council LSPS because it is consistent with the Goulburn Mulwaree Urban and Fringe Housing Strategy 2020.</p> <p>See also section 3.3 on responses to consistency/inconsistency with section 9.1 Ministerial Directions that deal with matters similar to the LSPS principles.</p>
Goulburn Mulwaree Urban and Fringe Housing Strategy	<p>The planning proposal states that the site is located within Precinct 10: Mountain Ash identified in the Goulburn Marulan Urban and Fringe Housing Strategy 2020 (see Section 2. and Figure 5 for further information). The strategy was adopted by Council and endorsed by the Department in November 2020.</p> <p>The proposal is therefore consistent with a local strategy endorsed by the Department because it identifies the site for rural residential development.</p>

3.3 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of regional plans	Unknown until consultation with relevant agencies.	<p>The proposal indicates that it is consistent with the South East and Tablelands Regional Plan and draft South East and Tablelands Regional Plan.</p> <p>See section 3.1 for further information on consistency with the Regional Plan and draft Regional Plan.</p> <p><u>Comment</u></p> <p>Consultation with relevant state agencies is required to verify the proposal's consistency with the South East and Tablelands Regional Plan and draft Regional Plan. Depending on the comments by agencies Council may still require the approval of the Secretary for an inconsistency with this Direction.</p>
Direction 3.1 Conservation Zones	Unknown until consultation with DCCEEW Biodiversity and Science.	<p>The proposal states that it is consistent with this Direction because the Ecological Assessment (Appendix 8a), alongside the review and site assessment undertaken by Council's Biodiversity Officer (Appendix 8b), have demonstrated the subject site is not considered of high biodiversity significance, outstanding biodiversity value or a declared critical habitat. In addition, the subject site does not include any other potential environmentally sensitive areas.</p> <p>The Ecological Assessment identifies the site is dominated by cleared and historically managed grasslands with minimal native forest cover.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p><u>Comment</u></p> <p>Consultation with DCCEEW Biodiversity and Science will determine if the proposal is consistent with Direction 3.1. Conservation Zones. Depending on the comments by DCCEEW Biodiversity and Conservation, Council may still require the approval of the Secretary for an inconsistency with this Direction.</p>
Direction 3.2 Heritage Conservation	Unknown until consultation with relevant agencies.	<p>The planning proposal states that it is consistent with this Direction because it is accompanied by an Aboriginal Cultural Heritage Assessment (Appendix 6b) that has sought to identify potential heritage values on the site and has been prepared with engagement from the local Aboriginal Community.</p> <p><u>Comment</u></p> <p>Consultation with NSW Heritage and the Pejar LALC will determine if the proposal is consistent with Direction 3.2. Heritage Conservation. Depending on the comments by NSW Heritage and the Pejar LALC Council may still require the approval of the Secretary for an inconsistency with this Direction.</p>
Direction 3.3 Sydney Drinking Water Catchments	Unknown until consultation with relevant agencies.	<p>The planning proposal states that it is consistent with this Direction. The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment which includes Goulburn Mulwaree.</p> <p>The site will not be serviced by reticulated sewerage and water supply. The planning proposal is therefore accompanied Engineering Services Report (Appendix 9a) and a report on Effluent Disposal Preliminary Soils Assessment (Appendix 9b). These reports confirm the soils on the site are capable for on-site effluent disposal and compliance with the neutral or beneficial effects (NorBE) test for impact on water quality.</p> <p>This planning proposal states that it is consistent with the Direction because the planning proposal has:</p> <ul style="list-style-type: none"> • Demonstrated consistency with Chapter 6 (part 6.5) of the Biodiversity and Conservation SEPP . • Has given consideration to the Strategic Land and Water Capability Assessment. • Undertaken pre-consultation with Water NSW (Appendix 9c) with further engagement to be undertaken through the planning proposal process, and • Included information received to date from Water NSW. <p><u>Comment</u></p> <p>The application of both the R5 and C2 zones to avoid flood prone land, the supporting studies with the planning proposal on effluent disposal and water quality and pre consultation with Water NSW appear to satisfy the requirements of the Direction. Further</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		consultation with Water NSW on Council's revised planning proposal will confirm if the proposal is consistent with Direction 3.3. Sydney Drinking Water Catchments.
Direction 4.1 Flooding	Unknown until consultation with relevant agencies.	<p>The planning proposal states that it is consistent with this Direction.</p> <p>The site and surrounding road network is flood prone, mainly from overland flood flow, and the proposal is accompanied by a Flood Impact and Risk Assessment (Appendix 5a) that identified flood prone land and investigates options for evacuation for events greater than the 1% AEP event.</p> <p>Figure 6 below identifies the extent of flood prone land on and around the site and options for evacuation routes.</p> <p>The planning proposal states that it is consistent with this Direction because;</p> <ul style="list-style-type: none"> Flood prone land is to be zoned C2 Environmental Conservation Zone and flood free land is to be zoned R5 Large Lot Residential Zone. This is intended to limit development on flood prone land and ensure the impacts of overland flow events are avoided. The proposal does not include land uses which are difficult to evacuate during an emergency such as childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities etc. Residents are able to evacuate in a 1% AEP flood event. The FIRA identifies three critical locations within the internal road evacuation route where evacuation in events larger than the 1% AEP event is restricted. The siting of dwellings above the PMF in the R5 Zone supports their safe occupation and negates the need to evacuate. Despite this benefit residents are still subject to indirect isolation risk when local roads become inundated. The planning proposal includes measures to manage secondary risks (e.g. fire or medical emergency) and human behaviour when dwellings on properties are isolated during a flood event greater than 1% AEP, i.e. requirement for independent power generation and storage, on-site effluent management standing outside flood prone land, on-site water collection and storage provision of an Automated Electronic Defibrillator, first aid kit and home fire safety kit (see page pp 70 and 71 of the proposal). All of the site is to be identified as land to which Special Flood Considerations Clause 5.22 of the LEP applies. This provision requires consideration of safe occupation

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>and efficient evacuation for all development proposals within the site.</p> <p><u>State Emergency Service</u></p> <p>The planning proposal indicates that NSW SES provided a pre-gateway referral response (Appendix 5b), and the SES's initial comments were based upon a now superseded concept plan which did not illustrate the proposed C2 zoning over all flood prone land. Furthermore the Flood Impact and Risk Assessment had yet to be prepared and no residual risk management development control options developed.</p> <p><u>Comment</u></p> <p>The planning proposal and supporting FIRA (Appendix 5a) outlines strategies to manage flood hazard risk associated with the development of the site for rural residential housing in response to the requirements of Direction 4.1.</p> <p>The FIRA considers flood depth, velocity, hazard and hazard category maps for the full range of floods (20%, 10%, 5%, 1%, 0.5%, 0.2% & PMF) for both the base case and developed case scenario to understand post development flood impacts.</p> <p>The FIRA recommends shelter in place due to the flash flooding and as all dwellings will be located outside of the PMF. However, it has considered 3 evacuation routes and evacuation route B is identified as the most appropriate evacuation route from the site to Goulburn Mulwaree Council Operations Centre. This route utilises the internal access roads in stages 2 and 3 to provide access to the internal access road running south to north through Stage 1 and onto Rosemont Road. The route then takes Rosemont Road west, turning north through Windellama Road, turning east on Rifle Range Road, before heading north to reach the operations centre by taking Long Street, Chiswick Street and Hetherington Street. The FIRA demonstrates that proposed internal access roads provide flood free access out of the site for events at the 1%. A rising road access via evacuation route B is available to provide flood free access to the Council's operation centre for events up to the PMF should evacuation be required prior to the 1% AEP flood event.</p> <p>Consultation with DCCEEW Biodiversity and Science and State Emergency Services (SES) will determine if the proposal is consistent with Direction 4.1. Flooding or if any inconsistency has been justified.</p> <p>Depending on the comments by DCCEEW Biodiversity and Conservation and the SES, Council may still require the approval of the Secretary for an inconsistency with this Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 4.3 Planning for Bushfire Protection	Unknown until consultation with NSW Rural Fire Service.	<p>The proposal is accompanied by a Strategic Bushfire Study that addresses bushfire risk and management (Appendix 11).</p> <p>The site lies within a rural area on land which is identified as Category 3 vegetation with a medium bushfire risk. The subject is therefore bushfire prone, and this Direction applies.</p> <p>The planning proposal states that it is consistent with this Direction for the following reasons;</p> <ul style="list-style-type: none"> • Introduces controls to avoid placing inappropriate developments in hazardous areas and is able to ensure hazard reduction is not prohibited within the Asset Protection Zone. • The large lot sizes indicate suitable Asset Protection Zones can be achieved. • Contains provisions for two-way access roads and two access points (with the exception of stage 2 which proposes to meet acceptable solutions). • Includes provisions for adequate water supplies and minimises the interface between the hazard and dwellings. • A Development Application will be required to submit a Plan of Management in accordance with the Goulburn Mulwaree Development Control Plan which will introduce controls on the placement of combustible materials. • NSW Rural Fire Service will be consulted as part of the planning proposal process prior to community consultation and any comments made will be incorporated into subsequent versions of this planning proposal. <p><u>Comment</u></p> <p>The planning proposal triggers a requirement to consult with the NSW Rural Fire Service. The consultation with the Service will determine if the proposal is consistent with Direction 4.3.</p> <p>Depending on the comments by the NSW Rural Fire Service, Council may still require the approval of the Secretary for an inconsistency with this Direction.</p>
Direction 4.4 Remediation of Contaminated Land	Yes	<p>The planning proposal has been supported by a Preliminary Site Investigation (contamination) report (Appendix 10) which addresses the requirements of this direction.</p> <p>The planning proposal states that the site is not identified on the Council's local contaminated land register or identified as significantly contaminated land.</p> <p>The Direction is triggered because past agricultural activities on a site are listed as a potentially contaminating use within Table 1 of the contaminated land planning guidelines.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The report indicates that although the site has been historically used for grazing with no contamination activities recorded on or in close proximity to the site. The site inspection did not identify any contaminated materials on site or any observable signs of contamination.</p> <p>The report concluded;</p> <p><i>“Based on preliminary investigations the site is suitable for the proposed change in land use. An unexpected finds protocol as per EPA guideline should be implemented if asbestos or other contaminants are suspected during works”.</i></p> <p><u>Comment</u></p> <p>The preparation of a Preliminary Site Investigation prepared for the planning proposal is consistent with the requirements of Direction 4.4.</p>
Direction 5.1 Integrating Land Use and Transport	No – inconsistency justified	<p>The site is situated approximately 2-5km south east of the Goulburn and is separated from the Goulburn by the Hume Highway and Mulwaree River.</p> <p>The planning proposal is accompanied by a proponents Traffic and Parking Impact Assessment (Appendix 12). It acknowledges that the site is not well serviced by public transport because the nearest bus stop is 4 km away.</p> <p>The planning proposal states that due to the location of the site to be used for rural residential development, the proposal will increase the dependence on the private car and the proposed density with 2ha lots would not support the efficient and viable operation of public transport services.</p> <p>The planning proposal acknowledges that it is therefore inconsistent with Direction 5.1.</p> <p>A planning proposal can be inconsistent with this direction if it is justified by a strategy approved by the Planning Secretary which has given consideration to the objective of this direction and identifies the land to which the proposal applies.</p> <p><u>Comment</u></p> <p>The Direction is more applicable to serviced residential areas within towns and cities and not low density rural residential development located outside the town boundaries because typically rural residential areas are car dependant. Rural residential development caters for people seeking a rural lifestyle located away from urban centres and services.</p> <p>The inconsistency is justified under section (a) of the Direction because the Goulburn Marulan Urban and Fringe Strategy identifies the site for rural residential development. The Strategy</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		was endorsed by the Department on 20 November 2020 (Attachment DPHI Endorsement) .
Direction 6.1 Residential Zones	No – inconsistency justified	<p>The planning proposal seeks to rezone rural land to a residential zone and therefore this Direction applies to the proposal.</p> <p>The planning proposal states that it is “generally consistent with this direction however an inconsistency has been identified in the requirement to reduce the consumption of land for housing and associated urban development on the urban fringe. The inconsistency is considered a minor because it is justified by the Urban and Fringe Housing Strategy that has been approved by the Department (Attachment DPHI Endorsement) that identifies the site for rural residential development.</p> <p><u>Comment</u></p> <p>The planning proposal correctly acknowledges that it is inconsistent with clause (1) of the Direction because it does not reduce the consumption of land for housing on the urban fringe. The Secretary can be satisfied that the inconsistency is justified because the site has been identified for rural residential development in a local housing strategy prepared by Council and endorsed by the Department.</p>
Direction 9.1 Rural Zones	No – inconsistency justified	<p>This planning proposal states that it is inconsistent with Direction 9.1 Rural Zones because it will rezone agricultural land zoned RU1 primary Production Zone for residential development.</p> <p>The inconsistency is justified by the Urban and Fringe Housing Strategy, endorsed by the Department, which identifies the site (Mountain Ash Precinct) for rural residential development.</p> <p><u>Comment</u></p> <p>The planning proposal correctly acknowledges that it is inconsistent with clause (1) of the Direction because it rezoned rural zoned land for residential development.</p> <p>The Secretary can be satisfied that the inconsistency is justified because the site has been identified for rural residential development in a local housing strategy prepared by Council and endorsed by the Department (Attachment DPHI Endorsement) that identifies the site for rural residential development.</p> <p>It is also recommended that Council consult with DPI Agriculture the potential for land use conflict and on advice on how to avoid land use conflict.</p>
Direction 9.2 Rural Lands	Unknown until consultation with relevant agencies.	<p>Under this Direction a planning proposal must consider certain requirements under clause (1) (a) to (i) and (2) (a) to (c).</p> <p>Clause (1) (a) requires consistency with a regional plan. Consultation with relevant state agencies is required to verify the</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>proposal's consistency with the South East and Tablelands Regional Plan and draft Regionald Plan (see response to Direction 1.1).</p> <p>The planning proposal acknowledges that it is inconsistent with clause (2) because it does not minimise fragmentation of rural land. The proposal has justified the inconsistency because the site is identified for rural residential development in a housing strategy endorsed by the Department on 20 November 2020 (Attachment DPHI Endorsement).</p> <p>Depending on the comments by agencies Council may still require the approval of the Secretary for an inconsistency with this part of the Direction.</p>

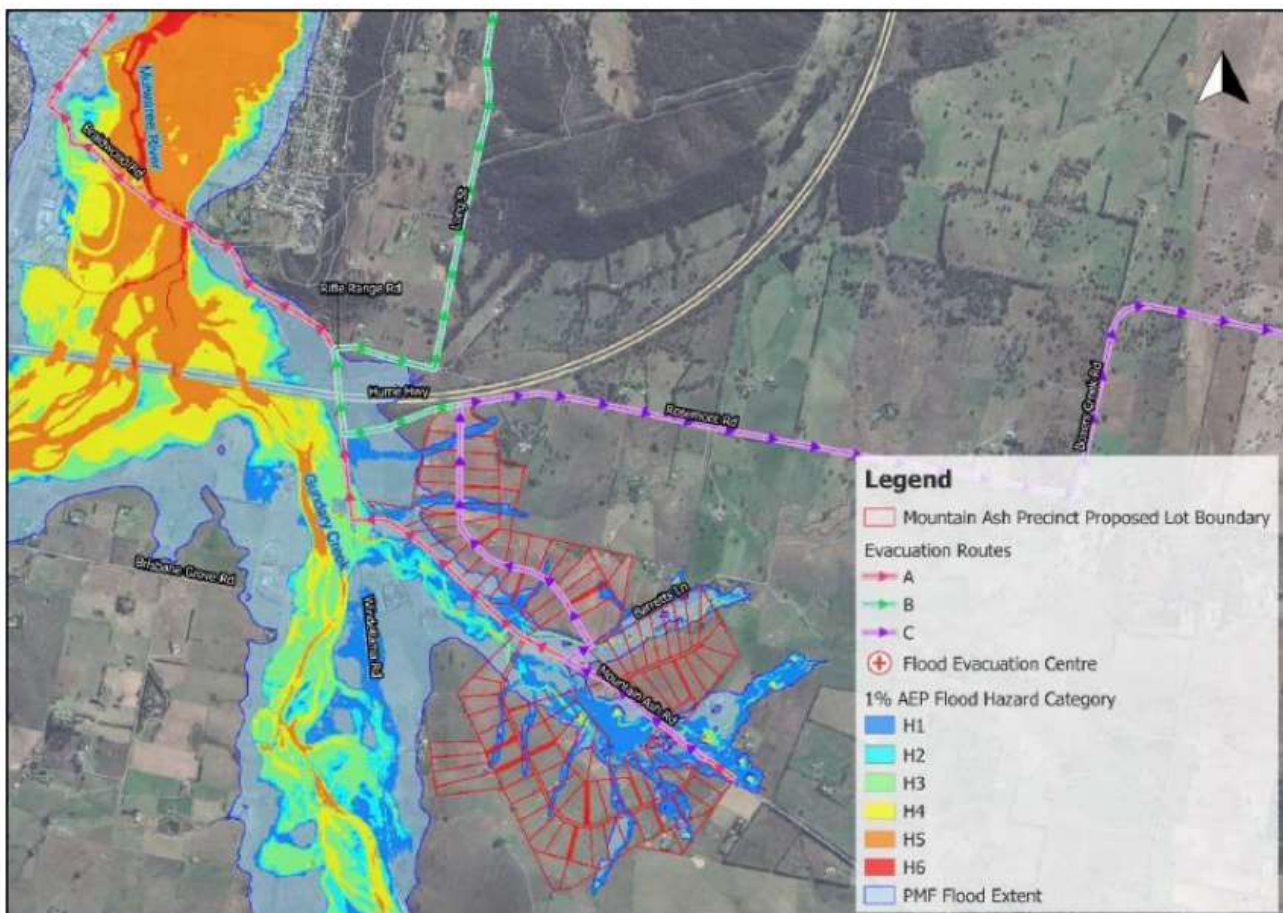


Figure 6. Flood prone land and evacuation routes in and around the site (Source: Planning Proposal, Flood Impact and Risk Assessment). Note – The planning proposal acknowledges that concept subdivision layout shown in red in Figure 6 is expected to change at DA stage to adapt to the Council's proposed new zoning arrangements and development control plan requirements.

3.4 State environmental planning policies (SEPPs)

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

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment	The SEPP applies to development applications and not planning proposals. It requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. It identifies the aims of the SEPP as follows: a) To provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and b) To provide for development in the Sydney drinking water catchment to have a neutral or beneficial effect on water quality.	Not Applicable	See response to in section 3.3 to Section 9.1 Direction 3.3 Sydney Drinking Water Catchments.
State Environmental Planning Policy (Primary Production) 2021	The SEPP sets out requirements as part of assessing development applications on rural land.	Not Applicable	The proposal is not a development application however it will rezone RU1 zoned rural land to create an additional 162 ha of R5 zoned land and approximately 115 ha of C2 Environmental Conservation Zone. The site is identified for housing in the Goulburn Marulan Urban and Fringe Housing Strategy.
State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4: Remediation of Land	The SEPP applies to development applications. The SEPP provides for a State-wide planning approach to the remediation of contaminated land. It aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	Not applicable	See response in section 3.3 to Section 9.1 Direction 4.4 Remediation of Contaminated Land


4 Site Specific assessment

4.1 Environmental

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

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>The planning proposal is accompanied by an Ecological Assessment (Appendix 8a). The Ecological Assessment identifies the site is dominated by cleared and historically managed grasslands with minimal native forest cover.</p> <p>See response in section 3.3 on Direction 3.1 Conservation Zones for further information on biodiversity assessment.</p>
Drinking water catchment and water quality impacts	<p>The planning proposal is therefore accompanied Engineering Services Report (Appendix 9a) and a report on Effluent Disposal Preliminary Soils Assessment (Appendix 9b). These reports confirm the soils on the site are capable for on-site effluent disposal and compliance with the neutral or beneficial effects (NorBE) test for impact on water quality.</p> <p>See response in section 3.3 on Direction 3.3 Sydney Drinking Water Catchments for further information.</p>
Bushfire hazard	<p>The site lies within a rural area on land which is identified as Category 3 vegetation with a medium bushfire risk. The subject is therefore bushfire prone, and this Direction applies.</p> <p>The proposal is accompanied by a Strategic Bushfire Study that addresses bushfire risk and management (Appendix 11).</p> <p>See response in section 3.3 on Direction 4.3 Planning for Bushfire Protection for further information.</p>
Flooding	<p>The site and surrounding road network flood prone, mainly from overland flood flow, and the proposal is accompanied by a Flood Impact and Risk Assessment (Appendix 5a) that identified flood prone land and investigates options for evacuation for events greater than the 1% AEP event.</p> <p>Figure 6 on page 17 of this report identifies the extent of flood prone land on and around the site and options for evacuation routes.</p> <p>See response in section 3.3 on Direction 4.1 Flooding for further information.</p>
Contamination	<p>The planning proposal has been supported by a Preliminary Site Investigation (contamination) report (Appendix 10). The report indicates that although the site has been historically used for grazing with no contamination activities recorded on or in close proximity to the site. The site inspection did not identify any contaminated materials on site or any observable signs of contamination.</p> <p>See response in section 3.3 Direction on 4.4 Remediation of Contaminated Land for further information on investigation and assessment of land contamination.</p>

Environmental Impact	Assessment
Noise	<p>The planning proposal recognised four possible noise sources which have the potential to adversely affect residential amenity (Figure 7), these include:</p> <ul style="list-style-type: none"> • The railway line which stands approximately 2.8km to the west of the site and on the opposing side of the Mulwaree River. • The Hume Highway which stands approximately between 70m from the northernmost boundary at stage 1 and 2.8km from the southernmost boundary of Stage 3. • Goulburn Airport which stands approximately 770m south west of the western boundary of stage 3. • Wakefield Park Raceway which stands approximately 6.5km south west of the western boundary of stage 3. <p>The planning proposal states that these noise impacts are proposed to be addressed through the Precinct-specific Development Control Plan chapter which requires an internal noise limit of 35dbL (Appendix 4). It further states that <i>“This can be achieved via a number of methods including through design, orientation, landscaping and earthworks or built solutions.”</i></p>  <p>Figure 7. Sources of Noise around the site (Source: Planning Proposal)</p> <p><u>Comment</u></p> <p>The closest source of noise is Goulburn Airport (770 metres – Figure 7).</p> <p>A web search indicates that the Goulburn Airport is privately run facility for general aviation purchased from Goulburn City Council over 13 years ago. It occupies 118</p>

Environmental Impact	Assessment
	<p>hectares of land, and includes one paved and one grass runway, as well as a helipad and fuelling stations plus amenities such as a motel, cafe, and hangars.</p> <p>The planning proposal does not provide any response to Direction 5.3 Development Near Regulated Airports and Defence Airfields.</p> <p>Council's strategic planner advised the Department on the 29 August 2024 that there are no commercial flights from Goulburn Airport, and it is regulated by CASA as a public airport. It is assumed from this response and the absence of a response to Direction 5.3 that the 'general aviation' airport is not regulated.</p> <p>It is recommended that Council be required to consult with CASA and the owner of the airport.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal indicates that there are no known social effects as a result this planning proposal.</p> <p><u>Comment</u></p> <p>The Department's guidelines on Social Impact Assessment for State Significant Development list the following categories when identifying social impacts:</p> <ul style="list-style-type: none"> - Way of life - Community - Accessibility - Culture - Health and wellbeing. - Surroundings - Livelihoods - Decision making systems. <p>The rezoning of the site for rural residential development will have a positive social impact by creating housing supply to meet the demand for rural lifestyle development.</p> <p>However, the information in the planning proposal and supporting studies suggest that the planning proposal could potentially generate adverse social impacts on the livelihoods of people from environmental hazards (flood, bushfire, noise, contamination etc), interference with Aboriginal culture/artifacts, isolation from services, and impacts on the amenity of existing residential/landowners. These types of impacts, particularly impacts from flooding on future residents, have been addressed in the planning proposal and discussed previous sections of this report.</p>

Social and Economic Impact	Assessment
	Community Consultation and consultation with state agencies will determine the extent of social impacts created by rural residential development on the site and whether or not the planning proposal adequately addresses these impacts.
Economic	<p>The planning proposal indicates that there are no known social effects as a result this planning proposal.</p> <p><u>Comment</u></p> <p>The rezoning of the site for rural residential development will have positive economic impacts by creating economic activity, e.g. economic activity associated with the construction of new rural lifestyle development.</p> <p>Rural residential development however can generate adverse impacts including economic loss associated with land use conflict (e.g. generate conflict with agriculture practices and rural industries) and with increased costs in providing services to a dispersed settlement pattern. This is why the South East and Tablelands Regional Plan specifies under Direction 28 'Manage rural lifestyles' that rural residential development should only be enabled in areas identified in a local housing strategy approved by the Department. The site meets this requirement because it is identified for rural residential development in the Goulburn Marulan Urban and Fringe Housing Strategy that has been approved by the Department (Attachment DPHI Endorsement).</p> <p>Community and agency consultation will potentially determine the extent of economic impacts created by rural residential development on the site and whether or not the planning proposal adequately addresses these impacts.</p>

4.3 Infrastructure

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

Table 11 Infrastructure assessment

Infrastructure	Assessment
Water and effluent treatment/disposal	<p>The site will not be serviced by reticulated sewerage and water supply. The planning proposal is therefore accompanied Engineering Services Report (Appendix 9a) and a report on Effluent Disposal Preliminary Soils Assessment (Appendix 9b). These reports confirm the soils on the site are capable for on-site effluent disposal and compliance with the neutral or beneficial effects (NorBE) test for impact on water quality.</p> <p><u>Comment</u></p> <p>The response to Direction 3.3 Sydney Drinking Water Catchments recommend consultation with Water NSW regarding the proposals assessment on the potential impacts on the water catchment and water quality.</p>
Roads and Traffic	<p>The planning proposal is accompanied by Traffic and Parking Impact Assessment (Appendix 12) based on the traffic impacts of the 108 rural residential lots in the</p>

Infrastructure	Assessment
	<p>proponent's concept subdivision layout (now 70-80 lots). The report confirms that the capacity of the local road network is adequate to accommodate additional traffic generated by the proposal. No additional road upgrades are identified as required or proposed.</p> <p>The report does provide comments on flood evacuation and outlines potential evacuation routes. It states that those routes which avoid Mountain Ash Road as much as possible, particularly as it approaches Windellama Road to the west, tend to encounter the lowest flood hazard categories comparatively. It also states, <i>"that any analysis of these evacuation routes should be undertaken by a flood engineer who may be able to comment on the suitability or make further recommendations in the event of heavy rainfall."</i></p> <p>The report indicates that the development application does not trigger consultation with Transport for NSW under SEPP (Transport and Infrastructure) 2021.</p> <p><u>Comment</u></p> <p>It is recommended that Council be required to consult with Transport for NSW for the agency's insights on the proposal's strategies for dealing with issues associated with flood impacts on local roads during flooding.</p>
Electricity and Gas	<p>The site is proposed to be connected to the town's main electricity supply, but it not proposed to be connected to the gas mains.</p> <p>The planning proposal states that a 60.96 wide high-voltage electricity transmission line easement traverses the northernmost corner of stage 3 and the southern portion of stage 1 of the site. The proposal further states that the large site area at 277 hectares provides enough area of land to avoid built development within the electricity line easement (e.g. dwellings). The draft Precinct Specific Development Control chapter in Appendix 4 also includes provisions relating to the electricity easement.</p> <p><u>Comment</u></p> <p>It is recommended that Council be required to consult with TransGrid on the implications of rezoning land for rural residential development on a site containing a high-voltage electricity transmission line easement.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

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

5.2 Agencies

Council has nominated Water NSW (Sydney Water Drinking Catchment) to be consulted about the planning proposal and any other agencies identified in the Gateway determination.

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

- Water NSW
- NSW Rural Fire Service
- DCCEEW Biodiversity and Science
- DPI Agriculture
- State Emergency Services
- Transport for NSW
- NSW Heritage
- Civil Aviation Safety Authority

It is also recommended that Council consult with the following groups.

- TransGrid
- Pejar Local Aboriginal Land Council
- Owner of Goulburn Airport.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard. A timeframe of 12 months is considered more appropriate to provide Council enough time for considering and responding to agency feedback, particularly the issue of flooding and evacuation, and enough time to respond to any issues, prepare draft LEP maps and the instrument and to then finalise the plan as the local plan maker.

The Department recommends an LEP completion date of 10 September 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority. (see **Appendix 3b**).

As the site/planning proposal is a standard proposal for rural residential development identified in a housing strategy endorsed by the Department, the Department recommends that Council be authorised to be the local plan-making authority for this proposal. In circumstances where there is an outstanding objection by a state agency Council will not be able to use its delegation as local plan maker.

8 Assessment summary

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

- The site is identified for rural residential development in the Goulburn Marulan Urban and Fringe Housing Strategy 2020 that has been endorsed by the Department on the 20 November 2020.

- The proposal is accompanied by a number of supporting studies and assessments that seek to identify and manage site constraints and environmental impacts of rural residential development.
- Consultation with relevant state agencies will enable Council to determine if the proposal's inconsistencies with environmental hazards and the requirements of Section 9.1 Directions have been adequately justified, particularly the proposed strategies for dealing with risks associated with flooding.

9 Recommendation

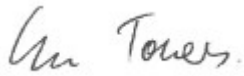
It is recommended the delegate of the Secretary:

- Agree that the inconsistency with Directions 5.1 Integrating Land Use and Transport, 6.1 Residential Zones and 9.1 Rural Zones are justified because the site is identified for rural residential development in the Goulburn Marulan Urban and Fringe Housing Strategy endorsed by the Department on 20 November 2020.
- Note that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 3.3 Sydney Drinking Water Catchments, 4.1 Flooding, 4.3 Planning for Bushfire Protection and 9.2 Rural Lands are potentially unresolved until Council consult with relevant state agencies and may require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the NSW Rural Fire Service is to be consulted in relation to Direction 4.3 Planning for Bushfire Protection and any comments reflected in the planning proposal.
2. Consultation is required with the following public authorities and groups:
 - Water NSW
 - DCCEE Biodiversity and Science
 - DPI Agriculture
 - State Emergency Services
 - Transport for NSW
 - TransGrid
 - NSW Heritage
 - Civil Aviation Safety Authority
 - Pejar Local Aboriginal Land Council.
 - Owner of the Goulburn Airport
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 10 September 2025 be included on the Gateway.
5. The timeframe for the LEP to be completed within 12 months, i.e. completed on or before 10 September 2025.



10/9/24

Graham Towers

Manager, Southern, Western and Macarthur Region



10/9/2024

Chantelle Chow

Acting Director, Southern, Western and Macarthur Region

Assessment officer

Graham Judge

Senior Planner, Southern, Western and Macarthur Region

6229 7906