



# **Goulburn Mulwaree Council**

**Planning Proposal to rezone and amend Minimum  
Lot Size on Lots at 274 Mountain Ash Road,  
Goulburn**

**REZ\_0004\_2121**

**(PP-2021-7072)**

**September 2024**

**Pre- Exhibition/Post Gateway**

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1	Pre-gateway	July 2024
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3	Post Gateway/Pre-Exhibition	September 2024

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## **Abbreviations**

**ACHA-** Aboriginal Cultural Heritage Assessment

**BOS-** Biodiversity Offsetting Scheme

**C2 zoning-** Environmental Conservation Zone

**CEEC-** Critically Endangered Ecological Community

**DA-** Development Application/Development Assessment

**DCP-** Development Control Plan

**EMA-** Effluent Management Area

**GM LEP-** Goulburn Mulwaree Local Environmental Plan

**Ha-** Hectare

**LSPS-** Local Strategic Planning Statement

**MLS-** Minimum Lot Size

**PAD-** Potential Archaeological Deposit

**PCT-** Plant Community Type

**PMF-** Probable Maximum Flood

**R5-** Large Lot Residential Zone

**SoHI-** Statement of Heritage Impact

**SLWCA-** Strategic Land and Water Capability Assessment

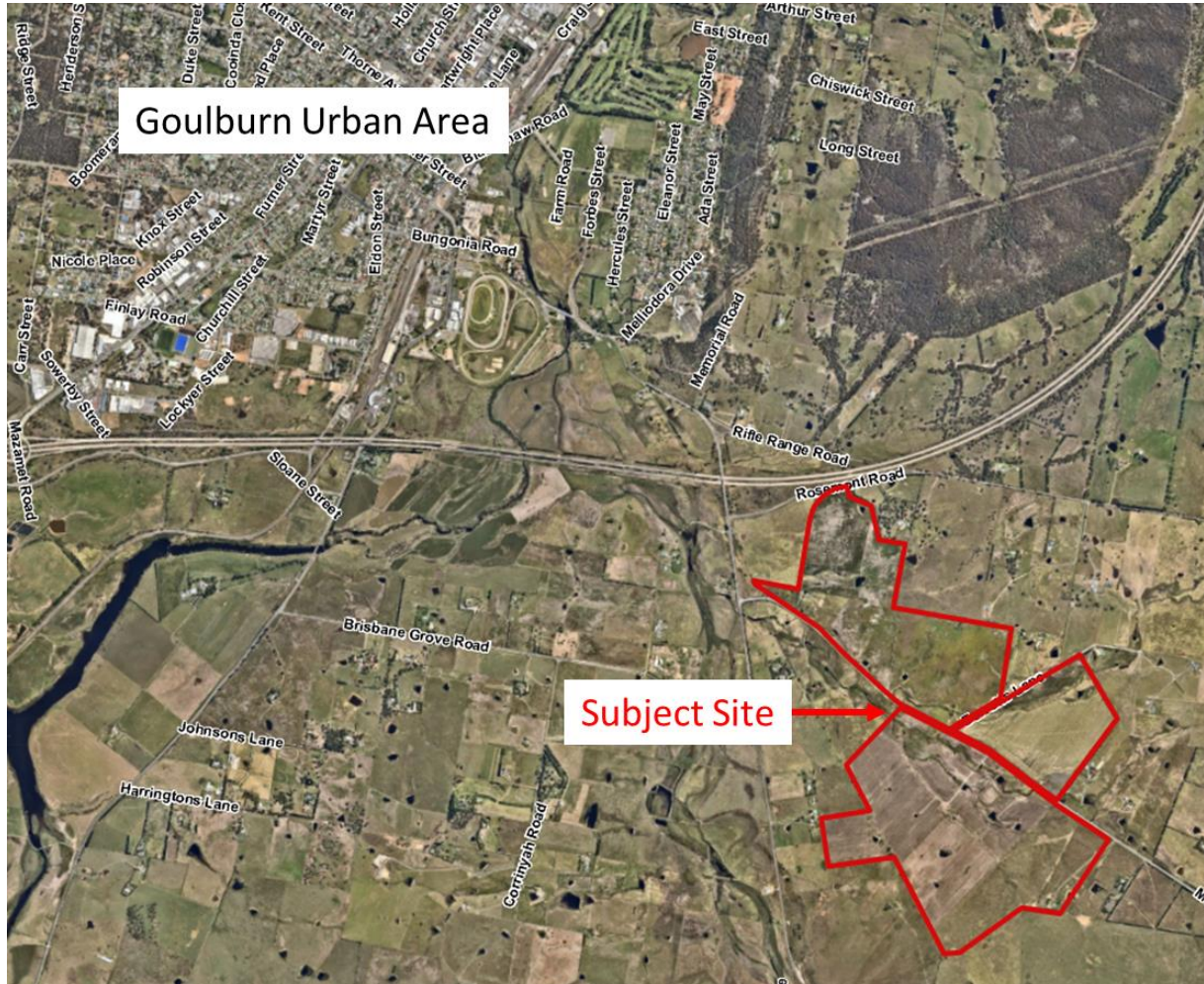
**TEC-** Threatened Ecological Community

**UFHS-** Urban and Fringe Housing Strategy

## Introduction

This planning proposal seeks to rezone an area of 277 hectares of rural land situated to the south of the Hume Highway, between approximately 2-5km from the southern edge of the Goulburn urban area. A site location plan is illustrated in [Figure 1](#).

Figure 1: Site location plan



The subject site comprises 13 existing lots within 3 parcels of land separated by Barrett's Lane and Mountain Ash Road. The entire site is currently zoned RU1 Primary Production with a minimum lot size of 100 ha for the majority of the site with the exception of Lot 1, DP853498 which has a minimum lot size of 10ha. The site is un-serviced by Goulburn's reticulated water and sewer system and will rely on on-site effluent management and rain water collection. There are currently no dwellings on the site but 21 farm dams are located throughout.

The planning proposal is proponent-led and seeks to rezone land identified in the Mountain Ash precinct of the *Urban and Fringe Housing Strategy* from RU1 Primary Production to R5 Large Lot Residential and C2 Environmental Conservation, illustrated in [Figure 3](#). The proposal also seeks to amend the minimum lot size from 100 and 10 hectares to 2 hectares applied to the R5 zoned land with no applicable minimum lot size for the C2 zoned land, illustrated in [Figure 4](#). A copy of the submitted planning proposal document is available to view in [Appendix 1](#).

The proponents concept subdivision plan presented in [Appendix 2](#) illustrates an ultimate subdivision of approximately 108 individual lots at 2 hectares or greater in area. Council



through the report and resolution on 4<sup>th</sup> April 2023 (**Appendix 3b**) authorised the commencement and submission of a planning proposal to Gateway which zones all flood prone land within the site as C2 Environmental Conservation. The C2 zoned land encompasses approximately 115 hectares of the site creating a residual 162 hectares of developable R5 large lot residential land. The residual R5 zoned areas are estimated to result in a yield of approximately 70 to 80 lots at 2 hectares in area.

The *Urban and Fringe Housing Strategy* identifies that areas of the Mountain Ash precinct are subject to flooding and recommends that an environmental zone be applied to flood prone land. The site is affected by two perennial and a number of non-perennial drainage channels which feed into Gundry Creek which drains into the nearby Mulwaree River. These channels result in areas of inundation during periods of heavy rain. The areas affected by overland flow inundation have been modelled and identified in the submitted Flood Impact and Risk Assessment accompanying the proposal (**Appendix 5a**).

The entire area of overland flow corridor has been identified for a C2 Environmental Conservation Zone. This serves to reduce development potential in flood prone areas and improve water quality outcomes. The proposed zoning of the subject site is illustrated in **Figure 3** and **Figure 4** and **Section 3.6.7 Direction 4.1 Flooding** provides further detail on flooding.

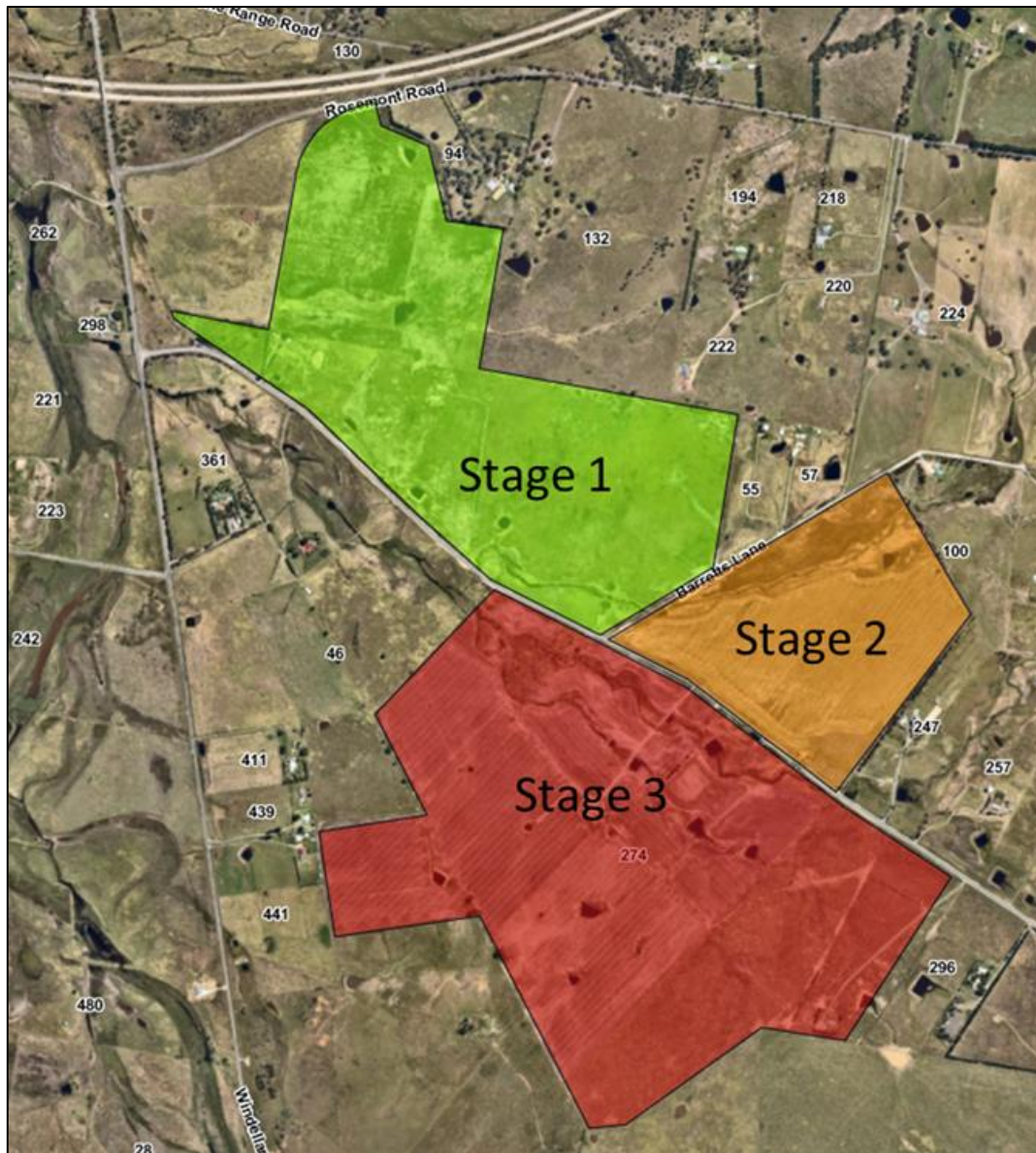
Due to the zoning approach applied by Council the concept layout plan presented in **Appendix 2** will require significant revision at the development application stage to reflect the provisions of this planning proposal and the lower lot yield. It must be noted that the submission of an indicative layout plan, whilst helpful during the planning proposal process, is not a mandatory requirement.

The site has been illustrated in stages in **Figure 2** to aid in the identification of site parcels and evaluation of constraints throughout this planning proposal report. It must be made clear that this proposal is seeking the entire site to be rezoned as part of this planning proposal process and any staging of development will occur at the development application stage.

In relation to future access, Stage 1 is proposed to be accessed from Rosemont Road to the north and Barrett's Lane to the south linked via a two-way internal through-road. Stage 2 is proposed to be accessed via a dead-end road accessed from Mountain Ash Road. Stage 3 is proposed to be accessed via a loop road with two access points off Mountain Ash, approximately 1200m apart.



Figure 2: Illustrative Staging of Subject Site



#### Gateway Determination (PP 2021 7072)

A positive gateway determination was received on this planning proposal on 10<sup>th</sup> September 2024. The Gateway Determination included a series of conditions which are summarised below:

1. Prior to public exhibition, consult with the Rural Fire Service and reflect any comments in the planning proposal.
- 2a. Public consultation undertaken for a minimum of 20 working days
- 2b. Ensuring associated planning proposal materials are publicly available in accordance with the Local Plan Making Guideline
3. Undertake consultation with the following:
  - Water NSW

- DCCEEW Biodiversity and Science
  - DPI Agriculture
  - Civil Aviation Safety Authority
  - State Emergency Services
  - Transport for NSW
  - NSW Heritage
  - Transgrid
  - Pejar Local Aboriginal Land Council
  - Owner of Goulburn Airport
4. A public hearing is not required
  5. The Council is authorised to exercise the functions of the local plan-making authority
  6. The LEP should be completed on or before 10 September 2025.

A copy of the Gateway letter, Gateway Determination and the Gateway Determination Report are available in Appendix 3e.

## Part 1- Objectives

### 1.1 Intended Outcomes

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

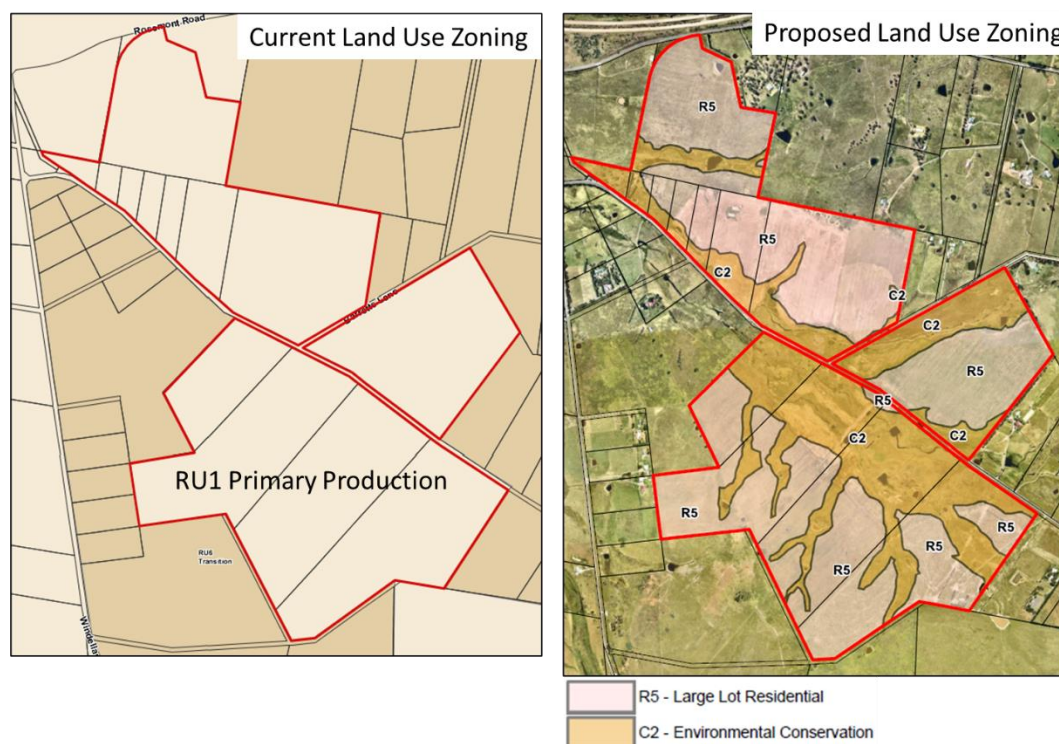
## Part 2- Explanation of Provisions

2.1 The *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) will be amended by:

- 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.
- The zoning of Lot 103, DP70346 and Lots 104-106, DP 126140 from RU1 Primary Production to R5 Large Lot Residential.
- The minimum lot size of Lot 1, DP853498 from 10 hectares to 2 hectares
- 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.

**Figure 3** illustrates the current and proposed land use zoning amendment to the GM LEP 2009 for the subject site.

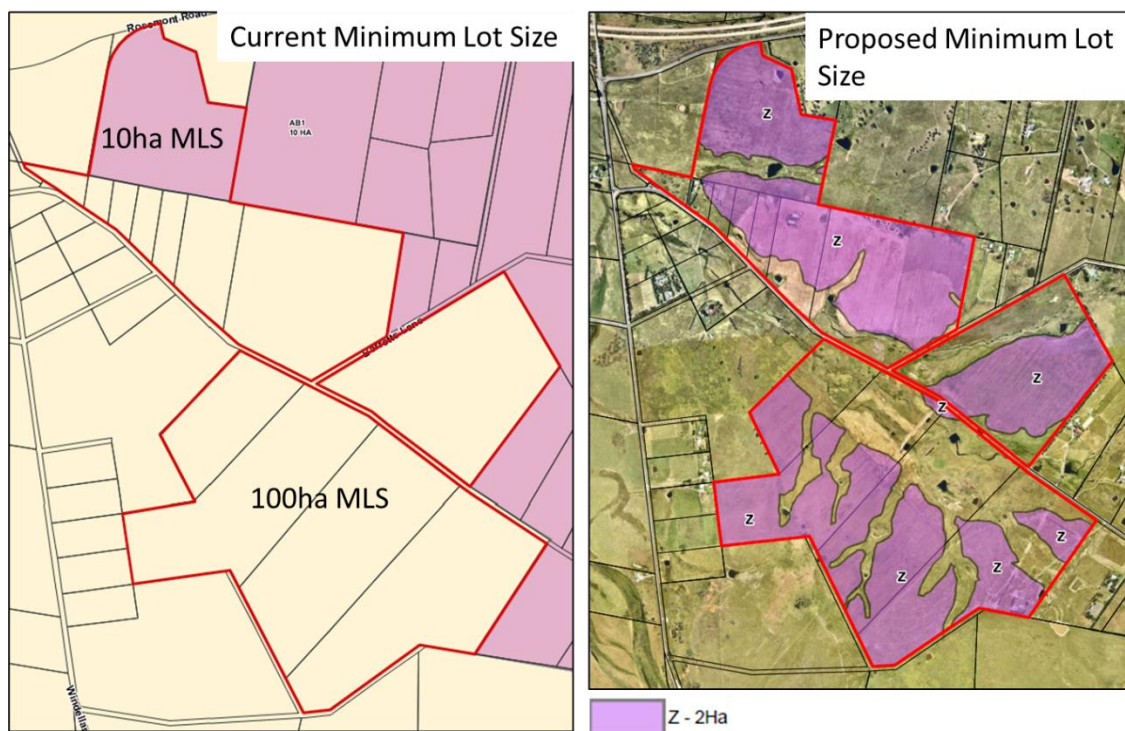
Figure 3: Current & Proposed Land Use Zoning



**Figure 4** illustrates the current and proposed minimum lot size amendments to the GM LEP 2009 for the subject site.



Figure 4: Current and proposed Minimum Lot Size



In support of these proposed amendments to the *Goulburn Mulwaree Local Environmental Plan, 2009* (GM LEP), additions are proposed to *Part 8: Site Specific Provisions* of the *Goulburn Mulwaree Development Control Plan* (DCP) which applies to the entire Mountain Ash and Brisbane Grove Precincts. The draft Brisbane Grove and Mountain Ash Precinct-specific development control chapter is presented in **Appendix 4**.

## Part 3- Justification

### Section A- Need for a planning proposal

#### 3.1 Is the planning proposal a result of any strategic study or report?

The subject site is located within Precinct 10: Mountain Ash of the *Urban and Fringe Housing Strategy*, as illustrated in **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 which is least constrained by topography and environmental constraints be rezoned to large lot residential with a minimum lot size of 2 hectares. The strategy identifies the lots are to be un-serviced by Goulburn's reticulated water and sewer system and recommends consideration of a suitable environmental zone for flood affected land. The Strategy also makes clear that a significant portion of the precinct is potentially flood affected and additional flood prone land may exist beyond current flood studies adopted by Council and impact on access.

This planning proposal is seeking R5 Large Lot Residential rezoning with a 2 hectare minimum lot size accompanied by a C2 Environmental Conservation Zone for areas subject to riverine and overland flood inundation. The planning proposal is consistent with the Goulburn Mulwaree *Urban and Fringe Housing Strategy*.

Goulburn Mulwaree Council have considered two reports to Council which together have resolved to proceed with a planning proposal to amend *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP). The initial report to Council, dated 18 October

2022 identified a number of deficiencies in the original submission and identified some additional requirements as follows:

- An Aboriginal Cultural Heritage Assessment which included a site visit and consultation with the Aboriginal community.
- A Preliminary Site Investigation for Contamination prepared in accordance with the requirements of the Managing Land Contamination Planning Guidelines, and
- A Traffic Impact Assessment which examined additional traffic movements and the local road capacity.

The Council Resolution did not authorise proceeding with preparing a planning proposal at this stage. Instead, the resolution requested the submission of the above documents followed by a further report to Council.

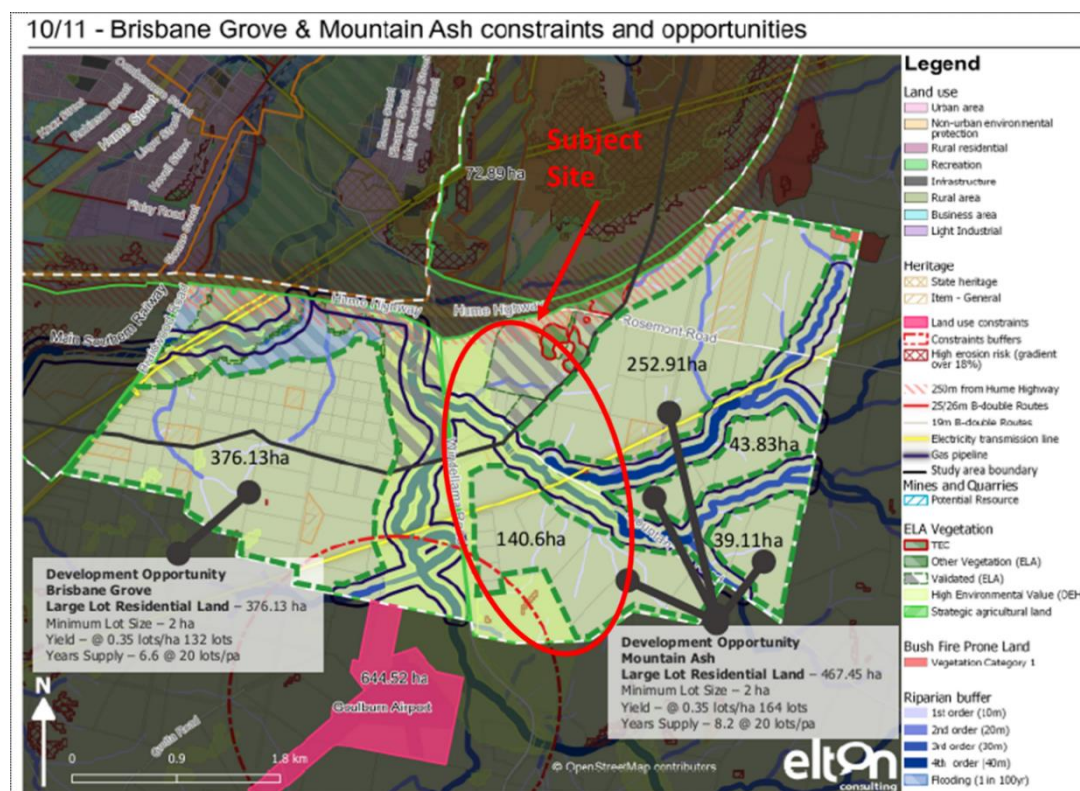
A copy of the initial Council report and resolution is available in **Appendix 3a**.

Subsequent to the initial council report, the proponent submitted the above requested documents, and an additional report was considered by Council on 4 April 2023. The Council Resolution authorised to proceed with preparing a planning proposal subject to the submission of a Flood Impact and Risk Assessment.

A Flood Impact and Risk Assessment was submitted to Council in August 2023 which was later revised and resubmitted to Council in February 2024. The resolution to proceed to prepare a planning proposal for 274 Mountain Ash Road has therefore been fulfilled and the proposal authorised to proceed.

A copy of the secondary Council report and resolution is available in **Appendix 3b**.

Figure 5: Extract from Urban and Fringe Housing Strategy



### **3.2 Is the planning proposal the best means of achieving the objectives or intended outcome, 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 whilst complying with the requirements of the *Urban and Fringe Housing Strategy* and Ministerial Directions, particularly Direction 4.1 Flooding. The large lot zoning provides the rural character, the ability to accommodate effluent management areas and ensure areas of flooding can be avoided. The planning proposal also seeks to apply a C2 Environmental Conservation Zone along natural drainage corridors and related areas which experience overland flow inundation. This approach seeks to maintain buffer distances between development and watercourses, maintain water quality, improve biodiversity and reduce soil erosion.

The most suitable minimum lot size for the C2 zone land was initially considered to be 100 hectares. Further assessment and application of this approach on a precinct-scale identified some unintended consequences such as irregular and unmanageable lot arrangements, difficulties in access provision and reduced maintenance of drainage channels. As a result, the approach was reconsidered on a precinct-wide basis through a report to Council on removing minimum lot sizes for C2 zoned land within the Brisbane Grove and Mountain Ash Precincts on 20 September 2022 (**Appendix 3c**). Council endorsed this alternative approach to remove the 100ha MLS from the C2 zoned land to provide additional flexibility, overcome many of the identified issues and result in a better planning and water quality outcome than the previously proposed approach.

## **Section B- Relationship to Strategic Planning Framework**

### **3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

#### **3.3.1 South East and Tablelands Regional Plan & Draft South East and Tablelands Regional Plan**

This planning proposal is consistent with both the current and emerging South East and Tablelands Regional Plans with particular regard to the principles identified below:

##### *Building resilient places and safeguarding from natural hazards*

The rural area of the Goulburn Mulwaree local government area primarily comprises a grassland landscape which is nearly entirely affected by bushfire prone land and, as such, cannot be avoided when providing rural residential lots. The subject site is located within a category 3 (medium bushfire risk) landscape but this proposal forms part of a wider rural residential precinct and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience.

An area constrained by overland flow flooding hazard is proposed to be rezoned as C2 Environmental Conservation to limit development and ensure the impacts of overland flow events are avoided. The identification of areas of overland flow and inundation is derived from overland flow modelling undertaken concurrently with the [Goulburn Floodplain Risk Management Study and Plan](#) which implements the requirements of the [NSW Flood Risk Management Manual and Toolkit](#) and supported by the submitted Flood Impact and Risk Assessment (**Appendix 5a**). 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. The C2 Environmental Conservation zoning seeks to manage the overland flow risk associated with the growth of the Mountain Ash Precinct.

*Preserving the heritage and character of the region's towns and villages and conserving and enhancing Aboriginal cultural heritage values*

Both the current and emerging *South East and Tablelands Regional Plans* seek to protect the regions heritage with particular regard to consulting with Aboriginal people to identify heritage values and to conserve heritage assets during the strategic planning stage.

The subject site is located within a Potential Aboriginal Artefacts layer and within an area identified as places of Aboriginal significance, identified in consultation with the Aboriginal community. In response, the proponent has submitted 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.

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 and, Irriwilbin 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.

*Managing rural living*

Both the current and emerging *South East and Tablelands Regional Plans* seeks to manage rural lifestyles and ensure a consistent planning approach to identify suitable locations for new rural residential development.

The planning proposal seeks R5 Large Lot Residential which will result in the subdivision of land for rural lifestyle lots. The subject site is located within the Mountain Ash Precinct identified in the *Urban and Fringe Housing Strategy* and located between 2-5km from the edge of the Goulburn urban area. The subject site is located as close to the urban area as practical whilst also facilitating a site size large enough to accommodate the 2ha minimum lot size prescribed in the *Urban and Fringe Housing Strategy*.

The subject 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. In addition, the entire Mountain Ash precinct, alongside the adjacent Brisbane Grove precinct are identified as a R5 Large Lot Residential opportunity area with agricultural activities likely to diminish as land in the precinct is rezoned and further reduce any consequential rural impacts.

The site does not stand within a state significant agricultural area or an area of high environmental significance. The site is not of high biodiversity significance, outstanding biodiversity value or include a declared critical habitat. 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 bushfire prone but the planning proposal includes a series of suitable bushfire mitigations.

This planning proposal is considered consistent with both the current South East and Tablelands Regional Plan and the Draft South East and Tablelands Regional Plan.

### 3.3.3 The Tablelands Regional Community Strategic Plan 2016-2036

The *Tablelands Regional Community Strategic Plan* identifies priorities in order to achieve the future vision for the region. These include:

- Environment
- Economy
- Infrastructure
- Civic Leadership

The following strategic priorities are considered relevant to this planning proposal:

- **Environment Strategy EN1-** *Protect and enhance the existing natural environment, including flora and fauna native to the region which includes maintaining our rural landscape;*
- **Environment Strategy EN3-** *Protect and rehabilitate waterways and catchments;*
- **Environment Strategy EN4-** *Maintain a balance between growth, development and environmental protection through sensible planning, and*
- **Our Community Strategy CO4-** *Recognise and celebrate our diverse cultural identities, and protect and maintain our community's natural and built cultural heritage.*

The subject site is located 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 and enabling the siting of effluent management areas suitable distances from watercourses and drainage paths. In addition, overland flow corridors are proposed to be rezoned as a C2 Environmental Conservation zone to reduce development potential and improve water quality outcomes.

The proponent has sought to demonstrate the ability of the planning proposal to achieve a neutral or beneficial outcome on water quality through an indicative layout plan and a Preliminary Soils Assessment. This planning proposal is consistent with Environment Strategy EN3.

The planning proposal recognises and seeks to protect areas of built and cultural heritage through the Aboriginal Cultural Heritage Assessment (ACHA) (**Appendix 6b**) and Statement of Heritage Impact (**Appendix 7**). The site has been identified as highly disturbed from extensive ploughing and agricultural activity which has lowered or removed the potential for in situ archaeological remains to be preserved. The ACHA did however identify one area of Potential Archeological Deposit site (PAD) at the top of one hillcrest within the north eastern corner of Stage 1, adjacent the Irriwilbin heritage item, in an area with less agricultural disturbance. This area has been safeguarded from built development through the provision of a landscape buffer within the Brisbane Grove & Mountain Ash Precinct-specific Development Control Chapter. The heritage values of nearby European heritage items have been safeguarded

through a series of recommendations incorporated into a precinct-specific Development Control Plan chapter. This planning proposal is consistent with Our Community Strategy CO4.

The subject site is not of high biodiversity significance, outstanding biodiversity value or included within a declared critical habitat. An Ecological Assessment has been submitted with the planning proposal (**Appendix 8a**). The assessment found the site to be dominated by cleared and historically managed grasslands with minimal native forest cover with exotic/weed species contributing to greater than 95% of the sites biomass. A 0.36 hectare patch of potential Critically Endangered Ecological Community (CEEC) of White Box-Yellow Box-Blackleys Red Gum Grassy Woodland and Derived Native Grassland was identified adjacent the north east boundary of Stage 1. In addition, Gundry Travelling Stock Reserve, adjacent the south western boundary of Stage 3 was identified as potential Threatened Ecological Community (TEC). The potential patch of CEEC and the interface with the Gundry Travelling Stock Reserve has been safeguarded through a landscape buffer requirement in the precinct-specific DCP chapter. The Gundry Creek tributary was also identified as potential fish habitat. The creek lines are proposed to be rezoned as C2 Environmental Conservation to prevent development in proximity to these areas.

The site area at 277 ha, alongside future rezoning of the wider precinct will result in an overall change to this rural landscape. The potential impact on the landscape's rural character has been minimised by the large 2 hectare lots sizes and the precinct-specific Development Control Chapter. This DCP chapter includes provisions to ensure generous building setbacks, a maximum site coverage, rural-style fencing and landscaping to maintain a rural landscape setting. This planning proposal is consistent with Environment Strategy EN1.

This planning proposal has sought a balance between residential development and environmental protection through large lot sizes to accommodate on-site effluent management systems and ensure water quality. It has adequately demonstrated there would be no significant impact on biodiversity or European heritage values and has no identified impact on Aboriginal cultural heritage. Overland flow impacts have been identified and avoided through the proposed C2 Environmental Conservation zone. In addition, the site's location is in accordance with the recommendations of the *Urban and Fringe Housing Strategy*. The site stands in an area suitable to provide lifestyle lots within relative close proximity to Goulburn's concentration of employment services and facilities. This planning proposal is consistent with Environment Strategy EN4.

### **3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan**

#### **3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)**

The [\*Local Strategic Planning Statement \(LSPS\)\*](#) seeks to direct how future growth and change will be managed up to 2040 and beyond and sets out key issues and opportunities for managing urban, rural and natural environments across the local government area.

The LSPS includes **Planning Priority 4- Housing** 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.

This planning proposal seeks the rezoning of an area of RU1 Rural Production zoned land identified in Precinct 10 of the *Urban and Fringe Housing Strategy* for R5 Large Lot Residential development. This area is situated between approximately 2-5 kilometres from the Goulburn urban area. This precinct forms one of 20 precincts identified for residential growth focused in and around the Goulburn urban area. This proposal ensures Goulburn remains the focus of housing growth and seeks to implement recommendations in the *Urban and Fringe Housing Strategy*. This planning proposal is consistent with Planning Priority 4- Housing.

The LSPS includes **Planning Priority 8: Natural Hazards** with a vision to identify, plan for and mitigate natural hazards where possible. The two central 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 but this proposal forms one part of a wider rural residential precinct and the proposal includes suitable 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. This planning proposal is consistent with Planning Priority 8: Natural Hazards.

The LSPS includes **Planning Priority 9: Heritage** 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.

The site does not include any listed heritage items but four locally listed heritage items are located in close proximity to the sites boundaries ([Figure 12](#)). 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 chapter (**Appendix 4**) which seeks to limit the impact of the proposal on the wider landscape setting. In addition, the (non-listed) 1924 Motorcycle Grand Prix Memorial is located directly adjacent the western boundary of Stage 1. The Precinct-specific DCP Chapter also seeks to incorporate this memorial into a subsequent subdivision.

The planning proposal is consistent with Planning Priority 9: Heritage.

**Planning Priority 10: Natural Environments** of the LSPS sets a vision for the protection and enhancement of natural environments and systems. It also includes Action 10.8 to locate, design, construct and manage new developments to minimise impacts on water catchments.

As previously noted, 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. The assessment concluded that there will be no significant consequences to biodiversity in the locality subject to the implementation of a number of recommendations.

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. 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.

The planning proposal is consistent with Planning Priority 10: Natural Environments.

Overall this planning proposal is consistent with the planning priorities, vision, principles and actions of the *Goulburn Mulwaree Local Strategic Planning Statement*, specifically planning priorities 4, 8, 9 and 10.

### **3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020)**

The subject site is directly identified in the [Urban and Fringe Housing Strategy](#) (UFHS) as an urban release area in the Mountain Ash Precinct, as illustrated in [Figure 5](#).

The recommendations for this precinct are:

- Rezone land that is least constrained by topography and environmental constraints to large lot residential zone (un-serviced);
- A comprehensive Aboriginal Cultural Heritage Assessment is required;
- Consider suitable Environmental Zone for flood affected land;
- Any development within the Sydney drinking water catchment must have a neutral or beneficial effect (NorBE) on water quality, and
- High priority.

The Strategy also defines the area as a development opportunity for un-serviced residential lots with a minimum lot size of 2 hectares.

The *UFHS* therefore identifies the precinct as suitable for immediate release into 2 hectare residential lots subject to relevant site specific environmental assessments and approval processes.

This planning proposal to rezone and amend the minimum lot size for a portion of the Mountain Ash urban release area is consistent with the recommendations of the *Urban and Fringe Housing Strategy*.

### **3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?**

### 3.5.1 *State Environmental Planning Policy (Biodiversity and Conservation) 2021-Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment*

Chapter 6.5 of this State Environmental Planning Policy (SEPP) applies to land within the Sydney drinking water catchment which includes the Wollondilly River water catchment, as such this SEPP applies. This SEPP 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.

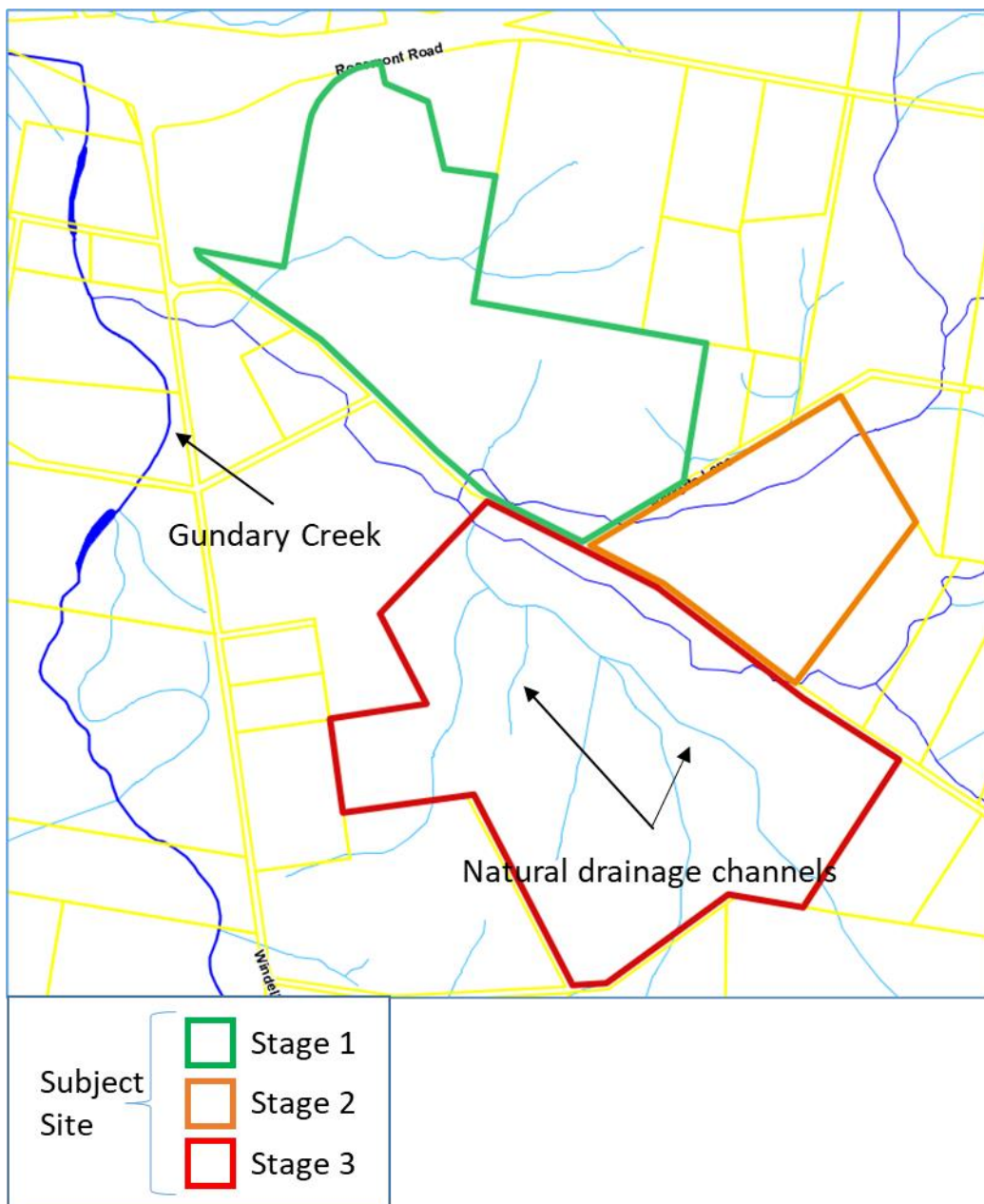
**Comment:** The site is in a location which is not serviced by Goulburn's reticulated water and sewage system. There are no current plans to extend the town's water and sewer network to this area. All lots created within the Mountain Ash precinct will be required to provide on-site rainwater collection and on-site effluent management systems.

The proposal seeks the rezoning and later subdivision of a total of 13 lots with a combined area of 277ha into a total of 108 lots at 2hectares or greater. The lot yield actually delivered on site after the rezoning process is considered likely to be lower than that proposed by the proponent. A lot yield of 70-80 lots is considered likely based on a revised developed R5 zone land area which excludes overland flow affected land.

The site is located between approximately 2-5 km to the southeast of the Goulburn Urban Area. The north western boundary of stage 1 stands in closest proximity to the Mulwaree River at approximately 1.7km as the crow flies and Gundary Creek runs roughly parallel with the western side of Windellama Road, separated from the western boundary of Stage 3 by approximately 700 metres. The site is crisscrossed by a number of drainage channels including a significant tributary to Gundary Creek which follows a northern path toward the Mulwaree River running roughly parallel with Mountain Ash Road, illustrated in [Figure 6](#). The number and extent of these drainage channels identifies the potential for overland flow impacts to the site.

[Figure 6](#) illustrates the location of drainage channels in relation to the Stage 1, 2 and 3 of the subject site.

Figure 6: Location of Drainage Channels



Further detail on flooding is provided in **Section 3.6.7** **Direction 4.1 Flooding.**

The entirety of the overland flow corridors are proposed to be rezoned as C2 Environmental Conservation to prevent development of the corridor, as illustrated in **Figure 3**. The proposed R5 Large Lot Residential lots are proposed to have minimum lot sizes of 2 hectares, as illustrated in **Figure 4**. These provisions serve to make clear, from a water quality perspective, that effluent management can be sited away from areas of inundation.

The proponent has submitted a concept plan (**Appendix 2**) which illustrates all proposed lots exceeding 2ha in area over the wider 277ha site. The large site area provides extensive opportunity for lot yields and lot configurations which ensure adequate buffer distances can be maintained between dwellings, associated structures and effluent management areas.



The proponent has also submitted a Preliminary Soils Assessment (**Appendix 9b**) 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 standard aerated wastewater treatment systems. The findings of these are summarised in the Engineering Services Report (**Appendix 9a**) which concludes the development site would be able to support onsite effluent management areas.

The proponent has submitted a Preliminary Site Assessment- Contamination (**Appendix 10**) which concluded the site is suitable for all the proposed permissible land uses.

The evidence presented indicates that a neutral or beneficial effect on water quality can be achieved through a subsequent subdivision and development application.

An assessment on water quality to determine neutral or beneficial effect will also be undertaken as part of a future development application which will require Water NSW concurrence. In addition, the development should ensure Water NSW's current recommend practice are incorporated.

Further information on safeguarding water quality is provided in **Section 3.6.6 Direction 3.3 Sydney Drinking Water Catchments** of this report.

This planning proposal is consistent with the aims of this SEPP.

### **3.5.2 State Environmental Planning Policy (Primary Production) 2021**

The aims of this State Environmental Planning Policy are to:

- (a) facilitate the orderly economic use and development of lands for primary production,
- (b) reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) simplify the regulatory process for smaller-scale low risk artificial water bodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) encourage sustainable agriculture, including sustainable aquaculture,
- (f) require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

**Comment:** The *Urban and Fringe Housing Strategy* considered the significance of primary production when determining suitable opportunity areas for housing growth in the local government area. The Strategy focuses more than 80% of the anticipated

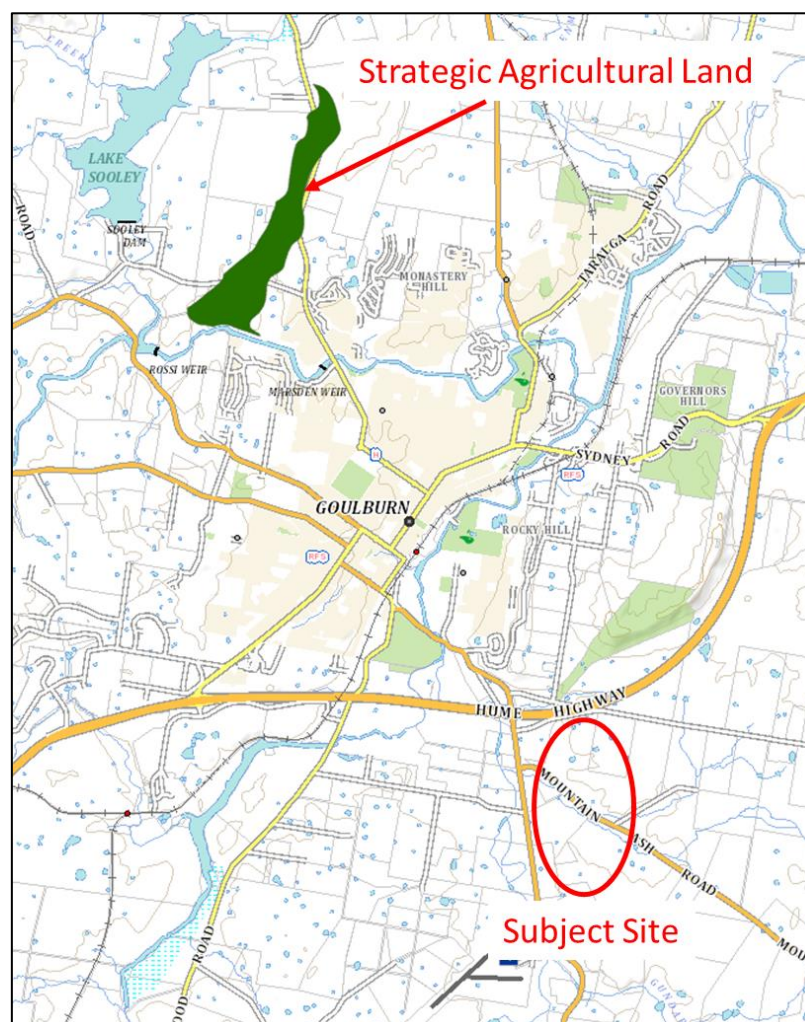


housing growth up to 2036 in and directly adjacent to the urban areas of Marulan and Goulburn with most lots prescribed a 700 sq.m minimum lot size. This seeks to concentrate the majority of growth in existing service centres with only a relatively small volume of growth planned as larger lot rural residential developments. This strategy facilitates the orderly development of rural land; minimising sterilisation of rural land for primary production to those areas closest to urban service centres whilst enabling a variety of residential development types to meet demand.

The subject site has limited coverage of native vegetation, is considered highly disturbed and has low biodiversity value with the exception of the north eastern corner of Stage 1. Whilst the subject site will not be served by Goulburn's reticulated water and sewage system, the proposal includes suitable provisions for water storage, effluent management and demonstrates the ability to achieve a neutral or beneficial effect on water quality.

The subject site is not impacted by State Significant Agricultural land as illustrated in [Figure 7](#).

*Figure 7: State Significant Agricultural Land Map*



The proposal only seeks large lot residential development on the site and does not encourage sustainable agriculture, aquaculture or oyster aquaculture.

This planning proposal is not inconsistent with the aims of this SEPP.

### 3.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4: Remediation of Land

The object of this policy is:

1. To provide for a State-wide planning approach to the remediation of contaminated land.
2. In particular, this policy 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-
  - a. By specifying when consent is required, and when it is not required, for remediation work, and
  - b. By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
  - c. By requiring that a remediation work meet certain standards and notification requirements

**Comment:** The subject site is not identified on the Council's local contaminated land register or identified as significantly contaminated land. However, past agricultural activities on a site are listed as a potentially contaminating use within Table 1 of the *contaminated land planning guidelines*.

The planning proposal has been supported by a Preliminary Site Investigation (PSI) (contamination) report, presented in **Appendix 10**.

The PSI identified no evidence of contamination of the land or any impact from contaminating activities with no remediation identified or required.

This planning proposal has assessed the potential for contamination on the subject site and no remediation requirements have been identified.

This planning proposal is consistent with Chapter 4: Remediation of Land within State Environmental Planning Policy (Resilience and Hazards) 2021.

Further information on contamination is available in **Section 3.6.9 Direction 4.4 Remediation of Contaminated Land** of this report.

### 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

#### 3.6.1 Direction 1.1 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in regional plans with planning proposals required to be consistent with a Regional Plan.

**Comment:** The current South East and Tablelands Regional Plan and emerging Regional Plan are applicable to this planning proposal and this has been considered in **Section 3.3.1 South East and Tablelands Regional Plan & Draft South East and Tablelands Regional Plan** of this report. This planning proposal is consistent with this regional plan.

### **3.6.2 Direction 1.3 Approval and Referral Requirements**

This direction applies to relevant planning authorities when preparing a planning proposal. The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

When this direction applies a planning proposal must:

- a. Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- b. Not contain provisions requiring concurrence, consultation or referral to a minister or public authority unless the relevant planning authority has obtained the approval of:
  - I. The appropriate Minister or public authority, and
  - II. The Planning Secretary (or an officer of the Department nominated by the Secretary) , prior to undertaking community consultation in satisfaction of Schedule 1 to the EP & A Act, and
- c. Not identify development as designated development unless the relevant planning authority:
  - I. Can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
  - II. Has obtained the approval of the planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP & A Act.

**Comment:** This planning proposal does not introduce additional concurrence, consultation or referral requirements beyond those in place in the applicable environmental planning instruments and would not compromise this objective.

This planning proposal does not include development identified as designated development.

This planning proposal is consistent with Direction 1.3 Approval and Referral Requirements.

### **3.6.3 Direction 1.4 Site Specific Provisions**

This direction applies to relevant planning authorities when preparing a planning proposal. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

1. When this direction applies a planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
  - a. allow that land use to be carried out in the zone the land is situated on, or
  - b. rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
  - c. allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

2. A planning proposal must not contain or refer to drawings that show details of the proposed development.

**Comment:** This planning proposal seeks the rezoning and minimum lot size amendment of the subject site to R5 Large Lot Residential to enable dwelling entitlements in an area identified for development in the *Urban and Fringe Housing Strategy*. Dwellings are a permissible use within the R5 Large Lot Residential zone and no development standards or requirements are proposed in addition to those already contained in the zone and in the *Goulburn Mulwaree Local Environmental Plan, 2009*.

#### **3.6.4 Direction 3.1 Conservation Zones**

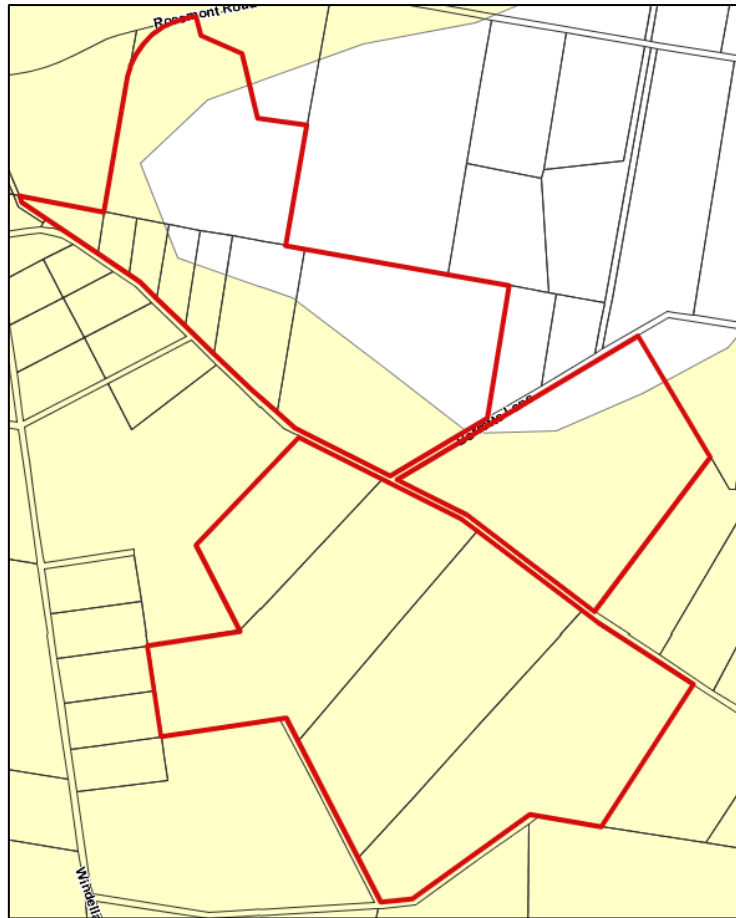
The objective of this direction is to protect and conserve environmentally sensitive areas. This Direction applies to all relevant planning authorities when preparing a planning proposal.

This Direction requires:

1. A planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas.
2. A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 “Rural Lands”.

**Comment:** A significant majority of the subject site is located within in an area identified under the Terrestrial Biodiversity mapping layer in the *Goulburn Mulwaree Local Environmental Plan* as illustrated in [Figure 8](#). This layer indicates the potential for biodiversity values within the site and may indicate the land to be an environmentally sensitive area, as defined in the *Goulburn Mulwaree Local Environmental Plan*.

Figure 8: Terrestrial Biodiversity Map



The planning proposal has been accompanied by an Ecological Assessment (**Appendix 8a**) to identify the sites biodiversity value through a field and database assessment and highlight potential constraints to any future rezoning or development.

The assessment identified Gundry Travelling Stock Reserve adjacent to Stage 3 as an ecologically important area and potential Threatened Ecological Community (TEC) as illustrated in [Figure 9](#) and the Gundry Creek tributary as key fish habitat as illustrated in [Figure 10](#).

Figure 9: Location of Gundry Travelling Stock Reserve

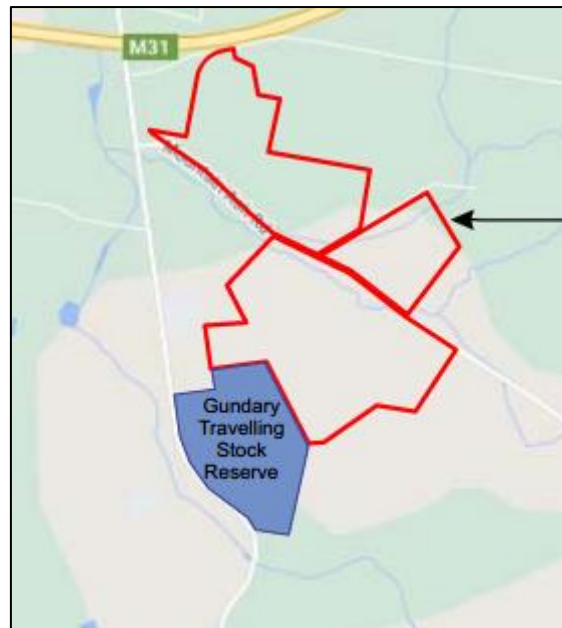


Figure 10: Key Fish Habitat



An on-site survey was undertaken by two JWA ecologists between 21st February 2022 and 25<sup>th</sup> February 2022 to inform the Ecological Assessment. Although the site visit and sampling of flora was completed in late summer, the surveys followed significant rainfall and observation of the adjacent Gundry Travelling Stock Reserve confirmed that numerous native forbs were flowering at the time. The Ecological Assessment therefore considered the survey time to be suitable.



The Flora assessment included an investigation on foot of areas of the site containing overstorey species to determine the presence of Box-gum which included an investigation of understorey species to assess the validity of any potential Box-gum TEC.

The Flora Assessment identified a total of 155 flora species on site with 50% (78 species) identified as exotic/weed species but these exotic/weed species accounted for greater than 95% of the site's biomass. No threatened flora species were recorded on site, but the assessment includes a discussion on habitat suitability and likely occurrence.

The Flora Assessment identified a total of three vegetation zones which are identified in **Figure 11** and described below:

- **VZ1- Blakely's red gum woodland (*Eucalyptus blakelyi*) (derived- PCT 1330)**

This vegetation zone occurs immediately adjacent Lot 1, DP853498 on the far north eastern corner of stage 1 and encroaches into the site, covering a total area of approximately 0.38ha. The zone comprises a total of 7 scattered mature Blakely's red gum up to 15m in height with the mid-storey generally absent and the ground cover component generally dominated by weeds/exotic pasture grasses.

The vegetation zone is considered likely to be derived from Plant Community Type (PCT 1330)- Yellow Box-Blakely's Red Gum grassy woodland with PCT 1330 known to be representative of TEC White Box- Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland which is listed as a Critically Endangered Ecological Community (CEEC). This area is however considered to be severely compromised by past clearing activities and invasion by numerous weeds/exotic pasture grass species. Notwithstanding, the Assessment treats the vegetation zone as a degraded patch of this CEEC and recommends it to be retained and restored through assisted natural regeneration and/or revegetation works.

- **VZ2- Exotic/pasture grasses +/- native grasses, sedges, rushes, forbs**

This vegetation zone occurs throughout the southern portion of the site in association with waterways/drainage lines and low lying areas, covering a total area of approximately 7.57ha. The vegetation zone is dominated by exotic/pasture grasses but there are a scattering of native grasses, sedges, rushes and forbs present.

This vegetation zone was not considered representative, or to have been derived from, any PCT due to a long history of modification and disturbance in the area. In addition, an assessment of this zone against characteristics and threshold conditions determined that the zone is not representative of the Natural Temperate Grassland of the South Eastern Highlands Threatened Ecological Community. Overall the conservation status of this vegetation community is considered to be low.

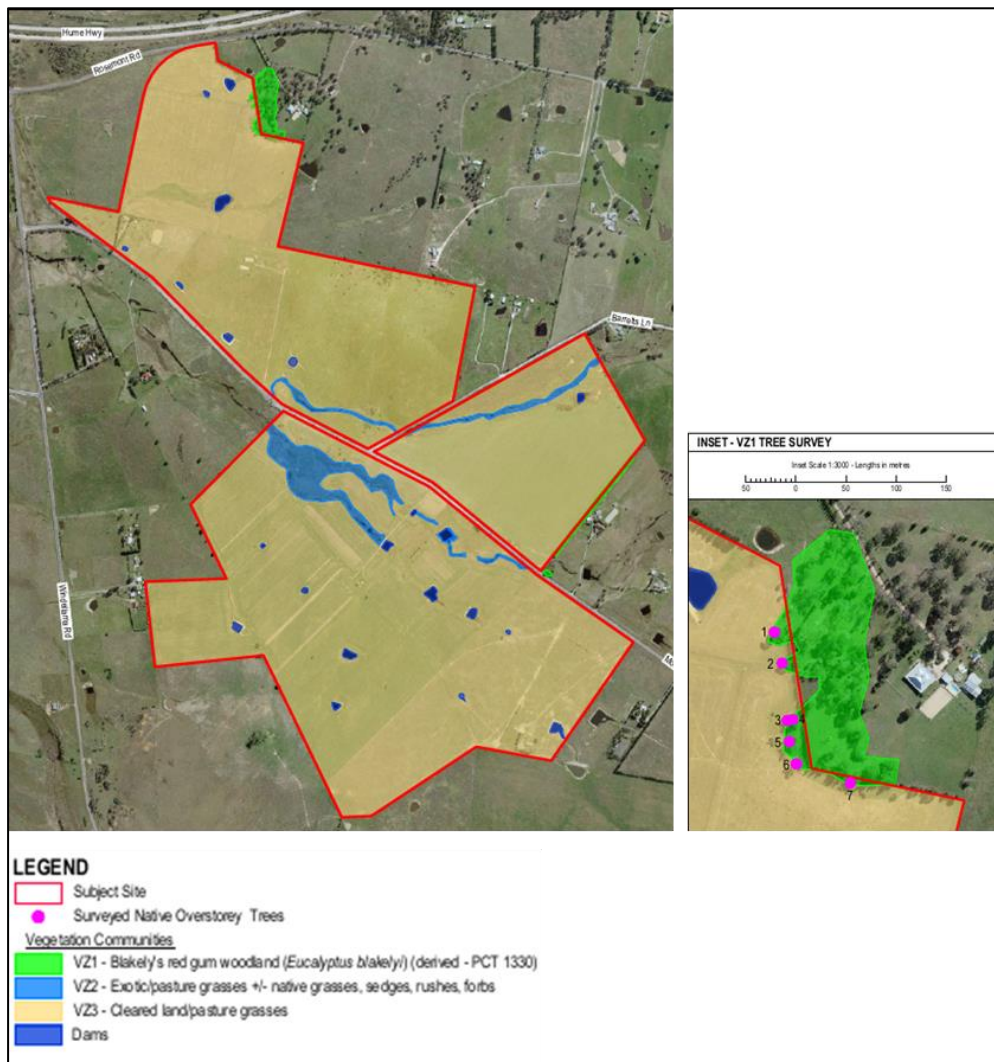
- **VZ3- Cleared land/pasture grasses**

This vegetation zone occurs over the majority of the site, covering an area of approximately 260ha. The vegetation zone is cleared and currently grazed and generally comprises of fodder crops.



The vegetation zone is not considered to be representative, or to have been derived from any PCT and the conservation status is considered to be low.

Figure 11: Vegetation Zone Map



The Ecological Assessment included targeted diurnal and nocturnal field surveys with weather conditions included within the assessment. The fauna assessment included:

- Spotlighting,
- Call playback for the green and gold bell frog and powerful owl
- Infrared motion detector cameras
- Microbat detection, and
- Active diurnal searching

The Ecological Assessment recorded the following during the field survey:

- 6 native frog species but the threatened Green and gold bell frog was not found
- 2 native reptile species
- 30 native bird species and 2 exotic bird species
- 6 native mammal species including the threatened Large bent-winged bat and 5 exotic mammal species

The assessment included a Habitat Suitability Assessment which found:

- The highest quality habitat features for amphibians on the subject are likely associated with areas of dense grassland, farm dams and natural watercourses. The assessment finds that the presence of the Green and Gold Bell Frog on the site cannot be conclusively ruled out. However, the habitat is only marginally suitable, the closest record of the frog was in 1975 approximately 5km from the site and the site is consistent with some key threatening process for the species including predation and disturbance. As such, it is considered highly unlikely the Green and Gold Bell Frog is present on the subject site.
- The site is lacking any suitable structural or floristic resources to support the majority of threatened bird species listed (with the exception of the seven scattered Blakely's red gum trees). Due to the presence of the Blakely's red gums, the presence of the Superb parrot could not be ruled out. However, the value of remaining red gums are considered of little value to the species in comparison to nearby contiguous forests. Low lying areas across the site such as dams, watercourses and drainage lines provide potential suitable forage habitat for some migratory bird species which can also show preference for cleared/or semi-cleared farmland, paddocks and agricultural land. These habitat types are present on the site but are also found in abundance across the region and the site is unlikely to represent 'important habitat' for any of the listed bird species. The presence of grasslands provides marginally suitable forage habitat but no suitable roosting or nesting sites for threatened raptor species. Notwithstanding, these species occupy extensive home ranges and given the broader landscape, the subject site does not contain habitat that is considered critical to their survival.
- The presence of Key's matchstick grasshopper or the Golden sun moth cannot be conclusively ruled out, but they are considered unlikely to be present on the site due to habitat modification and ongoing threatening processes. Both species are typically recorded in habitat dominated by native grasses but these grasses are either absent from the site or limited to small scattered clumps. An absence of these habitat features is likely to rule out the presence of the Golden sun moth from the site. The long term and large-scale grazing associated with the site, limited native grasses, the limited dispersal ability of Key's matchstick grasshopper and the presence of higher quality habitat throughout the landscape mean the presence of Key's matchstick grasshopper on the site is unlikely.
- The cleared nature of the site and lack of structural complexity and habitat diversity (e.g. hollow bearing trees, intact and preferred vegetation, rocky outcrops, caves) is likely to result in very limited nesting and foraging opportunities for threatened terrestrial or arboreal mammals. The site generally lacks suitable roosting habitat (i.e. caves, tree hollows/crevices etc.) for threatened microbat species. However, the seven Blakely's red gums provide potential foraging habitat for the eastern false pipistrelle and the large bent-winged bat. The large bent-winged bat was confirmed on site during the field assessment. The grey-headed flying fox may traverse the site from time to time however, a paucity of flowering native trees would provide a very limited forage resource when compared to forage resource availability in the wider locality.
- The open and disturbed grassland landscape of the subject site does have the potential to support some common reptile species however a lack of suitable habitat features would suggest that reptiles are largely absent.

The Ecological Assessment identifies the Biodiversity Offsetting Scheme (BOS) area clearing threshold as 0.5ha based on the minimum lot size of 10ha. The Assessment has confirmed the proposed development will not result in the removal of more than 0.5ha of native vegetation and entry into the BOS is not triggered. In addition, the site does not occur within an area of high biodiversity value and entry into the BOS is not triggered.

The Ecological Assessment also includes an evaluation of potential impacts and recommended amelioration measures which include:

- A Vegetation Management Plan be prepared at the development application stage.
- Weed control measures
- Vegetation removed during construction is reused as mulch on the site
- Tree protection measures are implemented
- Vegetation zone VZ1 and VZ2 are retained and protected in perpetuity via an environmental covenant or similar and outlined in a Covenant Management Plan.
- Vegetation zone VZ1 is retained and rehabilitated and include a minimum 10m wide vegetation buffer utilising locally endemic species.
- Appropriate disposal of rubbish and food scraps
- Landscape and landfill materials are sourced from Cane toad free areas.
- Landscape plantings should include native species that will provide forage habitat for nectarivorous and frugivorous birds and bats
- Provision of a Sediment and Erosion Control Plan at the development application stage
- Provision of a Stormwater Management Plan at the development application stage
- All waterways are retained and buffered with buffers rehabilitated to achieve fully structured native vegetation and protected in perpetuity.
- A vegetated buffer at a minimum width of 10m is applied with the interface of the Gundry Travelling Stock Reserve. The buffer should contain species to allow for a dense and fully structured vegetation community to be created and protected in perpetuity.

These recommendations are proposed to be implemented through land use zoning through the Local Environmental Plan, through existing provisions in the Goulburn Mulwaree Development Control Plan and through precinct-specific development controls (**Appendix 4**). Covenants maybe required at the development application stage but the zoning and development control provisions seek to reduce the requirement for covenants on the land.

Specifically the development control plan and local environmental plan include the following provisions:

- Vegetation Zone 1 which includes the seven Blakely's Red Gums, is protected through a landscape buffer requirement in the precinct specific Development control chapter. This area also serves to prevent disturbance to potential Aboriginal cultural heritage and provide visual screening to the adjacent Irriwilbin heritage item.
- The precinct specific DCP chapter also requires a Vegetation Management Plan, Sediment and Erosion Control Plan and Stormwater Management Plan in line with the recommendations of the Ecological Assessment. In addition, it includes a minimum 20m vegetated buffer with the Gundry Travelling Stock Reserve interface with Stage 3 of the site.
- Rezoning all waterways and natural drainage lines to C2 Environmental Conservation where most development is prohibited and where the precinct specific DCP chapter safeguards and seeks to rehabilitate the waterways.

- Existing development control provisions already require native tree retention and weed control measures.

The Ecological Assessment concludes:

*“Based on the findings of the assessment, it can be confidently concluded that the most important environmental values by way of habitat for threatened species and ecological features is present in vegetation zone 1 and low-lying areas of vegetation zone 2. These highest value ecological areas are proposed to be retained (and restored), buffered and protected in perpetuity under a CMP to be approved by council. With these measures considered, there is no evidence to suggest that the proposed development would have a negative impact on important habitat critical to the survival of any threatened species, ecological community or other important ecological features”.*

Council’s Biodiversity Officer has reviewed the Ecological Assessment and conducted a site visit on 27 April 2022 to ground truth and verify findings of the assessment. The Biodiversity Officer’s comments are summarised below:

- Desktop surveys and flora and fauna surveys have been conducted appropriately and ecological communities and flora and fauna lists are consistent with what would be expected for the locality.
- Threatened ecological communities and threatened species predicted or known to occur with 10km of the study area have been correctly identified and evaluated.
- The proposed activity will not require entry in the BOS as the land is not flagged on the Biodiversity Values Map, the clearing threshold will not be triggered and the proposed activity is not likely to have a significant adverse impact on any threatened species or ecological communities.
- Provided the remnant box gum woodland and watercourses/drainage lines are retained, buffered and protected, the conclusion of the Ecological Assessment that the proposed activity will not have any significance adverse impacts on biodiversity is supported.

A copy of the Councils Biodiversity Officers comments is available in **Appendix 8b**.

As noted above, the proponents submitted Ecological Assessment recommends safeguarding the ecological value of the watercourses and drainage lines, alongside the remnant box gum woodland via a covenant on the title of the land and through a covenant management plan. Covenants maybe required at the development application stage but the zoning and development control provisions identified above seek to reduce the requirement for covenants on the land.

The Ecological Assessment alongside the review and site assessment undertaken by Council’s Biodiversity Officer 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, as defined in the *Goulburn Mulwaree Local Environmental Plan*, as follows:

- Site is inland and does not relate to the coast;
- Is not an aquatic reserve or marine park;
- Is not a Ramsar site or World Heritage Area;

- Not identified as high Aboriginal cultural significance within an Environmental Planning Instrument;
- Does not relate to land reserved or acquired under the *National Parks and Wildlife Act 1974*;
- Does not relate to land reserved or dedicated under the *Crown Land Management Act 2016* for environmental protection purposes, and
- Has not been declared an area of outstanding biodiversity value or declared critical habitat.

This planning proposal does not include any environmentally sensitive areas or identify any impact, when the aforementioned safeguards are in place, on any such areas and is therefore consistent with Direction 3.1 Conservation Zones.

### **3.6.5 Direction 3.2 Heritage Conservation**

The objective of this direction is to conserve items, areas, objects and places of environmental significance and indigenous heritage significance. This Direction applies to all relevant planning authorities when preparing a planning proposal.

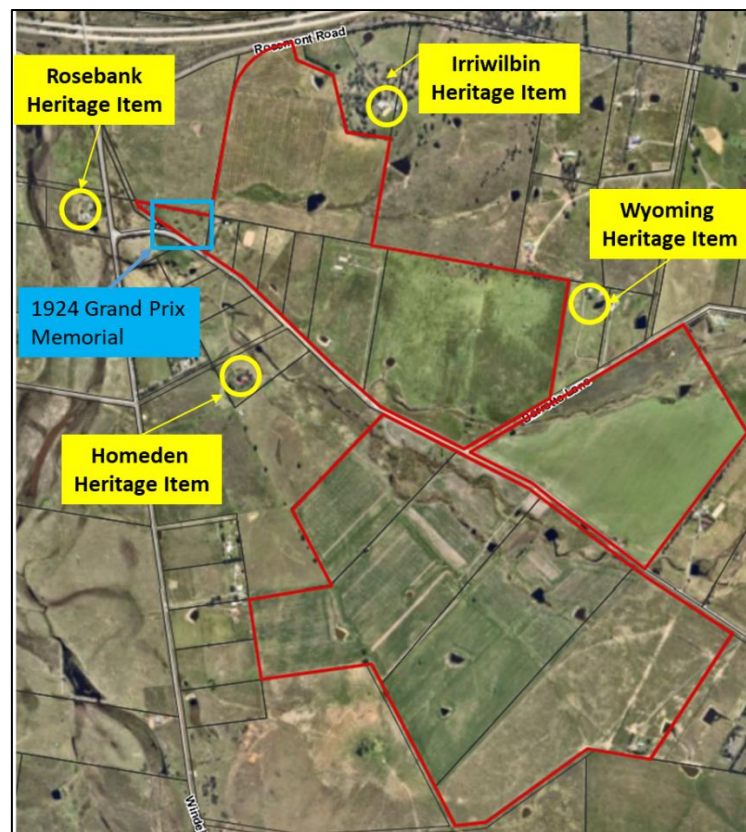
A planning proposal must contain provisions that facilitate the conservation of:

- a. Items, places, building, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.
- b. Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- c. Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the areas, object, place or landscape as being of heritage significance to Aboriginal culture and people.

#### European Cultural Heritage

**Comment:** There are no heritage items included within the boundaries of any stage, but four locally listed heritage items are located in close proximity to the subject site, as illustrated in [Figure 12](#). In addition, the non-listed 1924 Motorcycle Grand Prix Memorial is located directly adjacent the western boundary of stage 1.

Figure 12: Proximity of Heritage Items to Subject Site



The closest heritage items to the subject are Wyoming adjacent the south eastern boundary of Stage 1 and Irriwilbin adjacent the north eastern boundary of Stage 1. The elevated position of the Irriwilbin heritage item creates additional visual prominence but this is also ameliorated by existing landscaping within its curtilage and along its boundaries.

Whilst the site does not include heritage items within its boundaries, the proposed subdivisions will change the existing rural setting of heritage properties in the landscape through the introduction of additional bulk and scale of development.

Due to the potential impact of the proposal on the context and setting of heritage items in the landscape, the proponent submitted a Statement of Heritage Impact (SoHI) dated September 2022 (**Appendix 7**).

The SoHI includes an assessment of significance for three of the four nearby heritage items including Wyoming, Homeden and Irriwilbin. Rosebank was not included in the assessment but this heritage item is the furthest from the subject site of the four nearby items and is sited on the western side of Windellama Road. The 1924 Motorcycle Grand Prix Memorial has also been included within the assessment of significance.

The assessment of significance has adopted the seven criteria utilised by NSW Heritage Council and the significance assessment has been undertaken in accordance with the NSW Heritage Manual. It should be noted that a site visit was not undertaken and an assessment of the condition and integrity of the heritage items was unable to be determined.

The findings of the significance assessment are summarised below:



- **Wyoming at 55 Barrett's Lane** could not be assessed due to a lack of information on the State Heritage Inventory and the lack of a site visit.
- **Homeden at 46 Mountain Ash Road** is considered to have social significance due to its association with Samuel and William Taylor who built the residence in 1890. The property also reflects the colonial style architecture in the region.
- **Irrwillbin at 94 Rosemont Road** is also considered to have social significance due to its association with the Philips family who owned the Goulburn Brewery.
- **The 1924 Motorcycle Grand Prix Memorial** is considered to have historical significance for its association with the development of motor sport in Australia and social significance due to the strong connection with Australian motorcycle enthusiasts. In addition, the assessment found the site also had scientific significance due to its association to reliability trials between Sydney and Goulburn to provide an understanding of the engineering and technical design that went into motor transport to meet the challenges of regional Australia road transport conditions.

The SoHI also evaluated how the proposed activity would or would not impact on the identified significance of the nearby heritage items. The summary Statement of Heritage Impact makes the following conclusion:

*"The proposed rezoning for residential allotments are unlikely to have any physical impacts on the nearby heritage items. The impact assessment of the proposed rezoning of residential allotments on surrounding historical listings has determined that any detrimental impacts can be offset at development stage by the style and design of the proposed development which will be sympathetic to the overall aesthetics of the region and nearby listed heritage buildings and items."*

It should be noted that the evaluation of heritage impact was undertaken without the benefit of a site visit therefore an assessment of views and vistas and the potential for archaeological deposits could not be undertaken. The evaluation also considered the proposal would result in limited to no impacts as a result of the rezoning and any impacts resulting from the subsequent development (i.e. R5 large lot residential allotments) should be addressed at the development application.

A planning proposal must consider the impacts of proposed development and facilitate the conservation of items of heritage significance at the strategic planning stage. The planning proposal seeks to rezone the subject site for the purpose of large lot residential development and the impacts of this development type must be factored into strategic decision making.

The SoHI approach fails to facilitate the conservation of items of environment heritage significance at the strategic planning stage, with particular reference to views, the setting and context of heritage items and archaeological deposits.

Notwithstanding, this planning proposal is one of a number of rezoning proposals in the Mountain Ash and Brisbane Grove precincts. Collectively these will lead to a change in the landscape character and rural context and setting of heritage items. As such, a precinct specific chapter of the DCP has been drafted (**Appendix 4**) to establish the desired future character of the Mountain Ash and Brisbane Grove precincts. The precinct specific DCP chapter includes provisions to ensure future development reflects an open rural character which draws upon the heritage significance of nearby heritage items. The DCP includes the following provisions relating to mitigating and reducing impacts on heritage items through:



- A heritage specific objective;
- A European heritage specific policy;
- Requirement for the submission of an up-to-date Heritage Impact Statement with a development application which includes specific consideration of views across the landscape and between heritage items;
- The application of section 88b restrictions on the title;
- Provisions on limiting site coverage and establishing setbacks;
- Design requirements for new dwellings including materials, roof design, height, style;
- Controls relating to outbuildings, secondary dwellings and ancillary structures, and
- Fencing and landscaping requirements including a landscape buffer between stage 1 of the proposal and the Irriwillbin heritage item.

In addition, the precinct-specific DCP chapter (**Appendix 4**), includes a policy on the protection and incorporation of the 1924 Motor Cycle Grand Prix Memorial site into a future development scheme.

The above DCP controls have been reviewed by Council's heritage consultant to determine whether the policy controls would satisfactorily address the potential impacts from this proposal on nearby heritage items. The Heritage Consultant considered that the 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 would be required at the development application stage.

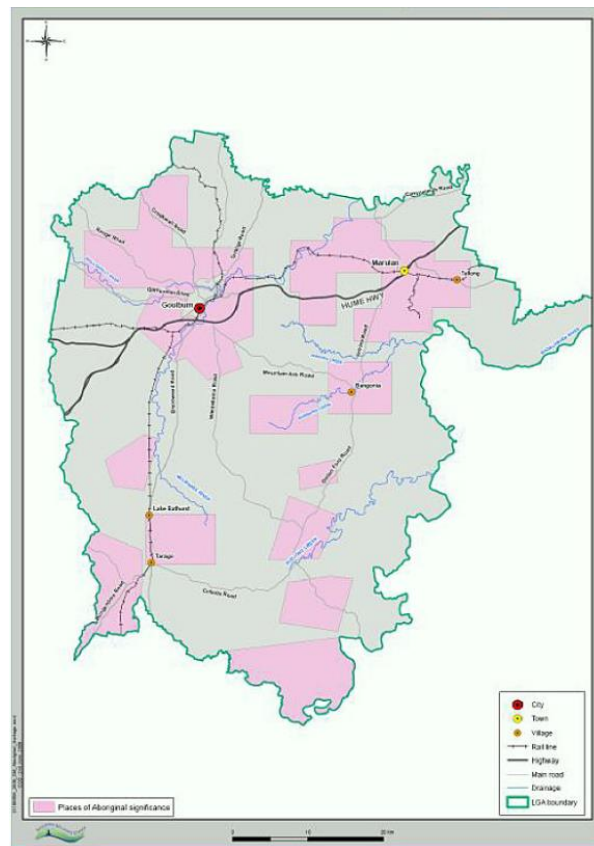
The Development Control Plan requires the submission of a Heritage Impact Statement with a development application. Due to the deficiencies of the proponents submitted Statement of Heritage Impact, a more comprehensive version will be required at the development application stage to meet the requirements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

The mitigations proposed through the precinct-specific development control plan chapter are tailored and site-specific controls which can be incorporated into the assessment of a subsequent development application. The tailored controls alongside existing heritage controls within the DCP will ensure the conservation of European heritage significance in the Mountain Ash Precinct and the proposal is consistent with Direction 3.2 in regard to European heritage.

#### Aboriginal Cultural Heritage

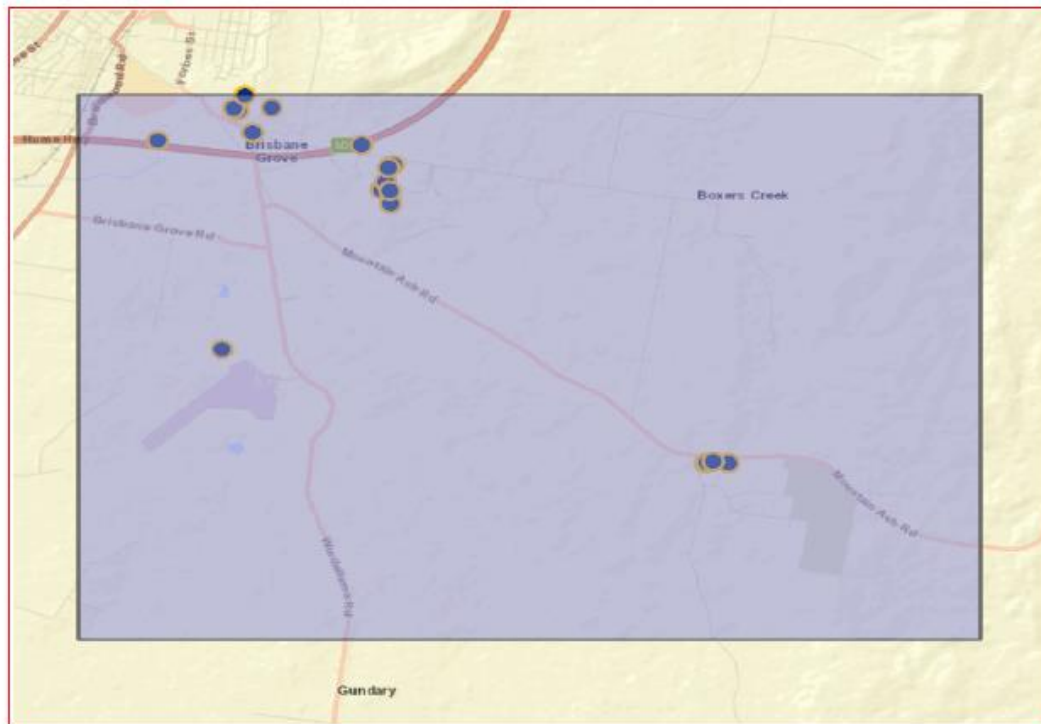
The subject site is located within an area mapped as a place of Aboriginal significance within the *Goulburn Mulwaree Development Control Plan*. This map, illustrated in **Figure 13**, was produced in consultation with the Pejar Land Aboriginal Land Council and highlights areas with potential for Aboriginal sites and/or objects. The subject site is located within an area identified as potentially significant, indicating the potential discovery of Aboriginal finds.

Figure 13: Places of Aboriginal Significance



A basic Aboriginal Heritage Information Management System (AHIM's) search was undertaken by Council on 26 November 2021. The search did not identify any Aboriginal sites or objects on the subject site. The search did however identify a number of recorded Aboriginal sites within 1000m of the site, with a cluster in proximity to the north eastern boundary of stage 1, as illustrated in [Figure 14](#).

Figure 14: NSW Aboriginal Heritage Information Management System findings- accessed 26.11.2021



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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

The *Urban and Fringe Housing Strategy* identifies, in relation to the Mountain Ash precinct, the requirement for a comprehensive Aboriginal Cultural Heritage Assessment. This is reflective of the area's identification as a place of Aboriginal significance where further, more detailed investigation is warranted.

The planning proposal submission by the proponent was initially accompanied by an Aboriginal Heritage Desktop Assessment (Aug 2022) (**Appendix 6a**). The desktop assessment did not include a site visit, consultation with the Aboriginal Community or identification of Potential Archaeological Deposits (PAD). The desktop assessment did include the following recommendation:

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

In response to this recommendation, the proponent prepared and submitted an Aboriginal Cultural Heritage Assessment (ACHA) dated February 2023 (**Appendix 6b**)

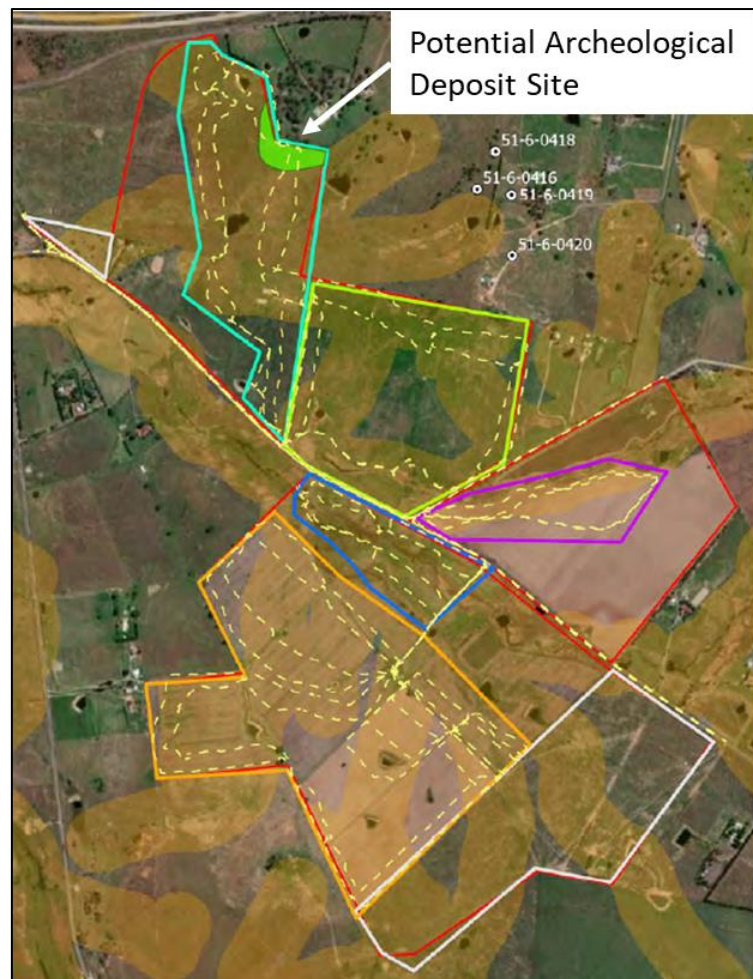
The ACHA has been undertaken in accordance with the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) and the *Aboriginal cultural heritage consultation requirements for proponents 2010*.

The ACHA included a survey of the subject site on 12<sup>th</sup> and 13<sup>th</sup> December 2022 and consultation with the local Aboriginal community.

The ACHA identified the site as highly disturbed from extensive ploughing and agricultural activity which has lowered or removed the potential for in-situ archaeological remains to be preserved across the majority of the site.

The ACHA did however identify one area of Potential Archaeological Deposit site (PAD) at the top of one hillcrest within the north eastern corner of Stage 1, adjacent the Irrilwilbin heritage item, in an area with less agricultural disturbance, illustrated in **Figure 15**. Archaeological objects in the form of flaked stone artefacts are most likely to be present in this area within the top 100mm of topsoil.

*Figure 15: Potential Archaeological Deposit Site Map*



The ACHA makes the following recommendations:

1. One area of PAD which has moderate potential to contain archaeological material in the top 100mm of sediments was identified during the survey (PAD1). If ground disturbance cannot be avoided within this area of PAD, then further archaeological test excavation will be required.
2. If suspected human remains are discovered and/or harmed in, on or under the land within the project area, the following actions must be undertaken:
  - The remains must not be harmed/further harmed
  - Immediately cease all works at that particular location
  - Secure the area so as to avoid further harm to the remains

- Notify the NSW Police and the Environment Line (Heritage NSW) on 131 555 as soon as practicable and provide any details of the remains and their location
  - Do not recommence any work at that particular location unless authorised in writing by Heritage NSW.
3. It is an offence under the NPW Act to knowingly impact upon an archaeological site. If any Aboriginal objects, such as stone artefacts, are identified during any stage of the proposed works, work must cease in the immediate area, until the objects can be assessed by an archaeologist. If the finds are assessed to be Aboriginal objects, then notification to Heritage NSW must be undertaken.

The identified PAD site largely overlaps with the native vegetation buffer implemented through the precinct-specific DCP chapter (**Appendix 4**) to safeguard and enhance native vegetation identified through the Ecological Assessment- see **Section 3.6.4**

**Direction 3.1 Conservation Zones.** The landscape buffer has also been implemented to provide screening between a subsequent subdivision and the Irriwilbin heritage item- see **Section 3.6.5** **Direction 3.2 Heritage Conservation.**

The precinct-specific DCP chapter (**Appendix 4**) requires additional native planting within the landscape buffer and prevents development within this area.

In light of the recommendations of the ACHA and the desire to avoid disturbance of the area, this landscape buffer has been extended to include the entirety of the PAD.

The scope of works presented in the proponents Aboriginal Cultural Heritage Assessment, including a site visit, Aboriginal community consultation and investigation of PAD sites, is considered to fulfil the *Urban and Fringe Housing Strategy's* requirements for a comprehensive Aboriginal Cultural Heritage Assessment.

The planning proposal has considered Aboriginal cultural heritage through the Aboriginal Cultural Heritage Assessment with no impacts identified (subject to the PAD on the north eastern corner of the stage 1 being safeguarded from disturbance). The planning proposal is consistent with Direction 3.2 Heritage Conservation.

### **3.6.6 Direction 3.3 Sydney Drinking Water Catchments**

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.

This Direction requires:

1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
  - a. New development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and
  - b. Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
  - c. The ecological values of land within a Special Area should be maintained
2. When preparing a planning proposal, the planning proposal authority must:
  - a. Consult with Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and



- b. Ensure that the proposal is consistent with Chapter part 6.5 of chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and
- c. Identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and
- d. Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by Water NSW, and
- e. Zone land within the Special Areas generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environment Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

and,

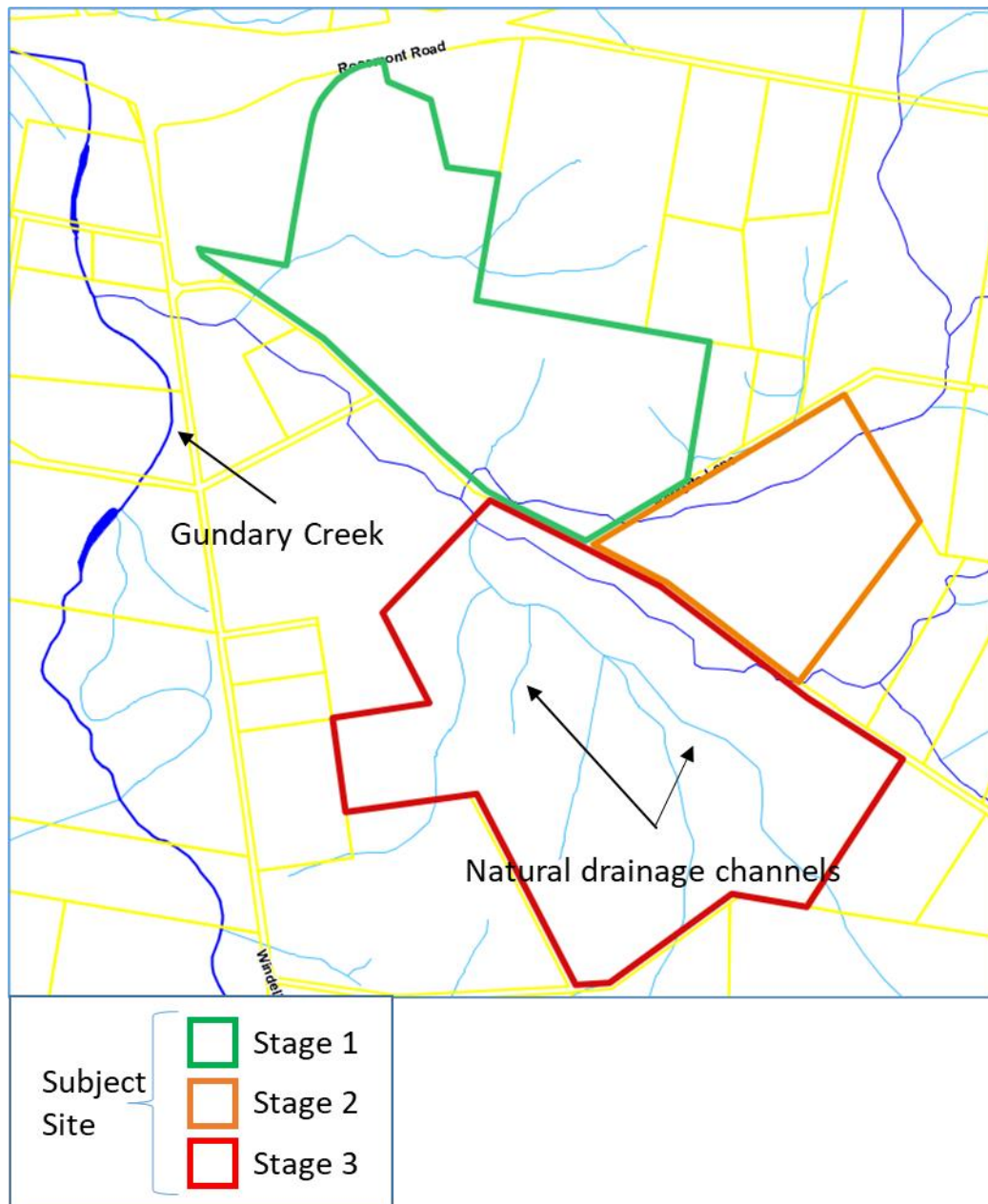
- f. Consult with the Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
- g. Include a copy of any information received from Water NSW as result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP & A Act.

**Comment:** The subject site stands within the Sydney drinking water catchment, as such this Direction applies.

The site is in a location which is not serviced by Goulburn's reticulated water and sewage system. There are no current plans to extend the town's water and sewer network to this area. All lots created within the Mountain Ash precinct will be required to provide on-site rainwater collection and on-site effluent management systems.

The site is located between 2-5 km to the southeast of the Goulburn Urban Area. The north western boundary of stage 1 stands in closest proximity to the Mulwaree River at approximately 1.7km as the crow flies and Gundary Creek runs roughly parallel with the western side of Windellama Road, separated from the western boundary of Stage 3 by approximately 700 metres. The site is crisscrossed by a number of drainage channels including a significant tributary to Gundary Creek which follows a northern path toward the Mulwaree River running roughly parallel with Mountain Ash Road, illustrated in [Figure 16](#). The number and extent of these drainage channels identifies the potential for overland flow impacts to the site.

Figure 16: Location of Drainage Channels in relation to site staging



The proposal seeks the rezoning and later subdivision of a total of 13 lots with a combined area of 277ha into a total of 108 lots at 2hectares or greater. The lot yield actually delivered on site after the rezoning process is considered likely to be lower than that proposed by the proponent. A lot yield of 70-80 lots is considered likely based on a revised developed R5 zone land area which excludes overland flood affected land and ensure each lot has at least 2heatre of R5 zoned land.

The site is affected by riverine flood inundation ([Figure 17](#)) on the northern most lots and overland inundation along the drainage lines ([Figure 18](#)).

Figure 17: Riverine Flood Extent Map Source: Goulburn Floodplain Risk Management Study and Plan

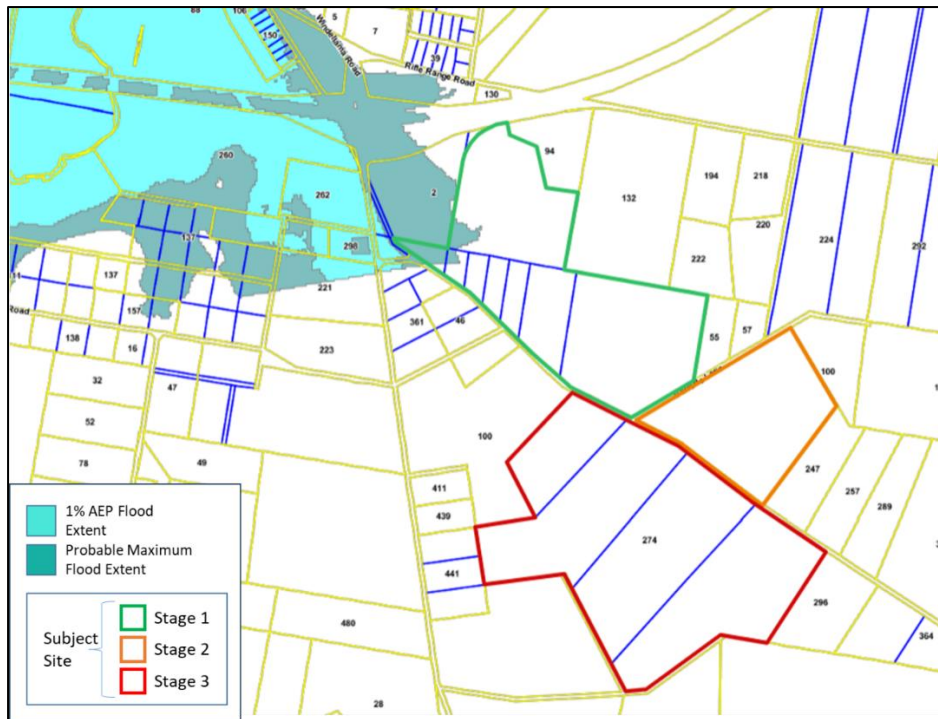
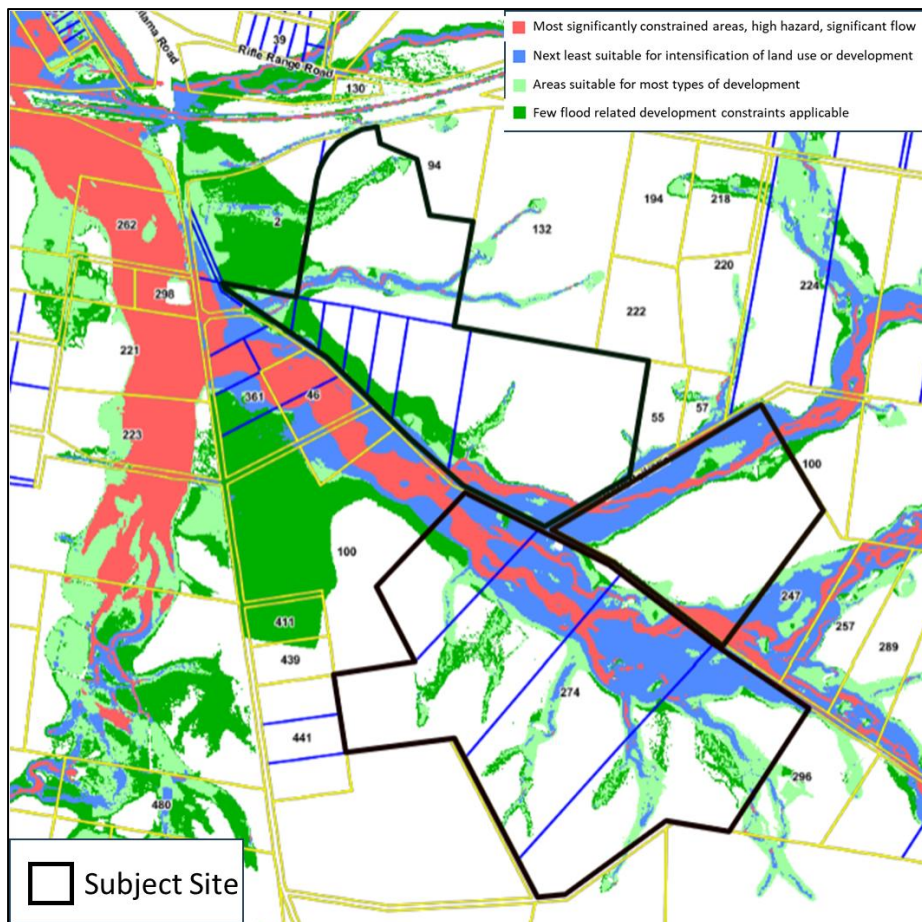


Figure 18: Overland Flood Inundation Hazard Map- Source: Council's Overland Flow Mapping



To ensure the flood planning area for riverine and overland flow inundation is prevented from being developed, these areas are proposed to be zoned C2 Environmental Conservation.

The C2 zone prohibits residential development and ancillary effluent management areas and wastewater systems. In addition, the draft precinct-specific Development Control Plan chapter in **Appendix 4** establishes policy provisions which explicitly prevent the siting of effluent management areas and other ancillary residential structures within the C2 Environmental Conservation Zone. The draft DCP also requires the C2 zone to be separately fenced from the remainder of the lot to safeguard against encroachment.

The proposed C2 Environmental Conservation zone, which encompasses all flood prone land serves to make clear from a water quality perspective that effluent disposal can be sited on the subject site and away from areas of inundation. It also provides for improved water quality outcomes.

Further information on flooding is provided in **Section 3.6.7 Direction 4.1 Flooding**.

The site currently has 21 existing farm dams and 1 existing groundwater bore present on Lot 24, DP811954 within Stage 3. There are currently no effluent management areas or dwellings on the site.

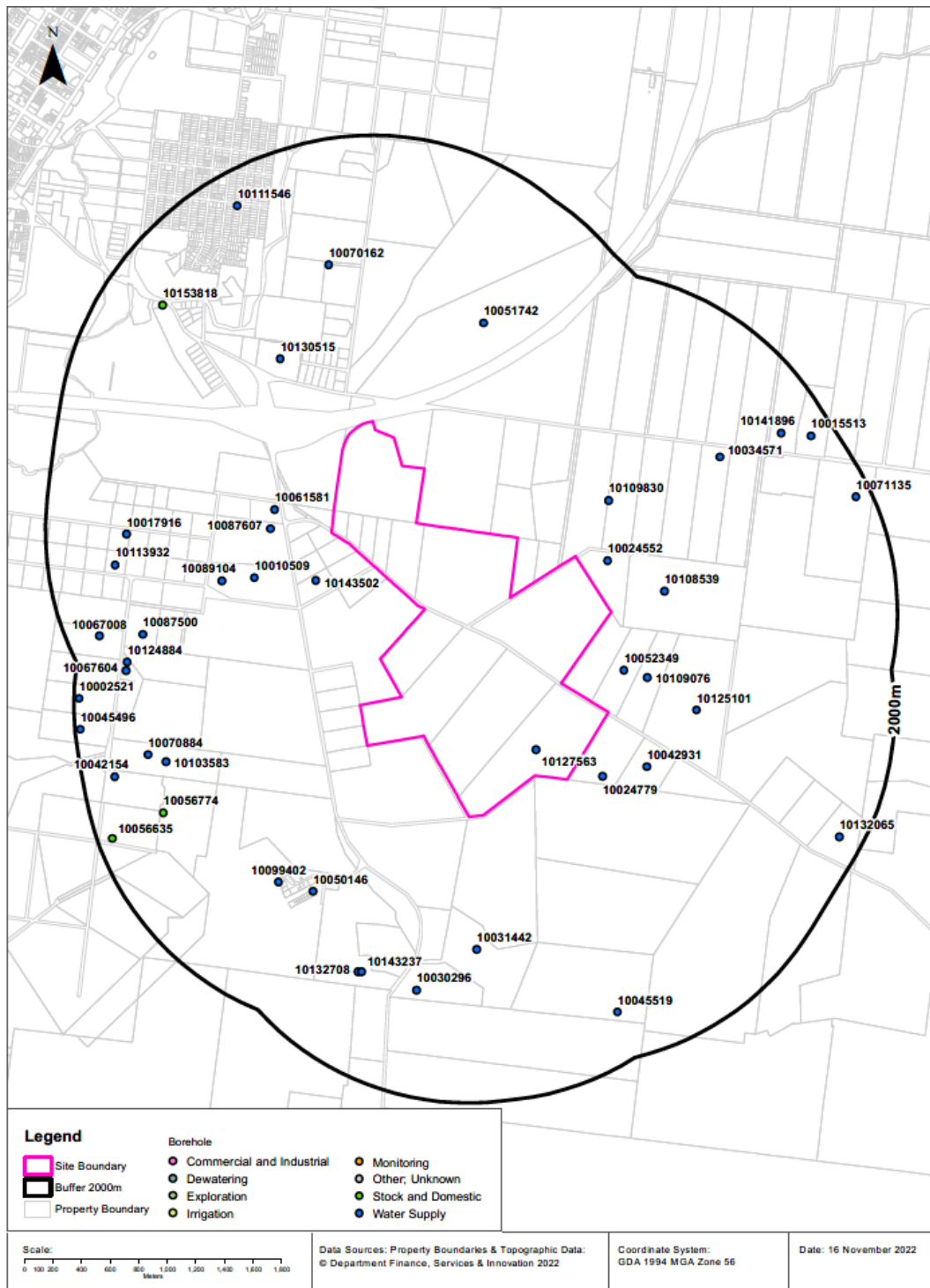
**Figure 19** (and Appendix C of the PSI) illustrates the location of known groundwater bores within and in vicinity of the site. In addition to the on-site groundwater bore **Figure 19** illustrates 10 other groundwater bores located within 500metres of the site. None of these bores are located within a 150m buffer distance of the site's boundaries with the exception of the on-site groundwater bore.

Three of the 10 groundwater bores within 500m of the site boundaries are licensed for irrigation, general use and domestic purposes. The status and standing water level of the remaining groundwater bores is unknown.

The on-site groundwater bore is proposed to be decommissioned as part of a subsequent development application.



Figure 19: Location of Groundwater Bores in proximity to the subject site.



In relation to the existing farm dams on site, the concept plan (**Appendix 2**) illustrates these farm dams are to be retained on site to maintain their stormwater function.

The proposal is seeking the rezoning of an area of approximately 277ha from RU1 Primary Production to R5 Large Lot Residential on 2 hectare lots alongside a C2 Environmental Conservation zone for the land within the riverine and overland flood planning area (approx. 115 ha). The lots will be serviced by on-site water and effluent management systems.



The proponents submitted concept plan (**Appendix 2**) illustrates a 108 lot proposed subdivision plan across the 3 stages. The concept plan illustrates the path of drainage lines and watercourses, dams, contour lines, the PMF extent (proposed to be zoned C2) and dwelling pads at 625 m<sup>2</sup> in area. All proposed lot areas exceed 2hectares with a range between 2ha at the smallest to 12.5ha at the largest. The significant majority of the lots range between 2ha and 2.13ha in area.

The concept plan includes 40m and 100m setback distances from drainage lines which demonstrate that with a developable area of 162ha, suitable buffer distances can be achieved. As previously noted not all illustrated lots demonstrate the ability to accommodate 2ha of R5 zoned land when the C2 flood prone land is considered. As a result, the quantum of deliverable lots is likely to be lower than the 108 lots currently represented at the subdivision stage.

The proponent has submitted a *Report on Effluent Disposal Preliminary soil Assessment* included within the *Engineering Services Report* (**Appendix 9a**) to demonstrate site suitability for on-site effluent management areas. This assessment was based upon each lot containing a dwelling with 4 bedrooms, using a rainwater supply and standard aerated wastewater treatment systems and included:

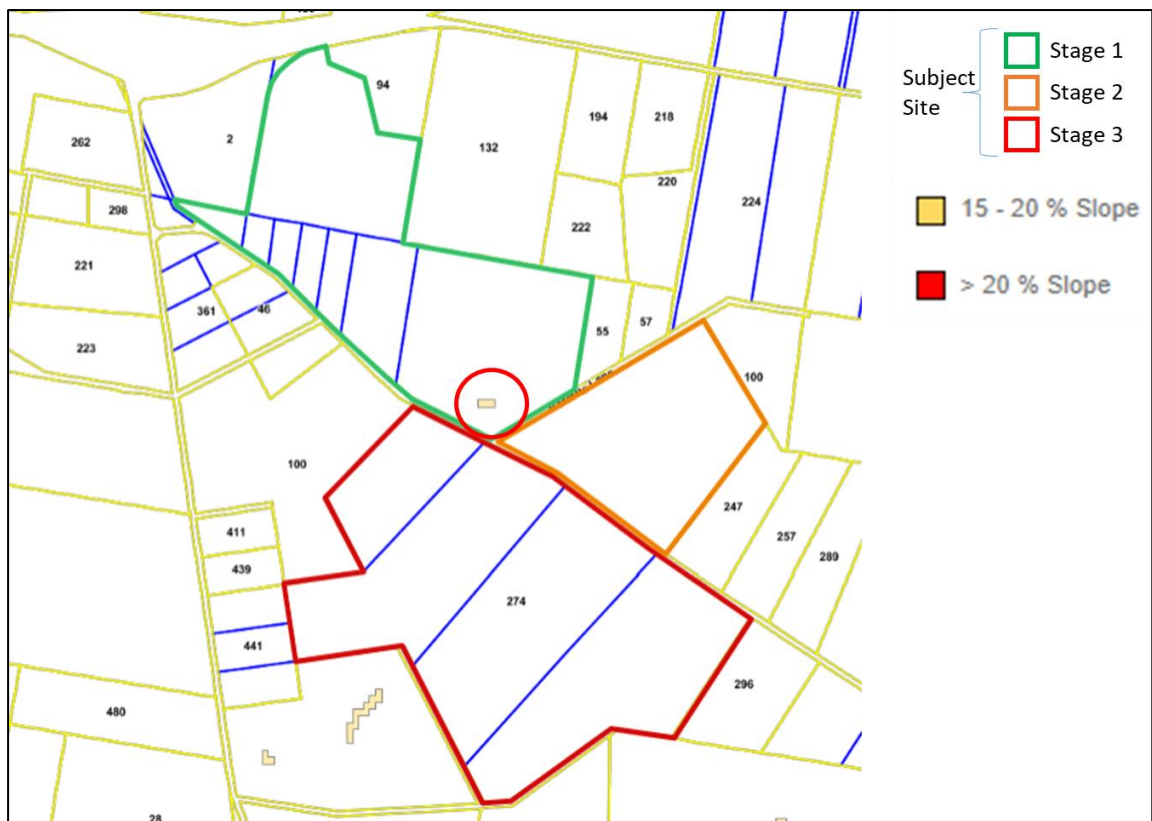
- Test holes drilled to establish sub surface conditions and provide indicative permeability through a soil assessment in Table 2 of the Assessment
- a site limitation assessment which examined slope and direction, sun and wind exposure, landform, erosion potential, whether fill or groundwater was present and the percentage of rock outcrops. The Assessment did not identify any slopes on site which exceeded 20%, which is supported by Council's NorBE slope mapping illustrated in **Figure 20** (red circle identifies a small slope area between 15-20%).
- Percolation testing to provide indicative permeability
- Laboratory tests of five representative soil samples to test for pH, electricity conductivity, emersion class number and phosphorous sorption capacity.
- Laboratory tests of five client specified locations to test for the presence of organochlorine and organophosphorus pesticides against the National Environmental Protection Measures 1999.

The *Report on Effluent Disposal Preliminary Soil Assessment* makes the following recommendations:

- Council should be consulted on its sewage management policy and required buffer distances
- A fence should be placed around effluent disposal areas
- Warning signage should be erected
- Treated effluent is not suitable for vegetable gardens or areas where people could come into contact with effluent.

The proponents submitted planning proposal report (**Appendix 1**) and Engineering Services report (**Appendix 9a**) confirms compliance with the neutral or beneficial effects (NorBE) test for impact on water quality.

Figure 20: Slope Gradient Analysis Map



The proponent has also submitted a *Preliminary Site Assessment- Contamination* (**Appendix 10**) which concluded the site is suitable for all the proposed permissible land uses.

Water NSW through their pre-gateway referral response (**Appendix 9c**) raised some additional points of investigation in relation to contamination which should be addressed prior to public exhibition:

- The PSI identifies there was no infrastructure on site however the report identifies one residential building from 2006 site photos. Was the area around the residential property investigated and are there any contamination risks from past or present effluent management systems?
- Pesticides have been analysed but not discussed in the results and more information is required on the pesticides found and whether they present any contamination risk.
- The number of bores occurring within 500m of the site requires clarification, along with their current purpose, including the purpose of the current bore on site and whether this bore was sampled for water quality contaminants.
- No water quality sampling undertaken of the existing groundwater bore or farm dams. The PSI needs to include further consideration of whether past uses of the site are likely to present any risk to the water quality of the farm dams and limitations for their intended use.

Further information on Contamination is available in **Section 3.6.9 Direction 4.4 Remediation of Contaminated Land.**

In addition, Water NSW through their Pre-gateway referral response (**Appendix 9c**) provided the following additional comments:

- The 21 existing farm dams proposed to be retained to maintain their stormwater function may require further repurposing as stormwater control and treatment measures. This can be addressed at the DA stage.
- The concept plan illustrates how building envelopes can be positioned outside flood affected land to be zoned C2 and outside 100m and 40m buffer distances for these watercourses and dams. Notwithstanding, there are some additional matters of clarification which should be addressed at the DA stage:
  - Currently not clear where the EMAs are to be positioned and able to meet required buffer distances.
  - The *Report on Effluent Disposal Preliminary Soil Assessment* provides no further detail on the proposed location of EMA's.
  - Verification required on whether first order drainage features comprise incised channels (thereby requiring a 100m setback)
- Table drains and tree planting are proposed to off-set any increase in pollutants from the run-off from proposed roads and retained farm dams to maintain their stormwater function. However, it is unclear whether other measures may be required for the proposed access roads. Notwithstanding, it is noted the site has sufficient space to accommodate necessary stormwater management measures.

Overall, Water NSW consider the planning proposal provides a comprehensive response to Direction 3.3 and confirms provisions relating to Special Areas are not relevant. It notes support for the water quality protections through the C2 zoning, highlights relevant matters have been discussed and provides points of further clarification for the development assessment stage.

The Water NSW pre-gateway referral response also provided the Strategic Land and Water Capability Assessment (SLWCA) for unsewered residential lots between 4,000m<sup>2</sup> and 2ha, illustrated in **Figure 21**.

The SLWCA illustrates that water quality risk varies from low to extreme. Extreme areas are associated with the drainage features and watercourses with these areas having very low capability for development. Areas of high and extreme risk should be avoided.

This proposal seeks to rezone all flood prone land as C2 Environmental Conservation which encompasses all areas identified as having a high or extreme risk to water quality. Residential and associated development is prohibited from the proposed C2 zone thereby ensuring areas of high and extreme risk are avoided and water quality is safeguarded.

Figure 21: Strategic Land and Water Capability Assessment



The evidence presented indicates that the site includes an area of ample size to accommodate residential development and associated effluent management areas to be located outside flood prone land and meet required buffer distances from watercourses and drainage lines. The site is not contaminated and a neutral or beneficial effect on water quality can be achieved through a subsequent subdivision and development application.

An assessment on water quality to determine neutral or beneficial effect will also be undertaken as part of a future development application which will require Water NSW

concurrence. In addition, the development should ensure Water NSW's current recommend practice are incorporated.

This planning proposal is consistent with Direction 3.3 in that the planning proposal has:

- 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
- Has consulted with Water NSW with further engagement to be undertaken through the planning proposal process, and
- Included information received to date from Water NSW.

### **3.6.7 Direction 4.1 Flooding**

The objectives of this Direction are to:

- a. Ensure that development of flood prone land is consistent with the NSW governments' Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- b. Ensure the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This Direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

1. This Direction requires a planning proposal to include provisions that give effect to and are consistent with:
  - a. The NSW Flood Prone Land Policy,
  - b. The principles of the Floodplain Development Manual 2005,
  - c. The Considering flooding in land use planning guideline 2021, and
  - d. Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
2. A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.
3. A planning proposal must not contain provisions that apply to the flood planning area which:
  - a. Permit development in floodway areas,
  - b. Permit development that will result in significant flood impacts to other properties,
  - c. Permit development for the purposes of residential accommodation in high hazard areas
  - d. Permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate.
  - e. Permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent.
  - f. Are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and



- emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
- g. Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
- 4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:
  - a. Permit development in floodway areas
  - b. Permit development that will result in significant flood impacts to other properties,
  - c. Permit a significant increase in the dwelling density of that land
  - d. Permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
  - e. Are likely to affect the safe occupation of and efficient evacuation of the lot, or
  - f. Are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
- 5. For the purpose of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

### **Consistency**

A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:

- a) The planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the *Floodplain Development Manual 2005*, or
- b) Where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the *Floodplain Development Manual 2005* or
- c) The planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the *Floodplain Development Manual 2005* and is consistent with the relevant planning authorities' requirements, or
- d) The provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

### **Comment:**

### **Background**

*Goulburn Floodplain Risk Management Study and Plan*

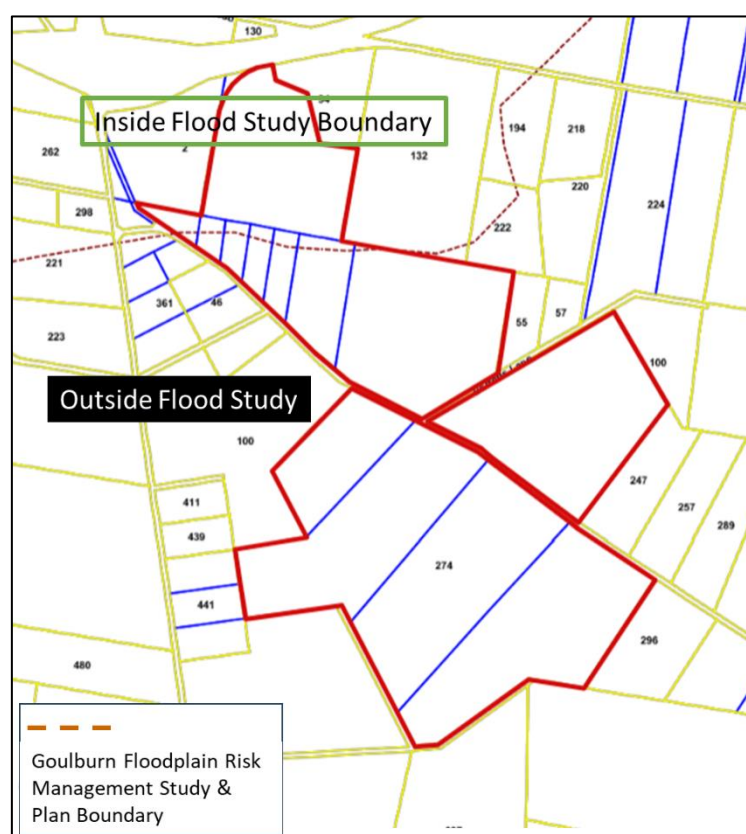
[The Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study), prepared in collaboration the Department of Planning and Environment- Environment,

Energy and Science was adopted by Council on 16 August 2022. The Flood Study has been prepared in accordance with and is consistent with:

- The NSW Flood Prone Land Policy;
- The principles of the Floodplain Development Manual 2005, and
- Considering flooding in land use planning guideline 2021.

The Flood Study Area excludes the large majority of the subject site with the exception of the northern most lots of Stage 1 (Lot 1, DP853498 & Lot 1, DP779194) as illustrated in **Figure 22**.

*Figure 22: Study Area boundaries in the Goulburn Floodplain Risk Management Study and Strategy*



The Flood Study models the extent of riverine flooding with inundation identified on site (northern most lots inside study area) and on nearby roadways and intersections. The Flood Study includes a Development Control Policy (DCP) (**Appendix 5c**) which applies controls to both flood prone land within the Flood Study boundaries and areas outside the scope of the Study.

The Flood Study and DCP flood policy implements Flood Planning Constraint Categories (FPCC) which groups similar types and scales of flood related constraints. Four FPCC's have been established to separate areas of the floodplain from the most constrained and least suitable areas for intensification of land use. The FPCC's are presented in **Table 1** below:

*Table 1: Flood Planning Constraint Category Table*

Category	Summary
FPCC1	FPCC1 identifies the most significantly constrained areas, with high hazard or significant flood flows present. Intensification of use in

	FPCC1 is generally very limited except where uses are compatible with flood function and hazard.
FPCC2	FPCC2 areas are the next least suitable for intensification of land use or development because of the effects of flooding on the land, and the consequences to any development and its users.
FPCC3	FPCC3 areas are suitable for most types of development. This is the area of the floodplain where more traditional flood-related development constraints, based on minimum floor and minimum fill levels, will apply.
FPCC4	FPCC4 is the area inundated by the PMF (extent of flood prone land) but outside FPCC1-3. Few flood-related development constraints would be applicable in this area for most development types. Constraints may apply to key community facilities and developments where there are significant consequences to the community if failed evacuations occur.

The DCP flood policy applies to different flood planning controls depending on the proposed land use category to ensure that new development does not increase flood risk.

The Flood Study focuses on the modelling of riverine flooding for the full range of floods, up to and including the Probable Maximum Flood (PMF) and presents tailored controls to address the relative impacts on life and property from inundation. The Flood Study recommends that an Overland Flow Flood and Floodplain Risk Management Study be undertaken subsequent to the Flood Study upon which specific overland flow development controls can be established.

Council has initiated the preparation of the overland flow study following a successful funding bid through the NSW Department of Planning and Environment Floodplain Management Grants Program. This project is expected to be finalised in December 2025.

However, in light of the emerging planning proposals within the Mountain Ash and Brisbane Grove precincts, the presence of natural drainage channels in the landscape and potential overland flow impacts, Council commissioned overland flow modelling. This modelling utilised the same data and methodology as the riverine flood modelling and mapping within the Flood Study. This has resulted in a mapping layer which illustrates the location and likely extent of overland flooding and the relative risk to life and property. The overland flow mapping also includes Flood Planning Constraint Categories which have been identified by the same consultant who prepared the Flood Study (GRC Hydro). This modelling will directly inform the *Overland Flow Flood and Floodplain Risk Management Study* and the updated overland flow development controls within the *Goulburn Mulwaree Development Control Plan*.

The overland flow model maps are available to view on the Council's website at: <https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-10>

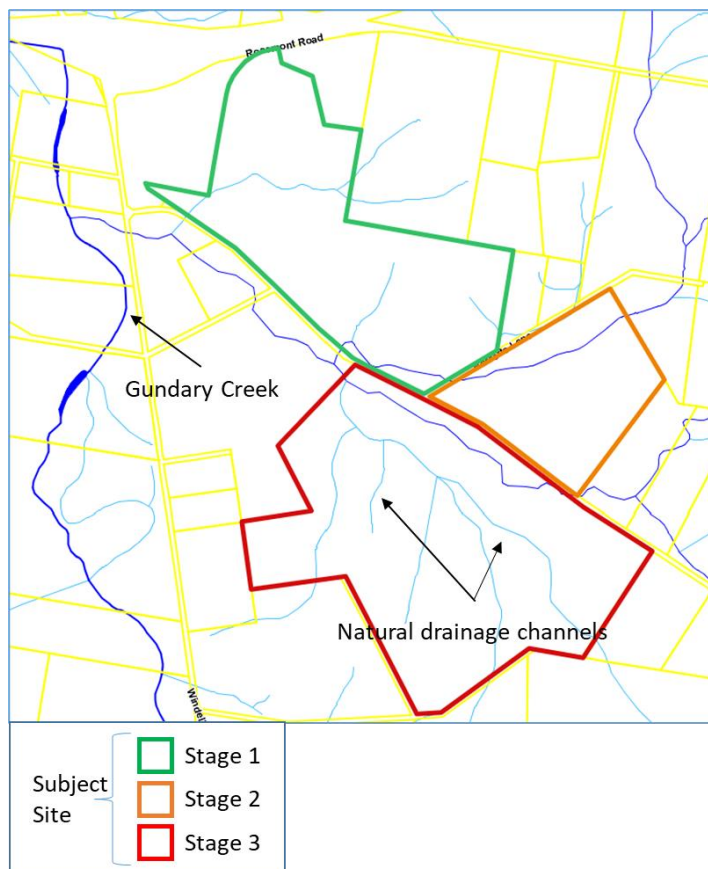
Both the Flood Study and the overland flow modelling have accounted for climate change utilising the ARR2019 methodology to determine the projected increase precipitation density. These details have been utilised to determine increased rainfall for the 1%, 0.5% and 0.2% flood events up to 2090 and incorporated into the riverine and overland flow modelling.

## Direction 4.1 Flooding

### Applicability of Direction 4.1

The closest part of the subject site is located approximately 1800m east of the Mulwaree River but a major tributary to the river, Gundry Creek runs northward roughly parallel with Windellama Road. The distance of Gundry Creek to the subject sites Western boundaries varies between 350m and 700m. 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 as illustrated in **Figure 23**.

Figure 23: Location of Drainage Channels and Gundry Creek



The adopted [Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study) has assessed riverine flooding and associated risk in Goulburn.

The extent of the Flood Study area did not include the significant majority of the subject site, with the exception of the far northern lots. The Flood Study area did however encompass a number of access routes and nearby intersections (**Figure 24**).

The map displays the subject site, outlined in yellow, and its proximity to the 1% AEP Flood Extent (light blue) and Probable Maximum Flood Extent (dark blue). The subject site is divided into three stages of development, outlined in green, orange, and red. The map also shows various roads, including Ring Range Road and Woodbine Road, and numerous numbered lots.

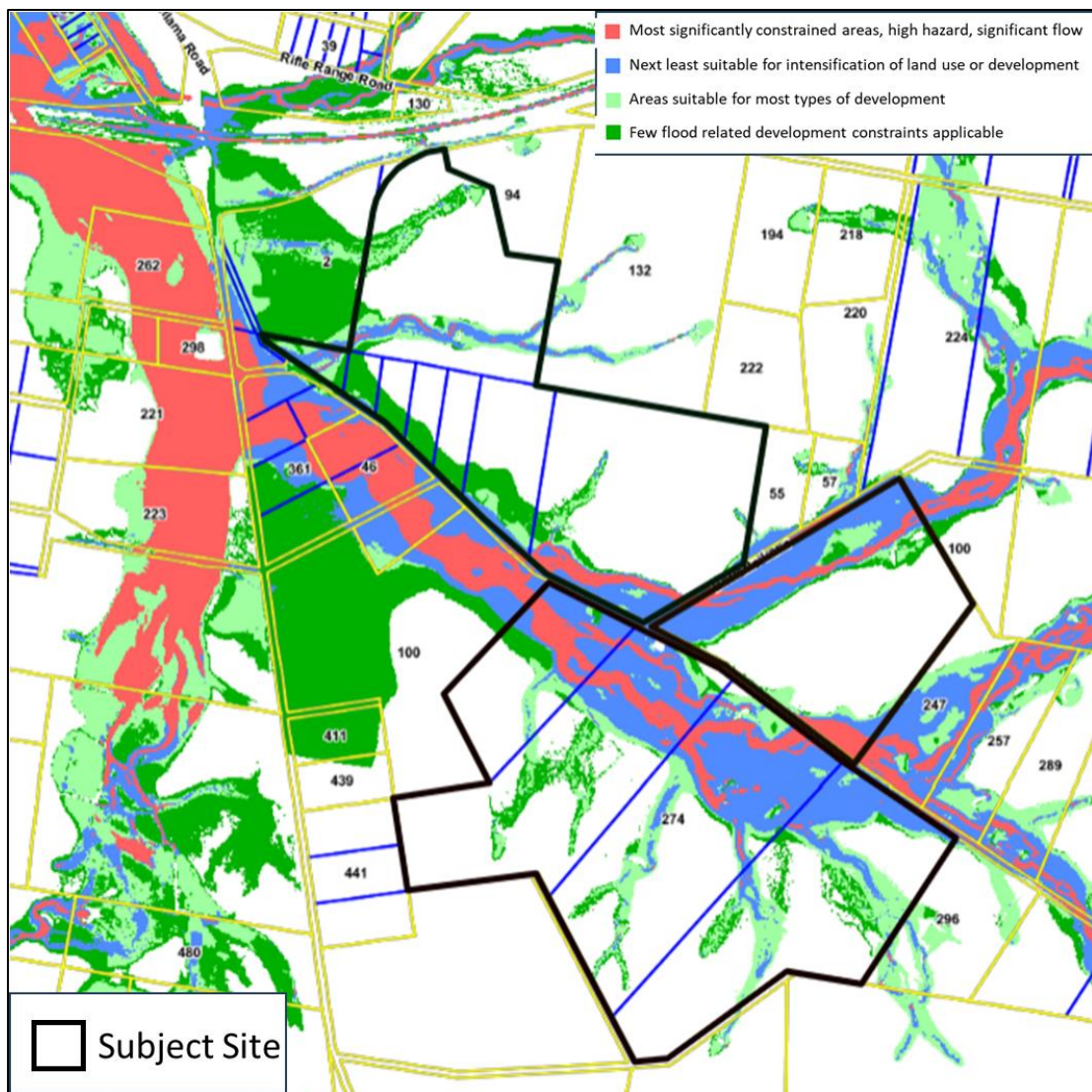
**Legend:**

- 1% AEP Flood Extent (Light Blue)
- Probable Maximum Flood Extent (Dark Blue)
- Subject Site (Yellow Outline)
- Stage 1 (Green Outline)
- Stage 2 (Orange Outline)
- Stage 3 (Red Outline)

It must be noted that whilst the Flood Study and riverine flood modelling did not extend to include the majority of the subject site, overland flow modelling was extended to include the Mountain Ash and Brisbane Grove Precincts ([Figure 25](#)).



Figure 25: Overland Flood Inundation Hazard Map- Source: Council's Overland Flow Mapping



**Figure 25** illustrates that the subject site is heavily affected by overland flow inundation particularly in areas adjacent Mountain Ash Road and the drainage corridor which runs roughly parallel with the road. Overland flow inundation affects the various tributaries which crisscross the site.

The presence of riverine flood inundation over nearby access roads and intersections in addition to encroaching flood waters into Stage 1 alongside impacts from overland flooding, indicate the site is flood prone. Evacuation from the site to the urban area is also impacted by identified flood inundation.

Due to the presence of flood prone land and associated impacts relating to this site, Direction 4.1 Flooding is considered to apply to this planning proposal.

Addressing Direction 4.1(1)- Consistency with relevant policy and guidance

This Direction requires a planning proposal to include provisions that give effect to and are consistent with:

- The NSW Flood Prone Land Policy,
- The principles of the Floodplain Development Manual 2005,

- c. The Considering flooding in land use planning guideline 2021, and
- d. Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

The above-mentioned Floodplain Development Manual 2005 was replaced by the Flood Risk Management Manual (and Toolkit) and Flood Prone Land Policy in June 2023. Whilst Ministerial Direction 4.1 does not reflect this change, the assessment of consistency within this planning proposal considers the updated advice and guidance.

The **NSW Flood Prone Land Policy's** (The Flood Policy) primary objective is to reduce the impacts of flooding and improve community resilience. The policy recognises that flood prone land is a valuable resource and proposals for rezoning should be the subject of careful assessment which incorporates consideration of local circumstances.

The policy requires:

- a merit-based approach to be adopted for all development decisions in the floodplain;
- a reduction in flooding impacts and liability on existing developed areas
- limiting the potential for flood losses in all areas proposed for development by the application of ecologically sensitive planning and development controls.

The **Flood Risk Manual** (the Manual) requires planning proposal authorities to consider the principles of the Manual and advice provided in the supporting Toolkit. The Manual establishes the following Vision:

*"Floodplains are strategically managed for the sustainable long-term benefit of the community and the environment, and to improve community resilience to floods"*

and the following 10 principles for flood risk management:

1. Establish sustainable governance arrangements;
2. Think and plan strategically;
3. Be consultative;
4. Make flood information available;
5. Understand flood behaviour and constraints (for the full range of floods);
6. Understand flood risk and how it may change (for the full range of floods);
7. Consider variability and uncertainty;
8. Maintain natural flood functions;
9. Manage flood risk effectively, and
10. Continually improve the management of flood risk.

Principle 9 is of particular relevance to this planning proposal as the proponents' submitted FIRA explicitly addresses flood risk and flood risk management.

Principle 9 identifies that effective flood risk management requires a flexible, merit-based approach to decision-making which in turn supports sustainable use and development of the floodplain. It establishes that effective flood risk management starts with developing an understanding of the full range of flood behaviour, constraints, risk and how these may change over time.

The Manual highlights the requirement for a robust understanding and analysis of risk which can then be deployed to determine whether the risk is acceptable and determine if additional action is required to further reduce identified residual risk.

The **Flood Risk Management Toolkit** (the Toolkit) provides more detailed guidance on how to meet the objectives of the Flood Policy and Manual and these documents have been considered in both the development of the Flood Impact and Risk Assessment and the preparation of this planning proposal. The following documents in the Toolkit are especially pertinent to this planning proposal:

- [EM01- Support for Emergency Management Planning](#)
- [LU01- Flood Impact and Risk Assessment](#)
- [FB01- Understanding and Managing Flood Risk](#)
- [MM01- Flood Risk Management Measures](#)

The proposal's consistency with the Flood Policy, The Manual and Toolkit are largely addressed in the proceeding paragraphs titled *Addressing Directions*. Specific focus is given to flood impacts to other properties, evacuation and safe occupation considerations and increased requirement for spending on flood mitigations and emergency response measures in the *Understanding Flood Impacts* sub-heading later in this report.

#### *Addressing Direction 4.1(2)-Rezoning from the Flood Planning Area*

##### *Assigning the Flood Planning Area*

As discussed above only a small part of the site is within the adopted Flood Study boundaries. In areas which fall within the flood study, a flood planning area of a 1% AEP flood level plus a 0.8m freeboard applies. However, the majority of the site is located outside the study area for the Flood Study and as such the proponent's submitted Flood Impact and Risk Assessment (FIRA)(**Appendix 5a**) has assigned a flood planning area which is appropriate to the predominate overland flood conditions of the site. The FIRA has assigned a Flood Planning Area at the maximum PMF flood level to ensure residential properties are sited on flood free land.

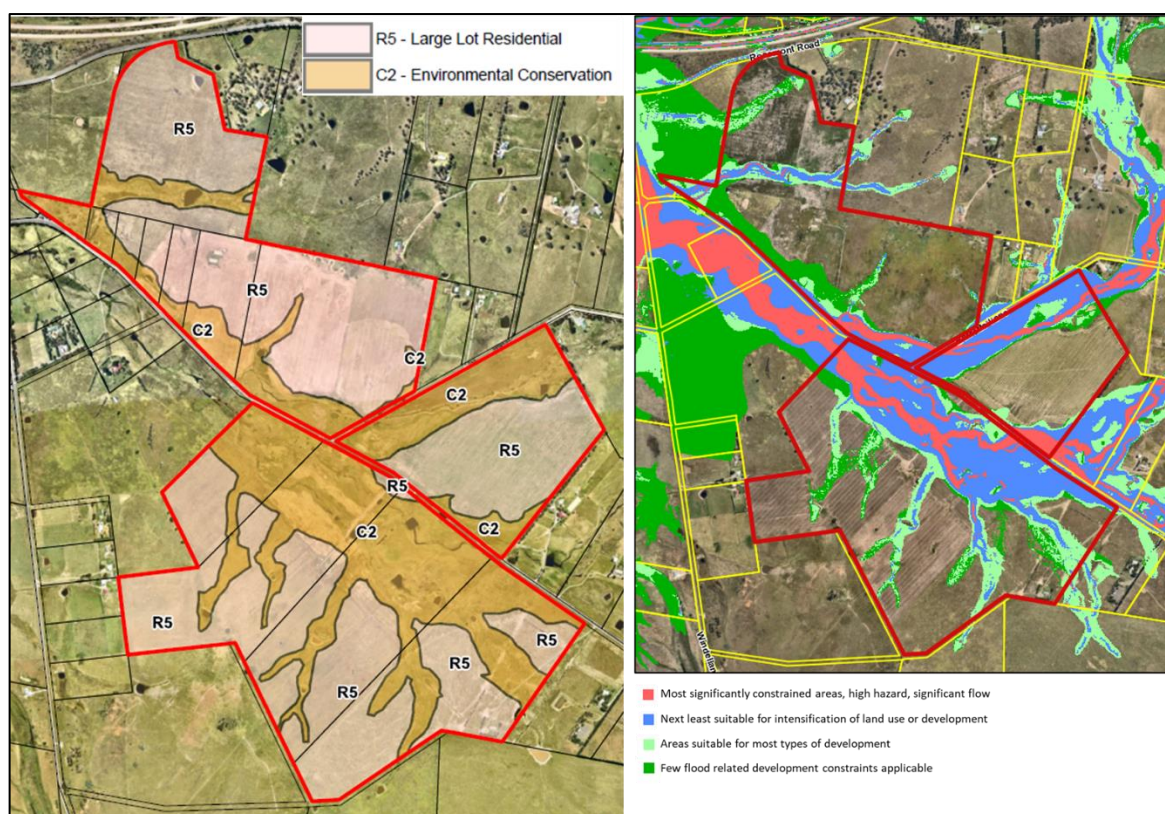
**For the purposes of this planning proposal a flood planning area which encompasses all flood prone land up to and including the PMF flood level has been assigned as the flood planning area for the entirety of the subject site.**

This direction requires that a planning proposal does not rezone land within the flood planning area from recreation, rural, special purposes or conservation zones to a residential zone.

This planning proposal is seeking the rezoning of the existing RU1 Primary Production zoned land to a residential use. To ensure Direction 4.1(2) is satisfactorily addressed and flood prone land is not rezoned from rural to residential, the full extent of overland flow inundation (up and including the PMF) is proposed to be rezoned to C2 Environmental Conservation, as illustrated in **Figure 26**.



Figure 26: Proposed Zoning and Overland Flow Comparative Map



This planning proposal will not rezone any flood prone land, including the flood planning area, from a rural zone to a residential zone.

Addressing Direction 4.1(3)-provisions that apply to the flood planning area

As identified above, this planning proposal proposes to rezone all flood prone land as C2 Environmental Conservation where most development types are prohibited including residential. This zoning significantly reduces the potential provisions relating to the flood planning area to only those permissible in the C2 zone, as listed below:

- |   |   |   |
|---|---|---|
| <ul style="list-style-type: none"> <li>• Backpackers' accommodation;</li> <li>• Bed and breakfast accommodation;</li> <li>• Emergency services facilities;</li> <li>• Environmental facilities;</li> <li>• Environmental protection works;</li> <li>• Extensive agriculture;</li> <li>• Farm buildings;</li> <li>• Information and education facilities;</li> <li>• Oyster aquaculture;</li> <li>• Recreation areas;</li> <li>• Recreation facilities (Outdoor);</li> <li>• Roads, and</li> <li>• Signage.</li> </ul> | } | <p><i>New dwellings not permissible in the zone. These uses are only permissible where an existing dwelling is permissible.</i></p> |
|---|---|---|

These permissibilities are further constrained through the Precinct-specific DCP chapter which prohibits residential development, including ancillary residential structures from being constructed within flood prone C2 zoned land.

The proponents submitted concept plan (**Appendix 2**) illustrates a 108 lot proposed subdivision plan across the 3 stages. The concept plan illustrates the path of drainage lines and watercourses, dams, contour lines, lot layout, dwelling pads and the extent of the PMF. All proposed lot areas exceed 2ha in area with a range between 2ha at the smallest to 12.5ha at the largest. The significant majority of the lots range between 2ha and 2.13ha in area.

The application of the C2 zoning to include all flood prone land alongside the 2ha minimum lot size for the R5 zoned land would prevent the current proposed number of lots and their arrangement from being realised.

It must be noted that a concept plan is only indicative at the planning proposal stage and is expected to change and adapt to the site's new zoning arrangements and development control plan requirements at the DA stage. The proposed C2 zoning to encompass all flood prone includes approximately 115 hectares of the site with approximately 162 hectares of flood free and developable land identified for R5 Large lot residential rezoning.

162 hectares of flood free and developable land provides significant opportunity for large lot residential development with R5 lots with 2hecatre minimum lot sizes which also include sections of C2 zoned land. The Council estimates, considering the flooding constraints and proposed zoning, the site is likely to yield between 70-80 lots.

Whilst the currently proposed lot arrangement will require revision at the Development application stage, the proposed extent of the C2 zoning demonstrates development is able to avoid flood prone land up to and including the PMF and maintain consistency with the following parts of Direction 4.1(3):

- Direction 4.1(3)(a) & (c)- permit development in floodway's and high hazard areas

As illustrated in **Figure 26**, all flood prone land is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited, including residential. This ensures, alongside prohibitions in the precinct specific DCP, that development is not permitted within floodway's or high hazard areas.

- Direction 4.1(3)(b)- permit development that will result in significant flood impacts to other properties.

Consistency with Direction 4.1(3)(b) is addressed under *Understanding Flood impacts* sub-heading later in this section.

- Direction 4.1(3)(d)- increase in development/dwelling density of the land.

As previously identified no development is proposed within the flood planning area with dwelling pads and associated structures located wholly within flood free land. The Precinct specific DCP chapter also prohibits the development of the C2 zoned land for residential purposes. This planning proposal does not contain provisions that apply to the flood planning area which permit an increase in development or dwelling density.



- Direction 4.1(3)(e)- permit development for the purposes of uses where occupants cannot effectively evacuate.

This planning proposal is seeking large lot residential lots only. 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. This proposal would not therefore include development in which occupants of these land use types cannot effectively evacuate. In addition, the proposed C2 zone which encompasses the flood planning area (and all flood prone land) expressly prohibits the more difficult to evacuate uses including childcare facilities, hostels, boarding houses group homes, hospitals, residential care facilities, respite day care centres and seniors housing.

- Direction 4.1(3)(f)- permit development to be carried out without development consent.

As noted above, the flood planning area and all flood prone land is to be rezoned C2 Environmental Conservation, where firstly the range of permissible uses are very limited and secondly where the Local Environmental Plan does not permit any development without consent. The planning proposal does not contain provisions which permit development to be carried out without development consent.

- Direction 4.1(3)(g)- Significantly increased requirement for government spending

Consistency with Direction 4.1(3)(g) is addressed under *Understanding Flood impacts* sub-heading later in this section.

- Direction 4.1(3)(h)- Hazardous industries and storage establishments

As noted above, the flood planning area and all flood prone land is to be rezoned C2 Environmental Conservation. This zone prohibits heavy industrial storage establishments which is the parent definition for hazardous storage establishments. Hazardous industries fall under the parent definition of Industries which is also prohibited from the C2 zone. This proposal does not contain provisions which permit hazardous industries or hazardous storage establishments.

#### Application of Direction 4.1(4)- Special Flood Considerations

Direction 4.1(4)- Special Flood Considerations includes additional provisions which must be considered through a planning proposal applicable to areas between the flood planning area and the probable maximum flood to which special flood considerations apply.

The Council considered the optional inclusion of the Special Flood Considerations Clause (5.22) into the GM LEP on 2nd November 2021. Council endorsed the inclusion of the Clause as applied to correctional centres, hospitals, hazardous industries, hazardous storage establishments and emergency service facilities (**Appendix 3d**).

The Special Flood Consideration clause (5.22) was subsequently gazetted on 10<sup>th</sup> November 2023 at which point the clause was formally incorporated into the Goulburn

Mulwaree LEP and forms a material consideration in the determination of related development applications.

This planning proposal does not include provisions for the uses adopted by Council for application of the Special Flood Consideration clause and would therefore not normally apply. However, due to the extent of known riverine and overland flow inundation events within the Mountain Ash and Brisbane Grove precincts, these areas have been identified with the Precinct-specific DCP chapter as areas to which clause 5.22(2)(b) applies. Clause 5.22(2)(b) states:

*This clause applies to-*

- (b) For development that is not sensitive and hazardous development- land the consent authority considers to be land that, in the event of a flood, may-*
- i. Cause a particular risk to life, and*
  - ii. Require evacuation of people or other safety considerations*

Due to identification of the precinct as land to which the special flood considerations clause 5.22 of the GM LEP applies, Direction 4.1(4) also applies and is addressed below:

As previously identified above, this proposal is seeking the rezoning of all flood prone land, to a C2 Environmental Conservation zone where most forms of development, including residential are prohibited.

The proposed zoning, alongside the provisions of the precinct specific DCP ensures development avoids flood prone land and maintains consistency with the following parts of Direction 4.1(4):

- Direction 4.1(4)(a)- permit development in floodway areas

As illustrated in **Figure 26** all flood prone land is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited, including residential. This ensures, alongside prohibitions in the precinct-specific DCP, that development is not permitted within floodway's

- Direction 4.1(4)(b)- permit development that will result in significant flood impacts to other properties

Consistency with Direction 4.1(4)(b) is addressed under *Understanding Flood impacts* sub-heading later in this section.

- Direction 4.1(4)(c)- increase in dwelling density of the land.

As previously identified, no development is proposed on any flood prone land. The Precinct specific DCP chapter also prohibits the development of the C2 zoned land for residential purposes. This planning proposal does not contain provisions which permit an increase in dwelling density on flood prone land.

- Direction 4.1(4)(d)- permit development for the purposes of uses where occupants cannot effectively evacuate.

This planning proposal is seeking large lot residential lots only. 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. This proposal would not therefore include development in which occupants of these land use types cannot effectively evacuate. In addition, the proposed C2 zone which encompasses the flood planning area (and all flood prone land) expressly prohibits the more difficult to evacuate uses including childcare facilities, hostels, boarding houses group homes, hospitals, residential care facilities, respite day care centres and seniors housing.

- Direction 4.1(4)(e)- safe occupation and efficient evacuation of the lot

As previously noted, this proposal through the C2 zoning, ensures all future dwelling pads will be located outside of any flood prone land which ensures residents can occupy their homes during any and all flood events up to and including the PMF. The siting of dwellings above the PMF 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.

Further detail on general evacuation requirements, potential constraints to the subject site and consistency with Direction 4.1(4)(e) are presented under the *Understanding Flood Impacts* sub-heading later in this section.

- Direction 4.1(4)(f)- Significant increased requirement for government spending

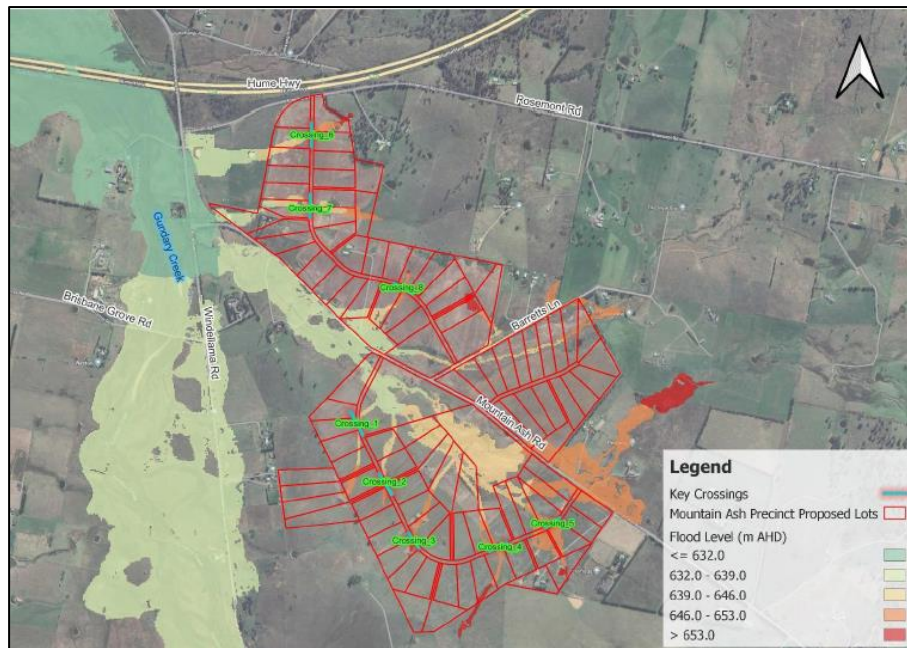
Consistency with Direction 4.1(4)(f) is addressed under *Understanding Flood Impacts* sub-heading later in this section.

### Understanding Flood Impacts

#### *Significant flood impacts to other properties*

The Flood Impact and Risk Assessment (**Appendix 5a**) identifies that the proposed internal roadways will be developed to the 1% AEP standard and as such will be located on flood affected land. In addition, 8 key crossing points have been identified where roads cross an identified drainage line and require culverts for drainage (**Figure 27**).

Figure 27: 8 Key crossing Points assessed within the proponents Flood Impact and Risk Assessment



The FIRA provides a series of 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. These have been based upon the Australian Emergency Management Handbook 7 Guideline and ARR2019. The Developed case model incorporates the proponent's proposed subdivision plan (**Appendix 2**) inclusive of the proposed internal roadways and drainage crossing points and their required culverts. The Developed case model has applied a fraction imperviousness of 10% for the large lot residential lots and 90% applied to the internal roadways.

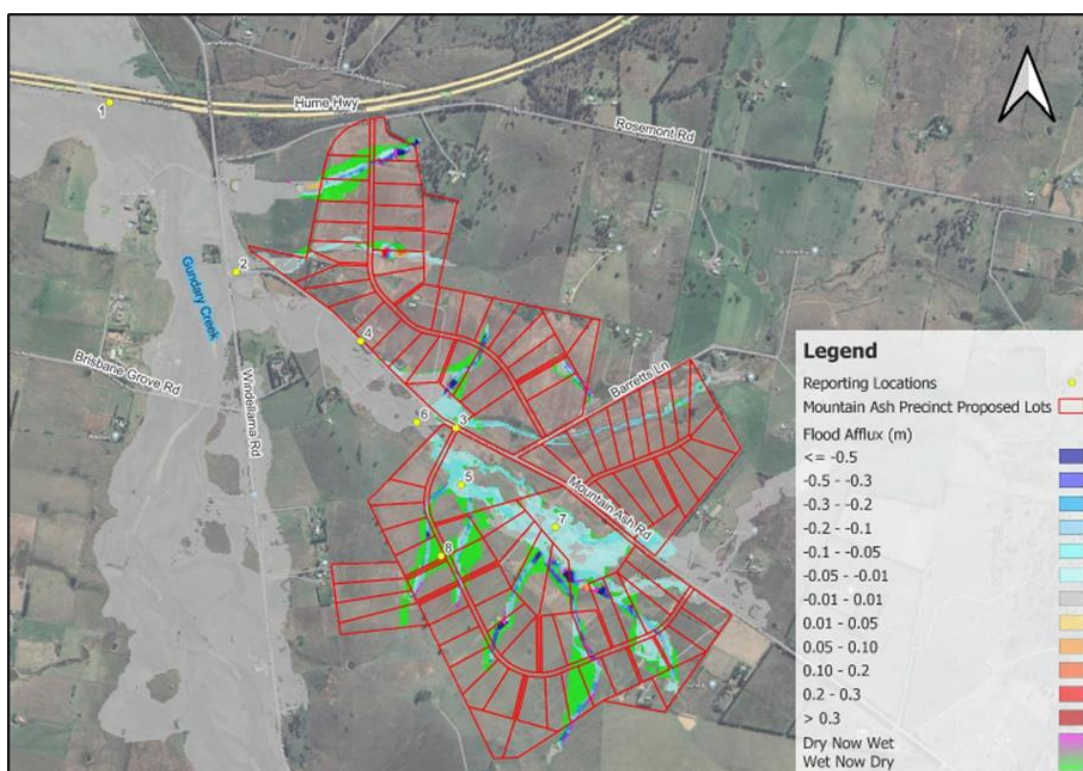
When the imperviousness calculations are applied to the applicable water catchments, the developed case model impervious percentage equates to 2.04% for Catchment 63 and 0.94% for Catchment 64.

**Table 2** included within the FIRA (Table 2.6) summarises the base case and developed case flood levels at 8 reporting locations, illustrated in **Figure 28**.

Table 2: Base case & Developed case Flood levels at 8 reporting locations (Source: Proponents Flood Impact & Risk Assessment)

Reporting Location	Base case Model Flood Level (m AHD)	Developed Case Model Flood Level	Flood Afflux
1	631.21	631.21	0.00
2	631.84	631.84	0.00
3	637.68	0.00	Dry
4	634.34	634.34	0
5	638.15	638.12	-0.03
6	635.98	635.98	0
7	642.80	642.76	-0.04
8	645.43	0.00	Dry

Figure 28: 8 Reporting Locations (Source: Proponents Flood Impact & Risk Assessment)



**Table 2** and **Figure 28** demonstrates that during a 1% 36 hour duration flood event all key reporting locations show a reduction or remain unchanged. The FIRA asserts that this means the proposed channels are functioning as designed to constrain overland flows within the channel.

The FIRA also includes flood impact maps for the full range of floods. Based upon these findings, the FIRA concludes that there is a flood level increase of approximately 30mm adjacent the northern site boundary near Rosemont Road during the 1%, 0.2% and 0.5% AEP flood events. The FIRA asserts that these predicted flood increases do not cause any impact to other properties or road structures and the flood level increases are considered acceptable.

The relatively low levels of impermeability and the large catchment sizes alongside the scenario modelling and flood impact maps demonstrate the proposed development would not result in significant flood impacts to other properties.

#### *Safe Occupation and Efficient Evacuation*

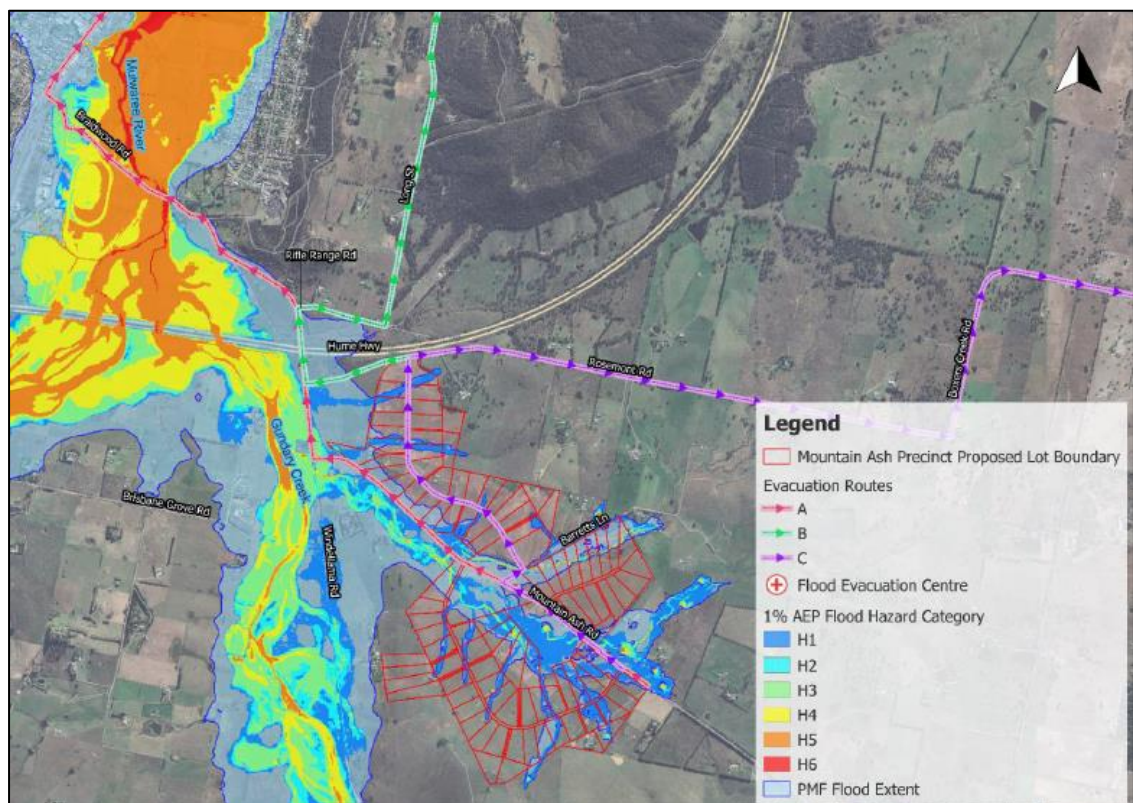
The proposed C2 zoning encompassing all flood prone land alongside the 2ha R5 large lots demonstrates the ability to site dwellings on flood free land only and ensure that future residents will not become inundated during any flood event including the PMF. This avoids the need for future residents to evacuate their homes during a flood event. Despite this benefit, both the Flood Study and FIRA indicate that some roadways and intersections leading from the site to the urban area (the area with a concentration of services and facilities) become inundated during certain flood events. This in turn restricts potential evacuation routes, during particular flood events, and leads to potential isolation of residents.



The FIRA accompanying the proposal identifies three critical locations along the sites internal evacuation route where evacuation in events larger than the 1% AEP event is restricted. The proposed internal access roads leading to Mountain Ash Road for stages 2 and 3 and Rosemont Road and Barrett's Lane for Stage 1. Future residents are therefore unlikely to be able exit their lot, or at the least the development stage, during less frequent flood events above the 1% AEP i.e. 0.5%, 0.2% & PMF flood events.

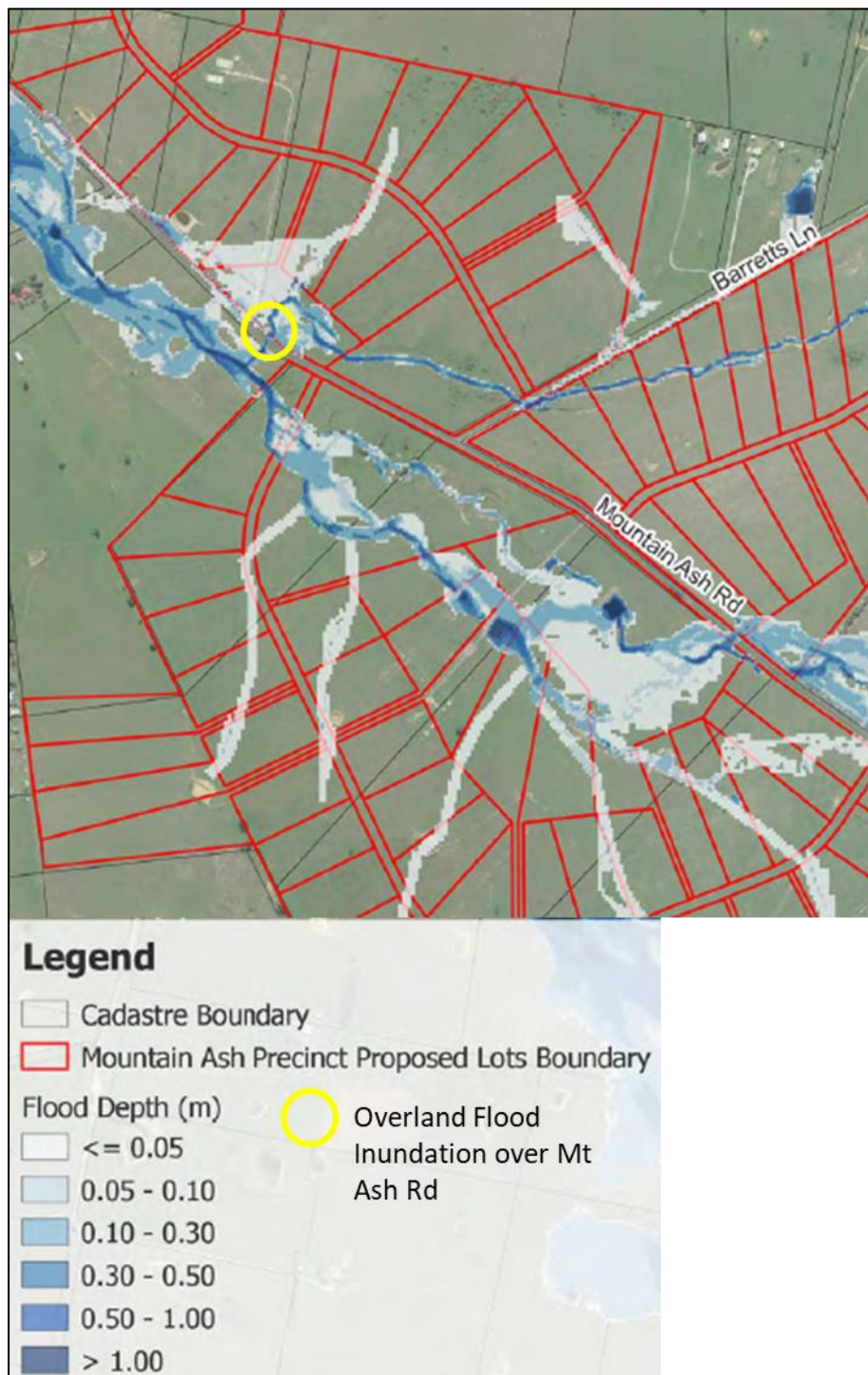
All dwellings will be sited outside flood prone land and as such off-site evacuation is not considered necessary, but the FIRA has provided information on potential evacuation routes via a rising road access prior to inundation in an event greater than a 1% AEP event illustrated in [Figure 29](#).

*Figure 29: Potential Evacuation Routes (Source: Proponents Flood Impact & Risk Assessment)*



Evacuation route A is identified as the most direct route into the Goulburn Urban Area but is also the most frequently and severely flood affected route of the three. This route requires residents of Stages 2 and 3 to progress northward along Mountain Ash Road up to the Windellama Road/Mountain Ash Road intersection. The FIRA includes Developed case modelling for flood depth and velocity along Mountain Ash Road which demonstrates that an overland flow path crosses Mountain Ash Road in the path of the evacuation route A during events as frequent as the 20%- see [Figure 30](#).

Figure 30: Evacuation Route A Overland Inundation over Roadway Developed Case Model\_20% AEP (Source: Propoennts Flood Impact and Risk Assessment)

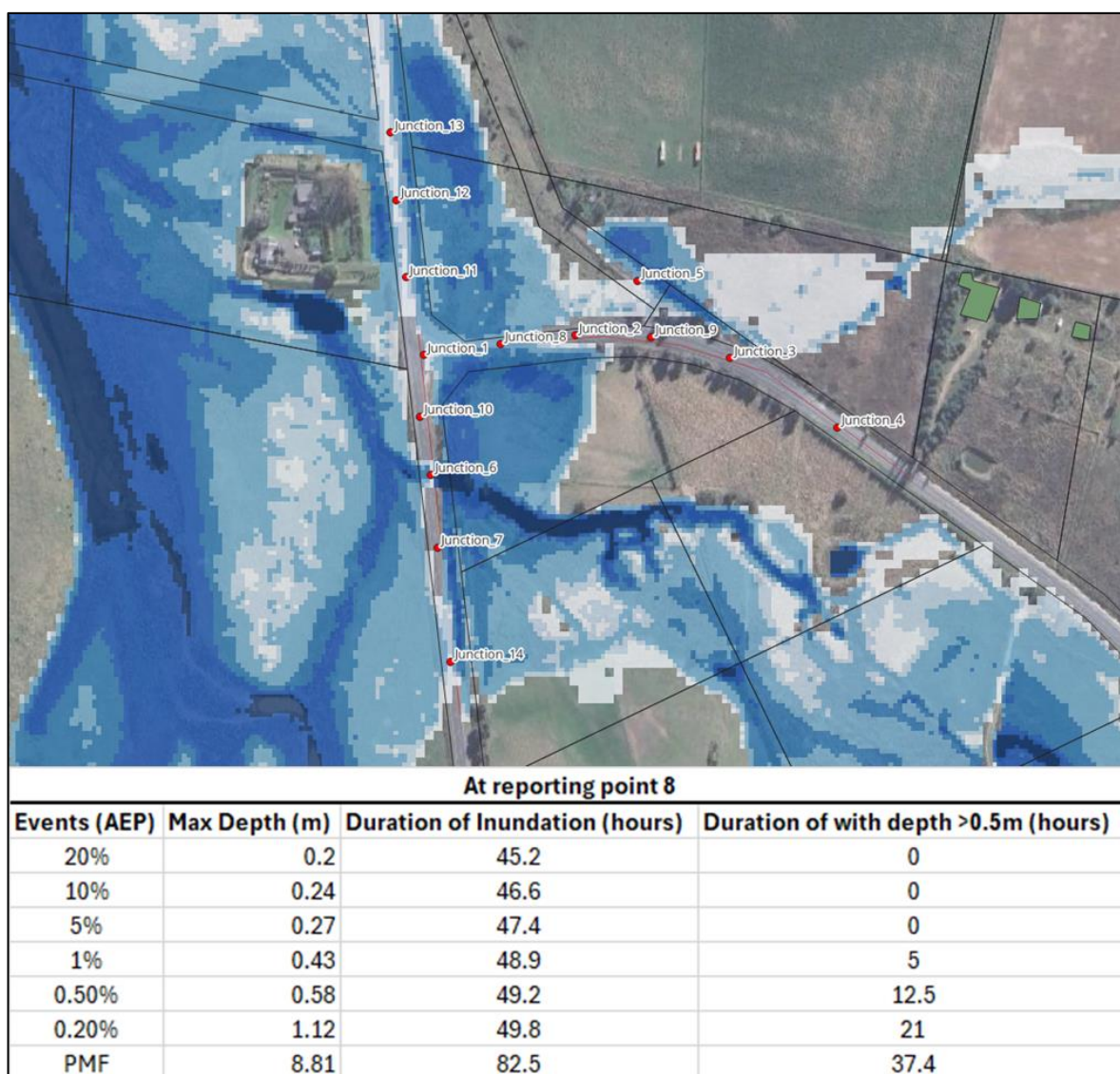


In addition, this route requires travelling via the Mountain Ash and Windellama Road intersection which is also regularly and severely inundated by flood waters. This intersection becomes inundated to a depth of 20cm during a 20% AEP flood event as illustrated in [Figure 31](#).

Evacuation route A also requires crossing the Mulwaree River at Lansdowne Bridge in which the Flood Study identifies the approach roads become inundated during a 20% AEP event, as per the Flood Study.



Figure 31: Overland flow and Riverine Flood Inundation of Mt Ash Rd/Windellama Rd Intersection (Source additional data received from Proponents Flood Consultant)



Evacuation route B is identified by the FIRA 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.

Evacuation route C takes a circuitous eastern route along Rosemont Road before connecting to Boxers Creek Road and the Hume Highway. This route crosses a creek line and is located outside the study area boundary for the Flood Study and additional modelling is not included within the FIRA. Due to the creek crossing, this route is considered to be flood affected but the scale, frequency and impact of flood inundation are unknown. Evacuation route C is not considered a suitable evacuation route to the urban area.

The FIRA has demonstrated 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 via a rising road access should evacuation be required prior to the 1% AEP flood event.

The FIRA has undertaken an analysis of expected isolations times and flood warning times as they relate to the three critical internal road creek crossings (**Figure 32**).

Figure 32: Expected Isolation and Warning times for three crossing points (Source: Proponents Flood Impact & Risk Assessment)

Crossing ID	Road Elevation <sup>1</sup>	0.5% AEP			0.2% AEP			PMF		
		Warning Time (hr) <sup>2</sup>	Duration of Inundation (hr)	Road Inundation Flood Depth (m)	Warning Time (hr)	Duration of Inundation (hr)	Road Inundation Flood Depth (m)	Warning Time (hr)	Duration of Inundation (hr)	Road Inundation Flood Depth (m)
Crossing01	636.83	7.9	25	0.06	7.3	26	0.08	2.5	30	3.40
Crossing02	641.00	8.1	22	0.26	7.1	24	0.32	1.4	29	0.64
Crossing03	647.13	9.1	9	0.02	8.6	11	0.03	2.1	24	0.10

**Table Notes:**

1- Road elevations have been assumed to be the 1% AEP event. Revised road levels are expected to change in later stages of design.

2- Warning times have been estimated from the start of the storm event to the time of the road inundation.

**Figure 32** identifies that for events larger than the 1% AEP there is a potential warning time of between 1.4 to 9.1 hours for residents to evacuate before each identified crossing becomes inundated. It also identifies expected isolation times of between 9-30 hours. The FIRA does note however that inundation of the roads during 0.2% and 0.5% events leads to flood depths less than 100mm and roads remain trafficable in flood events greater than the 1% AEP. The exception is crossing point 2 which experiences flood depths of between 260mm and 640mm during 0.2% and 0.5% flood events.

The available warning times vary between 1.4 to 9.1 hours depending on the flood event and this range could be considered flash flooding (defined as flooding occurring within 6 hours of the precipitating weather event and often involves rapid water level changes and flood water velocity). Flash flooding provides little warning time of an impending flood and may indicate that evacuation is not a suitable emergency management response.

*The Support for Emergency Management Planning* guide- EM01 identifies that evacuation capability is informed by an understanding of flood behaviour and, in part, by an understanding of available warning times.

Whilst evacuation is the primary emergency management strategy advocated by EM01 and the SES, it is recognised that evacuation may not always be the most appropriate approach. In circumstances of flash flooding, attempting to evacuate may result in greater risk to life due to limited warning time and the dangers of moving through flood waters. In these circumstances, it may be more appropriate for residents to take refuge in an area above the highest possible flood event.

The limited available flood warning times during some flood events would largely rule out evacuation as a suitable emergency management response during these flood events, especially considering the alternative is for residents to shelter in their own flood-free homes.

*The Support for Emergency Management Planning guide* (EM01) highlights where evacuation is not possible consideration should be given to:

- The period of isolation- the longer the period isolation the greater the risk
- Secondary risks- fire and medical emergencies during the isolation period can be exacerbated by reduced potential for access by emergency services
- Human Behaviour- people entering floodwaters to gain access to services or family, re-entering flooded buildings etc. The occurrence of secondary risks and/or inadequate provision of services can influence this behaviour.

NSW SES provided a pre-gateway referral response in August 2022 (**Appendix 5b**) in the early stages of preparing this planning proposal. The initial comments were based upon a now superseded concept plan (**Appendix 5d**) which did not illustrate the proposed C2 zoning over all flood prone land. In addition, a Flood Impact and Risk Assessment had yet to be prepared and no residual risk management development control options developed.

In summary the referral response states:

- Zoning should not enable development that will result in an increase in risk to life, health or property of people living on the floodplain. The large sections of Mountain Ash Road and Barrett's subject to flooding are likely to adversely affect resident's ability to safely evacuate. Evacuation must not require people to drive or walk through flood water.
- Risk assessment should consider the full range of flooding including events up to and including the probable maximum flood. It should have regard to flood warning and evacuation demand on existing and future access/egress routes and the impacts of localised flooding on evacuation routes.
- Future development should ensure self-evacuation of the community should be achievable in a manner which is consistent with the NSW's SES's principles for evacuation.
- Development strategies relying on deliberate isolation or shelter in buildings surrounded by flood water are not equivalent, in risk management terms to evacuation i.e. Shelter in Place.
- 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.
- 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.



The NSW SES response articulates that a shelter in place strategy is not an acceptable flood risk management strategy for new communities due to the residual risk from secondary emergencies such as fires and medical emergencies.

As noted above, the subject site and any future residents would be isolated during flood events greater than the 1% AEP for a period of up to 30 hours (depending on the flood event). A rising road access utilising flood free roads up to the PMF flood event to a location which is flood free above the PMF has been identified. However due to the potentially limited evacuation warning times, a shelter in place approach for residents to shelter in their own flood free homes maybe considered the most suitable emergency management strategy.

The resulting period of isolation, particularly during a rare but severe PMF flood event, require consideration of the secondary risks and human behaviour with the view to reduce these risks further.

Whilst the FIRA considers the probability of a secondary risks such as a fire or medical emergency occurring at the same time as properties are isolated as low, this planning proposal includes measures to reduce these residual risks as follows:

#### For Secondary Risks

**Fire Emergency-** the provision and maintenance of a Home Fire Safety kit which includes as a minimum 1kg dry chemical powder fire extinguisher and wall bracket, fire extinguisher location sticker and fire blanket to be required for future dwellings. This can be implemented through a Development Control Plan and through a s.88b instrument under the NSW Conveyancing Act.

**Medical Emergency-** the provision and maintenance of an Automated External Defibrillator and First Aid Kit to reduce the risk of medical emergencies, required for future dwellings.

#### For Human Behaviour

**Provision of adequate services-** access to adequate ablutions, water, power and basic first aid equipment will be required for future dwellings for the duration of flooding. The proposed lots will include on-site effluent management areas and potable water storage to provide access to adequate ablution services and water. A s.88b provision to require domestic electricity generation and storage to ensure adequate power supplies in the event mains supply is interrupted. Basic first aid equipment is proposed for secondary risk mitigation as above.

**Notification of flood isolation risk-** the site is to be nominated as a Special Flood Consideration area due to the isolation risk and defined in the Development Control Plan, identified on 10.7 certificates and on s.88b instruments (identifying limitations on land title) to ensure future owners are aware of the flood risks and the required mitigations.

The proposed mitigations listed above have been developed in response to engagement between Council, Ambulance NSW, Rural Fire Service, SES and DPE-Biodiversity and Conservation on other similar planning proposals within the Precinct.

Council proposes to implement these mitigations through the precinct-specific Development Control Plan chapter (**Appendix 4**) which requires each dwelling to be provided with:

- A Home Fire Safety Kit;

- A First Aid Kit;
- An Automated External Defibrillator;
- A source of on-site electricity generation and adequate storage capacity to store enough power for an average home for at least 24 hours;
- Provision for the on-site storage of a minimum 46,000 litres of potable water;
- An effluent management area which is sited outside flood prone land, and
- Dwelling pads which are sited outside flood prone land.

The Development Control Plan also identifies the entire Brisbane Grove and Mountain Ash precincts as land to which clause 5.22- Special Flood Considerations (specifically cl.5.22(2)(b) applies in the GM LEP due to known evacuation issues. This clause requires the consent authority to consider whether development in the two identified precincts will:

- Affect the safe occupation and efficient evacuation of people in the event of a flood
- Incorporate measures to manage risk to life in the event of a flood, and
- Adversely affect the environment in the event of a flood.

The application of this clause goes beyond the subject site and applies to the entire Brisbane Grove and Mountain Ash precincts and serves to intrinsically link development proposals with the need to assess flood risk and flood risk mitigations. The application of the Special Flood Consideration Clause to affected lots within the precincts will be included by Council on 10.7 certificates. This ensures that prospective purchasers of a property are aware of the associated flood risk from the outset. Collectively all the above measures serve to further reduce residual risk to one which has been quantified, assessed and considered to be acceptable by Council.

In addition to the above measures, the FIRA identifies that the construction of the new internal road in Stage 1 to a 1% AEP standard provides an alternative access route to flood free Rosemont Road. This serves to bypass the northern parts of Mountain Ash Road which are cut off in more frequent events, thereby providing an overall improvement in the ability to evacuate than the current situation. The FIRA also proposes culvert upgrades to Barrett's Lane to ensure the road can reach a 1% AEP immunity.

It should be highlighted that the FIRA proposes, if considered necessary, the potential for an emergency road connection from Rosemont Road to the Hume Highway to provide additional connectivity. This proposition is not considered necessary or proportionate and is not being pursued by Council.

#### *Significant increased requirement for government spending*

As previously identified the level of built development on flood prone land is limited to only the internal roads with all flood prone land up to and including the PMF flood extent proposed to be zoned C2 Environmental Conservation where most forms of development are prohibited. This limits the requirement for flood rescues as every property will be located on flood-free land. Where the evacuation option is taken this can be accomplished utilising existing external roads into the urban area up to the PMF flood extent and additional road improvements are not considered necessary.

The FIRA has demonstrated through its post development scenarios that the proposed development will not adversely affect flooding elsewhere.

The FIRA (**Appendix 5a**) has identified that due to all dwellings being located outside the PMF, evacuation is not necessary and due to short warning times evacuation may not be an appropriate emergency management response.

In the circumstance of isolation, the potential requirement for flood rescues (including medical and/or fire emergencies) is limited by the application of related DCP controls in the precinct-specific DCP chapter (**Appendix 4**) which seek to further reduce residual risk arising from fire and/or medical emergencies.

## Consistency

This planning proposal, supported by the Flood Impact and Risk Assessment, has considered the *Flood Policy*, *the Manual* and *the Toolkit* and is considered consistent with this Direction as summarised below:

The proposal seeks to ensure no development is sited within any flood prone land including the PMF flood extent through the application of C2 zoned land, the Special Flood Consideration clause and Development Control Plan provisions. This in turn enables consistency with Direction 4.1 as follows:

- Not permitting development in floodway's or high hazard areas
- Would not result in significant impacts to other properties
- Will not permit any increase in development/dwelling density on flood prone land
- Would not permit uses where the occupants would not be able to safely evacuate
- Does not permit development to be carried out without development consent
- Is not considered to likely result in significant increased requirement for government spending, and
- Would not permit hazardous industries or storage establishments

The remaining point of consistency is that of safe occupation and efficient evacuation of the lot as identified in Direction 4.1(4)(e) which is also reflected in the Toolkit- particularly EM01.

Safe occupation from inundation of flood water is guaranteed through the proposed zoning and placement of dwellings with efficient evacuation to the Goulburn Area available via a rising road access for all flood events up to (but not including) the PMF. Whilst dwellings are to be flood free, the precinct in which they stand would be subject to inundation and largely isolated from the Goulburn urban area during a PMF event. This presents secondary risks to residents when a fire or medical emergency occurs whilst the access roads are inundated or from residents entering floodwaters to gain access to services. The risk of PMF inundation and fire or medical emergencies occurring at the same time is statistically low.

Despite the low risk, this proposal is seeking a reduction in secondary risk as follows:

- Reducing the impetus for residents to enter floodwater through the provision of independent power generation and storage, on-site effluent management standing outside flood prone land and on-site water collection and storage. These provisions have been included within the Precinct-specific DCP chapter

(**Appendix 4**) and will be applied through development management conditions and S.88b restriction on the title of lots.

- Reducing the potential and/or number of potential fire and/or medical emergencies required during PMF inundation through the provision of an Automated Electronic Defibrillator, first aid kit and home fire safety kit. These provisions have been included within the Precinct-specific DCP chapter (**Appendix 4**) and will be applied through development management conditions and S.88b restriction on the title of lots.
- Improving community flood awareness by identifying flood impacts on 10.7 planning certificates and flood mitigation requirements through S.88b title restrictions.

These provisions would all serve to reduce the residual flood risk to a negligible level. However, to ensure that any development within the Mountain Ash and Brisbane Grove Precincts is adequately assessed at the development assessment stage, all land within both precincts is identified as land to which Special Flood Considerations Clause 5.22 of the GM LEP applies. This provision is provided in the Precinct-specific DCP chapter and explicitly requires consideration of safe occupation and efficient evacuation for all development proposals within the special flood consideration precincts.

Application of Clause 5.22 to the entire Mountain Ash and Brisbane Grove precinct serves to elevate flood considerations in the area beyond current requirements and generally improve the overall flood risk considerations in these flood prone precincts.

**This proposal is considered consistent with the objectives and provisions of Direction 4.1.** The proposal avoids development on flood prone land and ensures consistency with the Flood Policy, the Manual and Toolkit. The proposal ensures the provisions of the LEP i.e. zoning, minimum lot size and application of Clause 5.22 of the LEP, are commensurate with flood behaviour and includes consideration of potential flood impacts both on and off the site.

### 3.6.8 Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

- a. Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b. Encourage sound management of bushfire prone areas.

This Direction applies to all local government areas where a relevant planning authority prepares a planning proposal that will affect, or is in close proximity to, land mapped as bushfire prone land.

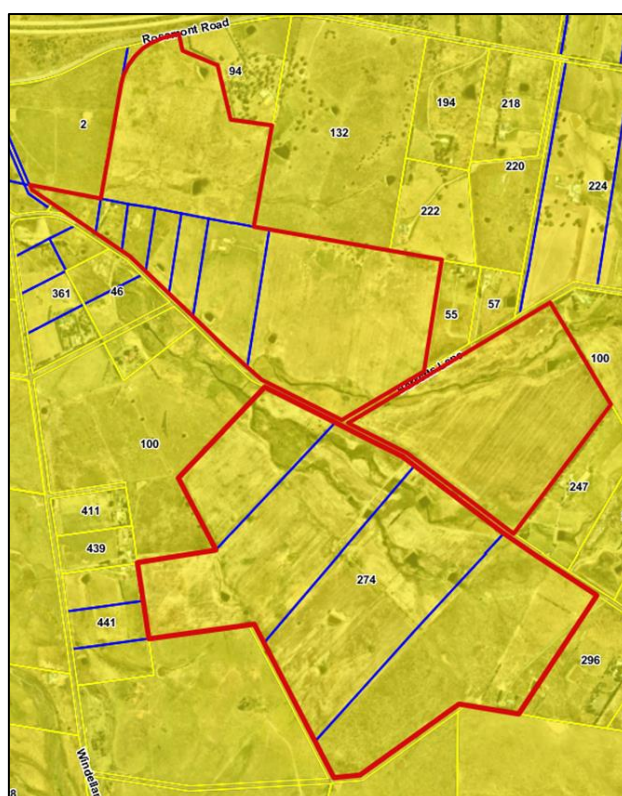
Where this Direction applies:

1. A relevant planning authority when preparing a planning proposal must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. A planning proposal must:
  - a. Have regard to *Planning for Bushfire Protection 2019*,
  - b. Introduce controls that avoid placing inappropriate developments in hazardous areas , and
  - c. Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.
3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - a. Provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - i. An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, with the property, and
    - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the permitter road.
  - b. For infill development (that is development within an already subdivided area) where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
  - c. Contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - d. Contain provisions for adequate water supply for firefighting purposes,
  - e. Minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - f. Introduce controls on the placement of combustible materials in the Inner Protection Area.

**Comment:** The subject site lies within a rural area on land currently zoned RU1 Primary Production which is identified as Category 3 vegetation with a medium bushfire risk as illustrated in [Figure 33](#). The subject is therefore bushfire prone and this direction applies.



Figure 33: Bush Fire Prone Land Map



The proposed R5 residential lots on the subject site stand distant from water and sewer connections which serve the Goulburn Urban Area. There is no intention to extend these services into the Mountain Ash precinct and these future lots will not be serviced by Goulburn's reticulated water or sewer system. The lots will therefore rely on on-site provisions for water supply.

Direction 4.3 requires a planning proposal to have regard to *Planning for Bushfire Protection 2019 (PBP)*. *Planning for Bushfire Protection 2019* requires the preparation of a Strategic Bushfire Study for strategic development proposals which includes, as a minimum, the components in Table 4.2.1 of the document.

The proponent has submitted a Strategic Bushfire Study (SBS) for the subject site (**Appendix 11**) to provide an independent assessment of the proposal's suitability for large lot residential development in regards to bushfire risk. The SBS categorised the site into three distinct parcels it labels Precinct 1, 2 and 3. These precincts follow the same boundaries as the three site stages illustrated in **Figure 2**. The SBS included a site assessment undertaken on 20 April 2022 by an Accredited Practitioner.

The Bushfire Landscape Assessment identifies the area is subject to grassfires which move quickly through the landscape with lightning ignition and legal and illegal burning identified as common causes of bushfires. Major Bushfires occur in a 5-7 year cycle. The Southern Highlands Bush Fire Management Committee identifies the Gundry area as medium bushfire risk with major consequences but significant bushfire events are considered unlikely.

The SBS considers that the evacuation capacity of the local road network is unlikely to be impacted due to the low proposed lot yield. The proponents submitted Traffic Impact Assessment (**Appendix 12**) confirms the capacity of the local road network to

adequately accommodate additional traffic generated by the proposal. The SBS confirms the proposal will create additional emergency access points via an additional public formed road, paper roads an unnamed crown road reserve and the establishment of easements on private properties. It should be noted that Council would seek to avoid the creation of easements/covenants over private land for the purposes of emergency access and will instead require suitable publicly accessible roads for emergency access, if required by NSW Rural Fire Service. Additional access roads are considered by the SBS to provide additional operational access and fire breaks across the landscape.

The proposed lots will not be connected to Goulburn's reticulated water or sewer system and each lot will be provided with a minimum 20,000 litre water supply in a non-combustible or underground tank for firefighting purposes.

The SBS confirms the proposal will not burden adjacent lands with Asset Protection zones (APZ) with each APZ contained within each lot.

The detailed assessment demonstrating the sites suitability have included Bushfire Attack modelling to determine the bushfire threat and commensurate size of an Asset Protection Zone, alongside setting out bushfire protection measures to meet the Acceptable solutions and performance criteria in the *Planning for Bushfire Protection 2019* guide.

#### Asset Protection Zones (APZ)

The Bushfire Attack Modelling grades the sites as being capable of providing the building footprints for multiple lots that are exposed to a radiant heat of <29kW/m<sup>2</sup> or lower and complies with the requirements of Chapter 5 and Appendix 1 of the *Planning for Bushfire Protection guidelines*. APZ's will be established on lands with a slope of less than 18 degrees. The large site area at 277ha and large proposed lot sizes (2ha+) combined with development control restrictions on site coverage, and the DCP's requirement for development to meet the planning for bushfire guidance indicate the ability of a future subdivision to meet required APZ standards.

#### Landscaping

Landscaping is proposed to be provided in accordance with Asset Protection Zone requirements in *Appendix 4 of the Planning for Bushfire Protection (PBP)* and fencing is to be constructed of either hardwood or a non-combustible material.

Existing development control provisions already require a development to be undertaken in accordance with *PBP 2019* and the precinct-specific DCP chapter (**Appendix 4**) provides additional controls relating to fencing and landscaping which will ensure bushfire requirements can be met.

#### Access

Stage 1 of the proposal will be provided with two access points, one via Rosemont Road to the north and the other via Barrett's Lane to the south with a new internal road linking through the site. No perimeter road is illustrated in the proponent's submitted material but a number of lots will be provided access to the frontage and rear of lots via the new internal road and existing Mountain Ash Road. Figure 5 of the SBS illustrates an emergency access route along the rear boundaries of a number of lots via fire trails.

Stage 2 of the proposal will be provided with one access point connecting to Mountain Ash Road via a new internal access road with minimum 12m turning head. The new internal access road is proposed to be a two-way, 8m wide sealed road at 500m in length. The provision of parking, hydrants and signposts will be incorporated into the

proposed subdivision in accordance with the requirements of the PBP and ensure the development is commensurate with the acceptable solutions. The SBS clarifies that the importance placed on two-way roads and the bushfire threat being negated by large 2ha+ lots removes the bushfire risk resulting in a safe, all weather access to structures for firefighting vehicles. No perimeter road is illustrated in the proponent's submitted material but a number of lots will be provided access to the frontage and rear of lots via the new internal access road and existing Barrett's Lane. Figure 6 of the SBS illustrates emergency access along Barrett's Lane and along the rear of a number of lots via a fire trail.

Stage 3 of the proposal will be provided with two access points, both via Mountain Ash Road, approximately 1200 metres apart with a new internal road linking through the site. No perimeter road is illustrated in the proponent's submitted material. Figure 7 of the SBS illustrates an emergency access route along the rear boundaries of a number of lots in the south western corner via two unformed paper roads and accessed onto Windellama Road via an unformed crown road reserve.

Whilst a perimeter road is not included within the SBS or indicative layout plans the SBS asserts that the need for a perimeter road is negated where Asset Protection Zones can be provided wholly within the site. The large 2ha+ proposed lots are considered to include ample space and opportunity to provide the necessary Asset Protection Zones within each lot. Notwithstanding should the NSW Rural Fire Service mandate a perimeter road for each stage the overall site area at approximately 277 hectares would provide ample space to accommodate this requirement.

Overall, access provision will incorporate both acceptable and performance solutions with large subdivided lot sizes further negating grassfires through managed curtilages. Identified public roads are appropriate and capable of providing a safe-all weather access to structures and additional private roads will be provided in accordance with the acceptable solutions. Additional emergency access is provided via the public sealed Barrett's Lane, unformed crown road reserve and private lots (access via private lots will require an easement/covenant).

#### Water supplies

The site is not currently serviced by Goulburn's reticulated water system with no future connection to the site proposed. As such, future development of the site will be provided with a static water supply of at least 20,000 litres per lot for firefighting purposes. This requirement is reinforced through the precinct-specific development control chapter in **Appendix 4**. Above ground water pipes and storage tanks will be constructed in accordance with recommended materials.

#### Electricity and Gas Services

The subject is proposed to be connected to the town's main electricity supply and all new electricity supply services and installation will be undertaken in accordance with the acceptable solutions. The subject site is not proposed to be connected to the gas mains. Proposals for bottle gas will meet the acceptable solutions at the development application stage.

The Strategic Bush Fire Studies concludes:

*"Having considered the planning principles at the strategic and sub-division level, it is my professional opinion the planning proposal is suitable for adoption and the rezoning of the existing rural land (subject site) is compatible with the requirements set out in PBP (2019)."*

Overall, the creation of the proposed large lot residential lots is considered to reduce bushfire risk due to an increased number of residential properties with managed landscapes within defined curtilages which include Asset Protection Zones.

In addition, the *Goulburn Mulwaree Development Control Plan* includes *Chapter 3.17 Bush Fire Risk Management* which requires development on bush fire prone land to be developed in accordance with NSW Rural Fire Service Guidelines. This existing chapter is sufficiently detailed to ensure the required bushfire protection measures can be implemented through a subsequent development application. However, amendments and updates to this chapter can be made to meet additional guidance and requirements sought by NSW Rural Fire Service. In addition, the precinct-specific DCP chapter (**Appendix 4**) also includes additional site specific Bushfire Protection controls.

This planning proposal has had regard to *Planning for Bush Fire Protection 2019*, 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 subsequent development application will also 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.

Overall, this planning proposal is consistent with Ministerial Direction 4.3 Bushfire Protection.

### **3.6.9 Direction 4.4 Remediation of Contaminated Land**

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies when a planning proposal authority prepares a planning proposal that applies to:

- a. Land which is within an investigation area within the meaning of the Contaminated Land Management Act 1997
- b. Land on which development for a purpose referred to in Table 1 of the contaminated land planning guidelines is being, or is known to have been, carried out,
- c. The extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital- land:
  - i. In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

- ii. On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

When this Direction applies:

1. A planning proposal authority must not include in a particular zone (within the meaning of the Local Environmental Plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:
  - a. The planning proposal authority has considered whether the land is contaminated, and
  - b. If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used.
  - c. If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.
2. Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

**Comment:** The subject site is not identified on the Council's local contaminated land register or identified as significantly contaminated land. However, past agricultural activities on a site are listed as a potentially contaminating use within Table 1 of the *contaminated land planning guidelines*. This direction would therefore apply to this planning proposal.

The planning proposal has been supported by a Preliminary Site Investigation (PSI) (contamination) report, presented in **Appendix 10** which has sought to address the requirements of this direction. The PSI has been prepared by ACT Geotechnical Engineer Pty Ltd and included a site visit on 14 October 2022.

A review of the site history indicated 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.

The PSI comprise a preliminary soil contamination investigation and assessment which has:

- Assessed the potential for contamination on site as a result of historical and current site activities;
- Assessed the presence of contamination at accessible soil areas;
- Assessed the extent and nature of asbestos and other contaminants through soil samples;
- Investigated the potential for Chemicals of Potential Concern on site;
- Assessed the suitability of the site for the proposed land use, and
- Provided recommendations based on the findings of the above.



The PSI assessed the potential for contamination based on:

- A desktop review of historical site records, aerial photographs, publicly available data, web searches, background information relevant to the study area, survey data and topography;
- Field and laboratory investigation of soil (groundwater investigation was not included), and
- NATA accredited laboratory results.

In relation to current and previous land uses on the site, the PSI identified through aerial photography from 1944 to 2021 that the subject site has been used as paddocks for grazing with little to no change in the appearance of the site over the last 80 years. A number of additional dwellings were identified in the landscape but these were located outside the site.

Visual observations of the site undertaken during the site inspection identified:

*“No surface staining or bare areas were detected on site”, and*

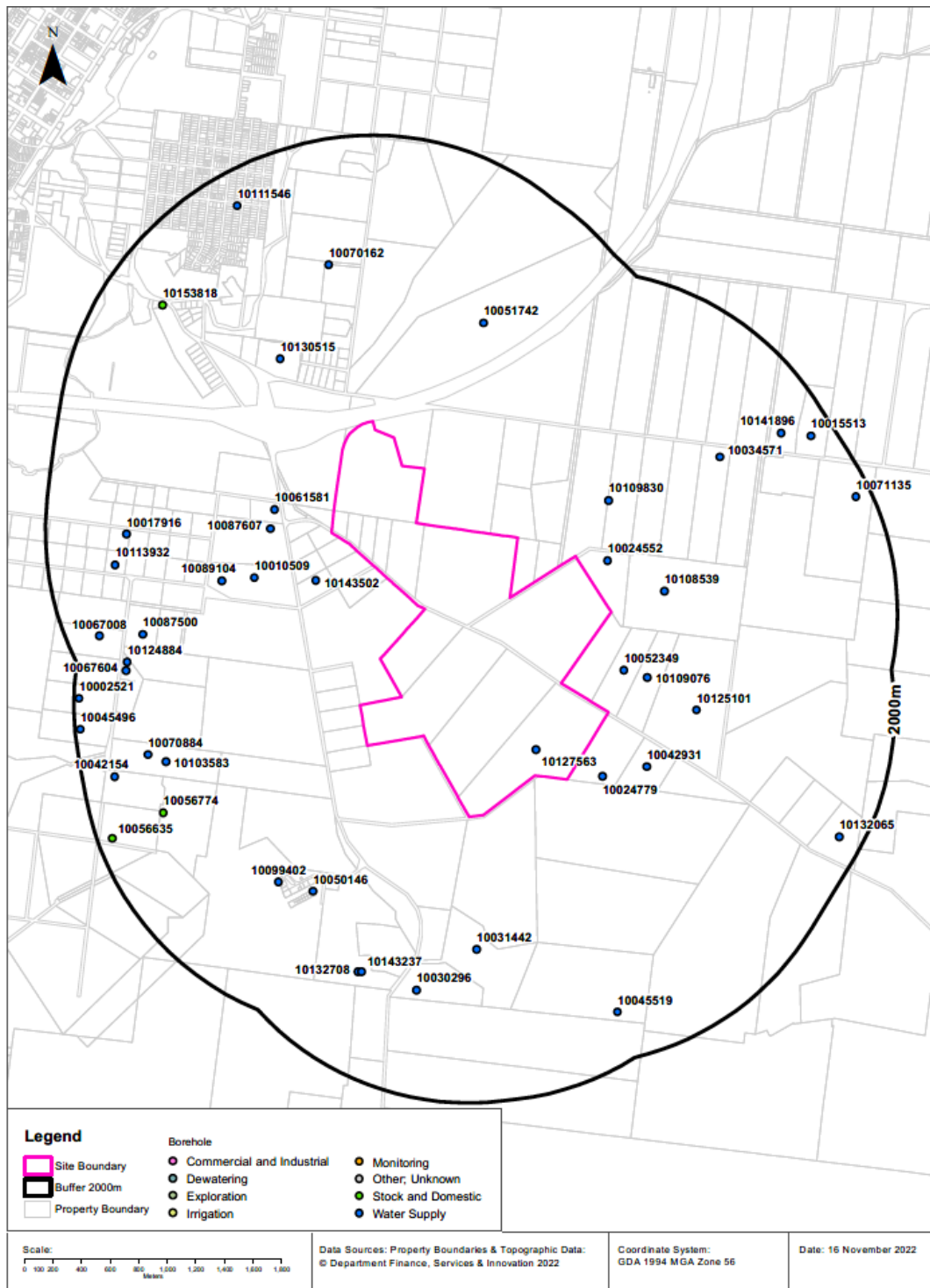
*“No olfactory or visual indicators of contamination or anthropogenic materials were noted during the site visit or sampling of boreholes drilled across the site. No hydrocarbon odours or staining were observed in the soil from boreholes”.*

The PSI also notes the area of the site is not listed on the NSW EPA register of contaminated sites and no previous contamination investigations are known to have been undertaken on the site.

The PSI included a groundwater bore search to identify the location and depth of any nearby registered groundwater bores. It identified 1 existing groundwater bore present on Lot 24, DP811954 within Stage 3.

**Figure 34** (and Appendix C of the PSI) illustrates the location of known groundwater bores within and in vicinity of the site. In addition to the on-site groundwater bore **Figure 34** illustrates 10 other groundwater bores located within 500metres of the site. No of these bores are located within a 150m buffer distance of the sites boundaries with the exception of the on-site groundwater bore.

Figure 34: Location of Groundwater Bores in proximity to the subject site.



The contaminated land planning guidelines sets out that a *`preliminary investigation contains a detailed appraisal of the site's history and a report based on a visual site inspection and assessment`*.

The proponent has addressed these requirements through the above appraisal and site inspections with no evidence of contaminating activities or their impact on the site.

The PSI provides further evidence to satisfy the requirement of this direction by means of soil sampling and testing via 19 soil samples collected from borehole locations through the site.

The PSI laboratory investigation into the suitability of the site for the proposed residential use has been based upon the NEPC (1999) NEPM Health Investigation and screening levels for a residential land use and Ecological Investigation and screening levels for Urban residential and public open space .

The soil samples were tested for a wide range of potential chemicals of environmental concern (COPC`s) including Heavy metals, TRHs, BTEXN, Phemols, OCP, PAH, PCB and Asbestos. Concentrations of the tested COPC`s were all either below the NEPC (1999) NEPM land use guidelines for residential land use or not detected above the laboratory limit of reporting.

The PSI concluded:

*“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”.*

The *Goulburn Mulwaree Development Control Plan* addresses contamination in relation to water quality but further precinct-specific guidance has been included within the precinct-specific development control plan chapter (**Appendix 4**) to ensure recommendations within contamination reports are included within a subsequent development application.

This planning proposal includes a report specifying the findings of a preliminary investigation carried out in accordance with the *contaminated land planning guidelines* and provides additional information through soil sampling and testing. The Council have considered whether the land is contaminated and with no evidence to suggest onsite contamination sources or evidence of potential impacts from contamination, the Council is satisfied the land is suitable for the proposed large lot residential use.

This planning proposal is consistent with Direction 4.4 Remediating Contaminated Land.

### **3.6.10 Direction 5.1 Integrating Land Use and Transport**

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a. Improving access to housing, jobs and services by walking, cycling and public transport, and
- b. Increasing the choice of available transport and reducing dependence on cars, and
- c. Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d. Supporting the efficient and viable operation of public transport services, and
- e. Providing for the efficient movement of freight.

This Direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

When this direction applies a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- a. *Improving Transport Choice- Guidelines for planning and development* (DUAP 2001), and
- b. *The Right Place for Business and Services- Planning Policy* (DUAP 2001)

#### Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy approved by the Planning Secretary which:
  - i. Gives consideration to the objective of this direction, and
  - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) In accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this Direction, or
- (d) Is of minor significance.

**Comment:** This planning proposal is seeking the rezoning of rural land to R5 Large Lot Residential and this direction would therefore apply.

The proposal is seeking to rezone a combined area of 277 hectares from RU1 Primary Production to provide an estimated 70-80 R5 Large Lot residential lots (based on a revised developed R5 zone land area which excludes overland flow affected land).

The site is situated approximately 2-5km (as the crow flies) south east of the Goulburn urban area. The site is separated from the Goulburn Urban Area by the Hume Highway and Mulwaree River.

There are currently no bus services to the subject site and no footpaths or demarcated cycle lanes which would connect the site along the roads leading to Goulburn including:

- Rosemont Road;
- Barrett's Lane;
- Windellama Road;
- Bungonia Road;
- Mountain Ash Road, and
- Brisbane Grove Road.

The location of the site outside the Goulburn urban area and lack of potential active travel or public transport options will create a reliance on the private motor vehicle with nearly all trips expected to be undertaken via this method.

Whilst the site is situated on the opposing side of the highway and river to the Goulburn urban area, the distance travelled for new residents to the commercial core of employment and service provision, located in the CBD, is an approximate 6 minute drive via Bungonia Road. The subject site is located relatively close to the urban area whilst also facilitating a site size large enough to accommodate the 2ha minimum lot size prescribed in the *Urban and Fringe Housing Strategy*.

The proposed density of the Mountain Ash precinct is unlikely to support the efficient and viable operation of public transport services.

There is no indication that the proposal would affect the efficient movement of freight.

Due to the location of the subject site, 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. This planning proposal is inconsistent with Direction 5.1- Integrating Land Use and Transport.

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.

As previously detailed in **Section 3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020)**, the subject site is located within the Mountain Ash Precinct, identified in the *Urban and Fringe Housing Strategy*. The Strategy recommends a minimum lot size of 2 hectares. The *Urban and Fringe Housing Strategy* has been adopted by Council and endorsed by the Department of Planning and Environment in 2020 (i.e. approved by the Planning Secretary). The R5 Large Lot Residential recommended in the *Urban and Fringe Housing Strategy* forms only one part of a larger housing strategy which seeks to focus the majority of housing growth within or directly adjacent the Goulburn urban area. The vast majority of growth proposed in the Goulburn Mulwaree LGA is focused on sustainable locations with good connections to active travel options or in areas where such connections can be established or extended. The provision of R5 Large Lot Residential at 2ha serves to balance out the majority of smaller lot provision elsewhere in Goulburn with large lot opportunities to provide a greater diversity in housing choice when considered on an LGA-wide basis.

This planning proposal's inconsistency with this Direction is therefore justified by a strategy approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

### **3.6.11 Direction 6.1 Residential Zones**

The objectives of this direction are to:

- a. Encourage a variety and choice of housing types to provide for existing and future housing needs,
- b. Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c. Minimise the impact of residential development on the environment and resource lands.

This Direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including



the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

When this direction applies:

1. A planning proposal must include provisions that encourage the provision of housing that will:
  - a. Broaden the choice of building types and locations available in the housing market, and
  - b. Make more efficient use of existing infrastructure and services, and
  - c. Reduce the consumption of land for housing and associated urban development on the urban fringe, and
  - d. Be of good design.
2. A planning proposal must, in relation to land which this direction applies:
  - a. Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
  - b. Not contain provisions which will reduce the permissible residential density of land.

#### Consistency

A planning proposal may be inconsistent with terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy approved by the Planning Secretary which:
  - i. Gives consideration to the objective of this direction, and
  - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) In accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- (d) Of minor significance.

**Comment:** This planning proposal is seeking the rezoning of a rural RU1 Primary Production Zone to R5 Large Lot Residential, and as such this Direction applies.

*The Urban and Fringe Housing Strategy* identifies areas suitable for the provision of additional housing to meet housing demand generated by population growth, expected to increase the residential population of the LGA by an additional 5000 to 7000 residents. The Strategy identifies opportunities for the provision of 3500 additional dwellings up to 2036, primarily focused on the urban areas of Goulburn and Marulan.

The Strategy identifies opportunities for a range of dwelling types including:

- Urban infill in existing residential areas which is anticipated to make up approximately 7% of the expected growth which provides opportunities for urban intensification and renewal;
- Serviced general and low density residential lots at 700sqm on the Greenfield edges of the Goulburn and Marulan urban areas. These dwelling types are anticipated to make up the significant majority of housing growth in the LGA at approximately 80% (including Marulan). These dwellings are largely single

family dwellings but also provides opportunities for secondary dwellings, multi-dwelling units and dual occupancies;

- Higher density housing through a R3 Medium Density residential zone in close proximity to Goulburn CBD to provide for more compact housing opportunities such as apartments and seniors housing, and
- Un-serviced large lot residential development through a R5 Large Lot Residential zone on the fringes of the Goulburn urban area to provide lifestyle lots. These dwelling types are anticipated to make up approximately 10% of housing growth in the LGA.

As highlighted above, the *Urban and Fringe Housing Strategy* provides for a broad range of dwelling types and locations to meet the anticipated population growth of the local government area. The planning proposal is seeking the rezoning of land identified in the Strategy to fulfil part of the 10% large lot urban fringe opportunity. This is one element of the wider housing strategy to broaden the choice of building types and locations in the housing market.

The proposed low density of the proposal and the sites relatively close proximity and easy access to the Goulburn urban area are not likely to result in an additional requirement for fire, police or education services or facilities beyond Goulburn's existing provision.

The R5 Large Lot Residential zone proposed on the subject site has a prescribed 2 hectare minimum lot size to comfortably accommodate on-site water and effluent management areas, ensure local water quality and maintain a rural context to the precinct. However, the zoning and minimum lot size requirements (as stipulated in the *Urban and Fringe Housing Strategy*) result in a relatively land-hungry proposal on the urban fringe of Goulburn. The planning proposal is not considered to reduce the consumption of land for housing and associated urban development on the urban fringe. The inconsistency with this direction is justified by the *Urban and Fringe Housing Strategy* which has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

The planning proposal only proposes a rezoning and minimum lot size change and doesn't include detailed design guidance. The detailed design phase will occur at the development application stage in which the provisions of the *Goulburn Mulwaree Development Control Plan* (GM DCP) will apply. The DCP includes a range of controls relating to rural residential dwellings including:

- Setbacks
- Orientation,
- Materials and colours
- Access provision
- Fencing

The precinct-specific chapter and existing DCP controls are considered to result in a development of good design.

The proposed 2 hectare R5 Large Lot Residential lots will not be serviced by Goulburn's reticulated water and sewer system and will be required to have on-site water and effluent management systems. The provision of and standards associated with water supply, effluent disposal and electricity supply for rural dwellings are

established in the *Goulburn Mulwaree Development Control Plan* (DCP) (Section 5.3.1.2-4). The DCP requires appropriate water storage facilities on-site, requires the provision of a wastewater management assessment report to be submitted with an application, alongside notification from the electricity supplier that satisfactory arrangements for connection have been undertaken. Adequate servicing arrangements for the subsequent subdivision will be in place prior to occupation of the site.

The land sought for rezoning through this planning proposal is currently zoned RU1 Primary Production with a minimum lot size of 100 hectares for the majority of the site and 10ha for the far northern lot (Lot 1, DP853498). This proposal is seeking a rezone to R5 Large Lot Residential with a minimum lot size of 2 hectares. This would increase the permissible residential density in the area.

As noted in **Sections 3.6.4 Direction 3.1 Conservation Zones** and **Section 3.6.7 Direction 4.1 Flooding** of this planning proposal report, the subject site is not identified as of particular biodiversity value and areas identified as affected by overland flow flood events are proposed to be zoned as C2 Environmental Conservation. The impact of the proposal on the environment is considered minimal.

Overall, this planning proposal is considered 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. This is considered a minor inconsistency which is justified by the *Urban and Fringe Housing Strategy* which has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

### **3.6.12 Direction 9.1 Rural Zones**

The objective of this direction is to protect the agricultural production value of rural land.

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

When this Direction applies a planning proposal must:

- a. Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- a. Justified by a strategy approved by the Planning Secretary which:
  - i. Gives consideration to the objectives of this direction, and
  - ii. Identifies the land which is subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- b. Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

- c. In accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- d. Is of minor significance.

**Comment:** The planning proposal subject site is currently zoned RU1 Primary Production which is a rural zone. The site is proposed to be rezoned R5 Large Lot Residential and would therefore affect land within an existing rural zone, as such this direction applies.

The objective of this direction is to protect the agricultural production value of rural land and requires that rural zoned land is not rezoned to a residential use.

Whilst the subject site currently experiences little agricultural activity, the rezoning, subdivision and provision of building entitlements would remove 277 hectares of agricultural land and would be inconsistent with this Direction.

This planning proposal is inconsistent with Direction 9.1 Rural Zones but the inconsistency is justified by the *Urban and Fringe Housing Strategy* which identifies the rural land within the Mountain Ash Precinct for R5 Large Lot Residential. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

The inconsistency with Direction 9.1 Rural Zones is justified.

### **3.6.13 Direction 9.2 Rural Lands**

The objectives of this direction are to:

- a) Protect agricultural production value of rural land,
- b) Facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- c) Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the state,
- d) Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- e) Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,
- f) Support the delivery of the actions outlined in the NSW Right to Farm Policy.

This Direction applies when a relevant planning authority prepares a planning proposal outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGA's in the Greater Sydney Region other than Wollondilly and Hawkesbury, that:

- a) Will affect land within an existing or proposed rural or Conservation Zone (including the alteration of any existing rural or conservation zone boundary) or
- b) Changes the existing minimum lot size on land within a rural or conservation zone.

When this Direction applies:

1. A planning proposal must:

- a. Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
  - b. Consider the significance of agriculture and primary production to the State and rural communities
  - c. Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
  - d. Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
  - e. Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
  - f. Support farmers in exercising their right to farm
  - g. Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
  - h. Consider State significant agricultural land identified in Chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land
  - i. Consider the social, economic and environmental interests of the community
2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:
- a. Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
  - b. Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
  - c. Where it is for rural residential purposes:
    - i. Is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres
    - ii. Is necessary taking account of existing and future demand and supply of rural residential land

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- a) Justified by a strategy approved by the Planning Secretary and is in force which:
  - i. Gives consideration to the objectives of this direction, and
  - ii. Identifies the land which is subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- b) Is of minor significance



**Comment:** This planning proposal is seeking to rezone the subject sites from RU1 Primary Production and amend the minimum lot size, as such this direction would apply.

As identified in **Sections 3.3.1 South East and Tablelands Regional Plan** and **Section 3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)** of this report this planning proposal is consistent with the current and emerging *South East and Tablelands Regional Plan* and the *Local Strategic Planning Statement*. In particular, the *Local Strategic Planning Statement* requires the recommendations of the *Urban and Fringe Housing Strategy* to be implemented.

The *Urban and Fringe Housing Strategy* considered the significance of agriculture and primary production when determining suitable opportunity areas for housing growth in the local government area. In particular, the Strategy specifically considered the Department of Primary Industry's policies around preserving the best productive land, minimising land use conflict and maintaining and improving the economic viability of agricultural operations.

This planning proposal has identified environmental values including consideration of biodiversity, native vegetation, cultural heritage and the importance of water resources.

**Section 3.6.4 Direction 3.1 Conservation Zones** of this report explores the biodiversity values of the site and the presence of native vegetation, both of which are determined to be limited, as demonstrated through the proponents Ecological Assessment (**Appendix 8a**) and Council's Biodiversity Officer comments (**Appendix 8b**). The small cluster of native box gum trees in the north eastern corner of stage 1 are proposed to be retained and safeguarded in addition to the watercourses.

**Section 3.6.5 Direction 3.2 Heritage Conservation** of this report explores potential impacts on European cultural heritage. The draft precinct-specific development control chapter (**Appendix 4**) seeks to minimise the proposals potential impacts on European cultural heritage values.

**Section 3.6.5 Direction 3.2 Heritage Conservation** also provides consideration for potential Aboriginal cultural heritage values through the proponents Aboriginal Cultural Heritage Assessment (**Appendix 6b**). The assessment identified a potential archaeological deposit area in the approximate location of the small cluster of native box gum trees. This area is safeguarded from development through provisions in the precinct-specific development control chapter (**Appendix 4**).

**3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment and 3.6.6 Direction 3.3 Sydney Drinking Water Catchments** considers impacts on and the importance of water resources with particular consideration of the proposals ability to achieve a NorBE, as demonstrated through the proponent's Engineering Services report which includes an Effluent Disposal Preliminary Soils Assessment (**Appendix 9b**).

The planning proposal seeks a R5 large lot residential rezoning and does not promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.

This planning proposal seeks to facilitate the ultimate subdivision of the subject site from 13 existing RU1 Primary Production zoned lots to between 70 to 80 two hectare R5 large residential lots which would result in fragmentation of rural land. The relatively low density of the proposal and large lot sizes are considered to reduce potential land use conflict with other rural land uses. In addition, the entire Mountain Ash Precinct is identified as a R5 Large Lot Residential opportunity area with agricultural activities likely to diminish as land in the precinct is rezoned and further reduce any consequential rural impacts. The proposal is not considered to adversely affect the operation and viability of existing rural land uses, related enterprises or supporting infrastructure and facilities essential to rural industries or supply chains.

The subject site is not included as state significant agricultural land as illustrated on the ePlanning Spatial Viewer presented in [Figure 7](#).

The *Urban and Fringe Housing Strategy* when determining the most suitable locations for housing to meet the needs of the LGA's growing population has considered the availability of human services, utility infrastructure, transport and proximity to existing centres. As highlighted in **Section 3.6.11 Direction 6.1 Residential Zones**, the R5 Large Lot Residential opportunities are only one small part of the wider housing strategy to meet the existing and future demand for housing. The Mountain Ash Precinct, whilst not serviced by water and sewer, does stand in relatively close proximity to the Goulburn urban area and the broad range of services it provides. The proposal will utilise existing road infrastructure and enables a short, relatively direct drive into Goulburn CBD.

This planning proposal is inconsistent with Direction 9.2 Rural Lands but the inconsistency is justified by the *Urban and Fringe Housing Strategy* which identifies the rural land within the Mountain Ash Precinct for R5 Large Lot Residential. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

The inconsistency with Direction 9.2 Rural Lands is justified.

## **Section C- Environmental, Social and Economic Impact**

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

The planning proposal has been accompanied by an Ecological Assessment (**Appendix 8a**) which involved a field and database assessment to identify the sites biodiversity values and highlight potential constraints to any future rezoning or development.

The assessment found the site had been historically cleared and managed with most of the lots consisting of non-native pasture improved and regularly grazed grassland. However, the assessment identified 7 scattered mature Blakely's red gum up to 15m in height in the north eastern corner of stage 1 ([Figure 11](#)), considered likely to be derived from the Yellow Box- Blakely's Red Gum grassy woodland plant community type and identified as vegetation community 1. Whilst the assessment considered this area to be severely compromised by past clearing activities, it has been treated as a

degraded patch of critically endangered ecological community (CEEC). This area has been safeguarded through a landscape buffer requirement in the precinct specific Development control chapter to prevent development and ensure this vegetation community will not be adversely affected and would instead be regenerated.

The ecological assessment also identified potential key fish habitat in association with waterways and natural drainage lines, identified as vegetation zone 2. This vegetation zone is dominated by exotic/pasture grasses but a scattering of native grasses, sedges, rushes and forbs were present. Due to the long history of modification and disturbance in the area the zone was not considered representative Natural Temperate Grassland of the South Eastern Highlands Threatened Ecological Community. The conservation status of the zone was considered to be low.

Despite these findings, the proposal seeks the rezoning of all waterways and natural drainage lines to C2 Environmental Conservation where most development is prohibited and where the precinct specific DCP chapter safeguards and seeks to rehabilitate the waterways.

The proposed development will not result in the removal of more than 0.5ha of native vegetation and entry into the BOS is not triggered.

Overall the Ecological Assessment concluded there will be no significant adverse impacts on native vegetation on site, critical habitats or threatened species and these conclusions have been confirmed by Council's Biodiversity Officer.

Further detail is provided in **3.6.4 Direction 3.1 Conservation Zones** of this report.

### **3.8 Are there other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

#### **Noise Sources**

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

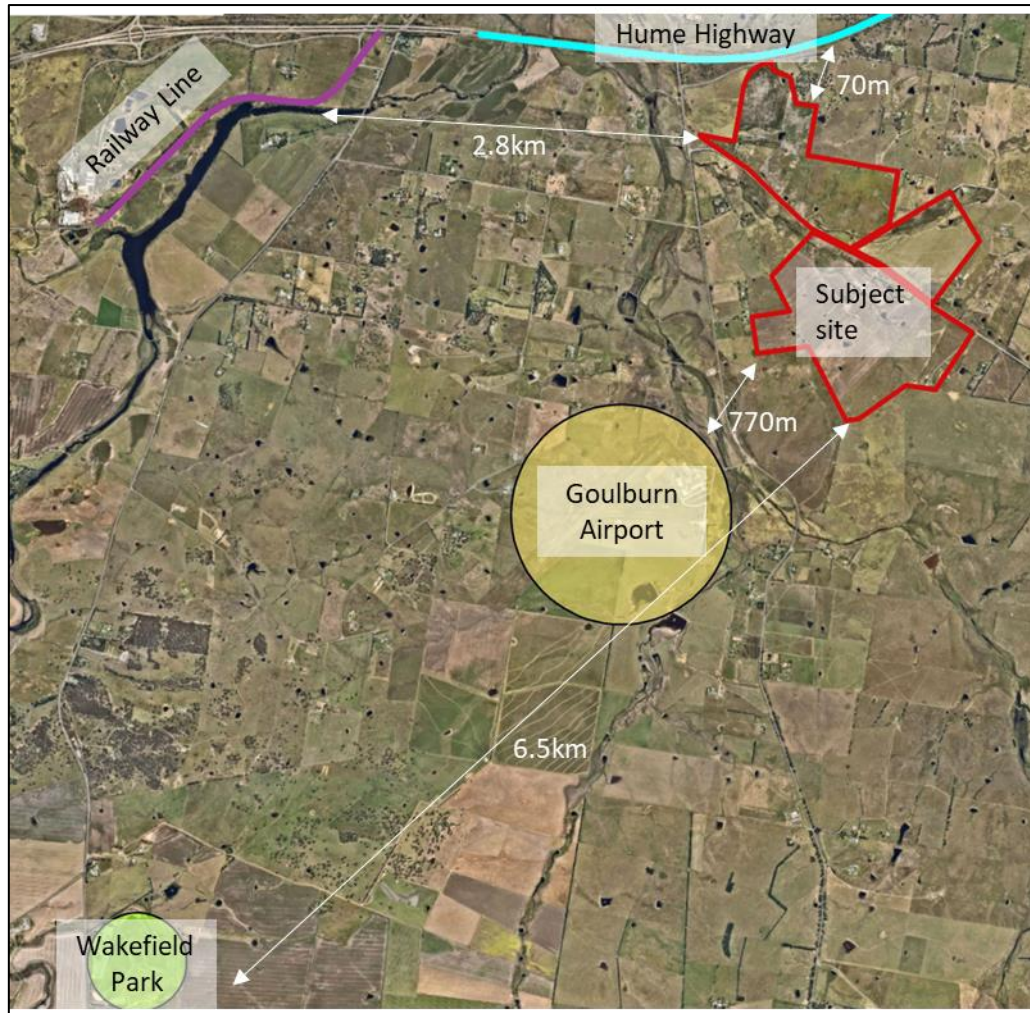
- The railway line which stands approximately 2.8km to the west of the site and on the opposing side of the Mulwaree River;
- The Hume Highway which stands approximately between 70m from the northernmost boundary at stage 1 and 2.8km from the southernmost boundary of Stage 3.
- Goulburn Airport which stands approximately 770m south west of the western boundary of stage 3.
- One Raceway which stands approximately 6.5km south west of the western boundary of stage 3.

These four noise sources derived from multiple directions (**Figure 35**) raises the potential for adverse impacts on residential amenity. Two of these noise sources, namely the airport and One Raceway (previously 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 are proposed to be addressed through the Precinct-specific Development Control Plan chapter which requires an internal noise limit of 35dbL, as illustrated in **Appendix 4**. This can be achieved via a number of methods including through design, orientation, landscaping and earthworks or built solutions.

*Figure 35: Proximity to sources of sound in the landscape*

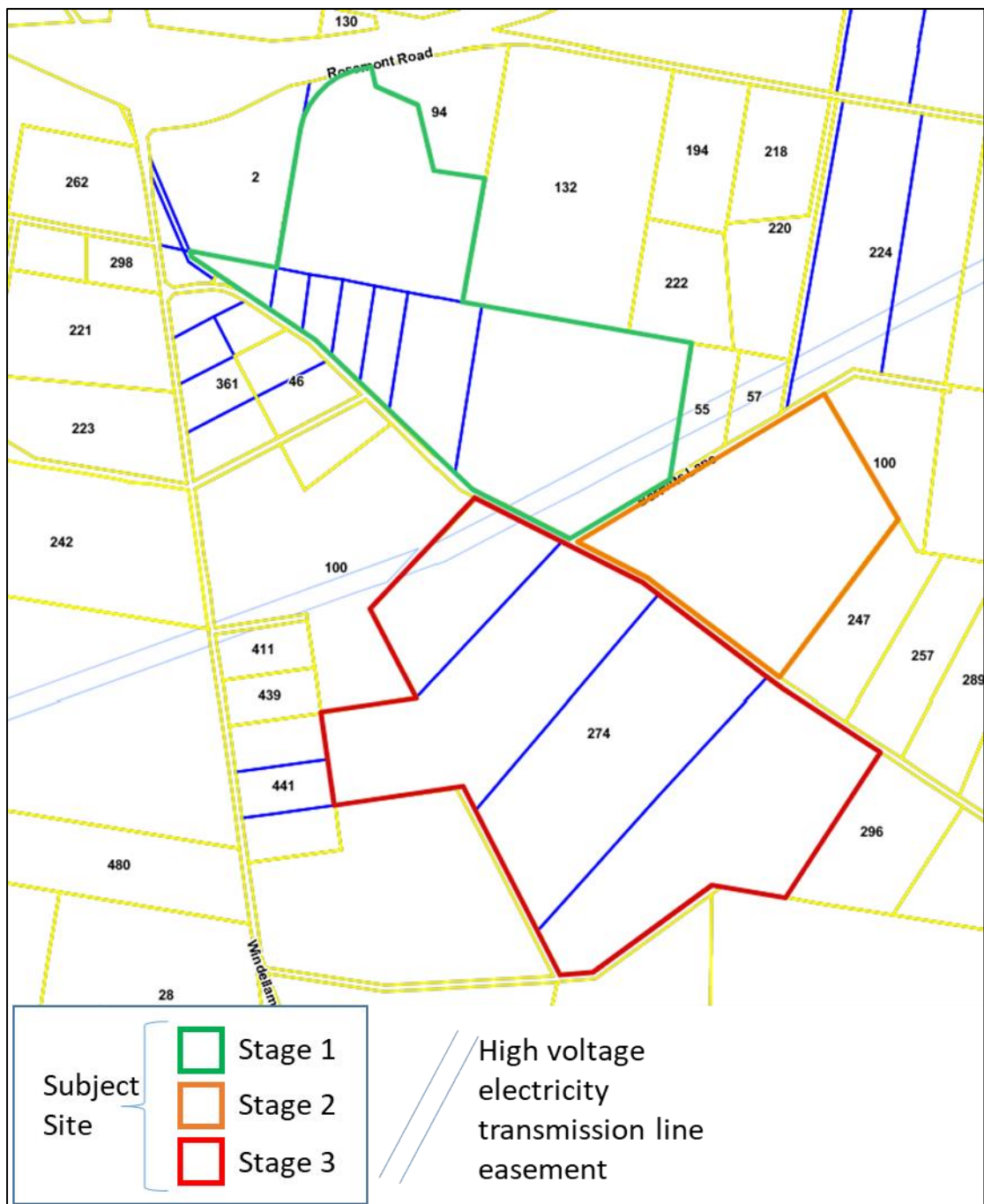


### Electricity Easement

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, as illustrated in **Figure 36**. The proposed zoning approach, illustrated in **Figure 3**, highlights that the northernmost corner of stage 3 is proposed to be rezoned as C2 Environmental Conservation where most forms of development are prohibited. The majority of the electricity line easement through the southern portion of stage 1 will cross through proposed R5 large lot residential zoned areas. The large site area at 277 hectares in total, alongside the proposed C2 zoning indicates the potential for the avoidance of built development within the electricity line easement. The draft Precinct Specific Development Control chapter in **Appendix 4** also includes provisions relating to the electricity easement.



Figure 36: Location of High voltage Electricity Line Easement



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

There are no known social or economic effects as a result this planning proposal.

## Section D- State and Commonwealth Interests

### 3.10 Is there adequate public infrastructure for the planning proposal?

The Traffic and Parking Impact Assessment (**Appendix 12**) examined additional potential traffic generated by the proposed subdivision and reviewed the local road



capacity. It identified an additional 85 trips in the AM period and 77 trips in the PM period and utilising SIDRA modelling to determine local intersections will maintain their existing Level of Service of 'A'.

The proponents submitted Traffic and Parking Impact Assessment (**Appendix 12**) confirms the capacity of the local road network to adequately accommodate additional traffic generated by the proposal.

The proposal is also seeking to create a new two-way vehicular link between Mountain Ash Road and Rosemont Road which bypasses the Mountain Ash Rd/Windellama Rd intersection. This serve to improve the local road infrastructure by providing an additional route to and from the urban area.

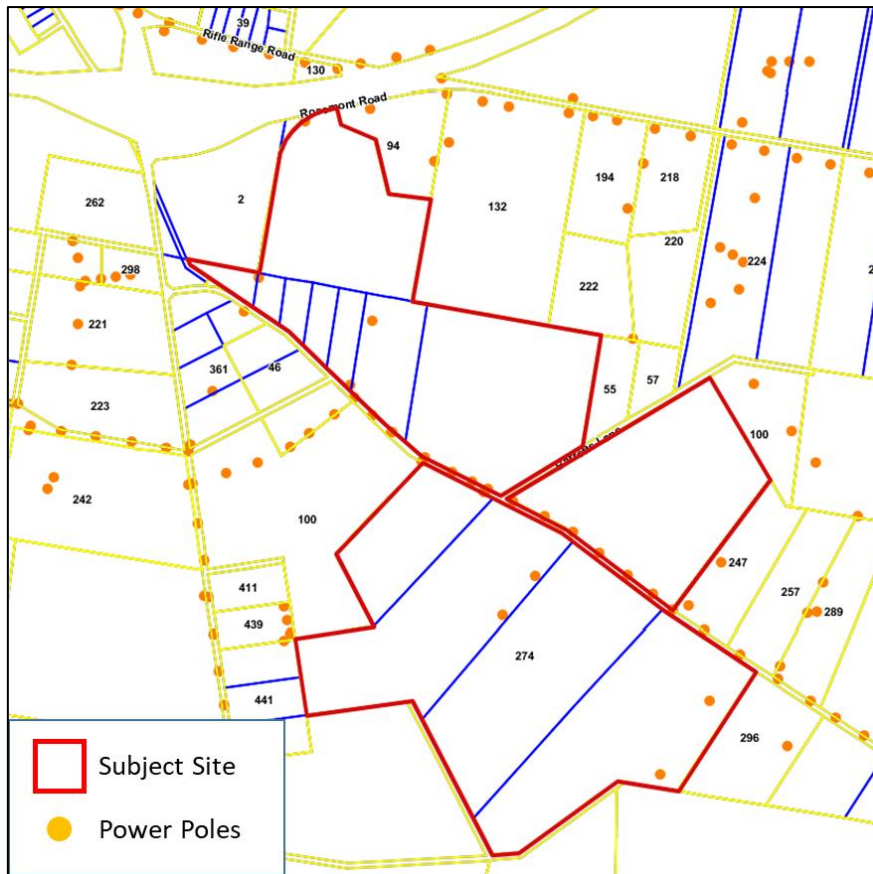
The proponents submitted Traffic and Parking Impact Assessment (**Appendix 12**) confirms the capacity of the local road network to adequately accommodate additional traffic generated by the proposal. No additional road upgrades are identified as required or proposed.

The subject site is not connected to the Goulburn reticulated water and sewer network and all proposed lots will require on-site water storage and wastewater and effluent disposal to meet the needs of residents.

Mountain Ash Road, Windellama Road and Rosemont Road all stand adjacent the subject site and **Figure 37** illustrates that these roads are lined with overhead electricity power line (low voltage) poles. The presence of the power poles and lines indicate the potential for the sites to connect to the electricity network.

The proposal is not considered to require additional state or locally provided infrastructure.

Figure 37: Location of electricity power poles



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

No Pre Gateway consultation has been undertaken with Commonwealth public authorities.

In accordance with the Ministerial Direction for the Sydney Drinking Water Catchment, consultation with Water NSW will be undertaken prior to the planning proposal being submitted for a gateway determination.

Further consultation will be undertaken in accordance with the directions of the Gateway determination.

## Part 4- Mapping

The maps included within [Figure 3](#) and [Figure 4](#) illustrate the area to which this proposal relates and includes the proposed amendment from the RU1 Primary Production Zone to R5 Large Lot Residential and C2 Environmental Conservation and the amendment of the minimum lot size from 100 hectares and 10 hectares to 2 hectares for R5 zoned land and no applicable minimum lot size for the C2 zoned land.

## Part 5- Community Consultation

As part of the Gateway assessment appropriate public exhibition of the proposal will be applied for the prescribed period. Furthermore, written notification will be provided to the landowner and adjoining landowners.

The proposal will be advertised in the prescribed manner under the gateway procedures.

## Part 6- Project Timeline

It is envisaged that the gateway process will take approximately 9-11 months for a project of this scale.

<b>Gateway Determination</b>	September 2024
<b>Timeframe for completion of technical studies</b>	No further studies identified
<b>Timeframe for agency consultation</b>	October to November 2024
<b>Public Exhibition</b>	December 2024
<b>Public Hearing</b>	No hearing identified
<b>Consideration of submissions</b>	January 2025 to February 2025
<b>Date of submission of LEP to DPIE</b>	March 2025
<b>Anticipated date of plan made</b>	April 2025
<b>Anticipated date plan forwarded to DPIE for notification</b>	April 2025

## Part 7- Appendices

Appendices included within this planning proposal are listed in the table below:

<b>Appendix 1</b>	Proponents Planning Proposal Report Submission
<b>Appendix 2</b>	Mountain Ash Road Concept Layout Plans
<b>Appendix 3a</b>	Initial Council Report & Resolution- 18 October 2022
<b>Appendix 3b</b>	Second Council Report & Resolution- 4 April 2023
<b>Appendix 3c</b>	C2 MLS Council Report & Resolution- 20 September 2022
<b>Appendix 3d</b>	Special Flood Council Report and Minutes_2 Nov 21
<b>Appendix 3e</b>	Gateway Letter, Gateway Determination and Gateway Determination Report
<b>Appendix 4</b>	Draft Brisbane Grove & Mountain Ash Precinct-Specific Development Control Chapter V10
<b>Appendix 5a</b>	Flood Impact and Risk Assessment
<b>Appendix 5b</b>	NSW SES Referral Response_ Mountain Ash Rd_26 Aug 2022
<b>Appendix 5c</b>	Goulburn Mulwaree Development Control Plan Flood Policy
<b>Appendix 5d</b>	Superseded Concept Plan
<b>Appendix 6a</b>	Aboriginal Heritage Desktop Assessment_Aug 2022
<b>Appendix 6b</b>	Aboriginal Cultural Heritage Assessment_March 2023
<b>Appendix 7</b>	Statement of Heritage Impact- September 2022
<b>Appendix 8a</b>	Ecological Assessment- July 2022
<b>Appendix 8b</b>	GMC Biodiversity Officer Referral Comments- 5 Aug 2022
<b>Appendix 9a</b>	Engineering Services Report
<b>Appendix 9b</b>	Report on Effluent Disposal Preliminary Soils Assessment
<b>Appendix 9c</b>	Water NSW Pre-gateway Referral Response- 26 July 2024
<b>Appendix 10</b>	Preliminary Site Investigation- Contamination
<b>Appendix 11</b>	Strategic Bushfire Study
<b>Appendix 12</b>	Traffic and Parking Impact Assessment

