



**Goulburn Mulwaree Council**

**Planning Proposal to rezone and amend Minimum Lot Size on Lots  
along Brisbane Grove Road, Goulburn**

**REZ\_0005\_2121**

**(PP-2021-7390)**

**October 2022**

**Gateway Version**

**(Includes Water NSW Pre-referral responses)**

<b>Version</b>	<b>Comment</b>	<b>Date</b>
<b>1</b>	<b>Pre-gateway</b>	<b>14 April 2022</b>
<b>2</b>	<b>Pre-gateway</b>	<b>19 August 2022</b>
<b>3</b>	<b>Gateway</b>	<b>21 October 2022</b>

## Contents

Introduction .....	6
Part 1- Objectives .....	8
1.1 Intended Outcomes .....	8
Part 2- Explanation of Provisions .....	8
Part 3- Justification .....	11
Section A- Need for a planning proposal .....	11
3.1 Is the planning proposal a result of any strategic study or report?.....	11
3.2 Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way? .....	12
Section B- Relationship to Strategic Planning Framework .....	12
3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?.....	12
3.3.1 South East and Tablelands Regional Plan .....	12
3.3.2 The Goulburn Mulwaree Community Strategic Plan 2042 .....	14
3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan? .....	15
3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020) .....	15
3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020) .....	17
3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?.....	17
3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 8: Sydney Drinking Water Catchment.....	18
3.5.2 State Environmental Planning Policy (Primary Production and Rural Development) 2019 .....	21
3.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4 Remediation of Land.....	21
3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)? .....	23
3.6.1 Direction 1.1 Implementation of Regional Plans .....	23
3.6.2 Direction 1.3 Approval and Referral Requirements .....	23
3.6.3 Direction 1.4 Site Specific Provisions .....	24
3.6.4 Direction 3.1 Biodiversity and Conservation .....	24
3.6.5 Direction 3.2 Heritage Conservation .....	27
3.6.6 Direction 3.3 Sydney Drinking Water Catchments .....	32
3.6.7 Direction 4.1 Flooding.....	38
3.6.8 Direction 4.3 Planning for Bushfire Protection .....	42

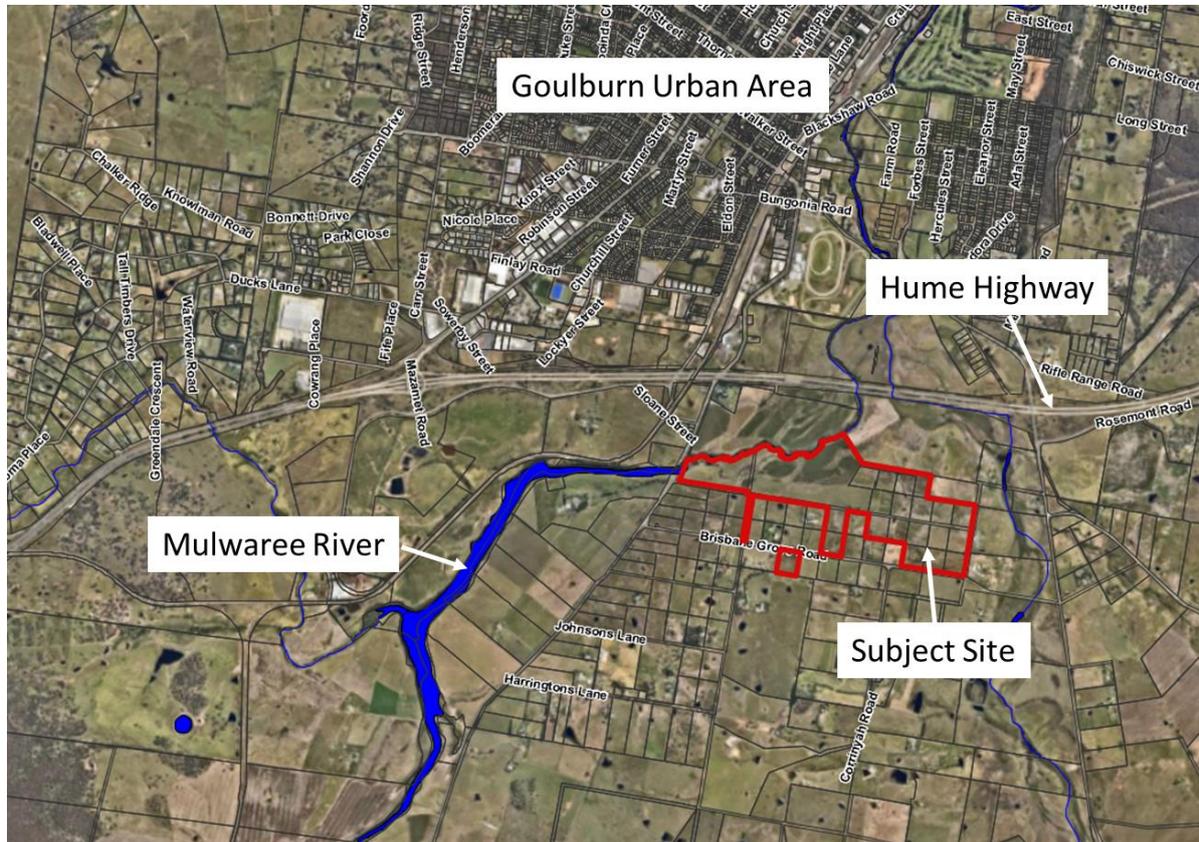
3.6.9	Direction 4.4 Remediation of Contaminated Land .....	46
3.6.10	Direction 5.1 Integrating Land Use and Transport.....	50
3.6.11	Direction 6.1 Residential Zones .....	51
3.6.12	Direction 9.1 Rural Zones .....	54
3.6.13	Direction 9.2 Rural Lands .....	55
	<b>Section C- Environmental, Social and Economic Impact.....</b>	<b>59</b>
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? .....	59
3.8	Are there other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? .....	59
3.9	Has the planning proposal adequately addressed any social and economic effects? .....	60
	<b>Section D- State and Commonwealth Interests .....</b>	<b>60</b>
3.10	Is there adequate public infrastructure for the planning proposal? .....	60
3.11	What are the views of State and Commonwealth public authorities` consultation in accordance with the Gateway determination? .....	61
<b>Part 4-</b>	<b>Mapping .....</b>	<b>61</b>
<b>Part 5-</b>	<b>Community Consultation .....</b>	<b>61</b>
<b>Part 6-</b>	<b>Project Timeline.....</b>	<b>61</b>
<b>Part 7-</b>	<b>Appendices .....</b>	<b>62</b>
Figure 1:	Site location plan.....	6
Figure 2:	Location of Heritage Items.....	7
Figure 3:	Current zoning of subject site .....	9
Figure 4:	Proposed zoning of subject site .....	9
Figure 5:	Current Minimum Lot Size of subject site.....	10
Figure 6:	Proposed Minimum Lot Size on subject site.....	10
Figure 7:	Extract from Urban and Fringe Housing Strategy .....	11
Figure 8:	Extent of Riverine Flooding Map- sourced from the Goulburn Floodplain Risk Management Study & Plan.....	18
Figure 9:	Drainage Path Map .....	19
Figure 10:	Overland Flow Modelling- sourced from overland flow modelling and maps .....	19
Figure 11:	Biodiversity Values Map.....	25
Figure 12:	Terrestrial Biodiversity Map.....	25
Figure 13:	Photo of Sofala Heritage Item- sourced form Heritage NSW .....	28
Figure 14:	Places of Aboriginal Significance.....	30
Figure 15:	NSW Aboriginal Heritage Information Management System findings- access 12.1.2022...	31
Figure 16:	Overland Flow Corridor Map- sourced from overland flow modelling and maps.....	35
Figure 17:	Strategic Land and Water Capability Assessment .....	37
Figure 18:	Riverine Flood Map- Goulburn Floodplain Risk Management Study and Plan.....	41
Figure 19:	Category 3 Bush fire prone land map .....	44

Figure 20: Strategic Agricultural Land Map ..... 58  
Figure 21: Proximity to Potential Noise Sources..... 60

## Introduction

This planning proposal seeks to rezone an area of 83.8 hectares of rural land situated to the south of the Hume Highway, approximately 2km from the southern edge of the Goulburn urban area, with part of the northern site boundary standing adjacent the Mulwaree River. A site location plan is illustrated in [Figure 1](#).

Figure 1: Site location plan



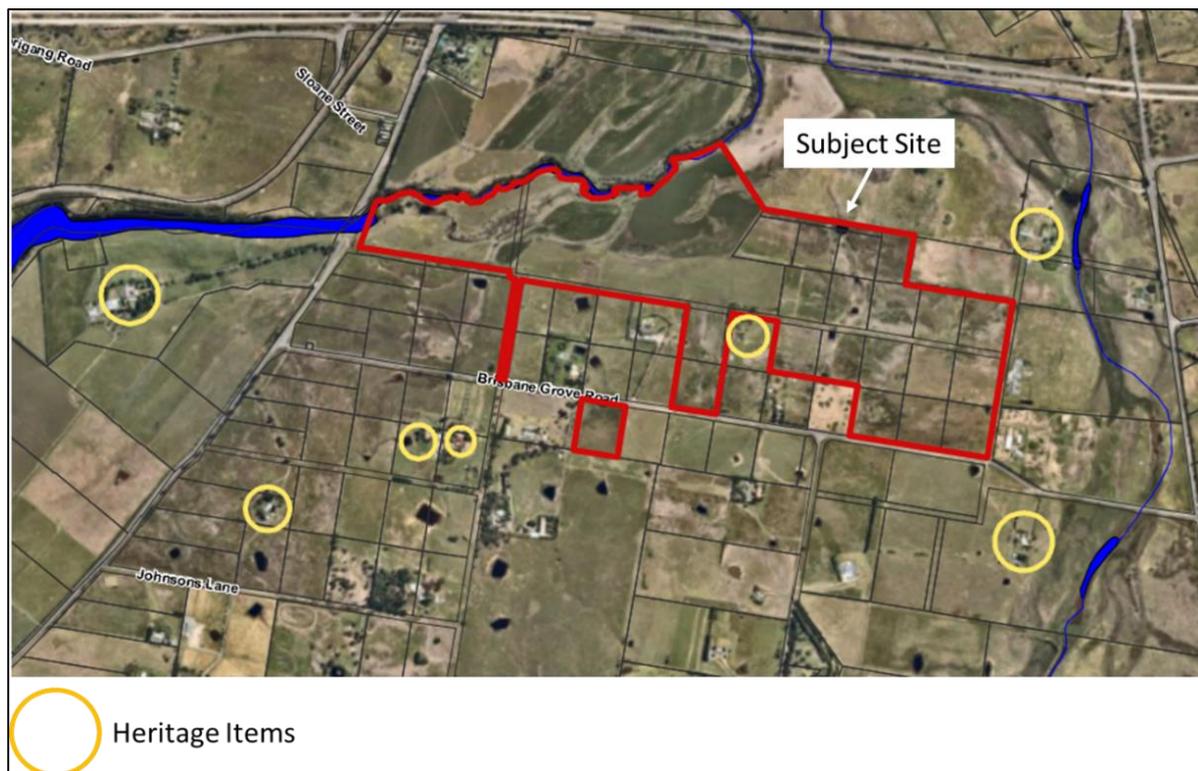
The site comprises 22 existing lots (Lots 2-5, DP 62157, Lot 2, DP 1180093, Lots 10-19, 39, 43, 44, 45 and 54, DP 976708, Lot 29, DP 750015 and Lot 2, DP 1279715) with all but one of these lots standing to the north of Brisbane Grove Road. The site also includes an unformed road reserve to the west of the site which is proposed to provide access to the north of the site.

The proponents planning submission omitted part of the large northern lot (Lot 2, DP 1180093) which is most flood affected. The Council extended the boundaries of the subject site to include the entirety of this large lot to provide the opportunity to apply a Conservation zoning to flood affected areas of the lot.

The site has been historically and is currently pasture land used for animal grazing. The subject site is undeveloped with no residential buildings on site but several existing farm dams are present.

The “Sofala” locally listed heritage item stands on Lot 1, DP 1279715 which is proposed to be surrounded on three sides by the future subdivision but is not included within the subject site. In addition a number of other heritage items stand within the locality, as illustrated in [Figure 2](#). To maintain the rural context of the landscape and heritage values of nearby heritage items a precinct-specific development control chapter has been developed and included within this planning proposal ([Appendix 1](#)).

Figure 2: Location of Heritage Items



The planning proposal is proponent-led and seeks to rezone land identified in the Brisbane Grove precinct of the *Urban and Fringe Housing Strategy* from RU6 Transition and RU1 Rural Landscape to R5 Large Lot Residential and C2 Environmental Conservation. The proposal also seeks to amend the minimum lot size from part 100 hectares and part 10 hectares to part 2 hectares for R5 zones with no minimum lot size for the C2 zoned land. A copy of the submitted planning proposal document is available to view in **Appendix 2**.

The planning proposal includes a concept subdivision layout (**Appendix 3**) which identifies a potential 27 lot subdivision of the site including the creation of an internal access road to be connected to Brisbane Grove Road via an unformed council road reserve to the west of the site. This internal access road largely follows a portion of freehold land created for road dedication which runs parallel to Brisbane Grove Road. 21 of the 27 proposed lots would be accessed via the new internal road with 6 lots accessed via Brisbane Grove Road.

The *Urban and Fringe Housing Strategy* identifies that areas of the Brisbane Grove precinct are subject to flooding and recommends that an environmental zone be applied to flood prone land. The north western area of the subject site is subject to riverine flooding which affects part of the large Lot 2, DP 1180093 and an overland flow corridor runs south to north through the eastern third of the site. The *Goulburn Floodplain Risk Management Study and Plan* identifies particularly constrained areas of riverine flooding which alongside overland flow modelling illustrates the areas unsuitable for most types of development. The areas of riverine flooding and overland flow corridor with the most frequent and severe impacts have 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 and minimum lot size of the subject site is illustrated in **Figure 4** and **Figure 6** and Section **3.6.7 Direction 4.1 Flooding** provides further detail on flooding.

The C2 Environmental Conservation zoning may impact on the final layout of a subsequent development application for subdivision *i.e. it may not reflect the submitted concept subdivision plan*. However, the overall size of the subject site provides flexibility in the arrangement of lot boundaries, dwelling sites and effluent management areas.

## **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:

- Amending the land use zoning map of the GM LEP 2009 for Lot 29, DP 750015, Lot 3 & 4, DP 62157 and Lots 11 & 18, DP 976708 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.
- Amending the land use zoning map of the GM LEP 2009 for Lot 2, DP 1180093 from part RU1 Rural Production and part RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.
- Amending the land use zoning map of the GM LEP 2009 for Lot 2 & Lot 5, DP 62157, 10 & 12, 13 to 17, 19, 39, 43 to 45 & 54, DP 976708 and Lot 2, DP 1279715 from RU6 Transition to R5 Large Lot Residential.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lot 29, DP 750015, Lot 3 & 4, DP 62157 and Lots 11 & 18, DP 976708 from 10 hectares to part 2 hectares and removal of the minimum lot size for the proposed C2 zone.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lot 2, DP 1180093 from part 100 hectare and part 10 hectare to part 2 hectare and removal of the minimum lot size for the proposed C2 zone.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lot 2 & Lot 5, DP 62157, 10 & 12, 13 to 17, 19, 39, 43 to 45 & 54, DP 976708 and Lot 2, DP 1279715 from 10 hectares to 2 hectares.

**Figure 3** and **Figure 4** illustrate the current and proposed zoning and **Figure 5** and **Figure 6** illustrate the current and proposed minimum lot size amendments to the GM LEP 2009.





## Part 3- Justification

### Section A- Need for a planning proposal

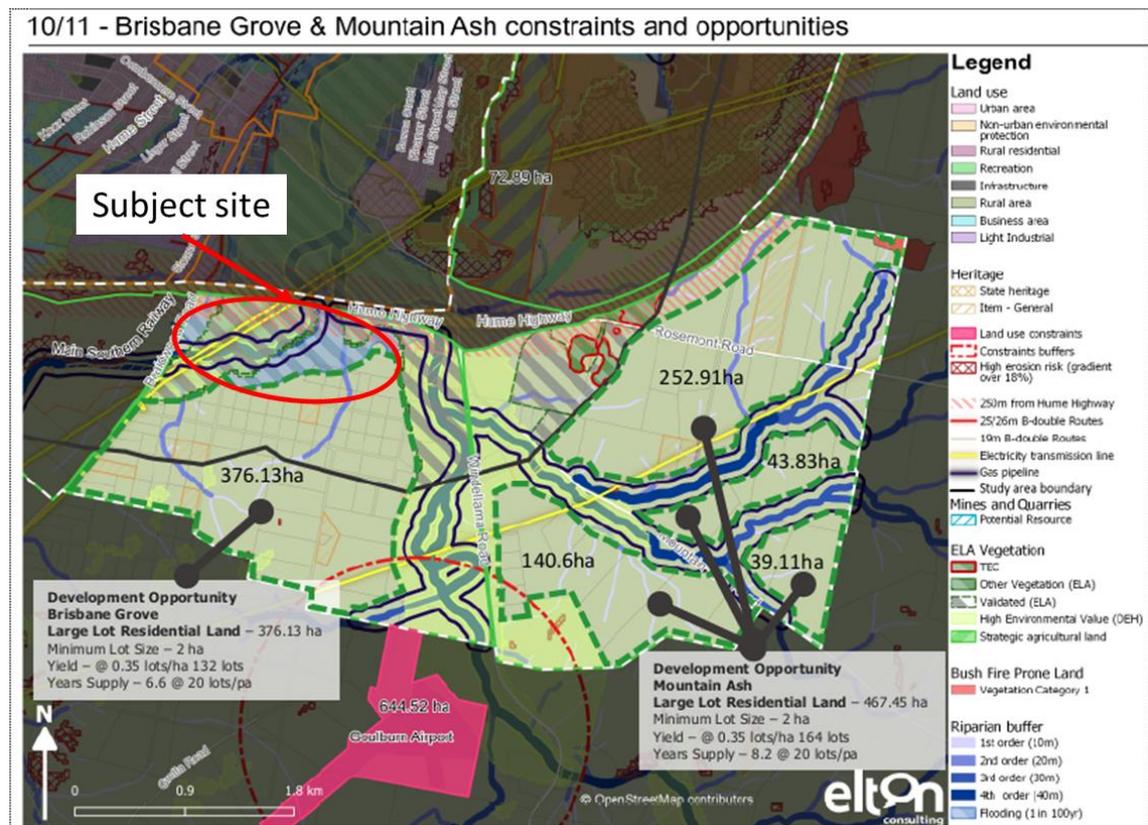
#### 3.1 Is the planning proposal a result of any strategic study or report?

The subject site stands on the northern edge of Precinct 11: Brisbane Grove of the *Urban and Fringe Housing Strategy*, as illustrated in **Figure 7**. Precinct 11 is identified as a rural and rural transition area south of the Hume Highway, west 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 towns reticulated water and sewer system and recommends consideration of a suitable environmental zone for flood affected land.

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

Goulburn Mulwaree Council resolved to proceed with a planning proposal to amend the GM LEP 2009 following the consideration of a report on this matter presented to Council on 15 March 2022 a copy of the Council Report and Resolution is available in **Appendix 4a**.

Figure 7: 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 RU6 Transition & RU1 Primary Production zoning to large lot residential with a minimum lot size of 2 hectares is the best means of achieving the objectives of the planning proposal and the *Urban and Fringe Housing Strategy*. 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 drainage corridors and related areas which experience severe and frequent instances of flooding. This approach seeks to maintain buffer distances between development and watercourses, maintain water quality, improve biodiversity and reduce soil erosion.

The C2 zone land was initially proposed to be accompanied by a 100 hectare minimum lot size as reported to Council on 15 March 2022 (**Appendix 4a**). Further assessment and application of this approach 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 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 4b**). 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**

This planning proposal is consistent with the *South East and Tablelands Regional Plan* with particular regard to Directions 16, 23 and 28 as detailed below:

*Direction 16: Protect the coast and increase resilience to 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 stands within a category 3 (medium bushfire risk) landscape but this proposal forms one of the first parts of a wider rural residential precinct and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience.

Areas identified as being constrained by riverine and overland flow flooding hazards are proposed to be rezoned as C2 Environmental Conservation to limit development and ensure the impacts of the most severe and frequent flood events are avoided. The identification of the most frequent and severe flood prone areas is derived from the *Goulburn Floodplain Risk Management Study and Plan* and overland flow modelling, undertaken concurrently. 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 flood risk associated with the growth of the Brisbane Grove Precinct.

This planning proposal is consistent with Direction 16 and related actions 16.1, 16.2, 16.4 and 16.6 by:

- Locating development away from known hazards wherever possible and mitigating against hazards where avoidance is not possible or practical.
- Implementing the requirements of the *NSW Floodplain Development Manual* through the *Goulburn Floodplain Risk Management Study and Plan* and overland flow modelling and incorporate this available hazard information into the Local Environmental Plan as the C2 Environmental Conservation Zone. This seeks to manage the risks of future residential growth in flood prone areas.

*Direction 23: Protect the region's heritage*

Direction 23 of the *South East and Tablelands Regional Plan* seeks 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 planning proposal site stands 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 Due Diligence Assessment (**Appendix 5a**) and Aboriginal Cultural Heritage Assessment (**Appendix 5b**). The Aboriginal Cultural Heritage Assessment has sought to identify potential heritage values on the site and has been prepared with engagement from the local Aboriginal Community. In addition, the locally listed "Sofala" heritage item will be surrounded by the proposed subdivision with a number of other locally listed heritage items standing in relatively close proximity. The proponent has submitted a Heritage Impact Statement (**Appendix 6a**) which has assessed the heritage values of the heritage items and its surrounds and proposes a series of recommendations to conserve these heritage items and their rural context. These recommendations have been reinforced through provisions within the development control plan.

This planning proposal is consistent with Direction 23 and related actions 23.1, 23.2 and 23.3 by:

- Undertaking and implementing heritage studies including Aboriginal Cultural heritage studies;
- Consulting with Aboriginal people to identify heritage values at the strategic planning stage, and
- Conserving heritage assets during strategic planning and development.

*Direction 28: Manage rural lifestyles*

Direction 28 of the *South East and Tablelands Regional Plan* 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 stands within the Brisbane Grove Precinct identified in the *Urban and Fringe Housing Strategy* and located approximately 2km 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 small number of additional proposed lots. The relatively low density of the proposal, large lot sizes and the site being largely bounded by the river and existing roads will reduce potential land use conflict with other rural land uses. In addition, the entire Brisbane Grove 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 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. Part of the site is affected by an overland flow corridor but its potential impact on life and property has been mitigated through the application of a C2 Environmental Conservation zone to the most severe and constrained areas of inundation. The Brisbane Grove Precinct is bushfire prone but the planning proposal includes a series of suitable bushfire mitigations.

This planning proposal is consistent with Direction 28 and related actions 28.1 and 28.2 by:

- Enabling rural residential development which is identified in the local housing strategy;
- Locating rural residential development as close as practical to an existing urban settlement to maximise the use of existing infrastructure, and
- Minimising land use conflicts and avoid areas of high significance, important agricultural land and natural hazards where possible.

### 3.3.2 The Goulburn Mulwaree Community Strategic Plan 2042

The *Goulburn Mulwaree Community Strategic Plan 2024* identifies priorities in order to achieve the future vision for the region. These include:

- A. Our Community
- B. Our Economy
- C. Our Environment
- D. Our Infrastructure
- E. Our Civic Leadership

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

- ***Our Environment C.1-*** *Protect and enhance the existing natural environment, including flora and fauna native to the region;*
- ***Our Environment C.3-*** *Protect and rehabilitate waterways and catchments;*
- ***Our Environment C.11-*** *Maintain a balance between growth, development, environmental protection and agriculture through sensible planning,*
- ***Our Environment C.13-*** *Implement planning and development policies and plans that protect our built, cultural and natural heritage.*
- ***Our Infrastructure D.8-*** *Protection and preservation of historic and heritage buildings.*

The subject site is not of high biodiversity significance, outstanding biodiversity value or include a declared critical habitat. The Native Vegetation and Habitat Survey (**Appendix 8a**) submitted with the planning proposal identifies that site has been significantly modified due to clearing, grazing and cropping, is highly disturbed with limited native vegetation and concludes the proposal would unlikely have a significant impact on biodiversity values in the locality.

The subject site stands 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 flood prone land as C2 Environmental Conservation to reduce development potential and improve water quality outcomes. The ability of the planning proposal to achieve a neutral or beneficial outcome on water quality has been demonstrated through the Water Cycle Management Study submitted with the planning proposal (**Appendix 7a**). This planning proposal is consistent with Our Environment Strategy C.1 and C.3.

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 values, includes recommendations to preserve adjacent and nearby heritage items and has no identified impact on Aboriginal cultural heritage. Flooding impacts have been identified and the most frequent and severe impacts have been avoided through the proposed C2 Environmental Conservation zone. In addition, the site's location stands 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 Our Environment Strategy C.11.

The planning proposal recognises and seeks to protect areas of built and cultural heritage through the Aboriginal Cultural Heritage Assessment (**Appendix 5b**) and Heritage Impact Statement (**Appendix 6a**). No impacts have been identified regarding Aboriginal cultural heritage and the heritage values of the "Sofala" heritage item on-site and nearby heritage items have been safeguarded through a series of recommendations incorporated into the precinct-specific Development Control Plan chapter (**Appendix 1**). This planning proposal is consistent with Our Environment Strategy C.13 and Our Infrastructure Strategy D.8.

### **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 predominately RU6 Transition Zone land identified in Precinct 11 of the *Urban and Fringe Housing Strategy* for R5 large lot residential development. This area is situated approximately 2 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 flooding.

The subject site stands within a category 3 (medium bushfire risk) landscape but this proposal forms one of the first parts of a wider rural residential precinct and the proposal includes suitable bushfire protection measures to mitigate potential impacts and increase resilience. The Development Control Plan also includes provisions relating to bushfire controls. Areas of flood inundation have been identified through the *Goulburn Floodplain Risk Management Study and Plan* and through overland flow modelling and planned for through appropriate zoning of the most frequently and severely affected areas of riverine and overland flow flooding. 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 locally listed “Sofala” heritage item stands directly adjacent the site with a number of other locally listed heritage items standing in relatively close proximity (**Figure 2**). The planning proposal includes large 2 hectare lots for subdivision throughout the Brisbane Grove 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 1**) which seeks to limit the impact of the proposal on the wider landscape setting. This planning proposal actively seeks to conserve the setting and rural context of nearby heritage items.

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 Native Vegetation and

Habitat Survey (**Appendix 8a**) submitted with the planning proposal identifies that site has been significantly modified due to clearing, grazing and cropping. The site is highly disturbed with limited native vegetation and concludes the proposal would unlikely have a significant impact on biodiversity values in the locality.

The site stands 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 flood prone land 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 8: Natural Hazards.

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 Brisbane Grove Precinct, as illustrated in **Figure 7**.

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 Brisbane Grove 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 8: Sydney Drinking Water Catchment**

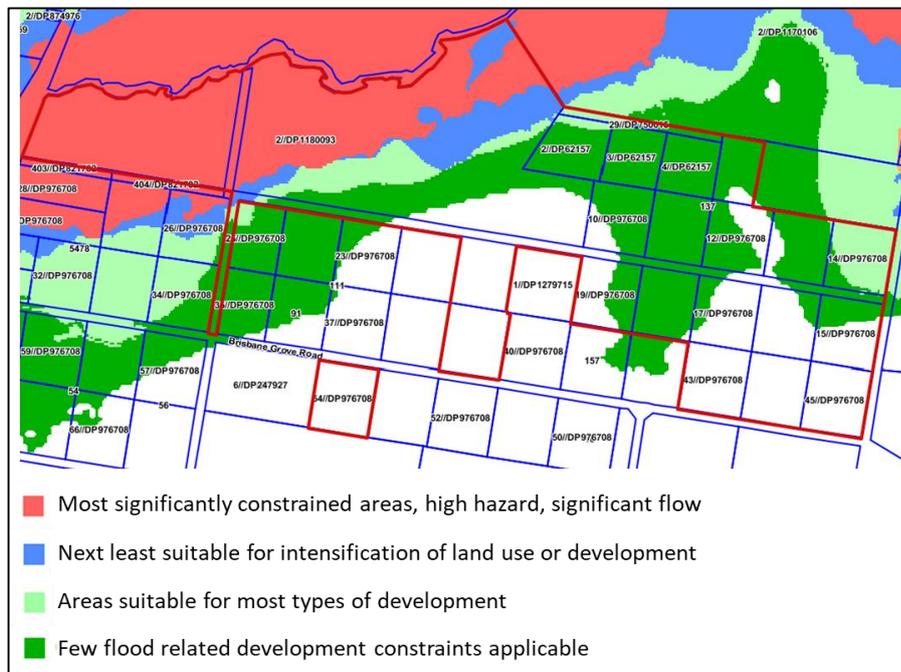
Chapter 8 of this this State Environmental Planning Policy (SEPP) applies to land within the Sydney drinking water catchment which includes the Wollondilly River water catchment, as such this SEPP applies. This SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. It identifies the aims of the SEPP as follows:

- To provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- To provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality, and
- To support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Comment:** The subject site stands within the Sydney drinking water catchment, located approximately 2km south of the Goulburn urban area which is un-serviced by the town’s reticulated water and sewage system.

The north western part of the site, encompassing a large part of Lot 2, DP 1180093 is severely flood affected by riverine flooding as illustrated in red and blue in **Figure 8** which denotes the most frequently and severely affected areas. A large area of the site is affected by the probable maximum flood extent illustrated as dark green on **Figure 8**. Further detail on flooding and overland flow is provided in **3.6.6 Direction 3.3 Sydney Drinking Water Catchments** of this report.

*Figure 8: Extent of Riverine Flooding Map- sourced from the Goulburn Floodplain Risk Management Study & Plan*



A natural drainage path runs through the site, (**Figure 9**) flowing south to north into the Mulwaree River. This drainage paths is also identified as an overland flow corridor

through the overland flow modelling undertaken concurrently with the [Goulburn Floodplain Risk Management Study and Plan](#), illustrated in [Figure 10](#).

Figure 9: Drainage Path Map

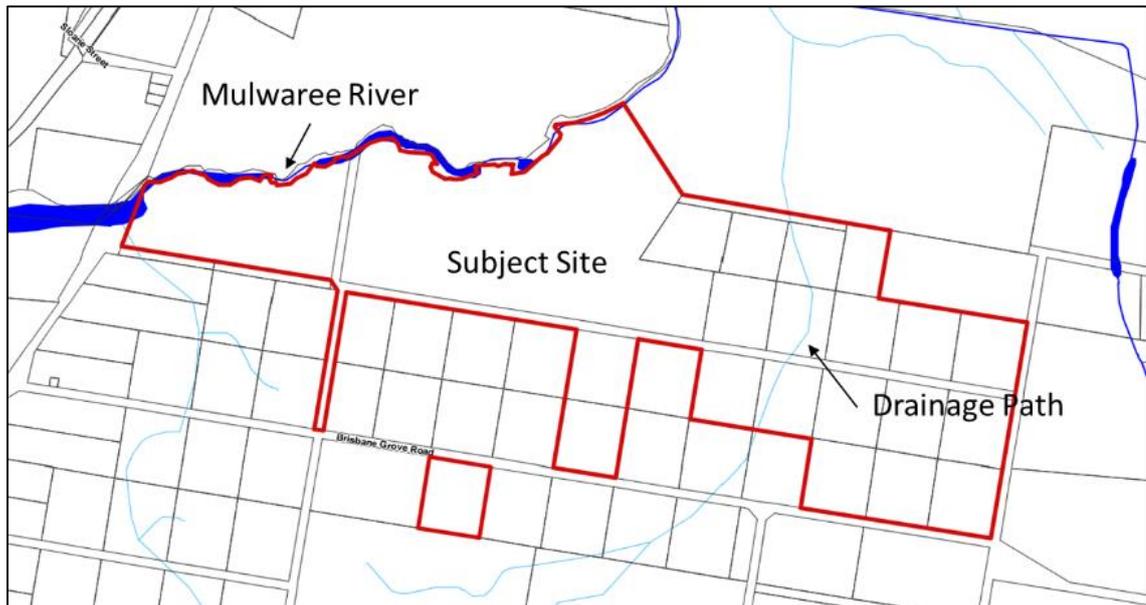
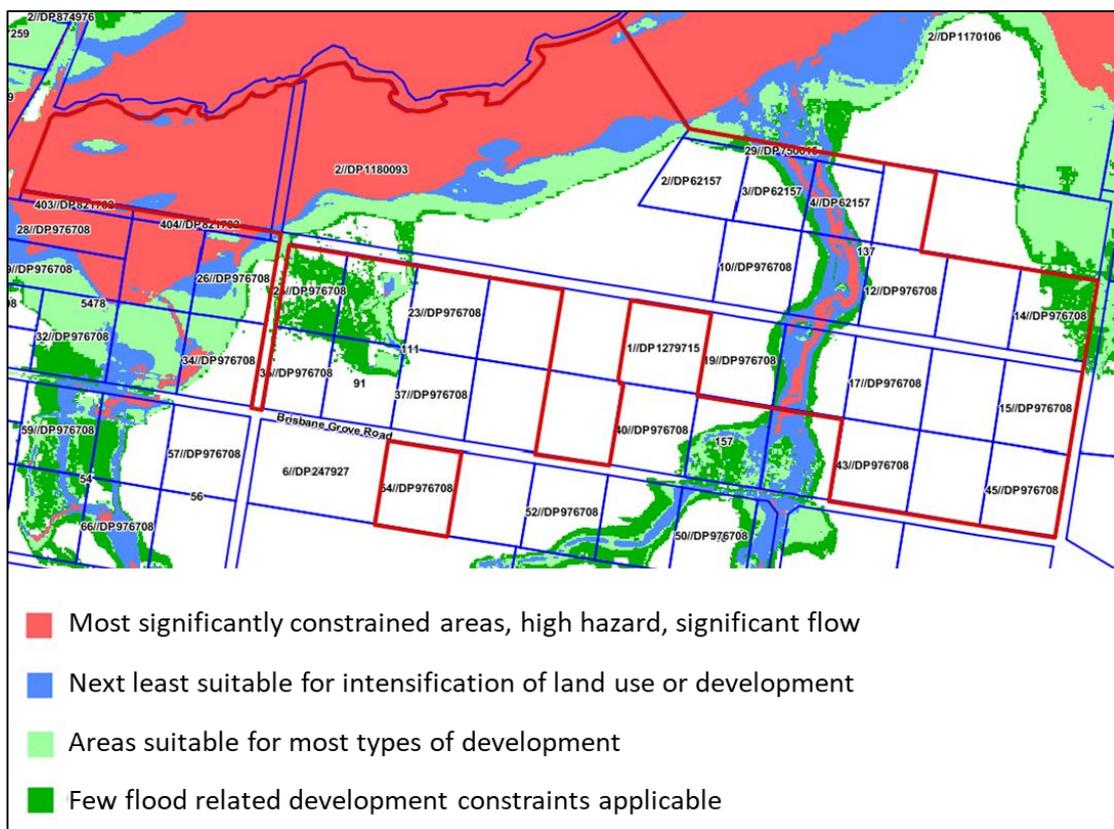


Figure 10: Overland Flow Modelling- sourced from overland flow modelling and maps



The most constrained areas of flood prone land (riverine and overland flow) are proposed to be rezoned as C2 Environmental Conservation. The proposed R5 Large

Lot Residential lots are planned to have minimum lot sizes of 2 hectares. 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 Water Cycle Management Study (**Appendix 7a**) alongside a Wastewater Management Site Plan (**Appendix 7b**), Stormwater Management Site Plan (**Appendix 7c**) and a Stormwater Drainage and Flood Impact Site Plan (**Appendix 7d**) which collectively seek to demonstrate the proposals ability to achieve a neutral or beneficial impact on water quality outcomes.

The submitted Water Cycle Management Study and associated plans illustrate an indicative subdivision layout plan and the approximate location of new dams, dwelling envelopes and effluent management areas. Some reorientation of these maybe required to avoid the most constrained areas of flood prone land at the development application stage. However, the large overall site size at 83.8 hectares and the large 2 hectare minimum lot size, alongside the comparatively small area affected by overland flow and exclusion of the most constrained riverine flood prone areas from development, all indicate the ability of the proposal to achieve a neutral or beneficial effect on water quality outcomes.

An assessment on water quality to determine neutral or beneficial effect will 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.

Water NSW provided a pre-gateway referral response on 9 May 2022 which stated the planning proposal gives due consideration to the statutory requirements that apply to the Sydney drinking water catchment under chapter 8 of the SEPP. The response supports that the proposal:

- Outlines the aims of Chapter 8 of the SEPP
- notes an assessment of water quality to determine a neutral or beneficial effect would be undertaken at the DA stage
- notes a future DA would be subject to Water NSW concurrence and should ensure the incorporation of Water NSW current recommended practices.
- highlights that the site size, large lot sizes alongside the exclusion of the most constrained areas of flood prone land, all indicate the propensity of the proposal to achieve a neutral or beneficial effect on water quality.

A copy of the initial Water NSW pre-gateway referral response is available in **Appendix 7e**.

A further second pre-gateway referral response from Water NSW was received by council on 26 September 2022 (**Appendix 7f**) which stated:

*“The proposal references our previous correspondence on the Proposal. Overall, the proposal gives due consideration to the statutory requirements that apply to the SDWC”.*

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

### 3.5.2 State Environmental Planning Policy (Primary Production and Rural Development) 2019

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. 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 20](#).

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 an initial Preliminary Site Investigation (PSI) (contamination) report June 2021, presented in **Appendix 9a** and an updated Preliminary Site Investigation (PSI) (contamination) report August 2022, presented in **Appendix 9b**.

The PSI's identified two potential sources of contamination on site and associated contaminants of potential concern (COPC), namely:

- S1- Waste materials scattered across the site surface including bricks, ceramic pipes, old metal barrels, metal sheeting and old fencing with associated COPC's which include metals, total recoverable hydrocarbons, benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons and asbestos
- S2- Potential use of pesticides associated with grazing agriculture at the site with associated COPC's including arsenic, organochloride and organophosphate pesticides.

It was noted however that the likelihood of contamination resulting from the waste materials and the accumulation of significant quantities of pesticides in the soil are considered to be low.

The PSI presented the following two recommendations:

- A Construction Management Plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site, and
- Any fill material required to be disposed off-site, must first be assessed in accordance with NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying Waste*.

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 to ensure the above recommendations are included within a subsequent development application at subdivision stage.

This planning proposal has assessed the potential for contamination on the subject site and no remediation requirements have been identified. Suitable provisions are in place to ensure any potential risk to human health or the environment, as a result of contamination, are adequately reduced via the development application stage.

Further information on contamination is available in **Section 3.6.9 Direction 4.4 Remediation of Contaminated Land** 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 *South East and Tablelands Regional Plan* is applicable to this planning proposal and this has been considered in **Section 3.3.1 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:

- Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- Not contain provisions requiring concurrence, consultation or referral to a minister or public authority unless the relevant planning authority has obtained the approval of:
  - The appropriate Minister or public authority, and
  - 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
- Not identify development as designated development unless the relevant planning authority:
  - 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
  - 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 1.4 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 Biodiversity and Conservation

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 9.3 (2) of "Rural Lands".

**Comment:** The Mulwaree River which forms the sites north western boundary is identified on the Biodiversity Values map as illustrated in [Figure 11](#).

The north western corner of the subject site stands in an area identified under the Terrestrial Biodiversity mapping layer in the Goulburn Mulwaree Local Environmental

Plan as illustrated in **Figure 12**. 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 11: Biodiversity Values Map

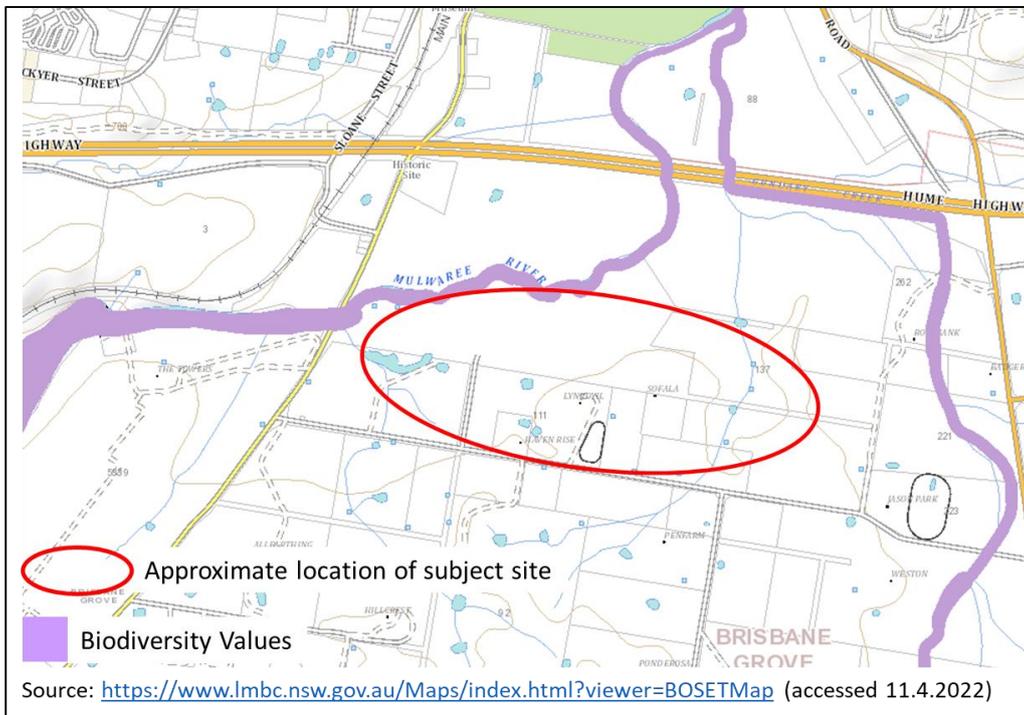
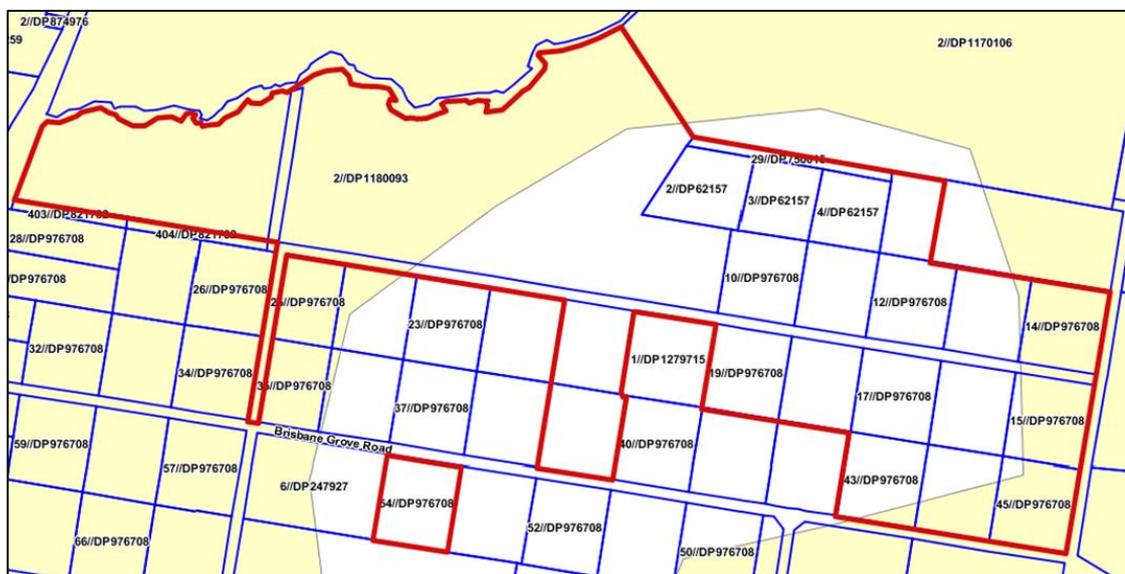


Figure 12: Terrestrial Biodiversity Map



The planning proposal has been accompanied by a Native Vegetation and Habitat Survey prepared by Hayes Environmental (**Appendix 8a**). This survey included a botanical survey conducted by ecologist Daniel Clarke on 8<sup>th</sup> July 2021 and a fauna habitat inspection conducted by Rebecca Hogan on 13<sup>th</sup> August 2021.

It should be noted that the study area of the survey did not include the full extent of the large north western lot (Lot 2, DP 1180093) as this area wasn't initially proposed to be

included within the planning proposal by the proponent due to the extent of flood inundation. This planning proposal, as revised by the Council, extends the subject site to include all of Lot 2, DP 1180093 to enable areas subject to the most frequent and severe flood impacts to be zoned as C2 Environmental Conservation. Whilst the full lot has not been included in the Native Vegetation and Habitat Survey, the proposed zoning prevents the significant majority of built development, including residential uses and this land will remain in its current use.

A summary of the Survey's findings are presented below:

- Entire site is characterised as 'open managed paddocks';
- No native tree canopy;
- No native shrub layer;
- Large areas of the site are actively managed and were bare ground during the survey. Groundcover which is present is dominated by exotic grass and weed species;
- Foliage cover of native species across the site is generally well below 15% with two small patches (400m<sup>2</sup> & 250m<sup>2</sup>) of groundcover that would meet the native vegetation definition under the Biodiversity Assessment Method 2020;
- No threatened plant species were recorded or are considered likely to occur within the site;
- Fauna habitats are highly modified grasslands with occasional exotic shrubs and farm dams;
- The proposal would not exceed the Biodiversity Offset Scheme Entry Threshold (BOSET), and
- A Biodiversity Development Assessment Report would not be required.

Council's Biodiversity Officer has reviewed the Native Vegetation and Habitat Survey and conducted a site visit on 12 January 2022 which confirmed the findings of the survey. The Biodiversity Officer confirmed that groundcover is dominated by exotic grasses with native groundcover estimated to be less than 5% and no native tree species, threatened flora or fauna or ecological communities observed on site. Council's biodiversity officer considers the proposal is not likely to have any significant adverse impacts on local biodiversity values and the proposal would not require Biodiversity off-sets or a Biodiversity Development Assessment report.

Comments from Council's Biodiversity Officer are available in **Appendix 8b**.

The Native Vegetation and Habitat Survey alongside the site assessment undertaken by Council's Biodiversity Officer illustrate that the subject site is not considered of high biodiversity significance, outstanding biodiversity value or a declared critical habitat.

In addition to the above, 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 on any such areas and is therefore consistent with Direction 3.1 Biodiversity and Conservation.

### 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:

- 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.
- Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- 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

The “Sofala” locally listed heritage cottage stands on Lot 1, DP 1279715 which is proposed to be surrounded on three sides by the proposed subdivision, as illustrated in **Figure 2**. Whilst the heritage item is not included within the subject site, the proposal will change the rural setting of this heritage item and the landscape character of the area through additional bulk and scale of development. In addition a number of other locally listed heritage items stand in relatively close proximity to the site, namely:

- “Wyadra” and outbuildings at 54 Brisbane Grove Road;
- “Brigadoon” at 56 Brisbane Grove Road;
- “Garroorigang” at 209 Braidwood Road, and
- “Rosebank” at 262 Windellama Road

**Figure 2** illustrates the location of heritage items in relation to the subject site.

This proposal is seeking the subdivision of the existing 22 RU6 Transition lots (one lot has a split RU1 & RU6 Zone) into 27 large residential lots at a minimum of 2 hectares in area. This will change the rural setting of “Sofala” through the introduction of additional dwellings in the immediate vicinity. The proposal will change the landscape character of the area through additional bulk and scale of development.

Due to the potential impact of the proposal on the context and setting of “Sofala” and other nearby heritage items, the proponent submitted a Heritage Impact Statement (**Appendix 6a**). The Heritage Impact Statement has been prepared in accordance with

guidelines outlined in the *Burra Charter* and the *NSW Heritage Manual* with the objective of determining the suitability of the proposal and its heritage impact.

The Heritage Impact Statement identifies “Sofala” as a late Victorian property with typical features for the period but also highlights some detracting alterations including steel frame windows, square profile gutters etc. The principal frontage of the property faces onto an unformed road reserve which is proposed to be included as an active road as part of the subdivision. The item stands on a 5 acre block (2.27ha), encircled by trees and enjoying a large visual catchment of extensive views over surrounding rural land but does not have a line of sight to any other locally listed properties in the Brisbane Grove locality.

The Statement explains that “Sofala’s” significance lies in its historical link to the adjoining Hume family property Garroorigang, also previously known as the Mulwaree or Black Swan Inn. The Statement presents an extract from the NSW State Heritage Inventory’s statement of significance in relation to “Sofala” as follows:

*“Sofala was built for Cribbs Clark c.1890. The residence is of local heritage significance because of the relative intactness of its late nineteenth century Queen Anne Style architecture and importantly, because of its association with other historical rural residential properties in the area including the Broughton/Hume property, Garroorigang.”*

Figure 13: Photo of Sofala Heritage Item- sourced form Heritage NSW



Due to the potential impacts of the proposed subdivision on the rural setting of the locality, the Heritage Impact Statement has presented a number of recommended mitigations as follows:

- Inclusion of a covenant (88b Instrument) to accompany the subdivision certificate to provide a suitable context for the heritage item. The recommendations for the covenant are:
  - Open rural style fencing along lot boundaries
  - Retain existing established trees
  - Rural style timber gate to each new driveway entrance
  - Plant and maintain a continuous tree/hedgerow along all lot boundaries

- Single and one and a half storey dwellings only (upper level contained with a sloping roof line)
- Minimum 30-degree pitch for dwelling roofs
- Roof to be corrugated or standing seam profiles in a prescribed colour palette
- Walls to be rendered or weatherboard paint finished in a prescribed colour palette or clay bricks from a prescribed palette.

The overall recommendation of the Heritage Impact Statement is *“the proposal will have an acceptable heritage impact and will be consistent with the heritage requirements and guidelines of Goulburn Mulwaree Local Environmental Plan 2009, Goulburn Mulwaree Development Control Plan 2009, and the NSW Heritage Council guideline Statements of Heritage Impact.”*

The Heritage Impact Statement has been reviewed by Council’s Heritage Consultant (**Appendix 6b**) in which the proposed mitigation measures and design guidelines were generally supported. However the Heritage Consultant made some additional recommendations including:

- Limits to site coverage to avoid overly large outbuildings;
- Generous setbacks from lot boundaries;
- Outbuildings to be subservient in scale and mass to the primary dwelling, and
- New dwellings should be traditional Australian rural homestead style with double pitched roofs and typical attached verandah’s.

The mitigations proposed by the proponent’s and Council’s heritage consultants are integral to ensuring that the proposed subdivision reflects an open rural character which draws upon the heritage significance of nearby heritage items.

The *Goulburn Mulwaree Development Control Plan* currently includes provisions relating to development in the vicinity of heritage items, materials, colours, rural fencing, landscaping and rural subdivision. These provisions serve as general controls and are not site specific.

To ensure tailored, site-specific controls which can be incorporated into the assessment of a subsequent development application, the recommendations from both the proponents and Council’s heritage consultants have been included in a precinct-based Development Control Chapter, alongside a requirement for recommendations within a Heritage Impact Statement to be incorporated into a design (**Appendix 1**).

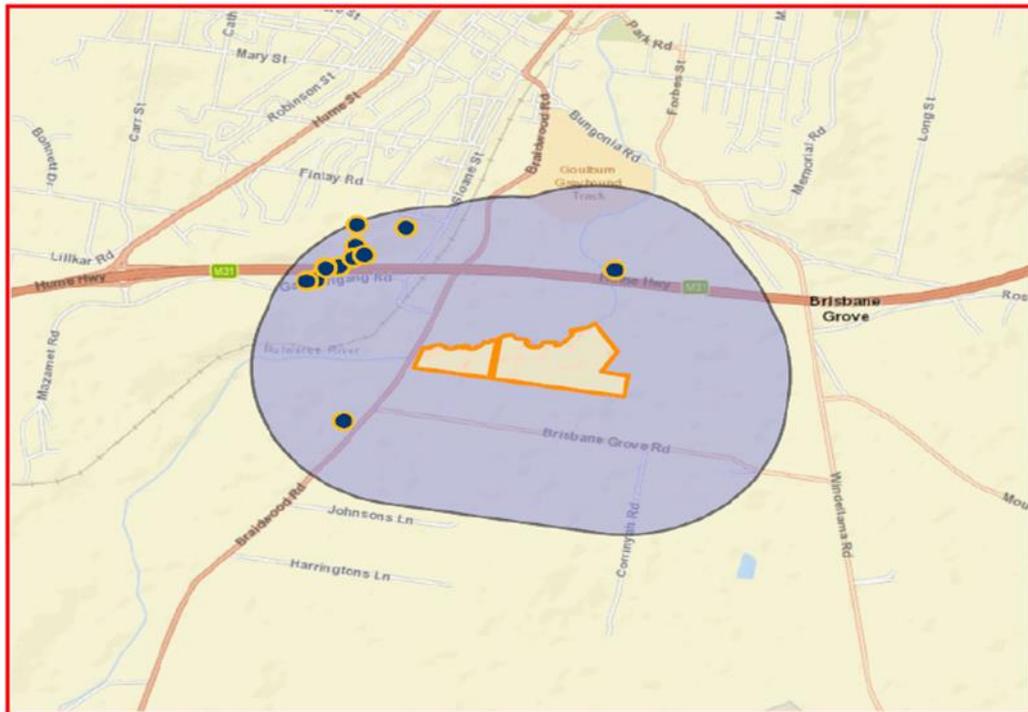
This approach will ensure the conservation of European heritage significance in the Brisbane Grove Precinct.

#### Aboriginal Cultural Heritage

The subject site’s northern boundary stands directly adjacent the Mulwaree River and stands within an area mapped as a place of Aboriginal significance within the *Goulburn Mulwaree Development Control Plan*. This map, illustrated in **Figure 14**, was produced in consultation with the Pejar Land Aboriginal Land Council and highlights areas with potential for Aboriginal sites and/or objects.



Figure 15: NSW Aboriginal Heritage Information Management System findings- access 12.1.2022



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

<b>12</b>	<b>Aboriginal sites are recorded in or near the above location.</b>
<b>0</b>	<b>Aboriginal places have been declared in or near the above location. *</b>

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

In addition, Heritage NSW provided some initial advice in relation to the planning proposal and submitted Due Diligence Assessment and confirmed that the planning proposal must be accompanied by a full Aboriginal Cultural Heritage Assessment. This requirement was stipulated within resolution 3 of the 15 March 2022 council report (**Appendix 4a**) which required submission of a full Aboriginal Cultural Heritage Assessment before the proposal is able to proceed to a gateway determination.

The full Aboriginal Cultural Heritage Assessment (ACHA) was provided to council on 8 July 2022 and is available in **Appendix 5b**. The ACHA listed the policies and guidelines considered in the preparation of the report as:

- *Aboriginal cultural heritage consultation requirements for proponents (2010)*
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010)*
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010)*
- *Guide to investigation, assessing and reporting on Aboriginal Cultural Heritage in NSW (2010)*

The ACHA included a site visit with a Pejar Local Aboriginal Land Council representative on 13 May 2022 accompanied by an archaeologist. On site discussion with the Pejar representative did not raise any objections to the proposal.

Overall the survey did not locate any objects or sites within the development area and no specific areas of Potential Archaeological Deposit (PAD) were identified or discernible.

The planning proposal has considered Aboriginal cultural heritage through both the Due Diligence Assessment and Aboriginal Cultural Heritage Assessment with no impacts identified. 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 protect water quality in the Sydney drinking water catchment. This direction applies to land located 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, 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 that is:
    - i. Reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or
    - ii. Declared as a wilderness area under the Wilderness Act 1987, or
    - iii. Owned or under the care, control and management of the Sydney Catchment Authority, should maintained.
2. When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:
  - a. Ensure that the proposal is consistent with Chapter 8 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and
  - b. Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
  - c. Zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:

<b>Land</b>	<b>Zone under Standard Instrument (Local Environment Plans) Order 2006</b>
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	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

weirs)and operational land at dams, weirs, pumping stations etc.	
---	--

and,

- d. Consult with the Sydney Catchment Authority, 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
- e. Include a copy of any information received from the Sydney Catchment Authority 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 subject site stands approximately 2km to the south of the Goulburn urban area and the north western boundary of the large northern lot stands adjacent the Mulwaree River. The site stands in a location which is not serviced by the Goulburn's reticulated water and sewage system. There are no plans to extend the town's water and sewer network to this area. Domestic water and sewer requirements are proposed to be provided through on-site rainwater collection and effluent management systems.

The proponent is seeking the rezoning of an area of approximately 83.8 hectares from RU1 Rural Production and RU6 Transition to R5 Large Lot Residential on 2 hectare lots. The lots will be serviced by on-site water and effluent management systems.

Part of Lot 2, DP 1180093 and part of Lot 29, DP 750015 stand within the most frequent and severe riverine flood liable areas of the site as illustrated in [Figure 8](#) and a number of lots stand within the probable maximum flood extent as illustrated in dark green in [Figure 8](#).

A drainage path runs south to north through the eastern third of the site forming a channel which directs overland flow waters into the Mulwaree River, illustrated in [Figure 9](#).

The proponent submitted a Water Cycle Management Study (WCMS) ([Appendix 7a](#)) in support of the proposal which includes:

- a stormwater quality assessment for the civil works associated with the proposal and satisfying the Neutral or Beneficial Effect requirements;
- an assessment of the potential or likelihood for overland stormwater drainage and flood impacts to affect the proposed subdivision;
- a wastewater management assessment for each of the proposed lots, and
- a conceptual subdivision plan- Waste Water Management Plan ([Appendix 7b](#)) illustrating the indicative location of the new dwelling pads, the approximate location of on-site effluent management systems and the location of new and existing dams.

In addition, the Water Cycle Management Study includes a waste effluent model with plume map summaries. The plume map summaries indicate the approximate proposed location of effluent management areas after subdivision but these have been illustrated using existing lot boundaries. Table 1 below correlates the newly proposed lot numbers presented on the plume maps with the current lot and DP number references.

Table 1: Correlation between Plume Maps and current lot and DP number references

<b>Proposed lot number (correlates between indicative layout plan and plume summaries)</b>	<b>Existing Lot and DP numbers</b>
Lot 1	Lot 45 DP 976708
Lot 2	Lot 43 DP 976708
Lot 3	Lot 39 DP 976708
Lot 4	Lot 54 DP 976708
Lot 5	Lot 17 DP 976708
Lot 6	Lot 15 DP 976708
Lot 7	Lot 18 DP 976708
Lot 8	Lot 11 & 12 DP 976708
Lot 9	Lot 10 DP 976708
Lot 10	Lot 19 DP 976708
Lot 11	Lot 2 DP 1180093
Lot 12	Lot 2, DP 1279715
Lot 13	Lot 2 DP 1180093
Lot 14	Lot 2 DP 1180093
Lot 15	Lot 2 DP 1180093
Lot 16	Lot 2 DP 1180093
Lot 17	Lot 2 DP 1180093
Lot 18	Lot 2 DP 1180093
Lot 19	Lot 2 DP 1180093
Lot 20	Lot 2 DP 62157
Lot 21	Lot 3 DP 62157
Lot 22	Lot 4 & 5 DP 62157
Lot 23	Lot 5 DP 62157 & Lot 12 DP 976708
Lot 24	Lots 13 & 14 DP 976708
Lot 25	Lot 14 & 15 DP 976708
Lot 26	Lot 16 DP 976708
Lot 27	Lot 44 DP 976708

The Study highlights the northern and north western portions of the site are flood liable lands but notes that all affected lots would ensure dwelling envelopes and effluent management areas would stand above the 1 in 100 year flood event including freeboard provisions (the flood planning area). The Study also identifies a defined drainage depression running through the eastern third of the site which conveys surface water run-off through a corridor into the Mulwaree River to the north of the site.

These findings are mirrored through the [Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study), in relation to the extent of riverine flooding as illustrated in [Figure 8](#) and through overland flow modelling developed concurrently with the Flood Study illustrated in [Figure 16](#). The areas marked red and blue are the areas which are most constrained by flooding and the least suitable for most development types, further information on flooding is provided in **Section 3.6.7 Direction 4.1 Flooding** of this report.



flooding ensures associated structures can be suitably sited to avoid adverse impacts on water quality.

The proponents Water Cycle Management Study concluded that:

*‘The conceptual subdivision as proposed in the accompanying plans meets the Neutral or Beneficial Effect (NorBE) criteria, and each of the new lots seeking new residential building entitlements are deemed suitable to support a residential development incorporating an on-site wastewater management facility’.*

Water NSW initial pre-gateway referral response was received on 9 May 2022 which stated in relation this direction:

- The planning proposal includes a comprehensive response to Direction 3.3 which takes into account information in the Flood Risk Management Strategy and Water Cycle Management Study.
- The Strategic Land and Water Capability Assessment has been provided with Water NSW’s referral response
- Water NSW generally agree that the conceptual subdivision design is able to meet NorBE with each new lot being able to accommodate appropriate on-site wastewater management.

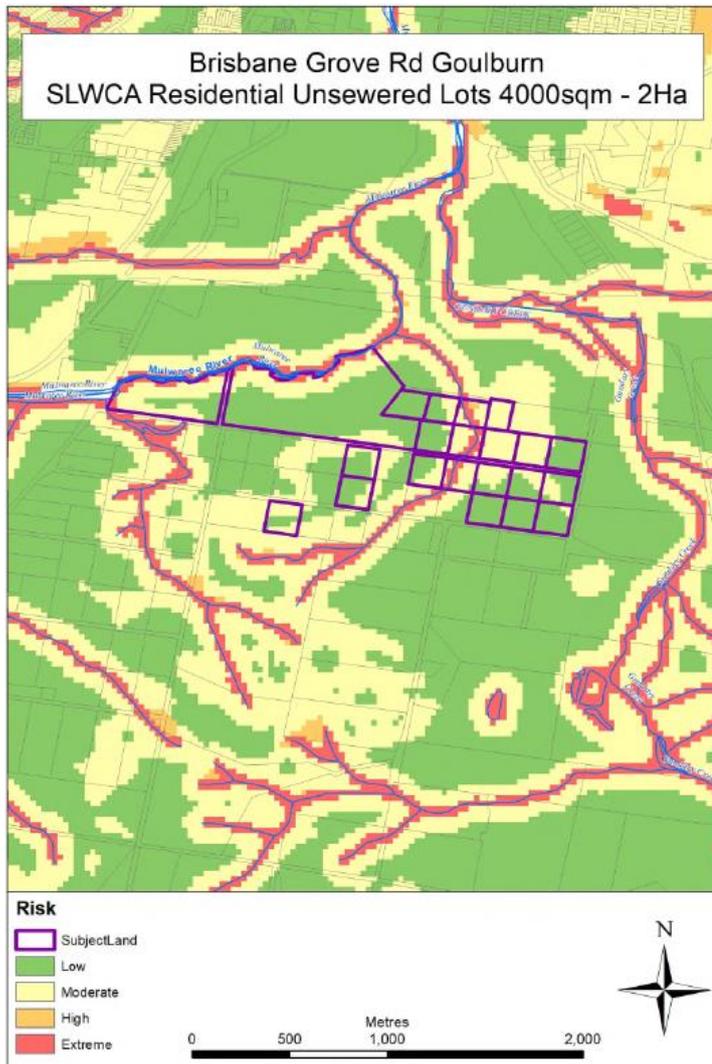
A copy of the Water NSW initial pre-gateway referral response is available in **Appendix 7e**.

#### Strategic Land and Water Capability Assessment

The initial pre-gateway referral response (9 May 2022) included a Strategic Land and Water Capability Assessment (SLWCA) for unsewered residential lots between 4,000sq.m and 2ha, illustrated in **Figure 17**.

The SLWCA illustrates that water quality risk varies from low to extreme with extreme areas having very low capability for development. The areas to the north-west bordering the Mulwaree River, including part of large lot 2, DP 1180093, alongside a south north corridor running through lots 3 & 4, DP 62157, 11 & 18, DP 976708 and lot 29, DP 750015 are identified as extreme risk where unsewered development should be avoided. The areas identified as having very low development capability are all areas identified to be zoned as C2 Environment Conservation where the establishment of a dwelling or associated structures is prohibited. The SLWCA illustrates that the remainder of the site to be within low to moderate risk areas where unsewered residential development is considered suitable in terms of land and water capability.

Figure 17: Strategic Land and Water Capability Assessment



Water NSW's second pre-gateway referral response was received on 26 September 2022 (**Appendix 7f**) which largely reinforced the previous initial pre-gateway referral comments. Additional comments related to the proposals consideration of the Strategic Land Water Capability Assessment provided through the May 2022 referral comments.

Water NSW noted the proposal incorporates the relevant SLWCA map and that most of the site carries a low to moderate water quality risk which means most of the site carries a high and moderate capability for unsewered development. The response identifies that the R5 zoning area generally corresponds with areas of low to moderate risk.

This planning proposal is consistent with Chapter 8 of the Biodiversity and Conservation SEPP as it:

- Has given consideration to the Strategic Land and Water Capability Assessment
- Has consulted with the 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.

**Comment:** The subject site's north western boundary (Lot 2, DP 1180093) stands adjacent the banks of the Mulwaree River with a significant portion of the 36.6 hectare north western lot impacted by the 1 in 100 year flood event for riverine flooding. The Probable Maximum Flood (PMF) (dark green area) extends further and consumes the majority of the lot, as illustrated in [Figure 8](#). The PMF also encompasses all or part of 12 existing lots within the subject site. The site also experiences some overland flow impacts on the eastern third of the site with an overland flow corridor running south to north over Brisbane Grove Road and through the site to reach the Mulwaree River to the north, as illustrated in [Figure 16](#).

The presence of the PMF and overland flow within the site triggers the necessity for the planning proposal to meet the requirements of this Direction.

The planning proposal has been accompanied by a Water Cycle Management Study (**Appendix 7a**). *Section 3- stormwater drainage and flood impacts* which provides an assessment of the potential or likelihood for overland stormwater drainage and flood impacts to affect the proposed subdivision.

The Water Cycle Management Study identifies that both riverine flows and sources of external overland flows are contributing sources of flood water which impact the site. In particular it focuses on the overland flow drainage path which runs south to north through the eastern third of the site but largely relies on the *Wollondilly and Mulwaree Rivers Flood Study 2016* in relation to riverine flooding.

It includes a preliminary (pre-development) flood and stormwater model to understand the impacts of overland flows and surface water drainage and estimate the 1% AEP rain event, as presented in *Figure 3.1* of the *Water Cycle Management Study*. This enabled the identification of options for the suitable placement of potential dwelling envelopes and effluent management areas as illustrated in the proponents Stormwater Drainage and Flood Impact Site Plan in **Appendix 7d** and avoid areas of risk and inundation.

To assess the potential for stormwater drainage impacts created on or by the proposed subdivision, a hydraulic hazard assessment was undertaken to understand flood depth and velocity of the post development model. The hydraulic hazard assessment, presented in *Figure 3.2* and *Figure 3.3* of the *Water Cycle Management Study*, identified that hazards, where created across the site, are within the lower end of the risk scale which is generally suitable for all demographic groups, buildings and transport options.

The subject site stands adjacent to or in close proximity to the river but no development is proposed within the flood planning area with the most frequent and severe riverine flood affected land proposed to be rezoned as C2 Environmental Conservation.

The *Goulburn Floodplain Risk Management Study and Plan* illustrates areas subject to riverine flooding. Overland flow flood modelling undertaken concurrently with the flood study also highlights an overland flow corridor running through the eastern third of the site.

The 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 study area includes the subject site and models the extent of riverine flooding, alongside setting out a Development Control Policy (**Appendix 10**).

The Flood Study and 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 2** below:

*Table 2: Flood Planning Constraint Categories*

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 flood policy applies 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 and presents tailored controls to address the relative impacts on life and property from inundation. The Study recommends that an *Overland Flow Flood and Floodplain Risk Management Study* be

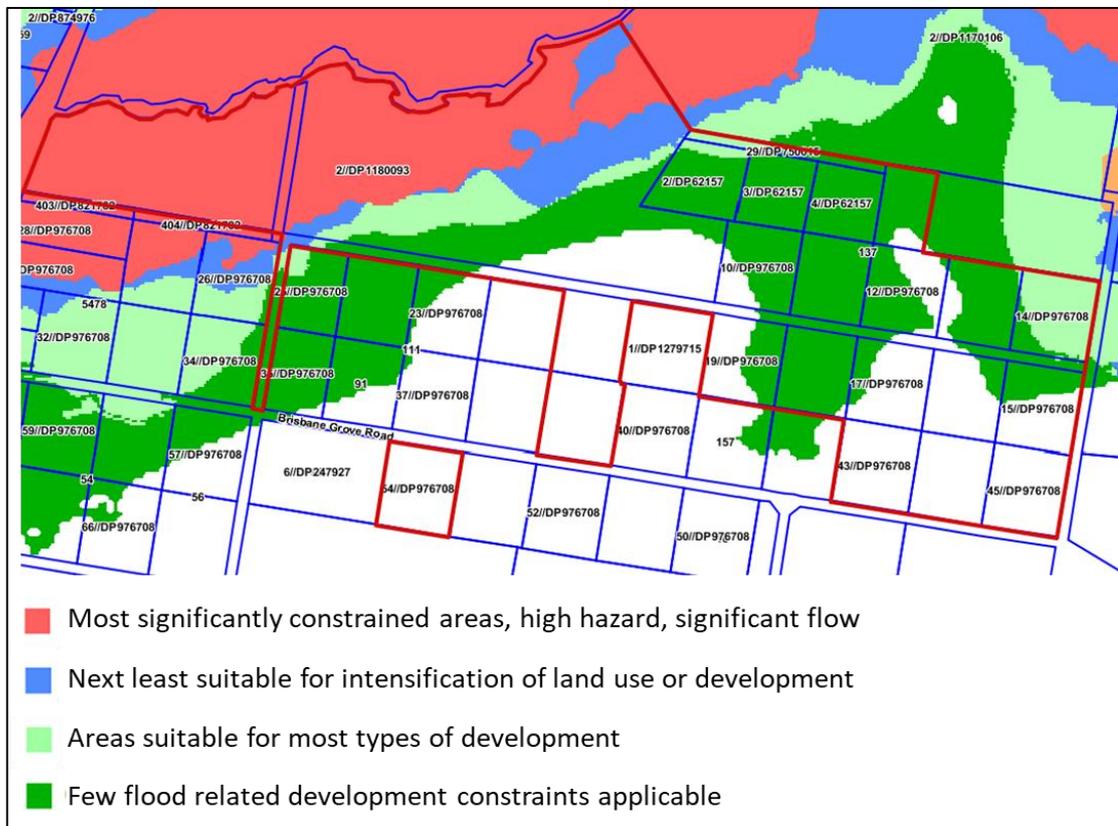
undertaken subsequent to the Flood Study upon which specific overland flow development controls can be established. In light of this recommendation and the emerging planning proposals to the south of Goulburn, overland flow modelling has been undertaken for the Brisbane Grove and Mountain Ash UFHS precincts. This modelling has utilised the same data and methodology as the riverine flood modelling and mapping. This has resulted in a mapping layer which illustrates the location and likely extent of overland flow flooding and the relative risk to life and property. 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 Flood and Floodplain Risk Management Study* will be undertaken in 2023 and will include development controls as they pertain to identified flood planning constraint categories for overland flow. 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-7>

It should be highlighted that due to the application of the C2 Environmental Conservation Zone to the most constrained areas of overland flow affected land and the reduced permissibility's for development in this zone, the necessity to apply flood related development controls on the subject site will be limited.

The Flood Study mapping of the Flood Planning Constraint Categories, as they apply to the subject site, illustrate that FPCC4 relating to riverine flooding (extent of the PMF) covers all or part of existing Lot 2, DP 1180093, Lot 29, DP 750018, Lots 2-5, 10-14, 18 and 19, DP 976708, illustrated in **Figure 18**.

Figure 18: Riverine Flood Map- Goulburn Floodplain Risk Management Study and Plan



This planning proposal seeks the rezoning and accompanying minimum lot size amendment to enable the subdivision of the site to provide 27 R5 large residential lots at 2 hectares in area or greater. The proposal does not include land uses which are difficult to evacuate during an emergency such as hospitals, residential care facilities etc. This proposal would therefore not include development in which occupant's cannot effectively evacuate.

The overland flow modelling also identifies an overland flow corridor running through the eastern third of the subject site and affecting existing Lots 29, DP 750018, Lots 3, 4, 11, 18 and 19, DP 976708, illustrated in **Figure 16**. This overland flow corridor includes land within all four of the flood planning constraint categories, including the most severely constrained FPCC 1 and 2 (areas marked red and blue). These most constrained areas are proposed to be rezoned as C2 Environmental Conservation, where development potential is limited which ensures residential accommodation is prevented from being located in the floodway or high hazard areas.

The proposed R5 Large Lot Residential zone and C2 Environmental Conservation Zone do not permit hazardous industries or hazardous storage establishments.

As noted above the most severely constrained land areas within the site (FPCC 1 & 2) are to be rezoned C2 Environmental Conservation, where, firstly the range of permissible uses is very limited and secondly the Local Environmental Plan does not permit any development without consent. Areas of the site within the less constrained FPCC areas will be subject to the flood planning controls in the Development Control Plan.

In summary:

- the planning proposal does not seek to permit development in floodway areas;
- is not considered to result in significant flood impacts to other properties;
- would not permit residential accommodation in high hazard areas;
- would not permit development which is difficult to evacuate;
- only permits development to be carried out with development consent (except exempt development & agriculture);
- does not result in a significantly increased requirement for government spending, and
- does not permit hazardous industries or storage establishments.

The planning proposal is considered to be consistent with the NSW Flood Prone Land policy, principles of the *Floodplain Development Manual 2005*, *Considering flooding in land use planning guideline 2021*, and the *Goulburn Floodplain Risk Management Study and Plan*. The proposed amendments (zoning and minimum lot size) of the Local Environmental Plan as they apply to the subject site are commensurate with the identified flood hazard and includes consideration of potential flood impacts both on and off the subject site.

The planning proposal is consistent with Direction 4.1- Flooding.

### **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. The subject site stands in the rural area in land currently zoned RU6 Transition which is identified as bushfire prone land, this direction therefore applies.

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 stands in the rural area in land currently zoned RU6 Transition and RU1 Primary Production which is identified as Category 3 vegetation with a medium bushfire risk as illustrated in [Figure 19](#). The subject site is therefore bush fire prone land and this direction applies.

Figure 19: Category 3 Bush fire prone land map



The 27 large lot residential lots proposed on the subject site stand approximately 2km from the Goulburn urban area and will not be serviced by Goulburn’s reticulated water system. The lots will therefore rely on on-site provisions for water supply.

The proponent has submitted a Strategic Bushfire Study (**Appendix 11a**) to provide an independent assessment of the proposal’s suitability for large lot residential development in regards to bushfire risk. The assessment has been undertaken in accordance with NSW Rural Fire Service guidance document ‘*Planning for Bushfire Protection 2019*’.

The Study has identified the requirements of the NSW Rural Fire Service guidance and sets out how the proposal seeks to meet them and also includes a strategic bush fire study site plan, with development setbacks to provide appropriate Asset Protection Zones, as illustrated in **Appendix 11b**.

The Study includes the following bush fire protection measures:

- Lots large enough, at 2 hectares, to provide suitable Asset Protection Zones within individual lot boundaries to ensure no dwelling site would be exposed to radiant heat levels exceeding BAL-29 (High Bush Fire Attack Level), as illustrated in **Appendix 11b**;
- Availability of a two-way perimeter road, along the southern boundary, which has a minimum width of 20m and is sealed and all weather and will provide access to 6 of the proposed lots;
- Creation of a two-way internal access road at a width of 20m which provides a through-route across the site with two access/egress points on Brisbane Grove Road which alongside an existing road reserve on the eastern boundary provides access for firefighting vehicles and two evacuation routes (east or west). The internal access road will provide access to 21 proposed lots;
- Provision of 7 new farm dams alongside 9 existing farm dams and suitable storage vessels to provide static water supplies for firefighting purposes;
- No slopes which exceed 10 degrees, and
- Building envelopes setback from lot boundaries by at least 60 metres.

It is noted in the Study that a perimeter road, as required by Table 5.3b of *Planning for Bush Fire Protection 2019*, has not been included and instead proposes that variation to this requirement be considered. Proposed lots to the north of the planned internal

access road include flood prone land, where road construction to provide a rear perimeter road is unlikely to be supported. These lots would however be accessible by the planned internal access road which provides two entry points onto Brisbane Grove Road at either end of the development for access and egress. The dwelling envelopes for these lots are proposed to be sited within the front portion of the lots which is closest to the internal access road, as illustrated in **Appendix 11b**. Lots to the east of the site (Lots 1, 6, 24 and 25) will be accessible via Brisbane Grove Road (Lot 1 only), the new internal access road (Lot 25 and 24) and via an existing road reserve which serves 221 and 223 Brisbane Grove Road (Lots 1, 6, 24 and 25). This road reserve alongside the existing council road reserve on the site's western boundary also enable access to the rear of the northern lots where a perimeter road is not feasible. This network of roads around and within the site are considered to provide suitable access for firefighting resources to combat any grass fire.

The proposal will benefit from two separate access and egress options allowing internal lots (not accessed via Brisbane Grove Road) to choose which direction to leave in an emergency situation. Brisbane Grove Road provides access out of the vicinity to the east and the west, enabling safe passage to the Goulburn urban area. This reduces the potential for traffic congestion in an emergency situation and allows multiple locations and fronts for emergency services to access properties. This combined with the sites proximity to the Goulburn urban area (2km) and multiple travel routes would suggest occupants would not become isolated.

In addition, the Traffic and Access Assessment Report (**Appendix 12**) submitted with this planning proposal concludes that traffic generation would be low with no adverse impact on the current road network.

The planning proposal identifies the potential for the subdivision, after the planning proposal process has been finalised, to be staged. Six of the proposed lots are accessed via the existing Brisbane Grove Road and already meet the 2ha minimum lot size sought through this proposal. Staging of the subdivision is not considered to have an adverse impact on firefighting options of capabilities.

The proposal includes the creation of 27 lots which is considered minor and would not warrant an increase in the provision of existing emergency service facilities or capabilities, even when considering additional similar lot size rezoning's in the precinct.

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 any additional guidance and requirements sought by NSW Rural Fire Service.

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 proposal indicates suitable Asset Protection Zones, contains provisions for two-way access roads (although not connecting to a perimeter road for all the proposed lots), 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 to 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 9b** (initial June 2021 PSI is available in **Appendix 9a**) which seeks to address the requirements of this direction.

The PSI assessed the potential for contamination based on:

- Review of topographic, soil, geological, salinity and acid sulphate soils mapping for the whole site
- Review of historical aerial photography of the entire site using photographs from 1978, 1987, 1991, 2006, 2012 and 2021
- Search of NSW EPA contaminated land records
- NSW Office of Water groundwater bore search
- Review and summary of current and historic titles and deposited plans for landholdings which span from 1896 to 2021 and incorporate the history for the majority of the lots within the site (Lot 2, DP 1180093, Lots 10 to 14, 17 to 19, 43 to 45 and 54 DP 976708 and Lot 2, DP 1279715)
- Review of Section 10.7 certificates
- A site walkover inspection of all lots within the site area.

The PSI found there was a low probability of acid sulphate soils, groundwater was indicated at a depth of 2m to 8m below ground level and a number of farm dams (*Appendix A of the PSI*) were identified on site. Only one registered groundwater bore was identified on site (*Appendix C of the PSI*).

A search of NSW EPA contaminated land records did not identify any notified contaminated sites on, adjacent or in close proximity to the subject site.

No residential buildings or septic systems are located on site but a septic system was identified to the south of the site, near an off-site residential building.

In relation to current and previous land uses on the site, based on historical aerial photography, the PSI identified the site had likely been used for agricultural use since at least 1975. In addition, historical title searches based on information regarding previous owners which indicates that several past owners of the site were listed as 'graziers', indicating a long history of the use of the site for grazing.

The PSI included information sourced from desktop site information and through a site walkover of the entire subject site undertaken by an environmental scientist on 18 May 2021.

The PSI identified two potential sources of contamination on site and associated contaminants of potential concern (COPC), namely:

- S1- Waste materials scattered across the site surface. These includes old bricks, ceramic sewer pipe, old fencing materials and metal sheeting. The associated COPC's which include metals, total recoverable hydrocarbons, benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons and asbestos.
- S2- Potential use of pesticides associated with grazing agriculture at the site with associated COPC's which include arsenic, organochloride and organophosphate pesticides.

The PSI identifies potential transport pathways, receptors and establishes risk management actions. Two risk management actions are presented as recommendations to the PSI to address the limited areas of the site which may be impacted by potential contamination. These risk management actions are:

- A Construction Management Plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site, and
- Waste material should be removed from the site and disposed of at a licensed waste disposal facility prior to development commencing.

The PSI concludes with the following statement:

*“Sporadic waste materials were observed on the site surface. These included old fencing material, ceramic pipe, metal sheeting and old bricks. The likelihood that contamination has resulted from these waste materials is low, however, the waste material should be removed from the site and disposed at a licensed waste disposal facility prior to development commencing.*

*Minor quantities of pesticides were noted in sheds immediately to the south of the site indicating the possible use of pesticides on site. It is considered that the risk of accumulation of significant quantities of pesticides in general soil across the site is low and at this time an intrusive investigation is not required.*

*It is recommended that a construction environment management plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site.*

*Should fill material be required to be disposed off-site, it must first be assessed in accordance with NSW EPA (2014) Waste Classification Guidelines, Part 1: Classifying Waste.*

*It is considered that the site would be suitable for the proposed residential subdivision following implementation of the above recommendations”*

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 to ensure the above recommendations are included within a subsequent development application at subdivision stage.

A number of issues were raised by Water NSW in their initial pre- gateway referral response in **Appendix 7e** relating to the scope of the original June 2021 PSI (**Appendix 9a**). In their response Water NSW noted that the desktop analysis has been

confined to only three of the 22 existing lots with it being unclear whether the examination of historical aerial photography relates to the whole site or just those three lots. Water NSW's initial pre-gateway referral requested:

- The PSI to clarify whether the examination of aerial photography includes all lots or just three.
- Examination of past land uses should be based on all lots and not just a selection of 3 lots- investigation needs to be more comprehensive.
- PSI needs to confirm which lots were examined in the site walkover in May 2021 and relevant lots identified by lot and DP number.
- The issue of existing on-site wastewater systems does not appear to be considered in the PSI. PSI should clarify how many existing residences are on site, do they have on-site waste management systems and is there any likely contamination from these.
- Clarification required whether past intensive agricultural uses have occurred or are likely to occur on any of the lots- concern that farm dams may have acted as effluent ponds and accumulated contamination from sediments.

The proponent submitted an update to the June 2021 PSI through the August 2022 PSI (**Appendix 9b**) to address Water NSW concerns with a summary of their response to these concerns as follows:

- The PSI reviewed historical aerial photography for the entire subject site
- The examination of past land uses was based on a review of historical aerial photography alongside a review of current and historic titles and deposited plans for landholdings which span from 1896 to 2021 and incorporate the history for the majority of the lots within the site (Lot 2, DP 1180093, Lots 10 to 14, 17 to 19, 43 to 45 and 54 DP 976708 and Lot 2, DP 1279715)
- All lots within the subject site were examined during the site walkover
- The issue of existing on-site wastewater systems has been considered in the revised report with no such systems or existing residences identified on site.
- Grazing is the only agricultural activity identified on site historically and currently. Grazing is not an intensive agricultural use.

Water NSW reviewed the updated August 2022 PSI through their second pre-gateway referral response received by council on 26 September 2022 (**Appendix 7f**). Water NSW stated:

*"The updated PSI report has satisfactorily addressed our earlier concerns and covers the preliminary contamination risk for the planning proposal stage".*

In addition the response identified that the recommendations in the PSI for the preparation of a Construction Environmental Management Plan and any fill to be disposed of off-site in accordance with NSW EPA guidelines is supported.

The planning proposal includes a report specifying the findings of a preliminary investigation carried out in accordance with the contaminated land planning guidelines. The Council have considered whether the land is contaminated and the minor presence and scope of potential contaminants, alongside the recommendations would ensure the land is or can be made suitable for the proposed rezoning to R5 Large Lot Residential.

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, subdivisions 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) 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 an area of 83.8 hectares from RU1 Rural Production and RU6 Transition to provide 27 R5 Large Lot Residential lots. The site is situated approximately 2km south east of the Goulburn urban area but separated by the Hume Highway and the 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 main roads of Brisbane Grove Road and Braidwood Road to the Goulburn urban area.

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 7 minute drive. The subject site is located as close as practically possible 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 Brisbane Grove 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)** of this report, the subject site stands within the northern limit of the Brisbane Grove 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 in 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.

**Comment:** This planning proposal is seeking the rezoning of a rural RU6 Transition Zone and 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 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.
- 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 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 planning proposal is situated between two existing roads, namely, Braidwood Road and Brisbane Grove Road. The Traffic and Access Assessment Report submitted with the planning proposal (**Appendix 12**) identifies that these roads have significant spare capacity to accommodate the limited additional traffic generated by the eventual subdivision. The development of this area for residential uses is considered to make more efficient use of the adjacent road network. The limited number of additional dwellings proposed (27) and the sites relatively close proximity and easy access to the Goulburn urban area would not 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. This 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* will apply. The DCP includes a range of controls relating to rural residential dwellings including:

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

Additional design considerations have been presented by both the proponent's heritage consultant and the Council's heritage consultant to ensure the development is sympathetic to its rural context. These proposed controls are included within the tailored precinct-specific controls presented in **Appendix 1**. 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 RU6 Transition with a minimum lot size of 10 hectares and RU1 Rural Production with a minimum lot size of 100 hectares. 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 **Section 3.6.4 Direction 3.1 Biodiversity and Conservation** 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 most severely affected by 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 subject site is currently zoned RU6 Transition and RU1 Primary Production which are rural zones. 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.

The subject site is current pasture land zoned RU6 Transition and RU1 Primary Production in which this proposal seeks to rezone to a R5 Large Lot Residential zone. Whilst the subject site currently experiences little agricultural activity, the rezoning, subdivision and provision of building entitlements would remove some agricultural land from productive use 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 Brisbane Grove 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 the 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 site from RU6 Transition and RU1 Primary Production and amend the minimum lot size, as such this direction would apply.

As identified in **Section 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 *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 Industries 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 Biodiversity and Conservation** 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 Native Vegetation and Habitat Survey (**Appendix 8a**) and Council's Biodiversity Officer comments (**Appendix 8b**)

**Section 3.6.5 Direction 3.2 Heritage Conservation** of this report explores potential impacts on European cultural heritage, particularly locally listed heritage item "Sofala" adjacent the subject site but also the nearby heritage items of 'Wyadra', 'Brigadoon', 'Garroorigang' and 'Rosebank'. The proponents Heritage Impact Statement (**Appendix 6a**), alongside advice from Council's heritage advisor and the draft precinct-specific development control chapter (**Appendix 1**) all seek 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 Due Diligence Assessment (**Appendix 5a**) with further information provided through a full Aboriginal Cultural Heritage Assessment (**Appendix 5b**).

**Section 3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 8: Sydney Drinking Water Catchment and Section 3.6.6 Direction 3.3 Sydney Drinking Water Catchments** considers impacts on and the importance of water resources with particular consideration to water quality impacts, as demonstrated through the proponent's Water Cycle Management Plan (**Appendix 7a**).

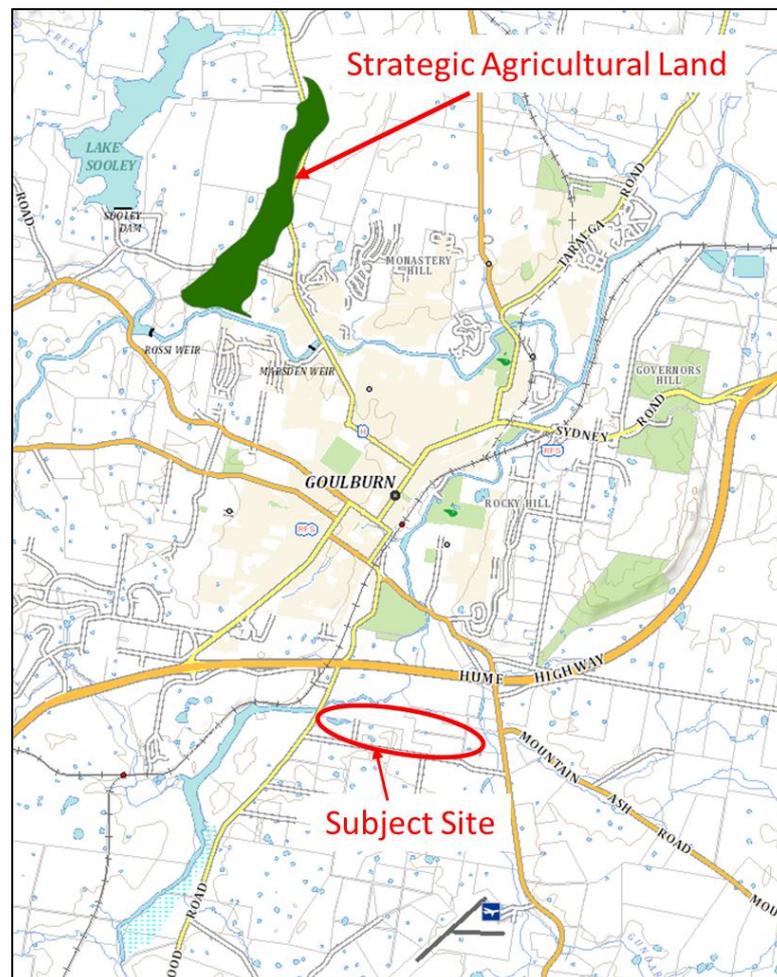
The planning proposal seeks a R5 Large Lot Residential rezoning and does not promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.

This planning proposal seeks to facilitate the ultimate subdivision of the subject site from 22 existing RU6 Transition zoned lots to 27 2 hectare R5 Large Residential Lots which would result in fragmentation of rural land. The relatively low density of the

proposal, large lot sizes and the relatively contained nature of the site between existing roads and the Mulwaree River are considered to reduce potential land use conflict with other rural land uses. In addition, the entire Brisbane Grove 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 20**.

Figure 20: Strategic Agricultural Land Map



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 Brisbane Grove Precinct, whilst not serviced by Goulburn's water and sewer system, does stand in relatively close proximity to the Goulburn urban area and the array of services it provides. The proposal will utilise existing road infrastructure which has additional capacity 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 Brisbane Grove 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 a Native Vegetation and Habitat Survey (**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 biodiversity assessment did not identify any critical habitat or threatened species, populations or ecological communities or their habitats which would be adversely affect as a result of this proposal. Further detail is provided in **Section 3.6.4 Direction 3.1 Biodiversity and Conservation** 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?

The subject site stands in proximity to four possible noise sources with the potential to adversely affect residential amenity, these include:

- The railway line which stands approximately 275m to the west of the site on the opposing side of the Mulwaree River
- The Hume Highway which stands between 300 metres and 600 metres north of the site
- Goulburn Airport which stands approximately 2km to the south east of the site, and
- Wakefield Park Raceway which stands approximately 6.5km to the south of the site.

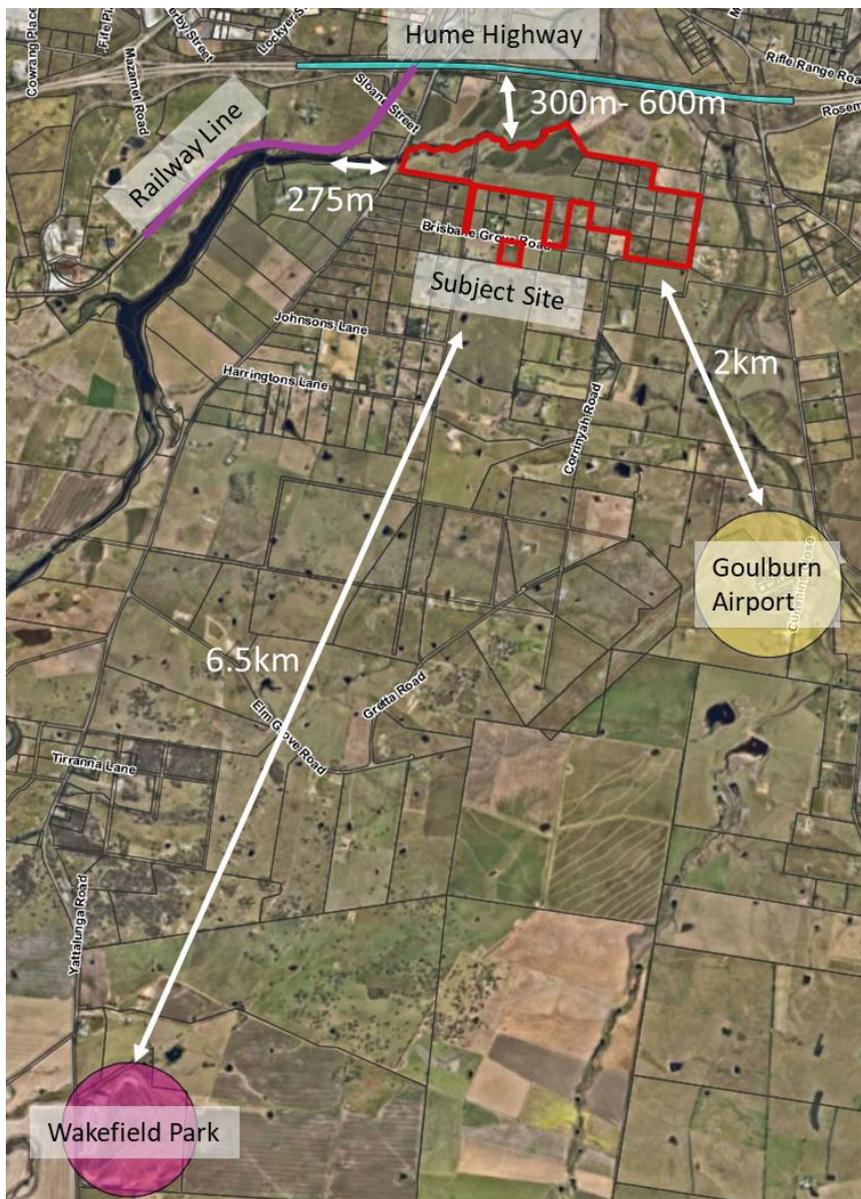
These multiple noise sources derived from all directions (see **Figure 21**) raises the potential for adverse impacts on residential amenity. Two of these noise sources, namely the airport and Wakefield Park, are identified in the *Urban and Fringe Housing Strategy* as the following potential constraints:

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

These noise impacts 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 1**. This can be achieved via a number of methods including through design, orientation, landscaping, earthworks or built solutions.

Figure 21: Proximity to Potential Noise Sources



**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 Access Assessment Report (**Appendix 12**) highlights additional capacity on the existing road network with limited to no impact on the existing junction

between Brisbane Grove Road and Braidwood Road. No additional upgrades to existing road infrastructure has been identified.

The proposal includes a new internal access road and utilisation of a council-owned paper road to the west of the site to provide access.

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

An optical fibre cable runs in close proximity to the site along Braidwood and provides an opportunity for connection to the new lots.

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

### **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, further consultation with Water NSW will be undertaken at the gateway stage and during the exhibition stage.

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

## **Part 4- Mapping**

The maps included within [Figure 3](#), [Figure 4](#), [Figure 5](#) and [Figure 6](#) illustrate the area to which this proposal relates and includes the proposed amendment from the RU6 Transition and RU1 Primary Production Zones to R5 Large Lot Residential and C2 Environmental Conservation, alongside the amendment of minimum lot sizes.

## **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>	November 2022
------------------------------	---------------

<b>Timeframe for completion of technical studies</b>	No further studies identified
<b>Timeframe for agency consultation</b>	November 2022 to February 2023
<b>Public Exhibition</b>	March to April 2023
<b>Public Hearing</b>	No hearing identified
<b>Consideration of submissions</b>	May 2023
<b>Date of submission of LEP to DPIE</b>	July 2023
<b>Anticipated date of plan made</b>	August 2023
<b>Anticipated date plan forwarded to DPIE for notification</b>	September 2023

## Part 7- Appendices

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

<b>Appendix 1</b>	Draft Brisbane Grove & Mountain Ash Precinct-specific Development Control Chapter
<b>Appendix 2</b>	Proponents Submitted Planning Proposal
<b>Appendix 3</b>	Concept Subdivision Layout Plan
<b>Appendix 4a</b>	Council Report & Resolution- 15 March 2022
<b>Appendix 4b</b>	C2 MLS Council Report & Resolution- 20 September 2022
<b>Appendix 5a</b>	Aboriginal Due Diligence Assessment
<b>Appendix 5b</b>	Aboriginal Cultural Heritage Assessment
<b>Appendix 6a</b>	Heritage Impact Statement
<b>Appendix 6b</b>	Council's Heritage Consultant Advice
<b>Appendix 7a</b>	Water Cycle Management Study
<b>Appendix 7b</b>	Wastewater Management Site Plan
<b>Appendix 7c</b>	Stormwater Management Site Plan
<b>Appendix 7d</b>	Stormwater Drainage & Flood Impact Site Plan
<b>Appendix 7e</b>	Water NSW Initial Pre-gateway Referral Response- 9 May 2022
<b>Appendix 7f</b>	2 <sup>nd</sup> Water NSW Pre-gateway Referral Response- 26 September 2022
<b>Appendix 8a</b>	Native Vegetation and Habitat Survey
<b>Appendix 8b</b>	Council's Biodiversity Officer referral comments
<b>Appendix 9a</b>	Preliminary Site Investigation (Contamination)- June 2021
<b>Appendix 9b</b>	Revised Preliminary Site Investigation (Contamination)- August 2022
<b>Appendix 10</b>	Development Control Plan Flood Policy
<b>Appendix 11a</b>	Strategic Bush Fire Study
<b>Appendix 11b</b>	Strategic Bush Fire Study Site Plan
<b>Appendix 12</b>	Traffic and Access Assessment Report