



# **Goulburn Mulwaree Council**

**Planning Proposal to rezone and amend Minimum  
Lot Size at 515 Crookwell Road Kingsdale**

**REZ\_0007\_2122**

**(PP-2022-1940)**

**April 2025**

**Exhibition Version**

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Version Table		
Version Number	Date	Amendment Type
1	28 July 2023	Pre-gateway referral Water NSW
2	11 July 2024	Gateway
3	17 December 2024	Post-gateway for agency consultation
4	15 April 2025	Exhibition

## Introduction

This report considers a Planning Proposal submitted to Council by Precise Planning, via the Planning Portal on the 30<sup>th</sup> May 2022. The Planning Portal reference is PP-2022-1940 and Council's reference is REZ/0007/2122.

This planning proposal seeks to rezone an area of 52.93 hectares of rural land situated on Crookwell Road, approximately 2 kilometres north of the Goulburn urban fringe. A site location plan is illustrated in Figure 1.

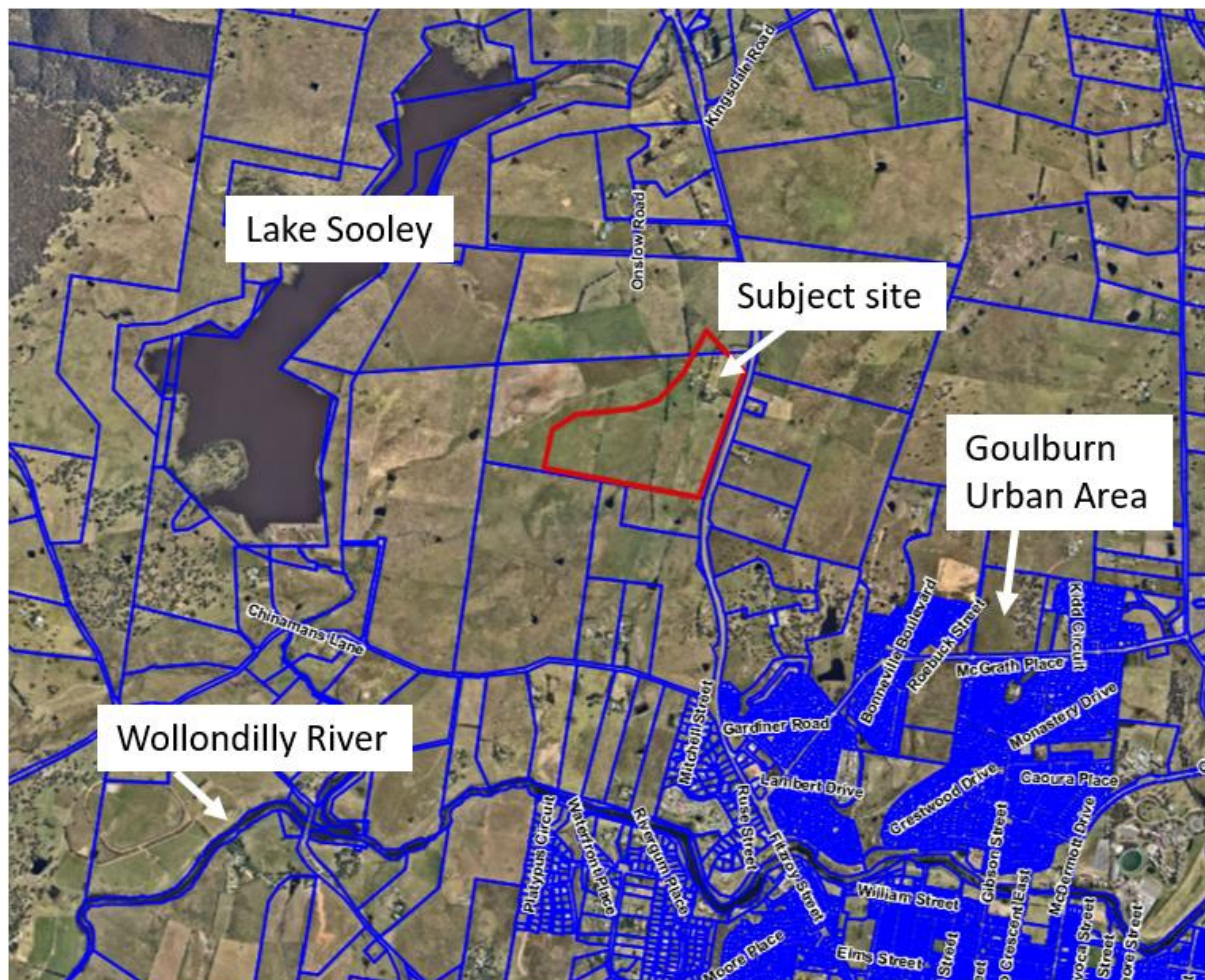


Figure 1 Aerial Image of subject site (Near Map Australia Pty Ltd, 2023)

The site comprises 2 existing lots (Lots 103 & 104 DP 1007433) with a total area of 165 hectares and is located alongside Crookwell Road. A large majority of the land subject of the Planning Proposal is located within Lot 103 and a small portion within Lot 104.

The land subject of the Planning Proposal is entirely located within Precinct 4 of the *Urban and Fringe Housing Strategy (The Housing Strategy)*, Sooley Precinct (the northernmost portion). The recommendation of the Strategy to undertake an Aboriginal Cultural Heritage Assessment has been met and will be discussed later in this report. Investigations have been submitted to address the capability of the land in the area proposed to be rezoned. Further consideration in relation to this is provided later in this report.

A dwelling house is located on the site, approximately 150 metres from Crookwell Road. Most of the land is used for sheep and cattle grazing and contains ancillary buildings to cater for the



agricultural use of the land. Two (2) dams are located across Lot 103 DP 1007433. As the concept plan indicates, one will be removed by infilling, and the other (adjacent to Crookwell Road) will be retained.

Based on historical aerial photography, the land has been used for agricultural purposes for at least the last 15 years.

Several constraints have been identified on the land, which will be discussed later in this report. On this basis, a site specific chapter to the *Goulburn Mulwaree Development Control Plan 2009 (GM DCP 2009)* has been developed to protect important environmental features. The Sooley Precinct Draft DCP is included in **Appendix 1**.

The Proponent has submitted a Planning Proposal covering letter and is included in **Appendix 2a**. The planning proposal includes a concept subdivision layout (**Appendix 2b**) which identifies a potential 24 lot subdivision of the site including the creation of two internal access roads to be connected to Crookwell Road. An extract is below in Figure 2.

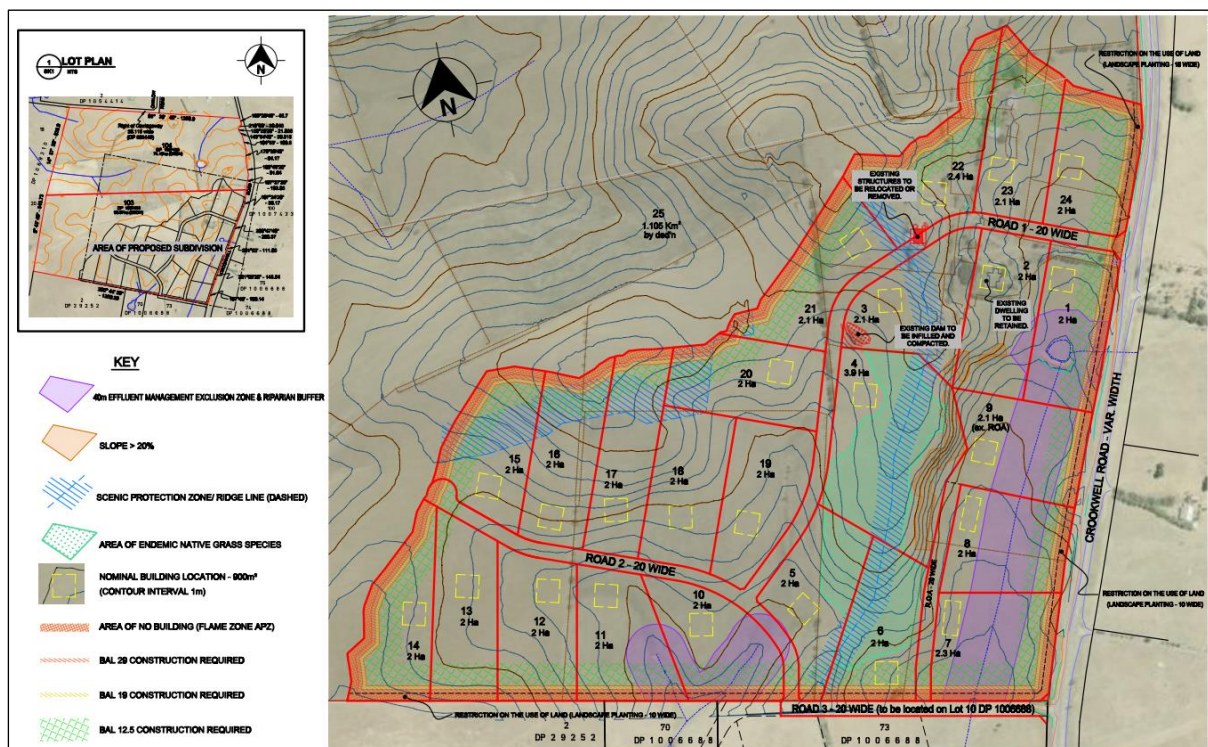


Figure 2: Concept site layout

A report for this Planning Proposal was prepared for consideration at Council's Ordinary Meeting on the 20<sup>th</sup> September 2022, seeking in-principle support of the Planning Proposal and requiring:

- A Detailed Site Investigation to further investigate the likelihood for contamination,
- A revised Biodiversity Development Assessment Report that includes additional site considerations not accounted for in the originally submitted report, ensuring that the report cumulatively addresses how the Planning Proposal will 'avoid' impacts to significant flora and fauna.
- Council to prepare a Precinct specific Chapter to the Goulburn Mulwaree Development Control Plan 2009 (*GM DCP 2009*) for the Sooley Precinct and place it on public exhibition with the Planning Proposal for a minimum of 28 days.

Council resolved to support the Planning Proposal and to proceed with the matters above. A copy of the Council report and resolution are in **Appendix 3a and 3b**.

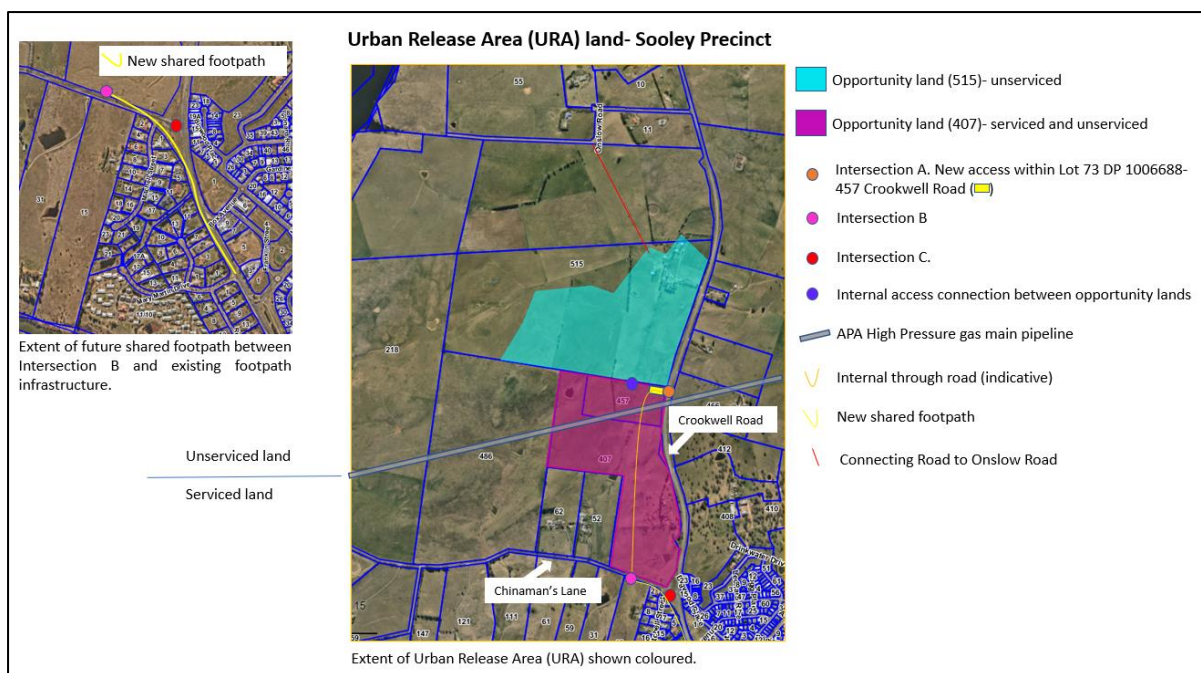
As the land has frontage to Crookwell Road (a classified road), pre-gateway consultation was held with Transport for NSW (TfNSW) to identify any high level concerns and obtain in principle support. The main concerns identified are to create a well-connected future subdivision development and minimise the number of intersections to Crookwell Road, and the inclusion of Urban Release Area (URA) provisions via an amendment to the *GM DCP 2009*. This will require the consideration of clause 6.2A(3) of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 (*GM LEP 2009*) and will ensure that subdivision development is appropriately staged to enable future development to be carried out in a logical, orderly and cost effective manner, resulting in the least amount of disruption to Crookwell Road. An amendment to the *GM LEP 2009* will also be required to amend the URA map and include the land subject of this Planning Proposal.

A further report was prepared and considered by Council on the 18<sup>th</sup> July 2023, seeking the endorsement of the application of Urban Release Area (URA) provisions under Part 6 of the *GM LEP 2009* for this site. Also required is the amendment of the *GM DCP 2009* to include URA provisions for the Sooley Precinct that addresses the requirements of clause 6.2A(3) of the *GM LEP 2009*. A copy of the Council report and resolution are in **Appendix 4a and 4b**.

A Planning Proposal was lodged in early 2023 for land adjoining the subject land to the south (i.e. 407 & 457 Crookwell Road, PP ref: REZ\_0001\_2223, Portal ref: PP-2023-414). The concept layout is in **Appendix 5**. Early consultation was also undertaken with TfNSW regarding that Planning Proposal and raised similar matters to those identified above. Those matters are currently being resolved alongside the subject Planning Proposal.

Both Planning Proponents have agreed on a combined connection point and single new access to Crookwell Road, which is captured in the concept plan in Appendix 2b.

Council has worked alongside TfNSW to refine the URA staging plan and associated provisions for inclusion within the *GM DCP 2009* as per Figure 3 below. This primarily includes the staging of subdivision development to ensure it is orderly and efficient, without adversely impacting existing infrastructure and road networks.



Opportunity Land 515	Opportunity Land 407
Intersection A is installed: Auxiliary Left Turn (AUL) and Channelised Right Turn (CHR), and The internal access connection between opportunity lands, from Intersection A is installed to service future lots.	Intersection A is installed: Auxiliary Left Turn (AUL) and Channelised Right Turn (CHR), and Intersection B is installed, and Intersection C is upgraded (AUL/CHR).
Connecting road from Opportunity Land 515 to Onslow Road via Lot 104 DP 1007433. Minimum construction standard is all-weather* and is dedicated as a public road.	A new internal through road is provided, that links Intersections A and B
	The new internal through road: <ul style="list-style-type: none"> <li>- Provides a shared footpath and</li> <li>- is designed to accommodate buses.</li> </ul>
	A new shared footpath is provided, from Intersection B, to where existing footpath infrastructure is located on Crookwell Road, in accordance with Council's adopted Pedestrian Access and Mobility Plan (PAMP). See Figure above.
General URA Provisions (applicable to all opportunity lands)	
Drainage development progresses from south to north	
Services reticulation (water and sewer) occurs from south to north	
Served land is located south of APA high pressure gas main pipeline	
Unserved land is located north of APA high pressure gas main pipeline	
Subdivision proposals beyond three lots require more than one access into and out of the development (vide <i>Planning for Bushfire Protection 2019</i> ).	
No direct access to Crookwell Road, other than via Intersection A.	
*All - weather access standard means a road that is constructed to safely convey a small vehicle during any stormwater event. Refer to Council's Engineering Standards and best practice guidelines.	

Figure 3: Urban Release Area (URA) map and associated provisions (Draft Sooley Precinct DCP)

Despite outstanding additional information requested by TfNSW in March 2024, Council proceeded to submit the Planning Proposal to the Department of Planning, Housing and Infrastructure for a gateway determination as the outstanding information was requested to be provided prior to public exhibition (and following the issue of a gateway determination).

### Gateway determination

The Department of Planning, Housing and Infrastructure issued a gateway determination on the 26<sup>th</sup> August 2024. The requirements of the gateway determination include consultation with seven (7) state agencies, including:

- Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Flooding, Biodiversity and Heritage,
- NSW State Emergency Service,
- NSW Rural Fire Service,
- Transport for NSW,



- Department of Primary Industries and Regional Development (DPIRD) - Agriculture,
- Water NSW, and
- Pejar Local Aboriginal Land Council.

As required by the Gateway determination, the agency consultation period was held over a period of 30 working days. The period of consultation commenced on the 17<sup>th</sup> December 2024 and ended on the 6<sup>th</sup> February 2025.

#### Post gateway pre-exhibition

Following the agency consultation period as specified above, Council received advice from the following agencies:

- Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Flooding, Biodiversity and Heritage,
- NSW State Emergency Service,
- NSW Rural Fire Service,
- Transport for NSW,
- Department of Primary Industries and Regional Development (DPIRD)- Agriculture, and
- Water NSW.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW)- flooding team, and NSW SES have provided advice, which is further addressed in section 3.6.7. No objection is raised in regard to flooding matters. No objection is raised regarding biodiversity or heritage elements of the Planning Proposal and advice is further considered and addressed in section 3.6.4.

The NSW Rural Fire Service (RFS) also raise no objection. Their advice is addressed in section 3.6.8.

Transport for NSW (TfNSW) do not object to the Planning Proposal. Their advice is addressed in section 3.6.10.

The Department of Primary Industries and Regional Development (DPIRD)- Agriculture do not raise any objection and additional advice is provided which is considered in section 3.6.13.

Water NSW do not raise any objection. Their advice is addressed in section 3.6.6.

## 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 (The Housing Strategy)* for unserviced (on site water and sewer provision only) large lot residential development.

## Part 2- Explanation of Provisions

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

- Amending the land use zoning map of the *GM LEP 2009* for part of Lot 103 and 104 DP 1007433 from C3 Environmental Management to R5 Large Lot Residential (Figure 4 and Figure 5).
- Amending the land use zoning map of the *GM LEP 2009* for part of Lot 103 and 104 DP 1007433 from C3 Environmental Management to C2 Environmental Conservation (Figure 4 and Figure 5).
- Amending the Minimum Lot Size map of the *GM LEP 2009* for part of Lot 103 and 104 DP 1007433 from 100 hectares to 2 hectares (Figure 6 and Figure 7).  
A minimum lot size is not proposed for land to be re-zoned to C2 Environmental Conservation.
- Including Part Lot 103 & 104 DP 1007433 as an Urban Release Area (URA), in accordance with clause 6.2A(3) of Part 6 of the *GM LEP 2009*, which will include a map amendment to the URA map. The URA map will also include land that is subject of a Planning Proposal to the south of this land (i.e. 407 & 457 Crookwell Road, Kingsdale). See Figure 8.

The proposed amendments above will impact part of Lot 103 and 104 DP 1007433 to the extent shown in the Figures below. The remaining parts of the land and their existing zoning and minimum lot size allocations remain unchanged. A future subdivision proposal can be facilitated via clause 4.1E of the *GM LEP 2009*.



Figure 4: Current zoning of subject site



Figure 5: Proposed zoning of subject site



Figure 6: Current Minimum Lot Size

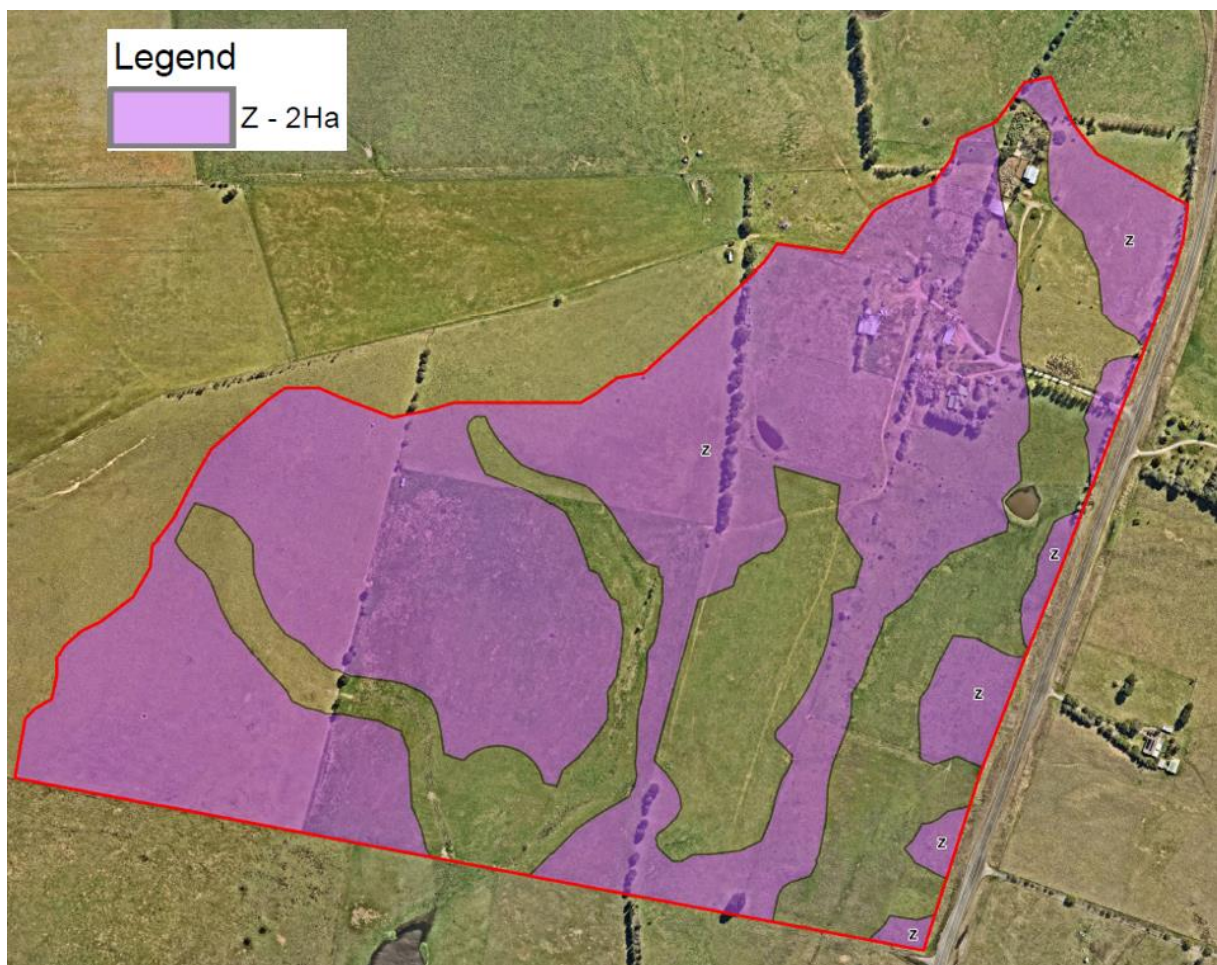


Figure 7: Proposed Minimum Lot Size



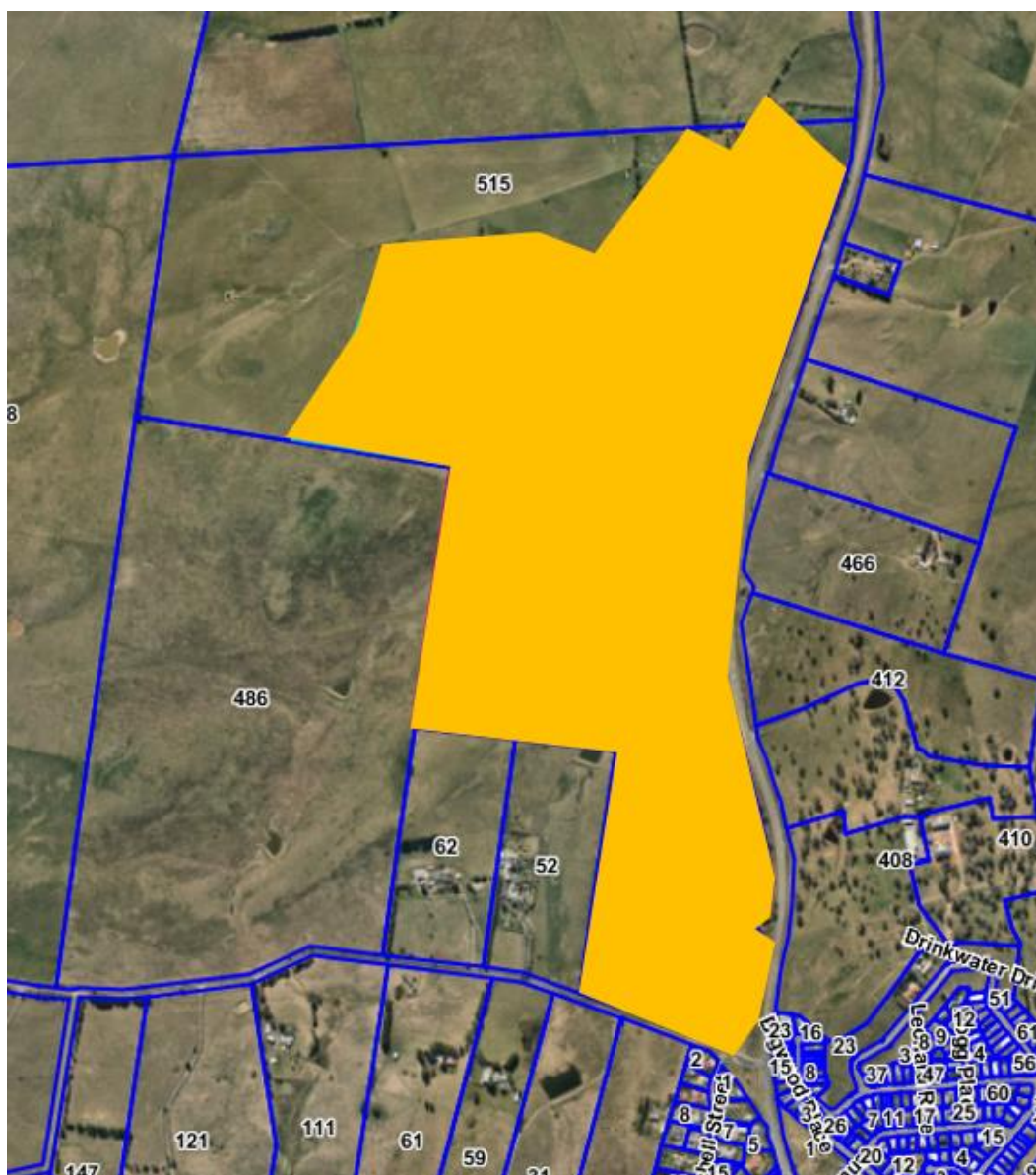


Figure 8: Proposed Urban Release Area (URA) to be included in the GM LEP 2009

The Site specific Draft Sooley Precinct DCP chapter includes the consideration of URA provisions that addresses each of the requirements of clause 6.2A(3) of the *GM LEP 2009*. Refer to **Appendix 1**.

## Part 3- Justification

### Section A- Need for a planning proposal

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

The subject site is located on the northern edge of Precinct 4: Sooley, of *The Housing Strategy*, as illustrated in Figure 9. This part of Precinct 4 is identified as a rural residential opportunity area. *The Housing Strategy* recommends land in the precinct located east of the ridgeline that does not drain to Sooley Dam be rezoned to large lot residential with a minimum lot size of 2 hectares.

*The Housing Strategy* identifies that a comprehensive Aboriginal Cultural Heritage Assessment is required and one has been submitted as part of this Planning Proposal. The assessment identifies four (4) Aboriginal heritage sites and two (2) areas of



Potential Archaeological Deposit (PAD). These have been registered in the Aboriginal Heritage Information Management System (AHIMS). Besides including these areas within restrictive C2 Environmental Conservation zoning, the Draft Sooley Precinct DCP includes controls to avoid potential impacts on important Aboriginal heritage sites, including provision of suitable buffered areas. The Planning Proposal has been designed to demonstrate capability in protecting Aboriginal Heritage.

There are no recommendations relating to overland flooding, however there are existing natural water courses traversing the land and Council now has available data which indicates the extent of overland flooding which is considered in this Planning Proposal.

This planning proposal is seeking R5 Large Lot rezoning with a 2 hectare minimum lot size. Consideration has been given to those areas impacted by overland flooding, and remnant native vegetation, and restrictive C2 Environmental Conservation Zone will also be applied to overland flood prone areas, up to and including the Probable Maximum Flood (PMF), as well as the areas of remnant native vegetation. The extent of the proposed C2 zoned land will not incorporate a minimum lot size. Development potential is limited in this zone due to limited land use permissibility and no additional disincentives are necessary to discourage development within these areas.

The Draft Sooley Precinct DCP includes controls relating to the protection of Aboriginal Heritage and restriction of habitable development above the PMF.

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 20 September 2022 and 18 July 2023. A copy of the Council Report and Resolution is available in **Appendix 3a, 3b, 4a and 4b**.

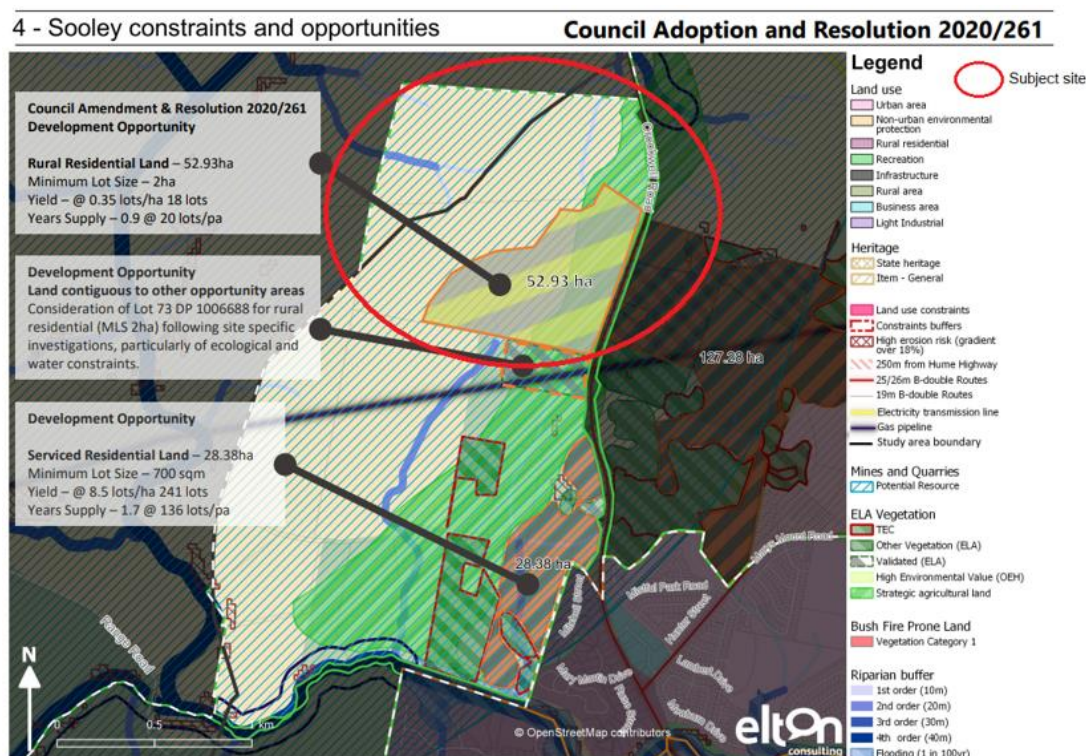


Figure 9: Extract from Urban and Fringe Housing Strategy

### **3.2 Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way?**

The current provisions within the *GM LEP 2009* do not enable or facilitate the further subdivision of the land to allow for future low density or large lot residential development, largely due to the zoning of the land and the prescribed Minimum Lot Size (MLS).

The planning proposal to amend the C3 Environmental Management zoning and minimum lot size on the subject site to R5 Large Lot Residential with a minimum lot size of 2 hectares, is the only means of achieving this intended outcome whilst meeting the requirements of *The Housing Strategy*. This is facilitated via *The Housing Strategy* which identifies the land as a residential opportunity area.

## **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 2036 and Draft South East and Tablelands Regional Plan 2041**

This planning proposal is consistent with the themes contained within the *South East and Tablelands Regional Plan* and *Draft South East and Tablelands Regional Plan 2041* as follows:

*Consider environmental assets whilst planning opportunities for housing*

The current and draft South East and Tablelands Regional Plans recognise the importance of biodiversity values and water quality to sustain future resilient communities.

*The Biodiversity Conservation Act 2016* establishes the hierarchy 'avoid, minimise and offset' to the natural environment as part of development proposals.

The development proponent has submitted a Preliminary Biodiversity Development Assessment Report (BDAR) which has been considered by Council. Part of the land is impacted by 3.99 hectares of Plant Community Type (PCT) 1334 White Box- Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South-Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions. Some future lots could be impacted by this PCT. However, the site area is over 50 hectares and there is sufficient area outside the remnant native vegetation areas to provide large lots and avoid impacting biodiversity.

The site is located within the Sydney Drinking Water Catchment. The Planning Proposal and future development proposals must demonstrate capability of achieving a neutral or beneficial impact on water quality. The proposed prescribed minimum lot size of 2 hectares will enable individual future lots to accommodate dwellings and associated Effluent Management Areas (EMA) that will be located a suitable distance away from natural drainage paths. Additionally, habitable development, as well as

associated effluent management systems will be required to be sited above the PMF, aiming to protect existing drainage paths and improve water quality.

#### *Planning for housing in a rural context*

The current and draft South East and Tablelands Regional Plans recognise the importance of supplying the housing needs of communities in a sustainable and environmentally responsible way.

The Goulburn Mulwaree Local Government Area (LGA) contains limited bands of Biophysical Strategic Agricultural Land (BSAL), predominantly located within the rural areas, as shown in Figure 29. The land is also included in the Draft State Significant Agricultural Land (SSAL) map as shown in Figure 30.

One of the areas identified as BSAL is located north of Goulburn's urban fringe. The Sooley Precinct within *The Housing Strategy* contains most of this area. The land subject of this Planning Proposal occupies approximately 23 hectares, thereby offering a limited agricultural resource. This is exacerbated by the BSAL extent of the land not being contiguous to the other parts of BSAL impacted land. The land, and the surrounding land is used for livestock grazing purposes and has been used for this purpose for at least the last 15 years.

Council Resolution 2020/224 and 2020/261 included the subject land in *The Housing Strategy* to which the then NSW Department of Planning, Industry and Environment supported. The same resolution identified a potential minimum lot size of 2 hectares (as an area for rural residential with no connection to town water and sewer services). The extent of area and context on the urban fringe is not a viable agricultural opportunity. Not including the land in the Planning Proposal would be contrary to Council's strategic direction in delivering the housing needs for projected future residents in accordance with *The Housing Strategy* and would exacerbate potential for land use conflict with the future urban zoned land. In addition, the presence of BSAL on the site was apparent when *The Housing Strategy* was endorsed by the then NSW Department of Planning, Industry and Environment.

The planning proposal seeks R5 Large Lot Residential zoning, will result in the subdivision of land for semi-rural purposes. The subject site is within the Sooley Precinct identified in *The Housing Strategy* and located approximately 2km north of the urban fringe.

When the Sooley Precinct is fully developed, the subject land will be contiguous to the urban area. The land fronts Crookwell Road which has sufficient capacity to accommodate additional traffic, subject to some augmentation work. No additional infrastructure will be required to cater for the future subdivision, other than new roads, and road connections to the existing urban area, which a future subdivision proposal will be required to provide in an orderly fashion, according to future URA provisions.

The nature of the Planning Proposal is such that potential land use conflict will be alleviated. The proposed minimum lot size will create a low density subdivision that will have the least rural land use conflict at the rural interface. The northern, western and southern boundaries of the site will pose greater potential for rural land use conflict. The implementation of development controls for landscaping, alongside these boundaries, will ensure that potential land use conflict to future residential development proposals is alleviated. The nature of the future lots for large lot residential purposes will also assist in providing adequate separation with potential adjoining agricultural

uses. As the Sooley Precinct's development potential becomes exhausted, this will further alleviate potential for rural land use conflict, particularly to the south, as more urban land is introduced and becomes contiguous to the existing urban area.

The land is bushfire prone and the predominant threat hazard is grassland. The subject site is located within a category 3 (medium bushfire risk) landscape. The subject site has the highest potential for future rural residential development out of all opportunity areas identified in the Sooley Precinct. The proponent's submitted Bushfire Strategic Study (**Appendix 6**) demonstrates that the land is capable of accommodating future rural residential development through the implementation of bushfire safety measures, whilst also ensuring that risk to life and/or property is alleviated.

Since the finalisation of *The Housing Strategy*, Council has received information in regard to overland flooding. This preliminary information was compiled as part of the [Goulburn Floodplain Risk Management Study and Plan 2022](#). The land is partially impacted by overland flooding. In order to alleviate adverse impacts to life and property from flood, it is considered necessary to impose developmental restrictions, by way of imposition of a C2 Environmental Conservation zone, over the area up to and including the PMF. This will alleviate any potential for development to occur within these areas and therefore not exacerbate flood behaviour. This also contributes to achieving positive water quality outcomes.

The current and draft South East and Tablelands Regional Plans considers the potential environmental constraints that occur on land. The Planning Proposal aims to locate development away from constraint areas where possible to alleviate impacts to the community from these hazards. In cases such as bush fire prone land, future development is capable of being constructed to suitable levels, to ensure more resilient buildings.

#### *Protect Aboriginal and European heritage*

It is important to protect and preserve the regions' Aboriginal heritage, including consultation with Aboriginal community members to further strengthen value to the sustainability of Aboriginal Heritage, recognising the importance of Aboriginal culture through sharing of knowledge. This is important during the Strategic Planning Phase where a level of certainty can be imposed to ensure expectations are set for future development controls, whilst also alleviating adverse cumulative impacts. It is important through this process that Aboriginal values are recognised to build inclusive communities.

The Planning Proposal is occurring on land that contains potential Aboriginal heritage. The development proponent has submitted an Archaeological Report (**Appendix 7**) that has included consultation with the Local Aboriginal community. The report investigates and assesses the presence of cultural heritage sites or objects on the land, to inform any management strategies that may be required to avoid any adverse impacts. The Archaeological report identified four (4) Aboriginal heritage sites and two (2) areas of PAD as shown below in Figure 10.



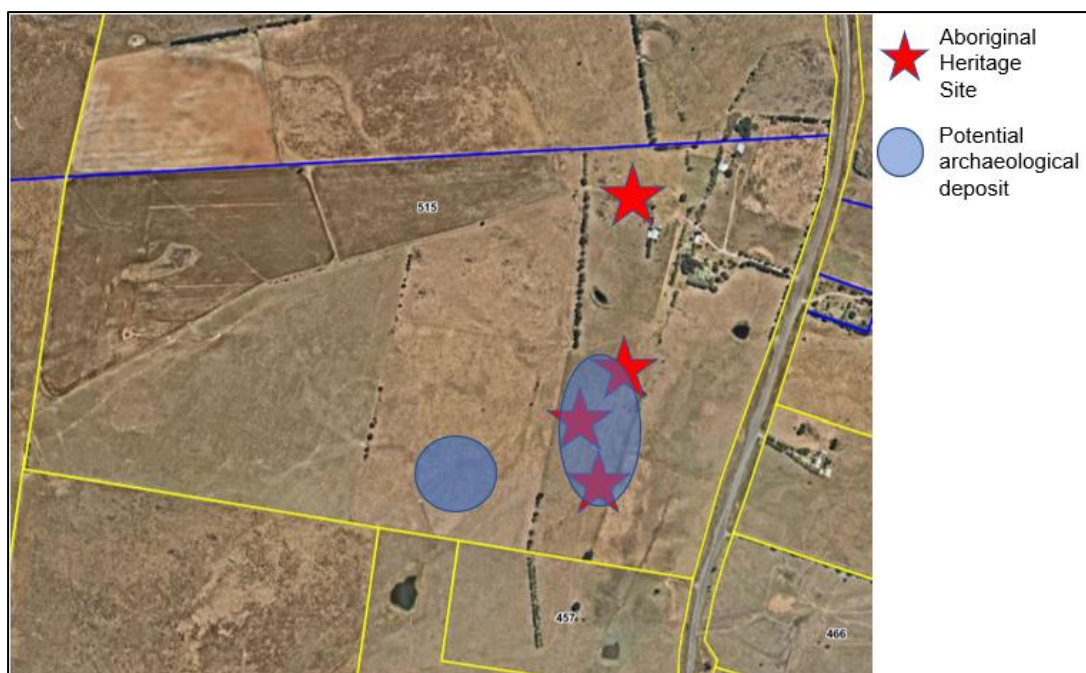


Figure 10: Approximate locations of Aboriginal Heritage

In order to protect the Aboriginal heritage found at the site, controls are included in the Draft Sooley Precinct DCP. For the northernmost Aboriginal site, the most appropriate course of action is for this area to be located outside the subject area, so that this part of the land remains within the existing C3 Environmental Management zone. Figure 18 reflects this.

Further protection is provided with requirements for an AHIP for Aboriginal Heritage sites if any disturbance is proposed to areas of Aboriginal significance. For areas of PAD, subsurface testing is required to be carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*, published by the Department of Environment, Climate Change and Water NSW (DECCW).

The Planning Proposal will have negligible impacts on European Heritage. Heritage listed items 'Kingsdale lime kilns and lime quarries' and 'Former Kingsdale Hotel' are located approximately 1.8 kilometres to the north of the site. It is not considered that there will be any impacts on the heritage significance of these items.

The current and draft South East and Tablelands Regional Plans appreciate the importance of recognising and acknowledging European heritage, and Aboriginal culture and heritage in an effort to achieve reconciliation.

The land is not impacted by high environmental areas or other natural resources.

### 3.3.2 The Goulburn Mulwaree Community Strategic Plan 2042

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

- Our community
- Our economy
- Our environment
- Our infrastructure
- Our civic leadership



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

- **Our community A.7-** *we acknowledge and embed local Aboriginal culture and stories within our community.*
- **Our community A.8-** *design public spaces and residential developments to support social connection and public safety.*
- **Our environment C.11-** *maintain a balance between growth, development, environmental protection and agriculture through sensible planning.*
- **Our environment C.12-** *economic growth and development will consider the rural character, local environmental and historical features, and community aspirations.*
- **Our environment C.13-** *implement planning and development policies and plans that protect our built, cultural, and natural heritage.*
- **Our environment C.14-** *consider community feedback, local character and identity, economic factors and social impact in planning decisions.*
- **Our environment C.15-** *encourage positive social and environmental contributions from developers.*

*The Housing Strategy* sets out future housing development opportunities for the Goulburn Mulwaree LGA in order to ensure that orderly growth occurs. This has included the consideration of settlement planning principles that takes into consideration neighbourhood design, to enable socially inclusive, safe and healthy neighbourhoods. *The Housing Strategy* was subject to community consultation and community feedback was considered as part of its implementation.

The land identified in the Planning Proposal is the furthest from the urban fringe, although when the development potential in the Sooley Precinct is exhausted, and as opportunity land in the Middle Arm West Precinct is developed (on the eastern side of Crookwell Road), the subject land will become contiguous to the urban fringe.

The introduction of development controls are important in ensuring that the connection to the existing urban area is cohesive, i.e. design of roads to facilitate alternative transport modes such as buses, and street lighting for safety. Landscaping and permeable fencing requirements for large lot residential development will be important to maintain rural landscape characteristics. Development controls in the URA context are also important to ultimately connect future occupants within the Sooley Precinct to the Mistful Park Commercial Centre, in an orderly fashion.

The Planning Proposal includes land that has been identified in *The Housing Strategy* as an opportunity area as it offers the least environmental constraint whilst delivering the required housing needs for future residents. A band of BSAL traverses the eastern side of the land in a north south direction. Approximately 23 hectares of BSAL land is located within the subject area. Its extent, location on the urban fringe, and its non-contiguous nature to other BSAL land diminish its opportunity to become a significant agricultural resource. The subject land was identified as an opportunity area as it does not drain to Lake Sooley and therefore has potential to achieve a neutral or beneficial impact on water quality. The submitted Water Sensitive Urban Design Report (**Appendix 8**) demonstrates this, considering the provision of on-site waste water systems and bioretention methods.

The land is subject to limited overland flooding and is located within riparian areas (Figure 12 and Figure 13). It is considered suitable to impose a C2 Environmental Conservation zone to the areas impacted by overland flooding (up to and including the

PMF). This maintains the overland flood path and alleviate any potential impacts on flood behaviour or water quality, thereby assuring the safety of future occupants. Future roads will be required to be constructed in a manner that does not displace overland flood waters and enables the safe evacuation of occupants (if required) to Mistful Park Commercial Centre.

The land is a sensible location to provide for the future large lot residential housing needs of the community and is balanced having considered the environmental and agricultural attributes impacting the land.

Enabling the Planning Proposal will provide part of the 10% large lot residential housing supply on the urban fringe as identified in *The Housing Strategy*. The delivery of the Planning Proposal will enable supply to be maintained for large lot residential land which will provide positive social and economic outcomes.

A site specific DCP (**Appendix 1**) has been drafted for the Sooley Precinct to enable matters of the public interest, such as preservation of rural character and local natural features of the land, to be protected and preserved, in future development proposals. This will include setback and site coverage requirements, permeable fencing and implementation and maintenance of landscaping to maintain the rural context of the area. Development controls will be introduced in the Draft Sooley Precinct DCP to ensure the protection and preservation of Aboriginal Heritage, in addition to Legislation already in force. The ultimate purpose of the DCP is to encourage developers in their development design to implement positive social and environmental outcomes.

The site contains approximately 4.13 hectares of native remnant vegetation (PCT 1334) in degraded condition, likely due to low native plant species diversity, presence of high threat exotic weeds and low little cover values. A majority is located within the south-eastern part of the site, and a small part is located at the northernmost portion of the site subject of this Planning Proposal. See Figure 11 below. This vegetation is potential habitat for southern Myotis Bats.

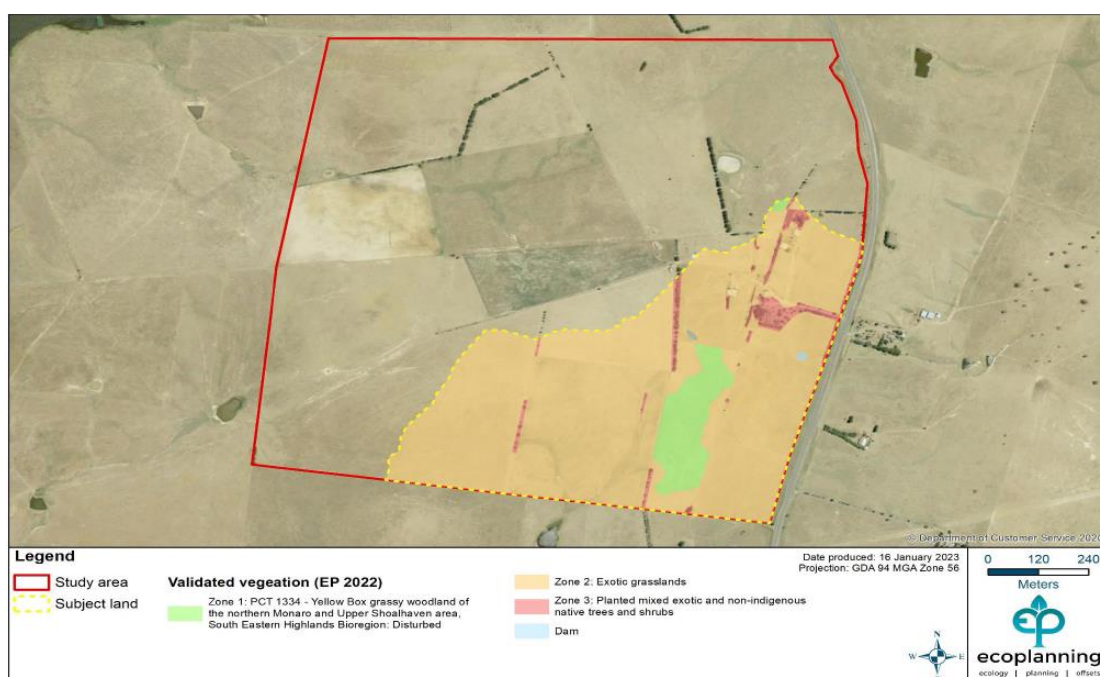


Figure 11: Extent of native remnant vegetation (green) within the Planning Proposal area (source: Preliminary Biodiversity Development Assessment Report, ecoplanning 2023).

Through the subdivision design, the Planning Proposal has demonstrated that potential adverse impacts to the native remnant vegetation can be avoided, with only 0.14 hectares of this vegetation proposed to be disturbed. In order to ensure that future development does not adversely impact on native remnant vegetation, the entirety of the identified area located at the south east portion of the land is to be re-zoned to C2 Environmental Conservation. The northernmost portion of the native remnant native vegetation will not be included within the Planning Proposal area. The extent of the proposed C2 Environmental Conservation zone is reflected in Figure 18.

Future potential impacts on the native remnant vegetation to be located within the Planning Proposal area can be safeguarded through the implementation of development controls incorporated into the Draft Sooley Precinct DCP. This will consist of requiring Vegetation Management Plans, enforced via restrictive covenants, to make future property owners aware of areas that have biodiversity value and require protection to prevent their harm. The retention of mature native trees, and additional native plantings will also be required to improve the degraded condition of the PCT.

### **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 \(LSPS\)](#) provides direction as to how future growth and change will be managed up to 2040 and beyond, and sets out planning priorities to consider in the management of urban, rural and natural environments across the LGA.

**Planning Priority 4- Housing** establishes the principle that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure. A broader range of housing types is required, due to a changing population. The implementation of *The Housing Strategy* recommends thirteen (13) areas for further growth/re-zoning in Goulburn which supports the vision and principles in the LSPS.

The Planning Proposal is located on land within Precinct 4 of *The Housing Strategy* that is identified for future urban growth, specifically for rezoning to R5 large lot residential. The land is located approximately 2 kilometres north west of the urban fringe. The Planning Proposal will ensure consistency with Planning Priority 4- Housing, in that Goulburn remains the focus for housing growth, and fulfils the recommendations of *The Housing Strategy*.

**Planning Priority 8: Natural Hazards** reinforces the challenge of climate change, recognising changing weather events and ensuring that land use planning takes these into consideration so that risks from hazards can be appropriately mitigated. The subject site is subject to bushfire and flood risk.

In regard to bushfire, the subject land is wholly subject to category 3- medium bushfire risk. The Planning Proposal has demonstrated that a future rural residential subdivision will not have any unreasonable level of bushfire risk. In addition, *The Environmental Planning and Assessment Act 1979* and the *GM DCP 2009* contains the necessary provisions to ensure that future development proposals incorporate adequate mitigation measures.

The land is impacted by overland flooding as identified in overland flood data provided under the *Goulburn Floodplain Risk Management Study*. The overland flood areas, up to and including the PMF will be subject to restrictive zoning, to ensure that these areas are not developed and overland flood paths remain undisturbed.

**Planning Priority 9: Heritage** maintains the value that Aboriginal and European cultural heritage is important and must be promoted, protected and conserved. Included is the planning principle to ensure that measures are in place to preserve Aboriginal heritage and culture during the strategic and development assessment stages of planning.

The planning proposal has demonstrated that there will be no impacts on the heritage significance of European heritage in the vicinity of the subject land.

In regard to Aboriginal heritage, a number of Aboriginal heritage sites and PAD are located on the land. In addition to existing legislation, the Draft Sooley Precinct DCP contains development controls to protect this important Aboriginal Heritage.

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

Part of the south-eastern and northern portion of the site subject to this Planning Proposal contains PCT 1334, being a Critically Endangered Ecological Community (CEEC) and in degraded condition. This PCT is potential habitat to the Southern Myotis Bats which are listed as vulnerable under the *Biodiversity Conservation Act 2016*.

The Preliminary Biodiversity Development Assessment Report (**Appendix 9a**) submitted with the Planning Proposal indicates that approximately 0.14 hectares of this PCT is proposed to be removed and is confined to within four (4) of the proposed lots (i.e. Lots 4, 5 & 6 Lots 22 & 23). These disturbed areas are required to facilitate Asset Protection Zones (APZ) and buffer areas to install boundary fencing for future lots. The part of the PCT located within Lots 22 & 23 are located at the northern edge of the subject land and will be excluded from the Planning Proposal, through an adjustment of the boundary of the land. See Figure 18.

It is considered that this area of remnant native vegetation be protected and conserved, by way of implementation of restrictive zoning. A future subdivision design will be required to demonstrate how future residential development is capable of being constructed to a Bushfire Attack Level (BAL) of 29 kW/m<sup>2</sup>, to provide adequate protection to assets in the event of a bushfire, and provision of suitable APZ, without adversely impacting on biodiversity.

The site is within the Sydney Drinking Water Catchment. The Planning Proposal and future development proposals must demonstrate capability of achieving a neutral or beneficial impact on water quality. The proposed prescribed minimum lot size of 2 hectares will enable individual future lots to accommodate dwellings and associated effluent management areas that will be located a suitable distance away from natural drainage paths. The full extent of overland flood prone areas, along natural drainage paths will also be protected, through the re-zoning of this land to C2 Environmental Conservation, to reduce development potential and improve water quality. A Draft Development Control Plan (DCP) has also been developed for the Sooley Precinct that includes development controls, ensuring that future habitable development is located

above the PMF and minimise adverse impacts on the drinking water catchment, through the Development Application (DA) process.

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 identified in *The Housing Strategy* as an area to be re-zoned to large lot residential in the Sooley Precinct, as illustrated in Figure 9.

The recommendations for this precinct are:

- Retain RU6 Transition zone in the short term to prevent fragmentation;
- A comprehensive Aboriginal Cultural Heritage Assessment is required;
- Re-zone potential to R2 Low Density Residential in the south eastern area of the precinct;

A subsequent Council resolution 2020/261 amended *the Strategy* to include the entirety of the land subject of this Planning Proposal, which is the part of the land located east of the ridgeline that does not drain to Lake Sooley. A minimum lot size of 2 hectares would be considered. These lots would be un-serviced.

*The Housing Strategy* therefore identifies the land subject of this Planning Proposal suitable to proceed to be re-zoned, subject to the relevant site specific environmental assessments and subsequent approval processes.

This planning proposal to rezone and amend the minimum lot size for the subject land is consistent with the recommendations of *The 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-**

#### ***Part 4.1: Koala Habitat Protection 2021***

Part 4.1 of State Environmental Planning Policy (SEPP) applies to land as the land is within the Goulburn Mulwaree LGA as listed in Schedule 2 of the SEPP.

The Planning Proposal was considered by Council's Environment and Biodiversity Assessment Officer. Some koala feed tree species are located on the land, and therefore there is potential that the land may be a potential koala habitat. Available information such as the NSW Bionet Atlas indicates no species sightings. No other koala sightings have been reported on the land and therefore it is considered that the land is not core koala habitat.

#### ***Part 6.5: Sydney Drinking Water Catchment***

Part 6.5 of State Environmental Planning Policy (SEPP) applies to land within the Sydney drinking water catchment which includes the Wollondilly River water catchment. The SEPP requires that development consent cannot be granted unless



there is a neutral or beneficial effect on water quality. The aims of Chapter 8 of the SEPP are 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.

The subject site is located within the Sydney drinking water catchment, and approximately 2km north of the Goulburn urban fringe, and is not serviced by the town's reticulated water and sewage system.

Natural drainage paths traverse the land, flowing north to south into the Wollondilly River. The drainage paths are also identified as overland flow corridors identified through the overland flow modelling undertaken concurrently with the *Goulburn Floodplain Risk Management Study and Plan*, illustrated in Figure 12.

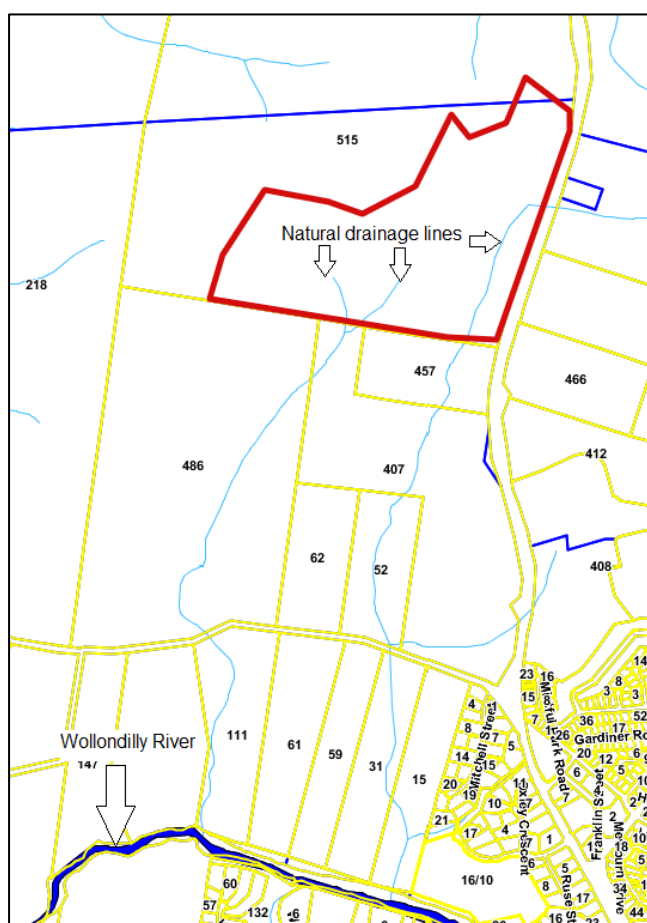


Figure 12: Drainage Path Map

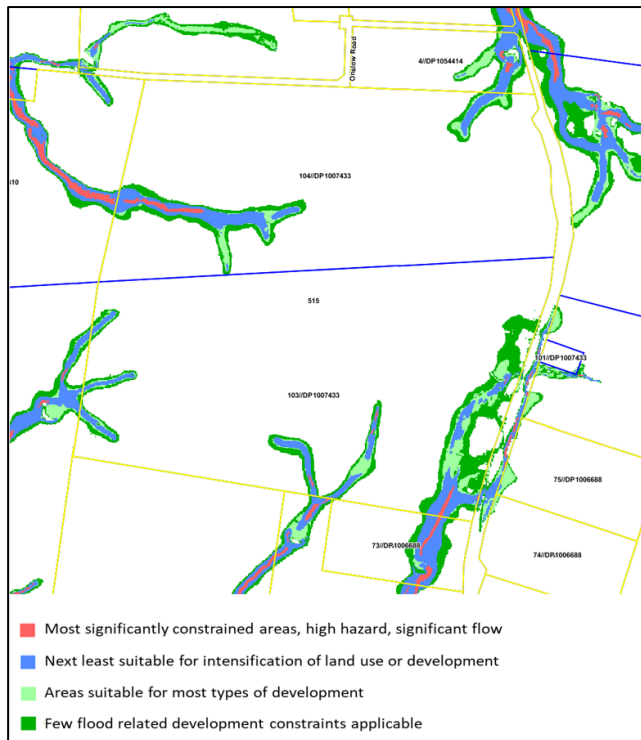


Figure 13: Extent of Overland flooding (Source: Goulburn Mulwaree Overland Flow Flood Study 2022)

Areas of flood prone land up to and including the PMF, is proposed to be rezoned as C2 Environmental Conservation. This will ensure that future development maintains a suitable level of water quality.

The Water Sensitive Urban Design Report (**Appendix 8**) and Water Cycle Management Plan (**Appendix 10**) submitted with the Planning Proposal has demonstrated that the concept subdivision proposal has the capability to achieve a neutral or beneficial impact on water quality. The concept proposal may require some alteration to account for overland flood areas and Aboriginal sites, to ensure there are no impacts, however it is considered that water quality impacts will not be unreasonable.

A future DA will require a detailed water quality assessment in accordance with Water NSW guidelines and will require consideration and concurrence by Water NSW.

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

The aims of Chapter 2 (that relate to primary production and rural development) 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.

*The Housing Strategy* has taken into consideration the significance of agriculture and primary production in the determination of opportunity areas for future housing growth.

A large majority of dwelling supply identified in *The Housing Strategy* (at least 80%) is contiguous to the existing urban area. This reduces the impact on existing primary production lands as much as possible, alleviates potential land use conflict and impacts on biodiversity. *The Housing Strategy* demonstrates orderly land use planning.

Part of the land is identified as BSAL and is included in the [Draft State Significant Agricultural Land \(SSAL\) map](#), although the status of the latter is yet to be determined. Given the context and extent of the BSAL impacted land, it has little agricultural value. Retaining the land for an agricultural activity would be unviable and would exacerbate potential land use conflict.

The subject site contains remnant native vegetation and is disturbed. However, the extent of native vegetation that exists consists of a CEEC. Measures, in addition to restrictive zoning are prescribed within the Draft Sooley Precinct DCP to ensure that no additional remnant native vegetation can be removed.

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 proposal 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 Chapter is:

1. To provide for a State-wide planning approach to the remediation of contaminated land.
2. In particular, this Chapter 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 remediation work meet certain standards and notification requirements

Council's records do not indicate that the subject land is potentially contaminated, and the land is not identified as significantly contaminated land. However, the land's current agricultural use is listed as an activity that has potential to cause contamination, as per Table 1 of the *Managing Land Contamination Planning Guidelines*.

The development proponent has prepared the following investigations:

- Preliminary Site Investigation (PSI), prepared by CivPlan and dated 28<sup>th</sup> October 2021 (**Appendix 11a**).
- Environmental Site Investigation (ESI), prepared by K2 Consulting Group, dated 27<sup>th</sup> August 2022. (**Appendix 11b**).
- Detailed Site Investigation (DSI), prepared by K2 Consulting Group, dated 8<sup>th</sup> February 2023. (**Appendix 11c**).
- Updated Detailed Site Investigation (DSI), prepared by K2 Consulting Group, dated 21<sup>st</sup> April 2023 (**Appendix 11d**).
- Updated Detailed Site Investigation (DSI), prepared by K2 Consulting Group, dated 23<sup>rd</sup> June 2023 (**Appendix 11e**).

The PSI identified that the Areas of Environmental Concern (AEC) consist of the existing structures and works, including the dwelling and ancillary features (including effluent management system and driveway), and agricultural related infrastructure including sheds, silos, storage areas, dams and paddocks. Contaminants of Potential Concern (COPC) include hydrocarbons (TRH, BTEXN, PAH, PCB), pesticides (OCP/OPP), heavy metals and asbestos.

The Environmental Site Investigation (ESI) undertook a limited soil sampling program within the Areas of Potential Concern (AEC) identified within the PSI. A Detailed Site Investigation (DSI) was subsequently carried out to address the recommendations made within the ESI. These included:

- Carrying out additional investigation/sampling outside the AEC area to investigate presence of contaminants.
- Ground water assessment to determine if groundwater is safe for the future use of the site, given previous detection of hexavalent and trivalent Chromium in the soil matrix.
- Surface water analysis of existing dams, which will inform extent of future surface water dam dewatering and decommissioning protocols
- Investigation of areas surrounding on site effluent management systems for potential contaminants.

The Detailed Site Investigation (DSI) concluded that the site is suitable for proposed future residential uses, considering that the levels of Hexavalent Chromium (Cr VI) in the groundwater was below Australian Drinking Water Guidelines (ADWG). However, further groundwater analysis is recommended to investigate groundwater exceedances of Cr VI.

A site specific DCP for the Sooley Precinct has been developed concurrently to this Planning Proposal, to ensure contamination matters that are specific to the land are addressed in future development proposals. This will be in addition to Development

Controls already in place within the DCP, that address contamination in relation to water quality.

This planning proposal has assessed the potential for contamination on the subject site and the site is suitable for residential development. Further investigation is required to inform a future DA. Provisions are imposed in the DCP to require an appropriate level of analysis to be undertaken to ensure potential risk to human health and the environment is alleviated for future residential development.

### **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.

The *South East and Tablelands Regional Plan* is applicable to this planning proposal and this has been considered earlier in 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.

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



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

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

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

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

1. When this direction applies a planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
  - a. allow that land use to be carried out in the zone the land is situated on, or
  - b. rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
  - c. allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
2. A planning proposal must not contain or refer to drawings that show details of the proposed development.

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 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 *GM LEP 2009*.

As illustrated in Figure 8 earlier in this report, the *GM LEP 2009* URA map will require amendment to include all land identified within the Sooley Precinct, to ensure that development controls can be included in the *GM DCP 2009* prescribed under Part 6, clause 6.2A of the *GM LEP 2009*. No other changes will be required to the *GM LEP 2009*.

The planning proposal is consistent with Direction 1.4 Site Specific Provisions.

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

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

This Direction requires:

1. A planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas.
2. A planning proposal that applies to land within a Conservation Zone or land otherwise identified for environment conservation/protection purposes in a

LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.

The planning proposal has been accompanied by a Preliminary Biodiversity Development Assessment Report (BDAR) prepared by ecoplanning and dated 16 May 2022 (**Appendix 9a**). This included a plot based survey undertaken by Ecologists on 27-28 January 2022.

The report indicates that a single native vegetation zone was identified as ‘Semi- native Low Diversity Grassland’ that spans an area of 4.13 hectares. The PCT considered to be consistent with this grassland community was PCT 1289- Wallaby Grass - Red-grass - Tall Speargrass - Kangaroo Grass dry tussock grassland of the North-western and Eastern Southern Tablelands in the South Eastern Highlands Bioregion’. This PCT is in a ‘degraded’ condition.

Following a site visit by Council’s Environment and Biodiversity Assessment Officer on the 2<sup>nd</sup> August 2022, it was confirmed that further information is required to be provided, in the form of:

- Additional survey work undertaken during the active growing season (between September and December), to enable the identification of all potential flora and fauna species present, and review and confirm the identified ecological community and PCT. The potential presence of endangered, threatened, and vulnerable invertebrate species within the identified native grassland areas is also required to be investigated during spring.
- Additional survey work undertaken during the active growing season (between September and December), is also required to be carried out to investigate the rocky outcrops identified during the site visit, within the area identified as native grassland, and within the paddock located to the north of the access driveway, to ascertain the potential presence of endangered, threatened, and vulnerable invertebrate species within those rocky outcrop areas.

Council’s Environment and Biodiversity Assessment Officer comments are in **Appendix 9b**.

If any endangered, threatened, and vulnerable invertebrate species are located, it must be demonstrated that the Planning Proposal will avoid impact to potential habitats, and that they will be protected and preserved.

A revised Preliminary BDAR report was provided to Council on 31 March 2023 (**Appendix 9c**). This report included the results of a plot-based survey undertaken on 7 November 2022. The PCT was revised as 1334 ‘Yellow Box grassy woodland of the northern Monaro and Upper Shoalhaven area, South Eastern Highlands Bioregion’, in a ‘degraded’ condition, and illustrated in Figure 11 above. This remnant native vegetation has been determined to have a low Vegetation Integrity Score of 4.9, due to low native plant species diversity, presence of high threat exotic weeds and low litter cover values.

The revised report was considered by Council’s Environment and Biodiversity Assessment Officer, who broadly supports the findings of the report (**Appendix 9d**). PCT 1334 is representative of CEEC White Box- Yellow Box- Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New

England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions. The proposal includes the removal of approximately 0.14 hectares of this native remnant vegetation, and 0.10 hectares of habitat for Southern Myotis bats.

The BDAR has demonstrated the principal of 'avoid' and 'minimise'. No biodiversity offsets are required. However, as the project will require the removal of 0.10 hectares of habitat for Southern Myotis bats, the retirement of 1 species credit will be required. The extent of native vegetation removal proposed is reflective of legislative requirements for bushfire prone areas, to enable APZs to be provided to future residential development, and for fencing to be facilitated between future lots.

To reinforce the principal of 'avoid' for future development, it is considered appropriate to re-zone the main cluster of PCT 1334 (as shown in Figure 18 later in this report) to C2 Environmental Conservation to ensure that this important remnant native vegetation remains undisturbed and that future opportunity is provided to conserve and protect this PCT. As the small portion of PCT is located on the northern edge of the site, it is to be excluded from the land subject to this Planning Proposal as reflected in Figure 18.

This will also limit the opportunity to remove 0.10 hectares. It is not necessarily the case that additional remnant vegetation is required to be removed to implement future APZs and fencing to be facilitated for future lots. A future subdivision layout will be required to demonstrate how it will result in the least environmental impact and consider the location of future buildings relative to proposed boundaries with an aim to negate any need for fencing to traverse areas of remnant native vegetation, or APZ to disturb these areas.

The site is currently zoned C3 Environmental Management, which is less restrictive, in terms of land uses. It permits with consent, land uses such as dwelling houses and ancillary development, tourist and visitor accommodation and animal boarding or training establishments. The C2 Environmental Conservation zone is more restrictive and allows limited land uses with development consent. Implementing this zone to the PCT area will therefore increase conservation standards applying to this part of the land.

The proposed R5 Large Lot Residential zoning is less restrictive than the existing C3 zoning although is only to extend to the parts of the site that are not impacted by remnant native vegetation. The development standards within the LEP that are to be altered are the minimum lot size map applicable to the extent of the proposed R5 Large Lot Residential zone, to decrease the size of future residential lots.

The Draft Sooley Precinct DCP contains provisions to further safeguard remnant native vegetation.

The Native Flora and Fauna considerations within the submitted preliminary BDAR and the site assessment undertaken by Council's Environment and Biodiversity Assessment Officer illustrate that the subject site is not considered of high biodiversity significance, outstanding biodiversity value or a declared critical habitat.

Post gateway agency consultation was carried out with Department of Climate Change, Energy, the Environment and Water (DCCEE), Conservation Programs, Heritage and Regulation (CPHR), and advice was received on 14 February 2025 (**Appendix 18**). No objection was raised, however some recommendations were made which are further considered below:

- Many species of threatened grassland fauna utilise areas of low condition and non-native vegetation, and target surveys were not carried out to further investigate their presence.

A future Development Application that considers a specific subdivision proposal will be required to undertake detailed investigations to determine the extent of threat to threatened flora and fauna species, and therefore ensure all requirements of the *Biodiversity Conservation Act 2016* are considered.

- Areas of remnant native vegetation identified as PCT1334 to be re-zoned to C2 Environmental Conservation, in addition to the imposition of controls in the Draft Sooley Precinct DCP to require a VMP are supported. Further consultation with DCCEEW- CPHR is invited at DA subdivision stage of development.

The Draft Sooley Precinct DCP also requires covenants to be imposed on burdened lots, to reinforce the land owners' obligation to maintain the requirements of the VMP for the life of the development.

The subject site does not include any other potential environmentally sensitive area of State significance, as defined in the *Environmental Planning and Assessment Regulation 2021*. The land is not:

- Inland, and does not relate to the coast;
- An aquatic reserve or marine park;
- A Ramsar site or World Heritage Area;
- Land reserved or dedicated under the *Crown Land Management Act 2016* for environmental protection purposes;
- Land declared as an area of outstanding biodiversity value or declared critical habitat;
- Land reserved or acquired under the *National Parks and Wildlife Act 1974*;
- Land reserved or acquired under the *Wilderness Act 1987*;
- Identified as high Aboriginal cultural significance, high biodiversity significance or as in a conservation zone, within an Environmental Planning Instrument; and
- Listed on the State Heritage Register under the *Heritage Act 1977*.

The Planning Proposal is consistent with Direction 3.1.

### **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:

- i. 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.
- ii. Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- iii. 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 Planning Proposal will have negligible impacts on European Heritage given the significant distances from the subject site and the nature of future development. The closest Heritage listed items to the subject land are included in Table 1 and Figure 14.

*Table 1: Closest heritage listed items relative to the subject site.*

Heritage listed item	Item No.	Approximate distance to subject site (kms)
'Kingsdale lime kilns and 'lime quarries'	I549	1.8
'Former Kingsdale Hotel'	I548	2
dwelling 'Teneriffe'	I449	1



*Figure 14: Proximity of Heritage listed items to subject site*

## Aboriginal Cultural Heritage

The *Urban and Fringe Housing Strategy* identifies, in relation to the Sooley precinct, the requirement for a comprehensive Aboriginal Cultural Heritage Assessment.

The subject site is within an area mapped as a place containing potential Aboriginal significance within the *Goulburn Mulwaree Development Control Plan*. This map, illustrated in Figure 15 below, was produced in consultation with the Pejar Land Aboriginal Land Council.



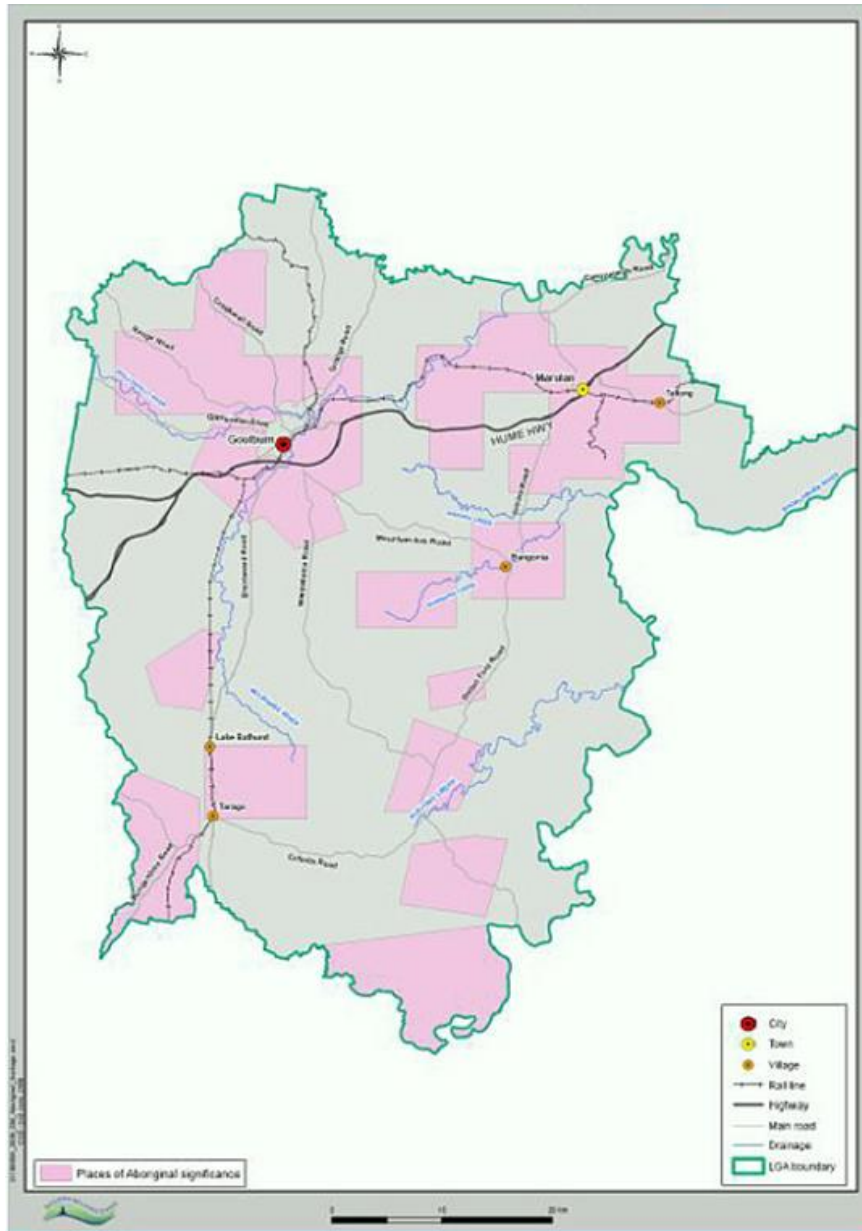
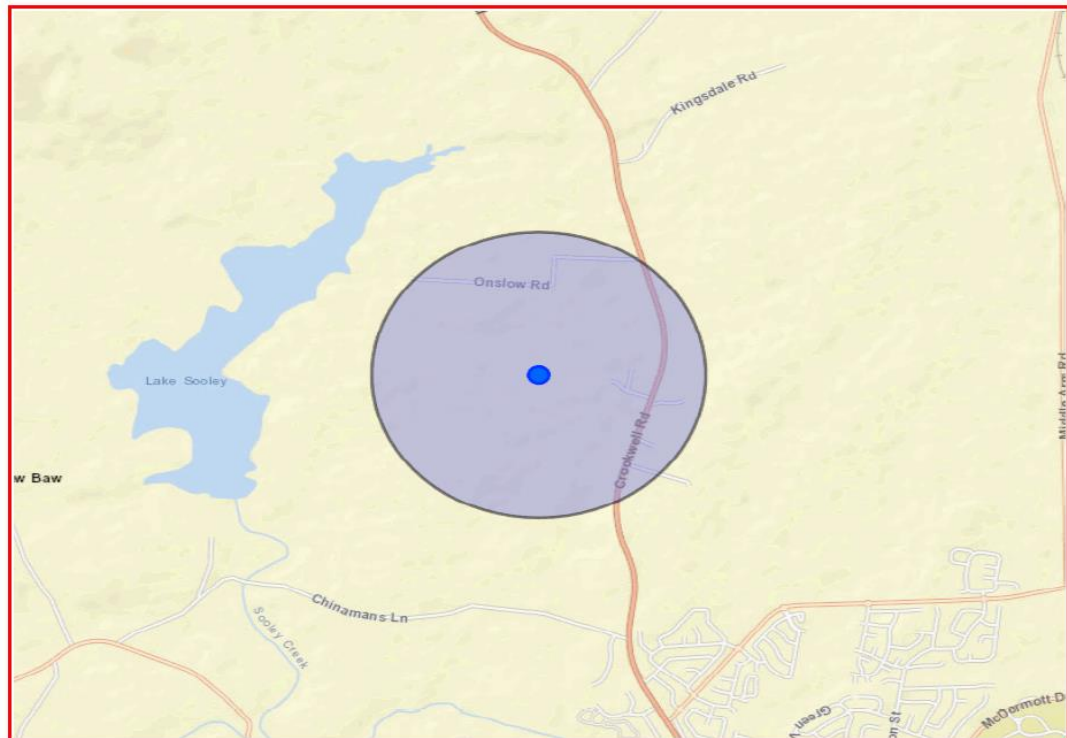


Figure 15: Places of Aboriginal Significance

A basic Aboriginal Heritage Information Management System (AHIM's) search was undertaken by Council on 27 July 2022. This search did not identify any Aboriginal sites or objects on the subject site, within 1000m, as illustrated in Figure 16.

**AHIMS Web Service search for the following area at Address : 515 CROOKWELL ROAD KINGSDALE 2580 with a Buffer of 1000 meters, conducted by Dialina Day on 27 July 2022.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



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

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

Figure 16: NSW Aboriginal Heritage Information Management System findings- access 12.1.2022

The development proponent has submitted an Archaeological Report which includes an Aboriginal heritage assessment and is available in **Appendix 7**.

Consultation with the Aboriginal Community has been undertaken, including a site visit by Aboriginal representatives at the time of the field survey by Heritage Consultant, Past Traces, between the 17 January and 19 January 2022.

The Report identifies a field survey was undertaken and four (4) Aboriginal heritage sites and two (2) areas of PAD were located within the site. The Aboriginal sites consisted of Aboriginal objects, being flakes or stone fragments. The PAD sites are considered to hold some potential for Aboriginal objects to be located given their topography and proximity to drainage lines.

The report recommends subsurface testing to be carried out within the PAD areas, to determine presence, extent and significance of any deposits, should development result in disturbance in their immediate vicinity.

The location of the PAD's and Aboriginal heritage sites relative to the concept subdivision design have been considered. Their locations are outside identified development envelopes on the concept plan. However, the concept plan is subject to change beyond the Planning Proposal stage. Therefore, it is appropriate to include development controls within the Draft Sooley Precinct DCP to ensure the four (4) Aboriginal heritage sites and two (2) areas of PAD are protected and preserved.

Figure 17 below details the general location of the Aboriginal Heritage Sites and PAD and indicates the extent of the overland flood area and remnant native vegetation.

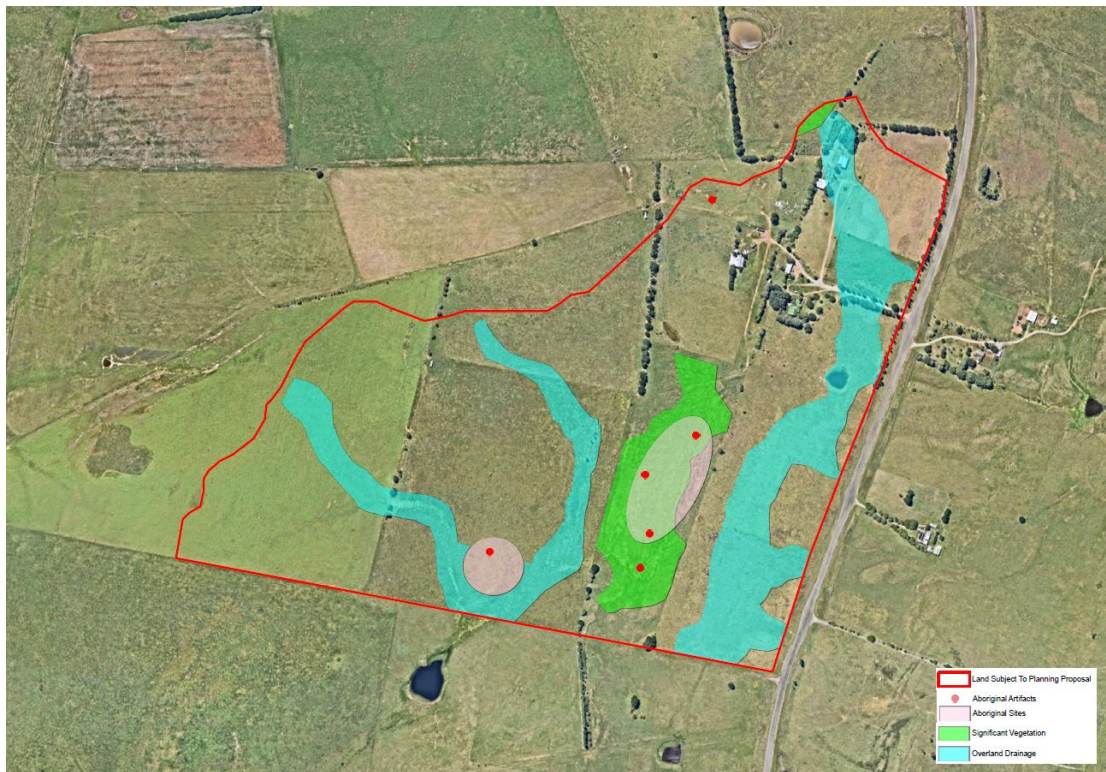


Figure 17: Site analysis showing the extent of the main site constraints.

There is an Aboriginal Heritage Site located adjacent to the northern edge of the site. In these circumstances, this heritage site will be excluded from the land, and the Planning Proposal area will be adjusted.

Restrictive C2 Environmental Conservation zoning will be imposed over the parts of the land impacted by Aboriginal heritage, overland flooding up to and including the PMF, and remnant native vegetation, as shown below in Figure 18.





Figure 18: Proposed extent of C2 Environmental Conservation rezoning

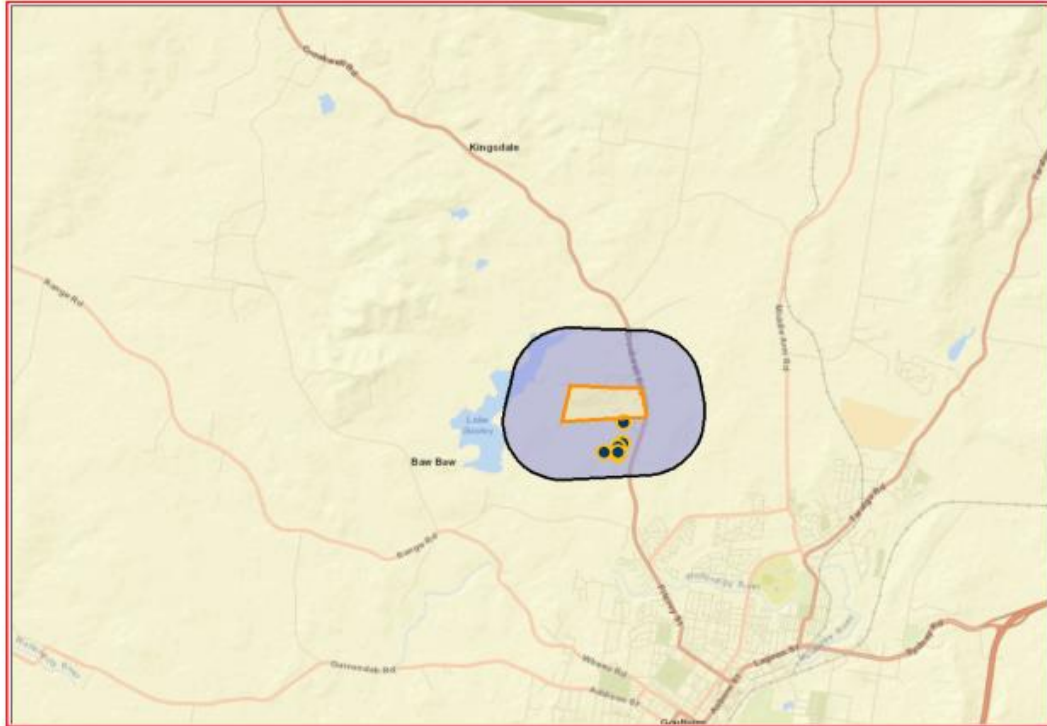
Considering that the Draft Sooley Precinct DCP includes development controls that will protect the Aboriginal heritage sites, further investigation is not warranted at this stage. The site can accommodate a future rural residential subdivision whilst also ensuring any impacts to Aboriginal heritage can be avoided. If the plans indicate potential disturbance to the identified Aboriginal sites or PADs, the proponent will be required to undertake further analysis, including obtaining an AHIP if there is potential to impact Aboriginal heritage, at the Development Application stage.

The considerations made above are consistent with the Ministerial Directions in relation to Heritage Conservation. There are statutory provisions in place that will enable the conservation of the Aboriginal heritage identified at the site (alongside the *GM DCP 2009*).

An AHIMS basic search was carried out on the 15<sup>th</sup> June 2023 and indicates that the six (6) Aboriginal Heritage Sites have been added to the database. See Figure 19 below.

**AHIMS Web Service search for the following area at Lot : 104, DP:DP1007433, Section : - with a Buffer of 1000 meters, conducted by Dialina Day on 15 June 2023.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



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

<b>6</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>

Figure 19: NSW Aboriginal Heritage Information Management System findings- access 15.6.2023

The planning proposal has considered Aboriginal cultural heritage through the Archaeological Assessment.

The Planning Proposal is consistent with Direction 3.2.

### 3.6.6 Direction 3.3 Sydney Drinking Water Catchments

The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment. 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 (including ground water), and
  - b. Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
  - c. The ecological values of land within a Special Area should be maintained.



2. When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:
  - a. Consult with Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
  - b. Ensure that the proposal is consistent with Part 6.5 of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and
  - c. Identify any existing water quality (including groundwater) risks to any water way occurring on, or adjacent to the site, and
  - d. Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by Water NSW, and
  - e. Zone land within the Special Areas generally in accordance with the following:

<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 Water NSW located above the full water supply level	C2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

and,

- f. Include a copy of any information received from WaterNSW 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.

The subject site is located within the Sydney drinking water catchment, although is not within a 'special area'.

The subject site stands approximately 2 kilometres north of the urban fringe and is not serviced by reticulated water and sewage system.

The proponent is seeking the rezoning of an area of approximately 52.93 hectares from C3 Environmental Management to R5 Large Lot Residential incorporating a minimum lot size of 2 hectares. The lots will be serviced by on-site rainwater collection, and on-site waste water management systems.

The land is not subject to riverine flooding, however, parts of the land contain drainage paths which direct overland stormwater to Wollondilly River as illustrated in Figure 12 and Figure 13 earlier in this report.

The proponent submitted a Water Sensitive Urban Design Report (**Appendix 8**) in support of the proposal which includes:

- A stormwater quality assessment to achieve Neutral or Beneficial impact on water quality, utilising the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) software; and

- Onsite wastewater management analysis to achieve Neutral or Beneficial impact on water quality.

The proponent's Water Sensitive Urban Design Report demonstrates that Effluent Management Areas (EMA) are able to be located above areas that are subject to overland flooding. The ultimate subdivision design will require some alteration at DA stage to ensure there is capability for each proposed lot to accommodate residential development and ancillary development, including on site wastewater systems, outside the parts of the land subject to overland flooding.

The areas of the site that are subject to overland flooding, up to and including the PMF, are proposed to be re-zoned to C2 Environmental Conservation, in accordance with Figure 18 to ensure that these areas are protected, and further disturbance from development is prevented. These measures will ensure that areas of high water quality risk will remain protected and therefore result in neutral or beneficial water quality outcomes.

The extent of the overland flow corridor and the C2 Environmental Conservation zoning is likely to require a rearrangement of the concept subdivision design to demonstrate that future residential development and associated infrastructure, can be sensitively sited, prior to the lodgement of a DA.

The proponents' Water Sensitive Urban Design Report concluded that:

*'it has been demonstrated that the NorBe criteria for water quality can be achieved through the use of treatment measures that are sympathetic to the rural nature of the planning proposal'.*

The recommended treatment measures, incorporating roadside bioretention swales, and rainwater tanks, rain gardens and Aerated Waste water Treatment Systems (AWTS) for future residential development, demonstrate that neutral or beneficial water quality impacts are capable of being achieved.

A Water Cycle Management Plan (**Appendix 10**) was submitted to inform the implementation of Water Sensitive Urban Design (WSUD) best practice measures and address overland flow and derive appropriate treatment measures. Methods including on site stormwater detention, raingardens and rainwater tanks for future residential development and bioretention road side swales are recommended to satisfy a neutral or beneficial impact on water quality. These will require specific consideration for a future DA for residential subdivision and part of Water NSW concurrence requirements.

Pre-gateway consultation was carried out with Water NSW, and advice was received on 6 September 2023. In principle support was provided, although some concerns have been raised which are addressed below:

- The imposition of an Urban Release Area (URA) may raise the expectation that the land will be serviced by reticulated water and sewer. Preference is that this is not prescribed under the *GM DCP 2009* via the *GM LEP 2009*. The requirement for an Urban Release Area (URA) has come about because TfNSW requires certainty that the orderly development of land subject of this Planning Proposal will occur, and that a minimal number of new access' onto Crookwell Road will be required, given that there is a Planning Proposal to the south. The URA provisions in the *GM DCP 2009* clarify that the land will not be serviced by sewer and water mains. The provisions also reinforce that land north of the high pressure gas main pipeline will

not be serviced by mains sewer and water. The high-pressure gas main pipeline is located on the land to the south of this Planning Proposal.

- The Planning Proposal is occurring within part of two existing lots, where the part of the land not subject to the Planning Proposal is zoned C3 Environmental Management. Clause 4.1E of the *GM LEP 2009* (minimum subdivision lot size for certain split zones) enables a subdivision to be carried out on the land, subject to meeting the requirements of this clause. One of the main components to achieve compliance is that one of the lots that contains land zoned R5 Large Lot Residential must contain the full extent of land zoned C3 in that same lot.  
The part of the land within the Planning Proposal area to be zoned C2 Environmental Conservation will not be subject to a minimum lot size and this will mean that it can be subdivided amongst several lots zoned R5 Large Lot Residential. The C2 zoning is imposed to protect land with important environmental land values, including drainage channels, the full extent of land that is flood prone, and land that contains Aboriginal heritage and areas of Potential Archaeological Deposit (PAD). Other land within the Sooley Precinct encompassing similar constraints will also take a similar approach.
- Effluent management area buffer locations relative to drainage channels and ground water bores are considered in the Draft Sooley Precinct DCP.
- The Draft Sooley Precinct DCP requires a future Development Application to provide confirmation as to whether or not bores are to be utilised for domestic purposes in a future Development Application (DA).
- Water quality measures within the road reserve, such as bioretention swales, are discouraged as they are prone to damage. The Draft Sooley Precinct DCP contains controls to avoid the use of bioretention swales or similar measures that can be easily damaged by vehicles or from road maintenance activities.

Council recently undertook agency consultation with Water NSW and advice was received on 31 January 2025 (**Appendix 22**). Outstanding concerns are addressed below:

- Not supporting further intensive development.  
This is also the position of Council. The proposed URA designation is mainly to serve the purpose of limiting public road access points onto Crookwell Road and promoting connectivity between this Planning Proposal and that to the south.  
To strengthen the position of no further intensive development, the URA provisions in the Draft Sooley Precinct DCP also include maps that indicate the extent of sewerage and unsewered land.
- The DSI recommends dewatering of the dam that is proposed to be infilled. As the DSI will be required to accompany a future DA, specific consideration will be given at the subdivision DA stage.
- The proposed lot configuration shown on the concept plan does not necessarily optimise protection of the watercourses and creates a number of lots that would have split zoning. Lot yield, particularly at the south eastern portion of the subject area will be impacted due to extent of flooding. The location of EMAs require careful consideration.  
It is agreed that as a result of overland flooding areas, the lot yield shown on the concept plan is unlikely to be realised. As a result, it is highly likely that the subdivision design and layout will change at the Development Application (DA) stage. The Planning Proposal has demonstrated that the site has some capacity to accommodate a future residential subdivision and a future DA will be required

to detail how future on-site waste water management systems to service future residential and ancillary development will be located within land zoned R5.

- The scale bar of the concept plan appears to be incorrect.  
An updated concept plan has been provided which includes the correct scale (Appendix 2b).
- The proposed stormwater measures differ between the submitted Water Sensitive Urban Design report and Water Cycle Management Plan.  
Given that some capability of the site for future large lot residential development has been demonstrated, stormwater management can be further considered in a specific subdivision development proposal at DA stage.
- Confirmation as to whether bores in the vicinity of the site are or will be used for domestic water supply. This requires further consideration at the subdivision DA stage.  
Given that one of the groundwater samples contained elevated levels of Provisions are included in the Draft Sooley Precinct DCP that requires confirmation of bore locations, purpose, and licensing status.
- Clarification to zoning of land to C3 Environmental Management.  
The subject area is currently zoned C3 and the Planning Proposal is to re-zone part of this area to R5 Large Lot Residential and C2 Environmental Conservation as shown in Figure 4 and Figure 5. The area to be re-zoned to C2 will not incorporate a minimum lot size. The future subdivision of this land will inevitably require the inclusion of land zoned C3 as the re-zoned area will be within the same lot as the part of the land that is to be re-zoned.

Following initial advice obtained from Water NSW, it was concluded that the Strategic Land and Water Capability Assessment (SLWCA) for unsewered residential lots incorrectly showed the course of the water flow. The existing SLWCA map and corrected map is illustrated in Figure 20.

The SLWCA illustrates that water quality risk varies from low to extreme with extreme areas having very low capability for development. The riparian areas subject to overland flooding to the south and south east are identified as extreme risk (with the exception of the eastern overland flood path running in a north –south direction that was not captured by the maps due to the error). These areas should be avoided for unsewered development. 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 ancillary development will be prohibited.

The SLWCA illustrates that a large majority of the site is to be within low risk areas where unsewered residential development is considered suitable in terms of land and water capability.

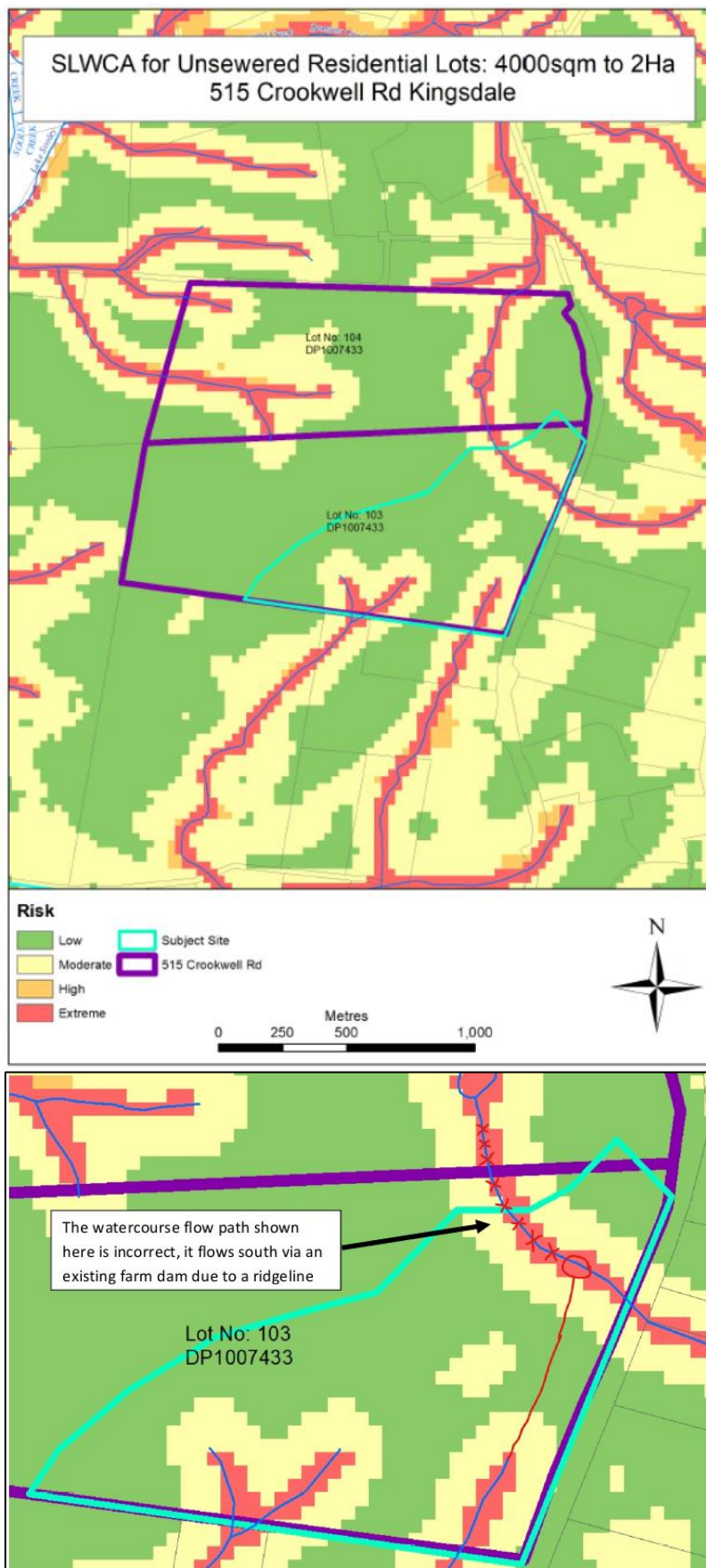


Figure 20: Strategic Land and Water Capability Assessment (SLWCA)



This planning proposal is consistent with Chapter 6.5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* as it:

- Has given consideration to the Strategic Land and Water Capability Assessment.
- Has demonstrated that a neutral or beneficial impact on water quality can be achieved, and
- Has consulted with Water NSW, prior to seeking a gateway determination.

The Planning Proposal is consistent with Direction 3.1.

### **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 behaviour 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 a significant increase in the development and/or dwelling density of that land,
  - e. 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.
  - f. 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.
  - g. 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
  - h. 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.

The land subject of the Planning Proposal is not subject to riverine flooding, although is subject to overland flooding, over existing natural drainage channels, as shown in Figure 12 earlier in this report.

The existence of the drainage paths traversing the land indicate that the land is prone to flooding and therefore this Planning Proposal is required to consider this Ministerial Direction.

The *Goulburn Floodplain Risk Management Plan and Study 2022 (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 Study investigates riverine flooding of the Wollondilly and Mulwaree Rivers and includes development controls to alleviate risk to life and property during periods of inundation.

*The Flood Study* recommended an *Overland Flow Flood and Floodplain Risk Management Study* be undertaken, in recognition of the vast amount of drainage channels upstream of Rivers, differing flood behaviours, depths and velocities, and short catchment response times. Council has engaged a consultant who has initiated this work. In the meantime, Council commissioned overland flood modelling to be undertaken, that utilises the same data and methodology as *The Flood Study*, that will be directly informing the *Overland Flow Flood and Floodplain Risk Management Study*. This data will assist in analysing the risk from overland flooding for Planning Proposals.

Council is in possession of the overland flood mapping layer which indicates the extent of overland flooding. The area of impact of overland flooding is located on the eastern side of the land, parallel to Crookwell Road, and the south of the site, as illustrated in Figure 21.

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>.

*The Flood Study* and Flood Policy, administered under Chapter 3.8 of the *GM DCP 2009*, implements Flood Planning Constraint Categories (FPCC). Four FPCCs have been established to separate areas of the floodplain from the most constrained and least suitable areas for intensification of land use. The FPCCs are presented in Figure 21 below and are to be considered as part of a Flood Impact and Risk Assessment (FIRA) Report prepared for a future DA for a specific property impacted by overland flooding.

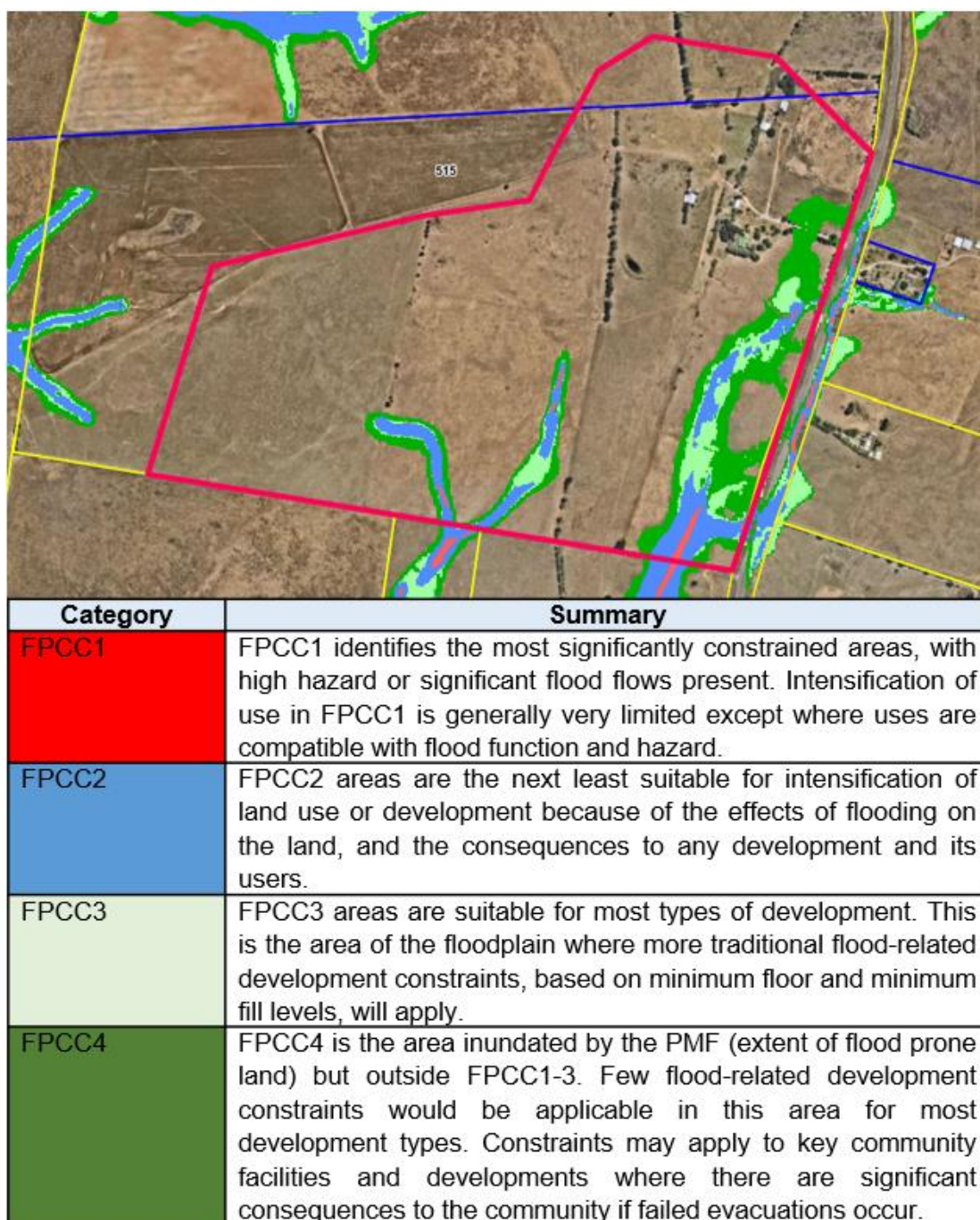


Figure 21: Extent of overland flooding within the subject land and Flood Planning Constraint Categories (Source: Goulburn Mulwaree Overland Flow Flood Study 2022)

The completion of the *Overland Flow Flood and Floodplain Risk Management Study* will result in the designation of the Flood Planning Area (FPA) and specific development controls for land subject to overland flooding will then be derived.

Direction 4.1(1) and (5) - consistency with Policy and Guidance documentation

(1) *A planning proposal must 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.*

*(5) For the purposes 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.*

The Flood Risk Management Manual includes the NSW Flood Prone Land Policy and replaces the *Floodplain Development Manual* (DIPNR 2005).

The NSW Flood Prone Land Policy (*The Flood Policy*) has the primary aim of reducing the impacts of flooding, whilst also reducing loss. This involves supporting a balanced approach when it comes to the use and development of flood prone land, to manage flood risk effectively and increase community resilience to flooding. To achieve its aim, the Policy requires the consideration of Flood Risk Management Planning to assess flood behaviour and quantify the flood hazard, to alleviate risk to life and property. This process also involves the consideration of variables such as climate change, changes to the catchment and cumulative impacts. Ultimately future development will be guided through Policy implemented at the Local Government level.

The *Considering flooding in land use planning guideline 2021* is a supporting document for Council that provides guidance on how to manage risk from flooding in local communities. This includes the consideration of flood risk up to the PMF for riverine and overland flooding scenarios. It guides the implementation of FPA prescribed under clause 5.21 of the *GM LEP 2009*, under the *GM DCP 2009*.

*The Flood Study*, as well as the overland flooding data, up to the PMF has been considered in this Planning Proposal. These have accounted for climate change utilising the APR2019 methodology to determine the projected increase in precipitation intensity. These details have been utilised to determine the increased rainfall for each of the flood events, up to 2090 and incorporated into the riverine and overland flow modelling. As the overland flooding data does not form part of the Flood Study, there is no defined FPA. However, it is considered necessary that the entirety of the FPCC categories shown in Figure 21 above) are re-zoned to C2 Environmental Conservation (in addition to the areas of remnant native vegetation and Aboriginal Heritage) as per Figure 17 and Figure 18.

Protecting all overland flood areas from development ensures that the integrity of drainage paths are maintained, including also to downstream land to the south, where

a Planning Proposal is currently being considered. This will ensure that downstream impacts are not exacerbated.

There are a very limited range of uses that are permissible with consent in the C2 Environmental Conservation zone. This zone does not permit residential accommodation and/or ancillary development. This will ensure that there is limited opportunity for development to occur within these areas of inundation and will encourage their retention as undeveloped land. This will result in the least financial risk on government resources.

Infrastructure such as roads and ancillary components such as drainage swales and stormwater detention facilities are not prohibited in the C2 Environmental Conservation zone and they will inevitably be required to access the other side of overland flood paths. Future development proposals will require detailed engineering consideration to ensure that road crossings above overland flood impacted areas are appropriately designed to ensure access can be facilitated during a 1% AEP flood.

The rezoning of the full extent of land impacted by overland flooding to C2 Environmental Conservation zone will alleviate to the largest extent possible, pressure on government resources associated with emergency and rescue.

The Planning Proposal has demonstrated that the land has capability for future residential development, in accordance with Policy and guidance documentation referenced above. The future Development Application will be required to supply specific detail to specifically demonstrate how each future residential lot will be in compliance with the *GM LEP 2009* and the *GM DCP 2009*, and therefore how the subdivision proposal as a whole will have acceptable environmental impacts (specifically as a result of flooding and downstream impacts on other property), and how each future occupant can safely occupy a dwelling.

### Evacuation

The extent of the overland flood prone land, particularly its configuration in a north-south direction and parallel to Crookwell Road, will have impacts on where the connecting roads to Crookwell Road will be located, and therefore ability to access and evacuate the site.

A large majority of the overland flood area is within FPCCs that are the least hazardous (i.e. FPCC 3 & 4). These categories can accommodate development, not including sensitive uses, and incorporate few flood related development controls.

The overland flood prone land data for depth and velocity is provided for the 5% and 1% AEP, and up to and including the PMF.

Depth and velocity data for the above flood events has been considered across the parts of the site where it is overland flood impacted. The maps showing this detail are contained within **Appendix 12a-12c**. The ranges for depth and velocity are considered below in Table 2.

*Table 2: Greatest depth and velocity for each flood event Extent of overland flooding within the subject land and Flood Planning Constraint Categories (Source: Goulburn Mulwaree Overland Flow Flood Study 2022)*

	Depth: min to max (metres)	Velocity: min to max (m/s)
<b>1% AEP</b>	0.02 - 0.39	0.01 – 1.59
<b>5% AEP</b>	0.01 - 0.35	0.01 – 1.37
<b>PMF</b>	0.06 - 0.86	0.13 – 3.12



The above figures indicate that parts of the land subject to overland flooding, up to and including the PMF are required to be retained as natural stormwater drainage channels, to reduce disturbance to overland flow paths and safeguard risk to future occupants. It is considered appropriate that the overland flood prone areas up to and including the PMF are re-zoned to a restrictive C2 Environmental Conservation zoning to ensure that most development types are prohibited within these areas.

It is noted that there are future roads that traverse parts of the overland flood areas as indicated on the concept plan. It was considered appropriate that the proponent submit a Flood Impact Risk Assessment (FIRA) (**Appendix 14**) to consider flood behaviour and post development flows to demonstrate suitable future egress above the 1% AEP flood levels for future residential development. The post development flows also considered downstream impacts, particularly on the land to the south subject of a Planning Proposal. The report indicates that:

- All proposed roads will be accessible during a 1% AEP, subject to being raised 200mm from existing surface levels. This will enable these roads to be within a H1 and H2 hazard category. There is allowance for these roads to be raised higher during the detailed design phase to improve overland flow paths and for roads to be within the least hazard category.
- Road No. 3 (leading to new Crookwell Road intersection between 515 Crookwell Road and 457 Crookwell Road) during a PMF event will be cut off for a 2.5 hour period (as a result of a 6 hour storm), although alternative access can be facilitated via Road No. 1 & 2, through to the required public road connection to Onslow Road.

Overland flooding depths and velocity data have been considered for the existing road infrastructure along Crookwell Road, along the evacuation route to a food free area that provides services and a safe refuge (i.e. south, to the Mistful Park commercial centre). Maps incorporating spot depth and velocity data for the 5%, 1% AEP and up to the PMF have been produced and are included in **Appendix 13a-13c**.

The ranges for depth and velocity are considered below in Table 3:

*Table 3: maximum depth and velocity for each overland flood event along Crookwell Road*

	Depth (metres)	Velocity (m/s)
<b>1% AEP</b>	0.050	0.969
<b>5% AEP</b>	0.060	0.881
<b>PMF</b>	0.264	0.741

The greatest depth and velocity at Crookwell Road is 0.264 metres and 2.215 metres per second respectively and this is for the PMF event.

The above data needs to be considered against flood velocity and depth thresholds, which relate to the stability of people and vehicles in flood waters, and to buildings impacted by flooding. Considering the general flood hazard vulnerability curve (Figure 1 in publication [Flood Hazard, Flood Risk Management Guideline FB03](#)), the evacuation route is subject to the least hazardous category of H1, which is safe for people, vehicles and buildings. See extract in Figure 22 below.

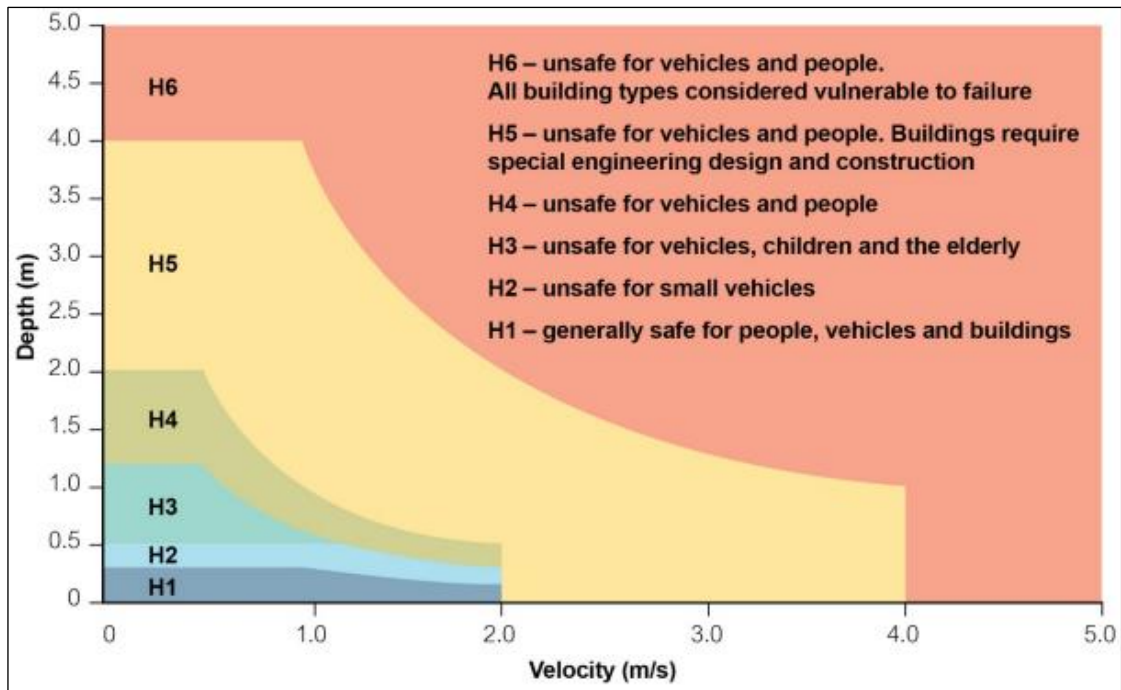


Figure 22: Hazard vulnerability curve (Source: Australian Institute for Disaster Resilience Guideline 7-3, Flood Hazard, 2017)

These flood depths and velocities are considered relatively low risk. The figures within the table above are notably higher for the PMF, than for the 1% and 5% AEP. However, a PMF event in Goulburn has a rare 1 in 1,000,000 probability in any given year, further reducing the potential risk of occurrence, according to *The flood study*.

The extent of the overland flood area is approximately 10.5 hectares, relative to the land area of approximately 52.93 hectares subject of the Planning Proposal. There is sufficient residual area within the site to locate future residential and ancillary development and therefore not subject future occupants or assets to any flood risk.

Further to the above, the additional following circumstances mitigate risk from flood and justifies the capability of the site for future residential development, whilst also promoting the safety of occupants, property and assets, and alleviating financial cost to government emergency services in the event of a significant flood event:

- Multiple access points are provided. This includes a vehicular access connection via the site to the south (in addition to the access to the north), which will connect both future subdivision proposals on the subject land (via consideration in a URA provisions within the *GM DCP 2009*). This will therefore provide an additional evacuation route.
- Given the low flood depths and velocities, and that future residential development will be low density in nature, only limited future roads and bridges will be required and these can be engineered to maintain existing flow paths, minimise flood water displacement and be designed incorporating sufficient height to enable their use during a 1% AEP.
- There is no increase in velocity or depth of the water exiting the site to downstream property.

For Crookwell Road and Chinaman's Lane, Council has obtained additional overland flooding information that indicates safe access can be facilitated on these roads during significant flood events for the full duration of flood events. See **Appendix 15**.

The above considerations demonstrate that future occupants of the site will be able to safely and effectively evacuate during a significant flood event.

#### Direction 4.1(2) and (3)- Flood Planning Area (FPA) considerations

The Planning Proposal is to exclude the full extent of land that is subject to overland flooding (up to and including the PMF) via restrictive C2 Environmental Conservation zoning, and require future residential and ancillary development to be located wholly within R5 Large Lot Residential land.

As mentioned above, the applicant commissioned a FIRA (Appendix 14) that includes modelling of the pre and post development overland flows for the concept subdivision plan and considers the impacts of overland flooding on 407 & 457 Crookwell Road. The model shows that the pre and post development flow, for flood events including 1%, 0.2%, 0.05% AEP and the PMF event is largely similar in comparison to Council's overland flood mapping, only that there are some additional flooding impacts seen at the beginning of the watercourse. The impacts to downstream property at 407 & 457 Crookwell Road is also negligible. The length of the overland flood drainage channels at the centre of the site is increased. See Figure 23 and Figure 24 relative to Council's overland flood mapping in Figure 13.



Figure 23: PMF Pre-development depth and extent (source: Flood Impact & Risk Assessment, CivPlan 2024).





Figure 24: PMF Post-development depth and extent (source: Flood Impact & Risk Assessment, CivPlan 2024).

The FIRA indicates that Seven (7) out of the 24 building envelopes identified on the concept plan will be located within the extent of the PMF. The concept plan has demonstrated that there is some capacity to accommodate future large lot residential development. Detailed designs are to be considered at Development Application (DA) stage for a subdivision proposal to demonstrate how each future lot will accommodate future built development within land zoned R5 Large Lot Residential, and therefore outside the full extent of flood prone land. This means that the development potential shown on the concept plan will highly likely not be realised.

It is noted that for the downstream property to the south where a Planning Proposal is currently being considered (i.e. 407 & 457 Crookwell Road), a Local Flood and Overland Flow Study was commissioned which included a minor part of upstream land (i.e. the land subject of this Planning Proposal). The model for the post development scenario during a PMF event showed increased flooding immediately downstream of the northern boundary of that Planning Proposal, as shown below in Figure 25.

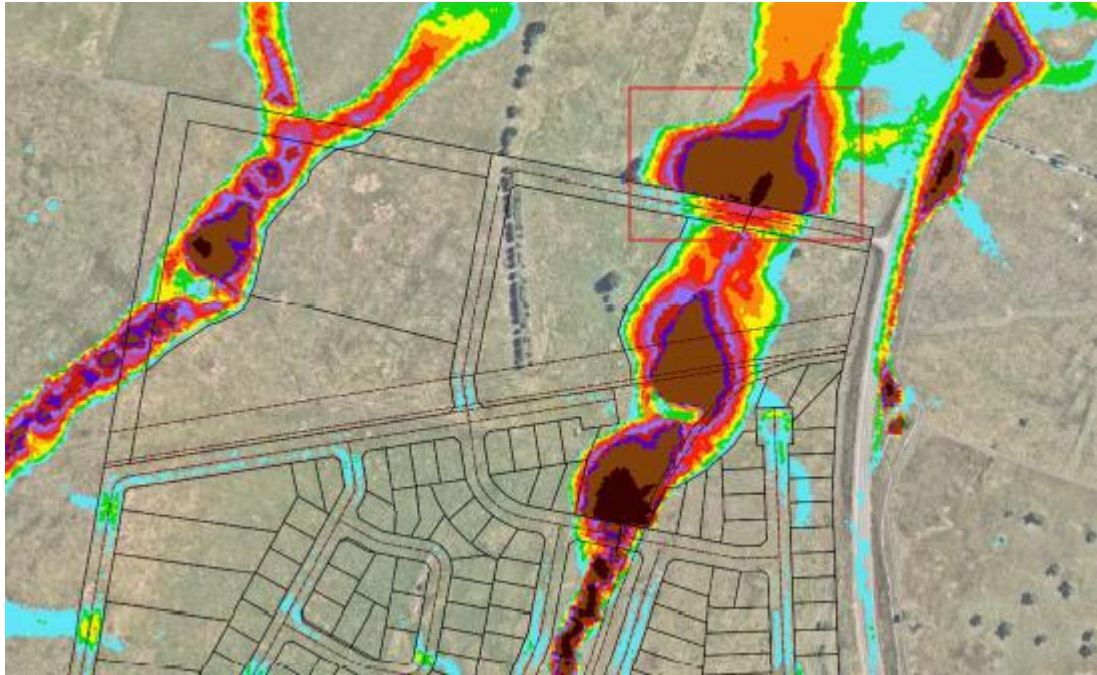


Figure 25: Increased flooding area shown indicated in red, during a PMF event and post development scenario (source: Local Flood & Overland Flow Study, Planning Proposal 407 & 457 Crookwell Road Goulburn, SOWDES March 2024)

As shown in Figure 23 and Figure 24 above, The FIRA submitted with the subject Planning Proposal indicates no increased flooding in this area, and is consistent with the extent of flooding shown in the models presented in the Local Flood and Overland Flow Study submitted for the Planning Proposal for 515 Crookwell Road.

The *GM DCP 2009*, specifically *Chapter 3.8 Flood Affected Lands* and *Appendix J Flood Policy* stipulates that for areas outside *The Flood Study*, the Flood Planning Level (FPL) that applies is 1% AEP plus a freeboard of 0.5 metres. The areas that are to be re-zoned C2 Environmental Conservation will contain the full overland flood extent (up to and including the PMF). This zone includes very limited permissible land uses and exclude residential accommodation and therefore will not increase development density in flood prone lands.

Further to the above, the *GM LEP 2009* and *GM DCP 2009* contain existing provisions which safeguard against any future adverse impacts on flood behaviour and the safety of people. Clause 5.22(2) and (3) of the *GM LEP 2009* include provisions that apply to sensitive and hazardous development (as well as non-sensitive and hazardous development) and requires that development consent must not be granted to development unless the consent authority has considered whether the development:

- will affect the safe occupation and efficient evacuation of people in the event of a flood,
- incorporates appropriate measures to manage risk to life in the event of a flood, and
- will adversely affect the environment in the event of a flood.

If a sensitive or non-sensitive use is proposed within the parts of the land to be re-zoned to C2 Environmental Conservation, the consent authority must be assured that safe occupation and efficient evacuation can occur, mitigation measures are considered to minimise risk to life, and that the proposal safeguards adverse



environmental impacts, which would include impacts to flood behaviour to other property.

The *Flood Policy* within *Appendix J* of *The GM DCP 2009* requires that 'sensitive uses and Facilities' incorporate controls including:

- *Floor levels are equal to or greater than the PMF flood level,*
- *Entrance levels to underground spaces (basements, carparking etc.) are required to be above the level of the FPL (1% AEP flood level plus 0.8 m freeboard) or PMF level, whichever is higher.*
- *All structures to have flood compatible building components below the FPL (1% AEP flood level plus 0.8 m freeboard) or the PMF level, whichever is the highest.*
- *Engineers report to certify that any structure can withstand the forces of floodwater, debris and buoyancy up to and including the FPL (1% AEP flood level plus 0.8 m freeboard) or a PMF, whichever is greater.*
- *The minimum surface level of open car parking spaces, carports or garages shall be as high as practical. The driveway providing access between the road and parking space shall be as high as practical and generally rising in the egress direction.*
- *Garages capable of accommodating more than three motor vehicles on land zoned for urban purposes, or enclosed car parking, must be protected from inundation by floods up to the FPL (1% AEP flood level plus 0.8 m freeboard).*
- *Reliable access for pedestrians or vehicles required during a 1% AEP flood to a publicly accessible location above the PMF.*
- *The evacuation requirements of the development are to be considered. An engineer's report will be required if circumstances are possible where the evacuation of persons might not be achieved within the effective warning time.*

Development within future C2 Environmental Conservation zone will have difficulty satisfying each of the requirements above, as these controls relate to the PMF level. The possibility of future development within these areas is therefore highly unlikely and this safeguards against any potential for increase in risk to people and the environment.

A future development proposal that retains any existing dams is required to ensure that there are no adverse flooding impacts to downstream properties and future residential development, from potential compromise of dam walls. In this regard, development controls are included in the Draft Sooley Precinct DCP (Appendix 1) to safeguard this approach.

The concept plan demonstrates that there is capability to accommodate a future residential subdivision proposal that ensures no adverse stormwater impacts to downstream property.

#### Direction 4.1(4) Special Flood Considerations

The Council considered the optional inclusion of the Special Flood Considerations Clause (5.22) into the *GM LEP 2009* on 2 November 2021. Council endorsed the inclusion of the Clause as applied to correctional centres, hospitals, hazardous industries, hazardous storage establishments and emergency service facilities.

The proposal does not seek the uses to which the special flood considerations apply.

Special Flood Considerations are not considered to currently apply to this planning proposal, however the requirement of 4.1(e) for the safe occupation and efficient

evacuation of the lot is a requirement repeated in other applicable flood guidelines to which a proposal must be consistent.

In addition, the *GM LEP 2009* and *the Flood Policy* also restricts the placement of critical and sensitive uses within FPCCs 1 to 3 and identifies them as potentially unsuitable in FPCC 4 (dark green, PMF).

#### Response to agency consultation

Following the carrying out of agency consultation, advice was received on 14 February 2025 from the Conservation Programs, Heritage and Regulation team under the Department of Climate Change, Energy, the Environment and Water (DCCEEW), and is contained in **Appendix 18**. Concerns in relation to Flood plain risk management are addressed below:

The Planning Proposal has been amended to ensure that the full extent of overland flood prone areas (up to and including the PMF) is re-zoned to C2 Environmental Conservation to alleviate disturbance to drainage paths and avoid future residential and ancillary development in this area. This is consistent with the approach taken in the Planning Proposal to the south (PP-2023-414) at 407 and 457 Crookwell Road.

The modelling and pre development scenarios presented in the FIRA are generally consistent with the flood information presented in Council's preliminary overland flood maps. The subject land contains first order watercourses and is the land contained within the Sooley Precinct that is most elevated.

The FIRA considers flood events, including the 1%, 0.2%, 0.05% AEP and the PMF which is considered appropriate given the subject land is within an elevated location. There is a need to supply this information to further verify Council's preliminary overland flow data supplemented from *The Flood Study*.

The models carried out incorporate culverts to reflect the crossings required in the concept plan. It demonstrates that the site is subject to hazard classifications H1 and H2 within the flood prone areas. The H2 hazard classification is predominantly due to the velocity of flood waters, given the high elevation of the site above the Wollondilly floodplain. Given the site is subject to overland flooding and the topographical nature of the site facilitates the free passage of water during significant flood events, flooding is expected to be of short duration.

The flooding information indicates that the site has capability to accommodate a future residential subdivision, the extent to which can be determined as part of a formal Development Application (DA), beyond this Planning Proposal. Specific engineering information will be required at that stage to demonstrate how future roads will be constructed over watercourses to ensure non adverse downstream and off-site impacts, and ensure the pre and post development stormwater flow are the same. The GM DCP 2009 Chapter 3.8, *Flood Affected Lands*, contains provisions in regard to evacuation routes, to ensure that they are safe.

Consultation with NSW SES has been carried out and a copy of their advice is in **Appendix 23**. Council's approach to impose restrictive rezoning over flood prone land is supported. Post- development conditions have been provided in Appendix 14 and demonstrate that the site has capability to accommodate future residential development, which will be considered in further detail upon the lodgement of a future Development Application (DA).

The NSW SES emphasise that shelter in place for greenfield development is not supported, as per the *Shelter in place guideline for flash flooding*, prepared by the Department of Planning, Housing and Infrastructure. This Planning Proposal re-zones the entire extent of flood prone land within the subject site to C2 Environmental Conservation, which means that the areas of the site to be re-zoned to R5 Large Lot Residential will accommodate future residential development that is within flood free areas. In addition, as the lots will not be serviced, future development will be required to be serviced by an on-site waste water management system outside flood prone land areas, and provision of potable water storage. Services in Mistful Pak as described earlier, are available for access during a PMF if required. Future occupants will be able to safely occupy their homes during the PMF, especially considering limited warning times and short durations of inundation.

The outcomes of the FIRA compiled for the subject land have been compared against the Localised Flood and Overland Flow Study prepared for the Planning Proposal to the south. The flood extent information from both models, at the common boundary, show similar flood extents. Both Planning Proposals have demonstrated that there is capacity for future development to be located above the PMF, as well as ability to safely evacuate to Mistful Park commercial centre if required, to access services such as a medical centre, supermarket, childcare centre and service station. It is noted that the site is unable to access central Goulburn above a 0.2% AEP flood, by virtue of riverine flooding at Marsden Bridge on Fitzroy Street, Victoria Street bridge and Tarlo Street bridge, as demonstrated in Table 15 in *The Flood Study*.

A future DA will be required to provide a detailed subdivision proposal to demonstrate how each future dwelling will be located above the PMF, negligible impacts between pre and post development stormwater impacts, and how future road crossings over natural drainage lines can be designed to assure safe access during a PMF event, ensuring non adverse off-site impacts.

The concept plan in Appendix 2b, as referenced in the FIRA (Appendix 14) indicates one of the existing dams is to be infilled and compacted. This dam is one that is not located within areas that are subject to flooding, or within riparian areas. The other dam within the subject area is within flood prone land and riparian areas, and is to be retained and integrated as part of the stormwater management plan. To clarify, this is the dam that is referenced in the FIRA to be retained.

The Draft Sooley Precinct DCP includes controls that require engineer certification to assure the structural integrity and function of dams that are to be retained and utilised for purposes of stormwater management. These controls are included in an effort to alleviate adverse downstream impacts.

In summary, the Planning Proposal:

- will not facilitate development in floodway areas;
- will avoid significant flood impacts to other properties;
- does not permit residential accommodation and ancillary development within overland flood prone areas;
- will ensure that occupants of future permissible development are able to safely evacuate;
- only permits development to be carried out with development consent (except exempt development);
- does not increase or place increased pressure on government resources, and
- does not permit hazardous industries or storage establishments.

The planning proposal is consistent with the Flood Risk Management Manual and NSW Flood Prone Land policy, *Considering flooding in land use planning guideline 2021*, and the *Goulburn Floodplain Risk Management Study and Plan*.

The proposed alterations to the zoning under the *GM LEP 2009* and new DCP controls will alleviate adverse impacts on the flow path and integrity of the drainage channel, during overland flood events.

The Planning Proposal is consistent with Direction 4.1.

### **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 LGAs where a relevant planning authority prepares a planning proposal that will affect, or is in close proximity to, land mapped as bushfire prone land.

Where this Direction applies:

1. A relevant planning authority when preparing a planning proposal must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. A planning proposal must:
  - a. Have regard to *Planning for Bushfire Protection 2019*,
  - b. Introduce controls that avoid placing inappropriate developments in hazardous areas , and
  - c. Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.
3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - a. Provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - i. An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, with the property, and
    - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter 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

The site is within a C3 Environmental Management zone and is wholly bushfire prone, identified as Category 3 vegetation with a medium bushfire risk as illustrated in Figure 26.

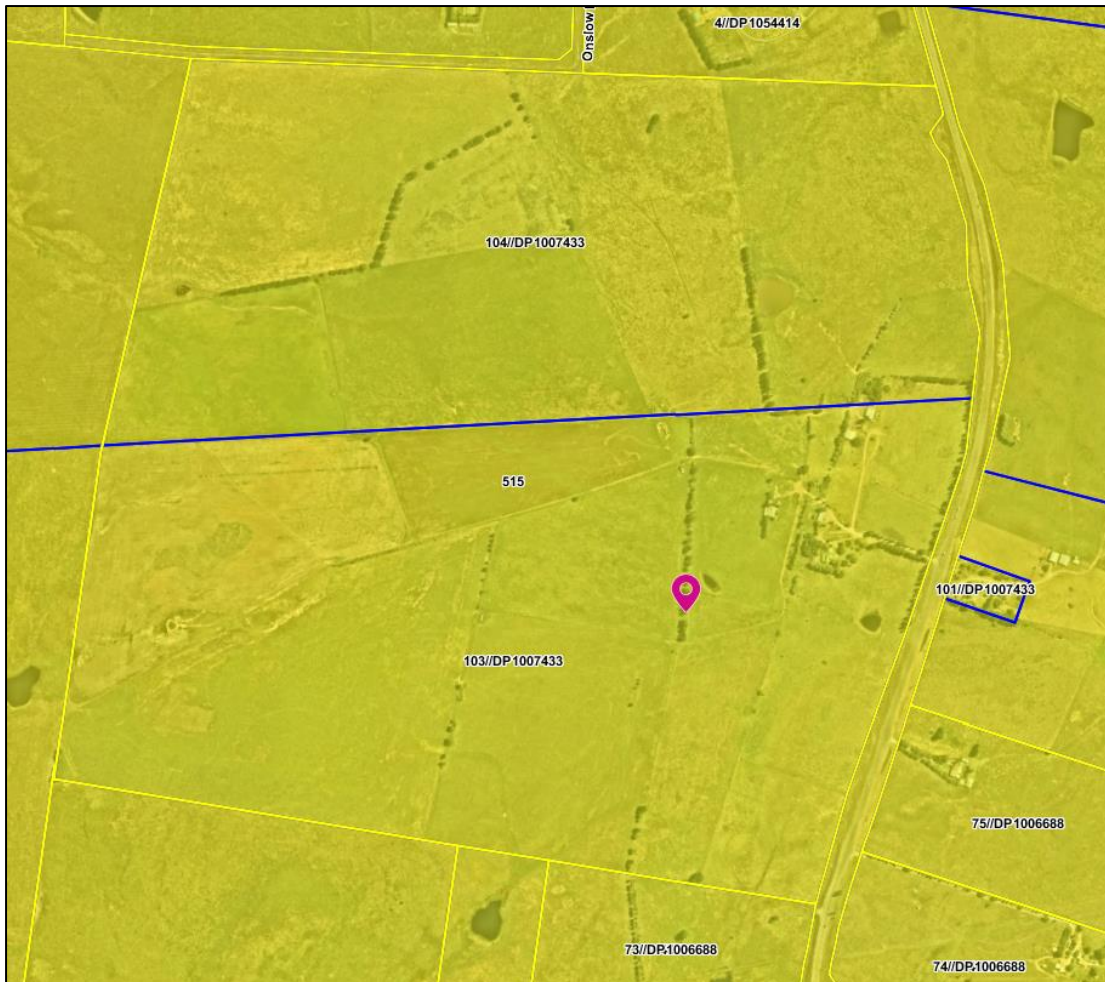


Figure 26: Bush fire prone land map, Category 3

The 24 large lot residential lots proposed on the site are located under 2 kilometres north of the urban fringe 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 Bushfire Strategic Study (**Appendix 6**) to provide an independent assessment of the proposal's suitability for large lot residential development in regard to bushfire risk. The assessment has been undertaken in accordance with NSW Rural Fire Service guidance document '*Planning for Bushfire Protection 2019*'.

The Study includes the following bush fire protection measures:

- Suitable APZ can be provided for dwelling houses on Lots incorporating a minimum lot size of 2 hectares. Dwellings would not be exposed to radiant heat levels exceeding BAL-29 (High Bush Fire Attack Level), as illustrated in **Appendix 6**;



- The site is accessed by a two-way, sealed access road at Crookwell Road, along the eastern boundary;
- The concept subdivision includes two-way non perimeter access roads at a width of 20m. These roads create two access/egress points at Crookwell Road, and therefore two evacuation routes (north or south). Each internal access road will provide access to 15 proposed lots (southern access point), and 9 lots (northern access point);
- The majority of the land contains slopes which do not exceed 10 degrees. Very limited parts of the land contains slopes of up to 12 degrees however residential development can be appropriately sited to avoid these areas;
- Static water supply for fire-fighting purposes can be provided to future residential development, by way of a dedicated fire-fighting supply tank.

Perimeter roads, as required Table 5.3b of *Planning for Bush Fire Protection 2019* are not proposed, however each dwelling house is capable of achieving BAL 29 or less as a result of the 'grasslands' vegetation classification. To achieve BAL 29 or less, the perimeter of the land will be required to be maintained as managed land, thereby alleviating potential bushfire threat from the hazard. As the lots are developed, a large majority of the land will become managed land, thereby further reducing bush fire risk to life and property.

Roads are designed and sited to enable safe access and evacuation of all vehicles. Two alternative evacuation routes to Crookwell Road will be available and this will enable occupants to travel northwest to Crookwell or south to Goulburn. Evacuation routes are directed away from the hazard and dwelling sites will not be isolated. As required by TfNSW, an additional alternative evacuation route will be available via Onslow Road.

In addition, the Traffic Impact Assessment (TIA) (**Appendix 16**) submitted with this planning proposal concludes that each proposed road is not expected to significantly alter the safety or function of the surrounding road network.

The proposal includes the creation of 24 lots which is considered minor and would not warrant an increase in the provision of existing emergency service facilities or capabilities, even considering when the Sooley Precinct's development potential from completed Planning Proposals are exhausted.

The *Goulburn Mulwaree Development Control Plan* includes *Chapter 3.17 Bush Fire Management* which requires development on bush fire prone land to be developed in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979* and *Planning for Bushfire Protection Guidelines* (i.e. *Planning for Bush Fire Protection 2019*). These guidelines contain all the required development controls to ensure the required bushfire protection measures can be implemented through a future DA, for example, the implementation of APZ and incorporation of a defendable space for occupants to safely defend property within an area that is limited by the presence of combustible materials and obstructions. It also provides information in regard to BAL's to enable future residential development to incorporate suitable materials to provide it with some protection in the event of a bushfire.

This planning proposal has had regard to *Planning for Bush Fire Protection 2019* and meets the required controls to ensure that future residential accommodation is appropriately sited, can be adequately managed and offers the least risk to occupants and emergency services.

Post gateway agency consultation was carried out with NSW Rural Fire Service and advice was received on 21 January 2025, which is included in **Appendix 19**. It is noted that no objection is raised to the Planning Proposal, subject to a future Development Application (DA) demonstrating that any required vegetation retention and/or revegetation within the C2 Environmental Conservation zone is considered. This is reflected in the Draft Sooley Precinct DCP.

Concern was raised from the NSW RFS that the concept plan does not account for the proposed C2 Environmental conservation zone. The concept is submitted as part of the Planning Proposal for the purposes of demonstrating that there is some capacity for the land to accommodate future large lot residential development. The Draft Sooley Precinct DCP provides development controls on matters which have arisen as a result of this Planning Proposal to ensure that a future Development Application (DA) accounts for these matters. The DA process will consider in more detail how a future subdivision can accommodate future residential and ancillary development outside areas zoned C2 Environmental Conservation.

It is recognised that upon the development of future residential lots, the bushfire hazard risk will be reduced as lots become managed. In accordance with section 10.3 of the *Environmental Planning and Assessment Act 1979*, Council is required every five (5) years to review the extent of bushfire prone land and seek endorsement by the Commissioner of the NSW Rural Fire Service. This will provide the opportunity to reduce the extent of mapped bushfire prone areas as new lots are created.

The Planning Proposal is consistent with Direction 4.3.

### **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.

Council's records do not indicate that the subject land is potentially contaminated, and the land is not identified as significantly contaminated land. However, the land's current and former agricultural use is listed as an activity that has potential to cause contamination, as per Table 1 of the *Managing Land Contamination Planning Guidelines*.

This direction therefore applies to this planning proposal.

The proponent has submitted a Preliminary Site Investigation (PSI), dated 28 October 2021 and contained within **Appendix 11a**.

The PSI assessed the potential for contamination based on:

- A desktop study.
- Review of topography, soil type and geology information for the site.
- Review of historical aerial photography of the site using photographs from 1975, 1987, 1991, 1997, 2014 and 2020.
- Search of NSW EPA contaminated land records.
- NSW Office of Water groundwater bore search.
- Review of current land title.
- A site walkover inspection of the area.

A site visit was conducted by an Environmental Scientist from CivPlan Consulting on 6<sup>th</sup> October 2021. The site findings included the following, supported by desktop investigations:

- The site contains a dwelling house and associated infrastructure including an on-site effluent management system. A large majority of the site appears to have been utilised for agricultural purposes, from at least 1975, based on historical aerial photography.
- No obvious signs of saline conditions were observed, No suspected asbestos materials or odours were encountered during the site visit.
- There was a low probability of acid sulphate soils being present within the site.
- Environmental Protection Authority (EPA) Contaminated Land Records do not indicate that the site or neighbouring sites are subject to any notices.
- Two (2) bores are located within the site for domestic stock purposes. Four (4) bores are located within a 500 metre vicinity of the site. Refer to Figure 27 below.



The investigation identified Areas of Environmental Concern (AEC) resulting in moderate likelihood for contamination. A Detailed Site Investigation (DSI) was recommended to be undertaken, to determine if the site is fit for the future purposes of large lot residential.

An Environmental Site Investigation dated 27 August 2022 (Appendix 11b) was prepared subsequent to the PSI and found that there were elevated levels of total chromium concentration in soils collected at the AEC located near the existing dwelling house and ancillary development. Areas outside these AEC locations were not investigated. The report concludes that there is moderate to high potential for site contamination from one or more of the identified potential contamination sources and the environmental and human health risk is high.

The Detailed Site Investigation was subsequently prepared and is dated 8 February 2023 (Appendix 11c). Soil, groundwater and surface water sampling was carried out and the following was concluded:

- There are elevated levels of Total Chromium (Cr) levels in the soil, and although they exceed the Site Acceptance Criteria (SAC) of the ANZECC 2000, the soils are not leaching, according to the Australian Standard Leaching Potential (ASLP) results.
- One of the six (6) samples collected at one of the groundwater monitoring wells (GW5) exceeded the SAC for Cr VI of the ANZECC guidelines but was below the SAC under the ADWG.
- Surface water samples collected from the two (2) existing dams exceeded the SAC for Copper and Zinc of the ANZECC guidelines but below the SAC under the ADWG.

The following further information was requested by Council, and this was provided via an amended DSI dated 21 April 2023 (Appendix 11d):

- *Advice on the potential sources of elevated Total Chromium in the soil, and in the single detection in the groundwater sample.*

The report concludes that Chromium concentrations detected in the samples was contributed from naturally occurring Chromium resources (from basaltic rocks naturally occurring within the site). The oxidation process to Cr VI, being the potentially carcinogenic form of Chromium, is likely explained through natural subsurface process, including bushfires.

- *Confirmation of existing bores located in the vicinity of the land subject of the Planning Proposal. The DSI report identifies that groundwater extraction bores are located on the eastern section of the site. Please detail the location of groundwater extraction bores on the site, details (licence No.) and the purposes they are used for.*

Two bores are identified within a 500 metre radius of the site boundary (in addition to one registered groundwater bore within the site) and are used for predominantly stock watering purposes, and also for domestic purposes. This information is inconsistent to that provided in the PSI above. The report explains that the oldest bore could not be located. The actual specific locations of each located bore were not included in the report.

A further request for information was made to the proponent, for the DSI to be amended to include a map that indicates the location of each water bore on the site. An amended DSI report was provided on 23 June 2023 and is included in Appendix 11e. The specific bore locations were not further detailed.

Following initial consultation with Water NSW, the following further investigations are likely to be required to inform a future DA for a subdivision proposal (pending the outcome of detailed bore information):

- Determine the spatial and temporal viability of Cr VI in groundwater, particularly considering that future residential lots will not be provided with reticulated water.
- Dewatering Action Plan (DWA), should existing dams be removed to facilitate the future subdivision.
- Data gaps, such as soils within the footprints of ancillary buildings and achieving minimum sampling density for particular AECs, are required to be addressed.

The following recommendations were included in the DSI report:

- Proposals to decommission on site sewerage treatment systems will require further testing undertaken prior to further management.
- Hazardous materials assessment for proposed demolition activities.
- Analysis of fill beneath existing buildings, following demolition of buildings.
- Requirement for surface dewatering plans, and additional sampling, for proposals to remove existing dams.
- Implementation of unexpected finds protocols for identification of potential contaminants.

A site specific DCP for the Sooley Precinct has been drafted, to address contamination and addresses the above matters, to be considered in a future DA, in addition to the controls already imposed in the Council's DCP for addressing contamination in relation to water quality.



This planning proposal has assessed the potential for contamination on the subject site, and it is considered suitable for future residential purposes.

The Planning Proposal is consistent with Direction 4.4.

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

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

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

This Direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, 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)

This planning proposal is seeking the rezoning of land in a conservation zone, to R5 Large Lot Residential and therefore this direction applies.

The proposal is seeking to rezone an area of 52.93 hectares from C3 Environmental Management to R5 Large Lot Residential to create 24 lots. The site is situated within 2 kilometres north of the urban area. There is currently a bus service that runs between Crookwell and Goulburn that operates eight (8) times daily (four trips to Crookwell from Goulburn and four trips to Goulburn from Crookwell). It is noted that two of the earlier and two of the later trips run on school days only. The closest designated bus stop to the site is at Crookwell Road at the junction of Marble Hill Road, which is located approximately 2 kilometres north from the site. There are bus services that currently run locally within Goulburn however none frequent the Marys Mount residential and commercial precinct between Crookwell Road and Mortimer Junction, other than a single bus service that travels to the Mistful Park Commercial Precinct from the Goulburn CBD. This service runs three times daily (three trips each way). There is potential for the Crookwell to Goulburn bus route to divert its route through the future connecting road, to connect both the subject Planning Proposal and the Planning Proposal to the south referenced earlier in this report). The Draft Sooley Precinct DCP includes URA provisions that require these routes to be designed to accommodate buses. In addition to this provision for the connecting road, a future subdivision is required to make provision within its main thoroughfare, for buses that will most likely be required, to accommodate children of school age.

The Sooley Precinct is contiguous with the urban area on the western side of Crookwell Road. The Mistful Park Commercial Precinct is located on the eastern side of Crookwell Road opposite the existing urban area. Its development potential has almost been reached. This commercial area contains an existing childcare centre, gym/commercial building, car wash and café. Furthermore, a supermarket with medical centre is currently under construction and a site has been approved for a future service station. This commercial area is intended to service the North Goulburn/Sooley precinct and are uses that attract foot traffic. Therefore, it is appropriate that footpaths and cycle paths are required to be installed at completion of the subdivision stage, for the land to the south, to ensure that there are contiguous footpath connections to this commercial precinct from adjacent low density residential development.

This Planning Proposal is to create large lot residential land, and it is not characteristic to provide foot and cycle paths within this semi- rural context.

Requirements for sustainable transport modes will be facilitated via the URA provisions referenced above, to be included in the Draft Sooley Precinct DCP Chapter. This includes provision for future roads to accommodate buses to enable this area to be serviced, and therefore provide a public transport route to the Mistful Park Commercial Precinct, the Goulburn CBD and to the various public schools within Goulburn.

The proposal is not considered to have any significant impact on the efficient movement of freight, given existing traffic volumes on Crookwell Road are low, the Planning Proposal's low additional traffic volumes are anticipated (i.e. 33 vehicles during any peak hour) and future intersections can offer appropriate sight distance, according to the submitted TIA.

TfNSW have considered the submitted TIA, alongside the TIA submitted for the Planning Proposal to the south (i.e. 407 and 457 Crookwell Road). The main concern is around the need for an additional intersection within the subject land, so that the number of intersections required at Crookwell Road is kept to a minimum. The proposed URA provisions shown in Figure 3 earlier in this report will provide a DA with statutory guidance on how a future subdivision proposal will proceed. One of the main provisions is that whichever subdivision proposal proceeds first, only one new intersection to Crookwell Road will be permitted (located at the common boundary), and this intersection must be constructed at that time. As to the intersection treatments, these have been confirmed by TfNSW and are incorporated in Figure 3. The requirements of Figure 3 are incorporated in the Draft Sooley Precinct DCP and are supported by TfNSW.

The proponent for the Planning Proposal to the south (in conjunction with PP-2023-414) provided strategic concept designs (**Appendix 17**) for the new intersection in accordance with advice received from TfNSW. Post gateway agency consultation was carried out with TfNSW in relation to this new information and advice was received on 4 February 2025, which is included in **Appendix 20**. Some design amendments are required, although can be addressed prior to the issue of a Subdivision Works Certificate, following the issue of a development consent. Work required in the road reserve to facilitate the new intersection and close existing access points will require concurrence under section 138 of the *Roads Act 1993*.

TfNSW also provided other advice which is considered below:

- In recognition that only one new intersection to Crookwell Road will be permitted and that future growth (beyond the priorities identified in *The Strategy*) may

necessitate the further re-zoning of land to the north, a road connection is required to be made from the subject site to Onslow Road generally in accordance with Figure 3. This includes the provision of a road reserve. These requirements are incorporated in the URA provisions in the Draft Sooley Precinct DCP.

The proponent of a future Development Application will be required to demonstrate that the road connection will be on a constructable alignment.

- To reduce vehicle trips into Goulburn, provision of bus stops within a future subdivision. Figure 3 includes the requirement for the main thoroughfares in each subdivision proposal to accommodate buses. This is accounted for in the Draft Sooley Precinct DCP.

The Planning Proposal is consistent with *Improving transport Choice- Guidelines for planning and Development*, and *The Right Place for Business and Services- Planning Policy* as required by this Planning Direction. The subject land is located adjacent to the urban fringe and development controls for future development will be imposed to encourage walking, cycling, use of public transport, and reduce travel demand by car. The Planning Proposal supports provision for a future efficient and viable operation of a public transport option for the future residents of the Sooley Precinct.

The Planning Proposal is consistent with Direction 5.1.

### **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.

This planning proposal is seeking the rezoning of the existing C3 Zone to R5 Large Lot Residential, and therefore 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. The residential population of the LGA is expected to increase by an additional 5000 to 7000 residents, and the Strategy identifies opportunities for the provision of 3500 additional dwellings up to 2036, primarily focused on the urban areas of Goulburn and Marulan.

Based on previous housing supply trends, the Strategy identifies future housing opportunities as follows:

- Infill within the existing urban area of Goulburn is expected to make up 7% growth. This facilitates opportunity for urban intensification and renewal.
- Medium to high density housing within an R3 Medium Density Residential zone in immediate vicinity to the Goulburn CBD. Examples of suitable housing include shop top housing and residential flat buildings.
- Serviced residential land in Goulburn and Marulan is expected to make up 80% growth. Housing opportunities are broad and include detached housing development and ancillary development such as secondary dwellings, although there is also potential for dual occupancies, semi-detached dwellings and other multi-dwelling housing types.
- Un-serviced residential development, within an R5 Large Lot Residential zone, located on the urban fringes of Goulburn, is expected to make up 10% growth. These lots typically accommodate larger detached dwelling houses and ancillary development.

These opportunities make provision for a broad range of housing types and locations.

The Planning Proposal will satisfy part of the 10% growth opportunity for large lot residential land, by re-zoning the land to create lifestyle lots. Good design is capable of being achieved on larger lots where there are greater opportunities to access natural light and ventilation.

Future lots will not be serviced by mains water or sewer. The topographical constraints of the land and its remote location to the existing water mains network means that delivering suitable water pressure may be problematic. Providing a sewer service will require additional infrastructure, and on-going maintenance for a small number of lots. Therefore, it is appropriate that the future lots provide independent infrastructure systems for provision of potable water and on-site sewerage management. This will ensure better management of existing services and infrastructure and ultimately ensure the public interest is maintained.

The Water Sensitive Urban Design Report (**Appendix 8**) demonstrates that stormwater and waste water management systems within a drinking water catchment are capable of achieving a neutral or beneficial impact on water quality for future residential lots.

The subject land is located on the urban fringe and therefore is inconsistent with Planning Direction, part (c) as follows:

*‘reduce the consumption of land for housing and associated urban development on the urban fringe’.*

This inconsistency is justified by the *Urban and Fringe Housing Strategy* that has been approved by the Planning Secretary. The land subject to the Planning Proposal is

identified in *the Strategy*, and due consideration to the objective of this Direction has been given.

The planning proposal includes a change to the zone and minimum lot size to facilitate a future large lot residential subdivision. Although a concept subdivision design has been submitted, it has only been done so, to facilitate a capability assessment to demonstrate that a future development will be suitable. The detailed design phase will occur at the DA stage, should the Planning Proposal be approved. At that phase of development, proponents will be required to consider the *GM DCP 2009* which will provide development controls to dwelling houses within a rural or large lot context, including setbacks, orientation, colours and materials, access and ancillary matters such as outbuildings and fencing. It will also include provisions that aim to protect the natural values of the land (i.e. Aboriginal heritage, significant flora and fauna, flooding, rural character).

Urban Release Area (URA) provisions will also be included, pursuant to clause 6.2A of the *GM LEP 2009*, to require matters such as access and connectivity (for vehicles and pedestrians) between future subdivision developments, and to address concerns raised by TfNSW to ensure disruption to Crookwell Road is alleviated. As referenced earlier in this report, the Draft Sooley Precinct DCP is within Appendix 1.

The provision for essential public utility infrastructure, including effluent disposal and stormwater, and water supply for drinking and for fire-fighting purposes, is prescribed under clause 7.3 of the *GM LEP 2009*. The Standards are prescribed by the following sections of the DCP:

- Chapter 3.17 Bushfire risk management: includes controls for dedicated fire – fighting water supply in accordance with NSW Rural Fire Service’s *Planning for Bushfire Protection* guidelines.
- Chapter 5.3 Rural dwellings: includes controls to ensure legal and practical access, sufficient potable water supply storage, on- site waste water management and electricity supply. *State Environmental Planning Policy (Biodiversity and Conservation) 2021* is prescribed for on-site waste water disposal to achieve a neutral or beneficial effect on water quality.

The DCP also includes the requirement to provide connections to essential services such as electricity, prior to the finalisation of the subdivision development. Electricity infrastructure traverses the land as shown below in Figure 28.



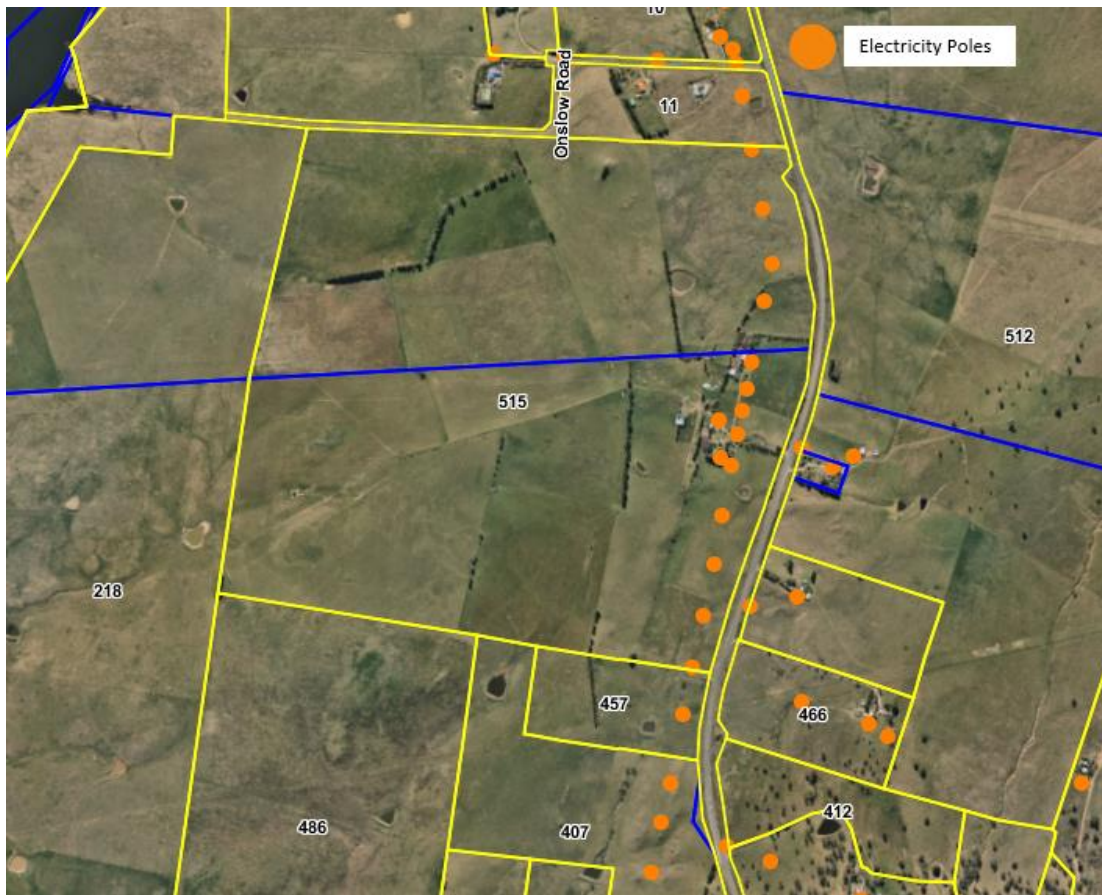


Figure 28: Location of existing electricity poles (conveying powerlines)

The subject land is currently zoned C3 Environmental Management incorporating a minimum lot size of 100 hectares. This proposal is seeking a rezone to R5 Large Lot residential incorporating a minimum lot size of 2 hectares. This would increase the permissible residential density in the area.

Overall, this planning proposal is considered consistent with this local planning direction. The inconsistency in relation to direction 6.1(1)(c) is considered minor as the Planning Proposal is consistent with *The Housing Strategy* which has been approved by the Planning Secretary. The strategy has given due consideration to the objective of this direction.

### 3.6.13 Direction 9.2 Rural Lands

The objectives of this direction are to:

- a) Protect the 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 account of 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

This planning proposal is seeking to rezone part of the subject site from C3 Environmental Management and amend the minimum lot size. Therefore this direction applies.

As previously considered, the Planning Proposal is consistent with the requirements of the *South East and Tablelands Regional Plan, Draft South East and Tablelands Regional Plan 2041*, and the *LSPS. The Housing Strategy* delivers the housing requirements that are envisioned within the *LSPS*.

*The Housing Strategy* has acknowledged and considered the significance of agriculture and primary production in the LGA, in the determination of suitable opportunity areas for housing growth. Specifically, the consideration of Department of Primary Industries' policy regarding the preservation of the best productive land, minimisation of land use conflict and maintaining and improving the economic viability of agricultural operations.

As discussed earlier in this report, the land is identified as BSAL, Class 3 Moderate soil fertility as shown in Figure 29 below. The extent of this land is limited to the east, immediately adjacent to Crookwell Road. The area of this land is approximately 23 hectares and is therefore limited as an agricultural resource.

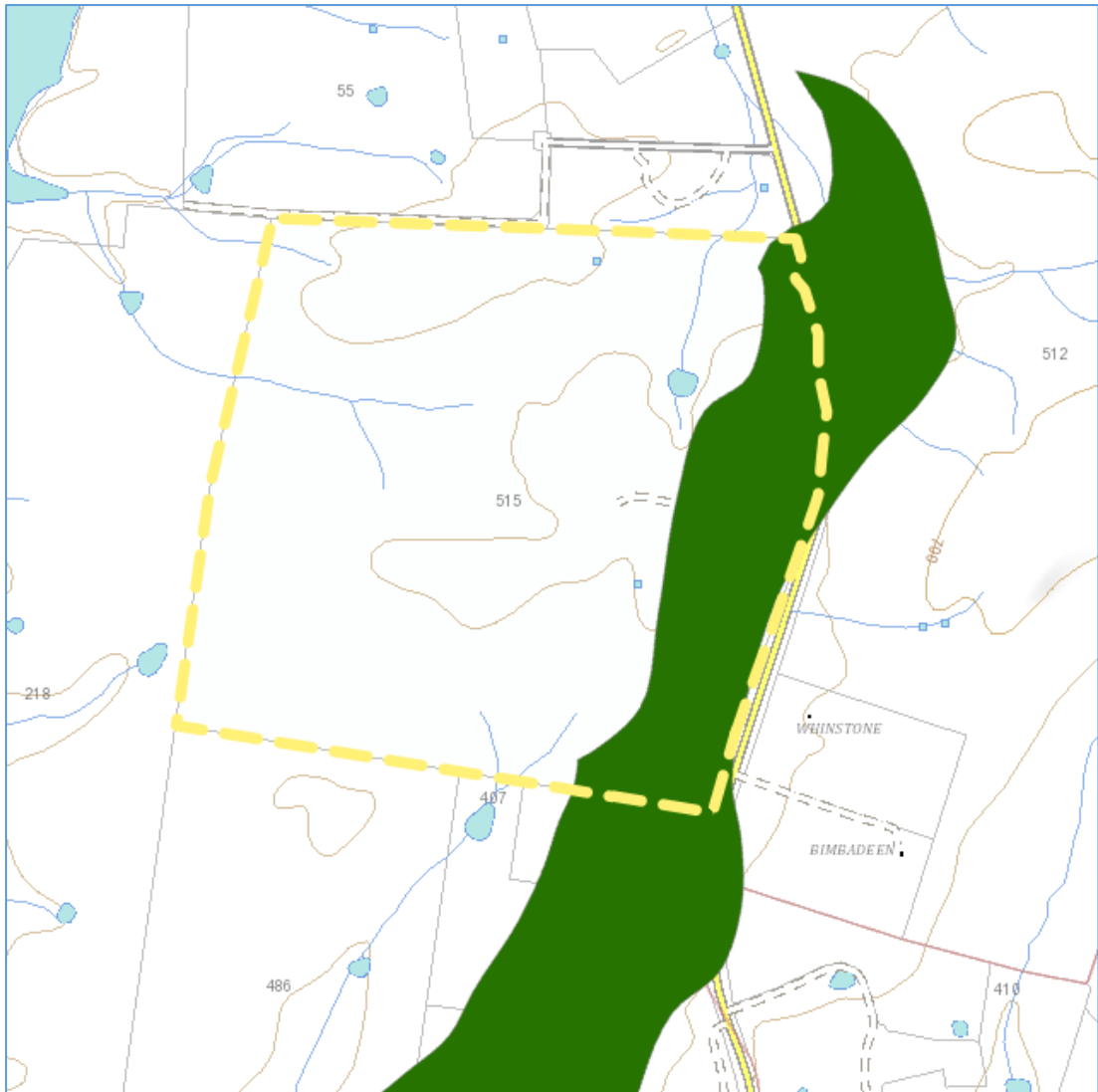


Figure 29: Biophysical Strategic Agricultural Land Map (shown in green). Subject site bordered by broken yellow lines (Source: Planning Viewer, 2020)

The land is currently used for livestock grazing and based on historical aerial photography, appears to have been used for this purpose for at least the last 15 years. Livestock grazing is also the surrounding dominant agricultural land use.

Council Resolution 2020/224 and 2020/261 included the subject land in *The Housing Strategy* to which the then NSW Department of Planning, Industry and Environment supported. The same resolution identified a potential minimum lot size of 2 hectares (as an area for rural residential with no connection to town water and sewer services).

Considering the extent of BSAL and its context, if the Planning Proposal were to proceed without incorporating this land, this would not offer any advantage to its agricultural potential as the land would be held as a small and isolated and non-contiguous piece of land. The planning proposal does not promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities, however as highlighted above, retaining the land for such a potential activity would be unviable.

The land is included in the Draft SSAL map which was recently subject to public exhibition as shown in Figure 30, which was subject to public exhibition in late 2021



and early 2022. The application of the map to NSW Planning is yet to be determined by the NSW Department of Primary Industries.



Figure 30: Draft State Significant Agricultural Land Map (shown in blue) (Source: NSW Department of Primary Industries)

The Planning Proposal will have notable benefits to the future of Goulburn and is required to meet the expected population growth and housing needs for future residents. The Planning Proposal is responding to the social, economic and environmental interests of the community.

The Planning Proposal is to re-zone the land to R5 Large Lot Residential incorporating a minimum lot size of 2 hectares. The land will become contiguous to land already zoned urban on the urban fringe, west of Crookwell Road (once the Sooley Precinct's development potential identified in *the Strategy* is exhausted). The land will also become contiguous to R2 Low Density Residential opportunity land, on the eastern side of Crookwell Road, within the Middle Arm East Precinct in *The Housing Strategy*. This aims to minimise rural land fragmentation.

Land north of the Sooley Precinct incorporates smaller rural holdings consisting of lots 36 hectares and under in size. Land to the west of the site drains to Lake Sooley and does not have potential for re-zoning due to water quality impacts.

In consideration of the above, the Planning Proposal will minimise potential land use conflict and rural land fragmentation, between future residential uses and continuing



or emerging rural land uses. Existing agricultural activities, future permissible rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains, can operate, without their operation or viability being detrimentally impacted.

The Planning Proposal has identified important environmental values impacting the land which have been considered. These include remnant native vegetation that make up CEEC, potential habitat for threatened fauna, Aboriginal cultural heritage and natural drainage lines including consideration of overland flooding. The Planning Proposal includes measures to improve environmental outcomes as part of future large lot residential development to ensure that these are conserved and protected.

*The Housing Strategy* has accounted for the availability of infrastructure including human services, utility infrastructure, transport and proximity to existing centres in considering the location of future residential opportunity areas. Future housing opportunity areas identified in *The Housing Strategy* consist of infill, serviced residential, large lot residential contexts in Goulburn and serviced residential contexts in the smaller urban centre of Marulan, to account for the varying housing demands in the LGA. The Planning Proposal forms part of the 10% of housing opportunity to provide future residents the choice of Large Lot Residential development. This part of the Sooley Precinct will not provide reticulated water and sewer due to proximity to existing infrastructure. However, the land contains sufficient area to accommodate on site effluent management systems without causing any adverse water quality impacts to the drinking water catchment. The site is within close proximity to the Mistful Park commercial precinct which will encourage alternative forms of transport other than car, whilst also utilising the existing Crookwell Road which has sufficient capacity to accommodate the future subdivision. The Goulburn CBD from the site is within close distance by vehicle.

#### Response to gateway determination

The gateway determination requires agency consultation with Department of Primary Industries and Regional Development (DPIRD)- Agriculture and Biosecurity.

Gateway advice was provided which requires the consideration of land use conflict risk for this Planning Proposal, relative to surrounding land uses. The following justification is provided to address potential land use conflicts for this Planning Proposal:

- The eastern boundary of the site adjoins C3 Environmental Management and RU6 Transition zoned land, both of which permit extensive agriculture. The Planning Proposal includes provisions within the draft Sooley Precinct DCP that require the establishment of landscape buffers to a minimum width of 10 metres, and their maintenance. Additionally, controls are imposed that require a minimum setback to a residential building of 30 metres when a boundary adjoins C3 and/or RU6 zoned land. These measures will buffer from potential agricultural activities occurring on adjoining land.
- The southern boundary of the site adjoins land which is subject of a Planning Proposal to which transitions from R5 Large Lot Residential to R2 Low Density residential, through to the existing urban area, which adjoins the Mistful Park commercial precinct.
- Land to the north (accessed via Onslow Road) consists of smaller rural landholdings ranging between 10 hectares and 40 hectares, which reduce their potential to be utilised for intensive agricultural purposes.

- The Sooley Dam is located approximately 1 kilometre west of the subject site and is utilised as a water source for Goulburn. Therefore, there is limited capacity for development in this area. Additionally, the land is within the Sydney Drinking Water catchment and water quality must be assured for any development or activity.
- For lots that are carrying out an agricultural activity in the vicinity of the subject area, the predominant activity is livestock grazing.
- A Draft Sooley Precinct DCP chapter has been developed, and includes development controls for new roads to be located along the perimeter of the site, and for roads to incorporate landscaping, by way of street trees on each side of the proposed new road. This will further alleviate potential for land use conflict.

Post gateway agency consultation was carried out with DPIRD Agriculture and Biosecurity, and advice was received on 4 February 2025 (**Appendix 21**). No objection was raised, subject to some additional recommendations as follows:

- Imposition of a building setback of 30 metres, when a side or rear boundary adjoins adjacent land zoned C3 Environmental Management, and making future landholders aware of future maintenance responsibilities associated with the landscape provisions in the Draft Sooley Precinct DCP.

The Draft Sooley Precinct DCP has been updated to include these requirements.

- Where a future lot adjoins land zoned C3 or RU6, the keeping of pets such as dogs is restricted, or dog-proof fencing is installed, in order to prevent accidental ingestion of baits, and to reduce risk of residents' dogs escaping and harming livestock. The recommendation to not allow dogs off-leash in nearby public areas was also put forward.

The Draft Sooley Precinct DCP (Appendix 1) has been updated to include provisions in relation to the installation of dog-proof fencing on boundaries that adjoin C3 and RU6 zoned land in order to mitigate impacts from concerns raised. Regarding the recommendation of off-leash dog areas in public areas, there is no mechanism in the Planning Proposal process to enforce this requirement, especially considering that this proposal will not require the formal dedication of land.

- Additional mitigation measures to be incorporated to safeguard against impacts on existing adjoining landholdings which have potential to operate as extensive agriculture (cropping), being a higher potential land use conflict compared to grazing.

Council contains information in each 10.7(2) Planning Certificate, that informs prospective purchasers on the challenge of potential land use conflict, particularly when a lot intended for future residential use adjoins or is within close proximity to a property which is carrying out an activity such as agriculture, that may result in impacts from noise, spray drift, odour, dust, etc. This includes the consideration of land uses that do not require Council's prior development consent and the right for those activities to be undertaken on rural land that are consistent with the zone objectives.

The inconsistency with Direction 9.2 Rural Lands is justified. *The Housing Strategy* identifies the land as suitable for the purposes of future development into the R5 Large Lot Residential zone, whilst considering the objectives of this direction. *The Housing Strategy* has been approved by the Planning Secretary.

## **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?**

As mentioned earlier in this report, part of the south-eastern and northern portion of the site subject to this Planning Proposal contains PCT 1334, being a CEEC and in degraded condition. This PCT is potential habitat to the Southern Myotis Bats which are listed as vulnerable under the *Biodiversity Conservation Act*.

To alleviate any adverse impact to this significant biodiversity, the southernmost cluster of the PCT on the site is to be re-zoned to C2 Environmental Conservation, to ensure that development is prevented from occurring within the areas containing this remnant native vegetation.

As mentioned earlier in this report, as the northernmost portion of native remnant vegetation shown in Figure 11 is located to the northern edge of the site, it is not to be included in the Planning Proposal and the extent of the land subject to the Planning Proposal has been altered accordingly (refer to Figure 18).

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

A High-Pressure Gas Transmission pipeline is located 80 metres (at its closest point) south of the land as indicated in Figure 31 below.

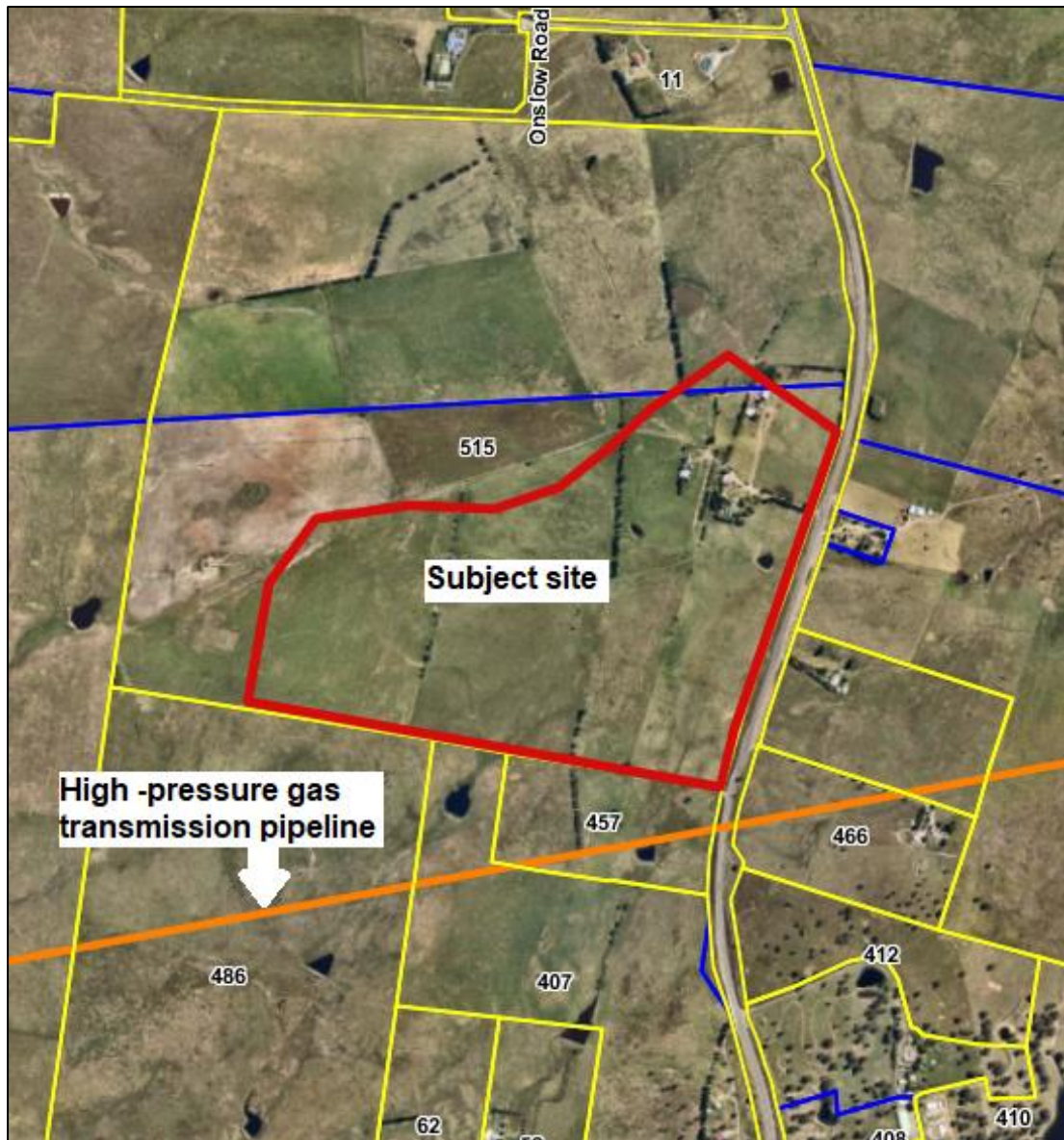


Figure 31: Location of high pressure gas transmission pipeline (Source: Near map Australia Pty Ltd, 2022)

East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA) who own and operate the pipeline, have been consulted about the Planning Proposal. No objection is offered to the Planning Proposal because future land uses are not classified as sensitive (i.e., a use which may increase the impacts of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure). However, the R5 Large Lot Residential zone permits certain development which are considered to be sensitive in nature (e.g. Centre based child care centres). Therefore, in the absence of other Policy, provisions are included within the Draft Sooley Precinct DCP chapter to include requirements from the pipeline authority in the event a DA is lodged for such uses. This includes matters such as the location of sensitive uses located outside the pipeline Measurement Length (ML), being a distance applied to both sides of the pipeline and representing the extent of the heat radiation zone associated with a full-bore pipeline rupture.

The *Department of Planning, Housing and Infrastructure* have considered a Policy to protect fuel pipelines. It aims to strengthen measures already in place under *State*

*Environmental Planning Policy (Transport and Infrastructure) 2021*. An Explanation of Intended Effect was prepared and detailed the proposed changes. This included a new Ministerial Direction that impacts Planning Proposals, that will apply to sites that are:

- Wholly or partially within the *Potential safety risk consideration distance* of 200 metres.
- Proposing sensitive land uses involving vulnerable persons, such as childcare centres.
- Proposing sensitive land uses that result in a significant population increase for residential or employment related uses (e.g., multi dwelling housing).

The Ministerial Direction requires Council to seek from the proponent, a site-specific Quantitative Risk Assessment carried out by a qualified risk specialist. The Assessment is required to consider and evaluate an exhaustive extent of hazards and risk associated with the operation of a high pressure gas pipeline and consider operational requirements. The Ministerial Direction formally commenced on 1<sup>st</sup> August 2024. At this time, this Planning Proposal has been submitted to the NSW Department of Planning, Housing and Infrastructure for a Gateway determination.

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

The Planning Proposal will become the urban fringe once the Sooley Precinct's growth opportunity areas have been exhausted. Therefore it is important to consider its relationship with the existing urban area and how it will connect with future opportunity areas. The implementation of the URA clause under Part 6, clause 6.2A(3) of the *GM LEP 2009* will assist in promoting orderly, cost effective and logical development, via controls stipulated within the *GM DCP 2009*.

The Mistful Park commercial centre has almost reached capacity, responding to the rapidly growing Marys Mount residential area. The *GM DCP 2009* currently contains provisions to facilitate a variety of services that residents would normally expect within this small commercial centre. An existing childcare centre, gym/commercial building, car wash and café are already built. A supermarket and medical centre are currently under construction and a site has been approved for a future service station.

The development of the Sooley Precinct growth opportunity areas will provide the impetus for the Mistful Park commercial precinct to mature further and provide important services within a close proximity and therefore encourage alternative and sustainable modes of travel.

## **Section D- State and Commonwealth Interests**

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

The TIA (**Appendix 16**) indicates that Crookwell Road can accommodate additional demand from the future subdivision and the two new intersections to provide access. Additional work on Crookwell Road will be required, to provide suitable intersection



treatments. Strategic Concept Designs are being provided to TfNSW, prior to public exhibition, to ensure the design requirements are capable of being achieved.

A future DA for a large lot residential subdivision, will require compliance with Council's Engineering Standards, whilst also seeking the concurrence of TfNSW.

Council has undertaken early consultation with TfNSW to ensure that a future development proposal has adequately considered the capacity of Crookwell Road and that proposed intersection treatments will align with Crookwell Road's current geometry. The URA provisions will include a masterplan to ensure that the staging of development and provision of roads and traffic related infrastructure has been considered and planned for in an orderly fashion.

As the land is unserviced by reticulated sewer and water, future lots will be required to provide on-site waste water management systems as well as sufficient water supply storage to meet future residential property occupiers and for fire-fighting purposes.

Telecommunications and electricity infrastructure is available to the land, which provides opportunity for connection to future residential lots.

It is not considered that the proposal will 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?**

The following State Government agencies were consulted during the agency consultation stage of the Planning Proposal and the sections of this report their advice is addressed in is indicated below:

- Department of Climate Change, Energy, the Environment and Water – Flooding and Biodiversity and Heritage- sections 3.3.7 and 3.6.4 respectively. No advice in relation to heritage was raised.
- NSW State Emergency Service- section 3.6.7.
- NSW Rural Fire Service- section 3.6.8.
- Transport for NSW- section 3.6.10.
- Department of Primary Industries and Regional Development (DPIRD)- Agriculture- section 3.6.13.
- Water NSW- section 3.6.6.

## **Part 4- Mapping**

The maps included within Figure 4, Figure 5, Figure 6, Figure 7 and Figure 8, depict the area to which this proposal relates and includes the proposed amendment from the C3 Environmental Management to R5 Large Lot Residential (alongside the amendments of the minimum lot sizes) and C2 Environmental Management, and the inclusion of the land subject of the Planning Proposal as a URA.

## Part 5- Community Consultation

As part of the Gateway assessment by the Planning Secretary, public exhibition of the proposal will occur for the prescribed period under the *Environmental Planning and Assessment Act 1979*. 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

<b>Water NSW Pre Gateway Consultation</b>	September 2023
<b>Gateway Determination</b>	26 August 2024
<b>Timeframe for completion of technical studies</b>	No further studies identified at this stage*
<b>Timeframe for agency consultation</b>	December 2024- February 2025
<b>Public Exhibition</b>	April – May 2025
<b>Public Hearing</b>	No hearing identified
<b>Consideration of submissions</b>	May- June 2025
<b>Date of submission of LEP to DPIE</b>	July 2025
<b>Anticipated date of plan made</b>	August 2025
<b>Anticipated date plan forwarded to DPIE for notification</b>	August 2025

## Part 7- Appendices

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

<b>Appendix 1</b>	Draft Sooley Precinct Development Control Plan (DCP)
<b>Appendix 2a</b>	Proponents submitted covering letter
<b>Appendix 2b</b>	Concept subdivision layout plan
<b>Appendix 3a</b>	Council report 20 <sup>th</sup> September 2022
<b>Appendix 3b</b>	Council resolution 20 <sup>th</sup> September 2022
<b>Appendix 4a</b>	Council report 18 <sup>th</sup> July 2023 (inclusion of URA)
<b>Appendix 4b</b>	Council resolution 18 <sup>th</sup> July 2023 (inclusion of URA)
<b>Appendix 5</b>	Concept subdivision layout plan 407 and 457 Crookwell Road
<b>Appendix 6</b>	Bushfire Strategic Study
<b>Appendix 7</b>	Archaeological Report
<b>Appendix 8</b>	Water Sensitive Urban Design report
<b>Appendix 9a</b>	Preliminary Biodiversity Development Assessment Report 16 May 2022
<b>Appendix 9b</b>	Biodiversity Development Assessment Officer comments 16 August 2022
<b>Appendix 9c</b>	Preliminary Biodiversity Development Assessment Report 31 March 2023
<b>Appendix 9d</b>	Biodiversity Development Assessment Officer final comments 4 May 2023
<b>Appendix 10</b>	Water Cycle Management Plan
<b>Appendix 11a</b>	Preliminary Site Investigation
<b>Appendix 11b</b>	Environmental Site Investigation

<b>Appendix 11c</b>	Detailed Site Investigation 8 February 2023
<b>Appendix 11d</b>	Updated Detailed Site Investigation 21 April 2023
<b>Appendix 11e</b>	Updated Detailed Site Investigation 23 June 2023
<b>Appendix 12a</b>	Flood data – velocity and depth for 5% AEP
<b>Appendix 12b</b>	Flood data – velocity and depth for 1% AEP
<b>Appendix 12c</b>	Flood data – velocity and depth for PMF
<b>Appendix 13a</b>	Flood data – velocity and depth for 5% AEP (Crookwell Road)
<b>Appendix 13b</b>	Flood data – velocity and depth for 1% AEP (Crookwell Road)
<b>Appendix 13c</b>	Flood data – velocity and depth for PMF (Crookwell Road)
<b>Appendix 14</b>	Flood Impact Risk Assessment (FIRA)
<b>Appendix 15</b>	North Goulburn Planning Proposals- overland flooding affectation of roads
<b>Appendix 16</b>	Traffic Impact Assessment (TIA)
<b>Appendix 17</b>	External Intersection Works- Strategic Design
<b>Appendix 18</b>	Agency consultation advice DCCEEW- CPHR
<b>Appendix 19</b>	Agency consultation advice NSW RFS
<b>Appendix 20</b>	Agency consultation advice TfNSW
<b>Appendix 21</b>	Agency consultation advice NSW DPRID Agriculture
<b>Appendix 22</b>	Agency consultation advice Water NSW
<b>Appendix 23</b>	Agency consultation advice NSW SES