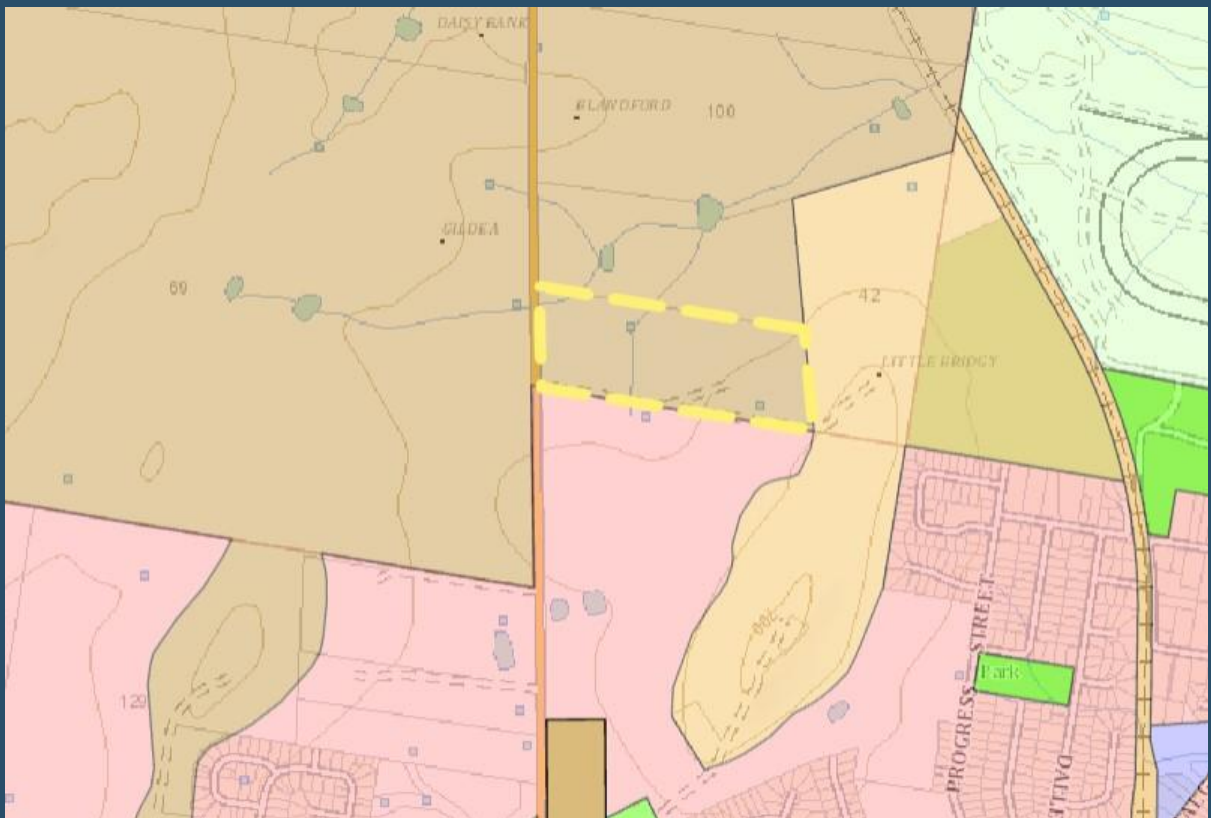


# Planning Proposal

44 Middle Arm Road, Middle Arm

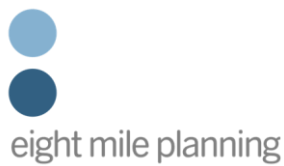


Amendment to Goulburn Mulwaree Local Environmental Plan 2009

Prepared for Ironstone Property Group

Submitted to Goulburn-Mulwaree Regional Council

June 2023



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Eight Mile Planning  
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23 May 2023	V1,1	LD	SC	For Submission
5 June 2023	V1.2	LD	LD	Amended for Submission

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# Part A – Overview

## 1. Introduction

This Planning Proposal has been prepared by Eight Mile Planning on behalf of Ironstone Property Group Pty Ltd (IPG) to support changes to the *Goulburn-Mulwaree Local Environmental Plan 2009 (GMLEP)*. The report has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and having regard to the *Local Environmental Plan Making Guidelines* (LEP Guidelines) prepared by the Department of Planning, Industry and Environment (DPE).

This Planning Proposal has been prepared to support the implementation of the Urban and Fringe Housing Strategy (UFHS) adopted by Council 20 July 2020.

The proposal relates to land known as **44 Middle Arm Road, Middle Arm** being **Lot 2 DP 569505**.

The proposed amendments to the GMLEP are based on a concept subdivision plan. It is intended to proceed to a subdivision application concurrent with the Planning Proposal under *Division 3.5 Planning instrument amendments and development applications* of the EP&A Act.

The following section of the EP&A Act has been considered:

*3.39 Making and consideration of certain development applications (cf previous s 72J)*

*Nothing in this Act prevents—*

*(a) the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or*

*(b) the consideration by a consent authority of such a development application, subject to this Division.*

It is intended that a Development Application (DA) for the subdivision will be lodged subject to support of Council and a favourable Gateway Determination. This will enable any refinement of the zone boundaries with the draft detailed subdivision plans.

The objectives and intended outcomes are outlined in *Part B The Planning Proposal*.

The Planning Proposal will:

- » Amend density controls in respect of land known as 44 Middle Arm Road, Middle Arm from RU6 Transition to R2 Low Density Residential. There may be an opportunity to refine the proposed zone further to include RE1 Public Recreation and SP2 Drainage on land identified for those purposes subject to refinement of boundaries through the subdivision application process.

- » Amend the Minimum Lot Size (MLS) applicable to from site from 10 ha to a MLS of 700m<sup>2</sup> applicable to the R2 zoned land.

Having regard to the LEP Guidelines the proposal would be characterised as a ‘*Standard*’ Planning Proposal, in so far as it is consistent with an endorsed District/Regional Plan and/or LSPS.

### Standard

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

The UFHS includes a strategic approach to zoning which is intended to guide the preparation and consideration of planning proposals consistent with the strategy.

### Strategic approach to zoning

- » encourages higher density residential development closer to the Goulburn CBD
- » relies on the already zoned land to continue to deliver infill and medium density housing in suitable locations
- » Zone boundaries are not nominated in this Strategy in recognition that detailed site analysis through a Planning Proposal process is required
- » Council will consider zoning land for Public Recreation and Environmental Conservation on a case by case basis
- » Lots will generally be zoned with a 700sqm Minimum Lot Size in areas that are serviceable
- » Large lots will be strictly limited to areas that cannot be feasibly serviced at any point in the lifetime of the Strategy
- » Planning proposals for urban release areas which maximise the use of existing hard infrastructure will be prioritised. Planning proposals for sites which require extension of services beyond other green field sites will not be supported

## 1.1 Supporting documents

The Planning Proposal is supported by a number of plans and technical documents. In some instances, the preparation of supporting documents has been such as to provide also provide sufficient detail that they would be generally suitable for the subsequent DA that will follow.

Document
Appendix A - Site Plans and Proposal Layout
Appendix B - Aboriginal Cultural Heritage Assessment Report
Appendix C – BDAR
Appendix D – Contamination
Appendix E - SMS Validation Workshop and Plan
Appendix F – Water Cycle Management Study
Appendix G – Traffic Assessment
Appendix H – Strategic Bush Fire Study

## 2. Proposal

The Planning Proposal is seeking to enable the development of the site for 93 standard residential lots. The yield has been determined having regard to the constraints and opportunities of the site. A general arrangement has designed to accommodate topography, site drainage, significant vegetation, BSAL assessment and to avoid development over the gas pipeline through the site. It is intended that the subdivision layout will be used to guide the delimitation of the zone and minimum lot size boundaries.

## 3. Site Description

The site located 6km from the Goulburn Town Centre within Goulburn-Mulwaree Local Government Area (LGA).

The site is known as 44 Middle Arm Road, Middle Arm (Goulburn). The total site area is 11.92ha and is legally described as Lot 2 DP 569505.



The site is a regular shape with dimensions of approximately 580 m long and approximately 200 m wide (See **Figure 1**). There are residential buildings consisting of a house and carport located towards the central part of the Eastern portion of the site. There is one shed situated next to the house and livestock holding pen and a shed to the South of the residential building along the southern boundary of the property. The Moomba – Sydney Gas pipeline runs through the North Western corner of the property running in a North East – South West direction. The dominate use has been agriculture.

**Figure 3.1** Subject Site



Source: Six Maps 2023.



The site topography is gentle with a general fall from the south to the north at relatively minor grades that average less than 10°. The central portion of the site falls from the south to the north at less than 5° whilst the eastern half of the site has a crossfall from the southeast to the northwest, and the western third of the site has a crossfall from the southwest to the northeast.

There is an overall elevation difference of 23 metres between the higher southeastern corner (677 mAHD) and the lower northwestern corner (654 mAHD) over an effective distance of 650 metres.

The site is burdened by two defined drainage corridors; one that travels south – north through the central portion of the site, and the other that flows diagonally across the northwestern corner – just to the north of the high-pressure gas supply lines.

Historically used for grazing, the site is dominated by open paddocks. Scattered throughout the eastern portion of the site and still within some of the grazing paddocks is a mix of native and exotic tree species, whilst the eastern section of the southern boundary is lined with a discontinuous row of an introduced species of native eucalypt (*E. macarthurii* - Paddy River Box Gum) that acts as both a wind break and privacy screen from the unsealed driveway that serves as access to the adjoining property to the east. The adjoining property to the immediate east which is effectively upslope has a discontinuous row of old radiata pine trees along the common boundary - again to act as both a wind break and privacy screen - with a scattering of endemic eucalypt trees further upslope and to the east.

## 3.1 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) (**Appendix B**) has been prepared to support the Planning Proposal and subsequent DA for subdivision of the site (to be lodged following preliminary support of the Planning Proposal).

A comprehensive assessment of the site found no evidence of aboriginal sites and objects within the subject land.

For the purpose of the Planning Proposal, the ACHAR determined that the site has been impacted and is characterised as disturbed land under clause 80B relating to section 87(4) of the *National Parks and Wildlife Act, 1974*. The site is considered to have low archaeological potential to contain Aboriginal sites and objects.

## 3.2 Biodiversity

A Draft Biodiversity Development Assessment Report (BDAR) has been undertaken to support the Planning Proposal. The assessment considered the impact of the proposal and the future subdivision of the site for residential purposes. The following information has been provided by way of summary in the Preliminary Draft BDAR prepared by Hayes Environmental (**Appendix C**).

No part of the subject land is included on the Biodiversity Values Map. The BOS area of clearing threshold is 0.5ha. based on the concept plans, the extent of impact on native vegetation would be 0.89 hectares. The project would exceed the area threshold.

Impacts of the project have been assessed using two of the streamlined assessment modules of the BAM:

Remnant native trees - the project would remove 0.71ha of remnant native trees. The streamlined assessment module (small area) threshold for this site is 2.0ha. Impacts on remnant native trees have been assessed in accordance with Appendix C of the BAM.

Planted native trees - it appears the trees were planted for reason 5 of the decision-making key – aesthetic roadside planting. The impact on planted native trees has been assessed in accordance with D.2 of Appendix D of the BAM.

The property is subject to a variety of planning constraints. Biodiversity values are limited to the remnant and planted native trees scattered across the subject land. The distribution of trees and lack of supporting understorey does not practicably enable, nor warrant, retention of trees within a dedicated conservation reserve. The proposal, therefore, would set aside land for biodiversity conservation in areas which can more practicably be used for this purpose, given other site constraints and feasibility considerations.

A series of subdivision layouts have been prepared and considered during the planning and design phase of the project.

The final design offers the following to avoid and minimise impacts on biodiversity:

- \* Retention of native trees along the western part of the southern boundary (including retention of seven individuals of *Eucalyptus macarthurii*).
- \* Retention of native trees in private lots along the eastern boundary. Encumbered lots would have a restriction placed on title pertaining to the retention of specified trees.
- \* Retention of the group of native trees within a road reserve in the south-eastern corner, with a private access formed through the trees. The access would be designed in consultation with an Arborist to minimise and mitigate impacts.
- \* Retention of native trees, where practicable, on boundaries within private lots. Encumbered lots would have a restriction placed on title pertaining to the retention of specified trees.
- \* Designation of revegetation zones for compensatory replanting (with a combined area of approximately 0.89ha).

Remnant native vegetation within the subject land has been assessed as aligning with the BioNet Vegetation Classification PCT 3376 *Southern Tableland Grassy Box Woodland*.

This community is part of the BC Act listed 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*. Remnant native vegetation within the subject land is considered to be part of this TEC. This TEC is listed to be at risk of Serious And Irreversible Impact (SAII).

PCT 3376 is also associated with the EPBC Act listed CEEC *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland*. However, vegetation within the subject land does not meet the specified condition criteria to be included within this listing.

Thirty threatened 'ecosystem credit' fauna species are predicted to use the subject land.

No threatened 'species credit' species are known or assumed to use the subject land.

Paddy's River Box *Eucalyptus macarthurii* is a species credit species. However, it has been planted on the subject land for aesthetic reasons. It is not part of the local PCT. Impacts upon planted vegetation on the subject land have been assessed in accordance with BAM Appendix D.2.

The development would directly impact upon 0.89 hectares of native vegetation, comprised of 0.71ha hectares of PCT 3376 remnant trees and 0.18 hectares of planted non-local native trees.

Proposed mitigation measures include:

- \* Implementation of a tree removal protocol to avoid injury to individual animals at the time of clearing.
- \* Revegetation of reserves within the subject land to include box-gum woodland species appropriate to the conditions and compatible with other uses of the reserves.
- \* Collection of propagules from planted individuals of Paddy's River Box *Eucalyptus macarthurii* within the subject land, for propagation and replanting within the subdivision, or in other conservation projects.

No additional offsets for indirect or prescribed impacts are proposed or warranted.

The BDAR is attached at **Appendix C**.

### 3.3 Bushfire

A Strategic Bush Fire Study has been undertaken by Sowdes. The report provides an independent assessment of the proposed rezoning of the site and suitability for future residential development with regard to protection of life and property, the potential impact on services and infrastructure within bush fire prone areas. The report follows the relevant guidelines and information requirements from Chapter 4 'Strategic Planning', and Chapter 5 'Residential and Rural Residential Subdivisions' of the NSW RFS's publication "Planning for Bush Fire Protection" (2019) (PBP). The submission of a Strategic Bush Fire Study to the NSW Rural Fire Service for assessment of the land rezoning proposal also satisfies the Ministerial Directions obligations under the Section 9.1 of the Environmental Planning and Assessment Act (1979) – Direction 4.4 Planning for Bush Fire Protection.

The report concludes that the development outcome anticipated by the rezoning of the site will generally be able to satisfy the requirements of Planning for Bush Fire protection (2019), in particular the 'acceptable solutions', 'performance requirements' and 'specific objectives' contained in Chapter 5 of the publication. It is further considered that each of the newly created Lots associated with a future subdivision of the land will be able to support a complying development for residential developments undertaken in bush fire prone land in accordance with Chapter 7 – 'Residential Infill Development' of Planning for Bush Fire Protection (2019) if deemed necessary at the time of lodging a formal development application to Council.

The Strategic Bush Fire Study is **Appendix H**.

## 3.4 Contamination

A Detailed Site Investigation was undertaken by CSH Consulting Pty Ltd (**Appendix D**) which identified potential contamination at two locations:

- » PAEC01 -House and garage
- » PAEC06 – sheds

A remediation action plan in section 10 is to be used to manage the site during demolition and removal of contaminated waste.

Based on the investigative site inspection conducted in March 2023, and in conjunction with the PSI report, the other areas show that the potential for contamination and the risk to human and environmental health is low.

Overall, the sampling, management of the demolition of the house, garage and sheds are detailed in the remedial action plan. The remaining areas of concern have been re-assessed for their risk to human and environmental health and have indicated that the risk is low.

## 3.5 High Pressure Gas Pipeline

There is a gas pipeline operated by APA traversing the norther portion of the site. Following initial discussion with Council and APA, a Safety Management Study Workshop was undertaken in April 2023. The objective of the workshop was to consider the future development of the site in the context of the safety and on-going risks associated with the pipeline. It is noted the Planning Proposal will not authorise any works. Further, there are a range of permissible uses under the current RU6 Transition zone that pose a potential risk to the pipeline infrastructure.

The proposal avoids the area of the pipeline which is to be set aside for recreation purposes. Further discussion with Council as to the appropriate zone for this site will be undertaken following submission of the proposal to council.

A SMS Action Plan and Threat Register were produced for the site. These documents are attached (**Appendix E**) and will need to be considered in the future subdivision DA and any subsequent subdivision works approval and built form DAs.

# 4. Design and Layout

The Planning Proposal is supported by plans to demonstrate yield and infrastructure requirements. An overview is provided below. Further detail will be provided in DA for the subdivision.





The plans show a potential yield of 93 'standard lots' with a minimum area of 709sqm up to approximately 1,075sqm.

## Water Cycle Management

The development site falls within the boundaries of the defined Sydney Drinking Water Catchment hence this submission has been undertaken in accordance with the information requirements of both the Goulburn Mulwaree Council and Water NSW best practice publications titled 'Water Sensitive Design Guide for Rural Residential Subdivisions' (May 2021), 'Using MUSIC in Sydney's Drinking Water Catchment' (June 2019), and 'Developments in the Drinking Water Catchment – Water Quality Information Requirements' (June 2018). Where practical and appropriate, the recommendations, constraints and conditions from the above listed documents have taken precedence in the modelling and design process such that any water quality issues, environmental concerns, and matters pertaining to public amenity have been addressed.

A Water Cycle Management Study has been prepared (**Appendix F**) to satisfy the requirements of Ministerial Direction 5.2 Sydney Drinking Water Catchment (refer Part B Section B). The report is based on future development assumptions as outlined above that also include:

- » Residential lot yield approx.. 93 lots, a network of new roads that will provide access around the perimeter of the site plus an inter-connecting road system, dedicated stormwater drainage and water quality treatment measures and open space.
- » Future subdivision of the site will include fully serviced Lots with a reticulated water supply throughout along with gravity sewer and inter-allotment stormwater drainage infrastructure.
- » Sewage generated on the site will be collected in a sewer pump station and transferred via a rising main to the existing gravity sewer system that exists on the northern edge of the city.

The report concludes that the proposed rezoning of the land from the current 'RU6 – Transition' to 'R2 – Low Density Residential' and a subsequent subdivision of the land to create a total of 93 allotments plus internal access roads and ancillary infrastructure will be able to satisfy the requirements of the Neutral or Beneficial Effect on water quality as required under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 'Water Catchments'; Part 6.5 - Sydney Drinking Water Catchment.

## 4.3 Traffic

A traffic assessment has been undertaken by Positive Traffic to review the potential traffic impacts of the rezoning of the site to accommodate residential development. The assessment has been based on a proposed yield of 93 lots and the general arrangement prepared by SOWDES to support the proposal.

The Traffic Assessment is attached in **Appendix G** and concludes that the traffic impacts likely to be associated with the development facilitated by the rezoning of the site, are acceptable:

1. The potential traffic generation of the development would not impact on the surrounding road network to a point of detriment.
2. Intersections in the immediate vicinity of the development would operate at a satisfactory level of service in the future at full development without any need for capacity improvements.
3. All proposed internal roads comply with the minimum requirements of Goulburn Council Engineering Standards.
4. Consideration should be given to extending the existing 60km/hr speed zone in Middle Arm Road near Marys Mount Road to the northern boundary of the site to better reflect the residential environment of Middle Arm Road in the future.



## 5. Strategic Planning Context

### 5.1 South East and Tablelands Regional Plan

*The South East and Tablelands Regional Plan 2036* provides a 20 year blueprint for the future of the region. The vision for the region will be delivered through 4 goals to create:

- » Goal 1      A connected and prosperous economy
- » Goal 2      A diverse environment interconnected by biodiversity corridors
- » Goal 3      Healthy and connected communities
- » Goal 4      Environmentally sustainable housing choices

These goals are proposed to be met through various directions under the South East and Tablelands Regional Plan. The relevant directions are outlined in the following table.

Direction	Comment
Direction 22 Build socially inclusive, safe and healthy communities	<p>The direction refers to the design and location of neighbourhoods in that neighbourhoods and centres will be environmentally sustainable, socially inclusive, easy to access, healthy and safe.</p> <p>The Planning Proposal support to continued delivery of the neighbourhood through consistency and alignment with the UFHS.</p>
Direction 25 Focus housing growth in locations that maximise infrastructure and services	<p>The Planning Proposal will continue to allow for the most efficient delivery of housing by ensuring that the statutory planning controls are aligned with the UFHS providing a mix of lot sizes compatible with constraints and the objectives of zoning of land outlined in the UFHS.</p>

The Regional Plan is currently under review. The Planning Proposal is considered to be consistent with the *Draft South East and Tablelands Regional Plan 2041*.

### 5.2 Local Strategic Planning Statement

*Towards 2040*, the Goulburn-Mulwaree Strategic Planning Statement (LSPS) works alongside the Community Strategic Plan to set out the community's long-term vision and aspirations for all Council's planning activities.

The LSPS is the strategic land-use planning roadmap for the future and provides the framework for land-use needs over the next 20 years. It sets out the long-term vision and aspirations for the community and is Council's key strategic land-use planning document. The LSPS articulates the long term planning priorities and how these will be achieved.

The following planning priorities are considered as relevant to the Planning Proposal:

### **Planning Priority 1 - Infrastructure**

#### *Planning Principles:*

- » New development and planning decisions provide for adequate infrastructure (water, sewerage, stormwater management) to accommodate new development.

**Comment:** The proposal focuses on the efficient delivery of urban land providing for and delivering infrastructure to support the proposed yield.

### **Priority 3 – Community facilities, open space and Planning recreation**

#### *Planning Principles:*

- » Ensure new subdivisions and development includes open space using both natural systems such as riparian corridors and areas for active recreation use and provides pedestrian cycle connectivity to existing footpath and cycleway networks.
- » New land releases for housing development have appropriate master planning for open spaces and site specific DCP requirements.

**Comment:** The proposal identifies opportunities for open space that aligns with the objectives of avoiding residential development over the top of the high pressure pipeline.

### **Planning Priority 4 – Housing**

#### *Planning Principles:*

- » Goulburn continues to be the focus of housing growth for the region.
- » Ensure that residential development is supported by relevant infrastructure.
- » Housing is contextual, well designed and liveable.

**Comment:** The Planning Proposal will support the growth of Goulburn as the focus for housing and associated infrastructure.

There is an action under the Housing priority being Action 4.1 the to Implement and monitor an Urban and Fringe Housing Strategy. The Planning Proposal is consistent with Action 4.1.

### **Planning Priority 7 – Sustainability**

#### *Planning Principles:*

- » Incorporate best practice energy, water and waste management in new development.

- » Promote uses of water through development that promotes green corridors and urban cooling.
- » Improve connectivity via a “Green Grid” of tree canopy cover between urban areas and natural areas such as the rivers within Goulburn.

**Comment:** The subdivision has been arranged to facilitate best practice design including the promotion of green corridors through vegetated buffers along the Middle Arm Road frontage and in the north western corner of the site.

## 5.3 Community Strategic Plan

The Goulburn-Mulwaree Community Strategic Plan (CSP) sets out Council’s vision and priorities for the LGA. The CSP has a broader focus than the LSPS as it addresses long term social, environmental and economic goals for the community that have been developed following extensive community consultation and engagement.

The proposal is consistent with the Community Strategic Plan.

## 5.4 Urban and Fringe Housing Strategy

The UFHS has been prepared by Council and endorsed by the Department of Planning and Environment (DPE) in 2020. The UFHS identifies land suitable for future urban development including land in Precinct 6 Middle Arm East. An extract of the Middle Arm East Precinct is provided below. One of the key objectives of the UFHS was the identification of land suitable for fully serviced residential development as opposed to the less efficient un-serviced rural residential 2-5ha lots. The UFHS includes criteria for the identification of greenfield sits in section 2.5.1 as follows.

**The identification of greenfield sites for future development is key to the Strategy given that over 2,000 dwellings will need to be accommodated by 2036. In essence, the focus on land identification for serviced residential land was:**

- » The ability to provide housing that meets the needs of the population
- » Focus on areas that have capacity in existing infrastructure and align with efficient and economical infrastructure delivery

In addition to constraints mapping, consideration has been given to objectives and principles consistent with the strategic and statutory context of each settlement including the proximity to the city or town centre, the rail station, the Hume Highway as a physical constraint, compatibility of surrounding zones and land uses (particularly in the southern areas around Goulburn). These criteria are outlined below and were used to inform the focus and consideration of land suitable for urban expansion as part of the Strategy.

### **Location**

- » the site is within the area identified for urban expansion in the Housing Strategy adopted by Council
- » the site location supports a logical and contiguous development with the existing settlements of Goulburn and Marulan.
- » the site is within the urban fringe identified by the Housing Strategy
- » the site can be connected to water and sewer infrastructure
- » the site has minimal or limited impact on matters of biodiversity or heritage
- » the site will not result in the fragmentation of biodiversity corridors
- » the site is not identified as being subject to flooding
- » the proposal will preserve and enhance riparian corridors as open space networks and utilise for active travel connections. Development around riparian corridors is to be in accordance with the guidelines for waterfront land defined by the NSW Office of Water DPI
- » avoid residential development on the southern/eastern side of the Hume Highway
- » the proposal considers the requirements of Primary Production and Rural Development SEPP

### **Housing**

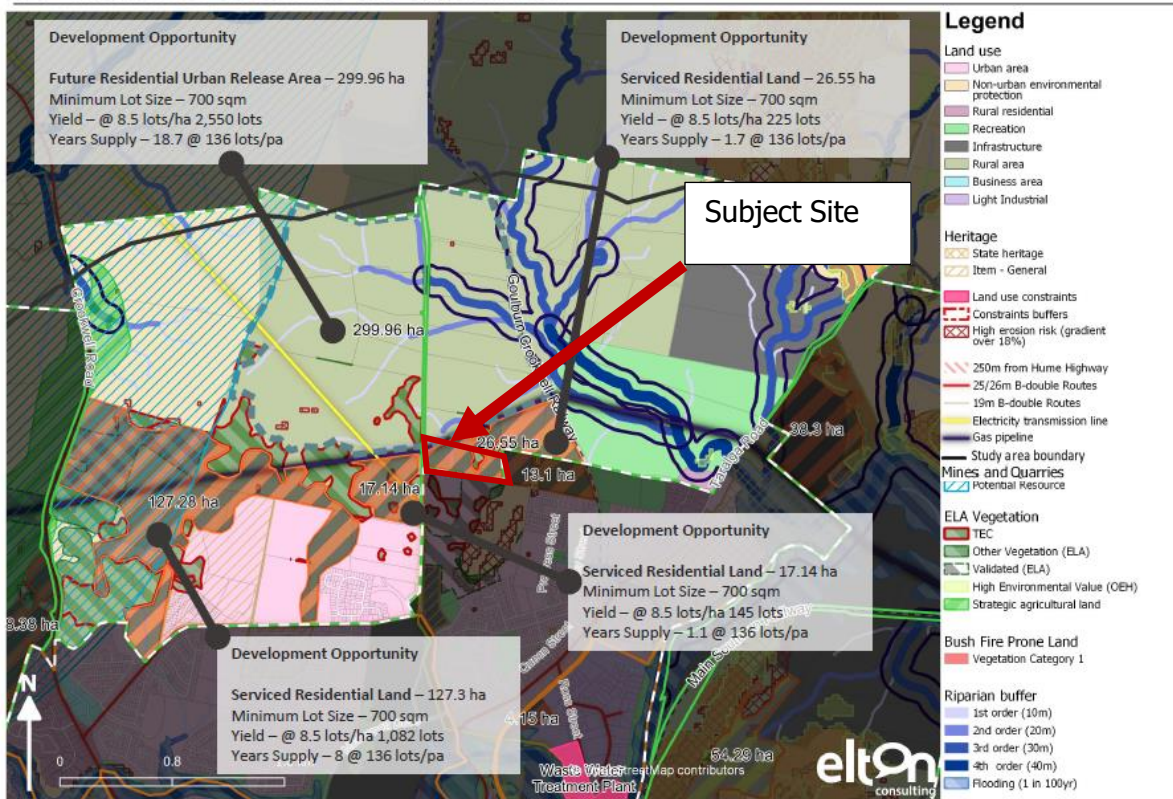
- » housing contributes the required demand identified in the Housing Strategy for the Goulburn Mulwaree LGA
- » the proposal delivers appropriate housing to meet the demographic needs of the region
- » development reinforces and enhances any existing residential character
- » development will contribute housing affordability, choice and diversity appropriate for the anticipated demographic profile of the LGA

### **Use**

- » development will not result in land use conflicts particularly with agriculture and primary industries
- » minimise disturbance or conflict with State Significant Quarry Areas and haulage routes.

Figure 5.1 Middle Arm constraints and opportunities

## 5/6 - Middle Arm constraints and opportunities

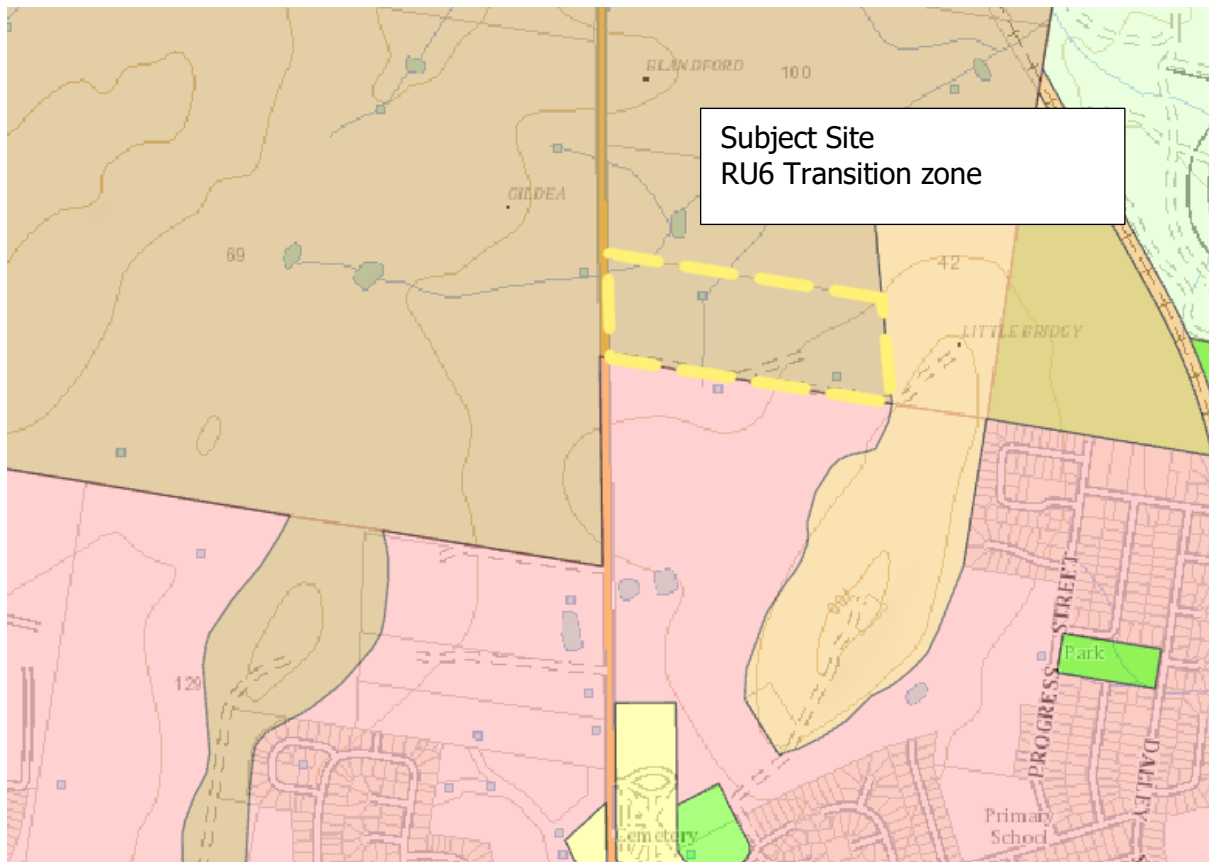


Source: UFHS

As can be seen from the extract above, the site has been identified as having the potential for the delivery of serviced residential development. The site is joining the R2 Low Density Residential zone. Water and sewer infrastructure can be extended to services the site which is currently zoned RU6 Transition.

The Planning Proposal is consistent with the UFLS.

Figure 5.2 Subject Site and zone



Source: Extract Planning Portal Spatial Data, 2023.

## 6. Existing planning controls

The GMLEP sets out the legislative framework for land use and development in the Goulburn-Mulwaree LGA through the application of land use zones and development controls.

This Planning Proposal seeks to amend the zone, minimum lot size and the additional permitted uses maps. The maximum building height will also be modified to align with the zone and additional permitted uses maps way of a mapping amendment to the GMLEP.

The land use zones, and planning controls are outlined below. The proposed mapping amendments are provided in **Part 4**.



## 7. Overview of amendments

### 7.1 Zones

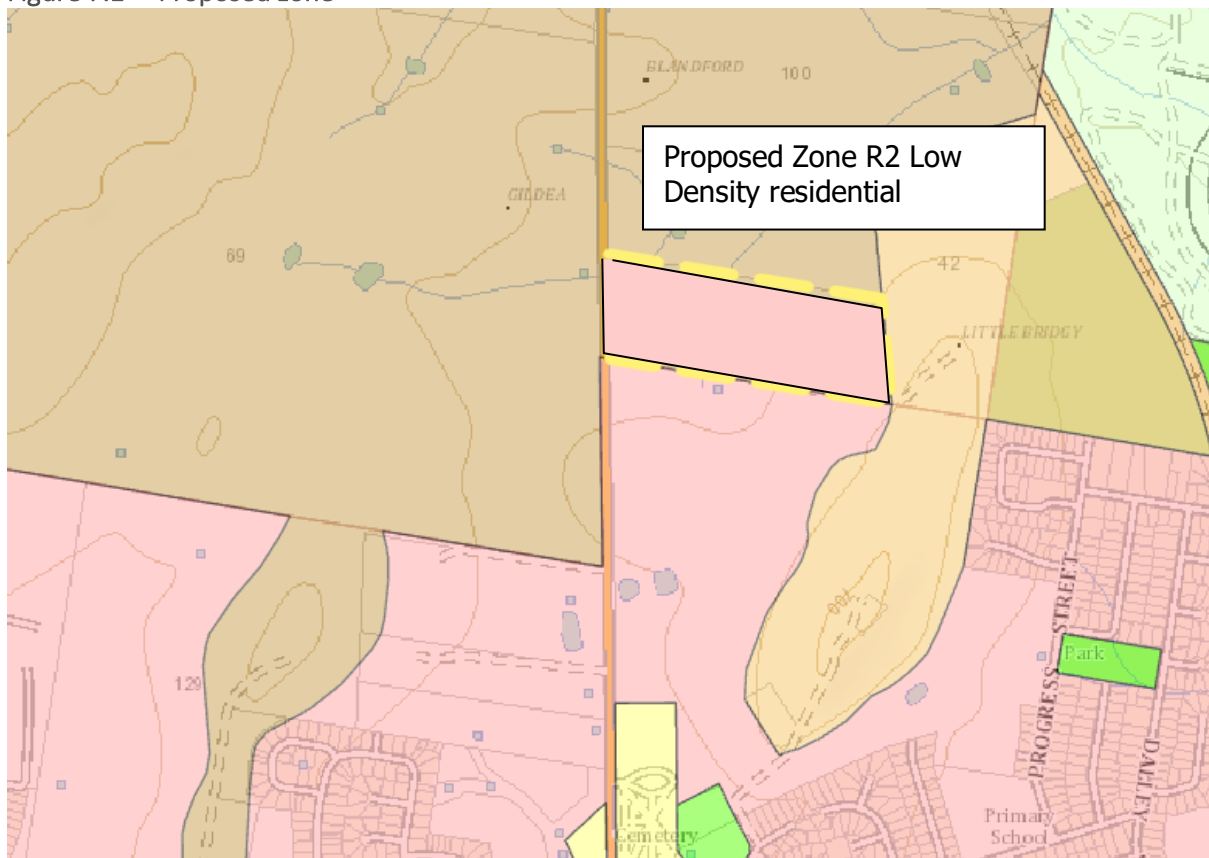
The land is currently zoned RU6 Transition. This zone is applied to land on the fringe of the urban area of Goulburn as a means of protecting it from fragmentation. The objectives of the RU6 zone are as follows:

#### 1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The land is proposed to be rezoned part R2 Low Density Residential consistent with the land use planning controls applied to land immediately south. The RE1 Public Recreation zone could be considered for the north western corner of the site subject to further discussion with council.

Figure 7.1 Proposed zone



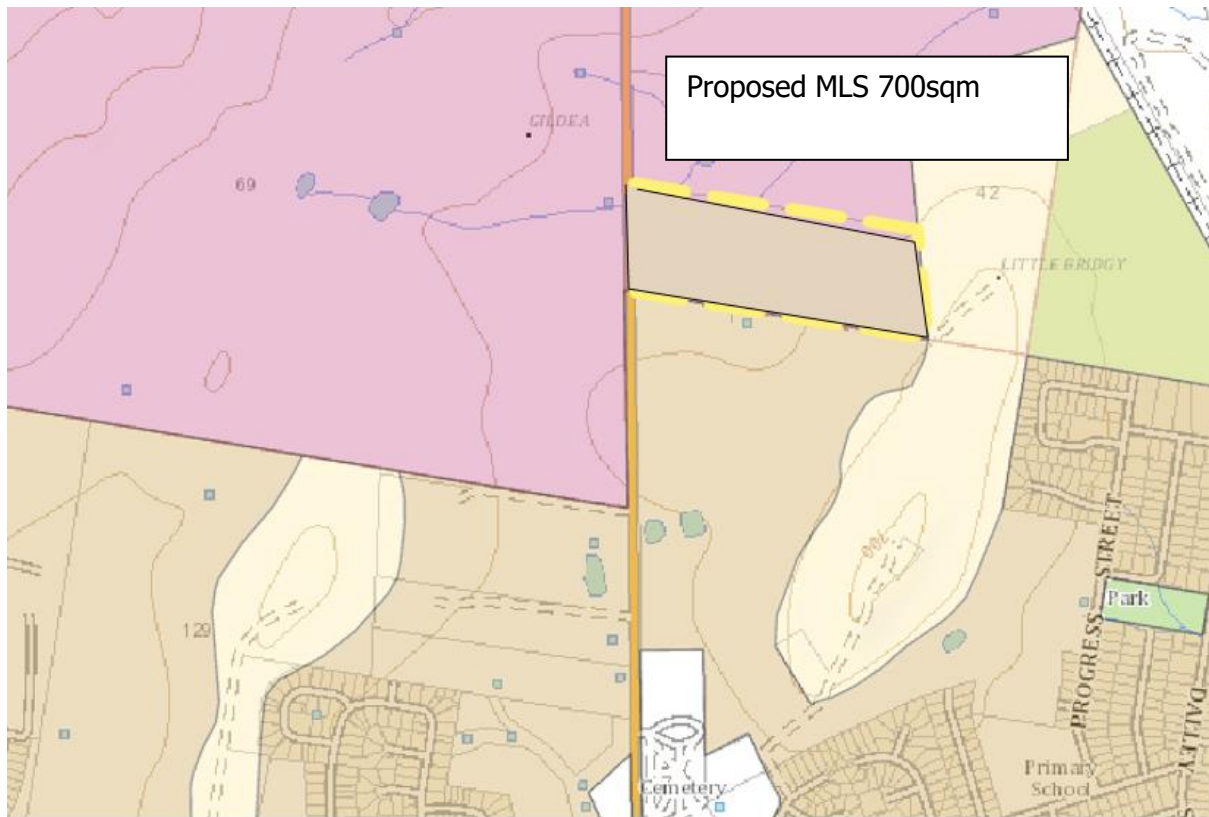
### 7.2 Minimum Lot Size

The current Minimum Lot Size (LSZ) control map under GMLEP is 10ha.



The proposal considers the MLS in the context of low density residential land in the release areas of Goulburn, proposing a MLS of 700m<sup>2</sup> to coincide with the R2 zoned land.

Figure 7.2 Proposed MLS



## Part B The Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33(2) of the EP&A Act which outlines the required contents of a Planning Proposal. Accordingly, this Planning Proposal includes:

- » A description of the Site and the surrounding locality (refer Section 1)
- » A statement of the objectives or intended outcomes of the proposed instrument (refer Part 1)
- » An explanation of the provisions that are to be included in the proposed instrument (refer Part 2)
- » The justification for those objectives, outcomes and provisions and the process for their implementation, including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1 of the EP&A Act (refer Part 3)
- » Maps to be adopted by the proposed instrument (refer Part 4)
- » Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (refer Part 5)
- » Details on the proposed project timeframe for the completion of the Planning Proposal (refer Part 6).

The Planning Proposal has also been prepared in accordance with the Department's *Local Environmental Plan Making Guideline* (As revised: September 2022).

### Part 1 - Objectives and intended outcomes

The primary purpose of this Planning Proposal is to amend the GMLEP consistent with the strategic direction outlined in the UFHS to accommodate residential development at 44 Middle Arm Road.

The intended outcomes are to:

- » amend the zoning and MLS controls to accommodate residential development,
- » ensure the controls are consistent with the on ground situation(s) as well as Council's expectations for future development of the land,
- » provide the opportunity for additional residential development within proximity to Goulburn,
- » support the growth of the city and LGA.

### Part 2 - Explanation of provisions

The proposal seeks to achieve the intended outcomes outlined in Part 1 of this report by proposing amendments to the GMLEP as follows:

- » Mapping Amendments to Maps sheets

- Lot Size Map – Sheet\_001C
- Land Zoning Map – Sheet\_001C

## Part 3 - Justification

Part 3 of the Planning Proposal provides the justification of the proposal within the relevant strategic planning context. In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the of the LEP amendment process. At this initial stage the issues relevant to the proposal must be identified to provide sufficient confidence to Council and DPE the amendment has merit.

### Section A – Need for the planning proposal

#### **Q1. Is the planning proposal a result of any strategic study or report?**

Yes. The Planning Proposal is consistent with the goals and priorities outlined in the following strategic plans and reports that have been prepared and endorsed by Council:

- » Local Strategic Planning Statement
- » Community Strategic Plan
- » Urban and Fringe Housing Strategy

The above listed plans are addressed in further detail at Section B.

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

Yes. A planning proposal seeking to amend GMLEP is considered the best means of achieving the objectives and intended outcomes set out in Part 1 of this Planning Proposal and the most effective way of providing certainty for Council and the local community for the implementation of the UFHS.

### Section B – Relationships to Strategic planning framework

#### **Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

Yes. The proposal is consistent with the South East and Tablelands Regional Plan 2036 and the recently exhibited Draft South East and Tablelands Regional Plan 2041. Refer Section B.

#### **Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

As noted above, the Planning Proposal will give effect to the LSPS, Community Plan and the UFHS.

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies as follows:

**State Environmental Planning Policy (Resilience and Hazards) 2021***Chapter 4 Remediation of Land (formerly SEPP 55)*

(1) The object of this Chapter is to provide for a Statewide 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 a remediation work, and

(b) by specifying certain considerations that are **relevant in rezoning land** and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements.

**Comment:** The proposal includes a contamination assessment (refer **Appendix F**).

The other State Environmental Planning Policies have been considered and found not to be applicable to the proposal.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The Planning Proposal has considered the SEPP to the extent that the matters raised are relevant. The proposal is supported by a BDAR (refer **Appendix C** and Section 3.2).

**Chapter 6 Water Catchments**

The site is within the Sydney Drinking Water Catchment. Part 6.5 of the SEPP includes the following objectives:

*The objectives of this Part are—*

*(a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and*

*(b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.*

The land being considered in the Planning Proposal will be subject to an urban zone and the subsequent development will be serviced with reticulated water and sewer as well as an engineered drainage solution. The proposal does not “approve” development, rather will facilitate the development of the land for residential purposes. SEPP biodiversity and Conservation, Part 6 will need to be considered during the assessment process under section 4.15 of the Environmental Planning and Assessment Act.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions?**

The Ministerial Directions under section 9.1 of the EP&A Act requires planning proposals to be consistent with the terms of the relevant direction. The relevant directions are considered below.

Directions	Aim of Direction	Consistency and Implications
Focus Area 1 — Planning Systems		
1.1 Implementation of Regional Plans	Planning proposals must be consistent with the Regional Plan	Consistent
1.2 Approval and referral requirements	(a)Minimise the inclusion of provisions that require the concurrence consultation or referral of development applications to a minister or public authority,  (b)Not contain provisions requiring concurrence consultation or referral to a Minister or public authority unless the relevant public authority has obtained the approval of the appropriate Minister or public authority and Planning Secretary prior to undertaking community consultation.  (c)Not identified development as designated development.	Consistent. The proposal does not includes concurrence provisions or identify designated development.
1.3 Site specific provisions	The objective is to discourage unnecessarily restrictive site specific planning controls	Consistent. The proposal does not include site specific controls. The proposed zones ordinarily support the residential use.
Focus Area 1 — Planning Systems – Place Based		
1.5-1.22	Planning Proposal not affected by these directions.	
Focus Area 2 – Design and Place		
No directions		
Focus Area 3 – Biodiversity and Conservation		
3.1 – 3.2	Planning Proposal not affected by these directions.	
3.3 Sydney Drinking Water Catchments	<p>The objective is to provide healthy water catchments and protect water quality.</p> <p>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</p> <p>(a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality including groundwater and</p> <p>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability and</p> <p>(c) the ecological values of land within a special area should be maintained.</p> <p>When preparing a planning proposal the planning proposal authority must</p> <p>(a) consult with Water NSW, and</p>	<p>The site is within the Sydney drinking water catchment. The proposal has considered the water catchment in the design and delivery of the development, including a Water Cycle Management Study (refer Appendix F). The proposal will provide for a residential zone with reticulated water and sewer infrastructure.</p> <p>The proposal has considered Part 6.5 of the SEPP. The proposal is considered to satisfactorily provide for the protection of the catchment and managing water through the site will have a beneficial impact on the catchment.</p>

Directions	Aim of Direction	Consistency and Implications
	<p>(b) ensure the proposal is consistent with part 6.5 of chapter 6 of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> <p>(c) identify any existing water quality including groundwater risks to any waterway occurring on or adjacent to the site and</p> <p>(d) give consideration to the outcomes of the strategic land and water capability assessment prepared by water NSW.</p>	
3.4-3.10	Planning Proposal not affected by these directions.	
3.7 Public bushland	Planning proposal that applies to conservation zones or environmentally sensitive areas	Planning Proposal not affected by this direction.
Focus Area 4 – Resilience and Hazards		
4.1-4.2	Planning Proposal not affected by these directions.	
4.3 Planning for Bushfire Protection	Planning proposal that applies to bushfire prone land	<p>The Planning Proposal is accompanied by a Strategic Bush Fire Study (refer Appendix H). The proposal has considered the RFS Planning for Bushfire Protection Guideline.</p> <p>The report demonstrates that the proposal is consistent with the 9.1 direction. The proposal will be referred to the RFS for a determination.</p>
4.5-4.6	Planning Proposal not affected by these directions.	
Focus Area 5 — Transport and Infrastructure		
5.1 Integrated Land use and Transport	<p>The objectives of this direction include:</p> <p>(a)improving access to housing jobs and services by walking cycling and public transport and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distance travelled especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>The Planning Proposal is consistent with the UFHS which identifies the subject land for residential development.</p> <p>Goulburn, as is the case in many regional towns and cities has limited public transport. This is addressed in the Traffic Assessment.</p> <p>An open space network extends through the site providing the opportunity for walking and cycling within the neighbourhood and linking back to Goulburn as the land to the south realises its development potential.</p>
5.2- 5.4	Planning Proposal not affected by these directions.	
Focus Area 6 — Housing		
6.1 Residential Zones	<p>The objectives of this direction are to:</p> <p>Encourage variety and choice of housing types to provide for existing and future</p>	Consistent. The proposal provides for a range of housing types via varying lot sizes consistent with the UFHS.

Directions	Aim of Direction	Consistency and Implications
	housing needs be make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and see minimise the impact of residential development on the environment and resource lands.	
6.2	Planning Proposal not affected by this direction.	
<b>Focus Area 7 – Industry and Employment</b>		
7.1 – 7.3	Planning Proposal not affected by these directions.	
<b>Focus Area 8 – Resources and Energy</b>		
8.1	Planning Proposal not affected by these directions.	
<b>Focus Area 9 – Primary Production</b>		
9.1 Rural Areas	The objective of this direction is to protect the agricultural production value of rural land.	<p>The proposal is justifiably inconsistent with this direction.</p> <p>The land is zoned RU6 Transition. This is within the rural zones. The objectives of the RU6 zone include to provide a transition to the rural zones.</p> <p>The planning proposal maintains this by retaining the larger lots on the periphery of the site transitioning to rural.</p> <p>The proposal is consistent with the UFHS in that the land within the RU6 zone has been identified as suitable for residential development.</p>
9.2 Rural Lands	<p>The objectives of this direction are to</p> <ul style="list-style-type: none"> <li>(a) protected the agricultural production value of rural land</li> <li>(b) facilitate the orderly an economic use and development of rural lands for rural and related purposes</li> <li>(c) assist in the proper management development and protection of rural lands to promote the social economic and environmental welfare of the state</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas particularly between residential and other rural land uses</li> <li>(e) encourage sustainable land use practises an ensure the ongoing viability of agriculture on rural land</li> </ul>	<p>Justifiably inconsistent.</p> <p>Refer above.</p>



Directions	Aim of Direction	Consistency and Implications
	(f) support the delivery of the actions outlined in the NSW right to farm policy.	
9.3 – 9.4	Planning Proposal not affected by these directions.	

**Q7. 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?**

No. The Planning Proposal is supported by a BDAR refer **Appendix C**.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. The proposal is supported by a Strategic Bush Fire Study refer **Appendix H**.

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The proposal supports the continued growth of Goulburn through the provision of a supply of serviced residential land for housing delivery.

**Q10. Is there adequate public infrastructure for the planning proposal?**

Yes. Water, Sewer, Drainage and local road infrastructure can be made available to support the delivery of the site for residential development under the proposed zone.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The views of State and Commonwealth Public Authorities will not be known until after the Gateway Determination. This section of the planning proposal is completed following consultation with those public authorities identified in the Gateway Determination.

## Part 4 - Maps

The proposal will amend the following Map Sheets:

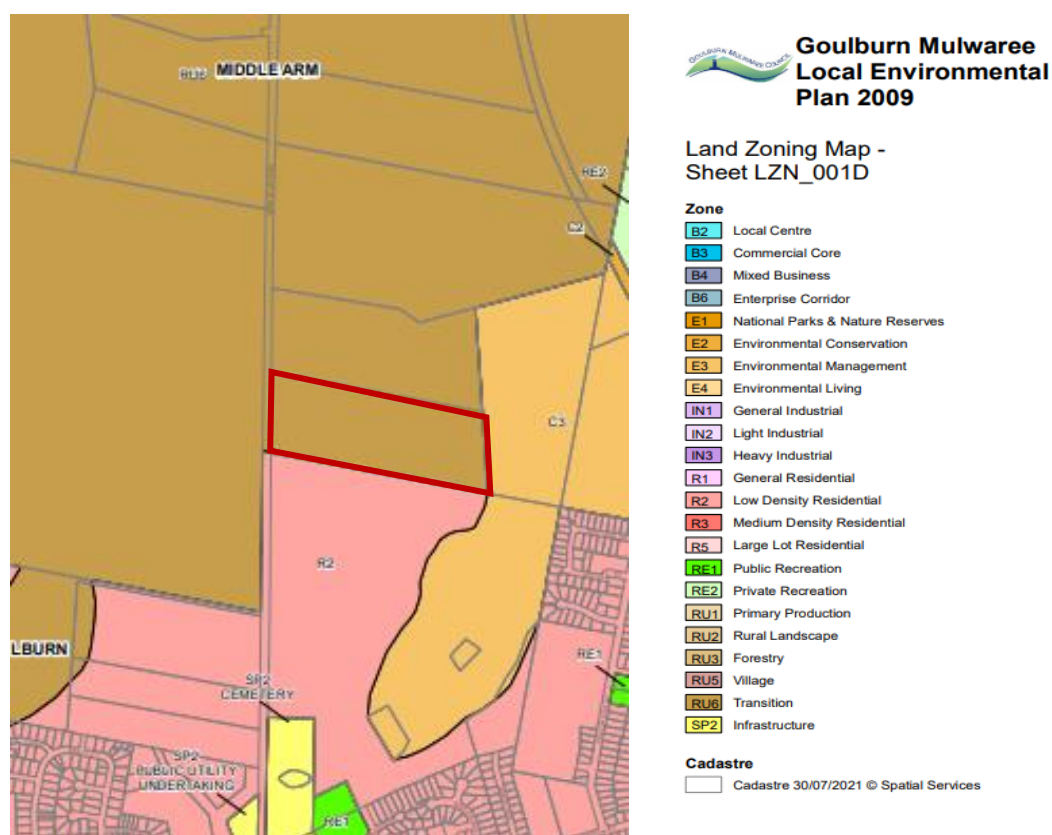
Planning Control	Description
Land Zoning Map – Sheets_001C	Amend the relevant zones from RU6 Transition to R2 Low Density Residential
Mapping	
Lot Size Map – Sheets_001C	Apply the MLS that corresponds to the relevant lot size determined by the concept plan; 700m <sup>2</sup>

Existing and proposed GMLEP Maps are shown in the **Figures** below. Draft LEP maps will be prepared to align with the survey files should the proposal be supported.

## Zone

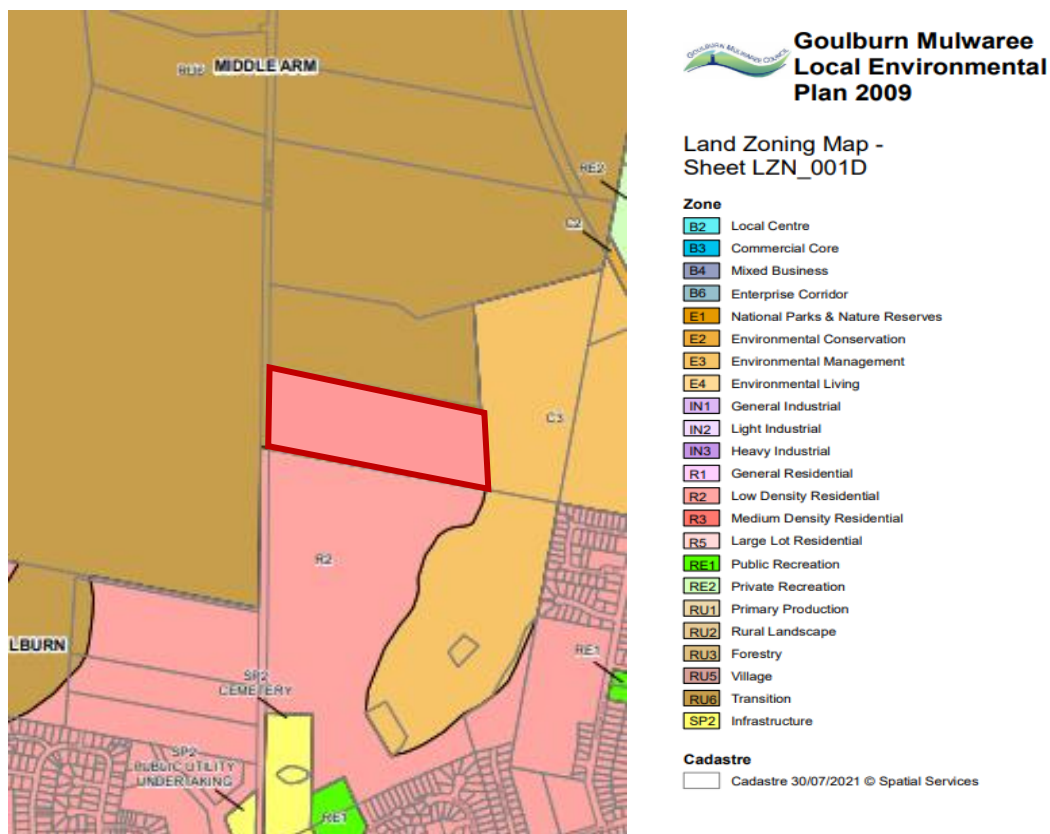
The current zone is RU6 Transition. The proposed zone will be R2 Low Density Residential.

Figure B.1 Existing Land Zoning Map - LZN\_001C



Source: Extract LZN\_001C

Figure B.2 Proposed Land Zoning Map - LZN\_00



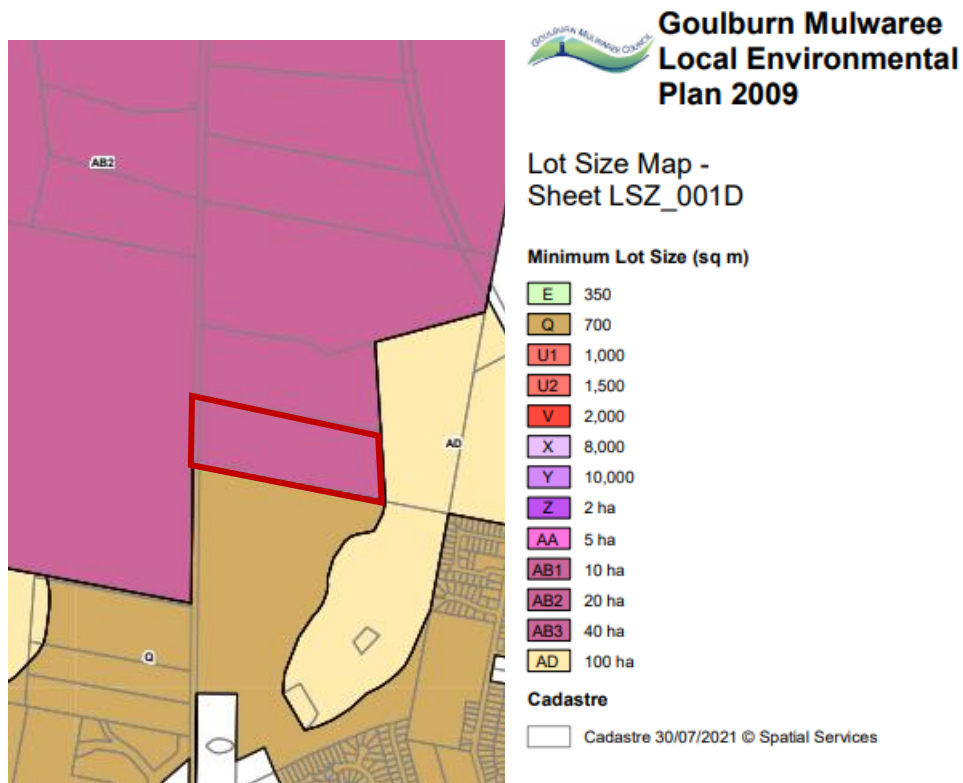
Source: Extract LZN\_001C

## Minimum Lot Size

The current Minimum Lot Size (LSZ) control map under GMLEP is 10ha.

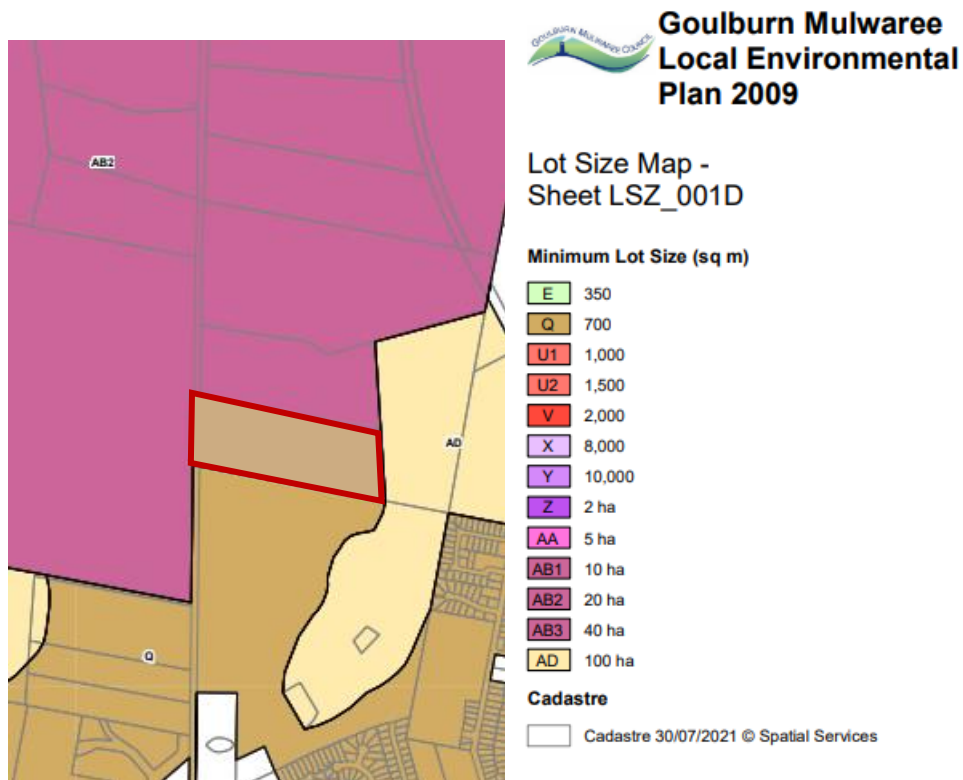
The proposal considers the MLS in the context of low density residential land in the release areas of Goulburn, proposing a MLS of 700m<sup>2</sup>.

Figure B.3 Existing Minimum Lot Size Map –LSZ\_001C



Source: Extract LSZ\_001C

Figure B.4 Proposed Minimum Lot Size



Source: Extract LSZ\_001C

## Part 5 - Consultation

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with relevant agencies and the community in accordance with the Gateway Determination. The Gateway Determination will specify the community consultation requirements that must be undertaken by Council. The Gateway Determination will:

- » outline the timeframe for exhibition
- » relevant state or Commonwealth authorities to be consulted
- » whether a public hearing is to be held into the matter by the IPC or other specified person or body.

It is expected that the planning proposal will be publicly exhibited for 28 days.

## Conclusion

The Planning Proposal demonstrates the strategic merit of the proposal as summarised in the table below. The Planning Proposal can be supported by Council to enable that proceed to Gateway.

Criteria	Assessment
<b>Strategic merit test criteria</b>	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	<b>Consistent.</b> The Planning Proposal is consistent with the Regional Plan and Draft Regional Plan.
Consistent with a relevant local strategy that has been endorsed by the Department; or	<b>Consistent.</b> The Planning Proposal is consistent with the CSP and LSPS. The Planning Proposal is consistent with the UFHS adopted by Council and endorsed by DPE.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.	<b>Not applicable.</b>
<b>Site-specific merit test criteria</b>	
The natural environment (including known significant environmental values, resources or hazards)	<b>Consistent.</b>

Criteria	Assessment
	<p>The site is generally unconstrained. The proposal is supported by a BDAR and Bush Fire Assessment.</p> <p>The site is not subject to flooding.</p> <p>The rezoning will have limited impact on the natural environment.</p>
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal	<p><b>Consistent</b></p> <p>The amendment will not implicate the land use tables for the relevant zones.</p>
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision	<p><b>Consistent.</b></p> <p>The proposal can be accommodated with augmentation of existing infrastructure.</p>

# **Appendix**

**Appendix A – Site Plans & Proposal Layout**

**Appendix B – Aboriginal Cultural Heritage  
Assessment Report**

**Appendix C - BDAR**

**Appendix D – Contamination**

**Appendix E - SMS Validation Workshop and Plan**

**Appendix F – Water Cycle Management Study**

**Appendix G – Traffic Management Assessment**

**Appendix H – Strategic Bush Fire Study**



