



Goulburn Mulwaree Council

**Planning Proposal to Rezone 44 Middle Arm Road, Goulburn to R2
Low Density Residential and RE1 Public Recreation**

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April 2024

Gateway Version

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Introduction

This planning proposal seeks to rezone an area of 11.7 hectares of rural land situated to the north of Goulburn, within the Middle Arm precinct of the *Urban and Fringe Housing Strategy*, which is currently zoned RU6 Transition. A site location plan is illustrated in [Figure 1](#).

Figure 1: Site location plan



The subject site comprises one existing lot (Lot 2 DP 569505) accessed via Middle Arm Road. The site is mostly cleared grazing land and contains a dwelling, outbuildings and two dams.

The planning proposal is proponent led and seeks to rezone the site to R2 Low Density Residential, as identified within Council's *Urban and Fringe Housing Strategy*. Council has

amended the proposal, with portions of the site affected by water courses or other easements now proposed to be zoned RE1 Public Recreation. The rezoning is to facilitate future urban residential subdivision, the site having the capacity for approximately 93 residential lots.

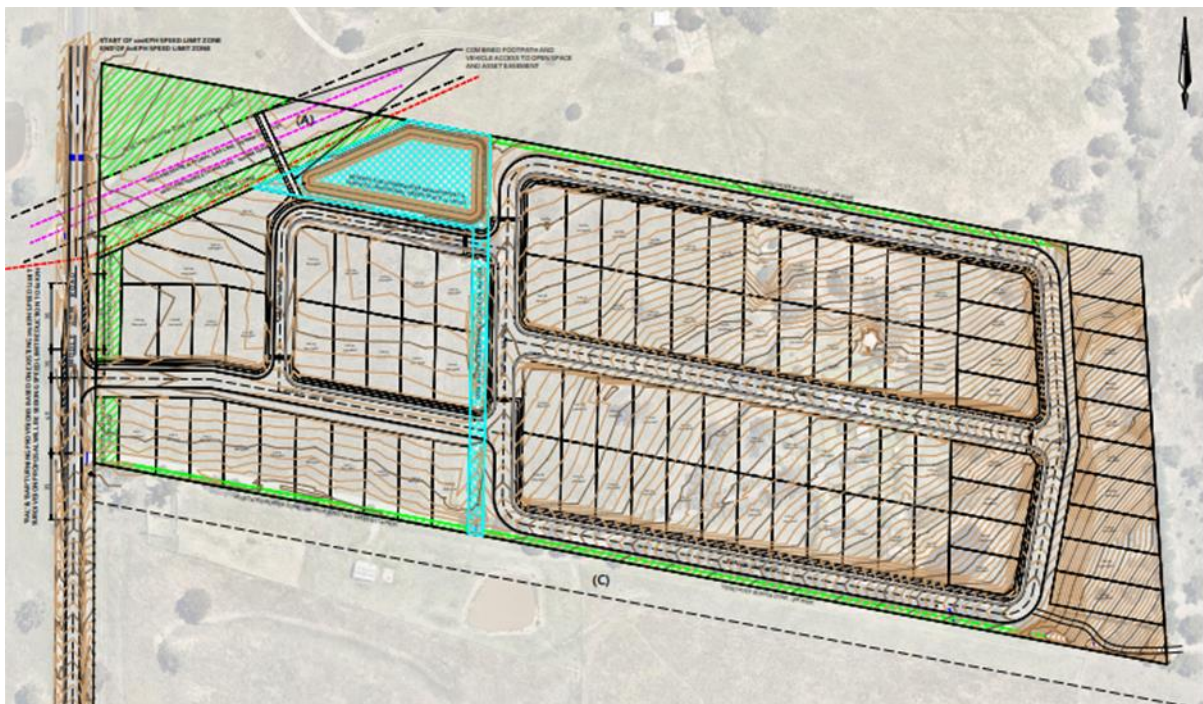
The site will be serviced by Goulburn's reticulated water and sewer system and is immediately contiguous to residentially zoned land to the south which has yet to be developed. The site is constrained by drainage channels which have overland flow flooding impacts with generally all flood prone land proposed to be zoned RE1 Public Recreation. There are some minor differences between the boundaries of the overland flood mapping extents and the proposed RE1 Recreation Zone boundary extent. This is due to the RE1 Zone boundary largely reflecting the likely extent of drainage infrastructure and flooding post construction as indicated in the concept subdivision plan. These changes to zone boundary and flood extents are sufficiently minor as to be of little risk to any future residential development.

Additionally, an amendment is proposed to the land use table for the RE1 Public Recreation Zone to permit "drainage" with consent. This is to ensure that any future development of the site can propose earthworks and drainage within the area covered by this zone. The proposal also seeks to amend the minimum lot size from 20 hectares to 700m² for the R2 Low Density Residential area proposed. As currently is the case generally under Goulburn Mulwaree Local Environmental Plan 2009 no minimum lot size is proposed for the area zoned RE1 Public Recreation. This zone does not permit residential development and is being used to facilitate the drainage of water through the site. The lack of a minimum lot size also avoids there being any confusion as to the application of the minimum lot sizes for the two zones proposed.

A copy of the submitted planning proposal document is available to view in **Appendix 1**.

The proponents concept subdivision plan identifies a ninety-three-lot subdivision, with an open space area located in the northwestern portion of the site and an area for drainage easements and a stormwater basin on the northern boundary. The site will be accessed via Middle Arm Road with a proposed BAL/BAR intersection treatment. The proponents concept subdivision plan is presented in **Figure 2** and **Appendix 2**.

Figure 2: Proponents Concept Subdivision Plan



The northwestern corner of the site contains various easements including a section of the APA high pressure gas pipelines, an electrical and optical fibre easement as well as being affected by a watercourse. This portion of the site is proposed to be zoned RE1 Public Recreation, as well as a section of land crossing the site north-south which is identified on the plan as being a drainage easement and an internal road. This area covers another section of non-perennial water course which crosses the site.

The area of the overland flow corridor (with some minor deviations) has been identified for a RE1 Public Recreation Zone. This serves to reduce development potential in flood prone areas and to improve water quality outcomes. The proposed zoning of the subject site is illustrated in [Figure 3](#).

3.6.7 Direction 4.1 Flooding provides further detail on flooding.

Council seeking to be the delegated plan making authority for this planning proposal.

Part 1- Objectives

1.1 Intended Outcomes

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

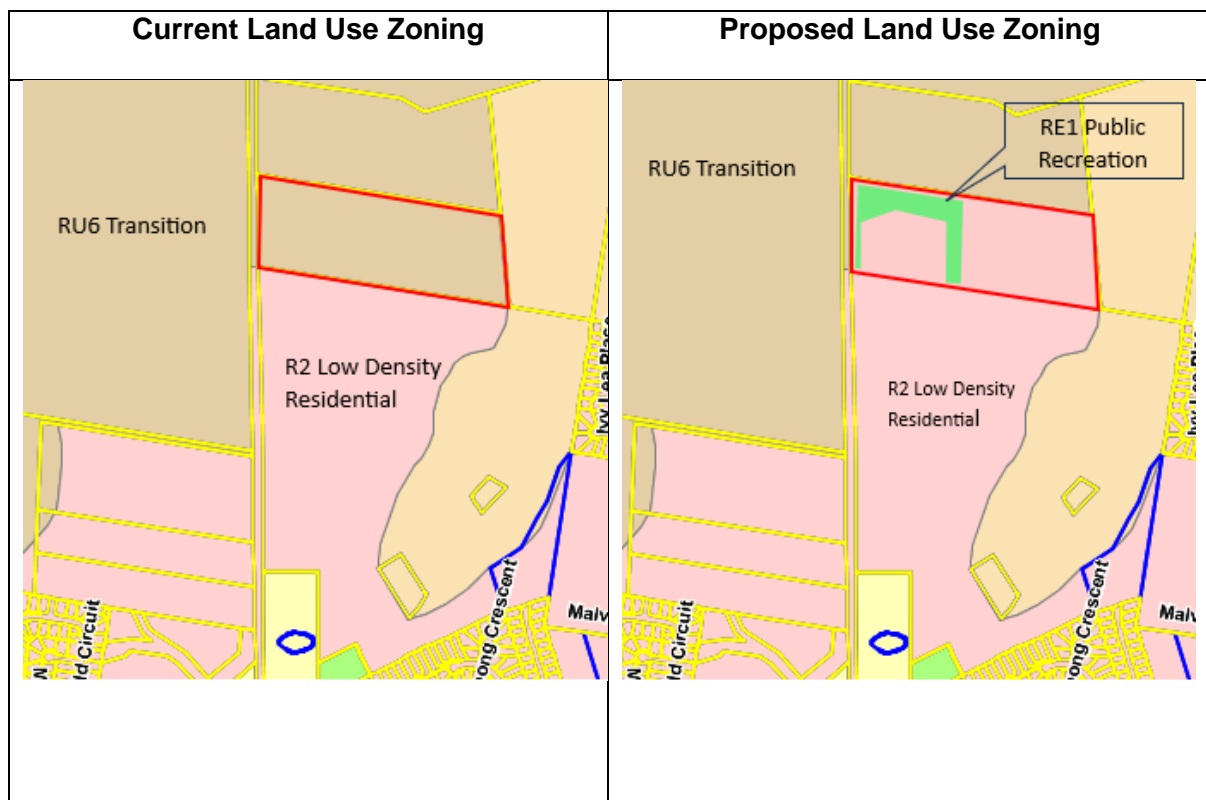
Part 2- Explanation of Provisions

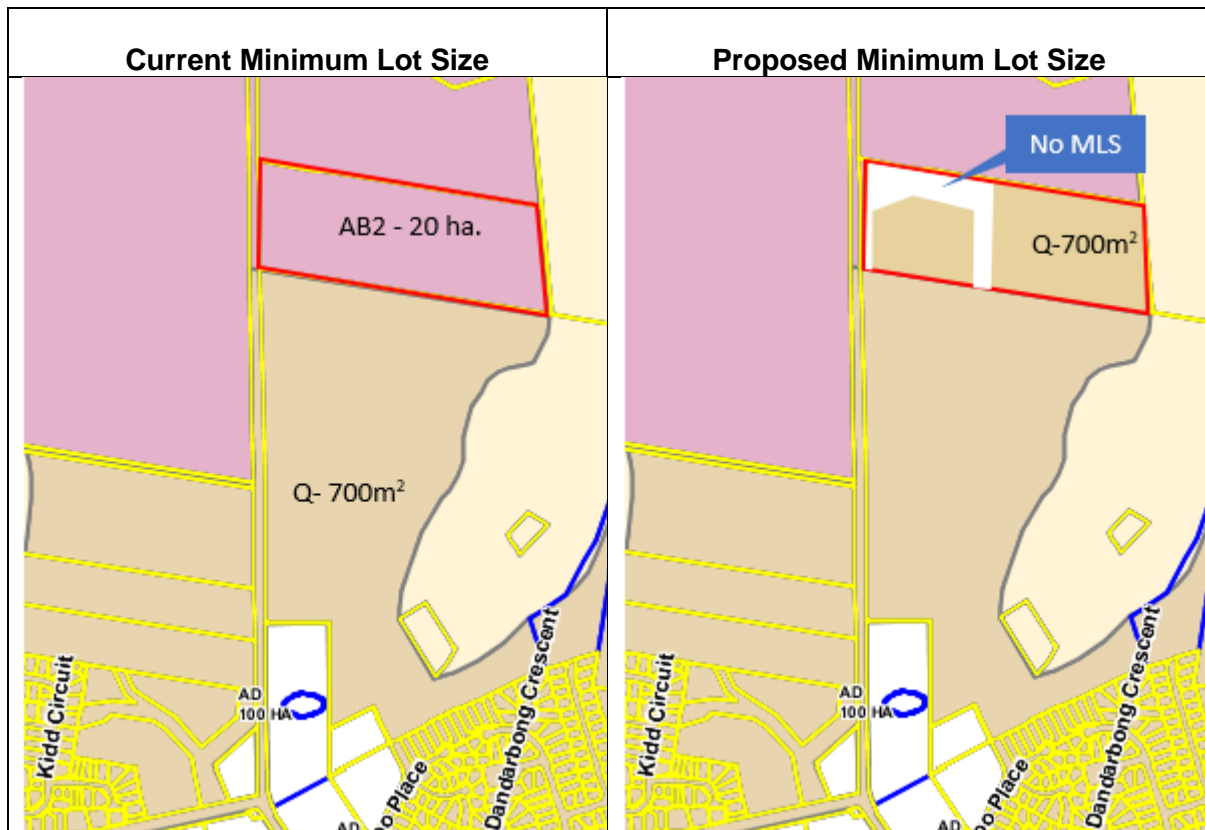
2.1 The *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) will be amended by:

- Amending the land use zoning map of the GM LEP 2009 for part of Lot 2 DP 569505 from RU6 Transition to part R2 Low Density Residential and part RE1 Public Recreation;
- Amending the Minimum Lot Size Map of the GM LEP 2009 for part of Lot 2 DP 569505 from 20 hectares to 700m² and removing the minimum lot size for the RE1 Public Recreation zoned areas.
- Amending, the GM LEP 2009 land use table for the RE1 Public Recreation zone, by adding “drainage” as permitted with consent.

Figure 3 illustrates the current and proposed zoning and minimum lot size amendments to the GM LEP 2009 for the subject site.

Figure 3: Existing and Proposed Land use zoning and Minimum Lot Size





As currently is the case, generally under Goulburn *Mulwaree Local Environmental Plan 2009* no minimum lot size is proposed for the area zoned RE1 Public Recreation. This zone does not permit residential development and is being used to facilitate the drainage of water through the site. The lack of a minimum lot size also avoids there being any confusion as to the application of the minimum lot sizes for the two zones proposed.

Part 3- Justification

Section A- Need for a planning proposal

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

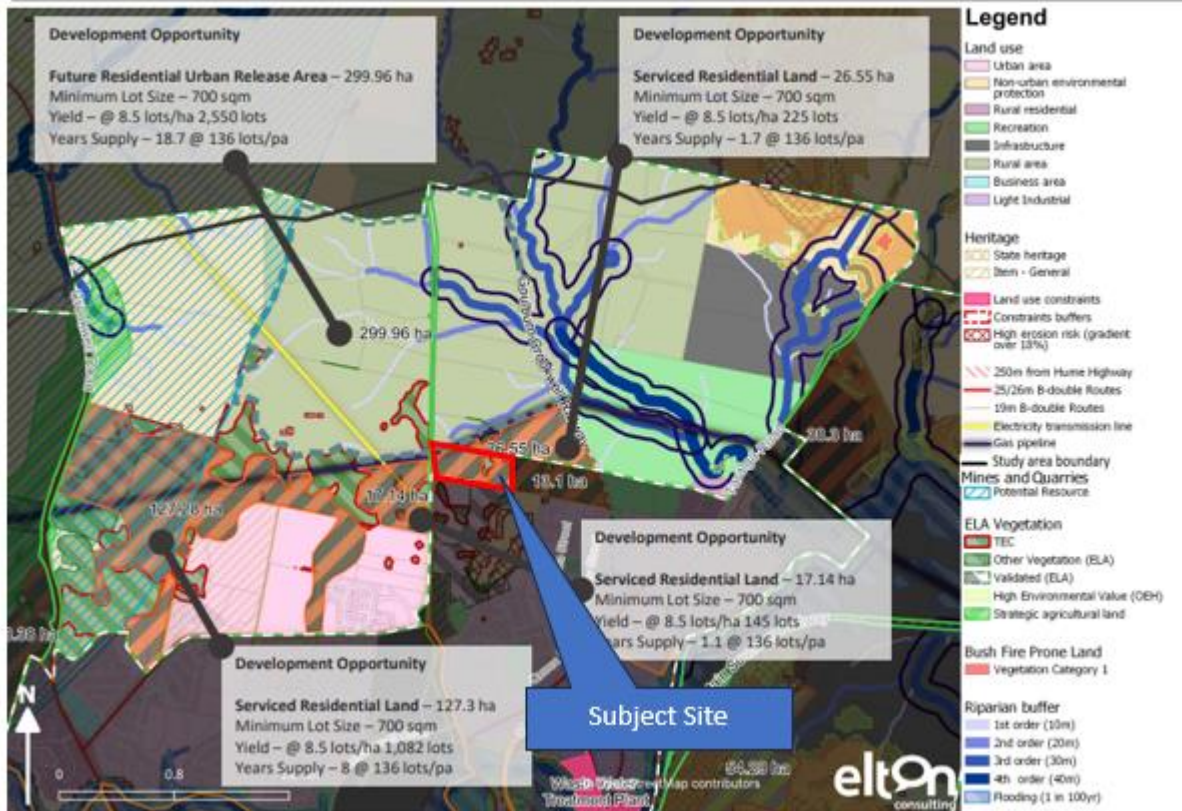
The subject site is located within Precinct 6 Middle Arm (East) of the [Urban and Fringe Housing Strategy](#), as illustrated in [Figure 4](#). The subject site falls within an “opportunity” area for urban residential development.

This planning proposal is seeking R2 Low Density Residential rezoning over most of the site with a 700m² minimum lot size accompanied by a RE1 Public Recreation Zone for land affected by overland flows and easements for significant infrastructure. The planning proposal is consistent with the Goulburn Mulwaree *Urban and Fringe Housing Strategy*.

Goulburn Mulwaree Council resolved to proceed with a planning proposal to amend *GM LEP* following the consideration of a report on this matter presented to Council on 19 December 2023, a copy of the Council Report and Resolution are available in **Appendix 3**.

Figure 4: Extract from Urban and Fringe Housing Strategy

5/6 - Middle Arm constraints and opportunities



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

The planning proposal to amend the RU6 Transition zoning and minimum lot size on the subject site to part R2 Low Density Residential with a 700m² minimum lot size and RE1 Public Recreation Zone, is the only means of achieving the intended outcome of extending the urban residential area as identified in the *Urban and Fringe Housing Strategy* given the current planning provisions which apply to the site.

Section B- Relationship to Strategic Planning Framework

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

3.3.1 South East and Tablelands Regional Plan

This planning proposal is consistent with the [South East and Tablelands Regional Plan](#) with particular regard to Directions 16 and 23 as detailed below:

Direction 16: Protect the coast and increase resilience to natural hazards.

The rural area of the Goulburn Mulwaree local government area primarily comprises a grassland landscape which is nearly entirely affected by bushfire prone land and, as such, cannot be avoided when providing rural residential lots. The subject site is category 3 (medium bushfire risk) landscape but this proposal is intended to facilitate

an residential precinct and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience.

An area constrained by overland flow flooding hazard is proposed to be rezoned as RE1 Public Recreation to limit development and ensure the impacts of flood prone land are avoided, as well as providing for the drainage and detention of water passing through the site. The identification of the most frequent and severe overland flow areas is derived from overland flow modelling undertaken concurrently with the [Goulburn Floodplain Risk Management Study and Plan](#) which implements the requirements of the [NSW Flood Risk Management Manual and Toolkit](#) and supported by the submitted Local Flood Overland Flow Study (**Appendix 4**). This approach seeks to incorporate the best available hazard information into the zoning of the Local Environmental Plan which is consistent with current flood studies and floodplain risk management plans. The RE1 Public Recreation zoning is intended to manage the overland flow risk associated with the urban development of this precinct.

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

- Locating development away from known hazards wherever possible and mitigating against hazards where avoidance is not possible or practical.
- Implementing the requirements of the *NSW Floodplain Development Manual* (now the Flood Risk Management Manual and Toolkit) through the *Goulburn Floodplain Risk Management Study and Plan* and overland flow modelling and incorporate this available hazard information into the Local Environmental Plan as the RE1 Public Recreation Zone. This seeks to manage the risks of future residential growth in flood prone areas.

Direction 23: Protect the region's heritage

Direction 23 of the *South East and Tablelands Regional Plan* seeks to protect the regions heritage with particular regard to consulting with Aboriginal people to identify heritage values and to conserve heritage assets during the strategic planning stage.

The planning proposal site is located within a Potential Aboriginal Artefacts layer in Council's Aboriginal Heritage Study 2012. In response, the proponent has submitted an Aboriginal Cultural Heritage Assessment Report (**Appendix 5**). The Assessment has sought to identify potential heritage values on the site and has been prepared with engagement from the local Aboriginal Community. The assessment found no evidence of Aboriginal sites or objects within the subject land.

The closest item of European heritage to the site is the St. Patrick's Cemetery and Chapel at the intersection of Marys Mount Road and Middle Arm Road 700m to the south of the subject site. Given the topography of the area, the cemetery and chapel are not visible to or from the site. It should also be noted that whilst the area around the Chapel and Cemetery is currently undeveloped, it is zoned R2 Low Density Residential. Therefore, due to the lack of impact on the setting and the existing zoning around the item, it is considered that there are no impacts on European heritage arising from this proposal.

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

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

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

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

- Environment
- Economy
- Infrastructure
- Civic Leadership

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

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

The subject site is located within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect on water quality. The site is intended to be connected to Council's reticulated water and sewer network. This planning proposal has sought to protect waterways and catchments by rezoning overland flow corridors as RE1 Public Recreation Zone to reduce development potential and improve water quality outcomes. The ability of the planning proposal to achieve a neutral or beneficial outcome on water quality has been demonstrated through the Water Cycle Management Study submitted with the planning proposal. This planning proposal is consistent with Environment Strategy EN3.

The planning proposal recognises and seeks to protect areas of built and cultural heritage through the Aboriginal Cultural Heritage Due Diligence Assessment (**Appendix 5**). No impacts have been identified to Aboriginal cultural heritage and the heritage values of the St Patrick's Cemetery and Chapel are safeguarded through distance (due to the topography, as it is not visible from the site) and current GM LEP 2009 listing. This planning proposal is consistent with Our Community Strategy CO4.

The land has historically been cleared for agriculture and is currently used for cattle grazing. Small groups of remnant native trees occur in paddock areas in the eastern half of the property. A row of native trees has been planted along the existing access road. Grassland areas are almost entirely exotic, with no part of the subject land included on the Biodiversity Values Map. The BOS area of clearing threshold for the land is 0.5ha. The extent of impact on native vegetation would be 0.84 hectares. The project would exceed the area threshold.

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 part of this TEC. This TEC is listed to be at risk of Serious And Irreversible Impact (SAIL). The Biodiversity Development Assessment Report (BDAR) submitted with the application identifies proposed mitigations. These will be discussed in further detail in Section 3.6.4 of this report. It is considered that this component of the Proposal is also compliant with Our Community Strategy CO4 and with Environment Strategy EN1. No single area of biodiversity however was identified as being significant enough to warrant a conservation zoning. Given the level of degradation on the site the mitigations identified in the BDAR are considered appropriate for implementation at the development application phase of the planning process. No significant areas of native vegetation were identified for further protection via an environmental zoning.

This planning proposal is intended to facilitate the development of land for future urban residential development in accordance with the recommendations of the *Urban and Fringe Housing Strategy*. The site is contiguous with existing residentially zoned land to the south and is relatively free of constraints. The site can be serviced by road, water and sewer infrastructure and is near Goulburn's concentration of employment services and facilities. This planning proposal is consistent with Environment Strategy EN4.

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

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

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

The LSPS includes **Planning Priority 4- Housing** which establishes the principle that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure. It also highlights that a key land use challenge is to meet the housing supply and type required for a growing population. A primary action in meeting this challenge is the implementation of the *Urban and Fringe Housing Strategy* which sets out housing growth areas.

This planning proposal seeks the rezoning of an area of RU6 Transition Zoned area of land identified in Precinct 6 of the *Urban and Fringe Housing Strategy* for R2 Low Density Residential development. This site is contiguous with the existing R2 Low Density Residential Zone extent along Middle Arm Road (which formed a part of the earlier Marys Mount Urban Release Area from 2009). This precinct forms one of 20 precincts identified for residential growth focused in and around the Goulburn urban area. This proposal ensures Goulburn remains the focus of housing growth and seeks

to implement recommendations in the *Urban and Fringe Housing Strategy*. This planning proposal is consistent with Planning Priority 4- Housing.

The LSPS includes **Planning Priority 8: Natural Hazards** with a vision to identify, plan for and mitigate natural hazards where possible. The two central natural hazards potentially affecting the subject site are bushfire and overland flow flooding.

The subject site is identified as category 3 (medium bushfire risk) landscape but this proposal forms one part of a wider future urban residential precinct and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience. The Goulburn Mulwaree Development Control Plan (DCP) also includes provisions relating to bushfire controls. Areas of flood inundation have been identified through overland flow modelling, alongside the submitted Local Flood Overland Flow Study and planned for through appropriate zoning of flood prone land. This planning proposal is consistent with Planning Priority 8: Natural Hazards.

The LSPS includes **Planning Priority 9: Heritage** which has a vision that cultural heritage is conserved, actively adapted for use and celebrated. It also includes planning principles to protect and conserve heritage items and ensure the preservation of Aboriginal heritage and culture both at the strategic and development assessment stages.

The site is not within proximity (or within the visual setting) of a heritage item, the closest item being the St Patrick's Cemetery and Chapel which is not visible due to the topography. The Aboriginal Cultural Heritage Assessment Report did not find any evidence of Aboriginal sites and objects and was undertaken in consultation with the Pejar Local Aboriginal Land Council.

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

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

As previously noted, the land has historically been cleared for agriculture and is currently used for grazing cattle (extensive agriculture). Small groups of remnant native trees occur in paddock areas in the eastern half of the property. A row of native trees has been planted along the existing access road. Grassland areas are almost entirely exotic, with no part of the subject land included on the Biodiversity Values Map. The BOS area of clearing threshold for the land is 0.5ha. The extent of impact on native vegetation would be 0.84 hectares. The project would exceed the area threshold.

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, Southeastern 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 (SAIL). The Biodiversity Development Assessment Report submitted with the application identifies proposed mitigations. These will be discussed in further detail in Section 3.6.4 of this report.

The site is within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect (NorBE) on water quality. This planning proposal has sought to protect waterways and catchments by zoning water courses RE1 Public recreation and ensuring connectivity to Council's reticulated sewer system. Compliance with the NorBE will also need to be demonstrated during the development application phase for any future subdivision.

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

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

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

The subject site is directly identified in the [Urban and Fringe Housing Strategy](#) (UFHS) as an urban release area in the Middle Arm Precinct, as illustrated in [Figure 4](#).

The *UFHS* therefore identifies the precinct as suitable for urban residential development subject to relevant site-specific environmental assessments and approval processes.

The proposal to rezone and amend the minimum lot size for this site is consistent with the recommendations of the *Urban and Fringe Housing Strategy*.

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

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

Chapter 6.5 of this State Environmental Planning Policy (SEPP) applies to land within the Sydney drinking water catchment, as such this SEPP applies. This SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. It identifies the aims of the SEPP as follows:

- a) To provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and
- b) To provide for development in the Sydney drinking water catchment to have a neutral or beneficial effect on water quality.

Comment: The site is in a location which is proposed to be serviced by Goulburn's reticulated water and sewage system and is contiguous to the current zone extent of the R2 Low Density Zone along Middle Arm Road.

The proposal seeks the rezoning to facilitate a residential subdivision of approximately 93 lots as identified in the proponent's concept subdivision plan.

The subject 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. The head of the centre drainage line commences from the overflow path of a small sized dam within the neighbouring property to the south and follows a natural but rather

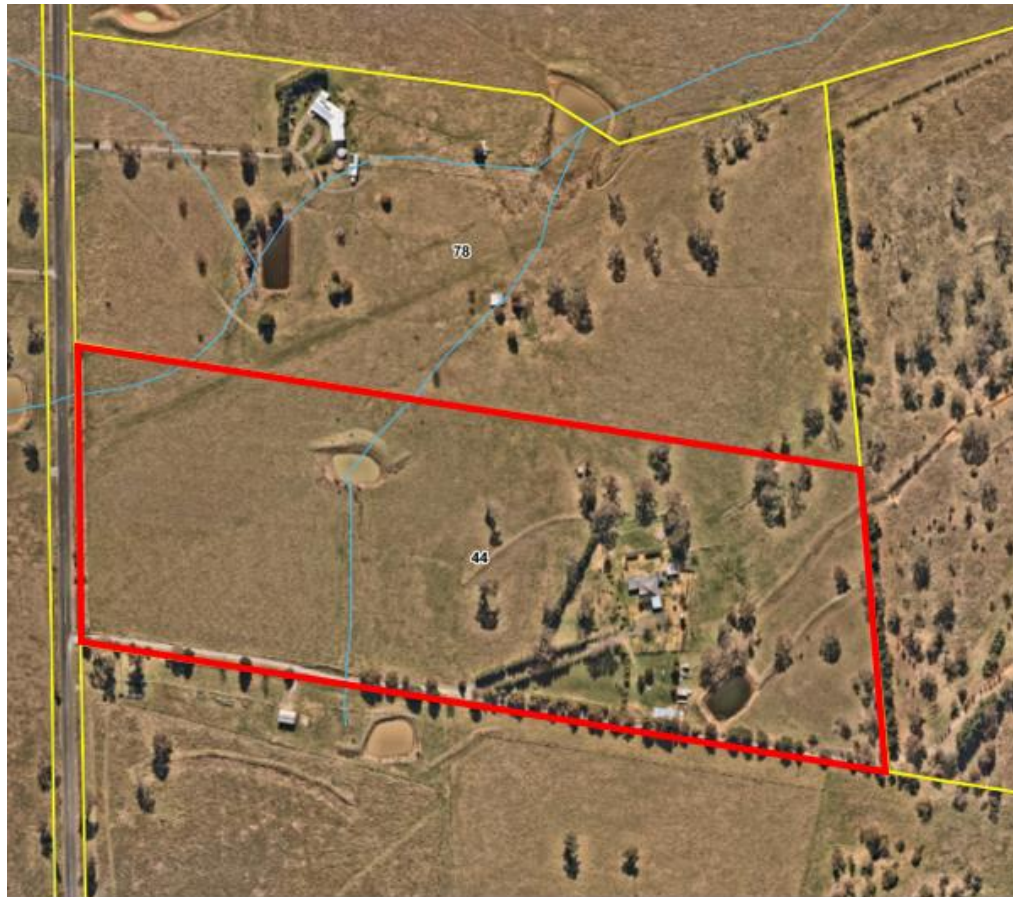
broad depression through the development site – eventually draining into a small and shallow dam near to the northern boundary. Overflow from this dam continues along the defined drainage depression and discharges into the neighbouring property to the north.

The second drainage depression enters the development site approximately 50 metres south of the northwest corner post along the western boundary. This drainage line commences in the adjoining lands on the western side of the Middle Arm Road traffic corridor and after surface water runoff associated with the catchment passes through a series of dams it passes under the roadway via three 750mm diameter concrete pipes. Surface water that passes through the piped culverts enters the site and flows diagonally along the alignment of the natural gas pipeline easement and before exiting along the northern boundary and draining into a dam within the neighbouring property to the north. The two identified drainage depressions are essentially separate from each other and do not merge until much further north of the development site.

There is a second dam within the development property located in the higher southeast quarter. This dam is not associated with any defined or mapped drainage system however it does serve the purpose of collecting surface water runoff from upslope sources to the east and southeast and preventing it from directly flowing across the residential precinct within the site. Along the eastern half of the property's southern boundary a drainage channel has been formed between the edge of the access carriageway and the boundary fence line. This channel intercepts surface water runoff originating from the southeast and there are two 300mm diameter piped culverts spaced approximately 75 metres apart under the carriageway that direct some of the runoff into the dam. Flows within the drainage channel that bypass the drainage culverts simply continues along the southern boundary to the west where eventually the channel ceases and thereafter becomes broad overland flow across the carriageway near to where the formation forks and services the existing dwelling. This flow merges with the overflow from the dam to the south.

Figure 5 illustrates the location of drainage channels and dams in relation to the subject site.

Figure 5: Location of Drainage Channels and Dams



Further detail on flooding and overland flow is provided in

3.6.7 Direction 4.1 Flooding.

Areas of flood prone land are proposed to be rezoned as RE1 Public Recreation to prevent development of the corridor and to provide for the drainage of water across the site.

The proponent has submitted a concept plan (**Appendix 2**) to demonstrate the proposal's ability to accommodate the proposed development whilst meeting water quality requirements.

The proponent has also submitted a Water Cycle Management Study (**Appendix 6**) and Music Model Assessment. The Music Model Assessment indicated that a neutral or beneficial effect on water quality can be achieved for the proposed development.

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

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

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

3.5.2 State Environmental Planning Policy (Primary Production) 2021

The aims of this State Environmental Planning Policy are to:

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

Comment: The *Urban and Fringe Housing Strategy* considered the significance of primary production when determining suitable opportunity areas for housing growth in the local government area. The Strategy focuses more than 80% of the anticipated housing growth up to 2036 in and directly adjacent to the urban areas of Marulan and Goulburn with most lots prescribed a 700m² minimum lot size and infill areas identified in and around the Goulburn CBD. This seeks to concentrate the majority of growth in existing service centres with only a relatively small volume of growth planned as larger lot rural residential developments. This strategy facilitates the orderly development of rural land; minimising sterilisation of rural land for primary production to those areas closest to urban service centres whilst enabling a variety of residential development types to meet demand.

The subject site has limited coverage of native vegetation, is considered highly disturbed and has low biodiversity value.

The subject site is not impacted by State Significant Agricultural land as illustrated in [Figure 6](#).

Figure 6: State Significant Agricultural Land Map



The proposal urban residential development on the site and does not encourage sustainable agriculture, aquaculture or oyster aquaculture (as these additional land uses are not consistent with the proposed residential zoning).

This planning proposal is not inconsistent with the aims of this SEPP in that it is consistent with a housing strategy which has centralised residential development on existing centres and services.

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

The object of this policy is:

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

The subject site is not identified on the Council's local contaminated land register nor identified as significantly contaminated land by the Environment Protection Authority (EPA). However, past agricultural activities on the site are listed as a potentially contaminating use within Table 1 of the *contaminated land planning guidelines*.

A preliminary and detailed contamination assessment has been submitted for the site, with the detailed assessment including a remedial action plan (**Appendix 12**). Contamination of the site is likely limited to the existing house and garage (asbestos, lead paint etc.) and sheds (chemicals, herbicides, glyphosate etc.). The remedial action plan addresses the ongoing requirements pre and post demolition for these existing structures. The detailed report states:

"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."

This planning proposal has assessed the potential for contamination on the subject site and remedial requirements have been identified. Council can add this property to its property/mapping system in relation to the contamination found. Conditions of any future consent would need to address these remediation requirements.

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

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

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

3.6.1 Direction 1.1 Implementation of Regional Plans

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

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

3.6.2 Direction 1.3 Approval and Referral Requirements

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

When this direction applies a planning proposal must:

- a. Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- b. Not contain provisions requiring concurrence, consultation or referral to a minister or public authority unless the relevant planning authority has obtained the approval of:

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

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

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

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

3.6.3 Direction 1.4 Site Specific Provisions

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

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

This planning proposal seeks the rezoning and minimum lot size amendment of the subject site to part R2 Low Density Residential to enable dwelling entitlements in an area identified for development in the *Urban and Fringe Housing Strategy*. Dwellings are a permissible use within the R2 Low Density Residential zone and no development standards or requirements are proposed in addition to those already contained in the zone and in the *Goulburn Mulwaree Local Environmental Plan, 2009*.

3.6.4 **Direction 3.1 Conservation Zones**

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

This Direction requires:

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

The site has been identified for urban development in Council's *Urban and Fringe Housing Strategy* as it is contiguous to the existing residential zone boundary and is serviceable with Council's reticulated water/sewer system. This area is intended to be a future residential precinct. A Biodiversity Development Assessment Report (BDAR) has been submitted in support of the proposal (**Appendix 7**).

As previously noted, the land has historically been cleared for agriculture and is currently used for cattle grazing. Small groups of remnant native trees occur in paddock areas in the eastern half of the property. A row of native trees has been planted along the existing access road. Grassland areas are almost entirely exotic, with no part of the subject land included on the Biodiversity Values Map. The BOS area of clearing threshold for the land is 0.5ha. The extent of impact on native vegetation would be 0.84 hectares. The project would exceed the area threshold.

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, Southeastern 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). The Biodiversity Development Assessment Report submitted with the application identifies proposed mitigations.

The following contains relevant extracts of Council's Environment and Biodiversity Officer's assessment of the submitted Preliminary Biodiversity Assessment Report (BDAR):

The BAM [Biodiversity Assessment Method] appears to have been applied correctly. The BDAR has been prepared following BAM guidelines for Part 4 Developments – (Small Area). Desktop and field surveys have been adequate.

Surveys have confirmed presence of PCT [plant community type] 3376 Southern Tableland Grassy Box Woodland on the land, and the extent of this plant community is mapped in Figure 3 of the report.

The ground cover layer has been modified by agricultural practices and almost entirely replaced by exotic pasture species and weeds. The plant community on the site is largely represented only by scattered remnant canopy trees, which include mostly Yellow Box Eucalyptus melliodora, Blakely's Red Gum Eucalyptus blakelyi and some Cabbage Gum Eucalyptus amplifolia. Ordinary Council Meeting Agenda 19 December 2023 Item 16.4 Page 102

There is a strip of planted Paddy's River Box Eucalyptus macarthurii along the main driveway, which comprises a private road located on the southern boundary, that also provides access to the adjoining property on the eastern side of the land.

Although no parts of the land are marked on the Biodiversity Values Map, entry into the BOS [Biodiversity Offsets Scheme] is triggered as the proposed activity will require removal of approximately 0.66 hectares of PCT 3376 and this exceeds the area clearing threshold of 0.5 hectares. Note also, even if the area clearing threshold is not exceeded, the presence of a CEEC [critically endangered ecological community] and proposal to remove this, even if in a highly degraded state, would be considered to be likely to be a significant impact on the local occurrence of the community and would also trigger entry into the BOS.

Site inspection by Brian Faulkner (GMC Environment and Biodiversity Assessment Officer) on Tuesday 5/09/2023 has confirmed that the vegetation on the site, and its condition, has been assessed and identified correctly. The findings of the Preliminary BDAR are broadly supported.

However, it is noted that the report is a preliminary BDAR that has not been finalised and that it will require review and finalisation prior to approval of the proposed subdivision.

This may require some changes to the outcomes of the BDAR if threatened species listings change, relevant legislation changes, or if further surveys/updated records show presence of any threatened species not recorded previously.

The submitted assessment has been verified as being accurate and reflective of existing conditions on the site. It is considered that there is no significant constraint on the further development of this site due to biodiversity. However, it is noted that the BDAR submitted is draft and that the mitigations identified would largely be applied during the development application (DA) phase. The level of mitigations offered in the BDAR are commensurate with the overall degraded state of the site. No highly significant areas of vegetation have been identified within the site, so accordingly no zoning provisions are identified as being required.

It is considered that the planning proposal is consistent with this Ministerial Direction as there is no identified significant vegetation requiring specific provisions in this instance.

3.6.5 Direction 3.2 Heritage Conservation

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

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

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

European Cultural Heritage

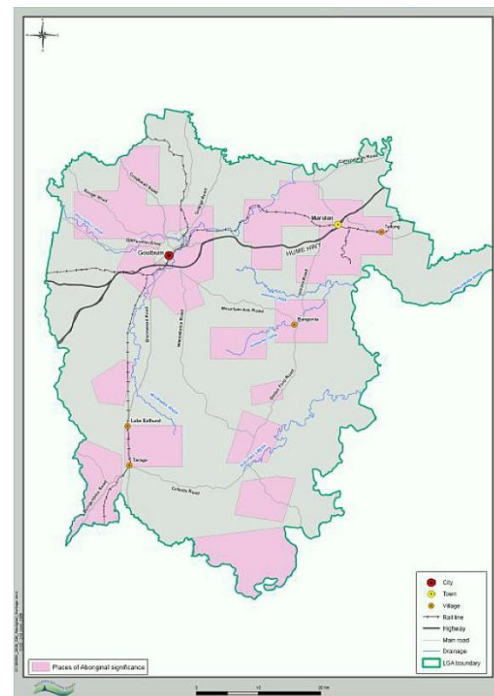
Comment: There are no European cultural heritage items included within the site boundary with the closest heritage item being St. Patrick's Cemetery and Chapel which is located 700m to the south of the site. The topography does not provide for any view to or from the heritage item to the subject site. The proposal has no identifiable impact on European heritage significance in the Middle Arm Precinct and the proposal is consistent with Direction 3.2 in relation to European heritage.

Aboriginal Cultural Heritage

The subject site is located within an area mapped as a place of potential Aboriginal significance within the *Goulburn Mulwaree Development Control Plan (DCP)*. This map, illustrated in **Figure 7** was produced in consultation with the Pejar Land Aboriginal Land Council and highlights areas with potential for Aboriginal sites and/or objects. The subject site's location within an area identified as potentially significant indicates the potential discovery of Aboriginal finds.

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

Figure 7: Places of Aboriginal Significance



The Planning Proposal is supported by an Aboriginal Cultural Heritage Assessment (ACHAR) prepared in consultation with the Pejar Local Aboriginal Land Council (**Appendix 5**). The ACHAR concludes:

The proponent has engaged Black Mountain Projects Pty Ltd and sought advice under the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011) to understand whether the proposed activity on the subject land has the

potential to harm Aboriginal objects or values protected under the NSW National Parks and Wildlife Act (1974).

This assessment has:

- *Found no evidence of Aboriginal sites and objects within the subject land.*
- *Assessed the subject land as comprising disturbed land under the meaning of clause 80B relating to section 87(4) of the NPW Act.*
- *Assessed the subject land as having low archaeological potential to contain Aboriginal sites and objects. Without land disturbance, potential could have been higher on the land.*

The planning proposal has considered Aboriginal cultural heritage through the Aboriginal Cultural Heritage Due Diligence Assessments with no impacts identified.

A site inspection was undertaken by Council's Environment and Biodiversity Officer who noted:

During the site inspection it was noted that some of the larger remnant trees on the site had obvious trunk scars and that these trees had the potential to be Aboriginal Scar Trees. However, reference to the Aboriginal Cultural Heritage Assessment Report submitted to support the proposed activity by Black Mountain Projects Heritage Consultants (May 2023), found that all such trees on the site have been clearly identified and assessed, in conjunction with Pejar Aboriginal Land Council.

Assessment has determined that the trees are not Aboriginal Scar Trees and that the scarring is not due to Aboriginal cultural practices. No evidence of other archaeological sites were observed by Council officers during the inspection.

The planning proposal is consistent with Direction 3.2 Heritage Conservation.

3.6.6 Direction 3.3 Sydney Drinking Water Catchments

The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment which includes Goulburn Mulwaree.

This Direction requires:

1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
 - a. New development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and
 - b. Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
 - c. The ecological values of land within a Special Area should be maintained
2. When preparing a planning proposal, the planning proposal authority must:
 - a. Consult with Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
 - b. Ensure that the proposal is consistent with Chapter part 6.5 of chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and

- c. Identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and
- d. Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by Water NSW, and
- e. Zone land within the Special Areas generally in accordance with the following:

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

and,

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

The subject site is within the Sydney drinking water catchment, as such this Direction applies. The site is not within a Special Area as identified in the Direction.

The Strategic Land and Water Capability Assessment Map (for residential sewered lots) identifies a generally low risk for the site except around the identified water courses and on an elevated area to the in the south eastern corner of the site **Figure 8.**

Figure 8: Water NSW - Strategic Land and Water Capability Assessment



The site is in a location which is proposed to be serviced by Goulburn's reticulated water and sewage system and is contiguous to the current zone extent of the R2 Low Density Zone along Middle Arm Road.

The proposal seeks the rezoning to facilitate a residential subdivision of approximately 93 lots as identified in the proponent's concept subdivision plan.

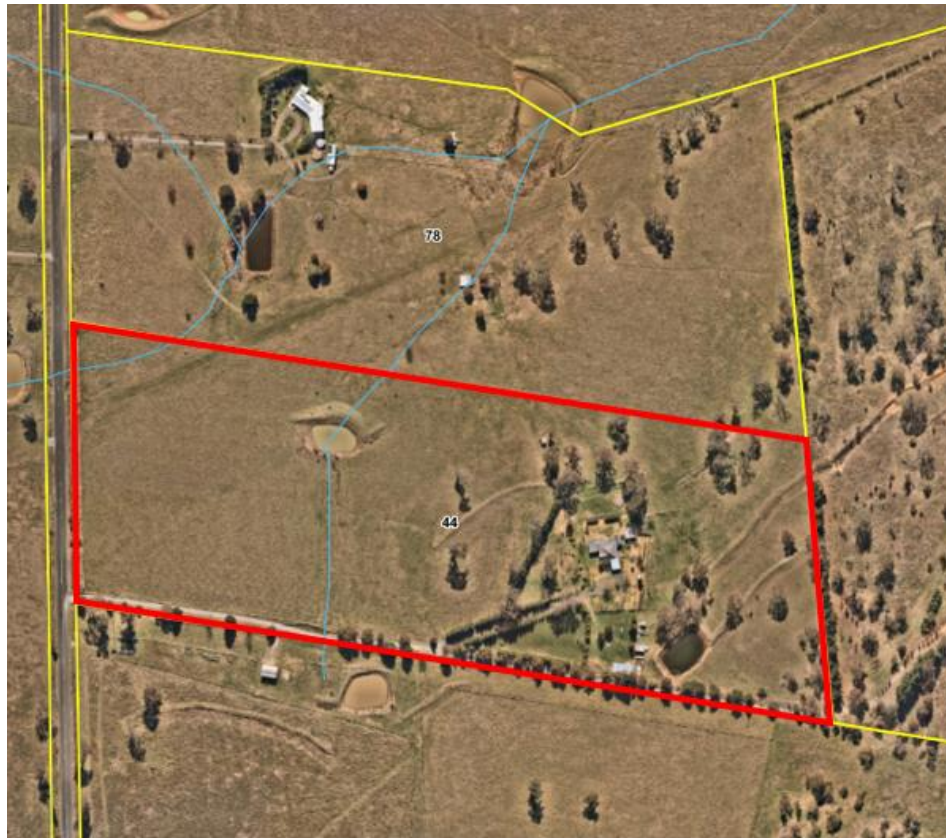
The development property is burdened by two defined drainage corridors; one that travels south – north through the central portion of the site, and the other that flows diagonally across the northwestern corner – just to the north of the high-pressure gas supply lines. The head of the central drainage line commences from the overflow path of a small sized dam within the southern neighbouring property and follows a natural

but rather broad depression through the development site – eventually draining into a small and shallow dam near to the northern boundary. Overflow from this dam continues along the defined drainage depression and discharges into the neighbouring property to the north.

The second drainage depression enters the development site approximately 50 metres south of the northwest corner post along the western boundary. This particular drainage line commences in the adjoining lands on the western side of the Middle Arm Road traffic corridor and after surface water runoff associated with the catchment passes through a series of dams it passes under the roadway via three 750mm diameter concrete pipes. Surface water that passes through the piped culverts enters the site and flows diagonally along the alignment of the natural gas pipeline easement and before exiting along the northern boundary and draining into a dam within the neighbouring property to the north. The two identified drainage depressions are essentially separate from each other and do not merge until much further north of the development site.

There is a second dam within the development property located in the elevated southeast quarter. This dam is not associated with any defined or mapped drainage system however it does serve the purpose of collecting surface water runoff from upslope sources to the east and southeast and preventing it from directly flowing across the residential precinct within the site. Along the eastern half of the property's southern boundary a drainage channel has been formed between the edge of the access carriageway and the boundary fence line. This channel intercepts surface water runoff originating from the southeast and there are two 300mm diameter piped culverts spaced approximately 75 metres apart under the carriageway that direct some of the runoff into the dam. Flows within the drainage channel that bypass the drainage culverts simply continues along the southern boundary to the west where eventually the channel ceases and thereafter becomes broad overland flow across the carriageway near to where the formation forks and services the existing dwelling. This flow merges with the overflow from the dam to the south. [Figure 9](#) illustrates the location of drainage channels and dams in relation to the subject site.

Figure 9: Location of Drainage Channels and Dams



Further detail on flooding and overland flow is provided in

3.6.7 Direction 4.1 Flooding.

Areas of flood prone land are generally proposed to be rezoned as RE1 Public Recreation to prevent development of the corridor and to provide for the drainage of water across the site. There are some minor variations to the extent of the flood mapping and RE1 zone extents which can be realigned to be consistent subject to future earthworks, drainage road works associated.

The proponent has submitted a concept plan (**Appendix 2**) to demonstrate the proposal's ability to accommodate the proposed development on site whilst meeting water quality requirements.

The proponent has also submitted a Water Cycle Management Study (**Appendix 6**) which undertakes a Music Model Assessment. The Music Model Assessment indicated that a neutral or beneficial effect on water quality can be achieved for the proposed development.

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

The site falls within the study area of the adopted [Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study) and is not affected by riverine/major

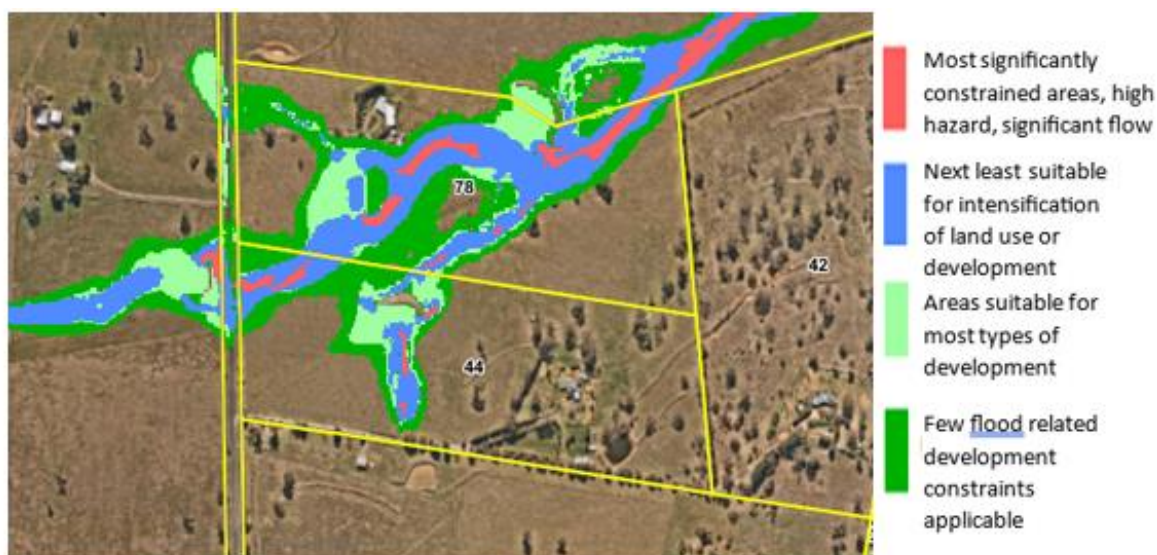
tributary flood inundation. The presence of the drainage channels on the subject site does however indicate impacts from overland flow.

The overland flow modelling, illustrated in **Figure 10**, identifies overland flow inundation along the existing drainage lines up to and including Probable Maximum Flood events. These areas are proposed to be zoned RE1 Public Recreation to prevent these areas from being developed and to facilitate the movement of water across the site.

Further information on flooding is provided in

3.6.7 Direction 4.1 Flooding

Figure 10: Overland Flow Mapping



This Direction requires a planning proposal to be prepared with the general principle that water quality must be protected and requires new development to have a neutral or beneficial effect (NorBE) on water quality.

The proponent has sought to demonstrate how the proposal is able to achieve this standard through the concept plan, Water Cycle Management Study and Music Model Assessment.

The concept plan (**Appendix 1**) and **Figure 11** below, illustrates proposed lots, access roads, easements, stormwater detention facility and landscaped areas, which includes the decanting and filling of the two existing farm dams and demolition of the existing built structures.

Figure 11: Concept Plan

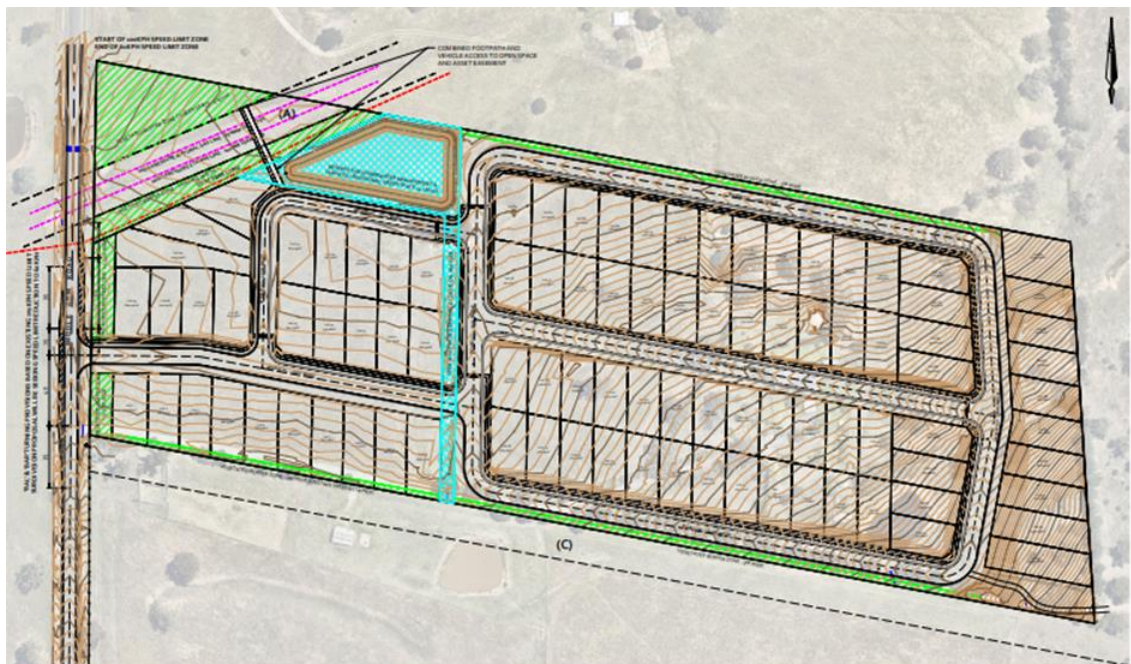


Figure 12 illustrates the application of the RE1 Public Recreation Zone to flood prone land based upon the concept subdivision layout. This reinforces the proposals' ability to generally avoid areas of overland flow via using existing easements, creation of a new drainage easement, open space, and an area for a future stormwater detention facility.

The RE1 Public Recreation Zone facilitates the movement of water south to north via the existing non perennial water course and provision for the water course crossing the north western corner of the site. It is considered that where current flood extents go beyond the proposed zone boundaries that these areas can be aligned through the development application process subject to earthworks and formalisation of the drainage systems.

Figure 12: Proposed RE1 Zone (extent in red) and Flood Prone Land



Council utilities such as reticulated water supply, gravity sewer, and interallotment stormwater drainage presently do not extend to the holding, however a future subdivision of the land would seek to extend the reticulated water to the site, whilst gravity sewer and interallotment stormwater drainage would also be provided.

A Water Cycle Management Study (WCMS) considering future connection to Council's reticulated water and sewer systems has been submitted in support of the proposal (**Appendix 6**). The WCMS is based upon the concept residential subdivision plan submitted with the proposal.

The WCMS found 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."

It should be noted that any future development application for subdivision will require further detailed assessment and design information to satisfy the Neutral or beneficial effect test (NorBE).

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

- Demonstrated consistency with Chapter 6 (part 6.5) of the Biodiversity and Conservation SEPP
- considers a Strategic Land and Water Capability Assessment provided by Water NSW.
- Consultation with Water NSW has been undertaken pre- gateway and advice provided (dated 12 April 2024) incorporated in the amended planning proposal (Gateway Version).

3.6.7 Direction 4.1 Flooding

The objectives of this Direction are to:

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

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

1. This Direction requires a planning proposal to include provisions that give effect to and are consistent with:
 - The NSW Flood Prone Land Policy,
 - The principles of the Floodplain Development Manual 2005,
 - The Considering flooding in land use planning guideline 2021, and
 - 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, Employment, Mixed use, W4 Working waterfront 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.

Consistency

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

- a) The planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the *Floodplain Development Manual 2005*, or

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

Comment:

[The Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study) was adopted by Council on 16 August 2022 and has been developed in collaboration with the Department of Planning and Environment- Environment, Energy and Science. The Flood Study was prepared by GRC Hydro. The Flood Study was prepared in accordance with and is consistent with:

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

The study area includes the subject site but only models the extent of riverine and major tributary flooding. This site is not identified as being subject to riverine flooding for any design event. The Flood Study also included a Development Control Policy which applies controls to both flood prone land within the Flood Study boundaries and areas outside the scope of the Study.

The Flood Study and DCP flood policy implements Flood Planning Constraint Categories (FPCC) which groups similar types and scales of flood related constraints. Four FPCC's have been established to separate areas of the floodplain from the most constrained and least suitable areas for intensification of land use. The FPCC's are presented in Figure 13 below:

Figure 13: Flood Planning Constraint Categories

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

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

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

However, as an interim measure, Council commissioned overland flow modelling. This modelling utilised the same data and methodology as the riverine flood modelling and mapping within the Flood Study. This has resulted in a mapping layer which illustrates the location and likely extent of overland flow flooding and the relative risk to life and property. The overland flow mapping also includes Flood Planning Constraint Categories which have been identified by the same consultant who prepared the Flood Study (GRC Hydro). This modelling is currently used to inform Council as to potential for flooding and flood risk beyond riverine areas.

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

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

Direction 4.1 Flooding

Applicability of Direction 4.1

The site is located immediately to the north of the Goulburn Urban Area as currently zoned and approximately 2km north of the Wollondilly River. A non-perennial drainage channel runs vertically across the centre of the site (south – north) with another non-perennial channel which runs diagonally across the northwest corner of the site.

Figure 14: Location of Drainage Channels



Figure 14 illustrates the location of drainage channels in relation to the subject site.

The adopted [Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study) has assessed riverine flooding and associated risk in Goulburn. The extent of this study area includes the subject site which is not directly impacted by riverine flooding (due to its elevation). The site is included in the area where overland flow modelling has been undertaken as a separate project outside of the Goulburn Flood Study. It illustrates that portions of the site are inundated by overland flooding but this inundation generally aligns with the locations of the non-perennial water courses. Council's overland flow modelling would suggest that access within the site can be achieved to all lots where a proposed access road follows the southern boundary during each design event through to the probable maximum flood (PMF).

Figure 15: Extent of Goulburn Floodplain Risk Management Study and Plan

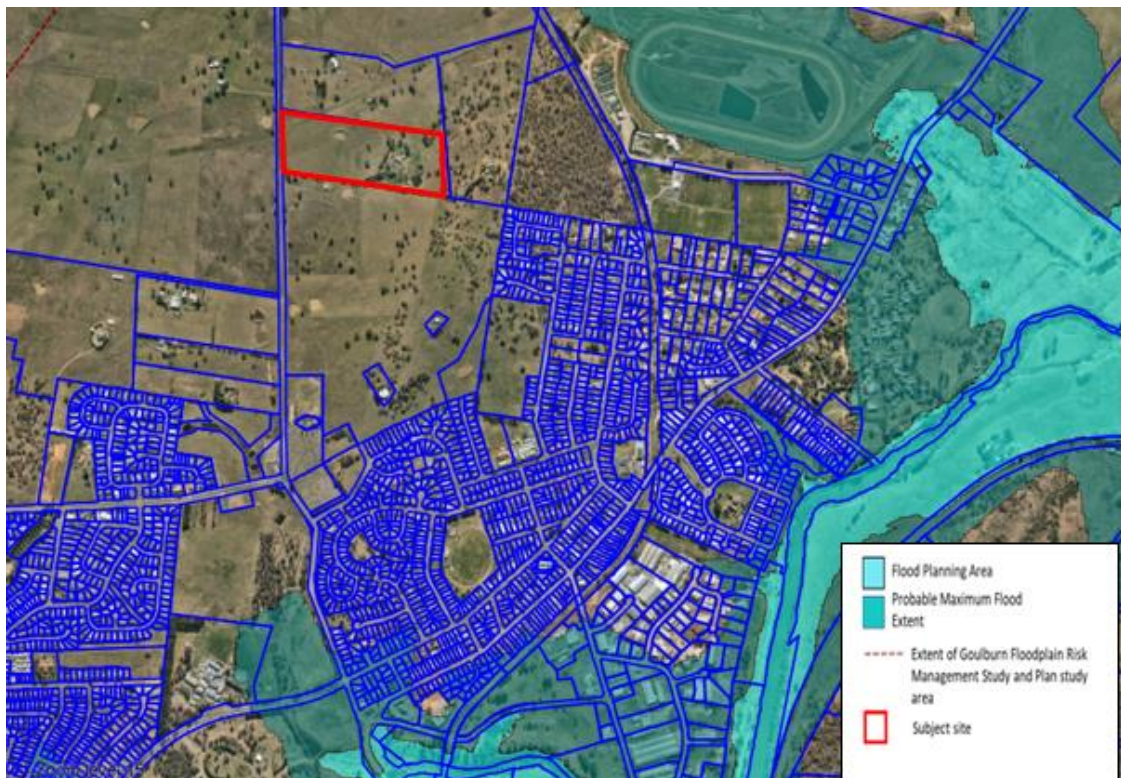
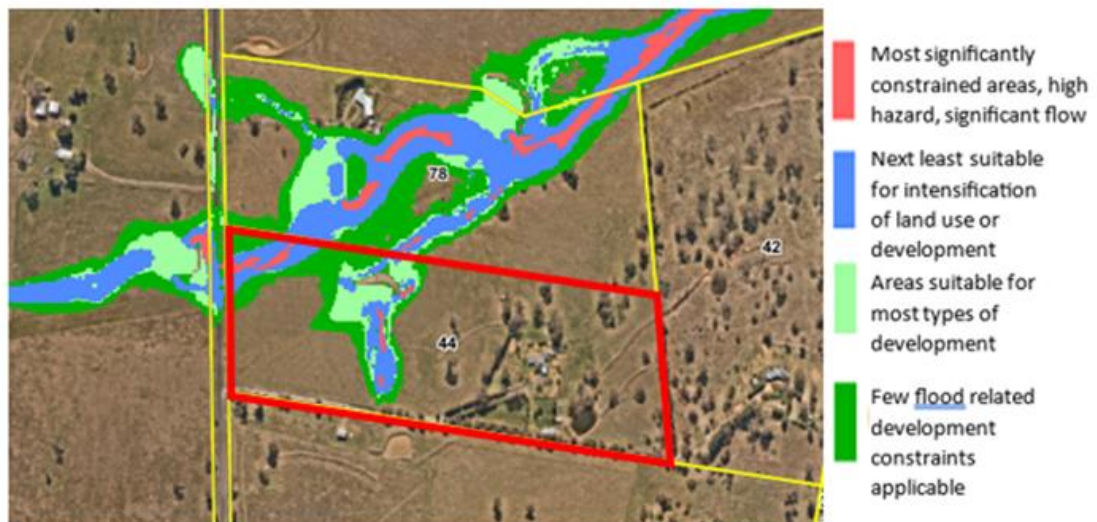


Figure 16: Extent of Flood Prone Land



The overland flow model, illustrated in [Figure 16](#), indicates that the identified drainage channels experience flood inundation.

A *Local Flood and Overland Flow Study* was submitted in support of the proposal which also models pre and post development overland flows ([Appendix 4](#)).

Council's Overland Flooding Modelling and the submitted Local Flood and Overland Flow Study's identification of the presence of overland flow inundation on site, suggests the subject site is flood prone and this Direction applies.

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

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

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

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

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

The policy requires:

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

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

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

and the following 10 principles for flood risk management:

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

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

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

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

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

A preliminary Flood Risk and Impact Assessment has been prepared by Council in support of this proposal (**Appendix 12**).

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

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

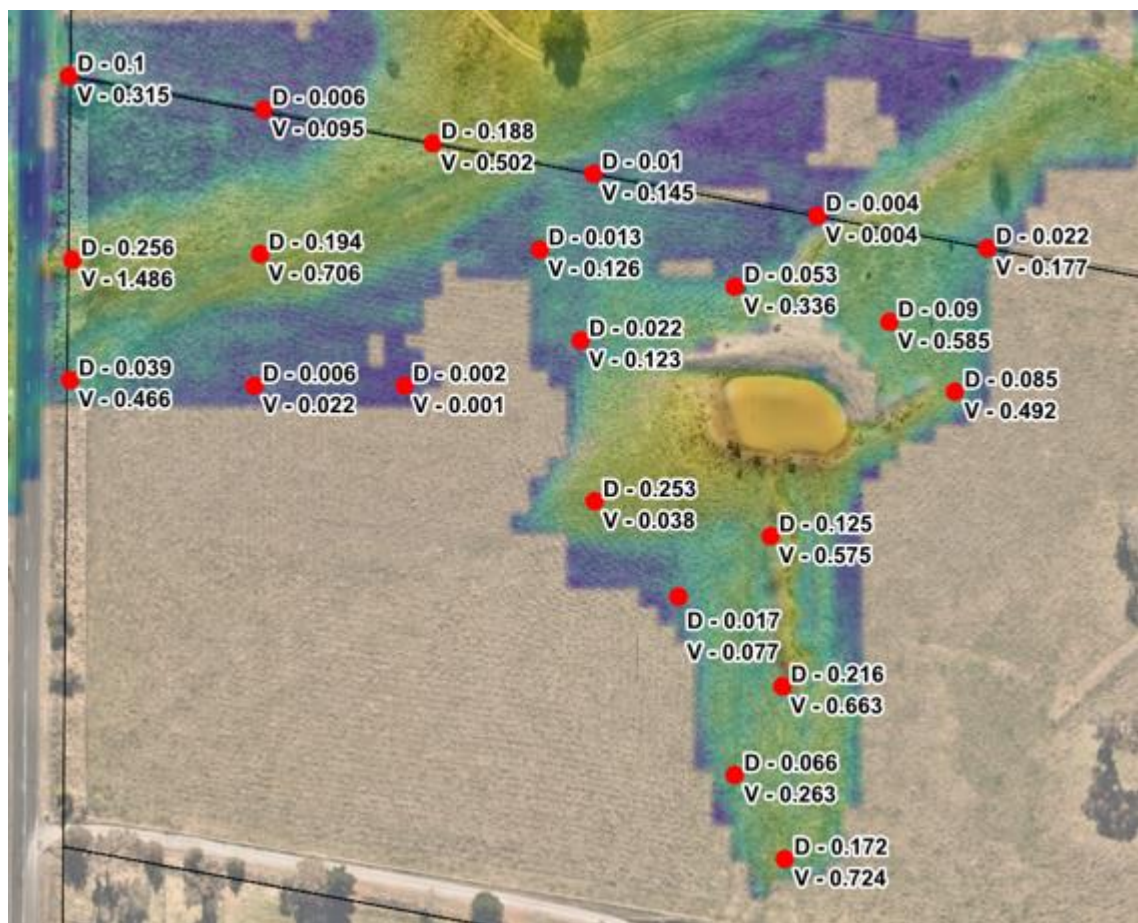
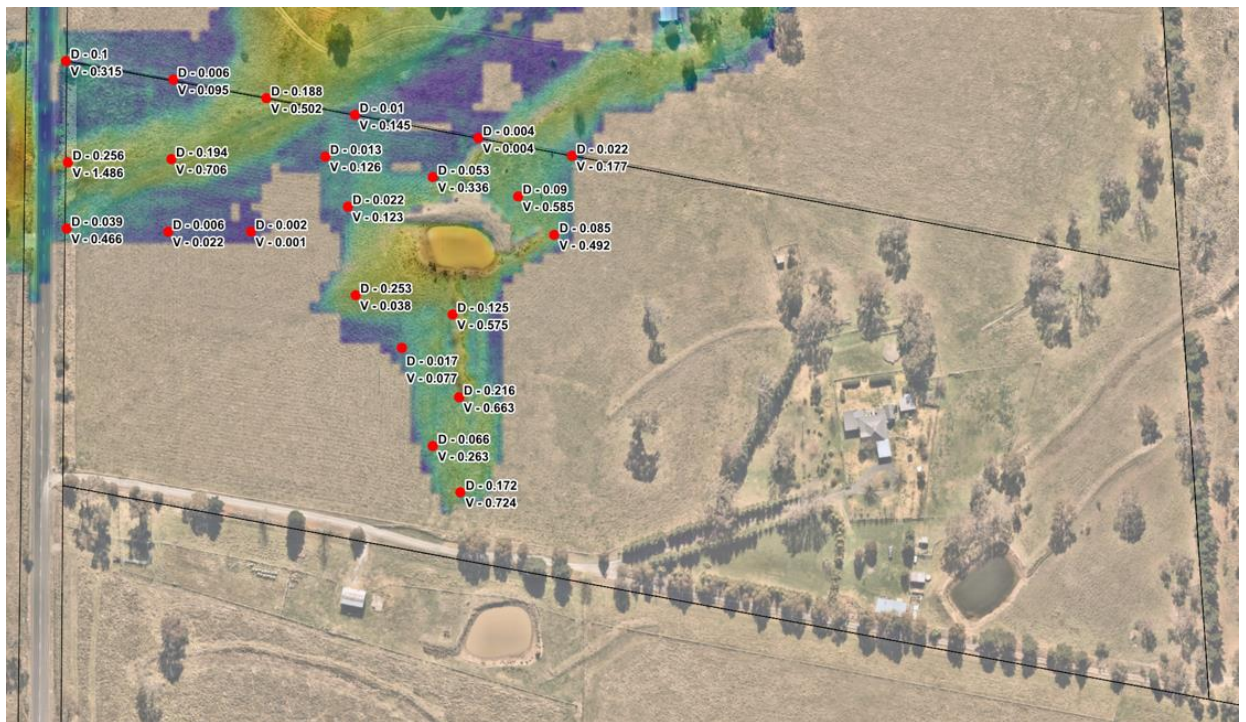
This planning proposal is seeking the rezoning of part of the existing RU6 Transition zoned site to a residential use. To ensure Direction 4.1(2) is satisfactorily addressed and flood prone land is not rezoned from rural to residential, generally the extent of overland flow inundation is proposed to be rezoned to RE1 Public Recreation based on a post development scenario, as illustrated in [Figure 17](#). The only exception is a sag point (naturally low and wide drainage depression) area located between the drainage lines and in the vicinity of the existing dam.

Figure 17: Proposed RE1 Zoning and Flood Prone Land (FPCC Categories)



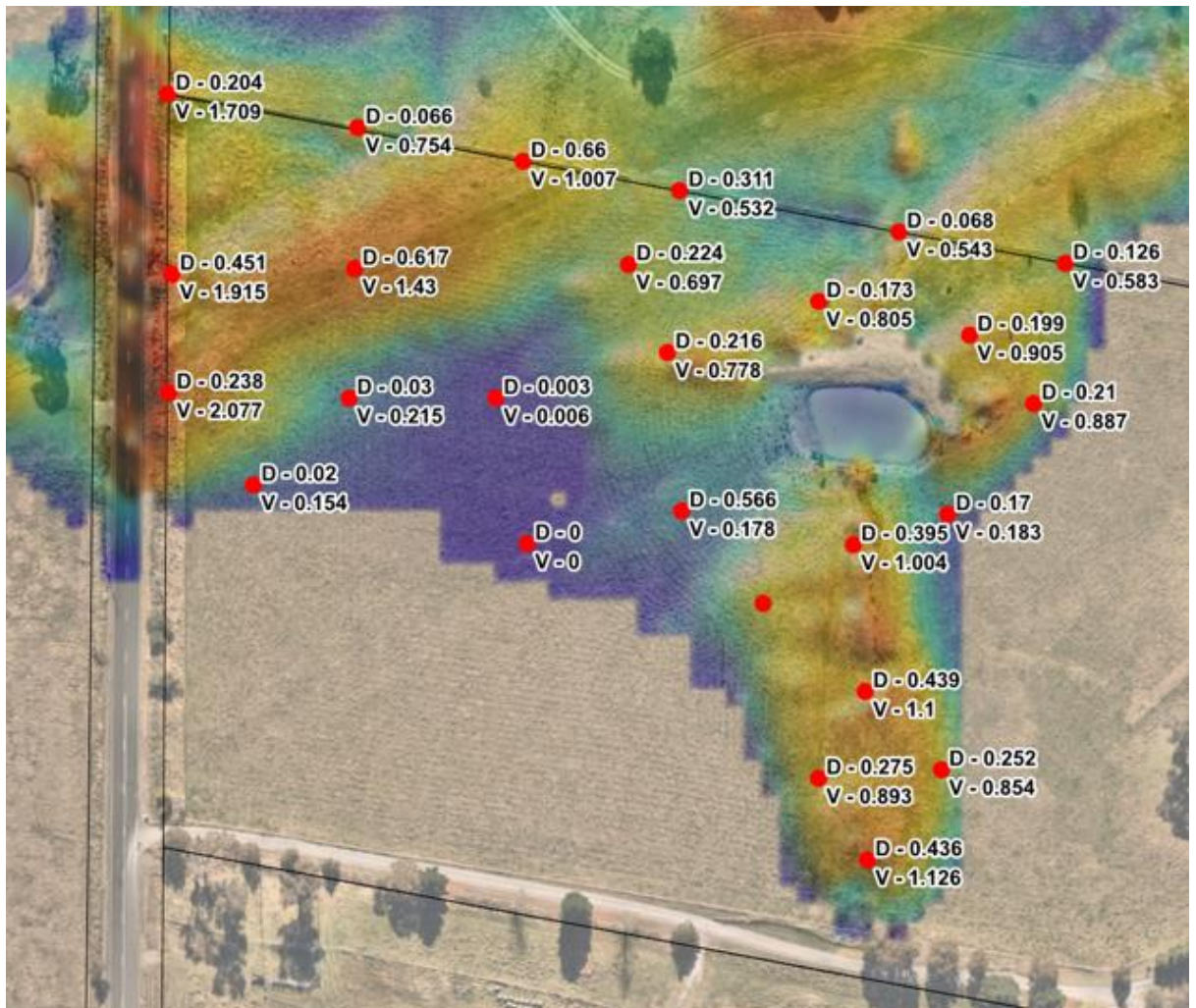
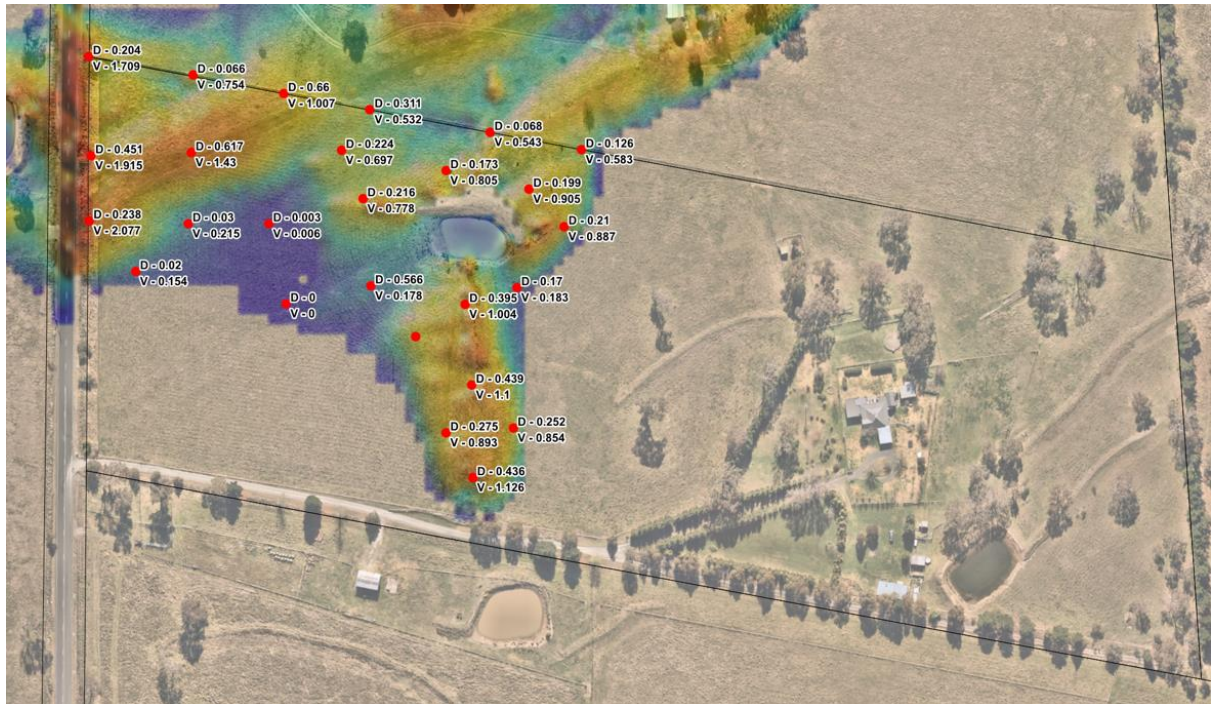
A more detailed understanding of depths and velocities is provided from the overland flood modelling for the 1%AEP are provided below.

Figure 18: 1%AEP extent, depths and velocities



The depths and velocities are also provided by the overland flood model for the PMF event as depicted in the figure below.

Figure 19: PMF event, extent, depths and velocities



The submitted Local Flood and Overland Flow Study also modelled pre-development and post development flows for a range of events. The following pre and post development outcomes were modelled for the 1%AEP and PMF

Figure 20: 1% AEP Pre-development Depth and Extent

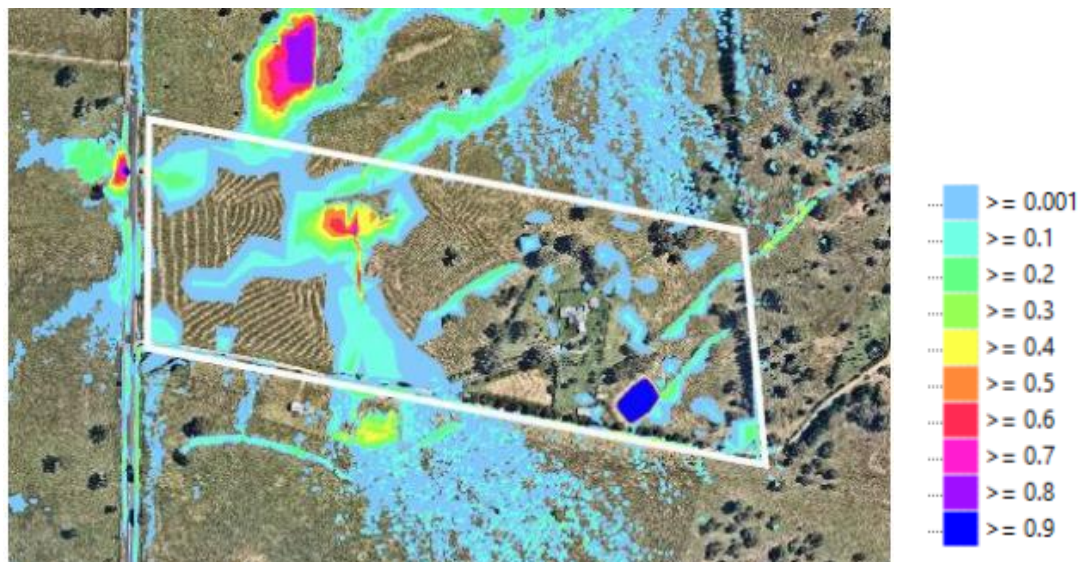
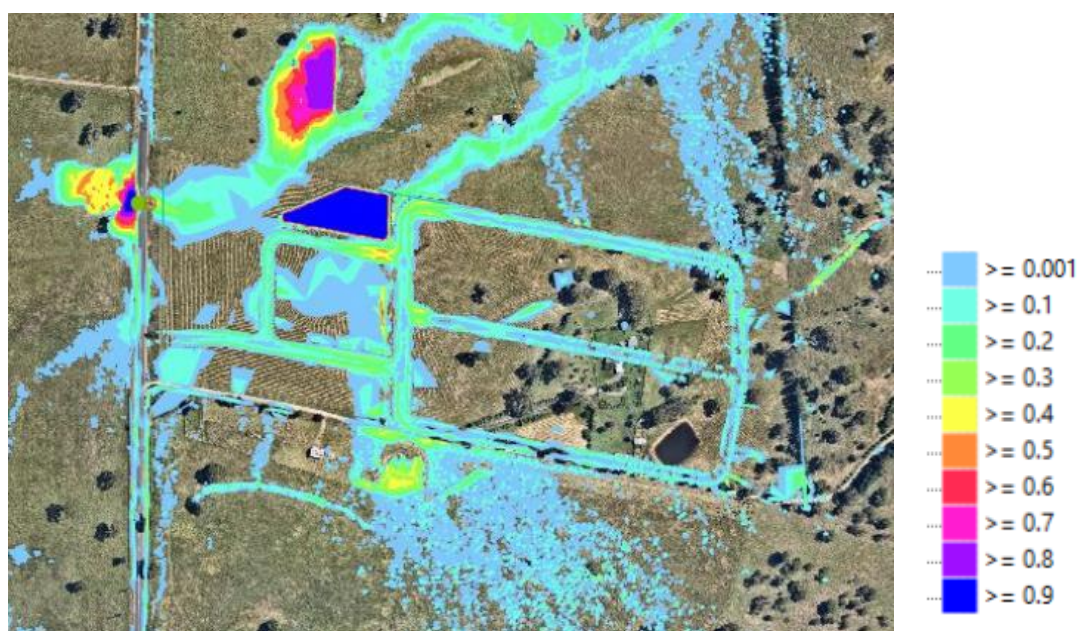


Figure 21: 1% AEP Post Development Depth and Extent



The depths identified for the 1% AEP event are shallow and within generally safe and within the low risk H1 hazard category.

Figure 22: 1% AEP Pre-development Depth and Extent

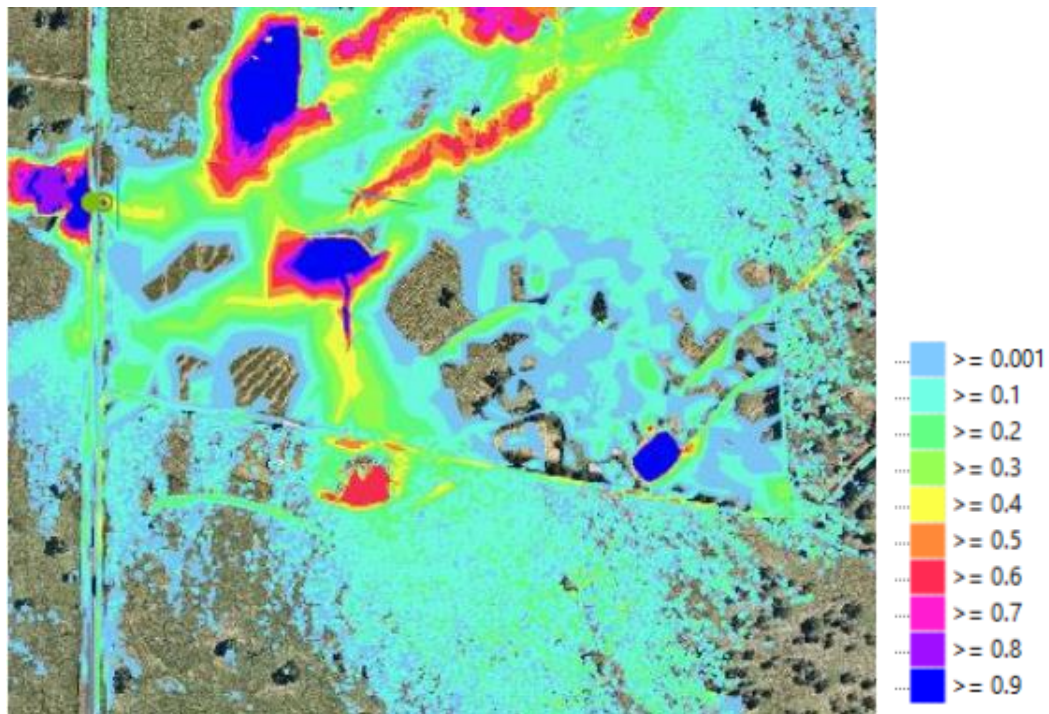
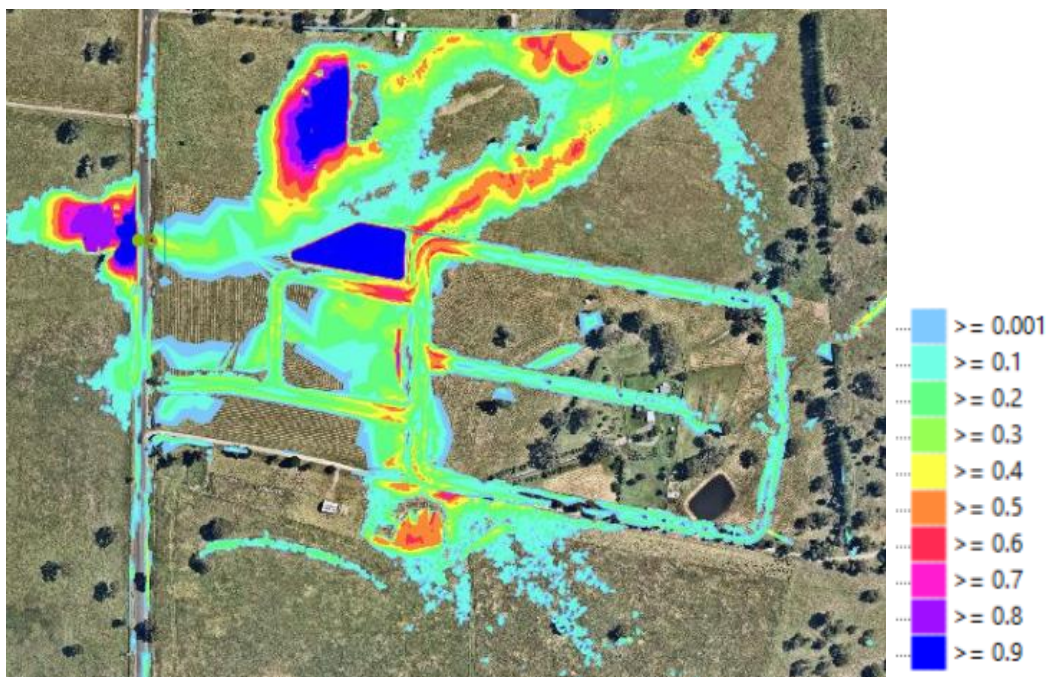


Figure 23: 1% AEP Post Development Depth and Extent



Depths of overland flow are generally very shallow outside of the channelised areas falling into the lowest hazard category except for the sag area near the farm dam. The modelling demonstrates access is available to the proposed residential portions of the site and would suggest capacity for earthworks and formalisation of drainage associated with the subdivision phase being able to achieve the flooding being contained fully within the drainage reserves and RE1 Public Recreation Zoning.

The submitted Local Flood and Overland Flow Study found:

At the peak of the modelled rain event the depth of stormwater within these areas is generally less than 100mm however some sections of the site have slightly deeper bodies of water – particularly on the upstream side of the dam in the lower northwestern portion of the site. The pre-development model demonstrates that the main source of external overland flow is from the southern aspect of the site, however there is also a secondary flow of surface water that burdens the eastern portion of the site which is generally very limited in migration and depths, and tends to be confined to the shallow berms that have been formed. The pre-development model also confirms the restricted impact of the overland flows entering the northwestern corner of the site from the culverts under Middle Arm Road.

To gauge the potential impact of the external sources of overland flow on a future subdivision of the land a second 'post-development' model was prepared that incorporated the existing external terrain data with the proposed site regrading which includes decommissioning of the existing dams and the formation of the new internal road system. Also within the regraded site details was the conceptual design for the wetland treatment system in the lower northern portion of the property. The primary objective of the post-development model was to determine if the areas identified for the residential allotments and the access roads would be adversely impacted by overland flows in the same 1% AEP – 1-hour design rain event, and if so to what extent.

The post-development model was undertaken at a 'high-level' approach and did not include detailed designs for the proposed swales along the southern boundary, the configuration of the central drainage corridor, or the inclusion of 'pits and pipes' associated with the stormwater drainage system for the internal road network or the inter-allotment drainage system. The model also did not include the proposed 375mm diameter pipe to be installed within the central drainage corridor that will convey external sources of water through the site.

*Based on the proposed site regrading and using the internal road corridors for the conveyance of surface water without any specific pit and pipe drainage information the post-development model demonstrated that essentially all surface water could be managed within the road reserves. There was a small area around the proposed residential Lots bounded by Roads 01, 02 and 03 where there was indication of overland flow, however the depths are less than 100m and would be easily removed by the proposed road and inter-allotment stormwater drainage systems. **The depth of water within the roadways was generally less than 100mm except for where there was a sag in the formation, and it is anticipated that with a purpose designed pit and pipe drainage system included in the model the depth of water in the road reserves would be significantly less, and in many cases removed altogether. Additional information such as the shape and alignment of the swales along the southern boundary and the formation of the central drainage corridor would improve the results, but at this preliminary land rezoning stage it is considered that this level of detail is not required.***

There is no adopted flood planning area for this site. Typically, in situations such as this the 1%AEP Event plus a freeboard of .5m is applied. However, the nature of the depth of the PMF on the periphery of the drainage channels would suggest that there is little chance of scaling occurring outside of the PMF extent. The small areas of flooding that are identified that are outside of the RE1 zone extent are considered to be insignificant and within the potential scope of a future development proposal to be realigned through earthworks and drainage.

This planning proposal has demonstrated that between the proposed RE1 zoning, and the nature of the flooding, a future subdivision can achieve development that is outside the flood planning area and will not rezone flood prone land from rural to residential

(apart for some small areas of inconsistency which are minor and can be corrected as the planning process continues).

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

As identified above, this planning proposal proposes to rezone all flood prone land as RE1 Public Recreation where most development types are prohibited including residential (noting some formalisation of drainage will be required as per the concept plan). This zoning significantly reduces the potential provisions relating to the flood planning area to only those permissible in the RE1 Public Recreation Zone, as listed below:

Permitted without consent

Environmental facilities; Environmental protection works; Roads

Permitted with consent

Aquaculture; Building identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Entertainment facilities; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Water recreation structures

These permissible land uses are further managed via GM LEP 2009 clauses 5.21 and 5.22:

5.21 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Flood Risk Management Manual.

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

And

5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will adversely affect the environment in the event of a flood.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline—see clause 5.21(5).

flood planning area—see clause 5.21(5).

Flood Risk Management Manual—see clause 5.21(5).

probable maximum flood has the same meaning as in the Flood Risk Management Manual.

sensitive and hazardous development means development for the following purposes—

- (a) caravan parks,
- (b) correctional centres,
- (c) educational establishments,
- (d) emergency services facilities,
- (e) hazardous industries,
- (f) hazardous storage establishments,
- (g) hospitals.

The proposed zoning and the identified lot arrangement, ensures development has the capacity to avoid flood prone land and maintains consistency with the following parts of Direction 4.1(3):

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

As illustrated in [Figure 17](#), flood prone land is generally proposed to be zoned as RE1 Public Recreation where most forms of development are prohibited, including residential. The only area of exception being the sag point near the existing farm dam. However, it is considered that there is capacity for this to be rectified and managed via the drainage and earthworks associated with a future subdivision.

It is considered that there is sufficient evidence to be satisfied that future development is not permitted within either floodways or high hazard areas.

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

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

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

As previously identified no development is proposed within land identified as being affected by the full range of flood events except for the small sag point near the current farm dam. It is considered that further development of the concept subdivision plan and more detailed post development modelling will easily demonstrate that this area can be removed from all flood events. This planning proposal does not contain provisions that apply to the flood planning area which permit an increase in development or dwelling density.

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

The R2 Low Density Residential Zone does permit a range of land uses including sensitive land uses such as seniors housing, childcare centres etc. However, given the application of the RE1 Recreation zone over flood prone land, there is no identified need to evacuate from this site. Refer to the submitted Flood Impact and Risk Assessment prepared by Council.

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

As noted above, the flood planning area and all flood prone land is to be rezoned RE1 Public Recreation, where firstly the range of permissible uses are very limited and secondly where the Local Environmental Plan only permits **environmental facilities; environmental protection works; and roads** without consent. The planning proposal does not contain provisions which permit development to be carried out without development consent for residential or sensitive uses.

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

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

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

As noted above, the flood prone land is generally to be rezoned RE1 Public Recreation. This zone prohibits heavy industrial storage establishments which is the parent definition for hazardous storage establishments. Hazardous industries fall under the parent definition of Industries which is also prohibited from the RE1 Public Recreation zone. This proposal does not contain provisions which permit hazardous industries or hazardous storage establishments.

Application of Direction 4.1(4)- Special Flood Considerations

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

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

The Special Flood Consideration clause (5.22) was subsequently gazetted on 10th November 2023 at which point the clause was formally incorporated into the Goulburn Mulwaree LEP and forms a material consideration in the determination of related development applications.

As no development (other than drainage and road crossings) is proposed for areas within the PMF it is considered that the application of special flood considerations is not applicable in this instance.

It is also worth noting that Council's Development Control Plan (DCP) 2009 also contains requirements for sensitive and critical uses within the PMF. The matrix in Appendix J identifies sensitive and critical uses which includes areas up to the PMF.

Addressing Direction 4.1(4)- Special Flood Considerations

As previously identified above, this proposal is generally seeking the rezoning of all flood prone land, including land up to the PMF, to a RE1 Public Recreation Zone. where most forms of development, including residential are prohibited (with some minor exceptions as previously identified).

The proposed zoning and the identified lot arrangement, ensures development avoids flood prone land and maintains consistency with the following parts of Direction 4.1(4):

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

As illustrated in **Figure 16**, all flood prone land is generally proposed to be zoned as RE1 public recreation where most forms of development are prohibited, including residential. This provision alongside prohibitions in the DCP's flood chapter and associated Flood Policy, ensures that development is not permitted within floodways.

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

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

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

As previously identified, generally no development is proposed up to the PMF (noting road crossings and drainage will be designed to address flooding).

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

As previously discussed, evacuation for the development is available without significant risk in a 1%AEP event through to the North Goulburn urban area.

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

As previously noted, this proposal seeks to locate all residential development outside of any flood prone land which ensures residents can occupy their homes during all flood events up to and including the PMF. The siting of dwellings above the PMF supports their safe occupation and negates the need to evacuate. Evacuation through to the North Goulburn urban area is achievable in all events up to the 1% AEP. Evacuation is discussed in more detail in the Flood Impact and Risk Assessment submitted (**Appendix 12**).

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

No significant increased requirement for government spending is identified in association with this proposal. Consistency with Direction 4.1(4)(f) is addressed under *Understanding Flood Impacts* sub-heading later in this section.

Understanding Flood Impacts

Significant flood impacts to other properties

Development works, civil earthworks or road works are proposed on flood prone land including the PMF flood event. However, given the affected area and the size of the overall catchment, it is likely to have a minimal impact on downstream properties. The submitted Local Flood and Overland Flow Study has provided modelling for pre and post development scenarios using the 1%AEP and PMF events which suggests that the development has the capacity to have minimal if no impact on downstream drainage.

Safe Occupation and Efficient Evacuation

The proposed RE1 Public Recreation zoning encompasses all flood prone land, this is subject to minor earthworks to address a depression in the vicinity of the farm dam. This avoids the need for future residents to evacuate their homes during a flood event. Despite this benefit, Council's modelling indicates that horizontal evacuation across the precinct can be undertaken in a 1%AEP event noting drainage crossings of Middle Arm Road and Marys Mount Road do not exceed a H1 – H2 risk category using the flood hazard curves from the *Australian Emergency Handbook 7*.

For further information on safe occupation and efficient evacuation please refer to the preliminary *Flood Impact and Risk Assessment (Appendix 12)* prepared by Council.

Flood Warning

The site is subject to overland flooding which would be considered as flash flooding (defined as flooding occurring within 6 hours of the precipitating weather event and often involves rapid water level changes and flood water velocity). This flash flooding provides little warning time of an impending flood. ‘

The Support for Emergency Management Planning guide- EM01 identifies that evacuation capability is informed by an understanding of flood behaviour and, in part, by an understanding of available warning times. However, it is considered that the future development would be able to evacuate to the north Goulburn urban area for the full range of events including the PMF. Therefore, the durations and warning times does not greatly add to the understanding of flood risk in this situation.

For Secondary Risks

Given the potential for evacuation to an urban area in a 1% AEP event and accessibility to the site for emergency services, no secondary risks in relation to this proposal are identified to this point. However, it should be noted that the entirety of Goulburn north of the Wollondilly River is inaccessible from central Goulburn in a 0.2% (1in 500) AEP event through to the PMF.

For Human Behaviour

As above, given the potential for evacuation to an urban area and accessibility to the site for emergency services, no secondary risks in relation to human behaviour are identified up to a 1% AEP event.

Consistency

This planning proposal, supported by the submitted Local Flood and Overland Flow Study, has considered The Flood Policy, the Manual and the Toolkit and is considered consistent with this direction as summarised below:

The proposal seeks to zone all flood prone land as RE1 Public Recreation which prohibits most forms of development including residential. This ensures very limited provisions apply to land up to the extent the PMF. This in turn enables consistency with Direction 4.1 as follows:

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

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

Safe occupation from inundation of flood water is guaranteed through the proposed zoning with efficient evacuation to the North Goulburn urban area available to the 1%AEP event (refer to the submitted Flood Impact and Risk Assessment).

This proposal is considered consistent with the objectives and provisions of Direction 4.1. The proposal avoids development on flood prone land and ensures consistency with the Flood Policy, the Manual and Toolkit. The proposal ensures the provisions of the LEP i.e. zoning, minimum lot size and application of Clauses 5.21 and 5.22 of the LEP, are commensurate with flood behaviour and includes consideration of potential flood impacts both on and off the site.

3.6.8 Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

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

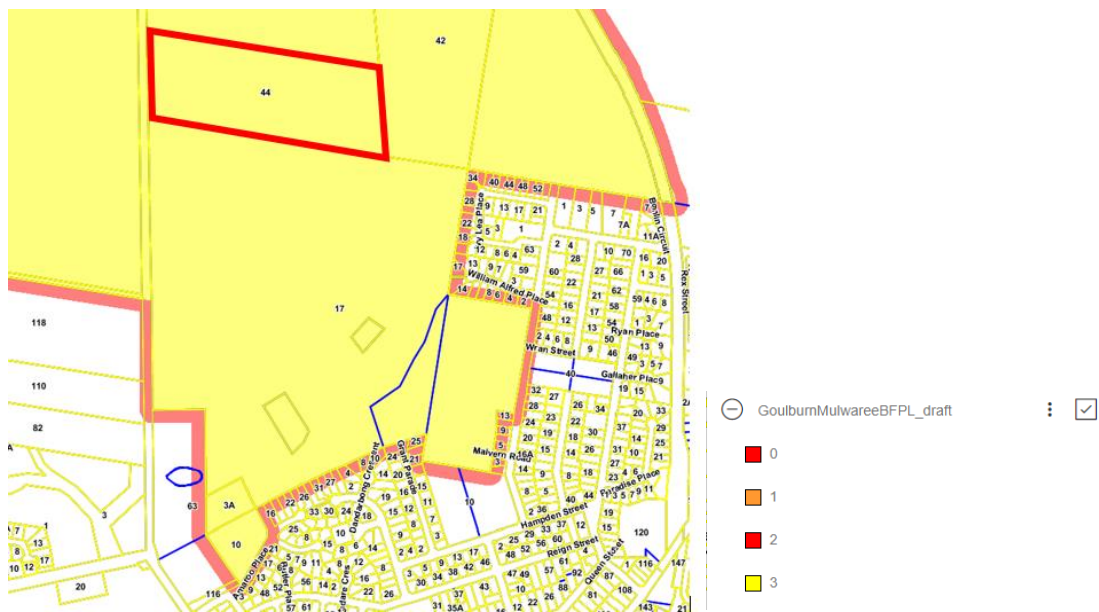
This Direction applies to all local government areas where a relevant planning authority prepares a planning proposal that will affect, or is in close proximity to, land mapped as bushfire prone land.

Where this Direction applies:

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

Comment: The subject site is located in a rural area zoned RU6 Transition which is identified as Category 3 vegetation with a medium bushfire risk as illustrated in [Figure 24](#). The subject site is therefore bush fire prone and this direction applies.

Figure 24: Bushfire Risk Category Map



The proposed residential lots are proposed to have reticulated town water and sewer services.

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

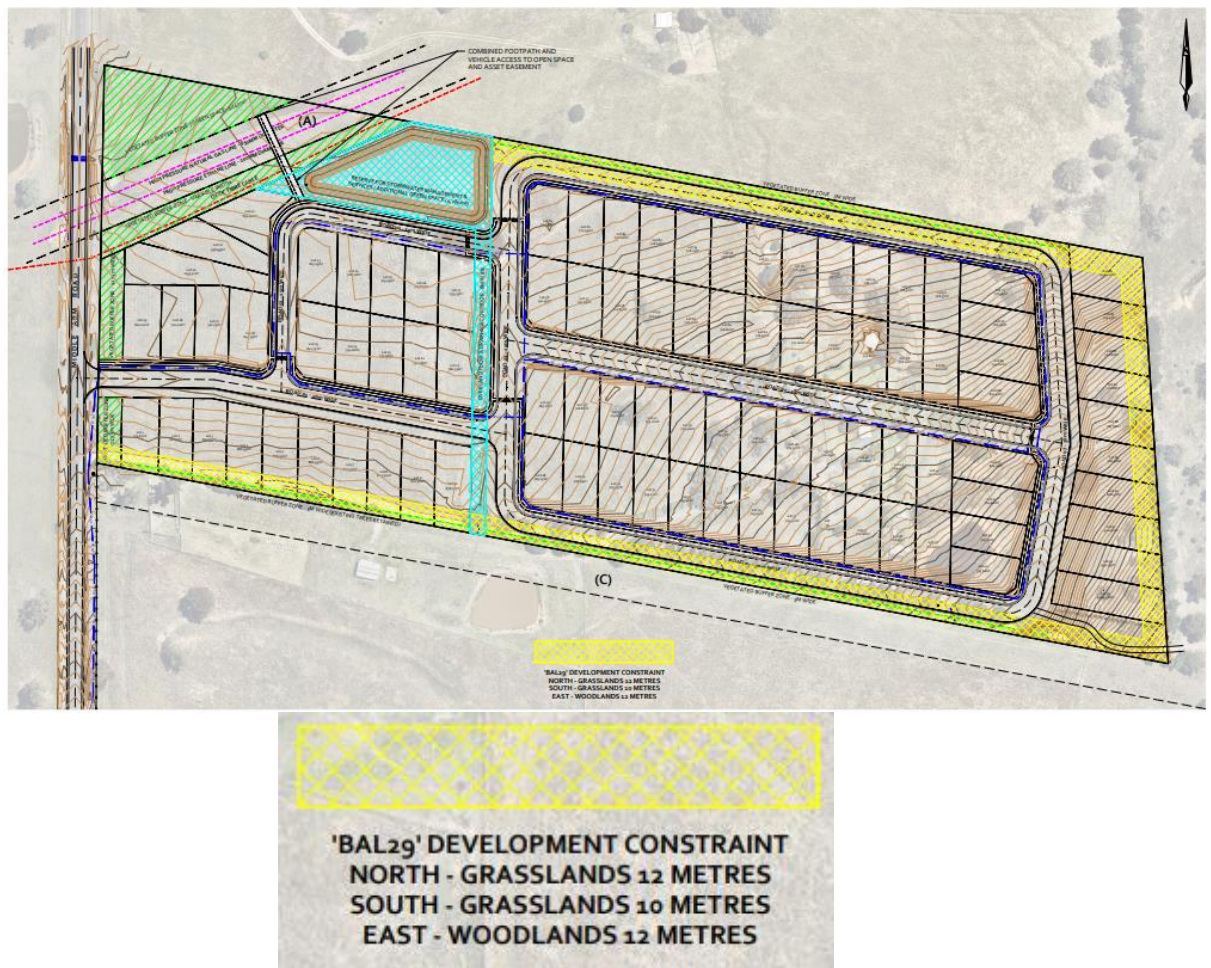
The proponent has submitted a Strategic Bushfire Study (SBS) (**Appendix 8**) to provide an independent assessment of the proposal's suitability for urban residential development in regard to bushfire risk.

The assessment has been undertaken in accordance with NSW Rural Fire Service guidance document '[Planning for Bushfire Protection 2019](#)' and specifically sought to address the requirements of Chapter 4- Strategic Planning and the components in Table 4.2.1.

The Bushfire Protection Measures identified in the Strategic Bushfire Studies are presented as follows:

- The provision of Asset Protection Zones (APZ) of variable width to each of the property boundaries, as illustrated in [Figure 25](#). Access is via Middle Arm Road to North Goulburn and is via a two-lane sealed roads with a 7-10m wide carriageway set within an overall 20m wide road reserve. No significant impact on the local road network has been identified.
- Gas and electricity supplies will comply with the requirements of the *Planning for Bushfire Protection 2019* guidelines.

Figure 25: Bushfire Asset Protection Zone Map



The Strategic Bush Fire Study concluded:

It is the formal assessment of this report that the proposed rezoning of the subject property from existing RU6 – 'Transition' to R2 – 'Low Density Residential' land use and the subsequent subdivision of land to create 93 separate residential allotments within lands identified as Lot 2 DP569505 – 44 Middle Arm Road at Middle Arm will generally be able satisfy the requirements of 'Planning of Bush Fire Protection (2019)'.

It is further considered that any potential future residential development undertaken within the proposed Lots once the subdivision is registered and the Lots created will be able to comply with the acceptable solutions, performance requirements, and specific objectives provisions of Chapter 7 – 'Residential Infill Development' of Planning for Bush Fire Protection (2019), Planning for Bush Fire Protection (2019) – Addendum November 2022, and "AS3959 - 2018 Construction of Buildings in Bush Fire Prone Areas" if applicable.

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

This planning proposal has had regard to *Planning for Bush Fire Protection 2019*, the submitted concept plan demonstrates introduces controls to avoid placing inappropriate development in hazardous areas and is able to ensure hazard reduction is not prohibited within the Asset Protection Zone.

The proposal indicates suitable Asset Protection Zones can be achieved, contains provisions for two-way access roads, includes provisions for adequate water supplies and minimises the interface between the hazard and dwellings.

NSW Rural Fire Service will be consulted as part of the planning proposal process prior to community consultation and any comments made will be incorporated into subsequent versions of this planning proposal.

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

3.6.9 Direction 4.4 Remediation of Contaminated Land

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

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

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

When this Direction applies:

1. A planning proposal authority must not include in a particular zone (within the meaning of the Local Environmental Plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:
 - a. The planning proposal authority has considered whether the land is contaminated, and
 - b. If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used.
 - c. If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the

planning proposal authority may need to include certain provisions in the local environmental plan.

2. Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Comment: A preliminary and detailed contamination assessment has been submitted for the site (**Appendix 9**), with the detailed assessment including a remedial action plan. Contamination of the site is likely limited to the existing house and garage (asbestos, lead paint etc.) and sheds (chemicals, herbicides, glyphosate etc.). The remedial action plan addresses the ongoing requirements pre and post demolition for these existing structures.

The detailed report states:

“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.”

This planning proposal includes a report specifying the findings of a preliminary investigation, detailed contamination assessment and remedial action plan carried out in accordance with the *contaminated land planning guidelines* and provides additional information through soil sampling and testing. Council is satisfied the land is suitable for the proposed residential use subject to the implementation of the remedial action plan.

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

3.6.10 Direction 5.1 Integrating Land Use and Transport

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

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

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

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

- a. *Improving Transport Choice- Guidelines for planning and development* (DUAP 2001), and

b. *The Right Place for Business and Services- Planning Policy* (DUAP 2001)

Consistency

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

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

Comment: This planning proposal is seeking the rezoning of rural land to R2 Low Density Residential and this direction would therefore apply.

There are two current Punchbowl Bus Company (PBC) bus routes that follow Marys Mount Road through the intersection with Middle Arm Road then following Middle Arm Road south of Marys Mount Road. This is currently approximately 700m from the site. The school bus route (Bus Route 11) currently services the extent of Middle Arm Road and passes along the frontage of this site.

Dedicated bus routes are not currently located along Marys Mount Road and the southern section of Middle Arm Road. The school bus route can be altered once housing is developed on this site on the proviso that the subdivision's internal roads are designed to cater for a bus to travel a circuit through the site. The main issue with bus routes is that they tend to follow development rather than be a "lead in" form of infrastructure. It may be that the non-school bus route may not be altered until additional development density is gained in the northern section of Middle Arm Road.

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

Council has a *Draft Pedestrian and Mobility Plan (PAMP) and Shared Pathway Strategy* which identifies a shared pathway along Middle Arm Road to service future urban residential development in this precinct. This would link to the over 30km of riverside pathway which connects to regional open space facilities such as Riverside Park. The site is also intended to include land for local open space.

As previously detailed in [3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy \(Adopted July 2020\)](#), the subject sites is located within the Middle Arm Precinct, identified in the *Urban and Fringe Housing Strategy*. The Strategy recommends a minimum lot size of 700m². The *Urban and Fringe Housing Strategy* has been adopted by Council and endorsed by the Department of Planning and Environment in 2020 (i.e. approved by the Planning Secretary). This site is identified in the Strategy as it is contiguous to existing areas zoned R2 Low Density Residential which can be serviced with water and sewer and are not significantly affected by other natural hazards or constraints.

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

3.6.11 Direction 5.2 Reserving Land for Public Purposes

The objectives of this direction are to:

- (a) facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

This direction applies to all relevant planning authorities when preparing a planning proposal.

A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).

Consistency

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

- (a) with respect to a request referred to in paragraph (4), further information is required before appropriate planning controls for the land can be determined, or
- (b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

Comment: This Planning Proposal is seeking to include a RE1 Public Recreation zone. This zone is intended to ensure the avoidance of flood prone land, easements for the gas pipeline, telecommunications and electricity transmission and to provide for drainage through the site and recreation areas.

The relevant public authority is Goulburn Mulwaree Council which has by way of Council Resolution endorsed this zoning for the relevant portion of the site indicated in the mapping. Council seeks the approval of the Planning Secretary (or a nominated officer) for the inclusion of this zone.

3.6.12 Direction 6.1 Residential Zones

The objectives of this direction are to:

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

This Direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

When this direction applies:

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

Consistency

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

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

Comment: This planning proposal is seeking the rezoning of a rural RU6 Transition Zone to R2 Low Density Residential, and as such this Direction applies.

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

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

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

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

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

The site's relatively close proximity and easy access to the Goulburn urban area would not result in an additional requirement for fire, police or education services or facilities beyond Goulburn's existing provision.

The R2 Low Density Residential zone proposed on the subject site has a prescribed 700m² minimum lot size, however there are provisions within the GM LEP 2009 which can facilitate additional density such as Clause 4.1A as per below:

4.1A Exceptions to minimum lot sizes for certain residential development

- (1) *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone R1 General Residential,*
 - (b) *Zone R2 Low Density Residential.*
- (3) *Despite clause 4.1, development consent may be granted to a single development application that provides for the subdivision of land and the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, but only if the area of each resulting lot is greater than or equal to 350 square metres.*
- (4) *Despite clause 4.1 and subclause (3), development consent may be granted to a single development application for development to which this clause applies that is both of the following—*
 - (a) *the subdivision of land into 5 or more lots,*
 - (b) *the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.*
- (5) *This clause does not apply to land on which a heritage item is located.*

The R2 Low Density Zone also permits multi dwelling housing, accordingly the provisions of Clause 4.1 B also apply:

4.1B Minimum lot sizes for multi dwelling housing and residential flat buildings

- (1) *The objective of this clause is to achieve planned residential density in certain zones.*
- (2) *Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.*
- (3) *This clause does not apply to land on which a heritage item is located.*

Column 1	Column 2	Column 3
<i>Multi dwelling housing</i>	<i>Zone R1 General Residential</i>	<i>1,050 square metres</i>
<i>Multi dwelling housing</i>	<i>Zone R2 Low Density Residential</i>	<i>1,050 square metres</i>
<i>Residential flat building</i>	<i>Zone R1 General Residential</i>	<i>1,050 square metres</i>

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

The land sought for rezoning through this planning proposal is currently zoned RU6 Transition with a minimum lot size of 20 hectares. This proposal is seeking a rezone to R2 Low Density Residential with a minimum lot size of 700m². This would increase the permissible residential density in the area.

As noted in **3.6.4** **Direction 3.1 Conservation Zones** and

3.6.7 Direction 4.1 Flooding of this planning proposal report, the subject site is not identified as of particular biodiversity value and flood prone land is proposed to be zoned as RE1 Public Recreation. The impact of the proposal on the environment is considered minimal.

Overall, this planning proposal is considered generally consistent with this direction however an inconsistency has been identified in the requirement to reduce the consumption of land for housing and associated urban development on the urban fringe. This is considered a minor inconsistency which is justified by the *Urban and Fringe Housing Strategy* which has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

Goulburn Mulwaree Council is the water and sewer authority and provides waste management services. Council's Utilities Directorate has been consulted in relation to the planning proposal and no objections were raised to the proposal based on water/sewer servicing. Council is also the local road authority for Middle Arm Road. Council's Operations Directorate did not identify any issues with the proposed intersection treatment to access the site.

It is considered that this planning proposal is consistent with this Direction.

3.6.13 Direction 9.1 Rural Zones

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

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

When this Direction applies a planning proposal must:

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

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

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

Comment: The planning proposal subject site is currently zoned RU6 Transition which is a rural zone. The site is proposed to be rezoned (in part) R2 Low Density Residential and would therefore affect land within an existing rural zone, as such this direction applies.

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

The subject site is currently used for extensive agriculture (grazing) and zoned RU6 Transition which this proposal seeks to rezone to a R2 Low Density Residential zone. Whilst the subject site currently experiences little agricultural activity, the rezoning, subdivision and provision of building entitlements would remove approximately 9 hectares of agricultural land (excluding 2.5ha for the existing dwelling and outbuildings) and would be inconsistent with this Direction.

This planning proposal is inconsistent with Direction 9.1 Rural Zones but the inconsistency is justified by the *Urban and Fringe Housing Strategy* which identifies the site in the Middle Arm Precinct for future urban residential. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has considered the objective of this direction and identifies the land which is subject of the planning proposal.

The inconsistency with Direction 9.1 Rural Zones is justified.

3.6.14 Direction 9.2 Rural Lands

The objectives of this direction are to:

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

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

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

When this Direction applies:

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

- b. Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
- c. Where it is for rural residential purposes:
 - i. Is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres
 - ii. Is necessary taking account of existing and future demand and supply of rural residential land

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

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

Comment: This planning proposal is seeking to rezone the subject site from RU6 Transition and amend the minimum lot size, as such this direction would apply.

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

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

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

3.6.4 Direction 3.1 Conservation Zones of this report explores the biodiversity values of the site and the presence of native vegetation, both of which are determined to be limited, as demonstrated through the proponent's Biodiversity Development Assessment Report (BDAR) (**Appendix 7**) and Council's Biodiversity Officer comments (**Appendix 7b**).

3.6.5 Direction 3.2 Heritage Conservation of this document explores potential impacts on European cultural heritage, particularly locally listed heritage item St. Patrick's Cemetery and Chapel. The subject site being neither visible to or from the heritage item suggesting the proposal's limited potential impact on European cultural heritage values.

3.6.5 Direction 3.2 Heritage Conservation also provides consideration for potential Aboriginal cultural heritage values through the proponent's Aboriginal Cultural Heritage Due Diligence Assessment (**Appendix 5**).

3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment and 3.6.6 Direction 3.3 Sydney Drinking Water Catchments considers impacts on and the importance of water resources with particular consideration to water quality impacts, as demonstrated through the proponent's Water Cycle Management Study (**Appendix 6**) incorporating Music Model Assessment.

The planning proposal seeks a R2 Low Density Residential rezoning and does not promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.

This planning proposal seeks to facilitate the ultimate subdivision of the subject site for urban residential. The proposal is not considered to adversely affect the operation and viability of existing rural land uses, related enterprises or supporting infrastructure and facilities essential to rural industries or supply chains. The site is surrounded by smaller holdings that are mainly used for extensive agriculture (grazing). Noting that areas to the north and south of this site are also identified for future urban use being contiguous to the existing Goulburn township.

The subject site is not included as state significant agricultural land as illustrated on the ePlanning Spatial Viewer presented in

The *Urban and Fringe Housing Strategy* when determining the most suitable locations for housing to meet the needs of the LGA's growing population has considered the availability of human services, utility infrastructure, transport and proximity to existing centres. As highlighted in **3.6.12 Direction 6.1 Residential Zones**, the R2 Low Density Residential opportunities are only one small part of the wider housing strategy to meet the existing and future demand for housing. The Middle Arm Precinct is serviced by water and sewer, and is in relatively close proximity to the Goulburn urban area and the broad range of services it provides. The proposal will utilise existing road infrastructure and enables a short, relatively direct drive into Goulburn CBD.

This planning proposal is inconsistent with Direction 9.2 Rural Lands but the inconsistency is justified by the *Urban and Fringe Housing Strategy* which identifies the rural land within the Middle Arm Precinct for urban residential development. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has considered the objective of this direction and identifies the land which is subject of the planning proposal.

The inconsistency with Direction 9.2 Rural Lands is justified.

Section C- Environmental, Social and Economic Impact

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

The planning proposal has been accompanied by a Biodiversity Development Assessment Report (**Appendix 7**) which involved a field and database assessment to identify the sites biodiversity values and highlight potential constraints to any future rezoning or development.

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, Southeastern 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). The Biodiversity Development Assessment Report submitted with the application identifies proposed mitigations.

The following contains relevant extracts of Council's Environment and Biodiversity Officer's assessment of the submitted Preliminary Biodiversity Assessment Report (BDAR):

The BAM [Biodiversity Assessment Method] appears to have been applied correctly. The BDAR has been prepared following BAM guidelines for Part 4 Developments – (Small Area). Desktop and field surveys have been adequate.

Surveys have confirmed presence of PCT [plant community type] 3376 Southern Tableland Grassy Box Woodland on the land, and the extent of this plant community is mapped in Figure 3 of the report.

*The ground cover layer has been modified by agricultural practices and almost entirely replaced by exotic pasture species and weeds. The plant community on the site is largely represented only by scattered remnant canopy trees, which include mostly Yellow Box *Eucalyptus melliodora*, Blakely's Red Gum *Eucalyptus blakelyi* and some Cabbage Gum *Eucalyptus amplifolia*. Ordinary Council Meeting Agenda 19 December 2023 Item 16.4 Page 102*

*There is a strip of planted Paddy's River Box *Eucalyptus macarthurii* along the main driveway, which comprises a private road located on the southern boundary, that also provides access to the adjoining property on the eastern side of the land.*

Although no parts of the land are marked on the Biodiversity Values Map, entry into the BOS [Biodiversity Offsets Scheme] is triggered as the proposed activity will require removal of approximately 0.66 hectares of PCT 3376 and this exceeds the area clearing threshold of 0.5 hectares. Note also, even if the area clearing threshold is not exceeded, the presence of a CEEC [critically endangered ecological community] and proposal to remove this, even if in a highly degraded state, would be considered to be likely to be a significant impact on the local occurrence of the community and would also trigger entry into the BOS.

Site inspection by Brian Faulkner (GMC Environment and Biodiversity Assessment Officer) on Tuesday 5/09/2023 has confirmed that the vegetation on the site, and its condition, has been assessed and identified correctly. The findings of the Preliminary BDAR are broadly supported.

The submitted assessment has been verified as being accurate and reflective of existing conditions on the site. It is considered that there is no significant constraint on the further development of this site due to biodiversity. However, it is noted that the BDAR submitted is draft and that the mitigations identified would largely be applied during the development application (DA) phase. The level of mitigations offered in the BDAR are commensurate with the overall degraded state of the site. No highly significant areas of vegetation have been identified within the site, so accordingly no zoning provisions are identified as being required.

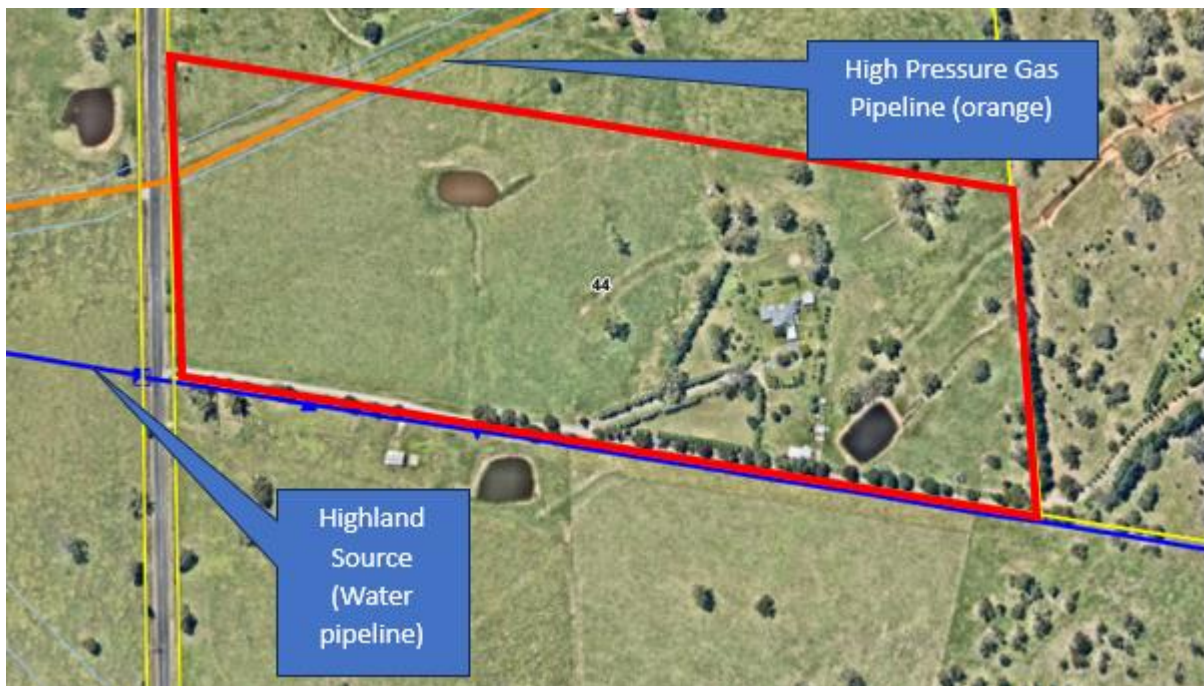
The assessment concluded that there will be no significant adverse impacts on native vegetation on site, critical habitats or threatened species and these conclusions have been confirmed by Council's Biodiversity Officer.

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

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

A High-Pressure Gas Transmission pipeline is located within the subject land, approximately 75 metres from the northern boundary at its closest point. See Figure 26 below.

Figure 26: Location of APA Gas Pipelines and Highland Source Pipeline



East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA) who own and operate the pipeline, have been consulted by the proponent and a Safety Management Study was submitted with the Planning Proposal (**Appendix 10**). Council also referred the Planning Proposal and SMS pre Gateway to APA which did not respond to the referral. The R2 low density residential zone permits certain developments which are considered to be sensitive in nature (e.g. centre based child care centres, educational establishments, hospitals and health services facilities, and places of public worship) and such proposals may be forthcoming in the future. Therefore, in the absence of other Policy, it is appropriate to include provisions within the DCP chapter to include requirements from the pipeline authority in the event a DA is lodged for such uses. This will include matters such as the location of sensitive uses is to be 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 and Environment are currently considering 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 in April 2022 and details the proposed changes. A

proposed change that impacts Planning Proposals is the inclusion of a Ministerial Direction 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).

Should the proposed Ministerial Direction apply, the Council will be required 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. At the time of drafting this Planning Proposal, the Policy was 'under consideration' and not yet finalised.

The Highland Source Pipeline (water pipeline) is located along the southern boundary of the site on the adjoining property. Council's Utilities Directorate were consulted as a part of the preliminary assessment process and did raise any objection to the proposal.

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

The Planning Proposal will form a part of the urban fringe of Goulburn as identified in the UFHS. Therefore, it is important to consider its relationship with the existing urban area and how it will connect with future opportunity areas. The development of this site will provide for additional housing land supply which is serviced and in proximity to the services offered by Goulburn. It is anticipated that additional bus services will come on line along Middle Arm Road as the new release area develops and fills.

The Mistful Park commercial centre is currently underdeveloped, despite 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 a small commercial centre. The development of this site alongside other urban release area developments, will provide the impetus for the Mistful Park commercial precinct to mature and provide important services within proximity and therefore encourage alternative and sustainable modes of travel.

Pedestrian and cycle connectivity is also required to be established to encourage sustainable modes of travel. Council's Draft Pedestrian Access and Mobility Plan (PAMP) dated 16th November 2023 recommends a new a shared path along Middle Arm Road and Marys Mount Road. This shared path and internal pedestrian footpaths will ensure a well-connected urban area to the Mistful Park commercial precinct and the regionally significant Wollondilly Walking Track and associated open space.

There are no significant social or economic impacts of the proposal outside the provision of land for additional housing supply.

Section D- State and Commonwealth Interests

3.10 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal included a supporting Traffic and Parking Assessment Report (**Appendix 11**).

Council's Operations Directorate has provided the following advice (in italics) in relation to various aspects of the proposal:

- It has been proposed to provide a BAR / BAL intersection arrangement for intersection connection with Middle Arm Road which is the only connection to the external road network. Proposed BAR/ BAL intersection arrangement is acceptable for the current traffic situation.
- The above BAR / BAL result is due to the base (major) traffic on Middle Arm Road is lower than the traffic generated (Turn Volume) by the proposed development. However, based on Figure 2 the major traffic volume on Middle Arm Road will be increased. It is good engineering practice to ensure that adequate road reserve widths are available to undertake intersection turn treatment works and ultimate road width for Middle Arm Road at a future date by others.
- Middle Arm Road is a local collector road must be widened along the full frontage as per DCP – except as altered by Council adopt the proposed road width amendments-3-August-2021 Road width Table D.1.5A-45 as a part of development works and could be appropriately conditioned under a future DA.
- The absence of an alternative access to the external road network is likely to create public safety issues during an emergency (for evacuation).

As stated above the proposed BAL/BAR intersection is considered suitable given the current road conditions and in relation to the development as proposed.

There is a need to consider the future volume of traffic which will occur along Middle Arm Road as projected in the *Urban and Fringe Housing Strategy (UFHS)*. Middle Arm Road is a collector road as currently identified in the Development Control Plan (DCP), accordingly it should have a road reserve width of 30m and a carriageway width of 10m. Currently Middle Arm Road is approximately 20m wide with a 7m wide carriageway. Prior to substantial development occurring along Middle Arm Road, Council will need to identify a mechanism for delivering a future road width which is suitable for the future growth of this precinct. This Planning Proposal includes an area zoned RE1 Public Recreation along the Middle Arm Road frontage, 5m of which could be used to facilitate the widening of Middle Arm Road on this side. The DCP does identify the dedication of land along property frontages for road widening along identified collector roads (the equivalent road in Austroads is identified as an arterial road). This is the approach which has been taken with the widening of Marys Mount Road i.e. s each subdivision occurs 5m on either side is dedicated to facilitate the road widening.

The main risk for evacuation is bushfire (as the main access identified avoids the flood prone area), the proposal does include perimeter roads to provide access to fight fires and an asset protection zone. As the area around this new residential precinct

develops, further road connectivity can be achieved. Additionally, Middle Arm Road is a through road which provides evacuation to the north or south.

The proposal is supported by a Strategic Bushfire Study which advises in relation to the potential for the site to be isolated in the event of a bushfire:

The development property is located on the northern outskirts of the city of Goulburn and therefore any future subdivision development of the site would effectively extend the edge of the city's limits to the northern boundary of the current holding. The proximity of the development property to the city and the network of existing roads ensures that the site would not become isolated in a bush fire event. It is also noted that the vegetation formations that lie between the city and the development site are dominated by open grasslands which represents a low to medium bush fire threat hence the likelihood of a prolonged fire front is very small.

The proposed Strategic Bushfire Study and concept layout will be referred to the NSW RFS as a part of any future planning proposal consultation process as previously discussed.

Water and sewer services to the site would be provided via Council's reticulated systems. Council's Utilities Directorate has advised:

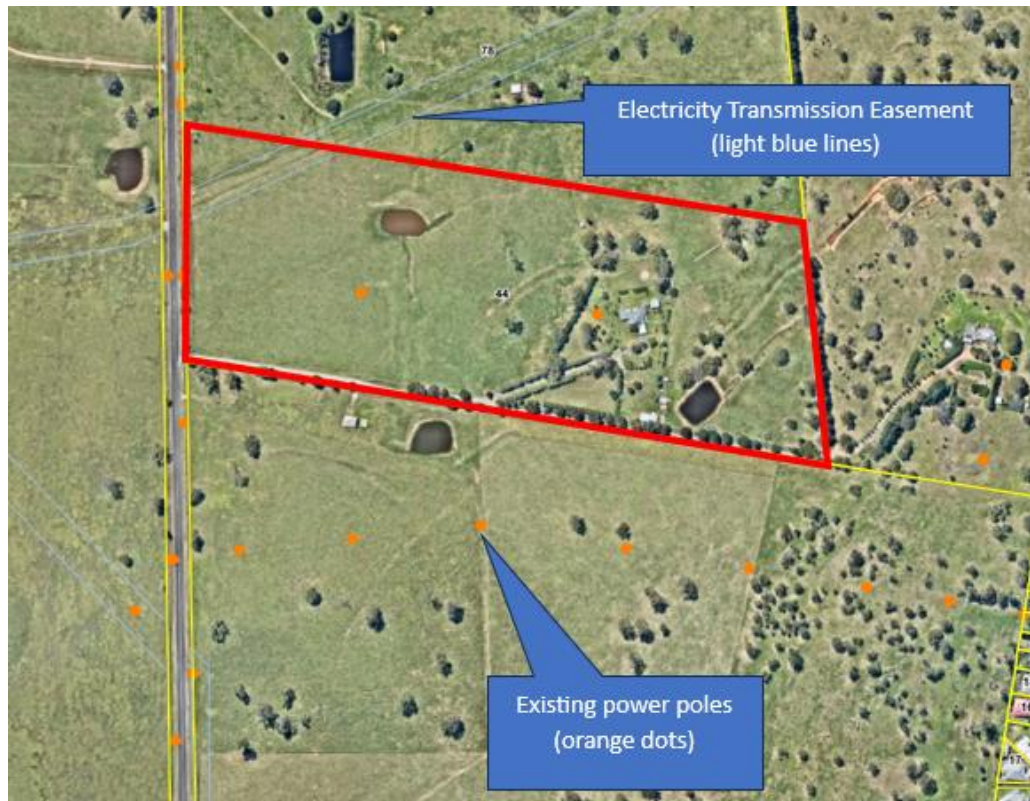
- Utilities have advised that they need additional information in relation to water supply. They have requested additional modelling to show that the lots are receiving the minimum serviceable pressure as outlined in Council's standards and as well as sufficient pressure for firefighting purposes. We can provide a pressure test at the water main along Middle Arm Road upon application to assist with this modelling. The reservoir feeding the water main along Middle Arm Road is at Addison St and at a height of 715m.
- For the sewer, the SPS would need to be designed to accommodate the additional flows within the development due to most lots having the potential for secondary dwellings/dual occupancies, and the resulting flows out of the SPS will need to be modelled within the existing sewer main receiving the flow to show that these additional flows can be accommodated within the sewer infrastructure off Middle Arm Rd.

The above advice has been passed on to the proponent for action, and a water pressure test has been provided to the proponent which would indicate that theoretically water pressure to Council's standard can be achieved for the site. The modelling is still required and is being undertaken, however, this is a matter which can be resolved with work arounds (such as additional water storage to maintain pressure for more elevated parts of the property) should this be required. Utilities has advised that the design of the sewer pumping station and modelling can be undertaken as a part of the development application process.

Essential Energy were consulted during development of UFHS, and the easement present within the north eastern corner of the subject site is located in an area to be zoned RE1 Public recreation. Electricity services are available along Middle Arm Road which is relatively close to a major substation at the intersection of Middle Arm Road and Marys Mount Road. Essential has also been consulted over the implications of a future road widening of Middle Arm Road to accommodate the new residential precinct

(and in relation to the need for an acquisition of a part of the Essential Energy sub station site for the road widening).

Figure 27: Location of electricity easements and power poles



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

No pre-Gateway consultation has been undertaken with Commonwealth public authorities.

In accordance with the Ministerial Direction for the Sydney Drinking Water Catchment, consultation with Water NSW was undertaken at the pre-gateway stage this this authority's comments included in the current version of the proposal. Further consultation with Water NSW will occur at the post gateway stage and during the exhibition stage of the process.

Additional State agency stakeholder engagement identified for this proposal would include: NSW Rural Fire Service, NSW State Emergency Service, and NSW Department of Climate Change, Energy, Environment and Water.

Further consultation will also be undertaken with the APA in relation to the high-pressure gas pipeline.

Part 4- Mapping

The maps included within **Figure 3** illustrate the area to which this proposal relates and includes the proposed amendment from the RU6 Transition Zone to R2 Low Density Residential and RE1 Public Recreation and the amendment of the minimum lot size from 20 hectares to 700m2 for the residential portion and no minimum lot size for the RE1 Public Recreation portion of the site.

Part 5- Community Consultation

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

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

Part 6- Project Timeline

It is envisaged that the planning proposal process will take approximately 11 months for a project of this scale.

Gateway Determination	May 2024
Timeframe for completion of technical studies	No further studies identified
Timeframe for agency consultation	June - July 2024
Public Exhibition	August 2024
Public Hearing	No hearing identified
Consideration of submissions	September - October 2024
Date of submission of LEP to DPIE	November 2024
Anticipated date of plan made	December 2024
Anticipated date plan forwarded to DPIE for notification	January - February 2024

Part 7- Appendices

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

Appendix 1	Submitted Planning Proposal
Appendix 2	Proponents Concept Subdivision Plan
Appendix 3	Council Report & Resolution- 19 December 2023
Appendix 4	Local Flood Overland Flow Study
Appendix 5	Aboriginal Cultural Heritage Assessment Report
Appendix 6	Water Cycle Management Study
Appendix 7	Biodiversity Development Assessment Report (BDAR)
Appendix 7b	Council's Biodiversity Officer comments
Appendix 8	Strategic Bushfire Study
Appendix 9	Contamination Assessment
Appendix 10	Safety Management Study
Appendix 11	Traffic and Parking Assessment Report
Appendix 12	Preliminary Flood Impact and Risk Assessment – April, 2024