



Gateway determination report – PP 2023-1505

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

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	2
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	4
1.6	Background	6
2	Need for the planning proposal.....	6
3	Strategic assessment.....	7
3.1	Regional Plan	7
3.2	Local Strategic Planning Statement	8
3.3	Section 9.1 Ministerial Directions	9
3.4	State environmental planning policies (SEPPs)	11
4	Site-specific assessment	12
4.1	Environmental	12
4.2	Social and economic	14
4.3	Infrastructure	15
5	Consultation.....	17
5.1	Community	17
5.2	Agencies.....	17
6	Timeframe.....	17
7	Local plan-making authority	18
8	Assessment summary.....	18
9	Recommendation.....	18

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal - 44 Middle Arm Road PP-2023-1505
Appendix A - Site Plans and Proposal Layout
Appendix B - Aboriginal Cultural Heritage Assessment Report
Appendix C – BDAR
Appendix D – Contamination Assessment
Appendix E – Detailed Site Investigation
Appendix F - SMS Validation Workshop and Plan
Appendix G – Water Cycle Management Study
Appendix H – Traffic Assessment
Appendix I – Strategic Bush Fire Study
Appendix J – Local Flood & Overland Flow Study
Appendix K – Supplementary Contamination Report
Appendix L – Preliminary Flood Impact and Risk Assessment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Goulburn-Mulwaree Local Government Area
PPA	Goulburn-Mulwaree Council
NAME	44 Middle Arm Road (93 Homes)
NUMBER	PP-2023-1505
LEP TO BE AMENDED	Goulburn-Mulwaree Local Environmental Plan 2009
ADDRESS	44 Middle Arm Road, Middle Arm
DESCRIPTION	Lot 2 DP 569505
RECEIVED	30/04/2024
FILE NO.	IRF24/1027
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

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

The Planning Proposal also seeks to amend the Goulburn-Mulwaree Local Environmental Plan 2009 (GM LEP) to permit drainage works with consent within the RE1 Public Recreation zone. This is to ensure that any future development of the site can propose and undertake earthworks and drainage within the area covered by this zone. This change will be in effect throughout the whole LGA.

1.3 Explanation of provisions

The planning proposal seeks to amend the GM LEP per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU6 Transitional	R2 Low Density Residential RE1 Public Recreation
Minimum lot size	20 Hectares	700m ² (for R2 zone only, no MLS for the RE1 zone)
Number of dwellings	Number of dwellings from 1	Number of dwellings to 93
Land use table – RE1 Public Recreation zone	LEP prohibits drainage	LEP permits drainage with consent

Under the LEP, drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located at 44 Middle Arm Road, Middle Arm which is approximately 6 km North from the Goulburn Town Centre (Figure 1). The site is 11.92ha in size and approximately rectangular in shape with a street frontage of 200m and approximately 580m long (Figure 2).

There is a house and carport located towards the eastern portion of the block, alongside a shed and a grazing pen. There are two dams on the property. The Moomba / Sydney High Pressure Gas pipeline runs through the North Western corner of the property running in a North East – South West direction. The site has been primarily used for agriculture.

The proposal will facilitate the subdivision of the land into 93 residential lots as shown in the indicative subdivision plan in Figure 3 (subject to a future Development Application).

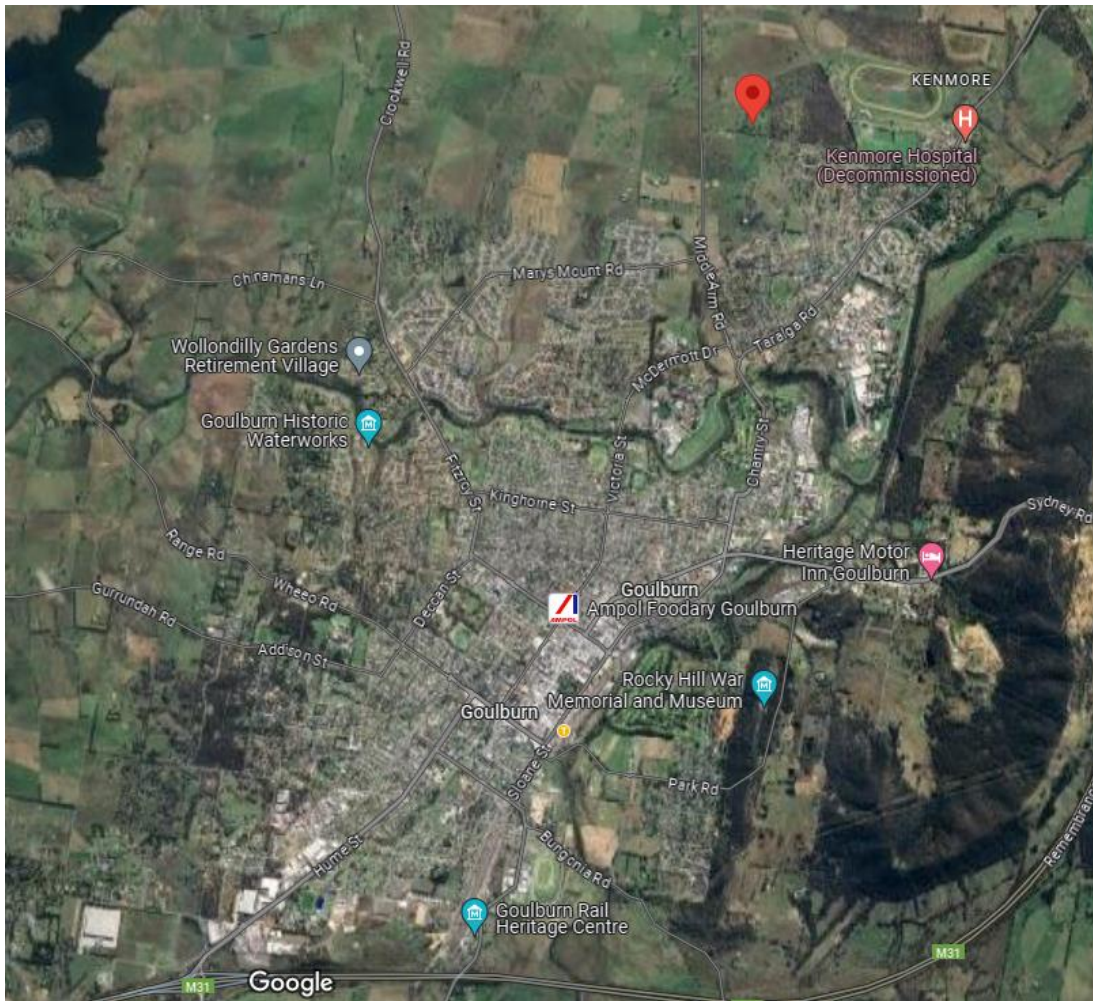


Figure 1 Site indicated by a red pin (source: Google Maps)



Figure 2 Subject site (source: NSW Planning Portal)

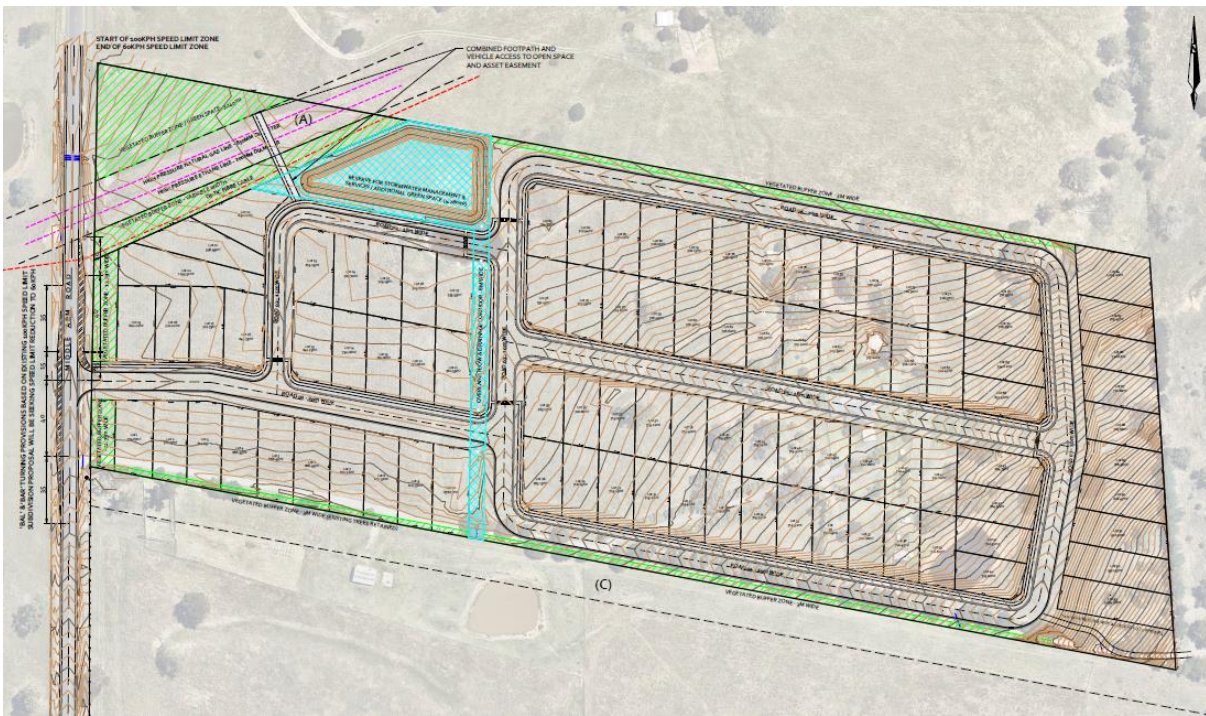


Figure 3 Indicative Subdivision Layout

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Zoning and Minimum Lot Size (MLS) maps, which are suitable for community consultation (Figures 4-7).

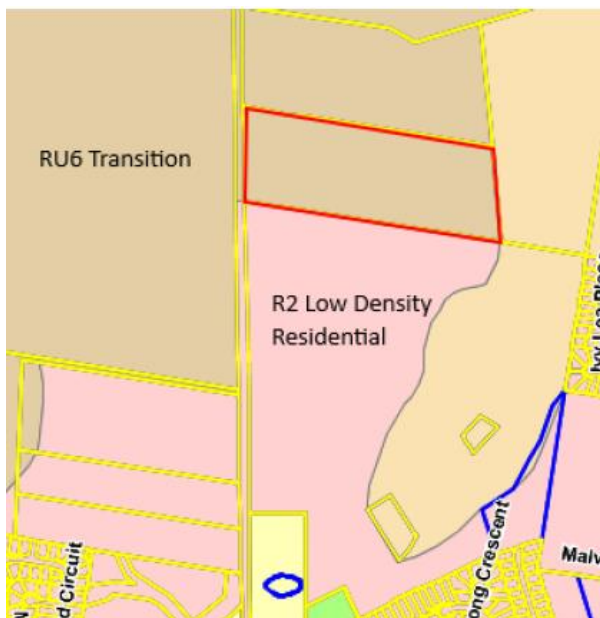


Figure 4 Current zoning map

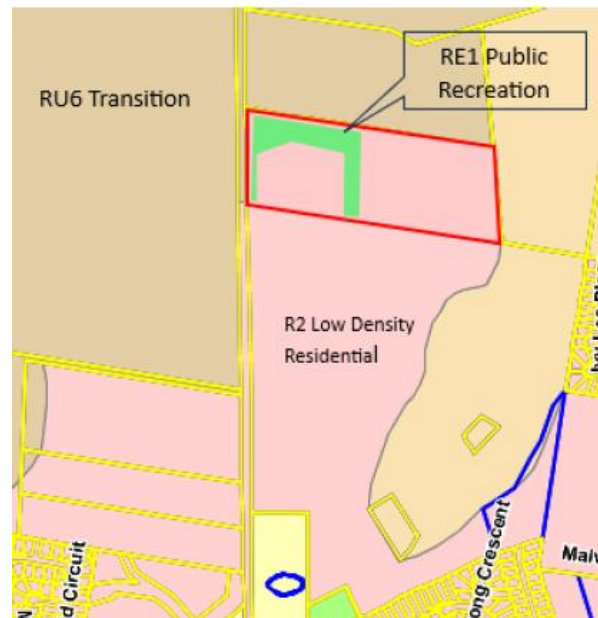


Figure 5 Proposed zoning map

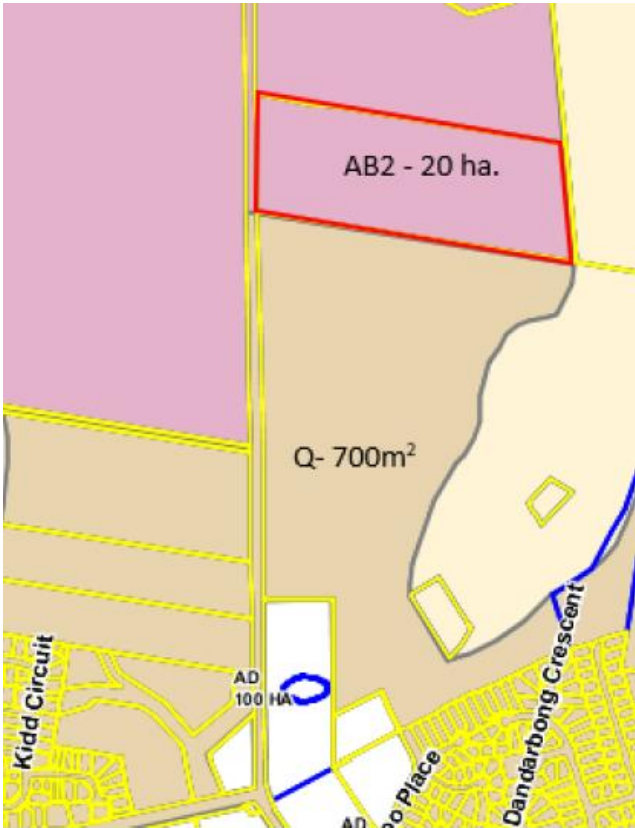


Figure 6 Current MLS map



Figure 7 Proposed MLS map

1.6 Background

Goulburn Mulwaree Council prepared and adopted the Urban and Fringe Housing Strategy (UFHS) in July 2020. The Strategy was endorsed (conditionally) by the Department in November 2020. The UFHS investigates and identifies areas suitable for the provision of additional housing to assist Council to meet the housing demands generated by expected continued population growth.

The UFHS identifies the area containing the subject site as 'Middle Arm East Precinct' (Figure 8), and recommends the area is rezoned to urban residential as a medium / high priority.

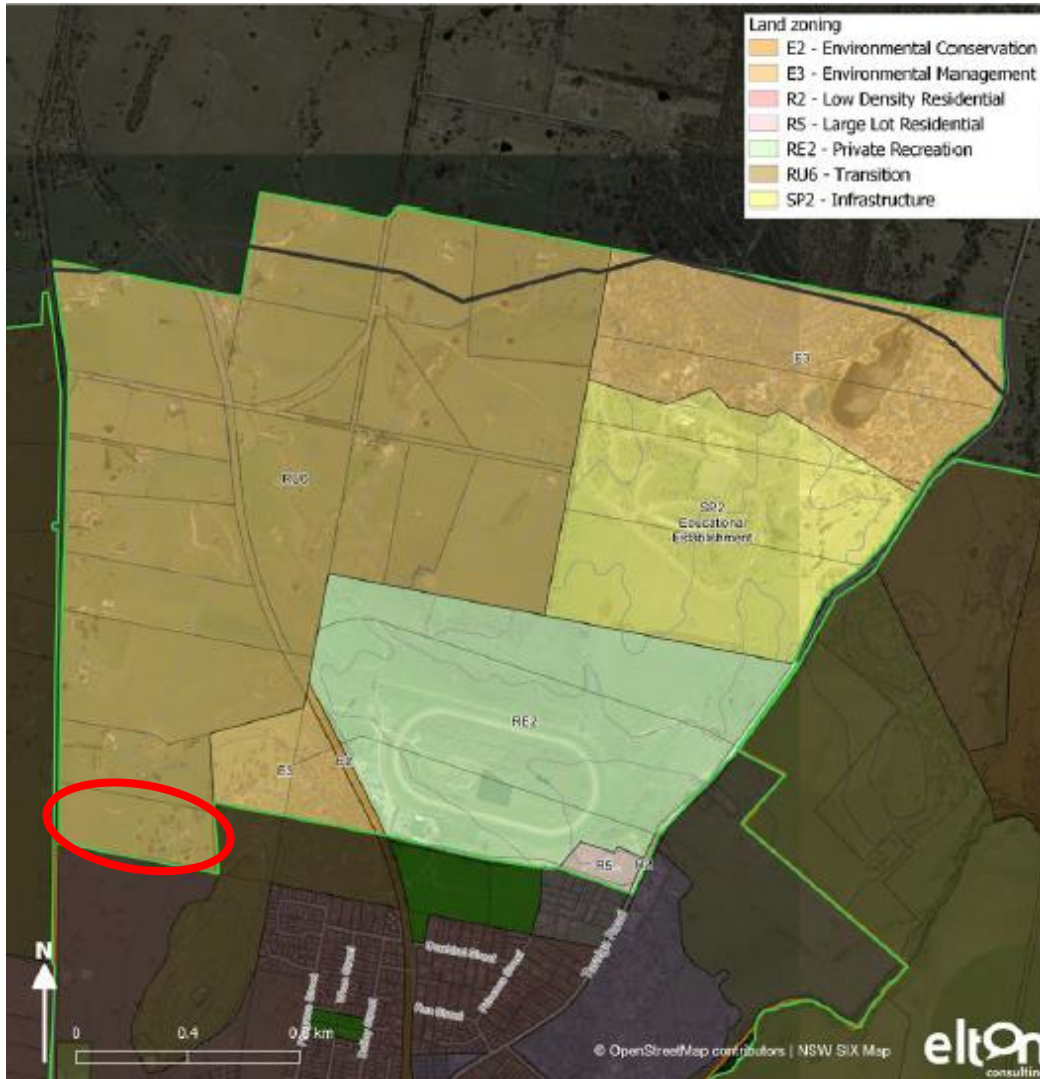


Figure 8 Middle Arm East precinct as identified in the Urban and Fringe Housing Strategy (site is located to the lower left of the image)

2 Need for the planning proposal

Council has prepared the planning proposal in response to an application received by the proponent to rezone the land which has been supported by Council. The site falls within an area designated for future residential development in Council's Housing Strategy.

The Department agrees with Council in that the planning proposal is the best means of achieving the objectives and intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan 2036.

Table 4 South East and Tablelands Regional Plan 2036 assessment

Regional Plan Objectives	Justification
<p><i>Direction 16: Protect the coast and increase resilience to natural hazards.</i></p>	<p>The Planning Proposal is consistent with this direction as it proposes to locate housing in a location which is relatively resilient to flooding. The site is known to be affected by overland flows, however the proposed layout of the site addresses this through stormwater management and zoning to locate houses in areas least prone to flooding.</p> <p>The site is mapped as bushfire prone land (category 3) as the site currently contains open grassland and improved pasture. The strategic bushfire study accompanying the Planning Proposal (Appendix I) notes the proposal will generally be able to satisfy the requirements of <i>Planning for Bush Fire protection (2019)</i>, and also notes that following development of the site, the site could be excluded from the mapped bush fire prone lands as the vegetation and classification will be significantly different which will be primarily managed lands and roads.</p>
<p><i>Direction 23: Protect the region's heritage.</i></p>	<p>The site is located within an area noted as having potential for Aboriginal Artefacts in Council's Aboriginal Heritage Study 2012. An Aboriginal Cultural Heritage Assessment Report (ACHAR) (Appendix B) was prepared to accompany the proposal to determine whether any Aboriginal places or objects of significance are present on the subject land. The ACHAR found there was no evidence of Aboriginal sites and objects on the subject land and as having low archaeological potential to contain Aboriginal sites and objects.</p> <p>The Planning Proposal is therefore consistent with this direction as steps have been taken to consult with the Aboriginal Community and understand and protect the heritage significance of the site.</p>

The Draft South East and Tablelands Regional Plan 2041 was publicly exhibited in 2023. The Planning Proposal does not contain an assessment against the relevant sections of the draft plan. A condition is recommended requiring Council to update the Planning Proposal to include an assessment of consistency with the draft plan prior to exhibition. The following table provides an assessment of the planning proposal against relevant aspects of the Draft South East and Tablelands Regional Plan 2041.

Table 5 Draft South East and Tablelands Regional Plan 2041

Regional Plan Objectives	Justification
<p><i>Objective 1</i></p> <p><i>Build capacity for shared knowledge about Aboriginal culture in land use planning</i></p>	<p>As discussed in table 4 above, the Planning Proposal includes an ACHAR which includes an assessment of the potential for Aboriginal Cultural Heritage on the site.</p> <p>The Planning proposal also contains a brief discussion of the nearby non-Aboriginal heritage items noting that the nearest item is 700metres away and will not have an impact on the significance of the item.</p> <p>The Planning Proposal is considered to be consistent with this objective.</p>
<p><i>Objective 17</i></p> <p><i>Plan for a supply of housing in appropriate locations</i></p>	<p>The site has been identified in an Urban and Fringe Housing Strategy as suitable for development and recommends the area is rezoned to urban residential as a medium / high priority.</p> <p>The Planning Proposal is therefore considered to be consistent with this objective.</p>
<p><i>Objective 21</i></p> <p><i>Provide efficient access to infrastructure and services</i></p>	<p>The Planning Proposal is considered to be consistent with this direction as the site is approximately a 10 minute drive from the centre of Goulburn and within close proximity of other neighbourhood centres and facilities.</p>

3.2 Local Strategic Planning Statement

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The Goulburn Mulwaree Local Strategic Planning Statement (LSPS) sets out a 20 – year vision for the future of the Goulburn Mulwaree Local Government Area (LGA) and sets out key issues and opportunities for managing urban, rural and natural environments across the LGA.</p> <p>Overall, this planning proposal is consistent with the planning priorities, vision, principles, and actions of the <i>Goulburn Mulwaree Local Strategic Planning Statement</i>, specifically planning priorities 4, 8, 9 and 10.</p>
Goulburn Mulwaree Urban and Fringe Housing Strategy	<p>The proposal is consistent with the Urban and Fringe Housing Strategy as the site is identified within the ‘Middle Arm East Precinct’ and recommends it is rezoned to urban residential as a medium / high priority.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Yes	The South East and Tablelands Regional Plan 2036 and Draft South East and Tablelands Regional Plan 2041 are applicable to this Planning Proposal. The proposal is consistent with these regional plans.
Direction 1.4 Site Specific Provisions	Yes	The Planning Proposal does not propose unnecessarily restrictive site-specific planning controls and is therefore consistent with this direction.
Direction 3.3 Sydney Drinking Water Catchments	Yes	<p>The Planning Proposal is consistent with this direction as the proposal has demonstrated consistency with Chapter 6 (part 6.5) of the Biodiversity and Conservation SEPP; considers a Strategic Land and Water Capability Assessment (SLWCA) provided by Water NSW; and consultation with Water NSW has been undertaken pre- gateway and Water NSW's advice provided has been incorporated in the amended planning proposal.</p> <p>The proposal is intended to be serviced by Goulburn's reticulated water and sewage system. The SLWCA Map identifies that the majority of the site is of low risk to water quality except for a small section to the west and also along two drainage corridors that traverse the site which are to be zoned RE1.</p> <p>The Water Cycle Management Study accompanying the proposal (Appendix G) indicates that a neutral or beneficial effect on water quality can be achieved for the proposed development.</p>
Direction 4.1 Flooding	Justifiably Inconsistent	<p>The Planning Proposal is accompanied by a preliminary Flood Impact Risk Assessment (FIRA) (Appendix L) which concludes the site will be subject to minor overland flood during heavy rain events. The proposal seeks to manage flooding through stormwater management and civil works to ensure that the portion of the site to be development for residential purposes is free from flooding. The FIRA identifies that safe occupation from inundation of flood water is guaranteed through the proposed R2 zoning with efficient evacuation to the North Goulburn urban area available to the 1% flood. The site is located within a flash flood catchment which will enable occupants to safely shelter in place during floods which exceed 1% flood and up to the probable maximum flood.</p> <p>The Department of Climate Change, Energy, the Environment and Water (DCCEEW) and State Emergency Service were</p>

		<p>consulted on the planning proposal and did not raised objection to the proposal. DCCEEW has provided advice that the Planning Proposal should be updated prior to exhibition to clarify the extent of flooding onsite. A condition is recommended to be included to that effect.</p> <p>A full discussion on flooding is included in section 4 below.</p>
Direction 4.3 Planning for Bushfire Protection	No - Inconsistency to be justified	The subject land is mapped as bushfire prone (vegetation category 3) and consultation with Rural Fire Service is required by this direction prior to public exhibition. A condition of Gateway is recommended to be included to this effect.
Direction 4.4 Remediation of contaminated land	Yes	<p>A site contamination (Appendix D) report has been prepared to accompany the planning proposal and concludes there is a low risk of contamination. A remediation action plan has been developed for the sampling, management and the demolition of the house, garage and sheds currently on-site and the removal of any contaminated waste to ensure the minimisation of contamination during the demolition process and sampling is done to validate the areas are free from contaminants.</p> <p>The Planning Proposal is therefore considered to be consistent with this direction.</p>
Direction 5.2 Reserving Land for Public Purposes	Yes, subject to the Secretary's approval of the creation of the RE1 Zoning on part of the site.	The Direction requires the Secretary (or nominated officer's) approval for the proposed creation of zonings of land for public purposes. The proposal to rezone part of the site RE1 Public Recreation is considered appropriate as it will provide a suitable zoning for flood prone land, easements for the gas pipeline, telecommunications and electricity transmission and will provide for drainage through the site and recreation areas. The Secretary (or nominated officer's) approval for the proposed creation of the RE1 Zoning for part of the site is recommended.
Direction 6.1 Residential Zones	Consistent	The site is identified for consideration for urban development in Council's Urban Fringe and Housing Strategy. The site is in relatively close proximity and easy access to the Goulburn urban areas and has access to the required infrastructure and services to support development.
Direction 9.1 Rural Zones	No – justified	The proposed rezoning from RU6 Transition zone to R2 Low Density Residential is inconsistent with the Direction but the inconsistency is justified by the Urban and Fringe Housing Strategy which identifies the site for future urban residential.
Direction 9.2 Rural Lands	No – justified	The proposed rezoning from RU6 Transition zone to R2 Low Density Residential is inconsistent with the Direction but the inconsistency is justified by the Urban and Fringe Housing Strategy which identifies the site for future urban residential.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment	Yes	<p>The planning proposal is consistent with the aims of Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment of the BCS SEPP.</p> <p>The proposal is intended to be serviced by Goulburn's reticulated water and sewage system. The Strategic Land and Water Capability Assessment Map identifies that the majority of the site is of low risk to water quality except for a small section to the west and also along two drainage corridors that traverse the site which are to be zoned RE1.</p> <p>The Water Cycle Management Study (Appendix G) accompanying the proposal indicates that a neutral or beneficial effect on water quality can be achieved for the proposed development.</p> <p>The proposal is considered to be consistent with Chapter 6, Part 6.5 of the BCS SEPP.</p>
State Environmental Planning Policy (Primary Production) 2021	Yes	<p>The planning Proposal is consistent with the aims of this SEPP.</p> <p>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. The 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.</p> <p>The subject site has limited coverage of native vegetation, is considered highly disturbed and has low biodiversity value.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4: Remediation of Land	Yes	<p>The planning proposal is consistent with the aims of the SEPP.</p> <p>A preliminary site contamination report has been prepared to accompany the planning proposal and concludes that there is low risk of contamination. A remediation action plan has been developed for the sampling, management and the demolition of house, garage and sheds and the removal of any contaminated waste to ensure the minimisation of contamination during the demolition process and the sampling to validate the areas are free from contaminants.</p>
SEPP (Transport and Infrastructure)	Yes	<p>The Planning Proposal seeks to amend the Goulburn-Mulwaree Local Environmental Plan 2009 (GM LEP) to permit drainage works with consent within the RE1 Public Recreation zone to ensure that any future</p>

2021 - Division
20 'Stormwater
management
systems'

development of the site can include earthworks and drainage. This proposal appears to be consistent with Division 20 of SEPP (Transport and Infrastructure) 2021 which permits "stormwater management systems" with consent on any land, however there are no concerns regarding the inclusion of drainage in the Land Use Table for RE1 zones

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environment al Impact	Assessment
Heritage	<p><u>Aboriginal Heritage</u></p> <p>The site is located within an area noted as having potential for Aboriginal Artefacts in Council's Aboriginal Heritage Study 2012. An Aboriginal Cultural Heritage Assessment Report (ACHAR) (Appendix B) was prepared to accompany the proposal to determine whether any Aboriginal places or objects of significance are present in the subject land.</p> <p>The ACHAR found there was no evidence of Aboriginal sites and objects within the subject land and as having low archaeological potential to contain Aboriginal sites and objects.</p> <p><u>Non-Aboriginal Heritage</u></p> <p>There are no non-Aboriginal heritage items within the site. The closest heritage item to the site St. Patrick's Cemetery and Chapel which is a locally listed item 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 will have no impact on the heritage significance of the Cemetery and Chapel.</p>
Flooding	<p>The Planning Proposal is accompanied by a Flood Impact Risk Assessment (FIRA) (Appendix L) which concludes that a portion of the site is impacted by overland flooding from the north during heavy rain events (Figure 9). The site is not impacted by riverine flooding.</p> <p>The proposed zone layout of the site has been designed with the above flood modelling in mind and aims to reduce the impact of flood water on land zoned for residential proposes. A stormwater basin has been incorporated to manage flows and an 8m wide overland flow and drainage corridor has been integrated to assist in the passage of water from the north to the south of the site.</p> <p>Both SES and DCCEEW (flooding) were consulted pre-Gateway determination who provided feedback on the proposal. Both SES and DCCEEW (flooding) confirmed they had no concern with the proposal being issued with a Gateway determination, however requested that the Planning Proposal be updated prior to exhibition to include the following:</p> <ul style="list-style-type: none"> Confirmation that Council is satisfied that the Planning Proposal will not create adverse off-site impacts.

- The mapping in Figure 22 of the FIRA should be updated to provide clarity about pre and post development flood behaviour and its impact to residential lots.
- The Planning Proposal should be updated to include a clearer discussion regarding flood warning times and duration of isolation events.

A condition is recommended be included to this effect.

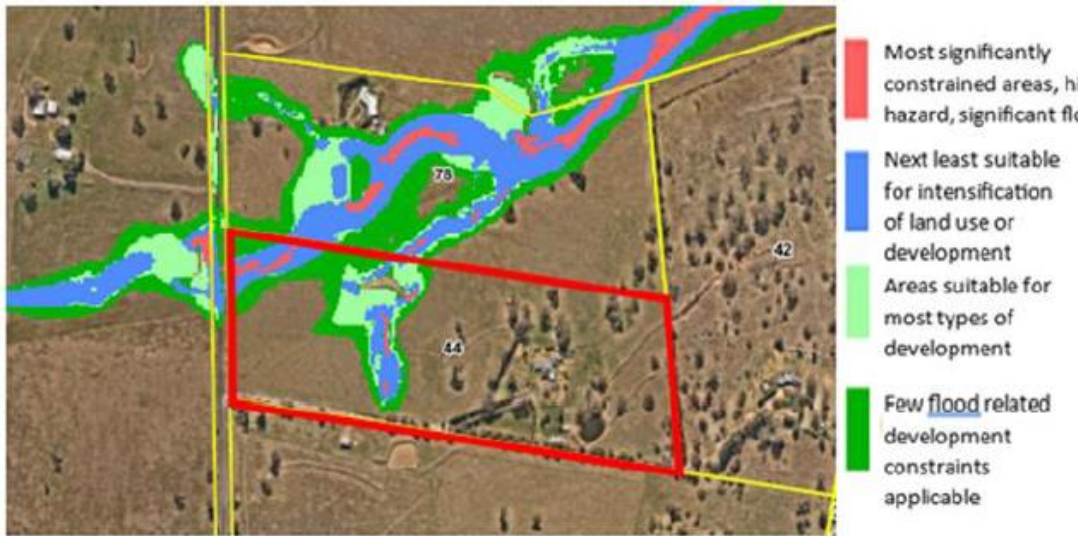


Figure 9 Extent of Flood Prone Land – Overland Flooding Modelling

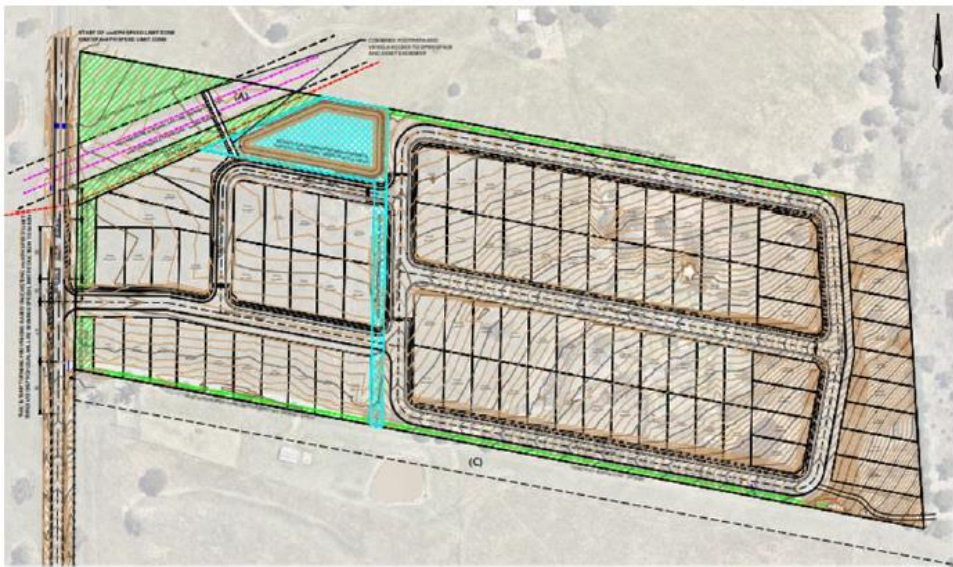


Figure 10 Proposed subdivision layout showing stormwater infrastructure

Biodiversity

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

The assessment 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.

DPHI consulted DCCEEW (biodiversity) on the planning proposal. DCCEEW recommended prior to exhibition the BDAR should be updated to include the data gleaned

from the botanical spot survey show in Figure 5 of the BDAR nothing this information was used to inform the conclusion of the BDAR and that the Planning Proposal should be updated to include this prior to exhibition.

A condition is recommended be included to this effect.

Bushfire

The subject land is mapped as bushfire prone (vegetation category 3) (figure 11).

The Planning Proposal was accompanied by a Strategic Bushfire Study (SBS) (Appendix I) which included Bushfire Protection Measures including:

- The provision of Asset Protection Zones (APZ) of variable width to each of the property boundaries.
- Gas and electricity supplies will comply with the requirements of the *Planning for Bushfire Protection 2019* guidelines.

Future residential development on the site 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.

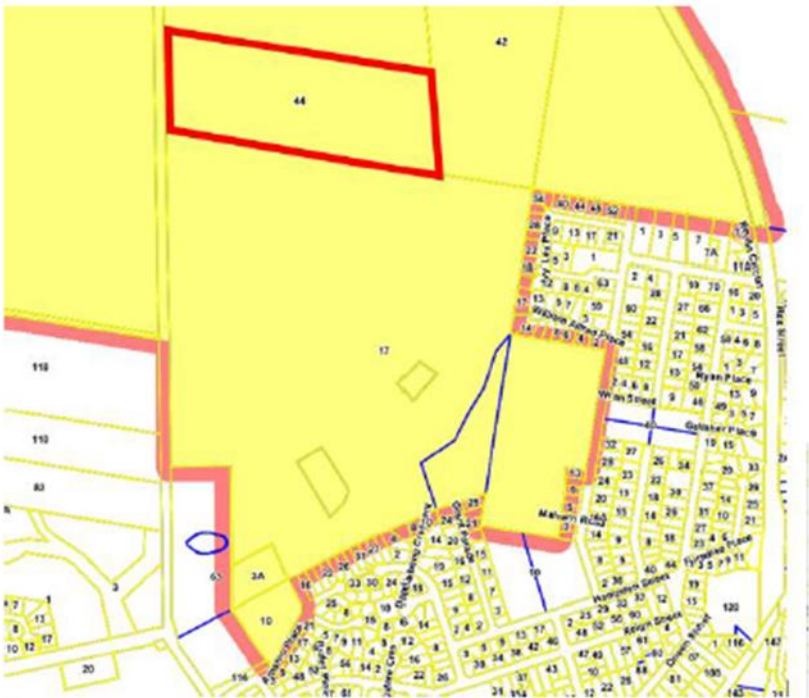


Figure 11 Bushfire prone land mapping

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

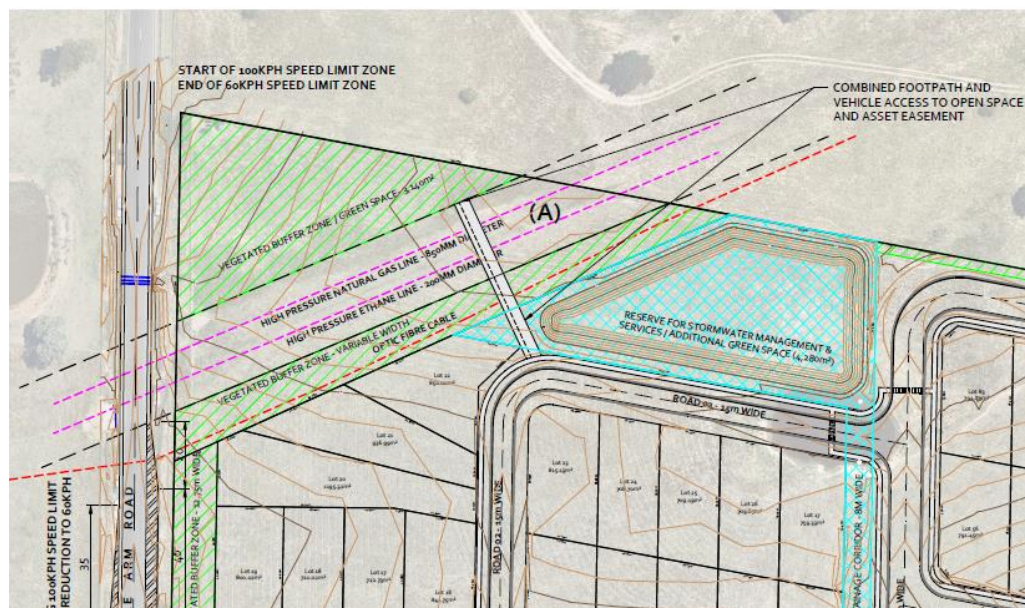
Social and Economic Impact	Assessment
Social impact	The proposal is considered to have negligible negative social impact. The impact is likely to be positive through supply of additional housing and public open space in North Goulburn.
Economic impact	The proposed development will have a positive economic impact driven by the employment of local trades and services during planning and construction and demand for local goods and services as a result of future residents moving into the area.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Gas and water pipelines	A High-Pressure Gas Transmission pipeline is located within the site approximately 75 metres from the northern boundary at its closest point (Figure 12 - 13).

**Figure 12 Easements located in the north west corner of the site**

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 (Appendix F) was submitted with the Planning Proposal. Council also referred the Planning Proposal and SMS pre-Gateway to APA which did not respond to the referral.

The Safety Management Study concluded that of the credible threats to the safety of the pipeline, they were adequately mitigated by implementation of threat controls.

An easement surrounds the length of the pipeline and a buffer around the pipeline will be zoned RE1.

The Highland Source (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.

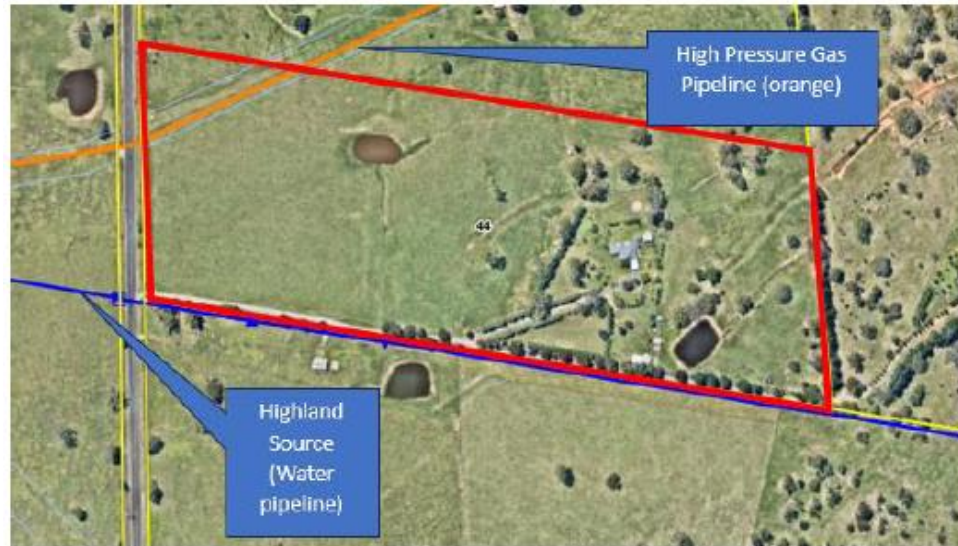


Figure 13 Location of gas and water pipelines

Roads

The site fronts Middle Arm Road which is a dual carriage sealed road way which runs in a north – south direction. A single intersection is proposed onto Middle arm Road.

The Planning Proposal was accompanied by a Traffic Assessment Report (Appendix H) which concludes that:

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

Council's Operations Directorate reviewed the Traffic Assessment and agreed that the proposed intersection is considered suitable given the current road conditions and in relation to the development as proposed.

Water, Sewer, Electricity

Water and sewer services to the site would be provided via Council's reticulated systems. Council has confirmed that the existing systems have capacity to service the site.

An electricity transmission easement is located in the north west corner of the site (Figure 14) and is situated in an area proposed to be zoned RE1.

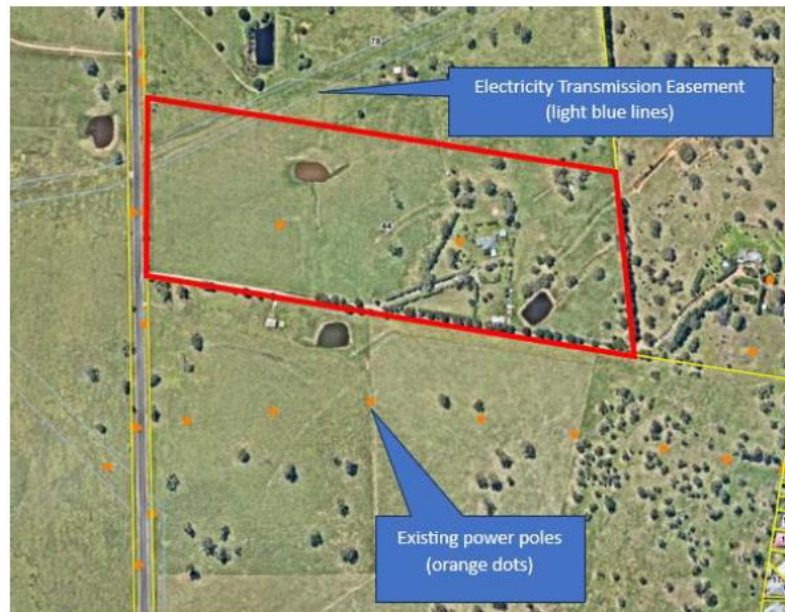


Figure 14 Electricity transmission easement and power poles

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of at least 20 working days is recommended and this forms part of the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies/organisations be consulted on the planning proposal and given 30 days to comment:

- The Department of Climate Change, Energy, the Environment and Water (Flooding and Biodiversity and Conservation)
- State Emergency Service
- NSW Rural Fire Service;
- Water NSW;
- Endeavour Energy.
- East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA)

6 Timeframe

Council proposes an 11-month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex Planning Proposal.

The Department recommends an LEP completion date of 23 July 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site/planning proposal is of local significance and consistent with Council's local housing strategy, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will provide housing (93 homes) within the Middle Arm Precinct of North Goulburn which is identified for urban development in Goulburn Mulwaree Council's local housing strategy; and
- It has site specific merit.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 4.1 Flooding, 9.1 Rural Zones and 9.2 Rural Lands are justified under the terms of the directions.
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.
- Approve the proposal to create an RE1 Public Recreation Zoning on part of the site under Direction 5.2 Reserving Land for Public Purposes.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal and relevant sections of the FIRA and BDAR, is to be updated to:
 - Include an assessment of the consistency of the proposal with the Draft South East and Tablelands Regional Plan 2041.
 - Include the site-survey data from gleaned from the botanical spot surveys/botanical random meander as shown in Figure 5 of the BDAR.
 - Provide clarity regarding pre and post development flood behaviour and its impact to residential lots. Figure 22 should be updated accordingly.
 - Include information regarding flood warning times and duration of isolation events.
2. Prior to community consultation, consultation is required with Rural Fire Service to determine the consistency with section 9.1 Direction 4.3 Planning for bushfire protection.
3. Consultation is required with the following public authorities/organisations:
 - The Department of Climate Change, Energy, the Environment and Water (Flooding and Biodiversity and Conservation);
 - NSW Rural Fire Service;
 - State Emergency Service;
 - Water NSW;
 - Endeavour Energy; and
 - East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA).

4. The planning proposal should be made available for community consultation for a minimum of 20 working days.
5. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 23 July 2025 be included on the Gateway.



19/7/2024

George Curtis

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23/7/2024

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