



IRF24/186

Gateway determination report – PP-2023-1663

233-234 Wheeo Road, Goulburn Water Treatment
Facility

February 24



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-1663

Subtitle: 233-234 Wheeo Road, Goulburn Water Treatment Facility

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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.

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Table 1 Reports and plans supporting the proposal

| Relevant reports and plans |
|--|
| <i>Preliminary Biodiversity Development Assessment Report. Goulburn Sludge Lagoons Upgrade, Wheeo Road, Goulburn. Prepared by Brian Erik Faulkner, Goulburn Mulwaree Council, November 2023.</i> |
| <i>Goulburn Mulwaree Council. Ordinary Council Meeting Agenda, 2 November 2021. Planning Proposal to Rezone Land Adjoining Council (Drinking) Water Treatment Plans in Goulburn and Marulan.</i> |
| <i>NSW Government. AHIMS Web Services Search Result 7 August 2023.</i> |
| <i>Department of Climate Change, Energy, the Environment and Water. Planning Proposal 233-234 Wheeo Rd, Goulburn</i> |
| <i>WaterNSW, 7 December 2023. Preliminary Consultation – Planning Proposal – 233-234 Wheeo Road, Goulburn</i> |

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

| | |
|---------------------------------|---|
| LGA | Goulburn Mulwaree |
| PPA | Goulburn Mulwaree Council |
| NAME | 233-234 Wheeo Road, Goulburn Drinking Water Treatment Facility |
| NUMBER | PP-2023-1663 |
| LEP TO BE AMENDED | Goulburn Mulwaree LEP 2009 |
| ADDRESS | 233-234 Wheeo Road, Goulburn |
| DESCRIPTION | Lot 1 DP1030749 |
| RECEIVED | 25/01/2024 |
| FILE NO. | EF24/1127 (IRF24/186) |
| 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 intended outcomes that adequately explain the intent of the proposal.

The intended outcome of the planning proposal is to rezone the site to allow development for the purposes of a potable water treatment facility to allow expansion of the existing Goulburn drinking water treatment facility.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Goulburn Mulwaree LEP 2009 per the changes below:

Table 3 Current and proposed controls

| Control | Current | Proposed |
|----------------|-----------------------|---|
| Zone | RE1 Public Recreation | SP2 Infrastructure (Public Utility Undertaking) |

| | | |
|---------------------|-----|-----|
| Number of dwellings | N/A | N/A |
| Number of jobs | 5 | 5 |

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 1.745ha site, subject to the planning proposal, is part of the 2.536 ha Goulburn Drinking Water Treatment Plant site which is located at the corner of Wheeo Road and River Street. A site map is provided on page 4 of the planning proposal. The facility produces Goulburn's drinking water.

The subject site contains two existing treatment lagoons. The remainder of the site contains remnant native vegetation (Goulburn Tableland Box-Gum Grassy Forest) which is a critically endangered ecological community (CEEC). The site gently slopes north westerly but does not contain any creeks or watercourses.

The site is surrounded by large lot and standard residential development to the north, south and west and Trinity Catholic College to the east (refer site map on page 4 of the planning proposal).

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the relevant zoning map, which are suitable for community consultation.

2 Need for the planning proposal

The planning proposal is needed to facilitate the rezoning of the site to enable the Goulburn Drinking Water Treatment Plant to expand to provide safe drinking water to support a growing local population. Council has undertaken a study to investigate other potential sites to expand the facility, but the expansion of the current site was identified as the most suitable option.

A planning proposal is the appropriate mechanism to facilitate the rezoning of the site to provide permissibility for 'water supply systems' which will enable the facility to be expanded.

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 and exhibited draft South East and Tablelands Regional Plan 2041.

Table 4 Regional Plan assessment

| Regional Plan Objectives | Justification |
|---|---|
| Direction 25: Focus housing growth in locations that maximise infrastructure and services | The planning proposal is consistent with Direction 25 of the Regional Plan and Objective 21 of the draft Regional Plan as it will provide for the orderly development of land within Goulburn by maximising existing infrastructure and services. |
| Objective 21: Provide efficient access to infrastructure and services (draft Regional Plan) | |
| Direction 14: Protect important environmental assets. Action: 14.3: Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy. | The planning proposal is supported by a preliminary biodiversity development assessment report (BDAR) that identifies strategies to minimise impacts of the proposal on biodiversity, and the 'species and ecosystem' credits required to offset impacts. |
| Objective 5: Protect important environmental assets (draft Regional Plan) | |

3.2 Local

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 |
|--|--|
| Goulburn Mulwaree Local Strategic Planning Statement (2020). | <p>The planning proposal is consistent with the Goulburn Mulwaree LSPS, in particular with the following two planning principles identified in the LSPS:</p> <ul style="list-style-type: none"> Identify, maintain, and upgrade essential community infrastructure in the main population centres of Goulburn and Marulan to meet community needs. New development and planning decisions provide for adequate infrastructure (water, sewerage, stormwater management) to accommodate new development. |
| Goulburn Mulwaree Urban and Fringe Housing Strategy (2020) | The planning proposal is consistent with Council's housing strategy, which was endorsed by the Department in 2020, as it will facilitate expansion of critical infrastructure for the existing and future population and supports the orderly development of land in Goulburn. |

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/ Not Applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|----------------------------|--|
| 1.1 Implementation of Regional Plans | Consistent | The planning proposal is consistent with the South East and Tablelands Regional Plan and exhibited draft Regional Plan as discussed in section 3.1 of this report. |
| 3.1 Conservation Zones | Inconsistent | <p>The planning proposal is likely to facilitate clearing of 1.8ha of Box Gum Woodland and Derived Grassland which are critically endangered ecological communities. Council considers the inconsistency with the Direction is minor due to the relatively small area of land involved.</p> <p>A biodiversity development assessment report (BDAR) has been prepared to support the planning proposal which has been prepared to meet the requirements of the Biodiversity Conservation Act. It is considered the inconsistency with the Direction is justified for the reasons provided in the planning proposal.</p> |
| 3.2 Heritage Conservation | Consistent | Council has not identified any heritage issues relevant to the site. An Aboriginal Heritage Information Management System (AHIMS) search that was undertaken, in support of the planning proposal, did not identify any Aboriginal sites or places on or near the site. |
| 3.3 Sydney Drinking Water Catchments | Consistent | Council has undertaken pre-gateway consultation with WaterNSW as required by the Direction. WaterNSW did not raise any objection with the planning proposal. |
| 4.1 Flooding | Consistent | The site is located on a high point and is not identified as flood prone land. No flood risk has been identified in relation to the proposed use/infrastructure. |
| 4.3 Planning for Bushfire Protection | To be confirmed | The site is located on bushfire prone land; however, the proposal is not seeking to facilitate any residential or commercial development. Council intends to consult the RFS on the planning proposal pre-exhibition which is a requirement of the Direction. |
| 4.4 Remediation of Contaminated Land | Consistent | The land is likely to contain contaminants associated with its current use as a water treatment facility. Council, however, considers the land is suitable for the proposed use. The issue will be further addressed as part of a review of environmental factors for any expansion of the existing treatment lagoons. |

| | | |
|--|--------------|--|
| 5.2 Reserving Land for Public Purposes | Inconsistent | The site is currently zoned RE1 Public Recreation and is classified as “operational land” by Council. The Direction requires the Secretary or her delegate’s approval for a planning proposal that seeks to alter or reduce existing zonings of land for public purposes. Given the current and proposed use of the site as a drinking water treatment facility and the necessity of this facility to improve water quality and support growth, it is recommended that the Secretary’s delegate approve the alteration of the existing RE1 Public Recreation zoning. |
|--|--------------|--|

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 | Requirement | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|---|---|----------------------------------|---|
| SEPP (Transport and Infrastructure) 2021 | Provides an assessment pathway for certain transport and infrastructure developments. | Consistent | The planning proposal seeks to rezone the land to a prescribed zone under the SEPP to permit “water supply systems” and more specifically “water treatment systems” without consent. This would allow for a review of environmental factors (REF) and a determination to be made by Council under part 5 of the <i>Environmental Planning and Assessment Act and Regulation</i> . |
| SEPP (Biodiversity and Conservation) 2021 | Chapter 2 ‘Vegetation in Non-Rural Areas’ requires that development protect the biodiversity values of trees and other vegetation and preserve the amenity in non-rural areas of the State. Chapter 6 of the SEPP requires that development protects the Sydney Drinking Water Catchment. A consent authority must not grant development consent unless it is satisfied the development will have a “neutral or beneficial effect” on water quality. | Consistent | Council has prepared a biodiversity assessment development assessment report (BDAR) and has undertaken preliminary consultation with the Department of Climate Change, Energy, Environment and Water (DCCEEW) who are generally supportive of the proposal subject to further consultation. Council has undertaken pre-gateway consultation with WaterNSW which has not raised objection to the planning proposal. |

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

| Environmental Impact | Assessment |
|--|---|
| Threatened species, flora and fauna and their habitats | <p>As discussed in sections 3.1-3.3 of this report, the site has been identified as containing Box Gum Woodland and Derived Native Grassland Critically Endangered Ecological Communities as well as Hoary Sunrays (native flowering plants) and Key's Matchstick Grasshoppers which are identified as threatened species.</p> <p>A preliminary BDAR has been prepared by Council in support of the planning proposal which concludes the proposal is not likely to result in a significant adverse impact on the local occurrence of the Hoary Sunray or Key's Matchstick Grasshopper but will result in the removal of 1.8ha of Box Gum Woodland and Derived Native Grassland CEEC habitat to create the proposed water treatment sludge ponds.</p> <p>The BDAR identifies strategies to avoid, minimise and offset any impacts on threatened species and their habitat. Council has consulted DCCEEW on the BDAR who are generally supportive of the planning proposal subject to further consultation to identify additional opportunities to mitigate impacts on biodiversity on the site. Council has included DCCEEW's letter as part of the planning proposal documentation.</p> <p>Council intends to refer the proposal to the relevant Commonwealth environment department to obtain an approval under the Environment Protection and Biodiversity Conservation Act.</p> |
| Sydney Drinking Water quality | <p>As discussed in section 3.3 of the report, Council has consulted WaterNSW on the planning proposal and WaterNSW has not raised any objection to the proposal. Council has included WaterNSW's letter as part of the planning proposal documentation.</p> |
| Odour and waste management | <p>The planning proposal states that the treatment of drinking water does not result in odour impacts. The sludge concentration produced by sludge treatment ponds will be transported to the Veolia waste treatment facility located at Tarago.</p> |

4.2 Social and economic

The planning proposal will provide significant positive social and economic impacts as it will facilitate potable drinking water to support the current and future health and growth of Goulburn and provide five direct jobs at the Goulburn Drinking Water Treatment Facility.

4.3 Infrastructure

There is available electricity and other infrastructure to support the proposed expansion of the Goulburn Drinking Water Treatment Facility which will benefit the community.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

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

- WaterNSW
- Rural Fire Service
- NSW Department of Climate Change, Energy, Environment and Water (formerly Biodiversity and Conservation Division)

6 Timeframe

Council proposes a 12 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 standard.

The Department recommends an LEP completion date of 15 November 2024 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 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 support the health and growth of Goulburn via the provision of potable drinking water.
- It is consistent with adopted local and regional strategic plans including the current and exhibited draft South East and Tablelands Regional Plan, Goulburn Mulwaree Local Strategic Planning Statement and Council's Urban and Fringe Housing Strategy.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 3.1 Conservation Zones is minor or justified;
- Approve the proposed alteration of the existing zoning of land for public recreation under Direction 5.2 Reserving Land for Public Purposes; and
- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection is unresolved and will require justification.

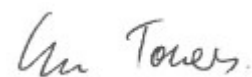
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

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

1. Prior to community consultation, consultation is required with the following public authority:
 - Rural Fire Service
2. Consultation is required with the following public authorities:
 - NSW Department of Climate Change, Energy, Environment and Water (formerly Biodiversity and Conservation Division)
 - WaterNSW
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Prior to public consultation, the planning proposal is to be updated to address section 9.1 Direction 5.2 Reserving Land for Public Purposes.

Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority and that a 9-month LEP completion date of be included on the Gateway.

The timeframe for the LEP to be completed is on or before 15 November 2024



15/2/2024

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