

## Jim Hoskins

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**From:** Dialina Day <Dialina.Day@goulburn.nsw.gov.au>  
**Sent:** Thursday, November 4, 2021 4:51 PM  
**To:** 'Justin Kell'  
**Cc:** 'Jim Hoskins'  
**Subject:** 67 Gorman Road Planning Proposal Pre-lodgement meeting  
**Attachments:** 67 Gorman Road Pre lodgement notes.pdf

Hi Justin,

Further to our meeting yesterday in regard to the above, please refer to the Planning Proposal Pre-lodgement meeting notes for your perusal.

Please let us know if you have any further questions.

Regards,  
-Dialina

**Dialina Day**  
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## **Gorman Rd Planning Proposal Pre-lodgement Notes**

**3<sup>rd</sup> November 2021 at Goulburn Mulwaree Council Office**

**69 Gorman Road, Goulburn Lot 11, DP 1044967**

### **Attendees:**

- Kate Wooll- Business Manager- Strategic Planning, Goulburn Mulwaree Council
- Dialina Day- Senior Strategic Planner, Goulburn Mulwaree Council
- Justin Kell, Land Team Consultant
- Jim and Beth Hoskins, Landowners

**Site Area: 10ha**

| <b>Initial Constraint Review</b> |  |
|----------------------------------|--|
| •                                | Natural drainage paths run diagonally across the site- applicable buffer zones   |
| •                                | Potential Aboriginal Artefacts area  |
| •                                | Local Heritage Item 348 (House 'Kentgrove' & fruit packing shed) stands to south of site, relative close proximity.  |
| •                                | Within Terrestrial Biodiversity Area & native vegetation present on site, mainly E3 section.   |
| •                                | No FSR   |
| •                                | No height of building limit  |
| •                                | Current split zone- RU6 Zone/E3 Environmental Management <ul style="list-style-type: none"> <li>◦ Addressing Ministerial Directions 2.1 &amp; 1.5</li> </ul> |
| •                                | Current MLS 10ha(RU6) & 100ha (E3)   |
| •                                | Cat 2 & 3- Bushfire Prone Land   |
| •                                | The 2021 Overland flow study doesn't include this land.  |
| •                                | Not connected to reticulated sewer or water  |
| •                                | Only RU6 land identified in the UFHS for potential rezoning & redevelopment  |

### **Required Studies & Documents**

- **Flora & Fauna Assessment** if only RU6 lots included in PP with a potential requirement for a Biodiversity Development Assessment Report (BDAR) depending on findings.
- **Full Biodiversity Development Assessment Report (BDAR)** required from the outset if both RU6 and E3 land included in PP. Consideration of meeting/exceeding the BDAR clearing threshold. BDAR's are usually undertaken during the spring.
- **Bushfire Strategic Study.** This was not undertaken as part of the Urban and Fringe Housing Strategy.
- **Aboriginal & European Cultural Heritage Assessment-** particular consideration for 'Kentgrove' on adjacent lot and due diligence for Aboriginal sites and artefacts. Heritage NSW will require consultation with local Aboriginal community groups, namely Pejar Local Aboriginal Land Council and Mulwaree Aboriginal Community Inc.
- **Phase 1 Contamination Assessment** to understand previous rural land uses
- If E3 land included in PP- Robust justification required on how the planning proposal addresses Ministerial Directions 2.1 Environmental Protection Zones and 1.5 Rural



lands with particular regard to ensuring the subdivision would not result in reduced environmental outcomes.

### **Key Issues**

- Studies should be prepared and submitted with the planning proposal. Planning proposal must be submitted via the Planning Portal. After submission an invoice for the Commencement fee will be issued.
- A Development Application (DA) could be submitted and be assessed during the proposal process. This would provide some additional detail on the constraints, studies and building locations. The DA would be assessed up to the determination point at which point the DA is placed on hold until completion of the planning proposal.
- The 40m buffer distance from the drainage channels restricts the siting of a dwelling house within these areas. The 100m buffer distance from drainage channels restricts the siting of effluent management areas. The initial and indicative mapping of these buffers occupies 90-95% of the site.
- Building envelopes are required to be mapped for Gorman Road to indicate whether a dwelling can be located outside of constraint areas, particularly relating to drainage buffers and the location of effluent management areas. This will also be required for the Aboriginal and European Cultural Heritage Assessment and any potential BDAR.
- A Water Quality Assessment is required to assess the sites potential to accommodate on-site effluent management systems and ensure any adverse effects on water quality are identified and can be mitigated.

### **Cost**

Planning Proposal costs are split into two parts:

Part 1: Planning Proposal Commencement Fee which covers the lodgement of the proposal and assessment up to presentation to Council.

Part 2: Additional Assessment & Processing Fee which is payable after the Council resolves to support the planning proposal.

The cost of planning proposals depends on the scope of the Planning Proposal:

If Planning Proposal excludes E3 land and creates only one additional lot it will be classified as a minor planning proposal and the following apply:

Part 1: \$1,800 (Inc. GST)

Part 2: \$6,312(Inc. GST)

If the planning proposal includes E3 land and create two additional lots it will be classified as a Major planning proposal and the following apply:

Part 1: \$4,500 (Inc. GST)

Part 2: \$22,100(Inc. GST)

### **Outline of planning proposal process**

- Prepare studies

- Submit planning proposal through the Planning Portal
- Council officers review application
- Invoice for commencement fee issued
- Councillor presentation on the planning proposal
- Formal report to Council requesting authorisation to proceed and submit to DPIE for Gateway Determination
- Planning Proposal prepared for submission to Gateway Determination
- Pre-referral to Water NSW
- Submission of planning proposal to DPIE
- Gateway determination issued
- New studies prepared, if required by the gateway determination
- Agency referrals requested
- Public Exhibition undertaken (usually 28 days)
- Post Exhibition Report presented to Council
- LEP text changes and map amendments formally drafted
- Amendments signed off and Gazetted.

### **Advice as discussed**

The land is impacted by two zones- RU6 Transition at the front (west) of the site and E3 Environmental Management at the rear (east) of the site. The E3 zone portion of the land is heavily vegetated. Including this land in the planning proposal (to create Lot 3) will result in the proponent demonstrating how the land's constraints (i.e. bushfire prone land, unsewered area and effluent disposal considering drinking water catchment, flora and fauna impacts) will not adversely be impacted, through consideration of specialist reports to be considered by Council. Negligible impacts will need to be demonstrated.

The Housing Strategy extent for Gorman Road was reflective of already cleared areas and not on zoning. NSW Agency stakeholders during the consultation period, such as Water NSW, provided advice based on these already cleared areas. This being the agreement of a 2 hectare minimum lot size with no further clearing of native vegetation.

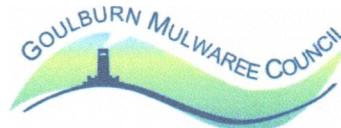
Council cannot guarantee that the Planning Proposal can proceed, particularly in regard to the proposal for Lot 3 seeking a dwelling entitlement and impacting the E3 zone. The NSW Department of Planning, Industry and Environment (DPIE) Biodiversity and Conservation Division will be given an opportunity to consider the Planning Proposal and will consider the specialist reports submitted and justifications provided.

A Planning Proposal for the creation of two lots within the already cleared areas, where one lot retains the residue area including the whole area of dense native vegetation, would be more favourable. As part of the investigations to be carried out for the two lots, this could include the consideration of Lot 3.

The property owners mentioned that there is a relic located upon the E3 zoned land and this may have heritage significance which is required to be further investigated.

Council owned land is located to the north of the subject land and is utilised for the purposes of a Sewerage Treatment Plant (irrigation area). The actual location of the sewerage treatment infrastructure is now located at least 600 metres away from the property and is therefore incorporates an appropriate separation distance to potential future residential





development. The location of the Sewerage Treatment Plant (STP) will therefore not impact on the Planning Proposal. Furthermore, it is noted that these sites have been identified as being surplus to Council's requirements following the construction of the new STP. It is advisable that the land titles of each of the lots impacted by the Planning Proposal are investigated to ensure that any restrictions are accounted for and addressed (in relation to any potential buffer requirements to the STP being stipulated). The only other issue in relation to buffer distances from the STP site were the buffer distances specified in the Goulburn Mulwaree Development Control Plan of 400m which is not considered relevant given the status of the STP irrigation area being non- operational/surplus.

Utilisation of the Crown road to access future lots is problematic. Crown Lands will not consent to work being carried out on Crown roads unless the road is transferred to Council and Council agrees to take ownership and responsibility of the road. Council would only be in a position to acquire the crown road if it is in the public interest. In accordance with the *Use of Crown Roads for Development Policy*, Council would undertake a community benefit analysis to determine whether or not it will acquire the Crown road.

A zoning map extract indicating the location of the zoning boundary within the proposed lot is provided below.

If you have any further questions or wish to discuss the outcome of the studies once completed, please do not hesitate to contact us.

