



IRF24/1947

Gateway determination report – PP-2023-2264

Planning Proposal to Rezone and Amend Minimum
Lot Size at 158 Gorman Road Goulburn (1 additional
home)

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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
Proponent's request for rezoning proposal (Appendix 1)
Concept subdivision layout (Appendix 2)
Council report and resolution (Appendix 3a and 3b)
Ecological Impact Assessment (Appendix 4)

Bushfire Assessment Report (Appendix 5)

Aboriginal and Historical Cultural Due Diligence Assessment (Appendix 6)

Wastewater management – Site and Soil Evaluation (Appendix 7)

Preliminary Site Investigation (Appendix 8a)

Detailed Site Investigation (Appendix 8b)

Council's Environment and Biodiversity Assessment Officer comments (Appendix 9)

Flood data (Appendices 10a-10c, 11a-11c)

A Flood Risk and Impact Assessment (FIRA) (Appendix 12)

WaterNSW pre gateway advice

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Goulburn Mulwaree Council
NAME	Planning Proposal to Rezone and Amend Minimum Lot Size at 158 Gorman Road Goulburn (1 additional home)
NUMBER	PP-2023-2264
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	158 Gorman Road Goulburn
DESCRIPTION	Lot 11 DP 1044967
RECEIVED	16/07/2024
FILE NO.	IRF22/1947
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 Goulburn Mulwaree Urban and Fringe Housing Strategy (The Housing Strategy) for large lot residential development.

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	RU6 Transition	R5 Large Lot Residential

Minimum lot size	10 ha	2 ha
Number of dwellings	1	2
Number of jobs	N/A	0

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 10.11ha rural site (Lot 11 DP 1044967) is located at 158 Gorman Road Goulburn approximately 2km east of the Goulburn urban area (**Figure 1 – Subject site**).

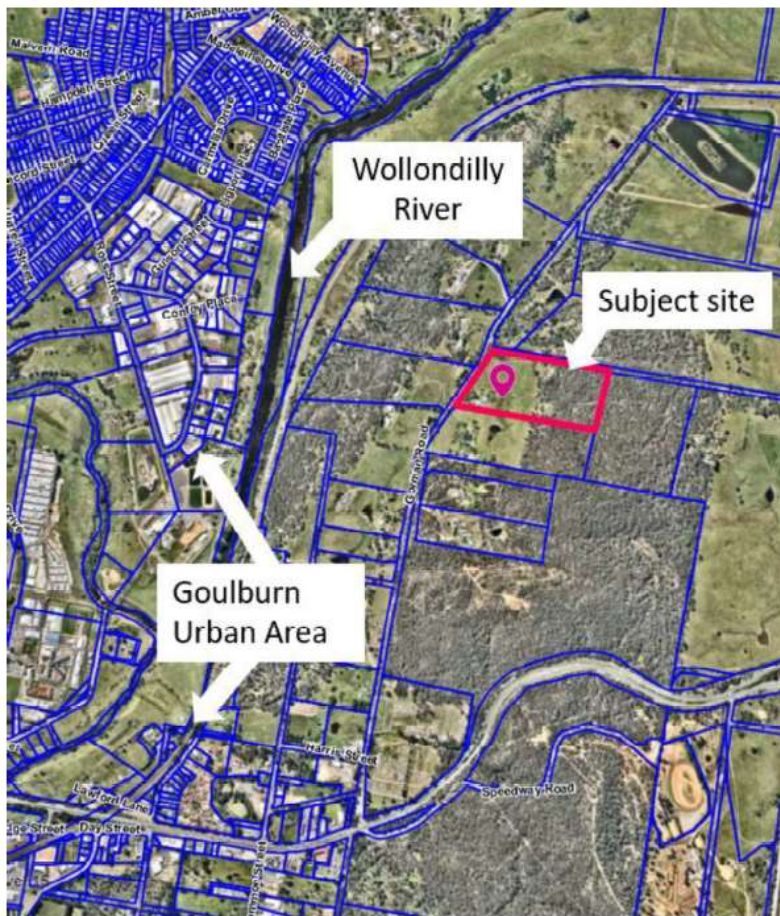


Figure 1 – Subject site (Source: Planning Proposal document)

The site is surrounded by rural land and bushland (**Figure 1**). The Wollondilly River flows approximately 1km west of the site.

The lot is split zoned - RU6 Transition and C3 Environmental Management Zone under the Goulburn Mulwaree LEP 2009. The western (C3 Zoned) half of the lot contains bushland. The eastern half of the lot, which is currently zoned RU6 Transition which is proposed to be rezoned R5 Large Lot Residential, is predominantly cleared of vegetation with the exception of a former orchard which contains some remnant pear trees. A dwelling house, ancillary structures and a dam are located on the eastern (RU6 zoned portion) of the site.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning and minimum lot size maps, which are suitable for community consultation (refer Figures 3-6 in the planning proposal).

2 Need for the planning proposal

The planning proposal is a result of the Goulburn Mulwaree Urban and Fringe Housing Strategy which was adopted by Council, and endorsed by the Department, in 2020. The site is identified as an opportunity area (Gorman Road) identified in the Housing Strategy. The planning proposal is needed to facilitate the rezoning and lot size amendment of the lot to enable Council to consider a three lot subdivision of the lot to provide an additional dwelling. A Concept Subdivision Plan is provided in the planning proposal (Figure 2).

Council's report on the planning proposal (Appendix 3a) states Clause 4.1E "Minimum subdivision lot size for certain split zones" of the Goulburn Mulwaree LEP 2009 enables the creation of an additional lot, that includes R5 Low Density Residential and C3 Environmental Management zoned land, where the C3 portion of the land need not meet the requirements of clause 4.1 (100 ha minimum lot size), as long as the entirety of the land zoned C3 will be in a single lot.

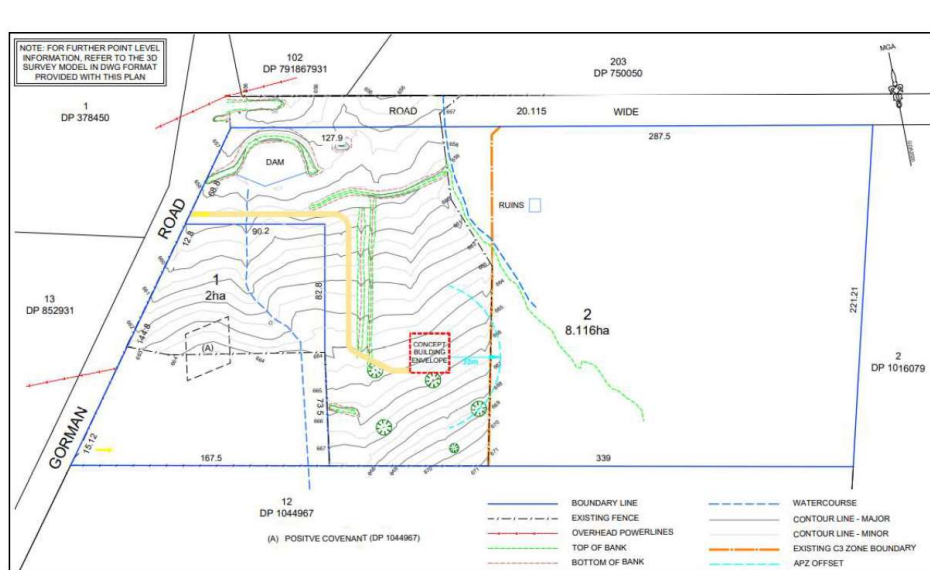


Figure 2 – Concept Subdivision Plan (Source: planning proposal document)

The planning proposal is the best means of achieving the objectives and intended outcomes to facilitate the rezoning of the land.

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

South East and Tablelands Regional Plan 2036 Objectives	Justification
<p>Goal 1: A Connected and prosperous economy</p> <p>Direction 8: Protect important agricultural land</p>	<p>The planning proposal identifies the site is a former orchard which is no longer operating, and the site is not used for other agricultural purposes. The site, and land adjoining, is not identified as important agricultural land and has limited agricultural potential.</p>
<p>Goal 2: A diverse environment interconnected by biodiversity corridors</p> <p>Direction 14: Protect important environmental assets</p>	<p>The planning proposal is supported by An Ecological Impact Assessment (Appendix 4) prepared by the proponent which identifies that the western portion of the lot (RU6 zone) contains remnants of Plant Community Type PCT 3376 Southern Tableland Grassy Box Woodland while the eastern portion of the lot (C3 Zone) contains Plant Community Type PCT 3747 Southern Tableland Western Hills Scribbly Gum Forest.</p> <p>The Ecological Impact Assessment concludes that a future development on the western portion of the site is not likely to have a significant impact on any threatened species (ecological communities, flora, fauna, populations or habitats). Development is not proposed on the eastern (C3 Zone) portion of the lot.</p> <p>The EIA was reviewed by Council's Environment and Biodiversity Assessment Officer who did not raise any concerns with the EIA or planning proposal.</p> <p>The site is located within the Sydney Drinking Water Catchment. The proposed 2 ha minimum lot size will enable the future lot to accommodate dwelling/s and associated effluent management areas that will be located above the Probable Maximum Flood PMF, aiming to protect existing drainage paths and improve water quality.</p>
<p>Goal 3: Healthy and connected communities</p> <p>Direction 23: Protect the region's heritage</p>	<p>The proponent has prepared an Aboriginal and Historical Cultural Due Diligence Assessment (Appendix 6) in support of the planning proposal that has included consultation with the local Aboriginal community. The Assessment did not identify any Aboriginal heritage sites or Potential Archaeological Deposits on the site. There are no European heritage items located on the site. The closest heritage item is a dwelling 'Kentgrove' and former fruit packing shed with is located on adjoining land to the south.</p>

<p>Goal 4: Environmentally sustainable housing choices</p> <p>Direction 24 Deliver greater housing supply and choice.</p> <p>Direction 25: Focus housing growth in locations that maximise infrastructure and services</p> <p>Direction 28: Manage Rural Lifestyles</p>	<p>The site is identified for large lot residential development in Council's housing strategy. The site adjoins the Goulburn urban area to the west and, with exception of water and waste water which is proposed to be provided on-site, has access to infrastructure and services. The site has sufficient capacity to accommodate additional traffic from an additional lot.</p> <p>There is minimal potential for land use conflict with adjoining rural and environmental management uses.</p> <p>The land is partially affected by flooding and is identified as bushfire prone. The planning proposal aims to locate development away from constraint areas.</p> <p>The planning proposal is supported by a Bushfire Assessment Report (Appendix 5) which demonstrates the land is capable of accommodating a future large lot residential development through implementation of bushfire management and safety measures.</p> <p>A Flood Impact Risk Assessment has been prepared and demonstrates the proposed future dwelling is capable of being located wholly above the extend of the overland flood prone land up to and including the Probable Maximum Flood (PMF).</p> <p>The FIRA also demonstrates that future occupants of the site will be able to safely and effectively evacuate or shelter in place during a significant flood event. The FIRA identifies that given the relative elevation of the area it is considered that isolation times outside of riverine crossing points will be of relative short duration.</p>
Draft South East and Tablelands Regional Plan 2041 Objectives	Justification
<p>Theme 2: Enhancing sustainable and resilient environments</p> <p>Objective 5: Protect important environmental assets</p> <p>Objective 6: Enhance biodiversity, habitats and the connections between them.</p> <p>Objective 7: Build resilient places and communities</p>	<p>The planning proposal is consistent with the theme and objectives for the reasons provided regarding the equivalent goal and directions in the current regional plan.</p>

Theme 4: Planning for fit for purpose housing and services

Objective 17: Plan for supply of housing in appropriate locations

Objective 19: Improve the quality, resilience and sustainability of housing

Objective 20: Manage rural living

Objective 21: Provide efficient access to infrastructure and services

The planning proposal is consistent with the theme and objectives for the reasons provided regarding the equivalent goal and directions in the current regional plan.

3.2 Local Strategies

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	The planning proposal is consistent with the relevant planning priorities identified in the LSPS, including Planning Priority 4: Housing - which requires that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure with a broader range of housing types to accommodate the changing population.
Goulburn Mulwaree Urban and Fringe Housing Strategy	The subject site is identified in the Goulburn Mulwaree Urban and Fringe Housing Strategy as an area suitable to be re-zoned to large lot residential in the Gorman Road Precinct.

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
Direction 1.1 Implementation of Regional Plans	Yes	Refer to section 3.1 of this report.
Direction 3.1 Approval and Referral Requirements	Yes	The planning proposal does not introduce concurrence, consultation or referral requirements.
Direction 4.1 Site Specific Provisions	Yes	The planning proposal does not introduce additional site specific provisions.

Direction 3.1 Conservation Zones	Yes	As discussed in section 3.1 of this report, the proposal is supported by an Ecological Impact Assessment (Appendix 4) which included a detailed site survey carried out on 20 April 2023. The EIA concludes that areas of native vegetation and impacts on biodiversity can be avoided and the planning proposal is not likely to have a significant impact on any threatened species (ecological communities, flora, fauna, populations or habitats). This view is supported by Council's Environmental Assessment Officer who has inspected the site.
Direction 3.2 Heritage Conservation	Yes	As discussed in section 3.1 of this report, the planning proposal is supported by an Aboriginal Cultural Heritage Assessment (Appendix 6) which did not identify any Aboriginal heritage sites or areas of Potential Archaeological Deposit on the site. The site does not contain any European cultural heritage items but a heritage item known as 'Kentgrove and former fruit packing shed' is located on the adjoining property to the south.
Direction 3.3 Sydney Drinking Water Catchments	Yes	The site, and the entire Goulburn Mulwaree LGA, are located within the Sydney Drinking Water Catchment and so the direction applies. The planning proposal is supported by a Wastewater Management Site and Soil Evaluation (Appendix 7) which concludes that future development can achieve a neutral or beneficial effect on water quality which is a requirement of the direction. Council consulted WaterNSW on the proposal, as required by the direction, and WaterNSW did not raise any significant concerns or objections on the planning proposal or Wastewater Management Report in its letter to Council dated 20 June 2024.
Direction 4.1 Flooding	Yes	<p>The land is prone to flooding and so the direction applies. The planning proposal was informed by the Goulburn Floodplain Risk Management Plan and Study (2022) (The Flood Study) as well as a Flood Impact Risk Assessment (FIRA) (Appendix 12) which was prepared by Council.</p> <p>The planning proposal states the proposed future dwelling is capable of being located wholly above the extend of the overland flood prone land up to and including the Probable Maximum Flood (PMF).</p> <p>The FIRA demonstrates that future occupants of the site will be able to safely and effectively evacuate or shelter in place during a significant flood event. The FIRA identifies that given the relative elevation of the area it is considered that isolation times outside of riverine crossing points will be of relative short duration.</p>

Direction 4.3 Planning for Bushfire Protection	To be confirmed.	The site is mapped as bushfire prone (Category 3 vegetation with a medium bushfire risk) and so the direction applies. The planning proposal is supported by a Bushfire Assessment Report (Appendix 5) which identifies that a future dwelling can be appropriately sited and managed to minimise risk to occupants and emergency services. Council intends to consult the Rural Fire Service on the planning proposal as required by the direction.
Direction 4.4 Remediation of Contaminated Land	Yes	The direction applies to the planning proposal because the land was formerly used as an orchard which has potential to cause contamination. The proposal is supported by a Preliminary Site Investigation (Appendix 8a) and a Detailed Site Investigation (Appendix 8b). The preliminary site investigation identified potential sources of contamination including topsoil stockpile, current and former dams, drainage line and cut and fill areas. The detailed site investigation concludes the site is suitable for the proposed subdivision and residential development from a contaminated land perspective.
Direction 5.1 Integrating Land Use and Transport	No – justified.	The direction applies to all planning proposals that will create, alter or remove a zone relating to urban purposes. The site is located approximately 2km east of the Goulburn urban area and approximately 2km from a service station and food and drink premises. There is no public transport servicing the site. Access will primarily be by private vehicle. Any inconsistency with the direction is likely to be minor and is justified due to the site's inclusion in Council's housing strategy for large lot residential development.
Direction 6.1 Residential Zones	No - justified	The direction applies to all planning proposals that will affect land within an existing or proposed residential zone. The planning proposal is potentially inconsistent with section 5.1 (1) (c) of the direction as it will not reduce the consumption of land for housing and associated urban development on the urban fringe of Goulburn. However, the inconsistency is justified as the site is identified in Council's Urban and Fringe Housing strategy as suitable for large lot residential development.
Direction 9.1 Rural Zones	No - justified	The direction applies because the planning proposal seeks to rezone the site from RU6 Transition Zone to R5 Large Lot Residential Zone. The inconsistency with the direction is justified because the site is identified for development in Council's housing strategy which considers the objectives of the direction.
Direction 9.2 Rural Lands	No - Justified	The direction applies because the planning proposal affects land in an existing rural zone. The planning proposal is potentially inconsistent with the requirement of the direction to minimise the fragmentation of rural land (Direction 9.2(1)(g)). Any inconsistency with the direction is justified by the identification of the site for development in Council's housing strategy which has considered the objectives of the direction.

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 (Biodiversity and Conservation) 2021 – Part 4.1 Koala Habitat Protection	Part 4.1 “Koala Habitat Protection” of the SEPP applies to the site because the Goulburn Mulwaree area is listed in Schedule 2 of the SEPP as potential Koala habitat. There are no specific requirements for planning proposals but the impact on koala habitat must be considered by the consent authority during the assessment of development applications.	Yes	The Ecological Impact Assessment prepared to support the planning proposal conclude that although the site contains some koala feed trees, the site does not contain core Koala habitat. Council's Environment and Biodiversity Assessment Officer who inspected the site supports this conclusion.
SEPP (Biodiversity and Conservation) 2021 - Part 6.5 Sydney Drinking Water Catchment	Part 6.5 of the SEPP applies to the Wollondilly River catchment, which is part of the Sydney Drinking Water Catchment, affects the site. The SEPP does not provide specific requirements for planning proposals but development consent for development applications cannot be granted by the consent authority unless there is a neutral or beneficial effect (NorBe) on water quality.	Yes	As previously discussed in section 3.3 of this report, the planning proposal is supported by a Wastewater Management: Site and Soil Evaluation (Appendix 7) which demonstrate the concept subdivision proposal has the capability to achieve NorBe. Council has consulted WaterNSW on the planning proposal who did not raise any significant objection/concern with the planning proposal or the findings of the Wastewater Management Report.
SEPP (Primary Production) 2021	The SEPP provides aims and objectives for primary production and rural development. The SEPP does not provide any specific requirements for planning proposal but does provide matters for consideration for assessment of development applications.	Yes	The site adjoins the Goulburn urban area and is identified in Council's housing strategy as suitable for large lot residential development.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land	The SEPP applies to the site because it was a former orchard and so has the potential to be contaminated. The SEPP doesn't provide specific requirements for planning proposals, however, the SEPP provides matters for consideration for consent authorities for the assessment of development applications.	Yes	The planning proposal is supported by a preliminary and detailed site investigations which identify the site is suitable for a future subdivision to create an additional lot for large lot residential purposes.

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
Biodiversity	The planning proposal will avoid significant impacts on threatened species (ecological communities, flora, fauna, populations or habitats). Additional information regarding impact of the planning proposal on biodiversity is provided in sections 3.1-3.3 of this report.
Water quality	The planning proposal is unlikely to have an impact on the Sydney Drinking Water Catchment within which the site is located. Additional information regarding impact of the planning proposal on water quality is provided in sections 3.1-3.3 of this report.

4.2 Social and economic

The planning proposal will not have any negative social and economic impacts. The site has low agricultural use potential and there is a low potential for land use conflict as the proposed large lot development fits the current semi-rural character of the area.

The proposal will have a positive social and economic impact by providing one additional large lot dwelling in the Goulburn area.

4.3 Infrastructure

The proposed development will not be serviced by Council water and sewer mains but will require on site drinking water and sewerage management system.

Telecommunications and electricity infrastructure is available to service the site. The planning proposal does not identify additional state or locally provided infrastructure required to be provided to accommodate the proposed development of the site.

4.4 Community consultation

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

4.5 Agencies

The proposal identifies which agencies will be consulted.

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

- WaterNSW
- NSW Rural Fire Service
- Department of Climate Change, Energy, the Environment and Water

5 Timeframe

Council proposes a 9 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 30 May 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.

6 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 local/minor significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

7 Assessment summary

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

- It will facilitate the development of an additional dwelling in the Goulburn area.
- The site is identified as suitable for large lot residential development in Goulburn Mulwaree Urban and Fringe Housing Strategy which was adopted by Council, and endorsed by the Department, in 2020.

- It is consistent with the South East and Tablelands Regional Plan 2036, draft Regional Plan 2041 and with Council's Local Strategic Planning Statement.

8 Recommendation

It is recommended the delegate of the Secretary:

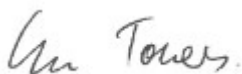
- Agree that any inconsistencies with section 9.1 Directions 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified; and
- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection is unresolved and will 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 authorities:
 - NSW Rural Fire Service
2. Consultation is required with the following public authorities:
 - WaterNSW
 - Department of Climate Change, Energy, the Environment and Water
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

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 30 May 2025 be included on the Gateway.



30/8/24

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