








16.3 PLANNING PROPOSAL - ZONING AND MINIMUM LOT SIZE AMENDMENT TO PART OF 20-24 LOCKYER STREET, GOULBURN

Author: Senior Strategic Planner

Director Planning & Environment

Authoriser: Aaron Johansson, Chief Executive Officer

Attachments:

1. Proponents Submitted Planning Proposal Report_PP-2023-2555 (separately enclosed) 
2. Heritage NSW Referral Comments (separately enclosed) 
3. Proposed Cut and Fill plan (separately enclosed) 
4. Water NSW Referral Comments_Dec 2023 (separately enclosed) 
5. Biodiversity Officer Referral Comments (separately enclosed) 
6. TfNSW Referral Comments (separately enclosed) 
7. GMC Operations Referral_Water_Sewer_Traffic (separately enclosed) 

Reference to LSPS:	Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change.
Address:	20-24 Lockyer Street, Goulburn

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding the proposed zoning amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to:
 - (a) Amend the land use zoning of part of Lot 2, DP1238214 at 20-24 Lockyer Street, Goulburn from RU2 Rural Landscape to E4 General Industrial.
 - (b) Remove the current 100ha minimum lot size and apply no minimum lot size restriction to the entirety of Lot 2, DP1238214 at 20-24 Lockyer Street, Goulburn.
3. Subject to 3(a) below, the planning proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
 - (a) The submission to Council of a full Aboriginal Cultural Heritage Assessment Report in accordance with *The Code of Practice for Archaeological Investigation in NSW* (DECCW 2010), *Aboriginal cultural heritage requirements of proponents* (DECCW, 2010) and advice prepared by Heritage NSW in Attachment 2.
4. The Department of Planning, Housing and Infrastructure be advised that Council wishes to be the delegated plan making authority for this proposal.
5. If the Department of Planning, Housing and Infrastructure issues a Gateway determination to proceed with the planning proposal, consultation be undertaken by Council with the community and government agencies in accordance with any directions of the Gateway determination.
6. The fees charged in this Planning Proposal are as per the 2023-2024 fees and charges due

to it being lodged in the previous financial year.

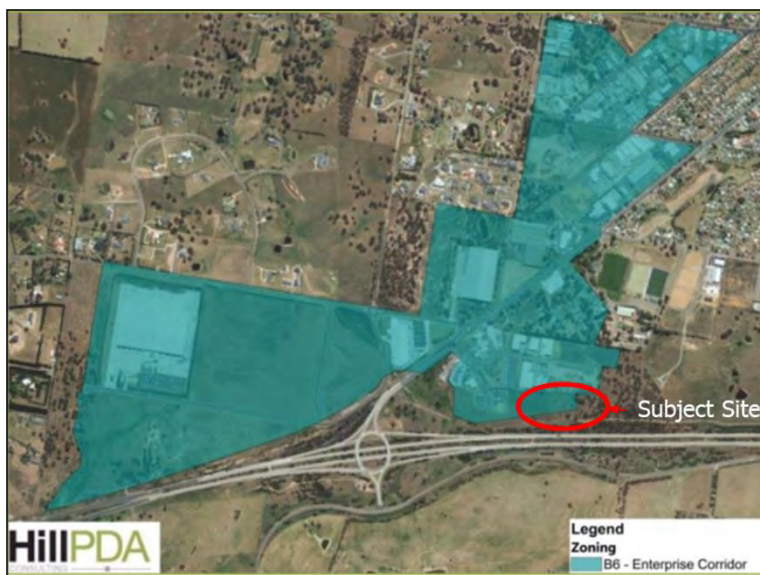
Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

The Employment Land Strategy 2016

The Employment Land Strategy identifies the subject site within the South Goulburn Enterprise Corridor Precinct (**Figure 1**) with a recommendation to rezone the site from rural to industrial.

Figure 1: Extract from the Employment Land Strategy 2016



This site has been subject to 2 planning proposals prior to the submission of the current proposal.

2019 Proposal- Dossie St (REZ/0007/1819)

A planning proposal was initially submitted in 2019 (REZ/0007/1819) which sought to rezone this site alongside its neighbour, 2E Sloane Street (previously in Council ownership). This proposal was known as the Dossie Street proposal and the subject site known as 12 Tait Street. This proposal sought to rezone the site and its neighbour from RU2 Rural Landscape to IN1 General Industrial and R5 Large Lot Residential. The proposal went through the Gateway process but was never completed. A number of issues were identified but not resolved including Contamination, Biodiversity, Traffic and Aboriginal Cultural Heritage, but the more significant of these constraints were largely (not exclusively) focused on the neighbouring site 2E Sloane St.

The current proponent was advised of the previously identified challenges with the site and its neighbour and provided with background information on the incomplete planning proposal.

Expedited Amendment- Part of 20-24 Lockyer St (PP 2022 2030)

An expedited amendment planning proposal (PP 2022 2030) was completed in July 2022 which resolved a split zoning anomaly on the small trapezoid piece of land separated by Lockyer Street to the west. The amendment removed the RU2 Rural Landscape zone and minimum lot size on the western land parcel and replaced it with a IN1 General Industrial Zone.

Current Proposal- 20-24 Lockyer St (PP 2023 2555)(REZ/004/2324)

A proponent-led planning proposal was submitted to Council through the planning portal on 16 November 2023 (Portal ref: PP_2023_2555, Council ref: REZ/0004/2324).

The proponent submitted the entirety of Lot 2, DP1238214 at 20-24 Lockyer Street (**Figure 2**) for a rezoning from RU6 Rural Landscape to E4 General Industrial to match the zoning of its neighbours to the north and remove its 100ha minimum lot size.

Prior to the submission of the proposal, officers discussed the supporting requirements through pre-lodgement meetings on 1 February 2023 and 17 July 2023.

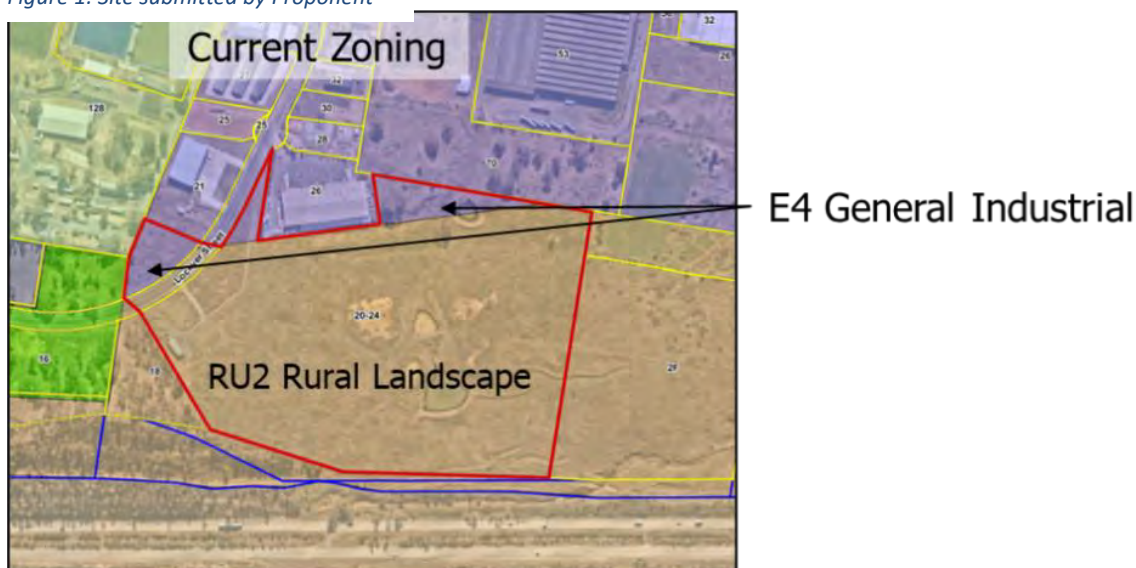
Figure 2: Site submitted by the proponent.



REPORT

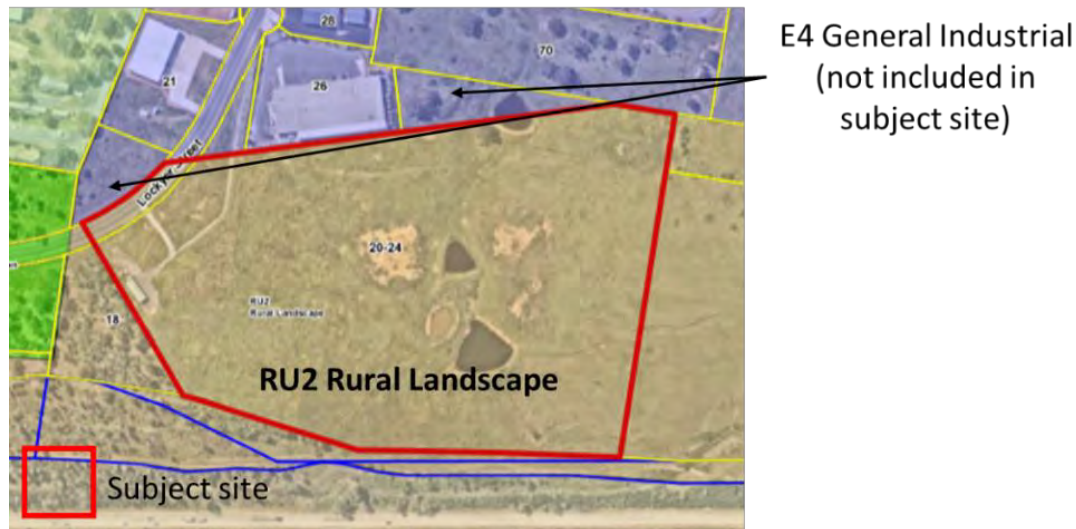
The site submitted by the proponent consists of the entirety of Lot 2, DP1238214 at 12.3ha in area which includes three peripheral land parcels already zoned E4 General Industrial with no minimum lot size as illustrated in **Figure 3**.

Figure 1: Site submitted by Proponent



Council has focused its assessment (and any future proposal) to exclude land already zoned as E4 General Industrial to create a subject site which forms part of the wider lot at 11.5ha in area, as illustrated in **Figure 4**

Figure 4: Subject site for planning proposal



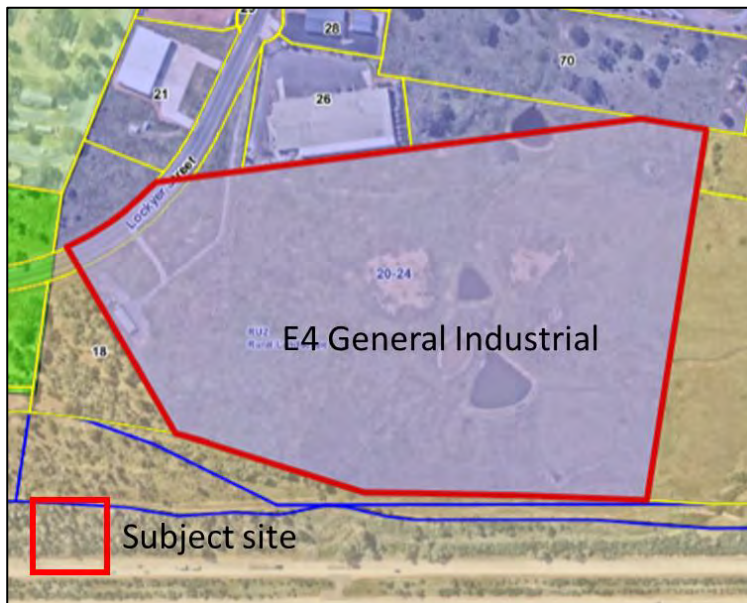
The site is located on the southern periphery of the Goulburn Urban area adjacent to the Hume Highway in the South Goulburn Enterprise Corridor as illustrated in **Figure 5**.

Figure 5: Site Location and Site Boundary Plan



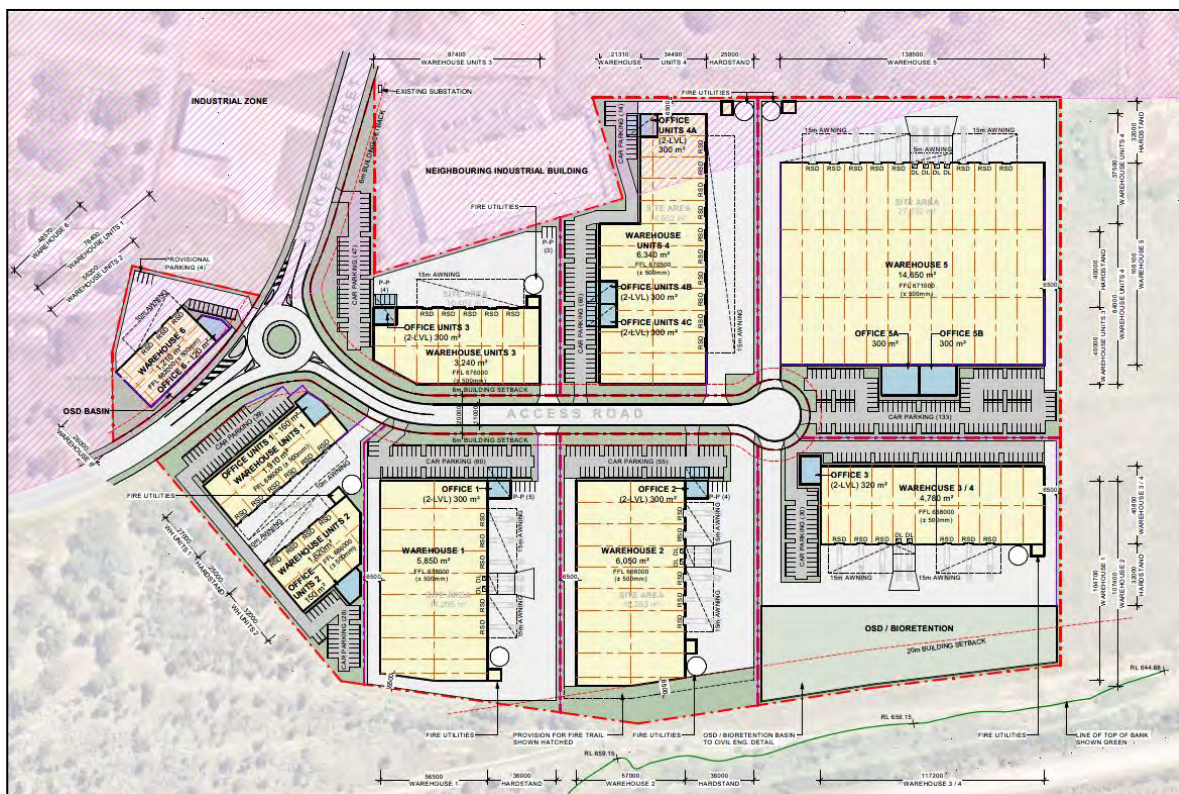
The proposal is seeking to rezone the subject site from RU2 Rural Landscape zone to E4 General Industrial and remove the current 100ha minimum lot size to match the (excluded) peripheries of the lot, as illustrated in **Figure 6**.

Figure 6: Proposed Land Use zoning on subject site



The proponent has submitted a planning proposal report presented in **Attachment 1**, alongside a series of supporting technical documentation and a concept plan presented in **Figure 7**. The concept plan relates to a development proposal for the entire lot, but this is only indicative at the planning proposal stage.

Figure 7: Proponents Concept Plan



The concept plan includes 9 warehouses and office space, creating approximately 48,880m² of additional industrial floor space. The plan also includes approximately 536 car parking spaces, an internal access road and a new roundabout on Lockyer Street.

As initially identified through the previous 2019 planning proposal, the site is subject to the following constraints:

- Aboriginal Cultural Heritage
- Stormwater Management
- Contamination
- Biodiversity
- Potential Traffic Impacts

Addressing Constraints

Aboriginal Cultural Heritage

A planning proposal must meet the requirements of Ministerial Direction 3.2 Heritage Conservation. This requires a planning proposal must contain provisions that facilitate the conservation of Aboriginal areas, objects, places and landscapes identified by an Aboriginal Heritage study and which identifies the area, object, place or landscape as being of heritage significance to Aboriginal cultural and people.

In addition, both the current and emerging South East & Tablelands Regional Plan include requirements for collaboration and consultation with the Aboriginal community as listed below:

- Current: - Action 23.2- *"Consult with Aboriginal people and the broader community to identify heritage values at the strategic planning stage"*.
- Emerging: - Strategy 1.2- *"Identify, conserve and enhance Aboriginal cultural heritage values through strategic planning and local plans as informed by collaboration with traditional knowledge holders and the community"*

A Due Diligence Assessment was prepared for the 2019 Dossie Street planning proposal which related to this Lot specifically. The assessment did not include consultation with the local Aboriginal community. This assessment identified three Aboriginal heritage sites and associated areas of Potential Archaeological Deposits (PAD) on site. The 2019 Assessment included the following recommendations:

1. Impacts should be avoided to Aboriginal heritage sites identified within the project area.
2. If impacts cannot be avoided the subsurface testing of the area of the associated PADs is required to determine the extent of heritage impacts.

Heritage NSW reviewed the 2019 Assessment and found that due to the presence of Aboriginal sites and the potential impact the proposed zoning could have on these sites, that further investigation, and a more detailed assessment was required to be undertaken. No further work on Aboriginal heritage was undertaken in relation to this planning proposal and the 2019 planning proposal did not proceed past the exhibition stage.

In relation to the current proposal, the proponent has prepared two versions of an Aboriginal Due Diligence Assessment. The first submitted in September 2023 which excluded consultation with

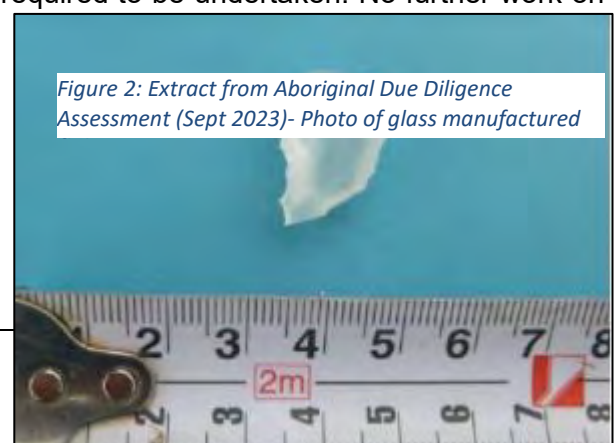


Figure 2: Extract from Aboriginal Due Diligence Assessment (Sept 2023)- Photo of glass manufactured

the local Aboriginal community and the second submitted in May 2024 which included consultation with Pejar LALC.

The findings of the first Aboriginal Due Diligence Assessment prepared for this proposal, dated September 2023 are summarised below:

- An AHIMS search identified three registered sites on the subject site and a further 20 sites within a 1km radius of the lot.
- The registered sites include the recorded exposure of 26 artefacts including stone cores and flakes and an unusual glass manufactured flake (**Figure 8**). *The glass flake may indicate early contact between the local Aboriginal groups and early settlers.*
- Highly likely these sites contain additional artefacts at lower stratigraphic levels.
- Potential for the site to contain landforms associated with Aboriginal sites and objects.
- Predictive modelling recognises the moderate potential for objects based on these landforms.
- The site has undergone relatively extensive ground disturbance, but previous reporting and site surveys suggest the presence of additional Aboriginal objects in lower soil horizons.

The September 2023 Assessment made the following recommendations:

- The proposed land use zoning change can proceed with no additional archaeological investigation but additional consultation with traditional owners maybe required.
- If unexpected finds occur, a qualified heritage consultant should be engaged.
- Future stages of the project may cause ground disturbance to the site and the following recommendations are made for the management of Aboriginal Heritage:
 - Physical impacts to the identified sites should be avoided as a priority through the delineation of a 10m boundary identified in environmental controls for the site.
 - If future works cannot be undertaken without impacting one of the sites, an Aboriginal Heritage Impact Permit (AHIP) will need to be submitted to Heritage NSW supported by an Aboriginal Cultural Heritage Assessment prior to works commencing.

The September 2023 Assessment asserts that the proposed zoning will not result in ground disturbance. Whilst the act of changing the zoning will not result in land disturbance, the objective of the zoning change is to enable the development of employment uses including through Complying Development. The proposed zoning change directly facilitates the disturbance of land and the impacts of that must be considered at the strategic planning stage. The proposed concept plan illustrated in **Figure 7** demonstrates that the proponent is seeking to develop nearly the entirety of the site including over identified Aboriginal sites, therefore disturbing the land and potential Aboriginal objects.

Heritage NSW reviewed the September 2023 assessment and provided a referral response on 27 November 2023 which in summary stated:

- Due diligence process does not adequately assess the impacts of this planning proposal as required by Ministerial Direction 3.2
- Due to a lack of consultation with the Aboriginal community, the extent of impacts on Aboriginal objects and heritage values occurring as a result of this proposal (and future development) is not known.

- A comprehensive Aboriginal Cultural Heritage Assessment is required which includes consultation with the Aboriginal community. This presents the best opportunity to identify and protect Aboriginal Cultural Heritage values and provides certainty to all parties about cultural heritage management requirements.

Considering this response, the requirement for further assessment and engagement with the Aboriginal community, the proponent prepared an additional Due Diligence Assessment, dated May 2024 which included engagement with Pejar LALC.

The May 2024 Assessment changed very little from the previous version including reporting the same recommendations listed above.

However, the updated assessment did include consultation with Pejar including a site visit and accompanied by a Cultural Heritage Report. This report is brief with little site-specific detail except for identifying 1 Aboriginal site and 6 artefacts during the site visit in March 2024. The report includes the following recommendations:

- If the development or design are to change Pejar LALC will need to be contacted for further inspections.
- All future landowners are to be informed Aboriginal artefacts are located within their property which are recorded and protected.
- An AHIP must be obtained from Heritage NSW before any works are to commence.
- A representative of Pejar LALC will need to be present during any earthworks.
- Work must cease immediately if any previously undetected Aboriginal site or relic is uncovered during works and advice sought from Pejar and Heritage NSW.

It should be highlighted that the concept plan is indicative only and the proposed quantum and layout of development is likely to change between the proposal stage and the development application stage.

Heritage NSW reviewed the May 2024 Assessment and provided a referral response on 8 May 2024 which in summary stated:

- A Due Diligence assessment is not a substitute for a comprehensive cultural heritage assessment report as it does not adequately assess the impacts of the proposal on Aboriginal cultural heritage.
- Whilst consultation has been undertaken with Pejar LALC, wider Aboriginal community consultation is required to provide an opportunity for Aboriginal people who hold cultural knowledge to provide information on cultural significance. Cultural significance cannot be assessed without their input.
- The survey information does not meet the assessment process and reporting requirements of:
 - The *Code of practice for archaeological investigation in NSW (2010)*, and
 - The *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.
- The report includes no assessment of the significance of the Aboriginal sites and objects.
- The PAD sites require test excavation to confirm the presence of subsurface deposits and characterise their nature and extent.

- Current boundaries of the identified sites are untested and test excavations would clarify the boundaries and identify areas of highest significance that should be prioritised for conservation. The result will also inform the design of future development.
- The identification of significant Aboriginal cultural heritage values will then require measures to ensure avoidance of these values.

A copy of the Heritage NSW referral responses is presented in **Attachment 2**.

At the planning proposal stage there are very limited mechanisms in which to avoid impacts to Aboriginal cultural heritage values. One mechanism is through a prohibitive environmental zoning of the areas of significance which prevents employment related development. This is the most effective approach to ensuring Aboriginal cultural heritage values are preserved in situ. The proponent does not support this approach due to the potential sterilization of developable land and Heritage NSW have advised this zoning approach is not typically required.

Heritage NSW suggest footprint design should be the first option for avoidance however any plan submitted at the rezoning stage is indicative only and can (and most likely will) be amended prior to submission at the DA stage.

The final option to ensure avoidance at the strategic planning stage is the preparation of a precinct-specific DCP chapter which directs future design to avoid areas of significance. This will be explored further through the planning proposal process, but this must first be informed by an understanding of the extent and significance of the Aboriginal heritage values on site. It is important to note that Development Control Plan provisions would not apply to development undertaken through the Complying Development pathway.

Considering Heritage NSW's referral response in May 2024 and the need for assessment of the significance of identified Aboriginal sites and objects on site, the proponent has agreed to prepare a full and comprehensive Aboriginal Cultural Heritage Assessment Report (ACHAR). This will include consultation with the wider aboriginal community, test excavations of the identified sites, clarify the site boundaries, identify the level of Aboriginal cultural heritage significance and present recommendations for the avoidance of harm to the identified significance because of proposed development.

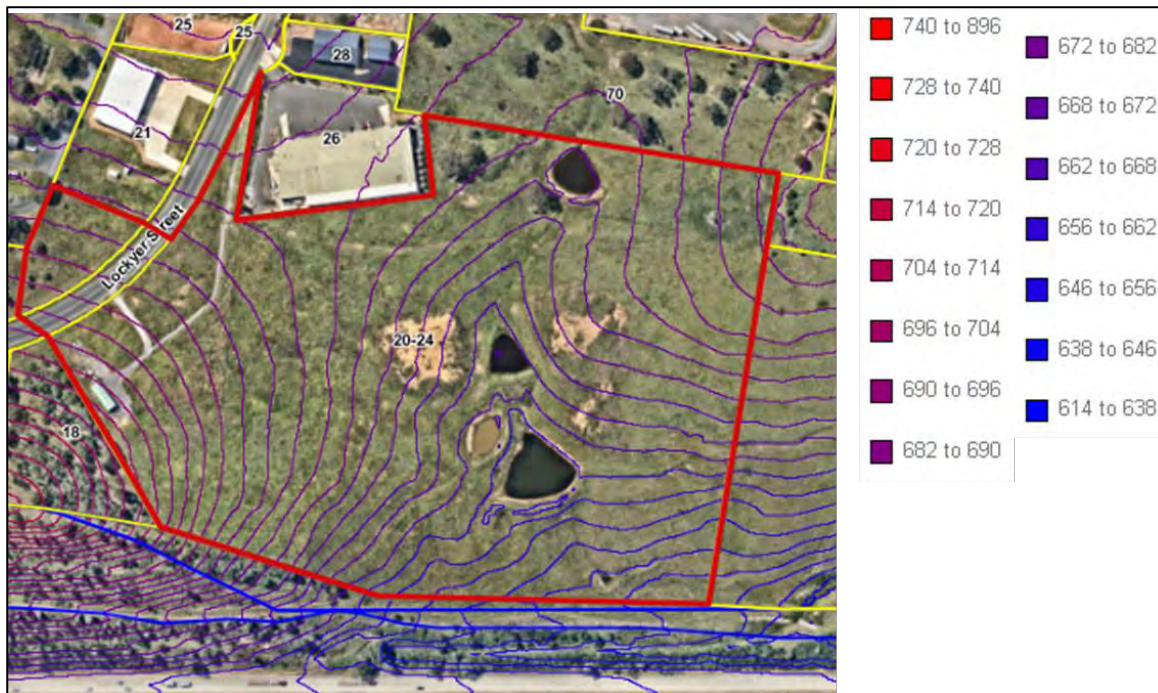
Once the ACHAR is complete it will be forwarded to Heritage NSW for additional referral comments with a request on the appropriate way forward.

The planning proposal will only be prepared and submitted to the Department for a Gateway determination upon submission of the full ACHAR to Council. This is reflected in the recommendations of this report.

Stormwater Management

The subject site has relatively steep topography, particularly in the southwest corner which slopes down in an easterly direction to a depression in the central east of the site where three dams and a drainage channel are currently located (**Figure 9**).

Figure 9: Topographical Map of Subject Site



The topography of the site, alongside the large on-grade building footprint associated with industrial development can make effective stormwater management challenging.

The proponents concept plan illustrates most of the subject site will comprise either warehouse structures or hardstand, particularly to facilitate on-site parking provision. This will also require significant cut and fill as illustrated in **Attachment 3**.

The proponent submitted a Water Cycle and Stormwater Management Strategy (Oct 2023) which was referred to Water NSW for their initial comments in November 2023. Water NSW provided a referral response on 21 December 2023 which raised concerns in relation to the intensity of the development, steepness of the site and achieving a Neutral or Beneficial effect on water quality (NorBE). In summary the referral stated:

- a preference for steeper areas to be retained as RU6 Transition zone.
- Level of proposed impervious surfaces considered too high with current stormwater control measures.
- Development delivered on the ground is likely to be of a lesser intensity than proposed to enable NorBE to be met.
- Need to confirm whether all dams and drainage line are proposed to be removed.
- Most issues can be resolved at the DA stage.
- The site is likely to be able to achieve NorBE, even if this is just one warehouse.

A copy of the Water NSW referral response is presented in **Attachment 4**.

Water NSW's referral response identifies the site has challenges to achieving a NorBE but that it can potentially be achieved on the site. The detail on the scope and scale of development after rezoning and how that proposal achieves a NorBE is a matter to be addressed at the DA stage. Due to the site-specific requirements associated with this site, a site specific DCP chapter maybe required to address stormwater quality challenges which will be explored as the planning proposal progresses. It is important to note that Development Control Plan provisions would not apply to development undertaken through the Complying Development pathway but a NorBE must still be demonstrated via a Section 68 application under the *Local Government Act*.

Contamination

The site is not identified as significantly contaminated land but is identified on the Council's local contaminated land register which indicates a potentially contaminating previous use. Two of the dams onsite have also been filled in the last 5 years. In addition, the site has most recently been used for agricultural purposes which is listed as a potentially contaminating use within Table 1 of the *Managing Land Contamination- State Environmental Planning Policy No.55 Planning Guidelines*.

Ministerial Direction 2.6- *Remediation of Contaminated Land* applies to potentially contaminating land uses listed within Table 1 of the guidelines. This direction requires a planning proposal authority to consider, prior to permitting a change of land use, whether land is contaminated, if contaminated, whether it is suitable for the proposed uses and if the land requires remediation.

The planning proposal submission included a Preliminary Site Investigation (PSI) for contamination prepared for the previous 2019 planning proposal. An Additional Extractive Natural Material Assessment was also submitted to address the fill material for the two dams.

The PSI considered that the likelihood for gross chemical contamination to be present on site to be low with localised areas of moderate risk. It identified stockpiles of fill on site which were to be used for filling-in the dams and identified some potential asbestos containing materials (PACM). The PSI provided recommendations around the removal of PACM from site and the need for a materials assessment on the stockpile prior to use to ensure it met the Excavated Natural Material Order 2014. It also included a recommendation for an unexpected finds protocol and any fill disposed of off-site be appropriately assessed.

The Additional Extractive Natural Material Assessment 2020 confirms the fill material for the two dams on site were found to meet the Excavated Natural Material Order 2014.

The stockpile sampling alongside the removal of PACM and any other relevant materials from the site are considered to meet the recommendations of the PSI at the proposal stage.

Council have examined the potential for contamination on site and with the findings of the Materials Assessment, removal of PACM and the additional recommendations of the PSI, consider the site suitable for its proposed industrial use.

Biodiversity

The subject site is predominantly cleared pastureland but includes several trees on its peripheries and four farm dams. The site is not covered by Terrestrial Biodiversity mapping.

The previous 2019 planning proposal included an Ecological Constraints Assessment (Jan 2019) which applied to the entire lot and identified the site as having low conservation significance due to extensive clearing and predominance of exotic weeds. It did identify the presence of two box gum woodland trees from a Critically Endangered Ecological Community (CEEC) and hollow bearing trees on site which present a moderate to high ecological value. The previous assessment made the following recommendations:

- Hollow bearing trees should be retained.
- A Vegetation Management Plan is required for any future development application.
- A Dam de-watering report is required.
- Entry into the Biodiversity off-sets scheme is not triggered.

No further work on biodiversity was undertaken in relation to this planning proposal and the 2019 planning proposal did not proceed past the exhibition stage.

In relation to the current planning proposal, the proponent submitted a Flora and Fauna report, dated 4 April 2023 to support the application. This report surveyed the whole lot and wasn't limited

to the subject site boundaries i.e., the existing E4 peripheral land parcels were included in the survey. The report was reviewed by Councils Biodiversity Officer in which a few inaccuracies were identified in species identification and revisions were requested to the report (**Attachment 6**). The proponent's ecologist revised the Flora and Fauna Report (May 2024) and submitted it to Council on 6 May 2023.

In summary the revised Flora and Fauna report, makes the following comments:

- The site is predominantly cleared pastureland dominated by introduced grasses and environmental weed species.
- The site includes 10 trees with four containing large hollows which could be used by microbats and one large tree with two stick nests.
- On-site dams contain extensive areas of a native aquatic plant and numerous Eastern Long-necked Turtles (not protected).
- No listed threatened flora or fauna species were observed during the surveys.
- Very unlikely that threatened species listed as vulnerable rely upon the habitats within the site as critical resources for the local breeding population.

It should be noted that the findings of the Threatened Species Test of Significance conducted as part of the Report are based upon the assumption that no hollow bearing trees will be removed as part of the proposed activity.

Council's Biodiversity Officer reviewed the revised Flora and Fauna Report (May 2024) and provided referral comments on 20 May 2024 (**Attachment 5**), as summarised below:

- The findings of the report are broadly supported with most of the site dominated by introduced pasture species.
- The four mature remnant trees with nesting hollows represent the highest biodiversity values of the site and should be protected, as per the findings of the Threatened Species Test of Significance
- Protection of hollow bearing trees should include a minimum tree protection zone.
- The retention of significant habitat trees will demonstrate impacts on biodiversity values have been avoided as required by the NSW Biodiversity Conservation Act.
- The two large dams to the north and south of the site include native aquatic plants and Eastern Long Neck Turtles and provide habitat for aquatic fauna and waterfowl.
- Removal of the dams will require a dewatering protocol with dewatering supervised by an accredited ecologist and procedures included for the handling and relocation of native fauna.

The Biodiversity Officer broadly supports the findings of the proponents Flora and Fauna Report but seeks safeguards for the protection of the hollow bearing trees for their biodiversity value and the for the aquatic fauna in the dams upon their removal.

Notwithstanding the above, 7 of the 10 trees identified through the Flora and Fauna Report are sited on the existing E4 zoned peripheral land parcels which are excluded from the proposal subject site. This proposal does not include impacts to any of the 7 trees on existing E4 zoned land.

Any impacts on these trees will require addressing through a development application for the entire lot.

Potential Traffic Impacts

The proposal is seeking the rezoning of 11.5 hectares of land on the edge of Goulburn for industrial development which, when established, will result in additional traffic movements onto local council managed roads. The proponents concept plan (**Figure 7**) also indicates a newly constructed roundabout on Lockyer Street and a new internal access road which ends in a turning circle to service future development with parking provision for over 500 vehicles.

It should be noted that Lockyer Street is currently restricted by a vehicle length (5.5m) and weight limitation (8T).

An initial Traffic and Parking Impact Assessment (TIA) (Oct 23) was submitted in support of the planning proposal which in summary found:

- Estimated traffic generation at 229 vehicle trips in the AM peak (184 in, 45 out) and 229 vehicle trips in the PM peak (45 in, 184 out).
- Assessed intersections retain the same overall level of service with minimal increases to average delays with spare capacity maintained during non-holiday periods.
- A slight forecasted decline in the level of service for the Finlay Road/Hume Street intersection during holiday periods.
- Concluded that there will be no adverse impact on the existing road network because of the proposed development.

The slight decrease in the level of service of the Finlay/Hume St intersection is justified as follows:

- Limited to high tourist periods only, with the RTA permitting a less desirable level of service during holiday periods.
- The degree of saturation of the worst turn movement during the PM peak hour period is 0.7, which indicates the vehicle movement is yet to reach capacity.
- Spare capacity available at the Sowerby/Hume Street intersection as an alternative right-hand turn onto Hume Street.

The TIA also addressed the vehicle limitations currently applied to Lockyer Street. It confirms that under NSW Road Rules, it is legal for a truck to pass the sign if the destination lies beyond the limitation sign and there is no other route by which the driver may take to reach the destination.

Council's Operations Department reviewed the TIA and raised no objections (**Attachment 7**) to the proposal and confirmed the proponent's assertion that Lockyer Street was suitable for heavy vehicles except for B-double style vehicles.

The scale of the proposal exceeds the 20,000m² industrial development threshold for engagement with TfNSW, as prescribed by Schedule 3 of the *Transport and Infrastructure SEPP*. As such the TIA was sent to TfNSW for their referral comments in January 2024 with their response received on 16 February 2024 (**Attachment 6**). This response requested further information on heavy vehicle movements and on NSW road rules that determine it is legal for a heavy vehicle to move onto a local road not designated for heavy vehicles.

The proponent responded to TfNSW's request and provided a letter of response and an updated Traffic and Parking Assessment in May 2024. The updated assessment identified predicted heavy vehicle movements and provided further information on the suitability of Locker Street for the proposed vehicle types.

The predicted heavy vehicle movements were based upon the Ross Street Industrial area, Goulburn, which is considerably larger than that proposed at Lockyer Street. It identified an estimated 13 heavy vehicle trips in the AM peak and 16 in PM peak.

The updated Traffic and Parking Assessment was referred again to TfNSW for further comment. TfNSW provided their updated referral response on 24 May 2024 which stated they had no objection to the planning proposal (**Attachment 6**).

The construction and detailed design of new employment development, access roads and the new roundabout on Lockyer Street must accord with various engineering and design standards which are addressed at the development application phase.

The principle of employment/industrial development of the subject site, in terms of impact on the road network, has been demonstrated to be acceptable with no outstanding objection from Council's Operations Department or TfNSW.

Additional Considerations- Water & Sewer

Council's Operations team provided a referral response on the initial proposal submission on 4 December 2023 (**Attachment 7**) in relation to water and sewer capability to service the site.

The response identified several policy and design requirements which must be addressed at the DA and construction stages, but no in-principal capacity or connection issues were identified.

Conclusion and Recommendation

The proposed rezoning of this site from rural to industrial accords with the recommendations of the *Employment Land Strategy* and will serve to provide additional employment land to facilitate new employment opportunities in the local area.

The proponent has demonstrated that the constraints around contamination, traffic impacts and biodiversity have been resolved or can be addressed at the development application stage.

The proponents concept plan identifies an intensity of development for the site which may not be achievable due to the topography of the land and associated water quality management challenges. The site is however considered suitable for some scale of employment development, with a NorBE achievable, albeit with a revised development scheme.

The outstanding constraint relates to Aboriginal Cultural Heritage, further consultation in relation to significance and how to meet the requirements of Ministerial Direction 3.2.

Before a way forward can be determined further information is required on the significance of the sites and items identified. The proponent is currently prepared a full ACHAR in accordance with the requirements of Heritage NSW.

It is important to determine the extent of Aboriginal cultural significance on the site prior to gateway submission to ensure a timely progression through the Gateway process. A proposal submitted without this information would not be consistent with Ministerial Direction 3.2 and would likely to be returned by the Department at the Adequacy Stage.

Overall, of the site is considered to have both site and strategic merit for employment development and any aboriginal cultural heritage constraint on the site is unlikely to prevent some scale of employment development of the site.

This report recommends Council endorse the preparation of a planning proposal to rezone part of 20-24 Lockyer Street, Goulburn from RU2 Rural Landscape to E4 General Industrial and remove the minimum lot size, subject to the submission of a full Aboriginal Cultural Heritage Assessment Report.

FINANCIAL IMPLICATIONS

There are no known financial implications to Council arising from this report.

LEGAL IMPLICATIONS

There are no known legal implications to Council arising from this report.

16.2 DA/0195/2324 - 3 LOT TORRENS TITLE SUBDIVISION, 6 PARK STREET GOULBURN

RESOLUTION 2024/126

Moved: Cr Steven Ruddell

Seconded: Cr Jason Shepherd

That:

1. The staff assessment report for development application DA/0195/2324 for the proposed Three (3) Lot Torrens Title Subdivision be received.
2. Consent be granted for DA/0195/2324 for a three (3) Torrens Title Subdivision located at 6 Park Street and 65 Citizen Street, Goulburn subject to the conditions in the Attachment.

Section 375A of the Local Government Act 1993 requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Andrew Banfield, Carol James OAM, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

16.3 PLANNING PROPOSAL - ZONING AND MINIMUM LOT SIZE AMENDMENT TO PART OF 20-24 LOCKYER STREET, GOULBURN

Cr Jason Shepherd declared an interest in this item and took no part in the discussion or voting on the matter. At 6:56 pm, Cr Jason Shepherd left the meeting.

RESOLUTION 2024/127

Moved: Cr Michael Prevedello

Seconded: Cr Carol James OAM

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determination to proceed with the planning proposal, consultation be undertaken by Council with the community and government agencies in accordance with any directions of the Gateway determination.

- 6. The fees charged in this Planning Proposal are as per the 2023-2024 fees and charges due to it being lodged in the previous financial year.**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Andrew Banfield, Carol James OAM, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Peter Walker and Andy Wood

Against: Nil

At 7:00 pm, Cr Jason Shepherd returned to the meeting.

16.4 POST EXHIBITION REPORT - GOULBURN DRINKING WATER TREATMENT PLANT PLANNING PROPOSAL - 233-234 WHEEO RD, GOULBURN

RESOLUTION 2024/128

Moved: Cr Andrew Banfield

Seconded: Cr Andy Wood

That:

- 1. The post exhibition report from the Business Manager Strategic Planning concerning the rezoning of part of 233-234 Wheeo Road, Goulburn be received.**
- 2. Council endorses the draft planning proposal to rezone part of No 233- 234 Wheeo Road, Goulburn (Lot 1 DP 1030749) from RE1 Public Recreation to SP2 Infrastructure (Public Utility Undertaking).**
- 3. A Draft Instrument be prepared that is consistent with the above amendment.**
- 4. The Chief Executive Officer be issued with the delegation to sign the draft amending Instrument on behalf of the Council as the local plan making authority.**
- 5. Council request that the NSW Department of Planning, Housing and Infrastructure notify the draft amendment once signed.**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Andrew Banfield, Carol James OAM, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil