



# **Goulburn Mulwaree Council**

**Planning Proposal to rezone and amend Minimum  
Lot Size on part of Lot 2, DP 1238214 at 20-24  
Lockyer Street, Goulburn**



**June 2025**

**Public Exhibition Version**

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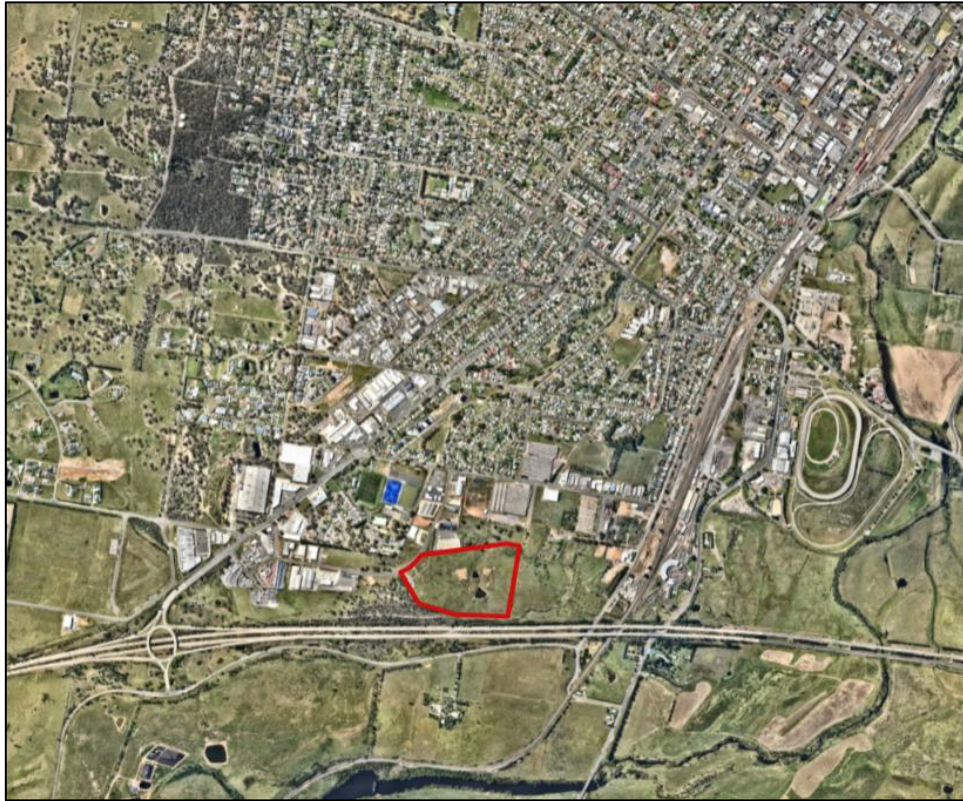
## **Abbreviations**

**ACHAR**- Aboriginal Cultural Heritage Assessment Report  
**AHIMS**- Aboriginal Heritage Information Management System  
**AHIP**- Aboriginal Heritage Impact Permit  
**APZ**- Asset Protection Zone  
**BPM**- Bushfire Protection Measures  
**BOS**- Biodiversity Offsetting Scheme  
**CEEC**- Critically Endangered Ecological Community  
**DA**- Development Application  
**DCP**- Development Control Plan  
**DPHI** – Department of Planning, Housing and Infrastructure  
**ELS** – Employment Land Strategy  
**EPA**- Environmental Protection Agency  
**E4** – General Industrial Zone  
**GM LEP**- Goulburn Mulwaree Local Environmental Plan  
**Ha**- Hectare  
**LALC**- Local Aboriginal Land Council  
**LEP** – Local Environmental Plan  
**LSPS**- Local Strategic Planning Statement  
**MLS**- Minimum Lot Size  
**OSD**- On-site Detention  
**PAD**- Potential Archaeological Deposit  
**PCT**- Plant Community Type  
**PMF**- Probable Maximum Flood  
**RU2**- Rural Landscape Zone  
**SoHI**- Statement of Heritage Impact  
**TEC**- Threatened Ecological Community  
**UFHS**- Urban and Fringe Housing Strategy

## Introduction

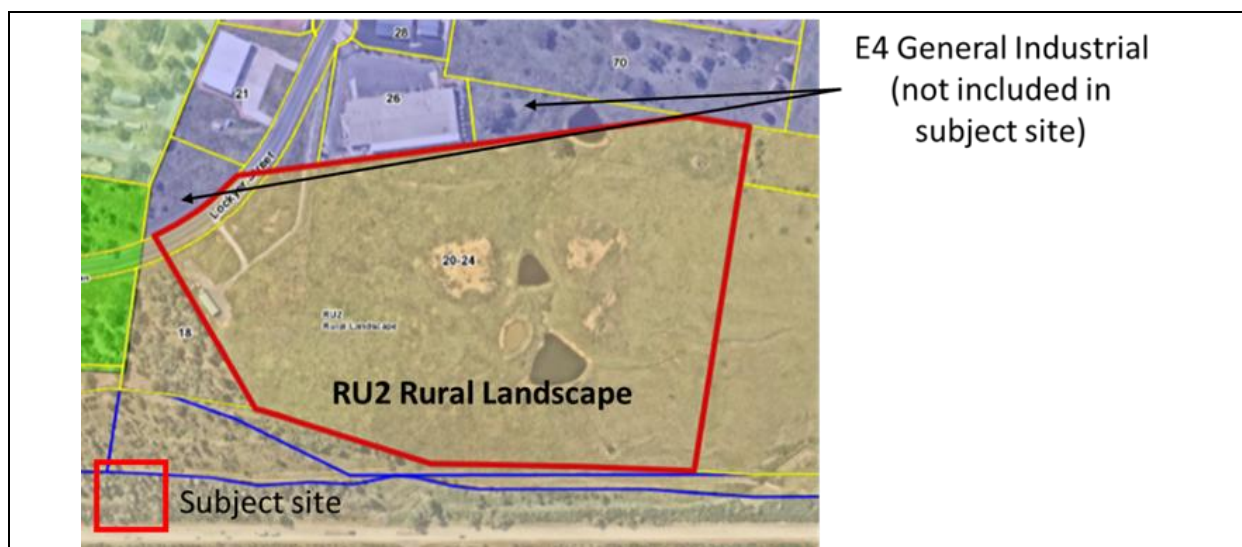
This planning proposal seeks to rezone an area of 11.5 hectares of rural land situated on the southern edge of the Goulburn Urban Area at 20-24 Lockyer Street, Goulburn. A site location plan is illustrated in Figure 1.

*Figure 1: Site location plan*



The subject site comprises only part of Lot 2, DP1238214 with three peripheral parcels of land which are currently zoned E4 General Industrial with no applicable minimum lot size (MLS) excluded from this planning proposal. Figure 2 illustrates the subject site area in relation to the wider lot boundaries and current land use zoning.

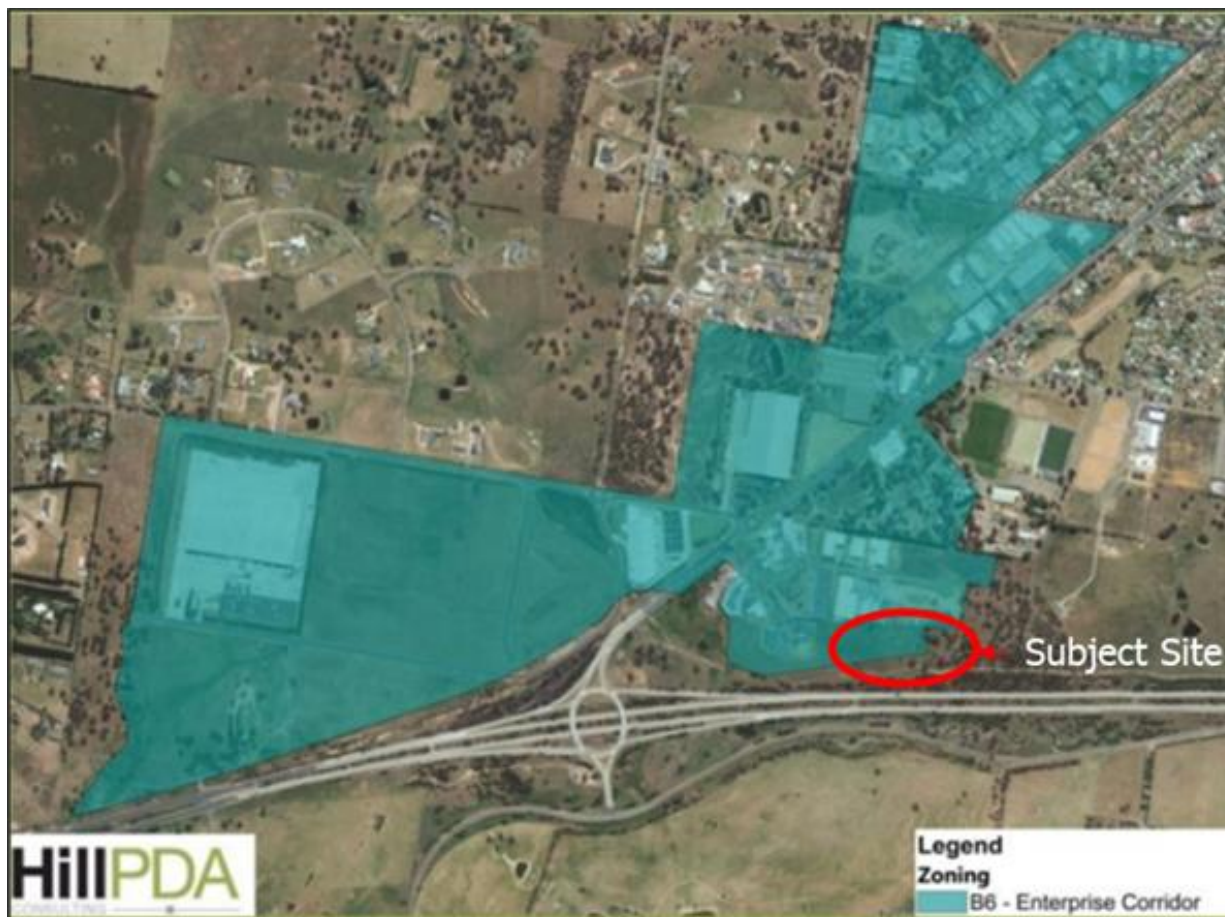
*Figure 2: Site Area and Existing zoning.*





The subject site is currently zoned RU2 Rural Landscape with a 100ha MLS and is located within the South Goulburn Enterprise Corridor Precinct as identified in the Goulburn Mulwaree [Employment Land Strategy](#) and illustrated in Figure 3. [The Employment Land Strategy](#) includes a recommendation for the subject site to be rezoned from a rural to industrial zone.

Figure 3: Site in relation to Employment Lands Strategy and areas recommended to be rezoned to industrial.



The site is predominantly cleared pasture with a shed on the western corner. The site includes 4 existing farm dams and a drainage line. The site has no existing connections to reticulated water and sewer.

The planning proposal is proponent-led and seeks a E4 General Industrial land use zoning with no applicable MLS to the entirety of Lot 2, DP 1238214. **As identified above only the areas currently zoned RU2 Rural Landscape are subject to this proposal.**

The proponents concept sketch presented in Figure 4 illustrates the proponents indicative development proposal. The concept plan illustrates a total of 9 warehouses and associated office space, creating approximately 48,880m<sup>2</sup> 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. The proposed additional industrial floorspace is estimated to create approximately 325 new jobs (based upon 1 job per 150m<sup>2</sup>).

## Site History

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

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

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### Gateway Determination

NSW Department of Planning, Housing and Infrastructure (DPHI) issued a conditional Gateway Determination 12 February 2025, and an altered Gateway on 14 February 2025. The pre-exhibition conditions of the Gateway have been met including consultation with State agencies and Pejar Local Aboriginal Land Council with no outstanding objections.

Council is the delegated local plan making authority in relation to this planning proposal.

## Part 1- Objectives

### 1.1 Intended Outcomes

The objective of this planning proposal is to rezone the subject site to enable future employment development.

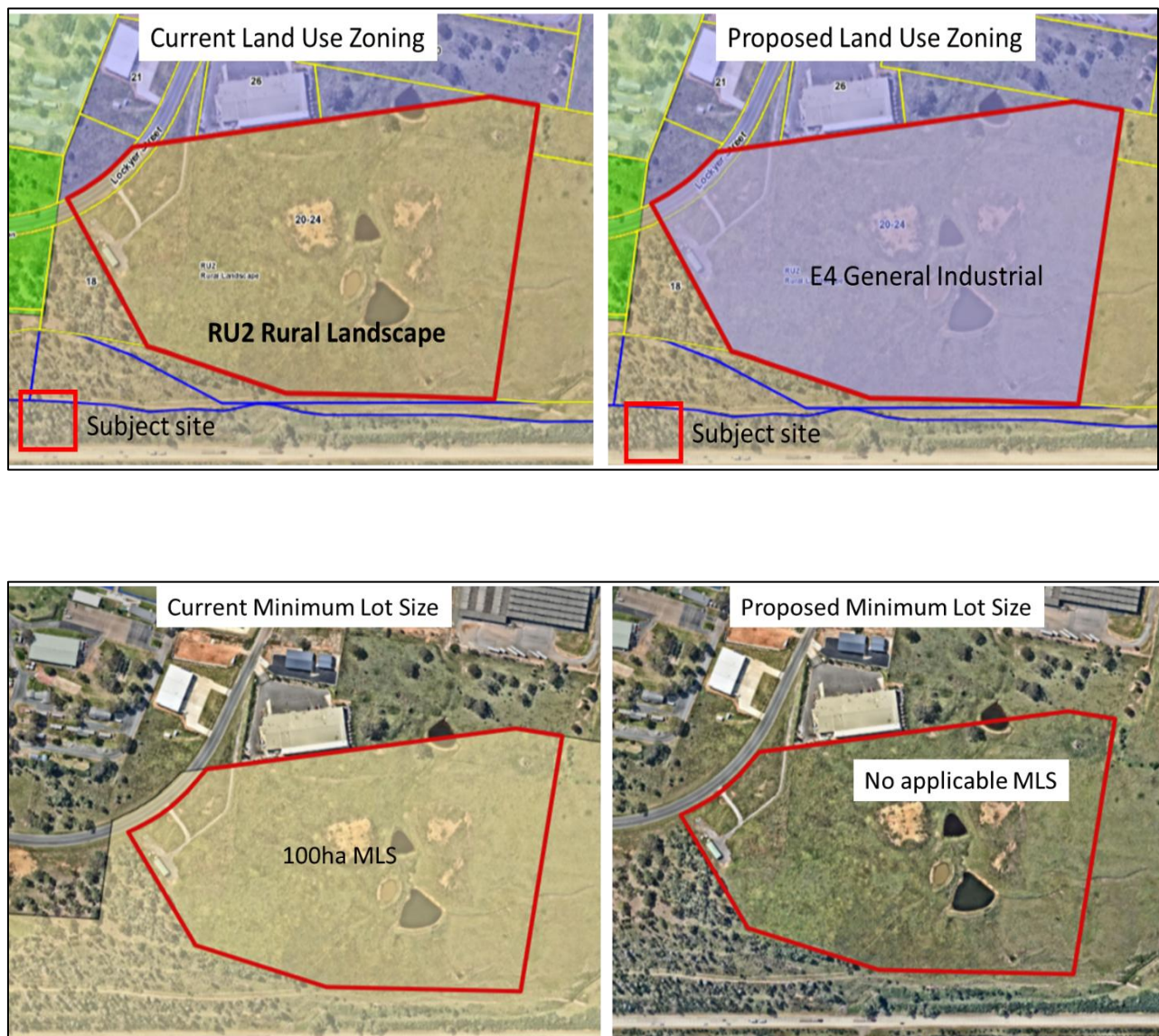
## Part 2- Explanation of Provisions

2.1 The [Goulburn Mulwaree Local Environmental Plan 2009](#) (GM LEP) will be amended by:

- The zoning of part of Lot 2, DP 1238214 from RU2 Rural Landscape to E4 General Industrial
- The removal of the current 100ha minimum lot size on part of Lot 2, DP 1238214

Figure 5 illustrates the current and proposed land use zoning amendment to the [GM LEP 2009](#) for the subject site.

Figure 5: Current & Proposed Land Use Zoning and Minimum Lot Size



## Part 3- Justification

### Section A- Need for a planning proposal

#### 3.1 Is the planning proposal a result of any strategic study or report?

[The Employment Land Strategy](#) identifies the subject site within the South Goulburn Enterprise Corridor (Figure 3) and within the Lockyer St/Sowerby St Enterprise corridor sub precinct and includes a recommendation to rezone the site from rural to residential.

The Employment Land Strategy identifies the sub precinct as comprising a range of uses including tourism and significant manufacturing businesses. It highlights that most of the precinct has been developed with only vacant lots within Lockyer Street and three lots fronting Hume Street remaining. The Employment Lands Strategy includes the following relevant opportunities for the sub precinct:

- Extension of Lockyer Street to Tait Crescent to provide improve access and connectivity.
- The rezoning of the previously owned Council east of the Cul-de-sac at the end of Lockyer Street will provide additional enterprise land.

It should be noted that the Council have already acted upon the road extension opportunity identified above, with the road extension of Lockyer Street to Tait Crescent, completed in 2019/2020. This road extension provides the subject site with a road frontage onto a two-way road and meets the opportunity presented in the Employment Land Strategy.

This proposal is seeking the rezoning of land at the end of what was previously Lockyer Street cul-de-sac to provide employment development in accordance with the opportunities and recommendations of the Employment Land Strategy.

#### 3.2 Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way?

The subject site, whilst currently zoned rural, is located on the edge of the Goulburn Urban Area, surrounded to the north by existing industrial development and the Hume Highway to the south. The extension of industrial zoning on the subject site is a logical and appropriate extension to provide additional employment opportunities without consuming valuable agricultural land outside the Goulburn urban area. The proposed extension of industrial land into the subject site is both recognised and recommended by the [Employment Land Strategy](#).

The current permissible uses in the existing RU2 Rural Landscape prohibit the use of the land for industries which would include the range of warehousing and associated office space sought by the proponent. The current RU2 rural landscape zoning would also prohibit the uses recommended for the site by the [Employment Land Strategy](#).

The proposed rezoning of the subject site from RU2 Rural Landscape to E4 General Industrial and the removal of the current 100ha minimum lot size is the only means of

achieving the intended outcome of enabling future employment land supply and development on the subject site.

## **Section B- Relationship to Strategic Planning Framework**

### **3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

#### **3.3.1 South East and Tablelands Regional Plan (SETRP) 2036 & Draft South East and Tablelands Regional Plan (SETRP) 2041**

This planning proposal is consistent with both the current and emerging South East and Tablelands Regional Plans with particular regard to the principles identified below:

*[SETRP 2036](#) Direction 4: Leverage growth opportunities from Western Sydney, and [Draft SETRP 2041](#) – Objective 15: Promote business and employment opportunities in strategic locations.*

Action 4.2 (SETRP 2036) requires the maintenance of a supply of appropriately serviced employment land to create opportunities for new industrial development, this action aligns with Objective 15 of the Draft SETRP. This site is identified for industrial development in the adopted [Goulburn Mulwaree Employment Land Strategy](#). This planning proposal seeks to rezone land to E4 General Industrial to facilitate the supply of suitably zoned land for industry.

*[SETRP 2036](#) Direction 8: Protect important agricultural land and [Draft SETRP 2041](#) Objective 13: Promote innovation and sustainability in agriculture and aquaculture industries*

Action 8.2 (SETRP 2036) is to protect identified important agricultural land from land use conflict, fragmentation etc. The site is not identified as important agricultural land. Whilst the site is currently zoned RU2 Rural Landscape it adjoins land zoned E4 General Industrial and is largely a fragment of rural land created by the Hume Highway when it was constructed. Given the proximity to industrial and the fragmentation from the rural hinterland of Goulburn to the south, it is considered that the proposal is compliant with this direction. The proposed zone aligns with a specific recommendation of the [Goulburn Mulwaree Employment Land Strategy](#) adopted by the Council and endorsed by NSW DPHI and therefore also complies with Strategy 13.2 of the Draft SETRP 2041.

*[SETRP 2036](#) Direction 11: Enhance strategic transport links to support economic growth and [Draft SETRP 2041](#), Objective 21: Provide efficient access to infrastructure and services.*

Action 11.3 is to limit inappropriate development and direct access points along strategic transport links such as the Hume Highway. The planning proposal is compliant with this action as industrial use of the site is considered to be suitable given the site's proximity to the Hume Highway. The planning proposal identifies suitable access to the site via Council's local road network leading into the classified road



network. The site will assist in maximising the strategic transport link that the Hume Highway provides. The planning proposal also aligns with Objective 21 SETRP 2041 by both taking advantage of a site with efficient access to infrastructure and services.

[SETRP 2036](#), *Direction 16: Protect the coast and increase resilience to natural hazards* and [Draft SETRP 2041](#) *Objective 7 – Build resilient places and communities*

The subject site is not identified as bushfire prone land on the latest version of the mapping certified by the NSW Fire Commissioner in November 2024. The site is separated from the closest bushfire source by the Hume Highway to the south. Access to the site is proposed via Lockyer Street which is in the opposite direction to the closest fire hazard south of the Hume Highway. The site is intended to be served by Council's reticulated water supply.

The site is elevated and not affected by riverine flooding as identified in the [Goulburn Floodplain Risk Management Study and Plan](#) which implements the requirements of the [NSW Flood Risk Management Manual and Toolkit](#). Furthermore, Council's overland flood model does not identify any flood risks associated with overland flooding of the site.

Given the proposed industrial usage of the site, it is of a lower sensitivity to risk than residential development. It is considered that the planning proposal also aligns with Objective 7 SETRP 2041.

[SETRP 3036](#) -*Direction 23: Protect the region's heritage* and [Draft SETRP 2041](#) *Objective 4: Preserve the heritage and character of the region's towns and villages*

Both the current and emerging *South East and Tablelands Regional Plans* seek to protect the regions heritage with particular regard to consulting with Aboriginal people to identify heritage values and to conserve heritage assets during the strategic planning stage.

The subject site is located within a Potential Aboriginal Artefacts layer and within an area identified as places of Aboriginal significance, identified in consultation with the Aboriginal community. In response, the proponent has submitted an Aboriginal Cultural Heritage Assessment Report prepared by Past Traces dated 30 September 2024. The Assessment has sought to identify potential heritage values on the site and has been prepared with engagement from the local Aboriginal Community. The ACHAR includes a consultation log in relation to the registered Aboriginal parties (RAP). In addition to this Council will consult with the local Aboriginal community during the public consultation phase and specifically with the Pejar Local Aboriginal Land Council post Gateway (and pre public exhibition). The ACHAR identifies a range of management recommendations for the site moving forwards following consultation with the RAPs and based on the results of the test pitting sub surface program undertaken. In summary the recommendations are that there are three heritage sites within the area to be rezoned. No impacts on the sites can occur without an approved AHIP. On one site, subject to an AHIP being approved, surface collection of artefacts is recommended with an approved methodology of recording and returning to country is identified.

In relation to European cultural heritage, the site is not identified as having any cultural values. The closest listed heritage items to the site are the locally listed Goulburn

Workers' Club Arena to the west of Lockyer Street and the South Hill complex located on the Southern side of the Hume Highway. Given the site's sloping topography on the lower side of Lockyer Street, it is unlikely that any development of the site will impact any views to or curtilage of the Goulburn Workers' Club area site. The South Hill complex is located on a hill which is higher than some of the subject area and the subject site for the rezoning will be visible from this site. However, the orientation of the main dwelling and the substantial garden plantings around the homestead along with the distance between the sites is likely to result in a minimal impact on distant (non-primary) view lines.

This planning proposal is considered consistent with both the current [South East and Tablelands Regional Plan 2036](#) and the [Draft South East and Tablelands Regional Plan 2041](#).

### 3.3.3 The Tablelands Regional Community Strategic Plan 2016-2036

The [Tablelands Regional Community Strategic Plan](#) identifies priorities in order to achieve the future vision for the region. These include:

- Environment
- Economy
- Infrastructure
- Civic Leadership

The following strategic priorities are considered relevant to this planning proposal:

- **Environment Strategy EN4-** *Maintain a balance between growth, development and environmental protection through sensible planning, and*
- **Our Community Strategy CO4-** *Recognise and celebrate our diverse cultural identities, and protect and maintain our community's natural and built cultural heritage.*

The site is identified in the [Goulburn Mulwaree Employment Land Strategy](#) as being suitable for industrial development to support the growing population and demand for employment land. The proposal is supported by an

The planning proposal recognises and seeks to protect areas of cultural heritage through the Aboriginal Cultural Heritage Assessment (ACHA) which includes the identification and management of cultural heritage. The future development of the site is not identified in the proposal as having a significant impact on locally listed items of built heritage within the precinct. This planning proposal is consistent with Our Community Strategy CO4.

The subject site is not of high biodiversity significance, outstanding biodiversity value or included within a declared critical habitat. A Flora and Fauna Assessment, prepared by Fraser Ecological Consulting, dated 4 April, 2023, has been submitted with the planning proposal which has been reviewed by Council's Environment and Biodiversity Assessment Officer as summarised below:

- The findings of the report are broadly supported with most of the site dominated by introduced pasture species.
- 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 large dam on the subject site includes 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.

Council's Environment and Biodiversity Assessment Officer broadly supports the findings of the proponents Flora and Fauna Assessment but seeks safeguards for the protection of the hollow bearing trees for their biodiversity value and for the aquatic fauna in the dams upon their removal. Noting that most hollow bearing trees fall within the area currently zoned E4 General Industrial and are not within the area to be rezoned.

This planning proposal is consistent with Environment Strategy EN4.

### 3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan

#### 3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)

The [Local Strategic Planning Statement \(LSPS\)](#) seeks to direct how future growth and change will be managed up to 2040 and beyond and sets out key issues and opportunities for managing urban, rural and natural environments across the local government area.

The LSPS includes **Planning Priority 6: Industry and Economy** which identifies the challenge of meeting the employment needs of a growing population with a required focus on attracting employment generating business into the local area. It includes the following Vision *`Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change`*. To meet the challenge of Priority 6 and contribute to achieving the vision, the priority includes an action to promote the areas' competitive advantages to businesses considering relocating, particularly from Sydney.

This proposal is seeking the rezoning of 11.5ha of land on the edge of the Goulburn area (ultimately creating a E4 zoned site of 12.5ha) to E4 general industry to provide for an multi warehouse development. The site is accessible to both the local population via local roads, public transport and active transport infrastructure and a wider catchment through its proximity to the Hume Highway junction. The ultimate development of the site will generate employment opportunities to assist in meeting the needs of a growing population. Due to the proximity and ease of access to the Hume Highway, an E4 zoned industrial site would also provide a good opportunity for business relocating from Sydney due to its higher operating costs and more limited land supply for expansion.

This planning proposal is consistent with Planning Priority 6: Industry and Economy

The LSPS includes **Planning Priority 9: Heritage** which has a vision that cultural heritage is conserved, actively adapted for use and celebrated. It includes planning principles to protect and conserve heritage items and ensure the preservation of Aboriginal heritage and culture both at the strategic and development assessment stages. It also includes an action to ensure consultation in the preparation of studies and assessments with the Aboriginal community.

The planning proposal recognises and seeks to protect areas of cultural heritage through the Aboriginal Cultural Heritage Assessment (ACHA) which includes the identification and management of cultural heritage. The future development of the site is not identified in the proposal as having a significant impact on locally listed items of built heritage within the precinct.

This planning proposal is consistent with Planning Priority 9: Heritage

**Planning Priority 10: Natural Environments** of the LSPS sets a vision for the protection and enhancement of natural environments and systems. It also includes Action 10.8 to locate, design, construct and manage new developments to minimise impacts on water catchments.

As previously noted, the subject site is not of high biodiversity significance, outstanding biodiversity value or included within a declared critical habitat. A Flora and Fauna Assessment has been submitted with the planning proposal which has been reviewed by Council's Environment and Biodiversity Assessment Officer as summarised below:

- The findings of the report are broadly supported with most of the site dominated by introduced pasture species
- 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 large dam on the subject site includes 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.

Council's Environment and Biodiversity Assessment Officer broadly supports the findings of the proponents Flora and Fauna Assessment but seeks safeguards for the protection of the hollow bearing trees for their biodiversity value and for the aquatic fauna in the dams upon their removal. Noting that most hollow bearing trees fall within the area currently zoned E4 General Industrial and are not within the area to be rezoned.

The planning proposal is consistent with Planning Priority 10: Natural Environments.

Overall this planning proposal is consistent with the planning priorities, vision, principles and actions of the [Goulburn Mulwaree Local Strategic Planning Statement](#), specifically planning priorities 6, 9 and 10.



### **3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?**

#### **3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment**

Chapter 6.5 of this State Environmental Planning Policy (SEPP) applies to land within the Sydney drinking water catchment which includes the Wollondilly River water catchment, as such this SEPP applies. This SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. It identifies the aims of the SEPP as follows:

- a) To provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and
- b) To provide for development in the Sydney drinking water catchment to have a neutral or beneficial effect on water quality.

#### **Comment:**

The site is located on the edge of the Goulburn Urban Area where reticulated water and sewer servicing is both available and connected to neighbouring properties. The subject site is not currently connected to Goulburn's reticulated water and sewer network but connections are achievable. Council's utilities department have confirmed sewer and water can be connected via a sewer and water extension undertaken at the proponent's expense at the DA stage. The proponents submitted Engineering Services Infrastructure Report, prepared by Integrated Group Services dated 20 October 2023 confirms the intention to connect to the reticulated water and sewer network.

The subject site is currently vacant pastureland which includes three farm dams located relatively centrally and part of one farm dam to the north of the site. The site includes a storage shed to the far west with two access roads leading from Lockyer Street and a nearby septic area. The site does not include any rivers or creeks, but a non-perennial drainage channel runs southward through the on-site dams into an additional drainage line which runs outside the site's boundaries, roughly east to west.

The site is not affected by riverine flooding, but a small area of the southeastern corner is marginally affected by overland inundation during the worst possible flood events (0.05% & PMF) for minimal depths. The flood impacts are negligible and will not impact on water quality.

Further detail on flooding is provided in Section 3.6.7 – Direction 4.1 Flooding.

The proposal is seeking a E4 general industrial land use zoning over the site to enable the development of warehouses and associated office space. The proposal also includes approximately 536 car parking spaces, an internal access road, a new roundabout on Lockyer Street and an on-site detention basin.

The proponents concept sketch indicates that nearly the entire site will be developed with buildings and hardstand with the current on-site dams and drainage channel proposed to be removed.

The proposal is supported by a *Water Cycle and Stormwater Management Strategy* prepared by C& M Consulting Engineers, which includes an assessment of the likely stormwater management requirements, presents the findings, and proposes a best practice stormwater management strategy to manage both stormwater quantity and

quality. The Strategy incorporates the identified water quality measures into the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) to assess whether the proposed development and the above-mentioned water quality controls measures are able to achieve a neutral or beneficial effect (NorBE) on water quality.

This Strategy found that in all instances, the proposed water quality measures enabled the reduction targets to be achieved for all key stormwater pollutants. It determined that by implementing the proposed treatment measures the proposed development can achieve a Neutral or Beneficial Effect on Water Quality (NorBE).

Water NSW through their initial referral response dated 21 December 2023 raised concerns in relation to the topography of site and the overall intensity of proposed development leading to stormwater management challenges. Notwithstanding, Water NSW consider the site is technically capable of achieving a NorBE but this is likely to be achieved through a development proposal of lesser intensity and with a revised layout.

The evidence presented indicates that a neutral or beneficial effect on water quality can be achieved through a subsequent subdivision and development application, albeit with a development of lesser intensity.

An assessment on water quality to determine neutral or beneficial effect will also be undertaken as part of a future development application which will require Water NSW concurrence. In addition, the development should ensure Water NSW's current recommend practice are incorporated.

Further information on safeguarding water quality is provided in Section 3.6.6 – Direction 3.3 Sydney drinking water catchments.

This planning proposal is consistent with the aims of this SEPP.

### **3.5.2 State Environmental Planning Policy (Primary Production) 2021**

The aims of this State Environmental Planning Policy are to:

- (a) facilitate the orderly economic use and development of lands for primary production,
- (b) reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) simplify the regulatory process for smaller-scale low risk artificial water bodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) encourage sustainable agriculture, including sustainable aquaculture,
- (f) require consideration of the effects of all proposed development in the State on oyster aquaculture,

- (g) identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

**Comment:**

The subject site is currently zoned RU2 Rural Landscape and has historically been used for grazing. Despite this, the site is sited on the edge of the Goulburn urban area with the Hume Highway to the south of the site forming a buffer to the urban area of Goulburn, from its rural hinterland.

The site is in an area surrounded by other urban uses including commercial and industrial development to the north and west. The proximity of the site to the Hume Highway facilitates an ease of access to the strategic transport network.

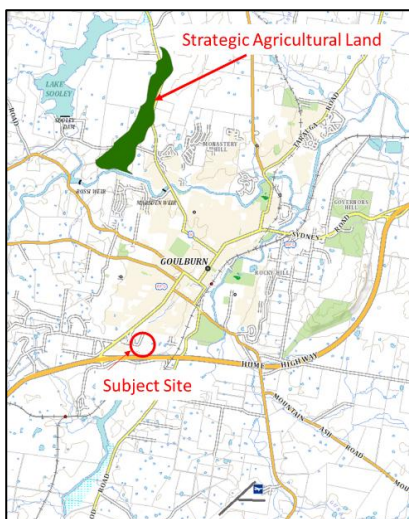
The locational advantages of this site and its proximity to the Hume Highway and other employment generating uses is recognised in the [Employment Land Strategy](#) which identifies the site for future industrial development and recommends the site's rezoning.

Locating additional employment land on the edge of the urban area where an extension to the urban form is reasonable and logical, and in proximity to other similar uses, is an appropriate and justifiable alternative use of primary production land. This approach focuses employment generating uses within an accessible location, close to both potential employees and the strategic road network. This in turn reduces pressure to provide employment land on less suitable and accessible rural areas which are further from the urban area.

The subject site has limited coverage of native vegetation, is considered highly disturbed and has low biodiversity value except for 3 trees located on the edges of the subject site (additional trees on the wider lot are not subject to this proposal). The site will be serviced by Goulburn's reticulated water and sewage system and the proposal includes stormwater management measures to achieve a neutral or beneficial effect on water quality.

The subject site is not impacted by State Significant Agricultural land as illustrated in Figure 6.

Figure 6: Strategic Agricultural Land



The proposal only seeks industrial development on the site and does not encourage sustainable agriculture, aquaculture or oyster aquaculture.

This planning proposal is not inconsistent with the aims of this SEPP.

### **3.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4: Remediation of Land**

The object of this policy is:

1. To provide for a State-wide planning approach to the remediation of contaminated land.
2. In particular, this policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment-
  - a. By specifying when consent is required, and when it is not required, for remediation work, and
  - b. By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
  - c. By requiring that a remediation work meet certain standards and notification requirements

**Comment:** The subject site is not identified as significantly contaminated but is identified on the Council's local contaminated land register which indicates a potentially contaminating previous use. The site has most recently been used for agricultural purposes but has previously been used for storage and disposal of demolition material for 12 months in 1976. Both the current and previous land use activities are listed as potentially contaminating use within Table 1 of the *contaminated land planning guidelines*.

The planning proposal has been supported by a *Report on Preliminary Site Investigation for Contamination* (PSI), and an *Additional Extractive Natural Materials Assessment* both reports are prepared by Douglas Partners. This PSI was prepared for the previous 2019 planning proposal (*REZ/0007/1819*) and examined both the subject site and the neighbouring site at 2E Sloane Street. The Additional Extractive Natural Materials Assessment assessed the two stockpiles on site.

The Council have considered whether the land is contaminated and determine the evidence presented demonstrates the site is suitable for its intended industrial land use upon implementation of the outstanding recommendations of the PSI.

This planning proposal is consistent with Direction 4.4 Remediating Contaminated Land.

This planning proposal is consistent with Chapter 4: Remediation of Land within State Environmental Planning Policy (Resilience and Hazards) 2021.

Further information on contamination is available in 3.6.9 in relation to Direction 4.4 – Remediation of Contaminated Land.



### **3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?**

#### **3.6.1 Direction 1.1 Implementation of Regional Plans**

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in regional plans with planning proposals required to be consistent with a Regional Plan.

**Comment:** The current [South East and Tablelands Regional Plan 2036](#) and Draft [South East and Tablelands Regional Plan 2041](#) are applicable to this planning proposal and this has been considered in Section 3.3.1. This planning proposal is consistent with this regional plan.

#### **3.6.2 Direction 1.3 Approval and Referral Requirements**

This direction applies to relevant planning authorities when preparing a planning proposal. The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

When this direction applies a planning proposal must:

- a. Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- b. Not contain provisions requiring concurrence, consultation or referral to a minister or public authority unless the relevant planning authority has obtained the approval of:
  - I. The appropriate Minister or public authority, and
  - II. The Planning Secretary (or an officer of the Department nominated by the Secretary) , prior to undertaking community consultation in satisfaction of Schedule 1 to the EP & A Act, and
- c. Not identify development as designated development unless the relevant planning authority:
  - I. Can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
  - II. Has obtained the approval of the planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP & A Act.

**Comment:** This planning proposal does not introduce additional concurrence, consultation, or referral requirements beyond those in place in the applicable environmental planning instruments and would not compromise this objective.

This planning proposal does not include development identified as designated development.

This planning proposal is consistent with Direction 1.3 Approval and Referral Requirements.

### 3.6.3 **Direction 1.4 Site Specific Provisions**

This direction applies to relevant planning authorities when preparing a planning proposal. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

1. When this direction applies a planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
  - a. allow that land use to be carried out in the zone the land is situated on, or
  - b. rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
  - c. allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
2. A planning proposal must not contain or refer to drawings that show details of the proposed development.

**Comment:** This planning proposal seeks the rezoning and minimum lot size amendment of the subject site to E4 General Industrial to enable the development of warehousing in an area identified for rezoning and development in [The Employment Land Strategy](#). General industries, light industries, warehousing and distribution centres are all permissible uses within the E4 General Industrial Zone and no development standards or requirements are proposed in addition to those already contained in the zone and in the [Goulburn Mulwaree Local Environmental Plan, 2009](#).

### 3.6.4 **Direction 3.1 Conservation Zones**

The objective of this direction is to protect and conserve environmentally sensitive areas. This Direction applies to all relevant planning authorities when preparing a planning proposal.

This Direction requires:

1. A planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas.
2. A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 "Rural Lands".

**Comment:** The subject site is not identified under the Terrestrial Biodiversity mapping layer in the [Goulburn Mulwaree Local Environmental Plan](#) as illustrated in Figure 7. The site is not identified on the NSW Biodiversity Values Map as illustrated in Figure 8.

The subject is currently zoned RU2 Rural Landscape which is not a defined conservation zone and the site has not been identified for environment conservation/protection purposes in an LEP.

The site comprises predominantly grassland with 3 trees located on the edges of the subject site (additional trees on the wider lot are not subject to this proposal as they

are located within the existing area zoned E4 General Industrial) and three farm dams wholly within the site and one farm dam partially within the site. All existing farm dams are proposed to be filled through a subsequent development application for employment uses.

Figure 7: Terrestrial Biodiversity Map Layer - GM LEP 2009 for the subject site.

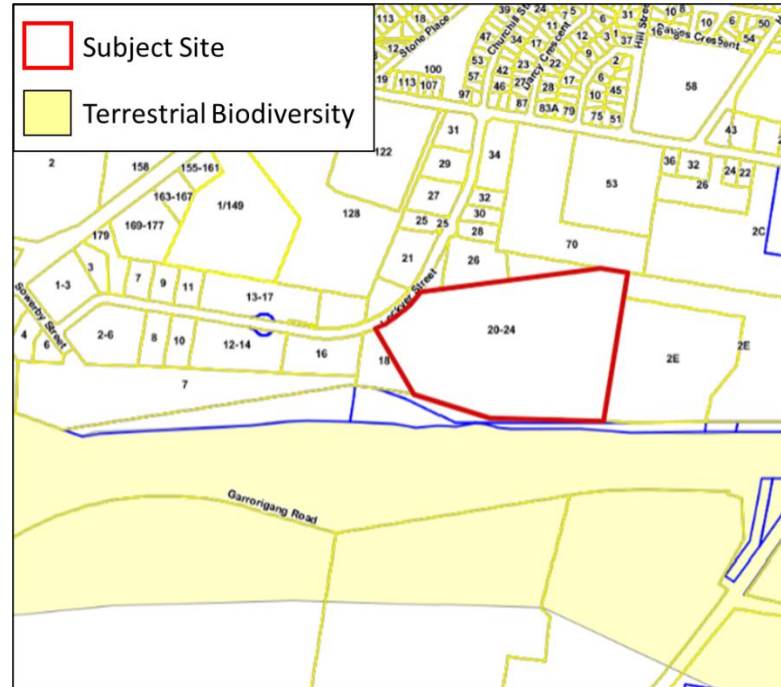
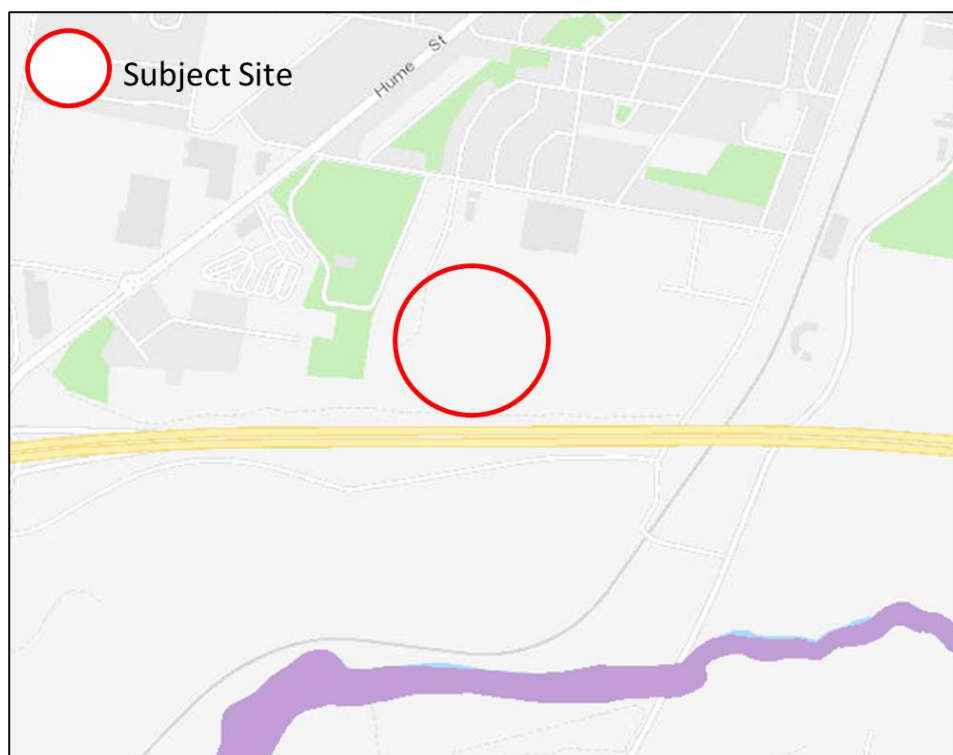


Figure illustrates the site is not identified on the biodiversity values map.

Figure 8: Biodiversity Values Map.



The planning proposal has been accompanied by a Flora & Fauna Assessment prepared by Fraser Ecological Consulting dated 4 April, 2023 to identify the sites biodiversity value through a field and database assessment. The Assessment included the entire lot area of Lot 2, DP1238214 and wasn't limited to the subject site boundaries i.e. the existing peripheral land parcels were included in the survey.

Two on-site surveys were undertaken on the site on the 16<sup>th</sup> March 2023 and again on the 4<sup>th</sup> March 2024.

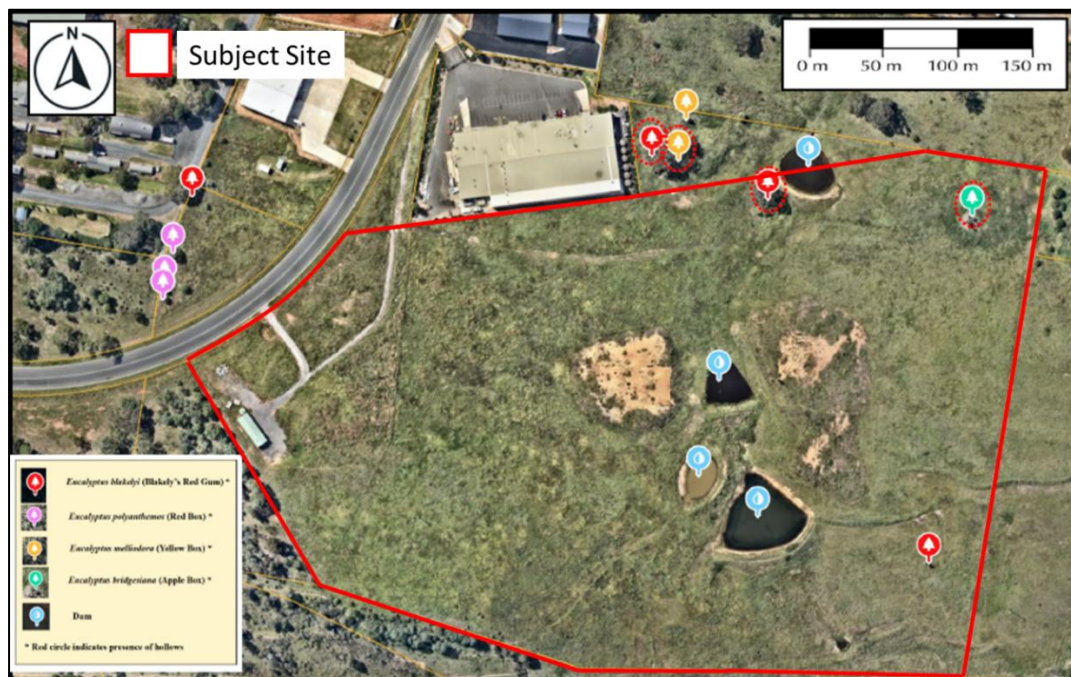
In summary the assessment found:

- The site is predominantly cleared pastureland dominated by introduced grasses and environmental weed species.
- The wider lot 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 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.

Figure 9 illustrates the location of the existing farms dams on site in addition to the two Blakely's red gum trees (one with a hollow) and the Apple Box tree (also with a hollow). Additional trees identified by the Flora and Fauna Assessment outside of the subject site (delineated by the red line boundary) are not subject to this rezoning planning proposal.

Figure 9: Farms Dams and Hollow Bearing Trees.





The proponents concept plan (Figure 4) illustrates the removal of all the farm dams on site with a fully developed footprint which does not indicate provisions for the retention of on-site vegetation.

Notwithstanding, the Flora and Fauna Assessment identifies a series of environmental protection measures to be implemented at the development application stage, as follows:

- A protection zone is to be provided for all areas of native vegetation to be retained during construction, including protection fencing.
- Opportunities to retain the remnant native trees on site as part of the rezoning or DA process but any trees approved for removal should be mulched and reused on site.
- All works undertaken within a tree protection zone of any trees to be retained must be carried out under the supervision of an AFQ Level 5 Arborist or equivalent.
- The application of erosion and sediment controls
- Machinery shall be cleaned of soil and debris before entering the subject site to prevent the spread of weeds.

The Flora and Fauna Assessment concludes as follows:

- a) No threatened flora or fauna species listed within the BC Act (2016) or the EPBC Act (1999) were observed during survey;
- b) No migratory species listed within EPBC Act (1999) were observed within the subject site.
- c) Assessments of significance (5 part test) were undertaken in accordance with Section 7.3 of the Biodiversity Conservation Act 2016 (BC Act) and Section 5.7 of the Environmental Planning and Assessment Act 1979 (EP& A Act). It was concluded that the proposal is unlikely to have a significant impact on species, populations and communities listed under the New South Wales Biodiversity Conservation Act 2016 and Commonwealth Environment Protection.
- d) A referral to the Australian Government Department of the Environment is not likely to be required as it was as it was determined that proposal would not have a significant Impact on nationally listed threatened or migratory species listed under the EPBC Act (1999).
- e) A biodiversity Assessment Report is not required for the proposed rezoning. It is not likely to have a significant effect on threatened species, populations or ecological communities or their habitats listed under the BC Act 2016.

The Council's Biodiversity Officer reviewed the Flora and Fauna Assessment and provided referral comments on 20 May 2024 as summarised below:

- The findings of the report are broadly supported with most of the site dominated by introduced pasture species.
- 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 large dam on the subject site includes 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.

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

A copy of the Environment and Biodiversity Assessment Officer's referral comments is provided in the supporting documentation.

The retention of the identified trees on the subject site formed an integral part of the Threatened Species Test of Significance conducted as part of the Flora and Fauna report. If a future development application proposes to remove these trees an updated Flora and Fauna assessment will be required to be submitted at the development application (DA) stage. Noting that the requirement for vegetation management plan forms a standard condition of consent. – deferred commencement condition. Furthermore, Council would condition a construction environmental management plan to include a waste management sub-plan, construction soil and water management sub plan and unexpected finds contamination procedure sub plan. Sediment and erosion control plans- must be in accordance with the Blue Book and would be required to include details of drainage to protect the site during construction processes.

The Ecological Assessment alongside the review and site assessment undertaken by Council's Biodiversity Officer have demonstrated the subject site is not considered of high biodiversity significance, outstanding biodiversity value or a declared critical habitat.

In addition, the subject site does not include any other potential environmentally sensitive areas, as defined in the [Goulburn Mulwaree Local Environmental Plan](#), as follows:

- Site is inland and does not relate to the coast.
- Is not an aquatic reserve or marine park.
- Is not a Ramsar site or World Heritage Area.
- Not identified as high Aboriginal cultural significance within an Environmental Planning Instrument.
- Does not relate to land reserved or acquired under the *National Parks and Wildlife Act 1974*.
- Does not relate to land reserved or dedicated under the *Crown Land Management Act 2016* for environmental protection purposes.
- Has not been declared an area of outstanding biodiversity value or declared critical habitat.

Post Gateway consultation was undertaken with NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) -Conservation Programs, Heritage and Regulation (CPHR) which provided advice on 13 March 2025 being:

*“We note that Critically Endangered Ecological Community of White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland (Box-gum woodland) was identified near the northern boundary of Lot 2 DP 1238214, and that the remainder of Lot 2 DP 1238214 contains hollow bearing Blakely’s red gum, red box, yellow box and apple box trees as shown in Figure 1 of Council’s report.*

*CPHR agrees with Council that these trees should be protected from future development and that the recommendations of the Flora and Fauna Report should be implemented. However, it appears that Figure 4 of the planning proposal shows the proposed development footprint will result in the removal of all trees on the site. Clarification needs to be provided as to whether the trees will be retained or removed. If they are to be retained, consideration needs to be given to how they will be protected in perpetuity.*

*CPHR also note that whilst the Flora and Fauna Report includes an assessment of significance, it does not consider impact on the critically endangered box-gum woodland. Please advise the applicant that future assessments need to include the full suite of threatened species and ecological communities known or likely to occur in proposal areas.”*

The concept plan is intended to be an indication of how the site could be developed but is not intended to imply that this is how the site will be developed. Any further development of the site would be subject to a development application (DA) which would consider the trees and vegetation clearing in accordance with the *Biodiversity Conservation Act 2016* and Council’s Development Control Plan. The advice from DCCEEW has been provided to the proponent in relation to future assessments needing to include the full suite of threatened species and ecological communities known or likely to occur in the area.

This planning proposal does not include any environmentally sensitive areas or identify any impact, on any such areas and is therefore consistent with Direction 3.1 Conservation Zones.

### **3.6.5 Direction 3.2 Heritage Conservation**

The objective of this direction is to conserve items, areas, objects and places of environmental significance and indigenous heritage significance. This Direction applies to all relevant planning authorities when preparing a planning proposal.

A planning proposal must contain provisions that facilitate the conservation of:

- a. Items, places, building, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.
- b. Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- c. Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the areas, object, place or landscape as being of heritage significance to Aboriginal culture and people.

## European Cultural Heritage

**Comment:** There are no heritage items included within or directly adjacent the subject site, but two locally listed heritage items are located within proximity of its boundaries as illustrated in Figure 10. The site is not located within a Heritage Conservation Area.

Goulburn Workers Arena (item no. 406) is identified as a locally listed heritage item in Schedule 5 of the [GM LEP 2009](#), located at 135 Hume Street with the item located approximately 75m from the western site boundary.

The Workers Arena is situated within the Goulburn Enterprise Corridor Precinct and is surrounded by employment generating uses on E3 Productivity support and E4 General Industrial zoned land. The northern boundary abuts a R1 general residential area and a small, vacant RE1 Public Recreation area is located to the south. The general character of the land surrounding the Workers Arena is however predominantly commercial and industrial and the proposed general industrial zoning proposed for the site is considered to directly relate to this existing character.

The South Hill complex (item no.331) is also identified as a locally listed heritage item in Schedule 5 of the [GM LEP 2009](#), located at 3 Garroorigang Road with the item located approximately 350m from the southern site boundary.

The South Hill homestead complex is situated relatively central on a large rural lot located south of the subject site divided by the Hume Highway. The Hume Highway provides the visual delineation between the Goulburn urban area and its rural hinterlands and prevents a visual relationship between the subject site and the heritage item.

Development of the subject site for employment land, with a particular reference to light industrial and warehousing structures, is not considered to amend the setting and context for the above-mentioned heritage items with little to no impact anticipated.

Council's Consultant Heritage Advisor provided the following comments on the proposal in relation to European cultural heritage:

### **"Advice**

*The visual impact of the proposal will be to change existing rural grassland to fairly intensively developed light industrial lots with presumably up to 2 storey warehouse type buildings, similar to those already constructed along Lockyer St.*

### **Impact on Workers Club**

*In my opinion this will have no impact on the heritage significance of the Workers Club sporting facilities as these are discretely located across the other side of Lockyer St and there is no deliberate visual relationship of the Club facilities across the affected land. Light industrial development already exists along much of the east side of Locker St and on the west side between Lockyer St and Sports Way. The Workers Club site has discrete boundaries, some of which is landscape screened and is generally inward looking.*

### Impact on South Hill Homestead

The Homestead complex is located off Garroorigang Rd which runs parallel to the Hume Highway to its east. The proposed industrial sites are located to the west across the Hume Highway. The existing appearance of open grasslands will change to light industrial warehouse type buildings.

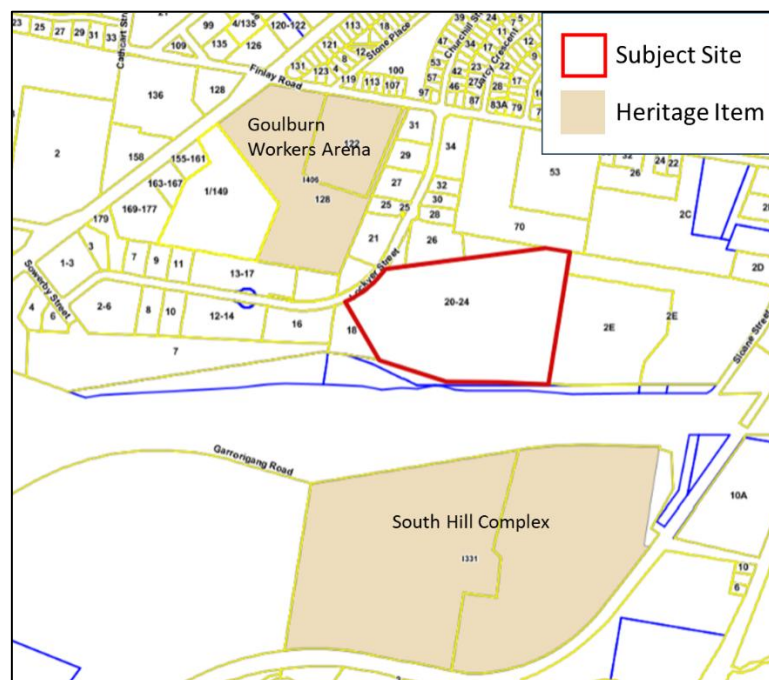
The two-storey homestead building is orientated towards the north east, away from the subject site and there is a fair degree of mature landscaping around the Homestead, screening views of the subject site. A predominantly rural outlook is retained from the main frontage of the Homestead and on the eastern side. The tree lined driveway does face the subject site but approaches the side/rear of the Homestead and is not a major view corridor in or out of the Homestead site.

*In my opinion the impact of the potential light industrial development on the setting of South Hill is likely to be minor and could be largely mitigated by judicious screen planting along the eastern boundary of the industrial site, particularly opposite the South Hill driveway."*

Notwithstanding the above, development within proximity to a heritage item with the potential to affect its setting and context will be required to be assessed at the development application stage against the relevant provisions of both the [GM LEP](#) and [GM DCP 2009](#).

Figure 10 illustrates the location of locally listed heritage items under the [GM LEP 2009](#) in relation to the subject site.

Figure 10: Local Heritage Items.





## Aboriginal Cultural Heritage

The subject site is located within an area mapped as a place of Aboriginal significance within the [Goulburn Mulwaree Development Control Plan](#). This map, illustrated in Figure 11, was produced in consultation with the Pejar Land Aboriginal Land Council and highlights areas with potential for Aboriginal sites and/or objects. The subject site is located within an area identified as potentially significant, indicating the potential discovery of Aboriginal finds.

Figure 11: Potential Aboriginal Artefacts Layer

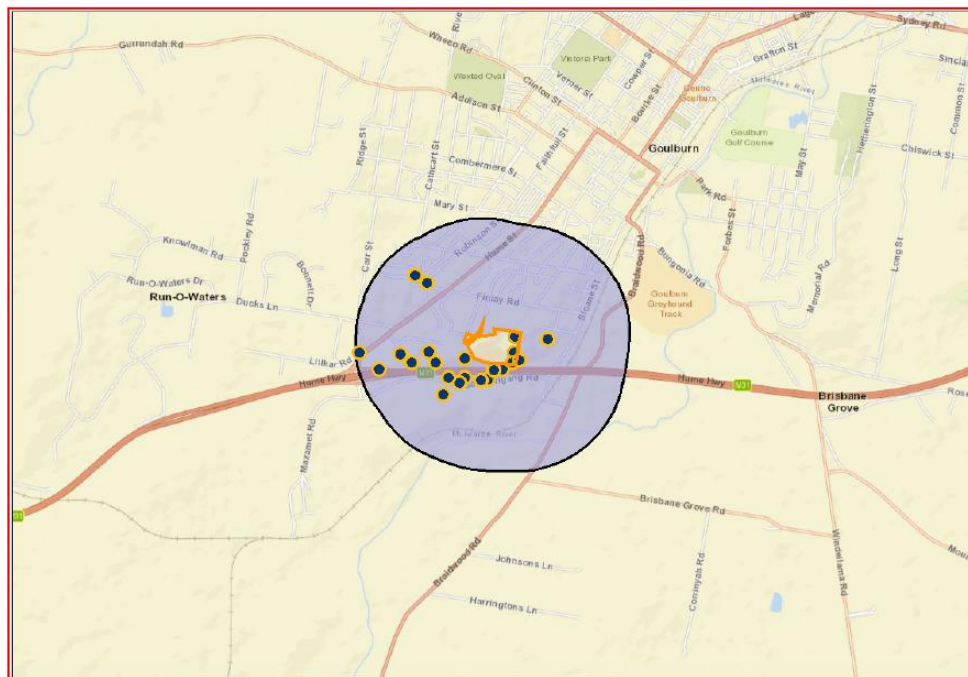


A basic Aboriginal Heritage Information Management System (AHIM's) search was undertaken by Council on 15 July 2024 utilising a 1000m and 50m buffer.

The initial search utilising the 1000m buffer from the wider lot boundaries identified a total of 23 Aboriginal sites recorded, generally following the line of the Hume Highway as illustrated in Figure 12. This search indicated a number of Aboriginal sites located on the subject site, but the wide scale could not provide more precise locations.

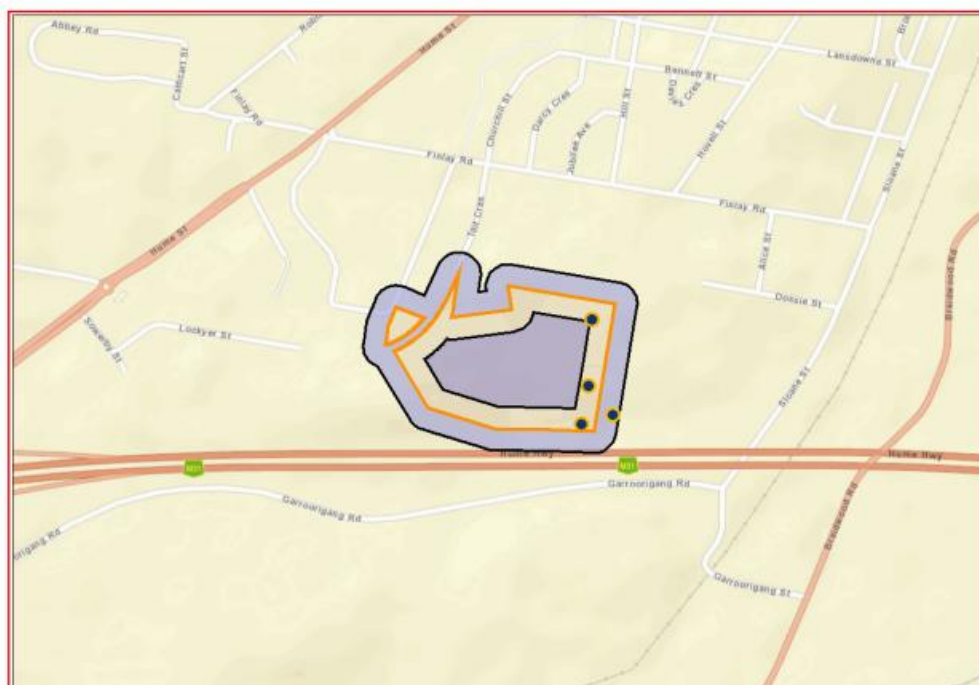
A secondary AHIMs search utilising the 50m buffer from the wider lot boundary was undertaken to determine a more precise indication of where Aboriginal sites were located on site. Figure 13 indicates the presence of 3 Aboriginal sites within the boundaries of the subject site and one site within the 50m buffer from the eastern site boundary.

Figure AHIMS searches for the subject site.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

23	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

4	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

The identification of the site within an Aboriginal artifacts layer indicates potential aboriginal finds on site. This has been confirmed through both the AHIMs search, identified above and the findings of an Aboriginal due diligence assessment submitted with a previous (unsuccessful) planning proposal which have both identified three aboriginal sites within the subject site boundaries.

The previous 2019 Dossie Street planning proposal (REZ/0007/1819) (pre planning portal) was supported by an Aboriginal Due Diligence Assessment which identified three Aboriginal heritage sites and associated areas of Potential Archaeological Deposits (PAD) on site. The 2019 Due Diligence assessment included the following recommendations in relation to the PAD's:

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 Due Diligence 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 require to be undertaken.

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

Due to the presence of the PAD's on site and the potential for aboriginal cultural significance, the current proponent submitted an initial Aboriginal Due Diligence Assessment prepared by Hyperion Design (dated 8 September 2023) in support of this planning proposal.

The September 2023 Assessment involved an Aboriginal Heritage field investigation consisting of a desktop and physical site survey. The survey was conducted by a member of the Australian Archaeological Association on 12 July 2022 to assess landforms, ground coverage and site disturbance. The Assessment asserts it was conducted in compliance with Heritage NSW's *Due Diligence Code of Practice for the protection of Aboriginal Objects in New South Wales 2010* and with regard to Ministerial Direction 3.2- Heritage Conservation. The September 2023 assessment attempted consultation within Pejar but no initial information or feedback was received.

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 1km.
- The registered sites include the recorded exposure of 26 artefacts including stone cores and flakes and an unusual glass manufactured flake.
- 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. The development of employment uses is highly likely to result ground disturbance.

This likelihood is reinforced through the proponent's submitted concept which illustrates the proponent is seeking to develop nearly the entirety of the site, including over identified areas of potential aboriginal heritage significance, for employment structures and related parking and access.

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 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.

A copy of the Heritage NSW November 2023 referral response on the September 2023 Due Diligence Assessment is provided in the supporting documentation.

Considering this response, the requirements for further assessment and engagement with the Aboriginal community, the proponent submitted an amended Due Diligence Assessment, dated May 2024 also prepared by Hyperion Design which included engagement with Pejar Local Aboriginal Land Council (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.

The Cultural Heritage 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 Cultural Heritage Report included 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 informed Aboriginal artefacts are located within their property which are recorded are protected.
- An AHIP must be obtained from Heritage NSW before any works are to commence.
- A representative of Pejar 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.

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

- The site is known to contain three Aboriginal archaeological sites including one with a relatively rare and significant glass artefact.
- The assessment identifies it is highly likely that these sites contain additional artefacts at lower stratigraphic levels.
- The Due diligence process conducted for this assessment does not adequately assess the impacts of this planning proposal on Aboriginal cultural heritage as required by Direction 3.2.
- Without adequate Aboriginal community consultation, the extent of impacts on heritage values is unknown.
- Consultation has not been conducted in accordance with *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010)
- Consultation with the wider Aboriginal community is required and not just with Pejar.
- The survey information provided does not meet the assessment and reporting requirements described in the *Code of practice for archaeological investigation in NSW* (DECCW 2010) and *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011)
- The report includes no assessment of the significance of the Aboriginal sites and objects identified.
- A comprehensive Aboriginal cultural heritage assessment is required.

In addition, Council enquired as to whether a zoning which largely prohibits most forms of built development, would be a suitable mechanism to ensure avoidance of harm to Aboriginal site and objects. Heritage NSW responded that this was not typically required as the sites are protected under the National Parks and Wildlife Act 1974 and will require an Aboriginal Heritage Impact Permit prior to impacts.

A copy of the Heritage NSW May 2024 referral response on the May 2024 Due Diligence Assessment is provided with the supporting documentation.



The proponent has responded to the above-mentioned requirements through the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR). The ACHAR was also stipulated as a condition on the initial July 2024 Council report prior to submission of the proposal to Gateway.

An Aboriginal Cultural heritage and Archaeological Report (ACHAR) prepared by Past Traces dated 30 September 2024 was submitted by the proponent to address concerns raised by Heritage NSW.

The ACHAR includes a consultation log in relation to the registered Aboriginal parties (RAP). In addition to this Council will consult with the local Aboriginal community during the public consultation phase and specifically with the Pejar Local Aboriginal Land Council post Gateway (and pre public exhibition). The ACHAR identifies a range of management recommendations for the site moving forwards following consultation with the RAPs and based on the results of the test pitting sub surface program undertaken. In summary the recommendations are that there are three heritage sites within the area to be rezoned. No impacts on the sites can occur without an approved AHIP. On one site, subject to an AHIP being approved, surface collection of artefacts is recommended with an approved methodology of recording and returning to country is proposed.

The scope of the assessment presented in the proponents Aboriginal Cultural Heritage Assessment, including a site visit/survey, Aboriginal community consultation and investigation of PAD sites, is considered to fulfil the [Urban and Fringe Housing Strategy's](#) requirements for a comprehensive Aboriginal Cultural Heritage Assessment.

Additional advice from Heritage NSW was received during the Gateway determination assessment period on 19 December, 2024 which is reiterated in the post Gateway advice dated 10 March 2025 which states:

*"We advise Council that:*

- The ACHAR includes appropriate management and mitigation strategies in relation to the identified or likely impacts to Aboriginal objects.*
- Aboriginal community consultation for this project appears to have been undertaken in accordance with Heritage NSW consultation requirements.*

*Overall, we support the recommendations of the ACHAR. We do however take this opportunity to provide the following additional recommendations:*

- Aboriginal community consultation needs to be maintained. We recommend updates on the project are provided to the registered Aboriginal parties (RAPs) every six months up to the time of applying for an Aboriginal heritage impact permit (AHIP).*
- Please ensure that the significance assessment has been determined in consultation with all RAPs. The ACHAR refers to determining significance based on discussion with those RAPs present for fieldwork. This is an important component of the assessment process, but all RAPs need to have the opportunity to provide input to the significance assessment.*
- The proposed methodology for the surface collection must be flexible in its approach, to provide the best possible opportunity for objects associated with*

*AHIMS site 51-4-0019 that could not be located due to low ground surface visibility to be relocated and collected. This will need to be done in consultation with the RAP's.*

- *Develop Aboriginal cultural heritage awareness training with the registered Aboriginal parties. We recommend that all personnel involved in the proposed works must participate in Aboriginal cultural heritage awareness training before undertaking any ground disturbance works.*

- *Develop an unexpected finds protocol, which covers Aboriginal objects and human remains. We recommend that the proponent consider this advice should this rezoning application proceed and integrated development applications or AHIP applications be lodged with Heritage NSW."*

It is noted that NSW Heritage does not object to the proposal and that it generally supports the recommendations and consultation process of the Aboriginal Cultural Heritage Assessment Report. Heritage NSW goes on to make additional recommendations for the ACHAR and associated processes moving forward and suggests that these changes should be incorporated into a revised ACHAR for inclusion with future applications. This information has been provided to the proponent; however, an amended ACHAR has not been required at this stage in the process.

In accordance with the NSW DPHI Gateway determination, consultation prior to public exhibition was also undertaken with the Pejar Local Aboriginal Land Council with no comments received.

The planning proposal has considered Aboriginal cultural heritage through the Aboriginal Cultural Heritage Assessment Report which includes recommendations in relation to Aboriginal cultural heritage present on site developed in consultation with the local Aboriginal community. The planning proposal is consistent with Direction 3.2 Heritage Conservation.

### **3.6.6 Direction 3.3 Sydney Drinking Water Catchments**

The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment which includes Goulburn Mulwaree.

This Direction requires:

1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
  - a. New development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and
  - b. Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
  - c. The ecological values of land within a Special Area should be maintained.
2. When preparing a planning proposal, the planning proposal authority must:
  - a. Consult with Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and

- b. Ensure that the proposal is consistent with Chapter part 6.5 of chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and
- c. Identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and
- d. Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by Water NSW, and
- e. Zone land within the Special Areas generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environment Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

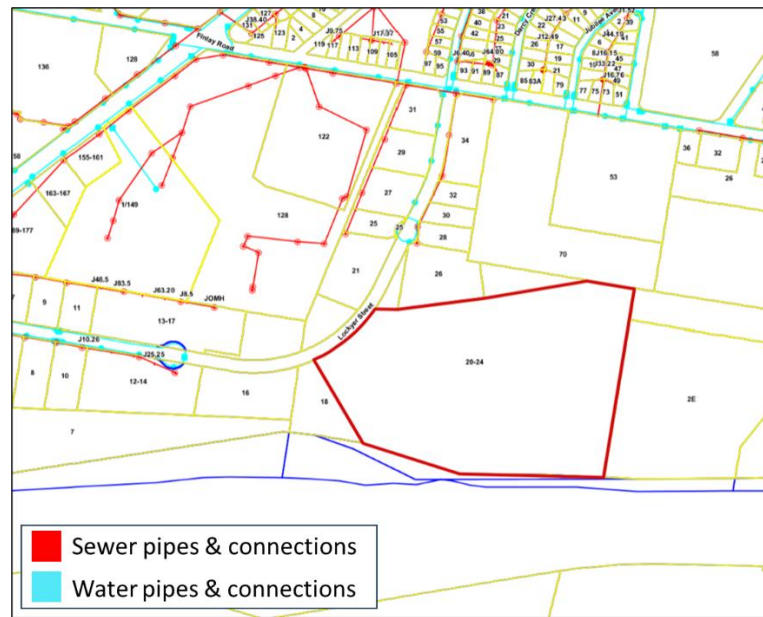
and,

- f. Consult with the Water NSW, describing how the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
- g. Include a copy of any information received from Water NSW as result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP & A Act.

**Comment:** The subject site stands within the Sydney drinking water catchment, as such this Direction applies., but is not located within a Special Area

The site is located on the edge of the Goulburn Urban Area where reticulated water and sewer servicing is both available and connected to neighbouring properties (Figure 14). The subject site is not currently connected to Goulburn's reticulated water and sewer network but connections are achievable. Council's utilities department have confirmed sewer and water can be connected via a sewer and water extension undertaken at the proponent's expense at the DA stage. The proponents submitted *Services Infrastructure Report* by Integrated Group Services confirms the intention to connect to the reticulated water and sewer network.

Figure 14: Council water and sewer services in relation to the subject site.



The subject site is currently vacant pastureland which includes three farm dams located relatively centrally and part of one farm dam to the north of the site. The site includes a storage shed to the far west with two access roads leading from Lockyer Street and a nearby septic area. The site does not include any rivers or creeks, but a non-perennial drainage channel runs southward through the on-site dams into an additional drainage line which runs outside the site's boundaries, roughly east to west. Figure 15 illustrates the location of the farm dams and drainage channels.

Figure 15: Farm farms dams and natural water courses.



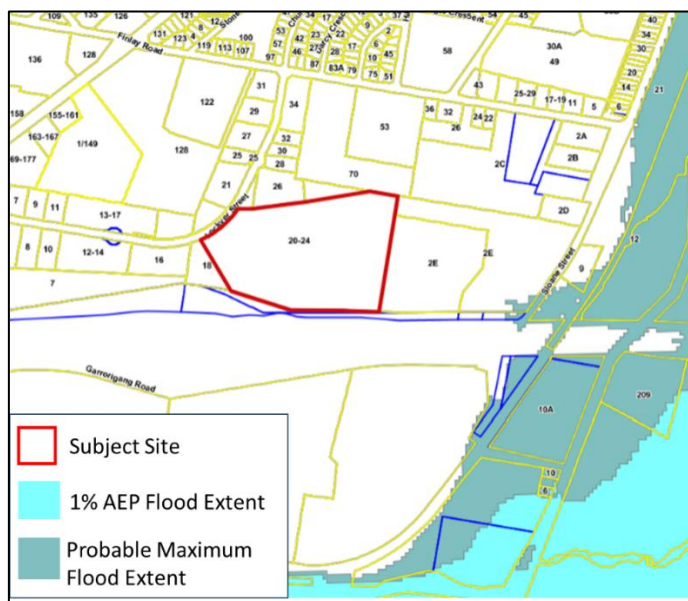


The site is located within the boundaries of the [Goulburn Floodplain Risk Management Study and Plan 2022](#) (the Flood Study) and as such riverine flood inundation across the Goulburn Urban area and beyond has been identified.

In relation to the subject site, the Flood Study illustrates that the site nor its surrounds are affected by riverine flood inundation during 1% AEP flood event or the worst possible Probable Maximum Flood extent (PMF).

Figure Figure 16 illustrates the subject site in relation to riverine flooding.

Figure 16: Riverine Flood Extents, Goulburn FRMSP 2022 by GRC Hydro.



Whilst the Flood Study focuses on the modelling of riverine flooding it was also supplemented by [Overland Flow Modelling](#) and mapping. Figure 17 illustrates the extent of overland inundation utilising Flood Planning Constraint Categories.

Figure 17: Overland Flood Extents (Using Flood Planning Constraint Categories), Council Overland Flood Model, GRC Hydro.

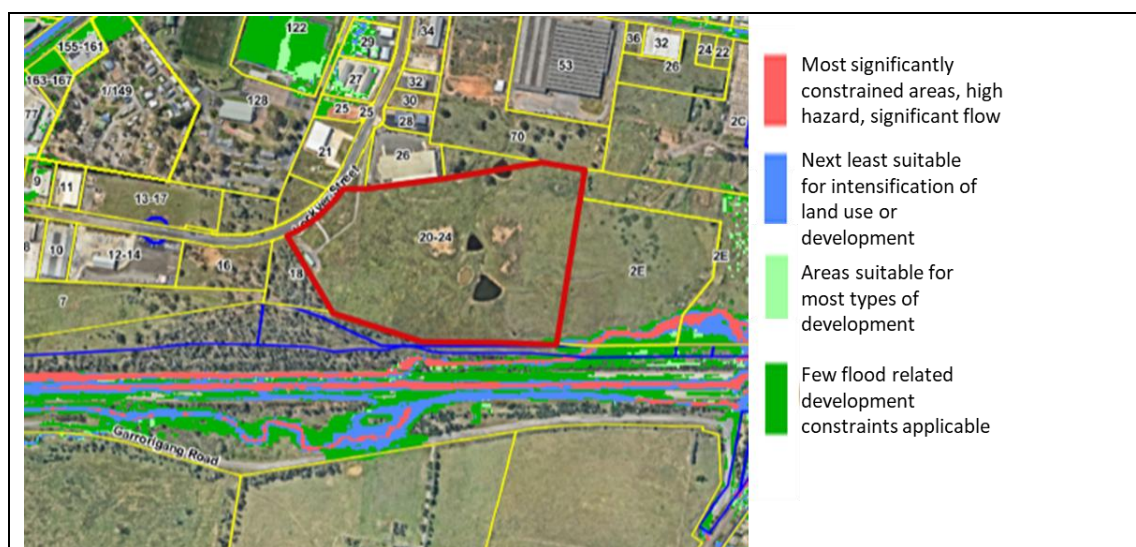




Figure 17 illustrates flood inundation along the surface of the adjacent Hume Highway and along the external east/west drainage line to the south of the site. The subject site is nearly entirely flood-free with the exception of the far southeastern corner of the site in which the lowest hazard category encroaches into an area of approximately 230m<sup>2</sup>. The small area of the site affected by overland flow is located at the lowest elevation point of the site (650 AHD) and is the most logical location for any future OSD.

Further information on flooding is provided in Section 3.6.7.

This proposal has been supported by a Preliminary Site Investigation for Contamination (PSI) prepared by Douglas Partners dated October 2019 which undertook a groundwater bore search conducted via the NSW Department of Primary Industries groundwater database. It identified 17 registered groundwater bores within a 1km radial search of the site. Most of the groundwater bores are located between 700 and 1000m from the site boundaries with only one groundwater bore located within 400m of the site.

This PSI also comprised a review of historical information and a site walkover inspection, alongside identifying any potential contaminants of concern, potential receptors and providing comment on the likely suitability of the site for its intended use.

The PSI concluded that the site could be made suitable for the proposed development subject to the implementation of a number of recommendations.

Further information on Contamination is provided in Section 3.6.9.

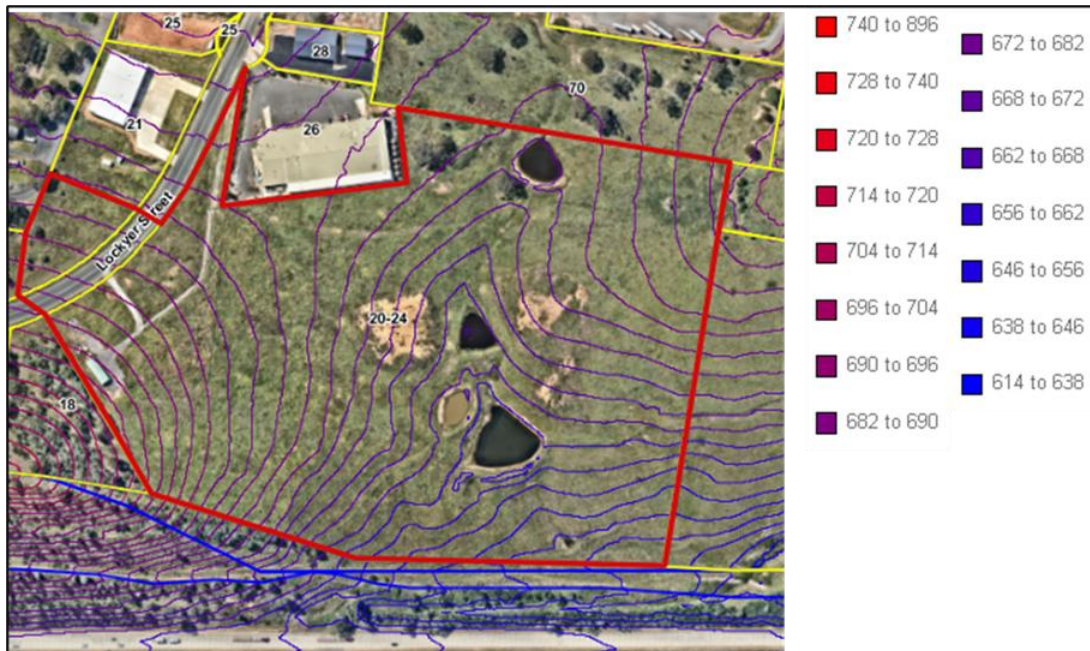
This planning proposal is seeking the rezoning of the subject site from RU2 Rural Landscape to E4 General Industrial to enable the development of warehousing and ancillary office space.

Warehousing development usually requires large on-grade building footprints, and this as illustrated in the submitted concept plan (Figure 4). The concept plan (which relates to the entire lot rather than the identified subject site) illustrates a total of 9 warehouse units ranging between 1,210m<sup>2</sup> at the smallest to 14,650m<sup>2</sup> at the largest. The concept plan also includes ancillary office space, a new internal access road, extensive hardstand and parking provision to accommodate 536 cars. This proposed development would significantly increase the imperviousness of the site and increase the discharge rate to the downstream drainage network. The proponent is seeking the filling-in and removal of all the on-site dams and the related drainage channel on the subject site and wider lot.

The site has relatively steep topography with an average gradient of approximately 10.5% with an elevation range between 650m AHD in the far southeastern corner and 692m AHD in the far southwestern corner, as illustrated in Figure 18. The elevation change is most pronounced in the southwestern corner which slopes down in an easterly direction to a depression in the central east of the site where the 3 central dams are located. As such the site will require considerable earthworks to make the site suitable for the development proposed through the concept plan. The *Civil Engineering Works Masterplan Report* (prepared by ...dated ...) provides a summary of the design principles to be adopted for the civil engineering works and identifies required bulk earthworks and estimates the following volumes of cut and fill:

- 123,185m<sup>3</sup>- cut to fill
- 37,071m<sup>3</sup>- cut to export

Figure 18: Contours and Elevation



The topography of the site, alongside the required large on-grade building footprint and large impervious surface areas associated with warehousing can make effective stormwater management challenging due to increased stormwater flow. This has the potential to impact on flow regimes and cause erosion to the downstream drainage network and associated waterways.

As such, the proponent has submitted a *Water Cycle and Stormwater Management Strategy* (Oct 2023) prepared by C & M Consulting Engineers in support of the proposal. The Strategy includes an assessment of the likely stormwater management requirements, presents the findings, and proposes a best practice stormwater management strategy to manage both stormwater quantity and quality. In summary the Strategy proposes the following measures:

For Stormwater management:

- A pit and pipe network to collect minor stormwater runoff from areas (1 in 20yr ARI rain events).
- Overland flow paths to carry major storms through the site (1 in 100yr ARI rain events).
- Rainwater reuse tanks to collect roof drainage.
- An on-site stormwater detention system.

For Stormwater Detention requirements:

- The inclusion of an on-site detention basin (OSD) with 95% of the site expected to drain to the OSD.
- The OSD will be provided in the form of an above ground basin with a minimum storage volume of 2001m<sup>3</sup> (illustrated in the southeastern corner on the concept plan).

## Rainwater Harvesting & Reuse

- The entire roof area is to be connected to rainwater tanks with their size based upon the rate 1kL per 10m<sup>2</sup> of roof area.
- Total rainwater tank volume required for the site is 5022kL which will be achieved through several rainwater tanks dispersed around the site.
- Rainwater reuse will be required for landscape irrigation, toilet flushing, general wash down and laundry washing.

## Water Quality Control

- Short term strategy to control soil and water erosion during the construction phase through sediment and erosion control measures achieved through a Soil and Water Management Plan.
- Water quality achieved by implementing the measures in a Sedimentation & Erosion Control Plan.
- Rainwater tanks which harvest run-off for reuse, thereby limiting the nutrients discharged into the waterways.
- Jellyfish (Model JF3250-28-5 & JF2250-6-1) utilising filtration cartridges to remove pollutants.
- OceanGuards (gully pit basket for stormwater pits) installed in all surface inlet pits to remove pollutants and nutrients.
- Bioretention basin with a depth of 0.5m and filter media depth of 0.6m (illustrated in the southeastern corner on the concept plan in the location of the OSD).

The Strategy incorporates the above water quality measures into the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) to assess whether the proposed development and the above-mentioned water quality controls measures can achieve a neutral or beneficial effect (NorBE) on water quality.

This Strategy found that in all instances, the proposed water quality measures enabled the reduction targets to be achieved for all key stormwater pollutants. It determined that by implementing the proposed treatment measures the proposed development can achieve NorBE.

In addition, the Strategy states the following:

*“The result from the investigations and modelling for this project that have been summarised in this report, indicate that the proposed works with the proposed WSUD Neutral or Beneficial Effect (NorBE) strategy and management can help provide a safe and ecologically sustainable environment.”*

The submitted *Water Cycle and Stormwater Management Strategy* prepared by C& M Consulting Engineers) alongside the proponents submitted planning proposal document Patch Planning and Development was referred to Water NSW for their initial comment in November 2023 with a referral response provided on 21 December 2023.

In summary, the referral stated:

- Site constraints and proposed impervious areas will present challenges for water quality during construction, operation and on-going maintenance stages.
- A preference for steeper areas to be retained as RU2 and allowing a footprint of E4 zoning in the north.

- The Proposal would benefit by more clearly describing the water features occurring on the site and whether these are proposed for removal.
- Flood risk is not a major site constraint but relevant flood risk information should be included in the planning proposal.
- Stormwater velocities are likely to be exacerbated by the steepness of the land.
- The concept plan has been treated as indicative with the following relevant comments.
  - The site has sufficient space to accommodate some development and associated stormwater treatment measures but the type and extent of measures will depend on the scale and intensity of the final development.
  - Achieving a NorBE may require some redesign of the development footprint and stormwater control measures at the DA stage.
  - The degree of impervious area and overall intensification may need to be reduced and/or alternative stormwater measures employed.
  - Supplementary pervious areas may also be needed and spread more evenly through the site.
- Too much emphasis place on the bioretention system as the primary means of achieving NorBE with additional measures required to slow the velocity of water before it reaches the bioretention basin. The Basin seems too large to be reliably maintained and managed. Question over the longer-term management of the basin.
- Sufficient area requires allocating for on-site detention, separate to any bioretention required for water quality purposes.
- In relation to the 2019 PSI-
  - the proposal does not include comment on whether the condition of the site may have changed since 2019.
  - If on-site stockpiles are to be used to fill-in on-site dams then further intrusive soil testing may be required.
  - Any further testing of stockpiles can be undertaken at the DA stage.
  - A development application should be accompanied by a dam de-watering report.
- The proposal needs to give consideration to the outcomes of the Strategic Land and Water Capability Assessment (SLWCA)- provided with response. The outcome of the SLWCA should however be treated cautiously.

A copy of the initial Water NSW referral response is provided in the supporting documentation, noting that this referral is responding to the proponent's draft planning proposal document as submitted. to the

In relation to the initial Water NSW comments, this planning proposal report (council PP report) has sought to address the above as follows:

- Recognized and noted through the report that the submitted concept plan is indicative only and likely to change at the DA stage- this is likely to result in a development proposal of lesser intensity.
- Clearly described and identified the water features occurring on site and clarified their removal in Section's 3.6.6 and 3.6.7.
- Considers flood risk in Section 3.6.7.
- Identified the management of any proposed on-site detention will be undertaken by the owner of the relevant attached lot and prescribed through

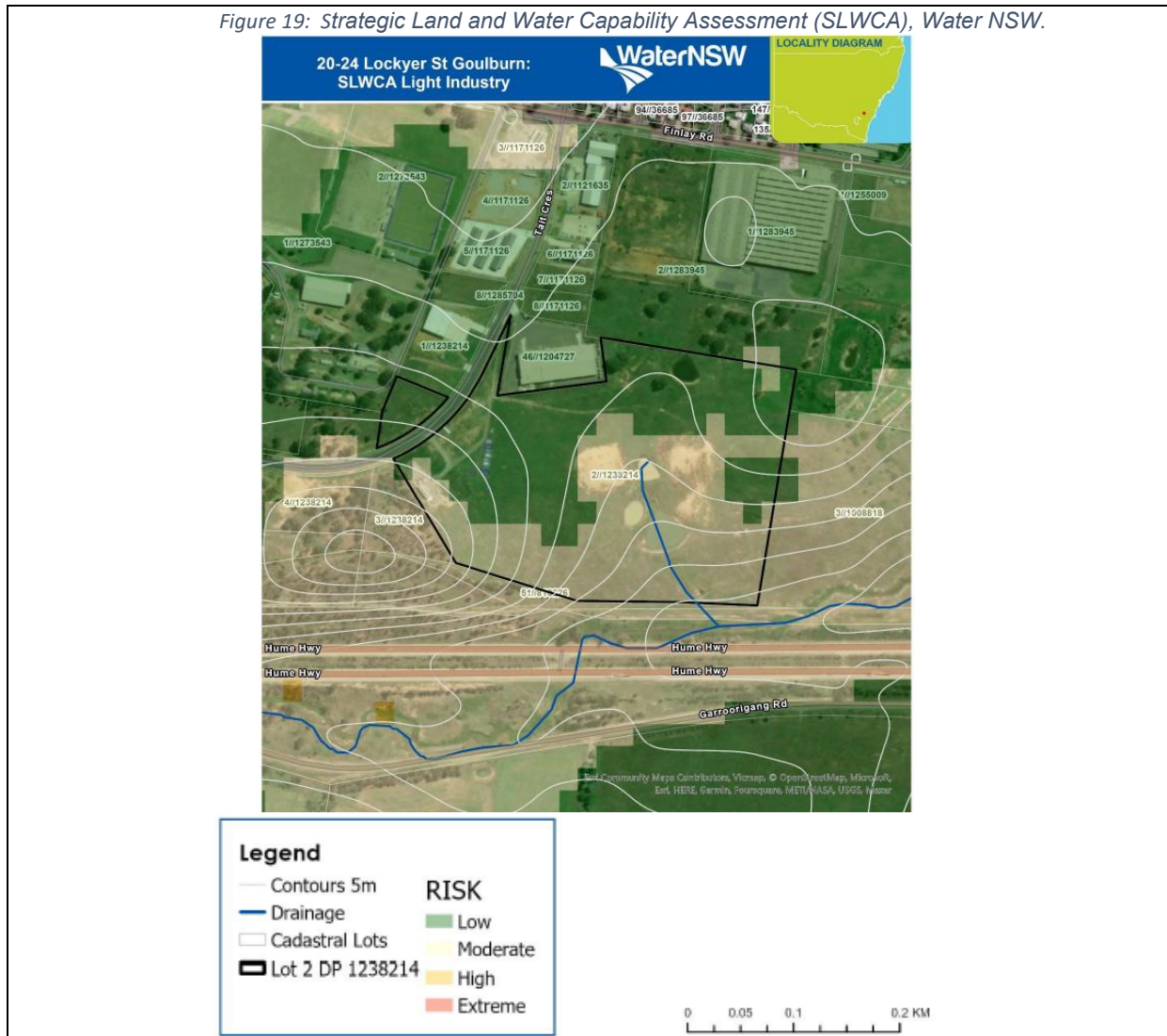
both an 88b and 88e covenant on the title under the Conveyancing Act 1919. These covenants will be attached at the development application stage.

- The subject site at 11.5 ha in area (or 12.5ha for the entire lot) is of sufficient size to accommodate employment/industrial development and additional on-site detention (and any other water quality measures) as required by Water NSW- although this is likely to require a revision of the currently proposed development intensity and layout. This can be achieved at the development application stage when formal and detailed plans are submitted and an additional NorBE assessment is undertaken.
- Addresses contamination in Section 3.6.9 including aerial images noting the visual changes in the site between 2014 and 2024, including any changes between the 2019 PSI and the present.

### Strategic Land and Water Capability Assessment

The Strategic Land and Water Capability Assessment (SLWCA) for sewerage light industrial use provided by Water NSW during pre- Gateway consultation is illustrated in Figure 19.

Figure 19: Strategic Land and Water Capability Assessment (SLWCA), Water NSW.





The SLWCA indicates the site has a low to moderate risk to water quality with areas of low risk indicating a high capability for the intended use and areas of moderate risk indicating a moderate capability for the intended use. The SLWCA demonstrates that the site is not affected by extreme or high-risk areas which would prove unsuitable for the proposed development. The lower, southern half of the site is largely identified as moderate risk which has a moderate capability for the proposed development. The northern half of the site is identified as low risk which has a high capability for the proposed use.

The SLWCA illustrates that the site has moderate to high capability for the proposed industrial use of the site in terms of water quality and is generally considered suitable in terms of water quality risk.

Notwithstanding, Water NSW caution that the outcome of the SLWCA underestimates the risk and influence of the slope on site and the important Stream Proximity factor has been overshadowed by other inputs.

The evidence presented indicates that the site is of ample size to accommodate employment/industrial development and required water detention and stormwater quality measures, albeit with a revised development layout with a lesser intensity of development than currently indicated. The site has been demonstrated to be suitable for the intended use in terms of contamination risk, although further investigation and testing maybe likely at the Development Application stage, depending on the exact detailed of the final scheme.

The SLWCA indicates the site is suitable for the intended use (albeit cautiously) and the proponents submitted *Water Cycle and Stormwater Management Strategy* determines the proposed development can achieve a NorBE.

All indications suggest that some scale of employment/industrial development can be achieved on site whilst ensuring a neutral or beneficial effect on water quality.

An assessment on water quality to determine neutral or beneficial effect will also be undertaken as part of a future development application which will require Water NSW concurrence. In addition, the development should ensure Water NSW's current recommend practice are incorporated.

Water NSW was further consulted following the Gateway determination and advice provided on 2 April, 2025. Water NSW largely reiterated its previous advice and concerns regarding the concept layout in relation to its ability to address NorBE requirements. Water NSW does accept that the site can accommodate industrial development but potentially not to the scale indicated in the concept plan. Concerns largely relate to the slope of the site having an average gradient of 10.5% and the potential sizing of on-site stormwater and water quality management areas. This feedback has been provided to the proponent and will need to be considered in the preparation of any development application for the site.

Water NSW advice does suggest that steeper sections of the site could retain the rural zoning, however, without having a fully developed design it would be difficult to determine the extent of area that should be excluded. It is considered that there are sufficient protections in place in the SEPP to ensure an appropriate future design outcome.

### 3.6.7 Direction 4.1 Flooding

The objectives of this Direction are to:

- a. Ensure that development of flood prone land is consistent with the NSW governments' Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- b. Ensure the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This Direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

1. This Direction requires a planning proposal to include provisions that give effect to and are consistent with:
  - a. The NSW Flood Prone Land Policy,
  - b. The principles of the Floodplain Development Manual 2005,
  - c. The Considering flooding in land use planning guideline 2021, and
  - d. Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
2. A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.
3. A planning proposal must not contain provisions that apply to the flood planning area which:
  - a. Permit development in floodway areas,
  - b. Permit development that will result in significant flood impacts to other properties,
  - c. Permit development for the purposes of residential accommodation in high hazard areas
  - d. Permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate.
  - e. Permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent.
  - f. Are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
  - g. Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:
  - a. Permit development in floodway areas
  - b. Permit development that will result in significant flood impacts to other properties,
  - c. Permit a significant increase in the dwelling density of that land
  - d. Permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite

- day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
- e. Are likely to affect the safe occupation of and efficient evacuation of the lot, or
  - f. Are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
5. For the purpose of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

**Comment:**

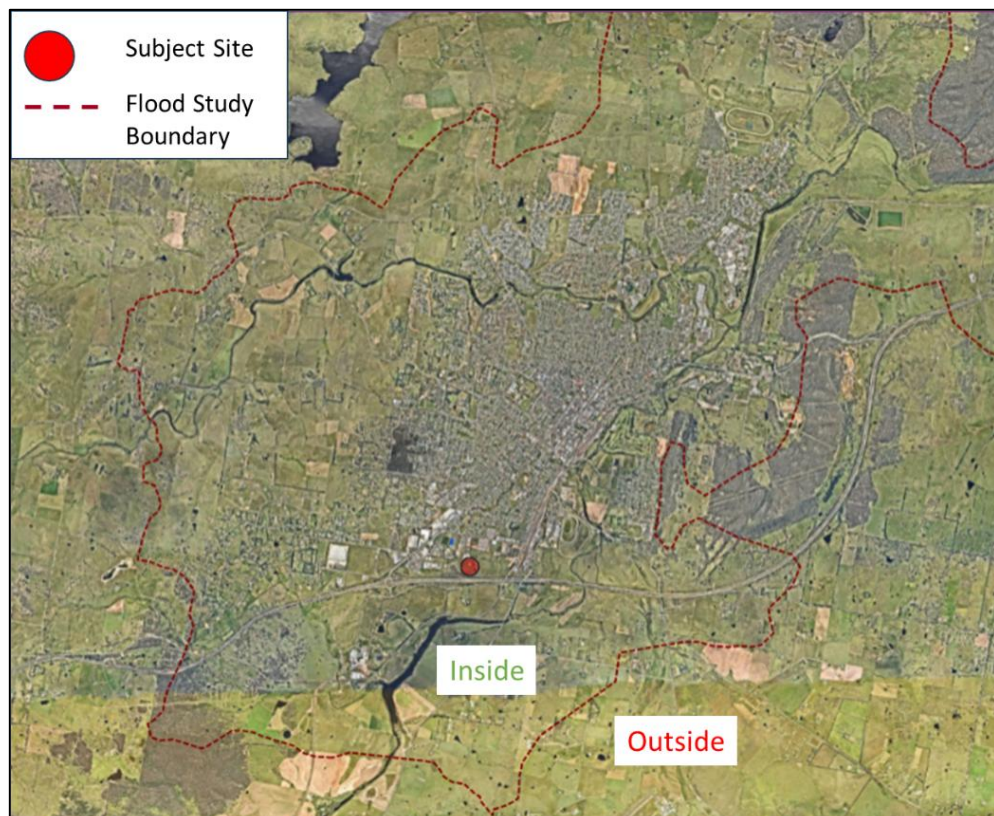
*Goulburn Floodplain Risk Management Study and Plan*

[The Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study), prepared in collaboration the Department of Planning and Environment- Environment, Energy and Science was adopted by Council on 16 August 2022. The Flood Study has been prepared in accordance with and is consistent with:

- The NSW Flood Prone Land Policy;
- The principles of the Floodplain Development Manual 2005, and
- Considering flooding in land use planning guideline 2021.

The Flood Study Area includes the entirety of the subject site and its surroundings as illustrated in Figure 20.

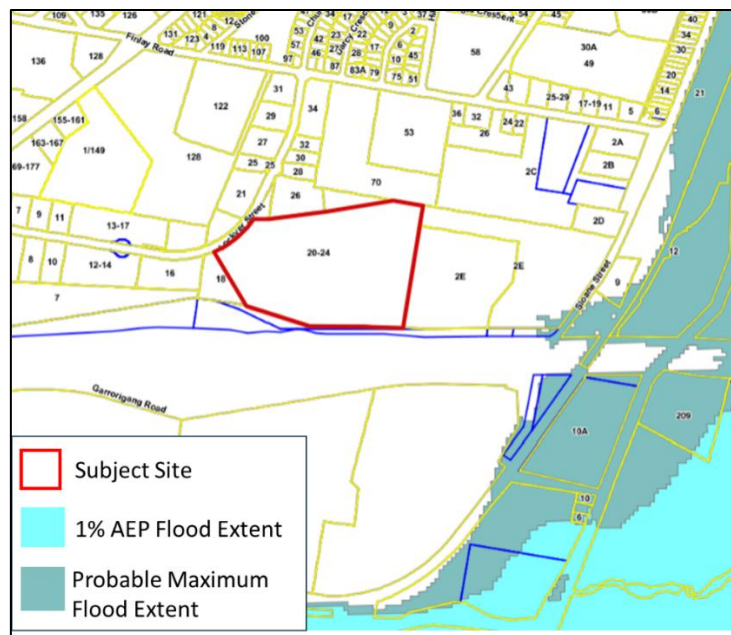
*Figure 20: Study Area boundaries in the Goulburn Floodplain Risk Management Study and Strategy*



The Flood Study models the extent of riverine flooding for the full range of flood events up to and including the Probable Maximum Flood extent (PMF).

Figure 21 illustrates the extent of both the 1% AEP flood event and the PMF event neither of which affect the subject site or its immediate surrounds. The subject site is not affected by riverine flood inundation.

Figure 21: Riverine Flood Extents, Goulburn FRMSP 2022, GRC Hydro



The Flood Study focuses on the modelling of riverine flooding but was also supplemented by overland flow modelling and mapping. This modelling utilised the same data and methodology as the riverine flood modelling and mapping within the Flood Study.

Figure 22 illustrates the overland flood mapping in relation to the subject site for the 0.05% AEP flood event, which is the first flood event in which flood water encroaches into the corner of the site. It illustrates a very small patch of inundated land during the 0.05% event with water depths ranging between 5-10cm.



Figure 22: Overland Flood Model – 0.05% AEP, prepared for Council, GRC Hydro

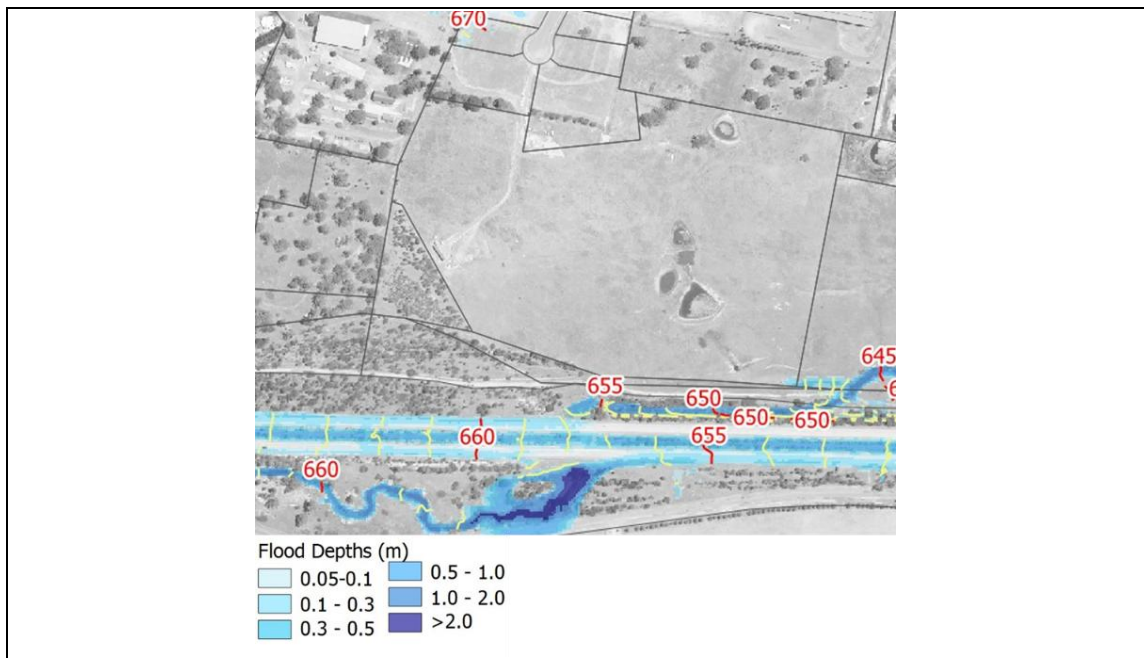
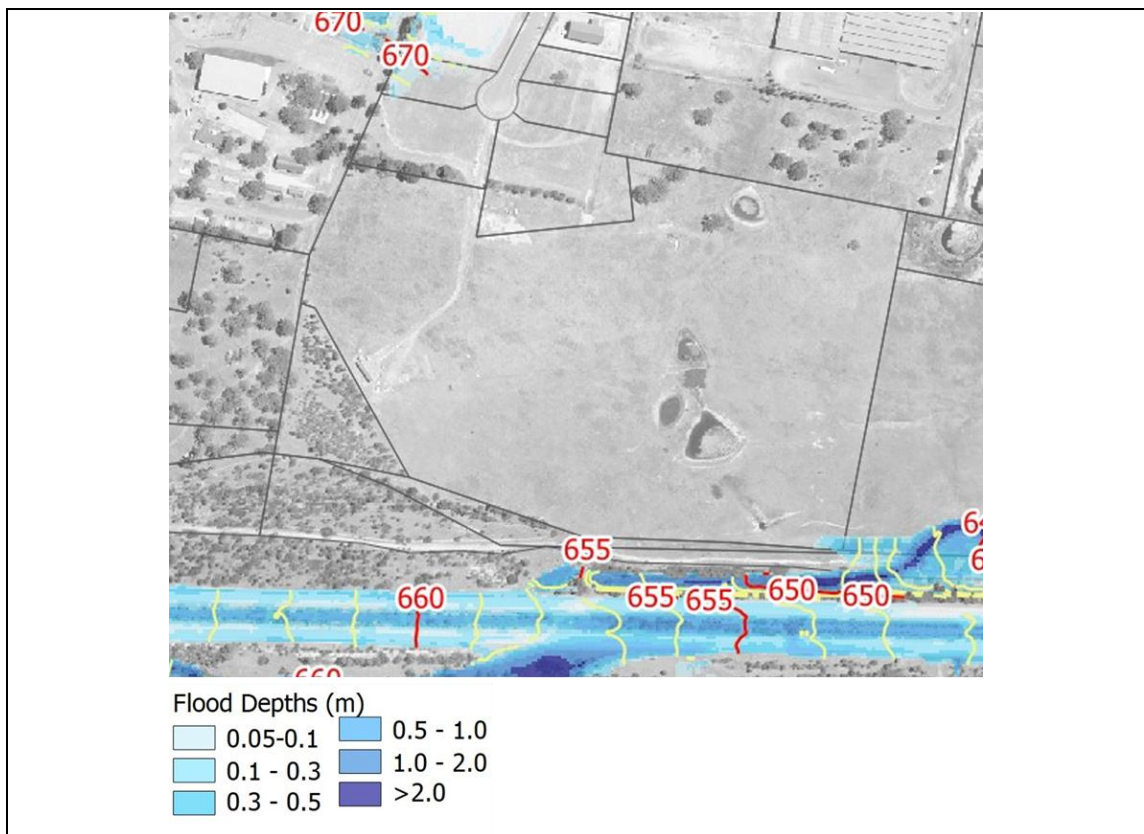


Figure 23 illustrates the overland flood mapping in relation to the subject site for the most extreme and rare probable maximum flood event (PMF). It illustrates a negligible additional extent and depth with water depths ranging between 10 and 30cm.

Figure 23: Overland Flood Model, (PMF) prepared for Council, GRC Hydro





The small area of inundation is located at the lowest elevation point of the site and is logically where the proponent has proposed to place their OSD. This area is not proposed for development and the extent of flooding falls outside the flood planning area.

The site does not include any land within the flood planning area and whilst this direction technically applies to this proposal, no provisions of the Direction relating to the flood planning area are applicable.

NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) provided post Gateway advice (13 March 2025) on the planning proposal as follows:

*The site is traversed by a tributary watercourse and a series of small dams which indicates it contains some flood prone land. Given this, the planning proposal should be considered by the planning proposal authority in accordance with Section 9.1(2) Local Planning Direction 4.1- Flooding, Goulburn Mulwaree Local Environmental Plan (LEP) and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023.*

*Given the scale of the proposal and the land is unlikely to be subjected to significant mainstream flooding but local overland flooding, the planning proposal should include a simple fit for purpose FIRA as outlined in Guideline LU01...*

*The FIRA should demonstrate consistency with the requirements of the local planning direction in relation to Probable Maximum flood and address adverse off site impacts and public safety including access to emergency services.*

Based on the above advice, the proponent has submitted a simple Flood Impact Assessment (FIA) dated May 2025. The FIA identifies that the planning proposal is compliant with the Ministerial Direction on flooding. The FIA does not directly respond to the above comment in relation to the tributary water course or the dams. Council would further comment that the tributary water course is a first order water course located on a site with an average gradient of 10.5%. Therefore, scaling of flood levels during any design flood event beyond the defined riparian area is highly unlikely. Therefore, the spread of flood waters across the site is also unlikely thereby having a very low risk in relation to property damage. The dams are likely to be decommissioned as a part of any further development of the site.

In terms of risk the access to the site, or public safety, access to the site is via Lockyer Street, a high point of the property contiguous with the existing Goulburn township. Rising egress from any potential development is therefore available for all design events.

This planning proposal is considered consistent with Direction 4.1 in that no provisions of the proposal will or can relate to the flood planning area as it does not encroach into the site.

### 3.6.8 Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

- a. Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b. Encourage sound management of bushfire prone areas.

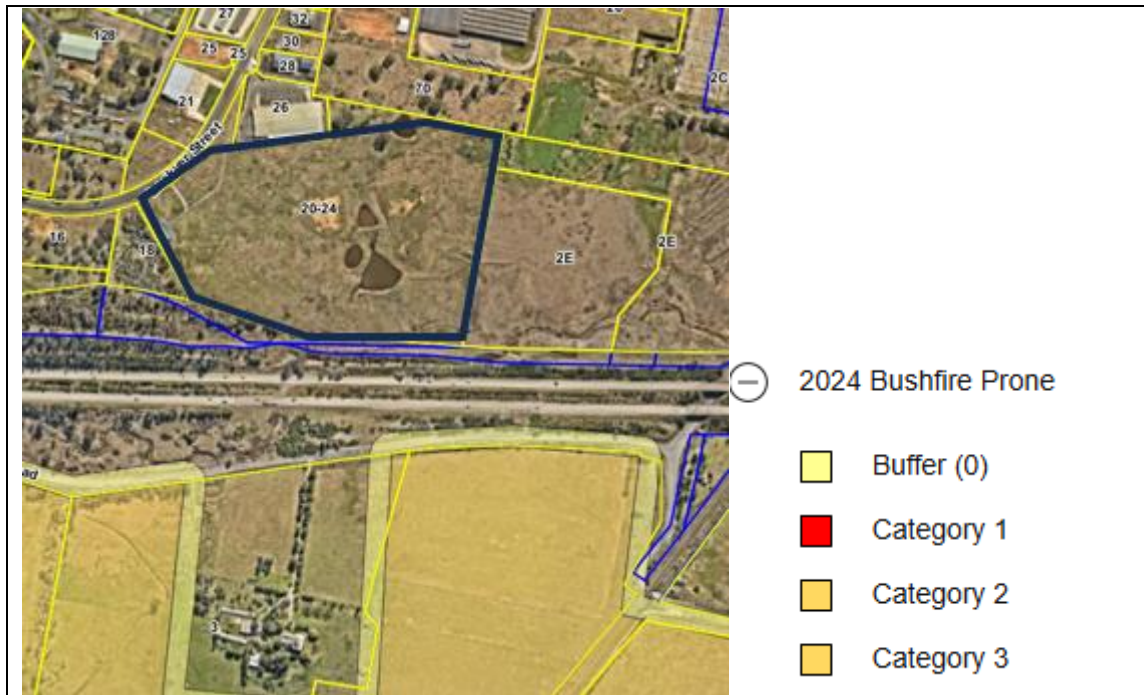
This Direction applies to all local government areas where a relevant planning authority prepares a planning proposal that will affect, or is in close proximity to, land mapped as bushfire prone land.

Where this Direction applies:

1. A relevant planning authority when preparing a planning proposal must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. A planning proposal must:
  - a. Have regard to *Planning for Bushfire Protection 2019*,
  - b. Introduce controls that avoid placing inappropriate developments in hazardous areas , and
  - c. Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.
3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - a. Provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - i. An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, with the property, and
    - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the permitter road.
  - b. For infill development (that is development within an already subdivided area) where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
  - c. Contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - d. Contain provisions for adequate water supply for firefighting purposes,
  - e. Minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - f. Introduce controls on the placement of combustible materials in the Inner Protection Area.

**Comment:** The subject site is located on the edge of the existing Goulburn urban area, between employment development to the north and the Hume Highway to the south. The site is not identified as bushfire prone land in the latest mapping certified by the NSW Fire Commissioner on 14 November 2024 as shown in Figure 24.

Figure 24: Bushfire Prone Land Map 2024



The subject site is not currently served by Goulburn's reticulated water and sewer network however connections are available. Council's Utilities Directorate have confirmed sewer and water can be connected via a sewer and water extension undertaken at the proponent's expense at the DA stage). The proponents submitted *Services Infrastructure Report* by Integrated Group Services confirms the intention to connect to the reticulated water and sewer network.

Direction 4.3 requires a planning proposal to have regard to [Planning for Bushfire Protection 2019 \(PBP\)](#). The proposed future use of the site is for industrial development, and the PBP classifies this type of development within the 'other development' category to which the provisions of chapter 8 apply.

Chapter 8 requires developments to:

- Satisfy the aims and objectives of the PBP outlined in Chapter 1
- Consider any issues listed for the specific purpose for the development set out in this chapter, and
- Propose an appropriate combination of bushfire protection measures (BPM).

Section 8.3.1 of the PBP identifies that there are no specific bush fire performance requirements for Class 5 to 8 buildings including offices, shops, factories, warehouses, public car parks and other commercial and industrial facilities. Despite this, the chapter sets out the following applicable objectives:

- To provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation.
- To provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development.

- To provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.
- Provide for the storage of hazardous materials away from the hazard wherever possible.

Section 8.3.10 of the PBP relates to commercial and industrial development and states *‘Where no residential component is included, commercial and industrial development is addressed through the aim and objectives of PBP’*. It also establishes that *‘A suitable package of BPMs should be proposed commensurate with the assessed level of risk to the development’* and that chapter 7 of PBP should be used as a base for the development of a package of measures.

The proponent has submitted a *Bushfire Protection Measures Report* which assessed the lot in its entirety and examined the sites suitability for the proposed development. The Report has sought to address Direction 4.3 and the applicable provisions of the PBP as summarised below:

- The site falls generally from the west of the site to the east, with a slope of approximately 4°.
- The proposed building setbacks from site boundaries and construction standards for each of the proposed warehouse buildings recommended based upon an anticipated BAL rating.
- A reticulated water supply is available on Lockyer Street.
- All new electricity and gas installations will be underground.
- Complying access for fire-fighting appliances is provided off Lockyer Street to the proposed buildings.
- Landscaping on site will be managed to the standard of an Inner Protection Area in accordance with Appendix 4 of Planning for Bushfire Protection 2019 and the Rural Fire Service “Standards for Asset Protection Zones”.
- In terms of emergency management, a bushfire emergency management and evacuation plan should be prepared prior to occupation of the development.

The Bushfire Protection Measures Report concludes as follows:

*‘‘This report has examined the bushfire risk and provides recommendations on the bushfire protection measures required to mitigate the risk’’.*

As previously stated, the site is not identified as being bushfire prone (as per the recently updated bushfire prone land maps) but is approximately 100m separated from the bushfire prone buffer on the southern side of the Hume Highway.

The subject site at 11.5ha in area (12.5ha for the entire lot) is sufficiently sized to appropriately accommodate large warehouse development with necessary building setback standards and achieve compliant bushfire safety standards. The site will have access to water with firefighting appliances positioned at the site entrance on Lockyer Street. The site will be provided with a two-way internal access road which terminates in a cul-de-sac with a large turning circle. This internal access road leads onto Lockyer Street which is a two-way road with connections north onto Finlay Road and south onto Sowerby Street providing multiple evacuation routes which are in the opposite direction to the bushfire risk.

This proposal alongside the bushfire report has demonstrated the sites overall suitability and technical ability to meet bushfire protection measures.

This planning proposal is consistent with Ministerial Direction 4.3 Bushfire Protection

NSW Rural Fire Service (RFS) was consulted following the Gateway determination and provided advice dated 21 March 2025. In summary RFS did not object to the planning proposal but recommends that prior to any approval (i.e. at development application (DA) stage) that:

*“Access for fire fighting vehicles, including provision of access/egress in a forward direction, is provided at the interface of structures and an adjoining hazard.”*

This advice has been provided to the proponent for future consideration with regard to the preparation of a DA for the site.

### **3.6.9 Direction 4.4 Remediation of Contaminated Land**

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies when a planning proposal authority prepares a planning proposal that applies to:

- a. Land which is within an investigation area within the meaning of the Contaminated Land Management Act 1997
- b. Land on which development for a purpose referred to in Table 1 of the contaminated land planning guidelines is being, or is known to have been, carried out,
- c. The extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital- land:
  - i. In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
  - ii. On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

When this Direction applies:

1. A planning proposal authority must not include in a particular zone (within the meaning of the Local Environmental Plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:
  - a. The planning proposal authority has considered whether the land is contaminated, and
  - b. If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used.
  - c. If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the

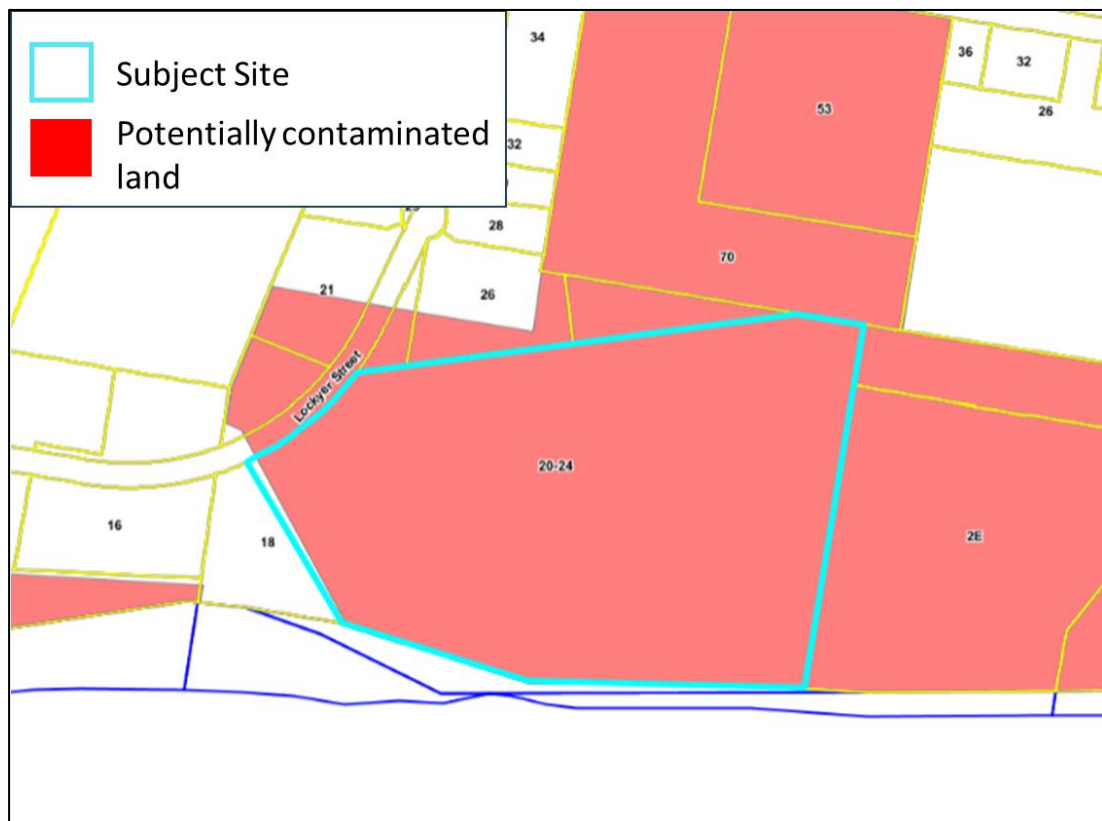


planning proposal authority may need to include certain provisions in the local environmental plan.

2. Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

**Comment:** The subject site is not identified as significantly contaminated but is identified on the Council's local contaminated land register (Figure 25) which indicates a potentially contaminating previous use. The site has most recently been used for agricultural purposes but has previously been used for storage and disposal of demolition material for 12 months in 1976. Both the current and previous land use activities are listed as potentially contaminating uses within Table 1 of the *contaminated land planning guidelines*. This direction would therefore apply to this planning proposal.

Figure 25: Council Potentially Contaminated Land Layer – GMC GIS



The planning proposal has been supported by a Report on Preliminary Site Investigation for Contamination (PSI), prepared by Douglas Partners dated October 2019. This PSI was prepared for the previous 2019 planning proposal (REZ/0007/1819) when the site was referenced as 12 Tait Crecent. The PSI also references the previous proposed uses as industrial and residential. **It must be made clear that this current planning proposal is only seeking the rezoning of the site for employment purposes only.** The PSI was prepared by Douglas & Partners and the site walkover was undertaken by a senior environmental scientist on 30<sup>th</sup> September 2019.

The PSI was prepared, and site visit undertaken during the construction of Lockyer Street which dissected a portion of the site.

This PSI comprised a review of historical information and a site walkover inspection, alongside identifying any potential contaminants of concern, potential receptors and providing comment on the likely suitability of the site for its intended use. The PSI did not include any sampling or intrusive investigations. The approach and findings of the PSI are addressed below:

#### Review of Historical Information

- No record of the site was held by NSW EPA
- A search of Environmental protection licenses returned no results for the site or nearby.
- An historical titles search identified agriculture (grazing) as the inferred land use for the site based upon records for the last 100 years.
- A review of historical aerial photography was undertaken to examine for signs of potential areas of environmental concern. The site visually appears as open agricultural land in the earliest photographic record in 1967 and very little changes through subsequent photographs in 1978, 1987, 1997, 2006 and 2015. The most significant observable changes being the construction of additional farm dams, an informal track and a shed structure and nearby septic system between 2006 and 2015.

#### Site Inspection

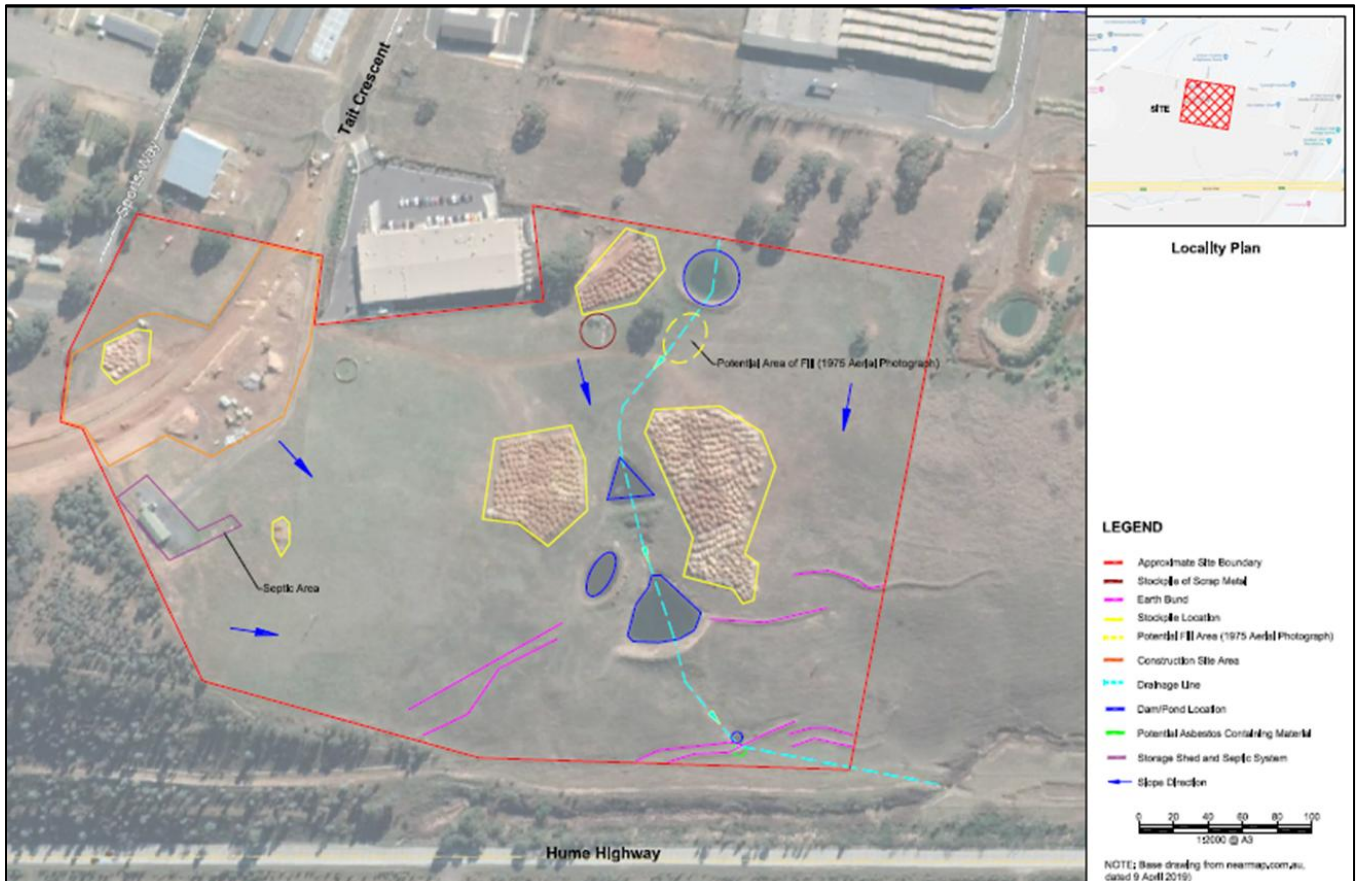
The site inspection raised the following observations:

- Lockyer Street link road under construction on the northwest of the site with an open agricultural appearance for the rest of the site.
  - Construction site included a road cutting, disturbed ground, stripped soils, storage of concrete and PVC pipes with one minor oil spill noted.
  - Construction site included a soil and rock stockpile which included minor anthropogenic materials with star pickets, concrete fragments and plastic trench tape noted.
- A corrugated sheet metal storage shed in the southwest corner (20m x 10m) which appeared connected to a septic system located approximately 30m east of the shed.
- A drainage line located within the middle of the site running north to south with four dams located along the line. No anthropogenic inclusions were noted in the dam embankments.
- No visual indication of the potential location of the demolition waste storage
- Several earth bunds located within the southeastern portion of the site with no anthropogenic materials noted.
- A fragment of potential asbestos containing material (PACM) observed on a dam embankment.
- Three stockpiles observed comprising clay, gravel, and cobbles as well as anthropogenic inclusions such as asphalt, concrete fragments, scrap metal and plastic pieces.
- An inert waste stockpile comprising scrap metal, concrete fragments, a fridge and microwave was observed in the northern section of the site.
- Several areas of fire locations located across the site
- No evidence of underground storage tanks

- No evidence of standing or odours (except for the minor oil spill previously noted).
- No evidence of stressed vegetation.

Figure 26 and Appendix B of the PSI illustrates the site features and the findings of the site inspection.

Figure 26: PSI Contamination – Site Features



### Site Interview

The PSI also includes information from a site interview with the landowner at the time, Mr Fitch who advised:

- The site has been owned by Mr Fitch since 2002
- Site currently used for grazing
- Minor spot use of herbicide (flupropanate) to control African Lovegrass
- The on site shed is used for storage of equipment and vehicles and no chemicals have been stored
- It was understood that the construction stockpiles on site from the road construction were going to be used to fill-in the on-site dams.

### Groundwater Bores

In addition to the above, the PSI also undertook a groundwater bore search conducted via the NSW Department of Primary Industries groundwater database. It identified 17

registered groundwater bores within a 1km radial search of the site. Most of the groundwater bores are located between 700 and 1000m from the site boundaries with only one groundwater bore located with 400m of the site.

### Potential for Contamination

Based on the site history review and observations undertaken during the site inspection, the PSI identified the following areas of the environmental concern:

- PAEC1: Imported filling (potentially within the drainage line and stockpiles). Contaminants of potential concern are considered to be metals: arsenic (As), cadmium (Cd), chromium (Cr), copper (Cu), lead (Pb), mercury (Hg), nickel (Ni), zinc (Zn); total recoverable hydrocarbons (TRH); benzene, toluene, ethylbenzene, xylene (BTEX); polycyclic aromatic hydrocarbons (PAH); organochloride pesticides and organophosphate pesticides (OCP/OPP) and asbestos; and
- PAEC2: Hazardous building material contamination associated with the PACM pipe fragment observed on the pond embankment and potentially from the stored demolition material from 1976.

### Findings

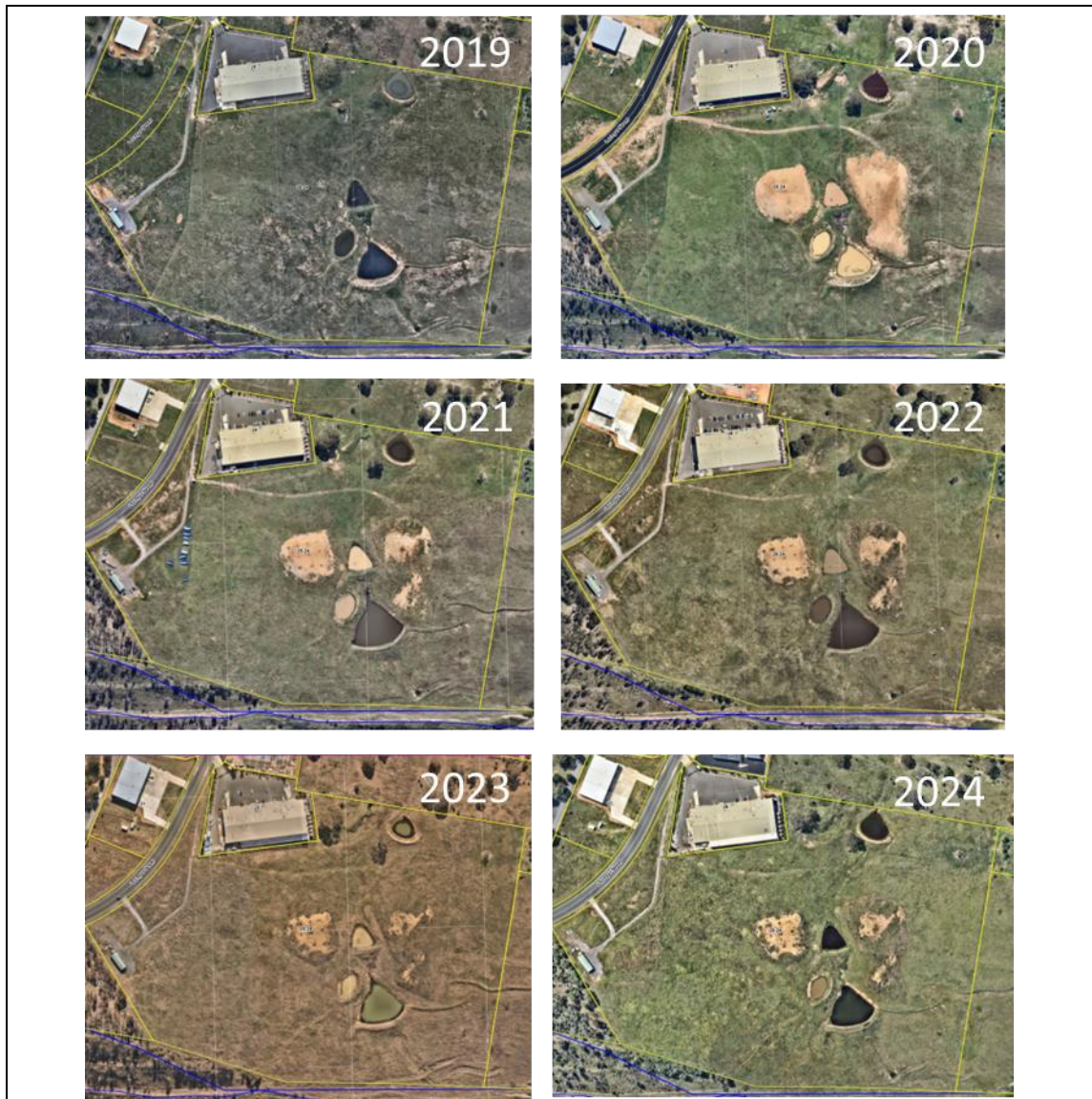
Overall, the PSI considered that the likelihood for gross chemical contamination to be present on the site to be low with localised areas of moderate risk. The PSI concluded that the site could be made suitable for the proposed development subject to the implementation of a number of recommendations as follows:

- The fragment of PACM should be removed by a licensed asbestos removalist prior to commencement of works.
- Prior to backfilling on-site dams with material in stockpiles, an assessment with reference to the Excavated Natural Material Order 2014 should be undertaken.
- A Construction Environment Management Plan including an unexpected finds protocol and an asbestos finds protocol should be prepared and implemented.
- Fill requiring disposal off-site must be assessed in accordance with NSW EPA Waste Classification Guidelines and assigned as waste classification prior to off-site disposal.

At the time of writing this planning proposal report, no works have commenced on site (other than completion of Lockyer Street) and site conditions in the intervening 5 years since inspection have changed very little as illustrated in Figure 27. It highlights that the on-site dams referred to in the PSI remain on site in 2024.



Figure 27: Aerial photos of subject area, yearly since 2019.



To ensure the second recommendation of the PSI was addressed, an *Additional Extractive Natural Materials Assessment 2020* which addresses the on-site reuse of materials in the stockpiles identified in the PSI was submitted with the planning proposal.

This assessment examined the two stockpiles generated by the Lockyer Street pavement extension as illustrated in Figure 28 below and Appendix B of the Materials Assessment and included the following scope of works:

- Review of previous environmental works.
- Direct and oversee the excavation of unsuitable material.
- Collection of soil samples to validate unsuitable material has been removed.
- Laboratory Analysis of soil samples for foreign material listed in Table 4 of the ENM Order.
- Provision of the report.



Figure 28: Fill stockpiles associated with Lockyer Street pavement extension.



A qualified environmental consultant went to site on 18 March 2020 to direct and observe the segregation and removal of unsuitable material from the stockpile. An area of unsuitable material identified in stockpile SP2 was in the vicinity of test pit SP4 and the following works were undertaken:

- Starting at the location of test pit SP4 material was excavated for the full depth of the stockpile for 2 metres in all directions.
- Excavation material was loaded directly into a waiting truck for disposal at a licensed waste disposal facility.
- The resulting excavation was observed for the presence of foreign material with any identified material then removed.
- Sampling undertaken directly from exposed surfaces.
- Laboratory analysis of the soil samples which indicated that foreign material (comprising of rubber, plastic, bitumen, paper, cloth, paint and wood) was below the maximum concentration specified in the ENM Order (Row 18 of Table 4)

The Materials Assessment concluded the following:

*“DP considers that following the removal of unsuitable material in the vicinity of test pit SP2-4, the remaining material comprising stockpile SP2 would meet the Excavated Natural Material with reference to NSW EPA Resource Recovery Order under Part 9, clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014- The Excavated Natural Material Order 2014, November 2014.”*

The [Goulburn Mulwaree Development Control Plan](#) addresses contamination in relation to water quality but further precinct-specific guidance can be included if required.

This planning proposal includes a report specifying the findings of a preliminary investigation carried out in accordance with the *contaminated land planning guidelines*

with further investigations undertaken through the *Additional Excavated Natural Materials Assessment*.

The site is proposed to be rezoned to E4 General Industrial which prohibits residential, educational, recreational uses and uses related to childcare.

The Council have considered whether the land is contaminated and determine the evidence presented demonstrates the site is suitable for its intended industrial land use upon implementation of the outstanding recommendations of the PSI.

This planning proposal is consistent with Direction 4.4 Remediating Contaminated Land.

### **3.6.10 Direction 5.1 Integrating Land Use and Transport**

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a. Improving access to housing, jobs, and services by walking, cycling and public transport, and
- b. Increasing the choice of available transport and reducing dependence on cars, and
- c. Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d. Supporting the efficient and viable operation of public transport services, and
- e. Providing for the efficient movement of freight.

This Direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter, or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

When this direction applies a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives, and principles of:

- a. *Improving Transport Choice- Guidelines for planning and development* (DUAP 2001), and
- b. *The Right Place for Business and Services- Planning Policy* (DUAP 2001)

#### **Comment:**

This direction requires a planning proposal to locate zones for urban purposes, such as employment provision which are consistent with the aims, objectives, and principles of the above-mentioned documents. The primary aim is to encourage and support development that is highly accessible by walking, cycling and public transport and moderate the demand for travel.

In summary these documents seek to:

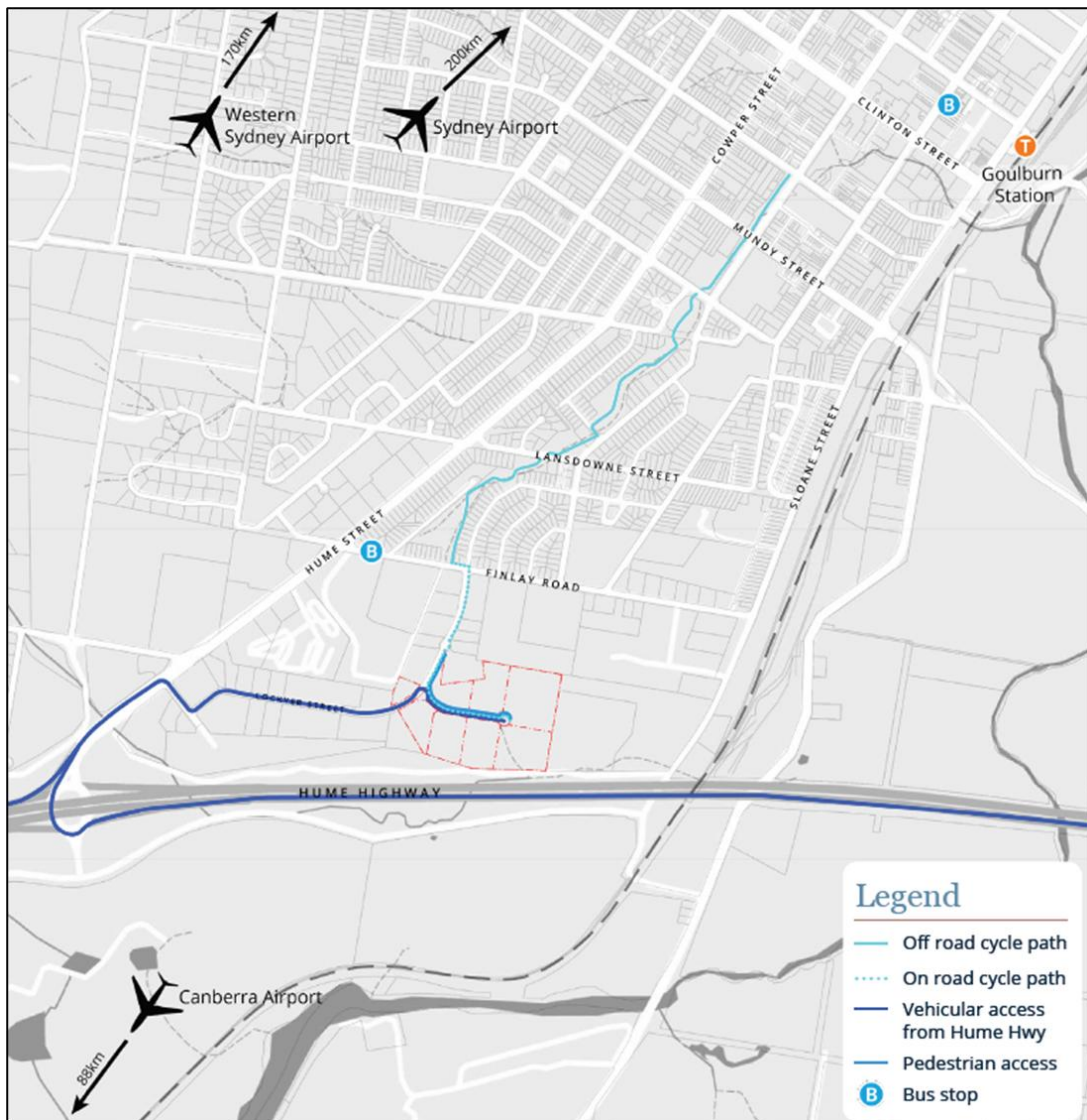
- Encourage a mix of compatible land uses in accessible centres.
- Maximise access to public transport and active transport infrastructure.
- Improve pedestrian access and provide walkable environments.
- Improve road management.

- Manage parking supply.

The subject site whilst currently zoned RU2 Rural Landscape, it is sited within the confines of the urban area, with the Hume Highway providing the southern boundary of both the site and the Goulburn Urban area. The siting provides access to Goulburn's local and strategic road network, footpaths and cycleways.

The proponent submitted an *Urban Design Report* prepared by Reid Campbell submitted 16 November 2023 in support of the proposal which identifies the sites locational advantages including road, bicycle and pedestrian connections, as illustrated in Figure 29.

Figure 29: Active and Passive Site Access



The Urban Design Report identifies the following:

- Site provides opportunities to strengthen relationships and opportunities with Western Sydney and Canberra to grow the local economy.
- The site is well positioned in relation to accessibility to international airports including Sydney (Kingsford Smith) 200km, Western Sydney airport 170km and Canberra airport 88km.

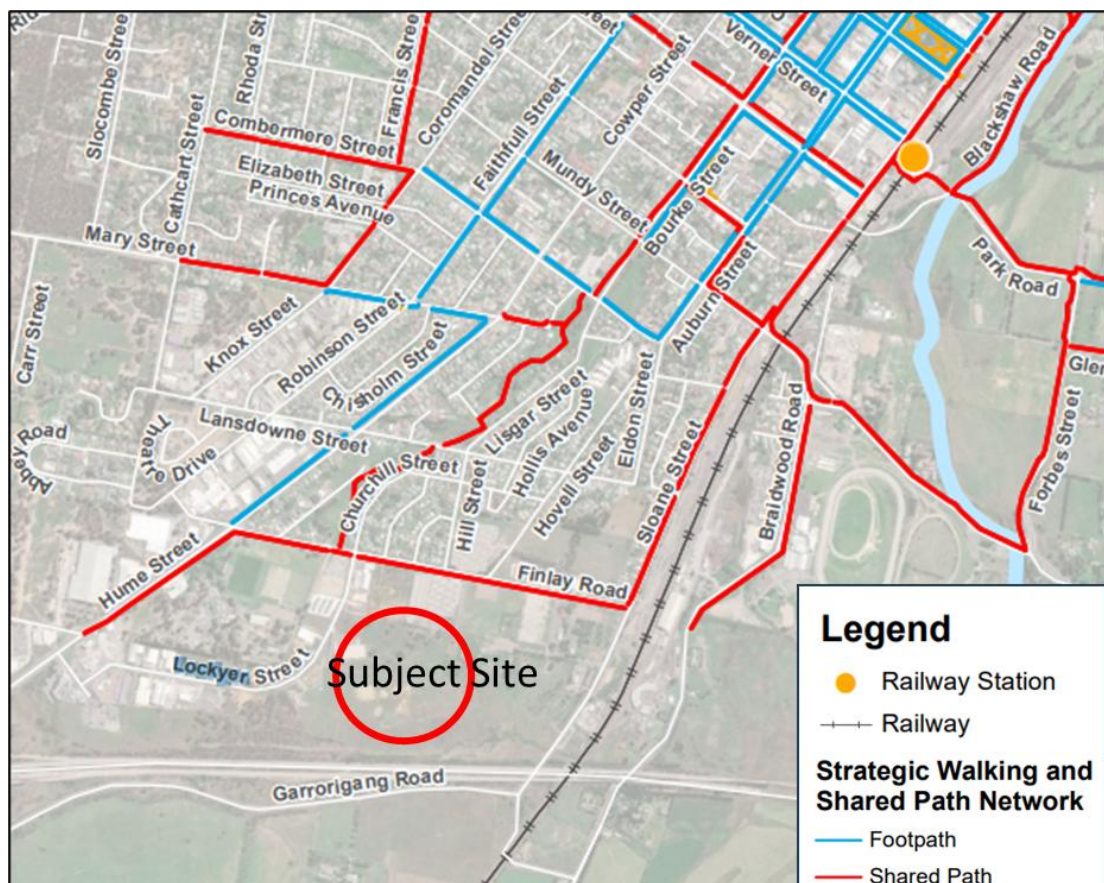


- The site is accessible to the existing 823 bus route which links into the CBD and through the Goulburn urban area, located approximately 600m from the site.
- Lockyer Street connects into Finlay Road which provides pedestrian and bicycle infrastructure.
- The proposed development is intended to include end of trip facilities including showers and bike racks to encourage sustainable transport choices.
- The proposed development has considered urban design principles and includes a new internal access road to provide a spine connection to external connections. It also includes 6m building setbacks from the road to provide safe and efficient circulation for pedestrians, cyclists and vehicles.

In addition to the current accessibilities, Council adopted the [Pedestrian Accessibility Mobility Plan and Shared Path Strategy](#) (PAMP) which identifies and prioritises investments in active transport projects across Goulburn, Marulan, Tarago, Tallong, Towrang and Bungonia. The PAMP supports Transport for NSW concept of 15 minute neighbours, enabling residents to access essential services within a 15 minute walk or ride.

In relation to this proposal, the PAMP identifies an extension and improvement of the shared path network in proximity to the subject site, illustrated in Figure 30. Shared paths are designed to facilitate the use by both pedestrians and cyclists. The shared path improvements along Finlay Road and Sloane Street will provide additional pedestrian and cycle links to the core of services in Goulburn CBD and railway station in addition to those already in Figure 29.

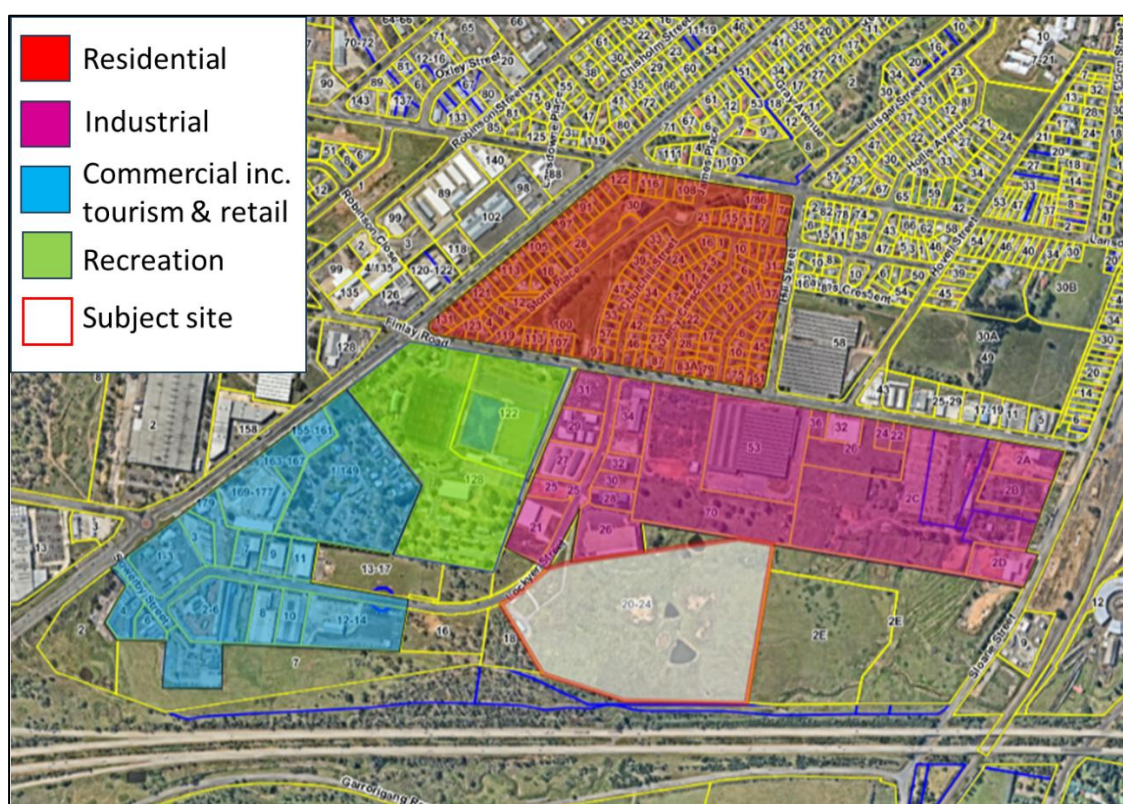
Figure 30: PAMP Proposed Walking and Shared path Network.



The site is located within the South Goulburn enterprise corridor and adjacent the South Goulburn Industrial precinct and the proposed industrial zoning and warehousing development will further consolidate and expand upon this existing employment area. This will provide additional employment opportunities within the Goulburn urban area which are accessible via a number of travel modes.

In addition, the site will contribute to the mix of development in the locality with industrial development directly to the north, recreation to the northwest, commercial and tourism related uses (including retail provision) to the west and residential to the north, as illustrated in Figure 31. These proximities alongside good and improving site accessibility via the car and active transport modes ensures the proposal will improve access to jobs which are accessible by a range of transport options and hereby facilitate reduced travel demand via the private vehicle.

Figure 31: Various Land Uses in Surrounding Precinct



The proponent's concept plan identifies the provision of a new internal access road and a newly constructed roundabout on Lockyer Street to facilitate the efficient movement of freight. In addition, the proponent has submitted a *Traffic and Parking Assessment* prepared by McLaren Traffic and Engineering and Road Safety Consultants dated 24 October 2023 and an updated report dated 8 May 2024 in support of this proposal. This assessment examined predicted heavy vehicle movements with an estimated 13 heavy vehicle trips in the AM peak and 16 in the PM peak.

This initial and further Assessment has been reviewed by both Council's Operations Directorate and Transport for NSW (advice dated 24 May 2024) but neither raised an objection to the proposal following the submission of additional information provided in the updated report.



All indications are that this proposal can ensure the efficient movement of freight.

Overall, this proposal is considered to improve access to jobs by locating new employment provision within the existing urban area, within proximity to a range of uses including residential which are accessible via the private car and active travel modes. The proposal does not adversely affect the viable operation of transport services and ensures the efficient movement of freight. The proposal has considered the aims, objectives and principles of the *Improving Transport Choice* and the *Right Place for Business and Services* documents, alongside those of the Direction and this proposal is considered consistent.

### **3.6.12 Direction 9.1 Rural Zones**

The objective of this direction is to protect the agricultural production value of rural land.

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

When this Direction applies a planning proposal must:

- a. Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- a. Justified by a strategy approved by the Planning Secretary which:
  - i. Gives consideration to the objectives of this direction, and
  - ii. Identifies the land which is subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- b. Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- c. In accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- d. Is of minor significance.

**Comment:** The planning proposal subject site is currently zoned RU2 Rural Landscape which is a rural zone. The site is proposed to be rezoned E4 General Industrial and would therefore affect land within an existing rural zone, as such this direction applies.

The objective of this direction is to protect the agricultural production value of rural land and requires that rural zoned land is not rezoned to an industrial use.

Following the Gateway determination Council consulted NSW Department of Primary Industries and Regional Development (DPIRD). DPIRD did not object to the planning proposal advising on 2 April 2025 that it aligns with other adopted State and local policies. Furthermore:

*It is noted that the subject site is of a small residual size and fragmented from broader agricultural lands by the Hume Highway. Further it is mapped as*

*having a land and soil capability (LSC) class of 5 and 6, and does not contain Biophysical Strategic Agricultural Land (BSAL) or draft State Significant Agricultural Land (SSAL), indicating limited capability for high value agricultural production. Consequently the potential impacts of the proposal to agricultural land and production, and land use conflict risk are acceptable in comparison to its strategic merit.*

The proposal is consistent with Direction 9.1 Rural Zones as the site is specifically identified for future industrial use in the [Goulburn Mulwaree Employment Land Strategy](#), which was endorsed by NSW DPHI. The site is fragmented from the rural hinterland by the Hume Highway and adjoins an existing industrial area.

### **3.6.13 Direction 9.2 Rural Lands**

The objectives of this direction are to:

- a) Protect agricultural production value of rural land,
- b) Facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- c) Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the state,
- d) Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- e) Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,
- f) Support the delivery of the actions outlined in the NSW Right to Farm Policy.

This Direction applies when a relevant planning authority prepares a planning proposal outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGA's in the Greater Sydney Region other than Wollondilly and Hawkesbury, that:

- a) Will affect land within an existing or proposed rural or Conservation Zone (including the alteration of any existing rural or conservation zone boundary) or
- b) Changes the existing minimum lot size on land within a rural or conservation zone.

When this Direction applies:

1. A planning proposal must:
  - a. Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement.
  - b. Consider the significance of agriculture and primary production to the State and rural communities.
  - c. Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
  - d. Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions.

- e. Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.
  - f. Support farmers in exercising their right to farm.
  - g. Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use.
  - h. Consider State significant agricultural land identified in Chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land.
  - i. Consider the social, economic and environmental interests of the community.
2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:
- a. Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses.
  - b. Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains.
  - c. Where it is for rural residential purposes:
    - i. Is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres.
    - ii. Is necessary taking account of existing and future demand and supply of rural residential land.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- a) Justified by a strategy approved by the Planning Secretary and is in force which:
  - i. Gives consideration to the objectives of this direction, and
  - ii. Identifies the land which is subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- b) Is of minor significance

**Comment:** This planning proposal is seeking to rezone the subject site from RU2 Rural Landscape and to amend the minimum lot size, as such this direction would apply.

The subject site is not included as state significant agricultural land as illustrated on the ePlanning Spatial Viewer. Furthermore, the site is a fragment of rural land located on the urban periphery of Goulburn and separated from the surrounding rural area by the Hume Highway. As such its value as rural land is relatively low and the location and proposed future development is unlikely to generate and rural land use interface issues.

As previously discussed in Section 3.6.13 above, following the Gateway determination Council consulted NSW Department of Primary Industries and Regional Development

(DPIRD). DPIRD did not object to the planning proposal advising on 2 April 2025 that it aligns with other adopted State and local policies.

This planning proposal is inconsistent with Direction 9.2 Rural Lands, but the inconsistency is justified by the *Goulburn Mulwaree Employment Land Strategy* which identifies the site for industrial development. The [Goulburn Mulwaree Employment Land Strategy](#) has been approved by the Planning Secretary, the strategy has considered the objective of this direction and identifies the land which is subject of the planning proposal.

The inconsistency with Direction 9.2 Rural Lands is justified.

## Section C- Environmental, Social and Economic Impact

### 3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The subject site is not of high biodiversity significance, outstanding biodiversity value or included within a declared critical habitat. A Flora and Fauna Assessment (prepared by Fraser Ecological Consulting dated 4 April, 2023 has been submitted with the planning proposal which has been reviewed by Council's Environment and Biodiversity Assessment Officer as summarised below:

- The findings of the report are broadly supported with most of the site dominated by introduced pasture species
- 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 large dam on the subject site includes 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.

Council's Environment and Biodiversity Assessment Officer broadly supports the findings of the proponents Flora and Fauna Assessment but seeks safeguards for the protection of the hollow bearing trees for their biodiversity value and for the aquatic fauna in the dams upon their removal. **Noting that most hollow bearing trees fall within the area currently zoned E4 General Industrial and are not within the area to be rezoned.**

Further detail is provided in Section 3.6.4 in relation to Direction 3.1 Conservation Zones.

**3.8 Are there other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no further environmental impacts identified other than those already identified on site as per previous sections of this report.

**3.9 Has the planning proposal adequately addressed any social and economic effects?**

Goulburn Mulwaree Local Government Area (LGA) and the town of Goulburn continue to experience relative high rates of population growth. The Goulburn Mulwaree [Urban and Fringe Housing Strategy](#) identifies the serviced centres of Goulburn and Marulan to support most of the new residential development. With the increased population there will be increased pressure for more employment generating land. Additionally, there has been increased economic development interest in Goulburn with the movement of industries from the Sydney metropolitan area. The site was identified in the [Goulburn Mulwaree Employment Land Strategy](#) as a suitable site to meet the demand for employment land. It is considered that the industrial development of the site will have positive economic and social benefits. Noting that the site is relatively removed from residential areas but enjoys the services and accessibility of Goulburn.

**Section D- State and Commonwealth Interests**

**3.10 Is there adequate public infrastructure for the planning proposal?**

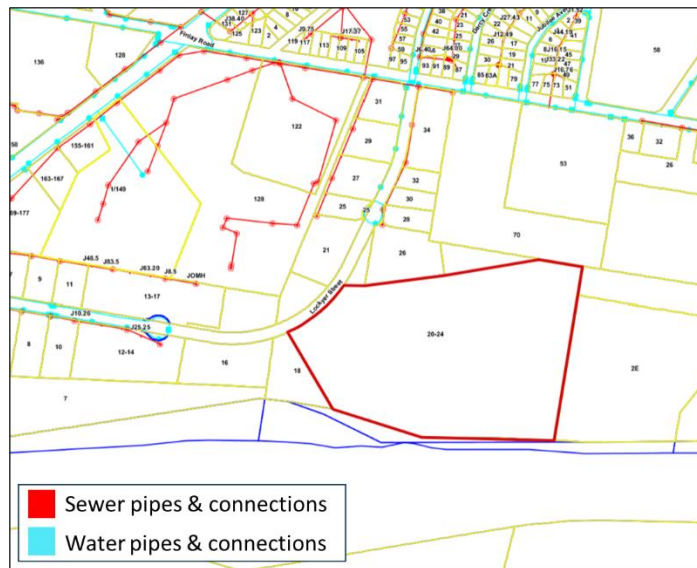
Water and Sewer Servicing

The site is located on the edge of the Goulburn Urban Area where reticulated water and sewer servicing is both available and connected to neighbouring properties (Figure 32). The subject site is not currently connected to Goulburn's reticulated water and sewer network but connections are achievable. Council's Utilities Directorate have confirmed sewer and water can be connected via a sewer and water extension undertaken at the proponent's expense at the DA stage advice dated 4 December 2023. The proponents submitted *Engineering Services Infrastructure Report* prepared by Integrated Group Services dated 20 October 2023 confirms the intention to connect to the reticulated water and sewer network.

Figure illustrates Council water and sewer services in relation to the subject site.



Figure 32: Council Water and Sewer Services



### Stormwater and Drainage

The topography of the site, alongside the required large on-grade building footprint and large impervious surface areas associated with warehousing can make effective stormwater management challenging due to increased stormwater flow. This has the potential to impact on flow regimes and cause erosion to the downstream drainage network and associated waterways.

As such, the proponent has submitted a *Water Cycle and Stormwater Management Strategy* (prepared by dated Oct 2023) in support of the proposal. The Strategy includes an assessment of the likely stormwater management requirements, presents the findings, and proposes a best practice stormwater management strategy to manage both stormwater quantity and quality. In summary the Strategy proposes the following measures:

For Stormwater management:

- A pit and pipe network to collect minor stormwater runoff from areas (1 in 20yr ARI rain events);
- Overland flow paths to carry major storms through the site (1 in 100yr ARI rain events);
- Rainwater reuse tanks to collect roof drainage, and
- An on-site stormwater detention system.

For Stormwater Detention requirements:

- The inclusion of an on-site detention basin (OSD) with 95% of the site expected to drain to the OSD
- The OSD will be provided in the form of an above ground basin with a minimum storage volume of 2001m<sup>3</sup> (illustrated in the southeastern corner on the concept sketch prepared Reid Campbell dated 9 October 2023).

Rainwater Harvesting & Reuse

- The entire roof area is to be connected to rainwater tanks with their size based upon the rate 1kL per 10m<sup>2</sup> of roof area.

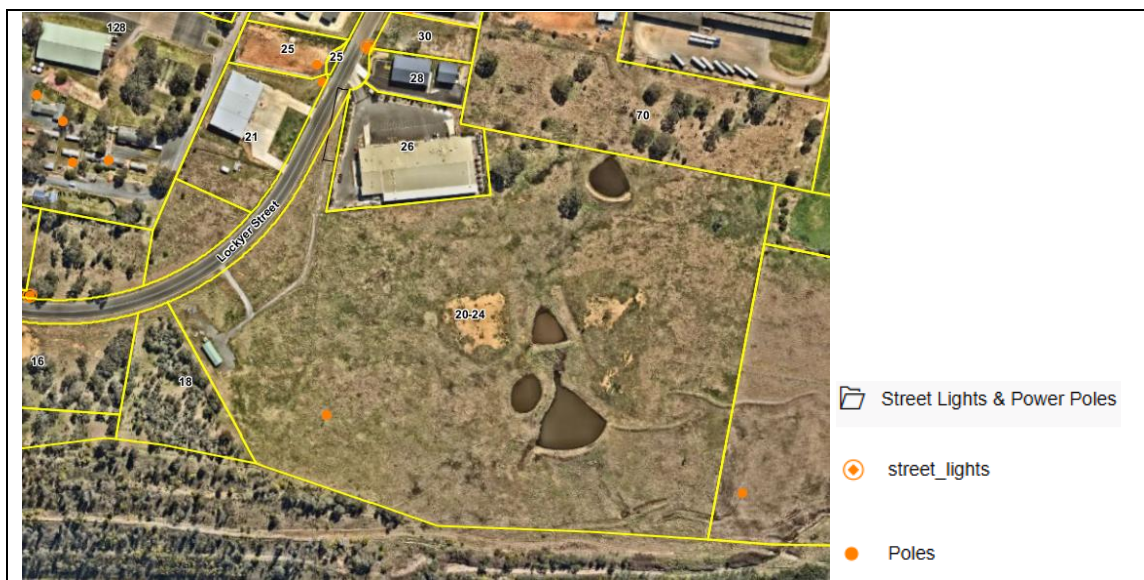
- Total rainwater tank volume required for the site is 5022kL which will be achieved through several rainwater tanks dispersed around the site.
- Rainwater reuse will be required for landscape irrigation, toilet flushing, general wash down and laundry washing.

Stormwater velocities are likely to be exacerbated by the steepness of the land, and the concept plan is indicative. The site is considered to be large enough to accommodate suitable on-site drainage systems but also can potentially access the natural water course at its south eastern boundary.

### Electricity Supply

Electricity supply to Lockyer Street and to the site is available as indicated in Figure 33 below.

Figure 33: Location of electricity power poles



### Access

The proponent's concept plan identifies the provision of a new internal access road via a roundabout on Lockyer Street to facilitate the efficient movement of freight. In addition, the proponent has submitted a *Traffic and Parking Assessment* prepared by McLaren Traffic and Engineering Road Safety Consultants in support of this proposal. Following the initial feedback from Transport for NSW on 16 February 2024 seeking further information, an updated report by McLaren Traffic and Engineering Road Safety Consultants was provided dated 8 May 2024. This assessment examined predicted heavy vehicle movements with an estimated 13 heavy vehicle trips in the AM peak and 16 in the PM peak.

The initial Assessment has been reviewed by Council's Operations Directorate (with no objection) and Transport for NSW has reviewed both the initial and updated assessment and has no objection to the proposal following the updated information being received.

All indications are that this proposal can ensure the efficient movement of freight.

It is considered that there is adequate public service infrastructure to service the development.

### **3.11 What are the views of State and Commonwealth public authorities' consultation in accordance with the Gateway determination?**

No Pre Gateway consultation has been undertaken with Commonwealth public authorities.

In accordance with the Ministerial Direction for the Sydney Drinking Water Catchment, consultation with Water NSW will be undertaken prior to the planning proposal being submitted for a gateway determination.

Pre- Gateway consultation has also been undertaken with Transport for NSW (advice dated 24 May 2024 and 16 February 2024) and Heritage NSW (advice dated 8 May 2024 and 29 November 2023).

Further consultation was undertaken in accordance with the directions of the Gateway determination with:

- NSW Rural Fire Service.
- NSW Heritage.
- Water NSW.
- NSW Department of Climate Change, Energy, the Environment and Water.
- NSW Department of Primary Industries and Regional Development.
- Pejar Local Aboriginal Land Council.

No objections were received and advice where received has been incorporated into the relevant sections of the planning proposal above.

## **Part 4- Mapping**

The maps included within Figure 5 illustrate the area to which this proposal relates and includes the proposed amendment from the RU2 Rural Landscape Zone to E4 General Industrial and the amendment of the minimum lot size from 100 hectares to no applicable minimum lot size. The following [LEP](#) maps will be amended:

- LZN\_001E
- LSZ\_001E

## **Part 5- Community Consultation**

As part of the Gateway assessment appropriate public exhibition of the proposal will be applied for the prescribed period. Furthermore, written notification will be provided to the landowner and adjoining landowners.

The proposal will be advertised in the prescribed manner under the gateway procedures.

## Part 6- Project Timeline

It is envisaged that the gateway process will take approximately 12 months for a project of this scale.

<b>Gateway Determination</b>	January – February 2025
<b>Timeframe for completion of technical studies</b>	No further studies identified
<b>Timeframe for agency consultation</b>	April 2025
<b>Public Exhibition</b>	June 2025
<b>Public Hearing</b>	No hearing identified
<b>Consideration of submissions</b>	July – August 2025
<b>Date of submission of LEP to DPIE</b>	September 2025
<b>Anticipated date of plan made</b>	October 2025
<b>Anticipated date plan forwarded to DPIE for notification</b>	November 2025

## Part 7- Supporting Documentation

Supporting documents to this planning proposal are listed in the table below:

<b>Council Reports and Minutes</b>	<b>Author</b>	<b>Date</b>
Council Report and Minutes, Item 16.3	Senior Strategic Planner, Council	16 July 2024
<b>NSW DPHI</b>		
Gateway Determination	NSW DPHI	12 February 2024
Altered Gateway Determination	NSW DPHI	14 February 2024
<b>Planning Proposal</b>		
Proponents Draft Planning Proposal <b>(SUPERSEDED)</b>	Patch Planning & Development	November 2023
Planning Proposal – Public Exhibition Version (current -this document).	Council	June 2025
<b>Technical Studies</b>	<b>Author</b>	<b>Date</b>
A1.1 Concept Sketch	Reid Campbell	9 October 2023
A1 – Urban Design Report	Reid Campbell	Submitted to Portal 16 November 2023
A2 – Water Cycle Management Strategy	C&M Consulting Engineers	October 2023
A2.1 NorBE Template		Submitted to Portal 16 November 2023
A2.3 MUSIC Model		Submitted to Portal 16 November 2023
A3 – Master Plan Report for Civil Engineering Works	C&M Consulting Engineers	October 2023
A4 – Traffic and Parking Impact Assessment <b>(SUPERSEDED)</b>	McLaren Traffic Engineering &	24 October 2023

	Road Safety Consultants	
A4.1 -Amended Traffic and Parking Impact Assessment <b>(CURRENT)</b>	McLaren Traffic Engineering & Road Safety Consultants	8 May 2024 (#2016413)
A5 – Aboriginal Due Diligence Report <b>(SUPERSEDED)</b>	Hyperion Design	8 September 2023
A5. 1 Revised Aboriginal Due Diligence Report <b>(SUPERSEDED)</b>	Hyperion Design	May 2024
A5.2 Aboriginal Cultural Heritage Assessment Report <b>(CURRENT)</b>	Past Traces	30 September 2024
A6 Flora and Fauna Assessment	Fraser Ecological Consulting	4 April 2023
A7 Preliminary Site Investigation for Contamination	Douglas Partners	October 2019
A8 Additional Excavated Natural Material Assessment	Douglas Partners	1 October 2020
A9 Bushfire Protection Report	ABPP – Australian Bushfire Protection Planners	2 June 2023
A10 Engineering Services Infrastructure Report	IGS - Integrated Group Services	20 October 2023
R02714 Flood Impact Assessment (FIA)	C&M Consulting Engineers	26 May 2025
<b>Advice – State Agencies, Pre Gateway</b>		
Water NSW (Pre Gateway)	WaterNSW	21 December 2023
Heritage NSW (Pre- Gateway x2)	HNSW	29 November, 2023 And 8 May 2024
Transport for NSW (Pre Gateway x 2)	TfNSW	16 February 2024 and 24 May 2024
<b>Advice – Council</b>		
Biodiversity (Environment and Biodiversity Assessment Officer)	Council	23 November 2023
Utilities - Water and Sewer Services Referral Response	Council	4 December, 2023
Operations- Design and Asset Management (Roads)	Council	15 January 2024
Council Consultant Heritage Advisor	David Hobbes	11 December 2024
<b>Advice – State Agencies, Post Gateway</b>		
NSW Rural Fire Service (RFS) Ref: SPI20250220000035	RFS	21 March, 2025
NSW Department of Primary Industries and Regional Development (DPIRD)	DPIRD	2 April 2025
Water NSW	WNSW	2 April 2025



Ref: D2025/29846		
Heritage NSW REF – 3471 Heritage NSW Ref: HMS ID 9233	Heritage NSW	10 March 2025
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Biodiversity and Flooding) ref- 3472 DOC25/154867-6	DCCEEW	13 March, 2025