



**Goulburn Mulwaree Council**

**Planning Proposal to rezone and amend Minimum Lot Size on Lots  
at 292 Rosemont Road**

**REZ/0006/2122**

**(PP-2024\_101)**

**April 2024**

**Pre-Gateway**

**(Inclusive of Water NSW Referral)**

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1	Pre-gateway	February 2024
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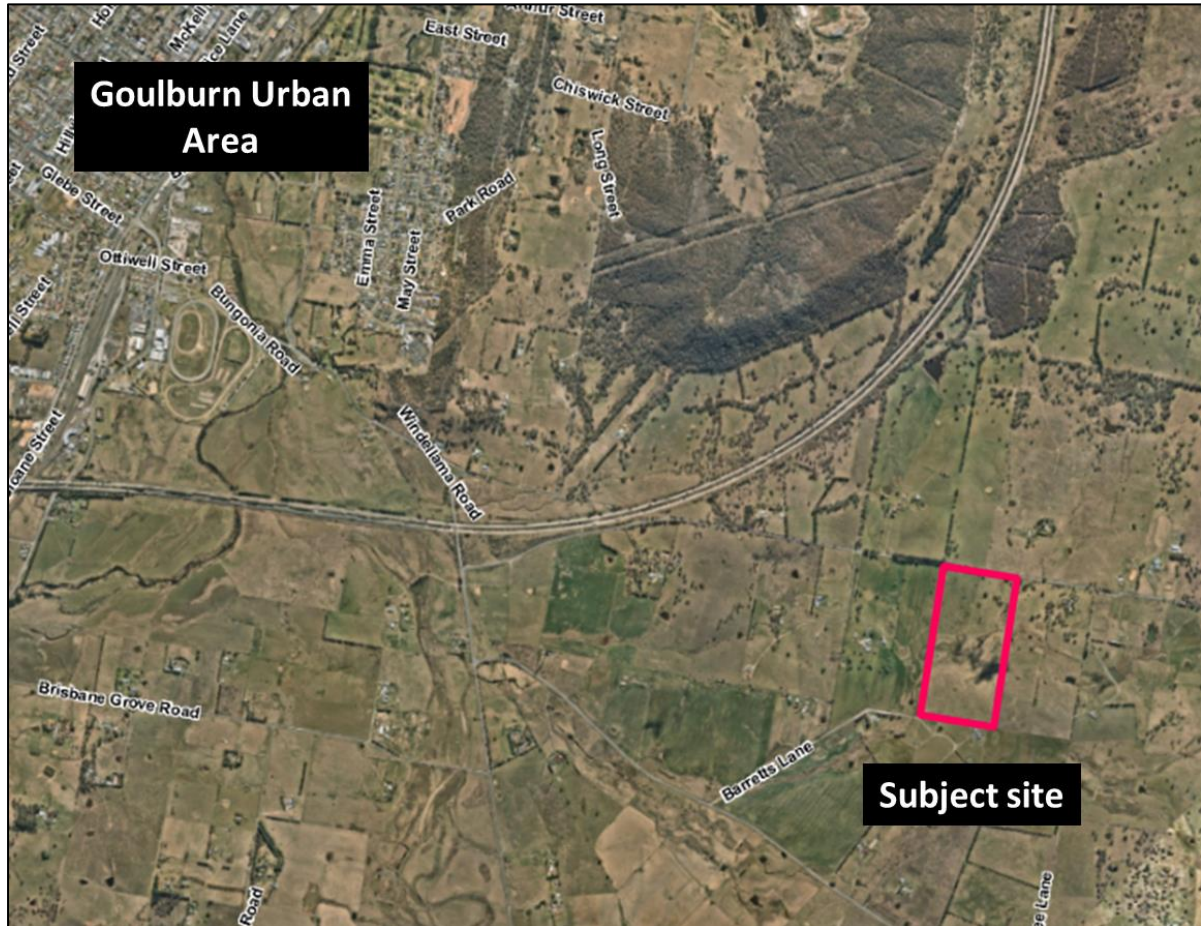
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## Introduction

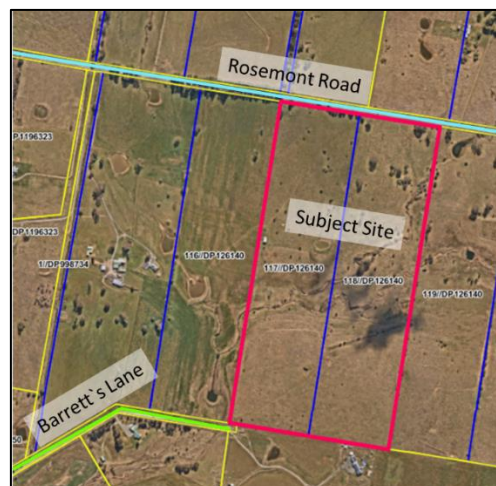
This planning proposal seeks to rezone an area of 32.7 hectares of rural land situated to the south of the Hume Highway, approximately 5.8km from the southern edge of the Goulburn urban area. A site location plan is illustrated in [Figure 1](#).

Figure 1: Site location plan



The subject site comprises two existing lots (Lot 117 & 118, DP 126140) with available access to Rosemont Road to the north and Barrett's Lane to the south as illustrated in [Figure 2](#).

Figure 2: Access Roads to Subject Site



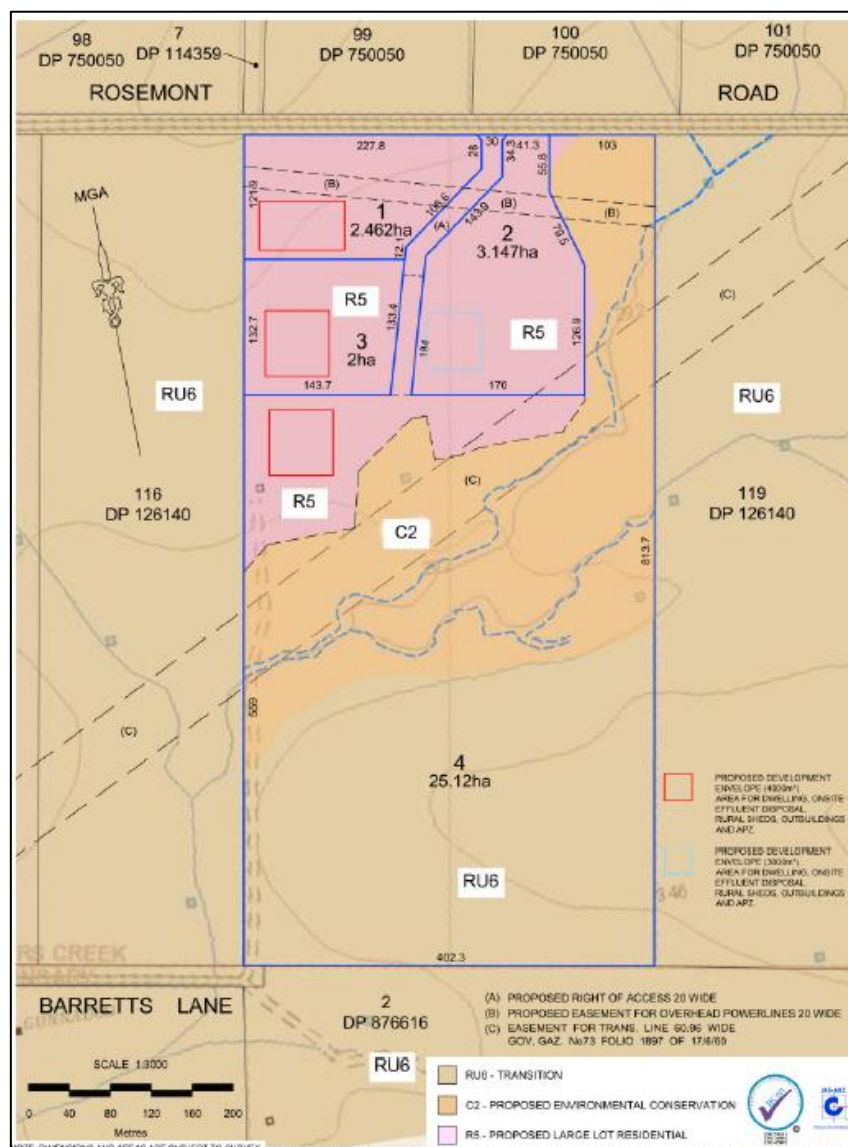


The planning proposal seeks a partial rezoning of approx.11.44ha of the existing RU6 Transition zoned land to R5 Large Lot Residential with a minimum lot size of 2 hectares and approx. 9.45 hectares of the site to C2 Environmental Conservation (encompassing flood prone land) with no applicable minimum lot size. The remaining 11.75 hectares of the site to the south is proposed to retain its current RU6 Transition zoning and current 20 hectare minimum lot size. The proposed zoning is presented in **Figure 4** and **Figure 4**.

The site is un-serviced by Goulburn's reticulated water and sewer system and will rely on on-site effluent management and rainwater collection. The site is constrained by drainage channels which have overland flow flooding impacts with all flood prone land proposed to be zoned C2 Environmental Conservation.

The proponents concept subdivision plan identifies a four-lot subdivision with an area of between 2.4ha to 3.1 hectares for three of the proposed lots and 25ha for the fourth residual lot. On all four lots the dwelling pads are located north of the 2 drainage channels which cross the centre of the site. All proposed access roads will utilise the northern connection to Rosemont Road with no access proposed onto Barrett's Lane to the south. The proponents concept subdivision plan is presented in **Figure 3** and **Appendix 2**.

Figure 3: Proponents Concept Subdivision Plan



The planning proposal is proponent-led and seeks to rezone land identified in the Mountain Ash precinct of the *Urban and Fringe Housing Strategy* from RU6 Transition to R5 Large Lot Residential. The proposal also seeks to amend the minimum lot size from 20 hectares to 2 hectares for the R5 zoned land. A copy of the submitted planning proposal document is available to view in **Appendix 3**.

The *Urban and Fringe Housing Strategy* identifies that areas of the Mountain Ash precinct are subject to flooding and recommends that an environmental zone be applied to flood prone land. The site is affected by perennial and non-perennial drainage channels which feed into Gundry Creek which drains into the nearby Mulwaree River. These channels result in areas of inundation during periods of heavy rain. The areas affected by overland flow and inundation have been modelled and identified in the submitted Flood Impact and Risk Assessment accompanying the proposal (**Appendix 14a**).

The entire area of the overland flow corridor has been identified for a C2 Environmental Conservation Zone. This serves to reduce development potential in flood prone areas and improve water quality outcomes. The proposed zoning of the subject site is illustrated in **Figure 4** and **3.6.7 Direction 4.1 Flooding** provides further detail on flooding.

#### Previous Planning Proposal (PP\_2022\_1180) (REZ/0006/2122)

This current planning proposal (PP\_2024\_101) is a revision and resubmission of a planning proposal submitted to Council in April 2022. A copy of the original planning proposal submission is presented in **Appendix 5** alongside the original concept layout plan in **Appendix 4**.

The original proposal included two separate subject sites, namely 292 Rosemont Road and 100 Mountain Ash Road (previously incorrectly identified as 46 Mountain Ash Road). The revision and resubmission do not include the Mountain Ash Road site and only relates to 292 Rosemont Road. It proposed an LEP amendment to facilitate a five-lot subdivision of the site including rezoning flood affected land identified as flood constraint category 1 & 2 (most severe and constrained areas) as C2 Environmental Conservation and the remainder of the site as R5 Large Lot Residential. R5 Large Lot Residential zones were proposed to be accompanied by a 2 hectare minimum lot size and the C2 Zone assigned no minimum lot size. The original proposal sought the creation of residential development on areas north and south of the two central creek lines with lot access proposed from both Rosemont Road for the northern lots and Barrett's Lane for the southern lots.

The previous planning proposal was authorised to proceed to preparation stage and Gateway submission by Council on 21<sup>st</sup> June 2022 (**Appendix 6a**). The proposal was subject to pre-gateway consultation with Water NSW and the response was received on 20 January 2023 (**Appendix 10c**). The proposal was submitted to the Department of Planning and Environment for its adequacy assessment and Gateway determination on 8<sup>th</sup> March 2023. The Department reviewed the proposal and considered, due to the presence of flood prone land on site and potential evacuation issues and related increases in risk, that a Flood Impact and Risk Assessment was required before a Gateway assessment could progress. The application was returned, and the proposal closed on the Planning Portal on 26<sup>th</sup> April 2023. A copy of the Adequacy Assessment Decision Rationale is presented in **Appendix 7**.

Council met with SES on 15 March 2023 to discuss constraints around evacuation of areas to the South of the Hume Highway, including the subject site.



Shortly afterward Council met with the proponent on 28th March 2023 to discuss the potential need for a Flood Impact and Risk Assessment (FIRA) to demonstrate compliance with the Floodplain Manual and Ministerial Direction 4.1 Flooding.

Since the failed adequacy assessment, the proponent has undertaken revision to the original concept layout plan to assist in flood risk management as follows by:

- Reducing the number of proposed lots from 5 to 4;
- Rezoning all flood prone land (not just categories 1 & 2) as a C2 Environmental Conservation Zone;
- Reducing the proposed R5 zoned area to flood-free land to the north of the creek lines only (leaving flood free land to the south of the creek with its current RU6 zoning), and
- Ensuring no access provision to Barrett's Lane (which experiences inundation).

In addition to the above, the proponent also commissioned GRC Hydro to prepare a Flood Impact and Risk Assessment (**Appendix 14a**) to accompany the revised planning proposal. Further detail on the FIRA is presented later in this report.

## Part 1- Objectives

### 1.1 Intended Outcomes

The objective of this planning proposal is to enable the subdivision of land identified in the *Urban and Fringe Housing Strategy* for large lot residential development.

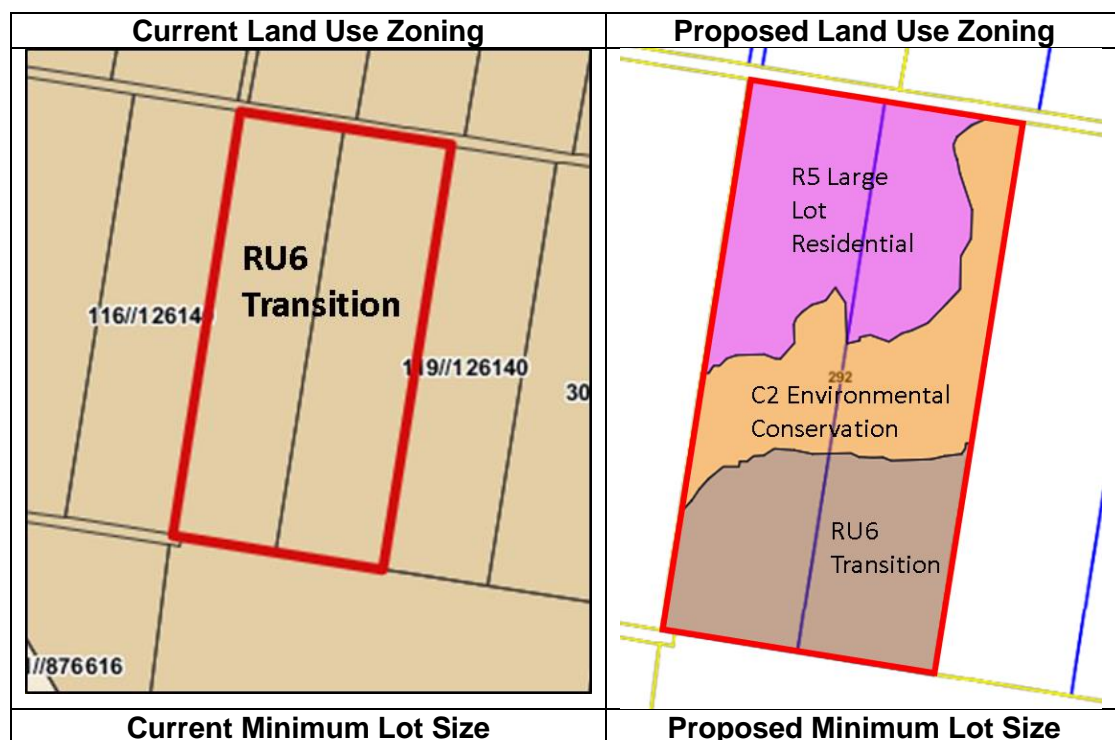
## Part 2- Explanation of Provisions

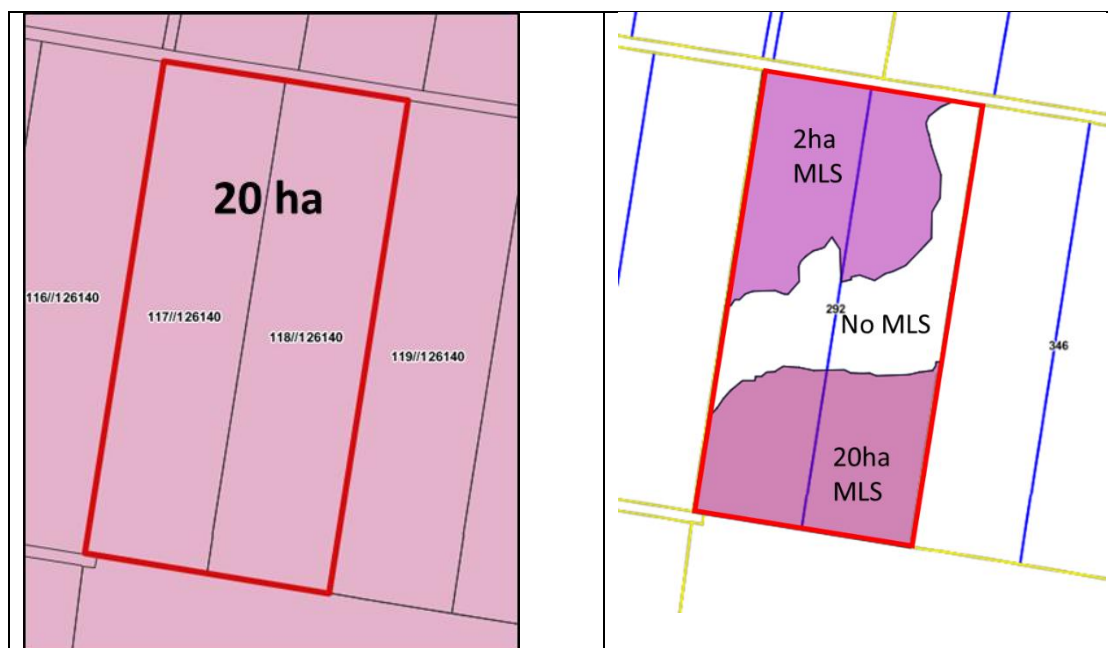
2.1 The *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) will be amended by:

- Amending the land use zoning map of the GM LEP 2009 for part of Lots 117 & 118, DP 126140 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation;
- Amending the Minimum Lot Size map of the GM LEP 2009 for part of Lots 117 & 118, DP 126140 from 20 hectares to 2 hectares and removing the Minimum Lot Size for the C2 zoned areas.

**Figure 4** illustrates the current and proposed zoning and minimum lot size amendments to the GM LEP 2009 for the subject site.

Figure 4: Existing and Proposed Land use zoning and Minimum Lot Size





In support of these proposed amendments to the *GM LEP*, additions are proposed to *Part 8: Site Specific Provisions* of the *Goulburn Mulwaree Development Control Plan* (DCP) which applies to the entire Mountain Ash precinct and adjacent Brisbane Grove Precinct. The draft Brisbane Grove and Mountain Ash Precinct-specific development control chapter is presented in **Appendix 7**.

## Part 3- Justification

### Section A- Need for a planning proposal

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

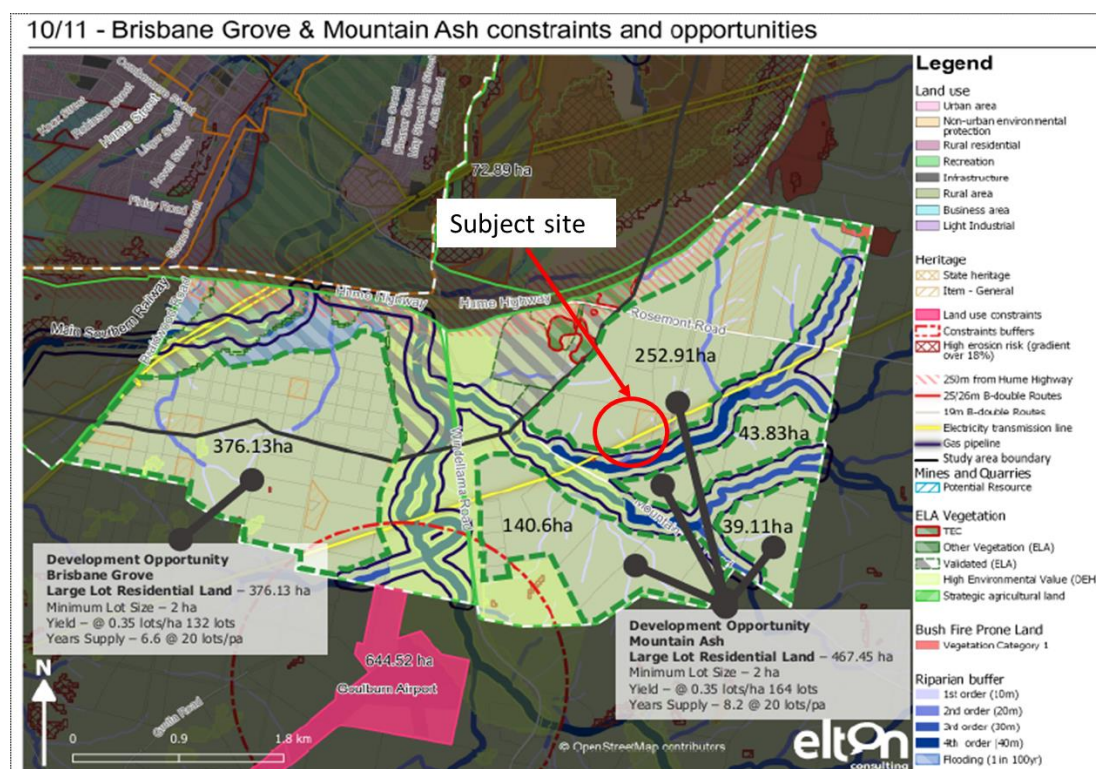
The subject site is located within Precinct 10: Mountain Ash of the [Urban and Fringe Housing Strategy](#), as illustrated in **Figure 5**. Precinct 10 is identified as a rural and rural transition area south of the Hume Highway, on both sides of Mountain Ash Road. The strategy recommends land in the precinct which is least constrained by topography and environmental constraints be rezoned to large lot residential with a minimum lot size of 2 hectares. The strategy identifies the lots are to be un-serviced by Goulburn's reticulated water and sewer system and recommends consideration of a suitable environmental zone for flood affected land. The Strategy also makes clear that a significant portion of the precinct is potentially flood affected and additional flood prone land may exist beyond current flood studies adopted by Council.

This planning proposal is seeking R5 Large Lot Residential rezoning on the northern part of the site with a 2 hectare minimum lot size accompanied by a C2 Environmental Conservation Zone for flood affected land. The planning proposal is consistent with the Goulburn Mulwaree *Urban and Fringe Housing Strategy*.

Goulburn Mulwaree Council resolved to proceed with a planning proposal to amend *GM LEP* following the consideration of a report on this matter presented to Council on 21 June 2022, a copy of the Council Report and Resolution are available in **Appendix 6a**. This report authorised the initial planning proposal which included both the Rosemont and Mountain Ash Road sites. The revised planning proposal which includes the Rosemont Road site only is of less intensity than the original proposal and

serves as an overall improvement on the previously submitted scheme and resolutions on the previous council report are still considered to apply to this revision.

Figure 5: Extract from Urban and Fringe Housing Strategy



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

The planning proposal to amend the RU6 Transition zoning and minimum lot size on the part of the subject site to R5 Large Lot Residential with a 2 hectare minimum lot size and C2 Environmental Conservation zone, is the best means of achieving the intended outcome whilst complying with the requirements of the *Urban and Fringe Housing Strategy* and Ministerial Directions, particularly Direction 4.1 Flooding. The large lot zoning provides the rural character, the ability to accommodate effluent management areas and ensure areas of flooding can be avoided. The planning proposal seeks to apply a C2 Environmental Conservation Zone along drainage corridors and related flood prone areas. This approach seeks to maintain buffer distances between development and watercourses, maintain water quality, improve biodiversity and reduce soil erosion.

The C2 zone land was initially proposed to be accompanied by a 100 hectare minimum lot size as reported to Council on 21 June 2022 (**Appendix 6a**). Further assessment and application of this approach on a precinct-scale identified some unintended consequences such as irregular and unmanageable lot arrangements, difficulties in access provision and reduced maintenance of drainage channels. As a result, the approach was reconsidered through a report to Council on removing minimum lot sizes for C2 zoned land within the Brisbane Grove and Mountain Ash Precincts on 20 September 2022 (**Appendix 6b**). Council endorsed this alternative approach to remove the 100ha MLS from the C2 zoned land to provide additional flexibility, overcome many of the identified issues and result in a better planning and water quality outcome than the previously proposed approach.

## 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

This planning proposal is consistent with the [South East and Tablelands Regional Plan](#) with particular regard to Directions 16, 23 and 28 as detailed below:

*Direction 16: Protect the coast and increase resilience to natural hazards*

The rural area of the Goulburn Mulwaree local government area primarily comprises a grassland landscape which is nearly entirely affected by bushfire prone land and, as such, cannot be avoided when providing rural residential lots. The subject site stands within a category 3 (medium bushfire risk) landscape but this proposal forms part of a wider rural residential precinct and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience.

An area constrained by overland flow flooding hazard is proposed to be rezoned as C2 Environmental Conservation to limit development and ensure the impacts of flood prone land are avoided. The identification of the most frequent and severe overland flow areas is derived from overland flow modelling undertaken concurrently with the [Goulburn Floodplain Risk Management Study and Plan](#) which implements the requirements of the [NSW Flood Risk Management Manual and Toolkit](#) and supported by the submitted Flood Impact and Risk Assessment (**Appendix 14a**). This approach seeks to incorporate the best available hazard information into the zoning of the Local Environmental Plan which is consistent with current flood studies and floodplain risk management plans. The C2 Environmental Conservation zoning seeks to manage the overland flow risk associated with the growth of the Mountain Ash Precinct.

This planning proposal is consistent with Direction 16 and related actions 16.1, 16.2, 16.4 and 16.6 by:

- Locating development away from known hazards wherever possible and mitigating against hazards where avoidance is not possible or practical.
- Implementing the requirements of the *NSW Floodplain Development Manual* (now the Flood Risk Management Manual and Toolkit) through the *Goulburn Floodplain Risk Management Study and Plan* and overland flow modelling and incorporate this available hazard information into the Local Environmental Plan as the C2 Environmental Conservation Zone. This seeks to manage the risks of future residential growth in flood prone areas.

*Direction 23: Protect the region's heritage*

Direction 23 of the *South East and Tablelands Regional Plan* seeks 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 planning proposal 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 Due Diligence Assessment (**Appendix 8**). The Assessment has sought to identify potential heritage values on the site and has been prepared with engagement from the local Aboriginal Community.



In addition, the locally listed “Nooga” heritage item stands in close proximity to the Rosemont sites northern boundary. The proponent has submitted a Statement of Heritage Impact (**Appendix 9**) which has assessed the heritage values of the heritage item and its surrounds.

This planning proposal is consistent with Direction 23 and related actions 23.1, 23.2 and 23.3 by:

- Undertaking and implementing heritage studies including Aboriginal Cultural heritage studies;
- Consulting with Aboriginal people to identify heritage values at the strategic planning stage, and
- Conserving heritage assets during strategic planning and development.

#### *Direction 28: Manage rural lifestyles*

Direction 28 of the *South East and Tablelands Regional Plan* seeks to manage rural lifestyles and ensure a consistent planning approach to identify suitable locations for new rural residential development.

The planning proposal seeks R5 Large Lot Residential which will result in the subdivision of land for rural lifestyle lots. The subject site stands within the Mountain Ash Precinct identified in the *Urban and Fringe Housing Strategy* and located between approximately 5.8km from the edge of the Goulburn urban area. The subject site is located as close to the urban area as practical whilst also facilitating a site size large enough to accommodate the 2ha minimum lot size prescribed in the *Urban and Fringe Housing Strategy*.

The subject site is accessible through the existing road network which has capacity for additional traffic and the proposal is not expected to require additional social or community infrastructure due to the small number of additional proposed lots. The relatively low density of the proposal, large lot sizes and the planned precinct-wide rezoning is considered to reduce potential land use conflict with other rural land uses. In addition, the entire Mountain Ash precinct, alongside the adjacent Brisbane Grove precinct are identified as a R5 Large Lot Residential opportunity area with agricultural activities likely to diminish as land in the precinct is rezoned and further reduce any consequential rural impacts.

The site does not stand within a state significant agricultural area or an area of high environmental significance. The site is not of high biodiversity significance, outstanding biodiversity value or include a declared critical habitat. A limited area of the site is affected by an overland flow corridor but its potential impact on life and property has been mitigated through the application of a C2 Environmental Conservation zone to flood prone land. The Mountain Ash Precinct is bushfire prone but the planning proposal includes a series of suitable bushfire mitigations.

This planning proposal is consistent with Direction 28 and related actions 28.1 and 28.2 by:

- Enabling rural residential development which is identified in the local housing strategy;
- Locating rural residential development as close as practical to an existing urban settlement to maximise the use of existing infrastructure, and



- Minimising land use conflicts and avoid areas of high significance, important agricultural land and natural hazards where possible.

### 3.3.2 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 EN1-** *Protect and enhance the existing natural environment, including flora and fauna native to the region which includes maintaining our rural landscape;*
- **Environment Strategy EN3-** *Protect and rehabilitate waterways and catchments;*
- **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 subject site is located within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect on water quality. This planning proposal has sought to protect waterways and catchments by prescribing a 2 hectare minimum lot size to reduce the intensity of potential uses. This will allow for the siting effluent management areas at suitable distances from watercourses and drainage paths. Rezoning overland flow corridors as C2 Environmental Conservation will reduce development potential and improve water quality outcomes. The ability of the planning proposal to achieve a neutral or beneficial outcome on water quality has been demonstrated through On-site Wastewater Management Assessments and MUSIC Model Assessments submitted with the planning proposal. This planning proposal is consistent with Environment Strategy EN3.

The planning proposal recognises and seeks to protect areas of built and cultural heritage through the Aboriginal Cultural Heritage Due Diligence Assessment (**Appendix 8**) and Statement of Heritage Impact (**Appendix 9**). No impacts have been identified to Aboriginal cultural heritage and the heritage values of the nearby heritage item are safeguarded through a series of recommendations incorporated into a precinct-specific Development Control Plan chapter. 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 has been submitted with the planning proposal (**Appendix 10a**). The assessment found the site had been historically cleared and managed, with most of the site consisting of non-native pasture improved and regularly grazed grassland. The assessment concluded that there will be no significant consequences to biodiversity in the locality subject to the implementation of a number of proposed recommendations.

The site area at 32.7ha is relatively small compared to the overall Mountain Ash Precinct but consequential rezoning over the entire precinct will result in an overall change to this rural landscape. The potential impact on the landscape's rural character has been minimised by the large 2 hectare lots sizes and the precinct-specific Development Control Chapter. This DCP chapter includes provisions to ensure generous building setbacks, a maximum site coverage, rural-style fencing and landscaping to maintain a rural landscape setting. This planning proposal is consistent with Environment Strategy EN1.

This planning proposal has sought a balance between residential development and environmental protection through large lot sizes to accommodate on-site effluent management systems and ensure water quality. It has adequately demonstrated there would be no significant impact on biodiversity or European heritage values and has no identified impact on Aboriginal cultural heritage. Overland flow impacts have been identified and flood prone land has been avoided through the proposed C2 Environmental Conservation zone. In addition, the site's location is in accordance with the recommendations of the *Urban and Fringe Housing Strategy*. The site stands in an area suitable to provide lifestyle lots within relative close proximity to Goulburn's concentration of employment services and facilities. 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 4- Housing** which establishes the principle that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure. It also highlights that a key land use challenge is to meet the housing supply and type required for a growing population. A primary action in meeting this challenge is the implementation of the *Urban and Fringe Housing Strategy* which sets out housing growth areas.

This planning proposal seeks the rezoning of an area of RU6 Transition zone land identified in Precinct 10 of the *Urban and Fringe Housing Strategy* for R5 Large Lot Residential development. This area is situated approximately 5 kilometres from the Goulburn urban area. This precinct forms one of 20 precincts identified for residential growth focused in and around the Goulburn urban area. This proposal ensures Goulburn remains the focus of housing growth and seeks to implement recommendations in the *Urban and Fringe Housing Strategy*. This planning proposal is consistent with Planning Priority 4- Housing.

The LSPS includes **Planning Priority 8: Natural Hazards** with a vision to identify, plan for and mitigate natural hazards where possible. The two central natural hazards potentially affecting the subject site are bushfire and overland flow flooding.

The subject site stands within a category 3 (medium bushfire risk) landscape but this proposal forms one part of a wider rural residential precinct and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience. The Goulburn Mulwaree Development Control Plan also includes provisions relating to bushfire controls. Areas of flood inundation have been identified through the [Goulburn Floodplain Risk Management Study and Plan](#) and related overland flow modelling, alongside the submitted Flood Impact and Risk Assessment and planned for through appropriate zoning of flood prone land. This planning proposal is consistent with Planning Priority 8: Natural Hazards.

The LSPS includes **Planning Priority 9: Heritage** which has a vision that cultural heritage is conserved, actively adapted for use and celebrated. It also 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.

The site's northern boundary is in close proximity to the locally listed 'Nooga' heritage item (**Figure 10**). The planning proposal includes large 2 hectare lots for subdivision throughout the Mountain Ash precinct assisting in maintaining the rural setting and context of heritage items in the locality. Additional provisions are provided through the precinct-specific Development Control Plan chapter (**Appendix 1**) which seeks to limit the impact of the proposal on the wider landscape setting.

The 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 include a declared critical habitat. The Flora and Fauna Assessment (**Appendix 11a**) submitted with the planning proposal finds that the site had been historically cleared and managed with most of the area consisting of non-native pasture improved and regularly grazed grassland. The assessment concluded that there will be no significant consequences to biodiversity in the locality subject to the implementation of a number of recommendations.

The site is within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect on water quality. This planning proposal has sought to protect waterways and catchments by prescribing a 2 hectare minimum lot size to reduce the intensity of potential uses, siting effluent management areas suitable distances from watercourses and drainage paths and rezoning overland flow corridors as C2 Environmental Conservation to reduce development potential and improve water quality outcomes. Further provisions on the appropriate design and management of developments to minimise impacts on the water catchment are provided in the *Development Control Plan* and will be applied at the development application stage.

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 4, 8, 9 and 10.

### 3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020)

The subject site is directly identified in the [Urban and Fringe Housing Strategy](#) (UFHS) as an urban release area in the Mountain Ash Precinct, as illustrated in [Figure 5](#).

The recommendations for this precinct are:

- Rezone land that is least constrained by topography and environmental constraints to large lot residential zone (un-serviced);
- A comprehensive Aboriginal Cultural Heritage Assessment is required;
- Consider suitable Environmental Zone for flood affected land;
- Any development within the Sydney drinking water catchment must have a neutral or beneficial effect (NorBE) on water quality, and
- High priority.

The Strategy also defines the area as a development opportunity for un-serviced residential lots with a minimum lot size of 2 hectares.

The *UFHS* therefore identifies the precinct as suitable for immediate release into 2 hectare residential lots subject to relevant site specific environmental assessments and approval processes.

The proposal to rezone and amend the minimum lot size for a portion of the Mountain Ash urban release area is consistent with the recommendations of the *Urban and Fringe Housing Strategy*.

### 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.

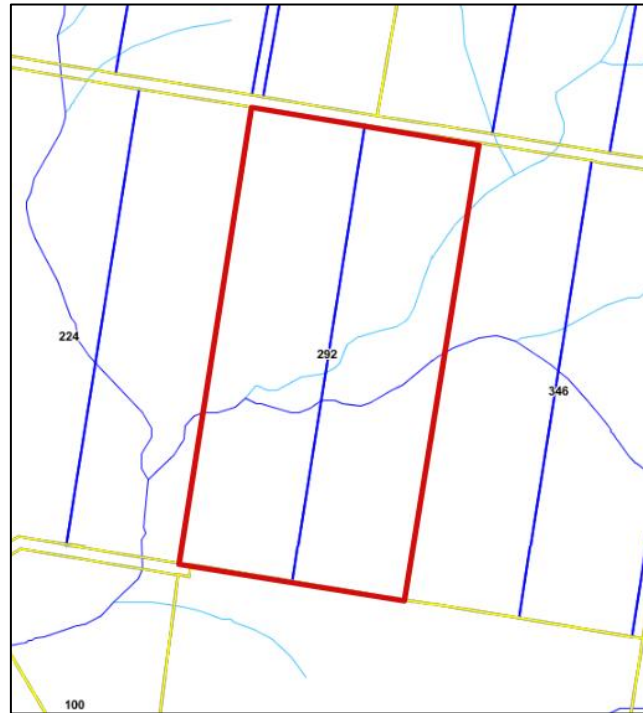
**Comment:** The site is in a location which is not serviced by Goulburn's reticulated water and sewage system. There are no current plans to extend the town's water and sewer network to this area. All lots created within the Mountain Ash precinct will be required to provide on-site rainwater collection and on-site effluent management systems.

The proposal seeks the rezoning to facilitate later subdivision of a total of 2 lots with a combined area of 32.7ha into a total of 4 lots at 2 hectares or greater in area.

The site is located approximately 5km to the southwest of the Goulburn Urban area and approximately 4km east of the Mulwaree River. A perennial drainage channel runs diagonally across the centre of the site which is also fed by a non-perennial channel which runs from the north east of the site.

**Figure 6** illustrates the location of drainage channels in relation to the subject site.

*Figure 6: Location of Drainage Channels*



Further detail on flooding and overland flow is provided in **3.6.7 Direction 4.1 Flooding**.

All areas of flood prone land are proposed to be rezoned as C2 Environmental Conservation to prevent development of the corridor. The proposed R5 Large Lot Residential lots are proposed to have minimum lot sizes of 2 hectares. These provisions serve to make clear, from a water quality perspective, that effluent management can be sited away from areas of inundation.

The proponent has submitted a concept plan (**Appendix 2**) to demonstrate the proposal's ability to accommodate the proposed development on site whilst meeting required buffer distances from drainage channels.

The concept plan illustrates proposed lots, building envelopes of 4000m<sup>2</sup> (3000m<sup>2</sup> for proposed lot 2) which include effluent management areas, the location of drainage channels and 40m and 100m offsets from these channels. These plans also illustrate a C2 Environment Conservation Zone which encompasses the drainage channels and all flood prone land where most development types are largely prohibited. The indicative layout plan illustrates all proposed building envelopes (which include effluent management areas) can achieve suitable buffer distances.

The proponent has also submitted an Onsite Wastewater Management Assessment (**Appendix 10a**) and Music Model Assessment (**Appendix 10b**). The Onsite Wastewater Management Assessment concluded the soil and slope to be suitable for

on-site effluent disposal. The Music Model Assessment indicated that a neutral or beneficial effect on water quality can be achieved for the proposed development.

The large site area at 32.7 hectares, the limited number of proposed lots at four at 2 hectares or greater in area indicate the sites potential to suitably accommodate on-site effluent disposal. The Council's overland flow modelling, alongside the submitted Flood Impact and Risk Assessment has demonstrated the extent of overland flow inundation with all flood prone land rezoned as C2 Environmental Conservation where most development types are prohibited.

The proponent has demonstrated the proposals' ability to achieve required buffer distances from drainage channels and areas of inundation alongside technical studies demonstrating the proposals ability to achieve 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 recommended practice are incorporated.

The Water NSW Pre-gateway referral response received on 20 March 2024 (**Appendix 10d**) confirms this proposal has addressed Part 6.5 of the SEPP.

Further information on safeguarding water quality is provided in **3.6.6 Direction 3.3 Sydney Drinking Water Catchments** of this report.

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.

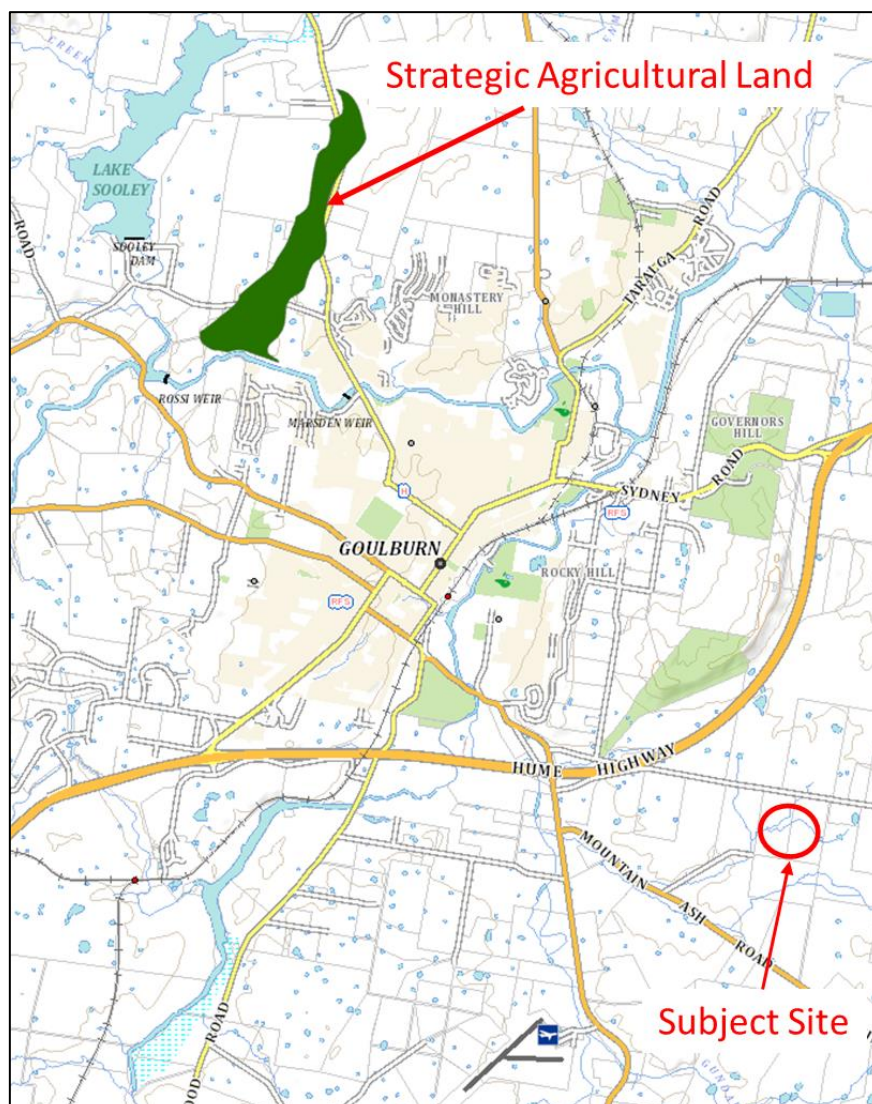


**Comment:** The *Urban and Fringe Housing Strategy* considered the significance of primary production when determining suitable opportunity areas for housing growth in the local government area. The Strategy focuses more than 80% of the anticipated housing growth up to 2036 in and directly adjacent to the urban areas of Marulan and Goulburn with most lots prescribed a 700 sq.m minimum lot size. This seeks to concentrate the majority of growth in existing service centres with only a relatively small volume of growth planned as larger lot rural residential developments. This strategy facilitates the orderly development of rural land; minimising sterilisation of rural land for primary production to those areas closest to urban service centres whilst enabling a variety of residential development types to meet demand.

The subject site has limited coverage of native vegetation, is considered highly disturbed and has low biodiversity value. Whilst the subject site will not be served by Goulburn's reticulated water and sewage system, the proposal includes suitable provisions for water storage, effluent management and demonstrates the ability 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 7](#).

Figure 7: State Significant Agricultural Land Map



The proposal only seeks large lot residential 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 on the Council's local contaminated land register or identified as significantly contaminated land. However, past agricultural activities on the site are listed as a potentially contaminating use within Table 1 of the *contaminated land planning guidelines*.

The planning proposal has been supported by a Preliminary Site Investigation (PSI) (contamination) report presented in **Appendix 12**.

These reports identified no evidence of contamination of the land or any impact from contaminating activities with no remediation identified or required.

This planning proposal has assessed the potential for contamination on the subject site and no remediation requirements have been identified.

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 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 South East and Tablelands Regional Plan is applicable to this planning proposal and this has been considered in [Section 3.3.1 South East and Tablelands Regional Plan](#) of this report. 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 R5 Large Lot Residential to enable dwelling entitlements in an area identified for development in the *Urban and Fringe Housing Strategy*. Dwellings are a permissible use within the R5 Large Lot Residential 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:** Part of the subject site is located in an area identified under the Terrestrial Biodiversity mapping layer in the *Goulburn Mulwaree Local Environmental Plan* as illustrated in [Figure 8](#). This layer indicates the potential for biodiversity values within the site and may indicate the land to be an environmentally sensitive area, as defined in the *Goulburn Mulwaree Local Environmental Plan*.

Figure 8: Terrestrial Biodiversity Map





The planning proposal has been accompanied by a Flora and Fauna Assessment (**Appendix 11a**) to identify the sites biodiversity value through a field and database assessment and highlight potential constraints to any future rezoning or development.

On site surveys for both sites were undertaken by Land Eco Consulting ecologists on:

- 10<sup>th</sup> October 2021
- 9<sup>th</sup> November 2021
- 10<sup>th</sup> November 2021
- 19<sup>th</sup> November 2021
- 30<sup>th</sup> November 2021, and
- 14<sup>th</sup> December 2021 with an additional survey date for the Rosemont Road site on 15<sup>th</sup> December 2021.

Both the assessments found the sites had been historically cleared and managed with most of the lots consisting of non-native pasture improved and regularly grazed grassland.

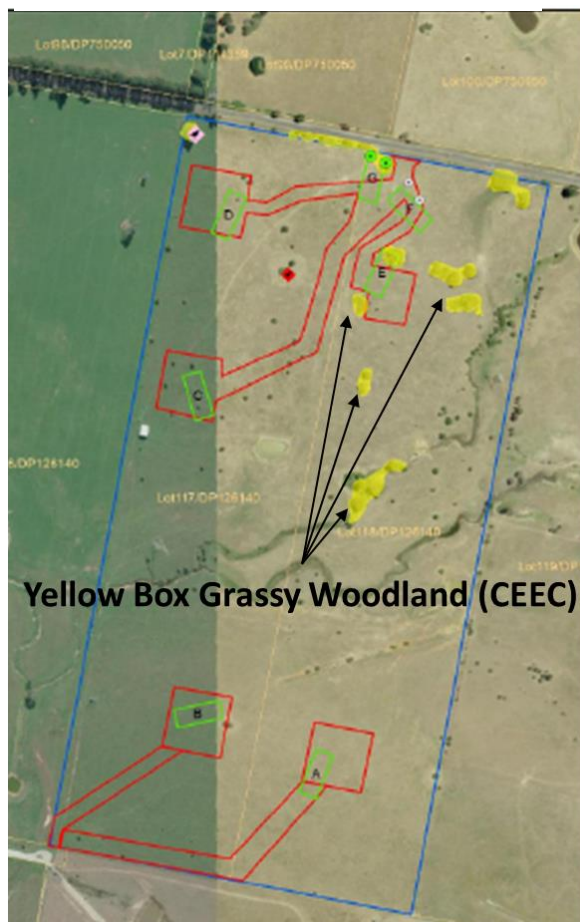
The assessment identified small areas of native grassy woodland belonging to Yellow Box-Blakleys Red Gum grassy woodland which is listed as Critically Endangered Ecological Community (CEEC) as illustrated in **Figure 9**.

The proposed subdivision layout presented in **Appendix 2**, including dwelling envelopes and access roads, illustrate avoidance of these pockets of native grassy woodlands. Required clearing will be limited to exotic dominated grassland, exotic shrubs and two large dead trees only.

The Flora and Fauna Assessment concludes there will be no significant consequences to biodiversity in the locality subject to the implementation of the recommended mitigation measures presented in the report. These recommendations include:

- Ensure all contractors are suitability qualified, experienced and informed of the sensitive ecological features and potentially occurring threatened species;
- Assign a project ecologist to conduct and oversee all ecological compliance requirements;
- Implement all relevant biological hygiene protocols and requirements to reduce the spread of priority weeds;
- Ensure ongoing management of priority weeds, and
- Ensure all trees outside the development footprint are protected from harm during earthworks and construction.

Figure 9: Native Grassy Woodland- Rosemont Site



Council's Biodiversity Officer has reviewed the Flora and Fauna Assessment and conducted a site visit on 27 April 2022 to ground truth and verify findings of the assessment. The Biodiversity Officer's comments are summarised below:

- The Biodiversity Offset Scheme area threshold is not triggered.
- Review of available data and Threatened Species Test of Significance conclusions are supported.
- Groundcover is almost entirely dominated by exotic species with a significant component of weed species, including areas to be impacted by a future subdivision.
- No threatened species of flora or fauna were found to be present during a site visit.
- Scattered remnant Ribbon Gum around drainage lines presented potential habitat for fauna and formal measures should be in place for their protection.
- Koalas are unlikely to be present on site.
- An s.88b Instrument be applied over each lot to safeguard all trees and native vegetation.

The Biodiversity Officer concludes:

*"Based on the available information and the findings of the site inspection, the conclusion of the report that the proposed development will be of no significant adverse consequence to biodiversity in the locality, region or bioregion is broadly supported".*

A copy of the Council's Biodiversity Officer's comments are available in **Appendix 11b**.

The Flora and Fauna Assessment alongside the 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, and
- Has not been declared an area of outstanding biodiversity value or declared critical habitat.

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.

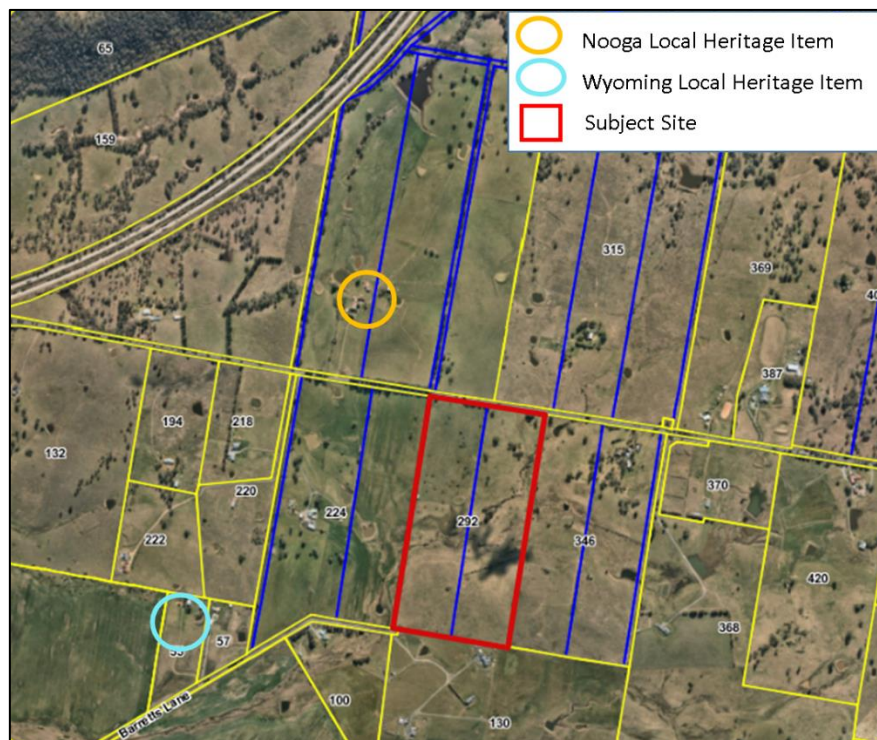
A planning proposal must contain provisions that facilitate the conservation of:

- 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

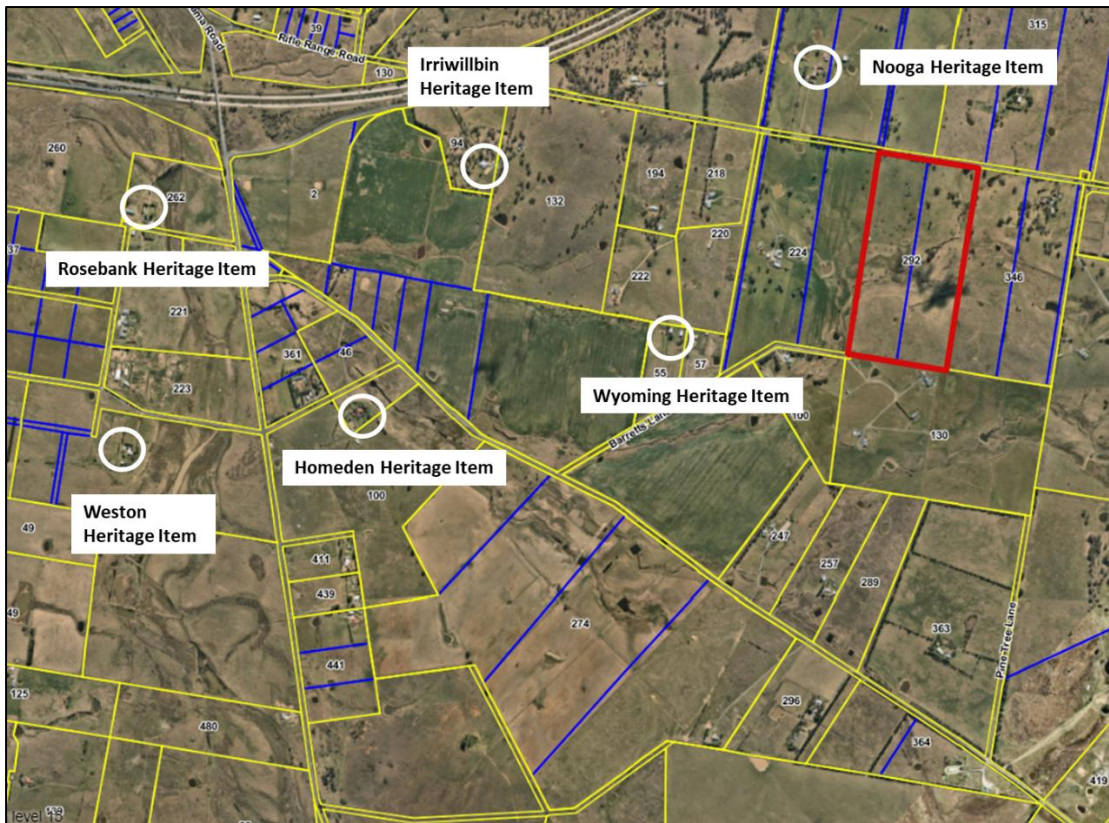
**Comment:** There are no heritage items included within the site boundary with the closest heritage item `Nooga` situated ~500m (as the crow flies) north west of the sites northern boundary, illustrated in [Figure 10](#).

Figure 10: Heritage Items in proximity to subject site



A number of other heritage items are situated within the Mountain Ash and adjacent Brisbane Grove Precincts as illustrated in [Figure 11](#).

Figure 11: Heritage Items within and adjacent the Mountain Ash and Brisbane Grove Precincts



Whilst the site does not include a heritage item within its boundaries, the proposed subdivision, alongside future nearby subdivisions in the precinct, will change the existing rural setting of heritage properties in the landscape through the introduction of additional bulk and scale of development.

Due to the potential impact of this and future proposals on the context and setting of heritage items in the landscape, the proponent submitted a Statement of Heritage Impact (SOHI) dated June 2022 (**Appendix 9**).

The SOHI identifies and assesses the proposals impact on the Nooga heritage item and their comments are summarised below:

- Proposal will not directly impact Nooga;
- The impact on the rural setting of Nooga is minimal;
- Creation of smaller lots is not unlike the initial subdivision and sale;
- The subdivision proposal does not replicate original lot boundaries but this is not considered significant;
- The setting will change over time with increased vegetation;
- Existing subdivisions have already changed the area, and
- The overall change is considered to have a small impact.

The SOHI concludes with the following statement:

*“There will be a small impact on the existing rural ambience and setting of the area as more intensive development occurs but no adverse impact on the heritage values of the heritage listed buildings of ... Nooga”.*

This planning proposal is one of a number of rezoning proposals in the Mountain Ash and Brisbane Grove precincts. Collectively these will lead to a change in the landscape character and rural context and setting of heritage items. As such a precinct specific chapter of the DCP has been drafted (**Appendix 1**) to establish the desired future character of the Mountain Ash and Brisbane Grove precincts. The precinct specific DCP chapter includes provisions to ensure future development reflects an open rural character which draws upon the heritage significance of nearby heritage items. The DCP includes the following provisions relating to mitigating and reducing impacts on heritage items through:

- A heritage specific objective;
- A European heritage specific policy;
- Requirement for the submission of an up-to-date Heritage Impact Statement with a development application;
- The application of section 88b restrictions on the title;
- Provisions on limiting site coverage and establishing setbacks;
- Design requirements for new dwellings including materials, roof design, height, style;
- Controls relating to outbuildings, secondary dwellings and ancillary structures, and
- Fencing and landscaping requirements.

The mitigations proposed through the precinct-specific development control plan chapter are tailored and site-specific controls which can be incorporated into the assessment of a subsequent development application.

This approach will ensure the conservation of European heritage significance in the Mountain Ash Precinct and the proposal is consistent with Direction 3.2 in regard to European heritage.

### 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 12** 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's location within an area identified as potentially significant indicates the potential discovery of Aboriginal finds.

A basic Aboriginal Heritage Information Management System (AHIM's) search was undertaken by Council on 21 April 2022. This search did not identify any Aboriginal sites or objects on the subject site. The search did however identify a number of recorded Aboriginal sites within 1000m of the site, as illustrated in **Figure 13**.

Figure 12: Places of Aboriginal Significance

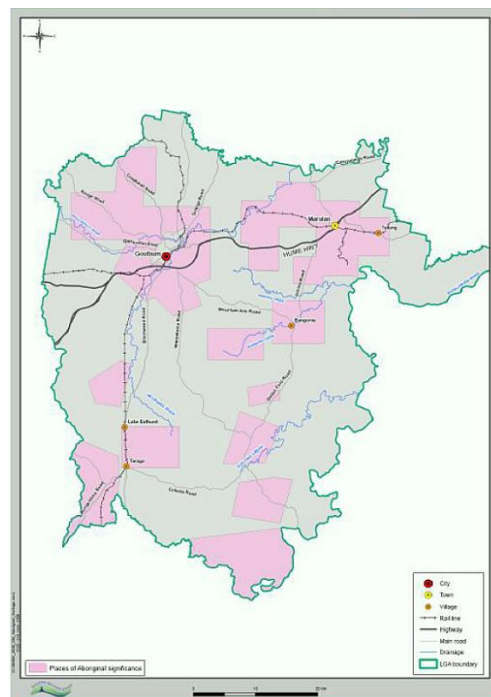
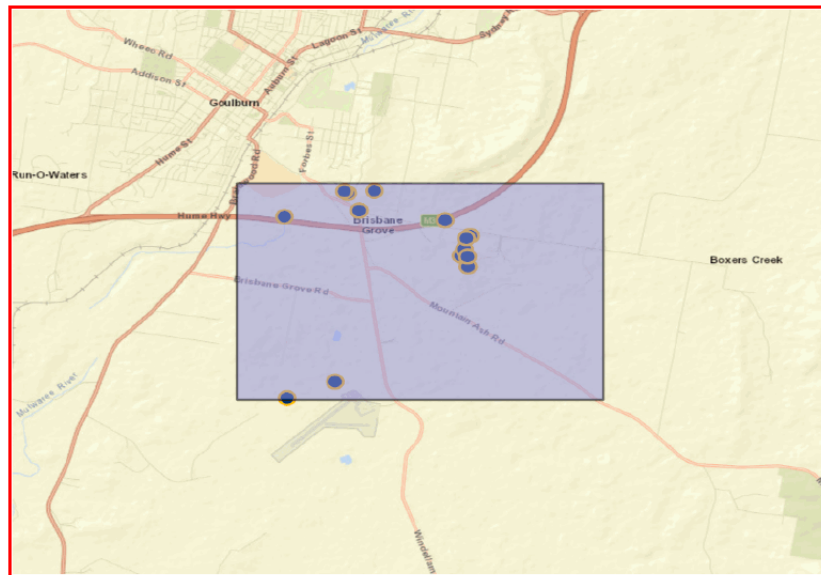




Figure 13: NSW Aboriginal Heritage Information Management System findings- accessed 21.4.2022



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

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

The *Urban and Fringe Housing Strategy* identifies, in relation to the Mountain Ash precinct, the requirement for a comprehensive Aboriginal Cultural Heritage Assessment. This is reflective of the area's identification as a place of Aboriginal significance where further, more detailed investigation is warranted.

The planning proposal submission by the proponent was accompanied by an Aboriginal Cultural Heritage Due Diligence Assessments (ACHA's) presented in **Appendix 8**.

The assessments were undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010)*.

The ACHA included a site visit with a Pejar Local Aboriginal Land Council representative on 27 July 2021 with the aim to identify heritage objects or places of Potential Archaeological Deposit (PAD).

Overall, the assessment found that none of the landform of the site is impacted by the proposed development considered to have high potential for subsurface deposits and no areas of PAD had been identified. It found the projects have low potential to impact on unrecorded Aboriginal heritage sites or areas of PAD. It concluded that the proposal should be able to proceed with no additional archaeological investigations with no requirement for an Aboriginal Heritage Impact Permit (AHIP).

The assessments included the following recommended actions:

1. Works to proceed without further heritage assessments with caution- *the proposed works can proceed without further assessment as no Aboriginal heritage sites (objects or places) have been identified with the project area.*
2. Discovery of Unidentified Aboriginal cultural material during works- *if Aboriginal material is discovered during works then the following steps should be followed;*

- *All works must cease in the vicinity of the find and project manager notified immediately.*
  - *A buffer zone of 10m should be fenced in all directions of the find and construction personnel made aware of the 'no go' zone.*
3. *Alteration of Impact footprint- further archaeological assessment would be required if the proposal activity extends beyond the area of current investigation.*

The scope of works presented in the proponents Aboriginal Cultural Heritage Due Diligence Assessment, including 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.

The planning proposal has considered Aboriginal cultural heritage through the Aboriginal Cultural Heritage Due Diligence Assessments with no impacts identified. 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:

<b>Land</b>	<b>Zone under Standard Instrument (Local Environment Plans) Order 2006</b>
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)
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and,

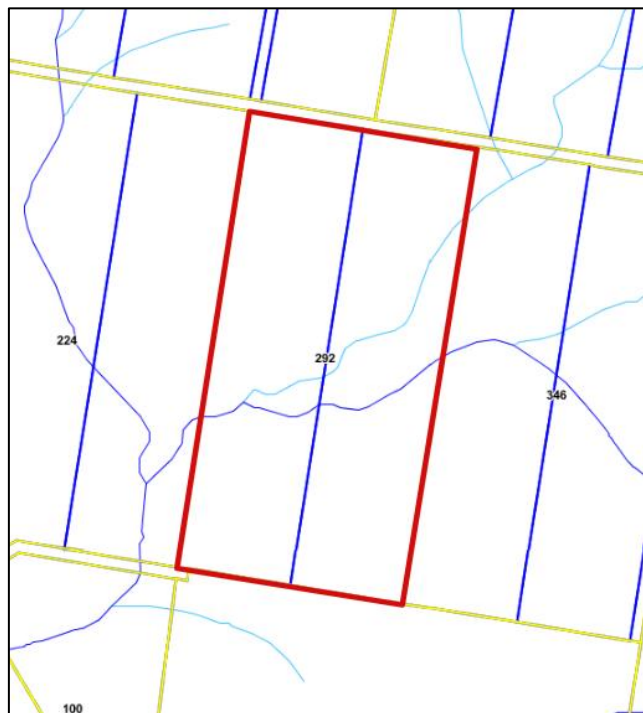
- f. Include a copy of any information received from Water NSW as result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP & A Act.

**Comment:** The subject site stands within the Sydney drinking water catchment, as such this Direction applies.

The site is located approximately 5km to the southeast of the Goulburn Urban area and approximately 4km east of the Mulwaree River. A perennial drainage channel runs diagonally across the centre of the site which is also fed by a non-perennial channel which runs from the north east of the site.

**Figure 14** illustrates the location of drainage channels in relation to the subject site.

*Figure 14: Location of Drainage Channels (2)*



The site stands in a location which is not serviced by Goulburn's reticulated water and sewage system. There are no current plans to extend the town's water and sewer network to this area.

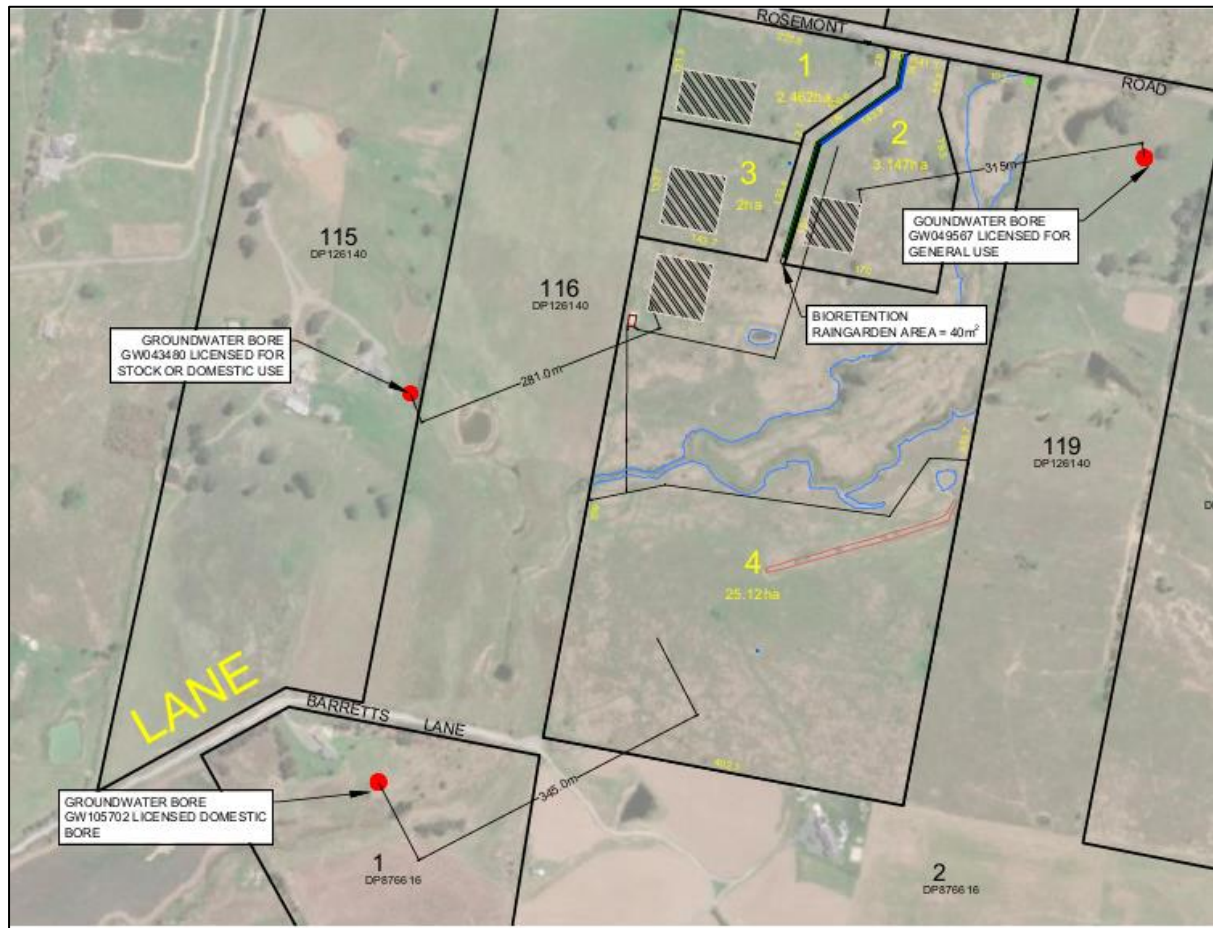
The site has 2 existing farm dams and no existing groundwater bores, effluent management areas or dwellings.

**Figure 15** illustrates the location of known groundwater bores in proximity to the subject site. Three groundwater bores stand in proximity to the subject site namely:



- GW105702 licensed for domestic use, sited more than 200m from proposed Lot 4
- GW043480 licensed for stock and domestic use, sited more than 150m from proposed Lot 3
- GW049567 licensed for general use, sited more than 150m from proposed Lot 2.

Figure 15 Location of Groundwater Bores in proximity to subject site- Extract from Onsite Wastewater Assessment



The proposal is seeking the rezoning of a combined site area of 20.9ha from RU6 Transition to R5 Large Lot Residential on 2 hectare lots alongside a C2 Environmental Conservation zone for overland flow areas. The remaining 11.7 hectares of land to the south of the drainage channels will retain its current RU6 Transition Zoning and 20ha minimum lot size. The lots will be serviced by on-site rainwater harvesting and effluent management systems.

The adopted [Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study) has assessed riverine flooding and associated risk in Goulburn. The extent of this study area did not include the subject site. However, the distance of the site from the Mulwaree River and its more elevated position relative to the river indicate they are not directly affected by riverine flood inundation. The presence of the drainage channels on the subject site does however indicate impacts from overland flow.

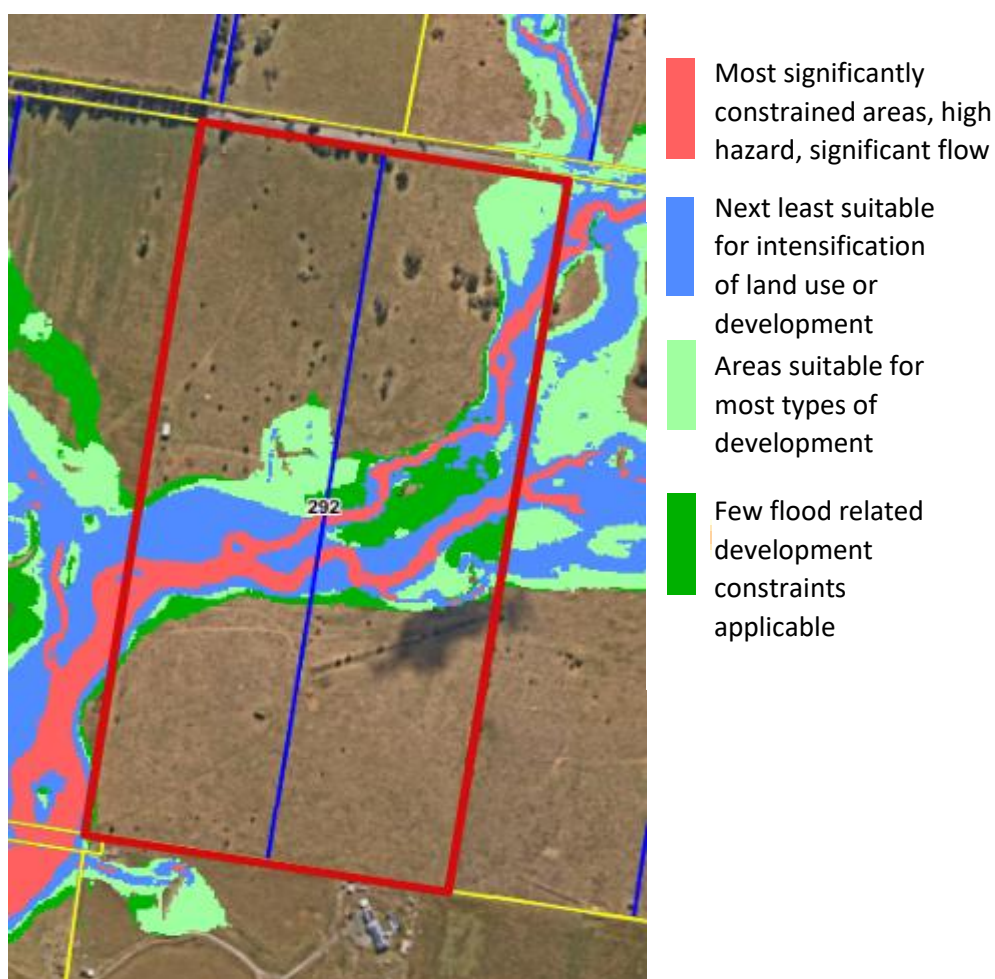
In response to the submission of this planning proposal (alongside others in the precinct), the presence of defined drainage channels on the site and the requirement

of the *UFHS* to appropriately zone flood affected land, overland flow modelling was undertaken for the Mountain Ash and Brisbane Grove precincts.

The overland flow modelling, illustrated in **Figure 16**, identifies overland flow inundation along the existing drainage lines up to and including Probable Maximum Flood events. These areas are proposed to be zoned C2 Environmental Conservation to prevent these areas from being developed and ensure water quality.

Further information on flooding is provided in **3.6.7 Direction 4.1 Flooding**

*Figure 16: Overland Flow Mapping*



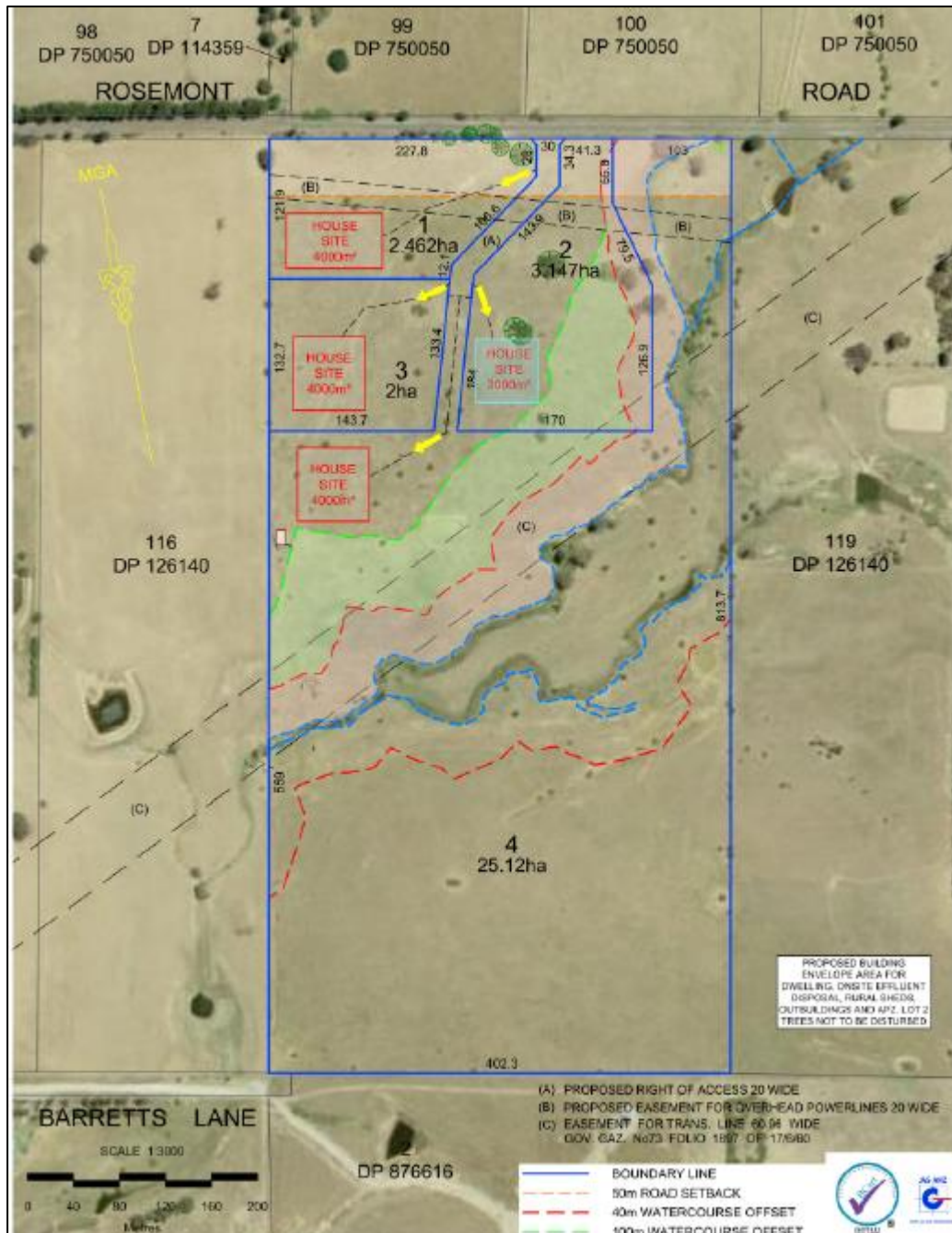
This Direction requires a planning proposal to be prepared with the general principle that water quality must be protected and requires new development to have a neutral or beneficial effect (NorBE) on water quality.

The proponent has sought to demonstrate how the proposal is able to achieve this standard through the concept plan, onsite wastewater management assessment and Music Model Assessment.

The concept plan (**Appendix 2**) illustrates proposed lots, building envelopes of 4000m<sup>2</sup> (3000m<sup>2</sup> for proposed Lot 2 at Rosemont Road) which include effluent management areas, the location of drainage channels and 40m and 100m offsets from these channels. These plans also illustrate a C2 Environmental Conservation Zone which encompasses the drainage channels and extends to all flood prone land where

most development types are largely prohibited. All proposed building envelopes would be situated outside the 40m and 100m buffer distance of the drainage channels as illustrated in [Figure 17](#).

Figure 17: Concept Plan including dwelling pads and watercourse buffers



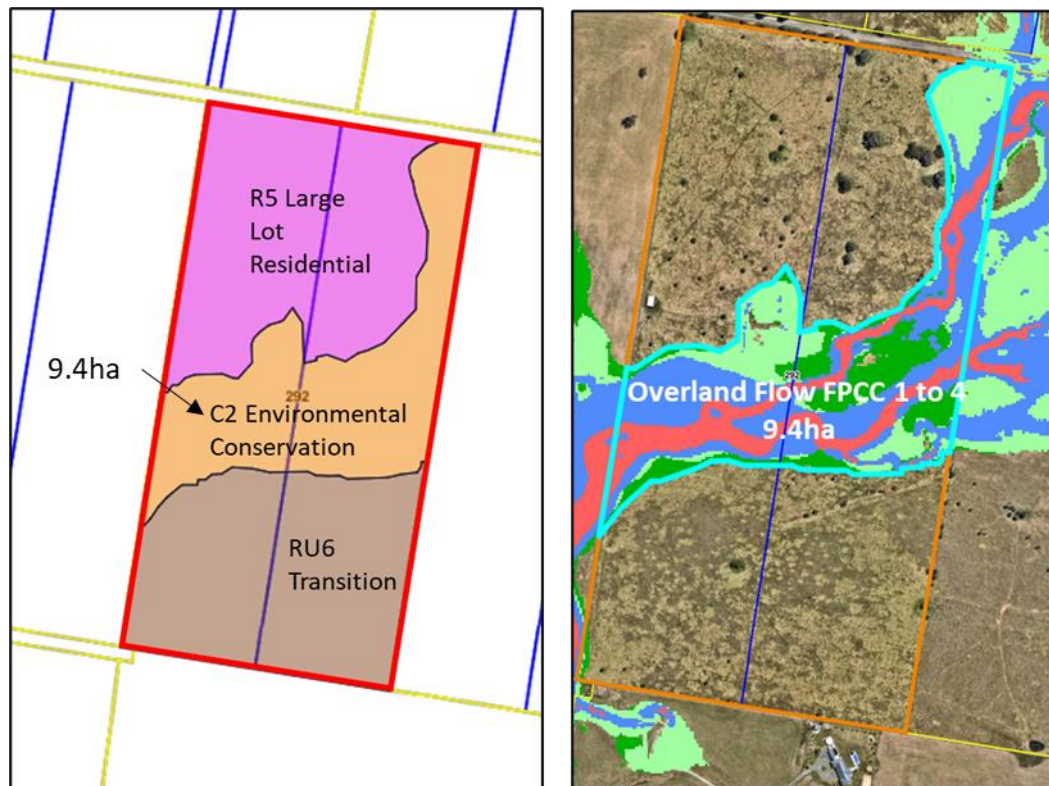
The groundwater bore maps presented in the Onsite Wastewater Assessment ([Appendix 10a](#)) and presented in [Figure 15](#) illustrate the ability of the site to ensure adequate separation distances between adjacent groundwater bores and proposed effluent management area locations.

[Figure 18](#) illustrates the application of the C2 Environmental Conservation Zone to flood prone land. This reinforces the proposals' ability to avoid areas of overland flow,



meet required buffer distances from drainage channels and accommodate the proposed number of lots.

Figure 18: Proposed C2 zone and Flood Prone Land



The Onsite Wastewater Management Assessment (**Appendix 10a**) examined the feasibility for on-site wastewater disposal for the 4 proposed lots. The assessments included:

- A review of regional maps and reports;
- Observations of surface features on and around the sites;
- Total of 2 test pits to sample surface soils;
- Soil index and classification tests to assist the assessment of the absorption capacity of the soils, and
- An engineering assessment and report which includes sizing of absorption beds.

The assessments were based upon each lot containing a 4 bedroom dwelling with 8 residents using 100 litre per day of tank water each (800L/day). The lots were modelled based on the use of an Aerated Wastewater Treatment System (AWTS) draining secondary treated effluent into an absorption bed.

The soil test results reveal the soils are not dispersive in nature and have no major chemical constraint to the onsite disposal of effluent.

The report concludes:

*“The nature and the depth of the soil contribute to the suitability of the site for on-site disposal along with the gentle sloping nature of each proposed lot.”*

The report recognise that a more accurate assessment for each lot would be required when the exact development proposal details are known at the Development Assessment Stage.

The MUSIC Model Assessment (**Appendix 10b**) has sought to assess the effect of the proposed development on water quality and provide recommendations to satisfy the NorBE requirements. The assessment concluded:

*The results of the assessment and modelling conceptually indicate that a Neutral or Beneficial Effect on water quality can be achieved for the proposed development if the following recommended treatment measures are implemented as part of the development:*

*Bioretention basin for Driveway 1- 20m<sup>2</sup>*

*Bioretention basin for Driveway 2- 20m<sup>2</sup>*

*Drainage swales*

The method of wastewater treatment is detail more relevant to the development application stage but it indicates that the site is capable of accommodating the proposed development, including on-site effluent management and achieving a Neutral or Beneficial effect on water quality.

The proposal demonstrates the ability to achieve suitable buffer distances from drainage channels and the schemes' ability to achieve a Neutral or Beneficial Effect on water quality. The proponent's findings are supported by the relatively large site sizes, the limited number of proposed lots, large 2 hectare minimum lot requirements and the application of a C2 Environmental Conservation Zone to flood prone land, which all serve to demonstrate the suitability of the sites in relation to water quality.

The C2 zone prohibits residential development with effluent management areas and wastewater systems considered ancillary to residential development are also prohibited from the zone. In addition, the draft precinct-specific development control plan chapter in **Appendix 1** establishes policy provisions which explicitly prevent the siting of effluent management areas and other ancillary residential structures within the C2 Environmental Conservation Zone. The draft DCP also requires the C2 zone to be separately fenced from the remainder of the lot to safeguard against encroachment.

The proposed C2 Environmental Conservation zone which encompasses flood prone land, serves to make clear from a water quality perspective that effluent disposal can be sited on the subject site and away from areas of inundation. It also provides for improved water quality outcomes.

Water NSW provided a pre-gateway referral response on the previous planning proposal (**Appendix 10c**). It stated that the site was capable of sustaining the proposed development (5 lot subdivision), but more information was required on groundwater bore locations and flooding.

Water NSW provided a Pre-gateway referral response on the current planning proposal on 20 March 2024 (**Appendix 10d**) which related to the reduced subdivision proposal of 4 lots. The response considered that the previous requirements around additional information on groundwater bore locations and flooding had been addressed in this revised proposal. It also stated that the revised subdivision layout better responded to site constraints, particularly flooding risk.

The referral response concluded that *Water NSW has no objections to the planning proposal*.

It should be noted that Water NSW were not provided with the updated version 10 of the Brisbane Grove & Mountain Ash Precinct specific DCP chapter. Water NSW did not provide any comment on the DCP chapter as the pre-gateway stage of this proposal.

#### Strategic Land and Water Capability Assessment (SLWCA)

The pre-gateway referral response (20 March 2024) included a Strategic Land and Water Capability Assessment (SLWCA) for unsewered residential lots between 4,000sq.m and 2ha, illustrated in [Figure 19](#).

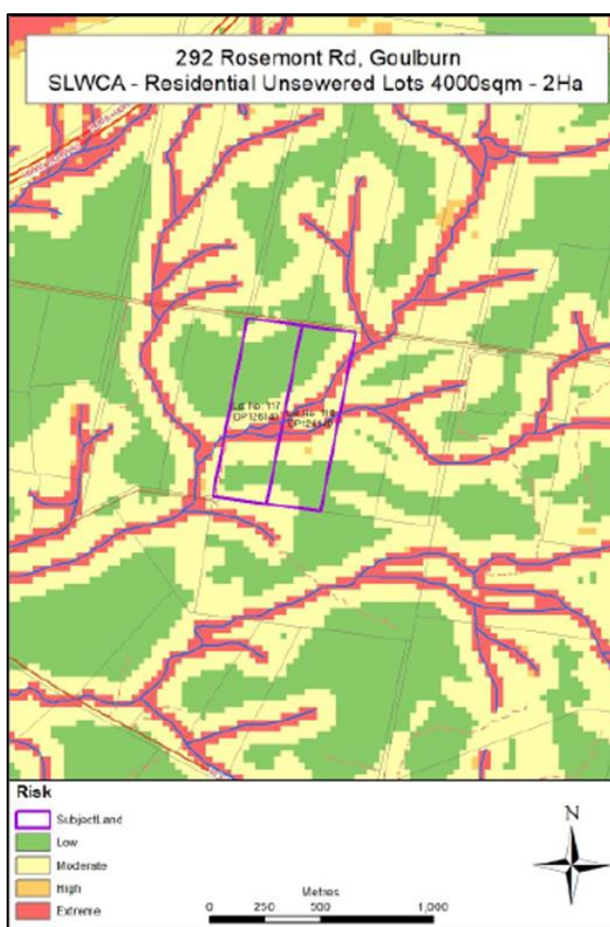
The SLWCA illustrates that water quality risk varies from low to extreme with extreme areas associated with the watercourses and having very low capability for unsewered residential development. The areas illustrated as extreme risk generally accord with the location of the proposed C2 zoning where residential and ancillary development is prohibited. This approach is supported by Water NSW.

The site has a mix of areas with low and moderate risk to water quality with the northwestern section demonstrating low risk and high capability for unsewered development. All four proposed lots are located in the northwestern section of the site. Water NSW considers *The proposed zoning is therefore generally compatible with the water quality risks for the site as generated by the SLWCA analysis and outputs*.

Figure 19: Strategic Land and Water Capability Assessment

This planning proposal is consistent with Direction 3.3 in that the planning proposal has:

- Demonstrated consistency with Chapter 6 (part 6.5) of the Biodiversity and Conservation SEPP
- Considered the Strategic Land and Water Capability Assessment provided at the pre-gateway stage by Water NSW.
- Consulted with and considered the response by Water NSW on the proposal prior to submission for Gateway determination.





### 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, Employment, Mixed use, W4 Working waterfront 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 a significant increase in the development and/or dwelling density of that land
  - e. 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.
  - f. 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.
  - g. 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
  - h. 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.

### Consistency

A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:

- a) The planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the *Floodplain Development Manual 2005*, or
- b) Where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the *Floodplain Development Manual 2005* or
- c) The planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the *Floodplain Development Manual 2005* and is consistent with the relevant planning authorities' requirements, or
- d) The provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

### Comment:

### Background

#### *Goulburn Floodplain Risk Management Study and Plan*

[The Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study) was adopted by Council on 16 August 2022 and has been developed in collaboration with the Department of Planning and Environment- Environment, Energy and Science. The Flood Study was prepared by GRC Hydro. The Flood Study was 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 study area does not include the subject site but models the extent of riverine flooding with flood inundation identified on nearby roadways and intersections. The Flood Study also included a Development Control Policy (**Appendix 14b**) which applies controls to both flood prone land within the Flood Study boundaries and areas outside the scope of the Study.

The Flood Study and DCP flood policy implements Flood Planning Constraint Categories (FPCC) which groups similar types and scales of flood related constraints. Four FPCC's have been established to separate areas of the floodplain from the most constrained and least suitable areas for intensification of land use. The FPCC's are presented in **Table 1** below:

*Table 1: Flood Planning Constraint Categories*

Category	Summary
FPCC1	FPCC1 identifies the most significantly constrained areas, with high hazard or significant flood flows present. Intensification of use in FPCC1 is generally very limited except where uses are compatible with flood function and hazard.
FPCC2	FPCC2 areas are the next least suitable for intensification of land use or development because of the effects of flooding on the land, and the consequences to any development and its users.
FPCC3	FPCC3 areas are suitable for most types of development. This is the area of the floodplain where more traditional flood-related development constraints, based on minimum floor and minimum fill levels, will apply.
FPCC4	FPCC4 is the area inundated by the PMF (extent of flood prone land) but outside FPCC1-3. Few flood-related development constraints would be applicable in this area for most development types. Constraints may apply to key community facilities and developments where there are significant consequences to the community if failed evacuations occur.

The DCP flood policy applies different flood planning controls depending on the proposed land use category to ensure that new development does not increase flood risk.

The Flood Study focuses on the modelling of riverine flooding for the full range of floods, up to and including the Probable Maximum Flood (PMF), and presents tailored controls to address the relative impacts on life and property from inundation. The Flood Study recommends that an *Overland Flow Flood and Floodplain Risk Management Study* be undertaken subsequent to the Flood Study upon which specific overland flow development controls can be established.

Council has initiated the preparation of the overland flow study following a successful funding bid through the NSW Department of Planning and Environment Floodplain Management Grants program. This project is expected to be finalised in December 2025.

However, in light of the emerging planning proposals within the Mountain Ash and Brisbane Grove precincts, the presence of natural drainage channels in the landscape and potential overland flow impacts, Council commissioned overland flow modelling. This modelling utilised the same data and methodology as the riverine flood modelling and mapping within the Flood Study. This has resulted in a mapping layer which illustrates the location and likely extent of overland flow flooding and the relative risk to life and property. The overland flow mapping also includes Flood Planning Constraint Categories which have been identified by the same consultant who prepared the Flood Study (GRC Hydro). This modelling will directly inform the *Overland Flow Flood and Floodplain Risk Management Study* and the updated overland flow development controls within the *Goulburn Mulwaree Development Control Plan*.

The overland flow model maps are available to view on the Council's website at: <https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-10>

Both the Flood Study and the overland flow modelling have accounted for climate change utilising the ARR2016 methodology to determine the projected increase in precipitation intensity. These details have been utilised to determine increased rainfall for the 1%, 0.5% and 0.2% flood events up to 2090 and incorporated into the riverine and overland flow modelling.

*Previous Planning Proposal- (PP-2022-1180) (REZ/0006/2122)*

As explained in the introduction to this report, this proposal is a revision and resubmission of a planning proposal submitted to Council in April 2022. A copy of the original planning proposal submission from the proponent is presented in **Appendix 5** alongside the original concept layout plan in **Appendix 4**. The original proposal included two separate subject sites, namely 292 Rosemont Road and 100 Mountain Ash Road (previously incorrectly identified as 46 Mountain Ash Road). This revision and resubmission do not include the Mountain Ash Road site and only relates to 292 Rosemont Road.

The original proposal sought a five-lot subdivision of the site including rezoning flood affected land identified as flood constraint category 1 & 2 (most severe and constrained areas) as C2 Environmental Conservation and the remainder of the site as R5 Large Lot Residential. The original proposal sought the creation of dwellings on areas north and south of the two central creek lines with lot access proposed from both Rosemont Road for the northern lots and Barrett's Lane for the southern lots.

The original proposal was submitted to the Department of Planning and Environment for its adequacy assessment and gateway determination on 8<sup>th</sup> March 2023. The Department reviewed the proposal and considered, due to the presence of flood prone land on site and potential evacuation issues and related increases in risk, that a Flood Impact and Risk Assessment was required before a Gateway assessment could progress. The application was returned and the proposal closed on the planning portal on 26<sup>th</sup> April 2023. A copy of the Adequacy Assessment Decision Rationale is presented in **Appendix 7**.

Since the failed adequacy assessment, the proponent has undertaken revision to the original concept layout plan to assist in flood risk management as follows:

- Reduce the number of proposed lots from 5 to 4;
- Rezoning all flood prone land (not just categories 1 & 2) as a C2 Environmental Conservation Zone;
- Reducing the proposed R5 zoned area to flood-free land to the north of the creek lines only (leaving flood free land to the south of the creek with its current RU6 zoning), and
- Ensuring no access provision to Barrett's Lane (which experiences inundation).

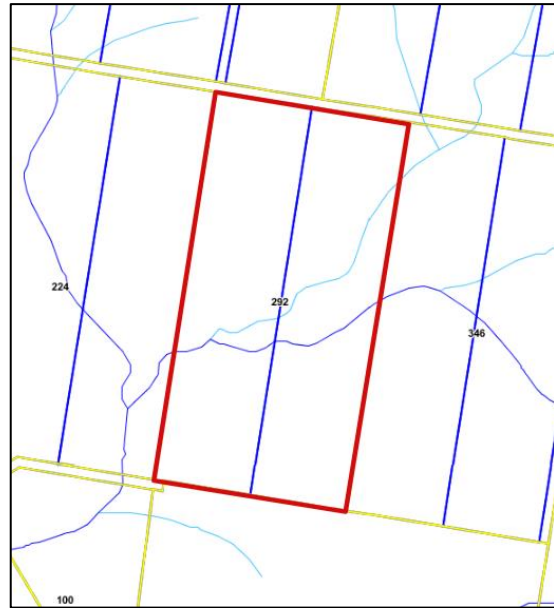
In addition to the above, the proponent also commissioned GRC Hydro to prepare a Flood Impact and Risk Assessment (**Appendix 14a**) to accompany the revised planning proposal. Further detail on the FIRA is presented later in this report.

## **Direction 4.1 Flooding**

### *Applicability of Direction 4.1*

The site stands approximately 5km to the southeast of the Goulburn Urban Area and approximately 4km east of the Mulwaree River. A perennial drainage channel runs diagonally across the centre of the site which is also fed by a non-perennial channel which runs from the north east of the site.

Figure 20: Location of Drainage Channels



**Figure 20** illustrates the location of drainage channels in relation to the subject site.

The adopted [Goulburn Floodplain Risk Management Study and Plan](#) (The Flood Study) has assessed riverine flooding and associated risk in Goulburn.

The extent of this study area (**Figure 21**) did not include the subject site but did encompass some access routes and nearby intersections. It must be noted

however that the overland flow modelling was extended to include the Mountain Ash and Brisbane Grove Precincts. It illustrates that some access routes from the site into the urban area are affected by flood inundation during certain flood events with potential implications on evacuation.

The distance of the site from the Mulwaree River and the more elevated position relative to the river indicate the site is not directly affected by riverine flooding. The presence of the drainage channels through the site does however indicate impacts from overland flow.



[illegible]

*Figure 22: Extent of Flood Prone Land*

292

- Most significantly constrained areas, high hazard, significant flow
- Next least suitable for intensification of land use or development
- Areas suitable for most types of development
- Few flood related development constraints applicable



#### Addressing Direction 4.1(1)- Consistency with relevant policy and guidance

This Direction requires a planning proposal to include provisions that give effect to and are consistent with:

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

The above-mentioned Floodplain Development Manual 2005 was replaced by the Flood Risk Management Manual (and Toolkit) and Flood Prone Land Policy in June 2023. Whilst Ministerial Direction 4.1 does not reflect this change, the assessment of consistency within this planning proposal considers the updated advice and guidance.

The **NSW Flood Prone Land Policy's** (The Flood Policy) primary objective is to reduce the impacts of flooding and improve community resilience. The policy recognises that flood prone land is a valuable resource and proposals for rezoning should be the subject of careful assessment which incorporates consideration of local circumstances.

The policy requires:

- a merit-based approach to be adopted for all development decisions in the floodplain;
- a reduction in flooding impacts and liability on existing developed areas
- limiting the potential for flood losses in all areas proposed for development by the application of ecologically sensitive planning and development controls.

The **Flood Risk Manual** (the Manual) requires planning proposal authorities to consider the principles of the Manual and advice provided in the supporting Toolkit. The Manual establishes the following Vision:

*“Floodplains are strategically managed for the sustainable long-term benefit of the community and the environment, and to improve community resilience to floods”*

and the following 10 principles for flood risk management:

1. Establish sustainable governance arrangements;
2. Think and plan strategically;
3. Be consultative;
4. Make flood information available;
5. Understand flood behaviour and constraints (for the full range of floods);
6. Understand flood risk and how it may change (for the full range of floods);
7. Consider variability and uncertainty;
8. Maintain natural flood functions;
9. Maintain flood risk effectively, and
10. Continually improve the management of flood risk.

Principle 9 is of particular relevance to this planning proposal as the proponents' submitted FIRA explicitly addresses flood risk and flood risk management.

Principle 9 identifies that effective flood risk management requires a flexible, merit-based approach to decision-making which in turn supports sustainable use and development of the floodplain. It establishes that effective flood risk management

starts with developing an understanding of the full range of flood behaviour, constraints, risk and how these may change over time.

The Manual highlights the requirement for a robust understanding and analysis of risk which can then be deployed to determine whether the risk is acceptable and determine if additional action is required to further reduce identified residual risk.

The **Flood Risk Management Toolkit** (the Toolkit) provides more detailed guidance on how to meet the objectives of the Flood Policy and Manual and these documents have been considered in both the development of the Flood Impact and Risk Assessment and the preparation of this planning proposal. The following documents in the Toolkit are especially pertinent to this planning proposal:

- [EM01- Support for Emergency Management Planning](#)
- [LU01- Flood Impact and Risk Assessment](#)
- [FB01- Understanding and Managing Flood Risk](#)
- [MM01- Flood Risk Management Measures](#)

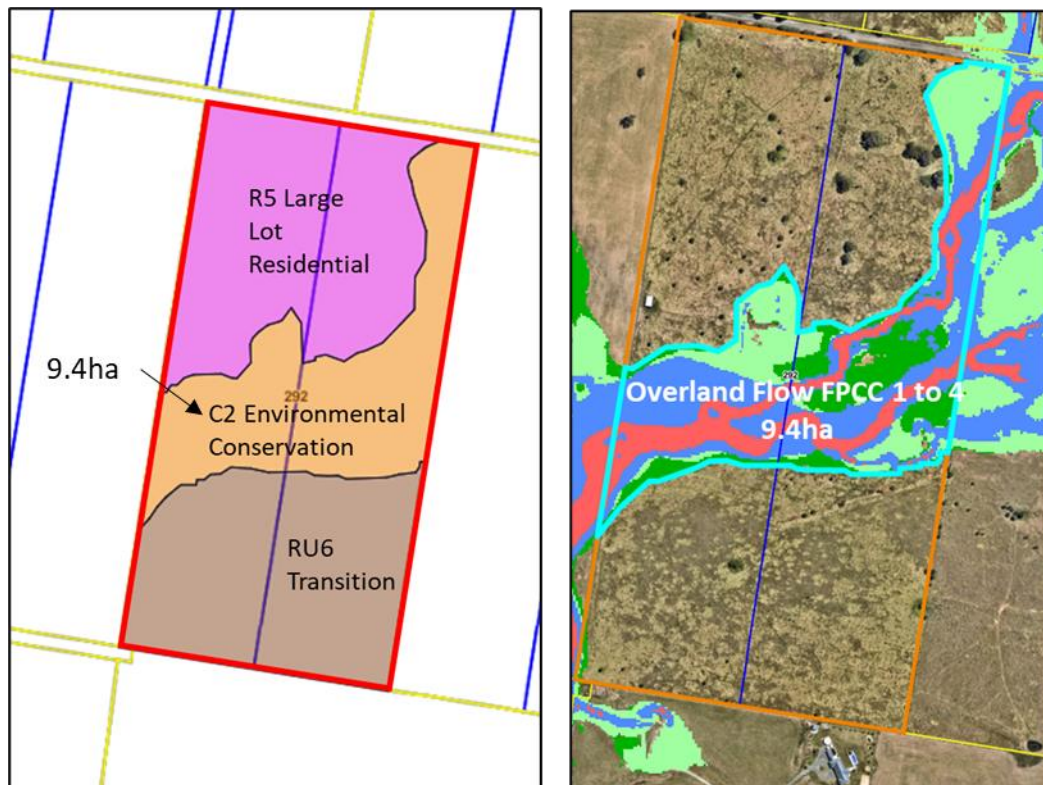
The proposal's consistency with the Flood Policy, The Manual and Toolkit are largely addressed in the proceeding paragraphs titled *Addressing Directions*. Specific focus is given to flood impacts to other properties, evacuation and safe occupation considerations and increased requirement for spending on flood mitigations and emergency response measures in the *Understanding Flood Impacts* sub-heading later in this report.

#### *Addressing Direction 4.1(2)-Rezoning from the Flood Planning Area*

This direction requires that a planning proposal does not rezone land within the flood planning area from recreation, rural, special purposes or conservation zones to a residential zone.

This planning proposal is seeking the rezoning of part of the existing RU6 Transition zoned site to a residential use. To ensure Direction 4.1(2) is satisfactorily addressed and flood prone land is not rezoned from rural to residential, the full extent of overland flow inundation is proposed to be rezoned to C2 Environmental Conservation, as illustrated in [Figure 23](#).

Figure 23: Proposed C2 zoning and Flood Prone Land



This planning proposal will not rezone any flood prone land, including the flood planning area, from a rural zone to a residential zone.

Addressing Direction 4.1(3)-provisions that apply to the flood planning area

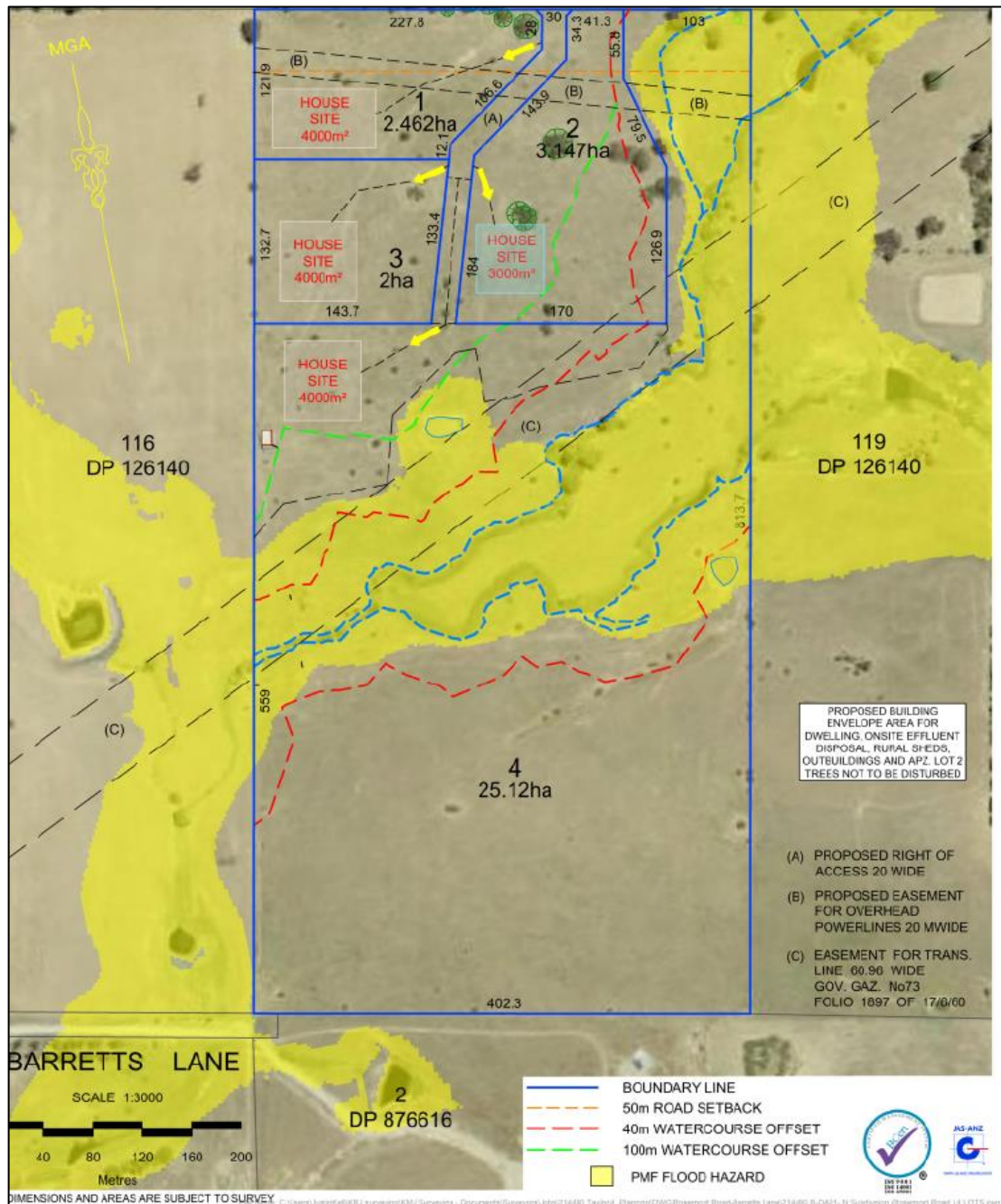
As identified above, this planning proposal proposes to rezone all flood prone land as C2 Environmental Conservation where most development types are prohibited including residential. This zoning significantly reduces the potential provisions relating to the flood planning area to only those permissible in the C2 zone, as listed below:

- Backpackers' accommodation;
- Bed and breakfast accommodation;
- Emergency services facilities;
- Environmental facilities;
- Environmental protection works;
- Extensive agriculture;
- Farm buildings;
- Information and education facilities;
- Oyster aquaculture;
- Recreation areas;
- Recreation facilities (Outdoor);
- Roads, and
- Signage.

These permissibilities are further constrained through the Precinct-specific DCP chapter which prohibits residential development, including ancillary residential structures from being constructed with the flood prone C2 zoned land.

The proponents submitted concept plan, illustrated in **Appendix 2** and **Figure 24** highlights the location of the four proposed dwelling pads wholly within the R5 zone and outside the proposed C2 zone which encompasses the full extent of flood prone land on the site.

Figure 24: Concept Layout with PMF extent



The proposed zoning and the identified lot arrangement, ensures development avoids flood prone land and maintains consistency with the following parts of Direction 4.1(3):

- Direction 4.1(3)(a) & (c)- permit development in floodway's and high hazard areas

As illustrated in [Figure 23](#), all flood prone land is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited, including residential. This ensures, alongside prohibitions in the precinct-specific DCP, that development is not permitted within floodway's or high hazard areas.

- Direction 4.1(3)(b)- permit development that will result in significant flood impacts to other properties.

Consistency with Direction 4.1(3)(b) is addressed under *Understanding Flood impacts* sub-heading later in this section.

- Direction 4.1(3)(d)- increase in development/dwelling density of the land.

As previously identified no development is proposed within the flood planning area with dwelling pads and associated structures located wholly within flood free land. The Precinct specific DCP chapter also prohibits the development of the C2 zoned land for residential purposes. This planning proposal does not contain provisions that apply to the flood planning area which permit an increase in development or dwelling density.

- Direction 4.1(3)(e)- permit development for the purposes of uses where occupants cannot effectively evacuate.

This planning proposal is seeking 4 large lot residential lots to provide for four dwellings. The proposal does not include land uses which are difficult to evacuate during an emergency such as childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities etc. This proposal would not therefore include development in which occupants of these land use types cannot effectively evacuate. In addition, the proposed C2 zone which encompasses the flood planning area (and all flood prone land) expressly prohibits the more difficult to evacuate uses including childcare facilities, hostels, boarding houses group homes, hospitals, residential care facilities, respite day care centres and seniors housing.

- Direction 4.1(3)(f)- permit development to be carried out without development consent.

As noted above, the flood planning area and all flood prone land is to be rezoned C2 Environmental Conservation, where firstly the range of permissible uses are very limited and secondly where the Local Environmental Plan does not permit any development without consent. The planning proposal does not contain provisions which permit development to be carried out without development consent.

- Direction 4.1(3)(g)- Significantly increased requirement for government spending

Consistency with Direction 4.1(3)(g) is addressed under *Understanding Flood impacts* sub-heading later in this section.

- Direction 4.1(3)(h)- Hazardous industries and storage establishments



As noted above, the flood planning area and all flood prone land is to be rezoned C2 Environmental Conservation. This zone prohibits heavy industrial storage establishments which is the parent definition for hazardous storage establishments. Hazardous industries fall under the parent definition of Industries which is also prohibited from the C2 zone. This proposal does not contain provisions which permit hazardous industries or hazardous storage establishments.

#### Application of Direction 4.1(4)- Special Flood Considerations

Direction 4.1(4)- Special Flood Considerations includes additional provisions which must be considered through a planning proposal applicable to areas between the flood planning area and the probable maximum flood to which special flood considerations apply.

The Council considered the optional inclusion of the Special Flood Considerations Clause (5.22) into the GM LEP on 2nd November 2021. Council endorsed the inclusion of the Clause as applied to correctional centres, hospitals, hazardous industries, hazardous storage establishments and emergency service facilities (**Appendix 6c**).

The Special Flood Consideration clause (5.22) was subsequently gazetted on 10<sup>th</sup> November 2023 at which point the clause was formally incorporated into the Goulburn Mulwaree LEP and forms a material consideration in the determination of related development applications.

This planning proposal does not include provisions for the uses adopted by Council for application of the Special Flood Consideration clause and would therefore not normally apply. However, due to the extent of known riverine and overland flow inundation events within the Mountain Ash and Brisbane Grove precincts, these areas have been identified with the Precinct-specific DCP chapter as areas to which clause 5.22(2)(b) applies. Clause 5.22(2)(b) states:

*This clause applies to-*

- (b) For development that is not sensitive and hazardous development- land the consent authority considers to be land that, in the event of a flood, may-*
  - i. Cause a particular risk to life, and*
  - ii. Require evacuation of people or other safety considerations*

Due to identification of the precinct as land to which the special flood considerations clause 5.22 of the GM LEP applies, Direction 4.1(4) also applies and is addressed below:

#### Addressing Direction 4.1(4)- Special Flood Considerations

As previously identified above, this proposal is seeking the rezoning of all flood prone land, including land between the flood planning area and the PMF, to a C2 Environmental Conservation zone where most forms of development, including residential are prohibited.

The proposed zoning and the identified lot arrangement, ensures development avoids flood prone land and maintains consistency with the following parts of Direction 4.1(4):

- Direction 4.1(4)(a)- permit development in floodway areas



As illustrated in [Figure 23](#), all flood prone land is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited, including residential. This ensures, alongside prohibitions in the precinct-specific DCP, that development is not permitted within floodway's

- Direction 4.1(4)(b)- permit development that will result in significant flood impacts to other properties

Consistency with Direction 4.1(4)(b) is addressed under *Understanding Flood impacts* sub-heading later in this section.

- Direction 4.1(4)(c)- increase in dwelling density of the land.

As previously identified, no development is proposed between within the flood planning area and the PMF with dwelling pads and associated structures located wholly within flood free land. The Precinct specific DCP chapter also prohibits the development of the C2 zoned land for residential purposes. This planning proposal does not contain provisions that apply to land between the flood planning area and the PMF which permit an increase in dwelling density.

- Direction 4.1(4)(d)- permit development for the purposes of uses where occupants cannot effectively evacuate.

This planning proposal is seeking 4 large lot residential lots to provide for four dwellings. The proposal does not include land uses which are difficult to evacuate during an emergency such as childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities etc. This proposal would not therefore include development in which occupants of these land use types cannot effectively evacuate. In addition, the proposed C2 zone which encompasses all flood prone land expressly prohibits the more difficult to evacuate uses, including childcare facilities, hostels, boarding houses group homes, hospitals, residential care facilities, respite day care centres and seniors housing.

- Direction 4.1(4)(e)- safe occupation and efficient evacuation of the lot

As previously noted, this proposal seeks to locate all four proposed dwelling pads outside of any flood prone land which ensures residents can occupy their homes during any and all flood events up to and including the PMF. The siting of dwellings above the PMF supports their safe occupation and negates the need to evacuate. Despite this benefit residents are still subject to indirect isolation risk when local roads become inundated.

Further detail on general evacuation requirements, potential constraints to the subject site and consistency with Direction 4.1(4)(e) are presented under the *Understanding Flood Impacts* sub-heading later in this section.

- Direction 4.1(4)(f)- Significant increased requirement for government spending

Consistency with Direction 4.1(4)(f) is addressed under *Understanding Flood Impacts* sub-heading later in this section.

## Understanding Flood Impacts

### *Significant flood impacts to other properties*

The Flood Impact and Risk Assessment (FIRA) (**Appendix 14a**), alongside the concept plan (**Appendix 2**) demonstrate that no development works, civil earthworks or road works are proposed on flood prone land including the PMF flood event. This ensure that changes to flood behaviour due to loss of conveyance or storage will not occur. In addition, the proposal seeks to develop approximately 1.5 hectares of the site for built development with the remainder of the site remaining as pervious surfacing. The level of proposed additional imperviousness in relation to both the overall site at 32.7ha and the wider 730km<sup>2</sup> catchment is considered negligible. As such no significant flood impacts are anticipated to other properties.

### *Safe Occupation and Efficient Evacuation*

The proposed C2 zoning encompassing all flood prone land and the siting of dwelling pads, as illustrated on the concept plan (**Appendix 2**) outside flood prone land, ensures that future residents will not become inundated during any flood event including the PMF. This avoids the need for future residents to evacuate their homes during a flood event. Despite this benefit, the Flood Study indicates that some roadways and intersections leading from the site to the urban area (the area with a concentration of services and facilities) become inundated during certain flood events. This in turn restricts potential evacuation routes, during particular flood events, and leads to potential isolation of residents.

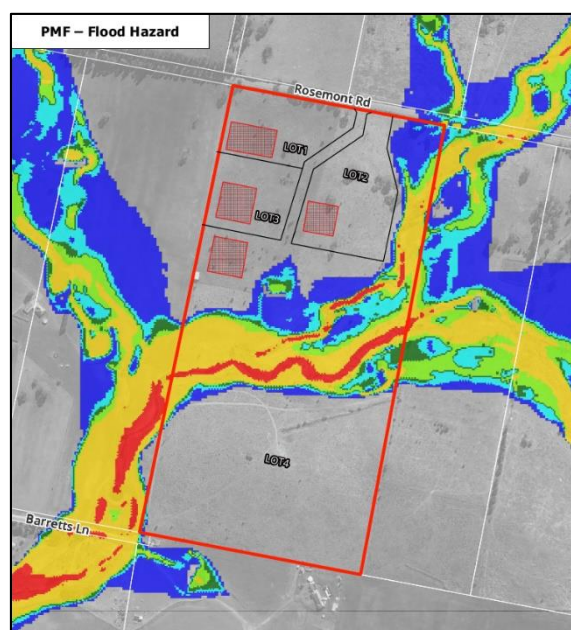
The planning proposal has been accompanied by a Flood Risk and Impact Assessment (FIRA) (**Appendix 14a**) which examines flood warning times, models flooding on and off the site and seeks to identify and quantify:

- An evacuation route from the site to the Goulburn urban area;
- During which flood events the evacuation route become inundated;
- Where the evacuation route becomes inundated;
- The depth of flood waters along the evacuation route, and
- The duration of inundation of the evacuation route.

Figure 25: PMF Flood Hazard Map (Source: FIRA)

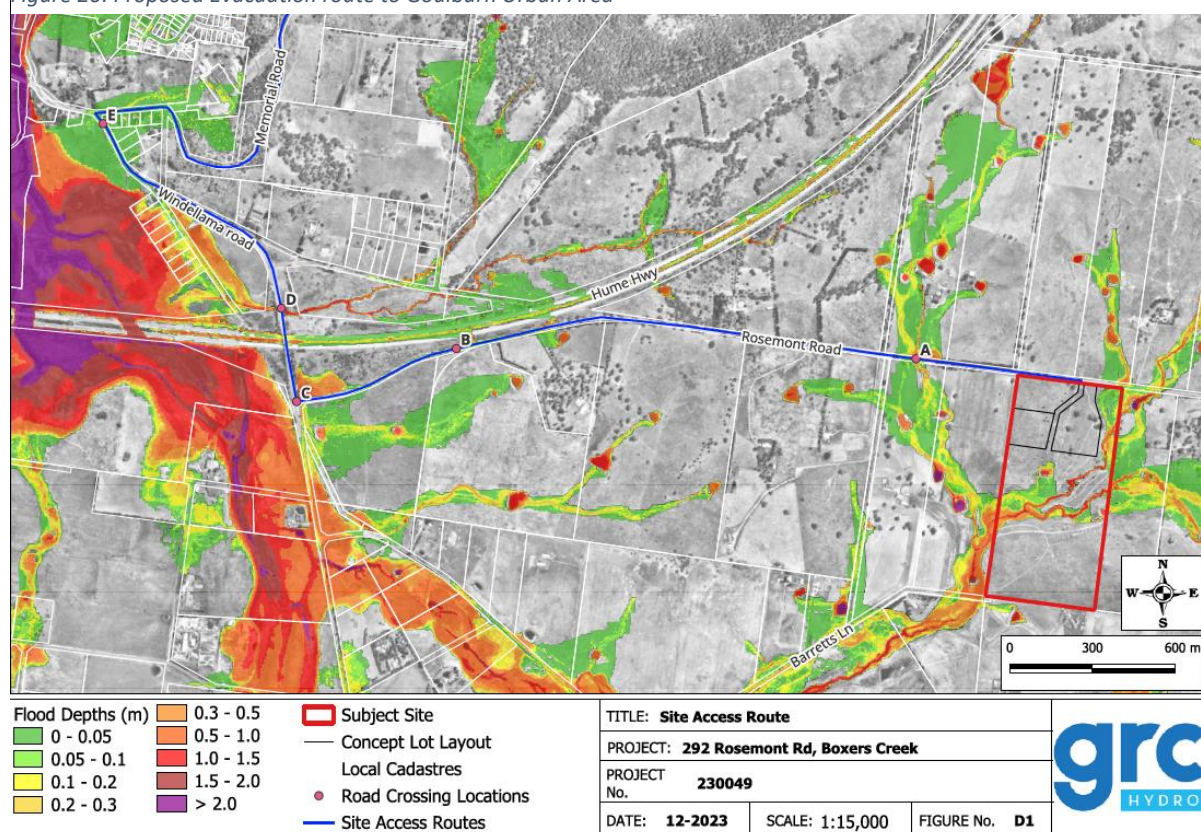
The FIRA identifies that the proposed development will provide internal access roads which are flood free up to an including the PMF. In addition, the internal access roads connect to a flood free area of the external Rosemont Road, as illustrated in **Figure 25**. Future residents will therefore be able to exit the subject site onto an evacuation route during any and all flood events including a PMF event.

The FIRA further identifies a potential evacuation route which has the lowest flood liability from the subject site to the concentration of services and facilities in the Goulburn urban area illustrated in



**Figure 26** below and Figure D1 of the FIRA (**Appendix 14a**).

Figure 26: Proposed Evacuation route to Goulburn Urban Area



**Figure 26** includes points of potential inundation, identified as points A to E and **Table 2** below identifies the frequency and duration of road flooding along this route.

**Figure 26** and **Table 2** highlight that the first point of inundation- point A- first becomes inundated during a 1% event but with a negligible depth of 5cm. The depth of inundation only becomes hazardous during a PMF event at a depth of 42cm for a duration of approximately 3 hours.

The second point of inundation- point B- first becomes inundated during a 0.2% event but with a negligible depth of 1cm. The relative depth of flood waters only increases to 24cm during a Probable Maximum Flood event for a duration of 1.3 hours.

The third point of inundation- point C- first becomes inundated during a PMF event with no inundation experienced with more common flood events. The depth of flood waters during a PMF event reaches a depth of 5.1 metres for a duration of over 24hours.

The fourth point of inundation- point D- first becomes inundated during a PMF event with no inundation experienced with more common flood events. The depth of flood waters during a PMF event reaches a depth of 70cm for a duration of 8.9 hours.

The fifth point of inundation- point E- first becomes inundated during a PMF event with no inundation experienced with more common flood events. The depth of flood waters during a PMF event reaches a depth of 1metre 87 cm.

Table 2: Evacuation Route Inundation Data (Source: FIRA)

Location*	Events	Max Depth (m)	Duration of Inundation (hours)	Duration with depth > 0.3 m
A	10%	-	-	-
	5%	-	-	-
	1%	0.05	0.9	-
	0.5%	0.07	1.1	-
	0.2%	0.10	2.2	-
	PMF	0.42	3.0	-
B	10%	-	-	-
	5%	-	-	-
	1%	-	-	-
	0.5%	0.00	0.1	-
	0.2%	0.01	0.7	-
	PMF	0.24	1.3	-
C	10%	-	-	-
	5%	-	-	-
	1%	-	-	-
	0.5%	-	-	-
	0.2%	-	-	-
	PMF	5.10	24.3	22.6
D	10%	-	-	-
	5%	-	-	-
	1%	-	-	-
	0.5%	-	-	-
	0.2%	-	-	-
	PMF	0.7	8.9	4.5
E	10%	-	-	-
	5%	-	-	-
	1%	-	-	-
	0.5%	-	-	-
	0.2%	-	-	-
	PMF	1.87	14.1	13.1

The above demonstrate that the proposed evacuation route is accessible for all flood events up to the 0.2% AEP event with only a PMF event restricting the efficient evacuation of the site to the Goulburn Urban Area.

Whilst all proposed dwellings will be flood free up to and including a PMF event, residents are likely to be isolated in their homes (and immediate surrounds) for a period of approximately 24 hours during a PMF event.

### *Flood Warning*

The submitted FIRA identifies the site within the Mulwaree catchment and classifies it as a flash flood catchment (defined as flooding occurring within 6 hours of the precipitating weather event and often involves rapid water level changes and flood water velocity). This flash flooding provides little warning time of an impending flood as presented in [Table 3](#) which stipulates the approximate time from the end of a rainfall burst to a flood peak.

Table 3: Mulwaree Catchment Flood Warning Times

Catchment	5% AEP Travel Time	1% AEP Travel Time	PMF Travel Time
Mulwaree	8.7hours	5.5 hours	2.5 hours



*The Support for Emergency Management Planning* guide- EM01 identifies that evacuation capability is informed by an understanding of flood behaviour and, in part, by an understanding of available warning times.

Whilst evacuation is the primary emergency management strategy advocated by EM01 and the SES, it is recognised that evacuation may not always be the most appropriate approach. In circumstances of flash flooding, attempting to evacuate may result in greater risk to life due to limited warning time and the dangers of moving through flood waters. In these circumstances, it may be more appropriate for residents to take refuge in an area above the highest possible flood event.

The limited available flood warning times during a PMF event would largely rule out evacuation as a suitable emergency management response during these flood events, especially considering the alternative is for residents to shelter in their own flood-free homes.

*The Support for Emergency Planning- Flood Risk Management Guideline (EM01)* highlights where evacuation is not possible consideration should be given to:

- The period of isolation- the longer the period of isolation the greater the risk
- Secondary risks- Fire and medical emergencies during the isolation period can be exacerbated by reduced potential for access by emergency services.
- Human Behaviour- people entering floodwaters to gain access to services or family, re-entering flooded buildings etc. The occurrence of secondary risks and/or inadequate provision of services can influence this behaviour.

As noted above, the subject site and any future residents would be only be isolated during a PMF event which has a extremely low probability for a period of 24hours. Nonetheless, this rare occurrence flood event and the resulting period of isolation require consideration of the secondary risks and human behaviour with a view to reduce these highly unlikely risks further.

The FIRA (**Appendix 14a**) considers the joint probability of isolation and the occurrence of secondary risk. It estimated the probability of a fire or medical emergency occurring whilst access roads are inundated to be a 1 in 200,000 AEP or 0.0005%.

Notwithstanding the risk probabilities identified above, the FIRA considers both the secondary risks and human behaviour and includes flood risk management measures (in addition to ensuring all dwellings are flood free) as follows:

#### For Secondary Risks

**Fire Emergency-** the provision and maintenance of a Home Fire Safety Kit which includes as a minimum 1kg dry chemical powder fire extinguisher and wall bracket, fire extinguisher location sticker and fire blanket to be required for future dwellings. This can be implemented through a development control plan and through s.88b provisions.

**Medical Emergency-** the provision and maintenance of an Automated External Defibrillator and First Aid Kit to reduce the risk of medical emergencies required for future dwellings.

#### For Human Behaviour

**Provision of adequate services-** access to adequate ablutions, water, power and basic first aid equipment will be required for future dwellings for the duration of flooding. The proposed lots will include on site effluent management areas and potable water



storage to provide access to adequate ablution services and water. A s.88b provision to require domestic electricity generation and storage to ensure adequate power supplies in the event mains supply is interrupted. Basic first aid equipment is proposed for secondary risk mitigation as above.

**Notification of flood isolation risk-** the site is to be nominated as a Special Flood Consideration area due to the isolation risk and defined in the Development Control Plan, identified on 10.7 certificates and on s.88b certificates to ensure future owners are aware of the flood risks and the required mitigations.

The proposed mitigations listed above have been developed in consultation with Council, Ambulance NSW, Rural Fire Service, SES and DPE- Biodiversity and Conservation. A summary of the consultation undertaken is presented in Attachment A and B of the FIRA (**Appendix 14a**).

Council proposes to implement these mitigations through the precinct-specific development control chapter (**Appendix 1**) which requires each dwelling to be provided with:

- A Home Fire Safety Kit
- A First Aid Kit
- An Automated External Defibrillator
- A source of on-site electricity generation and adequate storage capacity to store enough power for an average home for 24 hours.
- An effluent management area which is sited outside flood prone land
- Provision for the on-site storage of a minimum 46,000 litres of water.

The Development Control Plan also identifies the entire Mountain Ash and Brisbane Grove precincts as land to which Clause 5.22- Special Flood Considerations applies in the GM LEP due to the known evacuation issues. This clause requires the consent authority to consider whether development in the two identified precincts will:

- Affect the safe occupation and efficient evacuation of people in the event of a flood
- Incorporate measures to manage risk to life in the event of a flood, and
- Adversely affect the environment in the event of a flood.

The application of this clause goes beyond the subject site and applies to the entire Mountain Ash and Brisbane Grove precinct and serves to intrinsically link development proposals with the need to assess flood risk and flood risk mitigations. The application of the Special Flood Consideration Clause to affected lots within the precincts will be included by Council on 10.7 certificates. This ensures that prospective purchasers of a property are aware of the associated flood risk from the outset.

Collectively all these above measures serve to further reduce residual risk to one which has been quantified, assessed and considered to be acceptable by Council.

#### *Significant increased requirement for government spending*

As previously identified all flood prone land, is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited including residential. This ensures that no dwelling will be subject to inundation during any flood including the PMF flood event.

The FIRA (**Appendix 14a**) has identified that whilst evacuation is not necessary, should residents wish to evacuate during all floods up to (but not including) the PMF

then a safe evacuation route into the Goulburn urban area is achievable. Residents would only be required to isolate on site during the rarest PMF flood event. The availability of a safe and efficient evacuation route (for nearly all flood events) significantly reduces the need for additional flood mitigations.

In the rare circumstances of isolation, the potential requirement for flood rescues (including medical and/or fire emergencies) is both limited by the small number of proposed lots (4 lots/approx. 10 residents) and the application of related DCP controls in the Precinct-specific DCP chapter (**Appendix 1**) which seek to further reduce residual risk arising from fire and/or medical emergencies.

The overall probability of requiring emergency management services when isolated during a PMF event is estimated as 0.0005% AEP. This proposal is not considered to result in a significantly increased requirement on emergency management services, flood mitigation or emergency response measures.

### **Consistency**

This planning proposal, supported by the Flood Impact and Risk Assessment, has considered The Flood Policy, the Manual and the Toolkit and is considered consistent with this direction as summarised below:

The proposal seeks to zone all flood prone land as C2 Environmental Conservation which prohibits most forms of development including residential. This ensures very limited provisions apply to either the flood planning area or land between the flood planning area and the PMF. This in turn enables consistency with Direction 4.1 as follows:

- Not permitting development in floodways or high hazard areas;
- Would not result in significant impacts to other properties;
- Will not permit any increase in development/dwelling density on flood prone land;
- Would not permit uses where the occupants would not be able to safely evacuate;
- Does not permit development to be carried out without development consent;
- Is not considered to likely result in significantly increased requirement for government spending, and
- Would not permit hazardous industries or storage establishments.

The remaining point of consistency is that of safe occupation and efficient evacuation of the lot as identified in Direction 4.1(4)(e) which is also reflected in the Toolkit- particularly EM01.

Safe occupation from inundation of flood water is guaranteed through the proposed zoning and placement of dwellings with efficient evacuation to the Goulburn Area available for all flood events up to (but not including) the PMF. Whilst dwellings are to be flood free, the precinct in which they stand would be subject to inundation and largely isolated from the Goulburn urban area during a PMF event for approximately 24 hours. This presents secondary risks to residents when a fire or medical emergency occurs whilst the access roads are inundated or from residents entering floodwaters to gain access to services. The risk of PMF inundation and fire or medical emergencies occurring at the same time is statistically insignificant at 1 in 200,000 AEP or 0.0005% AEP.

Despite the statistically insignificant risk, this proposal is seeking a reduction in secondary risk as follows:

- Reducing the impetus for residents to enter floodwater through the provision of independent power generation and storage, on-site effluent management standing outside flood prone land and on-site water collection and storage. These provisions have been included within the Precinct-specific DCP chapter (**Appendix 1**) and will be applied through development management conditions and S.88b restriction on the title of lots.
- Reducing the potential and/or number of potential fire and/or medical emergencies required during PMF inundation through the provision of an Automated Electronic Defibrillator, first aid kit and home fire safety kit. These provisions have been included within the Precinct-specific DCP chapter (**Appendix 1**) and will be applied through development management conditions and S.88b restriction on the title of lots.
- Improving community flood awareness by identifying flood impacts on 10.7 planning certificates and flood mitigation requirements through S.88b title restrictions.

These provisions would all serve to reduce the residual flood risk to a negligible level. However, to ensure that any development within the Mountain Ash and Brisbane Grove Precincts is adequately assessed at the development assessment stage, all land within both precincts is identified as land to which Special Flood Considerations Clause 5.22 of the GM LEP applies. This provision is provided in the Precinct-specific DCP chapter and explicitly requires consideration of safe occupation and efficient evacuation for all development proposals within the special flood consideration precincts.

Application of Clause 5.22 to the entire Mountain Ash and Brisbane Grove precinct serves to elevate flood considerations in the area beyond current requirements and generally improve the overall flood risk considerations in these flood prone precincts.

This proposal is considered consistent with the objectives and provisions of Direction 4.1. The proposal avoids development on flood prone land and ensures consistency with the Flood Policy, the Manual and Toolkit. The proposal ensures the provisions of the LEP i.e. zoning, minimum lot size and application of Clause 5.22 of the LEP, are commensurate with flood behaviour and includes consideration of potential flood impacts both on and off 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.

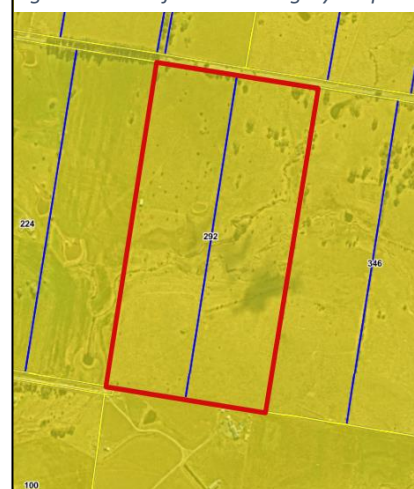
2. A planning proposal must:
  - a. Have regard to *Planning for Bushfire Protection 2019*,
  - b. Introduce controls that avoid placing inappropriate developments in hazardous areas , and
  - c. Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.
3. A planning proposal 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 in a rural area zoned RU6 Transition which is identified as Category 3 vegetation with a medium bushfire risk as illustrated in [Figure 27](#). The subject site is therefore bush fire prone and this direction applies.

The proposed R5 residential lots on the subject sites are remote from water and sewer connections which serve the Goulburn Urban Area. There is no intention to extend these services into the Mountain Ash precinct and these future lots will not be serviced by Goulburn's reticulated water or sewer system. The lots will therefore rely on on-site provisions for water supply.

Direction 4.3 requires a planning proposal to have regard to *Planning for Bushfire Protection 2019*. *Planning for Bushfire Protection 2019* requires the preparation of a Strategic Bushfire Study for strategic development proposals which includes, as a minimum, the components in Table 4.2.1 of the document.

Figure 27: Bushfire Risk Category Map



The proponent has submitted a Strategic Bushfire Study (SBS) (**Appendix 13**) to provide an independent assessment of the proposal's suitability for large lot residential development in regards to bushfire risk.

The assessment has been undertaken in accordance with NSW Rural Fire Service guidance document '[Planning for Bushfire Protection 2019](#)' and specifically sought to address the requirements of Chapter 4- Strategic Planning and the components in Table 4.2.1.

The Study has analysed the bushfire risk based on three risk assessment methods namely;

1. A Landscape Strategic Assessment Tool (LSAT)
2. A review of the local Bushfire Risk Management Plan, and
3. A detailed site assessment demonstrating the site is suitable for the proposed future use.

The Bushfire Landscape Assessment identifies the site within a grassland setting with site topography described as flat to gently undulating with slopes no greater than 0-5 degrees illustrated in **Figure 28**.

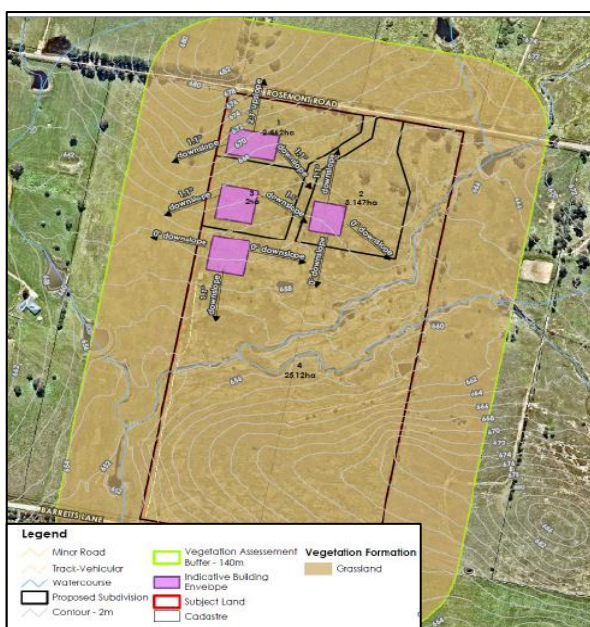
Figure 28: Bushfire Slope Assessment Map (Source: SBS)

Figure 5 of the SBS illustrates three main evacuation routes via two-lane sealed roads which are free of significant bushland areas and few pinch points likely to have an impact on evacuation. Overall the landscape scale threat for the site was assessed as low.

The review of the local Bushfire Risk Management Plan has examined the Southern Tablelands Bush Fire Management Committee (BFMC)'s Bush Fire Risk Management Plan. It identifies that:

- 91.5% of the land in the plan area is privately owned and predominantly used for agriculture
- Bushfire season generally runs from October to March/April
- Goulburn Mulwaree LGA has a history of major fires occurring in a cycle of 5 to 7 years with lightning the greatest source of ignition.
- The proposal site is not specifically identified in the plan with the area considered as part of the Goulburn City Development area- Asset 53
- The site is rated as Medium Risk considering the likelihood of bushfire spreading and impacting on assets as unlikely and the consequences as major.
- No specific treatments are required for sites rated as Medium risk.

The detailed assessment demonstrating site suitability have included Bushfire Attack modelling to determine the bushfire threat and commensurate size of an Asset Protection Zone, alongside setting out bushfire protection measures to meet the performance criteria in the *Planning for Bushfire Protection 2019* guide.





The Bushfire Attack Modelling grades the site as being capable of providing the building footprints for multiple lots that are exposed to a radiant heat of <29kW/m<sup>2</sup> and complies with the requirements of Chapter 5 of the *Planning for Bushfire Protection guidelines*.

The Bushfire Protection Measures identified in the Strategic Bushfire Studies are presented as follows:

- The provision of 20m wide Asset Protection Zones (APZ) which exceeds the minimum APZ requirements to ensure radiant heat levels at buildings stand below 29kW/m<sup>2</sup>, as illustrated in [Figure 29](#).
- Access is via Rosemont Road for the 4 proposed lots. The local road network to the Goulburn urban area is via two-lane sealed rural roads with a 7-10m wide carriageway set within an overall 20m wide road reserve. No significant impact on the local road network has been identified. There are multiple evacuation routes to safer places including the Goulburn urban area and the airport.
- The 10,000 litre per lot water tank requirement (or greater) for firefighting purposes can be easily accommodated on the 2ha+ lots and the required specifications for tanks, pipes and fittings can be conditioned at the development application stage.
- Gas and electricity supplies will comply with the requirements of the *Planning for Bushfire Protection 2019* guidelines.

Figure 29: Bushfire Asset Protection Zone Map



The Strategic Bush Fire Study concluded:

*“All three methodologies support the conclusion that the land is suitable for rural residential development... the proposed subdivision can satisfy all the detailed criteria to be assessed at the next stage of the process. All proposed lots are large enough to support the minimum APZ requirements for 29kW/m2 and the specific APZ and BAL detail will be determined at subdivision and subsequent individual dwelling applications.”*

The proposal includes the creation of a total of four lots (2 additional lots) which is considered minor and would not warrant an increase in the provision of existing emergency service facilities or capabilities, even when considering additional similar lot size rezoning's in the precinct.

Overall, the creation of the proposed large lot residential lots is considered to reduce bushfire risk due to an increased number of residential properties with managed landscapes within defined curtilages which include Asset Protection Zones.

In addition, the *Goulburn Mulwaree Development Control Plan* includes *Chapter 3.17 Bush Fire Risk Management* which requires development on bush fire prone land to be developed in accordance with NSW Rural Fire Service Guidelines. This existing chapter is sufficiently detailed to ensure the required bushfire protection measures can be implemented through a subsequent development application. However, amendments and updates to this chapter can be made to meet any additional guidance and requirements sought by NSW Rural Fire Service.

This planning proposal has had regard to *Planning for Bush Fire Protection 2019*, introduces controls to avoid placing inappropriate developments in hazardous areas and is able to ensure hazard reduction is not prohibited within the Asset Protection Zone.

The proposal indicates suitable Asset Protection Zones can be achieved, contains provisions for two-way access roads, includes provisions for adequate water supplies and minimises the interface between the hazard and dwellings. A subsequent development application will also be required to submit a Plan of Management in accordance with the *Goulburn Mulwaree Development Control Plan* which will introduce controls on the placement of combustible materials.

NSW Rural Fire Service will be consulted as part of the planning proposal process prior to community consultation and any comments made will be incorporated into subsequent versions of this planning proposal.

Overall, this planning proposal is consistent with Ministerial Direction 4.3 Bushfire Protection.

### **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 on the Council's local contaminated land register or identified as significantly contaminated land. However, past agricultural activities on a site are listed as a potentially contaminating use within Table 1 of the *contaminated land planning guidelines*. This direction would therefore apply to this planning proposal.

The planning proposal has been supported a Preliminary Site Investigation (PSI) (contamination) report, presented in **Appendix 12** which seeks to address the requirements of this direction.

The PSI comprises a preliminary soil contamination investigation and assessment which has:

- Assessed the potential for contamination on site as a result of historical and current site activities;
- Assessed the presence of contamination at accessible soil areas;
- Assessed the extent and nature of asbestos and other contaminants throughout the soil profile;

- Investigated the potential for Areas of Environmental Concern and Chemicals of Potential Concern on site;
- Assessed the suitability of the site for the proposed land use, and
- Provided recommendations based on the findings of the above.

The PSI assessed the potential for contamination based on:

- A desktop review of historical site records, aerial photographs, publicly available data, web searches, background information relevant to the study area, survey data and topography;
- Field and laboratory investigation of soil (groundwater investigation was not included) (field survey dates for both sites- 27 Nov to 1 Dec 2021), and
- NATA accredited laboratory results.

In relation to current and previous land uses on the site, the PSI identified through aerial photography that *‘there was no major landscape change at the site as a grazing modified pastures from 1975 to present.’* It was also noted from the site walkover that the sites had been used for grazing for over 100 years.

Visual observations of the sites undertaken during the site inspection identified:

- no building rubble,
- no vegetation stress,
- no evidence of odour or staining,
- no stored chemicals/drums,
- no visible ACM sheeting fragments.

The PSI also noted that a review of the NSW Office of Environment and Heritage Contaminated Land- Record of Notices (as of 9<sup>th</sup> Dec 2021) identified zero former or current notices within proximity to either site (the closest being 4.1km to the north-west).

The contaminated land planning guidelines sets out that a *‘preliminary investigation contains a detailed appraisal of the site’s history and a report based on a visual site inspection and assessment’*.

The proponent has addressed these requirements through the above appraisal and site inspection with no evidence of contaminating activities or their impact on either site.

The PSI provides further evidence to satisfy the requirement of this direction by means of soil sampling and testing.

The PSI’s laboratory investigation into the suitability of the site for the proposed residential use has been based upon the NEPC (2013) NEPM Health Investigation and screening levels for the Residential A land use and Ecological Investigation and screening levels for Residential A.

The soil samples were tested for a wide range of potential chemicals of environmental concern (COPC’s) including Heavy metals, TRHs, BTEX and PAH’s. Concentrations of the tested COPC’s were all either below the NEPC (2013) NEPM land use guidelines for residential A land use or not detected above the laboratory limit of reporting.

The PSI concludes:

*`Based on the results of the preliminary investigation, DRYU is of the opinion that the subject soils are considered suitable for inclusion within the development from a contamination perspective only, subject to the proper implementation of recommendations as follows:*

- No additional investigation and assessment were considered to be warranted*
- Should unexpected finds such as buried waste, staining or odours be encouraged during disposal, relocation and/or placement of the material, further assessment will be required to re-assess the suitability for off-site disposal or on-site reuse based on further waste classification reports`.*

Water NSW Pre-gateway Referral response (**Appendix 10d**) received on 20 March 2024 supports the above recommendations and notes they can be implemented at the DA stage. The response does note that further examination of farm dams is warranted but this is a matter which can be dealt with at the subdivision stage.

The *Goulburn Mulwaree Development Control Plan* addresses contamination in relation to water quality but further precinct-specific guidance has been included within the precinct-specific development control plan chapter (**Appendix 1**) to ensure recommendations within contamination reports are included within a subsequent development application.

This planning proposal includes a report specifying the findings of a preliminary investigation carried out in accordance with the *contaminated land planning guidelines* and provides additional information through soil sampling and testing. The council have considered whether the land is contaminated and with no evidence to suggest onsite contamination sources or evidence of potential impacts from contamination, the Council is satisfied the land is suitable for the proposed large lot residential use.

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)

#### Consistency

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 objective of this direction, and
  - ii. Identifies the land which is the 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 objective 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:** This planning proposal is seeking the rezoning of rural land to R5 Large Lot Residential and this direction would therefore apply.

The proposal is seeking to rezone an area of 11.4 hectares from RU6 to provide a total of four R5 Large Lot residential lots. The site stands approximately 5km (as the crow flies) from the Goulburn urban area. The site is separated from the Goulburn Urban Area by the Hume Highway and Mulwaree River.

There are currently no bus services to the subject site and no footpaths or demarcated cycle lanes which would connect the site along the roads leading to Goulburn including:

- Rosemont Road;
- Barrett's Lane;
- Windellama Road;
- Bungonia Road;
- Mountain Ash Road, and
- Brisbane Grove Road.

The location of the site outside the Goulburn urban area and lack of potential active travel or public transport options will create a reliance on the private motor vehicle with nearly all trips expected to be undertaken via this method.

Whilst the sites are situated on the opposing side of the highway and river to the Goulburn urban area, the distance travelled for new residents to the commercial core of employment and service provision, located in the CBD, is an approximate 5 to 6 minute drive via Bungonia Road. The subject site is located relatively close to the urban area whilst also facilitating a site size large enough to accommodate the 2ha minimum lot size prescribed in the *Urban and Fringe Housing Strategy*.

The proposed density of the Mountain Ash precinct is unlikely to support the efficient and viable operation of public transport services.

There is no indication that the proposal would affect the efficient movement of freight.

Due to the location of the subject site, the proposal will increase the dependence on the private car and the proposed density with 2ha lots would not support the efficient and viable operation of public transport services. This planning proposal is inconsistent with Direction 5.1- Integrating Land Use and Transport.

A planning proposal can be inconsistent with this direction if it is justified by a strategy approved by the Planning Secretary which has given consideration to the objective of this direction and identifies the land to which the proposal applies.

As previously detailed in **3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020)**, the subject site is located within the Mountain Ash Precinct, identified in the *Urban and Fringe Housing Strategy*. The Strategy recommends a minimum lot size of 2 hectares. The *Urban and Fringe Housing Strategy* has been adopted by Council and endorsed by the Department of Planning and Environment in 2020 (i.e. approved by the Planning Secretary). The R5 Large Lot Residential recommended in the *Urban and Fringe Housing Strategy* forms only one part of a larger housing strategy which seeks to focus the majority of housing growth within or directly adjacent the Goulburn urban area. The vast majority of growth proposed in the Goulburn Mulwaree LGA is focused in sustainable locations with good connections to active travel options or in areas where such connections can be established or extended. The provision of R5 Large Lot Residential at 2ha serves to balance out the majority of smaller lot provision elsewhere in Goulburn with large lot opportunities to provide a greater diversity in housing choice when considered on an LGA-wide basis.

This planning proposal's inconsistency with this Direction is therefore justified by a strategy approved by the Planning Secretary, the Strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

### **3.6.11 Direction 6.1 Residential Zones**

The objectives of this direction are to:

- a. Encourage a variety and choice of housing types to provide for existing and future housing needs,
- b. Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c. Minimise the impact of residential development on the environment and resource lands.

This Direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

When this direction applies:

1. A planning proposal must include provisions that encourage the provision of housing that will:
  - a. Broaden the choice of building types and locations available in the housing market, and
  - b. Make more efficient use of existing infrastructure and services, and
  - c. Reduce the consumption of land for housing and associated urban development on the urban fringe, and
  - d. Be of good design.

2. A planning proposal must, in relation to land which this direction applies:
  - a. Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
  - b. Not contain provisions which will reduce the permissible residential density of land.

#### Consistency

A planning proposal may be inconsistent with 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 objective of this direction, and
  - ii. Identifies the land which is the 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 objective 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) Of minor significance.

**Comment:** This planning proposal is seeking the rezoning of a rural RU6 Transition Zone to R5 Large Lot Residential, and as such this Direction applies.

*The Urban and Fringe Housing Strategy* identifies areas suitable for the provision of additional housing to meet housing demand generated by population growth, expected to increase the residential population of the LGA by an additional 5000 to 7000 residents. The Strategy identifies opportunities for the provision of 3500 additional dwellings up to 2036, primarily focused on the urban areas of Goulburn and Marulan.

The Strategy identifies opportunities for a range of dwelling types including:

- Urban infill in existing residential areas which is anticipated to make up approximately 7% of the expected growth which provides opportunities for urban intensification and renewal;
- Serviced general and low density residential lots at 700sqm on the Greenfield edges of the Goulburn and Marulan urban areas. These dwelling types are anticipated to make up the significant majority of housing growth in the LGA at approximately 80% (including Marulan). These dwellings are largely single family dwellings but also provides opportunities for secondary dwellings, multi-dwelling units and dual occupancies;
- Higher density housing through a R3 Medium Density residential zone in close proximity to Goulburn CBD to provide for more compact housing opportunities such as apartments and seniors housing, and
- Un-serviced large lot residential development through a R5 Large Lot Residential zone on the fringes of the Goulburn urban area to provide lifestyle lots. These dwelling types are anticipated to make up approximately 10% of housing growth in the LGA.

As highlighted above, the *Urban and Fringe Housing Strategy* provides for a broad range of dwelling types and locations to meet the anticipated population growth of the local government area. The planning proposal is seeking the rezoning of land identified in the Strategy to fulfil a small part of the 10% large lot urban fringe opportunity. This is one element of the wider housing strategy to broaden the choice of building types and locations in the housing market.

The limited number of proposed lots (4) and the sites relatively close proximity and easy access to the Goulburn urban area would not result in an additional requirement for fire, police or education services or facilities beyond Goulburn's existing provision.

The R5 Large Lot Residential zone proposed on the subject site has a prescribed 2 hectare minimum lot size to comfortably accommodate on-site water and effluent management areas, ensure local water quality and maintain a rural context to the precinct. However, the zoning and minimum lot size requirements (as stipulated in the *Urban and Fringe Housing Strategy*) result in a relatively land-hungry proposal on the urban fringe of Goulburn. The planning proposal is not considered to reduce the consumption of land for housing and associated urban development on the urban fringe. This inconsistency with this direction is justified by the *Urban and Fringe Housing Strategy* which has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

The planning proposal only proposes a rezoning and minimum lot size change and doesn't include detailed design guidance. The detailed design phase will occur at the development application stage in which the provisions of the *Goulburn Mulwaree Development Control Plan* (GM DCP) will apply. The DCP includes a range of controls relating to rural residential dwellings including:

- Setbacks
- Orientation,
- Materials and colours
- Access provision
- Fencing

The precinct-specific chapter and existing DCP controls are considered to result in a development of good design.

The proposed 2 hectare R5 Large Lot Residential lots will not be serviced by Goulburn's reticulated water and sewer system and will be required to have on-site water and effluent management systems. The provision of and standards associated with water supply, effluent disposal and electricity supply for rural dwellings are established in the *Goulburn Mulwaree Development Control Plan* (DCP) (Section 5.3.1.2-4). The DCP requires appropriate water storage facilities on-site, requires the provision of a wastewater management assessment report to be submitted with an application, alongside notification from the electricity supplier that satisfactory arrangements for connection have been undertaken. Adequate servicing arrangements for the subsequent subdivision will be in place prior to occupation of the site.

The land sought for rezoning through this planning proposal is currently zoned RU6 Transition with a minimum lot size of 20 hectares. This proposal is seeking a rezone

to R5 Large Lot Residential with a minimum lot size of 2 hectares. This would increase the permissible residential density in the area.

As noted in **3.6.4 Direction 3.1 Conservation Zones** and **3.6.7 Direction 4.1 Flooding** of this planning proposal report, the subject site is not identified as of particular biodiversity value and flood prone land is proposed to be zoned as C2 Environmental Conservation. The impact of the proposal on the environment is considered minimal.

Overall, this planning proposal is considered generally consistent with this direction however an inconsistency has been identified in the requirement to reduce the consumption of land for housing and associated urban development on the urban fringe. This is considered a minor inconsistency which is justified by the *Urban and Fringe Housing Strategy* which has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

### **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 RU6 Transition which is a rural zone. The site is proposed to be rezoned (in part) R5 Large Lot Residential 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 a residential use.



The subject site is currently pasture zoned RU6 Transition in which this proposal seeks to rezone to a R5 Large Lot Residential zone. Whilst the subject site currently experiences little agricultural activity, the rezoning, subdivision and provision of building entitlements would remove 11.4 hectares of agricultural land and would be inconsistent with this Direction. The proposal would however retain the current RU6 zoning on 11.7 hectares of land south of the creek.

This planning proposal is inconsistent with Direction 9.1 Rural Zones but the inconsistency is justified by the *Urban and Fringe Housing Strategy* which identifies the rural land within the Mountain Ash Precinct for R5 Large Lot Residential. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

The inconsistency with Direction 9.1 Rural Zones is justified.

### **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 RU6 Transition and amend the minimum lot size, as such this direction would apply.

As identified in **3.3.1 South East and Tablelands Regional Plan** and **3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)** of this report this planning proposal is consistent with the *South East and Tablelands Regional Plan* and the *Local Strategic Planning Statement*. In particular, the *Local Strategic Planning Statement* requires the recommendations of the *Urban and Fringe Housing Strategy* to be implemented.

The *Urban and Fringe Housing Strategy* considered the significance of agriculture and primary production when determining suitable opportunity areas for housing growth in the local government area. In particular, the Strategy specifically considered the Department of Primary Industry's policies around preserving the best productive land, minimising land use conflict and maintaining and improving the economic viability of agricultural operations.

This planning proposal has identified environmental values including consideration of biodiversity, native vegetation, cultural heritage and the importance of water resources.

**3.6.4 Direction 3.1 Conservation Zones** of this report explores the biodiversity values of the site and the presence of native vegetation, both of which are determined to be limited, as demonstrated through the proponents Flora and Fauna Assessment (**Appendix 11a**) and Council's Biodiversity Officer comments (**Appendix 11b**).

**3.6.5 Direction 3.2 Heritage Conservation** of this report explores potential impacts on European cultural heritage, particularly locally listed heritage item Nooga in proximity to the subject site. The draft precinct-specific development control chapter (**Appendix 1**) seeks to minimise the proposals potential impacts on European cultural heritage values.

**3.6.5 Direction 3.2 Heritage Conservation** also provides consideration for potential Aboriginal cultural heritage values through the proponents Aboriginal Cultural Heritage Due Diligence Assessment (**Appendix 8**).

**3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment and 3.6.6 Direction 3.3 Sydney Drinking Water Catchments** considers impacts on and the importance of water resources with particular consideration to water quality impacts, as demonstrated through the proponent's Onsite Wastewater Management Assessment (**Appendix 10a**) and the Music Model Assessment (**Appendix 10b**).

The planning proposal seeks a R5 Large Lot Residential rezoning and does not promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.

This planning proposal seeks to facilitate the ultimate subdivision of the subject site from 2 existing RU6 Transition zoned lots to four 2 hectare (or greater) R5 large residential lots which would result in some minor fragmentation of rural land. The relatively low density of the proposal and large lot sizes are considered to reduce potential land use conflict with other rural land uses. In addition, the entire Mountain Ash Precinct is identified as a R5 Large Lot Residential opportunity area with agricultural activities likely to diminish as land in the precinct is rezoned and further reduce any consequential rural impacts. The proposal is not considered to adversely affect the operation and viability of existing rural land uses, related enterprises or supporting infrastructure and facilities essential to rural industries or supply chains.

The subject site is not included as state significant agricultural land as illustrated on the ePlanning Spatial Viewer presented in **Figure 7**.

The *Urban and Fringe Housing Strategy* when determining the most suitable locations for housing to meet the needs of the LGA's growing population has considered the availability of human services, utility infrastructure, transport and proximity to existing centres. As highlighted in **3.6.11 Direction 6.1 Residential Zones**, the R5 Large

Lot Residential opportunities are only one small part of the wider housing strategy to meet the existing and future demand for housing. The Mountain Ash Precinct, whilst not serviced by water and sewer, does stand in relatively close proximity to the Goulburn urban area and the broad range of services it provides. The proposal will utilise existing road infrastructure and enables a short, relatively direct drive into Goulburn CBD.

This planning proposal is inconsistent with Direction 9.2 Rural Lands but the inconsistency is justified by the *Urban and Fringe Housing Strategy* which identifies the rural land within the Mountain Ash Precinct for R5 Large Lot Residential. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has given consideration to 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 planning proposal has been accompanied by a Flora and Fauna Assessment (**Appendix 11a**) which involved a field and database assessment to identify the sites biodiversity values and highlight potential constraints to any future rezoning or development.

The assessment found the site had been historically cleared and managed with most of the area consisting of non-native pasture improved and regularly grazed grassland. The assessment did find small pockets of native grassy woodland belonging to Yellow Box-Blakleys Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community (CEEC). The proposed subdivision layout including the indicative location of dwelling envelopes illustrate avoidance of these pockets with any clearing limited to exotic dominated grassland.

The assessment concluded that there will be no significant adverse impacts on native vegetation on site, critical habitats or threatened species and these conclusions have been confirmed by Council's Biodiversity Officer.

Further detail is provided in **3.6.4 Direction 3.1 Conservation Zones** of this report.

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

#### **Noise Sources**

The subject site is located within a landscape with four possible noise sources which have the potential to adversely affect residential amenity, these include:

- The railway line which stands approximately 5km from the site on the opposing side of the Mulwaree River;



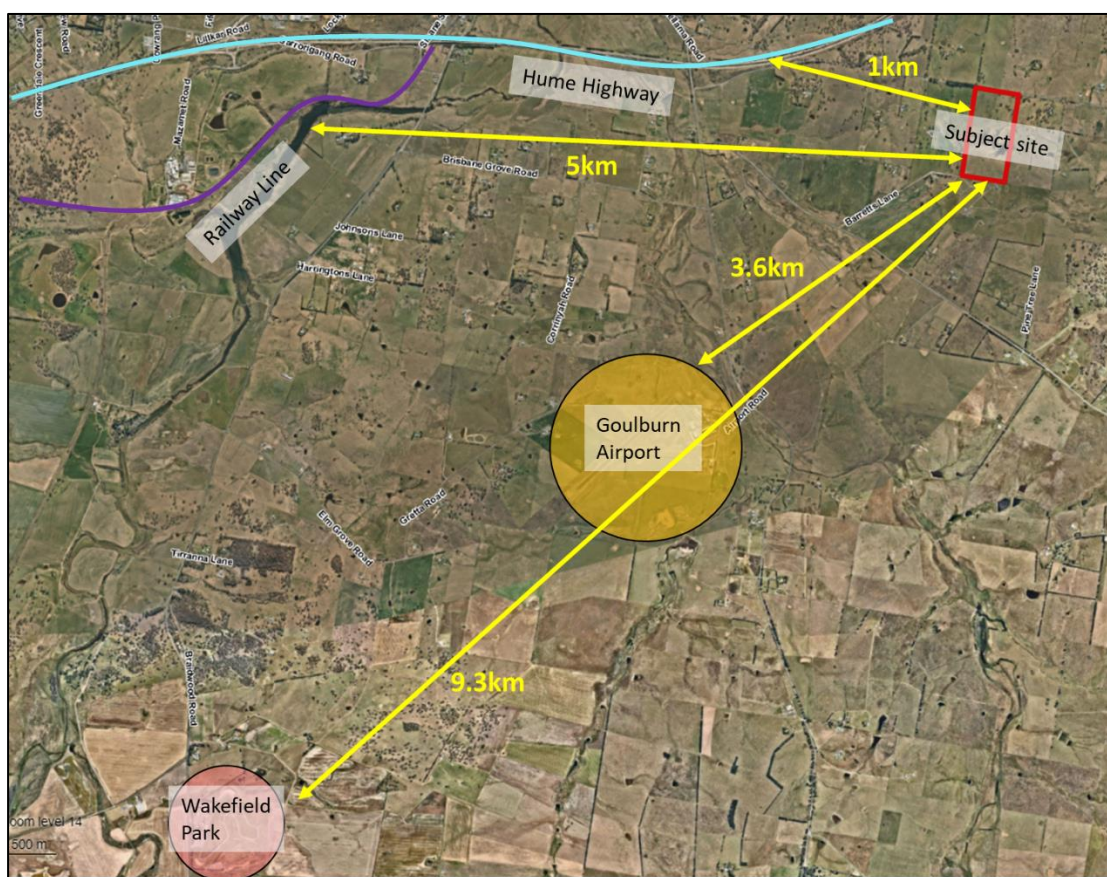
- The Hume Highway which stands approximately 1km north west of the site
- Goulburn Airport which stands approximately 3.6km south west of the site, and
- Wakefield Park Raceway which stands approximately 9.3km south west of the site.

These four noise sources derived from multiple directions (**Figure 30**) raises the potential for adverse impacts on residential amenity. Two of these noise sources, namely the airport and Wakefield Park, are identified in the *Urban and Fringe Housing Strategy* as the following potential constraints:

- Proximity to Goulburn Airport could limit density of residential development, and
- Proximity to Wakefield Park imposes a noise constraint on this precinct.

These noise impacts are proposed to be addressed through the Precinct-specific Development Control Plan chapter which requires an internal noise limit of 35dbL, as illustrated in **Appendix 1**. This can be achieved via a number of methods including through design, orientation, landscaping and earthworks or built solutions.

Figure 30: Proximity to sources of sound in the landscape

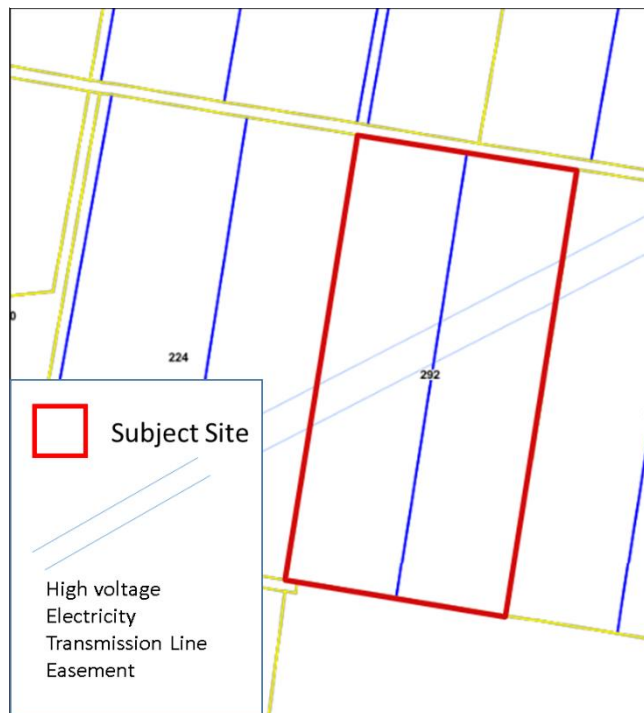


### Electricity Easement



A 60.96 metre wide high-voltage electricity transmission line easement traverses through the centre of the site as illustrated in **Figure 31**. The concept plan (**Appendix 2**) illustrates the ability to avoid placing built development within this easement. In addition, the easement stands wholly within the proposed C2 Environmental Conservation Zone area where most development is prohibited. The draft Precinct Specific Development Control chapter in **Appendix 1** also includes provisions relating to the electricity easement.

Figure 31: Location of Electricity Easement



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

There are no known social or economic effects as a result this planning proposal.

## Section D- State and Commonwealth Interests

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

The subject site's northern boundary stands adjacent to Rosemont Road which will provide site access, via a small internal road, to all four proposed lots. No additional upgrades to existing road infrastructure has been identified.

The subject site is not connected to the Goulburn reticulated water and sewer network and the 4 proposed lots will require on-site water storage and wastewater and effluent disposal to meet the needs of residents.

An overhead electricity power line (low voltage) runs across the landscape of the Mountain Ash Precinct. The presence of the power line indicates the potential for the sites to connect to the electricity network.

The proposal is not considered to require additional state or locally provided infrastructure.

### 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 at the pre-gateway stage, post gateway stage and during the exhibition stage.

#### **Part 4- Mapping**

The maps included within **Figure 4** illustrate the area to which this proposal relates and includes the proposed amendment from the RU6 Transition Zone to R5 Large Lot Residential and C2 Environmental Conservation and the amendment of the minimum lot size from 20 hectares to 2 hectares.

#### **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 9-11 months for a project of this scale.

<b>Gateway Determination</b>	April 2024
<b>Timeframe for completion of technical studies</b>	No further studies identified
<b>Timeframe for agency consultation</b>	May to June 2024
<b>Public Exhibition</b>	July 2024
<b>Public Hearing</b>	No hearing identified
<b>Consideration of submissions</b>	August 2024
<b>Date of submission of LEP to DPIE</b>	September 2024
<b>Anticipated date of plan made</b>	September to October 2024
<b>Anticipated date plan forwarded to DPIE for notification</b>	October 2024

#### **Part 7- Appendices**

Appendices included within this planning proposal are listed in the table below:

<b>Appendix 1</b>	Draft Brisbane Grove & Mountain Ash Precinct-specific Development Control Chapter V9
<b>Appendix 2</b>	Concept subdivision Layout Plan- Current
<b>Appendix 3</b>	Proponents submitted Planning Proposal- Current
<b>Appendix 4</b>	Concept subdivision Layout Plan- previous PP
<b>Appendix 5</b>	Proponents submitted Planning Proposal- previous PP
<b>Appendix 6a</b>	Council Report & Resolution- 21 June 2022
<b>Appendix 6b</b>	C2 MLS Council Report & Resolution- 20 Sept 2022
<b>Appendix 6c</b>	Special Flood Council Report and Minutes_ 2 Nov 21
<b>Appendix 7</b>	Adequacy Assessment Decision Rationale- previous PP
<b>Appendix 8</b>	Aboriginal Cultural Heritage Due Diligence Assessment
<b>Appendix 9</b>	Statement of Heritage Impact

<b>Appendix 10a</b>	Onsite Wastewater Assessment
<b>Appendix 10b</b>	MUSIC Model
<b>Appendix 10c</b>	Water NSW Pre-gateway referral comments- 20 Jan 23- Previous
<b>Appendix 10d</b>	Water NSW Pre-gateway referral comments- 20 March 24- Current
<b>Appendix 11a</b>	Flora and Fauna Assessment
<b>Appendix 11b</b>	GMC Biodiversity Officer Referral Comments- 30 March 2022
<b>Appendix 12</b>	Preliminary Site Investigation and Assessment Report- Contamination
<b>Appendix 13</b>	Strategic Bushfire Study
<b>Appendix 14a</b>	Flood Impact and Risk Assessment
<b>Appendix 14b</b>	Goulburn Mulwaree Development Control Plan Flood Policy
<b>Appendix 15</b>	Sight Distance Assessment

*\*shaded entries denote documents directly relating to the previously submitted planning proposal (PP\_2021\_1180).*