

P L A N N E D

22 February 2024

Kate Wooll
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Goulburn Mulwaree Council
Locked Bag 22
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By email – kate.wooll@goulburn.nsw.gov.au and council@goulburn.nsw.gov.au

REQUEST FOR RE-ZONING PLANNING PROPOSAL

Proponent: Terry Geoghegan and Susan Buckley

Description: Re-Zoning of Land to Change the Applicable Land Use Zone and to Reduce the Prescribed Minimum Lot Size Provision

Property: Lot 3 DP1118635, No. 41 King Street, Tarago NSW 2580

Dear Kate,

We are acting on behalf of the landowners of Lot 3 DP1118635, No. 41 King Street, Tarago who are requesting that Goulburn-Mulwaree Council prepare a Planning Proposal to re-zone the subject landholding.

In preparing this request, the following technical input has been referenced and is provided to Goulburn-Mulwaree Council to support the preparation of the re-zoning Planning Proposal:

- Aboriginal and Historical Cultural Heritage and Archaeological Report, prepared by Past Traces, dated 6 November 2023.
- Biodiversity Assessment Method Assessment – Summary of Methods and Results, prepared by Capital Ecology, dated 21 February 2024.
- Bushfire Assessment Report, prepared by Ember Bushfire Consulting, dated 1 December 2023.
- Concept Layout and Master Plan, prepared by Place Logic, dated July 2023.
- Land Capability Assessment, prepared by Franklin Consulting Australia Pty Ltd, dated 23 October 2023.
- Limited Detailed Site Investigation, prepared by Murrang Earth Sciences Pty Ltd, dated 21 July 2023.
- Stormwater Master Plan, prepared by Spiire Australia Pty Ltd, dated 20 November 2023.
- Traffic Impact Assessment, prepared by SCT Consulting Pty Ltd, dated 19 July 2023.

This re-zoning request has been prepared in alignment with the outcomes of two (2) separate pre-lodgement meetings with Goulburn-Mulwaree Council staff on 23 September 2022 (refer to Meeting Minutes at **Attachment 1**) and 29 March 2023. It is important to note that the second meeting was held to re-affirm the outcomes of the first meeting given the time that had surpassed.

Objective of Proposed Rezoning Request

The objective of this request is for Goulburn-Mulwaree Council to prepare a Planning Proposal seeking to amend the Goulburn-Mulwaree Local Environmental Plan 2009 (**GMLEP 2009**) by re-zoning the subject land from RU2 Rural Landscape to RU5 Village and by reducing the minimum lot size provision from 100 hectares to 2,000 square metres.

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Background Context

Site Description

Lot 3 DP1118635, No. 41 King Street, Tarago (refer to **Figure 1** below) is currently owned by Terry Geoghegan and Susan Buckley.

The subject land has an area of approximately 10.2 hectares and is currently developed for rural residential purposes, with a dwelling house and ancillary structures positioned within the southwest corner of the allotment – setback approximately 300 metres to King Street. Vehicular access to King Street is via an existing driveway arrangement that traverses the allotment northeast – southwest.

The subject land is not connected to reticulated water or sewer services, which is characteristic for Tarago village. As such, the existing rural development is self-sufficient in relation to the management of potable water and effluent.

The subject land has been substantially modified by its past land uses, which have included clearing of all woody vegetation, grazing and cultivation of some paddocks. As a result, the majority of the subject land is characterised by derived grassland/pasture with predominantly exotic grasses, agricultural weeds and low forb diversity. No areas of the subject land have been identified on the NSW Biodiversity Values Map and being of high biodiversity value.

The topography across the subject land is gently undulating, with elevation ranging from 705m Australian Height Datum (AHD) in the northeast to 735m AHD in the southwest.

The subject land together with the existing Tarago village drain towards the Mulwaree River, which runs along the eastern edge of the Tarago village extent (circa 1km distant to the east). The land is therefore located within the Sydney drinking water catchment and required to demonstrate a neutral or beneficial effect (NorBE) on water quality. It is noted that the watercourses to the west and south of the subject land are mapped in Water NSW mapping. The watercourse south of the subject land is not a perennial stream.

Under the provisions of the GMLEP 2009, the subject land is zoned RU2 Rural Landscape with a corresponding minimum lot size of 100 hectares. In general, the entirety of the subject allotment is proposed to be re-zoned RU5 Village with a corresponding minimum lot size of 2,000 square metres.

Extracts from the current Land Zoning Map (LZN_002A) and Lot Size Map (LSZ_002A) are included at **Attachment 2**.

Site Context

The subject land is located within the rural fringe west of the Tarago village extent – approximately 40 kilometres south of the Goulburn CBD and approximately 70 kilometres northeast of Canberra.

Adjoining and adjacent lands to the north, west and south are zoned RU2 Rural Landscape and are typically characterised by a rural/rural residential lot pattern offering a variety in lot shapes and sizes. Rural dwellings of various architectural styles and age are present together with established rural surrounds – all characterised by cleared, thinned or regenerating vegetation.

Land adjoining and adjacent to the east is zoned RU5 Village and is predominantly characterised by residential developments of various architectural style and age. The village also accommodates a number of commercial and community developments, including a fire brigade and police station, historic railway station, public school (Kindergarten to year 6), café, historic hotel and bar (Loaded Dog Hotel), town hall, convenience store, service station and two (2) churches.

Figure 2 below shows the subject land within its immediate local context.

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Figure 1: Subject Land – outlined red ([MapBrowser](#) | [Nearmap](#), image dated 2 April 2021)



Figure 2: Local Site Context ([MapBrowser](#) | [Nearmap](#), image dated 2 April 2021)

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Rationale for Proposed Re-Zoning Request

Tarago Village Housing Strategy

With regard to Council's adopted *Tarago Village Housing Strategy (TVHS)*, the subject land is noted to be within Precinct 1C, which was identified as providing the most realistic potential for village expansion on the basis that it is relatively unconstrained and:

- Is contiguous with existing RU5 Village zoned land west of the Goulburn Bombala Railway.
- Is gently to moderately sloping and generally unconstrained in relation to dwelling construction and effluent management/disposal.
- Is elevated above the Mulwaree River floodplain.
- Is suitably distanced from existing watercourses in relation to the provision of buffers for on-site effluent management/disposal.
- Is suitably distanced from the Goulburn Bombala Railway in relation to acoustic amenity and potential for land contamination.
- Has connectivity to King Street and Covan Street for bushfire evacuation.
- Has previously been cleared as part of the past agricultural use and as such, is likely to comprise limited biodiversity value.
- Avoids State significant agricultural land.

A mark-up extract of the TVHS is included below at **Figure 3**.

In relation to Precinct 1C, the TVHS states:

'Precinct 1C is considered to be relatively unconstrained due to slope (elevated above the flood plain but not steep), lesser density of water courses, cleared land with non-native grass land, two road access from Covan and King Streets (for bushfire evacuation) and is contiguous.'

'Conclusion:...the smaller western investigation area [1C] has some capacity for unsewered development, with the least risk to water quality being presented for a minimum lot size (MLS) of 4,000m² – 2 ha. Smaller lot sizes (2,000 – 4,000 m²) may be possible in areas of LOW to MODERATE risk, but this would need further site investigation regarding site constraints. We would generally not be supportive of any MLS below 2,000m².'

In response to the findings of the TVHS, this request for re-zoning seeks to facilitate a future village subdivision to create up to twenty-eight (28) allotments ranging in size from 2,000 square metres to 5,000 square metres, including one (1) allotment for the provision of stormwater management/urban open space.

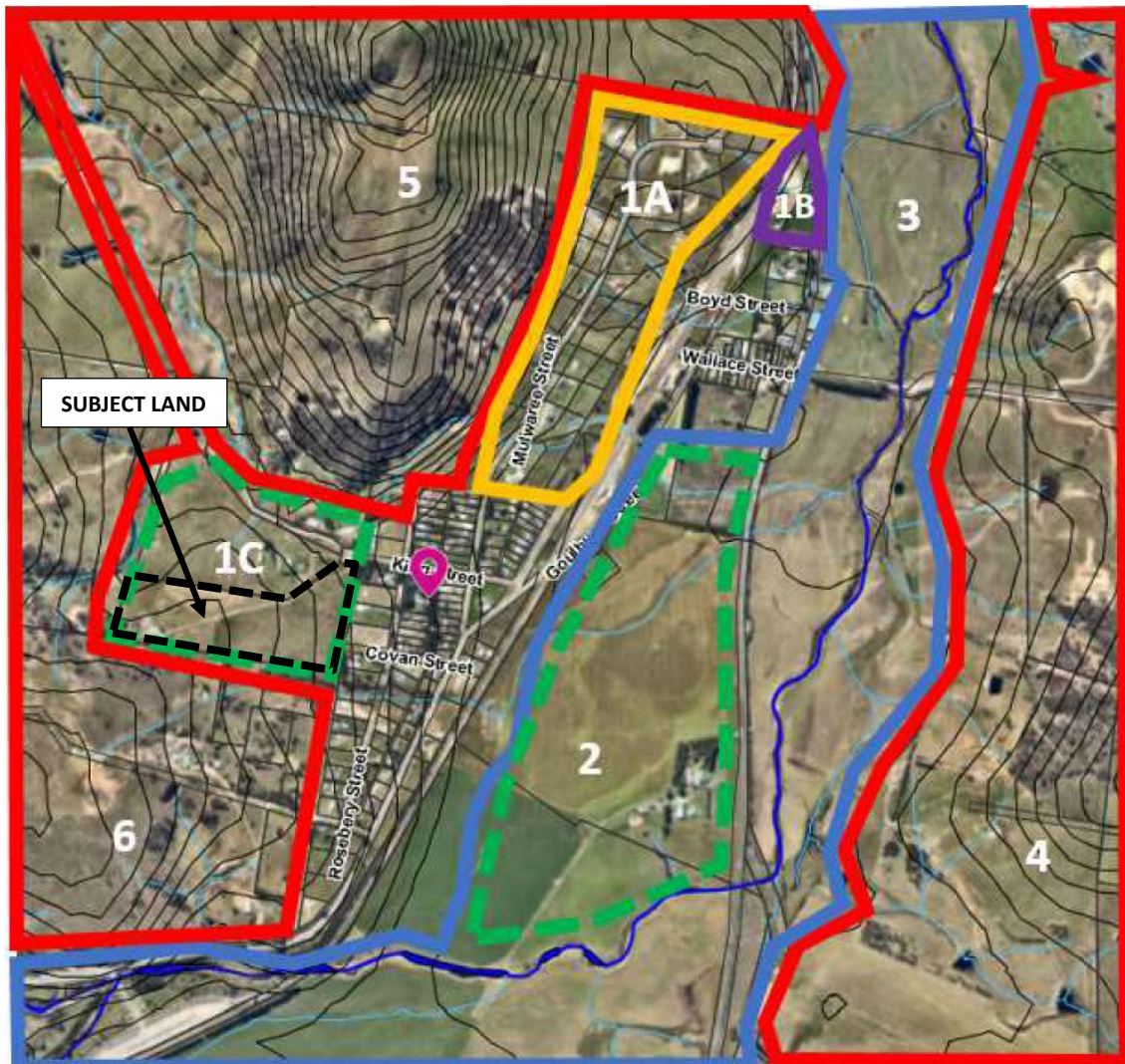
An extract from the conceptual subdivision layout plan is included at **Attachment 3** for information purposes only¹. Refer to the Concept Layout and Master Plan prepared by Place Logic included with this request.

In our opinion, the proposed re-zoning and future developed outcome would be consistent with the TVHS in that it would provide an opportunity for additional village development whilst preserving the established rural village setting and areas of ecological and resource value.

¹ The proposed future subdivision of the land would form part of a separate and distinct Development Application (DA), which would only be submitted to Council following favourable Gateway determination of the re-zoning Planning Proposal. As such, the Conceptual Subdivision Layout Plan is included with this request for re-zoning so as to assist with demonstrating the viability of the request.

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Further to the above, site specific assessments have been prepared by qualified technical consultants to address matters such as biodiversity, contamination, Aboriginal cultural heritage, bushfire risk, stormwater and wastewater management and traffic impact. A summary of the key findings of these technical assessments is included below. In short, the technical assessments demonstrate that the subject land is suitable for the intended future use as envisioned by the TVHS.



Biodiversity

A Stage 1 Biodiversity Assessment Method (**BAM**) Assessment [dated 21 February 2024] has been prepared by Capital Ecology.

The purpose of the Stage 1 BAM Assessment was to document the ecological values of the subject land and to determine and assess the likely impacts of the proposed re-zoning and future development on habitat for terrestrial flora and fauna species and ecological communities listed pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) and/or the NSW *Biodiversity Conservation Act 2016* (**BC Act**).

In summary, the Stage 1 BAM Assessment determined that the subject land supports the following significant biodiversity values:

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- 0.84 hectare of BC Act native vegetation.
- 9.16 hectares of potential habitat for the Little Whip Snake.
- Potential marginal foraging habitat for threatened woodland birds.

With consideration of the land use history of the subject land and the resulting highly degraded current condition of the vegetation and other ecological values present within, Capital Ecology considers the re-zoning and future development of the subject land to be a reasonable proposition.

As a result of the proposed minimum lot size reduction, future development of the subject land will likely trigger the Biodiversity Offset Scheme (**BOS**) and the requirement for the preparation of a Biodiversity Development Assessment Report (**BDAR**). Notwithstanding, given that the vegetation and habitat within the subject land has been found to be highly degraded, and that its assessed biodiversity values pose a low degree of constraint to development, Capital Ecology believes that the future BDAR will result in little to no offset credit liability.

Given the above, it is considered that the re-zoning request would be consistent with the relevant Section 9.1 Ministerial Directions in relation to biodiversity and conservation as well as the relevant requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Contamination

A Limited Detailed Site Investigation (**LDSI**) for contaminated land [dated 21 July 2023] was prepared by Murrang Earth Sciences Pty Ltd to assess the potential for contamination at the subject site based on past and present land uses and to comment on the need for further investigation and/or management with regard to the proposed re-zoning request and future intended village outcome.

Two (2) sources of contamination were considered to occur at the subject site, including pesticides and mine tailings, slag and dust. In response, ten (10) locations were tested via samples collected from the A Horizon and the top of the B Horizon at each location. This sampling regime was considered appropriate for the size of the site and on the basis that the sources of contamination would be at the ground surface level only.

The results of the samples analysis found that the chemicals of concern were below the adopted assessment criteria in all instances. On this basis, the chemicals of concern were found to not present an unacceptable risk to human health or to the environmental receptors at the site. Therefore, the site was deemed to be suitable for the future intended village use with no remediation necessary.

Given the above, the proposed re-zoning request would be consistent with Section 9.1 Ministerial Direction No. 4.4 – Remediation of Contaminated Land and the relevant requirements of Chapter 4 – Remediation of Land of State Environmental Planning Policy (Resilience and Hazards) 2021.

Aboriginal and Historic Cultural Heritage

Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Due Diligence Assessment [dated 24 July 2023] was prepared by Past Traces Pty Ltd in accordance with the *Due Diligence Code of Practice* (OEH 2010) to provide information in relation to Aboriginal cultural heritage that is, or may be present, within the subject site.

The Due Diligence Assessment identified one (1) heritage site (KST1 57-3-0538) consisting of two (2) chert flakes within the project area. As a result of the likely impacts to this heritage site as a result of the future development of the land, Past Traces Pty Ltd was commissioned to prepare an Aboriginal Cultural Heritage Assessment Report (**ACHAR**) to determine the extent and significance of the impact.

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As required, consultation with the Aboriginal community was undertaken to assist Past Traces Pty Ltd in assessing the significance of any identified heritage sites and to provide guidance in the development of culturally appropriate management strategies. Consultation was undertaken in accordance with the *Consultation Guidelines for Proponents NSW* (DECCW 2010a) with a number of Registered Aboriginal Parties (**RAPs**).

As a result of the assessment, the Aboriginal heritage site (KST1 57-3-0538) was found to hold low significance and would not preclude future development of the site provided that the following recommendations are implemented:

- An Aboriginal heritage Impact Permit (**AHIP**) will be required to allow works to proceed. No impacts can occur to the heritage site prior to the approval of an AHIP by NSW Heritage. The area of the AHIP will cover the entire area of the subject site, as construction impacts will be widespread and extensive. The area of the proposed AHIP area is shown in ACHAR Figure 9.
- Surface collection of Aboriginal heritage site (KST1 57-3-0538) will be required. The surface collection will consist of returning to the site location, marking GPS locations of artefacts, labelling and bagging each artefact for analysis. The surface collection will follow the methodology set out in Section 8.1 of the ACHAR.
- The recovered artefacts from the surface collection will be returned to country. A return to country location has been suggested to the RAPs for their consideration. The location and methodology to be followed are provided in Section 8.1.2 of the ACHAR.
- An AHIP Compliance works report will be submitted to NSW Heritage including the results of the surface collection and return to country at completion of works.
 - Site Impact card with updated details will be submitted to AHIMS for inclusion into the database at completion of works.
- It is an offence to disturb an Aboriginal site without an AHIP as all Aboriginal objects are protected under the NSW National Parks and Wildlife Act 1974. Should any Aboriginal objects be encountered during works outside of the AHIP area, then works must cease and a heritage professional contacted to assess the find. Works may not recommence until cleared by NSW Heritage
- Continued consultation with the RAPs for the project should be undertaken. RAPs should be informed of any major changes in project design or scope, further investigations or finds.

Based on the above, it is considered that the re-zoning request would satisfy Section 9.1 Ministerial Direction No. 3.2 – Heritage Conservation and the relevant requirements of the *National Parks and Wildlife Act 1974*.

European Cultural Heritage

The subject land is not listed on the State Heritage Register.

Under the provisions of the Goulburn-Mulwaree Local Environmental Plan 2009 (**GMLEP 2009**), the subject land is not identified as:

- being within, or within proximity to, a heritage conservation area; or
- comprising, or within proximity to, a locally listed heritage item.

It is noted that the Tarago Railway Station is listed on the State Heritage Register as well as at Schedule 5 of the GMLEP 2009. The site of the Tarago Railway Station is situated approximately 560m to the northeast and is physically separated from the subject land via the existing developed Tarago village extent. It is therefore considered that the proposed re-zoning and future development of the subject land will have no impact on the heritage values of the Tarago Railway Station.

Based on the above, it is considered that the re-zoning request would satisfy Section 9.1 Ministerial Direction No. 3.2 – Heritage Conservation and the relevant requirements of the *Heritage Act 1977*.

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Bushfire

The subject land is mapped as bushfire prone (Vegetation Category 3).

As such, a Strategic Bushfire Assessment Report (**SBAR**) [dated 29 January 2024] has been prepared by EMBER Bushfire Consulting to accompany this request for re-zoning.

The SBAR demonstrates that the proposed re-zoning request satisfies Ministerial Direction No. 4.3 – Planning for Bushfire Protection and the requirements of the *Rural Fires Act 1997* and Planning for Bushfire Protection 2019 via the provision of compliant bushfire protection measures, including compliant asset protection zones (**APZs**), landscaping and road access design, construction standards, water supply and underground electrical services.

Potable Water and Wastewater Management

The subject land does not have access to reticulated potable water or sewer and as such, any future development of the subject land would need to be self-sufficient in relation to the management of potable water and effluent.

In relation to potable water, any future subdivision and development of the land would need to rely on roof rainwater catchment, large volume tank storage and reuse, which is an acceptable and viable water supply initiative for development in un-serviced areas.

To ensure the viability of roof catchment and tank storage as the primary potable water supply, there are a number of measures that could be employed, including mandating minimum roof catchment areas, minimum tank storage requirements and water saving fixtures. It is to be noted that the final suite of measures to provide viable potable water supply to any future village allotment would be detailed as part of any subsequent Development Application process.

With regard to effluent management, a Land Capability Assessment has been prepared by Franklin Consulting Australia Pty Ltd (dated 23 October 2023). The results of that Assessment confirm that the site and soil conditions are considered suitable for the on-site management of effluent via a range of disposal options. Notwithstanding, a site-specific Site and Soil Assessment for On-Site Effluent Management would be required as part of the future Application process for the development of the individual village allotments. The site-specific Assessment would establish the most appropriate wastewater management system for the nature of the development proposed.

Traffic

A Traffic Impact Assessment [dated 19 July 2023] was prepared by SCT Consulting Pty Ltd to assesses the likely impact of the future development of the site in terms of the net increase in trips generated, connectivity and access to the surrounding road network, car parking requirements, public and active transport facilities, and any potential infrastructure upgrades.

Based on an assumed allotment yield of 30 – 35 lots, the Traffic Impact Assessment concludes the following:

- Future development of the site is likely to be accessed via King Street and Covan Street. Based on a yield of 30 residential dwellings, the future proposed development is expected to generate 26 vehicles in the AM and PM peak hours respectively and 270 vehicle trips per day. If each of the allotments were to be developed with a dual occupancy, the expected traffic generation is likely to double to 52 vehicles in the AM and PM peak hours and 540 vehicles per day.
- As the subject site is currently only occupied by a single rural residential dwelling, the expected vehicle trips associated with the future development of the site would be in addition to the existing situation.
- The public roads surrounding the subject site are expected to be able to cater for the additional traffic volume associated with the future development of the site.

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- Public road infrastructure upgrades will be required to the future proposed external access points at the Covan Street / Roseberry Street intersection and the King Street cul-de-sac. These future upgrades would be the responsibility of the developer.
- A new internal public road network will be introduced as part of the future development of the site.
- No public transport upgrades are expected to be required because of the negligible increase in demand for public transport services from residents of the future development of the site.
- There are currently no footpaths along King Street and Covan Street, which are the key access routes to the site. As part of the future development of the site, footpaths along these routes together with along the internal road network could be considered to improve connectivity to the wider public street network.

Based on the above, the proposed re-zoning and future development of the site is unlikely to result in unacceptable traffic and/or transport related impacts. Further to this, noting the relatively isolated rural location, the subject site (together with the broader Tarago village) is not well serviced by active and/or public transport facilities and services. Notwithstanding, if more active and public transport options are implemented in the future, a shift towards active and public transport could be expected – thus reducing the dependence on cars.

It is for the above reasons that this re-zoning request is deemed to be justifiably inconsistent with Ministerial Direction No. 5.1 – Integrating Land Use and Transport.

Stormwater

Spiire Australia Pty Ltd was commissioned to prepare a Stormwater Master Plan including a flood risk management study to accompany this request for re-zoning. The report titled 'Stormwater Master Plan' [dated 20 November 2023] considers a catchment scale proof of concept design to support the proposed re-zoning. Further refinement and details would be determined at the subsequent development application and detailed design phases of the project.

In summary, the primary findings of the Stormwater Master Plan Report are:

- The subject site has no perceived flood risk due to its elevation compared to surrounding drainage paths.
- Internal site flows can be managed and conveyed by vegetated roadside swales – to be sized during future detailed design phases.
- Nuisance flows exiting the site will be diverted to and conveyed by the road network removing residual risk to external allotments. Peak flows can be managed at all site outfall locations to be less than the pre-developed flows. A singular retarding basin is required to achieve this and is shown indicatively on the Concept Layout and Master Plan prepared by Place Logic included with this request.
- The MUSIC Model results show that NorBE criteria can be achieved for the subject site even when complete disturbance is assumed with the construction of a treatment train or buffer strip, vegetated swales and a 600m² bioretention basin.
- Proposed soil and water master plan measures are calculated to appropriately manage environmental effects of the proposed re-zoning and future development of the site.

Given the above, it is considered that this re-zoning request would satisfy Section 9.1 Ministerial Direction Nos. 3.3 – Sydney Drinking Water Catchments and 4.1 – Flooding as well as the relevant provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

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Agricultural Viability

The subject land is not mapped as being State Significant Agricultural Land.

As detailed in the Land Capability Assessment prepared by Franklin Consulting Australia Pty Ltd (dated 23 October 2023), the soils of the subject land are generally of low agricultural value, which is reflected by the historical grazing land use and groundcover of unimproved perennial pastures.

Due to the subject site's small size, being circa 10.2 hectares and coupled with the land's poor soil quality, the continued use of the land for small-scale livestock grazing practices is not a viable commercial enterprise. Viability is further compromised given the site's location, being close to (or in this case immediately adjacent to) village settlement – where the land comes under further pressure from higher land values, domestic animals, and other peri-urban impacts.

Given the above, the proposed re-zoning will have minimal impact on the agricultural productivity of the region.

It is for the above reasons that this re-zoning request is deemed to be justifiably inconsistent with Ministerial Direction No. 9.1 – Rural Zones and consistent with Ministerial Direction No. 9.2 – Rural Lands as well as State Environmental Planning Policy (Primary Production) 2021.

Conclusion

As detailed above, this request for re-zoning is seeking Council's support in the preparation of a Planning Proposal to amend the GMLEP 2009 by re-zoning the subject land from RU2 Rural Landscape to RU5 Village and by reducing the minimum lot size provision from 100 hectares to 2,000 square metres.

The proposed re-zoning is consistent with Council's adopted TVHS and the subject land has been found to be suitable for the future intended village use.

We trust that the information contained herein will assist you in your consideration of the proposed re-zoning request. However, should additional information be required, please do not hesitate to contact the undersigned on 0457 786 776 or elizabeth@planned.net.au.

Yours sincerely,

Elizabeth Slapp

Elizabeth Slapp RPIA
Senior Town Planner



Attachments

- 1) Pre-Lodgement Meeting Minutes from meeting held on 23 September 2022.
- 2) Extracts from the current Land Zoning Map (LZN_002A) and Lot Size Map (LSZ_002A).
- 3) Extract from the Concept Layout and Master Plan.

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ATTACHMENT 1 – Pre-Lodgement Meeting Minutes

41 King St, Tarago Planning Proposal Pre-lodgement Notes

23 September 2022 at Goulburn Mulwaree Council Office

41 King St, Tarago, Lot 3, DP 1118635

Attendees:

- Kate Wooll- Business Manager- Strategic Planning, Goulburn Mulwaree Council
- David Kiernan- Senior Strategic Planner, Goulburn Mulwaree Council
- Elizabeth Slapp- Senior Town Planner, PLANNED
- Yaaman
- Daniel
- Stuart

Site Area: approx. 10ha

Initial Constraint Review
• 2 natural drainage paths run in close proximity to western & southern boundaries
• Within Terrestrial Biodiversity Area
• No FSR
• No height of building limit but adjacent to 8m limit
• RU2 Rural Landscape zone but adjacent RU5 Village zone
• Current MLS 100ha but adjacent 1500m2
• Cat 3- Medium Risk Bushfire Prone Land- Grasslands
• Not connected to reticulated sewer or water
• Within Sydney Drinking Water Catchment
• Site within area 1C of the Tarago Village Strategy
• Potential Aboriginal Artefact's area

Required Studies & Documents

- A Water Quality Assessment
- A Flood Risk and Management Strategy
- Indicative layout plan which includes lot boundaries, access, building envelopes and effluent management areas.
- A Flora and Fauna Assessment- a further Biodiversity Assessment maybe required depending on the findings of the Flora and Fauna Assessment.
- Bushfire Study in accordance with the Planning for Bush Fire Protection 2019. This was not undertaken as part of the Tarago Village Strategy.
- Preliminary Contamination Assessment- Preliminary Site Assessment. Depending on findings a Detailed Site Investigation may be required.
- An Aboriginal Due Diligence Assessment which includes as a minimum a site inspection with a member of the local Aboriginal community.
- An Agricultural Viability Assessment
- A Traffic Impact Assessment

Key Issues

- A Water Quality Assessment is required to assess the sites potential to accommodate on-site effluent management systems.
- Studies should be prepared and submitted with the planning proposal. Planning proposal must be submitted via the Planning Portal. After submission an invoice for the Commencement fee will be issued.
- The 100m buffer distance from drainage channel restricts the siting of effluent management areas
- Building envelopes and Effluent Management Areas are required to be mapped for the site to indicate whether a dwelling can be located outside of constraint areas, particularly relating to drainage buffers and water quality.

Advice as discussed

The site is within the Tarago Village Strategy, identified as area 1C and is one example of limited growth opportunities for Tarago.

There is no intention for Council to provide water or sewer infrastructure to the site therefore on-site effluent management systems will be required.

A Water Quality Assessment will be required to be submitted with the planning proposal. Water quality is a vital consideration because the land stands within the Sydney Drinking Water Catchment and any planning proposal must be endorsed by Water NSW. Water NSW reviewed sites within the Strategy for their suitability to accommodate effluent management areas in relation to soil and water capability (see pg50 of the Strategy). This assessment concluded that the site maybe suitable for lots between 2,000 to 4,000m² depending on soil capacity. 2,000m² would be the absolute minimum acceptable lot size to Water NSW. Daniel advised that they were currently exploring 4,000m² lots where land falls to drain water toward watercourses/drainage lines with potential for the smaller 2,000m² lots toward the existing RU5 village zoning.

The requirement for a scoping document to be submitted with the planning proposal was raised by Elizabeth. Council expect the planning proposal submission to be accompanied by a letter outlining the intent of the proposal i.e. zoning/MLS changes, anticipated lot yield, list of technical studies submitted and highlight any particular constraints pertinent to the site. Kate advised that all planning proposals are proponent-led but the document is prepared by Council. This enables a more streamlined process in terms of alterations council may be required to make as a result of referral and/or exhibition comments.

Council currently holds limited data on flooding in Tarago. The extent of flooding and its potential impacts on the site must be understood. A Flood Risk and Management Study will be required to be submitted with a planning proposal. It is important to illustrate potential building envelopes as they relate to flooding to ensure a proposal is able to avoid land within floodways.

A Phase1 Preliminary Site Investigation- Contamination is required to be submitted in accordance with Ministerial Direction 4.4- Remediation of Contaminated Land and the Managing Land Contamination guidelines.

A Flora and Fauna Assessment is required to be submitted with the potential for a full Biodiversity Assessment depending of the findings of the Flora and Fauna Assessment.

A Strategic Bushfire Assessment is usually required to be submitted however Council are currently undertaking its own Strategic Bushfire Assessment which includes Tarago. This is

due for completion by March 2023. If Council's Strategic Bushfire Assessment has been completed prior to submission of this planning proposal then Council will only request a standard Bushfire Assessment to be submitted.

Two access points should be achieved to satisfy bushfire evacuation requirements. Access can be achieved from King St and Covan St.

An Aboriginal Due Diligence Assessment which includes a site inspection by a qualified archeologist in consultation with the local aboriginal community through the applicable Local Aboriginal Land Council should be submitted with the planning proposal. Any potential archeological deposits (PADs) to be identified in the assessment.

During the preparation of the Tarago Village Strategy Transport for NSW agreed to the findings of the Strategy on the proviso the following three considerations were explored:

- The impacts of overland flow resulting from the development of the site toward the railway line and any mitigations proposed.
- Adequacy of the level railway crossing to accommodate additional traffic levels
- The suitability and safety of the Braidwood Road/Lumley Road/Wallace Street intersection.

The above should be identified and explored through a Traffic Impact Assessment which also includes anticipated additional traffic movements resulting from the development and the ability to achieve recommended safety standards, particularly sight lines.

The potential requirement for an Agricultural Viability Assessment was raised by Elizabeth. Kate advised that a light touch statement would suffice. This Statement should include discussion around the limited agricultural viability of the site, its inclusion within the Tarago Village Strategy, soil classification and general comments on site context.

David raised the potential to include the northern Lot 2, DP 1118635 (43 King Street) within the planning proposal. Daniel advised they haven't engaged with the landowner yet but they will explore the potential to combine the two sites in the next few weeks. The cost benefits and potential for road connectivity of merging the two lots are recognised.

It is important to ensure that all required technical supporting documents are submitted with a planning proposal to ensure timely assessment and avoid delays. A planning proposal of this scale which is accompanied by the full suite of requested technical documents is anticipated to take 1 year to 18 months to complete.

The Department of Planning and Environment seeks to complete a planning proposal process within 1 year from the gateway determination.

Planning proposals which are submitted without the full suite of requested supporting documentation to determine the site and strategic merit of a proposal will be returned to the applicant and not submitted to the Gateway.

Additional Note

The adjacent RU5 Village zone is accompanied by an 8m height of building limit. This height limit will be extended onto the proposal site to ensure consistency with the existing built form.

Cost

Planning Proposal costs are split into two parts:

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

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

The anticipated cost for this proposal (Lot 3, DP 1118635 only) are considered to fall within the Major Proposal category (up to 10ha) which sets the costs as follows:

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

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

The anticipated cost for this proposal which includes Lot 3 & Lot 2, DP1118635 would exceed the 10ha threshold for this charging category and would instead fall within the land release category which sets the costs as follows:

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

Part 2: \$42,000 (Inc. GST)

Outline of planning proposal process

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

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ATTACHMENT 2 – Extracts from the current Land Zoning Map (LZN_002A) and Lot Size Map (LSZ_002A)

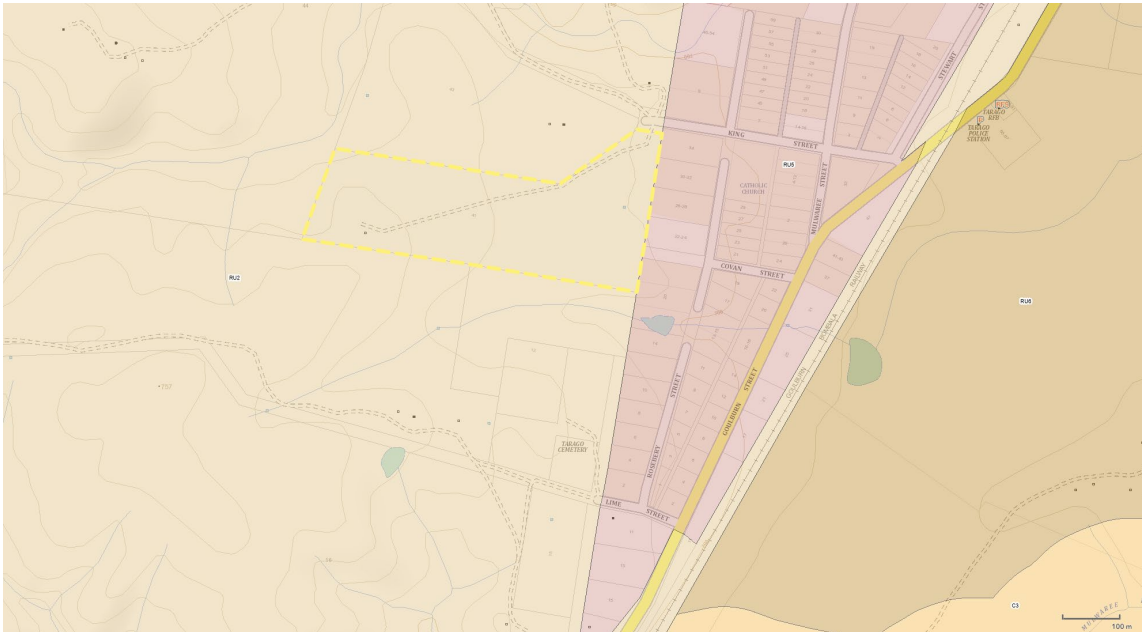


Figure 3: Extract from Land Zoning Map (LZN_002A) – location of the subject land outlined yellow ([NSW Planning Portal Spatial Viewer](#), February 2024).

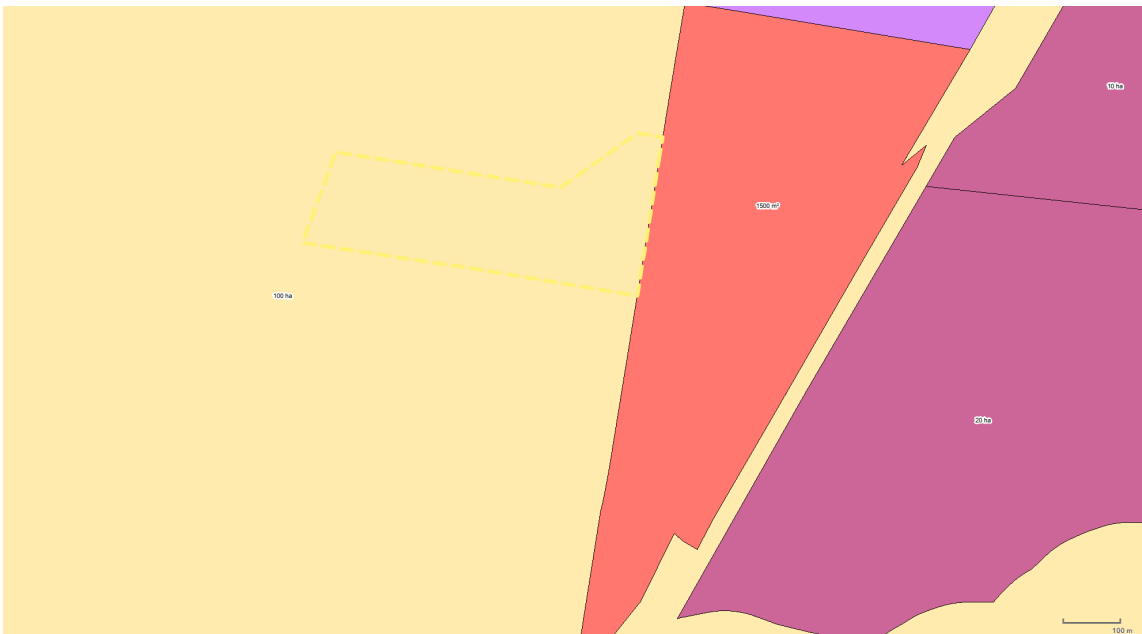


Figure 4: Extract from Lot Size Map (LSZ_002A) – location of the subject land outlined yellow ([NSW Planning Portal Spatial Viewer](#), February 2024).

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ATTACHMENT 3 - Extract from the Concept Layout and Master Plan



Figure 5: Extract from Concept Layout and Master Plan