



Goulburn Mulwaree Council

**Planning Proposal to Rezone
41 King Street, Tarago to RU5 Village**

**Council Ref: REZ/0006/2324
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**June 2025
Post Gateway Version -
State Agency Consultation**

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1	Pre-gateway (for preliminary Water NSW Referral)	August 2024
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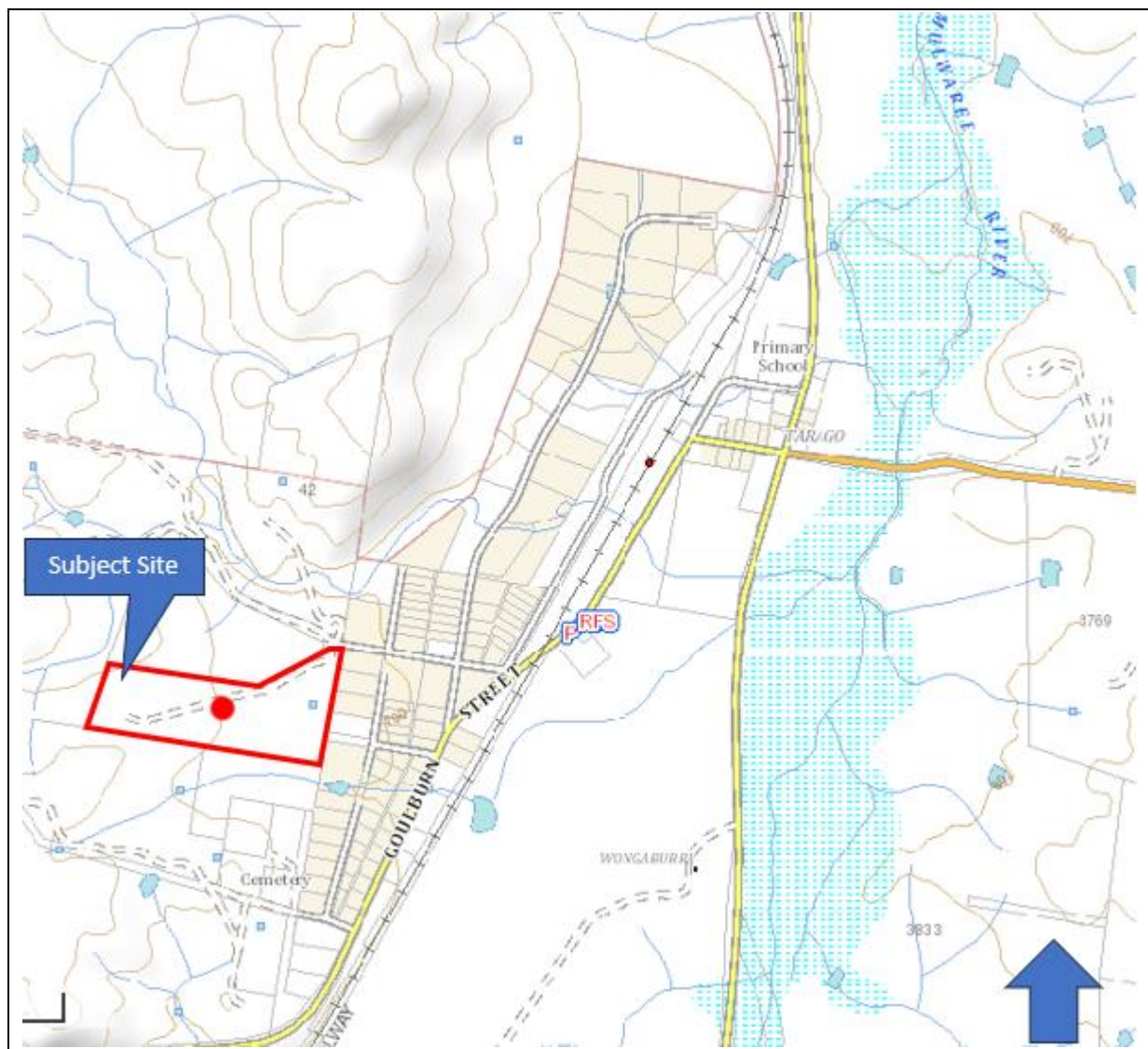
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Introduction

This planning proposal seeks to rezone an area of 10 hectares of rural land situated to the west of Tarago, within Precinct 1C of the [Tarago Village Housing Strategy](#), which is currently zoned RU2 Rural Landscape. A site location plan is illustrated in **Figure 1**.

Figure 1: Site location plan



The subject site comprises one existing lot (Lot 3 DP 1118635) accessed via King Street. The site is mostly cleared grazing land and contains a dwelling, outbuildings and two dams.

The planning proposal is proponent led and seeks to rezone the site to RU5 Village, as identified within Council's [Tarago Village Housing Strategy](#), with an associated amendment to the minimum lot size to 2500m². The rezoning is to facilitate future residential subdivision, the site having the capacity for approximately 26 residential lots.

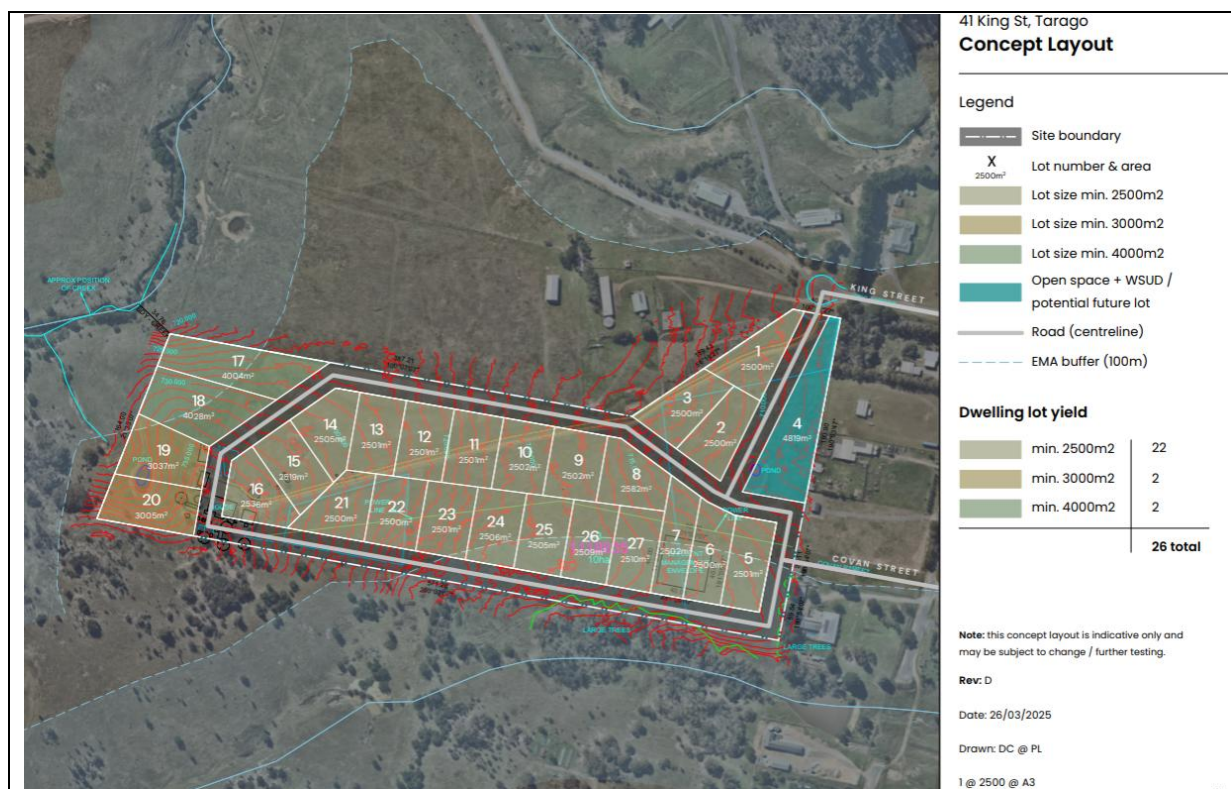
The site will not be serviced by a Council reticulated water and sewer system as these services are not provided in Tarago, therefore these systems will need to be provided on site.

The site is relatively unconstrained by contamination, heritage, biodiversity or by watercourses and flooding. The site is located on bushfire prone land but has access to both King and Covan Streets which are located on the western periphery of the existing village area.

A copy of the submitted planning proposal document is available to view in Planning Portal.

The proponents current concept subdivision plan identifies a twenty-seven-lot subdivision, with local road access to both King and Covan Streets. The proponents concept subdivision plan is presented in **Figure 2** and is available to view in the Planning Portal.

Figure 2: Proponents Concept Subdivision Plan



Council resolved to proceed with the preparation of a planning proposal at its meeting of 18 June 2024 and is available to view in the Planning Portal.

It is noted that pre-Gateway consultation with Water NSW (following the Council Resolution in June 2024) has led to a modification for the proposed minimum lot size increasing it from the 2000m² originally proposed to 2500m² to ensure it will meet water quality requirements.

Supporting documentation may be viewed on the NSW Planning Portal www.planningportal.nsw.gov.au/ppr, using the Portal Reference. Copies of relevant legislation and environmental planning instruments (e.g. State Environmental Planning Policies, Goulburn Mulwaree Local Environmental Plan 2009) may be viewed on the NSW Legislation web site legislation.nsw.gov.au/browse/inforce.

The NSW Department of Planning, Housing and Infrastructure issued a conditional Gateway determination on 16 June 2025 identifying Council as the local plan making authority for this planning proposal.

Part 1- Objectives

1.1 Intended Outcomes

The objective of this planning proposal is to enable the subdivision of land identified in the [Tarago Village Housing Strategy](#) for residential development.

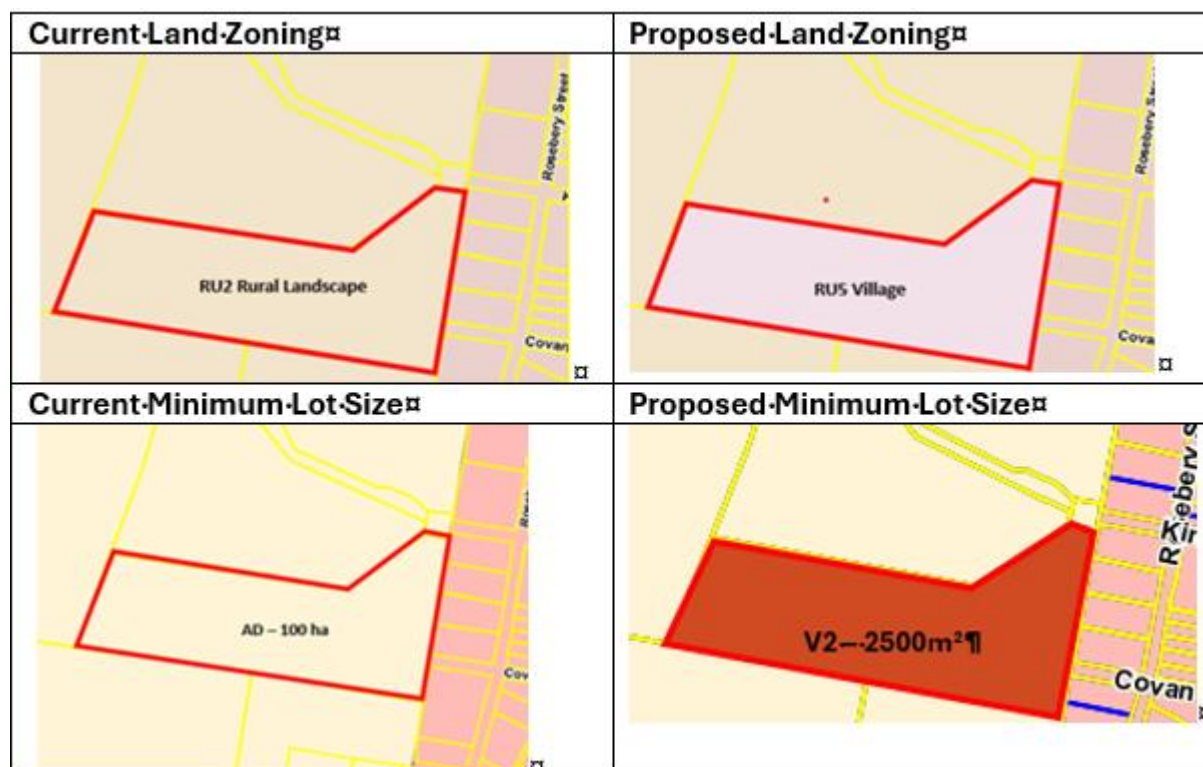
Part 2- Explanation of Provisions

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 Lot 3 DP 118635 from RU2 Rural Landscape to RU5 Village;
- Amending the Minimum Lot Size Map of the GM LEP 2009 for Lot 3 DP 118635 from 100 hectares to 2500m².

Figure 3 illustrates the current and proposed zoning and minimum lot size amendments to the GM LEP 2009 for the subject site.

Figure 3: Existing and Proposed Land use zoning and Minimum Lot Size



Part 3- Justification

Section A- Need for a planning proposal

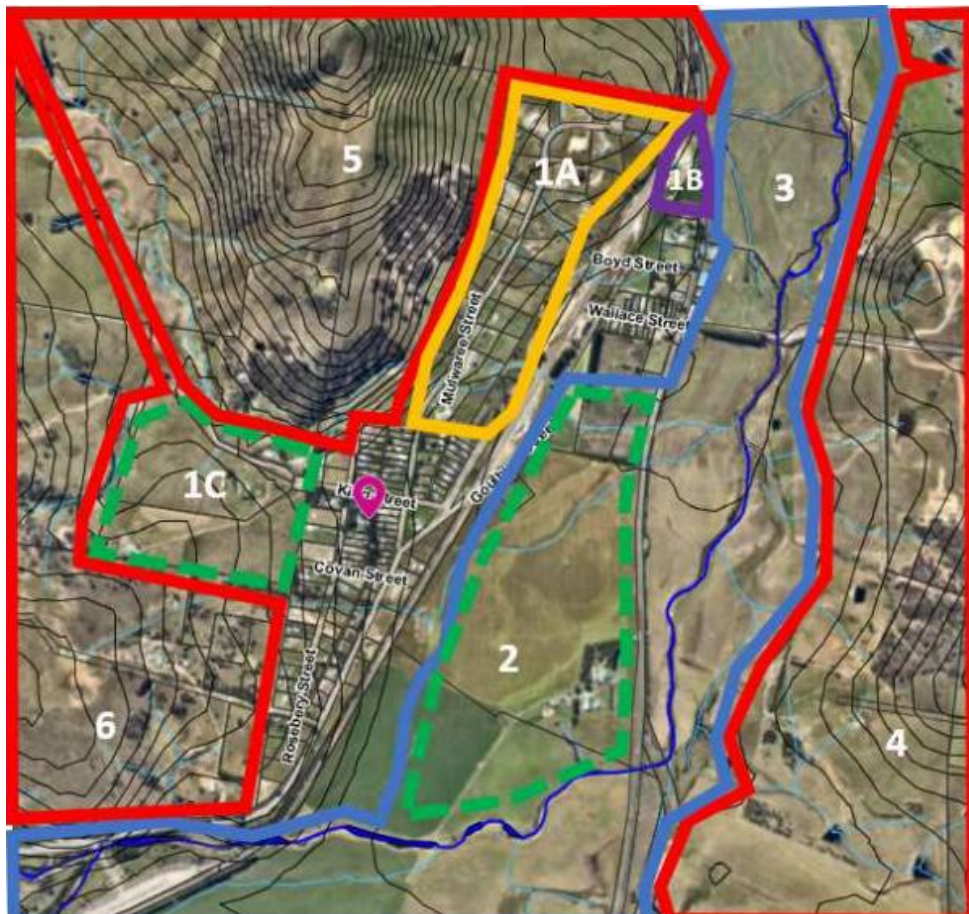
3.1 Is the planning proposal a result of any strategic study or report?

The subject site is located within Precinct 1C of the [Tarago Village Housing Strategy](#), as illustrated in **Figure 4**. The subject site falls within an “opportunity” area for residential expansion of the village.

This planning proposal is seeking RU5 Village zoning over the site with a 2000m² minimum lot size. The planning proposal is consistent with the Goulburn Mulwaree [Tarago Village 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 18 June 2024, a copy of the Council Report and Resolution are available to view in the Planning Portal.

Figure 4: Extract from Tarago Village 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 RU2 Rural Landscape zoning to RU5 Village with an associated minimum lot size of a 2500m², is the only means of achieving the intended outcome of extending the village area as identified in [the Tarago Village](#)

[Housing Strategy](#) given the current planning provisions under the [Goulburn Mulwaree Local Environmental Plan 2009](#) which apply to the site.

Section B- Relationship to Strategic Planning Framework

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

3.3.1 South East and Tablelands Regional Plan

This planning proposal is consistent with the [South East and Tablelands Regional Plan](#) with particular regard to Directions 16 and 23 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 new residential areas on the periphery of existing settlements. The subject site is category 3 (medium bushfire risk) landscape but this proposal is intended to facilitate a residential precinct and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience. The site is contiguous to existing residential development and has access to two residential streets into Tarago village.

The site is not identified as flood prone land. The site is relatively elevated and situated very high in a local catchment with no watercourses identified within the subject area. Watercourses to the west/northwest of the site boundary are identified but located at a lower elevation and are not considered to pose any flood risk to the site.

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.
- Considering the requirements of the *NSW Floodplain Development Manual* (now the Flood Risk Management Manual and Toolkit) by strategically avoiding flood prone land as identified in the Tarago Village Housing Strategy.

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 in Council's Aboriginal Heritage Study 2012. In response, the proponent has submitted an Aboriginal Cultural Heritage Assessment Report (available to view in the Planning Portal). An earlier Aboriginal Cultural Heritage Due Diligence Assessment [dated 24 July 2023] was prepared 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 consisting of two (2) chert flakes within the project area. As a result of the likely impacts to this heritage site because of the future development proposed, an Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared to determine

the extent and significance of the impact. 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 (being common to the area and low in density) and would not preclude future development of the site provided that the identified recommendations are implemented.

The site is not located within proximity to any items of European environmental heritage listed under the *Goulburn Mulwaree Local Environmental Plan 2009*. The closest heritage item is the Tarago Train Station. Due to the topography and distance of the site from the station (700m) it is considered that the proposal will have not have a negative impact on the significance of the station and its setting.

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; and
- Consulting with Aboriginal people to identify heritage values at the strategic planning stage.

3.3.2 Draft South East and Tablelands Regional Plan 2041

The [draft South East and Tablelands Plan 2041](#) (the draft plan) was on public exhibition from 8 August to 23 September 2022 and from 9 December 2022 to 31 January 2023 and is still under consideration.

The Draft Regional Plan is broadly in alignment with the current Regional Plan as outlined in the section above (3.3.1). The planning proposal is considered to meet the objectives of Theme 4 – Planning for fit for purpose housing and services.

3.3.3 The Tablelands Regional Community Strategic Plan 2016-2036

The *Tablelands Regional Community Strategic Plan* identifies priorities 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. The site is not intended to be connected to Council's reticulated water and sewer network and will require the provision of on-site water supply and effluent management systems. This planning proposal has sought to protect waterways and catchments by strategically avoiding land in proximity to the Mulwaree River and to watercourses, and identifying land which has a low to moderate risk because of development on water quality based on a minimum lot size of 2500m². The ability of the planning proposal to achieve a neutral or beneficial outcome on water quality has been demonstrated through the Water Cycle Management Study submitted with the planning proposal. This planning proposal is consistent with Environment Strategy EN3.

The planning proposal considers the need to recognise and protect areas of built and cultural heritage through the Aboriginal Cultural Heritage Due Diligence Assessment (available to view in the Planning Portal). Minor impacts have been identified to Aboriginal cultural heritage and the heritage values of the Tarago Railway Station are safeguarded through distance (due to the topography, as it is not visible from the site) and current GM LEP 2009 listing. This planning proposal is consistent with Our Community Strategy CO4.

The land has historically been cleared for agriculture and is currently used for cattle grazing. A Stage 1 Biodiversity Assessment Method (BAM) has been submitted in support of this Planning Proposal. 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:

- 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.

The submitted rezoning request (available to view in the Planning Portal) summarises:

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.

No significant areas of native vegetation were identified for further protection via an environmental zoning. Whilst an area identified as plant community type (PCT) 3744 Palerang Hills Peppermint Dry Shrub Forest Zone 5 to the southwest of the site, and an area of planted native trees is identified in a central part of the site, zoning is not considered to be the most appropriate form of protection. Whilst Council could zone this area as C2 Environmental Conservation, it covers a very small portion of the site.

Furthermore, the site and surrounding lots are currently zoned RU2 Rural Landscape. The adjoining sites to the west and south of the PCT 3744 Zone 5 area are not identified in the Strategy for future release. Therefore, any rezoning of the PCT 3744 Zone 5 area will result in a very small, isolated area of C2 Zoning. Given the topography of the site and proximity to the boundary it is highly unlikely that this location would be required for a dwelling or any other ancillary purposes. The concept plan of subdivision identifies this portion of the site as having 2500m² lots which are of a sufficient size to avoid the development of this portion. It is considered given the location and size that the best approach is for the subdivision to include an 88B restriction under the Conveyancing Act on the land title to restrict development in this location. In relation to the planted area of native trees in the central portion for the site, this is a matter for consideration at the DA stage also as it may be possible to integrate the retention of the trees with the large lot sizes proposed.

This planning proposal is intended to facilitate the development of land for future residential development in accordance with the recommendations of the [Tarago Village Housing Strategy](#). The site is contiguous with existing residentially zoned land to the west and is relatively free of constraints. The site can be serviced by road, and on site water and sewer systems and is within proximity to Goulburn's concentration of employment services and facilities, as well as Bungendore and Canberra to the south. 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](#) (UFHS) which sets out housing growth areas. The LSPS also includes in Action 4.3 the preparation of a Villages Strategy, to identify what if any capacity the relevant villages have for further growth.

This planning proposal seeks the rezoning of an area of RU2 Rural Landscape Zoned area of land identified in Precinct 1Cof the [Tarago Village Housing Strategy](#) for RU5 Village (residential) development. This site is contiguous with the existing RU5 Village Zone which extends to Rosebery Street. This proposal some capacity for growth of the village, however, Goulburn remains the focus of housing growth in accordance with 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 riparian flooding.

The subject site is identified as category 3 (medium bushfire risk) landscape but this proposal forms a contiguous extension to the existing village and the proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience. The Goulburn Mulwaree Development Control Plan (DCP) also includes provisions relating to bushfire controls. The site is elevated and sits high in a catchment with no flood inundation identified. 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 is not within proximity (or within the visual setting) of a heritage item, the closest item being the Tarago Railway Station which is not visible due to the topography. The Aboriginal Cultural Heritage Assessment Report did identify two sites, however, upon further assessment and consultation these were found to be of low significance being both common to the area and low in density.

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 land has historically been cleared for agriculture and is currently used for grazing cattle (extensive agriculture). A small area of native vegetation plant community type (PCT) 3744 Palerang Hills Peppermint Dry Shrub Forest on the southwestern corner of the land. The area covered by this PCT is very small and located near the site boundary. Given the location of the PCT the size of the area affected and relatively steep topography in the identified area, avoidance by future development is easily achievable, as discussed further in Section 3.6.4 of this report.

The site is within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect (NorBE) on water quality. This planning proposal is for a site in an area identified at a strategic level as having a lesser impact on water quality if developed with 2000m²+ lots. Subject to further pre-Gateway consultation with Water NSW the minimum lot size has been increased to 2500m².

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 Tarago Village Housing Strategy (Adopted June 2022)

The subject site is directly identified in the [Tarago Village Housing Strategy](#) (TVHS) as an opportunity area for residential expansion of the village, as illustrated in **Figure 4**.

The TVHS therefore identifies the precinct as suitable for residential development subject to relevant site-specific environmental assessments and approval processes.

The proposal to rezone and amend the minimum lot size for this site is consistent with the recommendations of the [Tarago Village 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, 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 (Tarago village) which is not serviced by Council's reticulated water and sewage system and is within the Sydney drinking water catchment.

The proposal seeks the rezoning to facilitate a residential subdivision of approximately 28 lots as identified in the proponent's concept subdivision plan.

The identification of suitable sites for residential development in the village was undertaken in the [Tarago Village Housing Strategy](#) which was prepared in consultation with Water NSW. This site is in Precinct 1C which was identified as relatively less constrained by water quality risks as identified in the Strategic Land and Water Capability Assessment (SLWCA) maps for unsewered lots 2000m²-4000m². Areas of higher risk are identified as being within 100m of water courses which are located off site to the north west and south.

Figure 5 illustrates the location of drainage channels and dams in relation to the subject site.

Figure 5: Location of Drainage Channels and Dams



The proponent has submitted a concept plan (available to view in the Planning Portal) to demonstrate the proposal's ability to accommodate the proposed development whilst meeting water quality requirements. The concept subdivision plan responds to the relative risks posed to water quality by indicating a range of lot sizes increasing from 2000m² – 5000m² where there is greater proximity to a water course. Following consultation with Water NSW in March 2025 (available to view in the Planning Portal), an amended concept subdivision plan increasing the minimum lot size to 2500m² has been submitted (available to view in the Planning Portal).

The site is relatively elevated and sits on a ridge. The site contains two existing dams, both of which would be decommissioned if the site is developed in accordance with the concept plan. However, the eastern dam is roughly in the same location as a proposed larger drainage basin.

Figure 6. Flow paths, dams and detention basin.



No areas of riparian or overland flooding are identified within the site. Further detail on flooding and overland flow is provided in Section 3.6.7.

An assessment on water quality to determine neutral or beneficial effect will also be undertaken as part of a future development application (DA) which will require Water NSW concurrence. However, The proponent has also submitted a Stormwater Master Plan (available to view in the Planning Portal) which includes a flood impact assessment, stormwater quality (including MUSIC model) assessment, and concept soil and water management plan. The MUSIC model results show that NorBE criteria can be achieved for the site even when complete disturbance is assumed.

Pre- Gateway consultation has been undertaken with Water NSW, which has resulted in a revised proposal for a 2500m² minimum lot size. An amended Stormwater Master Plan has been submitted reflecting this change. Water NSW pre Gateway advice dated 13 March 2025 is provided and is available to view in the Planning Portal..

Further information on safeguarding water quality is provided in Section [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 [Tarago Village Housing Strategy](#) considered the significance of primary production when determining suitable opportunity areas for housing growth in the village.

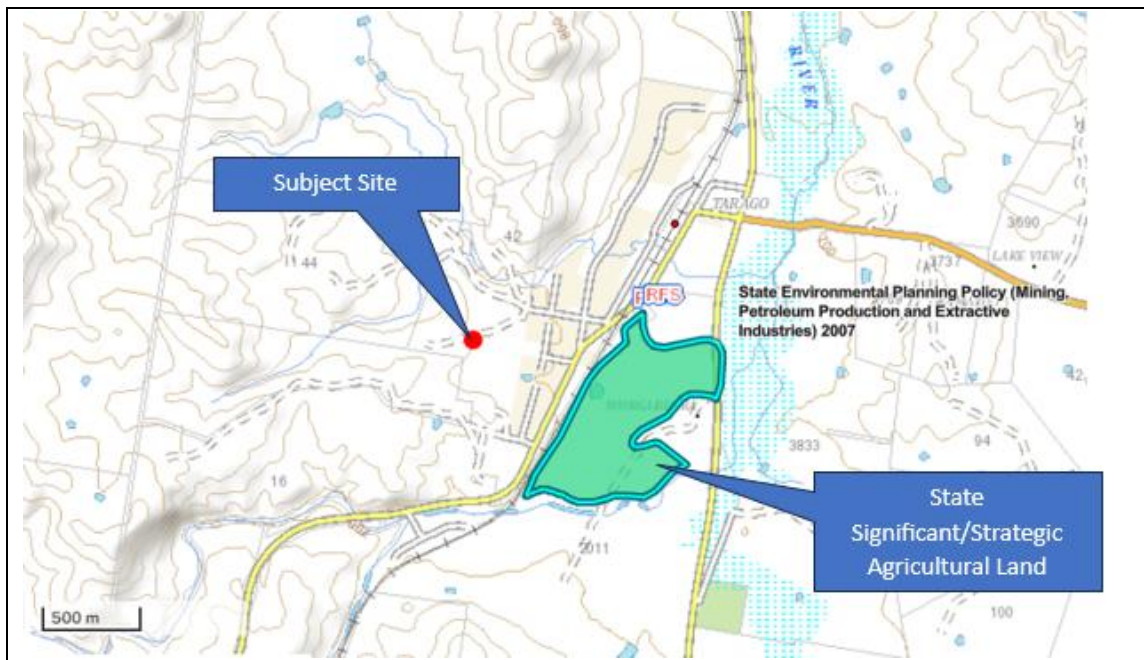
Furthermore the Goulburn Mulwaree [Urban and Fringe Housing Strategy](#) focuses more than 80% of the anticipated housing growth up to 2036 in and directly adjacent to the urban areas of Goulburn and Marulan with most lots prescribed a 700m² minimum lot size and infill areas identified in and around the Goulburn CBD. 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 or for villages. 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.

A Land Capability Assessment (available to view in the Planning Portal) has been submitted in support of the proposal which found 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.

The subject site has limited coverage of native vegetation, is considered highly disturbed and has low biodiversity value.

The subject site is not impacted by State Significant Agricultural land as illustrated in [Figure 7](#).

Figure 7: State Significant Agricultural Land Map



The proposed residential development on the site does not encourage sustainable agriculture, aquaculture or oyster aquaculture (as these additional land uses are not consistent with the proposed residential zoning).

This planning proposal is not inconsistent with the aims of this SEPP in that it is consistent with a housing strategy which has centralised residential development on existing centres and services.

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

The subject site is not identified on the Council's local contaminated land register nor identified as significantly contaminated land by the Environment Protection Authority (EPA). However, past agricultural activities on the site are listed as a potentially contaminating use within Table 1 of the *contaminated land planning guidelines*.

A limited detailed site investigation has been submitted with the proposal. An earlier preliminary site investigation had been undertaken which found:

“The preliminary site investigation of the Site delivered by Murrang Earth Sciences found two potential contamination sources. These were dust, cut, fill from railway ballast or nearby mine(s); and pesticide use as a result of agricultural activities. A limited detailed site investigation was recommended by Murrang Earth Sciences to provide the necessary data to confirm whether these potential sources of contamination do occur.”

And:

“Two sources of contamination were considered to occur at the Site, including pesticides; and mine tailings, slag, and/or dust. Based on these sources, lead, arsenic, DDT+DDE+DDD, aldrin and dieldrin, chlordane, endosulfan, endrin, heptachlor, hexachlorobenzene, methoxychlor, mirex, toxaphene, 2,4,5 T, 2,4 D, MCPA, MCPB, mecoprop, picloram, atrazine, chlorpyrifos, and bifenthrin were considered contaminants of concern. Ten locations were sampled at the Site. Samples were collected from the A horizon (i.e., a depth of approximately 0.1 to 0.1 m below ground surface) and from the top of the B horizon (i.e., a depth of approximately 0.1 below ground surface and below) at each location, due to the sources of contamination at the site being from the ground surface.”

The detailed site investigation included sampling and found:

“Chemicals of concern at the Site were below the adopted assessment criteria in all cases. No indications of contamination occurred at the Site. Based on this, chemicals of concern are considered to not present an unacceptable risk to human health and environmental receptors at the Site. The site is suitable for its proposed residential and environmental use, with no remediation necessary at the Site to make it suitable for these uses.”

Based on the samples from various locations across the site and the testing it is considered the risk of further contamination being present is low.

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 Section [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 2036 and Draft South East and Tablelands Regional Plan 2041 are applicable to this planning proposal and this has been considered in [Sections 3.3.1 and 3.3.2](#) of this report. This planning proposal is consistent with the current and draft 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 (EPIs) 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.

This planning proposal seeks the rezoning and minimum lot size amendment of the subject site to RU5 Village to enable residential development in an area identified for development in the [Tarago Village Housing Strategy](#). Dwellings are a permissible use within the RU5 Village 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".

The site has been identified for potential residential development in Council's [Tarago Village Housing Strategy](#) as it is contiguous to the existing village zone boundary and is relatively unconstrained. A Stage 1 Biodiversity Assessment Method Report (BAM) has been submitted in support of the proposal available to view in the Planning Portal).

A Stage 1 Biodiversity Assessment Method (BAM) has been submitted in support of this Planning Proposal. 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:

- 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.

The submitted rezoning request letter (available to view in the Planning Portal) summarises:

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.

The submitted BAM Assessment has been reviewed by Council's Environment and Biodiversity Officer and the site inspected (available to view in the Planning Portal). Council's Environment and Biodiversity Assessment Officer observed:

"The report provided by Capital Ecology is not a formal BAR (Biodiversity Assessment Report). However, it has applied the BAM [Biodiversity Assessment Method] 2020 and biodiversity assessment of the site has followed BAM Stage 1 assessment methodology. Sufficient information has been collected to form the basis for a BDAR. Desktop and field surveys have been adequate."

The following contains relevant extracts of Council's Environment and Biodiversity Officer's assessment of the submitted Biodiversity Report following a site inspection:

"Surveys have confirmed that the ground cover layer on most of the property has been modified by agricultural practices and almost entirely replaced by exotic pasture species and weeds. Surveys have confirmed presence of a small area of PCT 3744 Palerang Hills Peppermint Dry Shrub Forest on the southwestern corner of the land. PCT 3376 Southern Tableland Grassy Box Woodland was not found to be present on the land, but there is some derived native grassland which has been identified in the report as being PCT 3338 Goulburn Tableland Frost Hollow Grassy Woodland. This is justified due to presence of regenerating Snow Gum Eucalyptus pauciflora in the vicinity, and the presence of the community on similar land in the broader Tarago area."

And in relation to fauna:

"The Capital Ecology reptile survey (utilising tile grids for surveying Striped Legless Lizard Delma impar) did detect one threatened fauna species, the Little Whip Snake Suta flagellum, which is listed as a Vulnerable species in NSW. This is a significant record as this species has not previously been recorded in the Tarago area, although it is well known from the Bungendore area and there are records located approximately 20 kilometres to the southwest of 41 King Street, Tarago. It is highly likely that Little Whip Snakes are present on other properties in the Tarago area, and that the lack of records in the local area is due to a lack of formal surveys. Given the already highly degraded nature of the site, and the presence of much higher quality habitat on adjoining lands, it is not likely that the proposed activity will have a significant impact on the local occurrence of the species, but it has to be concluded that the proposed activity will remove approximately 9.16 hectares of potential habitat and this will require purchase and retirement of BOS species credits for the Little Whip Snake."

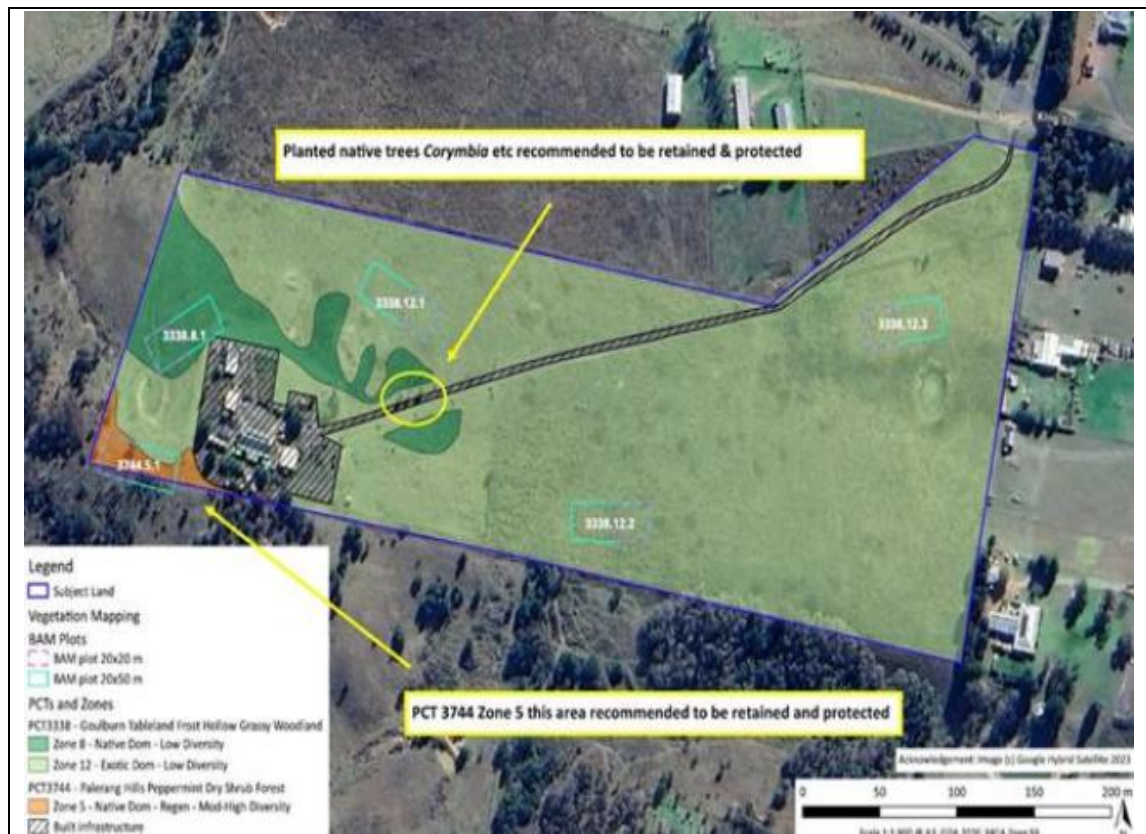
The assessment concludes:

Although most of the land has been cleared and does not support high quality native vegetation, the proposed eventual subdivision design needs to take into consideration the BC Act & Regulation requirement for demonstration of the application of the biodiversity hierarchy of Avoid – Minimise – Mitigate.

This can be achieved by:

- Retention and protection of remnant native vegetation mapped as PCT 3744 Zone 5 in the southwestern part of the land. (Avoid impacts on the highest quality biodiversity values).
- Retention of the group of native trees planted along the driveway near the existing dwelling, and consideration of planting more trees in this area.
- Consideration of revegetation zones/screens/buffers in the concept plan for compensatory replanting with trees representative of the local area, such as Snow Gum *Eucalyptus pauciflora*, Brittle Gum *Eucalyptus mannifera*, Inland Scribbly Gum *Eucalyptus rossii*, Black Sheoak *Allocasuarina littoralis*. Such plantings will create habitat and help with restoring landscape connectivity, and improve aesthetic values of the proposed subdivision.
- Street tree plantings should consider use of suitable native tree species and cultivars such as Dwarf Yellow Bloodwood *Corymbia eximia nana*, Dwarf Red Spotted Gum *Eucalyptus mannifera* 'Little Spotty' and Dwarf Snow Gum *Eucalyptus pauciflora* 'Little Snow Man' in preference to exotic species such as Ornamental Pears (*Pyrus* species and cultivars).
- Developing and implementing a clearing protocol for managing potential impacts on Little Whip Snake and any other fauna that may be impacted by works. This would need to be prepared and managed by an accredited fauna ecologist.
- Preparation of a BDAR – calculation of required BOS credits to mitigate for residual impacts of the proposed activity that cannot be avoided, in particular removal of 9.16 hectares of Little Whip Snake habitat.

Figure 8: Plant Community Types (PCT) and Zones (Locations)



The site is generally highly degraded in relation to biodiversity present. The two areas identified for potential protection are plant community type (PCT) 3744 Palerang Hills Peppermint Dry Shrub Forest Zone 5 shown orange in the above figure to the southwest of the site, and an area of planted native trees identified in a central part of the site in the figure above. Consideration is required in order to determine the appropriate planning approach to address conservation and the Ministerial Direction. Whilst Council could zone this area as C2 Environmental Conservation, it covers a very small portion of the site. Furthermore, the site and surrounding lots are currently zoned RU2 Rural Landscape. The adjoining sites to the west and south of the PCT 3744 Zone 5 area are not identified in the Strategy for future release. Therefore, any rezoning of the PCT 3744 Zone 5 area will result in a very small, isolated area of C2 Zoning. Given the topography of the site and proximity to the boundary it is highly unlikely that this location would be required for a dwelling or any other ancillary purposes.

The concept plan of subdivision identifies this portion of the site as having 2000m² lots which are of a sufficient size to avoid the development of this portion. It is considered given the location and size that the best approach is for the subdivision to include an 88B restriction under the Conveyancing Act on the land title to restrict development in this location. In relation to the planted area of native trees in the central portion for the site, this is a matter for consideration at the DA stage also as it may be possible to integrate the retention of the trees with the large lot sizes proposed.

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.

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

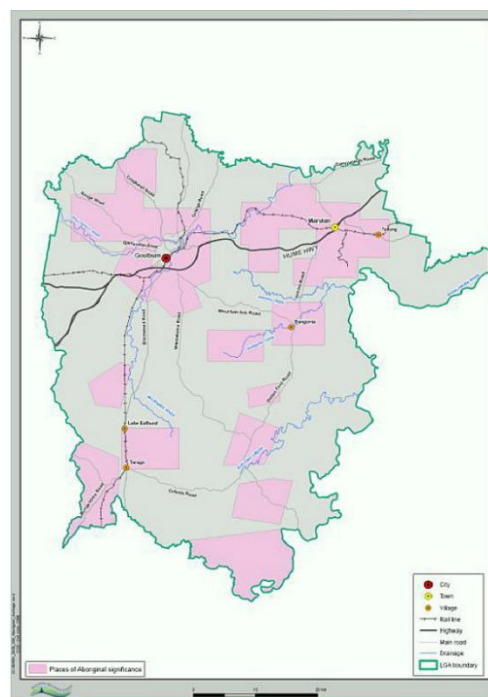
Comment: There are no European cultural heritage items included within the site boundary with the closest heritage item being the Tarago Railway Station which is located 700m to the east of the site. The topography does not provide for any view to or from the heritage item to the subject site. The proposal has no identifiable impact on European heritage significance and the proposal is consistent with Direction 3.2 in relation to European heritage.

Aboriginal Cultural Heritage

The subject site is located within an area mapped as a place of potential Aboriginal significance within the [Goulburn Mulwaree Development Control Plan \(DCP\)](#). This map, illustrated in **Figure 9** 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.

The [Tarago Village Housing Strategy](#) identifies, the requirement for a comprehensive Aboriginal Cultural Heritage Assessment as a part of any future planning proposal. This is reflective of the area's identification as a place of Aboriginal significance where further, more detailed investigation is warranted.

Figure 9: Places of Aboriginal Significance



An Aboriginal Cultural Heritage Due Diligence Assessment [dated 24 July 2023] was prepared 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 consisting of two (2) chert flakes within the project area. As a result of the likely impacts to this heritage site because of the future development proposed, an Aboriginal Cultural Heritage Assessment Report (ACHAR) (available to view in the Planning Portal) was prepared to determine the extent and significance of the impact.

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 (being common to the area and low in density) 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. o 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

3.6.6 Direction 3.3 Sydney Drinking Water Catchments

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

This Direction requires:

1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
 - a. New development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and
 - b. Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
 - c. The ecological values of land within a Special Area should be maintained
2. When preparing a planning proposal, the planning proposal authority must:
 - a. Consult with Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
 - b. Ensure that the proposal is consistent with Chapter part 6.5 of chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and
 - c. Identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and
 - d. Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by Water NSW, and
 - e. Zone land within the Special Areas generally in accordance with the following:

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

and,

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

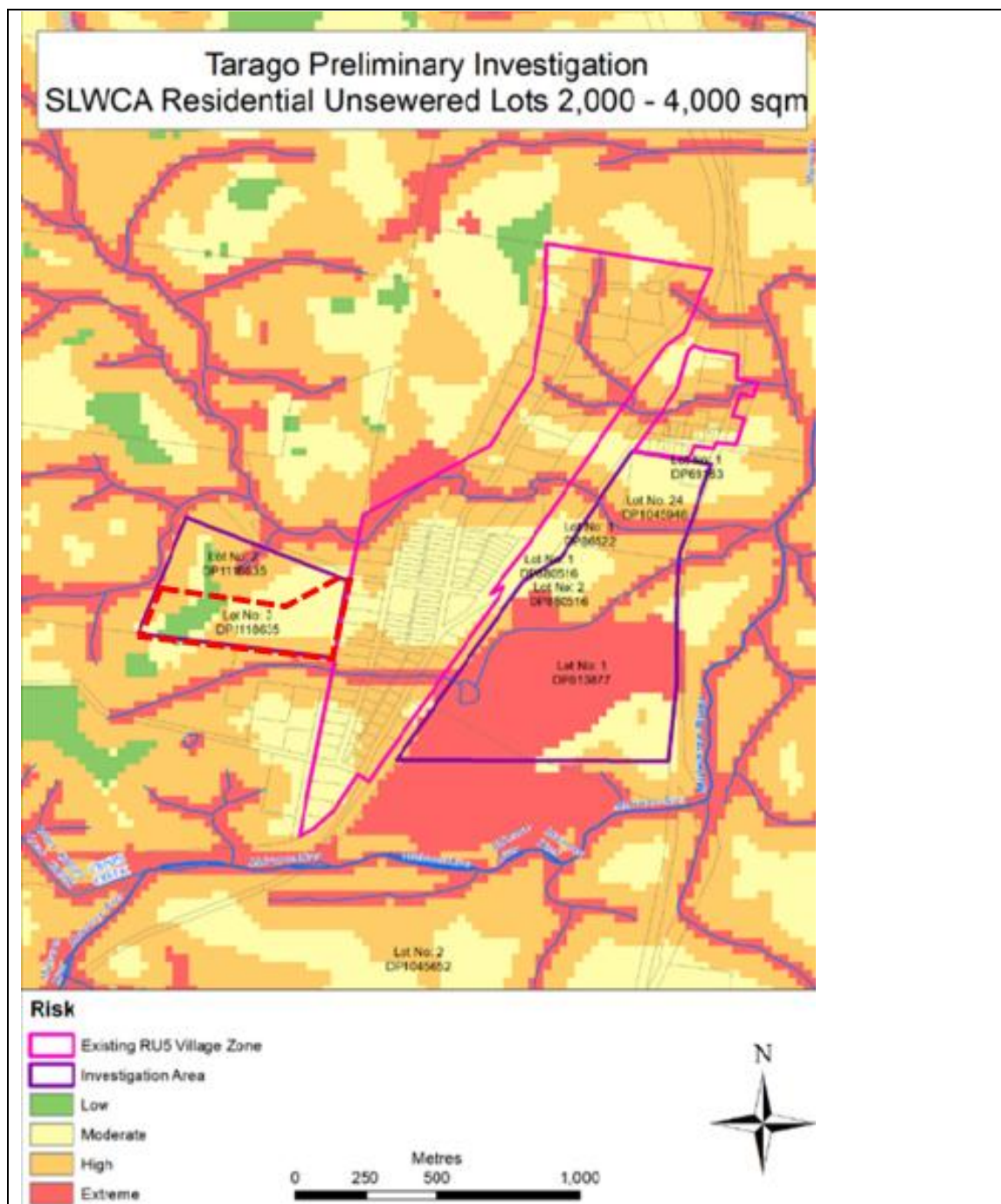
Comment: The subject site is within the Sydney drinking water catchment, as such this Direction applies. The site is not within a Special Area as identified in the Direction.

The identification of suitable sites for residential development in the village was undertaken in the [Tarago Village Housing Strategy](#) which was prepared in consultation

with Water NSW. This site is in Precinct 1C which was identified as relatively less constrained by water quality risks as identified in the Strategic Land and Water Capability Assessment (SLWCA) maps for unsewered lots 2000m²-4000m². Areas of higher risk are identified as being within 100m of water courses which are located off site to the north west and south.

The Strategic Land and Water Capability Assessment Map (SLWCA) for unsewered lots – 2000m² – 4000m² identifies a generally low -moderate risk for the site except in proximity to the identified watercourses on the southern or north western boundaries of the site **Figure 10**.

Figure 10: Water NSW - Strategic Land and Water Capability Assessment

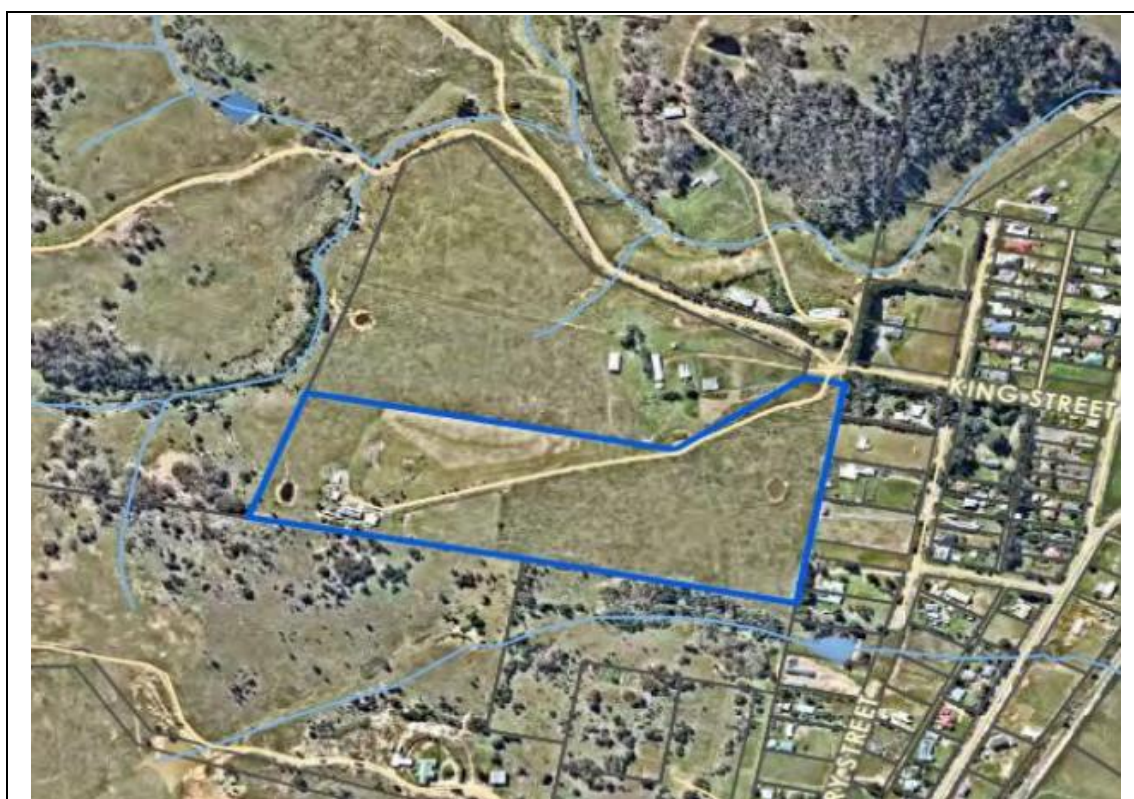


The site is in a location which is not proposed to be serviced by Council's reticulated water and sewage system and is contiguous to the current zone extent of the RU5 Village zone along Rosebery Street.

The proposal seeks the rezoning to facilitate a residential subdivision of approximately 28 lots as identified in the proponent's concept subdivision plan. The lot sizes indicated in the concept subdivision plan increase in size from 2000m² upwards reflecting the water quality constraints for the site where in proximity to water courses.

The site is relatively elevated and sits on a ridge. The site contains two existing dams, both of which would be decommissioned if the site is developed in accordance with the concept plan. However, the eastern dam is roughly in the same location as a proposed drainage basin.

Figure 11: Location of Drainage Channels and Dams



Further information on flooding is provided in **Section 3.6.7** Flooding below.

An assessment on water quality to determine neutral or beneficial effect will also be undertaken as part of a future development application (DA) which will require Water NSW concurrence. However, The proponent has also submitted a Land Capability Assessment (and is available to view in the Planning Portal) and Stormwater Master Plan (available to view in the Planning Portal) which includes a flood impact assessment, stormwater quality (including MUSIC model) assessment, and concept soil and water management plan. The MUSIC model results show that NorBE criteria can be achieved for the site even when complete disturbance is assumed.

Pre Gateway consultation has been undertaken with Water NSW in relation to this planning proposal (available to view in the Planning Portal).

It is considered that the planning proposal is consistent with Direction 3.3.

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

The site falls outside an area with an adopted Council flood study. Flooding was considered at a strategic level in the development of the Tarago Village Housing Strategy with areas in proximity to the Mulwaree River excluded from consideration for future residential.

The site is located at the top of a ridge in an elevated location in relation to the village.

Figure12: Aerial photo of site looking NE sitting above the village and Mulwaree River floodplain.



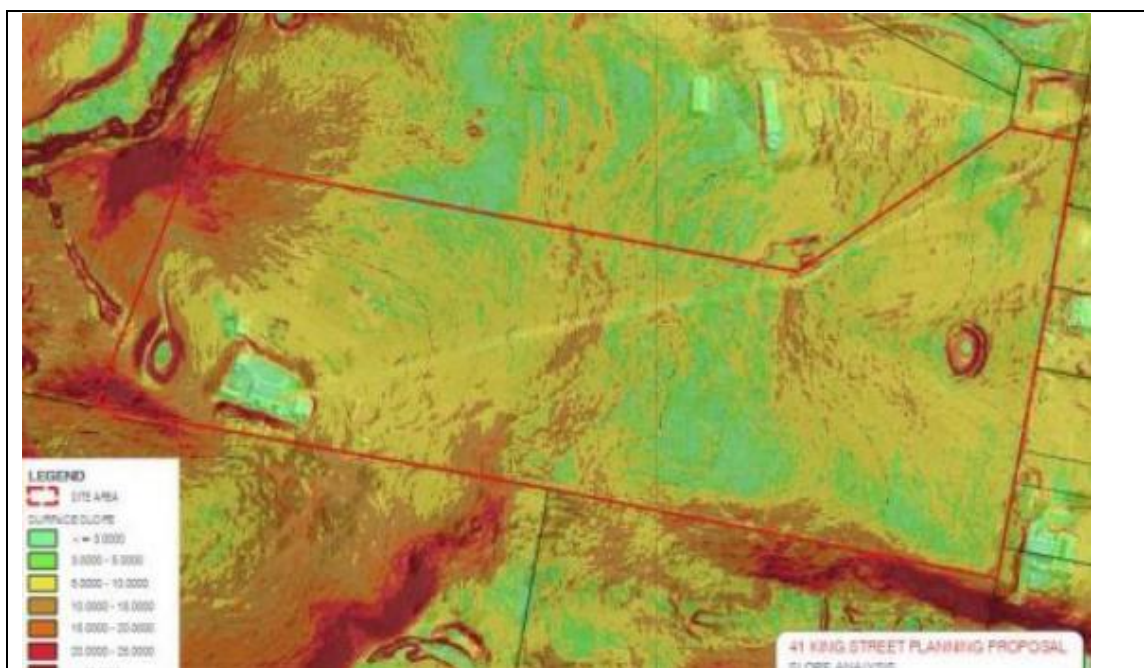
Direction 4.1 Flooding

It is considered that this direction is not applicable.

The site is located immediately to the west of Tarago village as currently zoned and approximately 700m - 1km west of the Mulwaree River. The site is relatively elevated in relation to the river which is around 690m. The site ranges in elevation from 710 – 725m in elevation and sits above the existing village area.

The site is located on top of ridge just below the peak of the hill and as such it has three separate outfall locations. The site has a slope of typically between 5 and 10%. However, along the edges of the site there are areas in excess of 25% gradient.

Figure 6: Slope Analysis



As depicted in the figure below there are no identified drainage lines on the property whether perennial, non-perennial or dry. There is a creek to the north and northwest of the site and a drainage depression located to the south of the site.

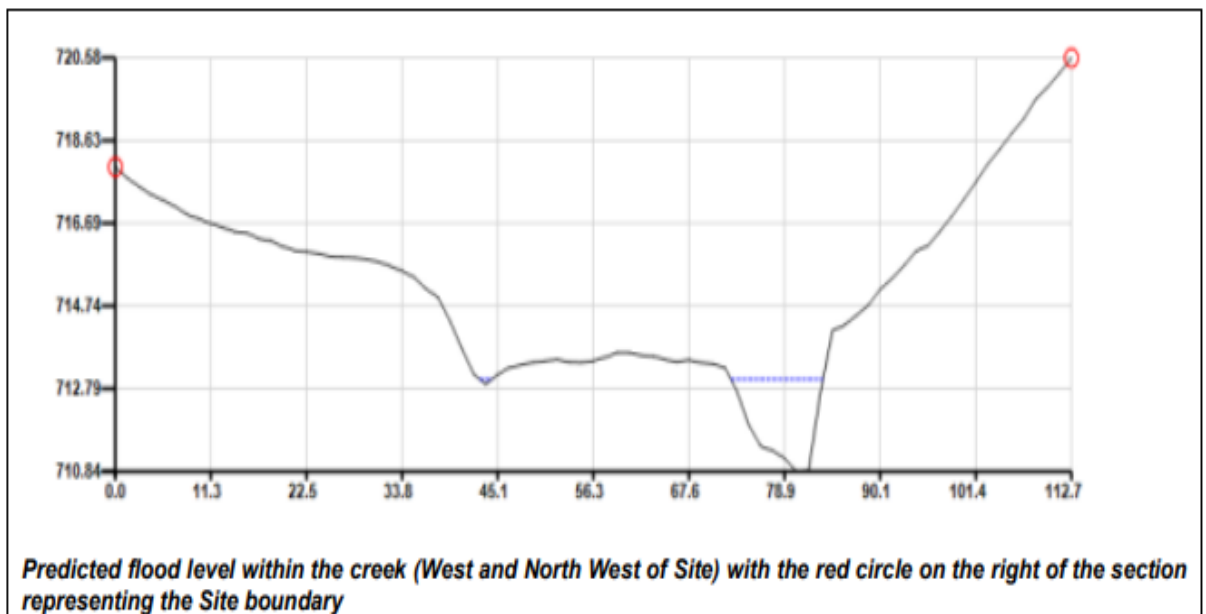
Figure 7: Location of Drainage Channels



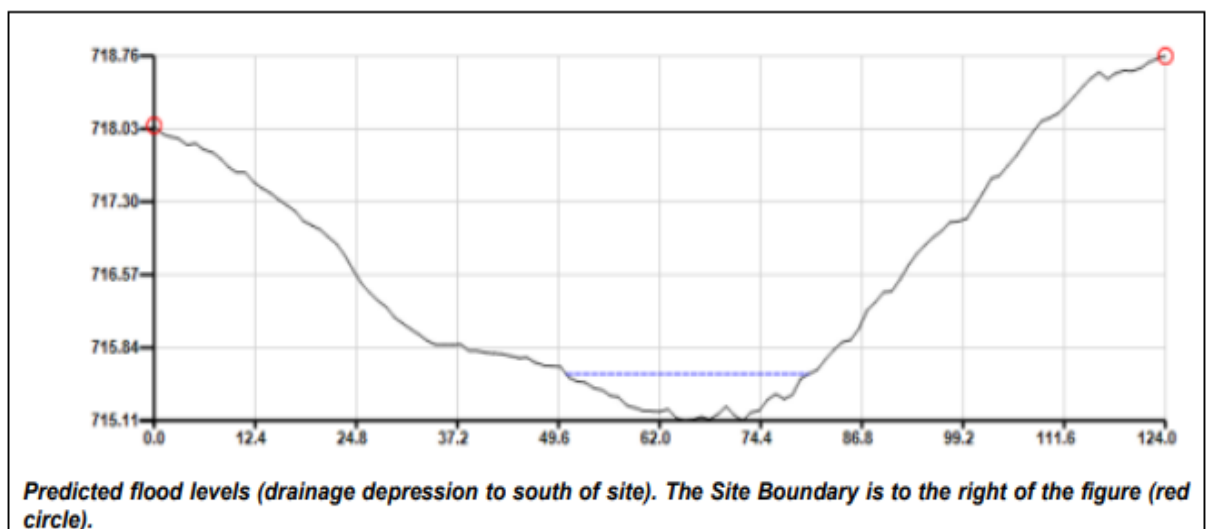
Figure 14 illustrates the location of drainage channels in relation to the subject site.

The submitted Stormwater Master Plan (available to view in the Planning Portal.) does provide an assessment of flooding and hydrology.

“Flows in the two surrounding water courses (both offsite) were assessed to determine the risk of potential riverine flood impact on The Site. No previous detailed flood studies of the area could be found. The unnamed creek to the west of the Site has an upstream catchment of 180ha. The RFFE model was utilised to obtain a concept flow for assessment. The upper 95% confidence flow was selected to provide a conservative assessment of the predicted flows. The 1%AEP event was determined to be 47.2m³/s (median flow 17.3 m³/s). The flood level in the creek was then determine from a PC convey section taken from the creek perpendicular to the low point of The Site (North West corner).”



“The Site boundary is 8m higher than the calculated creek flood level, and therefore no risk of riverine flooding from this unnamed creek on the Site was determined without the need for further detailed analysis. The same methodology was applied to the drainage depression to the South of the site. This drainage depression has a catchment of 20ha. The upper 95% confidence flow was determined as 10.5m³/s (median flow 3.95 m³/s).”



The submitted Stormwater Master Plan concludes that:

- *The Site has no perceived flood risk due to its elevation compared to surrounding drainage paths.*
- *Internal site flows can be conveyed by vegetated roadside swales, to be sized during future design phases.*
- *Nuisance flows exiting the site will be diverted to and conveyed by the road network removing residual risk to external blocks.*
- *Increases in peak stormwater flows caused by development can be mitigated by a singular retarding basin on The Site preliminarily sized at 1,600 m³.*

A copy of the site survey with cross sections shown the site in relation to the off site creek and drainage depression is also provided for context (available to view in the Planning Portal.).

Ministerial Direction 4.1 states that a Planning Proposal must not permit residential development in a floodway. It is considered that due to the elevation of the site in relation to the watercourses, that the site is not affected by riparian or overland flooding in any design event.

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.

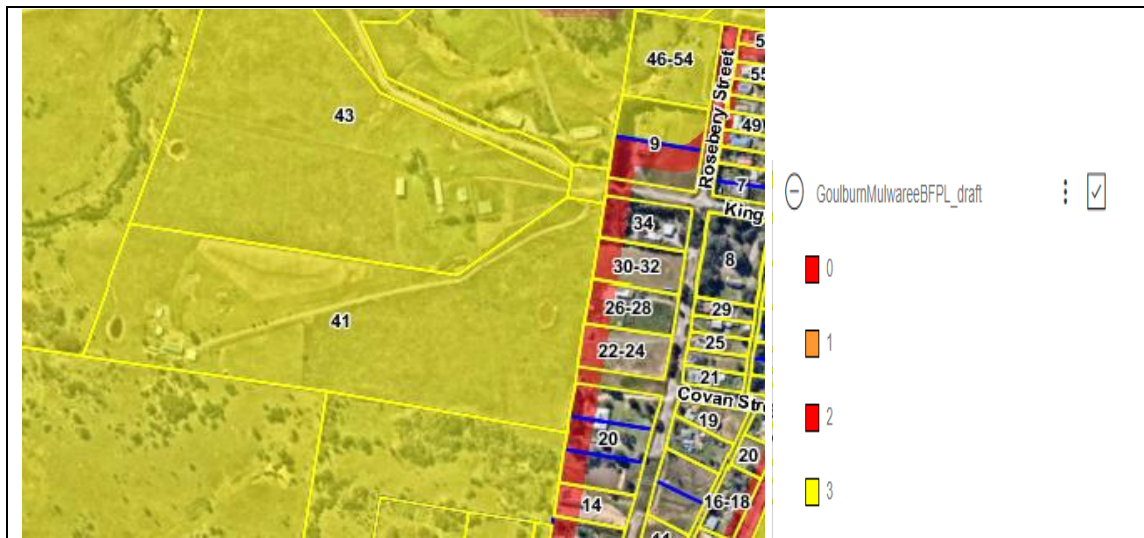
Where this Direction applies:

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 in a rural area zoned RU2 Rural Landscape which is identified as Category 3 vegetation with a medium bushfire risk as illustrated in [Figure 15](#). The subject site is therefore bush fire prone and this direction applies.

Figure 8: Bushfire Risk Category Map



The proposed residential lots are proposed to have on site water supply systems only.

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.

The proponent has submitted a Bushfire Assessment Report (available to view in the Planning Portal.) to provide an assessment of the proposal's suitability for residential development in regard 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 Bushfire Protection Measures identified in the Bushfire Assessment Report are presented as follows:

- The provision of Asset Protection Zones (APZ) of variable width to each of the property boundaries, as illustrated in [Figure 16](#). Access is via King and Covan Streets to the Village and is via two-lane sealed 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.

- Gas and electricity supplies will comply with the requirements of the *Planning for Bushfire Protection 2019* guidelines.

Figure 9: BAL analysis- indicative BAL 29 setback line



The Bushfire Assessment Report concluded that the concept subdivision and master plan is consistent with the principles of strategic planning as set out in PBP 2019.

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*, the submitted concept plan demonstrates introduces controls to avoid placing inappropriate development 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.

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:

A limited detailed site investigation has been submitted with the proposal (available to view in the Planning Portal). An earlier preliminary site investigation had been undertaken which found:

“The preliminary site investigation of the Site delivered by Murrang Earth Sciences found two potential contamination sources. These were dust, cut, fill from railway ballast or nearby mine(s); and pesticide use as a result of

agricultural activities. A limited detailed site investigation was recommended by Murrang Earth Sciences to provide the necessary data to confirm whether these potential sources of contamination do occur.”

And:

“Two sources of contamination were considered to occur at the Site, including pesticides; and mine tailings, slag, and/or dust. Based on these sources, lead, arsenic, DDT+DDE+DDD, aldrin and dieldrin, chlordane, endosulfan, endrin, heptachlor, hexachlorobenzene, methoxychlor, mirex, toxaphene, 2,4,5 T, 2,4 D, MCPA, MCPB, mecoprop, picloram, atrazine, chlorpyrifos, and bifenthrin were considered contaminants of concern. Ten locations were sampled at the Site. Samples were collected from the A horizon (i.e., a depth of approximately 0.1 to 0.1 m below ground surface) and from the top of the B horizon (i.e., a depth of approximately 0.1 below ground surface and below) at each location, due to the sources of contamination at the site being from the ground surface.”

The detailed site investigation included sampling and found:

“Chemicals of concern at the Site were below the adopted assessment criteria in all cases. No indications of contamination occurred at the Site. Based on this, chemicals of concern are considered to not present an unacceptable risk to human health and environmental receptors at the Site. The site is suitable for its proposed residential and environmental use, with no remediation necessary at the Site to make it suitable for these uses.”

The sampling was undertaken on a random basis over the site as indicated in Figure 17 below:

Figure 10: Random Sampling Locations



Based on the samples from various locations across the site and the testing it is considered the risk of further contamination being present is low.

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 RU5 Village and this direction would therefore apply although the rezoning would not be considered to be strictly speaking to “urban” given the rural setting of the village.

The site is approximately 700m (via King/Goulburn Streets) to the west south west of Tarago Train Station, with trains running between Canberra and Sydney. A Train Link bus service runs from Goulburn to Tarago 4 times a week every 4 hours. PBC Bus

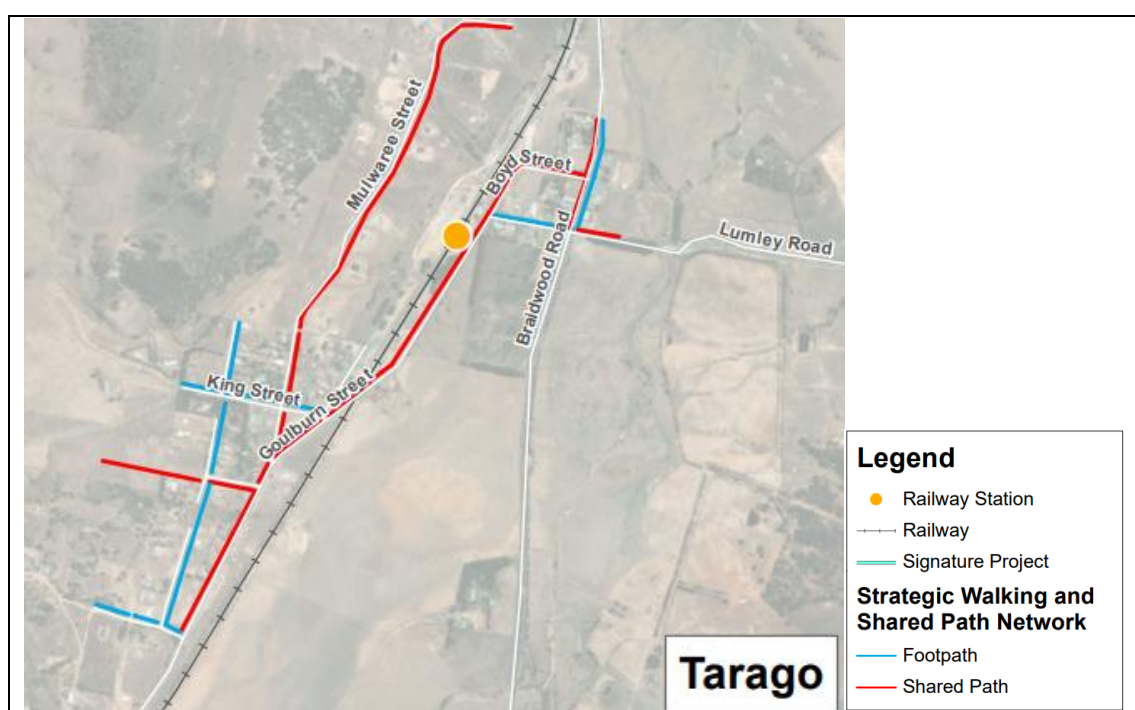
company also runs school bus services (primarily along Braidwood Road). Active transport facilities in proximity to the site are limited to a footpath along the western side of Goulburn Street.

Infrastructure upgrades are required to the site's future proposed external access points at the Covan Street / Rosebery Street intersection and the King Street cul-de-sac. A new internal road network will also 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 of public transport services from future 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. With the future development of the site, additional footpaths along these routes, as well as along the internal road network, should be considered to improve connectivity to the wider street network.

Council has a [Pedestrian and Mobility Plan \(PAMP\) and Shared Pathway Strategy](#) which identifies a future footpath on King Street and a shared path on Covan Street which would connect to the existing path on Goulburn Street which is constructed east of the railway line. The footpaths once connected would lead to the school, shops, village hall and recreation area.

Figure 11: Future Footpaths and Shared Footpath Network



No public open space is provided for within the subdivision as the proposed lot sizes are relatively large (2000m²+ lot sizes) and provide for onsite recreational opportunities. However, as previously mentioned future footpath connectivity to the Tarago recreational area is planned.

There is no indication that the proposal would affect the efficient movement of freight as it connects to the local road network and is a relatively small development.

This planning proposal is consistent with this Direction and further 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.

3.6.12 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 RU5 Village, and as such this Direction applies.

It should be noted that there are limits to the level of housing diversification which can be achieved within a village which is not serviced by reticulated sewer and is located within the Sydney drinking water catchment. The RU5 Village land use table in the Goulburn Mulwaree LEP 2009 does not prohibit *residential accommodation* therefore the following type of residential accommodation are permitted with consent within the zone:

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

However, the level of density on any given site will largely be limited by water quality limitations for onsite effluent disposal or bushfire planning requirements.

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. This planning proposal is seeking the rezoning of land identified in an existing village outside of the Strategy. The intention of allowing further development in villages is to support the range of existing services and State infrastructure provided in Tarago and employment housing needs of the surrounding catchment.

The site's relative 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 Tarago's existing provision (noting Tarago has a primary school, police station and RFS unit).

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 subject site is not identified as of biodiversity value nor as flood prone. The impact of the proposal on the environment is considered minimal as the site is contiguous to the existing Village.

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 [Tarago Village Housing Strategy](#), the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

Council is also the local road authority for King and Covan Streets. Council's Operations Directorate did not identify any issues with the proposed extension of these streets into the site. Consideration was also given the submitted drainage assessment and it was considered that drainage was not an issue with the proposal and that a suitable drainage arrangement off site would be achievable at the development application stage.

It is considered that this planning proposal is consistent with this Direction.

3.6.13 Direction 9.1 Rural Zones

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

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

When this Direction applies a planning proposal must:

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

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

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

Comment: The planning proposal subject site is currently zoned RU2 Rural Landscape which is a rural zone. The site is proposed to be rezoned to RU5 Village 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.

A Land Capability Assessment (available to view in the Planning Portal.) has been submitted in support of the proposal which found 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.

The subject site is currently used for extensive agriculture (grazing) and zoned RU2 Rural Landscape which this proposal seeks to rezone to a RU5 Village zone. Whilst the subject site currently experiences little agricultural activity, the rezoning, subdivision and provision of building entitlements would remove approximately 7.5 hectares of agricultural land (excluding 2.5ha for the existing dwelling and outbuildings) and would be inconsistent with this Direction.

This planning proposal is inconsistent with Direction 9.1 Rural Zones but the inconsistency is justified by the [Tarago Village Housing Strategy](#) which identifies the site in Precinct 1C for future village expansion. The *Tarago Village Housing Strategy*

was prepared in consultation with State agencies including NSW Department of Primary Industries (Agriculture).

The inconsistency with Direction 9.1 Rural Zones is justified.

3.6.14 Direction 9.2 Rural Lands

The objectives of this direction are to:

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

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

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

When this Direction applies:

1. A planning proposal must:
 - a. Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
 - b. Consider the significance of agriculture and primary production to the State and rural communities
 - c. Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
 - d. Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
 - e. Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
 - f. Support farmers in exercising their right to farm
 - g. Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
 - h. Consider State significant agricultural land identified in Chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land

- i. Consider the social, economic and environmental interests of the community
- 2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:
 - a. Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
 - b. Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
 - c. Where it is for rural residential purposes:
 - i. Is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres
 - ii. Is necessary taking account of existing and future demand and supply of rural residential land

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

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

Comment: This planning proposal is seeking to rezone the subject site from RU2 Rural Landscape and 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 development of village strategies to provide for growth, this has been undertaken with the development of the [Tarago Village Housing Strategy](#) which identifies this precinct as one of the few which is relatively unconstrained whilst being contiguous with the existing village boundary. Consultation of the development of the TVHS was undertaken with NSW Department of Primary Industries which was generally supportive of the approach taken and the avoidance of State significant agricultural land to the south east of the village.

Council has generally sought to avoid the impact of residential growth through the adoption of its [Urban and Fringe Housing Strategy](#) which 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.

A Land Capability Assessment (available to view in the Planning Portal) has been submitted in support of the proposal which found 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.

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 proponent's Biodiversity Assessment Method Report (BAM) available to view in the Planning Portal.) and Council's Biodiversity Officer comments (available to view in the Planning Portal.).

3.6.5 Direction 3.2 Heritage Conservation of this document explores potential impacts on European cultural heritage, particularly locally listed heritage item being the Tarago Railway Station. The subject site being neither visible to or from the heritage item suggesting the proposal's limited potential impact on European cultural heritage values.

3.6.5 Direction 3.2 Heritage Conservation also provides consideration for potential Aboriginal cultural heritage values through the proponent's Aboriginal Cultural Heritage Assessment Report (available to view in the Planning Portal).

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 Stormwater Master Plan (available to view in the Planning Portal.) incorporating Music Model Assessment and Land Capability Assessment.

The planning proposal seeks a RU5 Village zoning 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 for urban residential. 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 site is surrounded by smaller holdings that are mainly used for extensive agriculture (grazing). Noting that it is contiguous to the existing Tarago village to the east.

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

The [Tarago Village Housing Strategy](#) when determining the most suitable locations for housing to meet the needs of the Tarago's growing population has considered the availability of human services, utility infrastructure, transport and proximity to existing centres. As highlighted in [3.6.12 Direction 6.1 Residential Zones](#), the extension of the RU5 Village zone is only one small part of the wider housing strategy to meet the existing and future demand for housing. The site is contiguous with the Tarago village and has access to the services it provides. The proposal will utilise existing road infrastructure and enables access to other centres such as Goulburn, Bungendore and Canberra also.

This planning proposal is inconsistent with Direction 9.2 Rural Lands but the inconsistency is justified by the [Tarago Village Housing Strategy](#) which identifies the rural land within the 1C Precinct for residential development.

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 Biodiversity Assessment Method Report (available to view in the Planning Portal) which involved a field and database assessment to identify the sites biodiversity values and highlight potential constraints to any future rezoning or development.

As previously noted, the land has historically been cleared for agriculture and is currently used for grazing cattle (extensive agriculture). A small area of native vegetation plant community type (PCT) 3744 Palerang Hills Peppermint Dry Shrub Forest is identified on the southwestern corner of the site. The area covered by this PCT is very small and located near the site boundary. Given the location of the PCT the size of the area affected and relatively steep topography in the identified area, avoidance by future development is easily achievable, as discussed further in Section 3.6.4 of this report.

Council's 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?

As previously discussed, the site is relatively unconstrained. The proposal has considered potential traffic impacts of a residential subdivision for up to 28 residential lots.

The site can directly access two streets being King and Covan Streets which directly link to the existing residential area.

The submitted Traffic Impact Assessment (available to view in the Planning Portal) found:

The 2016 Method of Travel to Work data for the Goulburn Mulwaree LGA suggests that a large proportion (76 per cent) either drive or is a car passenger to get to work, with only a small proportion using public or active transport. Approximately 77 per cent of residents live and work within the LGA, while 19 per cent work outside of the LGA, with the ACT being the most common work destination. There are currently no public transport options within 800m walking distance of the site.

The site is approximately 700m (via King/Goulburn Streets) to the west southwest of Tarago Train Station, with trains running between Canberra and Sydney. A Train Link bus service runs from Goulburn to Tarago 4 times a week every 4 hours. PBC Bus company also runs school bus services (primarily along Braidwood Road). Active transport facilities in proximity to the site are limited to a footpath along the western side of Goulburn Street.

Infrastructure upgrades are required to the site's future proposed external access points at the Covan Street / Rosebery Street intersection and the King Street cul-de-sac. A new internal road network will also 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 of public transport services from future 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. With the future development of the site, additional footpaths along these routes, as well as along the internal road network, should be considered to improve connectivity to the wider street network.

The submitted Traffic Impact Assessment concludes:

The scale of additional vehicle trips in the network is less than 30 vehicles per hour in the peak periods, which is insignificant in terms of the general traffic variance of the network. This level of increase in traffic will not exceed the environmental capacity of the surrounding local residential streets (of 300 veh/hr). The regional roads surrounding the site are expected to be able to cater for these volumes. Infrastructure upgrades are however required to the site's future proposed external access points at the Covan Street / Rosebery Street intersection and the King Street cul-de-sac. A new internal road network will also 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 of 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. With the future development of the site, additional footpaths along these routes, as well as along the internal road network, should be considered to improve connectivity to the wider street network.

The future upgrades to the intersections of King and Covan Streets will be directly attributable to the proposed development and would be detailed on plan and form the part of any future development consent. Footpath connectivity of the site to the existing footpath should also be considered with the future development of the site.

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

The subject site will form a part of the Tarago as identified in the [Tarago Village Housing Strategy](#). Therefore, it is important to consider its relationship with the existing village area and how it will impact on existing development. Tarago offers several services which would be supported by additional population including a child care centre, primary school, recreation area, hotel, service station, and railway station. Tarago is also in proximity to large employers such as the Veolia site and Develop Mine.

Tarago is also in a reasonable proximity to the services offered by Goulburn, Bungendore and Canberra.

There are no significant social or economic impacts of the proposal outside the provision of land for additional housing supply and the positive impacts of additional housing to support existing services and local employers.

Section D- State and Commonwealth Interests

3.10 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal included a supporting Traffic Impact Assessment (which is available to view in the Planning Portal).

Council's Operations Directorate has provided the following advice (in italics) in relation to various aspects of the proposal:

"I have reviewed the Master Plan, SWMP [Stormwater Master Plan] and TIA [Traffic Impact Assessment] documents as well as visiting the site and can offer the following comments:

1. Master Plan:

a. There are 2 access points proposed, being from the existing cul-de-sac in King St and from a proposed extension of Covan St. Both appear reasonable, subject to further details and assessment.

b. Road reserve widths and carriageway widths are indicated to be 20m and 7.5m respectively. The road reserve width meets Council's requirements, but

the carriageway width may need to be widened unless there are good reasons (drainage, aesthetics, rural reasons, tree planting, no requirement for on-street parking) to leave it at 7.5m.

2. Stormwater Management:

- a. The report is quite detailed and comprehensive.*
- b. The methodology and use of AR&R 2019 is satisfactory.*
- c. It recognises and addresses the possible downstream effects of the development.*
- d. The summary at point 2.4 is reasonable.*
- e. On the site inspection, it was discovered that there is a significant pipeline running in Roseberry St from no26/28 across the street and then through no 27 Roseberry St. I have attached an aerial photo of its location. The development will need to connect to this system to effectively drain the site. A drainage easement, in favour of Council, will need to be created and pipeline constructed to reach this point. Further detailed investigation and design work will be required.*
- f. There is no street drainage in King St, so that will also require detailed investigation to determine whether or not an upgrade to the street drainage is required.*
- g. The requirements for water quality measures are satisfactory, subject to final design etc.*
- h. It recognises that Council will eventually manage the roadside swales and bioretention basin and will require a suitable OEMP.*
- i. It addresses the NorBe requirements.*
- j. It addresses the requirements for soil and water/erosion control. It uses the industry standard document "Blue Book" for design purposes.*

3. Traffic Impact:

- a. The report nominates the extension of Covan St to be the main access point.*
- b. It acknowledges that there are no footpaths serving the proposed development. Council may require some footpath works but may struggle to justify them.*
- c. It suggests that there will be minimal on-street parking as the lots are large and offstreet parking will be provided.*
- d. It lists the likely road network upgrades to be the King St cul-de-sac, Covan St extension and the internal network. These appear reasonable, although some extra works may be required in King St and Covan St upon more detailed assessment."*

Council's Operations Directorate generally agrees with the finding of the various assessments submitted with the proposal and identifies that the nature of most of the upgrades required for traffic/access, and drainage are more relevantly related to the development application stage. There are no matters identified which would suggest

that the site is not capable of development or implying major infrastructure upgrades to Council's existing infrastructure in the locality. A footpath linking the site to the existing path at Goulburn Street is a matter for further consideration at the development application (DA) stage or possibly as a matter for a planning agreement.

Essential Energy have not been consulted yet in relation to this proposal as it is relatively small in scale. Electricity supply is available to the site and to the village as shown in the figure below.

Figure 19: Location of electricity easements and power poles



The NBN has not been formally consulted in relation to this proposal, however the NBN web site identifies connection for the subject site would be via NBN Satellite. Council's standard conditions of development consent for subdivision requires NBN connection to each lot, but this could be via satellite or fibre to the node/copper line. There is no telecommunication infrastructure currently available to the site.

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 has been undertaken at the pre-gateway stage (and is available to view in the Planning Portal) with subsequent modification to the minimum lot size. Further consultation with Water NSW will occur at the post gateway stage and during the exhibition stage of the process if required.

Additional State agency stakeholder engagement identified for this proposal would include NSW Rural Fire Service, and NSW Department of Climate Change, Energy, Environment and Water (Biodiversity).

Part 4- Mapping

The maps included within **Figure 3** illustrate the area to which this proposal relates and includes the proposed amendment from the RU2 Rural Landscape Zone to RU5 Village and the associated amendment of the minimum lot size from 100 hectares to 2500m².

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 adjoining landowners.

The proposal will be advertised in the prescribed manner under the Gateway procedures and in accordance with the Local Plan Making Guideline.

Part 6- Project Timeline

It is envisaged that the planning proposal process will take approximately 11 – 12 months for a project of this scale.

Gateway Determination	16 June 2025
Timeframe for completion of technical studies	No further studies identified
Timeframe for agency consultation	June - August 2025
Public Exhibition	October - November 2025
Public Hearing	No hearing identified
Consideration of submissions	February 2026
Date of submission of LEP to DPIE	March 2026
Anticipated date of plan made	April 2026
Anticipated date plan forwarded to DPIE for notification	May - June 2026

Part 7- Supporting Documentation

Supporting documentation included within this planning proposal is listed in the table below and is available to view on the NSW Planning Portal.

Proponent Rezoning (Planning Proposal) Request Letter
Proponents Concept Subdivision Plan - SUPERSEDED
Amended Concept Subdivision Plan – April 2025
Council Report & Resolution- 19 December 2023
Aboriginal Cultural Heritage Assessment Report (ACHAR)
Hydrogeological -Stormwater Master Plan - SUPERSEDED
Hydrogeological -Amended Stormwater Master Plan – April 2025

Concept Layout (Building Envelopes and Indicative Effluent Dispersal Areas) April 2025
Land Capability Assessment
Biodiversity Development Assessment Report (BDAR)
Council's Biodiversity Officer comments
Site Survey
Bushfire Report
Contamination (Limited Detailed Site Investigation)
Traffic Impact Assessment Report
Pre Gateway Advice – Water NSW – March 2025